

Report of Development Application Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No:	DA19/0654
Council File No:	D/2019/0654
Date of Lodgement:	19/12/2019
Applicant:	GN Harrison 9 Lake Albert Rd EAST WAGGA WAGGA NSW 2650
Proposal:	Stable Complex
Development Cost	\$6,859,618.00
Description of Modification:	N/A
Other Approvals:	Nil
Determination Body & Reason:	Council - This development is to be determined by Council in accordance with the provisions of Section 1.11 of the Wagga Wagga Development Control Plan 2010 as the number of submissions received objecting to the development is more than 10.
Assessment Officer:	Cameron Collins

SITE DETAILS

Subject Land:	140 Travers St WAGGA WAGGA NSW 2650 Lot 1 DP 663066, Lot 2 DP 840187, Lot 7314 DP 1141841
Owner:	Murrumbidgee Turf Club

REPORT

Type of Application:	Development Application
Concurrence Required:	No
Referrals:	Internal
Adjoining Owners Notification:	3 March 2020 to 3 April 2020
Advertising:	Not required
Owner's Consent Provided:	Yes

Location: On the western side of Beckwith Street, opposite its intersection with Crampton Street.

DESCRIPTION OF DEVELOPMENT

The proposal is for the construction and operation of a stable complex (for up to 125 horses) forming part of the Murrumbidgee Turf Club (MTC) site. The proposal involves the construction of four stable areas to accommodate various activities including the training, stabling and care of race horses in association with the operation of the existing MTC racecourse. The various components of the proposed complex are best summarised in the following table:

Component	Stable 1	Stable 2	Stable 3	Stable 4	Total
Horse Stalls	32	32	32	29	125
Feed Store	2	2	2	2	8
Office	1	1	1	0	3
Staff Lunch Room	1	1	1	0	3
Staff Toilet/shower	2	2	2	1	7
Feed Room	1	1	1	0	3
Tack Room	1	1	1	1	4
Horse Wash Bay	2	2	2	2	8
Tie-up Rooms	6	6	6	4	22
Fresh bedding hopper	1	1	1	1	4
Soiled bedding skip	1	1	1	1	4
Walking machine	1	1	1	0	3
Sand roll over	1	1	1	0	3

Other proposed components of the development include:

- A specialised equine veterinary clinic facility (forming part of Stable 4) containing a procedures room, laboratory, reception, offices and staff facilities. The clinic will be used for the care of horses stabled on site and associated with the MTC operation (and not for general public access).
- A 22m x 10m storage shed and a 22m x 5m storage shed
- New driveway access from Beckwith Street including security gates
- Internal access road
- 45 car parking spaces, including 1 accessible space
- 1 x heavy vehicle parking space/loading/unloading area
- 4 x internal parking areas for horse transport vehicles/ floats
- Associated landscaping & fencing improvements
- Provision of sewer and stormwater infrastructure to service the development (it is noted that stormwater generated from the development will be detained and disposed of to an existing water catchment dam located centrally on the site)
- Site preparation works including demolition of an existing shed

The applicant does not seek approval to construct the facility in stages. The applicant proposes to complete the construction under a single construction contract.

Staffing

The proposal is expected to generate an additional 2 full time jobs (FTEs) to be employed by the MTC (for maintenance and upkeep of the complex) and up to 28 positions associated with independent trainers who will use the facility during normal (general) business operation. In addition, there will potentially be a further 5 positions created by the vet facility. A breakdown of potential FTEs is shown in the table below.

Activity Period	Role	Per Stable Area (FTEs)	Total (x4 Areas) (FTEs)
General	Trainer	1	4
	Foreman	1	4
	Strappers/Stablehands	4	16
	Trackwork Rider	1	4
	Admin/Maintenance	0.5	2
	Vet	0.5	2
	Vet Admin	0.5	1
Total	(General Operation Week)	8.25	33
Race Day (25/year peak)	Potential Additional Trainers	3	12
	Potential Additional Strappers	3	12
Total	(Additional Race Day Peak)	6	24
Peak Total		14.25	57

Hours of Operation

Given the nature of development, the stables will be in use 24 hours a day, 7 days a week. The main operational activity time thresholds are proposed as shown in the table below:

Activity	Time and Frequency
Normal operation including: <ul style="list-style-type: none"> Trackwork (including associated horse tending) General horse tending 	4:30am - 5:00pm daily <ul style="list-style-type: none"> Trackwork: 4:30am - 9:00am daily General horse tending: 9:00am - 5:00pm daily (plus emergency access when required)

<ul style="list-style-type: none"> General Administration and Maintenance 	<ul style="list-style-type: none"> Admin/maintenance: 9:00am - 5:00pm six days/week (Mon-Sat)
Extended hours for MTC race days	11:00am - 7:00pm twenty-five times/year (fortnightly)
Extended hours for away race days	7:30am - 10:00pm generally 2 days per week (Mon-Sun)

Demand

The applicant states that the development is in response to increasing demands of the racing industry to provide quality horse accommodation and training facilities on the site. The MTC contains premier training facilities including two grass surfaces and three sand tracks however is unable to offer quality stabling for trainers working on the site.

The demand also is driven largely by the increasingly stringent requirements surrounding animal welfare in the thoroughbred racing industry. The proposed stabling and facilities are required to provide current industry-standard care and stabling for race horses on location, minimising trafficking of horses to and from site for training and events.

Historically, the surrounding lands have accommodated stabling and horse training facilities, however these have gradually declined (and are expected to continue to decline) with the ongoing development of residential land uses. This has further driven the demand for facilities located on the MTC site.

Site selection

The applicant provides the following statements with regard to the various siting options for the development within the MTC site:

Possible Siting	Issues identified by applicant
Proposed site (Beckwith Street frontage)	<ul style="list-style-type: none"> Minimal expected impact to existing MTC operations. The distance of the site from the main event area better considers the race horses' wellbeing by providing a buffer from large crowds during events such as the Gold Cup. The proposed siting avoids creating additional access to Kincaid Street or Travers Street, which carry significant traffic volumes at peak times.
Travers Street frontage	<ul style="list-style-type: none"> Not able to have access from Travers Street for vehicles to enter and exit; Travers Street is a high traffic arterial road; Significant tree removal required;

	<ul style="list-style-type: none"> • Land is low lying with stormwater ponding in this general area after heavy rainfall.
Centre of the existing race track:	<ul style="list-style-type: none"> • Would be considered an impediment the overall race complex operation and general aesthetics, as has been demonstrated at other major race tracks where track-centre facilities were located; • Would create visibility issues during running of races, particularly for race goers and race commentators/announcers; • Would create a safety issue in regards to trackwork, with the trackwork supervision being blind for a period while completing their lap; • Track maintenance issues with the creation of access roads and ongoing additional track wear and tear due to continual access demands; • Necessity for access closure and additional access scheduling procedures during race days.

THE SITE & LOCALITY

The subject development site is located over parts of the following land parcels:

Lot 2 DP 840187 - This is the Murrumbidgee Turf Club (MTC) site. It is Crown land that is managed by the MTC. It has a land area of 60.22 hectares and the development will occupy approximately 3.5 hectares of the south eastern corner of the site adjacent to Beckwith Street. The MTC land includes frontages to Travers Street, Beckwith Street, Slocum Street and Kincaid Street.

Lot 1 DP663066 - This is the velodrome/cricket ground site, having a land area of 3.38 hectares. It is Crown land and is managed by Council. A recent transfer of a small part of the northern corner of the allotment (2110 square metres) into the MTC site was approved under Development Consent DA18/0618. Whilst this boundary adjustment has been approved, it is noted that the subdivision plan has not been registered (refer to further discussion with regard to the land use zoning under later in this report). Part of the proposed development will occupy the 2110 square metre section approved to be transferred into the MTC site. A condition of any consent should require that the transfer be registered prior to occupation of the development.

Lot 7314 DP 1141841 - This is a narrow strip of Crown land (929 square metres) that runs along the eastern boundary of the velodrome/cricket ground site and also along a small section of the eastern boundary of the MTC site. The proposal will involve the construction of a driveway over this land to provide access from Beckwith Street.

The MTC site contains a 2200 metre long thoroughbred turf race track (with associated

sand training tracks) and accommodates other ancillary activities including club rooms, horse training and stabling facilities, function rooms and various member's bars. The MTC was established in the mid-19th century and the MTC historic racecourse buildings are listed as local items of environmental heritage (*Listed Item 176 - Racecourse Group of Buildings: Entrance Building, Administration Building, Grandstand, Champagne Bar, Public Bar, Publican's Booth, Two Kiosks, Fountain*). These buildings are positioned on the western (public access) side of the MTC site opposite to the proposed development location.

The part of the site the subject of the application, consists of an open grassed area adjacent to the south eastern edge of the race track. It is void of any structures with the exception of a storage shed that will be demolished as part of the development. There also exists an air quality monitoring station (commissioned and operated by the EPA). A licence agreement with the Crown Reserves Reserve Trust for the occupation of the land by the monitoring station exists. The agreement will remain in place and the station will continue to operate adjacent to the proposed development.

The MTC is predominantly bound by existing public roads with the Wagga Wagga Velodrome/Cricket Ground (and tennis court) adjoining immediately to the south of the development site. The land to the east and south is zoned for residential land uses and includes single residential dwellings and multi-dwelling developments. Other adjoining/adjacent land uses include the Sportsmens Club Hotel, RSL Club & Motel, Kincaid Medical & Dental Centre, as well as other medical specialist rooms.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - the provisions of any environmental planning instrument (EPI)

Local Environmental Plan

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the WWLEP 2010 the site is predominantly zoned RE2 Private Recreation which is reflective of the historic occupation and use of the site by the MTC. There is also a small triangular section of the site that is zoned RE1 Public Recreation located along the eastern boundary of the development site. This section of land has historically been fenced within the MTC grounds, however legally forms part of the Crown land allotment containing the adjoining velodrome/cricket ground land (managed by WWCC). This section of the site was approved to be formally transferred into the MTC site under a recent boundary adjustment approved under Development Consent DA18/0618. Whilst the development will generally stand clear of this land, the

proposed access and driveway to the stable facility will traverse the RE1 land.

The existing MTC operation on the site is defined as a 'recreation facility (major)' under the Wagga Wagga LEP 2010 as defined below:

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

The proposed stable development is entirely ancillary to the operation of the racecourse and is taken to be part of the major recreational facility. It is directly related to the training facilities offered by the MTC and will also provide stabling for the horses that are form part of the thoroughbred racing occurring at this venue. In addition to this, it is satisfied that the proposed veterinary clinic is also ancillary to the recreational facility as its purpose is to provide direct care to the horses that will be stabled in this facility. As stated earlier, the clinic will not be open to the general public.

Under the provisions of the Wagga Wagga LEP 2010, recreational facilities (major) are a permissible land use in both the RE1 and RE2 zones.

The objectives of the RE2 zone are as follows:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

It is satisfied that the assessment conducted within this report demonstrates that the development is also consistent with all 3 objectives of the RE2 zone.

