

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

PE9 – Development Application No.010.2016.0000031.001 – 745 Barkers Lodge Road, Mowbray Park

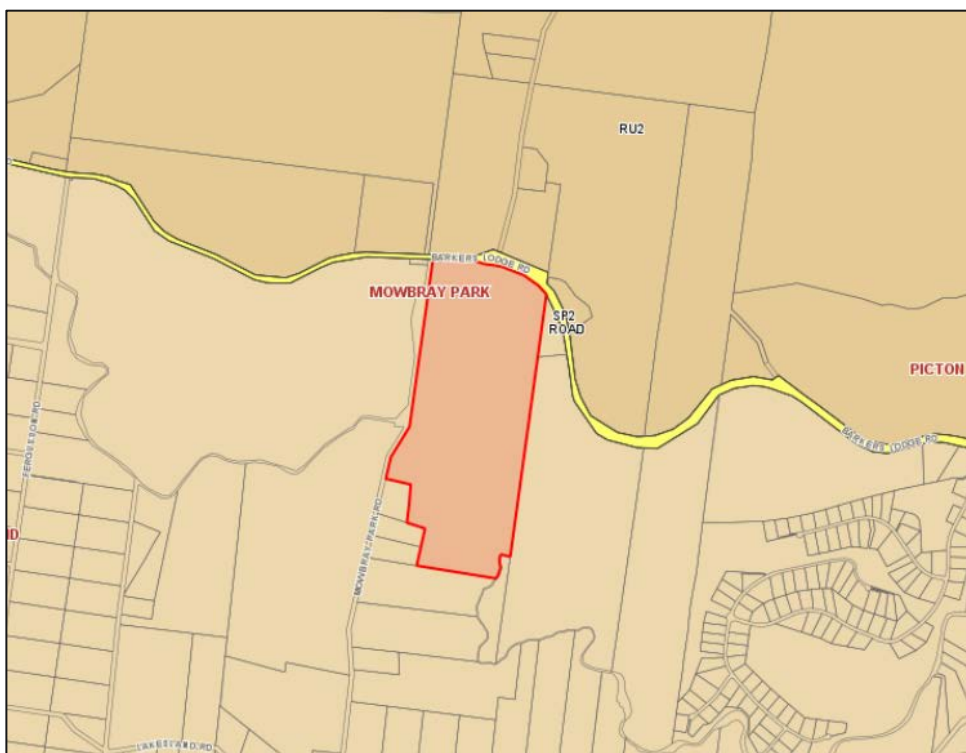
PE9

Development Application No.010.2016.0000031.001 - 745 Barkers Lodge Road, Mowbray Park - Temporary Use of Land (Special Events) for the Purpose of four (4) Family Events per Year

265155

DD010.2016.0000031.001

Planning & Economy



LOCATION MAP  N

(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No:	010.2016.0000031.001
Property Details:	745 Barkers Lodge Road, Mowbray Park
Applicant:	BD Productions
Owner:	Margaret Couch
Proposal Details:	Temporary Use of Land (Special Events) for the Purpose of 4 Family Events per Year
Zone:	RU1 Primary Production

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Lodge Road, Mowbray Park**

EXECUTIVE SUMMARY

- Council is in receipt of a development application seeking use of No. 745 Barkers Lodge Road, Mowbray Park for the temporary of the of the land for special events for the purpose of four (4) family events per year.
- A total of eight (8) submissions were received objecting to the development application during the first submission period. The application was amended by the applicant and renotified to adjoining landowners, a further four (4) submissions were received. All submitters to the amended application had previously made a submission to the original application.
- The development application has been called up by Council for determination.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the application be refused primarily due to adverse noise impact and insufficient information about those impacts or methods to mitigate the impact.
- A noise impact assessment (rather than a noise management plan) would be needed to be provided to enable an adequate development assessment of the noise impacts of temporary events on this land.

REPORT

BACKGROUND

On 15 January 2016, Council received Development Application No. 010.2016.0000031.001 for *'Temporary use of land for the purpose of special events, up to 52 days per year for 5 years (under clause 2.6 of WLEP 2011)* on the land at Lot: 102 DP 878280, No. 745 Barkers Lodge Road, Mowbray Park.

The development application was publically notified in accordance with Wollondilly Development Control Plan 2016 for a period of 15 days. A total of eight (8) submissions all objecting to the proposed development were received during the notification period.

The applicant subsequently amended the description of the development application to be: *'Temporary Use of Land (Special Events) for the purpose of four (4) Family Events per year'*. Additional information was lodged in support of the amended proposal.

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On 27 April 2016, the amended development application was renotified in accordance with Wollondilly Development Control Plan 2016 for a period of 15 days. A further four (4) submissions were received all objecting to the development application. All submitters had previously objected to the original application.

CONSULTATION

Referral	Outcome
Development Engineer	Council's Engineers have considered the application and have concluded that the site access and traffic management issues with the site are capable of being overcome through the imposition of recommended conditions of consent.
Health Officer	Council's Senior Environmental Health Officer (EHO) has considered the application and has concluded that the noise impact information submitted by the applicant is unsatisfactory to enable a full and frank assessment of the application and noise impacts of events on adjoining properties have not been adequately addressed. The EHO concluded that the other matters relating to waste and effluent are capable of being conditioned.
Heritage Adviser	The site is locally heritage listed Mowbray Park Group (Item I11) however due to the temporary nature of use there are no concerns or conditions.
Police - Command Local Area Command	No concerns subject to recommended condition on the operation and functioning of all events.
LEMC	No concerns or comments.

