

1 March 2024

Colleen Forbes  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Dear Colleen

[Development Application D23/0209 – Tweed Mall Concept Plan application](#)

We refer to Council's letter dated 19 October 2023 in relation to development application D23/0209 for the Concept Development Application under Section 4.22 of the EP&A Act 1979 for the staged redevelopment of the Tweed Mall.

The matters raised by the Panel are addressed in the amended plans and landscape plan which accompany this submission.

The proposal has been redesigned to achieve the following primary improvements and address the Council and Design Review Panel feedback:

- Revised arrangement of interim and central waste rooms to reflect updates from the Waste Management Strategy Report.
- Inclusion of the sewer pump room based on the request from council.
- Drawings clarified to show all building elements below the maximum height plane.
- The adoption of the 'corner towers' option for the BTR building based on DRP4 feedback.
- The inclusion of the agreed setbacks in the UDG has been shown on the reference scheme drawings.
- Simplification of the staging boundary between Stage 1 and 2.
- Building setbacks and separation revised based on DRP4 feedback.
  - North South St between Building A & B-C increased width from 9m to 15m
  - East-West link between Building A & C increased width to from 7.9m to 11.9m
  - East-West link between Building C & D (Site line to Liquorland/Specialty Tenancies) increased width from 4.1m to 8.7m
  - East-West link between through Building D (Site line to Coles) increased width from 5.0m to 6.7m
  - Building E setback from L1-2 to align with predominant massing along North South St, from L3-12 massing cantilevers east 3.5m
- Increased clarity and information around landscaping approach in UDG
- Increased information regarding designation of deep soil planting zones
- Side elevations:

The following additional documentation is provided:

Document	Consultant
Amended architectural package	CHROFI

Document	Consultant
Urban Design Guidelines	CHROFI and
Traffic and Transport response	ARUP
Amended Waste Strategy Report	ARUP
Sewerage and Water Network Capacity Assessment and Site Servicing Report	ARUP
Interim Audit Advice	Envirocene

The items raised in Council's letter are addressed below:

Issue	Response
Planning	
<p>a. Building Height</p> <p>Whilst all documentation refers to a compliant design of RL 49.4m AHD, the sections shown in the plans clearly indicate lift over runs etc that exceed the maximum building height.</p> <p>The additional height (RL 54.1m AHD) shown on the plans relates to the 10% allowances under clause 6.10(6) of Tweed City Centre LEP 2012. However, pursuant to clause 6.10(7) of the TCCLEP 2012, the additional 10% height is only allowable for designs that are winners of architectural design competitions. As such, the proposal in its current design would require a clause 4.6 variation to the building height development standard.</p>	<p>The section has been corrected and no longer shows any breach of the height control.</p>
<p>b. Economics</p> <p>The report submitted by Think Economics is considered to be, in essence, a summary of "economic benefits" as measured by changes in GDP, gross value added, employment and the like. It does not properly address the retail component of the proposed development or Council's Retail Strategy. Specifically, the report does not address the need for, and impact of, what is a very substantial increase in retail floorspace (+23,232 m2 or +167%).</p> <p>In this regard, the Economic Assessment report is to be amended to include:</p> <ul style="list-style-type: none"> <li>• A clear statement of the components of the proposed retail floorspace increase - namely the amount of space devoted to major retail tenants, ancillary non-retail tenants, specialty retail tenants etc;</li> <li>• The analysis of the demand for additional retail floorspace in the Tweed Heads trade area to 2036;</li> <li>• An estimate of the likely change in sales to be generated by the proposed expansion in the first year of operation for the expanded centre;</li> <li>• An assessment of the potential impact of the proposed expansion on existing and proposed retail centres/precinct (both within Tweed Shire and beyond) in the first year of operation for the expanded centre;</li> <li>• Employment estimates associated with the proposed expansion; and</li> <li>• A detailed review of the extent to which the proposed development is consistent with the Tweed Retail Strategy - particularly policies 2&amp;3.</li> </ul>	<p>This application is not for a Planning Proposal for any change to the existing planning controls, and instead is simply a proposal that is permissible on the site and within the permitted floor space. Therefore it is not incumbent upon the applicant to demonstrate a "need" for the floor space, as this is a commercial consideration for the applicant.</p> <p>The economic report was provided with the application only for the purpose of demonstrating that there is a net and significant positive overall economic outcome as a result of the proposal.</p> <p>It is not agreed that it is necessary to provide any further economic assessment, and in particular it is noted that several items</p>