The objectives of the RE1 zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and enhance the natural environment generally and to assist in ensuring that areas of high ecological, scientific, cultural or aesthetic values are maintained or improved.*

It is satisfied that the assessment conducted within this report demonstrates that the development is also consistent with all 4 objectives of the RE1 zone.

Clause 5.10 Heritage Conservation

The MTC historic racecourse buildings are listed as local items of environmental heritage (*Listed Item 176 - Racecourse Group of Buildings: Entrance Building, Administration Building, Grandstand, Champagne Bar, Public Bar, Publican's Booth, Two Kiosks, Fountain*). These buildings are positioned on the western (public access) side of the MTC site away from the proposed development location.

This site is not located within and does not adjoin the Heritage Conservation Area. However, the edge of the Conservation Area is located a short distance (approximately 130 metres to the nearest point) to the south east on the opposite side of both Beckwith and Kincaid Streets.

Having regard to the assessment and discussion under Section 3 (Heritage Conservation of the Wagga Wagga development Control Plan 2010, it is satisfied that the development will meet the objective of this clause to “*conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views*”.

Aboriginal Cultural Heritage

Throughout the occupation of this land by the MTC, the site has been largely modified and disturbed through the continued use and realignment/reconstruction of the racecourse across this part of the site. There are no significant landscape features on the site that would indicate the likely presence of Aboriginal objects, however it has been noted that the Murrumbidgee River is in reasonable proximity to site. There is no remnant vegetation within the area of the development site and no culturally modified trees. The applicant has undertaken an AHIMS (Aboriginal Heritage Information Management System) search which has not identified any aboriginal sites or declared places within 200 metres of the development site.

It is considered that the development is unlikely to impact on Aboriginal Cultural Heritage. In the event of discovery of any object during construction of the development, it is recommended that a standard condition regarding required procedures for unexpected finds be included in any consent.

Clause 7.1A Earthworks

It is noted that stormwater infrastructure works will result in the construction/excavation of a stormwater storage basin along the northern wall of the stable complex for the collection of stormwater drained from surface hardstand areas. Otherwise, the site of the development is predominantly flat and therefore only minor earthworks are proposed to enable the establishment of the site. No fill is proposed to be imported to the site or exported from the site.

It is considered that impacts on Aboriginal Cultural Heritage are unlikely. Refer to discussion under Clause 5.10 of LEP 2010 earlier in this report.

Adverse impacts on watercourses, drinking water catchments and environmentally sensitive areas are considered unlikely, given that the development is isolated from any such areas on or surrounding the site.

All matters under 7.1A have been considered in full and no significant impacts or concerns are considered to exist.

Clause 7.2 Flood planning

The land is subject to flooding and is subject to assessment under this clause. Having regard to the assessment and discussion under Section 4.2 (Flooding) of the Wagga Wagga Development Control Plan 2010, it is satisfied that the development will meet the objective of this clause and:

- is compatible with the flood hazard of the land, and
- will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- incorporates appropriate measures to manage risk to life from flood, and
- will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Clause 7.3 Biodiversity

This clause requires that the consent authority take into account a number of matters relating to biodiversity before granting consent.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

(a) any potential adverse impact of the proposed development on any of the following:

- (i) a native vegetation community,*
- (ii) the habitat of any threatened species, population or ecological community,*
- (iii) a regionally significant species of plant, animal or habitat,*
- (iv) a habitat corridor,*
- (v) a wetland,*
- (vi) the biodiversity values within a reserve, including a road reserve or a stock route,*

(b) any proposed measures to be undertaken to ameliorate any such

potential adverse impact.

The part of the MTC site the subject of the development does not contain significant stands of remnant vegetation. The land mapped 'biodiversity' is largely co-incident with grouping of significant trees located towards the northern boundary of the site and also the existence of a water storage dam located within the centre of the racecourse. The development avoids the 'biodiversity' land entirely and for this reason, it is satisfied that there will be no significant impacts on those matters listed under Clause 7.6 Groundwater vulnerability

(3) Development consent must not be granted for development specified for the purposes of this clause on land to which this clause applies unless the consent authority is satisfied that the development-

- a) is unlikely to adversely impact on existing groundwater sources, and*
- b) is unlikely to adversely impact on future extraction from groundwater sources for domestic and stock water supplies, and*
- c) is designed to prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.*

The entire MTC site is identified as land on which the impacts of the development on groundwater should be considered. The use proposed under this application is not a use that is specified for the purpose of this clause. Despite the use not being specified, it is satisfied that the controls surrounding the control of stormwater and waste management will minimise the risk posed to groundwater sources. Refer to later discussion regarding these matters in this report.

Clause 7.9 Primacy of Zone B3 Commercial Core

This clause requires that Council consider the impact of developments on the primacy of the Wagga Wagga Central Business area. The development is for ancillary works associated with an existing established major recreational facility which would not be appropriate or permissible within the B3 commercial core zone. It is satisfied that the development is unlikely to have negative impacts on the B3 Commercial Core zone.

Clause 7.11 Airspace operations

This clause applies where the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Wagga Wagga Airport. Having regard to the height of the proposed buildings and the projected OLS at this location, it is satisfied that the development will not penetrate the surface.

There are no other provisions of the WWLEP 2010 relevant to the development.

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of SEPP 55 requires that:

(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.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital-land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no*

knowledge (or incomplete knowledge).

The site has historically been occupied and used by the MTC since the mid 19th century for thoroughbred racing. Further evidence suggests that part of the development site was also occupied by a section of the original city golf course that coexisted on the site from 1895 until 1992. The immediate footprint area of the development has been largely modified over the history of the site through the continued use and realignment/reconstruction of the actual racecourse position. Whilst there is no apparent physical evidence of the original track location, there is also no evidence on site of any features that would indicate the existence of a previous contaminating land use (as per Table 1 to the contaminated land planning guidelines) or the existence of any current land contamination issue.

In accordance with the requirements of SEPP 55, Council has considered whether the land is contaminated, and it can be concluded that it is suitable for the proposed development.

(a)(ii) - The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft State Environmental Planning Policy - Remediation of Land

The Draft SEPP was placed on exhibition until 31 March 2018. The SEPP will replace SEPP 55. The Explanation of Intended Effects outlines that the key operation framework of SEPP 55 will remain. Changes in the SEPP relate primarily to land undergoing remediation work. Therefore, for a development such as this, little will change between SEPP 55 and the Remediation of Land SEPP.

(a)(iii) - the provisions of any development control plan

Wagga Wagga Development Control Plan 2010

Proposed development complies with the development standards of the Wagga Wagga Development Control Plan 2010 as follows:

Section 1 - General

1.10 Notification of Development Application

The application was notified to adjoining neighbours from 3 March 2020 to 3 April 2020 in accordance with the provisions of the WWDCP 2010. Sixteen submissions objecting to the proposal were received during the notification period. Details of the submissions are provided in part (d) of this assessment report.

Section 2 - Controls that Apply to All Development

2.1 Vehicle access and movements

Having regard the discussion below, it is satisfied that the development meets the relevant objectives (O1 and O2) and is compliant with the relevant controls (C1 - C6) of this section of the DCP 2010.

2.2 Off-street parking

Having regard the discussion below, it is satisfied that the development meets the relevant objectives (O1 - O5) and is compliant with the relevant controls (C2, C3, C8 - C11) of this section of the DCP 2010.

Discussion (Sections 2.1 and 2.2)

As per the requirements of Controls C2 (Section 2.1) and C8 (Section 2.2), the application has been supported through the preparation and submission of a Traffic Impact Assessment (TIA) prepared by a qualified consulting traffic engineer.

The TIA includes an analysis of the expected traffic generation based on research of similar facilities in NSW and other parts of Australia. The TIA provides a detailed breakdown of this analysis and anticipates that the proposed development is likely to generate an additional 104 vehicle trips per day (including 39 trips in the AM peak period and 16 in the PM peak period). The TIA also provides an analysis of the surrounding road network and key intersections. Based on this analysis and the expected traffic generation of the development, the TIA concludes that development not have a significant adverse impact on the surrounding road network or key intersections. No objection or concerns have been raised by Council's Development Engineer with respect to these conclusions.

Vehicular access for all vehicles to the facility will be provided by the provision of a new single 9 m metre wide access driveway to Beckwith Street. The driveway will lead to an internal vehicular movement system that has been designed to provide for the circulation of large vehicles including a 19m semi-trailer and an 8.8m rigid service vehicle.

The site will provide for a large vehicle parking/loading area (19m semi trailer). Each of the stable sections will provide internal vehicular access for the manoeuvring and loading of horse transport vehicles and service vehicles. In addition, each of the 4 stable sections will provide a parking space for large rigid vehicles or vehicle/float

combinations.

The TIA identifies that the access, parking and internal manoeuvring areas all meet the minimum requirements of the relevant Australian Standard (AS2890). The application has been assessed by Council's Development Engineer who also satisfied with the internal vehicular movement and carpark design.

The internal vehicular movement system will provide access to 45 carparking spaces. The provision of on-site parking can therefore be summarised as follows:

- 45 car parking spaces, including 1 disabled space
- 1 x heavy vehicle parking space/loading/unloading area (19 m semi trailer)
- 4 x internal parking areas for vehicle/float combinations and larger rigid vehicles

Based on peak demands, the TIA concludes that the proposed development will provide adequate off-street parking (for all required vehicle types) to cater for this demand with no significant adverse impact expected to on-street parking in the surrounding road network. In addition to this, no concerns have been raised during the assessment by Council's Development Engineer.

Landscaping will be provided along the southern perimeter and central spine of the carparking and vehicular movement corridor. Whilst this landscaping will provide screening for the development when viewed from the south, once established, it will also assist in softening the appearance of the proposed hardstand areas whilst also offering shading and relief from the sun. A recommended condition of any consent will require that the final approved landscape plan for the development incorporate appropriate species adjacent to the parking areas that will provide shading and protection for users.

2.3 Landscaping

The applicant has provided a conceptual landscape plan for the development identifying screen landscaping to the Beckwith Street boundary to create a visual and acoustic screening barrier to the adjacent residential area. Internal landscaping along the perimeter of the vehicular movement and carparking areas is also proposed, whilst the courtyard areas within each of the 4 stable complexes are identified as being treated with lawn.

Whilst there is no objection to the conceptual design, the assessment undertaken within this report has identified that the final landscaping detail will provide a role in ensuring that the potential impacts of the development have been appropriately ameliorated. It is therefore recommended that a condition of any consent be

included that requires the submission of a revised and detailed landscape plan (prior to the release of the Construction Certificate) addressing, as a minimum, the following matters:

- The provision of evergreen screen plantings along the eastern boundary of the site to provide a visual screen to the development when viewed from Beckwith Street and a buffer to the residences located immediately opposite the development site in Beckwith Street.
- The provision of evergreen landscaping along the southern boundary of the site adjoining the adjacent velodrome/cricket ground site to assist in visually screening the development when viewed from this adjacent property and also when viewed from Kincaid Street.
- The selection of appropriate species that will provide screening and shading for carpark area.
- Appropriate infrastructure and maintenance to ensure all landscaping (including lawn areas within the 4 stable compounds) is maintained in good condition so as to avoid soil disturbance and dust/sediment generation.

