

NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 14 JULY 2021
REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT

1. DEVELOPMENT APPROVALS

Author Director Community and Economic Development
Responsible Officer Director Community and Economic Development
Link to Strategic Plans CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments
 DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

Executive Summary

This report provides information to Council on the approved Development Applications for the month of June 2021.

Report

The approvals for the month of June bring the total approved Development Applications for the financial year to 83 with a total value of \$18,354,633.00

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2019/70.2	Dappo Rd, Narromine	57 & 58/755131	Aged Care facility & Torrens Title Subdivision	\$7,500,000*	27
2020/16.2	Dappo Rd, Narromine	59/755131	Subdivision	\$1,109,348*	27
2021/29	Old Backwater Rd, Narromine	223/1081087	Subdivision	\$0.00	93**
2021/42	Red Gum Pl, Narromine	5/1083159	Domestic Storage shed	\$23,610	31
2021/47	Red Gum Pl, Narromine	1/1083159	Swimming pool	\$43,434	18

There are currently 17 applications under assessment.

- *already included in previous reports
- **over due time due to agency referral

1. DEVELOPMENT APPROVALS (Cont'd)

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Risk Management Issues

Nil

Internal/ external Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the information be noted.

2. DRAFT CRIME MINIMISATION STRATEGY

Author	Director Community and Economic Development
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	CSP – 1.1.3 – Implement, support and promote developmental crime prevention programs that focus on positive parenting and aim to minimise risk factors for children and young people. D.P – 1.1.1.3 – Develop a crime minimisation strategy.

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The development of a crime prevention strategy has been planned for some time in the term of this current delivery plan. The draft Crime Minimisation Strategy was adopted by Council for public exhibition on the 12th of May 2021. Two comments were received during this period. The final Crime Minimisation Strategy is no presented for adoption.

Report

The Crime Minimisation Strategy seeks to outline areas of crime in the local community that are in this instance above State averages, having a detrimental effect on the community and where Council can either be involved in direct prevention or advocacy to improve crime rates.

2. DRAFT CRIME MINIMISATION STRATEGY (Cont'd)

The areas that Council may be able to have a positive influence are outlined to be in the crime categories of malicious damage, fraud and break and enter. The actions from this plan will be undertaken via the social plan sub group of the economic development committee.

On the 12th of May 2021 Council resolved: *That the Draft Crime Minimisation Strategy be placed on public exhibition for a period of 28 days. (2021/93).*

The Strategy was exhibited from the 19th of May 2021 to the 21st of June 2021.

Feedback on the strategy included the need to ensure additional CCTV cameras could be provided on Council's key infrastructure and to the entrances to town where practical. Further feedback asked that the provision of improved walking tracks/ footpaths with suitable lighting be added to the plan.

The second comment was regarding the need to encourage the reporting of crime and that much of the crime can be attributed to the use of drugs.

As a result of this feedback we have added the additional CCTV surveillance as it was an action item in the plan. In regards to the seeking of greater recreational opportunities and the use of drugs within the community we would aim to add these more broadly for consideration in our social and community strategic plans and our support for interagency programs.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Local Government Act 1993

Risk Management Issues

Ensure a clear distinction between the role of Council within the community in regards to crime prevention versus the apprehension of criminals and detection of crime.

Internal/ external Consultation

Social Plan Group
Public Exhibition

Attachments

1. Crime Minimisation Strategy 2021 **(See Attachment No. 1)**

RECOMMENDATION

That the Crime Minimisation Strategy 2021 be adopted.

**3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY
(OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE**

Author	Manager Planning
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	Narromine Shire Residential & Large Lot Residential (Land Use) Strategy 2018.

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The development is for a proposed motorbike track for private use only – the proposal is defined as a ‘recreation facility (outdoor)’ in accordance with the Dictionary of the Narromine LEP 2011. The land use is permissible with consent in the RU1 Primary Production Zone. The site is located with frontage to Old Backwater Road. The application has been subject to compliance action with construction proceeding without approval. The application was placed on neighbour notification. During the assessment period the proponent was requested to provide additional information to support the application.

In summary the development has not been able to demonstrate consistency with the zone objectives, RU1 Primary Production zone. The impact of noise in the setting is best assessed against both amenity and intrusiveness criteria. The assessment shows that noise impacts are not able to be mitigated satisfactorily in the location. The scale and site design are not commensurate with the land size and variations to the DCP have not been satisfactorily justified considering the potential for stormwater runoff affecting neighbouring property and inability to include adequate landscaping to screen the track. Overall, an approval of this development would not contribute to the public interest.

The site remains a risk for erosion and sedimentation. Upon resolution of Council; the site should be the focus of compliance action by Council to ensure appropriate rectification of the site and rehabilitation of the land.

Report

1. INTRODUCTION

1.1 Background

A chronology of the development application is outlined below including the key stages of correspondence between the applicant and Council with regard to the application:

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**3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY
(OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE
(Cont'd)**

Table 1: Chronology of the DA

Date	Event
25th February 2021	Meeting held with applicant after identifying earthworks and construction of motorbike track had occurred without approval.
26th February 2021	Correspondence issued to landowner requiring: <ul style="list-style-type: none"> • works to cease immediately; • site to be secured and erosion and sediment control measures installed; and • a DA be lodged.
5th March 2021	DA lodged. (DA referred internally for comment).
11th March to 2nd April 2021	Exhibition of the application with neighbours notified. (14 objections / 15 supporting submissions)
18th March 2021	Site inspection carried out – and further compliance correspondence sent to applicant. No erosion and sediment control measures installed as per Council request.
19th March 2021	Request for Information from Council to applicant (Stop Clock): <ul style="list-style-type: none"> • Noise Impact Assessment; • Engineer's Detail and Assessment – Flooding and Stormwater.
23rd March 2021	Applicant corresponded via email with Council to advise work had stopped and further details would be provided.
25th March 2021	Reminder email sent to applicant - <i>reiterating requirement to secure/stabilise the site immediately and in the interim prior to any determination of your application.</i> Applicant response – email to advise that they are still choosing not to install any temporary stabilisation measures.
12th May 2021	Further information received from applicant – Noise Assessment prepared by Muller Acoustic Consulting.
16th May 2021	Further information received from applicant – Plans provided as prepared by Duncan Priestly Civil Engineering.

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Date	Event
18th May 2021	Noise assessment forward for peer review to assist with technical interpretation.
21 May 2021	Request for Information from Council to applicant (Stop Clock), in summary: <ul style="list-style-type: none"> • Further details to confirm discrepancy in hours of operation; • Noise Assessment review in light of 10 dB(A) exceedances requested; • Demonstrate stormwater discharge can occur on the land or have benefit of an easement.
24 May 2021	Further information received from applicant – <ul style="list-style-type: none"> • Clarifying comments by Muller Acoustic Consulting. • Hours of operations amended to match noise assessment. • No further detail provided in response to stormwater/flooding. <p>Email received from applicant confirming that no further detail was to be provided to address stormwater etc and were happy to proceed with the DA regarding this and the information already submitted.</p>
2nd June 2021	Report with peer review received from Ross Hodge, of Spectrum Acoustics.

2. THE SITE AND LOCALITY

2.1 The Site

The land is Lot 6 DP 251750 being a 10.11ha parcel, fronting Old Backwater Road. The site supports an existing dwelling and outbuildings. The development site is within the northern section of the land between the front setback of the land and the existing dwelling. The proposed site area comprises approximately 14,400m² (1.44 hectares) of motorbike track. The proposed development site has frontage of approximately 200m to Old Backwater Road, being a sealed local road. The site is approximately 2.2km from the Narromine Shire Council Chambers (refer to **Figure 1**). The development was commenced without approval and the applicant has provided an aerial view of the track after rainfall in March 2021 (refer to **Plate 1**).

The applicant does not own additional land in association to the site. Adjoining and adjacent land are part of separate landholdings. However, the land to the east being 149 Old Backwater Road (Lot 7 DP251750) is not owned by the applicant however has been included as an associated parcel in the assessment (i.e., in the findings of the Noise Assessment the dwelling labelled PR02 is excluded in the findings). It is assumed the residents of Lot 7 will also be utilising the private motorbike track.

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Figure 1: Site Location



Plate 1: Aerial View March 2021 provided by applicant

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2.2 The Locality

The locality is characterised by the close vicinity of developed R5 Large Lot Residential land of parcels approx. 4ha and smaller, with other smaller RU1 Primary Production holdings of land areas ranging from 2ha to 35ha with dwelling entitlements between Wingfield Drive and Old Backwater Road. The subject land and adjoining parcels together with land opposite the site in Old Backwater Road is identified as future R5 land in the short to medium term as part of the Narromine Shire Residential & Large Lot Residential (Land Use) Strategy 2018. It is recognised that though the land is zoned RU1 the predominant land uses are rural residential in nature. However existing irrigation of fodder crops and grazing occurs in vicinity of the development site.

The Parkes-Narromine Railway line level crossing is approx. 690m from the driveway access into the subject land to the east on Old Backwater Road. The land is affected by an easement for transmission line 30.48m wide, which dissects the land centrally. There are no other similar developments for outdoor recreation areas (motorbike tracks) in vicinity to the site that may cause cumulative impact.

3. THE PROPOSAL

The proposal is a local scale development for a private motorbike track (suitable for motocross training purposes). The track was constructed by a third party, 'Protraxx', being a professional track building company. The track is for private use only with no facility for spectators. The proposal has been described in the Statement of Environmental Effects prepared by the applicant and supporting documents:

- Noise Assessment prepared by Muller Acoustic Consulting; and
- Plans prepared by Duncan Priestly Civil Engineering.

It is proposed that the track include:

- Planting of trees/shrubs to the eastern and southern boundary in the future;
- Dust to be suppressed by a personal water truck;
- Security to be addressed through existing fencing and new site signage.

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Table 2: Development Data

Control	Proposal
Site area	The track is approx. 144m x 100m (14,400m ²).
Landscaped area	Undefined – trees proposed to northern and western property boundaries.
Car Parking spaces	Nil.
Setbacks	Northern boundary – Old Backwater Road – approx. 5m. Western Boundary – approx. 1m Eastern boundary – approx. 15m Southern boundary – 294m.
Hours of operation proposed	7am to 6pm Monday to Saturday 8am to 6pm Sundays and public holidays.

The Noise Assessment provided some additional detail as to how the track will be used. The detail provided assumes the track will be used for personal riders where typically there would be up to three small motorcycles (i.e. mini bikes, 50cc to 80cc) in use on the track for periods of up to an hour at a time, with rest breaks, training and meal breaks between riding sessions. Occasionally, up to two motorcycles (125cc to 600cc) may use the track for short practice sessions. Two (2) scenarios were modelled whereby the bikes would be riding for 6 hours over the 11 hour daytime period.

1. Three mini bikes circulating the track at an average speed of 50 km/hr; and
2. Two motorcycles circulating around the track at an average speed of 60km/hr.



Plate 2: View from Old Backwater Road (western property boundary right of view)

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4. STATUTORY CONSIDERATIONS

Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') outlines the matters which the consent authority must take into consideration in determining a development application. These matters as are of relevance to the development application include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These matters are further considered below. It is noted that the proposal is **not** considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13) or
- Crown DA (s4.32).

4.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy No. 55 – Remediation of Land*; and
- *Narromine Local Environmental Plan 2011*.

These instruments are considered below.

State Environmental Planning Policy No. 55 – Remediation of Land

The SEPP requires consideration of the potential for contamination and suitability of the development site. Narromine Shire Council maintains a contaminated land register. The land is not registered as having a potential land contamination issue. No issue is raised in relation to proximity to any environmental protection licences issued within Narromine Shire.

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Narromine Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the Narromine Local Environmental Plan 2011 ('the LEP').

The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage economic development through tourism activities, business, employment initiatives and fostering industry growth,*
- (b) to protect and conserve the natural environment including surface and ground water, soil, air and native vegetation by encouraging sustainable development,*
- (c) to encourage sustainable agricultural practices, including intensive agriculture, by minimising land use conflicts and facilitating farm adjustments.*

The development utilises RU1 Primary Production zoned and the proposal was commenced without necessary approval and did not have documented environmental assessment prior to the earthworks for track construction. The development is for private use and does not contribute to economic development aims. The potential land use conflicts are considered further in this report.

Zoning and Permissibility (Part 2)

The site is located within the RU1 Primary Production Zone pursuant to Clause 2.2 of the LEP.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of **recreation facility (outdoor)** which is a permissible use with consent in the Land Use Table in Clause 2.3.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

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The proposal is considered to be inconsistent with these zone objectives for the following reasons:

- The development does not enhance the natural resource base and is not encouraging primary industry production.
- The development is not of a type that is considered a primary industry enterprise nor supportive of other primary industry being a recreation facility.
- The development site in the context of the locality is already somewhat fragmented and considered an emerging rural residential area, however active agricultural production is occurring in adjoining and adjacent sites. No subdivision is proposed and the development is considered to be neutral in regard to the third zone objective.
- The development presents issues for land use conflict, particularly regarding noise and proximity to existing rural residential land use.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 3** below.

Table 3: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (Cl 4.1)	400ha	No subdivision proposed.	N/A
Land acquisition (Cl 5.1/5.1A)	Owner-initiated acquisition provisions.	N/A	Yes
Heritage (Cl 5.10)	Consent authority to consider matters.	No impact identified.	Yes
Earthworks (Cl 6.1)	All earthworks are ancillary to the 'recreation facility (outdoor)' (cl.6.1 (2)(b)).	The motorbike track required substantial earthworks.	Yes
Flood planning (Cl 6.2)	Applies to the flood planning area. (Applicable – consider further).	Flooding impacts have not been specifically addressed in an assessment.	Not satisfied.

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Control	Requirement	Proposal	Comply
Stormwater Management (CI 6.3)	This clause applies to all land in residential, business and industrial zones.	On-site stormwater retention included in the track design. Stormwater detention ensure discharge meets pre-development flows.	Calculations required to demonstrate.
Terrestrial biodiversity (CI 6.4)	Applies to land identified as "Sensitive Area" on the Terrestrial Biodiversity Map.		N/A
Groundwater Management (CI 6.6)	Applies to mapped 'vulnerable land'. Whole of site mapped.	No permanent facilities are proposed that include potential groundwater use or contamination through waste disposal.	Yes
Essential services (CI 6.8)	Adequate arrangements are required for: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.	The development proposal adequately addresses the requirement for essential services, excluding (d) stormwater. Engineers' details demonstrate that the track as built would discharge at the low point on the western boundary.	No. Conditions would be required to address stormwater management and discharge onto western neighbours' land.
Airspace operations (CI 6.9)	Consideration of the potential to penetrate the Limitation or Operations Surface and consultation required with relevant Commonwealth body.	The development will not penetrate the OLS.	Yes

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Though the development does not support the RU1 zone objectives or is neutral; it is assessed that overall proposal is generally consistent with the LEP local provisions.

4.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and which may be relevant to the proposal, including the following:

- *Flood Prone Land Package (includes LEP amendment).*

The Flood Planning Area will continue to apply to the development site. The proposed instrument is considered below: (EXCERPT ONLY OF DRAFT CLAUSE)

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- a) is compatible with the flood function and the flood hazard of the land,*
- b) will not adversely affect flood behaviour resulting in detrimental increases in the flood affectation on other properties, including cumulative impacts,*
- c) will not adversely affect the safe and efficient evacuation from the land or impact the capacity of existing evacuation routes for the surrounding area,*
- d) will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,*
- e) incorporates appropriate measures to manage risk to life from flood,*
- f) will not adversely affect the environment or cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,*
- g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding,*
- h) will not increase the potential for hazardous material to pollute the environment during flood events, and*
- i) is not inconsistent with any relevant floodplain risk management plan adopted by the council.*

(4) In addition to the matters referred to in subclause (3), development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that projected changes to flood risk as a result of climate change have been considered in the design of the development, including:

- a) consideration of the intended design life and scale of the development,*
- b) evacuation and management of risk to life, and*
- c) the potential to modify, relocate or remove the development.*

Comment:

The development may be compatible with flood hazard of the land (i.e. earth walls and no permanent buildings), however, details have not demonstrated that the design of the track will not adversely affect flood behaviour resulting in detrimental increases in the flood affectation on other properties.

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4.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Narromine Development Control Plan 2011 ('the DCP').*

Table 4: Consideration of the DCP Controls – Chapter 5C Rural Development

Control	Proposal	Comply
Setbacks (50 metres from any local road; 40 metres from any side or rear property boundary).	Northern boundary – Old Backwater Road – approx. 5m. – 90% variation proposed. Western Boundary – approx. 1m – 97.5% variation proposed. Eastern boundary – approx. 15m – 62.5% variation proposed.	NO
Buffers Buffers between rural activities and dwellings (including dwellings on the same site) are important to ensure adverse impacts on the amenity of the dwelling are protected.	The nearest dwellings outside Lot 6, are separated by approx. 300m. (No suggested separation value provided for motorbike tracks/recreation areas in DCP)	
Building Heights	No buildings are proposed.	N/A
Access (All development applications are required to clearly identify the means of vehicular access, access points and the standard of access provided (all weather access). Vehicular access will be required to comply with relevant engineering standards).	No new access is proposed for the development. The existing access is to be assessed for adequacy against the DCP Accesses are to be properly formed and drained so that stormwater is not channelled by the driveway onto the surface of Council's road. The driveway drainage should direct stormwater into Council's table drain.	Yes able to comply subject to conditions.

