

Council Reference: DA14/0475 LN1724  
Your Reference:



**TWEED**  
SHIRE COUNCIL

23 October 2014

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Please address all communications  
to the General Manager

ABN: 90 178 732 496

Dear Sir/Madam

**Development Application DA14/0475 - demolition of existing commercial building and construction of police station (Tweed/Byron Local Area Command), incorporating carparking, landscaping, signage, civil works, awning over public footpaths and consolidation of allotments (JRPP) at Lot 30 Sec 4 DP 4043; No. 22 Beryl Street; Lot 1 DP 329246 & Lot 29 Sec 4 DP 4043 & Lot 31 Sec 4 DP 4043; No. 83 Wharf Street; Lot 2 DP 329247; No. 85 Wharf Street; Lot 3 DP 329248; No. 87 Wharf Street; Lot 4 DP 329249; No. 89 Wharf Street; ROAD 5901; Wharf Street TWEED HEADS**

Reference is made to your Development Application regarding the above. Please find enclosed Development Consent No. DA14/0475.

For further information regarding this matter please contact David OConnell on (02) 6670 2661.

Yours faithfully

**Colleen Forbes**  
Co-ordinator Development Assessment

Enc



**NOTICE NO. DA14/0475**  
**Environmental Planning and Assessment Act 1979**

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

To: Newton Denny Chapelle  
PO Box 1138  
LISMORE NSW 2480

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act 1979, notice is hereby given of the determination by the Tweed Shire Council of Development Application No. **DA14/0475** relating to land described as:

**Lot 30 Sec 4 DP 4043; No. 22 Beryl Street; Lot 1 DP 329246 & Lot 29 Sec 4 DP 4043 & Lot 31 Sec 4 DP 4043; No. 83 Wharf Street; Lot 2 DP 329247; No. 85 Wharf Street; Lot 3 DP 329248; No. 87 Wharf Street; Lot 4 DP 329249; No. 89 Wharf Street; ROAD 5901; Wharf Street TWEED HEADS**

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

**DEMOLITION OF EXISTING COMMERCIAL BUILDING AND CONSTRUCTION OF POLICE STATION (TWEED/BYRON LOCAL AREA COMMAND), INCORPORATING CARPARKING, LANDSCAPING, SIGNAGE, CIVIL WORKS, AWNING OVER PUBLIC FOOTPATHS AND CONSOLIDATION OF ALLOTMENTS (JRPP)**

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

**GENERAL**

1. The development shall be carried out in two stages as follows:

- **Stage 1**

Demolition of all existing structures on the land;

- **Stage 2**

Erection of the proposed Police Station and associated works; and

Amalgamation of allotments into a single title.

The development shall be completed in accordance with the Statement of Environmental Effects and the following plans:

- Site Plan (Drawing No. DA0500 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Ground Floor Plan (Drawing No. DA1201 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- First Floor Plan (Drawing No. DA1301 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Second Floor Plan (Drawing No. DA1302 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;

- Plant Room (Drawing No. DA1401 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Roof Plan (Drawing No. DA1402 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Elevations-Sheet 1 (Drawing No. DA1501 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014;
- Elevations-Sheet 2 (Drawing No. DA1502 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014; and
- Sections (Drawing No. DA1601 Rev A) prepared by Gardner Wetherill & Associates and dated 24 July 2014,

except where varied by the conditions of this consent.

[GEN0005]

2. Any illumination of signage is to be designed so as to minimise glare and not cause nuisance to the surrounding area.

[GEN0075]

3. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.

[GEN0115]

4. The development is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils Development Design and Construction Specifications.

[GEN0125]

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

[GEN0135]

6. Three sewer manholes are present on this site. The manholes are not to be covered with soil or other material.

Should adjustments be required to the manholes or additional fill be proposed in the area of the sewer manholes, then application shall be made to Council's Water Unit for approval of such works.

[GEN0155]

7. The applicant shall arrange for a site inspection to be carried out with Council's Environmental Health Officer and key representatives involved in the dewatering activity including consultants and personnel responsible under any Dewatering Management Plan approved by Council's General Manager or his delegate. Such site inspection shall be arranged and carried out prior to the commencement of any offsite dewatering activity occurring.

[GEN0180]

8. Any business or premises proposing to discharge a pollutant discharge greater than or differing from domestic usage is to submit to Council an application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate prior to any discharge to sewer being commenced. A trade waste application fee will be applicable in accordance with Councils adopted Fees and Charges.