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is located on the southern side of Barkers Lodge Road, Mowbray Park, opposite the Montpelier Drive and Barkers Lodge Road intersection.

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The site is some 69.28ha hectares and is irregular in shape. A number of water ways and dams exist on the land, most notably “Stonequarry Creek” which runs through the property bisecting the west and south (rear) boundaries. The land is generally cleared but with a scattering of vegetation following the watercourses that transect and traverse the land. An intermittent watercourse runs from the mid-western property boundary towards the southern property boundary. There are a number of tributaries that are connected to this watercourse that are located throughout the site.

Mowbray Park Farm has been operated by the Couch Family since 1972, with the property still today being established as a fully operating farm, farmstay (holiday) accommodation and associated recreational farming activities.

The property consists of a series of existing buildings providing; accommodation, sheds, mountain bike track (DA No.010.2014.00000103.001) and structures ancillary to the agricultural use of the land.

The local surrounding area is characterised by large rural parcels of land comprising of a mix of rural/residential and agricultural uses.

1.2 DESCRIPTION OF DEVELOPMENT

The development as originally lodged with Council was described in the applicant's supporting documentation as follows:

"[T]emporary use of land for the purpose of Special Events to be staged at Mowbray Park Farm Pty Ltd. Up to 52 days per year for 5 years under clause 2.6BB [sic] of WELP 2011. Please note approval is already given for the use of the mountain bike track by paying guests as part of the ancillary activities available within Mowbray Park Farms and is excluded from this proposal."

"By definition these special events are classified as small, attracting less than 5000 patrons. Approximately 250 to max 500 patrons."

"Each event will slightly vary in start and finish times and date are to be confirmed. It is approximated that some events may run from approx. 9am to 11.30pm."

The applicant has identified that the potential events may include but not be limited to: music events, mountain biking events, rockabilly events and others.

All access to the site is proposed to be from Barkers Lodge Road. Parking is proposed to be provided to the northern property boundary with Barkers Lodge Road. The parking area is not proposed to be formalised. The parking capacity has been identified by the applicant to be 1000 vehicles with provision for disabled car parking to be located at a centralised point.

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The applicant has identified that there will be a requirement to establish lighting towers through the event site. Toilet facilities will be provided as per Council's requirements and ratio, depending on the provision of food and alcohol at each event. Temporary marquees and stages are to be installed as per engineering and building specifications. Waste is proposed to be collected by a licenced contractor.

On 24 March 2016, Council received additional information and a request to amend the application to be described as *'Temporary Use of Land (Special Events) for the purpose of four (4) Family Events per year'*. The proposed events and event operations were not greatly altered following the amendment of the application.

1.3 SECTION 79C ASSESSMENT

State Environmental Planning Policy No. 55 – Remediation of Land

Question	YES	NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	X Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	X Proceed to Question 3	Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: Child care facility Educational use Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone	Proceed to Question 5	X Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	Proceed to Question 5	X Proposal satisfactory under SEPP 55 and DCP.

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Question	YES	NO
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.

Comments: The proposal is not for residential purposes and does not involve a change of use. A review of the property file and a site inspection (on 30 March 2016) did not identify any potential historical uses or sources of contamination which warrant further investigation.

While it is noted that the subject site is an operational farm it is considered that the existing use is unlikely to have resulted in land contamination that would preclude the temporary use of the land for events.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

In accordance with Clause 10(1) of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, a consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

For the purposes of determining whether the carrying out of the proposed development on land in the Sydney drinking water catchment would have a neutral or beneficial effect on water quality, the consent authority must, if the proposed development is one to which the NorBE Tool applies, undertake an assessment using that Tool.

The assessing officer has conducted an assessment of the development application using the NorBE tool and the results of the assessment affirm that the development will have a neutral or beneficial effect on water quality.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
Aims of the Plan The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are	Documentation submitted with the application demonstrates that the proposed development will have no adverse impact on the environment of the Hawkesbury-Nepean River system and

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Relevant Provisions	Comment
considered in a regional context.	therefore is consistent with the aims of the plan.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	There will be no significant impact to the catchment within adjacent or downstream LGAs as a result of the development and therefore no referral is required.
(b) Consider the impact of the development concerned on the catchment.	Not applicable.
(c) Consider the cumulative environmental impact of development proposals on the catchment.	The proposal will not contribute to a cumulative environmental impact in the catchment.
(2) Environmentally sensitive areas	
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.	Not applicable. The subject site does not fall within the area identified as a scenic corridor.
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	No adverse impact on water quality anticipated.
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.	Not applicable.
(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.	It is understood that there are no wetlands on or proximate to the subject site.
(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent	Not applicable. The subject site is not directly adjacent to a National Park.

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Relevant Provisions	Comment
to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 .	
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 .	Not applicable. The subject site is not directly adjacent to a National Park.
(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.	No detrimental impact on the water table or acid sulphate soils is anticipated given there are no works proposed which will disturb the soil.
(h) New development in conservation area sub-catchments should be located in areas that are already cleared.	The proposed development is situated on land that is already cleared.
(3) Water quality	
(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.	It is considered that there will not be a significant increase in pollutant loads associated with the development.
(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.	The proposed temporary use is unlikely to result in water quality impacts.
(c) Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water quality is suitable (regardless of water temperature).	Not applicable. Development does not involve primary contact with water or withdrawal of water for human contact.
(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.	Not applicable. Development does not involve on-site effluent disposal. All effluent is proposed to be collected by on-site portable toilets to be collected following each event.

