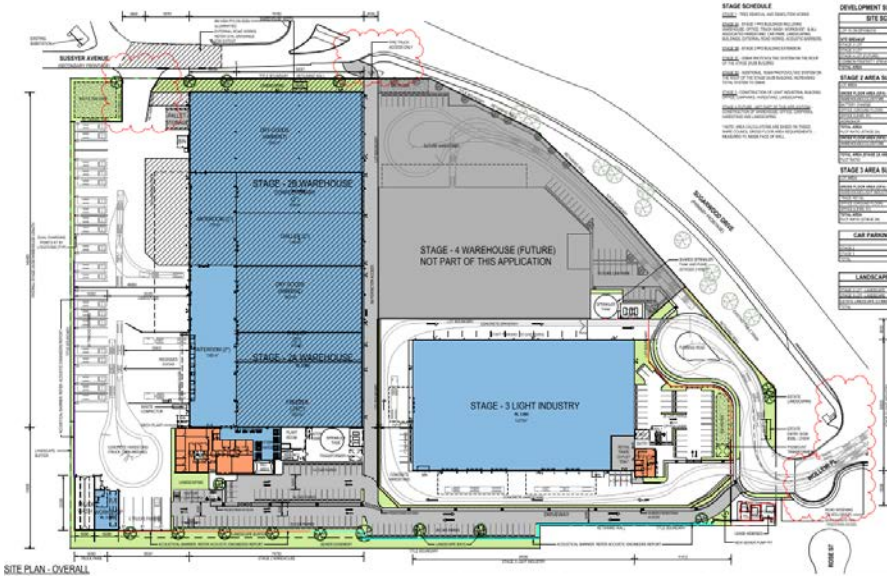


NORTHERN REGIONAL PLANNING PANEL

Panel Reference	2018NTH022
DA Number	DA18/0884
LGA	Tweed Shire
Proposed Development	<p>Staged proposal consisting of warehouse or distribution centre, light industry, industrial retail outlet and ancillary office premises and electricity generating works (solar energy system); and additional works.</p> 
Street Address	1 Wollemi Place, Tweed Heads West, NSW 2485
Applicant	Gold Coast Airport Limited c/o Zone Planning
Owner	Gold Coast Airport Limited
Date of lodgement	24 October 2018
Number of Submissions	<p>Two public submissions were received.</p> <p>Submissions have also been received from/on behalf of the following Public Authorities:</p> <ul style="list-style-type: none"> • Essential Energy; • DPI Water; and • Roads & Maritime Services – Transport.
Recommendation	Approval

Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	<p>2. <i>Development with a capital investment value (CIV) over \$30 million.</i></p> <p>The Development Application has CIV of \$34,000,000.</p> <p>As such, the Northern Regional Planning Panel is the determining authority in accordance with Clause 2 of Schedule 7 of the State & Regional Development SEPP 2011.</p>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • <u>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</u> SEPP No. 44 – Koala Habitat Protection SEPP No. 55 - Remediation of Land SEPP No. 64 – Advertising & Signage SEPP (Coastal Management) 2018 SEPP (Infrastructure) 2007 SEPP (State & Regional Development) 2011 SEPP (Vegetation in Non-Rural Areas) 2017 Tweed Local Environmental Plan 2014 • <u>List any relevant development control plan: s79C(1)(a)(iii)</u> Tweed DCP Section A2 – Site Access & Parking Code Tweed DCP Section A3 - Development of Flood Liable Land Tweed DCP Section A4 – Advertising Signs Tweed DCP Section A11 - Public Notification of Development Proposals Tweed DCP Section A13 – Socio-Economic Impact Assessment Tweed DCP Section A15 – Waste Minimisation & Management Tweed DCP Section A16 – Preservation of Trees or Vegetation Tweed DCP Section A17 – Business, Enterprise Corridor & General Industrial Zones • <u>List any coastal zone management plan: s79C(1)(a)(v)</u> Tweed Shire Coastline Management Plan 2005 • <u>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</u> Clause 92(a) Government Coastal Policy Clause 92(b) Applications for demolition
List all planning legislation requirements that the consent	<ul style="list-style-type: none"> • Clause 7 of SEPP 55 – Remediation of Land; • Clause 8, 13 and 18 of SEPP 64 – Advertising and Signage; • Clause 11, 13, 15 and 16 of SEPP (Coastal Management) 2018;

authority must consider	<ul style="list-style-type: none"> • Clause 45 and 104 of SEPP (Infrastructure) 2007; and • Clause 2.3(2), 4.6(3) and (4), 7.2(3), 7.3, 7.8(2); 7.9(3) and 7.10 of the Tweed LEP 2014. <p>All of the applicable consent considerations associated with the abovementioned EPI's have been addressed within the body of this report.</p>
List all documents submitted with this report for the Panel's consideration	<p>Section 4.15 Assessment Report including proposed conditions of consent.</p> <p>Architectural Plans associated with the proposed development.</p> <p>Applicant's written clause 4.6 Request.</p>
Report prepared by	Colleen Forbes (Team Leader Development Assessment)
Report date	8 February 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not Applicable

Note: Certain Das in the Western Sydney Growth Areas Special Contributions Areas may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided

to the applicant to enable any comments to be considered as part of the assessment report

Assessment Report and Recommendation

FILE NO: DA18/0884

REPORT TITLE:

Development Application DA18/0884 for a staged proposal consisting of warehouse or distribution centre, light industry, industrial retail outlet and ancillary office premises and electricity generating works (solar energy system); and additional works (NRPP) at Lot 10 DP 1084319; No. 1 Wollemi Place TWEED HEADS WEST; Lots 32, 33, 34, 35, 36 & 42 DP 1200182 Pacific Highway TWEED HEADS WEST; Lot 1 DP 1011625; Parkes Drive TWEED HEADS WEST

SUMMARY OF REPORT:

Council is in receipt of a development application seeking consent for a warehouse or distribution centre, light industry, industrial retail outlet and ancillary office premises and electricity generating works (solar energy system); and additional works.

The proposed development involves a number of stages, these being: **Stage 1** – demolition and tree removal; **Stage 2A** – site preparation and construction of the first stage of the food distribution building, which includes the ancillary office, workshop and truck wash; **Stage 2B** – construction of the second stage of the food distribution building; **Stage 2C** – installation of a 250kw photovoltaic system on the roof of the Stage 2A building; **Stage 2D** - installation of an additional 100kw photovoltaic system on the roof of the Stage 2A/2B building, increasing the Stage 2C system to 350kw; and **Stage 3** – construction of the light industry building and associated industrial retail outlet and office premises, as shown in Figure 1 below.



Figure 1 – Site Plan indication Proposed Staging

Whilst Council officers are responsible for the assessment of the proposed development, Schedule 7 of State & Regional Development SEPP 2011 requires that development with a Capital Investment Value (CIV) over \$30 million is considered to be regional significance

and must be reported to the Panel for determination. Accordingly, the NRPP is the determining authority for this application.

The proposed development was submitted to Council on 24 October 2018 and was advertised and notified to adjoining and nearby properties between 7 November and 7 December 2018. Two submissions were received from the general public. Comments were received by several State agencies. These are discussed in detail later in the report.

The proposed development exceeds the 13.6m building height limit, with a maximum building height of 17m being proposed. The application includes a Clause 4.6 Request to vary a development standard.

The application incorporates several variation requests to controls within Council's Tweed Development Control Plan (DCP). These include: a variation to the maximum area of signs per business (DCP A4); a variation to the number of signs per elevation (DCP A17); and a reduction in the landscape buffer requirements of DCP A17. All three proposed variations are supported by Council officers.

A detailed assessment has been undertaken against all relevant legislation, including the Tweed LEP 2014 and the Tweed Development Control Plan 2008.

Potential impacts arising from the proposed development include: traffic impacts; noise impacts; visual impacts; impacts upon flora and fauna; odour impacts; stormwater drainage impacts; contamination; and impacts upon Council's wastewater infrastructure. The proposal was supported by a number of documents (including but not limited to): Architectural Plans; Traffic Impact Assessment; Noise Impact Assessment; Stormwater Quality Management Plan; Odour Impact Assessment; and an Ecological Assessment. A detailed assessment of the potential impacts associated with the proposed development is provided within the body of this report.

Council's Development Assessment Unit, Environmental Health Unit, Water & Wastewater Unit, Roads & Stormwater Unit, Development Engineering Unit, Building Unit and Natural Resource Management Unit have assessed the proposed development with regard to potential impacts arising from the proposed development. No objections were raised by Council officers, subject to the imposition of relevant conditions of consent.

Council officers issued a detailed Requests for Further Information letter to the applicant, which required further detail in relation to a number of concerns. The updated / amended detail has allowed Council officers to recommend approval of the proposed development, subject to conditions of consent.

Appropriate conditions of consent have been recommended to ensure that potential impacts arising from the proposed development can be adequately controlled and managed.

There are a number of planning legislation requirements that the consent authority must consider. A detailed assessment of the relevant clauses is noted within the report. A summary is noted below:

- **Clause 7 of SEPP No 55 – Remediation of Land.** Areas of contamination are known across the site. What is not yet known is the extent of contamination. The applicant has provided sufficient information to allow Council officers to be satisfied that the site can be remediated and made suitable for the proposed uses. Appropriate conditions have been applied in this regard. Accordingly, Council officers are satisfied that the proposed development meets the provisions of clause 7 of SEPP 55;

- **Clause 8, 13 and 18 of SEPP 64 – Advertising and Signage.** Clause 8 of the SEPP states that consent must not be granted unless the consent authority is satisfied the proposed signage is consistent with the objectives of the SEPP and satisfies the criteria of Schedule 1. Clause 13 states that consent must not be granted unless the consent authority is satisfied that the signage is acceptable in terms of impact, design and road safety. Clause 18 applies to signs greater than 20m² and within 250m of a classified road, whereby the consent authority must not grant consent without the concurrence of the RMS. The proposed development is considered to satisfy the requirements of clause 8, 13 and 18, with the RMS issuing concurrence.
- **Clause 11, 13, 15 and 16 of the Coastal Management SEPP.** Clauses 11, 13, 15 and 16 states that consent must not be granted unless the consent authority is satisfied the proposed development will not significantly impact upon: a coastal wetland; coastal environmental area; the coastal use area; or the coastal zone in general. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clauses 11, 13, 15 and 16 of the Coastal Management SEPP.
- **Clause 45 and 104 of the Infrastructure SEPP – Traffic Generating Development.** Clause 45 of the ISEPP states that the consent authority must provide written notice to the electricity supply company and take into consideration any response. The provisions of clause 45 have been met, as the application was referred to Essential Energy and appropriate conditions applied based on their response. Clause 104 (3) states that the consent authority must have regard for any submission from RMS, accessibility of the site and potential traffic safety, road congestion or parking implications when determining a development application in respect of land within the zone. The proposed development is considered to satisfy the requirements of Clause 104(3).
- **Clause 2.3(2) of the Tweed Local Environmental Plan 2014 – Zone objectives and Land Use Table.** Clause 2.3 (2) states that the consent authority must have regard for the objectives for development in a zone when determining a development application in respect of land within the zone. The proposed development is considered to satisfy the zone objectives for each relevant zone;
- **Clause 4.6(3) and (4) of the Tweed Local Environmental Plan 2014 – Exceptions to Development Standards.** Clauses 4.6(3) and (4) state that consent must not be granted for development that contravenes a development standard unless the consent authority has: considered a written request from the applicant that seeks to justify the contravention of the development standard; that the written request has adequately addressed all matters required; is in the public interest; and concurrence has been granted. Council officers are satisfied that the applicant's written request to contravene clause 4.3 – Height of Buildings meets the provisions of clause 4.6 (3) and (4), with the Panel able to assume the concurrence of the Secretary.
- **Clause 7.2(3) of the Tweed LEP 2014 – Earthworks.** Clause 7.2(3) requires the consent authority to consider effects and potential impacts on the site and surrounding locality as a result of the proposed earthworks. Subject to conditions of consent, Council officers are satisfied that the proposed development meets the provisions of clause 7.2(3) of the Tweed LEP 2014;

- **Clause 7.3 of the Tweed LEP 2014 – Flood Planning.** The provisions of clause 7.3 require the consent authority to consider potential impacts and compatibility of the proposed development in terms flooding. Subject to conditions of consent, the proposed development is considered be consistent with the provisions of clause 7.3 of the Tweed LEP 2014;
- **Clause 7.8(2) of the Tweed LEP 2014 – Airspace Operations.** Clause 7.8(2) states that the consent authority must be satisfied that the proposed development will not penetrate the Gold Coast Airport's Obstacle Limitation Surface (OLS). Having received confirmation from the Gold Coast Airport that the proposal does not penetrate the OLS, Council officers consider that the provisions of Clause 7.8(2) have been met.
- **Clause 7.9(3) of the Tweed LEP 2014 – Development in Areas Subject to Aircraft Noise.** The provisions of clause 7.9 require the consent authority to: consider whether the development will result in an increase in the number of people affected by aircraft noise; consider the location of the development in relation to AS2021:2015; and be satisfied that the development will meet indoor design sound levels as required by AS2021:2015. Subject to conditions of consent, the proposed development is considered be consistent with the provisions of clause 7.9(3) of the Tweed LEP 2014; and
- **Clause 7.10 of the Tweed LEP 2014 – Essential Services.** Clause 7.10 requires the consent authority to consider essential services for the proposed development. Council officers are satisfied that subject to conditions of consent, the proposed development will satisfy the provisions of clause 7.10 of the Tweed LEP 2014.

In summary, the proposed development is considered satisfactory, subject to the imposition of suitable conditions of consent to address and mitigate key issues relating to potential impacts arising from the proposed development. The application has been assessed in detail against the relevant matters for consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including impact assessment, suitability of the site and public interest, and is considered satisfactory.

The consent authority may assume the Secretary's concurrence in relation to the proposed variation to the building height for the subject site. As such, it is recommended that the proposed development be approved, subject to conditions documented in the recommendation at the end of this report.

REPORT:

Applicant: Gold Coast Airport Pty Ltd
Owner: Gold Coast Airport Pty Limited
Location: Lot 10 DP 1084319; No. 1 Wollemi Place TWEED HEADS WEST; Lots 32, 33, 34, 35, 36 & 42 DP 1200182 Pacific Highway TWEED HEADS WEST; Lot 1 DP 1011625; Parkes Drive TWEED HEADS WEST
Zoning: B7 - Business Park
SP2 - Infrastructure Sewerage System
SP2 - Infrastructure Classified Road
RU2 - Rural Landscape
R2 - Low Density Residential
Cost: \$37,550,000

SITE AND SURROUNDS:

The subject site (Lot 10 DP1084319) is located adjacent the Tweed Heads Interchange on the western side of the Pacific Highway (refer to Figure 2 below). The site fronts Sugarwood Drive which is a highway service road leading from Kennedy Drive to the south and to Bilinga and Gold Coast Airport to the north. Pedestrian and cyclist connection are existing within and along Sugarwood Drive.



Figure 2 – Aerial Photo indicating Site Locality

The subject site has an area of 5.1485ha and whilst the majority of the site is largely flat (at around RL 2.5m AHD), existing site levels range between RL1.44m AHD to RL 3.69m AHD. The land is currently used as a long term car parking facility and prior to that, the site was a landscape supplies and plant nursery. The historical land use being a drive-in is evident in the remaining grading and pavement across the majority of the site.

Land immediately to the north (beyond Parkes Drive, which is now known as Sussyer Avenue) comprises the Pacific Highway, Interchange, service roads and residual vegetated land. More broadly to the north lies the Gold Coast Airport and the Queensland border.

Land immediately to the east comprise the Pacific Highway. Beyond the Pacific Highway to the east lies low density residential land.

Directly adjoining the site to the south is a combination of low density residential land comprising dwelling houses with some multi dwelling housing, the Pyramid Holiday Park and isolated rural landscape zoned property.

Land immediately to the west comprises Tweed Shire Council's Depot and Tweed Heads Waste Water Treatment Plant site. It should be noted that the treatment plant is not currently operational, but the sewer pumping station located on the site is fully functional. More broadly to the west lies undeveloped industrial zoned land and the Terranora Broadwater.

The proposed development incorporates additional land to cater for infrastructure associated with the overall development. The additional land has been included in the overall development application. The following Table 1 and Figure 3 provide a breakdown of the additional allotments, the reason for their inclusion in the application and ownership details.

Land	Reason for Reference	Owner
Lot 1 DP1011625	Filling of an existing stormwater dam located in the south western corner of the site. These works will see some minor works at the edge of Tweed Shire Council depot located on Lot 1 DP1011625. The western batter of the stormwater dam intrudes into Tweed Shire Council depot by approximately 2.5m at its greatest extent.	Tweed Shire Council
ROAD – Sussyer Avenue	Works within the Road Reserve for access upgrades and relaying of existing 900mm Stormwater Pipe	NSW Roads and Maritime Services
ROAD – Sugarwood Drive	Works within the Road Reserve for access upgrades	NSW Roads and Maritime Services
ROAD – Wollemi Place	Works within the Road Reserve for access upgrades	NSW Roads and Maritime Services
Lot 36 DP1200182	Works within the Allotment (Road) for access upgrades	NSW Roads and Maritime Services
Lot 33 DP1200182	Works within the Allotment (Road) for access upgrades	NSW Roads and Maritime Services

Table 1 – Additional Lands Associated with the Application



Figure 3 – Additional Lands Associated with the Development of Lot 10 DP1084319

BACKGROUND:

As noted above, following the closure of the site as a drive in movie theatre, the site was occupied by Boyds Bay Garden World, which was primarily a wholesale and retail plant nursery and landscaping supplies. The subject site also incorporates a telecommunications tower in the south eastern portion of the site, adjacent to the Wollemi Place access point.

In November 2012, Tweed LEP 2000 was amended to ensure that the subject site was developed in a logical and cost effective manner, with Amendment 93 inserting a new Clause 53G – *Specific provisions for Boyds Bay Business Park*. Clause 53G required a staging plan, DCP and appropriate mix of land uses across the site.

At its meeting of 1 May 2014, Council resolved to amend the Tweed Development Control Plan to include Section A17 –Business Development, Enterprise Corridor and Business Park Zones. Section A17 provides a planning framework for development within the B5, B6 and B7 zones. The subject site is zoned B7 – Business Park under the TLEP 2014.

Section A17 was amended in August 2014 to include a site specific Part 8.1 – *Boyds Bay Business Park*. An assessment against the provisions Section A17 and specifically Part 8.1 is provided later in this report.

In 2014, DA13/0692 was granted approval for a staged development application on the subject site incorporating a two lot subdivision, demolition of existing structures, construction of bulky goods retail (Masters) & associated infrastructure, car parking, access & landscaping.

More recently (January 2019), Council has approved DA17/0238 for the temporary use of the site as car park, which limits the approval to 200 long and short term car spaces. Although the approval provides a 4 year approval period, it is envisaged that the land owner will require the car parking use to cease much sooner, in the event that approval is granted for the proposed development, to allow Stage 1 demolition works to proceed.

PROPOSED DEVELOPMENT:

The proposed development has been summarised by the applicant as:

- *“Demolition of existing buildings and improvements upon the site;*
- *New ‘Warehouse or Distribution Centre’ Building with ancillary ‘Office Premises’, ancillary ‘solar energy system’ ancillary Workshop and ancillary Truck Wash for a food distribution tenant;*
- *New ‘Light Industry’ Building incorporating an ‘Industrial Retail Outlet’ and ancillary ‘Office Premises’ (tenant to be confirmed);*
- *Earthworks and retaining to fill and grade the site;*
- *Tree Removal;*
- *Access upgrades including within Sussyer Avenue, Sugarwood Drive and Wollemi Place;*
- *Typical ancillary items including landscaping, acoustic barriers, signage and services”.*

The development is proposed to be undertaken in stages as follows:

“Stage 1

- *Demolition of existing buildings and improvements upon the site; and*
- *Tree Removal*

Stage 2A

- *Site preparation including retaining, filling, services installation, all external road works, initial stage acoustic barrier, all landscape buffer plantings;*
- *Construction of Stage 1 of the food distribution building comprising 5340m² of ‘Warehouse & Distribution Centre’; 710m² of ancillary ‘Office Premises’; 175m² of Workshop and all associated parking, handstand, landscape areas, workshop and truck wash and signage;*

Stage 2B

- *Construction of stage 2 of the food distribution building comprising 5495m² of additional ‘Warehouse & Distribution Centre’ and signage.*

Stage 2C

- *Installation of a 250kw photovoltaic system on the roof of the Stage 2A building*

Stage 2D

- *Installation of an additional 100kw photovoltaic system on the roof of the Stage 2A/2B building, increasing the stage 2C system from 250kw to 350kw.*

Stage 3

- *Construction of 5275m² of 'Light Industry', 150m² 'Industrial Retail Outlet'; 300m² of ancillary 'Office Premises' and all associated parking, handstand, landscape areas, signage and ultimate stage acoustic barrier".*

Future Stage 4

This component of the site is not part of the proposed development. The layout shown is indicative only, to demonstrate how that part of the site could be developed. Future Stage 4 would be subject to separate development application.

Stages 2A & 2B

Stage 2A & 2B is to be occupied by a food distribution tenant. The tenant (PFD) is a national food distribution company with 69 branches nationally. Currently the tenant has a smaller operation located within the Tweed Heads Industrial Area. Stages 2A & 2B will employ 131 persons at full operation (refer to Figure 4 below).

Stage 2A and 2B is proposed to operate 24 hours a day, 7 days a week and will not be open to the general public. Stage 2A and 2B will employ 131 persons at full operation with elements of the PFD work force working shifts.

The proposed operating hours, number of staff and shifts are summarised by the applicant as follows:

"Delivery Drivers – 35 Staff:

Monday to Friday: 4am (trucks leave) to 7pm (trucks return)

Saturday & Sunday: 6am (trucks leave) to 4pm (trucks return)

Admin / Management – 20 Staff:

Monday to Sunday: 8.30am to 5.30pm Monday to Sunday;

There will be a 'skeleton' (up to 15%) amount of admin staff onsite outside of normal office hours to facilitate 24-hour, 7 day a week operation.