Issue	Response
	requested are commercial in confidence.
c. Please note that future development applications for the proposal will trigger design competitions, as per the provisions of clause 6.10 of the Tweed City Centre LEP 2012	Noted
d. Council's Strategic Planning and Urban Design unit has reviewed the comments of the previous Design Review Panel meetings 1 and 2 against the proposed development. Please refer to Attachment 1.	The proposal has been amended and refined in response to the Urban Design Review, and the Urban Design Guidelines and amended architectural package provide a response to the feedback.
e. The application was referred to Transport for NSW (TfNSW) and Essential Energy (EE). Please see TfNSW and EE comments within Attachment 2, which also incorporates Gold Coast Airport (GCAL) comments.	<p>The TfNSW comments have been addressed in the Traffic and Transport response prepared by ARUP which accompanies this application.</p> <p>The EE comments are general in nature and the future detailed applications will address the electricity infrastructure requirements for the project.</p> <p>The GCAL comments have been addressed by the rectification of the height breach in the sections.</p>
<b>Traffic</b>	
a. The Internal Traffic and Parking Assessment document states that resident parking spaces will be provided in secure parking areas, separate to the shopping centre/commercial parking and that residential visitor parking could be shared with the shopping centre / commercial parking.	The car parking arrangements are indicative only and these comments are relevant to, and will be addressed, in the subsequent detailed development applications.
b. All parking for residential areas need to be clearly identified and separated from all commercial parking. Access to the identified parking must not be circuitous and clearly legible. AS2890.1 specifies that parking for Shopping Centres require aisle widths of 6.6m and 2.6m space width. Residential parking requires 5.8m and 2.4m. Paths of travel (colour coded) are to be provided showing how access to the different uses will be achieved.	
c. The proposed casual loading for small commercial vehicles and vans within the shared pedestrian zone may result in non-compliance and a resultant risk to pedestrians. Further information should be provided on how this will be managed to minimise pedestrian risk.	
d. The provided SIDRA intersection modelling diagrams indicates turning lane lengths significantly longer than what is currently in place. This may impact on modelling outcomes and is to be reviewed	The Traffic and Transport response prepared by ARUP addresses these comments.

Issue	Response
e. The provided SIDRA intersection modelling indicates that the Frances Street westbound left lane permits a straight-ahead movements which is incorrect. This may impact on modelling outcomes and is to be reviewed.	
f. To assess the current baseline traffic data, surveys were conducted on Friday 26 and Saturday 27 March 2021 at two intersections, being Wharf Street / Bay Street and Wharf Street / Frances Street. The data was collected for 5 hours on the Friday and 4 hours on the Saturday. Further traffic survey data is required to provide confidence on the existing traffic volumes impacting on adjacent intersections to determine potential road upgrades required for each stage of the development. In this regard, representative data is required to ensure that maximum peak traffic is catered for.	
g. The SEE provides (pg 5 and pg 28) that a total of approximately 1,258 car parking spaces will be provided for all components of the project. Page 32 of the SEE advises that there will be 2,500 indicative apartment car parking. The Traffic and Transport Impact Assessment in Table 4.3 proposes a total of 2,482 spaces but then states that the site would require 2,500 – 3,000 spaces. Clarification is required on the numeric numbers of carparking to be provided for each stage of the development. It should be noted that Council's DCP B2 and A2 and TfNSW Guides provides Shopping Centre parking provision required that takes into account the mixed use requirements of Shopping Centres. (Note, recent amendments have been made to DCP B2 parking requirements, which will be reported to Council for endorsement on 26 October Council meeting).	<p>The proposal is for a Concept Plan and does not seek consent for any specific car parking provision of car parking rate.</p> <p>There was an error in the SEE, and the forecast likely car parking provision will be approximately 2,500 to 3,000.</p>
h. The Internal Traffic & Parking assessment suggests that parking for the proposed 120 Build to Rent apartments do not require parking provisions. This is not supported by Council. The application is to be suitably amended in this regard.	<p>The proposal is for a Concept Plan and does not seek consent for any specific car parking provision of car parking rate.</p> <p>Parking will be addressed in subsequent detailed development applications.</p>
i. At this concept stage further information is required on active transport linkages to the centre including suitability of pedestrian facilities in close proximity and upgrades required as of a result of the expected additional over 500 trips (table 28 TIA) generated by the proposal in the peak hours.	The Traffic and Transport response prepared by ARUP addresses this comment.
j. Further information is required on the use of the existing carparking contained along the Wharf St frontage (highlighted below) and how the Council road reserve parking will integrate with the Development and compliance with AS2890.	<p>The proposal provides a footpath and active edges along its front boundary to Wharf Street and the carpark.</p> <p>The treatment of Council's land is a matter for Council, noting that the applicant was requested to remove one design option for this area during the pre-DA process.</p>
Waste and Wastewater	
Council's Water and Wastewater Unit has reviewed the submitted Tweed Mall Master Plan Sewerage and Water Network Capacity Assessment and Site	These comments are addressed in the Sewerage