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Relevant Provisions	Comment
(e) Develop in accordance with the land capability of the site and do not cause land degradation.	In the context of water quality, the subject site is capable of sustaining the proposed use without causing land degradation.
(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.	An Erosion and Sediment Control Plan is not considered to be necessary where no soil disturbance is proposed.
(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.	The proposed use is of a minor nature and unlikely to result in significant pollutant generation.
(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.	Not applicable. The proposed events site is not proximate to river banks or the banks of tributaries of rivers.
(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.	Not applicable. No water removal from rivers or groundwater sources is proposed as part of this proposal.
(j) Protect the habitat of native aquatic plants.	Not applicable. The habitat of aquatic plants will not be compromised by the proposal as the development site is a sufficient distance from habitat (e.g. water bodies) so as not to have an impact.
(4) Water quantity	
(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	It is anticipated that there will be no change in the volume of water leaving the site as a result of the development.
(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development.	No additional impervious surfaces are proposed. Existing stormwater runoff and disposal shall be maintained.

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Relevant Provisions	Comment
Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.	
(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.	Not applicable. The development does not involve the withdrawal of water and will not alter the total water budget of receiving waters.
(d) Consider the impact of development on the level and quality of the water table.	No impact on the water table anticipated.
(5) Cultural heritage	
(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.	The subject site is identified in Schedule 5 of the Wollondilly Local Environmental Plan 2011 as Item Number I114 - Mowbray Park Group—gateway, buildings, weir, trees, grounds. The proposed temporary use of the land is unlikely to impact the heritage Item.
(b) Protect Aboriginal sites and places of significance.	Not applicable. No known Aboriginal sites or places of significance are located within or proximate to the subject site.
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	The development site is highly modified and not likely to contain Aboriginal sites.
(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.	Not applicable.
(6) Flora and fauna	
Strategies, generally:	
(a) Conserve and, where appropriate,	The development site contains

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Relevant Provisions	Comment
enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.	modified grassland and a small pocket of vegetation identified on Council's GIS as forming part of the Shale Sandstone Transition Forest (High Sandstone Influence). The application does not involve the removal of vegetation or trees.
(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.	The development site is clear of vegetation other than highly modified grassland.
(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.	The adverse impacts on the existing habitat are considered to be minor and no restoration works are deemed to be necessary or appropriate.
(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.	The proposed development is not likely to alter ecological processes occurring on the site or within the catchment as there is no vegetation or tree removal proposed and stormwater runoff will be contained on site.
(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.	The site contains an area mapped as forming part of the Shale Sandstone Transition Forest (High Sandstone Influence). This community is identified as being critically endangered. The proposed use is unlikely to impact on the CEEC.
(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.	Not applicable. No significant flora or fauna habitat situated upon or proximate to the site.
(g) Consider the need to control access to flora and fauna habitat areas.	Not applicable. As above.

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Relevant Provisions	Comment
(h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.	Not applicable. No river or river tributary will be compromised by the development.
(12) Metropolitan strategy	
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	Not applicable.
(b) Consider the impacts of metropolitan waste disposal on water quality.	Not applicable.
(c) Consider the impacts of development on air quality.	Not applicable.
(d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.	Waste produced by the proposed by the development shall be disposed of through a licenced contractor.
(e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.	Climate change is not likely to significantly impact the location of the proposed development.
11. Development controls	
(1) Caravan parks or camping grounds	Not applicable.
(2) Composting facilities or works	Not applicable.
(3) Buildings, works or land uses within conservation area sub-catchments	Not applicable.
(4) Remediation of contaminated land	Not applicable.
(5) Extractive industries	Not applicable.
(6) Extractive industries— maintenance dredging and extractive operations	Not applicable.
(7) Filling	Not applicable..
(8) Potentially hazardous or offensive industries	Not applicable.
(9) Items of non-Aboriginal heritage	Not applicable.
(10) Intensive horticultural establishments	Not applicable.

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Relevant Provisions	Comment
(11) Intensive animal industries	Not applicable.
(12) Manufactured home estates	Not applicable.
(13) Marinas	Not applicable.
(14) Recreational facilities	Not applicable.
(15) Land uses in or near the river	Not applicable.
(16) Land uses in riverine scenic areas	Not applicable.
(17) Sewerage systems or works	Not applicable.
(18) Waste management facilities or works	Not applicable.
(19) Development in mapped wetlands	Not applicable.

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Wollondilly Local Environmental Plan, 2011

Clause 1.2 Aims of Plan:

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	The proposal does not involve removal of vegetation.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	No items or places of significance are situated upon or proximate to the subject site.
(c) to protect water quality in land that is situated within water supply catchments,	A small portion of the upper northern corner of the site is located within the Warragamba Catchment. All areas including access to the site are located outside of the drinking water catchment. The proposed development is considered to have a neutral or beneficial impact on the catchment.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	The proposed temporary use of land is not contrary to this objective.

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(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The proposal represents a sustainable utilisation of existing rural resource lands and acts as an extension of the existing farm stay accommodation.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The proposed temporary use of land is not contrary to this objective.

Characterisation: Temporary Use of Land - Special Events

Zone of land: RU1 Primary Production

Permissibility: Permissible with consent pursuant to Clause 2.8 of WLEP 2011. Refer to assessment below.

