

Enquiries Quinn Maguire
Service Planning – Cooma Office
Our Ref 10.2016.1065.2
Your Ref

The Rotary Club of Cooma Inc
PO Box 14
COOMA NSW 2630

Notice of Determination of an Application to Modify a Development Consent

Issued under the *Environmental Planning and Assessment Act 1979* (the 'Act')

Application Number	10.2016.1065.2 Original Development Application Number: 10.2016.1065.1
Property Description	Centennial Park/91 Sharp Street COOMA 2630 Lot: 701 DP: 1023496
Development Description	Markets - 3rd Sunday of Month (Modify Various Conditions of Consent)
Modification Description	Applied for: Modifications to conditions 2,6,7,8,13,14,18,21,23 Determined: Approval and partial approval for changes to conditions 1, 2, 6, 7, 8, 13, 14, 18 and 21; Refusal for proposed changes to condition 23

Determination

Pursuant to Section 96 of the *Act*

Notice is hereby given of the determination by Snowy Monaro Regional Council of Development Application 10.2016.1065.2 relating to the land described above.

The Modification has been **APPROVED** subject to the Conditions specified in this Notice.

Authority: Council (Approved at Council Meeting on 17/05/2018)
Modification Determination Date: 29/05/2018
Original Determination Date: 19/09/2017
Consent will Lapse on: 19/09/2022

Integrated Approval Bodies

Pursuant to Section 93 of the *Act*

The development application proposal was not Integrated Development. INT_01

Conditions

General

1. The developer is to ensure that the development complies fully DA 10.2016.1065.1 (original) as submitted to Council in 2016 with supporting documentation including, but not limited to the development plans as stamped by the Snowy Monaro Regional Council and attached to the original notice of consent, except where amended by 10.2016.1065.2 including supporting documentation listed below and any amended conditions of consent.

Document/Plan Schedule			
Ref	Description	Prepared/Drawn By	Received
-	Site Plan	Applicant	18/04/2018

Reason: Requirement that the development is completed in accordance with Council's consent.

Limits of Consent

2. **The organiser is advised that this consent is for 12 Markets per year plus any other special markets as agreed for 5 years (consecutive) being held on the third Sunday in each Month.**
Note – As this consent rests with the land, this condition may be amended by Snowy Monaro Regional Council as the owner of the land on which the event is to be held thereby having the effect of cancelling the event should it deem necessary the organiser will be provided one month's notification of revocation of owners consent.

Hours of Operation

3. The hours of operation of the market are limited to the following (this includes the set up and removal of any structures) 6.30 am to 3.00 pm.
The organiser is to ensure that they hold public liability with the following requirements:
Any insurance coverage for this event must note Snowy Monaro Regional Council as an interested party and is covered for the dates of the festivities and activities. Minimum of twenty (20) million dollars covering the dates of the event.
A copy of the current policy is to be submitted to Council 14 days prior to the event.

Inconsistency between documents

4. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Insurance

5. The organiser is to ensure that they hold public liability with the following requirements:
Any insurance coverage for this event must note Snowy Monaro Regional Council as an interested party and is covered for the dates of the festivities and activities. Minimum of twenty (20) million dollars covering the dates of the event.
A copy of the current policy is to be submitted to Council 14 days prior to the event.
6. **The organiser shall ensure that any food stall holders and operators of amusement devices hold the relevant insurances and registrations.**

A copy of these current policies are to be held by the applicant and made available to Council immediately upon request

Damage to Council Property

7. **The Applicant will make reasonable endeavours to avoid damaging Centennial Park infrastructure subject to this approval. The event organiser damages or observes damage that may have occurred during the market and/or as a result of market activities, the event organiser shall notify Council within one (1) business day following the market of any damage observed.**

8. **Council may inspect the area for material damage (excluding wear-and-tear) to infrastructure (including grass surface, equipment and paved areas subject to this approval) that may have occurred as a direct result of Market operations. Any inspection specifically for damage attributable to Market operations will be no more than one (1) business day following each Market event. If the Council determines there is material damage resulting directly from Market operations, Council will prepare a report detailing damage and include any recommended rectification works required. The applicant will be notified and be provided with a detailed report describing damage and recommended rectification work, including an estimate of costs. The applicant will be given the opportunity to rectify the damage whenever possible; however, Council may affect immediate repairs where necessary due to urgency or nature of works relating to public safety concerns. If Council performs the rectification work, it will undertake the works at the lowest cost and issue an invoice to the Applicant for the recovery of costs for the works.**

Food Vending

9. All temporary food stalls selling food during the Market shall comply with the NSW Food Authority – Guidelines for Food Businesses at Temporary Events.
Reason: To ensure guideline requirements are met.

10. All Mobile Food Vending vehicles selling food at the Market shall comply with the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles.
Reason: To ensure compliance with the Mobile Food Vending Guidelines.

11. All for-profit food stalls or mobile food vending vehicles must submit to Council a copy of their food business registration from their usual local government area place of trade. If Snowy Monaro Regional Council is the stall holder usual place of trade, the stall holder must notify their business details with Snowy Monaro Regional Council prior to selling food.
Reason: To ensure compliance Food Act 2003.

Waste Facilities

12. Council will provide waste and recycling bins in a compound behind the band shell. The applicant is responsible to distribute the waste and recycling bins for waste and recycling generated by the monthly special event attendees and stall holders. The applicant is also responsible for managing the waste and recycling bin levels during the event and returning the bins to the compound at the completion of the event.

Reason: To ensure adequate Waste Management is provide for the community during each special event.

Location of Stalls

13. **Stalls are only permitted in the locations shown on the approved plan. The area in front of the bandshell may be used for stalls where there is no entertainment, performances, activities or presentations in the bandshell and/or forecourt area.**
14. **The applicant shall ensure adequate traffic management processes are in place at all times. A traffic/vehicle management plan, incorporating any required Section 138 Roads Act approvals for vehicle movement across public roads and footpaths, shall be submitted for Council approval to include the following items: Vehicular access from Sharp St along the designated path shown in figure 1 (Rev B); Vehicular access from Massie St along the designated path shown in figure 1 (Rev B); any other vehicle movement within the park area.**
15. The applicant shall ensure pedestrian access paths, as identified on the site plan, remain free and clear at all time.
- An Emergency Management Plan is to be developed and submitted to Council for review and approval.
- Reason: To ensure safety of stall holder and general public during an emergency.
16. A water service is available for stall holders use, this tap is located adjacent to the Band shell at the front of the park only. This service is available for all stall holders to use and the applicant shall ensure that all stall holders have access to this water source. The applicant to ensure that stall holders do not use taps in other locations.
- The applicant shall ensure that water use is minimised, and only used for essential requirements directly related to the stall holder on that day.
- Reason: To ensure water supply is available to all stall holders during the event.

Information to be provided to Stall Holders

17. The applicant shall ensure that stall holders are made aware of the conditions of this consent by providing them access to the document either via hard or digital copy prior to their first market attendance.
- Reason: To ensure all stall holders are aware of their obligations to meeting conditions.

Inclement Weather Provisions

18. **The applicant to liaise with Council staff during times of inclement weather. Generally Council staff will assess all parks and fields in the area in accordance with Council policy and determine if they are 'open' and therefore can be used.**
- If the Council determines the park be 'closed' because of wet weather the applicant shall cancel or relocate the event to an alternative approved venue.**
- Reason: To ensure the ongoing integrity of the facility, and public safety using the facility.**

Temporary Structures

19. The event organiser/co-ordinator is to ensure all temporary buildings and structures, vendors' stalls, tents, marquees, and the like are erected in accordance with the manufacturers' details/instructions and are secured to the ground and structurally sound at all times.
Reason: To ensure temporary structures do not constitute a safety hazard to the public, volunteers and stallholders using the site.
20. The maximum combined floor area of all temporary structures, being tents, booths and marquees, is limited to 1000m². Any individual tent, booth or marquee must meet the requirements of Clause 2.120 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
Note- if additional temporary structures are required at any time during the period of this Consent, the applicant may request a Modification of the Consent.
Reason: To ensure minimal environmental impact from the event, based on the information provided in the application.

