

PLANNING & NATURAL SYSTEMS

ATTACHMENT A

**DA-309/2015 MOTORCYCLE EVENT -
PROPOSED MODIFICATION OF CONSENT**

DEVELOPMENT CONTROL UNIT MEETING

19 APRIL 2017

DA-309/2015 - MODIFICATION OF DEVELOPMENT CONSENT - MOTORBIKE RALLY

Report Author Steve Andrews, Development Assessment Planner, (Forster)

File No. / ECM Index DA-309/2015A, PK22816

Date of Meeting 28 September 2016

DETAILS

Date Received: 2 June 2016

Applicant: Mr R Warden

Owner: Mr JR & Mrs MC Sundell & Bogasi Pty Ltd

Land: Lot 750 DP 879479, Lot 73 DP 849898 & Lot 40 DP 753178; Ebsworth Road Booral

Area: 294.6ha (combined total area of three lots)

Property Key: Lot 750 - PK 24689; Lot 73 - PK 22816 & Lot 40 - PK17041

Zoning: RU2 - Rural Landscape, GLLEP 2014

SUMMARY OF REPORT

- Application lodged seeking to modify the development consent to conduct the Transmoto 6 hour Motorcycle Enduro Event.
- Application advertised in the local paper and also notified to neighbouring property owners in accordance with Council Policy for Notification of Planning Matters and submissions were received from the owners of five (5) neighbouring properties.
- Compliance with relevant planning controls.
- Proposed temporary use is considered contextually appropriate in this rural location subject to conditions.

SUMMARY OF RECOMMENDATION

- A. Modify the development consent subject to conditions.
- B. That Council's Ranger inspect the site and locality during and immediately after the 2016 event.

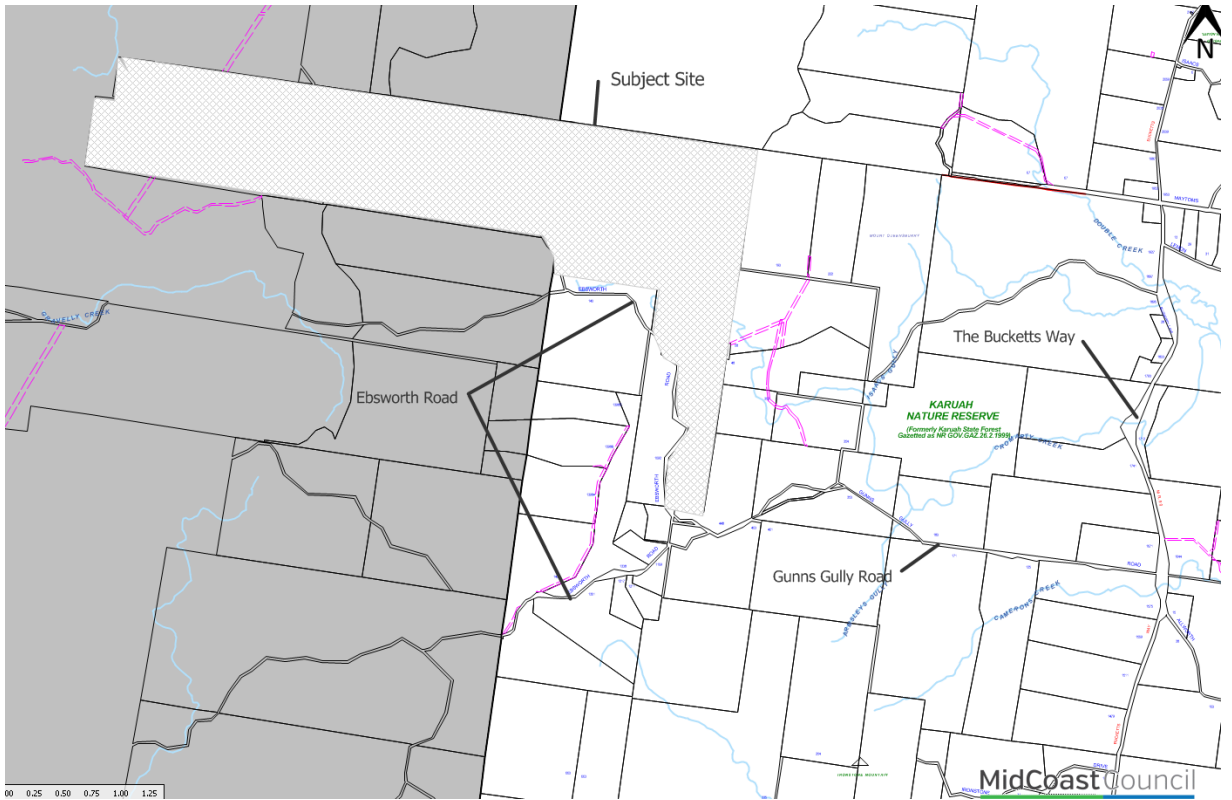
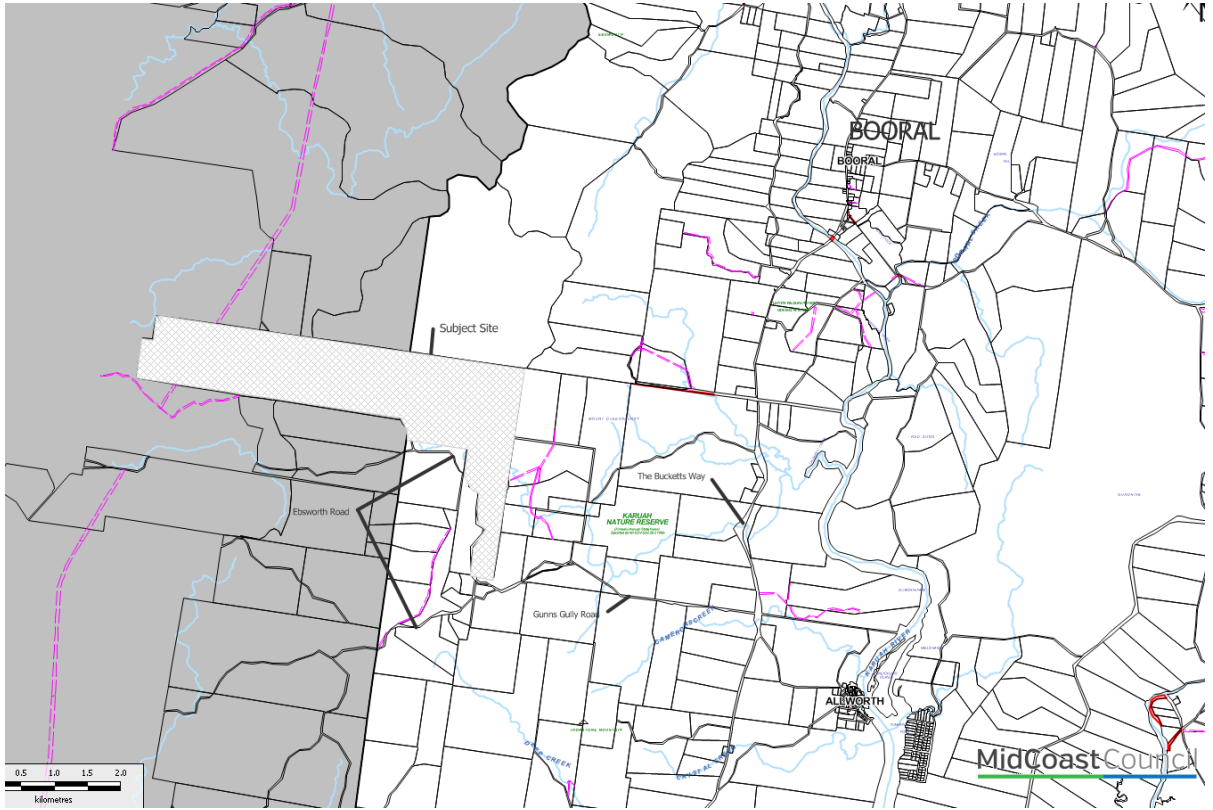
FINANCIAL/RESOURCE IMPLICATIONS

Cost of defending any appeal against Council's decision.

LEGAL IMPLICATIONS

Cost of defending any appeal against Council's decision.

SUBJECT SITE AND LOCALITY



BACKGROUND

Development application was submitted 27 February 2015 to conduct a motorcycle event on 19 July 2015 and then at a similar time in each of the successive four (4) years. Development consent was granted 11 June 2015, to conduct the event on 19 July 2015. Attachment 'A' is a copy of the planning assessment report that was considered by Council when making its decision on 11 June 2015.

MODIFIED PROPOSAL

The applicant seeks the modification of Condition No.2 of the development consent, that limited the event to 19 July 2015, in order to permit one (1) event this year for 300 riders and then two (2) events per year between the months of March and November in 2017, 2018 and 2019 and to modify Condition No.3, that limits the number of riders to 300, in order to permit a maximum of 500 riders. The second event will cater for a different market such as young riders. The applicant has indicated that they do not expect 500 riders, however, would like the maximum number of competitors capped at 500 to accommodate potential increased participation over coming years.

It should be noted that Condition No.2 of development consent advised the applicant that he may apply to modify the terms of the condition if it was demonstrated that the event on 19 July 2015 had been conducted to the satisfaction of the Council. In that regard the applicant has submitted that the event was conducted in accordance with Council's approval; 294 riders competed in the event that took place between 8.00am and 2.30pm; dust was managed with a water truck operating on the Saturday but not on the Sunday when it was raining; repair and remediation actions were carried out by the property manager; and litter was collected roadside post the event. It is also noted that Council did not receive any formal complaints concerning the operation of the event, at that time.