Subject to the conditional requirement for a revised and detailed landscape plan and having regard the discussion above, it is satisfied that the development will meet the relevant objectives and is generally compliant with the relevant controls of this section of the DCP 2010.

2.4 Signage

No signage is proposed as part of this application. A condition of consent will require further approval for any signage.

2.5 Safety and Security

The proposed stable compound is a gated facility separated from the public domain and clearly identified as a private area by fencing and screen plantings. The proposed entry gates will be electronic and open during the normal hours of trackwork and site operation from 4.30am to 5.00pm to allow staff members access. During other times, the gates will electronically restrict access to authorised staff only. The facility will be monitored by on-site staff during normal operating hours and will be electronically monitored at any time when staff are not on site.

It is satisfied that the development will meet the relevant objectives and is generally compliant with the relevant controls of this section of the DCP 2010.

2.6 Erosion and Sediment Control Principles

Temporary sediment and erosion control measures will be implemented during

construction. Conditions of consent have been recommended in this regard. As discussed later in this report, stormwater collected from the development will be directed to an internal stormwater dam within the centre of the MTC site (as opposed to being connected to Council's piped stormwater infrastructure). Management processes have been proposed to protect the quality of stormwater generated from the development are also discussed later in this assessment report.

2.7 Development adjoining open space

The development adjoins a public recreational area identified as the Wagga velodrome and cricket ground. With regards to the controls under this section of the DCP 2010, it is satisfied that:

- The proposed development does not propose any access over the public open space that would be in any way detrimental.
- The proposed development will not result in the storage of materials on the public land during or after construction.
- The design, massing, scale and selected materials for the proposed development will have negligible impact on the amenity, views and outlook from the open space area.
- Whilst landscaping is proposed along the boundary of the development with the open space, it is not anticipated that this landscaping will result in any issues with respect to any encroachment that may result.

Section 3 - Heritage Conservation

3.2.1 Alterations and Additions to heritage items

The objectives of this section of the DCP 2010 are to:

- *Protect heritage significance by minimising impacts on the significant elements of heritage items.*
- *Encourage alterations and additions which are sympathetic to the building's significant features and which will not compromise heritage significance.*
- *Ensure that alterations and additions respect the scale, form and massing of the existing building.*

The MTC historic racecourse buildings are listed as local items of environmental heritage (*Listed Item 176 - Racecourse Group of Buildings: Entrance Building, Administration Building, Grandstand, Champagne Bar, Public Bar, Publican's Booth, Two Kiosks, Fountain*).

These building are positioned on the western (public access) side of the MTC site

away from the proposed development location and the application does not include any direct alterations or works to the buildings.

The proposed development is located on a largely unrelated part of the MTC site and is separated by a distance of approximately 750 metres to the listed grouping of buildings with the race course providing a substantial open buffer in between. The development will not impinge in any way on the area around the group of buildings including the landscaped public access areas that surround. The interpretation of these building through their surrounds and the significant views to and from the items will not be impacted.

It is satisfied that the development will meet the relevant objectives and relevant controls of this section of the DCP 2010.

3.3 Wagga Wagga Heritage Conservation Area

This site is not located within and does not adjoin the Heritage Conservation Area. However, the edge of the Conservation Area is located a short distance (approximately 130 metres to the nearest point) to the south east on the opposite side of both Beckwith and Kincaid Streets. The low set form of the proposed stable buildings, the proposed screen plantings and the overall improvement in landscaping and fencing to the perimeter of the site will ensure that the development does not impinge detrimentally on any significant views experienced from any part of the conservation area. The development will also not impact detrimentally on the existing streetscape within this part of the Conservation Area or the setting of any of the associated buildings and land uses.

It is satisfied that the development will not be contrary to any of the objectives contained throughout this part of the DCP 2010.

Section 4 - Environmental Hazards and management

4.1 Bushfire

The site is not mapped as bushfire prone land. An assessment of the vegetation surrounding the development site has identified this vegetation as managed land in all directions. It is satisfied that there are no bushfire risks to this development.

4.2 Flooding

The site is located within the area defined under the DCP as “Central Business Area (Protected by levee)”. The site is still classified as being subject to flooding even though it is currently protected by the main City levee which has recently been upgraded to protect the CBD from 1:100 year flood events. Whilst this protection is in

place, the application must be considered against the provisions of Control C3 of this section of the DCP.

Control C3 requires that for 'recreation' development and also 'low impact commercial development', the minimum floor height above ground level within the building footprint is to be 225mm. It is satisfied that the proposed building design will satisfy this requirement.

In addition to this, the DCP requires that consideration be given to local drainage within the area and the likelihood of ponding of stormwater. Part of the development footprint towards western end of the stable complex, is subject to low levels of stormwater inundation as identified in the Major Overland Flow Flood Study (MOFFS). Engineering details have been submitted with the application demonstrating how stormwater generated by the development will be captured and disposed of on site to the existing stormwater dam located in the centre of the MTC site. The capture and disposal of stormwater on-site along with proposed designated overland flow paths for larger storm events will ensure that any detrimental impact to the development and surrounding properties will be minimized.

With regard to the objectives of this section of the DCP, it is satisfied that the risk to life and property as a result of flooding is acceptable.

Section 5 - Natural Resource and Landscape Management

Natural Resources Sensitivity - biodiversity and groundwater - Refer to Clauses 7.3 and 7.6 of the LEP 2010.

Section 6 - Villages

Not applicable

Section 7 - Subdivision

Not applicable

Section 8 - Rural Development

Not applicable

Section 9 - Residential Development

Not applicable

Section 10 - Business Development

Not applicable

Section 11 - Industrial Development

Not applicable

Section 12 - Specific Uses and Developments

12.3 Development on land zoned for public recreation (RE1)

The objectives of this section are to protect and enhance areas of public recreation and to ensure that proposals adequately address potential impacts on public recreation areas including existing and likely future needs of the community.

As identified earlier in this report, the site is predominantly zoned RE2 Private Recreation, however there is also a small triangular section of the site (2110 square metres) that is zoned RE1 Public Recreation located along the eastern boundary of the development site. This section of land has historically been fenced within and occupied by the MTC, however legally formed part of the adjacent Crown land allotment containing the adjoining velodrome/cricket ground managed by Council. Having regard to the historical occupation of this section of land by the MTC, its transfer was approved by Council under a recent Development Consent - DA18/0618. Given the configuration and location of the land, it was deemed to be surplus to the requirements of the velodrome/cricket ground facility.

The occupation of this piece of RE1 land by the proposed development is therefore not considered to be detrimental to the existing or likely future public recreational needs of the community. Further to this, it is satisfied that the development will not result in any detrimental impact on the continued use of the adjacent public recreational facility.

Section 13 - Bomen Urban Release Area

Not applicable

Section 14 - Boorooma Urban Release Area

Not applicable

Section 15 - Lloyd Urban Release Area

Not applicable

(a)(iiia) - the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No planning agreement has been entered into under section 7.4.

(a)(iv) - the provisions of the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

It is considered that the matters prescribed by the Environmental Planning and Assessment Regulation 2000 have been satisfied. Standard conditions relating to demolition of the storage shed currently on the site should be imposed.

(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

Context and setting

The context and setting of the area is primarily influenced by the existing operation of the site as a thoroughbred horse racing facility with largely unobstructed views from Beckwith Street through to the open interior of the race track. Whilst these open views will be restricted as a result of the development, they are not considered of such importance or value that would prevent the development from proceeding on this part of the site.

The proposed stable buildings and veterinary clinic building have been designed with wall heights of 3.6 metres and shallow pitched or flat rooves. The low-profile design of the buildings will assist in reducing the impact of the development when viewed internally and externally. Setbacks along with screen plantings to the perimeter of the site will reduce visibility of the stable complex and operational activities within. The proposed screening and fencing will also improve the quality of the site boundary to Beckwith Street and the visual amenity of the streetscape.

Despite the visual characteristics of the development and the site, the existence of stable facilities would be an entirely anticipated land use associated with a thoroughbred racing facility.

Access, transport and traffic

Access, parking and traffic is discussed in detail in under Section 2.1 and 2.2 of the DCP 2010.

Services

All required services are available at the development site and are of adequate capacity to accept loads generated by the proposed development.

Stormwater - Despite the existence of Council stormwater infrastructure adjacent to

the site in Beckwith Street, the applicant has elected to dispose of captured stormwater from the development on-site. The proposal is to pipe stormwater from the stable complex to the interior of the race track where it will be disposed into an existing stormwater dam. The proposal has been reviewed by Council's Development Engineer who raises no objection to the proposal and is satisfied that the existing dam (and the wider open area surrounding the dam) is of sufficient capacity to accommodate the generated stormwater. Having regard to this proposed system, the development will have negligible impact on Council's existing stormwater network. Refer to further discussion relating to stormwater management under the waste management below.

Sewer - A connection point to Council's sewer system is available adjacent to the southern boundary of the development site. The Development Engineer raises no objection to the proposed connection and is satisfied that the load generated from the development can be accommodated with the existing network. Refer to discussion below regarding waste management including the proposed disposal of horse washdown water and waste from the proposed veterinary clinic.

It is also noted that a Council sewer main traverses the development site and will be impacted by part of the proposed stable complex. The Development Engineer has recommended a condition of consent requiring the applicant to obtain a build over permit from Council prior to the issue of any Construction Certificate.

Waste collection - with the exception of general waste and recyclables from staff facilities within the development which will be collected through Council's service, all other waste generated from the stable operations (manure and soiled bedding) will be disposed of by contract. Refer to discussion under waste management below.

Heritage

Refer to discussion under Section 3 of the Development Control Plan 2010.

Natural Hazards

Bushfire and Flooding - Refer to discussion under Section 4 of the Development Control Plan 2010.

Man-Made Hazards

Potential contamination is considered in the SEPP 55 assessment in part (a)(i) of this assessment report.

Waste Management

The applicant has prepared a Waste Management Plan for the development that addresses. The following is a discussion in relation to the key operation waste sources

and how these will be addressed to minimise off site impacts including odour, vermin/fly management and stormwater contamination.

Bedding and Manure

All of the stalls will be managed as dry stalls meaning that water will not be used for cleaning. Cleaning and the removal of the soiled bedding within each stall will be completed twice daily using rakes and shovels. Fresh saw dust bedding will then be added with this process maintaining the cleanliness of the stall. At maximum capacity (125 horses) the facility will generate approximately 60 cubic metres of combined manure and soiled bedding per week.

Manure deposited in other areas of the complex (walking machine, sand roll over, courtyards, etc.) will be regularly picked up.

Each of the 4 stable sections will be provided with an enclosed skip bin with a minimum capacity of 105 cubic metres (420 cubic metres total capacity) which will be of sufficient size to hold 1 week (60 cubic metres) of bedding and manure waste.

The skip bins will be a fully enclosed and waterproof container. The enclosed skip will prevent rain from entering the container and will eliminate any leachate escaping onto the site. The sealing of the skip bins will also prevent odour and attracting vermin and flies/insects.

