



## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-35-2024 PAN-456423
<b>Applicant</b>	Peter Taylor [REDACTED]
<b>Description of development</b>	Recreation Facility (Outdoor - Enduro Motorcycle Track) Shipping Container
<b>Property</b>	1516 TORRYBURN ROAD TORRYBURN 2358 2/-/DP866519 72/-/DP753681 73/-/DP753681
<b>Determination</b>	Approved Consent Authority - Council staff under delegated authority
<b>Date of determination</b>	31/10/24
<b>Date from which the consent operates</b>	31/10/24
<b>Date on which the consent lapses</b>	15/11/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Right of appeal / review of determination

If you are dissatisfied with this determination:

### Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

## **Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Simon Vivers  
Interim Manager Development & Planning  
Person on behalf of the consent authority

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

1	<b>Approved Documentation</b>			
	Development must be carried out in accordance with the following approved document, except where the conditions of this consent expressly require otherwise:			
	Approved document			
	Document title	Reference and version number	Prepared by	Date of document
Armidale Motorcycle Club Statement of Environmental Effects	24- 204, Rev 0	SMK Consultants	July 2024	
For the avoidance of doubt, the approved document includes specific management protocols which must be adhered to at all times. This includes (but is not limited to):				
<ul style="list-style-type: none"> <li>• Bushfire Management, including cancellation of events during a bushfire threat and no racing occurring during high bushfire risk;</li> <li>• Licencing and related approvals;</li> <li>• Race management;</li> <li>• Hours of operation;</li> <li>• Traffic Management;</li> <li>• Site Facilities;</li> <li>• Vegetation Management (no clearing of land);</li> <li>• Erosion and sediment control;</li> <li>• Fauna Management; and</li> <li>• Signage</li> </ul>				
<b>Condition reason:</b> To ensure that all parties are familiar with the approved document.				
2	<b>Bushfire - ADVICE</b>			
	Consultation is recommended to occur with the NSW RFS, regarding appropriate practices to be undertaken during race events. It is recommended that appropriate and transportable water storage (e.g. tanker, trailer) is provided during race events, to ensure that any flame generated through the use is easily extinguishable.			
<b>Condition reason:</b> N/A				
3	<b>Biodiversity Management</b>			
	For the avoidance of doubt:			

	<ul style="list-style-type: none"> <li>• No clearing is permitted as part of this approval; and</li> <li>• No hardstand is to be provided to any race areas (with exception of shipping container installation work).</li> </ul> <p>ADVISING: This condition does not limit clearing which may be associated with 'allowable activities' in accordance with the <i>Local Land Services Act 2013</i>. These activities must have a connection with the rural use of the land, not the use approved by this consent.</p> <p><b>Condition reason:</b> In the interests of proper planning and to ensure that the proposal is acceptable under the Biodiversity Conservation Act 2016 and any relevant Environmental Planning Instruments.</p>
4	<p><b>Shipping Container - Use</b></p> <p>Before the commencement of use (whichever is applicable):</p> <p><u>Should the Shipping Container be used for an office:</u></p> <ul style="list-style-type: none"> <li>• A Construction Certificate and Occupation Certificate must be approved. These applications must be applied for through the NSW Planning Portal and supported by relevant information including compliance with Building Code of Australia.</li> </ul> <p><u>Should the Shipping Container be used for storage only:</u></p> <ul style="list-style-type: none"> <li>• A Construction Certificate and Occupation Certificate are not required, Installation shall be structurally sound or comply with Building Code of Australia if applicable.</li> </ul> <p><b>Condition reason:</b> To ensure that the structure is safe for the intended use.</p>
5	<p><b>Waste Disposal</b></p> <p>Any waste generated from the use shall be suitably disposed of, including sewerage to a lawful receival facility.</p> <p><b>Condition reason:</b> To ensure the use does not cause nuisance to the environment or surrounding lands.</p>

## Change of use

### Ongoing use for change of use

No additional conditions have been applied to this stage of development.

### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means URALLA SHIRE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Northern Regional Planning Panel.