

## JOINT REGIONAL PLANNING PANEL (NORTHERN REGION)

<b>JRPP No</b>	<b>2013NTH021</b>
<b>DA Number</b>	<b>DA13/0554</b>
<b>Local Government Area</b>	<b>Tweed Shire Council</b>
<b>Proposed Development</b>	<b>Alterations &amp; additions to the Tweed City Shopping Centre to accommodate a new Entertainment Leisure Precinct (ELP) &amp; a new mini major extension. The development will result in a total gross floor area increase of 4,178m<sup>2</sup>, removal of the existing elevated car park, internal demolition &amp; reconfigurations, new outdoor areas (including children's playground), revised loading docks adjoining the ELP, first-use approvals &amp; revised car parking areas.</b>
<b>Street Address</b>	<b>Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive;  TWEED HEADS SOUTH, NSW, 2486</b>
<b>Applicant</b>	<b>Dexus Funds Management Ltd</b>
<b>Owner</b>	<b>SAS Trustee Corporation</b>
<b>Number of Submissions</b>	<b>Two (2) submissions were received. One in regards to the proposed hours of operation and the other enquiring about what would happen to existing tenancies.</b>
<b>Regional Development Criteria</b>	<b>Item 3 – General Development Over \$20 Million Schedule 4A of the EP&amp;A Act</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<b>Tweed LEP 2000 SEPP (North Coast Regional Environmental Plan) 1988 SEPP 55 Remediation of Land SEPP 71 Coastal Protection SEPP (Infrastructure) 2007 Draft Tweed LEP 2013 Tweed Development Control Plan Clause 92(b) EP&amp;A Regulations 2000 – Demolition Clause 93 EP&amp;A Regulations 2000 – Fire Safety Clause 94 EP&amp;A Regulations 2000 – Building Upgrade Government Coastal Policy</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Denise Galle Coordinator Development Assessment Unit</b>

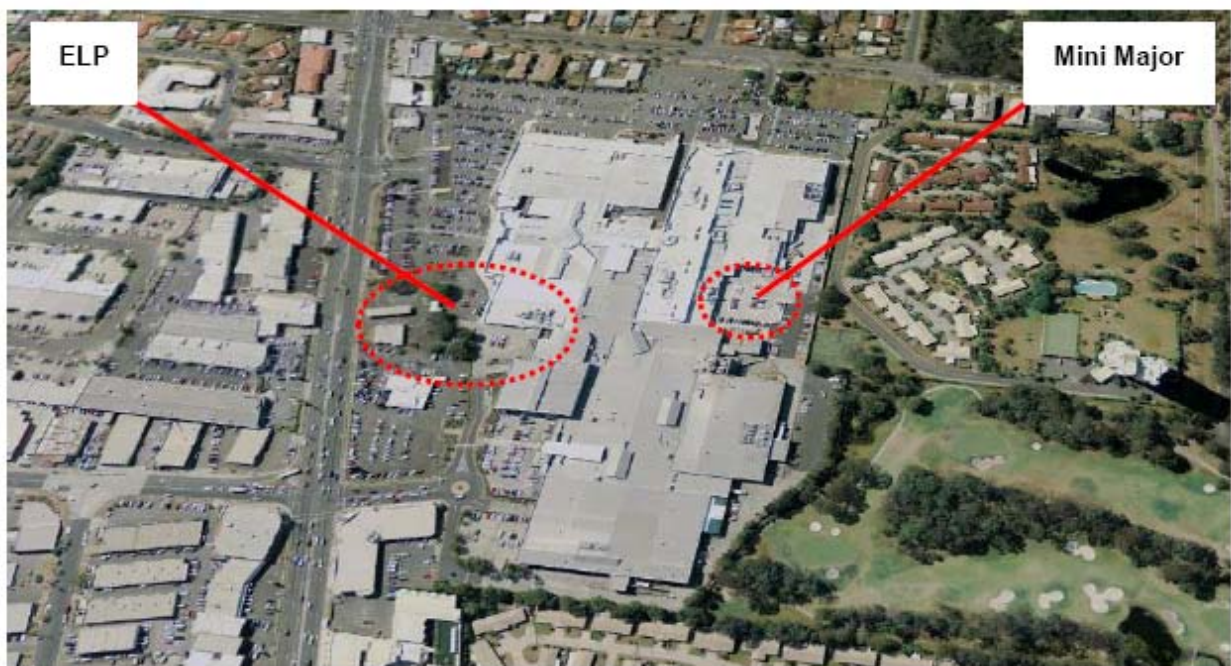
# Assessment Report and Recommendation

## Summary of Report

On 4 October 2013 Tweed Shire Council received DA13/0554 which seeks consent for alterations and additions to the existing Tweed City Shopping Centre located at Tweed Heads South.

The estimated contract price of the development exceeds \$20 Million and accordingly the application has been referred to the Joint Regional Planning Panel for determination.

The alterations principally relate to the creation of a new entertainment leisure precinct which will accommodate a child's play ground, restaurants, cafes and speciality retailing on the western part of the site adjacent to the existing cinemas. In addition the works will facilitate a new mini major retail tenancy (a tenancy of greater than 400m<sup>2</sup>) in the eastern portion of the site by removing an existing elevated car park. This will result in an increase of gross floor area of 4,174 from 57,669m<sup>2</sup> to 61,843m<sup>2</sup>, or an increase in gross leasable floor area of 3098m<sup>2</sup> from 47,865m<sup>2</sup> to 50,963m<sup>2</sup>.



**Proposed Mini Major and Entertainment Leisure Precinct Locations (prepared by Urbis)**

This proposal incorporates additional land parcels which have not previously been part of the Tweed City Shopping Centre site and accordingly the centre is expanding over a larger development footprint than previously considered.

The additional sites which now form part of the Tweed City Shopping Centre site (subject to this application) are located along Minjungbal Drive and were previously occupied (in part) by a service station. This has raised issues in regards to site contamination which have been addressed by a site auditor. This application specifically seeks to utilise the previous service station entry driveways for direct entry and exit into the shopping centre site. Council staff have concerns that allowing another entry to Tweed City Shopping Centre from Minjungbal Drive without traffic lights and a dedicated access lane will result

in queuing back onto Minjungbal Drive as the internal parking area at this location shows parking spaces in what would normally only be circulation space.

On 5 November 2013 Council received additional information from the applicant in regards to access, traffic, parking and daily trip movements. The additional information supplied by Bitzios Consulting was considered by Council and has informed the recommended conditions of consent in regards to site parking and the applicable Tweed Road Contribution Plan based on anticipated daily trips.

On 28 November 2013 Council received a second set of additional information specifically in regards to the access from Minjungbal Drive and seeks to convince Council staff that an entry and exit from the previous service station driveway is justified on traffic grounds and could be subject to a 12 month trial period.

Council is not convinced that a 12 month trial period would sufficiently address this matter and accordingly Council is prepared to **condition** the application as follows in regards to the additional entry point:

*"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, including but not limited to the reconstruction of the existing Minjungbal Drive left in/left out access in accordance with Section A2- "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design specification June 2001.*

*The proposed reconstructed access is to include appropriate traffic calming devices designed to reduce the risk to pedestrians on the footpath area of Minjungbal Drive. Applications shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including:*

- 1. Road works/furnishing*
- 2. Stormwater drainage*
- 3. Water and sewerage works*
- 4. Sediment and erosion control plans*
- 5. Location of all services/conduits*
- 6. Traffic Control Plans*

**The operation of the reconstructed left in Minjungbal Drive access is subject to whether the continued operation of the left in/ left out arrangements as approved are appropriate and not causing queuing onto Minjungbal Drive.**

**In the event of unacceptable levels of queuing on Minjungbal Drive, as deemed by Council, the left in driveway is to be closed and arrangements made with Council on suitable additional modifications to the road and footpath geometry and /or internal site modifications to maintain left in movements, at expense of the applicant.**

**Should appropriate modifications not be available, the access will remain as left out movement only."**

This aspect of the proposal is a key issue requiring a final decision from the Panel as the applicant may dispute the above recommended condition.

In regards to the new sites which now form part of the Tweed City Shopping Centre site Council would normally require these sites to be consolidated under one title prior to occupation but in this instance the applicants are being given five years to undertake amalgamation to avoid any problems associated with site contamination from the existing service station site. Appropriate conditions have been recommended in this regard.

The application was placed on public exhibition for a 30 day exhibition period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received two written submissions, the first enquiring about what would happen to existing tenants specifically Jetts Fitness Centre, and the second querying the permitted hours of construction and requesting normal hours of construction. These submissions are addressed in the report.

The application was lodged and assessed as Integrated Development having regard to the Water Management Act 2000 as the required works for the footings may intercept the water table. The NSW Office of Water has recommended General Terms of Approval for the proposed works.

The application was referred to the NSW Roads & Maritime Service (RMS) in accordance with SEPP (Infrastructure) 2007 as the development comprises a shop addition of greater than 2000m<sup>2</sup>. The RMS stated that they had no objection in principal to the proposed development but provided comments for Council's consideration. These are addressed in detail in the following report.

The Panel should be aware that this application (whilst a standalone application) is one of two applications likely to be reported to the Panel. The applicant has indicated that a second application will be coming in for further alterations and additions to the shopping centre predominantly along the northern boundary. The second application is likely to have a contract price of the development exceeding \$150 Million and accordingly that application when received will also be referred to the Joint Regional Planning Panel for determination.

The proposed development is considered suitable for the site as it is a permissible form of development and aligns with Council's adopted retail strategy which reinforces Tweed City Shopping Centre as a district shopping centre for the Tweed. This report incorporates recommended conditions of consent which from part of this report.

### **The Site**

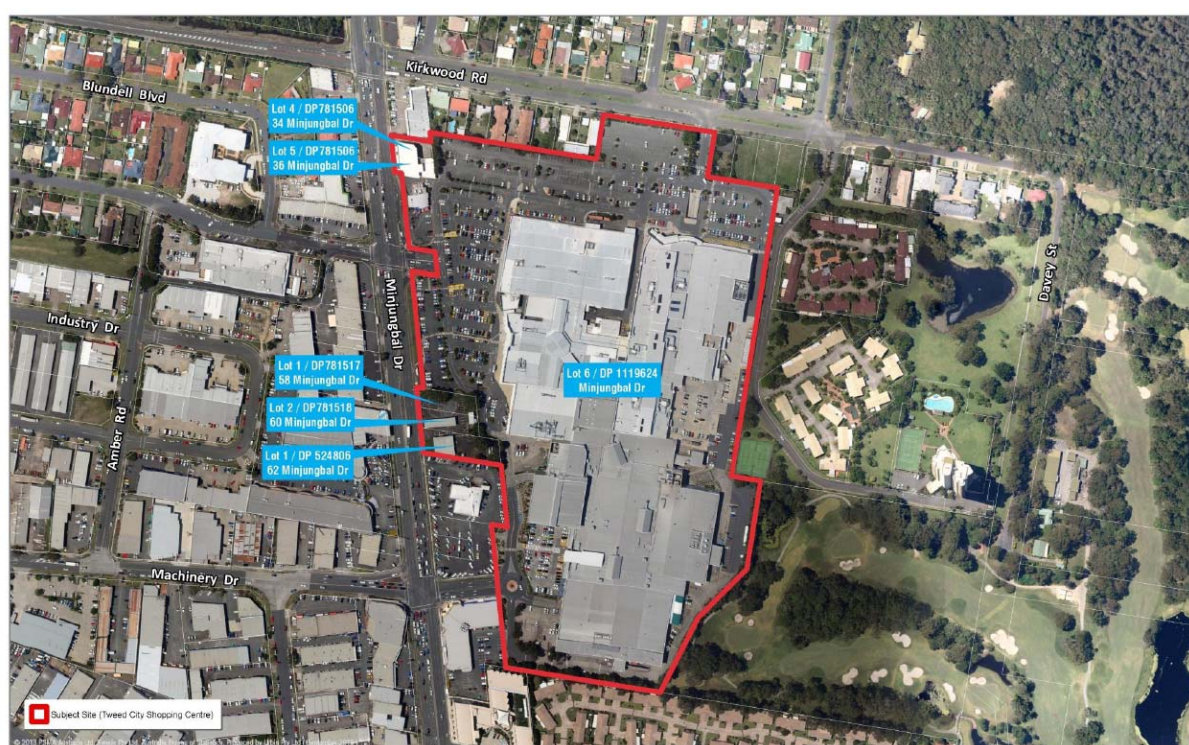
Tweed City Shopping Centre is centrally located within Tweed Heads South and has its main site frontage along Minjungbal Drive extending between the blocks bounded by Kirkwood Road in the north and Machinery Drive in the south. The site has an area of approximately 12.7ha and is located approximately 3km south of the Tweed Central Business District.

The existing centre is largely positioned within Lot 6 DP1119625 with the balance of existing improvements/proposed improvements contained within adjoining land parcels as indicated on the below image. The legal lot descriptions which comprise the site are:



SITE ADDRESS	LEGAL DESCRIPTION	SITE AREA
38 Minjungbal Drive	Lot 6 DP 1119624	121,900m <sup>2</sup>
34 Minjungbal Drive	Lot 4 DP 781506 *	588m <sup>2</sup>
36 Minjungbal Drive	Lot 5 DP 781506 *	588m <sup>2</sup>
58 Minjungbal Drive	Lot 1 DP 781517	935.8m <sup>2</sup>
60 Minjungbal Drive	Lot 2 DP 781518	935.8m <sup>2</sup>
62 Minjungbal Drive	Lot 1 DP 524806	1,625m <sup>2</sup>
<b>TOTAL LAND AREA</b>		<b>126,572.60m<sup>2</sup></b>

Please Note: Lot 4 and Lot 5 currently have the Toy Shop and Fast Food Outlet located over them. No changes are proposed to this section of the site but they have been included in this application for the purposes of traffic and car parking calculations as they now form part of the Tweed City Shopping Centre under one ownership.



**Tweed City Shopping Centre**  
SITE AERIAL



To the east of the centre is the Coolangatta and Tweed Heads Golf Club and retirement resort complex, which is also adjacent to the Ukerebagh Nature Reserve and ecological wetlands.

To the west of Minjungbal Road is a clustering of fragmented commerce and trade uses and further to the west (adjacent to the Pacific Highway) is a large pocket of bulky goods premises including Bunning's Warehouse, Harvey Norman and Barbeques Galore.

Residential properties border the site to the north, east and partly to the south.

The original centre opened in 1982 with major expansions in 1986, 1997, and 2006 (DA06/0351). In 2009 (DA09/0404) Council approved a minor extension to the Big W

area of the centre, however, this consent has not been acted upon to date. The applicant has acknowledged that if DA09/0404 was to proceed after the current application then a S96 application would be required for DA09/0404 to reflect DA13/0554.

Tweed City Shopping Centre is now the established district shopping centre for the Tweed and the highest order centre for the Tweed Shire and the Far North Coast of NSW. It contains nationally recognised supermarkets and discount department stores, speciality shops, food outlets and a cinema with a total existing Gross Floor Area of 57,669m<sup>2</sup> and an existing Gross Leasable Floor Area of 47,865m<sup>2</sup> (these figures exclude the approved Big W expansion of DA09/0404).

The centre currently provides a range of at grade and basement parking totalling 2,266 parking spaces. This equates to an existing parking rate of 4.78 spaces per 100m<sup>2</sup> of Gross Leasable Floor Area.

Vehicular access to the existing site is via 2 signalised points along Minjungbal Drive at Machinery Drive and Blundell Boulevard and an unsignalised access point on Kirkwood Road.

The southern access via the Minjungbal Drive / Machinery Drive intersection is currently the most utilised with approximately 50% to 55% of development traffic using this access.

Service vehicles primarily use the Machinery Drive and Kirkwood Road accesses as they connect to the service roadway at the rear of the shopping centre.

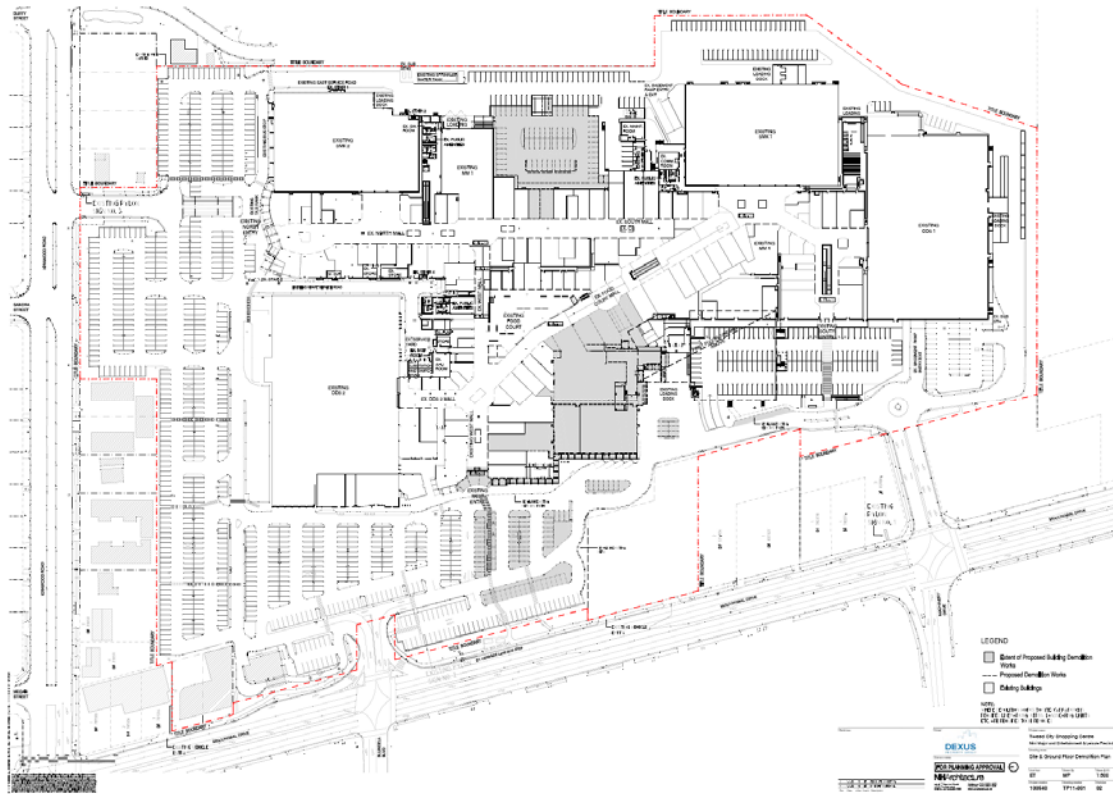
The central “original” access at Blundell Boulevard/ Minjungbal Drive receives approximately 20% to 25% of development traffic, with Kirkwood Road currently receiving approximately 25% to 30% of traffic.



