

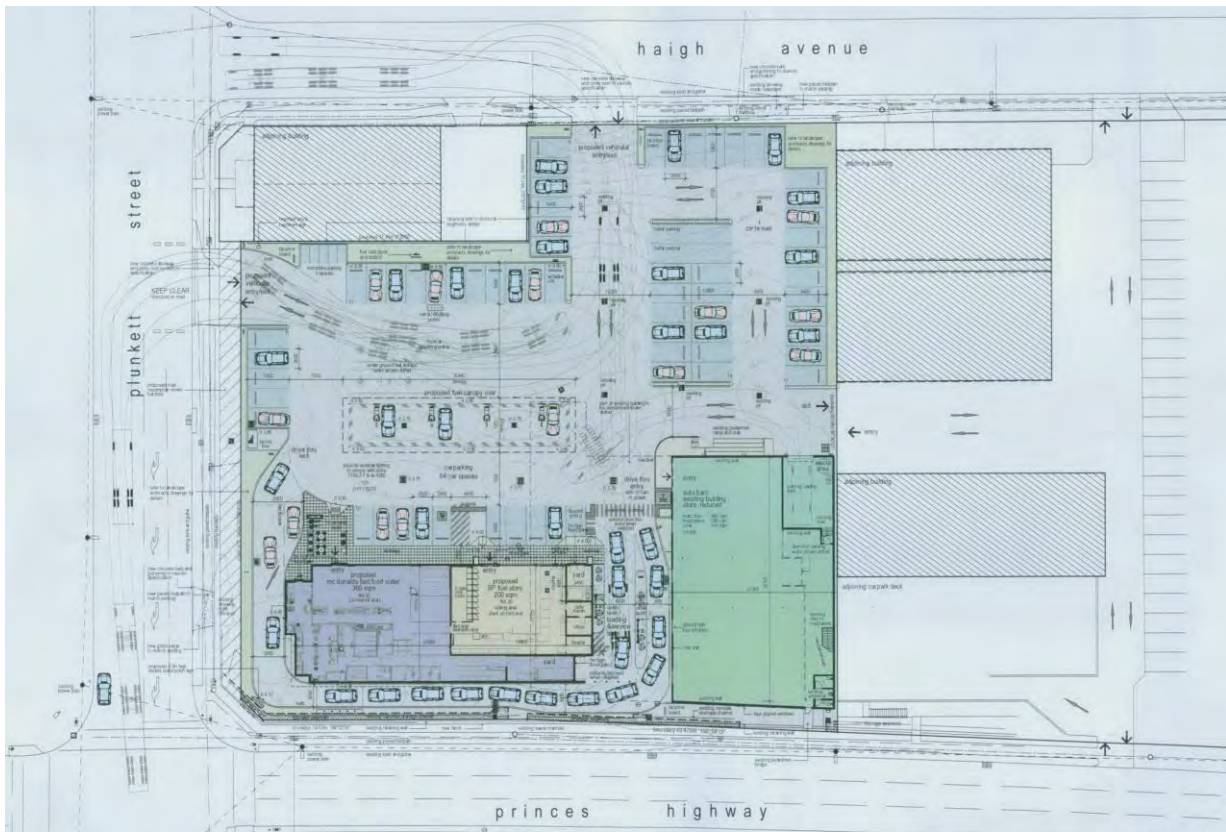
Location Plan



Subject Site – DA15/2291

Intersection upgrade works for which proposed Planning Agreement is making a contribution

Site Layout Plan (DA15/2291)





16 June 2016

Shoalhaven Council
Attention: Andrew Lissenden
Via Email: Andrew.Lissenden@shoalhaven.nsw.gov.au

Dear Andrew,

Further to our recent meeting with Council on 2nd June 2016, we confirm our willingness to enter into a Voluntary Planning Agreement with Shoalhaven Council as a mechanism to contribute \$100,000 towards the future upgrade of the intersection of Princes Highway and Plunkett Street, Nowra.

This contribution is being made on the provision that RMS will accept this as a satisfactory contribution to the future upgrade of the intersection and provide concurrence to our DA15/2291. This has been confirmed by Chris Millet from RMS in an email to our traffic consultant Joshua Hollis, provided to you on 13th June 2016.

We look forward progressing this matter with Council.

Regards,

A handwritten signature in black ink, appearing to read 'Rhett Williams', with a stylized flourish at the end.

Rhett Williams
CEO
RG Property Ten Pty Ltd

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT
Environmental Planning and Assessment Act, 1979
DA16/1203**

TO:

Shoalhaven City Council
PO BOX 42
NOWRA NSW 2541

being the applicant(s) for DA16/1203 relating to:

Lot 6 DP 1188080 Andersons Lane, BERRY

APPROVED USE AND OR DEVELOPMENT:

Shoalhaven Equestrian Centre of Excellence (Stage 1) consisting of a storage shed, a spectator shelter, two (2) grassed warm up/training areas, a multipurpose equestrian arena associated earthworks, car parking and access construction

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to the **Shoalhaven Equestrian Centre of Excellence (Stage 1) consisting of a storage shed, a spectator shelter, two (2) grassed warm up/training areas, a multipurpose equestrian arena associated earthworks, car parking and access construction** as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Cover Sheet	AD1519-D-01b	Ayling Drury	17.11.15
Demolition & Site Management Plan	AD1519-D-02b	Ayling Drury	17.11.15
Site Plan	AD1519-D-03b	Ayling Drury	17.11.15
Detail Plan A	AD1519-D-04b	Ayling Drury	17.11.15
Detail Plan B	AD1519-D-05b	Ayling Drury	17.11.15
Sections	AD1519-D-06b	Ayling Drury	17.11.15
Details	AD1519-D-07b	Ayling Drury	17.11.15
Storage Shed Details	26489	Southern Cross Garages	-
Spectator Shelter Details	26404	Southern Cross Garages	-
Flood Evacuation Plan	-	Applicant	-
Shoalhaven Equestrian Centre of Excellence – Construction of Stage 1 Statement of Environmental Effects	-	Applicant	-

Notes:

- *Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, must be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions must prevail to the extent of that inconsistency.*

2. The **Shoalhaven Equestrian Centre of Excellence (Stage 1) consisting of a storage shed, a spectator shelter, two (2) grassed warm up/training areas, a multipurpose equestrian arena associated earthworks, car parking and access construction** must not be occupied or commenced until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority / Construction Certificate / Notice of Commencement / Supervision of Works

3. The following must be undertaken prior to the commencement of any works:
- A Principal Certifying Authority (PCA) must be appointed;
 - A Construction Certificate must be obtained from either Council or an accredited certifier;
 - Notice must be given to Council's Planning and Development Services Group at least two (2) days prior to the commencement of works; and
 - Council's Planning and Development Services Group must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance.

Note: *The person/company nominated must be a suitably qualified, experienced and practicing engineer or surveyor.*

Sign – Supervisor Contact Details

4. Prior to the commencement of any works, a sign must be erected in a prominent position on any site which demolition and/or building works is being carried out:
- Showing the name, address and telephone number of the PCA for the works;
 - Showing the name of the principal contractor (if any) for any building works and a telephone number on which that person may be contacted outside working hours; and
 - Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building works or demolition works are being carried out, but must be removed when the works have been completed.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Erosion and Sediment Control

5. a) The approved erosion and sediment measures must be implemented by the contractor and inspected and approved by the accredited certifier prior to the commencement of any works on the site; and
 - a) The approved erosion and sediment control measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

Builders' Toilet

6. Before commencing construction operations, a builder's water closet accommodation must be provided to Council's satisfaction.

A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational.

Under no circumstances will pit toilets or similar be accepted by Council.

Damage to Public Assets/Existing Services

7. Prior to the commencement of any works the developer or his agent must:
 - a) Undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense; and
 - b) Check that the proposed works are not affected by or do not affect any Council, electricity, telecommunications, gas or other services. All services, existing and proposed, above or below ground are to be shown accurately on the engineering plans including longitudinal sections with clearances to proposed infrastructure clearly labelled. Any required alterations to services will be at the developer's expense.