Attachment 'B' is a locality aerial plan indicating the proposed development including motorcycle circuit and camping area.

SITE DESCRIPTION

The site for the development consists of three (3) existing large lots under the one ownership with a combined area of 294.6 ha. The site is comprised of cleared and heavily timbered land, with land on adjoining properties to the north, north-east and west generally heavily timbered. Lots 40 and 750 are located within the Midcoast Council Local Government area (LGA) and lot 1 within Dungog Council LGA.

The proposed development will generally take place on land in lots 1 and 40 and in regard to Lot 1 Dungog Council have previously advised that development consent is not required for that part of the development in their LGA.

The closest point of the proposed development (ie. the pit area) is located approximately 6.5 kilometres from the The Bucketts Way, via Ebsworth Road and then Gunns Gully Road.

REPORT

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:

- a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

Under the provisions of Section 96(1A) of the EPA Act 1979, Council may modify an existing Development Consent if the following criteria have been complied with:-

- (a) *Minimal Environmental Impact*
The development is substantially the same development as that which was originally granted development consent and no significant environmental impacts arise as a result of the proposed minor modifications.
- (b) *Substantially the Same Development*
The development is substantially the same development as the development for which consent was originally granted.
- (c)&(d) *Notification and Consideration of Submissions*
The proposed modifications are not considered to unreasonably impact on the amenity of neighbouring residential properties subject to compliance with the relevant conditions of development consent and those included in this report's recommendation. The application to modify was advertised in the local paper and notified to neighbouring properties in accordance with Council's policy for notification. In response five (5) submissions were received and are considered under the later heading d) *Any Submissions Made in Accordance with the Act or Regulations*

In accordance with Section 96(3) of the EPA Act 1979 the Council, in determining an application for the modification of development consent, must take into consideration such of the matters referred to in Section 79C of the EPA Act 1979 as are of relevance to the subject application. Those relevant matters under Section 79C, are as follows.

Environmental Planning and Assessment Act 1979 (EPAA 1979)

The subject site is mapped as bush fire prone and in accordance with Section 91 of the EPAA 1979 and Section 100B of the Rural Fires Act 1997 the development is classed as 'Integrated' and requires the issue of a Bush Fire Safety Authority by the Rural Fire Service (RFS). The application was referred to the RFS who have indicated their support for the proposed modified development subject to conditions that are included in this report's recommendation.

Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

The site is zoned RU2 - Rural Landscape Zone. The proposed recreation facility (outdoor) use is permissible in the RU2 zone with development consent. The relevant objectives of the RU2 zone are to encourage sustainable primary industry production by maintaining and enhancing the natural resource base, to maintain the rural landscape character of the land, to provide for rural tourism in association with the primary industry capability of the land and to enable a range of compatible land uses. The proposed modified development is considered to be consistent with the relevant objectives of the zone.

Furthermore, clause 2.8 of GLLEP 2014 enables the granting of development consent for a temporary use of land if the use does not compromise future development of the land and does not have a detrimental economic, social, amenity or environmental effect on the land provided that the temporary use is limited to a maximum period of 52 days (whether or not consecutive days) in any 12 month period. The proposed temporary use is considered to be consistent with the provisions of this clause having regard to the matters listed for consideration in subclause (3).

Essential services - Clause 7.21 requires that development consent must not be granted to development unless the Council is satisfied that essential services (i.e. water, electricity, sewage, stormwater drainage and road access) are available or that adequate arrangements have been made to make them available. Given the rural locality, the proposed modified development has access to all relevant necessary services subject to the conditions contained in this report's recommendation.

State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44)

The Plan encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

The proposed temporary event is not considered to have a significant or unreasonable ecological impact and would not contravene the objectives and requirements of ecological legislation, including SEPP44, subject to compliance with the conditions that are included in this report's recommendation.

State Environmental Planning Policy (Rural Lands) 2008

The relevant aims of this Policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes, to identify rural planning principles to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State and to implement measures designed to reduce land use conflicts. The proposed temporary development is considered to be consistent with the relevant aims of the Policy having regard to the rural planning principles provided in the Policy.

Development Control Plan 2014

The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The relevant provisions of the Plan are discussed as follows:

Part 3 Character Statements - The proposed modified development is considered to be contextually appropriate in this rural locality and subject to conditions included in this report's recommendation, will not have a significant impact on the natural environment.

Part 4 Environmental Considerations - The proposed modified development, subject to conditions included in this report's recommendation, will not have a significant impact on existing ecological processes. Effluent disposal will be managed with temporary facilities and the issue of bush fire has been satisfactorily addressed by the RFS, the recommendations of which are included in this report's recommendation.

Part 10 Car Parking - The relevant objectives of this Part are to ensure that there is adequate and safe provision for access, manoeuvring and parking on site, to restrict vehicular access to a manner that is compatible with pedestrian movements and safety, to integrate vehicular access and parking facilities without compromising street character or landscaping and to provide an adequate level of on-site parking based on anticipated occupancy rates and proximity to alternate and active transport.

The Plan and the referenced RTA Guidelines do not provide parking generation figures for the subject type of rural use. Public transport is not available in this locality. The event organisers will encourage participants to car pool and respect local traffic conditions as well as the residential amenity of neighbouring properties. Temporary signage will be provided and parking on site will cater for the potential number of vehicles and be managed by parking marshals. Accordingly, the proposed modified development is considered to be consistent with the relevant objectives of the Part.

Part 11 Water Sensitive Design

The relevant objective of this Part is to reduce waste water discharge into the receiving environment. The proposed modified development, subject to the conditions contained in this report's recommendation, will be managed to ensure waste water and potential pollutants (associated with the motorcycles) are not discharged into existing watercourses, consistent with the objective of this Part.

Part 14 Waste Management - The relevant objectives of the Part are to encourage sustainable waste management that includes re-use and recycling of commercial waste. The proposed use will include suitable waste management facilities. A satisfactory waste management plan has been submitted with the development application.

Great Lakes Council Erosion and Sediment Control Policy

The aim of this policy is to minimise erosion and sedimentation in catchments, resulting from the disturbance of the soil surface associated with the proposed land use. This is to ensure that potential pollutants are not directed to natural and artificial water bodies.

The proposed modified development will be managed to ensure that erosion and sediment control measures comply with the aims and requirements of the Policy thereby protecting the water quality of neighbouring natural and artificial water bodies. Appropriate conditions are included in this report's recommendation.

b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The proposed temporary development is considered to be contextually appropriate in this rural locality.

Noise

This issue is addressed in the later heading *d) Any Submissions Made in Accordance with the Act or Regulations* where the concern was raised by the neighbours.

Access, Transport and Traffic

This issue is addressed in the later heading *d) Any Submissions Made in Accordance with the Act or Regulations* where the concern was raised by the neighbours.

Utilities

The proposed events will provide a limited supply of potable water. Participants will be encouraged to bring their own potable water supply.

Portable toilet facilities will be provided as required by a condition of this report's recommendation.

Flora and Fauna

The proposed temporary event is not considered to have a significant or unreasonable ecological impact and would not contravene the objectives and requirements of ecological legislation, subject to compliance with the conditions that are included in this report's recommendation.

Precedent and Cumulative Impacts

The proposed temporary development, subject to the recommended conditions, does not set an undesirable precedent for future similar events in this rural locality.

c) The Suitability of the Site for the Development

The topography and configuration of the site, given the distant relationship with neighbouring residents, are considered suitable for the proposed events. Environmental issues are limited and satisfactorily addressed. There is a limited natural hazard in terms of bushfire that has been identified and addressed in the risk management and emergency procedures plans. Adequate utility services are available. The modified proposal, subject to the recommended conditions, is unlikely to create an unreasonable impact on the residential amenity of the neighbouring properties.

Accordingly, the site is considered to be suitable for the proposed temporary development.

d) Any Submissions Made in Accordance with the Act or Regulations

The original proposal was advertised and notified to neighbouring property owners in accordance with Council's Policy and eight (8) submissions were received. Those submissions were assessed and considered by Council when it determined the original application for approval. Those previous concerns and the assessment of those concerns are referred to in Attachment 'A' to this report.

The proposed modified development was also advertised and notified to neighbouring property owners in accordance with Council's Policy and submissions were received from the owners of five (5) neighbouring properties. The submissions raise the following concerns:

1. Unsatisfactory operation of approved event on 19 July 2015.
 - (i) The event ended up to be a four (4) day event with traffic coming and going over the four (4) days. It is anticipated that in excess of 400 traffic trips over the public road.
 - (ii) Repair ground works and damaged roads did not occur immediately post event.
 - (iii) The event was conducted in bad weather causing vehicles to become bogged on site requiring tractor assistance.
 - (iv) Soil erosion may have contributed to the discolouration of the nearby creek and toilet paper and other rubbish was seen in vegetation along the creek. This then impacted on fish breeding in downstream areas.
 - (v) Post event litter was left around the event area and took weeks to remove.
 - (vi) Despite provision of toilet facilities human faeces were left around in the camping area.
 - (vii) The event nearly doubled the approved maximum of 300 participants.

- (viii) Unreasonable noise.
- (vix) The event was stressful for the elderly neighbouring residents.
- (x) One event per year would allow damaged areas and vegetation to recover.

