

Council Reference: DA16/0692 LN73848
Your Reference:



9 February 2017

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Please address all communications
to the General Manager

ABN: 90 178 732 496

ATTENTION: MITCHELL ALWARD

Dear Sir

**Development Application DA16/0692 - markets - Phillip Street
Reserve at Lot 7069 DP 1113590; Coronation Avenue
POTTSVILLE**

Reference is made to your Development Application regarding the above. Please find enclosed Development Consent No. DA16/0692.

For further information regarding this matter please contact Kelly Edwards on (02) 6670 2456.

Yours faithfully

Denise Galle
Team Leader Development Assessment

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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

To: Tweed Shire Council
PO Box 816
MURWILLUMBAH NSW 2484

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act 1979, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA16/0692** relating to land described as:

Lot 7069 DP 1113590; Coronation Avenue POTTSVILLE

to be developed in accordance with plans and details submitted for the purpose of –

MARKETS - PHILLIP STREET RESERVE

The Development Application has been determined by the granting of consent subject to the conditions described below:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects prepared by Tweed Shire Council and undated, except where varied by the conditions of this consent.
[GEN0005]
2. The use to be conducted so as not to cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust and odours or the like.
[USE0125]
3. Hours of operation of the market are restricted to the first and third Sunday of each month between 7am and 6pm which involves operating from 8am to 5pm and set up and pack up times to the satisfaction of the General Manager or his delegate, unless otherwise stated in the adopted market management plan.
[USE0185]
4. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003* and Food Safety Standards Code and any other requirements of Councils Environmental Health Officer included in this approval.
[USE0835]
5. The market shall be operated strictly in accordance with the Local Government Act Section 68 approval to operate conditions of approval and the adopted/approved Market Management Plan to the satisfaction of the General Manager or his delegate.
6. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.
7. The market operator or their employee shall be present to supervise the site at all times during the market operations.

8. The market shall be subject to periodic inspection by Council's Authorised Officer.
9. The sale of food is subject to compliance with the NSW Food Authority's Food Handling Guidelines for Temporary Events and the NSW Food Act 2003 to the satisfaction of the General Manager or his delegate. All food businesses and vendors shall be registered with Council.
[USENS01]
10. The area utilised for markets shall be maintained in a clean and tidy manner. All waste materials and miscellaneous items shall be removed from the Park after the completion of market operation to the satisfaction of the General Manager or his delegate.
11. Prior to the commencement of use an Approval to engage in a trade or business on community land under Section 68 of the Local Government Act 1993 shall be obtained from Council.
[USENS02]
12. The market operator must liaise with Council's park management staff regarding condition of the grounds, particularly after rain. Should the grounds not be considered suitable for the activity, Council will retain the right to close the park to the market until the grounds are suitable.
[USENS03]
13. An Evacuation Management Plan shall be developed and approved by the General Manager or delegate prior to issue of approval under Section 68 of the Local Government Act 1993.
14. A traffic controller directing pedestrians crossing Coronation Avenue is required onsite during hours of operation of the market. This requirement to be included within any Traffic Management Plan that forms part of the Market Management Plan to be approved by Council under Section 68 of the Local Government Act 1993.
[USENS04]

The reasons for the imposition of conditions are to minimise any adverse impact the development may cause and to give effect to the objectives of the Environmental Planning and Assessment Act, 1979.

The application was determined on: **2 February 2017**
The consent to operate from: **9 February 2017**
The consent to lapse on 9 February 2022 unless commenced prior to that date.

RIGHT OF APPEAL

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

Signed on behalf of the Tweed Shire Council

Denise Galle, Team Leader Development Assessment
9 February 2017

