



I hereby give notice that the Council Assessment Panel Meeting will be held on:

Date: Tuesday, 28 August 2018
Time: 9.30am
Location: Council Chambers
Minlaton Town Hall
57 Main Street
Minlaton

AGENDA

Council Assessment Panel Meeting

28 August 2018

Roger Brooks
ASSESSMENT MANAGER

**Yorke Peninsula Council
Assessment Panel Membership**

Rodney Button – Presiding Member

Debra Agnew

Susan Hadley

Peter Tonkin

Jeffrey Cook

CONFLICT OF INTEREST

Council Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in an item listed for consideration on the Agenda. Section 56A of the Development Act 1993 requires that Members declare any interest and provide full and accurate details of the relevant interest to the Council Assessment Panel prior to consideration of that item on the Agenda.

Each Member of a Council Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

Agenda

1	Welcome by Presiding Member	5
2	Present	5
3	Gallery	5
4	Apologies	5
5	Leave of Absence	5
6	Minutes of Previous Meeting – for Confirmation	5
7	Conflict of Interest	5
8	Visitors to the Meeting.....	5
	REPORTS	7
9	Development Applications	8
	9.1 544/1089/2017 - Southern Yorke Peninsula Dirt Circuit Club (G & B Mumford).....	8
10	Matters Deferred	96
	Nil	
11	ERD Court Matters	96
	Nil	
12	Concurrence Approvals	96
13	Procedural Matters	96
14	Next Meeting	96
	Tuesday 25 September 2018	
15	Closure	96

1 WELCOME BY PRESIDING MEMBER

Meeting declared opened

2 PRESENT

3 GALLERY

4 APOLOGIES

Nil

5 LEAVE OF ABSENCE

Nil

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

Council Assessment Panel Meeting – 22 May 2018

7 CONFLICT OF INTEREST

8 VISITORS TO THE MEETING

The Southern Yorke Peninsula Dirt Circuit Club.

REPORTS

REPORTS

9 DEVELOPMENT APPLICATIONS**9.1 544/1089/2017 - SOUTHERN YORKE PENINSULA DIRT CIRCUIT CLUB (G & B MUMFORD)****Document #:** 18/52311**Department:** Development Services**PROPOSAL OUTLINE****Author:** Heidi Smith**Application No.:** 544/1089/2017**Applicant:** Southern Yorke Peninsula Dirt Circuit Club**Owner:** G & B Mumford**Development Proposal:** Dirt Circuit Race Track, Car Parking & Toilet Facilities**Lodgement Date:** 15 March 2017**Subject Land:** Lot 52 Twartz Road, Brentwood**Zone:** Primary Production**Nature of Development:** Merit**Public Notification:** Category 3**Representations:** 3 Received (all against) - The Southern Yorke Peninsula Dirt Circuit Club wish to speak in support of their application and one representor against the proposal, Mr Paul Terrell, was unable to be contacted to confirm his desire to speak but has been sent a letter advising of the meeting time and date.**Referrals:** Environment Protection Authority**Development Plan Version:** 26 November 2015**RECOMMENDATION**

- A. That Development Application 544/1089/2017 for the construction of a Dirt Circuit Race Track, Car Parking Area and Toilet Facilities at Lot 52 Twartz Road, Brentwood is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan, consolidated 26 November 2015.
- B. That following consideration and having regard to all relevant matters concerning the construction of a Dirt Circuit Race Track, Car Parking Area and Toilet Facilities at Lot 52 Twartz Road, Brentwood (Development Application 544/1089/2017), the proposal be **GRANTED** Development Plan Consent, subject to the following conditions and notes of consent:

Conditions

1. The applicant shall proceed strictly in accordance with the plans submitted and conditions imposed by this consent, except where minor changes are required to comply with the Building Code of Australia.
2. The Applicant or Landowner shall apply and obtain the necessary approvals for a waste control system in accordance with the South Australian Public Health Act 2011, prior to obtaining Development Approval.

