



Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00606/PC)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 635

Clause 1 Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 4)

Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 4)

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1 Name of plan

This plan is *Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 4)*.

2 Aims of plan

The aim of this plan is to amend *Dubbo Local Environmental Plan 1997—Rural Areas* to:

- (a) rezone Lot 146 DP 754328 from Zone 1 (S) (the Small Farm Estates Zone) to Zone 1 (A) (the Dryland Agriculture Zone), and
- (b) enable the creation of an allotment for, and the subsequent construction and use of, a drag racing facility on part of the land comprised of that land and other land in Zone 1 (A) (the Dryland Agriculture Zone), and
- (c) ensure that the construction and operation of the drag racing facility in the Dryland Agriculture Zone:
 - (i) does not unreasonably impact upon the amenity of the locality by virtue of noise, odour or dust emissions or from traffic movement, and
 - (ii) does not contribute to water or land pollution from stormwater runoff, effluent disposal, solid waste or litter.

3 Land to which plan applies

This plan applies to the following land to which *Dubbo Local Environmental Plan 1997—Rural Areas* applies:

- (a) Lot 146 DP 754328, which is shown edged heavy black and coloured buff on the map marked “Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 4)”

deposited in the office of the Council of the City of Dubbo,
and

- (b) Lots 80 and 125 DP 754328 and Lot 1 DP 822455, Gilgandra Rd, Dubbo.

4 Amendment of Dubbo Local Environmental Plan 1997—Rural Areas

Dubbo Local Environmental Plan 1997—Rural Areas is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 4)

[1] Schedule 1 Dictionary

Insert in alphabetical order in Part A:

Drag racing facility means a facility for motor sports and associated activities, predominantly involving the competitive racing of motor vehicles, including motorcycles, on a track over a pre-determined distance and includes associated braking areas, safety and emergency facilities, pit and scrutineering areas, officials and spectator facilities and amenities, timing and lighting equipment and associated vehicle parking areas.

Drag racing special events means any international, national or State title or championship drag racing event. Such an event generally involves the racing or use of “Jet Cars”, “Top Fuellers”, “Doorslammers” and “Top Alcohol/Methanol” drag racing vehicles or their equivalent.

[2] Schedule 1

Insert in appropriate order in the definition of *Zoning map* in Part B:

Dubbo Local Environmental Plan 1997—Rural Areas
(Amendment No 4)

[3] Schedule 6 Additional uses of land

Insert at the end of the Schedule:

- Development consisting of subdivision of the land comprised in Lots 80, 125 and 146 DP 754328 and Lot 1 DP 822455 into two lots, one lot for use for the purposes of a drag racing facility and the other lot for use for the purposes of agriculture and development for the purposes of a drag racing facility (and an ancillary caretaker’s cottage) on the former of those two lots, subject to the following:
 - (a) Consent must not be granted to creation of the lot to be used for the purpose of a drag racing facility unless the consent authority is satisfied that the lot is suitable for that use.

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- (b) Consent must not be granted to use of the drag racing facility for drag racing unless the consent authority is satisfied, whether because of conditions of the development consent or otherwise, that operation of the drag racing facility will be undertaken in accordance with the following criteria:
- (i) subject to subparagraph (ii), noise measured at the most noise-affected location within 30 metres of the 8 nearest residences (other than the caretaker's cottage) will be no greater than $L_{Aeq(15min)}$ 55 dB(A) between 7 am–10 pm (Monday to Saturday) and 8 am–10 pm (Sunday and public holidays),
 - (ii) noise measured at that location will be no greater than $L_{Aeq(15min)}$ 45 dB(A) between 10 pm (Monday to Saturday)–7 am on the next day and between 10 pm on Sunday and public holidays–8 am on the next day,
 - (iii) all events, other than drag racing special events, will be held only between the hours of 9 am–6 pm Monday to Saturday and 10 am–6 pm Sundays and public holidays,
 - (iv) the drag racing facility will be managed and operated in accordance with a Noise Management Plan approved by the consent authority before any development consent allowing use of the facility is granted (or as amended from time to time afterwards with the approval of the consent authority).
- (c) Consent must not be granted to the carrying out of any work, or the erection of any building, to be used for the purpose of a drag racing facility, unless the consent authority has had regard to the following:
- (i) the local environmental study prepared under section 57 of the Act in connection with preparation of draft *Dubbo Local Environmental Plan 1997—Rural Areas (Amendment No 4)*,

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Schedule 1 Amendments

- (ii) a Soil and Water Management Plan,
 - (iii) a Stormwater (Quality and Quantity) Management Plan,
 - (iv) a Litter and Solid Waste Management Plan,
 - (v) a Traffic Impact Statement and Traffic Management Plan (including recommendations for on-site car parking arrangements and a comparison with similar venues),
 - (vi) a Landscaping Plan,
 - (vii) an Emergency Management Plan.
- (d) Consent must not be granted to any development for the purpose of a drag racing facility unless:
- (i) the development has been notified by the consent authority in writing to adjoining property owners (and to any other property owner who, in the opinion of the consent authority, may be affected by the proposal) and by advertisement published as a notice in a newspaper circulating generally in the Dubbo City area, and
 - (ii) the written notice and advertisement stated that any person may make a written submission to the consent authority in relation to the proposed development during the period of not less than 21 days specified in the notice or advertisement, and
 - (iii) the consent authority has had regard to any submissions received within the specified period before granting the consent.
- (e) Consent must not be granted to development for the purpose of the caretaker's cottage (which is not a necessary part of the proposed development) unless the consent authority is satisfied that:
- (i) no other dwelling will be situated on the lot created for the purpose of the drag racing facility, and

- (ii) use of the caretaker's cottage will be ancillary to the drag racing facility, and
 - (iii) the caretaker's cottage will be transportable and relocatable, and
 - (iv) the caretaker's cottage will be removed if the drag racing facility ceases to operate for a period greater than 2 years.
- (f) Consent must not be granted to the subdivision unless the consent authority is satisfied that the lot created for the purpose of agriculture will not be occupied by a dwelling unless the lot forms part of a larger holding on which a dwelling is allowed with development consent under another provision of this plan.