

Proposed Amendment to Byron Development Control Plan 2014

Chapter D9 – Rural Event Sites

D9.1 Introduction

Under Clause 6.11 of Byron Local Environmental Plan 2014, *rural event site* is defined as:

the temporary use of a building or defined area within a property zoned RU2 Rural Landscape, where weddings and other similar gatherings/ events are held for commercial purposes for a maximum number of events in a three (3) year period, with a maximum of 150 attendees per event, but does not include convention centres or exhibition centres or music festivals.

By definition, rural event site is a land use only permissible on land zoned RU2 Rural Landscape.

D9.2 Aim of this Chapter

The aim of this chapter is to manage weddings and events of a similar scale held in the Byron Hinterland, to address a history of disturbance to neighbours associated with these unregulated events.

The provisions of this Chapter address the suitability of potential sites and establish minimum standards for the management of events on those sites.

D9.3 Application of this Chapter

This Chapter applies to development applications for rural event sites, as defined in Clause 6.XX of the Byron Local Environmental Plan 2014.

D9.4 Provisions

D9.4.1 Site Suitability

Objective

To ensure that rural events are held on sites that are suitable to such events, particularly in relation to the ability to avoid or manage disturbance to the amenity of the neighbourhood.

Performance Criteria

1. Use of the property for events will not result in offensive or intrusive noise at neighbouring residences.
2. The local road network has the capacity to accept the additional traffic associated with event use at the site without compromise to safety or efficiency.
3. Event use at the site will not result in land use conflicts with neighbours, particularly in respect of local farming activities.

Prescriptive Measures

Development consent must not be granted for a Rural Event Site unless the consent authority is satisfied that:

- (1) the proposal is supported by a site specific acoustic assessment, prepared by a suitably qualified person, quantifying existing background noise levels and noise levels predicted for events in relation to all nearby dwellings, and demonstrating that the use of the property for events will not result in the generation of offensive noise, as defined in the *Protection of the Environment Operations Act 1997*;
 - (2) a Traffic Impact Assessment has been prepared, addressing traffic numbers, impact on local roads, access and on-site parking, demonstrating that the use of the site for a Rural Event
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Site will not result in unacceptable adverse impacts on the safety or efficiency of local traffic or the amenity of the neighbourhood;

- (3) a Land Use Conflict Risk Assessment has been prepared demonstrating that the use of the site for a Rural Event Site will not result in any land use conflict in relation to adjoining or nearby farming activities or preclude future farming activities;
- (4) no clearing of native vegetation is required for the Rural Event Site;
- (5) the Rural Event Site is not located in or immediately adjacent to areas of high Aboriginal cultural heritage significance.

D9.4.2 Management of Events

Objective

To ensure that events held on approved sites do not disturb the amenity of the neighbourhood.

Performance Criteria

1. Use of the property for events will not result in offensive or intrusive noise at neighbouring residences.
2. Event use at the site will not result in land use conflicts with neighbours, particularly in respect of local farming activities.

Prescriptive Measures

Applications for development consent for a temporary Rural Event Site must include an Events Management Plan, which contains (as a minimum) provisions that:

- (1) provide for all event guests (other than the bridal party) to be transported to and from each event by bus, suitable to the road network to be utilised for transportation to the event; and
- (2) ensure that all amplified music will cease no later than 10:00pm; and
- (3) ensure that all event attendees (other than those residing on site) will be off-site no later than 11:00pm, other than those staying overnight on the premises; and
- (4) outline measures that will be in place to ensure predicted noise levels are not exceeded at nearby dwellings; and
- (5) provide for the monitoring of noise generated at events and annual compliance reporting to Council; and
- (6) provide for the notification of nearby residents, including contact details for an appropriate management person who must be on-site and contactable during each event and provision of a sign, located so that it can be viewed from a public space outside of the property notifying the name and contact phone number of the management person; and
- (7) ensure that adequate arrangements are in place to manage wastewater and general waste for each event; and
- (8) manage the potential noise/ amenity impacts associated with any persons staying overnight at the site at the conclusion of the function; and
- (9) prohibit the use of fireworks, helicopters and/or other comparable activities known to cause disturbance to livestock and/or farming activities.

In deciding whether to grant consent for a temporary Rural Event Site, the consent authority must consider:

- (1) the maximum number of events permitted in any calendar year; and
 - (2) the potential loss of farming on the property, particularly where part or all of the site is mapped as State and/ or Regionally Significant Farmland; and
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- (3) the potential impact on areas of environmental value, whether on the property the subject of the Rural Event Site or on adjacent and nearby land, including koala habitat; and
- (4) whether a trial period is appropriate; and
- (5) the need for a biosecurity management plan.

A condition of approval will be applied for all development consents for Rural Event Sites specifying that development consent would cease if three substantiated complaints were received in relation to functions at the site within a twelve-month period