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Control	Proposal	Comply
<p style="text-align: center;">Water Supply</p> <p>All water supplies for fire fighting purposes must meet the provisions of the NSW Rural Fire Service Planning for bushfire protection, in particular, the tanks are to be constructed of fire retardant materials such as concrete or metal or similar material.</p>	The application indicates there will be a fire extinguisher on site and water as well as a first aid kit with no details on water storage etc provided.	Yes able to comply subject to conditions.
Effluent Disposal	No details have been provided specifically and no new system proposed; however it is assumed that the development does not affect the functionality of the effluent disposal area of the existing dwelling.	Yes.
Contamination	Land suitability considered.	Yes
<p style="text-align: center;">Bushfire</p> <p>See Planning for Bushfire Protection for additional controls that may be applicable to the development.</p>	Not mapped as bushfire prone.	N/A
<p style="text-align: center;">Flooding</p> <p>Certain land in the Narromine Shire is identified as flood prone (according to the Narromine Local Environmental Plan 2011).</p>	Flooding considered below in greater detail.	No
Biosensitivity	Depending on the site history and identified vegetation concerned further investigation may be required. Aerial photography indicates the land was previously cleared of tall trees, prior to track construction earthworks.	Yes
Watercourses	May require further investigation, depending on the distance of the development to the watercourse. The nearest mapped watercourse is located to the east of the railway.	Yes
Rural Subdivision Provisions	Not applicable – no subdivision proposed.	N/A

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The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Narromine Shire Council Section 7.12 Development Contributions Plan 2019.*

This Contributions Plan has been considered and due to the value of the development is not applicable.

4.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

4.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- If demolition of a building proposed - provisions of AS 2601; - (N/A)
- If on land subject to subdivision order under Schedule 7, provisions of that order and any development plan; - (N/A)
- Dark Sky Planning Guideline if applicable; - (N/A)
- *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) if for manor house or multi dwelling housing (terraces); - (N/A).

These provisions have been considered (where necessary).

4.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

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- Context and setting – Key aspects of the motorbike track are generally inconsistent with the context of the site. The proposed recreational facility is outside the scope of expected existing primary production and rural residential character of the locality. The facility is not commensurate with the scale of a domestic facility (e.g.: a swimming pool or tennis court or other recreational area for private use). Noise amenity of the locality is potentially impacted due to the associated use of motorbikes over an extended period. The streetscape is affected by the scale, mass, and form, of the track with varied elevated jumps without the expected setback from the road frontage and side setbacks. The character of surrounding development, as previously noted is mostly rural residential or primary production focussed. Potential amenity impacts on adjoining properties are significant due to the number of dwellings that existing in the immediate vicinity. The site context and surrounding existing land uses are not the same as other RU1 Primary Production zoned land in the Narromine Shire, with a min. lot size of 400ha; where separation of activities from dwellings is possibly more achievable in other RU1 land at greater distances from the urban areas and R5 zoned land.
- Access and traffic – The proposed recreation facility (outdoor) i.e., motorbike track, has been proposed for private use only. It is assumed that the residents and their relatives and invited guests may utilise the facility. No traffic details are provided in the application and assumed minimal traffic generation and capacity of road network are considered acceptable.
- Public Domain – The recreation facility (outdoor) is for private use only and does not contribute to the public domain.
- Utilities – Water supply for dust control is to be drawn from domestic supply and reuse of stormwater collected. No supply details provided.
- Heritage – Will not have any detrimental impact on locally listed heritage items or the setting of listed items – i.e. no listed items are within close vicinity to the development site. The developers have carried out significant earthworks without due diligence assessment for the existence of Aboriginal heritage items. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* published by Department of Environment, Climate Change and Water has been referred to for the preparation of this report. The site is within a developing urban/rural environment that has been disturbed for past farming. The likely hood of indigenous heritage to occur is minimal. An Aboriginal Heritage Information Management System Web Service search was conducted on 5 July 2021 with a buffer of 200m and returned no recorded aboriginal sites and no declaration of aboriginal place within the site or buffer area. The likelihood that an artefact was destroyed is low.

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- Other land resources – agricultural land has been transformed to allow the facility to be constructed. The development site has a centrally located dwelling and the land could have been described as having a front paddock and back paddock, approximately divided by the transmission line and dwelling site. The ‘front paddock’ has now been affected by earthworks to construct the proposed motorbike track and is unsuitable for dual purpose primary production and recreation.
- Water/air/soils impacts – Erosion and sedimentation issues have been refused to be addressed by the proponent in the pre-determination phase. The site remains at risk of causing sedimentation and slope of the track becoming unstable. Stormwater impacts have been addressed by supplied engineers plans that indicate the track acts as a water storage for stormwater with a discharge point that is directed to the western boundary and neighbouring property. These issues are addressed further as key impacts of the proposal below.
- Flora and fauna impacts – No further tree and vegetation removal are proposed to accommodate the development. Landscaping is proposed for the development on the northern and western boundaries. However, there is a conflict in that the planting of trees on the western boundary would form a hazard to future riders. Further there is limited scope for landscaping to be achievable as the development of the track has not allowed for a sufficient side setback to the property boundary. Screening and landscaping would have to be located in the neighbours’ land or the track redesigned to increase the side setback.
- Natural environment – The development proposes significant changes to the natural contours of the site. Levels of the track for identification of stormwater are provided in the plans, however the survey did not identify the track elevation. The track height above natural ground level is uncertain, however is a significant change to naturally flat topography of a flood plain.
- Noise and vibration – Construction noise has not been considered as the development has proceeded without approval. The operational impacts of the track use on the noise amenity have been assessed by Muller Acoustic Consulting on behalf of the proponent. Council engaged Spectrum Acoustics Noise and Vibration Consultants to prepare a peer review of the assessment. Noise is a key issue that is discussed further in this report below. Both interpretations of the noise amenity impacts associated with the proposal indicate that several residential receivers will experience a detrimental impact on current noise amenity.

3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

- Natural hazards – The development site falls within the Flood Planning Area of Narromine. The economic impact of the track being flooded is considered minimal. This issue has not been addressed in any detail in the DA submission. It is unexpected that the development would cause need for additional resources for emergency evacuation.
- Safety, security and crime prevention – Security of the site is best achieved through surveillance. It is assumed that with no public access the private operators will enact their own safety procedures and carry appropriate insurances. The associated permanent residence is located within close vicinity to the track for passive surveillance for uninvited users or access. Signage is noted as proposed to deter trespass.
- Social impact – Health and safety of the community, amenity, and sense of place, have been raised in submissions of objection. Interactions between the new development and the wider community members are expected to be limited. Neighbours within the range of predicted residential receivers affected by noise above certain criterion are most affected in a negative manner due to deterioration of noise amenity.
- Economic impact – The facility is unlikely to create any additional employment or have any positive economic benefits, business investment, or anything dedicated to Council that would assist the wider community. This development is for private recreational purpose only.
- Site design and internal design – The site design fails to meet the DCP setback requirements for rural development. This in turn reduces the opportunity for implementation of adequate landscaping/ screening and any noise bunding.

The track design has created a ponding behaviour for stormwater. In certain rainfall events the stormwater will discharge to the western boundary. This is not permitted to occur onto neighbouring land as a concentrated point versus the pre-development sheet flow that would have occurred. The track would require a redesign and further earthworks to ensure the discharge does not occur without appropriate land area for dissipation of stormwater.

- Construction – Future construction works may involve the decommissioning of the site and rectification of earthworks if the development is not approved. Also, works to resolve stormwater discharge is also expected to be required and redesign of the track to avoid off site impacts.

3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

Usually, potential impacts from construction should be adequately mitigated by conditions. However, this development proceeded to construction prior to Council knowledge. Typically for a development with such earthworks involved, an erosion and sediment control plan (ESCP) would have been required to be prepared by a suitably qualified/experienced person based on the Landcom manual, "*Managing Urban Stormwater – Soils and Construction (Blue Book)*" dated 2004, prior to works commencing on the site.

The proponent has not agreed to implement any temporary erosion control measures at the site. Whether Council resolves to approve the development or not, the site should be subject to an ESCP and site inspection carried out a plan implemented prior to any further earthworks or landscaping occurring, measures are to be maintained for the life of the construction period &/or decommissioning and until revegetated measures have been established.

Leaving untreated exposed slopes on the side of the track is unacceptable and such surface should be landscaped/sealed.

- Cumulative impacts – The impact the development is likely to have on noise amenity is noted as a negative aspect of the proposal for residents.

Accordingly, it is considered that the proposal will result in significant adverse impacts in the locality in so far as the noise amenity for rural residential receivers

4.7 Section 4.15(1)(c) - Suitability of the site

Generally, the development does not fit within the locality as the surrounding land is primarily utilised for rural residential development. Further the subject land and land opposite is identified as future R5 in the residential land use strategy, which will further be an additional land use conflict. Adequate separate distances/buffers are not able to be achieved on a lot of the subject size.

4.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

4.9 Section 4.15(1)(e) - Public interest

An approval of this development does not contribute to the public interest. Potential environmental impacts have not been demonstrated that they can be adequately mitigated or managed. The application is not consistent with the Narromine LEP 2011 and objectives of the zone. The application seeks unjustified departure from the Narromine DCP 2011. The development does not provide opportunity for economic or social benefits that would outweigh the potential impacts. On balance the proposal is contrary to the public interest.

3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has not been required to be referred to external agencies for comment/concurrence as required by the EP&A Act.

5.2 Council referrals (internal)

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments
Engineering staff	<p><u>Initial comments:</u> DA detail is unclear about stormwater overflow potential as there are no levels on bike track plans. Unsure of risk to house for flooding/stormwater changes. Need further volumes and engineers' details to check Unsure about bike track cross fall. Seems to be low risk to surrounding land owners for flow of water.</p> <p><u>Revised comments post additional information:</u> It seems as if all the concerns have not been addressed.</p> <p>Overland flow paths should be shown for the 1:100-year ARI (1%AEP) on drawings including the stormwater retention pond storage volume for the relevant design storm from both intensity (to determine maximum peak flows to design conveyance systems) and storm duration (to determine maximum volume for stormwater basins).</p> <p>There seems to be deficiencies in the noise assessment - Was the predominant wind direction / wind rose considered in the noise assessment?</p> <ol style="list-style-type: none"> 1. Post development flow discharges from the site must be equal or similar to pre-development flows and velocities. 2. Water quality (i.e. sedimentation) leaving the site must be equal or better than pre-development. <p>Overall no objections subject to conditions.</p>

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3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

5.3 Community Consultation

The proposal was notified in accordance with the DCP from 11th March 2021 until 2nd April 2021. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
- Notification on the Council's website and social media (Council column).

The Council received a total of **29** unique submissions, comprising 14 objections and 15 submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 6**.

Table 6: Community Submissions - Objection

Issue	Detail of Concern Raised	Staff Comment
Uncertainty regarding scale	<p>The use of the track is unquantified and key identifiers of scale are difficult to assess, esp. for noise.</p> <p>Small bikes now for children, but these will increase as the children progress.</p> <p>The application used term 'typically' used by four children and 2 adults. This means could be used by anyone with owner's permission.</p>	Valid planning considerations. Council will not be able to police who is permitted to use the track by the landowner.
Noise	<p>Major source of concern raised in most submissions.</p> <p>Noise due to motorbikes is disturbing to lifestyle.</p> <p>Noise will impact on properties in Old Backwater Road.</p> <p>Noise possibly going to affect peaceful setting currently enjoyed.</p> <p>Trees wont stop noise.</p>	Key issue for the development.

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Issue	Detail of Concern Raised	Staff Comment
Stormwater	<p>Wet weather has already highlighted some concerns for the site.</p> <p>Neighbours land has been evidenced as having stormwater directed onto land after rainfall.</p>	Key issue to be managed through design.
Dust	<p>Raised dust a concern due to the track when in use.</p> <p>Dust is a nuisance and day to day enjoyment of outdoors.</p> <p>Dust may impact multiple properties.</p> <p>Pollution from dust to affect health.</p> <p>Dust will hinder any landscaping growth.</p>	Key issue for the development.
Water security	<p>Water cart use and watering system is a concern – will this water be sourced from a bore? Domestic and stock supply bores relied upon in the area may be affected.</p>	Water use and sustainability is a valid concern.
Flooding	<p>Pathway of floodwater is not clearly addressed.</p> <p>What is water direction and flow path?</p> <p>The water will be impeded by the track as shown by the holding capacity after rainfall, this will impact on flood waters moving and receding.</p> <p>Uncertainty how this will impact houses.</p>	Valid concern.
Landscaping not ideal	<p>Dust will limit landscaping success. Original trees have already been removed from the site and landscaping will be negatively impacted by dust from a track.</p> <p>Landscaping should have been installed prior to any earthworks commencing to enable a screen to be feasible.</p>	Noted.
Primary Production land negatively impacted	<p>Stock disturbance - Sensitive stock such as horses (sheep and cattle) will be impacted by noise and affect grazing patterns.</p> <p>Loss of pasture on adjoining land – paddock allocation next to and adjacent to the track will potentially be lost due to noise stress on animals.</p> <p>Against Narromine LEP 2011 “<i>clause 1.2(2) (c) to encourage sustainable agricultural practices, including intensive agriculture, by minimising land use conflicts and facilitating farm adjustments</i>”.</p>	Agricultural land impacts are valid concerns for the RU1 zone.

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Issue	Detail of Concern Raised	Staff Comment
Social /health issues	Noise and anxiety surrounding noise disturbance is a concern. Conflict in community will result.	Noted.
Visual Amenity loss	Change to landscape noticeable. Seen as a negative impact. Trees were removed and impact site aesthetics.	Landscaping and adequate setback required.
Flora and Fauna impacted	Dust and noise are likely to impact native flora and fauna, which has not been specifically addressed.	Noted.
Loss of rural residential character	Lots of land for sale and future subdivision potential negatively impacted due to land use conflict that would be evident.	Potential impact to land value not considered, however land use conflict is valid concern.
Compliance concern	There is concern that the type of conditions that would be required to limit the scale and impact of the development would be difficult to enforce and a compliance issue would be ongoing for Council.	Having reasonable and achievable conditions is a practical concern.
Increased traffic and lack of privacy concern	Track will stimulate spectators using the road. Increased land use may lead to increased traffic. DA received social media attention and comments of interest to view track in use. With further possible invited visitors to utilise the track the security and privacy of neighbours is at risk of deterioration.	Noted.
Hours of Operation	The hours of operation are not acceptable to residents. Hours do not take into consideration impact to residents. The application is not limited by a certain number of bikes/types or hours, and disturbance to infant sleep is a concern.	Valid concern
Property value negatively impacted	Conflict in setting likely to hinder land sales and property values.	Not a valid planning consideration.

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Issue	Detail of Concern Raised	Staff Comment
Fill brought tot site	The application stated that no fill was brought to site. However, witnessed several loads of soil delivered to the site. (Noted by multiple submissions)	This may have been driveway works. Engineer's plan did not indicate fill.
Proponents lack concern for rules and neighbours.	Demonstration of lack of regard to Council compliance matters, correct approval pathways.	Noted.
Developing into R5 land as per Strategy	2018 Residential and Large Lot Residential (Land Use) Strategy referenced. Recognises the current zoning and transitioning to more R5 in nature. Track is in conflict with Council's adopted vision for the locality. Council should support the rural residential lifestyle adopted in its Strategy.	Valid strategic consideration.
LEP objectives not upheld	Narromine LEP 2011 " <i>clause 1.2 (b) to protect and conserve the natural environment including surface and ground water, soil, air and native vegetation by encouraging sustainable development</i> " - Has not been demonstrated to be upheld.	Valid concern.
Safety	Trees are noted as a safety concern and then contradicting in other sections indicating shrubs and trees to be planted for screening. No irrigation of landscaping designed and lack of space to grow landscaping areas successfully is noted.	Valid concern - Landscaping is not feasibly able to fit on western boundary within the minimal setback provided.
Wider benefit not apparent	The track may negatively impact many however does not provide employment, or benefit many, nor encourage future development/subdivision potential.	Public benefit is a valid consideration.
Illegally constructed	Concern Council will set a precedence to accept applications for illegal works. Also concern that the track will be used for commercial purposes.	Noted.