Zone objectives:

Objective	Comment
RU1	
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposal will not prejudice the attainment of this objective.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	The proposal will not prejudice the attainment of this objective.
To minimise the fragmentation and alienation of resource lands.	The proposal will not prejudice the attainment of this objective.
To minimise conflict between land uses within the zone and land uses within adjoining zones.	The noise impact information submitted by the applicant is unsatisfactory to enable a full and frank assessment of the application and any noise impacts of events on adjoining properties has not be adequately addressed. It is considered that the applicant has failed to demonstrate that there will not be a conflict between the proposed use and adjoining land uses within the zone.
To provide for a range of land uses (including tourism-related uses) that supports the agriculture industry.	The proposal will not inhibit or preclude the continued use of the site for farm stay accommodation.

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Objective	Comment
To provide areas within which the density of development is limited in order to maintain a separation between urban areas.	The proposal will not prejudice the attainment of this objective.

LEP Clauses

Clause	Comment
Part 2 Permitted or prohibited development	
2.4 Unzoned land	Not applicable.
2.5 Additional permitted uses for particular land	Not applicable.
2.6 Subdivision—consent requirements	Not applicable.
2.7 Demolition requires consent	Not applicable.
2.8 Temporary use of land (1) 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. (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. (3) Development consent must not be granted unless the consent authority is satisfied that:	 The proposed development fails to demonstrate that the proposed temporary use of land will not have a detrimental amenity impact. The applicant has provided insufficient and unsatisfactory information to enable Council to determine that the use will not have a detrimental impact on noise amenity in the locality as a result of the proposed development. The applicant proposes up to four (4) events per year for five (5) years. Complies.

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Clause	Comment
<p>(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</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p>	<p>The temporary use application will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument. Complies.</p> <p>The proposed development fails to demonstrate that the proposed temporary use of land will not have a detrimental amenity impact on any adjoining land or the amenity of the neighbourhood. The applicant has provided insufficient and unsatisfactory information to enable Council to determine that the use will not have a detrimental impact on noise amenity in the neighbourhood as a result of the proposed development.</p> <p>It is important to note the recent Land and Environment Court Case of <i>Marshall Rural Pty Ltd v Hawkesbury City Council and Ors</i> [2015] NSWLEC 197, where the court considered the application of Clause 2.8 of Hawkesbury Local Environmental Plan 2012 (note: the Hawkesbury Local Environmental Plan is a Standard Instrument LEP) to a proposed use of a structure/building as function centre, which was otherwise prohibited in the zone.</p> <p>In that case there were substantial concerns from residents in a similar rural setting about noise impacts from the proposed development.</p>

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Clause	Comment
<p>(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</p> <p>(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.</p> <p>(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.</p>	<p>The Court provided relevant direction on the test to be applied under Clause 2.8. His Honour Acting Justice Moore held that Clause 2.8 <i>“puts a very high hurdle in the path of any such application. The placing of such a hurdle requires that the Council must approach the consideration and determination of any such application with a marked degree of precision and caution.”</i></p> <p>Taking into consideration the required threshold (of neighbourhood amenity) to be achieved under Clause 2.8(3), Council must not grant development consent to the proposed development.</p> <p>The information provided satisfactorily demonstrates that 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. Complies.</p> <p>With appropriate conditions of consent it is considered that the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>Not applicable.</p>

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Clause	Comment
(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).	Not applicable.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	Not applicable.
4.1A Minimum lot size for dual occupancies in residential zones	Not applicable.
4.1B Subdivision of certain land in Zone E4 Environmental Living	Not applicable.
4.2 Rural subdivision	Not applicable.
4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones	Not applicable.
4.3 Height of buildings	Not applicable.
4.4 Floor space ratio	Not applicable.
4.5 Calculation of floor space ratio and site area	Not applicable.
4.6 Exceptions to development standards	Not applicable.
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	Not applicable.
5.1A Development on land intended to be acquired for public purposes	Not applicable.
5.2 Classification and reclassification of public land	Not applicable.
5.3 Development near zone boundaries	Not applicable.
5.4 Controls relating to miscellaneous permissible uses	Not applicable.
5.5 Development within the coastal zone	Not applicable.
5.6 Architectural roof features	Not applicable.
5.7 Development below mean high water mark	Not applicable.

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Clause	Comment
5.8 Conversion of fire alarms	Not applicable.
5.9 Preservation of trees or vegetation	The development site comprises highly modified grassland. No tree or vegetation removal is proposed.
5.9AA Trees or vegetation not prescribed by Development Control Plan	As above.
5.10 Heritage conservation	The subject site is identified in Schedule 5 of the Wollondilly Local Environmental Plan 2011 as Item Number I114 - Mowbray Park Group—gateway, buildings, weir, trees, grounds. The proposed temporary use of the land is unlikely to have a significant or detrimental impact on the Item.
5.11 Bush fire hazard reduction	Not applicable.
5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable.
5.13 Eco Tourist Facilities	Not applicable.
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure	Not applicable.
6.2 Public utility infrastructure	Not applicable.
6.3 Development control plan	Not applicable.
6.4 Relationship between Part and remainder of Plan	Not applicable.
Part 7 Additional local provisions	
7.1 Essential services	The subject site uses tank water and is serviced by an overhead electricity supply. The proposal will not alter the existing sewage disposal arrangements associated with the existing uses. Portable toilets are proposed to be utilised during events.
7.2 Biodiversity protection	Not applicable.

