



OFF-ROAD FACILITY

A

MOTOCROSS AREA

Competition and Social Tracks

B

ENDURO AREA

Start Chute

C

NORTHERN PITS

D

CAR PARK

Approx 35 Spaces

E

CLUB HOUSE

F

DAM

G

JUNIOR TRAINING AREAS

Short & Long Tracks

H

SOUTHERN PITS

I

FLAT TRACK AREA

Dirt Track and Flat Track

J

SOUND BARRIER MOUND

3m height x 20m width (1:3 max grade)

SITE BOUNDARY

BUILDINGS

SHARED PITS

JUNIOR AREA

MOTOCROSS AREA

FLAT TRACK AREA

ENDURO AREA

BRAIDWOOD ROAD

K

OFF-ROAD FACILITY ACCESS

Indicative Only. Refer ARC traffic review.

L

PEDESTRIAN UNDERPASS

Indicative Location Only. Refer GHD Report.

M

ON-ROAD FACILITY ACCESS

Indicative Only. Refer ARC traffic review.

PEDESTRIAN UNDERPASS

PROPOSED INTERSECTIONS

ON-ROAD FACILITY

N

PITS AND ADMINISTRATION BUILDING

O

PITS AREAS.

P

NORTHERN CAR PARK

Approx 900 capacity

Q

SOUTHERN CAR PARKS

Approx 900 combined capacity

R

RETAINED VEGETATION BUFFER: 50m width from northern boundary.

S

PIT BUILDING

T

GO KART TRACK

U

SPECTATOR AREAS

V

CIRCUIT & TRACK AREA

W

SOUND BARRIER MOUND: 10m height x 55m width (1:3 front grade, 1:2 rear grade)

X

SIGNIFICANT VEGETATION

Y

RETAINED VEGETATION BUFFER: 50m min width from eastern edge of road reserve.

SITE BOUNDARY

BUILDINGS

VEGETATION

HARD STAND PIT & PARKING AREAS

CIRCUIT AND TRACK ZONE INCLUDING INFIELD AND RUN OFF AREAS

SPECTATOR AREAS

RACE TRACK: Indicative Only

THREATENED FLORA 50m BUFFER (BIOSIS): Leafless Tongue Orchid

PROPOSED SERVICES

Indicative Location Only. Refer GHD Report.