Comment:

The event took place on Sunday 19 July 2015, with the wet weather, clean up and restoration works a limited number of vehicles remained on the site on the Monday and Tuesday. The tractor only operated on the subject property. The applicant, by email dated 24 July 2015, reported back to Council the outcome of the event that had a total of 294 riders riding (limited to 300 riders by development consent) between 8.00am and 2.30pm on the day; dust suppression was managed by water truck on the Saturday but not on the Sunday due to rain both on site and outside properties close to the road; 'Wildlife Ahead' signs had been erected; repair and remediation actions commenced and were continuing; and litter had been collected roadside. On the 31 July 2015 the applicant submitted landfill receipts in accordance with the approved waste management plan.

The applicant points out that the date for the event was not negotiable as it was in accordance with Condition No.2 of development consent. Weather forecast was for fine and sunny weekend however it rained on the Sunday when the event took place and the applicant's aim is to run future events in dryer months of the year. The applicant also reports that property impact was limited to the subject site; the majority of residents and local community were in favour of the event; most of the participants only drive in and out of the property once over the weekend; that there were no more than 150 cars; there were no bridge incidents along the access roads; no wildlife was hurt; no pollution occurred; participants were briefed before the event to drive carefully to and from the site; and the property and access road were cleaned of rubbish before and after the event.

The applicant also advises that for future events additional toilets and bins will be provided, additional road signage is planned and confirms that earlier notification of neighbouring properties and the NSW Police will occur with future events.

Council did not receive and public complaints post the event on 19 July 2015. Indications from the applicant were positive and that Council's development consent had been followed. The applicant seeks to conduct only one (1) event this calendar year with a maximum of 300 riders.

2. Increased traffic

- (i) Dust implications and need for water truck to limit in dry periods.
- (ii) Damage to existing Gunns Gully and Ebsworth Roads, both of which are in a poor condition, should only be used by cars, and will Council be conducting road restoration works after the events.
- (iii) Noise (see also 3 below).
- (iv) Concerns for wildlife especially during breeding periods
- (v) Signage for safety and wildlife areas given limited width of public roads, one lane bridges and poor visibility at the crest of a hill.
- (vi) Inconvenience with the moving of neighbour's stock to other more remote paddocks. Who should do this and who will supervise.

Comment:

The applicant has indicated that a water truck was operated during the 2015 approved event to address the issue of dust both on the site and outside properties close to the road in accordance with Condition No.10 of the development consent. A similar outcome would be applicable if Council were to support the modified development.

Whilst the access roads are unsealed their condition together with road infrastructure is considered satisfactory having regard to the scale of the proposed modified development. If there is any damage as a result of the event Council would rectify same during its scheduled maintenance program. The applicant submits that his organisation encourages attendees to car pool as the event is team based and that the past event, with 294 competitors, saw no more than 150 cars used. Also, large trucks are not permitted.

The applicant has reported that no wildlife was hurt during the 2015 event and that additional road signage, to that required by Condition No.13 of development consent, can be provided warning motorists of possible wildlife crossing during future events. Also, briefing advice is provided to all participants to drive safely and to watch out for wildlife. The applicant is also prepared to include further details of specific wildlife-at-risk in participant briefing packs. The modified application was referred to NSW Police who raise no objection to the modified development.

Erosion and sediment control measures will be provided in those areas susceptible to impact. The current development consent conditions enforce these requirements.

In respect to the relocation of stock that function lies with the respective owner and with advanced warning of the event suitable arrangements could occur.

3. Potential noise impacts on current lifestyle, residents, flora and fauna, wildlife breeding, waterways, fire hazard, animal stock and pets. The neighbour suggests that if the events are to take place then local residents be notified of times well in advance.

Comment:

Whilst there is currently no speed warning signage along the unsealed access roads, suitable signage is proposed by way of Condition No.13 of development consent. Event organisers will send clear driving instructions to all participants to ensure they adhere to the local road laws, be mindful of wildlife and respect the amenity of neighbouring properties.

Concerns regarding noise from vehicular movements over the public road system are not supported as such noise will be limited over the event period and generally to daytime use, by appropriately registered and complying vehicles suitable for use on the public road system.

In respect to potential noise from the motorcycle event the applicant has confirmed that motorcycles are proposed to be ridden only on Sunday during the proposed event 8.00am to 4.30pm and are noise tested and limited to 94db. Appropriate conditions are included in the development consent that confirms this information. The concerned neighbours are distant from the proposed event facility and are more exposed to traffic noise than the motorcycle event.

The neighbour's suggestion, concerning the applicant notifying neighbours of the address date, is supported and included in the current conditions of development consent. The applicant has indicated that neighbours will be formally notified one month in advance of the event.

4. Need for Environmental Impact Statement (EIS) particularly based on past event.

Comment:

An EIS is only required for various uses that are categorised as 'designated development' under Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and not for the subject 'integrated development' that is a temporary use of a rural property. The appropriate supporting document is a 'Statement of Environmental Effects' (SEE) and in that regard the applicant has submitted suitable documentation including an Environmental Management Plan and a Bush Fire Protection and Evacuation Plan.

5. Events should be reviewed by Council.

Comment:

Notwithstanding the applicant's submission and the conditions of development consent and having regard to the neighbour's concerns it is recommended that a Council Ranger carry out an inspection of the locality and site post event.

6. Retain one (1) event per year with maximum 300 participants.

Comment:

The applicant has indicated that only one (1) event with a maximum of 300 riders (as conditioned in the development consent) will be conducted this calendar year.

7. Who will be financially responsible for damage to neighbour's properties?

Comment:

Should any damage be caused to neighbour's properties then the person responsible may be liable in a private legal action.

8. Should be conducted in more remote locations that have limited implications.

Comment:

The subject location is considered to be remote in terms of the event course and site. Access to a suitable site will always be via a public road system with inherent adjoining properties and traffic concerns.

9. Neighbours should be notified well in advance (not one week at present) of an event so that they can make preparations, move stock and/or vacate their premises during the event.

Comment:

Condition 7 of development consent requires 7 days-notice to neighbours. The applicant has agreed to an earlier notification process (at least one month prior to the event), accordingly Condition 7 is recommended for modification to 30 days.

10. Neighbours do not want to live next to a motorbike track.

Comment:

The proposed modification for two (2) events per year, with the exception of this year when only one (1) event is proposed, is a temporary use of a rural property and not considered to be a permanent motorbike track on a rural property.

11. There should be a NSW Police presence

Comment:

The modified development application was referred to NSW Police who have indicated no objection to the conduct of the events. The applicant submits that there were no reported crime events during or after the 2015 event and that he advises the local area Police at Stroud prior to the event.

12. Contrary to the suggestion of the applicant there is no financial benefit to local businesses. Participants generally would bring their own food and drink and/or be available on site.

Comment:

The applicant submits that the event is aimed at the regional motorcycle community and the national media coverage supports the area's economy with a premium profile and industry leading support. Also the applicant considers that the towns of Dungog, Stroud and Booral will benefit financially with accommodation and the sale of food and fuel.

13. Clarification is required for Council's review process in respect to condition 2 of development consent.

Comment:

Condition 2 of the development consent stated:

2. Limitation of use

This development consent is restricted to one (1) event only on 19th July 2015 subject to the event being operated without nuisance or significant environmental impact. The applicant may seek to modify this condition if it is demonstrated that the event on 19th July 2015 has been conducted to the satisfaction of the Council.

Reason: *To protect the amenity of neighbouring properties and the environment.*

The 2015 event has occurred and the applicant now submits, in accordance with the terms of the condition and based on the conduct of that event, an application to modify the development consent to permit further events. That application to modify the development consent is the subject of this assessment report.

On balance, having considered the opposing submissions, the modified development application is supported on the basis that only one (1) event with a maximum of 300 riders be conducted this calendar year and the post event outcome be inspected by Council. Furthermore, Council would consider modifying these requirements for events in subsequent years if it is demonstrated that the subject modified event has been conducted to the satisfaction of the Council.

e) The Public Interest

The proposed temporary development will not detract from the character of this rural locality, nor will it significantly undermine any of the social or economic values of the site or surrounding area. The modified proposal is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon the amenity of neighbouring properties subject to compliance with the conditions of this report's recommendation.

Accordingly, approval of the proposed modified development would not be contrary to the public interest.

CONCLUSION

The modified proposal is considered to be suitable for the site and in this rural locality having regard to current planning controls. The proposed modified development maintains a reasonable amenity relationship with neighbouring developments subject to compliance with the conditions contained in this report's recommendation.

Accordingly, the application for the modification of the development consent is supported.

RECOMMENDATION

- A. It is recommended that development consent granted 11 June 2015 (DA309/2015) for the use of the land for a recreational motorbike rally on land at Gunns Gully Vineyard, Ebsworth Road Booral (Lot 750 DP 879479, Lot 73 DP 849898 & Lot 40 DP 753178) be modified pursuant to Section 96(1A) of the EPA Act 1979 in the following manner:-

Condition 1 being amended to read:

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Prepared by	Dated
Course Layout & Locality Plan	R Warden	28/4/2015
Transmoto 6-Hour Enduro Event 2016 letter from R Warden	R Warden	13/7/2016
Environmental Management Plan for 2016 onwards	R Warden	13/7/2016
Planned Special Event document	R Warden	13/7/2016
Bush Fire Protection and Evacuation Plan for Temporary Camp Site V2 Gunns Gully Vineyard	R Warden	13/7/2016

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

Condition 2 being amended to read:

2. Limitation of use

This development consent is restricted to one (1) event only in 2016 subject to the event being operated without nuisance or significant environmental impact. The applicant may seek to modify this condition if it is demonstrated that the event has been conducted to the satisfaction of the Council.