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Clause	Comment
7.3 Water protection	The land identified as “sensitive land” on the Natural Resources—Water Map. The proposed temporary use is not considered to have a potential to unsatisfactorily impact on the mapped sensitive land.
7.4 Flood planning	Not applicable.
7.5 Earthworks	Not applicable.
7.6 Development within a designated buffer area	Not applicable.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft Environmental Planning Instruments are relevant to the development proposal.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2016 (WDCP 2016) Volume 1 – General

Relevant Provisions	Comment
Part 2 – General considerations for all development	
2.1 Objectives	
1. To ensure that developments are undertaken with due regard to human safety.	The proposal will not result in any unreasonable risk to human safety subject to adherence to management documents submitted with the application.
2. To ensure that developments do not unreasonably impact on their surrounds.	The proposed development fails to demonstrate that the proposed temporary use of land will not have a detrimental amenity impact on their surrounds. The applicant has provided insufficient and unsatisfactory information to conclude that the use will not have a detrimental impact on noise

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Relevant Provisions	Comment
	amenity in the neighbourhood as a result of the proposed development.
3. To ensure that developments achieve a satisfactory level of social equity.	The development has provided unsatisfactory information to satisfactorily demonstrate that the application will achieve a satisfactory level of social equity.
2.2 Controls	
<p>1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:</p> <ul style="list-style-type: none"> (a) Road and traffic hazards; (b) Bushfire threat; (c) Flood risk; (d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; (e) Exposure to electricity transmission systems; (f) Exposure to radiation from telecommunications infrastructure; (g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises; (h) Hazards from vehicles within car parking areas; and (i) Hazard from potential contamination of the land. 	<p>Traffic impact has been assessed by Council's Development Engineers and is considered to be satisfactory subject to recommended conditions of consent.</p> <p>The potential bushfire threat is considered to be minimal for a temporary event that would be cancelled if hazard was highly rated.</p> <p>The noise impact information submitted by the applicant is unsatisfactory to enable a full and frank assessment of the application and any noise impacts of events on adjoining properties and the neighbourhood has not been adequately addressed. It is considered that the applicant has failed to demonstrate that there will not be a conflict between the proposed use and adjoining land uses within the zone.</p> <p>All other matters are considered to be satisfactory and do not warrant further consideration.</p>
2. The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.	In relation to road safety concerns, Council's Development Engineer has recommended conditions and a traffic management plan for

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Relevant Provisions	Comment
	each event would need to be considered by Council.
3. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.	Not applicable.
4. The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.	The proposed development will not alter the way waste water is managed on the land.
5. The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality.	<p>The subject site is partly located within the Warragamba catchment which forms part of Sydney's water supply.</p> <p>The assessing officer has conducted an assessment of the development application using the NorBE tool and the results of the assessment affirm that the development will have a neutral or beneficial effect on water quality</p>
Part 9 – Environmental Protection	
9.1 Objectives	
1. To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.	Not applicable.
2. To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.	The subject site is mapped as containing vegetation from the CEEC - Shale Sandstone Transition Forest (High Sandstone Influence). The site is also land identified as "sensitive land" on the Natural Resources—Water Map.

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Relevant Provisions	Comment
	It is considered that the proposed development is unlikely to impact on the “sensitive land”.
3. To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.	There is no risk of compromising links between identified environmentally sensitive lands or encroaching into buffer zones to habitat or riparian areas.
9.3 Controls	
1. The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement.	No clearing is proposed.
2. All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the “acceptable standard” the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.	Stormwater runoff will not be impacted or increased as a result of the proposed development.
3. Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference): (i) on cleared parts of the site wherever possible; (ii) in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the	The temporary uses are located on a cleared part of the site.

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Relevant Provisions	Comment
<p>development is not able to be located wholly in a cleared area; or (iii) if the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.</p> <p>This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.</p>	
Part 11 - Landscaping	
11.1 Objectives	
1. To encourage the planting of endemic species in landscaping.	No landscaping proposed.
2. To reduce the impact of landscaping on the environment, infrastructure and human safety.	
3. To create a landscape character that is defined by native vegetation and not introduced species.	

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Wollondilly Development Control Plan 2016 (WDCP 2016) Volume 6 – Tourism and Events

Relevant Provisions	Comment
PART 2 - GENERAL REQUIREMENTS FOR ALL DEVELOPMENT	
2.1 Environmental Protection	
<p>Objectives</p> <p>1. To ensure significant environmental assets are not adversely impacted by development subject to this volume.</p>	The proposed development is unlikely to result in any adverse impacts on significant environmental assets in the locality.
<p>Controls</p> <p>1. Development subject to this volume must not result in the removal of</p>	No tree or vegetation removal proposed.

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Relevant Provisions	Comment
significant stands of native vegetation.	
2. Development subject to this volume shall not result in negative impacts that are not minor on watercourses or other environmental assets.	The proposed development is unlikely to result in any adverse impacts on the natural environment.
2.2 General Requirements	
<p>Objectives</p> <p>1. To ensure that tourist and accommodation uses achieve a standard of development that is complementary to the existing residential environment and ensures that development is carried out in an appropriate manner.</p>	Not applicable.
<p>Controls</p> <p>1. The development of land for the purposes of Tourist and Visitor Accommodation (being Hotel or Motel Accommodation, Bed and Breakfast Accommodation, Farm Stay Accommodation or Serviced Apartments) must comply with the requirements of Part 2 of Volume 4 of this plan.</p>	Not applicable.
PART 3 – CONTROLS FOR SPECIFIC LAND USES	
3.5 Events	
<p>Objectives</p> <p>1. To ensure the development is consistent with the character of the surrounding neighbourhood,</p>	Insufficient information has been proposed with the development application to enable Council to determine if the noise impact associated with the development will have an unsatisfactory impact on the surrounding neighbourhood.
2. To ensure markets do not have adverse environmental impacts.	Not applicable.
<p>Controls</p> <p>1. Events may only be undertaken on sites with access to sanitary facilities to the satisfaction of the consent authority.</p>	Council's Senior Environmental Health Officer has considered the applicant's proposal to provide onsite portable toilet facilities for events to be satisfactory subject to