Access Plan showing Thursday & Saturday access figures (prepared by Bitzios)

## **Current Proposal**

1. Demolition – the proposed demolition primarily involves making necessary internal alterations to the centre to facilitate the connection to the new mini major expansion and entertainment leisure precinct elements as shown in grey on the following image:



2. Mini Major Extension – A single storey extension is proposed on the eastern side of the TCSC, to facilitate its use as a new Mini Major retail tenancy, i.e. a “shop”. In this context a “Mini Major” simply means retail tenancy of generally over 400m2 but remains a retail premises or shop by definition.

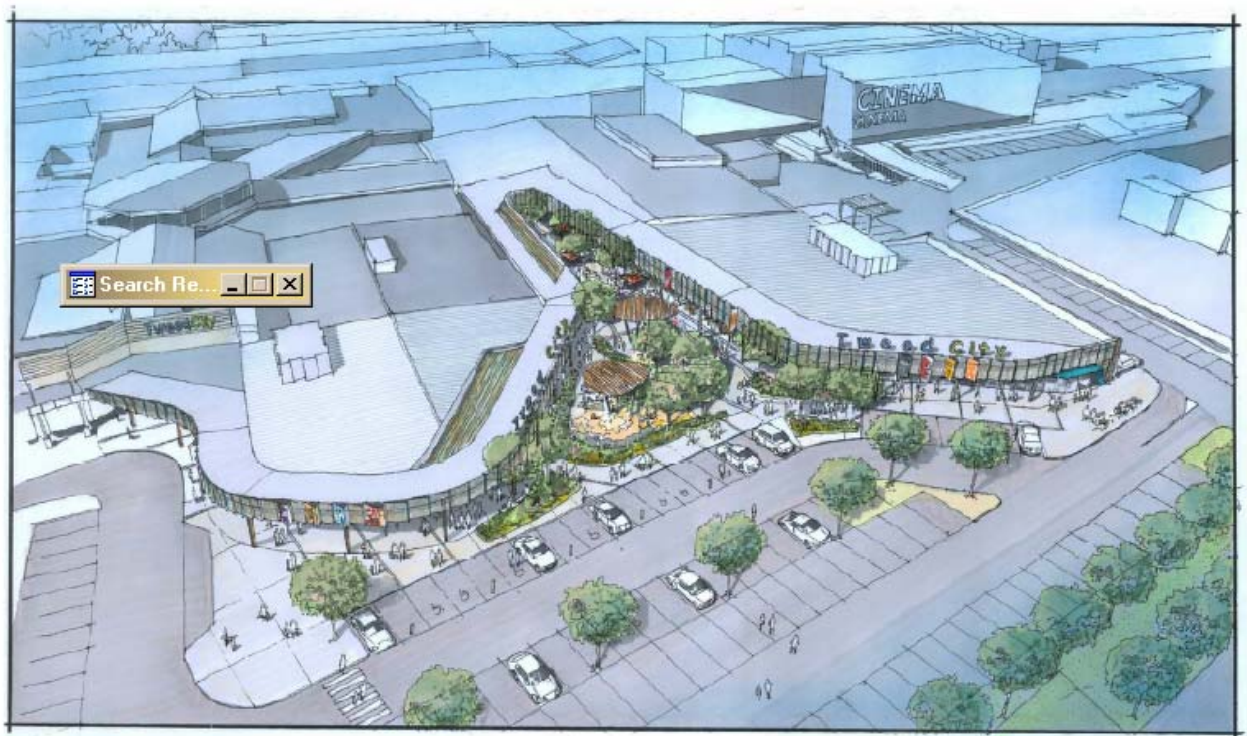
The proposed works are located on the eastern side of the site which currently accommodates an elevated outdoor car parking area. Internally two existing tenancies that face the internal retail mall will be altered and integrated into the new retail area, providing for its shop front entrance and connection into the centre







and beverage tenancies and a children's play area and casual outdoor meeting and recreation space. The food and beverage tenancies may include some licensed premises and outdoor seating areas.



1 PROPOSED ELP VIEW - AERIAL VIEW

INDICATIVE IMAGE ONLY

The proposed works include the:

- Demolition and refurbishment of existing retail tenancies and mall area to accommodate the proposed expansion of the central part of the centre accommodating:
  - New retail use and tenancies including a kiosk (additional 749m<sup>2</sup> gross leasable floor area).
  - New food and beverage use and tenancies including a kiosk (additional 1,828m<sup>2</sup> gross leasable floor area).
- Reconfiguration of existing tenancies and creation of new major entry to the centre.
- New screened rooftop plant rooms.
- Creation of new landscaped outdoor area including children's playground, outdoor entertainment area, outdoor seating and meeting spaces.
- Demolition and reconfiguration of the existing on-grade car park off Minjungbal Drive including new drop off zone.
- Reconfiguration of existing loading dock.
- Provision of a new loading dock located to the rear of the southern elevation of the precinct.
- Amendments to car park ingress and egress (utilising the old service station entry for a new un-signalised entry to Tweed City Shopping Centre).
- Public domain works involving new vehicle and pedestrian connections into the centre.

- Low level lighting such as down lights to provide a low level of passive illumination during the evening hours.

This application seeks approval for the use of retail “shops” as well as food and beverage “refreshment rooms”.

Externally, the precinct expansion presents a curved building form with a curved awning structure providing weather protection and architectural interest and articulation to this façade. The final form of the awning will be refined through the detailed design stage and in conjunction with the introduction of other non-structural elements used to enhance or provide relief from the natural elements such as wind breaks, fans, and heaters and shading screens.

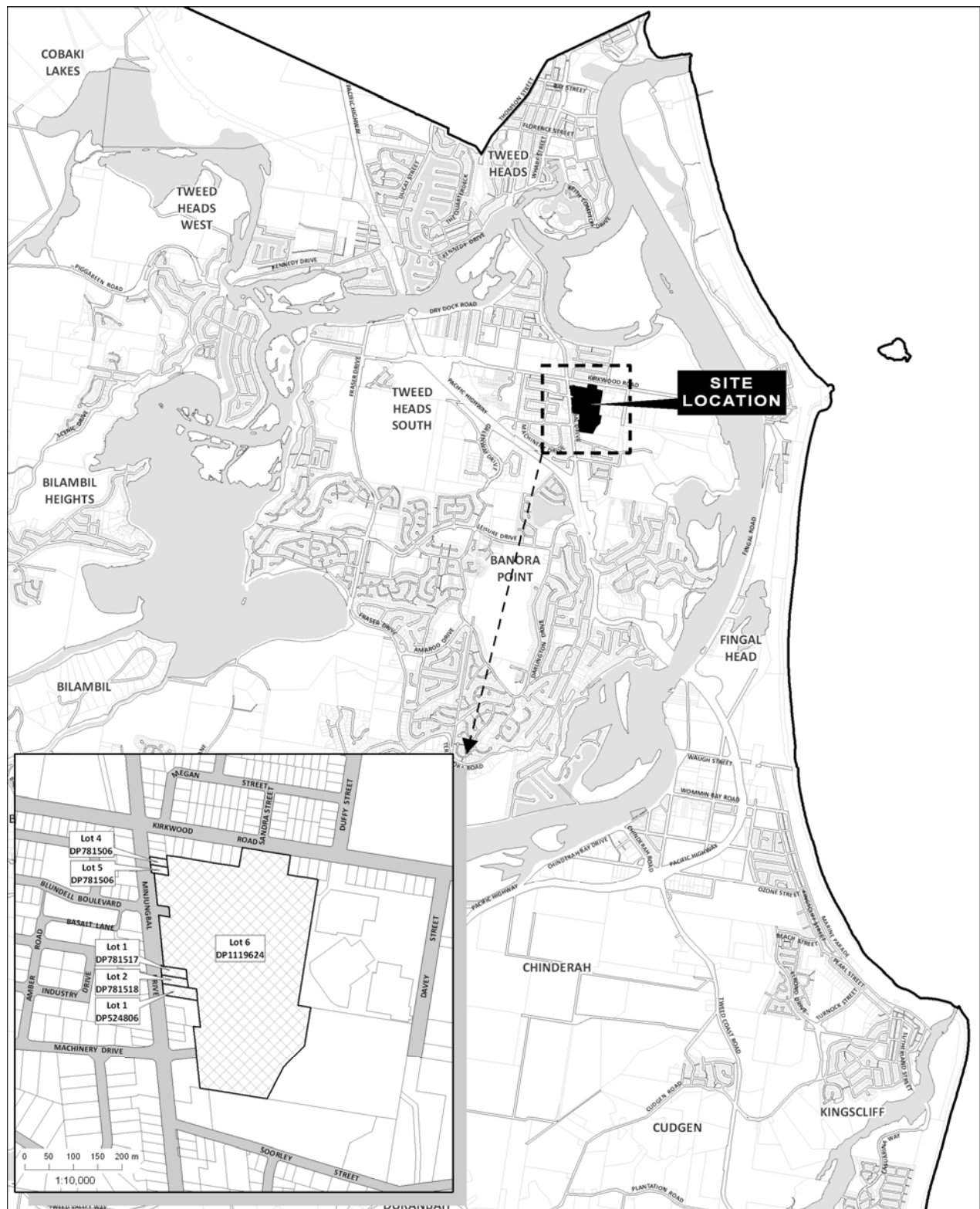
The retail tenancies propose to operate as per existing core retail trading while food and beverage tenancies are proposed to remain open up until 12 midnight seven days per week, which will include areas of outdoor seating together with general accessibility to the ELP space. This is intended to align with and complement the existing cinema trading hours. Timing of delivery and service vehicle access to the new loading dock associated with the ELP will be as per approved.

4. Signage – Several new signs form a part of this DA and include:

- 1 x sign on the south elevation of the Mini major measuring 5000w x 1800h.
- 2 x signs on the west and south elevation of the existing cinemas measuring 16000w x 8500h.
- 2 x “Tweed City” signage on the roof of the entertainment leisure precinct measuring 19000w x 1000h.
- 18 x ELP fascia signs measuring 1460w x 800d x 2050h.
- 1000h signage zone above new shopfronts to the entertainment leisure precinct.
- 800w x 600h blade signs located between shopfronts to the entertainment leisure precinct.
- New signage panel to the 3 x existing pylon signs on the Kirkwood Road and Minjungbal Road to match existing signage panels measuring 1200w x 1000h.

All signs will be internally illuminated, backlit or floodlit.

## LOCALITY PLAN:



### Locality Plan

Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive;

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Map title: 21/01/2013/21/01/2013/21/01/2013 - Tweed City Shopping Centre/localityplan.mxd

Author: J.B.H. - Planning Services Unit

Date Printed: 29 November 2013



## AERIAL IMAGE:



SOURCE:  
Aerial imagery was captured on  
6th to 9th May 2012 ©AAM Pty Ltd

### Aerial Photo - taken May 2012

Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive;  
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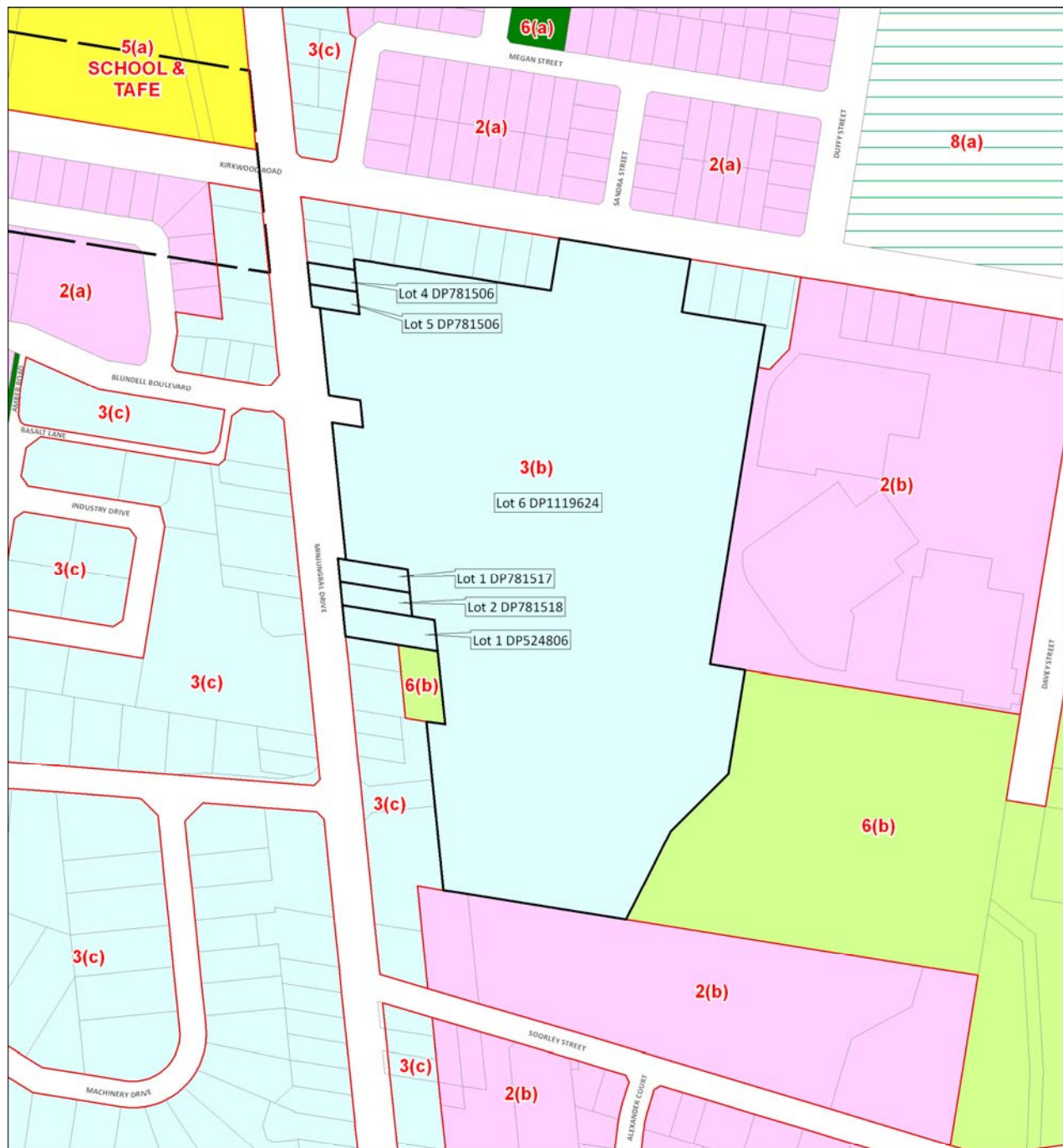
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## TWEED LEP 2000 ZONING MAP:



### Tweed Local Environmental Plan 2000

Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive;

ZONING	RESIDENTIAL	BUSINESS	INDUSTRIAL	ENVIRONMENTAL PROTECTION	NATIONAL PARKS & NATURE RESERVES
<b>RURAL</b>	<b>2(a) Low Density Residential</b>	<b>3(a) Sub-Regional Business</b>	<b>4(a) Industrial</b>	<b>7(a) Environmental Protection (Wetlands and Littoral Rainforest)</b>	<b>8(a) National Parks and Nature Reserves</b>
1(a) Rural	2(b) Medium Density Residential	3(b) General Business	<b>SPECIAL USES</b>	7(d) Environmental Protection (Scenic / Escarpment)	<b>DEFER</b>
1(c) Rural living	2(f) Tourism	3(c) Commerce & Trade	5(a) Special Uses	7(f) Environmental Protection (Coastal Lands)	defer
1(b1) Agricultural Protection	2(c) Urban Expansion	3(d) Waterfront Enterprise	<b>OPEN SPACE</b>	7(i) Environmental Protection (Habitat)	
1(b2) Agricultural Protection	2(d) Village	3(e) Special Tourist (Jack Evans Boat Harbour)	6(a) Open Space		
	2(e) Residential Tourist		6(b) Recreation		

<b>ADDITIONAL CONTROLS</b>	<b>Clause 37 (Transmission Line Corridor)</b>	<b>Clause 41 (Heritage Conservation Area)</b>	<b>Clause 52 (Minimum Lot Sizes)</b>	<b>Clause 53 (Schedule 3 Item)</b>
<b>Clause 38 (Future Roads)</b>	<b>Clause 52 (Existing and Future Dam Areas)</b>	<b>Clause 52 (Stormwater and Fill)</b>	<b>Clause 52 (Pottsville)</b>	