[GEN0190]

9. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines. [GEN0300]
10. No offsite dewatering shall commence until Council's Environmental Health Officer is satisfied that the quality of water to be discharged will comply with any agreed water quality criteria.
11. Any traffic regulatory signage on the Wharf Street parking bays will require endorsement of the Local Traffic Committee and written approval by Council prior to installation. [GENNS01]
12. The proposed development allotments (Lot 1 DP 329246, Lot 2 DP 329247, Lot 3 DP 329248, Lot 4 DP 329249, Lot 29 Section 4 DP 4043, Lot 30 Section 4 DP 4043, Lot 31 Section 4 DP 4043) are to be consolidated into 1 lot under 1 title. The plan of consolidation shall be registered with the Land Titles Office prior to the occupation of the Police Station building. [GENNS01]
13. The proposed public art feature wall is to be designed and commissioned having regard to:
  - Public safety, risk and the public's use of and access to the space;
  - Consider maintenance and durability requirements;
  - Clearly demonstrate the relevance of the work to the subject site; and
  - The capacity of the work to contribute to the amenity of the locality and address aspects of the Tweed's history, culture, environment and society.

The final design is to receive the written approval of Council's General Manager or delegate.
14. The proposed development is to be undertaken in accordance with the Stormwater Management Plan (Ref 13/066 Rev A) dated July 2014 prepared by Newton Denny Chapelle. Prior to the occupation of the building the applicant is to submit certification from a suitably qualified engineer demonstrating that the development has been undertaken in accordance with this Stormwater Management Plan.
15. Earthwork activity on site shall be undertaken in accordance with the Geotechnical Investigation Report prepared by Geotech Investigations Pty Ltd (dated July 2014), including the undertaking of a drawdown analysis on the water table and a dilapidation survey detailing the current condition of the adjacent buildings and infrastructure, except where varied by the conditions of this report or approved otherwise by Council.
16. Erosion and Sediment Control shall be designed, installed and maintained in accordance with Tweed Shire Council Development Design Specification D7 - Stormwater Quality and its Annexure A - "Code of Practice for Soil and Water Management on Construction Works".
17. Approval is given subject to agreement of the developer to pay for costs incurred by Council for structural relining of the sewer under the building. [GENNS03]

**PRIOR TO THE COMMENCEMENT OF WORK**

18. Any car parking floodlighting shall not spill beyond the boundaries of the site. Lighting shall comply with AS 4282 and other relevant Australian Standards.

[PCC0055]

19. The developer shall provide a minimum of 66 off-street parking spaces including parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code. Off-street car parking is to be designed in accordance with AS2980.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to Tweed Shire Council prior to the commencement of Stage 2 works.

[PCC0065]

20. Prior to the commencement of any demolition/construction work on the site, a Construction Management Plan shall be submitted to Council for the written approval of the General Manager or delegate. The Plan shall address, but not be limited to, the following matters where relevant:

- a) Hours of work;
- b) Contact details of site manager;
- c) Traffic and pedestrian management;
- d) Noise and vibration management;
- e) Construction waste management; and,
- f) Erosion and sediment control.

Where construction work is to be undertaken in stages, the Proponent may stage the submission of the Construction Management Plan consistent with the staging of activities relating to that work.

[PCC0125]

21. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979 (as amended), prior to commencement of building works any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 is to be paid (as applicable). Council is authorised to accept payment.

[PCC0285]

22. All imported fill material shall be from an approved source. Prior to any filling occurring on site the source of fill, description of material, proposed use of material, documentary evidence that the fill material is free of any contaminants and haul route shall be submitted to Tweed Shire Council for the approval of the General Manager or his delegate.

[PCC0465]

23. A detailed plan of landscaping containing no noxious or environmental weed species and with a minimum 80% of total plant numbers comprised of local native species is to be submitted and approved by Council's General Manager or his delegate prior to the commencement of Stage 2 works.

[PCC0585]

24. A Traffic Control Plan in accordance with AS1742 and the latest version of the NSW Government Roads and Maritime Services (RMS) publication "Traffic Control at Work Sites" shall be prepared by an RMS accredited person and shall be submitted to the

Principal Certifying Authority prior to commencement of work on the site. Safe public access shall be provided at all times.

[PCC0865]

25. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for works pursuant to this consent located within the road reserve. Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Councils Development Design and Construction Specifications for the following required works: -

- (a) Construction of vehicular accesses of Beryl Street and Wharf Street
- (b) Removal of 5 on-street public car parking spaces on Wharf Street
- (c) Conversion of 4 existing public car spaces on Wharf Street to operational spaces for the Police Station.
- (d) Construction of concrete footpaths on Wharf Street (full width concrete) and Beryl Street.

The above mentioned engineering plan submission must include copies of compliance certificates relied upon and details relevant to but not limited to the following: -

- Road works/furnishings
- Stormwater drainage
- Water and sewerage works
- Sediment and erosion control plans
- Location of all services/conduits
- Traffic Control Plan (as applicable)

[PCC0895]

26. Details from a qualified Structural Engineer are to be submitted to Council's General Manager or his delegate for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the commencement of Stage 2 works.

