



**TWEED  
SHIRE  
COUNCIL**

Please Quote  
Council Ref:

DA06/1014.11 DA06/1014

Your Ref No:

For Enquiries  
Please Contact:

Rebecka Groth

Telephone Direct

(02) 6670 2451

1702607

8326

s96notice.dot

1 November 2007

Mr P Clarke and Mr C Ebell  
C/- Planit Consulting Pty Ltd  
PO Box 1623  
KINGSCLIFF NSW 2487

Dear Sir,

**Section 96 Application DA06/1014.11 - amendment to Development Consent  
DA06/1014 for a Restaurant at Lot 3 DP 541945, No. 64 Mount Warning Road  
Mount Warning**

I refer to your application regarding the above and enclose herewith Amended  
Consent DA06/1014. The consent has been amended as follows: -

**1. Delete Condition No. 24 and replace with Condition No. 24A as follows: -**

**24A. Section 94 Contributions**

Payment of the following contributions pursuant to Section 94 of the Act  
and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment  
Regulations, 2000, a Construction Certificate shall NOT be issued by a  
Certifying Authority unless all Section 94 Contributions have been paid and  
the Certifying Authority has sighted Council's "Contribution Sheet" signed  
by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of  
the original Development Consent (DA06/1014) and thereafter in  
accordance with the rates applicable in the current version/edition of the  
relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic  
and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street,  
Tweed Heads.

(a) Tweed Road Contribution Plan:	\$19,963.94
S94 Plan No. 4 (Version 4.0)	
Sector 12	



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH  
PO BOX 816, MURWILLUMBAH NSW 2484  
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER  
ABN 90 178 732 496  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

(b) Extensions to Council Administration Offices  
& Technical Support Facilities  
S94 Plan No. 18

\$253

[PCC0215]

Yours faithfully

A handwritten signature in black ink, appearing to read 'Garry Smith', with a stylized flourish at the end.

**Garry Smith**  
Manager Development Assessment

Enc

**AMENDED CONSENT ISSUED 1/11/2007**

**NOTICE NO. DA06/1014**

**TWEED SHIRE COUNCIL**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

To: Mr P Clarke and Mr C Ebell  
C/-Planit Consulting  
PO Box 1623  
KINGSCLIFF NSW 2487

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. **DA06/1014** relating to land described as:-

**Lot 3 DP 541945  
No. 64 Mount Warning Road  
Mount Warning**

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

**RESTAURANT**

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 and
  - Plan Nos 15412B prepared by B& P Surveys Consulting Surveyors and dated 15/08/2006; and
  - Plan labeled "Car Parking Layout - Proposed Restaurant" prepared by Planit Consulting and undated; and
  - The plans depicting the relocated dwelling and its layout including elevations and sections and the ground floor new plan and first floor new plan on prepared by Planit Consulting and undated.except where varied by the conditions of this consent.[GEN0005]
2. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.[GEN0115]
3. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking place on a public road including the construction of new driveway access (or modification of access). Applications for consent under Section 138 must be submitted on Council's

standard application form and be accompanied by the required attachments and prescribed fee.

[GEN0045]

4. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property.

[GEN0135]

5. Advertising structures/signs to be the subject of a separate development application, where statutorily required.

[GEN0065]

6. All signage and lighting is to be fitted with necessary devices capable of permitting the change in intensity of illumination of the sign and lighting in order to regulate glare or other like impacts.

[GEN0075]

7. The building is to have a 20m Asset Protection Zone.

[GENNS01]

8. Access to the site is to comply with the Planning for Bushfire Protection Guidelines 2001.

[GENNS01]

9. In recognition that no reticulated water exists a 10,000L dedicated water supply tank shall be provided and a 65mm storz fitting and ball or gate vowel shall be installed in the tank.

[GENNS01]

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

10. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS shall NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

[PCC028]

11. Prior to issue of a Construction Certificate the applicant is required to lodge a Section 68 application to install an on site sewerage management system, pay the appropriate fee, and be issued with an approval to install.

[PCCNS01]

12. Prior to issue of the Construction Certificate a S68 Application (under the Local Government Act 1993) is to be lodged with Tweed Shire Council for approval to install an onsite sewerage management system.

[PCCNS02]

13. Prior to issue of the Construction Certificate detailed drawings showing equipment, shop fittings, the mechanical exhaust ventilation system and internal sop finishes are to be submitted to Council's Environmental Health Services Unit for further analysis, comment, and approval.

