

12 December 2018

His Worship the Mayor & Councillors

**Notice of Extraordinary Meeting of Bathurst Regional Council -  
Wednesday, 19 December 2018**

I have to advise that an **Extraordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday 19 December 2018 commencing at 6 pm to consider

DEVELOPMENT APPLICATION 2015/196 MODIFICATION – RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA.  
APPLICANT AND OWNER: BATHURST REGIONAL COUNCIL (DA2015/196).

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.



D J Sherley  
**GENERAL MANAGER**

## **BUSINESS AGENDA**

### **EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL**

**TO BE HELD ON WEDNESDAY, 19 DECEMBER 2018**

**1. 6:00 PM - MEETING COMMENCES**

**2. APOLOGIES**

**3. DECLARATION OF INTEREST**

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

**4. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

**5. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

## MINUTE

### 2 Item .1 PUBLIC FORUM

#### D Pennells

Supports the Go Kart Track. It completes the circle of motorsport for the number one racing city. It will support the development of world champions, many have started in Go Karts. The track will have great patronage and exceed many of Council's facilities. Motorsport is a network of people caring and sharing. Let us ensure the city remains the pinnacle of all sports.

#### I MacPherson

In favour of a Go Kart Track in Bathurst and there is widespread support for international standard, but it needs to be built in the right place. The top of Mount Panorama is not the right place. We need to embrace the story of Wahluu and its cultural ties. The Council needs to consider scenarios of what will happen, subject to the decision made. Referred to conflict and damage to Mount Panorama reputation, funding problems that may occur, news media stories and various disruptions that may occur.

The alternative scenario is bring Go-Karters, Wiradyuri and Heritage groups together to discuss the way forward. Requests DA be deferred to allow discussions to occur.

#### M Dunbar – President, Bathurst Kart Club

Wish to nurture local talent. Three years ago Councillors unanimously supported the track, seeks only a small modification. Noted positives, aligned to strategic plan, create economic development, investing in young persons, the track will be a resource to hold corporate and community events. Have done consultation and this is the right place. The second circuit is not the right place. For 20 years the Club has been trying to get a home. The Council has responded appropriately to indigenous concerns, now is the time to move forward. Spoke to grant applications, requests Council approve the modification. Noted Council has undertaken cultural, environmental and noise studies.

#### T Sorenson – BCCAN and River Yarners

The groups have discussed the issue, there can be a win-win, but the top of Mount Panorama needs to be available for the community as a whole. Spoke to opposition of the Wiradyuri Elders. The top of the Mountain should be viewed as available to all persons and noted the profound significance to Wiradyuri Elders. Referred to the story of Wahluu. Should not build a Go Kart Track in opposition to the community elders. We should get behind the cultural stories, it is important how we think for the future of Bathurst.

#### S Scott – Bathurst Local Aboriginal Lands Council

In 2015, the Bathurst Local Aboriginal Lands Council did a survey at the top of Mount Panorama and nothing was found. Referred to archaeologist reports. The track will be great for youth of Bathurst and referred to Wiradyuri request for money at the top of the Mountain.

#### Sister P Powell – Sisters of Mercy

Spoke to role of the Sisters in Bathurst and the quality of life, also speaking on behalf of Rahamin Centre. Referred to connectivity with Wiradyuri. The Go Kart Track on top of Mount Panorama is completely incompatible. Reducing Mount Panorama to a 'mono-culture- is not right. There are many other things to embrace in Bathurst and we need to recognise Wiradyuri culture, it will become an attraction. The top of the Mountain is a sacred 'women's business' place, we need to respect this. Spoke to noise concerns with the track and the giving of the space to one group is not appropriate. Then discussed green house gas issues, soil problems etc.

#### **A Dunshea – Resident, Mount Panorama**

Lives near the proposed track and is in support of the modified DA. The track will fill a void, Orange and Lithgow have tracks. There is great potential for Karting in Bathurst. There is spirit amongst the members of the Club, referred to community roles they play. Putting the Karts with the second circuit will delay this matter and is not an appropriate management model. The decision should be based on the application, not veiled threats.

#### **A Bland – Greening Bathurst**

Referring back to 2015 and the Mrs Macquarie garden discussion and the pros and cons of that discussion. Has done artefact site investigations and understands how these matters have developed, the presence or not, is null and void. Mountains are places of sanctity and reflection, putting infrastructure up there will change the nature of the place. People support a track, but not at this location. The Wiradyuri are proud to be part of the community, when their culture is respected.

#### **I Schumack**

The decision is an amendment, the DA has already been approved. Referred to negatives of relocating to the second circuit and the financial losses it will cause to community groups. The Go Kart Track needs to be stand-alone. This will be good for young people, noted costs for it to be affordable, should be at a grass roots level. It is a small area.

#### **Sharon**

Did not like attack against Bill Allen. Spoke to drug problems with young people, many do not know about the track. Against putting something on sacred Wiradyuri land, many in Kelso do not agree with it.

#### **S Taylor – Mount Panorama Second Circuit Action Group**

In 2015, Councillors unanimously voted for the Go Kart Track. The track is to go on previously privately owned land since the 1820's. The site is not expanded from the original DA, the track extension is within the original circuit design. Spoke to design process undertaken and the professionals involved, it will be the best designed track in the southern hemisphere.

#### **V Tourle**

Loves Wahluu, and has read the Council report. Why did the acoustic testing only deal with residential zones and not the impact it will have on the top of Mount Panorama? There will be 100dB noises, which will destroy quiet enjoyment of people being on Mount Panorama. This matter will split the community, this is a concern. Need to be respectful of the wishes of the Wiradyuri.

**B Morgan** – Mount Panorama Second Circuit Action Group and President, Panorama Motor Cycle Club

The Panorama Motor Cycle Club has been at Mount Panorama for 40-50 years and will neighbour to the Go Karts. In this time, no complaints about noise have been received. Noted age spread of members and welcomes everyone to come and try. Bathurst is a sporting town and we need to provide facilities for the community. Council should support the track.

**S Neaves** – Rahamin

Have met with the Wiradyuri Elders and engaged in a immersion program with them. How many Councillors have done this? Want a Go Kart Track, but not at this sacred site.

**R Noyan** – Bathurst Kart Club

Spoke to timelines in place and restrictions on usage levels by Karting NSW and imposed in the DA. 40 weeks a year there will be no racing at the circuit.

## MINUTE

### 3 APOLOGIES

Nil.

**MINUTE**

**4     DECLARATION OF INTEREST 11.00002**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That the Declaration of Interest be noted.



**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
REPORT AND MINUTES**

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 DECEMBER 2018

**1 DEVELOPMENT APPLICATION 2015/196 MODIFICATION – RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT AND OWNER: BATHURST REGIONAL COUNCIL (DA2015/196)**

**Recommendation:** That Council:

(a) as the consent authority, modify the existing consent pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

(i) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan: Preliminary Site Layout Plan  
Drawing/Sheet No: EN1697/2  
Dated: 18/10/2018  
Revision: A

Title/Plan: Preliminary Track Layout Layout Plan  
Drawing/Sheet No: EN1697/1  
Dated: 18/10/2018  
Revision: A

(ii) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

(iii) Prior to the release of any Construction Certificate or the commencement of any works the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to Council for assessment and approval. The CEMP shall detail acceptable methods for the adequate control and management of the following:

- Habitat Management measures – Detailing the implementation of habitat management measures to minimise the potential for adverse impacts on adjoining habitats, in accordance with the Flora and Fauna Assessment dated 3 December 2018 was prepared by The Environmental Factor.
- Dust Suppression and Mitigation – Detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site.
- Erosion and Sedimentation Control Plan – Detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with subdivision activities.
- Waste Management Plan – Detailing the reuse or relocation of spoil and disposal of solid and liquid wastes.
- Noise impacts – Detailing the implementation of noise mitigation measures to minimise noise and to limit the impact on adjoining development, in accordance with the Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting.

- proposed tree plantings should be done using box-gum woodland species and densities to form a habitat linkage and amenity buffer around the site. This should extend along the western, southern and eastern development boundaries at least 20m wide. This should be permanently protected and maintained (fenced, watered, mulched, weeded etc) for at least 5 years or until the plants establish if greater than 5 years.
- All trees with hollows should be retained as standing habitat and placed in the new environmental buffer.
- Other felled timber is to be retained and placed as ground habitat. Foliage and smaller branches can be mulched and reused on the site.
- The mitigation measures should be overseen/conducted by a suitably qualified ecologist or similar and a report provided to Council prior to Occupation Certificate.
- Tree removal should be done in accordance with the RMS Biodiversity Guidelines.

The CEMP shall be approved by Council prior to any works being commenced and shall be implemented at all times during the operation of this consent.

- (iv) No work should be undertaken until 2 of the sites (those assessed and determined not to be Aboriginal sites) have been delisted on the AHIMS Registrar.

(b) notify those that made submissions of its decision; and

(c) call a division.

**Report:** Council has received a request to modify an existing development consent for a proposed Go Kart track on land at Mount Panorama.

#### The site

The site of the proposal is Council owned land at the top of Mount Panorama, described as:

- Lot 9 DP1047248
- Lot 40 DP1056379
- Lot 1 DP700629
- Lot 1 DP634401
- Lot 2 DP634401

A location plan is provided at **attachment 1**.

Existing improvements on the site include a dwelling (known as 310 Brocks Skyline), the “blue stone” cottage, picnic shelters, water tanks and amenities buildings. Part of the site is currently used for camping during major events.

All land is owned by Bathurst Regional Council.

#### The original proposal

The original Development Application was lodged by Bathurst Kart Club. The proposal involved the construction of a 950m long track with associated facilities including pit complex. The proposal also involved the use of parts of Sulman and McPhillamy Parks for ancillary infrastructure such as parking provided in an informal setting.

The current approved plans are provided at **attachment 2**.

The current development consent is provided at **attachment 3**.

The original proposal was considered and approved by Council at its meeting held 16 September 2015. The Notice of Determination was issued on 28 September 2015.

A copy of the assessment report provided to Council as part of its consideration is provided at **attachment 4**. The assessment report includes copies of the original specialist reports including the Statement of Environmental Effects, Acoustic Assessment, Vegetation Assessment and public submissions.

#### The modified proposal

Council has now taken carriage of the application and has lodged an application to modify the development consent.

The modification was originally lodged in June 2016 however it was subject to a request for further information in relation to noise, biodiversity and aboriginal cultural heritage issues. That information has since been submitted and the application has proceeded to public consultation and assessment.

During the assessment process, certain elements of the proposal have been updated and clarified. These include:

- Removal of the proposed Clubhouse building as it was not part of the original proposal.
- Confirmation as to the scale of the facility as an “international” venue. The circuit has been designed to comply with the CIK/FIA Circuit Guidelines in terms of track length and layout. That said, the facility itself would require additional facilities and works in order for it to attract licensing by CIK/FIA (referred to as homologation). Those additional facilities are beyond the scope of this application. References to the facility being an “international” facility have been removed from the SEE documents to reflect this distinction.
- Updates to the submitted Flora and Fauna Assessment.

The current modification proposal involves:

- Redesign and reconfiguration of the track layout to accommodate a track length of 1100m.
- Relocation of the Pit complex.
- Use of part of McPhillamy and Sulman Park areas for parking and staging.
- Demolition of existing structures within the footprint of the proposal inclusive of the existing dwelling at 310 Brocks Skyline (note that this is not the building commonly referred to as the ‘blue stone cottage’) and communications structures.
- Earthworks associated with the development inclusive of retaining walls.

The submitted plans are provided at **attachment 5**.

The submitted Statement of Environmental Effects is provided at **attachment 6**.

The submitted Acoustic Assessment is provided at **attachment 7**.

The final submitted Flora and Fauna Assessment is provided at **attachment 8**.

#### Procedures for Modification Applications

Applications for modifications to development consent are dealt with pursuant to Section 4.55 (formerly Section 96) of the Environmental Planning and Assessment Act 1979.

In this case the relevant provisions governing the modification are as follows:

(2) *Other modifications*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The modification application only impacts upon the existing development consent to the extent of the proposed modification, that is, any modification would have the effect of altering the consent including the plans and any conditions as outlined in the modification. It does not involve re-consideration of the original proposal.

In the event that approval to the modification is given, it would have the effect of changing the physical track layout, however, the underlying operational parameters remain unaffected. The modified approval would be the consent moving forward.

In the event that the modification is refused, the existing development consent remains in place and may be acted upon by the proponents (be that Council or the Bathurst Go Kart Club) with the owners agreement (being Council in this case). It can equally be said that it is open for Council to pursue other options or sites notwithstanding the approval or otherwise of this application. The latter is not a planning decision but rather a decision that Council must take having regard to factors which are necessarily outside the planning system.

### Current operating parameters

The existing development consent contains a number of conditions which govern the hours of operation, noise monitoring, the number of go karts that may use the circuit, noise levels, operations during other major events and frequency of use. These conditions (15-20) are repeated below:

15. *The facility must only operate between the hours of 9.00am and 5.00pm on any day (practice days and race event days).*
16. *Within three months of the facility becoming operational, noise measurements are to be taken on a race day at the nearest affected residences and the results submitted to Council.*
17. *The number of go-karts on the track at the same time is not to exceed 5 on a practice day and 32 on a race event day.*
18. *Noise levels from the operation of the go-kart track are to comply with the following noise criteria:*

(a) *The maximum noise levels during race event days are to be as follows:*

<b>Address</b>	<b>Maximum dBA (<math>L_{Aeq,1hr}</math>)</b>
404 Conrod Straight	39
402 Conrod Straight	38
428 Conrod Straight	37
280 Hen & Chicken Lane	35
All other residential properties	36

(b) *The maximum noise levels at all other times (i.e. practice days) are to be as follows:*

<b>Address</b>	<b>Maximum dBA (<math>L_{Aeq,1hr}</math>)</b>
All residential properties	36
280 Hen & Chicken Lane	35

19. *The facility must not be operated during full track closure motor racing events on the Mount Panorama Racing Circuit, when the Motor Cross track is in use or when there are partial track closures for motor sport events on the Mount Panorama Racing Circuit.*
20. *No more than 18 individual race days are to be held in a calendar year.*

The proposed modification does not propose any alterations to these operating parameters.

### Assessment of the application

Council is the authority empowered to determine the application under the Environmental Planning and Assessment Act.

As Council is the owner of the land and the applicant for the modification it engaged the services of Dubbo Regional Council to undertake an independent assessment of the application as lodged.

### Public Consultation

Chapter 2 of Council's DCP provides for public consultation for modification applications.

Consistent with the DCP, notice of the modification was forwarded to the private residents at Mount Panorama, the adjoining landowners and those persons who lodged submissions to the original proposal. Notice of the modification was also sent to the Registered Aboriginal Parties who were involved in the Aboriginal Cultural Heritage Assessment (ACHA) process.

In response to notification, Council received 4 submissions during the exhibition period. Following exhibition a number of further submissions were received. The latter submissions included a petition against the proposal.

A copy of all submissions are provided at **attachment 9**.

Issues raised in opposition to the proposal include:

- Proposal is located on a known aboriginal site relating to women's lore and ceremony.
- Proximity to registered aboriginal sites.
- The site is currently being considered by OEH for gazettal as an "Aboriginal Place".
- The site is a place of deep spiritual significance.
- Historic land uses have resulted in destruction of tangible cultural assets.
- Support for an Indigenous Land Use Agreement (ILUA).
- Alienation of publically available land.
- Further exacerbation of noise issues associated with increased usage of the precinct.

Issues raised in support of the proposal include:

- Proposal would bring benefits to the community including low cost activities, driving skills and provide opportunities for young drivers.
- Further establish Bathurst as a motorsport mecca.
- Highlight the need for proper liaison and ongoing engagement with community and indigenous groups.

### Assessment

A copy of the assessment report prepared by Dubbo Regional Council is provided at **attachment 10** and will not be repeated here.

The assessment report concludes that the modification application is capable of being approved subject to the inclusion of a number of additional conditions as follows:

*(1A) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:*

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*Title/Plan: Preliminary Track Layout Layout Plan  
Drawing/Sheet No: EN1697/1  
Dated: 18/10/2018  
Revision: A*

Condition (29) added with DA2015/196(2) to read as follows:

- (29) *In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.*

Condition (30) added with DA2015/196(2) to read as follows:

- (30) *Prior to the release of any Construction Certificate or the commencement of any works the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to Council for assessment and approval. The CEMP shall detail acceptable methods for the adequate control and management of the following:*

- *Habitat Management measures – Detailing the implementation of habitat management measures to minimise the potential for adverse impacts on adjoining habitats, in accordance with the Flora and Fauna Assessment dated 3 December 2018 which was prepared by The Environmental Factor.*
- *Dust Suppression and Mitigation – Detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site.*
- *Erosion and Sedimentation Control Plan – Detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with subdivision activities.*
- *Waste Management Plan – Detailing the reuse or relocation of spoil and disposal of solid and liquid wastes.*
- *Noise impacts – Detailing the implementation of noise mitigation measures to minimise noise and to limit the impact on adjoining development, in accordance with the Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting.*

*The CEMP shall be approved by Council prior to any works being commenced and shall be implemented at all times during the operation of this consent.*

In addition to the assessment provided by Dubbo Regional Council the following comments provide further background and consideration to the assessment having regard to the major issues under consideration.

### Biodiversity Issues

The current proposal provides for a larger development footprint than the original proposal. The ecological impacts of the proposal are summarised in the Flora and Fauna Assessment as follows:

- The permanent removal of 0.79ha across the study area of White Box, Yellow Box, Blakely's listed under the Biodiversity Conservation/Threatened Species Conservation Act. This area also includes habitat for koala (listed as a vulnerable species under the Biodiversity Conservation Act/Threatened Species Conservation Act) and includes removal of 2 Ribbon Gum trees which are listed as primary feed trees.
- Removal of 3.57ha of exotic and planted vegetation including Hawthorn and Pine trees.
- Removal of 3 hollow bearing trees containing approximately 8 hollows, and 2 dead trees providing habitat for hollow dependent fauna.
- Indirect impacts on 2.95 ha of White Box Yellow Box Blakely's listed under the Biodiversity Conservation/Threatened Species Conservation Act.
- Potential injury or mortality of small, terrestrial fauna within the proposal footprint.



The Flora and Fauna Assessment concludes that the proposal is unlikely to have a significant negative effect on the local populations of Box Gum Woodland, koala or threatened microbats or woodland birds within the locality.

The Flora and Fauna Assessment does however recommend specific mitigation measures to minimise the potential indirect impacts of the proposal on the environment outside the proposed footprint during construction and operation. This includes the preparation and implementation of a Construction Environmental Management Plan (CEMP), including erosion, sediment, and fauna habitat management and weed control. The CEMP is to include those matters outlined in Part 7.2 of the Flora and Fauna Assessment as follows:

- Clearly delineate vegetation to be removed with the assistance of an ecologist, or similarly qualified professional, and induct all site personnel as to the approved extent of clearing. No unmarked trees should be removed/trimmed or otherwise damaged as part of the proposed works.
- Locate stockpile sites away from drainage lines and native vegetation. Ensure these are appropriately stabilized.
- Appropriate sediment reduction measures should be in place in accordance with the 'Blue Book' (Landcom 2004).
- Heavy vehicles are not to be parked under tree drip lines/ leaf canopy of trees to be retained within the study area to avoid compaction of soil.
- Where additional vegetation clearing is proposed this must first be assessed to consider the cumulative impacts and if appropriate supervised by a qualified ecologist and Council's Environmental Officer.
- All machinery and vehicles are to be clean and inspected prior to arriving on-site to reduce the spread of weeds and disease (*Phytophthora cinnamomic*) to the site.
- Declared noxious weed Blackberry is to be managed according to requirements under the Biodiversity Security Act 2015. It is recommended that this Weed of National Significance should be managed to ensure it does not spread.
- Prior to tree lopping / clearing, care should be taken to identify nests and / or roosting sites. If fauna habitat is present (nests or potential tree hollows) the Council or Council's appointed contractor would contact the project ecologist for further advice prior to clearing.
- To avoid nest abandonment, injury or death to native fauna it is recommended to time the works to occur following the fledging of active nests / roosts.
- Prior to clearing, a preclearance survey should be undertaken including inspection of hollows and nests to confirm occupation by fauna.
- Where trees to be removed contain hollows, nests or are inhabited by fauna, a staged clearing approach must be undertaken where hollow limbs are removed carefully and incrementally by a qualified tree surgeon / arborist. Care should be taken to inspect limbs for fauna prior to their removal.
- Where the two (2) stags and three (3) trees containing eight (8) hollows are removed, habitat supplementation is recommended through the installation of nestboxes or prepared hollow logs (3:1 ratio) to maintain habitat availability in adjacent woodland vegetation. Consult project ecologist to determine appropriate size and number and location to be erected.
- Place felled trees strategically and in proximity to the work site to provide refuge and potential habitat in the understorey.
- Undertake revegetation activities to offset the removal of the mature Eucalypts on site at a ratio of at least five tubestock per each tree removed (5:1). These should be planted across a 3.74ha area to replace Box Gum Woodland impacted as a result of the proposal. In addition to this, a variety of species that complements the current community should be planted adjacent to existing remnant mature trees to supplement the habitat this woodland provides in the area.

The recommendations made in the Flora and Fauna Assessment are generally supported. It is however considered that they should be further supplemented by the following to provide further rigour to the process.

- proposed tree plantings should be done using box-gum woodland species and densities to form a habitat linkage and amenity buffer around the site. This should extend along the western, southern and eastern development boundaries at least 20m wide. This should be permanently protected and maintained (fenced, watered, mulched, weeded etc) for at least 5 years or until the plants establish if greater than 5 years.
- All trees with hollows should be retained as standing habitat and placed in the new environmental buffer.
- Other felled timber is to be retained and placed as ground habitat. Foliage and smaller branches can be mulched and reused on the site.
- The mitigation measures should be overseen/conducted by a suitably qualified ecologist or similar and a report provided to Council prior to Occupation Certificate.
- Tree removal should be done in accordance with the RMS Biodiversity Guidelines.

This recommendation can be added as a new condition of consent consistent with Dubbo Council's conclusions.

### Noise Issues

The Acoustic Assessment has been updated to reflect the modifications to track layout.

The current consent conditions outline the maximum noise levels during race events and practice days (condition 18).

The comparison between the predicted noise levels of the revised layout and those contained in the development consent are provided below.

#### *Maximum noise levels during race events*

<b>Address</b>	<b>Maximum dBA (<math>L_{Aeq(1hr)}</math>) under existing consent</b>	<b>Proposed maximum dBA (<math>L_{Aeq(1hr)}</math>) under modified consent</b>
404 Conrod Straight	39	39
402 Conrod Straight	38	38
428 Conrod Straight	37	33
280 Hen and Chicken Lane	35	33
All other residential properties	36	36

#### *Maximum noise levels during practice days*

<b>Address</b>	<b>Maximum dBA (<math>L_{Aeq(1hr)}</math>) under existing consent</b>	<b>Proposed maximum dBA (<math>L_{Aeq(1hr)}</math>) under modified consent</b>
All residential properties	36	30
280 Hen and Chicken Lane	35	24

The revised modelling demonstrates that the development will still operate within the noise parameters established in the existing consent.

### Alienation of public land

The facility is to be located on Council owned land. The use involves the physical construction of the Go Kart track and facility but also the informal usage of parts of

McPhillamy and Sulman Parks for parking and staging areas.

That land is “operational” land under the Local Government Act. Part of the land is generally accessible to members of the public at most times. In addition, part of the land is utilised by promoters of events such as V8 Supercars.

A large section of the site containing the dwelling at 310 Brocks Skyline was, until Council’s acquisition of the land in 2000, privately owned and has never been publically accessible.

The Go Kart complex will restrict public access to part of the site. Further there will be restrictions on the availability of the area when the facility is in use.

Whether Council, as the landowner, considers the restrictions and limitations that the facility will impose are appropriate is beyond the ambit of the modification application. It is a development that is not inconsistent with the planning provisions governing the use of the land.

### Cultural Heritage issues

Council has engaged Extent Heritage Advisers to prepare an Aboriginal Cultural Heritage Assessment (ACHA) to accompany the modification application.

It is to be noted that the ACHA does not form part of the publically available information as it includes culturally sensitive information. A full copy of the ACHAR will be provided to Councillors under separate cover but will not be provided as an attachment to the public report.

The significant recommendations of the ACHA are summarised as follows (note that references to individual identified sites have been removed):

- The anthropological study found that the study area has intangible cultural heritage values to the local Aboriginal community. As part of Mt Panorama Wahluu, it is associated with the creation story of Wahluu and Gaahna Bulla “the two brothers”, which connects Mt Panorama with Mt Canobolas. Mt Panorama Wahluu is also associated with other important topographic features such as Mount Stewart and Evans Crown.
- Mt Panorama Wahluu was likely a place of mythological and spiritual importance to Wiradjuri people prior to contact, as with other similar prominent topographic features across Wiradjuri country. It has contemporary cultural values to the local Aboriginal community due to these traditional associations, and also as part of a movement of cultural revitalisation and reconnection currently underway across Wiradjuri country.
- The identified cultural values may be represented in part in the stones in the construction of the former Caretaker’s Cottage and fence. Some members of the Aboriginal community are of the belief, and assert, that the stones were taken from burbung/bora rings which were present in the area. However, there is currently no physical or documentary evidence to indicate that they are Aboriginal Objects as defined by the National Parks and Wildlife Act 1974. Council records indicate that a 1939 costing provided to the State Government for construction of the cottage includes a line item for “excavation stone”. This suggests, but does not prove, that the stone was likely obtained from a quarried source. Furthermore whilst there are beliefs that stones from previously existing Aboriginal stone arrangements were used in the construction of the caretakers cottage, other information indicates the stones were brought from one or more local quarries.
- The identified contemporary cultural values may be represented in part in trees and stones, which are present in the study area. Following the investigations of these features during archaeological survey, these items are not Aboriginal Objects according

to the definition used in the National Parks and Wildlife Act 1974. However, they are thought by some of the Aboriginal community representatives to be physical manifestations of the spiritual values of the location.

- The study area contains 5 registered Aboriginal sites. None of the five registered sites were found to contain Aboriginal Objects as defined by the National Parks and Wildlife Act 1974.
  - Three of these sites relate to Aboriginal Ceremony and Dreaming are considered by the Aboriginal groups to have intangible cultural values
  - Further investigation into scarred trees recorded in the AHIMS database reveal they are not Aboriginal in origin.
  - Two further sites identified in the AHIMS database reveal they are not Aboriginal sites.
  - Two further sites have been assessed and are considered to be the same site, situated on the same landform.
- It is concluded that the study area has a nil-low potential to contain buried sub-surface archaeological deposits.
- The study area is within an area that has been nominated by some members of the local Aboriginal community as an Aboriginal Place, but is not currently gazetted as such. If the Minister were to declare Mt Panorama Wahluu an Aboriginal Place, the Place would be provided statutory protection under the National Parks and Wildlife Act. The protection would apply to those heritage values and significant items for which the Place is listed.
- The Aboriginal community consultation process has indicated that different views are held by the Registered Aboriginal Parties (RAP) regarding potential impacts to intangible cultural heritage values as a result of the proposed works. Given the level of previous disturbance within the study area, one of the local RAP's considers that intangible cultural heritage values will not be impacted whilst other local RAP's suggest the proposed development will cause further impact. No comments were provided from non-Bathurst RAP's in regard to intangible cultural heritage values of Mt Panorama Wahluu.

The ACHA makes the following recommendations in relation to statutory requirements arising from the National Parks and Wildlife Act:

1. Copies of the draft report should be provided to the RAP's, for 28 day review and feedback period (note this action has already been completed).
2. The final report should be submitted to the NSW Office of Environment and Heritage for inclusion on the Aboriginal Heritage Information System (AHIMS) database (note that this action has been completed).
3. Council should request regular updates from OEH on the progress and status of the Aboriginal Place nomination.
4. The AHIMS site records for the 5 nominated sites should be updated.
5. No work should be undertaken until 2 of the sites (those assessed and determined not to be Aboriginal sites) have been delisted on the AHIMS Registrar.
6. No Aboriginal objects as identified by the National Parks and Wildlife Act 1974 have been identified within the proposed Go Kart track development area. The subject land does not currently form part of a gazetted Aboriginal Place. Therefore the proposed development does not currently require approval of an Aboriginal Heritage Impact Permit (AHIP) and development may proceed with caution.
7. In the event that a previously unidentified Aboriginal object is found during any future development work should cease in the vicinity and OEH, the RAPs, and a suitably qualified heritage consultant should be contacted for advice. It is an offence in NSW to disturb, damage or destroy an Aboriginal object without first obtaining an AHIP approval from OEH.
8. If human skeletal material is identified at any time during development works, all works in

the vicinity of the discovery should cease immediately and the NSW Police and NSW Coroner's Office should be contacted for advice on how to proceed.

9. Council should consider whether or not it is feasible to re-locate the proposed Go Kart track to an area that is less likely to result in harm to intangible cultural values. Extent recommends that Council consider negotiation with the local Aboriginal community to attempt to seek agreement on a suitable alternative location for the Go Kart track. It will be important that any agreement reached is in a form that ensures certainty for Council, OEH and the Aboriginal community stakeholders.
10. The former Caretakers Cottage (the 'stone cottage') in McPhillamy Park should be retained and conserved.

The decision before Council is whether it is appropriate to modify the existing development consent. The current ACHAR re-affirms the previous conclusions that the site has nil- low potential of archaeological sites to occur however it has cultural values to the Aboriginal community. This is generally in the form of intangible cultural assets.

It is beyond the scope of this assessment to consider the feasibility or otherwise of alternative sites. Whether or not Council considers it prudent to investigate alternate sites is a matter for the Council to consider separately.

#### Discussion Forum

A Discussion Forum was conducted on 5 December 2018. Minutes of the Discussion Forum are at **attachment 11**.

#### Conclusion

Council has received an application to modify an existing development consent for a Go Kart facility at Mount Panorama. The modification involves the extension of the track from 950 metres to 1100 in length.

The site is considered to hold cultural values to the Aboriginal community however it does have nil-low potential for archaeological objects to be found.

In terms of the legislative approach provided for under the Environmental Planning and Assessment Act the modification is capable of being approved subject to conditions.

Whether Council accepts the recommendations of Extent and investigates the feasibility of alternate sites is a matter for Council to pursue separately.

**Financial Implications:** Nil.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- |  |                   |
|--|-------------------|
| ● Objective 1: Our sense of place and identity         | Strategy 1.1, 1.2 |
| ● Objective 4: Enabling sustainable growth             | Strategy 4.1, 4.3 |
| ● Objective 5: Community health, safety and well being | Strategy 5.5      |
| ● Objective 6: Community leadership and collaboration  | Strategy 6.4, 6.5 |

#### **Community Engagement**

- Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

### **5 Item 1 DEVELOPMENT APPLICATION 2015/196 MODIFICATION – RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT AND OWNER: BATHURST REGIONAL COUNCIL (DA2015/196)**

**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council:

(a) as the consent authority, modify the existing consent pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

(i) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan: Preliminary Site Layout Plan  
Drawing/Sheet No: EN1697/2  
Dated: 18/10/2018  
Revision: A

Title/Plan: Preliminary Track Layout Layout Plan  
Drawing/Sheet No: EN1697/1  
Dated: 18/10/2018  
Revision: A

(ii) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

(iii) Prior to the release of any Construction Certificate or the commencement of any works the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to Council for assessment and approval. The CEMP shall detail acceptable methods for the adequate control and management of the following:

- Habitat Management measures – Detailing the implementation of habitat management measures to minimise the potential for adverse impacts on adjoining habitats, in accordance with the Flora and Fauna Assessment dated 3 December 2018 was prepared by The Environmental Factor.
- Dust Suppression and Mitigation – Detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site.
- Erosion and Sedimentation Control Plan – Detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with subdivision activities.
- Waste Management Plan – Detailing the reuse or relocation of spoil and disposal of solid and liquid wastes.
- Noise impacts – Detailing the implementation of noise mitigation measures to minimise noise and to limit the impact on adjoining development, in

accordance with the Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting.

- proposed tree plantings should be done using box-gum woodland species and densities to form a habitat linkage and amenity buffer around the site. This should extend along the western, southern and eastern development boundaries at least 20m wide. This should be permanently protected and maintained (fenced, watered, mulched, weeded etc) for at least 5 years or until the plants establish if greater than 5 years.
- All trees with hollows should be retained as standing habitat and placed in the new environmental buffer.
- Other felled timber is to be retained and placed as ground habitat. Foliage and smaller branches can be mulched and reused on the site.
- The mitigation measures should be overseen/conducted by a suitably qualified ecologist or similar and a report provided to Council prior to Occupation Certificate.
- Tree removal should be done in accordance with the RMS Biodiversity Guidelines.

The CEMP shall be approved by Council prior to any works being commenced and shall be implemented at all times during the operation of this consent.

- (iv) No work should be undertaken until 2 of the sites (those assessed and determined not to be Aboriginal sites) have been delisted on the AHIMS Registrar.

(b) notify those that made submissions of its decision; and

(c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr G Hanger, Cr J Jennings, Cr I North, Cr J Rudge

Against the motion - Cr J Fry, Cr M Morse

Absent - Nil

Abstain - Nil

Yours faithfully



N Southorn

**DIRECTOR**

**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**



## MINUTE

### 6 MEETING CLOSE

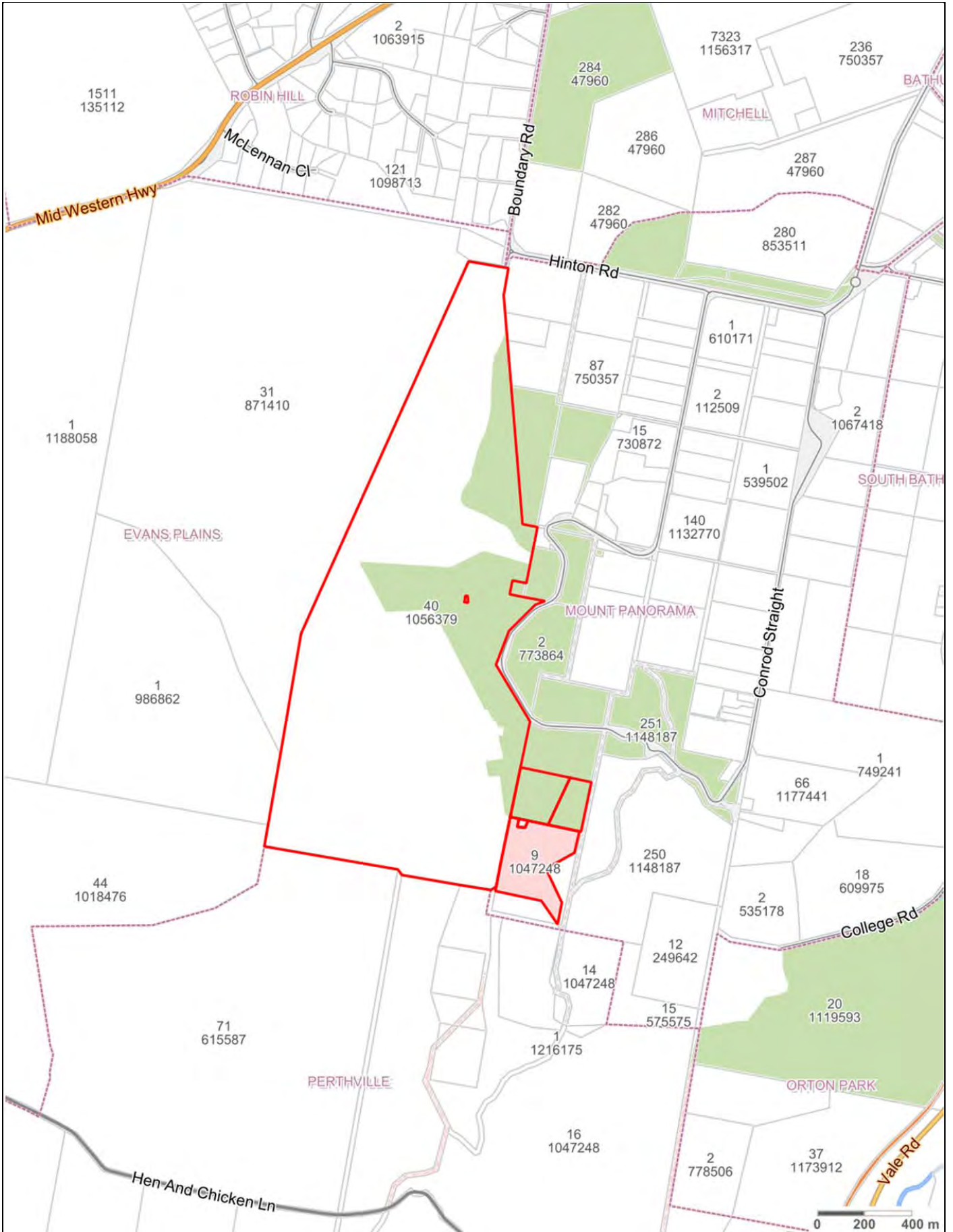
The Meeting closed at 7.40 pm.

**CHAIRMAN:** \_\_\_\_\_

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
REPORT - ATTACHMENTS**

EXTRAORDINARY MEETING OF BATHURST REGIONAL COUNCIL

19 DECEMBER 2018



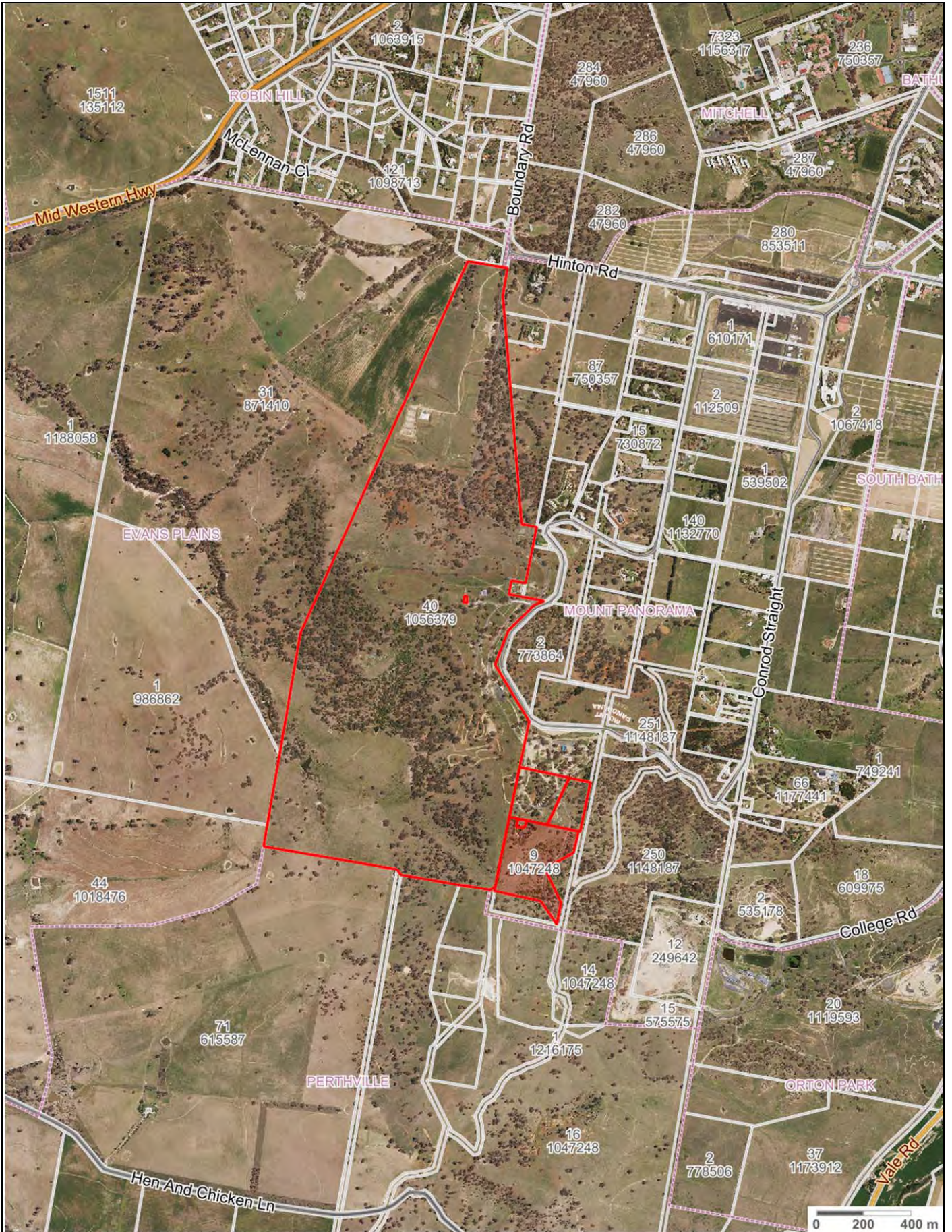
Bathurst Regional Council  
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 158 Russell Street  
 BATHURST NSW 2795  
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 Fax: 02 6331 7211  
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**Important Notice!**

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Drawn By: DenyerK  
 Date: 20/11/2018  
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 Map Scale: 1:21040 @ A4



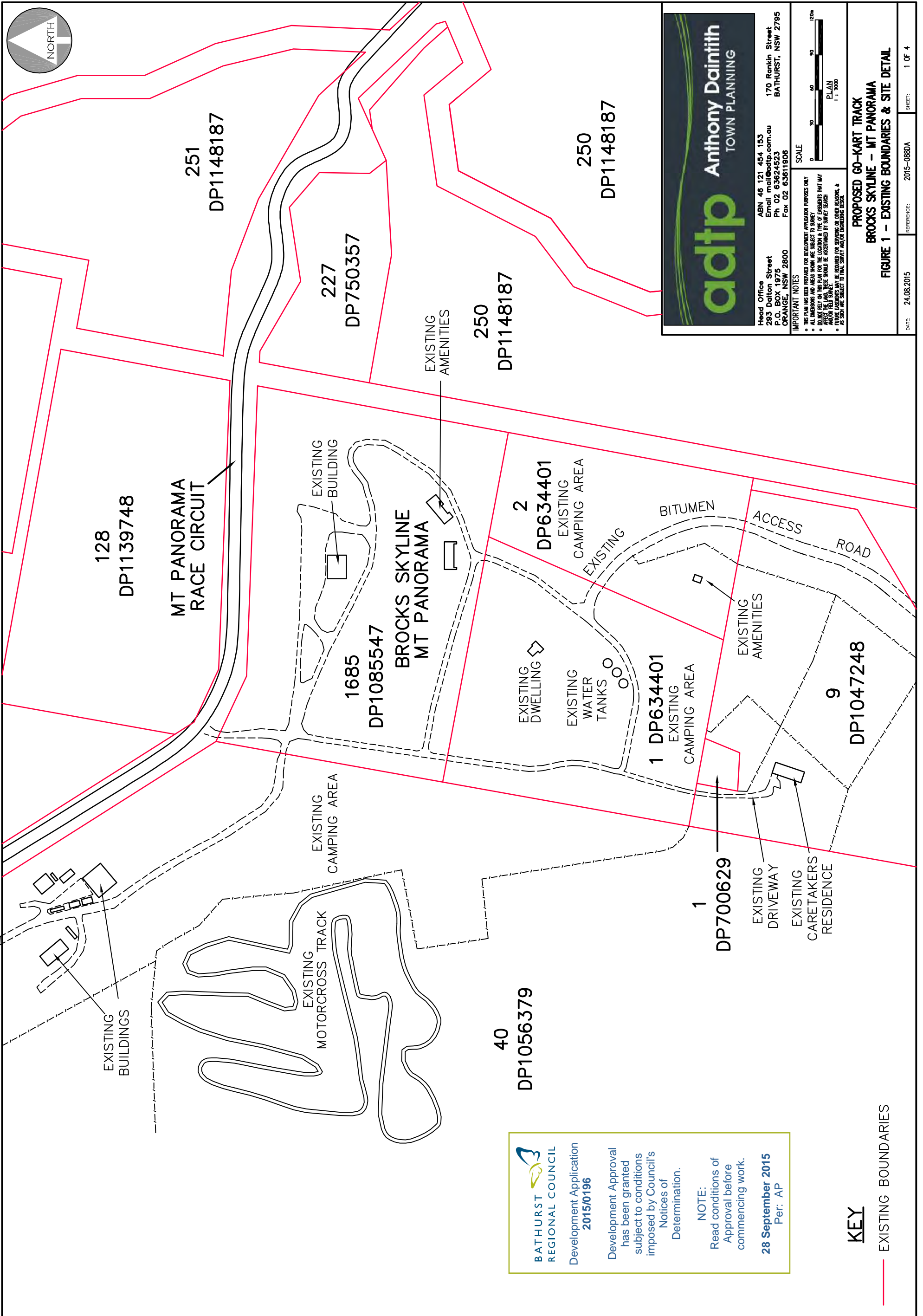
Bathurst Regional Council  
 PMB 17  
 158 Russell Street  
 BATHURST NSW 2795  
 Telephone: 02 6333 6111  
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 Date: 20/11/2018  
 Projection: GDA94 / MGA zone 55  
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**BATHURST REGIONAL COUNCIL**  
Development Application  
2015/0196

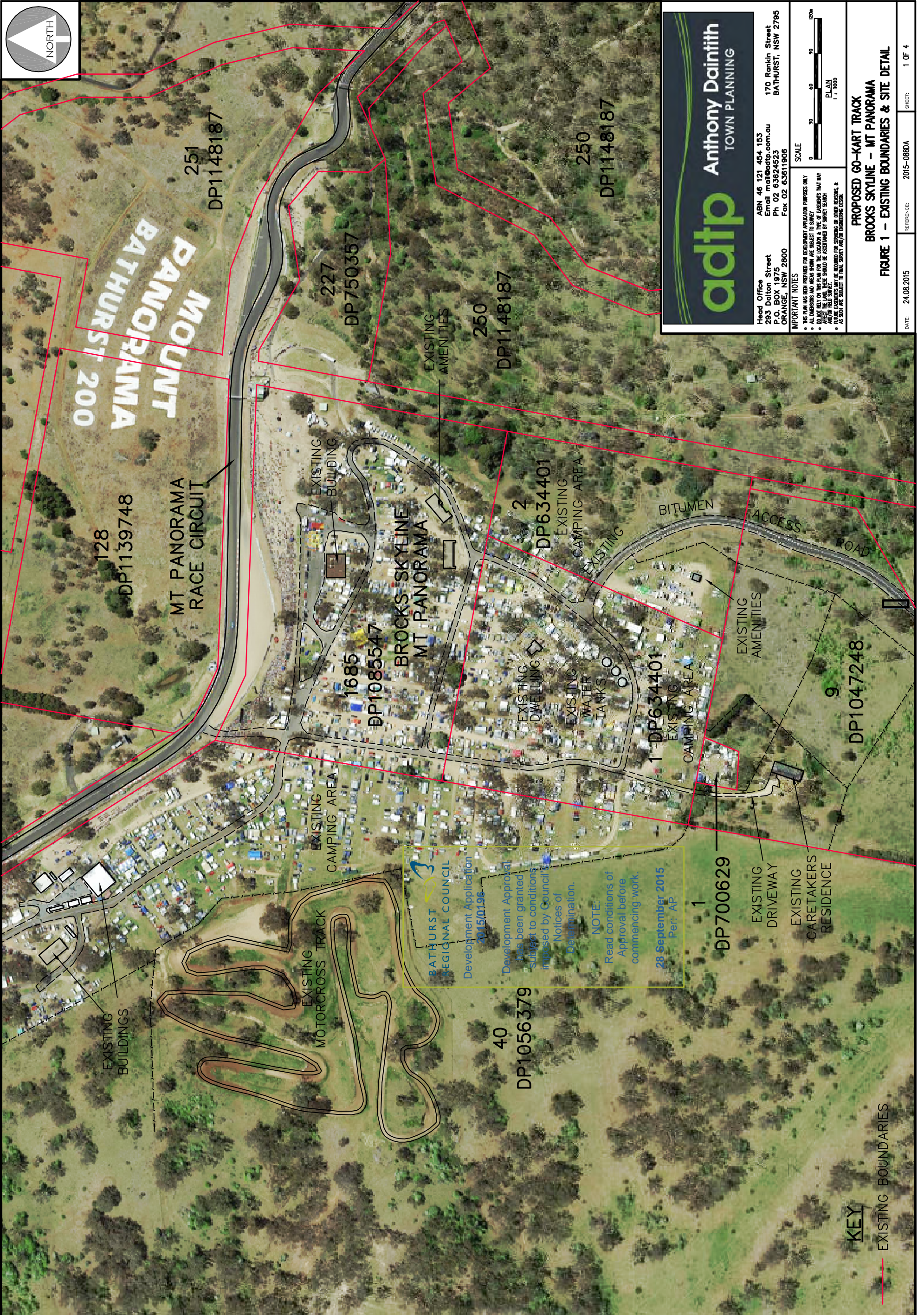
Development Approval has been granted subject to conditions imposed by Council's Notices of Determination.

**NOTE:**  
Read conditions of Approval before commencing work.

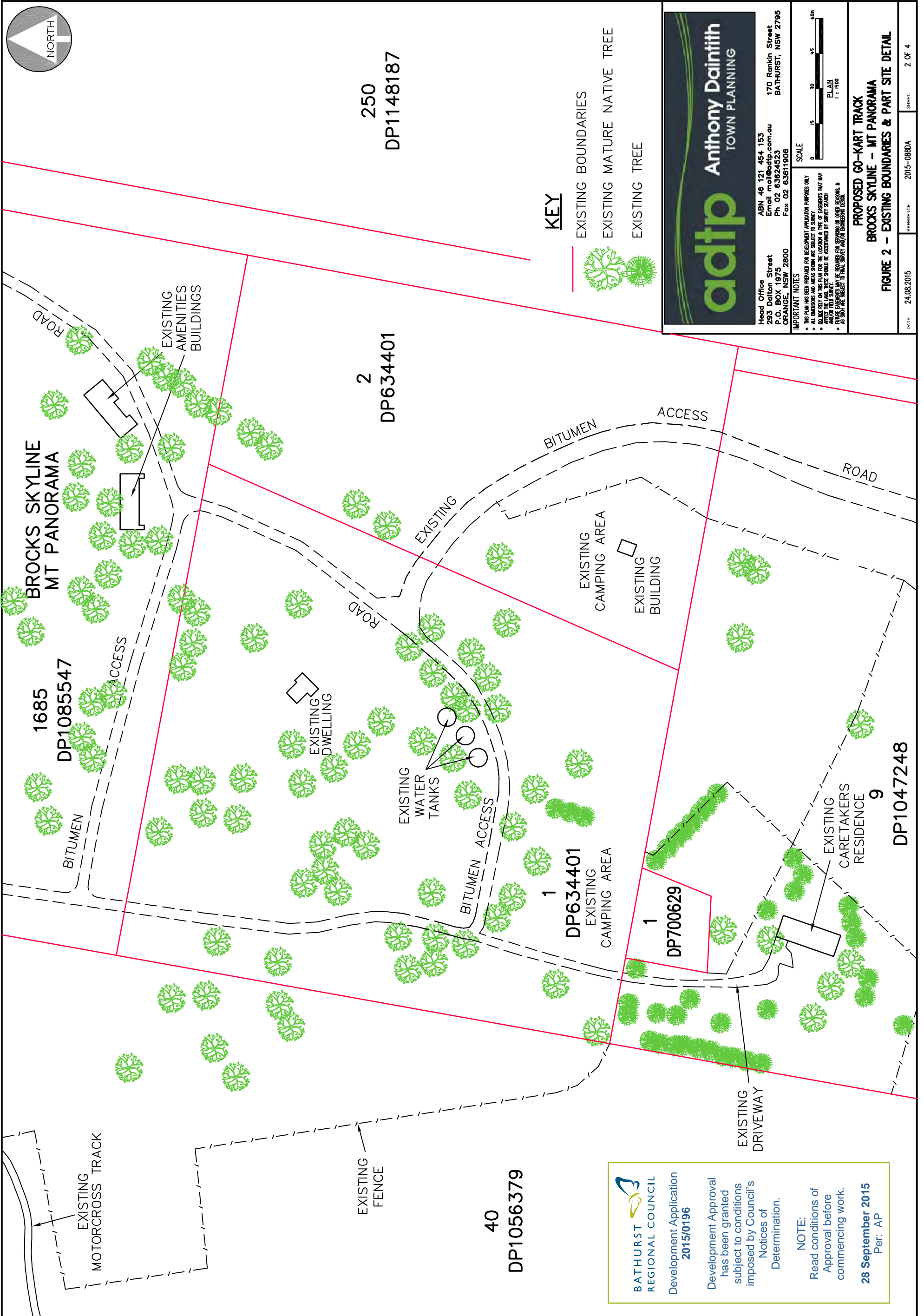
**28 September 2015**  
Per: AP

**KEY**  
— EXISTING BOUNDARIES

**COPY ONLY CHECK SCALE**




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**KEY**

-  EXISTING BOUNDARIES
-  EXISTING MATURE NATIVE TREE
-  EXISTING TREE



**Anthony Daintith**  
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Email [mail@adtp.com.au](mailto:mail@adtp.com.au)  
Ph 02 63624523  
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170 Rankin Street  
BATHURST, NSW 2795

SCALE  
0 15 30 45 60m  
PLAN  
1:1,500

**IMPORTANT NOTES**

- THE PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY ACCURACY THAT MAY VARY SLIGHTLY FROM THE ACTUAL SITUATION
- THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF ADTP
- THE PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF ADTP

**PROPOSED GO-KART TRACK**  
**BROCKS SKYLINE - MT PANORAMA**  
**FIGURE 2 - EXISTING BOUNDARIES & PART SITE DETAIL**

DATE: 24.08.2015 REFERENCE: 2015-0880A SHEET: 2 OF 4

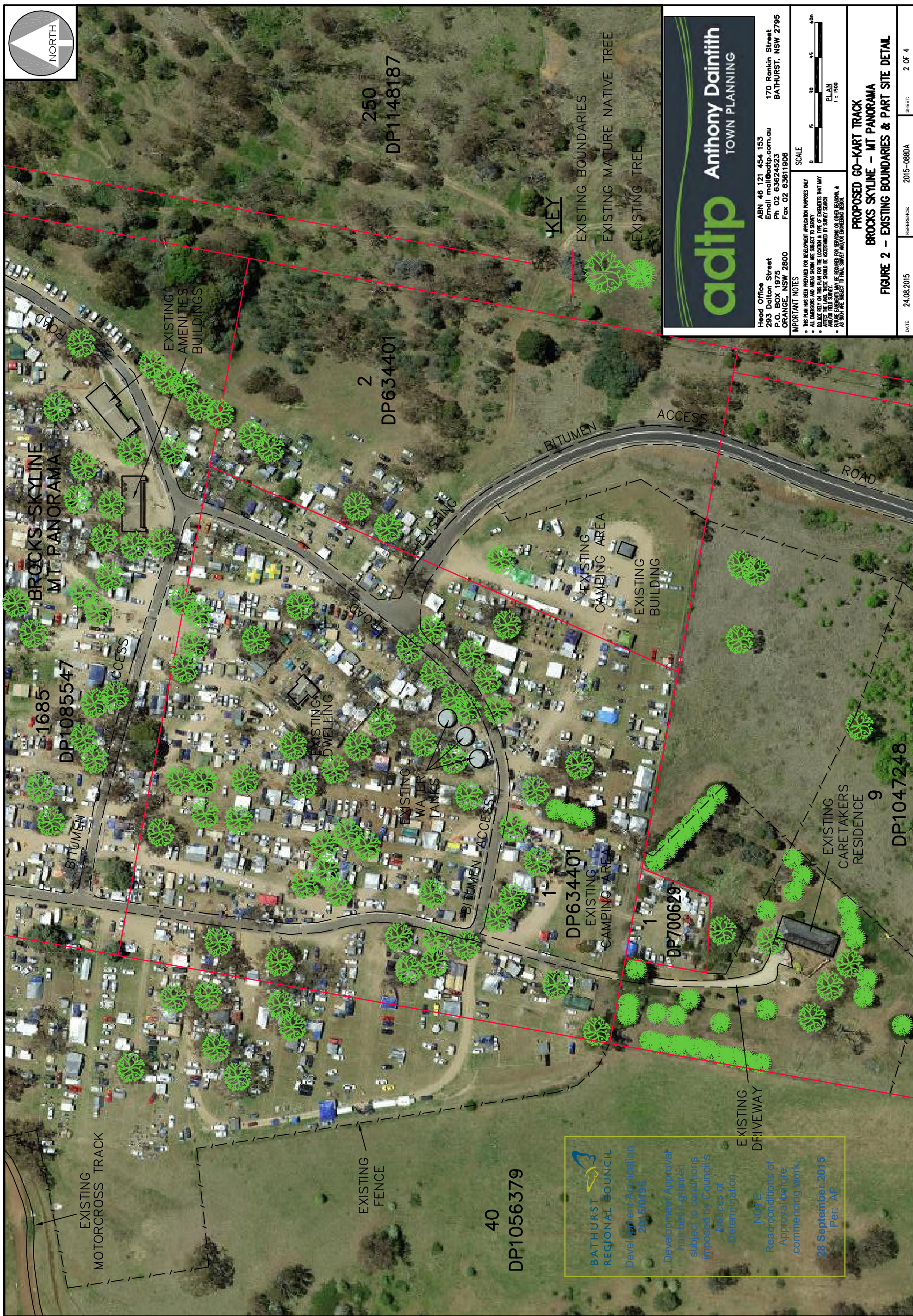
**BATHURST REGIONAL COUNCIL**  
Development Application  
**2015/0196**

Development Approval has been granted subject to conditions imposed by Council's Notices of Determination.

**NOTE:**  
Read conditions of Approval before commencing work.

**28 September 2015**  
Per: AP

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SCALE  
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 PLAN  
 1:1,500

IMPORTANT NOTES  
 • THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY  
 • ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY ADJUSTMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.  
 • THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES, AND IS NOT TO BE RELIED UPON FOR ANY OTHER PURPOSES.  
 • THIS PLAN IS SUBJECT TO THE SURVEY ACT 1981 (NSW) AND THE SURVEY ACT 1988 (NSW).

PROPOSED GO-KART TRACK  
 BROCK'S SKYLINE - MT PANORAMA  
 FIGURE 2 - EXISTING BOUNDARIES & PART SITE DETAIL

DATE: 24.08.2015 REFERENCE: 2015-0880A SHEET: 2 OF 4

BATHURST REGIONAL COUNCIL  
 Development Application  
 2015/0196

Development Approval  
 has been granted  
 subject to conditions  
 imposed by Council's  
 Notice of  
 Determination.

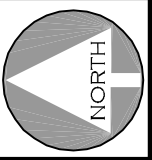
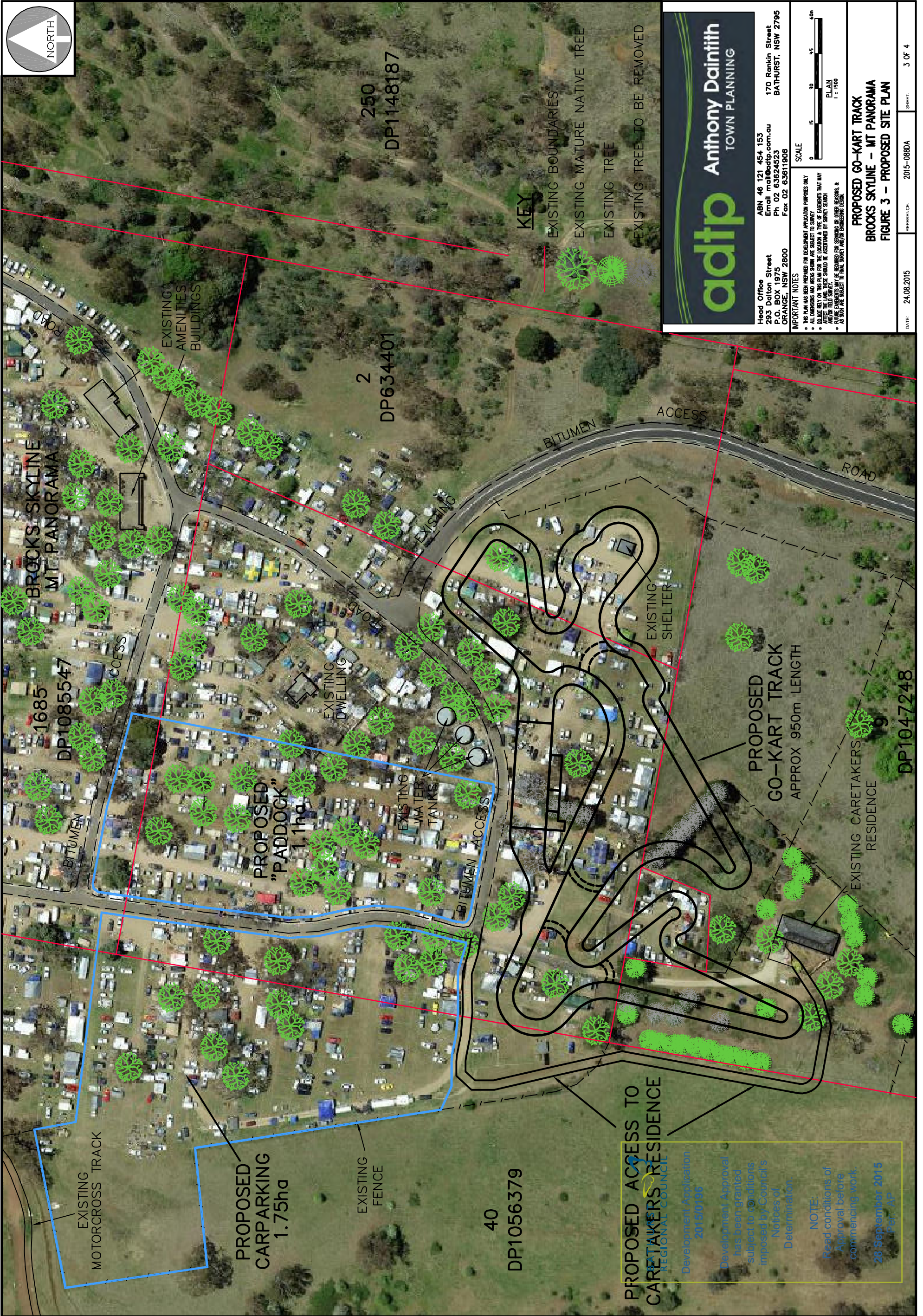
NOTE:  
 Reader conditions of  
 Approval before  
 commencing work.

28 September 2015  
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**IMPORTANT NOTES**

- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY ACCURACY THAT MAY VARY SLIGHTLY FROM THE ACTUAL SITUATION ON THE GROUND
- THE LAND SHOWN SHOULD BE ASCERTAINED BY SURVEY BEFORE ANY WORK IS COMMENCED ON THE SITE
- THIS PLAN IS NOT VALID FOR PURPOSES AS REFERRED TO ABOVE, & IS ONLY VALID FOR THE PURPOSES STATED

SCALE  
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DATE: 24.08.2015 REFERENCE: 2015-0880A SHEET: 3 OF 4

**PROPOSED GO-KART TRACK  
 BROOKS SKYLINE - MT PANORAMA  
 FIGURE 3 - PROPOSED SITE PLAN**

**PROPOSED ACCESS TO CARETAKERS RESIDENCE**  
 REGIONAL COUNCIL

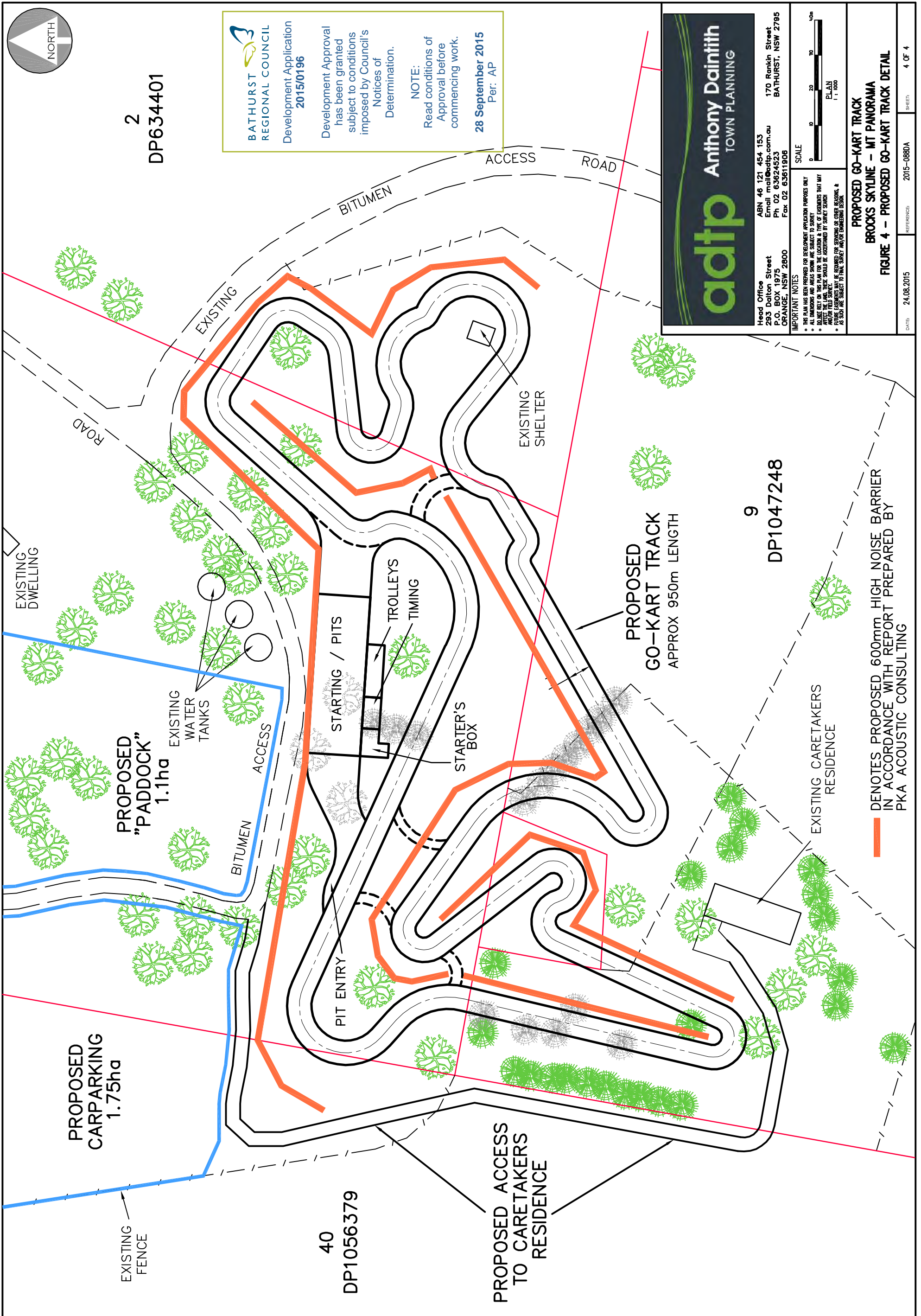
Development Application  
 2015/0195

Development Approval has been granted subject to conditions imposed by Council's Notices of Determination.

NOTE:  
 Read conditions of Approval before commencing work.

28 September 2015  
 J.P.

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**BATHURST REGIONAL COUNCIL**  
 Development Application  
**2015/0196**

Development Approval has been granted subject to conditions imposed by Council's Notices of Determination.

**NOTE:**  
 Read conditions of Approval before commencing work.

**28 September 2015**  
 Per: AP

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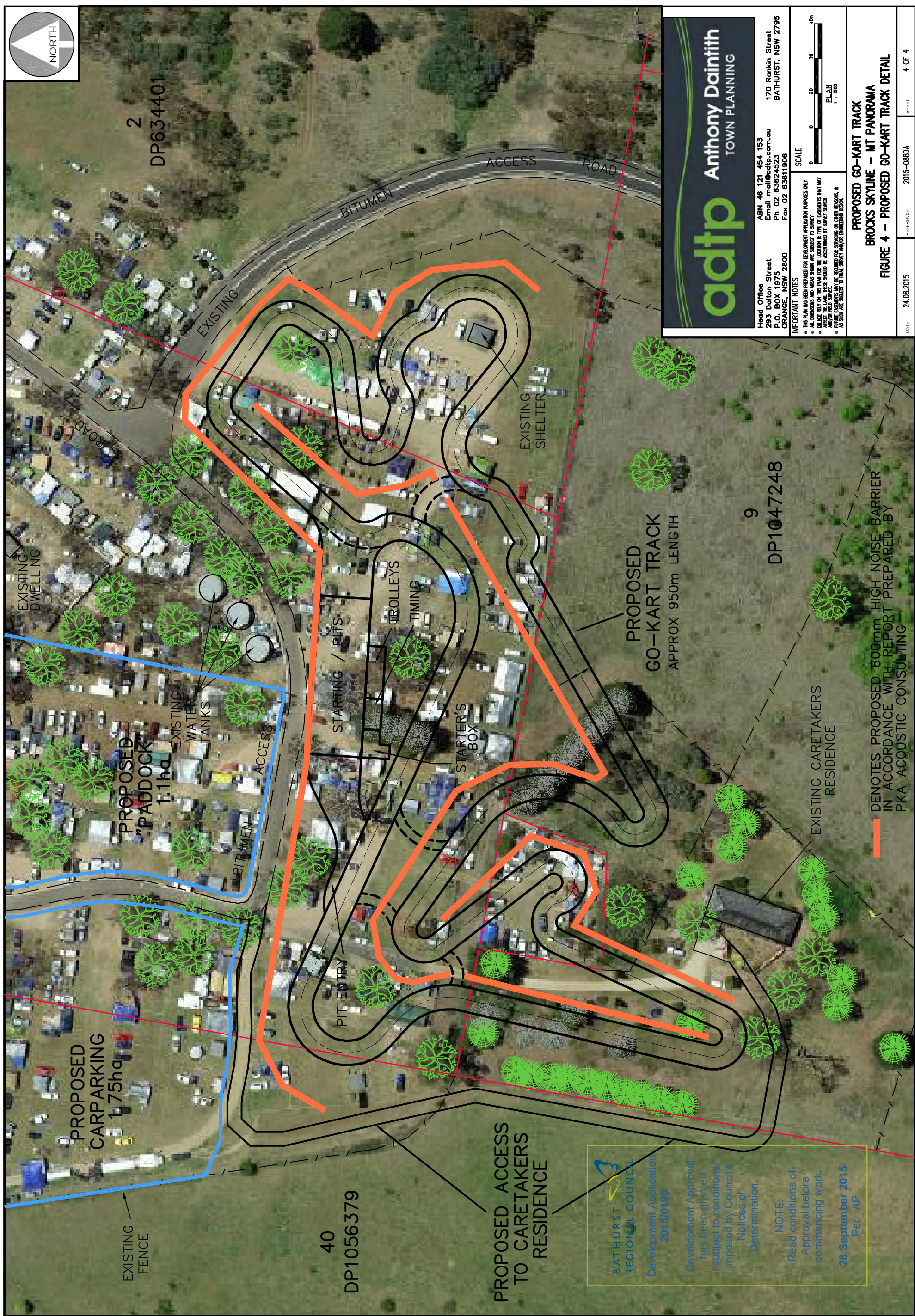
- THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY
- IT IS NOT TO BE USED FOR ANY OTHER PURPOSES
- DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF FEATURES THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY.
- THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES, & AS SUCH IS SUBJECT TO THE SURVEY AND/OR ENGINEERING DESIGN.

SCALE  
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**PROPOSED GO-KART TRACK**  
**BROCKS SKYLINE - MT PANORAMA**  
**FIGURE 4 - PROPOSED GO-KART TRACK DETAIL**

DATE: 24.08.2015  
 REFERENCE: 2015-0880A  
 SHEET: 4 OF 4

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28 September 2015

**NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Bathurst Kart Club  
c/- Anthony Daintith Town Planning  
PO Box 1975  
ORANGE NSW 2800

being the applicant in respect of **Development Application No 2015/0196**.

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2015/0196, relating to the land described as follows:

**LOT: 1 DP: 634401, LOT: 2 DP: 634401, LOT: 1 DP: 700629, LOT: 9 DP: 1047248,  
LOT: 40 DP: 1056379, BROCKS SKYLINE MOUNT PANORAMA**

The Development Application has been determined by GRANTING consent to the following development:

**RECREATION FACILITY - GO KART TRACK AND ASSOCIATED  
INFRASTRUCTURE**

Building Code of Australia building classification *n/a*.

***IMPORTANT NOTICE TO APPLICANT***

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a construction certificate at the same time as you lodged this development application. Due to changes in the law relating to planning and building approvals, Council is unable to issue the construction certificate with the development consent. If there are no conditions in this development consent which need to be met before Council issues the construction certificate, and if your plans comply fully with the Building Code of Australia, the construction certificate will be forwarded to you shortly.

This consent is issued subject to the following conditions and reasons:

Reference: DDWY:AP:DA/2015/0196  
Enquiries: Mr D J Dwyer 02 6333 6212

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2

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28 September 2015

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#### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. **The applicant is to submit three copies of engineering plans, specifications and calculations in relation to:**

- **the proposed track;**
- **drainage infrastructure; and**
- **water infrastructure.**

**Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.**

**REASON:** Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

2. **The applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014.**

**Council is to certify that the landscape plan is in accordance with Council's Development Control Plan prior to any work occurring on the site.**

**NOTE 1:** Care should be taken to minimize tree removal wherever possible in the final design of the track. Those trees that have to be removed are to be clearly identified on a plan and the plan submitted with the landscape plan.

**NOTE 2:** The landscape plan is to include trees to replace those being removed at a ratio of 2:1.

**REASON:** To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

3. **Unless the development is exempt under Council's Local Approvals Policy or Bathurst Regional Local Environmental Plan 2014 – Schedule 2, the applicant is to obtain a Construction Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with Bathurst Regional Council's Guidelines for Engineering Works prior to any subdivision works commencing.**

**NOTE 1:** No building, engineering or excavation work is to be carried out in relation to this development until the necessary Construction Certificate or certificates have been obtained.

---

**Reference:** DDWY:AP:DA/2015/0196  
**Enquiries:** Mr D J Dwyer 02 6333 6212  
0006DD\_DA.doc

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28 September 2015

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**NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.**

**NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.**

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

#### DURING CONSTRUCTION

4. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Water	* After laying of mains and prior to backfill; * After laying of services and prior to backfill; * Pressure testing.
Erosion and sediment control	* Prior to the installation of erosion measures.
All development and/or subdivision works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

---

Reference: DDWY:AP:DA/2015/0196  
Enquiries: Mr D J Dwyer 02 6333 6212  
0006DD\_DA doc

4

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28 September 2015

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5. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

6. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

**Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.**

**NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.**

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

7. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Site.**

**NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.**

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

8. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

**NOTE 1: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.**

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REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

9. **All stormwater runoff from the proposed development is to be collected on site and conveyed to a legal point of discharge in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

10. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

11. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Essential Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

12. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

13. **The developer is to arrange for the relocation of all water mains and associated services clear of the proposed development. All such works are to be undertaken at full cost to the developer.**

REASON: To ensure that the water infrastructure is not damaged by the construction or operation of the proposed development and that it is accessible at all times for maintenance purposes. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

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#### PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

14. **The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) format (MGA co-ordinates, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the drainage infrastructure and water infrastructure.**

**Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

#### USE OF THE SITE

15. **The facility must only operate between the hours of 9.00am and 5.00pm on any day (practice days and race event days).**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

16. **Within three months of the facility becoming operational noise measurements are to be taken on a race day at the nearest affected residences and the results submitted to Council.**

REASON: To ensure that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

17. **The number of go-karts on the track at the same time is not to exceed 5 on a practice day and 32 on a race event day.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

18. **Noise levels from the operation of the go-kart track are to comply with the following noise criteria:**

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- a. **The maximum noise levels during race event days are to be as follows:**

Address	Maximum dBA (L <sub>Aeq</sub> (1hr))
404 Conrod Straight	39
402 Conrod Straight	38
428 Conrod Straight	37
280 Hen & Chicken Lane	35
All other residential properties	36

- b. **The maximum noise levels at all other times (i.e. practice days) are to be as follows:**

Address	Maximum dBA (L <sub>Aeq</sub> (1hr))
All residential properties	36
280 Hen & Chicken Lane	35

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

19. **The facility must not be operated during full track closure motor racing events on the Mount Panorama Racing Circuit, when the Motor Cross track is in use or when there are partial track closures for motor sport events on the Mount Panorama Racing Circuit.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

20. **No more than 18 individual race days are to be held in a calendar year.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

21. **The premises are to be maintained in a clean and tidy condition at all times.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

22. **Garbage receptacles for the disposal of litter shall be installed, maintained and regularly emptied.**

REASON: So that the development does not reduce the amenity of the area by reason of an accumulation of litter. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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23. **All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

**NOTE 1: Compliance with Australian Standard AS4282 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

#### **PRESCRIBED CONDITIONS**

*The following conditions are known as “Prescribed Conditions” and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.*

24. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

25. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**

- a) **in the case of work done by a licensee under the Act:**
  - i) **has been informed in writing of the licensee’s name and contractor license number, and**
  - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) **in the case of work to be done by any other person:**
  - i) **has been informed in writing of the person’s name and owner-builder permit number, or**

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- ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,**

**and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).**

**NOTE 1: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.**

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

**26. For development that involves any building work, subdivision work or demolition works:**

- a) **A sign must be erected in a prominent position:**
  - i) **showing the name, address and telephone number of the principal certifying authority for the work, and**
  - ii) **showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
  - iii) **stating that unauthorised entry to the work site is prohibited.**
- b) **Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.**
- c) **This condition does not apply in relation to work that is carried out inside an existing building that does not affect the external walls of the building.**
- d) **This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.**

REASON: Because it is in the public interest that the persons responsible for the site can be contacted. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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27. **The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

28. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**
- a) **protect and support the building, structure or work from possible damage from the excavation; and**
  - b) **where necessary, underpin the building, structure or work to prevent any such damage.**

**The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**Endorsement date of determination and operative date:** 28 September 2015

**NOTES:**

1. **Lapsing of consent.** Unless a shorter period is specified in this notice, this consent will lapse if the development is not substantially commenced within five years of the date endorsed on this notice.
2. **Right of Review:** If you are dissatisfied with this determination, section 82A of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.

For Development Applications lodged prior to 28 February 2011 the review must be undertaken within 12 months of the date endorsed on this notice.

For Development Applications lodged after 28 February 2011 the review must be undertaken within 6 months of the date endorsed on this notice.

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3. **Right of appeal:** If you are dissatisfied with this determination, section 97 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court.

For Development Applications lodged prior to 28 February 2011 the appeal must be lodged within 12 months of the date endorsed on this notice.

For Development Applications lodged after 28 February 2011 the appeal must be lodged within 6 months of the date endorsed on this notice.

4. See **attached** sheet for explanatory notes.
5. All monetary conditions are reviewed annually, and may change as of 1 July each year.



R Denyer  
**ACTING DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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2015/0196/041

**3 DEVELOPMENT APPLICATION NO. 2015/0196 – RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT: BATHURST KART CLUB. OWNER: BATHURST REGIONAL COUNCIL (DA/2015/0196)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0196, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) Noise levels from the operation of the go-kart track are to comply with the following noise criteria:

- a. The maximum noise levels during race event days are to be as follows:

Address	Maximum dBA (L <sub>Aeq (1hr)</sub> )
404 Conrod Straight	39
402 Conrod Straight	38
428 Conrod Straight	37
280 Hen & Chicken Lane	35
All other Residential properties	36

- b. The maximum noise levels at all other times (i.e. practice days) are to be as follows:

Address	Maximum dBA (L <sub>Aeq (1hr)</sub> )
All residential properties	36
280 Hen & Chicken Lane	35

- (ii) No more than 18 individual race days are to be held in a calendar year;
- (iii) Within three months of the facility becoming operational noise measurements are to be taken on a race day at the nearest affected residences and the results submitted to Council;
- (iv) The number of go-karts on the track at the same time is not to exceed 5 on a practice day and 32 on a race event day.
- (v) The facility must not be operated during full track closure motor racing events on the Mount Panorama Racing Circuit, when the Motor Cross track is in use or when there are partial track closures for motor sport events on the Mount Panorama Racing Circuit;
- (vi) The applicant is to submit to Council for endorsement a landscape plan that includes trees to replace those being removed at a ratio of 2:1; and
- (b) notify those that made submissions of its decision; and
- (c) call a division.

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**Report: The Site**

Council has received a Development Application (DA) for a recreation facility (go-kart track) at McPhillamy Park, Brocks Skyline, Mount Panorama, described as:

Lot: 1 DP: 634401,  
 Lot: 2 DP: 634401,  
 Lot: 1 DP: 700629,  
 Lot: 9 DP: 1047248,  
 Lot: 40 DP: 1056379,

A location plan is provided at **attachment 1**.

Existing improvements on the site include a dwelling, the "blue stone" cottage, picnic shelters, water tanks and amenities buildings. Part of the site is currently also used for camping during major events.

**The proposal**

The Development Application proposes a 950 metre long go-kart track and associated pit area, general parking area and competitor parking area ("paddock").

See plan of proposed development at **attachment 2**, Statement of Environmental Effects at **attachment 3** and Acoustic Assessment at **attachment 4**.

It is anticipated that the track will be open for club members to practice 7 days a week from 9.00am to 5.00pm. It is expected that a maximum of 5 go-karts are likely to be using the track on any given practice day.

In addition to being open for daily practice sessions, the track will be used for up to 9 race event weekends (a total of 18 individual race days) per year. It is noted that the track has a maximum capacity of 32 go-karts however the average is more likely to be 15 go-karts.

A condition will be imposed to prohibit the use of the facility during full track closure motor racing events on the Mount Panorama Racing Circuit. The Mount Panorama Motor Racing Act 1989 permits a maximum of five such events in a calendar year.

The existing dwelling on the subject site falls within the area being leased by the Bathurst Kart Club. This Development Application does not include any works to the dwelling or any change of use it. The blue stone cottage adjacent to the subject site is not within the proposed lease area and will therefore not be affected by the proposed development.

**Planning Context***Bathurst Regional Local Environmental Plan 2014*

The subject site is zoned SP3 Tourist and RU2 Rural Landscape (Lot 1, DP 700629 only) under the provisions of the *Bathurst Regional Local Environmental Plan 2014*.

The proposal is defined as a recreation facility (outdoor), the definition of which is:

*"...a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski*

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*centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)".*

A recreation facility (outdoor) is permissible with consent in the SP3 Tourist and RU2 Rural Landscape zone.

The objectives of the SP3 Tourist zone are:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.*
- *To provide regional open space, tourism and recreation opportunities within the city of Bathurst.*
- *To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.*
- *To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.*

The objectives of the RU2 Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage development that enhances Mount Panorama as an international motor racing circuit.*

The proposed development is consistent with the objectives of the SP3 Tourist zone and the RU2 Rural Landscape zone.

#### **Bathurst Region Development Control Plan 2014**

#### **Chapter 2 Exhibition and Notification of Development Applications**

The Development Application was notified to 41 property owners who reside on or own land in the immediate vicinity of Mount Panorama (including property owners adjacent to the site on Hen & Chicken Lane). The Development Application was notified from 12 June 2015 to 22 June 2015.

During the notification period a total of four (4) submissions were received.

A Discussion Forum was held at Council's Policy Committee Meeting on 5 August 2015.

A further submission was received from Mr Swan after the Discussion Forum.

#### **Chapter 10 Urban Design & Heritage Conservation**

Mount Panorama (Wahluu) is a known site of Aboriginal cultural heritage value. Advice received from Council's consultants completing the LGA wide Aboriginal Heritage Study suggests that this part of the Mount Panorama precinct would be unlikely to reveal archaeological relics. Notwithstanding that the Study has not yet been finalised, Council sought the advice of the consultants specifically in relation to this Development Application.

Given the advice of Council's consultants and the highly disturbed nature of the site a foot

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survey of the site was not warranted.

It should be noted that the Development Application was notified to the Bathurst Local Aboriginal Land Council (as custodians of the land immediately adjoining the development site) and no comments were received.

The blue stone cottage adjacent to the subject site is listed as a Heritage Item under the Bathurst Regional Local Environmental Plan 2014. The cottage is not within the proposed lease area and will therefore not be affected by the proposed development.

### **Chapter 11 Outdoor Lighting**

The proposed go-kart track will not operate after dark however it is likely that outdoor lighting will be installed for safety and security purposes. A condition will be imposed to ensure that any lighting installed complies with AS4282 "Control of the Obtrusive Effects of Outdoor Lighting".

### **Chapter 12 Signage and Colour Schemes**

No details of advertising signage have been submitted with the Development Application. A condition will be imposed to ensure that a further Development Application is lodged for any advertising signage not exempt under the Bathurst Regional Local Environmental Plan 2014.

### **Chapter 13 Landscaping and Greening**

The Mount Panorama precinct includes significant areas of Box Gum Woodland which is identified as a threatened ecological community.

A Vegetation Assessment has been submitted with the Development Application (see **attachment 5**). The Vegetation Assessment identifies the vegetation to be removed to make way for the proposed development and considers the impact that removal will have on the Box-Gum Woodland identified in the area. The Vegetation Assessment concludes that:

*No threatened or endangered flora or fauna are expected to inhabit the development area due to historical disturbance activities resulting in poor habitat. The development will not impact on threatened or endangered species. The development will slightly reduce the size of the Box-Gum Woodland found in the locality. The decrease in size is not expected to impact on the community in the locality. Plantings of native species endemic to the area in other locations of the site will off-set those trees proposed to be removed.*

The Vegetation Assessment makes the following recommendations:

*Native species endemic to the locality should be planted as off-sets to the tree removal. Off-set planting is recommended to occur at a minimum ratio of 1 native tree removed to 2 trees/shrubs planted.*

A condition will be imposed to require the submission of a detailed landscape plan prior to the issue of any Construction Certificates for works on the site. This landscape plan will need to incorporate the above off-set recommendation.

### **Chapter 14 Parking**

Plans for the proposed development indicate designated public car parking and spectator

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car parking areas. Council's DCP does not specify a rate of car parking provision for outdoor recreation facilities. The areas proposed are considered to be appropriately sized and located for the proposed use.

### Chapter 15 Crime Prevention

The Development Application was referred to NSW Police for evaluation under the Crime Prevention Through Environmental Design (CEPTED) protocol. NSW Police have confirmed in writing that they consider the proposed development to be "low crime risk". NSW Police have made recommendations for crime prevention measures on the site and these recommendations have been forwarded to the applicant for their consideration.

### General Assessment

#### Noise

It is noted that the applicant has submitted an amended Acoustic Assessment and amended plans indicating barriers at various locations around the proposed track. These barriers will be at least 600mm high and will be either tyre stacks or earth mounds. Calculated noise levels at the nominated receptors have been adjusted to accommodate the proposed barriers.

A total of 18 residential receptors have been identified in the vicinity of the development site. The table below lists these residences and their approximate distance from the development site.

Address	Approximate distance from proposed track
212 Mountain Straight	1400m
196 Mountain Straight	1200m
190 Mountain Straight	1200m
224 Mountain Straight	1100m
179 Mountain Straight	700m
163 Mountain Straight	1000m
447 Conrod Straight	800m
441 Conrod Straight	800m
457 Conrod Straight	850m
451 Conrod Straight	900m
453 Conrod Straight	750m
435 Conrod Straight	700m
448 Conrod Straight	950m
417 Conrod Straight	700m
428 Conrod Straight	1000m
404 Conrod Straight	850m
402 Conrod Straight	900m
280 Hen & Chicken Road	2850m

For the purposes of considering the impact of noise, use of the proposed go-kart track has been divided into two categories:

- Daily practice (7 days a week between the hours of 9.00am and 5.00pm); and
- Race Events (estimated to be 9 weekends or 18 individual race days annually).

#### Background Noise Level

Background noise was logged for a period of 7 days at two separate locations – 402 Conrod

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Straight and at 280 Hen & Chicken Lane. 402 Conrod Straight is approximately 900 metres from the proposed track and 280 Hen & Chicken Lane is approximately 2850 metres from the proposed track. These locations are considered representative of others in the locality and have been used as a basis for assessment as the existing background noise level is unlikely to be different at different locations.

The Industrial Noise Policy intrusiveness criterion states that for a source to generally be considered acceptable the Leq noise level from the activity should be no more than 5dBA above the background noise level (RBL) measured in the area.

The following table outlines the background noise levels established and the corresponding intrusiveness criteria.

Location	Rating Background Level (RBL)	Intrusiveness Criteria (background + 5dBA)
402 Conrod Straight	31dBA	36dBA
280 Hen & Chicken Lane	30dBA	35dBA

The intrusive criteria of 36 dBA has been adopted for all residential properties with the exception of 280 Hen and Chicken Lane where 35 dBA has been adopted.

#### Daily practice

It is anticipated that the maximum number of go-karts simultaneously using the track during a practice day would be 5 go-karts. The average is anticipated to be 3 go-karts.

The calculated noise levels for 5 go-karts are outlined in column 3 of the table below. Column 6 indicates the exceedance above the established Intrusiveness Criteria (background +5dBA).

Daily practice – $L_{Aeq(7am-6pm)}$ – 5 go-karts operating for a total of 40mins each in the day					
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Receptor Number	Address	Calculated Leq (7am-6pm) dBA	Background (RBL) dBA	Exceedance above Background Noise dBA	Exceedance above Intrusiveness Criteria (background +5dBA) dBA
1	212 Mountain Straight	9	31	0	0
2	196 Mountain Straight	11	31	0	0
3	190 Mountain Straight	16	31	0	0
4	224 Mountain Straight	14	31	0	0
5	179 Mountain Straight	23	31	0	0
6	163 Mountain Straight	22	31	0	0
7	447 Conrod Straight	22	31	0	0
8	441 Conrod Straight	22	31	0	0
9	457 Conrod Straight	15	31	0	0
10	451 Conrod Straight	15	31	0	0
11	453 Conrod Straight	18	31	0	0

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12	435 Conrod Straight	20	31	0	0
13	448 Conrod Straight	18	31	0	0
14	417 Conrod Straight	22	31	0	0
15	428 Conrod Straight	28	31	0	0
16	404 Conrod Straight	30	31	0	0
17	402 Conrod Straight	29	31	0	0
18	280 Hen & Chicken Road	23	30	0	0

The above table demonstrates that during daily practice when a maximum of 5 go-karts are operating for a total of 40mins each and averaged over the entire daytime period, all 18 receptors comply with the typical background +5dBA criterion. Noise impact to all 18 receptors is predicted to be below the existing background noise level.

#### Race Events

It is anticipated that the maximum number of go-karts simultaneously using the track during a race day would be 32 go-karts. The average is anticipated to be 15 go-karts.

The calculated noise levels for the average 15 go-karts scenario are outlined in column 3 of the table below. Column 6 indicates the exceedance above the established Intrusiveness Criteria (background +5dBA).

Race Events – L <sub>Aeq(1hr)</sub> – 15 go-karts operating simultaneously for 40mins of the hour					
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Receptor Number	Address	Calculated Leq (7am-6pm) dBA	Background (RBL) dBA	Exceedance above Background Noise dBA	Exceedance above Intrusiveness Criteria (background +5dBA) dBA
1	212 Mountain Straight	15	31	0	0
2	196 Mountain Straight	17	31	0	0
3	190 Mountain Straight	22	31	0	0
4	224 Mountain Straight	21	31	0	0
5	179 Mountain Straight	29	31	0	0
6	163 Mountain Straight	28	31	0	0
7	447 Conrod Straight	28	31	0	0
8	441 Conrod Straight	28	31	0	0
9	457 Conrod Straight	21	31	0	0
10	451 Conrod Straight	21	31	0	0
11	453 Conrod Straight	25	31	0	0
12	435 Conrod Straight	26	31	0	0
13	448 Conrod Straight	24	31	0	0
14	417 Conrod Straight	28	31	0	0
15	428 Conrod Straight	34	31	3	0
16	404 Conrod Straight	36	31	5	0
17	402 Conrod Straight	35	31	4	0

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18	280 Hen & Chicken Road	29	30	0	0
----	------------------------	----	----	---	---

The above table demonstrates that:

- During race events when an average of 15 go-karts are operating simultaneously for 40mins each and assessed over a single hour, all 18 receptors comply with the typical background +5dBA intrusiveness criteria.
- During race events when a maximum of 15 go-karts are operating simultaneously between 9am and 5pm for 40mins each hour and averaged over the entire daytime period, all 18 receptors comply with the typical background +5dBA intrusiveness criteria.

The calculated noise levels for the maximum 32 go-karts scenario are outlined in column 3 of the table below. Column 6 indicates the exceedance above the established Intrusiveness Criteria (background +5dBA).

Race Events – $L_{Aeq(1hr)}$ – 32 go-karts operating simultaneously for 40mins of the hour					
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Receptor Number	Address	Calculated Leq (7am-6pm) dBA	Background (RBL) dBA	Exceedance above Background Noise dBA	Exceedance above Intrusiveness Criteria (background +5dBA) dBA
1	212 Mountain Straight	18	31	0	0
2	196 Mountain Straight	20	31	0	0
3	190 Mountain Straight	25	31	0	0
4	224 Mountain Straight	24	31	0	0
5	179 Mountain Straight	32	31	1	0
6	163 Mountain Straight	31	31	0	0
7	447 Conrod Straight	31	31	0	0
8	441 Conrod Straight	31	31	0	0
9	457 Conrod Straight	25	31	0	0
10	451 Conrod Straight	24	31	0	0
11	453 Conrod Straight	28	31	0	0
12	435 Conrod Straight	29	31	0	0
13	448 Conrod Straight	27	31	0	0
14	417 Conrod Straight	31	31	0	0
15	428 Conrod Straight	37	31	6	1
16	404 Conrod Straight	39	31	8	3
17	402 Conrod Straight	38	31	7	2
18	280 Hen & Chicken Road	32	30	2	0

The above table demonstrates that during race events when a maximum of 32 go-karts are operating simultaneously for 40mins each and assessed over a single hour, 15 receptors comply with the typical background +5dBA intrusiveness criteria and 3 receptors (428 Conrod Straight, 404 Conrod Straight & 402 Conrod Straight) are in exceedance with a maximum of 3dBA over the background +5dBA intrusiveness criteria at 404 Conrod

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Straight.

It should be noted that 32 go-karts is the maximum track capacity. It is not an average and it would not be a regular occurrence. This number would only be reached occasionally when, for example, State or National Title events are held. The maximum number would not be reached in every race at such an event. In many cases a race with that many competitors would be split into two to improve safety and give more track space.

An approach to noise management suggested in the EPA Noise Guide for Local Government as a way of managing offensive noise issues where the noise level from an individual event exceeds the standard background + 5dB criterion is to apply an annual events ratio, that is, a reduction factor to the allowable number of events that increases as the exceedance over background increases. In principle, the higher the noise levels, the lower the allowable number of events. Using this approach to noise (the EPA Noise Guide) the annual event days would be limited to 25 per calendar year. It is considered appropriate to limit the number of race events to 18 per calendar year as this is the maximum number nominated by the applicant.

#### *Cumulative Noise Impact*

The Mount Panorama Motor Racing Act 1989 permits a maximum of five full track closure motor racing events in a calendar year. There is no limitation on the number of partial track closures for motorsport events in a calendar year.

Other motorsport activities undertaken on Mount Panorama include:

- Motor Cross Track (e.g. Panorama Motorcycle Club) – generally 8 individual days annually.
- Partial Track Closures (e.g. Bathurst Light Car Club – Hillclimb/Descent) – generally 9 individual days annually.
- Full Track Closures (e.g. Bathurst 12 Hour, Bathurst Motor Festival, Bathurst 1000) – generally 11 individual days annually.

Due to the potential for cumulative noise from multiple events a condition will be imposed to prohibit the use of the go-kart track during full track closure motor racing events on the Mount Panorama Racing Circuit, when the Motor Cross track is in use or when there are partial track closures for motor sport events on the Mount Panorama Racing Circuit.

These other motorsport activities undertaken on Mount Panorama operate largely without any form of noise regulation.

#### Submissions

The Development Application was notified to 41 property owners who reside on or own land in the immediate vicinity of Mount Panorama (including property owners adjacent to the site on Hen & Chicken Lane). The Development Application was notified between 12 June 2015 and 22 June 2015. During the notification period a total of four (4) submissions were received. A Discussion Forum was held at Council's Policy Committee Meeting on 5 August 2015.

A further submission was received from Mr Swan after the Discussion Forum.

The table below summarises the issues raised in the submissions.

Name	Issues
------	--------

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Mr J N Swan (Mount Panorama Residents Committee)	<ul style="list-style-type: none"> <li>- Accuracy of noise tests and discrepancy between PKA results and Wilkinson Murray results.</li> <li>- The PKA report fails to consider cumulative noise burden of go-kart track and other motorsport events on Mount Panorama.</li> <li>- Lack of consultation with affected landowners.</li> </ul>
Mr M Cordato & Ms C Goldsworthy	<ul style="list-style-type: none"> <li>- Cumulative noise burden of go-kart track and other motorsport events on Mount Panorama.</li> <li>- Discrepancy between hours of operation in documents and in Acoustic Assessment.</li> <li>- The Acoustic Assessment fails to account for tonality and impulsiveness.</li> <li>- Other motor sport activities on Mount Panorama have not been accounted for.</li> <li>- Health and safety of residents and public cannot be evaluated based on information available.</li> </ul>
Mr D Dickenson	<ul style="list-style-type: none"> <li>- Benefit of proposed track is overstated given that it is only available to club members.</li> <li>- Definition and permissibility of proposal.</li> <li>- Noise output has been modelled using unqualified input.</li> <li>- Potential for noise modelling to be wrong.</li> <li>- Solutions such as reducing the number of events and introducing noise barriers.</li> </ul>
Mr K & Mrs C Burgess	<ul style="list-style-type: none"> <li>- Noise impact.</li> </ul>
Mr J N Swan (subsequent submission)	<ul style="list-style-type: none"> <li>- The Acoustic Assessment is questionable as there has not been a 50% reduction in noise from go-karts.</li> <li>- The Acoustic Assessment fails to examine the total cumulative noise levels from other motor sport events at Mount Panorama.</li> <li>- An independent acoustic assessment needs to be undertaken.</li> </ul>

See submissions at [attachment 6](#).

The issues raised in relation to noise have been addressed earlier in this report. An acoustic assessment has been lodged with the application. The assessment has been reviewed by staff. It indicates that the development meets the intrusive criteria in all respects except for 3 receptors on race days only (when 32 go-karts are racing). Whilst it is unlikely that each race will include 32 go-karts, the EPA Noise Guide for Local Government suggests offsetting the exceedance by limiting the number of race day events. This has been recommended.

In terms of concerns over a lack of consultation, the application has been referred to 41 property owners who reside on or own land in the immediate vicinity of Mount Panorama, including property owners adjacent to the site on Hen & Chicken Lane.

### Conclusion

Council has received a Development Application (DA) for a recreation facility (go-kart track) at McPhillamy Park, Brocks Skyline, Mount Panorama. The Development Application proposes a 950 metre long go-kart track and associated pit area, general parking area and competitor parking area ("paddock"). The subject site is zoned SP3 Tourist and RU2 Rural Landscape (Lot 1, DP 700629 only) under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. The proposal is defined as a recreation facility (outdoor). A recreation facility (outdoor) is permissible with consent in the SP3 Tourist and RU2 Rural Landscape zone. Development Application was notified and a total of four (4) submissions were received. The Acoustic Assessment submitted with the application concludes that during race events when a maximum of 32 go-karts are operating 15 receptors comply with the typical background +5dBA intrusiveness criteria and 3 receptors (428 Conrod Straight, 404 Conrod Straight & 402 Conrod Straight) are in exceedance with a maximum of 3dBA over the background +5dBA intrusiveness criteria at 404 Conrod Straight. The exceedance

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is offset by limiting the number of individual race day events as suggested in the EPA Noise Guide for Local Government. No exceedances will occur during daily practice sessions where a maximum of 5 go-karts are on the track at any one time.

The application is therefore recommended for approval.

