

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
MODIFIED DEVELOPMENT CONSENT**
Environmental Planning and Assessment Act, 1979
DA18/1237 & DS19/1522

TO:

Capital Property Corp Pty Ltd
Level 4 21 Termeil Avenue
Plaza Offices
Canberra Airport ACT 2609

being the applicant(s) for **DA18/1237** relating to:

123 Forster Dr, BAWLEY POINT - Lot 3 - DP 527264
132 Forster Dr, BAWLEY POINT - Lot 21 - DP 1217069

APPROVED USE AND OR DEVELOPMENT:

Hosting of events open to the public at Willinga Park in accordance with the Event Plan of Management comprising:

- **Up to ~~Four (4)~~ Eight (8) Category "A" Equine Events per annum**
- **Up to ~~Eight (8)~~ Twelve (12) Category "B" Equine Events per annum**
- **Up to ~~Six (6)~~ Twelve (12) Non-equine based events (relating to architecture, gardens, sculptures and tours *and the like*) per annum; and**
- **Permit the temporary installation of marquees and structures ancillary to events**

(Modified by DS19/1522 dated 2 June 2020)

DETERMINATION DATE:

27 August 2019

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

27 August 2019

CONSENT TO LAPSE ON:

27 August 2024

**DATE OF SECTION 4.55 (1A) MODIFICATION:
Council Resolution MIN20.390**

2 June 2020

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

In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

EXPLANATION OF TERMS (Modified by DS19/1522 dated 2 June 2020)

Background Level – is the background Noise Level in dB(A) of the nearest residential receiver. The submitted noise assessment prepared by the Acoustic Group (D18/391693) specifies a background level of **40.5 dB(A)** applies to Willinga Park for all events.

Category A Event – ~~International~~ An Event that could include any of the equine disciplines with ~~2001~~ **3001** to 5000 people in attendance per session.

Category B Event - ~~International or National~~ An event that could include any of the equine disciplines from 1000 to ~~2000~~ **3000** people in attendance per session.

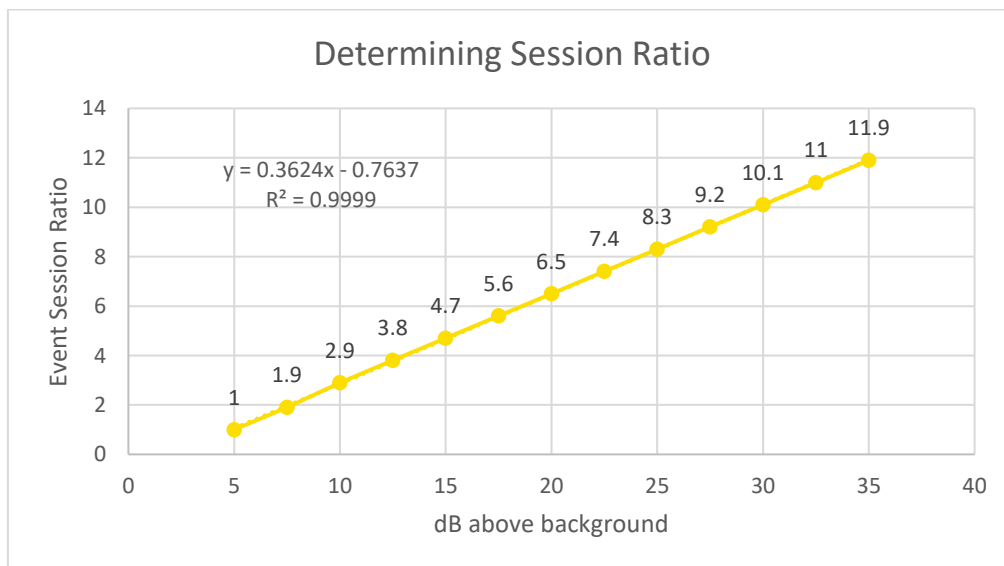
Non-Equine Event - Events relating to architecture, gardens, sculptures and tours **and the like** up to ~~4000~~ 5000 people in attendance per session.

Event – all activities that come under the promotional banner for an event that could operate over one or more calendar days e.g. (Dressage by the Sea).

Session – each period between 87.00am and ~~40~~11.00pm within a 24-hour calendar day.

Event Session Ratio – is a figure derived by plotting noise exposure for each event location and session exceeding the background noise level by 5dB(A) or more on **Graph 1** below that was generated to represent Figure 3.4 of the EPA Noise Guide for Local Government. The EPA have reviewed Council's Graph and confirmed that it is an accurate representation of Figure 3.4 of the Noise Guide.