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Table 7: Community Submissions - Support

Issue	Detail of Issue Raised	Staff Comment
Pass on skills	The landowner has past achievements and is able to teach younger riders.	The track is not proposed to be used as a business or training track for others outside the family.
Support potential and development of sporting skills	Narromine does not have an alternative track to utilise for practice. Support youth activities. Foster talent with opportunities.	Noted.
Prefer track than road users	Consider positive as will potentially take accidents and drags off the streets.	Not available to public.
Already occurring with no issue	Motorbike riding has already been carried out on the property without a dedicated track. No previous noise issues.	
Alternative site for practice	Crown lands have closed sites for motorbike riding and alternatives are needed. Provides a safe private facility to practice motocross skills.	
Traffic noise exists	The motorbike noise is likely to be no more annoying than harvest traffic.	Potential for cumulative noise impacts are raised.
Aircraft noise currently exists	Air shows and flight path noise from the Narromine Aerodrome are already a concern. Council should notify residents of these impacts.	Cumulative impacts are raised.
Lack of facility	Narromine does not have an alternative local facility and Council should look to provide one. The developers are filling a gap in service and should be supported.	

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Issue	Detail of Issue Raised	Staff Comment
Support Local	The proponents are local business owners and support is given to locals.	
Solar Farm	As a comparison the solar farm proposed on Dandaloo Road is more of a hindrance to traffic and noise in the locality.	Cumulative impact may be an issue.
Standard of construction	Supportive of professional earthworks. Protraxx have designed a track that adheres to erosion and runoff issues with no escape of water to date.	
Lifestyle	Motorbike track is inline with expectations for a rural lifestyle. Noise and dust can be managed.	
Sport plays important role for positive community interactions	Supports physical activity and healthy lifestyle.	
Character References	Contribution to community of the proponent and family.	Not a valid planning consideration.

6. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

6.1 NOISE AMENITY

Issue:

Noise amenity has been raised in several submissions of objection to the development. Council staff had raised the issue and requested a noise assessment. The proponent had engaged Muller Acoustic Consulting Pty Ltd (MAC) to carry out a noise assessment and quantify emissions from the private motocross track.

As mentioned in this report and in submission received, a solar farm has been proposed in Dandaloo road within 700m of the subject bike track. A Noise Assessment was also carried out for that project by MAC. Narromine Shire Council staff identified discrepancies between the two MAC reports and assumptions applied, especially in the adoption of Amenity Noise Levels (ANLs). Also due to the technical interpretation required, a peer review of the Noise Assessment was sought by Spectrum Acoustics.

3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

Perspectives:

The MAC report outlines the 2 criteria applicable as per NSW EPA Noise Policy for Industry (NPI, 2017).

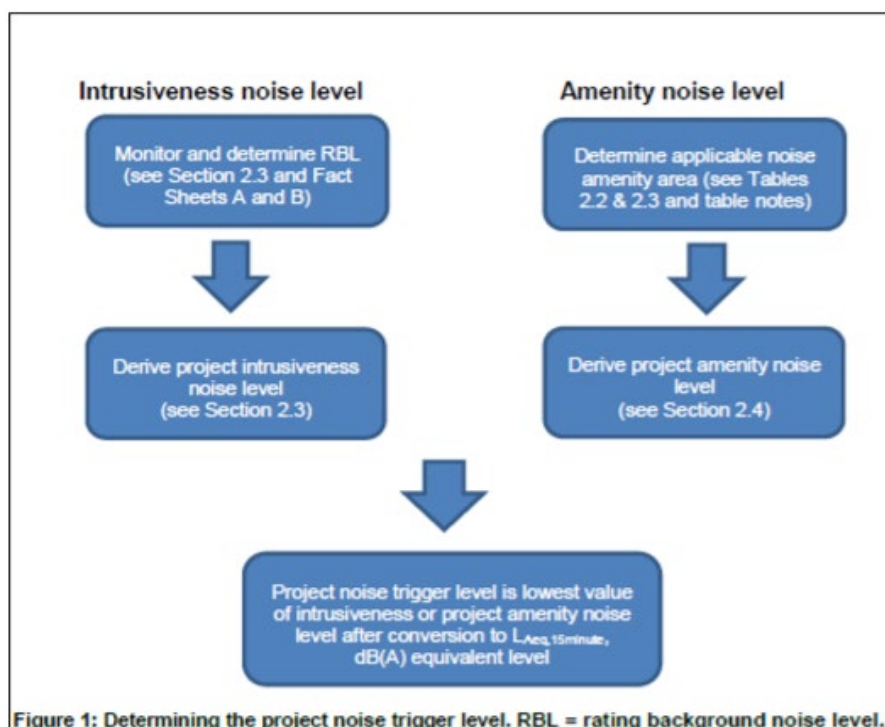
There are two criteria to consider when establishing noise assessment criteria/goals which the NPI defines as Project Noise Trigger Levels (PNTLs). These criteria are:

1. The project intrusiveness noise level, which is based on the background noise level plus 5dB and seeks to limit the degree of change a new noise source introduces to an existing environment; and
2. The project amenity noise level, is relevant to a specific land use or locality to limit continuing increases in intrusiveness levels. The ambient noise level within an area from all combined industrial sources should remain below the recommended amenity noise levels specified in Table 2.2 (of the NPI, 2017).

Noise from a motorbike track in the location is considered. Spectrum would consider that the noise from motorbikes for up to 6 hours per day, introduced into an area where there is currently no such noise, or any other significant existing industrial noise, would be readily identified as being "Intrusive". This aligns with the view of the majority of objectors to the development.

Section 2.1 of the NPI (Noise Policy for Industry) details the procedure for setting the PNTL for a project as shown in the flow chart, Figure 1 in extract below. The following note is made in the text before the chart:

"Typically, the intrusiveness level will inform the project noise trigger level in areas with little industry (and/or ambient noise levels), whereas the amenity level will inform the project noise trigger level in areas with higher existing background noise levels."



3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

The flow chart shows that the PNTL is the lower of the Intrusiveness or Amenity Criteria for the assessment period (i.e. day, evening or night).

Table 6 in MAC does show the correct PNTL based on the Intrusiveness Criterion as being 40 dB(A) Leq (15 min). MAC, however, then goes on to do the assessment of potential noise impacts against the much less stringent Amenity Criterion.

It is Spectrum's opinion that this is in error and that all noise emissions from the motocross track should be assessed against the Intrusiveness Criterion.

MAC details that the track may be used during the day time period, between 7am and 6pm, for training and practice purposes. MAC also details that the track may be used for periods of up to 1 hour at a time and for several such periods, totalling up to 6 hours during any day.

Council staff would also consider that the noise from motorbikes for up to 6 hours per day (over an 11 hr day period), introduced into an area where there is currently no such noise, or any other significant existing industrial noise, would be readily identified as being "Intrusive".

Notwithstanding the discussion above, it is noted that MAC has also incorrectly determined the Amenity Criterion for the project.

As per the NPI, this should be calculated as, the recommended Amenity Noise Level (ANL), for the classification, minus 5 dB(A). For a Rural area this is 50 – 5 = 45dB(A) Leq (11 hour).

Table 8 in MAC has incorrectly calculated the Project Amenity Noise Level (PANL) for the current project as being 53 dB(A) Leq (15 min), when it should be 45 dB(A) Leq (11 hour) for a Rural area during the day. That being the ANL – 5 dB(A).

Council comment:

The reviewed Amenity Noise Level (ANL) aligns with the adopted criteria for the solar farm (adopted by MAC at the nearby site). Staff support the interpretation and Spectrum Acoustic's view that discussions relating to amenity criteria are irrelevant and the predicted noise levels should be compared to a the PNTL (Project Noise Trigger Level) of 40 dB(A) Leq (15 min).

Despite discrepancies in the assessment process and technical aspects the MAC report adopts the same PNTL of 40 dB(A) Leq (15 min), and concludes:

"The results of the Noise Assessment show that typical noise emissions have potential to exceed the most stringent intrusiveness noise criteria over a 15-minute period..."

Similarly, Spectrum Acoustics agree:

The results show that the predicted noise levels will exceed the PNTL at 13 receivers and that the exceedance will range between 1 and 10 dB(A) Leq (15 min).

The receiver review dismisses the nearest adjoining receiver to the east as a Project related receiver. This should be considered an additional impacted dwelling/receiver; making total of 14 unacceptably impacted receivers.

3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY (OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE (Cont'd)

Resolution:

Noise amenity issues have not been satisfactorily resolved. The type and numbers of bikes proposed to be ridden in the modelled scenarios are minimal. It is not feasible to assume that conditioning lesser bike numbers or types will be a reasonable or achievable outcome for the proponent.

6.2 STORMWATER RUNOFF ONTO NEIGHBOURING LAND

Issue:

Engineers' details demonstrate that the track as built would discharge at the low point on the western boundary. No natural watercourse exists at the location nor known legal easement for discharge of stormwater.

Perspectives:

The protection of the environment and neighbouring land from any adverse impacts should be ensured in any approval for development with earthworks such as this recreation facility.

Council comment:

Overland flow paths should be shown for the 1:100-year ARI (1%AEP) on drawings including the stormwater retention pond storage volume for the relevant design storm from both intensity (to determine maximum peak flows to design conveyance systems) and storm duration (to determine maximum volume for stormwater basins).

Post development flow discharges from the site must be equal or similar to pre-development flows and velocities.

Water quality (i.e. sedimentation) leaving the site must be equal or better than pre-development.

An adopted ESCP (Erosion and Sediment Control Plan) prepared in accordance with the 'Blue book' would be industry standard.

Resolution:

The track design has created a ponding behaviour for stormwater. In certain rainfall events the stormwater will discharge to the western boundary. This is not permitted to occur onto neighbouring land as a concentrated point versus the pre-development sheet flow that would have occurred. The track would require a redesign and further earthworks to ensure the discharge does not occur without having appropriate land area for dissipation of stormwater. This would need to be a condition of any approval and subject to further design calculation.

**3. DEVELOPMENT APPLICATION 2021/20 PROPOSED RECREATION FACILITY
(OUTDOOR) – MOTORBIKE TRACK AT 151 OLD BACKWATER ROAD, NARROMINE
(Cont'd)**

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported.

Many environmental issues such as stormwater, flooding, landscaping, unjustified variations to the Narromine DCP could potentially be addressed by redesign and/or assessment process. However, it has been demonstrated the proposed motorbike track would be a source of intrusive noise that is incompatible with rural residential development in the locality, as shown by the supporting noise assessment and peer review of said report. It is considered that the key issue of noise intrusion and amenity impacts as outlined in Section 6 have not been resolved satisfactorily and the development is not supported. The site should be required to be rectified and returned to pre-development conditions.

Legal and Regulatory Compliance

Flood Policy

Environmental Planning and Assessment Act 1979

Division 8.2 of the *Environmental Planning and Assessment Act* gives the applicant the ability to seek a review of the determination. An applicant may request the Council to review any determination within six (6) months after the date the applicant received notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination made by Council under Section Division 4.6 in respect of an application by the Crown.

If you are the applicant: You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 8.7 of the *Environmental Planning and Assessment Act, 1979*).

Environmental Planning and Assessment Regulation 2000.

Risk Management Issues

Avoids expense for compliance actions in the future. Council will be the relevant authority to address noise complaints and enforce any management measures adopted.

Internal/ external Consultation

In accordance with Environmental Planning and Assessment Act/Regs by Department of Planning, Industry and Environment.

Attachments

The following attachments are provided:

- **Attachment A:** Noise Assessment prepared by MAC
- **Attachment B:** Peer Review - Noise Assessment prepared by Spectrum Acoustics.
- **Attachment C:** Engineering Plans

As this is a planning decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979, including a decision relating to a development application under that Act, a division is required to be called.

RECOMMENDATION

That Council resolve:

That the Development Application DA No 2021/20 for Recreation Facility (outdoor) – private motorbike track at 151 Old Backwater Road Narromine be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*.

Reasons for this recommendation are noted:

1. The development is not consistent with the zone objectives, RU1 Primary Production zone.
2. Noise impacts on residential receivers are not able to be mitigated satisfactorily in the location.
3. The scale and site design are not commensurate with the land size and variations to the DCP have not been satisfactorily justified considering the potential for stormwater runoff affecting neighbouring property and inability to include adequate landscaping to screen the track.
4. Approval of this development would not contribute to the public interest.

Phil Johnston
Director Community and Economic Development

Narromine Shire Council
Crime Minimisation Strategy 2021

Building a Crime Resilient Community



WHY WE NEED A CRIME MINIMISATION STRATEGY

Local government has an important role in community safety and crime prevention. This reflects a growing recognition that local councils are well placed to lead community crime prevention initiatives (Australian Institute of Criminology 2012. Effective Crime Prevention Interventions for Implementation by Local Government. AIC Reports – Research & Public Policy Series 120. NSW Department of Attorney General & Justice).

Reasons why:

- Research shows that a great deal of crime is very local in nature, and there is growing evidence about the increased effectiveness of crime prevention activities developed at a local level
- Local government is well placed to coordinate and manage crime prevention responses across the community through its existing mechanisms such as community consultative processes
- Local government is the level of government closest to and reflective of the needs of communities. Therefore, there is an increasing community expectation that local government will assume some level of responsibility for initiating or directing action for crime issues that are seen to be affecting local amenity and quality of life
- Local government frequently has the most appropriate management infrastructure and skill base for delivering the multi-agency programs that are often required

Communities, government agencies, businesses and service providers all have a role to play in preventing crime. Reducing crime and helping everyone to understand what they can do about it is a priority for the NSW Government. The Premier's Priorities outlines government commitments to preventing and reducing the level of crime to support the growth of safer, stronger communities.

It should be noted that the literature on crime prevention while acknowledging the important role of Local Government, acknowledges Local Government's limited ability to effect change.

NARROMINE LGA CRIME PROFILE

The following data (Table 1) Source: NSW Bureau of Crime Statistics and Research (BOCSAR). In addition, the information presented ranks local government areas against comparison analysis crime categories.

NSW Recorded Crime Statistics 2016 - 2020														
Number of recorded incidents and rate per 100,000 population, 24-month and 60-month trend and Local Government Areas rankings (for 2020)														
Narromine Local Government Area														
Offence group	Offence type	Jan - Dec 2016		Jan - Dec 2017		Jan - Dec 2018		Jan - Dec 2019		Jan - Dec 2020		24-month trend ^{^^}	60-month trend ^{^^}	2020 LGA RANK
		Number of incidents	Rate per 100,000 population	Number of incidents	Rate per 100,000 population	Number of incidents	Rate per 100,000 population	Number of incidents	Rate per 100,000 population	Number of incidents	Rate per 100,000 population			
13 Major offences	Fraud	26	392.9	22	334.1	40	609.8	53	813.3	47	721.2	Stable	16.0%	6
	Domestic violence related assault	46	695.2	56	850.5	83	1,265.4	57	874.6	60	920.7	Stable		9
	Sexual assault	9	136.0	10	151.9	7	106.7	13	199.5	12	184.1	nc**	nc**	11
	Indecent assault, act of indecency and other sexual offences	9	136.0	20	303.8	13	198.2	13	199.5	13	199.5	nc**	nc**	N/A
	Break and enter dwelling	98	1,481.0	58	880.9	89	1,356.9	92	1,411.7	47	721.2	-48.9%	-16.8%	12
	Steal from motor vehicle	75	1,133.4	53	805.0	72	1,097.7	95	1,457.7	39	598.4	-58.9%	Stable	16
	Break and enter non-dwelling	50	755.6	58	880.9	47	716.6	62	951.4	15	230.2	nc**	nc**	17
	Steal from person	11	166.2	4	60.8	7	106.7	1	15.3	2	30.7	nc**	nc**	19
	Motor vehicle theft	36	544.1	19	288.6	28	426.9	28	429.6	16	245.5	nc**	nc**	23
	Steal from dwelling	67	1,012.5	40	607.5	55	838.5	63	966.7	24	368.3	-61.9%	-22.6%	23
	Malicious damage to property	107	1,617.0	101	1,534.0	102	1,555.1	101	1,549.8	62	951.4	-38.6%	-12.8%	34
	Non-domestic violence related assault	53	801.0	45	683.5	43	655.6	34	521.7	29	445.0	Stable	-14.0%	39
	Steal from retail store	18	272.0	13	197.4	11	167.7	12	184.1	6	92.1	nc**	nc**	85
Against justice procedures	Breach Apprehended Violence Order	33	498.7	28	425.3	39	594.6	59	905.3	39	598.4	Stable	4.3%	N/A
	Breach bail conditions	60	906.8	48	729.0	133	2,027.7	214	3,283.7	86	1,319.6	-59.8%	9.4%	N/A

^{^^} The trend test used was a two-tailed Kendall's rank-order correlation test with a 0.05 level of significance. For the 60-month trend the average annual percentage change is provided if the trend was significant.

* Ranks and rates are only calculated for Local Government Areas (LGAs) with populations of 3000 people or more (n = 120). Sydney LGA is excluded from the rankings because the resident population does not reflect the number of people present each day. Rates are only calculated for the major offences.

** Trend information is not calculated (nc) if at least one 12-month period in the selected timeframe had less than 20 incidents.

Source: NSW Bureau of Crime Statistics and Research

OFFENCES IN NARROMINE LOCAL GOVERNMENT AREA

Of 120 Local government areas in NSW, Narromine LGA ranks:

- (6) for the offence of Fraud - 16% increase for 60-month trend period
- (9) for the offence of Domestic Violence related Assault - STABLE
- **(11)** for the offence of Sexual Assault**
- (12) for the offence of Break and Enter Dwelling - 16.8% decrease for 60-month trend period
- (16) for the offence of Steal from Motor Vehicle - STABLE for 60-month trend period
- (23) for the offence of Steal from Dwelling - 22.6% decrease for 60-month trend period
- (34) for the offence of Malicious Damage to Property - 12.8% decrease for 60-month trend period
- (39) for the offence of Non-domestic Violence Related Assault - 14.0% decrease for 60-month trend period

**** Trend information is not calculated (nc) if at least one 12-month period in the selected timeframe had less than 20 incidents.**

In all other categories where NSW ranking is available, Narromine LGA ranks outside the top 50.

Note: Offence Types Breached Apprehended Violence Order (AVO) and Breached Bail Conditions have increased for 60-month trend period, no LGA rank available but the increased number of incidents may require further investigation.

Breached AVO - 4.3% increase for 60-month trend period

Breach Bail Conditions – 9.4% increase for 60-month trend period

DOMESTIC AND FAMILY VIOLENCE

Council is committed in educating the community about domestic and family violence in all forms and strengthen the response to family violence through increased collaborations between services. As such, Domestic and Family Violence (D&FV) forms part of Narromine Shire Council's Community Strategic Plan 2027;

Vibrant Communities

1.1 A SAFE, ACTIVE AND HEALTHY COMMUNITY

1.1.3 Implement, support and promote developmental crime prevention programs that focus on positive parenting and aim to minimise risk factors for children and young people

While D&FV is not specifically identified in this strategy, Council is committed to working closely with the Western Region Domestic Violence High Risk Offender Team, Domestic Violence Support Services, NSW Police and Interagency Groups on initiatives to prevent, detect and resolve D&FV. Council is focussed on enhanced service collaboration, hosting of events and campaigns to increase awareness in the community and to advocate for increased funding and support for our local government area.

Note: Due to the specific nature of the offence of 'Child Sexual Assault' and the provision of services by NSW State Government to address this crime type it was concluded in discussions with NSW Police that this type of crime falls outside the scope of the work of Local Government and will not be included in this strategy as a target crime.

RECREATION, SPORT, YOUTH SERVICES AND OTHER ACTIVITIES

Narromine Shire Council will continue to contribute significant resources to current community programs, diversionary activities and provide support to our youth. This includes and is not limited to enhanced recreation activities, greater opportunities for organised sport, greater cultural awareness, support for our schools and ensuring local employment availability. These activities form part of our Shire's Community Strategic Plan.

CRIME PRIORITIES SELECTED FOR THIS STRATEGY

The identified crime categories;

- 1) Fraud
- 2) Break and Enter
- 3) Malicious Damage

Council has the necessary experience, resources and partnerships to contribute to further reductions in the number and rate of these offences in the area. Council can demonstrate that it is well positioned to play a role in producing further reductions in these crime categories. After completing an analysis of crime occurrences and rates using available data the information was collated and presented to NSW Police to discuss the findings of the research with a view to identifying crime priorities to target in this strategy.

Note: It is important to acknowledge that whilst there are other crime categories which require focus based on trend occurrences, the three categories identified are crime categories which Council can best affect change by way of enhanced communications with residents of the shire and enhanced partnerships with NSW Police and specific crime unit prevention teams. The three categories have been included due to high occurrence of the crime in the area and Council's ongoing resourcing commitments to resolve incidents in this crime category.

OFFENCE	HOTSPOTS (GEOGRAPHIC LOCATIONS)	PRIORITY TIMES	VICTIMS AND OFFENDERS	CONTRIBUTING FACTORS
FRAUD	CBD and residential areas	No specific times for this offence (note; theft from motor vehicles generally)	Both male and female offenders in the 20 - 29 years and 30 - 39 years old age brackets Offenders commonly steal from motor vehicles leading to secondary fraud crime. Offenders target residential properties and car parks Victims include seniors (phone/email) and young people through online fraud	Cars and houses left unlocked and insufficient online security by victims

Attachment No. 1

BREAK AND ENTER	CBD and residential areas	A majority of break and enter offences occur between 6pm - 6am with no specific days or nights of the week	Offenders prefer unstable neighbourhoods where anonymity amongst residents implies a lower level of territoriality of residents Perceived limited risk of surveillance and apprehension in these areas	Insufficient residential and commercial property security, basic security options not being utilised by property owners
MALICIOUS DAMAGE	Narromine LGA wide	Weekday and weekends with no specific times for occurrence, indicating brazen and opportunistic behaviour	Nuisance type malicious damage and graffiti is completed by males 10 -17-year olds	Incidents not being reported in a timely manner, unable to execute a rapid response

ACTIONS AND IMPLEMENTATION PLAN

FRAUD

Type	Definition
Target Offence	Fraud offences including fuel non-payment resulting from theft of number plates, credit card fraud, fraudulent online activities and falsifying documents to acquire medications.
Environmental Factors - (Situational analysis)	<ul style="list-style-type: none"> • Vehicle number plates are stolen to use in the commission of other offences (e.g. petrol theft from service stations which increases when price of fuel rises) • Easy facilitation of credit card fraud through pay-wave facilities • The increased motivation for theft from motor vehicle which is facilitated by people leaving valuables unsecured in vehicles and the knowledge that the proceeds of this crime type can be used for pay-wave fraud • Facilitation of fraud through online purchase of goods not supplied (i.e. EBAY fraud) • Use of forged or non-genuine documents to acquire medications (e.g. forged scripts) • Technology being used to obtain private financial information (e.g. scanning personal information, email and phone scams).
Project	<p>Council will apply a balance of universal education campaign and targeted programs to empower the community to take deliberate action to reduce both the opportunity and resultant fraud offences.</p> <p>This will be achieved by developing a broad-based media campaign to educate the community about the risks associated with not securing personal identification, financial cards and general vehicle security where valuables are targeted (e.g. residential settings, shopping precincts and car parks).</p>

	<p>The universal awareness raising campaign will be complemented through the delivery of programs to target groups to increase actions to prevent theft of information and goods that result in fraud offences. This shall include;</p> <ul style="list-style-type: none"> • resourcing retail outlets and staff regarding point of sale fraud prevention information • presentations and information to high risk groups regarding theft of personal information and fraudulent online activities (e.g. senior's groups, young people) information and resources to vehicle owners to facilitate increased security of number plates.
Rationale	<p>Narromine LGA is ranked (6) in NSW for occurrences of this crime category with a 60-month trend increase of 16% for this offence type. A combination of measures including awareness raising, securing personal goods and information, and targeting high risk groups with educational-type programs are likely to have the greatest yield in reducing incidents in this crime category. This includes targeting vehicle owners to secure number plates, educating retail staff about the fraudulent use of credit cards, raising awareness among seniors and young people about online scams and alerting pharmacy retailers about forging of medication documentation. (Australian Institute of Criminology. Australian Crime: Facts and Figures 2011/2014. Canberra)</p>
Lead Agency and partners	<p>Council will assume a lead role in relation to facilitating collaborative responses with key stakeholder agencies including:</p> <ul style="list-style-type: none"> • Retail owners and shopping centre management • Liquor Accord members • Pharmacy outlets • Seniors and neighbour groups • High schools and youth leadership groups
Objective	<p>The implementation of a universal awareness raising campaign across the community supported by series of targeted education-type interventions with key stakeholder groups in the community is expected to yield a reduction in this crime category across the life of the strategy.</p>
Stakeholders	<ul style="list-style-type: none"> • Narromine Shire Liquor Accord • Service/Petrol Stations

	<ul style="list-style-type: none"> • Shopping Centres/Retailers
Expected Outcome	<p>Adopting the measures outlined in this strategy is aimed at reducing the occurrence of fraud.</p> <p>It is anticipated that a reduction in fraud offences will reduce the financial loss experienced by residents, retailers and financial institutions when this crime occurs</p> <p>The strategy may also have a positive impact of a reduction in insurance premiums due to a reduction in claims for financial loss experienced by victims of this crime.</p> <p>A reduction in this offence may lead to an increase in the sense of community safety as residents and business operators are empowered to strengthen security practices to reduce incidents of fraud in addition to other evidence-based crime prevention initiatives as documented in this action plan.</p>
Performance Measures	<p>Reduce the opportunities of fraud to be perpetrated in retail settings contributing to a reduction in this crime category over the implementation period.</p> <p>Reduce the opportunities of fraud to be perpetrated through falsification of medical documents contributing to a reduction in this crime category over implementation period.</p> <p>Reduce the opportunities for fraud to be perpetrated against vulnerable groups in online settings contributing to a reduction in this crime category over implementation period.</p> <p>Increase community awareness for the prevention of fraud offences contributing to a reduction in this crime category over implementation period.</p>

BREAK AND ENTER DWELLING

Type	Definition
Target Offence	Residential break and enter is one of the most common crimes experienced in NSW. Break and enter is an offence that is a significant problem for households and commercial property owners.
Environmental Factors - (Situational analysis)	As such, a combination of environmental factors such as; <ul style="list-style-type: none"> • access control • natural surveillance • Crime Prevention Through Environmental Design (CPTED) and • social strategies (awareness/education campaigns) is considered the most promising in reducing residential break and enters • enhanced CCTV infrastructure and usage including on key Council assets and on the entrances to town
Project	Council will apply a balance of universal education campaigns and targeted programs to empower the community to take deliberate action to reduce both the opportunity and resultant break and enter offences. This will be achieved by developing a broad-based media campaign to educate the community about the risks associated with insufficient residential and commercial property security.
Rationale	Narromine LGA is ranked (12) in NSW for occurrences of this crime category with a 60-month trend decrease of 16.8% for this offence type. Council is well placed to play a lead role in the promotion of an awareness campaign to educate residents on preventing break and enter occurring.
Lead Agency and partners	Council will assume a lead role in relation to facilitating collaborative responses with key stakeholder agencies including: <ul style="list-style-type: none"> • NSW Police • Business Owners • Community Organisations/Youth Services • Residents and Neighbourhood Groups

Objective	The implementation of an awareness raising campaign across the community supported by a series of targeted education-type interventions with key stakeholder groups in the community is expected to yield a reduction in this crime category across the life of the strategy.
Stakeholders	<ul style="list-style-type: none"> • Local Government • NSW Police
Expected Outcome	Adopting the measures outlined in this strategy aim at reducing the occurrence of break and enter over the period of implementation. A focussed approach to continued compliance in design of developments with Crime Prevention Through Environmental Design (CPTED) good practice and educating our residents will assist in prevention.
Performance Measures	Increase collaboration with NSW Police to perform elective Residential Security Assessments of homes and properties, NSW Police POP UP Stands and broad media campaign to educate our community.

MALICIOUS DAMAGE TO PROPERTY

Type	Definition
Target Offence	<p>Malicious damage is defined as the intentional 'destruction or defacement of public, commercial and private property' (Howard 2006: 1).</p> <p>It is a very broad offence category covering a range of different acts, including vandalism (e.g. smashing windows, knocking over letterboxes) and graffiti.</p>
Environmental Factors - (Situational analysis)	<p>Research shows that malicious damage incidents occurs on a weekday and weekends with no specific times for occurrence.</p> <p>Other important characteristics reported include:</p> <ul style="list-style-type: none"> • vandals' primary targets are residential property, private cars and commercial premises • young people are generally the main perpetrators.
Project	<p>A range of measures by Council can be implemented to prevent where possible, and respond in a timely manner to the crime of malicious damage. These measures include but are not limited to;</p> <p><u>Vandalism to public facilities</u> - Enhancing access control by installing fixtures such as bollards or fencing to limit access to a particular site with a high incidence of vandalism. Community patrols of area to increase likelihood of offenders being detected.</p> <p>Crime Prevention Through Environmental Design (CPTED)- Including trimming of vegetation and creating pedestrian thoroughfares to encourage legitimate use of spaces and deter offenders.</p> <p>Rapid response - accurate and timely reporting of graffiti via CRM's to Manager of Community Facilities to ensure rapid removal of graffiti to keep area well maintained and attractive to potential users. Rapid response to removal discourages repetitive graffiti behaviour.</p> <p><u>Vehicles being damaged in residential areas at night</u> - Educate and encourage residents to park their cars in a garage, off the street or in a well-lit area</p>

	<p>Lighting - Council to increase visibility and enhance surveillance of a high-risk area and increase the likelihood of offenders being detected. For new developments refer to Development Control Plan 2011.</p> <p><u>Residential homes being damaged (e.g. letterboxes, doors, windows)</u> - Educate and encourage residents to adopt measures to reduce their risks of victimisation e.g. installation of sensor lighting, security screens and improved access control measures.</p> <p>CPTED - Improve general amenity of area to encourage feelings of personal safety, pride and ownership.</p> <p><u>Malicious damage offences in areas surrounding licensed premises</u> - Enhanced accords and enforcement of responsible service of alcohol. Enhance transport options for late night transport to move patrons out of the area</p> <p><u>Graffiti CPTED (green screening)</u> - Planting greenery alongside walls to prevent access to and/or decrease visibility of graffiti.</p> <p>Access control - Installing fixtures such as bollards or fencing to limit access to a site with high incidence of graffiti.</p> <p>Education project – Educational sessions for youths at risk of offending about the consequences and risks of graffiti. Rapid removal of graffiti to keep area well maintained and attractive to potential users. Rapid response to removal discourages repetitive graffiti behaviour</p>
Rationale	<p>Narromine LGA is ranked (6) in NSW for occurrences of this crime category with a 60-month trend increase of 16% for this offence type Narromine LGA is ranked (34) in NSW for occurrences of this crime category with a 60-month trend decrease of 12.8%. Whilst there has been a decrease in the occurrence of this category, Council is well placed to affect change with the delivery of education campaigns to residents.</p>
Lead Agency and partners	<p>Council will assume a lead role in relation to facilitating collaborative responses with key stakeholder agencies including:</p> <ul style="list-style-type: none"> • NSW Police • Shopping Centre Management • Business Owners • Community Organisations/Youth Services • Residents and Neighbourhood Groups

Objective	<p>The measures adopted in this action plan are based on evidence about increasing the difficulty for offenders to commit malicious damage offences and timely response to repair damage when it occurs with the aim of reducing the occurrence of this offence.</p> <p>Research indicates that as the majority of malicious damage is opportunistic in nature that improved design and planning (e.g. application of CPTED principles) is likely to reduce the prevalence of this crime activity.</p>
Stakeholders	<ul style="list-style-type: none"> • Local Government • NSW Police
Expected Outcome	<p>Adopting the measures outlined in this strategy aim at reducing the occurrence of malicious damage over the period of implementation. A focussed approach to continued compliance in design of developments with CPTED good practice will assist in prevention. Maintaining a timely response approach for the removal of graffiti from public utilities, commercial premises and private property will also play a major role in prevention.</p>
Performance Measures	<p>Assessment of development applications and Council project designs to ensure Crime Prevention Through Environmental Design (CPTED) principles are applied in line with the adopted strategy. Agreed service standards are maintained for the removal of graffiti and repair of vandalism on public property. Provision of resources where resolved to assist property owners with the repair of damage on premises.</p>

Note: It is important to acknowledge that the crime category of malicious damage has not been recommended as a priority area for action by NSW Police for inclusion in the Crime Prevention Strategy but has been included due to high occurrence of the crime in the area and Council's ongoing resourcing commitments to resolve incidents in this crime category.

CRIME PREVENTION ACTION PLAN**FRAUD**

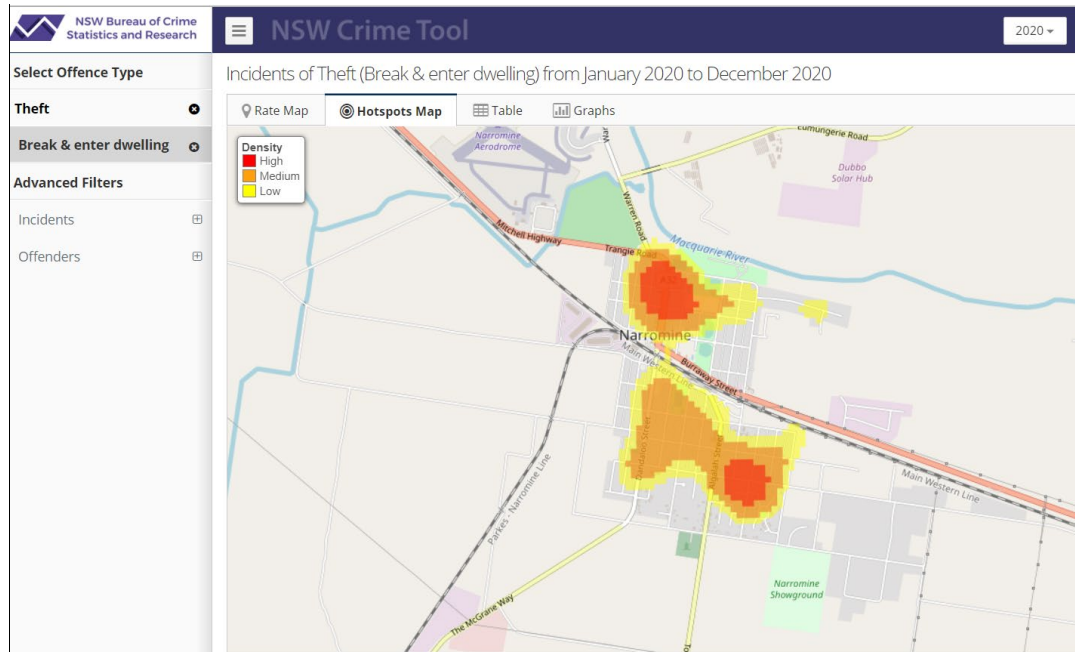
ACTION	PERFORMANCE MEASURES	TIME FRAMES	FUNDING REQUIRED	MILESTONES	PERFORMANCE INDICATORS
Education campaign for residents to increase protective actions that can be taken to reduce risk to becoming victims of fraud and the necessity to report crimes in a timely manner	Delivery of education materials via broad based media campaign and NSW Police POP UP Stands in CBD and local events	<Six months	Inkind	Actions identified in annual reports	Monitoring of crime occurrences reported by BOSCAR
Education campaign for residents to increase protective actions that can be taken to prevent theft of motor vehicle registration plates	Delivery of education materials via broad based media campaign and NSW Police POP UP Stands in CBD and local events	<Six months	Integrated into program above	Actions identified in annual reports	Monitoring of crime occurrences reported by BOSCAR
Supply information to businesses to reduce pay wave and credit card fraud	Dissemination of information to business operators	<Six months	Partner with local financial institutions	Actions identified in annual reports	Information provided by program partners
Partner with NSW Police in providing information to pharmacy operators to raise awareness of fraudulent medication activities	Delivery of education materials via broad based media campaign	<Six months	Inkind	Actions identified in annual reports	Monitoring of crime occurrences reported by BOSCAR
Conduct education sessions and provide information to senior's groups about risk of identity theft and scams	Delivery of education materials via broad based media campaign and NSW Police POP UP Stands in CBD and local events	<Six months	Inkind	Actions identified in annual reports	Information provided by program partners
Partner Education campaign for young people about the risks of online financial transactions and fraud	Delivery of education materials via broad based media campaign and NSW Police visits to schools	<Six months	Inkind	Actions identified in annual reports	Monitoring of crime occurrences reported by BOSCAR

BREAK AND ENTER DWELLING

ACTION	PERFORMANCE MEASURES	TIME FRAMES	FUNDING REQUIRED	MILESTONES	PERFORMAMCE INDICATORS
Partner with NSW Police in providing information to residents, commercial property owners/tenants and rural property landholders on access control measures to reduce the risk of break and enter offences	Delivery of education material and awareness campaigns on natural surveillance via NSW Police POP UP Stands in the CBD and local events	Ongoing	Inkind	Actions identified in annual reports	Monitoring of crime occurrences reported by BOSCAR
Crime Prevention Through Environmental Design (CPTED) appropriately designed and managed places attract legitimate users, provide natural surveillance and thereby increase the risk of offenders being challenged or caught.	Delivery of education materials via broad based media campaign on the benefits of Natural surveillance - encourages people who use the area to monitor activity as part of their daily life	Ongoing	Inkind/partner with community	Annual review	Group of motivated residents
Education campaign for residents to consider general upkeep of a property and appearance to deter potential offenders	Delivery of education materials via broad based media campaign	Ongoing	\$2000	Annual review	Monitoring of Council issued notices to property owners
Partner with NSW Police and Western Region Rural Crime Prevention Team on break and enter prevention measures and surveillance awareness	Delivery of education material and awareness campaigns on natural surveillance via NSW Police POP UP Stands in the CBD and local events	Ongoing	Inkind	Actions identified in annual reports	Monitoring of crime occurrences reported by BOSCAR

<p>Partner with NSW Police and Western Region Rural Crime Prevention Team to deliver educational campaigns on the necessity to report crimes in a timely manner</p>	<p>Delivery of education material and awareness campaigns on natural surveillance via NSW Police POP UP Stands in the CBD and local events</p>	<p>Ongoing</p>	<p>Inkind</p>	<p>Actions identified in annual reports</p>	<p>Monitoring of crime occurrences reported by BOSCAR</p>
<p>Identify HOTSPOTS and provide surveillance</p>	<p>Mobile CCTV Unit and enhanced CCTV capability across the CBD and access roads to Narromine</p>	<p>Ongoing</p>	<p>Inkind</p>	<p>Annual review</p>	<p>Consultation with NSW Police Monitoring of crime occurrences reported by BOSCAR</p>

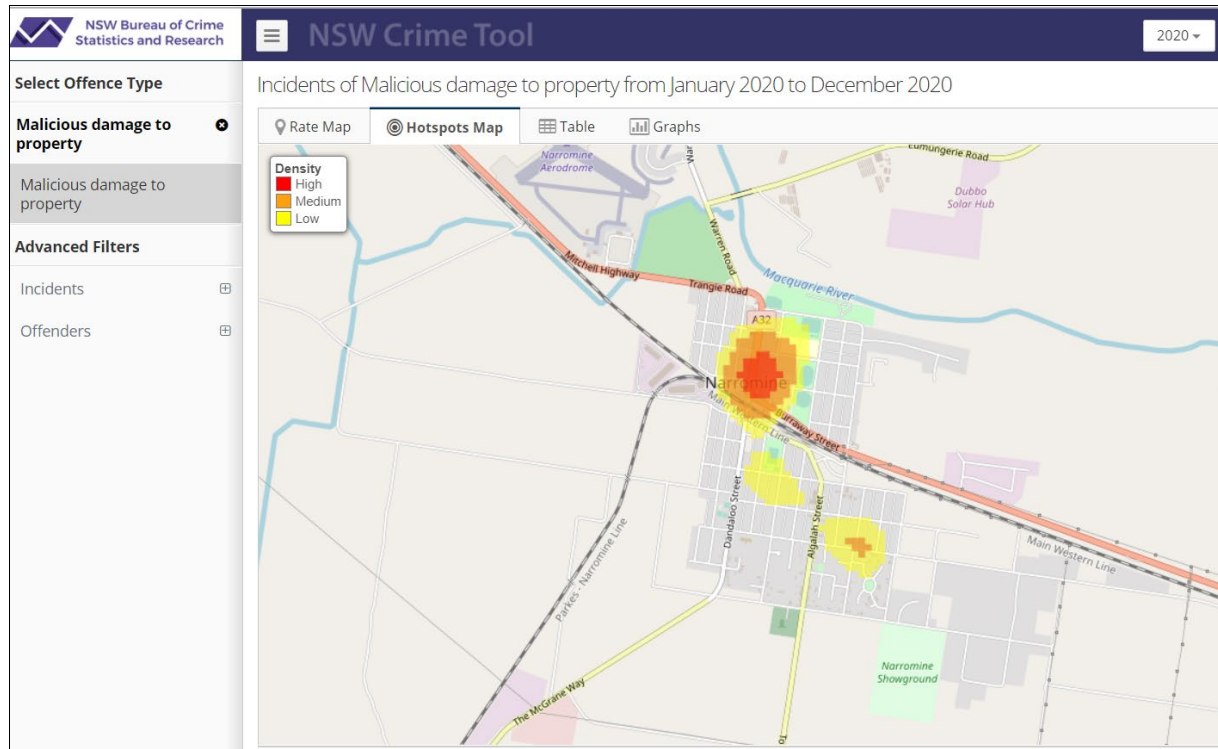
HOTSPOTS MAP BREAK AND ENTER



MALICIOUS DAMAGE

ACTION	PERFORMANCE MEASURES	TIME FRAMES	FUNDING REQUIRED	MILESTONES	PERFORMANCE INDICATORS
Reduce opportunity for malicious damage to occur by providing CPTED guidance for development applications to encourage design and materials used in developments are damage resistant, and management plans are in place for timely repair of damage	Maintain guidance information included in strategy	Ongoing	To be determined	Annual review	Review dates upheld for Crime Minimisation Strategy
Maintain rapid response to incidence of damage by continued allocation of adequate resources within Council for the rapid removal of graffiti and repair of other types of malicious damage on public property under the responsibility of Council	Continue to resource current timely response to the removal of graffiti and repair of vandalism on public property that Council is responsible to maintain.	Ongoing	To be determined	Actions identified in annual reports	Instances of removal of graffiti from property and infrastructure maintained by Council
Maintain and improve rapid response to incidence of damage through partnership with other government agencies and community-based programs for the timely removal of graffiti on public utilities, commercial and private properties.	Improve response times for repair of damage on public utilities, commercial and residential premises.	Ongoing	\$20,000	Annual review	Ongoing partnership with external groups for the removal of graffiti from sites other than that which Council is responsible to maintain
Identify HOTSPOTS and provide surveillance	Mobile CCTV Unit and enhanced CCTV capability across the CBD and access roads to Narromine	Ongoing	Inkind	Annual review	Consultation with NSW Police Monitoring of crime occurrences reported by BOSCAR

HOTSPOTS MAP MALICIOUS DAMAGE



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Noise Assessment

Motocross Track
Old Backwater Road
Narromine, NSW

Document Information

Noise Assessment

Motocross Track

Old Backwater Road, Narromine, NSW

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1 Introduction

Muller Acoustic Consulting Pty Ltd (MAC) has been commissioned by Mr Luke Harding to prepare a Noise Assessment (NA) to quantify emissions from the private motocross track (the 'project') at 151 Old Backwater Road, Narromine NSW.

The assessment has been undertaken in accordance with the following documents:

- NSW Environment Protection Authority (EPA), Noise Policy for Industry (NPI) 2017;
- Australian Standard AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures; and
- International Standard ISO 9613:1993 - Acoustics - Attenuation of sound during propagation outdoors.

A glossary of terms, definitions and abbreviations used in this report is provided in **Appendix A**.

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2 Project Description

2.1 Background

The motocross track is privately owned and will not be available for public use or hire, hence, track usage will be limited by the owner's discretion. Generally, the track will be used during the daytime period (7am – 6pm) for training and practice purposes for junior motocross riders.

2.1.1 Receiver Review

A review of residential receivers in proximity to the project has been completed and are summarised in **Table 1. Figure 1** provides a locality plan showing the position of these receivers in relation to the project.

Table 1 Receiver Locations				
Receiver	Description	Receiver Type	Coordinates (GDA94/MGA55)	
			Easting	Northing
R01	76 Wingfield Road	Rural Residential	615109	6432011
R02	96 Wingfield Road	Rural Residential	615004	6431839
R03	75 Wingfield Road	Rural Residential	615489	6431911
R04	57 Wingfield Road	Rural Residential	615510	6432087
R05	54 Wingfield Road	Rural Residential	615400	6432234
R06	44 Wingfield Road	Rural Residential	615590	6432204
R07	37 Wingfield Road	Rural Residential	615648	6432118
R08	16 Wingfield Road	Rural Residential	615599	6432379
R09	127 Old Backwater Road	Rural Residential	615528	6432436
R10	127 Old Backwater Road	Rural Residential	615574	6432430
R11	87 Old Backwater Road	Rural Residential	615791	6432417
R12	203 Old Backwater Road	Rural Residential	614619	6432572
R13	182 Old Backwater Road	Rural Residential	614863	6432768
R14	190 Old Backwater Road	Rural Residential	614794	6432736
R15	200 Old Backwater Road	Rural Residential	614638	6432795
R16	212 Old Backwater Road	Rural Residential	614527	6432757
R17	244 Old Backwater Road	Rural Residential	614211	6432805
R18	283 Old Backwater Road	Rural Residential	614330	6432950
R19	265 Old Backwater Road	Rural Residential	614005	6432640
PR01 ¹	151 Old Backwater Road	Rural Residential	615108	6432389
PR02 ¹	149 Old Backwater Road	Rural Residential	615161	6432210

Note 1: Project related receiver.



FIGURE 1
PROJECT LAYOUT
MAC211352-01
Narromine Motocross Track

KEY

- Receivers
- Track



3 Noise Policy and Guidelines

3.1 Noise Guide for Local Government

The NSW EPA Noise Guide for Local Government (NGLG) provides practical guidance for local council officers in the day-to-day management of local noise problems and in the interpretation of existing policy and legislation. The aim of the NGLG is to help councils assess, manage and regulate noise issues. The NGLG is advisory in nature, and council officers are encouraged to use it to develop council procedures or policy to deal with noise issues relevant to local circumstances.

Part 2 of the NGLG outlines the noise assessment process, being an examination of the nature and characteristics of a noise and can involve verifying aural factors such as:

- the location of the noise source;
- its audibility at certain locations;
- the time the noise is made and its duration;
- its characteristics; and
- the reported effect it has on people.

This part of the NGLG discusses how an authorised person can judge whether a noise is audible, excessively long in duration, or offensive, as defined by the legislation. It also outlines the techniques for measuring noise where this is desirable or necessary to support decision-making.

3.1.1 Noise Goals for Planning

The NGLG is underpinned by the NSW Noise Policy for Industry (NPI, 2017). There are two criteria to consider when establishing noise assessment criteria/goals which the NPI defines as Project Noise Trigger Levels (PNTLs). These criteria are:

- the project intrusiveness noise level, which is based on the background noise level plus 5dB and seeks to limit the degree of change a new noise source introduces to an existing environment; and
- the project amenity noise level, is relevant to a specific land use or locality to limit continuing increases in intrusiveness levels. The ambient noise level within an area from all combined industrial sources should remain below the recommended amenity noise levels specified in Table 2.2 (of the NPI).

3.2 Noise Policy for Industry

The EPA released the Noise Policy for Industry (NPI) in October 2017 which provides a process for establishing noise criteria for consents and licenses enabling the EPA to regulate noise emissions from scheduled premises under the Protection of the Environment Operations Act 1997.

The objectives of the NPI are to:

- provide noise criteria that is used to assess the change in both short term and long-term noise levels;
- provide a clear and consistent framework for assessing environmental noise impacts from industrial premises and industrial development proposals;
- promote the use of best-practice noise mitigation measures that are feasible and reasonable where potential impacts have been identified; and
- support a process to guide the determination of achievable noise limits for planning approvals and/or licences, considering the matters that must be considered under the relevant legislation (such as the economic and social benefits and impacts of industrial development).

The policy sets out a process for industrial noise management involving the following key steps:

1. Determine the Project Noise Trigger Levels (PNTLs) (ie criteria) for a development. These are the levels (criteria), above which noise management measures are required to be considered. They are derived by considering two factors: shorter-term intrusiveness due to changes in the noise environment; and maintaining the noise amenity of an area.
2. Predict or measure the noise levels produced by the development with regard to the presence of annoying noise characteristics and meteorological effects such as temperature inversions and wind.
3. Compare the predicted or measured noise level with the PNTL, assessing impacts and the need for noise mitigation and management measures.
4. Consider residual noise impacts - that is, where noise levels exceed the PNTLs after the application of feasible and reasonable noise mitigation measures. This may involve balancing economic, social and environmental costs and benefits from the proposed development against the noise impacts, including consultation with the affected community where impacts are expected to be significant.
5. Set statutory compliance levels that reflect the best achievable and agreed noise limits for the development.
6. Monitor and report environmental noise levels from the development.

3.2.1 Project Noise Trigger Levels (PNTL)

The policy sets out the procedure to determine the PNTLs relevant to an industrial development. The PNTL is the lower (ie, the more stringent) of the **Project Intrusiveness Noise Level (PINL)** and **Project Amenity Noise Level (PANL)** determined in accordance with Section 2.3 and Section 2.4 of the NPI.

3.2.2 Rating Background Level (RBL)

The Rating Background Level (RBL) is a determined parameter from noise monitoring and is used for assessment purposes. As per the NPI, the RBL is an overall single figure background level representing each assessment period (day, evening and night) over the noise monitoring period.

3.2.3 Project Intrusiveness Noise Level (PINL)

The PINL (LAeq(15min)) is the RBL + 5dB and seeks to limit the degree of change a new noise source introduces to an existing environment. Hence, when assessing intrusiveness, background noise levels need to be measured.

3.2.4 Project Amenity Noise Level (PANL)

The PANL is relevant to a specific land use or locality. To limit continuing increases in intrusiveness levels, the ambient noise level within an area from all combined industrial sources should remain below the recommended amenity noise levels specified in Table 2.2 (of the NPI). The NPI defines two categories of amenity noise levels:

- **Amenity Noise Levels (ANL)** – are determined considering all current and future industrial noise within a receiver area; and
- **Project Amenity Noise Level (PANL)** – is the recommended level for a receiver area, specifically focusing the project being assessed.

Additionally, Section 2.4 of the NPI states: “to ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows”:

PANL for new industrial developments = recommended **ANL** minus 5dBA.

The following exceptions apply when deriving the PANL:

Attachment A

- areas with high traffic noise levels;
- proposed developments in major industrial clusters;
- existing industrial noise and cumulative industrial noise effects; and
- greenfield sites.

The recommended amenity noise levels as per Table 2.2 of the NPI are reproduced in **Table 2**.

Table 2 Amenity Criteria			
Receiver Type	Noise Amenity Area	Time of day	Recommended amenity noise level dB LAeq(period)
Residential	Rural	Day	50
		Evening	45
		Night	40
	Suburban	Day	55
		Evening	45
		Night	40
	Urban	Day	60
		Evening	50
		Night	45
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks.	See column 4	See column 4	5dB above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day
School Classroom	All	Noisiest 1-hour period when in use	35 (internal) 45 (external)
Hospital ward			
- internal	All	Noisiest 1-hour	35
- external	All	Noisiest 1-hour	50
Place of worship			
- internal	All	When in use	40
Passive Recreation	All	When in use	50
Active Recreation	All	When in use	55
Commercial premises	All	When in use	65
Industrial	All	When in use	70

Notes: The recommended amenity noise levels refer only to noise from industrial noise sources. However, they refer to noise from all such sources at the receiver location, and not only noise due to a specific project under consideration. The levels represent outdoor levels except where otherwise stated.

Types of receivers are defined as rural residential; suburban residential; urban residential; industrial interface; commercial; industrial – see Table 2.3 and Section 2.7 of the NPI.

Note: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

4 Assessment Criteria

4.1 Background Noise levels

The assessment has adopted the minimum assumed Rating Background Noise Levels (RBLs) outlined in Section 2.3 of the Noise Policy for Industry (NPI, 2017) and are reproduced in **Table 3**.

Table 3 Default RBLs	
Period ¹	Adopted RBL, dB LA90
Day	35

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

4.2 Operational Noise Criteria

4.2.1 Intrusiveness Noise Levels

The PINL for the project are presented in **Table 4** and have been determined based on the RBL +5dBA and only apply to residential receivers.

Table 4 Project Intrusiveness Noise Levels				
Location	Receiver Type	Period ¹	Adopted RBL dB LA90	PINL dB LAeq(15min)
All Receivers	Residential	Day	35	40

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

4.2.2 Amenity Noise Levels and Project Amenity Noise Levels

The PANL for residential receivers and other receiver types (ie non-residential) potentially affected by the project are presented in **Table 5**.

Table 5 Amenity Noise Levels and Project Amenity Noise Levels					
Receiver Type	Noise Amenity Area	Assessment Period ¹	NPI Recommended ANL dB LAeq(period)	ANL dB LAeq(period) ²	PANL dB LAeq(15min) ³
Residential	Rural	Day	50	50	53

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

Note 2: Project Amenity Noise Level equals the Amenity Noise Level as there is no other industry in the area.

Note 3: Includes a +3dB adjustment to the amenity period level to convert to a 15-minute assessment period as per Section 2.2 of the NPI.

4.2.3 Project Noise Trigger Levels

The PNTL are the lower of either the PINL or the PANL. **Table 6** presents the derivation of the PNTLs in accordance with the methodologies outlined in the NPI.

Table 6 Project Noise Trigger Levels					
Receiver Type	Noise Amenity Area	Assessment Period ¹	PINL dB LAeq(15min)	PANL dB LAeq(15min)	PNTL dB LAeq(15min)
Residential	Rural	Day	40	48	40

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

4.3 Criteria Discussion

Generally, for a commercial or industrial project being assessed in accordance with the methods and guidelines in the NPI, the PNTLs presented in **Table 6** are adopted. However, the intent of the NPI is to provide a method for assessing noise emissions from industrial noise sources and underpins the NGLG. Therefore, considering the type of project, setting and application of the NPI and NGLG, adopting the (NPI) recommended amenity noise levels as noise goals for this project is considered appropriate as it aims to protect the acoustic amenity of surrounding receivers over the course of a typical day.

5 Modelling Methodology

A computer model was developed to quantify project noise emissions to neighbouring receivers using DGMR (iNoise, Version 2021) noise modelling software. iNoise is an intuitive and quality assured software for industrial noise calculations in the environment. 3D noise modelling is considered industry best practice for assessing noise emissions from projects.

The model incorporated a three-dimensional digital terrain map giving all relevant topographic information used in the modelling process. Additionally, the model uses relevant noise source data, ground type, attenuation from barrier or buildings and atmospheric information to predict noise levels at the nearest potentially affected receivers. Where relevant, modifying factors in accordance with Fact Sheet C of the NPI have been applied to calculations.

The model calculation method used to predict noise levels was in accordance with ISO 9613-1 'Acoustics - Attenuation of sound during propagation outdoors. Part 1: Calculation of the absorption of sound by the atmosphere' and ISO 9613-2 'Acoustics - Attenuation of sound during propagation outdoors. Part 2: General method of calculation' including corrections for meteorological conditions using CONCAWE¹. The ISO 9613 standard from 1996 is the most used noise prediction method worldwide. Many countries refer to ISO 9613 in their noise legislation. However, the ISO 9613 standard does not contain guidelines for quality assured software implementation, which leads to differences between applications in calculated results. In 2015 this changed with the release of ISO/TR 17534-3. This quality standard gives clear recommendations for interpreting the ISO 9613 method. iNoise fully supports these recommendations. The models and results for the 19 test cases are included in the software.

5.1 Assessment Scenarios

Typically, there would be up to three small motorcycles (ie mini bikes, 50cc to 80cc) in use on the track for periods of up to an hour at a time, with rest breaks, training and meal breaks between riding sessions. Occasionally, up to two motorcycles (125cc to 600cc) may use the track for short practice sessions. Therefore, the following scenarios have been assessed:

1. Three mini bikes circulating around the track at an average speed of 50km/h; and
2. Two motorcycles circulating around the track at an average speed of 60km/h.

¹ Report no. 4/18, "the propagation of noise from petroleum and petrochemical complexes to neighbouring communities", Prepared by C.J. Manning, M.Sc., M.I.O.A. Acoustic Technology Limited (Ref.AT 931), CONCAWE, Den Haag May 1981

5.2 Sound Power Levels

Due to the large range of Sound Power Levels (SWL) from track motorcycles, MAC completed measurements of the motorcycles proposed to be used to calculate motorcycle noise emissions, which provides for a robust assessment.

Table 7 presents the measured sound pressure level (SPL) and the calculated SWL for each noise motorcycle type modelled in this assessment.

Table 7 Acoustically Significant Sources			
Item	Sound Pressure Level ¹	Sound Power Level ²	Source Height ³
	dB LAeq,t at 3m	dB LAeq(15min)	
50cc Motorcycle	90	107	0.5m
65cc Motorcycle	90	107	0.5m
80cc Motorcycle	88	106	0.5m
450cc Motorcycle	90	108	0.8m
Scenario1 3 x small Motorcycle	--	111	0.5m
Scenario 2 2 x 450cc Motorcycle	--	111	0.8m

Note 1: SPL re 20×10^{-9} Pa.

Note 2: SWL re 10^{-12} Watts.

Note 3: Height above ground.

6 Noise Assessment Results

6.1 Operational Noise Assessment

Whilst the track may be in use for periods of up to an hour with breaks between riding sessions during a whole day, the track may only be in use for up to six hours over the 11 hour daytime period (7am to 6pm). Therefore, the resulting daytime average noise level (LAeq(period)) would be approximately 3dB lower than the short term predicted levels.

Noise modelling results expressed as short term LAeq(15min) noise levels and time adjusted LAeq(period) noise levels at surrounding residential receivers are presented in **Table 8**. The short term LAeq(15min) noise levels represent the average noise level over a 15 minute period while the motorcycles are in use; whereas the time adjusted LAeq(period) is the average noise level over an 11 hour daytime period including the time the motorcycles are in use and break time between riding sessions. LAeq(15min) noise levels are presented as noise contours in **Figure 2** and **Figure 3**.

Table 8 Noise Predictions – All Receivers (Daytime)¹

Receiver ID	Predicted Noise Level		Predicted Noise Level		PNTL dB LAeq(15min)	PANL dB LAeq(11hour)
	dB LAeq(15min)		dB LAeq(period) ¹			
	Sc1	Sc2	Sc1	Sc2		
R01	44	39	41	36	40	53
R02	41	35	38	32	40	53
R03	39	34	36	31	40	53
R04	41	36	38	33	40	53
R05	46	40	43	37	40	53
R06	41	36	38	33	40	53
R07	39	34	36	31	40	53
R08	42	37	39	34	40	53
R09	44	39	41	36	40	53
R10	43	38	40	35	40	53
R11	39	34	36	31	40	53
R12	47	42	44	39	40	53
R13	50	45	47	42	40	53
R14	50	45	47	42	40	53
R15	45	40	42	37	40	53
R16	43	38	40	35	40	53
R17	37	32	34	<30	40	53
R18	38	33	35	30	40	53
R19	35	30	32	<30	40	53

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

Attachment A

Predicted noise levels from three mini bikes operating, range up to 50dB LAeq(15min), are expected to exceed the minimum applicable daytime PNTL of 40dB LAeq(15min) at several identified residential receivers.

Predicted noise levels from two large motorcycles operating, range up to 45dB LAeq(15min), are expected to exceed the minimum applicable daytime PNTL of 40dB LAeq(15min) at three identified residential receivers.

It is noted that the predicted LAeq(period) noise levels are expected to marginally satisfy the daytime Amenity Noise Level of 50dB LAeq(period) at all identified residential receivers.

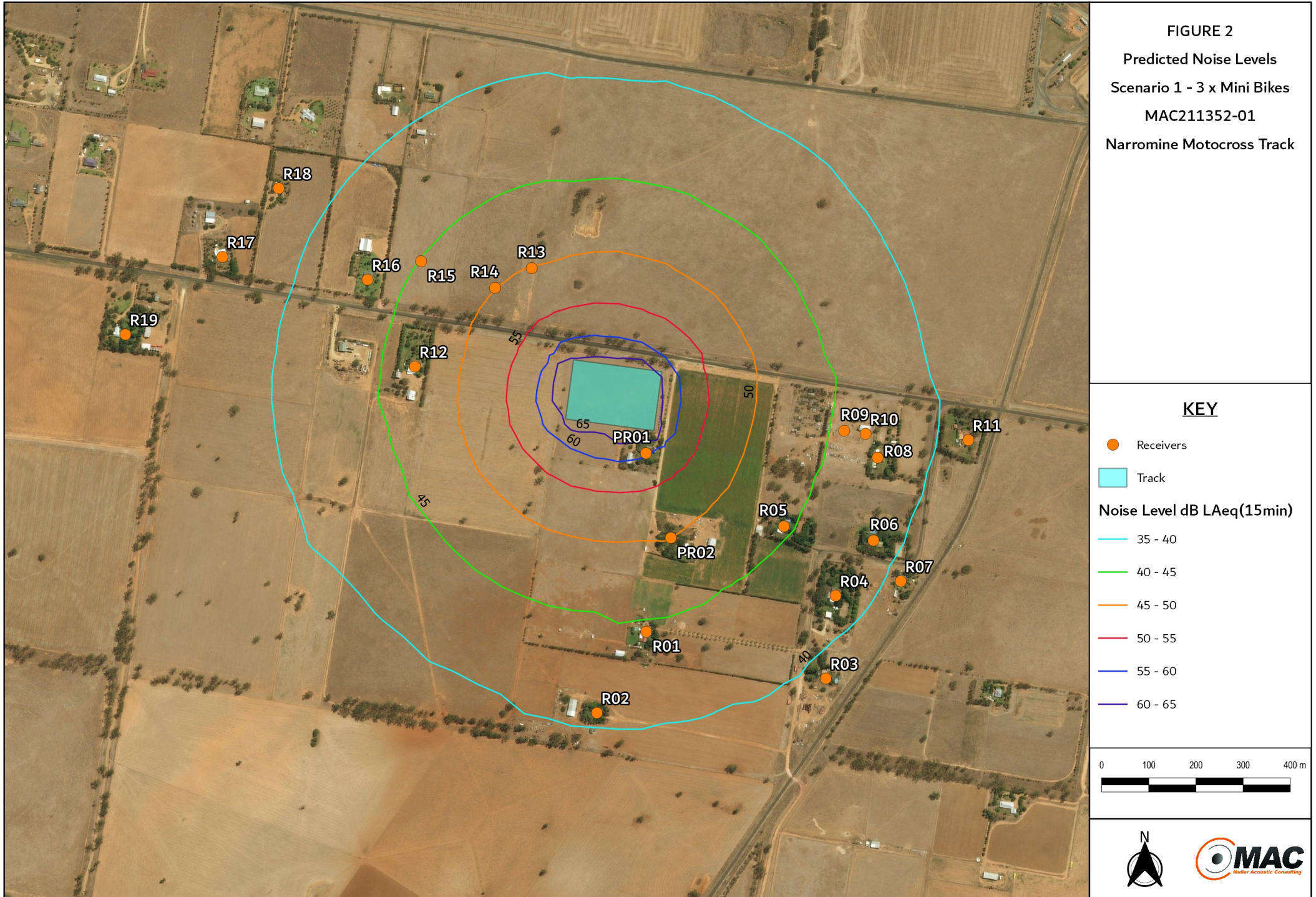




FIGURE 3
Predicted Noise Levels
Scenario 2 - 2 x Motorcycles
MAC211352-01
Narromine Motocross Track

KEY

- Receivers
- Track

Noise Level dB LAeq(15min)

- 35 - 40
- 40 - 45
- 45 - 50
- 50 - 55
- 55 - 60
- 60 - 65

0 100 200 300 400 m

7 Discussion and Conclusion

Muller Acoustic Consulting Pty Ltd (MAC) has completed a Noise Assessment to quantify emissions from the private motocross track (the 'track') at 151 Old Backwater Road, Narromine NSW.

Using direct measurement of the motorcycles proposed to be used on the track, sound power levels were calculated and noise emissions at the nearest receiver locations were predicated using a three dimensional noise model.

The results of the Noise Assessment show that typical noise emissions have potential to exceed the most stringent intrusiveness noise criteria over a 15 minute period, although with sufficient respite periods, noise levels would not exceed the recommended amenity levels over the course of a whole daytime period.

Based on the Noise Assessment results, with implementation of the operational restrictions outlined in this report, conditional approval of the motocross track is recommended based on assessment against the amenity noise level criteria.

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Appendix A – Glossary of Terms

Attachment A

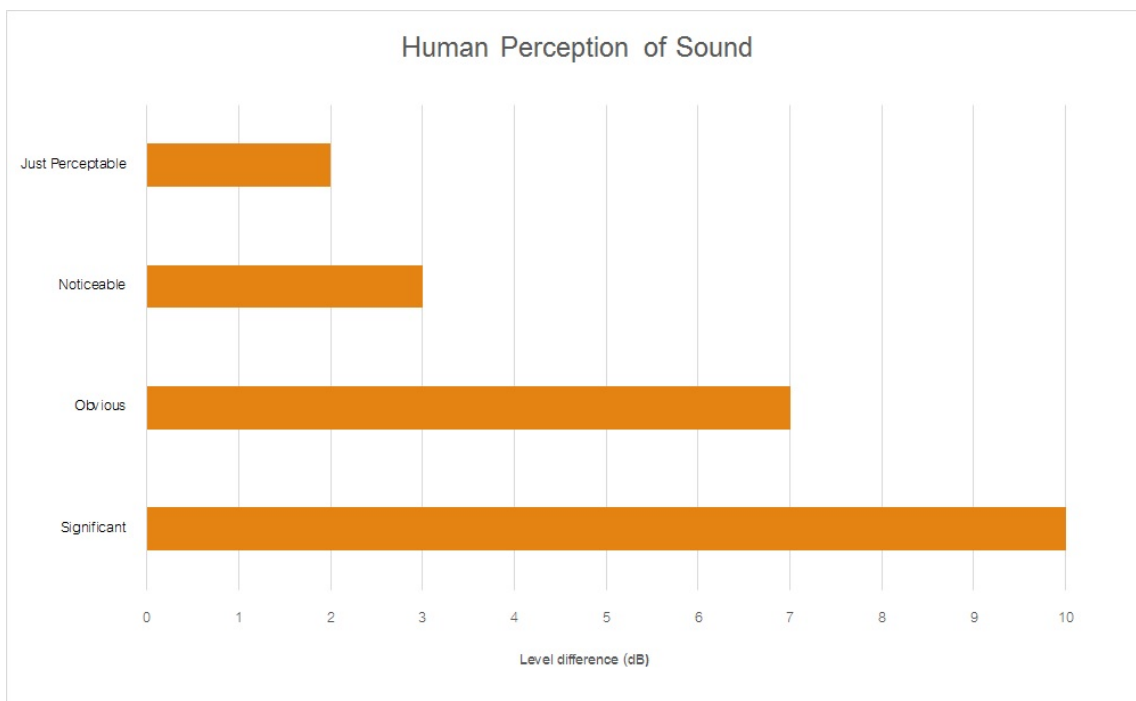
A number of technical terms have been used in this report and are explained in **Table A1**.

Table A1 Glossary of Acoustical Terms	
Term	Description
1/3 Octave	Single octave bands divided into three parts
Octave	A division of the frequency range into bands, the upper frequency limit of each band being twice the lower frequency limit.
ABL	Assessment Background Level (ABL) is defined in the NPI as a single figure background level for each assessment period (day, evening and night). It is the tenth percentile of the measured L90 statistical noise levels.
Ambient Noise	The total noise associated with a given environment. Typically, a composite of sounds from all sources located both near and far where no particular sound is dominant.
A Weighting	A standard weighting of the audible frequencies designed to reflect the response of the human ear to sound.
Background Noise	The underlying level of noise present in the ambient noise, excluding the noise source under investigation, when extraneous noise is removed. This is usually represented by the LA90 descriptor
dBA	Noise is measured in units called decibels (dB). There are several scales for describing noise, the most common being the 'A-weighted' scale. This attempts to closely approximate the frequency response of the human ear.
dB(Z), dB(L)	Decibels Z-weighted or decibels Linear (unweighted).
Extraneous Noise	Sound resulting from activities that are not typical of the area.
Hertz (Hz)	The measure of frequency of sound wave oscillations per second - 1 oscillation per second equals 1 hertz.
LA10	A sound level which is exceeded 10% of the time.
LA90	Commonly referred to as the background noise, this is the level exceeded 90% of the time.
LAeq	Represents the average noise energy or equivalent sound pressure level over a given period.
LAmx	The maximum sound pressure level received at the microphone during a measuring interval.
Masking	The phenomenon of one sound interfering with the perception of another sound. For example, the interference of traffic noise with use of a public telephone on a busy street.
RBL	The Rating Background Level (RBL) as defined in the NPI, is an overall single figure representing the background level for each assessment period over the whole monitoring period. The RBL, as defined is the median of ABL values over the whole monitoring period.
Sound power level (Lw or SWL)	This is a measure of the total power radiated by a source in the form of sound and is given by $10 \cdot \log_{10} (W/W_0)$. Where W is the sound power in watts to the reference level of 10^{-12} watts.
Sound pressure level (Lp or SPL)	the level of sound pressure; as measured at a distance by a standard sound level meter. This differs from Lw in that it is the sound level at a receiver position as opposed to the sound 'intensity' of the source.

Table A2 provides a list of common noise sources and their typical sound level.

Table A2 Common Noise Sources and Their Typical Sound Pressure Levels (SPL), dBA	
Source	Typical Sound Pressure Level
Threshold of pain	140
Jet engine	130
Hydraulic hammer	120
Chainsaw	110
Industrial workshop	100
Lawn-mower (operator position)	90
Heavy traffic (footpath)	80
Elevated speech	70
Typical conversation	60
Ambient suburban environment	40
Ambient rural environment	30
Bedroom (night with windows closed)	20
Threshold of hearing	0

Figure A1 – Human Perception of Sound



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Reports to Council - Community and Economic Development

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Project No: 212105R

**Peer Review of Noise Assessment
Proposed Motocross Track
151 Old Blackwater Road,
Narromine, NSW**

Prepared for:

Narromine Shire Council
P.O. Box 115
Narromine NSW 2821

Author:

Review:

A handwritten signature in black ink that reads "Ross Hodge".

Ross Hodge
B.Sc.(Hons)
Principal / Director

May 2021

CONTENTS

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1.0 – INTRODUCTION

Spectrum Acoustics Pty Ltd (Spectrum) has been commissioned by Narromine Shire Council (NSC) to conduct a peer review of the Noise Assessment (NA) prepared for the proposed motocross track at 151 Old Blackwater Road, Narromine, NSW.

Broadly the objectives of the review were to;

- Review the methodology, techniques and results of the NA,
- Provide opinions and recommendations as to the adequacy of the NA, and
- Comment on the predicted noise levels any potent adverse impacts of residual noise.

The report has been prepared with reference to the document “*Noise Assessment Motocross Track Old Blackwater Road, Narromine NSW*”, by Muller Acoustic Consulting dated May 2021, report reference is MAC211352-01RP1 which will herein be referred to as (MAC).

2.0 – REVIEW OF MAC

2.1 Setting of Noise Goals

MAC applied procedures in the Noise Policy for Industry (NPfI) to determine project noise trigger levels (PNTLs) for the operation of the track.

Due to the nature of the proposed operations at the site and, in the absence of any specific noise impact procedures relating to motocross tracks, the NPfI is considered to provide the most appropriate procedure for the assessment of the proposal.

The NPfI requires that both Amenity and Intrusiveness criteria be considered in setting PNTLs for a project. This is as detailed in MAC, as shown, below, in extract from that document.

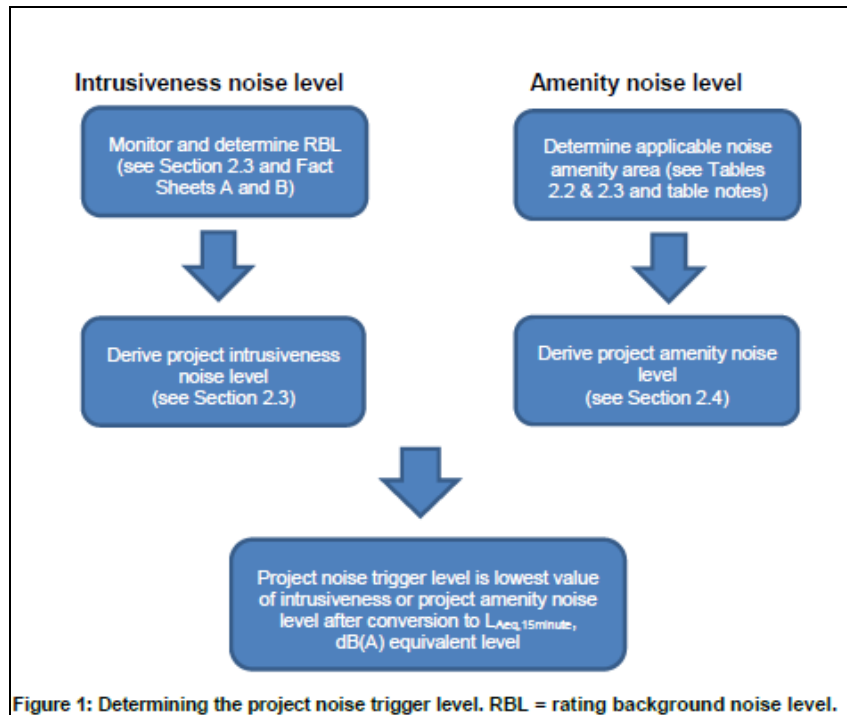
3.1.1 Noise Goals for Planning

The NGLG is underpinned by the NSW Noise Policy for Industry (NPI, 2017). There are two criteria to consider when establishing noise assessment criteria/goals which the NPI defines as Project Noise Trigger Levels (PNTLs). These criteria are:

- the project intrusiveness noise level, which is based on the background noise level plus 5dB and seeks to limit the degree of change a new noise source introduces to an existing environment; and
- the project amenity noise level, is relevant to a specific land use or locality to limit continuing increases in intrusiveness levels. The ambient noise level within an area from all combined industrial sources should remain below the recommended amenity noise levels specified in Table 2.2 (of the NPI).

Section 2.1 of the NPfI details the procedure for setting the PNTL for a project as shown in the flow chart, Figure 1 in extract below. The following note is made in the text before the chart;

“Typically, the intrusiveness level will inform the project noise trigger level in areas with little industry (and/or ambient noise levels), whereas the amenity level will inform the project noise trigger level in areas with higher existing background noise levels.”



The flow chart shows that the PNTL is the lower of the Intrusiveness or Amenity Criteria for the assessment period (i.e. day, evening or night).

Table 6 in MAC does show the correct PNTL based on the Intrusiveness Criterion as being **40 dB(A) Leq (15 min)**. MAC, however, then goes on to do the assessment of potential noise impacts against the much less stringent Amenity Criterion.

It is Spectrum's opinion that this is in error and that all noise emissions from the motocross track should be assessed against the Intrusiveness Criterion.

MAC details that the track may be used during the day time period, between 7am and 6pm, for training and practice purposes. MAC also details that the track may be used for periods of up to 1 hour at a time and for several such periods, totaling up to 6 hours during any day.

Spectrum would consider that the noise from motorbikes for up to 6 hours per day, introduced into an area where there is currently no such noise, or any other significant existing industrial noise, would be readily identified as being "Intrusive".

Notwithstanding the discussion above, it is noted that MAC has also incorrectly determined the Amenity Criterion for the project.

As per the NPfI, this should be calculated as, the recommended Amenity Noise Level (ANL), for the classification, minus 5 dB(A). For a Rural area this is $50 - 5 = 45\text{dB(A)}$ Leq (11 hour).

Table 8 in MAC has incorrectly calculated the Project Amenity Noise Level (PANL) for the current project as being 53 dB(A) Leq (15 min), when it should be 45 dB(A) Leq (11 hour) for a Rural area during the day. That being the ANL – 5 dB(A).

If the PANL is to be compared to a 15 minute noise level, there is then a 3dB (A) correction applied to convert the criterion to a 15 minute Leq (to equate to the 15 minute Intrusiveness Criterion).

MAC Section 6 discusses noise levels averaged over an 11 hour period and Table 8 shows the predicted noise levels over such a period.

This is all a bit confusing but the upshot is that discussions relating to amenity criteria are irrelevant and the predicted noise levels should be compared to a the PNTL of 40 dB(A) Leq (15 min).

When this is done, the results show that the predicted noise levels will exceed the PNTL at 13 receivers and that the exceedance will range between 1 and 10 dB(A) Leq (15 min).

The potential impacts of residual noise impacts such as this is discussed in Section 4 of the NPfI and the relevant sections of Table 4.1 of the NPfI are shown below:

Table 4.1: Significance of residual noise impacts.

If the predicted noise level minus the project noise trigger level is:	And the total cumulative industrial noise level is:	Then the significance of residual noise level is:
≤ 2 dB(A)	Not applicable	Negligible
≥ 3 but ≤ 5 dB(A)	< recommended amenity noise level or > recommended amenity noise level, but the increase in total cumulative industrial noise level resulting from the development is less than or equal to 1dB	Marginal
≥ 3 but ≤ 5 dB(A)	> recommended amenity noise level and the increase in total cumulative industrial noise level resulting from the development is more than 1 dB	Moderate
> 5 dB(A)	≤ recommended amenity noise level	Moderate

Interpreting this table on the basis of the results presented in Table 8 in MAC there Receivers;

- R02, R04, R06 and R08 where the significance of the residual noise (as modelled) would be considered “Negligible”,
- R01, R09, R10, R15 and R16 where the significance of the residual noise (as modelled) would be considered “Marginal”, and
- R05, R13, R14 and R15 where the significance of the residual noise (as modelled) would be considered “Moderate”.

The NPfI details examples of noise mitigation at a residence that **may** be required by planning authorities to mitigate residual noise impacts as shown, below, in the relevant sections from Table 4.2.

Table 4.2: Examples of receiver-based treatments to mitigate residual noise impacts.

Significance of residual noise level	Example of potential treatment
Negligible	The exceedances would not be discernible by the average listener and therefore would not warrant receiver-based treatments or controls.
Marginal	Provide mechanical ventilation/comfort condition systems to enable windows to be closed without compromising internal air quality/amenity.
Moderate	As for ‘marginal’, but also upgraded façade elements, such as windows, doors or roof insulation, to further increase the ability of the building façade to reduce noise levels.

2.2 Methodology

The approach outlined in MAC was to model noise emissions from the proposed track using DGMR noise modelling software. This approach is consistent with standard procedures for such an assessment.

The critical inputs in any noise model, however, are the level and spectrum of the noise source(s), the location of the sources (height above ground, position relative to barriers etc.), ground type, topography and atmospheric conditions.

MAC details two assessment scenarios (one with 3 x mini bikes at 50 kph and one with 2 x motorbikes at 60 kph). There is detail provided on sound power levels for these but it is unclear from MAC as to the locations of the noise sources, the heights of the sources above ground level and the atmospheric conditions used for the modelling.

Topographical information for the surrounding areas has been obtained from maps of the site, which is considered valid.

The NPfI stipulates that noise modelling must be carried out for prevailing atmospheric conditions. This includes winds up to 3m/s that occur for over 30% of the time from any direction. To determine the occurrence of prevailing winds a vector analysis of winds should be carried out for the time of operation of the proposed facility (nominally day time).

MAC does not present any results or details of such an analysis, nor is there adequate justification for this. Under such circumstances, in the absence of an analysis of winds, Fact Sheet D of the NPfI allows for “a conservative approach that considers source-to-receiver wind vectors for all receivers.”

Source to receiver winds are noise enhancing and, therefore, as the noise levels are predicted to exceed the PNTL at 13 receivers under neutral atmospheric conditions, the addition of such a wind into the noise model would increase the received noise, and the increase could be significant.

The results of the noise modelling are based on the assessed noise scenarios. Changes to the operation of the site that lead to increases in the number of mini bikes, or motorbikes using the track at the same time, would, most likely, result in increases in received noise.

On the basis of the detailed information in MAC Section 5 it is not possible to verify the results of the modelling. In particular the number, location and height of noise source(s) in relation to the topography of the track are not identified and there is no consideration of winds.

It is noted that MAC initially presented modelled noise levels for Scenario 2, which were later corrected down by 5dB(A) on the basis of an “error when transposing items in the model”.

3.0 – SUMMARY AND CONCLUSION

In summary, it is the opinion of Spectrum that MAC has used the wrong noise criterion to determine potential noise impacts and that this has understated the residual noise impacts at many residential receivers.

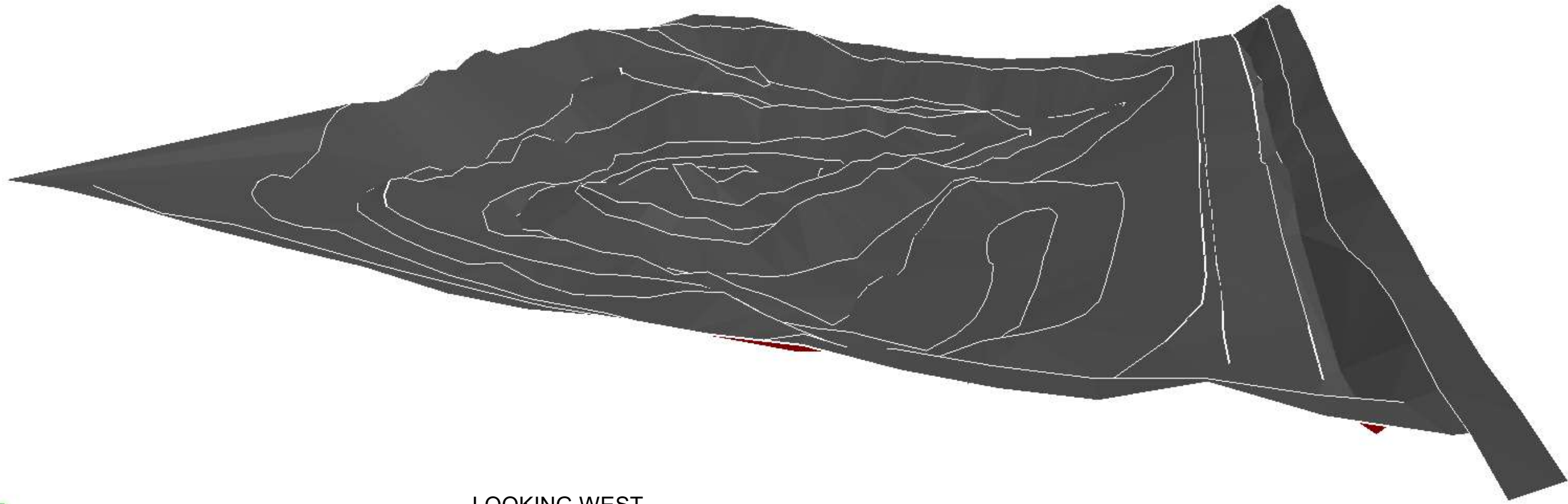
Spectrum also considers that there are other points in relation to the assessment of potential noise impacts that require either clarification or additional calculation/modelling. These relate to;

- The number of noise sources used in the modelling, the sound power level for each noise source and the location/height used for each noise source relative to the topography of the track at that location,
- The methodology used for the determination of the relative sound power level. This includes consideration of the speed the motorbikes are moving any variations in noise level due to location of the noise source on the track (e.g. on straight sections, corners or jumps),
- A requirement to assess the effect of winds in the modelling or justify why this is not necessary,
- An appraisal of possible noise controls or noise management techniques or options that may be employed to minimise the potential noise impacts.

In conclusion, this review has shown that MAC assessed predicted received noise levels against the incorrect noise criterion and, therefore, failed to identify the potential residual noise impacts that would be considered negligible to moderate.

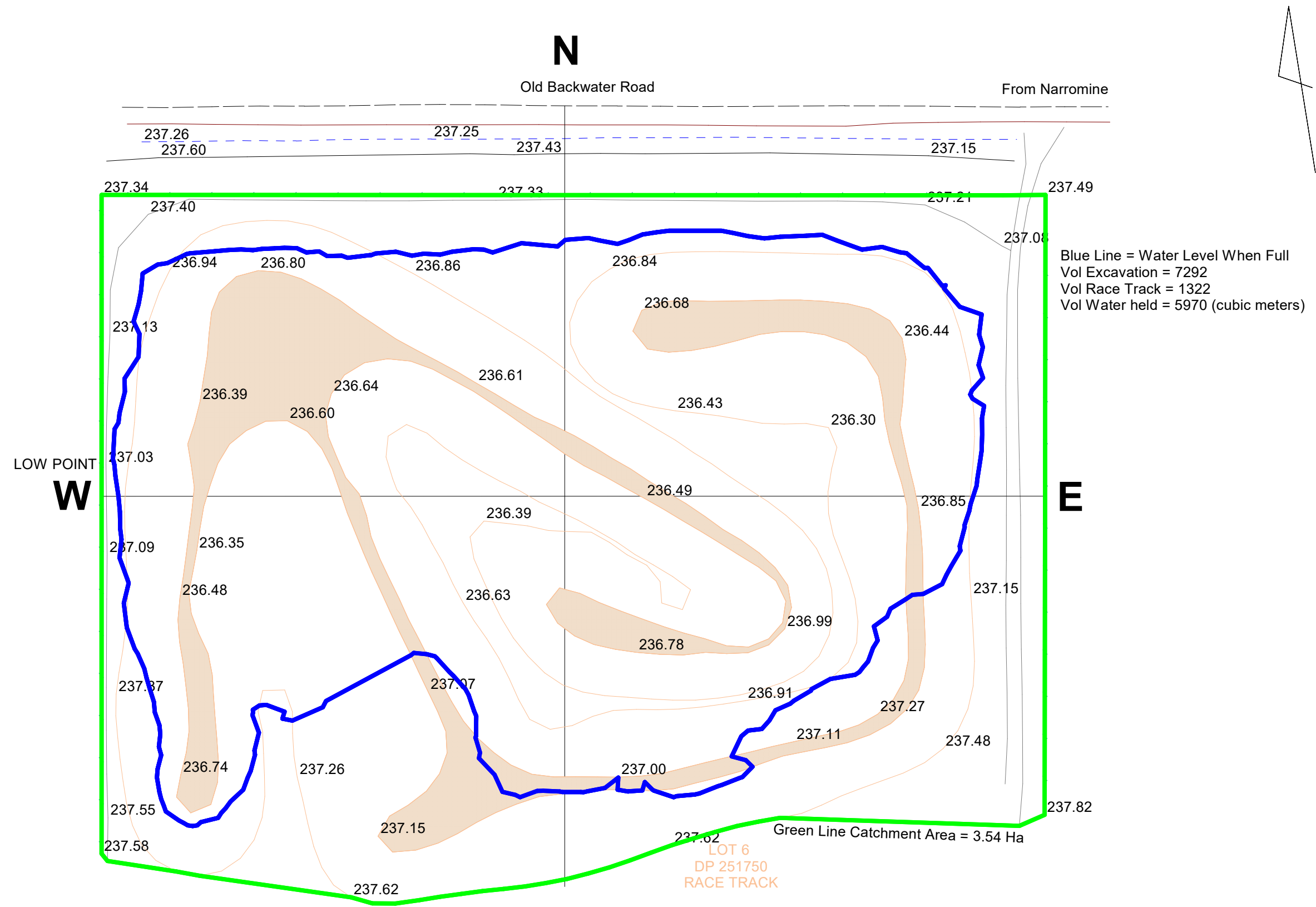
There is insufficient information provided in MAC to afford a valid evaluation of the accuracy of the noise modelling results that were presented.

[Back to Report](#)



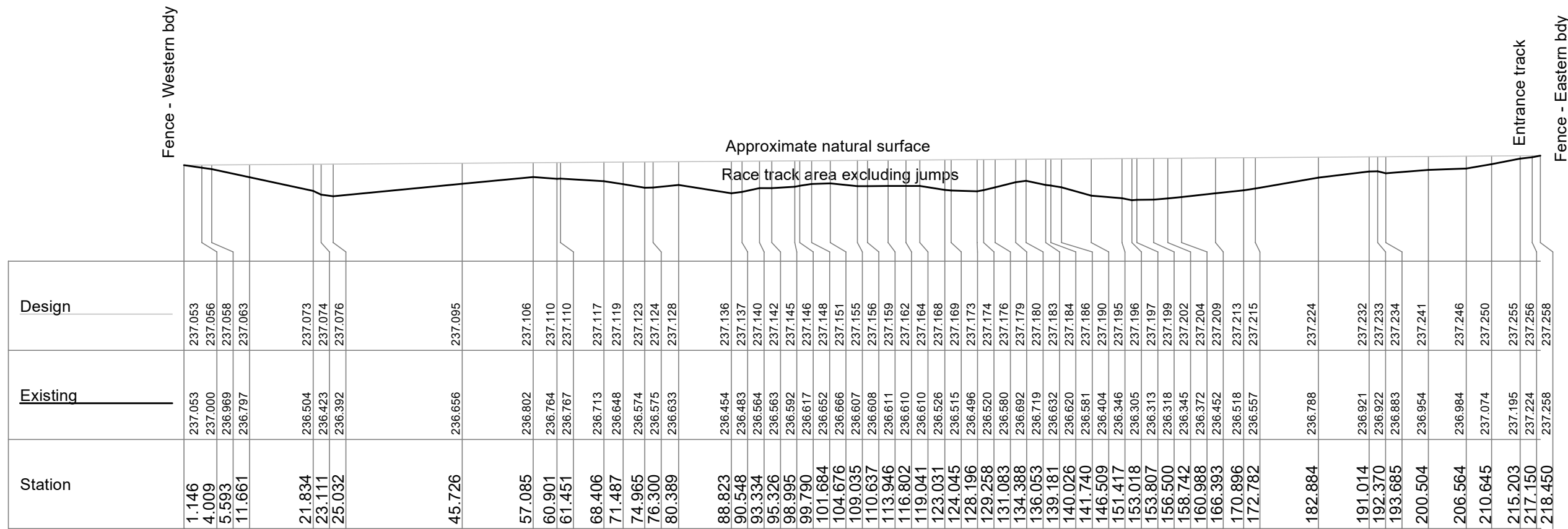
LOOKING WEST
 Note: Shows excavated areas only. Area of race track omitted.

ISSUE STATUS	COORD SYSTEM	SURVEY	DESIGN	DUNCAN PRIESTLEY CIVIL ENGINEERING	DRAWING	Total Sheets: 4
15/05/2021	MGA Zone 55	DUNCAN PRIESTLEY CIVIL ENGINEERING	DUNCAN PRIESTLEY CIVIL ENGINEERING	LUKE HARDING	L HARDING RACE TRACK V1 - MP	Sheet Number: 1
	HEIGHT DATUM			RACE TRACK	PLAN NUMBER	
	AHD	SURVEYED: D Priestley	DESIGNED: D Priestley	LOT 6 OLD ACKWATER ROAD NARROMINE		



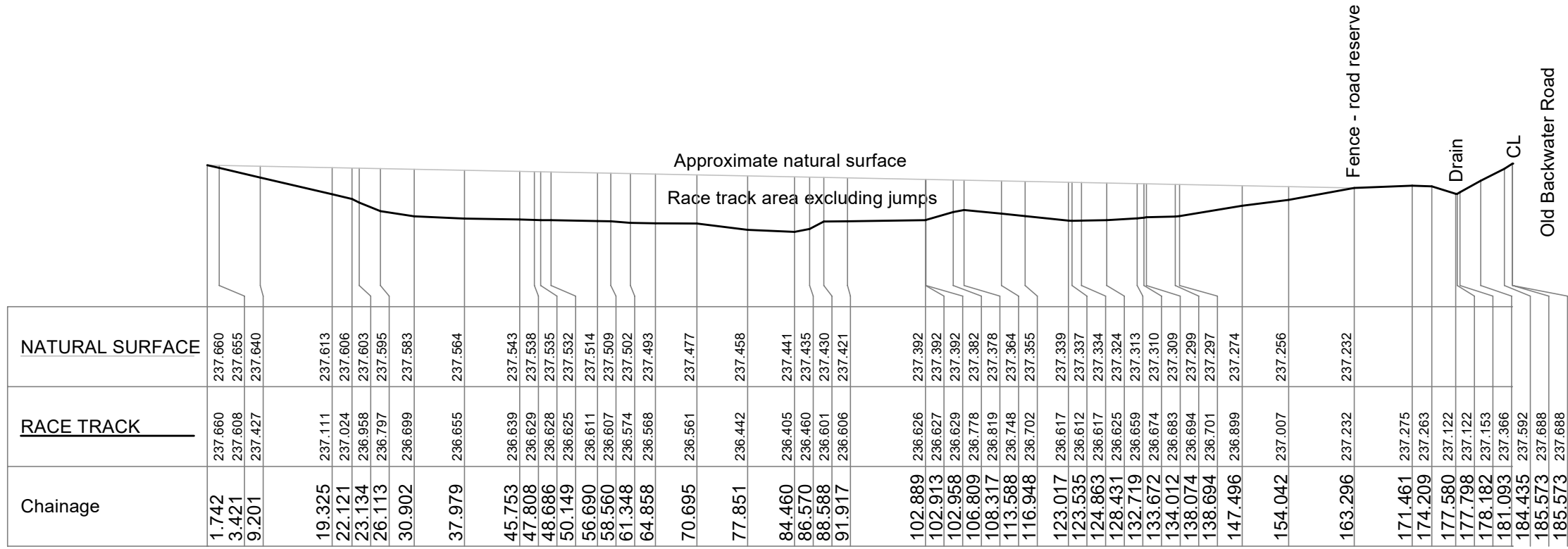
PLAN.
 Note: No levels were taken on top of jumps and race track area.
 Bottom outline of this area is shown in brown shading.

ISSUE STATUS	COORD SYSTEM	SURVEY	DESIGN	DUNCAN PRIESTLEY CIVIL ENGINEERING	DRAWING	Total Sheets: 4
15/05/2021	MGA Zone 55	DUNCAN PRIESTLEY CIVIL ENGINEERING	DUNCAN PRIESTLEY CIVIL ENGINEERING	LUKE HARDING	L HARDING RACE TRACK V1 - MP	Sheet Number: 2
	HEIGHT DATUM			RACE TRACK	PLAN NUMBER	
	AHD	SURVEYED: D Priestley	DESIGNED: D Priestley	LOT 6 OLD ACKWATER ROAD NARROMINE		



Scale Horizontal 1:750 Vertical 1:100

CROSS SECTION LOOKING NORTH



Scale Horizontal 1:750 Vertical 1:100

CROSS SECTION LOOKING WEST

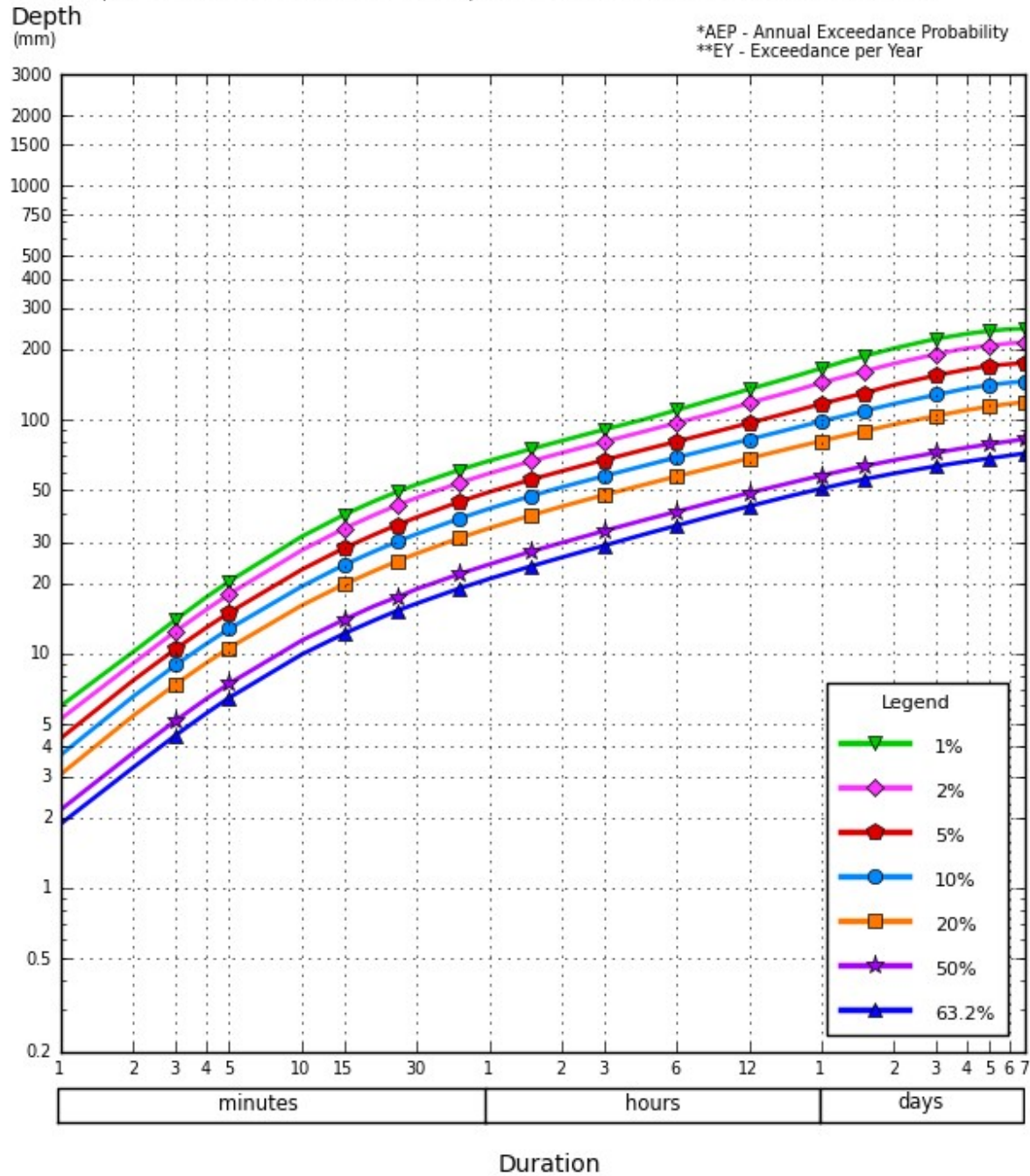
ISSUE STATUS	COORD SYSTEM	SURVEY	DESIGN	DUNCAN PRIESTLEY CIVIL ENGINEERING	DRAWING	Total Sheets: 4
15/05/2021	MGA Zone 55	DUNCAN PRIESTLEY CIVIL ENGINEERING	DUNCAN PRIESTLEY CIVIL ENGINEERING	LOT 6 OLD ACKWATER ROAD NARROMINE	L HARDING RACE TRACK V1 - MP	Sheet Number: 3
	HEIGHT DATUM				PLAN NUMBER	
	AHD	SURVEYED: D Priestley	DESIGNED: D Priestley			

Nearest grid cell Latitude: 32.0375 (S) Longitude: 147.9625 (E)

IFD Design Rainfall Depth (mm)

Issued: 15 May 2021

Rainfall depth in millimetres for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).



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Hydrology.

These calculations assume the following:

1. The catchment area is limited to:
The north by Old Backwater Road and its drain.
To the east by the owners and his neighbours access track.
To the south and west by the fall of the land.
2. 5% AEP
3. 24 HOUR
4. 100% RUNOFF
5. Survey dosent include the race track jumps but a reasonable allowance has been made for this volume.
6. Survey only covers area shown.

CATCHMENT 3.54ha
DEPTH 117mm
VOLUME WATER 4.14megs
VOLUME RACE TRACK 5.97megs

Conclusion: Provided the catchment area assumed above is correct the rainfal event wouldn't fill the dam. If the catchment area or the rainfall increases and causes the race track dam to overtop then based on the survey information available it would discharge at the low point on the Western fence shown on the plan in the same way it would have prior to the construction of the race track.

ISSUE STATUS	COORD SYSTEM	SURVEY	DESIGN	DUNCAN PRIESTLEY CIVIL ENGINEERING	DRAWING	Total Sheets: 4
15/05/2021	MGA Zone 55	DUNCAN PRIESTLEY CIVIL ENGINEERING	DUNCAN PRIESTLEY CIVIL ENGINEERING	LUKE HARDING	L HARDING RACE TRACK V1 - MP	Sheet Number: 4
	HEIGHT DATUM			RACE TRACK	PLAN NUMBER	
	AHD	SURVEYED: D Priestley	DESIGNED: D Priestley	LOT 6 OLD ACKWATER ROAD NARROMINE		