Waste will be stored for up to one week before being removed by commercial contractors/composters. The contractor will deliver 4 clean empty skips and will remove the laden skips from the site. The skip system will allow for the removal of the waste with minimal disturbance to and exposure of the waste.

No wash out of horse transport vehicles/floats is proposed. This will not be permitted to occur on the site.

Having considered these waste management issues, it is considered additional waste management provisions be required be to ensure that impacts surrounding odour, vermin/fly management and stormwater contamination are minimised. It is recommended that the following additional provisions be required as a conditional requirement of a final Operational Environmental Management Plan (OEMP):

- Continual monitoring and regular collection of manure deposited on the ground throughout the stable complex and its surrounds.
- Immediate storage within a sealed container or the approved enclosed skip bins of all collected manure and soiled bedding (no temporary storage open to the air).
- Management of the skip bins to limit the period in which the container is open and also to allow for waste to be deposited with minimal disturbance to the waste.
- Return of skip bins to the site by the waste contractor in a clean and

- sanitised state (no cleaning of skips on site).
- Removal of all uneaten food from stalls and surrounds and disposal in approved skip bins.
- Clear delineation of roles and responsibilities with regard to all waste management protocols required under the OEMP.

Vermin and pest management

The management of waste streams in the development is key to the successful control of vermin and other pests (including flies). The primary preventative measures have been discussed above with regard to the proposed collection, storage and removal of manure and soiled bedding waste. In addition to waste management, the applicant proposes to:

- Ensure feed rooms will be closed when not in use with feed bins having lids.
- Place rodent baits around the stable complex and installed by an accredited pest control expert (as currently occurring throughout the existing MTC facilities).

Further to this, it is recommended that the regular removal of uneaten feed from stalls and surrounds and disposal in approved enclosed skip bins be required.

It is noted that these measures are not included within the existing Waste Management Plan. It is recommended that these matters be addressed as a conditional requirement of any consent to form part of the final OEMP referred to above.

Garden Waste

Small quantities of garden waste will be generated and composted on site for re-use. The composting of this waste is not odour offensive and unlikely to attract pests and flies. It is however recommended that this storage and composting process occur in a position on the site to maximise the distance to surrounding receptors such as adjacent to the proposed storage sheds at the western end of the stable complex. This can be addressed as a conditional requirement for the final OEMP referred to above.

Clinical Waste - Veterinary clinic

Clinical waste generated through the veterinary clinic will be removed from the site by approved EPA approved contractors. No concerns are raised with regard to the proposed management of this waste.

General Waste

General wastes generated by staff and other wastes such as packaging, etc. will be

disposed or recycled using Council collection services. No concerns are raised with regard to the proposed management of this waste.

Sewage and wash down water

Sewage will be generated from staff facilities including toilets/showers and lunchrooms. Liquid waste generated within the veterinary clinic will also be connected to sewer. The applicant estimates this wastewater generation at approximately 3,000 L per day.

There is a total of 8 horse wash bays across the 4 stable complexes, each being graded connected to sewer. Each bay will be under cover and bunded/graded to prevent stormwater contamination. The applicant has identified that horses are washed on race days and after trackwork. Approximately 50% of horses would be washed each day while the remaining 50% are spelled. The estimated wastewater generation from the washdown bays is 224 L/bay/day based on the washing of an estimated 8 horses washed/bay/day.

Waste disposal to sewer (including contents and method of disposal) will be subject to a trade waste agreement with Council as a recommended conditional requirement of any consent.

As identified earlier, the site is serviced by Council's reticulated sewer system and there are no concerns with regard to the capacity of this system to take expected loads from the development.

Stormwater runoff

As identified earlier, stormwater collected from the development will be disposed of on site to an existing stormwater dam located within the interior of the race track. Clean stormwater from roofed areas will be kept separate and disposed directly to the dam. Surface water collected from the courtyard areas within the stables and surrounding areas will be at higher risk from contamination from manure and sediment.

Measures to protect surface stormwater from contamination have been discussed above with regard to the management of manure waste on the site to avoid contamination and also the requirements regarding the maintenance of landscaped areas to avoid soil disturbance and dust/sediment generation. Other measures proposed include:

- The enclosed storage of bedding material and food to avoid stormwater infiltration.
- Floor levels of stalls and storage rooms will be elevated to avoid inundation and potential contamination of stormwater.
- Overland flow paths will ensure excessive stormwater during peak events can escape the site safely.

Further to these measures, surface stormwater will be firstly directed to a proposed holding basin which will assist in trapping any contaminants before being pumped into the central stormwater dam on the site. The proposed disposal of stormwater on site will minimise the risk of offsite stormwater contamination.

Air quality

Odour

The potential for odour impact from this development is predominantly related to the management of the manure and soiled bedding waste stream generated by the proposed activity and the proximity of residential properties to the east and south.

The applicant has submitted an odour assessment for the development. The assessment was based on:

- The statutory methods for modelling and assessing emissions of air pollutants from stationary sources in NSW (NSW EPA document - *“Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales”*).
- Odour emission rates sourced from odour measurements taken from similar facilities.
- Odour source and location information determined through examination of the submitted and proposed Waste Management Plan.
- Identification of sensitive receptor locations (residential and commercial) immediately to east and south of the development site.
- Local meteorological data.

Using this information, the assessment undertook odour dispersion modelling to predict odour concentrations at nearby receptors. The modelling identified low odour impacts at all receptors with the concentrations being significantly below the odour assessment criteria. The assessment concludes that the development will comply with the relevant odour assessment criteria subject to the implementation and continual compliance with the submitted and proposed Waste Management Plan, including:

- Daily cleaning of stalls including the removal of all manure and soiled bedding.
- Design of the manure hoppers to be enclosed. The manure hoppers should remain closed whenever possible.
- Establish an odour complaint management system for receiving and readily providing feedback to the community

As identified above, it has been recommended that additional waste management provisions be required (conditioned to be addressed in the final OEMP) to ensure that

risk of impacts from odour are further minimised (refer to discussion under Waste Management -manure and soiled bedding).

Providing that the applicant adheres to their management commitments for this waste and subject to the refinement of the management procedures through the development and implementation of a final OEMP, it is satisfied that odour impacts generated can be appropriately mitigated.

Dust

The development has been designed to ensure that all surfaces of the development footprint are treated to minimise exposure of soil or materials that could generate dust (i.e. roofed buildings, hardstand paving and vehicular movement areas, landscaped gardens and lawn). In addition, the applicant proposes a series of management practices to further reduce the generation of dust during site activities. To reinforce these commitments, it is recommended that the following provisions be required as a conditional requirement of an air quality management plan that will form part of the final OEMP:

- The maintenance of all sealed surfaces in good condition and void of debris and sediment.
- Appropriate measures to ensure all landscaping (including lawn areas within the 4 stable compounds) is maintained in a good and healthy condition so as to avoid soil disturbance and dust/sediment generation.
- Procedures to ensure that feed rooms/stores remain closed.
- Selection and management of bedding material to avoid dust generation.

Providing that the applicant adheres to their management commitments for this waste and subject to the refinement of the management procedures through the development and implementation of a final OEMP, it is satisfied that dust impacts generated can be appropriately mitigated.

Noise (including hours of operation)

The development site has the potential to cause noise impacts given its proximity to the adjacent residential areas to the east and south of the site. The potential for noise impacts is directly related to the proposed hours of operation which are discussed later under this section of the assessment.

Noise

An Acoustic Assessment Report (AAR) has been prepared by the applicant to address concerns in relation to potential sources of offensive noise that could impact nearby residential receptors. The AAR concludes that *“With the implementation of the management measures provided in Section 5, GHD considers the development*

acceptable from an acoustic perspective and should not adversely affect the acoustic amenity of the surrounding environment". Section 5 of the AAR includes the following recommended measures:

- Implementation of a noise complaints management system.
- Deliveries utilising a horse float are to only take place during day time hours between 7:00am to 10:00 pm.

(Note - As per recommended operating hours (see discussion below), no horses shall be transported into or out of the site outside the general administration and maintenance operation hours (9:00am to 5:00pm) with the exception horses being transported for away race days (7:30am to 10:00pm) or for emergencies.)

- Horse float deliveries between 6:00 pm to 10:00 pm are to occur promptly without excessive noise generated so as to not disturb the acoustic amenity of the surrounding area.
- Deliveries/collections utilising a service vehicle (such as waste collection) are to only take place during day time hours between 7:00 am to 6:00 pm.

(Note - As per recommended operating hours (see discussion below), the transport of materials, goods and waste into and out of the site is restricted to the general administration and maintenance hours.)

- Horse deliveries should be planned in advance and conducted in an orderly manner so as to minimise noise emission from transported horses.
- Mechanical plant should be selected and maintain adequately so as to minimise increasing noise levels.
- Clear signage should be erected at site entrances advising people that they must not generate excessive noise and leave the site in a quiet and sensible manor.
- The north-east façade of the stables fronting the residential receivers on Beckwith Street is to be fully enclosed.
- The gate (including associated mechanical equipment) should be designed to not generate any significant noise when opening and closing.
- Site maintenance activities and horse tending activities requiring the use of plant or equipment or processes that generate potentially offensive noise are to be undertaken during daytime hours only (7:00 am to 6:00 pm).

(Note - As per recommended operating hours (see discussion below), all general horse tending activities (excluding track work tending) and all maintenance activities are restricted to the general horse tending, administration and maintenance operation hours (9:00am to 5:00pm))

It is recommended that these matters be addressed as a conditional requirement of any consent to form part of the final OEMP referred to above.

Hours of Operation

Given the nature of development, the stables will be in use 24 hours a day, 7 days a

week. The main operational activity time thresholds are proposed as shown in the table below:

Activity	Time and Frequency
Normal operation hours including: <ul style="list-style-type: none"> • Trackwork (including associated horse tending) • General horse tending • General Administration and Maintenance 	4:30am - 5:00pm daily <ul style="list-style-type: none"> • Trackwork - 9:00am daily • General horse tending - 5:00pm daily (plus emergency access when required) • Admin/maintenance - 5:00pm six days/week (Mon-Sat)
Extended hours for MTC race days	11:00am - 7:00pm twenty-five times/year (fortnightly)
Extended hours for away race days	7:30am - 10:00pm generally 2 days per week (Mon-Sun)

Horses will be tended to every day, however these activities will occur between the hours of 9:00am - 5:00pm daily except for tending activities associated with trackwork and where emergency access is required. All other general maintenance, administrative and operational activities will also occur during these hours on every day except for Sunday.

It is noted that no hours have been identified for the operation of the veterinary clinic. It is considered appropriate that this be restricted to the general administration and maintenance hours (9:00am - 5:00pm six days/week - Mon-Sat).

It is noted that extended hours are requested for MTC race days. This is usually to cover the additional time to return horses to the stables after completion of race meets on the site. No concern is raised to this extension.