Erosion and Sediment Control

8. a) Prior to the commencement of any works a Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - "*Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004*", must be lodged with the nominated Certifier for works within the development site and Council for works in the road reserve for approval. The SWMP must include, but is not limited to:
 - Location and type of proposed erosion and sediment control measures (including but not limited to stabilised site access, details on how the earthworks will be stabilised during the works and upon completion);
 - Maintenance program for all soil and water management measures;
 - Approximate location of site sheds and stockpiles;

- Proposed staging of construction and SWMP measures;
- Disposal site for silt removed from sediment traps; and
- Standard construction drawings for proposed soil and water management measures.

A copy of the SWMP for works within the development site must be provided to Council prior to the commencement of works.

- b) The approved sedimentation and erosion controls required by this consent must be implemented, inspected and approved by the PCA prior to commencement of any work. All measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

Fill Material

9. Should any fill material be brought onto the site it must be accompanied by documentation from the supplier that certifies that imported fill material is not contaminated based on analyses of the material and must be provided to Shoalhaven City Council's Planning and Development Services Group prior to placing fill on the site. Sampling and analysis of the imported fill material must be conducted in accordance with the EPA Sampling Design Guidelines.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED

Design Amendments

10. Prior to the issue of a Construction Certificate the plans are to be amended to show the following:
- a) Relocation of the double hardstand wash bay area from adjacent to the southern boundary of Lot 88 DP 48603 (No.9 Schofields Lane) to the western side of the training and warm up arena;
 - b) Both buildings being assessable in accordance with Part D3 of the Building Code of Australia and AS1428.1-2009 (e.g. access door for the storage shed to be widened in accordance with the above);
 - c) Both buildings complying with Part J of the Building Code of Australia (i.e. all requirements are to be referenced/included on the plans);
 - d) Details on essential fire safety measures required including reference to the relevant Australian Standard (e.g. portable fire extinguishers location to be shown and note that they will be installed in accordance with AS2444-2001); and
 - e) Amenities for the use of the public (participants and spectators) being provided in compliance with Part F2 of the Building Code of Australia (type, location etc).

Note: No onsite disposal of effluent from amenities provided in accordance with Part e) above has been approved as part of this development consent.

Shoalhaven Water - Water and/or Sewer Requirements

11. Prior to issue of a Construction Certificate all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. **The authority issuing the Construction Certificate for the development must obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.**

<p>Note: Relevant details, including monetary contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.</p>
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For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Section 68 Approval

12. a) An application pursuant to Section 68 of the Local Government Act 1993 is required to be made prior to the issue of a Construction Certificate (i.e. for the installation of the water pipe from the existing water metre to the proposed taps).
b) No water, sewerage and stormwater drainage works are to commence until such time as a Section 68 Approval has been obtained.

Internal Roads and Car Parking Design

13. Plans detailing the location of car parking spaces (including associated access) that demonstrates compliance with the requirements detailed in Condition 24 must be submitted with the Construction Certificate application.

Engineering Approval - works in the road reserve

14. a) Engineering design plans for all works within the road reserve and must be submitted to Council for approval prior to the issue of a Construction Certificate.
b) All works must be carried out by the applicant in accordance with the approved plans.

Notes:

- *All works within the road reserve must be approved by Shoalhaven City Council under Section 138 of the Roads Act 1993. Engineering plan checking fees are applicable as per Council's adopted fees and charges. Contact should be made with Council's Development Engineer for a fee quote. All fees must be paid upon the lodgement of the detailed engineering plans for checking.*
- *Refer to Part D (Conditions relating to approved works and site management) of this development consent for additional requirements in relation to the above condition.*

Landscape Plan

15. a) A detailed landscape plan (which includes details on plan species, quantity and pot sizes) must be submitted with the Construction Certificate. The detailed landscape plan

is to be prepared a landscape architect or suitably qualified landscape designer and must include provision for:-

- i. Screen landscaping to the Schofields Lane boundary of the site (extending westward only as far as the proposed access driveway). Plantings are to be at 1.5m centres and a minimum of 15 litre pot size;
 - ii. Screen landscaping to the common boundary between the subject site and Lots 88 and 89 DP 48603 (immediately to the north and between existing plantings). This to be the planting of *Viburnum odoratissimum* at 1.5m centres and a minimum pot size of 15 litres);
 - iii. Screen landscaping to the Princes Highway boundary of the subject site (along the eastern side of the Berry Riding Club training area only). Plantings are to be at 1.5m centres and a minimum of 15 litre pot size; and
 - iv. A detailed maintenance plan for a 26 week period.
- b) Landscaping must be carried out on the land in accordance with the approved plan.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

16. All building work must be carried out in accordance with the requirements of the Building Code of Australia.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Design Standards

17. The following design standards must be complied with:

- a) Engineering design plans and specifications for the internal civil works referred to in this consent must be submitted to the PCA for approval;
- b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be submitted to Council for approval;
- c) All civil works are to be in accordance with Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction, unless otherwise specified in this consent;
- d) All work must be carried out in accordance with the approved plans (as amended by conditions in this development consent).

Road Reserve, Footpath & Gutters

18. The kerb, gutter and footpath adjoining the site must be kept clear of soil and debris.

Construction Hours

19. To limit the impact of the development on adjoining owners, all construction work must be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work must take place on Sundays or Public Holidays. Any variations to these hours must be agreed to by Council in writing.

Waste Minimisation and Management

20. All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility. No waste must be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP must be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Dust

21. Dust emissions must be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement.
- a) Erection of dust screens around the perimeter of the site;
 - b) Securely covering all loads entering or exiting the site;
 - c) Use of water sprays across the site to suppress dust; and
 - d) Covering of all stockpiles of soil remaining more than 24 hours.

Stormwater Drainage Design

22. Major and minor drainage systems must be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and DCP 100. The minor and major systems must be designed for a 20% AEP and 1% AEP rainfall events respectively.
23. All table drains constructed or realigned are to comply with the following:
- a) Table drains must not have a depth of flow higher than the bottom of the road pavement.
 - b) Table drains with grades less than 5% must be shaped to a uniform dish cross section placed with 75-100mm of topsoil, track machine rolled, fertilised and grass seeded with suitable native species.
 - c) Table drains with grades 5 to 10% must be treated similarly to those having less than 5% grade but with the addition of a layer of Jutemaster TM, Fire Mulch or equivalent product over the topsoil.

- d) Table drains with grades greater than 10% must be uniformly shaped and lined with concrete, rock and cement grout or spraycrete or similar approved treatment. The road bitumen seal for grades $\geq 12\%$ is to be widened to the edge of the lining.

Internal Roads, Car Parking Design and Construction

24. The following internal access and car parking requirements must be complied with:

- a) Internal roads must be for two way vehicular movement and be a minimum of 6m wide and cater for the largest vehicle requiring access through the development.
- b) The internal roads and car park parking areas must be constructed to an all-weather gravel standard and include associated drainage. The disabled car space provided must be constructed to comply with AS2890.6:2009. This including the provision of required signage.
- c) A minimum of forty-five (45) car spaces must be provided on-site, and must include at least one (1) space for a person with a disability. This parking (excluding the space for a person with a disability) is to be provided to the west of training and warm up area. The space for a person with a disability is to be provided adjacent to the spectator shelter as noted on the approved plan.
- d) The car parking area must be designed in accordance with Council's Shoalhaven Development Control Plan 2014 Chapter G21 – *Car Parking & Traffic*, or AS/NZS2890.1-2004. The parking space for disabled persons must be designed in accordance with AS/NZS2890.6-2009.