27. Permanent stormwater quality treatment shall be provided in accordance with the following:

- (a) A detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development is to be prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.
- (b) Permanent stormwater quality treatment shall comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.
- (c) It is encouraged that the stormwater and site works incorporate Water Sensitive Urban Design principles and where practical, integrated water cycle management, as proposed by "Water By Design", an initiative for best practice by the South East Queensland Healthy Waterways Partnership.
- (d) Specific Requirements to be detailed within the Stormwater Management Plan shall include:
  - (i) Runoff from all hardstand areas, (including car parking and hardstand landscaping areas and excluding roof areas) must be treated to remove oil and sediment contaminants prior to discharge to the public realm. All permanent stormwater treatment devices must be sized according to Council's Development Design Specification D7 - *Stormwater Quality*, Section D7.12. Engineering details of the proposed devices, including

maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.

- (ii) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

28. Approval for building works that involve any of the following:

- connection of a private stormwater drain to a public stormwater drain
- installation of stormwater quality control devices
- erosion and sediment control works

will not be approved until prior separate approval to do so has been granted by Council under Section 68 of the Local Government Act.

- a) Applications for these works must be submitted on Council's standard Section 68 stormwater drainage application form accompanied by the required attachments and the prescribed fee.

[PCC1145]

29. An application shall be lodged together with any prescribed fees including inspection fees and approved by Tweed Shire Council under Section 68 of the Local Government Act for any water, sewerage, on site sewerage management system or drainage works including connection of a private stormwater drain to a public stormwater drain, installation of stormwater quality control devices or erosion and sediment control works, prior to the commencement of Stage 2 works.

[PCC1195]

30. Where water is to be drawn from Councils reticulated system, the proponent shall:

- Make application for the hire of a Tweed Shire Council metered standpipe including Councils nomination of point of extraction.
- Where a current standpipe approval has been issued application must be made for Councils nomination of a point of extraction specific to the development.
- Payment of relevant fees in accordance with Councils adopted fees and charges.

[PCC1205]

31. In accordance with Section 68 of the Local Government Act, application shall be made to Council for any proposed sewerage drainage system. Detail shall include hydraulic drawings, pipe sizes, details of materials and discharge temperatures.

[PCC1225]

32. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system pollutant discharge greater than or differing from domestic sewage, shall submit to Council a completed application for a Trade Waste Licence. This application is to be approved by the General Manager or his delegate PRIOR to the commencement of Stage 2 works to discharge to Councils sewerage system. A Trade Waste Application fee will be applicable in accordance with Councils adopted Fees and Charges.

[PCC1255]

33. Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. Oil/grease traps, separators, etc) shall be installed in accordance with Tweed Shire Councils Trade Waste Policy. Submission of detailed hydraulic plans and specifications indicating size, type, location and drainage installations in accordance with AS 3500 shall be submitted to Council for approval.

[PCC1265]



34. Three copies of detailed hydraulic plans shall be submitted with all trade waste applications which indicate size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS3500. [PCC1275]
35. The carwash bay and secure parking area shall drain to a water treatment device prior to being discharged to the sewer (if levels permit) and shall be subject to a separate Trade Waste Application prior to the commencement of Stage 2 works.
36. The application for drainage works under Section 68 of the Local Government Act shall include confirmation (with supporting calculations) that the development is discharging stormwater into the existing piped drainage systems (both north and south of the development's frontage) in Wharf Street equivalent to the current distribution of discharge and not exceeding the current discharge rates (pre this development), or alternatively provide an hydraulic assessment of the downstream drainage network proposed to be discharged into, showing availability of required additional capacity to support stormwater discharge varying to that currently available. The development cannot discharge stormwater at rates exceeding the existing discharge rates (no worsening case).
37. Prior to the commencement of Stage 2 development works an updated civil work plan and amended Structural/ Footing Plans to be submitted be approved by the General Manager or his delegate for approval prior to construction.
38. Council requires a legal arrangement which will burden current and future owners of the property to permit Council to maintain, and re-construct these works as and when required. Twenty-four hour access is required to enable repair, maintenance and reconstruction of the sewer.
39. Sewer depth and actual location must be confirmed on site and recorded on construction plans prior to Stage 2 construction.
40. A qualified Structural Engineer shall design any retaining walls, pier or footing depths based on the geotechnical conditions on site and the plans must be submitted to the General Manager or his delegate to demonstrate the Council Sewers - Works in Proximity Policy has been adhered to.
41. *The developer is required to excavate down to the obvert of the existing sewer pipeline between manholes BQ/1 and BQA/1 under the proposed building and replace any cohesive soils within the area of influence with sand or a loose granular insitu material.*
42. Interlocking and removable paving/ panels over the sewer within 1 meter horizontal clearance from the pipe centreline for ease of access to the sewer must be shown on the final construction plans.
43. Structural detail for the wall panels over the sewer line to be provided to the General Manager or his delegate for approval.
44. Wall panels are to be designed to minimise the loads and crane size required to remove the panels at any time.
45. A minimum of 2.4 metres vertical clearance in proximity to the sewer is required to enable clear access and adequate clearance to work in the space for sewer maintenance or repairs.