Issue	Response
<p>Servicing Report prepared by ARUP. This report primarily focuses on acknowledging the previous advice from TSC regarding sewer and water servicing and the need to assess the sewer and water networks. This report also includes preliminary estimates of sewer and water loading and associated flows. This report needs to be revised to demonstrate compliance with the sewer and water servicing requirements provided by TSC at the pre-lodgement phase. Simply acknowledging these requirements without addressing them is not sufficient.</p> <p>A summary of the required documentation with a brief explanation of its importance and necessity for the approval of the Concept DA is as below:</p> <p>a. A Sewerage and Water Network Capacity Assessment. To be clear, this report is needed at the Concept Approval Phase to:</p> <ol style="list-style-type: none"> <li>Establish conditions of approval for the timing of infrastructure upgrades and connections for each stage of the development; and</li> <li>This report in part may influence the built form layout, parking numbers and site yields as on-site firefighting water storage may be required.</li> </ol> <p>b. A Civil Engineering Services Report. This report is needed at the Concept Approval Phase to inform Concept Plans to establish the usable site area which is influenced by:</p> <ol style="list-style-type: none"> <li>The location of sewer and water connections and their clearance requirements;</li> <li>The existing gravity sewer mains traversing the site and the need to preserve a live sewer connection to the lots they service; and</li> <li>Possible future land acquisition for Council Sewer Pump Station SPS2017.</li> </ol>	<p>and Water Network Capacity Assessment and Site Servicing Report prepared by ARUP which accompanies this submission.</p>
<p>c. Please provide the previously requested information provided at prelodgement phase as below:</p> <ol style="list-style-type: none"> <li>An extensive sewerage and water network capacity assessment will need to be undertaken for the proposal. The capacity assessment will need to demonstrate that the proposal can be serviced with sewerage and water in accordance with TSC Development Design Specification D11 and D12, and, that the development will not compromise TSC's desired standards of service as nominated in the aforementioned specifications. The capacity assessment will need to extend to TSC's trunk sewer and water networks and potentially beyond. In addition, please note the following:</li> </ol> <ul style="list-style-type: none"> <li>There needs to be a clear definition of the sewer and water demands and the proposals ETs for each stage of the development;</li> <li>The reporting will need to clearly identify what sewer and water network augmentations are required and when with respect to staging;</li> <li>All sewer and water network augmentations are to be at no cost to Council unless otherwise noted;</li> <li>Water supply to Fire Fighting and Automatic Sprinkler systems Requirements need to be determined up front and what Storage boosting systems will need to be provided on site by the developer; and</li> <li>It is recommended that the applicant's engineer consult with the TSC Water and Wastewater Unit once preliminary investigations have been established to confirm the feasibility of the project.</li> </ul>	<p>These comments are addressed in the Sewerage and Water Network Capacity Assessment and Site Servicing Report prepared by ARUP which accompanies this submission.</p>