Sales Reps – 19 Staff:

Monday to Sunday: 7.30am to 5.30pm

Warehouse – 55 Staff:

Monday to Sunday:

Morning shift: 4am to 2pm (40% of Staff)

Afternoon/Evening: 2pm to 10pm (30% of Staff)

Night: 9pm to 6am (30% of Staff)

Workshop / Truck Wash – 2 Staff:

Monday to Sunday 7am to 6pm".

Stage 3

The Stage 3 tenant is not currently known, however the potential tenant requires a Light Industry Work Area with Ancillary Office and Retail Industrial Outlet to sell items made on the site. Stage 3 will employ 44 persons at full operation, proposing the following hours of operation:

"Light Industry – 7am to 6pm;

Industrial Retail Outlet – 8.30am to 5pm; and

Office – 8.30am to 5pm”.

Workshop / Truck Wash

Stage 2A includes the construction of Workshop / Truck Wash area. These items will provide the facilities for basic maintenance and vehicle care of the food distribution tenant truck fleet. These facilities are considered to be ancillary to Stage 2A/2B and will not be used by the tenants of Stage 3 or be available for public use. These facilities are not proposed for major repairs or heavy maintenances items and appropriate conditions of consent have been applied in this regard.

Access

Vehicular access for Stage 2 will be provided for light vehicles via Wollemi Place and Sussyer Avenue for heavy vehicles. Stage 3 (and future Stage 4) will gain access for light and heavy vehicles via Wollemi Place.



3D VIEW - SUSSYER AVENUE
NTS



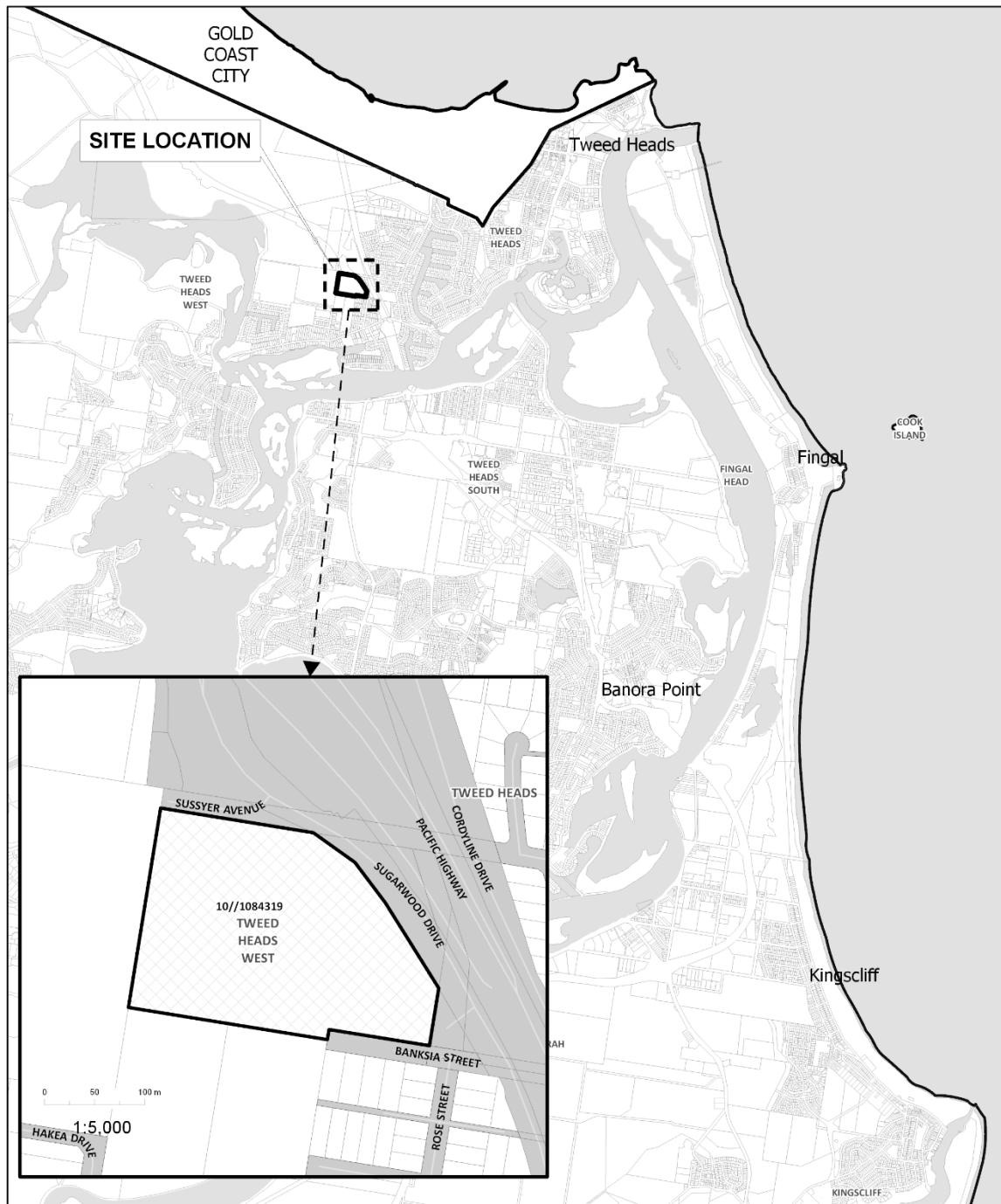
3D PERSPECTIVE
SCALE



3D PERSPECTIVE - OFFICE
SCALE

Figure 4 – 3D Images of Proposed Stage 2A / 2B

SITE DIAGRAM:



Site Plan

DA18/0884

Lot 10 DP 1084319

1 Wollemi Place TWEED HEADS WEST 2485

0 0.5 1 Km
1:50,000

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Coordinate System - MGA Zone 56
Datum - GDA 94

Cadastre: 18/07/2018
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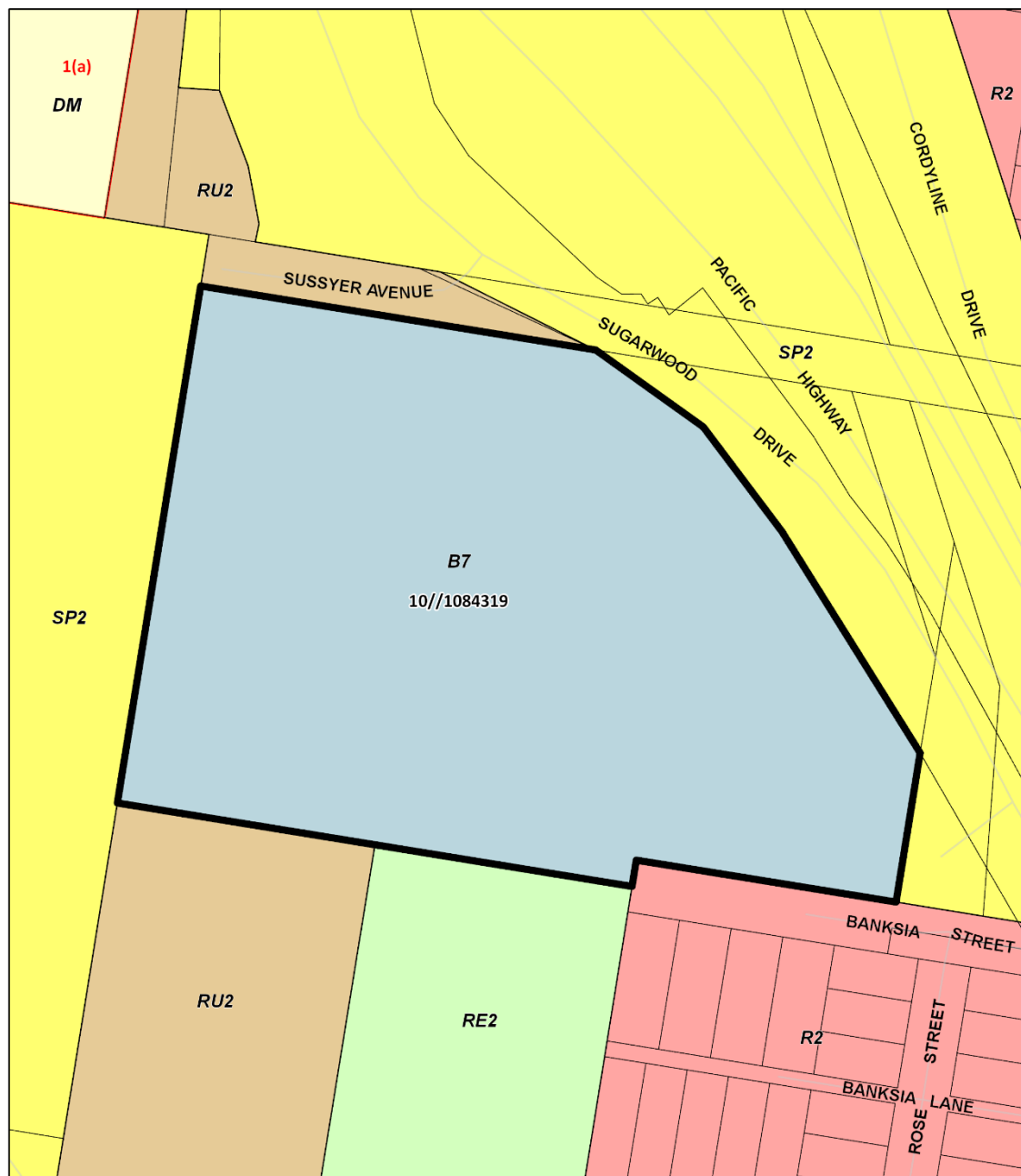
Civic and Cultural Centre
3 Tumbilgum Road
Murwillumbah NSW 2484
PO Box 816
Murwillumbah NSW 2484

T: (02) 6670 2400 / 1300 292 872
F: (02) 6670 2483
W: www.tweed.nsw.gov.au
E: planningreforms@tweed.nsw.gov.au



Date Printed: 09 January, 2019

ZONING PLAN:



Subject Land

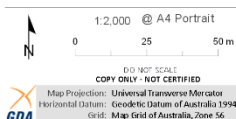
Subject Land

LEP 2000 (as at 2014)

1(a) Rural

Tweed Local Environmental Plan 2014

- B7 Business Park
- R2 Low Density Residential
- RE2 Private Recreation
- RU2 Rural Landscape
- SP2 Infrastructure
- DM, Deferred Matter



Site Plan - Local Environmental Plan

DA18/0884
Lot 10 DP 1084319
1 Wollemi Place TWEED HEADS WEST 2485

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Date Printed: 09 January 2019

AERIAL PHOTO:



Aerial Photography April 2018

DA18/0884
Lot 10 DP 1084319
1 Wollemi Place TWEED HEADS WEST 2485

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Boundaries shown should be
considered approximate only.

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Author: C. Lees - GIS

Date Printed: 10 January, 2019

DEVELOPMENT/ELEVATION PLANS:

See separate attachment.

CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:

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

Tweed Local Environmental Plan 2014

Part 1 Preliminary

Clause 1.2 - Aims of the Plan

The aims of this plan as set out under Section 1.2 of this plan are as follows:

- (1) This Plan aims to make local environmental planning provisions for land in Tweed in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
 - (a) *to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
 - (b) *to encourage a sustainable, local economy, small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed Shire,*
 - (c) *to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, the built environment, and cultural heritage,*
 - (d) *to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
 - (e) *to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
 - (f) *to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
 - (g) *to conserve or enhance the biological diversity, scenic quality, geological and ecological integrity of the Tweed,*
 - (h) *to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*
 - (i) *to conserve or enhance areas of defined high ecological value,*
 - (j) *to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

The proposed development is considered to be generally in accordance with the aims of this plan, subject to conditions of consent.

1.4 Definitions

The proposed development is considered to incorporate the following uses, as defined by the EP&A Act 1979:

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

Note - Light industries are a type of industry.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (other than an artisan food and drink industry) or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note - See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note - Office premises are a type of commercial premises.

Part 2 Permitted or prohibited development

2.1 Land use zones

As noted above, the subject site is zoned B7 Business Park. The additional land associated with the application (catering for infrastructure associated with the overall development) is zoned: SP2 - Infrastructure Sewerage System; SP2 - Infrastructure Classified Road; RU2 - Rural Landscape; and R2 - Low Density Residential.

All elements of the proposal are permissible with consent in the relevant zones, as discussed below. It is noted that permissibility for the proposed 'Electricity

Generating Works (Solar Energy System)' is established by Clause 34(7) of SEPP (Infrastructure) 2007.

B7 Business Park

The development proposes 'Warehouse or Distribution Centre', 'Light Industry', 'Industrial Retail Outlet' and Ancillary 'Office Premises' and 'Electricity Generating Works (Solar Energy System)', all which are permissible land uses in the zone.

SP2 Classified Road

The proposed development includes road upgrade works within the SP2 Classified Road Zone. Roads and associated works are a permissible land use in the zone.

RU2 Rural Landscape

The proposed development includes road and infrastructure upgrade works within the RU2 Rural Landscape Zone. Roads and associated works are a permissible land use in the zone.

R2 Low Density Residential

The proposed development includes road upgrade works within the R2 Low Density Zone. Roads and associated works are a permissible land use in the zone.

SP2 Sewerage System

With regard to proposed works within the SP2 Sewerage System zone, the applicant has noted the following:

"The proposed development includes filling of an existing stormwater dam located in the south western corner of the subject site. These works will see some minor works at the edge of Tweed Shire Council depot located on Lot 1 DP1011625. The western batter of the stormwater dam intrudes into Tweed Shire Council depot by approximately 2.5m at its greatest extent.

Tweed Shire Councils Depot falls within the SP2 Sewerage System zone. Permissible land uses in the SP2 Sewerage System zone are identified as 'The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose'. As the purpose shown on the land zoning map is Sewerage System, the proposed filling works must satisfy either 'ordinarily incidental' or 'ancillary to' a Sewerage System in order to be permissible.

In this regard, as the filling is not proposed directly as part of works for a Sewerage System it cannot be classified as ancillary in this instance; However, as the proposal does not seek a land use within the SP2 Sewerage System zone, the proposed filling can correctly be classified as 'incidental', i.e. that it is a miscellaneous or minor item and that as explored further below, is ordinarily incidental to a Sewerage System.

As defined within the Tweed Local Environmental Plan 2014, filling is defined as 'earthworks'. As part of constructing and maintaining sewerage and sewerage treatment systems, earthworks are an ordinarily incidental item that occurs. As such earthworks (and therefore the proposed filling) are correctly classified as any development that is ordinarily incidental to

development for a sewerage system and is permissible with consent in the zone”.

Council officers concur with the applicant in terms of the proposed works within the Sewer Treatment Plant / Depot site being permissible.

Clause 2.3 – Zone objectives and Land use table

Clause 2.3(2) requires that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. An assessment of the proposed development against each of the relevant zones is provided below.

The objectives of the **B7 Business Park** zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To encourage a range of compatible uses, including residential, recreational and community facilities to maximise cross utilisation of urban infrastructure.*
- *To encourage and promote good urban design through the integration of all structures (including buildings) and landscaped areas with strong visual and aesthetic appeal.*

The proposed development is consistent with the above objectives in that the proposal will provide significant employment opportunities, will provide a range of office, light industrial and warehousing and distribution centre uses and provides a high standard of urban design consistent with built form of modern commercial/industrial developments.

The objectives of the **SP2 Infrastructure** zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

With regard to the *SP2 - Infrastructure Sewerage System* zone, the proposed filling is considered to be consistent with the objectives of the SP2 Infrastructure zone. Noting that it will not impact upon the provision of infrastructure or related uses and that it is not development that is not compatible with or may detract from the provision of infrastructure.

In terms of the *SP2 - Infrastructure Classified Road* zone, the proposed road upgrade works are considered to be consistent with the objectives of the SP2 Infrastructure zone.

The objectives of the **RU2 General Residential** zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

- *To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land.*

The proposal is not inconsistent with the objectives of the RU2 Rural Landscape zone, noting the location of the works is already improved by road and other infrastructure. As 'Road' is a permissible land use in the zone, it is given 'Road' is a 'compatible land use' as envisaged by zone objective 3.

The objectives of the **R2 Low Density Residential** zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is not inconsistent with the objectives of the R2 Low Density Residential zone, noting the location of the works is already improved by road and other infrastructure. As 'Road' is a permissible land use in the zone, it can be argued that a 'Road' is a 'facility or service to meet day to day needs' as envisaged by zone objective 2.

Overall, the proposed development is considered to be consistent with the B7, SP2, RU2 and R2 zone objectives and Clause 2.3 has been satisfied.

Clause 2.7 - Demolition requires development consent

The provisions of clause 2.7 require that demolition of a building or work must only be carried out with development consent.

Stage 1 of the proposed development incorporates demolition of existing structures within the site. The provisions of clause 2.7 are considered satisfied by virtue of the demolition works being incorporated within the development application.

A Demolition Work Plan was submitted with the application and includes a management plan and validation for the removal of asbestos from the subject site. Council officers have recommended appropriate conditions of consent with regard to the proposed Stage 1 demolition works.

Clause 4.3 – Height of Buildings

The objectives of clause 4.3 are as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to establish the maximum height for which a building can be designed,*
 - (b) *to ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity,*
 - (c) *to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities,*
 - (d) *to encourage greater population density in less car-dependant urban areas,*

- (e) to enable a transition in building heights between urban areas comprised of different characteristics,
 - (f) to limit the impact of the height of a building on the existing natural and built environment,
 - (g) to prevent gross overshadowing impacts on the natural and built environment.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject site is limited to a maximum building height of 13.6m. The proposed development incorporates buildings which exceed 13.6m. Specifically, the building associated with Stage 2A / 2B incorporates a maximum building height of 16.26m to the top of roof and 17.0m to top of ridge, as shown in Figures 5 and 6 below.

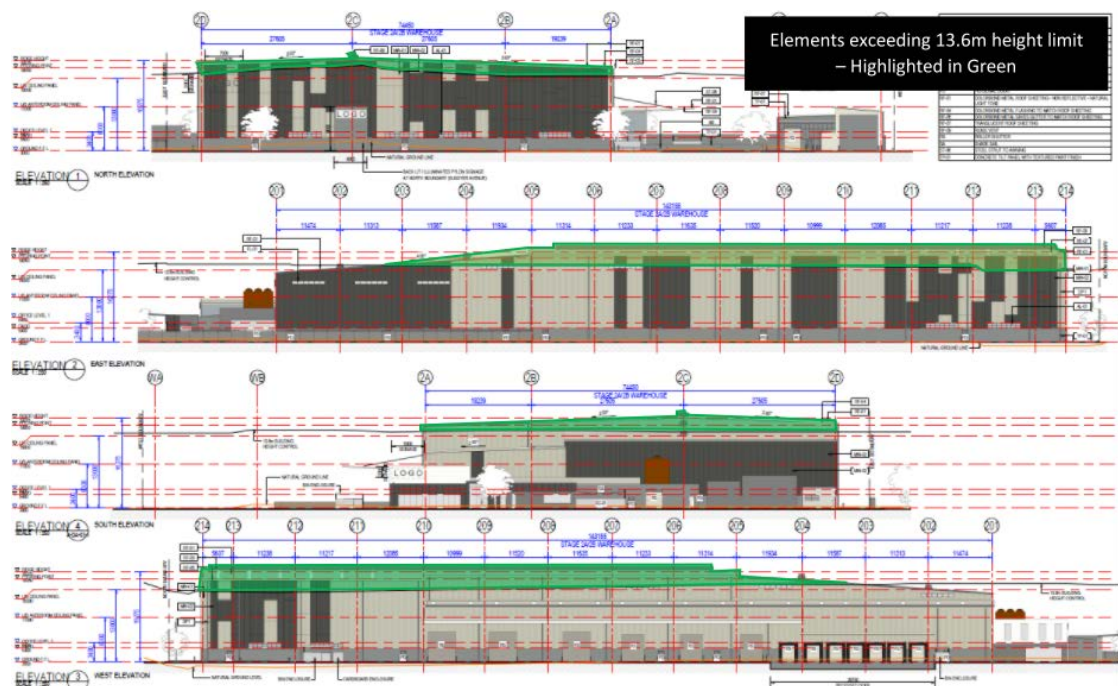


Figure 5 – Extent of Building which Exceeds the Height Limit Shown in Green

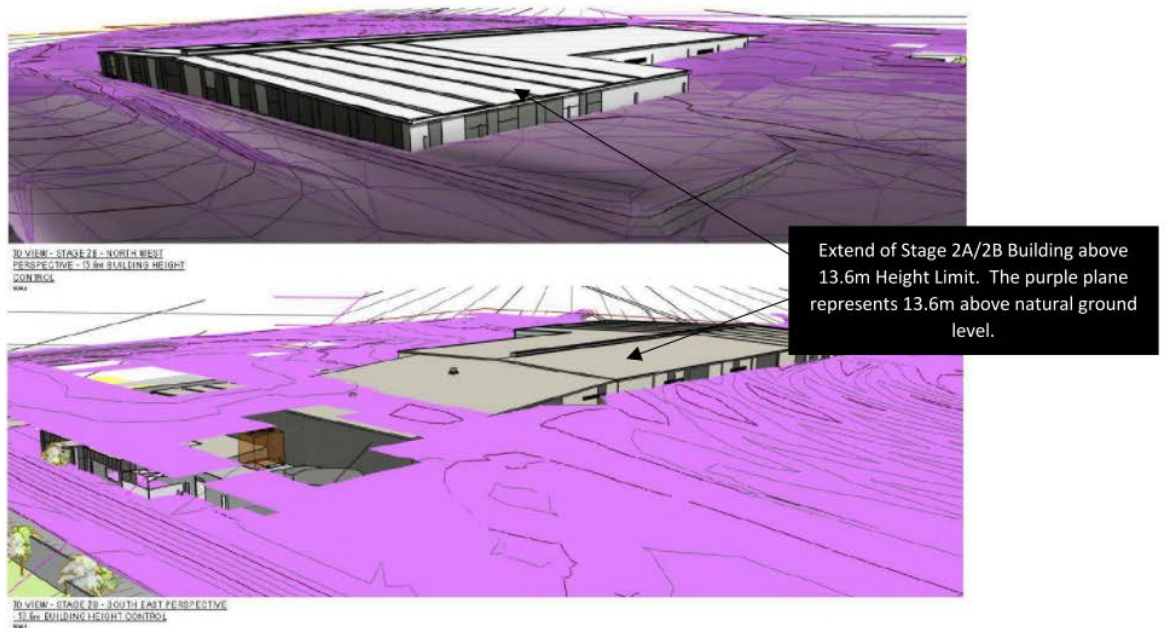


Figure 6 – Extent of Building Exceeding Height Limit (13.6m Height Plane shown in Purple)

Accordingly, the application includes a clause 4.6 Request to vary the building height development standard. An assessment of the applicant's clause 4.6 Request is detailed below.