Graph 1 – Willinga Park Event Session Ratios



To aid in calculation council provides **Table 1** below detailing calculated event session ratios for each venue from 1-5 days for events based on the noise assessment results detailed in the submitted noise assessment by The Acoustic Group. For events exceeding 5 days it is a matter of multiplying the relevant session ratio for 1 day by the number of days proposed.

Table 1 – Willinga Park Event Session Ratios by Venue

Venue	Event	Show Jump Arena SJA	Grand Prix Arena GPA	Covered Arena CA	Polocrosse Field PCF	Camp Draft Arena CDA	Non-Equine Events
Session Ratio per 24 hour day	up to 1000 persons per event per day	0.8					1
Session Ratio per 24 hour calendar day	Over 2000 persons	2.8	1	1	6.85	7.57	1
Event Ratio per 2 day event	Over 2000 persons	5.6	2	2	13.7	15.14	2
Event Ratio per 3 day event	Over 2000 persons	8.4	3	3	20.55	22.71	3
Event Ratio per 4 day event	Over 2000 persons	11.2	4	4	27.4	30.28	4
Event Ratio per 5 day event	Over 2000 persons	14	5	5	34.25	37.85	5

Annual Events Ratio Limit (AERL) – is a defined number set by council that restricts the aggregate number and location of event sessions that can operate at Willinga Park in each calendar year. The AERL for Willinga Park is set at **180**.

If the Owner can demonstrate to the satisfaction of Council that an Event caused less noise than has been allowed for in the Acoustics Report, then that event and the relevant sessions that did not exceed the noise criteria then, with the agreement of Council, those events sessions shall not count towards the AERL for that year.

Further, where the Owner can demonstrate to Council following noise monitoring of event sessions at an event venue that the Event Sessions Ratio for a Venue should be reassessed from the numbers in the decision, Council will consider revising that number.

(Modified by DS19/1522 dated 2 June 2020)

Annual Events Ratio (AER)

The AER is calculated by adding all the event session ratios for each event at Willinga Park together for each calendar year. Provided the AER remains below the (AERL) the event is permitted.

Example 1 below shows the calculation of the current events published on the Willinga Park website using the events ratio formula from 1 January 2020 to 16 May 2020.

Events	Session	Event Type	Times	Sessions	Venue	Events Ratio
Dressage by the Sea						
	CDI Event 1 - 22 to 24 February 2020	A	9am to 5pm	3	GPA or CA	3
	FEI Regional dressage Forum 2020	B		3	GPA or CA	3
	Dorothee Schneider masterclass 27 February 2020	A	9am to 5pm	1	GPA or CA	1
	CDI Event 2 - 28 February to 1 March 2020	A	9am to 5pm	3	GPA or CA	3
World championship Gold Buckle Campdraft 2020						
	14 to 15 May 2020	A	7.30am to 10pm Thursday & Friday	2	CDA	15.14
	16-May-20	A	8am to 10pm Saturday	1	CDA	7.57
Annual Event Ratio						32.71

DETAILS OF CONDITIONS:

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

PART A

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

1. **General (Modified by DS19/1522 dated 2 June 2020)**

This consent relates to **Hosting of events open to the public at Willinga Park in accordance with the Event Plan of Management comprising:**

- **Up to ~~Four (4)~~ Eight (8) Category "A" Equine Events per annum**
- **Up to ~~Eight (8)~~ Twelve (12) Category "B" Equine Events per annum**
- **Up to ~~Six (6)~~ Twelve (12) Non-equine based events (relating to architecture, gardens, sculptures and tours *and the like*) per annum; and**
- **Permit the temporary installation of marquees and structures ancillary to events**

as illustrated on the plans (referenced in the table below), specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development must be carried out in accordance with this consent.