Issue	Response
<p>ii. A Civil Engineering Services Report shall be submitted for the proposal which addresses the following:</p> <ul style="list-style-type: none"> <li>• Survey of all existing sewer and water assets within the site and any other sewer and water infrastructure impacted by the proposal. This is to be sourced from field survey data sourced by the applicant and not Before You Dig or Council's records;</li> <li>• The location of water services and meters, fire and sprinkler services and their clearance requirements generally in accordance with Council's standard drawings;</li> <li>• The location of the sewer connections and its clearance requirements as per TSC Development Design Specification D15;</li> <li>• A proposed conceptual plan for protecting existing sewer and water assets within and around the site during construction;</li> <li>• Specification of the sewer and water demands of the development and reference to the associated capacity assessment reporting; and</li> <li>• Due consideration will need to be given with respect to the existing sewer infrastructure traversing the site. Refer to the screenshot below from Council's GIS system displaying the indicative location of Council sewer infrastructure. Please provide plans and reporting confirming what sewer diversions are contemplated, noting that: <ul style="list-style-type: none"> <li>• Live sewer connections for all neighbouring/local properties must be always retained. This is key significance for the site noting that sewer connection for the properties on Endeavour Parade and to the north of Bay Street are serviced by sewers within the site;</li> <li>• All sewer diversion shall be in accordance with TSC Development Design Specifications D12 and D15;</li> <li>• TSC Development Design Specification D15 specifies Council's requirements for works in proximity to Council infrastructure. The development must demonstrate compliance with this Specification. As such the existing sewers traversing the property are a significant constraint; and</li> <li>• Council may potentially seek to make arrangements to acquire land within the site for Council Sewer Pump Station SPS2017 located near the south-west corner of the site. The applicant's engineers are encouraged to discuss this with Council at their earliest opportunity. In any case, the Engineering Services Report shall address this possibility to Council's satisfaction.</li> </ul> </li> </ul> <p>iii. The Sewerage and Water Network Capacity Assessment shall consider the previously provided information sent to ARUP on 03 February 2023 and generally as shown in the submitted by Tweed Mall Master Plan Sewerage and Water Network Capacity Assessment and Site Servicing Report preliminary by ARUP.</p> <p>iv. Revised development and architectural plans addressing the sewer and water servicing needs as shown in Point A and B above are also required.</p>	
Parks and Active Communities	
<p>a. Public Domain/ Public land</p> <p>i. The SEE states:</p>	<p>The Urban Design Guidelines provide a clear understanding</p>

Issue	Response
<p>“The cornerstone of this approach to the site is to prioritise open space and a rich public domain experience with a centralised green heart and multiple pedestrian connections which are defined by a collection of various building typologies and scale.”...“The proposal does not result in any unreasonable adverse impacts upon adjoining properties and the public domain in terms of overshadowing, privacy, views or visual bulk and scale.”</p> <p>It is noted that the use of the term public domain is used loosely. The term is noted as referring primarily to open space and potential publicly accessed areas within the private development site and not addressing the road reserve and streetscape (public land) adjoining the site. Are these open spaces to be dedicated as public land? Or public easements on title? If not, what are the proposed management arrangements that render areas open to the public? Further, the ‘Public Domain Structure’ plan excludes addressing the true public domain areas highlighted in orange below.</p> <p>ii. The Public Domain and Landscape Strategy proposes extensive landscaping at ground level and above podiums and rooftops. In order for the landscaping to succeed to the standard proposed, effective planter designs must be integrated into architectural drawings and management arrangements across private lot boundaries and within strata corporations. Please advise of the proposed management of these privately owned spaces that will ensure the softscape proposed (shown below) will be retained as softscape.</p> <p>iii. Concerns are raised regarding the sunlight available to vegetation located within the pedestrian links including the Green Heart and Rainforest Room. The Public Domain and Landscape Strategy proposes species typically exposed to full sunlight and concerns are raised regarding potential difficulties in tree establishment in an area receiving little to no sunlight in winter.</p> <p>iv. In relation to the above matters, the following further information is required:</p> <p>a. Please amend the Public Domain and Landscape Strategy to address the public domain which is outside the private land parcels including streetscaping and street tree planting within the road reserve surrounding the development (Bay Street, Wharf Street and Frances Street). Please include streetscaping plans for these public streets;</p> <p>b. Please ensure any proposed outdoor dining areas are clearly nominated if proposed within public land;</p> <p>c. Please address the timing of the streetscape works in relation to the proposed staging of the development;</p> <p>d. Please clarify if the open space corridors within the development is being dedicated as public land or are proposed to be burdened on title (e.g. easement for public access) and therefore would meet the definition of public domain; and</p> <p>e. Please clarify the proposed management/maintenance arrangement for the public domain given the private ownership and location along development lot boundaries. Please advise of the proposed management of these privately owned spaces that will ensure the softscape proposed will be retained as softscape.</p>	<p>of the hierarchy of Public Domain and Landscape.</p> <p>There is no proposal to dedicate any internal streets and public domain to Council and all publicly accessible areas will be made such on title.</p> <p>The management arrangements will be outlined in the future detailed development application, but will be the same as exists for any large shopping centre with open air public domain.</p> <p>Planter design is a detail matter and will be addressed in subsequent development applications.</p>
<p>b. Street tree removal</p> <p>i. The application is accompanied by an Arboricultural Impact Assessment (AIA) prepared by Modern Tree Consultants dated March 2023, which proposes the removal of all trees from the subject site and the adjoining public land and</p>	<p>The application does not seek consent for, nor authorise the removal of any trees outside the site</p>