Clause 4.4 – Floor Space Ratio

Floor Space Ratio provisions associated with clause 4.4 are not applicable to the proposed development.

Clause 4.6- Exceptions to development standards

The objectives of Clause 4.6 are as follows:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Recent court decisions have highlighted the correct approach for consent authorities when dealing with a written request under clause 4.6. The consent authority must first consider whether a 4.6 Request has adequately addressed all of the required elements of clause 4.6(3). If not satisfied, the consent authority does not have the power to grant consent.

The 4.6 Request should contain the following information:

- Identify the development standard that the applicant seeks to vary;
- As required by clause 4.6(3), it must demonstrate that compliance with the development is unreasonable or unnecessary in the circumstances;
- As required by clause 4.6(3), it must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard; and
- Include a discussion of how the proposed development is in the public interest.

Overall, the onus is upon the applicant to demonstrate that the matters in clause 4.6 (a) and (b) have been adequately addressed, to enable the consent authority to be satisfied that the 4.6 Request is adequate.

An assessment against the provisions of clause 4.6 is noted below.

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.**

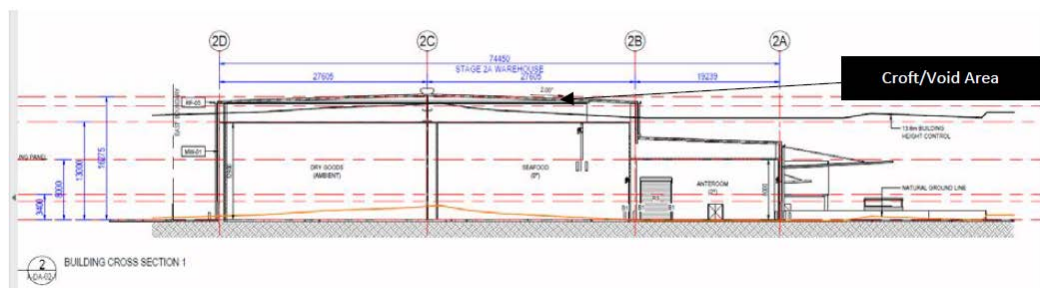
The proposed development seeks a variation to **Clause 4.3 Height of Buildings** under the TLEP 2014. As noted by the applicant, Clause 4.3 is not expressly excluded from the operation of Clause 4.6. As such, the 4.6 Request is allowable.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:**

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and**

The applicant has made a written request to vary the provisions of Clause 4.3, providing the following response to clause 4.6 (3)(a):

“Compliance with the development standard is unreasonable in this instance. The mapped maximum height of buildings under TLEP 2014 is 13.6m. The proposed stage 2A/2B building provides a maximum height of 16.26m to top of roof and 17.0m to top of ridge vent. This equates to an additional 3.4m of building height for these two stages of the proposal. The elements which exceed the height are completely comprised of the upper most portion of a ceiling croft/void area, roof structure and ridge vent and do not contain any gross floor area nor are they capable of conversion to provide gross floor area. Refer figure below:



In preparing the proposals design and seeking tenants for it, at the highest level the key considerations were avoiding amenity impact upon the adjoining properties and surrounding environment; achieving the zone objectives via maintaining sufficient land to achieve a mix of land uses; maximising use and employment generating opportunities of the site via the provision of multiple employers; and providing land uses that will ultimately benefit from the sites exceptional connections to transport links

including Pacific Highway and Gold Coast Highway, and its close proximity to the Gold Coast Airport.

The height and layout of the elements which must be located over the fridge/freezer sections of the proposed building are dictated by technical specifications of the services which will be installed within thiscroft/void area. The technical specifications are such that the services must have minimum clearance heights, be enclosed by built structure and not exposed to the elements. The Stage 2A/2B building must also provide a minimum storage volume for food distribution tenant operations.

While the proposal could be amended to reduce the building height while still achieving the storage volume required for Stage 2A/2B, this would only be achieved via an enlarged building footprint which would leave insufficient land for Stage 3 and future Stage 4 of the proposal on the site. This would result in a direct and fatal impact on attaining the objectives of the B7 Business Park Zone. In considering all the elements, significant efficiencies and indeed public benefit (via attainment of the zone objectives) is achieved by increasing the storage volume vertically, as opposed to laterally.

Despite the additional building height, the proposal continues to meet the objectives of the building height control. Specifically it is noted that:

- The proposed development complies with all of Councils overshadowing and privacy requirements, refer Shadow diagrams contained in the Architectural Plan under Attachment 1 of the Statement of Environmental Effects; shadow cast by the Stage 2A/2B building proper, falls totally within the subject site;*
- Through clever design and building placements the parts of the development that exceed the building height will either not be visible from the street (at Stage 3 and future Stage 4) or where visible the height variation, given its minimal extent and integration with the overall building form, will be indistinguishable from a compliant 13.6m building height;*
- The sites position, low elevation, the surrounding vegetation and elements including the Pacific Highway acoustic barriers contain views of the site to a small local catchment only. Refer Statement of Landscape Intent under Attachment 2 of the Statement of Environmental Effects. As the proposal will not be directly visible from the broader surrounding area the site is clearly capable of accommodation the additional height while maintaining an appropriate urban character, level of amenity and extent of impact upon the adjoining natural and urban environments;*
- The site is currently serviced by reticulated water, sewer, power and telecommunications infrastructure and has excellent road transport connections to the Pacific Highway and Gold Coast Highway. The site is in an urbanised environment as envisaged by the objectives of the height control. The provision of additional building height can be completely supported by the existing infrastructure, in fact the benefit of this infrastructure is maximised via the proposed additional building height.*

Effectively the proposal continues to meet the objectives of Clause 4.3 despite the non-compliance. Given the proposal continues with meeting the objectives of Clause 4.3, complying with the development standard is unreasonable in this instance”.

Council officers are satisfied that the provisions of Clause 4.6(3)(a) have been met, having considered the written request from the applicant that seeks to contravene clause 4.3 of the TLEP 2014.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In addressing the provisions of clause 4.6 (3)(b), the applicant noted the following:

“There are sufficient environmental planning grounds to justify the contravention of the standards and that compliance with the standard is therefore unreasonable. While the proposal could be amended to reduce the building height while still achieving the storage volume required for Stage 2A/2B this would only be achieved via an enlarged building footprint which would leave insufficient land for Stage 3 and future Stage 4 of the proposal on the site, not to mention further compromise ability to comply with attaining the objectives of the B7 Business Park Zone. In considering all the elements, significant efficiencies and indeed public benefit (via attainment of the zone objectives) is achieved by increasing the storage volume vertically.

In addition to the discussion above around the proposals consistency with building height objectives, at the highest statutory level the additional building height is considered essential to meeting the objects of the Environmental Planning and Assessment Act 1979, namely to ‘promote the orderly and economic use and development of land’.

Effectively the proposal continues to meet the objectives of the Clause 4.3 despite the non-compliance, while facilitating attainment of the objectives of the B7 Business Park Zone and achieving higher order development objects, including the orderly and economic use and development of land”.

Council officers are satisfied that the provisions of Clause 4.6(3)(b) have been met, in that the applicant has provided sufficient planning grounds to justify contravening clause 4.3 of the TLEP 2014.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

It is considered that the applicant has satisfactorily addressed the provisions of clause 4.6(3)(a) in that their written request is considered to have adequately demonstrated that compliance with the building height of 13.6m is unreasonable in the circumstances of the case.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development

within the zone in which the development is proposed to be carried out, and

In terms of public interest and being consistent with objectives of clause 4.3 as well as objectives of the zone, the applicant has noted the following:

“The proposal is not inconsistent with the objectives of clause 4.3 or the objectives of the B7 Business Park Zone. Regarding height of buildings, the objectives of Clause 4.3 are:

- (a) to establish the maximum height for which a building can be designed,*
- (b) to ensure that building height relates to the land’s capability to provide and maintain an appropriate urban character and level of amenity,*
- (c) to ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities,*
- (d) to encourage greater population density in less car-dependant urban areas,*
- (e) to enable a transition in building heights between urban areas comprised of different characteristics,*
- (f) to limit the impact of the height of a building on the existing natural and built environment,*
- (g) to prevent gross overshadowing impacts on the natural and built environment.*

The proposal is consistent with the objectives of the height of buildings control in that:

- The proposal achieves a high quality visual appearance which is broken up using building articulation, materiality, colour and landscaping;*
- The proposed development complies with all Councils overshadowing and privacy requirements, refer Shadow diagrams contained within the Architectural Plan under Attachment 1 of the Statement of Environmental Effects, shadow cast by the Stage 2A/2B building proper, falls totally within the subject site;*
- Through clever design and building placements the parts of the development that exceed the building height will either not be visible from the street (at Stage 3 and future Stage 4) or where visible the height variation, given its minimal extent and integration with the overall building form, will be indistinguishable from a compliant 13.6m building height;*
- The sites position, low elevation, the surrounding vegetation and elements including the Pacific Highway acoustic barriers contain views of the site to a small local catchment only. Refer Statement of Landscape Intent under Attachment 2 of the Statement of Environmental Effects. As the proposal will not be directly visible from the broader surrounding area the site is clearly capable of accommodation the additional height while maintaining an*

appropriate urban character, level of amenity and extent of impact upon the adjoining natural and urban environments;

- *The site is currently serviced by reticulated water, sewer, power and telecommunications infrastructure and has excellent road transport connections to the Pacific Highway and Gold Coast Highway. The site is in an urbanised environment as envisaged by the objectives of the height control. The provision of additional building height can be completely supported by the existing infrastructure, in fact the benefit of this infrastructure is maximised via the proposed additional building height.*

The proposal is also consistent with the objectives of the zone in which it is located. The site is zoned B7 Business Park. 'Warehouse or Distribution', 'Light Industry', 'Industrial Retail Outlet' and ancillary uses are permitted uses with consent in the B7 zone under the TLEP 2014. The objectives of the zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To encourage a range of compatible uses, including residential, recreational and community facilities to maximise cross utilisation of urban infrastructure.*
- *To encourage and promote good urban design through the integration of all structures (including buildings) and landscaped areas with strong visual and aesthetic appeal.*

The proposed development is consistent with the above objectives in that the proposal will provide significant employment opportunities (175 jobs), will provide a range of office, light industrial and warehousing and distribution uses; provides a high standard of urban design consistent with built form of modern commercial/industrial developments; and provides compatible uses which maximise cross utilisation of the urban infrastructure servicing the area.

While the proposal could be amended to reduce the building height while still achieving the storage volume required for Stage 2A/2B, this would only be achieved via an enlarged building footprint which would leave insufficient land for Stage 3 and future Stage 4 of the proposal on the site. This would result in a direct and fatal impact on attaining the objectives of the B7 Business Park Zone.

The proposal will not conflict with the public interest as it is consistent with the objectives of the standard and the zone in which the development is located. In considering all the elements, significant efficiencies and indeed public benefit (via attainment of the zone objectives) is achieved by increasing the storage volume vertically”.

Council officers concur with the applicant's submission in that the proposed development will be in the public interest, being consistent with the objectives of the zone and objectives of the development standard being varied.

Accordingly it is considered that the provisions of clause 4.6(4)(a)(ii) have been met.

(b) the concurrence of the Secretary has been obtained.

As noted by the applicant, Planning Circular PS18-0003 states that “...*regional planning panels may also assume the Secretary’s concurrence where development standards will be contravened*”. Accordingly, the concurrence of the Secretary may be assumed in this instance as the consent authority is a Regional Panel.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

In seeking to minimise land loss and maximising employment opportunities across a range of land uses, Council officers are satisfied that the proposed contravention of clause 4.3 would not raise any matters of significance for State or regional environmental planning.

(b) the public benefit of maintaining the development standard, and

Given the proposed development’s demonstrated consistency with the objectives of the development standard, it is considered that the granting of the proposed variation would not prejudice the future integrity of the development standard.

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no other matters required to be taken into consideration.

Having considered the applicant’s written request to contravene clause 4.3 of the TLEP 2014 in relation to building height, Council officers are satisfied that there are sufficient grounds to justify the variation request. It is considered that compliance with the development standard is unreasonable and the consent authority may assume the concurrence of the Secretary in this instance.

Clause 5.4 – Controls relating to miscellaneous permissible uses

The following provisions of Clause 5.4 are applicable to the proposed development:

Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 40% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or*
 - (b) 400 square metres,*
- whichever is the lesser.*

Stage 3 of the proposed development incorporates an Industrial Retail Outlet having a GFA of 150m², which is the equivalent to 2.72% of the associated Light Industrial use. As such, the proposal is considered to comply with the provisions of clause 5.4 of the LEP.

Clause 5.10 – Heritage Conservation

The subject site is not listed as having any heritage significance and is not mapped as being a known or predictive site in terms of aboriginal cultural heritage. Accordingly, clause 5.10 is not considered to be applicable to the proposed development.

Clause 5.11 – Bush fire hazard reduction

A very small area in the north west portion of the site is mapped as being Bushfire Prone Land. In this regard, the applicant has submitted a Bushfire Threat Assessment, prepared by Bushfire Certifiers and dated 13 July 2018.

The assessment identified the bushfire threat to the north and north west of Stage 2B of the development (refer to Figure 7 below).



Figure 7 – Bushfire Threat Analysis

In summary, the applicant's assessment notes that the proposed buildings complies with the aims and objectives of the Planning for Bushfire Protection (PBP) 2006 and goes on to state that the "...*proposed development is capable of complying with the acceptable solutions*" of the PBP. In this regard, the assessment recommends a number of conditions with respect to asset protection zones, landscaping, hydrants and gas installation.

The proposed development is not considered to be a Special Fire Protection Purpose pursuant to the provisions of s100B of the Rural Fires Act and as such, referral to the NSW Rural Fire Services was not required.

Council officers have undertaken an assessment of the proposed development in terms of bushfire protection and appropriate conditions of consent have been applied.

Clause 7.1 – Acid Sulfate Soils

The subject site demonstrates Class 2 and 3 Acid Sulfate Soils (ASS) in accordance with the provisions of this clause. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The initial acid sulfate soils (ASS) assessment provided by the applicant did not satisfy Council officers and a request for a project specific ASS management plan (which considered the management of groundwater) was issued. Given the time constraints in having the proposal determined at the February 2019 Panel meeting, the applicant requested that the project specific ASSMP be conditioned prior to the issue of a construction certificate for Stage 2, as “...*the stage 1 demolition and site clearing works (which do not require a Construction Certificate) will not impact Acid Sulfate Soils*”.

Council officers noted that previous ASS investigations (associated with the Masters approval on the subject site) showed that “...*material within the upper 1 metre of the soil profile did not trigger ASSMAC defined action criteria*”. As a result, Council officers raise no objection to the applicant's request to condition the project specific ASSMP. An appropriate condition of consent has been applied.

As such, the provisions of clause 7.1 are considered to have been satisfied, subject to the recommended condition of consent.

Clause 7.2 – Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed earthworks consist of minor re-profiling of the majority of the site, filling of some areas below design flood level and the possible replacement / treatment of some existing fill.

The provisions of Clause 7.2(3) require the consent authority to consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Council officers have reviewed the proposal in terms of stormwater drainage, raising no objections, subject to conditions of consent. Council officers have also assessed the proposal in terms of soil stability / settlement, with recommended conditions of consent including a detailed geotechnical investigation with regard to settlement.

(b) the effect of the development on the likely future use or redevelopment of the land,

The proposed earthworks will not negatively impact upon the likely future use or redevelopment of the land. The proposed earthworks will create a suitable development site for future uses.

(c) the quality of the fill or the soil to be excavated, or both,

Appropriate conditions of consent have been applied with regard to the importation / exportation of fill.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

The proposed earthworks are not considered to impact upon the existing or likely amenity of neighbouring properties. Appropriate conditions of consent have been applied with regard to vibration and compaction of any earthworks.

(e) the source of any fill material and the destination of any excavated material,

Appropriate conditions have been applied with regard to placement / excavation of fill.

(f) the likelihood of disturbing relics,

The proposed earthworks are not considered likely to disturb relics. However, an appropriate condition has been applied in the unlikely event that a relic is disturbed.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Appropriate conditions have been applied with regard to erosion and sediment control and stormwater drainage to minimise any potential impact upon the nearby coastal wetland area.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

As noted above, appropriate conditions have been applied with regard to erosion and sediment control and stormwater drainage to minimise any potential impact associated with the proposed earthworks.

(i) the proximity to, and potential for adverse impacts on, any heritage item, archaeological site, or heritage conservation area.

It is considered unlikely that the proposed earthworks are in proximity to or have the potential impact upon any heritage item, archaeological site or heritage conservation area.

Overall, the proposed earthworks associated with the development are considered to have minimal impact and appropriate conditions of consent to manage such impacts have been applied. Accordingly, the proposal is considered to be in accordance with the provisions of clause 7.2.

Clause 7.3 – Flood planning

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

This clause goes on to further state that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

Council officers have reviewed the proposed development in terms of potential flooding impacts, noting that the subject site is mapped as a low flow area and the majority of the development site is above the Design Flood Level (DFL). As

noted elsewhere in this report, Council's flooding assessment concluded that the proposal is considered to be acceptable, subject to conditions of consent.

- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and**

The proposed minor filling of the site is not considered to have a significant effect on the flood affectation of surrounding properties.

- (c) incorporates appropriate measures to manage risk to life from flood, and**

The proposed development is not considered to require measures to manage risk to life given its commercial nature and due to the site being mapped as a low flow area.

- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and**

With regard to the consent considerations noted above: the proposal is within the low flow hazard area; the majority of the development site is already above the DFL; the proposed filling of the site is allowable within the low flow area; appropriate conditions of consent have been recommended to ensure the proposal does not cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.**

The proposal is not considered likely to result in unsustainable social and economic costs to the community as a consequence of flooding. As noted, Council officers have reviewed the proposed development in terms of potential flooding impacts, with the assessment concluding that the proposal is considered to be acceptable with regard to flooding, subject to conditions of consent.

As such, the proposal is considered to be in accordance with the provisions of this clause.

Clause 7.4 – Floodplain risk management

The objectives of this clause are as follows:

- (a) in relation to development with particular evacuation or emergency response issues, to enable evacuation of land subject to flooding in events exceeding the flood planning level,**
- (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.**

As noted elsewhere in this report, the proposed filling of the development site is within the allowable provisions for flood prone land identified as Low Flow areas. Accordingly, the proposal complies with the provisions of the "Tweed Valley Flood Plain Risk Management Plan", thereby satisfying the provisions of clause 7.4.

Clause 7.6 – Stormwater Management

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

As noted later in this report, Council officers have undertaken a detailed review of the proposed development with regard to stormwater management.

Subject to the imposition of the recommended conditions of consent, the proposal is considered to be acceptable with respect to the requirements of clause 7.6.

Clause 7.8 – Airspace operations

The objective of clause 7.8 is to provide for effective and ongoing operations of the Gold Coast Airport by ensuring that the Operations Limitation Surface (OLS) is not penetrated by development and to protect the community from undue risk from the airport's operation.

The following provisions of clause 7.8 apply to the proposed development:

- (2) *If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.***

Given the proximity to the airport and the potential for penetration of the OLS (refer to Figure 8 below), the matter was raised with the Gold Coast Airport's consultant to determine what course of action should be taken.

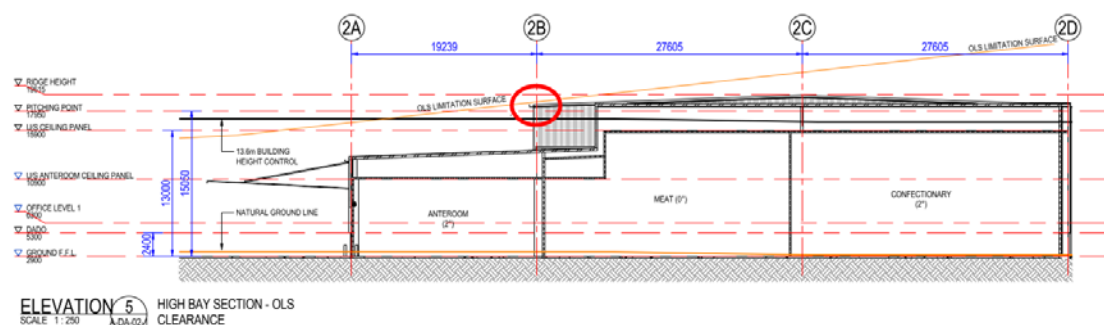


Figure 8 – Proximity to OLS Limitation Surface

- (3) *The consent authority may grant development consent for the development if the relevant Commonwealth body advises that:***
- (a) *the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or***
 - (b) *the development will not penetrate the Limitation or Operations Surface.***

As a result of the applicant's Aeronautical Study not being completed prior to the finalisation of this report, the following advice was provided by the Gold Coast Airport's consultant:

*“At present, the preliminary plans submitted show a building which does not exceed the OLS. Therefore GCAPL responds as per sub-clause 7.8(3)(b); namely, **the development will not penetrate the surface, and thus there is no impediment to Panel granting consent to the application.***

However, as you are of course aware, minor changes can occur as more detailed design of the building proceeds towards construction and, as the margin below the OLS in this case is not significant, the position may vary somewhat”.