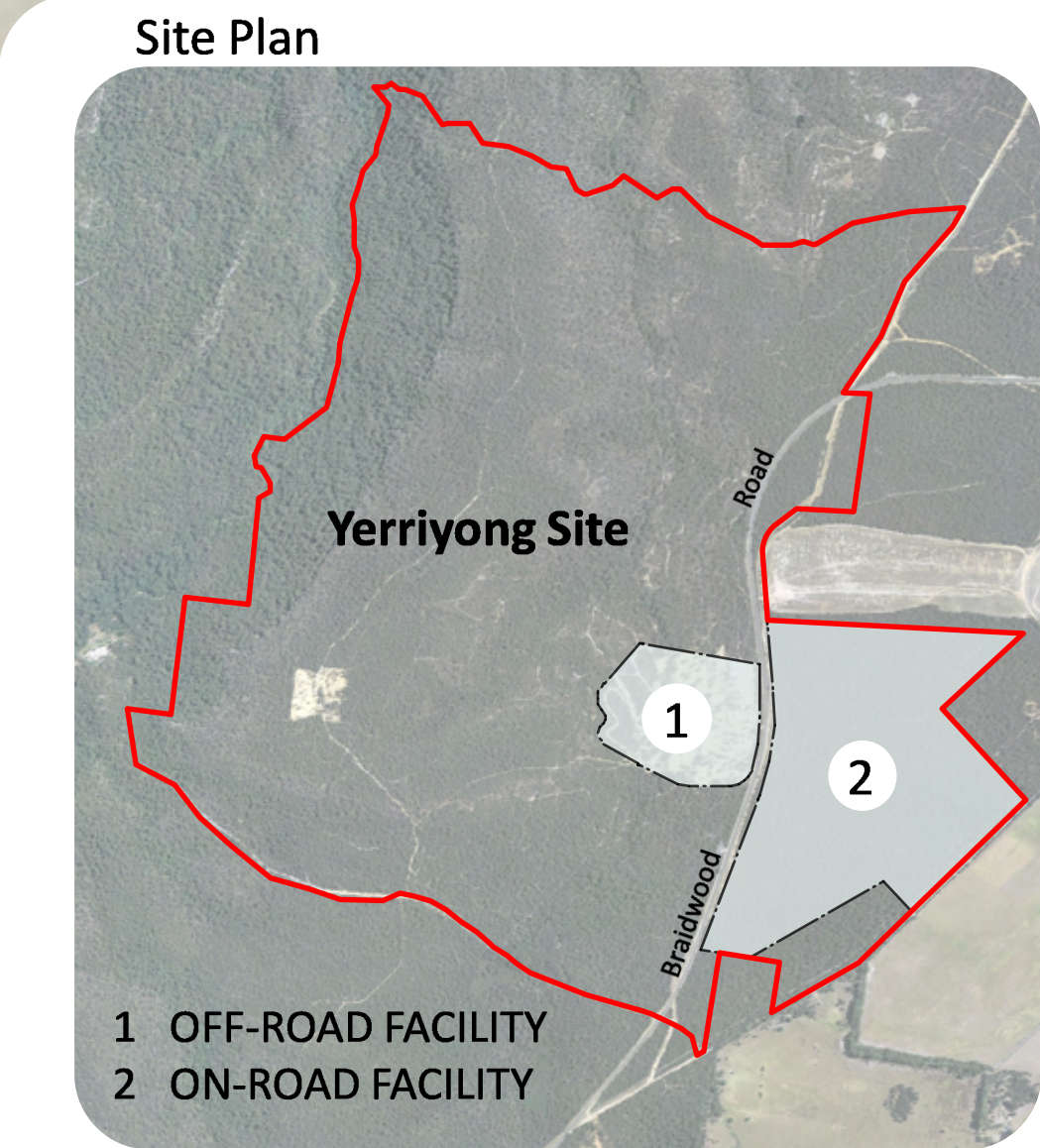
SPS

RETICULATION PUMP

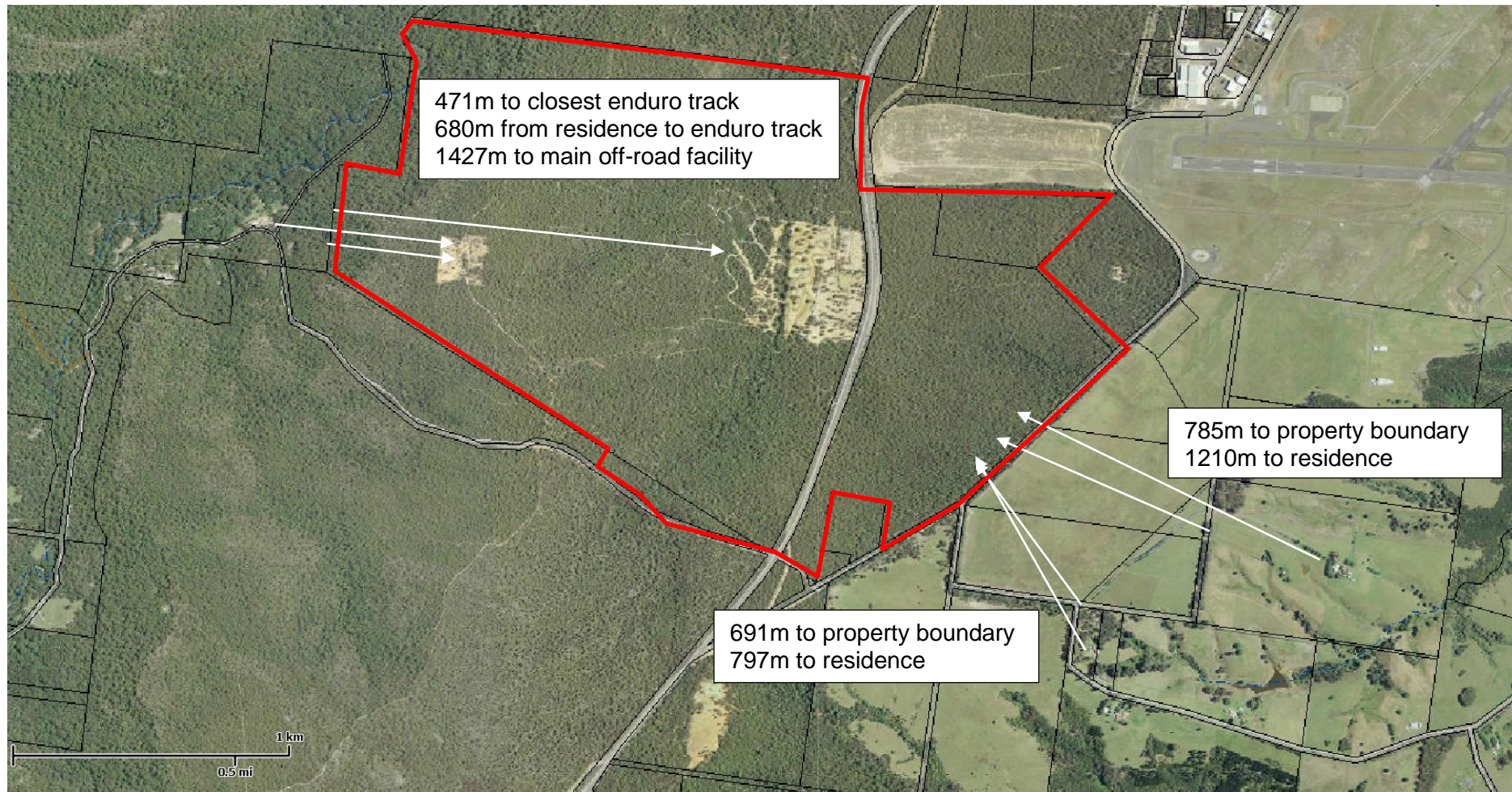
STORAGE TANK - 150kl

WATER MAIN

RISING SEWER MAIN



Attachment D- Aerial photograph



Aerial photo showing approximate distances to nearest residential receivers. Distances on the right are shown from 100m within the on-road facility to the property boundary and to the residence. Distances on the left are shown from the property boundary and residence to the closest main enduro track and from the property boundary to the main off-road facility.

Attachment E – Draft Development Consent

NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION BY THE SOUTHERN JOINT REGIONAL PLANNING PANEL

STAGED/DEFERRED COMMENCEMENT DEVELOPMENT CONSENT

in accordance with Part 4, Division 2A of the
Environmental Planning and Assessment Act, 1979
RA14/1000

TO:

Cowman Stoddart Pty Ltd
PO Box 738
NOWRA NSW 2541

being the applicant(s) for RA14/1000 relating to:

Yerriyong Rd, YERRIYONG - Lot 7308 - DP 1147573
Braidwood Rd, YERRIYONG - Lot 7309 - DP 1148878
Braidwood Rd, YERRIYONG - Lot 7313 - DP 1148869

APPROVED USE AND OR DEVELOPMENT:

Master Plan/Staged Development Application for a Motor Sports Facility and upgrading of the existing Nowra Motor Cycle Club including operational Stage 1

DETERMINATION DATE:

[#Determined#]

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

CONSENT TO OPERATE FROM:

[#ConsentFrom#]

CONSENT TO LAPSE ON:

[#LapseDate#]

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

DETAILS OF CONDITIONS

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

PART A

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

Deferred Commencement

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development application has been determined by granting of “**Deferred Commencement**” **Consent**, subject to the following matters being resolved:

- a) The submission to Council for approval, of a detailed plan setting out the final delineation of the boundaries of the proposed Conservation Area. The boundaries of the Conservation Area are to incorporate topographical and environmental features necessary for improved conservation outcomes. The conservation area must result in a total area of no less than that proposed in figure 3 of the Addendum Flora and Fauna Assessment Report by Bioisis, dated 6 June 2016 and must be approved by Shoalhaven City Council.