Access Design off Schofields Lane

25. A sealed or concrete driveway crossing with a compacted pavement of 200mm minimum must be constructed 6m metres wide at the property boundary and splayed to 10m metres wide at the pavement edge line of Schofields Lane and cater for the largest vehicle requiring access in and out. In addition:

- a) Council's Engineering Coordinator or delegate must inspect and approve the work in accordance with SCC Engineering Design Specification.
- b) The driveway is to be constructed using a gutter crossing at the table drain.

26. An indented rural access must be designed at the approved driveway location in accordance with Council's Plan No. D1.21. The access must be constructed as shown on the plan with reference AD1519-D-05b, Detail Plan B, dated 17 November 2015 (refer to Insert B Plan) and ensure that the largest expected vehicle does not overhang the travel lane.

27. All access to and from the site (for both construction and ongoing operation) must be obtained only via the approved access driveway to Schofields Lane.

Note: Works within the road reserve require approval under s138 of the Roads Act 1993. Refer to Part G of this development consent.

Aboriginal Archaeology

28. If, during the course of development, any Aboriginal site or object is discovered, works to the site must cease immediately and the Archaeologist of the Department of Environment and Conservation must be consulted. Following this, steps must be taken for a preliminary archaeological survey of the site to be undertaken by a qualified archaeologist, in consultation with the local Aboriginal Land Council. The result must then be forwarded to the Department of Environment and Conservation. No works must recommence until approval is given from Council's Planning and Development Services Group.

Service Provision

29. The provision and extension of reticulated water supply pipelines through the site must be designed in order to minimise the impact on the root system of existing established trees (particularly the row of established radiata pines along the northern boundary/adjacent to Lot 89 DP 48603). In this regard the proposed pipework must be provided to the southwest of these trees a minimum of 10m from existing trunks.

PART E

CONDITIONS RELATING TO THE ON-GOING MANAGEMENT AND USE OF THE FACILITY

Flooding

30. The easternmost grassed arena, located within the new 145m by 100m equestrian area, must not be used when it is affected by flooding.

Flood Emergency Evacuation

31. The proponent must ensure that the flood evacuation plan is implemented and that users of the facility are made aware of the flood evacuation plan and of the procedures to be followed in the event of a flood event which requires evacuation from the site.

Hours of Operation

32. Hours of operation of the equestrian centre and Berry Riding Club facility must be confined to between 7.00am and 8.00pm Monday to Friday, and between 8.00am and 8.00pm Saturday and Sunday, unless otherwise agreed to by Council in writing.

Car Parking

33. All vehicles associated with the approved use must be parked on site and not within the adjoining road reserve (i.e. Schofield's Lane). To ensure compliance with this condition of consent, directional signage must be installed and maintained for the life of the development.

Noise Management

34. The operation of the equestrian facility and the use of any machinery, plant and/or equipment within, on or in connection with the its operation and use is to be carried out so as:-

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- a) Not to cause transmission of vibration to any place of different occupancy; or
- b) Not to cause 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997.
- c) To ensure all speakers used for the playing of music and/or public announcement must be oriented away from any residential properties and mounted such that they are at an angle of 45 degrees to the ground with their use being kept to a minimum.

Note: If any complaints in regard to loud noises are received then the usage of the PA system will need to be discontinued.

Water Quality Management

35. No pollution of waters is to occur which would constitute a breach of the *Protection of the Environment Operations Act 1997*, as a result of this activity.
36. Any herbicides, pesticides, oils, fuels or other liquids must be stored in a bunded area.

Fire Safety Statement

37. At least once in every twelve month period, an annual **Fire Safety Statement** is to be submitted to Council and to the Fire Commissioner of the NSW Fire and Rescue, Fire Safety Division in relation to the fire safety measures listed in the **Fire Safety Schedule**.

General Site Management and Maintenance

38. The proprietor/site owner must at all times be responsible for on-going site management and maintenance in accordance with the following:
 - a) Activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
 - b) Landscaping on the site must be maintained in accordance with the approved landscape plan for the life of the development;
 - c) Removal of all graffiti within a maximum of 14 days of being notified by Shoalhaven City Council;
 - d) Any dogs brought onto the site must be restrained on a leash at all times.
 - e) Horse and float washing must be conducted in the designated wash bay.
 - f) Maintenance of all:
 - vehicular movement areas including driveways, carparking, manoeuvring areas and line marking to the standard specified in this consent;
 - stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan;
 - buildings, fencing (e.g. along the southern boundary of the area of approved works as shown on drawing AD1519-D-03b), signage/markings to the standards outlined in the development application and/or specified in this consent.
 - g) At the conclusion of each event/use waste must be managed as follows:

- Animal waste (i.e. manure) is to be either collected/bagged and/or spread across the site;
 - No uneaten hay or feed to be left on the ground and is to be removed; and
 - General waste is to be collected for weekly collection by Council or taken to an approved waste facility.
39. Nothing in this development consent implies or authorises the use of any part of the site for overnight camping.
40. The surface of the three riding areas (i.e. grassed equestrian area, multipurpose area and training area) must be grassed and maintained so as not to cause a dust nuisance to adjoining properties. Should dust be generated that impacts on adjoining properties the use of that area is to stop until grass cover has been re-established. The turf must be maintained for the life of the development. Areas, which show visible signs of wear, must be allowed to rest to facilitate recovery.

Amenities

41. Amenities for the use of the public (participants and spectators) are to be provided in accordance with the requirements of Part F2 (Health and Amenity) of the Building Code of Australia.

PART F

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

42. Prior to the issue of an Occupation Certificate for the approved development:
- a) The works as required by the requirements of conditions 14a (Engineering Approval), 15b (Landscaping), 17 (Design Standards), 22 (Stormwater Drainage Design), 23, 24 (Internal Roads, Car Park Design and Construction), 25 (Access Design off Schofields Lane), 26 and 29 (Service Provision) must be complied with and completed; and
 - b) A Certificate of Compliance must be obtained from Shoalhaven Water.

Fire Safety

43. Prior to the issue of an Occupation Certificate, the owner is to supply Council with a **final Fire Safety Certificate** for the fire safety measures specified in the **Fire Safety Schedule**. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a **final Fire Safety Certificate** being issued and a **Final or Interim Occupation Certificate** being issued.

PART G

OTHER COUNCIL APPROVALS AND CONSENTS

Section 68 Local Government Act 1993, Section 138 Roads Act 1993

Works within the Road Reserve

44. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council to obtain the s.138 consent:
- a) Any civil design required by this consent for works in the road reserve;
 - b) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices must comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan;
 - c) Insurance details;
 - d) Name and contact information of the person/company appointed to supervise the construction; and
 - e) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works.

PART H

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.

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4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, car parking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a Complying Development Certificate, Designated Development or Integrated Development. The request must be made **within six (6) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within six (6) months** after receipt of this notice.*

PART J

GENERAL ADVICE TO APPLICANT

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the *Government Information (Public Access) (GIPA) Act 2009*.

Trees Located on Public Land

Please note that any works carried out on the subject property or within the road reserve, such as construction of a driveway, that damages or otherwise detrimentally impacts on the health or safety of any tree located on public land may result in the applicant incurring the costs of any remedial action or removal of the tree(s). If you are proposing to carry out any works that may impact on any tree on public land, it is recommended that you contact Council for advice before carrying out those works.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on

- a) A matter of national environmental significance (NES) matter; or
- b) Commonwealth land

without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation.

It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of consent as notification to you that the Commonwealth Act does not have application.

The Commonwealth Act may have application and you should obtain advice about this matter.

There are severe penalties for non-compliance with the Commonwealth legislation.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B Restrictions on the Use of Land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of Shoalhaven Local Environmental Plan 2014 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

NSW Native Vegetation Act 2003

The Native Vegetation Act 2003 requires consent for the clearing of remnant native vegetation or protected regrowth from the Southern Rivers Catchment Management Authority. In the Shoalhaven City Council area, this requirement generally applies to land that is zone Rural (Zone 1), Special Use (Zone 5), Open Space (Zone 6), Environment Protection (Zone 7) and

Natural Hazards (Zone 9). If your development consent relates to land in such a zone then you may need to get a further separate approval from the Southern Rivers Catchment Management Authority for the clearing of remnant native vegetation or “protected” regrowth.