STAMPED DOCUMENTS/PLANS	REF/SHEET NO.	PREPARED BY	DATED
Event Plan of Management	D18/391633	Hatamoto	28/09/18
Statement of Environmental Effects	Job No. 17-134 D18/391768	BBC Consulting Planners	October 2018
Framework for Equine Events	D18/391667	Capital Property Corporation Pty Ltd	December 2017
Emergency Plan	D18/391701	Capital Property Corporation Pty Ltd	21/10/16
Acoustic Assessment	D18/391693 48.5299.R5B:MC	The Acoustic Group	3 October 2018
Acoustic Criteria Letter	48.5299.L4:MSC D18/387155	The Acoustic Group	31/08/18
Site Masterplan	D18/391647 E11-03	Applicant	31/1/18
Event Stock Holding Masterplan	D18/391664	Applicant	19/12/2017
Portable Toilet Schedule	D19/197167	Vital Design Solutions	13/06/17
Portable Toilet Location Site Plan	E11-01 D19/197160	Cox Architects	6/06/19
Applicants Letter – response to TCG request for information on zoning, volumes, parking, bushfire, noise & waste management	RJC:KV\17-134 D18/387173	BBC Consulting Planners	5/10/18
Applicants Letter requesting portable toilet use for 2 years, details of portable toilet numbers and their locations, and detail on septic system for stockyards/cabins and grease traps	RJC/KV:17-134 D19/197067	BBC Consulting Planners	6/06/19
RFS Bush Fire Safety Authority	D18/8191 DA18112316209 BB D19/291013	NSW RFS	5/12/18
Bushfire Emergency Management Plans	D18/394901	BBC Consulting Planners	Received 12/11/18
Waste Management Report	VS17069 D18/391700	Vital Design Solutions	25/09/18
Traffic Management Plan Figure 4.6 Event Parking Locations	D18/391691	GHD	September 2018

Notes:

- *Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under Section 4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, must be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions must prevail to the extent of that inconsistency.*

2. Effect of this Consent

This consent supersedes and replaces the following conditions from (DA15/1659):
Part condition 1 – Recreation Facility (Indoor and Outdoor), 3, 5, 7, 8, 9, 10, 11, 12, 16, 17, 18, 20, 21 & 34.

3. Camping

All primitive camping activities are to be carried out strictly in accord with the conditions of (DA15/1659).

4.

~~No events are permitted until all relevant conditions of this consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).~~

(Deleted by DS19/1522 dated 2 June 2020)

5. On-Site Wastewater Management

- a) following a period of two (2) years from the date of the first event conducted pursuant to this consent, no further events are to be conducted unless consent to install and operate an on-site wastewater management system with sufficient capacity to cater for all approved events conducted on the site is active;
- b) within the period of two (2) years referred to in (a) above, reliance may be made on portable toilet facilities during events; and
- c) notwithstanding (a) above, if necessary, having regard to the nature and/ or location on the site of the event, temporary visitor amenities may nevertheless still be relied on during events to supplement the on-site wastewater management system.

6. Events Hours of Operation (Modified by DS19/1522 dated 2 June 2020)

All events are limited to between the hours of 87.00am and 40.00pm 11.00pm.

7. Annual Events Ratio Limit (AERL) (Modified by DS19/1522 dated 2 June 2020)

The Annual Events Ratio (AER) of all public events conducted at Willinga Park must not exceed the (AERL) of **180** in any calendar year.

Every twelve months, at the end of each calendar year, the Owner can apply to Council to have this number revised upwards having regard to the number and scale of events and the number and nature of complaints, if required.

8. ***Frequency and Duration of Public Events (Modified by DS19/1522 dated 2 June 2020)***

The frequency and duration of public events at Willinga Park is restricted as follows:

- (a) No events are permitted between (and including) December 23rd and January 5th.
- (b) A maximum of ~~4~~ **8** Category A events are permitted per calendar year
- (c) A maximum of ~~8~~ **12** Category B events are permitted per calendar year
- (d) A maximum of ~~6~~ **12** Non-Equine events are permitted per calendar year
- (e) ~~A Maximum of 1 Category A and 1 Category B event is permitted for the Campdraft Arena and Polocrosse Arena per calendar year~~

9. ***Annual Events Proposed Schedule (modified by DS19/1522 dated 2 June 2020)***

The Willinga Park Events Manager must provide Council with ~~an~~ *a preliminary* Excel spreadsheet ~~prior to all events for each~~ *at the start of the* calendar year detailing:

- a) The name of each event
- b) The proposed venue for each event
- c) the proposed ~~event~~ *Category of events*
- d) the proposed dates & duration of each event and session
- e) the expected number of participants and spectators
- f) the calculated event ratio for each event and the Annual Event Ratio
- g) The name and contact details of the event manager likely to be responsible for each event

10. ***Annual Events Record (modified by DS19/1522 dated 2 June 2020)***

The Willinga Park Events Manager must provide Council with an Excel spreadsheet within ~~7 days of the end of each~~ *the first week of February of the previous* calendar year detailing:

