

**DRAFT AMENDMENT TO
DEVELOPMENT CONTROL PLAN NO. 11
EXEMPT DEVELOPMENT**

PLANNING AND ENVIRONMENTAL SERVICES

27 MAY, 2011

1.0 Introduction

The purpose of this Plan is to provide criteria for exempt development within the area of Kyogle Council.

1.1 Citation

This Plan may be cited as Development Control Plan No. 11 – Exempt Development. The Plan constitutes a Development Control Plan prepared and adopted in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (as amended) and the regulations thereunder.

1.2 Commencement Date

This Development Control Plan shall be effective from day/month/year, being the date which Council gave public notification of the decision to adopt the Plan.

1.3 Application

Section 2.0 of this Plan contains types of development that can be considered to be exempt development under the Kyogle Local Environmental Plan. Development of a type nominated in the Schedule to this Plan will be considered to have complied with the provisions of this Plan if it satisfies all the criteria listed for each development type.

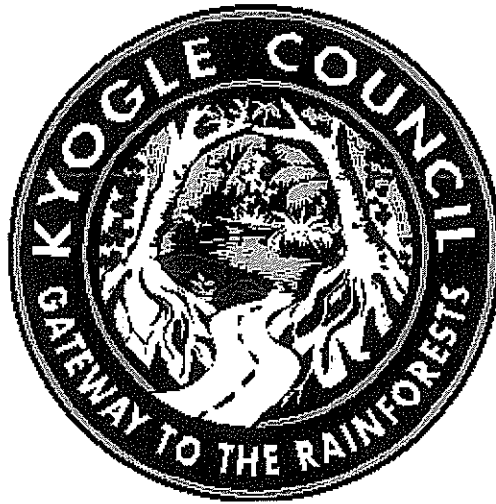
Draft Amendments

- i) On page 3 under the term “Definitions” include the following definition:-

“Motor Bike Riding” - Means dirt or trail bike riding for recreational purposes within the Kyogle Local Government Area

- ii) On page 10 under Table 1 – Type of Activity, insert the following:-

TYPE OF ACTIVITY	EXEMPTION CIRCUMSTANCES/REQUIREMENTS	ADVISORY NOTE
Motor bike riding	<ul style="list-style-type: none"> ▪ Must not involve interference with the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise. ▪ Must not involve the exhibition of any notice, advertisement or sign on any land or in any other medium. ▪ Must be in a Non Urban A or Non Urban B zone only. ▪ Must not involve more than five (5) riders at any time. ▪ May only take place between 8 am and 7 pm for a maximum of 2 x 1 hour sessions with a minimum of 1 hour break in between the two sessions. ▪ The use must be setback at least 300 metres from a dwelling house, dual occupancy (attached), rural worker's dwelling, tourist and visitor accommodation, school, or other sensitive receiver on adjoining or nearby land. ▪ Native vegetation growing on the land on which the riding is to take place or on adjoining land must not be damaged as a result of the use. ▪ Must not involve earthworks. ▪ Must not expose topsoil such that a track of ten (10) metres or greater in length is formed. 	



**DRAFT AMENDMENT TO
DEVELOPMENT CONTROL PLAN NO. 12
COMPLYING DEVELOPMENT**

PLANNING AND ENVIRONMENTAL SERVICES

27 MAY, 2011

1.0 Introduction

The purpose of this Plan is to provide criteria for complying development within the area of Kyogle Council.

1.1 Citation

This Plan may be cited as Development Control Plan No. 12 – Complying Development. The Plan constitutes a Development Control Plan prepared and adopted in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (as amended) and the regulations thereunder.

1.2 Commencement Date

This Development Control Plan shall be effective from day/month/year, being the date which Council gave public notification of the decision to adopt the Plan.

1.3 Application

Section 2.0 of this Plan contains types of development that can be considered to be exempt development under the Kyogle Local Environmental Plan. Development of a type nominated in the Schedule to this Plan will be considered to have complied with the provisions of this Plan if it satisfies all the criteria listed for each development type.

Draft Amendments

- i) On Page 4, under the term “Definitions” include the following definition:-

“Motor Bike Riding” - Means dirt or trail bike riding for recreational purposes within the Kyogle Local Government Area

- ii) On Page 14 under Section 4, include within sub-section 4.2 the following development and criteria to be met:-

Development	Criteria to be met
4.2 Motor Bike Riding – Single day events	Note :Information in this Part is also contained in the Act, <i>Environmental Planning and Assessment Regulation 2000</i> , the <i>Protection of the Environment</i>

Operations Act and Roads Act 1993.

1 Single Day Events

- Note 1.** In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development is carried out on the land.
- Note 2.** Under section 68 of the *Local Government Act 1993*, certain activities require approval from the local council.
- Note 3.** The *Protection of the Environment Operations Act 1997* contains provisions regulating noise and pollution.
- Note 4.** The use of caravans, campervans and tents is regulated under the *Crown Lands Act 1989*, *Forestry Act 1916*, *National Parks and Wildlife Act 1974* and the *Local Government Act 1993*.
- (a) Does not apply to Residential Zones.
 - (b) Must not exceed 12 hours in total duration, which includes a 2 hour preparation time prior to commencement of the event and a 2 hour period for tidying up the site after the event.
 - (c) Must not be an event to be held on a biennial or more regular basis.
 - (d) Must have an approved development application or complying development certificate where required under the provisions of *State Environmental Planning Policy (Temporary Structures) 2007*.
 - (e) Must have an approved vehicular access point to a public road constructed to Council's design and construction specifications.

