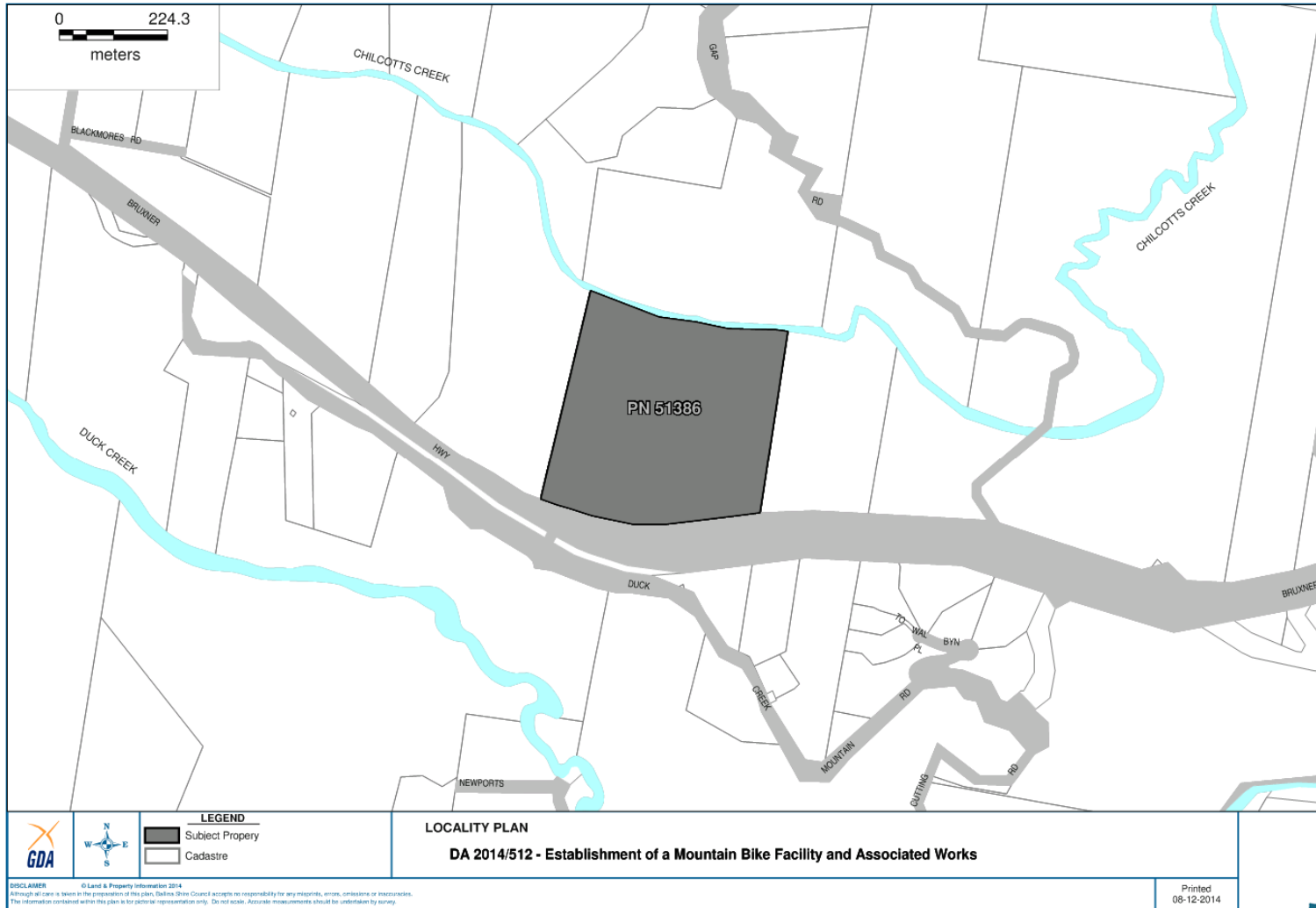


8.1 **DA 2014/512 - Mountain Bike Facility - Bruxner Highway Alstonville.DOC**





File No: NTH12/00064; CR2014/005401
Your Ref: DA:2014/512

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Dwayne Roberts

Dear Sir

**Bruxner Highway HW16 – Development Application 2014/512.
Proposed Northern River Dirty Wheels Mountain Bike Club.**

I refer to your letter of 15 October 2014 regarding the abovementioned development application forwarded to Roads and Maritime Services for consideration.

Roles & Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

The Bruxner Highway (HW16) is a classified (state) road. Ballina Shire Council is the 'Roads Authority' for this road and all other public roads in the subject area. Roads and Maritime manages the approval and delivery of any ancillary road works on a classified (state) road through the Works Authorisation Deed (WAD) process.

In this instance, the development is not 'integrated development', as Council is both the consent authority for the development and the approval authority for Bruxner Highway (refer to Section 91(3) of the *Environmental Planning and Assessment Act, 1979*). Consequently, Roads and Maritime cannot accept the payment of a fee for the assessment of this development application. As a result, the \$320 fee council received for this development can be refunded to the developer.

Roads and Maritime Response

Roads and Maritime has reviewed the subject development application. The location of the access is not ideal. This access was originally only ever intended for infrequent use for maintenance activities onsite. Any increase in use will have subsequent increases the risk to highway motorists and users of the facility. For these reasons the proponent needs to be aware of the importance of the Vehicle Management Plan (VMP) and adherence to this plan.

Roads & Maritime Services

76 Victoria Street, Grafton NSW 2460 | PO Box 576 Grafton NSW 2460
T 02 6640 1362 | F 02 6640 1304 | E development.northern@rms.nsw.gov.au

www.rms.nsw.gov.au | 13 22 13

Council may wish to include the following points as part of its Conditions of Consent:

- The Vehicle Management Plan as provided in attachment 4 of the Traffic & Parking Assessment will assist in addressing road safety concerns and mitigate risks. The operator is to ensure that all persons onsite comply with the approved VMP at all times.
- The connection to the Bruxner Highway will need to be upgraded as detailed in the Traffic & Parking Assessment. The upgraded connection to the Bruxner Highway will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.

Prior to the issue of a Construction Certificate for the proposed development, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for all road works on the Bruxner Highway. Prior to the issue of an Occupation Certificate for the development, a Pre-Qualified Contractor will be required to complete all road works under the WAD to practical completion, as determined by Roads and Maritime. The developer will be responsible for all costs associated with the works and administration of the WAD.

It is recommended that developers familiarise themselves with the requirements of the WAD process and contact our Office to obtain further advice where necessary. Further information on Private Developments adjacent to classified roads can be accessed at: http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html

Advice to the Consent Authority

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Liz Smith on 6640 1362 or email development.northern@rms.nsw.gov.au.

Yours faithfully,



30 October 2014

Peter Lane
Acting Network & Safety Manager, Northern Region

Dwayne Roberts

From: Michael Wenban <wenbanchiro@westnet.com.au>
Sent: Sunday, 19 October 2014 7:38 PM
Subject: Re. DA 010.2014.00000512.001

Dear Ballina council,

I am writing to give my strong support for the Mountain Bike facility in this proposal.

On several levels this facility is a great idea.

1. We live in a society where exercise is a significant answer to our obesity problem. Mountain bikers stay fit.
2. Our council has a very pro biking stance, look at the excellent pathway being built at present from Ballina to Lennox.
3. We do not have any facility nearby to allow local mountain bikers to train off-road which puts more pressure on riders to ride on road.
4. We have a local club with over 100 members who have no trails to call home.
5. There are many trails in other areas which are draw cards for tourists and locals which prove very successful additions to local business/ social amenity. Take a look at the Trail mate website for trail locations. Eg. Bom Bom@Grafton, jacks Ridge @ Nambucca, The Piney @ Armidale, Cows With Guns @ Coffs Harbour. All very valuable additions to their towns.
6. Peaceful, quiet way to take people out into nature(if you would like to see a mountain bike destination in action go to any Mtb facility and it's much like going to any bushland area where bush walking is taking place and there is little more to see, the trails are thin, and very inobtrusive.

Thank you for your consideration,
Michael Wenban
7 Banksia Ave
Lennox Head

Dwayne Roberts

From: juan pablo <juampav@yahoo.com>
Sent: Sunday, 19 October 2014 10:08 PM
Subject: Da ref No 010.2014.00000512.001

I am writing to support the developing application for a specific built MTB facility at Alstonville area Duck creec /Gap rd. It would be a great boost for tourism, diversifying what Ballina has to offer to visitors of our great shire. The mountain bike community is inconspicuous and deceptively large. We are a respectful and nature loving bunch. We do not fish or hunt. We can help in forest regeneration. We are well organized and well interconnected club . The plan is to build an enviromentally sustainable with low soil degradation and self mainatined track suitable for different levels of skills and properly signed so that the whole comunity can enjoy safely an outdoor physical activity in the bush that has very low impact and its silent and non polluting.

If will be a great opportunity lost if it does not go ahead.

Good luck and regards,

Dr Juan Vazquez
8 ahern CCT
Cumbalum

Dwayne Roberts

From: susan woolley <suewoo@westnet.com.au>
Sent: Monday, 20 October 2014 4:22 PM
Subject: Development Application: 010.2014.0000512.001

LETTER OF SUPPORT

I fully support the Development Application for a Mountain Bike Facility off the Bruxner Highway in Alstonville.

Mountain Biking (Off Road push bike riding) is a rapidly growing Family Sport. Having local trails will be of great benefit to the community and could also encourage tourism to the area. Currently local riders have to travel at least an hour to access legal trails.

Mountain biking is a fun and healthy sporting activity which also has minimal impact on the local environment.

Yours sincerely

Sue Woolley
71 Teakwood Drive
ALSTONVILLE NSW 2477
Email: suewoo@westnet.com.au

Dave Hegerty

511 Uralba Road

Uralba NSW 2478

The General Manager

Ballina Shire Council

PO Box 450

Ballina NSW 2478

Dear Sir,

RE: DA 010.2014.00000512.001 – Northern Rivers Dirty Wheels Mountain Bike Club

In reference to the abovementioned Development Application lodged by the Northern Rivers Dirty Wheels Mountain Bike Club, I **fully support the application**, based on the following points:

- Cycling in general is growing as a family oriented sport right around the world and is now an official Olympic and Commonwealth Games sport;
- My family all ride off road in preference to cycleways or on road – it is a healthy , safe, activity that all of them enjoy;
- The local mountain bike club has a very strong rider base with around 80 members and now exceeds the numbers in the Ballina road cycling club – thereby demonstrating the need for such as facility;
- The road infrastructure is simply not safe in the Northern Rivers to cycle safely on the roads. Off road trails are the solution to this conundrum in the Ballina Shire to minimise conflict between vehicles and cyclists as well as pedestrians and cyclists.
- General business in the region (such as the 6 cycle stores) desperately needs a boost to sustain the services they offer to the wider community;
- Other State and Local Government authorities have already provided for facilities in their regions.

Examples of these regions include:

- Sunshine Coast (Parklands, Tewantin, Garapine);
- Brisbane (Gap Creek, Daisy Hill, Black Mountain, Jinker Trails);
- Beaudesert (Mt Joyce Recreation Reserve);
- Gold Coast (Nerang State Forest & Peter Hallinan Mountain Bike Precinct);

- Clarence Valley (Bom Bom State Forest);
- Coffs Harbour (Pine Creek State Forest, "Cows with Guns"), and
- Port Macquarie (Town MTB Trail – this is one of the main trails ridden by World Champion Jason English).
- Ballina Shire is indeed missing out on the capture of a fast growing adventure-tourism market, and
- Having to travel over an hour and a half to the nearest legal (free) single track at Nerang is not viable as a long term solution for most riders and goes against the grain of many cyclists who like to minimise vehicular travel, and

I strongly encourage Council to approve the application and work with the club to develop the site as a world class facility in our region.



Regards

Dave Hegerty

Dwayne Roberts

From: Matt Tyrrell <mattyrr72@gmail.com>
Sent: Thursday, 23 October 2014 7:17 PM
Subject: Mountain bike park in Ballina shire

Good afternoon -

I am writing to you to express my excitement in the proposed mountain bike area between Alstonville and Ballina.

As a former resident of Coffs Harbour which has an extensive mountain bike trail network, I have seen both the health and economic benefits from riding. Large numbers of both regional and interstate tourists go there to ride due to the well maintained trails and proximity of a major airport.

I feel this area can offer the same experience to both local residents and tourists alike. I am aware there is a demand within the area for such an area to cater for both beginner and experienced riders.

Mountain biking is such an enjoyable, environmentally friendly sport that is quiet, social and healthy.

Congratulations to the applicants for such a great idea. I think outdoor activities such as tis would be an asset to the Ballina shire.

Regards Matt Tyrrell.

Dwayne Roberts

From: Samuel Kent <samuelkent82@hotmail.com>
Sent: Friday, 24 October 2014 6:03 PM
Subject: re: DA for Duck creek mountain MTB park, c/ Mr Andrew Smith

Mr Andrew Smith

Dear Andrew,

I would like to express my feelings of support to the proposed development of Duck Creek Mountain MTB Park, (DA 01O.2014.00000512.001).

As a keen mountain biker and someone who appreciates the outdoors, I see this as a great project that could greatly help our local community. This area has a growing community of off-road cyclists who currently have no area that they can call their own. To pursue an active activity such as this, we have to travel long distances, mostly in excess of 1 hr to find trails that are suitable for most riding styles. I believe that any opportunity to encourage outdoor activity in our local area will be a great asset to the local community and an example nationally.

The benefits I see include;

- encouraging a healthy, active lifestyle and therefore reducing the cost on the health system in the longer term
- tourism, through being a draw card for those with outdoor interest to want to see what our community has to offer
- environmental, through minimizing driving to other venues and staying local

I believe this would really be a great motivator for kids, who at this time are spending so much time inside, playing computer games, and other non-active habits. It is time we encourage them into some endorphin making activities. We only have to provide some opportunities like this and it will happen. I have been to New Zealand and seen how they promote outdoor activity, and it is such an encouragement and I cannot wait to see us catch up as there are so many benefits.