- (a) The name and contact details of the event manager responsible for the relevant events
- (b) The name of each event held
- (c) The venue for each event
- (d) the event Category
- (e) the dates & duration of each event and session held
- (f) the recorded number of participants and spectators for each session/event
- (g) the calculated event ratio for each event and the Annual Event Ratio
- (h) any events cancelled due to weather/bushfire or other reason
- (i) detail of any complaints received, *by Council or to Willinga Park* and the action taken to address same

PART B

INTEGRATED DEVELOPMENT CONDITIONS

11. ***NSW Rural Fire Service (RFS) – Integrated Development Conditions***

The conditions of the General Terms of Approval issued by NSW RFS (Reference No. D18/8191, dated 5 December 2018) are included as conditions of this consent.

12. **Roads & Maritime Services (RMS) – Integrated Development Conditions**

The conditions of the General Terms of Approval issued by RMS (Reference No. STH18/00208, dated 20 December 2018) are included as conditions of this consent.

PART C
CONDITIONS THAT MUST BE COMPLIED WITH BEFORE THE USE CAN COMMENCE

13. **Facilities**

The events must be provided with sanitary and other facilities in accordance with the requirements of the Building Code of Australia, Part F2.

14. ~~**Notification of Residents (Deleted by DS19/1522 dated 2 June 2020)**~~

~~The Willinga Park event management team must make all reasonable efforts to ensure that residents likely to be significantly affected by noise from the major events are given prior written notification. This notification must include a readily contactable complaint hotline and an event coordinator must be dedicated to managing and responding to any complaints received during the entire event and this person(s) must be available on this number during the entire event.~~

~~The details of customer mobile hotline telephone number must be submitted to Council's Customer Service Centre prior to the commencement of each event.~~

15. **NSW Police**

- That **Licensing** Police at the Nowra Police Station are advised of upcoming events at least 4 weeks prior to any licensed events.
- That **local** Police (Ulladulla or Nowra) are advised of upcoming events at least 4 weeks prior to any events involving more than 500 people.

PART D
CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

16. **Building Code of Australia**

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

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

17. **Waste Minimisation and Management**

- (a) The Waste Management Report dated 25 September 2018 is to be implemented throughout the ongoing use of the development.
- (b) The event manager must have written evidence on site of a valid and current contract with a licenced waste collector for waste and recycling collection disposal.

- (c) Waste associated with the event is not permitted to accumulate except in designated and pre-determined waste receptacles and areas.

18. ***Safe passage for emergency vehicles***

The event manager must ensure that satisfactory passage for emergency vehicles is provided to all public streets and open spaces.

19. ***Temporary Structures (Modified by DS19/1522 dated 2 June 2020)***

- (a) All temporary structures must be erected in accordance with manufacturer's specifications and where there is no such specifications are to be erected in accordance with recognised standard industry practices.
- (b) The ground surface on which the structure is to be erected is to be sufficiently firm to sustain the structure while it is being used and isn't dangerous because of its slope or irregularity or for any other reason.
- (c) Any lighting, rigging, scaffolding or the like associated with the temporary structure shall be constructed and certified by a Workcover licensed rigger.
- ~~(d) The temporary structures must be erected and secured in accordance with the manufacturers' structural specifications to ensure they are structurally sound and can withstand likely wind in the locality and any likely live loadings and also comply as follows:~~
 - ~~i. Separate certification shall be provided by the installers for the structures, confirming installation in accordance with the relevant specifications. The certificates are to be provided to an authorised inspecting officer at the site inspection on the day of the event.~~
 - ~~ii. Stage structures are not to be loaded in excess of those loadings recommended by the suppliers and/or manufacturer.~~
- (e) Electrical services serving the temporary structures shall meet with the requirements of AS/NZS 3000 & 3002 and be certified by a licensed electrical contractor prior the commencement of use.
- (f) Appropriate firefighting equipment is to be available for all installations including generators, power boxes, mechanical systems and the like, which may be utilised on site during normal occupation times.
- ~~(g) There is to be **NO SMOKING in ANY of the subject structures**, and appropriate signage is to be displayed in conspicuous locations throughout the site.~~
- ~~(h) All structures to which members of the public may be allowed access, are to be supervised by responsible persons at all times when occupied by the public.~~
- (i) The structures and surrounds are to be maintained in a clean and tidy manner at all times, all waste and general rubbish is to be cleared on a regular basis.
- (j) Adequate sanitary facilities, **including specialised facilities for use by persons with a disability**, shall be provided on the site to cater for the maximum number of patrons attending the event at one time. In this regard, usage demand shall be monitored and appropriately managed throughout the event to ensure that public convenience is maintained.

