

**NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

Issued under the *Environmental Planning & Assessment Act, 1979* Section 81(1)(a)

TO: **Inverell Mountain Bike Club**
OF: **PO Box 446**
Inverell NSW 2360

being the applicant in respect of **Application No DA-20/2019**

Notice is hereby given of the determination by Council of **Application No. DA-20/2019** relating to the land owned by **Department of Industry – Crown Lands** and is described as follows:

Part Lot 54 DP 753271
4004 Bundarra Road, INVERELL 2360

The development proposal is: **Additional Site Infrastructure for Mountain Bike Park**

The Determination is **consent granted subject to conditions described below** made on **20 March 2019**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:

Preliminary

1. Inverell Shire Council grants consent for a Concept Development Application pursuant to Division 2A Part 4 of the Environmental Planning and Assessment Act 1979.

Consent is granted for the Concept development of the Inverell Mountain Bike Club site on Part Lot 54 DP 753271, comprising the following components:

- Stage 1 works only comprising:
 - “Pump” Track;
 - “Skill Park”; and
 - Car park extension.
- Remaining stages (whether undertaken together or individually) comprising:
 - Central picnic area;
 - Storage building for club equipment;
 - Seating/rest areas through the park; and
 - Amenities and septic.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Division 8A of the *Environmental Planning & Assessment Regulation 2000* (as detailed at the end of this consent).

Prior to Commencement of any Works in the Remaining Stages

3. Prior to commencement of works for any component in the remaining stages (whether together or individually), separate Development Consent and Construction Certificate (where necessary) are to be obtained for the relevant component/s.

An application for Development Consent must be accompanied by detailed plans and specifications. The remaining stages must remain consistent with this consent, including conditions.

Conditions Applicable to All Stages

4. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- Works on site are to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood;
 - Construction may only be carried out between 7.00am and 5.00pm, Monday to Saturday, and no construction is to be carried out at any time on a Sunday or Public Holiday. Council may consent to vary these hours in particular circumstances where it can be demonstrated that it is unavoidable;
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path of easement, natural watercourse, footpath, kerb or road surface and shall implement measures to prevent the movement of such material off site;
 - Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site;
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a waste disposal depot;
 - Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised, in accordance with Council's Erosion and Sedimentation Control Policy 2004; and
 - Where the proposed development involves the disturbance of any existing survey monuments, those monuments affected will need to be relocated by a registered surveyor under the *Surveying and Spatial Information Act 2002*. A plan showing the relocated monuments will then be required to be lodged as a matter of public record at the Lands Titles Office.
5. Should any aboriginal artefacts or places be discovered during construction, all works are to cease immediately. The NSW Office of Environment and Heritage are to be contacted immediately and any direction or requirements complied with.
6. All earthworks are to be stabilised. Where earthworks remain exposed, suitable erosion and sediment control measures are to be retained.
7. Internal driveways and parking areas are to be constructed to a suitable all-weather standard, i.e. compacted granite. All car parking areas are to be maintained in perpetuity in a reasonable manner.
8. No trees are permitted to be removed for the construction of building, parking, driveways and/or utilities services.
9. The use of the Mountain Bike Park is to be carried out in accordance with the *Protection of the Environment Operations Act 1997* in relation to noise, dust, odour and associated nuisances from the site. The carrying out of works shall not interfere with the quiet enjoyment of the surrounding neighbourhood.

10. All buildings are to comply with the Building Code of Australia, including but not limited to, toilet facilities, disabled access, fire safety measures, etc.

Reasons for Conditions:

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

Reasons for Approval

1. The Mountain Bike Park is an existing facility and the development, subject to conditions, is consistent with the objectives of the RE2 Private Recreation zone.
2. All works are contained to heavily disturbed areas and are not considered to impact Aboriginal cultural heritage or biodiversity matters.
3. DA-20/2019 is a Concept Development Application. Further Development Applications will be required for the components, which must remain consistent with this initial consent.

Community Consultation

As per section 1.11 of the Inverell Development Control Plan 2013 the development was considered to be a minor development with minimal environmental impact and notification was not necessary.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



CHRIS FALEY
DEVELOPMENT PLANNER
DATE : 20 March 2019

Annexure

Prescribed Conditions Summary

As per condition 2 of this consent, the following matters prescribed under Division 8A of the *Environmental Planning & Assessment Regulation 2000* must be complied with, where relevant:

1. All work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. Prior to commencement of building work, subdivision work or demolition work a sign must be erected in a prominent position on the site. The sign must:
 - show the name, address and telephone number of the principal certifying authority for the work;
 - show the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - state that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

4. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - in the case of work for which a principal contractor is required to be appointed:
 - the name and licence number of the principal contractor; and
 - the name of the insurer by which the work is insured under Part 6 of that Act; and
 - in the case of work to be done by an owner-builder:
 - the name of the owner-builder; and
 - if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified as required above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

5. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this consent, must at the person's own expense:
 - protect and support the building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.