

NOTICE OF MODIFICATION TO DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Clause 122 of the *Environmental Planning and Assessment Regulation 2000*.

Application No.	DA-78/2020/A
Applicant	Mr Danny John Everingham and Mrs Nicole Everingham
Land to be developed	Part Lot 22 DP 1218113, Lot 3 DP 1126039 8075 Gwydir Highway, LITTLE PLAIN 2360
Approved development	Temporary Use - Inverell Mighty Men
Building Code of Australia Classification	Not Applicable
Determination	The determination is amended in accordance with Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> .
Original date of determination	16 July 2020
Modification determination date	18 July 2022
Consent will lapse on	16 July 2025 Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of <i>Environmental Planning and Assessment Act 1979</i> .

CONDITIONS OF CONSENT

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the temporary use of Lot 22 DP 1218113 for "Inverell Mighty Men" event on ~~3-5 October 2020~~ 30 September 2022 to 2 October 2022 only.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved event management plan. Any deviation will require the consent of Council.

2. One week prior to the Inverell Mighty Men event, advanced warning and directional signage may be installed on the Gwydir Highway. Signs are to be located in consultation with Council and in such a manner to not impact the safety of the road network. The signs must be removed within one (1) week after the event.
3. Adequate toilet facilities are to be provided for patrons. All temporary toilet facilities are to be self-contained style toilets (e.g. port-a-loo). No effluent from the toilets is to be disposed on-site.
4. Amplified music and public speaking sound systems must not be used between the hours of 9.00am and 10.00pm.

5. Garbage and/or recycling bins are to be installed around the site during the event. All waste from these bins must be disposed at the Inverell landfill located at Burtenshaw Road, Inverell.
6. All access roads must be maintained in a reasonable manner at the applicant's expense.
7. The applicant will repair/restore, or pay the full costs associated with repairing/restoring, any footpath, public reserve and infrastructure that is damaged by the development.
8. Any food preparation and handling must comply with all applicable legislation/regulation and standards including:
 - *The Food Act 2003*;
 - *Food Regulation 2004*; and
 - *Food Standards Australia and New Zealand – Food Standards Code 2001*.
9. An emergency and evacuation plan must be prepared for the event.

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 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 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 development is for a temporary one-off event only and is permissible pursuant to Clause 2.8 of the *Inverell local Environmental Plan 2012*.
2. The modification to change the date of the event is considered to have minimal environmental impact and result in substantially the same development.

COMMUNITY CONSULTATION

As per the Inverell Community Participation Plan the development, including modification, was considered to be a minor development with minimal environmental impact and notification was not necessary.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Division 8.3 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 Division 8.2 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 SERVICES COORDINATOR