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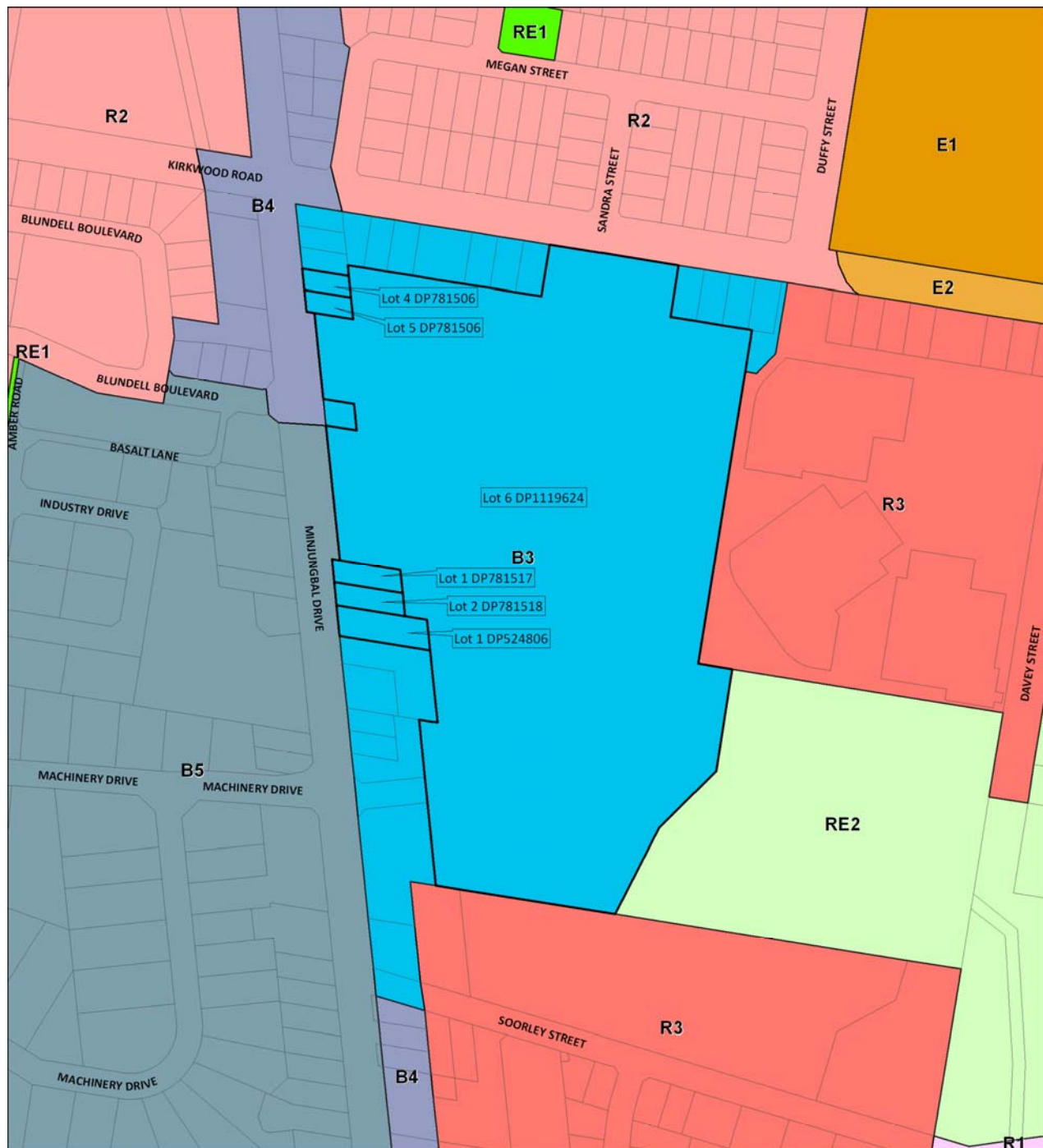
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## DRAFT TWEED LEP 2013 ZONING MAP:



### Draft Tweed Local Environmental Plan 2012

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LAND ZONING			
B1 Neighbourhood Centre	E1 National Parks & Nature Reserves	R1 General Residential	RU1 Primary Production
B2 Local Centre	E2 Environmental Conservation	R2 Low Density Residential	RU2 Rural Landscape
B3 Commercial Core	E3 Environmental Management	R3 Medium Density Residential	RU5 Village
B4 Mixed Use	IN1 General Industrial	R5 Large Lot Residential	SP1 Special Activities
B5 Business Development	IN4 Working Waterfront	RE1 Public Recreation	SP2 Infrastructure
B7 Business Park		RE2 Private Recreation	SP3 Tourist
			W1 Natural Waterways
			W2 Recreational Waterways
			W3 Working Waterways
			DM Deferred Matter
			MD SEPP (Major Development) 2005
			TCC Tweed City Centre LEP 2012

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 Author: J. Batchelor - Planning Reform Unit

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**SUMMARY OF KEY DEVELOPMENT STATISTICS**

	EXISTING	PROPOSED	NET CHG
LOT AREA (m²)	1,100,000	1,100,000	0
LOT AREA (acres)	25.3	25.3	0
LOT AREA (sq ft)	11,960,000	11,960,000	0
LOT AREA (sq ft) - 10% Buffer	10,764,000	10,764,000	0
LOT AREA (sq ft) - 20% Buffer	9,568,000	9,568,000	0
LOT AREA (sq ft) - 30% Buffer	8,372,000	8,372,000	0
LOT AREA (sq ft) - 40% Buffer	7,176,000	7,176,000	0
LOT AREA (sq ft) - 50% Buffer	5,980,000	5,980,000	0
LOT AREA (sq ft) - 60% Buffer	4,784,000	4,784,000	0
LOT AREA (sq ft) - 70% Buffer	3,588,000	3,588,000	0
LOT AREA (sq ft) - 80% Buffer	2,392,000	2,392,000	0
LOT AREA (sq ft) - 90% Buffer	1,196,000	1,196,000	0
LOT AREA (sq ft) - 100% Buffer	0	0	0

**LEGEND**

- Mall
- Retail
- Food & Beverage
- Existing Centre
- Amenities
- New Car Parking
- New Motor Bike Parking
- New Impound/Storage

**EXISTING**

**PROPOSED**

**NET CHG**

**LOT AREA (m²)**

**LOT AREA (acres)**

**LOT AREA (sq ft)**

**LOT AREA (sq ft) - 10% Buffer**

**LOT AREA (sq ft) - 20% Buffer**

**LOT AREA (sq ft) - 30% Buffer**

**LOT AREA (sq ft) - 40% Buffer**

**LOT AREA (sq ft) - 50% Buffer**

**LOT AREA (sq ft) - 60% Buffer**

**LOT AREA (sq ft) - 70% Buffer**

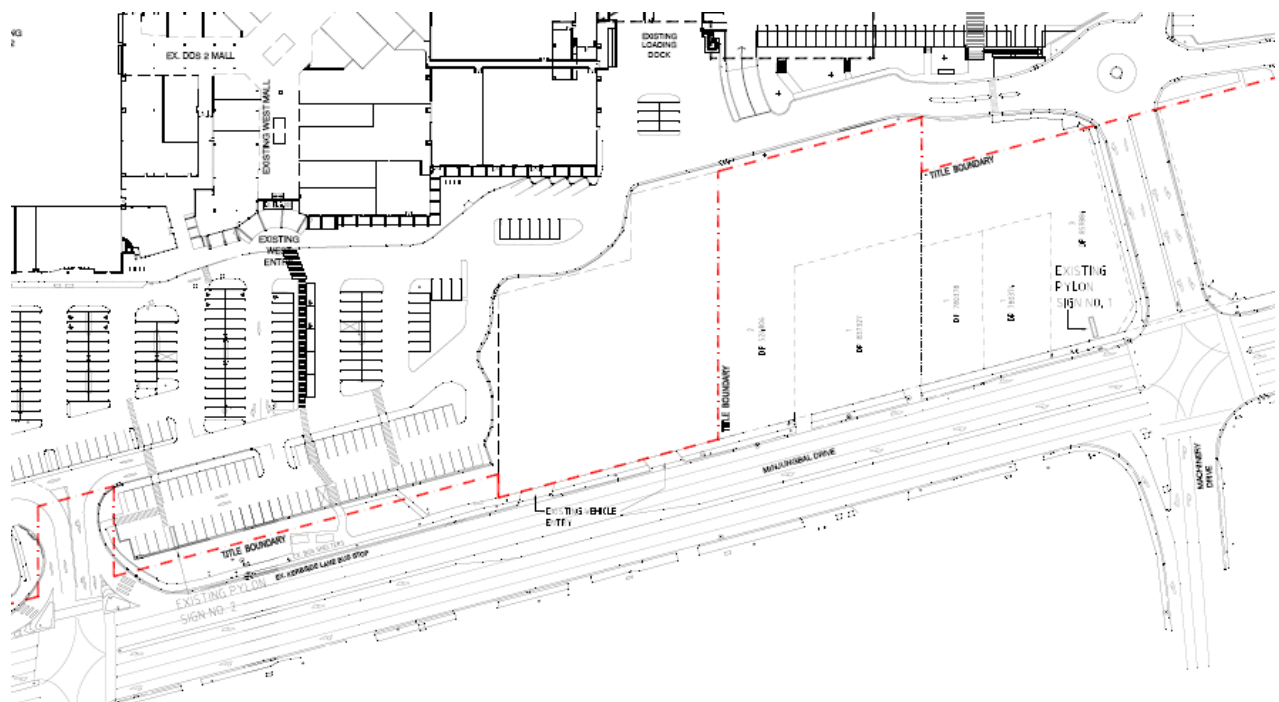
**LOT AREA (sq ft) - 80% Buffer**

**LOT AREA (sq ft) - 90% Buffer**

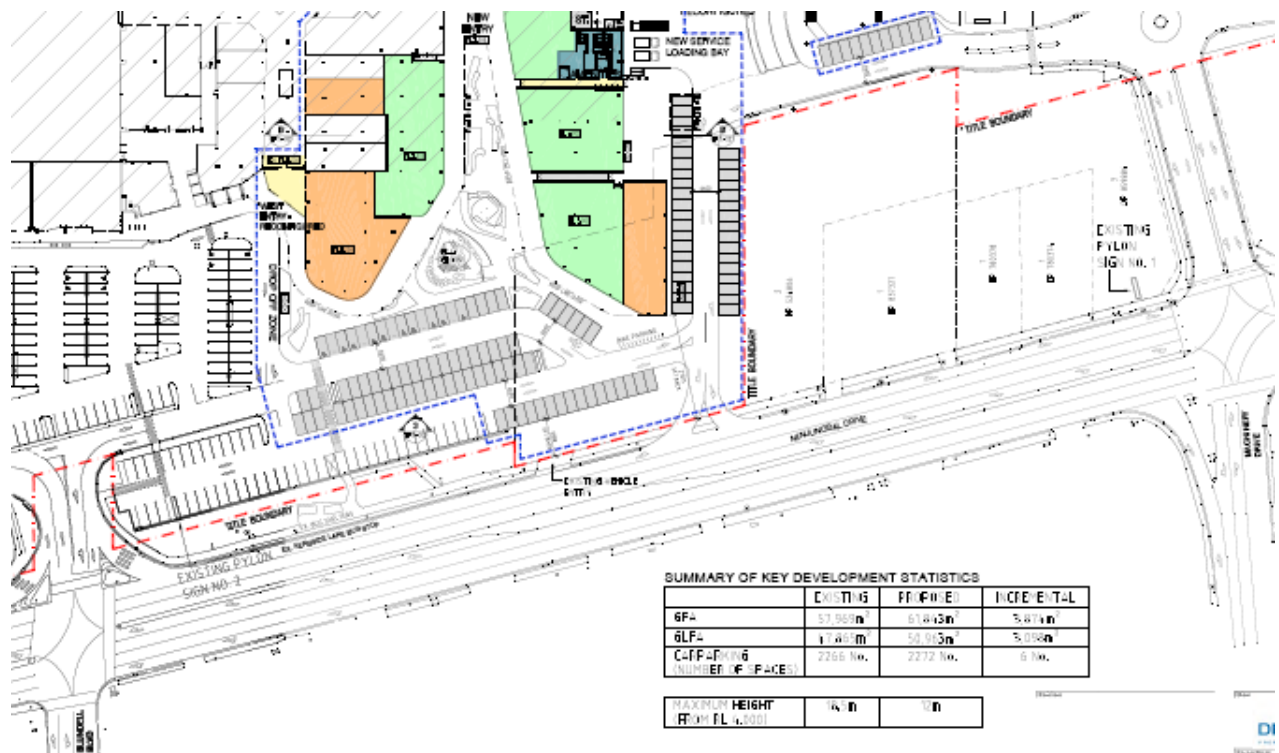
**LOT AREA (sq ft) - 100% Buffer**



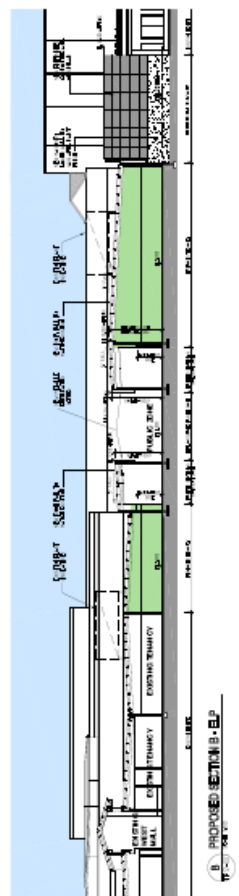
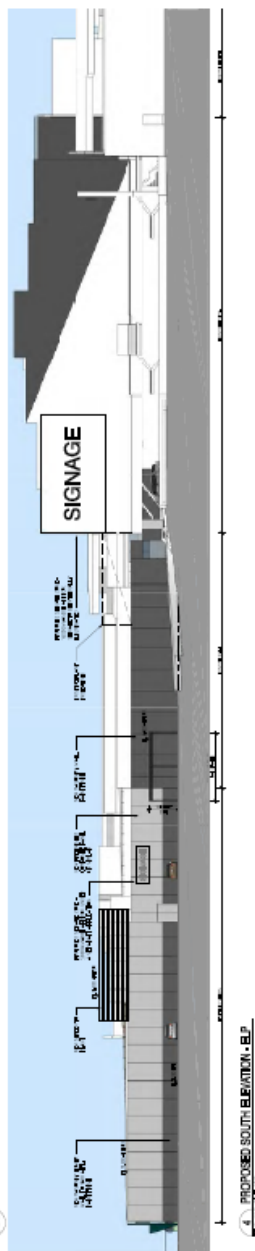
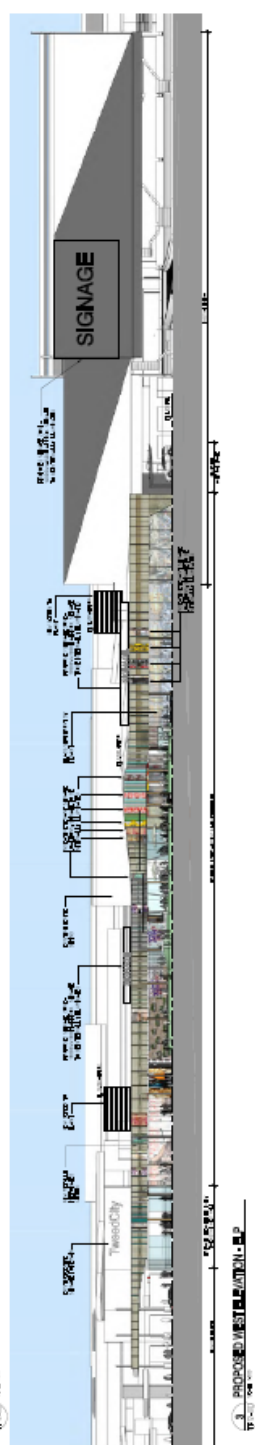
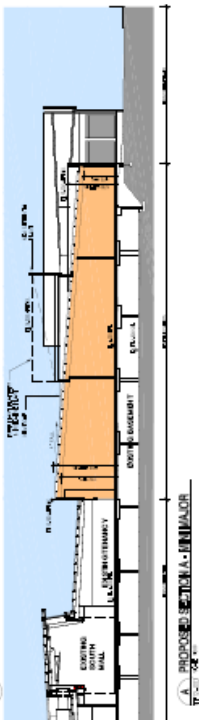
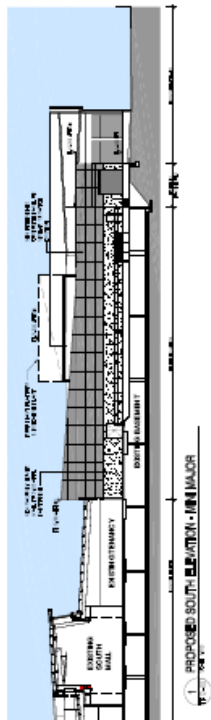
## CAR PARKING & ACCESS CHANGES AT MINJUNGBAL DRIVE



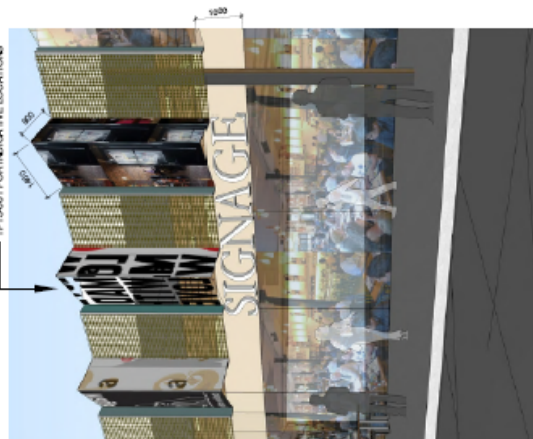
Existing Layout



Proposed Layout

[illegible]

JRPP (Northern Region) Business Paper – Item 1 – Thursday 12 December 2013 – 2013NTH021



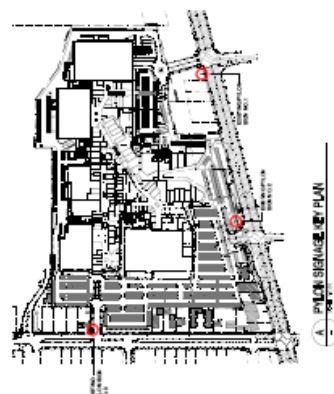
4. **INDICATIVE TENANCY SEENAGE**



3 SECTION 9 - PROPOSED SIGNAGE TO EXISTING PYLON



2. SIGN 2 - PROPOSED SIGNAGE TO EXISTING Pylon



A PYLON SIGNAGE KEY PLAN





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RESEARCH IMAGE ONLY



**PROPOSED BLP VIEW • LOOKING WEST TOWARD STAGE**

IMPERATIVE IMAGE ONLY

[illegible]

DESIGNED BY VIEW - FRONT VIEW

INDICATIVE MAJORITY ONLY





## CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

### (a) (i) The provisions of any environmental planning instrument

#### Tweed Local Environmental Plan 2000

##### Clause 4 - Aims of the Plan

The aim of the Tweed Local Environmental Plan 2000 (LEP) is to manage growth so that the natural and developed character of the Tweed Shire is retained and economic vitality, ecological integrity and cultural fabric is enhanced, in accordance with the 'Tweed Shire 2000+ Strategic Plan'.