[PCCNS01]

46. The proposed mechanical design for the site shall be reviewed by an acoustic consultant during the design phase to ensure that all required treatments as specified within the Acoustic Report for 83 Wharf Street, Tweed Heads prepared by TTM Consulting Pty Ltd dated 11 July 2014 (Reference: 13GCA0038 R01\_7) have been incorporated into the design. Written confirmation of compliance from the acoustic consultant shall be submitted to Council's General Manager prior to occupation of the building.
- [PCCNS01]
47. The proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority advised of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.
- [PCW0005]
48. Where any pumps used for dewatering operations are proposed to be operated on a 24-hour basis, the owners of adjoining premises shall be notified accordingly prior to commencement of such operations.
- [PCW0125]
49. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one closet for every 15 persons or part of 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]
50. **Where prescribed by the provisions of the Environmental Planning and Assessment Regulation 2000**, 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 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
  - (b) 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]
51. Please note that while the proposal, subject to the conditions of approval, may comply with the provisions of the Building Code of Australia for persons with disabilities your attention is drawn to the Disability Discrimination Act which may contain requirements in excess of those under the Building Code of Australia. It is therefore recommended that these provisions be investigated prior to start of works to determine the necessity for them to be incorporated within the design.
- [PCW0665]
52. It is a condition of this approval that, if an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land or is likely to effect the integrity of the adjoining land, the person causing the excavation to be made must comply with the following:

- (a) The person must, at the person's own expense:
  - (i) preserve and protect the building / property from damage; and
  - (ii) if necessary, underpin and support the building in an approved manner.
- (b) The person must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.

[PCW0765]

53. A Dilapidation Report detailing the current general condition including the structural condition of the adjoining buildings/sites, infrastructure and driveways is to be prepared and certified by a suitably qualified and experienced structural engineer. The Report is to be submitted to and accepted by Council prior to commencement of ANY works on the site.

[PCW0775]

54. 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. These measures are to be in accordance with the approved Erosion and Sedimentation Control Plan and adequately maintained throughout the duration of the development.

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.

This sign is to remain in position for the duration of the project.

[PCW0985]

55. An application to connect to Council's sewer or carry out plumbing and drainage works, together with any prescribed fees including inspection fees, is to be submitted to and approved by Council prior to the commencement of any building works on the site.

[PCW1065]

56. Prior to commencement of building works provide hydraulic drawings on the proposed sewer drainage systems including pipe sizes, details of materials and discharge temperatures.

[PCW1085]

57. An Approval to Install a Waste Treatment Device shall be obtained prior to the commencement of the installation of the facility.

[PCW1105]

58. 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 a 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.

[PCW1170]

59. Any alterations to approved civil engineering plans shall be provided to Council's General Manager or his delegate for approval prior to construction.

60. Excavation, shoring and dewatering of the approved works must be considered when undertaking works. Any permits required to undertake dewatering shall be obtained

prior to commencing. The applicant shall conduct a thorough site assessment to determine trench safety for the approved works.

61. Should any part of the sewerage reticulation infrastructure be damaged by the registered proprietor or by any person who is a servant, workman, tenant, invitee, employee, or agent of the registered proprietor Tweed Shire Council will repair the damage at the cost of the registered proprietor.
62. Prior to the commencement of Stage 2 works a detailed streetscape plan of both Wharf Street and Beryl Street is to be submitted to Council for the written approval of the General Manager or his delegate. The streetscape plan is to include details relating to the following:
  - Extent of new vertical kerb to replace existing crossovers and crossover treatment to the secure car park.
  - All pavement finish types (plain grey, broom finish is the preferred pavement to tie in with the existing streetscape upgrade, with small sections of exposed aggregate).
  - Extent of turfing (if any as shown on the artist impression).
  - Any street tree planting and their location and type.
  - Any proposed street furniture including seats, bins and benches that comply to Tweed shire Council preferred street furniture palette.
  - Any proposed streetscaping, pathways, crossovers etc along Beryl Street.
63. An updated south elevation plan is to be submitted providing for the revised treatment of this elevation. The revised treatment is to include visual and textural relief from the first floor slab beam down to ground level. The material treatment is to obtain the written approval of Council's General Manager or delegate prior to the commencement of Stage 2 work on the site.

[PCWNS02]

[PCWNS03]

## **DURING CONSTRUCTION**

64. All proposed works are to be carried out in accordance with the conditions of development consent, approved Management Plans, drawings and specifications.
65. Construction and/or demolition 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 6.00pm

No work to be carried out on Sundays or Public Holidays

The proponent is responsible to instruct and control subcontractors regarding hours of work.
66. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.