- b) The entering into of a legally binding instrument, to the satisfaction of Shoalhaven City Council, to ensure the permanent conservation of the retained vegetation, habitat and linkages contained within the Conservation Area approved by the Council in a) above.

The maximum amount of time that Council will allow for these matters to be resolved is two (2) years from the date of this consent (i.e. determination date).

This consent must not operate until the applicant has satisfied Council with respect to the above matters. Details must be submitted to Council for approval by the Planning & Development Services Group.

Note:

- *An application under Section 96 of the Environmental Planning and Assessment Act, 1979 **must** be lodged with Council prior to expiration of the above period if additional time is required to resolve the outstanding matters.*
- *Upon resolution of the abovementioned matter(s), an application under Section 96 of the Environmental Planning and Assessment Act, 1979 **must** be lodged with Council to effect deletion of this condition. An operational consent will then be issued.*

General

1. This consent relates to **Master Plan for a Motor Sports Facility and upgrading of the existing Nowra Motor Cycle Club** 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 shall be carried out in accordance with this consent.

DOCUMENT	REF/SHEET NO.	PREPARED BY	DATED
Masterplan – Motorcycling NSW Yerriyong Facility Plan	-	-	February 2016
	13/45	Cowman Stoddart Pty Ltd	February 2014

Masterplan Statement of Environmental Effects			
Environmental Noise Impact Assessment	5166-1-1R	Day Design Pty Ltd	10 February 2014
Bushfire Risk Assessment	BRA-103039, Rev A	SET Consultants	5 May 2016
Report on Soils, Soil Erosion, Sediment Control and Revegetation	13/45	Cowman Stoddart Pty Ltd	August 2013
Land subject to conservation in accordance with Conservation Management Plan	21230, Figure 3	Biosis	2/6/2016

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall 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 shall prevail to the extent of that inconsistency.*
2. The **Master Plan for a Motor Sports Facility and upgrading of the existing Nowra Motor Cycle Club** must not commence for each subsequent operational stage until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with council (i.e. a security).

Staging of the Development

3. Operational consent is given for Stage 1 being the clearing of vegetation to undertake survey work to finalise the design of the sealed road racing track.