3. The use of the track shall not occur until all aspects associated with the development, including the landscaping, the all-weather hardstand apron onto the road, the car parking area, the acoustic barrier and the toilet facilities, have been completed to the satisfaction of Council.
4. Where a Private Certifier is engaged for Building Rules Consent, the Private Certifier is to provide Council with a certified statement to verify that the Building Rules Consent is consistent with the Development Plan Consent.
5. The gutters of buildings on the site shall be connected to on-site rainwater storage tank(s) capable of reticulation and with appropriate connections to enable its use for firefighting purposes.
6. Driveways, vehicle manoeuvring and parking areas shall be constructed prior to occupation or use of the development herein approved. Such surfaces shall be maintained in a good and substantial condition at all times to the reasonable satisfaction of Council.
7. All landscaping as indicated on the plans submitted and approved by Council shall be planted prior to the first use of the track.
8. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced.
9. Stormwater run-off, including surface stormwater generated by the development, shall be managed on site or directed to the street water table so as not to trespass on to adjoining properties, lie against any building or create unsanitary conditions. All associated works shall be to the satisfaction of Council.
10. Access to the site at the proposed entry point shall be the responsibility of the developer and constructed with an all-weather hardstand apron from the road carriageway to the site boundary. Such works shall be completed to the satisfaction of Council prior to the use of the development herein approved.
11. This consent relates to the track, carpark and toilet facilities only and does not indicate approval, either directly or implied, for any other structures such as a stewards tower, ticket box, advertising signs or lighting on the site. Any additional structures or changes to the operation of the facility shall be the subject of a separate development application which will be assessed against the relevant policies at the time of lodgement.
12. Environment Protection Authority Conditions:
 - (i) Prior to use of the track, the applicant must prepare and implement a noise management plan which is based on assumptions and recommendations in Section 4 of the Southern York Peninsula Dirt Circuit Club Acoustic Assessment (prepared by Sonus and dated May 2018). This plan must include details as to how noise management measures, including the following, would be implemented:
 - (a) ensuring that the number of events does not exceed eight per year

- (b) ensuring there are not more than 20 races per event
 - (c) ensure there are not more than 10 cars in each race
 - (d) ensure there is no more than one race in any 15 minute period
 - (e) ensure all racing occurs within daytime hours as defined by the Environment Protection (Noise) Policy 2007 (refer to https://www.epa.sa.gov.au/data_and_publications/standards_and_laws/environment_protection_noise_policy for details)
 - (f) ensure all surrounding residents are specifically notified of events
 - (g) ensure that equipment is not operated if maintenance or repairs would eliminate or significantly reduce a characteristic of noise resulting from its operation.
 - (h) setting speakers to the maximum sound pressure level of 108dB(A) at one metre
 - (i) directing the speakers to the west (ie away from the closest dwelling).
- (ii) Prior to use of the track, a (minimum) three metre high airtight acoustic barrier as shown in the Southern York Peninsula Dirt Circuit Club Acoustic Assessment (prepared by Sonus and dated May 2018) must be constructed. This barrier may be constructed from moulding, hay bales, Colorbond, or similar and must be constructed for the extent shown in Appendix C on page 12 of the Southern York Peninsula Dirt Circuit Club Acoustic Assessment.

Notes

1. The applicant is advised that an application for Building Rules Consent, including appropriate plans and specifications, must be submitted either to Council or a Private Certifier in accordance with the provisions of the Development Act 1993, and the written Development Approval of Council must be obtained prior to the commencement of construction.
2. The granting of this consent does not absolve the applicant from obtaining all other consents which might be required pursuant to the provision of any other statutes or regulations.
3. Environment Protection Authority Notes:
The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc. can be accessed on the following web site: <http://www.epa.sa.gov.au>

NATURE OF THE DEVELOPMENT

The applicant proposes to develop a dirt circuit race track, car parking area and toilet facilities at Lot 52 Twartz Road, Brentwood.

The subject land is in the Primary Production Zone, as depicted in the Yorke Peninsula Council Development Plan, consolidated 26 November 2015 (refer *Attachment 1 Locality Plan*).

The proposed development within this zone is not listed as 'Complying' or 'Non-complying' in the Development Plan or Schedule 4 of the Development Regulations 2008. Therefore, in accordance with Section 35 (5) of the Development Act 1993, the application is deemed as a 'merit' application.

DESCRIPTION OF THE PROPOSAL

The proposal is to develop a dirt circuit race track and pit area, car parking area and toilet facilities contained within an un-farmed area of approximately 116, 000 square metres in the south-eastern corner of the Lot 52 Twartz Road, Brentwood (refer *Attachment 2 Plans and Details*).

The Southern Yorke Peninsula Dirt Circuit Club proposes to hold race meetings once a month on a Sunday from March through to October between the hours of 9 am to 5 pm, in which various classes of vehicles can race in competition. The type of racing can be better understood by referring to the Power Point slides presented at the Elected Members Workshop held on 22/03/2017 (refer *Attachment 3 Dirt Circuit Racing Power Point Presentation*).

General information on the nature of the activities was provided on separate occasions throughout the application process. Letters from the applicant outlining these details have been included in chronological order in *Attachment 2 Plans and Details* but some aspects of the proposal may have been addressed more than once with slightly different outcomes. The various attachments referred to in these letters have only been included where they remain relevant (i.e. superseded plans have been removed).

The selected land is not suitable for farming and has remained un-utilised over the years.

It must be pointed out that the photos of the proposed race track area as well as recent aerial imagery included in the attachments show that the track has been partially constructed prior to approval being granted.

In addition to the race track and pit area, car parking and toilet facilities are also proposed. Effluent will be disposed of on site and the car parking managed to ensure pedestrian safety (refer *Attachment 2 Plans and Details*).

The applicant has provided the following details regarding the proposed use of the race track:

- Meetings to be held monthly on a Sunday from March through to October
- Hours of operation from 09:00 to 17:00 hours
- Eight (8) meets per year with no extra days for track time practice
- Anticipated number of vehicles to be 40-50 vehicles with approximately 80 to 100 individuals attending any one event
- Dust will be controlled by watering and grading the track prior to each meet as well as half way through the meeting
- Storm water will be managed on site with run-off from buildings collected in rainwater tanks
- Landscaping will be carried out using indigenous trees and shrubs
- Car parking will be clearly marked with an overall speed limit of 10 kph

SUBJECT LAND AND LOCALITY

The legal description of the subject land is shown as allotment 52 Deposited Plan 93777 in the area named Brentwood in the Hundred of Minlacowie, as contained within the Certificate of Title Volume 6148 Folio 11.

The subject land is a large parcel of land of approximately 1,720,556 square metres (172 hectares) and is wholly contained within the Primary Production Zone as depicted in the Development Plan consolidated 31 October 2017. A length of 1,610 metres fronts Twartz Road and a length of 1,180 metres fronts Treasure Road. A small section of approximately 9,798 square metres has been divided from the allotment to incorporate an existing dwelling on to a separate title which is also in separate ownership.

The land also abuts the small settlement of Brentwood, which is contained within the Settlement Zone as well as the town oval, which is identified to be in the Primary Production Zone. The settlement of Brentwood has approximately a dozen homes as well as a number of community facilities such as a church, a hall and sporting grounds. The proposed race track and facilities are approximately 1.6 kilometres away from the centre of the township.

The majority of the subject land and surrounds is used for primary production purposes which includes cropping. A collection of sheds remain near the boundary of the sub-divided land containing the dwelling, presumably not captured with the dwelling when the division took place. A portion of the land in the southwestern corner has clearly not been farmed and is obviously unsuitable for this purpose. This is the proposed site of the race track and facilities (refer *Attachment 1 Locality Plan* and *Attachment 4 Site Visit Photos*).

Access to the track is proposed from Twartz Road which is an unmade road.

PUBLIC NOTIFICATION

A dirt circuit race track within the Primary Production Zone is not listed as either Category 1 or Category 2 in the Development Plan or the Development Regulations 2008.

Section 38(2)(c) of the Act states that where an application fails to be assigned as either a Category 1 or a Category 2 then it shall be processed as a Category 3 development.

Hence, the proposed development was assessed as a Category 3 for the purpose of public notification in accordance with Section 38(2)(c) of the Development Act 1993.

Public Notification, including a notice in the Yorke Peninsula Country Times and a letter to adjacent properties, as well as those deemed potentially impacted by the relevant authority, was undertaken between 9 January 2018 and 23 January 2018 (refer *Attachment 5 Public Notification*). The potentially impacted properties was determined using a 3.2 km radius from the track as there is a 3km threshold for referrals for motor sports to be made to the Environment Protection Authority.