On 16 November 2005 Council considered a report regarding a retail strategy for the Tweed. The report was prepared by Core Economics. Council resolved as follows:

1. *The character of existing towns and villages and the retail facilities they already have be protected.*
2. *Where appropriate, Council will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those existing centres, rather than building new ones.*
3. *Reinforce Tweed Heads South as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.*
4. *Maintain and wherever possible enhance the special appeal of the retail centre of Murwillumbah and those village centres of similar style.*
5. *Limit the scale of new large scale retail centres in the coastal region to a level which caters for the majority of chore type shopping needs. This concept to reflect the need to reduce fuel consumption and to support sustainability within each centre through discouraging vehicle use and encouraging walking and cycling.*
6. *Council does not support the establishment of another district retail shopping centre.*
7. *The retail concepts in these recommendations form the basis of locality plans in the Shire and any retail development applications which are submitted in the interim of these locality plans being prepared and approved by Council be assessed so that the above retail strategies are supported and not compromised.*

The retail strategy report recommended the following policy framework for Tweed Heads South:-

*Expansion of Tweed Heads south to cater to future demand. Precinct to increase as demands dictates. Retail showrooms to be accommodated at Chinderah as Tweed South areas reach capacity and demand dictates.*

The proposed expansion to Tweed City Shopping Centre is considered to be entirely consistent with Council's adopted strategies. The provisions of Clause 4 are considered satisfied.

## Clause 5 - Ecologically Sustainable Development

The development is proposed over land which has historically been used for commercial purposes and which has no environmental significance. The proposed application is therefore considered to comply with Clause 5 which seeks to promote the four principles of ecological sustainable development.

## Clause 8 – Consent Considerations and Clause 11 Zone Objectives

Clause 8(1) States:

- (1) The consent authority may grant consent to development (other than development specified in Item 3 of the Table to clause 11) only if:
  - (a) it is satisfied that the development is consistent with the primary objective of the zone within which it is located, and
  - (b) it has considered those other aims and objectives of this plan that are relevant to the development, and
  - (c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole.

The subject site is zoned 3(b) General Business. The objectives of the zone are:

### Primary Objectives

- *To provide business centres in which the communities shopping, business, welfare and social needs can be met.*
- *To provide business locations within residential areas, and to ensure that the scale and type of development is compatible with the character and amenity of the surrounding residential areas.*

### Secondary Objectives

- *To provide for tourist oriented development.*
- *To encourage upper floor residential or tourist accommodation.*

The proposed uses (shops, and refreshment rooms) are permissible with consent in the zone and satisfy the zone objectives as detailed above.

The other aims and objectives of this plan (Tweed LEP 2000) relevant to the development have been considered and addressed within the body of this report.

The development would not have an unacceptable cumulative impact on the community or locality as it specifically satisfies Council's own retail strategy.

## Clause 15 - Essential Services

The site is adequately serviced with water, sewer, power and telecommunications to cater for the proposed expansion.

#### Clause 16 - Height of Building

The subject site is within a three storey height limit area. The proposal consists of two storeys as defined by the Tweed LEP 2000.

#### Clause 17 - Social Impact Assessment

The clause requires Council to consider the social and economic of the development. The applicants have submitted a socio-economic impact assessment report with the application. This issue is further dealt with under the DCP section of this report.

#### Clause 22 – Development near Designated Roads

This clause applies as Minjungbal Drive is a designated road. Council is required to be satisfied that the development will not constitute a traffic hazard or materially affect the capacity or efficiency of the road, access and parking arrangements do not impede through traffic on the road, future road improvements are not hindered, the development is not sensitive to noise, scenic values are not affected and access where practical can be provided by a road other than the designated road.

The proposal seeks to utilise the previous service station entry driveways for direct entry and exit into the shopping centre site.

Council staff have concerns that allowing another entry to Tweed City Shopping Centre from Minjungbal Drive without traffic lights and a dedicated access lane will result in queuing back onto Minjungbal Drive as the internal parking area at this location shows parking spaces in what would normally only be circulation space.

Accordingly Council wanted to recommend a condition of consent that the service station driveway could only be used for egress purposes to avoid queuing onto Minjungbal Drive.

On 28 November 2013 Council received additional information from the applicant to justify the proposed entry and exit from the previous service station driveway.

The **applicant** has provided a modified condition for discussion (as below), along with a supporting report compiled by Bitzios Consulting,

*"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, including but not limited to the reconstruction of the existing Minjungbal Drive left in/left out access in accordance with Section A2- "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design specification June 2001.*

*The proposed reconstructed access is to include appropriate traffic calming device designed to reduce the risk to pedestrians on the footpath area of Minjungbal Drive.*

*Applications shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including:*

- 1. Road works/furnishing*
- 2. Stormwater drainage*
- 3. Water and sewerage works*
- 4. Sediment and erosion control plans*
- 5. Location of all services/conduits*
- 6. Traffic Control Plans*

*The operation of the reconstructed left in/left out Minjungbal Drive access is to be subject to an independent road traffic safety audit after 12 months of operation, commencing from the date of issue of final occupation certificate. The audit is to be completed in accordance with applicable RMS - Council Guidelines and at full cost to the applicant. The road traffic safety audit is to specifically address:*

- 1. Whether the continued operation of the left in / left out arrangements as approved is appropriate and is not causing unacceptable queuing onto Minjungbal Drive; or*
- 2. In the event of unacceptable levels of queuing on Minjungbal Drive, advise whether any additional modifications to the road and footpath geometry are required to maintain left in left out movements. Any modifications to be at the cost of the applicant.*

*Should the independent consultant determine that the left in/left out arrangement is not and cannot be made appropriate. the access way will revert to a left out movement only."*

The proposed modified consent condition cannot be supported as presented as any potential detrimental impact of the proposed new driveway access on Minjungbal Drive cannot be immediately addressed.

It is therefore recommended by Council that the condition be modified as follows:

*"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, including but not limited to the reconstruction of the existing Minjungbal Drive left in/left out access in accordance with Section A2- "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design specification June 2001.*



*The proposed reconstructed access is to include appropriate traffic calming devices designed to reduce the risk to pedestrians on the footpath area of Minjungbal Drive.*

*Applications shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including:*

- 1. Road works/furnishing*
- 2. Stormwater drainage*
- 3. Water and sewerage works*
- 4. Sediment and erosion control plans*
- 5. Location of all services/conduits*
- 6. Traffic Control Plans*

***The operation of the reconstructed left in Minjungbal Drive access is subject to whether the continued operation of the left in/ left out arrangements as approved are appropriate and not causing queuing onto Minjungbal Drive.***

***In the event of unacceptable levels of queuing on Minjungbal Drive, as deemed by Council, the left in driveway is to be closed and arrangements made with Council on suitable additional modifications to the road and footpath geometry and /or internal site modifications to maintain left in movements, at expense of the applicant.***

***Should appropriate modifications not be available, the access will remain as left out movement only."***

This aspect of the proposal is a key issue requiring a final decision from the Panel as the applicant may dispute the above recommended condition.

#### Clause 34 Flooding

The subject development is an extension / redevelopment of an existing commercial shopping centre. It is non-habitable, so Council's Tweed DCP Section A3 – Development of Flood Liable Land does not apply minimum habitable floor levels for commercial development.

The Civil Engineering Report which accompanied the application confirms that floor levels exceed the design flood level of RL 2.6m AHD. As such, no additional conditions requiring flood free storage or flood compatible building materials or electrical are necessary. Clause 34 is considered satisfied.

#### Clause 35 - Acid Sulfate Soils

The site is categorised as containing Class 2 Acid Sulfate Soils (ASS).

The application was supported by a desk top assessment by Soil Surveys Ref. 212-10651 and dated September 2013. This assessment concludes that both potential and actual ASS are likely to occur at the site. Section 8 of the

assessment report recommends that a detailed ASS assessment of the site is carried out and an ASS Management Plan is implemented.

Accordingly conditions of consent have been recommended as follows:

- A detailed acid sulphate soil assessment shall be carried out in relation to all areas where site works are likely to involve the disturbance of soils below the existing ground level. Based upon the outcome and recommendations of the detailed acid sulphate soil assessment an Acid Sulphate Soil Management Plan prepared in accordance with the provisions of the NSW Acid Sulphate Soil Management Advisory Committee Guidelines shall be prepared if necessary and a copy of the Acid Sulphate Soil Management Plan shall be provided to Council's Environmental Health Officer within 7 days following final preparation for consideration and approval. The provisions of the Acid Sulphate Soil Management Plan shall be complied with during the course of all site works that are subject of the Acid Sulphate Soil Management Plan.
- Appropriate on-site stockpile locations for the treatment of any identified acid sulphate soil shall be nominated within the Acid Sulphate Soil Management Plan and no untreated acid sulphate soil material shall be removed from the site unless appropriate off-site acid sulphate soil stockpile treatment locations have been nominated within the Acid Sulphate Soil Management Plan and such off-site locations are to the satisfaction of Council's General Manager or delegate.

These conditions form part of the recommendation for approval.

#### Clause 39 Remediation of Contaminated Land

This Clause requires contaminated land to be adequately remediated prior to development occurring.

The proposed development site now incorporates new land parcels which previously contained a service station site. Accordingly a Stage 1 Environmental Assessment by Butler Partners, Ref. 012-148A and dated 24 September 2013 has been prepared; this assessment advises that the ex-service station site has been the subject of a Site Audit Statement Ref. 0103 – 1104 dated 16 January 2013 and is suitable for commercial use subject to compliance with the approved Environmental Management Plan.

It is noted that none of the service station activities have occurred in the areas proposed to be developed for the entertainment leisure precinct or mini major development areas and the report concludes that no further investigations are required in the proposed mini major development area or entertainment and leisure precinct areas

The recommendation incorporates the following condition of consent to ensure contamination is adequately addressed.

- All site construction works shall be carried out in strict compliance with the provisions and conditions of the Site Audit Statement Ref. 0103 – 1104 dated 16 January 2013

#### Clause 39A Bushfire Protection

The objective of this Clause is to minimise bushfire risk to built assets and people and to reduce bushfire threat to ecological assets and environmental assets.

Council's Bushfire Map indicates that a very small portion at the tip of the north-eastern part of the Shopping Centre site is partially affected by the buffer area of a potential bushfire hazard. The location of the proposed extension to the Shopping Centre is located well away from the known hazard and the site itself can easily be managed as an asset protection area. No specific conditions are considered necessary in this instance.

The proposed extension is considered acceptable of bushfire grounds.

#### Clause 44 Development of Land within Likely or Known Archaeological Sites

The relevant section of the Clause States:

- (1) *The consent authority may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic within the meaning of the [National Parks and Wildlife Act 1974](#)), or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:*
  - (a) *it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and*
  - (b) *except where the proposed development is integrated development, it has notified the local Aboriginal communities (in such a way as it thinks appropriate) of the development application and taken into consideration any comments received in response within 21 days after the notice was sent, and*
  - (c) *it is satisfied that any necessary consent or permission under the [National Parks and Wildlife Act 1974](#) has been granted.*

The application was supported by a Cultural Heritage Assessment undertaken by Everick Heritage Consultants Pty Ltd. The report stated that:

*A search of applicable historic heritage registers did not identify any items of cultural heritage significance within close proximity to the proposed Development Area.*

*A search was conducted on 22 February 2012 of the OEH Aboriginal Heritage Information Management System ('AHIMS'), which identified 40 recorded sites*

*for the broader search area. Five (5) Indigenous archaeological sites are registered on AHIMS within 1.25 km of the Development Area, with one site being located 175m from the north eastern extent of the Development Area. No AHIMS registered sites or Indigenous Places listed in other Heritage Registers were recorded or identified within the Development Area.*

*A search was conducted of the Bundjalung Mapping Project (BMP), a registry and library maintained by the Tweed / Byron Local Aboriginal Land Council which is complimentary to the AHIMS register. 19 sites were returned as being located within 500m of the Development Area, with two (2) Bora Rings, quite significant ceremonial sites, being located within 250 m of the Development Area.*

*A survey for Aboriginal and historic cultural heritage was carried out by Everick Senior Archaeologist Adrian Piper and Mr Des Williams, Chairman/ Sites Officer for the Tweed Byron LALC, on 16 March 2012. No objects or places of Aboriginal or historic cultural heritage were identified within the Development Area.*

*In conclusion Everick Senior Archaeologist Adrian Piper undertook detailed inspection of the Development Area. This inspection did not identify any physical evidence of Aboriginal or historic cultural heritage within the Development Area. Mr Des Williams (Sites Officer, TBLALC) also confirmed that there was no known intangible cultural heritage within the immediate Project Area. Mr Williams was of the opinion that any evidence of cultural heritage was likely destroyed by previous land clearing and development events. Mr. Williams did however raise concerns about the properties situated on Kirkwood Road, North of the Southern Development Area. These concerns may need to be addressed in the second stage of development for Tweed City Shopping Centre.*

Accordingly the proposed development is considered satisfactory having regard to Clause 44 subject to standard conditions of consent stating that work should cease if any article of significance is discovered.

#### Clause 47 Advertising Signs

The LEP wants to ensure that signage conveys advertisers' messages while complimenting the building on which it is displayed and avoids visual clutter. The proposed signage is considered discrete and in keeping with the size and scale of the development. Additional text on existing pole signs is encouraged, while the new signage around the entertainment leisure precinct compliments the design of the building. Clause 47 is considered satisfied.

#### **State Environmental Planning Policies**

##### **SEPP (North Coast Regional Environmental Plan) 1988**

The proposal is not contrary to the REP. The provisions of the Coastal Policy, Coastline Management Manual and the North Coast Design guidelines are satisfied. Clause 47 of the REP is satisfied as the site can be serviced by public transport and is accessible from urban areas.



### SEPP No. 55 - Remediation of Land

As detailed above the application has been supported by a Site Audit Statement and the application is capable of approval having regard to contamination provided the application is conditioned to comply with the provisions and conditions of the Site Audit Statement Ref. 0103 – 1104 dated 16 January 2013.

### SEPP No. 64 – Advertising and Signage

The aims of this policy relate to ensuring that signage and advertising are compatible with the desired amenity and visual character of the subject locality.

To comply with the policy, signage should be:

- (i) Compatible with the desired amenity and visual character of the area;
- (ii) Provide effective communication in suitable locations;
- (iii) Signage should be of high quality design and finish.

The application incorporates several new signs as

- 1 x sign on the south elevation of the Mini Major measuring 5000w x 1800h.
- 2 x signs on the west and south elevation of the existing cinemas measuring 16000w x 8500h.
- 2 x “Tweed City” signage on the roof of the entertainment leisure precinct measuring 19000w x 1000h.
- 18 x ELP fascia signs measuring 1460w x 800d x 2050h.
- 1000h signage zone above new shopfronts to the entertainment leisure precinct.
- 800w x 600h blade signs located between shopfronts to the entertainment leisure precinct.
- New signage panel to the 3 x existing pylon signs on the Kirkwood Road and Minjungbal Road to match existing signage panels measuring 1200w x 1000h.

All signs will be internally illuminated, backlit or floodlit.

Clause 8 requires the determining authority to assess whether proposed signage is consistent with the objectives of the policy, and compliant with Schedule 1 of the policy. Schedule 1 provides 8 assessment criteria, as set out below:

1. Character of the area: The proposal as submitted appears compatible with the existing commerce and trade character of the subject site and the desired future character of the 3(b) General Business zone. The sign does not affect residential amenity.
2. Special Areas: Being located within the 3(b) zoning and in a commercial area, the subject site is not in immediate proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas,

waterways or rural landscapes. As such, the proposal is not considered to detract from the amenity or visual quality of any such areas.