Design Related Conditions

21. **The location of stalls are to, where possible, align with the active verge of Centennial Park.**
Reason: To ensure development is in keeping with the Cooma CBD Structure Plan 2009.

Conditions to be met prior to commencement of work

22. All for-profit temporary food stalls and mobile food vans selling potentially hazardous food (i.e. requires temperature control), ready-to-eat and any unpackaged (i.e. **NOT** sold and served in the suppliers original packaging) must appoint a Food Safety Supervisor. A copy of the certificate must be kept at the stall.
Reason: To ensure compliance with Food Act 2003.
23. The applicant shall obtain a Section 138 (Roads Act 1993) consent from Council for the following works:

Working within a road reserve, including using road reserve as an access point.

The applicant shall make application to Council for approval under Section 138 of the Roads Act 1993 using the Application for Works within a Road Reserve form. All works shall be in accordance with former Cooma-Monaro Shire Council Development Control Plan 2014, Specification for Engineering Works and Conditions of this Consent.

The Section 138 approval must be sought prior to commencement of the works.
All works shall be carried out in accordance with the Section 138 Approval.
Reason: In accordance with Roads Act 1993.
24. The application under Section 138 of the Roads Act is to include the following details:
- Design details of the proposed vehicular footpath crossing complying with Council
- A Traffic Control Plan authorised by an accredited person
- A plan for the safe management of pedestrians past the access points during the utilisation.
Reason: To ensure effective traffic management and pedestrian interface.

Modified Conditions

Conditions 1, 2, 6, 7, 8, 13, 14, 18 and 21 have been modified

Advice to Applicant

1. Council wishes to advise that it is the responsibility of the owner and/or applicant to determine if site security and/or safety fencing is required to be provided in accordance with clause 235 of the *Occupational Health and Safety Regulation 2001* and *Work Cover Authority* requirements. Failure to comply with these requirements may result in penalties being imposed upon the owner and/or applicant.
2. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial Before You Dig* at www.1100.com.au or telephone 1100 before excavating or erecting structures. This is the law in NSW. If alterations are required to the configuration, size, form or design of the development upon contacting the *Dial Before You Dig* service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the *Dial Before you Dig* service in advance of any construction or planning activities.

Note: Under the *Telecommunications Act 1997 (Commonwealth)*, Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on 1800 810 443.

3. It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact Planning on (02) 6455 1911 if there is any difficulty in understanding or complying with any of the above conditions.
4. Any alteration to existing water supply and/or wastewater drainage services shall be at the applicant's expense.
Reason: Requirement of Council that all expenses associated with the development are borne by the applicant. www.1.02

Notes

- 1) An applicant may request a review of this determination under Section 96AB of the Environmental Planning and Assessment Act 1979. A request for a review must be lodged within 28 days of the date of this notification. A review under Section 96AB cannot be made for Integrated, Designated or Crown Development.
- 2) Section 97AA of the Act confers on an applicant or an objector who is dissatisfied with the determination of Snowy Monaro Regional Council, a right of appeal to the Land and Environment Court exercisable within 6 months after receipt of this notice.

On behalf of the above Council:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Sophie Ballinger
Manager Development Assessment

Received
Snowy Monaro Regional Council
19/04/2018

Snowy Monaro Regional Council

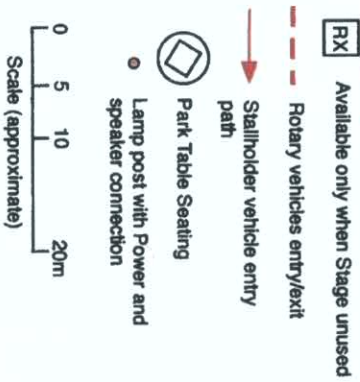
This Plan forms Part of
Development Consent No: 10.2016.1065.02

Date Approved: 29/05/2018

Officer: Sophie Ballinger

Environmental Planning and Assessment Act 1979

Stallholder vehicles access via Massie Street
Car Park entry then footpath



COOMA ROTARY MARKETS
CENTENNIAL PARK, COOMA

Rotary vehicles access via Sharp Street over removable gutter ramp then across footpath.
Exit via Massie Street

Sharp Street

Bus Zone

Bombala Street

Massie Street