Thank you for the opportunity to give my opinion.

Kind regards,
Samuel Kent

Dwayne Roberts

From: James Flockton <flockatana@me.com>
Sent: Tuesday, 28 October 2014 10:54 PM
Subject: DA 010.2014.00000512.001

Dear Council,

I would like to voice my support for DA 010.2014.00000512.001 Duck Creek Mountain Bike Park.

I think this would be a fantastic asset for the shire and as a rare payer I would love to see Council supporting such facility through approving the DA and hopefully one with financial and in kind support to help it become a leading facility.

There are numerous example around the world that prove that mountain bike parks hugely increase visitor number to an area, increase tourism and the tourist dollar for local businesses.

The health benefits are also huge with mountain biking, not only for fitness but also emotional well being, it's a great stress reliever.

As a mountain biker I travel 1.5hrs, each direction to Nerang on a weekly basis to ride the trails as they are the nearest trails worth riding. I go in a group of 4 usually and together we probably spend \$50 in local food businesses, plus filling up with fuel. If ballina had good trails we could stay at home and spend that money with local businesses in the shire.

The northern rivers really has no mountain biking locations and many other areas in Australia are surging ahead with trail building. There a numerous examples of new trails n Australia in the last year or two and it looks like the Qld state gov are planning to spend \$20 million on mountain bike facilities in Nerang over the next 2-3 years. Duck Creek could be a big step forward to help this area keep with the fast changing times and ever increasing popularity of cycling.

Thanks, James Flockton
Lennox Head

Sent from my iPad

Dwayne Roberts

From: Steve Scotcher <swsbuilding@primus.com.au>
Sent: Wednesday, 29 October 2014 7:38 AM
Subject: DA 010.2014.00000512.001

Ballina Council

I would like to indicate my support for the proposal for The Duck Creek Mountain Bike Park.

Ballina Shire has no mountain biking facilities and a park of this nature would be widely received by the growing mountain bike community.

As a Ballina Shire ratepayer I am regularly travelling to other council areas to utilise there facilities.

It would be great to see the council support a very healthy outdoor activity that encompasses a big variety of users both young and old.

Regards

Steve Scotcher

Dwayne Roberts

From: Cameron Hunter Johnston <cahujo@yahoo.com>
Sent: Wednesday, 29 October 2014 9:19 PM
Subject: DA reference number 010.2014.00000512.001

Cameron Johnston
199 Ballina Road | ALSTONVILLE | NSW 2478

Mr Andrew Smith
Ballina Shire Council
PO Box 450 | Ballina | NSW 2478

29 October 2014

RE: DA reference number 010.2014.00000512.001 Proposed access for Mountain Bike trails

I am writing to express my utmost support for this Development Application. My young children and I are keen mountain bike cyclists and enjoy riding together at every opportunity. The activity of mountain biking is family friendly, environmentally friendly and a great way of keeping fit in the outdoors.

Currently, our nearest riding location is 40 minutes south of Ballina on the fire access roads in Double Duke State Forest. This is accessed by the busy and dangerous Pacific Highway. Being able to ride on trails within 10 minutes of Ballina would be fantastic.

Mountain bikers are an enthusiastic bunch and mountain bike cyclists from the Ballina Shire will often travel 3-4 hours away just to ride mountain bike trails in South East Queensland or down south as far as Taree. With a great mountain bike trail facility in Ballina Shire we could easily attract riders to the Shire and the tourist benefits are obvious - food, accommodation and fuel just to name a few.

As a member of the Northern Rivers Dirty Wheels Mountain Bike Club I am committed to volunteer to help make these mountain bike trails a sustainable and enjoyable feature of the Ballina Shire.

Kind Regards,
Cameron Johnston

Dwayne Roberts

From: Jonas Rosborg <jrosborg@gmail.com>
Sent: Wednesday, 29 October 2014 8:23 PM
Subject: To Mr Andrew Smith Re. DA 010.2014.00000512.001

Dear Mr Smith

I am writing to express my support towards a dedicated mountain bike facility at Duck Creek just outside Ballina and Development Application **010.2014.00000512.001**.

First of all, mountain biking is an environmental friendly activity, not causing any wear on the environment, noise or pollution if riding is done on dedicated purpose built trails. At the moment there are no public, purpose built mountain bike (Mtb) trails within the Ballina-Byron-Lismore area and a lot of riding is undertaken on public walking tracks not suitable for riding bikes where Mtb riders mix with other recreational activities such as running, walking/walking dogs. Example of such trails along beaches connecting Lennox Head and Ballina. There are of course fire trails suitable for mountain biking in the national parks in surrounding shires but not any dedicated trails. There is a Mtb park just outside Byron Bay however it is not free and not always open.

Being a dedicated mountain biker I spend a lot of time (at least twice/week) in the car driving to other areas with dedicated Mtb trails most often Nerang on Gold Coast, Mt Joyce at Beaudesert or other trails closer to Brisbane. The value of having local Mtb trails will be of great significance as they would not only offer a fun, physical and safer activity for all levels of mountain bikers; but also increase the sense of our local biking community. An increasing sense of community would also increase exchange of information and push for competing in Mtb races which then would filter through ages and most likely get younger riders interested in mountain biking. Certain disciplines in mountain biking are very much part of the sub culture that today attract so many teenagers (bmx, skate boarding etc.) and I believe that if there was local dedicated Mtb trails there would be a great chance to attract teenagers, both to ride and to join the local Mtb club with guiding and development.

South East Queensland has well developed trail network and QLD state government are now pumping in more money to extend and make SEQ a Mtb destination with the aim to increase both national and international Mtb visitation. I'm positive that if there was good dedicated trails here in Ballina Shire a share of the Mtb visitors to the Gold Coast would also come down here to ride and visit the local towns increasing tourism to our area.

Best Regards, Jonas

Jonas Rosborg
1 Andrew Place
Lennox Head NSW 2478

Dwayne Roberts

From: Belinda Atkinson <bimatkinson@gmail.com>
Sent: Saturday, 1 November 2014 4:36 PM
Subject: Development Approval application: DA2014/512 (Submission in support)

Dear Sir/Madam

I write to voice my support for the Development Approval Application lodged by the Northern Rivers Dirty Wheels Mountain Bike Club for a mountain bike facility at a site off the Bruxner Highway.

Mountain biking has numerous, well documented advantages for both the individual and the community. It is a healthy activity which encourages participants to experience the great outdoors. It has also been shown to have a positive impact on participants' mental health because of both the exercise involved and the social interaction.

When the trails are constructed properly, they are very environmentally sustainable (studies have shown that they have no more impact than hiking trails). It is a low noise, low impact activity. It is an activity which can be enjoyed by children and adults alike.

There is a lack of local facilities for what is a growing group of local mountain bike riders. I hope that the Council will recognise the need for a local, public mountain bike facility and vote in support of the application.

Kind regards

Belinda Atkinson

Dwayne Roberts

From: cksyme@me.com
Sent: Sunday, 2 November 2014 5:46 PM
Subject: Northern Rivers Mountain Bike use of land Bruxner Highway Alstonville.

Sent from Windows Mail

Dear Sir/Madam, I wish to support the application for the use of land on the Bruxner Highway Alstonville for the use of mountain bike riders. It would great for the youth of the Ballina shire to participate in a health activity. At the moment numerous cyclists travel to Queensland to ride in areas similar to what could be provided in Ballina shire. There is no facilities nearer. This facility could draw cyclists from other areas to Ballina shire. Its wonderful to see the youth activity at the Missingham Bridge skate park. Hopefully the council could provide another useful facility. Yours Sincerely Bruce Syme. About Bikes and Mowers. Shop 6/44 Links Avenue, East Ballina 2478

Dwayne Roberts

From: healthfusion@bigpond.com
Sent: Sunday, 2 November 2014 5:46 PM
Subject: DA 2014.512

Hi,

I would like to express my support for the Mountain Bike facility DA 2014.512 proposed for Alstonville. After relocating to the Ballina shire from Brisbane where the Brisbane City Council with local trail advocacy groups have been active for many years, I am excited about the current proposal.

Having been actively involved at the elite end of the sport for a number of years, facilities such as this not only encourage participation, also create opportunities for junior development. As a board member of the North Coast Academy of Sport, I am very familiar with the well spring of talent across all sport produced in the Northern Rivers. Mountain biking is an untapped reservoir waiting for a facility such as this to maximize the potential of the growing involvement in the region.

Since arriving in the area in 2006, where the closest location to participate in mountain biking was Nerang in Southeast QLD I have witnessed significant growth in local participation. At present it is not uncommon to see not only one, but groups of mountain bikers riding along the coastal tracks on a regular basis. A local facility such as the proposed, would most likely see riders more likely to make the short trip to ride professionally constructed trails, rather than spend 2.5 hr return travelling to Nerang or upsetting other users on the shared coastal tracks.

I support and encourage the work of Northern Rivers Dirty Wheels Mountain Bike Club with the preparation of the proposal, and am satisfied the club represents the voice of the northern rivers mountain biking community.

Kind Regards

Dean Davies
World Champion, UCI World Masters Mountain Bike Championships Brazil 2010
2x Australian Champion, UCI Australian Mountain Bike Championships 2006, 2011

Dean Davies Performance
ph: 0418983880
w: deandavies.com.au
e: info@deandavies.com.au

Sent from my HTC One XL on the Telstra 4G network

Dwayne Roberts

From: Michael Wenban <wenbanchiro@westnet.com.au>
Sent: Sunday, 2 November 2014 8:23 PM
Subject: Duck Creek Mountain Bike Park

Dear Sir/ Madam,

I am writing to support the development of a mountain bike facility at Duck Ck area.

Mountain bike parks are fantastic assets for the community as they provide a healthy way for community members to access natural spaces and exercise. Mountain biking is environmentally friendly as trails are thinner than most walking tracks, are built to strict sustainable/ anti erosion standards and take up only a small proportion of land space.

Mountain bikes produce no more noise than general bike riding and no pollution. There is a growing number of mountain bikers in the community in the Ballina shire that unfortunately have to travel away on weekends to ride. I am sure we would all love to see some trails closer to home.

Your Sincerely,

Michael Wenban

PS. I had thought I had already written to you on this matter but believe that I received no acknowledgement of you having received my previous letter.

Dwayne Roberts

From: doug <douglasmilne@bigpond.com>
Sent: Monday, 3 November 2014 6:45 AM
Subject: DA 010.2014.00000512.001

Dear Council,

I would like to express my support for **DA 010.2014.00000512.001**

Its high time our region had a mountain bike park on public land .

The local riders have worked hard for this and will continue to do so , if approved the facility would cement the growing community local off road cyclists .

Thank you

Doug Milne

15 Cooloola Avenue

Lennox Head

2478

Dwayne Roberts

From: Ash Woolley <ash@nrsurveying.com>
Sent: Monday, 3 November 2014 10:38 AM
Subject: Ref 010.2014.00000512.001 Mountain Bike track

Dear Councillors,

I am writing in support of the proposed Mountain Bike site at Alstonville.

Mountain Biking is a fantastic growing sport that prompts health and fitness as well as a sense of preservation of our natural environment

Currently there is nowhere close by in this area for mountain biking. Riders are forced to drive at least one hour north to Murwillumbah or south to Grafton and beyond.

In my experience, a wheel designed facility and tracks will attract visiting riders who will support local businesses and spend money on accommodation, meals and sightseeing which can only benefit our local economy

Many regions worldwide are actively promoting, supporting and building mountain bike tracks and this North Coast region is years and years behind the rest of the country in capitalising on this fantastic opportunity that's guarantees a win win for all parties involved.

Regards

Ash Woolley

Northern Rivers Surveying Pty Ltd
76 Tamar Street
BALLINA NSW 2478
T: 02 6681 6696
M: 0416 281 385
e: ash@nrsurveying.com
www.nrsurveying.com

To:	Ballina Shire Council	Date:	25 / 10 / 2014
From:	Mark & Andrew Downey, The Bicycle Emporium, Ballina		
Subject:	Development Application for Mountain Bike Park, Bruxner Highway, Alstonville (DA 010.2014.0000512.001)		

Dear Councillors,

We are writing to you today regarding the Development Application (010.2014.0000512.001) for a mountain bike park to be developed off the Bruxner Highway at Alstonville.

We are strong supporters of the proposed development as cyclists, as owners of a bicycle shop and as members of the local community.

As cyclists, we are very strong supporters of the proposed mountain bike park as a nearby location for us to ride. In and around Ballina there is a the shortage of adequate mountain biking facilities even though Ballina is in a region where the local geography is ideally suited to mountain biking. The coastal strip where Ballina is located is quite narrow and backed by an extensive range of hills, part of The Great Dividing Range, which puts some potentially amazing mountain biking in very close proximity to the City of Ballina mountain biking seems an ideal activity for the region, but the facilities to support and encourage this activity are extremely limited. For this reason we are very excited about the prospects of a dedicated mountain bike park between here and Alstonville.

As owners of a local bicycle shop we unreservedly support the proposed mountain bike park at Alstonville. Such a facility in close proximity to the City of Ballina would make it easily accessible to locals and tourists alike; for most avid cyclists the proposed facility is within easy riding distance of Ballina. A mountain bike park this so close to Ballina will have direct benefits to our business by increasing mountain biking activity and the subsequent demand for mountain bikes, bike parts, accessories and mountain bike servicing, which are all elements of our core business.