- (k) All mechanical and electrical installations including generators, electrical cabling and any mobile structures are to be surrounded or covered by appropriate physical barriers so as to prevent unauthorised access by the public at all times, and to protect ground laid cabling from being trip hazards, during public occupation of the site.
- (l) Erection and dismantling (packing up) is to be done quietly and orderly to minimise disturbance to the surrounding locality.

20. ***Outdoor Lighting (Modified by DS19/1522 dated 2 June 2020)***

Any outdoor display/security lighting must be located or shielded so that no additional light is cast on adjoining land. Outdoor lighting, other than that required for reasonable security, must not be used between the hours of 4011.00p.m. and 67.00 a.m. on any day.

21. ***Signage E2 Zoned Land***

Signage must be placed in appropriate locations around Willinga Park notifying spectators that there is no access into E2 zoned land.

PART E

CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE APPROVED DEVELOPMENT

22. ***Event Management***

The use must always be operated/managed in accordance with the submitted Event Plan of Management dated 28/9/18 by Hatamoto unless modified by the conditions of this consent. Should the proposal alter in terms of its operation/ management as outlined in the submitted Event Plan of Management, the prior separate approval of Council's Director of Planning, Environment and Development Group will be required.

23. ***Traffic Management (Modified by DS19/1522 dated 2 June 2020)***

~~(a) An annual event based Traffic Management Plan (TMP) must be prepared and implemented to Council's satisfaction addressing all proposed events for the site a minimum of four (4) months six (6) weeks prior to the first event for each year. The TMP should be in accordance with Chapter 7 of the Guide to Traffic Management and Transport Management for Special Events, the RMS Traffic Control at Worksites Manual and AS1742.3., the plan must be prepared by a person that has undertaken the appropriate RMS training in the preparation of Traffic Control Plans and the plan must clearly show the details of the person authorising the plan – with copy of RMS certification clearly showing the certificate number and details of the person, ie photograph and expiry date to be attached). A copy of the Guide to Traffic Management and Transport Management for Special Events can be downloaded from http://www.rms.nsw.gov.au/trafficinformation/downloads/tmc_specialevents_dl1.html.~~

~~(b) The Event Organiser must refer to the RMS "Guide to Traffic and Transport Management for Special Events" for information relating to all traffic related issues and risk assessment processes for special events. The organisers are to ensure that the TMP application submitted to Council covers all aspects as identified in the resource matrix of the guidelines.~~

- (c) For events with the equivalent impact of a Class 1 event as per the “Guide to Traffic and Transport Management for Special Events” the Traffic Management Plan and associated documentation is to be submitted to Council’s Traffic Unit for referral to the Shoalhaven Traffic Committee. In such an instance the aforementioned application documents are to be submitted four (4) months prior to the first event for each year to allow for this process.
- ~~(d) A Notice of Intention to Hold a Public Assembly for any event likely to exceed (500) persons must be submitted to and consent must be obtained directly from the Police at the Nowra and Ulladulla Police Stations by the applicant a minimum of four (4) weeks prior to each event.~~
- ~~(e) NSW Police retain the power to stop an event where it considers public safety to be compromised. The event organiser must heed any direction given by NSW Police for the duration of the approval.~~
- ~~(f) Due to the anticipated impacts to the Princes Highway the event organiser must obtain a Road Occupancy Licence (ROL) from Roads & Maritime Services (RMS) a minimum of three (3) months prior to each event and must comply with all conditions of the ROL (including submission of the Traffic Management Plan). The plan must be prepared by a person that has undertaken the appropriate RMS training in the preparation of Traffic Control Plans and the plan must clearly show the details of the person authorising the plan – with copy of RMS certification clearly showing the certificate number and details of the person, ie photograph and expiry date to be attached). A Road Occupancy Licence can be obtained from Roads & Maritime Services (Southern Region) – contact the Traffic Operations Unit on ph. (02) 4221 2509.~~
- (g) Traffic Control
 - i. All traffic control including the placement and removal of barricades and/or regulation of traffic is to be carried out in accordance with the requirements of the approved Traffic Management Plan (including Traffic Control Plan) and is to be undertaken by either Police or Traffic Controllers appropriately trained in accordance with the requirements of AS1742.3 and the RMS Traffic Control at Worksites Manual.
 - ii. Consistent with the requirements of the WH&S Regulations; in determining the appropriate resourcing for the event including placement of traffic controllers in accordance with the approved Traffic Management Plan, the event controller (or traffic control supervisor) must consider a traffic controllers age, experience and level of competence to complete any tasks assigned as well as ensure that the extent of information, instruction and training provided to all traffic control resources is appropriate to complete traffic control tasks safely.
- (h) Access for residences and businesses contained within the affected area (including reasonable vehicular / pedestrian access), is to be maintained at all times during the event.