New Development Applications Required

4. This development consent relates to the Masterplan of the development including operational consent for Stage 1. Pursuant to Section 83B (3) of the Environmental Planning and Assessment Act, 1979, this consent does not authorise the carrying out of any development, except Stage 1, on any part of the site unless accompanied by a separate consent subsequently granted to carry out development on that part of the site. As such, separate development applications must be submitted to Council for any future stages of the development.
5. In accordance with Section 83D (2) while this development consent remains in force, the determination of any further development application in respect of that site cannot be inconsistent with this consent.

PART B

CONDITIONS RELATING TO APPROVED STAGE 1

Clearing of Vegetation

6. The removal of vegetation approved for stage 1 is restricted to that required to undertake survey for the sealed on-road racing track only and does not include the administration area or parking areas. The removal of vegetation is to be undertaken using hand tools only and must not involve the removal of any tree containing hollows.

Heritage

7. An Aboriginal Heritage Impact Permit (AHIP) that authorises the disturbance of an Aboriginal heritage item must be obtained before any works are undertaken within 10 metres of the location of AHIMS site #52-5-0827
8. No impact is to occur to AHIMS site #52-5-0384 unless an AHIP that authorises the disturbance of the Aboriginal heritage item must be obtained.

Aboriginal Objects Discovered

9. If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:
 - a) all disturbance of the area must stop immediately in that area, and
 - b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.

Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required to be obtained under the National Parks and Wildlife Act 1974.

Damage to Public Assets

10. The developer or his agent must undertake a site inspection of the adjacent carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the construction work being repaired at the applicant's expense.

PART C

CONDITIONS THAT RELATE TO THE ONGOING MANAGEMENT OF THE DEVELOPMENT

Ongoing Environmental Management

11. The operation of the overall motorsports facility and conservation areas must be in accordance with the approved Conservation Management Plan at all times throughout the life of the development.
12. In accordance with the Addendum Flora and Fauna Assessment Report, by Biosis, dated 6/6/16 the operation of the off-road facility is restricted to a maximum of seven main enduro trail loops.

Operational Restrictions

13. **The maximum number of events that have a noise level of background plus 5 dB are restricted to a total of 250 equivalent events within any 12 month period.**
The calculation of equivalent events is to be in accordance with the 'determining annual event ratio' below. For example an event with a noise level of 30dB above background is counted as being 10 events.
14. In addition, the number of events that exceed the background noise level between 25-30 dB are restricted to a maximum of three events per month (i.e. three days) with events not to occur on consecutive weekends.
15. An event covers a full day (e.g. 9am to 5pm) even if the actual event is scheduled for less than the 9 hours. The noise level for an event is based on the noisiest activity that occurs during that day.
16. The $L_{A_{MAX}}$ must not exceed 70dB(A) within 1m of the boundary of the nearest residential premises.
17. The $L_{eq, 15 \text{ minute}}$ must not exceed 35 dB above background noise level within 1m of the boundary of the nearest residential premises.
18. Approved hours of operation
 - a) Off-road facility – 7:00am to 6:00pm daily;
 - b) On-road facility – 7:00am to 6:00pm daily;
 - c) Administration precinct – 7:00am to 10:00pm daily; however staff may attend the site outside of these times to undertake activities that are not audible outside the boundary of the site;
 - d) Racing at the on-road facility and off-road facility is restricted to 9:00am to 5:00pm daily and as further restricted by the approved race quota schedule.

PART D

MATTERS THAT MUST BE ADDRESSED IN SUBSEQUENT APPLICATIONS

Conservation Management Plan

19. In order to reflect the intent for the long term protection and rehabilitation of areas being retained, each subsequent development application that involves the clearing or disturbance of vegetation must include a Conservation Management Plan (CMP) developed by a suitably qualified ecologist that is submitted to Council for approval
20. Apart from the survey works approved in stage 1, no works that involve the clearing or disturbance of any vegetation shall be carried out before the CMP is approved.
21. The CMP must include a package of mechanisms to mitigate the proposed impact as detailed below. All works must be carried out strictly in accordance with the terms of the CMP:
22. The CMP must record the:
 - a) commitments to conserve biodiversity and protect all retained vegetation; and

