

7 May 2014

Joanne Kay
Town Planner
Tweed Shire Council

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Dear Joanne,

DA 14/0063
Tweed City Shopping Centre

Thank you for the opportunity to meet with Belinda Hufton of DEXUS Property Group and myself on Tuesday 28th April, together with your colleagues to discuss the above application. The purpose of this letter is to provide a formal response to various matters raised during Council's assessment processes as detailed in various e-mails issued to Urbis by Council.

Please find a response to each of the comments raised throughout the public notification period and Council's referral process attached to this letter. The responses are broken down into the following matters:

- Public submissions;
- Urban design comments;
- RMS and traffic comments;
- Waste;
- Acoustic;
- Contamination, dewatering and groundwater; and
- Disability access.

This letter is also accompanied by advice from relevant consultants including Renzo Tonin and Associates, Bitzios Consulting, and Butler Partners, to respond to the comments raised throughout the assessment process and as detailed in the various abovementioned e-mails.

I trust that the additional information provided in these attachments will provide Council with sufficient information to progress this application and prepare a positive assessment report.

Should you have any questions or comments regarding the information attached, please feel free to contact me on (02) 8233 9925 or dhoy@urbis.com.au.

Yours sincerely,



David Hoy
Director

CC Belinda Hufton, Regional Development Manager, DEXUS

Attachments:

Attachment 1 - Applicant's Response to Submissions and Matters Raised by Council

Attachment 2 - Additional Information Provided by Bitzios Consulting

Attachment 3 - Additional Information Provided by Renzo Tonin and Associates

Attachment 4 - Additional Information Provided by Butler Partners

Attachment 5 - Proposed Part North Elevation

Attachment 1 –

Applicant's Response to Submissions and Matters Raised by Council

Table 1 – Public Submissions

ISSUE	COMMENT
Submissions – 4 submissions – Largely Traffic/New Access point and Acoustic Concerns	
<p>MS Paula Telford - 36 Cooloon , Tweed Heads South</p> <p>No objection to the concept of the overall development DA14/0063. Noise and building vibration will be a significant amenity issue. Object to any night building works, works on Sunday and on public holidays.</p>	<p>Noted – hours of construction are proposed within the CMP 7:00am-7:00pm Monday to Friday and 7:00am-5:00pm on Saturday.</p> <p>As per our meeting discussion, DEXUS understand that Council intends to attach its standard construction hours condition, but permitting one-off variances to allow for specific works when necessary to avoid disruption to retail activities. An amended CMP will be submitted to Council prior to the issue of the first CC for the project.</p>
<p>Kevin Gunn – Dutchmead / Tweed Gardens</p> <p>Acoustic - No long term noise measurements were done at 22B Kirkwood Road (26 units) even though the TCSC boundary is less than 8m away and the service road used by heavy trucks is less than 14m away</p> <p>Table 2 in the assessment OEH's Industrial Noise Criteria db(A) does not include 22B Kirkwood Road even though it is the part of Tweed gardens closest to the northern expansion</p> <p>Dutchmead has been told that measurements were undertaken at the property described as Lot 5 DP 830973 recently purchased by DEXUS and rezoned by Council. If this took place where are the measurements?</p> <p>Table 6 Predicted Noise Levels for INP Assessment shows a daytime reading of 39db(A) at A1 (Gleneagles and St Andrews) which is immediately adjacent the redevelopment and a reading of 41 db(A) at A2 (Pinehurst) even though the report itself says A2 is 260m to the south-east of the car parking decks.</p>	<p>Renzo Tonin have provided a consolidated repose to Council Acoustic queries, which is included as an attachment to this response.</p>

ISSUE	COMMENT
<p>Page 24 of the assessment says “Noise emissions from all components of the development including loading dock activities, car parking, speed ramp, alfresco dining and outdoor entertainment with the current design is predicted to comply at all locations during the day and evening periods being 7.00am to 10.00pm. This is a huge prediction from the authors of the assessment who at no stage during the period they were gathering information thought it necessary to access Dutchmead property, 22 Kirkwood Road, 22A Kirkwood Road or 22B Kirkwood Road.</p> <p>A 3m fence is totally inadequate protection from noise from a 5 level carpark</p> <p>No mention of impacts made by alarms on residents in Tweed Gardens. There is an alarm near Coles on the north east corner of the site which activates any time of the day or night, and stays on for extended periods especially at night. A further issue is car alarms.</p> <p>The proposed heavy truck access to loading docks on the site boundary and there will be increased truck movements. There is a boom gate to restrict truck movement times, however many trucks arrive before 7am and leave their engines running until the gate is opened. It would be beneficial if the boom gate was relocated 50m towards Kirkwood Road</p> <p>Concerns about noise from the generator and air conditioning plant. Some assurance that this noise will be minimised.</p>	<p>Alarms are considered a management issue, is not relevant to this DA. Car alarms are out of the control of management</p> <p>The boom gate has been installed to manage the delivery times to the centre as required by earlier approvals for the site. The arrival of trucks prior to approved operating times cannot be directly controlled by DEXUS and does not relate to the merits of this particular application. It should be noted that the new major loading docks proposed to Kirkwood Rd are to service non-food tenancies meaning that no refrigerated delivery vehicles will be utilising these new areas. That said, DEXUS will commit to instructing its tenants to manage delivery arrangements in a manner that minimises opportunity for standing on surrounding streets to occur.</p>
<p>Kevin Gunn – Dutchmead / Tweed Gardens</p> <p>Traffic – Current entry/exit point from TCSC to Kirkwood Road has never been safe. DA shows a new entry/exit near the point where private road meets Kirkwood Road, seems very dangerous. Tweed Gardens already has vehicles entering its private road by mistake</p>	<p>The proposed access intersection has been designed in accordance with Austroads requirements and in liaison with Council. The location of the proposed site access intersection is off-set to Duffy Street in a complimentary configuration which enables rights to operate without impedance. The operation of the site access intersection and carrying capacity of Kirkwood Road will be within acceptable limits in accordance with Austroads</p>

ISSUE	COMMENT
<p>and this endangers vehicular traffic and pedestrian on our road. This traffic is certain to increase with the proposed entrance. Congested traffic area in close proximity to this private road, especially during construction will be extremely dangerous</p>	<p>and RMS standards.</p> <p>Council's long term planning for Kirkwood road includes the potential for the extension of Davey Street to the south to Sorley Street. This future connection has the ability to increase traffic flow on the eastern extent of Kirkwood Road. In this regards, the site access intersection will continue to operate within acceptable limits.</p> <p>It would be expected that the detailed design of the site access intersection and surrounding roadworks would include improved signage and line-marking to improve existing deficiencies along Kirkwood Road relating to access to the centre.</p> <p>Operational Works for upgrades to Kirkwood Road will include further liaison with Council and the Local Traffic Committee through the normal construction process.</p>
<p>Kevin Gunn – Dutchmead / Tweed Gardens</p> <p>Amenity - Dutchmead has been provided with assurance that DEXUS will carry our certain undertaking as per letter date 6 August 2012 (Acoustic fence, trees, security gate, TV reception), and hope these undertakings are fully implemented</p> <p>Impact on existing solar panels is unclear - will there be any overshadowing</p>	<p>As demonstrated in the shadow diagrams submitted with the DA, there will be no overshadowing of any surrounding residential properties. DEXUS confirms that it will honour the letter dated 6 August 2012 the contents of which are:-</p> <p><i>In response to some concerns raised by you on behalf of the owners of Dutchmead, we can confirm our intentions and design response to any potential development of 24a Kirkwood Road will include the following:</i></p> <ul style="list-style-type: none"> <i>The existing acoustic fence on 24a Kirkwood road is to be removed from the western boundary line of the property. A new acoustic fence will be installed within the eastern boundary line.</i> <i>The location of the fence is to be set back from the existing road which services the residential communities to the east of the Tweed City site. The minimum distance of setback will allow enough room for an extension to the existing footpath to join with the Kirkwood Avenue footpath plus screen planting in front of</i>


ISSUE	COMMENT
	<p><i>the new acoustic wall.</i></p> <ul style="list-style-type: none"> • <i>Where the setback of the acoustic wall from the existing road becomes larger, closer to Kirkwood Road, it is proposed that existing trees will be retained or new trees will be planted as replacement where retention is not possible. The new trees would be of a species chosen to minimise maintenance issues such as the dropping of leaves and root interference with any underground services.</i> • <i>The construction of the acoustic fence will be aimed at maintaining existing amenity for neighbouring residents whilst being of a superior design and construction to the existing.</i> • <i>The keyed security gate that provides access for residents to the Tweed City site is proposed to be maintained along with the pedestrian crossing and clear footpath entry to the shopping centres interior.</i> • <i>As owners of 24a Kirkwood Road, it is our responsibility to ensure access is granted to the required authorities to services contained within the easements on our land.</i> • <i>In relation to any future development of Tweed City, if TV reception is diminished as a direct result of an expansion of the centre, the building owner will seek to rectify the interference, at their cost.</i>
<p>Paddy McNeice - 1707/22 Kirkwood Road</p> <p>Traffic / Access - The proposed new entry on Kirkwood Road would appear to be immediately adjacent to the existing intersection of Duffy Street and Kirkwood Road and the driveway entry to both the Tweed Gardens Complex and the Minjungbal Aboriginal</p>	<p>The entry point will be well signposted which would limit potential confusion. Please refer to the above traffic comments.</p>

ISSUE	COMMENT
<p>Centre.</p> <p>The confluence of traffic at this intersection will become complex and dangerous unless well managed.</p> <p>There are already minor skirmishes between traffic entering and leaving Tweed City via the existing driveway on Kirkwood Rd, and traffic on Kirkwood Road from the East of that entrance, mostly caused by shoppers not expecting or looking for traffic come from what appears to be a dead end street.</p> <p>Perhaps the proposed new entry should be restricted to delivery vehicles and buses, and the main shopping entry placed further West on Kirkwood road, after all they have about 400 metres of frontage to choose from.</p>	
<p>Mr and Mrs G A W Worsell- 1702/22 Kirkwood Road.</p> <p>Traffic/ Access - The proposed new access to Tweed City from Kirkwood Road would be dangerously close to the private road which is the only vehicular access for the occupants of more than a hundred residences at No 22 Kirkwood Road.</p>	<p>Please refer to the above traffic comments.</p>

Table 2 – Council Urban Design Comments

ISSUE	COMMENT
Council Urban Design	
<p>Context</p> <p>Throughout the Tweed City Centre Vision document and Section of the DCP (Section B2), the Tweed City Shopping Centre (TCSC) is identified as the main retail centre within the region. In light of the importance of the TCSC and its ability to be a key catalyst in establishing the future desired character for South Tweed, a variety of objectives and controls are presented within Section B2, namely Controls for Special Areas.</p>	<p>Comment noted. Special area controls are addressed in the Statement of Environmental Effects.</p>
<p>Relationship to Kirkwood Road</p> <p>The proposal seeks to treat the Kirkwood Road frontage through a variety of means, namely a loading bay, bus stop, pedestrian entry, multi-deck car park and associated access ramp. With the exception of the pedestrian entry and bus stop, the remaining activities result in a poor street address, which as per the DCP controls, should be located away from the public domain.</p> <p>By pursuing these uses and internalising the retail floor space, the proposal may result in an expansive areas of 'dead elevation'. The effect of which is pronounced by the height of the built form being pursued along the elevation and its relationship to an established low density housing area north of Kirkwood Road. In this regard, the proposal includes a building height ranging between 11.5 - 16.15m, whereas development to the north predominately comprises single storey detached dwellings of approximately 5m.</p> <p>Whilst artist's impressions are submitted with the DA, it is noted that they, as well as the colours, materials and finishes depicted, are stated as indicative only. Void of a more detailed elevation plan being submitted, including colour, materials, finishes, images etc</p>	<p>The DCP requires articulation of Kirkwood Road but the focus of activity has always been to Minjungbal Drive.</p> <p>Kirkwood Road does not command the retail footfall or presence as does Minjungbal Drive. Consequently the approach to the facade along Kirkwood Road relies on the layering of larger forms with simple materials, green screens and soft landscaping. Planting, seating and natural materials are used extensively at ground level to soften the public domain.</p> <p>To attempt to provide activation along both Kirkwood and Minjungbal would dilute the activity across this large site and this was a key issue discussed with Council during the formulation of its Special Area controls that resulted in an agreement to focus on opportunities to activate Minjungbal over the longer term and articulate any frontages to Kirkwood, recognising the need to provide an interesting and architecturally meritorious streetscape.</p> <p>While it is acknowledged that the properties on the opposite side of Kirkwood Road are single storey, the character of the TCSC is also established and recognised as one</p>

ISSUE	COMMENT
<p>that are committed to, it is not considered that dynamic and articulated facades as outlined in the Tweed City Centre DCP has been achieved. Instead, the Kirkwood Road elevation may read as a series of blank, largely unarticulated walls, punctured by other service based uses, none of which respond to the existing urban grain of Kirkwood Road.</p>	<p>capable of further evolving over the longer term as reflected in the special area controls in Tweed DCP and more recently now supported by the recently gazetted built form controls that now apply to the site under TLEP 2014. Having regard to this evolving character and the role of the Kirkwood Rd frontage under the Special Area controls, close attention has been paid to ensure that this large frontage strikes a reasonable balance between operational and aesthetic requirements. To assist Council with assessing the detailing of the Kirkwood Road elevation, an enlarged part elevation and section has been included below. It details a layering of finishes and materials interspersed with landscaping in planter beds and green “screens”. These features are particular Important to give visual interest and contrast to key functional items such as the recessed loading docks, driveway ramp to the car park, the bus layback and clear and legible pedestrian entry to the centre. It should be noted that presently the pedestrian entrance to the Centre from Kirkwood Road is setback from approximately 100m from the street alignment. The proposal will bring this physical entrance to within 15m providing a more visible pedestrian link into the Centre.</p>
<p>1. Explore 'flipping' the location of the transport interchange and the loading docks.</p> <p>Minjungbal Drive represents the primary movement corridor external to the site and Kirkwood the secondary. Accordingly, the intersection of Minjungbal and Kirkwood will play a critical role in providing the key corner with active street frontages in the future and pedestrian activity dissipating eastward from the corner. The proposal places the loading bays immediately beside the future active street frontage, severing the ability for pedestrian activity to move eastward. Likewise, greater synergies would be anticipated by locating the transport interchange closer to the key corner and active uses, which should support both functions</p>	<p>The urban design proposal to 'flip' the loading area and bus interchange on Kirkwood Road poses significant concerns relating to traffic operations and safety. A response to this option is provided by Bitzios Consulting, which is included as an attachment to this document.</p> <p>In addition retail planning design requirements have also driven the design. The current proposal represents a considered design approach taking into consideration various opportunities, requirements and constrains within the site. Retail precincts within centres, which contain like for like shopping categories is preferred by customers. The retail design and layout has been designed with this in mind and as a result the optimal location for the two storey box is at the front of the centre.</p>

ISSUE	COMMENT
	<p>Furthermore if the two storey box was “flipped”:-</p> <ul style="list-style-type: none"> the roof top car parking would be disjointed and less convenient for the customers the bus interchange would be located in a position away from the eastern entry, where buses currently operate, making it less convenient for customers to access the centre, in particular, supermarkets/ fresh food retailers which are located in the eastern mall.
<p>2. Include an additional pedestrian corridor from Kirkwood Road to the shopping centre within immediate proximity to the Kirkwood Road/Minjungbal Drive intersection.</p> <p>An additional movement spine, acting as the primary point of access from Kirkwood Road should be provided at the north-western corner of the site in place of the one-way vehicle lane currently proposed. The movement spine should establish a clear and direct visual and physical link between Kirkwood Road and the shopping centre 'front door' as accessed from Minjungbal Drive. Floorspace immediately fronting the movement spine should pursue active frontages to the corridor and/or temporal uses (i.e. coffee cart, 'hole in the wall retail', 'window box displays' and other small scale commercial opportunities). It is acknowledged that a pedestrian entrance is proposed to the east, which should be retained, however this entrance is not considered to connect well with the existing movement patterns and existing urban structure of the locality.</p>	<p>Two key pedestrian links are identified in the Tweed City Centre DCP and these have been provided and enhanced by the proposed development. An additional key pedestrian link in this location is not considered necessary and again a dilution of pedestrian movements is not desired. We note that there is no intention within Council's planning controls for the locality to significantly increase residential densities to the immediate north of to the centre which would have the effect of facilitating increased pedestrian activity in the locality.</p>  <p>The map illustrates the proposed development sites (orange) and existing development (blue) along Kirkwood Road and Minjungbal Drive. It highlights pedestrian links (green dashed lines with arrows) and active frontages (red dashed lines). A legend identifies the symbols used.</p> <p>LEGEND:</p> <ul style="list-style-type: none"> Existing development Future development New public plaza (indicative location) Pedestrian link to existing entries and possible future connections Active frontage Articulated street frontage / screening

ISSUE	COMMENT
<p>3. Mirror the proposed streetscape improvements along the Kirkwood Road frontage within the centre median of Kirkwood Road.</p> <p>The application includes a landscape treatment along Kirkwood Road, providing green amenity along this frontage and assist the creation of a human scale. In order to offset the proposed building bulk created through the building height and length of unbroken walls it is considered appropriate to extend the extent of the works proposed to include the central median of Kirkwood Road. This additional landscaping treatment will assist in reducing the visual impact of the development for the residential development across the road by adding depth and layering to the streetscape. Further to the above, the landscaping strategy proposed for the southern side of Kirkwood Road should include the undergrounding of powerlines</p>	<p>We note comments in regards to landscaping on earlier DA approved by the JRPP in 2013 DA from TSC – Recreational Services Unit – Graham Burton –“which required low maintenance landscaping on its lands, preferring existing treatments comprising turf and existing street trees. DEXUS request that a similar and consistent approach to landscaping requirements be applied to this DA.</p>
<p>4. Provide greater detail regarding the colours, materials and finishes for the Kirkwood Road public domain and façade treatments.</p> <p>As stated earlier, the proposed street address of the development proposed to front Kirkwood Road is not considered ideal. Whilst pursuing a fine grain frontage with greater openings and activity orientated towards the street is more consistent with the Section B2 provisions and identified best practice urban design principles. As a minimum, the Kirkwood Road frontage requires a greater level of resolution and articulation in relation to colours, materials and finishes of the façade and areas of public domain (i.e. pedestrian pathways and transport interchange). Additional detail which substantially satisfies the provisions of Section B2 should be made available for assessment and potential inclusion within any approval issued.</p> <p>Of particular note, Section B2 of the Tweed DCP states:</p>	<p>Refer to earlier comments above and attached additional architectural detail. With regard to lifestyle imagery, these are a common form of response typical of contemporary shopping centre design. Council does not have any planning controls that expressly discourage the use of these. In this respect, the imagery proposed is evocative of the Tweed area and intended to represent a connection between the Centre and the role that it plays in providing a meeting place for its customer base being the Tweed community.</p> <p>With respect to the floor to ceiling heights, we note that these are contained within the general provisions of the DCP and will be far more relevant in situations within the Tweed CBD where the opportunity for residential above retail is far more appropriate and likely in a planning sense. In this case, the car park level is 3m floor to floor and after beam and slab, will achieve 2.55m clear height. The facade will incorporate metal screening to break up the overall visual mass and limit the view of cars and light sources. These floor to</p>

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<p><i>Above ground parking structures are to be artistically and imaginatively screened from view from the public domain (refer to Figures 5-5, 5-6 and 5-7 for examples).</i></p> <p><i>Car parking above ground level is to have a minimum floor to ceiling height of 2.7m so it can be adapted to another use in the future.</i></p> <p>These provisions should be pursued within the application (i.e. demonstrating the ability for the above ground parking to be retrofitted as floorspace). Further, the proponent should be advised that lifestyle images should not be provided as a streetscape/façade treatment.</p>	<p>ceiling heights whilst not ideal for residential use are not uncommon nor substandard and thus would not preclude this form of use in the long term should it ever in the unlikely event contemplated.</p> <p>Finally, and consistent with the approach agreed with Council with the DA approved late in 2013, a materials board will be provided during our design development stage and prior to issue of CC.</p>
<p><u>Relationship to Minjungbal Drive</u></p> <p>The proposal includes the demolition of three existing buildings from the Minjungbal Drive frontage, construction of at-grade car-parking with associated landscaping. The expansion of the shopping centre is setback approximately 50m from Minjungbal Drive and includes a generous public domain treatment. The proposal also includes a substation, MSD room and retail floorspace separate to the main building form in the west-north-western corner of the site, though the application is scarce on the role, design and function of this floorspace. In response to the significant setback of development from Minjungbal Drive, the submitted SEE details:</p> <p><i>While it is acknowledged that a key objective and vision for the TCSC includes built form and activity to Minjungbal Road, the proposed expansion represents an incremental expansion in response to needs of the TCSC and the capacity of the trade area to sustain additional retail floorspace. The northern retail expansion will improve the streetscape presentation to Minjungbal Road and does move and focus activity to this frontage and improves pedestrian links. Importantly it does not preclude further expansion towards Minjungbal Drive in the future and as demand</i></p>	<p>Any future expansion of the centre beyond the current Development Application would be considered in line with economic demands in the long term. The proposed development plans do not preclude expansion towards Minjungbal Drive in the future. As with any development, access and services may need to be relocated to accommodate this and would be addressed as part of any future development applications for the centre, if applicable.</p> <p>The applicant would consider additional landscaping in place of two car parking spaces at this frontage as a condition of approval, although customers are most likely to prefer additional car parking</p>

ISSUE	COMMENT
<p><i>allows and as indicated in Figure 8-8 of the DCP which is included at Figure 4 below.</i></p> <p>Whilst not ideal to continue pursuing expansive areas of at-grade parking fronting Minjungbal Drive, again it is acknowledged that the proposal involves a logical and economically reasonable expansion of the existing shopping centre towards Minjungbal Drive, which retains future development potential. It is critical however that the extents of this proposal do not adversely affect the ability of the at-grade parking space to be utilised for alternate purposes in the future.</p> <p>5. Request a site plan be submitted demonstrating how future development may occur within the area of at-grade parking fronting Minjungbal Drive.</p> <p>The requested site plan does not need to be extensively detailed and could be limited to a development footprint in-keeping with the applicable planning framework and general assumptions regarding the provision of car parking, servicing etc. Material changes that may occur to the subject application of this exercise could include amending the location of infrastructure (i.e. substation), ensuring flexibility in building design to encourage growth and expansion, refine the location of vehicle access aisles and ramps so as to not present excessive conflict with future development.</p>	
<p>6. Beautify the entrance</p> <p>There is opportunity to substantially improve the visual and user amenity of the buildings 'front door' by removing approximately seven car spaces in-trade for greater landscaping and public domain treatment. This amendment would assist in creating an attractive entry statement and simplify the visual amenity when entering the site at the Blundell Boulevard intersection, in keeping with the provisions of Section B2. The seven spaces identified are displayed within the Figure below</p>	<p>Refer to above comments.</p>

ISSUE	COMMENT
<p>7. Mirror the proposed streetscape improvements along the Kirkwood Road frontage along the frontage of Minjungbal Drive.</p> <p>In light of the continued at-grade parking address to Minjungbal Drive, it is considered important that the landscape and streetscape planning proposed for Kirkwood Road is extended to include the Minjungbal Drive frontage (aligning with extent of works proposed). As per the Kirkwood Road recommendation, the landscaping strategy should include the undergrounding of the power lines.</p> <p>The landscape design should particularly ensure pedestrian comfort as users navigate the site and along Minjungbal Drive. At present, the application does not appear to provide shade or shelter to users navigating from the Blundell Boulevard intersection southward to the cross-site pedestrian crossing that connects pedestrians to the entertainment and leisure precinct.</p>	<p>Additional trees can be provided for shade and shelter for users on the site.</p> <p>The undergrounding of power lines is a major impost and cost. It was not raised during pre-DA discussions as we understand Council does not have a policy for requiring such. Undergrounding of power lines was not required as part of the DA conditions imposed on the most recent approval for the Centre issued in 2013 and DEXUS would expect a similar approach be adopted in this case.</p>
<p>8. Ensure a safe and comfortable pedestrian movement corridor from Minjungbal Drive</p> <p>The primacy of the pedestrian when moving from Minjungbal Drive, particularly the Blundell Boulevard intersection, to the buildings 'front door' should be ensured. It is noted that the proposal includes a reasonably direct pedestrian movement path, though some areas of conflict (largely unavoidable) are present. The proponent should be encouraged to consider and detail design treatments that ensure the primacy of the pedestrian in these areas of conflict, as well as support this method to transport through providing climatic comfort. By way of example, the designated pedestrian crossings could be raised crossings to reduce level differences for pedestrians and provide a greater visual cue for vehicle users to slow and stop. Likewise, landscaping or awning structures could provide shade and shelter to users and potentially include a water bubbler in light of the travel distances within the site and wider locality. Finally, the pedestrian pathways could also be</p>	<p>Raised pedestrian crossing points and wider pedestrian crossings can be provided between the centre entry and Minjungbal Drive frontage to reduce traffic conflict.</p>

ISSUE	COMMENT
wider, assisting the two-way movement of the corridor and speed differences of pedestrians, mobility vehicle users and cyclists.	

Plan submitted by Council's Urban Designer – All issues raised in this drawing are addressed in the table above.

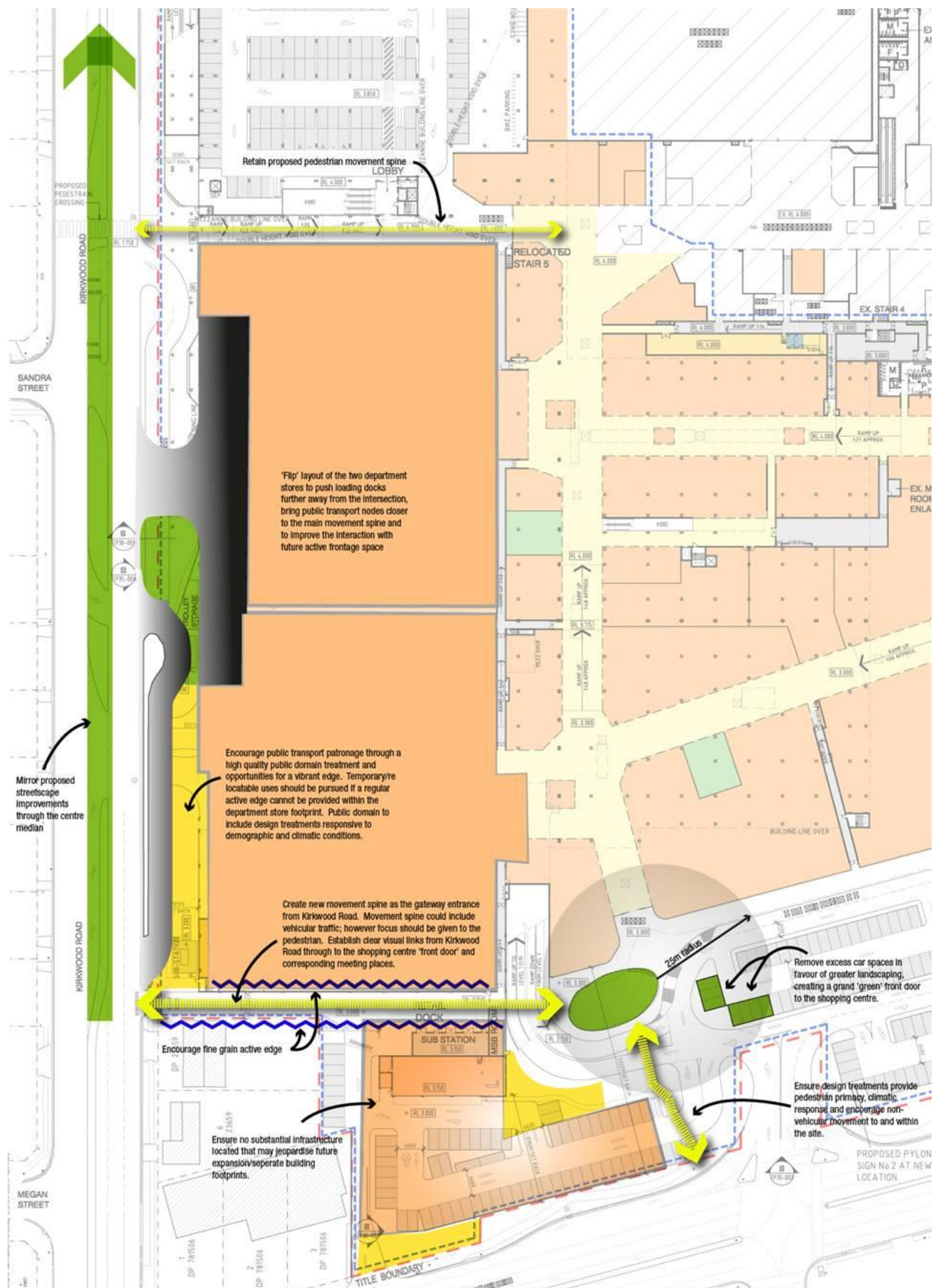


Table 3 – RMS and Tweed Traffic Engineer and Comments

Traffic advice has been prepared by Bitzios Consulting in response to the following comments. The additional traffic advice prepared accompanies this letter at Attachment 2. A response and additional information is provided from the applicant below.

ISSUE	COMMENT
Other Internal (Council) and External Referrals	
<p>NSW RMS (formerly RTA) – In accordance with Schedule 3 SEPP Infrastructure 2007</p> <p>Comments have been received from RMS outlining the following;</p> <p>Kirkwood Road will become a primary access road for the expanded shopping centre. The recommendations in the conclusion of the Traffic Impact Statement will be needed to accommodate the extra traffic on this road.</p> <p>It is noted regulatory controls are suggested on the adjoining streets. Any regulatory devices on local streets, including the pedestrian crossing on Kirkwood Road, will require endorsement of the Local Traffic Committee and approval by Council prior to installation.</p> <p>Buses standing to turn right are likely to obstruct eastbound traffic's vision to pedestrians using the Kirkwood Road pedestrian crossing. Consideration should be given to relocating this crossing further to the east.</p> <p>Service vehicle access areas are designed so that heavy vehicles reverse into loading docks. This creates a potential for pedestrian / vehicle conflict. To manage this conflict it is suggested that a traffic management plan be implemented during deliveries that exclude pedestrians from areas where heavy vehicles are reversing.</p>	<ol style="list-style-type: none"> 1. Extent of Works <p>RMS agrees with the identified upgrade requirements on Kirkwood Road. – Recommend Council to condition works in accordance with Traffic Report and Concept plans.</p> 2. Operational Works and Further Design <p>Works associated with Kirkwood Road will be conditioned by Council. Upon formulation of detailed design, it is expected that the applicant shall liaise with Council regarding the design inclusions.</p> 3. Pedestrian Crossing on Kirkwood Road <p>As requested by RMS, the pedestrian crossing point on Kirkwood Road can be relocated further to the east to provide greater separation from the bus turning lane.</p> <p>In addition, the crossing configuration will be revised to a pedestrian refuge configuration with associated kerb build-outs as requested by Council's Traffic Engineer. – This can be dealt with as a condition of consent</p> 4. Service Loading <p>All reversing movements for service vehicles will be within the dedicated loading area</p>

ISSUE	COMMENT
	in a controlled environment. It is expected that a management plan be included as a Condition of Approval and is consistent with standard operational procedures.
<p>TSC - Planning & Infrastructure Unit –Ray Clark (Traffic)</p> <p>Upgrades required on the westbound Kirkwood Road approach to Minjungbal Drive at opening as follows:</p> <ul style="list-style-type: none"> - 90m additional approach lane to the intersection. - Dual lane extension back to the proposed Tweed City Shopping Centre loading access. - Closure of the central median at Megan Street. <p>Other Recommendations</p> <ul style="list-style-type: none"> - Any regulatory devices on local streets are to be referred to Council's Local Traffic Committee and approval by Council prior to installation. - The proposed marked pedestrian crossing on Kirkwood Road is to be modified to a pedestrian refuge with kerb extensions in compliance with Austroads and Council requirements. - A traffic management plan be implemented during deliveries to exclude pedestrians from areas where heavy vehicles are reversing 	<p>Comments from Council's Traffic Engineer are provided within the responses to RMS items above.</p>

Table 4 – Waste

ISSUE	COMMENT
Other Internal (Council) and External Referrals	
<p>TSC – Waste Unit – Wes Knight</p> <p>There appears to be a lack of consideration afforded to section A15 of Tweed's Development Control Plan which relates to waste minimisation and management. The proposal makes little reference to resource recovery from the shopping centre once operational and how recycling will be implemented throughout the internal business. Whilst Council understands that waste generation rates may be somewhat difficult to predict until specialty shops within the shopping mall are finalised, this should not negate the applicant's responsibility to ensure recycling measures are implemented throughout the shopping centre. Some foresight should be detailed at this planning stage so that maximum resource recovery can be achieved throughout the life of the development. It is recommended that the applicant revise the waste management plan and submit a more detailed plan which complies with the Tweed Development Control Plan – Section A15.</p> <p>Additional information: - A detailed waste management plan in accordance with Tweed's Development Control Plan – Section A15.</p>	<p>As the individual occupants of the new tenancies have not been selected, it is difficult to estimate the anticipated waste to be generated by this application. Despite this, the operation of the proposed development is to be in accordance with the existing Tweed City Shopping Centre waste removal and recycling practices. This includes:</p> <ul style="list-style-type: none"> ▪ All paper and cardboard is recycled with Visy. ▪ Plastics are removed by Solo Waste. ▪ Food and drink premises with deep fryers are required to recycle used oil (Cookies waste picks up from the tenancy). <p>The proposal will include an appropriate number and size of storage bins to support an expanded Tweed City Shopping Centre, to ensure that the amenity of the centre and the surrounding properties is maintained.</p>

Table 5 – Trading Hours and Acoustics

Acoustic advice has been prepared by Renzo Tonin and Associates in response to the following comments. The acoustic advice prepared accompanies this letter at Attachment 3. A response and additional information is provided from the applicant below.

ISSUE	COMMENT
<p>TSC – Environmental Health – Peter Ainsworth</p> <p>Confirmation of trading hours</p> <p>1. Having regard for the comments in the Statement of Environmental Effects, Urbis, January 2014 and the Tweed City Shopping Centre Northern Retail DA Acoustic Assessment, Renzo Tonin & Associates, November 2013 it would appear the core trading hours of the Centre are 7.00am to 9.00pm Monday to Saturday and 7.00am to 6.00pm Sunday, except the cinema and ELP which trade to midnight 7 days, and delivery hours are Monday to Friday 7:00am – 6:00pm and Saturday, Sunday and Public Holidays: 8:00am – 6:00pm. Confirmation is sought.</p>	
<p>Acoustic</p> <p>2. The DA Acoustic Assessment models noise from truck movements at the loading docks</p>	<p>The existing core trading hours of retail areas of the TCSC are as follows:</p> <ul style="list-style-type: none"> Monday to Friday: 7:00am – 9:00pm. Saturday: 7:00am – 8:00pm. Sunday: 8:00am – 6:00pm. The existing supermarkets/DDS store operates marginally longer trading to 9:00pm on a Saturday and opening at 7:00am on a Sunday. The existing cinemas operate up until midnight seven days per week. <p>All deliveries of goods to TCSC occurs between:</p> <ul style="list-style-type: none"> Monday to Friday: 7:00am – 6:00pm. Saturday, Sunday and Public Holidays: 8:00am – 6:00pm. <p>It is noted however that the acoustic report confirms that the new loading docks proposed as part of the development can be used between the hours of 7:00am and 10:00pm without impact.</p> <p>Please refer to the acoustic advice prepared by Renzo Tonin and Associated</p>

ISSUE	COMMENT
<p>at 64-71dB(A) and from forklift/loading dock activities at 91dB(A). Table 6 of the report suggest that these predicted noise levels at Location A5 will be reduced to between 45 and 44 (immediately across the road). The applicant is requested to confirm that modelling suggests that these reductions are achievable.</p>	<p>accompanies this response and outlines the methodology for noise modelling.</p>
<p>3. The report states that despite the road traffic noise exceedance, the proposed development however, is consistent with the desired character of development outlined in the Tweed City Centre Development Control Plan 2008. The DCP outlines the objective of engaging Kirkwood Road through expansion of the shopping centre to the north, and rationalisation of parking and service areas so as not to dominate the public domain. The proposed northern entry rationalises the parking access and directs traffic away from the primary public domain areas on Minjungbal Drive. The relocation, modification or creation of traffic access points and loading docks with minimal setback to Kirkwood Road however, creates potential for unacceptable amenity impacts for the immediate residents.</p> <p>Table 9 of the DA Acoustic Assessment indicates that predicted road traffic noise will exceed adopted amenity criteria of 60dB(A) (LAeq, 15hr) by 3 dB(A). This exceedance is rationalised thus - Road traffic noise from Kirkwood Road is predicted to exceed the set traffic noise goal in the future. Where road traffic noise levels are predicted to exceed criteria, all reasonable and feasible noise mitigation measures should be considered. However with regard to dwellings located between Megan Street and the existing northern entry, noise levels already exceed the RNP criteria and are predicted to increase by only 2dB(A) as a result of the development. Implementation of noise mitigation treatment in instances where only a minor increase in noise level is predicted is generally not considered reasonable or feasible. Regarding the dwellings located to the east of the existing northern entry, future traffic noise levels are predicted to exceed the RNP by up to 3dB(A), whilst existing noise levels are compliant. The predicted exceedance is above the typically accepted 2dB(A) allowance. It is noted that the</p>	<p>Acoustic advice prepared by Renzo Tonin and Associated accompanies this response which responds to these concerns.</p> <p>The advice concludes that the proposed development complies with the NSW EPA policy with regard to relative increases in road traffic noise.</p>

ISSUE	COMMENT
<p>increase in road traffic noise indicated by Table 9 of the report above existing levels and 2031 predicted levels without the development is actually 7dB(A) at the eastern end of Kirkwood Road. Further comment and justification is sought about the 7dB(A) increase above background as a such an increase is deemed likely to have a significant impact on residents.</p> <p>It is noted that Appendix A, Table 1A, of the EPA Industrial Noise Policy states that when adopting a limiting noise criteria for a project, 'the project-specific noise levels are the most stringent of the intrusive or amenity criteria.' The road traffic noise criteria of 60dB(A) (LAeq, 15hr) permissible under Table 3 Part 2.3.1 of the EPA Road Noise Policy far exceeds the existing background L90 levels of 45 – 43 between 7am and 10pm. This is one of the basis of concern about the suitability of relocating loading docks and vehicle access points with minimal setback to adjacent residential areas.</p>	
<p>4. The conclusion of the DA Acoustic Assessment states that 'compliance after 10.00pm is predicted provided that the retail dock does not operate between 10.00pm and 7.00am'. This appears to be an error and the time restriction should have been recommended to the 'Major 1 Major 2' loading dock which is accessed off Kirkwood Road. Please confirm which dock the recommended restriction applies to? Similarly, if the time restriction does apply to the 'Major 1 Major 2' loading dock, is the report suggesting that no time restriction applies to activities at the retail dock (accessed off Minjungbal Drive) and it can operate 24 hours?</p>	<p>Refer to the acoustic advice prepared by Renzo Tonin and Associated accompanies this response which clarifies the recommendations for time restrictions of loading docks. In summary the specific reference in the acoustic report was intended to reference the Major1 and Major 2 docks that are accessed from Kirkwood Road. However it is considered that the retail dock accessed from Minjungbal Drive should also be restricted to the same time period of 7:00am to 10:00pm when existing is required onto Kirkwood Road.</p>
<p>5. The SEE states that all deliveries of goods to TCSC occur Monday to Friday 7:00am – 6:00pm and Saturday, Sunday and Public Holidays: 8:00am – 6:00pm. The DA Acoustic Assessment recommends that activities at the 'retail loading dock' be restricted to 7.00am to 10.00pm. These times are not consistent. The applicant is</p>	<p>The acoustic assessment revealed compliance with the relevant noise criteria with restriction only required between 10:00pm and 7:00am.</p> <p>While the core delivery time of the docks are:</p>

ISSUE	COMMENT
<p>requested to clarify this issue given concerns about the suitability of the loading dock location and setback. Officers suggest that the Monday to Friday 7:00am – 6:00pm and Saturday, Sunday and Public Holidays: 8:00am – 6:00pm operating times are more appropriate for both proposed Kirkwood Road loading docks to protect local amenity.</p>	<ul style="list-style-type: none"> Monday to Friday: 7:00am – 6:00pm. Saturday, Sunday and Public Holidays: 8:00am – 6:00pm. <p>The outcomes of the Acoustic report show that they could operate longer hours up until 10:00pm without issue and do not require any specific restrictions outside of the 10:00pm – 7:00am time period.</p>

Table 6 – Contamination, Dewatering and Groundwater

Additional advice has been prepared by Butler Partners in response to the following comments. The acoustic advice prepared accompanies this letter at Attachment 4. A response and additional information is provided from the applicant below.

ISSUE	COMMENT
TSC – Environmental Health – Peter Ainsworth	
<p>Contamination</p> <p>6. Part 2.5 of the CMP indicates that a Soil and Groundwater Assessment, Butler and Partners 8 April 2013 was conducted, which concluded ‘that the residual contamination on the former service station site is not impacting the rest of the TSC site, including the northern expansion area.’ This conclusion appears consistent with the general findings of the SAS and associated EMPs, however the applicant is requested to provide the Soil and Groundwater Assessment for consideration by Council.</p>	<p>The Soil and Groundwater Assessment dated 8 April 2013 was prepared for the 2013 ELP DA, not for the current Northern Expansion application. The Assessment is not relevant to this DA, and the contaminated site is not a part of this DA. What has been provided is sufficient in relation to the works, and any further soil and groundwater assessments are not required.</p>
<p>Contamination/Civil/ Dewatering</p> <p>7. The Roadworks and Drainage Layout plan SKC100 provided under the Civil Engineering Report, Bornhorst and Ward November 2013 indicates one of the Humeceptor STC9 devices to be located in near proximity to the former service station – dewatering is required for placement of these devices (approx 1.4m deep from information in the Civil Engineering Report). The applicant is requested to comment further on the possibility of draw down or extraction of contaminated groundwater from the former service station site</p>	<p>As shown in Figure 1 of the Butler Partners advice included at Attachment 4, groundwater flow in this area is in a direction away from the shopping centre site. Dewatering to install the Humeceptor would occur over a short period of time (less than one day) and would not change the groundwater flow direction. However, it is acknowledged that it would create localised drawdown effects. It is intended that the water generated by this dewatering, would be captured, contained and removed from site in a tanker operated by a licensed liquid waste removalist in case any contaminated or odorous water is generated.</p>
<p>Dewatering</p> <p>8. The Dewatering Management Plan (DMP) Desktop Review, Soil Surveys 15 November 2013 appears to indicate the need for minor dewatering of the site. However the Part 6.3.3 of the Geotechnical Desktop Review, Soil Surveys November 2013 indicates that</p>	<p>Please refer to the advice prepared by Butler Partners. This advice outlines the management for generated groundwater throughout two ways as part of this project:</p> <ol style="list-style-type: none"> 1. <i>Short term</i>, active dewatering required to install the Humeceptor pit; and 2. <i>Long term</i>, passive collection of groundwater in the sub-slab drainage system below the building footprint.

ISSUE	COMMENT
<p>'local dewatering is expected to be required during construction.....encountered groundwater at approximately 1.8m to 2.5m below existing ground level.....dewatering should lower the water table to not less than 0.5m below the proposed excavation level, approximately 3.5m below existing ground level....' This statement would indicate that more substantial dewatering may be required for the north east basement areas. Clarification is sought.</p> <p>9. Caution is required if water sourced from dewatering is to be discharged to stormwater and the Ukerabagh Nature Reserve / Tweed River. The community is highly likely to be sensitive to sediment laden discharges to stormwater and this sensitive site. It is far preferable that water be recharged back to groundwater on site and restrictive conditions will be applied. It will be necessary that holding and treatment areas be located wholly within the development site. The applicant's detailed comment is sought.</p>	<p>.</p>
<p>Demolition / Contamination</p> <p>10. Several dwellings have been or will be demolished on the southern side of Kirkwood Road for the development. The existing structures at 24 – 28 Kirkwood Road (Lots 20, 21 & 22 DP 23659) have been previously demolished. Information is requested, if available, whether these were slab on ground structures. If so, testing of soils in the former slab location will be required. Site inspection indicates slab on ground construction also exists at the following sites:</p> <p>Lot 5 DP 830973, Kirkwood Road</p> <p>Lot 19 DP 23659, 30 Kirkwood Road</p>	<p>The advice prepared by Butler Partners includes an analysis of the applicability of SEPP 55.</p> <p>Whilst this is considered a low risk issue, it is recommended that this issue be covered by a DA condition that requires a surface soil sample to be collected in the footprint of each former residential building following the demolition of all buildings in this area.</p>

ISSUE	COMMENT
<p>Lot 12 & 13 DP 23659, 42 – 44 Kirkwood Road</p> <p>Lot 2 DP 804871, 48 – 50 Kirkwood Road</p> <p>Lot 7 DP DP 23659, 54 Kirkwood Road</p> <p>Lot 6 DP 23659, 56 Kirkwood Road</p> <p>Lot 4 & 5 DP781506, 34 – 36 Minjungbal Drive (Toy World)</p> <p>Lot 6 DP 1119624, 38 Minjungbal Drive (Red Rooster)</p> <p>Sub-slab investigations are required prior to determination (in accordance with SEPP 55 and Council's historical practice note) to demonstrate that previous sub-slab termite treatments, if any, have not contaminated these sites</p>	
<p>CMP – hours of construction</p> <p>11. Part 5.0 of the Construction Management Plan, Lend Lease 20/11/13 states that 'Building and demolition work shall only be carried out between the hours of 7.00am to 7.00pm Mondays to Fridays, inclusive and 7.00am to 5.00pm on Saturdays.' The applicant is advised that Council generally permits construction activities Monday to Saturday 7.00am to 6.00pm. Limiting conditions will be applied to any approval.</p>	<p>As per our discussion with Council on 28 April 2014 we confirm that it is Council's intention to apply its standard condition limiting construction hours. We further understand that Council will allow for one-off variances to these hours without the need to modify the terms of the consent, to allow for certain works to be undertaken that minimise disruption to the existing retail operations of the centre. These are to be dealt with through a modified construction management plan prior to issue of the first construction certificate.</p>
<p>Waste Collection</p> <p>12. The applicant is requested to advise whether waste collection is proposed from the Kirkwood Road access points. If so, at what times of day is the collection proposed?</p>	<p>The core trading hours of the centre will be unchanged to that stipulated within the Statement of Environmental Effects.</p> <p>Any waste collection from Kirkwood would be subject to the same restrictions on access as recommended by the Acoustic Report prepared by Renzo Tonin and Associates being 7:00am to 10:00pm.</p>

Table 7 – Disability Access

ISSUE	COMMENT
TSC – Environmental Health – Peter Ainsworth	
<p>TSC –Council Aged and Disability Development Officer has provided general comments which outline the following (from Access Committee);</p> <p>Accessible toilet at Tweed City Shopping Centre</p> <p>A request for the Committee to advocate for the inclusion of an adult change table in a toilet at Tweed City was received from a Case Manager from Ageing Disability and Home Care on behalf of the mother of a twenty two year old man. Some people with disabilities need access to full change table facilities in order for them, family members and carers assisting them to be included in the community. These facilities are not readily available in public facilities in Tweed Shire.</p> <p>Whilst it is noted that this does not specifically relate to the Development Application currently under assessment by Council, it is considered appropriate to forward these comments for consideration</p>	<p>Subject to space availability, DEXUS will explore and use all reasonable endeavours to identify the opportunity to install an adult table in the Centre. DEXUS are comfortable with this issue being appropriately conditioned.</p>

Attachment 2 –

Additional Information Provided by Bitzios Consulting

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 Mermaid Waters QLD 4218
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 Newtown NSW 2042
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 Newtown NSW 2042
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F: (02) 9557 6219

Our Reference: P0965

2 May 2014

DEXUS Property Group
 C/- Urbis Pty Ltd
 Tower 2 | Level 23 | Darling Park
 201 Sussex Street
 SYDNEY NSW 2000

Attention: **David Hoy**
 Sent via email: d.hoy@urbis.com.au

Dear David

RE: TWEED CITY SHOPPING CENTRE – PROPOSED NORTHERN EXPANSION – RESPONSE TO TRAFFIC AND TRANSPORT RELATED ISSUES RAISED BY PUBLIC SUBMISSIONS, RMS AND COUNCIL

This letter details our response to Public Submissions, RMS and Council items relating to traffic transport components for the proposed northern expansion of Tweed City Shopping Centre.

1.0 PUBLIC SUBMISSIONS

1.1. Access Intersection to Kirkwood Road

The proposed access intersection has been designed in accordance with Austroads requirements and in liaison with Council. The location of the proposed site access intersection is off-set to Duffy Street in a complimentary configuration with enables rights to operate without impedance. The operation of the site access intersection and carrying capacity of Kirkwood Road will be within acceptable limits in accordance with Austroads and RMS standards.

Council's ultimate future planning for Kirkwood road includes the potential for extending Davey Street to the south to Sorley Street. This future connection has the ability to increase traffic flow on the eastern extent of Kirkwood Road. In this regards, the site access intersection will continue to operate within acceptable limits.

It would be expected that the detailed design of the site access intersection and surrounding roadworks would include improved signage and line-marking to improve existing deficiencies along Kirkwood Road relating to access to the centre.

Operational Works for upgrades to Kirkwood Road will include further liaison with Council and the Local Traffic Committee.

2.0 RMS COMMENTS

2.1. Extent or Works

RMS agrees with the identified upgrade requirements on Kirkwood Road. It is recommended that Council condition these works in accordance with Traffic Report and Concept plans provided within the development application.

2.2. Operational Works and Design

It is expected that external infrastructure works associated with Kirkwood Road will be conditioned by Council. Upon formulation of detailed design, it is expected that the applicant shall liaise with Council regarding the specific design inclusions. This is likely to involve Council's Local Traffic Committee.

2.3. Pedestrian Crossing on Kirkwood Road

As requested by RMS, the pedestrian crossing point on Kirkwood Road can be relocated further to the east to provide greater separation from the bus turning lane.

In addition, the crossing configuration will be revised to a pedestrian refuge configuration with associated kerb build-outs as requested by Council's Traffic Engineer. It is recommended that development concept plans to be updated accordingly to relocate the crossing point and revise to crossing facility to a pedestrian refuge island.

2.4. Service Loading

All reversing movements for service vehicles will be within the dedicated loading area and in a controlled environment. It is expected that a Service Vehicle Management Plan be included as a Condition of Approval and is consistent with standard operational procedures for the tenancies to occupy the site.

3.0 COUNCIL COMMENTS

3.1. Flipping the Loading bay and bus bay

The urban design proposal to 'flip' the loading area and bus interchange on Kirkwood Road poses significant concerns relating to traffic operations and safety. These include:

- a. The proposed additional western Kirkwood Road pedestrian connection will not connect to any crossing point on Kirkwood Road and be located in a position in close proximity to the signalised intersection approach. The formal crossing point and pedestrian desire line is currently, and should remain, at the signalised crossing at Minjungbal Drive / Kirkwood Road intersection. Providing a pedestrian connection into/out of the site in relative proximity will promote informal crossing of Kirkwood Road in an unsafe location (across multiple lanes of traffic and close to signals);
- b. Minjungbal Drive is identified as the primary pedestrian route for activation for the north-west of the site. An additional connection mid-block would further reduce the potential for pedestrian activity along Minjungbal Drive and surrounding commercial tenancies;
- c. The pedestrian connection underneath the ramp to the rooftop parking area would have significant height clearance issues and would be required to continue around to the currently proposed crossing point which connects to Minjungbal Drive. This would create a circuitous route and less desirable for pedestrians when compared to directly onto Minjungbal Drive;
- d. The proposed location of the bus stop is to maintain a public transport facility to the eastern extent of the centre (as per the historical location fronting Coles entry). The bus stop location allows for separation from the nearby Minjungbal Drive bus stops which service the western

side of the centre. By relocating the stop on Kirkwood to the west, this places this stop in closer proximity to the Minjungbal Drive stops and requires all public transport access to be concentrated to the north-west centre access only. This is a poor outcome for the centre operations with two major bus stops serving the one location;

- e. The bus stop has been designed to allow for right turning bus movements out of the sight to cater for services which travel north-east to Duffy Street. The revised location of the bus stop would move the bus stop exit lane much closer to the signalised intersection approach and remove the ability for buses to turn right across multiple lanes and queuing traffic and the signals approach;
- f. The close proximity of the bus stop to Kirkwood Road would create a weave issue for buses exiting the site to access the right turn lane; and
- g. Right turn movements into the bus stop and the loading area would conflict and require a shared right turn pocket. This is not a desirable outcome as a truck turning would inhibit bus driver sight lines to approaching westbound traffic.

3.2. Pedestrian Connections to Minjungbal Drive

Raised pedestrian crossing points and wider pedestrian crossings can be provided within the site between the centre entry and Minjungbal Drive frontage. The plan of development can be amended accordingly in this regard.

3.3. Council's Traffic Engineer

Comments from Council's traffic engineer are consistent with that of RMS. Responses and recommendations are provided above within Section 2.0.

I trust the above provides adequate information in response to Council, RMS and Public Submission comments. Should you require any further information relating to the above, do not hesitate to contact me.

Yours faithfully



Andrew Eke
Senior Traffic Engineer
Manager – Gold Coast & Northern NSW
BITZIOS CONSULTING

Attachment 3 –

Additional Information Provided by Renzo Tonin and Associates

9 April 2014

TF792-03F01 (r0) Response to Council comments

Belinda Hufton

Dexus Property Group

PO Box R1822

Royal Exchange NSW 1225

Dear Madam

Tweed City Shopping Centre Northern Retail - Response to Council comments

We refer to comments received from Tweed Shire Council's Environmental Health Officer regarding the noise assessment carried out by Renzo Tonin & Associates for the Tweed City Shopping Centre Northern Retail application, specifically the report dated November 2013 (ref: TF792-02F04 (REV 4) Acoustic Assessment Report for DA).

The following table presents our responses to the specific comments received:

Item	Council Comment	Response
1.	Having regard for the comments in the Statement of Environmental Effects, Urbis, January 2014 and the Tweed City Shopping Centre Northern Retail DA Acoustic Assessment, Renzo Tonin & Associates, November 2013 it would appear the core trading hours of the Centre are 7.00am to 9.00pm Monday to Saturday and 7.00am to 6.00pm Sunday, except the cinema and ELP which trade to midnight 7 days, and delivery hours are Monday to Friday 7:00am – 6:00pm and Saturday, Sunday and Public Holidays: 8:00am – 6:00pm. Confirmation is sought.	The core trading hours will be confirmed by the applicant in a separate response. It is noted however that the acoustic report recommends that the new loading docks proposed as part of the development are restricted to use between 7am and 10pm.
2.	The DA Acoustic Assessment models noise from truck movements at the loading docks at 64-71dB(A) and from forklift/loading dock activities at 91dB(A). Table 6 of the report suggest that these predicted noise levels at Location A5 will be reduced to between 45 and 44 (immediately across the road). The applicant is requested to confirm that modelling suggests that these reductions are achievable.	The noise modelling carried out for the project has been reviewed and the results predicted and presented within the report are confirmed. While the noise modelling is carried out using a 3D modelling software, a simplified assessment using the standard noise propagation formula of $L_p = L_w - 10\log(Q/4\pi r^2)$, for the approximate distance of 35m from the loading dock to the adjacent residential boundary, a noise loss of 39dB(A) is calculated for a hemispherical radiating source. Further noise reductions are provided as a result of acoustic shielding from the noise barriers. It is also noted that the operation of forklifts and loading and unloading will be contained with the trucks reversing up to the loading bay of the building.

Item	Council Comment	Response
3.	<p>The report states that despite the road traffic noise exceedances, The proposed development however, is consistent with the desired character of development outlined in the Tweed City Centre Development Control Plan 2008. The DCP outlines the objective of engaging Kirkwood Road through expansion of the shopping centre to the north, and rationalisation of parking and service areas so as not to dominate the public domain. The proposed northern entry rationalises the parking access and directs traffic away from the primary public domain areas on Minjungbal Drive. The relocation, modification or creation of traffic access points and loading docks with minimal setback to Kirkwood Road however, creates potential for unacceptable amenity impacts for the immediate residents.</p> <p>Table 9 of the DA Acoustic Assessment indicates that predicted road traffic noise will exceed adopted amenity criteria of 60dB(A) ($L_{Aeq, 15hr}$) by 3 dB(A). This exceedance is rationalised thus - Road traffic noise from Kirkwood Road is predicted to exceed the set traffic noise goal in the future. Where road traffic noise levels are predicted to exceed criteria, all reasonable and feasible noise mitigation measures should be considered. However with regard to dwellings located between Megan Street and the existing northern entry, noise levels already exceed the RNP criteria and are predicted to increase by only 2dB(A) as a result of the development. Implementation of noise mitigation treatment in instances where only a minor increase in noise level is predicted is generally not considered reasonable or feasible. Regarding the dwellings located to the east of the existing northern entry, future traffic noise levels are predicted to exceed the RNP by up to 3dB(A), whilst existing noise levels are compliant. The predicted exceedance is above the typically accepted 2dB(A) allowance. It is noted that the increase in road traffic noise indicated by Table 9 of the report above existing levels and 2031 predicted levels without the development is actually 7dB(A) at the eastern end of Kirkwood Road. Further comment and justification is sought about the 7dB(A) increase above background as a such an increase is deemed likely to have a significant impact on residents.</p> <p>It is noted that Appendix A, Table 1A, of the EPA Industrial Noise Policy states that when adopting a limiting noise criteria for a project, 'the project-specific noise levels are the most stringent of the intrusive or amenity criteria.' The road traffic noise criteria of 60dB(A) ($L_{Aeq, 15hr}$) permissible under Table 3 Part 2.3.1 of the EPA Road Noise Policy far exceeds the existing background L_{90} levels of 45 – 43 between 7am and 10pm. This is one of the basis of concern about the suitability of relocating loading docks and vehicle access points with minimal setback to adjacent residential areas.</p>	<p>With regard to comment and justification of the 7dB(A) increase in noise at residential dwelling at the eastern end of Kirkwood Road, Section 2.4 and Table 6 of the NSW RNP sets a relative increase noise criteria of Existing Traffic + 12dB(A).</p> <p>The proposed development therefore complies with the NSW EPA policy with regard to relative increases in road traffic noise.</p> <p>Regarding comparison of the EPA Road Noise Policy and the Industrial Noise Policy cannot be made given that the assessment policies apply to different noise sources and characters. Therefore reference to, or comparison with the NSW INP is not relevant to the specific assessment of noise generated from road traffic on the local road network.</p>

Item	Council Comment	Response
4.	<p>The conclusion of the DA Acoustic Assessment states that 'compliance after 10.00pm is predicted provided that the retail dock does not operate between 10.00pm and 7.00am'. This appears to be an error and the time restriction should have been recommended to the 'Major 1 Major 2' loading dock which is accessed off Kirkwood Road.</p> <p>Please confirm which dock the recommended restriction applies to? Similarly, if the time restriction does apply to the 'Major 1 Major 2' loading dock, is the report suggesting that no time restriction applies to activities at the retail dock (accessed off Minjungbal Drive) and it can operate 24 hours?</p>	<p>To clarify the acoustic report recommendations, the specific reference in the acoustic report was intended to reference the Major 1 and Major 2 docks that are accessed from Kirkwood Road. However it is considered that the retail dock accessed from Minjungbal Drive should also be restricted to the same time period of 7am to 10pm should exit be required onto Kirkwood Road.</p>
5.	<p>The SEE states that all deliveries of goods to TCSC occur Monday to Friday 7:00am – 6:00pm and Saturday, Sunday and Public Holidays: 8:00am – 6:00pm. The DA Acoustic Assessment recommends that activities at the 'retail loading dock' be restricted to 7.00am to 10.00pm. These times are not consistent.</p> <p>The applicant is requested to clarify this issue given concerns about the suitability of the loading dock location and setback. Officers suggest that the Monday to Friday 7:00am – 6:00pm and Saturday, Sunday and Public Holidays: 8:00am – 6:00pm operating times are more appropriate for both proposed Kirkwood Road loading docks to protect local amenity.</p>	<p>The acoustic assessment revealed compliance with the relevant noise criteria with restriction only required between 10pm and 7am. Clarification on the proposed operating times to be confirmed by the applicant.</p>

We trust that the response to comments above address the concerns raised by Tweed Shire Council.

Regards,



Glenn Wheatley

gwheatley@renzotonin.com.au

Attachment 4 –

Additional Information Provided by Butler Partners

Project No. 012-148A

28 April 2014

SAS Trustee Corporation
c/- DEXUS Property Group
PO Box R1822
ROYAL EXCHANGE NSW 1225

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Ph: 61 7 3852 3800
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enquiries@butlerpartners.com.au

Email: Belinda. Hufton@dexus.com

Attention: Ms B Hufton

Dear Belinda

**RE: RESPONSE TO DA INFORMATION REQUEST
NORTHERN PRECINCT - TWEED HEADS SHOPPING CENTRE
58 - 62 MINJUNGBAL DRIVE, TWEED HEADS**

Butler Partners Pty Ltd (Butler Partners) has been sent an Information Request from Tweed Shire Council in relation to the Development Application for the Northern Precinct Retail Expansion at Tweed Heads Shopping Centre. The particular items to be addressed in this letter relate to email correspondence from Mr David O'Connell at Tweed Shire Council dated 20 March 2014, item numbers 6, 7, 9 and 10 relating to internal comments from the Environmental Health Department within Tweed Shire Council. Each of these will be addressed separately below:

Item 6: *Part 2.5 of the CMP indicates that a Soil and Groundwater Assessment, Butler and Partners 8 April 2013 was conducted, which concluded 'that the residual contamination on the former service station site is not impacting the rest of the TSC site, including the northern expansion area'. This conclusion appears consistent with the general findings of the SAS and associated EMPs, however the applicant is requested to provide the Soil and Groundwater Assessment for consideration by Council.*

The Soil and Groundwater Assessment dated 8 April 2013 was prepared for a different project to the current Northern Expansion application, it relates to a contaminated site that is not part of the land covered by the current Development Application and therefore is not required for the Development Application. Furthermore, it may create confusion if released in relation to the current project.

Item 7: *The Roadworks and Drainage Layout plan SKC100 provided under the Civil Engineering Report, Bornhorst and Ward November 2013 indicates one of the Humeceptor STC9 devices to be located in near proximity to the former service station – dewatering is required for placement of these devices (approximately 1.4m deep from information in the Civil Engineering Report). The applicant is requested to comment further on the possibility of draw down or extraction of contaminated groundwater from the former service station site.*

As shown in Figure 1 below, groundwater flow in this area is in a direction away from the shopping centre site. Dewatering to install the Humeceptor would occur over a short period of time (less than one day) and would not change the groundwater flow direction. However, it is acknowledged that it would create localised drawdown effects. It is intended that the water generated by this dewatering, would be captured, contained and removed from site in a tanker operated by a licensed liquid waste removalist in case any contaminated or odorous water is generated.

Northern Precinct - Tweed Heads Shopping Centre
 58 - 62 Minjungbal Drive, Tweed Heads
 Project No.: 012-148A
 28 April 2014

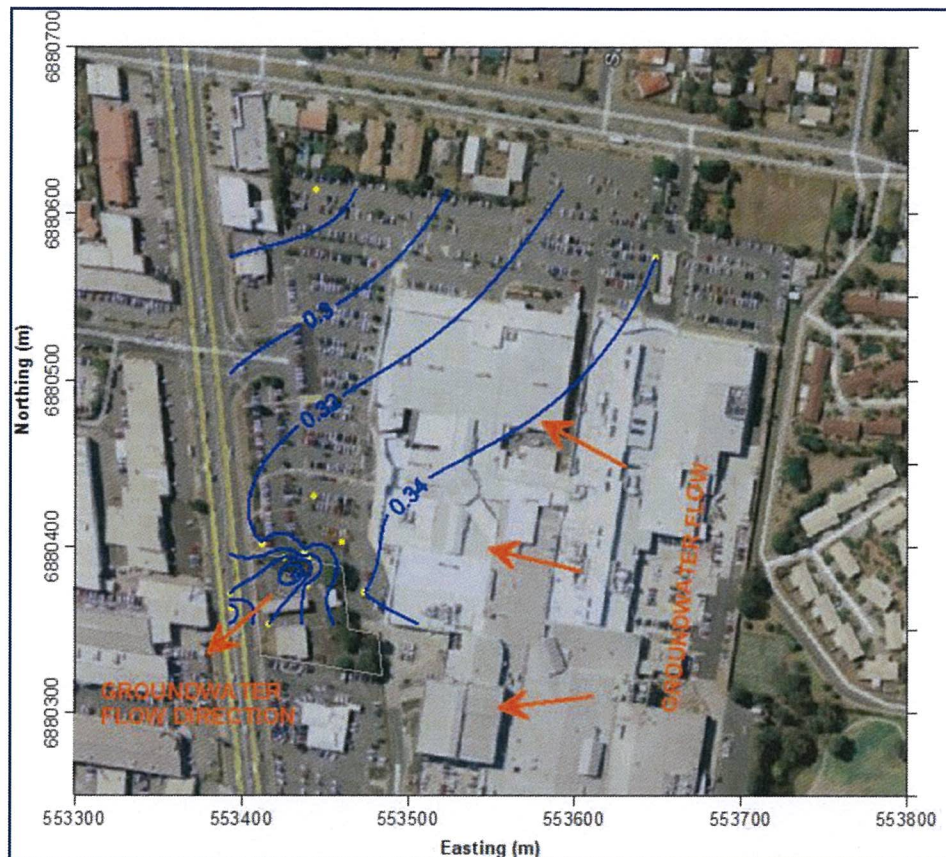


Figure 1: Water level contours show a general westerly groundwater flow direction

Item 9: Caution is required if water sourced from dewatering is to be discharged to stormwater and the Ukerabagh Nature Reserve/Tweed River. The community is highly likely to be sensitive to sediment laden discharges to stormwater and this sensitive site. It is far preferable that water be recharged back to groundwater on site and restrictive conditions will be applied. It will be necessary that holding and treatment areas be located wholly within the development site. The applicant's detailed comment is sought.

It is anticipated that groundwater will be intersected in two ways as part of this project:

1. Short term, active dewatering required to install the Humeceptor pit; and
2. Long term, passive collection of groundwater in the sub-slab drainage system below the building footprint.

Management of the generated water in relation to Case 1 is described above; the water will be captured and removed from site by a licensed liquid waste contractor.

Management of collected groundwater in Case 2 will be via a purpose built drainage system designed to eliminate sediment utilising a system of geo-fabric, gravel and piping. The water collected in this system should, by design, be clean and sediment free and therefore should be suitable for discharge to the stormwater system.

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Item 10: Several dwellings have been or will be demolished on the southern side of Kirkwood Road for the development. The existing structures at 24 – 28 Kirkwood Road (Lots 20, 21 and 22 DP 23659) have been previously demolished. Information is requested, if available, whether these were slab on ground structures. If so, testing of soils in the former slab location will be required. Site inspection indicates slab on ground construction also exists at the following sites:

Lot 5 DP 830973, Kirkwood Road
Lot 19 DP 23659, 30 Kirkwood Road
Lot 12 & 13 DP 23659, 42 – 44 Kirkwood Road
Lot 2 DP 804871, 48 – 50 Kirkwood Road
Lot 7 DP 23659, 54 Kirkwood Road
Lot 6 DP 23659, 56 Kirkwood Road
Lot 4 & 5 DP781506, 34 – 36 Minjungbal Drive (Toy World)
Lot 6 DP 1119624, 38 Minjungbal Drive (Red Rooster)

Sub-slab investigations are required prior to determination (in accordance with SEPP 55 and Council's historical practice note) to demonstrate that previous sub-slab termite treatments, if any, have not contaminated these sites.

It appears that this issue has been raised as a result of Tweed Shire Council's *Pre-Demolition Testing* guideline. This guideline relates to the process of approving the demolition of buildings where the treatment of soils with termiticides containing organochlorine pesticides may have occurred prior to the banning of these chemicals in 1995. The background statement to this guideline states that "Where chemical treatment involving the use of Organo Chlorine termiticides to the soil beneath the structure may have been carried out Tweed Shire Council must consider the requirements of SEPP 55 in determining any development applications to demolish a structure". Whilst this is a development application to construct an extension to a shopping centre, not demolish a structure, an analysis of the applicability of SEPP 55 is provided below:

Application of SEPP 55 Clause 7

Subclause 1 – the land is not known to be contaminated or require remediation, so subclause 1 does not apply.

Subclause 4

- a) land is not within an investigation area;
- b) land is not known to have been used for any purpose referred to in Table 1 of the contamination land planning guidelines;
- c) it is not proposed to carry out development for residential, educational, recreational, child care or hospital purposes.

Subclause 2 – does not apply because the landuses specified in subclause 4 do not apply.

Subclause 3 – does not apply because subclause 2 does not apply.

Notwithstanding the above, it is acknowledged that there is potential for termite treatment to have occurred beneath buildings of slab-on-ground construction. Where this has occurred there is some potential for contaminants (usually restricted to persistent organochlorine pesticide compounds) to be present at levels exceeding accepted clean fill criteria but, generally, at relatively low concentrations (below concentrations acceptable for commercial/industrial landuse) in surface soils only (generally expected to be <5mm deep).

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Therefore, in general, this is considered a low risk issue due to the landuse in these areas going from a more sensitive landuse (residential) to a less sensitive landuse (commercial). However, it is recommended that this issue be covered by a DA condition that requires a minimum of two surface soil samples to be collected in the footprint of each former residential building following demolition of all buildings in this area. If contamination exceeding accepted clean fill criteria, a more detailed investigation will be undertaken in accordance with the Pre-Demolition Testing guideline.

We trust this provides the information you require at this time.

Yours faithfully

BUTLER PARTNERS PTY LTD



SUZANNE WALKER

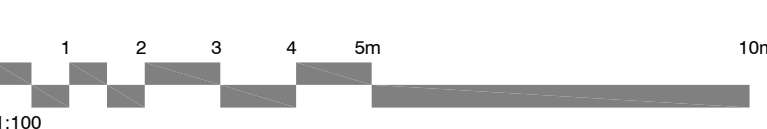
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Attachment 5 –

Proposed Part North Elevation



A J



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