

ATTACHMENT 1

Recommended Conditions of Consent

DEFERRED COMMENCEMENT

You are advised that the subject application has been granted a “Deferred Commencement” consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979.

The applicant has been given a period of 6 months in which to provide the required information to satisfy the matters as listed in Schedule “A”. Upon the submission of such evidence and the applicant receiving written notification that Council is satisfied, then the consent shall become operative subject to compliance with conditions outlined in Schedule “B”.

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse.

SCHEDULE A

The conditions of Schedule 'A' are set out as follows:

- i. The applicant shall receive written approval from Roads and Maritime Services for the construction of a new intersection with the subject site and Menangle Road, pursuant to State Environmental Planning Policy (Infrastructure) 2007 and the Roads Act 1993.

The permission of all affected land owners is to be obtained consenting to any works affecting their land.

SCHEDULE B

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term ‘applicant’ means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans containing Council’s approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Council and the Principal Certifying Authority, for written approval, prior to the issuing of a construction certificate:

- The central row of stables (located in Stage 1 of the development) shall be moved west so that the face of the easternmost stable building is at least 25 metres from the site's boundary with the Main Southern Railway.
- The location of the noise abatement wall shall be adjusted accordingly as per the change to the location of the central stable buildings and the outcome of further assessment relating to its potential to reflect rail noise.
- The stables elevations shall be amended to incorporate rises between each ridge, with feature vents and skylights to Council's satisfaction. Gabled ends shall also contain feature vents to improve internal ventilation and add visual interest to the buildings. End stable doors shall be finished in feature timber-look materials.

The overall height of each stable shall not increase more than 400mm as a result of the abovementioned changes.

- The wastewater treatment plant, its associated emergency storage tanks and the required effluent irrigation area shall be illustrated.
- The overflow vehicle parking area shall be illustrated.

3. Not Consented To

The following components of the development (which are identified on plans as subject to future application) are not approved as part of this development consent:

- Veterinary building and associated facilities
- Farrier building and associated facilities
- Harness and produce supply store building
- Administration building and associated facilities
- Enclosed water walker building.

Separate development application for the abovementioned components will be required.

4. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

5. External Finishes

The external finishes of the stable buildings and acoustic barrier wall shall be selected and prepared in conjunction with a specialist heritage impact expert, as per the recommendations of the 'Heritage Impact Assessment' prepared by Urbis (ref. SH266 Revision 1, dated August 2013).

The colours and materials selected shall complement the nearby heritage item and the rural nature of the precinct.

Once the finishes are selected, the applicant shall submit these to Council for its written approval.

Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

6. Advertising Signs – Separate DA Required

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

7. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

8. Car Parking Spaces

All car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended), excluding the overflow parking area.

9. Landscaping

Landscaping of the site shall be undertaken in accordance with the approved plans and the applicant's Statement of Environmental Effects.

The site's eastern frontage along the Main Southern Railway shall be intensively landscaped within the area between the rail corridor and the approved stables buildings for the entire length of the development where it is near the rail corridor.

Landscaped screen tree plantings shall be established using mature trees as per the recommendations of the 'Heritage Impact Assessment' prepared by Urbis (ref. SH266 Revision 1, dated August 2013).

10. Switchboards/Utilities

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

11. Driveways

The gradients of driveways and manoeuvring areas shall be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2 (as amended).

Driveways shall be constructed using materials that minimise the creation of dust and reduce the potential for sediment to be tracked onto Menangle Road.

12. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of Australian Standard 4282 (as amended) so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

13. Unreasonable Noise

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

The applicant shall install and follow the recommendations laid out in the 'Acoustic Assessment' prepare for the proposal by Acoustic Logic (ref. 20130665.1, August 2013), including (but not limited to):

- Construction of an acoustic barrier wall along the development's eastern frontage
- Installation of sound absorption materials within certain stables buildings
- Installation of rubber and plywood sheeting within the internal walls of stable stalls
- Minimising use of the training facilities before 6.00am
- Installing signs and instructing staff/visitors about noise generation, particularly at night time.

The applicant shall undertake further consultations with an acoustic expert to ensure that the acoustic barrier wall along the development's eastern frontage does not have the potential or is designed/finished in such a manner that it does not reflect rail traffic noise towards adjoining residences and is suitable to protect animals stabled at the premises from rail noise.

Noise from plant and vehicles associated with the development shall not exceed the values contained within the Protection of the Environment Operations (Noise Control) Regulation 2008.

14. Flood Level Controls

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The fill level control which affects this land is RL 77.3 metres AHD. The floor level control which affects this land is RL 77.8 metres AHD.

15. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP Volume 3.

16. Operating Hours

The use of the stabling and training complex shall be limited between the hours of 10.00pm and 6.00am to minimise disturbance to neighbours.

Use between these times should only relate to returning horses and equipment to the complex after races and shall not include training of the animals.

17. Solid Waste Bin Storage

The solid waste storage bins shall not be located within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bins shall be stored in a location that minimizes the potential for odours to affect nearby residential premises and shall be emptied regularly in accordance with the approved waste management plan for the complex.

18. Stabling Operations and Design

Stabling operations and the design and fit out of stables shall comply with the requirements of the NSW Animal Welfare Code of Practice No 3 - Horses in Riding Centres and Boarding Stables, which are published and updated by the NSW Department of Primary Industries.

19. Odour Management

The applicant shall ensure that odours emanating from the site are minimised using best management practices and best available technology at all times.

The applicant shall maintain compliance with the Office of Environment and Heritage's publication "Assessment and management of odour from stationary sources in NSW" 2006, including the establishment of a complaints management system.

The 'Stables Management Plan' referred to in this consent, shall establish the means by which odour shall be controlled (such as ensuring regular cleaning and removal of solid wastes) and complaints received and acted upon.

The requirements of the *Protection of the Environment Operations Act and Regulation* shall also be adhered to at all times.

20. Australian Rail and Track Corporation (ARTC) Requirements

The approved development shall satisfy the following requirements of the ARTC:

- Fencing along the site's boundary to the Main Southern Railway shall be constructed to such a standard that it prevents stock and horse access to the railway corridor
- Works on the site shall not intensify or increase stormwater runoff toward the rail corridor
- Trees that are planted in the landscaped screening area shall not overhang or be located within the rail corridor during growth and upon maturity.

21. Mine Subsidence Board (MSB) Requirements

The applicant shall comply with the following requirements of the MSB, as detailed in its condition approval of the proposal in November 2013 (ref. FN90-01476P0DB:KR):

1. The submission of final drawings to the Board prior to the commencement of construction and containing a certification by a qualified structural engineer that the improvements have been constructed for the following parameters and any damage would be light, localised and readily repairable:
 - (a) Maximum vertical subsidence of 1,550mm
 - (b) Maximum ground strains of ± 2.5 mm/m
 - (c) Maximum tilt of 6.0 mm/m
 - (d) Maximum radius curvature of 10,000 metres
2. The stable facilities, horse walking machines and horse pools are to be designed for the parameters provided and constructed so they provide for the vertical mine subsidence and there is no increased propensity for flooding.
3. On completion of all building work, certification is required from a qualified structural engineer to the effect that all improvements have been constructed in compliance with the plans approved by the Board.

22. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

23. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

The applicant shall receive written approval to undertake the proposed undergrounding of electricity supply lines at the site prior to the issue of a construction certificate.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.

24. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

25. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a detailed waste management plan for Council's written approval, which details as a minimum:

- The likely quantities solid waste that would be generated at the site
- The procedures for storage of the waste so as to minimise the potential for odours to leave the property
- The frequency of solid waste removal, contractor's licensing details and the waste's destination.

26. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for Council's written approval.

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels.

The applicant shall supply the computer modelling used to determine the water quality assessment undertaken as part of the report prepared by Cardno (ref. NA50613003 Version 2, dated 20 August 2013) to Council for its assessment.

Details of the stormwater's reuse on the site for irrigation, watering/washing of horses shall also be included in the detailed design documentation.

All proposals shall comply with the Campbelltown (Sustainable City) DCP Volume 3 – Engineering Design Guide for Development.