Reason: To protect the amenity of neighbouring properties and the environment.

Condition 3 being maintained to read:

3. Restrictions on propose use

The number of riders in the event being limited to a maximum of 300 riders.

Reason: To limit the potential environmental implications associated with the proposed use.

Condition 6 being amended to read:

6. Potential Noise

The operation of motorbikes associated with the event shall be restricted to the hours of between 8:00am to 4:30pm on the event day.

Motorcycles participating in the event must not exceed a noise limit of 94dB(A).

This is to be no amplified noise after 10.00pm during the course of the event.

Reason: To maintain acoustic amenity to the neighbouring properties.

Condition 7 being amended to read:

7. Notification of adjoining property owners

All adjoining property owners are to be notified of at least thirty (30) days prior to the staging of the event. The notification shall include the details of the location, dates, times and duration of the event as well as contact information for the event co-ordinator should any concerns arise.

Reason: To protect the amenity of neighbouring properties

Condition 10 being amended to read:

10. Dust suppression

All necessary works must be undertaken to control dust pollution from the site and connecting public roads over the duration of the event. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas along Gunns Gully Road and Ebsworth Road (note: prevent excess watering as it can cause damage and erosion;)

Reason: To maintain neighbouring amenity.

Condition 20 being amended to read:

20. Waste Management

A site Waste Management and Minimisation Strategy (WM&MS) must be developed and submitted to Council's Environmental Health Officer (or any other authorised officer of the council) and approved by Council prior to the event. The Plan is to nominate details of the waste contractor, include a plan of proposed bin locations, describe all expected waste types and volumes associated with the event and detail the intended disposal and recycling measures to deal with the waste. The WM&MS shall also include details of proposed measures to be implemented which encourage participants and spectators to recycle appropriately.

Once the WM&MS has been approved by the council the WM&MS is to be implemented for the event of which this approval pertains to. The WM&MS must be submitted and approved by 4.00 pm on 1 October 2016.

Reason: To ensure the satisfactory management of waste.

Condition 24 being amended to read:

24. Rural Fire Service requirements

The development must be carried out in compliance with the following conditions detailed in the Bush Fire Safety Authority, reference No.DA16/1986 & DA.16062302481AB, dated 20 July 2016.

- a) The camp area, temporary cooking facility, temporary toilet facility and identified safe refuge area are to be located as per the following:
- unreferenced, undated Site Plan titled 'Gunns Gully Vineyard Trail Map' submitted with Great Lakes Council's referral on 4th March, 2015; and
 - unreferenced, undated, untitled map prepared by Robbie Warden (Event Manager) and emailed by Great Lakes Council on 29th April, 2015.

b) Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- Prior to the commencement of the first event, and in perpetuity, the entire proposed camping ground area, temporary cooking facility and temporary toilet facilities shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
- Prior to the commencement of the event, and in perpetuity, the property around the proposed safe refuge area shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' as follows:
 - i) north for a distance of 81 metres as an inner protection area (IPA);
 - ii) south for a distance of 91 metres as an IPA;
 - iii) east for a distance of 137 metres as an IPA;
 - iv) west for a distance of 137 metres as an IPA.

c) Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
- Gas cylinders kept close to the building/temporary structure shall have release valves directed away from the building/temporary structure. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building/temporary structure are not to be used.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to building/temporary structure are not to be used.

d) Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- In recognition of the isolated location of the proposal, arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plans' and Australian Standard AS 3745 2010 'Planning for Emergencies in Facilities' including:
 - i) the event will be cancelled if the FDI exceeds 50;
 - ii) trigger points for implementation of the emergency evacuation plan are to be developed and clearly state evacuation will occur where the FDI exceeds 50;
 - iii) the emergency evacuation plan will include a procedure to contact the NSW Rural Fire Service District Office and inform them of the evacuation and the location they will be evacuated to.
 - iv) a copy of the emergency evacuation plan shall be provided to the consent authority and the Local Emergency Management Committee prior to commencement of the development.

General Advice – The identified safe refuge area has been assessed against the criteria for open spaces within the Neighbourhood Safer Places Program. The 'open space' is to be situated to prevent direct flame contact, material ignition and radiant heat levels of 2 kW/m² or provide 310 metres separation distance from a hazard'. The safe refuge area is unable to satisfy this performance criteria, consequently, the event is to be cancelled if the FDI exceeds 50.

This bush fire safety authority has been issued in consideration of the fire weather data available for the subject area during the proposed timeframe of the event.

Details from an appropriately qualified Bushfire Consultant (BPAD) accredited with the Fire Protection Association demonstrating compliance with the above conditions, must be submitted to the Council.

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

- B. That Council's Ranger inspect the site and locality during and immediately after the approved 2016 event to ascertain compliance with the conditions of the development consent. Council's costs for the inspections being borne by the applicant and paid to Council at least seven (7) days prior to the event. A tax invoice for this service being enclosed with the Council's decision.

ATTACHMENTS:

- A: Planning Assessment report considered at Council meeting on 11 June 2015.
B: Locality Plan

ATTACHMENT A

Subject: PES - DA 309/2015 - Motorcycle Event, Booral
Index: DA 309/2015
Author: Assessment Planner - Steve Andrews
DCU Meeting: 11 June 2015

DETAILS:

Date Received: 27 February 2015
Applicant: 3 CMG Pty Ltd
Owner: Mr JR & Mrs MC Sundell & Bogasi Pty Ltd
Land: Lot 750 DP 879479, Lot 73 DP 849898 & Lot 40 DP 753178; Ebsworth Road Booral

Area: 294.6ha (combined total area of three blocks)
Property Key: Lot 750 - PK24689, Lot 73 - PK22816 & Lot 40 - PK17041
Zoning: RU2 - Rural Landscape, GLLEP 2014

SUMMARY OF REPORT:

- Application lodged seeking development consent to conduct the Transmoto 6 hour Motorcycle Enduro Event on 19 July 2015 and then at a similar time in each of the successive four (4) years.
- Application advertised in the local paper and also notified to neighbouring property owners in accordance with Council Policy for Notification of Planning Matters and eight (8) submissions were received.
- Compliance with relevant planning controls
- Proposed temporary use is considered contextually appropriate in this rural location.

SUMMARY OF RECOMMENDATION:

Approval subject to conditions.

FINANCIAL/RESOURCE IMPLICATIONS:

Cost of defending any appeal against Council's decision.

POLICY IMPLICATIONS:

Nil.

LEGAL IMPLICATIONS:

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

LIST OF ANNEXURES:

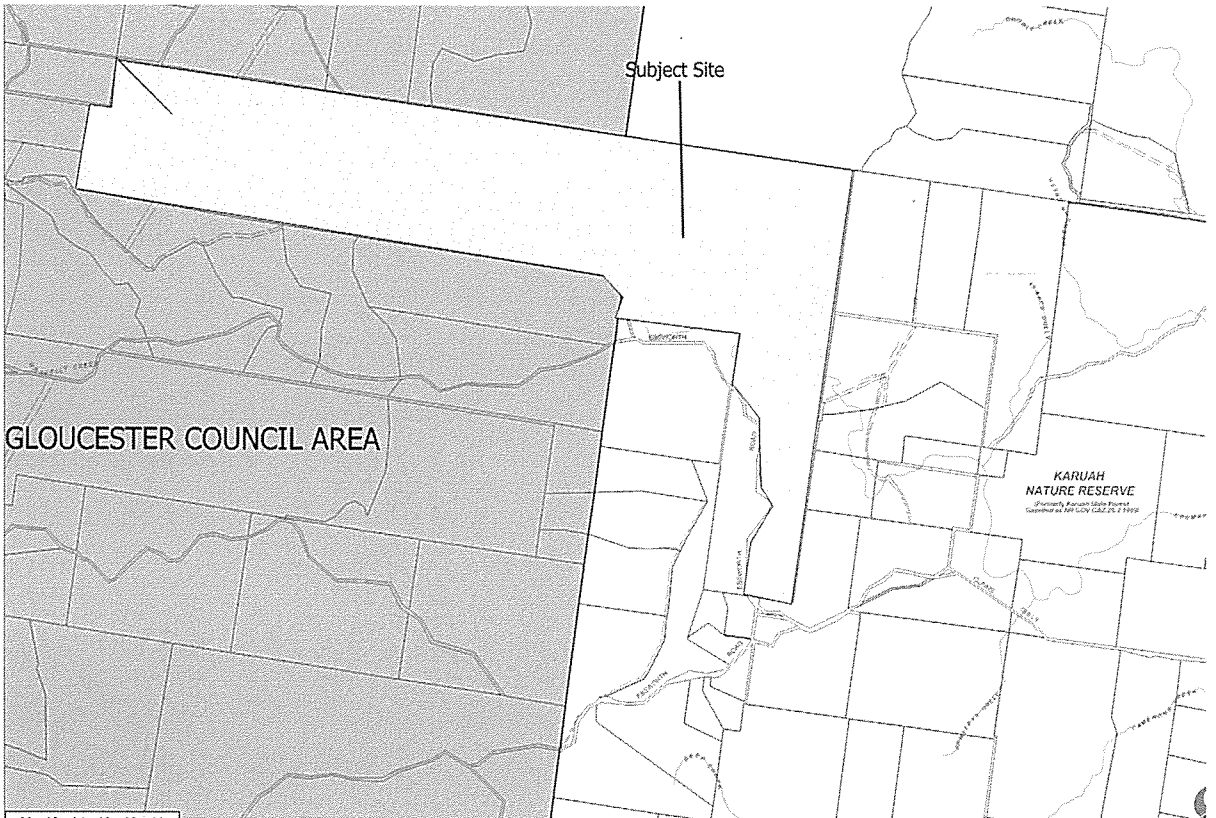
Nil.