- b) measures to ensure the ongoing management of areas of retained vegetation including the annual monitoring of the success of the measures.
23. The CMP must include as a minimum a detailed schedule of works, personnel undertaking the works and a map which records:
- a) results of further surveys of all hollow bearing trees suitable for target threatened species in the development footprint confirming the absence of breeding within the hollows that are to be removed;
 - b) areas where vegetation will be cleared;
 - c) areas where vegetation will be retained;
 - d) areas that will be managed for biodiversity conservation;
 - e) details, methods and targets for rehabilitation of the tracks on Lot 7309 known as the Enduro tracks on Figure 3 of the Biosis addendum of the Flora and Fauna report as detailed the track remediation plan;
 - f) methods to identify and rehabilitate all creek crossings on Lot 7309 as detailed in the waterway remediation plan;
 - g) methods to ensure that areas of retained vegetation are protected from disturbance including the use of physical barriers to prevent motorcycle or other vehicular traffic.
 - h) measures to ensure that buffers to the *Cryptostylis hunteriana* plants are retained including physical barriers to prevent any form of disturbance;
 - i) measures to control weeds across the area to which the development application relates;
 - j) measures to remove rubbish;
 - k) proposed rules imposed on the users of the facility to ensure that users of the Enduro facility only ride on tracks outside the areas of retained vegetation
 - l) pest management plan for all natural areas including the conservation areas.
24. The CMP must include a monitoring report to be submitted to council six (6) monthly during the first two years of implementation and annually thereafter, that details the success of the conservation area, pest species management program, weed removal program, rehabilitation of creeks and tracks and the success of the orchid buffers.

Pre-clearance Surveys to be Undertaken Prior to any Clearing Works

25. Prior to the commencement of any site works and/or vegetation clearing, other than those clearing works approved by stage 1, pre-clearance surveys of all hollow bearing trees that provide suitable habitat for the threatened species known or have potential to occur on the site must occur in the area of impact to rule out breeding given that the 7 part test relies on this claim of non-significance. If breeding is confirmed, these results will inform the final track design in order to avoid the breeding resources. The results of the survey shall also inform the development of the Conservation Management Plan.

Following the surveys of trees in the impact area, a report will be submitted to council outlining the findings and any proposed changes to the design of the track as a result.

Protection of *Cryptostylis hunteriana*

26. A minimum 50 m buffer zone is to be provided and maintained around the 41 known *Cryptostylis hunteriana* plants within the conservation area. This buffer must be managed to ensure no negative impacts occur within these buffer areas. These buffer zones and the *Cryptostylis hunteriana* plants must be monitored 6 monthly for the first two years and then annually for the life of the development, with a monitoring report provided to council 6 monthly for the first two years and annually for the life of the development in order to

report the ongoing success of the plants and document any impacts to these plants and buffers as a result of the development.

Exclusion Fencing

27. Any subsequent development application involving upgrade works to the existing off-road facility or the construction of the sealed on-road facility must include details of the location and type of:
- a) permanent fauna and public exclusion fencing around the entire road racing precinct to prevent public access to the retained vegetation and to prevent fauna from entering the road racing precinct,
 - b) permanent public exclusion fencing along Braidwood Rd to prevent the public crossing Braidwood Rd,
 - c) Vehicle exclusion fencing, suitable to prevent access by cars and motorised trail bikes from accessing the conservation areas, this fencing must not restrict fauna movement.

Waterway Remediation Plan

28. Any subsequent development application involving upgrade works to the existing off-road facility must include a waterway remediation plan that details the current status of the creeks, what will be done to reduce impacts, a schedule of works including who will be undertaking the works, what tracks will be closed to reduce impacts to the creeks, sedimentation and erosion controls to be implemented long term, details of upgrades to creek crossings and education of riders and rehabilitation of degraded creeks. Crossing of the known creeks on the western portion of Lot 7309 must be avoided and a maximum of four crossings are permitted. These creek crossings must be upgraded in order to prevent the sedimentation and erosion of the creeks by the installation of bridges to allow the natural flow of water. Permanent sedimentation and erosion controls must be implemented at all creeks within the lot.

Remediation of Disused Off-Road Motorcycle Tracks

29. Any subsequent development application involving upgrade works to the existing off-road facility or the construction of the on-road facility must provide a plan for the remediation of existing tracks proposed to closed and rehabilitated. The remediation plan must show a maximum of seven main enduro trail loops and closure of residual enduro trails, particularly in areas of Morton Mallee-Heath. The information must include any requirements of the CMP and the recommendations of the Report on Soils, Soil Erosion, Sediment Control and Revegetation, Reference 13/45, by Cowman Stoddart, dated August 2013.

Bushfire Protection

30. As the site is bushfire prone, the following requirements of the Rural Fire Service apply to each subsequent development application involving upgrade works to the existing off-road facility or the construction of the on-road facility. This advice does not exempt development applications lodged in accordance with s83B(3)(a) of the Environmental Planning and Assessment Act (EP&A Act) 1979 from the provisions of s79BA of the EP&A Act (development on bushfire prone land), s91 of the EP&A Act (integrated development) or s100B of the Rural Fires Act 1997 (Bush Fire Safety Authority).

Asset Protection Zones

31. To allow for emergency service personnel and staff to undertake property protection activities, a defendable space that permits unobstructed vehicle access is to be provided around all buildings to a distance of 10 metres. This area is to be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Design and Construction

32. Buildings approved under this masterplan must be constructed at a minimum, in accordance with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of Buildings in Bushfire-prone areas' and in accordance with Addendum: Appendix 3 of *Planning for Bush Fire Protection 2006*.