The Gold Coast Airport’s consultant also noted that the prospect should be kept open for an airspace approval to be required, if such a change were to occur. The following advice was provided in this regard:

“Due to the complex nature of the airspace in the vicinity of this development and the preliminary nature of the development drawings it is recommended that a condition be imposed on any consent requiring the proponents to make application for airspace approval under the Airports (Protection of Airspace) Regulations via GCAPL prior to the issue of building approval. The proponents preliminary drawings indicate the development sits below the OLS though further detailed assessment will be undertaken based on For Construction Drawings.

It is also recommended that a condition be imposed on any consent requiring the proponents to make application to GCAPL for approval for any proposed temporary penetration of the OLS by use of construction cranes or other equipment, with a minimum of 8 weeks notice”.

(4) The consent authority must not grant development consent for the development if the relevant Commonwealth body advises that the development will penetrate the Limitation or Operations Surface and should not be carried out.

As noted above, the Gold Coast Airport’s current position is that the proposed Stage 2 building does not exceed the OLS and therefore the Panel can issue consent.

An applicable condition has been applied in the event that detailed design shows that penetration of the OLS will occur, an application for airspace approval must be made.

Subject to the imposition of the recommended conditions of consent, the proposal is considered to be acceptable with respect to the requirements of clause 7.8.

Clause 7.9 – Development in areas subject to aircraft noise

The objectives of this clause is to: prevent certain noise sensitive developments from being located near the Gold Coast Airport and its flight paths; to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings; and to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.

This clause applies to development that:

- (a) is on land that:**
 - (i) is near the Gold Coast Airport, and**
 - (ii) is in an ANEF contour of 20 or greater, and**
- (b) the consent authority considers is likely to be adversely affected by aircraft noise.**

As noted in Figure 9 below, the subject site is near the Gold Coast Airport and is mapped as being within the ANEF 25 to 30 and 30 to 35 contours. As such, the provisions of clause 7.9 apply.

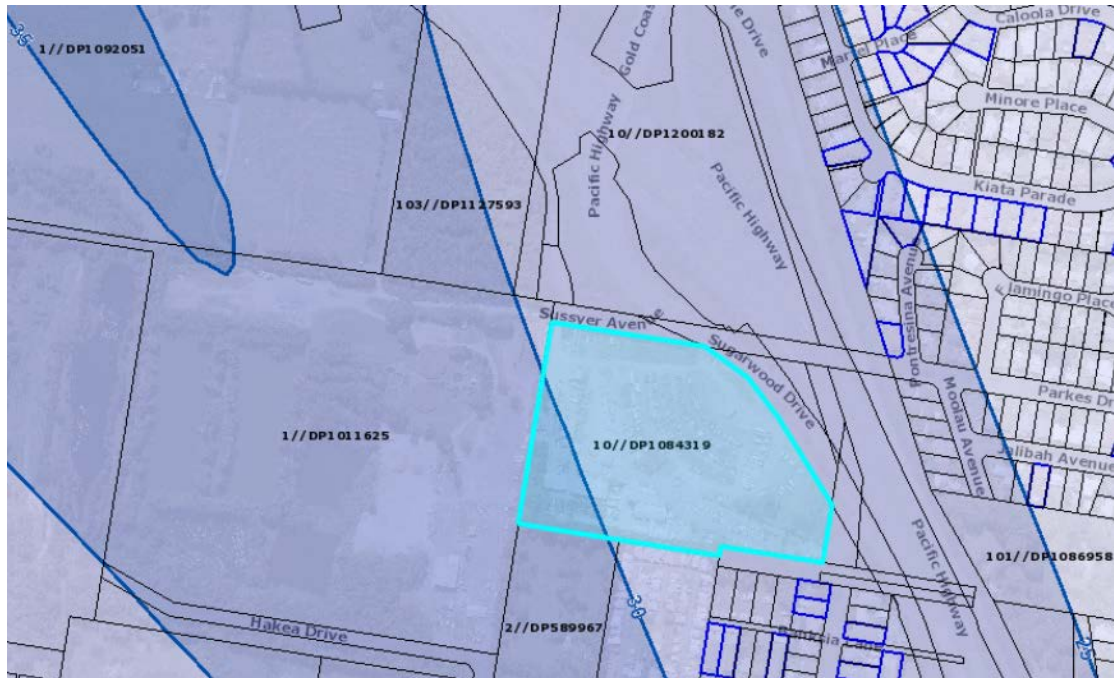


Figure 9 – ANEF Contours 25 to 30 and 30 to 35 apply to the site

- (3) Before determining a development application for development to which this clause applies, the consent authority:**
 - (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and**

It is considered that approval of the application would likely result in an increase in the number of people affected by aircraft noise (i.e. those working at the proposed uses).

- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021:2015, and**

Council officers have noted that “... Table 2.1 indicates that a commercial building is ‘conditionally acceptable’ in the 25-35 ANEF, light industrial is ‘conditionally acceptable’ in the 30 to 40 ANEF, other industrial is acceptable in all ANEF zones, and the land use authority may consider the incorporation of noise control features”.

(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015.

Council officers have provided the following comment in noting that the proposal is considered satisfactory in meeting the applicable noise attenuation measures:

“CRG Acoustics was engaged to provide advice with respect to the impacts of aircraft noise on the development. The assessment makes a number of recommendations with respect to the construction and ventilation of the proposal which have been incorporated into the proposed development plans. The assessment concludes that based upon the adopted noise limit criterion, overall, the proposed development can be designed to comply with acceptable design sound levels.

The following points are noted from the Environmental Noise Impact Assessment, CRG Acoustics, 08 August 2018 (CRGREF:18051 report REV 2):

- To achieve the required indoor levels for Stages 2A and 3 offices and the Stage 3 Retail Trade Outlet we recommend the Rw values for building components as detailed in Table 9 of the report.
- The building element supplier should verify that the Rw ratings are achieved by the proposed building component/s prior to construction.
- Building treatments for aircraft noise were determined by using the calculation methods detailed in Australian Standard AS2021 “Acoustics – Aircraft Noise Intrusion – Building Siting and Construction”. Calculations for building treatment determination are presented in Appendix C.
- Provision for air conditioning or sealed mechanical ventilation is also required to internal spaces affected by aircraft noise (spaces listed in Table 9 of the report) to allow occupants to close windows and doors and still have a fresh supply of air. The installed plant should not reduce the acoustic performance of the building shell.

It is considered that the report has been prepared by a suitably qualified consultant, and has been generally prepared in accordance with Australian Standard AS 1055:1997 - “Acoustics-Description and measurement of environmental noise”, Australian Standard AS2021-2015 “Acoustic – Aircraft noise intrusion – Building siting and construction”, and Section 7.9 “Development in areas subject to aircraft noise” of the Tweed Local Environmental Plan 2014. Appropriate conditions have been identified requiring the recommendations within the report to be carried out”.

Subject to recommended conditions of consent, the proposed development is considered to have satisfied the provisions of clause 7.9.

Clause 7.10 – Essential Services

This clause outlines that consent must not be granted to development unless the consent authority is satisfied that essential services such as water,

electricity, sewerage, stormwater drainage and vehicular access are available or that adequate arrangements have been made to make them available when required.

The subject application has been reviewed by Council's Water and Wastewater Unit, Development Engineering Unit as well as Council's Road and Stormwater Unit with regard to the provision of essential services.

Power and telephone services are already available to the subject site, as a result of previous land uses. The proposed development will connect to Council's existing reticulated water and wastewater systems, with upgrades proposed where required. Applicable conditions of consent have been applied with regard to all applicable upgrade requirements.

Stormwater drainage has been assessed in detail, with Council officers satisfied with the proposed development subject to conditions.

Similarly, vehicle access has been reviewed in detail, with appropriate conditions recommended to ensure adequate access arrangements are in place for the subject site in the short and long term.

Accordingly, Council officers are satisfied that the proposed development meets the provisions of clause 7.10, subject to conditions of consent.

Clause 7.13 - Development requiring the preparation of a Development Control Plan

The objective of this clause is to ensure that development on certain land occurs in accordance with a site-specific development control plan and applies to development on land identified as "DCP required" on the Key Sites Map.

The subject site is mapped as a Key Site under the provisions of the LEP and as such, clause 7.13 applies to the proposed development. However it is noted that Section A17 – *Business Enterprise Corridor and General Industry Zones* of the Tweed Development Control Plan incorporates a site specific development controls (*Section 8.1 – Boyds Bay Business Park*) applicable to the subject site. An assessment of the proposal against Section A17 is noted later in this report. Accordingly, it is considered that the provisions of clause 7.13 have been satisfied.

Having regard to the above assessment, the subject application is considered to be generally in accordance with the provisions of the Tweed Local Environmental Plan 2014.

State Environmental Planning Policies

SEPP No. 44 - Koala Habitat Protection

SEPP 44 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas.

The proponent has undertaken an Ecological Assessment (Biome Water and Environmental Consulting, June 2018), which concluded that a Koala Plan of Management is not required for the proposed development.

Council officers concur with the proponent's assessment, noting that the 'Potential Koala Habitat' for the purposes of SEPP 44 does not occur on the subject site. As such, the provisions of Clause 8 of the SEPP (Core Koala Habitat) do not apply and a plan of management is not required.

SEPP No. 55 - Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment.

Clause 7 of the SEPP provides for certain matters that the consent authority must consider and be satisfied with prior to determining the proposed development. Council's assessment against the provisions of Clause 7 of SEPP 55 is noted below.

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) *it has considered whether the land is contaminated, and*

The subject site has had a number of uses, including nursery, landscape supplies, equipment and chemical storage, mower repairs and car park.

There is an extensive history of contamination investigations on the site. As such, the areas of contamination are well known and documented in the applicant's Detailed Site Investigation report (HMC 2018). However, the extent of contamination has not been determined.

(b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

The site history review and more recent site inspection by the applicant indicated several areas that require further investigation, including parts of the site subject to placement of imported fill and several areas of potential spills from storage of equipment, fuel etc.

At the request of Council, additional information has subsequently been received from HMC which addresses the above request. The additional information provides likely further investigation methodologies for dieldden impacted underslab soil, locations where equipment, lead batteries and/or oil/fuel containers have been stored, imported fill and onsite retention ponds. The advice from HMC also provides remediation options (including onsite and offsite) for the above areas and contaminants of potential concern.

It is considered that the additional information received from HMC shows that the land can be remediated to be made suitable for its intended use before the land is used for that purpose.

(c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Applicable conditions of consent have been applied, including the requirement for: further site investigations; the preparation of a Remediation Action Plan (RAP); as well as a Site Audit Statement for an accredited site auditor (prior to the commencement of works), to certify that the site is suitable for the proposed land use once remediated.

- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.**

Given that the subject site incorporates a previous / current land use that is listed in Table 1 of the contaminated land planning guidelines (i.e. horticultural activities, fuel storage, engine works); an assessment has been undertaken by the proponent. As noted above, the applicant's Detailed Site Investigation report concluded that further investigations are required, but also noted various remediation options to allow Council officers to be satisfied that the site will be suitable for the proposed land use once remediated.

- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.**

Ideally the further investigations would have been carried out prior to determination of the application. Time constraints have not allowed such investigations to occur. However, Council officers are satisfied with the additional information provided by the applicant, which identifies a number of different methodologies for further investigations and recommended remediation options.

The additional information provided has given Council officers sufficient detail to be satisfied that remediation of contaminated areas can be occur, enabling the site to be suitable for the proposed uses.

- (4) The land concerned is:**

- (a) land that is within an investigation area,**
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,**
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:**
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and**
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).**

Council officers are satisfied that the proponent's Detailed Site Investigation and subsequent additional information was carried out generally in accordance with all relevant legislation and the proposed development is considered to meet the specific provisions of Clause 7 of SEPP 55, subject to strict conditions of consent.

SEPP No. 64 – Advertising and Signage

The SEPP 64 aims to ensure that signage is: compatible with the amenity and visual character of the area; provides effective communication in suitable locations; and, is high quality design and finish.

An assessment of the relevant clauses (Clause 8, 13 and 18) of the SEPP has been undertaken as noted below.

8 Granting of consent to signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

The proposed signage is considered to be consistent with the objectives of the policy in that it is: compatible with the desired amenity and visual character of the area; provides effective communication and will be of high quality design and finish.

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

An assessment of the proposed signage has been undertaken against the specific criteria of Schedule 1 of the SEPP. In this regard, it is considered that the signage: is compatible with the existing or desired future character of the area; does not detract from the amenity or visual quality of any special areas; does not obscure or compromise any important views or dominate the skyline; is appropriate for the streetscape, setting and landscape of the locality; is appropriate and compatible with the scale, proportion of the development; will incorporate safety devices, lighting devices designed as integral part of the signage; will not result in any unacceptable impacts as a result of illumination; and is not considered to reduce the safety for any public road.

13 Matters for consideration

(1) A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:

(a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

As noted above, the proposed signage is considered to be consistent with the objectives of the policy in that it is: compatible with the desired amenity and visual character of the area; provides effective communication and will be of high quality design and finish.

- (c) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and**

As noted above, the proposed signage has been assessed against the assessment criteria of Schedule 1, with the proposal being considered to be acceptable in terms of impacts.

- (d) satisfies any other relevant requirements of this Policy.**

The proposed signage is considered to satisfy all relevant requirements of the SEPP.

- (2) If the Minister for Planning is the consent authority or clause 18 or 24 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:**

- (a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and**

As noted above, the proposed signage is considered to be consistent with the objectives of the policy in that it is: compatible with the desired amenity and visual character of the area; provides effective communication and will be of high quality design and finish.

- (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of:**

- (i) design, and**
(ii) road safety, and

As noted above, the proposed signage has been assessed against the assessment criteria of Schedule 1, with the proposal being considered to be acceptable in terms of design and road safety.

- (iii) the public benefits to be provided in connection with the display of the advertisement, and**

The proposed signage incorporates Business Identification Signs only. No third party advertising is proposed.

- (e) satisfies any other relevant requirements of this Policy.**

The proposed signage is considered to satisfy all relevant requirements of the SEPP.

- (3) In addition, if clause 18 or 24 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.**

Although Clause 18 applies, the proposed signage incorporates Business Identification Signs only. No third party advertising is proposed.

18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

- (1) This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.**

The proposed development incorporates a pylon sign (as shown in Figure 10 below) adjacent to the Sussyer Avenue road frontage. Being greater than 20m² and within 250m of and visible from a classified road, the sign triggers the provisions of clause 18, thereby requiring the concurrence of the RMS.

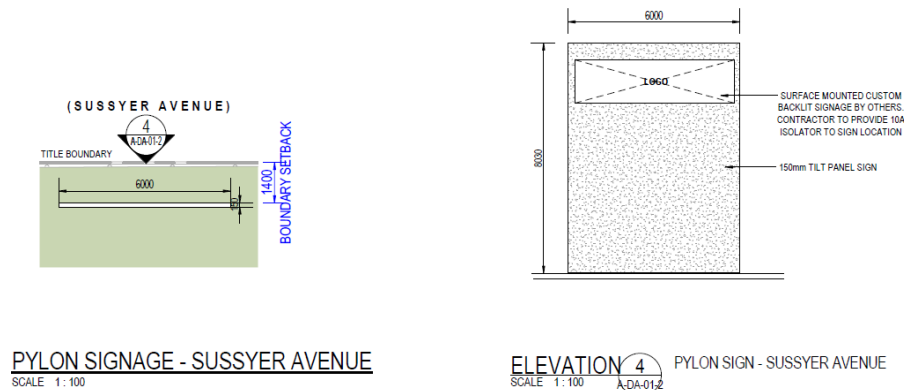


Figure 10 – Pylon Sign Requiring Concurrence

- (2) The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of RMS.**

As noted, the proposed pylon sign (identified by the applicant's as Sign No 3) was referred to the RMS for consideration, with the RMS issuing concurrence.

- (3) In deciding whether or not concurrence should be granted, RMS must take into consideration:**
- (a) the impact of the display of the advertisement on traffic safety, and**
 - (b) the Guidelines.**
 - (c) (Repealed)**

In granting concurrence, it is assumed that the provisions of clause 18(3) were taken into consideration by the RMS.

- (3) If RMS has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has granted, or has declined to grant, its concurrence, RMS is taken to have granted its concurrence.**

Not applicable – concurrence has been granted.

- (4) Nothing in this clause affects clause 16.**

Not applicable

(5) This clause does not apply when the Minister for Planning is the consent authority.

Not applicable

SEPP (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to identify the environmental assessment category of different types of development and identify matters to be considered in the assessment process.

Clause 34 of the ISEPP relates to **solar energy systems** requiring development consent. The proposed development incorporates a total capacity of 350kw (Stages 2C and 2D), which exceeds exempt provisions for such development. Accordingly, clause 34() of the ISEPP applies, which requires development consent. In seeking approval of the proposed solar energy systems, the proposed development meets the provisions of clause 34.

Clause 45 of the ISEPP relates to the determination of applications involving **development that is likely to affect an electricity transmission or distribution network**. Clause 45(2) notes the following:

- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:**
 - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and**
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.**

The applicant's SEE notes that electricity infrastructure in the locality is a mixture of overhead and underground services, with proposed road upgrade and stormwater works in Sussyer Avenue penetrating the ground within 2m of underground electricity power lines.

The proposed development was forwarded to Essentially Energy for comment as required. A response from Essential Energy is noted later in this report. Applicable conditions of consent have been applied.

Clause 104 of the ISEPP provides for certain matters relating to **traffic generating development** that the consent authority must consider and be satisfied with prior to determining the proposed development. Council's assessment against the provisions of Clause 104 of the ISEPP is noted below.

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:**

- (a) new premises of the relevant size or capacity, or**

The proposed Warehouse or Distribution Centre is a land use specified in Column 1 of Schedule 3 of the ISEPP.

- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.**

Not applicable to the proposed development.

(2) In this clause, relevant size or capacity means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or**

Column 2 of the Schedule 3 refers to a Warehouse of Distribution Centre having a site area of 8,000m². Stage 2 of the proposed development has an area of 25,512m². As such, clause 104 applies to the proposed development.

- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.**

Not applicable to the proposed development.

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and**

As noted above, the application was referred to the RMS for consideration.

(b) take into consideration:

- (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and**

The RMS has provided advice on the proposed development, with particular regard to Council being satisfied that the proposal has adequately addressed impacts upon road safety, efficiency and planning for the local road network. Appropriate conditions of consent have been applied in this regard.

(ii) the accessibility of the site concerned, including:

- (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and**

Accessibility of the site is considered to be satisfactory. The proposed development incorporates an upgrade of the access road (Sussyer Avenue) and upgrading to Wollemi Place, which will provide for the efficient movement of people and freight from the site. Multi-purpose trips are not appropriate for this development.

- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and**

As noted above, access to the subject site is limited to public road only and the upgraded accesses will cater for the proposed design vehicle. Movement of freight by rail to the site is not available.

(iii) any potential traffic safety, road congestion or parking implications of the development.

The proponent has prepared a Traffic Impact Assessment, which concludes that the proposed development does not introduce any traffic or transport impacts that would preclude its approval. Subject to conditions of consent, Council officers concur with this conclusion.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

A copy of the determination will be provided to the RMS.

It is considered that the proposed development meets the specific provisions of clause 34, clause 45 and clause 104 of ISEPP.

SEPP (State and Regional Development) 2011

Clause 2 of Schedule 7 of the State & Regional Development SEPP sets out the CIV threshold (\$30M) for development that is considered to be regionally significant development.

The proposed development have a CIV of \$34M. Accordingly, it is considered to be regionally significant development and the NRPP is the determining authority.

SEPP (Vegetation in Non-Rural Areas) 2017

The Vegetation in Non-Rural Areas SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas.

The applicant has noted that the proposed clearing does not exceed the biodiversity offset scheme.

It is uncertain as to whether the provisions of this SEPP actually apply to the proposed development. In any case, a precautionary approach has been taken by Council officers. In this regard, appropriate conditions of consent have been applied to retain significant 'prescribed vegetation', as defined under DCP A16 – *Preservation of Trees or Vegetation*.

SEPP (Coastal Management) 2018

The Coastal Management SEPP relates to areas of land comprised of the following coastal management areas:

- (a) the coastal wetlands and littoral rainforests area,***
- (b) the coastal vulnerability area,***
- (c) the coastal environment area,***
- (d) the coastal use area.***

The south eastern portion of the subject site is located within the *Coastal Environment Area* map associated with the SEPP (refer to Figure 11 below). A very minor portion of the north western corner of the site (shown in blue hatching) is also mapped *Coastal Wetland Proximity Area*. As such, the SEPP applies and the consent authority is required to have regard for the proposed development against the provisions of clauses 11, 13, 15 and 16 of the SEPP.



Figure 11 – Coast Environmental Area (shown in blue)

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) ***Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:***

- (a) ***the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or***

Council officers are satisfied that appropriate conditions of consent have been applied to ensure the biophysical, hydrological or ecological integrity of the adjacent coastal wetland.

- (b) ***the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.***

Council officers have undertaken a detailed assessment of the proposed development in terms of stormwater quality and quantity. The applicant has provided further detail to allow Council officers to be satisfied with the proposed on-site detention to limit peak flow rates. The proposed development incorporates a series of bio-retention basins to address stormwater quality. Appropriate conditions have been applied to mitigate any potential stormwater impacts upon the nearby wetlands.

13 Development on land within the coastal environment area

- (1) ***Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:***

- (a) ***the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,***

Subject to conditions of consent, Council officers are satisfied that the proposal will not result in adverse impact upon the integrity and resilience of the

biophysical, hydrological (surface and groundwater) and ecological environment.