LIST OF ATTACHMENTS:

A: Course layout and locality plan (colour)

Due to the colouring of Attachment A, it has been circulated in hard copy to Councillors and Senior Staff only as a paper conservation measure. However, this Attachment is publicly available on Council's Website, copies are available at Council offices and copies are available on request.

SUBJECT SITE AND LOCALITY:



BACKGROUND DEVELOPMENT HISTORY:

BA 190/1996 - Building approval was granted 12 October 1995 for the construction of a machinery shed on lot 73 DP849898.

- DA 803/2002 - Development consent was granted 19 March 2002 for a relocatable dwelling on lot 73 DP849898. Construction Certificate 711/2002 was then issued 29 August 2002.
- DA 331/2003 - Development consent was granted 12 November 2002 for the erection of a shed on lot 73 DP849898 for use as a hot house. Construction Certificate 280/2003 was then issued 31 January 2003. An Occupation Certificate was issued 21 May 2004.
- DA 844/2004 - Development consent was granted 21 June 2004 for use on lot 750 DP 879479 for wine making and a cellar door sales outlet on lot 73 DP849898.
- DA 906/2005 - Development consent was granted 31 May 2005 for additions to the dwelling house on lot 73 DP849898. Construction Certificate 749/2005 was then issued 29 June 2005. An Occupation Certificate was issued 19 May 2006.

PROPOSAL:

The proposal is to conduct the Transmoto 6 Hour Motorcycle Enduro event on 19 July 2015 and then at a similar time in each of the successive four (4) years. The proposed event will include:

- Maximum 300 competitors (16 years and older) and 100 crew/family members all whom are encouraged to car pool.
- The event is essentially a non-competitive relay team social event. There is no prize money of championship.
- Spectators will be discouraged.
- Event staff will set the course on the Friday and there will be no riding. Competitors will arrive on Saturday afternoon with registration from 12.00 noon to 5.00pm and rider safety briefing at 5.00pm and no riding on Saturday. On Sunday the event will run 8.00am to 4.30pm, safety crews will conduct sweeps of the circuit between 4.30pm and 5.00pm. Presentations will occur at 5.00pm and formal proceedings will conclude at 5.30pm. Participants will then depart the property.
- All riders have NSW motorcycle licences and ambulance cover.
- Events will be run over existing marked trails on natural terrain with no man-made jumps or berms. The racecourse will be marked and inspected by Motorcycling Australia officials.
- The command post will be in two way radio contact with field operators, as well as by mobile phones.
- Erosion is limited to the subject property and will be addressed after each event utilising machinery, hay bales and quick seeding grass.
- In the event of heavy rain or forecast of heavy rain, the motorcycle event will be postponed.
- A 3 cubic metre skip bin or similar will be provided for rubbish collection. All competitors are issued with a rubbish bag.
- Portable toilets and toilets suitable for use by a person with a disability will be provided throughout the pit and camping area, will be cleaned and replaced as required.
- Organisers and staff will be accommodated in the spare rooms and bunk beds at the property's main house. Camping for participants will be available on the property on the Saturday night before the event. A temporary cooking facility (canteen) will be provided. Local clubs, businesses and organisations will be approached to cater for the event.
- All motorcycles must meet the 94dB noise limit. Motorcycling Australia officials will conduct scrutinizing of all motorcycles and random noise testing during the sign on process, held on the Saturday.
- Neighbouring property owners will be contacted before the event.
- Local area Police have been informed of the event.
- The Department of Sport and Recreation have been informed of the event.

- Public liability (\$50m) and rider insurance is covered by Motorcycling NSW.
- An operational medical centre will be provided with first aid by St Johns Ambulance volunteers for the duration of the event.
- It is expected that 100 to 150 vehicles will come and go on event day. Public roads will be manned and signposted road crossings using barriers and large cone flute warning signs for vehicles and also stop signs for the competitors on the property for the duration of the event.
- Emergency vehicle access will be provided.
- Parking will be managed by event marshals.
- Public address system will operate in the pit area and be limited in noise level to 200 metres.
- An Environmental Management Plan has been submitted with the development application that addresses the management of potential environmental issues including dust (by water truck on property only); cleaning of motorcycles; noise (from bikes, public address systems and crowds); ground protection including rubbish collection and disposal, refuelling areas using environmental mats, work areas, cleaning areas and restoration works; rider and community education in particular environmental awareness

A coloured locality map of the event course is contained in Attachment 'A'.

SITE DESCRIPTION:

The site for the development consists of three (3) existing large lots under the one ownership with a combined area of 294.6 ha. The proposed development is located approximately 6.5 kilometres from the proposed pit area via Ebsworth Road and then Gunns Gully Road to the intersection with and on the western side of The Bucketts Way. The site is comprised of cleared and heavily timbered land, with land on adjoining properties to the north, north-east and west generally heavily timbered. Lots 40 and 750 are located within the Great Lakes Council Local Government area (LGA) and lot 1 within Dungog Council LGA. The proposed development will generally take place on land in lots 1 and 40 and in regard to lot 1 Dungog Council have advised that development consent is not required for that part of the development in their LGA.

REPORT:

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:

a) The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.

Environmental Planning and Assessment Act 1979 (EPAA 1979)

The subject site is mapped as bush fire prone and in accordance with Section 91 of the EPAA 1979 and Section 100B of the Rural Fires Act 1997 the development is classed as 'Integrated' and requires the issue of a Bush Fire Safety Authority by the Rural Fire Service (RFS). The application was referred to the RFS who have now indicated their support for the proposed development subject to conditions that are included in this report's recommendation.

Great Lakes Local Environmental Plan 2014 (GLLEP 2014)

The site is zoned RU2 - Rural Landscape Zone. The proposed recreation facility (outdoor) use is permissible in the RU2 zone with development consent. The relevant objectives of the RU2 zone are to encourage sustainable primary industry production by maintaining and enhancing the natural resource base, to maintain the rural landscape character of the land, to provide for rural

tourism in association with the primary industry capability of the land and to enable a range of compatible land uses. The proposed development is considered to be consistent with the relevant objectives of the zone.

Furthermore, clause 2.8 of GLLEP 2014 enables the granting of development consent for a temporary use of land if the use does not compromise future development of the land and does not have a detrimental economic, social, amenity or environmental effect on the land provided that the temporary use is limited to a maximum period of 52 days (whether or not consecutive days) in any 12 month period. The proposed temporary use is considered to be consistent with the clauses provisions having regard to the matters listed for consideration in subclause (3).

Essential services - Clause 7.21 requires that development consent must not be granted to development unless the Council is satisfied that essential services (ie. water, electricity, sewage, stormwater drainage and road access) are available or that adequate arrangements have been made to make them available. Given the rural locality, the proposed development has access to all relevant necessary services subject to the conditions contained in this report's recommendation.

State Environmental Planning Policy 44 - Koala Habitat Protection (SEPP 44)

The Plan encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.

The proposed temporary event is not considered to have a significant or unreasonable ecological impact and would not contravene the objectives and requirements of ecological legislation, including SEPP44, subject to compliance with the conditions that are included in this report's recommendation.

State Environmental Planning Policy (Rural Lands) 2008

The relevant aims of this Policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes, to identify rural planning principles to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State and to implement measures designed to reduce land use conflicts. The proposed temporary development is considered to be consistent with the relevant aims of the Policy having regard to the rural planning principles provided in the Policy.

Development Control Plan 2014

The aims of the Plan are to ensure good quality, sustainable development outcomes that maintain a high level of environmental amenity. The Plan is designed to allow flexibility in the application of its controls where strict compliance is considered unreasonable or unnecessary provided the relevant objectives of the Plan have been achieved.

The relevant provisions of the Plan are discussed as follows:

Part 3 Character Statements - The proposed development is considered to be contextually appropriate in this rural locality and subject to conditions included in this report's recommendation, will not significantly impact on the natural environment.

Part 4 Environmental Considerations - The proposed development, subject to conditions included in this report's recommendation, will not have a significant impact on existing ecological processes. Effluent disposal will be managed with temporary facilities and the issue of bush fire has been satisfactorily addressed by the RFS, the recommendations of which are included in this report's recommendation.

Part 10 Car Parking - The relevant objectives of this Part are to ensure that there is adequate and safe provision for access, manoeuvring and parking on site, to restrict vehicular access to a manner that is compatible with pedestrian movements and safety, to integrate vehicular access and parking facilities without compromising street character or landscaping and to provide an adequate level of on-site parking based on anticipated occupancy rates and proximity to alternate and active transport.