The region, because of its climate, topography, accommodation and airport facilities, has enormous potential to become one of Australia's great cycling destinations. Mountain biking could become a major sporting activity in the region with the development of dedicated mountain biking facilities. Such developments have proven extremely successful in Cairns, Rotorua (NZ) and Whistler (Canada) and this could be translated to Ballina with direct benefits to our business. Such an increase in demand for our products and services would result in further growth of the business and inevitably to an increase in our local spending, as well as the opportunity to employ additional staff in the business.

As members of the local community, we are also strong proponents of the proposed mountain bike park as Alstonville because it will increase the range of physical activities for locals to engage in leading to better health outcomes, it would also provide another outlet for many young people, a large number of whom are unemployed or under-employed, thereby generating social benefits. Further growth of cycling in the region and development of the region as a cycling destination would further benefits the community by stimulating the local economy and creating local employment opportunities.

We are convinced that development of a mountain biking facility at Alstonville would be of considerable benefit to the region. The proposed mountain bike park provides a facility all cyclists can use and enjoy. The location in close proximity to the city makes it highly accessible and therefore likely to be more successful than less accessible or more distant sites. The likely increase in mountain biking activity will have a positive impact on our local business with the potential to create future employment opportunities. If developed as an addition to current cycling infrastructure projects and with a view to exploiting the potential of cycling more broadly in the region, this could provide a significant stimulus to the local economy.

Respectfully,



Mark Downey

Proprietors, The Bicycle Emporium
2/158 River St, Ballina NSW 2478
(02) 6681 4084
mark@thebicycleemporium.com.au
www.thebicycleemporium.com.au



Andrew Downey



Dwayne Roberts

From: Simon Thomas <s.thomas.31@student.scu.edu.au>
Sent: Monday, 3 November 2014 12:07 PM
Subject: Submission in Support of Ref Number: 010.2014.00000512.001

Dear Sir/Madam,

As a recent resident to the Northern Rivers I was most excited about the potential for open spaces, kilometres of trails and well organised and professionally managed cycling events. Much to my excitement I have located and been involved in a raft of road cycling activities (Byron Bay Cycling Club) but have been disappointed that my passion for off-road cycling is difficult to fulfil in the local region.

As a long time advocate and passionate supporter of Manly-Warringah and Hornsby Shire councils, I have seen the sport of mountain biking go from strength to strength. The dedicated, managed and funded professional trails of Manly Dam and Hornsby are so well known and popular that an entire generation of kids have new sporting pursuits that encourage health, competition and community. The obvious benefits are health and fitness, but no doubt the increasingly social benefits of a community run sporting facility, such as these wonderfully designed mountain bike trails, would highlight a need for the Northern Rivers region whereby youth are seemingly bored and looking for distractions - sometimes in the wrong areas.

Having been involved in professionally run mountain biking events for many many years I can honestly say I have never come across such wonderful camaraderie and community spirit. There is something special about the ability to enjoy the environment whilst challenging human ability on 2 wheels. It lends itself to a passion that is continually reaching new heights in the Australian world of competitive sport. We have mountain biking in Commonwealth Games and Olympics. We have it in the form of World Cups and World Championships. Australia is represented at the highest levels and the growth of the sport is identifiable with the increasing number of professionally managed trails around the country.

It would be an absolute joy to see mountain biking come to the Northern Rivers in a well managed, well planned and well supported manner so that all enthusiasts, new and experienced, can enjoy the wonderful natural talents that the area has to offer.

Please see the below links to the afore mentioned areas in suburban Sydney and see how wonderfully supportive these councils have become. They have become success stories and I know that the Ballina, Lismore, Byron communities would benefit hundred fold.

<http://www.hornsby.nsw.gov.au/my-lifestyle/sports-and-recreation/hornsby-mountain-bike-trail>

<http://www.warringah.nsw.gov.au/play/manly-dam-mountain-biking-0>

Regards,
Simon Thomas
43 North Creek Road
Lennox Head
0412 344 340

Scott Connolly
15 Caldwell Ave
Lismore
NSW 2480

The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2480

3 November 2014

Development Application: 010.2014.00000512.001

Recreation to establish a mountain bike facility and associated works.

Dear Sir,

I write in connection with the above development application. I have examined the plans and I wish to offer my support to the proposal, for the reasons outlined below.

A mountain bike park in the Ballina Shire would be a great asset to the area. With other councils supporting bike parks in Lismore, Kyogle and the Rail Trail, it would be great to see Ballina Council help make this area a mecca for mountain biking. Speaking from experience, mountain bikers will travel several hours to visit new trails and participate in events. This would increase tourism in the area and support local industries.

Riding on the road is unsafe for bike riders in the area due to no dedicated bike lanes, narrow roads and lack of driver education. A dedicated bike park would be a safe friendly environment for the young and old. I have three children, all who are involved with mountain biking. Currently, we have to travel a minimum of thirty minutes to an hour to find safe riding areas. A local park would enable a safe environment for children to get out of the house, away from technology and to learn new skills.

Mountain biking is an environmental friendly activity, not causing any wear on the environment, noise or pollution if riding is done on dedicated purpose build trails. Several studies have found there are no difference between biking and hiking in terms of environmental impact. With members of the community, particularly the Northern Rivers Dirty Wheels Mountain Bike Club, building and maintaining the trails.

I support and encourage the work of Northern Rivers Dirty Wheels Mountain Bike Club with the preparation of the proposal, and am satisfied the club represents the voice of the northern rivers mountain biking community.

Thank you for your consideration with this matter.

Kind Regards,

Scott Connolly

Dwayne Roberts

From: ryan mclean <ryan_mclean@live.com.au>
Sent: Monday, 3 November 2014 9:58 PM
Subject: Ref Number: 010.2014.00000512.001

Applicant - Northern River Dirty Wheels Mountain Bike Club
Principal Certifying Authority - Ballina Shire Council
Referral Agency - Roads & Maritime Services

hello I am writing to express my support for a mountain bike facility in the Ballina area. I believe it will benefit the local community in regards to extra visitors which will benefit local businesses, myself and others travel to the gold coast to ride on a purpose build track thus spending in the gold coast economy. The only trails that are available in the Ballina area are national parks and fire trails which can be quite remote and unmaintained thus increasing the danger of riding them also making some riders more reluctant to use them.

I sincerely hope that the proposed facility goes ahead.

Yours, Ryan McLean

Dwayne Roberts

From: Clara Poletto <clarap@westnet.com.au>
Sent: Monday, 3 November 2014 9:22 PM
Subject: Mountain bike park

Dear Sir/Madam,

I am writing to express my support for a Mountain bike part at the quarry area. This would be a fantastic asset for families to ride at. We need more places like this where families(especially boys) can exercise and actively enjoy nature.
Thank you

Smiles, Clara Poletto
3 Bentinck St
Ballina
NSW
2478

Dwayne Roberts

From: Gray John <johnmgray@westnet.com.au>
Sent: Monday, 3 November 2014 8:50 PM
Subject: DA 010.2014.00000512.001 – Northern Rivers Dirty Wheels Mountain Bike Club

Attention Andrew Smith

Dear Sir,

RE: DA 010.2014.00000512.001 – Northern Rivers Dirty Wheels Mountain Bike Club

I refer to the application lodged by the Northern Rivers Dirty Wheels Mountain Bike Club. I write in support of the application because:

- The application will support the growth of this popular sport. Tracks and facilities are being established by Local Councils, State Forest Departments and National Parks across Australia.
- Mountain Biking as a sport prospers where public authorities land holders and local bike clubs have co operatively engaged to establish and maintain facilities.
- The successful engagement of Local Authorities with Local Clubs furthers the social and economic prosperity of the local community at large. this facility will be no different.
- Mountain Biking by its very nature, engages people with a high regard for the values of protecting the natural environment .
- The Nth Rivers Dirty Wheels Mountain Bike Club is well established and managed by a team of responsible elected officers. The club is affiliated with the MTB Association of Australia and all events are managed to both protect the environment and provide for the safety of participants
- Well run Mountain Biking facilities are increasingly becoming a very significant part of the eco-tourist industry of local communities.
- This proposed facility would nourish the type of growth that the majority of people of the NSW Nth Coast and Ballina Shire would like to see.
- Such a facility is consistent with the economic and eco-sustainable development planned for our Region.

I strongly encourage Council to approve the application and work with the club to develop the site as a world class facility in our region.

Regards

John Gray
0427 674 772
PO Box 1517 Byron Bay 2481
johnmgray@westnet.com.au

Dwayne Roberts

From: Ivan Holland <ivanholland@gmail.com>
Sent: Tuesday, 4 November 2014 3:22 PM
Subject: 010.2014.00000512.001 - To establish a mountain bike facility and associated works

Dear Mr Andrew Smith,

I am writing to make a submission in support of DA010.2014.00000512.001 - To establish a mountain bike facility and associated works.

I am an active & enthusiastic mountain biker & am very excited by the possibility of a mountain bike facility being established in Ballina Shire.

Mountain biking is a healthy & fun sport that deserves the support of Ballina Shire.

Please approve this DA & support the development of this facility & mountain biking in Ballina Shire.

Kind regards,
Ivan Holland

Dwayne Roberts

From: Les Jacobsen Photography <info@lesjacobsen.com>
Sent: Tuesday, 4 November 2014 11:19 PM
Subject: DA 010.2014.00000512.001

Dear Council,

I would like to voice my support for DA 010.2014.00000512.001 Duck Creek Mountain Bike Park.

I think this would be a fantastic asset for the shire and I would love to see Council supporting such facility through approving the DA and really addressing our communities and our regions

The northern rivers really has no mountain biking locations and many other areas in Australia are surging ahead with trail building. There a numerous examples of new trails n Australia in the last year or two and it looks like the Qld state gov are planning to spend \$20 million on mountain bike facilities in Nerang over the next 2-3 years. Duck Creek could be a big step forward to help this area keep with the fast changing times and ever increasing popularity of cycling .

I travel at least one day a week with friends and family to mountain bike, the closest trails are in South East QLD and It would wonderful to have a trail centre in the northern rivers and right here in Ballina Shire

There are numerous examples around the world that prove that mountain bike parks hugely increase visitor number to an area, increase tourism and the tourist dollar for local businesses

The health benefits are also huge with mountain biking, not only for fitness but also emotional well being, Good on you Ballina Shire Council let the good times Roll

Thanks
Les Jacobsen
Ballina

Dwayne Roberts

From: Phillipa Schultz <schultze@bigpond.com>
Sent: Tuesday, 4 November 2014 9:59 PM
Subject: DA No. 2014/512 Establish a mountain bike facility

To whom it may concern,

I would like to make some comments in support of the DA to establish a mountain bike facility off the Bruxner Highway at Alstonville.

I have recently moved to the region from Southern NSW where mountain biking is quite popular and well supported by numerous facilities similar to that proposed by NRDWMBC.

At present there are no such facilities within the Ballina Shire. As a result mountain bike riders are forced to go elsewhere to enjoy their sport, or to ride on local roads which are unsuited to being shared with motor vehicles due to the general lack of a verge. This facility would provide an environment where cyclists are able to safely enjoy their sport without competing with motor vehicles.

In conclusion I would encourage Ballina Shire council to allow this proposal to proceed.

Regards

Richard Schultz
11 Albert St
Alstonville NSW 2477

PETITION OF SUPPORT

MOUNTAIN BIKE PARK, BRUXNER HIGHWAY, ALSTONVILLE

Northern Rivers Dirty Wheel Mountain Bike Club Incorporated has lodged a development application (DA 010.2014.0000512.001) for a low-key mountain bike park on Council owned land at Bruxner Highway, Alstonville. The facility will provide graded trails suitable for beginners to advanced riders. We need as much support for the facility as possible. Please express your support for the facility by signing the petition below, or write your own letter of support to Ballina Shire Council (council@ballina.nsw.gov.au):

Name	Address	Signature
Sheyn Da-Re	51 Urumba Rd, Lynwood	
Reuben Hegerty	511 uralba Road, Lynwood	RH
Maurice Fedeli	3 Kingfisher Pl East Ballina	
DAVE HERBERT	67 CHAM ST BALLINA	
Kim Harbert	67 Clavan St Ballina	
Joanna King	25 D'Arcy Drive G'Bah	
Scott Deakin - Bell	4 Aspley Street Ballina	
Sam Mays	4 Kurrajong Ct Ballina	
John Irvine	Po Box 101 TUREBO Gibbon St	
Scott Morris	Unit 1/58 Lennox Head.	
JASON HARDY	3/7 LAWSON STREET BRUNNBY	
DAVE KING	25 Darcy Dr. Gungahlin	
Matt Carter	2169 Cedar Crs Ballina	
Andrew Gill	54 cedar Avenue Alstonville	
Craig Thompson	17 Minley Cres East Ballina	
Graham Stewarts	5 Whirls Place Alstonville	

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

PETITION OF SUPPORT

MOUNTAIN BIKE PARK, BRUXNER HIGHWAY, ALSTONVILLE

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Name	Address	Signature
CAROLE SHARROCK	16 SHEARWATER CL. ^{EAST} BALLINA	<i>C. Sharrock</i>
JEFF BERRY	72 WILLOWBANK DR ALSTONVILLE	<i>Jeff Berry</i>
CHRIS SYME	2 PETREL CRT EAST BALLINA	<i>Chris Syme</i>
GIRANT CHARLTON	47 MAIN ST LUNER	<i>Girant Charlton</i>
ROBERT PINE	5/72 FENWICK DR BALLINA	<i>Robert Pine</i>
MICHAEL HANLEY	27 KILLARNEY CR SKENNARS	<i>Michael Hanley</i>
Lachlan Cutter	58 Stelly Beach Road	<i>Lachlan Cutter</i>
John Woodlands	250 FRENCH HUT ROAD LINTONBAR	<i>John Woodlands</i>
Daniel Johnson	141 Eyles Drive	<i>Daniel Johnson</i>
Luke Pickering	27 River St. Ballina 2478	<i>Luke Pickering</i>
Ritchie Duman	41 The Ridgeway Ballina BALLINA 2478	<i>Ritchie Duman</i>
Willb	19 NORTHUMBERLAND DVE	<i>Willb</i>
Kerry St George	2 Patricia Rd ²⁴⁷⁵ Woolongah ^{Woolongah}	<i>Kerry St George</i>
BOB BARNES	23 CENTRAL PARK DR. WOOLONGAH	<i>Bob Barnes</i>
IAN GAILER	44 SATSWOOD DR WOLONGAH	<i>Ian Gailer</i>
TERRY SEYMOUR	2 PETREL CRT, BALLINA	<i>Terry Seymour</i>