Evacuation and Emergency Management

33. In recognition of the significant numbers of people likely to attend events at the site, an emergency management plan is to be provided to the NSW RFS Shoalhaven Team. This plan should at a minimum address the following:
- a) Identify and define types of emergency incidents that could occur and their potential impacts on and off site.
 - b) Identify a staff position which will assume the role of 'emergency controller' for the site and nominated people for when the emergency controller is not available. If the site is not staffed an emergency contact person should be appointed.
 - c) Identify specific staff functions in the case of an emergency including creating and distributing emergency procedures (specify actions to minimise any secondary damage e.g. spread of fires).
 - d) Nominate staff positions who will perform specific functions as required under the emergency plan and provide contact details for nominated staff.
 - e) Where staff or visitors are present on site, appropriate evacuation measures are to be provided.
 - f) Indicate internal emergency resources that are available including fire fighting equipment (e.g. water tanks, pumps for dams, fire extinguishers, fire hose reels), medical first aid equipment, other specialist equipment that may be available (e.g. backhoes, forklifts, etc.).
 - g) The plan should detail the actions of persons who first notice an emergency occurrence and how they are to activate or raise an alarm. The plan should detail procedures to ensure that the relevant emergency service is contacted.
 - h) The contact number should always be identified as '000' triple zero.
 - i) Instructions should also be provided on information to be given to the emergency service including:
 - i. Location of site
 - ii. Type of emergency
 - iii. Any casualties or injuries
 - iv. What assistance is required
 - v. Any hazards that may be encountered
 - vi. Your name and telephone contact number

- j) Details of types of alarms systems should be included. Contact numbers of adjacent facilities should be provided so that a nominated person can notify those facilities of an emergency which may have some impact on them.
- k) Include a copy of the site plan indicating emergency access, water sources and other relevant information.

Off-Road Facility (West of Braidwood Road)

Asset Protection Zones

- 34. In recognition of the significant numbers of people likely to attend events at the site, prior to the commencement of any future building works for the "clubhouse building" and in perpetuity the property around the building shall provide asset protection zones (APZs) which comply with Table A2.7 of Planning for Bushfire Protection 2006 and achieve a radiant heat level not greater than 10kW/m². These APZs are to be provided and managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

- 35. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

- 36. In recognition of the significant numbers of people likely to attend events at the site internal access to the "clubhouse" and associated car parking facilities shall comply with the requirements of Section 4.2.7 Internal Roads of 'Planning for Bushfire Protection' 2006, with the exception of the length of the proposed internal road accessing the "clubhouse" and associate car parking facilities- which is approved to be no greater than 110m in length.

On-Road Facility (East of Braidwood Road)

Asset Protection Zones

- 37. In recognition of the significant numbers of people likely to attend events at the site, prior to the commencement of future building work for "administration building/s" and in perpetuity the property around the southern portion of the identified building footprint (being approximately the southern most 90 metres of the footprint) shall provide asset protection zones (APZs) which comply with Table A2.7 of Planning for Bushfire Protection 2006 and achieve a radiant heat level not greater than 10kW/m². These APZs are to be provided and managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Access

- 38. In recognition of the significant numbers of people likely to attend events at the site internal access to the "administration building/s" and car parking facilities shall comply with the requirements of Section 4.2.7 Internal Roads of 'Planning for Bushfire Protection' 2006.

NOTE: The RFS notes that no detailed access plans have been provided for the "On road" component of the Motorsports Facility. Accordingly, the RFS advises that Section 4.2.7 of PBP 2006 requires roads to be through roads. If dead end roads are unavoidable, these are not to be more than 100m in length and incorporate a minimum 12m outer radius turning circle.

Traffic Management

39. The following road improvement works must be addressed in any subsequent development application involving upgrade works to the existing off-road precinct or the construction of the sealed on-road precinct:
- a) Construction details of the proposed pedestrian underpass and what additional measures (such as fencing, parking restrictions, etc), will be utilised to restrict pedestrian movements between the sealed racing precinct and off-road precinct of the site to facilitate the use of the underpass.
 - b) Detail plans of the proposed entry / exit points to the development including a CHR/CHL design to the off-road precinct and CHR/CHL design to the on-road sealed racing precinct. The proposed design and spacing between the two entry/exit points be further developed in consultation with Council and the RMS to achieve
 - c) Detailed plans of required upgrade works to the following intersections:
 - i. Albatross Rd and Braidwood Rd – CHR/AUL for left turn from Albatross Rd into Braidwood Rd and the right turn from Albatross Rd into Braidwood Rd;
 - ii. Braidwood Rd and Turpentine Rd – AUL for left turn from Braidwood Rd into Turpentine Rd.
 - d) Detailed plans of the driveways and parking areas and how they comply with the relevant parts of AS2890 and Chapter G21 – Car Parking and Traffic of the Shoalhaven Development Control Plan 2014 (SDCP2014) and how the design will prevent or minimise vehicle queuing onto Braidwood Rd.

