



Reference: DA 2024/59
Contact: Planning Services

23 August 2024

Mr G Brinkman
PO Box 1503
MUDGEERABA QLD 4213

NOTICE OF DETERMINATION
under Section 4.18(1)(a) of the *Environmental Planning
and Assessment Act 1979* (as amended).

The development application has been determined by granting consent subject to conditions.

APPLICANT	Mr G Brinkman
LAND	PLT: 170 DP: 40185
LOCATION	13-29 Woodenbong Road BONALBO
ZONE	Zone RE1 Public Recreation / PART BIO
PROPOSED DEVELOPMENT	Working Dog Rally
DETERMINATION MADE ON	23 August 2024
CONSENT TO OPERATE FROM	23 August 2024
CONSENT TO LAPSE ON	23 August 2029

DEVELOPMENT CONSENT

GENERAL CONDITIONS APPLICABLE TO THE DEVELOPMENT

1. The development must be in accordance with development application reference – DA 2024/59 and the following plans and documents:

<i>Reference No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
-	-	Working Dog Rally - Event Overview	30/07/2024

<i>Plan No.</i>	<i>Revision No.</i>	<i>Plan Title</i>	<i>Drawn By</i>	<i>Dated</i>
Full Course Map	-	Full Course Map	Glenn Brinkman	30/07/2024
Overview	-	Overview Map	Glenn Brinkman	30/07/2024
SS1/SS4/SS7	-	Stage Maps - SS1/SS4/SS7	Glenn Brinkman	30/07/2024
SS2/SS5/SS8	-	Stage Maps - SS2/SS5/SS8	Glenn Brinkman	30/07/2024
SS3/SS6/SS9	-	Stage Maps - SS3/SS6/SS9	Glenn Brinkman	30/07/2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason for condition: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. The event may take place only between the hours of 8am to 9pm on the 5th and 6th October 2024.

Reason for condition: To ensure the event operates at times that does not cause adverse impacts on the amenity of the surrounding area.

3. A Final Traffic Management Plan must be submitted to Council for approval a minimum of 28 days prior to the event occurring. The Traffic Management Plan must be approved by Council prior to commencement of the event and the event must be conducted in accordance with the approved Traffic Management Plan at all times.

Reason for condition: To ensure safe traffic management during the event.

4. A Section 144 Permit Agreement Motor Sport (Rally Event) under the Roads Act 1993 must be obtained from Council a minimum of 28 days prior to the event.

Reason for condition: To ensure the appropriate roads authority has granted permission for the road event and ensure community notification is undertaken in line with the permit agreement process prior to the event commencing.

5. A Final Event Management Plan must be submitted to Council for approval a minimum of 14 days prior to the event. The Final Event Management Plan must include suitable arrangements for Police and emergency services contact, a site plan of the Bonalbo Showgrounds showing the location of servicing and refuelling areas, marshalling areas, fuel storage areas, fire safety equipment, food and drink stalls, amenities, entry and egress locations and traffic control points. The Event Management Plan must be approved by Council prior to commencement of the event and the event must be conducted in accordance with the approved Event Management Plan at all times.

Reason for condition: To ensure the event is appropriately managed at all times.

6. A Safety Management Plan must be submitted to Council for approval a minimum of 14 days prior to the event. The Safety Management Plan must include provisions to address any threat to the safety of participants and spectators during the event such as injury, lost and stolen property, missing persons, fire (natural and as a result of event activities such as refueling) and hazardous spills. The Safety Management Plan must be approved by Council prior to commencement of the event and the event must be conducted in accordance with the approved Safety Management Plan at all times.

Reason for condition: To ensure community safety in line with the Safety Management Plan.

7. Fuel storage and supply must be conducted in accordance with *Australian Standard 1940:2017 – The storage and handling of flammable and combustible material*, the *Work Health and Safety Act 2011*, and the *Work Health and Safety Regulation 2017*. Any spills of combustible and flammable materials over 10 litres must be reported to Council.

Reason for condition: To ensure dangerous goods are appropriately handled to protect public safety.

8. A Public Liability Insurance Policy in the amount of \$20,000,000 must be in place prior to the commencement of the event. A Certificate of Insurance must be provided to Council prior to commencement of the event.

Reason for condition: To ensure appropriate insurance is in place to protect public safety.

9. The NSW Police Service, Local Fire Brigade and NSW Ambulance Service must be notified and/or updated of the event program a minimum of seven (7) days prior to the event.

Reason for condition: To ensure adequate provision has been made for emergency services for the event.

10. The event must not unreasonably interfere with the amenity of the area by reason of the emission of noise, odour, smoke, vapour, wastewater, waste products or otherwise.

Reason for condition: To ensure the amenity of the location is maintained at all times.

11. Infrastructure, trees and landscaping on any land used to conduct the event must not be damaged as a result of the event. If damage to infrastructure, trees and landscaping does occur this must be reported to Council as soon as it becomes known or is practically able to be reported. If repairs may be carried out by the event organiser, the damage must be fully repaired to the written satisfaction of Council or the landowner. If repair works cannot be

carried out by the event organiser or are not carried out to Council or the landowner's satisfaction, Council or the landowner may carry out the works required and the cost of any such works must be paid by the event organiser.

Reason for condition: To ensure community infrastructure and private property is not damaged or is repaired/replaced after the event.

CONDITIONS REGARDING PROVISION OF AMENITIES AND FACILITIES

12. Toilet facilities must be available or provided at the site before the event begins and must be maintained until the event ends. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*,
or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Note. The Building Code of Australia, volume 1, section F, contains provisions relating to sanitary facilities.

Reason for condition: To ensure community services are in place during the event.

13. Potable water must be available and supplied in accordance with the *Australian Drinking Water Guidelines* published by the National Health and Medical Research Council.

Reason for condition: To ensure community services are in place during the event.

14. Garbage receptacles with tight fitting lids and suitable for the reception of food scraps and papers must be available at the site before the event begins and must be maintained until the event ends.

Reason for condition: To ensure community services are in place during the event.

15. All waste and recyclable materials generated by the event must be removed from the site. Waste collection bins must be provided during operating hours to collect solid waste and recyclable materials generated by operators and visitors to the event. At the end of the event all litter left on the grounds must be collected. All collected waste must be taken to an approved waste facility for disposal. Liquid trade waste must be disposed of in accordance with Kyogle Council's Liquid Trade Waste Policy.

Reason for condition: To ensure waste is appropriately managed during events and disposed of.

CONDITIONS REGARDING TEMPORARY STRUCTURES AND SIGNAGE

16. All event-associated marquees and structures (excluding the provision of temporary signage) must not be erected earlier than two days before the event and must be dismantled and removed from the land within two days of the end of the event.

Reason for condition: To ensure that activities associated with the event does not cause adverse impacts on the amenity of the surrounding area.

17. All marquees must:
- (a) be erected at existing ground level
 - (b) provide a ready means of egress to open space or a road or, in the case of a marquee having a floor area of more than 25 square metres, a minimum of two (2) exits
 - (c) be designed to resist loads determined in accordance with the Australian and New Zealand Standards entitled:
 - i. AS/NZS 1170.0:2002, *Structural design actions-General principles*, and
 - ii. AS/NZS 1170.1:2002, *Structural design actions-Permanent, imposed and other actions*, and
 - iii. AS/NZS 1170.2:2002, *Structural design actions-Wind actions*.

Reason for condition: To ensure that public safety is protected.

18. Signage must meet the standards specified for temporary event signs under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Reason for condition: To ensure compliance with applicable legislation regarding temporary signage.

CONDITIONS APPLICABLE TO SITE ACCESS AND TRAFFIC

19. Existing vehicular access and car parking areas of the Bonalbo Showground must be maintained to provide safe access for people with disabilities in accordance with the provisions of AS 1428.1.

Reason for condition: To ensure safe vehicular access to the event location at all times.

20. Prior to carrying out any works within a public road reserve (including erection of signage) a suitably qualified contractor must complete an application under Council's *Road Reserve Management Plan* and receive written approval from Council to conduct works within the road reserve. All costs shall be the responsibility of the proponent.

Reason for condition: To ensure safe working environment at all times.

CONDITIONS REGARDING FOOD SAFETY

21. All food vendors at the event are to be registered. Where food vendors are not currently registered a fully completed Annual Food Premises Registration Form must be submitted to Council a minimum of 14 days before the event. Potential applicants should be advised that the Registration Form is available on Council's website.

Reason for condition: To comply with the requirements of the Food Act and Food Standards Code.

22. The minimum requirements of the Food Standards Australia New Zealand (FSANZ) must be complied with, in particular, Standard 3.2.2: Food Safety Practices and General Requirements and Standard 3.2.3: Food Premises and Equipment. Stallholders that are cooking and preparing food on site must have hand washing facilities (warm running water, single-use paper towels and liquid soap).

Reason for condition: To comply with the requirements of the Food Act and Food Standards Code.

23. Food preparation, the transportation of food and the serving of food must be carried out in accordance with Food Standards Australia/New Zealand (FSANZ) and the Food Authority

Guidelines for the Sale of Food at Markets and Temporary Events, as currently in force at the time of the event, at all times.

Reason for condition: To comply with the requirements of the Food Act and Food Standards Code.

24. All wastewater generated from food stalls/vans must be disposed of in accordance with the Food Act 2003, the Australia New Zealand Food Standards Code Standard 3.2.3: Food Premises and Equipment.

Reason for condition: To comply with the requirements of the Food Act and Food Standards Code.

CONDITIONS REGARDING PROTECTION OF WILDLIFE

25. Fauna spotters, with appropriate communication equipment must be strategically located between:

- a) RP5.9 and RP9.5 in Brown Dog Stage
- b) Start and RP5.44 in Blue Dog Stage,

as identified on the Proposed Full Course Map prepared by Glenn Brinkman, dated 30/07/2024 (supplied by GCTMC).

Reason for condition: To ensure wildlife is protected in areas identified as being important habitat.

26. In the event of a wildlife strike incident that causes injury to wildlife, the event coordinator must contact local wildlife carers such as WIRES to obtain medical assistance for the injured animal. All incidents involving the death or injury of wildlife as a result of the event must be reported to Council after the event.

Reason for condition: To protect the health and wellbeing of wildlife in the event of an incident.

NEW SOUTH WALES POLICE CONDITIONS – FOR THE CONDUCT OF STREET PARADES AND CARNIVALS

GENERAL

1. Permission of the Local Government Authorities to be obtained in regard to road closures and conditions adhered to.
2. Provisions of the Road Transport Legislation to be observed.
3. Any Police direction given in accordance with the Road Transport Legislation to be promptly obeyed.
4. The event is to be conducted in accordance with the timing and route approved by Police.
5. The volume of loud hailers or amplifications used in conjunction with the event should be maintained at a reasonable level.

ORGANISERS AND PARTICIPANTS

6. Organisers to advise all persons affected by the proposed route closures and resolve any objection raised by any person.
7. Adequate publicity to be provided by the organisers prior to the event advising motorists and other road users of road closures and duration of road closures.
8. Sufficient marshals to be provided by the organisers to properly control the event.
9. Marshals to be briefed as to their duties by the organisers.
10. No objects to be passed or thrown from the floats or other vehicles, to any spectator.

ROAD CLOSURES

11. Each road closure to be supervised by authorised personnel supplied by the promoters.
12. No vehicles (officials or otherwise) will be allowed on the course whilst the event is taking place.
13. All necessary signposting, barricades and road closure barricades are to be erected, dismantled and removed by authorised personnel provided by the promoters.
14. The entire circuit is to be restored to its original state at the completion of the event.
15. In the event of the rally being conducted in darkness hours, detail of circuit lighting is to be produced and certified as being suitable for this type of event by the National Controlling Body.

CROWD CONTROL

16. The promoter shall supply sufficient personnel for crowd control on the course.
17. Marshals utilised are to be suitable instructed as to their duties by the promoter.
18. Marshals are to be placed on both sides of the circuit.
19. Marshals are to be placed along the complete course at intervals not more than 50 metres apart.
20. If spectators are required to cross the circuit, they **WILL NOT** cross whilst any vehicle is on the circuit, and they **MUST** be accompanied by an official who is in direct contact with the Clerk of the Course.

MARSHALS DUTIES

21. Each crowd control marshal must be dressed in apparel which instantly identifies them as such to the public.
22. Marshals shall ensure that all spectators are located off the roadway.
23. All marshals and photographers are to be positioned in safe locations.

COMPETITORS (TRANSPORT SECTION)

24. All prevailing speed limits and regulations are to be complied with.
25. Competing vehicles to travel within applicable speed limits.
26. Competitors to leave commencement control points singly at intervals of not less than seconds interval.

COMPETITORS (RACING SECTION ON CLOSED ROADS)

27. Competitors must conform to the general requirements in the Rally/Road Section of the CAMS manual.

COMMUNICATION

28. An adequate communication system is to be provided linking event officials with Police.
29. In the event of promoting road safety during the event advertisements are to be placed in the local newspapers and other media along with the route of the event so as to advise members of the public of the presence of the competitors and support vehicles on the roadway.
30. All emergency services are to be advised at least 28 days prior to the commencement of the event.

Notes

If you do not agree with this determination you can apply to Council for a review under Section 8.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1. An application for review must be made within 6 months from the date of this notice, and must be accompanied by the prescribed fee. This provision does not apply to designated development or integrated development (Please contact Council for details).
2. If you are dissatisfied with Council's determination, you can appeal to the Land and Environment Court under Sections 8.7 and 8.10 of the EP&A Act within 6 months from the date of this notice (see attached extract for further information).
3. It is the applicant's responsibility to advise Council of any changes to contact details in a timely manner. Council will not be held responsible for any lost documents, delays or missed inspections if any of the details are in any way not up-to-date. Should duplicate documents be required they will incur an additional fee in this circumstance.

Yours faithfully



Amanda Clark

ACTING DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT

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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

PART 8 – REVIEWS AND APPEALS

Appeal by an applicant – development applications

S8.7 An applicant who is dissatisfied with the determination of a consent authority with respect to the applicant's development application (including a determination on a review section 8.2A) may appeal to the Court within 6 months after:

- (a) the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application, or
- (b) the date on which that application is taken to have been determined under section 4.16.

(2) An applicant who is dissatisfied with a decision that a consent authority, or a person specified by the consent authority, is not satisfied as to a matter, being a specified aspect of the development that is to be carried out to the satisfaction of the consent authority, or person, pursuant to a condition imposed under section 4.17, may appeal to the Court within 6 months after:

- (a) the consent authority or person notifies the applicant of its decision, or
- (b) the date on which the applicant's request is taken to have been determined under Section 8.4.

(3) An applicant who is dissatisfied with a decision that a consent authority is not satisfied as to a matter, being a matter as to which it must be satisfied before a "deferred commencement" consent under section 4.16(3) can operate, may appeal to the Court within 6 months after the consent authority notifies the applicant of its decision.

(4) If an appeal has been made under this section relating to a development application for consent to carry out designated development, each objector to that application is to be given notice by the consent authority of that appeal and is, on application made to the Court in accordance with rules of court within 28 days after the date of the notice, entitled to be heard at the hearing of the appeal as if he, she or it were a party of the appeal.

- (5) If
- (a) An appeal has been made under this section relating to a development application, and
 - (b) the application is one:
 - (i) in relation to which the concurrence of a Minister or public authority is required under this Act, or
 - (ii) for consent to carry out integrated development that involves an approval body (within the meaning of Division 5).

That Minister, public authority or approval body must be given notice by the consent authority of that appeal and is, on application made to the Court in accordance with rules of court within 28 days after the date of the notice, entitled to be heard at the hearing of the appeal as if he, she or it were a party of the appeal.

(6) An appeal under this section relating to a development application for consent to carry out designated development in respect of which an objection has been made in accordance with the regulations must not be heard by the Court until after the expiration of the time within which an objector may appeal to the Court under Section 8.8.