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

PETITION OF SUPPORT

MOUNTAIN BIKE PARK, BRUXNER HIGHWAY, ALSTONVILLE

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Name	Address	Signature
Mark Stence	14 Nispe St. Kedron	
KATE PHAREY	42/49 COLAC ST, KEDRON	
MARK DOWNNEY	92 BURNET ST. BALLINA	
ANDREW DOWNNEY	92 Burnet St. Ballina	
Wayne Lloyd	47 Hellyar Dr Wollongbar	
Seth mot	296/1A Jabin park	
Cochlan Anderson	1/2 Clarence ^{Clarence} Street	
Brandon Kennedy	36 Red Ford Drive	
Bryce Kennedy	36 Red Ford Drive	
Alex anderson	38 mewrybar swamp	
Phoenix mot	296/1A Jabin park	
Clavin Rose	69 Glenross Drive, Tintenbar	
SAS PROAVINS O'BRIEN	26 FAIRWAY ST PARKES/KEDRON	
ANDREW NEWSON	26 Ambiel Drive LH	
N. Floyd	15 IBIS Place LH	
Jake Hartley	19 Frances Ave Wollongbar	

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

Name	Address	Signature
Brad McKinnon	Ballina	
Bryce Kennedy	Lennox Head	
DAVID STONES	Rock Valley	
Angie Bailey	Fernleigh	
Mans Koerts	Helensvale	
Shanda Northcott	Ballina	
BRIAN O'NEILL	RINEYS HILL	
Ry Hill SAKTBI	Ballina	
LUKE LUCAS	Burleigh Heads	
Maurice Fedeli	Ballina	
Sherrie McCARTHY	Ballina	
Ronan McCarter	Ballina	
Arunsi Downey	Ballina	
P. Newman	Crows Head.	
M. QUINN	South Hobart 7004	
D. KEATS	Koonya, TAS	
Mike Syer	Alstonville	
Josh Burton	Ballina	
CHANGA KIRBY	BALLINA	
TIM COLLEDGE	BALLINA	
NATASHA COLLEDGE	BALLINA	
NATALIE COLLEDGE	BALLINA.	
Diane Clarke	AUCKLAND, N.Z.	
Richard Clarke	Auckland, N.Z.	

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

* niftynomads@gmail.com.

Name	Address	Signature
Brad McKim	3/6 Elizabeth Street	
Odin McDonald	25 Riverview Av	
Shantene McLeod	25 RIVERVIEW AV	
Christian Powell	22 Horizon Drive	
Jabob Robinson	4/10 Hamilton Lane	
MARY COSTELLO	55B Bundena Drive, Bundena, N. Coast	
Leonie Gates	7 Kurraging of Ballina	
Sam Watson	156 ANNE AVE East Ballina	
CASA Watson	55 Dilkera Rd TATHRA	
Sue Woolley	71 Teakwood Drive Alstonville	
John Cochran	7 Latta Ave Ballina	
Susan Taverner	7 Latta Avenue Ballina	
Brock Stewart	1 Westland's place	
Shawn Richey	4 Spinnaker cr	
MARIE WILKS	10 BLETCHINGBY ST WOLLONGABEE	
Kellie WILKS	10 Bletchingly St, Wollongabar	
MARTIN JERRARD	P.O. Box 861 BALLINA	
John DeLaurence	P.O. Box 199 BALLINA	
P.A. HARRIS	12 TAMAR ST BALLINA	
Jye Crowther	2 Summer Hill CFS	
Daniel Anderson	15 Russell Street.	
Lachlan HAYES	1/22 Fox St BALLINA	
Chris Lee	77 Meridian Duffield	
Dylan Harry	103 Grandview St	

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

Name	Address	Signature
Toby Jeffers	103 Grandview St	<i>Toby Jeffers</i>
J. EVERSON	13 TERAGLIA PL. BALLINA	<i>J. Everson</i>
R BROWN	111 Kalinga St Ballina	<i>R. Brown</i>

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

PETITION OF SUPPORT

MOUNTAIN BIKE PARK, BRUXNER HIGHWAY, ALSTONVILLE

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Name	Address	Signature
Penny Pursey	237 Rous Rd GOONELLABAH 2480	
MICHAEL TINK	21 FIREWHEEL WAY BANDORA POINT NSW 2486	
Tim Davis	76 Panorama Drive Alstonville 2477	
John Allen	5 Roseale Place, Alstonville	
Joanna Bonaccorsi	237 Rous Rd Goonellabah	
DAVID STONES	389 CAWONGLA RD ROCK VALLEY	
NORM BALVER	COWLEY RD DUMMOON	
Phillip Rowe	34 Trinity Dr Goonellabah	
Sariya Austin	61 Brandon St S, Park	
Steve Oehlert	197 Rocky Mount Creek Rd, Warkentin	
Tony Keogh	267 Beck Creek Rd. Bentley 2480	
MICHAEL HASSETT	6 REWICK ST LISMORE	
Mark Venables	17 O'Flynn St Lismore	
S Jenkins	3881 Lawrence Rd Maclean	
Simon Clough	90 Beardow St Lismore	
EDDY TRAPP	25 Pineview Dr G'BAH	








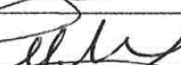

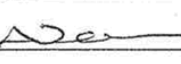
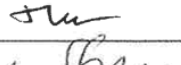
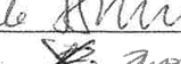


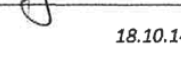

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

PETITION OF SUPPORT

MOUNTAIN BIKE PARK, BRUXNER HIGHWAY, ALSTONVILLE

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Name	Address	Signature
Stephen Paul	3 Cranston Crk Coonellabah	
Shane Russell	6/74 Jensen Ave	
MARCELO MOLINA	UNIT 2/8 NATURE CRT GBRM.	
Gavin Barnes	3 Pinnacle Place Coonellabah	
Greg Enright	36 Waterford Pde Lennox	
Phil Cook	4 Euster Pl	
Matt Hedges	8 Tours Ways	
Greg Bear	4 CRENSHAW PL BRUNNEN	
MICHAEL WENRA	7 Barkula Ave Lennox Head	
LARISSA WATSON	114 CHERRY ST BALLINA	
Amandy JEVONS	23 Bourgoy Ct Sullyville Rd	
Ty-Dawson	4 Kemp st Ballina.	
Sam Simmons	101 Alstonvale Rd Alstonvale	
Felix Ingram	161 Alstonvale Rd Alstonvale	
Craig Gibson	341 Princes Rd	
Don Lee	27 STEWART ST LENNOX	

Petition of Support - Mountain Bike Park, Bruxner Highway, Alstonville

18.10.14

Dwayne Roberts

From: MaryandMerv Hegerty <mervandmary@hotmail.com>
Sent: Thursday, 6 November 2014 9:49 AM
Subject: RESUBMISSION OF SUPPORT DOCUMENT TO DA 2014/512 REPLACING DOCUMENT NO. 14/78690

Principal Certifying Authority Ballina Shire Council
Referral Agency Roads & Maritime Services
Property Bruxner Highway, Alstonville

I wish to voice my support of the application of the Northern Rivers Dirty Wheels Mountain Bike Club in its endeavours to establish a mountain bike track for the enjoyment of mountain bikers both resident of Ballina and those residing in surrounding areas as well as visitors to our area.

It would provide a family orientated sport (not many of those around) and give families invaluable time to participate together in recreational activity providing exercise and challenge, not to mention providing a safe alternative to riding on the roads. There are a lot of bikers in the area who enjoy riding bikes.

Many other destinations have tracks used for mountain biking which would influence tourists to go elsewhere than Ballina if that was important to them or they want to get into the sport.

Ballina now has a wonderful opportunity to provide an extra tourist drawcard which can only be advantageous to Ballina tourism.

The fact that MOUNTAIN BIKING is an activity/sport with very little or no noise component is just one of many GOOD reasons for the provision of such a facility and I support the application.

Mary Hegerty

Dwayne Roberts

From: Jenni Hall <ozzijen@gmail.com>
Sent: Thursday, 6 November 2014 2:14 PM
Subject: DA 2014/512

I am emailing in support of the application to build a mountain bike track near Alstonville.

Mountain biking is an activity that should be encouraged. It is an activity that can be enjoyed by people of all ages, race and gender and building a specific track will encourage more people to get involved.

Mountain biking participation is a great way to offset a sedentary office worker lifestyle and will help people maintain a healthy body and mind. Local schools will also be able to use the track as part of their school sports program.

Please approve this development application as it is a great facility for any community to have access to.

Regards
Jenni Hall

Dwayne Roberts

From: Hall, Shane A (GE Oil & Gas) <shane1.hall@ge.com>
Sent: Thursday, 6 November 2014 3:30 PM
Subject: DA 2014/512

I am emailing in support of the application to build a mountain bike track near Alstonville.

Mountain biking is an activity that young and old can enjoy and a purpose built track is a great step in making this activity available to all.

In today's sedentary world, any development that encourages people to be involved in physical activity has to be supported and applauded. The long term health benefits of being involved in an activity such as mountain biking will be evident in years to come.

The track will also be a great facility for the whole community and could help reduce teenage social problems as it will give them an outlet for their energy.

Please approve this development application as it is a great step forward in becoming a healthier nation.

Regards

Shane Hall - Amateur Athlete and father of 2 healthy daughters

Good Afternoon

I am writing to express my support and excitement of the proposed mountain bike park in the Ballina Shire.

Ballina Shire currently has no dedicated mountain biking facilities and a dedicated bike park would be a great asset to the local area. It would have a positive impact on the [physical wellbeing of people in this area and it would also have a positive economic boost to local tourism.

As a mum with 2 kids who also have an avid interest in mountain biking, I see this park as a great opportunity for my children to be able to learn the needed skills in a safe environment.

Kind Regards

Shanna Driussi

Dwayne Roberts

From: Chris Cook <christophercook@westnet.com.au>
Sent: Thursday, 6 November 2014 9:59 PM
Subject: DA 010.2014.00000512.001

Dear Sir

I'm am writing to you in support of DA 010.2014.00000512.001.

I believe that this facility would be of great benefit to our region.

As a father of three young children, I am thrilled at the prospect of having such a facility so close to home. At the moment we have been finding it difficult to locate a suitable facility the whole family can use, that provides a great riding experience and that doesn't take up the better part of a whole day with travelling included.

To have local trails so close to Ballina and Alstonville would be beneficial for so many people, locals and tourists.

Regards
Chris Cook
Alstonville

Sent from my iPhone

Dwayne Roberts

From: karynmarchant@gmail.com
Sent: Thursday, 6 November 2014 5:00 PM
Subject: Letter of Support - Duck Creek MTB Park

We are emailing our total support for the proposed MTB park near Alstonville.

We are only fairly new to the energetic, environmentally friendly sport of mountain biking we are totally converted. Seeing nature and wildlife as you are thoroughly enjoying yourself and staying out of dangerous traffic and hazardous fumes, it really is one of the most fun ways to get fit also!

We just spent a few weeks road tripping from Brisbane to Canberra and visiting as many tracks as we could along the way, (Mt Stromlo, Awaba State Forrest, Jacks Ridge to name a few) while we enjoyed the use of many councils free tracks we spent valuable tourist dollars in many towns also and stayed at some lovely places.

The value for visitors and locals alike will be well worth it and a true asset to the local tourism, community spirit and health of residents.

Brett & Karyn Marchant

Sent from my iPhone

Dwayne Roberts

From: Ben Rippon <benrips@hotmail.com>
Sent: Thursday, 6 November 2014 8:57 PM
Subject: Letter of support from Ben Rippon

Hi Mr Andrew Smith

Just would like to get behind this DA reference number 010.2014.00000512.001 for the mountain bike riding area proposed for Gap rd. I am a recreational mountain bike rider & want to get behind any thing supporting this sport in our local area. As a healthy active hobbie getting out side & in nature in a low impact way. An area like this would be great ,having a control enviroment for everyone of all ages to enjoy.

Thanks for taking the time to read & hope it helps it get through.

Cheers, from Ben Rippon local resident at 5 Minley Crescent , East Ballina

Dwayne Roberts

From: charlie@charliehewitt.com.au
Sent: Tuesday, 11 November 2014 10:25 AM
Subject: Attn: Dwayne Roberts Re: 010.2014.00000512.001 proposed mountain bike facility, Bruxner Highway

Dear Dwayne,

I am writing in support for this proposal.

The Ballina/Byron area is surprisingly devoid of such facilities. This will be a great asset for the community, not only for riders, but also for people who do not want to have riding in inappropriate areas as this will provide an outlet for people who might otherwise flaunt the regulations.

The story of the Uralba trails is a sad one with both sides acting in bad faith – some riders going way overboard with track building and maintenance, and the authorities over-reacting in response to a just few bad apples (and doing considerable damage to the bushland in their destruction of the tracks). This facility will let everyone move on, and be a drawcard to the area with economic benefits also.

Also, thank you for allowing me to make a submission following closure of the comments period.