This development application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this development application has **not** involved any assessment of the proposed development in regard to the NSW Native Vegetation Act 2003.

It is the proponent’s responsibility to consult the Southern Rivers Catchment Management Authority to determine the need or otherwise for their approval and you should not construe the granting of this development consent as notification to you that the NSW Native Vegetation Act does not apply. The NSW Native Vegetation Act 2003 may have direct application to your proposal and you should obtain advice about this matter directly from the Southern Rivers Catchment Management Authority. You can contact them on 4429 4446 or by email southern@cma.nsw.gov.au.

There are severe penalties for non-compliance with the Native Vegetation Act 2003.

Principal Certifying Authority

A Principal Certifying Authority (PCA) must be appointed before any building work can commence.

DBYD Enquiry - ‘Dial Before You Dig’

In order to avoid risk to life and property it is advisable that an enquiry be made with “Dial Before You Dig” on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

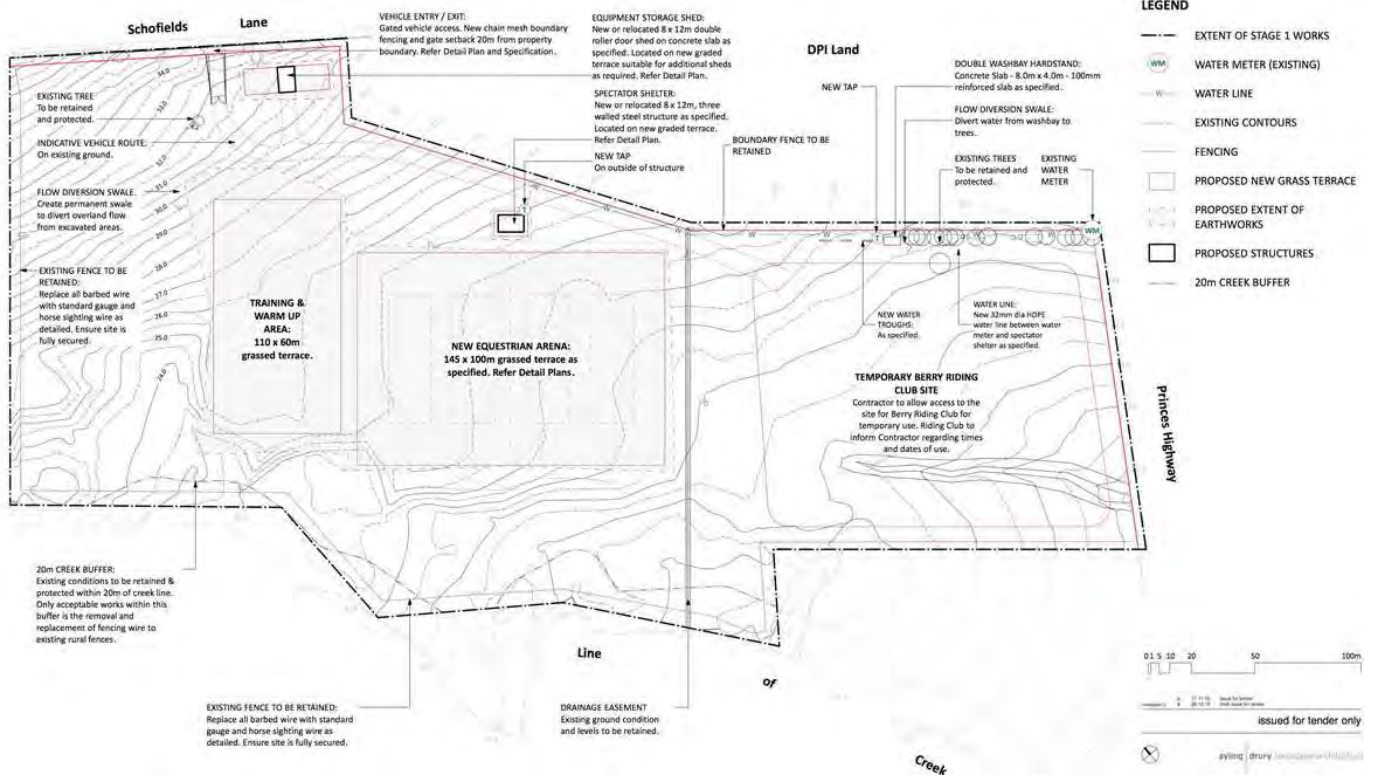
Inspections

If Council is the appointed PCA for this project, a minimum twenty-four (24) hours notice must be given to Council to make an inspection of the work.

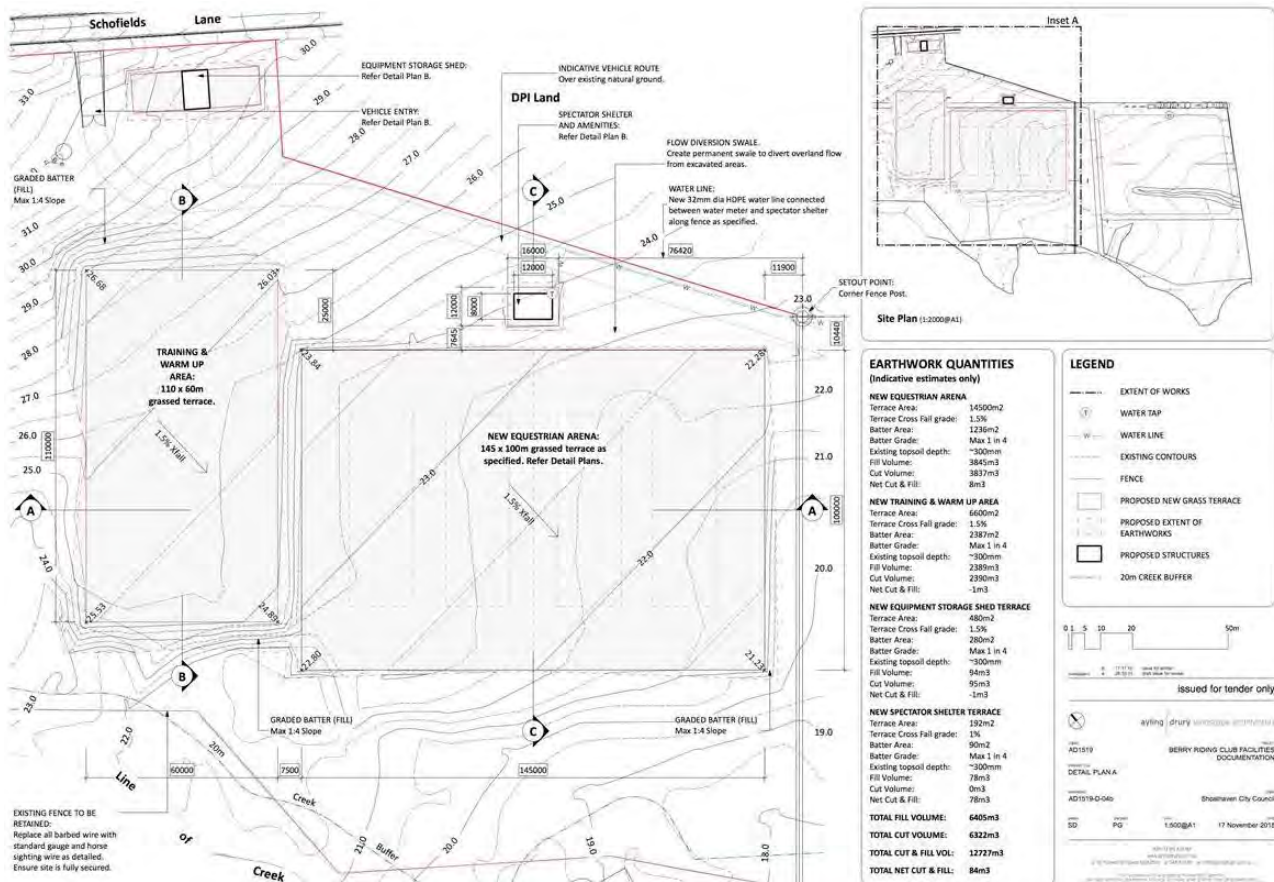
Flooding

The Princes Highway at the creek crossing at the eastern property boundary can go under water during the 1% AEP flood event. It is therefore advised that equestrian centre management inform patrons about this road closure to ensure that patrons follow a different, flood free route and don’t drive through flood water. In addition, the Bureau of Meteorology website can be monitored for severe weather warnings, such as heavy rainfall events, which will aid in the management of the centre.