[DUR0205]

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

**B. Long term period - the duration.**

$L_{Aeq, 15 \text{ min}}$  noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

67. All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded to the satisfaction of Council's General Manager or his delegate so as to prevent the emission of offensive noise as a result of their operation.

[DUR0225]

68. All waters pumped from the site in the dewatering process are to be treated with an effective deodoriser to the satisfaction of Council's General Manager or his delegate to neutralise any offensive odours. The point of discharge shall be approved by Council's General Manager or his delegate prior to installation and shall include a water sampling outlet.

[DUR0235]

69. The wall and roof cladding is to have low reflectivity where they would otherwise cause nuisance to the occupants of buildings with direct line of sight to the proposed building.

[DUR0245]

70. Pumps used for dewatering operations are to be electrically operated. Diesel pumps are not to be used unless otherwise approved by the Tweed Shire Council General Manager or his delegate.

[DUR0255]

71. 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 .

[DUR0375]

72. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve, unless prior approval is obtained from Council.

[DUR0395]

73. It is the responsibility of the applicant to restrict public access to the construction works site, construction works or materials or equipment on the site when construction work is not in progress or the site is otherwise unoccupied in accordance with WorkCover NSW requirements and Work Health and Safety Regulation 2011.

[DUR0415]

74. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or

(b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place in accordance with the WorkCover Authority of NSW Code of Practice and relevant Australian Standards.

Where necessary the provision for lighting in accordance with AS 1158 - Road lighting and provision for vehicular and pedestrian traffic in accordance with AS 1742 shall be provided.

Any such hoarding, fence or awning is to be removed prior to the issue of an occupation certificate/subdivision certificate.

Application shall be made to Tweed Shire Council including associated fees for approval prior to any structure being erected within Councils road reserve.

[DUR0435]

75. All demolition work is to be carried out in accordance with the provisions of Australian Standard AS 2601 "The Demolition of Structures" and to the relevant requirements of the WorkCover NSW, Work Health and Safety Regulation 2011.

The proponent shall also observe the guidelines set down under the Department of Environment and Climate Change publication, "A Renovators Guide to the Dangers of Lead" and the Workcover Guidelines on working with asbestos.

[DUR0645]

76. Minimum notice of 48 hours shall be given to Tweed Shire Council for the capping of any disused sewer junctions. Tweed Shire Council staff in accordance with the application lodged and upon excavation of the service by the developer shall undertake the works.

[DUR0675]

77. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.

[DUR0815]

78. The proposed car wash-down area must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for use within the area. Run-off must be discharged into the sewer network (if levels permit) in accordance with Council's Trade Waste Agreement.

[DUR0975]

79. Any soil, sand, gravel, clay or other material which is to be disposed of, shall be disposed of at a licence waste management facility.

[DUR0985]

80. 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 occupation of the Police Station building.

[DUR0995]

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

- Noise, water or air pollution.
- Dust during filling operations and also from construction vehicles.
- Material removed from the site by wind.

[DUR1005]

82. All works shall be carried out in accordance with the Acid Sulfate Soil Investigation and Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09\_83 Wharf St\_ASSI\_v2).  
[DUR1065]
83. Subject to the requirements of the local electricity authority, all electrical wiring, power outlets, switches, etc, should, to the maximum extent possible be located above the design flood level. All electrical wiring installed below the design flood level shall be provided with earth leakage devices.  
[DUR1415]
84. A full width reinforced concrete footpath is to be constructed along the entire road frontage of the development to Wharf Street from the property line to the back of the existing kerb in accordance with Councils Development Design and Construction Specification.  
[DUR1755]
85. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.  
[DUR1795]
86. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during demolition or construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to any use or occupation of the buildings.  
[DUR1875]
87. The proponent shall comply with all requirements tabled within any approval issued under Section 138 of the Roads Act.  
[DUR1885]
88. Where existing kerb, footpath or driveway laybacks are to be removed for new driveway laybacks, stormwater connections, pram ramps or for any other reason, the kerb, footpath or driveway laybacks must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.  
[DUR1905]
89. During construction, a "satisfactory inspection report" is required to be issued by Council for all works required under Section 138 of the Roads Act 1993. The proponent shall liaise with Councils Engineering Division to arrange a suitable inspection.  
[DUR1925]
90. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains other than works approved by this consent and works completed in accordance with Council's Sewers – Works in Proximity Policy.  
[DUR1945]
91. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.  
[DUR2185]

92. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate shall be provided for the storage and removal of garbage and other waste materials. [DUR2205]
93. Council's Environmental Health Officer shall be advised within 24 Hours in the event of detection of any failure associated with the dewatering activity being carried out on the site. [DUR2315]
94. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and a maximum turbidity of 80 NTU. The contractor shall nominate a person responsible for monitoring of the quality of such discharge waters on a daily basis and the results recorded. Such results shall be made available to Council's Environmental Health Officer(s) upon request. [DUR2435]
95. Council is to be given 24 hours notice for any of the following inspections prior to the stage 2 construction works:
- (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]
96. 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 Plumbing Code of Australia and AS/NZS 3500. [DUR2495]
97. 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]
98. Overflow relief gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level. [DUR2545]
99. 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:-
- \* 45°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]



100. Pre-treatment devices must be serviced by a Council approved waste contractor. The applicant will be required to enter into a service agreement with this waste contractor. Pre-treatment device service frequency will be approved by Councils Manager Water. [DUR2595]
101. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act. [DUR2625]
102. The piers/ footings are to be sited at least 1.0 metres horizontally clear of sewer main on site. All footings and slabs within the area of influence of the sewer main are to be designed by a practising Structural Engineer. The engineer is to submit a certification to the Principal Certifying Authority that the design of such footings and slabs will ensure that all building loads will be transferred to the foundation material and will not affect or be affected by the sewer main and that the design meets the Council Sewers - Works in Proximity Policy. [DUR2675]
103. A hose tap shall be provided adjacent to a grease arrester for cleaning purposes and shall be fitted with a RPZD for the purpose of back flow prevention. [DUR2685]
104. A Trade Waste Agreement will be issued and a permit number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement [DUR2705]
105. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main other than those constructed in accordance with the Sewer - Works in Proximity Policy [DUR2705]
106. All dewatering operations shall be carried out in accordance with the provisions of the Dewatering Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09\_83 Wharf Street\_DMP\_v2). A copy of the Plan shall be provided to the site manager, project manager and all other persons provided with responsibilities under the provisions of the Plan. In addition a copy of the Plan shall be kept onsite while dewatering operations are being carried out.
107. The names and 24 hour contact phone numbers of the site manager, project manager and all other persons provided with responsibilities under the provisions of the Dewatering Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09\_83 Wharf Street\_DMP\_v2) shall be provided to Council's Environmental Health Officer prior to the commencement of dewatering operations.
108. Prior to the commencement of dewatering operations the applicant or their nominated representative shall consult with Council's Stormwater Maintenance Engineer in respect to the most appropriate method of connection of the de-watering system to Council's stormwater drainage system. The applicant or their nominated representative shall comply with any and all directions as may be provided by Council's Stormwater Maintenance Engineer.
109. Prior to the commencement of dewatering operations an examination of the quantity of pre-existing sediment within the stormwater drainage network that is intended to receive the de-watering discharge shall be undertaken by methods considered acceptable to Council's Stormwater Maintenance Engineer. Closed circuit television

(CCTV) footage and a report of the findings of the examination shall be provided to Council's Stormwater Maintenance Engineer prior to the commencement of dewatering operations.

110. The frequency of the monitoring regime for the various parameters as listed within Section 5.8 of the Dewatering Management Plan for 83 Wharf Street, Tweed Heads prepared by Precise Environmental Pty Ltd dated July 2014 (File Ref: PE590.09\_83 Wharf Street\_DMP\_v2) shall be increased at the direction of Council's Environmental Health Officer.
111. Hourly inspections of the stormwater discharge network that is receiving dewatering discharge are to occur for rain events during working hours. If the combined stormwater and dewatering flows are exceeding the capacity of the stormwater network, dewatering must temporarily cease until the peak flows from the catchment have subsided. Pumps are to be scaled down / decommissioned where possible during periods where the site is unattended and high rainfall events are forecast.
112. Upon completion of the dewatering operations, the applicant shall arrange for an inspection of any dewatering connection point to Council's stormwater system with Council's Stormwater Maintenance Engineer. The applicant shall comply with any directions issued by Council's Stormwater Maintenance Engineer in respect to the dewatering connection point.

[DURNS01]

113. Interlocking and removable paving/ panels over the sewer within 1 meter horizontal clearance from the pipe centreline for ease of access to the sewer must be installed.
114. During construction access to the sewer and sewer manhole must be available to maintain, and re-construct as and when required.
115. Continual sewerage services must be maintained for all properties upstream of or connected to the affected sewer, for the duration of the works.
116. Any damage to any property or services shall be the responsibility of the constructor. Reinstatement shall be to the relevant authorities or property owner's satisfaction and at the constructors cost.
117. Fire flow requirements for commercial buildings (22 L/s) in accordance with the Building Code of Australia must be met.
118. A minimum of 2.4 metres vertical clearance in proximity to the sewer is required to enable clear access and adequate clearance to work in the space for sewer maintenance or repairs.