The Plan and the referenced RTA Guidelines do not provide parking generation figures for the subject type of rural use. Public transport is not available in this locality. The event organisers will encourage participants to car pool and respect local traffic conditions as well as the residential amenity of neighbouring properties. Temporary signage will be provided and parking on site will cater for the potential number of vehicles and be managed by parking marshals. Accordingly, the proposed development is considered to be consistent with the relevant objectives of the Part.

Part 11 Water Sensitive Design

The relevant objective of this Part is to reduce waste water discharge into the receiving environment. The proposed development, subject to the conditions contained in this report's recommendation, will be managed to ensure waste water and potential pollutants (associated with the motorcycles) are not discharged into existing watercourses, consistent with the objective of this Part.

Part 14 Waste Management - The relevant objectives of the Part are to encourage sustainable waste management that includes re-use and recycling of commercial waste. The proposed use will include suitable waste management facilities. A satisfactory waste management plan has been submitted with the development application.

Great Lakes Council Erosion and Sediment Control Policy

The aim of this policy is to minimise erosion and sedimentation in catchments, resulting from the disturbance of the soil surface associated with the proposed land use. This is to ensure that potential pollutants are not directed to natural and artificial water bodies.

The proposed development will be managed to ensure that erosion and sediment control measures comply with the aims and requirements of the Policy thereby protecting the water quality of neighbouring natural and artificial water bodies. Appropriate conditions of consent are recommended.

b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The proposed temporary development is considered to be contextually appropriate in this rural locality.

Noise

This issue is addressed in the later heading *d) Any Submissions Made in Accordance with the Act or Regulations* where the concern was raised by the neighbours.

Access, Transport and Traffic

This issue is addressed in the later heading *d) Any Submissions Made in Accordance with the Act or Regulations* where the concern was raised by the neighbours.

Utilities

The proposed event will provide a limited supply of potable water. Participants will be encouraged to bring their own potable water supply.

Portable toilet facilities will be provided at the following rates:

Closets 1/30 persons/day

One closet facility suitable for use by a person with a disability.

Flora and Fauna

The proposed temporary event is not considered to have a significant or unreasonable ecological impact and would not contravene the objectives and requirements of ecological legislation, subject to compliance with the conditions that are included in this report's recommendation.

Precedent and Cumulative Impacts

The proposed temporary development, subject to the recommended conditions, does not set an undesirable precedent for future similar events in this rural locality.

c) The Suitability of the Site for the Development

The topography and configuration of the site and the distant relationship with neighbouring residents are considered suitable for the proposed event. Environmental issues are limited and satisfactorily addressed. There is a limited natural hazard in terms of bushfire that has been identified and addressed in the risk management and emergency procedures plans. Adequate utility services are available. The proposal, subject to the recommended conditions, is unlikely to create an unreasonable impact on the residential amenity of the neighbouring properties.

Accordingly, the site is considered to be suitable for the proposed temporary development.

d) Any Submissions Made in Accordance with the Act or Regulations

The application was notified to neighbouring property owners in accordance with Council's Policy and eight (8) submissions were received. The submissions referred to the following issues:

1. The development is contrary to the land use zone and the objectives of GLLEP 2014 Clause 2.8

Comment: The proposed temporary use (recreation facility - outdoor) is permissible in the RU2 - Rural Landscape zone with development consent and consistent with the relevant objectives of that zone, in accordance with the land use table in GLLEP 2014 (refer to earlier heading *Great Lakes Local Environmental Plan 2014*). Furthermore, the temporary use is permissible with development consent and considered to be contextually suitable (subject to the conditions contained in this report's recommendation) having regard to the objectives and matters listed for consideration in clause 2.8 of GLLEP 2014, that state:

The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Matters for consideration.

(a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

(b) *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*

(c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

(d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Accordingly, the opinion of the neighbour is not supported.

2. Event too large for the site, environmental impacts on land and wildlife

Comment: The large site is comprised of three allotments with a collective area of 294.6ha. The event course will be conducted over areas of the site that are distant from occupied neighbouring properties. The closest dwelling on a neighbouring property that has raised concerns is approximately 1.5km from the closest point of the proposed development (pit and camping area). The event course is beyond that distance. The site has suitably cleared areas and existing trails that will satisfactorily accommodate the proposed event. Environmental implications will be limited and appropriate conditions are included in this report's recommendation that confirm the intent of the applicant in his submission.

Accordingly, the concerns of the neighbours' are not supported.

3. Traffic impacts by excessive number of vehicles each day. Concerns include road safety (human and wildlife); no speed signage currently on Ebsworth or Gunns Gully roads; dust impacts particularly for neighbours with respiratory illnesses and will there be a water truck; noise; loss of amenity; road, timber bridge and two concrete causeway condition will deteriorate particularly if wet weather. Will Council repair the likely damage to the road?

Comment: Whilst the access roads are unsealed their condition together with road infrastructure is considered satisfactory having regard to the scale of the proposed event. If there is any damage as a result of the event Council would rectify same during its scheduled maintenance program.

Whilst there is currently no speed warning signage along the unsealed access roads, suitable signage is proposed by way of condition of this report's recommendation. Event organisers will send clear driving instructions to all participants to ensure they adhere to the local road laws, be mindful of wildlife and respect the amenity of neighbouring properties.

The issue of dust in respect to the site is addressed by the applicant in his Environmental Management Plan whereby a truck based watering will be carried out. Whilst this is considered suitable for the site, it is recommended that light watering also be carried out on the unsealed public access roads to minimise dust that may impact on five (5) of the neighbouring properties that have lodged a submission. An appropriate condition is included in this report's recommendation.

Concerns regarding noise from vehicular movements over the public road system are not supported as such noise will be limited over the event period and generally to daytime use, by appropriately registered and complying vehicles suitable for use on the public road system.

4. Noise from motorbikes, riding on Friday, Saturday then Sunday impacting on neighbouring residential tranquil amenity, livestock and wildlife. In respect to livestock they may have to be moved to other more distant paddocks given the potential that the animals become unsettled and may break through existing fencing. NSW Government Noise for Off-Road Motorcycles is 100db.

Comment: The applicant has confirmed that motorcycles are proposed to be ridden only on Sunday during the proposed event 8.00am to 4.30pm and are noise tested and limited to 94db. Appropriate conditions are included in this report's recommendation that confirm this information. The concerned neighbours are distant (closest dwelling approximately 1.5km) from the proposed event and the noise implications that have been raised are not supported.

5. There should be Police presence over the three days to address road safety.

Comment: The development application was referred to NSW Police for comment. In response NSW Police advise that they have no objection to the event and that such events are properly run and comply with the Motor Vehicle Sport (Public Safety) Act 1985. The motorcycle track will be inspected by NSW Police local command and be reported to the Program Coordinator - Motor Sport, Communities - Sport and Recreation. General public road safety will remain the responsibility of the local area command.

6. Litter on public roads potential to affect neighbouring livestock and wildlife.

Comment: The event organisers have given clear instructions to all participants to observe responsible waste management practices. Garbage bags will be provided as well as waste bins in the pit and camping areas. There is a no glass policy and event staff are also responsible for the cleaning up of the property and surrounding thoroughfare of any leftover waste. Conditions addressing the issue of litter management are contained in this report's recommendation, including a requirement to lodge with and be approved by Council a Waste Management and Minimisation Strategy prior to the event.

Accordingly, the concerns of the neighbours' have been satisfactorily addressed.

7. Given the conduct of the event last year there is opposition to additional events over the next four (4) years. Suggestion is one year trial then reassess.

Comment: There were no formal complaints received by Council concerning a similar event last year however, given the nature of the concerns raised by the neighbours and notwithstanding the conditions included in this report's recommendation, the potential for unreasonable impacts suggests that only a one-off event be currently approved with the proviso that subject to the satisfactory conduct of the event the applicant may apply to modify the restriction to allow future similar events.

8. No benefit to local community or businesses

Comment: The applicant suggests that the event will promote the sport and bring a national focus to the participation based event whereby participants can visit and ride at a unique location and enjoy the surrounding rural areas. The proposed event promotes local accommodation, food, beverages, petrol, mechanical services and recreational activities to participants. Event

organisers will be approaching local clubs, businesses and organisations to cater at the event. The applicant's submission is supported.

9. Potential for trespass on neighbouring properties.

Comment: This activity is not a matter for enforcement by Council however it has been drawn to the attention of the event organisers.

10. Has the existing tracks on the property had development consent.

Comment: The proposed event course is over existing property tracks that are used by the owners and visitors and suitable for use with the proposed event. Development consent is not required for the existing property tracks.

11. The event will last for up to 4 days.

Comment: The applicant submits that event staff will arrive and set the course and conduct sweeps on Friday 17th July 2015 and Saturday 18th July 2015, participants will travel and arrive on the morning of Saturday 18th July 2015 for rider registration and briefing on Saturday afternoon, then on Sunday 19th July 2015 conduct the event starting 10.00am to 4.00pm. Safety crew will then conduct a course sweep, presentation at 5.00pm and formal conclusion 5.30pm with participants leaving for home. These arrangements and the fact that there will be no public riding of bikes other than during the Sunday event, are considered satisfactory. Accordingly, the neighbours' submission is not supported.

12. Will Council monitor alcohol and drug consumption.

Comment: Given that the event is sanctioned by Motorcycling NSW alcohol is not permitted in the event areas. Council is generally not responsible for these matters. Consumption of alcohol on the property is the responsibility of the owner or licenced owner of the cellar door use, the event organisers and NSW Police conduct the enforcement of both alcohol and drug laws.