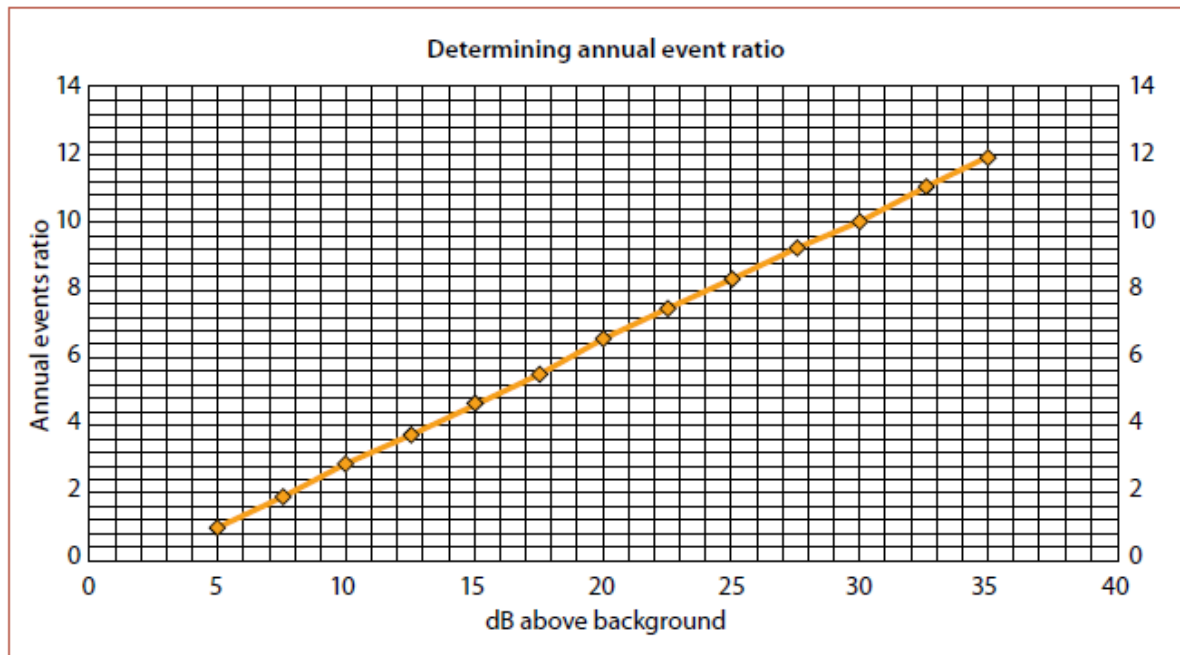
Event Traffic Management

40. Any subsequent development application involving upgrade works to the existing off-road precinct or the construction of the sealed on-road precinct must include an Event Traffic Management Plan that addresses all key access, traffic and parking management strategies to minimise impacts associated with general site operations and events, key of which would be the restriction of site access via Parma Rd and the appropriate management of on-site access and parking.

Noise Management Plans

41. A Construction Noise Management Plan must be submitted with each subsequent development application that involves construction works and/or the extensive clearing of vegetation for the sealed on-road precinct.
42. Any subsequent development application involving upgrade works to the existing off-road facility or the construction of the sealed on-road facility must include a Noise Management Plan (NMP) setting out the proposed methodology and compliance in regards to noise generated from the ongoing operation of the approved development. The NMP must include, though not necessarily be limited, to the following:
- a) An updated Noise Impact Assessment of the final track design of the racing track and noise control berms in the on-road facility and the flat track circuit in the off-road facility;
 - b) Ongoing noise monitoring and measurements to track the ongoing event quota usage, certify that the noise levels predicted by Day Design Acoustics relate to noise levels experienced on the completion of the development and certify that each vehicle used on-site meets the applicable sound power level;

- c) Items identified in section 9.2.2 of the Environmental Noise Impact Assessment by Day Design, dated 10/2/14;
- d) Provide details of the positions and procedures for the measurement and monitoring of noise levels to ensure compliance with the CAMS general limit of 95 dBA at 30m from the track and to ensure compliance with the noise limits set by the noise management plan in regards to off-site impacts;
- e) An Annual Event Schedule is to be developed in accordance with the methodology identified in the EPA Noise Guide for Local Government and the Annual Event Ratio Table replicated below;



Water and Wastewater

43. Each subsequent development application involving the construction of buildings must include detailed information on how:
- a) reticulated water will be provided to the development in accordance with the requirements of the Building Code of Australia and AS3500 Part 1;
 - b) waste water from the development will be collected, treated and disposed of in accordance with the requirements of Shoalhaven Water and Chapter G8 – On-Site Sewage Management of SDCP2014 as applicable.