- ~~(i) — A Public Liability Insurance Policy, to the value required to satisfy Council (for instance in 2019 to the value of \$20 million) shall be endorsed to indemnify Shoalhaven City Council, Roads & Maritime Services and NSW Police (as interested parties) against any claim arising out of the activity, a copy of which is to be directed to Shoalhaven City Council as part of the annual event application four (4) months prior to the first event of the year.~~
- ~~(j) — All residents/business owners who may be affected by the activity being personally notified by the organisers a minimum of one (1) month prior to each event. The organisers shall address any concern expressed with respect of the proposed closure/traffic disruption in the first instance, to the satisfaction of Council.~~
- ~~(k) — All bus operators, taxi companies and emergency service providers (including ambulance and fire fighting services) that may be affected by the activity being personally notified by the organisers one (1) month prior to each event.~~
- ~~(l) — Advertisement of the temporary road closure and/or traffic disruption together with associated traffic management proposals is to be implemented a minimum of three (3) weeks prior to the date of the relevant event.~~

NOTE — All media advertisements of road closures, traffic disruptions and events, are the responsibility of the applicant.
- ~~(m) — The applicant must organise an event debrief within one (1) month of the completion of an event. Invitations to attend the debrief must be provided to relevant RMS, Council, and NSW Police representatives. Attached to the invitations to attend the debriefs shall be a traffic impact report detailing the impacts of each event. If, following successive debriefs, the event management is considered acceptable to RMS, Police and Council going forward, the periodic reviews may be considered annually. Following each review, it will be determined that either:~~
 - ~~i. — The DA may continue operation if there have been no unacceptable impacts in the view of Council, RMS, or NSW Police; or~~
 - ~~ii. — That the DA is to cease effect, at the direction of either Council, RMS, or NSW Police, if it is considered by any party that the impacts of the proposal are not acceptable or compromise public safety; or~~
 - ~~iii. — the applicant may be required to implement any reasonable suite of mitigation measures recommended following the traffic impact review and debrief process, at the discretion of Council, RMS or NSW Police. this could include adjustments to the traffic management plan, physical internal or external works, or both~~
- ~~(n) — The traffic impact reports to be prepared by the applicant for the periodic reviews/debriefs shall include participation data, traffic and parking data (which are to be recorded for each event by the applicant for the purpose of the applicant preparing a detailed traffic impact assessment of each events impacts and including an assessment of whether any mitigation measures will need to be implemented for future events). The traffic impact reports need to consider internal and external impacts (Including any impacts to the Princes Highway), and include seasonal variation assessment of the traffic data, and a projected 10 year forecast of impacts if the event were to be repeated going forward.~~

24. **Noise:**

i. PA System

- (a) All speakers are to have the provision of a solid baffle (0.6 - 1 sq. m area) behind each speaker to reduce the radiation of sound to the rear and improve the directivity attenuation of each speaker with respect to reference residential location 1.
- (b) All speakers are permanently connected to a sound level limiter (arena speakers are to be on a separate power amplifier circuit to the tiered seating speakers with each circuit to have separate rms limiting), to preventing the maximum noise level from exceeding the noise recommendations provided by The Acoustic Group 48.5299.R5B:MSC and conditions of this consent regardless of volume control or commentator's voice.
- (c) The sound limiters and connected speaker systems are to be calibrated and certified by a suitably qualified and experienced acoustic consultant prior to the issue of an occupational certificate, use and maintained for the life of the development.
- ~~(d) Only nominated people are permitted to use the PA system;~~
- ~~(e) The system is not to be used for providing running commentaries on events;~~
- (f) Speakers are mounted at a downward 45 degree angle and located as far down the poles as possible;
- ~~(g) Speakers serving the participants at the show jumping, camp draft arenas and polocrosse fields must be limited to number and located on the eastern side of each venue and orientated toward the west (as outlined in the Environmental Noise Impact Assessment, Ref 48.5299.R5B:MSC prepared by The Acoustic Group dated 03/10/18).~~
- ~~(h) Whilst a PA system may be used between 8am and 10pm on any given event days, the program schedule must ensure that the separate PA systems are not used simultaneously;~~