Regards

Charlie

CHARLIE HEWITT
0421 098 267
PO Box 442, Lennox Head 2478
www.charliehewitt.com.au

BAKER MANNERING & HART
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Partners:

A.J. Mannering
S.W. Hart B.A.,LL.B

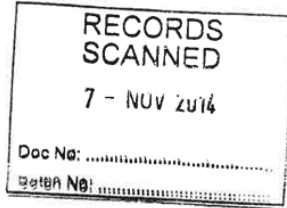
Suite 14, "Ballina Boulevard"
70 River Street
Ballina NSW 2478

PO Box 218
Ballina NSW 2478

Our Ref: **AJM: MLC**
Your Ref:

05 November 2014

Mr Dwayne Roberts,
Ballina Shire Council
Cherry Street
BALLINA NSW 2478



ABN 71 009 418 262
Telephone:
(02) 6686 4233
Facsimile:
(02) 6686 5749
E-Mail: mail@bmha.com.au



Dear Sir,

RE: DEVELOPMENT APPLICATION NO. 2014/512
Northern Rivers Dirty Wheels Mountain Bike Club.

We act for the following objectors to the above development application:

1. The Gap Road Action Group Incorporated.
2. A Reardon & K Kirkby – 31 Gap Road, Alstonville;
3. R & S Lill – 55 Gap Road, Alstonville;
4. A & E Mannering – 165 Gap Road, Alstonville;
5. J & C Thomson – 167 Gap Road Alstonville.
6. P & K Sanders – 175 Gap Road, Alstonville;
7. J Norton & R Vinten – 178 Gap Road, Alstonville;
8. R G & C Shume 314 Duck Creek mountain Road Alstonville.
9. D Shume 102 Duck Creek Mountain Road Alstonville.

Our clients object to the proposed application, on the following grounds.

The Subject Land

The land the subject of the application (the subject land), is now lot 12 in DP 814359 and has been owned by the current owner, Ballina Shire Council, (the consent authority to this application) since 1976.

The land has an area of 18.53 ha with its southern boundary formed by the aligned Bruxner Highway and its northern boundary formed by Cilcotts Creek.

The subject land forms part of larger pocket of natural and regenerated dense bushland, characterised by the steep deep gullies of the Chilcott Creek valley and the escarpment and ridgelines of the jump up from the coastal plain to the Alstonville plateau.

F:\Precedents\4DIGAP ROAD RESIDENTS ASSOCIATION 13282 MTN BIKES\Objection Submission 2nd DA.doc

This pocket is bounded roughly, to the south by Bruxner Highway, to the north by the Tucombil cane lands, to the west by Alstonville plateau and to the east by cane land and the Pacific Highway.

Because of the topography and clay soil composition, early attempts to farm and cultivate the land have been largely abandoned in favour of rural residential settlement, by persons seeking a quiet rural lifestyle.

The lack of any human activity, for a long period of time, has allowed the subject land to regenerate itself with dense bush cover of native plant species which have rapidly outgrown the common weeds.

Quality stands of remnant rainforest have survived and are flourishing, especially along the creek. There are a number of spring fed wetlands.

There has also been an explosion in populations of native fauna aided in part by the absence of feral animals and human activity. The local residents have played their part in restraining domestic pets and controlling feral animals.

The subject land remains an important buffer from highway noise and the dust and noise from Stokers Quarry for nearby residents.

History of the Subject Land.

To know the recent history of the subject land is important in the assessment of the application.

The subject land was once part of an early farm known as 'Hillandale.' This farm was purchased by the late Archibald Shume & Grace Shume in 1962.

Although the majority of the land was cleared significant pockets of the original 'Big Scrub' survived and was preserved, especially along the creek.

After Archibald Shume died in 1975, Tintenbar council (since amalgamated with Ballina Council) approached his widow Grace Shume, to purchase the subject land. The sale was completed in 1976.

Negotiation for the purchase, were conducted on the council's behalf by Mr Fred Woods and Mr Peter Thorpe.

About the same time council purchased land from Bob Stoker on which Stokers Quarry is now situated.

Council agreed that the subject land was to be a 'greenbelt buffer' for the a proposed garbage dump planned for the Stoker land, with an additional agreement for the Council to plant pine trees along the boundary fence as a further buffer.

The Council recognised that because the subject land was an important part of the Emigrant Creek catchment, a garbage dump was inappropriate.

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Unfortunately bulldozers were then used to cut a network of rough tracks and other earthworks throughout the subject land. These tracks and earthworks do not appear to be supported by any development consent.

The result of this operation was significant destruction of vegetation and habitat, erosion and siltation of creeks and waterways. Springs and surface water flows that had a history of being drought proof, dried up. The subject land was opened up to the infestation of noxious weeds.

There has been no attempt to maintain these tracks or rehabilitate the subject land.

Fortunately due to the passage of time and the subject land being left relatively undisturbed, the land is well on the way to repairing and regenerating itself. This is dramatically illustrated by the series of photographs in appendix B of the application.

The Application and Statement of Environmental Effects;

The application proposes a radical and invasive change of use of the subject land, from what is effectively natural undisturbed bushland and quarry buffer, to an intensive, non essential, recreation facility, that will be mostly unsupervised, not secure and open to the public.

Although, the development may be permissible under the zoning of the land, it is not a preferred land use and is totally inconsistent with the land usage of the area.

The development application and statement of environmental effects are inadequate and do not address, or adequately address the impact of the development and statutory requirements.

The application has not been correctly notified.

The application to the elected council, to approve the Council's consent to the making of the application, was not notified.

It is disappointing to the objectors, that although there has been consultation by the applicants with the council for over some time, at no time was there any consultation by the applicants or the Council with the affected residents.

Site Access and Security.

The development site is not fenced and access to the site is not regulated or prevented. The fact that the access gate has been allowed to fall into disrepair is evidence of this.

The boundaries of the subject lot are not defined other than by the Chilcott Creek frontage, which does not amount to an effective physical barrier.

The application does not address how the proposed activity will be confined to the subject lot. The nature of the activity indicates that the activity will spill over into adjoining and appurtenant private lands, including the Ballina Council owned Stokers Quarry, creating disturbance, damage and safety and security issues.

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The applicants have been reported in the Northern Star as saying that “the trails will be available for use by the general public and this is confirmed by the application.

The signage and ‘driveway’ access from the Bruxner Highway will ‘signpost’ and ‘advertise’ the opening up of the land for public use.

The change in the land use and creation of trails and the publicity of the activity, will attract unauthorised use of the land and adjoining and appurtenant private lands, by motor bike riders and 4WD vehicles, which will be unregulated and uncontained.

There is already a history of unauthorised usage of the subject land, surrounding private land and Stokers Quarry by motor bike riders and 4WD vehicles.

The opening up of the land by the change in the land use and creation of trails and the publicity of the activity, will also see a resurgence in the illegal pilfering and harvesting of protected native plant such as epiphytes and ferns, which are abundant on the subject land and in the surrounding rainforest area. There is already a history of such activity from the subject land.

It is difficult to envisage how the activity or any unauthorised users, can be contained in the subject lot, having regard to the nature of the activity and topography of the land and the surrounding area.

A 3 metre high chain wire fence of the perimeter of the land would be an absolute minimum. This fence would also need to be set well back from Chilcotts Creek to keep tracks and the activity well away from the creek. A “rural style” fence of some of the boundaries would be completely ineffective to contain the activity. and secure the site. The subject land will need to be surveyed and pegged to locate the boundaries.

Further the application contains no effective plan to control access to the site

The lack of any adequate and practical mean of containing the activity, in the subject land, and of preventing unauthorised trespass and use of the land, will create an ongoing legal liability and safety issue for the applicant and Ballina Council, the landowner, which will remain liable for damages for the escape of the nuisance onto adjoining private land.

Bush Fire Prone Land;

The application has not adequately addressed bushfire prevention and safety, which is essential having regard to the nature of the proposed development site and the surrounding land, the nature of the activity and the current fire threat in this area..

The whole of the proposed development site and most of the surrounding land is mapped by the Ballina Shire Council as Bush Fire Prone land and for good reason. The proposed development site and the surrounding land is significantly vegetated with high fuel loads. This is well evidenced by the first aerial photograph in appendix B of the application.

The subject land is situated in a valley, comprising moderate to steep topography, which when combined with the prevailing wind, would create a bush fire funnel and cause rapid spread of fire, that would quickly impact on residences and threaten life.

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The nature of the proposed activity, the number of persons using the facility and its propensity to attract public users, school children, (paragraph 4.10 of the application) unsupervised users and unauthorised users, will exponentially increase the likelihood of accidental or intentional wildfire. Such a fire can be started by a discarded cigarette, lit cooking fires, or accidental ignition caused by the activity itself, both during the construction phase and activity phase.

If a bushfire was to start, the safety of the activity users, spread out in the bush would be potentially tragically compromised. The application has no viable evacuation plan in the event of fire or other emergency and contrary to the assertion of the applicant there are no viable alternative escape routes.

The Rural Fire Service and other emergency service personnel will be put at unnecessary risk to extract users from the site and try to control and contain the fire.

The applicant and Ballina Council, as landowner and consent authority, will be liable for damages caused by the escape of any fire from the subject lot, onto adjoining private land.

Accordingly a bush fire plan is essential before the determination of the application.

Cumulative Impact

The application is deficient in that it has not assessed and addressed the cumulative impact of the development proposal with the operation of the extractive operation of Stokers Quarry and of the nearby Westbridge Lane quarry, approved pursuant to development Application 2008/377.

The cumulative operation of the subject development and the other two nearby extractive operations will increase and amplify the impact on the loss of amenity of the area, the impact on native Fauna, noise, dust and the general environment. The cumulative operation of the subject development and the other two nearby extractive operations, will also exacerbate the traffic problems with the Bruxner Highway.

Air Quality

The application has not addressed adverse air quality impacts, resulting from dust and particulate emissions from the development site.

The development site is otherwise bushland, that generates negligible 'natural' dust.

The potential sources of dust emission from the proposed development can be identified from the construction and subsequent exposure of tracks and trails and the activity of riding of many pushbikes along unsealed trails especially in dry times as presently being experienced

Noise

The land surrounding the subject land can be characterised as rural residential and as such is usually peaceful and quiet. The development will have an unacceptable noise impact on the locality and the impacted residences both during the construction phase and activity phase.

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Nearby residence are unfortunately all too familiar with the funnelling effect of the valley, on excavation and plant operation noise from Stokers Quarry.

The development activity is not one conducted in silence. It is characterised by the noise of excited participants. If events or competitions are held, starting horns, loud hailers and public address systems will be used.

Surface and Ground Water

Chilcotts Creek (named after an early explorer and surveyor) is a pristine perennial freshwater creek, which rises on the eastern edge of the Alstonville Plateau and flows via Emigrant Creek into the Richmond River.

The course of the creek from its headwaters to Emmigrant creek is relatively free from contamination and pollution sources, the main threats being from the sewage pumping station behind Valley Drive Alstonville, Stokers Quarry and the proposed Westbrige Lane quarry.

Chilcotts Creek has significant average water flows and large volume flows during periods of heavy rainfall.

Chilcotts Creek mostly flows over a rocky bed and normally has low sediment and turbidity levels even during periods of heavy rainfall.

The creek is used by some of the impacted residences as a domestic water source.

The development will have an unacceptable sedimentation and human impact on Chilcotts Creek.

The application states there will be no trails near the Chilcotts Creek, but is silent on how this will be achieved. There will be nothing to stop the participants, unsupervised users and unauthorised users making their own trails to Chilcotts Creek.

Further the area is intersected with streams and gullies that feed into Chilcotts Creek, that will be crossed and impacted by the proposed trails.

The cleared unsealed trails themselves will become channels and gutters creating unacceptable erosion and sedimentation of the creek especially during periods of heavy rainfall.

The application does not propose any adequate sedimentation or erosion measures.

The proposed carpark and access road will create further sedimentation and erosion problems.

The application makes no provision for the identification and subsequent disturbance of potential acid-sulphate soils and the consequential pollution and contamination of the environmentally sensitive Chilcotts Creek with acid-sulphate run-off, caused by the construction of trails and other infrastructure.

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It is highly likely that human activity from the development, will adversely impact on the creek and the application proposes no effective prevention measures.

Waste Management

The application makes no provision for any toilet or sanitary facilities for the "up to 30 riders." (Northern Star article), that will be attracted to the facility and for the general public that will be attracted to and allowed to use the facility.

The application rather naively suggests, that when nature calls, the participant will ride their bike out onto the Bruxner Highway and presumably either ride or drive westerly up the highway, to the nearest public toilet facilities in Alstonville township or easterly to the nearest public toilet facilities in Ballina, whose facilities may not always be open. This entails a westerly return trip of some 8 kilometres, bearing in mind that exiting the site onto the Bruxner Highway, can only be done in an easterly direction towards the coast, or a 16 kilometre round trip to Ballina.

It must also be noted that due to the nature of the activity to attract minors and the proposal to make the facility available to schools for sport (paragraph 4.10 of the application) many of the persons using the facility may have to ride their push bikes up the hill to Alstonville or to Ballina, to go to the toilet, again bearing in mind that exiting the site onto the Bruxner Highway, can only be done in an easterly direction towards the coast.

Having to leave the site to go to the toilet will of course increase traffic movements in and out of the site onto the Bruxner Highway and create a temptation to turn right onto Bruxner Highway across the traffic to go to Alstonville. .

The inescapable implication is that people will urinate and defecate in the bush on the site, with all the attendant pollution, contamination and health problems that will cause.

Proper toilet facilities would have to be provided, with offsite disposal of waste (the site is not suitable for an absorption trench septic system) catering for disabled persons in accordance with the relevant statutory requirements.

Traffic and Transport

The application is deficient in that it does not contain a viable traffic plan, notwithstanding that the only access to the subject land is from the Bruxner Highway which is a controlled access road pursuant to the Roads Act 1993.