Stormwater Drainage Design

44. A Stormwater Management Plan must be submitted with each subsequent development application. In this regard, the plan must ensure:
- a) Major and minor drainage systems are be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) Chapter G2 - Sustainable Stormwater Management and Erosion/Sediment Control of SDCP2014. The minor and major systems must be designed for a 20% AEP and 1% AEP rainfall events respectively.

- b) Any new table drains and culverts under and adjacent to the roadways/driveways are to be designed:
 - i. For a minimum 20% AEP rain event.
 - ii. To withstand the pressure of the maximum AEP stored upstream before the culvert/roadway is overtopped.
 - iii. To resist scour and erosion within the table drains and the roadway/driveway caused by overtopping of any culvert.
- c) Where culverts are 1m high or greater (roadway to invert) they are to be provided with a guard fence in accordance with Australian Standards.

Aboriginal Cultural Heritage

- 45. Any subsequent development application for the on-road facility must include an Aboriginal Heritage Impact Permit (AHIP) from the Office of Environment and Heritage that permits the registered Aboriginal heritage site #52-2-0827 to be disturbed.
- 46. No impact is to occur to AHIMS site #52-5-0384 unless an AHIP that authorises the disturbance of the Aboriginal heritage item must be obtained.

Contributions for Additional Services and/or Facilities

- 47. This development will generate a need for additional services and/or facilities as described in the Shoalhaven Contribution Plan 2010. Specific contribution amounts payable will be determined as part of each subsequent development application and will be applied in accordance with the requirements of the Contribution Plan applicable at that time.

Contribution rates are adjusted annually on 1st July in accordance with the indexation formula indicated in the Contributions Plan and the total contribution levied will be adjusted accordingly at the time of payment (i.e. contributions are calculated on the rate applicable at the date of payment, not the date of development consent).

BCA Requirements

- 48. A Building Code of Australia Report, Access Report and energy efficiency assessment under Part J of the Building Code of Australia that has been prepared by a suitably qualified consultant must be submitted with each subsequent development application involving construction works.

Kitchen/Food Requirements

- 49. The construction and operation of any food related area/food premises must comply with all relevant legislation/ regulations and standards, including the *Food Act 2003*, *Food Regulation 2010*, Australia New Zealand Food Authority - Food Safety Standards 2001, and Shoalhaven City Council's Food Premises Policy. Details to demonstrate compliance with the above must be submitted with each subsequent stage/development application.

HMAS Albatross

- 50. Any subsequent development application for the on-road facility must have consideration to the operation of and the requirements of HMAS Albatross. These requirements may include though not be limited to, construction standard of buildings to meet noise

requirements, overlooking of the base, building heights, glare from reflective surfaces, lighting and ongoing waste management to reduce the risk of bird strike to aircraft.

Formal Crime Risk Evaluation

51. A 'Safer by Design Crime Risk Evaluation/Assessment' (i.e. Crime Prevention Through Environmental Design (CPTED) Assessment) of the proposed development having regard for safer by design principles must be submitted with each subsequent development application involving the construction of buildings. It must be prepared by a suitably qualified professional and must identify potential problems and mitigating measures that will be implemented.

Waste Minimisation and Management

52. A Waste Minimisation and Management Plan (WMMP) must be submitted with each subsequent development application. The WMMP must be prepared in accordance with Chapter G7 - Waste Minimisation and Management Controls of SDCP 2014. The plan must address construction waste and on-going waste management (i.e. waste generation rates from each of the uses, waste storage location, screening if visible from adjoining public lands, etc) as appropriate to each development application.

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Erosion and Sediment Control Plan

53. An Erosion and Sediment Control Plan (ESCP) and accompanying specifications must be submitted with each subsequent development application specifically relating to works to be undertaken as part of that stage of the development. The ESCP is to be prepared by a suitably qualified/experienced person and be based on the Landcom manual *"Soils and Construction, Managing Urban Stormwater, Vol 1 4th Edition, March 2004"*. The ESCP must include, but not be limited to:

- a) Existing and final contours;
- b) Provision for the diversion of runoff around disturbed areas;
- c) Location and type of proposed erosion and sediment control measures;
- d) Maintenance details;
- e) Location of and proposed means of stabilisation of site access;
- f) Approximate location of site sheds and stockpiles;
- g) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur; and
- h) Standard construction drawings for proposed erosion and sediment control measures.

PART E

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;

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

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Determination under Environmental Planning and Assessment Act, 1979

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

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

PART G

GENERAL ADVICE TO APPLICANT

Privacy Notification

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

Trees Located on Public Land

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

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

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

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

without an approval from the Commonwealth Environment Minister.

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

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

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

Disability Discrimination Act 1992

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

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

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

Disclaimer – s88B Restrictions on the Use of Land

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

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

SIGNED on behalf of Shoalhaven City Council: