

Ballina Shire Council. ©NSW Spatial Services 2017. This map is illustrative and not to scale.

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DA 2017-307
22-40 Commercial Road, Alstonville

ballina shire council
 geographical information system

Projection: GDA94 / MGA zone 56
 Date: 14/08/2017

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24 July 2017

The General Manager
Ballina Shire Council

We, the undersigned Councillors, request that DA 2017/307 (Alstonville Agricultural Society) be called up and dealt with by the next Ordinary meeting of Council.

Signed



Cr Sharon Cadwallader 25/7

Signed



Cr Sharon Parry

Signed



Cr Keith Williams 24/7

Mr Andrew Smith

DA: 2001/667 (ljb)

Alstonville Agricultural Society Inc.
22-40 Commercial Road
ALSTONVILLE NSW 2477

**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979)

Development Application No: 2001/667
Applicant: Alstonville Agricultural Society Inc.
Subject Land: Lot 2 DP 611789 Commercial Road, Alstonville
Development Proposal: To hold a community market on the second Sunday of each month.
Building Classification under the Building Code of Australia: Not Applicable
Determination: The development application has been determined by Ballina Shire Council on 28th June, 2001 by way of **the grant of consent subject to the conditions specified below:**

1. GENERAL CONDITIONS

General

- 1.1. Development being carried out generally in accordance with the plans and associated documentation lodged by the applicant, except as modified by any condition in this consent.

Access & Car Parking

- 1.2. The maximum number of stall holders shall be limited to 100. The applicant shall need to submit a new development application for increasing the number of stalls beyond 100 and include a more detailed parking and traffic management plan.

_____(initial)
Assessment Officer

- 1.3. Parking directional signs shall be erected in Commercial Road, South Street and Green Street advising patrons to park within the Alstonville showground site via the Green Street access. These signs shall be erected immediately prior to commencement of the days trading and removed at the completion of the days trading.

2. PRIOR TO OCCUPATION OR 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.

- 2.1. The area of the Community market (especially noting any extension beyond the "Apex Pavilion") and a stall layout is to be indicated on a plan to an acceptable scale and is to be provided to and approved by Council prior to marking out or before the first time of operation whichever is the earlier. The plan is to define the size and number of stall sites, the widths of access ways and it must provide for free movement of emergency vehicles or crowds in the event of a fire or other emergency.

3. 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.

- 3.1. The promoters are noted as being Alstonville Agricultural Society Inc. Should the "Community markets" become the responsibility of another entity Council is to be informed.
- 3.2. The event will be conducted between the hours of 8.30am and 3.30pm on the 2nd Sunday of each month.
- 3.3. Stallholders are not to access the ground prior to 7.00am market day and are not to queue or stand in the vicinity prior to the gates opening.
- 3.4. No advertising structure or motif associated with or otherwise promoting the markets shall be erected or displayed on any public land including roads, footpaths or the roundabout at Alstonville.
- 3.5. The promoter shall comply with any reasonable requirement or direction which may be issued from time to time by Council's authorized officers with respect to the conduct of the Community Markets.
- 3.6. The promoters are to be responsible for electricity and other services including compliance with requirements for safety. Power distribution boxes are to have Northpower approval and inspection as determined by that authority. The promoters are to clarify whether additional power boards will be required.
- 3.7. The promoters are to carry public liability insurance for all occasions the market is conducted covering all aspects including sale of food.
- 3.8. It has been assumed that there are to be no mechanical or animal rides conducted as part of the Community markets. Should it be decided to have such items the matter is to be referred to Council in writing.

_____ (initial)
Assessment Officer

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- 3.9. Advertising signs, bunting or the like are not to be erected except with Council approval.
- 3.10. The site is to be left clean after each event. Cleaning is to be undertaken on the same day. Sufficient waste containers are to be provided for all rubbish and litter. Liquid waste is only to be disposed of to the sewer via an approved fixture. Otherwise stallholders are to dispose of sink waste off site to the sewer or other approved method of disposal. Note: All food caravans are required to have on board holding tanks sufficient to take a day's wastewater. The clearance of solid waste is to be the responsibility of the Alstonville Show Society. Bulk clearance may be organized with Council at normal industrial rates.
- 3.11. Toilet facilities must be unlocked and be available to stall holders and patrons throughout the trading period.
- 3.12. Stall holders are not to bring animals on to the site.
- 3.13. Food stalls of any type are to comply with the Regional Market Food Code. As a result of the introduction of the Food Regulation 2001 this document is currently being reviewed to align with the recently introduced national food hygiene standards. The Code requires that certain foodstuffs only be sold from a purpose built mobile stall with inbuilt fixtures and appropriate electrical and gas compliance plates affixed. Particular attention is to be paid to the positioning of hot food displays and hot water containers to ensure there is no risk of heat or scald injury to patrons. Some foods must be sold in packages with labels indicating details of the contents as required under the food regulations. The promoter is to be responsible to remove any stall holder whom the health surveyor or other officer authorized by Council considers unfit to trade on the day. The promoter is to require every food stall proprietor to contact Council's Health Department to discuss the stall prior to first occasion of set up. The Council will have an officer at the Markets at such frequency as may be determined by the Manager Regulatory Services Group from time to time. When Council officers do attend, an inspection fee is to be paid at Council's office on the first occasion afterwards that the Council's office is open (usually the following Monday).
- 3.14. Fees for inspection will be as set by Council at its annual estimates meeting but initially will be set at \$100 per event with the frequency of inspection being as determined by Council's Manager Regulatory Services Group. The initial fee has been determined having regard to the expected size and make-up of this event.
- NOTE:** Council is not under any obligation to undertake inspection or provide any other service as a result of the carrying out of this development.
- 3.15. It is recommended that all parking of patrons be on the lower part of the showground as shown with the access, from Green Street. Access to the market area should be restricted to stallholders vehicles and emergency vehicles only.
- 3.16. The promoters are responsible for traffic and crowd control. The promoters are to provide all necessary barriers and other devices for the purpose.
- 3.17. The following items or activities shall be prohibited:
- Sale of animals and birds except where specifically approved by Council's Environmental Health Officer.

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Assessment Officer

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- Open air hair cutting;
 - Ear piercing or other skin penetration processes;
 - Face painting unless in accordance with the guidelines set out by the regional office of the Department of Health;
 - Mechanical or animal rides (unless specifically approved by Council in writing).
 - Any unlawful activity.

4. *REASONS FOR CONDITIONS*

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 1987;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies;
- ensure compliance with relevant health and safety requirements;
- ensure access in case of emergency;
- to preserve the amenity of the village area (including minimization of noise which may arise).

_____ (initial)
Assessment Officer

The consent shall lapse on 28th June, 2006 unless the development has commenced in accordance with the provisions of section 95 of the Act.

Other Approvals: The following is a list of the approvals under the Local Government Act 1993 which have been granted under Section 78A(5):

None applicable.

The following is a list of the general terms of other approvals which are integrated as part of the consent:

None applicable

Signed: _____ on 28th June, 2001

Stuart McPherson
GENERAL MANAGER

on behalf of Ballina Shire Council

(For details concerning appeal rights relating to Council's determination, please see below.)

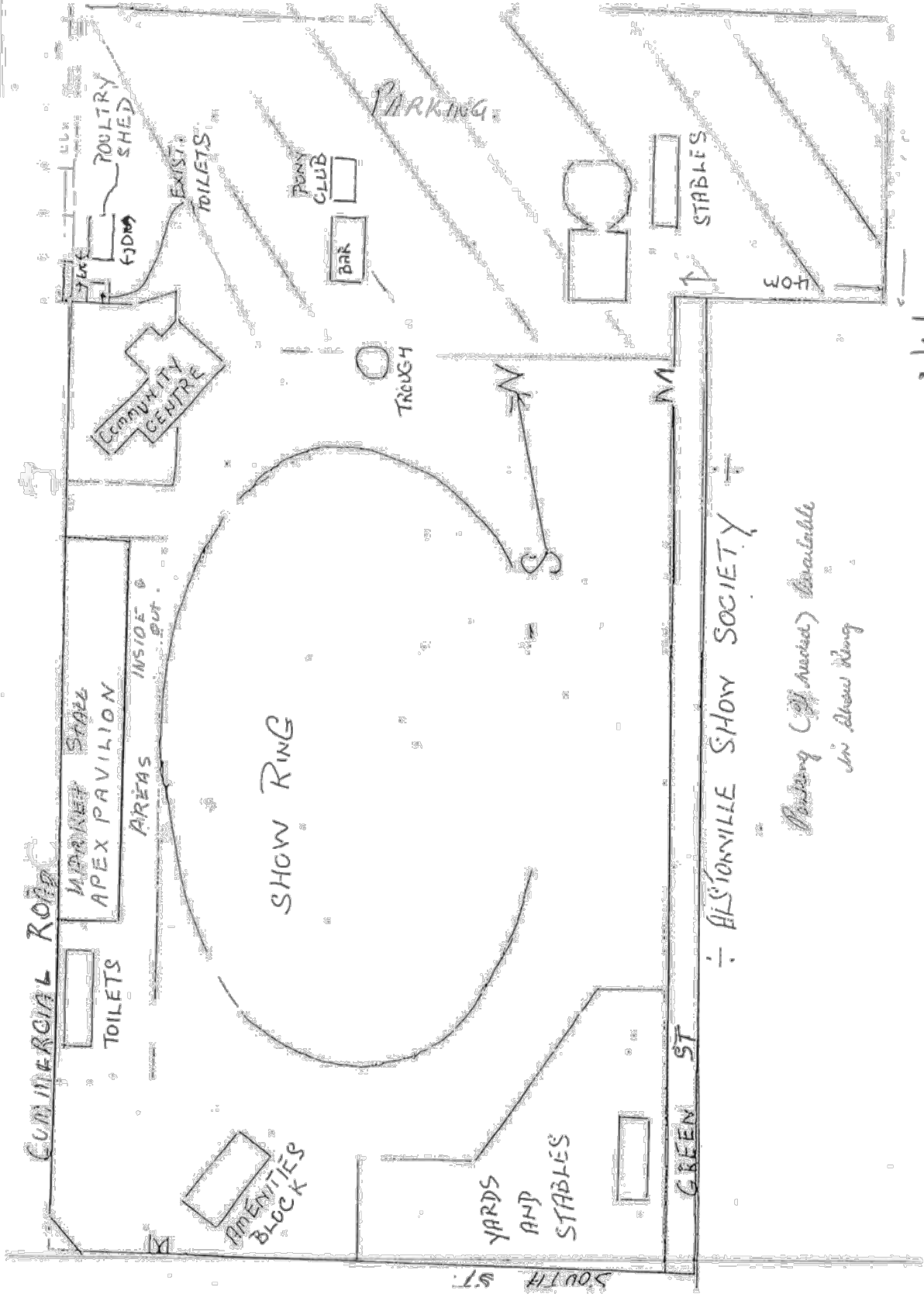
Right of Appeal: If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