[PCCNS02]

14. **Prior** to the issue of a construction certificate, the applicant shall submit to Council evidence that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared in accordance with either:-
- (a) WorkCover Regulations 2000
- [PCC0015]
15. The developer shall provide 22 car parking spaces and 1 bus parking bay including parking for the disabled in accordance with DCP2, AS 2890 and Austroads Part 11.
- Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.
- [PCC0065]
16. Any works to be carried out within the adjoining road reserve is subject to application and approval being issued by Tweed Shire Council as the road authority.
- Application for these works and receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.
- [PCC0075]
17. **Prior** to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) shall be lodged with Council for an amount based on 1% of the value of the works (minimum \$1,000).
- The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the General Manager or his delegate.
- The bond will be refunded, if not expended, when the final Subdivision/Occupation Certificate is issued.
- [PCC0275]
18. Council has no flood records nor ground levels in this rural locality. The Construction Certificate application must provide historical evidence, by local enquiry, of the extent of flood affect on the property, if any, and provide a design flood level for the development.
- [PCC0695]
19. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 shall be prepared by an RTA accredited person shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Safe public access shall be provided at all times.
- [PCC0865]
20. The proponent shall submit plans and specifications with an application for construction certificate for the following roadworks with associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications.

## **RURAL SEAL**

- (a) Upgrading of Mount Warning Road at the access point to the proposed restaurant to provide a basic Right Turn facility, Type BAR in accordance with Austroads 2005, part 5, Intersections at Grade.

21. Prior to the issue of a **Construction Certificate** the following detail in accordance with Councils adopted Development Design and Construction Specifications shall be submitted to the Principal Certifying Authority for approval.

- (a) copies of compliance certificates relied upon
- (b) four (4) copies of detailed engineering plans and specifications. The detailed plans shall include but are not limited to the following:

- earthworks
- roadworks/pavement design
- stormwater drainage
- sedimentation and erosion management plans
- location of all service conduits (water, sewer, Country Energy and Telstra)

• **Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

22. An application shall be lodged and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage or drainage works prior to the issue of a construction certificate.

23. An embankment and two trees located directly south west of the proposed access shall be removed to improve the available sight distance for a vehicle exiting the proposed restaurant. Prior to the removal of the two trees an environmental assessment shall be undertaken to determine that the removal of the trees does not conflict with the Threatened Species Conservation Act 1995.

## 24. **DELETED**

### 24A Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgun Road, Murwillumbah and Brett Street, Tweed Heads.

- (a) Tweed Road Contribution Plan: \$19,963.94  
S94 Plan No. 4 (Version 4.0)

## Sector 12

### (b) Extensions to Council Administration Offices

& Technical Support Facilities

\$253

S94 Plan No. 18

[PCC0215]

25. Any carparking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards. A plan of the lighting shall be approved by the Principal Certifying Authority **PRIOR** to the issue of a Construction Certificate.

[PCC0055]

## **PRIOR TO COMMENCEMENT OF WORK**

26. The erection of a building in accordance with a development consent must not be commenced until:
- (a) a construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - (b) the person having the benefit of the development consent has:
    - i. appointed a principal certifying authority for the building work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - (c) the principal certifying authority has, no later than 2 days before the building work commences:
    - i. notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and
    - iii. unless that person is the principal contractor, notified the principal contractor of any critical stage inspection and other inspections that are to be carried out in respect of the building work.
27. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0215]

[PCW0225]

28. Residential building work:

- (a) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - i. in the case of work for which a principal contractor is required to be appointed:
    - in the name and licence number of the principal contractor, and
    - the name of the insurer by which the work is insured under Part 6 of that Act,
  - ii. in the case of work to be done by an owner-builder:
    - the name of the owner-builder, and
    - if the owner-builder is required to hold an owner builder permit under that Act, the number of the owner-builder permit.
- (b) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

[PCW0235]

29. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:-

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

30. Where prescribed by the provisions of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

[PCW0255]

31. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:

- (a) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
- (b) Certification of the works performed by the person carrying out the works is to be submitted to the PCA; and
- (c) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
  - (i) the method of protection; and
  - (ii) the date of installation of the system; and
  - (iii) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - (iv) the need to maintain and inspect the system on a regular basis.

**Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

[PCW0775]

32. Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the Local Government Act is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

Please note that this sign is to remain in position for the duration of the project.

[PCW0985]

33. Written approval for any application under Section 138 of the Roads Act 1993 is required prior to commencing works within the road reserve.

[PCW0705]

## **DURING CONSTRUCTION**

34. Construction site work including the entering and leaving of vehicles is limited to the following hours, unless otherwise permitted by Council: -

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.

[DUR0205]

35. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).

[DUR0375]

36. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

[DUR0405]

37. It is the responsibility of the applicant to restrict public access to the building site, building works or materials or equipment on the site when building work is not in progress or the site is otherwise unoccupied in accordance with WorkCover 2000 Regulations.

[DUR0415]

38. All materials used in the building must comply with the smoke developed and spread of flame indices specified in Specification C1.10 of the Building Code of Australia.

Note: Many materials including some timbers such as western red cedar do not comply and it is the applicants responsibility to ensure that all materials to be used are within the criteria specified.

[DUR1275]

39. Access to the building for people with disabilities shall be provided and constructed in accordance with the requirements of Section D of the Building Code of Australia. Particular attention is to be given to the deemed-to-satisfy provisions of Part D-3 and their requirement to comply with AS1428.

[DUR1685]

40. Where a building or part of a building is required, under the provisions of Section D of the Building Code of Australia, to be accessible to permit use by people with disabilities, prominently displayed signs and symbols shall be provided to identify accessible routes, areas and facilities. The signage, including Braille or tactile signage, should be installed in accordance with the relevant provisions of the Building Code of Australia and achieve the minimum design requirements provided under AS1428.

[DUR1695]

41. Where access for people with disabilities is required to be provided to a building, sanitary facilities for the use of the disabled must also be provided in accordance with the provisions Part F-2 of the Building Code of Australia.

[DUR1705]

42. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:

- (a) internal drainage, prior to slab preparation;
- (b) water plumbing rough in, and/or stackwork prior to the erection of brick work or any wall sheeting;
- (c) external drainage prior to backfilling.
- (d) completion of work and prior to occupation of the building.

[DUR2485]

43. Plumbing

- (a) A plumbing permit is to be obtained from Council prior to commencement of any plumbing and drainage work.

- (b) The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.

[DUR2495]

44. Back flow prevention devices shall be installed wherever cross connection occurs or is likely to occur. The type of device shall be determined in accordance with AS 3500.1 and shall be maintained in working order and inspected for operational function at intervals not exceeding 12 months in accordance with Section 4.7.2 of this Standard.

[DUR2535]

45. All new hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding:-
- \* 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
  - \* 50°C in all other classes of buildings.

A certificate certifying compliance with the above is to be submitted by the licensed plumber on completion of works.

[DUR2555]

46. Removal

- (a) All deteriorated and defective materials are to be replaced by sound materials.
- (b) The building is to be painted internally and externally.
- (c) The building is to be set up and completed in a tradesmanlike manner and to Council's satisfaction.
- (d) The building is not to be occupied until all work is completed and Council's approval to occupy has been granted.
- (e) Detail's covering the date and time of removal and route to be travelled are to be submitted to Council's Engineering Division prior to commencing work.

[DUR0665]

47. Windows and doors opening into food preparation and storage areas are to be fully screened in accordance with Council's adopted code for the construction of food premises.

[DUR1515]

48. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

49. All shelving, benches, fittings and furniture on which appliances and utensils are positioned within the premises must be of durable, smooth, impervious material capable of being easily cleaned.

[DUR1605]

50. All proposed works to be undertaken are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

[DUR0005]

51. Provision of adequate vehicular access in accordance with Council's "Access to Property" pamphlet, including the following specific work

- (a) Bitumen sealing of the restaurant access from the road carriageway to the property boundary.
- (b) Provision of 375mm minimum diameter pipe culvert crossings, including precast headwalls is required.

[DUR0045]

52. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.

[DUR0995]

53. All work associated with this approval is to be carried out so as not to impact on the environment. All necessary precautions, covering and protection shall be taken to minimise impact from: -

- Noise, water or air pollution
- Minimise impact from dust during filling operations and also from construction vehicles
- No material is removed from the site by wind

[DUR1005]

54. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.

[DUR1885]

55. Tweed Shire Council shall be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Appendix D, DCP16 - Subdivisions Manual based on the rates contained in Council's current Fees and Charges:-

**Roadworks**

- (a) Pre-construction commencement erosion and sedimentation control measures
- (b) Completion of earthworks
- (c) Excavation of subgrade
- (d) Pavement - sub-base
- (e) Pavement - pre kerb
- (f) Pavement - pre seal
- (g) Final inspections - on maintenance
- (h) Off Maintenance inspection

[DUR1895]

56. Appropriate measures are to be put in place during the construction period to prevent the transport of sediment from the site. Should any material be transported onto the road or any spills occur it is to be cleaned up prior to cessation of same days work and/or commencement of any rain event.

57. Vehicles leaving the premises shall be sufficiently free from dirt, aggregate or other materials such that materials are not transported onto public roads. [DUR2405]
58. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act. [DUR2415]

## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

59. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units). [DUR2625]
60. The food premises shall provide appropriate notification to the NSW Food Authority prior to commencement of operations. [POC0205]
61. The premise is to be treated on completion of fit-out and prior to commencement of trading and thereafter on a regular basis by a Licensed Pest Control Operator. A certificate of treatment is to be made available for Council inspection on request. [POC0625]
62. Prior to issue of the Occupation Certificate approval from Tweed Shire Council is to be obtained for the installation of the onsite sewerage management system via a S68 Application (under the Local Government Act 1993). [POC0635]
63. Prior to issue of the Occupation Certificate Council's Environmental Health Officer is to undertake an inspection of the premises and the fit out for final approval. [POCNS01]
64. Prior to the issue of an Occupation Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) shall be lodged with Council. [POCNS02]

The bond shall be based on 5% of the value of the works approved under Section 138 of the Roads Act (minimum \$1,000.00) which will be held by Council for a period of 6 months from the date on which the Occupation Certificate is issued. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

- [POC0165]
65. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans. [POC0005]
66. Prior to the occupation of any building and prior to the issue of any occupation certificate a final inspection report is to be obtained from Council to verify the satisfactory installation of all plumbing and drainage and the on-site sewage management facility. [POC1035]

## **USE**

67. 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, fumes or the like. [USE0125]

68. All activities associated with the occupancy of the building are to comply with the Protection of the Environment Operations Act, 1997. [USE0135]
69. All external artificial lighting shall be shielded where required to the satisfaction of Councils General Manager or his delegate to ensure that the spill of light or glare from such lighting does not create a nuisance to any adjoining or neighbouring premises. [USE0205]
70. All mechanical ventilation shall comply with AS1668.2 Ventilation Requirements. [USE0845]
71. Adequate natural or mechanical ventilation must be provided to the satisfaction of the General Manager or his delegate. [USE0865]
72. All wastes shall be collected, stored and disposed to the satisfaction of the General Manager or his delegate. [USE0875]
73. The premises shall be maintained in a clean and tidy manner. [USE0965]
74. Potable water must only be used for all activities undertaken on the food premises. Untreated rainwater for washing dishes and pre-cooking purposes is not permitted. [USE0965]
75. Any premises used for the storage, preparation or sale of food are to comply with the Food Act 2003, ANZFA Food Safety Standards 3.1.1, 3.2.2 & 3.2.3 and AS 4674-2004 Design, Construction and Fit-out of Food Premises. [USE0965]
76. Hours of operation of the business are restricted to the following hours: - [USE0965]
- \* 9am to 6pm - Mondays to Thursday
  - \* 9am to 10.30pm Fridays - Saturdays
  - \* 9am to 5 pm Sundays and Public Holidays
  - \* All deliveries and pickups relating to the business are to occur within the approved hours
77. Upon receipt of a noise complaint that Council deems to be reasonable, the operator/owner is to submit to Council a Noise Impact Study (NIS) carried out by a suitably qualified and practicing acoustic consultant. The NIS is to be submitted to the satisfaction of the General Manager or his delegate. It is to include recommendations for noise attenuation. The operator/owner is to implement the recommendations of the NIS within a timeframe specified by Council's authorised officer [USE0185]
78. The building is not to be used for any habitable purpose. [USE0245]

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. [USE0455]

The application was determined on: **23 February 2007**  
 The consent to operate from: **23 February 2007**  
 The consent to lapse on 23 February 2012 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 12 months after the date on which you receive this notice.

**Signed on behalf of the Tweed Shire Council**



Garry Smith, Manager Development Assessment  
23 February 2007