ii. Spectator Noise

- (a) To ensure spectator noise does not exceed that predicted, compliance in regard to noise must be consistent as outlined in the Environmental Noise Impact Assessment, Ref 48.5299.R5B:MSC prepared by The Acoustic Group dated 03/10/18).
- ~~(b) The underside of all the roof area over tiered seating areas shall be lined with acoustic absorption (as outlined in the Environmental Noise Impact Assessment, Ref 48.5299.R5B: MSC prepared by The Acoustic Group dated 03/10/18).~~

iii. Traffic Noise

- ~~(a) A traffic noise assessment needs to be completed for the vehicle numbers, maximum vehicles per hour as detailed by Revised A – Traffic Impact Statement D18/391664. This updated traffic noise assessment needs to consider traffic noise to be under the EPA LAeq (1 hr) limit of 55 dB(A) as well as additional traffic on roads during night time (10pm to 7am) under the EPA LAeq (1 hr) limit of 50 dB(A).~~

25. **Category A Events: Noise (Modified by DS19/1522 dated 2 June 2020)**

- (a) For the first Category A events held at the campdraft, polocrosse, and show jump arenas appropriate attended noise monitoring must be undertaken by a suitably qualified acoustic consultant throughout each event. The acoustic consultant must verify noise emanating from each event, at the nearest residential boundary, does not exceed the noise criteria detailed by the Acoustic Assessment of The Acoustic Group dated 3/10/18 or any subsequent endorsed acoustic report.
- (b) An acoustic assessment of traffic noise must also be undertaken as part of the assessment.
- (c) An acoustic report detailing the results of noise monitoring undertaken must be submitted to Council ~~within 14 days~~ **within a suitable timeframe** after the relevant event. In the circumstances where monitoring reveals deficiencies in the submitted noise modelling for the affected venues, recommendations are to be provided to address the attenuation of event related noise to acceptable levels.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

26. **Temporary Sanitary Facilities**

Adequate sanitary facilities, including specialised facilities for use by persons with a disability, must be provided on the site in accord with the table below to cater for the maximum number of patrons attending each event. In this regard user demand shall be monitored and appropriately managed for the duration of the event to ensure that public convenience is provided and maintained. Adequate directional and way finding signage to these facilities shall be displayed throughout the site.

Appendix A – Extract From Shoalhaven City Council Events Policy POL16/266, Section 3.2.3 – Toilets, Amendment 2017-06-13.

Toilet facilities for events where alcohol is not available

No. of Patrons	Male			Female		Unisex Disabled	
	WC	Urinals	Hand Basins	WC	Hand Basins	WC	Hand Basins
<500	1	2	2	6	2	1	1
<1000	2	4	4	9	4	2	2
<2000	4	8	6	12	6	2	2
<3000	6	15	10	18	10	3	3
<5000	8	25	17	30	17	3	3

Toilet facilities for events where alcohol is available

No. of Patrons	Male			Female		Unisex Disabled	
	WC	Urinals	Hand Basins	WC	Hand Basins	WC	Hand Basins
<500	3	8	2	13	2	2	2
<1000	5	10	4	16	4	3	3
<2000	9	15	7	18	7	3	3
<3000	10	20	14	22	14	4	4
<5000	12	30	20	40	20	4	4

The above figures may be reduced for shorter duration events as follows:

Duration of Event	Quantity Required
8 hours +	100% (no reduction)
6-8 hours	80%
4-6 hours	75%
Less than 4 hours	70%

27. Notification of Council

- (a) At least 14 days prior to the commencement date of any event with 2000 or more people, the organiser must provide Council with the time and dates of the proposed event (and any of the proposed sound tests) and the name and contact details of the event organiser and/or a general liaison person who may be contacted for the duration of the event being held.
- ~~(b) Prior to a major event which uses sound amplification equipment and has a crowd capacity of 2,000 or more people, the organiser must also in this correspondence provide the name and contact details of a person appointed as the Willinga Park events representative in respect to sound monitoring of that event.~~

28. Event Noise

The events must not result in the transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* at any affected receiver. Noise emissions associated with events must comply with the recommendations of the Acoustic Assessment by The Acoustic Group dated 3/10/18.

