

Council Reference: DA12/0394 LN76652  
Your Reference:

7 December 2012

Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Sir/Madam

**Development Application DA12/0394 - temporary markets at  
Jack Evans Boat Harbour at Lot 7036 DP 1054009; Boundary  
Street TWEED HEADS; Lot 2 DP 1150839; Wharf Street TWEED  
HEADS**

Reference is made to your Development Application regarding the above. Please find enclosed Development Consent No. DA12/0394.

For further information regarding this matter please contact Jamie Warren on (02) 6670 2496.

Yours faithfully

**Denise Galle**  
Acting Manager 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 Act, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA12/0394** relating to land described as:

**Lot 7036 DP 1054009; Boundary Street TWEED HEADS; Lot 2 DP 1150839; Wharf Street TWEED HEADS**

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

**TEMPORARY MARKETS AT JACK EVANS BOAT HARBOUR**

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

**GENERAL**

1. This consent authorises the use of Jack Evans Boat Harbour for sporadic markets by various market operators. Each market operator will need a Section 68 approval prior to the date of the market occurring.
  2. The future markets are to be limited to 95 stalls outside of normal business hours and limited to 66 stalls during normal business hours on a Saturday morning.
  3. All future market operators are to pay fees for operation of markets on Council controlled land are to be paid to Council in accordance with the adopted fees and charges.
  4. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.
  5. The market operator or their employee shall be present to supervise the site at all times during the market operations.
  6. All waste materials shall be removed from the park to the satisfaction of the General Manger or his delegate.
  7. The market shall be subject to periodic inspection by Council's Environmental Health Officer.
- [GENNS01]
8. The sale of food is permissible 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 to the satisfaction of the General Manager or his delegate and maintain current notification to the NSW Food Authority.

9. The future market organiser is to ensure that temporary structures and the area used for the associated with the Temporary Market Jack Evans Boat Harbour on the subject property (Lot 2 DP 1150839 & Lot 7036 DP 1054009, Wharf Street Tweed Heads) satisfies the following:
- (a) The ground or other surface on which the structures are to be erected is sufficiently firm to sustain the structure while it is being used and is not dangerous because of its slope or irregularity or for any other reason.
  - (b) The structures will be structurally sound and capable of withstanding the loadings likely to arise from their use(i.e. AS/NZS 1170.0:2002, *Structural design actions-General principles*, AS/NZS 1170.1:2002, *Structural design actions-Permanent, imposed and other actions*, and AS/NZS 1170.2:2002, *Structural design actions-Wind actions*).
  - (c) Will contain reasonable provision for the prevention or suppression of fire and the prevention of the spread of fire (i.e. portable fire extinguishers).
  - (d) The temporary structures associated with this event must be dismantled and removed from the land after the conclusion of the event or activity for which it has been erected.
10. NSW Police approval is to be obtained and that all directions given by that Authority are adhered to. [GENNS03]
11. The applicant shall liaise with the Officer in Charge of Police at Coolangatta Police Station concerning the activities of patrons leaving the event and entering into the CBD and adjacent areas of Coolangatta. [GENNS04]

## USE

12. 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]
13. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{Aeq}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 6am and 10pm, at the boundary of any affected residence to the satisfaction of the General Manager or his delgate. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 6am and 10pm. [USE0165]
14. Hours of operation of the business are restricted to the following hours:
- \* 4pm to 10pm - Fridays
  - \* 6am to 10pm - Saturdays and Sundays
  - \* All set up and pack down relating to the market business are to occur within the approved hours to the satisfcation of the General Manager or his delegate [USE0185]

15. All externally mounted artificial lighting, including security lighting, is to be shielded to the satisfaction of the General Manager or his delegate where necessary or required so as to prevent the spill of light or glare creating a nuisance to neighbouring or adjacent premises.
- [USE0225]
16. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003* and FSANZ Food Safety Standards and other requirements of Councils Environmental Health Officer included in this approval.
- [USE0835]
17. 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.
- [USE0965]
18. 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.
- [USENS01]
19. The make up of individual stalls are to be determined by the Plan of Management as a part of the Section 68 application. The appropriate number of food stalls shall be determined by a report to Council.
- [USENS02]

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: **30 November 2012**  
The consent to operate from: **7 December 2012**  
The consent to lapse on 7 December 2017 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, Acting Manager Development Assessment  
7 December 2012