The Bruxner Highway is a major arterial highway with 100kph speed limit in both directions at the proposed access location, with dual lanes to the west and a single lane to the east.

The highway carries significant volumes of traffic in both directions including many heavy transport vehicles.

There are no merging lane onto the highway to the east and no merging lane to the west.

There is limited sight distance for traffic entering the subject land from the east and leaving the land to the west. Any sight distance is severely compromised to the west by the

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setting sun. The Austroads standards which provide sight distances as absolute minimums would apply. Clearing vegetation will not resolve the sight distance problem because it is the intersected rock escarpment and left hand curve, that causes the reduction in the sight distance from the West. Further who is going to maintain the clearing of the vegetation regrowth The proposal would not be compliant to minimum sight distances..

The proposal to feed cars and push bikes (no matter the volume) into a 100 kph traffic stream, with no merge lane and inadequate sight distance, is a compromised and dangerous proposition, with the potential for highway traffic disruption and serious accidents. Pushbikes entering and exiting the site in numbers will pose an unacceptable risk to themselves and highway users.

The RMS indicate the proposed access location is only suitable for low volume infrequent use. It is the RMS preferred position that there be no access to the Bruxner highway from the site at all.

The proponents of the development are on public record as stating that once the trails are developed club rides could be held which would attract up to 30 riders. (See Northern Star article attached).

The applicant states it has 84 members and conducts racing, training and social riding events. (paragraph 1.4 of the application) Further the applicants state the activity is growing in popularity and proposes to make the facility available to schools for sport (paragraph 4.10 of the application). This is totally at odds with the applicants estimated proposed traffic volumes of 4 vehicles at any one time and infrequent and irregular use.

The use of the vehicular volumes of Byron Bay Farmstay for comparable purposes for this development, is flawed and of no value. Byron Bay Farmstay is a private concern that offer a wide range of accommodation and activities. The subject development, proposes a dedicated mountain bike facility, that will be promoted as such.

It is nonsensical to suggest that there is any practical way to regulate and time the traffic volume to arrive at and leave the site at the very low volume limit of 4 vehicles at any one time, especially when the facility is open to the public. However anyone who has travelled that section of the Bruxner Highway will know that having even 4 vehicles decelerating to enter the site, or feeding into the 100kpa traffic stream to leave the site, is a dangerous and compromised proposition.

The application proposes there will be no onsite toilet or sanitary facilities. (paragraph 3.3.16 of the application). Having to leave the site to go to the toilet will of course increase traffic movements in and out of the site onto the Bruxner Highway and create a temptation to turn right onto Bruxner Highway across the traffic flow to go to Alstonville to the toilet..

There will be no practical way to ensure that persons using the facility (noting that it will be open to the public) enter the land from the west and exit the land to the east, because the site is not secure and will not be supervised by the applicants at all times.

There will be no practical way to ensure that users of the facility will not park on the highway shoulder when the 4 space onsite carpark is full The Applicant promoted parking on the road reserve in their prior application. The applicants are still suggesting this is a legal proposition and there is the 'physical capacity ' for 28 informal parking spaces on the

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road reserve adjacent to the site (paragraph 2.2 of the Traffic and Parking Assessment). Because only 4 carspaces are to be provided onsite the inescapable conclusion is that the road reserve will be used as a carpark and a drop off zone for bikes and people including children.

The fact that the applicant previously proposed parking at Duck Creek Mountain Road and on the road reserve, indicates that the applicant have little understanding of the safety dynamics of a major highway. This of concern because the supervision of the left turn in and out of the site by no more than 4 vehicles at any one time, will be left up to the unqualified personnel of the applicant, when it has personnel actually on site and otherwise these rules will be unsupervised.

Vehicles entering the site will not then know if the 4 space carpark is full. For obvious reasons the (maximum) 4 metre wide gravel access track will not be a viable overflow carpark. If the 4 space carpark is full vehicles will have to turn around and exit the site to find somewhere remote from the site to park and either walk or ride along the highway to the site, creating yet more traffic movements onto the highway and pedestrian and bicycle conflicts with the highway.

The applicants by the change of use of the subject land, are attracting a substantial increase in vehicle movements to the site for the first time by the activity and must provide a legal and safe access and carpark, to cater for the maximum anticipated number of users to the site.

The proposed 'Basic Left Hand Turn is designed for and is only really suitable for rural driveways and is not indicated for this application. Once the activity is approved there is no way of regulating or controlling the number of vehicle movement to and from the site, onto the highway. An intersection with the physical controls and safety features of the new Westbridge lane intersection, is indicated for this discretionary organised recreational activity.

The other traffic problem not considered by the applicants, is the cumulative effect of the traffic generated by this proposal, to be mingled with the haul trucks and trailers entering and exiting Gap Road onto the Highway from the Council owned Stokers Quarry. Because that quarry is currently licensed to the Lismore Council, most of those haul trucks come from the west and turn fully laden across the Bruxner traffic flow to return to the west, just downhill from the Applicants proposed access location.

Westbound, the laden quarry trucks will be turning from a standing start across the 100kph eastbound traffic stream to attempt to merge with two lanes of 100kph westbound traffic stream with no merging lane.

There is no public transport servicing the land.

This recreational development is not an essential or preferred activity or use of the subject land and will only 'temporarily' benefit a small discrete section of the community. The dangerous and unsuitable access to the site from a major arterial highway, cannot be remedied by impossible to regulate promises not to turn right or park on the road reserve. The safety of the highway users and the participants themselves, should not be compromised.

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Flora and Fauna

The application is deficient in that a full Flora and Fauna study has not been undertaken.

The stated reason that Flora and Fauna study has not been undertaken, is because the proposed works are of a minor nature. This is not correct. The application proposes to clear trails and construct bridges, which will cause destruction of Flora and disturbance of protected and threatened Fauna and disturbance and destruction of habitat.

However, it is not just the works proposed by the application, but also the activity proposed by the application, that must be considered in assessing the impact of the development on the Flora and Fauna of the subject land and the surrounding land.

The activity proposed by the application will be a radical and invasive change in current land use, from almost no human disturbance to significant human disturbance and the use of excavators and other machinery.

The subject land contains many significant and rare trees, ferns, epiphytes and shrubs, including:-

Red fruited lily pilli, Weeping lily pilli, Plum pine, small and large leaf Sandpaper figs, most species of koala feed trees, Stag and Elkhorns, Birdnest ferns, and cycads.

The proposed development is located in an area of high conservation value: The subject land and surrounding lands contain a virtual zoo of native fauna.

The subject land supports viable colonies of the following species:

platypus, pretty faced wallabies, bandicoots, potoroo, giant barred frog, Stephens banded snake, pythons, red belly black snakes, water dragons, goanna, lace monitors, white-eared monarch, rose-crowned fruit dove, swamp pheasant, bush hen, brush turkeys powerful owl, masked owl, little bent-wing bat, common bent-wing bat, greater broad-nosed bat, northern long-eared bat, hoary bat, yellow-bellied sheath-tail bat, eastern free-tail bat, Queensland blossom bat, red-legged pademelon.

The subject land provides ridgeline corridors of mature canopy trees with protective groundcover for threatened fauna especially the koala. The subject land has significant stands of koala food trees.

The subject land and the adjoining Stoker Quarry land, are core koala habitat with an abundance of koala food trees. Accordingly a Koala Management Plan must be prepared pursuant to SEPP44, before consideration and determination of the application by Council. There is abundant anecdotal evidence of viable koala colonies on the subject and surrounding land.

Chilcotts Creek supports colonies of platypus, bass, fresh water mussels and the endangered blue orange crayfish.

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There is no proposal in the application to prohibit the introduction of domestic pets, such as dogs to the land. Further the intention to open the land to up to the public will invariably lead to the introduction of domestic and feral animals to the land.

Visual;

The clearing of tracks and destruction of the canopy will adversely impact on those residents that overlook the site and reduce the effectiveness of the land to act as a buffer against the visual impact of Stokers Quarry.

The proposed signage will add to the visual impact and act as a beacon for unintended and adverse usage of the subject land.

Social and Economic Considerations and Loss of Amenity

The proposed development will have adverse impacts on the neighbouring residences and their amenity.

The cumulative effect of proposed development with the continued operation of Stokers Quarry and with the proposed Westbridge Lane quarry, will contribute to the destruction of the amenity of the surrounding rural setting and give no respite to the nearby residences.

The development will reduce the effectiveness of the subject land to act as a buffer zone against the impact of Stokers Quarry the operational life of which Ballina Council has recently extended by another ten years.

It is difficult to see how the development can have any economic advantage to the landowner, the Ballina Council, the shire or the ratepayers. There is nothing in the application that suggests there is an economic return for the Council.

However the development has the potential for significant economic detriment for the Council.

As the landowner, Council will remain liable for damages and will become a party to any litigation arising from the use of the land and the escape of nuisance and threats from the land.

As the landowner and the consent authority, Council will remain liable to secure the site, prevent any nuisance emanating from the site, and prevent unauthorised use of the land.

As the landowner of the adjoining Stokers Quarry, Council will be responsible to ensure that persons attracted to the subject land by the facility, bearing in mind it will be open to the public, are kept safe and out of the Quarry and adjoining private land.

As the landowner and the consent authority, Council will be responsible for any environmental damage to the land and to maintain and rehabilitate the land, if the applicants fail to do so.

The economic impact of the development not proceeding is negligible. The asserted lack of sites for the activity, will be addressed by the well publicised proposal for a 'Rail Trail' utilising the existing Lismore to Murwillumbah rail corridor.

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The development has negligible employment opportunities.

The adverse impact of the development far outweighs its social and economic value.

Summary and Conclusion.

The application should be refused on the following grounds.

1. The compromise of the use of the subject land as a quarry buffer zone.
2. The Statement of Environment Effects is deficient.
3. The application proposes no adequate site security or unauthorised access controls and promotes opening up the site to the public.
4. The land is bush fire prone land and highly susceptible to wildfire. There is no bushfire plan.
5. The cumulative impact of the development with Stokers Quarry and Westbridge Lane Quarry has not been addressed.
6. The impact of the development on surface and ground water has not been adequately addressed and mitigated.
7. There is no onsite toilet.
8. The access to the site is dangerous and non compliant. There is inadequate parking proposed.
9. The activity will have an unacceptable adverse impact on the flora and fauna of the subject land and surrounding area. There is no proper Flora and Fauna study. A Koala Management Plan is mandatory.
10. There are negligible social or economic benefits of the development and significant social and economic disadvantages of the development. There is no advantage to the Council or the ratepayers flowing from the development and every possibility of a legal and financial burden.
11. The Ballina Shire Council as the landowner and consent authority will remain responsible to supervise the activity and maintain and rehabilitate the site and will remain legally liable for all damages that flow from the activity.

The objectors, object to the proposed development on the grounds stated herein.

The objectors submit that the development should not proceed in its present form or at all.

If it is proposed to grant the application, Council must ensure that as the landowner and the consent authority, it imposes the same conditions that would be imposed on a private landowner proposing a similar activity in bushfire prone land.

Yours faithfully,

BAKER MANNERING & HART



Per:

ANTHONY J. MANNERING

Encl

Baker Mannering & Hart

APPLICATION LODGED: Mountain-bikers keen to create park with 'meaningful experiences'

On the trail of a new adventure

REBECCA LOULBACK
rebecca.loulback@northernstar.com.au

A MOUNTAIN bike park planned for Alstonville will give riders "meaningful experiences" with challenging trails that take in the natural beauty of surrounding bushland.

It will be modelled on popular facilities at Gap Creek, Daisy Hill, Nerang and Bunyaville in south-east Queensland.

The development application for the site, just off the Bruxner Hwy, has now been lodged with Ballina Shire Council and is on public exhibition.

The Northern Rivers Dirty Wheels Mountain Bike Club says its vision for the site is to provide a venue which has "low key and sustainable single-track mountain bike trails".

A network of trails will be built for beginners and experienced riders.

Existing vehicle tracks will be upgraded and it is proposed a number of small

FIND OUT MORE

- For more information about the Northern Rivers Dirty Wheels Mountain Bike Club, visit dirtywheels.org.
- To view the development application for the proposed mountain bike park at Alstonville, visit ballina.nsw.gov.au.

wooden bridges will be built so riders can cross streams and gullies.

"It is proposed to create a graded network of trails throughout the site with technical features that are designed for various skill levels," the club states in its development application.

"The trails will be available for use by the general public and will provide meaningful mountain biking experiences which advocate positive environmental custodianship.

"The facilities will be well managed and well maintained, offering opportunities for people of all ages to experience and learn about the natural environment."

Trails will be built by members of the Northern Rivers Dirty Wheels Mountain Bike Club and volun-

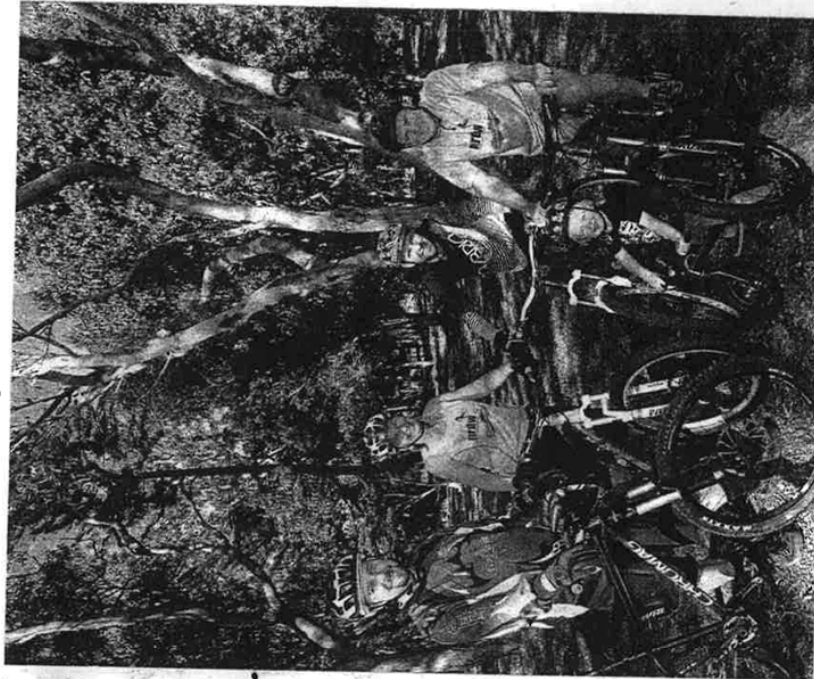
teers.