At the conclusion of the public notification period Council had received three (3) written representations against the proposal.

The objections included:

- Inappropriate location given the close proximity of the township of Brentwood
- Inappropriate noise levels
- Potential fumes
- Increased traffic
- Devaluing of homes

The applicant was given the opportunity to respond to the representations made and submitted a written statement addressing the issues raised (refer *Attachment 5 Public Notification*). Comments in the response included:

- Noise levels anticipated at sensitive locations would be equivalent to either the noise experienced in a library or a quiet rural area.
- Actual racing time of each race is approximately 5 minutes, with 15 to 20 races per meet spread out over nine hours (total of 100 minutes and 18.5% of the total time).
- Approximately half of the anticipated vehicles would be towing car trailers with anticipated traffic volumes at once a month, significantly less than normal holiday traffic experienced across the peninsula.

CONSULTATION

A referral to the Environment Protection Authority (EPA) is required under Schedule 22 of the Development Regulations 2008 for Motor Racing or Testing Venues within 3 kilometres from residential premises not associated with the facilities.

As such, the proposal was referred to the EPA for a report and direction in accordance with Section 37 of the Development Act 1993.

The EPA sought further information from the applicant on three separate occasions, which included the following:

- Confirmation of the distances of the nearest dwelling(s)
- Details of any amplified music or public address systems
- An acoustic report given the nearest sensitive receiver is approximately 500 metres to the east
- Details of a proposed acoustic barrier

Responses from the applicant can be referenced in *Attachment 6 EPA Matters*, which also includes the acoustic report as well as the final report from the EPA.

The final report from the EPA concluded that considering the proposed measures and management of the facility, the proposed development is unlikely to cause unacceptable noise impacts. Given the distance to sensitive receivers, air quality/dust impacts on residents are also considered unlikely. A number of conditions have been **directed** to be attached to any approval by the EPA.

ASSESSMENT

Determination of whether the application is seriously at variance

Pursuant to Section 35(2) of the *Development Act 1993*, the proposal has been assessed and is considered not to be seriously at variance with the Yorke Peninsula Council Development Plan consolidated 26 November 2015.

Development Plan

The provisions of the Yorke Peninsula Council Development Plan consolidated 22 November 2015 (the Plan) applicable to the assessment of the proposed development are listed here:

Primary Production Zone Provisions

Objectives: 1, 2, 4 & 6

Principles of Development Control: 1, 2, 4, 9, 10, 11 & 12

General Section Provisions

Design and Appearance

Objectives: 1

Principles of Development Control: 6, 11, 15, 17 & 19

Hazards

Objectives: 1, 2, 4, 5 & 8

Principles of Development Control: 1, 2, 3, 9, 10, & 16

Infrastructure

Objectives: 1

Principles of Development Control: 1 & 6

Interface Between Land Uses

Objectives: 1, 2 & 3

Principles of Development Control: 1, 2, 5, 6, 7, 8, 11 & 14

Landscaping, Fences and Walls

Objectives: 1

Principles of Development Control: 1, 2 & 3

Natural Resources

Objectives: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 & 13

Principles of Development Control: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 18, 26, 27, 28, 29, 30, 31, 32, 36 & 38

Open Space and Recreation

Objectives: 1, 2 & 3

Principles of Development Control: 14 & 15

Orderly and Sustainable Development

Objectives: 1, 3, & 4

Principles of Development Control: 1 & 2

Siting and Visibility

Objectives: 1

Principles of Development Control: 1, 2, 3, 4, 5, 6, 7, 8

Transportation and Access

Objectives: 2

Principles of Development Control: 8, 13, 22, 23, 28, 29, 31, 32, 33 35, 37 & 39

Waste

Objectives: 1 & 2

Principles of Development Control: 2, 5, 7, 10, 11 & 13

Table YoP/2 – Building Setbacks from Road Boundaries

Table YoP/3 – Off Street Parking Requirements

Primary Production Zone Provisions

The Primary Production Zone provisions do not speak directly for or against dirt circuit race tracks as a land use within the zone. Therefore, an assessment of the proposal has been done by considering to what degree the proposal either contributes to or detracts from the objectives and the desired character of the zone.

The objectives seek to ensure the long term continuation of primary production as well as this being economically productive, efficient and environmentally sustainable. Primary production should be protected from encroachment from incompatible land uses and the scenic qualities of the rural landscapes should also be protected. Development should contribute to the desired character of the zone.

Given the proposed race track is in an area of unproductive land, it is recognised that the proposed land use would not take away from the existing quota of land dedicated to primary production nor would it inhibit the continuation of the farming on the land. However, there is a degree of detraction from the scenic qualities of the rural landscape albeit, the quality of that landscape may be in question, given the swamp like nature of the unfarmed portion as well as the tendency to deposit unwanted matter there where it is out of the way of farming activities.

PDC 4 of the zone policies considers the appropriateness of industry and warehousing in the Primary Production Zone and suggests that if this use would not be appropriate within a township and will

not take away from natural, primary production or environmental resources as well as the infrastructure (including roads) could support it, then this type of development may be acceptable.

Despite industry and warehousing being a different type of development to a race track, it is worth considering these guidelines in the absence of any stronger policies. It is already established that the identified land is not used for primary production purposes and a search on the Department of Environment and Water's interactive mapping system (NatureMaps) revealed no significant environmental resource features including no significant native vegetation for the area. Despite the unsealed nature of Twartz Road, it is considered that the amount of traffic could be supported with the installation of an all weather hardstand apron onto the road for the proposed entry point as advised by the Council's Assets and Infrastructure Department. This would be a condition of any approval granted.

When considering where development of this nature would be most appropriate, it can perhaps be concluded that if it were located directly within a township, this would not be the ideal scenario, thus also supporting the notion of the Primary Production Zone better accommodating types of activities, which would not necessarily be appropriate within townships.

Buildings within the Primary Production Zone should be limited to farm buildings and dwellings in association with primary production. Such buildings should be grouped together, set back and screened from public roads and adjacent land.

Whilst the proposed toilet facility is not a farm building nor a dwelling, it is proposed to be sited some 180 metres away from the public road and the intention is to landscape the area to assist with screening. It is also necessary for toilet facilities to be provided for events of this nature.

After examining the Primary Production Zone provisions, the proposed activities of a dirt circuit race track do not appear to substantially contribute to nor do they substantially detract from the intent of the zone. However, it does not appear to be sufficiently at odds with the activities of the zone to warrant a refusal. Nevertheless, there remains the General Section Provisions of the Development Plan in which the interface between land uses must be considered and it is noted that the settlement of Brentwood exists within close proximity of the proposed race track.

General Section Provisions – Design and Appearance

Development should respond to and reinforce positive aspects of the local environment and built form. Buildings should not incorporate highly reflective materials and buildings and landscaping should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.

The surrounding area is mainly used for primary production with the occasional dwelling and farm building. On this particular allotment, there are limited structures and whilst a race track, car park and toilet facility are not normal features of the landscape, the impact of them in this location is considered to be limited. The toilet block will be 'colorbond paperbark' and will sufficiently blend in with the landscape. It is also setback sufficiently from the public road and will have screening by way of the proposed vegetation plantings.

General Section Provisions – Hazards

Given the low-lying nature of the subject land, water is likely to collect there which is reflected in the area's swamp-like qualities. However, it is not expected that there will be a need to protect the track from flooding as it would be considered expendable.

The proposed development falls within a general bushfire risk area, however, it does not involve any habitable structures and again, would not warrant the same level of protection. It is assumed that a certain level of fire safety measures will be implemented as part of dirt circuit racing protocols.

General Section Provisions – Infrastructure

The proposed development will occur with access from a formed all weather public road and the capacity to accommodate an adequate on-site wastewater system. The intention is to capture any water from buildings such as the toilet facility in rainwater tanks for use.

General Section Provisions – Interface between Land Uses

These provisions are by far the most applicable for addressing any adverse impacts and assessing any conflict between land uses. The policies here seek to locate and design development to prevent these potential impacts and conflicts as well as protect community health and amenity and support the operation of all desired land uses. Those desired land uses should be protected from the encroachment of incompatible development.

It has already been established that the construction of a race track and facilities will not prevent the continuation of primary production activities on the land nor in the area. However, the township of Brentwood, is in close proximity and must be considered. The issues of concern for the proposed development, as highlighted in the policies, are centred around noise impacts, airborne pollutants such as dust and fumes and traffic impacts.

There is no doubt that the proposed activities, synonymous with dirt circuit racing, will result in all of the above. The question, therefore, is whether the impact of these can be effectively managed such that they can be considered acceptable to the sensitive land uses within the Settlement Zone.

Two of the three representors against the development reside within the township of Brentwood and have raised concerns regarding all of the above potential impacts.

Two residential properties within the Primary Production Zone are particularly close to the proposed race track, being 500 metres and 1 kilometre away. Neither owner of these two properties submitted a representation.

Given the proposed race track activities will produce noise, dust, fumes and increased traffic, it is, therefore, helpful to consider how the sensitive areas such as residential properties might receive these impacts at their location. Any impacts should be minimised accordingly.

Firstly, the scale and degree to which these things occur should be considered. The proposal states that the track will only operate eight (8) times a year, once a month between the hours of 9:00 am and 5:00 pm on a Sunday. Despite Sundays being a time when residents are more likely to be home, 8 Sundays of out of a possible 48 Sundays is not considered excessive. Also taking into account the season from March through to October, it is noted that part of the time is over the winter months where windows are generally closed and people often choose to remain indoors for longer periods.

Therefore, the scale of the venture is considered to be at the lower end of the spectrum and any increase to the operation hours would require an application to vary any approval granted.

As the proposal triggered a referral to the Environment Protection Authority (EPA) under Schedule 22 of the Development Regulations 2008, the authority's assessment of these aspects must also form part of the considerations for this assessment, as it is the expert body in these matters.

The degree of noise, fumes and dust formed part of the assessment of the EPA found in *Attachment 6 EPA Matters* which also includes information regarding the levels of noise and the like as received by the sensitive locations. The EPA considered that the recommended measures of the acoustic

report prepared by Sonus were reasonable and practicable in the context of the proposal and the locality. These measures included the preparation and implementation of a noise management plan as well as a three metre high airtight acoustic barrier to manage potential impacts to the closest dwelling.

The EPA concluded that the proposal satisfactorily addressed potential impacts such that the development was unlikely to cause unacceptable impacts on nearby sensitive receivers. There is every reason to accept this appraisal and the EPA has **directed** that a number of conditions be attached to any approval. The conditions refer to both the noise management plan and the acoustic barrier.

General Section Provisions – Landscaping, Fences and Walls

The policies for landscaping in the Development Plan encourage the enhancement of the amenity of land and development with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

In this case, it is not only beneficial to have the area appear more attractive through various plantings to improve the visual impact of the proposal on the landscape but also for the potential noise and dust attenuation properties vegetation can offer. A landscaping plan is, therefore, a valued inclusion of the proposal put forward by the Southern Yorke Peninsula Dirt Circuit Club (refer *Attachment 2 Plans and Details*). The plan indicates the intention to vegetate a border of plantings around the race track area with a variety of native species. A condition should be included to insist that these plantings occur prior to the use of the track and that any diseased or dead plants be replaced as needed.

General Section Provisions – Natural Resources

Development should take into account natural resources and the environment, ensuring that native flora and fauna, ecosystems, water regimes and soils are protected. The sustainable use of resources with minimal disturbance to the natural landform as well as prevention of pollution is identified in the Plan as desirable outcomes.

Apart from the fact that the proposed site for the race track is not suitable for farming, very little is known about the value of the land in its natural form. Aerial imagery shows that some vegetation occurs but the site visit photos show that this vegetation is likely to be restricted to low lying ground cover. It is not known what the quality of this vegetation is in relation to biodiversity nor its role in any potential ecosystem. As mentioned previously, a search on the Department of Environment and Water's interactive mapping system (NatureMaps) revealed no significant environmental resource features including no significant native vegetation identified for the area.

The dirt circuit club plans to rely on the natural lie of the land to manage water runoff. However, once buildings are constructed, all run-off from them would be collected in appropriate rainwater tanks.

Given the nature of the activities on the site involving fuel and vehicles, it is expected that some level of contamination of the soil and surrounds may occur over time at specific locations. As the site is not used for sensitive land uses and is low-lying, it is anticipated that any potential contamination would be able to be contained and not impact other uses in the area. The applicant has a general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that activities on the site do not pollute the environment in a way which may cause environmental harm. The EPA has directed that this be noted on any approval.

The track design appears to have utilised the lie of the land thus minimising any alterations to the existing land form.

General Section Provisions – Open Space and Recreation

Whilst this facility is not the same as public areas provided for the enjoyment of open space and recreation purposes, it can be argued that motorsports are a recreational activity. Accordingly, development of recreational activities in areas not zoned for that purpose should be compatible with surrounding activities and sited and designed to minimise negative impacts on the amenity of the locality.

The selection of the site within the Primary Production Zone is likely to be the most compatible for this purpose. Additional measures are proposed to minimise any potential negative impacts on the amenity of the locality, including the township of Brentwood.

General Section Provisions – Orderly and Sustainable Development

The proposal of a dirt circuit race track does not jeopardise the continuance of adjoining authorised land uses. It is anticipated that the measures proposed will also assist in maintaining a safe, convenient and pleasant environment for residents in the area to live.

General Section Provisions – Siting and Visibility

The objective of this general provision is to protect scenically attractive areas, particularly natural, rural and coastal landscapes.

As what is considered to be scenically attractive can be rather objective, it is perhaps useful here to note that the area is not a significant drawcard for its beauty. Even so, some of the provisions of this general policy are still proposed to be met. They are the inclusion of landscaping to screen the development and the use of materials which will blend sympathetically with the landscape. The track will obviously remain dirt and the proposed toilet block will be 'colorbond paperbark' in colour. Perhaps the most dominant feature at this stage may be the wall of black tyres at certain parts of the track as seen in the site visit photos. These walls are relatively low and it is hoped that the proposed vegetation will go some way to screening these from the road and adjacent properties once established (refer *Attachment 4 – Site Visit Photos*).

General Section Provisions – Transportation and Access

As the area for the dirt circuit race track facility is generous, there is more than ample room to achieve safe efficient movement to and from the site in a forward direction as well as appropriate parking which includes the provision of accessible parking for people with a disability. The proposal includes a car parking plan based on 40 to 50 vehicles and indicates that it will be clearly marked with a speed limit of 10 kmph with shared vehicle/pedestrian areas also clearly identified (refer *Attachment 2 Plans and Details*).

General Section Provisions – Waste

The plans for the proposed toilet facilities included a report and design for a wastewater system to adequately deal with any waste. The applicant has indicated that they wish to approach Council to be included within the waste and recycling service for general waste. Again, as required by Section 25 of the Environment Protection Act, the applicant has a general environmental duty, to not pollute the environment.

Table YoP/2 – Building Setbacks from Road Boundaries

This table stipulates that buildings within the Primary Production Zone should be set back at least 30 metres from the road boundary. The toilet facilities is the only building proposed to date and will be situated approximately 180 metres away from the road boundary to Twartz Road.

Table YoP/3 – Off Street Parking Requirements

As a 'Dirt Circuit Race Track' is not specifically listed in this table, a practicable approach has been taken to off-street parking requirements. There is no doubt that the facility requires off street parking and there is also no doubt that the subject land is able to accommodate it adequately. The carparking design submitted by the applicant identifies spaces for 40 vehicles with 2 additional accessible spaces, bearing in mind that some vehicles/trailers will be located within the designated pit area.

CONCLUSION

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan.

Whilst the proposed development is not envisaged in the zone, it does not inhibit the continuation of primary production activities which is the overarching purpose of the zone. It is considered that any interface issues with the nearby settlement of Brentwood will be adequately managed such that unreasonable impacts are unlikely.

Therefore, it is considered that the proposal is not harmful to the desired character of the zone nor is it considered to have a detrimental impact upon the amenity of the adjoining properties in the locality. Accordingly, the proposal warrants the granting of Development Plan Consent subject to conditions of consent.

ATTACHMENTS

- 1. Locality Plan**
- 2. Plans and Details**
- 3. Dirt Circuit Racing Power Point Presentation**
- 4. Site Visit Photos**
- 5. Public Notification**
- 6. EPA Matters**