(b) coastal environmental values and natural coastal processes,

The proposed development is not considered to have any adverse impact upon coastal environmental values and natural coastal processes.

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

Not applicable to the proposed development.

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

Council officers are satisfied that the proposal will not cause an adverse impact upon marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

The proposed development is not considered to have any adverse impact upon existing open space, safe access to the foreshore, beach, headland or rock platform for any members of the public.

(f) Aboriginal cultural heritage, practices and places,

The subject site is not mapped as being a known or predictive location. However, given the proximity to the known area to the north, an applicable condition has been applied with regard to developments requirements in the event that any Aboriginal object or cultural heritage (including human remains) be discovered during site works.

(g) the use of the surf zone.

Being located approximately 3.5kms from the coast, it is not considered that the proposed development will have any impact upon the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

Council officers are satisfied that the proposed development is suitably designed and sited, and consider that applicable conditions of consent have been applied to manage and mitigate potential impacts.

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

It is considered that suitable conditions have been applied to manage and mitigate potential impacts.

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.**

Not applicable – as noted above, it is considered that suitable conditions have been applied to manage and mitigate potential impacts.

15 Development on land within the coastal use area

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- (a) is satisfied that the proposed development:**

- (i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and**

The subject site is located approximately 3.5kms from the beaches and foreshore areas to the east.

- (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and**

The proposed development will have no impact upon existing views from public places to the foreshore.

- (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and**

The proposed development is not considered to have any adverse impact upon the visual amenity and scenic qualities of the coast.

- (iv) will not adversely impact on Aboriginal cultural heritage and places, and**

The subject site is not mapped as being a known or predictive location. However, given the proximity to the known area to the north, an applicable condition has been applied with regard to developments requirements in the event that any Aboriginal object or cultural heritage (including human remains) be discovered during site works.

- (v) will not adversely impact on use of the surf zone, and**

Being located approximately 3.5kms from the coast, it is not considered that the proposed development will have any impact upon the surf zone.

- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.**

Appropriate conditions of consent have been applied to mitigate any potential impacts on the surrounding environment arising from the proposed development. The type, location, bulk, size and scale of the proposed development is considered to be suitable for the subject site.

16 Development in coastal zone generally—development not to increase risk of coastal hazards

- (1) Development consent must not be granted to development on land within the coastal zone (other than land to which clause 13**

applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Council officers are satisfied that appropriate conditions of consent have been applied to ensure that the proposed development is not likely to cause an increased risk of coastal hazards on the subject site or surrounding locality.

It is considered that the proposed development meets the provisions of the Coastal Management SEPP.

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

Draft Amendments to State Environmental Planning Policy 44 (Koala Habitat Protection) 2007

The draft amendments to SEPP44 include:

- *definitions of koala habitat;*
- *list of tree species;*
- *list of councils; and*
- *development assessment process.*

Although the draft amendments to SEPP 44 are not imminent or certain of being adopted in the very near future, Council officers are satisfied that 'Potential koala habitat' for the purposes of SEPP 44 does not occur on the site.

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

Tweed Development Control Plan

A2 - Site Access and Parking Code

The proposed development is supported by a Traffic Impact Assessment (TIA), prepared by Bitzios and dated 12 October 2018 and subsequent further information to address Council concerns. Council officers have reviewed the TIA in terms of car parking requirements and access provisions.

Car Parking

Council's DCP Section A2 requires the following car parking rates for the proposed uses associated with the development:

Item	Development	Comment	Public Transport, Bus Stop Seating	Bicycle parking Rate (class)	Delivery/ Service Vehicle parking	Resident Parking	Staff parking	Customer car parking
D18	Warehouses or distribution centres				MIN 1 AV		1/staff	1/360m ² GFA
D8	Light industries	If located in commerce and trade zone increase to 1/50m ² GFA		1/5 staff (2)	1 HRV		1/120m ² GFA	
C15	Industrial retail outlets	Retail component only.					1/100 GFA	3.5/100m ² GFA
C20	Office*			Employee: 1/200m ² GFA (2). Visitor: 1/750m ² over 1000m ² (3)	1/200m ² GFA SRV		1/50m ² GFA	included in staff parking

The proposal incorporates the following car parking provisions:

Stage 2

105 on-site car spaces (via Wollemi Place)

36 heavy vehicle spaces (via Sussyer Avenue)

Stage 3

59 on-site car spaces (via Wollemi Place)

The applicant's TIA has broken its car parking assessment into the relevant stages and taken into account the proposed shift splits to determine the car parking demand for the development (where relevant).

Table 2 below is an extract from the TIA, with regard to Stage 2 of the development.

Staff Type	Staff Total	Shift Splits
Drivers	35	Trucks leave at 4AM and return at 7PM (Monday to Friday)
		Trucks leave at 6AM and return at 4PM (Weekends)
Warehouse	55	40% Morning (4AM to 2PM) 30% Evening (2PM to 10PM) 30% Night (9PM to 6AM)
Admin / Management	20	100% on-site between: 7:30AM-5:30PM (Monday to Friday)
		15% on-site afterhours
Sales Representatives	19	Generally on-site between: 7:30AM-5:30PM (Monday to Friday)
Total	129	

Table 2 – Stage 2 Staffing Schedule and Split Shifts

The TIA notes that the sales representatives associated with the distribution centre will “...split their time both in the office and out of the office tending to business customers and so on”. The TIA also notes that “...all parking for Stage 2 will be occupied staff, with occasional use by customers of the sales representatives that are required to tend business on-site”.

The TIA provides an analysis of the split shifts (refer to Figure 12 below), which has been used to determine the maximum number of staff expected on-site during the weekday for Stage 2.

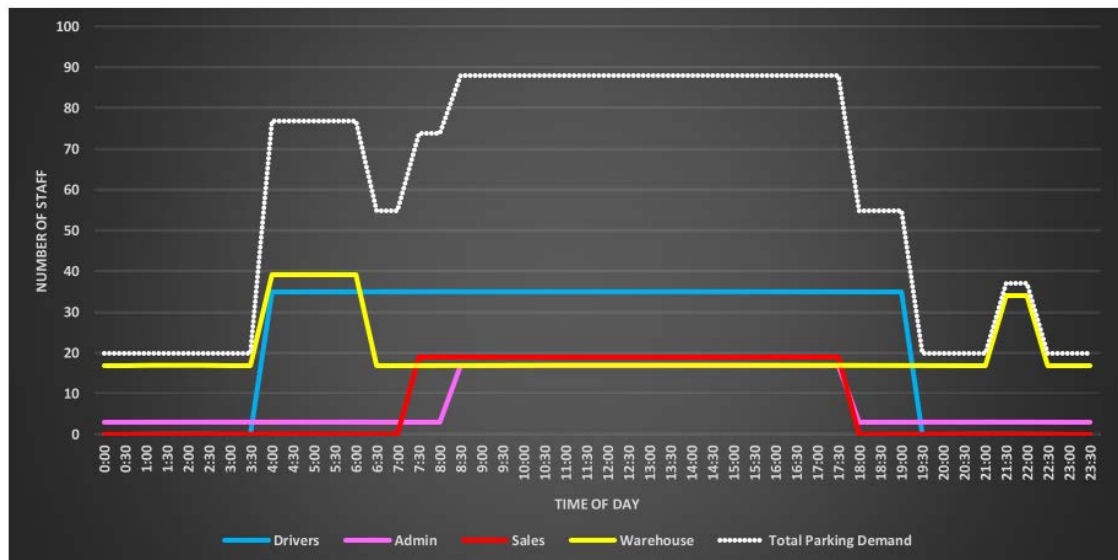


Figure 12 – Stage 2 Car Parking Demand (Weekday)

Based on the above data, the TIA notes that the weekday car parking demand for Stage 2 will be in the order of 88 car spaces required between 8.30am to 1.30pm, which is 17 spaces less than the 105 spaces to be provided on-site.

The same parking analysis was undertaken for the weekend shifts associated with Stage 2, as shown in Figure 13 below.

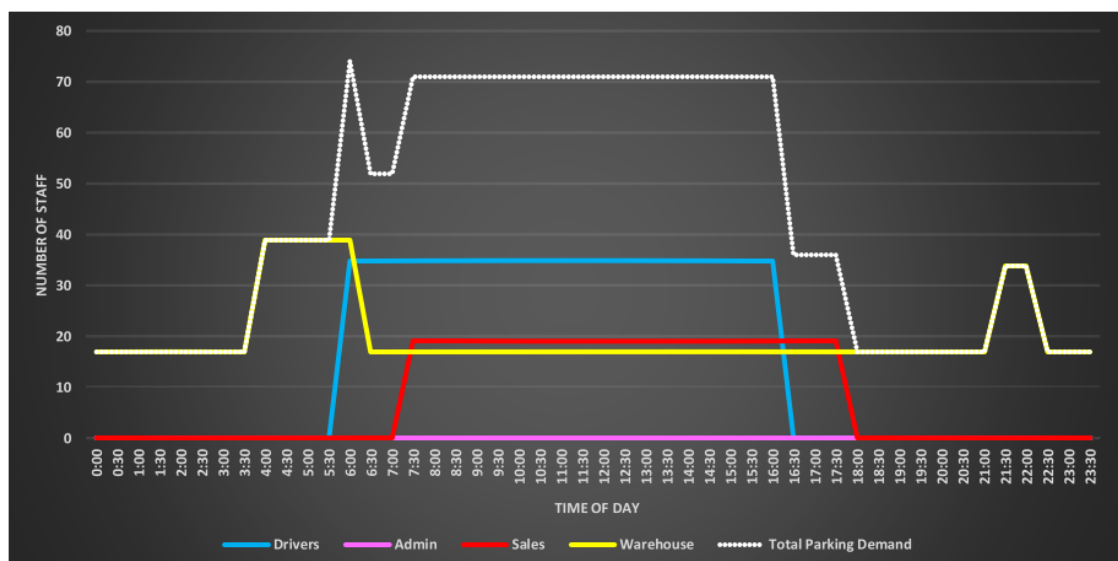


Figure 13 – Stage 2 Car Parking Demand (Weekend)

The TIA notes that the weekend car parking demand for Stage 2 will be in the order of 74 car spaces required between 6.00am to 6.30pm, which is 31 spaces less than the 105 spaces to be provided on-site.

With regard to Stage 3, the TIA has undertaken an assessment of the proposed uses against the requirements of DCP A2 (refer to Table 3 below), which concludes that the Stage 3 proposal would be compliant by way of providing 59 on-site spaces (which exceeds A2 requirements by one space).

Land Use	Type	Parking Rate	Quantity	Parking Required
Light Industry	Staff	1 space per 120m ² GFA	5,275m ² GFA	44
Industrial Retail Outlet	Staff	1 space per 100m ² GFA	150m ² GFA	1.5
	Customer	3.5 spaces per 100m ² GFA		5.25
Office	Staff	1 space per 50m ² GFA	300m ² GFA	6
Stage 3 – Total (Staff)				52
Stage 3 – Total (Customer)				6

Table 3 – Stage 3 Car Parking Requirements

The TIA also incorporates an analysis of the proposal against bicycle requirements of DCP A2 against the various uses proposed within Stages 2 and 3 of the development. The TIA concludes that the proposal is “...required to supply 4 staff and 1 customer bicycle space for Stage 2, while Stage 3 of the development is required to supply 11 staff and 1 customer bicycle parking spaces”. The TIA also notes that staff bicycle parking spaces are “...required to be in a secure location (i.e. bicycle locker, lockable compound or similar) and that visitor bicycle parking spaces should be freely accessible and located near main building entry points”.

Overall, the car parking analysis provided within the TIA is considered to be satisfactory.

Access

Council officers have undertaken a detailed analysis of the proposed access to / from the site, as noted later in this report. It is considered that appropriate conditions of consent have been applied to minimise potential impact to the local road network as a result of the proposed development.

Manoeuvrability

The applicant's TIA incorporates turning templates for Stages 2 and 3 to demonstrate that site manoeuvrability is achievable. This is particularly relevant to Stage 3, which requires heavy vehicles to navigate their way around the perimeter of the proposed Light Industry building in order to exit the site.

Overall, the proposed development is considered to be satisfactory with regard to the provisions of DCP A2.

A3-Development of Flood Liable Land

Portions of the site are affected by the 1 in 100 year flood event (refer to Figure 14 below). The proposed development incorporates filling, which is not mandatory under Council's DCP A3 provisions. Additionally, the whole of the subject site is expected to be inundated by the Probable Maximum Flood level (RL 5.8m AHD).



Figure 14 – Areas subject to Q100 Flooding (shown in blue)

Council's Infrastructure Engineer has noted the following with regard to flooding matters:

"The site is in a "Low Flow" area. Filling in the West Tweed area is generally permissible and encouraged but is not mandatory for infill, non-habitable development.

As the proposed development is non-habitable in nature the emergency response provision of DCP-A3 do not apply.

The proposed development appears to result in a net cut and disposal of fill from the site. It is likely this is at least partly due to the building height restriction issues and variation. The finished floor level of the proposed building are 2.9m AHD+, which is above design flood level.

The proposal can be supported from a flooding perspective".

It is also noted that the proposed workshop and truck wash will be at RL 2.6m AHD. Applicable conditions will be applied in terms of adequate provision for flood free storage of stock etc.

Accordingly, the proposed development is considered to satisfy the provisions of DCP A3.

A4-Advertising Signs Code

An assessment against the provisions of DCP A4 has been undertaken, noting that DCP A17 has additional signage controls. Where a conflict exists between the two documents, DCP A17 prevails in terms of signage.

DCP A4 provides for a maximum of five signs per business. The proposed development complies with this control, noting that DCP A17 permits only one sign per elevation and tenancy, with the applicant seeking a variation. Refer to DCP A17 assessment later in this report.

The maximum area for all business signs is limited by DCP A4 to the area calculated by multiplying the first 10 metres of the frontage of the premises by 1 and each meter thereafter by 0.5.

The proposed development includes nine signs in total, which incorporates five wall signs; two pylon signs; and two directional / way finding signs, as shown in Table 14 below.

<i>Sign No.</i>	<i>Stage</i>	<i>Location</i>	<i>Size</i>	<i>Sign Type</i>
1	2A	South Elevation (Office Façade)	6.0m (W) x 2.0m (H)	Wall Sign
2	2A/2B	North Elevation (Warehouse Façade)	7.0m (W) x 3.0m (H)	Wall Sign
3	2A	Sussyer Avenue Frontage	6.0m (W) x 8.0m (H)	Pylon Sign
4	3	East Elevation (Office Façade)	6.0m (W) x 2.0m (H)	Wall Sign
5	3	East Elevation (Light Industry Façade)	7.0m (W) x 3.0m (H)	Wall Sign
6	2A	Sugarwood Drive / Wollemi Place Frontage	8.3m (W) x 2.1m (H)	Pylon Sign (Multi Business / Entry Sign)
7	3	North Elevation (Light Industry Façade)	7.0m (W) x 3.0m (H)	Wall Sign
8	2A	Internal onsite (adjacent staff access points to Stage 2A)	1.8m (W) x 2.8m (H)	Pylon Sign (Directional / Way Finding)
9	2A	Sussyer Avenue Frontage (directly adjacent vehicle crossover)	1.8m (W) x 2.8m (H)	Pylon Sign (Directional / Way Finding)

Table 14 – Proposed Signage

The applicant has requested a variation to DCP A4's maximum area for signage, noting the following:

“The total area for signage for each business is Stage 2A/2B = 33.375m²; and Stage 3 = 24m² in accord with the above calculation. The total signage area provided for Stage 2A/2B is 81m²; and Stage 3 is 54m². The proposed signage is not third party signage, is proportionate to the size of the buildings and development and will not be a hazard to road users. The proposed signage is compliant with council's objectives”.

It is noted that the proposed directional / way finding signage has not been included in the applicant's signage area calculations, nor has Sign No. 6 (8.3m wide x 2.1m high Pylon sign). Whilst the directional signage is acceptable in not being included in the area calculation, it should be noted that the proposed variation relates to a maximum area of 98.43m² for Stage 2A/2B.

Nonetheless, it is considered that the proposed variation to the maximum area of signage is worthy of support. If wall signage is looked at separately (i.e. the signage for each individual stage, as opposed to a multi business sign), the proposed Stage 2A/2B signage has an area of 33m², which is compliant with the DCP requirements. The proposed wall signage for Stage 3 is considered to be acceptable in terms of the eastern elevation having two signs (presumably one each for the Light Industry and Industrial Retail Outlet components), with an additional sign for the northern elevation of the Light Industry building. The maximum area for Stage 3 is being exceeded due to the proposed size of the wall signage (6m wide x 2m high and 7m wide x 3 m high). The size of the proposed signage is considered to reasonable, given the eastern elevation of Stage 3 is between 45 and 59m from the eastern site boundary, with the traffic travelling along Sugarwood Road between 55m and 80m from the building. A reduction in the size of the proposed wall signage would limit the development's

ability to provide clear and legible signage without impacting on the locality, which is an objective of the DCP.

In summary, the proposed variation for the maximum area of signage is supported.

A11-Public Notification of Development Proposals

The proposed development was advertised and notified to adjoining and nearby properties between 7 November and 7 December 2018. Two submissions were received from the general public. Comments were received by several State agencies. All submissions are addressed in detail later in this report.

A13-Socio-Economic Impact Assessment

Section A13 requires a socio-economic assessment to accompany the application. The proposed development is supported by a Socio-Economic assessment. The assessment has identified likely economic impacts (such as the creation of 175 employment positions), as well as an analysis of impacts resulting from the development. The report concludes that the proposal will result in positive socio-economic outcomes. Council officers concur with the conclusions of the report and the proposed is considered to comply with the provisions of Section A13 of the DCP.

A15 - Waste Minimisation and Management

There is adequate storage capacity and vehicular access provided for the proposed development to allow suitable management of waste and recycling in accordance with the submitted waste management plan.

Subject to conditions of consent, the proposed development is considered to comply with the provisions Section A15 of the DCP.

A16 - Preservation of Trees or Vegetation

The proposed development involves the removal of approximately 1,450m² of vegetation from the site (refer to vegetation community 1 and 2 as identified in Figure 15 below). This includes the removal of one of the identified juvenile threatened species (planted on site) and one koala food tree (*Eucalyptus Tereticornis*).



Figure 15 – Vegetation Communities Plan

Council officers have reviewed the application in terms of the proposed vegetation removal, with Section 3.4 of DCP A16 in mind (vegetation removal considerations). Refer to detailed comments later in this report.

Applicable conditions of consent have been applied with particular regard to the retention of two existing trees on the subject site. Subject to the recommended conditions of consent, the proposed development is considered to comply with the provisions Section A16 of the DCP.

A17 - Business, Enterprise Corridor and General Industrial Zone

DCP A17 applies to the proposed development given the site's B7 Business Park zoning. The provisions of the DCP aim to accommodate a mix of uses with a focus on providing employment opportunities and cross utilisation of infrastructure.

The DCP's Shire wide controls relate to: site analysis and design; urban design principles; cut and fill controls; building envelope criteria; site coverage controls; building height considerations; building design provisions; built form and materials; overshadowing; visual amenity; landscaping; signage; and fencing.

The applicant has provided an assessment against the relevant Shire wide controls, noting that the proposed development is compliant with all relevant controls, with the exception of control C1 of section 7.3 *Signs and Advertising*.

Control C1 states that signage is limited to a *maximum of one sign per elevation and tenancy*.

The applicant has requested a variation to control C1, noting that the proposed development incorporates two signs (Sign 4 and 5) on the eastern elevation of Stage 3 (refer to Figure 16 below).



Figure 16 – Non-compliant Signage on Eastern Elevation of Stage 3

As noted in the DCP A4 assessment above, the proposed wall signage for Stage 3 is considered to be acceptable in terms of the eastern elevation having two signs (presumably one each for the Light Industry and Industrial Retail Outlet components). The applicant has provided justification for the variation, demonstrating consistency with the objectives relating to the control being varied.

Accordingly, Council officers consider that the proposed variation to control C1 of section 7.3 of DCP A17 can be supported.

The DCP also incorporates site specific development controls for the 'Boyds Bay Business Park'. These controls aim to provide: a variety of land uses; maximise employment opportunities; and ensure the development responds to the Gold Coast Airport's requirements in terms of ANEF and OLS provisions, whilst maintain the amenity of adjoining properties.

An analysis of the proposed development against the controls of section 8.1 of the DCP is noted below.

C1. A site analysis is to be prepared in accordance with section 3.1 of this DCP to accompany any development application over this site. In addition to the standard criteria, additional information such as obstacle limitation surface (OLS) and aircraft ANEF contours should also be documented.

Complies – the applicant has provided a Site Analysis Plan.

C2. Development application documentation is to include:

i. Subdivision and staging plan of the whole site demonstrating the proposed structure layout including internal road layout, carparking areas, building footprints, landscape area as well as future potential links to surrounding airport Precinct 2 as identified under the Tweed Urban and Employment Land Strategy (TUELRs) and Lot 2 DP 589967 to the south of the site.

Complies – proposed staging has been identified, along with a conceptual layout for future Stage 4, which is not part of this application, but provided to demonstrate how the future stage can be accommodated.

ii. Indicative building envelopes including footprints, heights and setbacks over future staged sites.

Complies – future Stage 4 conceptual design has been provided to demonstrate how the future stage can be accommodated.

iii. Points of access and egress including service vehicle movement, circulation, pathways, car parking and bus stop(s). This should include:

- **Singular point of access off Parkes Drive (north western corner) with one way service vehicle egress from existing Wollemi Place unless otherwise consented to by the RMS;**
- **Establishing a service road around the perimeter separate from normal vehicle access and circulation.**

The applicant's DCP assessment notes that the proposal is compliant with control C2(iii), stating that *"...consultation with the RMS has been undertaken and on this basis the proposal has been lodged seeking ingress and egress from Wollemi Place. Service vehicle access has largely been separated from normal vehicle access and circulation with exception of some staff parking for Stage 3 of the proposal"*.