Location of the trails will be decided based on a number of factors, including grade and topography, drainage, soil type, incorporation of technical features such as berms, drop-offs, rock gardens and jumps, and opportunities to pass by interesting natural features.

Currently there are no public, legal, single-track mountain bike trails within the Ballina Shire - the nearest facilities are at Nerang on the Gold Coast to the north and at Grafton to the south.

The club says that, at this stage, it is not seeking approvals to hold events at the Alstonville site.

However once the trails are developed, the club rides could be held there. These days attract up to 30 riders.



TRAIL RUN: From the Northern Rivers Dirty Wheels Mountain Bike club; Chris Cook of Ballina, Belinda Atkinson of Ballina, James Flockton of Lennox Head, Geoff Parry of Ballina and Finn Flockton, 3, of Lennox Head, plan to build a mountain bike park.

PHOTO: DOUG EATON



Ballina Shire Council
PO Box 450
Ballina NSW 2478
Attention: Mr Dwayne Roberts

24 November 2014

Dear Mr Roberts

**Re: Development Approval Application 2014/512
Response to Objection from Baker Mannering & Hart**

We refer to the letter from Baker Mannering & Hart to the Ballina Shire Council dated 5 November 2014 regarding Development Approval Application 2014/512 ("the Application").

The letter is written by Mr Mannering on behalf of a number of objectors including himself ("the Letter"). Please find **enclosed** a letter dated 9 November 2014 signed by Mr Anthony Reardon stating that he supports the Application. Mr Reardon is listed as one of the objectors.

The applicant, the Northern Rivers Dirty Wheels Mountain Bike Club ("NRDW"), wish to raise the following matters in response to the Letter.

The Land and History of the Land

The Letter makes a number of assertions in relation to the history of the land the subject of the Application ("the Land"). A number of these assertions are incorrect and, in any event, are irrelevant to this Application.

Mountain bike trails and the activity of riding mountain bikes have minimal impact on the environment as has been set out in the Application. Trails are designed to work with the environment on which they are built and are built in such a way as to be environmentally sustainable. In a facility such as the one proposed, *mountain bike riding is limited to these purpose built trails.*

The fact that there has been historical clearing and earthworks on the Land within a fairly recent timeframe substantiates the fact that there is generally poor vegetation on the parts of the Land where the mountain bike trails are proposed. The Application highlights that there is to be a trail exclusion zone on the steep and vegetated land around Chilcott's Creek. The environmental scientist who inspected the site has verified that there are no "freshwater wetlands" on the parts of the Land where the mountain bike trails are proposed.

Northern Rivers Dirty Wheels Mountain Bike Club Incorporated | 27 Swift Street, Ballina NSW 2478 | nrthridersdirtywheels@gmail.com 1

Regardless of the objector's interpretation of historical events, at Council's Ordinary meeting of 25 July 2013, Council adopted the Future Quarry Strategy which identifies expansion of Stokers Quarry to the west into the Land in the future. In the meantime, allowing the Land to be used as a mountain bike facility as set out in the Application will not have any significant impact on any regeneration that has occurred.

The Application and Statement of Environmental Effects

The Letter suggests that the Application proposes a "radical and invasive change of use" to an "intensive, non essential, recreational facility". This is incorrect. The Land has been zoned for extractive industry purposes since 1988. A mountain bike facility is certainly not more invasive or intensive than the planned end use of the Land as a quarry.

Furthermore, mountain biking is neither invasive nor intensive. The reality is that mountain bike trails have minimal impact on the bushland through which they run. Many other councils and government bodies throughout Australia and the rest of the world have recognised this fact.

One of the many examples are the mountain bike trails in the Koala Bushland Coordinated Conservation Area including the Daisy Hill Regional Park in Queensland. Daisy Hill Regional Park is recognised as an important part of one of Australia's significant regional koala populations¹. The extensive mountain bike trail network in the Daisy Hill Regional Park has been built and maintained by the Department of National Parks, Recreation, Sport and Racing and the relevant city councils with the assistance of volunteers from the local mountain bike clubs.

The Letter states that the Land is effectively "natural undisturbed bushland and quarry buffer". This is inconsistent with his earlier statements as to the previous use of the land and his subsequent statement that there is "already a history of unauthorised usage of the [Land], surrounding private land and Stokers Quarry by motor bike riders and 4WD vehicles".

The Letter claims that the application has not been correctly notified, but does not give any basis for making this assertion.

The Letter says that the application to approve the Council's consent to the making of the application was *not notified but does not give any legal basis for any requirement to notify*. A preliminary proposal was listed as agenda item 11.1 in Council's Notice of Ordinary Meeting provided on Council's web site prior to the July 2013 meeting. At Council's Ordinary meeting of 25 July 2013, which was open for the public to attend, the NRDW provided a deputation to Council and the Councillors unanimously resolved to authorise the General Manager to provide land owner's authority for the NRDW to submit a development application for a mountain bike park to be established on the Land.

There was no requirement to consult with the adjoining land owners by either the Council or NRDW prior to lodging the Application.

Site Access and Security

As stated in the Letter, access to the Land is currently not regulated or prevented and, according to Mr Mannering, the Land has a history of unauthorised use. On the other hand, the Application proposes some controls to access where necessary. Therefore, under the Application, access to the site will be more regulated than it currently is.

¹ <http://www.nprsr.qld.gov.au/parks/daisy-hill/about.html>

The Letter says that the Application does not address how the proposed activity will be confined to the Land. This perhaps reflects a misunderstanding of the sport of mountain bike riding. Mountain bike riding is done on purpose built trails. Pursuant to the Application, the proposal is for the trails to be flagged and approved by a Council staff member before they are built. This will ensure that the trails are contained within the Land. Mountain bike riders do not venture off these trails into the surrounding bushland. To suggest otherwise, reflects a lack of understanding of the sport.

There is no basis for the assertion that creating a mountain bike facility will attract unauthorised use of the land on which the facilities are located.

Mountain bike trails are narrow and hence not able to be travelled by 4WD vehicles. Fencing will be installed to hinder illegal 4WD vehicles accessing the trails.

Riding a motorbike on mountain bike trails causes damaged to those trails. Therefore, mountain bike trails are built in a way which discourages motorbike riders from using them. Further access controls such as lift-over bicycle panels are specifically designed to permit push bikes but prohibit motor bikes. They are commonly used and effective in most mountain bike facilities throughout Australia (e.g. Mount Joyce, Daisy Hill, Gap Creek etc).

Finally, the mere presence of mountain bike riders legally using the Land is likely to discourage the current illegal use by motorbike riders and 4WD vehicles.

Bush Fire Prone Land

The Application discusses the bushfire requirements. The proposed development is not residential nor subdivision and is not listed as Special Fire Protection Purpose in "Planning for Bushfire Protection" (NSW RFS). Therefore, referral to Rural Fire Service for the purpose of a Bushfire Safety Authority is not required and the Rural Fires Act 1997 does not trigger an integrated development application. The proposed development is classified as "other development", and therefore the general aims and objectives of PBP apply. The aim of PBP is to:

"use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.

More specifically, the objectives are to:

- *afford occupants of any building adequate protection from exposure to a bush fire;*
- *provide for a defensible space to be located around buildings;*
- *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*
- *ensure that safe operational access and egress for emergency service personnel and residents is available;*
- *provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and*
- *ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting"*

The primary use of the Land will be recreational mountain biking. This activity generally consists of short duration recreational use of the Land. The proposed development will not result in any increase in vegetation. The main emergency access point to the Land is from the existing driveway off the Bruxner Highway. There is also a secondary access point further east via the Council owned quarry (also off the

Bruxner Highway). In the event of a fire, there are many other options for exiting the Land via foot or bicycle including onto Gap Road via the right of carriage way within the quarry land and to the cleared highway land to the south.

The proposed use does not occur in a manner that creates unreasonable safety risks to users, the general public and/or emergency services personnel. It is unlikely that there will be a risk from discarded cigarettes. The activity is fitness based and hence there are not many mountain bike riders who smoke. Likewise, the activity will not result in the need to light cooking fires. Riders will attend the Land to ride mountain bikes. There is no incentive to carry additional weight in the form of food to be cooked on a fire.

Finally, the Letter suggests that there could be accidental ignition by the activity itself. This is misconceived and shows a lack of understanding about the sport of mountain biking or how mountain bike trails are constructed.

Cumulative Impact

The Letter states that the Application has not assessed and addressed the cumulative impact of the Application with the Stokers Quarry or the nearby Westbridge Lane Quarry.

Mountain biking is a low impact activity and will have little to no impact on any of the matters raised in the Letter, particularly in light of the existing Quarry and the Highway.

Air Quality

The Letter states that the Application has not addressed adverse air quality impacts. Once again, there appears to be a misunderstanding about the sport of mountain biking or the construction of mountain bike trails. Most construction will be carried out by hand with some minor use of small machinery. This will generate minimal dust. As to the dust generated by riders using the trails, there will be even less of an impact. By way of an example, Gap Road is a popular route for cyclists. This road is unsealed and when used by bicycles, produces minimal to no dust. Therefore, the dust generated within the bushland setting of the Land will have minimal to no impact upon air quality.

Noise

The Letter suggests that there will be an unacceptable noise impact on the locality and the impacted residences during the construction and activity phases. Once again, there appears to be a misunderstanding about the sport of mountain biking or the construction of mountain bike trails. The activity of riding a bicycle in a bushland setting on narrow trails requires concentration and therefore, by its nature, is a quiet activity. Given the bushland setting, the noise of riders talking or an occasional excited cheer is unlikely to carry beyond the confines of the Land.

Initially and from time to time, NRDW will undertake trail construction or maintenance days. This will involve volunteers undertaking minor construction activities within the Land. Likely potential noise sources include small machinery (mini-excavator), human chatter and vehicle movements. The Land is bound on one side by the Bruxner Highway and on another by Stokers Quarry, both of which are significant noise generators. Any increase in noise will be negligible.

The Application does not seek consent for events or competitions.

Surface and Ground Water

The Letter speculates about the water quality at the site and makes the assumption that upstream rural residential, farming and macadamia plantations have minimal impact upon water quality.

There will be no trails constructed near Chilcotts Creek because the topography is too steep, making construction and access difficult.

All trails will be designed and constructed with reference to the IMBA guidelines and standard construction details where appropriate. These details have been used successfully in other mountain bike facilities throughout Australia and represent best practice in sustainable trail design. The typical trail design details include recommendations for cross-slope grades, longitudinal grades, swales, berms, and other measures to minimise erosion and transfer of sediments. Minimising the effects of erosion and general wear-and-tear is a primary goal of good trail design, as a successful outcome requires minimal maintenance (and thus volunteer resources). These guidelines are also used by the National Parks and Wildlife Service for trails within their parks.

The Land is not shown as having potential acid sulfate soil on Ballina Shire Council's Acid Sulfate Soil Mapping. The parts of the Land where mountain bike facilities are proposed, do not occur on land with acid sulfate soil potential, because the elevation, topography and soil type are inconsistent with an environment having potential for acid sulfate soil.

Waste Management

The Letter raises some concerns about toilet and sanitary facilities. Once again, there appears to be a misunderstanding about the sport of mountain biking. Due to the physical intensity of mountain biking, most people generally only ride recreationally on a small site like this for a duration of about 2 hours. An onsite toilet facility is not warranted for this duration of use. Other mountain biking facilities of a much larger size do not provide toilet facilities (e.g. Bom Bom State Forest). We note that the Byron Bay Farmstay Mountain Bike Park does not provide toilet facilities and there is no issue with riders urinating or defecating in the bush.

Traffic and Transport

The Application has been provided to the Roads and Maritime Services who have provided suggestions in relation to the access. Council can make these suggestions a condition of granting approval if they are concerned with the proposed access.

The suggestion that the use of vehicular volumes from the Byron Bay Farmstay is flawed is not correct. Although it is not clear, Mr Mannering appears to be suggesting that because the Farmstay offers accommodation and other activities less people will go there to mountain bike. He gives no basis for this suggestion. Furthermore, it would seem reasonable to assume that if this were correct, more vehicles would attend the Farmstay due to the other activities being available.

The reality is that access to the Farmstay accommodation is via a separate entrance from the Mountain Bike Park. The part of the Farmstay on which the bike trails are constructed are not used for any other recreational activity. All of the vehicles recorded in the traffic study were attending the Farmstay for the purpose of using the mountain bike park.

As there is no other local mountain bike facility, it is reasonable to assume that the vehicle numbers will be approximately the same for both the Farmstay and the proposed facility on the Land.

The suggestion that vehicle access will increase because people will be leaving the site to go to the toilet and then return is nonsensical. As stated above, most riders will only be at the site for a couple of hours

at the most. If they need to leave the site to go to the toilet, they are exceedingly unlikely to then return. Therefore, there will be no increase in the amount of traffic.

NRDW is well aware of the need to have safe access to the site. NRDW has consulted with the RMS on a number of occasions in relation to this matter. In addition, NRDW has had the assistance of a firm of town planners in preparing the Application.

While the access may not be ideal as stated by the RMS, this does not mean that the Application should not go ahead with an appropriate Vehicle Management Plan in place to minimise any risk.