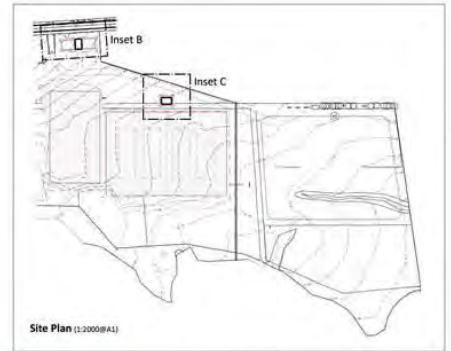
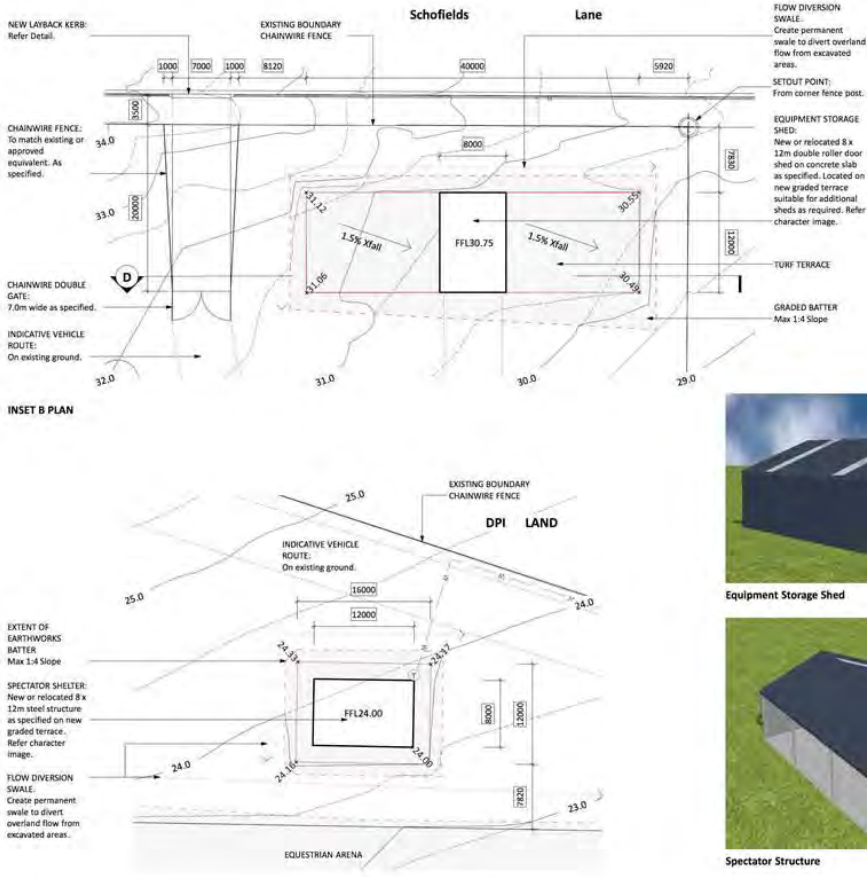
Overall Development Layout Plan



Formalised Training/Equestrian Area Layout Plan

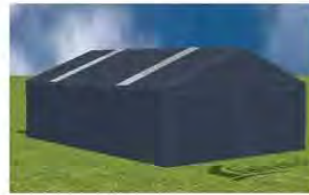


Proposed Building Plan

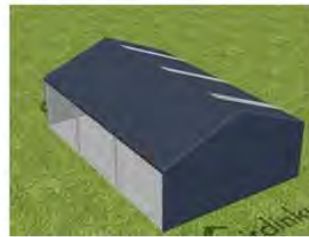


LEGEND

- EXTENT OF WORKS
- ⊕ WATER TAP
- W — WATER LINE
- - - EXISTING CONTOURS
- ▭ PROPOSED NEW GRASS TERRACE
- ▭ PROPOSED EXTENT OF EARTHWORKS
- ▭ PROPOSED STRUCTURES



Equipment Storage Shed



Spectator Structure

CHARACTER IMAGES

0 5 10 20m

issued for tender only

AD1519 BERRY RIDING CLUB FACILITIES DOCUMENTATION

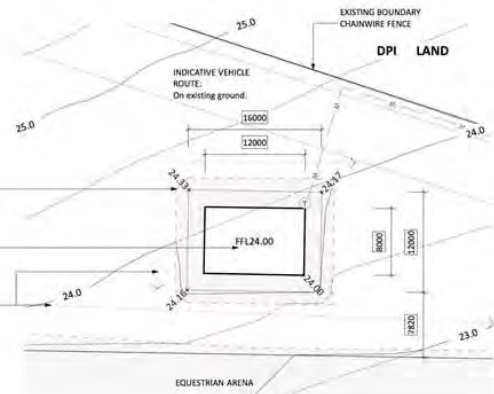
DETAIL PLAN B

AD1519-D-000

1:500@A1

17 November 2013

INSET B PLAN



INSET B PLAN

Site/Location Plan



Development Site – DA16/1203

DEVELOPMENT ASSESSMENT REPORT

Proposal:	Shoalhaven Equestrian Centre of Excellence (Construction of Stage 1).
Property:	Lot 6 DP 1188080 Andersons Lane, Berry.
Applicant:	Shoalhaven City Council.
Reference:	DA16/1203

1. Proposal:

The development application seeks consent for Stage 1 of the Shoalhaven Equestrian Centre of Excellence, which consists of:-

- a) Equestrian arena, measuring 145m x 100m, positioned in roughly the centre of the development area;
- b) Training Area 1, measuring 110m x 60m and to be positioned to the west of the main equestrian arena;
- c) Training Area 2, consisting of a large open grassed area adjoining the highway (no construction work proposed);
- d) An 8m x 12m equipment storage shed to be erected adjacent to the site's Schofields Lane entrance;
- e) An 8m x 12m spectator shelter shed to be erected on the northern side of the main equestrian arena; and
- f) Associated earthworks (cut and fill), car parking, vehicular access, fencing, and infrastructure.

2. Site:

The subject site is known as Lot 6 DP 1188080 and is situated between Andersons Lane and Schofields Lane at Berry. The site has an area of 35.6 hectares and consists primarily of cleared pasture lands divided into fenced paddocks, with a pocket of Blue Gum forest vegetation located centrally on its western boundary and extending eastward along the two (2) unnamed watercourses that traverse the site. The site is essentially vacant, with the Berry Riding Club currently using an existing paddock in the north-eastern corner of the site for horse riding activities.

The site is located to the south of Berry village within a rural landscape, with surrounding development consisting of rural and rural-residential land uses; seniors' housing developments;

and, the Berry Community Church. The Princes Highway (currently being widened and upgraded) forms the eastern boundary of the subject site.

3. Statutory Considerations

The following planning instruments and controls are relevant to this application:

- I. State Environmental Planning Policy No.55 – Remediation of Land;
- II. State Environmental Planning Policy (Rural Lands) 2008;
- III. Shoalhaven Local Environmental Plan 2014;
- IV. Shoalhaven Development Control Plan 2014; and
- V. Shoalhaven Contribution Plan 2010.

