

2 RECREATIONAL VEHICLE APPLICATION - 23 REED AVENUE, UPPER BEACONSFIELD

FILE REFERENCE INT1779965

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RECOMMENDATION

That the Recreational Vehicle Permit for 23 Reed Avenue, Beaconsfield Upper, be approved subject to conditions attached to this report.

Attachments

1	Plan of site showing vehicle track	1 Page
2	Confidential letters of objection circulated to councillors only	15 Pages
3	Confidential map of site and objectors property circulated to councillors only	1 Page

EXECUTIVE SUMMARY

As per Councils Recreational Vehicle Policy, Councillors are able to require the issuing of Recreational Vehicle Permits to be heard at a Council meeting for a decision. This application has been requested to be heard at a Council meeting.

BACKGROUND

The site is located on the south side of Reed Avenue as is approximately 5.4h in size.

The site currently contains existing dwelling, outbuildings, a small open grass area and a creek running north to south though established bushland on the west side of the property. The majority of the land consists of grassy forest/bushland.

The topography of the land is sloping steeply from east to west. There is an existing track traversing through the bushland.

The main characteristics of the surrounding area are:

- Rural residential properties of a mixture of sizes.
- Neighbouring bushland reserve to the south owned by Dept Sustainability & Environment.
- The area is one of environmental significance and is home to various protected flora and fauna.

POLICY IMPLICATIONS

This application is in accordance with Council's Recreational Vehicle Policy.

RELEVANCE TO COUNCIL PLAN

The Policy is in line with Council Plan goals:

- Variety of recreational and leisure opportunities
- Balanced needs of development, the community and the environment

CONSULTATION/COMMUNICATION

The application was advertised to properties within 1000 metres of the applicant's property. Council received six objections to the proposal.

The key issues raised in the objections were based on:

- Noise – worse due to slope of land
- Property nearby used for bed and breakfast
- Precedence in approving applications
- Negative impact on wildlife in the area
- Environmental impact to Flora and Fauna
- Number of recreational vehicle (4) proposed
- Negative effect on amenity
- Excessive amount of proposed hours of riding
- Area is a Conservation area
- Bushfire danger
- Unable to affectively police the riding area and times.

Officers have considered these concerns and offer the following response:

Noise

The noise factor will be controlled by the vehicle noise test which must be undertaken by the applicant prior to the vehicles being allowed to be used in accordance with this permit.

The 94Db rating has been recommended by the EPA as a reasonable level of noise for this type of activity and area. The duration of the noise will be controlled by only allowing for minimal hours of riding on the permit conditions.

Properties nearby used for bed and breakfast

The noise factor will be controlled by the vehicle noise test. The duration of the noise will be controlled by only minimising the days and hours of riding.

Precedence in approving applications

All applications are judged on an individual basis, as per Council's adopted policy position. A cumulative effect of permits is also considered when assessing applications of this nature.

Environmental impact to Flora & Fauna

An environmental assessment has been done by Council's Vegetation Management Officer. Measures have been put in place to assure that damage to the environment is kept to minimal or none at all. These measures have been reflected on the conditions of the permit.

Bushfire danger

A condition will be placed on the permit regarding days of total fire ban. The designated area proposed for riding is a low risk area with the created track.

Negative effects on amenity

Any possible risk to the detrimental effect on amenity in the area will be mitigated by conditions on the permit. Alternatively, if the conditions do not adequately prevent these issues the effect on amenity can be reassessed at the end of the trial period.

Compliance with permit conditions and riding times

The permit would be issued on a temporary basis for a trial period of six months. Any non-compliance with the permit conditions would result in the immediate cancellation of the permit. Any residents in the area who detect non-compliance with the permit conditions are encouraged to report to the Compliance Services Team.

Number of vehicles proposed

Proposed permit conditions would limit riding to two (2) motorbikes at a time.

FINANCIAL AND RESOURCE IMPLICATIONS

There will be no financial implications to Council. Enforcement or monitoring activities in relation to this application will be absorbed into normal Compliance practices.

CONCLUSION

It is the recommendation that the permit be issued in this instance.

Council's Vegetation Management Officer conducted an assessment of the subject site, it has been considered the application can be supported with minimal impact on the environment.

The times allotted to the applicant for recreational vehicle use is very restrictive, and at maximum will result in riding for two hours a fortnight.

It is noted the applicant requested more hours and flexibility, however Council has considered the neighbouring property concerns and restricted the use occurring accordingly. These restricted hours seek to strike a balance between the use of the property for Recreational Vehicle and the surrounding residents amenity.

Site specific and standard conditions will alleviate concerns in relation to noise, environmental impact, bushfire danger and general amenity. Non-compliance to the permit will result in investigation of the complaint, and may result in the loss of the permit.

As per Councils Policy, a review of the permit will be conducted six (6) months after the permit is issued. This will allow Compliance officers to assess the impact of the use of Recreational Vehicles, and ensure that any non-compliance with the conditions can be taken into account before issuing a permanent permit. At all times a Local Laws Permit can be revoked if conditions and compliance is assessed not being adhered to.

The application has been considered against the Recreation Vehicle Policy, as per this policy a meeting was held with the assessing Officer, Coordinator Compliance Services and Manager Development and Compliance Service, it was considered that the application can be supported subject to the following conditions:

1. No more than two (2) motorbikes are permitted to be ridden at any one time
2. Motorbikes are only to be ridden on the designated area as per the attached approved plan
3. Permit is subject to each motorbike undertaking a noise test. Each noise test must show results of each bike being under 94Db
4. The use of recreational vehicles is prohibited on the property on days of total fire ban.

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5. The permit holder must be present during the activities permitted pursuant to this permit.
 6. This permit is non-transferable, and will cease should the permit holder vacate the property.
 7. Only people that permanently reside at the property mentioned on the application may ride Recreational Vehicles in accordance with the permit.
 8. Riding is permitted on One (1) Saturday in any fortnight from 3pm-4pm and one (1) weekday per fortnight from 4.00 – 5.00pm in accordance with the permit.
 9. This permit is for a trial period of six (6) months from the date of issue. Any complaints received in this time will be considered upon review of the permit.



Riding Area

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