It is noted that the RMS has concerns with long term impacts of the development should Sugarwood Drive become two-way and have noted that it would be desirable not to limit the opportunity for internal access through the site.

In discussions with the applicant, the abovementioned access and site circulation issues were raised. The applicant reiterated that the single point of access off Sussyer Avenue has been limited to Stage 2 heavy vehicles only to avoid conflict between heavy and light vehicles. The applicant's TIA provides further justification in this regard.

In terms of the possible separate service road around the perimeter of the site, the applicant advised that such a design had been considered, but not accepted due to impact upon the overall site design.

iv Public domain and landscape plan. This should:

- **Establish strong landscape address along Rose Street and Parkes Drive and entry features at key access points to Parkes drive (Wollemi Place and Parkes Drive);**

Complies – the proposed development incorporates acceptable landscaping address at the key entrance points to the site.

- **Incorporate landscape buffers to the southern boundary (at least 10m) and western boundaries (at least 5m);**

The applicant has requested a variation to this control, proposing a 2m wide landscaping buffer along the western boundary and a variable width buffer of 5.03m to 8.03m along a large portion of the southern boundary. Refer to Figures 17 and 18 below.

The applicant's justification notes that the proposed landscaping along the southern and western boundaries is designed to provide amenity both internally and externally.

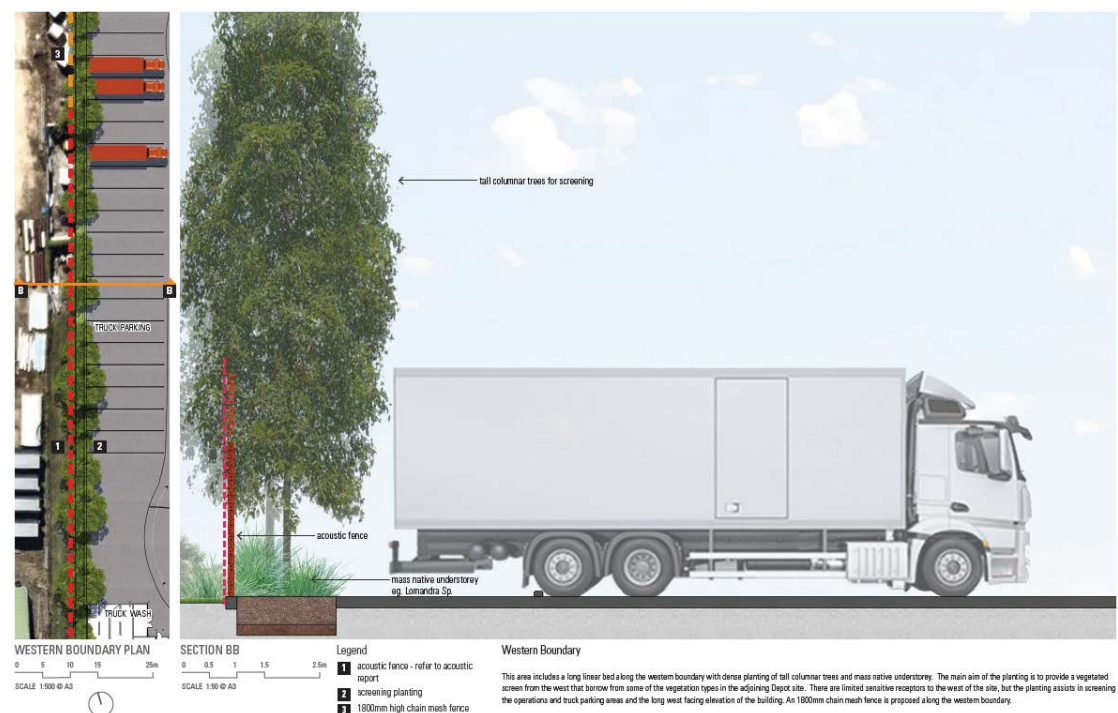


Figure 17 – Western Boundary Landscaped Buffer

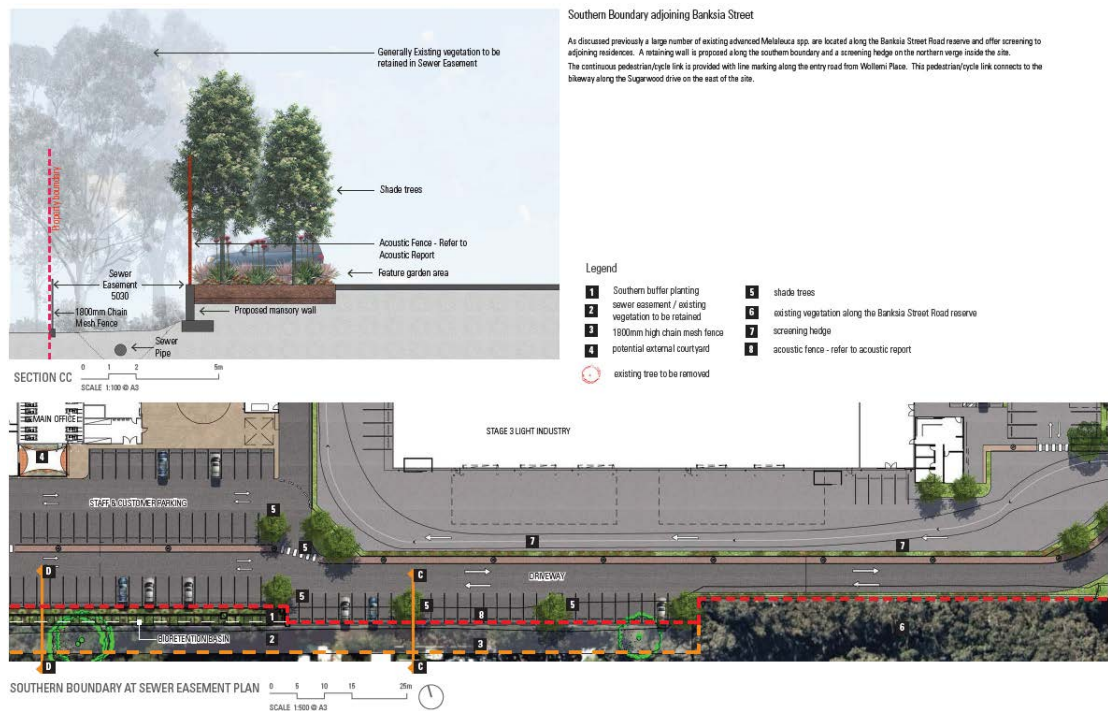


Figure 18 – Southern Boundary Landscaped Buffer

Council officers consider that the proposed variation to landscape buffer widths is supportable, with acceptable landscaping provisions being proposed, along with acoustic walls for residential amenity (noise) purposes.

- **Incorporate street trees lining internal access roads and integrated within car park design for shade and visual amenity;**

Complies – the proposed development incorporates street trees lining internal access roads, and shade trees within the car park (refer to Figure 19 below).

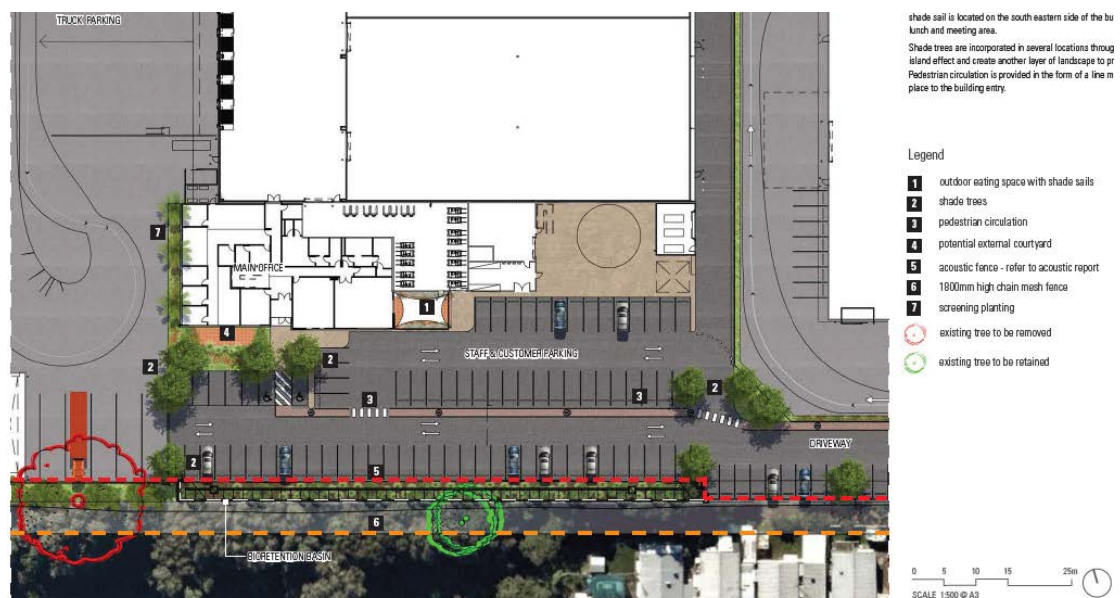


Figure 19 – Landscaping of Car Parking Area

- **Incorporate a pedestrian network connecting buildings, car parking areas and key outdoor amenity areas;**

Complies – the proposed development incorporates pedestrian connectivity within the car parking area. Refer to Figure 19 above.

- **Incorporate pedestrian pathways within the car parking areas to enable safe movement of pedestrian with trolleys and bulky goods between the stores and car park;**

Complies – the proposed development pedestrian pathway is considered to enable safe movement within the car park.

- **Incorporate water sensitive urban design treatments to the car parking areas to assist with stormwater infiltration and offset the large amounts of hardstand across the site;**

Complies – the proposed development incorporates vegetated bio-retention basins adjacent to the car parking areas to assist with stormwater infiltration. Refer to Figure 20 below.

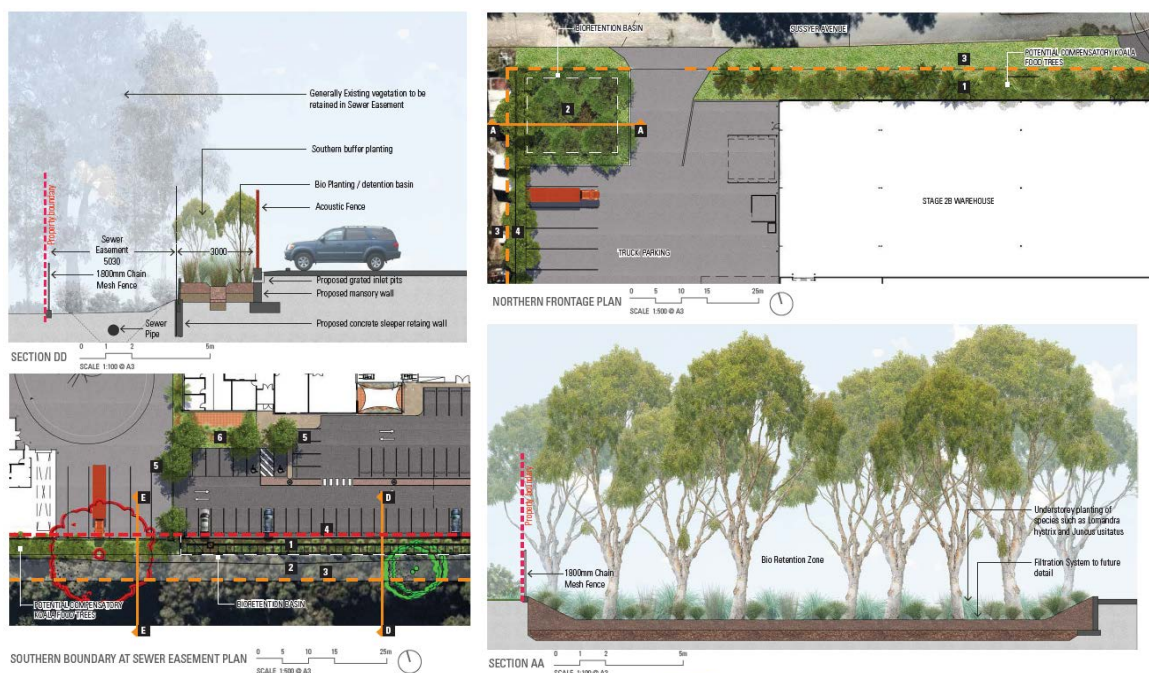


Figure 20 – Proposed Bio-retention Basins

- **Creating an open space or public amenity for employees and visitors alike. This space should be appropriately embellished with landscaping, shade structures, BBQ, seats, tables, water, lighting, electrical supply.**

Complies – the proposed development incorporates an outdoor eating space with shade sails and external courtyard for employees within Stage 2.

C5. Large floor plate development to incorporate roof form (which may include varying roof heights) and building form articulation to reduce the amenity impacts such as overshadowing to the south and to result in a higher quality built form outcome.

Control C5 is not considered to be applicable, as the proposal does not meet the DCP's definition of 'Large Floor Plate Development'.

C6. Incorporate public domain area and smaller scale built form elements to main (front) elevation of large floor plate store (café, BBQ stand, child minding space etc).

Control C6 is not considered to be applicable, as the proposal does not meet the DCP's definition of 'Large Floor Plate Development'.

C7. Only two pylon signs to a maximum of 12m high across the site, and one multi business sign at the main entrance to the site. Large scale branding or signage along the buildings elevations is not permitted. The use of the existing outdoor cinema screen is not to be used for signage or advertising.

Complies – the proposed development incorporates 1 x Pylon Sign fronting Sussyer Avenue and 1 x Multi Business Sign at the Wollemi Place entry. No large-scale branding is proposed. Signage along the building elevations is limited to business identification wall signs. The outdoor cinema screen has been demolished, separate to this application.

C8. Any application for development over the site must be accompanied by a traffic study demonstrating the ability for the proposal to be accommodated by existing and or proposed road works to the satisfaction of Council and RMS

Complies – the proposed development is supported by a Traffic Impact Assessment (TIA). Council officers and RMS have reviewed the TIA, with appropriate conditions of consent applied.

C9. Car parking rates can be reduced by 30% where it can be justified that a number of different business park uses in successive stages of the whole of site development can co-locate or share car parking spaces between users / visitors.

Not applicable – the applicant has not sought a 30% reduction to car parking requirements.

In summary, whilst the application differs from the DCP's indicative configuration for the Boyds Bay Business Park (which is largely based on the previous Masters approval), the proposed development is considered to consistent with the aims and objectives of the site specific controls. Accordingly, the proposed development is considered to meet the provisions of DCP A17.

(a)(iia) Any planning agreement or any draft planning agreement under section 7.4

The development is not accompanied or affected by any planning agreement or any draft planning agreement under Section 7.4.

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

Clause 92(a) Government Coastal Policy

The proposed development is located within the area covered by the Government Coastal Policy, and has been assessed with regard to the objectives of this policy. The Government Coastal Policy contains a strategic approach to help, amongst other goals, protect, rehabilitate and improve the natural environment covered by the Coastal Policy. It is not considered that the proposed development contradicts the objectives of the Government Coastal Policy, given its permissible nature on a site identified for development works.

Clause 92(b) Applications for demolition

Appropriate conditions of consent have been recommended with regard to the demolition works proposed within Stage 1 of the development.

Clause 93 Fire Safety Considerations

Clause 93 of the Regulations is not applicable to the proposed development.

Clause 94 Buildings to be upgraded

Clause 94 of the Regulations is not applicable to the proposed development.

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

Tweed Shire Coastline Management Plan 2005

This Plan applies to the Shire's 37 kilometre coastline and has a landward boundary that includes all lands likely to be impacted by coastline hazards plus relevant Crown lands. The subject site approx. 3.5km from the coastal foreshore and is not affected by coastal hazards. As such the proposed development does not contradict the objectives of the plan. The primary objectives of the Coastal Management Plan are to protect development; to secure persons and property; and to provide, maintain and replace infrastructure.

The proposed development is not considered to impact upon that coastline with regard to demands and issues identified within the Plan for the whole of the Tweed coastline.

Tweed Coast Estuaries Management Plan 2004

Not applicable as the site is not located within the area to which this plan applies.

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

Not applicable as the site is not located within the area to which this plan applies.

(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

Access, Transport and Traffic

As noted previously, the applicant has provided a Traffic Impact assessment (TIA) and subsequent amended TIA to address Council concerns.

Council officers have undertaken a detailed review of the proposed development in terms of proposed access and potential traffic impacts associated with the proposal. The following comments are noted in this regard:

“Access is proposed for Stage 2 via Sussyer Drive for the PFD heavy vehicles and via Wollemi Place for staff and ancillary services. Stage 3 Light Industry access will be solely by Wollemi Place.

Sussyer Drive will require upgrading and this is to be conditioned.

It is noted that the upgrade works to Wollemi Place are supported and that the SE has identified that 26m B Doubles would intrude into the right lane of Sugarwood Drive when exiting Wollemi Place. The Tweed Road Development Strategy identifies that Sugarwood Drive would be designated as 2 way to allow direct access to Kennedy Drive from the north. This would enable the northbound Highway off-ramp on to Kennedy Drive to be removed. Currently Sugarwood Drive is approved for 26m D Double usage. Council does not have detailed plans for the two way configuration of Sugarwood Drive and it is noted that this road is managed and controlled by the Roads and Maritime Services. The submitted swept path movement for a 25m B Double exiting Wollemi Place intrudes into the current right lane of Sugarwood Drive. Whilst this may not be an issue in its current two lane northbound configuration, when Sugarwood Drive is made two lane, two way it may be an a impost on Council to ensure the design complies with 25m B Double use.

Therefore, a suitable consent condition should be applied to any s138 approval requiring the intersection of Wollemi Place and Sugarwood Drive to be constructed to allow a 26mB Double to exit Wollemi Place without intruding into the right lane and be compatible with future 2 way designation of Sugarwood Drive.

The proposed development does not provide an internal road link between Sussyer Avenue and Wollemi Place. The RMS and Council has brought this to the attention of the developer several times. A revised traffic report was provided which concluded that the expected traffic to the development and its impact on the Kennedy Drive interchange will be less than that previously approved for the site when it was earmarked as a Masters building supplies. Given that proposition and given that all access to the site from Kennedy Drive west and Kennedy Drive east (Tweed Heads) would access the site from Kennedy Drive anyway, there are no objections to the proposed configuration limiting access to Stages 3 and 4 from Wollemi Place, Sugarwood Drive Kennedy Drive.

Appropriate conditions have been applied.

Impact on adjacent road network

As discussed above, the impact on the adjacent road network is less than that approved previously for the Masters Development.

Subject to the intersection of Wollemi Place and Sugarwood Drive being constructed to an appropriate standard for the 25m B Double design vehicle there are no objections”.

Flora and Fauna

As noted previously, the proposed development incorporates the removal of existing vegetation from the subject site. The initial proposal included the removal of a mature *Eucalyptus tereticornis* (Forest Red Gum), which is a Preferred Koala Food Tree scheduled under the *Tweed Coast Comprehensive Koala Plan of Management 2015* (TCCKPoM), as well as significantly sized remnant *Melaleuca quinquenervia* (Broad-leaved Paperbark). Refer to Figure 21 below. The applicant proposed off-site offsetting for the removal of the Forest Red Gum.

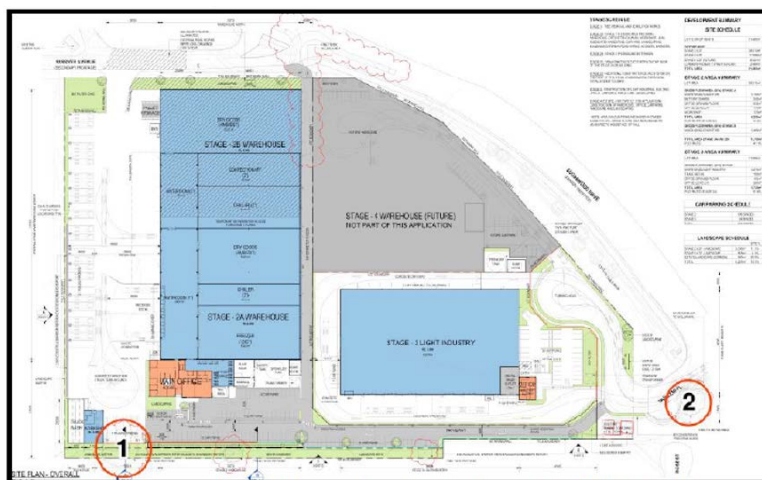


Figure 21 – Forest Red Gum (1) and Broad-leaved Paperbark (2)

Council officers raised concerns with the applicant with regard to the proposed removal of both species, noting that Council's recent upgrade of the sewer main adjacent to the southern boundary had been undertaken without the need for removal of Forest Red Gum. It was also considered reasonable to amend the proposed works around the Wollemi Place upgrade to enable the Broad-leaved Paperbark to remain in place.

The applicant provided a Preliminary Arborist Report (PAR) in relation to the health of the Forest Red Gum, as well as the Broad-leaved Paperbark. In summary, the applicant continued to propose the removal of the Forest Red Gum (requesting on-site offsetting), but did accept Council's request amend the design to enable the retention of the Broad-leaved Paperbark.

With regard to the proposed removal of the Forest Red Gum, the following officer comments are provided:

“Based on the assessment detailed below Council does not support removal of the E. tereticornis and recommends amendment to the proposed layout plan to show all forms of development (including service infrastructure and retaining walls) setback from an 11 m tree protection zone.

- From site inspection, discussions with Council's Design Unit Environmental Scientist (involved in supervision of the construction of the sewer upgrade) and review of the Preliminary Arborist Report (PAR) dated 25 January 2019 prepared by TPZ Project Arborists, there remains no substantive evidence to suggest that the trees health and/or structural integrity has been compromised by recent works undertaken by Council. As indicated in the PAR (pp. 6) ‘...the tree is*

codominant from approximately 1.5 metres and shows some included bark at the main unions (often a precursor of tree failure), however reaction growth was noted below the main unions, indicating good vitality and increasing structural integrity’.