29. ***Sleep Disturbance***

The noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight to 7am.

30. ***Noise Complaints (Modified by DS19/1522 dated 2 June 2020)***

Should a substantiated complaint be received concerning of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* about the operation of the event, which was not satisfactorily resolved at the time, the Council has the right to request that the activity or use of the equipment attracting complaint is ceased forthwith until immediate noise control measures are implemented to ensure that the noise criteria are complied with.

31. ***Patron Behaviour and Waste Control***

- (a) The event manager is responsible for the control of noise and litter generated by visitors to the event.
- (b) The area is to be kept clean and tidy at all times and rubbish is to be removed from the immediate area throughout the event. The event manager is responsible for fully clearing and cleaning the area at the completion of each event.
- (c) Arrangements for the prompt collection of litter and waste associated with the event must occur as soon as practically possible after the event in accordance with the restricted hours of site operation.

32. ***Security (Modified by DS19/1522 dated 2 June 2020)***

- (a) Security is to be provided in accordance with Section 6 Security of the Event Plan of Management by Hatamoto dated 28/9/18. A copy the Security Plan, the approved plan drawing and this consent is to be kept on site and made available to Police or Council Officers upon request.
- ~~(b) Security must be maintained at all times. The event manager must ensure that all security staff adhere to the provisions of the approved Security Plan.~~

33. ***Sale of alcoholic or intoxicating liquor***

The events operator shall not sell or serve or permit to be sold any alcoholic or intoxicating liquor in or from the site without the appropriate liquor licence having been obtained from the NSW Casino, Liquor and Gaming Control Authority (CLGCA).

Note: Further information can be obtained by accessing the NSW Office of the Liquor, Gaming and Racing (OLGR) website at www.olgr.nsw.gov.au.

34. ***Food Stalls***

No food stall or vehicle is to operate at the event unless the stall or vehicle has a current approval under the Local Government Act, 1993 to trade as a temporary, itinerant or mobile food premises. The operation of any food stalls or vehicles shall comply with the requirements of the Food Safety Standards in force under the Food Act 2003. In this regard application forms can be downloaded from the following link <http://shoalhaven.nsw.gov.au/ForBusiness/PublicHealthFood/FoodStalls.aspx> or obtained from either the Nowra or Ulladulla Council administration building.

35. ***Carparking – spaces***

- a) Car parking is to be provided in accordance with the approved event parking plan detailed in the GHD Traffic Management Plan Figure 4.6 Event Parking Locations.
- b) Council accepts the use of the existing grassed surface for car parking operations provided a review of grassed surface for erosion and compaction is carried out by the events manager every 12 months from the anniversary of the consent date.
- c) In the event that erosion is identified, a report must be submitted to council detailing the proposed measures to remediate the site and prevent further erosion. Where any erosion is identified within 40m of a watercourse, no work is to be carried out without first obtaining advice and if necessary, the consent from the Natural Resources Access Regulator.
- d) The area of Overflow Carpark 1 is not to be used for primitive camping activities whenever the carpark is being used to park cars.

PART F

STATEMENT OF REASONS

Reasons for Approval

- 1. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, notably the Shoalhaven Local Environmental Plan 2014 (SLEP 2014).
- 2. The proposed development is, subject to the recommended conditions, consistent with the objectives of the Shoalhaven Development Control Plan 2014 (SDCP 2014).
- 3. The proposed development is considered to be suitable for the site.
- 4. The proposed development, subject to the recommended conditions will not result in unacceptable adverse impacts on the natural and built environments.
- 5. Any issues raised in submissions have been considered in the assessment of the application and where appropriate, conditions have been included in the determination.

Conditions of Consent Have Been Imposed to:

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

3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART G

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Determination under Environmental Planning and Assessment Act, 1979

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request must be made **within three (3) months** of the date of the receipt of the determination to allow Council time to undertake the review within the prescribed period of six (6) months and be accompanied by the prescribed fee.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within 6 months after the applicant has been notified of the decision.

An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within 28 days after the date the objector is notified of the decision.

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.

PART H

GENERAL ADVICE TO APPLICANT

Privacy Notification

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

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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

without an approval from the Commonwealth Environment Minister.

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

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

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

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

Disability Discrimination Act 1992

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

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

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

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

DBYD Enquiry - 'Dial Before You Dig'

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

SIGNED on behalf of Shoalhaven City Council:



Bryan Netzler
Development Planner
Planning, Environment & Development Group