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Relevant Provisions	Comment
	<p>relevant conditions on any consent.</p> <p>The use of portable toilets for events is considered to be best practice where on-site facilities are not available.</p>
<p>2. The consent authority must not consent to a development application for events unless it is satisfied that waste can be managed in accordance with a waste management plan to prevent pollution of the environment and loss of amenity.</p>	<p>The proposed development is supported by a Waste Management Plan that demonstrates that event wastes can be appropriately managed.</p>
<p>3. Events must not be undertaken on sites that do not have adequate access to public roads with capacity for the traffic likely to be generated by the event.</p>	<p>The proposed development has direct access to Barkers Lodge Road. The access arrangements have been considered by Council Development Engineers to be satisfactory subject to recommended conditions. The LEMC and the Police Local Area Command have raised no issue with the development application.</p>
<p>4. Events likely to attract more than 200 people must be ticketed on a pre-booked only basis. Tickets may not be sold at the gate. NOTE: Nothing in this plan prevents a site from being used for more than one event each year.</p>	<p>The development application is capable of being conditioned to comply with this control.</p>

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1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

There are draft or current planning agreements entered into or offered to be entered into which relate to the subject site.

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1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	The proposed temporary use of the land is unlikely to result in any impacts on the natural environment. Issues associated with effluent and waste disposal are all capable of being appropriately managed.
Built Environment	The proposal involves the installation of temporary marquees and stages. The temporary structures are considered to be minor and will not result in significant impacts on the streetscape or landscape character of the locality.
Social Impacts	<p>The noise impact information submitted by the applicant is unsatisfactory to enable a full and frank assessment of the application and any noise impacts of events on adjoining properties and the neighbourhood have not been adequately addressed. It is considered that the applicant has failed to demonstrate that there will not be a conflict between the proposed use and adjoining land uses within the zone.</p> <p>Other issues associated with the serving of alcohol at events and anti-social behaviour are all capable of being managed through appropriate event management and event security.</p>
Economic Impacts	There will purportedly be a direct economic benefit associated with the use of the subject site for local events. It is considered that there is the potential for flow on positive economic impacts for the broader community.

1.5 SUITABILITY OF THE SITE

Site Constraint	Comment
Land use conflict	The information and particulars lodged with the development application fail to provide satisfactory information and detail as it relates to noise mitigation and noise impacts on adjoining properties. It is considered that the lack of information presents a real potential for land use conflicts. While it may be argued

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Site Constraint	Comment
	<p>that the use of the subject site represents only a minor impact on adjoining properties, the operation of clause 2.8(3) of WLEP 2011 sets a higher standard for Council to determine if the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood.</p> <p>The potential for land use conflicts are real and apparent. The applicant has not provided sufficient information to detail how the temporary use will not adversely impact on adjoining land and the neighbourhood. For this reason alone Council must not grant development consent.</p>

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1.6 SUBMISSIONS

The Development Application was publically notified in accordance with Wollondilly Development Control Plan 2016 for a period of 15 days. A total of eight (8) submissions all objecting to the proposed development were received during the notification period.

On 27 April 2016, the amended development application was re-advertised and notified in accordance with Wollondilly Development Control Plan 2016 for a period of 15 days. A further four (4) submissions were received all objecting to the development application. All submitters had previously objected to the original application.

Below is an assessment of the submissions received relevant to this application:

Concern	Comment
<p>Frequency of events</p> <ul style="list-style-type: none"> - 'The proposal would seem to be extremely open ended as the type of events and frequency.' - 'The Frequency of events. If permission is granted for 52 events a year – even a third of that number – it will change our lifestyle irrevocably. We will not be able to enjoy our backyard. We moved here for peace and quiet not to live next door to the Big Day Out.' - 'The discretion to host 52 special 	<p>Following the lodgement of the original application, the applicant has amended the development application to limit the number of events to four (4) per year for a period of five (5) years. It is considered that the frequency of the events over the five (5) year period is acceptable.</p>

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Concern	Comment
<p>events but with the ability to sub contract.’ - ‘...events would be quite substantial and could be weekly</p>	
<p>Style of events ‘Style of Events – e.g. Rock Concert, bicycle races, markets’ ‘The proposal would seem to be extremely open ended as the type of events and frequency’</p>	<p>Following the lodgement of the original application, the applicant has amended the development application to specifically state that the events that may be conducted at the subject site could include: ‘a music event (country or blues), mountain biking events, a vintage car show or rockabilly event, and a fine food and wine event.’</p>
<p>Time of operation</p>	<p>All proposed events to be held at Mowbray Park Farm, with the exception of the Mountain Bike Race will be open to the public from approximately Midday and conclude at 9pm. The 12hr Mountain Bike Race will be the only event running from 9am to 9pm. Accommodation would be available to all patrons wishing to stay at the farm. This will need to be booked through Mowbray Park Farm.</p>
<p>Lighting Towers - ‘Eleven lighting towers are identified in the limited information provided to us in the notification’ - ‘Our additional concern is to the cattle and other animals on adjoining properties that will be impacted by the noise and night lighting.’ - ‘annoyance from the flood lights’ The many light towers shown on the plan indicate that events would be quite substantial and’ - ‘I oppose lighting towers that will affect my livestock’ ‘the notice shows how over the top the application is, 13 flood lights’ -‘Lighting. It would be impossible for the proposed car park lighting on Barkers Lodge Road not to be seen</p>	<p>The proposed lighting has been considered by Council’s Engineers and the assessing officer to be satisfactory. Sufficient lighting is required for events which are to be run up to 11:30pm in the evening for the safety and security of patrons. It is considered that the imposition of conditions could appropriately mitigate light spillage to adjoining properties.</p>