Issue	Response
<p>streetscape stating "...The Proposed architectural plans do not accommodate the current trees. And the Intent of the builder is to Start-over again with the landscape". The AIA raises concerns about the 'fair' health of street trees and their uplift in pavement, being unsuitable for location or in the way of 'new construction' even though the trees are located 3m into public land. The following photos are the trees (taken 14 September 2023 or from google streetview) subject to these comments.</p> <p>There are other examples along Wharf Street, Frances Street and Bay Street where trees are proposed for removal although the trees are located on public land and in otherwise good condition.</p> <p>ii. As such, the findings of the Arboricultural Impact Assessment are not accepted by Council with regard to the health findings and proposed removal of trees located on public land road reserve. As the private development is not to extend into the road reserve and no streetscape plans have been proposed (internal private landscaping only), the removal of street trees wholly on public land are not supported.</p> <p>iii. Street trees are considered a public asset and this area has been subject to previous streetscaping works undertaken pursuant to Section 7.11 (previously s94) contribution plans (CP27). It is not in the public interest to remove any trees or streetscaping in the road reserve unless sufficiently justified or upgraded.</p> <p>iv. Further to the above, please provide an amended submission that does not propose tree removal from the public road reserve. Please ensure retention of all established street trees and are also integrated into the amended Public Domain and Landscape Strategy.</p>	<p>boundary. Whilst the proposal seeks consent for building envelopes, the final detail design of all buildings will need to take into consideration any impact to nearby street trees which may require a nuanced design to ensure that no street trees require removal.</p>
<p>c. Public land encroachment</p> <p>i. It is noted that the subject site adjoins Crown Reserve 82342 (for public recreation purposes) on northern section of Wharf Street footpath as shown below. Any works within this reserve will require approval from NSW Department of Planning and Environment – Crown Lands</p> <p>ii. Inconsistency between plans raises concerns regarding the encroachment of the development onto public road reserve or the abovementioned Crown Land. Once clarity is received regarding the public domain works proposed for within this area the application is likely to be referred to NSW Department of Planning and Environment – Crown Lands, to provide the adjoining landowner an opportunity to comment on the application.</p> <p>For example, the Reference Design (Architectural Package dwg ADA- 020 dated 6/4/23) shows the building envelope well outside the block shaped buildings visualised in elevations and sections. Setbacks are measured from the block shaped building envelopes rather than the Reference Design. Also, Section B-B implies an airspace encroachment with Residential building A in the background as circled in green below.</p>	<p>The design has been amended to clarify that there are no proposed encroachments beyond the site boundary.</p>
<p>iii. Further, the requests to remove trees within the road reserve justified by 'new construction' also infers that encroachment is anticipated.</p>	<p>The application does not seek consent for, nor authorise the removal of any trees outside the site boundary. Whilst the proposal seeks consent for building envelopes, the final</p>