27. Flooding

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide updated flooding assessment of the development's potential to alter local flooding regimes for Council's review and written approval.

The assessment shall consider the requirements of Council's Campbelltown (Sustainable City) Development Control Plan – Volume 3 and the NSW Floodplain Development Manual 2005.

28. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index - All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or

- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the Consumer Price Index All Group Index Number for Sydney have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

29. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

30. Waste Water Management

Prior to Council or an accredited certifier issuing a construction certificate for any component of the development that involves the construction of horse stabling facilities or other amenities, the applicant shall prepare and submit to Council for its written approval a detailed waste water management plan, which addresses the following matters, as a minimum:

- The design capacity and processes that would be incorporated into the recommended capture and treatment system
- All calculations of liquid waste input that would be expected for the system
- Details of the soil's suitability to accept the treated liquid within the nominated effluent irrigation area
- Details of the system's flood or wet weather proofing and emergency storage/disposal during periods where the effluent disposal area is not available due to saturation

- Details of the system's compliance with relevant public health and animal welfare guidelines and Australian Standards, particularly if the effluent disposal area is expected to be grazed by livestock or horses
- Confirmation that the effluent irrigation area is above the five year ARI flood level
- Details regarding the capture and treatment of resuspended nutrients during periods of flood.

31. RMS General Requirements

1. The applicant will be required to enter into a Works Authorisation Deed (WAD) for the civil works in Menangle Road. The WAD will need to be executed prior to the RMS's assessment of the detailed design plans. The Council or accredited certifier shall not release a construction certificate for the development until such time the WAD is executed.
2. The applicant shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents.
3. All costs associated with the proposed development including (but not limited to) the associated civil works on Menangle Road or other lands are to be borne entirely by the applicant and at no cost to the RMS or the Council.

Design Auditing

A detailed design stage audit shall be undertaken on the submitted design plans by independent accredited road safety auditors. The audit report shall be submitted with the design plans to Council and RMS for review as part of the access arrangement approval process for the site. The intersection auditing process is controlled by the RMS and shall be implemented in accordance with its requirements.

32. Intersection Construction

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of the required intersection construction described below:

The applicant shall carry out design and construction of the intersection of Menangle Road and the subject site to include all necessary road pavement construction, drainage, creation of right turn lane, deceleration and acceleration lanes, thermoplastic line marking and signposting, kerb and gutter, splitter islands and medians, landscaping, and the capital cost of street lighting to Endeavour Energy's requirements.

Design shall be in accordance with RMS requirements, "Austroads Guide to Traffic Engineering Practice Part 5" and with the design requirements of the Campbelltown (Sustainable) City DCP Volume 3 and 'Specification for Construction of Subdivision Road and Drainage Works' (as amended).

33. External Finishes

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and submit to Council for its written approval, the details of external finishes and colours of all buildings and the acoustic barrier wall proposed for the development.

The external finishes of the stable buildings and acoustic barrier wall shall be selected and prepared in conjunction with a specialist heritage impact expert, as per the recommendations of the 'Heritage Impact Assessment' prepared by Urbis (ref. SH266 Revision 1, dated August 2013).

34. Lighting Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and submit for Council's written approval a plan which illustrates proposed lighting throughout the site and details its potential to spill across neighbouring properties.

The lighting shall be designed to ensure that safe levels are provided within the site to allow for movement, while not disturbing neighbouring residential properties and nocturnal wildlife.

35. Landscaping Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and submit for Council's written approval, a detailed landscaping plan.

The landscaping plan shall detail the extent of proposed landscaping works, the location, species and mature height of screening trees that are required to be planted along the development's eastern boundary.

The plan shall also comply with the recommendations of the 'Heritage Impact Assessment' prepared by Urbis (ref. SH266 Revision 1, dated August 2013) submitted with the application.

Selected screening trees shall be located so as to ensure that once mature, the trees effectively screen the development from neighbouring residential properties and that no limbs of the trees would overhang the Main Southern Railway corridor.

All trees to be retained are to be specifically marked and identified as being retained on all relevant construction plans. Appropriate notations and instructions are to be included to ensure adequate protection for the retained trees and shall include measures to prevent vehicle collision, excavation within the root zone, and root zone compaction.

36. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

37. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

38. Mine Subsidence Board

Prior to Council or an accredited certifier issuing a construction certificate for a building identified in the Mine Subsidence Board's conditional approval for the development, the applicant shall receive final approval for the design and construction of such buildings in accordance with Condition 1 of the Board's approval issued on 7 November 2013.

39. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

40. Traffic Control Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the State Roads Authority manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended).

A copy of the approved TCP shall be kept on site for the duration of the works in accordance with WorkCover Authority and RMS requirements. A copy shall be submitted to Council for its records.

41. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council (and where applicable, the RMS) prior to the principal certifying authority issuing any occupation certificate.

42. Subdivision Plan

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare a plan of subdivision which illustrates the relocation of the restrictions which are nominated 'A' and 'C' on deposited plan 1187569:

Right of Carriageway 10 metres wide, and
Right of Access 5.0 metres wide

The relocation of those Rights shall be made in accordance with the approved intersection design.

The applicant shall also liaise with the electricity supplier in regard to creating easements for underground power should the existing above-ground infrastructure be relocated.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

43. Aboriginal Heritage

Prior to any physical work commencing in relation to the development, the applicant shall apply for and receive an Aboriginal heritage impact permit, pursuant to Section 90 of the *National Parks and Wildlife Act 1974* and the conditions imposed by the Office of Environment and Heritage.

A copy of the permit shall be provided to Council and the principal certifying authority for their records should the permit be issued.

The applicant is advised to contact the Office of Environment and Heritage's Hurstville office for further information regarding the application for the permit.

44. Site

Environmental Management Plan

Prior to works commencing on the site, the applicant shall prepare a Site Environmental Management Plan in accordance with the recommendations made in the 'Detailed Site Investigation and Salinity Assessment' report, prepared by Cardno (ref. 3NA50613003/Report 003 Ver 03, dated 15 August 2013), which considers:

- Managing risks for site users during and after construction of the development, and
- An 'unexpected finds protocol', which would detail the procedures upon which contractors and visitors to the site would operate should unexpected archaeological, utility or contamination be found during construction works.

45. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

46. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. 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
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s 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.

47. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to 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 thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

48. Roads and Maritime Services Requirements

Prior to any works commencing in relation to the entry/exit points (which require approval prior to issue of any construction certificate), the applicant shall obtain an RMS 'Work Instruction'. Further details can be obtained from RMS on (02) 8849 2172.

49. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

50. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

51. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

52. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with Work Cover requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the *Local Government Act 1993* shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

53. Geotechnical Reference

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the principal certifying authority.

The geotechnical engineer shall consider the requirements of the Mines Subsidence Board provided specifically for this site as part of issuing the certificate.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

54. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

55. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

56. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

57. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

58. Fill Compaction Requirements

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

59. Certification of Location of Building During Construction

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of buildings along the site's eastern boundary with the Main Southern Railway.

A copy of the plan shall also be submitted to Council for its records if it is not the principal certifying authority.

60. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

61. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's 'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended), AS 3798 'Guidelines for Earthworks for Commercial and Residential Development' (as amended), and approved construction drawings;

- b. Supervised, monitored, inspected, tested and reported in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

62. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times.

The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "Traffic Control at Work Sites" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all WorkCover Authority requirements are complied with.

Council or the RMS may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

63. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2,
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

64. Waste Water Treatment System Approval

Prior to Council or an accredited certifier issuing any occupation certificate, the applicant shall receive an approval to operate the waste water treatment system, pursuant to the requirements of Section 68 of the *Local Government Act 1993* and its accompanying Regulation.

65. Stables Management Plan

Prior to Council or an accredited certifier issuing any occupation certificate, the applicant shall prepare and submit to Council for its written approval, a Stables Management Plan.