Additional information on the proposals compliance with the above documents is detailed in Section 5 (Statement of Compliance/Assessment) of this report.

4. Community Consultation:

In accordance with Council's Community Consultation Policy, the development application was notified as follows:

- Individual property owners were notified of the proposal (within a 700 metre radius of the site). Those notified included the NSW Department of Primary Industries, the Roads and Maritime Service, the Berry Chamber of Commerce and Tourism and the Berry Forum. The notification period was from 11th March to 26th March 2016; and
- The development application and supporting documentation were on display on Council's website.

Two (2) submissions were received by Council during the notification period. One (1) was a submission in support of the proposal, commenting that the proposal was a "*positive step ahead for the Shoalhaven*".

The second submission was from a neighbouring property owner raising a number of concerns and questions in relation to the proposed development. The table below provides a summary of the concerns/comments made as well as a response from Council.

Ordinary Meeting-28 June 2016 - Item 29 - Attachment C

Objector's Concerns (summary only)	Response
Is consent being sought for the whole Masterplan or just Stage 1?	The applicant has confirmed that the DA is for Stage 1 only. The applicant's mention of the master plan in the submitted documentation is simply to provide context and illustrate where stage 1 sits within the overall plan.
The Masterplan states that camping is to be allowed on site – general concerns over the management of the camping area and campers (eg total das, noise, security etc).	Camping on-site does not form part of the Stage 1/current application. The applicant has indicated that future stages may include short-term camping as ancillary to the equestrian centre – but this would be subject to a separate DA and assessment.
Proposed 6.30am start, 7 days per week is too early. Suggest 7am to 8pm weekdays and 8am to 8pm on weekends.	<p>The applicant has indicated that the 6.30am starting time has been identified for the purpose of equestrian event days that may occur on the site and that it is not envisaged that general hours of operation will commence at that time.</p> <p>The 6.30am starting time is considered to be too early, particularly as vehicles and floats would need to access and enter the site earlier. It would be more reasonable to limit the equestrian centre's opening hours to no earlier than 7am (Monday to Friday) and from 8am (on Saturday and Sunday). This recommended to be conditioned on any development consent issued.</p>
Wash bay shown on stage 1 plans should be 10m from common boundary and should consider drainage.	The applicant has advised that the wash bay will be relocated to the western side of the site, behind the training and warm-up area. This can be conditioned in any development consent issued.
A landscape plan has not been included with the DA and is not mentioned in the statement of environmental effects. Suggest maintain the row of radiata pines and include a hedge of viburnum between the pines and the common boundary fence, and protect the pines with horse-proof fencing.	<p>The plans submitted with the DA indicate that the existing row of pine trees will be retained and protected. Further to this, the applicant has indicated that landscaping will be incorporated into future stages of the development.</p> <p>Notwithstanding the comments above, landscaping should be provided at this stage</p>

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	to screen and soften components of the development – including the storage shed, the spectator shelter, and the internal access road. An appropriately worded condition of consent can be imposed requiring the submission of the landscape plan with the Construction Certificate application.
Consideration to be given to the location of water supply pipes to avoid damage to the radiata pines.	This issue can be addressed through the imposition of consent conditions.
Only one entry/exit driveway is proposed and should be wide enough to allow two trucks or cars towing floats to pass in order to avoid vehicles queuing in Schofields Lane.	The applicant has advised that future stages of the development will provide for separate entry and exit driveways to Schofields Lane in accordance with the master plan. The proposed Stage 1 combined entry/exit point will be set back 20m from the road, allowing a standing area for vehicles waiting to enter the site. In addition, a consent condition can be imposed requiring the access point to be of sufficient width to allow two vehicles to pass.
Potential for the proposal to impact on native flora and fauna.	The proposed works for Stage 1 only involve cleared areas of the site that have been fenced off from the creek and riparian vegetation to the south. An assessment of the potential for threatened species has been undertaken, including a review of Council's data base, and it has been determined that that the part of the site proposed to be developed as Stage 1 of the equestrian centre of excellence has been significantly modified and is unlikely to support habitat for threatened native flora and fauna or have any direct or indirect impacts.
Dogs should not be permitted on the site due to potential impacts on native fauna.	The applicant believes that dogs should only be allowed on-site on a lead. This to be conditioned on any development consent issued.

<p>What provision is to be made for the management of manure, straw bedding, waste feed etc?</p>	<p>The applicant contends that the proposed Stage 1 use of the site is not likely to generate a greater amount of manure or waste than that attributable to the site's historic use for cattle grazing.</p> <p>Notwithstanding the applicant's comments, consideration should be given to the proper management of waste products generated through the proposed use of the site and may include such measures as composting manure and straw bedding; not allowing uneaten hay or feed to be left on the ground; and hosing out floats only in designated, appropriately drained wash bays. A condition of consent can be imposed requiring the submission of a manure and waste management plan.</p>
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Having regard to the review of the concerns raised by the objector above, it is considered that most matters can be addressed through the imposition of appropriately worded conditions on any development consent issued. The draft consent (refer to **Attachment A**) has incorporated such conditions.

5. Statement of Compliance / Assessment

A full assessment of the submitted application against the applicable matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act) is provided below.

a) Any planning instrument, draft instrument, DCP's and regulations that apply to the land

i) *State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)*: The provisions of SEPP 55 apply to the State and therefore apply to this site. The matters contained in SEPP 55 that have relevance to this application have been considered, with an initial evaluation of the subject site and available information indicating the following:-

- Council records do not identify the site as potentially contaminated land;
- The subject land is not currently used for a potentially contaminating activity listed in the Managing Land Contamination Planning Guidelines;
- Council is not aware of information concerning contamination impacts on land immediately adjacent to the development site which could affect the subject land;
- There is no land use restriction relating to possible contamination affecting the land; and

- The current application does not involve a change in use of land as specified by the requirements of SEPP 55.

Having regard to the above, Council is not required to consider a Stage 1 Preliminary Contaminated Land Assessment/Investigation Report as part of this current application. As such, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

- ii) State Environmental Planning Policy (Rural Lands) 2008: The development proposal does not involve a rural subdivision or the erection of a rural dwelling. In addition, the land is not identified under the SEPP as state significant agricultural land. Accordingly, the provisions of the Rural Lands SEPP do not impact upon the development proposal.
- iii) Shoalhaven Local Environmental Plan 2014 (SLEP 2014): The provisions of SLEP 2014 need to be considered in the assessment of the proposed development, with the following clauses of SLEP 2014 having particular relevance to this development application:

- *Clause 2.3 (Zone objectives and land use table)*: The subject site is zoned RU1 Primary Production. The proposed development is best defined as a **recreation facility (outdoor)**, which 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)”. “Recreation facilities (outdoor)” are permitted with consent in the RU1 zone. The proposed development is also considered to be consistent with the objectives for the RU1 zone – particularly the objectives of minimising the fragmentation and alienation of resource lands as the land is not identified as containing a resource; minimising conflicts with land uses in adjoining zones given the separation that exists from the urban area and the ability to impose conditions to minimise impacts on the adjoining properties; and, conserving and maintaining productive prime crop and pasture land as the proposed development is only impacting on a portion of the site.
- *Clause 4.3 (Height of buildings)*: The land is not mapped as being affected by a specific building height limit, therefore a general maximum height limit of 11m applies. The proposed equipment storage shed and the spectator shelter building are both single storey structures, less than 11m in height.
- *Clause 7.1 (Acid sulfate soils)*: The site is mapped as containing Class 5 acid sulfate soils and consent is required for works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered by below 1m AHD on the adjacent Class 1, 2, 3 or 4 land. The proposed earthworks are more than 500m from the

nearest Class 1, 2, 3 and 4 acid sulfate soils and therefore the provisions of clause 7.1 do not impact upon the proposed development.