The Letter claims that the proposed development will only benefit a discrete section of the community. Mountain biking is an activity which has great benefit to those taking part and to the community as a whole. Many communities throughout the world have recognised these benefits and worked hard to provide mountain bike facilities. Close to home, the Logan City Council has put in place a Recreation Trails Strategy and is working with a volunteer group to expand the current mountain bike facilities in a number of areas within the Council boundaries.

There are no legal public mountain bike facilities in the area. This is a situation which needs to be rectified. NRDW has put forward a proposal for such a facility on the Land which contains a plan for safe access.

Flora and Fauna

The Letter claims that that the Application is deficient in that a full flora and fauna study has not been undertaken.

Once again, there appears to be a misunderstanding concerning the construction of mountain bike trails. The proposed works will be minor. There is not going to be significant human disturbance to the land. The trails will be built in an environmentally sustainable manner, mostly by hand and with only minor use of small machinery where appropriate. These are only narrow single track trails. There will not need to be any major disturbance to the flora. The trails will first be flagged and then approved by Council so that if there is any concern in relation to the flora the trail can be realigned.

The parts of the Land where the mountain bike trails are proposed, consist of mostly mixed regrowth forest vegetation including substantial areas of Camphor laurel. There is also a significant amount of annual, perennial and noxious weed present in the canopy and understory.

Mountain bike trails and facilities are not proposed to be built in the area identified on the Site Concept Plan as a trail exclusion zone around Chilcotts Creek as the topography is prohibitive. Therefore, there will be no impact on any vegetation within this area. As stipulated in the Application, no native canopy trees are proposed for removal. The nature of mountain bike trails is that they wind their way around natural features such as trees, rock outcrops, logs etc. This enhances the mountain bike experience and allows the activity to occur in a way which has minimal environmental impact.

The parts of the Land identified on the Site Concept Plan for mountain bike trails and facilities is highly disturbed bushland. The Letter confirms that the Land has a history of land clearing, excavation and disturbance as well as "unauthorised usage of the Land, surrounding private land and Stokers Quarry by motor bike riders and 4WD vehicles".

The construction process will vary according to the topography and specific micro-features of the trail alignment. In some cases, a mini-excavator (<1m tracking width) may be used to bench in new trails. In

other cases, the trails will be constructed using manual excavation methods and equipment. These construction techniques will be discussed with Council staff as part of the trail design and construction process and adjusted as appropriate. If appropriate, sediment containment devices and other construction mitigation measures will be implemented to ensure protection of the environment.

As to the species listed in the Letter, the Public Report of all Valid Records of Threatened (listed on TSC Act 1995) or Commonwealth listed Flora returned a total of 82 records of 17 species found within 5km of the subject land. This area included Uralba Nature Reserve. None of these were recorded as occurring on the Land. During the site walk, none of these species were observed on the subject land where the mountain bike trails are proposed.

In any event, as shown by the Daisy Hill Regional Park, mountain bike trails can co-exist with the fauna present in the area.

The mountain bike facility will encourage and allow riders to enjoy the flora and fauna on the Land in a way that will not place that flora and fauna at risk. There is no reason why mountain biking will introduce domestic pets, such as dogs to the Land. Mountain biking is not an activity which encourages people to take their pets along. There is more risk of that from the current illegal usage by motorbikes and 4WDs referred to in the Letter.

Visual

There will be minimal disturbance to any canopy vegetation in order to construct the tracks. There will be no removal of native canopy trees. The minor disturbance to understory vegetation will not result in a reduction of visual amenity for any neighbouring residents.

The signage is proposed to be located within the site property boundary near to the entry. The boundary is set back a large distance from the road and it is unlikely that passing vehicular traffic would see the sign. Therefore it will not act as a 'beacon' for unintended users.

Social and Economic Considerations and Loss of Amenity

It is difficult to see how the proposed development will have an adverse impact on the neighbouring residences and their amenity.

This is particularly so given that it has been a long term plan of the Council to use the Land for extraction of materials since its zoning for extractive industry purposes in 1988. This is still a strong vision of Council evidenced by their adoption of the Future Quarry Strategy at Council's Ordinary meeting of 25 July 2013. This strategy identifies expansion of Stokers Quarry to the west into the Land in the future. The proposed use of the Land for a mountain bike facility is temporary. This provides an opportunity to utilize the land for community benefit until such time as the quarry activities proceed.

Mountain biking is an activity which is compatible with the surrounding rural setting as it will have no impact on the neighbouring property and as discussed above is likely to result in less unauthorised use of the Land by motorbikes and 4WDs. In most cases, it is expected that the neighbouring properties will not even be aware that the mountain bike trails are being used.

We do not agree that there is likely to be an economic detriment to the Council as a result of the planned mountain bike facility. NRDW has appropriate public liability insurance. Furthermore, the *Civil Liability Act 2002* (NSW) is applicable to recreational activities such as mountain biking. The effect of this legislation will be to limit Council's risk particularly if the appropriate risk warning is given as is planned.

The risks associated with the Application are unlikely to be any greater than those associated with other facilities provided by the Council, including the skate park. Finally, many councils throughout NSW and the rest of Australia have considered the risks involved with providing mountain bike facilities and resolved these risks in favour of providing the facility. We encourage the Ballina Shire Council to be proactive in providing facilities such as the one proposed in the Application.

Finally, the Letter suggests that the proposed Rail Trail will address the issue of the lack of sites for the activity. The Rail Trail will be a great asset to the region. However, it will not provide the single track purpose built trails of different grades of difficulty which are proposed by the Application and which are sought by NRDW's members and other mountain bike riders. Therefore, the Rail Trail will not be a suitable alternative to the facility proposed by the Application.

Conclusion

Use of the Land for recreational mountain biking presents a valuable opportunity to address an existing community recreational demand and to provide meaningful, sustainable, nature-based experiences which advocate positive environmental custodianship. It is also a healthy outdoor recreational activity which is rapidly growing in popularity.

The Land is suitable because:

- it is zoned in a manner which permits the establishment of mountain bike trails with the consent of Council;
- the adjacent land uses are compatible with a low-key mountain bike facility such as that proposed;
- the site vegetation has been highly disturbed and consists of mixed regrowth forest which is dominated by weed canopy trees and a regenerating understory which offers a natural setting with manageable ecological constraints.

At Council's Ordinary Meeting of 25 July 2013, Council adopted the Future Quarry Strategy which identifies expansion of Stokers Quarry to the west into the Land in the future. This provides an opportunity to utilize the land for community benefit until such time as the quarry activities proceed.

With the consent of Ballina Shire Council, NRDW is committed to establishing and maintaining quality sustainable single-track trails at this site for the enjoyment of members of NRDW and the general public.

Kind regards,



Geoff Parry
President
Northern Rivers Dirty Wheels Mountain Bike Club Incorporated

DRAFT CONDITIONS

GENERAL

1. Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant, including plans prepared by Design Team Ink Conceptual Site Plan, Sheet No. 1, Dated 16/09/2013 except as modified by any condition in this consent.

PRIOR TO ISSUE OF CIVIL CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Civil Construction Certificate relating to the approved development.

2. Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for civil works required by this consent. These drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads and/or Roads & Maritime Services where specified.

Prior to the issue of a Construction Certificate for the proposed development, the developer is required to enter into a Works Authorisation Deed (WAD) with NSW Roads and Maritime Services (RMS) for all road works on the Bruxner Highway. The proponent should familiarise themselves with the requirements of the WAD process and contact the RMS Grafton office to obtain further advice where necessary. Further information on Private Developments adjacent to classified roads can be accessed at: http://www.rms.nsw.gov.au/roadprojects/community_environment/private_developments.html.

3. The connection to the Bruxner Highway will need to be upgraded as detailed in the Traffic & Parking Assessment submitted with the application. The upgraded connection to the Bruxner Highway will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.
4. The design and construction of all rural driveways shall also be in accordance with AS 2890 and Standard Drawings R14 & R15 of the Northern Rivers Local Government Development Design and Construction Manuals. Details are to be submitted to and approved by Council prior to the issue of the Civil Construction Certificate.
5. The provision of stormwater and sediment and erosion controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004. A Site Stormwater and Sediment and Erosion Management Plan must be

submitted to and approved by Council prior to the issue of the Civil Construction Certificate.

The scope of the stormwater and sediment and erosion management plan shall address all works on site including: construction of access driveway, parking area and associated stormwater drainage; construction, operation and maintenance of all bike tracks and associated facilities.

6. The development shall provide parking spaces on-site in accordance with the "Traffic & Parking Assessment" submitted with the application. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional and approved by Council prior to issue of the Civil Construction Certificate.
7. **Civil Inspection Fee, Civil Construction Certificate Fee & Construction Bond**
Prior to the issue of a Civil Construction Certificate, a Civil Construction Certificate application is to be made as well as the following fees and bond are to be paid to Council which includes the amount of Goods and Services Tax payable. The fees and bond are subject to review and may vary from the time of consent till time of payment:
 - Civil Construction Certificate Fee: Refer to Council's Schedule of Fees & Charges
 - Civil Inspection Fee: Equal to 3% of the estimated cost of the civil works (Refer to Council's Schedule of Fees & Charges – minimum fee \$190)
 - Civil Construction Bond: Equal to 5% of the estimated cost of civil works (Refer to Council's Schedule of Fees & Charges – minimum fee \$1,000)
 - Section 138 Approval Fee: Refer to Council's Schedule of Fees & Charges

The Civil Construction Bond is taken and may be used by Council to cover the cost of any damage to Council's assets (eg sewer systems, footpaths, kerb and guttering etc) arising from private development work. The bond will be refunded upon completion of the development should no such damage occur.

8. Prior to the issue of a Civil Construction Certificate, details of proposed fencing and gate entranceway are to be submitted to and approved by Council. Fencing is to be provided adjacent to all trails that are within proximity of neighbouring properties to prevent users from crossing onto neighbouring properties.
9. Prior to the issue of a Civil Construction Certificate, details of proposed signage is to be submitted to and approved by Council.

PRIOR TO CONSTRUCTION WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.

10. Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$10M Public Liability Insurance Policy to Council. Copies of the form are

available from Council's website. Prior to the commencement of construction, the proponent shall also ensure compliance with all relevant conditions of the Works Authorisation Deed (WAD) with Roads and Maritime for all road works on the Bruxner Highway.

11. All traffic control shall be in accordance with the NSW Roads and Traffic Authority "Traffic Control at Works Sites Manual" and the conditions of the Works Authorisation Deed (WAD) with NSW Roads and Maritime Services (RMS) for all road works on the Bruxner Highway. A Traffic Control Plan must be prepared and submitted to Council and RMS by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council and RMS prior to the commencement of construction.

DURING CONSTRUCTION

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.

12. All works undertaken on site shall be carried out in accordance with the approved Stormwater and Sediment and Erosion Control Management Plan.
13. All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals and the conditions of the Works Authorisation Deed (WAD) with NSW Roads and Maritime Services (RMS) for all road works on the Bruxner Highway
14. All traffic control during construction shall be in accordance with the Roads and Traffic Authority - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).
15. Inspection and approval of the road and drainage works approved within the road reserve is required by Council's Engineer (Ph 6686 4444) at the time of excavation and prior to sealing of the works. Should the inspection reveal unsatisfactory subgrade material, the developer shall be required to remove the unsuitable material for a further depth of 700 mm and replace with approved sand fill. Inspection and approval of works on the Bruxner Highway shall be subject to the provisions of the Works Authorisation Deed (WAD) with NSW Roads and Maritime Services.
16. All trails, structures and creek crossings are to be designed and operated in accordance with sound engineering practice and International Mountain Bicycling Associated (IMBA) 'Designing and Building Sustainable Trails' with minimal vegetation disturbance.
17. All trails are to be designed and constructed in accordance with the 'Trail Design and Construction Process' as detailed in the submitted Statement of Environmental Effects, prepared by Ardill Payne and Partners, dated September 2014.

PRIOR TO COMMENCEMENT OF USE

Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.

18. All civil works approved with the Construction Certificate under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to any use of the site. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.

Prior to any use of the site for the development, a Pre-Qualified Contractor will be required to complete all road works under the Works Authorisation Deed (WAD) with NSW Roads and Maritime Services (RMS) to practical completion, as determined by RMS. The developer will be responsible for all costs associated with the works and administration of the WAD.

19. An all-weather access is to be constructed in accordance with the Works Authorisation Deed with NSW Roads and Maritime Services (RMS) (for works on the Bruxner Highway), AS 2890 and Standard Drawings R14 & R15 of the Northern Rivers Local Government Development Design and Construction Manuals. All works are to be completed and approved by the Council prior to the commencement of the use.

CONDITIONS OF USE/DURING OCCUPATION

The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.

20. The use of the site shall be in strict accordance with The "Vehicle Management Plan" (VMP) as provided in attachment 4 of the "Traffic & Parking Assessment" submitted with the application, to assist in addressing road safety concerns and mitigate risks. The operator is to ensure that all persons onsite comply with the approved VMP at all times.
21. Vehicular and bicycle entry to and exit from the site shall be in forward a direction with only 'left in' and 'left out' turns permitted.
22. All trails, including new trails, are to be designed and operated in accordance with sound engineering practice and IMBA 'Designing and Building Sustainable Trails' with minimal vegetation disturbance.
23. No trees are to be removed that require development consent without the prior consent of Council.
24. Ongoing use and maintenance of the site shall be in accordance with the approved site Stormwater and Sediment and Erosion Control Management Plan.
25. The site (including the entranceway) is to be kept in a tidy manner at all times, with all rubbish removed regularly.

26. All trails including new trails, are to be designed and constructed in accordance with the 'Trail Design and Construction Process' as detailed in the submitted Statement of Environmental Effects, prepared by Ardill Payne and Partners, dated September 2014.