The Stables Management Plan shall detail the management of stables so as to ensure:

- Odours do not impact on the surrounding community
- Animal welfare is considered as per the requirements of the Department of Primary Industries and horse industry best practice
- Staff and visitors are informed and instructed on matters relating to noise reduction, particularly at night time
- Complaints are registered and acted upon swiftly with responses to the complaints recorded and made available for inspection by Council
- Feed is stored appropriately and in quantities that will not attract vermin to the site
- Appropriate methods proposed for ongoing vermin control are instituted within the complex
- Staff, horses and equipment (including water drainage infrastructure within affected stables) are appropriately prepared for inundation of flood waters at the complex
- Should a security system be installed, it shall be a silent 'back to base' type that does not emit noise
- Maintenance of the waste water treatment system is to be undertaken periodically in accordance with the manufacturer's recommendations to ensure that performance of the system provides for appropriate environmental standards to be met.

66. Screen Tree Establishment and Maintenance

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall ensure that all required screen trees as detailed in the approved landscape plan have been established on the site.

Ongoing maintenance including watering and fertilising as recommended by a landscape professional shall be undertaken at the applicant's expense for the life of the horse stabling and training complex to ensure that the trees remain viable and provide appropriate screening as required to protect the heritage significance of the adjoining property.

If a tree or trees should die, they shall be replaced as soon as possible with a tree or trees of a similar species that will have a similar mature height, spread and screening properties.

67. Acoustic Treatments

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall obtain written verification from an acoustic impact assessment professional, which states that the acoustic treatments detailed in the report prepared by Acoustic Logic (ref. 20130665.1, August 2013) have been installed at the site and in the buildings where required.

68. Intersection Completion

Prior to Council or an accredited certifier issuing any occupation certificate, the applicant shall complete the intersection of the development site with Menangle Road to the requirements of the RMS and Council.

The satisfactory completion shall be verified in writing by the RMS and Council.

69. Subdivision Plan

Prior to Council or an accredited certifier issuing any occupation certificate, the applicant shall register a plan of subdivision which illustrates the relocation of the restrictions which are nominated 'A' and 'C' on deposited plan 1187569:

Right of Carriageway 10 metres wide, and
Right of Access 5.0 metres wide

The relocation of those Rights shall be made in accordance with the approved and constructed intersection design.

The applicant shall also liaise with the electricity supplier in regard to creating easements for underground power should the existing above-ground infrastructure be relocated.

70. Completion of External Works Onsite

Prior to the principal certifying authority issuing an occupation certificate, all external works detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls are to be completed to the satisfaction of the principal certifying authority and in accordance with relevant approved plans.

71. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full.

Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

72. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

73. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

The applicant shall **also** submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines
- Spot levels every five metres within the site area
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5.0m grid, intermediate levels will be required
- A minimum of 15 site levels
- If the floor level is uniform throughout, a single level is sufficient
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type - zip
File Format - AutoCAD 2004 Drawing Format or later
Transmittal Options - Include fonts
Include textures from materials
Include files from data links
Include photometric web files
Bind external references
The drawing is **not** to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

74. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

75. Line Marking / Sign Posting Documentation (development)

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *Noxious Weeds Act* (NSW).

Advice 3. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 4. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

Advice 5. Inspection Within Public Areas

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

Advice 6. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 7. Linen Plan and Copies

A linen plan and if required an original 88B Instrument together with thirteen copies shall be submitted to Council prior to the release of the subdivision certificate.

Advice 8. Linen Plan Checking Fee

Where Council is the principal certifying authority a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans.

Advice 9. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Campbelltown (Sustainable City) DCP Volume 3.

Advice 10. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

Advice 11. Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Advice 12. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

Advice 13. Swimming Pool Owner's Responsibility

- a. A securely fenced pool is no substitute for responsible adult supervision. When children are in or around a swimming pool they should always be responsibly supervised.
- b. Swimming pool owners are required, under the provisions of the *Swimming Pool Act*, to register their swimming pools on an online register.

There is a penalty (i.e. penalty notice amount of \$220) that applies to owners who fail to register their pool.

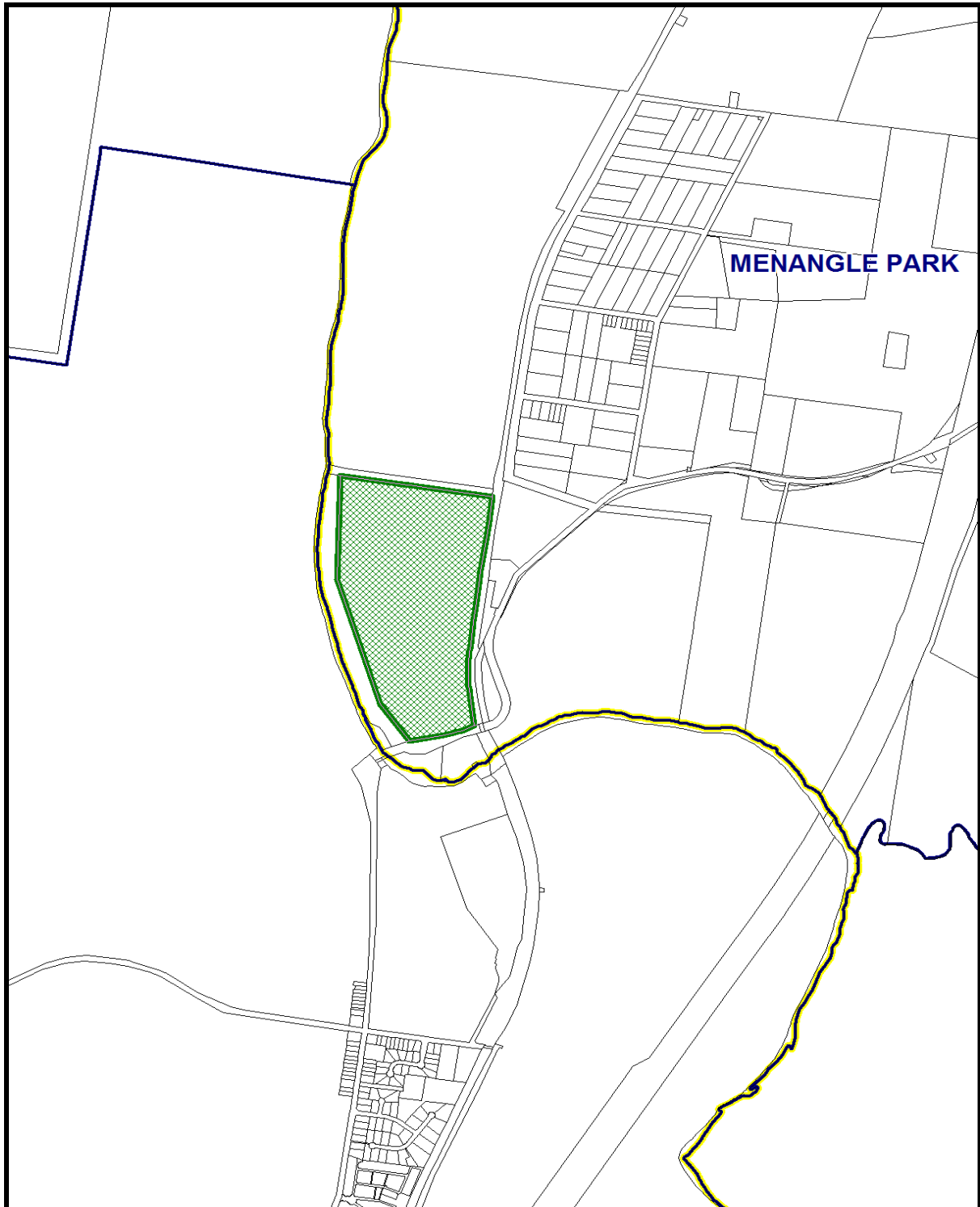
For further information visit the Department of Local Government website www.dlg.nsw.gov.au or contact Campbelltown City Council on (02) 4645 4000.

- c. Owners of properties with swimming pools are required, under the provisions of the Swimming Pools Act, to obtain a valid Section 24 Swimming Pool Compliance Certificate before sale or lease of their property.