#### **PRIOR TO THE OCCUPATION OF THE BUILDING**

119. Prior to the occupation of the building, 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.
120. Prior to the occupation of the building a defect liability bond (in cash **or** unlimited time Bank Guarantee) shall be lodged with Council.

[POC0005]

The bond shall be based on 5% of the value of the public infrastructure works approved under Section 138 of the Roads Act and Section 68 of the Local Government Act (as set out in Councils Fees and Charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the building is first

occupied. It is the responsibility of the proponent to apply for refund following the remedying of any defects arising within the 6 month period.

[POC0165]

121. Prior to the occupation of the building, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all works required under Section 138 of the Roads Act 1993.

[POC0745]

122. Redundant road pavement, kerb and gutter or foot paving including any existing disused vehicular laybacks/driveways or other special provisions shall be removed and the area reinstated to match adjoining works in accordance with Councils Development Design and Construction Specifications.

[POC0755]

123. Upon completion of all works on the site and prior to the occupation of the building, a further Dilapidation Report is to be prepared and certified by a suitably qualified and experienced structural engineer detailing the current, general and structural condition of adjoining buildings / sites, infrastructure and roads, as deemed applicable. The dilapidation report shall take into consideration the findings of the original Dilapidation Report and advise if any damages have occurred that could be attributed to the work, the subject of this development consent. If damages have occurred, the Principal Certifying Authority and Council are to be provided with evidence that the damages has been repaired to the satisfaction of the certifying structural engineer OR that alternative mutually agreeable arrangements (ie: between the Developer and the affected property owner) have been finalised, prior to the occupation of the building. A copy of the Dilapidation Report is to be provided to Council.

[POC0855]

124. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:

- (a) Easements for public sewer services/infrastructure on private property. The easement is required to permit Council twenty-four hour access to maintain, and re-construct the sewer as and when required.

125. Council's standard "Asset Creation Form" shall be completed (including all quantities and unit rates) and submitted to Council. Written approval from Councils General Manager or his delegate must be issued prior to the occupation of the building.

[POC0865]

126. Prior to the occupation of the building, the applicant shall produce a copy of the "satisfactory inspection report" issued by Council for all s68h2 permanent stormwater quality control devices.

[POC0985]

127. Prior to the occupation or use of any building a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

128. Prior to the occupation of the building, documentary evidence of creation of the required 3.0m easement over the existing sewer on the south western boundary of the property shall be submitted to Tweed Shire Council.

129. Costs incurred by Council for structural relining of the sewer under the building to be paid for by the developer prior to occupation of the building.

130. Prior to the occupation of the building, a certificate of practical completion shall be obtained from Council's General Manager or his delegate for all works required under Section 68 of the Local Government Act.
131. Prior to occupation of the building, reticulated water supply and outfall sewerage reticulation shall be provided in accordance with Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual, Councils Development Design and Construction Specifications and the Certification approval.

The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Management Act, 2000 to be certified by an Accredited Certifier.

132. Prior to the occupation of the building, documentary evidence shall be provided to Council to confirm the registration of a minimum 3m wide easement to drain sewage, located over any reticulated public sewer within the subject property. This easement shall be created in favour of Council.

No permanent structures are permitted within this easement, unless in compliance with Council's "Sewers - Work in Proximity" policy and approved by Council.

133. Prior to the occupation of the building, Works as Executed Plans of all public infrastructure within the subject allotment, shall be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and Councils Development Design and Construction Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

- (a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
- (b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the DEVELOPER to prepare and submit works-as-executed (WAX) plans.

134. Costs incurred by Council for structural relining of the sewer under the building to be paid for by the developer prior to Occupation of the Building.

[POCNS02]

## USE

135. 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]

136. All externally mounted air conditioning units and other mechanical plant or equipment are to be located so that any noise impact due to their operation which may be or is likely to be experienced by any neighbouring premises is minimised. Notwithstanding this requirement all air conditioning units and other mechanical plant and or equipment is to be acoustically treated or shielded where considered necessary to the satisfaction of the General Manager or his delegate such that the operation of any air conditioning

unit, mechanical plant and or equipment does not result in the emission of offensive or intrusive noise.

[USE0175]

137. 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]

138. The servicing of waste facilities shall be limited to between the hours of 7.00 am to 6.00 pm Monday to Saturday and 8.00am to 6.00 pm Sunday and Public Holidays, unless otherwise approved by Council's General Manager or delegate.

[USE0285]

139. The development shall be carried out in accordance with the provisions of the Acoustic Report for 83 Wharf Street, Tweed Heads prepared by TTM Consulting Pty Ltd dated 11 July 2014 (Reference: 13GCA0038 R01\_7).

[USE0305]

140. All wastes shall be collected, stored and disposed of in accordance with the provisions of Tweed Shire Council Development Control Plan Section A15 - Waste Minimisation and Management.

[USE0875]

141. Any air-handling system, hot water system, humidifying system, warm-water system, water-cooling system or any other 'regulated system' as defined in Section 26 of the Public Health Act 2010 shall be operated and maintained in accordance with the relevant requirements of Part 2 Clauses 7, 8 & 9 of the Public Health Regulation 2012. A certificate to confirm that the regulated system is being maintained shall be submitted to Council on a 12 monthly basis.

[USE0945]

142. The applicant and occupier of the premises is alerted to the requirements of the Smoke-Free Environment Act 2000 and the Smoke Free Environment Regulation 2007 and the guidelines in the Regulation for determining what is an enclosed public place. Enquires may be directed to the NSW Department of Health. The legislation may be viewed on the following website:

<http://www.legislation.nsw.gov.au/maintop/scanact/inforce/NONE/O>

[USE1075]

143. All bulk waste collection activities shall occur within the property boundary.

[USE1345]

144. Immediately following the operation of the Police Station premises, a Post Construction Noise Impact Compliance Assessment report from a suitably qualified acoustic consultant shall be prepared and submitted for consideration and approval by Council's General Manager or delegate in respect to noise associated with the police station.

The assessment report shall consider the Acoustic Report for 83 Wharf Street, Tweed Heads prepared by TTM Consulting Pty Ltd dated 11 July 2014 (Reference: 13GCA0038 R01\_7) and include any recommended noise amelioration measures to be carried out by the applicant. The report shall be submitted within a period not exceeding 60 days of the date of operation.

The applicant shall carry out any such recommendations as provided within the noise assessment report to the satisfaction of the General Manager or delegate within 30 days from the date of the acoustic assessment, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

145. Appropriate arrangements to the satisfaction of Council's General Manager or his delegate and in accordance with Development Control Plan Section A15 - Waste Minimisation and Management shall be provided for the storage and removal of garbage and other waste materials. A screened, graded and drained garbage storage area shall be provided within the boundary.

[USENS01]

146. The developer is to undertake care and maintenance operations of any streetscape landscaping for a minimum of 12 months after completion of the works and they are approved by Council. This is the establishment period for new plantings. Such maintenance will include all soft landscaping including plant care, mowing and weed control. Any power and water consumption costs during this period must also be met by the developer

[USENS02]

#### **GENERAL TERMS OF APPROVAL FOR WORK REQUIRING A LICENCE (DEWATERING) UNDER THE WATER ACT 1912**

1. Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water 1912 must be obtained from the Department if the take of water exceeds 3ML/yr. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the Water Act 1912.
3. When the Department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into any river, lake, waterbody, wetland or groundwater system.
6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

10. The water extracted under the approval to be granted shall be used for the purpose of dewatering and for no other purpose. A proposed change in purpose will require a replacement license to be issued.
11. Works for construction of a bore must be completed within such period as specified by the Department.
12. Within two months after the works are completed the Department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
13. The Department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
14. The licensee must allow authorised officers of the Department, and it's authorised agents reasonable access to the licensed works with vehicles and equipment at any time for the purposes of:
  - 1 - inspecting the said work
  - 2 - taking samples of any water or material in the work and testing the samples.
15. The licensee shall within 2 weeks of being notified install to the satisfaction of the Department in respect of location, type and construction an appliance(s) to measure the quantity of water extracted from the works. The appliance(s) to consist of either a measuring weir or weirs with automatic recorder, or meter or meter(s) of measurement as may be approved by the Department. The appliance(s) shall be maintained in good working order and condition. A record of all water extracted from the works shall be kept and supplied to the Department upon request. The licensee when requested must supply a test certificate as to the accuracy of the appliance(s) furnished either by the manufacturer or by some person duly qualified.
16. The authorised work shall not be used for the discharge of polluted water into a river of lake otherwise than in accordance with the conditions of a licence granted under the protection of the Environment Operations Act 1997. A copy of the licence to discharge is to be provided to the Department.
17. The maximum term of this licence shall be twelve (12) months.
18. The volume of groundwater extracted from the work authorised by this licence shall not exceed 5 megalitres for the term of the licence.
19. The authorised work shall not be used for the discharge of water unless the ph of the water is between 6.5 and 8.5, or the water has been treated to bring the ph to a level between 6.5 and 8.5 prior to discharge, or the water is discharged through the council's sewerage treatment system.
20. The licensee shall test the ph of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in the site log. A copy of the records of the ph testing is to be returned with the form 'AG'.
21. The work shall be managed in accordance with the constraints set out in an Dewatering Management Plan approved by the Department.
22. The retention or holding pond must be lined with an impermeable material (such as clay or geotextile) to prevent seepage, leakage or infiltration of treated water.

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: **16 October 2014**  
The consent to operate from: **23 October 2014**  
The consent to lapse on 23 October 2019 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**

  
Colleen Forbes, Co-ordinator Development Assessment

23 October 2014