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Concern	Comment
<p>from our living room windows. It would light up our house considerably'</p>	
<p>Security</p> <ul style="list-style-type: none"> - 'The lack of security, safety and privacy to nearby neighbours from the special events, especially when there are large gatherings of people for long periods of a day and into the night' - 'Security that will be provided – access points secured and what this means to nearby properties' 	<p>A security plan has been submitted with this proposal. The plan covers staffing provisions and security operations. This plan is in accordance with best practice security management and can be applied to all proposed events that may take place at the venue. If security is required at any event, a detailed event specific risk assessment will be undertaken. The application has been considered by the Police Local Area Command to be satisfactory subject to any future events having a NSW Police and Ambulance Officer, medical commanders, RMS, Security and Local Council in attendance.</p> <p>Appropriate conditions could be imposed to ensure adequate security at any events.</p>
<p>Alcohol Licensing</p> <ul style="list-style-type: none"> - 'Alcohol License provided – will alcohol licenses be provided so that alcohol can be sold on site and if not what does that mean for guests attending with large quantities of alcohol' - 'Concern about alcohol and drugs especially given the bicycle gang element in the local area' - 'Alcohol consumption may lead to alcohol affected bad behaviour and add to the noise pollution' - 'it is my understanding that they are wanting to serve alcohol during the events' - The proposed alcohol license. We and our neighbours have young children and we have considerable concern for their welfare if the 	<p>The development application does not include a request for the service of alcohol at any event. An alcohol licence will need to be applied for through the Office of Liquor and Gaming in order to serve alcohol at a particular event. The applicant has expressed the view that alcohol will not be served at all events.</p> <p>The applicant has identified that no event will allow alcohol to be brought on site regardless of approval for sale or not. Security will manage this on entry and monitor throughout the event as required.</p> <p>An Alcohol Management Plan has been submitted with this proposal. It is a legal requirement that anyone serving alcohol is licenced and holds</p>

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Concern	Comment
<p>neighbouring property can serve alcohol to up to 5000 people. I don't want drunk people entering our yard. People already disregard the speed limit on Barkers Lodge Road and there have been multiple fatalities. Imagine someone with a drink too many in their system heading down that windy road to Picton? I obviously have many concerns re alcohol that I hope don't need to be explained'</p>	<p>an RSA. Any events that will have alcohol sold will be monitored by security and they will also have an RSA and be trained to handle alcohol affected patrons.</p> <p>Appropriate event signage will ensure that the there will not be any promotion of excessive alcohol consumption.</p> <p>'User Pays Police' will be used as required to assist with events where alcohol will be served. They will also manage traffic and road violations as required. Like any event or public place where alcohol is sold, it is up to the individual to drink responsibly. Within the event we will manage responsible service and mitigate risk.</p> <p>Events will not accommodate 5000 people. These events have specified up to 500 patrons.</p>
<p>Duration of Events</p> <ul style="list-style-type: none"> - 'date, length, start times' - 'duration of events eg 3 day events with camping on site or 3 hour events'. 	<p>The applicant has indicated that all events are for a single day between the hours of 9.00am and 11:30pm.</p>
<p>Volume of people</p> <ul style="list-style-type: none"> - 'Volume of people expected / allowed – the limited information provided shows multiple car parks' - 'documentation also states – by definition these events are classified as small attracting less than 5000 patrons, they have given approximately 250 to 500 maximum patrons. I believe the definition they have written could allow up to 5000 patrons if approved' - 'approval for 250-500 concert goers but with a ceiling of 5000!' 	<p>It is anticipated that a maximum of 500 people may attend the proposed events. Appropriate conditions could be imposed to enforce ticketing and prohibited the sale of tickets at the gate.</p>
<p>Noise</p>	<p>A Noise Management Plan has</p>

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Concern	Comment
<ul style="list-style-type: none"> - 'We can already hear noise from indoor events held at the farm. Outdoor events would be five times as loud.' - 'will there be music' - 'because of the topographic nature of Mowbray Park Farm, the noise impact on adjoining properties would be very substantial to say the least' - 'Such events would create extra noise day and night' - 'This latest proposal would increase the noise pollution' 	<p>lodged in support of the development application. The applicant has identified that the plan is to identify and implement strategies which will minimise disturbance of residents and other noise sensitive receivers from events such as music, mountain bike races, and other outdoor events with sound amplification. Amplified noise will cease at 9pm for any event held. The applicant has indicated that these are family orientated in nature and will not generate excessive noise concerns. These events are not rock concerts.</p> <p>Council's Senior Environmental Health Officer has reviewed the Noise Management Plan and considers the document to be unsatisfactory. Council's Senior Environmental Health Officer notes the following:</p> <p>The applicant has lodged a noise management plan not a noise impact assessment. The plan references legislation that is not relevant to a festival/special event and relates to residential noises i.e. lawnmowers, cars and air-conditioning units and allowable hours to use these items or railway infrastructure.</p> <p>A noise impact assessment is considered necessary and shall be prepared by a suitably qualified and experienced acoustic practitioner (e.g. a member of the Australian Acoustical Society, the Institution of Engineers, the Association of Australian Acoustical Consultants or a person with other appropriate professional qualifications).</p> <p>The noise impact assessment and acoustic assessment report shall</p>