Review of Determination: Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within 28 days after the date of determination of the application and must be accompanied by the fee prescribed by Section 104 of the EP & A Regulation 1994. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development.

_____ (initial)
Assessment Officer



ALSTONVILLE SHOW SOCIETY +
Parking (if needed) available in Show Ring

3/6/2017

2017/307



Ballina East Lions Club Inc.
P O Box 672
Ballina NSW 2478
ABN 42 881 292 218



President : Jeff Skinner
0418254303

Secretary : Max Moore
66866233

Treasurer: Bob Morgan
6686 0618

RECORDS
SCANNED
14 JUL 2017
Doc No:
Batch No:

July 12th 2017

Dear Sir/Madam,

I wish to make submission on behalf of the President and members of the East Ballina Lions Club in regard to the DA application number 2017/307 lodged by The Alstonville Agricultural Society to change the date of the current Alstonville Agricultural Society Market from the second Sunday of the month to the third Saturday of the month.

Ten years ago the East Ballina Lions Club took on the management of the Ballina Market when the then owner indicated that he would close the market if a new organiser could not be found. The market at best had twenty stalls and appeared tired and uninteresting. Over the years the Lions have put much time and a great deal of effort, planning and work into building it up to be a monthly event on the Ballina calendar both for the local community and for visitors to our region. As a result each month given that the weather is clement seventy stalls are expected with as many as one hundred and ten stalls at times. The Café under the Trees has become a popular spot for Sunday breakfast with market goers who also enjoy the live bands and performers, three different ones throughout the morning, that entertain in this area. It has become a meeting place for families and friends where they can network and enjoy a low cost meal together.

The market has become a regular spot for local musicians to perform, both well known and for those that are just emerging on the music scene. Each month the Ballina Shire Concert Band has a regular performance hour when the tables in the Café are always filled to capacity with a very enthusiastic audience enjoying the ambiance of the village green atmosphere that the band creates. Ballina is indeed lucky to have this talented group of musicians in an era when the town band is fast fading away and our local one is operating on a very tight budget. East Ballina Lions Club feels privileged to be the Band's major sponsor and delighted to be able to provide them with a performance platform.

East Ballina Lions are most concerned about the DA application number 2017/307 lodged by The Alstonville Agricultural Society to change the date of the current Alstonville Agricultural Society Market from the second Sunday of the month to the third Saturday of the month which is the day before the Ballina Market takes place. The reason that the Agricultural Society gives for wishing to change dates is so that their market will not clash with other markets that currently operate on that day. The Lions would like to bring to the Council's attention the Ballina Market also operates on the same day as several other markets in the region, namely the Lismore Boot Market and markets at Pottsville, Uki and on a number of occasions the very large Byron Community Market that has extra days in January, Easter, September/October holidays and Christmas. Also on the same day each month the Ballina Missingham Bridge Farmers Market operating on its new site draws local fresh food producers and producers from outside our Shire who would otherwise most likely have stalls at the

Ballina Market. Having so many markets on the same day has always been difficult for the Ballina Market. The East Ballina Lions believe that having the Alstonville Market on the day before would increase these difficulties.

The East Ballina Lions know that many of the stall holders at the Alstonville Market also attend the Ballina Market which is currently on the following weekend. Having communicated with stall holders over many years the Lions know that almost all of them will only attend one market a weekend. If they attend Alstonville Market on the Saturday they may well sell much of their stock and even if they have enough for another stall it would be a daunting task to leave the Alstonville site after packing up at the closing time of 2:00pm, return home late in the afternoon, unpack then repack their vehicle and be at Ballina by 6:00am the next day. Many of the stall holders come from places well beyond Ballina Shire and will not travel these distances two days in a row and if they pay for over night accommodation they will not be able to offer the realistic prices that market goers expect to find at markets.

Alstonville Market has the great advantage of having a large covered site that unfortunately Ballina does not. If the weather looks as if it will be inclement stall holders would of necessity choose to attend the Alstonville Market to the detriment of Ballina.

Markets operate in a 'catch twenty-two situation' they have to have the stalls to attract the people and the people to attract the stalls. If Ballina Market loses stalls to the Alstonville Market they will lose market goers who may in any case choose to attend the market on Saturday at Alstonville and therefore not Ballina on the Sunday leaving the market short of both people and stalls.

Over the years Ballina Markets have become a major part of the East Ballina Lions fundraising projects. Most of the profits from the markets have been donated back to the local community with major donations being given annually to organisations such as the Ballina Concert Band, the Ballina SES, Riding for the Disabled, Paradise F.M., Ballina Public School Choir and Dance Group, the bus used by the children of the Special Unit at Southern Cross, Biala School, Fox Street Preschool and many Ballina families in need. During the 2016/17 financial year East Ballina Lions have made donations of \$48,000:00 even though they endeavour to keep stall fees at the market to a low \$15:00 to provide a low cost venue where artists and crafts people, a number of whom are Indigenous, together with fresh food growers, can showcase their goods and offer them for sale. Local businesses and community groups, the latter who are not charged a stall fee, also use the market to inform the community of the services that they have to offer. It is a meeting place for families, friends and the local community where they can relax and enjoy the peaceful atmosphere while the market is providing a performance space for local bands, schools and artists.

In conclusion the East Ballina Lions firmly believe that if the Alstonville Market is allowed to operate on the third Saturday of the month it will be extremely detrimental to the success and the continued future of the Ballina Market and would ask the Ballina Council to refuse their application.

Yours sincerely,



Dawn Sword on behalf of the President and Members of East Ballina Lions Club

ALSTONVILLE AGRICULTURAL SOCIETY INC.

Established 1888
ABN: 47 278 408 862

PO Box 426
ALSTONVILLE NSW 2477



<u>President:</u>	Sam Stephens	Ph: 0438 435 629
<u>Secretary:</u>	Leah Worboys	Ph: 0403 538 800
<u>Care Takers:</u>		Ph: 0427 771512
<u>Show Office:</u>		Ph: 0266 280358
<u>Email</u>		avilleshow1@bigpond.com

24th July 2017

Dear Sir / Madam,

Response to the East Ballina Lions Club Inc. & DA 2017/307

Alstonville showground / Markets being an all-weather venue with a magnificent outlook offers a great venue that is an envy of a lot of market managers and stall holders. The general principle of most market in the Northern Rivers is to support professional local stall holders which has led to the submission for change of day in the month. Alstonville show society has received a lot of enquiry to create change and move the market to the third Saturday of the month in which case the stall holders will support and attend.

Professional stall holders will attend as many markets as possible as it is their livelihood and I would suggest that with the change of date, that there would be no likely hood of any reduction to the attendance of stall holders to the East Ballina Lions club market on Sunday bearing in mind that they may be very few that already attend the Sunday market as it stands.

With Mr. Steve Cook with-drawing his intention of running the markets on Saturday's at Alstonville has created the void of Markets at Alstonville and this market was run with the Ballina shires blessing and to my knowledge without any objection by other parties.

The Alstonville markets to be held at the Showground will be professionally managed by Mrs. Jenny Johnson, whom was the previous manager of the markets mentioned in the letter from East Ballina Lions club.

Mrs. Johnson has managed markets more than thirty years and holds all applicable insurances – public and product liability on top of the comprehensive insurance policy held by Alstonville show society. Due to Mrs. Johnson professionalism, there will not be any store holders participating at the market without holding their own public liability and all food holders will be fully registered with council's health inspection certificate and food permit requirements, all of which will available on request, which also means that all vendors will be vetted to ensure there will no products or goods will be sold that are in eligible to be sold at markets.

Ballina hosts five markets per month, Lismore ten markets per month and the village of Alstonville one. Moving the markets to the third Saturday of the month will be a great attraction to visitors near and far. This influx of visitors to Alstonville whilst all businesses being open in the village will only be of benefit to all business houses.

If there are any further queries, please do not hesitate in contacting me on 0438435629 or email sam.stephens@bayer.com

Yours faithfully
Sam Stephens
Sam Stephens
President