END OF CONDITIONS

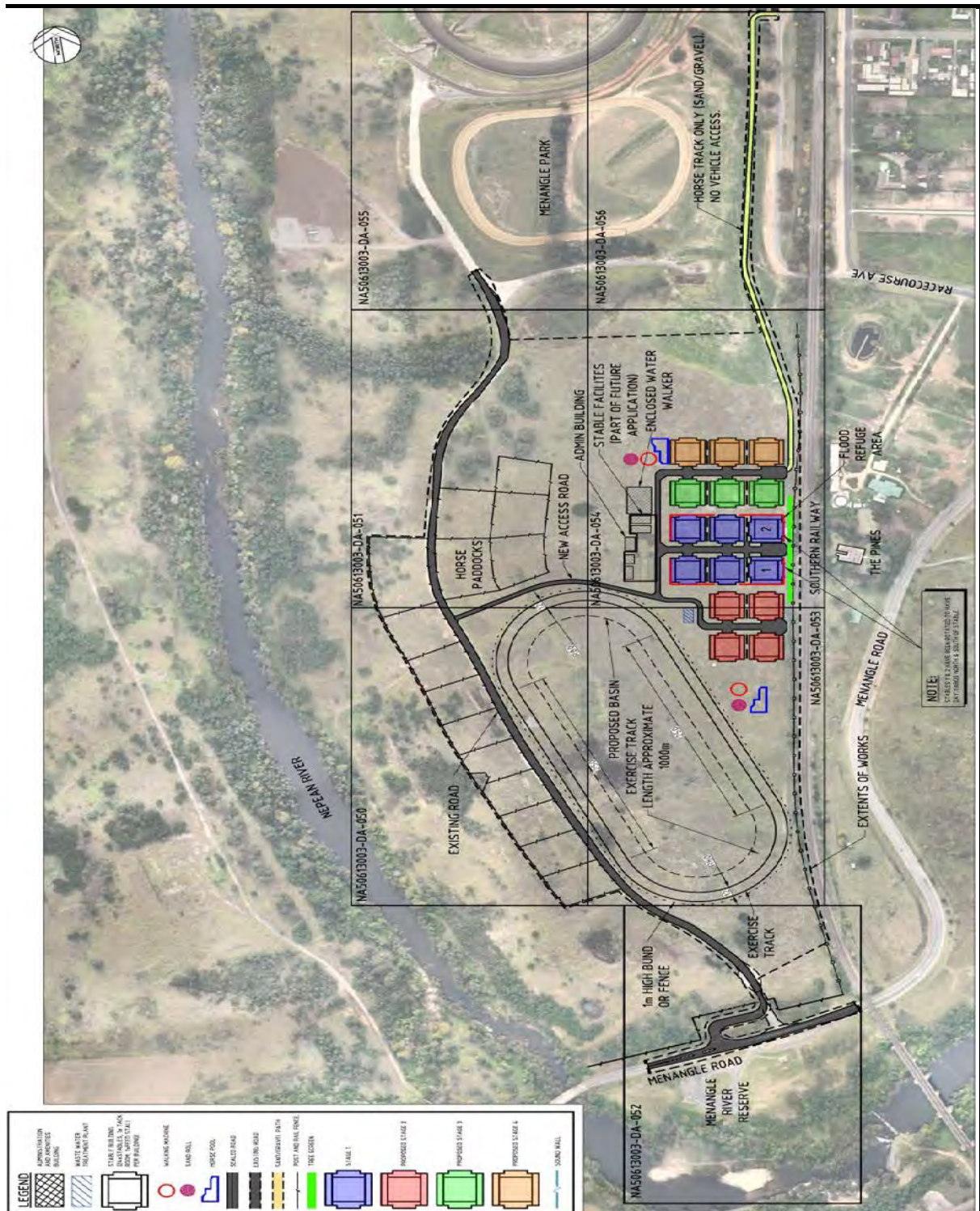
ATTACHMENT 2

Locality Plan



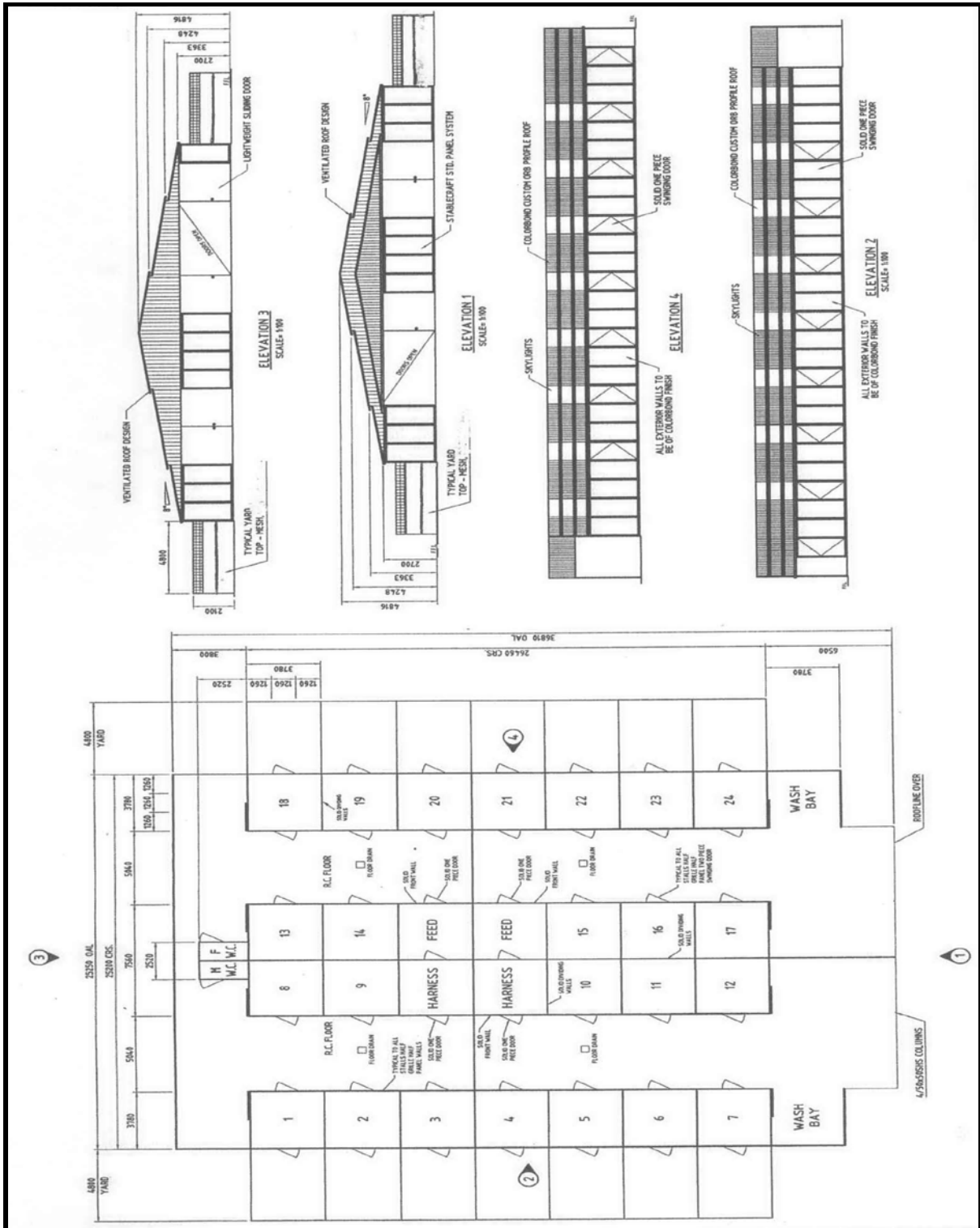
ATTACHMENT 3

Indicative General Site Arrangement Plan



ATTACHMENT 4

Indicative Stable Floor Plan and Elevations



ATTACHMENT 5

Independent Peer Review of Draft Assessment Report



1.0 INTRODUCTION

SquareLink Pty Ltd has been engaged by Campbelltown City Council to undertake a peer review of the draft assessment report for the subject Development Application (DA) 1861/2013/DA-C. We have undertaken this assessment based on the information provided to SquareLink Pty Ltd by Campbelltown City Council, which includes:

- The Development Application Form,
- Statement of Environmental Effects prepared by Michael Brown Planning Strategies,
- Stable Plans prepared by Stable Craft Pty Ltd,
- Aboriginal Assessment prepared by Artefact Heritage,
- Civil Engineering Assessment Report prepared by Cardno ,
- Heritage Impact Assessment prepared by Urbis,
- Stormwater Management Report prepared by Cardno,
- Site Investigation and Salinity Assessment prepared by Cardno,
- Acoustic Assessment prepared by Acoustic Logic,
- Submissions received from the public during the exhibition period,
- Draft assessment report – V1 and V2,
- Draft conditions of consent.

1.1 APPLICATION DETAILS

DA Number:	Development Application (DA) No. 1861/2013/DA-C
Description:	Construction and operation of a horse stabling and training complex, including ancillary site and civil works
Applicant:	Michael Brown Planning Strategies
Owner:	New South Wales Harness Racing Club
Property Description:	Lot 2 DP 1187569, No. 250 Menangle Road, Menangle Park
Site Area:	40 Hectare
Zone:	1 - Non Urban under Campbelltown Interim Development Order (IDO) No. 15
Construction/Work Cost:	\$9,977,000

2.0 BACKGROUND

The subject application seeks to construct and operate a horse stabling and training facility on a 40 hectare parcel being Lot 2 DP 1187569 and is known as 250 Menangle Road, Menangle Park.

Comments:

The statement of environmental effects (Page 20) states that the new road access will result in one of the current access points to the Nepean River Reserve (opposite this site) being closed and removal of the potential short vehicle right hand turn storage bay. Council should ensure that owners' consent for the Nepean River Reserve has been adequately addressed to facilitate the closure of this access.

The statement of environmental effects (Page 21) states that horses will be taken to the race track on the neighbouring site via the internal road system. Council should ensure that the application is supported with the appropriate owners' consent to facilitate this access and use.

THE SITE - 250 MENANGLE ROAD, MENANGLE PARK

The site is primarily covered by tall grass, and has historically used for grazing and mining. The site is bounded by the Main Southern Railway to the east, Menangle Road to the south, a Council owned site and the Nepean River to the west. The Tabcorp Menangle Park harness racing track is on the property to the north. Site access is via a gravel road off Menangle Road, this road traverses the site from south to north.

Comments

The site is appropriately described within the officer's report.

3.0 THE PROPOSAL

The description of the proposed development is described within the officer's report. The description should be expanded to reflect the additional matters shown in italics below.

1. Construction of horse stabling facilities, featuring the following attributes:
 - 16 state of the art stable buildings *providing capacity for 384 horses.*
 - Each stable building would contain up to 24 horses, feed stores, horse wash bays, an indoor stall and outdoor yard for each horse, harness equipment, tack rooms and storage areas and amenities for staff.
 - Stable buildings would be constructed on concrete slabs and finished in Colorbond steel.
2. Construction of horse training facilities, including:
 - Equine pools to allow horses to swim as part of training and injury rehabilitation.
 - Horse walking machines.
 - Sand roll pits.
 - A 1,000 metre training track.
 - Fencing of outdoor paddocks *constructed of open style post and wire style fencing.*
3. Construction of ancillary works, including:
 - A water quality treatment basin.
 - A waste water treatment plant *and 12,000m² irrigation area.*
 - Filling and reshaping the land to provide building platforms for the stables and other structures.
 - A car parking area *providing for 22 vehicles* and vehicle manoeuvring roads across the site, which would connect the site with Menangle Road and the existing harness racing track to the north.
 - *An overflow parking area.*
 - *Undergrounding of all existing electricity cabling.*
 - *Landscaping.*
 - *An administration and training (TAFE) building, including showers and toilet facilities and onsite manager's residence.*
 - *CPTED works including fencing, lighting, CCTV and security system.*
4. Construction of a new intersection with Menangle Road.
 - A new entry to the site would be constructed on Menangle Road, to the west of the current entry point to meet Roads and Maritime Services (RMS) requirements *including provision of short right hand turn storage bay.*
 - *Closure of one of the current access points to Menangle River reserve picnic area.*

The report accurately nominates the other proposed facilities, which would be subject to future development application and assessment, including:

- An indoor horse water-walker
- A farrier's shop for the fitting of shoes and other equipment to horses
- A veterinary building to assess and treat horses kept at the site
- A harness and produce supply shop.

The officer's report states that the stables would be finished in colours that are to be recommended by heritage experts, having regard to their proximity to a local heritage item known as "The Pines". It

is noted that this is inconsistent with the statement on page 17 of the SEE which states that the buildings will be earthy tones to match the existing colours of the racing precinct buildings.

4.0 THE ASSESSMENT

4.1 OTHER PROVISIONS CAMPBELLTOWN 2025 – LOOKING FORWARD

Comments

The assessment concludes that the development is consistent with the provisions of Campbelltown 2025. Based on information available this is accurate.

4.2 PLANNING PROVISIONS

4.2.1 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 9 - EXTRACTIVE INDUSTRY (NO. 2 1995)

Comments

The assessment concludes that the development is consistent with the provisions of SEPP 9. Based on information available this assessment is accurate.

4.2.2 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY-NEPEAN RIVER

Comments

The assessment concludes that the development is consistent with the provisions of SEPP 9. Based on information available this is accurate.

It is required that the onsite wastewater treatment plant be identified and provided on a portion of the site that is flood free during the 1% AEP flood event.

General Comments For Planning Provisions

STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND

The assessment report should be expanded to discuss the application of this SEPP. The SEE identifies appropriate conditions that can be incorporated into the consent to manage the site contamination matters.

STATE ENVIRONMENTAL PLANNING POLICY - INFRASTRUCTURE

The infrastructure SEPP requires consideration of rail noise or vibration on non-rail development. The assessment report should be expanded to discuss the application of this SEPP. This matter was raised by the Australian Rail Track Corporation Ltd in their correspondence dated 22 November 2013, and was addressed by the SEE.

Clause 87 of the Infrastructure SEPP requires that appropriate measures need to be taken to ensure that the following LAeq levels are not exceeded:

In any bedroom in the building – 35dB(A) at any time between 10:00pm and 7:00am,
Anywhere else in the building (other than a garage kitchen, bathroom, or hallway – 40dB(A) at any time.

It is noted that this standard needs to be assessed for the proposed onsite manager's residence and for the Administration Building which the SEE states will be established as a TAFE. There is inadequate information available to assess whether these elements of the development will comply with the required internal noise levels.

It is also noted that the proposal includes installation of a 2.1m high noise wall which is intended to prevent noise from this development impacting on neighbouring properties. This wall may provide dual benefit to the subject site in that the rail noise may be abated at the boundary as well as preventing on site noise escaping.

A noise assessment report is required, which:

- Addresses the internal noise levels within the onsite manager's residence and TAFE component of the development against Clause 87 of the SEPP, and
- Considers the impact of noise from the rail line being reflected off the noise wall and onto adjoining properties including "The Pines".
- Considers whether the development is of a type that is sensitive to traffic noise or vehicle emissions in against Clause 101 of the SEPP and identifies required acoustic treatments.

Clause 101 of the SEPP requires that the consent authority must be satisfied that developments which have a frontage to a classified road are accessed from an alternate road, not being a classified road where practicable. In this circumstance no alternate road access is available. The SEPP also requires that the safety, efficiency and ongoing operation of the classified road will not be adversely affected Therefore RMS consideration and concurrence of the access arrangements is required.

Clause 104 of the SEPP relates to 'traffic generating development'. Column 2 of Schedule 3 identifies Stables development, therefore triggering assessment under Clause 104 of the SEPP. Insufficient information is available to determine if the requirements of Clause 104(3) have been satisfied. It is understood that formal RMS comment has not yet been received; it is recommended that further contact with the RMS is made regarding the proposed new Menangle Road access and the alteration of access to Menangle River Reserve.

DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS PLANNING GUIDELINE

The assessment report should be expanded to discuss the application of planning guideline document. This matter was raised by the Australian Rail Track Corporation Ltd in their correspondence dated 22 November 2013.

The application should be assessed under the relevant clauses of the SEPP Infrastructure as provided above. At this stage there is insufficient information to conclude compliance with the relevant requirements.

4.2.3 CAMPBELLTOWN INTERIM DEVELOPMENT ORDER (IDO) NO. 15

Under Clause 4 of the IDO the development of the site as proposed is not specifically prohibited, and is therefore permissible with Council's consent.

Comments

This could be strengthened by consideration of the consistency of the proposed development with the Non-Urban zoning of the land. It is considered to be an appropriate use of the land consistent with and complimentary to surrounding land uses. It is also worth mentioning that the application proposes a range of ancillary uses are proposed to compliment the use of the site for a stabling complex, and these are appropriately considered to be ancillary uses.

Clause 6(a)

Clause 6(a) requires Council to take into consideration the probable aesthetic appearance of a development when it is viewed from a waterway, main road, railway or public reserve.

The officers report outlines that the proposed development would feature architecturally interesting panelling, roof and gable height variations and an array of colours that are complementary to existing development at the harness racing track nearby and with respect to the heritage residence on an adjoining site.

Comments

It is also noted that the design of the building is consistent with the rural nature and character of the area.

Clause 6(c)

Clause 6(c) requires Council to consider whether:

- i. *adequate areas are provided on site for the parking of vehicles,*
- ii. *adequate vehicular entry and exit points are provided to ensure that persons or vehicles accessing the site are not endangered, and*
- iii. *adequate space has been provided on site for the loading and unloading of vehicles.*

The officer's report outlines that the new intersection would be constructed to Menangle Road in accordance with Roads and Maritime Services (RMS) requirements. A car parking area accommodating 22 vehicles is also proposed, which is considered to be adequate to provide parking for staff and visitors to the site, which will not be open to the public. Internal roads that presently connect the subject site to the racing track and associated facilities to the north would be formalised as part of the development.

Comments

The SEE refers to overflow parking area, should this be required it should be nominated on plans prior to issuance of a Construction Certificate.

Access to the adjoining racing track site does form part of this application. Council should ensure that appropriate Owner's consent has been received for the adjoining racetrack property, to facilitate the assessment and approval.

It is agreed that the application is satisfactory in terms of Clause 6(c).

Clause 13

Clause 13 relates to tree preservation. The assessment report outlines that the development requires the removal of a small stand of trees (incorporating approximately 5 individual trees) in the centre of the site, to make way for the proposed training track. Further the report outlines that having regard to the size, scale and species of trees proposed for removal and their disconnection from other trees on the site, their removal is not considered to be significant.

Comments

This conclusion is considered appropriate.

The assessment mentions that the trees that are located on the sites western side, past the existing access road would not be removed. The landscape plan should be checked to ensure that these trees are marked for retention.

Clause 19

Clause 19 relates to the protection of environmental heritage.

Comments

The assessment of heritage commentary provided within the report is detailed and recommends appropriate conditions to address both the indigenous and non-indigenous heritage values of the site and its vicinity.

Clause 23

Clause 23 of the IDO contains Councils requirements for certain developments related to animal husbandry and other agricultural pursuits.

Further the IDO requires Council to consider the following matters when determining an application for such development:

- a. *the need to protect the quality of downstream watercourses*
- b. *the need to conserve native vegetation*
- c. *the need to protect environmentally sensitive land, such as riparian land, land containing an endangered species, population or ecological community or a vulnerable species within the meaning of the Threatened Species Conservation Act 1995*
- d. *the need to protect the amenity of the area from noise, spray drift, odour or any other potentially offensive consequences*
- e. *the need to limit the impact of development on flood liable land.*

Comments

The report accurately identifies that items a, c, d and e are relevant to this application, and have been adequately addressed.

Assessment Under the IDO 15

The overall statement that the application is consistent with the provisions of the IDO is supported.

General Comments For Planning Provisions

DRAFT LOCAL ENVIRONMENTAL PLAN 2002 (AMENDMENT 25)

It is understood that the Draft Local Environmental Plan 2002 (Amendment 25) is applicable to this site and that the amendment constitutes a matter for consideration in accordance with Section 79C (1)(a)(ii) of the Environmental Planning and Assessment Act.

Comment:

The assessing officer's report should be expanded to include assessment of this draft instrument. It is noted that the provisions of this draft instrument would preclude this development should the amendment have been gazetted. Given the draft status of the application, it is appropriate however to give consideration to the intended objectives of the draft instrument.

The proposed development is considered reasonably consistent with the stated objectives of the proposed 6(c) Private Recreation zone being:

- (a) To identify areas where private recreation facilities are or may be developed, and
- (b) To allow a limited range of other activities which will not detract significantly from the character of the locality or the amenity of any existing or proposed development in the locality.

4.2.4 CAMPBELLTOWN (SUSTAINABLE CITY) DEVELOPMENT CONTROL PLAN (SCDCP)

It is noted that the development is consistent with the aims of the DCP, and that the DCP does not contain controls that are specifically relevant. It is appropriate therefore that the assessment report considers those controls applicable to all development.

The officer's report provides an appropriate evaluation of the following DCP provisions

- Views and Vistas,
- Flora, Fauna and Weed Management,
- Erosion and Sediment Control,
- Cut and Fill,
- Heritage Conservation,
- Risk Management.

Appropriate conditions are referred to in the assessment of these matters.

The following additional DCP elements were addressed within the Submitted SEE which are considered relevant and should be addressed in the assessment report.

- 2.4 - Sustainable Building Design,
- 2.5 - Landscaping
- 2.10 - Water Cycle Management
- 2.13 - Security
- 6.3 - Building form and Character
- 6.4 - Carparking and Access
- 6.6 - Landscaping

Comments

Having regard to the assessment report, and the SEE the development is considered to be compliant with the relevant controls and aims contained in the SCDCP.

4.3 SECTION 79(C) CONSIDERATIONS

The officer's report provides an appropriate evaluation of the following impacts on the Natural and Built Environment.

4.3.1 Noise

It is noted that the SEE provides an assessment of potential noise impacts generated by the development. The report concludes with recommendations that certain materials and activities be undertaken in order to reduce its noise impact on neighbours. The conditions proposed would appropriately address this matter.

A further noise assessment report is however required which addresses:

- the internal noise levels within the onsite manager's residence and TAFE component of the development against Clause 87 of the SEPP, and
- Considers the impact of noise from the rail line being reflected off the noise wall and onto adjoining properties including "The Pines".
- Whether the development is of a type that is sensitive to traffic noise or vehicle emissions in against Clause 101 of the SEPP and identifies required acoustic treatments.

4.3.2 Flooding

The site is subject to flooding impacts. It is noted that the reporting suggests that there are no impacts on peak flood levels on neighbouring properties for the tested flood events. The conclusion that the development is considered to be acceptable in terms of its impact on local flooding behaviours is supported.

4.3.3 Waste capture and disposal

The officer's report provides detailed assessment of the environmental impact of waste generated by the development. It is noted that the waste treatment plant would utilise current best-practice treatment processes, and that conditions can be imposed to require appropriately sized irrigation area, alarmed emergency storage tanks, ground moisture sensors, compliance with relevant Government agency requirements, Australian Standards and receipt of a Section 68 approval from Council pursuant to the *Local Government Act 1993*.

4.3.4 Odour

Odour is appropriately assessed and it is noted that the applicant will also need to comply with the requirements of the *Protection of the Environment Operations Act 1997*. The recommended conditions of development consent are considered appropriate to ensuring that the odour impacts can be appropriately managed.

4.3.5 Traffic

The assessing officer's report states that the traffic impacts of the development are not likely to be significant. A new intersection at the site's southern entry point with Menangle Road would be constructed in accordance with RMS requirements. It is noted that the conditions require the applicant to continue consultation and receive final design and road safety audit approval from the RMS prior to works commencing. This could be supported with a condition stating that the applicant is to enter into a works authorisation deed with the RMS to ensure delivery of the works to meet RMS standards.

As the use is defined under SEPP Infrastructure as 'traffic generating development' assessment under Clause 104 of the SEPP is required. It is understood that formal RMS comment has not yet been received; it is recommended that further contact with the RMS is made regarding the proposed new Menangle Road access and the alteration of access to Menangle River Reserve.

4.3.6 Heritage impact

A detailed assessment of Indigenous and Non-Indigenous heritage impacts has been undertaken.

Aboriginal Heritage

The development site is known to contain an area of cultural and archaeological significance to the local Aboriginal community and certain artefacts were recorded on the site. It is noted that Council forwarded the application to the Office of Environment and Heritage (OEH) for its comment. The Office responded verbally, indicating that a full and thorough assessment of the proposal would be undertaken at the time the applicant requested an Aboriginal Heritage Impact Permit, pursuant to the *National Parks and Wildlife Act 1974*.

A recommended condition of consent requires that the applicant receive a permit as mentioned, prior to the issue of a construction certificate for any works to take place at the site. This will ensure that any excavation work is undertaken in consultation with relevant local Aboriginal groups and heritage/archaeological professionals.

European Heritage

The proposed horse training and boarding complex is in relatively close proximity to an item of heritage significance, known as „The Pines“. The application is supported by a heritage impact statement which recommends measures that may be taken to minimise impacts on the heritage significance.

4.4 SITE SUITABILITY

The officer's report provides an appropriate evaluation of the following impacts on the suitability of the site for the proposed use.

Comments

The evaluation and conclusion that the application is suitable given the site's location in relation to the existing established harness racing facilities on the adjoining land, the proposal's potential to positively influence Menangle Park township and its limited environmental impact, are supported.

4.5 PUBLIC PARTICIPATION

The officer's report outlines that the application has been referred to the following agencies:

- Roads and Maritime Services (RMS)
- Office of Environment and Heritage (OEH)
- The Australian Rail and Track Corporation (ARTC)

Roads and Maritime Services (RMS)

The officer's outlines that at the time of writing, the RMS has not formally responded to Council. The report outlines that discussions held with the RMS both before and since the application's lodgement, identified that that the RMS saw merit in the new intersection.

Final design and acceptance of the proposal by the RMS would be required prior to a construction certificate being issued for the development. This is appropriately included as a condition of consent.

Comment on RMS

Given that the use is defined under SEPP Infrastructure as 'traffic generating development' it is recommended that further contact with the RMS is made regarding the proposed new Menangle Road access and the alteration of access to Menangle River Reserve prior to determination.

Office of Environment and Heritage (OEH)

The officer's report outlines that the OEH has verbally responded to Council's referral of the application. Issuance of an Aboriginal heritage impact permit is required prior to commencement of works on the site.

Comment on OEH

This is appropriately included as a condition of consent.

The Australian Rail and Track Corporation (ARTC)

The ARTC provided written comment on 22 November. The assessing officer's report explains the matters can be addressed through conditions of consent.

Comment on ARTC

This is appropriately included as a condition of consent.

General Comments For Public Participation

The report should be expanded to provide assessment of the issues raised by ARTC.

Fencing and Safety

The SEE establishes that the site is currently fenced along the Menangle Road frontage and the Great Southern Railway Line boundary. The proposal also seeks to create day yards for horses of post and rail construction. The concern could be appropriately addressed through Conditions of Consent.

Stormwater

The land generally slopes down from the east to the west in the direction of the Nepean River. The SEE outlines that while there will be some filling proposed on the site, the final landform will be generally consistent with the shape of the existing landforms and does not represent significant alteration of the site. The development therefore will not cause substantial stormwater flows toward the rail corridor. The concern could be appropriately addressed through Conditions of Consent.

Noise and Vibration

A noise assessment report is required which addresses:

- the internal noise levels within the onsite manager's residence and TAFE component of the development against Clause 87 of the SEPP, and
- considers the impact of noise from the rail line being reflected off the noise wall and onto adjoining properties including "The Pines".
- Whether the development is of a type that is sensitive to traffic noise or vehicle emissions in against Clause 101 of the SEPP and identifies required acoustic treatments.

It is noted that a condition of consent is proposed to address the Development Near Rail Corridors and Busy Roads – Interim Guideline 2008. This is not an appropriate condition of consent given that the guideline addresses the assessment of developments near rail corridors and busy roads.

Vegetation along rail corridor

The concern of ARTC that vegetation will impact on the functioning of the rail line could also be appropriately addressed through Conditions of Consent.

Public comments

The officer's report outlines that in accordance with the provisions of Campbelltown (Sustainable City) Development Control Plan, the application was notified to 109 adjoining and nearby land owners, and the adjoining Council. During the 14 day notification period from 16 to 30 October 2013 three submissions were received. Two submissions were in objection to the proposal and one submission requested the further investigation of a particular issue at the development site.

Consideration has been given to the comments received from the public. A variety of issues were raised including:

- Potential contamination arising from former military use of the land

- Heritage and locality character
- Amenity of nearby residences
- Waste
- Vermin
- Impact on future use of neighbouring land, and
- Conflict of interest due to previous Council ownership of the land.

Comment Public Submissions

The assessing officer's report has given appropriate consideration to the matters raised and where appropriate, conditions of consent are recommended to address concerns. With regard to the claims of conflict of interest it is noted that the Environmental planning and Assessment Act 1979 establishes that Councils have the determining function for local development.

4.6 THE PUBLIC INTEREST

An assessment of the public interest has been undertaken.

Comment on the Public Interest

It is agreed that the proposal provides economic benefits and responds satisfactorily to environmental matters and is compliant with relevant planning controls and objectives. From a social perspective, the development will provide improved accessibility through traffic improvements and adequately addresses heritage concerns. Conditions of consent can be imposed to regulate and ensure ongoing compliance with these standards. It is agreed that the application is in the public interest and that the proposal is compatible with the locality and its immediate surroundings.

5.0 CONCLUSION AND RECOMMENDATION

In view of the above assessment, we recommend that:

1. The assessing officer's report is augmented to address the comments raised throughout this report.
2. A supplementary noise assessment report be required, which:
 - Addresses the internal noise levels within the onsite manager's residence and TAFE component of the development against Clause 87 of the SEPP,
 - Considers the impact of noise from the rail line being reflected off the noise wall and onto adjoining properties including "The Pines", and
 - Considers whether the development is of a type that is sensitive to traffic noise or vehicle emissions against Clause 101 of the SEPP and identifies required acoustic treatments.
3. Contact is made with the RMS regarding Clause 104 of the SEPP Infrastructure, the proposed design of road works on Menangle Road, which includes the alteration of access to the subject site and to Menangle River Reserve.
4. Council confirms that the requirements of Clause 104(3) have been satisfied.

Extract from SEPP Infrastructure Clause 104(3)

Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

(b) take into consideration:

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) any potential traffic safety, road congestion or parking implications of the development.*

Following confirmation and consideration of the above outstanding matters it is likely that the application could be approved.

Conditions of Consent

An evaluation of the draft conditions of consent has been undertaken and the following comments are made:

Clause 2 Amended Plans

Additional dot point to require the location of the following to be shown on the plans:

- Wastewater treatment plant and emergency storage tanks,
- Overflow parking area, and
- Waste water irrigation area 12,000m².

Clause 3 Not Consented To

The SEE notes that certain uses are to be subject of separate applications and therefore this condition is appropriate. This list should however include the following:

- enclosed water walker building,

- veterinary facility building,
- *harness and produce supply store building*, and
- farrier service building .

The SEE however does seek approval for the Administration building and associated facilities. This use should be removed from Condition 3.

Clause 8 Car Parking Spaces

Add the words "excluding the overflow parking area".

Clause 13 Unreasonable noise

This condition may need to be revised following receipt and consideration of a further noise report that responds to the requirements of SEPP Infrastructure.

Clause 20 Australian Rail and Track Corporation (ARTC) Requirements

Delete dot point 1 as this guideline relates to assessment of applications.

Amend dot point 3 to require: Works undertaken on the site shall not intensify or increase stormwater runoff toward the rail corridor.

Delete dot point 4, this matter needs to be considered following receipt of a further noise report that responds to the requirements of SEPP Infrastructure.

Clause 24A Energy Authority approval

The application proposes undergrounding of electricity cables. This needs to be undertaken in consultation with the relevant authority and meet required standards. An appropriate condition should be provided

Clause 27 Flooding

Add the words "and approval by the relevant Manager." following "Council's review"

Clause 66

This condition should be modified to add that:

- Should a security system be provided it should be a silent back to base type security alarm.
- Maintenance of the wastewater treatment system is to be undertaken periodically to ensure that performance of the system provides for appropriate environmental standards to be met.

Clause 70 Subdivision Plan

This clause may need to be adjusted to make mention of the electricity easement across the property, in recognition of the undergrounding of the electricity lines.

ATTACHMENT 6

Independent Peer Review response to Final Report

SquareLink

Our Ref: SP0201
Contact: Milan Marecic

28 November 2013

General Manager
Campbelltown City Council
Cnr Queen and Broughton Streets,
CAMPBELLTOWN NSW 2560

Attn: Mr James Baldwin

Dear James

Peer Review – Development Assessment of Development Application No. 1861/2013/DA-C

SquareLink Pty Ltd has been engaged by Campbelltown City Council to undertake a peer review of the assessment report for Development Application (DA) 1861/2013/DA-C. An assessment of the draft and subsequent Council report was undertaken.

Following the initial Peer Review of the development assessment, Council provided additional information in the form of a document titled "Response to Issues Raised in Peer Review", and a revised Assessment Report, which included Conditions of Consent. A review of both documents has been completed and further consideration and recommendations are provided in the right hand column of the table below.

SquareLink Pty Ltd Peer Review Comment	Campbelltown Council - Response to Issues Raised in "Peer Review" & Additional Information	SquareLink Pty Ltd Consideration and Recommendation
Page 3 - Access to Nepean Reserve	The RMS and the proponent are (as we understand) now finalising the Menangle Road intersection plan, we are comfortable with issuing a deferred commencement consent that requires the proponent to obtain the RMS's approval and the approval of any affected land owner (being the Council) prior to the consent being activated.	The addition of a deferred commencement condition as proposed is an appropriate mechanism to address this matter. Council's revised Conditions of Consent needs to be amended to require the approval of any affected land owner (being the Council) prior to the consent being activated.
Page 3 - Access to Nepean Reserve	Council's Property Manager has advised that given the availability of two other informal points of access to the Council land, that Council would allow the closure of one of the informal access ways if required due to the new intersection.	The advice from the property manager of potential closure is noted. The deferred commencement condition referred to above will be the appropriate formal mechanism to ensure appropriate owners consent is provided.
Page 3 - Internal road system and owner's consent	The two properties are owned by the same entity, consent is assumed. Council propose to seek separate permission from the owner.	Given the ownership arrangements (being the same entity) the approach to obtain separate permission from the owner is sound.
Page 4 - Expanded description of the proposal	Expansions noted, will be included in report.	Council's revised report appropriately describes the proposal. Council's revised Conditions of Consent appropriately do not give consent to the portions of the development, which will be subject of future application(s).
Page 4 - Inconsistency between SoEE and Urbis Heritage report	Heritage report recommendations rather than SoEE comments will be incorporated into recommended conditions of consent.	Reliance on the Heritage report is supported.
Page 6 - SEPP 55	Additional discussion will be added to the assessment report	Council's revised report appropriately addresses SEPP 55.
Page 6 - SEPP Infrastructure	The offices and manger's residence that were included in the original application have since been withdrawn from the application by the applicant and are not part of the assessment /recommended consent.	Given the withdrawal of the Administration building and manager's residence from the application the noise and vibration elements of the SEPP are no longer required to be assessed.

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SquareLink Pty Ltd Peer Review Comment	Campbelltown Council - Response to Issues Raised in "Peer Review" & Additional information	SquareLink Pty Ltd Consideration and Recommendation
		Council's revised report appropriately addresses SEPP Infrastructure. Also Council's revised Conditions of Consent appropriately addresses the ARTC comments.
Page 7 - Rail noise being reflected by stables' noise abatement wall	Propose to add a condition regarding noise report recommendations will be amended to ensure that this is considered as part of the wall's final design/construction.	Council's revised report appropriately addresses noise generated by the development and by the rail line. Also Council's revised Conditions of Consent appropriately addresses the noise requirements.
Page 7 - Clause 101 of SEPP Infrastructure	Council propose to address Clause 101, which requires RMS concurrence through a deferred commencement condition.	The suggested deferred commencement condition is supported. Council's revised report appropriately addresses SEPP Infrastructure. Also Council's revised Conditions of Consent appropriately addresses the need for RMS approval of works.
Page 7 - Clause 104 of SEPP Infrastructure	Stables or animal boarding and training establishments are not listed in Schedule 3 of the SEPP as a 'traffic generating development'	Agreed. Council's revised report appropriately addresses SEPP Infrastructure.
Page 7 - Rail Corridors and Busy Guidelines	Not relevant as the Administration building and manager's residence have been withdrawn from the application.	Given the withdrawal of the Administration building and manager's residence from the application the noise and vibration elements of the SEPP are no longer required to be assessed. Council's revised report appropriately addresses SEPP Infrastructure. Also Council's revised Conditions of Consent have appropriately been amended.
Page 8 - Overflow parking and tree retention to be shown on plans	Inclusion of overflow parking and tree retention on prior to CC plans are noted and will be included in conditions of consent.	Council's revised Conditions of Consent have appropriately been amended to require overflow parking to be included. The conditions should be further amended to ensure that trees to be retained are marked on the "Prior to CC" plans.
Page 9 - Draft LEP Amendment 25	This matter will be added to the assessment report.	Council's revised report appropriately addresses Draft LEP Amendment 25.
Page 10 - Noise report re: manager's residence	Residence not required for this DA, as there is now no residential component.	Given the withdrawal of the Administration building and manager's residence from the application the noise and vibration elements of the SEPP are no longer required to be assessed.
Page 10 - Reflected rail noise to 'The Pines'	Propose to add a condition regarding noise report recommendations will be amended to ensure that this is considered as part of the wall's final design/construction.	Council's revised report appropriately addresses noise generated by the development and by the rail line. Also Council's revised Conditions of Consent appropriately addresses the noise requirements.
Pages 11 & 12 - Formal comment from RMS	Council propose to address Clause 101, which requires RMS concurrence through a deferred commencement condition.	The suggested deferred commencement condition is supported. Council's revised report appropriately addresses SEPP Infrastructure. Also Council's revised Conditions of Consent appropriately addresses the need for RMS approval of works.
Page 15 - Amended plans	Recommendation to expand the matters to be shown on the amended plans is accepted.	Council's revised Conditions of Consent appropriately lists the additional matters to be shown on the amended plans.

SquareLink Pty Ltd Peer Review Comment	Campbelltown Council - Response to Issues Raised in "Peer Review" & Additional information	SquareLink Pty Ltd Consideration and Recommendation
Page 16 – Amended Conditions	Conditions have been amended in line with SquareLink advice where appropriate.	Council's revised Conditions of Consent have been appropriately amended.

The review has identified only two minor matters that remain for your further consideration. These are summarised below.

- Deferred Commencement Condition**
Council's revised Conditions of Consent needs to be amended to require the approval of any affected land owner (being the Council) prior to the consent being activated.
- Amended Plans**
The conditions should be further amended to ensure that trees to be retained are marked on the "Prior to CC" plans.

In conclusion the final Report provides a comprehensive assessment and proposed development and is supported by an appropriate set of conditions.

If you require any additional information or clarification regarding the contents of this Review please do not hesitate to contact me on 0418 674 124.

Yours sincerely,

Milan Marecic
Director
SquareLink Pty Ltd