Extended hours are proposed for away race days. This is to provide sufficient time for the vehicular transport of horses to the away venue and also for their return. The applicant's submission identifies that the 10:00pm limit may be extended depending on travel times, race times and catering to the horses. Given the potential noise impacts of horse transport vehicles arriving at and entering the site after 10:00pm and the potential for further noise impacts associated with the unloading and stabling of the horses, it is recommended that the 10:00pm restriction be imposed as a strict curfew. It is recommended that a noise management plan forming part of a final OEMP appropriately address this curfew requirement and the implementation of procedures to ensure breaches are avoided.

In addition to the operating hours identified in the table above, it is recommended that a condition of any consent emphasise the following additional restrictions so as to minimise noise disturbance in surrounding residential areas:

- No horses shall be transported into or out of the site outside the general administration and maintenance operation hours with the exception horses being transported for away race days or for emergencies.
- The transport of horses into or out of the site for away race days is restricted to the away race day operational hours. This includes operations associated with the preparation and loading of the horses and the unloading and re-stabling of the horses.
- The transport of materials, goods and waste into and out of the site is restricted to the general administration and maintenance hours.

Providing that the applicant adheres to the recommended noise management measures (including the recommended hours of operation) and subject to the refinement of these management procedures through the development and implementation of a final OEMP, it is satisfied that noise impacts generated can be appropriately mitigated.

Lighting Impacts

The applicant proposes to install under eave fluorescent lighting throughout each of the stable complexes that will be directed downwards to illuminate the covered concourse servicing the stable stalls. Pedestrian level bollard lighting will service the walkways and parking areas within the development. There will be no lighting directed towards Beckwith Street or surrounding properties and no pylon type flood lighting proposed.

Having regard to the type of lighting proposed and the landscape screening proposed for the perimeter of the site, it is satisfied that the development will not result in lighting impacts on surrounding properties. To ensure impacts are minimised, compliance with the Australian Standard AS4282.1997 (Control of the Obtrusive Effects of Outdoor Lighting) will be required under a recommended condition of any consent.

Pollution and off-site environmental effects

During construction appropriate measures will need to be implemented to ensure soil erosion and degradation does not occur. It is recommended that a condition of consent be imposed to this end.

The development has the potential to cause stormwater contamination and air quality issues (dust). These matters have been discussed above.

Energy Impacts

The development is not expected to place substantial demand on energy for its operational requirements. The stables will be of open design with open ventilation and will not rely on heating and cooling. Demands generated by the veterinary clinic, staff facilities, general lighting and other plant are not considered to be significant.

Flora and fauna

No trees are proposed to be removed from the site and as such it is considered that impacts on flora and fauna will not be significant. It is satisfied that the development will not have a significant impact on threatened species. Refer to assessment under the *Biodiversity Conservation Act 2016* later in this report.

Other Land Resources

The site has been primarily occupied as a horse racing facility since the mid 19th century with the MTC (being the appointed land manager) being subject to the conditional requirements of the Crown. The site is zoned RE2 and RE1 and, as such, is considered to have limited value from a land resource perspective.

Economic Impact in the Locality

The MTC racecourse is a significant contributor to the local economy and community. The development will address the demands of the racing industry for onsite horse stabling, training facilities and animal welfare and is therefore key to the continued sustainable operation of the facility as the leading training and racing venue in the region. This development itself and the growth of the racing industry generally, will provide increased employment opportunity including opportunities and growth in associated industries and services.

Social Impact in the Locality

The development will support the continued sustainable operation of the MTC within the city and region. The success of the racing industry within our region is of significant social importance through the recreational and social opportunities that it presents. The MTC is a key contributor to the community and also provides an important venue for many events that support the social fabric of the city and wider region.

The development does however present a social risk to the immediately surrounding residential area through the potential for negative impacts associated with such things as noise and odour. This is a consequence of the historical location of the MTC and the growth of the city around the facility. As discussed throughout this report, the impacts can be appropriately measured, however rely on the proper management of the facility by the MTC.

Providing that the MTC adheres to the operational commitment made within the application, it is satisfied that the balance of social impacts resulting from the development will be positive.

Site Design and internal design

The layout of the development will provide for ease of access and parking for required vehicles and for the movement and management of horses on the site, including access to the race track for training. Suitable setbacks have been provided that will assist in buffering the development including space for the provision of quality screen landscaping. The buildings have been designed with low set gable rooves to minimise their visual presence from surrounding areas. Overall the design of the site, including the design and positioning of the buildings within the site, is considered acceptable.

Construction

Standard conditions of consent are recommended in relation to construction, including hours of work.

Cumulative Impacts

Continued development of the site will progressively increase the likelihood of impacts that could affect surrounding land uses, particularly adjacent residential areas. As identified earlier, this is a consequence of the historical location of the MTC and the growth of the city around the facility. Whilst it is satisfied that the potential impacts of this development can be appropriately mitigated through the proposed design and the management commitments made by the applicant, further development of the site to further sustain its operation will need to be carefully planned.

The Principles of Ecologically Sustainable Development

The proposal is considered to comply with the principles of Ecologically Sustainable Development such as inter-generational equality and conservation of biological diversity and ecological integrity.

(c) - the suitability of the site for the development

The relationship between the development site and adjoining residential areas results in potential for land use conflict issues to arise. The potential for conflict must be planned for when considering further development opportunities on the MTC site. As a result of this potential conflict, the MTC have made specific commitments to the proper management of the proposed facility to minimise identified impacts such as noise and odour. The assessment undertaken has demonstrated that the potential impacts of the development can be appropriately mitigated through these proposed management commitments. Having regard to this assessment, including

recommended conditions of consent, it is satisfied the site is therefore suitable for the development proposed.

(d) - any submissions made in accordance with this Act or the Regulations

Referrals

Standard internal referrals were carried out and an external referral to Riverina Water.

Notification

The application was notified to adjoining neighbours from 3 March 2020 to 3 April 2020 in accordance with the provisions of the WWDCP 2010.

Advertising

In accordance with the requirements of the WWDCP 2010, the application was not required to be advertised.

Public Submissions and those from public authorities

Riverina Water provided comments requesting the imposition of standard conditions.

Sixteen submissions objecting to the proposal were received during the notification period. The content of these submissions has been summarised in the following table. Reference to how each of the issues raised in the submissions is also provided as comments in the table.

Summary of issues raised	Comment
Incorrect characterisation of the development. The development is an animal boarding and training and is prohibited in RE1 and RE2.	The development is ancillary to the existing major recreational facility operating on the site and is permissible in both the RE1 and RE2 zones. Refer to discussion under the LEP 2010 section of this report.
The development is contrary to the adopted objectives under the LEP for the adjoining residential zone.	Whilst the site is adjacent to land zoned R1 under the LEP 2010, the development site is not subject to consideration against the objectives of the R1 zone.
The development triggers regionally significant development under the SEPP (State and Regional Development) as the capital investment value is \$6.3m which exceeds the \$5m	The land is Crown land and is not owned by Council. The development does not trigger this or any other provision for Council related development under Part 3 of Schedule 7 of the SEPP. The development is not

<p>threshold for development involving Council land or for Crown development.</p>	<p>being carried out by or on behalf of the Crown and therefore does not trigger the provision for Crown development under Part 4 of Schedule 7 of the SEPP. It is satisfied that the proposal is not regionally significant development under the SEPP.</p>
<p>There are more suitable sites for this development within the MTC site.</p>	<p>Information on site selection across the wider MTC site has been provided by the applicant and is summarised within the introduction of this report. Irrespective of the conclusions drawn by the applicant regarding this matter, the Development Application the subject of this assessment, relates to a specific development proposal and site location which has been assessed within this report on its merits. This assessment is unable to establish the merits of other site locations and possible proposals as they are not the subject of the application put to Council for consideration, nor are they relevant.</p>
<p>Growth of activity at MTC</p> <ul style="list-style-type: none"> • There is no appropriate justification for the growth of the MTC operations requiring stabling for 125 hoses on the site. • Increase in job creation potentially misleading. 	<p>Refer to discussion in the description of the development relating to the demand for the proposal. It is satisfied that the development has merit with respect to the continued operation of the site as a regionally significant horse racing facility. A review of the proposed staffing of the facility (summarised in the description of the development) has not presented any information that would appear misleading or unjustified with respect to the scale and function of the development.</p>
<p>Negative impact on the valuation of properties in the area as a result of the development</p>	<p>Whilst the specific impacts that may have an effect on property values are of relevance to this assessment (and have been addressed elsewhere in this assessment) changes in property values are not a relevant head of consideration.</p>
<p>Impact on the nearby heritage conservation area have not been considered</p>	<p>Refer to discussion under Section 3 of the DCP 2010.</p>

<p>Visual impacts</p> <ul style="list-style-type: none"> • Landscaping is required to improve the visual appearance of development. • The outlook from properties fronting Kincaid Street has not been appropriately addressed. 	<p>Refer to discussion under Section 2.3 (Landscaping) of the DCP 2010 and 'Context and Setting' under Part (b) of this report.</p>
<p>Hours of operation</p> <ul style="list-style-type: none"> • Documentation provided with the application contains inconsistencies with regard to the proposed hours of operation of the facility 	<p>It is satisfied that any inconsistency has been addressed by the applicant. Further detail is provided within the discussion contained within this assessment report and recommended conditions of consent will ensure clarity in relation to the timing of all proposed activities associated with the stable operation.</p>
<p>Air quality impacts</p> <ul style="list-style-type: none"> • Dust generation • Impact on public health - respiratory health and other health issues • Impact of dust containing bio-contaminants 	<p>Refer to discussion under 'Air quality' (dust) under Part (b) of this report.</p>
<p>Odour impacts on surrounding residences</p> <ul style="list-style-type: none"> • Management reliant on human intervention. • Why was data used from BOM site at Forest Hill and not this monitoring station? 	<p>Refer to discussion under 'Air quality' (odour) under Part (b) of this report. It is agreed that the management of odour impacts will be subject to the MTC ensuring all staff abide by the required management procedures. Appropriate measures will be required within the OEMP to ensure regular and continual training of staff with regard to all procedural requirements of the OEMP including odour management.</p> <p>Meteorological data was not accessed from the on site monitoring station as it is an air quality monitoring station and not a meteorological station.</p>
<p>Noise impacts</p> <ul style="list-style-type: none"> • No noise assessment provided • Noise generated by the various activities including: o loading 	<p>Refer to discussion under 'Noise and vibration' under Part (b) of this report.</p>

<p>and unloading of horses at early/late hours.</p> <ul style="list-style-type: none"> o increased traffic movement, including heavy vehicles access o 24hr operation of essential plant. o Proposed hours of operation. o General intensification of use <ul style="list-style-type: none"> • Impact on horses from noise generated by surrounding existing land uses. • Need for restrictions to limit non-residential traffic entering surrounding residential streets such as Crampton Street. 	
<p>Lighting impacts</p> <ul style="list-style-type: none"> • Headlight impact from vehicles accessing and leaving the site during early or late hours. • General lighting impacts from required on-site lighting infrastructure • Light impacts not addressed. No light impact assessment undertaken. 	<p>Refer to discussion under 'Lighting' under Part (b) of this report.</p>
<p>Traffic and parking impacts.</p> <ul style="list-style-type: none"> • Underestimate of traffic generation (for 30 full time staff) • Loss of parking from driveway construction in Beckwith Street. • Underestimation of traffic generation for number of stalls, vet clinic and night/morning use. • Need for restrictions to limit non-residential traffic entering surrounding residential streets such as Crampton Street. • Inadequate number of parking spaces proposed - impacts on surrounding streets. 	<p>Refer to discussion under Sections 2.1 and 2.2 of the DCP 2010.</p>
<p>Waste Management impacts</p> <ul style="list-style-type: none"> • Underestimation of waste produced from horses in waste 	<p>Refer to discussion under 'Waste management' under Part (b) of this report.</p>