**Financial Implications:** Nil.

**Bathurst 2036 Community Strategic Plan - Objectives and Strategies**

- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

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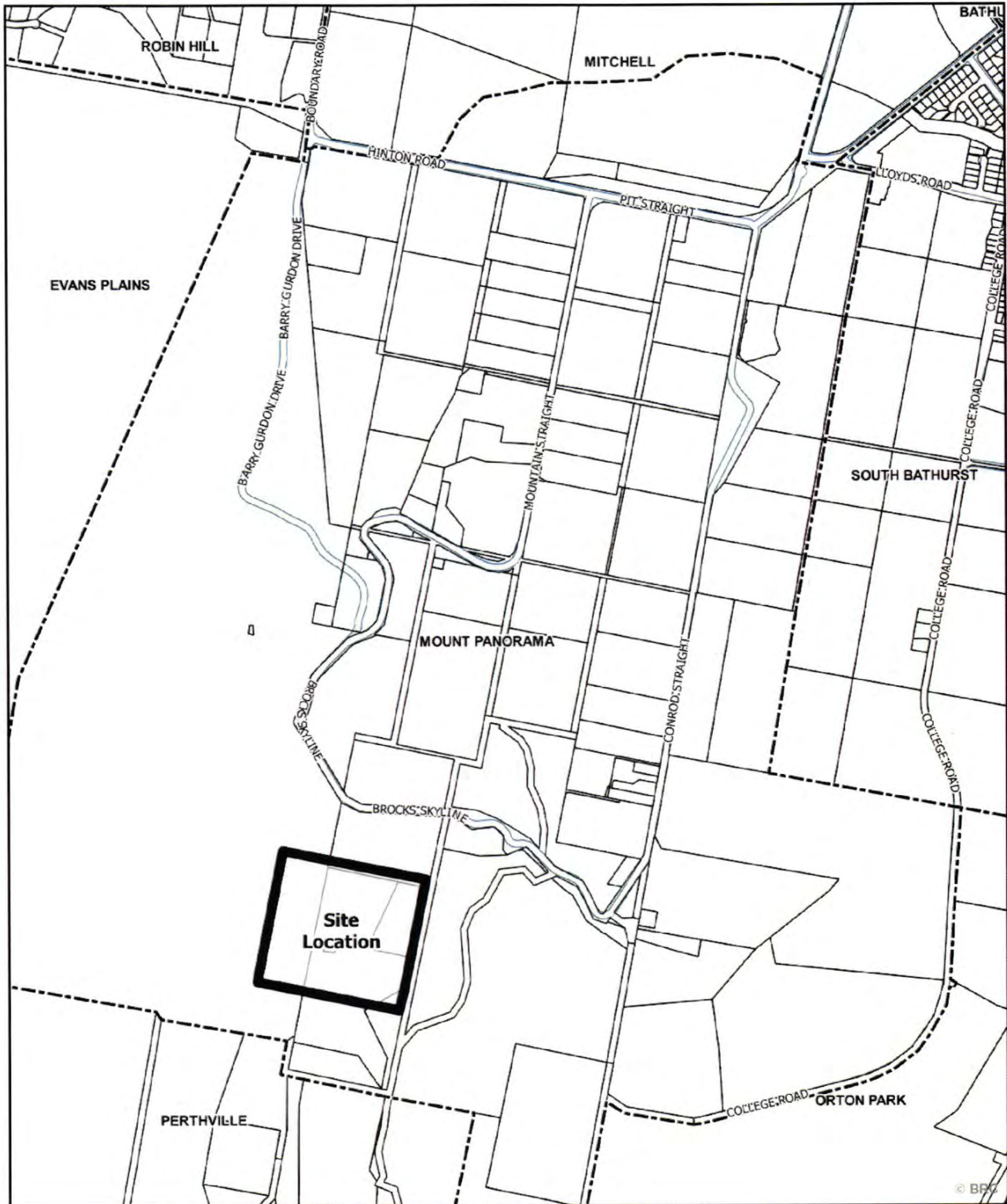
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**BATHURST REGIONAL COUNCIL**  
 Bathurst Regional Council  
 158 Russell Street  
 Bathurst  
 NSW  
 2795  
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**Important Notice!**  
 This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.  
 Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or other consequence which may arise from any person relying on information contained in this Plan.  
 Note: The colours on this Plan do not indicate lot/lease zones under the Bathurst Regional Local Environment Plan 2014.  
 This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geodetic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD) heights. For most practical purposes GDA94 coordinates and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

Aerial  
 Photography: April 2013  
 Contour  
 Interval: ...  
 Projection: MGA94 Zone 55  
 Cost: ...  
 Date: 16/07/2015  
 Drawn By: GIS Section

**Location Plan for  
 DA 2015/0196**  
**Mount Panorama NSW 2795**  
 Map Scale: 1:15,000 at A4

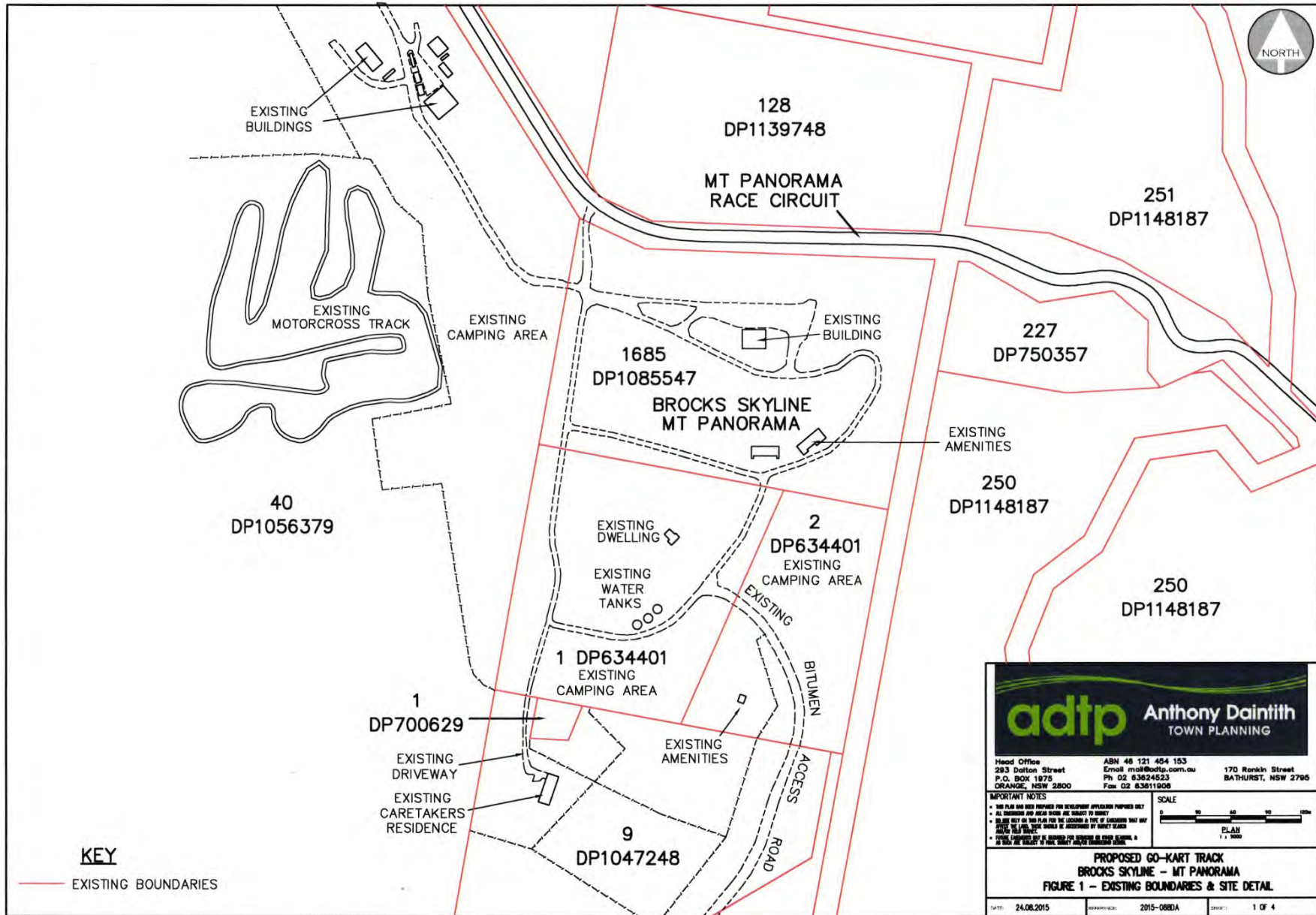
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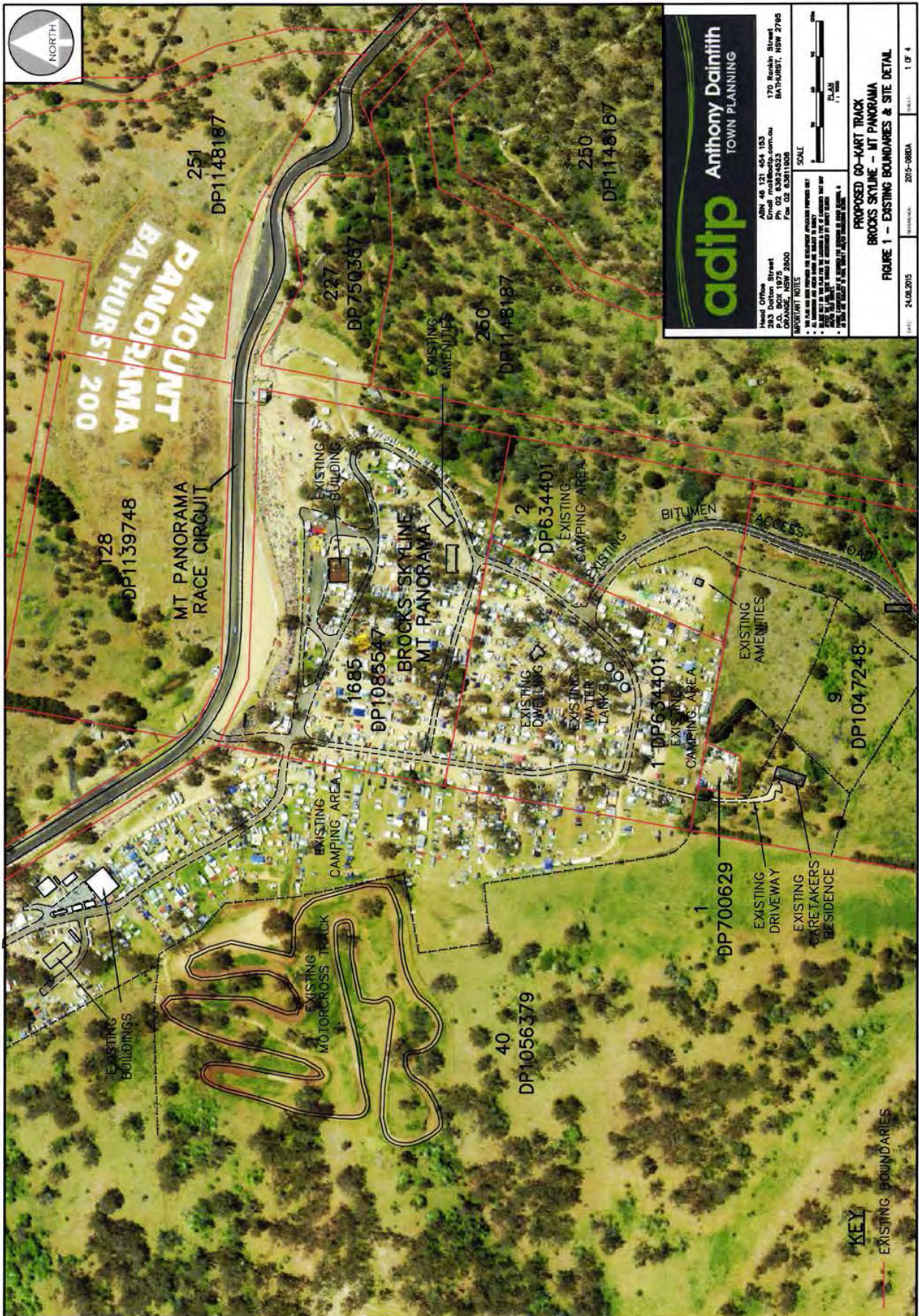
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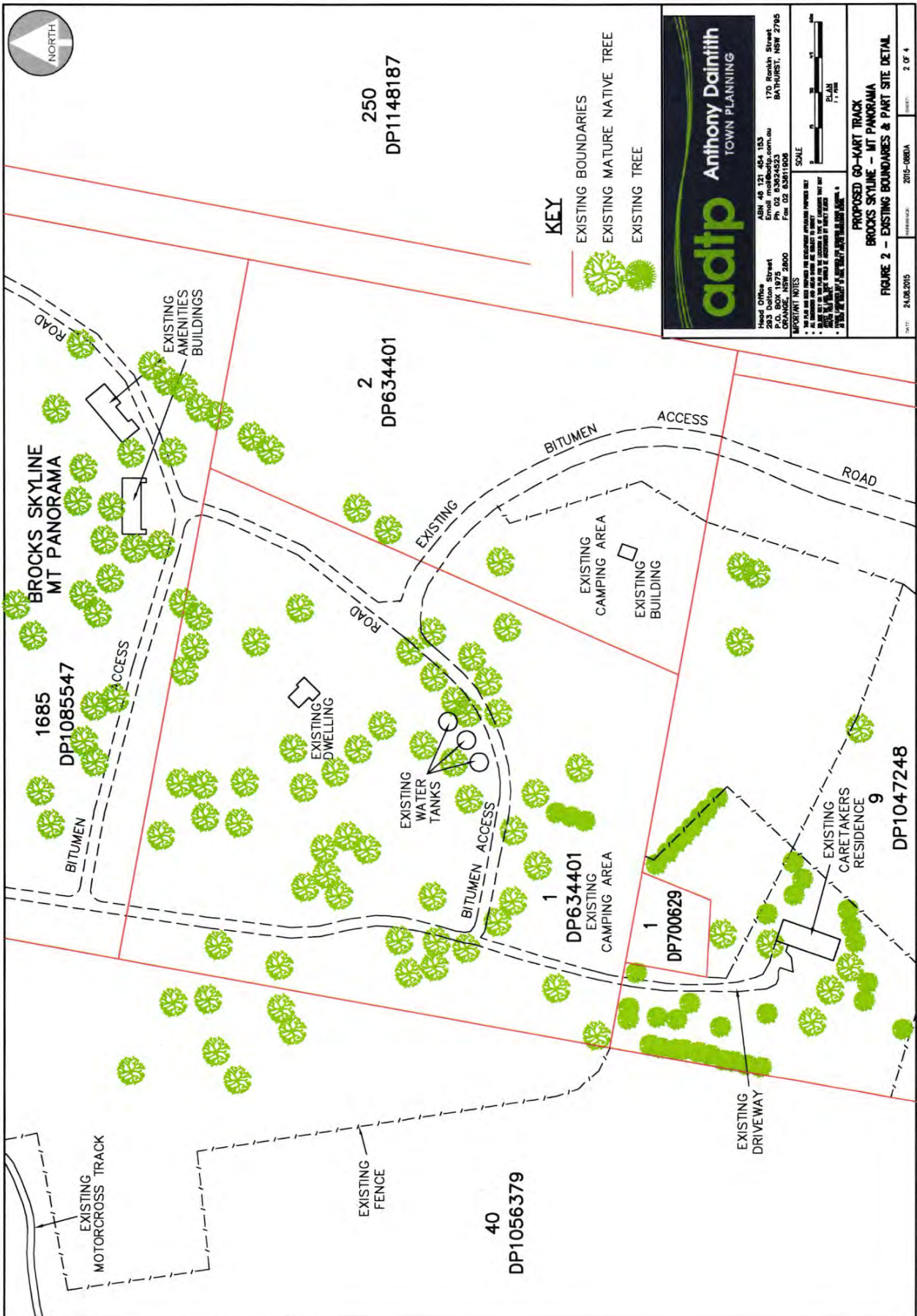
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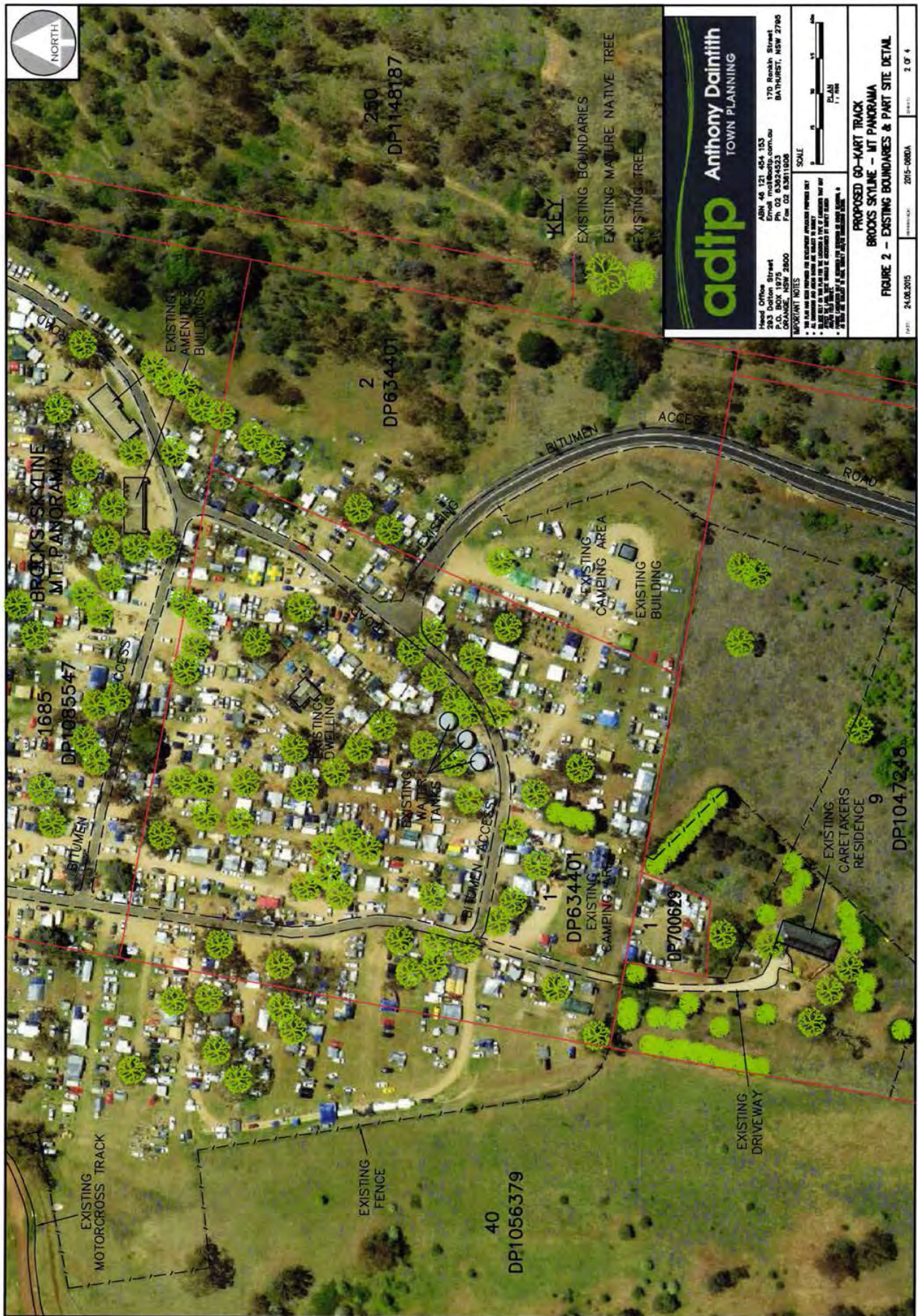
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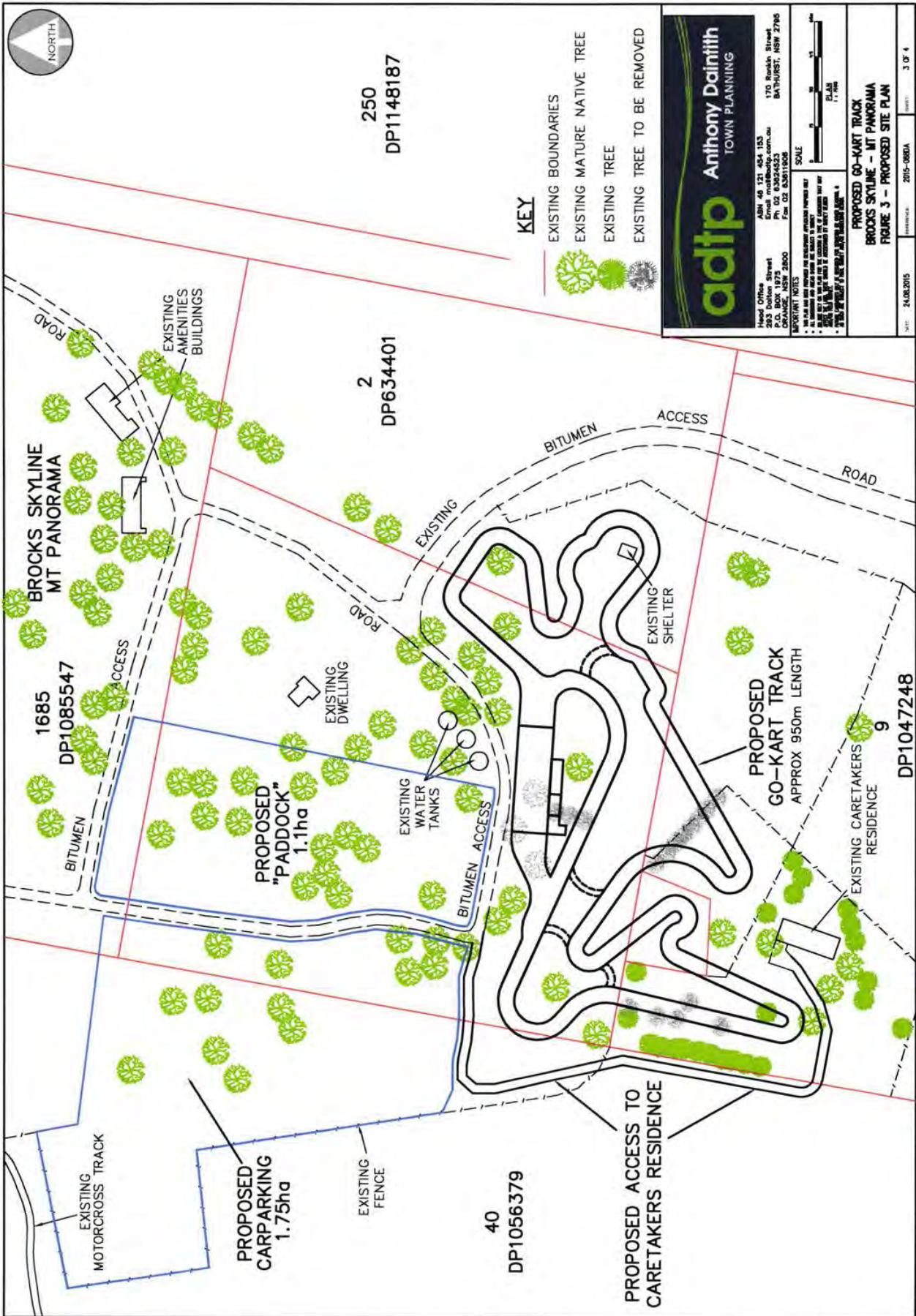
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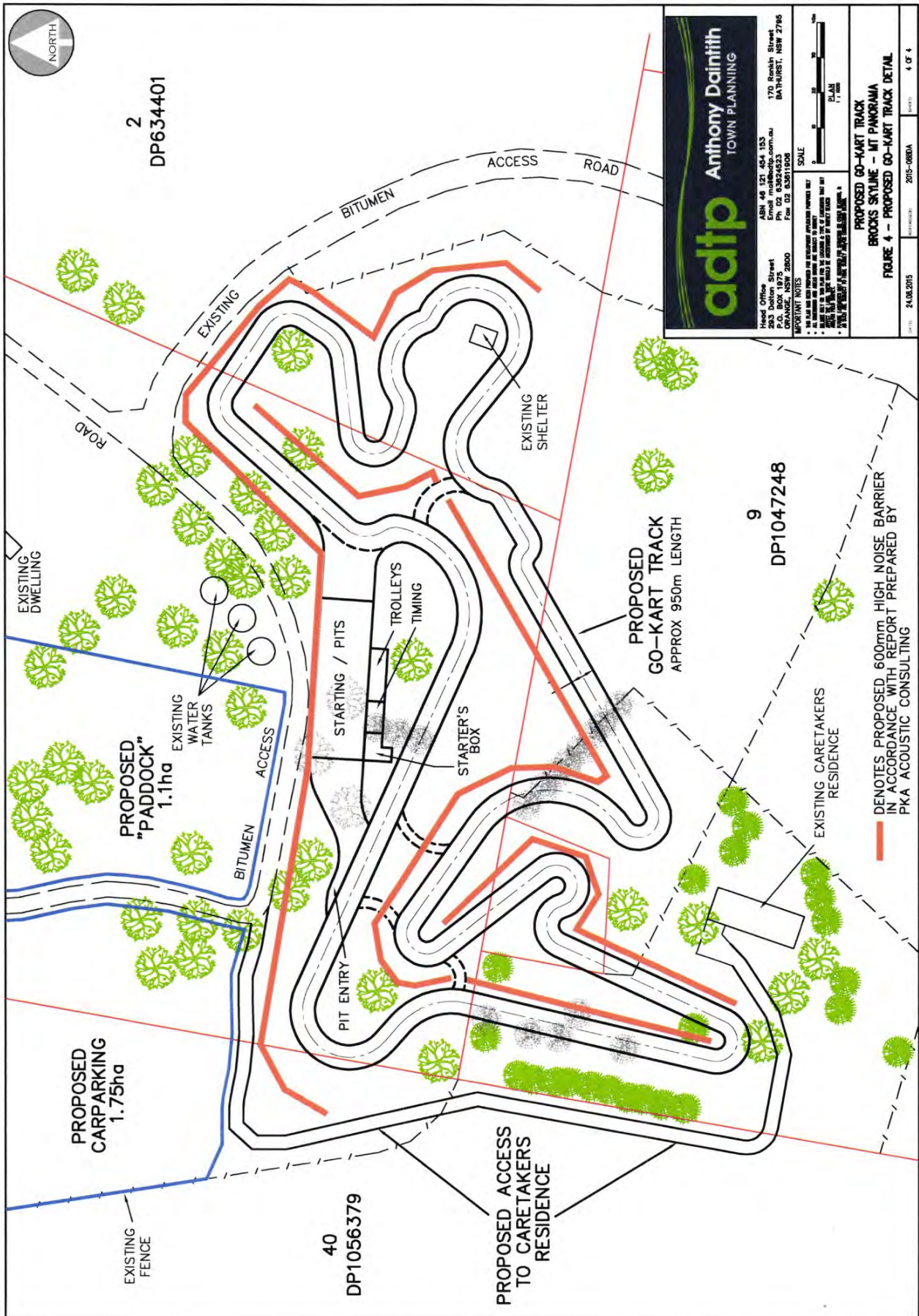


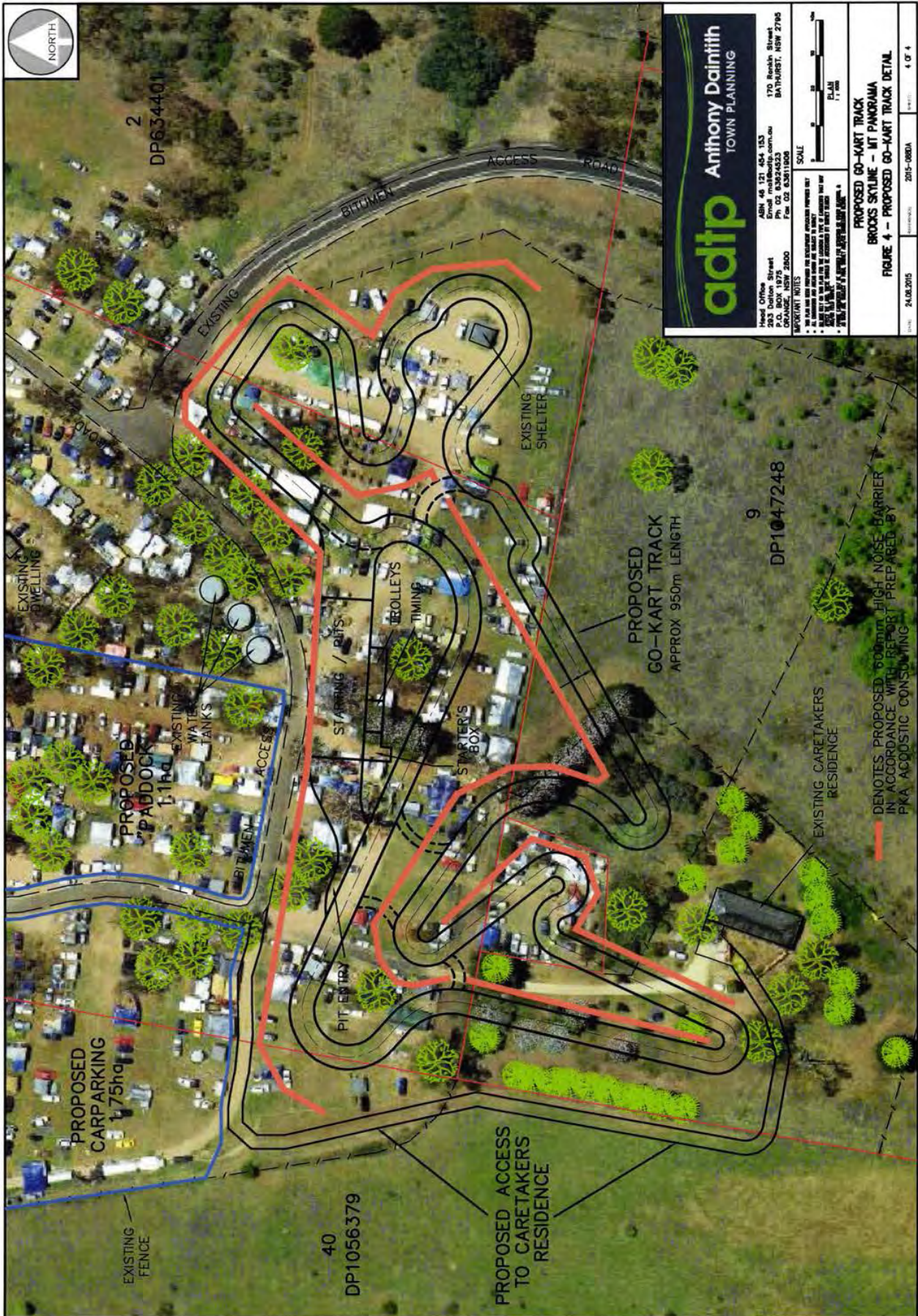












# STATEMENT OF ENVIRONMENTAL EFFECTS

Prepared for:

**Bathurst Kart Club**

Development:

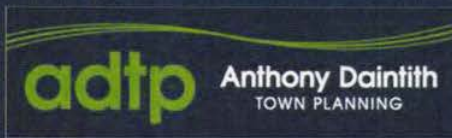
**Recreation Facility  
(Go Kart Track)**

Address:

**Brocks Skyline, Mount Panorama  
Lot 1 DP 634401, Lot 2 DP 634401, Lot  
1 DP 700629, Lot 9 DP 1047248, Lot 40  
DP 1056379 and Lot 1685 DP 1085547**

Date:

**30 May 2015**



ABN 46 121 454 153  
170 Rankin Street, Bathurst  
293 Dalton Street, Orange  
PO Box 1975, Orange NSW 2800  
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F: (02) 63611906  
E: [mail@adtp.com.au](mailto:mail@adtp.com.au)  
W: [www.adtp.com.au](http://www.adtp.com.au)





**DESCRIPTION:** Recreation Facility (Outdoor) - Go kart track

**CLIENT:** Bathurst Kart Club

**Anthony Daintith Town Planning Pty Ltd**

**ABN 46 121 454 153**

**ACN 121 454 153**

Contact: 170 Rankin Street, Bathurst  
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#### QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

Version	Date	Description	By
1.0	23/3/2015	Draft	AD
2.0	30/5/2015	Approved	AD

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This document has been authorised by

  
\_\_\_\_\_  
Anthony Daintith (Principal)  
Date: 30 May 2015



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**Proposal: Recreation Facility (Go kart track)**  
**Brocks Skyline, Mount Panorama**

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## 1 BACKGROUND

### 1.1 INTRODUCTION

Bathurst Kart Club has engaged Anthony Daintith Town Planning (ADTP) to prepare a Statement of Environmental Effects (SOEE) to support a Development Application to be lodged with Bathurst Regional Council, for a proposed recreation facility (go kart track) at the top of Brocks Skyline, Mount Panorama.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Completed DA form;
- Statement of Environmental Effects;
- Noise Impact Assessment (PKA Acoustic Consulting);
- Site Plans.

### 1.2 APPLICANT AND OWNER

The applicant is Bathurst Kart Club C/- Anthony Daintith Town Planning.

The registered owner of the subject land is Bathurst Regional Council. The owner has provided their written consent to the lodgement of the Development Application.



## 2 SUBJECT LAND

### 2.1 LOCATION AND TITLE

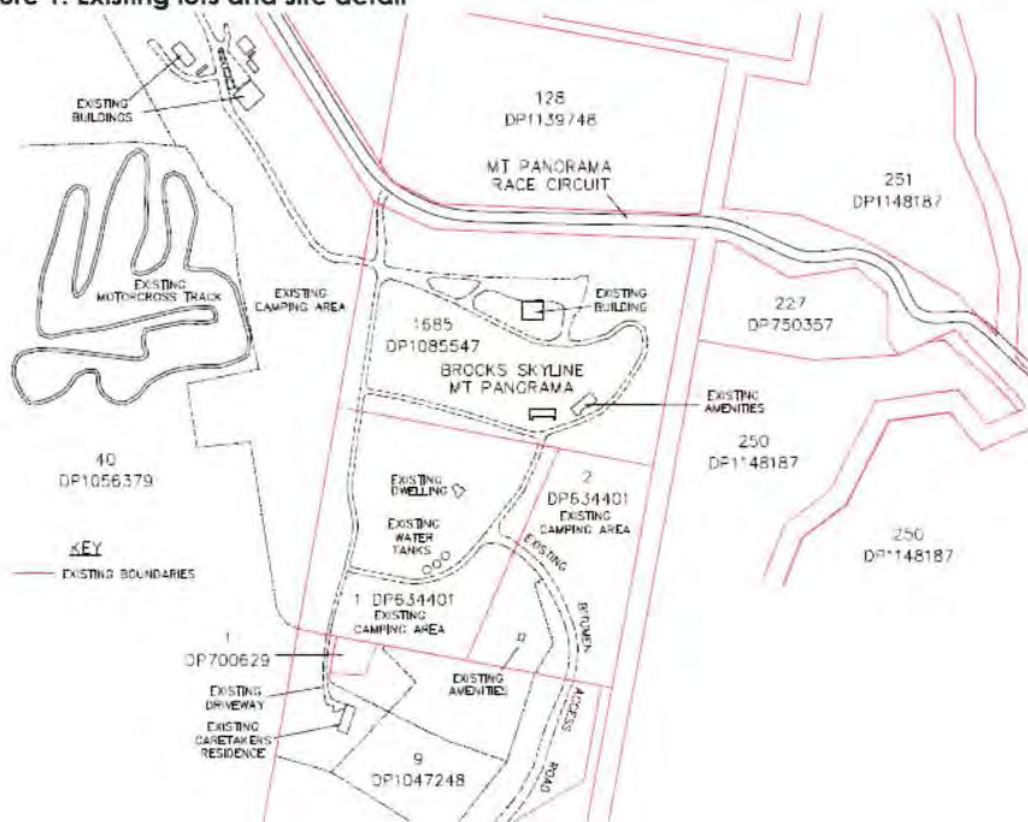
The subject land is located on Brocks Skyline. Refer to **Figures 1 & 2** which depicts the site within the locality.

The land title description is:

**Table 1: Lot Description**

Lot	Deposited Plan
1	634401
2	634401
1	700629
9	1047248
40	1056379
1685	1085547

**Figure 1: Existing lots and site detail**







## 2.2 GENERAL SITE DESCRIPTION

### Topography

The site of the track is relatively level and falls away from the centre of the site.

### Vegetation

There is a large section of the site cleared of vegetation and the remainder of the site has scattered eucalypt and pine species.

### Waterways

There are no water courses traversing the site.

### Buildings

The site contains an existing dwelling. There is also a number of communication towers on the site.

**Photos 1 - 4** provide a visual representation of the property.



Figure 2: Locality Plan





Figure 3: Aerial Photo



### 2.3 NEIGHBOURING LAND USES

Surrounding land uses from the proposed development include:

- Mount Panorama Racing track
- Mount Panorama Motocross track
- Councils Landfill
- Dwellings on Mount Panorama
- Grazing and rural land uses



Photo 1: Looking towards the eastern portion of the site



Photo 2: Middle portion of the site





Photo 3: Southern portion of the site



Photo 4: Existing infrastructure to be removed





### 3 PROPOSAL

It is proposed to construct a "recreation facility (go kart track)" on the subject land. The proposed facility includes the following features:

- The go-kart track would be 950m long.
- The track will be constructed in asphalt (also including earthworks and drainage works).
- It is proposed to operate 7 days a week, opening hours being 9.00am to 5.00pm.
- The site will not be open to the general public.
- The Bathurst Kart Club Inc. is an affiliate of the Australian Karting Association.

#### Daily Practise

The go-kart track can be used daily for practise sessions. It is expected that a maximum of 5 go-karts would be accessing the track on any given day (more than likely a maximum of 3 go-karts using the track simultaneously).

#### Race Events

It is proposed that there would be up to nine (9) race event weekends (with 3 to 4 events to be held in school holidays) – therefore a potential for 18 individual race days.

However, it is more likely that three (3) of these meetings would be two day events (so the total days would be more likely closer to 12 individual race days).

It is expected that a maximum of 32 go-karts could use the track simultaneously, however as few as 5 go-karts may race together. It is expected that throughout the day an average of 15 go-karts would race together.

There would be on average 80-100 competitors per meeting.

Refer to development plans for greater detail.



Figure 4: Proposed Site Plan





## 4 TOWN PLANNING CONSIDERATIONS

In determining the application, Council must take into consideration the relevant matters under Section 79C (1) of the *Environmental Planning and Assessment Act, 1979*.

### 79C Evaluation

#### (1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (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
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates;
- (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;
- (c) the suitability of the site for the development;
- (d) any submissions made in accordance with this Act or the regulations; and
- (e) the public interest.





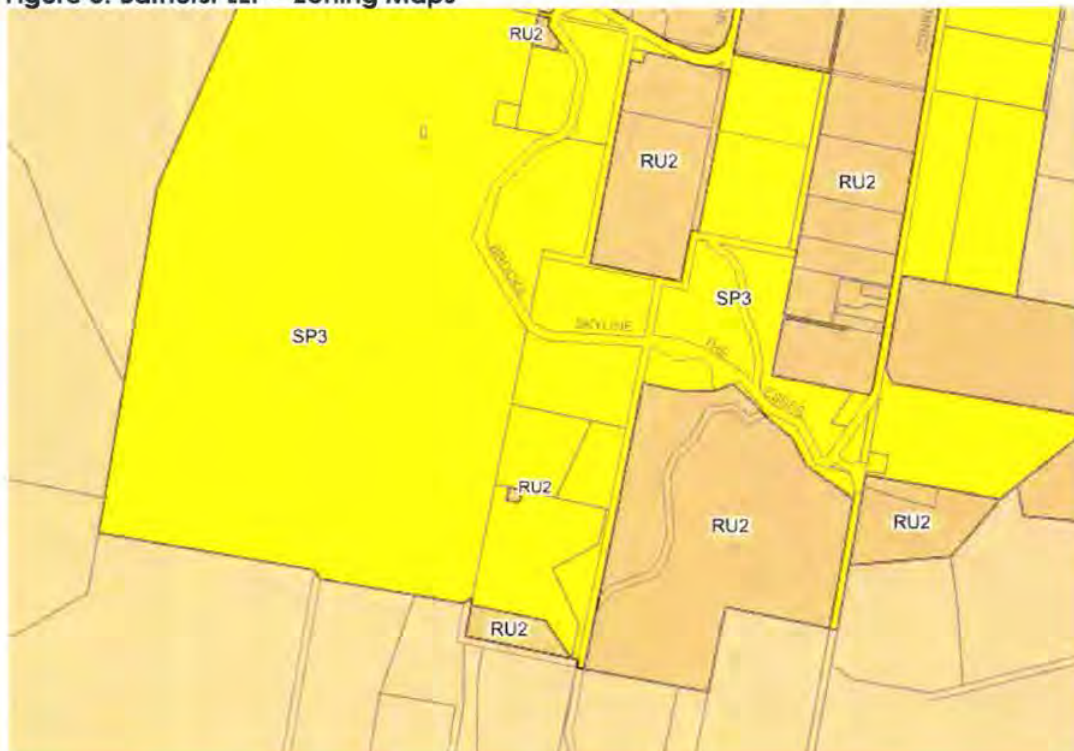
## SECTION 79(C) ASSESSMENT

### (a)(i) The provisions of any environmental planning instrument

#### LOCAL ENVIRONMENTAL PLANS

#### BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014

Figure 5: Bathurst LEP – Zoning Maps



#### **Zone SP3 Tourist**

##### 1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.
- To provide regional open space, tourism and recreation opportunities within the city of Bathurst.
- To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.
- To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.

##### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

##### 3 Permitted with consent

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Cellar door premises; Food and drink premises; Kiosks; Light industries; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Tourist and visitor accommodation; **Any other development not specified in item 2 or 4**

4 Prohibited

Amusement centres; Cemeteries; Child care centres; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

There is a very small lot within the overall area that is zoned RU2 Rural Landscape.

**Zone RU2 Rural Landscape**

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage development that enhances Mount Panorama as an international motor racing circuit.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Agricultural produce industries; Cellar door premises; Dwelling houses; Farm buildings; Food and drink premises; Home industries; Kiosks; Markets; Plant nurseries; Secondary dwellings; **Any other development not specified in item 2 or 4**

4 Prohibited

Amusement centres; Cemeteries; Child care centres; Commercial premises; Crematoria; Depots; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Places of public worship; Residential accommodation; Respite day care facilities; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

Comment

The subject land is zoned SP3 Tourist and RU2 Rural Landscape under the LEP as depicted in **Figure 5**.



The proposed development is permissible via the lodgement of a Development Application.

Recreational facilities (outdoor) are permissible with consent in both zones.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

There are no anticipated detrimental impacts on the environment anticipated as a result of the proposed development of the site.

The development will be connected to all available services.

**Table 2: Objectives of the zone**

Objective	Comment
To provide for a variety of tourist-oriented development and related uses.	The proposed go kart track will attract competitors from all over Australia to Bathurst which will have a significant positive impact on the local economy.
To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.	The proposed go kart track will complement the existing Mount Panorama Motor Racing Circuit. This will enhance the Mount Panorama precinct as an international motor racing destination.
To provide regional open space, tourism and recreation opportunities within the city of Bathurst.	The proposed go kart track as discussed will provide recreational opportunities not just for the local karting community but for competitors from all over Australia (and the obvious tourism benefits for the Bathurst economy).
To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.	There is no doubt that the proposed go kart track will complement the motor racing and associated activities on Mount Panorama. The calendar of events for the proposed go kart track will be developed in consultation with the other events held on Mount Panorama to ensure that there is no conflicting events.
To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.	The proposed go kart track will be developed in such a manner to be sympathetic to the existing landscape – the track is essentially within a cleared area at the top of the Mount and there will be minor tree removal (Council staff have identified which trees are to be retained. The visual impact would be minimal.



## 7.6 Mount Panorama environs

- (1) The objectives of this clause are as follows:
- (a) to ensure development in and around the Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor racing and related events,
  - (b) to ensure the future of Mount Panorama as an international motor racing circuit.
- (2) This clause applies to land identified as "50 dBA" on the Mount Panorama Environs Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:
- (a) whether the development will result in an increase in the number of dwellings or land uses identified by the consent authority as sensitive noise receivers exposed to noise and other land use conflicts from motor racing and associated events, and
  - (b) whether noise impacts from motor racing and associated events are mitigated by or minimised by the design, siting or construction of the development to ensure that the amenity of the development is not adversely affected.

### Comments

The proposed go kart track will complement the existing motor racing activities on Mount Panorama. There is no residential development component with the proposed development.

There is no requirement to modify the proposed go kart development as a result of the existing motor racing circuit on Mount Panorama.

### **STATE ENVIRONMENTAL PLANNING POLICYS**

#### **STATE ENVIRONMENTAL PLANNING POLICY No 55—REMEDICATION OF LAND**

Council must consider Clause 7 of the SEPP when determining a Development Application:

- 7 Contamination and remediation to be considered in determining development application**
- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and



- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The potential for contamination appears minimal. This is based upon an inspection of the site.

In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

### (a)(ii) Any draft environmental planning instrument

There is no known draft Environmental Planning Instruments applicable to this proposed development.

### (a)(iii) Any development control plan

#### BATHURST DCP 2014

Following is an assessment of the relevant parts of the Bathurst DCP 2014:

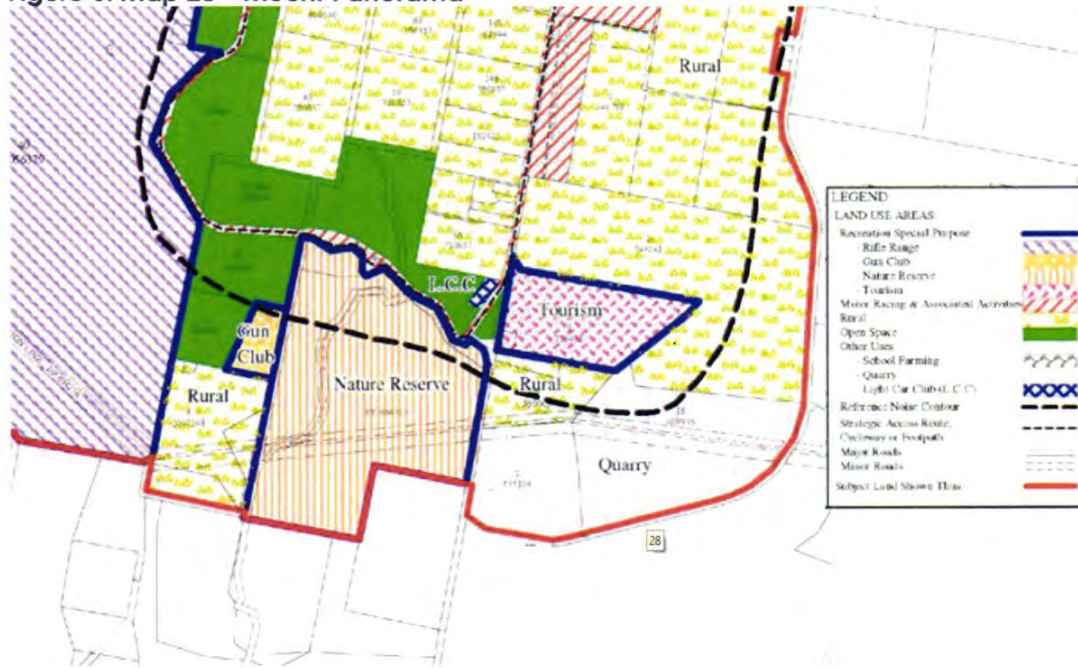
Clause	Heading	Comment
8.1	Preliminary	Map 28 Mount Panorama applies to the subject land. It is considered that the proposed go kart track will provide recreational facility that is complementary to the Mount Panorama racing track and Motorcross facility.
8.2	Use of land	The proposed go-kart track is permissible with consent in the zone.  Map 28 indicates a range of land uses for the site of the proposed go-kart track: <ul style="list-style-type: none"> <li>• Open space</li> <li>• Gun club</li> <li>• Rural</li> </ul>



		The proposed go kart track is clearly different to these uses and accordingly is considered no longer relevant to this part of Mount Panorama.
8.3	Subdivision of land	No subdivision proposed.
8.4	Noise Reference Contour	No dwellings proposed.
8.5	Special provisions	<p>The Go-kart proposal is considered complementary to the Mount Panorama Motor Racing Circuit and will only improve "Mount Panorama" as an international venue for motor sport.</p> <p>The development will not place at risk the safety of any person/s when the circuit is being used for motor speed contests.</p>
9.1	Preliminary	Applies to all land in the LGA.
9.2	Land Resources	No issues with respect to steep slopes, soil salinity, and removal of native vegetation (undertaken in accordance with Council staff), permanent inundation and rock outcrops have been identified on the site.
9.3	Riparian Land and Waterways	No waterways traverse the site.
9.4	Biodiversity	<p>The site of the proposed development is currently used as open space / car parking / dwelling house.</p> <p>The location is likely to be comprised of White Box, Yellow Box, Blakely's Red Gum Woodland (Box-Gum Woodland). There is also reported to be Tablelands Basalt Forest in that area. Both vegetation communities are Endangered Ecological Communities.</p> <p>There will be a small number of trees removed to facilitate the construction of the go kart track, however the trees removed have been identified and considered in consultation with Councils Parks and Gardens Department staff.</p>
9.5	Groundwater	It is considered that the proposed development on the site will not have an adverse impact on groundwater.
9.6	Flooding	Not applicable.
9.7	Bushfire Prone Land	Not applicable. The operators will have appropriate fire protection measures installed as part of the operations if the track.
9.8	Flora and Fauna Surveys	Not considered necessary for this development on extensively disturbed and developed lands. As noted above, any tree removal has been discussed with Council staff.
9.9	Sustainable Building Design and Energy Efficiency	It is proposed to utilise the existing dwelling and then bring in portable buildings when necessary.
14	Car parking	There is significant car parking provided within the existing car parking areas on the site (refer to the site plan that identifies a "Car parking" and "Paddock" area of 1.75ha and 1.1ha respectively). The combined area is more than adequate to cater for any event proposed as part of the development.



Figure 6: Map 28 – Mount Panorama



**(a)(iia) Any Planning Agreements**

There are no known planning agreements affecting the property.

**(a)(iv) Any matters prescribed by the regulations:**

There are no prescribed matters particularly relevant to this proposal.

**(b) The likely impacts of the development:**

**CONTEXT AND SETTING**

Surrounding land uses from the proposed development include:

- Mount Panorama Motor Racing track
- Mount Panorama Motocross track
- Councils Landfill
- Dwellings on Mount Panorama
- Grazing and rural land uses

The proposed development would not be visually dominant when viewed from surrounding lands and roads as it would be largely follow existing topography and further shielded from view by the existing and future landscaping surrounding the subject site. In this regard the development would not visually dominate and is consistent with LEP zoning. The proposed go kart track would be constructed in asphalt.

Proposal: Recreation Facility (Go kart track)  
Brock's Skyline, Mount Panorama



It is considered that the proposal is within the context of the locality and is compatible with the surrounding area and will have minimal impact in regards to:

- Adjacent properties;
- Adjoining land uses;
- Overshadowing; and
- Views and vistas.

### **ACCESS AND TRANSPORT**

Access to the land will be directly off Brocks Skyline via an existing bitumen sealed road.

The Road and Traffic Authority's Guide to Traffic Generating Developments provides traffic generation rates for various developments ranging from residential subdivisions, medium density developments, commercial premises to recreation and tourist facilities.

The RTA's guide states that

*...recreational and tourist facilities are site and type specific in their operation and traffic generation, often with seasonal variations in usage. Ideally, analysis of proposed developments should be based on surveys of similar developments.*

The proposed development is not expected to generate significant volumes of vehicular traffic on a regular basis. During the week (i.e. practice sessions), may only attract up to 5 users at any given time.

There is significant car parking provided within the proposed car parking areas on the site (refer to the site plan). Competitors will park their trailers and vehicles adjacent to the track in both the car parking area and "paddock" area. This has a combined area of 2.85ha which will be more than sufficient to cater for any event likely to be held on the site.

### **PUBLIC DOMAIN**

It is considered that the development will have a negligible impact on the public domain in terms of:

- The go kart track is promoting recreational opportunities in the locality,
- Amount, location, design, use and management of public spaces in and around the development.
- Pedestrian linkages and access between the development and public areas.





It is unlikely that the proposed development would have an adverse impact on the nearby dwellings (refer to Noise Study). The primary impact would be from an increase in traffic and noise generated from the development. Use of the facility would be restricted to 9am to 5pm.

The retention of the vegetation where possible on the site will assist in minimising impact to the surrounding development.

### **UTILITIES & SERVICES**

The subject site has access to limited services. However, no addition to these services is required as a result of the proposed development. It is proposed to utilise the existing dwelling and bring in portable buildings/portaloos on an as needs basis.

### **HERITAGE**

There are no listed heritage items on the subject land. The land is outside of the Bathurst Heritage Conservation Area.

### **WASTE**

The main waste generated from the development would be litter that would be collected and disposed of through the existing Council collection and disposal system. Additional waste bins are proposed to be installed at the site and maintenance of the site including litter collection would be undertaken by Bathurst Kart Club.

### **FLORA AND FAUNA**

The location is likely to be comprised of White Box, Yellow Box, Blakely's Red Gum Woodland (Box-Gum Woodland). There is also reported to be Tablelands Basalt Forest in that area. Both vegetation communities are Endangered Ecological Communities. It is noted that the area is highly modified in this location.

There will be a small number of trees proposed to be removed to facilitate the construction of the go kart track. However the trees removed have been identified and considered in consultation with Councils Parks and Gardens Department staff. The proponent is happy to work with Council staff where practical to make changes to the track to reduce any potential impacts.

There is existing trees planted around the site that provides visual relief from surrounding lands.



## ENERGY

A BASIX certificate is not required in this instance.

## NOISE AND VIBRATION

Refer to the Noise Study prepared by PKA Consulting for the proposed go kart track for greater information. The Report includes the following discussion:

### 7 DISCUSSION

The noise modelling results in Section 6 show that the 3 receptors on Conrod Straight (402, 404 & 428) will experience noise that exceeds the typical background + 5dBA criterion from the proposed go-kart track operations. Noise mitigation options are presented below for consideration.

#### 7.1 NUMBER OF GO-KARTS RACING SIMULTANEOUSLY

In Table 6.2.3 we have calculated a maximum of 32 go-karts operating simultaneously. Limiting the number of go-karts operating at any one time will reduce the noise levels over a 1 hour period as follows:

Vehicles Circulating At Any One Time	Noise Reduction With Respect To 32 Vehicles dBA
32	0
25	-1
20	-2
15	-3
10	-5
5	-8
3	-10
1	-15

Table 7.1: Noise Reduction Due To Number of Go-Karts On Track

#### 7.2 NOISE BARRIERS

Go-karts have their exhausts positioned at near ground level facing out and therefore barriers have the potential to provide noticeable noise shielding when placed in close proximity to the track. PKA have undertaken preliminary calculations and determined that between 3-5dBA of noise could be reduced at the Conrod Straight receptors if noise mounds/barriers with a minimum 2m height were constructed along sections of the track. Further investigation would be required to determine the practical locations and height of the noise mounds/barriers to then calculate the expected noise reduction achieved at the receptors.

#### 7.3 NOISE MONITORING

During the inaugural race event an acoustic firm could be commissioned to perform a live noise monitoring survey to provide the actual noise impacts to the sensitive receptors and help to confirm/refine the noise impact predictions entailed in this report for future race events.



#### 7.4 OPERATING HOURS

The proposed operating hours are 9am to 5pm. PKA have assessed these operations per hour LAeq(1hr) and also over the entire daytime period LAeq(7am-6pm). Any adjustments to the proposed operating hours would not affect the hourly assessment however there is the potential to increase or reduce the daily dose of noise to receptors.

For each hour that the track differs from the assess 9am to 5pm operations we would expect approximately  $\pm 1$ dBa of noise impact when assessed over the entire daytime period LAeq(7am-6pm).

For example if the track closed 1 hour earlier making the operations 9am and 4pm a reduction of 1dBa above the LAeq(7am-6pm) noise levels would be expected at the receptors.

Alternatively if the track opened 1 hour later making the operations 9am to 6pm an increase of 1dBa above the LAeq(7am-6pm) noise levels would be expected at the receptors.

We note that any operations outside the daytime hours would result in more significant noise impacts due to the background noise levels being lower and the unexpected infringement upon morning sleep and evening comfort.

The daytime hours are 7am to 6pm Monday to Friday, and 8am to 6pm weekends and public holidays

#### NATURAL HAZARDS

No known natural hazards exist on the site (including flooding, bushfire and land slip).

#### AIR AND MICROCLIMATE

All track surfaces of the proposed go kart track would be asphalt with surrounding areas vegetated to limit any dust generation. It is unlikely that use of the facility would have an adverse impact on air and microclimate.

#### POTENTIAL CONTAMINATION

There are no signs of potential contamination on the land. It is considered that a preliminary contamination assessment is not warranted in this instance (see comments under SEPP 55).

#### SAFETY, SECURITY & CRIME PREVENTION

The Go Kart Track is unlikely to create any issues relating to anti-social behaviour (i.e. graffiti, vandalism and general nuisance). It is proposed that the site will not be operated as a commercial enterprise and will be only available to Bathurst Kart Club members for practice during the week and then for competitions by registered competitors during race meets throughout the year.



Complaints about the go kart track would be directed to Council and dealt with as part of Council's existing complaints system.

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in Development Applications to ensure developments do not create or exacerbate crime risk. These principles are discussed below in relation to the proposed development and include: surveillance, access control, territorial reinforcement, and space management.

### Surveillance

The proposed development has been designed to maximise clear sight lines between public and private spaces to allow passive surveillance of the facility by neighbouring lands. The facility would be on existing topography principally to maximise clear lines of sight into the development from surrounding areas to permit surveillance.

Considerations of signage, security, opening times and crime prevention at the site have occurred in the overall design and management of the facility.

By designing and building a strong sense of community, place and ownership of the facility, passive surveillance of the site is expected to be strong.

### Access Control

By the design of the facility and appropriate landscaping, controlled access to the site will be provided off Brocks Skyline. The controlled access points provide a clear distinction between public property and the development site and thus provides for suitable access control.

### Territorial Reinforcement

The go kart track is a community project that has support of both Bathurst Kart Club and Bathurst Regional Council. Local karters' and potential users of the facility have been involved throughout the design stages of the project and would continue to be involved in the project in various aspects.

Stake holder interaction, vigilance and control over the construction of the facility and the final environment at the subject site are expected. These factors would help to strengthen the already strong sense of community ownership and territorial reinforcement present for recreational areas within Bathurst.



### Space Management

The proposed development has been designed to integrate with the existing development in the immediate locality. The facility has been located to provide in a position that provides a suitable buffer from surrounding land uses. In this way the development takes into account the surrounding environment and minimises the use of space by conflicting groups.

Operational management of the facility as part of the overall management of Bathurst would ensure the facility is kept clean and tidy and free of litter. Any graffiti or vandalism carried out at the facility would be promptly reported for rapid repair to make certain the facility would remain an attractive well maintained and well used space.

### **SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY**

The social and economic impact is expected to be positive for the Bathurst community. The facility would provide a venue, not presently available within the city, for local people to participate in go karting.

The proposed development would result in a positive economic impact for the locality. It would provide employment generation during construction and additional economic income through the attraction of out of town visitors to the facility (including interstate visitors for championship events). Accordingly, there would be flow on effects for the Bathurst economy through people staying in motels, visiting other attractions and patronising local business.

The go kart track will further enhance Mount Panorama as an international destination for motor sport.

### **CONSTRUCTION**

The proposed construction work for the site will be earthworks, drainage and track works for the go kart facility.

Construction impacts are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

An Erosion and Sedimentation Control Plan would be developed and implemented during construction to minimise any erosion and sedimentation at the site.



All waste generated during construction would be taken and disposed of at Bathurst Council's Waste Disposal Facility.

Construction activities would be tailored to minimise the impact of surrounding vegetation with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

### **CUMULATIVE IMPACTS**

There are no cumulative impacts anticipated as a result of the proposed construction of the go kart track.

### **(c) Suitability of the site for the development**

Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- It is considered that the proposal will not create any unmanageable access and traffic concerns in the locality;
- No upgrading of services is required.
- There are no issues in relation to air quality and microclimate;
- There are no surrounding hazardous land uses or activities; and
- The projected noise levels are within acceptable limits.

Are the site attributes conducive to development?

It is considered that the site is conducive to the development based on the following:

- The site is not affected by any know natural hazard;
- There are no heritage considerations;
- There is no known soil characteristics that would render the project prohibitive; and
- There are no flora and fauna considerations.

### **(d) Any submissions**

Consultation will occur with the local community, especially nearby neighbours.



### **(e) The public interest**

The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.

It is believed that by the imposition of appropriate conditions of consent and the safeguards discussed in this report, potential impacts would be modest.

The proposal generally complies with the provisions and objectives of Councils planning documents.



## CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The impacts upon or surrounding the development will not be altered significantly as a result of the go kart track;
- The topography of the site can accommodate the go kart track;
- Traffic generation can be accommodated through the existing road system. There is sufficient area on site for car parking;
- No upgrading of services is required;
- The proposal will have a positive social and economic benefit for Bathurst; and
- The proposal is generally consistent with the objectives and provisions of Councils planning documents.

The proposal is considered to be acceptable in terms of Section 79C of the *Environmental Planning and Assessment Act 1979*, and potential impacts are expected to be manageable.

**Accordingly it is recommended that the Development Application be approved subject to appropriate standard conditions.**





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**Acoustic Assessment**

**Bathurst Kart Club  
Mount Panorama**

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**Project 215 009**

**August 2015**

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File : 215 009 R01 v3-0 Acoustic Assessment.docx

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**This firm is a member of the Association of Australian Acoustical Consultants.**

**The work reported herein has been carried out in accordance with the terms of membership. We stress that the advice given herein is for acoustic purposes only, and that the relevant authorities should be consulted with regard to compliance with regulations governing areas other than acoustics.**

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**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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**1 INTRODUCTION & SCOPE**

PKA Acoustic Consulting has been engaged by Bathurst Kart Club to undertake an acoustic assessment of a proposed go-kart track located at Mount Panorama, Bathurst. The aim of this report is to determine the noise impact to residential receptors and compare to the relevant noise criteria.

This report is based on measurements and calculations performed by PKA Acoustic Consulting in addition to the following information:

- CAD data, primarily terrain contours, provided by Bathurst Regional Council
- Noise assessment of the go-kart track previously proposed to be located in Kelso dated 21/03/14 prepared by Wilkinson Murray (ref # 13322 Version B) henceforth referred to as "Wilkinson Murray report"
- Noise measurements performed by Mark Dunbar of Bathurst Karting Club in May 2015 of the existing Orange Go-Kart Track and simulated go-kart racing at the proposed Mt Panorama site
- Noise measurements and calculations by PKA
- Australian Karting Association (AKA) noise limits of go-kart vehicles

215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

2 SITE DESCRIPTION

2.1 TRACK LOCATION

The proposed go-kart track is to be located at Mount Panorama on the land which is currently Mount Panorama lookout.

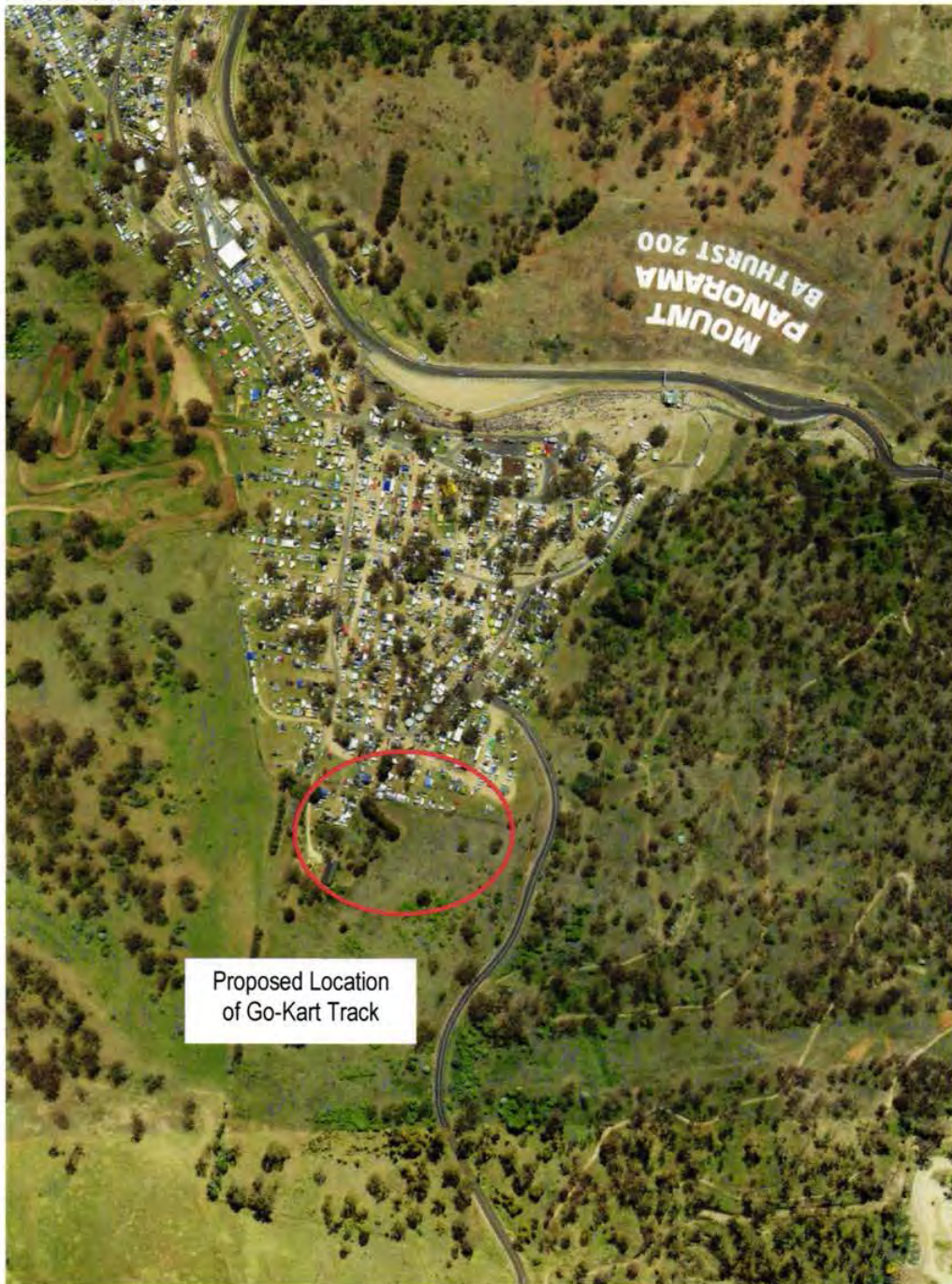


Figure 2.1.1: Site location

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

The proposed go-kart track will be approximately 950m in length with a layout similar to the concept markup shown below:



Figure 2.1.2: Track Layout

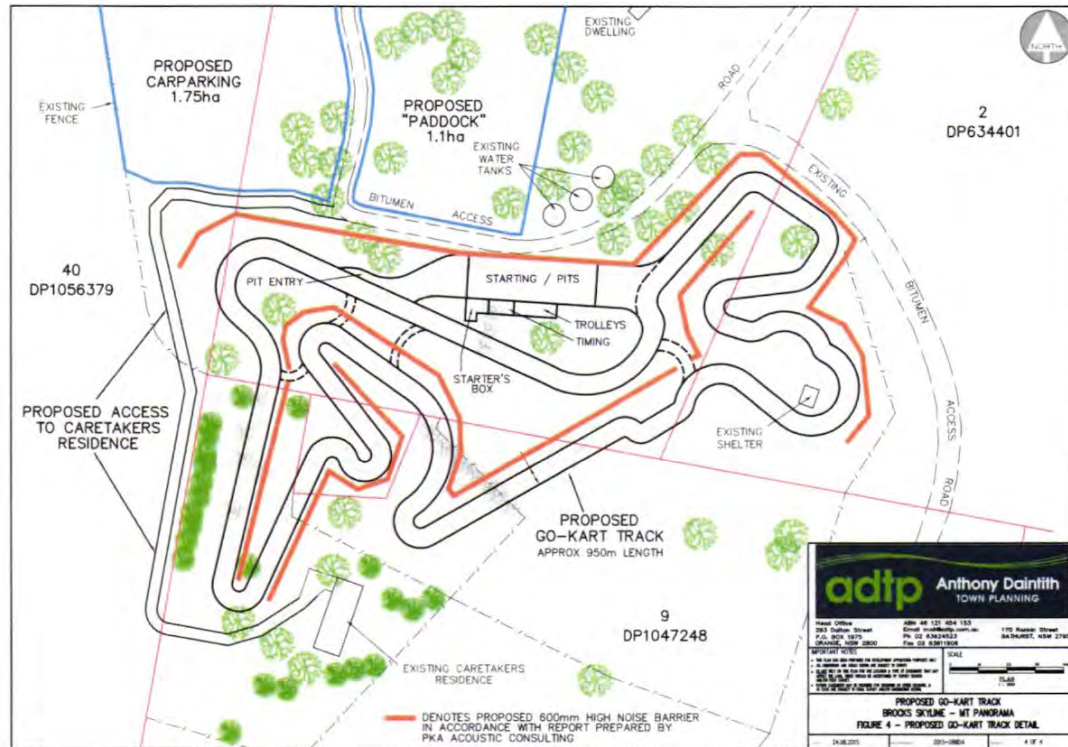
## 2.2 PROPOSED NOISE BARRIERS

Since our previous report (215 009 R01 v2-0 dated May 2015) PKA has been advised that tyre barriers are required around certain aspects of the track for go-kart safety zones. We have incorporated this detail into our SoundPlan noise modelling and included additional barriers where acoustically effective. Our assumptions are as follows:

- The barriers are to be a minimum continuous height of 600mm (0.6m)
- The construction of the barriers can be in the form of tyre stacks or earth mounds
- Corner sections typically required the barrier to be setback 10m from the track
- Straight sections typically required the barrier to be setback 4m from the track

The noise barrier locations were selected by PKA in conjunction with Mark Dunbar of Bathurst Karting Club and Anthony Daintith of Anthony Daintith Town Planning in drawing reference 2015-88DA reproduced on the following page in Figure 2.2.

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Figure 2.2: Proposed Noise Barrier Location

## 2.3 OPERATING SCENARIOS

The go-track track is proposed to operate 7 days a week between 9am and 5pm. We have been advised by Anthony Daintith of the following assumed operating scenarios and have incorporated the following in our acoustic assessment:

Scenario 1: Daily Practise

- Track is used daily for practise sessions. It is expected that a maximum of 5 go-karts would be accessing the track on any given day. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled a maximum of 3 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled a maximum of 5 go-karts using the track for a total of 40mins each between 9am and 5pm.

Scenario 2: Race Events

- Up to 9 race event weekends per year (18 individual race days). It is expected that a maximum of 32 go-karts could use the track simultaneously, however as few as 5 go-karts may race together. It is expected that throughout the day an average of 15 go-karts would race together. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled both the maximum of 32 and average of 15 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled the average of 15 go-karts simultaneously racing between 9am and 5pm for 40mins each hour.

215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

2.4 RESIDENTIAL RECEPTORS

PKA has nominated eighteen (18) residential receptors that are located within the vicinity of the proposed go-kart track. The majority of the receptors are located to the north and east of the site on Mountain Straight or Conrod Straight with one rural receptor located to the south on Hen & Chicken Road. They are numbered and described as follows:

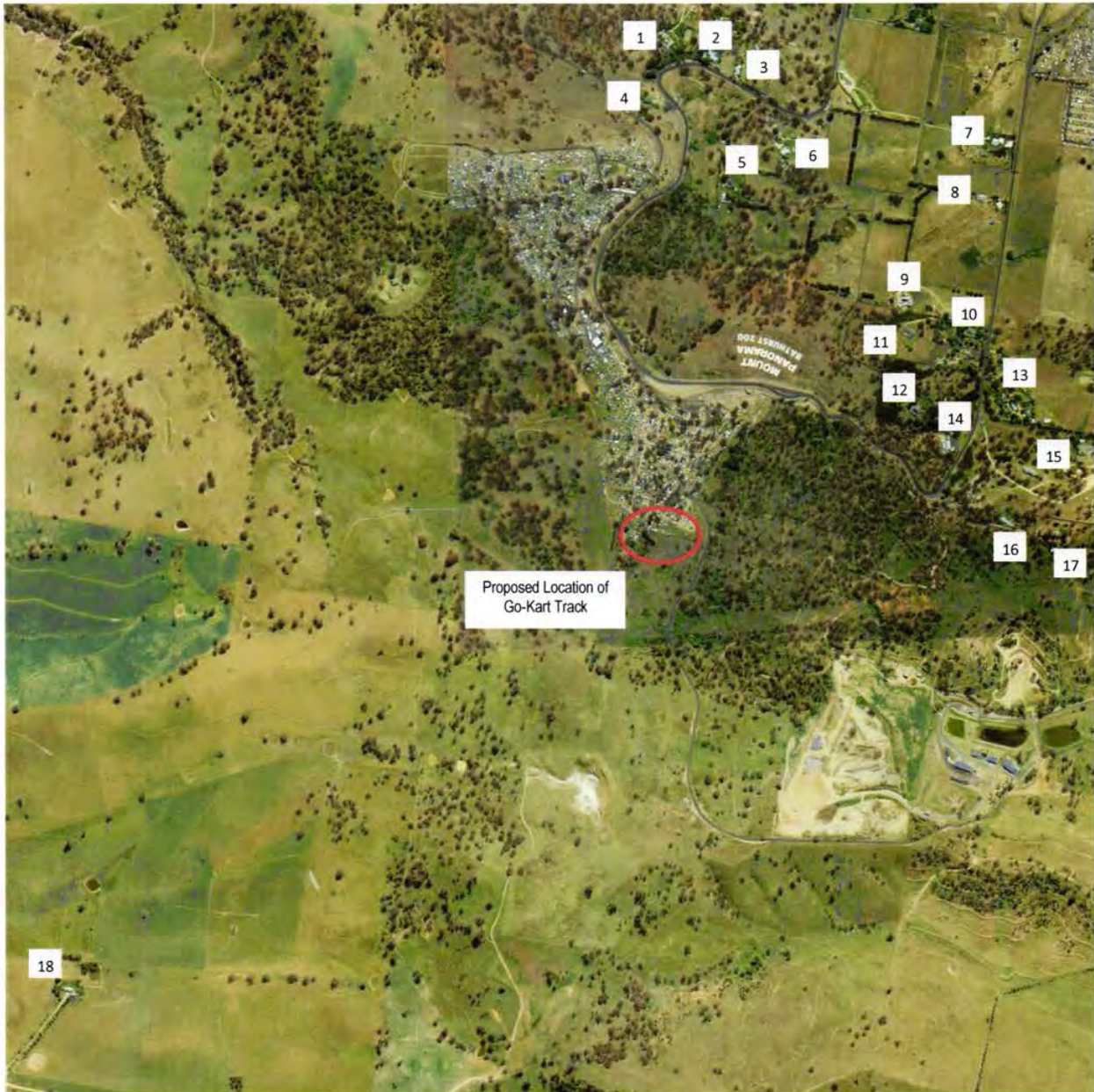


Figure 2.3: Residential Receptors



## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Receptor Number	Address	Receptor type	Approx. distance from Proposed Track
1	212 Mountain Straight	Single dwelling	1400m
2	196 Mountain Straight	Single dwelling	1200m
3	190 Mountain Straight	Single dwelling	1200m
4	224 Mountain Straight	Single dwelling	1100m
5	179 Mountain Straight	Single dwelling	700m
6	163 Mountain Straight	Single dwelling	1000m
7	447 Conrod Straight	Single dwelling	800m
8	441 Conrod Straight	Single dwelling	800m
9	457 Conrod Straight	Single dwelling	850m
10	451 Conrod Straight	Single dwelling	900m
11	453 Conrod Straight	Single dwelling	750m
12	435 Conrod Straight	Single dwelling	700m
13	448 Conrod Straight	Single dwelling	950m
14	417 Conrod Straight	Single dwelling	700m
15	428 Conrod Straight	Single dwelling	1000m
16	404 Conrod Straight	Single dwelling	850m
17	402 Conrod Straight	Single dwelling	900m
18	280 Hen & Chicken Road	Single dwelling	2850m

Table 2.3: Residential Receptors

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 3 BACKGROUND NOISE SURVEY

In order to establish the existing ambient noise levels at the receptor locations two unattended noise loggers were installed.

Logger 1 was installed at 402 Conrod Straight on the private driveway approximately 200m set back from the road edge.

Logger 2 was installed at 280 Hen & Chicken Road in the open field approximately 200m set back from the road edge.

The loggers recorded between Wednesday 25<sup>th</sup> February 2015 and Thursday 5<sup>th</sup> March 2015. The deployment and retrieval days are not included in the table below due to the data not being available for the full daytime period. The battery on Logger 2 failed and therefore the logger did not record for Wednesday 4<sup>th</sup> March.

The loggers are of ARL manufacture Type EL-316. The loggers were calibrated prior to and following measurements with a Bruel & Kjaer sound level calibrator Type 4230 and exhibited no significant drift. The loggers sampled in 15 minute periods, using an A-weighting curve before converting the information to statistical quantities and commencing a new period.

The results from the noise data loggers are shown below:

ABL - Background Noise Levels $L_{A90,period,dB}$ Daytime ABL 07:00 – 18:00		
Date	Logger 1 402 Conrod Straight	Logger 2 280 Hen & Chicken Road
Thursday, 26 <sup>th</sup> February 2015	31.4	30.6
Friday, 27 <sup>th</sup> February 2015	30.8	29.6
Saturday, 28 <sup>th</sup> February 2015	29.8	30.3
Sunday, 1 <sup>st</sup> March 2015	32.4	33.7
Monday, 2 <sup>nd</sup> March 2015	33.6	29.0
Tuesday, 3 <sup>rd</sup> March 2015	31.2	30.3
Wednesday, 4 <sup>th</sup> March 2015	31.9	-
<b>RBL</b>	<b>31</b>	<b>30</b>

Table 3.1: Noise logger results – Industrial Noise Policy descriptors – dBA

RBL refers to the Rating Background Level. See Glossary.  
ABL refers to the Assessment Background Level. See Glossary.

For comparison purposes PKA has previously conducted noise logger surveys at Mount Panorama which resulted in a background noise of 32dBA at a Conrod Straight address approximately 200m from the road edge

### 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

We have adopted the background noise level of  $L_{90}$  31 dBA to represent the nominated receptors except for the Hen & Chicken Road resident which we have adopted a  $L_{90}$  30 dBA.

The logger locations are shown as follows:

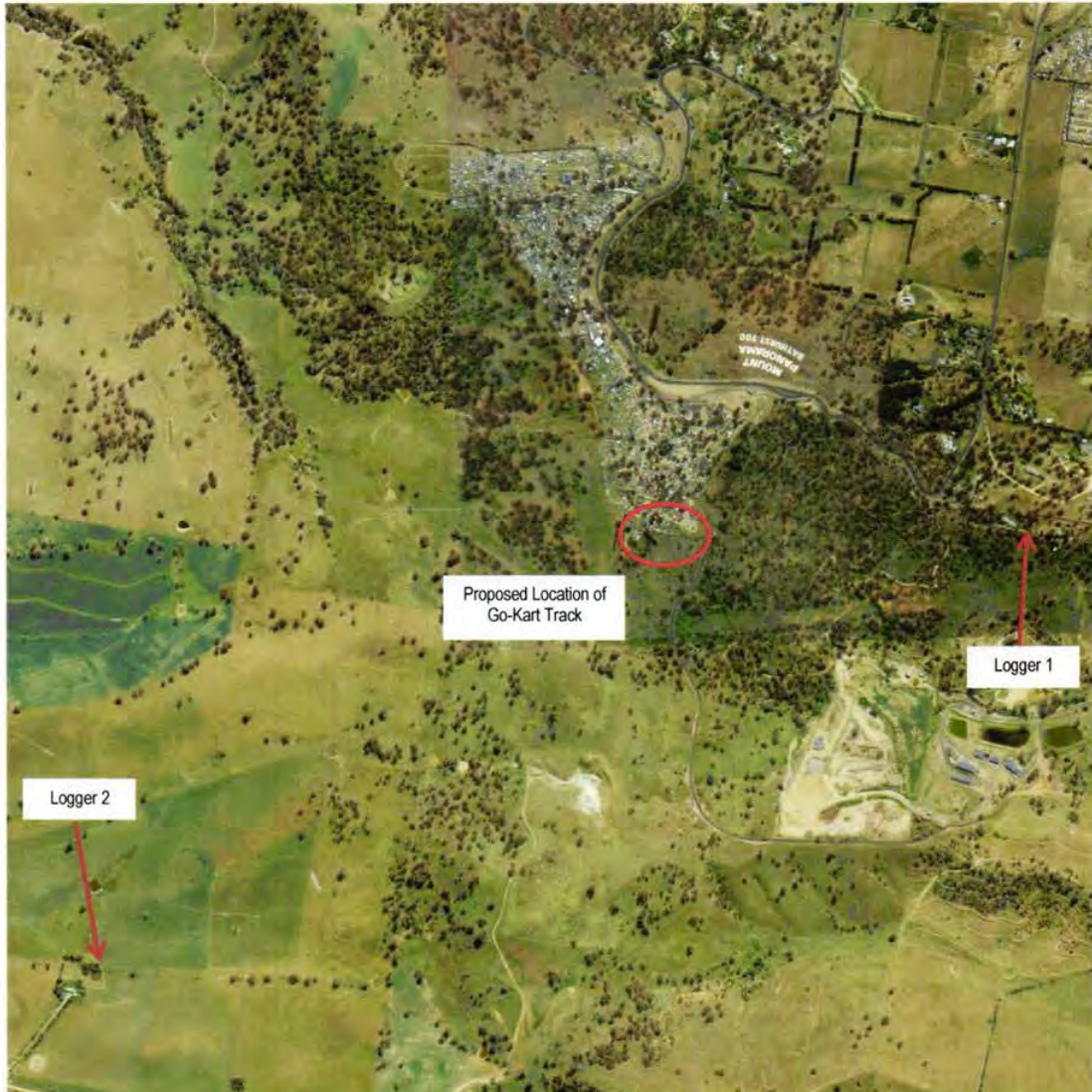


Figure 3.1: Logger Locations

Noise data logger graphs are shown in Section 9.

**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama****4 GO-KART NOISE LEVELS**

Wilkinson Murray conducted noise measurements in their report in 2014 of 6 go-karts at the originally proposed Kelso site. The measurements were taken on all four sides of the go-karts at a distance of 5m while the engines were being revved to simulate racing condition. The results were then converted to a sound power level of  $L_{Aeq}$  112dB.

PKA adopted these figures in an earlier version of this report, however we have been advised by Mark Dunbar of Bathurst Karting Club that the go-karts measured by Wilkinson Murray were superceeded go-kart models and would likely have higher noise levels than current models.

To determine whether the noise levels differ for current go-kart models PKA provided acoustic advice to Mark Dunbar to replicate Wilkinson Murray's methodology of measuring a stationary go-kart on all four sides at a distance of 5m while the engines were being revved to simulate racing condition. This was conducted at the proposed Mt Panorama site. The noise levels around the go-kart were consistently averaging 80dBA at the 5m distance. PKA then converted the measurement data to result in a sound power level of  $L_{Aeq}$  102dB. This noise level is 10dBA less than Wilkinson Murray's result.

To confirm this reduced noise level further PKA provided acoustic advice to Mark Dunbar to conduct noise level measurements at the existing Orange Go-Kart Track during race conditions. The measurements were conducted at various distances between 10m and 100m and the results conformed within a reasonable tolerance to PKA's calculated sound power level of  $L_{Aeq}$  102dB. We have therefore adopted this revised noise level in our assessment

The 2015 Australian Karting Manual states any one go-kart must not exceed a maximum of 100dBA when measured at 10m from the track. For comparison purposes the go-karts measured at Mt Panorama under full revs was averaging 80dBA at 5m with a maximum peak of 92dBA which would equate to a maximum 86dBA @10m, well below the 100dBA limit. PKA considers the Australian Karting Manual limit to be over estimating the noise levels emitted from a go-kart.

## 5 NOISE CRITERIA

### 5.1 EPA INDUSTRIAL NOISE POLICY

The Industrial Noise Policy (INP) is the policy which typically governs noise generated from commercial premises in NSW. Section 1.3 of the document identifies that noise from motor sport activities such as go-kart tracks are not covered by the policy. However the INP is helpful in determining whether the site complies with the intrusiveness criteria typical adopted as background +5dBA.

The Intrusiveness criterion states that for a source to generally be considered acceptable the Leq noise level from the activity be no more than 5dBA above the background (RBL) noise level measured in the area. In the case of this site the Intrusiveness criteria would be  $31 + 5 = 36$ dBA at the nominated receptors and  $30 + 5 = 35$ dBA at the Hen & Chicken Road receptor.

The Amenity criterion applies a maximum ambient noise level within an area to limit continuing increases in noise levels from each industrial source. The INP defines the areas surrounding the proposed go-kart track as 'Rural'. The applicable Amenity criteria would therefore be an  $Leq_{(11hr)}$  of 50dBA Daytime (7am-6pm).

We note that the Bathurst Waste Management Centre is in the vicinity of the proposed go-kart track however the EPA's Industrial Noise Policy allows for at least 70dBA of noise impact to industrial premises. In Section 8 our noise modelling results in less than 30dBA at the industrial site and therefore we have excluded this from our assessment.

We have adopted the procedures outlined in the INP for determining existing ambient noise levels.

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 5.2 EPA NOISE GUIDE FOR LOCAL GOVERNMENT (NGLG)

Table 1.3 of the EPA Noise Guide for Local Government (NGLG) indicates that Council would be the responsible authority for regulating noise from such a proposal.

The NGLG does not present direct criteria for go-kart tracks however a case study (identified as Case Study 2) does present an example of how one Council dealt with facility involved in motorsports. Of particular interest is the method presented for determining multiplication ratios for noisy events. The relevant figure from the NGLG is reproduced below as Figure 5.4.

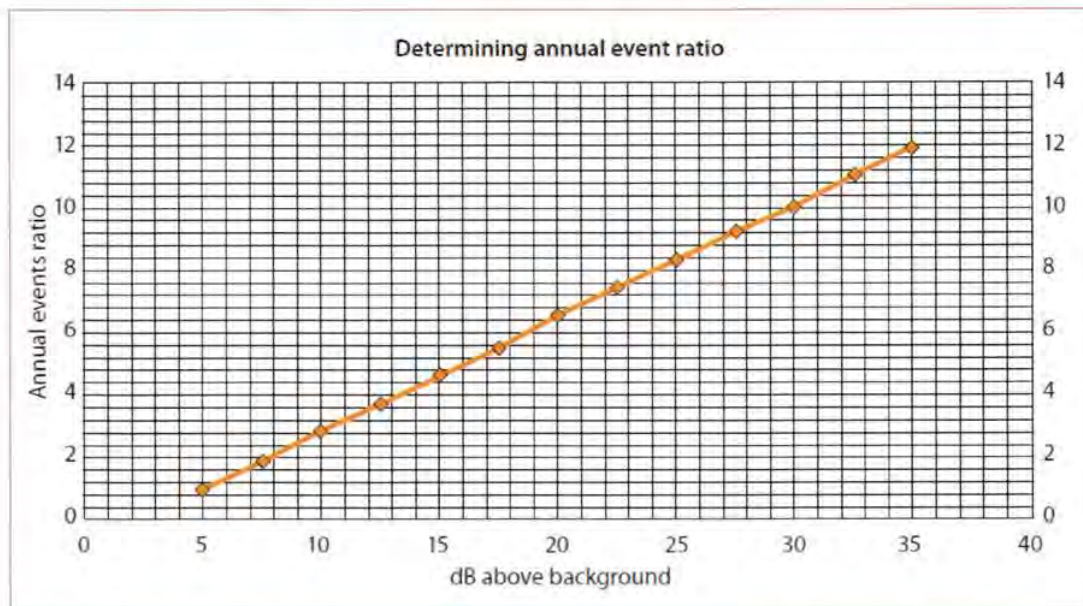


Figure 5.2: Graph for determining event multiplication ratio from noise level

The above system allows for a reduction in the total number of events allowable per year, where the noise level from an individual event exceeds the standard background + 5dB criterion. The annual events ratio applies a reduction factor to the allowable number of events that increases as the exceedance over background increases. In principle, the higher the noise levels, the lower the allowable number of events.

PKA have extrapolated the NGLG graph above and determined the formula to be as follows:

$$\text{Annual Events Ratio} = 3 \times \text{dB above Background Noise}$$

**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

The Council in the NGLG study nominated a maximum of 50 events per year that could exceed the typical background + 5dBA criteria. The allowable event days would then be calculated by dividing 50 with the annual events ratio. PKA have adopted this 50 event day maximum in our assessment.

Ultimately Council will be required to determine the criteria to be applied that will represent a balance between residential amenity and the proposed go-kart track operations.

The following table digitises the NGLG annual events ratio :

NGLG Annual Events Ratio	Exceedence Above Background Noise dBA	Allowable Event Days
2	6	25
3	9	18
4	12	12
5	15	10
6	18	9
7	21	7
8	24	6

Table 5.2: Annual Events Ratio

For example a daily event giving rise to a noise level of 40dBA (background of 31dBA +9) would attract a multiplication ratio of 3, effectively using up 3 of the allowable event days for the year, and reducing the remaining event days available for the year to 47 (50-3). If 18 daily events gave rise to a noise level of 40dBA this would use up all allowable event days in the calendar year.

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 6 NOISE MODELLING

Leq(1hr) noise levels from the go-karts have been predicted using proprietary acoustic modelling software, SoundPlan v7.3.

The relevant module of SoundPlan uses the ISO 9613-2:1996 *Attenuation Of Sound During Propagation Outdoors*.

This standard assumes a moderate downwind from the source to the receptor (between 1m/s and 5m/s measured at a height of 3m to 11m) or a moderate ground based temperature inversion and therefore presents a conservative result if compared to neutral weather conditions.

The modelling is based on the following data and assumptions as stated in Section 8:

#### Scenario 1: Daily Practise

- Track is used daily for practise sessions. It is expected that a maximum of 5 go-karts would be accessing the track on any given day. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled a maximum of 3 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled a maximum of 5 go-karts using the track for a total of 40mins each between 9am and 5pm.

#### Scenario 2: Race Events

- Up to 9 race event weekends per year (18 individual race days). It is expected that a maximum of 32 go-karts could use the track simultaneously, however as few as 5 go-karts may race together. It is expected that throughout the day an average of 15 go-karts would race together. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled both the maximum of 32 and average of 15 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled the average of 15 go-karts simultaneously racing between 9am and 5pm for 40mins each hour.
- Go-Kart Sound Power level ( $L_w$ ) =  $L_{Aeq}$  102dB as per Mark Dunbar's May 2015 noise testing
- Go-Karts driving around track at an average of 40km/h
- Noise barriers at 600mm height as described in Section 2.2 and noted in Figure 2.2

Noise contour plots show levels 1.5m above ground (terrain) levels.



**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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**6.1 SCENARIO 1 - DAILY PRACTISE**

The Daily Practise noise modelling results are shown in the following tables. PKA make the following comments:

- During daily practise when 3 go-karts are operating simultaneously for 40mins each and assessed over a single hour, all 18 receptors comply with the typical background +5dBA criterion. We also note that the noise impact to all 18 receptors is predicted to be below the existing background noise level.
- During daily practise when a maximum of 5 go-karts are operating for a total of 40mins each and averaged over the entire daytime period, all 18 receptors comply with the typical background +5dBA criterion. We also note that the noise impact to all 18 receptors is predicted to be below the existing background noise level.

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Daily Practise –  $L_{Aeq(1hr)}$  – 3 go-karts operating simultaneously for 40mins of the hour

Receptor Number	Address	Calculated $L_{eq}(1hr)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	8	-	
2	196 Mountain Straight	10	-	
3	190 Mountain Straight	15	-	
4	224 Mountain Straight	13	-	
5	179 Mountain Straight	22	-	
6	163 Mountain Straight	21	-	
7	447 Conrod Straight	21	-	
8	441 Conrod Straight	21	-	
9	457 Conrod Straight	14	-	
10	451 Conrod Straight	14	-	
11	453 Conrod Straight	17	-	
12	435 Conrod Straight	19	-	
13	448 Conrod Straight	17	-	
14	417 Conrod Straight	20	-	
15	428 Conrod Straight	27	-	
16	404 Conrod Straight	29	-	
17	402 Conrod Straight	28	-	
18	280 Hen & Chicken Road	22	-	

Table 6.1.1: Daily Practise 3 Karts –  $L_{Aeq(1hr)}$  Calculated Noise Levels to Nominated Receptors

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Daily Practise –  $L_{Aeq(7am-6pm)}$  – 5 go-karts operating for a total of 40mins each in the day

Receptor Number	Address	Calculated $L_{eq(7am-6pm)}$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	9	-	
2	196 Mountain Straight	11	-	
3	190 Mountain Straight	16	-	
4	224 Mountain Straight	14	-	
5	179 Mountain Straight	23	-	
6	163 Mountain Straight	22	-	
7	447 Conrod Straight	22	-	
8	441 Conrod Straight	22	-	
9	457 Conrod Straight	15	-	
10	451 Conrod Straight	15	-	
11	453 Conrod Straight	18	-	
12	435 Conrod Straight	20	-	
13	448 Conrod Straight	18	-	
14	417 Conrod Straight	22	-	
15	428 Conrod Straight	28	-	
16	404 Conrod Straight	30	-	
17	402 Conrod Straight	29	-	
18	280 Hen & Chicken Road	23	-	

Table 6.1.2: Daily Practise 5 Karts –  $L_{Aeq(7am-6pm)}$  Calculated Noise Levels to Nominated Receptors

**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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**6.2 SCENARIO 2 – RACE EVENTS**

The Race Event noise modelling results are shown in the following tables. PKA make the following comments:

- During race events when an average of 15 go-karts are operating simultaneously for 40mins each and assessed over a single hour, all 18 receptors comply with the typical background +5dBA.
- During race events when a maximum of 15 go-karts are operating simultaneously between 9am and 5pm for 40mins each hour and averaged over the entire daytime period, all 18 receptors comply with the typical background +5dBA criterion.
- During race events when a maximum of 32 go-karts are operating simultaneously for 40mins each and assessed over a single hour, 15 receptors comply with the typical background +5dBA criterion and 3 receptors are in exceedance with a maximum of 8dBA over the background noise at 404 Conrod Straight. This would limit the annual event days to 25 per calendar year.

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Race Events –  $L_{Aeq(1hr)}$  – 15 go-karts operating simultaneously for 40mins of the hour

Receptor Number	Address	Calculated $L_{eq}(1hr)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	15	-	
2	196 Mountain Straight	17	-	
3	190 Mountain Straight	22	-	
4	224 Mountain Straight	21	-	
5	179 Mountain Straight	29	-	
6	163 Mountain Straight	28	-	
7	447 Conrod Straight	28	-	
8	441 Conrod Straight	28	-	
9	457 Conrod Straight	21	-	
10	451 Conrod Straight	21	-	
11	453 Conrod Straight	25	-	
12	435 Conrod Straight	26	-	
13	448 Conrod Straight	24	-	
14	417 Conrod Straight	28	-	
15	428 Conrod Straight	34	3	
16	404 Conrod Straight	36	5	
17	402 Conrod Straight	35	4	
18	280 Hen & Chicken Road	29	-	

Table 6.2.1: Race Events 15 Karts –  $L_{Aeq(1hr)}$  Calculated Noise Levels to Nominated Receptors

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Race Events –  $L_{Aeq(7am-6pm)}$  – 15 go-karts operating 9am to 5pm and averaged over the day

Receptor Number	Address	Calculated $L_{eq(7am-6pm)}$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	14	-	
2	196 Mountain Straight	16	-	
3	190 Mountain Straight	21	-	
4	224 Mountain Straight	20	-	
5	179 Mountain Straight	28	-	
6	163 Mountain Straight	27	-	
7	447 Conrod Straight	27	-	
8	441 Conrod Straight	27	-	
9	457 Conrod Straight	20	-	
10	451 Conrod Straight	20	-	
11	453 Conrod Straight	24	-	
12	435 Conrod Straight	25	-	
13	448 Conrod Straight	23	-	
14	417 Conrod Straight	27	-	
15	428 Conrod Straight	33	2	
16	404 Conrod Straight	35	4	
17	402 Conrod Straight	34	3	
18	280 Hen & Chicken Road	28	-	

Table 6.2.2: Race Events 15 Karts –  $L_{Aeq(7am-6pm)}$  Calculated Noise Levels to Nominated Receptors

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Race Events –  $L_{Aeq(1hr)}$  – 32 go-karts operating simultaneously for 40mins of the hour

Receptor Number	Address	Calculated $L_{eq(1hr)}$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	18	-	
2	196 Mountain Straight	20	-	
3	190 Mountain Straight	25	-	
4	224 Mountain Straight	24	-	
5	179 Mountain Straight	32	1	
6	163 Mountain Straight	31	-	
7	447 Conrod Straight	31	-	
8	441 Conrod Straight	31	-	
9	457 Conrod Straight	25	-	
10	451 Conrod Straight	24	-	
11	453 Conrod Straight	28	-	
12	435 Conrod Straight	29	-	
13	448 Conrod Straight	27	-	
14	417 Conrod Straight	31	-	
15	428 Conrod Straight	37	6	25
16	404 Conrod Straight	39	8	25
17	402 Conrod Straight	38	7	25
18	280 Hen & Chicken Road	32	2	

Table 6.2.3: Race Events 32 Karts –  $L_{Aeq(1hr)}$  Calculated Noise Levels to Nominated Receptors

## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 7 DISCUSSION

The noise modelling results in Section 6 show that the 3 receptors on Conrod Straight (402, 404 & 428) will experience noise that exceeds the typical background + 5dBA criterion from the proposed go-kart track operations. Noise mitigation options are presented below for consideration.

#### 7.1 NUMBER OF GO-KARTS RACING SIMULTANEOUSLY

In Table 6.2.3 we have calculated a maximum of 32 go-karts operating simultaneously. Limiting the number of go-karts operating at any one time will reduce the noise levels over a 1 hour period as follows:

Vehicles Circulating At Any One Time	Noise Reduction With Respect To 32 Vehicles dBA
32	0
25	-1
20	-2
15	-3
10	-5
5	-8
3	-10
1	-15

Table 7.1: Noise Reduction Due To Number of Go-Karts On Track

#### 7.2 NOISE MONITORING

During the inaugural race event an acoustic firm could be commissioned to perform a live noise monitoring survey to provide the actual noise impacts to the sensitive receptors and help to confirm/refine the noise impact predictions entailed in this report for future race events.



**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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**7.3 OPERATING HOURS**

The proposed operating hours are 9am to 5pm. PKA have assessed these operations per hour  $L_{Aeq(1hr)}$  and also over the entire daytime period  $L_{Aeq(7am-6pm)}$ . Any adjustments to the proposed operating hours would not affect the hourly assessment however there is the potential to increase or reduce the daily dose of noise to receptors.

For each hour that the track differs from the assess 9am to 5pm operations we would expect approximately  $\pm 1$ dBA of noise impact when assessed over the entire daytime period  $L_{Aeq(7am-6pm)}$ .

For example if the track closed 1 hour earlier making the operations 9am and 4pm a reduction of 1dBA above the  $L_{Aeq(7am-6pm)}$  noise levels would be expected at the receptors.

Alternatively if the track opened 1 hour later making the operations 9am to 6pm an increase of 1dBA above the  $L_{Aeq(7am-6pm)}$  noise levels would be expected at the receptors.

We note that any operations outside the daytime hours would result in more significant noise impacts due to the background noise levels being lower and the unexpected infringement upon morning sleep and evening comfort.

The daytime hours are 7am to 6pm Monday to Friday, and 8am to 6pm weekends and public holidays

**8 NOISE MODELLING CONTOUR RESULTS**

The following pages show the individual noise contour results for the various operating scenarios.