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Concern	Comment
	<p>provide the following information:</p> <ul style="list-style-type: none"> ▪ the name and qualifications or experience of the person(s) preparing the report ▪ the project description, including proposed or approved hours of operation ▪ relevant guideline or policy that has been applied ▪ results of background and any other noise measurements ▪ meteorological conditions and other relevant details at the time of the measurements ▪ details of instruments and methodology used for noise measurements (including reasons for settings and descriptors used, calibration details) ▪ a site map showing noise sources, measurement locations and potential noise receivers ▪ noise criteria applied to the project ▪ noise predictions for the proposed activity ▪ a comparison of noise predictions against noise criteria ▪ a discussion of proposed mitigation measures, the noise reduction likely and the feasibility and reasonableness of these measures ▪ how compliance can be determined practically. <p>The applicant has been provided with ample time to provide the noise impact assessment. The applicant has elected not to provide this assessment. The noise impact information provided by the applicant does not satisfactorily demonstrate that the development application will not have an adverse impact on adjoining properties. The assessing officer considers that the</p>

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Concern	Comment
	development application cannot be supported in this regard.
<p>Car parking and Traffic</p> <ul style="list-style-type: none"> - ‘Car parking and traffic. The carpark would be 100% visible from our yard’ - ‘The traffic coming into the area would be obstructive.’ - ‘the volume of traffic, from events, especially if late at night and if alcohol has been consumed. There are local young families also using these roads.’ - ‘Massive car parks near the entrance.’ - ‘The increase in traffic congestion, at a very dangerous intersection of Barkers Lodge Road and Montpellier Road.....’ - ‘Documentation point 2.4 Parking, states there will be onsite parking for approximately 1000 cars as well as buses.....’ 	<p>Council's Development Engineers and the assessing officer has considered the access and car parking arrangements to be satisfactory. The location of the car parking area provides the most direct and accessible point from Barkers Lodge Road. The potential visual impacts associated with the parking of vehicles close to the Barkers Lodge frontage is considered to be satisfactory. The parking of vehicles as proposed also reduces the potential for conflicts with the other uses of the subject site.</p>
<p>Waste management (toilets and rubbish)</p> <p>‘Rubbish from the carpark would inevitably spill down the nature strip onto Mowbray Park Road, considerably messing this area.’</p> <ul style="list-style-type: none"> - The Impact of extensive resources to provide heating, toilets, rubbish disposal etc; on the environment.’ - ‘Our concern is rubbish flying everywhere (council will need to address rubbish on roadside) and we will have to deal with the rubbish aftermath on our property.’ 	<p>A Waste Management Plan was submitted with the development application.</p> <p>Bin stations will be provided throughout the event area. Waste control staff will be appointed, in addition to clean up teams and staff on board.</p> <p>Depending on the event type and proposed number of patrons, portable toilets will be available. This is in addition to existing toilet facilities on the premises.</p>
<p>Stage</p> <p>Will there be a permanent stage</p>	<p>The applicant proposes to install a temporary stage for events requiring the same. There shall be no permanent stage on the site.</p>

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1.7 THE PUBLIC INTEREST

The development application has the potential to provide a valuable social and economic contribution to the community through the events and follow on business to the local community. The subject site provides ample space for on-site parking and on-site accommodation is provided if patrons wish to stay overnight.

However, the information provided with the application has failed to satisfy Council officers that the temporary use will not have an unsatisfactory impact on surrounding properties and the neighbourhood by virtue of noise impacts. For this reason the application cannot be considered to be in the public interest.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates. There are no developer contributions payable under s94A of the Council's Development Contribution Plan 2011.

ATTACHMENTS

1. Site Plan

RECOMMENDATION

1. That Council refuse Development Application No. 010.2016.0000031.001 for Temporary Use of Land (Special Events) for the purpose of four (4) Family Events per year on the land at Lot: 102 DP 878280, No. 745 Barkers Lodge Road, Mowbray Park for the following reasons:
 - (a) The proposed development does not comply with Wollondilly Local Environmental Plan 2011, RU1 Primary Production Objectives to the zone (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
 - (b) The proposed development does not comply with Wollondilly Local Environmental Plan 2011, Clause 2.8 (Section 79C(1)(a)(i) Environmental Planning and Assessment Act, 1979).
 - (c) The proposed development does not comply with Wollondilly Development Control Plan 2016, Volume 1 – General, Control 2.2 (Section 79C(1)(a)(iii) Environmental Planning and Assessment Act, 1979).

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- (d) Approval of the application is likely to have negative social impacts in the locality (Section 79C(1)(b) Environmental Planning and Assessment Act, 1979).
 - (e) Insufficient information was submitted with the application to demonstrate the suitability of the site for the proposed development (Section 79C(1)(c) Environmental Planning and Assessment Act, 1979).
 - (f) Approval of the application is not considered to be in the public interest (Section 79C(1)(e) Environmental Planning and Assessment Act 1979).
2. That the persons who made submissions regarding the Development Application be notified of Council's decision.