Issue	Response
	detail design of all buildings will need to take into consideration any impact to nearby street trees which may require a nuanced design to ensure that no street trees require removal.
iv. It is noted that any future DAs proposing airspace encroachments with awnings may not be supported particularly in the area of the Crown Land reserve given the required 99 year airspace licence. Whether these types of tenure are permissible under the Crown Land Management Act 2016 is to be confirmed from NSW Crown Lands if proposed	Noted.
v. With regard to the above, please confirm that all buildings, awnings and basements are to be located wholly within privately owned land at ground level, below and within airspace.	This is confirmed.
d. Park expansion  Please clarify what is meant by “Expansion of Chris Cunningham Park and McMahon’s Beach for further public gathering, play and recreation opportunities” (p. 25 Landscape and Public Domain Reference Design). Where is the expansion?	This note was merely a suggestion about potential public domain connections that could be made, and does not form part of this proposal.
Sustainability and Environment	
a. Tree survey  For completeness, consistency and accuracy the Tree Plan (Image 1) in the Arboricultural Impact Assessment dated March 2023 prepared by Modern Tree Consultants should align with those trees shown on the Plan of Detail and Levels dated 01/10/2021 prepared by LTS and adopt the assigned numbering sequence. It is suggested that the Plan of Detail and Levels is used as a basemap for the survey of all trees within the zone of influence of the proposed development.  All trees shown on the Plan of Detail and Levels should be individually identified, particulars provided and assessed as part of the arboricultural impact assessment completed to be prepared in accordance with Australian Standard AS4970-2009 Protection of trees on development sites.	The redevelopment of the site will require the removal of all trees on the site. However, the redevelopment of the site will introduce significantly greater canopy coverage and landscaping when compared with the existing scenario.  To this end, there is no utility in re-mapping all trees across the site in the Arboricultural Impact Assessment.
Waste	
a. Proposal  The proposal is supported by a Waste Management Strategy Report (the Strategy) prepared by ARUP and dated 3 April 2023. The Strategy is a high level plan which talks to options and proposed methodologies for the management of waste at the soon to be redeveloped Tweed Mall. The plan floats a number of options but does not identify the actual means of collection from the buildings. It includes options for chutes as well as the potential to install an automated waste collection system, without committing to either. It also talks to compaction systems and a number of bin storage and management options, again without talking to a specific option.  All of the options are well described but none are fleshed out. Without a design brief the reality of the concepts cannot be tested or properly evaluated. The	The amended proposal is supported by an Amended Waste Management Strategy Report prepared by ARUP which outlines the specific waste collections arrangements that are proposed for the future redevelopment of the site.

Issue	Response
models used to propose options are based on Sydney, Melbourne, Penrith, Tweed and other guidelines. This is at times confusing as they are referring to the Tweed DCP but then other organisational requirements. The concepts are too high level to be properly evaluated.	
<p>b. Waste Specifications</p> <p>The Strategy includes a number of specifications and possible options, all of which have some merit but which without real detail cannot be evaluated effectively in application to this project. These include Council's DCP A15, design guidelines from Melbourne, Sydney, Brisbane and Penrith, as well as reference to numerous pieces of legislation and state guidelines. Whilst all of these documents have value, there is some conflict and issue when there is disagreement between what and how these are being applied. This is particularly evident where we have waste generation quantities, bin collection systems, bin designs and styles and waste types, classifications, and collection recommendations. Whilst it is good to formulate options and to canvas what can or should be done for the development in this case it provides a level of confusion. To properly evaluate we need to see what is proposed and how it is proposed to service the areas.</p>	
<p>c. Issues</p> <p>The document is a high-level document proposing many options and alternatives and is not a clear proposal that is capable of being assessed. The Strategy needs to be refined to a proposed development plan that can be considered by Council officers, to determine if it is acceptable with regard to Council's requirements.</p>	
<p>d. Recommendations</p> <p>A detailed proposal of what is planned from a waste management perspective is to be submitted, to allow Council to undertake a proper evaluation of its adequacy</p>	
Environmental Health	
<p>a. Acid Sulfate Soils (ASS) / Groundwater and Dewatering</p> <p>The application is accompanied by a Preliminary Acid Sulfate Soil Assessment Report prepared by Soil Surveys dated March 2017 (Ref: Project Number 216-13465), which notes that investigation results indicated that groundwater presented at depths between 0.9m to 3.3m and were steady between 3m to 27m.</p> <p>The assessment report provided management options, including dewatering. There is potential for the site to be likely constrained by space/area of land available for pre-treatment installations or location of reserve areas required as part of contingencies.</p> <p>In this regard, it is requested that a preliminary dewatering / ASS management plan be provided, demonstrating how dewatering can be successfully carried out for the proposed works in relation to property size constraints. The preliminary plan must demonstrate for each stage how and where the site can adequately provide for treatment for dewatering and ASS. The preliminary plan must also demonstrate adequate management of noise from potential noise impacts of dewatering operations.</p>	<p>The subject application is a Concept Plan application and only seeks consent for site layout and building envelopes.</p> <p>It does not seek consent for any works whatsoever.</p> <p>A Dewatering /ASS management plan is premature and not necessary to inform the assessment of a Concept Plan application and should form a condition of consent as information to be submitted with a subsequent detailed development application.</p>