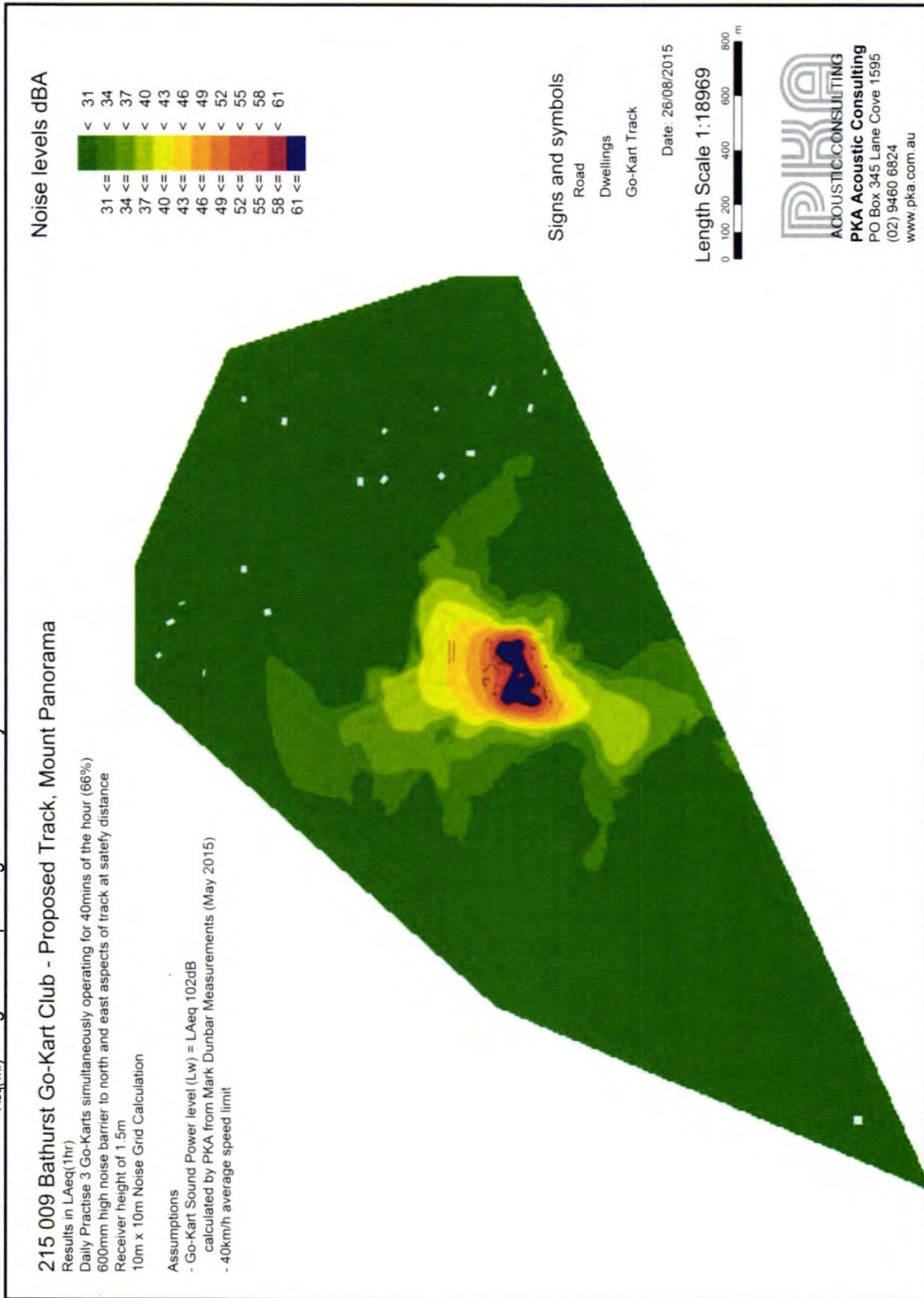
215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

DAILY PRACTISE – LAeq(1hr) – 3 go-karts operating simultaneously for 40mins of the hour

215 009 Bathurst Go-Kart Club - Proposed Track, Mount Panorama

Results in LAeq(1hr)  
Daily Practise 3 Go-Karts simultaneously operating for 40mins of the hour (66%)  
600mm high noise barrier to north and east aspects of track at safety distance  
Receiver height of 1.5m  
10m x 10m Noise Grid Calculation

Assumptions  
- Go-Kart Sound Power level (Lw) = LAeq 102dB  
calculated by PKA from Mark Dunbar Measurements (May 2015)  
- 40km/h average speed limit



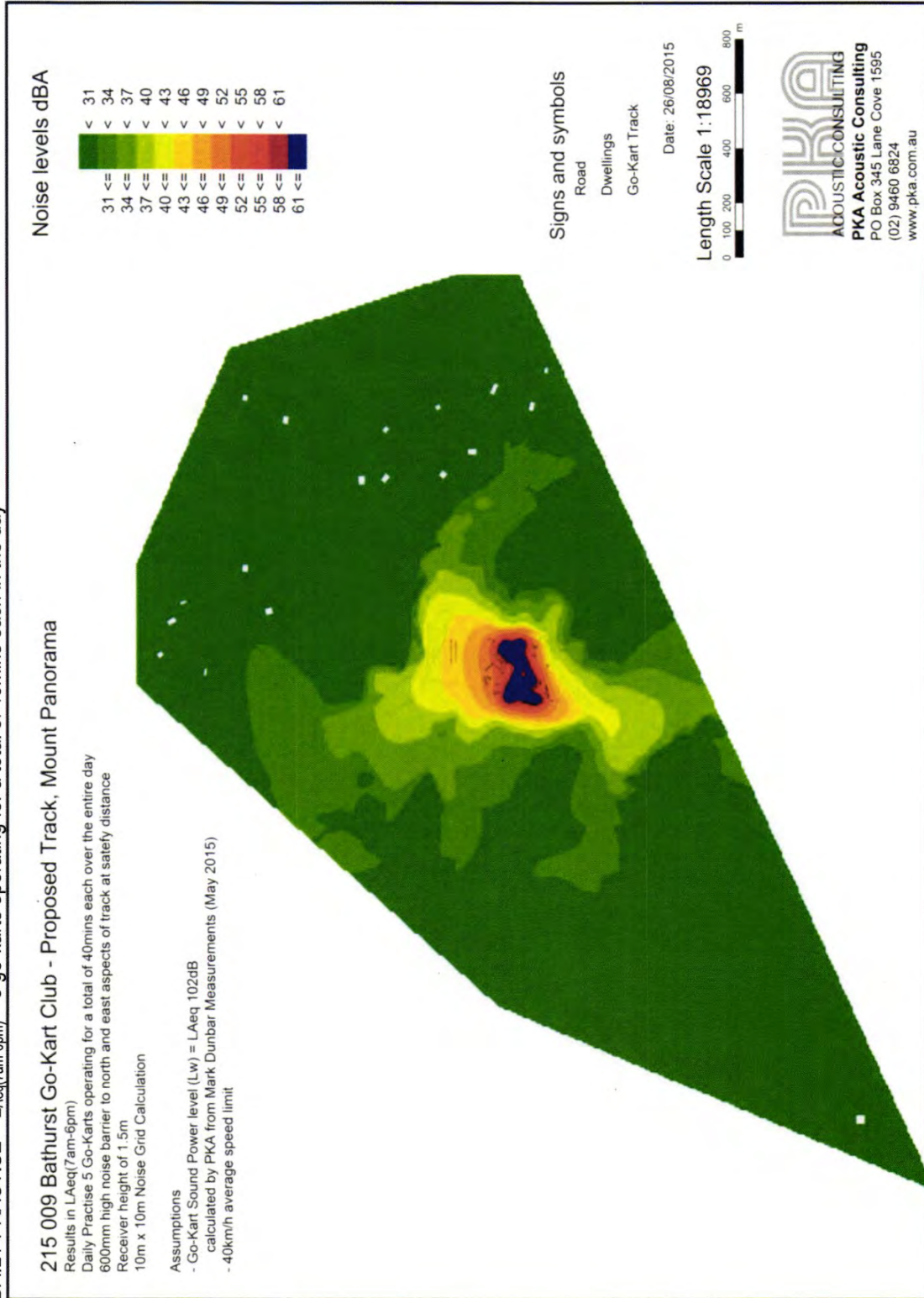
215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

DAILY PRACTISE – LAeq(7am-6pm) – 5 go-karts operating for a total of 40mins each in the day

215 009 Bathurst Go-Kart Club - Proposed Track, Mount Panorama

Results in LAeq(7am-6pm)  
Daily Practise 5 Go-Karts operating for a total of 40mins each over the entire day  
600mm high noise barrier to north and east aspects of track at safety distance  
Receiver height of 1.5m  
10m x 10m Noise Grid Calculation

Assumptions  
- Go-Kart Sound Power level (Lw) = LAeq 102dB  
calculated by PKA from Mark Dunbar Measurements (May 2015)  
- 40km/h average speed limit



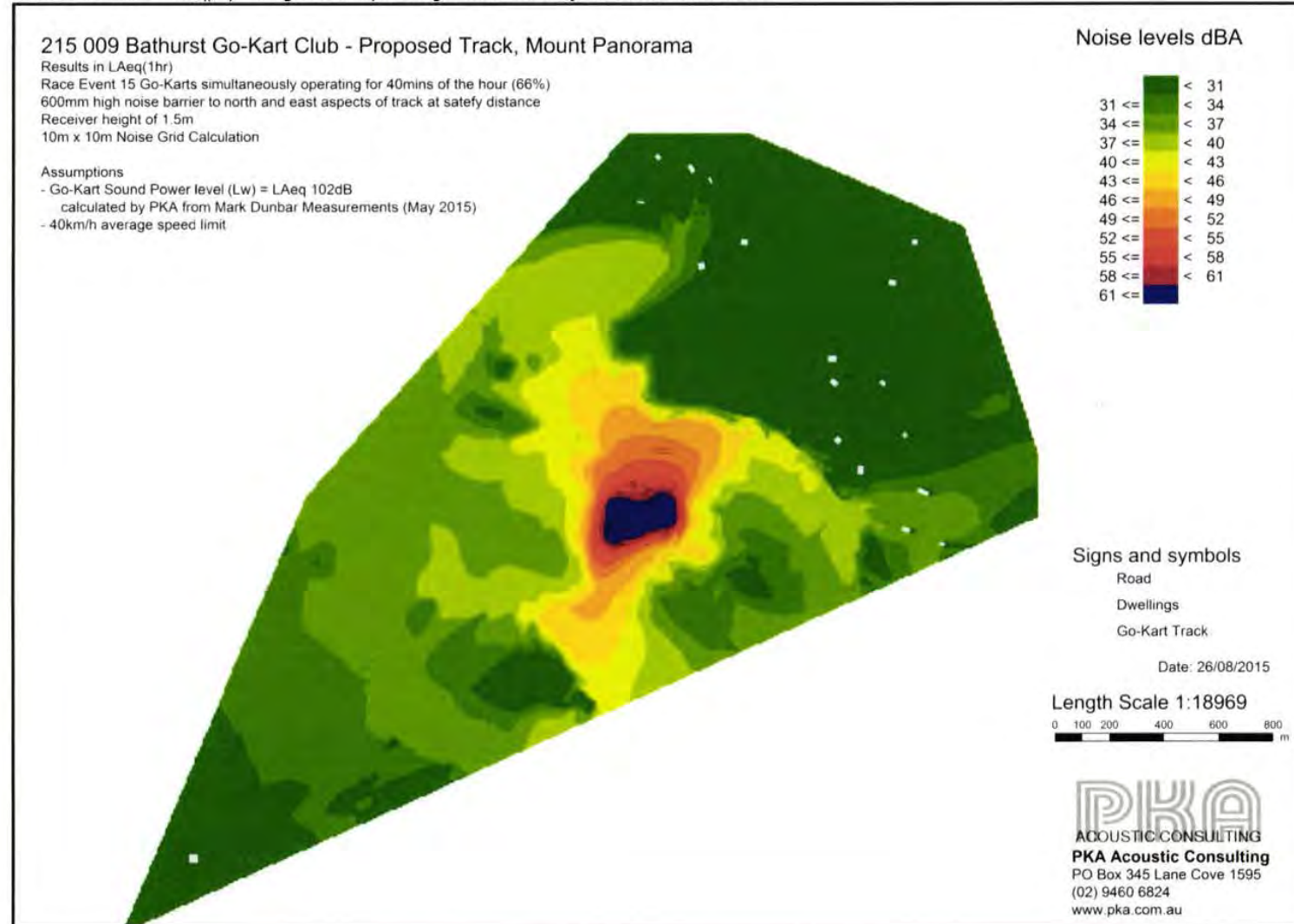
215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Ordinary Meeting

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Attachments

RACE EVENTS – LAeq(1hr) – 15 go-karts operating simultaneously for 40mins of the hour



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S\_DEPBS\_3\_4

215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

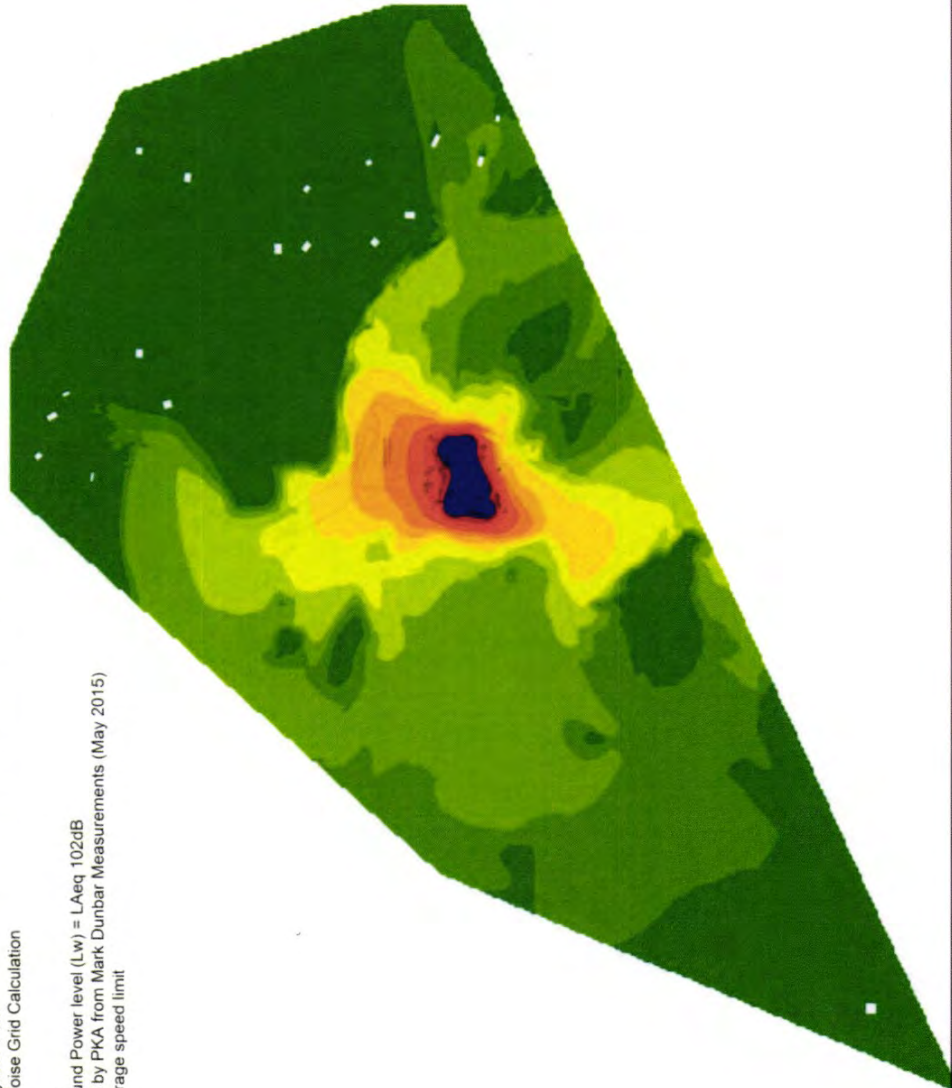
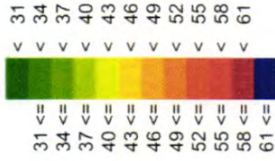
RACE EVENTS – LAeq(7am-6pm) – 15 go-karts operating 9am to 5pm and averaged over the day

215 009 Bathurst Go-Kart Club - Proposed Track, Mount Panorama

Results in LAeq(7am-6pm)  
Race Event 15 Go-Karts operating simultaneously for 40mins per hour (66%) between 9am and 5pm  
600mm high noise barrier to north and east aspects of track at safety distance  
Receiver height of 1.5m  
10m x 10m Noise Grid Calculation

Assumptions  
- Go-Kart Sound Power level (Lw) = LAeq 102dB  
calculated by PKA from Mark Dunbar Measurements (May 2015)  
- 40km/h average speed limit

Noise levels dBA



Signs and symbols  
Road  
Dwellings  
Go-Kart Track

Date: 26/08/2015

Length Scale 1:18969



**PKA**  
ACOUSTIC CONSULTING  
PKA Acoustic Consulting  
PO Box 345 Lane Cove 1595  
(02) 9460 6824  
www.pka.com.au

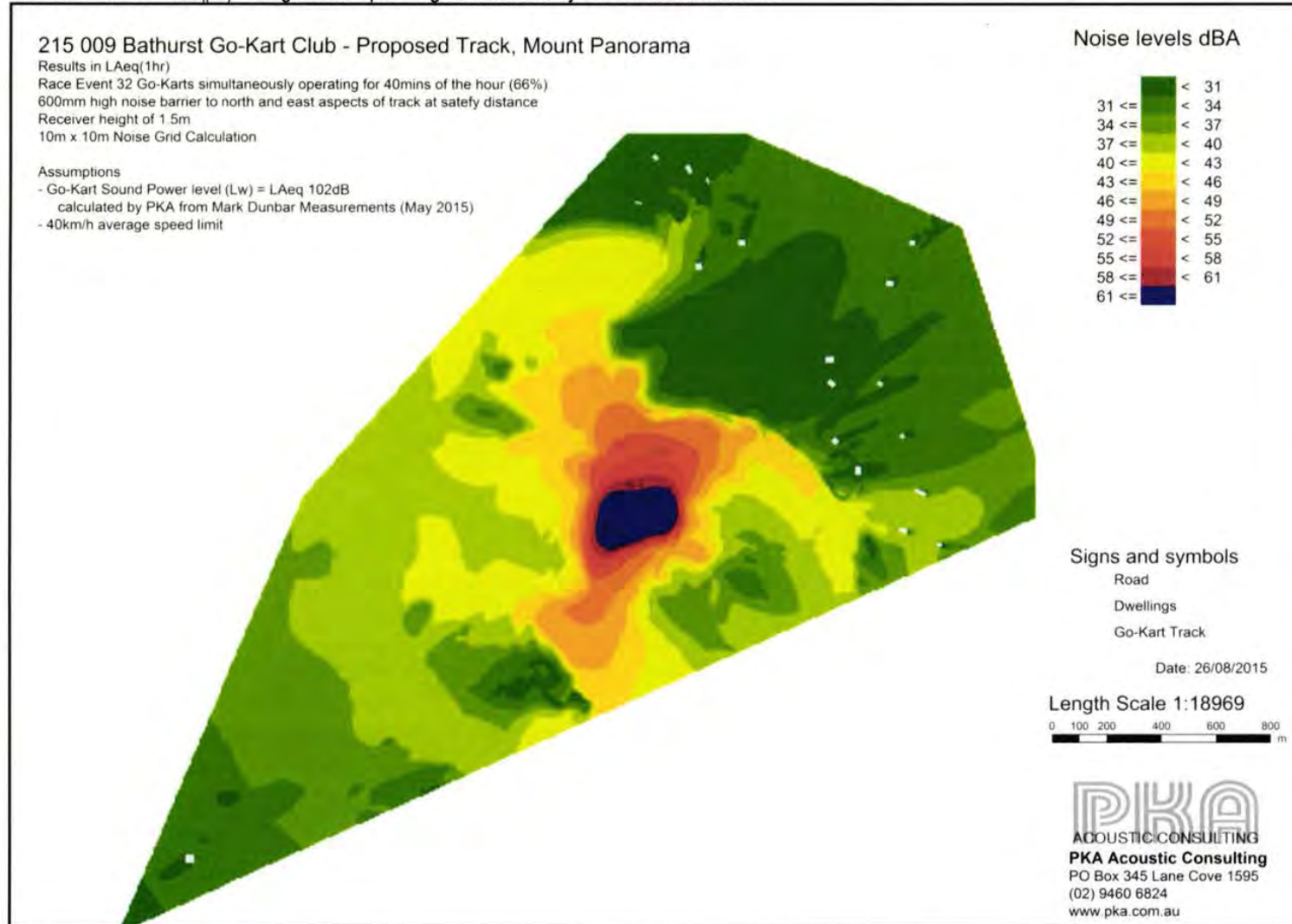
215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

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Attachments

RACE EVENTS – LAeq(1hr) – 32 go-karts operating simultaneously for 40mins of the hour



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S\_DEPBS\_3\_4

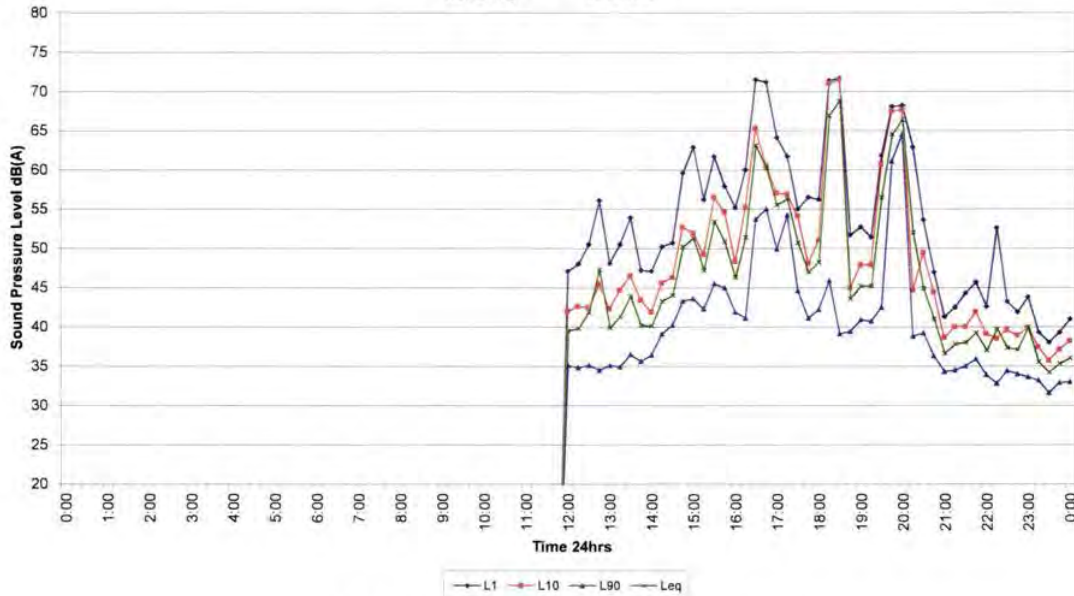
215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

9 AMBIENT NOISE MONITORING

NOISE DATA LOGGER 1 – 402 CONROD STRAIGHT

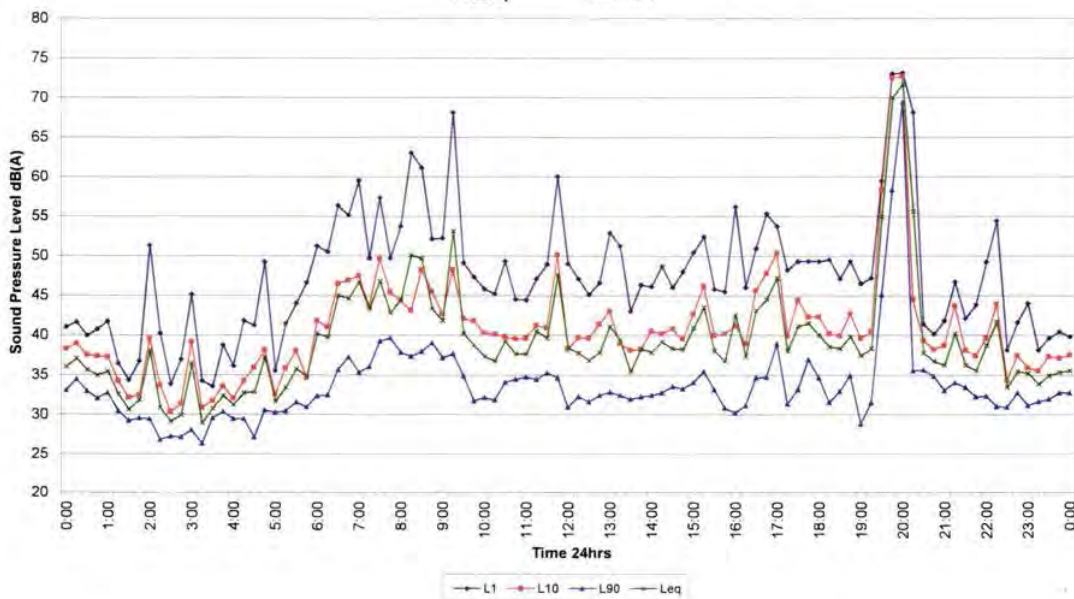
215 009 Bathurst Kart Club - Mount Panorama  
402 Conrod Straight - Approx 200m from road edge

Wednesday 25/02/2015



215 009 Bathurst Kart Club - Mount Panorama  
402 Conrod Straight - Approx 200m from road edge

Thursday 26/02/2015



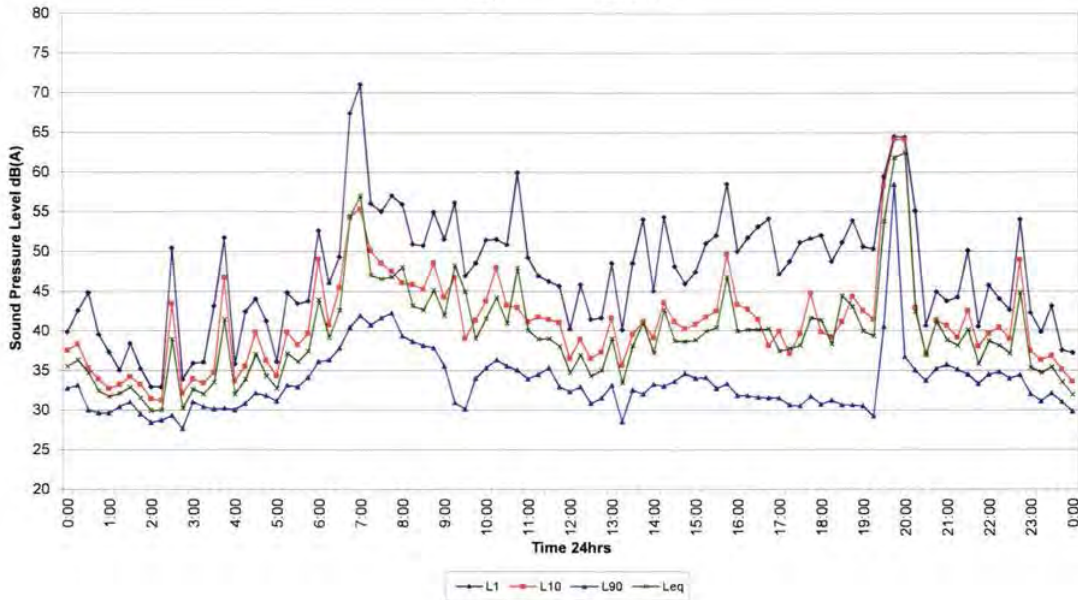


215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

215 009 Bathurst Kart Club - Mount Panorama

402 Conrod Straight - Approx 200m from road edge

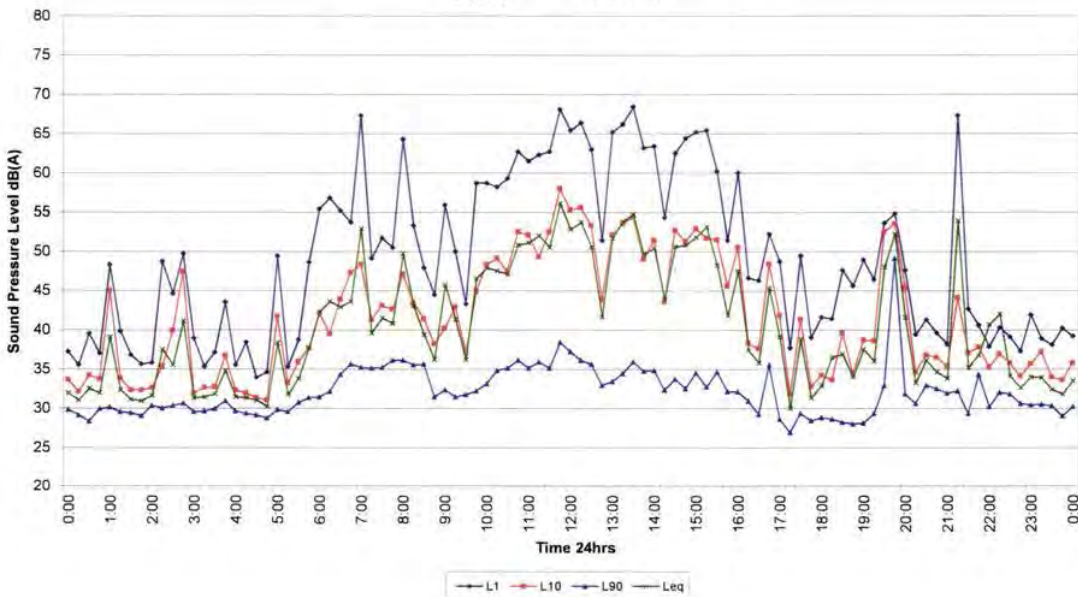
Friday 27/02/2015



215 009 Bathurst Kart Club - Mount Panorama

402 Conrod Straight - Approx 200m from road edge

Saturday 28/02/2015

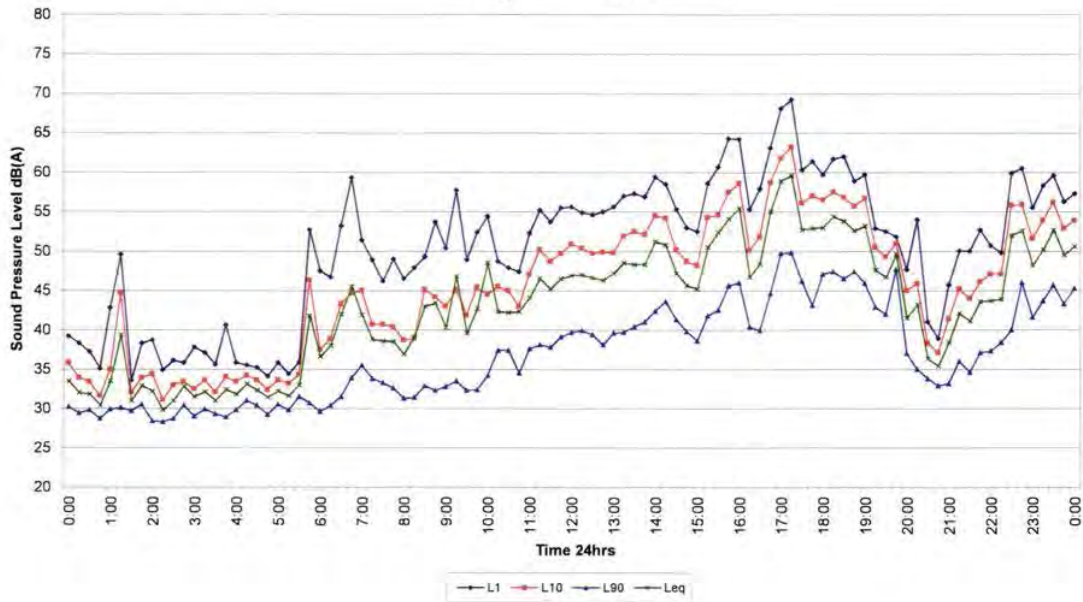


215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

215 009 Bathurst Kart Club - Mount Panorama

402 Conrod Straight - Approx 200m from road edge

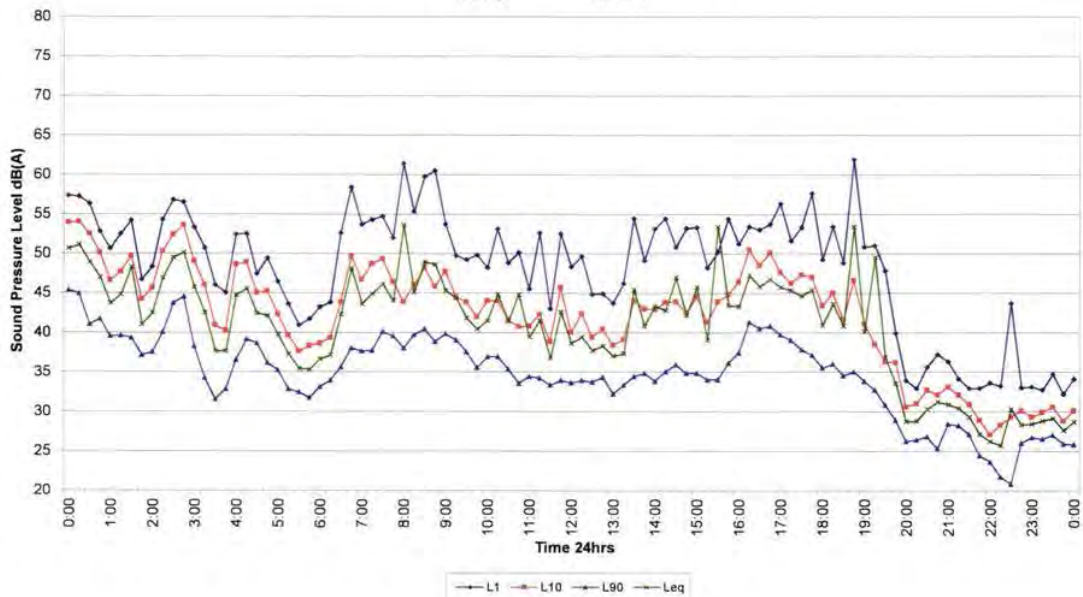
Sunday 1/03/2015



215 009 Bathurst Kart Club - Mount Panorama

402 Conrod Straight - Approx 200m from road edge

Monday 2/03/2015

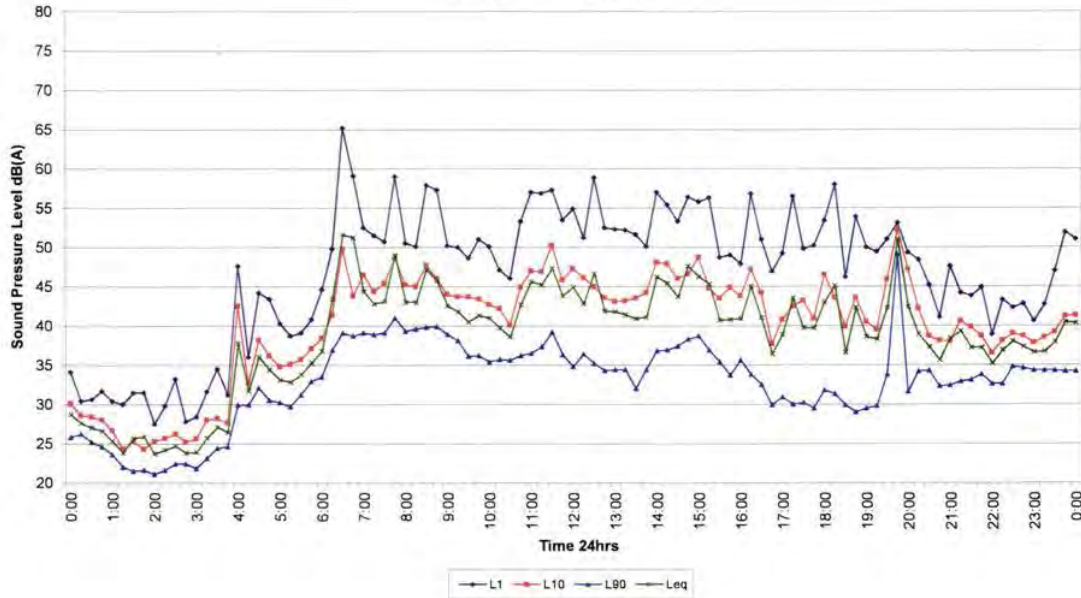


215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

215 009 Bathurst Kart Club - Mount Panorama

402 Conrod Straight - Approx 200m from road edge

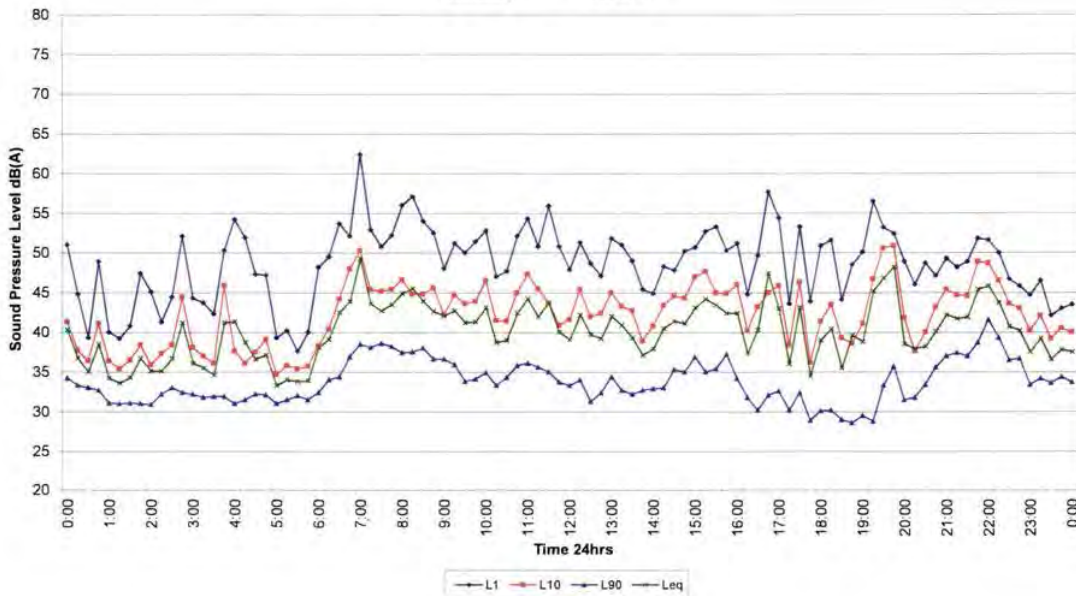
Tuesday 3/03/2015



215 009 Bathurst Kart Club - Mount Panorama

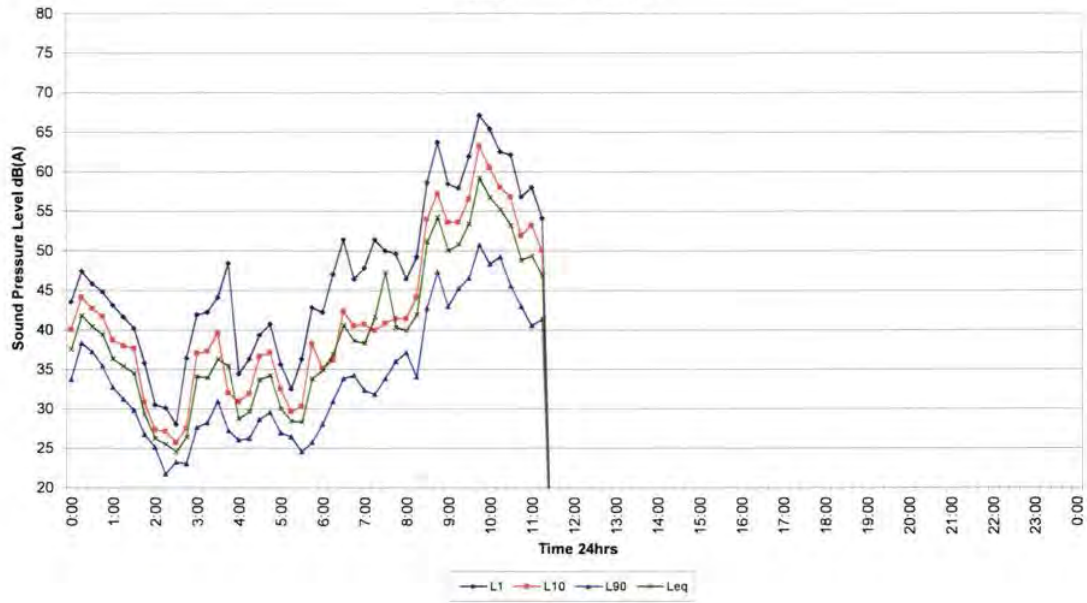
402 Conrod Straight - Approx 200m from road edge

Wednesday 4/03/2015



215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

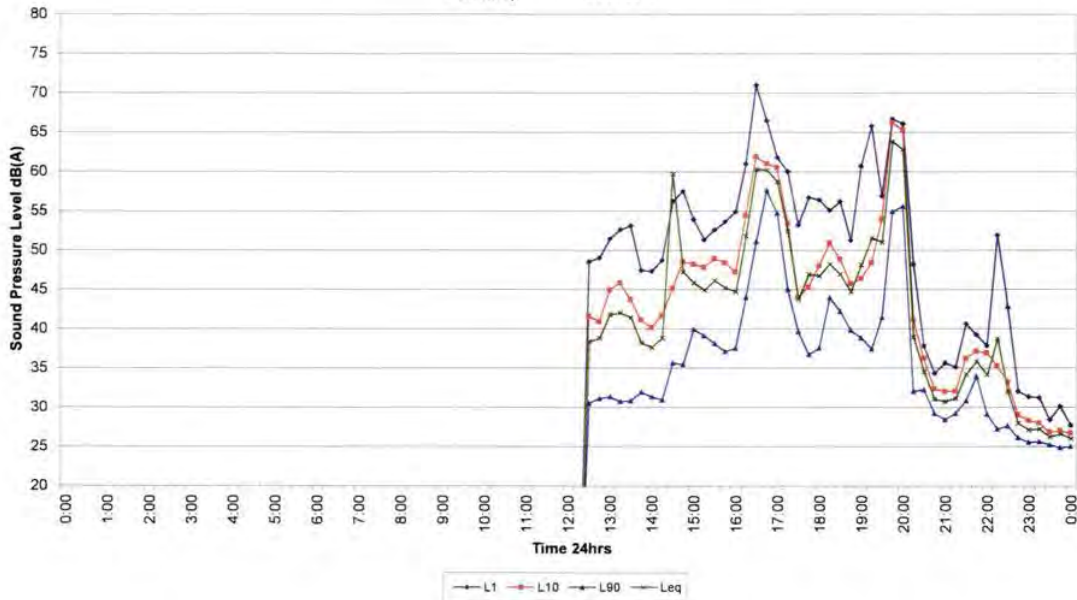
215 009 Bathurst Kart Club - Mount Panorama  
402 Conrod Straight - Approx 200m from road edge  
Thursday 5/03/2015



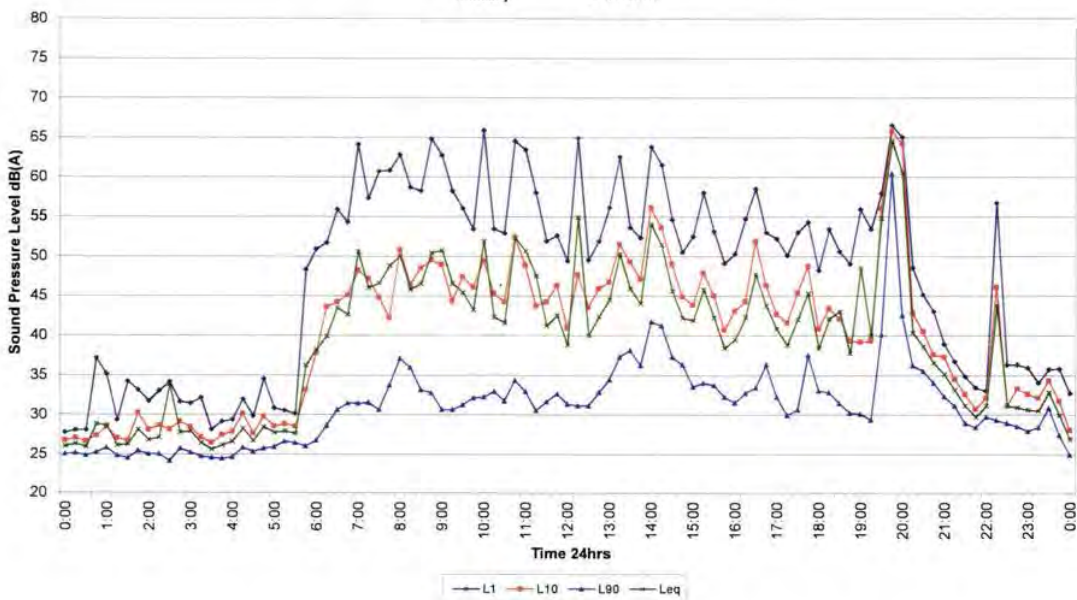
215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

NOISE DATA LOGGER 2 – 280 HEN & CHICKEN ROAD

215 009 Bathurst Kart Club - Mount Panorama  
280 Hen & Chicken Road - Approx 200m from road edge  
Wednesday 25/02/2015



215 009 Bathurst Kart Club - Mount Panorama  
280 Hen & Chicken Road - Approx 200m from road edge  
Thursday 26/02/2015

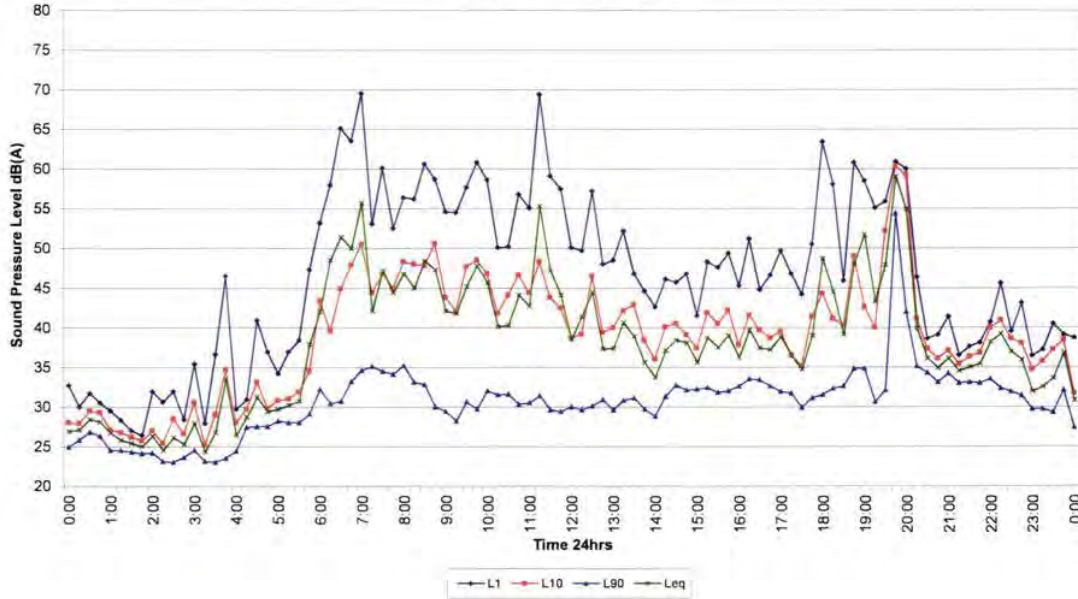


215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

215 009 Bathurst Kart Club - Mount Panorama

280 Hen & Chicken Road - Approx 200m from road edge

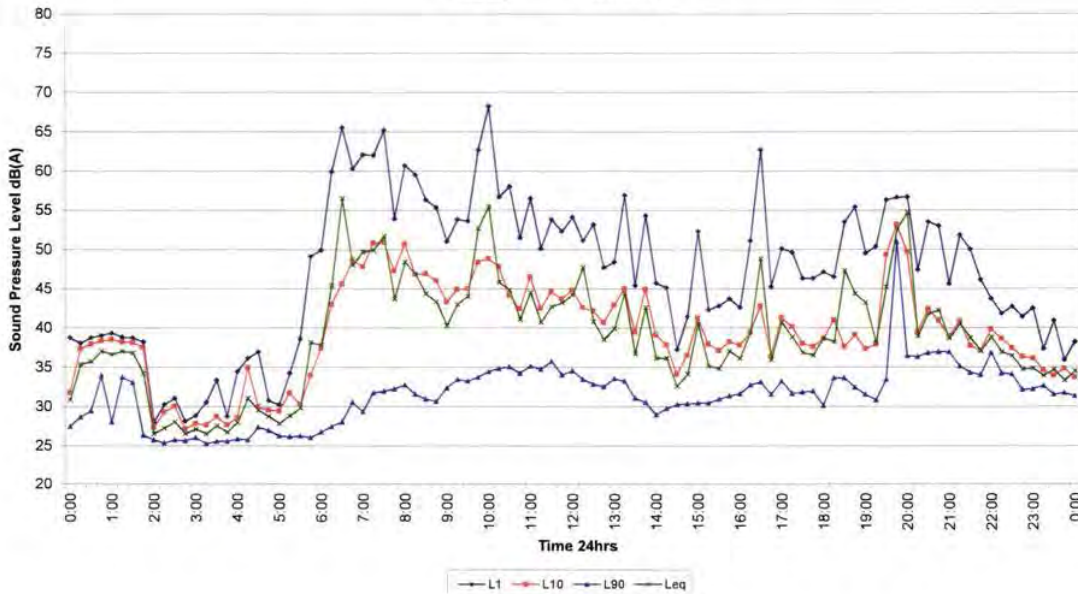
Friday 27/02/2015



215 009 Bathurst Kart Club - Mount Panorama

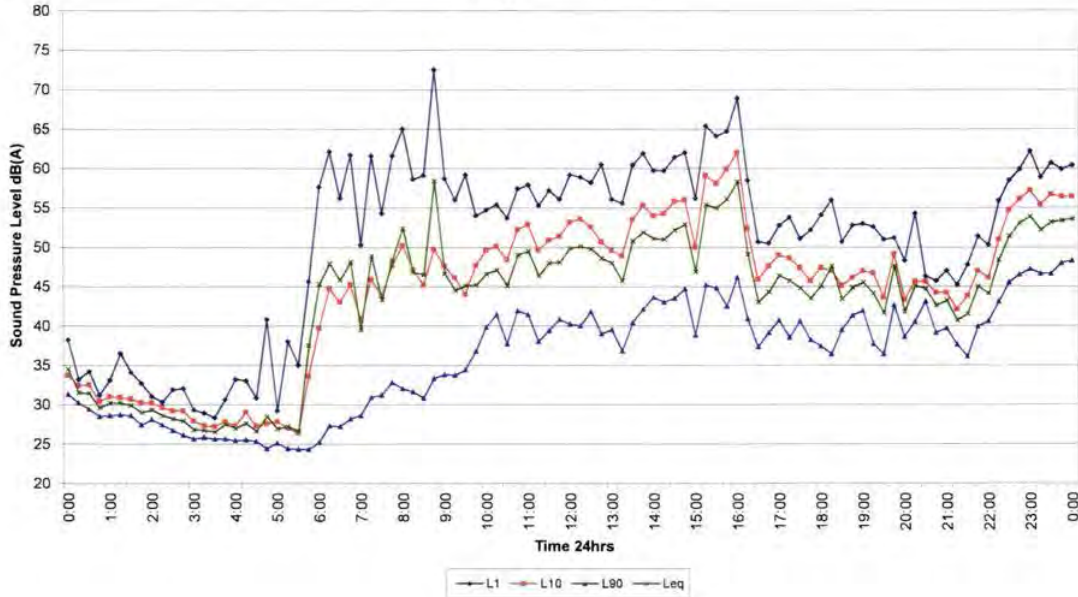
280 Hen & Chicken Road - Approx 200m from road edge

Saturday 28/02/2015

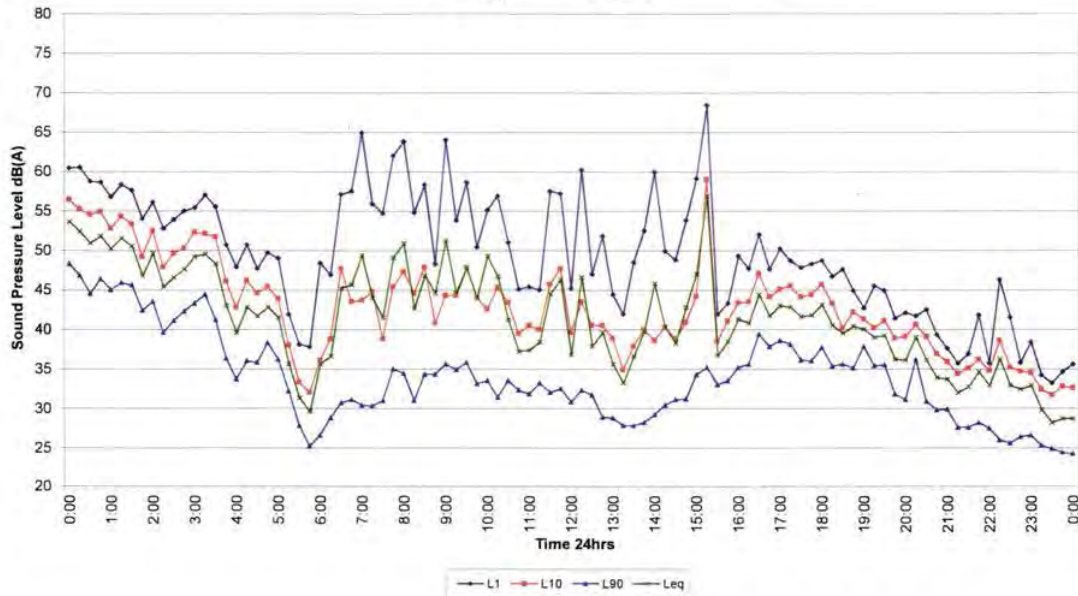


215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

215 009 Bathurst Kart Club - Mount Panorama  
280 Hen & Chicken Road - Approx 200m from road edge  
Sunday 1/03/2015

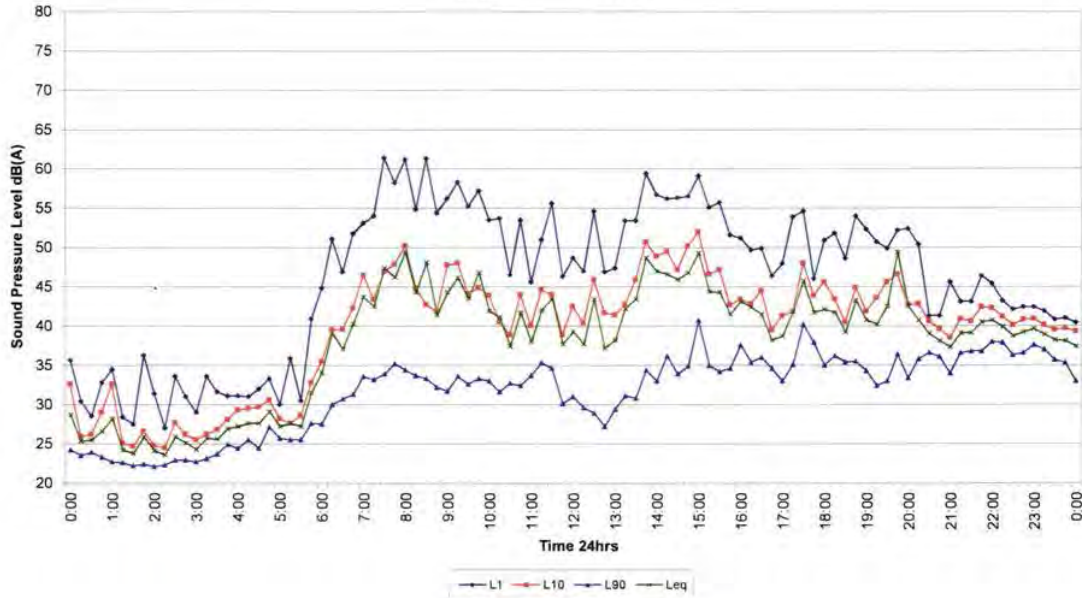


215 009 Bathurst Kart Club - Mount Panorama  
280 Hen & Chicken Road - Approx 200m from road edge  
Monday 2/03/2015

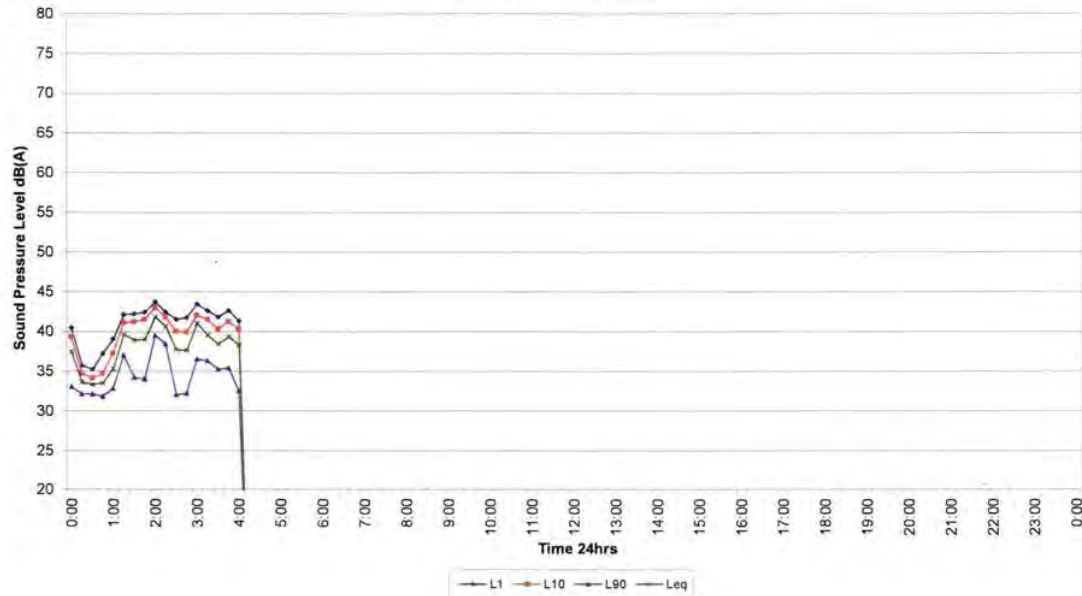


215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

215 009 Bathurst Kart Club - Mount Panorama  
280 Hen & Chicken Road - Approx 200m from road edge  
Tuesday 3/03/2015



215 009 Bathurst Kart Club - Mount Panorama  
280 Hen & Chicken Road - Approx 200m from road edge  
Wednesday 4/03/2015





## 215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama

## GLOSSARY OF ACOUSTIC TERMS

**dB** – A decibel (dB) is a unit of measurement that represents sound levels. Sound levels are measured by pressure variations in the air. The human ear can perceive a large range of sound levels however it responds to the change in sound levels in a logarithmic fashion, therefore for convenience the decibel is a logarithmic unit of measurement.

The table below sets out the subjective effect of changes in sound level:

Change in Sound Level (dB)	Change in Power	Change in Loudness
3	2x	Just Perceivable
5	3x	Clearly Noticeable
10	10x	Twice As Loud
20	100x	Much Louder

For example a 1-2dB change is unlikely to be perceivable, however a change of 5-10dB will be clearly noticeable.

**dBA or dB(A)** – As well as the human ear perceiving sound levels in a logarithmic fashion (see **dB**) the ear also is more sensitive to high (treble) frequencies than it is to low (bass) frequencies. The "A" in dBA stands for "A-weighting" which applies a correction to certain frequencies to approximate the ear's sensitivity and subjective reaction to how loud a sound is perceived.

The table below sets out the typical sound levels for various environments:

Sound Level dBA	Subjective Reaction	Typical Experience
140	Intolerable	Threshold of Pain
130		
120	Deafening	Pneumatic Drill at 1m
110		
100	Loud	Go-kart track at 10m
90		
80	Loud	Adjacent Busy Road
70		
60	Moderate	Outside Busy Cafe
50		
40	Quiet	Outside Suburban / Rural Property
30		
20	Very Quiet	Inside recording studio
10		

The disadvantage of using dBA is that, as a single number e.g. 50dBA, it gives no indication of the spread of sound energy across the frequency spectrum. See [Octave Band Centre Band Frequency](#).

**215 009 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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Sound Pressure Level – The amount of noise from a source measured at a particular distance. For example a go-kart's sound pressure level at 5m distance was measured to be 80dBA.

Sound Power Level – The total amount of noise from a particular source. This is typically calculated at a distance of 1m. For example a go-kart's sound power level was calculated to be 102dBA.

Leq – The level for the overall noise exposure over a specific time. As noise levels fluctuate the Leq represents the energy average if a continuous steady sound was measured. The time intervals stated in this report are typically  $L_{eq\ 15min}$  (15 minutes) and  $L_{eq\ 1hr}$  (60 minutes)

L90 – The noise level exceeded for 90% of the measurement time, or simply the lowest 10% of noise measured. This can be representative of the Background Noise.

Ambient Noise – The combined noise level from all noise producing sources within a given environment

Background Noise – The underlying noise level within the Ambient Noise. This is typically noted as L90 and defined as "the noise level that is exceeded for 90% of the time measured", or simply the lowest 10% of noise measured.

Assessment Background Level (ABL) – The individual background noise level for each period. It is calculated for each period by taking the L90 for each daytime / evening / nighttime periods measured.

Rating Background Level (RBL) – The overall background noise level for each period. It is calculated for each period by taking the median (middle) value from all the daytime / evening / nighttime ABL figures measured.

Receptor (Sensitive Receiver) – Nominated residential locations surrounding the proposed track. Noise impacts are calculated at the boundary of the nominated receptor except for rural properties where the boundaries are greater than 30m from the dwelling, in which case the noise impacts are calculated at the most-affected point within 30m of the dwelling.

**PKA ACOUSTIC CONSULTING**

BUILDING ACOUSTICS

INDUSTRIAL ACOUSTICS

MECHANICAL ACOUSTICS

OCCUPATIONAL NOISE SURVEYS

VIBRATION

AUDIO VISUAL

LEGAL ACOUSTICS

PO BOX 345, LANE COVE, NSW, 1595 SUITE 12, 401 PACIFIC HIGHWAY ARTARMON 2064

Tel 612 9460 6824 Fax 612 9460 6823 admin@pka.com.au

Ordinary Meeting

Page 97 of 441 - 16 September 2015

Attachments

**Envirowest Consulting** Pty Ltd ABN 18 103 955 246

• 9 Cameron Place, Orange NSW • Tel (02) 6361 4954 • Fax (02) 6360 3960 •  
 • 3/72 Corporation Place, Bathurst NSW • Tel (02) 6334 3312 •  
 • PO Box 8158, Orange NSW 2800 • Email admin@envirowest.net.au • Web www.envirowest.net.au •

Environmental  
 Geotechnical  
 Asbestos  
 Services



4 August 2015

Anthony Daintith Town Planning  
 PO Box 1975  
 Orange NSW 2800

Attn: Anthony Daintith

Ref: L6178ff

Dear Anthony,

**Vegetation assessment for proposed Go-Kart track at Brocks Skyline (McPhillamy Park), Mount Panorama, Bathurst NSW**

**1. Background**

A Go-Kart track is proposed for Brocks Skyline (McPhillamy Park), Mount Panorama, Bathurst NSW. Vegetation in the area has been identified as part of the Box-Gum Endangered Ecological Community. The development will comprise a 950m long track, starting area/pits, carparking and camping area. The development of the Go-Kart track will require the removal of several native and exotic trees. No tree removal is required for the carparking and vacant area.

An inspection of the trees proposed to be removed is required as part of the development application.

**2. Scope**

- Inspection of trees to be removed as part of the development to determine species, habitat significance and impact of removing the tree.

**3. Location**

The site is part Lots 1 and 2 DP634401, Lot 1 DP700629, parts Lot 9 DP1047248, part Lot 40 DP1056379 and part Lot 1685 DP1085547 Lot 9 DP243046 Brocks Skyline, Mount Panorama, Bathurst NSW. The development area is approximately 8.5 hectares in size. The design of the Go-Kart track has not been finalised. The track will be designed to minimise the number of trees to be removed. The inspection was undertaken on the trees which potentially may be removed.

**4. Assessment**

An overall description of the site was completed by conducting a general field survey. The development area was divided into sub-areas which were inspected. The inspection comprised a walkover and description of vegetation, major land-uses, tree species identification and evaluation of trees for potential faunal habitat.

The survey was undertaken on 27 July 2015. The conditions on the day were cold and overcast. Representative photographs of the site are presented in Attachment 4.

## 5. Site description

Three different land-uses were identified on the site. The south western area is a residential yard area dominated by planted exotic and native tree and shrub species. Sub-area 5 is located in this land-use.

The south eastern section is located adjacent the residential area, is unmanaged and dominated by planted exotic and native tree and shrub species. Three eucalypts occur in this area. Sub-areas 6 and 7 are located in this land-use.

The third area comprises the majority of the development area and contains eucalypt species with a grassy maintained understorey. This area is a public reserve which provides camping facilities during race days. Sub-areas 1, 2, 3 and 4 are located in this land-use.

Land-use surrounding the site comprises grazing to the east, south and west and a recreational facility to the north.

## 6. Proposed land-use

The proposed land-use on the site is a Go-Kart track which will comprise the track, starting area/pits, carparking and camping area. Trees around the proposed track circuit will require removal to ensure sufficient run-off area for safety. The number of trees requiring removal will be dependent on the final track design. The final track will be designed to minimise tree removal.

Trees in other parts of the development area will not require removal.

## 7. Tree assessment

### 7.1 Sub-area 1

Sub-area 1 is located in the north eastern section of the proposed track (Attachment 3). Ten trees were identified in this area comprising four *Eucalyptus melliodora*, one *E. bridgesiana* and five *Acacia implexa* (Attachment 4). The trees are expected to be less than 50 years old, approximately 10m in height and evidence of lopping was observed. The *E. bridgesiana* was mostly dead with reshooting occurring around the base of the tree. No hollows or nests were identified in the trees.

The trees are expected to form part of the Box-Gum endangered woodland. The area is highly disturbed with a mown grass sward understorey. The trees provide limited habitat for fauna in the form of nesting areas for birds and food source.

Removal of these trees is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

### 7.2 Sub-area 2

Sub-area 2 is located in the central section of the proposed track (Attachment 3). Eight trees were identified in this area comprising two *E. melliodora*, one *A. implexa* and five *Pinus radiata* (Attachment 4). The trees are expected to be less than 50 years old and approximately 20m in height. No hollows or nests were identified in the trees.

The eucalypts and acacia are expected to form part of the Box-Gum endangered woodland. The area is highly disturbed with a mown grass sward understorey. The trees provide limited habitat for fauna in the form of nesting areas for birds and food source.

The pines are an introduced species and removal is not expected to impact on flora, fauna and the Box-Gum woodland. Removal of the native trees is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

### 7.3 Sub-area 3

Sub-area 3 is located in the central section of the proposed track (Attachment 3). Four trees were identified in this area comprising *E. melliodora* (Attachment 4). The trees are expected to be less than 50 years old and approximately 20m in height. One tree contained a hollow approximately 1.5m from the ground. The hollow is not expected to provide habitat for fauna due to proximity to the ground and potential predators. No nests were identified in the trees.

The eucalypts are expected to form part of the Box-Gum endangered woodland. The area is highly disturbed with a mown grass sward understorey. The trees provide limited habitat for fauna in the form of nesting areas for birds and food source.

Removal of these trees is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

### 7.4 Sub-area 4

Sub-area 4 is located in the central section of the proposed track (Attachment 3). One tree was identified in this area comprising *E. melliodora* (Attachment 4). The tree is expected to be less than 50 years old and approximately 25m in height. No hollows or nests were identified in the tree.

The eucalypt is expected to form part of the Box-Gum endangered woodland. The area is highly disturbed with a mown grass sward understorey. The trees provide limited habitat for fauna in the form of nesting areas for birds and food source.

Removal of this tree is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

### 7.5 Sub-area 5

Sub-area 5 is located along the western boundary of the proposed track (Attachment 3). Numerous exotic and native trees and shrubs have been planted in this area including conifers, bottlebrushes, eucalypts and acacias. Weeds species comprising blackberry, lucerne tree and California aloe were also present in this area (Attachment 4). No hollows or nests were identified in the trees.

The species identified do not form part of the Box-Gum endangered woodland. The area is highly disturbed with a mown grass sward understorey and presence of planted exotic and native species as well as weed species. The shrubs provide limited habitat for fauna in the form of nesting areas for birds and food source.

The weeds are introduced species and removal is not expected to impact on flora, fauna and the Box-Gum woodland. Removal of the native plants is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

### 7.6 Sub-area 6

Sub-area 6 is located in the southern section of the proposed track (Attachment 3). One tree was identified in this area comprising *E. viminalis*. The tree is expected to be less than 50 years and approximately 25m in height. Numerous acacia species have been planted and lucerne trees have invaded the area (Attachment 4). No hollows or nests were identified in the trees.

The species is expected to form part of the Box-Gum endangered woodland. The area is highly disturbed with the presence of planted exotic and native species as well as weed species. The shrubs provide limited habitat for fauna in the form of nesting areas for birds and food source.

*E. viminalis* is a listed koala feed tree. No scratches or koala scats were identified on the trees. Koalas are not expected to inhabit the site.

The tree is not expected to be removed. The shrubs will be removed. Removal of these shrubs is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

#### 7.7 Sub-area 7

Sub-area 7 is located in the south eastern section of the proposed track (Attachment 3). Numerous juvenile and mature trees were identified in this area including one *E. mellidora* (approximately 20m tall), two *E. viminalis* (15 to 20m tall), fifteen mature *P. radiata*, five juvenile *Brachychiton populeneus*, ironbark eucalypt, oak trees, pepper tree and *A. implexa* (Attachment 4). The trees are all expected to be less than 50 years old. Other juvenile eucalypts were also identified in this area and are expected to have been planted. The understorey was dominated by *Phalaris aquatic*. No hollows or nests were identified in the trees.

The natural species are expected to form part of the Box-Gum endangered woodland. The area is highly disturbed with the presence of planted exotic and native species as well as weed species. The trees and shrubs provide limited habitat for fauna in the form of nesting areas for birds and food source. The understorey provides a food source for grazing mammals and potential habitat for ground dwelling birds and mammals.

*E. viminalis* is a listed koala feed tree. No scratches or koala scats were identified on and around the trees. Koalas are not expected to inhabit the site.

The pines are an introduced species and removal is not expected to impact on flora, fauna and the Box-Gum woodland. Removal of the native plants is expected to have minimal impact on flora, fauna and the Box-Gum woodland.

#### 8. Impact of tree removal

The trees in the location of the Go-Kart track have been subject to an extended period of disturbance resulting from:

- clearing activities
- maintenance activities (mowing/slashing)
- human occupation including movement of vehicles, lighting of fires and camping
- presence of weed species
- planting of native species not endemic to the area.

These disturbance activities have resulted in poor quality habitat for fauna and a poor example of the Box-Gum endangered woodland. Habitat is available to birds in the form of nesting sites and food source. The trees are not expected to provide habitat for arboreal mammals due to a lack of hollows and historical disturbances which have restricted movement of mammals between trees. Understorey plants are not present and does not provide habitat for fauna.

Removal of the trees to allow the development is expected to have minimal impact on flora, fauna and the Box-Gum woodland found in the locality.

The Box-Gum endangered woodland is represented on neighbouring land to the north east, east, west and north west of the site.

## 9. Conclusions

No threatened or endangered flora or fauna are expected to inhabit the development area due to historical disturbance activities resulting in poor habitat. The development will not impact on threatened or endangered species. The development will slightly reduce the size of the Box-Gum Woodland found in the locality. The decrease in size is not expected to impact on the community in the locality. Plantings of native species endemic to the area in other locations of the site will off-set those trees proposed to be removed.

## 9. Recommendations

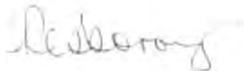
The final Go-Kart track should be designed to minimise the number of trees to be removed.

The Go-Kart development is not expected to impact on the occurrence of threatened flora and fauna species in the locality.

Native species endemic to the locality should be planted as off-sets to the tree removal. Off-set planting is recommended to occur at a minimum ratio of 1 native tree removed to 2 trees/shrubs planted.

Please call if you require additional information.

Regards



Leah Desborough  
Senior Environmental Scientist


### Attachments

- Attachment 1: Locality plan
- Attachment 2: Aerial photograph of the site
- Attachment 3: Investigation areas
- Attachment 4: Photographs of the site









Proposed Go-Kart track

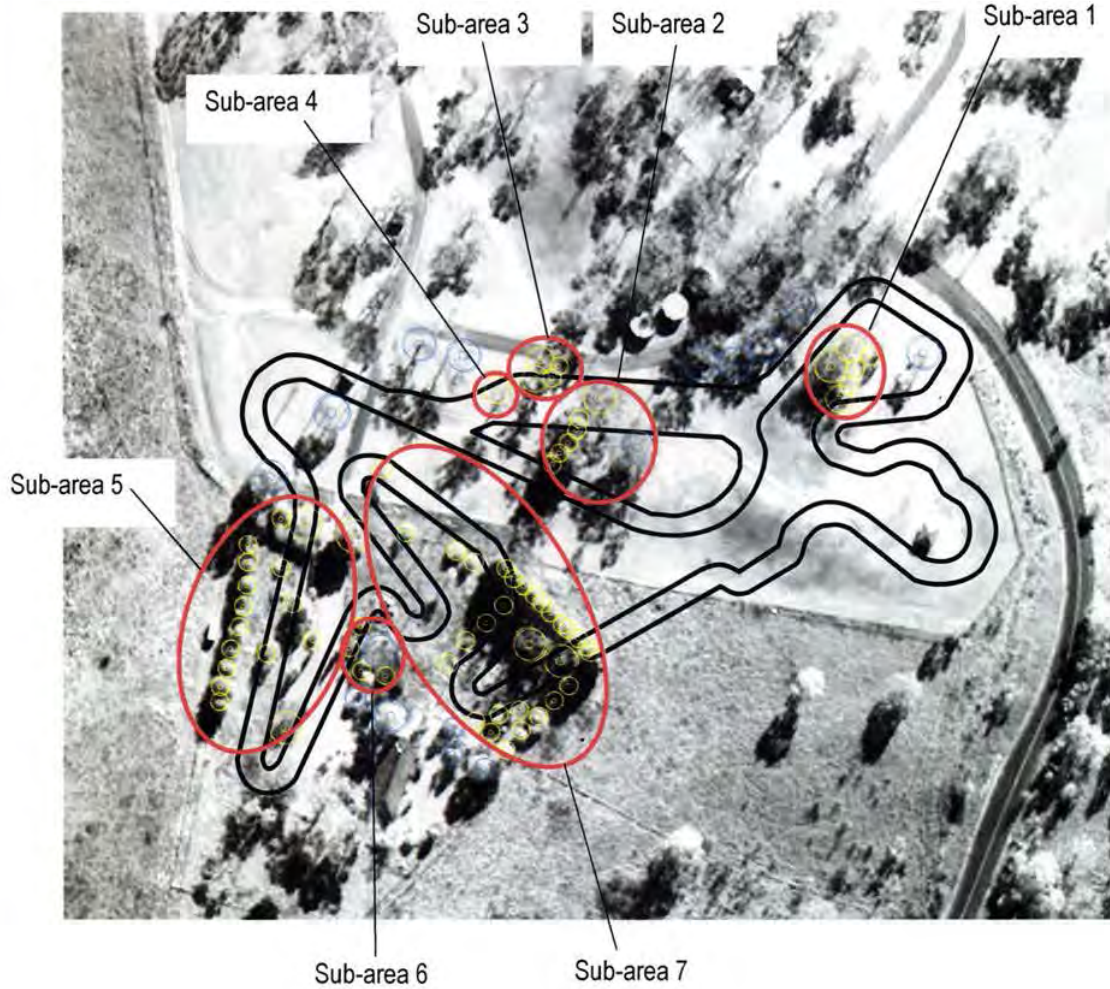
<b>Attachment 1. Locality plan</b>		
Go-Kart track, Brocks Skyline (McPhillamy Park), Mount Panorama, Bathurst NSW		
	Envirowest Consulting Pty Ltd	
Job: L6178ff	Drawn by: LD	Date: 3/8/2015






**Legend**


-  Proposed track
-  Trees proposed to be removed
-  Trees not expected to be removed

Attachment 2. Aerial photograph of the site		
Go-Kart track, Brocks Skyline (McPhillamy Park), Mount Panorama, Bathurst NSW		
	Envirowest Consulting Pty Ltd	
Job: L6178ff	Drawn by: LD	Date: 4/8/2015



**Legend**

-  Proposed track
-  Trees proposed to be removed
-  Trees not expected to be removed

<b>Attachment 3. Investigation areas</b>		
Go-Kart track, Brocks Skyline (McPhillamy Park), Mount Panorama, Bathurst NSW		
	Envirowest Consulting Pty Ltd	
Job: L6178ff	Drawn by: LD	Date: 4/8/2015

Attachment 4. Photographs of the site



Sub-area 1



Sub-area 2



Sub-area 3



Sub-area 4



Sub-area 5



Sub-area 6



Sub-area 7



Sub-area 7



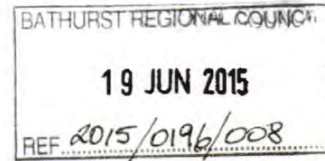
Sub-area 7



To: epb secretary/BathurstCC,  
 Cc:  
 Bcc:  
 Subject: Fw: Attn Daniel Dwyer: Development Application 2015/0196 (MAIL)  
 FILE NUMBER: 2015/0196

----- Forwarded by Shona Hoad/BathurstCC on 18/06/2015 04:36 PM -----

From: Ryan Cooney <ryan@steeleandco.com.au>  
 To: "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>,  
 Date: 18/06/2015 04:24 PM  
 Subject: Attn Daniel Dwyer: Development Application 2015/0196



Dear Mr Dwyer

As discussed this morning, I have been instructed by Kevin and Clarisse Burgess to confirm their ongoing interest in the above development application.

Mr and Mrs Burgess live very close to the subject site and are concerned about the noise that will come from the resultant go cart track. They would like to be consulted and have the opportunity to make a further submission, once Council have begun to determine the noise reduction measures that are to be applied to the development.

You are free to contact our clients directly. They have engaged us initially to assist in drafting this correspondence only.

Ryan Cooney

Solicitor Director

**STEELE+CO**

253 Howick Street, Bathurst NSW 2795 | PO Box 1504, Bathurst NSW 2795 | DX 3110  
 Bathurst

T: 02 6331 7666 | F: 02 6332 2221 | [www.steeleandco.com.au](http://www.steeleandco.com.au)

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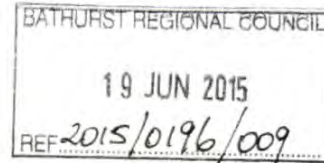
*Legal practitioners employed by Steele & Co Pty Ltd are members of the scheme.*

9

Bathurst Regional Council  
158 Russell St.  
Private Mail Bag 17  
Bathurst NSW 2795

17/06/2015

Attn: Mr. R Denyer  
Acting Director  
Environmental, Planning and Building Services



Reference To:

Development Application No. 2015/0196  
Applicant: Bathurst Kart Club

Dear Sir,

My submission regarding this development application is as follows.

My view is that the application is slightly overstated as to its benefit as a recreational facility, enhancement to the motor racing circuit and its benefit to tourism, as it is a private circuit, available only to kart club members.

The application relies on "any other development not specified in item 2 or 4" of the zone objectives.

I would be interested to know, when considering that "amusement centres" and 'restricted premises" are prohibited in the zones SP3 and RU2, does this development fall into both or one of these categories?

This obviously depends on the definition of those two items.

The site will be restricted to be used only by members and, is it an amusement centre?

The noise generated by the use of the development appears to be covered in the noise report.

The noise output is developed from computer modelling using unqualified input.

What if it proves to be wrong?

It claims no noise effect during practise to any receptors and some impact to 8 properties when 32 karts are used in racing.

I don't fully understand that when this occurs, it seems from the report, that the solution seems to be to reduce the number of meetings. Is that correct?

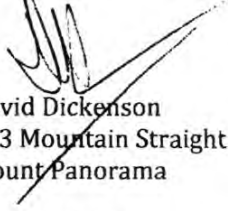
D2B



So my main queries are:-

1. Is 365 days of use necessary?
2. If noise output proves to be in excess of allowable (35dBA in my case) what then? What steps can I take with regard to this excessive noise?
3. Is the solution suggested by the noise report, simply to reduce the number of events?
4. If the noise report is accurate showing in excess of the 35dBA on 7 or 8 receptors using 32 karts at once, why can't 2 metre noise barriers be placed to reduce noise toward all receptors?

Yours faithfully,

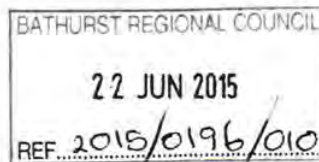


David Dickenson  
163 Mountain Straight  
Mount Panorama

0417686243

Mark Cordato and Coral Goldsworthy  
 PO Box 1298  
 Bathurst  
 2795 NSW

22 June, 2015



Received 15 June, 2015, deadline date for submission 22 June, 2015. Our submission is made but a better submission could be made with more time.

### Development Application no 2015/0196 (DA)

Thank you for asking for my input regarding the proposed Go Kart Track.  
 I will refer to documents that must be in Bathurst Regional Council's (BRC) possession:  
 1/ Mount Panorama Noise Assessment, the document that was an appendix to the HMRA Second track feasibility study. (AECOM)  
 2/ Acoustic Assessment 2015-1096

### Cumulative Noise Burden

Noise burden is considered in the documents by acoustic engineers AECOM and AA. These documents describe how the noise of motor racing is measured over the period of a year. Both acoustic engineering reports describe a means to determine the maximum safe numbers of events per year. All motor sport events within the one year must be considered, the AECOM report made this clear.

### Errors, omissions and shortcomings of the Acoustic Assessment

1. The proposed hours of operation in the DA are 3 hours longer per day than in the Acoustic Assessment. (+3dBA).
2. There has been no account for tonality and impulsiveness (+5dBA).
3. There is no accounting for other motor sport noise on the properties:
  - a. The main track at Mount Panorama;
  - b. Mount Panorama Bike Track;
  - c. Bathurst Light Car Club activities; and
  - d. Other motor sport in the vicinity.
4. The noise levels for the Go Kart need to be tested by an impartial observer.

### Health and Safety

The Acoustic Assessment is deficient. In its current form BRC cannot evaluate the impact of the proposed track on health and safety of residents and others.

### Our submission

We and BRC must to err on the side of our safety by saying we object, at this stage, on the grounds that **BRC does not yet have sufficient information to guide their decision**. The Acoustic Assessment needs additional work.

We would appreciate a longer notice period to better evaluate such complex matters in future.

Yours Sincerely

Mark Cordato

Coral Goldsworthy



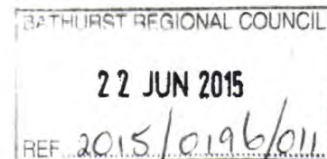
DEPBS ✓

Mount Panorama Residents Committee

160 Mountain Straight

Mt Panorama

Bathurst NSW 2795



RE Proposed Go Kart Track

The DA as it stands should be REJECTED on the following basis ;

- 1 Incomplete noise assessment by PKA Acoustic Consulting .Failing to be independent and by deliberate omission , failing to properly analyse health issues .
- 2 Lack of consultation with affected land holders re the proposed frequency of use and duration of use

IN DETAIL ,

- 1 The PKA Acoustic Report cannot be correct because of questionable noise testing . Why would they get the president of the Kart Club to conduct noise tests for them ? A clear conflict of interest ! Particularly when the presidents noise test is 10 times (10X) lower than an independent test done by Wilkinson Murray Acoustic Consulting only a few months before . The president had a noise reading of 102db and Wilkinson Murray had a reading of 112db which doesn't seem much but because sound is measured on a logarithmic scale it is actually a 10 fold reduction . It is not possible that there has suddenly been such a massive drop in noise . PKA don't adequately investigate this and proceed with their very impressive presentation based on probably falsified information .
- 2 The PKA report is incomplete because when they analyse the noise pollution for compliance with the EPA NGLG regulations ,for total annual noise burden on properties , they fail to mention the already existing noise burden from the car racing . If they did this ,they would have come to the conclusion that the Mount Panorama already exceeds the guidelines for noise safety and would probably advise BRC of that fact and possibly recommend measures to look after the health of the residents . They would also likely recommend that because of health measures it may be negligent for this proposal to proceed .
- 3 The lack of consultation with the affected land holders ; clearly with the impressive amount of effort Bathurst Kart Club has put into the DA , they knew a long time ago what they were planning and should have involved residents a long time ago because we would have been able to work in unison on this .To receive a disc , that required hours of reading to understand , just 10 days before submissions close is unreasonable .

This DA needs a proper INDEPENDENT acoustic analysis done and suitable noise barriers erected to prevent ANY increase in noise pollution that might affect the health of families living near the proposed development .

Thank You

J. Nigel Swan , Mount Panorama Residents Committee

MDA ✓

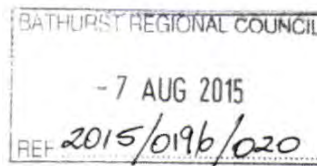
2015/0196

20



**Fw: Proposed go Kart track**  
mayor to: Group Records  
Sent by: **Wendy MacDougall**  
Cc: David Sherley

07/08/2015 09:09 AM



Wendy Macdougall  
GM's Assistant/Public Officer  
Bathurst Regional Council  
158 Russell Street Bathurst NSW 2795  
Phone: 02 6333 6201  
Fax: 02 6331 7211  
www.bathurst.nsw.gov.au

Mayor of Bathurst  
Bathurst Regional Council  
158 Russell street Bathurst  
Phone 02 6333 6205  
Fax 02 6331 7211

--- Forwarded by Wendy MacDougall/BathurstCC on 07/08/2015 09:08 AM ---

From: john swan <panrescom@gmail.com>  
To: mayor@bathurst.nsw.gov.au, michael.coote@bathurst.nsw.gov.au,  
monica.morse@bathurst.nsw.gov.au, bobby.burke@bathurst.nsw.gov.au,  
graeme.hanger@bathurst.nsw.gov.au, greg.westman@bathurst.nsw.gov.au,  
ian.north@bathurst.nsw.gov.au, jess.jennings@bathurst.nsw.gov.au,  
warren.aubin@bathurst.nsw.gov.au,  
Date: 07/08/2015 06:41 AM  
Subject: Proposed go Kart track

Hello Mayor and Councillors .

Hopefully the meeting on Wednesday was worthwhile and the concerns were recognised . I was unhappy with my presentation as I had a complete little speech but I altered it as I went because I didn't want to just repeat what had already been said so I think I didn't get the message across .

1 the acoustic report is false as there has not been a sudden 50% drop in noise levels from Go Karts .

2 the acoustic report is incomplete when it looks at total cumulative noise levels, it fails to examine the noise from existing events at Mt Panorama and also fails to examine if more than 1 event is on at Mt Panorama e.g. MX and go Karts

The PKA report needs to be rejected and there needs to be a new unbiased acoustic report and then proper sound mitigation measures planned so to comply with the Noise Guidelines for Local Government .

Thank You

DEPB ✓  
Mayor ✓  
CIRS ✓

## MINUTE

**21 Item 3 DEVELOPMENT APPLICATION NO. 2015/0196 – RECREATION FACILITY (GO-KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT: BATHURST KART CLUB. OWNER: BATHURST REGIONAL COUNCIL (DA/2015/0196)**

**MOVED: Cr B Bourke SECONDED: Cr J Jennings**

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to section 80 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2015/0196, subject to conditions able to be imposed pursuant to Section 80(A) of the Environmental Planning and Assessment Act 1979, as amended and including conditions to the effect that:

- (i) Noise levels from the operation of the go-kart track are to comply with the following noise criteria:

- a. The maximum noise levels during race event days are to be as follows:

Address	Maximum dBA (L <sub>Aeq (1hr)</sub> )
404 Conrod Straight	39
402 Conrod Straight	38
428 Conrod Straight	37
280 Hen & Chicken Lane	35
All other Residential properties	36

- b. The maximum noise levels at all other times (i.e. practice days) are to be as follows:

Address	Maximum dBA (L <sub>Aeq (1hr)</sub> )
All residential properties	36
280 Hen & Chicken Lane	35

- (ii) No more than 18 individual race days are to be held in a calendar year;
- (iii) Within three months of the facility becoming operational noise measurements are to be taken on a race day at the nearest affected residences and the results submitted to Council;
- (iv) The number of go-karts on the track at the same time is not to exceed 5 on a practice day and 32 on a race event day.
- (v) The facility must not be operated during full track closure motor racing events on the Mount Panorama Racing Circuit, when the Motor Cross track is in use or when there are partial track closures for motor sport events on the Mount Panorama Racing Circuit;
- (vi) The applicant is to submit to Council for endorsement a landscape plan that includes trees to replace those being removed at a ratio of 2:1; and
- (b) notify those that made submissions of its decision; and

Director Environmental Planning & Building Services' Report to the Council Meeting 16/09/2015

GENERAL MANAGER

MAYOR  
Page 68

(c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr G Rush, Cr G Westman,

Against the motion - Nil

Absent - Cr M Coote,

Abstain - Nil

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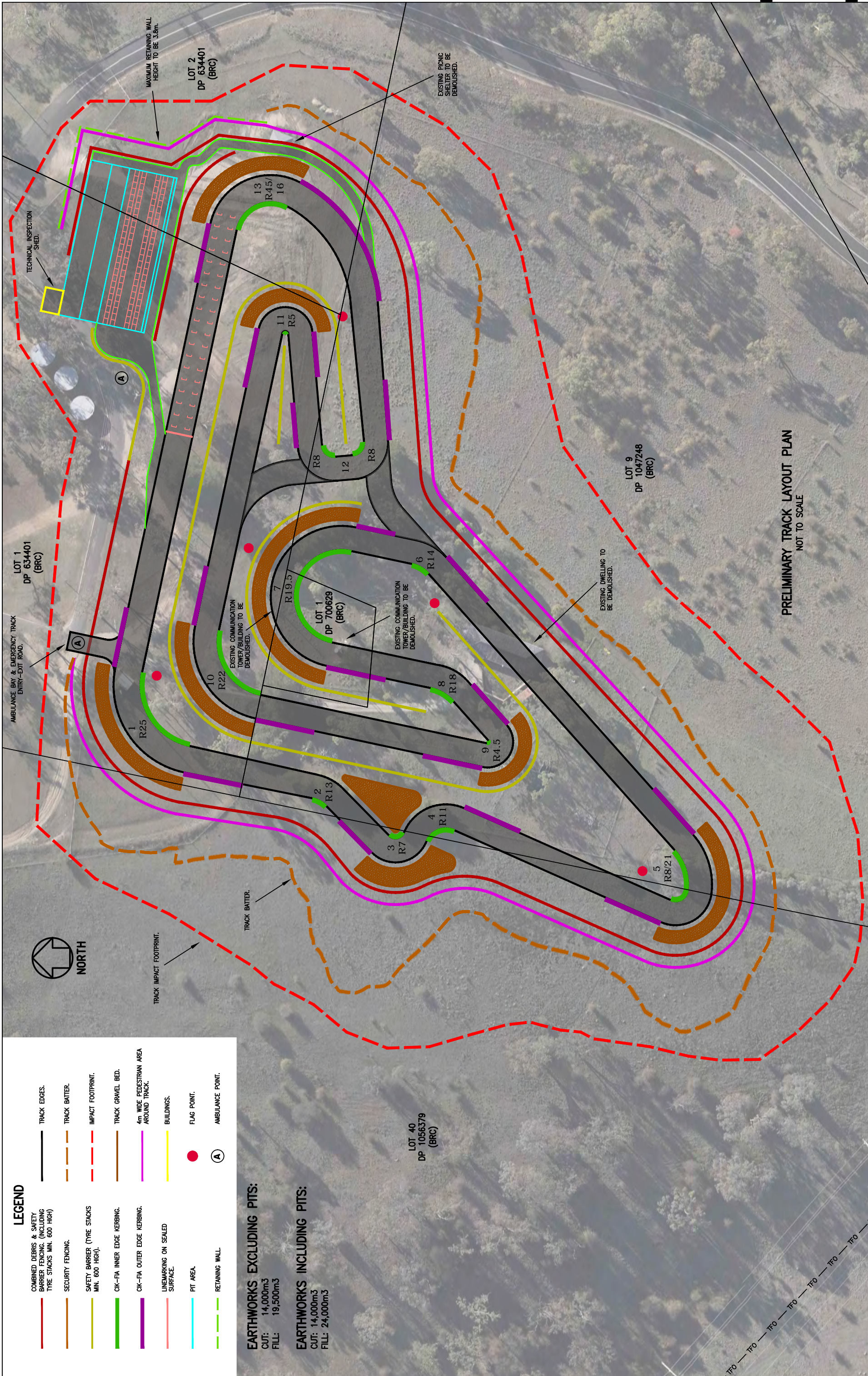
Director Environmental Planning & Building Services' Report to the Council Meeting 16/09/2015

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GENERAL MANAGER

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MAYOR  
Page 69



PRELIMINARY TRACK LAYOUT PLAN  
NOT TO SCALE

LEGEND	
—	TRACK EDGES.
—	TRACK BATTER.
—	IMPACT FOOTPRINT.
—	TRACK GRAVEL BED.
—	4m WIDE PEDESTRIAN AREA AROUND TRACK.
—	BUILDINGS.
●	FLAG POINT.
Ⓐ	AMBULANCE POINT.
—	COMBINED DEBRIS & SAFETY BARRIER FENCING. (INCLUDING TYRE STACKS MIN. 600 HIGH)
—	SECURITY FENCING.
—	SAFETY BARRIER (TYRE STACKS MIN. 600 HIGH).
—	CHK-FA INNER EDGE KERBING.
—	CHK-FA OUTER EDGE KERBING.
—	LINEMARKING ON SEALED SURFACE.
●	PIT AREA.
—	RETAINING WALL.

**EARTHWORKS EXCLUDING PITS:**  
CUT: 14,000m<sup>3</sup>  
FILL: 19,500m<sup>3</sup>

**EARTHWORKS INCLUDING PITS:**  
CUT: 14,000m<sup>3</sup>  
FILL: 24,000m<sup>3</sup>

REV	DESCRIPTION	INITIALS	DATE	SCALE	SURVEYED	CHECKED
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				1:750.0	DATE	18-10-18
				1:100.0	DATUM	AHD

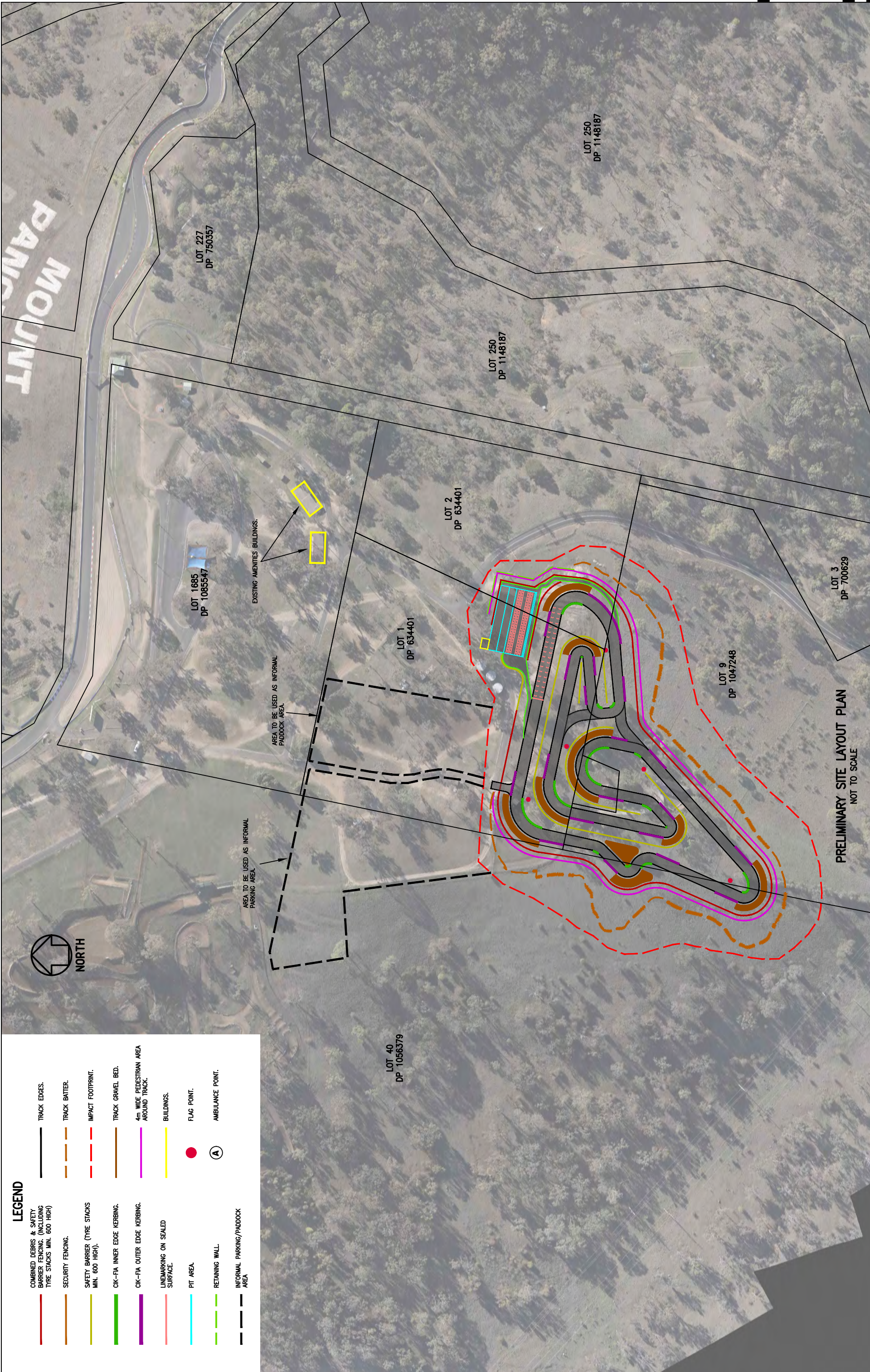
  

CONSULTANT	APPROVED	CHECKED
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PROJECT	McPHILLAMY PARK, MOUNT PANORAMA
DESCRIPTION	PRELIMINARY GO KART TRACK PLANS
JOB No.	000-000
DWG No.	EN11697
SHEET No.	01
REV.	A





**LEGEND**

	COMBINED DEBRIS & SAFETY BARRIER FENCING (INCLUDING TYRE STACKS MIN. 600 HIGH)		TRACK EDGES
	SECURITY FENCING		TRACK BATTER
	SAFETY BARRIER (TYRE STACKS MIN. 600 HIGH)		IMPACT FOOTPRINT
	CIK-FA INNER EDGE KERBING		TRACK GRAVEL BED
	CIK-FA OUTER EDGE KERBING		4m WIDE PEDESTRIAN AREA AROUND TRACK
	LINE-MARKING ON SEALED SURFACE		BUILDINGS
	PIT AREA		FLAG POINT
	RETAINING WALL		AMBULANCE POINT
	INFORMAL PARKING/PADDOCK AREA		

CONSULTANT	REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)	DATE	SCALES	SURVEYED	CHECKED	PROJECT
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					1:500 0 0.5 1.0 1.5 2.0 2.5		0 7.5 15 22.5 30 37.5	MC		PRELIMINARY SITE LAYOUT
					1:1000 0 1 2 3 4 5		0 10 20 30 40 50	DATE	DIRECTOR ENGINEERING SERVICES	JOB No. 000-000
								18-10-18		DWG No. EN11697
										SHEET No. 02
										REV. A



PRELIMINARY SITE LAYOUT PLAN  
NOT TO SCALE



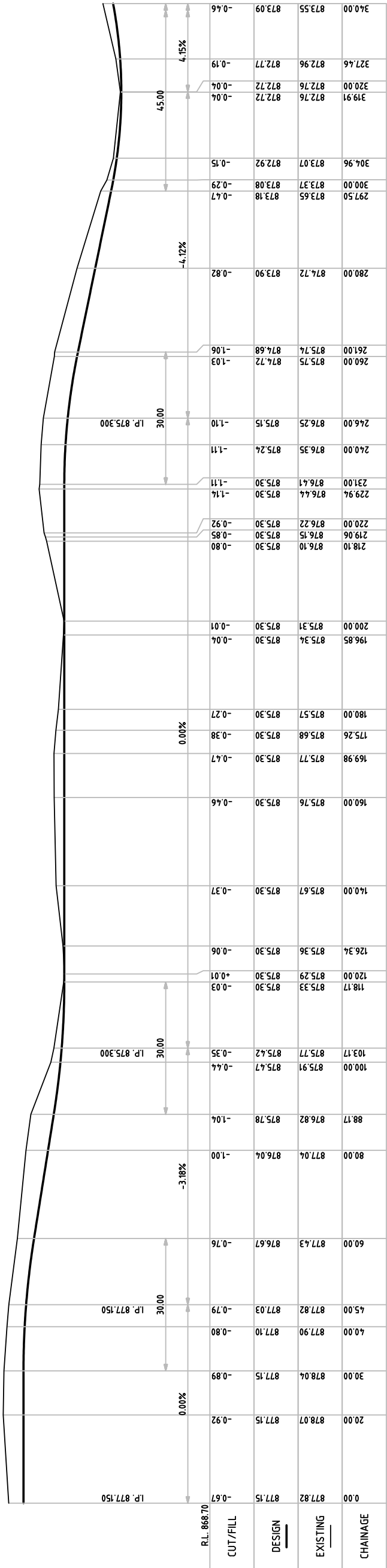


PRELIMINARY TRACK CHAINAGE PLAN  
SCALE 1:500 (A1)

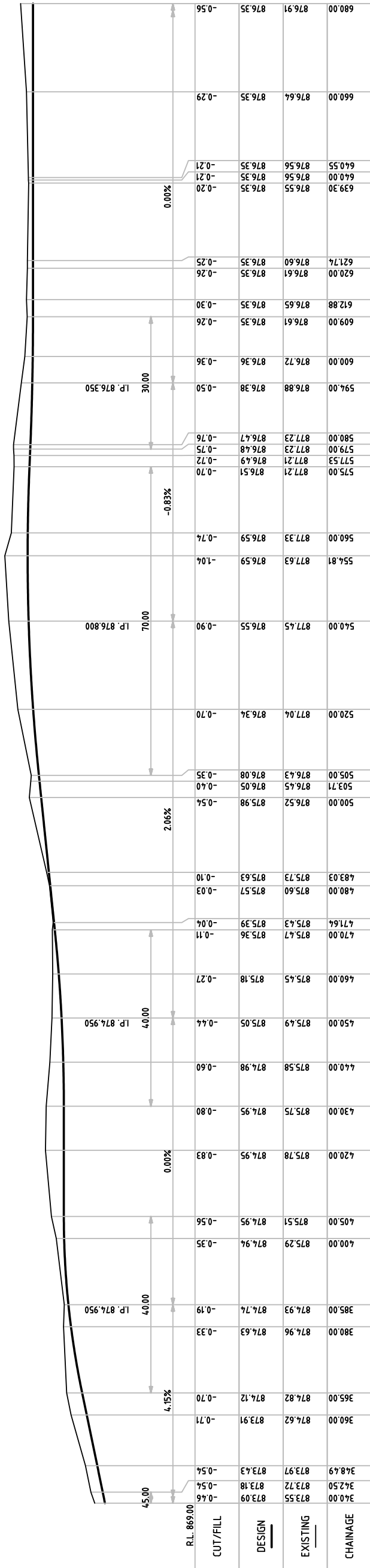


PROJECT	McHILLAMY PARK, MOUNT PANORAMA	CHECKED	SURVEYED MC	DRAWN MC	DESIGN MC	DATE 18-10-18	DATUM AHD	TECHNICAL SERVICES MANAGER	DIRECTOR ENGINEERING SERVICES
	PRELIMINARY GO KART TRACK PLANS								
DESCRIPTION	PRELIMINARY TRACK CHAINAGE PLAN	JOB No.	000-000	DWG No.	EN11697	SHEET No.	03	REV.	A
CONSULTANT									
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								1:750 0 0.5 1.0 1.5 2.0 2.5	1:750 0 7.5 15 22.5 30 37.5
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CHECKED	APPROVED								





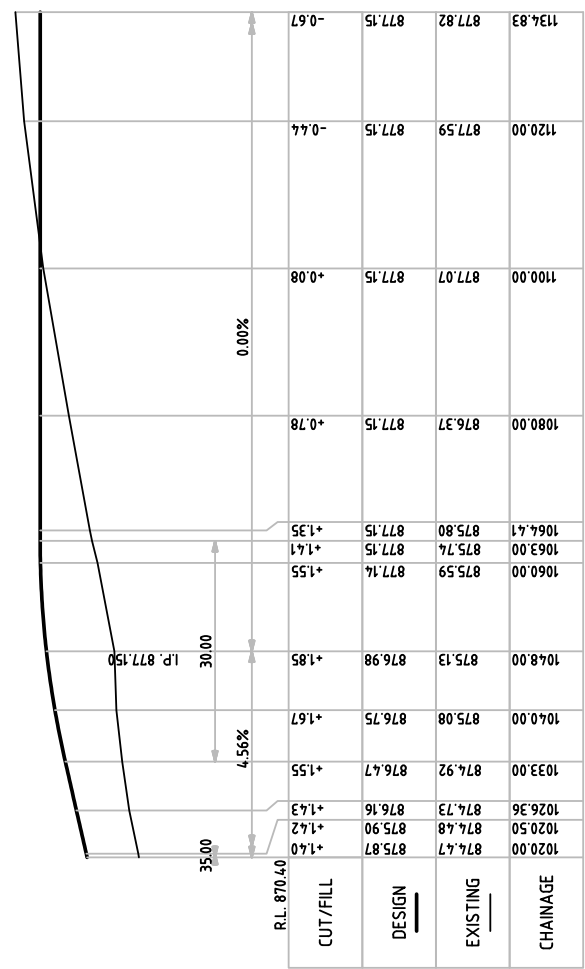
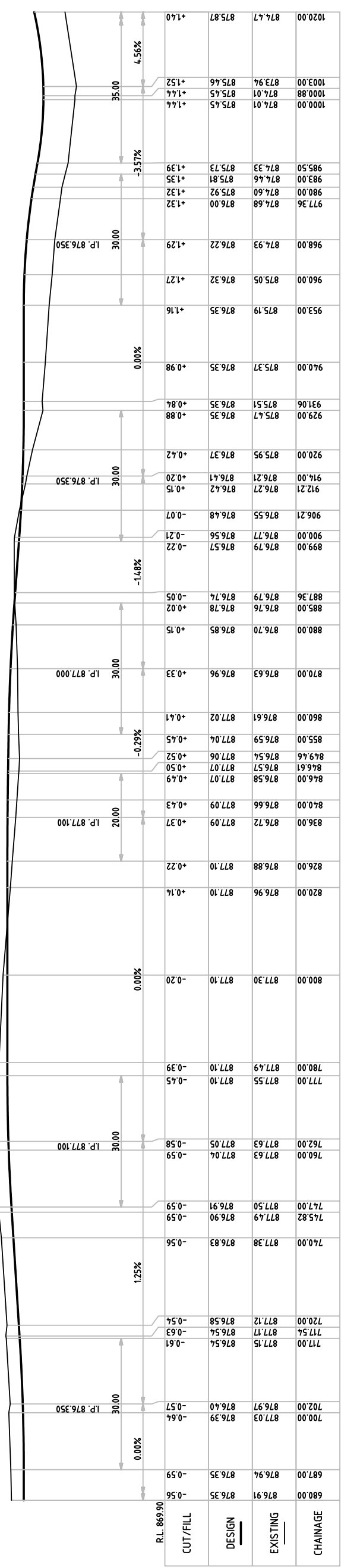
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20.00	878.07	877.15	-0.92
30.00	878.04	877.15	-0.89
4.00	877.90	877.10	-0.80
45.00	877.82	877.03	-0.79
60.00	877.43	876.67	-0.76
80.00	877.04	876.04	-1.00
88.17	876.82	875.78	-1.04
100.00	875.91	875.47	-0.44
103.17	875.77	875.42	-0.35
118.17	875.33	875.30	-0.03
120.00	875.29	875.30	+0.01
126.34	875.36	875.30	-0.06
140.00	875.67	875.30	-0.37
160.00	875.76	875.30	-0.46
169.98	875.77	875.30	-0.47
175.26	875.68	875.30	-0.38
180.00	875.57	875.30	-0.27
196.85	875.34	875.30	-0.04
200.00	875.31	875.30	-0.01
218.10	876.10	875.30	-0.80
219.06	876.15	875.30	-0.85
220.00	876.22	875.30	-0.92
229.94	876.44	875.30	-1.14
231.00	876.41	875.30	-1.11
240.00	876.35	875.24	-1.11
246.00	876.25	875.15	-1.10
260.00	875.75	874.72	-1.03
261.00	875.74	874.68	-1.06
280.00	874.72	873.90	-0.82
297.50	873.65	873.18	-0.47
300.00	873.37	873.08	-0.29
304.96	873.07	872.92	-0.15
319.91	872.76	872.72	-0.04
320.00	872.76	872.72	-0.04
327.46	872.96	872.77	-0.19
340.00	873.55	873.09	-0.46



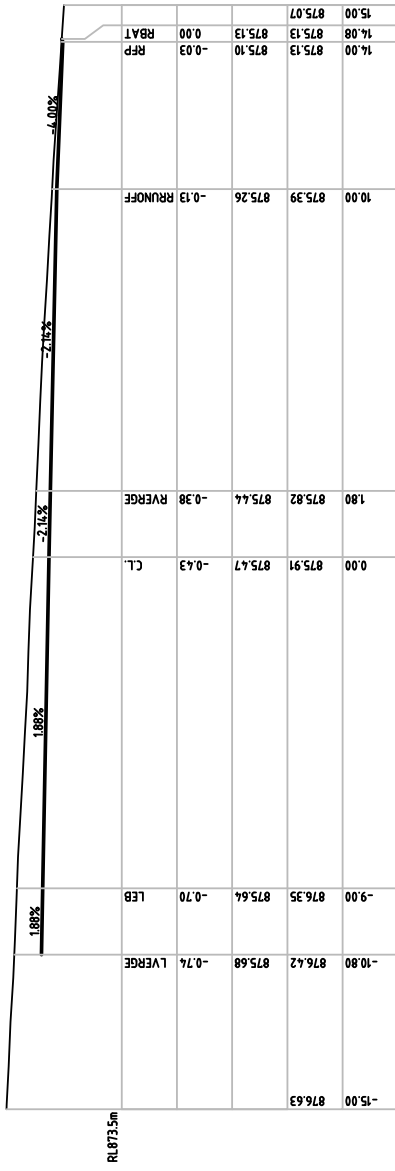
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348.49	873.97	873.43	-0.54
360.00	874.62	873.91	-0.71
365.00	874.82	874.12	-0.70
380.00	874.96	874.63	-0.33
385.00	874.93	874.74	-0.19
400.00	875.29	874.94	-0.35
405.00	875.51	874.95	-0.56
420.00	875.78	874.95	-0.83
430.00	875.75	874.95	-0.80
440.00	875.58	874.98	-0.60
450.00	875.49	875.05	-0.44
460.00	875.45	875.18	-0.27
470.00	875.47	875.36	-0.11
471.64	875.43	875.39	-0.04
480.00	875.60	875.57	-0.03
483.03	875.73	875.63	-0.10
500.00	876.52	875.98	-0.54
503.71	876.45	876.05	-0.40
505.00	876.43	876.08	-0.35
520.00	877.04	876.34	-0.70
540.00	877.45	876.55	-0.90
554.81	877.63	876.59	-1.04
560.00	877.33	876.59	-0.74
575.00	877.21	876.51	-0.70
577.53	877.21	876.49	-0.72
579.00	877.23	876.48	-0.75
580.00	877.23	876.47	-0.76
594.00	876.88	876.38	-0.50
600.00	876.72	876.36	-0.36
609.00	876.61	876.35	-0.26
612.88	876.65	876.35	-0.30
620.00	876.61	876.35	-0.26
621.74	876.60	876.35	-0.25
660.00	876.64	876.35	-0.29
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LONGSECTION - Track REB CH340.000 - CH680.000  
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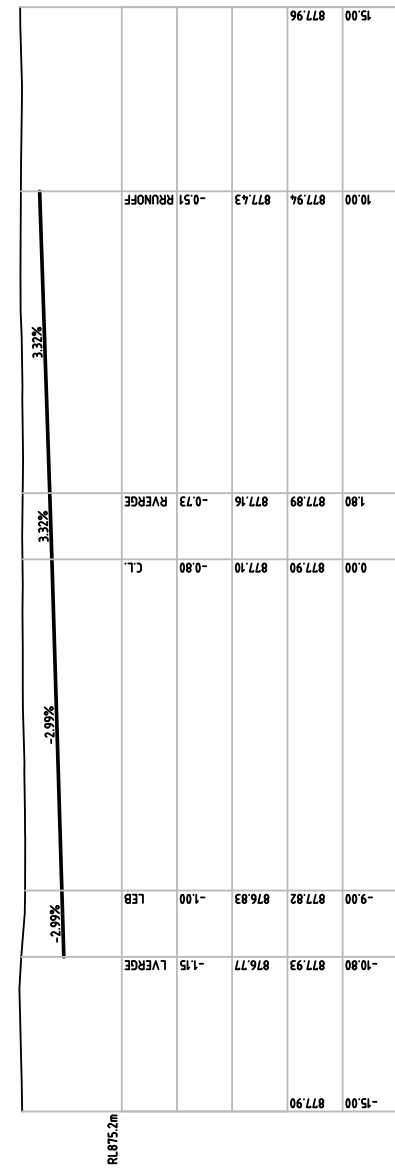
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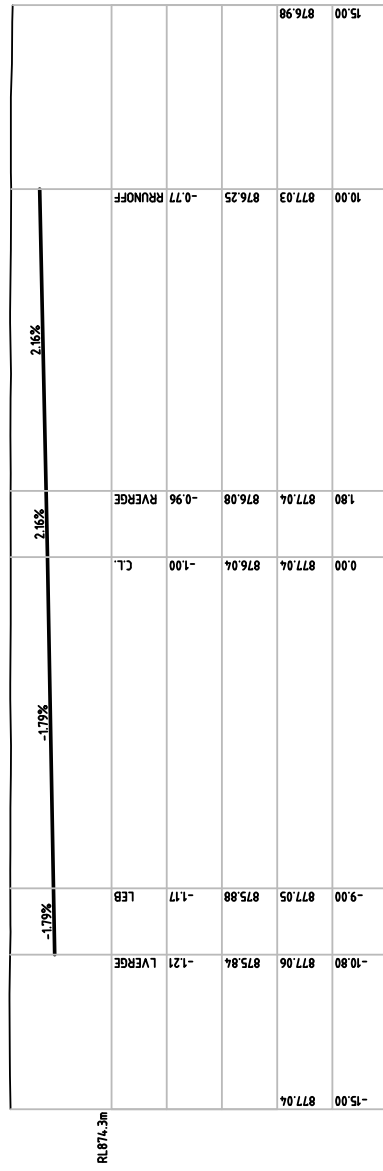
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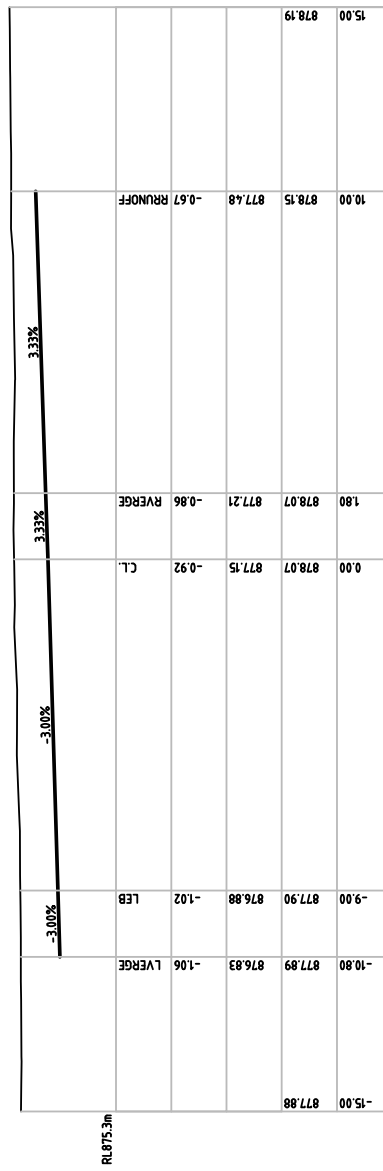
CH 100.00 m



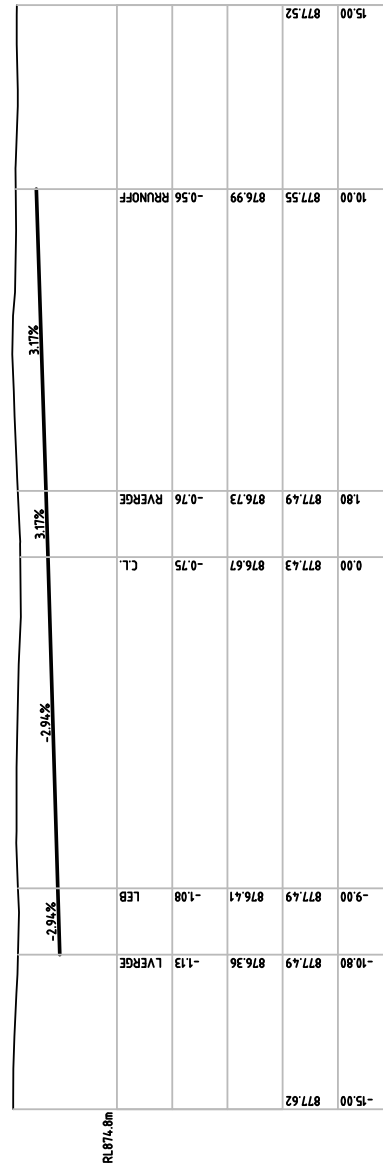
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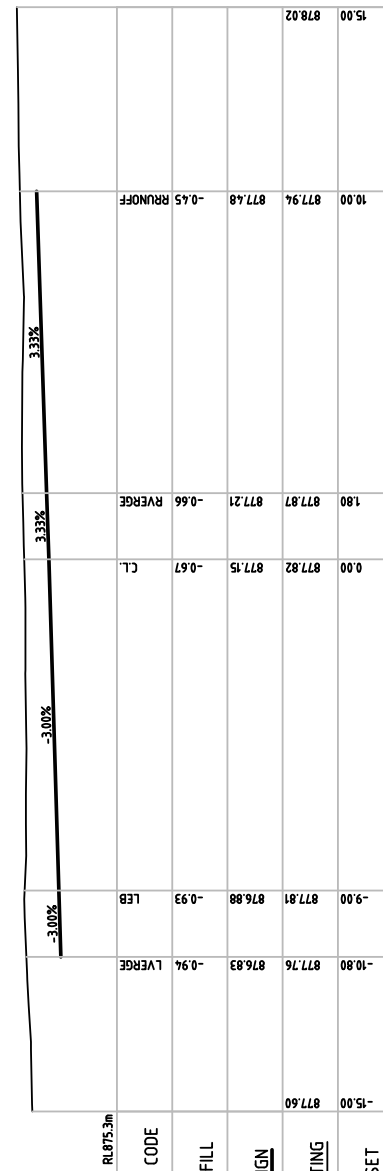
CH 80.00 m



