



RESCISSION MOTION

9th August 2005

**RM1 RALLY CAR DRIVER TRAINING FACILITY
FILE: T6-05-158 CLR BRS {Folio No. * }**

Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on 9th August 2005.

That the resolution of the Ordinary Meeting held on 12th July 2005, as printed below:

**RALLY CAR DRIVER TRAINING FACILITY
FILE: T6-05-158**

“That the application be refused for the following reason:-

- 1. *The proposal is likely to result in unacceptable impacts on the amenity of the area by means of noise.”*

be rescinded.

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Councillor B R SOWTER

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Councillor J H BOWELL

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Councillor R H MCWILLIAM

In the event that the above Rescission Motion is successful I propose to move the following Motion:

A That consent be granted subject to the following conditions:

- 1 **This development consent is valid for a twelve month (12) period from the nominated date of commencement. A separate development application is required to be submitted to Council to continue the driver training facility at the completion of this development consent.**

- 2 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 3 The hours of the driver training facility is restricted to 10.00am to 5.00pm daily Thursday to Saturday and Sunday 10.00am to 4.00pm.
- 4 A detailed Plan of Management (in a single document) is required to be provided to Council incorporating the means of complying with all conditions of consent. The facility shall not proceed unless Council has provided written confirmation that all conditions have been adequately addressed.
 - (a) Monitoring of the use in the first week then at monthly intervals for the first 3 months, and then at 6 months and 12 months after the nominated date of commencement, is to be carried out by a suitably qualified acoustic consultant at the closest affected adjoining residence in accordance with Department of Environment and Conservation Guidelines and relevant legislation. A report is to be forwarded to Council indicating the results of the monitoring within 30 days of the end of the 12 month trial.
 - (b) Sediment control devices are required to be installed to areas where stormwater can discharge from the track. Details of the means for compliance are to be included in the required Plan of Management.
 - (c) The applicant is to provide a water cart or similar dust suppression mechanisms along the entire length of track. Details of the means for compliance are to be included in the required Plan of Management.
 - (d) The applicant is to provide equipment and facilities suitable for the containment and clean-up of any petroleum products that are spilt. Details of the means for compliance are to be included in the required Plan of Management.
- 5 Following receipt of written approval of the required Plan of Management, the applicant shall provide written notice of the nominated date on which it is intended to commence the use.

- 6 All access to the facility is to be gained via McIllwains and O'Learys Roads.

Submission of written advice confirming that suitable arrangements have been made with Forests NSW in relation to access, prior to commencement of the use.

- 7 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.

- 8 Should Council receive any complaint considered by Council to be justified regarding the operation of the driver training facility, the activity is to cease until such time as details of mitigation measures are submitted to Council and approved.

- 9 Five car parking spaces are to be provided at a safe area away from the track.

- 10 This consent does not authorise the construction of any building on the site, or any accommodation other than the permanent residents of the existing dwelling house.

- 11 No driver training is to be carried out prior to / after the agreed dates.

- 12 The applicant is to pay a contribution towards Old Coast Road. The current rate is \$10,948 a rate of 0.5 of an E.T. i.e. $\$10,948 \times 0.5 \text{ E.T} = \$5,474$ (Indexed 2004 / 2005). Payment of \$250 to cover costs of Council's officer to monitor implementation of the Plan of Management.

- B That the objectors be advised of Council's decision.

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COUNCILLOR B R SOWTER