13. Precedence for other land owners to hold public events with similar adverse impacts.

Comment: The proposed temporary development, subject to the recommended conditions, does not set an undesirable precedent for future similar events in this rural locality. Accordingly, the concern of the neighbours' is not supported.

e) *The Public Interest*

The proposed temporary development will not detract from the character of this rural locality, nor will it significantly undermine any of the social or economic values of the site or surrounding area. The proposal is considered to be consistent with the objectives of the relevant zone and will not have an unreasonable impact upon the amenity of neighbouring properties.

Accordingly, approval of the proposed development would not be contrary to the public interest however, given the collective concerns of the neighbours it is recommended that development consent be granted for the event this year only. Future events would then be subject to the applicant successfully modifying the development consent on the basis of past performance of the event this year.

CONCLUSION:

The proposal is considered to be suitable for the site and this rural locality having regard to current planning controls. The proposed temporary development maintains a reasonable amenity relationship with neighbouring developments subject to compliance with the conditions contained in this report's recommendation.

Accordingly, the development application is supported on the basis of one event only.

RECOMMENDATION:

It is recommended that DA 309/2015 for a Motorcycle Enduro Event on 19 July 2015 and then at a similar date in each of the successive four (4) years at Gunns Gully Vineyard, Ebsworth Road Booral (Lot 750 DP 879479, Lot 73 DP 849898 & Lot 40 DP 753178) be approved subject to compliance with the following conditions:

GENERAL CONDITIONS

The following conditions have been applied to ensure that the development complies with the provisions of the Environmental Planning and Assessment Act and Regulations and Policies of Council:

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Prepared by	Dated
Course Layout & Locality Plan	R Warden	28/4/2015
Transmoto 6-Hour Enduro Event. 2015 letter from R Warden	R Warden	Received GLC 27/2/2015
Environmental Management Plan	R Warden	2015
Planned Special Event document	R Warden	Undated
Bush Fire Protection and Evacuation Plan for Temporary Camp Site	R Warden	25/2/2015
Management Plan for DA-309/2015	R Warden	Undated

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Limitation of use

This development consent is restricted to one (1) event only on 19th July 2015 subject to the event being operated without nuisance or significant environmental impact. The applicant may seek to modify this condition if it is demonstrated that the event on 19th July 2015 has been conducted to the satisfaction of the Council.

Reason: To protect the amenity of neighbouring properties and the environment.

3. Restrictions on propose use

The number of riders in the event being limited to a maximum of 300 riders.

Reason: To limit the potential environmental implications associated with the proposed use.

4. **Camping**

Proposed camping being carried in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, with the exception of Part 3, Division 3, Subdivisions 1 to 8, inclusive.

Reason: To ensure compliance with statutory requirements.

5. **Proximity to creek**

No camping and associated activities shall be allowed within 40-metres of any existing creek or defined watercourse.

Reason: To protect the environment from the effects of temporary human habitation

6. **Potential Noise**

The operation of motorbikes associated with the rally event shall be restricted to the hours between 8:00am to 4:30pm on Sunday 19 July 2015.

Motorcycles participating in the event must not exceed a noise limit of 94dB(A).

This is to be no amplified noise after 10.00pm during the course of the event.

Reason: To maintain acoustic amenity to the neighbouring properties.

7. **Notification of adjoining property owners**

All adjoining property owners are to be notified of at least seven (7) days prior to the staging of the event. The notification shall include the details of the location, dates, times and duration of the event as well as contact information for the event co-ordinator should any concerns arise.

Reason: To protect the amenity of neighbouring properties

8. **Access and facilities for people with disabilities**

Access to and facilities for persons with disabilities must be provided in accordance with *Australian Standard AS 1428.1 - Design for access and mobility*.

Reason: To ensure the development provides equitable and dignified access and facilities for people with disabilities.

9. **Installation of erosion & sediment control measures**

Prior to the event, erosion and sediment controls must be in place in accordance with Great Lakes Council Erosion and Sediment Control Policy and *"The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom). Control over discharge of stormwater and containment of run-off and pollutants must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The erosion and sediment control measures must be maintained during the course of the event.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

Reason: To protect the environment from the effects of erosion and sedimentation.

10. Dust suppression

All necessary works must be undertaken to control dust pollution from the site and connecting public roads on 18th and 19th July 2015. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas along Gunns Gully Road and Ebsworth Road (note: prevent excess watering as it can cause damage and erosion;)

Reason: To maintain neighbouring amenity during construction of the development.

11. Noise

Noise associated with the event including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises:

"offensive noise" is defined under the *Protection of the Environment Operations Act 1997* as noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain acoustic amenity to the neighbouring properties.

12. Toilet Facilities

Toilets facilities are to be provided as follows:

	Closet/Pan	Urinal	Hand Basins
Male Competitors	1 per 20	1 per 10	1 per 10
Female Competitors	1 per 10	Nil	1 per 10
Male Spectators	1 per 250	1 per 100	1 per 150
Female Spectators	1 for 1-15 2 for 16-60 3 for 61-120 1 per 70 extra	Nil	1 for 1-60 2 for 61-200 3 for 201-350 1 per 150 extra

The contents of the holding tanks from the toilet facilities are to be pumped out by a licensed liquid waste transporter, approved to transport liquid waste within Great Lakes Council, at such regular intervals to ensure that the holding tanks do not overflow. The toilet facilities are to be regularly cleaned, not less than at 2 hourly periods. Toilet paper, liquid soap and paper towel is to be replenished as required.

Reason: To ensure a reasonable standard of health and amenity.

13. Erection of Wildlife Ahead Warning Signs on Gunns Gully Road

At least one-week prior to the holding of the event, the event organisers shall seek approval from Great Lakes Council and shall erect a standard 750mm by 750mm "Wildlife Ahead" roadside sign (RMS sign reference W5-223 - see <http://www.rms.nsw.gov.au/cgi->

bin/index.cgi) facing eastward on Gunns Gully Road within 300-metres of its intersection with The Bucketts Way and facing westward on Gunns Gully Road within 300-metres of its intersection with Ebsworth Road.

The signs shall be maintained and replaced if lost in that period one week before and one week after the event.

Reason: To reduce wildlife road-kill risks.

14. Track design and layout for each event to preserve the natural environment

Tracks to be utilised for the event shall be in a manner that avoids the removal or harming of remnant native trees and shrubs. Existing tracks shall be utilised.

Tracks shall be designed also in a manner that avoids stands of invasive environmental weeds and particularly Madeira Vine, Cats Claw Creeper, noxious Burrs and Privet.

Track sections that cross natural drainage features shall be made stable and resistant to erosion and sedimentation through the use of appropriate controls, such as lining (geotextile fabric and gravel) and other appropriate techniques. In-stream works associated with track creation shall be of a form that does not create a barrier to natural water flows or fish passage and which addresses all requirements of the *Water Management Act 2000*.

In addition to any other sediment and erosion control requirements in this consent, the event organisers shall install adequate and effective sediment and erosion controls on and in the vicinity of the tracks prior to the holding of the event. This shall aim to reduce sediment and erosion risks associated with the tracks and be specifically installed near watercourses, riparian zones, land in excess of 18-degree slope and other erosion-prone areas. Such controls shall include, but not be limited to the establishment of rollover banks, adequate cross-fall, pipes and headwalls and sediment and scour protection through the use of geotextile fabric and hay-bales.

Reason: To protect the natural environment.

15. Protection of remnant native vegetation for camping and other activities associated with the event

No remnant native trees and shrubs shall be cleared, harmed or removed for any purpose associated with the running of the event and existing cleared land shall be utilised for site facilities/ activities wherever possible. Activities for the purpose of running the event include access, safety measures, services shall be established in a manner that protects and preserves remnant native vegetation of the subject land. All remnant native vegetation of the land must be maintained for habitat and biodiversity in accordance with the NSW *Native Vegetation Act 2003* and *Regulation 2005*, and other statutory controls.

Reason: To protect the natural environment.

16. Repair and remediation actions following the completion of each event

Within one-week of the holding the event, the event organisers shall inspect each of the tracks utilised for each event. They shall restore the landscape such that damage caused by the holding of the event that is likely to generate sediment movement and environmental harm is repaired and stabilised. This should include the use of land re-shaping, sterile/ quick-growing cover crops and the installation of geotextile fabric and hay-bales.

Reason: To protect the natural environment.

17. Environmental measures

Fuel/Hydrocarbon

1. Competitors shall only be permitted to refuel motorcycles within the designated re-fuelling area.
2. All fuel and waste oil must be stored in an impervious bunded area. The volume of the bunded area must be capable of holding 110% of the volume of the largest container being stored.
3. Appropriate fire fighting equipment and appropriately trained personnel must be positioned in areas where bulk fuel and waste oil is being stored.
4. The bulk fuel storage area must be fenced to restrict unauthorised access to the area and appropriate 'flammable liquid' warning signs must be fixed to the fence.
5. Properly equipped industrial spill kits must be provided for use as emergency equipment if there is a leak or spill of petrol or oil in each area where fuel and waste oil is stored. The spill kits shall be clearly labelled and must include items such as rags, brooms and mops to quickly and effectively clean any spills. Spill kits must be provided at all times during the event in all areas where fuel is being stored.

Wash-down

The motorcycle wash down area must not be located within 100 metres of any water course and the use of detergents must not be permitted.

Reason: To minimise the risk of environmental pollution.

18. Public Safety

- (a) The site is to be free of obstacles and trip hazards, such as power leads.
- (b) The applicant shall erect security fencing around any plant equipment (including generators) to prevent unauthorised access.
- (c) All care is to be taken to ensure the safety of the public in general, road users, pedestrians and the adjoining property while the development is being constructed. Public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the development and a copy of the certificate of currency is to be provided to the certifying authority prior to the commencement of the development. Council shall not be held responsible for any negligence caused by the undertaking of the works or activities involved in the staging of the event.

Reason: To ensure reasonable standards of public safety.

19. Waste Management

Recycling bins are to be utilised and located on site. Waste is to be taken to the Stroud landfill site for disposal/collection or removed by an approved contractor.

Reason: To ensure the satisfactory management of waste.

20. Waste Management

A site Waste Management and Minimisation Strategy (WM&MS) must be developed and submitted to Council's Environmental Health Officer (or any other authorised officer of the

council) and approved by Council prior to the event. The Plan is to nominate details of the waste contractor, include a plan of proposed bin locations, describe all expected waste types and volumes associated with the event and detail the intended disposal and recycling measures to deal with the waste. The WM&MS shall also include details of proposed measures to be implemented which encourage participants and spectators to recycle appropriately.

Once the WM&MS has been approved by the council the WM&MS is to be implemented for the event of which this approval pertains to. The WM&MS must be submitted and approved by 4.00 pm on 1 July 2014.

Reason: To ensure the satisfactory management of waste.

21. Collection of litter from the verges of Gunns Gully Road

Within one-week of the holding the event, the event organisers shall inspect and undertake a clean-up of Gunns Gully Road and its verge through the collection and adequate disposal (at an approved landfill) of litter and rubbish. The clean-up activity will be undertaken with the approval of Council and shall deploy adequate traffic safety management, such as stop/go controls and other Council requirements.

Reason: To protect the natural environment.

22. Food

The food stalls & food handlers shall at all times comply with the requirements of the Food Act 2003, Food Standards Code and the NSW Food Authority's 'Guidelines for food businesses at temporary events (document reference NSW/FA/F1146/1302).

A 'Notification to Council for Temporary Food Stall' form must be completed by the proprietor of each food stall and be submitted to and approved by Council's Environmental Health Officer prior to the event. Copies of the application form are enclosed.

Reason: To ensure appropriate standards of public health.

23. Private Water Supply

A Quality Assurance Plan for the water supply must be developed in accordance with the NSW Department of Health 'Private Water Supply Guidelines' (2014) and the National Health and Medical Research Council 'Australian Drinking Water Guidelines' (2011). A copy of the Quality Assurance Plan is to be submitted to Council prior to the event.

Reason: To ensure appropriate standards of public health.

OTHER AGENCY CONDITIONS

24. Rural Fire Service requirements

The development must be carried out in compliance with the following conditions detailed in the Bush Fire Safety Authority, reference No.DA15/0622 & DA15032096209 DC, dated 20 May 2015.

- a) The camp area, temporary cooking facility, temporary toilet facility and identified safe refuge area are to be located as per the following:
 - unreferenced, undated Site Plan titled 'Gunns Gully Vineyard Trail Map' submitted with Great Lakes Council's referral on 4th March, 2015; and
 - unreferenced, undated, untitled map prepared by Robbie Warden (Event Manager) and emailed by Great Lakes Council on 29th April, 2015.

b) Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- Prior to the commencement of the first event, and in perpetuity, the entire proposed camping ground area, temporary cooking facility and temporary toilet facilities shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
- Prior to the commencement of the first event, and in perpetuity, the property around the proposed safe refuge area shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' as follows:
 - (i) north for a distance of 81 metres as an inner protection area (IPA);
 - (ii) south for a distance of 91 metres as an IPA;
 - (iii) east for a distance of 137 metres as an IPA;
 - (iv) west for a distance of 1

c) Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
- Gas cylinders kept close to the building/temporary structure shall have release valves directed away from the building/temporary structure. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building/temporary structure are not to be used.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to building/temporary structure are not to be used.
- A 10,000 litre water truck shall be available on site.

d) Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- In recognition of the isolated location of the proposal, arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency/Evacuation plans' and Australian Standard AS 3745 2010 'Planning for Emergencies in Facilities' including:
 - (i) the event will be cancelled if the FDI exceeds 50;
 - (ii) trigger points for implementation of the emergency evacuation plan are to be developed and clearly state evacuation will occur where the FDI exceeds 50;
 - (iii) the emergency evacuation plan will include a procedure to contact the NSW Rural Fire Service District Office and inform them of the evacuation and the location they will be evacuated to.

- (iv) a copy of the emergency evacuation plan shall be provided to the consent authority and the Local Emergency Management Committee prior to commencement of the development.
- The identified safe refuge area shall be clearly delineated and managed as an inner protection area (IPA) during the event.

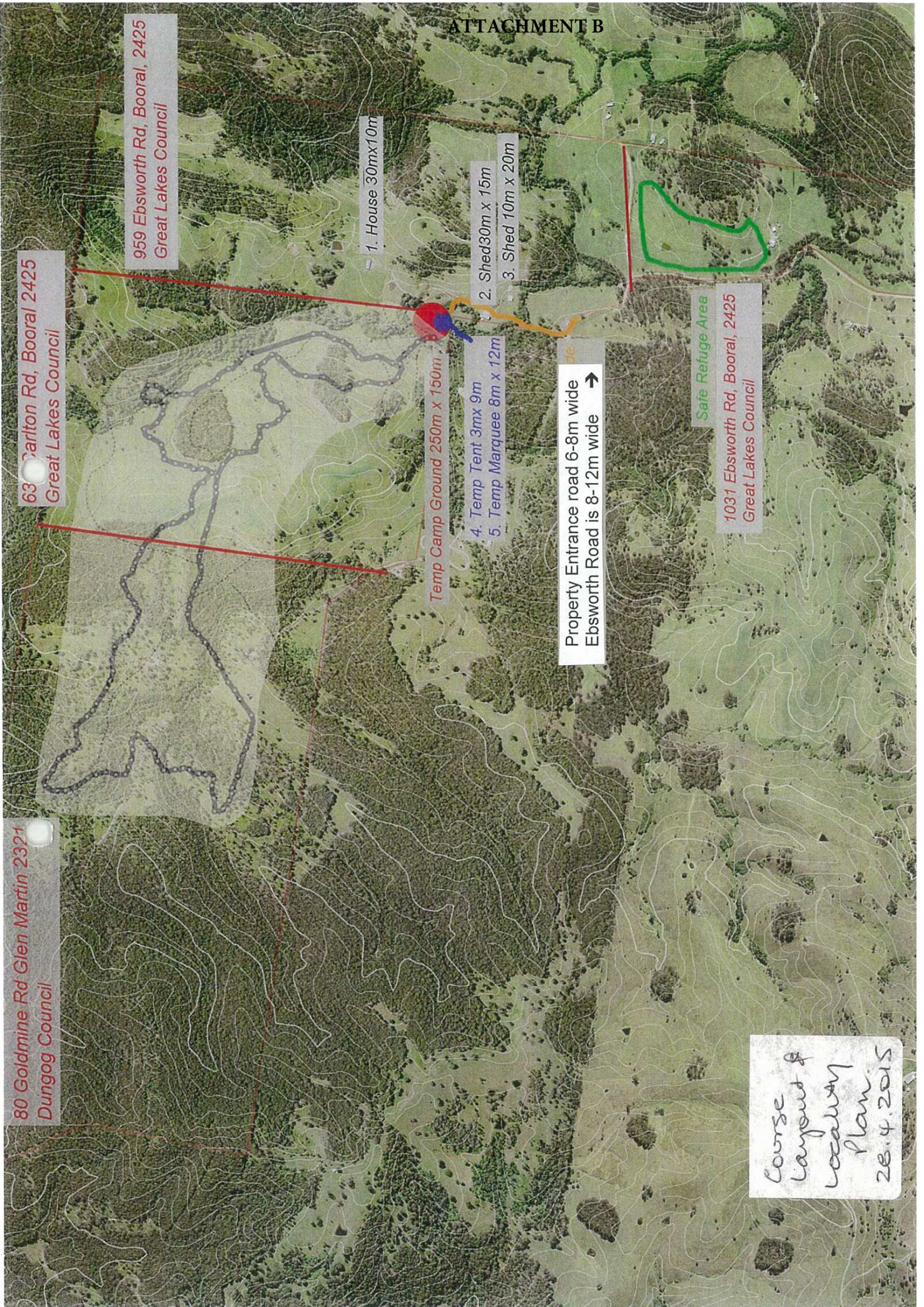
General Advice – The identified safe refuge area has been assessed against the criteria for open spaces within the Neighbourhood Safer Places Program. The 'open space' is to be situated to prevent direct flame contact, material ignition and radiant heat levels of 2 kW/m² or provide 310 metres separation distance from a hazard'. The safe refuge area is unable to satisfy this performance criteria, consequently, the event is to be cancelled if the FDI exceeds 50.

This bush fire safety authority has been issued in consideration of the fire weather data available for the subject area during the proposed timeframe of the annual event.

Details from an appropriately qualified Bushfire Consultant (BPAD) accredited with the Fire Protection Association demonstrating compliance with the above conditions, must be submitted to the certifying authority prior to the event.

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

ATTACHMENT B



Course
Layout &
Locality
Plan
28.4.2015