Complying development certificate conditions

- Note 1.** Complying development must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and this Plan.
- Note 2.** The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

Division 1 Conditions applying to a complying development certificate for a single day event

	<p>(1) The event may take place only <u>within</u> the following times:</p> <ul style="list-style-type: none"> (a) 8.00 am to 8.00 pm. on Monday, Tuesday, Wednesday or Thursday, (b) 8.00 am to midnight on Friday or Saturday, (c) 8.00 am to 8.00 pm on Sunday. <p>(Note that the conduct of motor bike riding events on public holidays is prohibited).</p> <p>(2) All parking, loading, unloading and facility provision in relation to the event must take place wholly within the development site.</p> <p>(3) All signage must comply with Schedule 2 of this Plan.</p> <p>(4) All event-associated structures (excluding the provision of temporary signage) must not be erected earlier than two (2) days prior to the event and must be dismantled and removed from the land within two (2) days of the cessation of the event.</p> <p>(5) Potable water must be available and supplied in accordance with the National Health and Medical Research Council <i>Australian Drinking Water Guidelines</i>.</p> <p>(6) If the complying development involves a food business stall holder with Council prior to operation. within the meaning of the <i>Food Act 2003</i> then all such businesses must be notified as required by that Act or licensed as required by the <i>Food Regulation 2004</i> and must be registered as a market</p> <p>Note. Food preparation, the transportation of food, and the serving of food (including beverages) must be undertaken in accordance with the <i>Food Act 2003</i> and Food Standards Australia New Zealand.</p> <p>(7) Toilet facilities must be available or provided at the site before the event begins and must be maintained until the event is completed.</p> <p>Note. The Building Code of Australia, Volume 1, Section F, contains provisions relating to sanitary facilities.</p> <p>(8) Each toilet must:</p> <ul style="list-style-type: none"> (a) be a standard flushing toilet connected to a public sewer, or (b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or (c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. <p>(9) Garbage receptacles must be available or provided at the site before the event begins and must be maintained until the event is completed. The garbage receptacles must have</p>
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	<p>tight fitting lids and be suitable for the reception of food scraps and papers.</p> <p>(10) All waste and recyclable materials generated by the event must be removed from the site and disposed of at a waste management facility capable of taking the waste.</p> <p>(11) Any approval that is required under section 68 of the <i>Local Government Act 1993</i> must be held before the event is carried out.</p> <p>(12) Trees, landscaping and buildings established on the land and on adjoining land must not be damaged as a result of the event.</p> <p>(13) Any land disturbed by the event must be subject to sedimentation controls prior to the disturbance. These controls must be effectively maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land until the site has been stabilised and landscaped.</p> <p>(14) The event must be covered by public liability insurance to the value of \$10,000,000 at a minimum.</p> <p>(15) In the event of an incident on the premises that has caused, is causing, or is likely to cause harm to the environment, the owner or the owner's agent must report the occurrence to Council as soon as it becomes known to the owner or the owner's agent.</p> <p>(16) Notification must be made to the NSW Police Service, NSW Rural Fire Service and NSW Ambulance Service a minimum of seven (7) days prior to the conduct of the event.</p> <p>(17) Kyogle Council, its officers and employees must be indemnified and held indemnified against any claim by any person or group for damage or injury arising out of or as a consequence of or incidental to the event.</p>
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iii) Existing sub-sections 4.2 – 4.5 to be amended to 4.3 – 4.6

The General Manager

Kyogle Shire Council Email address: council@kyogle.nsw.gov.au

PO Box 11
1 Stratheden Street
KYOGLE NSW 2474

Letter of objection

To Kyogle Council re: DRAFT AMENDMENTS TO KYOGLE DEVELOPMENT CONTROL PLAN NO. 11 – EXEMPT DEVELOPMENT CONTROL PLAN NO. 12 – COMPLYING DEVELOPMENT TO INCLUDE MOTORBIKE RIDING

Dear Sir/madam,

I am writing to object to the current document displayed by council regarding motorcycle riding. The conditions expressed in the document are unacceptable and are far too restrictive to recreational riders and property owners' rights.

I urge council to listen to the majority of people, not the minute minority that are using this issue to promote their own agenda and create division within the community.

I believe that if there was to be a set of regulations re dirt bike riding then they should be a minimum of the following:

1. Up to 20 riders at a time, bikes under 150cc exempt from count.
2. 2 hours per day on weekdays and up to a maximum 4 hours riding time per day on weekends between the hours of 0800hrs and 1800hrs EST and 1900hrs EDST.
3. 150m from nearest neighbouring dwelling (council approved).
4. Rural residential zoning negotiated to allow families to utilise their property for their children and families.
5. Complaints can be only received from those directly affected, i.e. adjoining land holders or neighbouring tenants.

I would like confirmation from council that you have received this letter,

My contact details are:



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