

### **3 RECREATIONAL VEHICLE APPLICATION - 75 NORRIS ROAD, PAKENHAM UPPER**

FILE REFERENCE INT178603

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#### **RECOMMENDATION**

That the Recreational Vehicle application for 75 Norris Road, Pakenham Upper be approved

#### **Attachments**

- 1 Site plan showing vehicle track 1 Page
- 2 Map showing location of objectors properties, circulated to councillors only 1 Page
- 3 Cop[ies of objections circulated to councillors only

#### **EXECUTIVE SUMMARY**

As per Councils Recreational Vehicle Policy, Councillors are able to require the issuing of Recreational Vehicle Permits to be heard at a Council meeting for a decision. This application has been requested to be heard at a Council meeting.

#### **BACKGROUND**

The site is located on the western side and towards the end of Norris Road, Pakenham. The property is approximately 8.3 Ha in size.

The property contains an existing dwelling, outbuildings, and fenced paddocks/pasture.

The topography of the land is slightly sloped downwards from west to east. The motorcycle track has been created on the land to the north east of the dwelling. No planning permit was required for the earthworks to create the track.

The main characteristics of the surrounding area are low density rural properties with a mixture of grazing and horse related uses.

#### **POLICY IMPLICATIONS**

This application is in accordance with Council's Recreational Vehicle Policy.

#### **RELEVANCE TO COUNCIL PLAN**

The Policy is in line with Council Plan goals:

- Variety of recreational and leisure opportunities
- Balanced needs of development, the community and the environment

#### **CONSULTATION/COMMUNICATION**

The application was advertised to properties within 1000 metres of the applicant's property. Council received 32 objections to the proposal.

The key issues raised in the objections were based on:

- Noise
- Increased road use and traffic in local area
- Increased dust issues
- Environmental impact to flora & fauna
- Bushfire danger
- Negative affect on amenity
- Compliance with permit conditions

Officers have considered these concerns and offer the following response:

### **Noise**

The noise factor will be controlled by the vehicle noise test which must be undertaken by the applicant prior to a vehicle being allowed to be used in accordance with this permit.

94Db rating has been recommended by the EPA as a reasonable level of noise for this type of activity and area. The duration of the noise will be controlled by only allowing for minimal hours of riding on the permit conditions.

### **Increased road users and traffic in local area**

It is unlikely that by approving this permit it would dramatically increase the amount of road users in the area. This is not a commercial operation and is only for private use. The increase amount of traffic on the local roads would be minimal at best.

### **Increased amount of dust related issues**

As stated above, this is only an application for private use, not commercial, and it is not anticipated that this application will result in an increased amount of traffic (dust) on the roads.

### **Environmental impact to Flora & Fauna**

An environmental assessment has been done by our Vegetation Management Officer. Measures have been put in place to assure that damage to the environment is kept to minimal or none at all. These measures have been reflected on the conditions of the permit.

### **Bushfire danger**

A condition will be placed on the permit regarding days of total fire ban. The designated area proposed for riding is a low risk area with the created track.

### **Negative effects on amenity**

Any possible risk to the detrimental effect on amenity in the area will be mitigated by conditions on the permit. Alternatively, if the conditions do not adequately prevent these issues the effect on amenity can be reassessed at the end of the trial period.

### **Compliance with permit conditions and riding times**

The permit would be issued on a temporary basis for a trial period of six months. Any non-compliance with the permit conditions would result in the immediate cancellation of the permit. Any residents in the area who detect non-compliance with the permit conditions are encouraged to report to the Compliance Services Team.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There will be no financial implications to Council. Enforcement or monitoring activities in relation to this application will be absorbed into normal Compliance practices.

## CONCLUSION

It is the recommendation that the permit be issued in this instance.

Council's Vegetation Management Officer conducted an assessment of the subject site, it has been considered the application can be supported with minimal impact on the environment.

The times allotted to the applicant for recreational vehicle use is very restrictive, and at maximum will result in riding for 4 hours a fortnight, during daylight savings, and 2 hours a fortnight in non-day light savings periods.

It is noted the applicant requested more hours and flexibility, however Council has considered the neighbouring property concerns and restricted the use occurring accordingly. These restricted hours seek to strike a balance between the use of the property for Recreational Vehicle and the surrounding residents amenity.

Site specific and standard conditions will alleviate concerns in relation to noise, environmental impact, bushfire danger and general amenity.

Non-compliance to the permit will result in investigation of the complaint, and may result in the loss of the permit.

As per the Policy, a review of the permit will be conducted six (6) months after the permit is issued. This will allow Compliance officers to assess the impact of the use of Recreational Vehicles, and ensure that any non-compliance with the conditions can be taken into account before issuing a permanent permit. At all times a Local Laws Permit can be revoked if conditions and compliance is assessed not being adhered to.

The application has been considered against the Recreation Vehicle Policy, as per this policy a meeting was held with the assessing Officer, Coordinator Compliance Services and Manager Development and Compliance Service, it was considered that the application can be supported subject to the following conditions:

1. No more than 2 motorbikes are permitted to be ridden at any one time
2. Motorbikes are only to be ridden on the designated area as per the attached approved plan
3. Permit is subject to each motorbike undertaking a noise test. Each noise test must show results of each bike being under 94Db
4. Riding is permitted on One (1) Saturday in any fortnight between the hours of 2pm-4pm in accordance with the permit, and Thursdays during the day light savings time period (AEDT) between 4pm – 5pm
5. The use of recreational vehicles is prohibited on the property on days of total fire ban.
6. The permit holder must be present during the activities permitted pursuant to this permit.
7. This permit is non-transferable, and will cease should the permit holder vacate the property.
8. This permit is for a trial period of six (6) months from the date of issue. Any complaints received in this time will be considered upon review of the permit.