- *Clause 7.2 (Earthworks):* In accordance with sub-clause 3 Council is required to consider the listed matters before granting development consent for earthworks. With regard to these matters, the following is noted:
 - The earthworks will maintain a general fall in a southerly direction towards the watercourse. A diversion swale will be created on the upslope side of the main equestrian arena and the training and warm up area to intercept surface flows and direct around the arenas and then on towards the watercourse. The existing drainage easement that traverses the site will be maintained. The surfaces of the arenas will be graded at 1.5% to allow the drainage of surface water. Earthworks will incorporate 1:4 batters to provide a stable embankment;
 - The proposed earthworks are necessary to create generally level areas to be used for equestrian events;
 - Information provided with the development application indicates that the total volume of filling will be 6,405m³ and the total volume of excavations will be 6,322m³, leaving a shortfall of 83m³ of fill material which will need to be imported to the site. As the majority of material to be used for filling works will be naturally sourced on-site, there is a low likelihood of the material containing contaminants;
 - The nature and location of the earthworks relative to the neighbouring properties is such that the impacts will be minimal;
 - There is not a high likelihood of relics being disturbed as a result of the proposed works; and
 - No earthworks will take place within 30m of the watercourse, and appropriate soil and water management controls will be implemented throughout the construction phase and maintained in place until the exposed areas have grassed over. Accordingly, the potential to impact on the water quality of the watercourse will be negligible.
- *Clause 7.3 (Flood planning):* The site is mapped as containing land identified as a 'flood planning area' and also contains other land that is below the 'flood planning level'. The matters listed in sub-clause 3 have been considered with it being identified that all proposed useable area's to be used (training and equestrian arena) will be above the flood planning level, the works will not significantly adversely affect flood behaviour, will not affect the safe evacuation of the land (satisfactory evacuation plan provided) and will not result in unsustainable social and economic costs to the community (proposed built structures are above the flood planning level). As such, it has been determined that the development proposal is satisfactory.
- *Clause 7.6 (Riparian land and watercourses):* The northern watercourse passing through the site is a Category 2 watercourse and the southern watercourse is a Category 3 watercourse. Clause 7.6 applies to land within 50m of the top of the bank of the watercourses, and requires Council to consider whether or not the development is likely to

have any adverse impact on the water quality and flows, aquatic and riparian species, habitats and ecosystems, the stability of the watercourse bed and banks, the free passage of fish and other aquatic organisms, and any future rehabilitation of the watercourse and its riparian areas; whether or not the development is likely to increase water extraction from the watercourse; and, any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. These issues have been taken into account and it is considered that the proposed development will not have a detrimental impact on the watercourse or its ecology and environs.

In addition, consultation with NSW Water, confirmed that the proposed development will not have any significant adverse environmental impacts or impacts upon water courses due to the separation proposed and the applicants undertaking to maintain fencing so as to ensure access to watercourse areas is restricted. Council is also satisfied that the proposal has been appropriately designed and sited and is capable of being managed to ensure impacts are minimised and mitigated.

- *Clause 7.11 (Essential services)*: In accordance with sub-clause 1 Council is satisfied that required services are available for this development application (i.e. water and electricity). It is however noted that they will require extension into the site to the desired locations.

In summary, the development proposal does not conflict with the aims and relevant provisions of SLEP 2014, however will require the imposition of conditions to ensure ongoing compliance.

iv) Shoalhaven Development Control Plan 2014: The provisions of SDCP 2014 apply to this development. The Chapters of SDCP 2014 that have specific relevance to this application are overviewed below:

- *Chapter G7: Waste Minimisation and Management Controls*: Information submitted with the development application has provided details of the estimated volume of excavation and filling material generated by earthworks to create the training and warm-up area, the equestrian arena and the building platforms for the spectator shelter and storage shed. Information provided also indicates that waste generated through demolition works (e.g. redundant fencing materials, troughs, water supply pipes etc) will be disposed of at Council's waste depot. With reference to ongoing waste it has been advised that will be sorted into recyclable and non-recyclable waste streams and either collected by Council's waste services contractor or taken directly to the waste depot. Minimal information has been provided in relation to animal waste however this can be conditioned (e.g. animal waste is to be either collected/bagged and/or spread across the site and no uneaten hay or feed to be left on the ground and is to be removed).
- *Chapter G8: On-Site Sewage Management*: Information provided has indicated that portable toilet facilities will be installed to cater for the Stage 1 development which has a maximum capacity of 45 people (30 riders and 15 spectators). Any development consent

issued to be conditioned so to require amenities for the use of the public (participants and spectators) are provided in compliance with Part F2 of the Building Code of Australia. Future stages of the development will include the construction of permanent amenities which will require onsite effluent disposal and associated assessment.

- *Chapter G9: Development on Flood Prone Land:* Parts of the site are impacted by flooding, with the flood planning level (FPL) identified as RL 22.1m AHD (i.e. the 1% AEP flood level of RL 21.6m AHD plus a 500mm freeboard). The site access point off Schofields Lane, the internal access roadway, the training/warm up area, the main equestrian arena as well as the proposed storage shed and spectator shelter are all located above the FPL. The proposal has been reviewed by Council's Natural Resources and Floodplain section and no objections have been raised.
 - *Chapter G21: Car Parking and Traffic:* There is no specific car parking requirement listed in Chapter G21 for equestrian facilities and therefore an assessment of car parking is based on the merits of the proposal. The submitted application advising that parking should be provided to meet the needs of 30 riders with an additional 15 visitors. As such car parking is proposed for 45 vehicles. No details on the specific car parking location have been provided as part of this application, and as such this will be conditioned on any development consent issued as will design requirements. Construction of the car parking area and internal roads will be required to be to an all-weather gravel standard which is the minimum requirement under SDCP 2014. Consideration has also been given to the sites access point with the applicant indicating the setback of the entry gates by 20m from the road boundary. This ensuring sufficient space is available within the site for vehicles to queue without adversely impacting upon Schofields Lane. One car space for people with disabilities is proposed adjacent to the spectator shelter. Any development consent issued to be conditioned in relation to the above.
- v) *Shoalhaven City Council Section 94 Contribution Plan 2010:* The provisions of Council's Section 94 Contribution Plan apply to the development site. In accordance with the requirements of Section 2.7 (Exemptions) of this plan contributions do not apply to development provided by or on behalf of the Council for Council projects that provide non-profit community facilities which include *sportsgrounds, parks, community centres, emergency services*. In accordance with the above, no contributions will be imposed on the proposed development.
- b) *Likely impact of that development on the natural and built environment and social and economic impacts in the locality.***
- i) *Threatened Species:* The subject site has an area of 35.6 hectares largely comprised of cleared pastures, but also containing an area of blue gum forest and stands of riparian vegetation along the two creeks which traverse the site before they converge just west of the Princes Highway. That part of the site directly affected by the proposed works consists of cleared and fenced paddocks, which have previously been used for stock grazing and are already disturbed. The existing vegetated areas of the site are not impacted by the proposed

works, and existing fencing, located between the arenas and the creek, will be maintained. A review of Council's records has not identified any threatened flora or fauna on the subject site. A pro-forma Threatened Species Preliminary Site Assessment and Assessment of Significance has been undertaken and has confirmed that given the current level of disturbance on the site that no further assessment is required, that is to say there will be no direct or indirect impact on threatened species.

ii) Noise, Odour and Dust: Each issue is discussed separately below:

- Noise: Construction noise will occur in the short-term, but will be limited through conditions of consent restricting construction hours to Council's standard hours. It is noted that construction will coincide with the Princes Highway upgrade works which are currently underway adjacent to the site. On-going noise from the use of the facility is not expected to have a detrimental impact on the amenity of nearby residents as consent conditions can be imposed to manage/control the on-going noise generated and minimise any potential impact on adjoining property owners (i.e. operating hours condition – this will be less than what the applicant has proposed, condition relating to the use of speakers and offensive noise requirements).
- Odour: Given the general rural nature of the locality and the use of nearby properties for cattle and horse grazing, odour is not expected to be an issue. It can however create a problem if not managed properly. Specifically manure generated from the use. Any development consent issued to be conditioned in relation to how waste is to be managed (i.e. at the completion of an event/use it is to be either collected/bagged and/or spread across the site).
- Dust: Dust may be generated during construction if there are strong winds. This can be controlled through the implementation of appropriate dust suppression measures (e.g. regular watering and the covering of materials leaving the site), and through the timely re-establishment of grass to exposed areas as soon as practicable. As the proposed riding areas are to have grassed surfaces, dust generation should not be an on-going concern. Conditions should however be included in any development consent issued so as to require the surface of all three riding areas to be grassed and maintained so as not to cause a dust nuisance to adjoining properties.

iii) Context and Setting: The site is within a rural locality and following the completion of the Stage 1 development will maintain a rural character. The Stage 1 development involves the construction of two (2) buildings, which are compatible in nature to farm buildings and which have relatively small footprints (each is 8m x 12m). No other buildings are proposed. As the proposed equestrian arenas have grassed surfaces, the site will maintain its predominantly open pasture appearance when viewed from adjoining lands.

The development proposal is considered appropriate for its context and setting.

iv) Traffic and Access: Access to the Stage 1 development is to be provided from Schofields Lane via a new, 7m wide access driveway to be positioned approximately 55m west of the existing

access driveway. Requirements in relation to the new access and its construction should be conditioned on any development consent issued.

Access to the site from the Princes Highway, via Scholfields Lane, will be facilitated by the construction of the new intersection treatment as part of the Princes Highway upgrade works under construction. This will incorporate a northbound left in/left out and southbound access via an underpass.

- v) *Economic/Social Impacts:* The proposed development will potentially have positive social and economic impacts.

Socially, the development proposal is not expected to have a significant adverse social impact in terms of noise nuisance, dust or other emissions, or anti-social behaviour (subject to the imposition of conditions and associated compliance). The development will provide facilities to enable the Berry Riding Club to continue to operate in Berry (having been relocated from its North Street site due to the construction of the Berry By-Pass). The proposal will provide a facility where people with an interest in equestrian activities can meet, conduct events and interact, and as such will have a positive social impact for the equestrian community.

In economic terms, the Shoalhaven Equestrian Centre of Excellence will ultimately provide a facility that will provide significant economic benefits to the Shoalhaven through tourism opportunities, accommodation, and ancillary spending with local businesses (e.g. food and beverage, convenience goods, petrol etc). In the short term, the Stage 1 proposal will provide employment opportunities during construction, and a source of lease income for Council.

c) *The suitability of the site for the development*

Having regard to the zoning of the land, the rural nature of the locality, and the proximity of Berry, the proposed development is considered to be appropriate for the site. There are no constraints that affect the site that would warrant the refusal of the development application.

d) *Any submissions made in accordance with this Act or the regulations*

The application was publicly notified in accordance with Council's Community Consultation Policy. Council received two (2) submissions during the notification period, one indicating support for the proposal and the other raising a number of concerns. The concerns raised by the objector have been considered earlier in the report under 'Part 4 - Community Consultation'.

The development application was referred to the NSW Water for comment and no objections have been raised.

e) *The public interest*

There are no known Federal or State Government policy statements or relevant planning studies and strategies in addition to what has been discussed in this report that are relevant to the site.

Council has developed the Equestrian Centre Master Plan in consultation with key stakeholders and the wider community and went through a public exhibition process prior to adopting the Master Plan. The development application for Stage 1 has also been through a public exhibition phase, with only two (2) submissions received – one in support of the proposal and the other raising concerns, which can be properly addressed through consent conditions.

6. Other Issues

- a) *Policy for the Assessment of Council's Own Development Applications:* The provisions of this policy apply to this application as Council is both the applicant and a land owner. In accordance with the requirements of this policy as the development is proposed on Council owned land that is classified as 'community land' under the LG Act the determination of the application will need to be made by Council. The development application is not for a purpose identified as "exempt" from the operation of subsection 47E(1)(a) of the LG Act.
- b) *Easements/Restrictions on the use of the land:* The subject site is affected by a 2m wide easement to drain water, leading from Lot 88 DP 48603 (No.13 Schofields Lane) to the watercourse as well as easements for transmission lines and the Eastern Gas pipeline (these cut across the western corner of the site).

The area of the proposed works is clear of the transmission and pipeline easements with the drainage easement to be maintained to the east of the main equestrian arena.

- c) *Native Vegetation Act 2003:* The requirements of the Native Vegetation Act apply to the subject site. It is noted that the proposed development is confined to the existing cleared paddocks on the subject site and will not require the removal of any existing trees or underscrub. The provision of water infrastructure does have the potential to impact on existing vegetation along the northern boundary of the site (row of established radiata pines along the northern boundary/adjacent to Lot 89 DP 48603). Any development consent issued to be conditioned so as to require the proposed pipework to be provided to the southwest of these trees with a minimum setback of 10m from existing trunks.
- d) *Sediment and Erosion Control:* Due to the earthworks proposed the implementation of suitable sediment erosion control measures is important to ensure sediment movement is minimised and runoff contained during construction and until the site is stabilised. The applicant has provided some basic information in relation to sediment and erosion control measures, however a more detailed plan that contains details as required by the Landcom manual - "*Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004*" will need to be submitted addresses issues such as stabilised site access, details on

how the earthworks will be stabilised during the works and upon completion, etc. The above to be conditioned on any development consent issued.

- e) Aboriginal Heritage: Council's mapping indicates that the development site may contain Aboriginal cultural artefacts. As part of the assessment an Aboriginal Heritage Information System (AHIMS) search has been undertaken. This search relating to the development site only. It has indicated that there are no Aboriginal sites recorded on the development site and no Aboriginal places declared on the development site. It is however noted that Aboriginal sites may be located on adjoining land. As such, Council is satisfied that the area of the proposed works is not affected. In any case, as a precaution a consent condition will be included on any development consent issued outlining the procedure to be followed should any artefacts be encountered during site works.
- f) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

7. Referrals

a) Internal

Asset & Works – Traffic: Access to the site should only be provided from Schofields Lane and only from the point identified as 'A' on the Master Plan (i.e. the location proposed by the Stage 1 development application). The design of the site access should take into account the largest anticipated design vehicle and design details shall include swept path analysis. Concerns were raised with vegetation growth along Schofields lane which has reduced the available clear road width. It being suggested that some clearing of vegetation along Schofields lane should be required. A number of the points made can be conditioned accordingly on any development consent issued.

Building Surveyor: The development proposal has been reviewed and further details are needed to demonstrate that the proposed buildings will comply with the BCA. These matters are best dealt with at Construction Certificate stage and can be conditioned accordingly on any development consent issued.

Development Engineer: No objections, conditions of consent have been recommended.

Environmental Health Officer: No objections, conditions of consent have been recommended.

Natural Resources & Floodplain: No objections, conditions of consent have been recommended.

b) External

NSW DPI – Water: The Department has advised that the subject site contains two (2) watercourses which are considered to be “rivers” as defined under the Water Management Act, 2000 and all land within 40m of the subject watercourses is considered waterfront land. Riparian corridors proposed along the watercourses (as detailed in the Masterplan) are generally in accordance with DPI Water guidelines. Stage 1 includes some works on waterfront front land which should not preclude the riparian corridors and objectives from being established, and DPI Water has no objection to those works.

A Controlled Activity Approval is typically required for works on waterfront land. However, as the applicant is Council/a public authority it is exempt from the need to obtain a Controlled Activity Approval. This exemption also extends to contractors engaged by, and under the direct supervision of, Council.

8. Conclusion

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that DA16/1203 should be approved subject to conditions as detailed in the report above and in the draft development consent provided.