- *The applicant’s proposal to remove the E. tereticornis and offset the tree onsite by installing 16 Preferred Koala Food Trees (PKFT) along the Sussyer Avenue frontage (as shown on Dwg. LA182201-003 Issue E in the Landscape Intent prepared by Cardno) in order to satisfy provisions of the Tweed Coast Comprehensive Koala Plan of Management 2015 (KPoM) has been assessed. With reference to the KPoM the offset onsite is inconsistent with the Appendix C Table 2 requiring the offsetting of PKFT to be conducted within the Southern Tweed Koala Management Area. As such it is necessary to consider the variation Part 5.12 of the KPOM. In considering Part 5.12 (i), Council is not satisfied that the proposed variation would result in ‘a better outcome for koalas’ or meet key offset principles under Appendix C for the following reasons:*
 - *Sussyer Avenue is proposed to be utilised to gain truck access into the site and likely be used as a major thoroughfare to service industrial type development further to the west – the planting of PKFT in the nominated location would not be appropriate for the purposes of encouraging Koala activity due to the increased risk of vehicle strike;*
 - *The planting area is isolated and does not form any connection to existing Preferred Koala Habitat;*
 - *The growing area proposed for PKFT is inadequate and likely to result in conflict with the proposed adjacent Stage 2 Warehouse Facility building in the medium to long term. Such conflict and lack of separation would preclude trees reaching full growing potential;*
 - *The proposal does not include any commitment/mechanism to statutorily protect the compensatory planting area to ensure long term protection; and*
 - *Based on the proposed development in its current form there are limited alternative locations for achieving ‘a better outcome for koalas’ through onsite offsets and in meeting Appendix C of the KPOM.*
- *Assessment with Council’s Development Control Plan Section A16 Protection of trees or vegetation does not appear to have been made, in particular Section 3.4 Vegetation removal considerations”.*

Accordingly, the removal of the Forest Red Gum is not supported by Council officers. Given the strict time frames for determination, it was considered appropriate that applicable conditions be applied requiring the retention of the tree. This would require a redesign of the southern portion of Stage 2, with a 11m radius from the base of the tree. Whilst it is acknowledged that the applicant would not be in support of such a design change, this approach is considered to be the best option to allow the proposal to be determined in Feb 2019.

The applicant was advised of the above, with it noted by Council officers that an amendment of any subsequent approval would be an alternative solution, with time available to find an appropriate site for offsetting purposes. In this regard, that applicant was also provided with the following:

"It is noted that Council may consider an alternative offsite area on a site owned and managed by the proponent – Gold Coast Airport Pty Ltd, where:

- it can be clearly demonstrated that any offset proposal would result in 'a better outcome for koalas' (Part 5.12);*
- any offset proposal meets key offset principles of Appendix C; and*
- it can be demonstrated that any proposed offset does not conflict with, or already be required under some other form of legal offset obligation".*

Applicable conditions of consent have been applied with regard to the retention of the Forest Red Gum and Broad-leaved Paperbark.

Council's flora assessment also highlighted the existence of Bush Stone-curlews on the subject site. The applicant was requested to undertake further assessment against the threatened species. A Bush Stone-curlew Impact Assessment was provided by the applicant, with the report concluding "...that there was no evidence to indicate successful breeding onsite, and concluded that the threatened species could be managed during the construction and operational phase without significant impact on the local population. Such results were reflected in a 5-part test".

Having reviewed the applicant's Bush Stone-curlew Impact Assessment, Council officers are satisfied that the proposal would unlikely result in significant impact on the local Bush Stone-curlew population where management measures recommended in the BSclA are successfully implemented by the developer.

Relevant conditions of consent have been applied.

Amenity (Noise)

An Environmental Noise Impact Assessment (NIA) has been submitted to identify and assess potential noise impacts associated with the operational phase of the proposed development. The most sensitive adjacent land uses are located to the south of the site, being the residential land and caravan park which have a relatively minimal setback to the boundary.

The NIA concludes that based upon the adopted noise limit criterion, overall, the proposed development can be designed to comply with acceptable levels of Council's requirements subject to the following recommendations:

- Acoustical barriers be constructed to the south and west property boundaries in accordance with Sketches No. 1 and 2, attached. Note that we have allowed for a scenario where Stage 3 (Light Industrial) does not proceed, which would reduce the height requirement of the barrier along the southern boundary.*
- The Workshop and Truck Wash walls form part of the southern boundary acoustical barrier. The southern and eastern walls of the Workshop and Truck Wash be free of holes or gaps, and be constructed of a material with a mass greater than 12 kg/m2.*
- Carpark, loading dock, service road and driveway hardstand areas be finished with surface coatings which prevent tyre squeal (an*

unpolished and uncoated concrete surface is acceptable). Drainage grating over trafficable areas be well secured to prevent rattling.

- Trucks parked in hardstand area to have electrically powered compressor units installed to avoid use of combustion power.
- Mechanical plant be designed and installed to comply with the noise criterion presented in Section 4. As final plant selection has not been completed, additional acoustic assessment/s should be undertaken once plant selections are finalised. Such assessments should be undertaken prior to Building Approval; and be conditioned within the Development Approval.
- Light Industrial operations be limited to 7am to 6pm, Monday to Friday.
- Warehouse workshop operations be limited to 7am to 6pm.

As noted previously, Stage 2A/2B proposes to operate 24 hours a day, seven days a week with split shifts for employees. The NIA recommends a 2.8m high acoustic wall on the western boundary and a 3m acoustic wall on the southern boundary for Stage 2 of the development. The orientation of the proposed Distribution Centre results in noise associated with the 24 hour operations largely facing west away from the residents to the south.

The NIA identifies the proposed Stage 3 Light Industry use as having a greater impact upon the existing residents to the south, with the roller doors for the building facing south. As a consequence, the NIA recommends a 4.6m high acoustic wall along a portion of the southern boundary (refer to Figure 22 below) to minimise impact upon the amenity of residents.

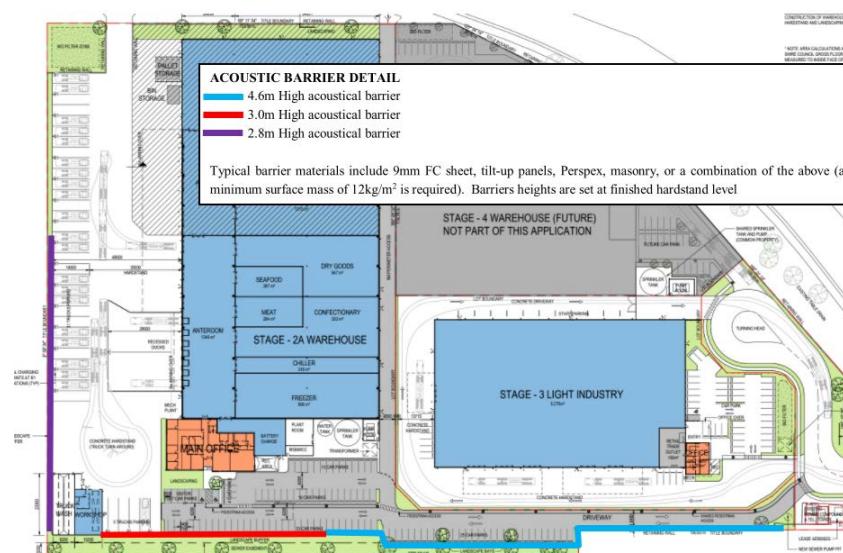


Figure 22 – Recommended Acoustic Wall Locations

Council officers are satisfied that the proposed development is acceptable in terms of potential noise impacts, subject to conditions of consent.

Aircraft Noise

As noted previously, the site is located within the 25-30 and 30-35 ANEF contours in the 2047 ANEF. Accordingly insulation against aircraft noise will be required for relevant parts of the proposed buildings, according to the criteria set out in Table 3.3 of AS2021-2015.

Having undertaken a review of the applicant's acoustic report, the Gold Coast Airport's consultant has recommended that Council impose a condition requiring compliance with the recommendations of the acoustic report, so as to achieve the required aircraft noise reductions stipulated in AS2021-2015 for the office and retail elements of the proposed development.

Council officers concur with the recommendation to require compliance with the recommendations of the applicant's NIA. Appropriate conditions have been applied.

Amenity (Lighting)

General standard amenity conditions have been applied with regard to lighting associated with the proposed development. Gold Coast Airport's consultant provided the following comment in the likelihood of external lighting for the development (particularly with Stage 2 proposing 24 hour operations):

"The western end of the site is within Zone A in the airport's Lighting Zone, in which it is required that intensity of light emitted is 0 candela at 3° above the horizontal. The eastern section is in Zone B, with a maximum of 50 candela. Given the proximity of the flight path, it is believed that in this case that 0 candela would be the most appropriate standard for the site as a whole.

It is recommended that a condition be imposed on any consent requiring maximum intensity of any external light source to not exceed 0 candela at 3° above the horizontal".

Amenity (Visual)

Whilst it is recognised that acoustic walls are required in order to provide adequate amenity (in terms of noise) for neighbouring properties, the proposed 3m and 4.6m high walls raised concerns with Council in terms of visual impact upon those residents to the south in close proximity to the development.

Given the removal of some of the existing vegetation along the southern boundary, it was not clear how the proposal would screen the acoustic walls with limited vegetation permitted within the sewer easement running along the southern boundary.

The applicant was requested to provide details on how the proposed 3m / 4.6m high walls were to be treated / screened in order to minimise impact upon the residents to the south.

The applicant responded with the following advice:

"The proposed acoustic wall is to be constructed of Galvanised Steel uprights with plywood infill. The wall is to be painted in a repeating pattern in 9 lineal meter segments. Colours to utilised are greens and natural tones. Coupled with this, the majority of the wall will be screen by either proposed landscaping as demonstrated in the revised Statement of Landscape Intent or by existing vegetation located in the unformed portion of the Rose Street Road Reserve. A 74m length of the acoustic wall is however located directly adjacent the 5.030m section of sewer easement. Due to the sewer easement additional planting in this location is restricted. Despite this this section of wall remains setback 5.030m from the southern boundary, a setback which if in a standard residential could accommodate a structure of this height. To provide additional vertical

relief through this portion the proposed landscaping treatment includes tree plantings at 4 locations along this section, located on the northern side of the acoustic wall. The proposal plantings in this location are for medium height shade trees which will ultimately extend above the height of the acoustic wall and which will mimic to a large degree the current character along this area which is characterised by tall columnar pine trees along an elevated batter. The proposed treatment and landscaping provides an appropriate interface to those properties location along the southern boundary of the subject site”.

Given the limited ability to screen such tall structures with vegetation, the proposed treatment of the acoustic walls (as shown in Figure 23 below) is considered to be satisfactory.

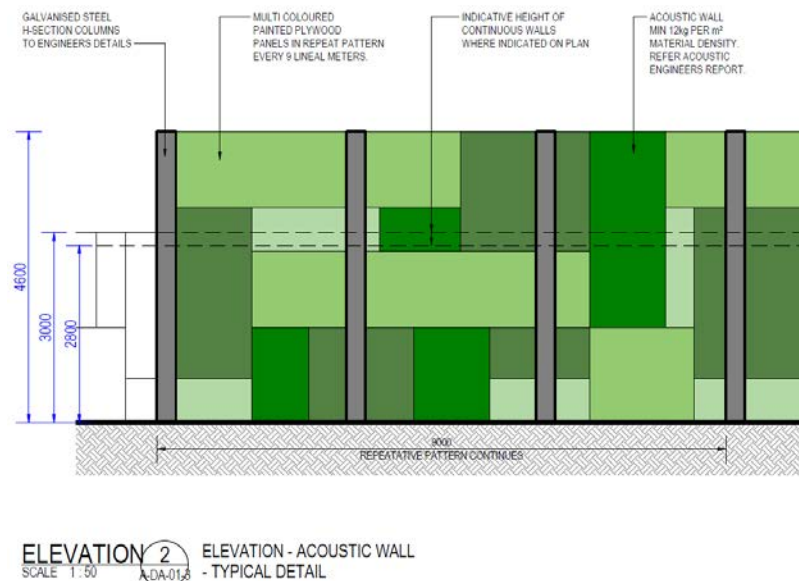


Figure 23 – Proposed Acoustic Wall Treatment

Odour Impact

The site is immediately east of the Tweed Heads Sewer Treatment Plant (STP) site. Whilst the STP is not currently operational, it should be noted that a sewer pumping station located on the site is fully functional.

Council officers raised concerns with regard to potential odour impacts as a result of the Stage 2 building's proximity to the STP (i.e. within the desired 200m buffer zone), particularly if the Distribution Centre proposed to incorporate the packaging of food and potential impact on staff. Further information was requested from the applicant in this regard.

The applicant provided an updated Odour report to address Council officer concerns, with the report confirming that *"...no food preparation or packaging would take place at the facility; that high speed doors would be installed and closed whenever not in use at the truck entrances to the warehouse; and that predicted odour concentrations are not at a level that would effect these frozen and sealed products, there is no expected risk of contamination or tainting from airborne odour associated with the nearby WWTP".*

Council officers are satisfied with the additional information provided, with appropriate conditions being applied.

Earthworks

As noted previously, the proposed earthworks consist of minor re-profiling of the majority of the site, filling of some areas below design flood level and the possible replacement / treatment of some existing fill.

Council officers are satisfied with the proposed earthworks, with appropriate conditions applied to minimise impacts to adjacent residences during the construction phases of the proposed development.

Stormwater

Onsite detention is proposed for the development to minimise impact from the increase in stormwater discharge from the site.

The applicant has provided additional information with regard to the stormwater calculations, MUSIC modelling and justification as to why the catchments A1 and A2 cannot be diverted away from the Council's sewer easement (due to limits on finished ground levels to ensure the Stage 2 building does not penetrate the OLS).

Following a review of the additional information, Council officers are satisfied that the proposed development is acceptable in terms of stormwater drainage. Appropriate conditions have been applied to mitigate any potential impacts to the surrounding locality.

Flooding

As noted in the TLEP 2014 assessment above, Council officers are satisfied with the proposed development in terms of flooding, subject to appropriate conditions being applied.

Construction / Materials

Whilst it is noted that the Roof Plan for the proposed building nominate the roof material to be "...*Colorbond Metal Roof Sheetting - Non Reflective - Natural Light Tone*", Council's standard roof material condition has been applied.

(c) Suitability of the site for the development

Surrounding Land uses/Development

Surrounding land uses include the Pacific Motorway to the east, Pony Club to the north, Sewer Treatment Plant to the west and residential land/caravan park to the south. The most sensitive uses are located to the south of the site, which have a relatively minimal setback to the boundary.

Road Network

The site has frontages to Wollemi Place, Sugarwood Drive and Sussyer Avenue.

Sussyer Avenue

Sussyer Avenue is located to the north of the site. Currently, this road services the Tweed Heads West Waste Water Treatment Plant and the Tweed Heads Pony Club as well as a secondary access to the development site. This access is located adjacent to the western boundary of the land.

It is intended that Sussyer Avenue will be the access point for heavy vehicles associated with Stage 2 of the development.

Sugarwood Drive

Sugarwood Drive is a limited access (RMS controlled) road forming an approach to the Pacific Motorway. Sugarwood Drive is one-way (heading south to north), two lane with sealed shoulders running in a curve along the east and north-east boundaries. There is a cycleway running along the development's frontage.

Future road upgrades (unrelated to the proposal) will result in Sugarwood Drive being two way.

Wollemi Place

Wollemi Place is a small cul-de-sac off Sugarwood Drive which will provide staff access for Stage 2, as well as heavy / light vehicle access for Stage 3 (and future Stage 4).

Subject to conditions of consent, Council officers are satisfied that the proposed development is suitable for the subject site with regard to access / egress from the local road network.

Water

Council's reticulated potable water supply is available to the area. A new 150mm diameter water main will need to be constructed from the existing 300mm diameter main in Kennedy Drive to service the proposed development. Applicable conditions have been applied in this regard.

Wastewater

Council's reticulated sewer system is available to the area. The proposal includes two sewer pumps in series which discharge into the existing gravity sewer in Rose Street. Applicable conditions have been applied in this regard.

Having undertaken a detailed assessment of the application, Council officers are satisfied that, subject to conditions of consent, the site is suitable for the proposed development.

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

Public Submissions

The application was placed on public exhibition (notified and advertised) for a 30 day exhibition period from 7 November to 7 December 2018. During this period Council received two public submissions, which oppose the proposed development. The grounds for objection are discussed in the table below.

Summary of Objections	Applicant / Officer Response
Amenity Impact (particularly to the permanent residents of the Pyramid Holiday Park) as a result of the proposed 24 hour operations.	<u>Applicant's response:</u> <i>The proposal includes elements which will operate 24 hours. It is important to note that the stage 2 workshop / truck wash and stage 3 being the light industry component will not operate 24 hours. In accord with the acoustic modelling these elements will be limited to hours of operation between 7am and 6pm. The elements where</i>

Summary of Objections	Applicant / Officer Response
	<p><i>24 hour operation will occur (the Stage 2 loading dock) are significant setback from and orientated away from the southern boundary and the interface to existing residential development. As documented and assessed in the elements of the development which are seeking 24 hour operation can do so without resultant amenity impact upon the adjoining residential properties to the south.</i></p> <p><u>Council Officer Comment:</u></p> <p>The applicant's response to the concerns raised with regard to the proposed 24 hour operations for Stage 2 is concurred with.</p> <p>As noted within the body of this report, appropriate conditions of consent have been applied in order to minimise and mitigate potential noise impacts, so as to maintain the residential amenity for neighbouring properties.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
Noise impact	<p><u>Applicant's response:</u></p> <p><i>The proposal has been subject to detailed noise impact assessment. This assessment indicates that the development can operate as proposed while meeting all relevant noise requirements subject to incorporation of the mitigation measures outlined within the report. The applicant reaffirms their commitment to these mitigation measures.</i></p> <p><u>Council Officer Comment:</u></p> <p>As noted within the body of this report, appropriate conditions of consent have been applied in order to minimise and mitigate potential noise impacts, so as to maintain the residential amenity for neighbouring</p>

Summary of Objections	Applicant / Officer Response
	<p>properties. Council's standard condition relating to valid noise complaints has been applied, which would trigger a further noise impact assessment to be undertaken and appropriate measures applied.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
<p>Vegetation removal – the existing vegetation community along the southern border of the site should be retained</p>	<p><u>Applicant's response:</u></p> <p><i>As identified in the submitted ecological assessment the vegetation that remains on site is not predominately comprised a native vegetation and as such its removal will not result in a significant impact. The proposal includes appropriate landscaping and other mitigation measures including, architectural treatments to acoustic walls and significant setbacks of both acoustic walls and the building proper to ensure an appropriate interface to the residential area to the south is provided. Further as part of the response to information request the extent of clearing has been clarified.</i></p> <p><u>Council Officer Comment:</u></p> <p>Council officers are satisfied with the proposed removal of vegetation along the southern border.</p> <p>The application proposes works within the vicinity of the southern boundary to accommodate bio-retention basins, the acoustic walls and access / parking provisions as well as new landscaping. It is also noted that some of the existing vegetation will be retained.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
<p>Threatened Species (Bush stone curlew) have been recorded on site</p>	<p><u>Applicant's response:</u></p> <p><i>As part of the response to information request, an impact assessment has</i></p>

Summary of Objections	Applicant / Officer Response
	<p><i>been undertaken in relation to the Bushstone Curlew. This assessment indicates that the proposal is 'not likely to significantly impact' on the species and has recommended appropriate measures to be implemented during construction of the development to ensure the Bushstone Curlew is not impacted. It is anticipated these measure would be referenced via conditions of consent.</i></p> <p><u>Council Officer Comment:</u></p> <p>As noted within the body of this report, Council officers have undertaken a review of the applicant's Bush Stone-curlew Impact Assessment (BSclA) and are satisfied that the proposal would unlikely result in significant impact on the local Bush Stone-curlew population where management measures recommended in the BSclA are successfully implemented by the developer.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
<p>Aviation concerns relating to lack of aircraft noise data and location of larger long haul aircraft when landing from the south</p>	<p><u>Applicant's response:</u></p> <p><i>The proposal has been subject to detailed noise impact assessment. This assessment indicates that the development can operate as proposed while meeting all relevant noise requirements subject to incorporation of the mitigation measures outlined within the report. The applicant reaffirms their commitment to these mitigation measures.</i></p> <p><u>Council Officer Comment:</u></p> <p>The Gold Coast Airport's consultant and Council officers have reviewed the applicant's Noise Impact Assessment (NIA) with regard to aircraft noise. The NIA is considered to have addressed all relevant criteria</p>

Summary of Objections	Applicant / Officer Response
	<p>and appropriate conditions of consent have been applied.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>
<p>Stormwater concerns relating to reduction of permeable surface and increased stormwater runoff, particularly in relation to Sussyer Avenue.</p>	<p><u>Applicant's response:</u></p> <p><i>The proposal is supported by a concept stormwater management plan that has assessed stormwater system capacity. A revised version of this document has been submitted as part of the information response confirming capacity. The proposed stormwater management system will ensure no offsite impacts.</i></p> <p><u>Council Officer Comment:</u></p> <p>As noted within the body of this report, Council officers have undertaken a detailed review of the stormwater drainage for the proposed development and are satisfied that the proposal will not impact upon the surrounding locality. Appropriate conditions have been applied in this regard.</p> <p>The objection is not considered to warrant refusal of the proposal development.</p>

Public Authority Submissions

Essential Energy

Essential Energy provided comment on the proposed development on 29 November 2018. Essential Energy noted no objection to the proposal, providing the following comments.

"Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*

- *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
- *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets".*

Applicable conditions of consent have been recommended in relation to the above comments from Essential Energy.

