

Council Reference: DA13/0634 LN67775  
Your Reference:

22 January 2014

Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

**Attention: Stewart Brawley**

Dear Sir/Madam

**Development Application DA13/0634 - temporary markets at  
Lot 174 DP 1075495; No. 14-30 Bells Boulevard KINGSCLIFF**

Reference is made to your Development Application regarding the above. Please find enclosed Development Consent No. DA13/0634.

For further information regarding this matter please contact Jamie Warren on (02) 6670 2496.

Yours faithfully

**Colleen Forbes**  
Acting Manager Development Assessment  
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**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

To: Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

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. **DA13/0634** relating to land described as:

**Lot 174 DP 1075495; No. 14-30 Bells Boulevard KINGSCLIFF**

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

**TEMPORARY MARKETS**

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

**GENERAL**

1. Prior to the commencement of a market an application for Section 68 Approval of the Local Government Act 1993 is required to operate a market on community land. In support of the section 68 Approval the application shall include but not be limited to a detailed market management plan.  
[GENNS01]
2. The future markets are to be limited to 83 stalls outside of normal business hours and limited to 73 stalls during normal business hours on a Saturday morning.  
[GENNS02]
3. All future market operators are to pay fees for operation of markets on Council controlled land are to be paid to Council in accordance with the adopted fees and charges.  
[GENNS03]
4. Current public liability insurance shall be maintained by the market operator at all times that a market is conducted.  
[GENNS04]
5. The market operator or their employee shall be present to supervise the site at all times during the market operations.
6. All waste materials shall be removed from the park to the satisfaction of the General Manger or his delegate.
7. The market shall be subject to periodic inspection by Council's Environmental Health Officer.  
[GENNS05]

## USE

8. 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]
9. 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]
10. 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.  
[USE0245]
11. Any premises used for the storage, preparation or sale of food are to comply with the Food Act 2003, FSANZ Food Safety Standards, NSW Food Authority Guidelines for food businesses at temporary events and other requirements of Councils Environmental Health Officer included in this approval.  
[USE0835]
12. The make up of individual stalls are to be determined by the Plan of Management as a part of the Section 68 application. The appropriate number of food stalls shall be determined by a report to Council.  
[USENS01]

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: **17 January 2014**  
The consent to operate from: **22 January 2014**  
The consent to lapse on 22 January 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, Acting Manager Development Assessment

22 January 2014

