

10.2017.399.1
CONDITIONS OF CONSENT:

Parameters of this Consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
Appendix A	Cavanbah Centre Proposed Primitive Camping Sites	Byron Shire Council	6/07/2017
Appendix B	Cavanbah Centre Proposed Market Locations	Byron Shire Council	6/07/2017

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Number of Stalls Permitted

When any stall is located within the existing bitumen sealed car park, a maximum of 55 stalls are permitted.

When no stall is located within the existing bitumen sealed car park a maximum of 90 stalls are permitted.

3. Car Parking spaces are to be available for the approved use

When any stall is located within the existing bitumen sealed car park, a minimum of 192 car parking spaces are to be provided and maintained for the exclusive use of the markets, together with all necessary access driveways and turning areas, to the satisfaction of Council.

When no stall is located within the existing bitumen sealed car park a minimum of 315 car parking spaces are to be provided and maintained for the exclusive use of the markets, together with all necessary access driveways and turning areas, to the satisfaction of Council.

Staff and patrons of the markets must have unrestricted access to the car parking spaces for the duration of the market operating hours.

No car parking spaces are to be reserved (generally or specifically) for any staff or patron.

4. Restricted hours of operation

Markets are not permitted to operate:

- While the Cavanbah Centre, associated sport facilities, sports ovals or primitive camping are in use. Nor are the markets permitted to operate within half an hour of the Cavanbah Centre, associated sport facilities, sports ovals or primitive camping beginning or finishing operation.
- At any time that coincides with the Byron Bay Markets and Byron Farmers Market at Butler Street Reserve.

5. Notification to Emergency Services

The Event Organiser must notify the local Fire Brigades and Ambulance about the event.

6. Integrated Approval from other Authorities

This development consent includes a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997, subject to the conditions listed under the heading "General Terms of Integrated Development Approval" in this consent.

The following conditions are to be complied with at all times

7. Flood Evacuation Plan

A Flood Evacuation Plan must be prepared and approved by Councils General Manager (or Delegate). A copy of the approved flood evacuation plan is to be laminated in clear plastic and displayed in prominent locations within the development (e.g. Cavanbah Centre and toilet blocks).

8. Caravan dump point not permitted

Construction of a waste disposal facility that allows caravans (or equivalent) to expel accrued waste/wastewater will not be permitted. Caravans will be required to utilise existing dump points located at caravan parks.

9. Temporary Structures

All temporary structures to be used in conjunction with the market must be installed in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. For temporary structures that don't comply with this policy, a separate development consent shall be obtained before installation.

10. Food Service

The applicant must ensure that all premises for the sale of food at the proposed event comply with the following requirements:

- a) All food and food service premises shall comply with the requirements of the NSW Food Act 2003 and Food Regulations 2010 (incorporating the Food Standards Codes);
- b) All food vendors shall hold a current food stall permit issued by Council prior to the sale of food at the venue;
- c) The applicant and all food vendors shall comply with any reasonable directions issued by an authorised officer of Council;
- d) All liquid and solid wastes generated by food service premises shall be adequately contained whilst on the site; and disposed of so as not to cause any nuisance or harm;
- e) Reticulated town water used in the preparation of food for sale shall be kept clean and uncontaminated. Any hose connections shall be in approved food grade materials; and
- f) Electricity supplies for all proposed activities associated with any temporary structures shall comply with Australian Standard AS/NZS 3002:2008 "Electrical installations – Shows and Carnivals". Adequate and safe electrical supply must be provided to ensure that any food storage appliances are capable of maintaining statutory temperature requirements.

11. No Interference with Amenity of Neighbourhood

The proposed use of the premises shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

- a) The noise level emanating from the use of the premises must not cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997 or exceed sound levels established by the New South Wales EPA Industrial Noise Policy.
- b) Only clean and unpolluted water is permitted to be discharged to Councils’ stormwater drainage system or any waters.
- c) All wastes shall be contained within appropriate containers fitted with tight-fitting vermin-proof lids. Grounds to be maintained free of litter and waste so as not to cause windblown material to pollute natural waters.
- d) Appropriate disposal points to be provided for stallholder wastewater and liquid waste.
- e) Sale of live animals is prohibited.
- f) No dogs permitted within market area.
Adequate warning signs to be displayed at all entry points to ensure dogs do not accompany people attending the market. Dogs should also be discouraged from being tethered in the sun or close to pedestrian walkways to protect the health and welfare of dogs and people.

***Exception:** No person must, without reasonable cause, refuse to permit a person to take an assistance animal into or onto the market, or while accompanied by an assistance animal to enter or be in or on, that building or place if the person has a disability and is using the animal bona fide to assist him or her. (section 60 Companion Animals Act 1998)*

12. Public safety requirements

All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. The public liability insurance cover, for a minimum of \$20 million, is to be maintained for the duration of the development. Council is not held responsible for any negligence caused by the undertaking of the works.

13. Disabled access

Disabled access to, within, and from the event must be in accordance with the Premises Standard

14. Work Cover Requirements

All activities shall comply with all WorkCover Authority safety requirements. All Work Cover Authority documentation shall be complete and available for inspection during the event by authorised officers as required.

The following conditions are to be complied with prior to issue of an Occupation Certificate or commencement of Markets and/or Primitive Camping

15. Section 68 Approval

Prior to commencement of use of the Primitive Camping ground an approval to operate a primitive camping ground under Section 68 of the *Local Government Act 1993* shall be issued by Byron Shire Council. The location and operation of the Primitive Camping Ground must be in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 Clause 132*.

16. Plan of Management - Markets

A Market Management Plan, including a full list of contact persons and accompanying phone numbers, is to be provided to Council prior to the issue of an Occupation Certificate. The event management plan to include a detailed risk management assessment that identifies all likely sources of harm associated with the proposed activities, assigns relative risk categories to each hazard, and nominates appropriate actions to eliminate, isolate or mitigate each hazard, so as to protect individuals and the community. The Plan is also nominate hours of operation, waste management procedures and cleanup, after market inspection requirements and timing of markets not conflicting with existing established markets in Byron Bay.

Details of Temporary Structure Location & Event Layout to accompany the Market Management Plan.

17. Plan of Management - Camping

A Camping Management Plan, including a full list of contact persons and accompanying phone numbers, is to be provided to Council prior to the issue of an Occupation Certificate. The management plan to include a detailed risk management assessment that identifies all likely sources of harm associated with the proposed activities, assigns relative risk categories to each hazard, and nominates appropriate actions to eliminate, isolate or mitigate each hazard, so as to protect individuals and the community. The Plan is also nominate waste management procedures and cleanup and after camping inspection requirements.

18. Traffic Management Plan

Consent from Council must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic during the operation of the markets and for one hour either side of the hours of operation. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site".

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

19. Bush Fire Emergency Management & Evacuation Plan

The preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. The plan shall be submitted to, and approved by the Rural Fire Service prior to an Occupation Certificate being issued.

The development is to operate in accordance with the approved Bush Fire Emergency Management and Evacuation Plan.

20. Compliance with bush fire conditions under Section 100B of Rural Fires Act 1997

Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bush fire conditions as issued under Section 100B of the Rural Fires Act 1997 have been complied with.

Contributions

21. Certificate of Compliance (Rous Water)

Obtain a Certificate of Compliance from Rous Water confirming that all water supply works to be constructed for Rous Water and all Developer Charges payable to Rous Water have been provided to Rous Water.

***Note:** Rous Water is the Water Supply provider for the location of the subject development. The applicant must organise the provision of a water service to the development with Rous Water and provide a Certificate of Compliance from Rous Water to this Council.*

22. Certificate of Compliance – Water Management Act 2000

Payment of developer charges to Byron Shire Council for water supply and sewerage.

A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 is to be obtained from Byron Shire Council prior to the issue of a Subdivision Certificate.

Application forms are available from Council's administration building or online at http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf to be submitted for a Certificate of Compliance.

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Utilities on 02 6685 9305. Applicable charges can be found on Council's website:

http://www.byron.nsw.gov.au/files/pages/developer-contributions-plans/current_section_64_contribution_rates_water_amp_sewer.pdf

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

General Terms of Integrated Development Approval

Bush Fire Safety Authority

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve his, the following conditions shall apply:

1. At the commencement of the development and in perpetuity, the area of Lot 3 DP 706286 within Zone RE1 'Public Recreation' and shown in Figure 5 in the Bush Fire Hazard Assessment Report prepared by Byron Shire Council (September 2017), shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

2. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'.

A copy of the plan shall be provided to the consent authority and the local Bush Fire Management Committee prior to commencement of the development. The plan shall include, but is not limited to, the following:

- That the camp sites and/or market areas are not to be utilised on days with an 'extreme or 'catastrophic fire danger rating;
- A mechanism of the relocation of occupants on days with an 'extreme' or 'catastrophic' fire danger rating or days declared as a total fire ban;
- Contact details for the local Rural Fire Service office;
- Procedures for co-ordinated evacuation of the site in consultation with local emergency services