Issue	Response
<p>b. Amenity - Construction Noise</p> <p>Construction noise is likely to impact surrounding residential and commercial properties. Several submissions raise concerns about noise, dust and vibration impacts during construction. A common concern is the length of time the construction period will extend for. One identified potential noise impact that requires further consideration for proposed development is how noise from dewatering will be managed, given potential dewatering operations may occur 24 hours every day. Refer to Item 7a above.</p>	<p>Noise, dust and vibration impacts during construction are a matter to be addressed as part of the subsequent detailed development applications and is not a matter which warrants assessment at a Concept Plan stage, which only seeks consent for a high level strategy for site arrangement and building envelopes.</p>
<p>c. Amenity - Use</p> <p>i. The application is supported by an Acoustic Review prepared by APAR Australia Projects Pty Ltd (Reference: 288867-00) dated 1 December 2022. The review report does not demonstrate the qualifications of the person that prepared the document. In this regard, it is requested to amend the report to include the acoustic qualifications of the person who prepared the report.</p> <p>ii. The scope of the report was to undertake a qualitative review having regard to the concept plans. No noise measuring was undertaken. The report states that this report provides a high-level review of the potential uses and built form, discussing the likely suitability and requirements for future assessment and detailed design.</p> <p>iii. As noted in the review report, it is critical to determine the appropriate balance between the level of activation and the mitigation requirements and amenity outcomes for noise sensitive development, which should be determined prior to the first detailed development application.</p> <p>iv. Several submissions were received around potential noise impacts from the loading dock / waste area, which is located immediately adjacent to Endeavour Street residences.</p> <p>In this regard, it is requested to provide further detailed plans of the loading dock / waste areas demonstrating how acoustic treatment will mitigate noise at immediate residences along Endeavour Street.</p>	<p>As above, this application is only a Concept Plan proposal for overall site layout and building envelopes. It does not seek consent for any specific design solution.</p> <p>Detailed plans of the loading dock / waste areas demonstrating how acoustic treatment will mitigate noise at immediate residences along Endeavour Street will be addressed in the subsequent detailed development application for this area.</p>
<p>d. Contaminated Land</p> <p>The application is accompanied by a Preliminary Site Investigation prepared by EI Australia, which confirms that the site can be made suitable for the proposed uses subject to its recommendations, including the preparation of a Detailed Site Investigation to conclusively characterise the said fill material and if potential contaminants are identified, the preparation of a Remediation Action Plan to be implemented during works, followed by a validation report to be prepared on completion of the remediation.</p> <p>It is requested that a letter of interim advice from a Site Auditor be provided for Council's further consideration. The Site Auditor is to confirm that they are satisfied that from the potential risk posed by previous land uses the site can be made suitable for the proposed uses for the concept application.</p>	<p>This correspondence is supported by an Interim Audit Advice letter which confirms that if remediation is required, this could feasibly be implemented and managed during the development program.</p>

We trust that the above discussion and amended details and other documentation have satisfactorily resolved the items raised by Council and the Design Review Panel's review of the proposal and we look forward to the expeditious determination of the application.

Should you have any questions concerning the above, please contact Aaron Sutherland on 0410 452 371, or alternatively at [aaron@sutherlandplanning.com.au](mailto:aaron@sutherlandplanning.com.au)

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Sutherland', is positioned above the printed name.

Aaron Sutherland

**Sutherland & Associates Planning Pty Ltd**