<p>management plan and inconsistencies in plan.</p> <ul style="list-style-type: none"> • Impacts of temporary storage of waste on site and reliance on proper management of these systems. • Need for compliance regime required. • Inappropriate arrangements for waste storage and collection frequency. 	
<p>Stormwater management concerns</p> <ul style="list-style-type: none"> • Possible stormwater pollution offsite. 	Refer to discussion under 'Waste management' (stormwater) under Part (b) of this report.
<p>Rodents, pests and flies</p> <ul style="list-style-type: none"> • Increased rodents and impacts of rodenticides. • Health impacts from flies. 	Refer to discussion under 'Waste management' (Vermin and pest management) under Part (b) of this report.
<p>Use of Crown land</p> <ul style="list-style-type: none"> • Crown Land is for public recreational usage and not private business use. • Use of public land by developers is inappropriate. • Impact on future use of Crown land. 	It is incorrect to suggest that all Crown land should only be for public recreational use. Crown land is available for a variety of uses. This particular site has been dedicated by the Crown for its current purpose with the MTC being appointed by the Crown as managers of the land. The further development of this land for its intended purpose is deemed appropriate.
<p>Impact on adjacent public sporting facilities</p> <ul style="list-style-type: none"> • Impact on future use of adjacent public sporting facilities. • Impact on future use of adjacent public sporting facilities and potential cost to community to relocate. 	It is satisfied that the development proposal will not impinge on the continued use of the adjacent sporting facilities. There is no evidence to suggest that the proposed development will necessitate the relocation of these facilities including associated costs to do so. Impacts that may affect the use of these facilities have been assessed and discussed throughout this assessment report and are deemed acceptable.
<p>Impact on Council sewer system.</p>	Refer to discussion under 'Services' (stormwater) under Part (b) of this report.

<p>No policy controlling the distance of stables from houses in NSW.</p>	<p>It is noted that no policy exists as detailed in the submission. In the absence of such a policy to assist in guiding decision making, determination will be based on a merits assessment of the proposal and the suitability of the site with respect to the likely impacts.</p>
<p>Inadequacy of consultation.</p>	<p>Whilst Council has consulted in accordance with the notification policy contained within the DCO 2010, the submission relates specifically to pre-lodgement consultation undertaken by the proponent. Whilst it is noted that consultation did occur, it is not a matter that is relevant to the determination of the application as submitted to Council.</p>
<p>Flooding impacts</p>	<p>Refer to Section 4.2 (Flooding) of the DCP 2010.</p>
<p>Required demolition of existing shed and potential asbestos issues.</p>	<p>A recommended condition of consent will require that the demolition occur in accordance with relevant Australian Standard (AS2601-1991) which includes standards for the safe removal of asbestos material in the event that it is present.</p>
<p>Disease transmission (Equine diseases)</p>	<p>The following key comments have been provided by the applicant with respect to this concern and its mitigation:</p> <ul style="list-style-type: none"> • <i>'Horses must be vaccinated against disease in accordance with the Rules of Racing and local veterinary advice'</i> as per Racing NSW Minimum Standards & Guidelines for Equine Welfare. • Potential for equine disease is mitigated through stringent rules and compliances that must be adhered to by trainers. • The industry has developed strong protocols dealing with bio-hazards and equine diseases. • Regular and random compliance inspections by local Racing Authorities.

	<ul style="list-style-type: none"> • Large penalties apply to breaches of regulations set out by Racing NSW. • The complex will be secure allowing for quarantining if needed. It is satisfied that industry regulation and compliance controls will appropriately address this risk.
Impact on adjacent air monitoring station.	The air monitoring station has been established under a lease agreement with the Crown Trustee including right of access from Beckwith Street. The development will not prevent the continued operation of the station with the compound and access arrangements remaining in situ. The compound will be positioned within a landscaped area of the site and approximately 30 metres from the nearest part of the stable compound.

(e) - the public interest

The continued growth and success of the MTC on this site is important due to the economic and social benefits that it currently brings and will continue to offer to the City and wider region. Approval of the stable development is therefore considered to be in the public interest.

However, it is also within the public interest that the commitments made by the applicant regarding the management of their stable operation are fully implemented to protect the interests of landowners and occupants of the surrounding residential neighbourhood. These commitments, along with the additional conditional requirements recommended in this assessment, are critical to ensuring that any potential detriment impacts from the development are avoided.

Other Legislative Requirements

Section 1.7 and Part 7 of the *Biodiversity Conservation Act 2016* (Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats)

On 21st November 2017, certain zones of the WWLEP 2010 achieved Biodiversity Certification under the *Biodiversity Conservation Act 2016*, including all Business, Industrial, Residential and Special Infrastructure Zones that were in place at the time

of the making of the *Biodiversity Conservation Act 2016*. The subject site (RE2 and RE1 zoned land), falls outside the area subject to the Biodiversity Certification Order.

In accordance with the *Biodiversity Conservation Act 2016*, there are a number of tests to determine whether the proposed development results in the need for offsets.

Firstly, the test to determine whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats (7.3). The development of the site will not result in the removal of any native vegetation and there are no recorded endangered flora or fauna on site. There are no anticipated adverse impacts upon ecological communities or habitats of threatened species.

Secondly whether the proposed removal of native vegetation exceeds the biodiversity offsets scheme threshold (7.4). The subject site (MTC) is approximately 60 hectares in area and in accordance with the legislation the threshold of vegetation that can be removed is 1ha. Whilst the development footprint is approximately 3.5 hectares, it is satisfied that the vegetation to be removed does not include native trees or grasses.

Thirdly whether the development is within a declared area of outstanding biodiversity value. The published biodiversity values map does not include any declared areas at the subject site.

Based on the above assessment the application does not fall within the biodiversity offset scheme and no further evidence is required regarding the proposed vegetation removal.

Relevant matters under the Biodiversity Conservation Act 2016 have been considered.

Section 733 of the Local Government Act 1993

Section 733 of the *Local Government Act 1993* provides that Councils will not incur liability for decisions or omissions concerning flood liable land or land subject to the risk of bushfire. Where required, a risk assessment has been completed and Council will be able to demonstrate that it has acted appropriately in its decision making when defending claims in liability or in circumstances where administrative decisions are challenged.

Flooding Risk Assessment

The development has been considered against the relevant provisions of the LEP2010 (Clause 7.2) and DCP 2010 (section 4.2). It is satisfied that the development will meet the objectives and matters for consideration under these relevant provisions - refer to earlier assessment and discussion. A risk assessment has been carried out and the development is considered acceptable.

Bush Fire Risk Assessment

The development has been considered against the relevant provisions of the

LEP2010 and DCP 2010. The site is not mapped as bushfire prone land and surrounding vegetation has been assessed as managed land in all directions. A risk assessment has been carried out and the development is considered acceptable, subject to the imposition of suitable conditions.

Council Policies

No additional Council policies apply to this development.

Comments by Council's Officers and/or Development Assessment Team

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Relevant comments or requirements are available on the file.

Development Contributions - Section 7.11/7.12 & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.12

Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Wagga Wagga Local Infrastructure Contributions Plan 2019-2034* enable Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. As the cost of the development is over \$200,000 a Section 7.12 levy of 1% of the cost of the development is payable for the development in accordance with the Council's contribution plan. Calculations are set out below.

Value of development (from provided cost estimate report) = \$6,326,040.00

Calculation:

$$0.01 \times \$6,326,040.00 = \$63,260.40$$

Section 64

Section 64 of the *Environmental Planning and Assessment Act 1979*, Section 306 of the *Water Management Act 2000* as well as the City of Wagga Wagga's *Development Servicing Plan for Stormwater 2007 / Development Servicing Plan for Sewerage 2013* enable Council to levy developer charges based on increased demands that new development may have on sewer and/or stormwater infrastructure.

s64 Stormwater

The application will produce a large hardstand area that will generate stormwater run-off. Whilst council stormwater infrastructure is available to the site, the applicant has elected to capture this stormwater and dispose of it to an existing stormwater dam

located centrally within the MTC site. As a consequence, the development will have negligible impact on Councils stormwater infrastructure and it is recommended that no stormwater levy be applied.

s64 Sewer

The proposed development will increase impacts on sewer infrastructure, and as such a contribution should be applied.

Contributions are calculated for the development using the Equivalent Tenements (ET) set out in the Water Directorate 'Section 64 Determinations of Equivalent Tenements Guidelines'. The Development Servicing Plan for Sewerage 2013 then sets a contribution rate per ET.

The Water Directorate Guidelines does not contain specific guidance for horse stabling developments. The nearest relevant land use provided in the guideline would most likely be 'Animal Boarding' however the guideline identifies that insufficient data is available to determine a suggested sewer ET for this use.

For determining a non-typical development ET, the guideline recommends the following formulae for sewer:

$$\text{Standard ET} = \frac{\text{Estimated average water consumption (water usage x discharge factor)}}{\text{Standard ET Sewage Loading (i.e. 140 kL/annum)}}$$

The waste management plan provide by the applicant identifies the following loads to sewer from the development:

Sewer waste source	Estimated quantity daily	Estimated quantity annually
Toilets/showers/lunchrooms and veterinary clinic	3000 L	1095 kL
Horse wash bays	1792 L	654.08 kL
Total	1892 L	1749.08 kL

Applying the Water Directorate Guideline formulae to determine the stable development ET:

(Note - no discharge factor has been applied in the calculation - i.e. it is assumed that all water used in washing the horse will be discharged to sewer)

$$\text{Standard ET} = \frac{1749.08\text{kL/annum (est. average water use/discharge)}}{140 \text{ kL/annum (standard ET sewage I)}} = 12.49 \text{ ETs}$$

The contribution rate set in the DSP Plan is \$3538 per ET. The contribution for the development is therefore:

$$12.49 \times 3538 = \$44,189.62$$

The contribution is required to be adjusted to current CPI as follows:

$$\$44,189.62 \times 117.1/100.5 = \$51,488.60$$

Other Approvals

A Section 68 approval will be required for sewer and stormwater works. It is recommended that this be conditioned.

Conclusion

The proposed development presents a risk to the immediately surrounding residential area through the potential for negative impacts associated with such things as noise, odour and dust. This is a consequence of the historical location of the MTC and the residential growth of the city around the facility. The potential for these activities to be in conflict is an issue that must be managed if both land uses are to continue to successfully develop into the future. For this reason, the MTC must be responsible for the management of impacts associated with the ongoing development of this site.

Subject to the full implementation of the commitments made by the applicant regarding the management of the proposed stable operation and subject to their compliance with the recommended conditions of consent provided in this report, it is satisfied that the impacts of this development can be appropriately managed on the site.

Further to this, it is considered that the development is in the public interest as it will support the continued sustainable operation of the MTC, being a key contributor to the community and also an important venue supporting recreational and social opportunities within the city and wider region.

The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Council Policies and is considered to be satisfactory based on the foregoing assessment.

Recommendation

It is recommended that application number DA19/0654 for Stable Complex be approved, subject to the following conditions:-

CONDITIONS

A. SCHEDULE A – Reasons for Conditions

The conditions of this consent have been imposed for the following reasons:

- A.1 To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979 and Regulation 2000.
- A.2 Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act.
- A.3 To ensure an appropriate level of provision of amenities and services occurs within the City and to occupants of sites.
- A.4 To improve the amenity, safety and environmental quality of the locality.
- A.5 Having regard to environmental quality, the circumstances of the case and the public interest.
- A.6 Having regard to the Wagga Wagga Development Control Plan 2010.
- A.7 To help retain and enhance streetscape quality.
- A.8 Ensure compatibility with adjoining and neighbouring land uses and built form.
- A.9 To protect public interest, the environment and existing amenity of the locality.
- A.10 To minimise health risk to neighbouring residents and workers.

B. SCHEDULE B – Deferred Commencement Conditions

N/A

C. SCHEDULE C – Conditions

Approved Plans and Documentation

- C.1 The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
5460-1	Overall Site and Locality Plan	Project Planning and Design	-	22/7/2020
5460-2	Stables 1, 2 & 3 - Typical Ground Floor Layouts	Project Planning and Design	-	22/1/2018
5460-3	Detail Floor Plans and Elevations - Details	Project Planning and Design	-	22/7/2020
5460-4	Stables 4 and Veterinary Clinic - Ground Floor Layout	Project Planning and Design	-	22/7/2020
5460-5	Stables 4 and Veterinary Clinic - Elevations	Project Planning and Design	-	22/7/2020
17056 (Sheet C1)	Locality Plan	Xeros Piccolo Consulting Engineers	G	23/7/2020

17056 (Sheet C2)	Proposed Site Plan	Xeros Piccolo Consulting Engineers	G	23/7/2020
17056 (Sheet C3)	Proposed Stormwater and Sewer Plan	Xeros Piccolo Consulting Engineers	G	23/7/2020
17056 (Sheet C4)	Overland Flow Path Plan	Xeros Piccolo Consulting Engineers	G	23/7/2020
17056 (Sheet C5)	Turning Paths	Xeros Piccolo Consulting Engineers	G	23/7/2020
17056 (Sheet C6)	External Lighting Plan	Xeros Piccolo Consulting Engineers	G	23/7/2020
19054	Planting Schedule & Artist's Impression Images	Sewell Design	A	18/8/2019
16063	Soil and Water Management Plan	Salvestro Planning	A	24/10/19
16063	Statement of Environmental Effects	Salvestro Planning	2.1	24/7/2020
-	Traffic Impact Assessment	Peter Meredith Consulting	E	18/7/2020
18-376	Waste Management Plan	NGH Environmental	Final	24/7/2020
12533396	Acoustic Assessment	GHD	1	22/7/2020
2316483	Odour Assessment	GHD	0	23/10/2019
-	Email - MTC RFI - Odour and Dust Matters (SP16063)	Evan Smith	-	17/7/2020

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Requirements before a Construction Certificate can be issued

C.2 Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority illustrating compliance with the relevant requirements of the Building Code of Australia.

- a) Pursuant to Clause 98 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the Building Code of Australia (BCA), including but not limiting to:
 - i) Structure - Section B- (Part B1)
 - ii) Fire Resistance - Section C- (Parts C1, C2, C3)
 - iii) Access and Egress - Section D- (Parts D1, D2, D3)

- iv) Services and Equipment - Section E- (Parts E1, E2, E3, E4)
- v) Health and Amenity - Section F- (Parts F1, F2, F3, F4, F5)
- vi) Ancillary Provisions- Section G- (Parts G1, G2, G3, G4, G5)
- vii) Special Use Buildings- Section H- (Parts H1, H2, H3)
- viii) Energy Efficiency- Section J- (Parts J0, J1, J2, J3, J5, J6, J7, J8)

C.3 Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, a monetary contribution of \$63,260.40 must be paid to Council, prior to the issuing of the Construction Certificate. The monetary contribution payable under this condition will be indexed in accordance with Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 from the endorsed date of this Development Consent until the date of payment.

NOTE 1: Clause 3.2 of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034 provides for Section 7.12 contributions to be indexed in accordance with annual movements in the March quarter Consumer Price Index (CPI) (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

NOTE 2: The monetary contribution identified above remains applicable if paid within the same financial year as the date of determination. If payment is to be made outside this period, you are advised to contact Council prior to payment being made to determine if CPI increases/decreases have occurred since the date of this consent. The CPI at the date of this consent is 117.4/115.1.

NOTE 3: A copy of the Wagga Wagga Local Infrastructure Contributions Plan 2019-2034, is available for inspection at Council Chambers, corner Baylis and Morrow Streets, Wagga Wagga, or on Council's website.

C.4 Prior to the release of Construction Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

NOTE1: 'Water management work' is defined in s283 of the Water Management Act to mean a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

NOTE 2: Riverina Water is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in the Council's area. An application for a compliance certificate must be made with Riverina Water. Additional fees and charges may be incurred by the proposed development - please contact Riverina Water to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of Construction Certificate.

NOTE 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.

NOTE 4: Under s306 of the Water Management Act 2000, Riverina Water or the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.

NOTE 5: The Section 64 Sewer base figure is \$44,189.62

The Section 64 Sewer contribution (updated by the CPI 117.1/100.5) required to be paid is \$51,488.60

NOTE 6: The Section 64 Stormwater base figure is Nil.

NOTE 7: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.

NOTE 8: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

C.5 Final details of boundary fencing to Beckwith Street shall be provided to Council and shall be to the satisfaction of the General Manager or their delegate prior to the release of the Construction Certificate. The detail shall also provide information on the entry gate to the site and how the gate will be operated with respect to the approved operating hours of the facility and the recommendations of the approved Acoustic Assessment (document number 12533396, Version 1, prepared by GHD and dated 22/7/2020) in relation to the gate.

C.6 A detailed landscaping plan shall be submitted to Council and shall be to the satisfaction of the General Manager or their delegate prior to the release of the Construction Certificate. The plan shall ensure:

- The provision of evergreen screen plantings along the eastern boundary of the site to provide a visual screen to the development when viewed from Beckwith Street and a buffer to the residences located immediately opposite the development site in Beckwith Street.
- The provision of evergreen landscaping along the southern boundary of the site adjoining the adjacent velodrome/cricket ground site to assist in visually screening the development when viewed from the adjacent property and when viewed from Kincaid Street.
- The selection of appropriate species that will provide screening and shading for carpark area.
- Appropriate measures to ensure all landscaping (including lawn areas within the 4 stable compounds) is maintained in good condition so as to avoid soil disturbance and dust/sediment generation.

The plan shall detail a plant schedule indicating all plant species, pot sizes, spacings and numbers to be planted within the development.

C.7 Prior to the issue of Construction Certificate the applicant must lodge a bond with Council of:-

\$1000 for security deposit on the kerb and gutter and footpath

Plus a non-refundable administration fee as per Councils fees and charges.

NOTE 1: Applicants will be required to contact Council PRIOR to making the payment to arrange a bond (BKG) number. This must be done prior to making payment at Council's customer service desk.

NOTE 2: In lieu of payment, the applicant can with written authorisation from their builder, utilise an ongoing bond should their builder hold an ongoing bond.

NOTE 3: All monetary conditions are reviewed annually, and may change on 1 July each year.

NOTE 4: Works in the form of driveways, kerb and gutter and footpath may require you to obtain a Section 138 Roads Act 1993 approval. Please contact Councils Road Reserve Officer on 1300 292 442 prior to undertaking such works.

NOTE 5: Council will accept a once off security deposit for the kerb and gutter and footpath for applicants who lodge multiple DA's with council. If the applicant has security deposits held by Council for kerb and gutter and footpath at the time of Construction Certificate application, then Council may waive the need for an additional bond to be paid.

NOTE 6: The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to the satisfaction of Council. All damage is to be repaired at the full cost of the applicant

C.8 Prior to the issue of a Construction Certificate, a dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to and approved by Council.

C.9 Prior to the issue of a Construction Certificate, an application for a Build Over Permit is required to be lodged with and approved by Council for the works proposed over the existing sewer main located within the site.

A copy of that Approval to Encumber a Service Line and or Easement shall be provided to Council's City Development section as evidence of the satisfaction of this condition.

NOTE: Contact Council's Waste and Stormwater Division on 1300 292 442 in relation to obtaining the required Approval/Permit to Encumber a Service Line and or Easement.

- C.10 Prior to the issue of Construction Certificate a person wishing to discharge liquid trade waste to the sewerage system must under Section 68 of the Local Government Act 1993 and Council's Liquid Trade Waste Regulation Policy, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act. Further information is available from Council's Trade Waste section on 1300 242 442 regarding the application process.

The applicant shall submit detailed sewer layout plans including pre-treatment equipment to allow for the discharge of liquid trade waste to sewer.

Trade waste material is not to be discharged into Council's sewer system and/or stormwater system, without first obtaining such written approval.

All conditions of the approval must be complied with.

Requirements before the commencement of any works

- C.11 Prior to works commencing on site, toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

- C.12 A CONSTRUCTION CERTIFICATE must be obtained pursuant to Section 6.7 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 the Building Code of Australia PRIOR to any works commencing.

NOTE 1: No building, engineering, excavation work or food premises fitout must be carried out in relation to this development until the necessary Construction Certificate has been obtained.

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.

- C.13 Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

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

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

NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

- C.14 Prior to the commencement of works erosion and sediment control measures are to be established 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:-

- a) Development Control Plan 2010 (Section 2.6 and Appendix 2)
- b) Erosion and Sediment Control Guidelines for Building Sites; and
- c) Soils and Construction Volume 1, Managing Urban Stormwater

Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

- C.15 Prior to works or activities commencing within the road reserve, approval under Section 138 of the Roads Act 1993 is required from Council.

A written application for Consent to Work on a Road Reserve is required to be submitted to and approved by Council. This shall include the preparation of a certified Temporary Traffic Management Plan (TTP) for the works.

It should be noted that work in the existing road reserve can only commence after the plan has been submitted and approved and then only in accordance with the

submitted TTP. Please contact Council's Activities in Road Reserves Officer on 1300 292 442.

C.16 Prior to works commencing on site:

- i) Council must be notified of any damage to kerb and gutter and footpath fronting the site. The absence of such notification shall indicate that no damage exists and the applicant shall be responsible for the repair of any damage to kerb and gutter or footpath fronting the site.
- ii) Satisfactory protection for existing public infrastructure must be provided and maintained throughout the construction period.

C.17 A Section 68 Approval must be obtained from Council prior to any sewer or stormwater work being carried out on the site.

The licensed plumber must submit to Council, at least two (2) days prior to the commencement of any plumbing and drainage works on site a "Notice of Works".

NOTE: A copy of the Notice of Works form can be found on Council's website.

Requirements during construction or site works

- C.18 Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor. A list of Contractors can be found on Council's website at- <https://wagga.nsw.gov.au/city-of-wagga-wagga/engineering-services/traffic-and-transport/working-in-a-road-reserve-or-footpath> Driveway design and grades shall comply with AS2890.1: 2004 (or as amended) and Council's Engineering Guidelines for Subdivisions and Developments.
- C.19 The Builder must at all times maintain, on the job, a legible copy of the plans and specifications approved with the Construction Certificate.
- C.20 All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.
- C.21 The demolition must be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures.

Within fourteen (14) days of completion of demolition, the following information shall be submitted to Council for assessment and approval:

- a) an asbestos clearance certificate prepared by a competent person; and
- b) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with any Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

NOTE 1: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- NOTE 2: Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- NOTE 3: Competent Person (as defined under Safe Removal of asbestos 2nd Edition [NOHSC: 2002 (2005)]) means a person possessing adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work.
- NOTE 4: A licence may be required for some of the tasks described in the document entitled Safe Removal of Asbestos 2nd Edition as requiring a competent person.

- C.22 The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. All reasonable steps must be taken to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.
- C.23 During on site works, adequate fire precautions must be undertaken ensuring the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.
- C.24 If any Aboriginal object is discovered and/or harmed in, on or under the land, all work must cease immediately and the area secured so as to avoid further harm to the Aboriginal object. Heritage NSW shall be notified as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and no work shall recommence at the particular location unless authorised in writing by Heritage NSW.
- C.25 Any upgrades or alterations to existing Council infrastructure required as a result of the development shall be at the full cost of the applicant. Contact Council’s Development Engineer to confirm what approval is required prior to commencing work on any Council infrastructure. Such work includes (but is not limited to) upgrade or connection to sewer or stormwater mains, and alteration of stormwater pits and sewer manhole levels.
- C.26 The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
- C.27 A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Sewer Drainage	When all internal plumbing and drainage work is installed and prior to concealment.
External Sewer Drainage	When all external plumbing and drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Final	Prior to occupation of the building or structure.

Requirements prior to issue of an Occupation Certificate or prior to operation

- C.28 Prior to the issue of Occupation Certificate, the paving of all vehicular movement areas must be either a minimum of 150mm thick flexible pavement and sealed or 150mm thick reinforced concrete.
- C.29 The boundary adjustment and land transfer from Lot 1 DP663066 to Lot 2 DP 840187 approved under Development Consent DA18/0618 issued on 7 March 2019 shall be registered prior to the issue of an Occupation Certificate.
- C.30 An Operational Environmental Management Plan (OEMP) shall be prepared and shall be to the satisfaction of the General Manager or their delegate, prior to occupation of the development. The plan shall incorporate:
- a. A noise management plan incorporating, as a minimum:
 - The recommendations (Section 5) of the Acoustic Assessment (document number 12533396, Version 1, prepared by GHD and dated 22/7/2020).
 - Management practices to ensure that the operation on site adheres to the approved operating hours under this consent.
 - Management practices to control the generation of noise from trackwork activities occurring between 4:30am and 7:00am and 'away race day' activities' occurring between the hours of 6:00pm and 10:00pm
 - The management of heavy vehicle routes to and from the site to provide the most direct route to the Olympic and Sturt Highways and to minimise encroachment of related heavy vehicles into surrounding residential streets.
 - Management practises to ensure compliance with vehicular access to and from the site within the specific operating hours approved under this consent.
 - b. An air quality management plan addressing, as a minimum, the following matters:
 - The recommendations of the odour assessment.
 - Odour and dust complaints management procedure.
 - The maintenance of all sealed surfaces in good condition and void of debris and sediment.
 - Appropriate measures to ensure all landscaping (including lawn areas within the 4 stable compounds) is maintained in a good and healthy condition so as to avoid soil disturbance and dust/sediment generation.
 - Procedures to ensure that feed rooms/stores remain closed.
 - Selection and management of bedding material to avoid dust generation.
 - c. A revision of the submitted Waste Management Plan (document number 18-376, Version FINAL, prepared by GHD and dated 24/7/2020), addressing, as a minimum, the following matters:
 - Continual monitoring and regular collection of manure deposited on the ground throughout the stable complex and its surrounds.
 - Immediate storage within a sealed container or the approved enclosed skip bins of all collected manure and soiled bedding (no temporary

- storage open to the air).
 - Management of the skip bins to limit the period in which the container is open and also to allow for waste to be deposited with minimal disturbance to the waste.
 - Return of skip bins to the site by the waste contractor in a clean and sanitised state (no cleaning of skips on site).
 - Removal of all uneaten food from stalls and surrounds and disposal in approved skip bins.
 - Provision of vermin proof feed room enclosures with mechanisms to ensure doors and opening are closed at all times.
 - Regular removal of uneaten feed from stalls and surrounds and disposal in approved enclosed skip bins.
 - Baiting program for the control of vermin and other pests (including fly and insect management)
 - Siting of garden waste composting to occur in a position on the site to maximise the distance to surrounding residential receptors, such as adjacent to the proposed storage sheds at the western end of the stable complex.
 - The ongoing maintenance and management of the internal stormwater management system including quality of stormwater.
 - Clear delineation of roles and responsibilities with regard to all waste management protocols required under the OEMP.
- d. Responsibilities and Training:
- The plan shall identify the person responsible for overseeing each component of the OEMP.
 - The plan shall incorporate processes to ensure the continued training of responsible persons and all other staff with respect to the requirements of the OEMP.
- e. Procedures for complaint management, including the management of a complaint register.

The OEMP can be varied from time-to-time with the consent of the General Manager or delegate, to allow for the adoption of improved operational management procedures.

- C.31 An Occupation Certificate, must be obtained pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

In order to obtain this, the “Final Occupation Certificate” form must be completed and submitted to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

- C.32 A final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development, prior to the issuing of a final plumbing certificate Council must be in possession of Notice of Works, Certificate of Compliance and Works as Executed Diagrams for the works. The works as Executed

Diagram must be submitted in electronic format in either AutoCAD or PDF file in accordance with Council requirements.

All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing and Drainage Act 2011.

NOTE: Additional fees for inspections at the Plumbing Interim Occupancy / Plumbing Occupation stage may apply. This will depend on the number of inspections completed at this stage of the work/s.

General requirements

C.33 All exterior lighting associated with the development must be designed and installed so that no obtrusive light will be cast onto any adjoining property.

NOTE: Compliance with Australian Standard AS4282.1997 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

C.34 No signage is approved as part of the application, no signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation of the site without a subsequent application being approved by Council.

C.35 Only thoroughbred horses that train at the Murrumbidgee Turf Club facilities are permitted to be stabled on the site.

C.36 The approved veterinary clinic shall only be used for the treatment of thoroughbred horses that are stabled on the site.

C.37 Time restrictions apply to associated activities as per the following table:

Activity	Time and Frequency
The stabling of horses	Permitted at all times
Normal operation hours including: <ul style="list-style-type: none"> Trackwork (including associated horse tending) General horse tending General Administration and Maintenance Veterinary clinic operation 	4:30am - 5:00pm daily <ul style="list-style-type: none"> Trackwork - 9:00am daily General horse tending - 5:00pm daily (plus emergency access when required) Admin/maintenance - 5:00pm six days/week (Mon-Sat) Veterinary clinic - 5:00pm six days/week (Mon-Sat) (plus emergency access when required)
Extended hours for MTC race days	11:00am - 7:00pm twenty-five times/year (fortnightly)
Extended hours for away race days	7:30am - 10:00pm 2 days per week (Mon-Sun)

In addition to this table, the following restrictions apply:

- No horses shall be transported into or out of the site outside the general administration and maintenance operation hours approved under this condition

with the exception horses being transported for away race days or for emergencies.

- The transport of horses into or out of the site for away race days is restricted to the away race day operational hours approved under this condition. This includes operations associated with the preparation and loading of the horses and the unloading and re-stabling of the horses.
- The transport of materials, goods and waste into and out of the site is restricted to the general administration and maintenance hours approved under this condition.

- C.38 The Operational Environmental Management Plan (OEMP), as approved by this consent, or as varied in accordance with the terms of this consent, must be complied with at all times.
- C.39 The Operational Environmental Management Plan (OEMP) shall be reviewed between 12 months and 18 months following the release of the Occupation Certificate, in consultation with Council. Any required amendments to the OEMP shall be to the satisfaction of the General Manger or delegate.
- C.40 The complaints register, as developed under the OEMP, shall be made available to Council at any time upon request.
- C.41 The owner must submit to Council and the NSW Fire Brigade an Annual Fire Safety Statement, each 12 months, commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.
- C.42 The car park and all associated facilities must be laid out in accordance with Australian Standards AS2890.1.2004 AS2890.2 2002 and AS/NZS2890.6.2009.
- C.43 Illumination of the car park must be in accordance with AS 1158.3.1.2005, as amended, lighting for roads and public spaces.

D. SCHEDULE D – Activity Approval Conditions (Section 68)

N/A

E. SCHEDULE E – Prescribed Conditions

Conditions under this schedule are prescribed conditions for the purposes of section 4.17 (11) of the Environmental Planning and assessment Act 1979.

- E.1 Fulfilment of BASIX commitments (clause 97A EP&A Reg 2000)

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

- E.2 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (clause 98 EP&A Reg 2000)

- (1) For development that involves any building work, the work must be carried out in accordance with the requirements of the Building Code of Australia.

- (2) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance shall be in force before any building work authorised to be carried out by the consent commences.
- (3) For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

NOTE 1: This condition does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4) of the Regulation, or
- (b) to the erection of a temporary building, other than a temporary structure to which part (3) of this condition applies.

NOTE 2: In this condition, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

NOTE 3: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

E.3 Erection of signs (clause 98A EP&A Reg 2000)

For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) 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
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

NOTE 1: This condition does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

NOTE 2: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental

Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

NOTE 3: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained.

E.4 Notification of Home Building Act 1989 requirements (clause 98B EP&A Reg 2000)

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

NOTE: This condition does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Environmental Planning and Assessment Act 1979, to comply with the technical provisions of the State's building laws.

E.5 Entertainment venues (clause 98C EP&A Reg 2000)

If the development involves the use of a building as an entertainment venue, the development shall comply with the requirements set out in Schedule 3A of the Environmental Planning and Assessment regulation 2000.

E.6 Maximum capacity signage (clause 98D EP&A Reg 2000)

For the following uses of a building: a sign must be displayed in a prominent position in the building stating the maximum number of persons permitted in the building if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,

- (d) registered club,
- (e) restaurant.

NOTE: Words and expressions used in this condition have the same meanings as they have in the Standard Instrument.

E.7 Shoring and adequacy of adjoining property (clause 98E EP&A Reg 2000)

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.

NOTE: This 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.

F. SCHEDULE F – General Terms of Approval (Integrated Development)

N/A