3. Views and vistas: The proposal as submitted is not considered to obscure or compromise important views. It is not considered to dominate the skyline nor reduce the quality of vistas experienced from the subject area. The location of the proposal on the subject site is considered to respect the viewing rights of other advertisers occupying adjacent land.
4. Streetscape, setting or landscape: The scale of the proposal, including its proportions and form is considered appropriate for the streetscape and setting of the proposal. The proposal is not considered to create unsightliness, nor does it protrude above buildings, structures or tree canopies in the area. It is therefore considered to be consistent with these criteria.
5. Site and building: The proposal as submitted appears compatible with the scale and proportion of both the subject site, and the existing commercial developments in the area. It is considered that the proposal's size and design respects the scale of the existing centre and does not detract from any important features of the building. The new entertainment and leisure precinct area lends itself to innovation with signage being incorporated into the design, and as such, it is considered that the proposed advertising signage is consistent with the requirements under Schedule 1, part 5.
6. Associated devices and logos with advertisements and advertising structures: The proposal is considered suitable given the size and nature of the existing centre.
7. Illumination: The proposed illuminated advertising signage is considered appropriate for the location. Conditions of consent will be imposed to ensure illumination is capable of being turned down if required following a valid complaint.
8. Safety: The proposal is not considered to reduce the safety for any public road, pedestrians or cyclists as it does not protrude into the sight lines of the subject site nor that of any adjoining lots. It is not considered to obscure any sightlines from public areas and does not encroach onto the footpath or car park of the subject site.

It is considered that the proposal, as submitted is consistent with the aims and objectives of SEPP 64 – Advertising and Signage and the requirements of Schedule 1 of the policy.

#### SEPP No 71 – Coastal Protection

The site is within the Coastal Zone and Clause 8 matters for consideration are relevant.

The proposal is generally consistent with the matters for consideration as it does not impede public access to the foreshore nor result in any unacceptable loss of view or overshadowing. The proposal will not have any impact on flora or fauna and the site is not known to contain any items of Aboriginal significance.

The provisions of SEPP 71 are considered satisfied.

#### SEPP (Infrastructure) 2007

The application was referred to the NSW Roads & Maritime Service (RMS) in accordance with SEPP (Infrastructure) 2007 as the development comprises a shop addition of greater than 2000m<sup>2</sup>. The RMS stated that they had no objection in principal to the proposed development but provided comments for Council's consideration. These are addressed in detail in the traffic section of this report.

**(a) (ii) The Provisions of any Draft Environmental Planning Instruments**

Draft LEP 2012

The Draft Tweed Local Environmental Plan 2012 was placed on exhibition in late 2012 / early 2013. The post exhibition version of the draft LEP with amendments as resolved by Council on 31 May 2013 has been forwarded to Parliamentary Counsel via the Department of Planning and Infrastructure.

The land is proposed to be zoned B3 Commercial Core under Draft Tweed LEP 2013.

The proposed development would be defined as commercial premises (encompassing all types of the child definitions) all of which are permissible with consent in this zone.

The proposed development may also be defined as an amusement centre and/or entertainment facility again both of which are permissible with consent in this zone.

The new LEP has applicable Clauses that relate to Height (13.6m), Floor Space Ratio (2:1) and other constraints such as flooding and acid sulfate soils. It is noted that the height map in regards to the Draft LEP is being amended to reflect a height limit of 21m AHD for the site.

The proposed development satisfies the provisions of the Draft LEP and is consistent with the future intent for the site.

**(a) (iii) Development Control Plan (DCP)**

Tweed Development Control Plan

A2-Site Access and Parking Code

The proposed development has been supported by three separate submissions in regards to access and/or parking.

The original Traffic Report submitted with the Statement of Environmental Effects had inaccurate traffic generating data. And accordingly the applicant amended this with a revised report received on 5 November 2013. These were reviewed by Council's Traffic Engineer who provided as follows:

*The applicant included a traffic assessment report compiled by Bitzios Consulting which addresses the impact of the development on the adjacent road network.*

*The report was forwarded to the RMS and a response was received which was forwarded to the applicant for comment.*

*The proposed expansion of the Centre is estimated to generate on average an additional 1,000 vehicle trips (in and out) each day. This equates to an estimated 138 peak hour trips on a Thursday afternoon and 109 peak hour trips on a Saturday morning. There are no proposals to upgrade public transport facilities or pedestrian access to the Centre; however the internal pedestrian access will be relocated to align with the proposed car park reconfiguration.*

*The proposal will remove 137 car parks and reinstate 143 with a net gain of 6 spaces.*

*This will result in the centre having 2,272 spaces for the 49,884m<sup>2</sup> of Gross Leasable Floor Area (excluding the approved Big W expansion of DA09/0404). This represents parking at a rate of 4.55 spaces per 100m<sup>2</sup> of Gross Leasable Floor Area.*

*Council's DCP A2 provides that parking for the Centre should be provided at 5.5 spaces per 100 Gross Floor Area (and makes no reference to Gross Leasable Floor Area).*

*Whilst this rate is less than council's requirements the proponent has conducted observation studies of the existing parking utilisation and determined that the proposed parking provision shall provide a sufficient level of on-site parking to cater for expected demands and not result in any adverse parking external to the site and this is accepted by Council Officers.*

*Council requested further information and a response, again compiled by Bitzios Consulting, was received.*

*Council's concerns were:*

- 1. The internal circulation roadways have direct access to individual car spaces which can lead to poor circulation throughout the Centre.*
- 2. The impact of a proposed access driveway on Minjungbal Drive between Blundell Boulevard and Machinery Drive.*
- 3. The operation of the internal roundabout off Machinery Drive.*
- 4. The RMS was primarily concerned with the operation of the traffic signals along Minjungbal Drive.*

*These concerns are discussed below:*

### **1. Internal circulation**

*The consultant has responded that traffic movements through the parking circulation roads are not expected to be impeded by the provision of direct*



*parking access due to the primary parking area being shifted to the southern basement car park and away from Blundell Boulevard. Some of the spaces are expected to be long term spaces which will be allocated to staff parking thereby lessening movements to these spaces. The additional 11 spaces located behind the Toyota car yard will be reconfigured to a 45 degree angle to limit access and egress to southbound internal traffic only. The inclusion of parking bays along the central aisle access for the proposed new access was considered by the consultants to not result in any adverse traffic operations that would impact on the adjacent road network as they are expected to result in a lower turnover of vehicles.*

*The Shopping Centre would have difficulties in enforcing these spaces as staff only parking, and the spaces should be either removed or direct access prohibited from Minjungbal Drive to these spaces. The driveway access will be further addressed in item 2.*

## **2. Proposed driveway access from Minjungbal Drive**

*The applicant is proposing a new left in left out driveway access to the Centre to be located between Blundell Boulevard and Machinery Drive in approximately the same location of a disused driveway access to the former petrol service station.*

*The applicant's argument for the access is to reduce traffic movements (left turns) into the Centre at Machinery Drive which would reduce queuing at the internal roundabout, would provide direct access to a proposed service delivery area and the driveway will carry similar traffic that was associated with its former use for the petrol service station.*

*The driveway is estimated at peak times attract 90 vehicles per hour in each direction and there is no proposed deceleration lane for entering the driveway.*

*Council officers' concerns with the proposed new drive way are:*

- Any internal car park conflict may result in queuing forming on Minjungbal Drive, lessening its capacity.*
- The uncontrolled access will place pedestrians using the footpath at risk from traffic. It should be noted that pedestrians have right of way under the NSW Road Rules in these circumstances however this is seldom observed by motorists.*
- The driveway is being used to address poor internal design of the car park*
- Motorists using the driveway have already passed two entrances to the Centre at Kirkwood Road and Blundell Boulevard.*

*Based on the above it is considered that the submitted plans be modified to remove the ingress movement from Minjungbal Drive and that the egress movement be modified to include a traffic calming device to reduce the risk to pedestrians.*

### **3. Internal roundabout**

*The internal roundabout is currently not operating efficiently as queues are forming back to Minjungbal Drive during peak periods. The applicant's response to this issue was to include the new access as discussed in item 2 above.*

*Specifically, based on observations by Council staff, the queuing issue is in direct correlation to a marked pedestrian crossing installed in recent times within the basement car park and the Centre allowing right turns from the circulation roadway in the basement car park within close proximity to the roundabout.*

### **4. Traffic Signal Operation**

*The Roads and Maritime Services had concerns with the long term operation of the traffic signals on Minjungbal Drive at the intersections of Blundell Boulevard and Kirkwood Road and also concerns with the expected internal queuing onto Blundell Boulevard within the Centre.*

*The applicant has responded that traffic generated by this development application would have limited impact on the operation of the signals and council officers accept this response. Internal queuing at Blundell Boulevard will be relieved by allowing an uncontrolled left egress from the new proposed driveway.*

Based on the above assessment and Council's initial decision to condition the new access (from the service station) to exit only, the applicant lodged a further traffic report (28 November 2013) to justify the proposed new entry and exit adjoining Minjungbal Drive. The amended report specifically recommended that Council could incorporate a condition of consent allowing a 12 month trial in the following format:

*"The operation of the reconstructed left in/left out Minjungbal Drive access is to be subject to an independent road traffic safety audit after 12 months of operation, commencing from the date of issue of final occupation certificate. The audit is to be completed in accordance with applicable RMS - Council Guidelines and at full cost to the applicant. The road traffic safety audit is to specifically address:*

*1. Whether the continued operation of the left in / left out arrangements as approved is appropriate and is not causing unacceptable queuing onto Minjungbal Drive; or*

*2. In the event of unacceptable levels of queuing on Minjungbal Drive, advise whether any additional modifications to the road and footpath geometry are required to maintain left in left out movements. Any modifications to be at the cost of the applicant.*

*Should the independent consultant determine that the left in/left out arrangement is not and cannot be made appropriate. the access way will revert to a left out movement only."*

The applicants' proposed modified consent condition cannot be supported as presented as any potential detrimental impact of the proposed new driveway access on Minjungbal Drive cannot be immediately addressed.

It is therefore recommended that the condition be modified as follows:

***"The operation of the reconstructed left in Minjungbal Drive access is subject to whether the continued operation of the left in/ left out arrangements as approved are appropriate and not causing queuing onto Minjungbal Drive.***

***In the event of unacceptable levels of queuing on Minjungbal Drive, as deemed by Council, the left in driveway is to be closed and arrangements made with Council on suitable additional modifications to the road and footpath geometry and /or internal site modifications to maintain left in movements, at expense of the applicant.***

***Should appropriate modifications not be available, the access will remain as left out movement only."***

This condition is now included as part of the recommended conditions of consent.

In all other regards the identified traffic and parking issues can be resolved by the recommended conditions.

#### A3-Development of Flood Liable Land

The subject development is an extension / redevelopment of an existing commercial shopping centre. It is non-habitable, so Council's Tweed DCP Section A3 – Development of Flood Liable Land does not apply minimum habitable floor levels for commercial development.

The Civil Engineering Report which accompanied the application confirms that floor levels exceed the design flood level of RL 2.6m AHD. As such, no additional conditions requiring flood free storage or flood compatible building materials or electrical are necessary.

#### A4-Advertising Signs Code

The DCP specifies a maximum of 5 signs per business. Such a criteria is difficult to enforce for a venue like Tweed City Shopping Centre.

The proposed signage is better addressed on merit to ensure signage proliferation is avoided.

The proposed signage takes advantage of existing signage and just adds text to existing major signs. In addition the new signage to promote the entertainment and leisure precinct is considered suitable for the new design and achieves a good urban design outcome.



The proposal complies with this DCP.

#### A11-Public Notification of Development Proposals

The application was placed on public exhibition for a 30 day exhibition period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received two written submissions, the first enquiring about what would happen to existing tenants specifically Jetts Fitness Centre, and the second querying the permitted hours of construction and requesting normal hours of construction. These submissions are addressed later in this report.

#### A13-Socio-Economic Impact Assessment

A socio Economic Impact Assessment is required by the applicant as the development represents a place of employment for greater than 25 people.

The aims of the plan are to:

- *Ensure that Development Applications for certain developments that are likely to have a significant social and/or economic impact are properly considered in accordance with Section 79C of the Environmental Planning & Assessment Act 1979, the Tweed Shire 2000+ Strategic Plan (policies 46 and 125) and the Tweed Local Environmental Plan 2000.*
- *Set out Council's requirements for Socio-Economic Impact Assessments as identified in Clause 17 of the Tweed Local Environmental Plan 2000.*
- *Achieve maximum benefit for the community from development activity, and mitigate negative impacts.*
- *Achieve economic growth through employment generating activities that adopts the concepts of Ecologically Sustainable Development.*

The applicants have submitted the following in their Statement of Environmental Effects:

*"The proposal will have a number of positive social and economic effects as it will:*

- *Enhance the TCSC's role as a regional centre by increasing the range of retailers and offerings.*
- *Provide an enhanced retail offer for local residents, located within an established, convenient and easily accessible centre.*
- *Generate new employment opportunities within the area with the mini-major retailer projected to employ around 135 new people. The additional employment will contribute to the local economy.*

*We also note that the proposal is consistent with the seven principles that form the Retail Strategy for the Tweed Shire. In particular, the proposal is consistent with Principle 3 of Council's retail Policy as follows:*

*“Reinforce Tweed Heads south as the major district retail centre by encouraging the expansion and when Tweed's population demands that increased range and level of shopping.”*

*Total retail spending by residents of the Tweed City trade area amounts to \$2.45bn in 2013. Based on population and real spending growth this is forecast to increase at an average rate of 2.2% per annum to \$2.64bn by 2016 and \$2.76bn by 2018. Growth in the market, expressed in absolute terms, is therefore expected to be around \$200 million by 2016 and \$315 million by 2018, excluding inflation.*

*Within this context the proposed development at Tweed City would include net additional retail floorspace of approximately 3,100m<sup>2</sup>, comprising a new soft goods mini major and specialty shops in an Entertainment Leisure Precinct, most of which would be expected to be food and beverage outlets. Taking into account some anticipated tenancy remixing as well as the additional floorspace it is appropriate to apply a blended average trading level of \$7,500 per m<sup>2</sup>. On this basis, the total additional retail turnover resulting from the proposed development would be around \$23 million, with an estimated \$21 million attributable to trade area residents. The remainder (~10%) would be derived from tourists and other customers from outside the trade area.*

*In relation to the expected impact resulting from the proposal, therefore, it can be noted that the additional turnover originating from trade area residents would theoretically result in a -0.8% one off impact in 2018; and that the additional turnover is less than 7% of the growth expected between 2013-18.*

*The consequence of the development in terms of the retail hierarchy and the function of centres in the network is negligible. Indeed, impacts of this order would be barely discernible given normal business fluctuations.”*

The above statements generally imply the benefits will be beneficial by providing additional services to the community without significantly comprising any other existing businesses or centres. The proposed application is considered to satisfy the aims of the DCP.

#### A15-Waste Management

The proposed centre will continue to be serviced in accordance with existing practices. No further changes are required to the application to meet the objectives of the DCP.

#### B2-Tweed Heads

The subject site is listed within Tweed DCP Section B2 in the following manner:

##### *Tweed South Retail Precinct*

*The Tweed South Retail Precinct comprises the Tweed City Shopping Centre which is the main retail centre within the region. The development controls for the precinct provide for the expansion of the existing centre up to Minjungbal Drive and Kirkwood Road frontages. Opportunities exist for Minjungbal Drive to be revitalised into a dynamic street with a mixture of new retail, showcases and articulated facades fronting Minjungbal Drive and Kirkwood Road as an extension to Tweed City Centre. As redevelopment / expansion proceeds towards the Minjungbal Drive frontage, a new public plaza that provides connectivity between the Centre and areas adjacent can be created. The pedestrian access to the shopping centre will be clearly defined. All carparking will be readily identifiable and should incorporate articulated street frontages/screening which can enhance the future visual character of Minjungbal Drive and Kirkwood Road.*

B2 has controls in regards to building form, pedestrian amenity, access parking and servicing, and environmental management. Additionally, there are some specific controls for Tweed City Shopping Centre which the applicant has addressed as follows:

CONTROL	COMMENT
<p><b>Land ownership</b></p> <p>a) The majority of the land necessary to revitalise this area is in the ownership of Tweed City Shopping Centre. In order to ensure that the desired built form outcome is achieved, a number of small land holdings should be rationalised and consolidated.</p>	<p>See Section 5.18. It is requested that the sites are not required to be consolidated; this does not preclude a cohesive built form outcome to be achieved in this stage of works.</p>
<p><b>Links and connections</b></p> <p>b) Provide multiple, direct, legible and safe pedestrian connections into and through the site, from both Kirkwood Road and Minjungbal Drive to the Shopping Centre.</p> <p>c) Resolve existing conflicts between the currently dominant vehicular movement and more vulnerable pedestrian movement.</p>	<p>See Section 5.6.</p> <p>A new pick-up/drop-off is provided adjacent to the ELP and centre entry to cater for private vehicles, small community buses and taxis.</p> <p>The centre currently provides excellent connectivity to surrounding pedestrian and cycle pathway networks. No significant upgrades to the pedestrian and cycle networks external to the site are required as a result of this level of development expansion.</p>
<p><b>Public space</b></p> <p>d) Provide a public plaza along Minjungbal Drive associated with primary pedestrian access points to the existing shopping centre (as indicated in Fig 8-8). The plaza is to contain active street frontages and consist of high quality materials, finishes and street furniture. Outdoor dining areas will be encouraged.</p> <p>e) Streetscape improvements and safe pedestrian crossing points will be required, particularly where adjacent to the public plaza.</p>	<p>The proposed ELP provides a new high quality public space with active frontages, outdoor dining, children's play area and informal performance space and provided a new main pedestrian access to the TCSC including drop off area.</p> <p>While not extending all the way to Minjungbal Drive at this stage, the DCP provides the long term vision for the site, it is not expected that this vision will be achieved within a single expansion. This proposal represents an incremental expansion of the TCSC in line with demand and design to allow future expansions to continue in line with Councils Vision and the DCP.</p>

CONTROL	COMMENT
	Appropriate pedestrian access ways have been provided to direct users to the new ELP major entrance.
<p><b>Built form</b></p> <p>f) Any extensions to the shopping centre are to address their respective street frontages.</p> <p>g) New buildings should address Minjungbal Drive.</p> <p>h) Parking including a mixture of surface, multi-deck and where appropriate, basement level parking areas are to provide appropriate urban responses to both Minjungbal Drive and Kirkwood Road in the form of articulated street frontages as indicated in Figure 8-8.</p> <p>i) Service areas are to be located at rear of buildings where practical or appropriately screened from the public domain.</p>	<p>The ELP extensions, while at this stage not extending the full way to Minjungbal Road, provides for the first time an open air and street oriented component that will provide an enhanced address to the street frontage. As stated above this is seen as one incremental step in the expansion of the TCSC, and one that is appropriate at this point in time in terms of the capacity and need of the trade area.</p> <p>A minor rearrangement of parking is provided as a part of this DA, however a significant change to parking is not proposed. Existing services area are utilised for the proposed extensions and are appropriately located.</p>
<p><b>Public domain interface</b></p> <p>j) Active or articulated street frontages are to be provided along all buildings on Minjungbal Drive on at least the ground and first floor, along the ground floor at Kirkwood Road, and around the new public plaza.</p> <p>k) Uses associated with a high level of activity, such as cafés and restaurants with outdoor dining areas, are encouraged in the public plazas.</p> <p>l) Where future retail areas have an active street frontage, pedestrian awnings should be provided.</p> <p>m) Parking areas should be clearly identifiable to ensure safe and efficient access and incorporate articulated street edge treatments to enhance streetscape and visual character.</p>	<p>See Section 5.4. The ELP creates highly articulated facade with curved awning/veranda elements as a key feature. Cafes and outdoor dining are proposed within the new ELP as well as significant landscaping, outdoor furniture, children's play area and informal performance space.</p> <p>Parking areas are clearing identified through ground and landscape treatments.</p>



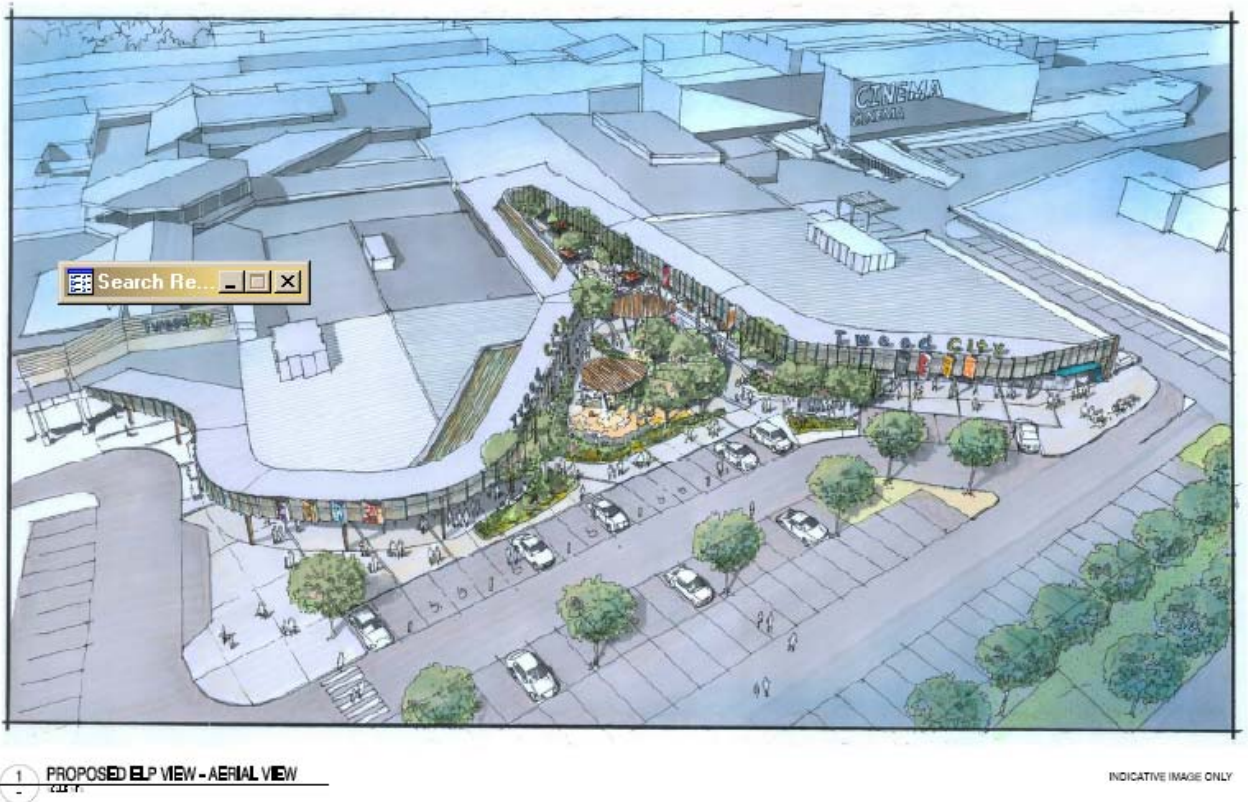
## 8.0 Controls for special areas



Figure 8-8: Tweed City Shopping Centre

The applicant's assessment as tabled above is generally concurred with. The development as proposed does not utilise the site's maximum development potential as identified in Tweed DCP Section B2 Image 8 above. However the Entertainment Leisure Precinct certainly improves the existing façade and brings forward the building line for the centre making a clear pedestrian entry as shown on the below images.





It is specifically recognised that this is the first application seeking refurbishment and that a further application will be lodged in the near future. Accordingly when both applications are considered the objectives of the DCP will be better addressed. The proposed design also does not restrict future expansions beyond the current envelopes when market forces require additional floor area.

Generally the application (as an incremental refurbishment) is considered in keeping with the intent of the DCP.

**(a) (iv) Any Matters Prescribed by the Regulations**

Clause 92(a) Government Coastal Policy

The proposal is considered generally consistent with the Coastal Policy.

Clause 92(b) Applications for demolition

The proposal does include demolition works therefore appropriate conditions will be included.

Clause 93 Fire Safety Considerations

Clause 93 does not apply as the proposal includes building works.

Clause 94 Buildings to be upgraded

The existing shopping centre is the subject of;

- A) Two separate hydrant systems existed in the 1990's; one installed prior to Building Application No.829/96 comprises of Type 'D' copper pipework with a maximum operating pressure of 900kPa and the hydrant system associated with works contained within BA 829/96 complies with AS2419.1 – 1994 .
- B) Additions to the shopping centre which were approved under Building Application 829/96 included a section 82 objection under the Local Government Act, 1993 against the application of Clause C2.3(b)(i) of the BCA. This was supported by the Department of Local Government on 18 April 1997 subject to the following conditions;
1. *Observance for the life of the building of all the parameters, conclusions and recommendations as to the use of the building and safety features contained within the Report (Job No. 4603208X) dated 4 March, 1997 of Connell Wagner and accompanying Drawing No SE-01, Revision 4 and the facsimiles dated 10 and 11 April, 1997 also from Connell Wagner.*
  2. *An appropriate system for monitoring both authorised and unauthorised shutdown of the Sprinkler and Smoke Exhaust Systems shall be established and maintained for the life of the building to the satisfaction of the Council:-*
    - (a) *During authorised shutdown or failure of the Sprinkler or Smoke Exhaust Systems suitable precautions shall be implemented to:*
      - (i) *restrict the likelihood of fire outbreak in the area served by the system/s; and*
      - (ii) *limit the effect to the occupants of the building, of any fire that may occur in the building.*
    - (b) *Suitable precautions, referred to in item 2 (a) above, during authorised shutdown or failure of the system/s, shall include:*
      - (i) *restricting access to the area served by the fire safety systems to maintenance or construction personnel only;*
      - (ii) *provision of suitably trained staff to continuously monitor for fire starts;*
      - (iii) *provision of additional portable fire extinguishers relevant to the risk to the subject area; and*
      - (iv) *suitable restrictions to ensure authorised shutdown is kept to a minimum and returned to normal operation without delay.*
    - (c) *The monitoring systems for unauthorised shutdown shall include:*
      - (i) *initiation of appropriate audible and visual warning signals upon unauthorised shutdown of the system/s to a personnel area which shall be staffed at all times whilst the building is occupied; and*
      - (ii) *procedures to ensure that upon unauthorised shutdown there will be an immediate investigation of the system/s by suitably trained personnel and immediate restoration of the system/s.*
  3. *The matters relating to the safe operation of the building, including the smoke detection system, Emergency Warning and Intercommunication System (EWIS), smoke exhaust system and*

*sprinkler system shall be listed as essential services and shall be subject to the provisions of clause 27 of the Local Government (Approvals) Regulation, 1993.*

4. *The building work shall comply with the BCA in all respects other than those for which a variation under section B2(3) has been granted.*

C) Development Application No. 06/0351 for additions and alterations to the existing shopping centre. The associated construction certificate included an alternate solution contained in Fire safety Engineering Report (3699FSER) Rev.1 January 2007 by BCA Consultants (Qld) Pty Ltd.

The building has been the subject of two separate hydrant systems, BCA concessions and alternate solutions. Therefore, a condition will be included requiring that an appropriately qualified fire engineer be engaged to review the proposed building works the subject of this development application taking into account; the two separate hydrant systems which have different maximum operating pressures, the conditions imposed by the Department of Local Government and the above mentioned Fire Safety Engineering Report.. At completion of this review the fire engineer is to submit his/her Fire Safety Engineering Report to the PCA for assessment and determination prior to issue of the Construction Certificate.

#### Definitions:

***Category 1 fire safety provision*** means the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.

***Category 2 fire safety provision*** means the following provisions of the Building Code of Australia, namely, CP9, EP1.3, EP1.4, EP1.6, EP2.2 and EP3.2 in Volume One of that Code.

***Category 3 fire safety provision*** means the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.2 and EP3.2 in Volume One of that Code.

#### The Building Code of Australia.

(Clause 98 Environmental Planning & Assessment Regulation 2000)

The Classification of this Building under the Building Code of Australia is Class 5, 6 & 7a.

#### Council Officer Comments

Since the shopping centre has been the subject of two alternate solutions it is recommended that the following condition of consent be included as a prior to release of the construction certificate as follows;

*An appropriately qualified fire engineer is to be engaged to review the proposed building works the subject of this development application*



taking into account; the two separate hydrant systems which have different maximum operating pressures, the conditions imposed by the Department of Local Government on 18 April 1997 associated with BA 829/96 and Fire safety Engineering Report (3699FSER) Rev.1 January 2007 by BCA Consultants (Qld) Pty Ltd. Associated with DA06/0351. At completion of this review the fire engineer is to submit the Fire Safety Engineering Report to the PCA for assessment and determination prior to issue of the Construction Certificate.

*Note: The Department of Local Government on 18 April 1997 imposed the following conditions;*

1. *Observance for the life of the building of all the parameters, conclusions and recommendations as to the use of the building and safety features contained within the Report (Job No. 4603208X) dated 4 March, 1997 of Connell Wagner and accompanying Drawing No SE-01, Revision 4 and the facsimiles dated 10 and 11 April, 1997 also from Connell Wagner.*
2. *An appropriate system for monitoring both authorised and unauthorised shutdown of the Sprinkler and Smoke Exhaust Systems shall be established and maintained for the life of the building to the satisfaction of the Council:-*
  - (a) During authorised shutdown or failure of the Sprinkler or Smoke Exhaust Systems suitable precautions shall be implemented to:*
    - (i) restrict the likelihood of fire outbreak in the area served by the system/s; and*
    - (ii) limit the effect to the occupants of the building, of any fire that may occur in the building.*
  - (b) Suitable precautions, referred to in item 2 (a) above, during authorised shutdown or failure of the system/s, shall include:*
    - (i) restricting access to the area served by the fire safety systems to maintenance or construction personnel only;*
    - (ii) provision of suitably trained staff to continuously monitor for fire starts;*
    - (iii) provision of additional portable fire extinguishers relevant to the risk to the subject area; and*
    - (iv) suitable restrictions to ensure authorised shutdown is kept to a minimum and returned to normal operation without delay.*
  - (c) The monitoring systems for unauthorised shutdown shall include:*
    - (i) initiation of appropriate audible and visual warning signals upon unauthorised shutdown of the system/s to a personnel area which shall be staffed at all times whilst the building is occupied; and*
    - (ii) procedures to ensure that upon unauthorised shutdown there will be an immediate investigation of the system/s by suitably trained personnel and immediate restoration of the system/s.*
3. *The matters relating to the safe operation of the building, including the smoke detection system, Emergency Warning and*

*Intercommunication System (EWIS), smoke exhaust system and sprinkler system shall be listed as essential services and shall be subject to the provisions of clause 27 of the Local Government (Approvals) Regulation, 1993.*

4. *The building work shall comply with the BCA in all respects other than those for which a variation under section B2(3) has been granted.*

**(a) (v) Any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#))**

The proposal does not impact upon coastal zone management plans.

**Tweed Shire Coastline Management Plan 2005**

The proposal does not impact upon coastline management strategies.

**Tweed Coast Estuaries Management Plan 2004**

The proposal does not impact upon estuaries management strategies.

**Coastal Zone Management Plan for Cobaki and Terranora Broadwater (adopted by Council at the 15 February 2011 meeting)**

The proposal does not impact upon coastal zone management strategies for Cobaki and Terranora Broadwater.

**(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality**

**Stormwater**

The proposal will have little impact on overall generation of stormwater runoff from the site, as the areas subject to redevelopment are already roof or carparking catchments, to be replaced by similar hard surfaces. Provided these are connected to the existing internal stormwater system, and no new external connections are proposed, there should be no significant increases in discharge to the public stormwater network.

No new treatable runoff catchments are being created, so stormwater quality is not an issue. Roof water does not require treatment, and the new entertainment precinct, provided it manages gross pollutants, should not generate significant nutrient or sediment pollutant loads. Water sensitive urban design is encouraged in the entertainment precinct to assist in landscaping and reducing runoff to the public realm.

Erosion and sediment control is necessary during the construction phase, and needs to be addressed with a future Construction Certificates /Section 68 Applications. Standard conditions of consent are recommended in this regard.

**Landscaping**

There are two elements to the sites proposed landscaping.

The first is internal landscaping around the car park and new entertainment and leisure precinct. In this regard Council has recommended a condition of consent to ensure that plant species comprise at least eight percent local native species.

The second is the landscaping of the adjoining road reserve between the site and both Minjungbal Drive and Kirkwood Road. In this regard Council has requested the applicant consider a master plan for this area so that when applications are considered for re-development each application can contribute to the overall landscaping in accordance with the central master plan. Council has requested that the applicant ensure low maintenance landscaping in this zone which may comprise a footpath, turf and some mature trees. To keep maintenance low planter beds should not be considered in this area.

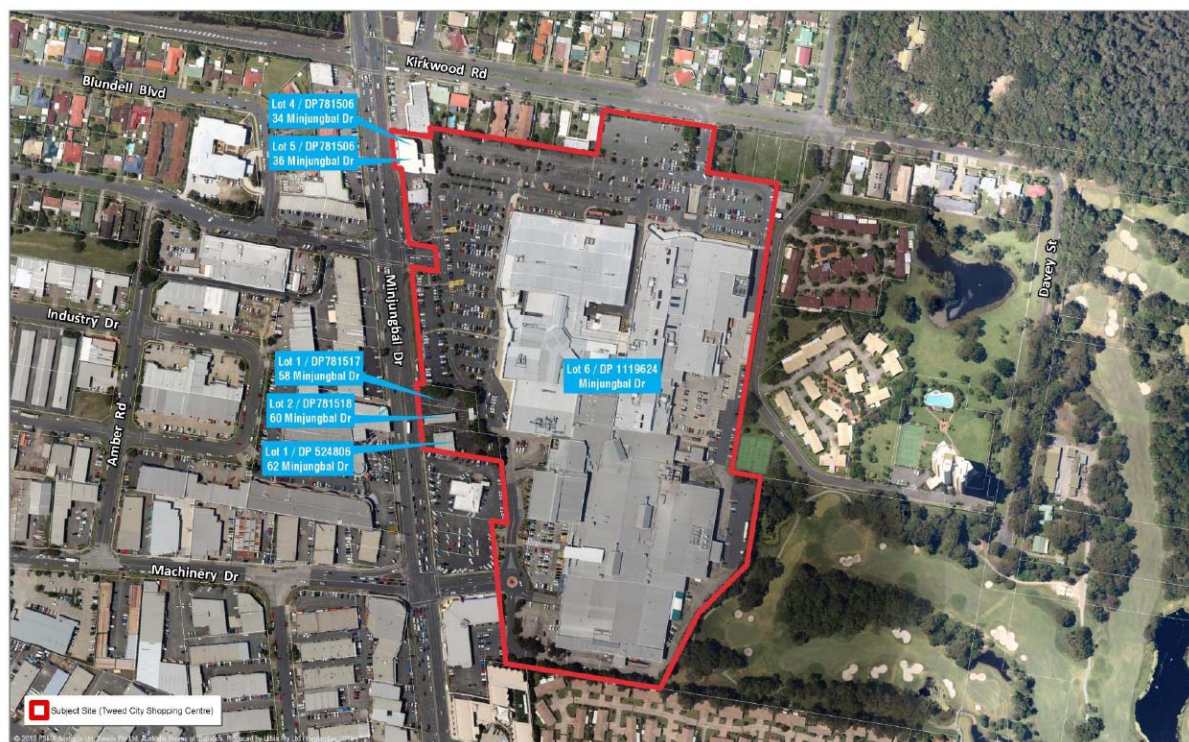
Appropriate conditions are recommended.

#### Lot Consolidation

The existing centre is largely positioned within Lot 6 DP1119625 with the balance of existing improvements/proposed improvements contained within adjoining land parcels. The legal lot descriptions which comprise the site are:

<b>SITE ADDRESS</b>	<b>LEGAL DESCRIPTION</b>	<b>SITE AREA</b>
38 Minjungbal Drive	Lot 6 DP 1119624	121,900m <sup>2</sup>
34 Minjungbal Drive	Lot 4 DP 781506 *	588m <sup>2</sup>
36 Minjungbal Drive	Lot 5 DP 781506 *	588m <sup>2</sup>
58 Minjungbal Drive	Lot 1 DP 781517	935.8m <sup>2</sup>
60 Minjungbal Drive	Lot 2 DP 781518	935.8m <sup>2</sup>
62 Minjungbal Drive	Lot 1 DP 524806	1,625m <sup>2</sup>
<b>TOTAL LAND AREA</b>		<b>126,572.60m<sup>2</sup></b>

Please Note: Lot 4 and Lot 5 currently have the Toy Shop and Fast Food Outlet located over them. No changes are proposed to this section of the site but they have been included in this application for the purposes of traffic and car parking calculations as they now form part of the Tweed City Shopping Centre under one ownership.



**Tweed City Shopping Centre**  
SITE AERIAL



Typically Council would require the service station lots (Lot 1 DP 781517, Lot 2 DP 781518 and Lot 1 DP 524806) to be amalgamated into the larger centre lot.

Given the association of contamination and the fact that the Site Audit Statement and Environmental Management Plan relate to the service station sites specifically, the Applicant has requested that the service station sites are not required to be amalgamated with the other allotments at this stage, concerned that if amalgamated, the presence of contamination would technically be transferred to the whole of the site, which would render the whole of the site as “contaminated” when this is not the case. The Applicant advises that this would have significant implications in terms of construction processes and management.

In this instance the applicants are being given five years to undertake amalgamation to avoid any problems associated with site contamination from the existing service station site. Appropriate conditions have been recommended in this regard.

### Food Fit Out

The applicant’s original statement of environmental effects advises that tenants for the proposed food premises are not known and will be subject to the submission of separate Development Applications. Fit out details for food premises will be required as part of Council’s requirements for these future Development Applications.

### Dewatering



A desk top Dewatering Management Plan has been prepared by Soil Surveys Ref. 2-10651, 2012-05-30 LTr Ver. 3 and dated 27 September 2013. This Plan does not provide sufficient detail as to the location of any on-site dewatering treatment system that may be required, however given that only limited dewatering operations are likely to occur, it is considered that the following conditions are applicable:

- # *A detailed groundwater quality report shall be provided to Council's Environmental Health Officer prior to the commencement of any dewatering discharge from the site. This report shall provide results from a NATA accredited laboratory on the following parameters, pH, Electrical Conductivity, Dissolved Oxygen, Temperature, Dissolved Iron, Suspended Solids, Turbidity, Chloride, Sulphate, Chloride:Sulfate ratio, Dissolved Aluminium, Hydrocarbons, BTEX and PAH's.*
- # *All on-site dewatering operations shall be carried out in compliance with the provisions of the approved OTEK (December 2012) Environmental Management Plan (Proposed Construction) 58-62 Minjungbal Drive, Tweed Heads South NSW (Ref. 4201119 and conditions of the Site Audit Statement Ref. 0103 – 1104 dated 16 January 2013.*

#### Noise & Construction

An Acoustic Assessment by Renzo Tonin and associates Ref. TF792-02F02 (Rev 4) and dated 26 September 2013 has been prepared and submitted with the application. This assessment makes a number of recommendations and advises that a detailed acoustic assessment of mechanical plant noise emission is to be undertaken during the design development stage and prior to the issue of any Construction Certificate.

The following conditions are considered applicable:

- # *Prior to the issue of any Construction Certificate, a detailed acoustic assessment of mechanical plant noise emission is to be undertaken as a component of the mechanical plant design and development stage. This detailed acoustic assessment shall be undertaken by an appropriately qualified acoustic engineer and any recommendations contained within the acoustic assessment shall be implemented in respect to the design, location and use of any mechanical plant.*
- # *The noise level from any outdoor entertainment is to be limited to a maximum of 80 dB(A) when measured at a distance of 10 metres from the entertainment source during day and evening periods (Day 7.00am to 6.00pm and Evening 6.00pm to 10.00pm) and a maximum of 70 dB(A) when measured at a distance of 10 metres from the entertainment source during the period between 10.00pm and Midnight.*

- # *Council's Environmental Health Officer shall be provided with copies of the following specific management plans within 7 days of their final preparation under the provisions of the Construction Management Plan prepared by Lend Lease and dated October 2013. Hazardous Substances and Dangerous Goods Management Plan, Asbestos and Hazardous Building Material Management Plan, Contaminated Waste (soils/water) Management Plan, Concrete Waste Management Plan, Paint Waste Management Plan, Noise and Vibration Management Plan, Air Quality Management Plan and Stakeholder Engagement Management Plan.*

#### Hours of Operation

According to the Acoustic Assessment Ref: TF792-02F02 (Rev 4) and dated 26 September 2013, the core operating times of the existing shopping centre are:

- Monday to Friday 7.00am to 9.00pm,
- Saturday 7.00am to 8.00pm and
- Sunday 8.00am to 6.00pm.

The proposed trading hours for the Entertainment and Leisure Precinct would be up to midnight 7 days per week.

The Acoustic Assessment has considered these increased trading hours and has recommended certain noise level restrictions designed to preserve the acoustic amenity of those areas likely to be impacted by noise.

Conditions have been recommended in accordance with the provisions and recommendations of the Acoustic Assessment.

The following condition is recommended:

- # *The operation/trading hours of businesses within the Entertainment and Leisure Precinct and the Entertainment and Leisure Precinct in general are restricted in accordance with the current approved opening hours of the Tweed City Shopping Centre and up to 12.00 midnight 7 days per week.*

#### Amenity

Amenity issues have been considered in the Acoustic Assessment and will be considered further in respect to a number of management plans that are required to be prepared under the provisions of the Construction Management Plan. A condition has been recommended to provide Council with copies of a number of these management plans.

#### Lighting

The proposal incorporates illuminated signage and lights for the new Entertainment & Leisure Precinct areas. The recommended conditions of

consent incorporate the following conditions to mitigate any adverse impacts as a result of lighting:

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

**(c) Suitability of the site for the development**

Surrounding Landuses/Development

The proposed development represents an expansion to an existing centre in accordance with Council's adopted Retail Strategy. The works in the Entertainment and Leisure Precinct will bring forward the façade of the building and create interest and a clear point of entry for the centre. The works in no way impinge on other business operations in the area and accordingly the application has been recommended for conditional approval.

**(d) Any submissions made in accordance with the Act or Regulations**

The application was placed on public exhibition for a 30 day exhibition period in accordance with the Environmental Planning & Assessment Act 1979. During the exhibition period Council received two written submissions.

Submission 1

The first submission enquired about what would happen to existing tenants in the affected areas specifically Jetts Fitness Centre.

Council Assessment of Submission 1 – The owner of the site will be discussing the proposed renovations with all existing tenants and making arrangements for the tenants specifically affected having regard to their relevant lease agreements. This is not a matter which Council or the determining authority would get involved with as it is a commercial aspect of the proposal and not a planning matter.

Submission 2

The second submission queried the permitted hours of construction and requested normal hours of construction are imposed on the conditions of consent as noise resulting from any afterhours construction would be a significant nuisance to the amenity of their property (Cooloon Crescent).

Council Assessment of Submission 2 – Council staff have recommended the normal construction operating hours as follows:

- # *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.*

The above submissions are considered to have been adequately addressed and do not justify further amendment or refusal of the application.

**(e) Public interest**

The proposed development is generally consistent with the applicable environmental planning instruments and the Tweed Development Control Plan. The development is considered to be in the interest of the general public by expanding services to the general community.

## **DEVELOPER CONTRIBUTIONS**

### Water & Sewer

The applicants Statement of Environmental Effects states:

*For the purposes of calculating s.64 water and sewer charges, it is proposed that these be determined by the net increase in GLFA for the 2 components that make up the proposal. In this regard total GLFA for the project is 3098m<sup>2</sup>. The overall net increase in GLFA is 2419m<sup>2</sup> recognising that there is some reconfiguration of existing floor space.*

Accordingly water and sewer have been charged on 2419m<sup>2</sup> as follows:

Water: 4.838ET @ \$12,575 per ET = **\$60,837.85**

Sewer 7.257ET @ \$6,042 per ET = **\$43,846.79**

### Tweed S94 Plan No. 4 – Tweed Road Contribution Plan

The revised traffic report (5 November 2013) concluded that the proposed development was likely to generate an additional 1,000 trips to the centre per day. These figures have been accepted by Council as being accurate and accordingly have been used to calculate the applicable developer contributions in accordance with Tweed S94 Plan No. 4 TRCP as follows:

- New daily trips = 1,000 x 0.6 (40% discount employment generating business) x 0.6 (Modification Factor for shared trips) = 360 daily trips chargeable.
- 360 daily trips at \$1,365 per trip = Total TRCP contributions of **\$491,400**

### Tweed S94 Plan No. 18 – Council Administration



The Plan states large commercial, retail or industrial uses should be charged per 300m<sup>2</sup> of floor area. The additional gross floor area is 4,174 (from 57,669m<sup>2</sup> to 61,843m<sup>2</sup>). Therefore  $4174/300 \times 0.1503\text{ET} = 2.0912\text{ET} = \$3890.28$

### **OPTIONS:**

1. Approve the application in accordance with the recommendation.
2. Refuse the application with reasons for refusal.

### **CONCLUSION:**

The proposed development is considered suitable for the site as it is a permissible form of development and aligns with Council's adopted retail strategy which reinforces Tweed City Shopping Centre as a district shopping centre for the Tweed. The proposed works will result in a positive urban design outcome with integrated signage in an appropriate zone.

### **RECOMMENDATION:**

That Development Application DA13/0554 for alterations & additions to the Tweed City Shopping Centre at Lot 4 DP 781506; No. 34 Minjungbal Drive; Lot 5 DP 781506; No. 36 Minjungbal Drive; Lot 6 DP 1119624; No. 38 Minjungbal Drive; Lot 1 DP 781517; No. 58 Minjungbal Drive; Lot 2 DP 781518; No. 60 Minjungbal Drive; Lot 1 DP 524806; No. 62 Minjungbal Drive TWEED HEADS SOUTH be approved subject to the following conditions: -

### **GENERAL**

1. The development shall be completed in accordance with the Statement of Environmental Effects, except where varied by the additional information received on 5 November 2013, except where varied by the additional information received on 28 November and the following plans:
  - Site & Ground Floor Demolition Plan TP11-001 Revision 2 prepared by NH Architecture and dated 26/09/2013;
  - Roof Demolition Plan TP11-002 Revision 2 prepared by NH Architecture and dated 26/09/2013;
  - Proposed Site & Ground Floor Plan TP12-001 Revision 3 prepared by NH Architecture and dated 26/09/2013;
  - Proposed Roof Plan TP12-002 Revision 3 prepared by NH Architecture and dated 26/09/2013;
  - Proposed Elevations & Sections TP15-001 Revision 2 prepared by NH Architecture and dated 26/09/2013;
  - Proposed Signage TP18-001 Revision 2 prepared by NH Architecture and dated 26/09/2013;
  - Proposed Indicative External Finishes and Colours TP19-010 Revision 2 prepared by NH Architecture and dated 26/09/2013;except where varied by the conditions of this consent.

[GEN0005]

2. The development sites that now form part of the Tweed City Shopping Centre (Lot 4

DP 781506, Lot 5 DP 781506, Lot 6 DP 1119624, Lot 1 DP 781517, Lot 2 DP 781518 and Lot 1 DP 524806) are to be consolidated into 1 lot under 1 title. The plan of consolidation shall be registered with the Land Titles Office prior to 31 December 2018.

[GEN0005]

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

[GEN0075]

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

[GEN0115]

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. 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]

7. 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 Council's adopted Fees and Charges.

[GEN0190]

8. 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 installed in accordance with the relevant requirements of Part 2 Clause 6 of the Public Health Regulation 2012.

[GEN0315]

9. The new car parks and site access are to be designed and constructed in accordance with Council's Development Control Plan A2 - Site Access and Parking Code and Australian Standards as follows; AS2890.1, AS2890.2 and AS2890.6.

[GENNS01]

10. Council's Environmental Health Officer shall be provided with copies of the following specific management plans within 7 days of their final preparation under the provisions of the Construction Management Plan prepared by Lend Lease and dated October 2013.

- Hazardous Substances and Dangerous Goods Management Plan,
- Asbestos and Hazardous Building Material Management Plan,
- Contaminated Waste (soils/water) Management Plan,

- Concrete Waste Management Plan,
- Paint Waste Management Plan,
- Noise and Vibration Management Plan,
- Air Quality Management Plan and
- Stakeholder Engagement Management Plan.

[GENNS02]

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

11. A detailed plan of landscaping (for landscaping internal of the site) 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 issue of a Construction Certificate.

[PCC0585]

12. 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, including but not limited to the reconstruction of the existing Minjungbal Drive left in/left out access in accordance with Section A2- "Site Access and Parking Code" of Council's consolidated Tweed Development Control Plan and Council's "Driveway Access to Property - Part 1" Design specification June 2001.

The proposed reconstructed access is to include appropriate traffic calming devices designed to reduce the risk to pedestrians on the footpath area of Minjungbal Drive. Applications shall include engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications, including:

- a) Road works/furnishing
- b) Stormwater drainage
- c) Water and sewerage works
- d) Sediment and erosion control plans
- e) Location of all services/conduits
- f) Traffic Control Plans

The operation of the reconstructed left in Minjungbal Drive access is subject to whether the continued operation of the left in/ left out arrangements as approved are appropriate and not causing queuing onto Minjungbal Drive.

In the event of unacceptable levels of queuing on Minjungbal Drive, as deemed by Council, the left in driveway is to be closed and arrangements made with Council on suitable additional modifications to the road and footpath geometry and /or internal site modifications to maintain left in movements, at expense of the applicant.

Should appropriate modifications not be available, the access will remain as left out movement only.

[PCC0895]

13. The footings and floor slab are to be designed by a practising Structural Engineer after consideration of a soil report from a NATA accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a construction certificate.

[PCC0945]

14. Permanent stormwater quality treatment shall be provided for the new hardstand areas associated with the Entertainment and Leisure Precinct (**ELP**) in accordance with the following:
- (a) The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the development 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 water sensitive design principles such as bio-retention facilities in accordance with "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership) are utilised, instead of installing an "end of line" proprietary gross pollutant device.
  - (d) Specific Requirements to be detailed within the Construction certificate application include:
  - (e) Shake down area shall be installed within the property, immediately prior to any vehicle entering or exiting the site prior to any works being undertaken.
  - (f) 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, with treatment provisions designed in accordance with Council's *Development Design Specification D7 - Stormwater Quality*, Section D7.12. Engineering details of proposed "end of line" devices, including maintenance schedules, shall be submitted with a s68 Stormwater Application for approval prior to issue of a Construction Certificate.
  - (g) Roof water does not require treatment, and should be discharged downstream of treatment devices, or the treatment devices must be sized accordingly.

[PCC1105]

15. A construction certificate application for 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.
- b) Where Council is requested to issue a construction certificate for civil works associated with a subdivision consent, the abovementioned works can be incorporated as part of the construction certificate application, to enable one single approval to be issued. Separate approval under Section 68 of the Local Government Act will then NOT be required.

[PCC1145]

16. Erosion and Sediment Control shall be provided in accordance with the following:

- (a) The Construction Certificate Application must include a detailed Erosion and Sediment Control Plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality*.
- (b) Construction phase erosion and sediment control shall be designed, constructed and operated 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".

[PCC1155]

17. 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 issue of a Construction Certificate.

Unless supported by hydraulic calculations, stormwater from the site is to be discharged to best "mimic" the existing drainage conditions and catchments.

[PCC1195]

18. 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]

19. In accordance with Section 68 of the Local Government Act, 1993, any premises proposing to discharge into Councils sewerage system waste water other than 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 issuing of a Construction Certificate to discharge to Councils sewerage system.

[PCC1255]

20. 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]

21. 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]

22. Prior to the issue of any Construction Certificate, a detailed acoustic assessment of mechanical plant noise emission is to be undertaken as a component of the mechanical plant design and development stage. This detailed acoustic assessment shall be undertaken by an appropriately qualified acoustic engineer and any recommendations contained within the acoustic assessment shall be implemented in respect to the design, location and use of any mechanical plant.

[PCCNS01]

23. An appropriately qualified fire engineer is to be engaged to review the proposed building works the subject of this development application taking into account; the two separate hydrant systems which have different maximum operating pressures,



the conditions imposed by the Department of Local Government on 18 April 1997 associated with BA 829/96 and Fire safety Engineering Report (3699FSER) Rev.1 January 2007 by BCA Consultants (Qld) Pty Ltd associated with DA06/0351. At completion of this review the fire engineer is to submit his/her Fire Safety Engineering Report to the Principal Certifying Authority for assessment and determination prior to issue of the Construction Certificate.

Note: The Department of Local Government on 18 April 1997 imposed the following conditions:

- A) Observance for the life of the building of all the parameters, conclusions and recommendations as to the use of the building and safety features contained within the Report (Job No. 4603208X) dated 4 March, 1997 of Connell Wagner and accompanying Drawing No SE-01, Revision 4 and the facsimiles dated 10 and 11 April, 1997 also from Connell Wagner.
- B) An appropriate system for monitoring both authorised and unauthorised shutdown of the Sprinkler and Smoke Exhaust Systems shall be established and maintained for the life of the building to the satisfaction of the Council:-
  - (a) During authorised shutdown or failure of the Sprinkler or Smoke Exhaust Systems suitable precautions shall be implemented to:
    - (i) restrict the likelihood of fire outbreak in the area served by the system/s; and
    - (ii) limit the effect to the occupants of the building, of any fire that may occur in the building.
  - (b) Suitable precautions, referred to in item 2 (a) above, during authorised shutdown or failure of the system/s, shall include:
    - (i) restricting access to the area served by the fire safety systems to maintenance or construction personnel only;
    - (ii) provision of suitably trained staff to continuously monitor for fire starts;
    - (iii) provision of additional portable fire extinguishers relevant to the risk to the subject area; and
    - (iv) suitable restrictions to ensure authorised shutdown is kept to a minimum and returned to normal operation without delay.
  - (c) The monitoring systems for unauthorised shutdown shall include:
    - (i) initiation of appropriate audible and visual warning signals upon unauthorised shutdown of the system/s to a personnel area which shall be staffed at all times whilst the building is occupied; and
    - (ii) procedures to ensure that upon unauthorised shutdown there will be an immediate investigation of the system/s by suitably trained personnel and immediate restoration of the system/s.

- C) The matters relating to the safe operation of the building, including the smoke detection system, Emergency Warning and Intercommunication System (EWIS), smoke exhaust system and sprinkler system shall be listed as essential services and shall be subject to the provisions of clause 27 of the Local Government (Approvals) Regulation, 1993.
- D) The building work shall comply with the BCA in all respects other than those for which a variation under section B2(3) has been granted.

[PCCNS02]

- 24. Prior to the issue of any Construction Certificate a landscape concept plan must be prepared to address the proposed landscape treatment for the entire street frontage in Minjunbal Drive and Kirkwood Road where they adjoin the Tweed City Shopping Centre's future redevelopment plans. Such a concept plan will guide individual landscape plans prepared for each stage of the shopping centre redevelopment, including those described in DA13/0554. The concept plan must be prepared by a qualified landscape architect and be approved by the Manager, Recreation Services, Tweed Shire Council. Plantings are to include street trees and turf only, no garden bed type plantings will be considered. Street tree species are to be native to the local area.

[PCCNS03]

- 25. Prior to the issue of any Construction Certificate a detailed landscape plan prepared by a qualified landscape architect must be submitted for the road reserve of Minjunbal Drive where it adjoins the redevelopment proposed in DA13/0554. This plan must be consistent with an approved landscape concept plan for the broader streetscape adjoining the Tweed Valley Shopping Centre. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and be consistent with Development Design Specification (D14) and related Standard Drawings. The plans must indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

[PCCNS04]

- 26. Prior to the issue of any Construction Certificate a detailed landscape plan prepared by a qualified landscape architect must be submitted for the road reserve of Minjunbal Drive where it adjoins the redevelopment proposed in DA13/0554. This plan must be consistent with an approved landscape concept plan for the broader streetscape adjoining the Tweed Valley Shopping Centre. Such a plan must be approved by the Manager, Recreation Services, Tweed Shire Council and be consistent with Development Design Specification (D14) and related Standard Drawings. The plans must indicate all underground services and indicate any implications or constraints at or beyond the boundary that will affect ongoing management of the public land.

[PCCNS04]

#### **PRIOR TO COMMENCEMENT OF WORK**

- 27. 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]

- 28. An application is to be made to Council to disconnect the existing building from

Council's sewerage system, prior to any demolition work commencing.

[PCW0045]

29. 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]

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

[PCW0215]

31. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

[PCW0225]

32. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every fifteen (15) persons or part of fifteen (15) persons employed at the site. Each toilet provided must be:
- (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council

[PCW0245]

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

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

[PCW0255]

34. 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]

35. Prior to commencement of building works a stormwater drainage plan is to be submitted to and approved by the Principal Certifying Authority.

[PCW0955]

36. 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]

37. All roof waters are to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2. **Note** All roof water must be connected to an interallotment drainage system where available. A detailed stormwater and drainage plan is to be submitted to and approved by the Principal Certifying Authority prior to commencement of building works.

[PCW1005]

38. An amended Dewatering Management Plan shall be prepared and submitted to Council's General Manager or his delegate for consideration and approval which details the following:

- \* A site plan drawn to scale which indicates the extent of the excavation area and estimated zone of influence of the dewatering activity relative to any adjoining buildings together with an assessment of any impacts likely to occur to any adjoining buildings as a result of the dewatering activities.
- \* The location to be indicated on the site plan of the area that will be utilised for the positioning of any treatment tank or sedimentation pond on the site including any reserve area to be used for such purpose in the event of the need for additional treatment facilities to be incorporated on the site.
- \* Details of the proposed method of mechanical aeration to be used in the event that it is necessary to aerate the groundwater to achieve an acceptable Dissolved Oxygen level prior to the offsite discharge of groundwater and where this will be incorporated on the site.
- \* The provision of written advice from the operator of any on site groundwater treatment system stating that the system to be used will be able to treat the groundwater to the required treatment level prior to discharge. Note. Particular attention is to be given to achieving the required detention times prior to discharge of the groundwater. Advice that the system is simply capable of achieving the necessary treatment will not be acceptable.

[PCW1015]

39. The proponent shall notify Council's Engineering & Operations Division of intention to commence drawing water in accordance with the requirements of the approval to draw water.

[PCW1045]

40. A detailed acid sulphate soil assessment shall be carried out in relation to all areas where site works are likely to involve the disturbance of soils below the existing ground level. Based upon the outcome and recommendations of the detailed acid sulphate soil assessment an Acid Sulphate Soil Management Plan prepared in accordance with the provisions of the NSW Acid Sulphate Soil Management Advisory Committee Guidelines shall be prepared if necessary and a copy of the Acid Sulphate Soil Management Plan shall be provided to Council's Environmental Health Officer within 7 days following final preparation for consideration and approval. The provisions of the Acid Sulphate Soil Management Plan shall be complied with during the course of all site works that are subject of the Acid Sulphate Soil Management Plan.

[PCWNS01]

41. Appropriate on-site stockpile locations for the treatment of any identified acid sulphate soil shall be nominated within the Acid Sulphate Soil Management Plan and no untreated acid sulphate soil material shall be removed from the site unless appropriate off-site acid sulphate soil stockpile treatment locations have been nominated within the Acid Sulphate Soil Management Plan and such off-site locations are to the satisfaction of Council's General Manager or delegate.

[PCWNS02]

42. A detailed groundwater quality report shall be provided to Council's Environmental Health Officer prior to the commencement of any dewatering discharge from the site. This report shall provide results from a NATA accredited laboratory on the following parameters, pH, Electrical Conductivity, Dissolved Oxygen, Temperature, Dissolved Iron, Suspended Solids, Turbidity, Chloride, Sulphate, Chloride:Sulfate ratio, Dissolved Aluminium, Hydrocarbons, BTEX and PAH's.



## DURING CONSTRUCTION

43. During construction, all works required by other conditions or approved management plans or the like shall be installed and operated in accordance with those conditions or plans.
44. If during construction works any Aboriginal object or relic is disturbed or uncovered, works are to cease and the Department of Environment, Climate Change and Water are to be notified immediately, in accordance with the provisions of the National Parks and Wildlife Act 1974. [DUR0015]
45. The provision of 2,272 off street car parking spaces including parking for the disabled where applicable. The layout and construction standards to be in accordance with Tweed Shire Council Development Control Plan, Part A2 - Site Access and Parking Code. [DUR0025]
46. 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. [DUR0085]
47. 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: [DUR0205]
- A. Short Term Period - 4 weeks.  
 $L_{Aeq, 15 \text{ min}}$  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]
48. 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]
49. 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]
50. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate was made).
- [DUR0375]
51. Provision shall be made for the collection of builder's solid waste in accordance with the following requirements:
- (a) A temporary builder's waste chute is to be erected to vertically convey builder's debris to a bulk container.
  - (b) The chute shall be located in a position approved by the Principal Certifying Authority.
  - (c) A canopy shall be provided to the chute outlet and container to reduce the spillage of materials and nuisance caused by dust.
- [DUR0385]
52. 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]
53. 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]
54. 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]
55. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house, building or structure is strictly prohibited.
- [DUR0815]
56. The surrounding road carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate/Occupation Certificate.
- [DUR0995]
57. 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]

58. All practicable measures must be taken to prevent and minimise harm to the environment as a result of the construction, operation and, where relevant, the decommissioning of the development.

[DUR1025]

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

[DUR1685]

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

[DUR1695]

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

[DUR1705]

62. Pursuant to the provisions of the Disability Discrimination Act, 1992 (Commonwealth) the design of the proposed development shall facilitate access for the disabled in accordance with the relevant provisions of AS1428- Design for Access and Mobility.

[DUR1725]

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

[DUR1885]

64. 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 and Operations Division to arrange a suitable inspection.

[DUR1925]

65. 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 blow from the site.

[DUR2185]

66. 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 blow from the site.

[DUR2185]

67. A garbage storage area shall be provided in accordance with Council's **"Code for Storage and Disposal of Garbage and Other Solid Waste"**.

[DUR2195]

68. 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. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

69. 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. A screened, graded and drained garbage storage area shall be provided within the boundary.

[DUR2205]

70. Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the NSW Department of Environment and Climate Change.

[DUR2215]

71. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

[DUR2245]

72. 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]

73. All waters that are to be discharged from the site shall have a pH between 6.5 and 8.5 and suspended solids not greater than 50mg/l. 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]

74. During construction, a "satisfactory inspection report" is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The proponent shall liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

[DUR2445]

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

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

[DUR2485]

76. 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]

77. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.

[DUR2505]

78. All water plumbing pipes concealed in concrete or masonry walls shall be fully lagged.

[DUR2525]

79. 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]

80. 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]

81. 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]

82. The proponent shall comply with all requirements tabled within any approval issued under Section 68 of the Local Government Act.

[DUR2625]

83. 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.

[DUR2675]

84. 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

[DUR2685]

85. All on-site dewatering operations shall be carried out in compliance with the provisions of the approved OTEK (December 2012) Environmental Management Plan (Proposed Construction) 58-62 Minjungbal Drive, Tweed Heads South NSW



(Ref. 4201119 and conditions of the Site Audit Statement Ref. 0103 - 1104 dated 16 January 2013.

[DURNS01]

86. All site construction works shall be carried out in strict compliance with the provisions and conditions of the Site Audit Statement Ref. 0103 - 1104 dated 16 January 2013.

[DURNS02]

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

87. Prior to issue of an occupation certificate, all works/actions/inspections etc required at that stage by other conditions or approved management plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

88. A person must not commence occupation or use of the whole or any part of a new building or structure (within the meaning of Section 109H(4)) unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

89. The building is not to be occupied or a final occupation certificate issued until a fire safety certificate has been issued for the building to the effect that each required essential fire safety measure has been designed and installed in accordance with the relevant standards.

[POC0225]

90. A final occupation certificate must be applied for and obtained within 6 months of any Interim Occupation Certificate being issued, and all conditions of this consent must be satisfied at the time of issue of a final occupation certificate (unless otherwise specified herein).

[POC0355]

91. Section 94 Contributions

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

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 94 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

#### **A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

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

- (a) Tweed Road Contribution Plan:  
360 Trips @ \$1,365 per Trips \$491,400

(\$1,318 base rate + \$47 indexation)

S94 Plan No. 4

Sector2\_4

- (b) Extensions to Council Administration Offices  
& Technical Support Facilities

2.0912 ET @ \$1,860.31 per ET \$3,890.28

(\$1,759.9 base rate + \$100.41 indexation)

S94 Plan No. 18

[POC0395/PSC0175]

92. A **certificate of compliance** (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

Water DSP4: 4.838 ET @ \$12,575 per ET \$60,837.9

Sewer Banora: 7.257 ET @ \$6,042 per ET \$43,846.8

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT.**

**Note:** 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.

[POC0675/PSC0165]

93. Prior to the issue of an occupation certificate, 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]

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

[POC0985]

95. Prior to the occupation or use of any building and prior to the issue of any occupation certificate, including an interim occupation certificate a final inspection report is to be obtained from Council in relation to the plumbing and drainage works.

[POC1045]

96. Prior to the issue of a final occupation certificate, all conditions of consent are to be met.

[POC1055]

97. A bond (for the landscaping within the road reserve) to ensure acceptable plant establishment and landscaping performance at time of handover to Council shall be lodged by the Developer prior to the issue of any Occupation Certificate. The bond shall be held by Council for a minimum period of 12 months from the date of issue of the Subdivision Certificate (or longer if required by the approved Landscaping Plan) and may be utilised by Council during this period to undertake essential plant establishment or related plant care works, should non compliance occur. Any balance remaining at the end of the 12 months establishment period will be refunded.

The amount of the bond shall be 20% of the estimated cost of the landscaping or \$3000 whichever is the greater.

[POCNS01]

98. Prior to issue of a Occupation Certificate, Work as Executed Plans (WAX) must be submitted for the landscaping within the road reserve. These must show the location of underground services and any infrastructure such as pathways, bus stops, power lines or similar.

The plans are to be certified by a registered surveyor or consulting engineer.

Two categories of WAX plans are to be provided:

- a) The original approved plan with any variation to this indicated.
- b) plan showing only the actual as constructed information,

The plans are to be submitted in the following formats:

- c) 2 paper copies of the same scale and format as the approved plan.
- d) A PDF version on CD or an approved medium.

An electronic copy in DWG or DXF format on CD or an approved medium. [POCNS01]

[POCNS02]

## USE

99. 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]

100. The  $L_{Aeq, 15 \text{ min}}$  noise level emitted from the premises shall not exceed the background noise level ( $L_{Aeq}$ ) in any Octave Band centre frequency (31.5 Hz - 8KHz inclusive) by more than 5dB(A) between 7am and 12 midnight, at the boundary of any affected residence. Notwithstanding the above, noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am weekdays and 12 midnight and 8am weekends.

[USE0165]

101. 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]

102. 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]

103. 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]

104. The development shall be carried out in accordance with the provisions of the acoustic assessment report prepared by Renzo Tonin and Associates Ref: TF792-02F02 (REV 4) and dated 26 September 2013.

[USE0305]

105. All loading/unloading to take place within the boundary of the subject property.

[USE0525]

106. All commercial / industrial / residential wastes shall be collected, stored and disposed of in accordance with any approved Waste Management Plan or to the satisfaction of the General Manager or his delegate.

[USE0875]

107. 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]

108. All hazardous and/or dangerous goods shall be stored in accordance with requirements of WorkCover NSW.

[USE1035]

109. 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]

110. The noise level from any outdoor entertainment is to be limited to a maximum of 80 dB(A) when measured at a distance of 10 metres from the entertainment source during day and evening periods (Day 7.00am to 6.00pm and Evening 6.00pm to 10.00pm) and a maximum of 70 dB(A) when measured at a distance of 10 metres from the entertainment source during the period between 10.00pm and Midnight.

[USENS01]

111. The operation/trading hours of businesses within the Entertainment and Leisure Precinct and the Entertainment and Leisure Precinct in general are restricted in accordance with the current approved opening hours of the Tweed City Shopping Centre and up to 12.00 midnight 7 days per week

[USENS02]

112. The developer is to undertake care and maintenance operations of the 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

[USENS03]

**GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A LICENSE FOR  
DEWATERING UNDER THE WATER ACT 1912  
FOR DEVELOPMENT APPLICATION NUMBER\_DA13/0554**

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. 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 its 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 or 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 three (3) 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 Acid Sulfate Soil Management Plan and 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.

**GENERAL TERMS OF APPROVAL FOR WORKS REQUIRING A LICENSE FOR  
MONITORING BORES UNDER THE WATER ACT 1912  
FOR DEVELOPMENT APPLICATION NUMBER DA13/0554**

1. The license shall lapse if the work is not commenced and completed within three years of the date of the issue of license.
2. The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW Office of Water:-
  - (a) details of the work set out in the attached form "a" (must be completed by a driller).
  - (b) a plan showing accurately the location of the work, in relation to portion and property boundaries.
  - (c) a one litre water sample for all licenses other than those for stock, domestic, test bores and farming purposes.
  - (d) details of any water analysis and/or pumping tests.
3. The licensee shall allow NSW Office of Water or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of

carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.

4. If a work is abandoned at any time the licensee shall notify NSW Office of Water that the work has been abandoned and seal off the aquifer by:-
  - (a) backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or
  - (b) such methods as agreed to or directed by NSW Office of Water.
5. If the bore authorised by this license is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220mm.
6. Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.