CH 20.00 m



CH 60.00 m



CH 0.00 m

DESIGN CODE	DESIGN
CUT/FILL	DESIGN
EXISTING	EXISTING
OFFSET	OFFSET

**PROJECT**  
McPHILLAMY PARK, MOUNT PANORAMA  
PRELIMINARY GO KART TRACK PLANS

**DESCRIPTION**  
PRELIMINARY TRACK CROSS SECTIONS  
CH0.00 - CH100.00

**JOB No.** 000-000  
**DWG No.** EN11697  
**SHEET No.** 06  
**REV.** A

**CONSULTANT**

APPROVED

**REVISIONS**

REV	DESCRIPTION	DATE	INITIALS
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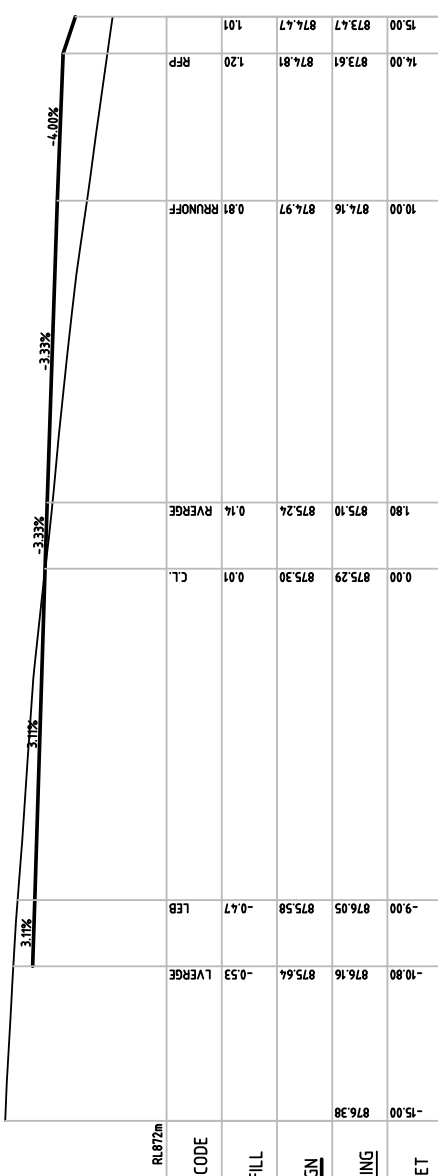
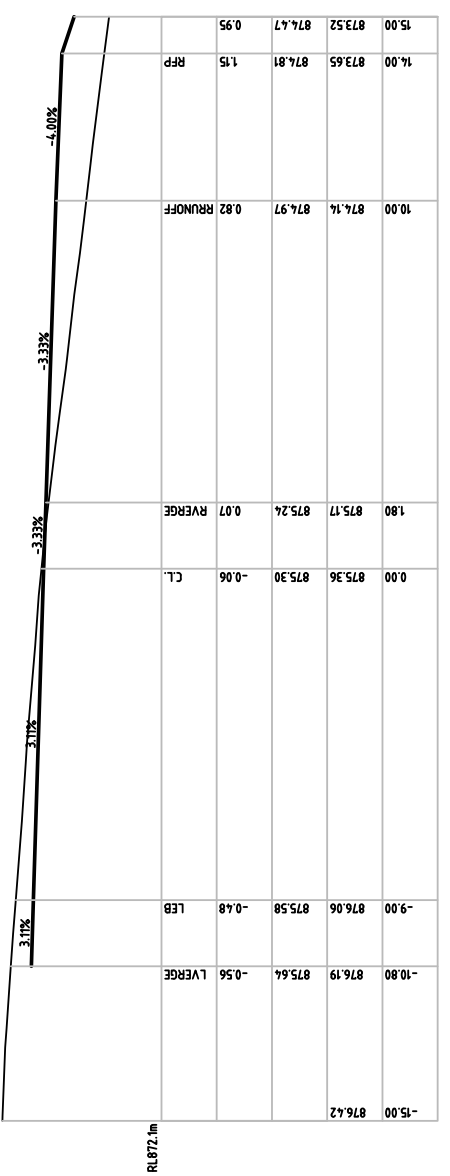
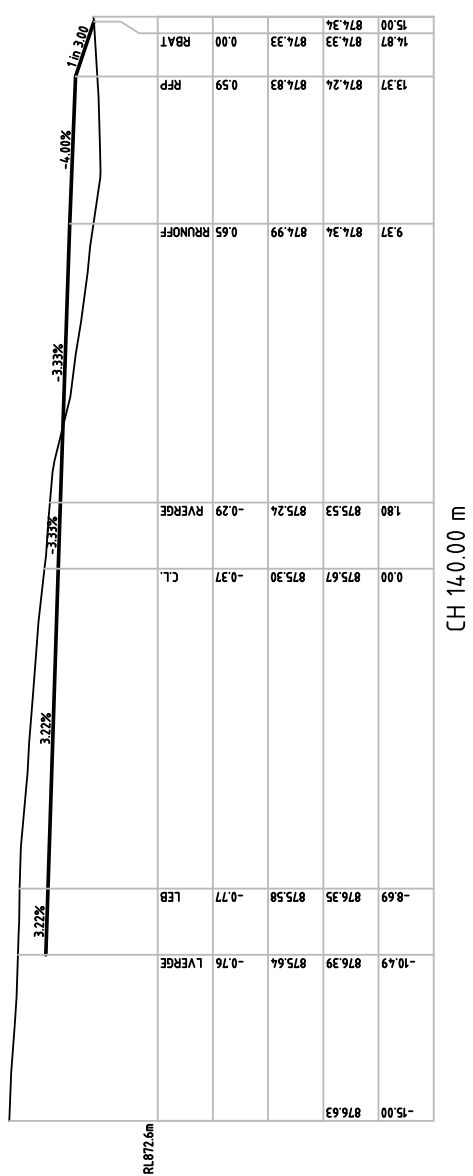
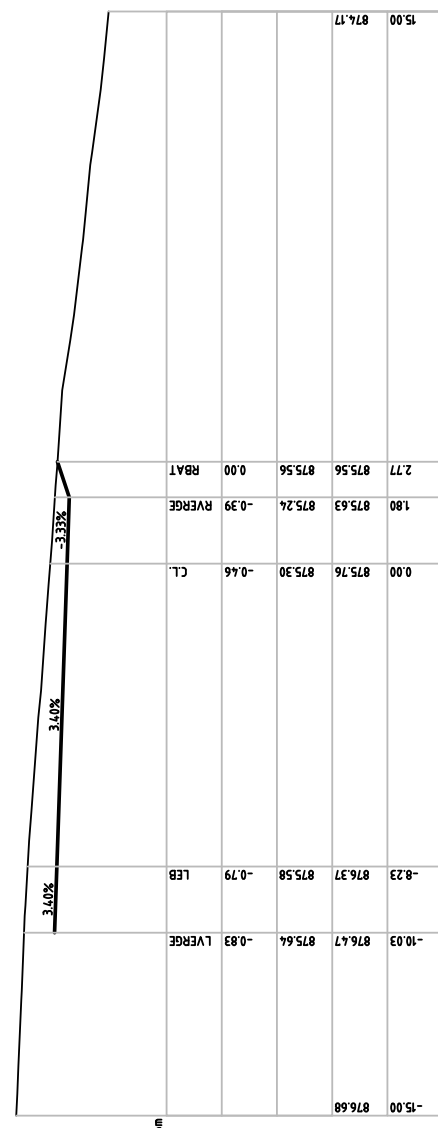
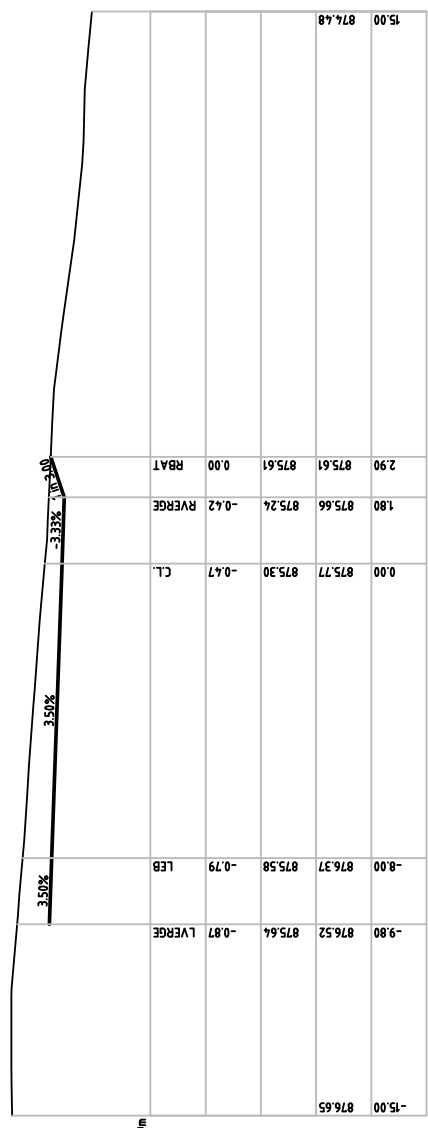
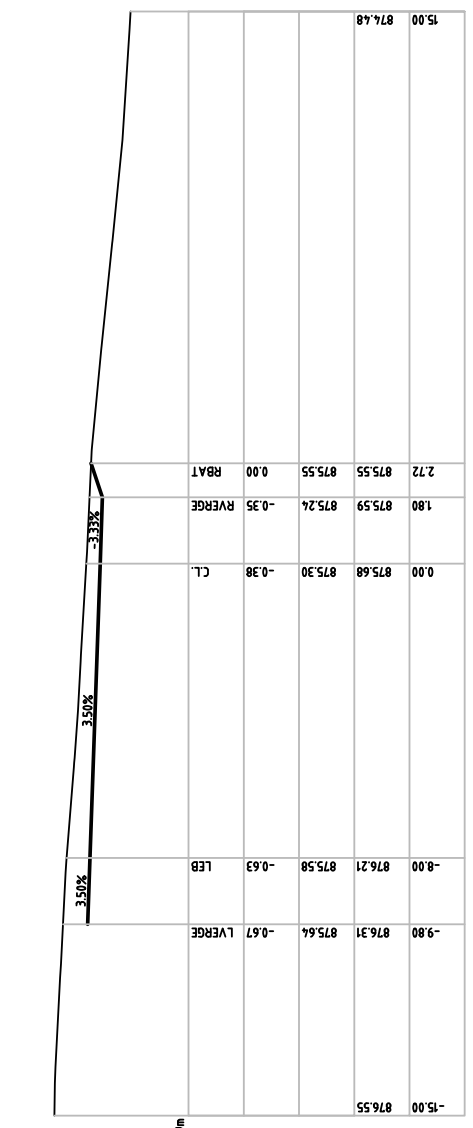
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TECHNICAL SERVICES MANAGER

DIRECTOR ENGINEERING SERVICES

**DATE SCALES (A1)**

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1:50	0	0.5	1.0	1.5	2.0	2.5
1:100	0	1	2	3	4	5



DESIGN CODE	
CUT / FILL	
DESIGN	
EXISTING	
OFFSET	

**BATHURST REGIONAL COUNCIL**

<b>PROJECT</b>	McPHILLAMY PARK, MOUNT PANORAMA		
<b>DESCRIPTION</b>	PRELIMINARY GO KART TRACK PLANS		
<b>JOB No.</b>	000-000	<b>DWG No.</b>	EN11697
<b>REV.</b>	A	<b>SHEET No.</b>	07

<b>CONSULTANT</b>	<b>REVISIONS</b>	<b>DATE</b>	<b>INITIALS</b>
	A	18-10-18	MC

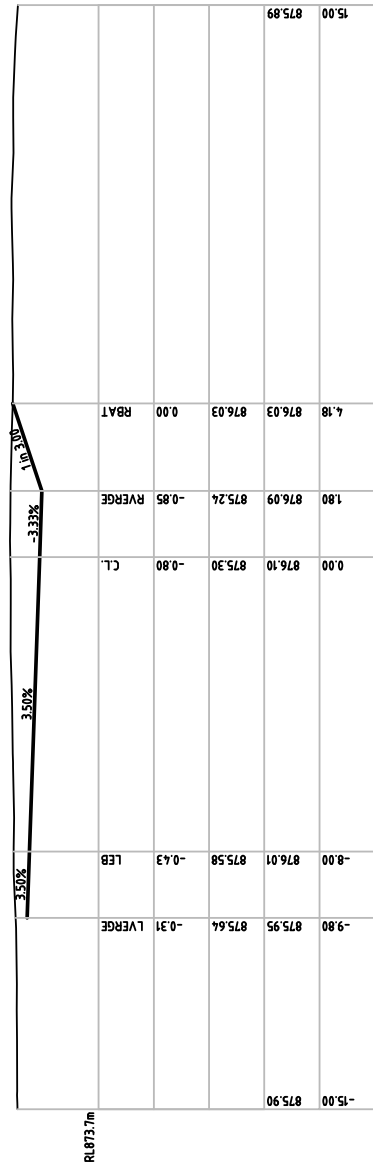
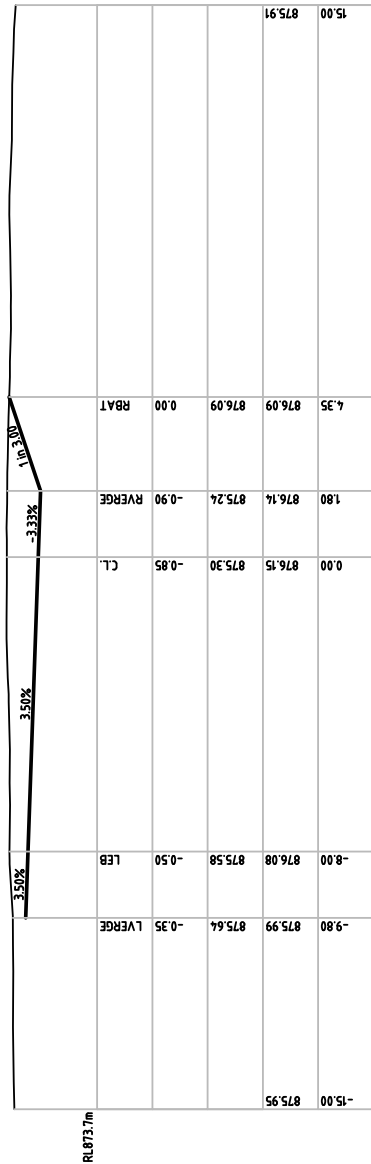
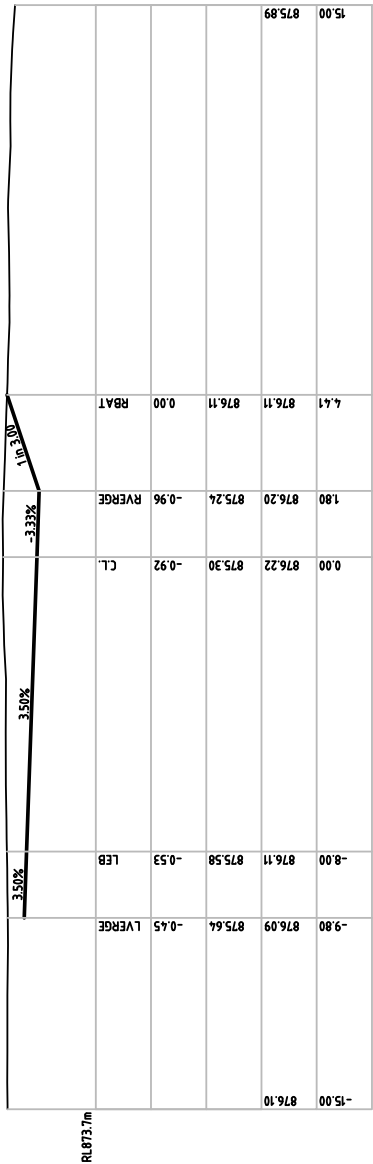
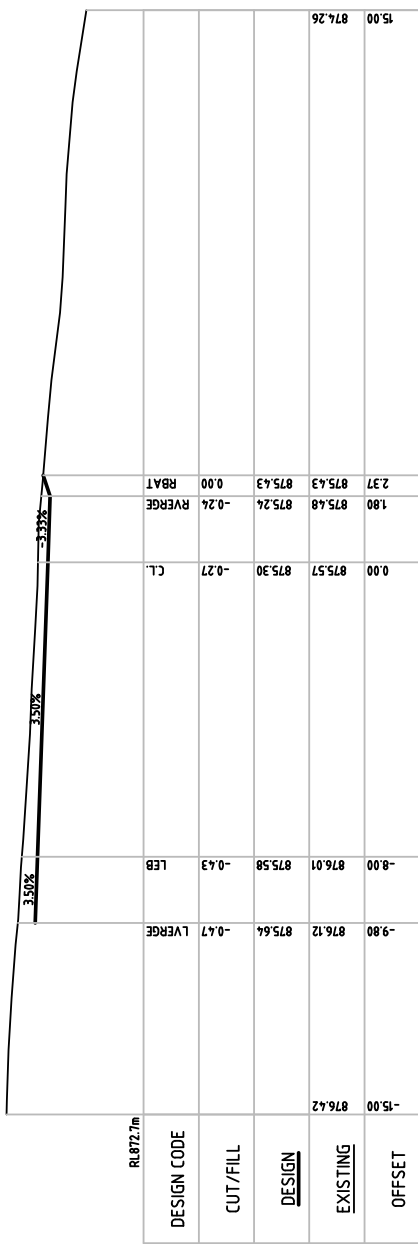
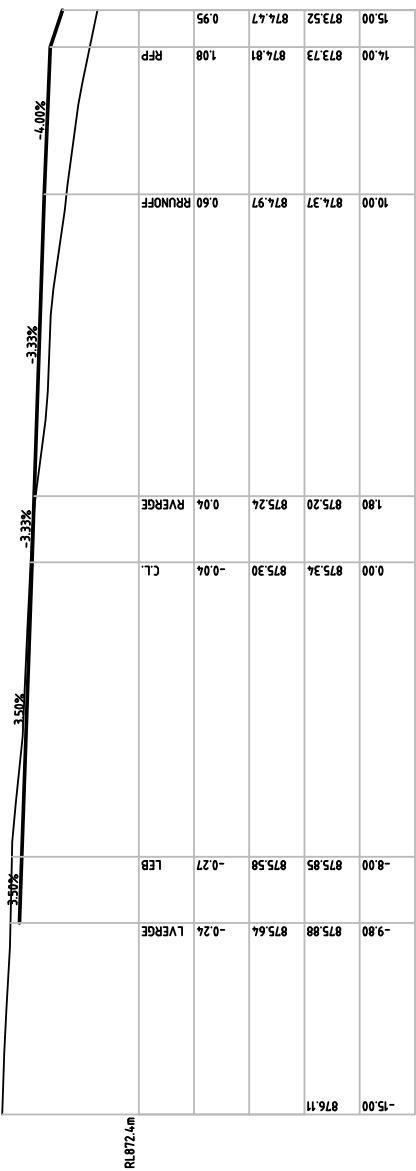
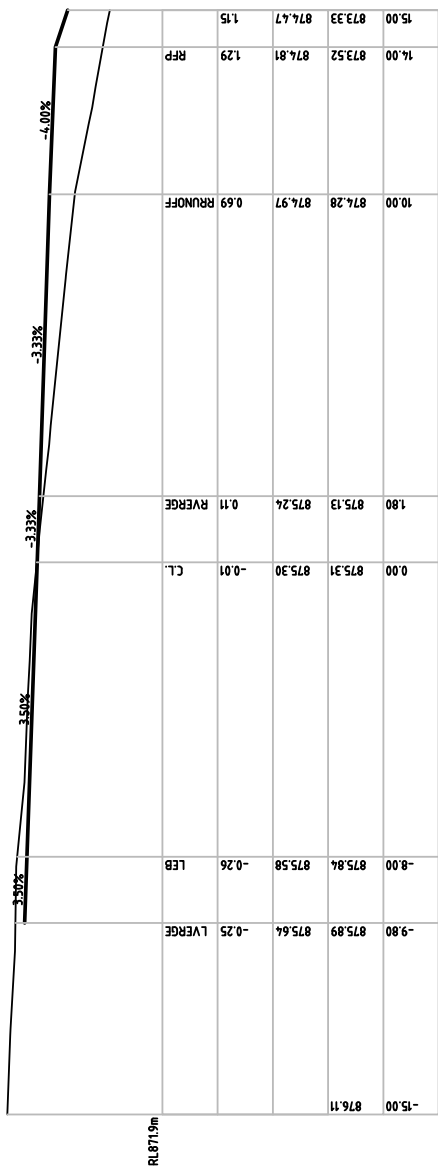
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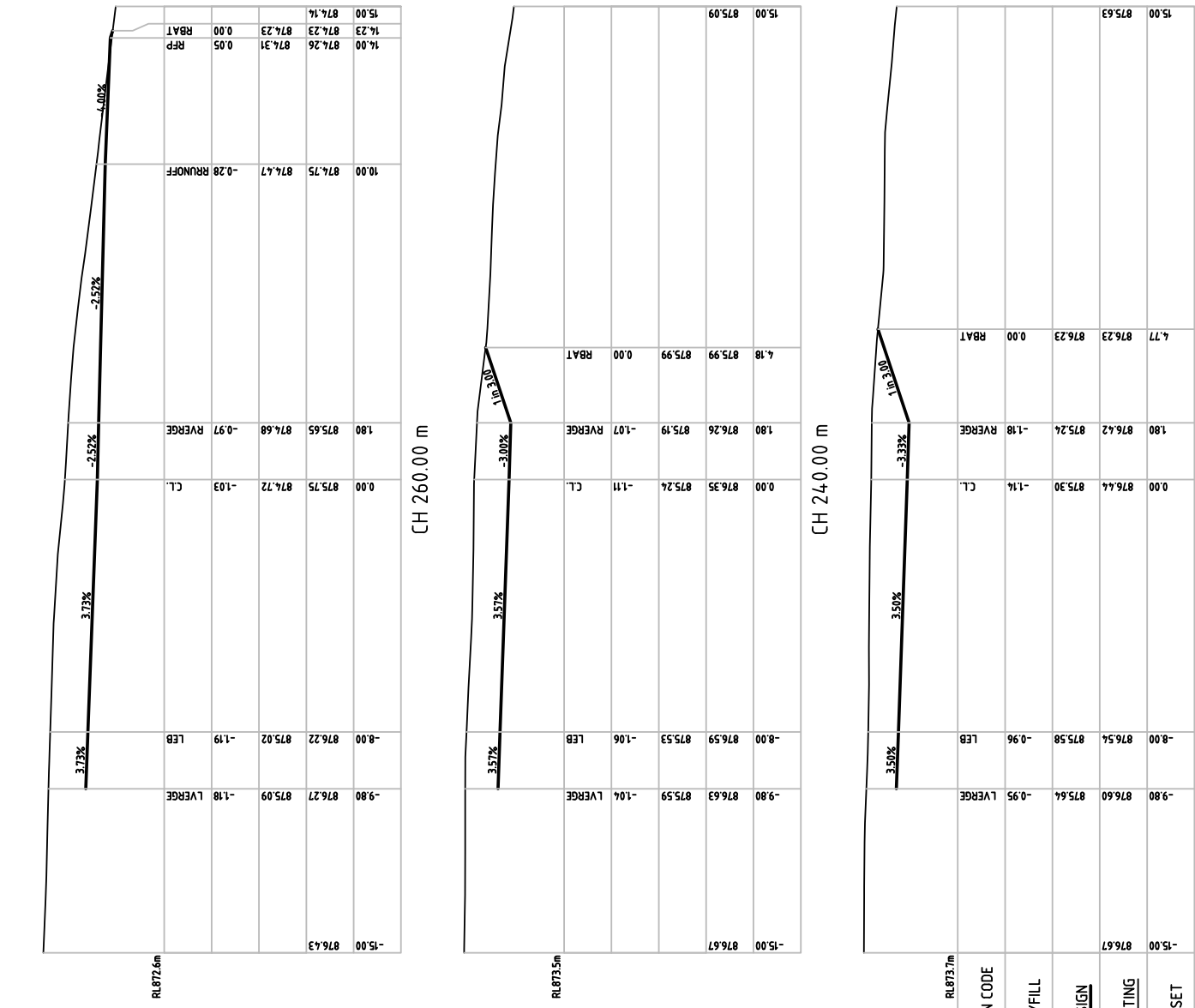
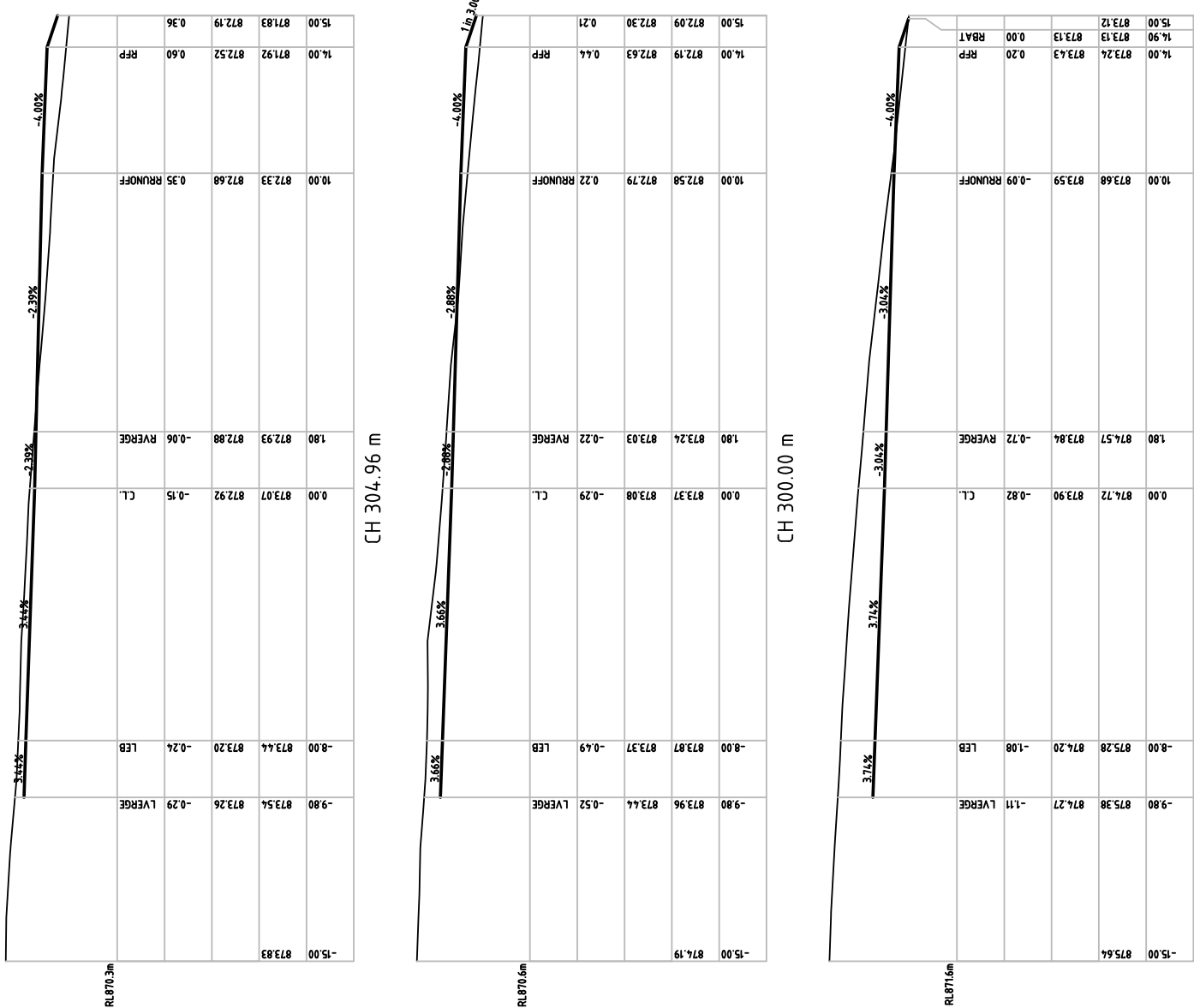
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MC	TECHNICAL SERVICES MANAGER	18-10-18	MC
MC	DIRECTOR ENGINEERING SERVICES		

<b>SCALES</b>	<b>1:100</b>	<b>1:200</b>	<b>1:500</b>
0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5 6 7 8 9 10 15 20 25	0 1 2 3 4 5 6 7 8 9 10 15 20 25 30 37.5



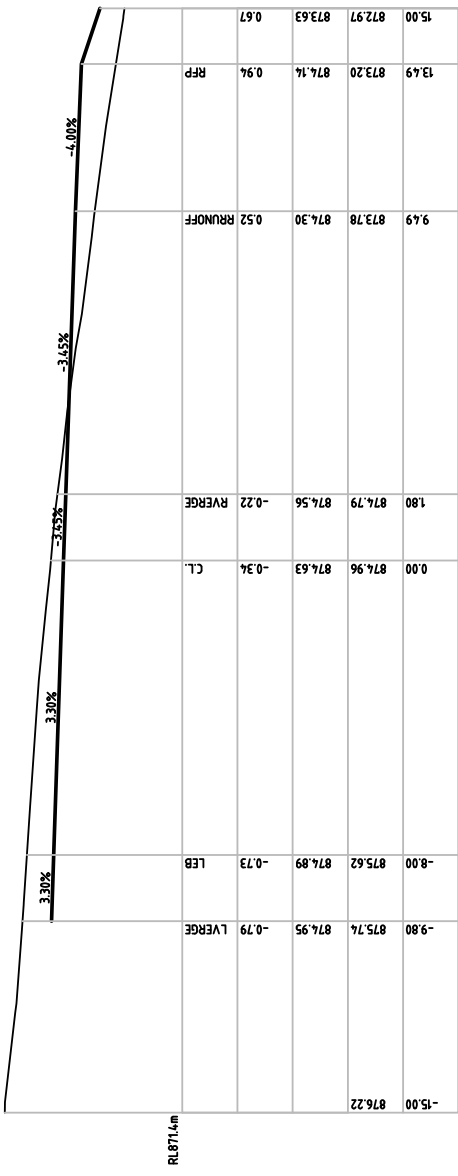
CONSULTANT  CHECKED	REV A DESCRIPTION ISSUED FOR APPROVAL	INITIALS MC	DATE SCALES (A1) 1:10 0 0.1 0.2 0.3 0.4 0.5 Metres 1:20 0 0.2 0.4 0.6 0.8 1.0 1:50 0 0.5 1.0 1.5 2.0 2.5 1:100 0 1 2 3 4 5	SURVEYED MC DRAWN MC DESIGN MC DATE 18-10-18 DATUM AHD	CHECKED TECHNICAL SERVICES MANAGER DIRECTOR ENGINEERING SERVICES	PROJECT McPHILLAMY PARK, MOUNT PANORAMA PRELIMINARY GO KART TRACK PLANS DESCRIPTION PRELIMINARY TRACK CROSS SECTIONS CH18.00 - CH220.00 JOB No. 000-000 DWG No. EN11697 SHEET No. 08 REV. A
	APPROVED					
	Extraordinary Meeting					



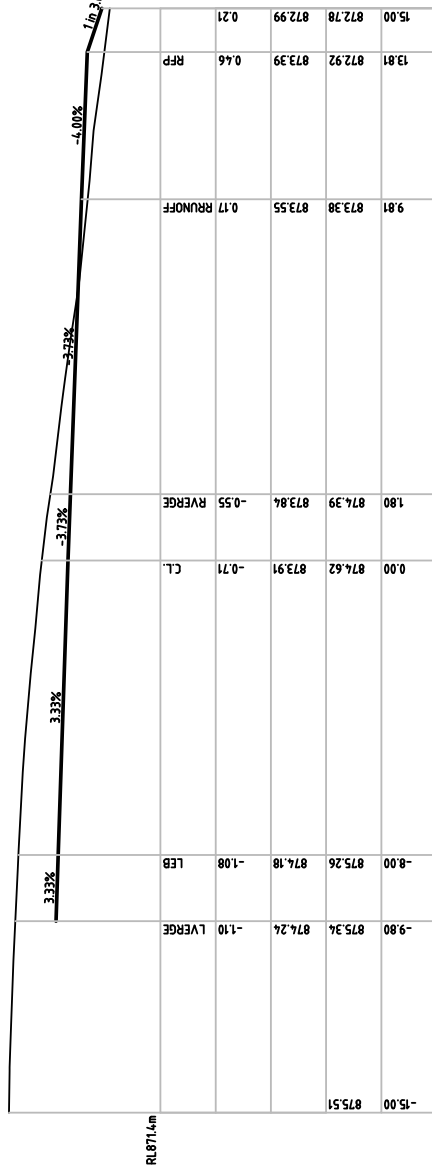
DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

CONSULTANT	REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)	1:100	0 1 2 3 4 5
	A	ISSUED FOR APPROVAL	MC	18-10-18	1:100	0 1 2 3 4 5	1:100
CHECKED	APPROVED						
SURVEYED	MC						
	MC						
DRAWN	MC						
	MC						
DESIGN	MC						
	MC						
DATE	18-10-18						
DATUM	AND						
CHECKED	TECHNICAL SERVICES MANAGER						
	DIRECTOR ENGINEERING SERVICES						
PROJECT	McPHILLAMY PARK, MOUNT PANORAMA						
	PRELIMINARY GO KART TRACK PLANS						
DESCRIPTION	PRELIMINARY TRACK CROSS SECTIONS						
	CH229.94 - CH304.96						
JOB No.	000-000						
DWG No.	EN11697						
SHEET No.	09						
REV.	A						

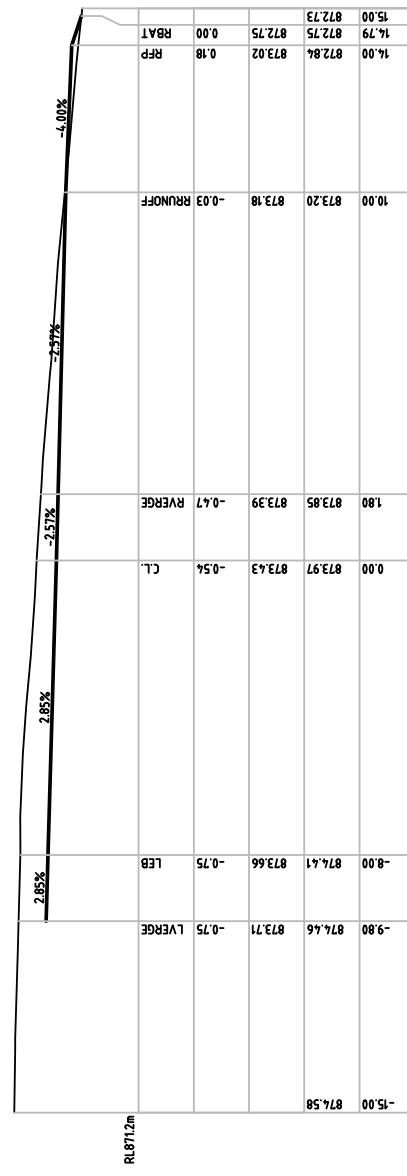




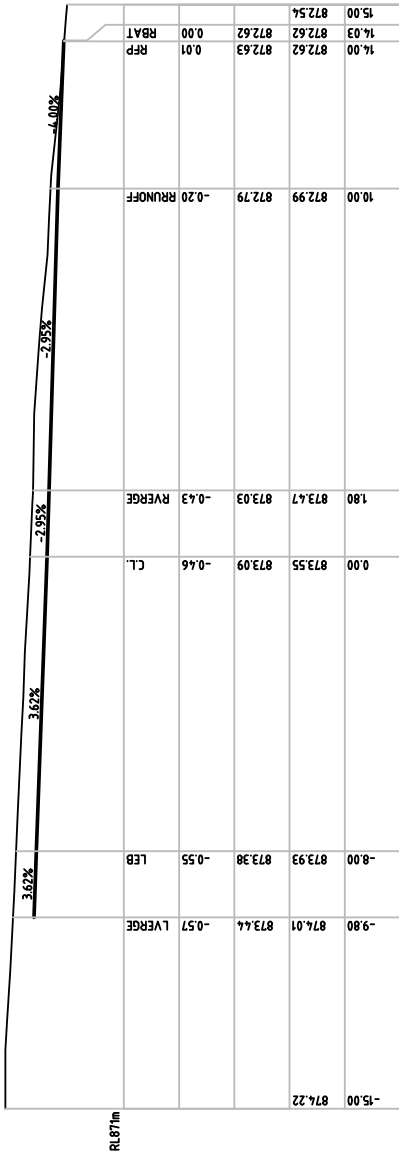
CH 380.00 m



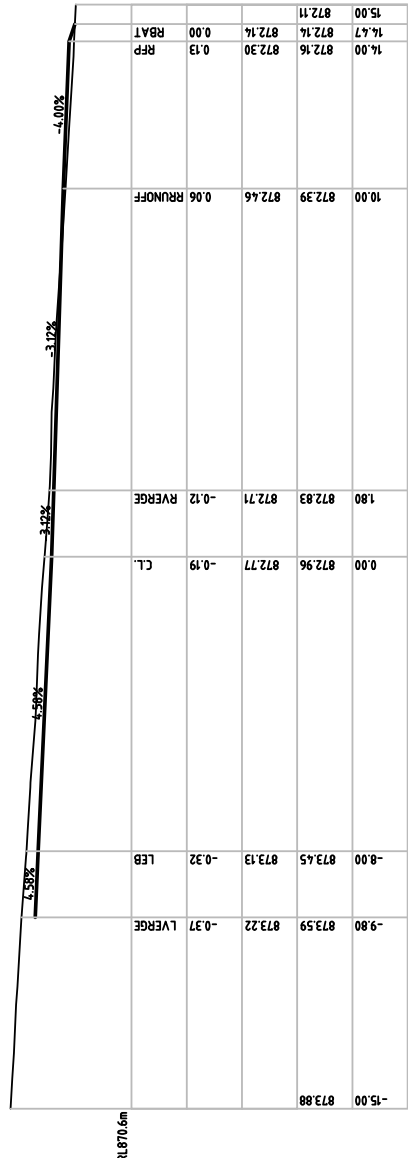
CH 360.00 m



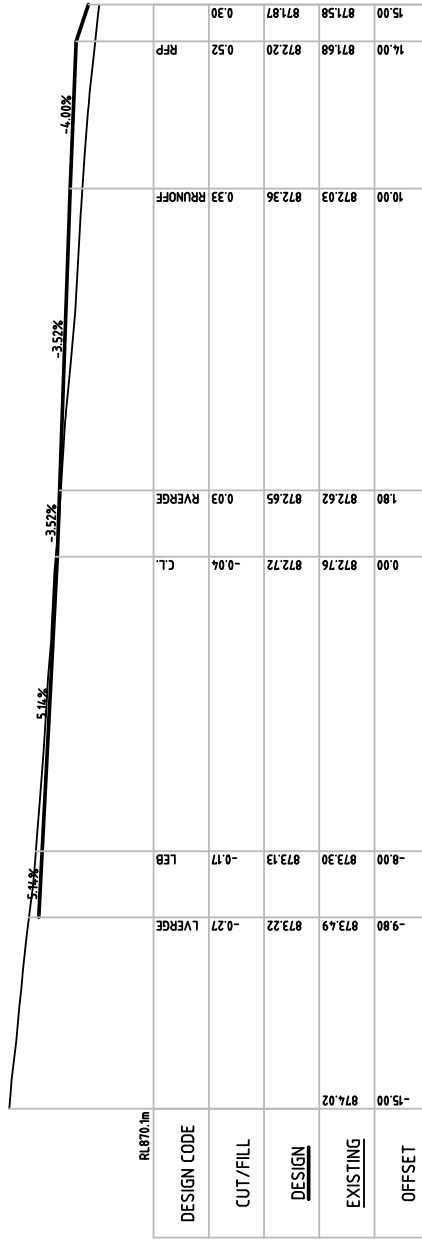
CH 348.49 m



CH 340.00 m



CH 327.46 m



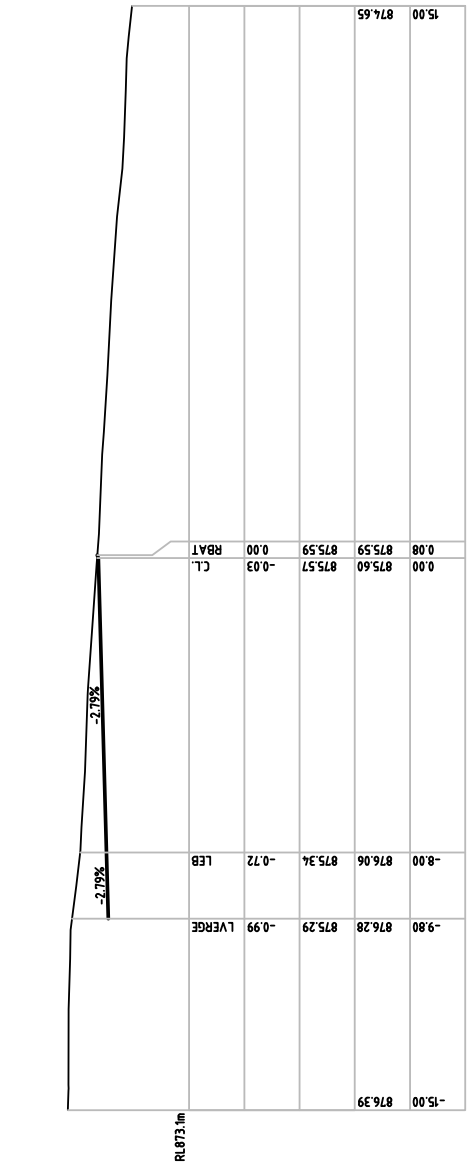
CH 320.00 m

DESIGN CODE	RL870.1m
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

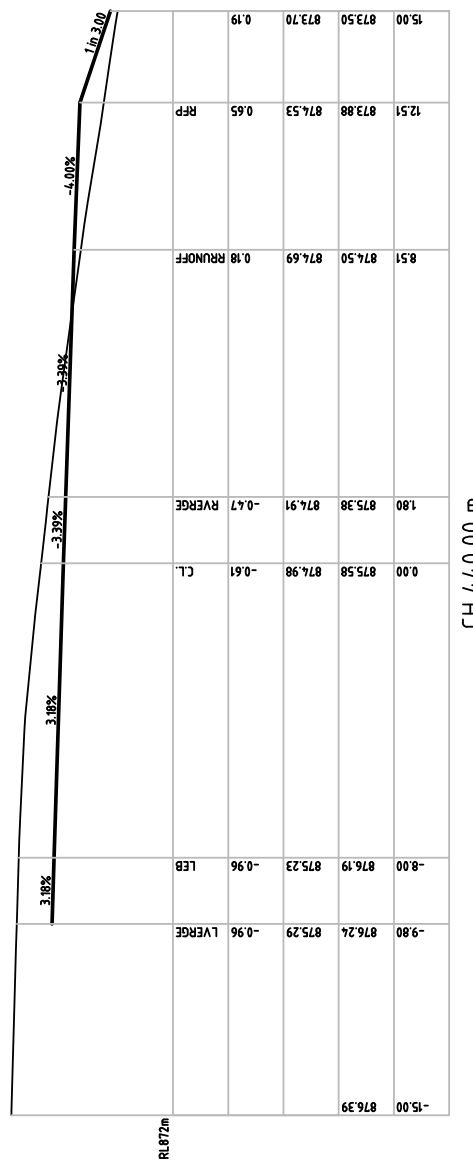
CONSULTANT	REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)	1:100	0 1 2 3 4 5	1:100	0 10 20 30 40 50
	A	ISSUED FOR APPROVAL	MC	18-10-18	1:100	0 0.1 0.2 0.3 0.4 0.5	1:100	0 1 2 3 4 5	1:100
CHECKED	APPROVED								
PROJECT	McPHILLAMY PARK, MOUNT PANORAMA								
	PRELIMINARY GO KART TRACK PLANS								
DESCRIPTION	PRELIMINARY TRACK CROSS SECTIONS								
	CH320.00 - CH380.00								
JOB No.	000-000	DWG No.	EN11697	SHEET No.	10	REV.	A		



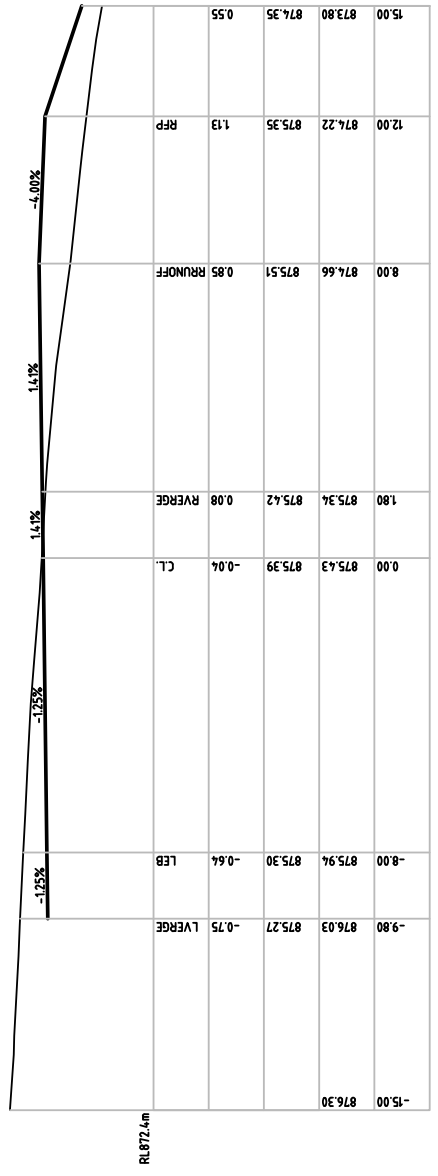




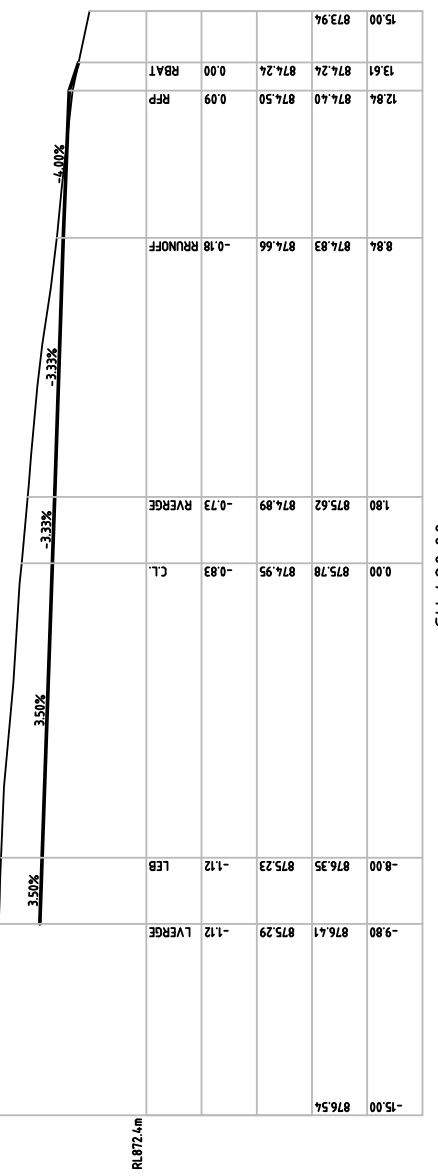
CH 480.00 m



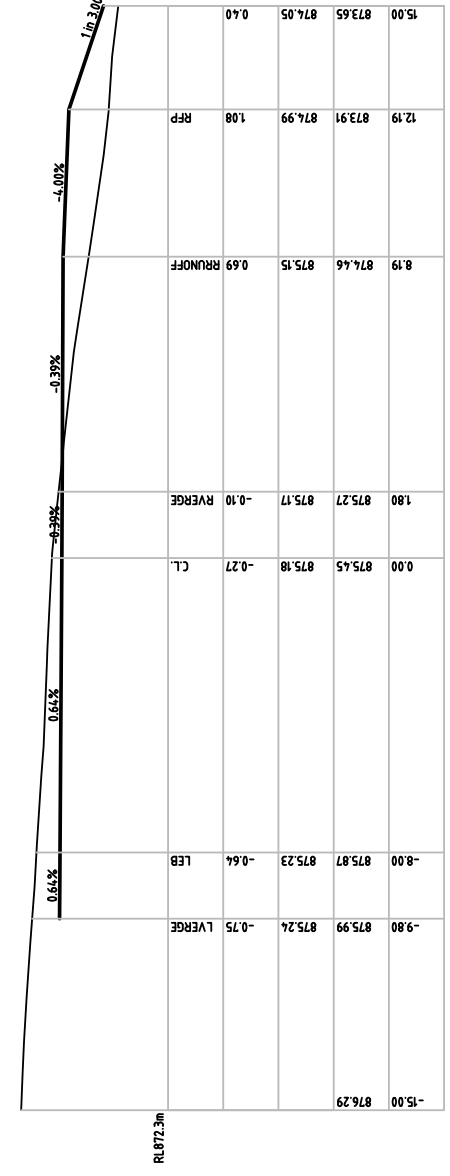
CH 440.00 m



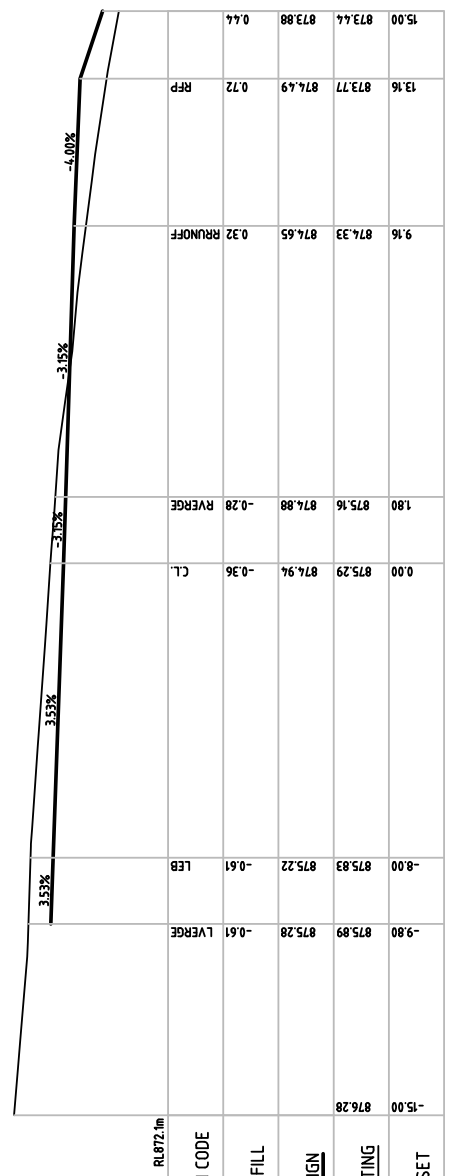
CH 471.64 m



CH 420.00 m



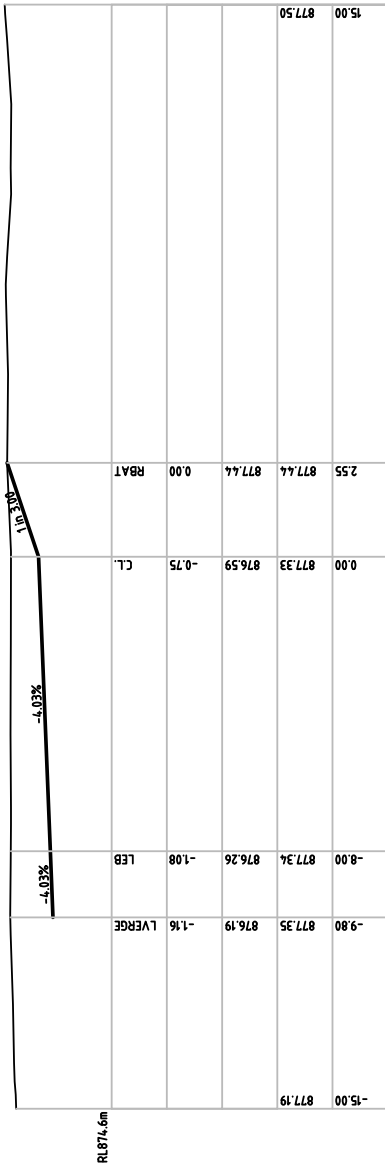
CH 460.00 m



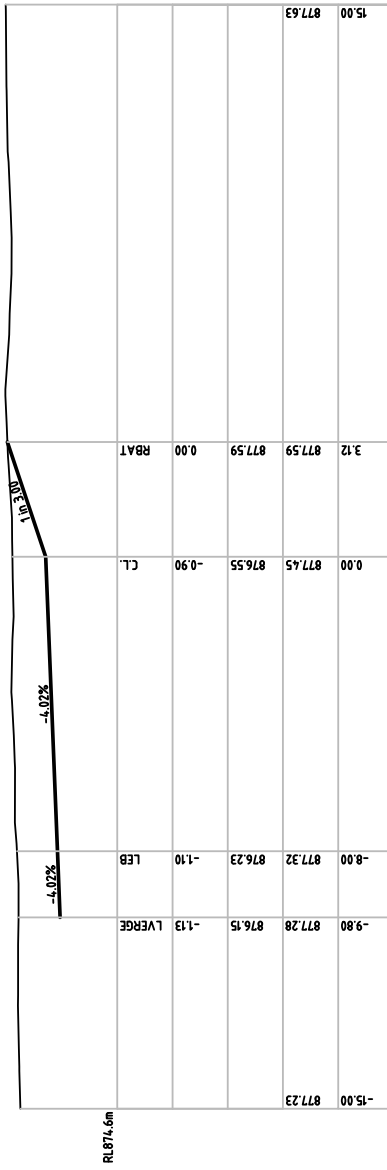
CH 400.00 m

DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

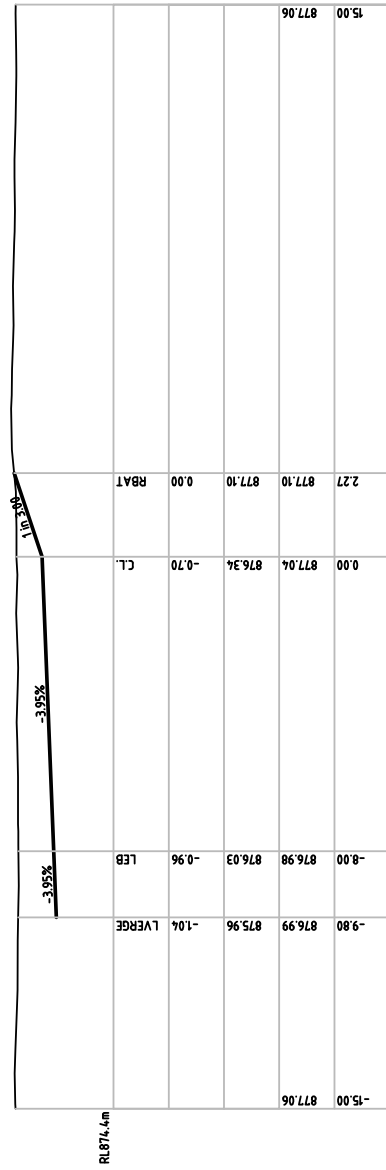
CONSULTANT	REV	DESCRIPTION	INITIALS	DATE	SCALES (A1)	1:10 0 0.1 0.2 0.3 0.4 0.5 Metres 1:20 0 0.2 0.4 0.6 0.8 1.0 1:50 0 0.5 1.0 1.5 2.0 2.5 1:100 0 1 2 3 4 5	1:200 0 1 2 3 4 5 6 8 10 Metres 1:500 0 1 2 3 4 5 6 8 10 15 20 25 1:750 0 1.5 3 4.5 6 7.5 9 12 15 22.5 30 37.5 1:1000 0 1 2 3 4 5	SURVEYED MC DRAWN MC DESIGN MC DATE 18-10-18 DATUM AHD	CHECKED TECHNICAL SERVICES MANAGER DIRECTOR ENGINEERING SERVICES	PROJECT	McPHILLAMY PARK, MOUNT PANORAMA	JOB No. 000-000 DWG No. EN11697 SHEET No. 11 REV. A
	A	ISSUED FOR APPROVAL	MC	18-10-18	PRELIMINARY TRACK CROSS SECTIONS CH400.00 - CH480.00							
CHECKED	APPROVED											



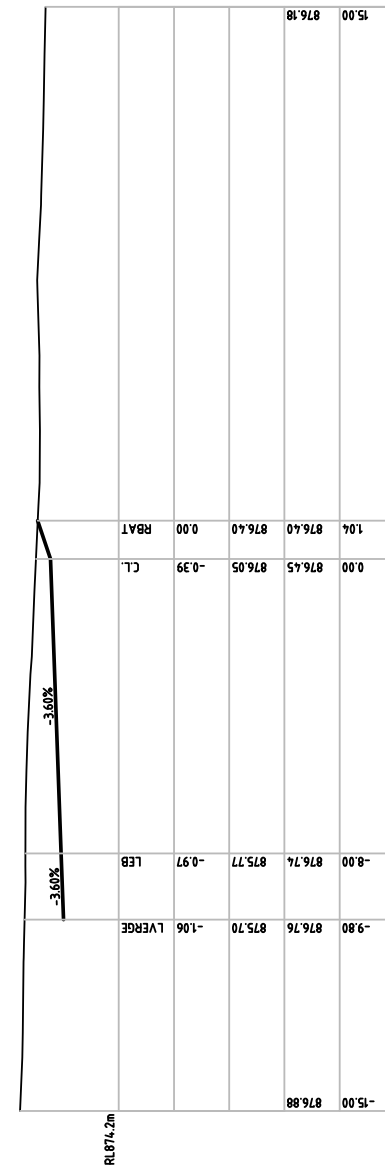
CH 560.00 m



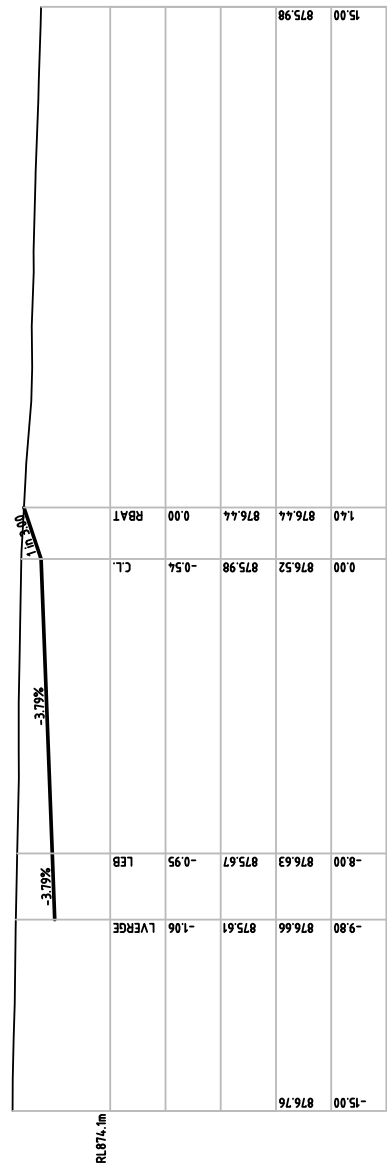
CH 540.00 m



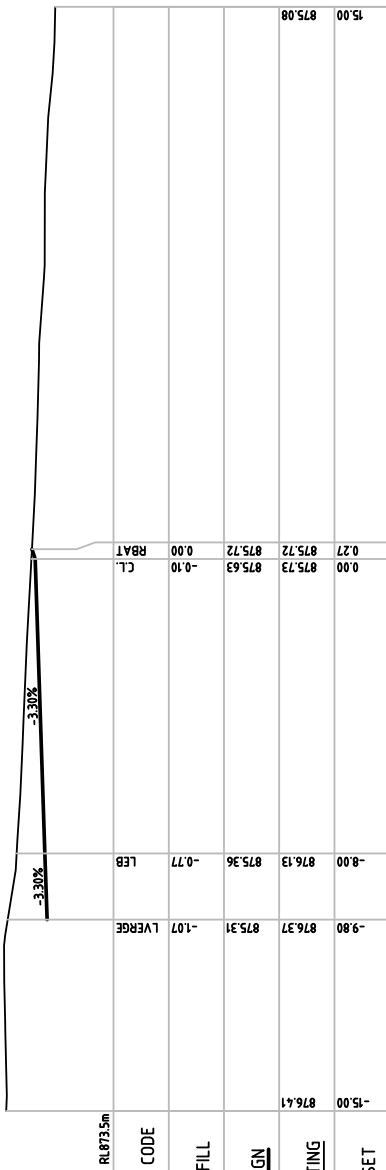
CH 520.00 m



CH 503.71 m



CH 500.00 m



CH 483.03 m

DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

**BATHURST REGIONAL COUNCIL**

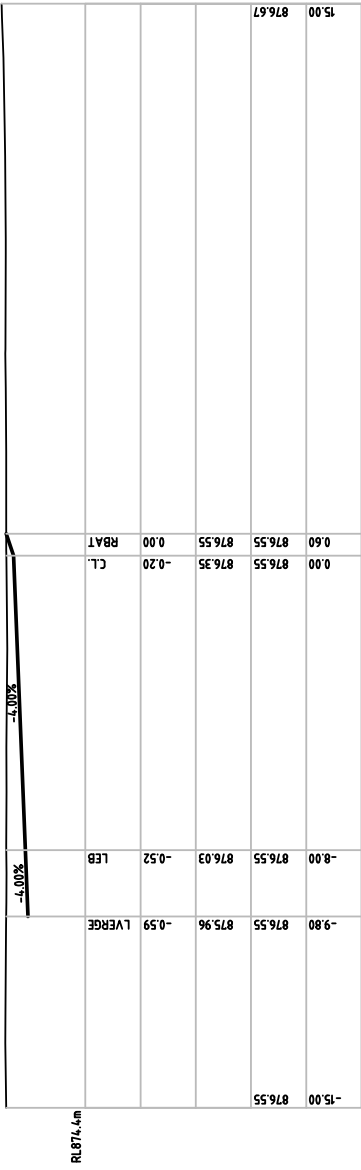
<b>PROJECT</b>	McPHILLAMY PARK, MOUNT PANORAMA		
<b>DESCRIPTION</b>	PRELIMINARY GO KART TRACK PLANS		
<b>JOB No.</b>	000-000	<b>DWG No.</b>	EN11697
<b>REV.</b>	A	<b>SHEET No.</b>	12

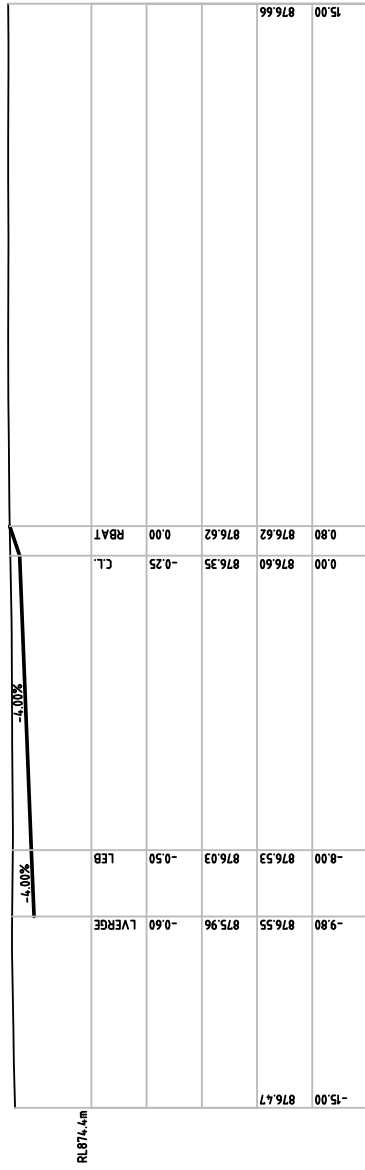
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<b>REV</b>	A	<b>DESCRIPTION</b>	ISSUED FOR APPROVAL	<b>DATE SCALES (A1)</b>	1:10 0 0.1 0.2 0.3 0.4 0.5 Metres
<b>CHECKED</b>	APPROVED	<b>DATE</b>	18-10-18	<b>INITIALS</b>	MC
		<b>DATE</b>	18-10-18	<b>INITIALS</b>	MC
		<b>DATE</b>	18-10-18	<b>INITIALS</b>	MC
		<b>DATE</b>	18-10-18	<b>INITIALS</b>	MC

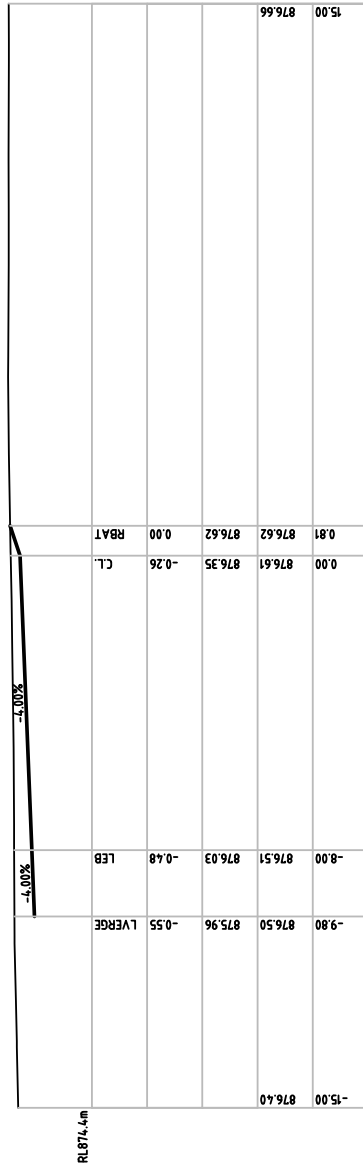
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<b>DESIGNED</b>		<b>DATE</b>	18-10-18	<b>INITIALS</b>	MC
<b>CHECKED</b>		<b>DATE</b>	18-10-18	<b>INITIALS</b>	MC



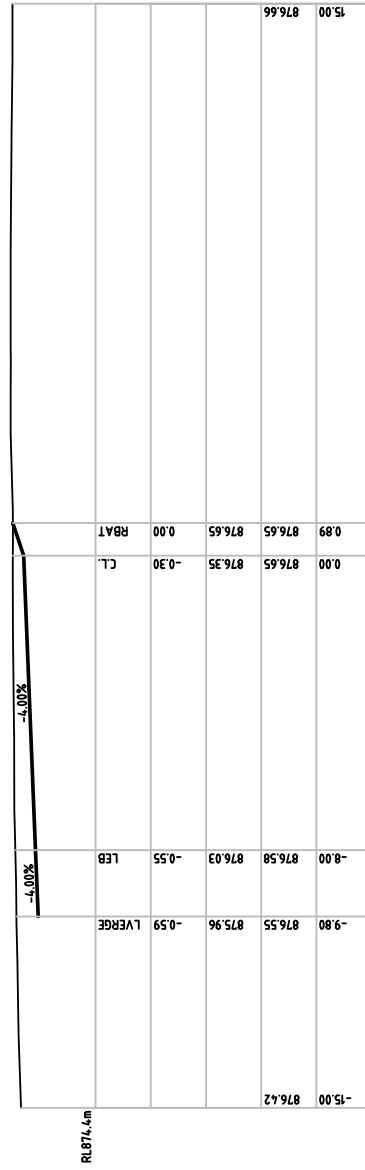
CH 639.30 m



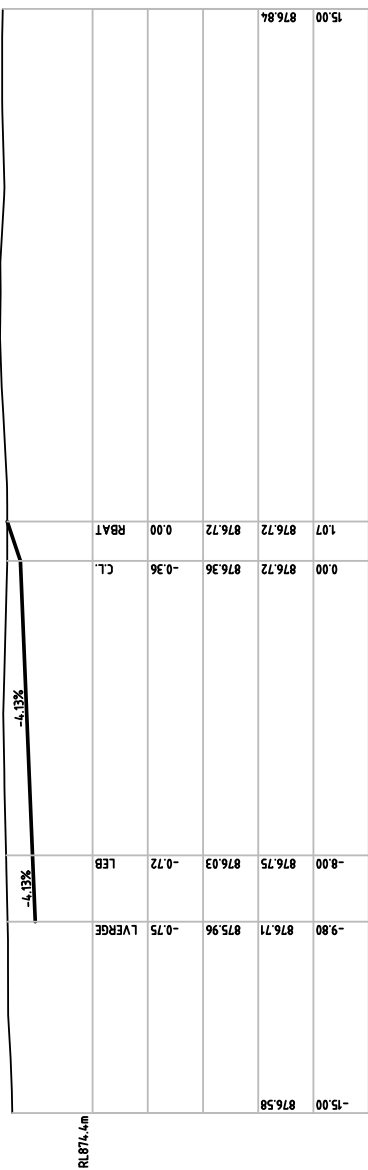
CH 621.74 m



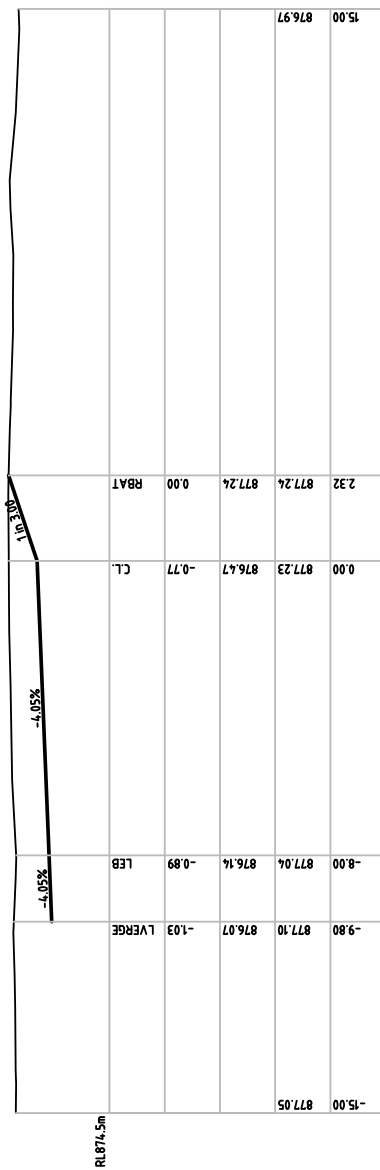
CH 620.00 m



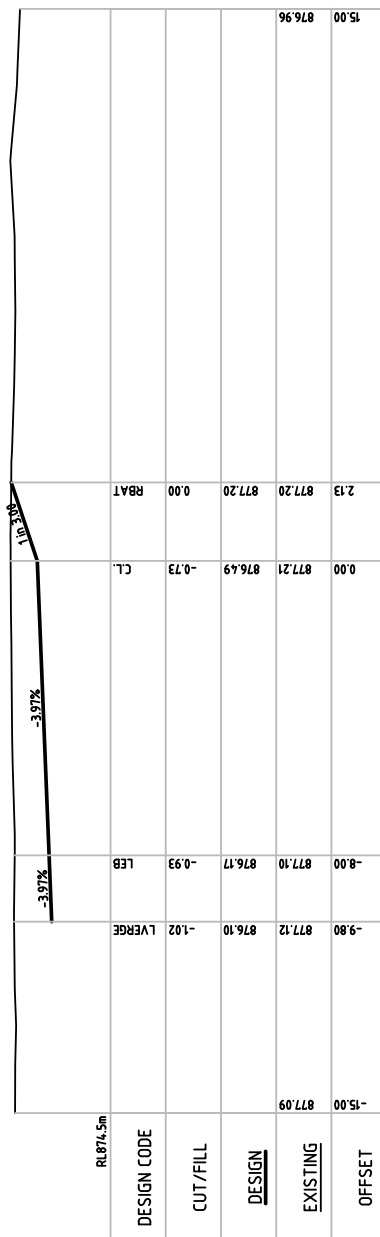
CH 612.88 m



CH 600.00 m



CH 580.00 m



CH 577.53 m

DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

**BATHURST REGIONAL COUNCIL**

PROJECT: MCPHILLAMY PARK, MOUNT PANORAMA  
PRELIMINARY GO KART TRACK PLANS

DESCRIPTION: PRELIMINARY TRACK CROSS SECTIONS  
CH577.53 - CH639.30

JOB No. 000-000    DWG No. EN11697    SHEET No. 13    REV. A

CHECKED: TECHNICAL SERVICES MANAGER

SURVEYED: MC

DATE: 18-10-18

DATUM: AHD

INITIALS: MC

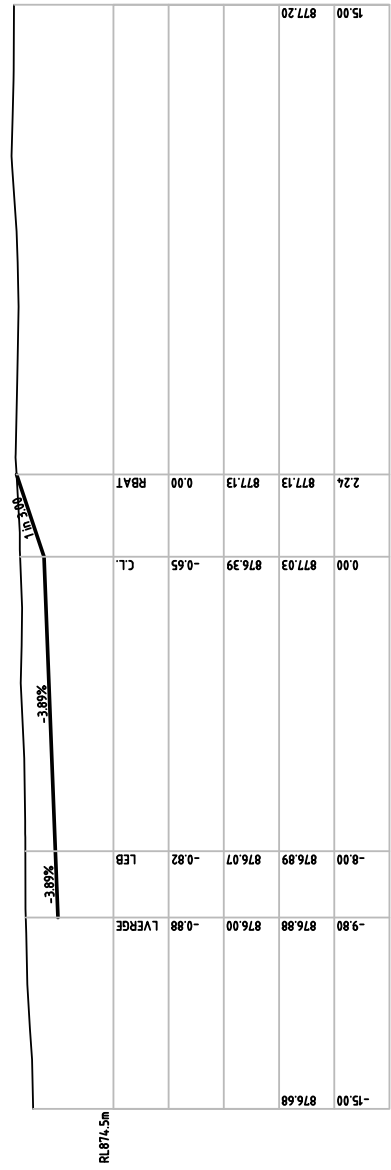
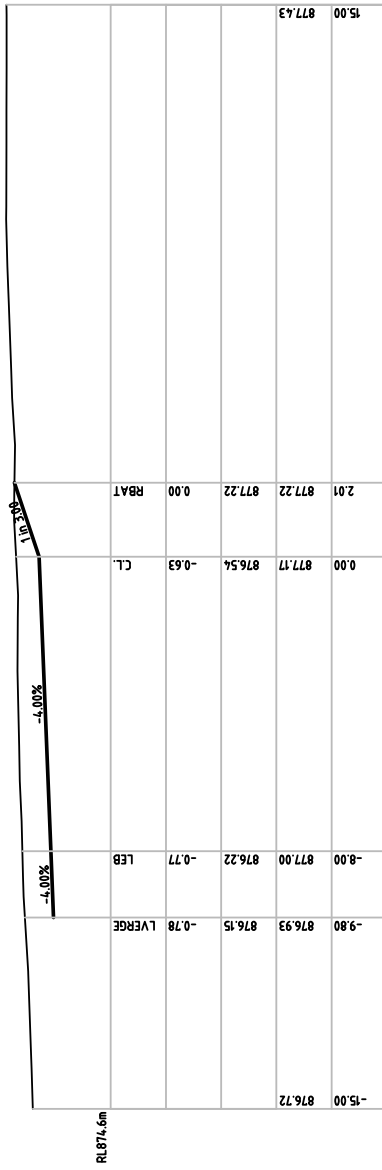
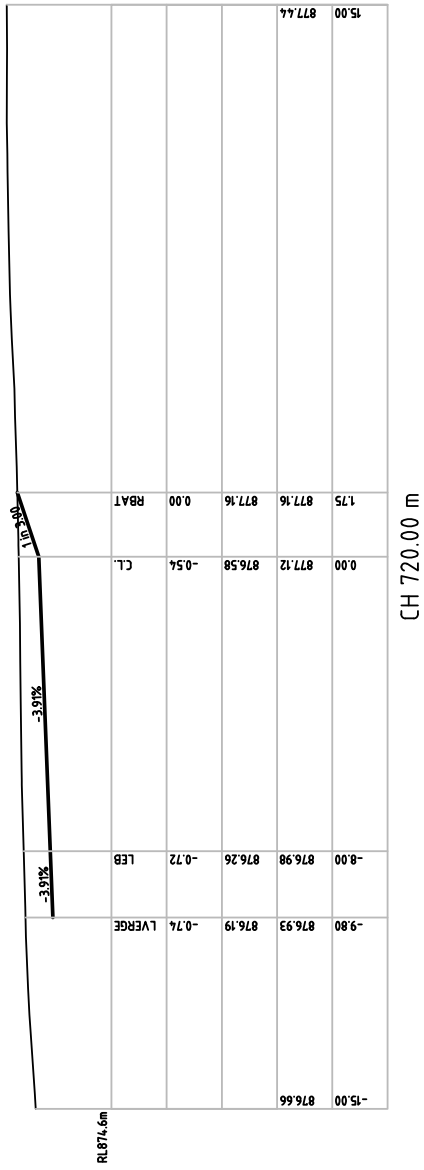
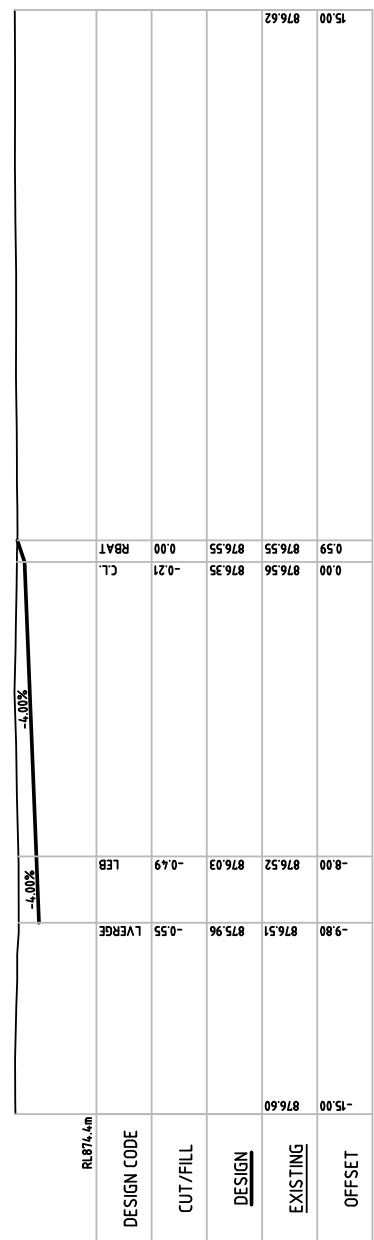
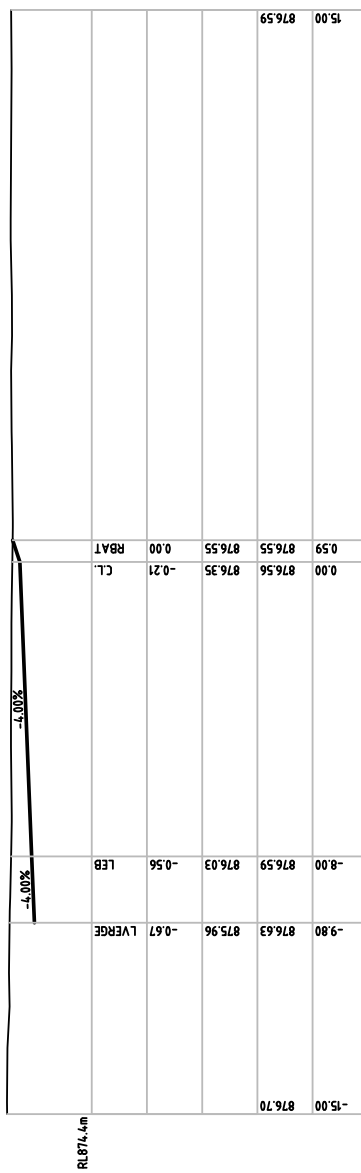
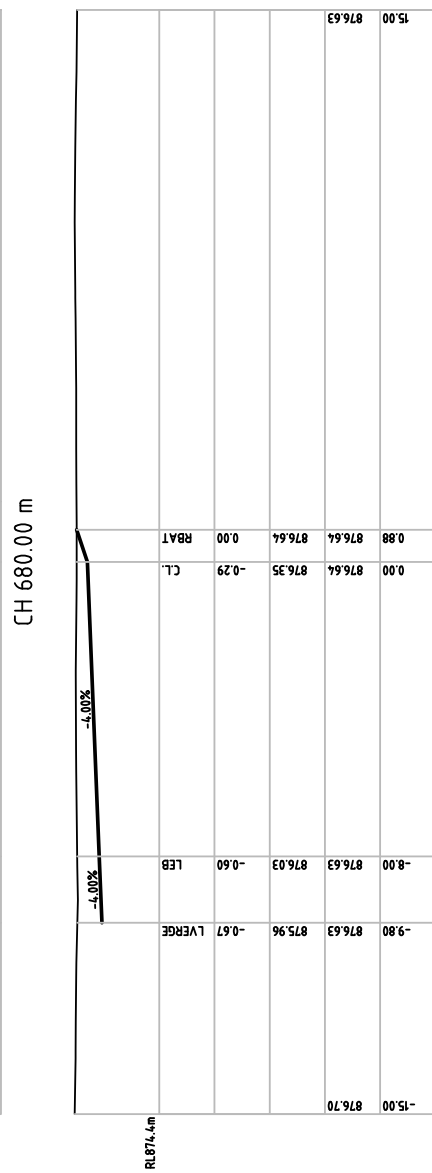
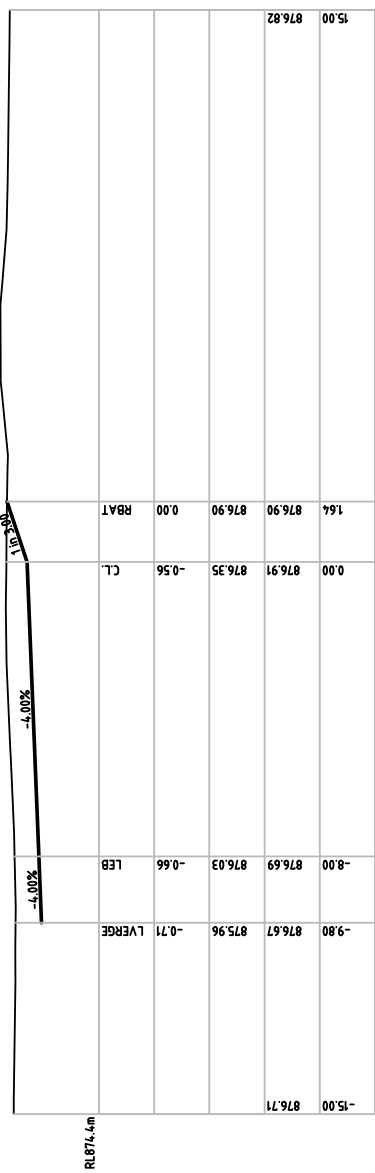
DATE SCALES (A1): 1:100, 1:200, 1:500, 1:750, 1:1000

DATE: 18-10-18

ISSUED FOR APPROVAL: A

DESCRIPTION: REV. A

CONCONSULTANT: APPROVED



**BATHURST REGIONAL COUNCIL**

<b>PROJECT</b>	McPHILLAMY PARK, MOUNT PANORAMA		
<b>DESCRIPTION</b>	PRELIMINARY GO KART TRACK PLANS		
<b>JOB No.</b>	000-000	<b>DWG No.</b>	EN11697
<b>REV.</b>	A	<b>SHEET No.</b>	14

<b>CONSULTANT</b>	<b>REVISIONS</b>	<b>INITIALS</b>	<b>DATE</b>
CHECKED	A	MC	18-10-18

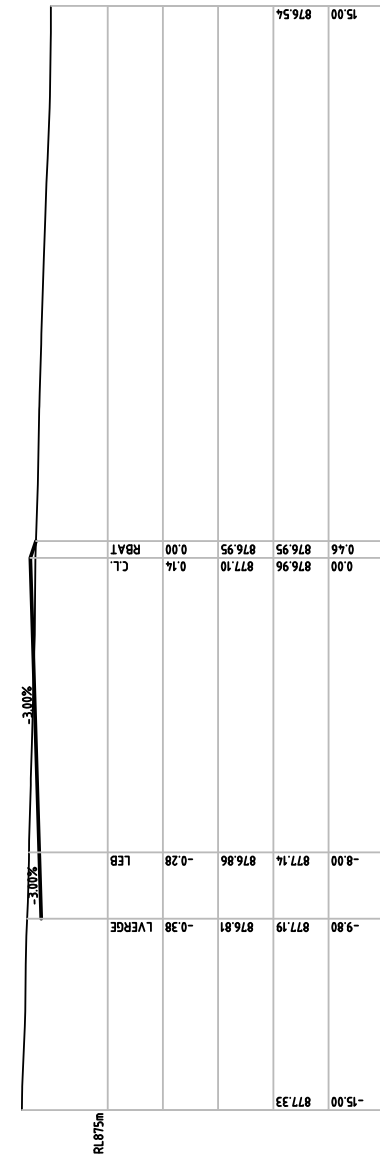
<b>SURVEYED</b>	<b>CHECKED</b>
DRAWN	TECHNICAL SERVICES MANAGER
DESIGN	DIRECTOR ENGINEERING SERVICES
DATE	18-10-18
DATUM	AHD

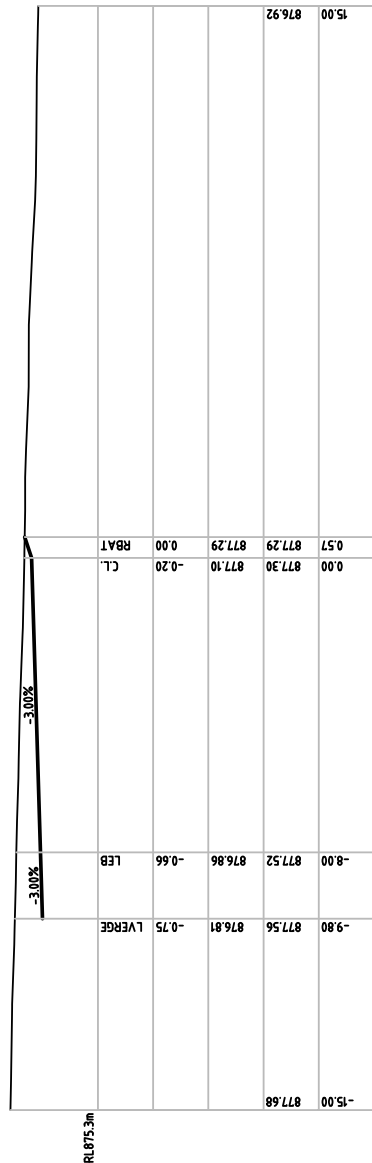
<b>SCALES (A1)</b>
1:100 0 1 2 3 4 5
1:200 0 0.1 0.2 0.3 0.4 0.5 Metres
1:500 0 0.2 0.4 0.6 0.8 1.0
1:750 0 0.5 1.0 1.5 2.0 2.5
1:1000 0 1 2 3 4 5

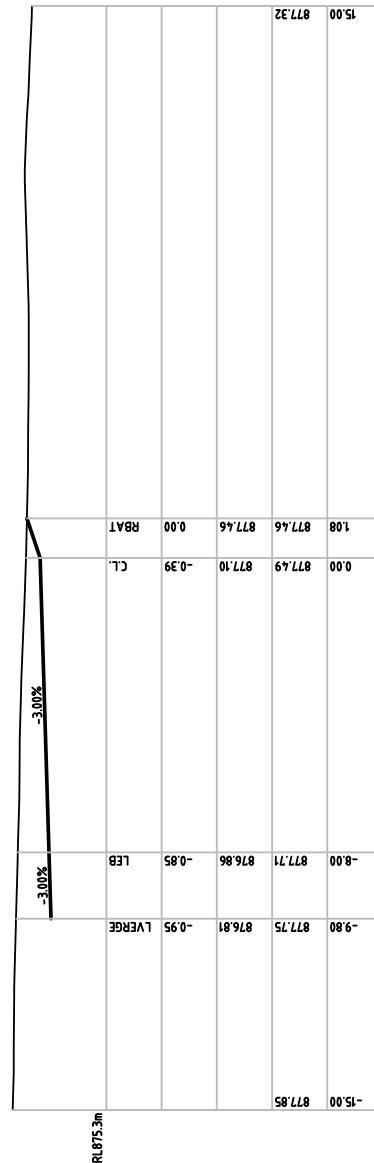
<b>DATE</b>	18-10-18
<b>SCALE</b>	1:100
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<b>SCALE</b>	1:500
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<b>SCALE</b>	1:1000



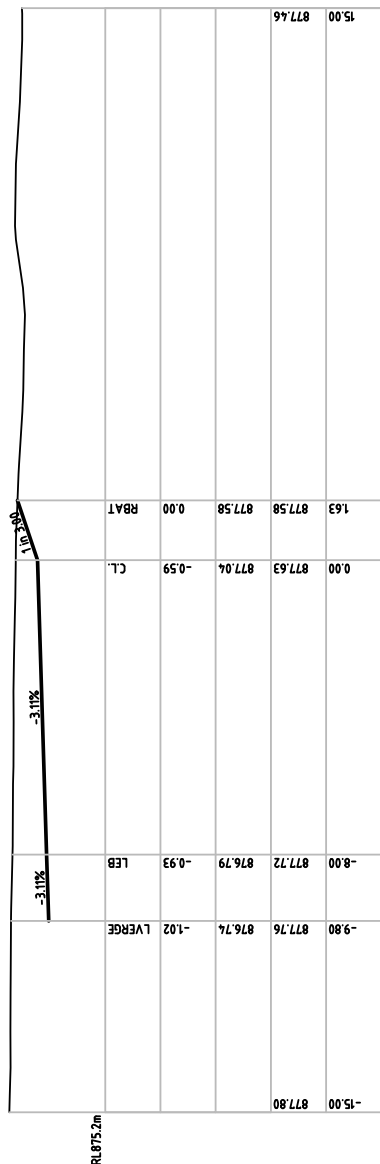
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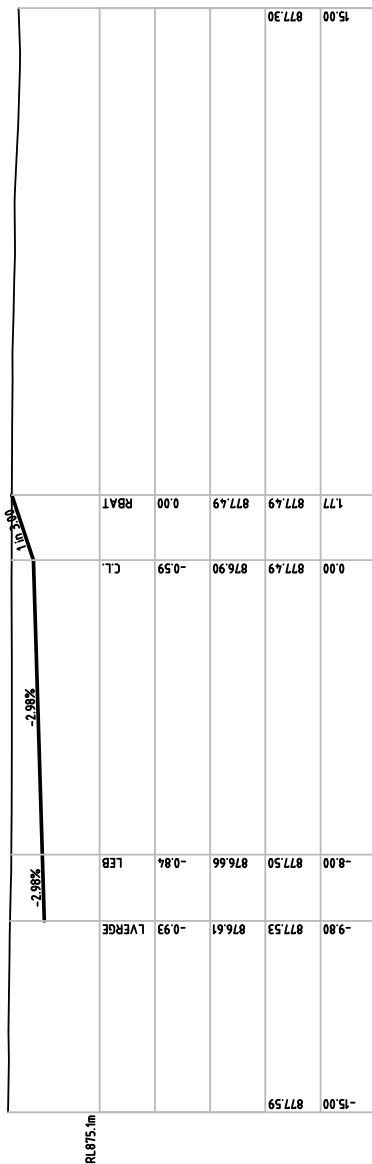
CH 800.00 m



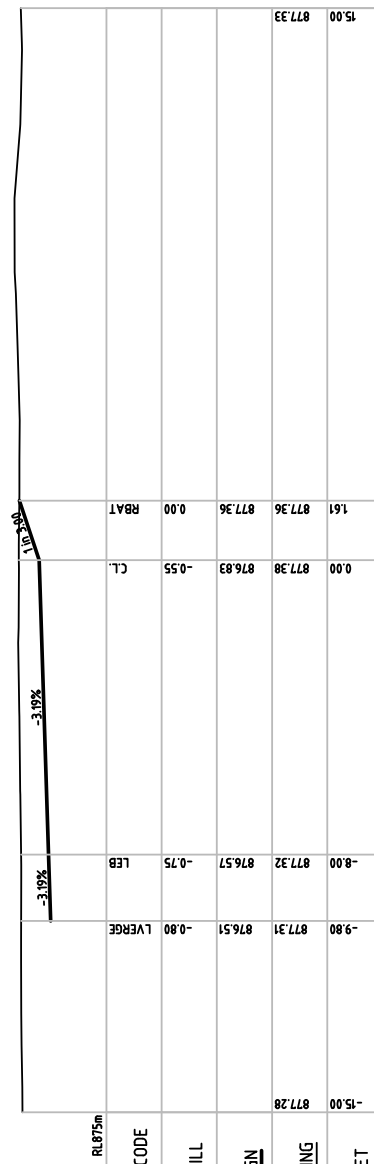
CH 780.00 m



CH 760.00 m



CH 745.82 m



CH 740.00 m

DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

**BATHURST REGIONAL COUNCIL**

<b>PROJECT</b>	McPHILLAMY PARK, MOUNT PANORAMA		
<b>DESCRIPTION</b>	PRELIMINARY GO KART TRACK PLANS		
<b>JOB No.</b>	000-000	<b>DWG No.</b>	EN11697
<b>REV.</b>		<b>SHEET No.</b>	15
		<b>REV.</b>	A

<b>CHECKED</b>	<b>SURVEYED</b>	<b>DATE</b>	<b>DATE</b>
TECHNICAL SERVICES MANAGER	MC	18-10-18	18-10-18
DIRECTOR ENGINEERING SERVICES	AND		

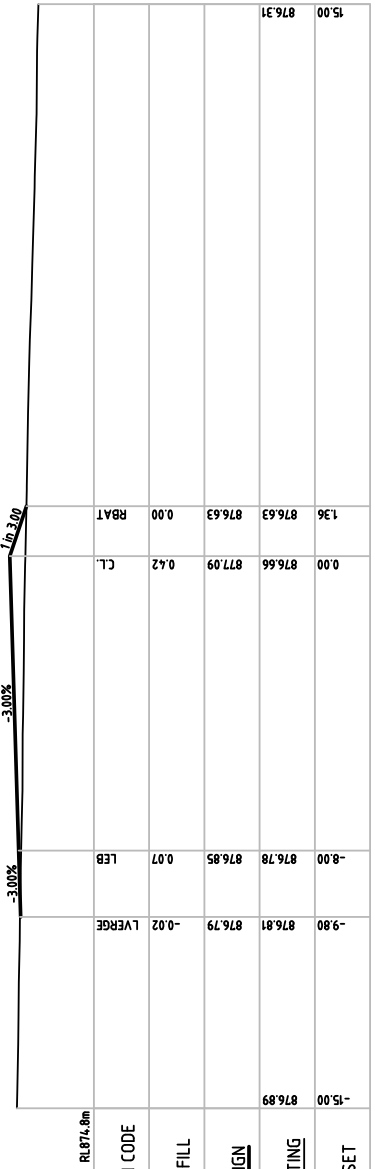
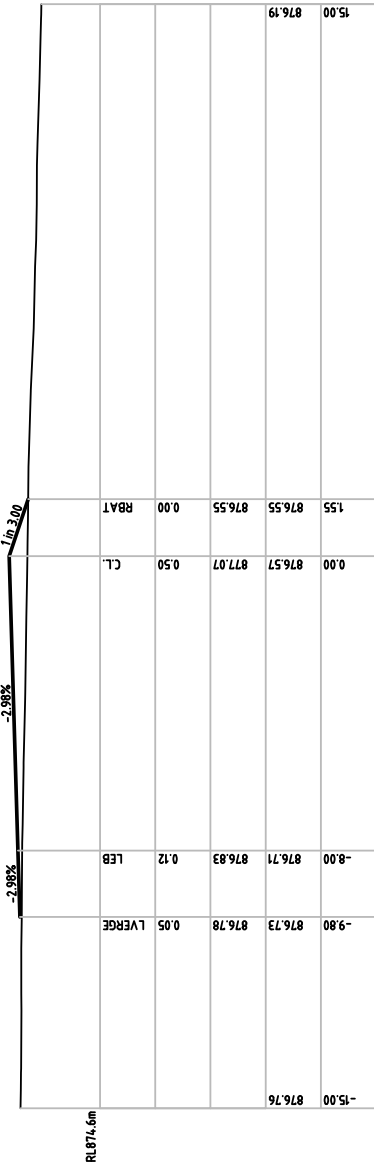
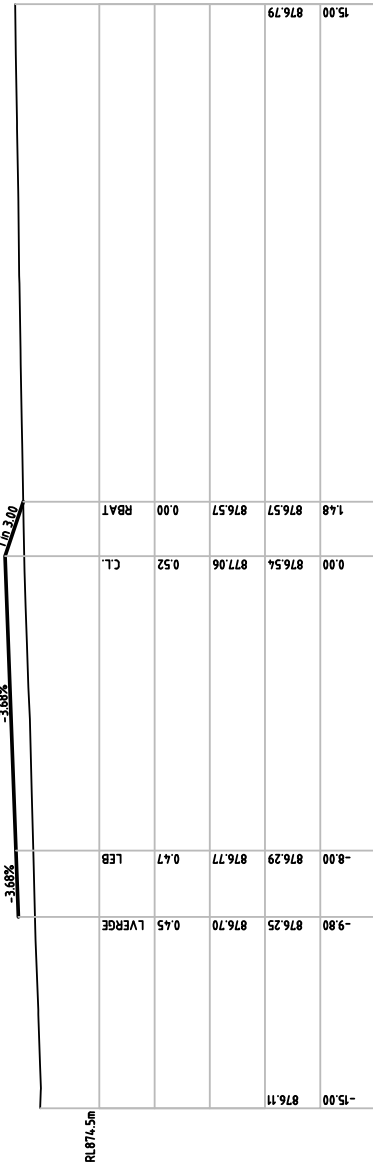
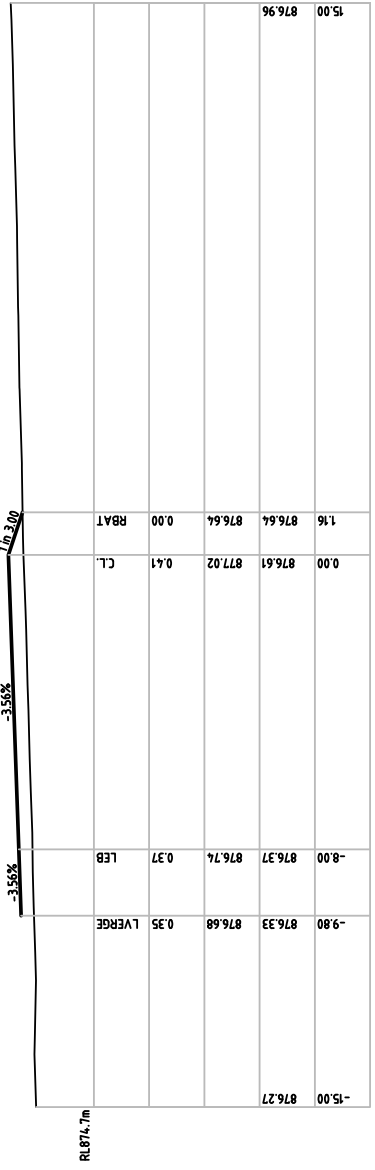
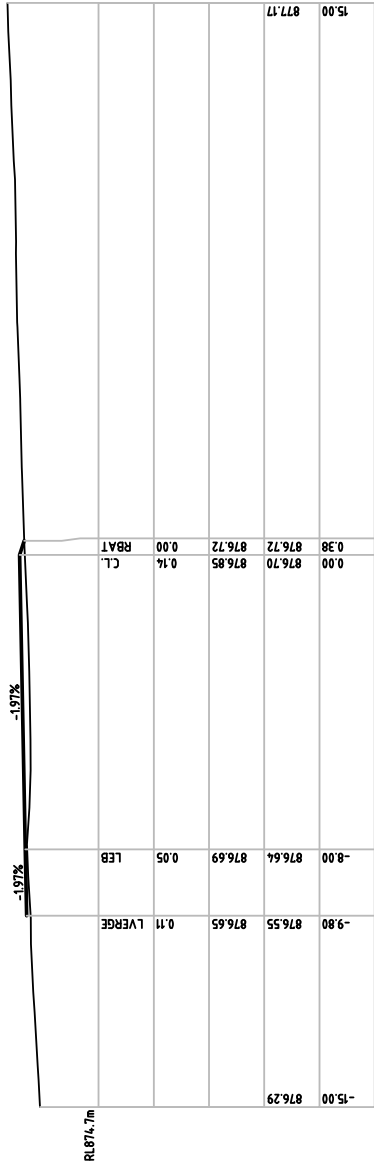
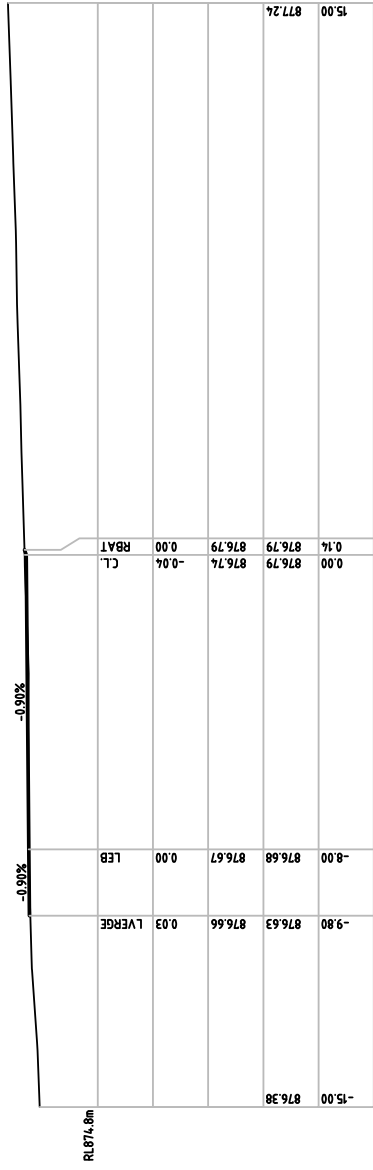
<b>INITIALS</b>	<b>DATE SCALES (A1)</b>	<b>DATE</b>	<b>DATE</b>
MC	1:10 0 0.1 0.2 0.3 0.4 0.5 Metres 1:20 0 0.2 0.4 0.6 0.8 1.0 1:50 0 0.5 1.0 1.5 2.0 2.5 1:100 0 1 2 3 4 5	18-10-18	18-10-18

<b>REV</b>	<b>DESCRIPTION</b>	<b>ISSUED FOR APPROVAL</b>	<b>DATE</b>
A	ISSUED FOR APPROVAL		

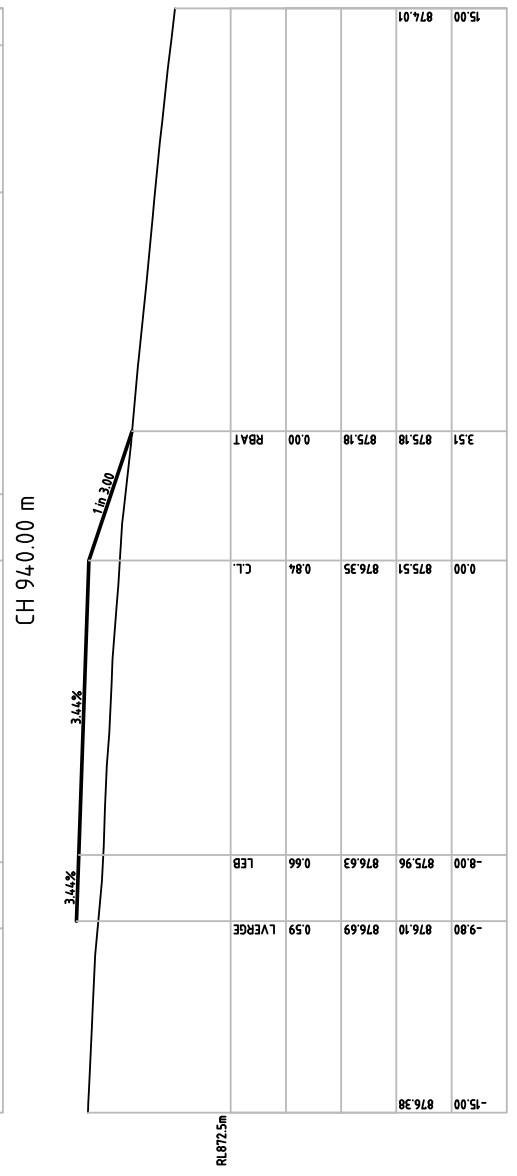
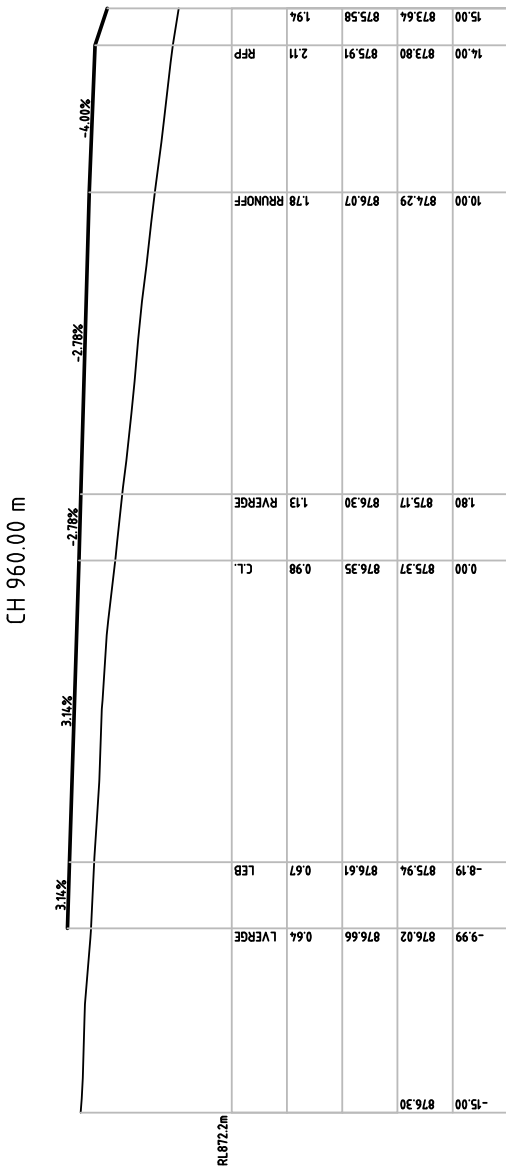
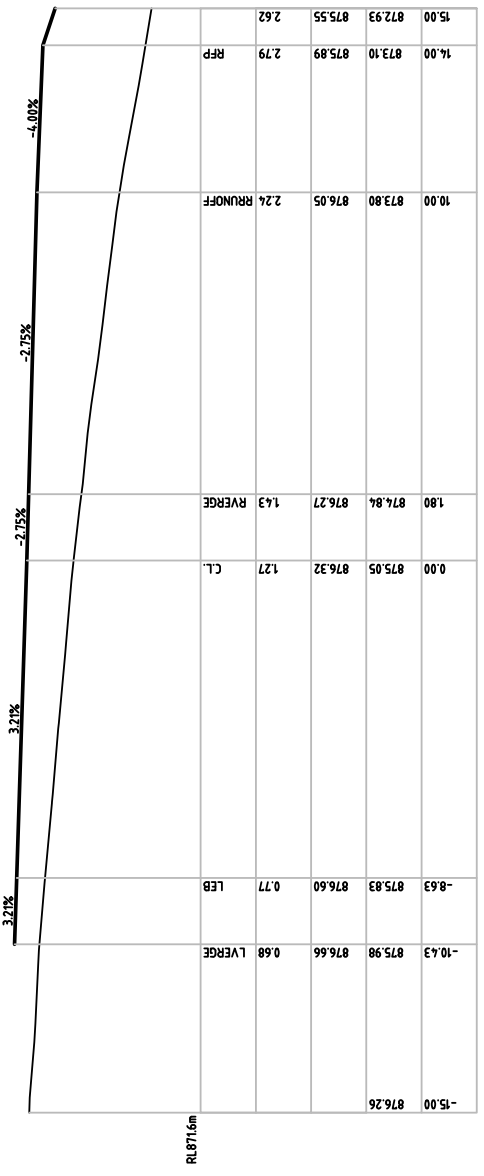
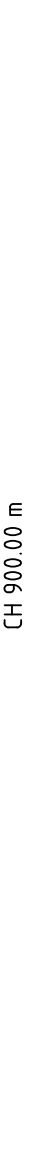
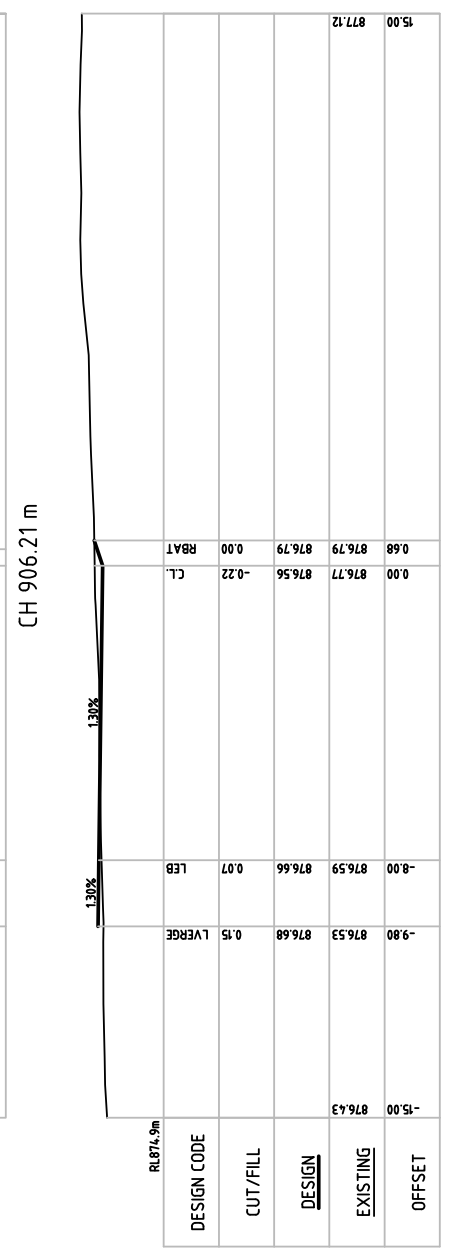
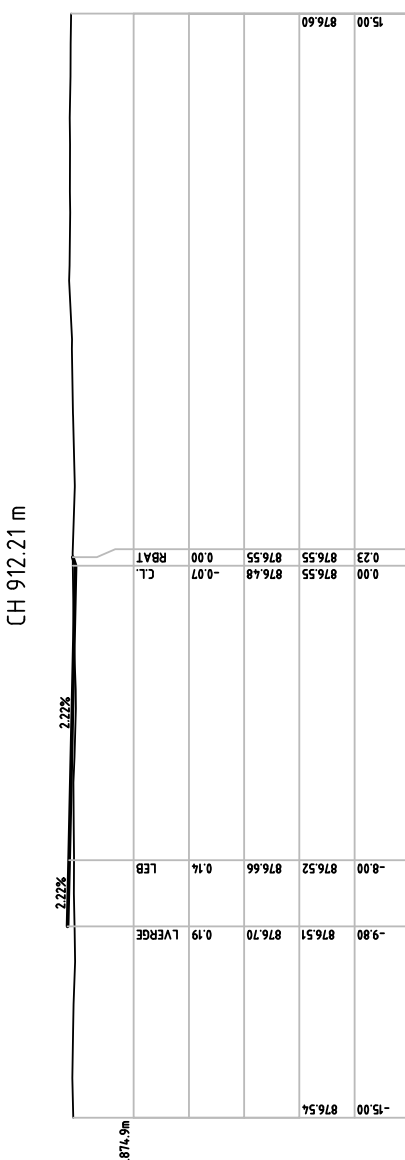
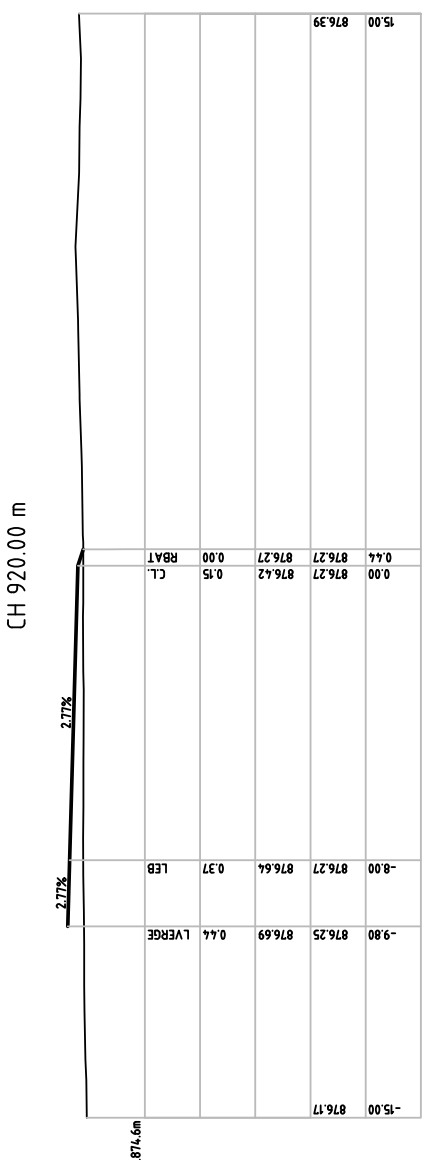
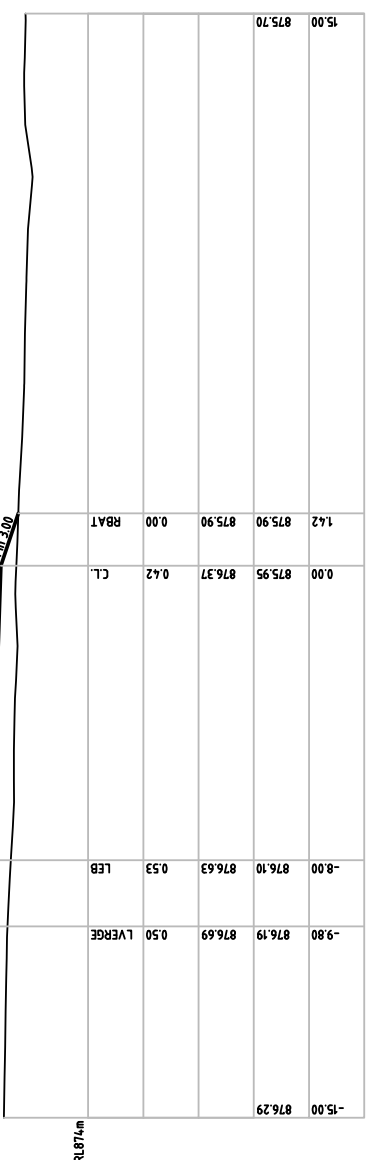
<b>CONSULTANT</b>	<b>APPROVED</b>	<b>CHECKED</b>	<b>DATE</b>



DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

**BATHURST REGIONAL COUNCIL**

<p>PROJECT McPHILLAMY PARK, MOUNT PANORAMA PRELIMINARY GO KART TRACK PLANS</p> <p>DESCRIPTION PRELIMINARY TRACK CROSS SECTIONS CH840.00 - CH887.36</p> <p>JOB No. 000-000 DWG No. EN11697 SHEET No. 16 REV. A</p>	<p>CHECKED</p> <p>TECHNICAL SERVICES MANAGER</p> <p>DIRECTOR ENGINEERING SERVICES</p>	<p>SURVEYED MC</p> <p>DRAWN MC</p> <p>DESIGN MC</p> <p>DATE 18-10-18</p> <p>DATUM AHD</p>	<p>INITIALS</p> <p>MC</p> <p>DATE SCALES (A1)</p> <p>1:10 0 0.1 0.2 0.3 0.4 0.5 Metres</p> <p>1:20 0 0.2 0.4 0.6 0.8 1.0</p> <p>1:50 0 0.5 1.0 1.5 2.0 2.5</p> <p>1:100 0 1 2 3 4 5</p> <p>1:200 0 1 2 3 4 5 6 7 8 10 Metres</p> <p>1:500 0 5 10 15 20 25</p> <p>1:750 0 7.5 15 22.5 30 37.5</p> <p>1:1000 0 10 20 30 40 50</p>
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**BATHURST REGIONAL COUNCIL**

PROJECT: MCPHILLAMY PARK, MOUNT PANORAMA  
 PRELIMINARY GO KART TRACK PLANS  
 DESCRIPTION: PRELIMINARY TRACK CROSS SECTIONS  
 CH900.00 - CH960.00  
 JOB No. 000-000  
 DWG No. EN11697  
 SHEET No. 17  
 REV. A

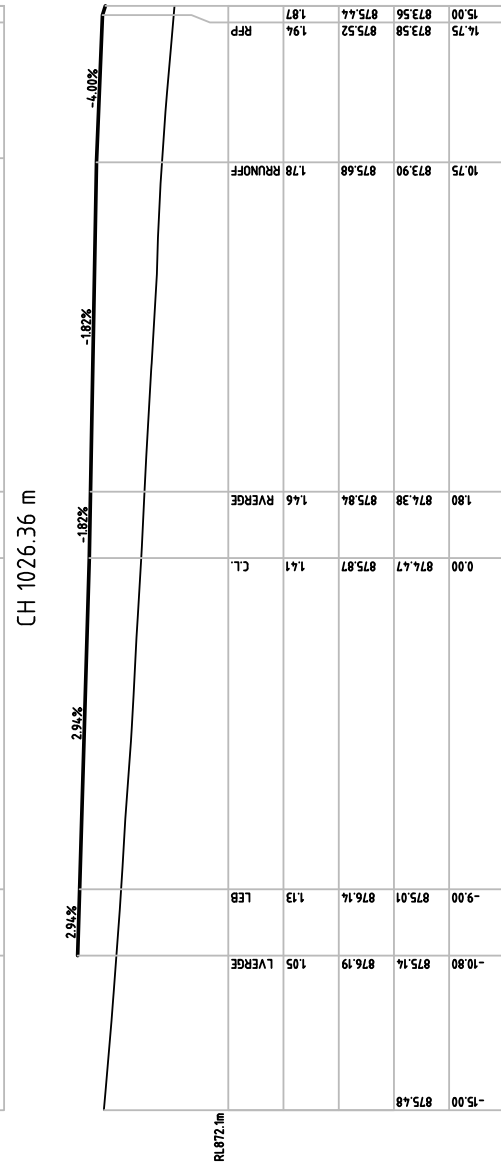
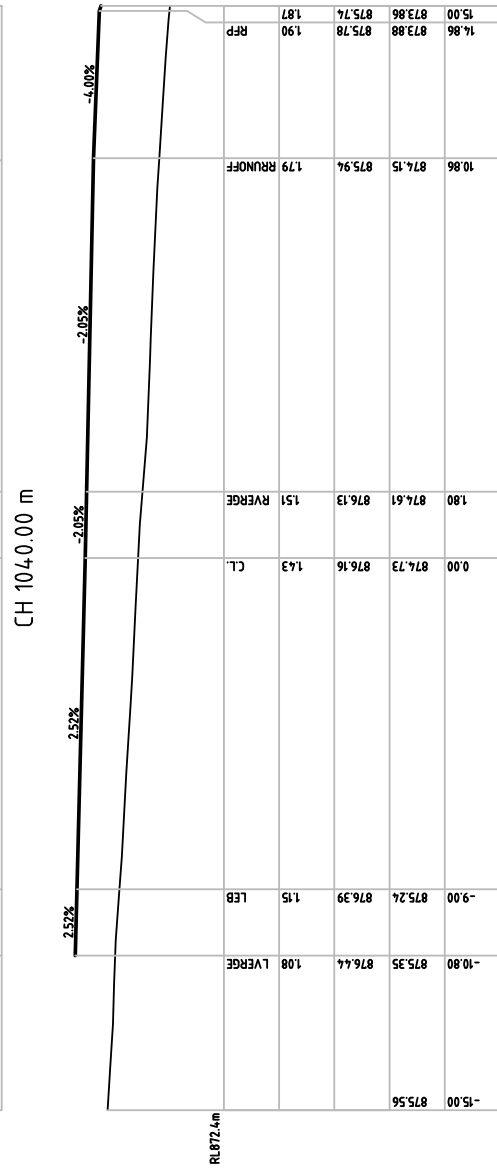
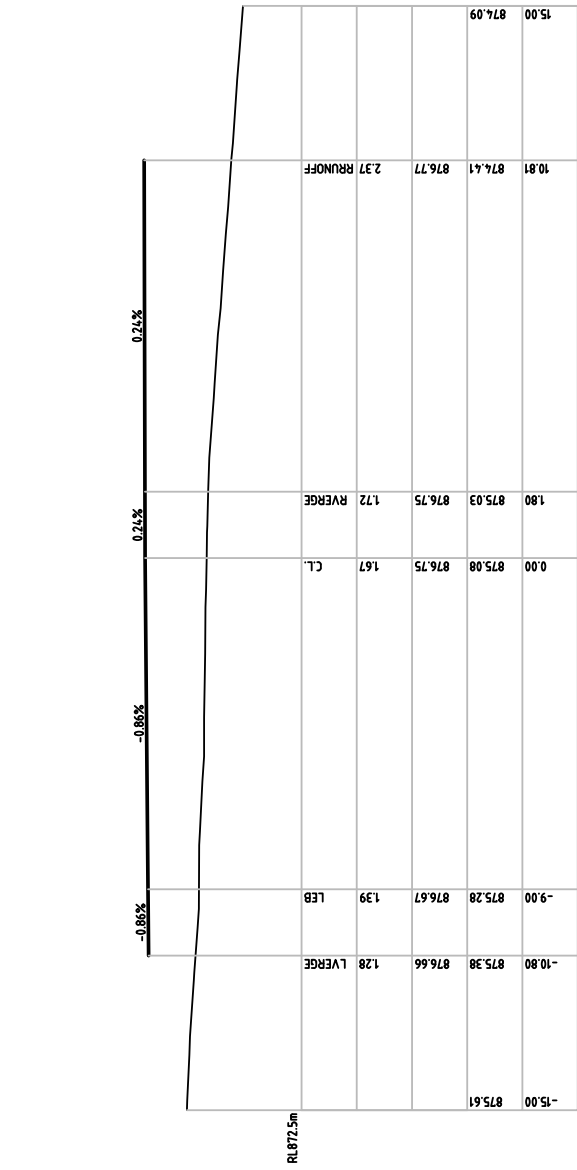
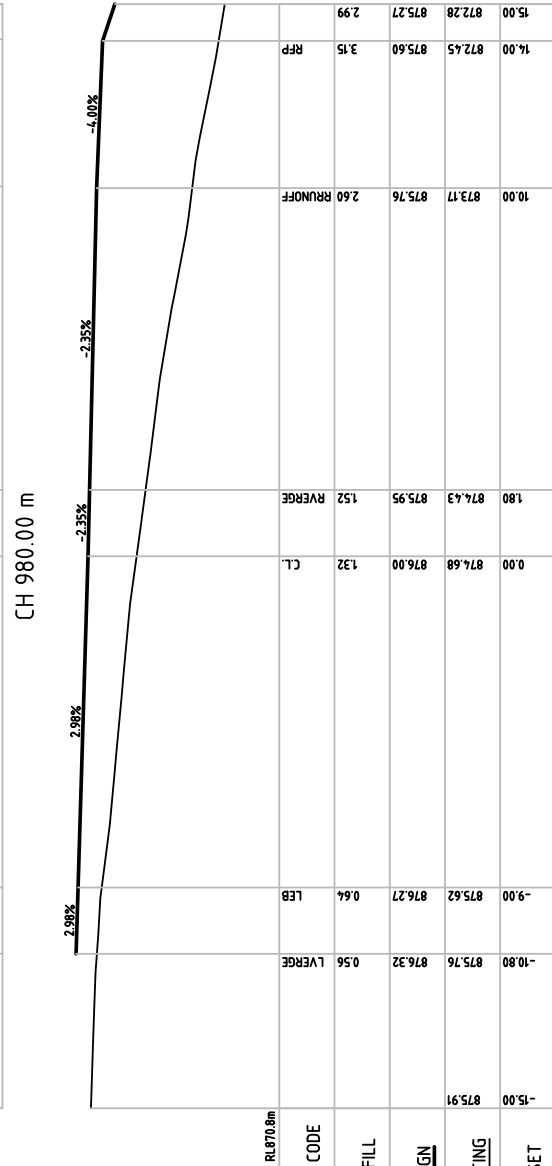
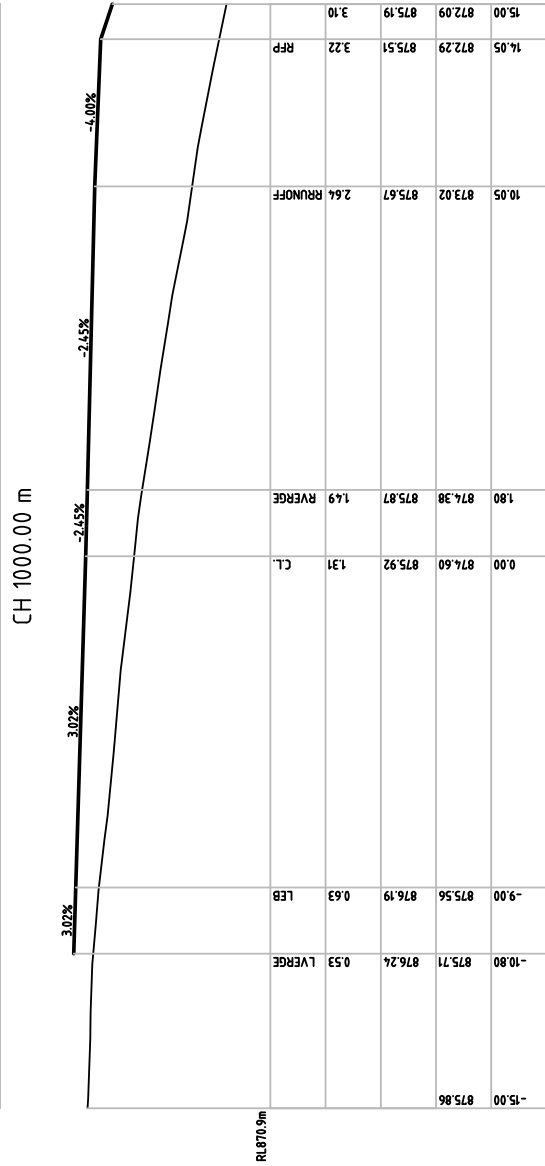
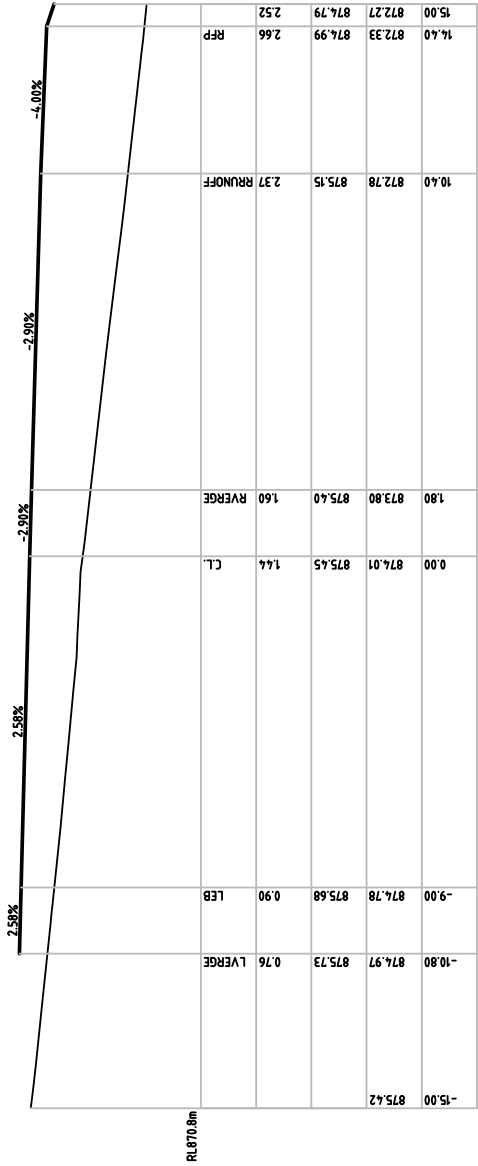
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PROJECT	McPHILLAMY PARK, MOUNT PANORAMA
DESCRIPTION	PRELIMINARY GO KART TRACK PLANS
JOB No.	000-000
DWG No.	EN11697
SHEET No.	18
REV.	A

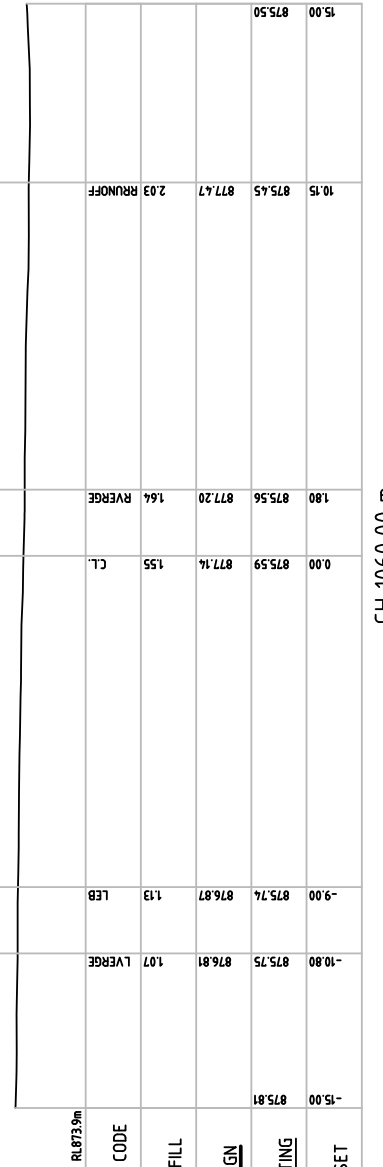
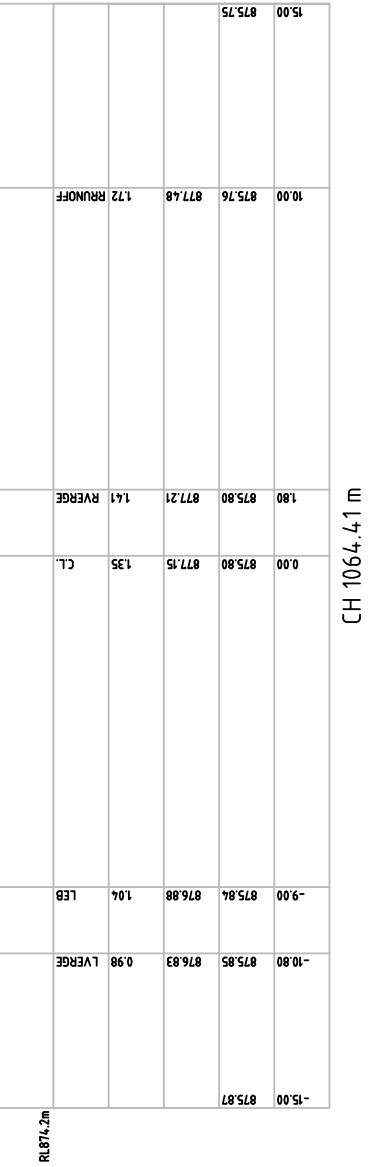
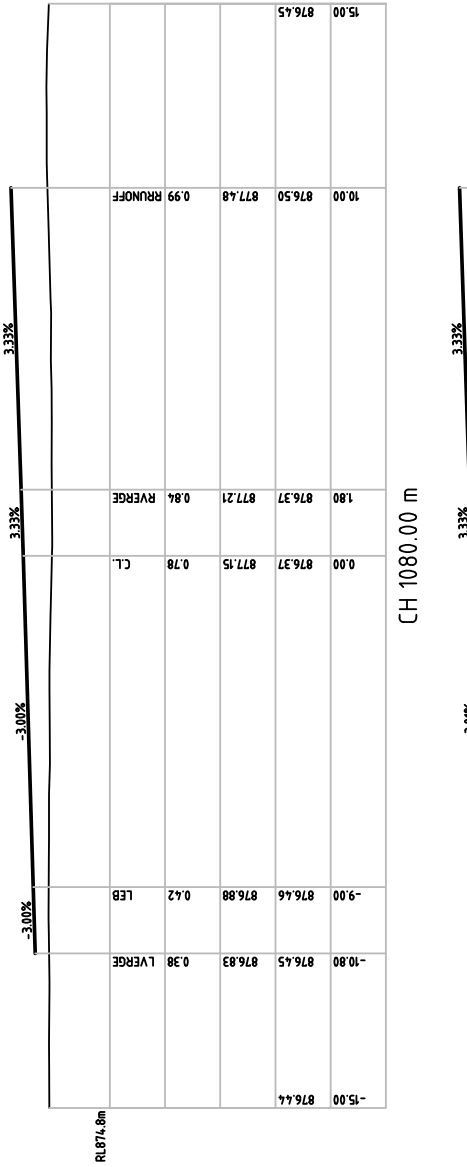
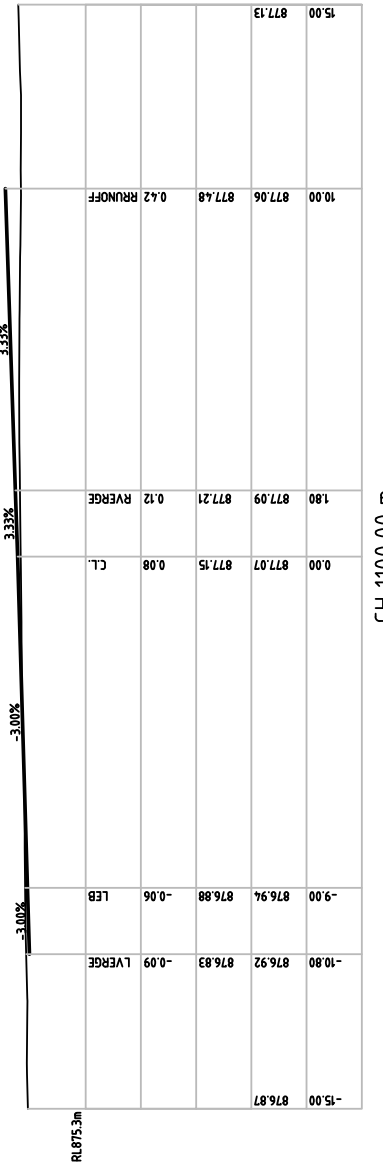
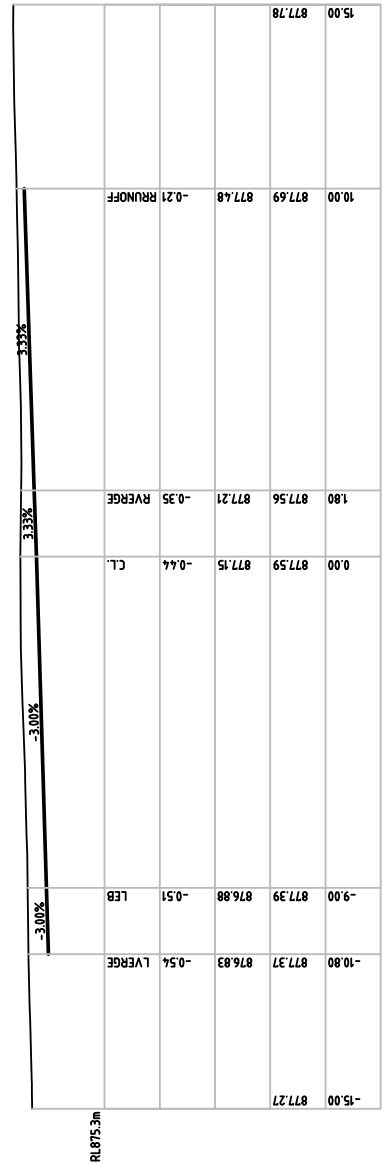
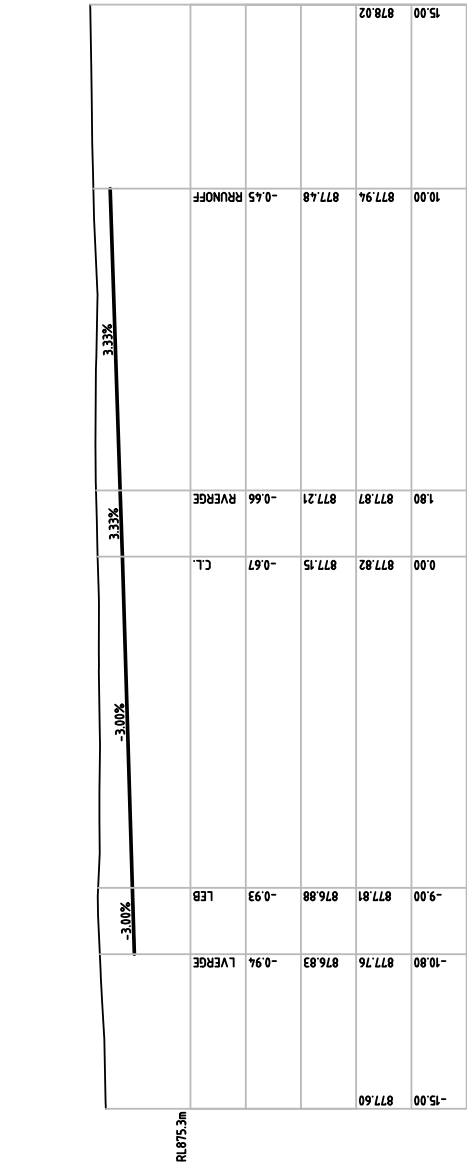
  

PROJECT	McPHILLAMY PARK, MOUNT PANORAMA
DESCRIPTION	PRELIMINARY TRACK CROSS SECTIONS
JOB No.	000-000
DWG No.	EN11697
SHEET No.	18
REV.	A

CHECKED	APPROVED
TECHNICAL SERVICES MANAGER	DIRECTOR ENGINEERING SERVICES





DESIGN CODE	
CUT/FILL	
DESIGN	
EXISTING	
OFFSET	

**PROJECT**  
McPHILLAMY PARK, MOUNT PANORAMA  
PRELIMINARY GO KART TRACK PLANS

**DESCRIPTION**  
PRELIMINARY TRACK CROSS SECTIONS  
CH1060.00 - CH1134.83

**JOB No.** 000-000  
**DWG No.** EN11697  
**SHEET No.** 19  
**REV.** A

**CONTRACTOR**  
TECHNICAL SERVICES MANAGER

**CHECKED**  
DIRECTOR ENGINEERING SERVICES

**SURVEYED** MC  
DRAWN MC  
DESIGN MC  
DATE 18-10-18  
DATUM AHD

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**REV**  
A  
ISSUED FOR APPROVAL

**DESCRIPTION**

**INITIALS** MC  
**DATE** 18-10-18

**CONTRACTOR**

**CHECKED** APPROVED



## Statement of Environmental Effects

in accordance with the  
Environmental Planning and Assessment Act 1979

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Prepared by:

**Bathurst Regional Council**

Development:

**Bathurst Go Kart Track  
Mount Panorama**

Location:

**Brock Skyline, Mount Panorama**

Lot 1 DP:634401

Lot 2 DP:633401

Lot 9 DP:1047248

Lot 1 DP:700629

Lot 40 DP:1056379

**Revision 1.4**

**Revised November 2018**



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Statutory considerations  
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State Environmental Planning Policy (Infrastructure) 2007  
Bathurst Regional Development Control Plan 2014

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Project Justification

## Reports

1. Concept Design
2. Aboriginal Cultural Heritage Assessment Report (Confidential)
3. Acoustic Assessment
4. Flora and Fauna Assessment

## References

Bathurst Regional Development Control Plan 2014  
Bathurst Regional Council Local Environment Plan 2014  
State Environmental Planning Policy (Infrastructure) 2007

## 1.0 Introduction

### Background

- 1.1 The development application form and land owner authorities are included under a separate cover.
- 1.2 This Statement of Environmental Effects has been prepared by Bathurst Regional Council' Engineering Section to accompany a Development Application for the Development of Bathurst Go Kart Track, Mount Panorama.
- 1.3 The Application seeks consent to develop a new go kart track on part of;  
 Lot 1 DP:634401 Zoned SP3 Tourist = 14,862.23m<sup>2</sup>  
 Lot 2 DP:633401 Zoned SP3 Tourist = 5,657.86m<sup>2</sup>  
 Lot 9 DP:1047248 Zoned SP3 Tourist = 56,356.21m<sup>2</sup>  
 Lot 1 DP:700629 Zoned RU2 Rural Landscape = 1,202.97m<sup>2</sup>  
 Lot 40 DP:1056379 Zoned SP3 Tourist = 14,496.50m<sup>2</sup>
- 1.4 The development is consistent with the objectives of the Zone SP3 Tourist and RU2;

**SP3 Tourist Section 3** permitted with consent.

#### Permitted with consent

Cellar door premises; Food and drink premises; Kiosks; Light industries; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Tourist and visitor accommodation; Any other development not specified in item 2 or 4.

#### 2. Permitted without consent

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

#### 4. Prohibited

Amusement centres; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Residential accommodation; Resource recovery facilities; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

**RU2 Rural Landscape Section 3** permitted with consent

#### Permitted with consent

Agricultural produce industries; Cellar door premises; Dwelling houses; Farm buildings; Food and drink premises; Home industries; Kiosks; Markets; Plant nurseries; Secondary dwellings; Any other development not specified in item 2 or 4

**2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads

**4 Prohibited**

Amusement centres; Cemeteries; Centre-based child care facilities; Commercial premises; Crematoria; Depots; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Places of public worship; Residential accommodation; Respite day care facilities; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres; Wholesale supplies

**Scope and structure**

- 1.5 Section 2 of this Report describes the physical characteristics of the site and its planning context.
- 1.6 Section 3 and 4 describes in detail the proposed development
- 1.7 Section 5 provides an examination of the relevant statutory and policy planning relating to the site and the extent to which the proposed development has regard to the provisions of Section 4.15 (1) (a) of the Environmental Planning and Assessment Act 1979.
- 1.8 The plans of the proposed development are attached including other various studies and technical reports included in this document.

## 2.0 The site and its contexts

This section identifies the subject site and describes its environmental planning context.

### Property Description

- 2.1 The site is located at McPhillamy Park, 310 Brocks Skyline Mount Panorama NSW 2795. Please refer to Figure 1B.

### Development Site

- 2.2 The **Development Site** is described as Operational land to provide open space, tourism and recreational opportunities and for the purpose of motor racing and associated activities.
- 2.3 The **Development Site** (the site) is located within the Mount Panorama Precinct off Brocks Skyline.
- 2.4 The development will adjoin;
- To the east;
- Lot 3 DP: 700629 Identified as SP3 Tourist - Sir Joseph Banks Nature Reserve and Lot 250 DP: 1148187 identified as RU2 Rural Landscape – Aboriginal Local Land Council
- To the north, Lot 1685 DP: 1085547 identified as SP3 Tourist - McPhillamy Park
- To the south, Lot 10 DP: 1047248 identified as RU2 Rural Landscape
- 2.5 The existing internal roads via McPhillamy Park, Brocks Skyline will provide the site with road access Lot 1685 DP:1085547.

### Site Analysis

#### Site Location and Description

- 2.6 The site is located within the Mount Panorama precinct of Bathurst Regional Council. A map of the site is depicted in figure 1.
- 2.7 The topography description
- The proposed site has a south easterly aspect with an elevation of 870 metres.

#### Existing Improvements

- 2.8 The site is largely unimproved open space with a natural vegetated environment.
- 2.9 The Site adjoins properties as identified in 2.4



## Land use Zone

2.10 Land affected by the Development is zoned SP3 Tourist and RU2 Rural Landscape

2.11 The Local Environmental Plan (LEP) 2014 has identified the land SP3 Tourist and RU2 Rural Landscape, and proposed to be used for;

### Zone SP3 Tourist

#### 1 Objectives of

- To provide for a variety of tourist-oriented development and related uses.
- To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.
- To provide regional open space, tourism and recreation opportunities within the city of Bathurst.
- To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.
- To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.

### Zone RU2 Rural Landscape

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To encourage development that enhances Mount Panorama as an international motor racing circuit.

## Heritage

2.12 Extent Heritage was engaged by Council in 2016 to undertake an Aboriginal Heritage Due Diligence assessment for the proposed development. The assessment included consultation with representatives of Bathurst Local Aboriginal Land Council, Bathurst Wiradyuri and Aboriginal Community Elders, and Wiradjuri Traditional Owners Central West Aboriginal Corporation.

Whilst the assessment found that Aboriginal objects were unlikely to be present within the area at McPhillamy Park, the assessment identified potential cultural and intangible values to the Aboriginal community.

As a result, Extent Heritage has been commissioned by Bathurst Regional Council (the proponent), to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the proposed Go-Kart Track, McPhillamy Park, Mount Panorama Wahluu, NSW (hereafter the 'study area').

**Note:** Due to sensitivity of information the Aboriginal Cultural Heritage Assessment Report is not for Public release.



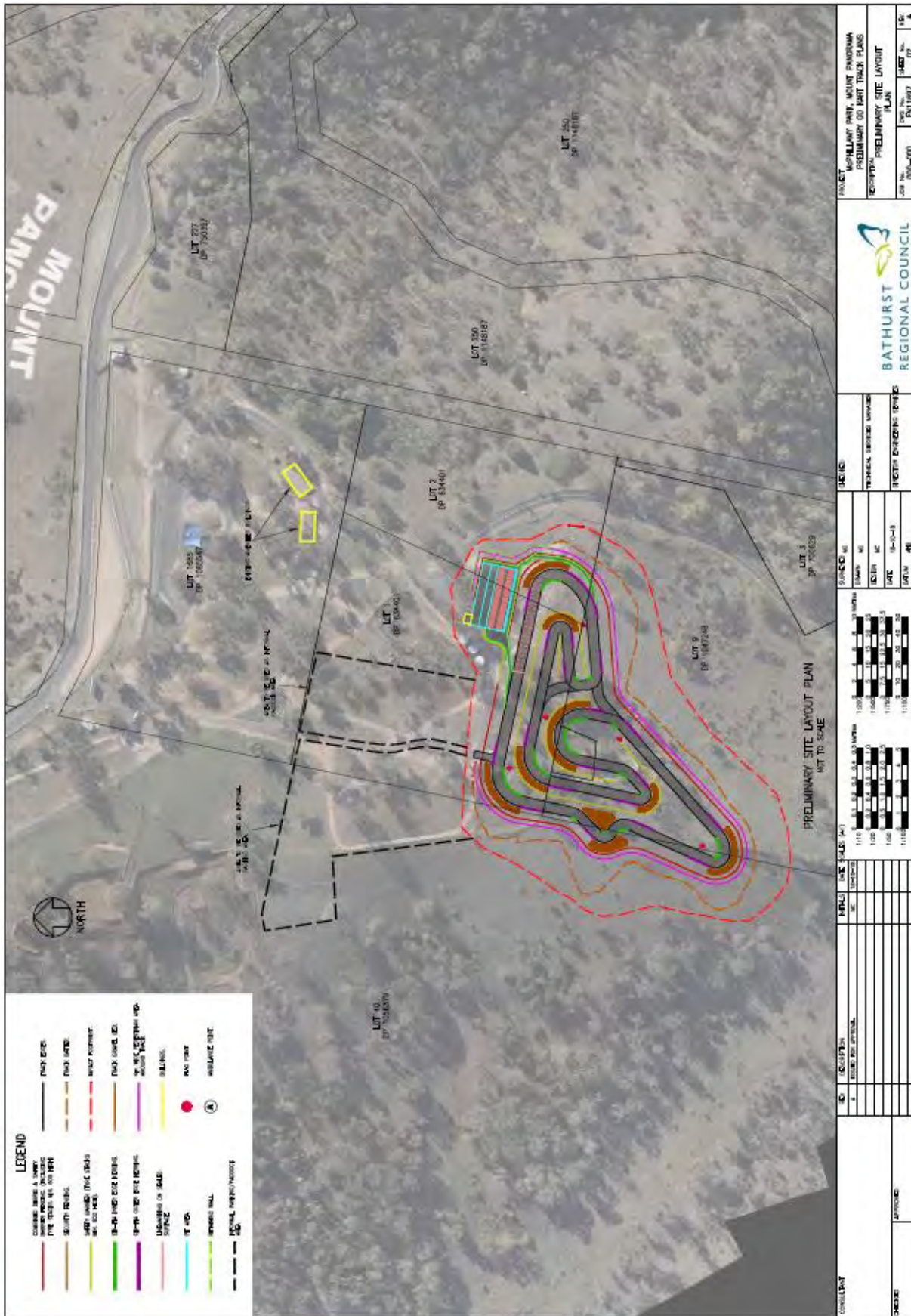


Figure 1B. Aerial Map including parking area

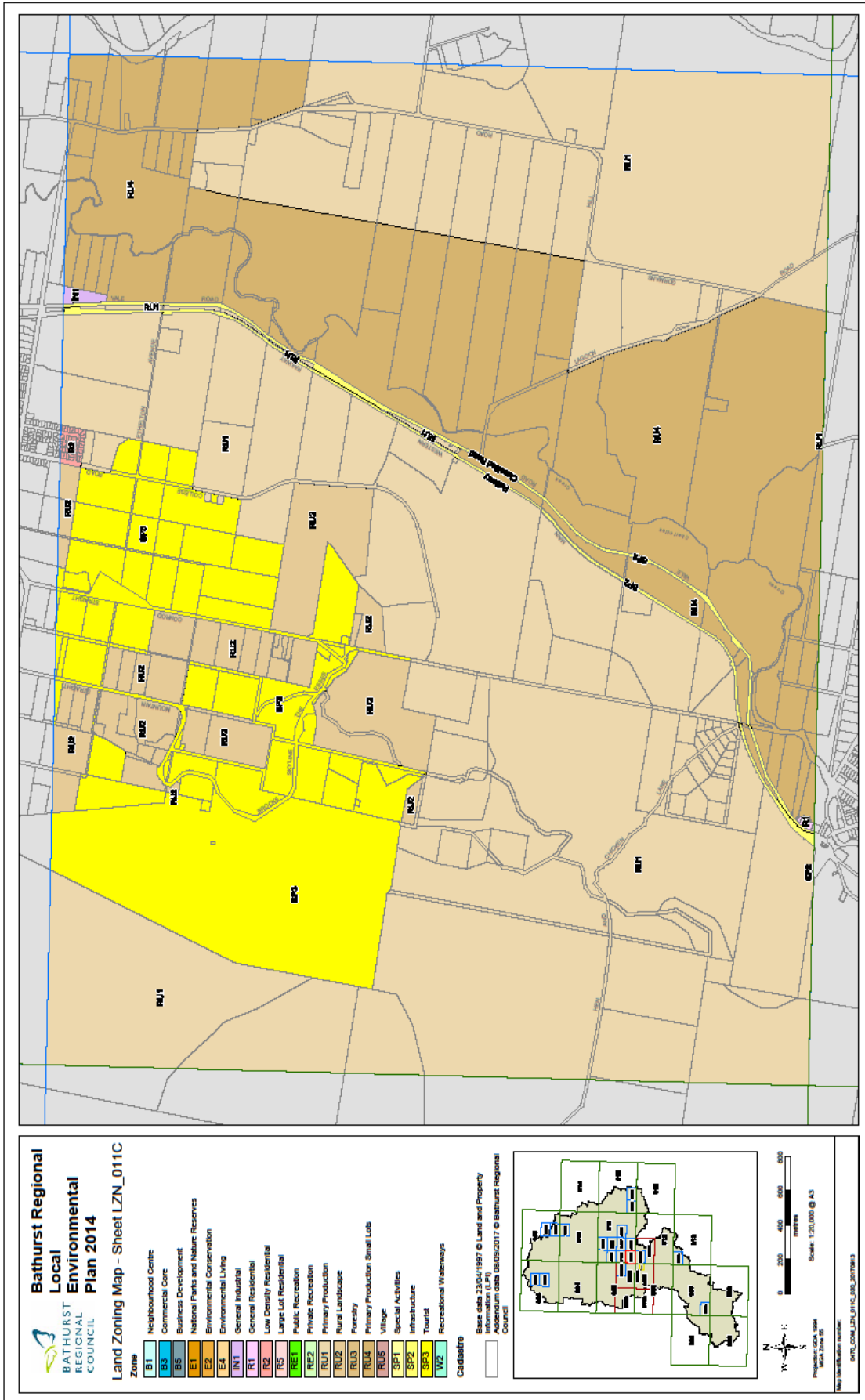


Figure 2: Bathurst Local Environmental Plan 2014 – Land Zoning Map (Not to scale)

Bathurst Regional Council  
 Statement of Environmental Effects

## Vegetation

2.13 The Environmental Factor (TEF) was commissioned by Bathurst Regional Council (BRC or Council) to undertake a Flora and Fauna Assessment (FFA) to fully consider the potential ecological impacts relating to the proposed Go Kart facility development. The study area is located immediately south of McPhillamy Park, in the Mount Panorama precinct.

The FFA has been undertaken in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and determined under Part 4 of the EP&A Act.

The aim of this assessment is to:

- Identify the presence or likely presence of threatened species, populations and ecological communities and their habitats listed under the TSC Act (now rescinded).
- Identify the potential for any Matters of National Environmental Significance (MNES) listed under the EPBC Act to occur within the proposal footprint and/or to be indirectly impacted by the proposal.
- Identify the potential impacts of the proposal on threatened biota or migratory species and their habitats.
- Recommend mitigation and environmental management measures to avoid or minimise adverse impacts on threatened biota and biodiversity values, as appropriate, to facilitate the relevant planning approvals process.
- Assess the significance of impacts on threatened biota listed under the TSC Act (now rescinded) and identify the likely requirement or otherwise for further assessment and approvals under the EP&A Act.
- Assess the significance of impacts on MNES and identify the likely requirement or otherwise for further assessment and approvals under the EPBC Act.

## Conclusion

It was identified that the study area includes discrete areas of intact native vegetation and fauna habitats, together with areas disturbed by historical clearing, and stockpiling. Vegetation within the subject site is largely exotic with several Weeds of National Significance present. Away from these disturbed areas within the proposal footprint, the native vegetation is generally in poor condition with few native understory species present.

The proposal has considered the ecological constraints and includes specific design features to avoid impacts on native vegetation and important fauna habitats

The proposal would result in the following ecological impacts:

- The permanent removal of 0.79 ha of White Box Yellow Box Blakely's Red Gum Woodland listed under the BC Act (formerly TSC Act).
- Removal of 3.57 ha of exotic and planted vegetation including exotic Hawthorn and Pine trees which may provide over wintering foraging resources for native avian fauna.
- The removal of three (3) hollow bearing trees containing approximately eight (8) hollows and two (2) dead trees (stags) providing potential habitat for hollow depending fauna including threatened microbats.

- Reduction of 0.79 ha woodland habitat for Koala (listed as Vulnerable under the BC and EPBC Acts) including the removal of two (2) Ribbon Gum trees listed as primary feed trees for the Central Tablelands region.
- Indirect impacts to 2.95 ha of White Box Yellow Box Blakelys Red Gum Woodland vegetation listed under the BC Act (formerly TSC Act), and
- Potential injury or mortality of small, terrestrial fauna within the proposal footprint.

Based on the desktop assessment, site visit and habitat assessments undertaken by Environmental Factors, the following affected threatened biota was identified:

- White Box Yellow Box Blakely's Red Gum Woodland listed as Endangered under the BC Act
- Koala (*Phascolarctos cinereus*; Vulnerable under BC / EPBC Act)
- Threatened microbats: Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*; Vulnerable under BC Act), Eastern Bentwing-bat (*Miniopterus orianae oceanensis*; Vulnerable under BC Act); Large-footed Myotis (*Myotis Macropus*; Vulnerable under BC / EPBC Act); Corben's Large-eared Bat (*Nyctophilus corbeni*; Vulnerable under BC / EPBC Act).

Assessments of significance prepared in accordance with Section 1.7 of the EPA Act (Assessments of Significance) and the EPBC Act Matters of National Environmental Significance – Assessment of significance guidelines (DEWHA, 2009). These assessments have concluded that the proposal is unlikely to have a significant negative effect on the local populations of these threatened species and ecological community.

### **Mitigation Measures**

Specific mitigation measures have been identified to minimise the potential indirect impacts of the proposal on the natural environment outside of the proposal footprint during construction and operation. This would include preparing and implementing a CEMP, including erosion and sediment controls, habitat management and weed control measures by the Contractor to minimise the potential for adverse impacts on adjoining habitats.

Please refer to the attached Flora and Fauna Assessment (by Environmental Factor 2018).

**Traffic and Transport**

- 2.14 Access for the go kart development will be via McPhillamy Park at Brocks Skyline Mount Panorama. No access will be available during the Bathurst 1000, Hi-Tech Oils 6 hour, and the Liqui-Moly Bathurst 12 hour race.
- 2.15 No prescribed public transport is available to the proposal on a daily basis. A Taxi service is available for the general public.

**Services and Utilities**

- 2.17 Water, electricity, and telecommunications are available for connection to the site. Above ground electricity and telephone services available to the proposal.
- 2.18 Sewer will be provided via a connection to Bathurst Regional Councils existing waste water system.
- 2.19 The existing water network is available and has adequate capacity for this development.

Please refer to Utilities Maps below.

Figure 3: Water

Figure 4: Sewer

Figure 5: Electricity

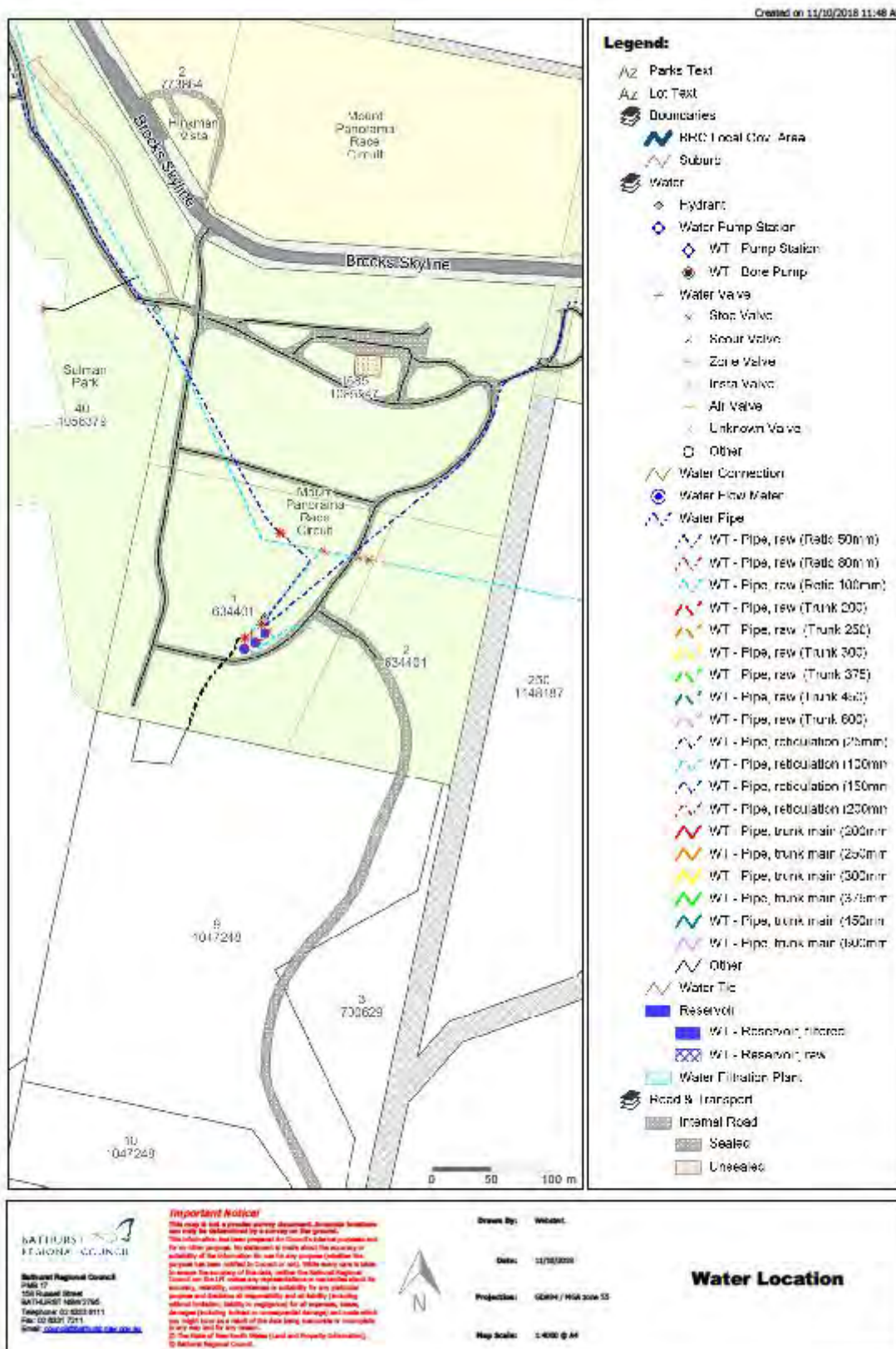


Figure 3: Water location.



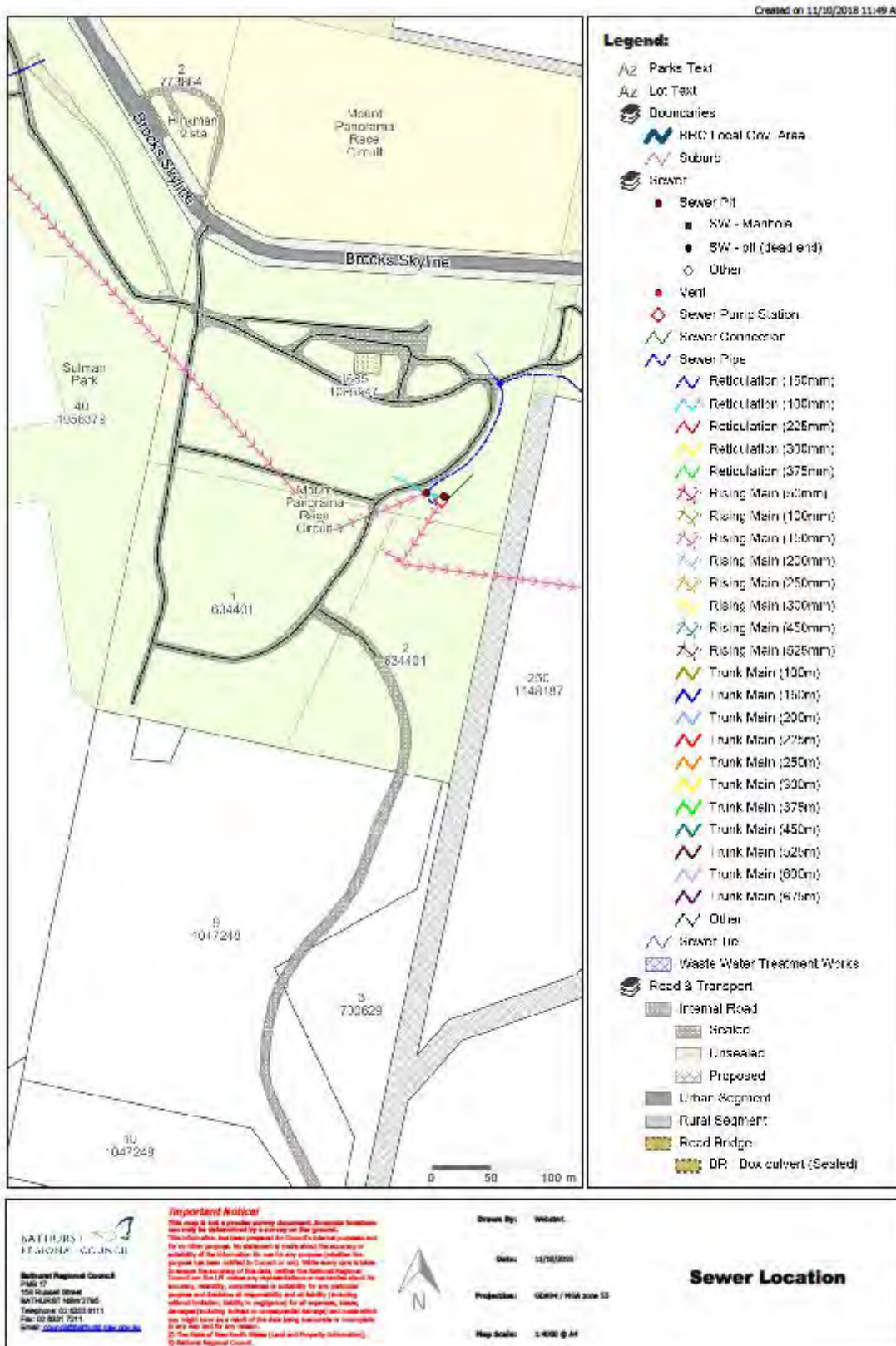


Figure 4: Sewer location

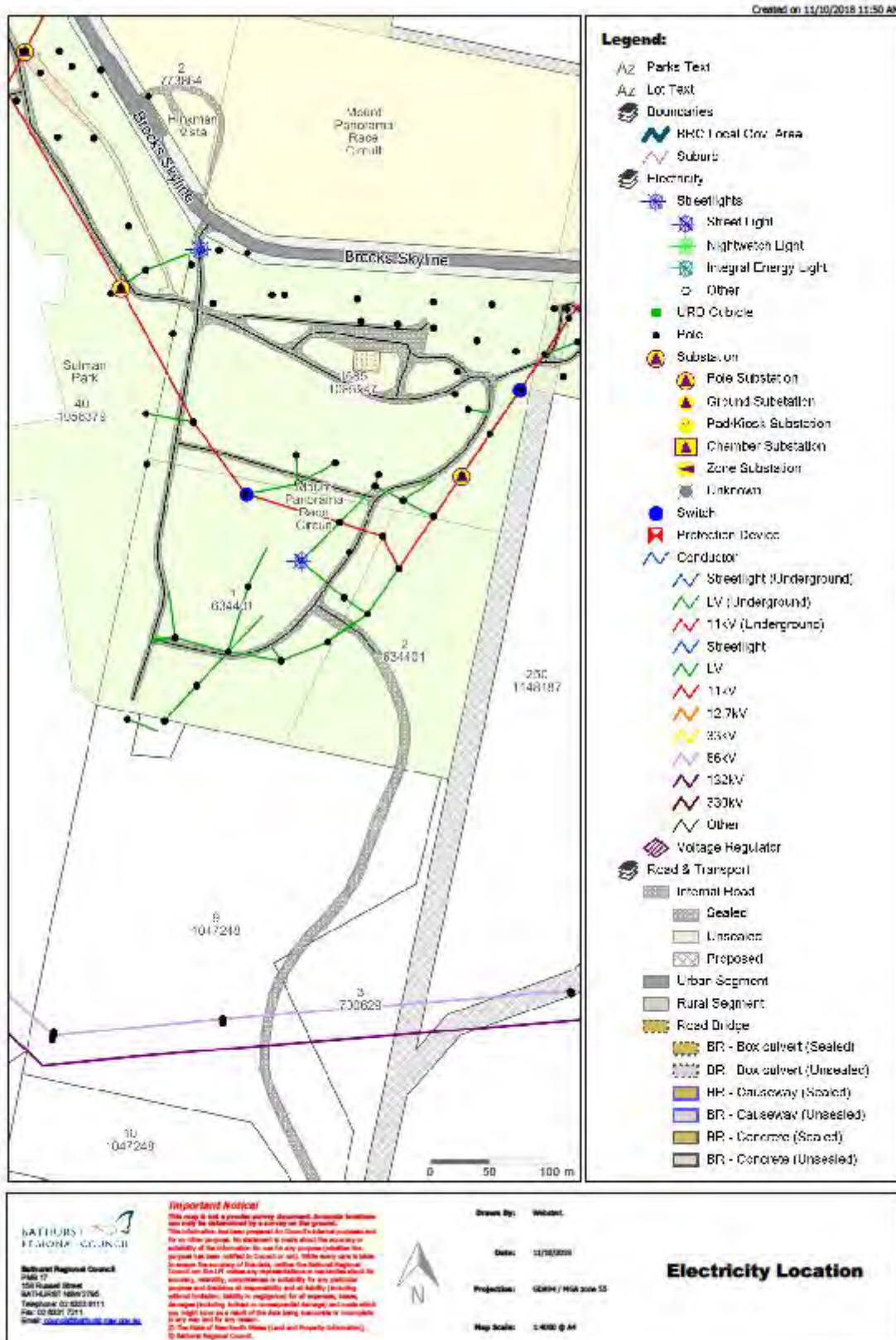


Figure 5: Electricity location

## 3.0 The Development Proposal

*This section of the report describes the project by way of text and plans.*

### Development Proposal

3.1 The application seeks approval for the development of a go-kart track on land identified as SP3 Tourist and RU2 Rural Landscape Mount Panorama, please refer to section 1.3 for total areas. The track itself will be built to CIK-FIA specifications while the other facilities will be built to Australian Karting Association (AKA) and National Circuit Construction Standards.

### General Description of the Proposal

3.2 The characteristics of the proposed go-kart track are:

- *Length of permanent circuit: 1100m*
- *Width of permanent circuit: 7 m min., 12 m max.*
- *Gradient of circuits : Longitudinal: 5% maximum  
Transversal: 10% maximum.*
- *Start/finishing straight line of permanent circuit: Minimum 100 m.*
- *Surface: Asphalt on the whole length of the track.*
- *Deceleration lane and exit lane relating to the track.*
- *A pit area 60m x 35m (2,100m<sup>2</sup>) reserved for Entrants/Drivers beside the track; it must be linked to it by clearly distinct entry and exit. The pit area to be completely fenced.*
- *4 m wide pedestrian path around track.*
- *Track edges, verges and run-off areas :*
  - *The track must be bordered all along its length on both sides by compact verges having an even surface and having a minimum width of 1.80 m. These verges must be free of debris or gravel and must normally be grass-covered over a minimum width of 1 m. They must be a continuation of the transversal profile of the track, with no negative slope between track and verge*
- *Starting lights*
- *Line marking*
- *Security fencing around track*
- *Official signage*

### Infrastructure

3.3 The development will also include the construction of:

- *Ambulance bay x 2*
- *Technical inspection area*
- *Retaining wall maximum 3.5m high as per design specifications*
- *Informal grassed parking area*

Please refer to Figure 1A and 1B for footprint of proposal

## Drainage

- 3.4 There is no drainage infrastructure on the site. The proposed development will incorporate a stormwater management system that meets the principles of *Bathurst Regional Councils Development Control Plan 2014* and BRC Engineering Design Specifications.
- 3.5 The system will incorporate the following:
- A pit and pipe network to collect and convey stormwater generated on site to Bathurst Engineering Guidelines.
  - Major events 5% AEP 1 in 20yr storm

Figure 4 proposed stormwater system.

## Envisaged Development

### Proposed Go-Kart Track

- 3.6 Following development the Go-kart track will consist of an asphalt circuit which will be approximately 1100m long, about 7-12m wide with a 4m wide pedestrian / spectator's area around the track, a starter's box, technical inspection shed, and grassed parking area. Bathurst Go-Kart Club will be the affiliated club. The track would only operate outside of Mount Panorama events. During the rest of the year the track would be open for practice and training with limited number of go-kart per session. The track will also be used for competitive racing events by Bathurst Go-Kart Club under Karting Australia regulations, with a limited number of go-karts per race.

### Proposed Landscape

- 3.7 The proposed landscaping will consist of grass between track sections and an offset area at the bottom of the batter of the track.
- 3.8 The proposed landscaping produces a green area between the tracks, no other landscaping identified due to safety requirements.

## 4.0 Assessment

*This section provides an overview of the assessment issues.*

### Adjoining development

- 4.1 The proposal will have minimum impact on the adjoining race track
- 4.2 The land adjoining the subject site McPhillamy Park is currently used as a recreational and camping area and major motor sports identified as Operational SP3 Tourist.
- 4.3 Land to the north on Lot 1685 DP: 1085547 are identified as SP3 Tourist.
- 4.4 Land to the west Lt 40 DP: 1056379 of the proposal are identified as SP3 Tourist The development would be compatible with current zoning of the area.
- 4.5 The subject proposal is therefore compatible with the relevant zone objectives.

### Surrounding Development

- 4.6 The proposal envisages a Go-Kart track providing a secure future for the region in regards to recreational assets and the racing industry as like the Mount Panorama race track.
- 4.7 The surround sites have been used for sporting recreational uses since 1936 and has a strong history in regards to racing activities. Therefore the proposed development is compatible with the context of the area that has been previously established by Council.
- 4.8 The objectives of the SP3 Tourist found in the BRLEP 2014 are as follows;
  - To provide for a variety of tourist-oriented development and related uses.
  - To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.
  - To provide regional open space, tourism and recreation opportunities within the city of Bathurst.
  - To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.
  - To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.

The objectives of the RU2 Rural Landscape found in the BRLEP 2014 are as follows;

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

- To encourage development that enhances Mount Panorama as an international motor racing circuit.

### Minimum Lot Size

4.9 Not applicable for this development

### Provisions for Services

- 4.10 The subject site can, and will be, provided with an adequate supply of water, electricity, and method for the proper disposal and management of sewerage. McPhillamy Park currently has established public facilities in place for public use.
- 4.11 The site will be serviced in respect to water and sewerage by Bathurst Regional Council.

### Noise

- 4.12 The subject development is restricted by noise controls by Council. A noise assessment has been carried out by PKA Acoustic Consulting; identifying the number of go-kart per race and the number of days that competitive racing would be allowed. Please refer to attached Noise Assessment by PKA Acoustic Consulting.

A follow up noise assessment will be required once the development has been approved and operating, this will identify the restrictions to the number of go-karts on the track and /or further mitigation measures at any given time, for future events.

### Road Network

4. No impacts to the local road network are anticipated due to the locality of the proposal. The proposal will be accessed from Brocks Skyline Mount Panorama; the road is identified as a public road and also part of the official race track during race events. Only during official race events will the road network not be available. On weekends the road/track is regularly visited by tourist local, interstate or overseas.

## 5.0 Statutory and Planning Policy

This section documents the range of planning controls applicable to the subject case pursuant to Section 4.15 (1)(a) of the *Environmental Planning and Assessment Act 1979* and tabulates the effect of these instruments in the circumstances of the development proposal as described in Section 3 of the Report.

### Statutory Consideration

- 5.1 Pursuant of the *Environmental Planning and Assessment Act 1979* (the Act), a number of statutes are potentially applicable to any single development proposal. This section reviews the range of instruments and notes their application in terms of the proposed development.

### Section 94 Contributions

Section 7.11 (S94) of the Environmental Planning and Assessment Act 1979 provides that where development consent is being sought for a development which is likely to require the provision of new facilities or an increase in demand on existing public facilities or services, then Council provide a condition where a monetary contribution or dedication of land, or both, is required for the development of the facilities.

Bathurst Regional Council development contribution plan is called the “Section 94 Developer Contribution Plan”.

Majority of the Lots identified for this development are Zoned SP3, this development is not residential development; “Section 94 Developer Contribution Plan” applies to CBD, RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, R5 Large Lot Residential or E4 Environmental Living within the Bathurst Regional LGA.

It is not within Eglinton village, Hereford Street, BR Rural Roads, Roadworks –residential subdivision, Robin Hill and Drainage Construction, Sawpit Creek, Raglan Creek, or Jordan Creek, BR Traffic Generating Development, or BR Open Space.

Section 94 Development Contribution Plan does not apply to this DA as per BR IntraMap system.

## Bathurst Regional Local Environmental Plan 2014

5.2 The proposed development is defined as the “development that needs consent”. The following provisions of BRLEP 2014 are applicable to the proposed development.

**Table 1: BRLEP2014 Assessment**

	Planning Provision	Comment	✓
	Part 1 Preliminary		
1.2	Aims of plan		
	<p>This plan aims to make local environment planning provisions for land in Bathurst Regional local government in accordance with the relevant standards environmental planning instrument under section 33A of the Act.</p> <p>The particular aims of this Plan are as follows:</p> <p>(a) to deliver growth and development in the city of Bathurst and rural localities,</p> <p>(b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change and water resources,</p> <p>(c) to enhance and protect the region’s unique Aboriginal and European cultural heritage as key social and economic assets,</p> <p>(d) to identify, protect, enhance and manage areas of high biodiversity conservation value as a means to:</p> <p>(i) preserve and improve the ecosystem services they provide, and</p> <p>(ii) protect the region’s significant vegetation and scenic quality, and</p> <p>(iii) respond to and plan for climate change by identifying and protecting habitat corridors and links through the local government area,</p> <p>(e) to facilitate rural housing choice through sustainable rural settlement growth that includes rural village living and strategic rural lifestyle living opportunities,</p> <p>(f) to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city’s environmental footprint,</p> <p>(g) to promote the well-being of the people of the region by encouraging living, vibrant and growing rural settlement areas, urban villages and suburbs that generate a sense of community and place,</p> <p>(h) to protect the region’s key transport assets and to promote opportunities for sustainable transport, particularly public and active transport,</p> <p>(i) to provide a secure future for the region’s recreation assets, in particular, the Mount Panorama and the Macquarie River precincts,</p> <p>(j) to minimise risk to the community in areas</p>	<p>The development is within the existing Bathurst local government zoned tourist area.</p> <p>It would have minimal impact on the existing character of the area which compromises of a highly disturbed environment due to previous activities within the area (extensive major Mount Panorama events).</p> <p>The area for the proposal was not identified as having a high biodiversity value as per the Flora and Fauna Assessment by Environmental Factors.</p> <p>Only vegetation identified within the footprint of the proposal would be removed. Remaining vegetation would not be impacted by this proposal.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>The Go-Kart track would provide secure future for the region in regards to recreational assets and the racing industry.</p>	<p>✓</p> <p>✓</p>



	Planning Provision	Comment	✓
	subject to environmental hazards, particularly flooding and bush fires and to minimise cumulative impacts on environmentally sensitive areas, (k) to encourage the dynamic and innovative development and growth of the region's primary resources, (l) to protect and enhance the region's landscapes, views, vistas and open spaces, (m) to create a land use framework for controlling development in the region that allows detailed provisions to be made in any development control plan made for that purpose.	Not identified within a fire zone  Proposal would provide a dynamic sporting facility to the local area for all ages. The proposal would only impact on a small area of the landscape zone SP3.	
1.3	<b>Land to which plan applies</b>		
	This Plan applies to the land identified on the <u>Land Application Map</u> .  Land Zoning Mao-Sheet LZN_011C	This site is within the land application area.	✓
1.4	<b>Consent Authority</b>		
	The consent authority for the purposes of this Plan is (subject to the Act) the Council.	Noted	✓
1.7	<b>Maps</b>		
	Height of Buildings Map - Sheet HOB_011C	The height of building maps for the subject site states no restrictions.	
1.8	<b>Application of SEPPS</b>		
	This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.  The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: <i>State Environmental Planning Policy No 1—Development Standards</i>	Various SEPPs apply to the subject proposal including: • SEPP Infrastructure (2007) • SEPP 44 Koala habitat	✓  ✓
<b>Part 2 Permitted or Prohibited Development</b>			
2.2	<b>Zoning of Land which this policy applies</b>		
	For the purpose of this plan, the land is within the zones shown on the Land Zoning Map.  Land Zoning Map - Sheet LZN_011C	The site is zoned SP3 Tourist "Special Purpose Zone"  The development is for Bathurst Go-Kart Track. This is permissible land use (with consent) under SP3 Zone, To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.	✓
2.3	<b>Zone Objectives and Land Use Table</b>		

	Planning Provision	Comment	✓
	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	Noted	✓
	This clause is subject to other provisions of this Plan.	Noted	
<b>Land Use Table – SP3 Tourist</b>			
<b>Objectives of Zone</b>			
	<p>To provide for a variety of tourist-oriented development and related uses.</p> <ul style="list-style-type: none"> <li>To encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.</li> <li>To provide regional open space, tourism and recreation opportunities within the city of Bathurst.</li> <li>To enable development that is complementary to or for the purpose of motor racing and associated activities, sports or recreation.</li> <li>To encourage development that is sympathetic to the environmental characteristics of the land, particularly the scenic value of the locality.</li> </ul>	<p>Noted</p> <p>Proposal would be complementary to the motor racing and associated activities, sports and recreation within Mount Panorama precinct.</p>	✓
<b>Permitted without consent</b>			
	Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads	Noted	✓
<b>Permitted with Consent</b>			
	Cellar door premises; Food and drink premises; Kiosks; Light industries; Markets; Neighbourhood shops; Plant nurseries; Roadside stalls; Tourist and visitor accommodation; Any other development not specified in item 2 or 4	Noted	✓
<b>Prohibited</b>			
	Amusement centre's; Cemeteries; Centre-based child care facilities; Commercial premises; Correctional centre's; Crematoria; Depots; Electricity generating works; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Intensive livestock agriculture; Mortuaries; Passenger transport facilities; Residential accommodation; Resource recovery facilities; Respite day care centre's; Restricted premises; Rural industries; Sex services premises; Transport depots; Truck depots; Warehouse or distribution centre's; Wholesale supplies	Noted	✓
<b>Part 3 Exempt and Complying Development</b>			

	Planning Provision	Comment	✓
3.2	<b>Complying Development</b>		
	<p>(1) The objective of this clause is to identify development as complying development.</p> <p>(2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:</p> <p>(a) the development standards specified in relation to that development, and</p> <p>(b) the requirements of this Part, is complying development.</p> <p><i>Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.</i></p> <p>(3) To be complying development, the development must:</p> <p>(a) be permissible, with development consent, in the zone in which it is carried out, and</p> <p>(b) meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i>, and</p> <p>(c) have an approval, if required by the <a href="#">Local Government Act 1993</a>, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.</p> <p>(4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.</p> <p>(5) A heading to an item in Schedule 3 is part of that Schedule</p>	<p>Noted</p> <p>N/A</p> <p>Complying development within the zone</p> <p>Proposed development has access to seweraged land within McPhillamy Park. Figure 4.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
3.3	<b>Environmentally sensitive areas excluded</b>		
	<p>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>(2) For the purposes of this clause: environmentally sensitive area for exempt or complying development means any of the following:</p> <p>(a) the coastal waters of the State,</p> <p>(b) a coastal lake,</p> <p>(c) land within the coastal wetlands and littoral rainforests area (within the meaning of the <a href="#">Coastal Management Act 2016</a>),</p> <p>(d) land reserved as an aquatic reserve under the <a href="#">Fisheries Management Act 1994</a> or as a marine park under the <a href="#">Marine Parks Act 1997</a>,</p> <p>(e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,</p> <p>(f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,</p> <p>(g) land identified in this or any other environmental planning instrument as being of</p>	<p>Noted</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>As per the Aboriginal heritage mapping by AHMS (2015)</p>	<p>✓</p>

	Planning Provision	Comment	✓
	<p>high Aboriginal cultural significance or high biodiversity significance,</p> <p>(h) land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired under Part 11 of that Act,</p> <p>(i) land reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protection purposes,</p> <p>(j) land that is a declared area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> or declared critical habitat under Part 7A of the <i>Fisheries Management Act 1994</i>.</p>	<p>sensitivity model mapping and BRC IntraMaps (2018) the land is identified as being moderate to low value.</p> <p>Not identified as high biodiversity value.</p> <p>Land owned by BRC.</p> <p>Not identified as having outstanding biodiversity value under TSC Act (BC Act). Fisheries Act not applicable for this proposal as no creeks occur in the proposal area.</p>	✓
	<b>Part 5 Miscellaneous provisions</b>		
5.10	<b>Heritage Conservation</b>		
	<p><b>Objectives</b></p> <p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Bathurst Regional local government area,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>Noted</p> <p>Aboriginal Cultural Heritage Assessment Report by EXTENT Heritage Advisors has been carried out in June 2018.</p>	✓
	<p><b>Requirement for consent</b></p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p>	<p>The proposed development is unlikely to result in harm to Aboriginal objects, that is, to tangible Aboriginal archaeological sites.</p> <p>This proposed development is considered unlikely to result in impact to any Aboriginal objects, as defined and protected by the NPW Act.</p>	✓
	<p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p>	<p>Not Applicable</p> <p>In the event that a previously unidentified Aboriginal object is found during any future development, work should cease in the vicinity, and OEH, the RAPs, and a suitably qualified heritage consultant should be contacted for advice. It is an offence in NSW to disturb damage or destroy an Aboriginal object without first</p>	

	Planning Provision	Comment	✓
	<p>(e) erecting a building on land:</p> <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</li> </ul> <p>(f) subdividing land:</p> <ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance</li> </ul>	<p>obtaining an AHIP approval from OEH.</p> <p>The AHIMS sites identified within the study area are not considered to be archaeological sites, and the study area has been assessed as having low sub-surface archaeological potential.</p> <p>Not Applicable</p>	
	<p><i>When consent not required.</i> However, development consent under this clause is not required if:</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</p> <ul style="list-style-type: none"> <li>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</li> <li>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</li> </ul> <p>(b) the development is in a cemetery or burial ground and the proposed development:</p> <ul style="list-style-type: none"> <li>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</li> <li>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</li> </ul> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>	<p>No Aboriginal objects as defined by the National Parks and Wildlife Act 1974 have been identified within the study area.</p> <p>N/A</p>	
	<p>Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage</p>	<p>Aboriginal heritage legislation in NSW does not directly protect 'intangible heritage', unless it is associated with Aboriginal objects</p>	✓

	Planning Provision	Comment	✓
	<p>conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>or a gazetted Aboriginal Place. As a result, the AHIMS sites within the study area are not protected under the National Parks and Wildlife Act 1974 because they do not include 'Aboriginal objects'.</p>	
	<p><i>Heritage assessment</i> The consent authority may, before granting consent to any development:</p> <ul style="list-style-type: none"> <li>(a) on land on which a heritage item is located, or</li> <li>(b) on land that is within a heritage conservation area, or</li> <li>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</li> </ul>	<p>No heritage management document required</p>	
	<p><i>Heritage conservation management plans</i> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p> <p><i>Archaeological sites</i> The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):</p> <ul style="list-style-type: none"> <li>(a) notify the Heritage Council of its intention to grant consent, and</li> <li>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</li> </ul>	<p>N/A</p> <p>Not identified as an archaeological site</p>	
	<p><i>Aboriginal places of heritage significance</i> The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</p> <ul style="list-style-type: none"> <li>(a) consider the effect of the proposed development on the heritage significance</li> </ul>	<p>Not identified as an Aboriginal place of heritage significance by AHIMS.</p> <p>Aboriginal heritage legislation in</p>	

	Planning Provision	Comment	✓
	<p>of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p>	<p>NSW does not directly protect 'intangible heritage', unless it is associated with Aboriginal objects or a gazetted Aboriginal Place. As a result, the AHIMS sites within the study area are not protected under the National Parks and Wildlife Act 1974 because they do not include 'Aboriginal objects'.</p>	
	<p><i>Demolition of nominated State heritage items</i></p> <p>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>No state heritage identified.</p>	
	<p><i>Conservation incentives</i></p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>		
5.11	Bush fire hazard reduction		

	Planning Provision	Comment	✓
	Bush fire hazard reduction work authorised by the <a href="#">Rural Fires Act 1997</a> may be carried out on any land without development consent.	Noted	✓
<b>Part 7 Additional local provisions</b>			
<b>7.2</b>	<b>Bush fire prone land</b>		
	<p>(1) This clause applies to land in the following zones that is bush fire prone land within the meaning of the Act:</p> <p>(a) Zone RU1 Primary Production,  (b) Zone RU2 Rural Landscape,  (c) Zone RU4 Primary Production Small Lots,  (d) Zone RU5 Village,  (e) Zone E4 Environmental Living.</p> <p>(2) Despite any other provision of this Plan, development must not be carried out on land to which this clause applies without the consent of the consent authority.</p> <p>(3) Development consent is not required by this clause if:</p> <p>(a) the proponent has notified the consent authority in writing of the development, and  (b) the consent authority has formed the opinion that the development is of a minor nature, including minor additions to a residential building or ancillary development, and  (c) the consent authority is satisfied that the development conforms to the specifications and requirements of Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006, that are relevant to the development, and  (d) the consent authority has advised the proponent in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.</p>	<p>Lot 1 DP:700629 RU2 not identified within Bush fire prone land.  Zone SP3 not identified as Bush fire prone land.</p>	✓
<b>7.5</b>	<b>Essential Services</b>		
	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,  (b) the supply of electricity,  (c) the disposal and management of sewage,  (d) stormwater drainage or on-site conservation,  (e) suitable vehicular access.</p>	<p>Noted  McPhillamy Park amenities will be providing the necessary requirements for the Go-Kart Track.</p> <p>Water and electricity is available to the site. Please refer to Figures 3, 4 and 5.</p> <p>Drainage will be installed as per BRC Engineering requirements.</p> <p>Vehicle access will be from Brocks Skyline through McPhillamy Park.</p>	✓



	Planning Provision	Comment	✓																		
7.6	<b>Mount Panorama environs</b>																				
	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure development in and around the Mount Panorama Racing Circuit accounts for potential noise and other land use conflicts associated with motor racing and related events,</p> <p>(b) to ensure the future of Mount Panorama as an international motor racing circuit.</p> <p>(2) This clause applies to land identified as “50 dBA” on the <a href="#">Mount Panorama Environs Map</a>.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered:</p> <p>(a) whether the development will result in an increase in the number of dwellings or land uses identified by the consent authority as sensitive noise receivers exposed to noise and other land use conflicts from motor racing and associated events, and</p> <p>(b) whether noise impacts from motor racing and associated events are mitigated by or minimised by the design, siting or construction of the development to ensure that the amenity of the development is not adversely affected.</p>	<p>Noise assessment was carried out by PKA Acoustic Consulting in February 2018. Document attached.</p> <p>The noise modelling identified two receptors on Conrod Straight (402,404) will experience noise that exceeds the typical background + 5dBA criterion from the proposed go-kart track operations. Noise mitigation options have been identified for consideration.</p> <p>The noise modelling was calculated using the maximum of 32 go-karts operating simultaneously. Limiting the number of go-karts operating at any one time will reduce the noise levels over a 1 hour period as follows.</p> <p><b>Noise Reduction Due To Number of Go-Karts On Track</b></p> <table border="1"> <thead> <tr> <th>Vehicles Circulating At Any One Time</th> <th>Noise Reduction With Respect To 32 Vehicles dBA</th> </tr> </thead> <tbody> <tr><td>32</td><td>0</td></tr> <tr><td>25</td><td>-1</td></tr> <tr><td>20</td><td>-2</td></tr> <tr><td>15</td><td>-3</td></tr> <tr><td>10</td><td>-5</td></tr> <tr><td>5</td><td>-8</td></tr> <tr><td>3</td><td>-10</td></tr> <tr><td>1</td><td>-15</td></tr> </tbody> </table> <p><b>Further Studies:</b> During the inaugural race event an acoustic firm could be commissioned to perform a live noise monitoring survey to provide the actual noise impacts to the sensitive receptors and help to confirm/refine the noise impact predictions entailed in this report for future race events.</p>	Vehicles Circulating At Any One Time	Noise Reduction With Respect To 32 Vehicles dBA	32	0	25	-1	20	-2	15	-3	10	-5	5	-8	3	-10	1	-15	✓
Vehicles Circulating At Any One Time	Noise Reduction With Respect To 32 Vehicles dBA																				
32	0																				
25	-1																				
20	-2																				
15	-3																				
10	-5																				
5	-8																				
3	-10																				
1	-15																				
7.8	<b>Mount panorama commercial motor race hosting</b>																				
	<p>(1) Despite any other provisions of this Plan, development for the purpose of commercial motor race hosting is prohibited, except within Zone SP3 Tourist.</p> <p>(2) In this clause, commercial motor race hosting means the use of land to provide viewing areas for motor racing for a fee or reward to 13 or more persons. It may or may</p>	<p>The proposal is for the development of a go-kart track and the proposed development is on land Zoned SP3 for commercial motor racing. Development complies with the land zone.</p>	✓																		

	Planning Provision	Comment	✓
	not include provision for accommodation, food or drink.		
7.10	Signage		
	<p>(1) Development consent must not be granted to the erection of signage on any land, except land in Zone SP3 Tourist, unless:</p> <p>(a) the signage relates to the approved use of the site and is located on the land on which that use is being conducted, and</p> <p>(b) the dimensions and overall size of the signage is not larger than would reasonably be required so to inform the public.</p> <p>(2) Despite subclause (1), development consent may be granted to the erection of signage on any land for the specific purpose of directing the travelling public to tourist facilities and places of scientific, historic or scenic interest, if the consent authority is satisfied that:</p> <p>(a) the signage relates to a specific building or place within Bathurst Regional local government area, and</p> <p>(b) the principal purpose of the signage is to direct the travelling public to that building or place, and</p> <p>(c) the dimensions and overall size of the signage are not larger than would reasonably be required so to direct the travelling public.</p> <p>(3) Despite subclause (1), development consent may be granted to a directory board sign on any land if the consent authority is satisfied that:</p> <p>(a) the directory board sign relates to a business or industrial estate or park in the Bathurst Regional local government area and is located at the entrance to that estate or park, and</p> <p>(b) the dimensions and overall size of the signage are not larger than would reasonably be required to direct the public to the business or industrial estate or park.</p> <p>(4) Despite subclause (1), development consent may be granted to signage of a temporary nature on any land if the consent authority is satisfied that:</p> <p>(a) the signage relates to a local event within the Bathurst Regional local government area, and</p> <p>(b) the signage will not be displayed for more than 28 days before the event or 7 days after the event.</p> <p>(5) Despite subclause (1), development consent may be granted to signage on any land for the specific purpose of advertising premises for sale or for lease.</p> <p>(6) Despite subclause (1), development consent may be granted to interpretive signage on any land for the specific purpose of</p>	The proposed development is in zone SP3 there for development consent can be granted.	✓

	Planning Provision	Comment	✓
	<p>interpreting the built or natural environment or an item of historic nature.</p> <p>(7) In this clause:            directory board sign means a sign that displays a business identification sign for 2 or more businesses.            interpretive signage means a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature.</p>		
7.14	<b>Drinking water catchments</b>		
	<p>The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.</p> <p>This clause applies to land identified as “Drinking water catchment” on the <a href="#">Drinking Water Catchment Map</a>.</p> <p>In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <p>(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:</p> <ul style="list-style-type: none"> <li>(i) the distance between the development and any waterway that feeds into the drinking water storage,</li> <li>(ii) the on-site use, storage and disposal of any chemicals on the land,</li> <li>(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,</li> </ul> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or</li> <li>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</li> <li>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ul>	<p>Not applicable            The site is not identified as a “Drinking water catchment”</p>	✓

## Applicable State Environmental Planning Policies

### State Environmental Planning Policy No 44 – Koala Habitat

Planning Provision	Comment
<b>1</b>	<b>Name of Policy</b>
	This Policy may be cited as <a href="#">State Environmental Planning Policy No 44—Koala Habitat Protection</a> .
<b>5</b>	<b>Land to which this policy applies</b>
	(1) This Policy applies to each local government area listed in Schedule 1. (2) However, it does not apply to land dedicated or reserved under the <a href="#">National Parks and Wildlife Act 1974</a> or to land dedicated under the <a href="#">Forestry Act 1916</a> as a State forest or flora reserve.
	Bathurst Regional Council identified in Schedule 1.
<b>6</b>	<b>Land to which this Part applies</b>
	This Part applies to land: (a) that is land to which this Policy applies, and (b) that is land in relation to which a development application has been made, and (c) that: (i) has an area of more than 1 hectare, or (ii) has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.
	SEPP 44 requires that before granting consent for development on land over 1 hectare in area, a consent authority must be satisfied as to whether or not the land is 'potential' and 'core' koala habitat.  A Flora and Fauna Assessment was carried out by Environmental Factors to identify if the proposal would have an impact on Koalas and their habitat.
<b>7</b>	<b>Step 1 Is the land potential Koala Habitat</b>
	(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat. (2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification. (3) If the council is satisfied: (a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or (b) that the land is a potential koala habitat, it must comply with clause 8.
	Twenty-three (23) records of Koala have been recorded within the surrounding 10km locality. The closest of these records occurs approximately 2 km to the east on a private property dating from spring 2002. The remainder of the records are largely to the south adjoining Perthville. Based on records of Koala within the locality it is not suggestive that the study area forms part of a regular movement path for the local population. Consequently, the removal of 0.79ha of woodland containing Koala feed trees is unlikely to remove important resources or disrupt connectivity with the Koala. The Koala may occasionally traverse the throughout the study area but would not rely on these habitats solely given the large areas present within the locality. As such, the proposal is unlikely to place viable local populations of the Koala at risk of extinction.

## State Environmental Planning Policy 55 – Remediation of Land

	Planning Provision	Comment	
<b>1</b>	<b>Name of this policy</b>		
	<i>This Policy is State Environmental Planning Policy No 55 – Remediation of Land</i>	Not applicable the proposed site has not been identified under SEPP55.	✓

## Local Policy Controls – Bathurst Regional Development Control Plan 2014

The current Bathurst Regional Development Control Plan (BRDCP 2014) is divided into 16 Chapters and applies to all land within the Bathurst Region. The envisage aspect of the proposed development, would follow after the Go-Kart Track is approved. This assessment indicates the Bathurst Go-Kart development is in accordance with this DCP.

		Comments	✓
	<b>Part 1: Preliminary</b>		
<b>1.3</b>	<b>Land to which this Plan applies</b>		
	This Plan applies to all land in the Bathurst Regional Local Government Area (LGA).	Noted	✓
<b>1.4</b>	<b>Relationship to other environmental planning instruments</b>		
	This Plan controls development under the Bathurst Regional Local Environmental Plan 2014 (LEP).	Noted	✓
<b>1.5</b>	<b>Aims/objectives of this plan</b>		
	The aim of this Plan is to allow detailed provisions to be made to control and guide development and subdivision within the Bathurst Regional LGA. The objectives of this Plan relating to different types of development are included in the relevant sections of this Plan.	Noted	✓
<b>1.7</b>	<b>Departures</b>		
	Council may give consideration to an application which departs from one or more requirements of this Plan. Consent must not be granted unless Council has considered a written request from the applicant that seeks to justify the departure by demonstrating: a) that compliance with the requirement(s) of this Plan is unreasonable or unnecessary in the circumstances of the case, and b) that there are sufficient environmental planning grounds to justify the departure from this Plan.	Noted	✓
	Consent must not be granted unless	Noted	✓

	Council is satisfied that: a) the applicants written request has adequately addressed the matters outlined above, and b) the proposed development will be in the public interest because it is consistent with the relevant objectives of this Plan and the objectives for development within the zone under the LEP.	All documentation is provided.	
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**Table 5: BRDCP 2014 – Chapter 8 Mount Panorama and Environs**

		Comment	✓
	<b>Part 8: Preliminary</b>		
8.1.1	<b>Preliminary</b>		
	This section applies to that land shown on Development Control Plan (DCP) Map No. 28 – Mount Panorama	The proposal is for the construction of a Go-Kart track	✓
	<b>Strat Objectives</b>		
8.1.2	<b>Relevant Objectives</b>		
(a)	The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key strategic objectives for the Mount Panorama precinct. <b>Objectives</b> (a) To provide regional open space and recreation opportunities. (b) To minimise the fragmentation of agricultural lands, protect highly valued agricultural lands and encourage the consolidation of small holdings. (c) To minimise the alienation of rural lands from competing and conflicting land uses.	The proposal would provide recreational opportunities in regards to Go-kart racing.	✓
8.2	<b>Use of Land</b>		
8.2.1	<b>Objective</b>		
	a) To encourage and promote development in the vicinity of Mount Panorama that is compatible with motor racing activities, and complementary to existing rural activities and the environmental characteristics of the locality. b) To discourage development that may prejudice Mount Panorama as an international motor racing circuit. c) To maintain the rural landscape character of the land. d) To provide for a range of compatible uses, including extensive agriculture.	Noted Proposal is within the Objective of the land use Go-Kart Track identified as a racing activity.	✓
8.2.2	<b>Development Standards</b>		

		<b>Comment</b>	<b>✓</b>
	Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. 28 - Mount Panorama <b>Recreation Special Purpose</b> Developments implied by or associated with the use specified on DCP Map No. 28 - Mount Panorama. <b>Motor Racing and Associated Activities</b> Advertising structures, agriculture (other than grazing, cropping), camping areas, caravan parks, clubs, educational establishments, helipads (used in association with motor speed contests), home occupations, hotels, motels, motor repair stations (used in association with motor speed contests), museums, open space, recreational establishments, recreational facilities, refreshment rooms, taverns, tourist facilities, utility installations (other than gas or generating works).	<b>Noted</b>  <b>Noted</b>  The proposal identified as a recreational establishment associated with motor racing.	<b>✓</b>  <b>✓</b>  <b>✓</b>
<b>8.2.3</b>	<b>Management of Land</b>	<b>Not Applicable</b>	
<b>8.3</b>	<b>Subdivision of Land</b>	<b>Not Applicable</b>	
<b>8.4</b>	<b>Noise Reference Contour</b>	<b>Not a residential development- Noise assessment completed</b>	<b>✓</b>
<b>8.5</b>	<b>Special Development</b>		
<b>8.5.1</b>	<b>Objective</b>		
	To ensure that development does not have a detrimental effect on the viability of Mount Panorama as an international Motor Racing Circuit	The proposal development of the Go-Kart would be a positive development for the Motor Racing Circuit as it encourages motor racing at all ages.	<b>✓</b>
<b>8.5.2</b>	<b>Development Standards</b>		
	Notwithstanding any other provisions of this Plan Council, when considering Development Applications on any land to which DCP Map No. 28 – Mount Panorama applies, must have consideration for the following matters: the effect the development may have on the use of Mount Panorama as a regional recreational facility; and b) whether the development will place at risk the safety of any person/s when the circuit is being used for motor speed contests.	<b>Noted</b>	<b>✓</b>
<b>9</b>	<b>Environmental Consideration</b>		
<b>9.1</b>	<b>Preliminary</b>		
<b>9.1.1</b>	<b>Land to which this Section applies</b>		
	This section applies to all land in the Bathurst Regional Local Government Area (LGA).	<b>Noted</b>	<b>✓</b>

		Comment	✓
9.1.2	<b>Strategic priorities and objectives</b>		
	<p>The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives with respect to key environmental issues dealt with in this section.</p> <p>Strategic Priorities</p> <p>a) To protect and enhance biodiversity and encourage revegetation and better biodiversity management.</p> <p>b) To protect water quality, particularly the drinking water catchments.</p> <p>c) To minimise the impacts of flooding on human settlement patterns.</p> <p>d) To manage bushfire prone land.</p> <p>e) To minimise pollution hazards that may arise from the use of on-site effluent disposal systems.</p> <p>f) To identify opportunities to improve the environmental sustainability of building design.</p> <p>g) To minimise the impacts of climate change.</p> <p>Strategic Objectives</p> <p>a) To protect, enhance and manage areas of high biodiversity conservation values and scenic quality.</p> <p>b) To manage areas of vegetation as a means to improve biodiversity connectivity and water quality, reduce erosion and sedimentation, nutrient flows and salinity.</p> <p>c) To promote the restoration of lost biodiversity.</p> <p>d) To minimise the impact of fire protection measures on the regions biodiversity.</p> <p>e) To minimise the impacts of flooding on human settlement patterns.</p> <p>f) To minimise the risk to property and the community from bushfire and ensure adequate bushfire protection is afforded to new lots.</p> <p>g) To make provision to minimise the impacts of climate change.</p> <p>h) To protect, maintain and improve the diversity and stability of landscapes, waterways and biodiversity.</p> <p>i) To protect vulnerable groundwater resources from contamination.</p>	<p><b>Noted</b> Flora and Fauna Assessment completed with mitigation measures.</p> <p>Clearly delineate vegetation to be removed with the assistance of an ecologist, or similarly qualified professional, and induct all site personnel as to the approved extent of clearing. No unmarked trees should be removed/trimmed or otherwise damaged as part of the proposed works.</p> <ul style="list-style-type: none"> <li>• Locate stockpile sites away from drainage lines and native vegetation. Ensure these are appropriately stabilized</li> <li>• Appropriate sediment reduction measures should be in place in accordance with the 'Blue Book' (Landcom 2004).</li> <li>• Heavy vehicles are not to be parked under tree drip lines/ leaf canopy of trees to be retained within the study area to avoid compaction of soil.</li> <li>• Where additional vegetation clearing is proposed this must first be assessed to consider the cumulative impacts and if appropriate supervised by a qualified ecologist and Council's Environmental Officer.</li> <li>• All machinery and vehicles are to be clean and inspected prior to arriving on-site to reduce the spread of weeds and disease (Phytophthora cinnamomic) to the site.</li> <li>• Declared noxious weed Blackberry is to be managed according to requirements under the Biodiversity Security Act 2015. It is recommended that this Weed of National Significance should be managed to ensure it does not spread.</li> <li>• Prior to tree lopping / clearing, care should be taken to identify nests and / or roosting sites. If fauna habitat is present (nests or potential tree hollows) the Council or Council's appointed contractor would contact the project ecologist for further advice prior to clearing.</li> <li>• To avoid nest abandonment, injury or death to native fauna it is recommended to time the works to occur following the fledging of active nests / roosts.</li> <li>• Prior to clearing, a preclearance survey should be undertaken including inspection of hollows and nests to</li> </ul>	✓



		Comment	✓
		<p>confirm occupation by fauna.</p> <ul style="list-style-type: none"> <li>• Where trees to be removed contain hollows, nests or are inhabited by fauna, a staged clearing approach must be undertaken where hollow limbs are removed carefully and incrementally by a qualified tree surgeon / arborist. Care should be taken to inspect limbs for fauna prior to their removal.</li> <li>• Where the two (2) stags and three (3) trees containing eight (8) hollows are removed, habitat supplementation is recommended through the installation of nestboxes or prepared hollow logs (3:1 ratio) to maintain habitat availability in adjacent woodland vegetation. Consult project ecologist to determine appropriate size and number and location to be erected.</li> </ul> <p>Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment</p> <ul style="list-style-type: none"> <li>• Place felled trees strategically and in proximity to the work site to provide refuge and potential habitat in the understorey.</li> <li>• Undertake revegetation activities to offset the removal of the mature Eucalypts on site at a ratio of at least five tubestock per each tree removed (5:1). These should be planted across a 3.74ha area to replace Box Gum Woodland impacted as a result of the proposal. In addition to this, a variety of species that complements the current community should be planted adjacent to existing remnant mature trees to supplement the habitat this woodland provides in the area.</li> </ul>	
<b>9.2</b>	<b>Land resources</b>		
	<b>Applies to RU1 and Land identified in Map 29</b>	<p>Lot 9 DP: 1047248 is identified as Land Capability Class 7, as per Map 29. Flora and Fauna Assessment have been carried out to identify any potential sensitive areas; the area was found to be in poor condition due to historical and current land practices.</p>	✓
<b>12</b>	<b>Signage and colour scheme</b>		
<b>12.2.8</b>	<b>Signage at Mount Panorama Zone SP3</b>		
	Council may grant consent to signage at Mount Panorama which: a) Supports the economic benefits of motor racing.	<b>Noted</b>	✓

		Comment	✓
	b) Complements the existing scenic quality of the area, both rural and motor racing. c) Encourages and promotes the development of Mount Panorama as a regional recreation facility and as an international motor racing circuit.		
<b>13</b>	<b>Landscaping and Greening</b>		
<b>13.1</b>	<b>Preliminary</b>		
<b>13.1.1</b>	<b>Land to which this section applies</b>		
	This section applies to all land in the Bathurst Regional Local Government Area (LGA).	Noted	✓
<b>13.1.2</b>	<b>Strategic priorities and objectives</b>		
	The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives that relate to biodiversity and to the 'greening' of the Bathurst region. Strategic Priorities a) To determine the best way to protect and enhance biodiversity and encourage revegetation and better biodiversity management. b) To determine the best way to encourage ecologically sustainable development and the protection of urban biodiversity and vegetation resources. Strategic Objectives a) To protect, enhance and adequately manage areas of high terrestrial and aquatic biodiversity conservation value. b) To promote the restoration of lost biodiversity. c) To plan for the protection and enhancement of the Sawpit Creek and Raglan Creek corridors by requiring their rehabilitation and enhancement.	Flora and fauna Assessment has been completed with recommendation for mitigation measures. Refer section to 9.1.2	✓
<b>13.2</b>	<b>Removal of Trees</b>	Not applicable to this DA as it is not within Schedule 5	
<b>13.3</b>	<b>Landscape Plan</b>		
<b>13.3.1</b>	<b>Objective</b>		
	To improve the visual amenity and to ensure that developments do not dominate their surroundings. b) To provide an environment which enhances the streetscape and the surrounding neighbourhood? c) To provide an attractive outdoor living area. d) To provide landscaped buffers to reduce the potential for conflict between land uses.	Noted	✓

		Comment	✓
<b>14</b>	<b>Parking</b>		
<b>14.1.</b>	This section applies to all land in the Bathurst Regional Local Government Area (LGA).		
<b>14.1.2</b>	<b>Strategic priority and objectives</b>		
	<p>The Bathurst Region Urban Strategy 2007 establishes the following key priorities and objectives for car and bicycle parking within the Bathurst Region.</p> <p>Strategic Priorities</p> <p>a) To ensure adequate car parking areas are available to service new development and the community in general.</p> <p>b) To encourage a comprehensive cycling environment.</p> <p>Strategic Objectives</p> <p>a) To provide for the safe and sufficient provision of parking on-site to meet the parking demands generated by development.</p> <p>b) To ensure that safe and functional vehicular access is provided within new developments for manoeuvring purposes.</p> <p>c) To provide bicycle parking facilities.</p>	All parking will consist within McPhillamy Park	
<b>16</b>	<b>Earthworks</b>		
<b>16.1.1</b>	<b>Land to which this Section applies</b>		
	This section applies to all land within the Bathurst Regional Local Government Area (LGA).	<b>Noted</b> Construction Environmental Management Plan and Erosion and Sediment Control Plan will be a requirement for this proposal.	✓

## 6.0 Conclusion

### Project Justification

- 6.1 The proposal by Bathurst Regional Council to develop a Go-Kart track at Mount Panorama, Councils planning intention for the site as expressed in the BRLEP2014 which zones the site as SP3 Tourist.
- 6.2 The proposed development is designed to have no adverse impact on the site or surrounding environment.
- 6.3 The proposal will allow the development of a Go-Kart track
- 6.4 The proposal provides for regional open space, tourism and recreation opportunities within the city of Bathurst.
- 6.5 The development will contribute to the purpose of motor racing and associated activities, tourism and recreation for the future generations.
- 6.6 The proposed development is considered to be consistent with the zone objectives and controls detailed in the *Bathurst Region Local Environmental Plan 2014* and the *Bathurst Region Development Control Plan 2014*. Therefore its approval would be in the public interest within the meaning of Section 4.15(1) (e) of the Act.



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**Acoustic Assessment**

**Bathurst Kart Club  
Mount Panorama**

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**Project 11076**

**February 2018**

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File : PKA11076 R01v1 Acoustic Assessment

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**The work reported herein has been carried out in accordance with the terms of membership. We stress that the advice given herein is for acoustic purposes only, and that the relevant authorities should be consulted with regard to compliance with regulations governing areas other than acoustics.**

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**11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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**1 INTRODUCTION & SCOPE**

PKA Acoustic Consulting was previously commissioned in 2015 [Ref: 215 009 R01 v3.0 dated August 2015] to undertake an acoustic assessment of a proposed go-kart track located at McPhillamy Park, Mount Panorama, Bathurst.

This acoustic assessment incorporates the entirety of the previous assessment and has been updated to reflect minor modifications to the track location and track layout within McPhillamy Park.

The aim of this report is to determine the noise impact to residential receptors and compare to the relevant noise criteria.

This report is based on measurements and calculations performed by PKA Acoustic Consulting in addition to the following information:

- CAD data, primarily terrain contours, provided by Bathurst Regional Council
- Noise assessment of the go-kart track previously proposed to be located in Kelso dated 21/03/14 prepared by Wilkinson Murray (ref # 13322 Version B) henceforth referred to as "Wilkinson Murray report"
- Noise measurements performed by Mark Dunbar of Bathurst Karting Club in May 2015 of the existing Orange Go-Kart Track and simulated go-kart racing at the proposed Mt Panorama site
- Noise measurements and calculations by PKA
- Australian Karting Association (AKA) noise limits of go-kart vehicles



**11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama****2 SITE DESCRIPTION****2.1 TRACK LOCATION**

The proposed go-kart track is to be located within McPhillamy Park, Mount Panorama on the land which is currently Mount Panorama lookout.

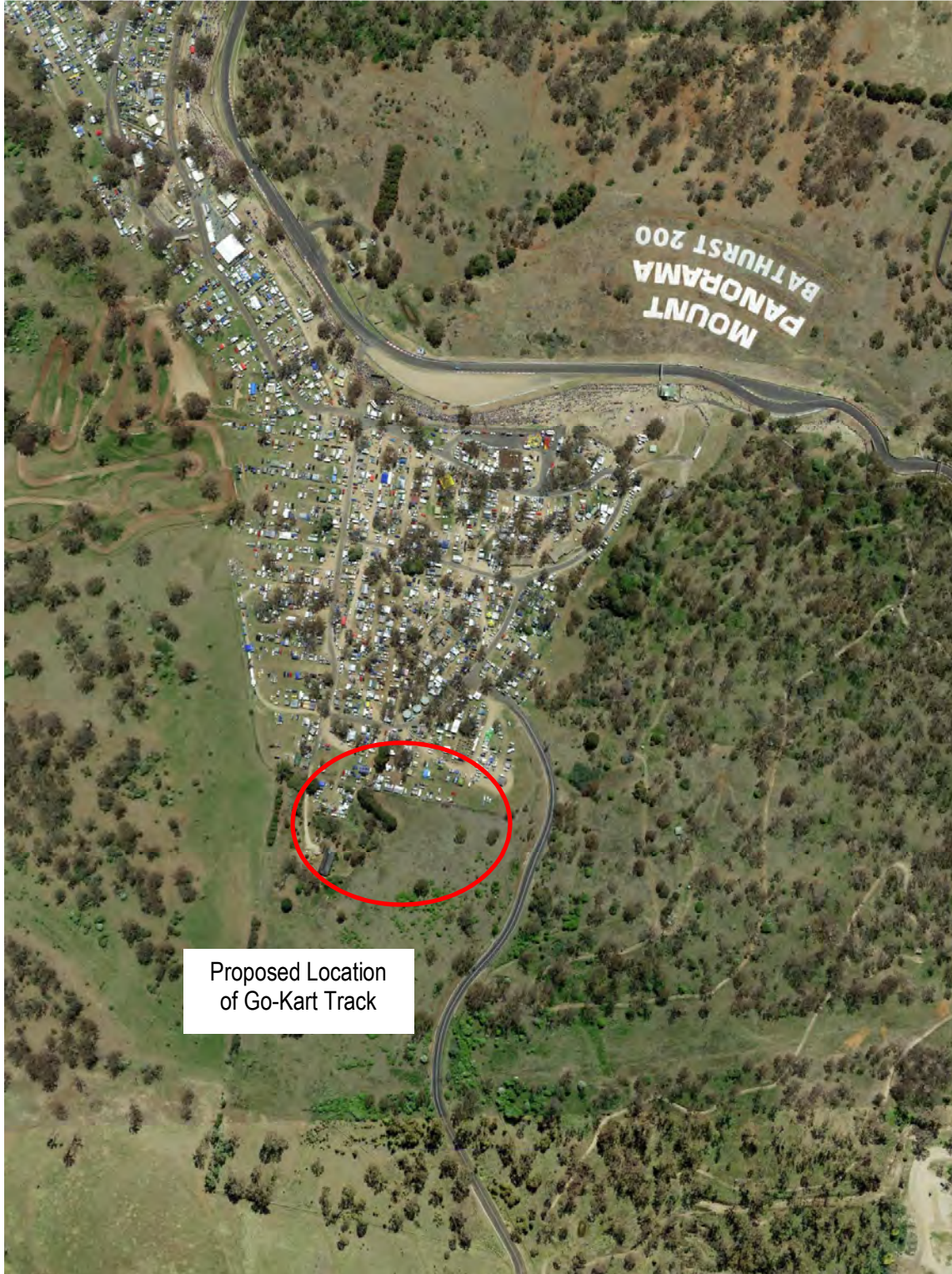


Figure 2.1.1: Site location

**11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

Bathurst Region Council have provided the following preliminary track location:



Figure 2.1.2: Preliminary Track location

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

The proposed go-kart track has been updated with a preliminary layout as shown below.

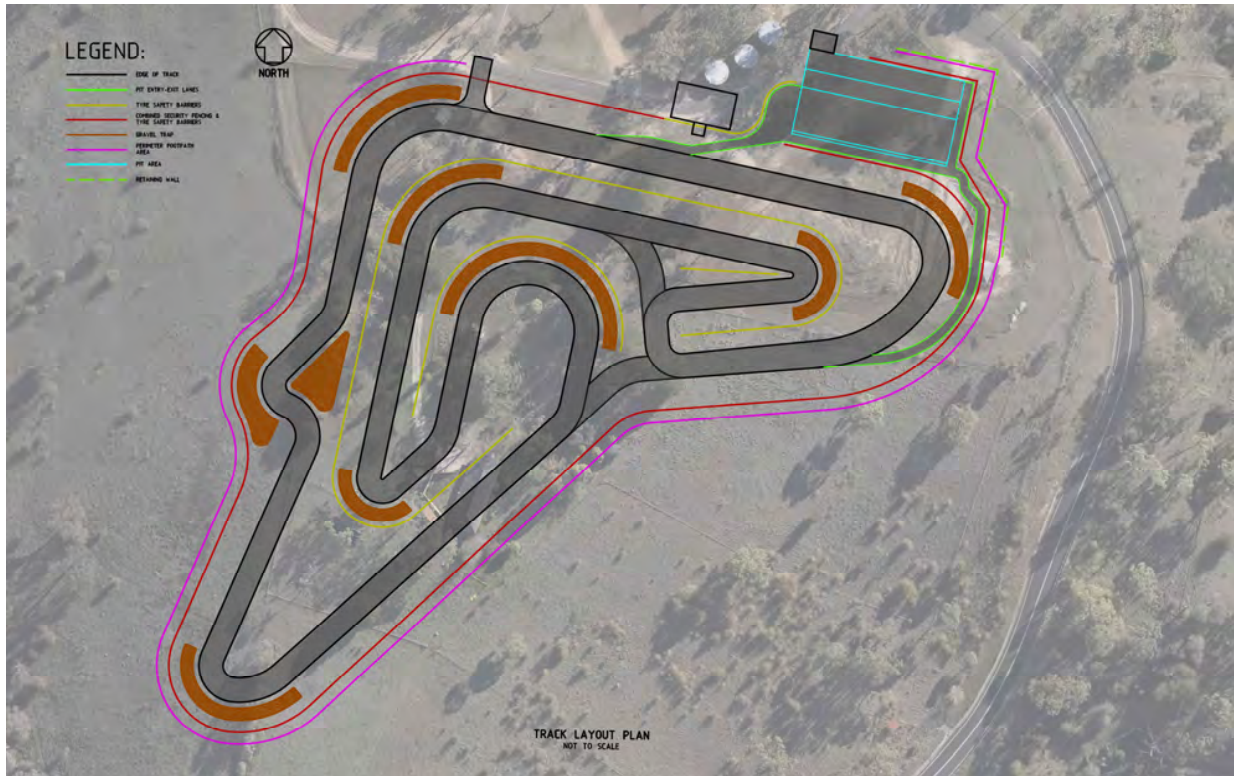


Figure 2.1.3: Track Layout

When compared to the original location, the proposed track is located further south which positions the majority of the track downhill, therefore providing natural noise shielding to the various northern residents.

## 2.2 NOISE BARRIERS

The preliminary layout shows tyre safety barriers which we have incorporated into our SoundPlan noise modelling. Our assumptions are as follows:

- The barriers are to be a minimum continuous height of 600mm (0.6m)
- The construction of the barriers can be in the form of tyre stacks or earth mounds

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

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### 2.3 OPERATING SCENARIOS

The go-kart track operating scenarios has not changed since our acoustic assessment. It is proposed to operate 7 days a week between 9am and 5pm. The following assumed operating scenarios and have incorporated the following in our acoustic assessment:

#### Scenario 1: Daily Practise

- Track is used daily for practise sessions. It is expected that a maximum of 5 go-karts would be accessing the track on any given day. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled a maximum of 3 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled a maximum of 5 go-karts using the track for a total of 40mins each between 9am and 5pm.

#### Scenario 2: Race Events

- Up to 9 race event weekends per year (18 individual race days). It is expected that a maximum of 32 go-karts could use the track simultaneously, however as few as 5 go-karts may race together. It is expected that throughout the day an average of 15 go-karts would race together. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled both the maximum of 32 and average of 15 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled the average of 15 go-karts simultaneously racing between 9am and 5pm for 40mins each hour.

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 2.4 RESIDENTIAL RECEPTORS

PKA has nominated eighteen (18) residential receptors that are located within the vicinity of the proposed go-kart track. The majority of the receptors are located to the north and east of the site on Mountain Straight or Conrod Straight with one rural receptor located to the south on Hen & Chicken Road. They are numbered and described as follows:

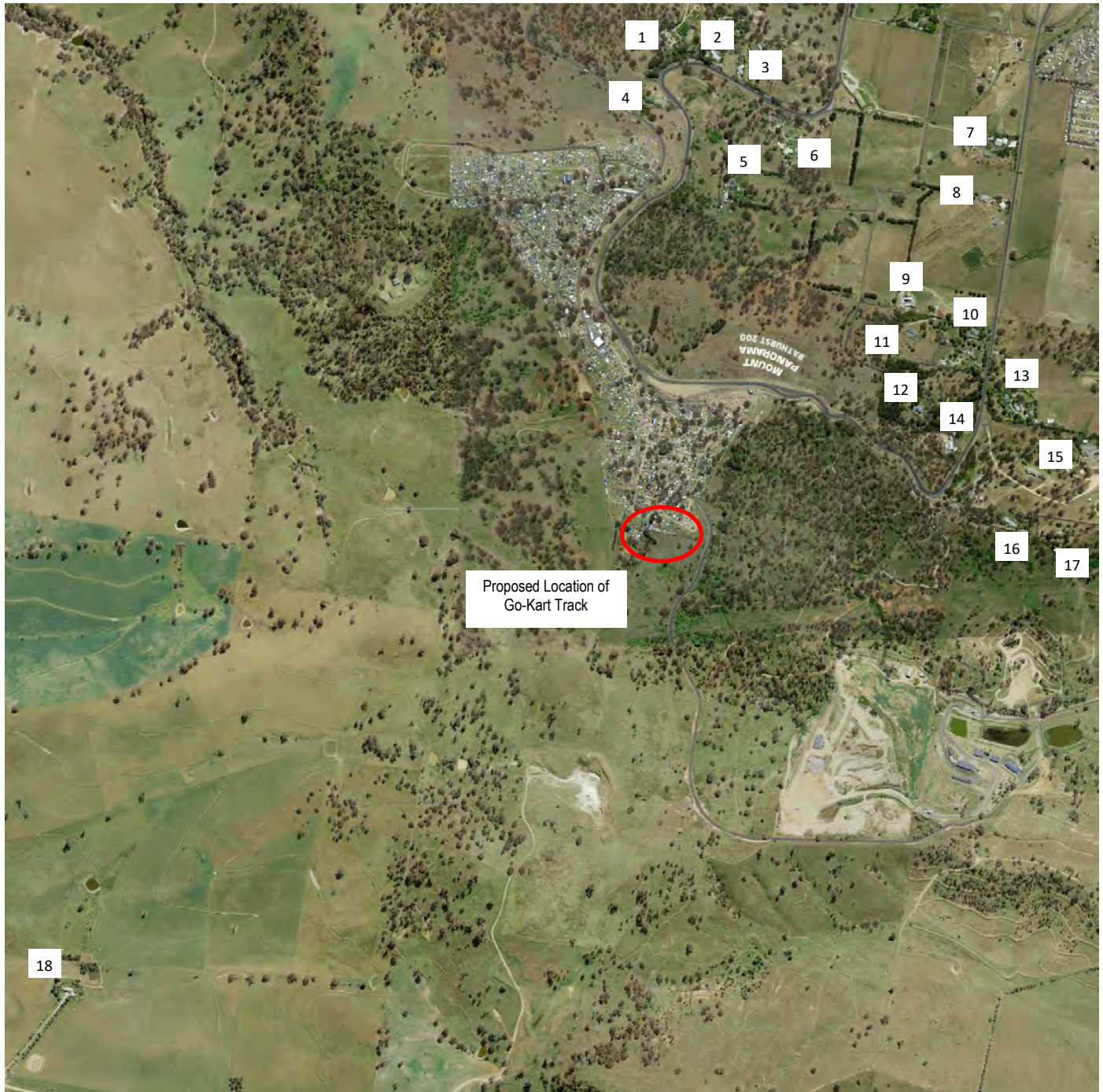


Figure 2.3: Residential Receptors

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Receptor Number	Address	Receptor type	Approx. distance from Proposed Track
1	212 Mountain Straight	Single dwelling	1400m
2	196 Mountain Straight	Single dwelling	1200m
3	190 Mountain Straight	Single dwelling	1200m
4	224 Mountain Straight	Single dwelling	1100m
5	179 Mountain Straight	Single dwelling	700m
6	163 Mountain Straight	Single dwelling	1000m
7	447 Conrod Straight	Single dwelling	800m
8	441 Conrod Straight	Single dwelling	800m
9	457 Conrod Straight	Single dwelling	850m
10	451 Conrod Straight	Single dwelling	900m
11	453 Conrod Straight	Single dwelling	750m
12	435 Conrod Straight	Single dwelling	700m
13	448 Conrod Straight	Single dwelling	950m
14	417 Conrod Straight	Single dwelling	700m
15	428 Conrod Straight	Single dwelling	1000m
16	404 Conrod Straight	Single dwelling	850m
17	402 Conrod Straight	Single dwelling	900m
18	280 Hen & Chicken Road	Single dwelling	2850m

Table 2.3: Residential Receptors

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 3 BACKGROUND NOISE SURVEY

In 2015 PKA conducted noise surveys in order to establish the existing ambient noise levels at the receptor locations two unattended noise loggers were installed.

Logger 1 was installed at 402 Conrod Straight on the private driveway approximately 200m set back from the road edge.

Logger 2 was installed at 280 Hen & Chicken Road in the open field approximately 200m set back from the road edge.

The loggers recorded between Wednesday 25<sup>th</sup> February 2015 and Thursday 5<sup>th</sup> March 2015. The deployment and retrieval days are not included in the table below due to the data not being available for the full daytime period. The battery on Logger 2 failed and therefore the logger did not record for Wednesday 4<sup>th</sup> March.

The loggers are of ARL manufacture Type EL-316. The loggers were calibrated prior to and following measurements with a Bruel & Kjaer sound level calibrator Type 4230 and exhibited no significant drift. The loggers sampled in 15 minute periods, using an A-weighting curve before converting the information to statistical quantities and commencing a new period.

The results from the noise data loggers are shown below:

<b>ABL - Background Noise Levels <math>L_{A90,period,dB}</math></b> Daytime ABL 07:00 – 18:00		
<b>Date</b>	<b>Logger 1</b> 402 Conrod Straight	<b>Logger 2</b> 280 Hen & Chicken Road
Thursday, 26 <sup>th</sup> February 2015	31.4	30.6
Friday, 27 <sup>th</sup> February 2015	30.8	29.6
Saturday, 28 <sup>th</sup> February 2015	29.8	30.3
Sunday, 1 <sup>st</sup> March 2015	32.4	33.7
Monday, 2 <sup>nd</sup> March 2015	33.6	29.0
Tuesday, 3 <sup>rd</sup> March 2015	31.2	30.3
Wednesday, 4 <sup>th</sup> March 2015	31.9	-
<b>RBL</b>	<b>31</b>	<b>30</b>

Table 3.1: Noise logger results – Industrial Noise Policy descriptors – dBA

RBL refers to the Rating Background Level. See Glossary.

ABL refers to the Assessment Background Level. See Glossary.

For comparison purposes PKA has previously conducted noise logger surveys at Mount Panorama which resulted in a background noise of 32dBA at a Conrod Straight address approximately 200m from the road edge

**11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

We have adopted the background noise level of  $L_{90}$  31 dBA to represent the nominated receptors except for the Hen & Chicken Road resident which we have adopted a  $L_{90}$  30 dBA.

The logger locations are shown as follows:

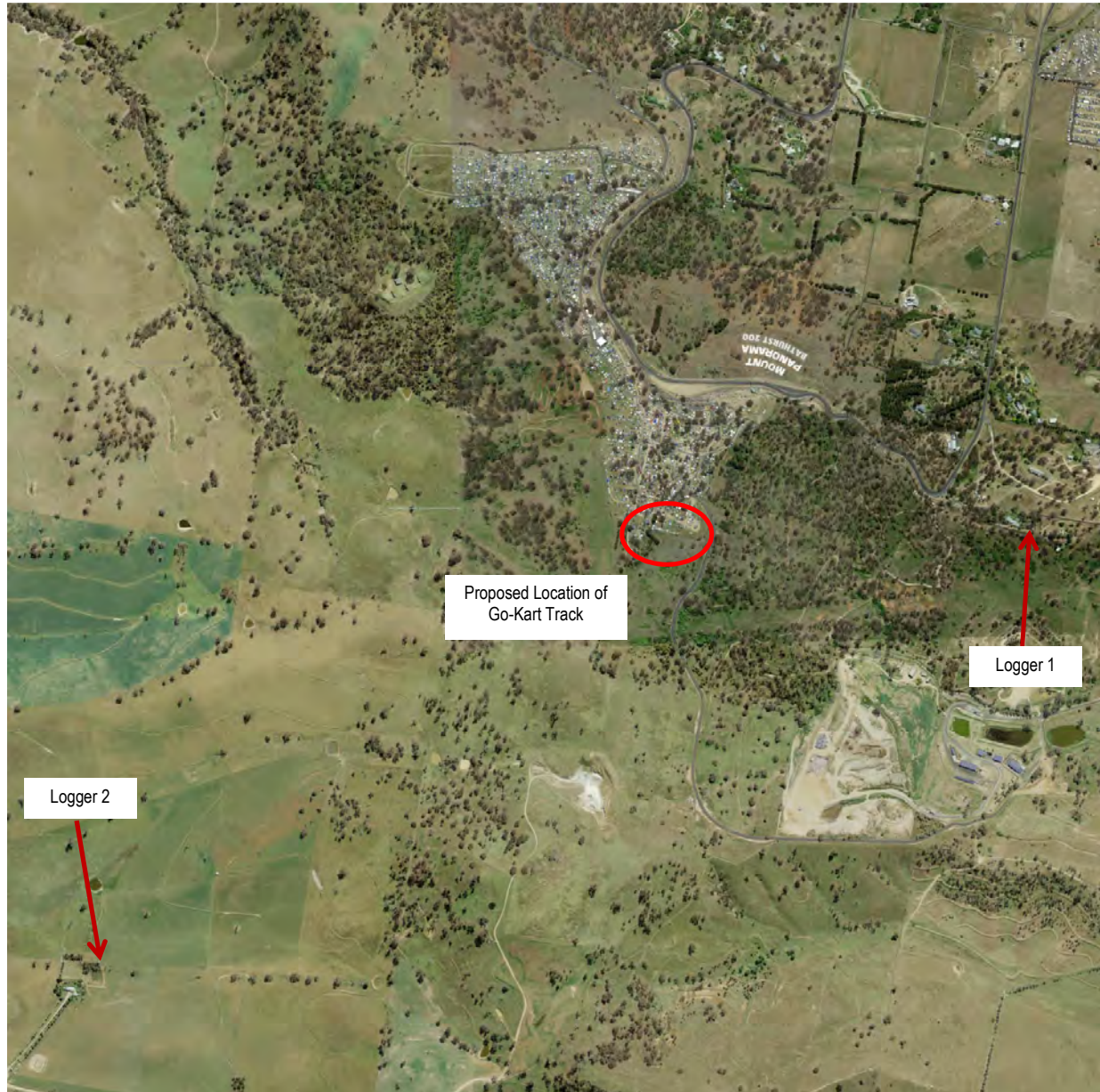


Figure 3.1: Logger Locations

Noise data logger graphs are shown in Section 9.



## 4 GO-KART NOISE LEVELS

Wilkinson Murray conducted noise measurements in their report in 2014 of 6 go-karts at the originally proposed Kelso site. The measurements were taken on all four sides of the go-karts at a distance of 5m while the engines were being revved to simulate racing condition. The results were then converted to a sound power level of  $L_{Aeq}$  112dB.

PKA adopted these figures in an earlier version of this report, however we have been advised by Mark Dunbar of Bathurst Karting Club that the go-karts measured by Wilkinson Murray were superseded by go-kart models and would likely have higher noise levels than current models.

To determine whether the noise levels differ for current go-kart models PKA provided acoustic advice to Mark Dunbar to replicate Wilkinson Murray's methodology of measuring a stationary go-kart on all four sides at a distance of 5m while the engines were being revved to simulate racing condition. This was conducted at the proposed Mt Panorama site. The noise levels around the go-kart were consistently averaging 80dBA at the 5m distance. PKA then converted the measurement data to result in a sound power level of  $L_{Aeq}$  102dB. This noise level is 10dBA less than Wilkinson Murray's result.

To confirm this reduced noise level further PKA provided acoustic advice to Mark Dunbar to conduct noise level measurements at the existing Orange Go-Kart Track during race conditions. The measurements were conducted at various distances between 10m and 100m and the results conformed within a reasonable tolerance to PKA's calculated sound power level of  $L_{Aeq}$  102dB. We have therefore adopted this revised noise level in our assessment

The 2015 Australian Karting Manual states any one go-kart must not exceed a maximum of 100dBA when measured at 10m from the track. For comparison purposes the go-karts measured at Mt Panorama under full revs was averaging 80dBA at 5m with a maximum peak of 92dBA which would equate to a maximum 86dBA @10m, well below the 100dBA limit. PKA considers the Australian Karting Manual limit to be over estimating the noise levels emitted from a go-kart.

## 5 NOISE CRITERIA

### 5.1 EPA INDUSTRIAL NOISE POLICY

The Industrial Noise Policy (INP) is the policy which typically governs noise generated from commercial premises in NSW. Section 1.3 of the document identifies that noise from motor sport activities such as go-kart tracks are not covered by the policy. However the INP is helpful in determining whether the site complies with the intrusiveness criteria typical adopted as background +5dBA.

The Intrusiveness criterion states that for a source to generally be considered acceptable the Leq noise level from the activity be no more than 5dBA above the background (RBL) noise level measured in the area. In the case of this site the Intrusiveness criteria would be  $31 + 5 = 36\text{dBA}$  at the nominated receptors and  $30 + 5 = 35\text{dBA}$  at the Hen & Chicken Road receptor.

The Amenity criterion applies a maximum ambient noise level within an area to limit continuing increases in noise levels from each industrial source. The INP defines the areas surrounding the proposed go-kart track as 'Rural'. The applicable Amenity criteria would therefore be an  $\text{Leq}_{(11\text{hr})}$  of 50dBA Daytime (7am-6pm).

We note that the Bathurst Waste Management Centre is in the vicinity of the proposed go-kart track however the EPA's Industrial Noise Policy allows for at least 70dBA of noise impact to industrial premises. In Section 8 our noise modelling results in less than 30dBA at the industrial site and therefore we have excluded this from our assessment.

We have adopted the procedures outlined in the INP for determining existing ambient noise levels.

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### 5.2 EPA NOISE GUIDE FOR LOCAL GOVERNMENT (NGLG)

Table 1.3 of the EPA Noise Guide for Local Government (NGLG) indicates that Council would be the responsible authority for regulating noise from such a proposal.

The NGLG does not present direct criteria for go-kart tracks however a case study (identified as Case Study 2) does present an example of how one Council dealt with facility involved in motorsports. Of particular interest is the method presented for determining multiplication ratios for noisy events. The relevant figure from the NGLG is reproduced below as Figure 5.4.

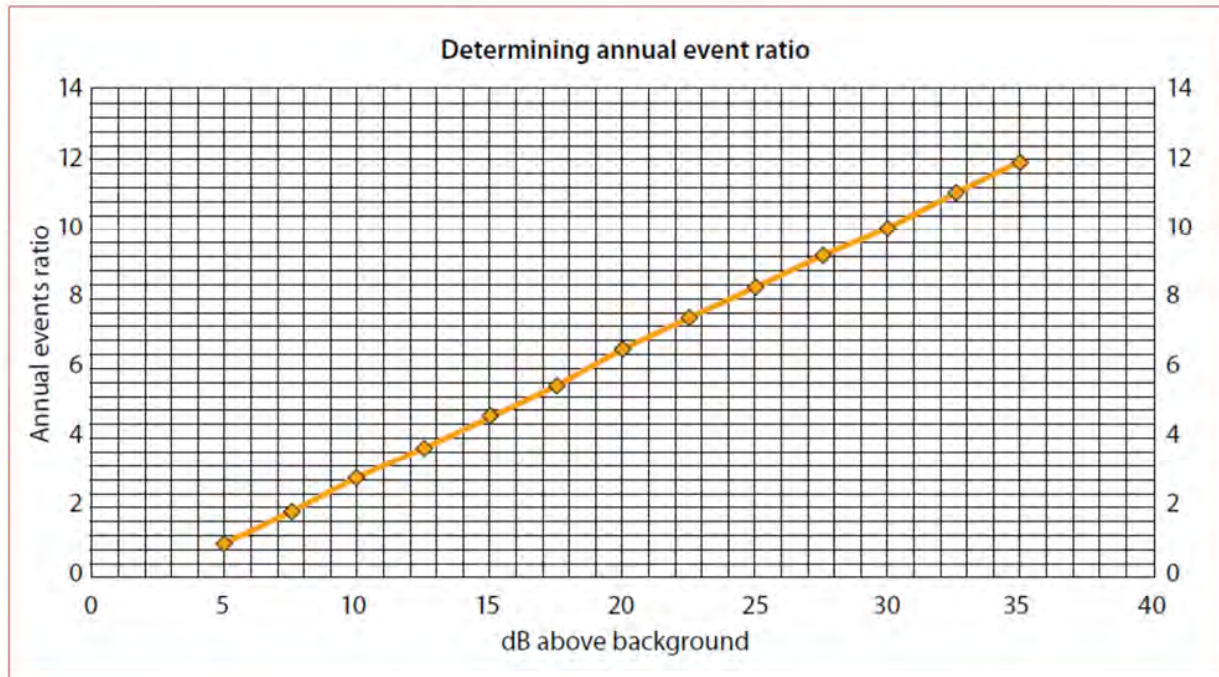


Figure 5.2: Graph for determining event multiplication ratio from noise level

The above system allows for a reduction in the total number of events allowable per year, where the noise level from an individual event exceeds the standard background + 5dB criterion. The annual events ratio applies a reduction factor to the allowable number of events that increases as the exceedance over background increases. In principle, the higher the noise levels, the lower the allowable number of events.

PKA have extrapolated the NGLG graph above and determined the formula to be as follows:

$$\text{Annual Events Ratio} = 3 \times \text{dB above Background Noise}$$

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

The Council in the NGLG study nominated a maximum of 50 events per year that could exceed the typical background + 5dBA criteria. The allowable event days would then calculated by dividing 50 with the annual events ratio. PKA have adopted this 50 event day maximum in our assessment.

Ultimately Council will be required to determine the criteria to be applied that will represent a balance between residential amenity and the proposed go-kart track operations.

The following table digitises the NGLG annual events ratio :

NGLG Annual Events Ratio	Exceedence Above Background Noise dBA	Allowable Event Days
2	6	25
3	9	18
4	12	12
5	15	10
6	18	9
7	21	7
8	24	6

Table 5.2: Annual Events Ratio

For example a daily event giving rise to a noise level of 40dBA (background of 31dBA +9) would attract a multiplication ratio of 3, effectively using up 3 of the allowable event days for the year, and reducing the remaining event days available for the year to 47 (50-3). If 18 daily events gave rise to a noise level of 40dBA this would use up all allowable event days in the calendar year.

## 6 NOISE MODELLING

Leq(1hr) noise levels from the go-karts have been predicted using proprietary acoustic modelling software, SoundPlan v7.4.

The relevant module of SoundPlan uses the ISO 9613-2:1996 *Attenuation Of Sound During Propagation Outdoors*.

This standard assumes a moderate downwind from the source to the receptor (between 1m/s and 5m/s measured at a height of 3m to 11m) or a moderate ground based temperature inversion and therefore presents a conservative result if compared to neutral weather conditions.

The modelling is based on the following data and assumptions as stated in Section 8:

### Scenario 1: Daily Practise

- Track is used daily for practise sessions. It is expected that a maximum of 5 go-karts would be accessing the track on any given day. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled a maximum of 3 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled a maximum of 5 go-karts using the track for a total of 40mins each between 9am and 5pm.

### Scenario 2: Race Events

- Up to 9 race event weekends per year (18 individual race days). It is expected that a maximum of 32 go-karts could use the track simultaneously, however as few as 5 go-karts may race together. It is expected that throughout the day an average of 15 go-karts would race together. For the 1hour noise calculations ( $L_{Aeq(1hr)}$ ) we have modelled both the maximum of 32 and average of 15 go-karts using the track simultaneously for 40mins within an hour. For the daily average noise calculations ( $L_{Aeq(7am-6pm)}$ ) we have modelled the average of 15 go-karts simultaneously racing between 9am and 5pm for 40mins each hour.
- Go-Kart Sound Power level ( $L_w$ ) =  $L_{Aeq}$  102dB as per Mark Dunbar's May 2015 noise testing
- Go-Karts driving around track at an average of 40km/h
- Noise barriers at 600mm height as described in Section 2.2

Noise contour plots show levels 1.5m above ground (terrain) levels.

## 6.1 SCENARIO 1 - DAILY PRACTISE

The Daily Practise noise modelling results are shown in the following tables. PKA make the following comments:

- During daily practise when 3 go-karts are operating simultaneously for 40mins each and assessed over a single hour, all 18 receptors comply with the typical background +5dBA criterion. We also note that the noise impact to all 18 receptors is predicted to be below the existing background noise level.
- During daily practise when a maximum of 5 go-karts are operating for a total of 40mins each and averaged over the entire daytime period, all 18 receptors comply with the typical background +5dBA criterion. We also note that the noise impact to all 18 receptors is predicted to be below the existing background noise level.

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Daily Practise –  $L_{Aeq(1hr)}$  – 3 go-karts operating simultaneously for 40mins of the hour

Receptor Number	Address	Calculated $L_{eq}(1hr)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	8	-	
2	196 Mountain Straight	10	-	
3	190 Mountain Straight	14	-	
4	224 Mountain Straight	13	-	
5	179 Mountain Straight	19	-	
6	163 Mountain Straight	16	-	
7	447 Conrod Straight	14	-	
8	441 Conrod Straight	14	-	
9	457 Conrod Straight	12	-	
10	451 Conrod Straight	13	-	
11	453 Conrod Straight	15	-	
12	435 Conrod Straight	18	-	
13	448 Conrod Straight	15	-	
14	417 Conrod Straight	18	-	
15	428 Conrod Straight	22	-	
16	404 Conrod Straight	29	-	
17	402 Conrod Straight	28	-	
18	280 Hen & Chicken Road	23	-	

Table 6.1.1: Daily Practise 3 Karts –  $L_{Aeq(1hr)}$  Calculated Noise Levels to Nominated Receptors

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Daily Practise –  $L_{Aeq}(7am-6pm)$  – 5 go-karts operating for a total of 40mins each in the day

Receptor Number	Address	Calculated $L_{eq}(7am-6pm)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	9	-	
2	196 Mountain Straight	11	-	
3	190 Mountain Straight	14	-	
4	224 Mountain Straight	14	-	
5	179 Mountain Straight	20	-	
6	163 Mountain Straight	18	-	
7	447 Conrod Straight	15	-	
8	441 Conrod Straight	15	-	
9	457 Conrod Straight	13	-	
10	451 Conrod Straight	14	-	
11	453 Conrod Straight	16	-	
12	435 Conrod Straight	19	-	
13	448 Conrod Straight	16	-	
14	417 Conrod Straight	19	-	
15	428 Conrod Straight	23	-	
16	404 Conrod Straight	30	-	
17	402 Conrod Straight	28	-	
18	280 Hen & Chicken Road	24	-	

Table 6.1.2: Daily Practise 5 Karts –  $L_{Aeq}(7am-6pm)$  Calculated Noise Levels to Nominated Receptors



## 6.2 SCENARIO 2 – RACE EVENTS

The Race Event noise modelling results are shown in the following tables. PKA make the following comments:

- During race events when an average of 15 go-karts are operating simultaneously for 40mins each and assessed over a single hour, all 18 receptors comply with the typical background +5dBA.
- During race events when a maximum of 15 go-karts are operating simultaneously between 9am and 5pm for 40mins each hour and averaged over the entire daytime period, all 18 receptors comply with the typical background +5dBA criterion.
- During race events when a maximum of 32 go-karts are operating simultaneously for 40mins each and assessed over a single hour, 16 receptors comply with the typical background +5dBA criterion and 2 receptors to the east are in exceedance with a maximum of 8dBA over the background noise at 404 Conrod Straight. This would limit the annual event days to 25 per calendar year.

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Race Events –  $L_{Aeq(1hr)}$  – 15 go-karts operating simultaneously for 40mins of the hour

Receptor Number	Address	Calculated $L_{eq}(1hr)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	15	-	
2	196 Mountain Straight	17	-	
3	190 Mountain Straight	21	-	
4	224 Mountain Straight	21	-	
5	179 Mountain Straight	26	-	
6	163 Mountain Straight	23	-	
7	447 Conrod Straight	21	-	
8	441 Conrod Straight	21	-	
9	457 Conrod Straight	19	-	
10	451 Conrod Straight	20	-	
11	453 Conrod Straight	21	-	
12	435 Conrod Straight	26	-	
13	448 Conrod Straight	22	-	
14	417 Conrod Straight	25	-	
15	428 Conrod Straight	29	-	
16	404 Conrod Straight	36	5	
17	402 Conrod Straight	34	3	
18	280 Hen & Chicken Road	30	-	

Table 6.2.1: Race Events 15 Karts –  $L_{Aeq(1hr)}$  Calculated Noise Levels to Nominated Receptors

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Race Events –  $L_{Aeq(7am-6pm)}$  – 15 go-karts operating 9am to 5pm and averaged over the day

Receptor Number	Address	Calculated $L_{eq}(7am-6pm)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	14	-	
2	196 Mountain Straight	16	-	
3	190 Mountain Straight	20	-	
4	224 Mountain Straight	20	-	
5	179 Mountain Straight	25	-	
6	163 Mountain Straight	22	-	
7	447 Conrod Straight	20	-	
8	441 Conrod Straight	20	-	
9	457 Conrod Straight	18	-	
10	451 Conrod Straight	19	-	
11	453 Conrod Straight	20	-	
12	435 Conrod Straight	25	-	
13	448 Conrod Straight	21	-	
14	417 Conrod Straight	24	-	
15	428 Conrod Straight	28	-	
16	404 Conrod Straight	35	4	
17	402 Conrod Straight	33	2	
18	280 Hen & Chicken Road	29	-	

Table 6.2.2: Race Events 15 Karts –  $L_{Aeq(7am-6pm)}$  Calculated Noise Levels to Nominated Receptors

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

Race Events –  $L_{Aeq(1hr)}$  – 32 go-karts operating simultaneously for 40mins of the hour

Receptor Number	Address	Calculated $L_{eq}(1hr)$ dBA	Exceedence above Background Noise dBA	Allowable Event Days
1	212 Mountain Straight	18	-	
2	196 Mountain Straight	20	-	
3	190 Mountain Straight	24	-	
4	224 Mountain Straight	24	-	
5	179 Mountain Straight	29	-	
6	163 Mountain Straight	26	-	
7	447 Conrod Straight	24	-	
8	441 Conrod Straight	24	-	
9	457 Conrod Straight	22	-	
10	451 Conrod Straight	23	-	
11	453 Conrod Straight	25	-	
12	435 Conrod Straight	29	-	
13	448 Conrod Straight	25	-	
14	417 Conrod Straight	29	-	
15	428 Conrod Straight	33	2	
16	404 Conrod Straight	39	8	25
17	402 Conrod Straight	38	7	25
18	280 Hen & Chicken Road	33	3	

Table 6.2.3: Race Events 32 Karts –  $L_{Aeq(1hr)}$  Calculated Noise Levels to Nominated Receptors

## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

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### 7 DISCUSSION

The noise modelling results in Section 6 show that the 2 receptors on Conrod Straight (402, 404) will experience noise that exceeds the typical background + 5dBA criterion from the proposed go-kart track operations. Noise mitigation options are presented below for consideration.

#### 7.1 NUMBER OF GO-KARTS RACING SIMULTANEOUSLY

In Table 6.2.3 we have calculated a maximum of 32 go-karts operating simultaneously. Limiting the number of go-karts operating at any one time will reduce the noise levels over a 1 hour period as follows:

Vehicles Circulating At Any One Time	Noise Reduction With Respect To 32 Vehicles dBA
32	0
25	-1
20	-2
15	-3
10	-5
5	-8
3	-10
1	-15

Table 7.1: Noise Reduction Due To Number of Go-Karts On Track

#### 7.2 NOISE MONITORING

During the inaugural race event an acoustic firm could be commissioned to perform a live noise monitoring survey to provide the actual noise impacts to the sensitive receptors and help to confirm/refine the noise impact predictions entailed in this report for future race events.

**11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama**

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**7.3 OPERATING HOURS**

The proposed operating hours are 9am to 5pm. PKA have assessed these operations per hour  $L_{Aeq(1hr)}$  and also over the entire daytime period  $L_{Aeq(7am-6pm)}$ . Any adjustments to the proposed operating hours would not affect the hourly assessment however there is the potential to increase or reduce the daily dose of noise to receptors.

For each hour that the track differs from the assess 9am to 5pm operations we would expect approximately  $\pm 1$ dBa of noise impact when assessed over the entire daytime period  $L_{Aeq(7am-6pm)}$ .

For example if the track closed 1 hour earlier making the operations 9am and 4pm a reduction of 1dBa above the  $L_{Aeq(7am-6pm)}$  noise levels would be expected at the receptors.

Alternatively if the track opened 1 hour later making the operations 9am to 6pm an increase of 1dBa above the  $L_{Aeq(7am-6pm)}$  noise levels would be expected at the receptors.

We note that any operations outside the daytime hours would result in more significant noise impacts due to the background noise levels being lower and the unexpected infringement upon morning sleep and evening comfort.

The daytime hours are 7am to 6pm Monday to Friday, and 8am to 6pm weekends and public holidays

## 8 NOISE MODELLING CONTOUR RESULTS

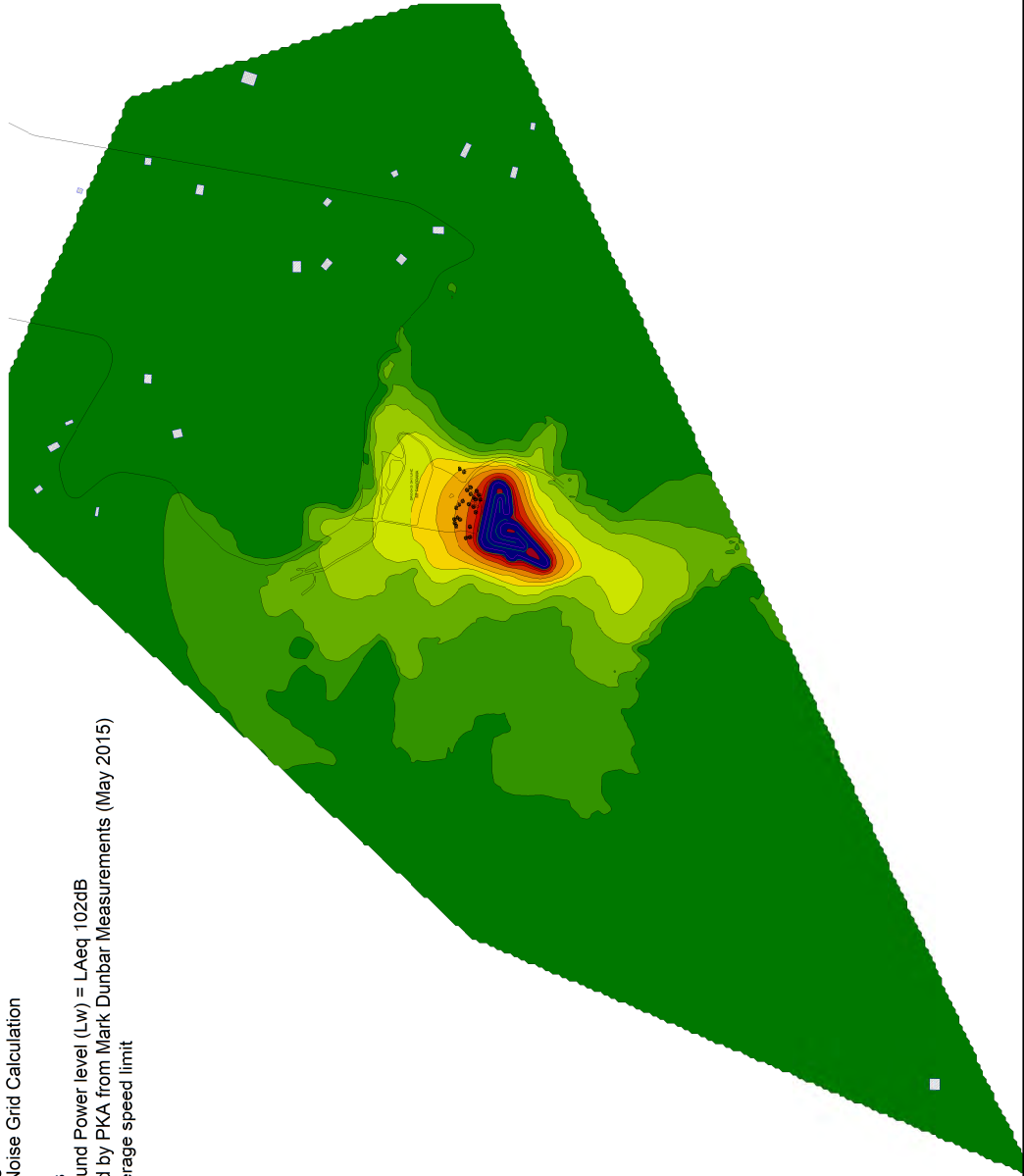
The following pages show the individual noise contour results for the various operating scenarios.

DAILY PRACTISE –  $L_{Aeq}(1hr)$  – 3 go-karts operating simultaneously for 40mins of the hour

PKA11076 Bathurst Go-Kart Club - Proposed Track, McPhillamy Park

Results in  $L_{Aeq}(1hr)$   
 Daily Practise 3 Go-Karts simultaneously operating for 40mins of the hour (66%)  
 600mm high noise barrier to track at safety distance  
 Receiver height of 1.5m  
 10m x 10m Noise Grid Calculation

Assumptions  
 - Go-Kart Sound Power level ( $L_w$ ) =  $L_{Aeq}$  102dB  
 calculated by PKA from Mark Dunbar Measurements (May 2015)  
 - 40km/h average speed limit



Signs and symbols  
 Road  
 Dwellings  
 Go-Kart Track

Date: 19/02/2018

Length Scale 1:18969



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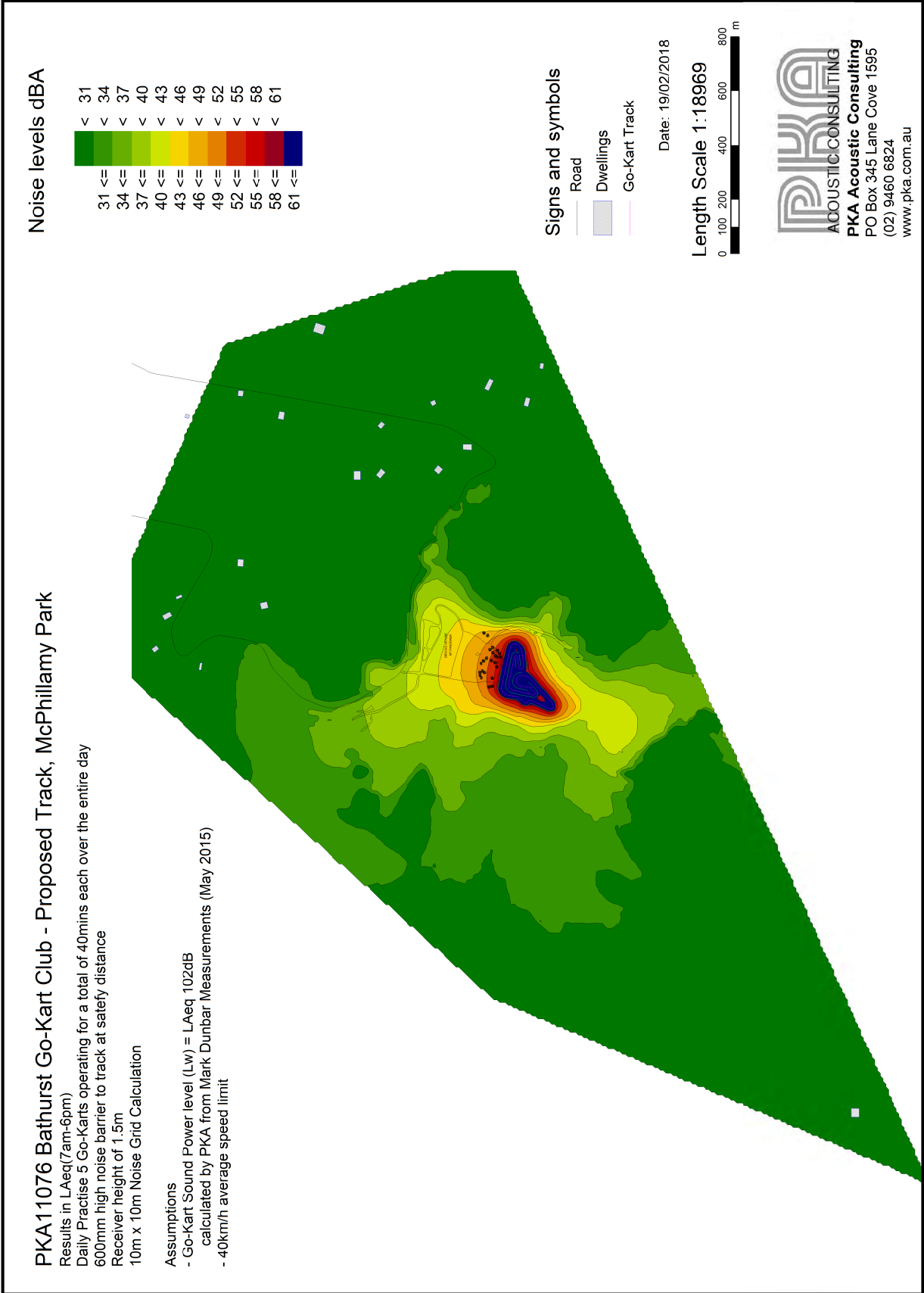


DAILY PRACTISE –  $L_{Aeq}(7am-6pm)$  – 5 go-karts operating for a total of 40mins each in the day

PKA11076 Bathurst Go-Kart Club - Proposed Track, McPhillamy Park

Results in  $L_{Aeq}(7am-6pm)$   
 Daily Practise 5 Go-Karts operating for a total of 40mins each over the entire day  
 600mm high noise barrier to track at safety distance  
 Receiver height of 1.5m  
 10m x 10m Noise Grid Calculation

Assumptions  
 - Go-Kart Sound Power level (Lw) =  $L_{Aeq} 102dB$   
 calculated by PKA from Mark Dunbar Measurements (May 2015)  
 - 40km/h average speed limit



RACE EVENTS –  $L_{Aeq}(1hr)$  – 15 go-karts operating simultaneously for 40mins of the hour

PKA11076 Bathurst Go-Kart Club - Proposed Track, McPhillamy Park

Results in  $L_{Aeq}(1hr)$   
 Race Event 15 Go-Karts simultaneously operating for 40mins of the hour (66%)  
 600mm high noise barrier to track at safety distance  
 Receiver height of 1.5m  
 10m x 10m Noise Grid Calculation

Assumptions  
 - Go-Kart Sound Power level (Lw) =  $L_{Aeq}$  102dB  
 calculated by PKA from Mark Dunbar Measurements (May 2015)  
 - 40km/h average speed limit

Noise levels dBA

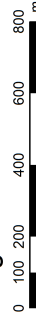


Signs and symbols

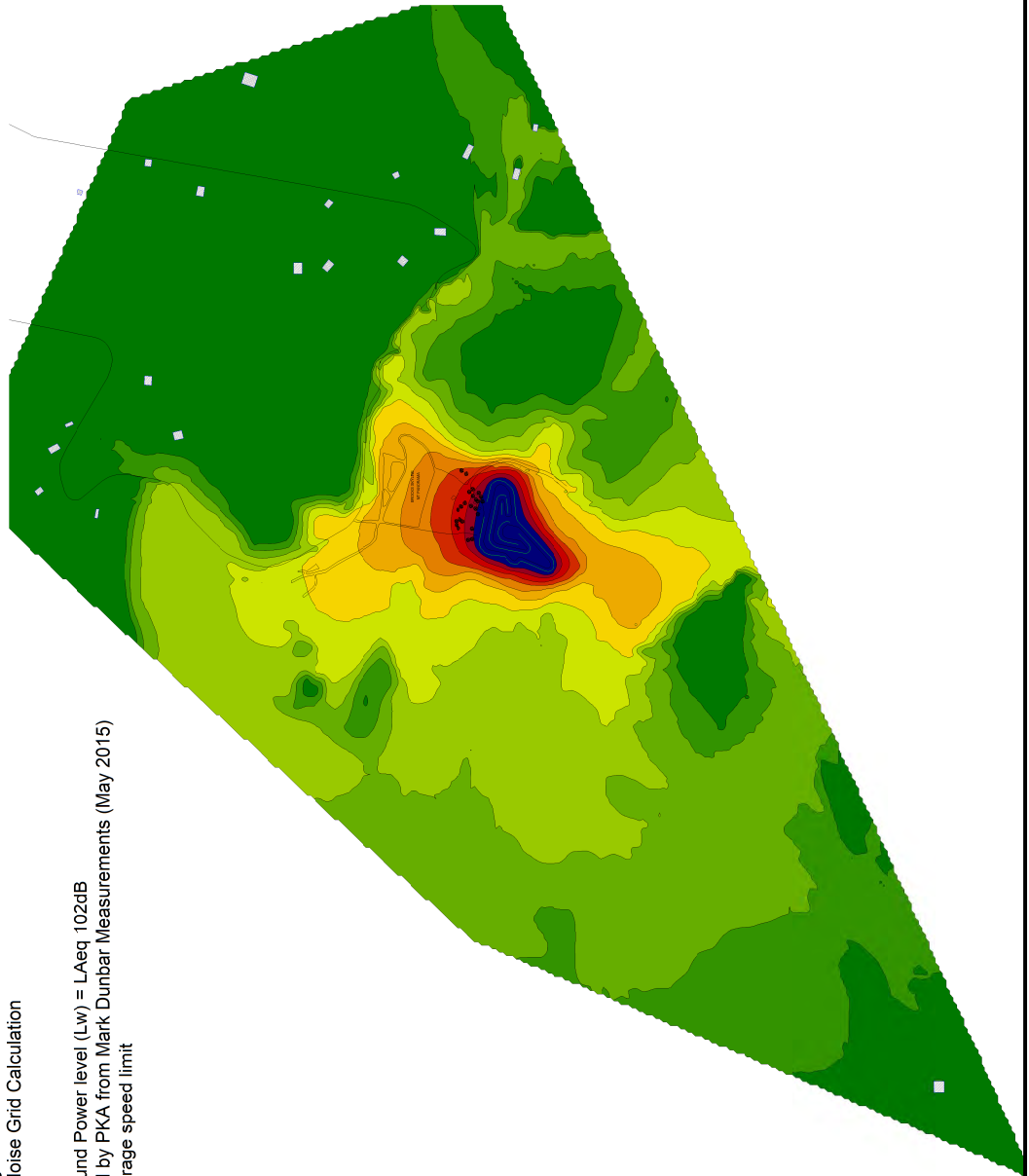


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RACE EVENTS –  $L_{Aeq}(7am-6pm)$  – 15 go-karts operating 9am to 5pm and averaged over the day

PKA11076 Bathurst Go-Kart Club - Proposed Track, McPhillamy Park

Results in  $L_{Aeq}(7am-6pm)$

Race Event 15 Go-Karts operating simultaneously for 40mins per hour (66%) between 9am and 5pm

600mm high noise barrier to track at safety distance

Receiver height of 1.5m

10m x 10m Noise Grid Calculation

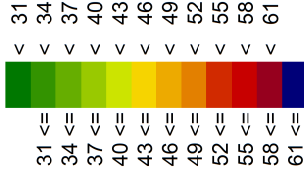
Assumptions

- Go-Kart Sound Power level (Lw) =  $L_{Aeq}$  102dB

calculated by PKA from Mark Dunbar Measurements (May 2015)

- 40km/h average speed limit

Noise levels dBA



Signs and symbols

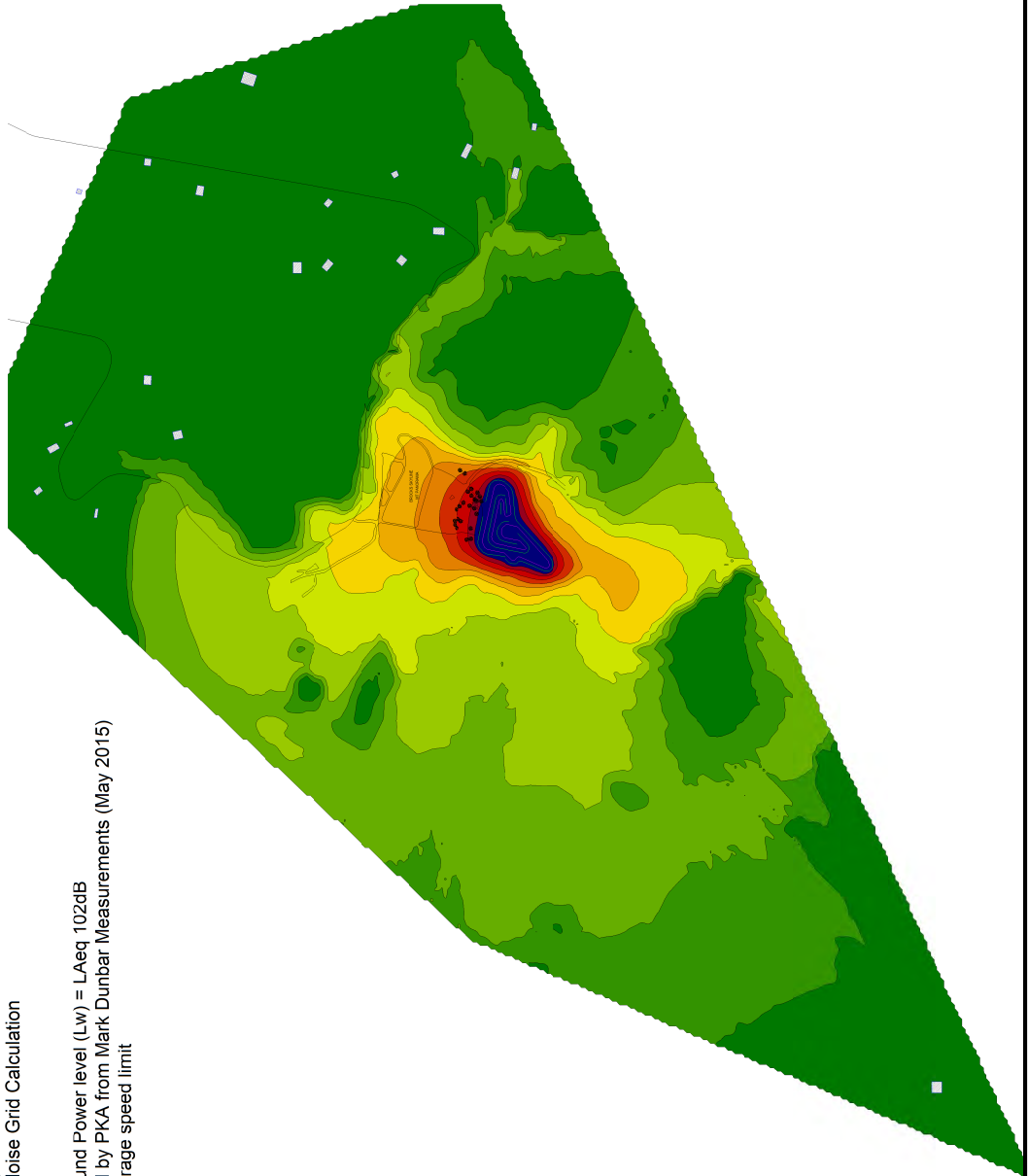


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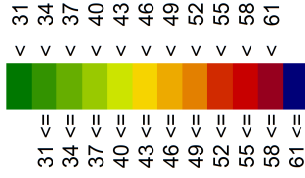
RACE EVENTS –  $L_{Aeq}(1hr)$  – 32 go-karts operating simultaneously for 40mins of the hour

PKA11076 Bathurst Go-Kart Club - Proposed Track, McPhillamy Park

Results in  $L_{Aeq}(1hr)$   
 Race Event 32 Go-Karts simultaneously operating for 40mins of the hour (66%)  
 600mm high noise barrier to track at safety distance  
 Receiver height of 1.5m  
 10m x 10m Noise Grid Calculation

Assumptions  
 - Go-Kart Sound Power level (Lw) =  $L_{Aeq}$  102dB  
 calculated by PKA from Mark Dunbar Measurements (May 2015)  
 - 40km/h average speed limit

Noise levels dBA

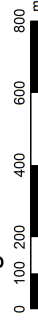


Signs and symbols

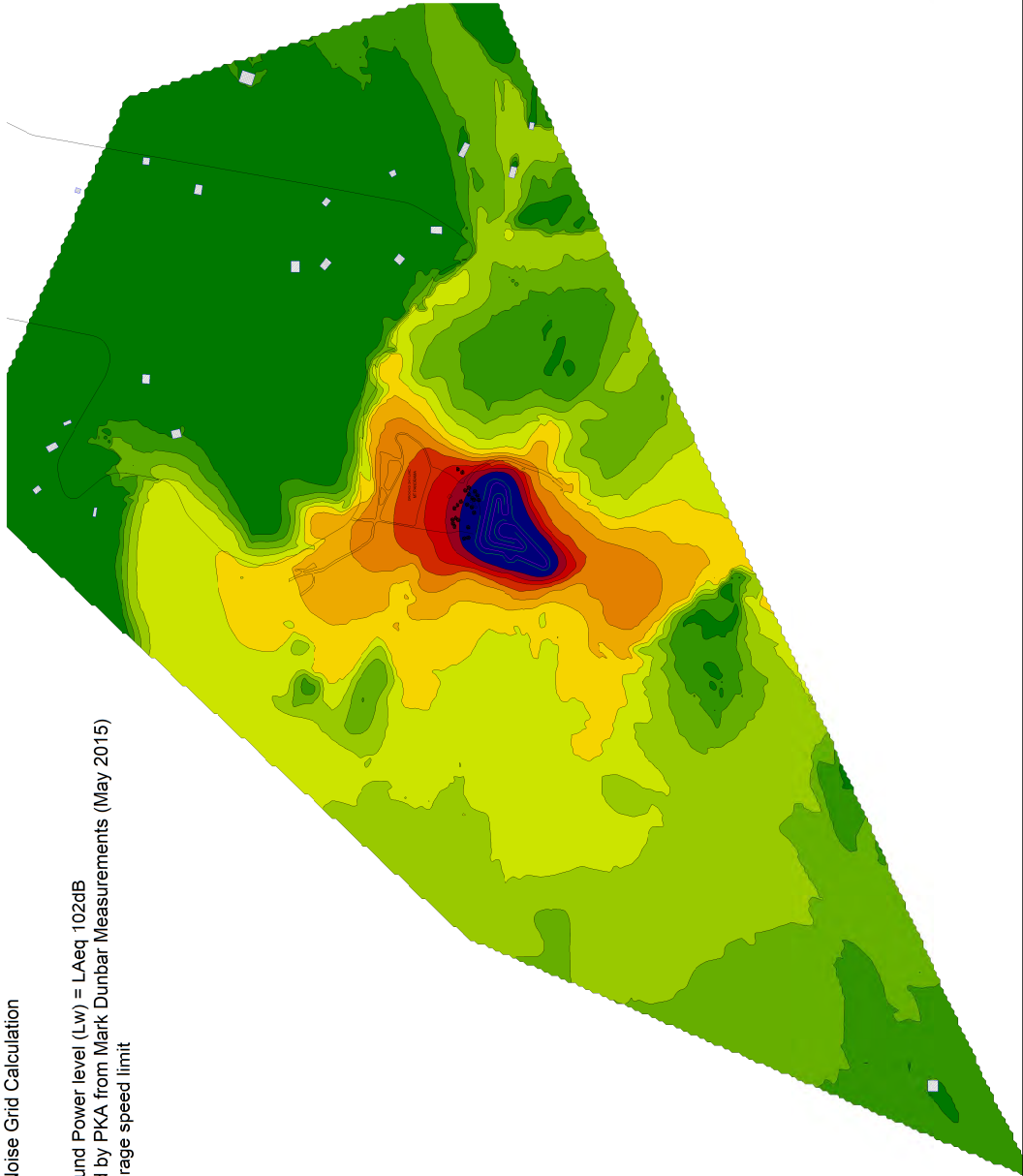


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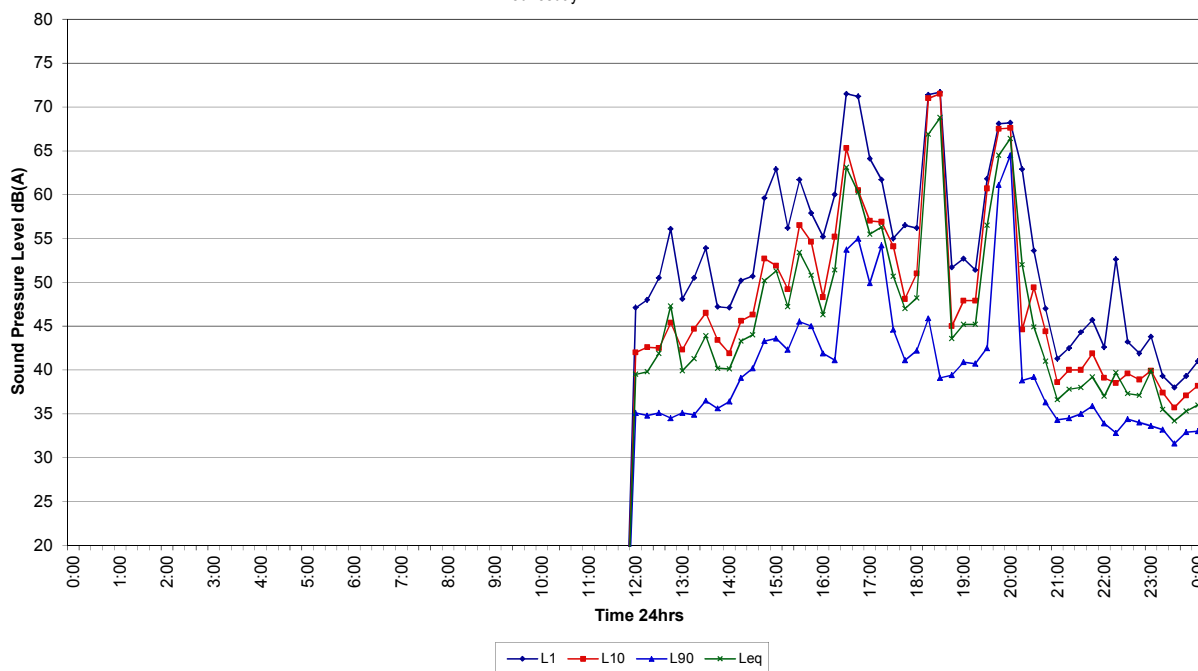
11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

9 AMBIENT NOISE MONITORING

NOISE DATA LOGGER 1 – 402 CONROD STRAIGHT

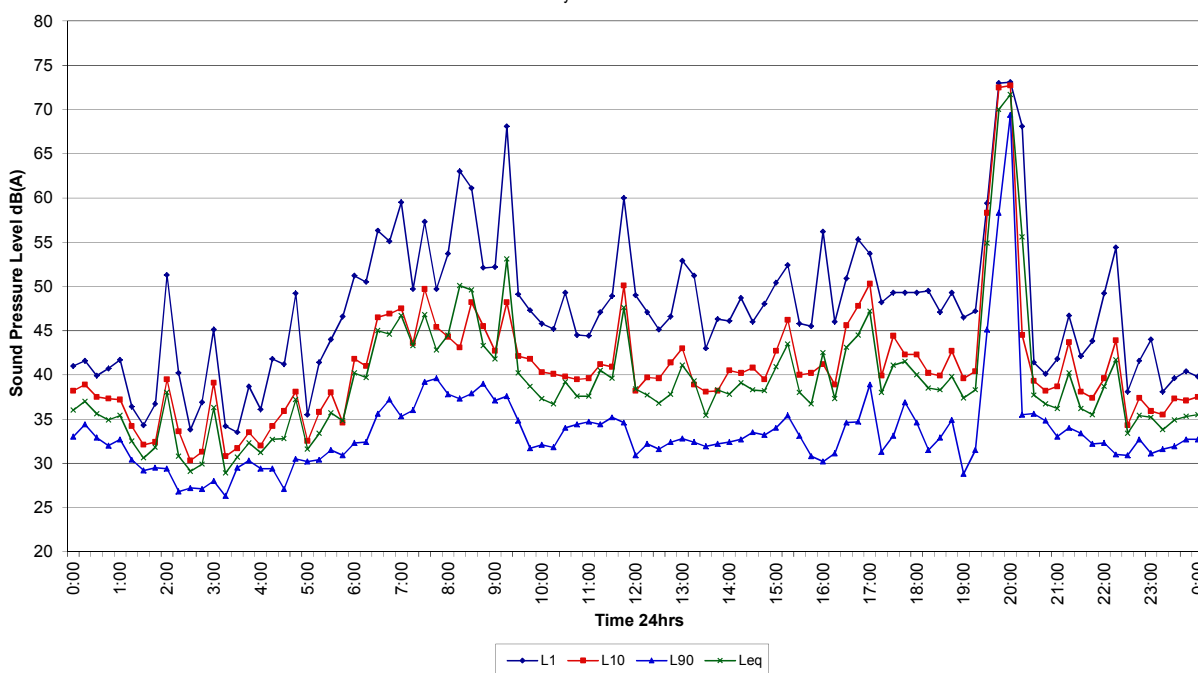
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402 Conrod Straight - Approx 200m from road edge

Wednesday 25/02/2015



215 009 Bathurst Kart Club - Mount Panorama  
402 Conrod Straight - Approx 200m from road edge

Thursday 26/02/2015

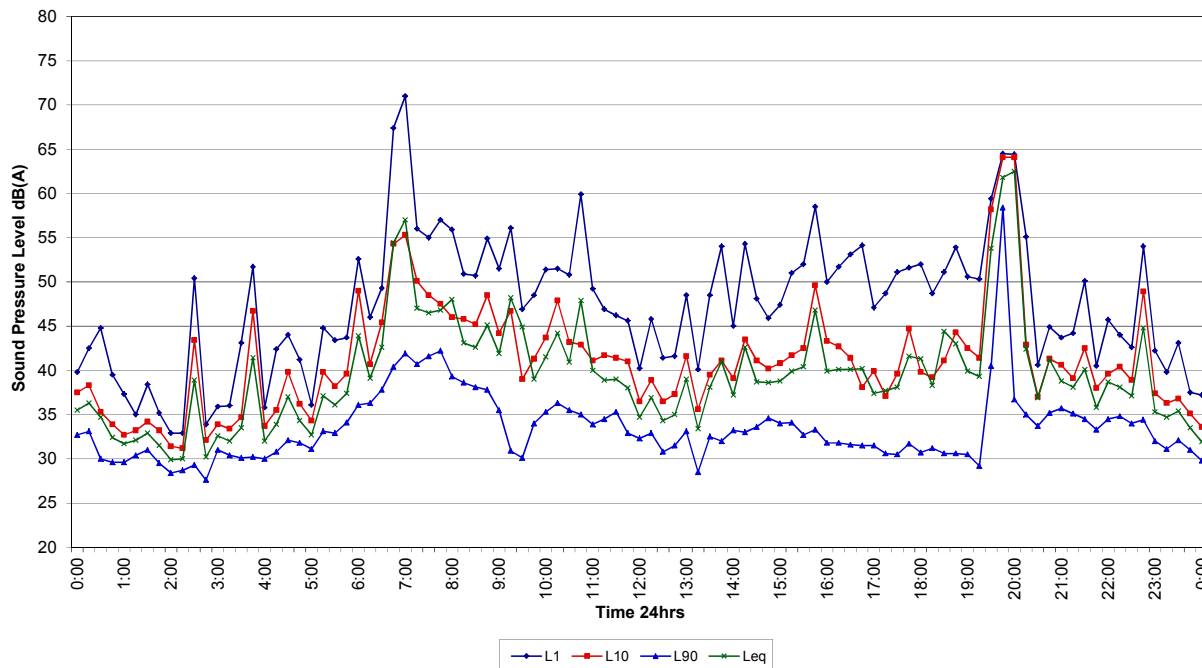


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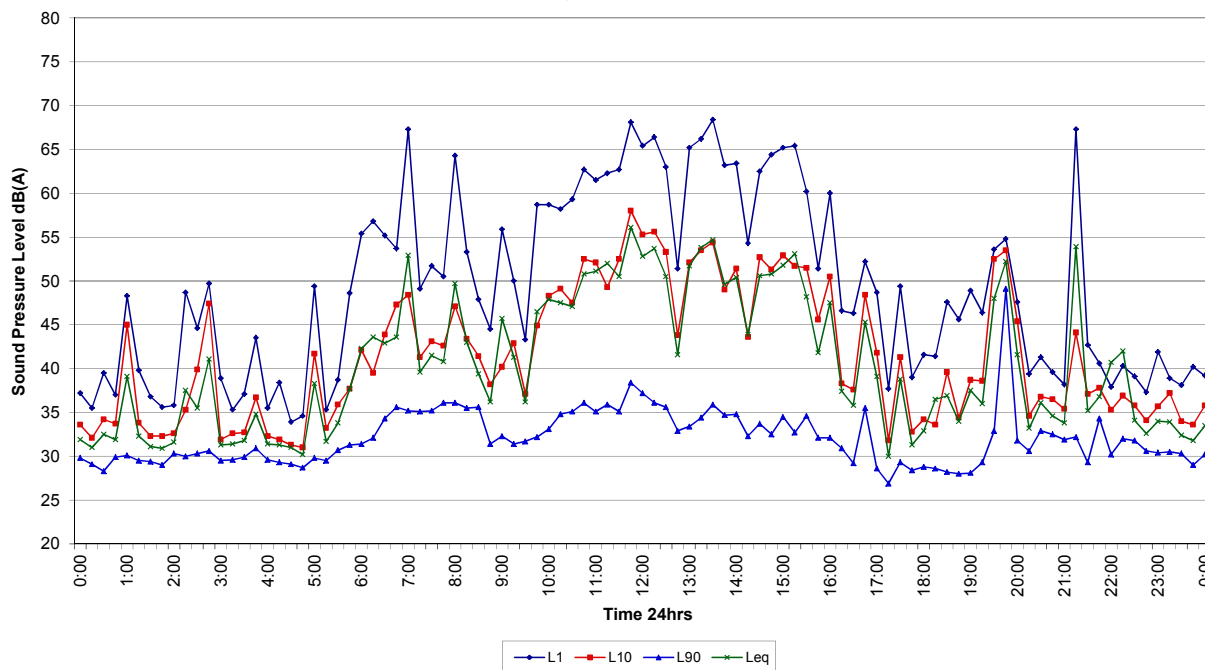
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Saturday 28/02/2015

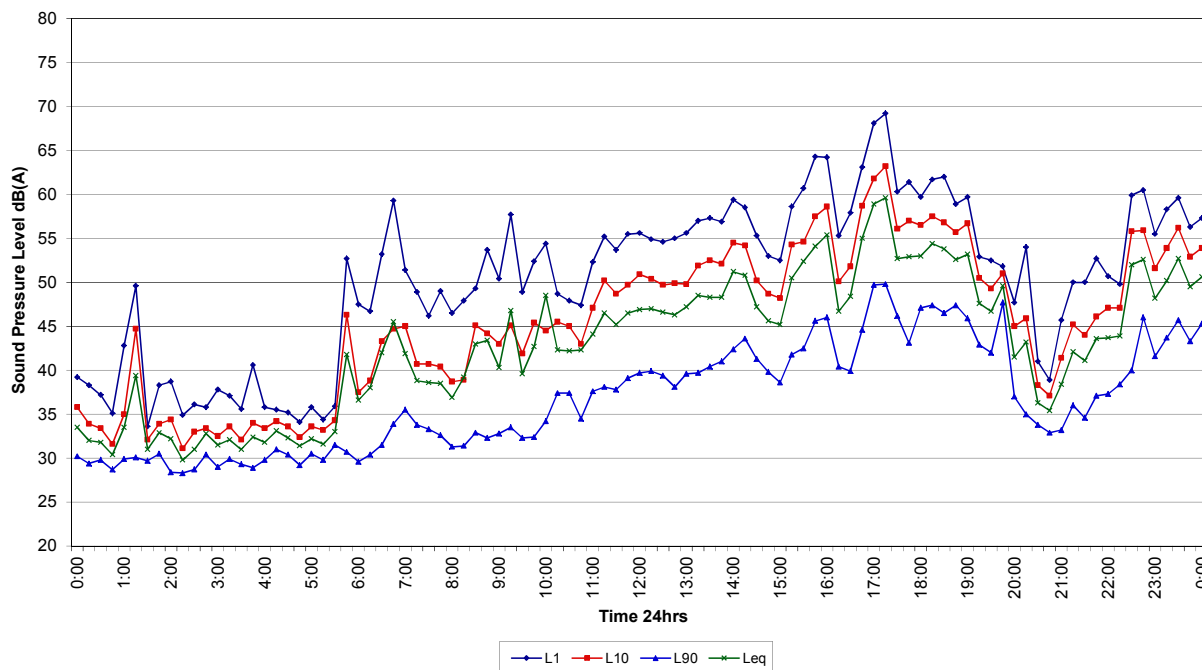


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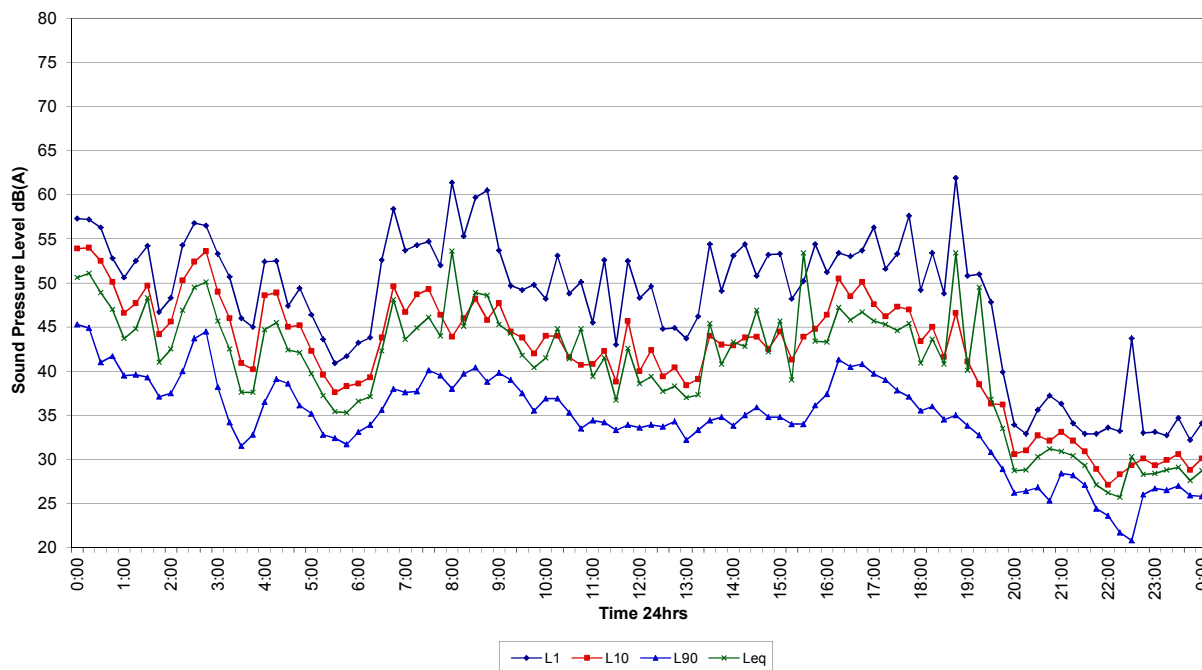
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Monday 2/03/2015

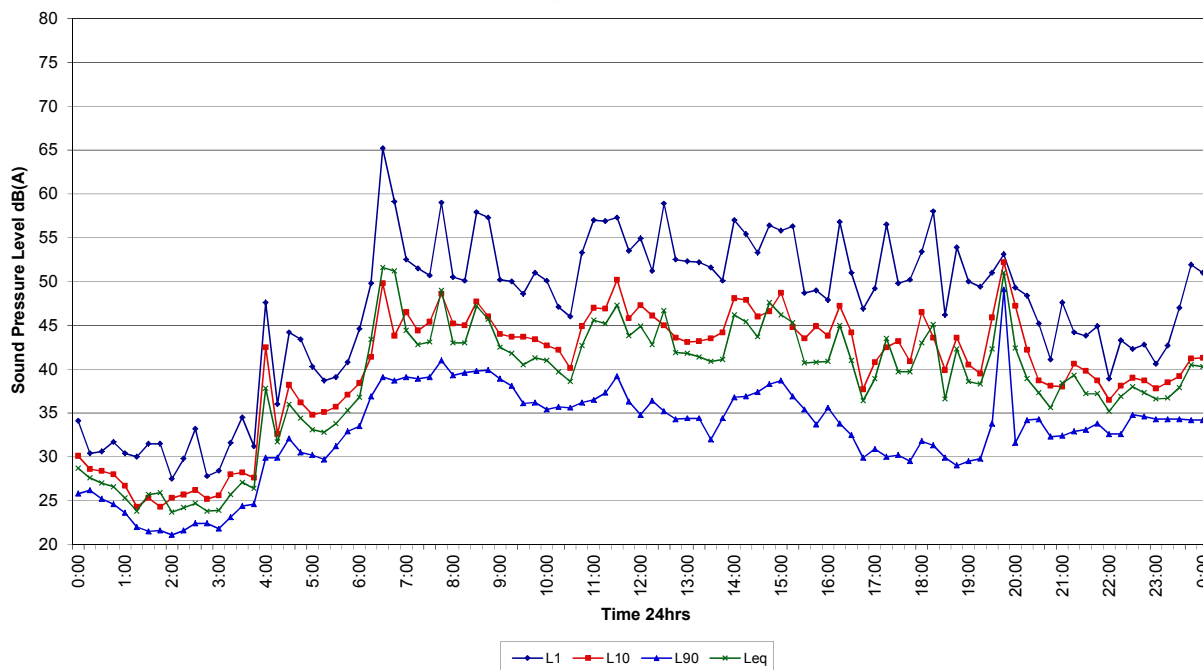


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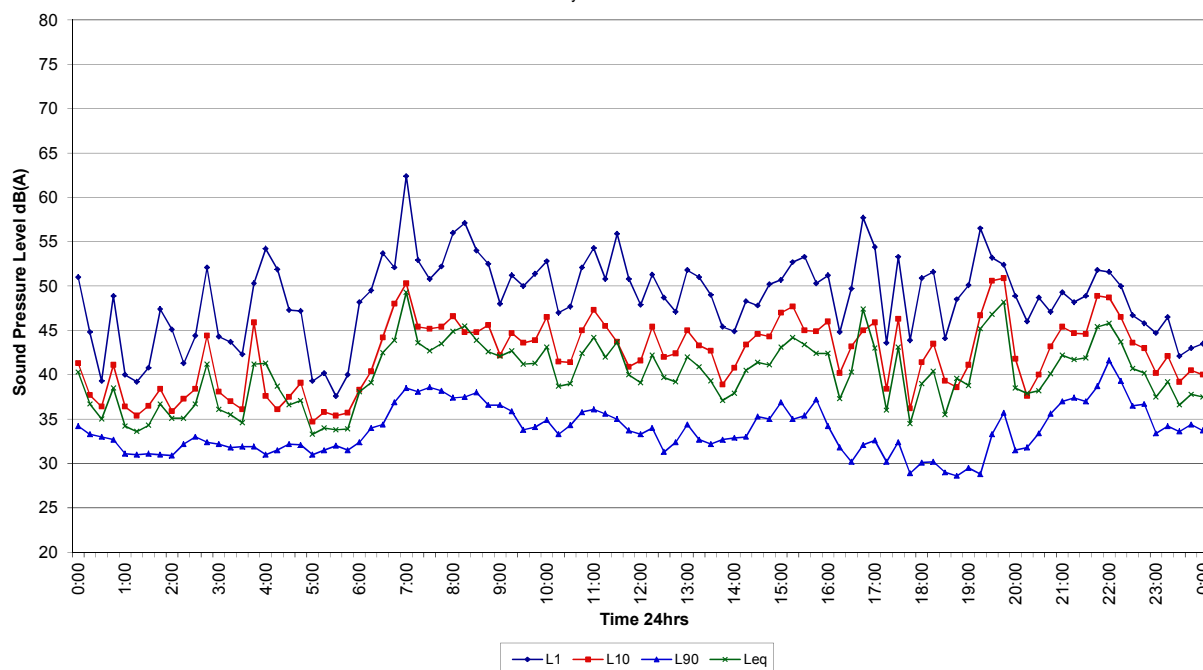
Tuesday 3/03/2015



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Wednesday 4/03/2015



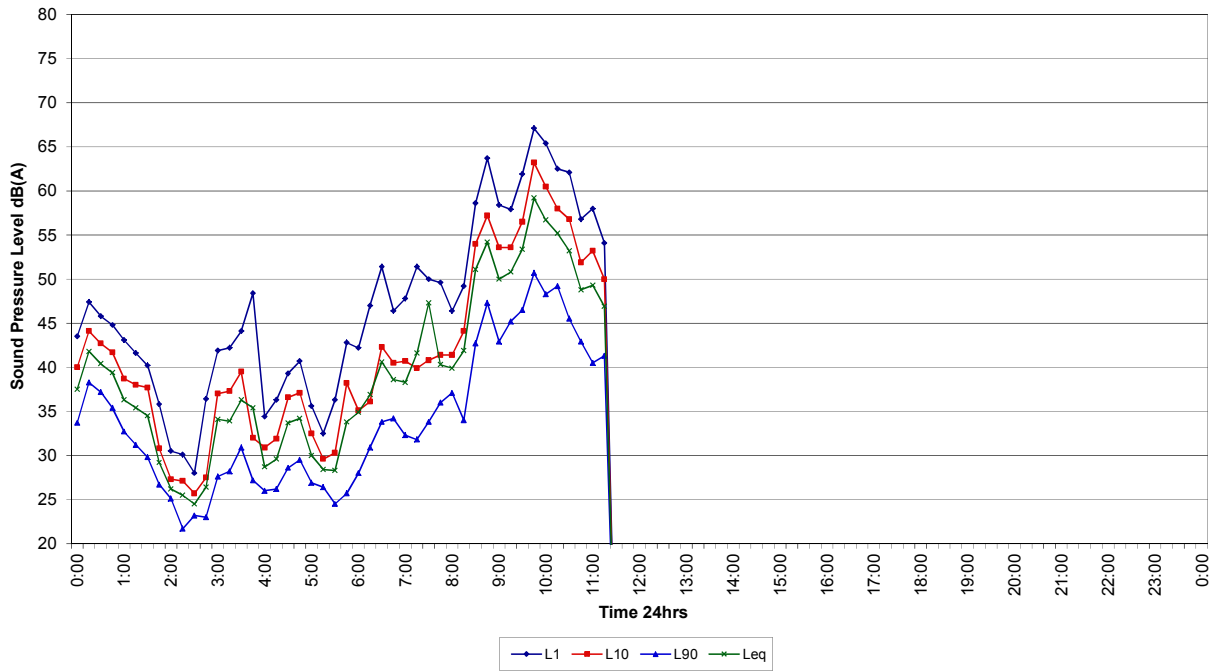


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215 009 Bathurst Kart Club - Mount Panorama

402 Conrod Straight - Approx 200m from road edge

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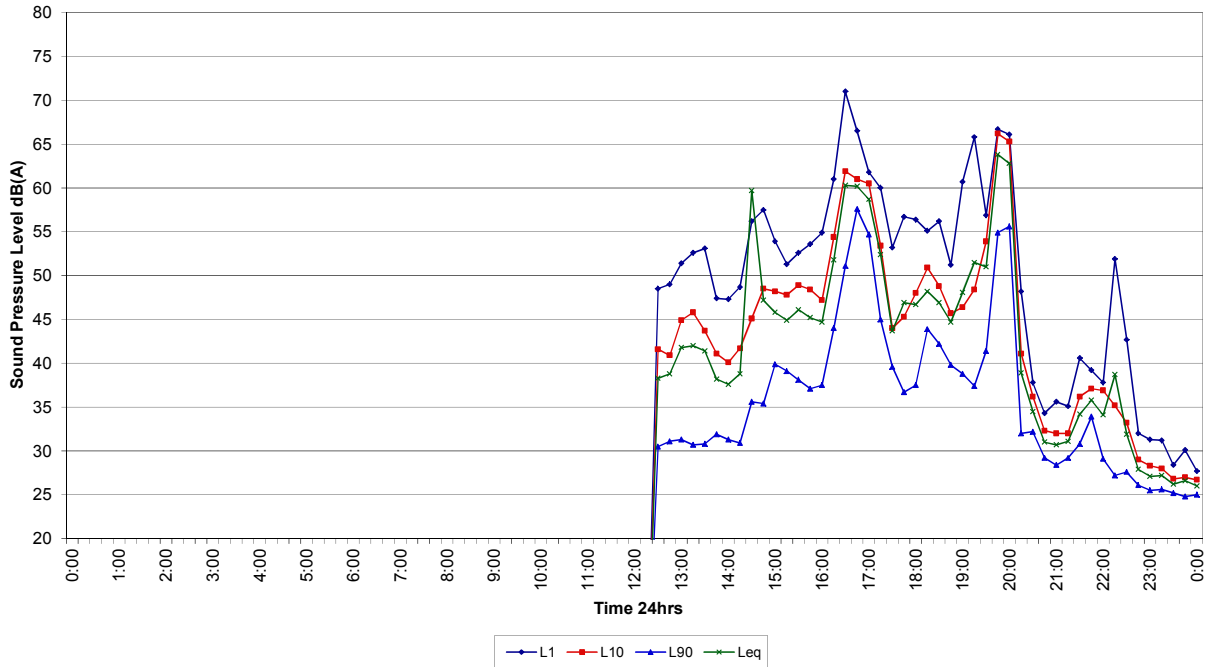


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NOISE DATA LOGGER 2 – 280 HEN & CHICKEN ROAD

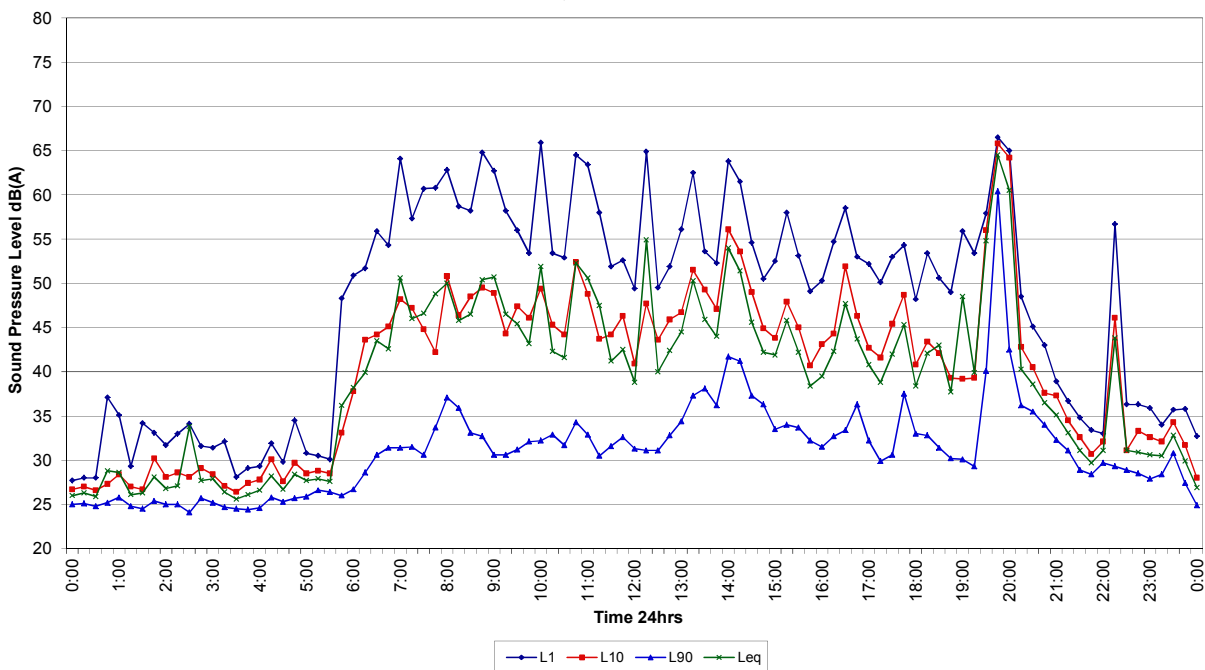
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280 Hen & Chicken Road - Approx 200m from road edge

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280 Hen & Chicken Road - Approx 200m from road edge

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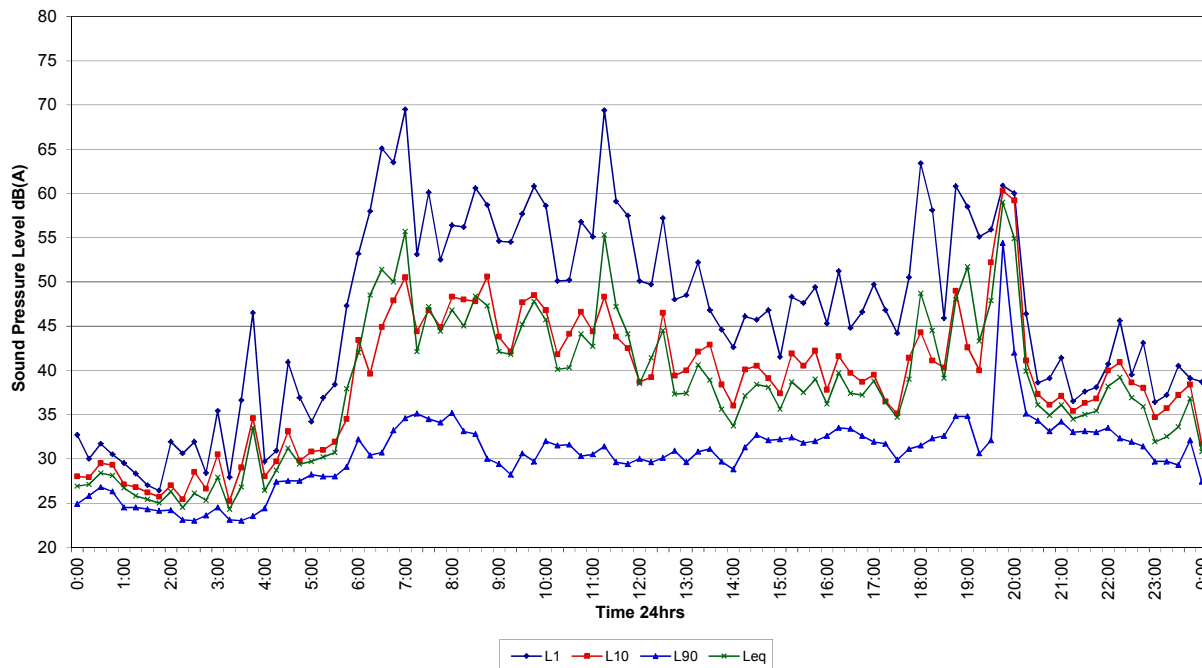


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215 009 Bathurst Kart Club - Mount Panorama

280 Hen & Chicken Road - Approx 200m from road edge

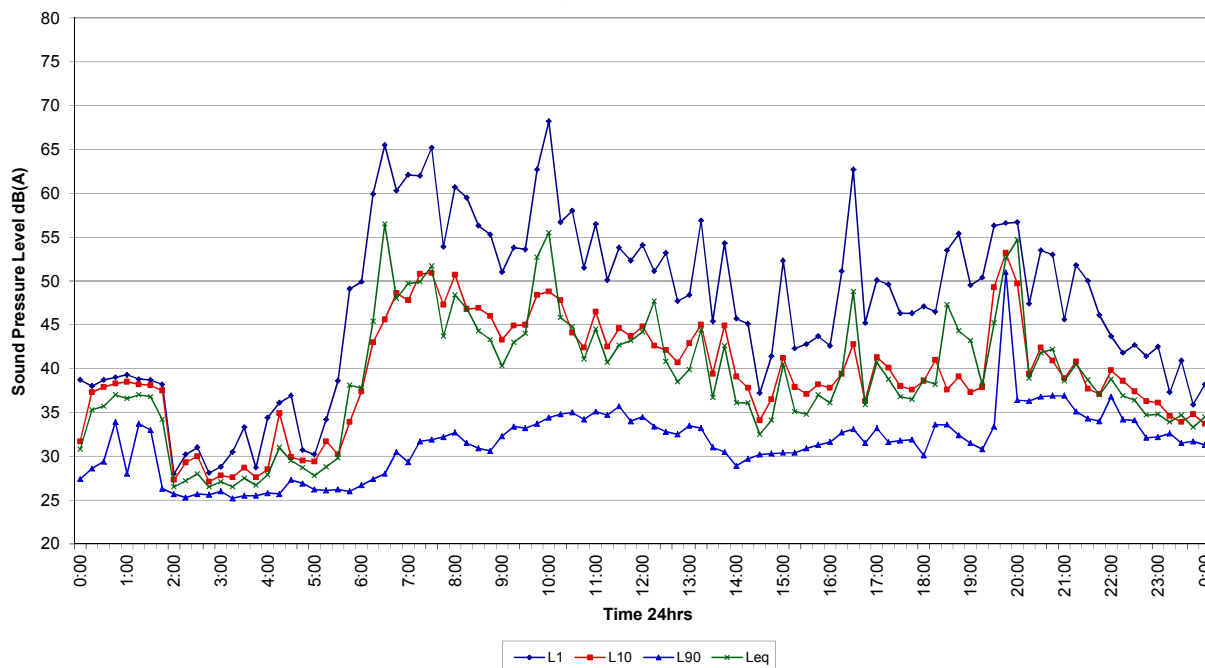
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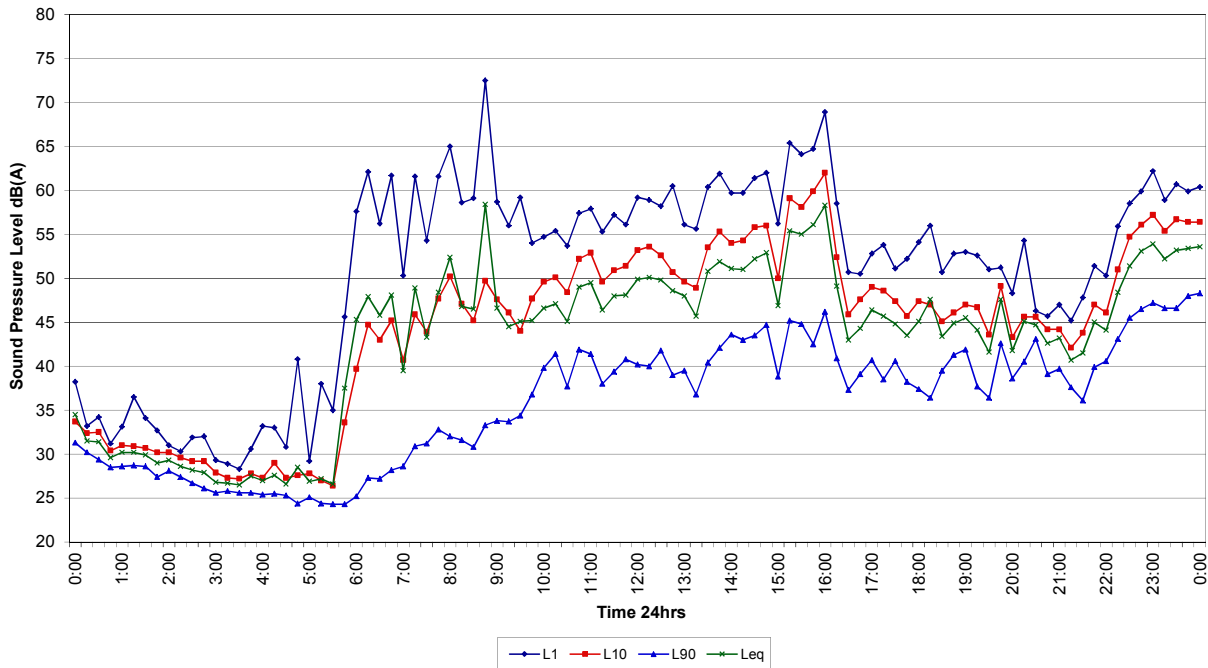
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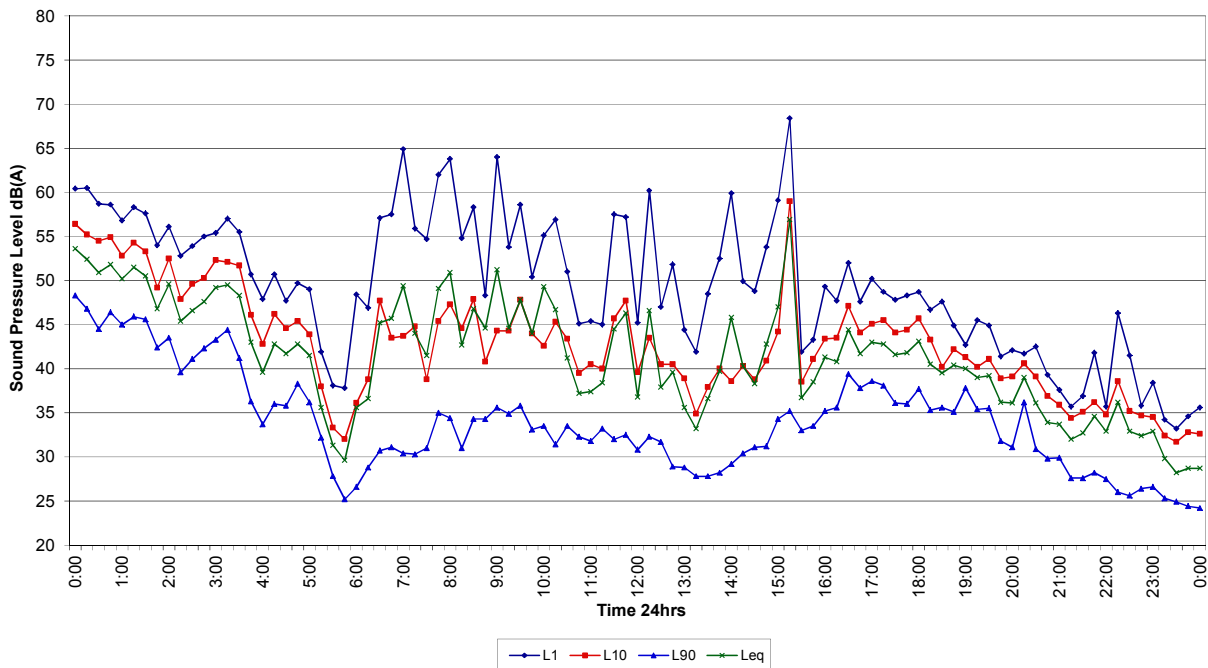
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280 Hen & Chicken Road - Approx 200m from road edge

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280 Hen & Chicken Road - Approx 200m from road edge

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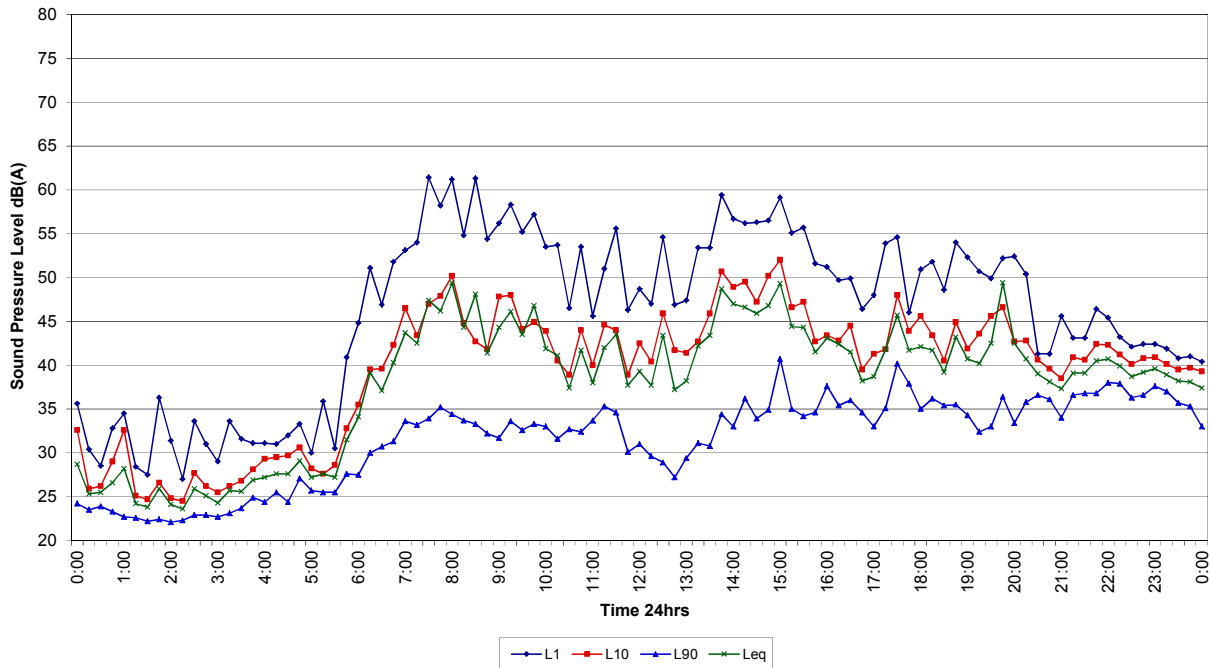


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280 Hen & Chicken Road - Approx 200m from road edge

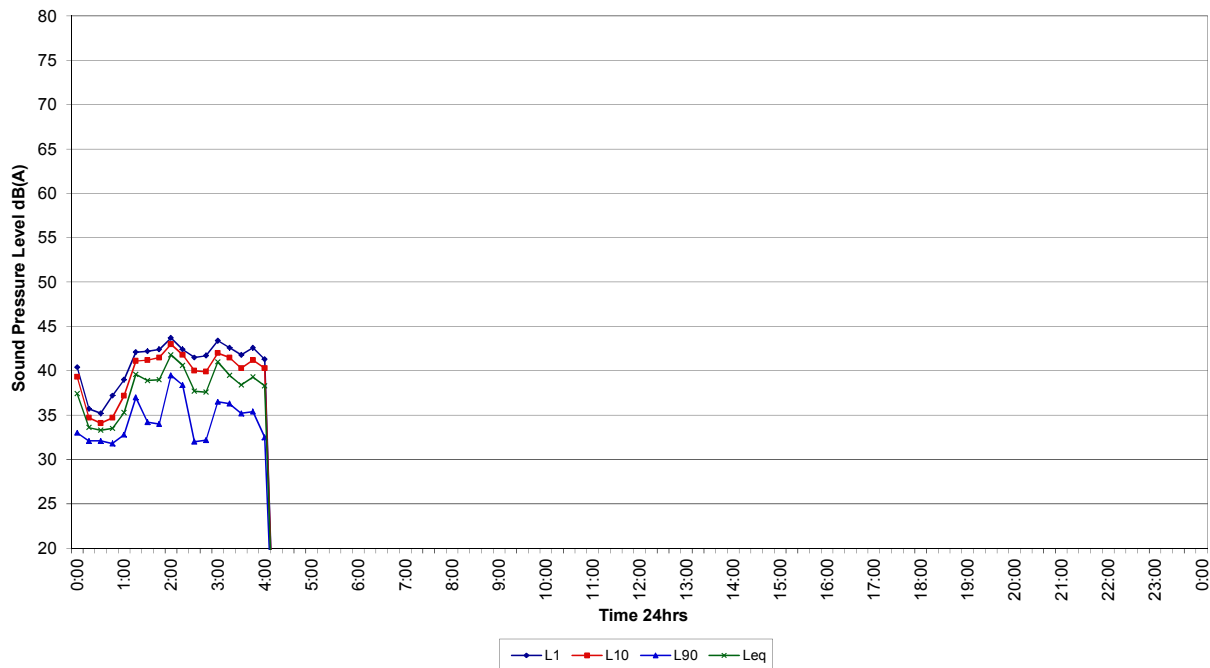
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## 11076 Acoustic Assessment - Bathurst Kart Club Mount Panorama

### GLOSSARY OF ACOUSTIC TERMS

**dB** – A decibel (dB) is a unit of measurement that represents sound levels. Sound levels are measured by pressure variations in the air. The human ear can perceive a large range of sound levels however it responds to the change in sound levels in a logarithmic fashion, therefore for convenience the decibel is a logarithmic unit of measurement.

The table below sets out the subjective effect of changes in sound level:

Change in Sound Level (dB)	Change in Power	Change in Loudness
3	2x	Just Perceivable
5	3x	Clearly Noticeable
10	10x	Twice As Loud
20	100x	Much Louder

For example a 1-2dB change is unlikely to be perceivable, however a change of 5-10dB will be clearly noticeable.

**dBA or dB(A)** – As well as the human ear perceiving sound levels in a logarithmic fashion (see **dB**) the ear also is more sensitive to high (treble) frequencies than it is to low (bass) frequencies. The “A” in dBA stands for “A-weighting” which applies a correction to certain frequencies to approximate the ear’s sensitivity and subjective reaction to how loud a sound is perceived.

The table below sets out the typical sound levels for various environments:

Sound Level dBA	Subjective Reaction	Typical Experience
140	Intolerable	Threshold of Pain
130		
120	Deafening	Pneumatic Drill at 1m
110		
100	Loud	Go-kart track at 10m
90		
80	Loud	Adjacent Busy Road
70		
60	Moderate	Outside Busy Cafe
50		
40	Quiet	Outside Suburban / Rural Property
30		
20	Very Quiet	Inside recording studio
10		

The disadvantage of using dBA is that, as a single number e.g. 50dBA, it gives no indication of the spread of sound energy across the frequency spectrum. See [Octave Band Centre Band Frequency](#).

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Sound Pressure Level – The amount of noise from a source measured at a particular distance. For example a go-kart's sound pressure level at 5m distance was measured to be 80dBA.

Sound Power Level – The total amount of noise from a particular source. This is typically calculated at a distance of 1m. For example a go-kart's sound power level was calculated to be 102dBA.

Leq – The level for the overall noise exposure over a specific time. As noise levels fluctuate the Leq represents the energy average if a continuous steady sound was measured. The time intervals stated in this report are typically  $L_{eq\ 15min}$  (15 minutes) and  $L_{eq\ 1hr}$  (60 minutes)

L90 – The noise level exceeded for 90% of the measurement time, or simply the lowest 10% of noise measured. This can be representative of the Background Noise.

Ambient Noise – The combined noise level from all noise producing sources within a given environment

Background Noise – The underlying noise level within the Ambient Noise. This is typically noted as  $L_{90}$  and defined as “the noise level that is exceeded for 90% of the time measured”, or simply the lowest 10% of noise measured.

Assessment Background Level (ABL) – The individual background noise level for each period. It is calculated for each period by taking the  $L_{90}$  for each daytime / evening / nighttime periods measured.

Rating Background Level (RBL) – The overall background noise level for each period. It is calculated for each period by taking the median (middle) value from all the daytime / evening / nighttime ABL figures measured.

Receptor (Sensitive Receiver) – Nominated residential locations surrounding the proposed track. Noise impacts are calculated at the boundary of the nominated receptor except for rural properties where the boundaries are greater than 30m from the dwelling, in which case the noise impacts are calculated at the most-affected point within 30m of the dwelling.

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# GO KART TRACK DEVELOPMENT- FLORA AND FAUNA ASSESSMENT

Mt Panorama, NSW  
Prepared for Bathurst Regional Council





# Go Kart track development– Flora and Fauna Assessment, Mt Panorama Bathurst

## Document Verification

Revision	Author/s	Internal Review	Date submitted	Client Review	
				Name	Date
0	J Dessmann	E Cotterill	15/10/18	Leona Webster & Michael Coles (BRC)	18/10/18
Final	J Dessmann		22/10/18	BRC environment department	29/11/18
Inclusion of BRC threatened species records	J Dessmann	E Cotterill	3/12/18		

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This Report has been prepared by The Environmental Factor (TEF) at the request of the Bathurst Regional Council (BRC). The purpose of this report is to document the biodiversity assets found on site, and to assess those that are likely to be impacted either directly or indirectly as a result of the Go Kart track development proposal at Mt Panorama, Bathurst, to support a Statement of Environmental Effects (SEE) and Development Application (DA) to be submitted for these works.

This document is not intended to be utilised or relied upon by any persons other than BRC and their appointed contractors nor to be used for any purpose other than that articulated above. Accordingly, TEF accepts no responsibility in any way whatsoever for the use of this report by any other persons or for any other purpose.

The information, statements, recommendations and commentary (together the “Information”) contained in this report have been prepared by TEF on the basis of information provided by BRC, from material provided by the NSW Office of Environment and Heritage (OEH) and the Commonwealth Department of the Environment and Energy (DEE), and through the survey process. TEF has not sought any independent confirmation of the reliability, accuracy or completeness of this information. It should not be construed that TEF has carried out any form of audit of the information which has been relied upon.

Accordingly, whilst the statements made in this report are given in good faith, TEF accepts no responsibility for any errors or omissions in the information provided by BRC, OEH or DEE nor the effect of any such errors on the analysis undertaken, suggestions provided, or this report.



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## 1 EXECUTIVE SUMMARY

The Environmental Factor (TEF) was commissioned by Bathurst Regional Council (BRC or Council) to undertake a Flora and Fauna Assessment (FFA) to fully consider the potential ecological impacts relating to the proposed international Go Kart facility development (hereafter 'the proposal'). The study area is located immediately south of McPhillamy Park, in the Mount Panorama precinct near the city of Bathurst in NSW.

This FFA has been undertaken in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The proposal is being determined under Part 4 of the EP&A Act.

The Development Application (DA) for the proposal was submitted during 2015, prior to the implementation of the *Biodiversity Conservation Act 2016* (BC Act) and Biodiversity Offset Scheme (BOS); it is understood that the proposal continues to be considered under the legislation enacted at the time of the DA submission, under transitional arrangements allowed for under the BC Act.

The FFA has therefore been prepared in accordance with the requirements of the *NSW Threatened Species Conservation Act 1995* (TSC Act) (now rescinded) and Matters of National Environmental Significance (MNES) listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The study area includes a former residential dwelling including fenced paddocks recently used for domestic grazing, cultivated garden beds and planted native and exotic wind breaks. Ground truthing of vegetation of the site confirmed the presence of the following two vegetation communities within the study area:

- PCT 654 Apple Box - Yellow Box dry grassy woodland of the South Eastern Highlands Bioregion **(3.74 ha)**
- Cleared / planted vegetation **(6.37 ha)**

Targeted Anabat surveys (completed over three (3) nights) and diurnal habitat assessments were completed on site to identify important habitat components for any threatened species and ecological communities recorded within the area. Based on the desktop assessment, survey results and habitat assessments undertaken, the following affected threatened biota were identified:

- Koala (*Phascolarctos cinereus*; Vulnerable under BC / EPBC Act)
- Threatened Woodland birds: Diamond Firetail (*Stagonopleura guttata*), Dusky Woodswallow (*Artamus cyanopterus*), Brown Treecreeper (*Climacteris picumnus victoriae*), Gang-gang Cockatoo (*Callocephalon fimbriatum*), Flame Robin (*Petroica phoenicea*) and Scarlet Robin (*Petroica boodang*) each listed as Vulnerable under the TSC Act.
- Threatened microbats: Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*; Vulnerable under TSC Act), Eastern Bentwing-bat (*Miniopterus orianae oceanensis*; Vulnerable under TSC Act); Large-footed Myotis (*Myotis Macropus*; Vulnerable under BC / EPBC Act); Corben's Large-eared Bat (*Nyctophilus corbeni*; Vulnerable under TSC / EPBC Act).

Apple Box - Yellow Box dry grassy woodland of the South Eastern Highlands Bioregion forms part of the *White Box Yellow Box Blakely's Red Gum Woodland* listed as Endangered under the TSC Act. The



condition and extent of this vegetation community across the study area did not satisfy the listing criteria for the Critically Endangered Ecological Community listed under the EPBC Act.

The proposal would result in the following ecological impacts:

- The permanent removal of **0.79 ha** of White Box Yellow Box Blakely's Red Gum Woodland listed under the TSC Act.
- Removal of **3.57 ha** of exotic and planted vegetation including exotic Hawthorn and Pine trees which may provide over wintering foraging resources for native avian fauna.
- The removal of three (**3**) hollow bearing trees containing approximately eight (**8**) hollows, and two (**2**) dead trees (stags) providing potential habitat for hollow dependent fauna including threatened microbats.
- Reduction of **0.79 ha** woodland habitat for Koala (listed as Vulnerable under the TSC and EPBC Acts) including the removal of two (**2**) Ribbon Gum trees listed as primary feed trees for the Central Tablelands region.
- Indirect impacts to **2.95 ha** of White Box Yellow Box Blakelys Red Gum Woodland vegetation listed under the TSC Act, and
- Potential injury or mortality of small, terrestrial fauna within the proposal footprint.

Assessments of Significance were prepared in accordance with Section 5AA (Section 1.7 under current legislation) of the EP&A Act (Assessments of Significance) and the EPBC Act *Matters of National Environmental Significance –Significant Impact Criteria Guidelines* (DEWHA, 2009). These assessments have concluded that the proposal is unlikely to have a significant negative effect on the local populations of Box Gum Woodland, Koala or threatened microbats or woodland birds present within the locality.

Specific mitigation measures are warranted to minimise the potential indirect impacts of the proposal on the natural environment outside of the proposal footprint during construction and operation. This would include preparing and implementing a Construction Environmental Management Plan (CEMP), including erosion, sediment, and fauna habitat management and weed control measures to minimise the potential for adverse impacts on adjoining habitats.



## 2 INTRODUCTION

### 2.1 Overview

The Environmental Factor (TEF) has been engaged by the Bathurst Regional Council (BRC) to prepare a Flora and Fauna Assessment (FFA) to assess the ecological constraints and significance of the potential environmental impacts associated with a proposed Go Kart facility on Mount Panorama NSW (hereafter “the proposal”). The FFA has been undertaken in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The proposal is being determined under Part 4 of the EP&A Act.

The Development Application (DA) for the proposal was submitted during 2015, prior to the implementation of the *Biodiversity Conservation Act 2016* (BC Act) and Biodiversity Offset Scheme (BOS). It is understood that the proposal continues to be considered under the legislation enacted at the time of the DA submission, under transitional arrangements allowed for under the BC Act.

The FFA has therefore been prepared to assess the potential for impacts on ecological values, with particular emphasis on threatened ecological communities, populations and species listed under the *NSW Threatened Species Conservation Act 1995* (TSC Act) (now rescinded) and Matters of National Environmental Significance (MNES) listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

### 2.2 Terms and definitions

The following terms are used in this report:

- Subject site - The area to be directly affected by the proposal including earthworks and vegetation clearing encompassing the proposed Go Kart facility, including a 1.1km track, various amenities buildings, and a gently sloping batter extent, measuring a total area of **4.35ha**.
- Study area - Includes the subject site (as described above) and any proximal areas that have the potential to be directly or indirectly impacted by the proposal. For the purposes of this FFA, the study area has included a 50m buffer from the boundary of the subject site, measuring a total area of **10.11 ha**.
- The locality - Is the area within 10 kilometres of the proposal.

### 2.3 Proposal description

The Go Kart development is proposed to be located across portions of Lots 1 and 2 DP634401, Lot 1 DP700629, Lot 9 DP1047248 and Lot 40 DP1056379 on the crest and southern slopes of Mount Panorama.

The key features of the proposal include development of a 1100 m Go Kart track circuit and pit complex to satisfy international track design requirements. Preliminary Layout Design plans (Rev 0 14/09/2018) are provided as Appendix A. Extensive earthworks will be required to accommodate the required track gradients, including appropriate batters along Mount Panorama.





All vegetation and existing building infrastructure present within the subject site will be removed as part of this proposal, including an existing brick dwelling with a garage, established gardens and windrows, agricultural fencing, and two (2) existing reservoir tanks located on the southern extent of adjacent McPhillamy Park.

McPhillamy Park, directly to the north of the proposal, will continue to be used for camping and parking during events, however, no other modifications are proposed to this area. Consequently, the majority of this area has not been included as part of the subject site.

## 2.4 Aims and scope of the report

The aims of this assessment are to:

- Identify the presence or likely presence of threatened species, populations and ecological communities and their habitats listed under the TSC Act.
- Identify the potential for any Matters of National Environmental Significance (MNES) listed under the EPBC Act to occur within the proposal footprint and/or to be indirectly impacted by the proposal.
- Identify the potential impacts of the proposal on threatened biota or migratory species and their habitats.
- Recommend mitigation and environmental management measures to avoid or minimise adverse impacts on threatened biota and biodiversity values, as appropriate, to facilitate the relevant planning approvals process.
- Assess the Significance of impacts on threatened biota listed under the TSC Act and identify the likely requirement or otherwise for further assessment and approvals under the EP&A Act.
- Assess the significance of impacts on MNES and identify the likely requirement or otherwise for further assessment and approvals under the EPBC Act.



Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment

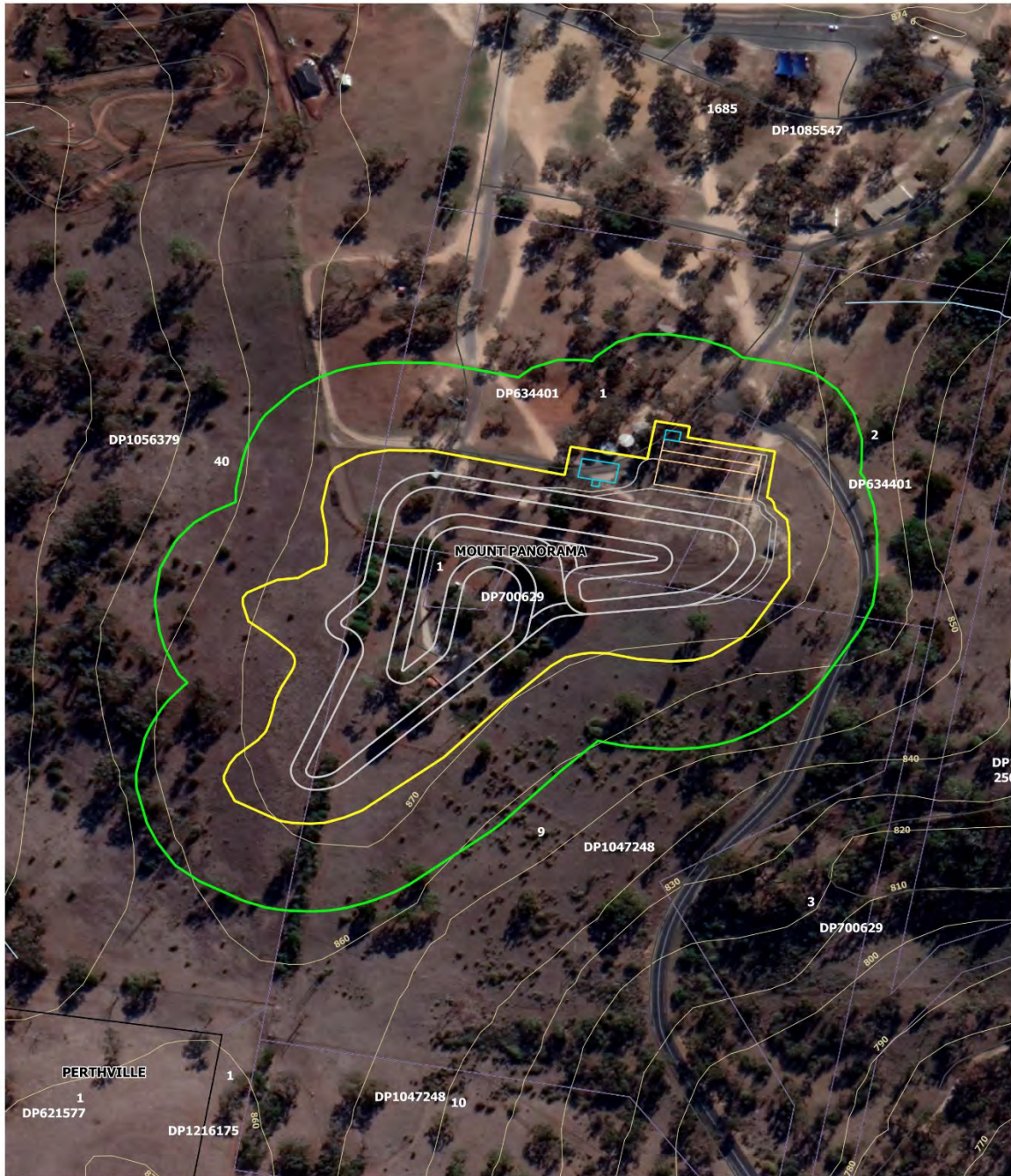
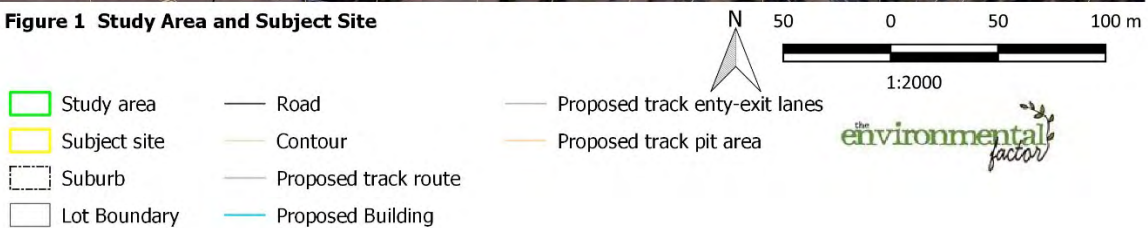


Figure 1 Study Area and Subject Site



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Figure 1 Study Area and Subject Site



### 3 LEGISLATIVE CONTEXT

#### 3.1 NSW State Legislation

##### 3.1.1 *Environmental Planning and Assessment Act 1979 (EP&A Act)*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) forms the legal and policy platform for proposal assessment and approval in NSW and aims to, inter alia, 'encourage the proper management, development and conservation of natural and artificial resources'. All development in NSW is assessed in accordance with the provisions of the EP&A Act and EP&A Regulation 2000. In addition, S 111 of the Act states that the determining authority must consider the effect of an activity on:

- 'Critical habitat' (as defined under the TSC Act and FM Act).
- Species, populations or ecological communities, or their habitats (as listed under the TSC Act) and whether there is likely to be a 'significant effect' on those species, populations or ecological communities.
- Other protected fauna or protected native plants listed under the National Parks and
- Wildlife Act 1974.

Section 5AA of the EP&A Act listed factors that must be taken into account in the determination of the significance of potential impacts of a proposed activity on threatened species, populations or ecological communities (or their habitats) listed under the TSC Act. This Assessment of Significance is used to assist in the determination of whether a proposal is 'likely' to impose 'a significant effect' on threatened biota and thus whether a species impact statement (SIS) is required. Section 5AA of the EP&A Act was addressed as part of the current assessment as described herein, and Assessments of Significance were completed for relevant threatened species and ecological communities that are likely to be affected by the proposal. These assessments are included in Appendix F of this report.

##### 3.1.2 *Threatened Species Conservation Act 1995 (TSC Act)*

The *Threatened Species Conservation Act 1995* (TSC Act) previously provided the legal status for biota of conservation significance in NSW. The Act aimed to, amongst other things, 'conserve biological diversity and promote ecologically sustainable development'. It provided for:

- The listing of 'threatened species, populations and ecological communities', with endangered species, populations and communities listed under Schedule 1, 'critically endangered' species and communities listed under Schedule 1A, and vulnerable species and communities listed under Schedule 2.
- The listing of 'Key Threatening Processes' (under Schedule 3).
- The preparation and implementation of Recovery Plans and Threat Abatement Plans.
- Requirements or otherwise for the preparation of a Species Impact Statement (SIS).

The TSC Act has been addressed in the current assessment through:

- Desktop review to determine the threatened species, populations or ecological communities that have been previously recorded within the locality and hence could occur subject to the habitats present.



- Targeted field surveys for threatened species, populations and ecological communities listed under the Act.
- Identification, assessment and mapping of threatened communities and threatened species (or their habitat) listed under the Act.
- Assessment of potential impacts on threatened species, populations and ecological communities listed under the Act.
- Identification of suitable impact mitigation and environmental management measures for threatened species, where required.

### **3.1.3 NSW Biosecurity Act 2015 (Biosecurity Act)**

The *NSW Biosecurity Act 2015* (Biosecurity Act) outlines mandatory measures that persons are to take with respect to biosecurity matters including the management of weeds (Part 2, Division 8 including Weeds of National Significance (WoNS)). Under the Biosecurity Act, the responsibilities for weed management by public and private landholders are consistent, reflecting that weed management is a shared community responsibility. The Act introduces the legally enforceable concept of a General Biosecurity Duty (GBD). Priority weeds are listed within Regional Strategic Weed Management Plans, however the GBD is not restricted to listed weeds.

The Biosecurity Act is administered by NSW Department of Primary Industries which determines the weed species covered by regulatory tools including Prohibited Matters, Control Orders and Biosecurity Zones. Existing Local Control Authorities (Councils) continue to be responsible for enforcing weed legislation.

Priority weeds observed on site are outlined in Section 5.1.2.

### **3.1.4 Local Land Services Act 2013 (LLS Act)**

The *Local Land Services Act 2013* (LLS Act) includes the management of natural resources in the consideration of the principles of Ecological Sustainable Development (ESD).

Vegetation clearing provisions are considered under Part 5A of the LLS Act. The LLS Act regulates the clearing of native vegetation on all land in NSW mapped as Category 2 – Regulated Land as mapped on the Native Vegetation Regulatory Map. It does not include Excluded Land and Category 1 Exempt Land mapped on the Native Vegetation Regulatory Map.

Vegetation clearing which does not require development consent under the EP&A Act is considered for approval by the Native Vegetation Panel under the LLS Act.

A review of the Native Vegetation Regulatory map (report generated 09/10/2018; Appendix B) confirmed that the study area occurs on land mapped as Excluded Land. Consequently, the clearing regulations under Part 5A LLS Act (s60H) do not apply.

### **3.1.5 Local Land Services Amendment Act 2016 (LLSA Act)**

The *Local Land Services Amendment Act 2016* (LLSA Act), which amended the *Local Land Services Act 2013*, authorised the making of the Land Management (Native Vegetation) Code 2018 (Div 5, Sch 1 of the LLSA Act). The aim of the Code is to authorise clearing of native vegetation on Category 2 regulated land under certain conditions and provide for the establishment and maintenance of set aside areas.



Review of the Native Vegetation Regulatory map (report generated 09/10/18 Appendix B) confirmed that the study area does not occur on Category 2 regulated land. Consequently, the clearing regulations under Part 14 of the LLSA Act do not apply.

## 3.2 State Environmental Planning Policies

### 3.2.1 SEPP 44: Koala Habitat

State Environmental Planning Policy 44 (SEPP 44) aims to encourage the 'proper conservation and management of areas of natural vegetation that provide habitat for Koalas (*Phascolarctos cinereus*) to ensure a permanent free-living population over their present range and reverse the current trend of Koala population decline'. The application of SEPP 44 to the proposal may depend on which Part of the EP&A Act the proposal is assessed under. The principles of SEPP 44 are adopted here as a guide to the assessment of Koala populations and their habitats. The Koala is listed as a Vulnerable species under the TSC Act and EPBC Act, and thus also requires assessment under these Acts.

Schedule 1 of SEPP No. 44 identifies local government areas (LGAs) to which SEPP 44 applies. The site is within the Bathurst LGA which is listed under Schedule 1. SEPP 44 requires that before granting consent for development on land over 1 hectare in area, a consent authority must be satisfied as to whether or not the land is 'potential' and 'core' koala habitat. Potential koala habitat is defined as 'an area of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component'. Core koala habitat is defined as 'an area of land with a resident breeding population of koalas, evidenced by attributes such as breeding females and recent sightings and historical records of a population'. Where core koala habitat is found to occur, SEPP 44 requires that a site-specific Koala Plan of Management (KPoM) be prepared, unless an LGA based KPoM exists. Bathurst Regional Council has not prepared a comprehensive KPoM for the LGA.

The study area is dominated by Apple Box listed as a secondary Koala food tree identified for this region in the Koala Recovery Plan (DECC 2008). Two individual Ribbon Gum trees listed as primary Koala food trees are also present within the study area. Twenty-three (23) Koala records have been identified within the locality (OEH 2018). No evidence of Koala (i.e. scats, scratches, observations) were recorded during the site inspection suggesting that the study area supports potential Koala habitat. An assessment of potential Koala habitat was undertaken and preliminary assessments of impacts of the proposal on the Koala, based on field surveys, have been considered in this report.

## 3.3 Commonwealth EPBC ACT

### 3.3.1 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The purpose of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is to ensure that actions likely to cause a significant impact on 'matters of national environmental significance' undergo an assessment and approval process. Under the EPBC Act, an action includes a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things (DEWHA 2009). An action that 'has, will have or is likely to have a significant impact on a matter of national environmental significance' is deemed to be a 'controlled



action' and may not be undertaken without prior approval from the Australian Government Minister for Sustainability, Environment, Water, Population and Communities (the 'Minister').

The EPBC Act identifies nine Matters of National Environmental Significance (MNES) as:

- World heritage properties.
- National heritage places.
- Wetlands of international importance (Ramsar wetlands).
- Threatened species and ecological communities.
- Migratory species.
- Commonwealth marine areas.
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining)
- A water resource, in relation to coal seam gas development and large coal mining development.

The EPBC Act has been addressed in the current assessment through:

- Desktop review to determine the MNES that are predicted to occur within the locality of the proposed scheme and hence could occur, subject to the habitats present.
- Targeted field surveys for threatened biota and migratory species listed under the Act.
- Identification of suitable impact mitigation and environmental management measures for threatened biota, where required.
- Assessment of potential impacts on MNES, if appropriate.

Potential impacts on relevant MNES must be subject to Assessments of Significance pursuant to the EPBC Act Significant Impact Guidelines (DEWHA 2009). If a significant impact is considered likely, a referral under the EPBC Act must be submitted to the Commonwealth Environment Minister.

This study assesses the likelihood of MNES occurring in the study area and their potential to be impacted by the proposal. Assessments of significance for relevant MNES are included in Appendix G.



## 4 METHODOLOGY

### 4.1 Desktop Review

#### 4.1.1 Database searches

A desktop assessment was undertaken to identify threatened flora and fauna species, populations and ecological communities listed under the TSC Act and MNES listed under the EPBC Act that may be affected by the proposal. Database records pertaining to the site and locality (i.e. 10 kilometre radius) were reviewed and included:

- BRC held, confidential/restricted access threatened species records (provided 29/11/2018).
- OEH Wildlife Atlas database (publicly accessed) for records of threatened species and endangered ecological communities listed under the TSC Act that has been recorded within the locality of the subject site (OEH 2018, data accessed 12<sup>th</sup> September 2018).
- Department of the Environment and Energy (DEE) Protected Matters Search Tool for Matters of National Environmental Significance (MNES) listed under the EPBC Act recorded or predicted to occur in the locality of the site (DEE 2018, report generated 12<sup>th</sup> September 2018).
- OEH threatened species profiles online database (OEH 2018)
- DEE online species profiles and threats database (DEE 2018).
- Reconstructed and Extant Distribution of Native Vegetation in the Central West Catchment (DECC 2006)
- Central Tablelands Regional Weed Strategy Management Plan (Central Tablelands LLS 2017).

Following collation of database records and species and community profiles, a 'likelihood of occurrence' assessment was prepared with reference to the broad habitats contained within the subject site (confirmed during the site inspection; refer to Appendix E). The assessment was further refined following field surveys and assessment of habitats present.

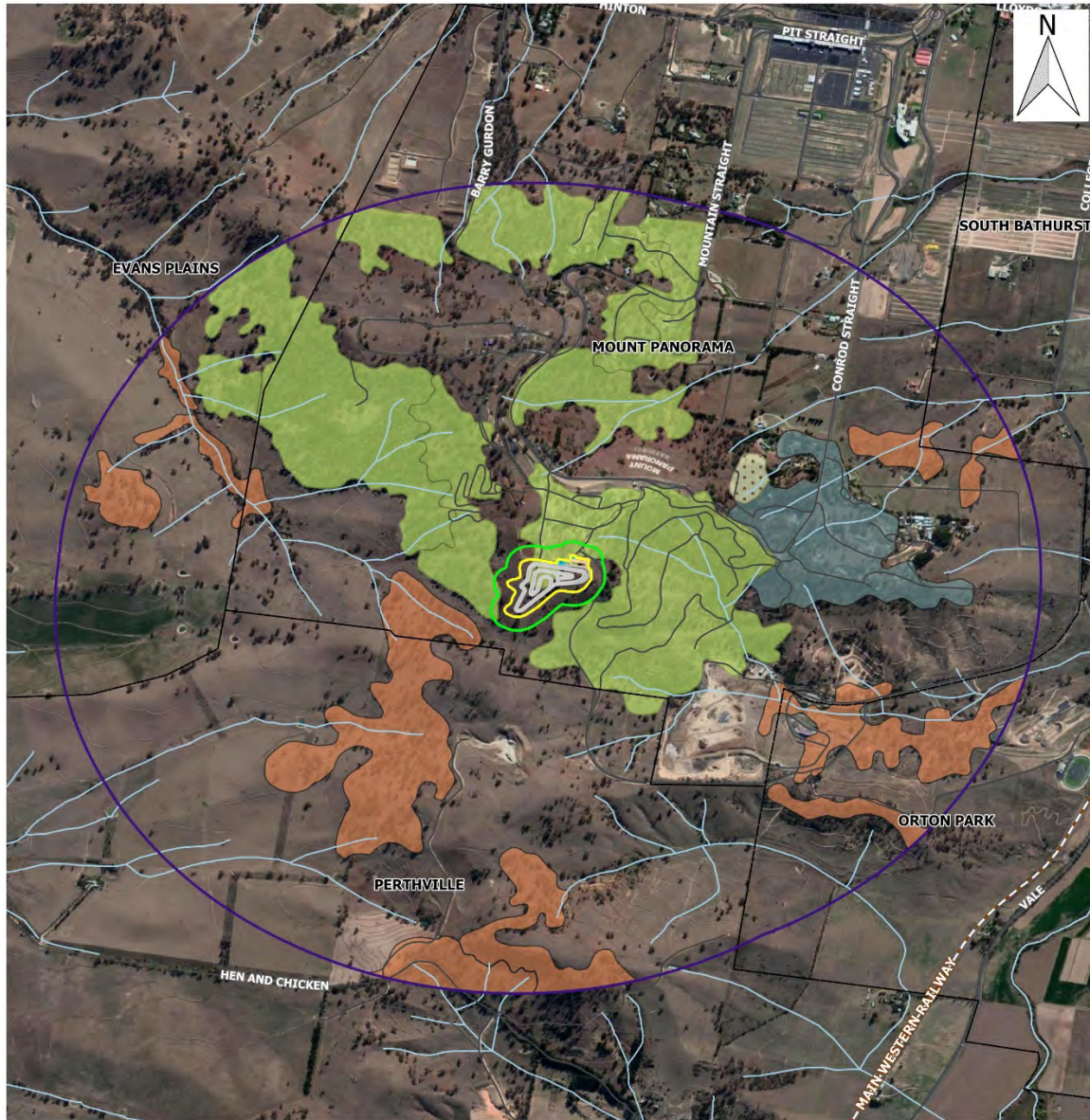


Figure 2 Vegetation communities occurring within 1.5km of the study area

300 0 300 600 m

1:14000

**Legend**

1.5km radius

Study area

Subject site

Proposed track route

Proposed track entry-exit lanes

Proposed track pit area

Proposed Building

Suburb

Hydroline

Railway line

Road

**CW Lachland Central Tablelands 4163**

Cleared

Mountain Gum - Red Stringybark open-forest at high altitudes

Scribbly Gum - Brittle Gum - Box woodland

Stringybark - Box - Gum Woodland

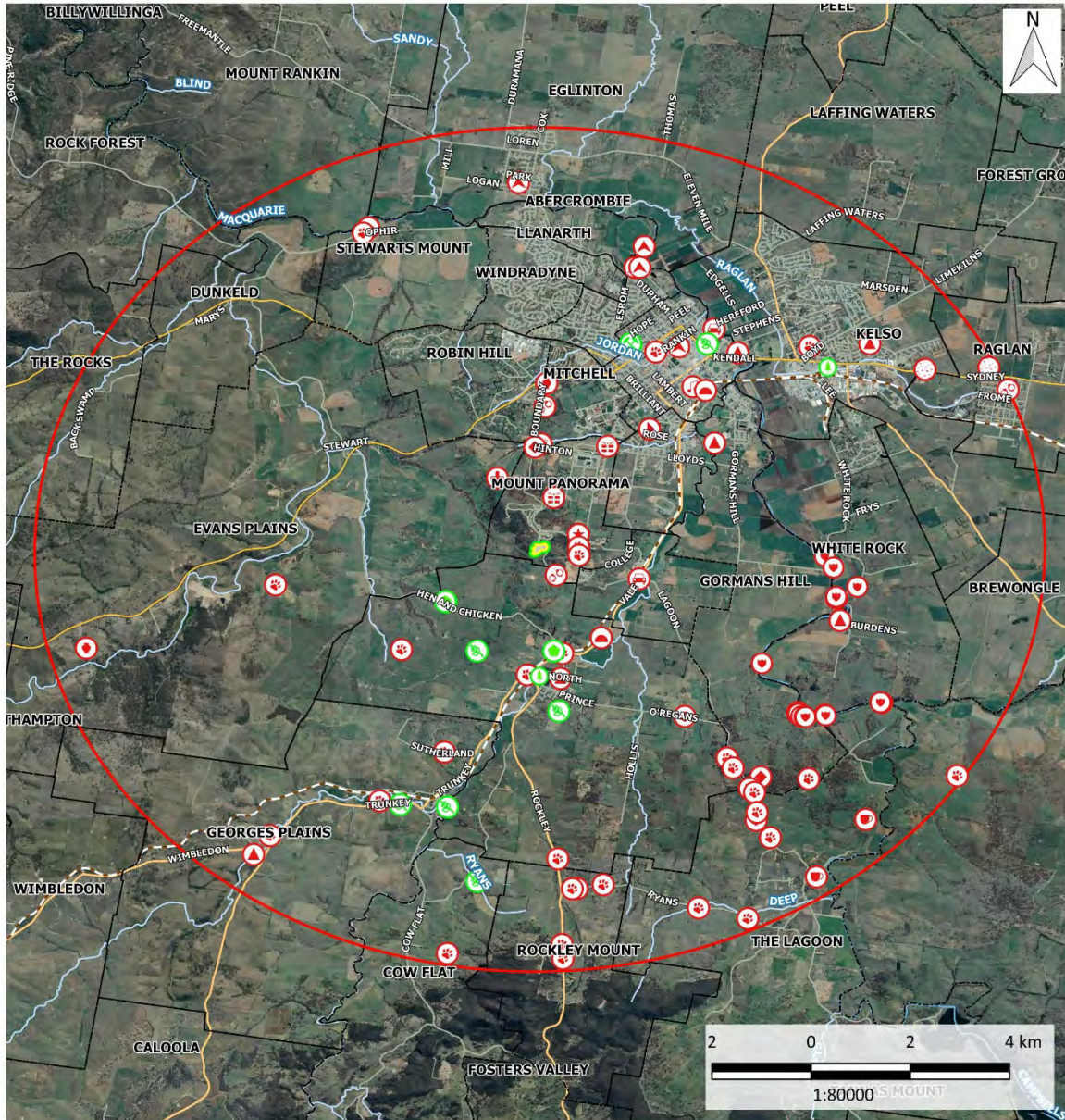
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Figure 2 Vegetation communities mapped as occurring within 1.5km of the study area





Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment



Bionet Threatened species recorded within 10km of the study area

Legend

- |                  |                                  |   |                          |
|------------------|----------------------------------|---|--------------------------|
| 10km radius      | Arterial Road                    | Black-chinned Honeyeater (eastern subspecies) | Little Eagle             |
| Proposed track   | Local Road                       | Booroolong Frog                               | Magpie Goose             |
| Subject site     | Primary Road                     | Brown Treecreeper (eastern subspecies)        | Regent Honeyeater        |
| Study area       | Sub Arterial Road                | Diamond Firetail                              | Rough Eyebright          |
| Suburb           | <b>Bionet Threatened Species</b> | Gang-gang Cockatoo                            | Silky Swainson-pea       |
| <b>Waterways</b> | Aromatic Peppergrass             | Green and Golden Bell Frog                    | Silver-leafed Gum        |
| Creek            | Barking Owl                      | Grey-headed Flying-fox                        | Spotted Harrier          |
| River            | Black Falcon                     | Koala   | Spotted-tailed Quoll     |
| Rivulet          | Black Gum                        |   | Yellow-spotted Tree Frog |
| Railway line     |                                  |   |                          |

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Figure 3 Threatened species recorded within 10km of the study area



## 4.2 Field survey

The following description of the existing environment for biodiversity in the study area, is derived from observations and results obtained during the field investigation completed 14<sup>th</sup> September by Director Emily Cotterill and Senior Ecologist Josephine Dessmann, and from data collected via Anabat deployment from 14-16<sup>th</sup> September 2018. Michael Coles from Bathurst Regional Council accompanied TEF during the initial stages of the site inspection.

### 4.2.1 Terrestrial flora survey

#### ***Vegetation plots and flora area searches***

The entire site was traversed on foot by two (2) consultants to observe vegetation community boundaries and species distribution across the study area. Habitat assessment and searches for threatened flora species were undertaken over 5hrs during clear sunny conditions.

Two (2) vegetation plots measuring 20m x 50m were completed within the highest condition Box Gum Woodland observed within the study area to capture species composition, cover, abundance and habitat function data. These plots are shown on Figure 4. Ground cover composition, percentage abundance of each plant species, age classes and the diameter at breast height (DBH) of trees, occurrence of tree hollows and an estimation of available log habitat within the plot were all recorded.

### 4.2.2 Terrestrial fauna survey

#### ***Habitat assessment***

Habitat assessments included active searches for the following:

- Trees with bird nests or other potential fauna roosts
- Burrows, dens and warrens bridges, culverts and hollow-bearing trees for evidence (e.g. guano or bat droppings) of roosting microbats
- Hollow-bearing trees and logs which provide refuge, nest and den sites for a range of threatened fauna species
- Koala food trees and/or evidence of scratches or scats
- Distinctive scats or latrine sites, owl white wash and regurgitated pellets under roost sites
- Tracks or animal remains
- Evidence of activity such as feeding scars, scratches and diggings
- Leaf litter and fallen timber were inspected for reptile habitat

Locations of important habitat features were recorded with a hand-held GPS unit and shown on Figure 4.

#### ***Anabat recordings***

Microbat ultrasonic echolocation call recordings (Anabat surveys) were performed within the study area. Fixed recordings were undertaken from dusk until the following morning at two (2) locations on each of three nights (14<sup>th</sup>-16<sup>th</sup> September 2018). Units were placed in areas likely to be utilised by foraging bats, for example targeting tree hollows in woodland and open paddocks. Locations of survey sites are provided in Figure 4.

As described in the bat call identification report (Appendix D) the identification of bat echolocation calls recorded during surveys was undertaken with reference to Pennay et al. (2004) and in comparison with reference calls from the Western Plains region.

#### **Opportunistic observations**

Opportunistic and incidental observations of fauna species were recorded at all times during field surveys, for instance fallen timber was scanned for reptiles, and rock fragments and logs were lifted to check for sheltering fauna, and habitat trees were scanned for roosting birds.

### **4.3 Likelihood of occurrence of threatened biota**

The 'likelihood of occurrence' assessment was refined based on the results obtained during the field survey. The likelihood of threatened biota occurring in the proposal footprint was assessed based on presence of records from the locality, species distribution and habitat preferences, and the suitability of potential habitat present in the proposal footprint. The results of this assessment are provided as Appendix E. Table 1 below provides a key to the 'likelihood of occurrence' assessment undertaken.

**Table 1 Key to 'likelihood of occurrence' assessments for threatened species**

<b>Likelihood</b>	<b>Definition</b>
<b>Known</b>	Species recorded in the subject site.
<b>Likely</b>	Species previously recorded within a 10-kilometre radius of the subject site and suitable habitat occurs within the subject site.
<b>Possible</b>	Species previously recorded within a 10-kilometre radius of the subject site but only marginal suitable habitat recorded, OR Species not previously recorded within a 10-kilometre radius of the subject site, but the proposal footprint is within the species known distribution and suitable habitat occurs within the subject site.
<b>Unlikely</b>	Species previously recorded within a 10-kilometre radius of the subject site but no suitable habitat recorded.
<b>Nil</b>	Species not previously recorded within a 10 kilometre radius of the subject site

### **4.4 Assessment of Significance of Impacts**

Assessments of the likely significance of impacts resulting from the proposal have been prepared in accordance with Section 5AA of the EP&A Act and the *Significant Impact Guidelines 1.1: Matters of National Environmental Significance* (DEWHA 2013) for threatened biota known or likely to occur within the proposal footprint and with potential to be impacted by the proposal, based on the results of the field survey. Assessments have only been undertaken for those species which may be impacted by the proposal. These assessments are presented as Appendix F (TSC Act) and Appendix G (EPBC Act).

#### **4.4.1 Survey conditions and limitations**

Results from field surveys were influenced by weather conditions prior to and during the surveys, the timing and duration of surveys undertaken, and field access constraints.

#### **Survey conditions**



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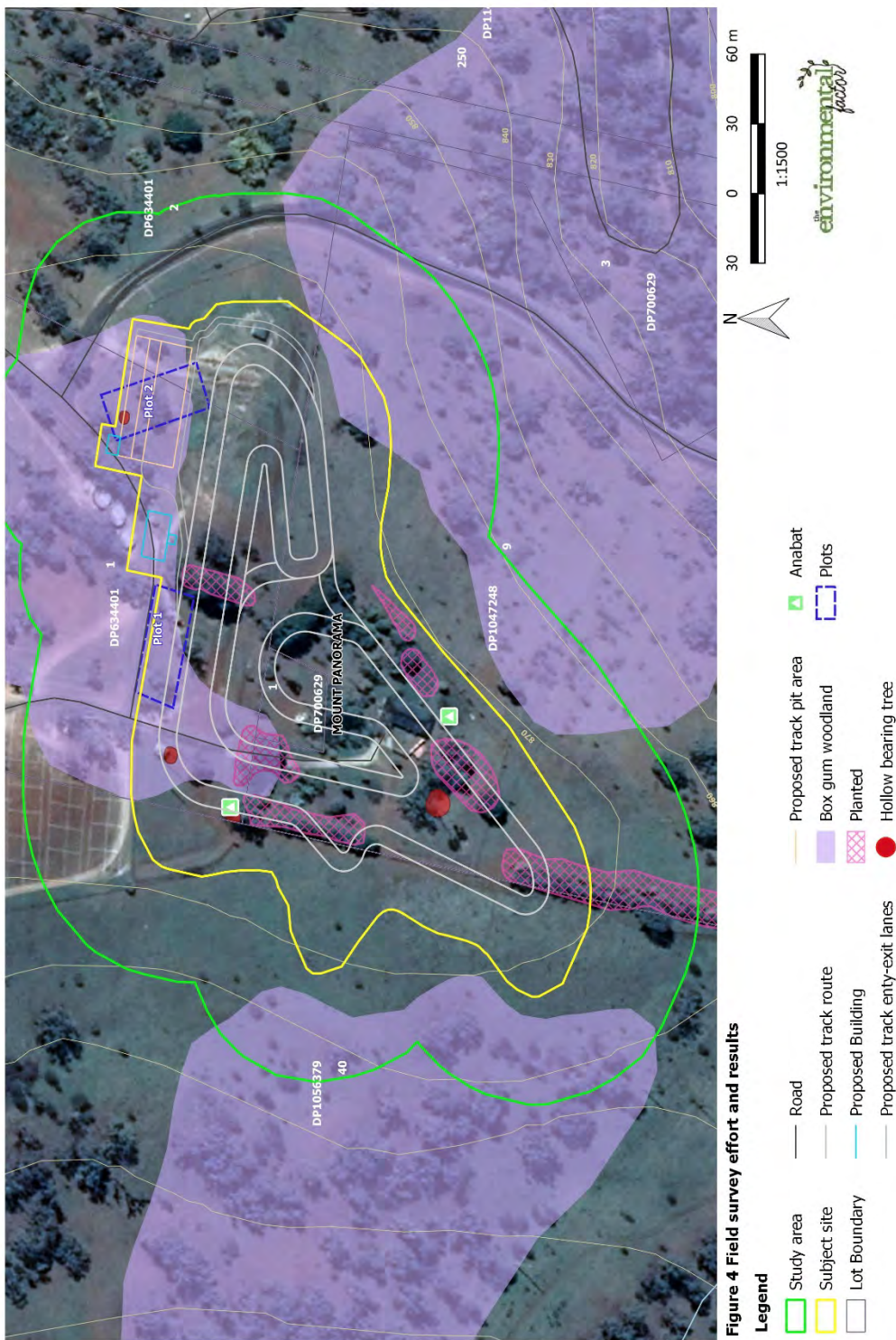
Survey conditions were warm and clear during the day, reaching a maximum recorded temperature of 24.3°C, while evenings were also clear and cool falling to a minimum of 0.5°C. Rain had preceded the survey the previous week, with some wind affecting Anabat call detection on the night of the 16<sup>th</sup> September 2018.

**Table 2 Weather conditions preceding and during field surveys (weather station: 063005 Bathurst)**

Date	Minimum temperature ( ° C)	Maximum temperature ( ° C)	Rain (mm)
1/9/18	7.5	11.8	12.4
2/9/18	2.5	14.4	0
3/9/18	5.8	12.9	0.2
4/9/18	6.3	14.3	0.6
5/9/18	4.5	16	0
6/9/18	6.5	17.6	1
7/9/18	9.2	16.5	<b>14.6</b>
8/9/18	8.2	15.5	<b>6.2</b>
9/9/18	1	15.5	<b>11.4</b>
10/9/18	3.2	19.9	0
11/9/18	3.1	21.5	0
12/9/18	6	23.2	0
13/9/18	4.5	22.5	0
14/9/18	2.5	22.3	0
15/9/18	1.8	24.3	0
16/9/18	0.5	11.3	0
<i>Average</i>	3.83	17.55	2.58

### **Survey limitations**

Given the limited survey effort and timing (early spring), it is likely that some species that occur in the study area either permanently, seasonally or transiently were not detected during the survey. These species may include annual, ephemeral or cryptic flora and fauna species; nocturnal fauna; birds and frogs which call at other times of year; and mobile or transient fauna in general. The habitat assessment conducted allows for identification of habitat resources for such species, in order to make an assessment of their likelihood of occurring within the study area. As such, the survey was not designed to detect all species, rather to provide an overall assessment of the ecological values within the proposal footprint. This information was used to predict potential impacts of the proposal on ecological values and to develop a detailed design and/or tailor mitigation measures to specifically avoid impacts on threatened ecological communities, and, known and potential habitat for threatened species, where practicable.



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Figure 4 Field survey effort and habitat features recorded on site

## 5 RESULTS

### 5.1 Vegetation

Biometric Vegetation Type (BVT) mapping of the study area and surrounding locality was investigated (sourced from OEH data portal). The results of this database search are presented below.

The study area occurs on the higher gentle slopes of Mount Panorama. The study area was originally mapped as supporting Mountain Gum – Red Stringybark Open Forest at High Altitudes (BVT 4), however on-ground sampling undertaken by TEF confirmed the dominant canopy species present to be Yellow Box (*Eucalyptus melliodora*) and Apple Box (*E. bridgesiana*). No Mountain Gum (*E. dalrympleana*) or Red Stringybark *E. macrorhyncha* was detected within the study area.

Based on the site location, soils and native species present, the woodland vegetation has been reclassified as PCT 654 Apple Box - Yellow Box dry grassy woodland of the South Eastern Highlands Bioregion.

Table 3 Summary of vegetation types within the locality (10km)

Vegetation community (BVT mapping source)	Locality (10km)	NSW Status	EPBC Act status	Area within study area (ha)
Blakely's Red Gum - Yellow Box open-woodland of the tablelands	2119.18	E	CE	3.74
Exotic / Planted	400.77			6.37
Blakely's Red Gum - Rough Barked Apple woodland on flats and alluvial terraces	26.79	E	CE	
High altitude gum tall open-forest on fertile soils of the central tablelands	1.32			
Mountain Gum - Red Stringybark open-forest at high altitudes	183.22			
Natural grassland & shrubland - unclass. spp.	8.57			
Red Stringybark - Blakely's Red Gum - Yellow Box woodland	50.26	E	CE	
Scribbly Gum - Brittle Gum - Box woodland	311.35			
Scribbly Gum woodland	18.27			
Stringybark - Box - Gum Woodland	111.22			

Vegetation community (BVT mapping source)	Locality (10km)	NSW Status	EPBC Act status	Area within study area (ha)
Yellow Box woodland on flats and alluvial terraces of the slopes	154.34			
			Total	10.11

### 5.1.1 Vegetation communities

#### Apple Box - Yellow Box Dry Grassy Woodland

Apple Box - Yellow Box dry grassy woodland is the dominant native vegetation type within the study area (**3.74ha**; Figure 4, Plate 1) and is largely in poor condition. The canopy is partly intact, however understory species diversity is low, and is likely to have been influenced by the adjacent and historical land uses, which include historical grazing by horses and other domestic and agricultural quadruped species, and current grazing by macropods, residential dwelling and planting of introduced species (*Pinus radiata*, amongst others) and native species to create garden beds and wind break corridors (*Acacia dealbata* and *Brachychiton populeneus*).

Mid story was largely absent with the exception of Hickory Wattle *Acacia implexa* and consisted of introduced shrubs (*Cotoneaster* sp. and Hawthorn *Cractegus monogyna*) and planted *Acacia* species. The ground storey was dominated by native *Austrostipa* sp and *Rytidosperma* sp. (15-25% cover across plots) however during the time of survey a higher diversity of ground cover was found to be exotic (n=22; 76%).



Plate 1 Apple Box - Yellow Box dry grassy woodland



Plate 2 sparse ground vegetation with 45% litter cover



Plate 3 *Asperula conferta* in understory



Plate 4 several disturbance regimes compromising the condition of the Box Gum Woodland present

### ***Exotic and planted vegetation***

The entire study area would historically have supported woodland vegetation but have been extensively modified, particularly in the paddock areas by clearing, grazing and weed encroachment. A variety of common agricultural weeds are prevalent across the site including the highly invasive Serrated Tussock (*Nassella trichotoma*), Common Horehound (*Marrubium vulgare*), Saffron Thistle (*Carthamus lanatus*) and Paterson's Curse (*Echium plantagineum*). It appeared that spraying of Serrated Tussock had occurred relatively recently prior to the site inspection.

Several stockpiles of fill were evident across the site (Plate 5). A residential property including house, fences and established garden beds are present which had been occupied until relatively recently (date occupancy ceased is unknown). Livestock, including cattle and horses, had previously grazed the fenced paddocks. These areas are highly disturbed and dominated by common agricultural weeds.



Plate 5 Stockpiled fill at discrete locations to the north of the study area



Plate 6 Planted rows of *Pinus radiata* and natives





Plate 7 Highly disturbed grazed paddocks



Plate 8 Unoccupied residential house

### 5.1.2 Environmental weeds

The study area contains a number of listed weeds for the Bathurst LGA, which are tabled below.

Table 4 Declared and listed weeds in the Bathurst LGA recorded during the field survey

Scientific Name	Common Name	Control Category	Control Notes
<i>Rubus fruticosus</i> <i>species</i> <i>aggregate</i>	Blackberry	WoNS State Priority Weed	<i>The growth of the plant must be managed in a manner that continuously inhibits the ability of the plant to spread and the plant must not be sold, propagated or knowingly distributed.</i>
<i>Nassella trichotoma</i>	Serrated Tussock	WoNS State Priority Weed	General Biosecurity Duty (GBD) compliance; <i>Land managers mitigate the risk of the plant being introduced to their land. Land managers reduce impacts from the plant on priority assets.</i>



Plate 9 Saffron Thistle -common agricultural weed



Plate 10 Patterson's Curse - common agricultural weed



Plate 11 Blackberry WoNS



Plate 12 Serrated Tussock WoNS

## 5.2 Fauna

### 5.2.1 Fauna species

Thirty-three (33) fauna species were recorded within the study area. This included 13 bird species, 19 mammal species and up to 16 bat species. One of the mammal species (dog) is an introduced species. A full list of fauna species recorded is provided as Appendix C. The Anabat bat call analyses are provided as Appendix D.

### 5.2.2 Fauna habitats

Myrtaceous trees, especially the rough barked species and mature smooth barked gums on site provide foraging resources for a range of birds, including cockatoos, parrots and honeyeaters, and other common arboreal mammals such as Common Brushtail Possums. Few honeyeater species were recorded during the survey, most likely due to the lack of flowering trees at the time of surveys. Birds



that were recorded include: Crimson Rosella (*Platycercus elegans*), Eastern Rosella (*Platycercus eximius*), Spotted Pardalote (*Pardalotus punctatus*) and Noisy Miner (*Manorina melanocephala*).

Only a few trees on site were observed to contain hollows or fissures suitable for use by birds and microbats. The trees and stags with hollows however did support many different hollow sizes, ranging from small to medium opening diameter (~5 – 20cm). These hollows are suitable for small to medium sized fauna including parrots such as the Galah (*Eolophus roseicapillus*), Red-rumped Parrot (*Psephotus haematonotus*) and several species of microbat including the threatened Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*).

Exotic plantings may also provide seasonal foraging resources in the form of pine cones favoured by parrots (Plate 10), and Hawthorn berries which have been known to be a winter foraging food for the threatened Gang-gang Cockatoo (*Callocephalon fimbriatum*).

Across the highly disturbed paddock to the south and west of the study area, there is plenty of surface rocks and open tussock spaces formed between Common Horehound plants. These open, yet sheltered areas provide ideal habitat for common reptiles.

Primary Koala feed trees present on site include Ribbon Gum (*Eucalyptus viminalis*) in small numbers (>15% canopy species). Secondary feed trees include Apple Box (*E. bridgesiana*) which occurs as one of the dominant canopy species. No Koalas, or signs of recent habitat use (e.g. scratchings or scats) were observed, however Mount Panorama is known to support a population of resident Koalas. Twenty-three (23) records of Koala occur within a 10km radius of the study area with open woodland vegetation adjacent to the study area providing connectivity to intact patches of woodland. Several existing fences and proximity to McPhillamy Park, which is regularly used by the public including for dog walking and camping, may reduce the likelihood of use of resources present within the study area.

Records are concentrated to the south of the study area and do not suggest that there is regular Koala movement through the study area. Resources present are limited to two *E.viminalis* trees and several secondary feed trees in the form of *E.bridgesiana*. The study area supports 'potential Koala habitat' however it is not expected that the local population of Koala will be dependent on resources present within the study area for survival.



Plate 13 Blakely's Red Gum containing several hollows



Plate 14 Nest present in study area



Plate 15 Chewed pine cones



Plate 16 Surface rocks providing habitat for reptiles

### 5.3 Conservation significance

A number of threatened and migratory biota were recorded during field surveys, including a threatened ecological community listed under the TSC Act. The status of these threatened biota and MNES within the subject site and study area is described below.

#### 5.3.1 Threatened ecological communities

Apple Box – Yellow Box Dry Grassy woodland is a plant community considered as part of the endangered ecological community listed in the schedules of the NSW TSC Act, namely the *White Box Yellow Box Blakely's Red Gum Woodland endangered ecological community*. This community is also listed under the Commonwealth EPBC Act as the *White Box-Yellow Box-Blakely's Red Gum grassy woodlands and derived native grasslands critically endangered ecological community*. This community is commonly referred to as Box-Gum Woodland. Box-Gum Woodland is widespread on the western slopes and tablelands of New South Wales and was formerly the dominant community in the region around Bathurst. Because it occurs on relatively deep, high fertility soils, historically it has been extensively cleared for cropping and grazing over its entire range.



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The Apple Box – Yellow Box Dry Grassy Woodland condition and extent on site was assessed against both state and federal listing criteria for Box Gum Woodland (refer Table 5 and Table 6 below).

The results of the condition criteria and extent assessments confirmed that the Box Gum Woodland present on site meets state but *not* federal threatened ecological community listing criteria.

The assessment for state listing criteria was completed in line with the previous legislation (TSC Act) under which this FFA is being completed.

**Table 5 TSC Act criteria for identification of Box Gum Woodland EEC within the study area (NPWS 2006 and DECC 2007)**

Criteria	Description	Does the site meet the criteria?
1	Is the site on the tablelands or western slopes of NSW?	Yes; the site is within these bioregions
2	Does the site contain, or would the site have recently been likely to contain, White Box, Yellow Box or Blakely's Red Gum?	Yes; the site contains both White Box and Blakely's Red Gum
3	Is the ground layer mainly grassy?	Yes
4	If the site has been degraded, is there potential for assisted natural regeneration of the tree layer or the understorey (e.g. by removing grazing, weeds, etc)?	Yes

**Table 6 EPBC Act criteria for the identification of Box-Gum Woodland CEEC within the study area (DEH 2008)**

Criteria	Description	Does the site meet the criteria?
1 and	Is, or was previously, at least one of the most common overstorey species White Box, Yellow Box or Blakey's Red Gum (or Western Grey Box or Coastal Grey Box in the Nandewar Bioregion)?	Yes; the site contains both Yellow Box and Blakely's Red Gum
2 and	Does the patch have a predominantly native understorey?	No
3 and	Is the patch 0.1 ha or greater in size?	Yes
4 and	There are 12 or more native understorey species present (excluding grasses). There must be at least one important species.	No
5 or	Is the patch 2ha or greater in size?	No



Criteria	Description	Does the site meet the criteria?
6	Does the patch have an average of 20 or more mature trees per hectare, or is there natural regeneration of the dominant overstorey eucalypts?	Yes

### 5.3.2 Threatened flora species

No threatened flora species are considered to have moderate – high likelihood of occurring within the study area. Searches across the entire study area did not detect any conspicuous threatened plants, and habitat condition across the site was overall too poor to support threatened flora.

### 5.3.3 Threatened fauna species

Five (5) threatened fauna species listed as Vulnerable under the TSC Act were potentially recorded:

- Eastern Bentwing (*Miniopterus orianae oceanensis*) – definite Anabat record
- Yellow-bellied Sheath-tail Bat (*Saccolaimus flaviventris*) - definite Anabat record
- Corben's Long-eared Bat (*Nyctophilus corbeni*) - probable Anabat record
- Large-footed Myotis (*Myotis macropus*) – probable Anabat record

In addition to the above recorded threatened species, the Koala (*Phascolarctos cinereus*) was also considered to have a moderate – high likelihood of utilising resources within the study area on occasion. While the following woodland birds were considered to have potential habitat with a moderate likelihood of occurring on site;

- Diamond Firetail (*Stagonopleura guttata*)
- Dusky Woodswallow (*Artamus cyanopterus*),
- Flame Robin (*Petroica phoenicea*),
- Scarlet Robin (*Petroica boodang*),
- Brown Treecreeper (*Climacteris picumnus victoriae*) and
- Gang-gang Cockatoo (*Callocephalon fimbriatum*)

### 5.3.4 Migratory species

The study area would not represent an area of important habitat for the migratory species predicted to occur within the locality of the study area. The removal of **0.79 ha** of woodland and **3.57 ha** of exotic vegetation within the subject site would be highly unlikely to affect the lifecycle of an ecologically significant proportion of any of the identified migratory species.

The proposal would therefore be highly unlikely to result in a significant impact on any of the identified migratory species listed under the EPBC Act, and accordingly a formal assessment of significance has not been prepared for migratory species.

### 5.3.5 Other MNES

The listed additional MNES that are predicted to occur within the locality, are unlikely to be impacted by the proposal.



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The assessment indicates that no Ramsar wetlands, World Heritage properties or marine areas occur within the locality of the study area.



## 6 IMPACT ASSESSMENT

This Section assesses the potential impacts of the proposal during construction and operation of the proposal on flora and fauna and their habitats.

### 6.1 Direct Impacts

#### 6.1.1 Vegetation clearing and construction impacts

Table 7 Extent of impact within the subject site and study area

Vegetation type	Locality (10km radius) (ha)	Study Area (ha)	Subject Site (ha)	Proportion of local population impacted within Study Area (%)	Proportion of local population impacted within Subject Site (%)
Blakely's Red Gum - Yellow Box open-woodland of the tablelands	2119.18	3.74	0.79	0.18%	0.04%
Exotic / Planted	400.77	6.37	3.57	1.59%	0.89%
Apple Box - Yellow Box - Mountain Gum open-woodland on flats and low hills of the central tablelands	72.34				
Blakely's Red Gum - Rough Barked Apple woodland on flats and alluvial terraces	26.79				
High altitude gum tall open-forest on fertile soils of the central tablelands	1.32				
Mountain Gum - Red Stringybark open-forest at high altitudes	183.22				
Natural grassland & shrubland - unclass. spp.	8.57				
Red Stringybark - Blakely's Red Gum - Yellow Box woodland	50.26				
Scribbly Gum - Brittle Gum - Box woodland	311.35				
Scribbly Gum woodland	18.27				
Stringybark - Box - Gum Woodland	111.22				





Vegetation type	Locality (10km radius) (ha)	Study Area (ha)	Subject Site (ha)	Proportion of local population impacted within Study Area (%)	Proportion of local population impacted within Subject Site (%)
Yellow Box woodland on flats and alluvial terraces of the slopes	154.34				

Note: vegetation calculations based on OEH BVT mapping and ground truthed vegetation mapping within the study area

### 6.1.2 Fauna habitat removal

Direct impacts on biodiversity resulting from the proposal include:

- **Three (3)** trees containing approximately **eight (8)** hollows and **two (2)** stags suitable for nesting parrots, arboreal mammals and roosting microbats.
- Clearing of approximately **0.79 ha** Box Gum Woodland vegetation community in disturbed condition.
- Removal of surface rock habitat suitable for common reptile species.

### 6.1.3 Habitat fragmentation

The study area is located along the southern, upper slope of Mount Panorama immediately south of McPhillamy Park and the Mount Panorama motor racing circuit. The site is bound to the east by a sealed access road to the Bathurst Waste Management Centre, which is located approximately 500m to the south east.

The subject site is currently mostly fenced, which may pose a barrier and restrict movement for some fauna. However, highly mobile birds, microbats and several larger mammal species (e.g. macropods, foxes, possums) can move freely across the site.

The open woodland vegetation present within the study area forms part of a largely continuous local corridor which extends from the north-west from Evans Plains, connecting to Spring Creek and extending to the south-east towards the Waste Management Centre and further south towards Perthville.

The removal of **0.79 ha** of woodland vegetation adjacent to the regularly used McPhillamy Park is unlikely to affect connectivity for the already mobile species which are expected to frequent the study area, however seasonal heavy use of the site during operation with increased spectators, noise and vibration, and vehicle movements may further restrict mobility of fauna during these periods of active use as an international Go Kart racing circuit.

### 6.1.4 Fauna injury and mortality

The proposal has the potential to result in the injury or mortality of small terrestrial or arboreal fauna that may be sheltering in vegetation and tree hollows within the subject site such as small reptiles, arboreal mammals, and/or nesting and roosting birds and microbats. The proposal also includes the removal of potential foraging resources for a number of threatened fauna species including the Koala

which may intermittently occupy the study area; consequently, there is a minor risk that Koalas could be injured or killed as part of proposal.

Complete removal of existing vegetation within the subject site is unlikely to affect an ecologically significant proportion of local native populations; and, mobile fauna that can either easily move from the subject site or which only use resources on a temporary or seasonal basis are highly unlikely to be affected by the proposal. However, some nocturnal species, while mobile during night time foraging, may temporarily or permanently roost in native vegetation, hollow-bearing trees or in the abandoned house during daylight hours and may potentially be impacted, injured or killed by site preparation for the proposal, if pre-clearing surveys and removal efforts are not undertaken prior to clearance work commencing.

## 6.2 Indirect impacts

Indirect impacts resulting from the works include:

- Indirect impacts to an additional **2.95 ha** of Box gum Woodland through increased activity causing erosion, dust settling on foliage and potential weed introduction.
- Disturbance to nesting birds or arboreal mammals present within vegetation adjacent to the construction works could potentially result in nesting failure / abandonment.
- Soil compaction caused by heavy vehicles, machinery and stockpiling within the study area. These activities will be contained within grassy areas outside of the drip line of trees to be retained within the study area.

## 6.3 Key threatening processes

A key threatening process (KTP) is defined in the TSC Act as an action, activity or proposal that:

- Adversely affects two or more threatened species, populations or ecological communities
- Could cause species, populations or ecological communities that are not currently threatened to become threatened.

There are currently thirty-eight (38) KTPs listed under the TSC Act (OEH, 2018) and twenty-one (21) under the EPBC Act (DEE 2018). A number of KTPs are listed under more than one Act. Those KTPs potentially relevant to this proposal are discussed in Table 8 below. The proposal is highly unlikely to exacerbate any of the listed KTPs. Mitigation measures to limit the impacts of KTPs of relevance are discussed in Section 7.

**Table 8 Key threatened processes relevant to the proposal**

KTP	Status	Comment
Clearing of native vegetation	TSC Act; EPBC Act	Clearing of native vegetation has occurred historically within and around the study area. The proposal would result in the clearing of <b>0.79 ha</b> of native vegetation which constitutes an EEC from within the subject site. The vegetation is in poor condition due to weed infestation and other edge effects. The clearing of this vegetation would comprise an increase in the operation of this KTP. The CEMP



KTP	Status	Comment
		would include measures to minimise impacts on native vegetation and potentially threatened fauna.
Clearing of hollow-bearing trees	TSC Act	Approximately 3 hollow-bearing trees (containing approximately 8 hollows) and 2 stags will be removed by the proposal. The proposal would increase the operation of this KTP through the removal of these limiting habitat resources.
Removal of dead wood and dead trees	TSC Act	Dead wood and dead trees occur at low quantities throughout the study area that would provide habitat resources for native fauna, including threatened species. The subject site contains stags and woody debris which would be removed as a result of the proposal. The proposal would increase the operation of this KTP.
Invasion of plant communities by perennial exotic grasses	TSC Act	The proposal footprint features moderate to severe infestation with perennial exotic grasses. There is the potential for perennial exotic grasses to further invade native vegetation through disturbance during construction of the proposal. Mitigation measures outlined in Section 7 are likely to effectively limit the operation of this KTP.
Infection of native plants by <i>Phytophthora cinnamomi</i>	TSC Act; EPBC Act	Construction activities have the potential to introduce the root-rot fungus <i>Phytophthora cinnamomi</i> into the broader study area, which could lead to dieback of vegetation. Mitigation measures are likely to effectively limit the operation of this KTP.
Introduction and establishment of Exotic Rust Fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae	TSC Act	Construction activities have the potential to introduce Myrtle Rust to the study area. Mitigation measures are likely to effectively limit the operation of this KTP.

#### 6.4 Impacts on listed threatened biota

Important habitat features present within the study area which may be relied upon by fauna include:

- Mature Eucalypts which provide foraging resources in the form of blossoms, sap and support mistletoe, as well as breeding and sheltering resources in the form of tree hollows.
- Hollow-bearing trees containing multiple tree hollows. Removal of tree hollows is listed as a Key Threatening Process (TSC Act) (OEH 2018).

Assessments of Significance (TSC Act) and Significant Impact Criteria (EPBC Act) have been prepared for species with a moderate or higher likelihood of utilising resources within the study area (Appendix F). These assessments conclude that a significant impact is not likely to occur for any of these species. Consequently, a Species Impact Statement (SIS) is not required.

Table 9 Summary of TSC Act assessments of significance

Common name	BC Act	Summary of assessment of significance
Yellow-bellied Sheathtail Bat	V	No significant impact
Eastern Bentwing Bat	V	No significant impact
Large Footed Myotis	V	No significant impact
Corben's Long-eared Bat	V	No significant impact
White Box Yellow Box Blakelys Red Gum Woodland	E	No significant impact
Koala	V	No significant impact
Diamond Firetail	V	No significant impact
Brown Treecreeper	V	No significant impact
Dusky Woodswallow	V	No significant impact
Flame Robin	V	No significant impact
Scarlet Robin	V	No significant impact
Gang-gang Cockatoo	V	No significant impact

The results of the assessments of significance (Significant Impact Criteria assessments) with threatened species listed under the EPBC Act are provided in Table 10. The full assessments of significance for affected threatened biota listed under the EPBC Act are provided in Appendix G.

Table 10 Summary of EPBC Act assessments of significance

Common name	EPBC Act	Summary of Significant Impact Criteria assessments
Koala	V	No significant impact
Large-footed Myotis	V	No significant impact
Corben's Long-eared Bat	V	No significant impact

## 6.5 Impacts on native biota

The study area supports open woodland and agricultural habitats along the southern slope of Mt Panorama, which is likely to support many common native species of flora and fauna. Given the large areas of open habitat, the study area is expected to be frequented by highly mobile fauna including Eastern Grey Kangaroos, Common Brushtail Possum, Common Black or Brown Snakes, Welcome Swallows, Australian Magpie, Eastern Rosella, Crimson Rosella which would regularly traverse the area to access these habitat resources. Native flora species present within the study area are common species, tolerant of the historical disturbances that have occurred on site. There is little native regeneration present.

Impacts on native species include;

- Direct removal of **0.79 ha** of woodland vegetation including up to three (3) hollow bearing trees representing **0.18%** of woodland habitat within the 10km locality.
- Indirect disturbance to **2.95ha** of woodland which may result in displacement from foraging and resting areas within the study area



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- Earthworks and clearing impacting **3.57 ha** of agricultural and planted habitat.

These impacts will be mitigated in line with the recommended actions outlined in Section 7 below.



## 7 MITIGATION MEASURES

### 7.1 Avoiding and minimising impacts during design

The study area was strategically selected due to its location adjacent to the prominent Mt Panorama race circuit as well as proximal location to camping facilities for spectators at Mc Phillamy Park.

The study area contains **3.74ha** of Box gum Woodland, which is endangered under the TSC Act. This ecological community was found to be in poor condition given historical and current land use practices which have left the study area heavily infested with weeds and with few native understory species.

### 7.2 Mitigation of impacts

- Clearly delineate vegetation to be removed with the assistance of an ecologist, or similarly qualified professional, and induct all site personnel as to the approved extent of clearing. No unmarked trees should be removed/trimmed or otherwise damaged as part of the proposed works.
- Locate stockpile sites away from drainage lines and native vegetation. Ensure these are appropriately stabilized
- Appropriate sediment reduction measures should be in place in accordance with the 'Blue Book' (Landcom 2004).
- Heavy vehicles are not to be parked under tree drip lines/ leaf canopy of trees to be retained within the study area to avoid compaction of soil.
- Where additional vegetation clearing is proposed this must first be assessed to consider the cumulative impacts and if appropriate supervised by a qualified ecologist and Council's Environmental Officer.
- All machinery and vehicles are to be clean and inspected prior to arriving on-site to reduce the spread of weeds and disease (*Phytophthora cinnamomic*) to the site.
- Declared noxious weed Blackberry is to be managed according to requirements under the *Biodiversity Security Act 2015*. It is recommended that this Weed of National Significance should be managed to ensure it does not spread.
- Prior to tree lopping / clearing, care should be taken to identify nests and / or roosting sites. If fauna habitat is present (nests or potential tree hollows) the Council or Council's appointed contractor would contact the project ecologist for further advice prior to clearing.
- To avoid nest abandonment, injury or death to native fauna it is recommended to time the works to occur following the fledging of active nests / roosts.
- Prior to clearing, a preclearance survey should be undertaken including inspection of hollows and nests to confirm occupation by fauna.
- Where trees to be removed contain hollows, nests or are inhabited by fauna, a staged clearing approach must be undertaken where hollow limbs are removed carefully and incrementally by a qualified tree surgeon / arborist. Care should be taken to inspect limbs for fauna prior to their removal.
- Where the two **(2)** stags and three **(3)** trees containing eight **(8)** hollows are removed, habitat supplementation is recommended through the installation of nestboxes or prepared hollow logs (3:1 ratio) to maintain habitat availability in adjacent woodland vegetation. Consult project ecologist to determine appropriate size and number and location to be erected.



- Place felled trees strategically and in proximity to the work site to provide refuge and potential habitat in the understorey.
- Undertake revegetation activities to offset the removal of the mature Eucalypts on site at a ratio of at least five tubestock per each tree removed (5:1). These should be planted across a **3.74ha** area to replace Box Gum Woodland impacted as a result of the proposal. In addition to this, a variety of species that complements the current community should be planted adjacent to existing remnant mature trees to supplement the habitat this woodland provides in the area.



## 8 CONCLUSION

The study area includes discrete areas of intact native vegetation and fauna habitats, together with areas disturbed by historical clearing, and stockpiling. Vegetation within the subject site is largely exotic with several Weeds of National Significance present. Away from these disturbed areas within the proposal footprint, the native vegetation is generally in poor condition with few native understory species present.

The proposal has considered the ecological constraints and includes specific design features to avoid impacts on native vegetation and important fauna habitats

The proposal would result in the following ecological impacts:

- The permanent removal of **0.79 ha** of White Box Yellow Box Blakely's Red Gum Woodland listed under the TSC Act.
- Removal of **3.57 ha** of exotic and planted vegetation including exotic Hawthorn and Pine trees which may provide over wintering foraging resources for native avian fauna.
- The removal of three (**3**) hollow bearing trees containing approximately eight (8) hollows and two (**2**) dead trees (stags) providing potential habitat for hollow depending fauna including threatened microbats.
- Reduction of **0.79 ha** woodland habitat for Koala (listed as Vulnerable under the TSC and EPBC Acts) including the removal of two (**2**) Ribbon Gum trees listed as primary feed trees for the Central Tablelands region.
- Indirect impacts to **2.95 ha** of White Box Yellow Box Blakelys Red Gum Woodland vegetation listed under the TSC Act, and
- Potential injury or mortality of small, terrestrial fauna within the proposal footprint.

Based on the desktop assessment, site visit and habitat assessments undertaken the following affected threatened biota were identified:

- White Box Yellow Box Blakely's Red Gum Woodland listed as Endangered under the TSC Act
- Koala (*Phascolarctos cinereus*; Vulnerable under TSC / EPBC Act)
- Threatened Woodland birds: Diamond Firetail (*Stagonopleura guttata*), Dusky Woodswallow (*Artamus cyanopterus*), Brown Treecreeper (*Climacteris picumnus victoriae*), Gang-gang Cockatoo (*Callocephalon fimbriatum*), Flame Robin (*Petroica phoenicea*) and Scarlet Robin (*Petroica boodang*) each listed as Vulnerable under the TSC Act.
- Threatened microbats: Yellow-bellied Sheathtail Bat (*Saccolaimus flaviventris*; Vulnerable under TSC Act), Eastern Bentwing-bat (*Miniopterus orianae oceanensis*; Vulnerable under TSC Act); Large-footed Myotis (*Myotis Macropus*; Vulnerable under BC / EPBC Act); Corben's Large-eared Bat (*Nyctophilus corbeni*; Vulnerable under TSC / EPBC Act).

Assessments of Significance prepared in accordance with Section 5AA of the EP&A Act (Assessments of Significance) and the EPBC Act *Matters of National Environmental Significance – Assessment of significance guidelines* (DEWHA, 2009). These assessments have concluded that the proposal is unlikely to have a significant negative effect on the local populations of these threatened species and ecological community.





Specific mitigation measures are warranted to minimise the potential indirect impacts of the proposal on the natural environment outside of the proposal footprint during construction and operation. This would include preparing and implementing a CEMP, including erosion, sediment, habitat management and weed control measures to minimise the potential for adverse impacts on adjoining habitats.



## 9 REFERENCES

Department of Environment 2017, Matters of National Environmental Significance Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999. <http://www.environment.gov.au/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>

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NSW Local Land Services, 2017 Central Tablelands Regional Strategic Weed Management Plan 2017 – 2022 <http://www.midwestern.nsw.gov.au/globalassets/weeds/central-tablelands-regional-strategic-weed-management-plan-june-2017.pdf>

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OEH 2018 NSW Bionet Atlas VIS database accessed 2018

OEH 2018 Key threatening processes <http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/about-threatened-species/key-threatening-processes>, accessed October 2018



## 10 APPENDICES

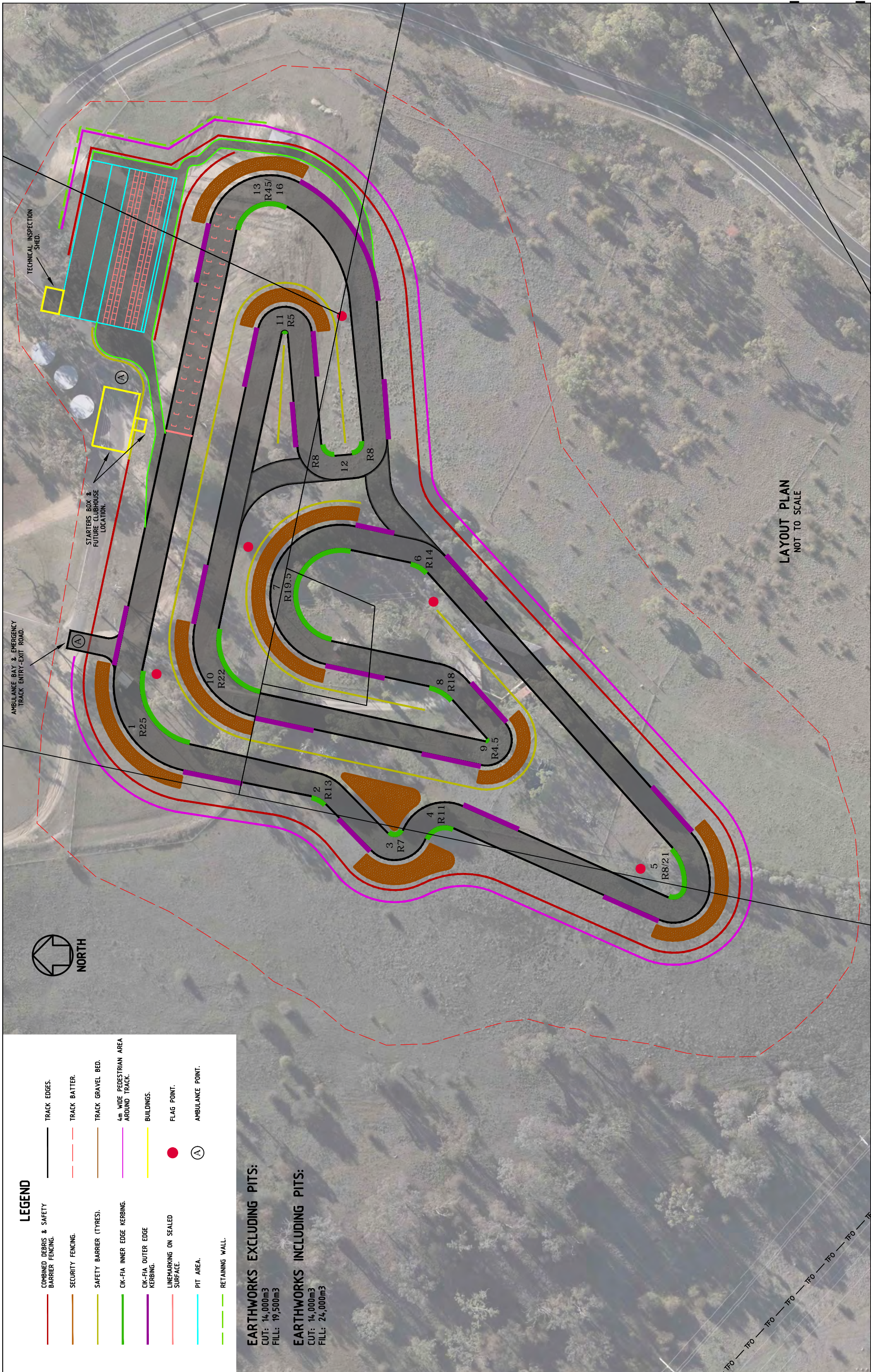
Appendix	Item
Appendix A	Design Drawings
Appendix B	Native Vegetation Mapping
Appendix C	List of species recorded
Appendix D	Bat identification analysis
Appendix E	Likelihood of occurrence assessment
Appendix F	NSW Assessments of Significance
Appendix G	MNES Significant Impact Criteria Assessments



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## APPENDIX A PRELIMINARY LAYOUT DESIGN DRAWINGS

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**EARTHWORKS EXCLUDING PITS:**  
 CUT: 14,000m<sup>3</sup>  
 FILL: 19,500m<sup>3</sup>

**EARTHWORKS INCLUDING PITS:**  
 CUT: 14,000m<sup>3</sup>  
 FILL: 24,000m<sup>3</sup>

LAYOUT PLAN  
 NOT TO SCALE

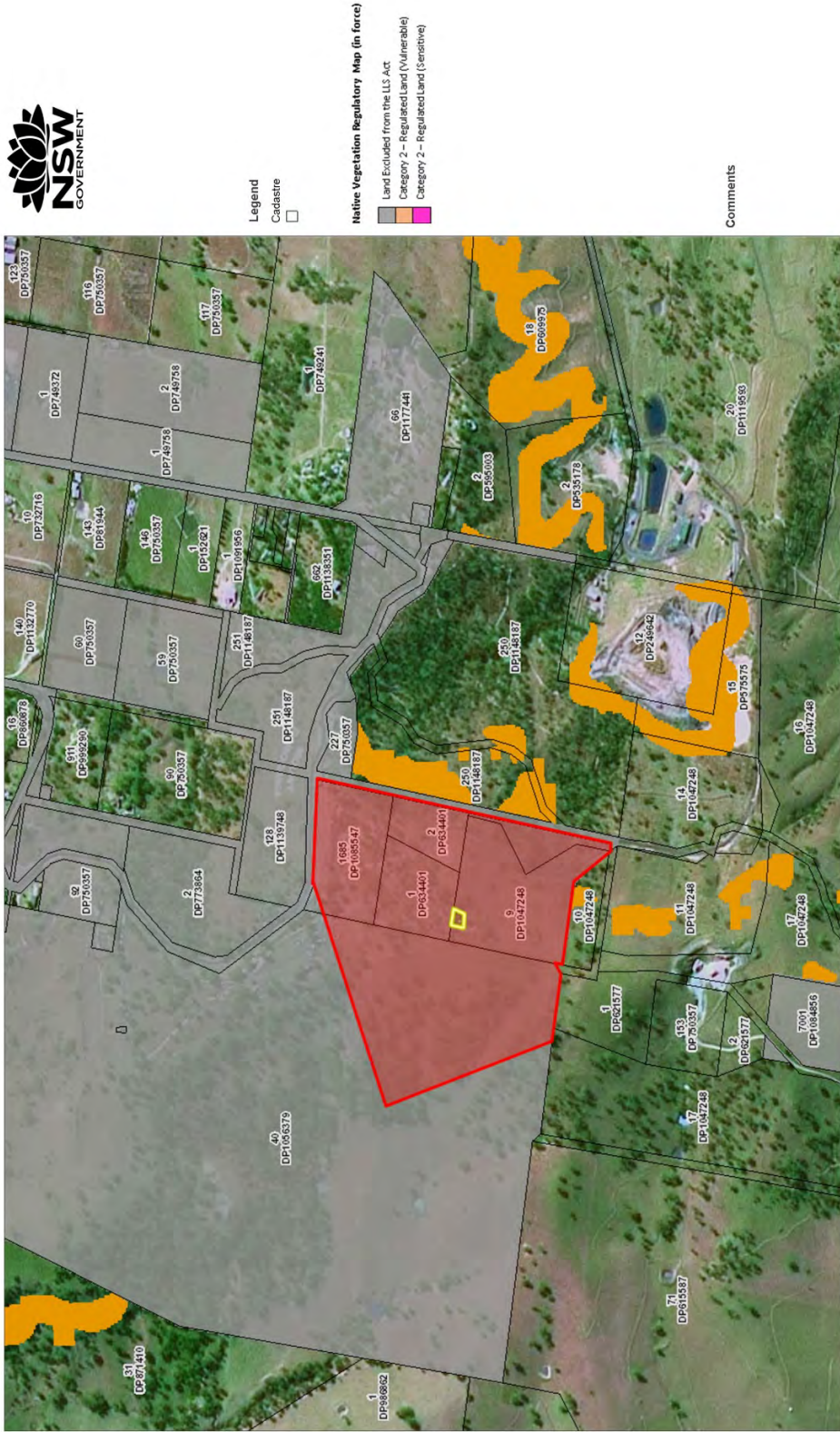
CONSULTANT	REV	DESCRIPTION	ISSUED FOR APPROVAL	INITIALS	DATE	SCALES (A1)		SCALES (A1)		SCALES (A1)		SURVEYED MC	CHECKED	PROJECT	DESCRIPTION	JOB No.	DWG No.	SHEET No.	REV.
				MC	14-09-18	1:10	0 0.1 0.2 0.3 0.4 0.5 Metres	0 2 4 6 8 10 Metres	0 5 10 15 20 25	1:200	0 5 10 15 20 25								
	A					1:120	0 0.2 0.4 0.6 0.8 1.0	0 5 10 15 20 25	1:150	0 1 2 3 4 5	0 10 20 30 40 50	MC	DIRECTOR ENGINEERING SERVICES	BATHURST KART CLUB GO KART TRACK	PRELIMINARY LAYOUT PLAN				
		APPROVED				1:1000													





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# APPENDIX B NATIVE VEGETATION MAP





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## APPENDIX C SPECIES RECORDED ON SITE

Table 1.1 Flora species recorded within study area

Family	Scientific name	Common name	P1	Cover (%)	Abundance	P2	Cover (%)	Abundance	Exotic	Central Tablelands Regional Weed Strategy	Important spp for Box Gum Woodland TEC
Amaryllidaceae	<i>Narcissus pseudonarcissus</i>	Daffodil				*	0.1	5	*		
Asparagaceae	<i>Asparagus sp.</i>					*	0.1	5	*		
Asteraceae	<i>Arctotheca calendula</i>	Capeweed							*		
Asteraceae	<i>Carthamus lanatus</i>	Saffron Thistle							*		
Asteraceae	<i>Hypochoeris radicata</i>	Flatweed	*	0.1	10				*		
Asteraceae	<i>Onopordum acanthium</i>	Scotch Thistle							*	Community concern	
Asteraceae	<i>Soliva sessilis</i>	Bindi Weed				*	0.2	100	*		
Asteraceae	<i>Vittadinia sp</i>	New Holland Daisy	*	0.1	5						*
Asteraceae	<i>Conyza sp.</i>	Fleabane	*	0.1	4				*		
Boraginaceae	<i>Echium plantagineum</i>	Paterson's Curse							*		
Boraginaceae	<i>Heliotropium sp.</i>	Heliotrope	*	1	20	*	0.1	5	*	Community concern	
Brassicaceae	<i>Lepidium sp.</i>	Peppercress	*	0.1	10	*	0.1	30	*		

Family	Scientific name	Common name	P1	Cover (%)	Abundance	P2	Cover (%)	Abundance	Exotic	Central Tablelands Regional Weed Strategy	Important spp for Box Gum Woodland TEC
Caryophyllaceae	<i>Spergularia rubra</i>		*	0.1	4				*		
Chenopodiaceae	<i>Einadia nutans</i>	Climbing Saltbush	*	0.1	30	*	0.1	5			
Cornaceae	<i>Cornus florida</i>	Dogwood							*		
Fabaceae	<i>Chamaecytisus palmensis</i>	Tagasaste							*		
Fabaceae	<i>Acacia dealbata</i>	Black Wattle									*
Fabaceae	<i>Acacia implexa</i>	Lightwood				*	5	6			
Fabaceae	<i>Medicago sp.</i>	Burr Medic	*	0.1	4	*	0.1	5	*		
Fabaceae	<i>Trifolium sp.</i>	Clover	*	0.1	2				*		
Haloragaceae	<i>Brassica sp</i>	Yellow Top	*	3	100	*	0.1	10	*		
Hemerocallidaceae	<i>Dianella sp.</i>	Flax lily									*
Iridaceae	<i>Romulea rosea</i>	Onion Grass	*	0.1	100				*		
Lamiaceae	<i>Marrubium vulgare</i>	Common Horehound							*		
Lomandraceae	<i>Lomandra multiflora</i>	Lomandra	*	0.1	2	*	0.1	4			
Malvaceae	<i>Brachyiton populeneus</i>										
Malvaceae	<i>Malva sp.</i>	Mallow Weed							*		
Myrtaceae	<i>Eucalyptus bridgesiana</i>	Apple Box				*	3	1			*





Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment

Family	Scientific name	Common name	P1	Cover (%)	Abundance	P2	Cover (%)	Abundance	Exotic	Central Tablelands Regional Weed Strategy	Important spp for Box Gum Woodland TEC
Myrtaceae	<i>Eucalyptus melliodora</i>	Yellow Box	*	10	9	*	15	3			*
Myrtaceae	<i>Eucalyptus viminalis</i>	Ribbon Gum									*
Myrtaceae	<i>Eucalyptus blakelyi</i>	Blakelys Red Gum									*
Oxalidaceae	<i>Oxalis perrenans</i>	Oxalis	*	0.1	1						
Pinaceae	<i>Pinus radiata</i>	Monterey Pine							*		
Plantaginaceae	<i>Plantago varia</i>	Plantain	*	10	500	*	0.2	200			
Poaceae	<i>Auustrospiza sp.</i>	Speargrass	*	15	300	*	25	350			*
Poaceae	<i>Elytrigia repens</i>	Couch	*	0.1	50	*	0.1	10	*		
Poaceae	<i>Nassella trichotoma</i>	Serrated Tussock							*	State level priority weed	
Poaceae	<i>Phalaris aquatica</i>	Bulbous Canary Grass	*	0.1	10	*	0.2	10	*	Weed of National Significance	
Poaceae	<i>Poa labillier</i>	Blue Grass	*	1	25	*	0.1	12	*		*
Poaceae	<i>Rytidosperma</i>	Wallaby Grass	*	1	25	*	0.1	10			*

Family	Scientific name	Common name	P1	Cover (%)	Abundance	P2	Cover (%)	Abundance	Exotic	Central Tablelands Regional Weed Strategy	Important spp for Box Gum Woodland TEC
Polygonaceae	<i>Rumex sp.</i>	Dock	*	0.1	1	*	0.1	5	*		
Primulaceae	<i>Anagallis arvensis</i>	Scarlet Pimpernel	*	0.1	10				*		
Rosaceae	<i>Cotoneaster sp.</i>	Cotoneaster							*		
Rosaceae	<i>Crataegus monogyna</i>	Hawthorn							*		
Rosaceae	<i>Prunus sp.</i>	Prunus							*		
Solanaceae	<i>Brunfelsia sp</i>	Brunfelsia sp							*		

Table 12 Fauna species recorded within study area

Key: O=Seen; W=Heard; AD=definite Anabat recording; AP=Probable Anabat recording; P=Indirect evidence (Burrow, scat, tracks etc)

Taxa	Family	Scientific name	Common name	Exotic	Obs. type	TSC Act	EPBC Act
Ave	Accipitridae	<i>Aquila audax</i>	Wedge-tailed Eagle		O		
Ave	Anatidae	<i>Chenonetta jubata</i>	Australian Wood Duck		O		
Ave	Artamidae	<i>Cracticus nigrogularis</i>	Pied Butcherbird		W		
Ave	Artamidae	<i>Cracticus tibicen</i>	Australian Magpie		OW		
Ave	Cacatuidae	<i>Eolophus roseicapillus</i>	Galah		O		
Ave	Columbidae	<i>Ocyphaps lophotes</i>	Crested Pigeon		W		
Ave	Maluridae	<i>Malurus cyaneus</i>	Superb Fairywren		W		



Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment

Taxa	Family	Scientific name	Common name	Exotic	Obs. type	TSC Act	EPBC Act
Ave	Meliphagidae	<i>Manorina melanocephala</i>	Noisy Miner		OW		
Ave	Pardalotidae	<i>Pardalotus punctatus</i>	Spotted Pardalote		W		
Ave	Psittacidae	<i>Platycercus elegans</i>	Crimson Parrot		OW		
Ave	Psittacidae	<i>Platycercus eximius</i>	Eastern Rosella		W		
Ave	Psittacidae	<i>Psephotus haematonotus</i>	Red-rumped Parrot		W		
Ave	Rhipiduridae	<i>Rhipidura leucophrys</i>	Willy Wagtail		W		
Mammal	Canidae	<i>Canis lupis familiaris</i>	Dog	*	P		
Mammal	Emballonuridae	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tailed Bat		AD	V	
Mammal	Macropodidae	<i>Macropus giganteus</i>	Eastern Grey Kangaroo		P		
Mammal	Macropodidae	<i>Notamacropus rufogriseus</i>	Red-necked Wallaby		P		
Mammal	Miniopteridae	<i>Miniopterus orianae oceanensis</i>	Eastern Bent-winged Bat		AD	V	
Mammal	Molossidae	<i>Austronomus australis</i>	White-striped Free-tailed Bat		AD		
Mammal	Molossidae	<i>Mormopterus planiceps</i>	Southern Free-tailed Bat		AD		
Mammal	Molossidae	<i>Mormopterus ridei</i>	Ride's Free-tailed Bat		AP		
Mammal	Phalangeridae	<i>Trichosurus vulpecula</i>	Brush-tail Possum		P		
Mammal	Vespertilionidae	<i>Chalinolobus gouldii</i>	Gould's Wattled Bat		AD		
Mammal	Vespertilionidae	<i>Chalinolobus morio</i>	Chocolate Wattled Bat		AD		
Mammal	Vespertilionidae	<i>Myotis macropus</i>	Large-footed Myotis		AP	V	V
Mammal	Vespertilionidae	<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat		AP	V	V



## Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment

Taxa	Family	Scientific name	Common name	Exotic	Obs. type	TSC Act	EPBC Act
Mammal	Vespertilionidae	<i>Nyctophilus geoffroyi</i>	Lesser long-eared bat		AP		
Mammal	Vespertilionidae	<i>Nyctophilus gouldi</i>	Gould's long-eared bat		AP		
Mammal	Vespertilionidae	<i>Scotorepens balstoni</i>	Inland Broad-nosed Bat		AP		
Mammal	Vespertilionidae	<i>Scotorepens greyii</i>	Little Broad-nosed Bat		AD		
Mammal	Vespertilionidae	<i>Vespadelus darlingtoni</i>	Large Forest Bat		AD		
Mammal	Vespertilionidae	<i>Vespadelus regulus</i>	Southern Forest Bat		AP		
Mammal	Vespertilionidae	<i>Vespadelus vulturinus</i>	Little Forest Bat		AP		



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## APPENDIX D BAT CALL ANALYSIS

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**ECHO**  
ECOLOGY AND  
SURVEYING

## Bat Call Identification

**Mt Panorama, NSW**

**Prepared for**  
The Environmental Factor  
PO Box 268  
Bathurst, NSW, 2795

**Job Reference BC\_ENF5 - October 2018**



Bat Call Analysis  
Mt Panorama, NSW

This report has been prepared to document the analysis of digital ultrasonic bat echolocation calls received from a third party. The data was not collected by the author and as such no responsibility is taken for the quality of data collection or for the suitability of its subsequent use.

This report was authored by

A handwritten signature in black ink, appearing to read 'Anna McConville'.

**Dr Anna McConville**

PhD, B.Env.Sc.



Bat Call Analysis  
Mt Panorama, NSW

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## 1.0 INTRODUCTION

This report has been commissioned by The Environmental Factor to analyse bat echolocation call data (Anabat, Titley Electronics) collected from Mt Panorama, NSW. Data was provided electronically to the author. This report documents the methods involved in analysing bat call data and the results obtained only.

## 2.0 METHODS

The identification of full spectrum bat echolocation calls recorded during surveys was undertaken using Anabat Insight (Titley Electronics, Version 1.1.3) software. The calls were recorded using Data Division Ratio 8. Calls were first run through a custom-made noise filter (EE\_bats) and this removed 837 noise files from consideration. The identification of calls was undertaken with reference to Pennay et al. (2004) and through the comparison of recorded reference calls from the western plains region. Reference calls were obtained from the NSW database and from the authors personal collection.

Each call sequence ('pass') was assigned to one of five categories, according to the confidence with which an identification could be made, being:

- Definite - Pass identified to species level and could not be confused with another species
- Probable - Pass identified to species level and there is a low chance of confusion with another species
- Possible - Pass identified to species level but short duration or poor quality of the pass increases the chance of confusion with another species
- Species group - Pass could not be identified to species level and could belong to one of two or more species. Occurs more frequently when passes are short or of poor quality
- Unknown - Either background 'noise' files or passes by bats which are too short and/or of poor quality to confidently identify.

Call sequences that were less than three pulses in length were not analysed and were assigned to 'Unknown' and only search phase calls were analysed. Furthermore, some species are difficult to differentiate using bat call analysis due to overlapping call



Bat Call Analysis  
Mt Panorama, NSW

frequencies and similar shape of plotted calls and in these cases calls were assigned to species groups.

The total number of passes (call sequences) per unit per night was tallied to give an index of activity.

It should be noted that the activity levels recorded at different sites may not be readily able to be compared. Activity levels should not be compared among species as different species have different detectability due to factors such as call loudness, foraging strategy and call identifying features. Activity comparisons among sites are dependent on many variables which need to be carefully controlled during data collection and statistically analysed. Influential variables include wind, rain, temperature, duration of recording, season, detector and microphone sensitivity, detector placement, weather protection devices etc.

Nomenclature follows the Australian Chiroptera taxonomic list described by Reardon et al. (2015).

## 2.1 Characteristics Used to Differentiate Species

*Chalinolobus morio* calls were differentiated from those of *Vespadelus* sp. by the presence of a down-sweeping tail on the majority of pulses.

Calls from *Miniopterus orianae oceanensis* were differentiated from *Vespadelus* spp. by a combination of uneven consecutive pulses and the presence of down-sweeping tails. Long, high quality call sequences with more regularly-spaced consecutive pulses and fewer down-sweeping tails were assigned to *Vespadelus darlingtoni* or *Vespadelus regulus* depending on characteristic frequency.

Calls from *Mormopterus* spp. were differentiated by the presence of mainly flat pulses. Calls from *Mormopterus planiceps* were distinguished from *Mormopterus ridei* only where they do not overlap in characteristic frequency.

*Chalinolobus gouldii* was differentiated from other species by the presence of curved, alternating call pulses.

*Scotorepens balstoni* was differentiated from other species in long call sequences with curved pulses with little alternation.

*Myotis macropus*, *Nyctophilus corbeni*, *Nyctophilus geoffroyi* and *Nyctophilus gouldi* were unable to be differentiated.

*Saccolaimus flaviventris* and *Austronomus australis* were differentiated from other bat species on the basis of characteristic frequency.



### 3.0 RESULTS

A total of 2,602 call sequences were recorded, of which 142 call sequences were able to be analysed (ie were not 'noise' files or bat calls of short length). Of the bat calls, 83 call sequences (58 %) were able to be confidently identified (those classified as either definite or probable identifications) to species level (Table 3-1). Species recorded confidently within the site include:

- *Austronomus australis* (White-striped Free-tailed Bat)
- *Chalinolobus gouldii* (Gould's Wattled Bat)
- *Chalinolobus morio* (Chocolate Wattled Bat)
- *Miniopterus orianae oceanensis* (Eastern Bent-winged Bat)
- *Mormopterus planiceps* (Southern Free-tailed Bat)
- *Saccolaimus flaviventris* (Yellow-bellied Sheath-tailed Bat)
- *Scotorepens greyii* (Little Broad-nosed Bat)
- *Vespadelus darlingtoni* (Large Forest Bat)

Additionally, the following bat species potentially occurred within the site, but could not be confidently identified (those calls classified as possible or as a species group):

- *Mormopterus ridei* (Ride's Free-tailed Bat)
- *Myotis macropus* (Large-footed Myotis)
- *Nyctophilus corbeni* (Corben's Long-eared Bat)
- *Nyctophilus geoffroyi* (Lesser long-eared bat)
- *Nyctophilus gouldi* (Gould's long-eared bat)
- *Scotorepens balstoni* (Inland Broad-nosed Bat)
- *Vespadelus regulus* (Southern Forest Bat)
- *Vespadelus vulturnus* (Little Forest Bat)

It should be noted that additional bat species may be present within the site but were not recorded by the detectors (or are difficult to identify by bat call) and habitat assessment should be used in conjunction with these results to determine the likelihood of occurrence of other bat species.

Table 3-1 below summarises the results of the bat call analysis.



Bat Call Analysis  
Mt Panorama, NSW

**Table 3-1: Results of bat call analysis (number of passes per site per night)**

IDENTIFICATION	Anabat 1 (near entrance) 14/09/2018	Anabat 1 (near entrance) 15/09/2018	Anabat 1 (near entrance) 16/09/2018	Anabat 2 (near house) 12/09/2018	Anabat 2 (near house) 15/09/2018
<b>DEFINITE</b>					
<i>Austronomus australis</i>	3	-	-	-	-
<i>Chalinolobus gouldii</i>	6	-	-	-	-
<i>Chalinolobus morio</i>	30	-	1	-	-
<i>Mormopterus planiceps</i>	10	-	-	-	-
<i>Saccolaimus flaviventris</i>	-	1	-	-	-
<b>PROBABLE</b>					
<i>Chalinolobus gouldii</i>	7	-	-	1	-
<i>Chalinolobus morio</i>	16	2	1	-	-
<i>Miniopterus orianae oceanensis</i>	1	-	1	-	-
<i>Mormopterus planiceps</i>	1	-	-	-	-
<i>Scotorepens greyii</i>	1	-	-	-	-
<i>Vespadelus darlingtoni</i>	1	-	-	-	-
<b>POSSIBLE</b>					
<i>Chalinolobus gouldii</i>	1	-	-	-	-
<b>SPECIES GROUPS</b>					
<i>Chalinolobus gouldii</i> / <i>Mormopterus planiceps</i>	13	1	-	-	-
<i>Chalinolobus gouldii</i> / <i>Mormopterus ridei</i> / <i>Mormopterus planiceps</i> / <i>Scotorepens balstoni</i>	7	-	-	-	-
<i>Chalinolobus gouldii</i> / <i>Scotorepens balstoni</i>	1	-	-	-	-
<i>Miniopterus orianae oceanensis</i> / <i>Vespadelus darlingtoni</i> / <i>Vespadelus regulus</i> / <i>Vespadelus vulturinus</i>	5	-	-	-	-



Bat Call Analysis  
Mt Panorama, NSW

IDENTIFICATION	Anabat 1 (near entrance) 14/09/2018	Anabat 1 (near entrance) 15/09/2018	Anabat 1 (near entrance) 16/09/2018	Anabat 2 (near house) 12/09/2018	Anabat 2 (near house) 15/09/2018
<i>Miniopterus orianae oceanensis</i> / <i>Vespadelus regulus</i> / <i>Vespadelus vulturnus</i>	15	-	-	-	-
<i>Miniopterus orianae oceanensis</i> / <i>Vespadelus vulturnus</i>	1	-	-	-	-
<i>Mormopterus ridei</i> / <i>Mormopterus planiceps</i>	1	-	-	-	-
<i>Myotis macropus</i> / <i>Nyctophilus corbeni</i> / <i>Nyctophilus geoffroyi</i> / <i>Nyctophilus gouldi</i>	4	-	1	-	-
<i>Vespadelus darlingtoni</i> / <i>Vespadelus regulus</i> / <i>Vespadelus vulturnus</i>	-	1	-	-	-
<i>Vespadelus darlingtoni</i> / <i>Vespadelus vulturnus</i>	8	-	-	-	-
<b>UNKNOWN</b>					
'Noise' files	35	233	2	29	1211
Unknown	112	1	-	-	-
<b>TOTAL</b>	<b>279</b>	<b>239</b>	<b>6</b>	<b>30</b>	<b>1211</b>



### 4.0 SAMPLE CALLS

A sample of the calls actually identified from the site for each species is given below.



Figure 4-1: *Austronomus australis* definite call



Figure 4-2: *Chalinolobus gouldii* definite call



Figure 4-3: *Chalinolobus morio* definite call



Bat Call Analysis  
Mt Panorama, NSW



Figure 4-4: *Miniopterus oriana oceanensis* probable call

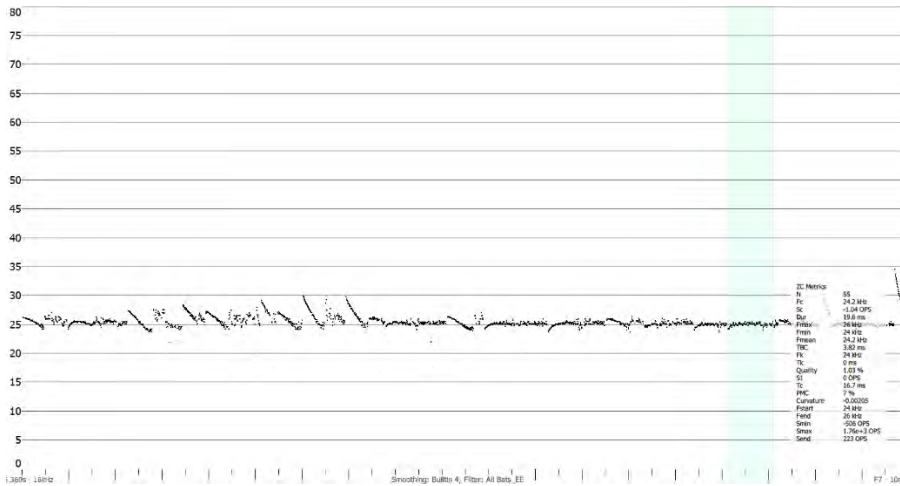


Figure 4-5: *Mormopterus planiceps* definite call



Figure 4-6: *Saccolaimus flaviventris* definite call



Bat Call Analysis  
Mt Panorama, NSW

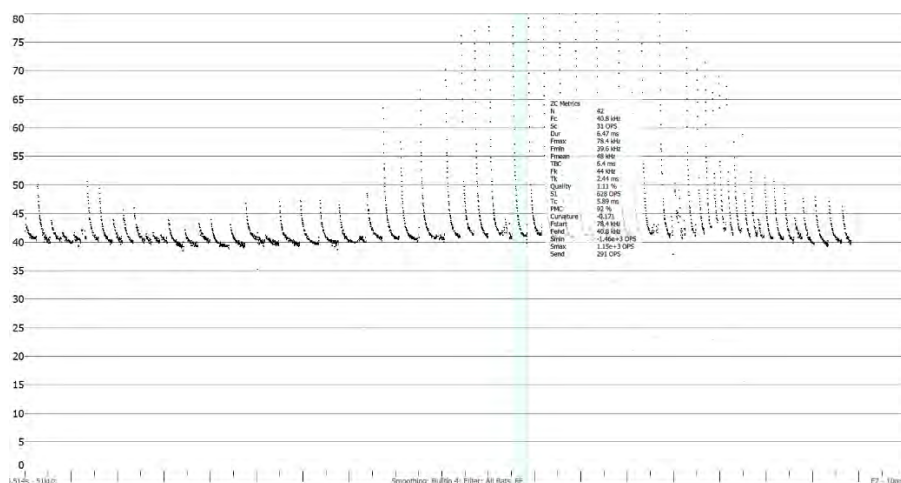


Figure 4-7: *Scotorepens greyii* probable call



Figure 4-8: *Vespadelus darlingtoni* probable call

## 5.0 REFERENCES

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## APPENDIX E THREATENED BIOTA AND MNES 'LIKELIHOOD OF OCCURRENCE' ASSESSMENTS

The below assessment includes national and state significant species from the following sources:

- Atlas of NSW Wildlife (publicly available data accessed on 12/09/2018)
- DEE database (PMST accessed on 12/09/2018 and updated search 29/11/2018)
- BRC private database records provided 29/11/2018
- Current survey
- Search area is 10 km radius.
- Not considered further pelagic seabirds, shorebirds, sandpipers, turtles, whales, sharks - no preferred marine or coastal habitat in study area.

All habitat information in this table is taken from NSW OEH and Commonwealth DEE Threatened Species profiles (OEH 2018 DEE 2018) unless otherwise stated. The codes used in this table are:

- CE – Critically Endangered
- E – Endangered
- V – Vulnerable
- EP – Endangered Population
- C – CAMBA
- J – JAMBA
- R – ROKAMBA
- CEEC – Critically Endangered Ecological Community
- EEC – Endangered Ecological Community

Likelihood	Definition
<b>Known</b>	Species recorded in the subject site.
<b>Likely</b>	Species previously recorded within a 10 kilometre radius of the subject site and suitable habitat occurs within the subject site.
<b>Possible</b>	Species previously recorded within a 10 kilometre radius of the subject site but only marginal suitable habitat recorded, OR Species not previously recorded within a 10 kilometre radius of the subject site, but the proposal footprint is within the species known distribution and suitable habitat occurs within the subject site.
<b>Unlikely</b>	Species previously recorded within a 10 kilometre radius of the subject site but no suitable habitat recorded.
<b>Nil</b>	Species not previously recorded within a 10 kilometre radius of the subject site
<b>Likelihood of impact by the proposal (subject site)</b>	
<b>Nil</b>	Species/ community will not be impacted by the proposal
<b>Low</b>	Species / community is unlikely to be impacted by the proposal.
<b>Moderate</b>	Species / community is known or likely to occur within the study area however the proposal does not impact on important habitat resources.

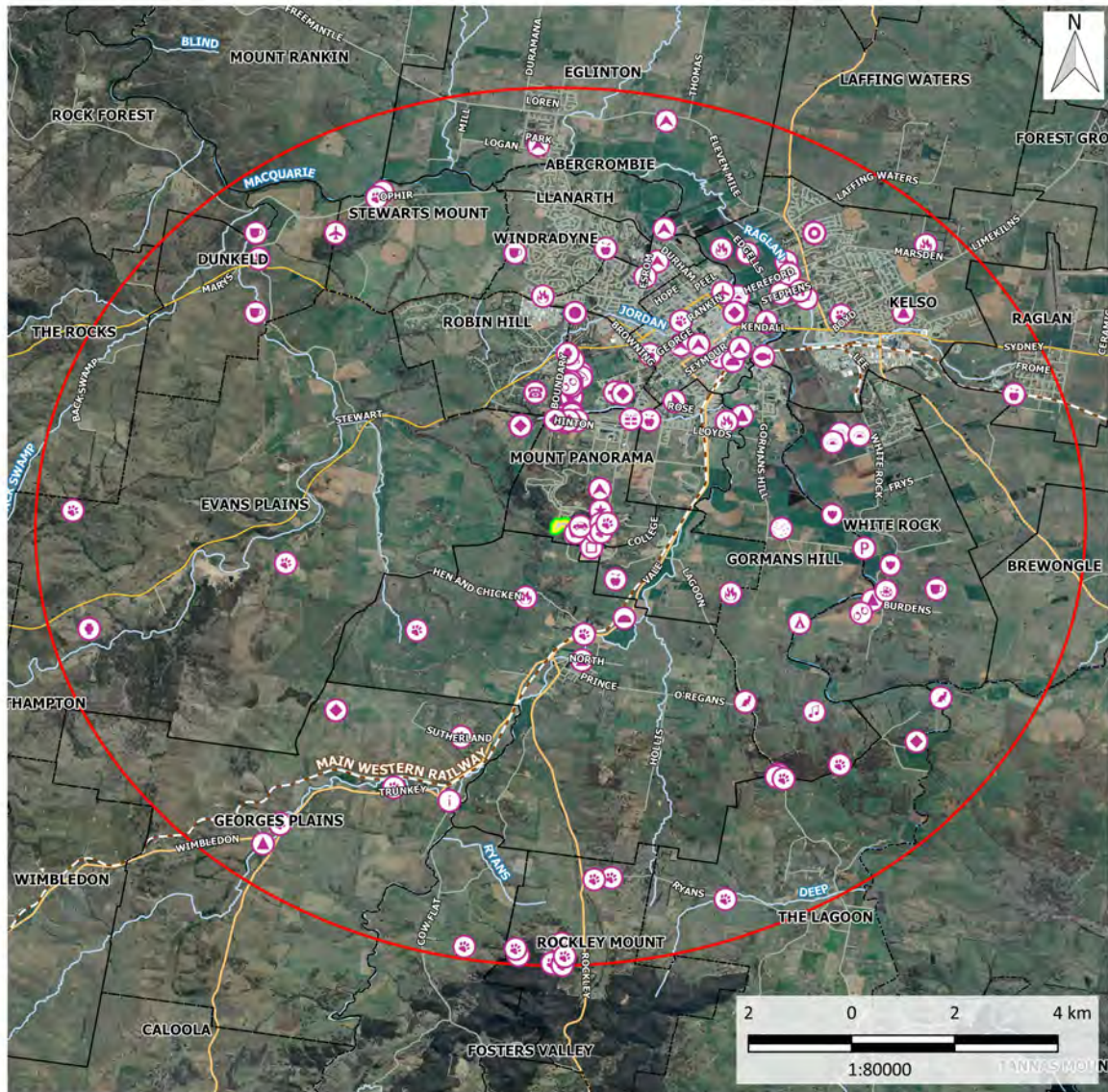


Go Kart Track Development, McPhillamy Park – Flora and Fauna Assessment

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<b>High</b>	Species / community is known or likely to occur within the study area and the proposal will impact on important habitat resources.
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All information in the following tables are taken from NSW OEH and Commonwealth DEE Threatened Species profiles (OEH 2018, DEE 2018, DEE 2018) unless otherwise stated. The codes used in this table are: CE – Critically endangered; E – endangered; V – vulnerable; EP – endangered Population; CEEC – Critically endangered Ecological Community; EEC – Endangered Ecological Community.



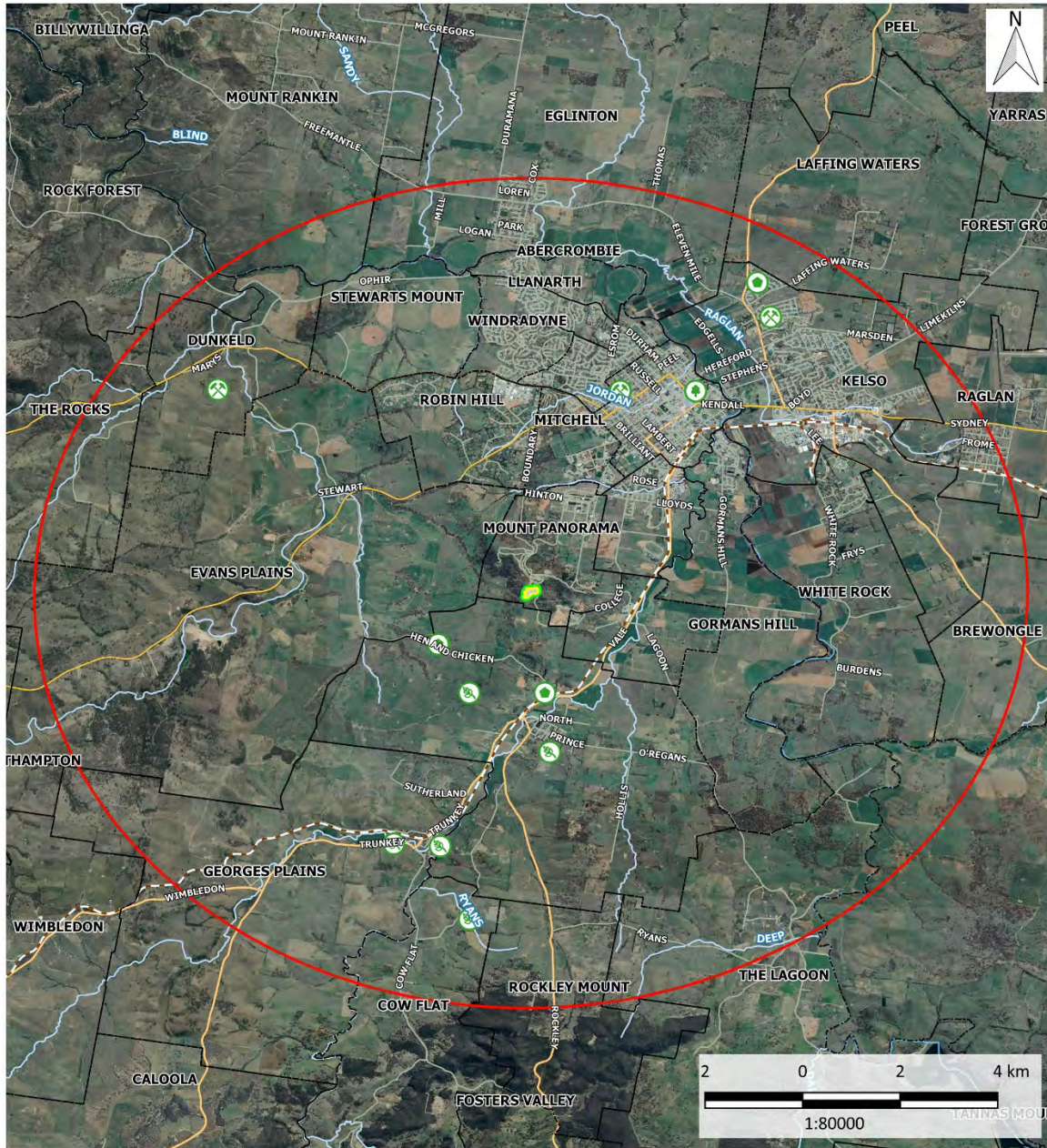
Threatened Fauna recorded within 10km of the study area

Legend

- |                  |   |                            |                          |                              |
|------------------|---|----------------------------|--------------------------|------------------------------|
| 10km radius      | Primary Road                                  | Bush Stone-curler          | Large-footed Myotis      | South-eastern Long-eared Bat |
| Proposed track   | Sub Arterial Road                             | Diamond Firetail           | Grassland Earless Dragon | Southern Bell Frog           |
| Subject site     | <b>Threatened Fauna</b>                       | Eastern Bentwing-bat       | Little Eagle             | Speckled Warbler             |
| Study area       | Australasian Bittern                          | Flame Robin                | Little Lorikeet          | Spotted Harrier              |
| Suburb           | Australian Bustard                            | Freckled Duck              | Little Whip Snake        | Spotted-tailed Quoll         |
| <b>Waterways</b> | Barking Owl                                   | Gang-gang Cockatoo         | Murray Cod               | Square-tailed Kite           |
| Creek            | Bilby   | Grassland Earless Dragon   | Painted Honeyeater       | Swift Parrot                 |
| River            | Black Falcon                                  | Green and Golden Bell Frog | Painted Snipe            | Varied Sitella               |
| Rivulet          | Black-chinned Honeyeater (eastern subspecies) | Grey-crowned Babbler       | Plains Wanderer          | Yellow-bellied Glider        |
| Railway line     | Booroolong Frog                               | Grey-headed Flying-fox     | Regent Honeyeater        | Yellow-spotted Tree frog     |
| Arterial Road    | Brown Treecreeper                             | Hooded Robin               | Scarlet Robin            |                              |
| Local Road       | Koala   |                            |                          |                              |

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Figure 5 BRC restricted access records of threatened fauna within 10km of the study area



Threatened Flora recorded within 10km of the study area

**Legend**

- |                |                  |                         |                    |
|----------------|------------------|-------------------------|--------------------|
| 10km radius    | <b>Waterways</b> | Local Road              | Rough Eyebright    |
| Proposed track | Creek            | Primary Road            | Silky Swainson-pea |
| Subject site   | River            | Sub Arterial Road       | Silver-leafed Gum  |
| Study area     | Rivulet          | <b>Threatened Flora</b> | Small Snake Orchid |
| Suburb         | Railway line     | Aromatic Peppergrass    | Tawny Leek Orchid  |
|                | Arterial Road    | Black Gum               |                    |

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Figure 6 BRC restricted access records of threatened flora within 10km of the study area

Table 13 Threatened Ecological Communities and species known or predicted from the locality, habitat association and suitable habitat present within the study area and subject site.

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<b>Amphibians</b>							
<i>Litoria aurea</i>	Green and Golden Bell Frog	V	E	The Green and Golden Bell Frog requires deep pools with fringing aquatic vegetation to breed. This species finds refuge beneath artificial debris, logs and rocks in proximity to breeding habitat.	BioNet, PMST	Unlikely	Nil
<i>Litoria booroolongensis</i>	Booroolong Frog	E	E	The Booroolong Frog inhabits riffle habitat in pristine rivers and streams. Water quality is important for this species as it does not tolerate high turbidity and pollution levels.	BioNet	Unlikely	Nil
<i>Litoria castanea</i>	Yellow-spotted Tree Frog	E	CE	The Yellow-spotted Tree Frog has similar habitat requirements to the other two Bell Frog species, including deep pools with fringing and emergent aquatic vegetation to breed and nearby refuge habitat to shelter.	PMST	Nil	Nil
<i>Litoria raniformis</i>	Southern Bell Frogs	V	E	The Southern Bell Frog has historically been recorded throughout southern NSW as far north as Bathurst. It requires deep pools with emergent vegetation to breed close to refuge and basking habitat.	BRC record	Nil	Nil
<b>Birds</b>							

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Anseranas semipalmata</i>	Maggie Goose		V	The Magpie Goose prefers shallow wetlands (less than 1 metre deep) with dense rushes and sedges. It forages on grasses, bulbs and rhizomes often seen in paddocks. It occurs on the floodplains of rivers with breeding occurring both during winter or summer dependent on rainfall, however breeding is unlikely in south-eastern NSW.	BioNet	Unlikely - Species has previously been recorded within a 10 km radius, however, no suitable habitat recorded.	Nil
<i>Anthochaera phrygia</i>	Regent Honeyeater	CE		The Regent Honeyeater is a migratory woodland bird moving across the landscape in response to climatic conditions and food availability. This species breeds has only three key breeding locations. The closest breeding colony is located near the Capertee Valley. This species prefers Box-Ironbark woodland and riparian forests particularly habitats with mature trees, high canopy cover and abundance of mistletoes.	PMST	Possible – marginal foraging habitat	Low
<i>Artamus cyanopterus</i>	Dusky Woodswallow		V	Primarily inhabit dry, open eucalypt forests and woodlands, including mallee associations, with an open or sparse understorey of eucalypt saplings, acacias and other shrubs, and ground-cover of grasses or sedges and fallen woody debris. Nests colonially.	BioNet	<b>Possible, marginal foraging habitat present.</b>	<b>Moderate</b>

## Appendix D – Assessments of Significance for State Listed Threatened Biota

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Burhinus grallarius</i>	Bush Stone-curlew		E	The Bush Stone-curlew occupies open grassy woodland habitat. This species has not been recorded near Bathurst since the 1950s.	BRC record	Nil	Nil
<i>Calidris ferruginea</i>	Curlew Sandpiper	CE, M		Mainly occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons, and also around non-tidal swamps, lakes and lagoons near the coast, and ponds in saltworks and sewage farms. They are also recorded inland, though less often, including around ephemeral and permanent lakes, dams, waterholes and bore drains, usually with bare edges of mud or sand.	PMST	<b>Unlikely</b> - No water body nearby which is required by this species for foraging and breeding.	Nil
<i>Callocephala fimbriatum</i>	Gang-gang Cockatoo		V	The Gang-gang Cockatoo favours old growth forests for roosting and requires tree hollows for nesting. During summer it is found in tall mountain forests and wet sclerophyll forests while during winter it moves into drier woodlands and can be found in more urban areas.	BioNet	<b>Possible – one suitable hollow bearing tree present and exotic winter foraging resources</b>	<b>Moderate</b>
<i>Circus assimilis</i>	Spotted Harrier		V	The Spotted Harrier unlike other Harriers nests in trees, often in open grassy woodland habitats, inland riparian woodlands or agricultural land.	BRC record	Possible foraging habitat	Low
<i>Chthonicala sagittata</i>	Speckled Warbler		V	The Speckled Warbler occupies open Eucalypt woodlands with a grassy understorey and often rocky	BRC record	Unlikely, this species requires large (>5ha) areas	Low



Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Climacteris picumnus</i>	Brown Treecreeper		V	<p>outcrops. Relatively large undisturbed areas are required to sustain this species in an area.</p> <p>The Brown Treecreeper maintains a territory in open woodland habitats (including Box-Gum Woodland). It prefers woodlands dominated by stringy barks and rough barked eucalypts with a grassy understorey. It requires tree hollows in live and dead trees or stumps for nesting.</p>	BioNet	<p>of intact habitat to persist.</p> <p><b>Possible, few tree hollows and smooth barked eucalypts dominate this habitat.</b></p>	<b>Moderate</b>
<i>Daphoenositta chrysoptera</i>	Varied Sittella		V	<p>The Varied Sittella prefers open eucalypt and Acacia woodlands with Stringy bark eucalypts from which to glean insects. They are territorial preferring to use the same tree fork to construct nests for breeding.</p>	BRC record	<p>Unlikely, no stringybarks present</p>	Low
<i>Falco subniger</i>	Black Falcon		V	<p>The Black Falcon is known to occur west of Orange and may pass through Bathurst on occasion being a highly mobile species.</p>	BioNet	<p>Unlikely</p>	Low
<i>Glossopsitta pusilla</i>	Little Lorikeet		V	<p>Forages primarily in the canopy of open Eucalyptus forest and woodland. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity. Nomadic however tends to nest in proximity to foraging areas.</p>	BRC record	<p>Unlikely, marginal foraging habitat present.</p>	Low

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Grantiella picta</i>	Painted Honeyeater	V		The Painted Honeyeater is typically rare throughout its range occupying dense dry open forests with an abundance of mistletoe.	PMST	Unlikely	Low
<i>Hieraetus morphnoides</i>	Little Eagle		V	The Little Eagle occurs throughout NSW within open eucalypt forests, woodland and riparian woodlands. It nests in tall living trees often within a remnant patch of woodland.	BRC record	Possible, foraging habitat only	Low, foraging habitat is not limiting for this species
<i>Lathamus discolor</i>	Swift Parrot	CE		The Swift Parrot breeds in Tasmania and returns to the south-eastern mainland to forage over the cooler months (March – October). They move across the landscape to forage on lerp infestations or an abundance of eucalypt flowers. Preferred feed trees include <i>Eucalyptus robusta</i> , <i>Corymbia maculata</i> , <i>C. gummifera</i> , <i>E. sideroxylon</i> and <i>E. albens</i> .	PMST	Unlikely	Low
<i>Leipoa ocellata</i>	Malleefowl	V		The Malleefowl typically occupies mallee communities with a spinifex understory but occasionally uses woodlands with a denser understory. It requires light sandy loam soils with a diverse shrub and understory.	PMST	Nil	Nil
<i>Lophoictinia isura</i>	Square-tailed Kite		V	Found in a variety of timbered habitats including dry woodlands and open forests. Shows a particular preference for timbered watercourses. Occupies large hunting ranges of more than 100km <sup>2</sup> . Breeding	BRC record	Possible, this species occupies large foraging	Low

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater (eastern subspecies)		V	is from July to February, with nest sites generally located along or near watercourses. The Black-chinned Honeyeater occupies open woodland habitats and open forests of smooth gums, stringybarks, ironbarks and Casuarinas and Melaleucas. They require large foraging territories of woodland patches at least 5 hectares large.	BioNet	Unlikely areas. No possible nests observed.	Low
<i>Melanodryas cucullata</i>	Hooded Robin		V	The Hooded Robin prefers lightly wooded forests such as eucalypt woodlands, acacia scrub and mallee with structurally diverse habitats including saplings, tall native grasses and an abundance of fallen leaf litter and woody debris to forage. They occupy home ranges of 10 hectares to 30 hectares throughout the year.	BRC record	Unlikely, the study area does not support structurally diverse habitats.	Low
<i>Ninox connivens</i>	Barking Owl		V	The Barking Owl requires large tree hollows in order to roost and breed. It occupies open forests and woodlands including partially cleared farmland. They often roost in densely formed Acacia and Casuarina species. A large portion of its diet consists of arboreal mammals but can adapt to ground dwelling species where the habitat cannot sustain preferred prey.	BioNet	Possible foraging habitat however no suitable breeding hollows	Low, foraging habitats are not limiting for this species
<i>Numenius madagascariensis</i>	Eastern Curlew	CE, M		The Eastern Curlew is found on intertidal mudflats and sandflats, often with beds of seagrass, on sheltered coasts, especially estuaries, mangrove swamps, bays, harbours and lagoons. It is rarely	PMST	Unlikely	Nil

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Pedionomus torquatus</i>	Plains Wanderer	V	E	The Plains Wanderer inhabits open native grasslands with approximately 50% bare soils. It does not occupy densely vegetated grasslands preferring habitats with short grass species ranging from 5-30cm high.	BRC record	Unlikely	Low
<i>Petroica boodang</i>	Scarlet Robin		V	The Scarlet Robin requires an abundance of fallen logs and timber debris in which to forage for invertebrates. Following the breeding season this species may join a mixed flock of other insectivorous bird species to forage in dry woodlands and grasslands during the winter months. The Scarlet Robin can inhabit both mature and regrowth vegetation communities.	BRC record	<b>Possible, marginal habitat present which may be used seasonally</b>	<b>Moderate</b>
<i>Petroica phoenicea</i>	Flame Robin		V	The Flame Robin prefers open woodland habitats, breeding in upland tall moist eucalyptus forests with an open understorey of native grasses. During winter the Flame Robin moves into drier more open habitats including pastures and native grasslands.	BRC record	<b>Possible, marginal habitat present which may be used seasonally</b>	<b>Moderate</b>
<i>Polytelis swainsonii</i>	Superb Parrot	V		The Superb Parrot requires tree hollows to breed. They typically nest in colonies and return to the same location over generations. The closest known breeding colonies occur at Cowra. During the summer they return from wintering in northern NSW	PMST	Unlikely	Low

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Pomatostomus temporalis temporalis</i>	Grey-crowned Babbler		V	The Grey-crowned Babbler occupies Box-gum woodlands, Box-cypress-pine and Box Woodlands on alluvial plains. They construct several large dome stick nests within a territory and breed cooperatively during the warmer months.	BRC record	Unlikely, no conspicuous nests observed	Low
<i>Botaurus poiciloptilus</i>	Australasian Bittern	E	E	The Australasian Bittern occurs throughout much of NSW favouring permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes ( <i>Typha</i> spp.) and spikerushes ( <i>Eleocharis</i> spp.).	BRC record	Unlikely	Nil
<i>Rostratula australis</i>	Australian Painted-snipe	E		The Australian Painted Snipe occupies wetland and swamp habitats, preferring the fringes of swamps and dams with a cover of grasses, lignum or open timber. Breeding occurs anytime during spring and summer when conditions are favourable. It nests on the ground amongst tall vegetation.	PMST	Unlikely	Nil
<i>Stagonopleura guttata</i>	Diamond Firetail		V	The Diamond Firetail tends to occur in proximity to watercourses building small dome nests in shrubs and dense foliage. It is found within Box-Gum Woodlands, Snow Gum Woodlands, open forests, mallee, Natural Temperate Grassland and in secondary grasslands derived from other	BioNet	<b>Possible. Closest record occurs approximately 2.5km north of the study area adjacent to Hawthornden</b>	<b>Moderate.</b>

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Stictonetta naevosa</i>	Freckled Duck		V	communities. This species forages on grasses, forbs and insects along the ground. The Freckled Duck is known to occur along the Paroo and Lachlan Rivers preferring large permanent swamps with Cumbungi, Lignum or Melaleuca to breed. They take refuge beneath dense vegetation by deep water during the day and forage on algae, seeds, grasses and sedges at night. Breeding can occur year round when conditions are favourable however typically this is restricted to October – December.	BRC record	Creek dating from 2014.	Nil
<b>Fish</b>							
<i>Maccullochella macquarie nsis</i>	Trout Cod	E		The Trout Cod is endemic to the Murray Darling River system. The closest record occurs from the Macquarie River dating from 2006. This species requires deep water habitat with plenty of cover and refuge including undercut banks, snags (large woody debris) and prefer waterways with relatively fast currents. They typically have small home ranges and remain in the same area.	PMST	Nil	Nil
<i>Maccullochella peelii</i>	Murray Cod	V		The Murray Cod is known to occur within the Macquarie River and Lachlan Rivers. They move upstream to breed in small, clear, rocky streams with	PMST	Nil	Nil

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Macquaria australasica</i>	Macquarie Perch	E		<p>a variety of riffle and pool structure. At other times of the year they occupy large, slow-flowing often silty rivers of the Murray-Darling Basin. During this time they prefer habitats that provide adequate shelter in the form of deep holes vegetative cover, snags and overhanging vegetation.</p> <p>This species of freshwater fish inhabits river and lake habitats, especially the upper reaches of rivers and their tributaries. Spawning occurs in spring and summer in shallow upland streams or flowing sections of river systems. This species is found in the upper reaches of the Lachlan, Murrumbidgee and Murray Rivers, and in parts of the Hawkesbury and Shoalhaven catchment areas. The species requires clear water with deep, rocky holes with abundant cover (including aquatic vegetation, woody debris, large boulders and overhanging banks.</p>	PMST	Nil	Nil
<b>Mammals</b>							
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V		The Large-eared Pied Bat primarily roosts beneath cliff overhangs, within disused mine shafts and may use tree hollows. Only two maternity roosts are known to occur within NSW. This species requires a	PMST Anabat record	Likely – possible anabat recording	High

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Macrotis lagotis cambrica</i>	Bilby		Ex	combination of sandstone cliff for roosting habitat adjacent to Box-Gum Woodland or riparian corridors to provide appropriate foraging grounds.	BRC record	Nil. No confirmed records since 1900s	Nil
<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	V		The Eastern Bentwing-bat relies on large maternity caves for breeding. Outside of the breeding season individuals disperse up to 300 km from the maternity cave and may occupy disused mines, storm-water tunnels, buildings and other man-made infrastructure. They tend to forage above the tree canopy throughout a variety of habitat types including urban areas.	Anabat record	<b>Known</b>	<b>High</b>
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheathail bat	V		The Yellow-bellied Sheathail Bat is found throughout south-east Australia. It roosts in tree hollows and buildings and occasionally in mammal burrows where roost sites are scarce. When foraging for insects, flies high and fast over the forest canopy, but lower in more open country. Breeding has been recorded	Anabat record	<b>Known</b>	<b>High</b>



Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Nyctophilus corbeni</i>	Corben's Long-eared Bat	V	V	<p>from December to mid-March, when a single young is born.</p> <p>Inhabits a variety of vegetation types, including mallee, bullock Allocasuarina leuhmanni and box eucalypt dominated communities, but it is distinctly more common in box/ironbark/cypress-pine vegetation that occurs in a north-south belt along the western slopes and plains of NSW and southern Queensland. Roosts in tree hollows, crevices, and under loose bark.</p> <p>The Southern Myotis roosts in tree hollows, mine shafts, storm water channels, buildings, under bridges as well as amongst dense emergent riparian vegetation. This species is strongly associated with waterways foraging for small fish and insects over streams by raking their feet across the water surface.</p>	Anabat record	<b>Possible, Anabat recording however species within this genus can not be differentiated by call alone.</b>	<b>Moderate</b>
<i>Myotis macropus</i>	Large-footed Myotis	V	V	<p>The Spotted-tailed Quoll has been recorded across a variety of habitats including rainforest, heath, woodlands and riparian forests. They require den sites found amongst fallen logs, small caves, rocky outcrops or within tree hollows to shelter and breed. Females occupy home ranges up to 750 ha while males' territories can extend up to 3500 ha.</p>	Anabat record	<b>Likely – possible anabat recording</b>	<b>Moderate</b>
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	E	V		BioNet, PMST	Possible	Low

## Appendix D – Assessments of Significance for State Listed Threatened Biota

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Petauroidea volans</i>	Greater Glider	V		Found in tall eucalypt forests and woodlands. This species is dependent on large tracts of undisturbed tall forest with suitably large nesting hollows. Each animal requires approximately 1.5 ha of land.	PMST	Unlikely	Low
<i>Petaurus australis</i>	Yellow-bellied Glider		V	They Yellow-bellied Glider requires tall mature forests with an abundance of tree hollows to shelter and breed.	BRC record	Nil	Nil
<i>Petrogale penicillata</i>	Brush-tailed Rock wallaby	V		The Brush-tailed Rock Wallaby is found in fragmented populations throughout the Great Dividing Range. They live on rocky escarpments, granite outcrops and cliffs, which have caves and ledges facing north for warmth. They graze on native grasses, foliage, fruits of shrubs, roots and bark found in surrounding habitat.	PMST	Nil	Nil
<i>Phascolarctos cinereus</i>	Koala	V	V	The Koala occupies open eucalypt woodlands and forests feeding exclusively on preferred feed trees.	PMST	<b>Possible</b>	<b>Moderate</b>
<i>Pteropus poliocephalus</i>	Grey-headed Flying Fox	V		They Grey-headed Flying Fox roosts in conspicuous colonies often along watercourses. They forage on a range of fruits and blossoms travelling up to 50 km in an evening to feed.	PMST	Possible	Low



## Appendix D – Assessments of Significance for State Listed Threatened Biota

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<b>Reptiles</b>							
<i>Aprasia parapulche</i> <i>lla</i>	Pink-tailed Worm-lizard	V		The Pink-tailed Worm Lizard requires surface rocks typically occurring within native grasses under which to shelter and breed. They feed on invertebrates and have been observed to have a strong association with ants and termites often using the burrows formed by these invertebrates.	PMST	Unlikely	Low
<i>Tympanocryptis pinguicollis</i>	Grassland Earless Dragon	E	E	Historically this species extended from Cooma to the south up to Bathurst in the north, however this population has not been recorded in the Bathurst area for several decades and is presumed extinct. It is strongly associated with native grasslands occupying arthropod burrows for refuge.	BRC record	Unlikely	Low
<i>Suta flagellum</i>	Little Whip Snake		V	This species occurs within native grasslands and grassy woodlands including Yellow Box woodlands. They require partially buried surface rocks and logs to shelter. They are cryptic being largely nocturnal foraging on small lizards and frogs. Young are birthed from Spring through to Summer. Bathurst lies 30km north of the species predicted habitat extent (OEH 2018).	BRC record	Unlikely	Low
<i>Delma impar</i>	Striped Legless Lizard	V		The Striped Legless Lizard is a grassland specialist. Potential habitat for the Striped Legless Lizard includes all areas which have, or once had, native	PMST	Unlikely	Low

## Appendix D – Assessments of Significance for State Listed Threatened Biota

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area	
				grasslands or grassy woodlands (including derived grasslands) across the historical range of the species, provided that area retains suitable tussock structure, the soil is of appropriate type and structure, and the site has not had major disturbance such as ploughing. All occupied sites have a grassy ground cover, often with a mixture of native and exotic perennial and annual species of tussock-forming grasses (often >20–50% cover). The species is now known to occur in some areas dominated by introduced species such as <i>Phalaris aquatica</i> , <i>Serrated Tussock (Nassella trichotoma)</i> and <i>Hypocharis radicata</i> and at sites with a history of grazing and pasture improvement. Striped Legless Lizards shelter in grass tussocks, thick ground cover, soil cracks, under rocks, spider burrows, and under ground debris such as timber. The majority of sites in Victoria and NSW occur on cracking clay soils with some surface rock which provide shelter for the species.				
<b>Flora</b>								
<i>Dicanthium setosum</i>	Bluegrass	V		<i>Dicanthium setosum</i> occurs in heavy soils (predominantly cracking clays or alluvium, often in gilgai) in woodland or open woodland usually	PMST	Unlikely	Low	



## Appendix D – Assessments of Significance for State Listed Threatened Biota

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Diuris pedunculata</i>	Small Snake Orchid	E	E	dominated by Acacia (brigalow) and/or Eucalyptus species. The climate is tropical to subtropical and markedly seasonal with the habitat drying out for part of the year.	BRC record	Unlikely	Low
<i>Eucalyptus aggregata</i>	Black Gum	V	V	The Small Snake Orchid is confirmed to the north-east NSW and is not known or expected to occur in the Bathurst region. It grows on grassy slopes or flats on peaty soils in moist areas. It is found on shale soils, fine granite and among boulders. It can be observed flowering from August – October. The Black Gum tends to grow on flats and in frost hollows on the lowest part of the landscape often adjacent to creeks and rivers. It occurs in open woodland with grassy understorey but can also occur as isolated paddock trees in modified or exotic pastures. It is a cold adapted eucalypt and grows in association with other similar cold adapted species i.e. <i>Eucalyptus pauciflora</i> , <i>E. viminalis</i> , <i>E. rubida</i> , <i>E. stellulata</i> and <i>E. ovata</i> .	BioNet	Unlikely	Low
<i>Eucalyptus pulverulenta</i>	Silver-leafed Gum	V	V	The Silver-leafed Gum occurs on hill crests and upper slopes at altitudes of 800-1000 m above sea level on well drained soils with rock outcrops. It tends to occur as an understorey plant within open woodlands.	BioNet, PMST	Unlikely	Low



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Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Euphrasia arguta</i>		CE		<i>Euphrasia arguta</i> is a disturbance coloniser requiring some disturbance to allow germination to occur. This species is restricted to the Nundle State Forest but historically has been recorded along the plains and woodlands of Bathurst.	PMST	Unlikely	Low
<i>Lepidium hyssopifolium</i>	Aromatic Peppercress, Basalt Peppercress	E	E	A population of Aromatic Peppercress is known to occur on private property within the Bathurst area. This species tends to germinate following disturbance when open areas of bare ground provide suitable access to light without the competition from other species. It has been found within grassy Eucalypt woodlands, low open Casuarina woodlands as well as weed infested areas with high degradation and soil disturbance i.e. road and rail corridors.	BioNet, PMST	Unlikely	Low
<i>Leucochrysum albicans</i> var. <i>tricolor</i>	Hoary Sunray	E		The Hoary Sunray occurs in a wide variety of grassland, woodland and forest habitats, generally on relatively heavy soils, often on roadsides. It requires bare ground and disturbance for germination. In NSW it currently occurs on the Southern Tablelands adjacent areas in an area roughly bounded by Albury, Bega and Goulburn, with a few scattered localities known from beyond this region.	PMST,	Unlikely	Low

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Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
<i>Prasophyllum fuscum</i>	Tawny Leek Orchid	V	CE	The Tawny Leek Orchid is confined to the Blue Mountains, Hawkesbury sandstone and the Burrawang district. It grows at the margins of swamps approximately 500-700m above sea level. It is found within wet heathland on slopes or along seepage lines or at the ecotone between grassy woodlands and swamps.	BRC record	Unlikely	Low
<i>Swainsona sericea</i>	Silky Swainson-pea		V	The stronghold of the Silky Swainson-pea occurs within the Monaro within Natural Temperate Grassland and Snow Gum communities. It is also known to occur within Box-Gum Woodlands and sometimes in association with Cypress Pines <i>Callitris</i> spp.	BioNet, BRC record	Unlikely, survey of marginal suitable habitats did not detect this species.	Low
<i>Thesium australe</i>	Austral Toadflax	V		Australe Toadflax has been recorded from the Lithgow area to the east of Bathurst. This species does not tolerate high intensity grazing or dominate weeds such as Blackberry well. It occurs along coastal headlands or grassy woodland habitats inland. It is a root parasite plant with a strong association with Kangaroo Grass ( <i>Themeda australis</i> ).	PMST	Unlikely	Low
<b>Threatened Ecological Communities</b>							
	Natural Temperate Grassland	CE		Natural temperate grassland is grassy vegetation dominated by moderately tall (25–50 cm) to tall (50–100 cm), dense to open tussock grasses in the genera	PMST	Unlikely	Nil



## Appendix D – Assessments of Significance for State Listed Threatened Biota

Scientific name	Common name	EPBC Act	NSW Status	Habitat	Nature of record	Likelihood of occurrence within study area	Likelihood of impact within study area
	of the South Eastern Highlands			<i>Austrodanthonia</i> , <i>Austrostipa</i> , <i>Bothriochloa</i> , <i>Poa</i> and <i>Themeda</i> . Up to 70% of all plant species may be forbs (i.e. herbaceous, non-grassy/non-grass-like plants). The community may be treeless or contain up to 10% cover of trees, shrubs or sedges. It occurs within the geographical region of the Southern Tablelands of NSW and the ACT at altitudes between 560 metres in central and northern parts of its distribution and 1200 metres in the south.			
	White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland	CE	E	White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland can occur as either grassland or woodland is characterised by a species diverse understory of grasses, herbs and sparse shrubs. Dominant canopy species include <i>Eucalyptus albens</i> , <i>E. melliodora</i> and <i>E. blakelyi</i> .	PMST	Known	High





## Appendix D – Assessments of Significance for State Listed Threatened Biota

Table 14 Migratory fauna known or predicted from locality, habitat association and likelihood of occurring at the site

Scientific Name	Common Name	Comm. status	Habitat Association	Nature Records	Likelihood of occurrence within site	of subject
Migratory Marine						
<i>Apus pacificus</i>	Fork-tailed Swift	M; Marine	Recorded in all regions of NSW. Non-breeding, and almost exclusively aerial while in Australia. Occurs over urban and rural areas as well as areas of native vegetation.	Species or species habitat likely to occur within area	Unlikely May forage on occasion above the study area.	
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	M	Primarily coastal but may extend inland over major river systems. Breeds close to water, mainly in tall open forest/woodland but also in dense forest, rainforest, closed scrub or remnant trees. Usually forages over large expanses of open water, but also over open terrestrial habitats (e.g. grasslands).	Species or species habitat likely to occur within area	Unlikely	
<i>Ardea ibis</i>	Cattle Egret	M; Marine	Occurs across NSW. Principal breeding sites are the central east coast from Newcastle to Bundaberg. Also breeds in major inland wetlands in north NSW (notably the Macquarie Marshes). Occurs in tropical and temperate grasslands, wooded lands and terrestrial wetlands. Uses predominately shallow, open and fresh wetlands with low emergent vegetation and abundant aquatic flora. Sometimes observed in swamps with tall emergent vegetation and commonly use areas of tall pasture in moist, low-lying areas.	Species or species habitat may occur within area	Unlikely	



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Scientific Name	Common Name	Comm. status	Habitat Association	Nature Records	Likelihood of occurrence within site
<i>Ardea modesta</i>	Eastern Great Egret	M; Marine listed as <i>Ardea alba</i>	Occurs across NSW. Within NSW there are breeding colonies within the Darling Riverine Plains and Riverina regions, and minor colonies across its range including the north and north-east of the state. Reported from a wide range of wetland habitats (for example inland and coastal, freshwater and saline, permanent and ephemeral, open and vegetated, large and small, natural and artificial).	Species or species habitat may occur within area.	Unlikely
<b>Migratory Wetland</b>					
<i>Gallinago hardwickii</i>	Latham's Snipe	M; Marine	Occurs along the coast and west of the great dividing range. Non breeding visitor to Australia. Inhabit permanent and ephemeral wetlands up to 2000 m asl. Typically in open, freshwater wetlands with low, dense vegetation (incl. swamps, flooded grasslands and heathlands). Can also occur in saline/brackish habitats and in modified or artificial habitats close to human activity.	Species or species habitat may occur within area.	Unlikely
<i>Calidris ferruginea</i>	Curlw Sandpiper	CE; Marine	Curlw Sandpipers mainly occur on intertidal mudflats in sheltered coastal areas, such as estuaries, bays, inlets and lagoons, and also around non-tidal swamps, lakes and lagoons near the coast, and ponds in saltworks and sewage farms.	Species or species habitat may occur within area.	Unlikely Study area is not near preferred coastal location.
<i>Numenius madagascariensis</i>	Eastern Curlew, Far Eastern Curlew	CE	During the non-breeding season in Australia, the eastern curlew is most commonly associated with sheltered coasts, especially estuaries, bays, harbours, inlets and coastal	Species or species habitat may occur within area.	Unlikely



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Scientific Name	Common Name	Comm. status	Habitat Association	Nature Records	Likelihood of occurrence within site
			lagoons, with large intertidal mudflats or sandflats, often with beds of seagrass		No coastal habitats present.
Migratory Terrestrial					
<i>Hirundapus caudacutus</i>	White-throated Needle-tail	M; Marine	Recorded along NSW coast to the western slopes and occasionally from the inland plains. Breeds in northern hemisphere. Almost exclusively aerial while in Australia. Occur above most habitat types, but are more frequently recorded above more densely vegetated habitats (rainforest, open forest and heathland) than over woodland or treeless areas.	1 record within 10km of study area. Species or habitat likely to occur within area	Unlikely May forage on occasion high above the study area.
<i>Myiagra cyanoleuca</i>	Satin Flycatcher	M	In NSW widespread on and east of the Great Divide, sparsely scattered on the western slopes, very occasional records on the western plains. Inhabit heavily vegetated gullies in eucalypt-dominated forests and taller woodlands, often near wetlands and watercourses. On migration, occur in coastal forests, woodlands, mangroves and drier woodlands and open forests. Generally not in rainforests.	Species or species habitat likely to occur within area	Unlikely
<i>Motacilla flava</i>	Yellow Wagtail	M; Marine	The Yellow Wagtail is a rare visitor to Australia and may be recorded as a vagrant on occasion.	Species or species habitat may occur within area	Nil Rare visitor to the Central West CMA / LLS

Scientific Name	Common Name	Comm. status	Habitat Association	Nature Records	Likelihood of occurrence within site	of subject
<i>Merops ornatus</i>	Rainbow Bee-eater	M; Marine	Widespread across mainland Australia. Mainly inhabits open forests and woodlands and shrublands, often in proximity to permanent water. Also occurs in cleared/semi-cleared habitats including farmland and residential areas. Excavates a nest burrow in flat/sloping ground in banks of waterways, dams, roadside cuttings, gravel pits or cliff faces. Southern populations migrate north for winter after breeding	Species or species habitat may occur within area	Unlikely	
<i>Rhipidura rufifrons</i>	Rufous Fantail	M; Marine	Found along NSW coast and ranges. Inhabits rainforest, dense wet forests, swamp woodlands and mangroves. During migration, it may be found in more open habitats or urban areas.	Species or species habitat likely to occur within area	Unlikely	



## APPENDIX F ASSESSMENT OF SIGNIFICANCE FOR STATE LISTED THREATENED BIOTA

*Threatened Species Conservation Act 1996 (now repealed)* sets out the following Assessment of Significance considerations which must be addressed to determine whether a significant impact is likely to occur.

The Assessment of Significance is a test for determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

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### ***White Box Yellow Box Blakely's Red Gum Woodland – Endangered Ecological Community***

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**1) In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to this Endangered Ecological Community.

**2) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to this Endangered Ecological Community.

**3) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

**(i) is likely to have an adverse effect on the extent of the ecological community such that its occurrence is likely to be placed at risk of extinction, or**

**(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

Approximately **37%** (0.79 ha) of the study area is White Box Yellow Box Blakely's Red Gum Woodland Endangered Ecological Community (Box Gum Woodland or BGW EEC), with the remainder comprised of cleared land with a high proportion of weeds (**59%**) and discrete areas of planted natives and exotics (**4%**).

Over 400 native plant species can form part of the BGW EEC, however the present site lacks diversity and complexity (minimal understorey recorded within the study area). The proposed Go Kart track involves direct impact to the entire subject site (**4.35 ha**) which includes removal of approximately **0.79 ha** of BGW EEC. The study area (50 m buffer on the subject site) includes an additional **2.95 ha** of BGW EEC which will potentially be subject to indirect impacts as part of works, including machinery



## Appendix D – Assessments of Significance for State Listed Threatened Biota

movements, parking, dust and other air emissions, noise and vibration and other typical indirect impacts associated with construction activities.

Local occurrence of the BGW EEC is not likely to be placed at risk of extinction as a consequence of these works as the area to be removed constitutes only **0.18%** of the community within the locality (recorded BVT within 10km radius of study area).

Areas and proportions of vegetation to be impacted are presented in Table 15 below.

**Table 15 Vegetation type and area at the proposed Go Kart track site.**

Vegetation community	Locality (10km radius) (ha)	Study Area (ha)	Subject Site (ha)	Proportion of local population impacted within Study Area (%)	Proportion of local population impacted within Subject Site (%)
Blakely's Red Gum - Yellow Box open-woodland of the tablelands	2119.18	3.74	0.79	0.18	0.04
Exotic / Planted	400.77	6.37	3.57	1.59	0.89
Apple Box - Yellow Box - Mountain Gum open-woodland on flats and low hills of the central tablelands	72.34				
Blakely's Red Gum - Rough Barked Apple woodland on flats and alluvial terraces	26.79				
High altitude gum tall open-forest on fertile soils of the central tablelands	1.32				
Mountain Gum - Red Stringybark open-forest at high altitudes	183.22				
Natural grassland & shrubland - unclass. spp.	8.57				
Red Stringybark - Blakely's Red Gum - Yellow Box woodland	50.26				
Scribbly Gum - Brittle Gum - Box woodland	311.35				
Scribbly Gum woodland	18.27				
Stringybark - Box - Gum Woodland	111.22				
Yellow Box woodland on flats and alluvial terraces of the slopes	154.34				

**4) in relation to habitat of a threatened species, population or ecological community:**

**(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and**

**(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and**



**(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

The proposed Go Kart track will involve removal of approximately **0.79 ha** of Box Gum Woodland in heavily disturbed condition, as the current management regime for the site includes agriculture (grazing) to the south and west, mowing and public recreation to the north, and fragmentation by access roads, housing and other infrastructure throughout. McPhillamy Park at the top of Mount Panorama, occurs adjacent to the study area and the existing international motor racing circuit located in the Mount Panorama Precinct. This area of BGW is located on the fringe of a larger tract of BGW EEC, mapped as extending up to **2119.18 ha** within a 10km radius of the site.

The importance of this tract of BGW to the long-term survival of the EEC in the locality is not high, given its patchy and disturbed nature. Existing land use and degradation of the site has resulted in low diversity and ecological complexity, and removal of a small proportion of this degraded woodland will not result in significant direct or indirect impacts to the surrounding vegetation. The surrounding areas have been developed for low density housing, agriculture and as part of camping facilities for the international motor racing circuit within the Mount Panorama precinct, and are already subject to impact such as weed incursions, erosion and structural changes, and substantial fragmentation from roads and other developments.

**5) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).**

The site does not support any declared critical habitat:

<https://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm>

**6) Whether the actions proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

The proposal involves clearing of native vegetation which is inconsistent with recovery actions for this community.

**7) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

The following listed Key threatening processes have the potential to occur or increase as a result of the proposed Go Kart track, if appropriate mitigation measures are not implemented:

- Loss of hollow bearing trees
- Infection of native plants by *Phytophthora cinnamomic*.
- Introduction and establishment of exotic rust fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae.
- Invasion and establishment of exotic vines and scramblers.
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants.
- Anthropogenic climate change



- Invasion of native plant communities by exotic perennial grasses

### Conclusion

Based on the location, quality and area of BGW proposed to be cleared, the current disturbed state and management regime of the community on site, and the proposed application of strict mitigation measures during the construction phase of the Go Kart track, it is unlikely that the proposal will have a significant impact on the BGW community present.

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**Woodland Birds – Diamond Firetail (*Stagonopleura guttata*) Dusky Woodswallow (*Artamus cyanopterus*), Flame Robin (*Petroica phoenicea*), Scarlet Robin (*Petroica boodang*), Brown Treecreeper (*Climacteris picumnus victoriae*) and Gang-gang Cockatoo (*Callocephalon fimbriatum*)**

*These birds have been grouped together based on similar habitat requirements occupying eucalypt forests and woodlands and their requirement to breed and / or roost.*

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**1) In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.**

Woodland birds require open woodland and often tree hollows for roosting and nesting sites. Each species has specific requirements as to the location, type and size of these sites.

- **Diamond Firetail:** Builds globular nests in dense shrubs or other protective areas (i.e. hawk / raven nests). Tends to nest in colonies between August and January. Species prefers to nest in dense foliage along watercourses.
- **Brown Treecreeper:** Found in eucalypt woodlands (including Box-Gum Woodland) and dry open forest of the inland slopes and plains inland of the Great Dividing Range; mainly inhabits woodlands dominated by stringybarks or other rough-barked eucalypts, usually with an open grassy understorey.
- **Gang-gang Cockatoo:** Nests located in hollows that occur at least 9 m above the ground and which are 10 cm in diameter or larger.
- **Dusky Woodswallow:** May breed as a solitary pair or in a small flock. There is some indication that they exhibit breeding site fidelity. Nests in shrubs or low trees, living or dead, horizontal or upright forks in branches, spouts, hollow stumps or logs, behind loose bark or in a hollow in the top of a wooden fence post. Nest sites may be exposed or well concealed by foliage.
- **Flame Robin:** Breeds in upland tall moist eucalypt forests and woodlands, often on ridges and slopes. The groundlayer of the breeding habitat is dominated by native grasses and the shrub layer may be either sparse or dense.
- **Scarlet Robin:** The Scarlet Robin breeds on ridges, hills and foothills of the western slopes of the Great Dividing Range and eastern coastal regions. Pairs defend a breeding territory and mainly breed between the months of July and January building an open cup made of plant fibres and cobwebs and is built in the fork of tree usually more than 2 metres above the ground.

None of these species were recorded during the site inspection completed in September. Suitable habitat for these species is restricted to dense shrubs for the Robins, Dusky Woodswallow and Diamond Firetail and the **three (3)** hollow bearing trees which occur on site suitable for Gang-gang





Cockatoo and Brown Treecreeper. The study area contains marginal breeding habitat for each of these species only as native understory is poor, regeneration is absent and there is a lack of woody debris to provide foraging resources. No evidence of nesting by any of these species was observed however pre-clearing surveys to avoid direct injury and death will ensure that any local populations will not be placed at risk of extinction.

**2) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to these threatened species.

**3) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

**(i) is likely to have an adverse effect on the extent of the ecological community such that its occurrence is likely to be placed at risk of extinction, or**

**(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

Not applicable to these threatened species.

**4) in relation to habitat of a threatened species, population or ecological community:**

**(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and**

**(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and**

**(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

Approximately **0.79 ha** of woodland will be removed as part of works equivalent to **0.18%** of similar woodland community within the locality. Only a small percentage of the shrubby habitat / trees to be removed are likely to be suitable nesting trees for these woodland birds. The area to be cleared will not create new fragmentation or isolation, especially not for bird species as these are highly mobile. The habitat to be removed is not of high value to the long-term survival of the abovementioned species being heavily weed infested and without evidence of regeneration. It forms a small section of habitat within the wider locality and its position (near the summit of a hill) may not be preferred habitat for these birds.

**5) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).**

The site does not support any declared critical habitat.

<https://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm>



**6) Whether the actions proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

The proposal involves clearing of native vegetation including removal of hollow bearing trees which is inconsistent with recovery actions for these species.

**7) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

The following listed Key threatening processes have the potential to increase as a result of the proposal if appropriate measures are not implemented and adhered to.

- Loss of hollow bearing trees
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants.
- Anthropogenic climate change
- Clearing of native vegetation
- Removal of dead wood and dead trees

**Conclusion**

The proposed works are unlikely to significantly affect the abovementioned species of woodland birds given the minor proportion of potential habitat to be removed, the preference by these species for particular roosting and nesting sites and the abundance of suitable roosting and nesting sites in the locality.

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**Threatened microbats - Yellow-bellied Sheath-tail Bat *Saccolaimus flaviventris*, Eastern Bentwing-bat *Miniopterus schreibersii oceanensis*, Large-footed Myotis *Myotis macropus* and Corben's Long-eared Bat *Nyctophilus corbeni***

***These microbats have been grouped together based on similar habitat requirements occupying eucalypt forests and woodlands and three of these bats requiring tree hollows in which to breed and / or roost.***

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**1) In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.**

The Yellow-bellied Sheath-tail Bat and Eastern Bentwing-bat were both confidently recorded within the study area during the survey period based on anabat analyses. The Large-footed Myotis and Corben's Long-eared Bat were also recorded on anabat with a probable likelihood. Given the difficulty with positively differentiating *Nyctophilus* species by call alone a conservative approach has been taken and presence assumed within the study area.

The Yellow-bellied Sheath-tail bat often roosts in hollows, either singly or in groups of up to six. It forages across a broad range of habitats across its very wide range (occurring throughout much of NSW), with and without trees; appears to defend an aerial territory. It had not been recorded within 10km of the study area previously.



The Eastern Bentwing-bat occurs along the east and north-west coasts of Australia. This species is essentially a cave bat but also utilises man-made structures (such as culverts, buildings, storm water tunnels) outside of breeding season. Breeding occurs from typically October to April where females congregate at maternity cave (OEH 2018). This species forages over forested areas, catching flying invertebrates. This species has not been known to use tree hollows for roosting.

Corben's Long-eared Bat occupies a variety of habitat types however is most closely associated with the Murray Darling Basin and Pilliga Scrub region forming the stronghold for the species. It has not been recorded within the Bathurst region previously. It roosts in tree hollows, crevices, and under loose bark.

The Large-footed Myotis (also known as the fishing bat) has also not been recorded within the locality and is known to forage and roost in proximity to waterbodies for aquatic insects and vertebrate prey. It is rarely found more than 100 km inland, except along major rivers. The Large-footed Myotis generally roost in groups of 10 - 15 close to water in caves, mine shafts, hollow-bearing trees, storm water channels, buildings, under bridges and in dense foliage.

The proposal involves the clearing of trees including the removal of **three (3)** hollow bearing trees containing approximately **eight (8)** hollows and **two (2)** stags. These trees may provide roosting and breeding habitat for each of these bats at some stage in their life history. While tree hollows and large culverts may support shelter and roost sites for Eastern Bentwing-bats on occasion (particularly males during the winter dispersal season). There are no known maternity colonies in the Central West CMA (OEH 2018), nor are there caves within the study area that would be suitable for breeding regardless.

The subject site would only comprise a small proportion of the home range of these wide-ranging bat species. These species are likely to forage throughout the study area but would not rely on these habitats solely given the large areas present within the study area an locality. While every measure would be taken to avoid direct fatalities and abandonment of juveniles, modified behaviour of individuals may occur. As such, the proposal is unlikely to place viable local populations of these species at risk of extinction.

**2) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to these threatened species.

**3) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

**(i) is likely to have an adverse effect on the extent of the ecological community such that its occurrence is likely to be placed at risk of extinction, or**

**(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

Not applicable to these threatened species.

**4) in relation to habitat of a threatened species, population or ecological community:**

**(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and**



**(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and**

**(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

Potential habitat for these microbats include the woodland habitat and open country within and adjacent to the study area. Approximately **0.79 ha** woodland habitat including **three (3)** hollow bearing trees and **two (2)** stags are proposed to be cleared. These trees provide potential roosting and foraging habitat for each of these species. The study contains a mixture of cleared land and eucalypt woodland. To the west and south of the study area are extensive areas of native open woodland vegetation persists, which supports potential habitat for these species.

Fragmentation from existing tracks, electricity easements and past agricultural activities is already present within the study area. These species are highly mobile and the proposed Go Kart development will not disrupt the dispersal capabilities of these bats. Large areas of high quality potential habitat will remain throughout the locality.

Hollow bearing trees provide important refuge and shelter for roosting microbats. The proposal will remove **4.35 ha** of foraging habitat (open country and woodland) (representing **<0.18%** of habitats available within the locality) and up to **three (3)** hollow bearing trees and **two (2)** stags, however this a small proportion of the habitat available throughout the locality and is not likely to be important for the long survival of these species.

**5) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).**

The site does not support any declared critical habitat.

<https://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm>

**6) Whether the actions proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

The proposal involves clearing of native vegetation including removal of hollow bearing trees which is inconsistent with recovery actions for these species.

**7) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

The following listed Key threatening processes have the potential to occur or increase as a result of the proposed Go Kart track, if appropriate mitigation measures are not implemented:

- Loss of hollow bearing trees
- Infection of native plants by *Phytophthora cinnamomic*.
- Introduction and establishment of exotic rust fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae.
- Invasion and establishment of exotic vines and scramblers.
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants.



- Anthropogenic climate change
- Invasion of native plant communities by exotic perennial grasses

### Conclusion

Given only a small area of habitat would be removed (<0.18% of foraging habitat within the locality), that supplementary habitat measures would be undertaken (installation of bat boxes / trees hollows) and that the pre clearing surveys would be undertaken to ensure no loss of life, the proposed works would be unlikely to result in a significant impact on the Yellow-bellied Sheath-tail Bat, Large-footed Myotis, Corben's Long-eared Bat and the Eastern Bentwing-bat.

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### Koala *Phascolarctos cinereus*

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**1) In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.**

**Twenty-three (23)** records of Koala have been recorded within the surrounding 10km locality. The closest of these records occurs approximately 2 km to the east on a private property dating from spring 2002. The remainder of the records are largely to the south adjoining Perthville.

Based on records of Koala within the locality it is not suggestive that the study area forms part of a regular movement path for the local population. Consequently, the removal of **0.79ha** of woodland containing Koala feed trees is unlikely to remove important resources or disrupt connectivity with the Koala.

The Koala may occasionally traverse the throughout the study area but would not rely on these habitats solely given the large areas present within the locality. As such, the proposal is unlikely to place viable local populations of the Koala at risk of extinction.

**2) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to this threatened species.

**3) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

**(i) is likely to have an adverse effect on the extent of the ecological community such that its occurrence is likely to be placed at risk of extinction, or**

**(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

Not applicable to these threatened species.

**4) in relation to habitat of a threatened species, population or ecological community:**

**(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and**



**(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and**

**(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,**

Native vegetation within the study area consists of a mixture of primary and secondary feed trees associated with Apple Box Yellow Box-gum open woodland. No evidence of Koala (i.e. scats or scratch marks on trees) were observed during the surveys.

Two (2) *E. viminalis* primary feed trees were recorded on site. One of these occurs immediately adjacent to residential house with a former cultivated garden bed beneath. The dominant canopy species which occur sparsely through the study area are Yellow Box *E. melliodora* and Apple Box *E. bridgesiana*, both of which are secondary food tree species for the Koala within the Central and Southern Tablelands.

The study contains a mixture of cleared land and eucalypt woodland. To the west and south of the study area are extensive areas of native open woodland vegetation persists, which supports potential habitat for the Koala.

Fragmentation from existing tracks, electricity easements and past agricultural activities is already present within the study area. The study area and immediate surrounds are not known to support a regular Koala movement corridor. The proposed Go Kart development will not disrupt the dispersal capabilities of the Koala. Large areas of high quality potential habitat will remain throughout the locality.

The proposal will remove **0.79ha** of foraging habitat containing largely secondary feed tree species (representing **<0.18%** of habitats available within the locality). This a small proportion of the habitat available throughout the locality and is not likely to be important for the long survival of these species.

**5) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).**

The site does not support any declared critical habitat.

<https://www.environment.nsw.gov.au/criticalhabitat/CriticalHabitatProtectionByDoctype.htm>

**6) Whether the actions proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

The proposal involves clearing of native vegetation including removal of hollow bearing trees which is inconsistent with recovery actions for these species.

**7) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

The following listed Key threatening processes have the potential to occur or increase as a result of the proposed Go Kart track, if appropriate mitigation measures are not implemented:

- Loss of hollow bearing trees
- Infection of native plants by *Phytophthora cinnamomic*.



Appendix D – Assessments of Significance for State Listed Threatened Biota

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- Introduction and establishment of exotic rust fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae.
- Invasion and establishment of exotic vines and scramblers.
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants.
- Anthropogenic climate change
- Invasion of native plant communities by exotic perennial grasses

**Conclusion**

Given only a small area of habitat would be removed (<0.18% of foraging habitat within the locality), that supplementary habitat measures (revegetation with suitable species) would be undertaken and that the pre-clearing surveys would be undertaken to ensure no loss of life, the proposed works would be unlikely to result in a significant impact on the Koala.



## APPENDIX G EPBC ACT SIGNIFICANT IMPACT CRITERIA ASSESSMENTS

### EPBC Act Significant Impact Criteria Assessments

Species listed as Vulnerable under the EPBC Act – Large-footed Myotis & Corben's Long-eared Bat	
Criteria	Comments
<p><i>According to the DEWHA (2009) Significant Impact Guidelines, an action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:</i></p> <p>i) <i>lead to a long-term decrease in the size of an important population of a species;</i></p>	<p>The Large-footed Myotis and Corben's Long-eared Bat were detected as probable anabat recordings during the three (3) nights of anabat survey. It is difficult to confidently differentiate Nyctophilus species calls and a conservative approach has been taken to assume presence within the study area however there have been no confirmed records of this species (positively detected by specimen in hand) within the Bathurst region previously.</p> <p>Similarly, the Large-footed Myotis is generally associated with waterbodies and a local population is unlikely to be reliant on resources within the study area.</p> <p>For these reasons this assessment has determine that there are no important populations of either species that would be at risk as a result of the proposal.</p>
<p>ii) <i>reduce the area of occupancy of an important population;</i></p>	No known important populations present
<p>iii) <i>fragment an existing important population into two or more populations;</i></p>	No known important populations present
<p>iv) <i>adversely affect habitat critical to the survival of a species</i></p>	No critical habitat declared however the proposal will remove three (3) hollow bearing trees which are an important habitat resource for the Large-footed Myotis.
<p>v) <i>disrupt the breeding cycle of an important population;</i></p>	No known important populations present
<p>vi) <i>modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;</i></p>	The proposal requires the removal of <b>0.79 ha</b> of woodland vegetation in poor condition. This represents <b>&lt;0.18%</b> of similar habitats within the locality. The removal of this habitat is unlikely to decrease the availability or quality of habitat such that a local population of either species would decline.
<p>vii) <i>result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat;</i></p>	The proposal will follow strict hygiene protocols to manage potential invasive weeds / species. These measures should prevent harmful species becoming established in the study area.
<p>viii) <i>introduce disease that may cause the species to decline; or</i></p>	The proposal will follow strict hygiene protocols to manage potential diseases and invasive weeds / species. These





## Appendix E – EPBC Act Significant Impact Criteria Assessments

Species listed as Vulnerable under the EPBC Act – Large-footed Myotis & Corben’s Long-eared Bat	
Criteria	Comments
	measures should prevent diseases becoming established in the study area.
ix) <i>interfere substantially with the recovery of a species.</i>	The removal of native vegetation and hollow bearing trees are listed Key Threatening Processes which will occur as part of the proposal. Although minor (removal of <b>0.79ha</b> vegetation and three hollow bearing trees) supplementary habitat actions have been included as part of these works to ensure minimal loss of habitat. Consequently the works are unlikely to interfere with the recovery of these species.
Conclusion	Given only a small area of habitat would be removed ( <b>0.18%</b> of similar habitats within the locality and <b>three (3)</b> hollow bearing trees), that supplementary habitat measures (revegetation with suitable species) would be undertaken and that the pre-clearing surveys would ensure no loss of life, the proposed works would be unlikely to result in a significant impact on Corben’s Long-eared Bat or Large-footed Myotis.

Species listed as Vulnerable under the EPBC Act - Koala	
Criteria	Comments
<p>According to the DEWHA (2009) Significant Impact Guidelines, an action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:</p> <p>x) <i>lead to a long-term decrease in the size of an important population of a species;</i></p>	<p>Twenty-three (23) records of Koala occur within 10km of the study area including recent records. The closest record occurs approximately 2 km east dating from 2002. The majority of these records occur to the south of the site adjoining Perthville where there is a known and regionally important population.</p> <p>The study area is dominated by secondary Koala fee trees (Yellow Box / Apple Box) with only two primary feed trees Ribbon Gum.</p> <p>Based on the records of Koala sightings and lack of any evidence of Koala recent habitation (scats, scratches), the study area is not known to support regular Koala occupation or transit pathway. Therefore the proposal is unlikely to lead to a long-term decrease in the size of the important population of Koala in the locality.</p>
xi) <i>reduce the area of occupancy of an important population;</i>	The removal of habitat is restricted to poor quality Box Gum Woodland ( <b>0.79ha</b> ) adjoining McPhillamy Park and the Bathurst international raceway to the north. Based on the records of Koala, the population present on Mt Panorama does not regularly extend to the Study Area and McPhillamy Park. Therefore the proposal would not be reducing the area of occupancy for the important Koala population present.
xii) <i>fragment an existing important population into two or more populations;</i>	The proposal would remove <b>0.79ha</b> of woodland adjoining McPhillamy Park to the north. Records of Koala are concentrated approximately 8km to the south. The proposal is not expected to fragment the existing population.



## Appendix E – EPBC Act Significant Impact Criteria Assessments

Species listed as Vulnerable under the EPBC Act - Koala	
Criteria	Comments
xiii) <i>adversely affect habitat critical to the survival of a species</i>	The loss of > 2 ha of habitat critical to the survival may have a significant impact on the koala for the purposes of the EPBC Act. Furthermore the study area is unlikely to support critical habitat for the Koala given the existing pressures in the adjacent McPhillamy Park which are expected to increase further over time i.e. dog walking, human occupation, littering, feed tree die back and existing edge effects.
xiv) <i>disrupt the breeding cycle of an important population;</i>	The study area is not expected to support a regular transit route for Koala movement or satisfactory resources to support Koalas over a medium to long-term duration of the breeding season.
xv) <i>modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;</i>	The proposal requires the removal of <b>0.79ha</b> of woodland vegetation dominated by secondary Koala feed trees. The removal of this habitat represents <b>0.18%</b> of similar habitat within the locality. This habitat removal is unlikely to lead the species to decline.
xvi) <i>result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat;</i>	The proposal will follow strict hygiene protocols to manage potential invasive weeds / species. These measures should prevent harmful species becoming established in the study area.
xvii) <i>introduce disease that may cause the species to decline; or</i>	The proposal will follow strict hygiene protocols to manage potential diseases and invasive weeds / species. These measures should prevent diseases becoming established in the study area.
xviii) <i>interfere substantially with the recovery of a species.</i>	The removal of native vegetation and hollow bearing trees are listed Key Threatening Processes which will occur as part of the proposal. Although minor (removal of <b>0.79ha</b> vegetation) supplementary habitat actions have been included as part of these works to ensure minimal loss of habitat. Consequently the works are unlikely to interfere with the recovery of this species.
<b>Conclusion</b>	Given only a small area of habitat would be removed ( <b>0.79ha</b> representing <b>0.18%</b> of similar habitats within the locality), that supplementary habitat measures (revegetation with suitable species) would be undertaken adjacent to the study area and that the pre-clearing surveys would ensure no loss of life, the proposed works would be unlikely to result in a significant impact on the Koala.

2015/196-003/008



**Fwd: FW: Development Application No. 2015/196 - modification to development application for recreation facility - go kart track and associated infrastructure**

**Jade Flynn** to: Louise.Windsor, EPB.Secretary,  
david.sherley, council

25/10/2018 01:47 PM

Cc: Malllyan, Dinawan, Wirribee Carr-Smith

From: Jade Flynn <jadeyanha@gmail.com>

To: Louise.Windsor@bathurst.nsw.gov.au, EPB.Secretary@bathurst.nsw.gov.au,  
david.sherley@bathurst.nsw.gov.au, council@bathurst.nsw.gov.au

Cc: Malllyan <bringail@westnet.com.au>, Dinawan <bill.allen47@yahoo.com.au>, Wirribee Carr-Smith <mummad\_21@hotmail.com>

Dear Louise, I can confirm receipt of the attached file 0543\_001.pdf.

The Bathurst Wiradyuri and Aboriginal Community Elders and Bathurst Wiradyuri Traditional Owners unequivocally oppose the development of Bathurst Go Kart (DA 2015/196) Track located at Mount Panorama Brock Skyline, Mount Panorama Lot 1 DP:634401 Lot 2 DP:633401 Lot 9 DP:1047248 Lot 1 DP:700629 Lot 40 DP:1056379.

The proposed development is located on a known Aboriginal site relating to Womens lore and ceremony. There is a registered site card (44-3-0182-1 WAHLUU WOMENS SITE) in the direct vicinity of the proposed development.

The whole of Wahluu/Mt Panorama is subject to being gazetted as an 'Aboriginal Place' through the Office of Environment and Heritage which is currently under ongoing consideration with OEH.

Yours faithfully

Yanhadarrambal Jade Flynn  
0450496916  
PO BOX 9108 Bathurst West NSW 2795

On 25/10/18, 8:48 am, "[Louise.Windsor@bathurst.nsw.gov.au](mailto:Louise.Windsor@bathurst.nsw.gov.au) on behalf of [EPB.Secretary@bathurst.nsw.gov.au](mailto:EPB.Secretary@bathurst.nsw.gov.au)" <[Louise.Windsor@bathurst.nsw.gov.au](mailto:Louise.Windsor@bathurst.nsw.gov.au) on behalf of [EPB.Secretary@bathurst.nsw.gov.au](mailto:EPB.Secretary@bathurst.nsw.gov.au)> wrote:

>  
>Please find letter in relation to the above mentioned DA attached:  
>  
>  
>(See attached file: 0543\_001.pdf)  
>

>

>

>Louise Windsor

>Planning & Development Assistant

>Bathurst Regional Council

>158 Russell Street Bathurst 2795

>Phone: 02 6333 6211

>Fax: 02 6332 9960

>[www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

>--

>\*\*\*\*\*

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Mandang Guuwu! (thank you!)

Yanhadarrambal Jade

Gunhigal Mayiny Wiradyuri-Dyilang Enterprise

ABN: 912 637 49091

VENDOR NUMBER 0100455357

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- 0543\_001.pdf



Civic Centre  
158 Russell Street  
Private Mail Bag 17  
Bathurst NSW 2795

Telephone 02 6333 6111  
Facsimile 02 6331 7211  
council@bathurst.nsw.gov.au  
www.bathurst.nsw.gov.au

24 October 2018

Mr Jade Flynn  
Bathurst Wiradyuri and Aboriginal Community Elders  
Email: jflynn@csu.edu.au

Dear Mr Flynn

**Development Application No 2015/196**

**Proposed Development: Modification to development application 2015/196 for recreation facility - go kart track and associated infrastructure**

**Premises: Lot 1 DP634401, Lot 2 DP634401, Lot 1 DP700629, Lot 9 DP1047248, Lot 40 DP1056379, Brocks Skyline MOUNT PANORAMA,**

**Name of applicant: Bathurst Regional Council**

Council has received a modification application for the above proposed development.

Plans and documentation submitted with this application can be viewed on Council's online DA tracking system (<http://masterview.bathurst.nsw.gov.au>). Alternately you can inspect the application at Council's Environmental, Planning & Building Services Department, Civic Centre, 158 Russell Street, Bathurst between 8:30am and 4:45pm Monday to Friday (public holidays excepted) between 29 October to 8 November 2018. Please note that residential floor plans are excluded from the DA tracking system but are available to view at Council's offices.

The proposal is brought to your attention to enable you to make a submission, in writing, to the Council should you so desire. *However, a reply is not necessary if you do not want to make a submission concerning the proposal.*

**Any submission that you wish to make to Council must be in writing (including your name and address) and must be received by Council prior to 4.00 pm on 8 November 2018.**

When dealing with a development application, the Council must have regard to the following criteria:

- a) The Council must deal with a development application in accordance with the relevant Statutes, Regulations and Codes.
- b) In forming an opinion on the application, the Council will take into consideration the effect that the proposed development would have, after its development, including the following:
  - i) the views to and the views from surrounding land;
  - ii) potential overshadowing of surrounding land;
  - iii) privacy of surrounding land;
  - iv) potential noise transmission to the surrounding land;
  - v) the likely visual impact of the proposal in relation to the streetscape; and

Reference: RDEN:LMW:DA/2015/196

Enquiries: Mr R Denyer 02 6333 6276

2015 ~ to development application 2015 196 for a recreation facility for a Go Kart track & associated infrastructure at Brocks Skyline, Mt Pan Panorama, NSW

BATHURST REGION... FULL OF LIFE

Proud to be an 

2

Mr Jade Flynn  
Bathurst Wiradyuri and Aboriginal Community Elders  
24 October 2018

---

- vi) any other issues considered by Council to be relevant to the application.
- c) The Council will consider all submissions made to it, but to influence the Council's decision such submissions must be relevant and well founded. Therefore, it is essential that submissions spell out clearly the grounds upon which they are based, and be accompanied by supporting documentation, where appropriate.
- d) The Council's final decision will be the result of a balanced consideration of the rights of both the applicant and the adjoining land owner(s).

**Any submission that you make on this proposal may be included without alteration (including names and addresses) in reports that are available to the public, in Council business papers, on Council's website and also made available to the applicant for comment during consideration of this development application.**

Your attention is drawn to the Department of Planning's Guidelines on Political Donations and Gifts. The Guidelines require the following:

A person who makes a *relevant public submission* in relation to a planning application lodged with the Council must make a disclosure of any reportable political donation or gift made in the previous 2 years (and up to the time the matter is determined) to anyone by that person or any associate of that person including:

- (i) all reportable political donations made to any local councillor of the council;
- (ii) all gifts made to any local councillor or employee of that council.

A reportable political donation made to a local councillor of any local council includes any donation made at the time the person was a candidate for election to the council.

A *relevant public submission* means a written submission made by a person objecting to or supporting a planning application or any development that would be authorised by the granting of the application.

Disclosure forms are available on Council's website.

If you require any further information please contact Richard Denyer of Council's Environmental, Planning & Building Services Department on 02 6333 6276.

Yours faithfully



R Denyer  
**MANAGER DEVELOPMENT ASSESSMENT**

---

Reference: RDEN:LMW:DA/2015/196

Enquiries: Mr R Denyer 02 6333 6276

2015 - to development application 2015 196 for a recreation facility for a Go Kart track & associated infrastructure at Brocks Skyline, Mt Panorama.DOC

2015/196-03/009



**Submission of support for DA application Kart Track Bathurst**

**Brewster, Lyle** to: council@bathurst.nsw.gov.au

06/11/2018 09:04 PM

From: "Brewster, Lyle" <lbrewster@csu.edu.au>

To: "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>

---

Dear Mr Sherley,

Please accept my email submission of support for the DA Application which is currently on public display by the Bathurst Regional Council.

My letter is attached for your viewing.

Regards

Lyle

**Lyle Brewster**

Lecturer | Paramedicine

School of Biomedical Science

Charles Sturt University

Panorama Avenue

Bathurst, NSW

Australia 2795

Phone: 02 6338 4643

Email: [lbrewster@csu.edu.au](mailto:lbrewster@csu.edu.au)

[www.csu.edu.au](http://www.csu.edu.au)



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[Charles Sturt University in Australia](#) The Grange Chancellery, Panorama Avenue, Bathurst NSW Australia 2795 (ABN: 83 878 708 551; CRICOS Provider Number: 00005F (National)). TEQSA Provider Number: PV12018

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- Lyle Brewster DA Application Submission Kart Track.docx



Lyle Brewster  
50 Hartwood Avenue  
Robin Hill  
NSW 2795

**General Manager  
Bathurst Regional Council  
158 Russell Street  
Bathurst  
NSW 2795**

RE: DA application number – S96 (10 – 2015 – 196 – 2) Go Kart Track Bathurst

Dear Mr David Sherley,

I am writing to you to express my support for the DA application currently on public display by the Bathurst Regional Council (BRC). I am a resident of Bathurst and have been residing here for over six years now.

I have watched the application for a go kart track with interest over the past years, from varying personal views. One being a fan of motorsport, two being a father and grandfather with young children who have interest in motorsport hobbies and thirdly as a kart racer myself.

The proposed track would bring massive benefits to the community of Bathurst. By allowing families and single people the opportunity to enjoy safe fun activities in a low cost environment, all while learning lifelong skills, such as driving skills and ways to deal with winning and losing humbly. Important personality traits for young people in my opinion.

In my time living in Bathurst I have come to know and love the city as a motorsport mecca in Australia. We are known worldwide for the racing track at Waahlu/Mount Panorama. Few other Australian regional locations can claim to be world known as we can here at Bathurst. With the advent of the second race track I believe that we will again become famous and synonymous with amazing motorsports in Australia and around the world. The only thing that we are currently missing is a breeding ground for young people from our city and region to practice not only their driving skills but life skills, allowing us to home grow the next Peter Brock, Daniel Ricciardo, Leanne Tander or Kelly Bettles (First Australian Woman to race a drag car at 500 kilometres per hour, wow, that is quick!).

A karting complex such as the one proposed would offer local kids a chance to not only enjoy themselves in a kart, but potentially forge an national or international racing career. What an amazing opportunity this would be for these children and for Bathurst.

While I understand there has been some contention to building the rack, I do believe that these obstacles can be overcome, and with proper liaison and ongoing engagement with community groups and indigenous elders the track and the facility can become a great success story for Bathurst.

The track is designed to allow Bathurst to hold international level racing (CIK), further exposing our local community to international exposure, large sources of income locally and maybe, just maybe a young person to show how good they can be on a local but international stage.

Please accept my submission as a submission of support for the application to build the karting complex in Bathurst.

If you require clarification of my submission or for me to speak at a council meeting then I am happy to do so.

Regards,

Lyle Brewster

[lbrewster@csu.edu.au](mailto:lbrewster@csu.edu.au)

02 6338 4643

0466 457 605

2015/196-03/010



**Fw: Jennifer Graham : Bathurst Regional Council : Proposed Go Kart track**

**NO: 20.00311/205**

**Richard Denyer** to:

07/11/2018 11:05 AM

Bcc: Council-Out-Mail

From: Richard Denyer/BathurstCC

To:

Bcc: Council-Out-Mail/BathurstCC

File Number. 2015/196

External Ref.

Full Name.

Title.

Organisation.

Return To Me.

---

Please reply to : [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

Richard Denyer  
 Manager - Development Assessment  
 Bathurst Regional Council  
 158 Russell Street Bathurst 2795  
 Phone: 02 6333 6276  
 Fax: 02 6332 9960  
[www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

----- Forwarded by Richard Denyer/BathurstCC on 07/11/2018 11:05 AM -----

From: David Sherley/BathurstCC  
 To: epb secretary/BathurstCC@BathurstCC, Neil Southorn/BathurstCC@BathurstCC, Richard Denyer/BathurstCC@BathurstCC  
 Cc: David Sherley/BathurstCC@BathurstCC  
 Date: 07/11/2018 07:52 AM  
 Subject: Jennifer Graham : Bathurst Regional Council: Proposed Go Kart track NO: 20.00311/205

---

Please treat as submission.

David Sherley  
 General Manager  
 Bathurst Regional Council  
 158 Russell Street Bathurst 2795  
 Phone: 02 6333 6201  
 Fax: 02 6331 7211  
[www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)

----- Forwarded by David Sherley/BathurstCC on 07/11/2018 07:51 AM -----

From: Council/BathurstCC  
 To: David Sherley/BathurstCC@BathurstCC,

Date: 01/11/2018 01:12 PM  
Subject: Fw: Bathurst Regional Council: Proposed Go Kart track (MAIL)  
DOCUMENT NO: 20.00311/205  
Sent by: Kellie Borland

---

--- Forwarded by Kellie Borland/BathurstCC on 01/11/2018 01:12 PM ----

From: Bathurst Regional Council <noreply@bathurst.nsw.gov.au>  
To: council@bathurst.nsw.gov.au  
Date: 01/11/2018 12:54 PM  
Subject: Bathurst Regional Council: Proposed Go Kart track

---

This is an enquiry email via <https://www.bathurst.nsw.gov.au/>  
from:  
Jennifer Graham <bolditch@westserv.net.au>

For tens of thousands of years, Wahluu has been and still is a place of deep spiritual significance and ceremony to the Wiradjuri people. Many of the tangible booras, stone pathways and artefacts have been dismantled and destroyed over the years because of ignorant land management practices, cultural vandalism and neglect. Wahluu is used for ceremony, the knowledge passed on in the old way, by mouth, from one generation to the next. No matter how many sites have been destroyed on Wahluu, and no matter how many artefacts are taken away, it will always be a sacred place of deep spiritual importance to the Wiradyuri.

Wahluu should be saved and gazetted as an Aboriginal Place and acknowledged as a Womens Area, not turned into a Go Kart track! Entering into an Indigenous Land Use Agreement (ILUA) with Traditional Owners would clear up many matters in the Bathurst area concerning cultural heritage.

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2015/196-03/015

**Fw: consultation regarding plans for 2nd track**

David Sherley to: Council

26/11/2018 11:36 AM

Sent by: Aimee Ford

Cc: Kylie J Denyer

File Number. 09.00031-10, 20.00324, 20.00278 &amp; 2015/196.

External Ref.

Full Name. Mr Jade Flynn

Title.

Organisation. Gunhigal Mayiny Wiradyuri-Dyilang Enterprise

Return To Me. 


---

 Please reply to : council@bathurst.nsw.gov.au

From: Jade Flynn <jadeyanha@gmail.com>  
 To: david.sherley@bathurst.nsw.gov.au  
 Cc: Mallyan <bringail@westnet.com.au>, Wirribee Carr-Smith <mummad\_21@hotmail.com>, Dinawan <bill.allen47@yahoo.com.au>  
 Date: 22/11/2018 10:49 AM  
 Subject: consultation regarding plans for 2nd track

---

Dear Mr Sherley, does Council intend to consult with local Bathurst based Aboriginal Traditional Owners regarding the proposed plans for the 2nd Wahluu/Mt panorama Race Track?

I politely remind you, that the Local Aboriginal Land Council CEO (according to the anthropological report Council commissioned ) is Not a Traditional Owner and has no cultural authority to speak for Country here.

I would also like to officially inform Bathurst Regional Council that several registered Traditional Owners of the Bathurst area have withdrawn any permissions for Council or any other entity for use of Crown Land for the proposed Go Kart Track or any other development without prior consultation with Traditional Owners, we have informed the Minister and the office of OEH.

regards  
 Yanhadarrambal

--

Mandang Guuwu! (thank you!)

Yanhadarrambal Jade

**Gunhigal Mayiny Wiradyuri-Dyilang Enterprise**

ABN: 912 637 49091

VENDOR NUMBER 0100455357

2015/196-03/027



**Go Kart Track - Attn Ian North**  
**SANDRA GAI HEWITT** to: council

04/12/2018 01:29 PM

From: SANDRA GAI HEWITT <sandragai33@bigpond.com>  
To: council@bathurst.nsw.gov.au

---

Hi there,

I wish to let you know that I am most strongly against the destruction of sacred sites on Wahluu/Mt Panorama.

I also support the Bathurst Traditional Owners request to have Wahluu gazetted as an "aboriginal place".

Surely it's way overdue for more inclusive decision making processes.

It's just my personal opinion but I feel probably the reasons they haven't jumped up & down too much about it in the past, was because their culture was broken upon broken, dismantled over time & the dysfunction of generations due to trauma & losing most aspects of culture. They've been gathering the remnants of that immensely old culture (all over Australia) & it's way past time to show some new respect & support as they feel more empowered. They're not trying to take anything away from us at all with the requests, they only need to be respectfully acknowledged.

So much was taken away &/or damaged & now we need to allow for them to be here too. Their culture ADDS to the wonderful mix in our country. Give them a chance to exist please. I feel we're way behind New Zealand & the Maoris. It may be a new thing for some councils to have to now include indigenous aspects in decision making but please do consider my thoughts on this.

Thankyou for reading,  
Sandra McEwen

2015/196-03/031



**Contact Bathurst Regional Council**  
**Bathurst Regional Council** to: council

05/12/2018 09:56 AM

From: Bathurst Regional Council <council@bathurst.nsw.gov.au>  
To: council@bathurst.nsw.gov.au

---

**Name**

Katherine Cameron

**Email**

kathycameron2@gmail.com

**Subject**

Meeting Wed Dec 5th Go Kart track plans

**Message**

Dear Councillors, I am submitting my support for the Bathurst Traditional Owners' request to have Wahluu gazetted as an 'Aboriginal Place'. I am against the appropriation and destruction of sacred sites on Wahluu (and anywhere). Please choose another site for the proposed Go Kart track. Sincerely, Katherine Cameron

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2015/196-03/032



**Fw: Go-Kart Track**  
**mayor** to: Council  
 Sent by: **Aimee Ford**  
 Cc: David Sherley

05/12/2018 09:50 AM

Please register on 2015/196-03.

Thank you.

Aimee Ford  
 Mayor's Assistant  
 Bathurst Regional Council  
 158 Russell Street Bathurst 2795  
 Phone: 02 6333 6205  
 Fax: 02 6331 7211  
 www.bathurst.nsw.gov.au

----- Forwarded by Aimee Ford/BathurstCC on 05/12/2018 09:50 AM -----

From: Susan Douglas <susan2795@outlook.com>  
 To: "john.fry@bathurst.nsw.gov.au" <john.fry@bathurst.nsw.gov.au>,  
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 "jacqui.rudge@bathurst.nsw.gov.au" <jacqui.rudge@bathurst.nsw.gov.au>  
 Date: 04/12/2018 08:33 PM  
 Subject: Go-Kart Track

Dear Councillors

I am writing to draw your attention to the 94 signatures on the 'Save Mt Panorama/Wahluu' petition which opposes the current location for the Go-kart Track. You may click the link to see the petition [here](#).

Councillor Aubin has written in the Western Advocate recently that the area is not culturally significant for Aboriginal people as no artefacts have been found there. It is hardly surprising that after decades of use by non-indigenous people that there are no artefacts to be found, but the fact remains that the area is incredibly culturally significant for Aboriginal Culture and for racing car enthusiasts and the proposed track will be an imposition and eyesore for both.

Another consideration is the noise the Track will make for people living in the South Bathurst area. On taking up residence in the sound shadow of My Panorama, residents accept the noise and excitement of race days, but the number of races has been steadily increasing and a noisy Go-Kart track will push living conditions of residents to an uncomfortable level of disturbance on a very regular basis.

The proposed area for the Track is part of public parkland, regularly used for recreation by a huge variety of people, why should it be given over to a sporting club's exclusive use?

I urge the Councillors to please listen to the wider community and, despite the inconvenience, do the



right thing by the residents, Aboriginal people, race-goers, tourists and recreational users for generations to come and move the Go-Kart track to the second circuit.

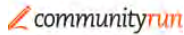
Thank you for your consideration

Yours sincerely

Susan Douglas  
0402210866

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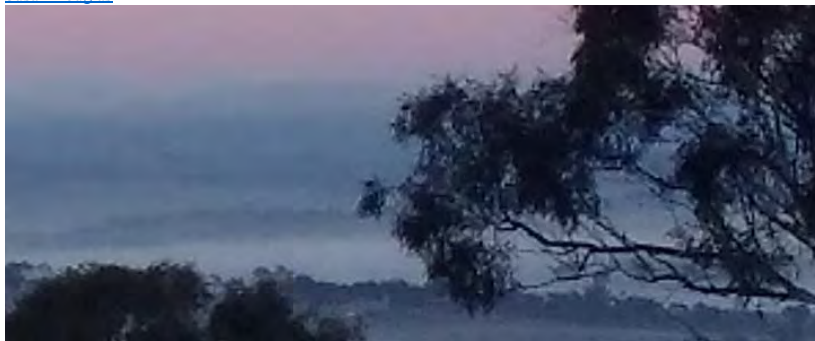
To: Bathurst Regional Council

# Save Mount Panorama

[Sign the petition](#)  
SD



Campaign created by  
[Susan Douglas](#)



Don't put a Go-Kart track on top of iconic and sacred Mt Panorama/Wahluu. This is the highest, most iconic and sacred spot in Bathurst, it should not be given to a sporting club for their exclusive use.

### Why is this important?

It's important that we let the council know we care about Mt Panorama, the way it is used matters to the people of Bathurst and all the thousands of race goers and visitors that come here every year. It belongs to all people, not just one sporting club, which could easily be located somewhere else.

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94  
of 100 signatures

### Category

[Local or State Issues](#)  
[Flag this petition for review](#)

### Sign the petition

\* First Name?

\* Last Name?

\* Email

### Reasons for signing

- The natural and cultural values at Wahluu should be preserved for all and not blighted with an eyesore of a development that would be visible from miles around. I have enjoyed the expansive vistas from Mt Panorama when attending the Inland Sea of Sound festival over the past few years. Last year this included a particularly memorable and meaningful Welcome to Country - Council needs to walk it's talk by showing genuine care and consideration for the cultural values of this sacred area.

Phone Number?

\* Postcode

Last Name

By signing you will receive campaign CommunityRun and GetUp Australia.

Caroline J. 3 months ago

- Council is providing park land to a private entity with only 200 members and refusal by the public objection was made to locate it at Kelso

brian G. 3 months ago

- Give the area a rest between other motor racing events. Allow others the opportunity to appreciate the environment, peacefully.

Peter H. 4 months ago

[Read more](#)

### Updates

3 months ago

50 signatures reached

4 months ago

25 signatures reached

4 months ago

10 signatures reached

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2015/196-03/034

**WAHLUU-GO KART TRACK****Kate Conolan** to: council  
Cc: Gavin Douglas, jadeyanha

05/12/2018 12:56 PM

From: Kate Conolan <pardaloteproduce@gmail.com>  
To: council@bathurst.nsw.gov.au  
Cc: Gavin Douglas <dalimiru@harboursat.com.au>, jadeyanha@gmail.com

---

Dear Councillors,

I write to express my strong opposition to the further desecration of Wahluu Mt Panorama through the proposal to construct a Go Kart track on this sacred place.

While supportive of recreational and sporting activities in our region, and thankful to council for their support of both cultural and sporting activities that enrich our community, I will not vote for councillors who seek to disrespect the ancient cultural heritage of Wahluu.

McPhillamy Park as a proposed site is not appropriate as it is a known significant place of ceremony for the Wiradjuri people who have been so generous in their welcoming of people to Wahluu. We have already gained, dare I say taken, so much from the Wiradjuri that it is time to protect and respect the first people and their places of cultural significance as a matter of urgency (and not just for the aggrandisement of our council when it suits). To do so does and will continue to enrich us all.

I support the request of the Bathurst Traditional Owners of this country to have Wahluu gazetted as an Aboriginal place.

With respect,  
Katherine Conolan

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## MODIFIED DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Report:</b>	Lots 1 & 2 DP 634401, Lot 1 DP 700629, Lot 9 DP 1047248, Lot 40 DP 1056379, Brocks Skyline, Mount Panorama. <i>Recreation Facility (outdoor) – Go-Kart Track and associated infrastructure</i>
<b>Development:</b>	
<b>Applicant:</b>	Bathurst Regional Council
<b>Owner:</b>	Bathurst Regional Council
<b>Peer Review:</b>	Darryll Quigley, Manager Building & Development Services, Dubbo Regional Council.
<b>Date:</b>	12 December 2018
<b>File:</b>	D15-196(2)

### BACKGROUND

Development Consent was granted on 28 September 2015 for a *Recreation Facility – Go Kart Track and associated infrastructure* at Lots 1 & 2 DP 634401, Lot 1 DP 700629, Lot 9 DP 1047248, Lot 40 DP 1056379, Brocks Skyline, Mount Panorama.

### PROPOSED MODIFICATION

A modified development application was lodged with Council 30 June 2016. The proposed modification involves an extension to the track of 150 metres (from 950 metres to 1100 metres).

The modification does not intend to alter or amend the operating parameters as detailed in Condition No's 15-20 of the current development consent.

### SITE CHARACTERISTICS

#### *Locality*

The subject site is located in McPhillamy & Sulman Parks at the top section of the Mount Panorama Race Circuit.

#### *Slope*

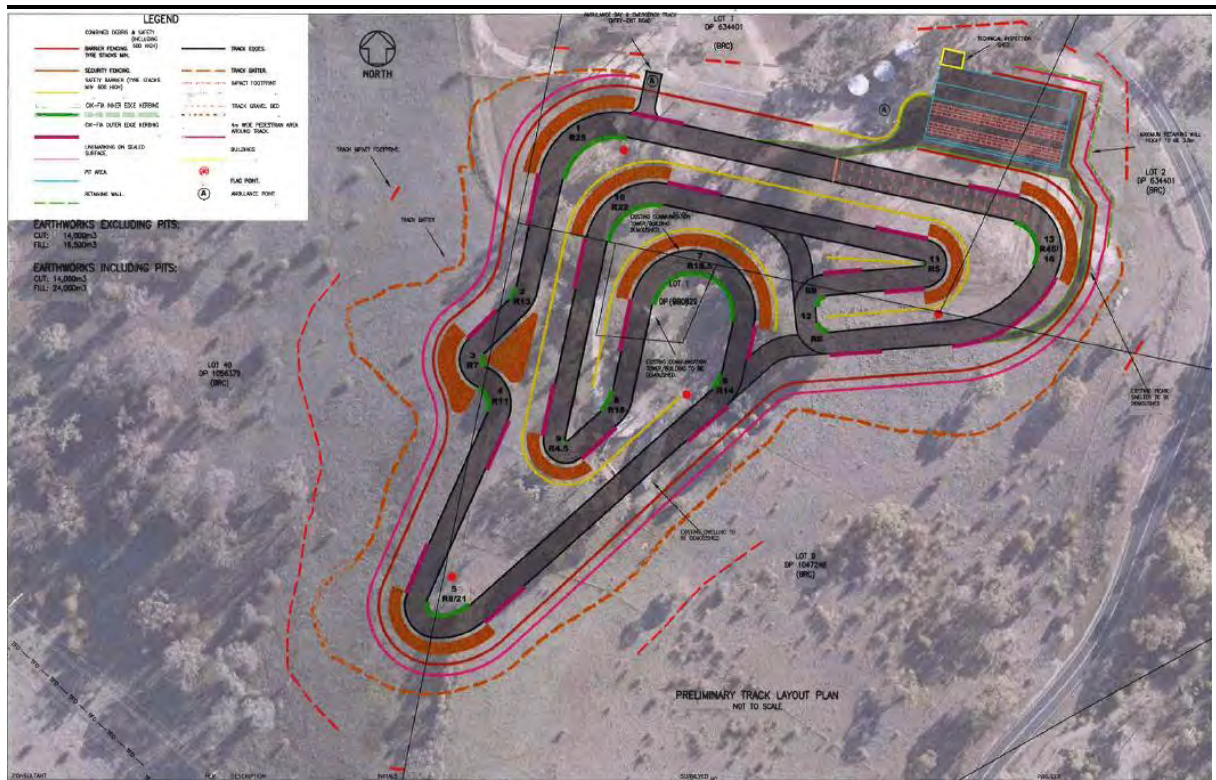
The site is located near the top of Mount Panorama, but slopes away to the south-east.

#### *Vegetation*

The locality includes native vegetation with fauna habitats, together with areas disturbed by historical clearing and stockpiling.

#### *Access*

Access to the site is obtained via a bitumen sealed roads accessing McPhillamy Park.



**Figure 1:** Proposed Go Kart Track, McPhillamy Park, Bathurst.

### LEGISLATIVE ASSESSMENT Section 4.55 (2) MODIFICATION

Section 4.55(2) of the EP&A Act 1979 pertains to modifications to a consented Development Application involving minimal environmental impact. It states:

(2) *Other modifications*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

It is considered that the proposed modified development is substantially the same development as the consent which was originally granted. Subclause 2(b) is not applicable as the original application was deemed not to be 'integrated development' or development requiring 'concurrence' under Division 4.8 of the Act.

The proposed modification was publicly notified, with eight (8) submissions received. Those submission shall be discussed later in the report.

The information detailed below provides an assessment of the areas of the proposed modification, which would require assessment under Section 4.15 of the EP&A Act 1979, as is relevant.

Those areas of the proposed modification not discussed below are not considered relevant to the proposed modification.

#### **PLANNING ASSESSMENT Section 4.15(1)**

As required by the Environmental Planning & Assessment Act, 1979, Section 4.15(1), the following relevant matters are addressed below:

- environmental planning instruments (State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs);
- draft environmental planning instruments;
- development control plans;
- planning agreements;
- regulations;
- environmental (natural and built), social and economic impacts;

- suitability of the site;
- submissions; and
- public interest.

*(a)(i) Environmental Planning instruments*

SEPP 44 – Koala Habitat

The Policy is relevant to the Bathurst Local Government Area and as such a Flora and Fauna Assessment dated 2 December 2018 was prepared by The Environmental Factor, which addressed the issue of koala habitat. The report surmised that the proposal is unlikely to have a significant negative effect on the local populations of this threatened species.

Mitigation measures are warranted including the implementation of a Construction Environmental Management Plan (CEMP), addressing issues such as erosion, sediment, habitat management and weed control measures to minimise the potential for adverse impacts on adjoining habitats.

SEPP 55 – Remediation of Land

The proposed modification involves an extension of the approved race track, but the land impacted was not deemed to be contaminated in the original application and as such, is not an issue with the proposed modification.

Note: While a number of other SEPPs apply to the land, none are specifically applicable to this development.

**LEGISLATIVE REQUIREMENTS S4.15**

Bathurst Regional Local Environmental Plan 2014

The following clauses of Bathurst Regional Local Environmental Plan (LEP) 2014 have been assessed as being relevant and matters for consideration in assessment of the modified Development Application. Those clauses not outlined below were addressed during the Part 1 application.

*Clause 1.2 Aims of Plan*

The proposed modification is not contrary to the relevant aims of the Plan.

*Clause 1.4 Definitions*

The proposed development is defined under the Bathurst Regional Local Environmental Plan 2014 as *recreation facility (outdoor)*, which is defined as:



*“recreation facility (outdoor) means a ... place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a ... go-kart track, ... (including any ancillary buildings), ...”.*

*Clause 1.9A Suspension of covenants, agreements and instruments*

There are no covenants, agreements or instruments affecting the subject site which would restrict the operation of the proposed modified development.

*Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned SP3 Tourist.

*Clause 2.3 Zone objectives and Land Use Table*

The proposed development complies with the relevant objectives of the zone, specifically *“to encourage and promote the development of Mount Panorama as a regional recreation and tourist facility and as an international motor racing circuit.”*

The proposed modified development for *recreation facility (outdoor)* is permitted with development consent in the SP3 Tourist zone.

*Clause 5.10 Heritage Conservation*

Heritage Item I185 identified on the Heritage Map. The item is stated in Schedule 5 Environmental Heritage as a ‘Stone Cottage and garage’ on Pt Lot 1 DP 634401. The item is located to the north of the ‘go-kart track’. As such, the proposed modification will have no detrimental impact upon the listed heritage item.

The clause makes reference to *Aboriginal objects* and *Aboriginal places of heritage significance*. The definition reads as follows:

***Aboriginal place of heritage significance*** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the [Heritage Map](#), that is:

- (a) *the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or*
- (b) *a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.*

*Note. The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.*

The Heritage Map does not include an *Aboriginal place of heritage significance* on the subject site. A number of the submissions received by Council do call for the site and surrounds to be 'gazetted' as an 'Aboriginal Place'.

An Aboriginal Cultural Heritage Assessment Report dated June 2018 and prepared by Extent Heritage Advisors and provided the following relevant findings:

- *The anthropological study found that the study area has intangible cultural heritage values to the local Aboriginal community. As part of Mt Panorama Wahluu, it is associated with the creation story of Wahluu and Gaahna Bulla 'the two brothers', which connects Mt Panorama with Mt Canobolas. Mt Panorama Wahluu is also associated with other important topographic features such as Mount Stewart and Evans Crown.*
- *Mt Panorama Wahluu was likely a place of mythological and spiritual importance to Wiradjuri people prior to contact, as with other similar prominent topographic features across Wiradjuri country. It has contemporary cultural values to the local Aboriginal community due to these traditional associations, and also as part of a movement of cultural revitalisation and reconnection currently underway across Wiradjuri country.*
- *The identified contemporary cultural values may be represented in part in the stones used in the construction of the former Caretaker's Cottage and fence. Some members of the Aboriginal community are of the belief, and assert, that the stones were taken from burbung/bora rings which were present in the area. However, there is currently no physical or documentary evidence to indicate they are Aboriginal Objects as defined by the National Parks and Wildlife Act 1974. Council's records indicate that a 1939 costing provided to the State Government for construction of the cottage includes a line item for 'excavation stone'. This suggests, but does not prove, that the stone was likely obtained from a quarried source. Furthermore, Professor Triggers comments that whilst there are beliefs that stones from previously existing Aboriginal stone arrangements were used in the construction of the caretakers cottage, other information indicates the stones for the building were brought from one or more local quarries.*
- *The identified contemporary cultural values may be represented in part in trees and stones, which are present in the study area. Following our investigation of these features during the archaeological survey, we conclude that these items are not Aboriginal objects according to the definition used in the National Parks and Wildlife Act 1974. However, they are thought by some of the Aboriginal community representatives to be physical manifestations of the spiritual values of the location.*

- *The study area contains five registered Aboriginal sites ... None of the five registered sites were found to contain Aboriginal objects as defined by the National Parks and Wildlife Act 1974:*
  - *Three of these sites ... relate to Aboriginal Ceremony and Dreaming and are considered by the Aboriginal groups to have intangible cultural values.*
  - *Further investigation indicates the potential scarred trees recorded in (2) AHIMS site cards ... are not Aboriginal in origin.*
  - *(2) AHIMS sites ... were assessed and determined to not be Aboriginal sites.*
  - *(2) AHIMS sites ... have been assessed and are considered to be the same site, situated on the same landform.*
- *It is concluded that the study area has a nil-low potential to contain buried sub-surface archaeological deposits.*
- *The study area is within an area that has been nominated by some members of the local Aboriginal community as an Aboriginal Place, but is not currently gazetted as such. If the Minister were to declare Mt Panorama Wahluu an Aboriginal Place, the Place would be provided with statutory protection under the National Parks and Wildlife Act 1974. The protection would apply to those heritage values and significant items for which the Place is listed.*
- *The Aboriginal community consultation process has indicated that different views are held by the RAPs regarding potential impacts to intangible cultural heritage values as a result of the proposed works. Given the level of previous disturbance within the study area, one of the local RAPs considers that intangible cultural heritage values will not be impacted whilst the other local RAPs suggest the proposed development will cause further impact. No comments were provided from non-Bathurst RAPs in regard to intangible cultural heritage values of Mount Panorama Wahluu.*

*The proposed development includes construction of a go-kart track and carpark. This proposed development is considered unlikely to result in impact to any Aboriginal objects, as defined and protected by the National Parks and Wildlife Act 1974.*

*The proposed development is likely to affect the intangible cultural heritage values of (3) AHIMS sites ...*

#### *Clause 7.3    Airspace operations*

The subject site is located within the Obstacle Limitation Surface (OBS) Map at height 884.5m AHD. The proposed modifications are no higher than the original approval, beneath the OBS and therefore no concerns is raised.

*Clause 7.6 Mount Panorama environs*

The subject site is located within the Mount Panorama Environs map and Council has considered the issue noise impacts resulting from the proposed modification. An Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting has provided details of the proposed modification, noting however that there is no alteration proposed to the approved operating parameters as detailed in Condition No's 15-20 of the current consent.

*(a)(ii) Draft Environmental Planning instruments*

No draft environmental planning instruments apply to the land to which the Development Application relates.

*(a)(iii) Development control plans*

Bathurst Regional Development Control Plan 2014

Chapter 8 Mount Panorama and Environs

The subject site is located on Map No.28 – Mount Panorama and specifically indicated as: open space; rural; and recreation special purpose (rifle range, and gun club).

The proposed modification of the 'go-kart track' complies with the specific objective regarding the 'use of the land', which is *"to encourage and promote development in the vicinity of Mount Panorama that is compatible with motor racing activities, and complementary to existing rural activities and the environmental characteristics of the locality."*

8.2 Use of Land

8.2.2 Development standards

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No.28 – Mount Panorama.

As stated above, the go-kart track is located in areas defined as 'Open Space' and 'Rural'.

Open Space

Development to which Council may grant consent, includes: signage, drainage, helipads (used in association with motor speed contests), developments necessary for safety improvements to the motor racing circuit, spectator facilities.

The proposed modification is contrary to this requirement, but given the existing approval, the modification would only result in an additional minor non-compliance. It should be noted

that while Chapter 8 Mount Panorama and Environs is intended to provide additional guidance in the development of the locality it cannot override the land use permissibility of the Bathurst Regional Local Environmental Plan 2014. That is, a *recreation facility (outdoor)* is permitted with consent in the SP3 Tourist zone.

### Rural

Development to which Council may grant consent, includes: the purposes permissible within Zones RU1 – Primary Production or RU2 – Rural Landscape pursuant to the LEP, whichever applies.

While the DCP indicates Lot 9 DP 1047248 as ‘rural’, the LEP zoning map indicates the land being zoned SP3 Tourist, within which *Recreation facility (outdoor)* is permitted with consent.

## 8.5 Special Provisions

### 8.5.2 Development standards

Notwithstanding any other provisions of this Plan Council, when considering Development Applications on any land to which DCP Map No.28 Mount Panorama applies, must have consideration for the following matters:

- a) The effect the development may have on the use of Mount Panorama as a regional recreational facility; and
- b) Whether the development will place at risk the safety of any person/s when the circuit is being used for motor speed contests.

The proposed modification is likely to have a beneficial effect on the use of Mount Panorama as a regional recreational facility.

#### *(a)(iii) planning agreements*

Not applicable.

#### *(a)(iv) the regulations*

Not applicable.

#### *(b) environmental (natural and built), social and economic impacts*

With regard to the natural environment a Flora and Fauna Assessment dated 3 December 2018 and prepared by The Environmental Factor has been submitted to Council. The Assessment concluded:

*“Assessments of significance prepared in accordance with Section 5AA of the EP&A Act (Assessments of Significance) and the EPBC Act Matters of National Environmental Significance – Assessment of significance guidelines (DEWHA, 2009). These assessments*

*have concluded that the proposal is unlikely to have a significant negative effect on the local populations of these threatened species and ecological community.*

*Specific mitigation measures are warranted to minimise the potential indirect impacts of the proposal on the natural environment outside of the proposal footprint during construction and operation. This would include preparing and implementing a CEMP, including erosion, sediment, habitat management and weed control measures to minimise the potential for adverse impacts on adjoining habitats."*

There will be minimal impacts on the built environment and likely beneficial social and economic impacts resulting from the proposed modification of the development.

(c) *suitability of the site*

Context, setting and public domain

- *Will the development have an adverse effect on the landscape/scenic quality, views/vistas, access to sunlight in the locality or on adjacent properties?*

The proposed modified development will not have any adverse effect on the landscape/scenic quality, views/vista, and access to sunlight on adjacent properties or in the locality.

- *Is the external appearance of the development appropriate having regard to character, location, siting, bulk, scale, shape, size, height, density, design and/or external appearance of development in the locality?*

It is considered the external appearance of the proposed modified development is deemed appropriate in the context of the locality.

- *Is the size and shape of the land to which the Development Application relates suitable for the siting of any proposed building or works?*

It is considered the size and shape of the land is suitable for the proposed modified development.

- *Will the development proposal have an adverse impact on the existing or likely future amenity of the locality?*

It is considered the proposed modified development will not have any detrimental impact on the existing or likely future amenity of the locality.

- *Will the development have an adverse effect on the public domain?*

It is considered the proposed modified development will not have any detrimental impact on the public domain.

Environmental considerations

- *Is the development likely to adversely impact/harm the environment in terms of air quality, water resources and water cycle, acidity, salinity soils management or microclimatic conditions?*

It is considered that the proposed modified development will not have an adverse impact on the local environment. There are no activities proposed which may cause adverse air, soil or water pollution. Appropriate conditions on the consent will ensure any possible environmental impacts are minimised.

- *Is the development likely to cause noise pollution?*

With regard to noise pollution an Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting has been submitted to Council. The Assessment reviewed a number of scenarios without providing any definitive conclusion with regard to the proposed modified development. However, noting that the proposed modified development does not intend to alter or amend the operating parameters as detailed in Condition No's 15-20 of the current development consent, the likelihood is that no additional detrimental impacts would be expected.

Some noise pollution will be generated during construction through the use of power tools and the like. An appropriate notation is included in the consent restricting work hours to minimise any impacts to neighbouring property.

Condition No's 15-20 which relate to the operating parameters of the development and therefore noise generation, shall remain on the consent.

Access, transport and traffic

- *Has the surrounding road system in the locality the capacity to accommodate the traffic generated by the proposed development?*

The surrounding road network is considered to have sufficient capacity to cater for additional traffic movements generated by this development.

(d) *submissions*

The modified Development Application was placed on notification for a period of ten (10) days ending 8 November 2018, during which time adjoining property owners were notified in writing of the proposed development.

Council received eight (8) submissions during the notification period, seven (7) submissions raising concerns, the other supporting the proposed modification. The issues raised are listed below with a planning comment attached:

- ***That Wahluu (site or locality) is a place of deep spiritual significance and ceremony to the Wiradjuri people. Wahluu should be saved and gazetted as an Aboriginal Place and acknowledged as a Womens Area, not turned into a Go Kart track.***

#### **Comment**

While the sincerity of the submission is not disputed, the submission itself does not address the proposed modified development and any specific detrimental impacts, noting that D15-196 was approved 28 September 2015 for a Go-Kart track.

As stated earlier in the report, an Aboriginal Cultural Heritage Assessment Report dated June 2018 and prepared by Extent Heritage Advisors, states as follows:

*The proposed development includes construction of a go-kart track and carpark. This proposed development is considered unlikely to result in impact to any Aboriginal objects, as defined and protected by the National Parks and Wildlife Act 1974.*

*The proposed development is likely to affect the intangible cultural heritage values of (3) AHIMS sites ...*

- ***That the Go Kart track will result in additional noise impacts, with increased events.***

#### **Comment**

As stated above, with regard to noise pollution an Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting has been submitted to Council. The Assessment reviewed a number of scenarios without providing any definitive conclusion with regard to the proposed modified development. However, noting that the proposed modified development does not intend to alter or amend the operating parameters as detailed in Condition No's 15-20 of the current development consent, the likelihood is that no additional detrimental impacts would be expected.

- ***That the proposed Go Kart track would bring massive benefits to the community, providing recreational activities for younger people and increasing the reputation of the racing track.***

#### **Comment**

The comment of support is noted.



(e) *public interest*

There are no matters other than those discussed in the assessment of the Development Application above that would be considered contrary to the public interest.

#### **SUMMARY & RECOMMENDATION**

The Applicant has sought to modify the development consent for a *Recreation Facility – Go Kart Track and associated infrastructure* at Lots 1 & 2 DP 634401, Lot 1 DP 700629, Lot 9 DP 1047248, Lot 40 DP 1056379, Brocks Skyline, Mount Panorama.

The proposed modified development is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The proposed development is consistent with the objectives of the applicable environmental planning instruments, including: Bathurst Regional Local Environmental Plan 2014; Development Control Plan 2014; and Council policies; and is therefore recommended for approval subject to the additional conditions of consent (see below).

CONDITION (1A) ADDED WITH D2015-196(2) TO READ AS FOLLOWS:

(1A) The development shall be undertaken in accordance with the Statement of Environmental Effects and stamped approved plans detailed as follows except where modified by any of the following conditions:

Title/Plan:	Preliminary Site Layout Plan
Drawing/Sheet No:	EN1697/2
Dated:	18/10/2018
Revision:	A

Title/Plan:	Preliminary Track Layout Layout Plan
Drawing/Sheet No:	EN1697/1
Dated:	18/10/2018
Revision:	A

{Reason: To ensure that the development is undertaken in accordance with that assessed}

CONDITION (29) ADDED WITH D2015-196(2) TO READ AS FOLLOWS:

(29) In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

{Reason: Council and statutory requirement to protect Aboriginal heritage}

CONDITION (30) ADDED WITH D2015-196(2) TO READ AS FOLLOWS:

(30) Prior to the release of any Construction Certificate or the commencement of works the applicant shall prepare and submit a Construction Environmental Management Plan (CEMP) to Council for assessment and approval. The CEMP shall detail acceptable methods for the adequate control and management of the following:

- Habitat Management measures – Detailing the implementation of habitat management measures to minimise the potential for adverse impacts on adjoining habitats, in accordance with the Flora and Fauna Assessment dated 3 December 2018 was prepared by The Environmental Factor.
- Dust Suppression and Mitigation – Detailing dust suppression and mitigation measures to be employed during works on the site to ensure dust is not emitted from the site at all times including when no activities are taking place on the site.
- Erosion and Sedimentation Control Plan – Detailing the methods to be employed to ensure the adequate management of the surface and stormwater associated with subdivision activities.
- Waste Management Plan – Detailing the reuse or relocation of spoil and disposal of solid and liquid wastes.
- Noise impacts – Detailing the implementation of noise mitigation measures to minimise noise and to limit the impact on adjoining development, in accordance with the Acoustic Assessment dated February 2018 and prepared by PKA Acoustic Consulting.

The CEMP shall be approved by Council's Environmental Control Branch prior to any works being commenced and shall be implemented at all times during the operation of this consent.

{Reason: Council requirement to ensure the amenity of the locality is protected during construction}



*Darryll Quigley*  
Manager Building and Development Services

Meeting type:	POLICY COMMITTEE		
MeetingDate:	05/12/2018		
Minute Section:	DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS	Section Number	12
Minute Status	Released		
Minute Security:	Standard		
SubSection:	DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS	SubSection Number:	12
Created By:	Stephanie Williamson/BathurstCC; Robyn Doig/BathurstCC	Division Required:	
Subject:	DEVELOPMENT APPLICATION 2015/196 - RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT: BATHURST REGIONAL COUNCIL. OWNER; BATHURST REGIONAL COUNCIL		
Item Number:	1		
File Number:	(DA/2015/196)		
Minute Number:	28		
Moved By:	Nil	Seconded By:	Nil

Resolution: Discussion included:

**Steve Angelucci - Secretary Kart Club**

- Has 250 members. Started seven years ago.
- Spoke to objectives of the group.
- Noted policy of Council to build large self-sustaining facilities. There is interest from all around the world. They have had to refuse requests at this time as track is not in place.
- Noted visitor spend that will occur.
- The Kart Club is focused on junior development and spoke to opportunities that will be presented if circuit is developed, particularly if built to FIA standard. This is a visionary project.
- The Kart Club is here to run sports not make a profit.

**Ian McPherson - citizen of Bathurst**

- Not here to talk whether we need a kart club but where facility should be placed.
- Concern at community division. The debate is becoming distorted and has led to arguments about rights.
- Need to look at best place to put it, don't trample Mount Panorama/Wahluu. This is not just an Aboriginal issue. Need to be aware of cultural heritage that is important to the community.
- Asks Councillors not to just make an easy decision; harvest our better selves.
- Spoke to positive role of Aboriginal community in 2015 celebrations. If Council powers ahead and approves development application, this is not productive - find a better solution.

**M Laybutt - Karting Australia**

- Spoke of involvement in Condobolin in karting and also Cherry Tree Hill track in this region and noted support that existed for it.

- Why Mount Panorama? People know Mount Panorama and to give people the opportunity to stand on the Mount and to compete would be the greatest. The site is in the motor racing precinct. Top level racing in Australia has diminished with less circuits, eg Oran Park.
- Need a place for our juniors to train. Bathurst will give an opportunity to get back to top level racing.
- Oceania's were last held in Australia in 1996. The circuit proposed will attract high level drivers and many people from overseas.

**B Allen - Wiradyuri Elder**

- Understands what is being said about kart racing. The Elders are not against kart racing but do not believe it should be located on the Mount. The ACHA says that there are artefacts there. The report should be publicly released. Percy Gresser found 2,000 artefacts, the bluestone cottage is an artefact - the Council is lying about artefacts.
- Spoke to significance of Mount Panorama/Wahluu and lack of available land for Wiradyuri to practice their culture. The track should be built down at the proposed second circuit.
- Noted the programs the Wiradyuri people are running and the need for respect. Wiradyuri are sharing, but are not getting anything in return. 2015 is "deja vu". The community is not being respected. Need area to teach their young.

**R Taylor - Kart Club and second circuit action group**

- Spoke to purpose of modification and congratulated Council on its vision to ensure higher level events can be held.
- Gave examples of the many facilities (sporting) that are first class in Bathurst.
- Noted volunteer assistance, economic value, etc. Concerned at how long this process has taken.
- The proposal to put with second circuit is not supported; needs to be separate.
- A development application for a 950 metre circuit was previously approved and this was on privately owned land; if modification not approved will action prior development application.

- **B Sugden - Forest Grove**

Attended Inland Sea of Sound last weekend and noted Wahluu Mount Panorama is a special place and needs to be protected. Then spoke to late 1950's/1960's when heritage was destroyed in a frenzy of modernisation. We need to preserve heritage including Wahluu. Urged Council to think forward 65 years and consider what is Council's vision; we don't want people to think Council had a lack of foresight. Wahluu is not to be treated as a place to be exploited. Spoke to existing facilities at the top of the Mount which are ugly.

**P Dowling** - Mr Allen said artefacts have been found, could this be clarified.

**General Manager** spoke to findings of Go-Kart ACHA concerning artefacts and noted the ACHA found that there were no Aboriginal objects, as defined, in the Go Kart area.

**A Gerard - CSU - Law and Justice and Resident**

- There is common ground for a Go-Kart track, the issue is where to locate it on Mount Panorama/Wahluu. Do not locate it on top of Mount Panorama.
- Further, spoke to role of Elders in regard to culture, law and history in the community. They are to be respected and noted linkages with Charles Sturt University.
- Then noted huge opportunity to work together eg Suttor/Windradyne. Go-Kart track

should not be placed on an area of great cultural heritage, need to be aware of intangible cultural heritage. Bathurst needs to be in step with other areas. Let's move forward on a positive basis.

**G Dixon - Bathurst resident**

- Relocated to Bathurst in 1976 with the Central Mapping Authority (CMA). May be the CMA was built on the wrong place; it is a dilemma we face everyday. Previously the Kart Club was offered the old drive-in theatre site. Sons drove go karts, people come to Bathurst and are in awe of our facilities.
- Have been waiting four and a half years, concern at how long must further wait.
- Spoke to views of all around the area. Club has been very patient and deserve a resolution.

**A Gainsford - representative of Bathurst community of Elders**

- Has gone to Wahluu over many years as part of her cultural heritage. Would like to pass this cultural understanding to children and grand-children, particularly at Mount Panorama. Works at Charles Sturt University and spoke to law/justice degrees being offered.
- Wahluu is a special place; it is spiritual and doesn't want these places taken away.
- Noted recent role at Inland Sea of Sound of the Wiradyuri community.
- Feels cultural connection is rolled in and out when it suits people. The Go-Kart track is needed but it should not be at Wahluu. If we know better we can do better. Councillors should attend a cultural immersion course.

Precis: