



New South Wales

# **State Environmental Planning Policy (Infrastructure) 2007 (Amendment No 1)**

under the

**Environmental Planning and Assessment Act 1979**

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (Y08/696)

KRISTINA KENEALLY, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Infrastructure) 2007 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) 2007 (Amendment No 1)*.

### **2 Aim of Policy**

The aim of this Policy is to amend *State Environmental Planning Policy (Infrastructure) 2007* to make certain development for the purposes of a horse riding facility for people with disabilities at Marsfield Park complying development.

### **3 Land to which Policy applies**

This Policy applies to the land known as 118–120 Culloden Road, Marsfield, being Lots 652 and 653, DP752035.

### **4 Amendment of State Environmental Planning Policy (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Clause 3)

### Part 3, Division 26

Insert after Division 25:

### Division 26 Special provisions

#### 130 Riding for the disabled centre to be complying development

- (1) Subject to subclause (2), the following development for the purposes of a horse riding facility for people with disabilities, on the land known as 118–120 Culloden Road, Marsfield, being Lots 652 and 653, DP752035, is complying development:
  - (a) construction or alteration of, or addition to, a single unenclosed covered arena structure, if:
    - (i) it has a total area of not more than 1600m<sup>2</sup>, and
    - (ii) it is not within 9m of any boundary of the site, and
    - (iii) the roof of the structure is less than 8.2m in height, with support poles of less than 6m in height and constructed of non-reflective material,
  - (b) construction or alteration of, or addition to, a single office premises, if:
    - (i) they have a total floor space of less than 220m<sup>2</sup>, and
    - (ii) they have 2 storeys or less, and
    - (iii) the external walls and roof are constructed of non-reflective material,
  - (c) construction or alteration of, or addition to, horse yards and stables, if:
    - (i) the horse yards have a total area of not more than 3,150m<sup>2</sup>, and
    - (ii) the area of each horse yard is not more than 230m<sup>2</sup>, and
    - (iii) each horse yard is not within 6m of any boundary of the site, and
    - (iv) the stable is not within 25m of any boundary of the site, and
    - (v) the stable is not more than one storey, and
    - (vi) the external walls and roof are constructed of non-reflective material,

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- (d) car parking that is situated at ground level and that is not enclosed.
  - (2) To be complying development, development referred to in subclause (1) must:
    - (a) be permissible, with consent, in the zone in which it is carried out, and
    - (b) meet relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
    - (c) comply with the requirements of any tree preservation order under any other environmental planning instrument applicable to the land, and
- Note.** Division 3 of Part 5 of Schedule 2 to the *Local Government Act 1993* also contains requirements with which the development must comply in relation to the keeping of horses.
- (d) not be carried out within 1m of any public sewer main except with the written approval of the authority that has management or control of the main, and
  - (e) comply with the waste management and minimisation and stormwater management requirements under the *City of Ryde Development Control Plan 2006*, as in force at the commencement of this clause, and
  - (f) in the case of buildings, be constructed in accordance with level 1 construction under Australian Standard AS 3959—1999, *Construction of buildings in bushfire-prone areas*.

**Note.** Section 76A (6) of the Act also provides that certain development cannot be complying development.

### 131 Complying development certificate conditions for riding for disabled centre

A complying development certificate for development referred to in clause 130 is subject to the following conditions:

- (a) any construction or demolition work must be carried out only between 7.00am and 7.00pm Monday to Friday and 8.00am and 4.00pm on Saturdays,
- (b) construction or demolition work must not be carried out on a Sunday or a public holiday,
- (c) to prevent soil erosion, water pollution or the discharge of loose sediment onto surrounding land, run-off and erosion controls must be implemented before construction,
- (d) to control dust emissions from the site, suitable screens or barricades must be erected prior to any demolition, excavation or building work,

- (e) construction or demolition work must be carried out so as to protect existing trees on the site,
- (f) building materials, plant, equipment and waste used in or arising from construction or demolition work must not be placed or stored on a public footpath or road adjacent to the site,
- (g) any public land or public place must be protected from any obstruction, inconvenience or damage that might otherwise be caused by the development,
- (h) before the facility commences to operate, a certificate of compliance, if required, must be obtained from the relevant water supply or sewer authority,
- (i) the horse riding facility is to operate only between 7.30am and 5.00pm, but the office premises may operate until 10.00pm,
- (j) there are not to be more than 10 horses and stables at the facility.