NSW Roads and Maritime Services (RMS)

RMS provided initial traffic comments on the proposed development on 3 December 2018. The RMS comments noted the following:

"Roles and Responsibilities"

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Pacific Highway and Sugarwood Drive are part of the Classified (State) road corridor under the Roads Act 1993 (Roads Act). Tweed Shire Council is the roads authority for all public roads (other than freeways or Crown roads) in the local government area pursuant to Section 7 of the Roads Act. Roads and Maritime is the roads authority for freeways and can exercise roads authority functions for classified roads in accordance with the Roads Act. Any proposed works on a classified (State) road will require the consent of Roads & Maritime. Consent is provided under the terms of a Works Authorisation Deed (WAD).

In accordance with Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.

Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), Roads and Maritime is given the opportunity to review and provide comments on the subject development application as it meets the requirements under Schedule 3.

Roads and Maritime Response

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- *Council should be satisfied that the proposed staged development has adequately addressed its impacts on road safety, efficiency and planning for the road network.*
- *The TIA indicates an Austroads AUL is required for northbound left-turning traffic at the intersection of Sugarwood Drive / Parkes Drive in 2013. This is supported.*
- *Any proposed road works on Sugarwood Drive will require execution of a Works Authorisation Deed (WAD) with Roads and Maritime Services.*
- *Approval will be required for B-Double access along Parkes Drive and Wollemi Place. Consideration should be given to the safety impacts of B-Doubles traversing the intersection of Sugarwood Drive and Parkes Drive (Sussyer Avenue) prior to signalisation as part of the Tweed Road Development Strategy (TRDS).*
- *In the long term, the TRDS recommends Sugarwood Drive should be converted to two-way and Parkes Drive (Sussyer Avenue) require traffic signals. The following should be considered:*
 - *Should Sugarwood Drive be changed to two-way it is likely development traffic will use the Tugun Interchange, rather than the Kennedy Drive Interchange.*
 - *There may need to be a need for traffic from the north to make right turns into Wollemi Place. There is no protected turning facility proposed at this location and existing formation is constrained by road infrastructure, including guard rail, a shared path and a noise wall.*
 - *B-Double turning paths appear to encroach onto both lanes of Sugarwood Drive when exiting both Wollemi Place and Parkes Drive.*
 - *Consideration should be given to the constructability of safe and efficient access to the site in the long term.*
 - *It would be desirable not to limit opportunity for internal access through the site in future.*
- *All works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and maritime Supplements.*
- *The developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any works deemed necessary on the classified (State) road. The developer will be responsible for all costs associated with the works and administration for the WAD”.*

The applicant's response to Council's RFI (containing traffic and signage details) was referred to the RMS for further traffic assessment and concurrence for the proposed pylon sign adjacent to Sussyer Avenue. The following RMS response was provided on 31 January 2018:

"Please find our Concurrence under SEPP 64 below and also our brief reference to previous correspondence regarding Roads and Maritime Services interest.

1. *Clause 18 of State Environmental Planning Policy No 64 – Advertising and Signage (SEPP) required referral to Roads and Maritime of Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road. Before the Consent Authority can grant approval for this element of the development the concurrence of RMS is required. There is only 1 sign that is caught by the requirements of the SEPP; that being 'sign no. 3 – the Pylon sign on the Sussyer Avenue frontage. Roads and Maritime grants concurrence to this sign. In granting concurrence:*
 - (a) it is noted that no details of the advertising content have been provided at this time, and Council intends to review the content once it is known. It is understood that the sign will display business identification for tenants of the site, and is not intended as a 3rd party sign: and*
 - (b) Roads and Maritime reserves the right under section 104 of the Roads Act 1993 to direct removal, screening or modification of the structure if it is found to be a traffic hazard.*
2. *Reference is made to our previous correspondence dated 3 December 2018 which was our official response to the development application concerning safety and efficiency on the road network. That response is still relevant and valid. It is also important that Council gives consideration to the future development of the site (including internal connections) to ensure that standards are maintained and safety is not compromised".*

Natural Resources Access Regulator (NRAS)

The proposed development was referred to NRAS for integrated approval associated with the proposal incorporating works within 40m of a waterway. NRAS provided a response on 9 January 2019 advising that "...for the purposes of the Water Management Act 2000 (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary".

The reason for such advice was due to the proposed activity being "...exempt from section 91E(1) of the WM Act in relation to controlled activities specified in clause 39 of Subdivision 4, and Part 2 of Schedule 5 of the Water Management General) Regulation 2011 that are carried out in, on or under waterfront land".

The NRAS advice also noted the following details of the exemption: "...Exempt under Clause 31 of Schedule 4 – Waterfront land that has been separated from a first (1st) to third (3rd) order stream by existing development".

(e) Public interest

The subject site has been identified as a small mixed use business park. The site's proximity to the airport and access to main roads makes it ideally located for the proposed development. A variety of proposed uses and the opportunity for 175 employment opportunities result in the proposal being considered to be in the public interest, subject to conditions of consent minimise potential impacts on the surrounding locality.

Section 7.11 Developer Contributions

Section 7.11 developer contribution charges have been applied to each stage of the proposed development based on the proposed uses as follows:

Stage 2A

5340m² GFA (4005m² GLA) Warehouse / Distribution Centre

710m² GFA (532.5m² GLA) Office

175m² Workshop

Stage 2B

5495m² GFA (4121.25m² GLA) Warehouse / Distribution Centre

Stage 3

5275m² GFA (3956.25m² GLA) Light Industry

300m² GFA (225m² GLA) Office

150m² GFA (112.5m² GLA) Industrial Retail Outlet

CP4 – Tweed Road Contribution Plan

[Council records show that the subject site has an existing TRCP credit of 40.3653 trips per day, based on contributions paid for previous land uses]

Stage 2A

= Warehouse + Office (note – Workshop does not trigger additional trips)

= (4 trips/100m² GLA) + (16 Trips/100m² GLA)

= (4 x 4005/100) + (16 x 532.5/100)

= 245.2 trips (less 40.3653 trips credit)

= 205.0347 trips per day

Stage 2B

= Warehouse only

= (4 trips/100m² GLA)

= (4 x 4121.25/100)

= 164.85 trips (no credit)

Stage 3

= Light Industry + Office + Ind Retail Outlet

= (5 trips/100m² GLA) + (16 Trips/100m² GLA) + (200 + 0.8(A)GLA)

= (4 x 4005/100) + (16 x 532.5/100) + (200 + 0.8x112.5)

= 523.8125 trips (no credit)

Council's Traffic Engineer concurs with the above calculations and supports a 40% employment generation discount being applied to all three stages.

CP18 – Council Administration Contribution Plan

[Commercial development is charged at a rate of \$328.69 per 300m² GFA. \$2187.14 per ET at the time of calculation]

Stage 2A

= Warehouse + Office + Workshop

= 5340 + 710 + 175

= 6,225m² / 300

= 20.75 x \$328.69

= \$6,820.32 / \$2,187.14

= 3.1184ET

Stage 2B

= Warehouse only

= 5495m² / 300

= 18.32 x \$328.69

= \$6,021.60 / \$2,187.14

= 2.7532ET

Stage 3

= Light Industry + Office + Ind Retail Outlet

= 5275 + 300 + 150

= 5725m² / 300

= 19.08 x \$328.69

= \$6,271.41 / \$2,187.14

= 2.8674ET

OPTIONS:

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

Option 1 is recommended.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The applicant has the right of appeal in the NSW Land Environment Court if dissatisfied with the determination.

POLICY IMPLICATIONS:

Nil

CONCLUSION:

The proposed development is considered suitable for the site as it is a permissible form of development and relevant planning considerations have been taken into account in the assessment of the application, with suitable conditions of consent applied to manage and mitigate potential adverse impacts arising from the proposal.

UNDER SEPARATE COVER:

Proposed Architectural Plans
Applicant's written clause 4.6 Request

RECOMMENDATION:

That:

- A. The Clause 4.6 request to vary Clause 4.3 of Tweed Local Environmental Plan 2014 regarding the height of the building be supported and the concurrence of the Secretary of Planning and Environment be assumed.
- B. Development Application DA18/0884 for a staged proposal consisting of warehouse or distribution centre, light industry, industrial retail outlet and ancillary office premises and electricity generating works (solar energy system); and additional works (NRPP) at Lot 10 DP 1084319; No. 1 Wollemi Place TWEED HEADS WEST; Lots 32, 33, 34, 35, 36 & 42 DP 1200182 Pacific Highway TWEED HEADS WEST; Lot 1 DP 1011625; Parkes Drive TWEED HEADS WEST, be approved subject to the following conditions:

GENERAL

1. The development shall be completed in accordance with the Statement of Environmental Effects, all additional documentation provided during the assessment and the following plans:
 - **A-DA-01-1 (Rev U) - Overall Site Plan** prepared by McVeigh and dated 31 January 2019;
 - **A-DA-02-1 (Rev I) - Stage 2A Warehouse Ground Floor Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-02-2 (Rev H) - Stage 2B Warehouse Ground Floor Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-03-1 (Rev I) - Stage 2A Office Floor Plans** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-04-1 (Rev J) - Stage 2A Roof Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-04-2 (Rev I) - Stage 2B Roof Plan** prepared by McVeigh and dated 16 August 2018;
 - **A-DA-05-1 (Rev J) - Stage 2A Elevations** prepared by McVeigh and dated 16 August 2018;

- **A-DA-05-2 (Rev I) - Stage 2B Elevations** prepared by McVeigh and dated 16 August 2018;
- **A-DA-06-1 (Rev H) - Stage 2A Office Elevations** prepared by McVeigh and dated 16 August 2018;
- **A-DA-07-1 (Rev G) - Stage 2A Workshop & Truck Wash Elevations** prepared by McVeigh and dated 16 August 2018;
- **A-DA-08-1 (Rev I) - Stage 2A Sections** prepared by McVeigh and dated 16 August 2018;
- **A-DA-12-1 (Rev D) - Stage 3 Light Industry Ground Floor Plan** prepared by McVeigh and dated 6 August 2018;
- **A-DA-13-1 (Rev D) - Stage 3 Office Floor Plans** prepared by McVeigh and dated 6 August 2018;
- **A-DA-14-1 (Rev D) - Stage 3 Roof Plan** prepared by McVeigh and dated 6 August 2018;
- **A-DA-15-1 (Rev D) - Stage 3 Overall Elevations** prepared by McVeigh and dated 6 August 2018;
- **A-DA-16-1 (Rev D) - Stage 3 Office Elevations** prepared by McVeigh and dated 6 August 2018; and
- **A-DA-17-1 (Rev D) - Stage 3 Sections** prepared by McVeigh and dated 6 August 2018,

except where varied by the conditions of this consent.

2. The development is to be undertaken in stages as follows:

Stage 1

- Demolition of existing buildings and improvements upon the site; and
- Tree Removal.

Stage 2A

- Site preparation including retaining, filling, services installation, all external road works, initial stage acoustic barrier, all landscape buffer plantings;
- Construction of Stage 1 of the food distribution building comprising 5340m² of 'Warehouse & Distribution Centre'; 710m² of ancillary 'Office Premises'; 175m² of Workshop and all associated parking, handstand, landscape areas, workshop and truck wash and signage;

Stage 2B

- Construction of stage 2 of the food distribution building comprising 5495m² of additional 'Warehouse & Distribution Centre' and signage.

Stage 2C

- Installation of a 250kw photovoltaic system on the roof of the Stage 2A building

Stage 2D

- Installation of an additional 100kw photovoltaic system on the roof of the Stage 2A/2B building, increasing the stage 2C system from 250kw to 350kw.

Stage 3

- Construction of 5275m² of 'Light Industry', 150m² 'Industrial Retail Outlet'; 300m² of ancillary 'Office Premises' and all associated parking, handstand, landscape areas, signage and ultimate stage acoustic barrier".
3. The future Stage 4 shown on the Overall Site Plan site is not part of this consent and is subject to separate development approval.
[GEN0005]
 4. 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]
 5. The issue of this Development Consent does not certify compliance with the relevant provisions of the Building Code of Australia.
[GEN0115]
 6. 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. Any necessary adjustment or modification of existing services is to be undertaken in accordance with the requirements of the relevant authority, at the Developer's expense.
[GEN0135]
 7. Any business or premises proposing to discharge wastewater containing pollutants differing from domestic sewage must submit a Liquid Trade Waste Application Form to Council. The application is to be approved by the General Manager or his delegate prior to any discharge to the sewerage system. A Liquid Trade Waste Application fee will be applicable in accordance with Council's adopted Fees and Charges.
[GEN0190]
 8. The owner is to ensure that the proposed building is constructed in the position and at the levels as nominated on the approved plans or as stipulated by a condition of this consent, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.
[GEN0300]
 9. Prior to the commencement of demolition of any structure all asbestos material shall be identified and removed from the site by an asbestos removalist who is licensed to carry out the work by WorkCover NSW. All asbestos waste shall be disposed at a facility that is licensed to receive asbestos waste (all receipts related to disposal must be kept on site and provided to a Council Authorised Officer upon request).
[GEN0365]

10. Application shall be made to Council under Section 305 of the Water Management Act 2000 for a certificate of compliance for development to be carried out - i.e.: the provision of water and sewerage to the development.

Note:

- (a) Following this, requirements shall be issued by Council under Section 306 of the Water Management Act 2000.
- (b) Following this, any works needing to be undertaken will require a further application to be made to Council under Section 68 of the Local Government Act for the relevant water / sewer works.

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.

[GEN0375]

11. Additional acoustic assessment shall be undertaken once landscaping plant selections are finalised and approved in accordance with the recommendations of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref 18051 report REV 2) on 08 August 2018 and any addendum(s) or amendment(s) to this report as approved by Council's General Manager or delegate and include any recommended noise amelioration measures to be carried out by the applicant.

[GENNS01]

12. Where easements in favour of Council are provided through private property no structures or part thereof may encroach into the easement. This includes (but is not limited to) roofs, awnings or eaves, gutters and any part of the building, non- boundary fences/ retaining walls and other services.
13. The sewer pump unit and rising mains for the development will be owned, maintained and operated by the property owner.
14. The design of sewer pumping station shall comply with the Water Services Association (WSA) standards WSA02-2002-2.3 or WSA07-2007 for Pressure Sewerage.
15. Pumps should be designed to pump a minimum of less than every 8 hours to reduce septicity in the pump well and rising mains.
16. Pump system shall be sized for industrial/ commercial and not domestic requirements.
17. At least 24 hours emergency storage capacity shall be provided within the sewer pump system, or hours of storage equivalent to the operating hours of the commercial property per day.

18. As the site is located within the Tweed Heads Wastewater Treatment Plant (WWTP) buffer zone, odour shall be taken into account of the overall development design. This shall include at a minimum, screening of the WWTP from public view and ventilation emanating from the side facing away from the Wastewater Treatment Plant, and any office/retail components of the industrial building are to be air conditioned, as outlined within DCP A5 and Tweed Shire Council Development Design Specification D12 Sewerage System, Section D12.04.8.
- GENNS02]
19. The development shall be carried out in accordance with the provisions of the Demolition Plan for 1 Wollemi Place, Tweed Heads West, prepared by Zone Planning Group (ref: Z18001) July, 2018.
20. The development shall be carried out in accordance with the provisions of the Odour Review for 1 Wollemi Place, Tweed Heads, prepared by Jacobs (ref: F0:V1) January 24, 2019.
21. At the commencement of works and in perpetuity the property for a distance of 20 metres, or to the boundary if less, around the buildings is to be maintained as an Inner Protection Area (IPA) and managed to prevent the spread of a fire towards the buildings in accordance with the requirements of Standards for Asset Protection Zones (RFS 2005).
22. Landscaping within the IPA is to undertaken in accordance with Appendix 5 of Planning for Bushfire Protection 2006 and managed and maintained in perpetuity.
23. Hydrants are to comply with AS2419.1-2005.
24. Should a gas service be installed the following aspects will require consideration:
- Reticulated or bottled gas installed and maintained in accordance with AS1596 with metal piping used.
 - Fixed gas cylinders to be kept clear of flammable material by a distance of 10m and shielded on the hazard side of the installation.
 - Gas cylinders close to the building are to have the release valves directed away from the building and at least 2m from flammable material with connections to and from the gas cylinder being of metal.
 - Polymer sheathed flexible gas supply lines to gas meters adjacent to the buildings are not used.
25. The roof water/tank water supply shall not be utilised for potable purposes. Any tap stand or similar fixture which provides water sourced from the onsite water tank shall be provided with signs that indicate the water is not suitable for drinking purposes.
26. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the property shall be complied with.
27. Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be

required from Essential Energy should activities within the property encroach on the electricity infrastructure.

28. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
29. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <http://www.safework.nsw.gov.au/>) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice - Work near Overhead Power Lines* and *Code of Practice - Work near Underground Assets*.
30. All works on the classified (State) road will need to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.
31. The developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for any works deemed necessary on the classified (State) road. The developer will be responsible for all costs associated with the works and administration for the WAD.
32. Approval (through a s138 application) is required for the intersection of Wollemi Place and Sugarwood Drive, demonstrating that the intersection can be constructed to allow a 26m B-Double vehicle to exit Wollemi Place without intruding into the right lane and be compatible with future two way designation of Sugarwood Drive.
33. The plan being Dwg. No. A-DA-01-1 Rev. U, Overall Site Plan dated 31 January 2019 prepared by McVeigh shall be amended prior to the issue of any construction certificate to show retention of Tree No. 1 Eucalyptus tereticornis (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists. The nominated tree shall be retained and afforded adequate protection for the life of the development. The following activities are prohibited from occurring within the 11 metre radius tree protection zone (measured from the base of the tree):
 - a. Storage and mixing of materials, vehicle parking, liquid disposal, machinery repairs and /or refuelling;
 - b. Construction of temporary site office or shed;
 - c. Combustion of any material;
 - d. Stockpiling of soil, rubble or debris;
 - e. Any filling or excavation including trenching, topsoil skimming and/or surface excavation,
 - f. Unauthorised application of pesticides, herbicides or chemicals.
 - g. Erection of any fixtures or improvements, including buildings or structures
 - h. Performance of any other acts which may have detrimental impact on the health and long term viability of the tree

- * Reference to the PAR is for tree identification only and does not infer acceptance or approval of the PAR.

34. All site based Bush Stone-curlew (*Burhinus grallarius*) fauna management measures detailed in 'Section 7 - Impact Management Strategies' of the Bush Stone-curlew Impact Assessment, 1 Wollemi Place, Tweed Heads West dated January 2019 prepared by Biome Water and Environmental Consulting shall be implemented during the construction phase of the development.

[GENNS03]

35. Application shall be made to Tweed Shire Council under Section 138 of the Roads Act 1993 for any works pursuant to this consent located within the road reserve (External Road Works - Stage 2A). Application shall include (but not limited to) engineering plans and specifications undertaken in accordance with Council's Development Design and Construction Specifications for the following required works:

- Sussyer Avenue is to be upgraded to an industrial standard road as per drawing titled "External Roadworks & Drainage Layout Plan Sheet 1" and dated 22/10/18 with the following additional measures to be provided:
 - a. Upright kerb to be provided along the entire frontage of the property boundary of Sussyer Avenue.
 - b. A standard footpath to be provided along the entire frontage of the property boundary of Sussyer Avenue.
 - c. A turnaround area to be provided within the road reserve, which includes sealing up to the property boundary of the existing entrance adjacent to the existing transformer.
- The proposed cycleway along Sugarwood Drive and Wollemi Place is to be a minimum 2.5m wide as per Tweed Shire Councils standard drawing S.D.013 - Footpath and Cycleway Details.
- A pedestrian footpath 1.2m wide shall be provided in Wollemi Place, to connect into each of the kerb cycleway ramps.
- Driveway Access crossovers to an industrial / commercial standard as per Tweed Shire Council standard drawing S.D.017.
- All intersection and upgrade works including...i.e. (road works, stormwater, road furnishings, sediment and erosion control etc...)
- Relocation of existing services...i.e. (any relocation of electrical poles etc...)

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

- Road works/furnishings
- Stormwater drainage
- Sediment and erosion control plans
- Traffic Control Plan (as applicable)

- A combined services plan indicating location of all new / existing service conduits (water, sewer, electricity supply, landscaping, gas and telecommunication infrastructure, as applicable).
- (a) Including submission of electrical reticulation plans clearly identifying the location of streetlights), underground cables and all other electrical infrastructure including transformers and substations.

Application for the Section 138 of the Roads Act 1993 shall be made to Tweed Shire Councils Development Engineering Unit where an invoice will be provided for assessment based on the rates contained in Council's current Fees and Charges at an hourly rate.

36. Prior to the issue of a Construction Certificate for building works, a Detailed Geotechnical Investigation shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer (internal works - Stage 2A), detailing the actual settlement on site. It is essential that monitoring of settlement behaviour be carried out on the site to determine the actual settlement performance under load. Monitoring should consist of a system of settlement plates installed across the site once stripping has been completed and prior to the placement of fill. Refer to the recommendations provided in the Geotechnical Investigation report by Pacific Geotechnical dated August 2018.

A copy of the report is to be provided to the PCA with recommendations of appropriate foundation system, support of the proposed structure/s and the ability of the structure/s to tolerate any further settlement and potential ground surface movements.

37. All earthworks and filling (internal works - Stage 2A), shall be carried out in accordance with AS 3798 (current version) to a Level 1 inspection regime and testing in accordance with Table 8.1.

The earthworks and filling shall also be undertaken in accordance with the recommendations provided in the Geotechnical Investigation report by Pacific Geotechnical dated August 2018 and monitored by a Registered Geotechnical Testing Consultant.

Notwithstanding earthworks and filling, the frequency of field density tests for trenches, including all trenches for services, shall be undertaken in accordance with Table 8.1 of AS 3798 (current version).

A copy of the report is to be provided to the PCA.

[GENNS04]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

38. The developer shall provide: 105 on-site car parking spaces (via Wollemi Place) and 36 heavy vehicle spaces (via Sussyer Avenue) for Stage 2; and 59 on-site car parking spaces (via Wollemi Place) for Stage 3, unless approved otherwise by the General Manager or his delegate. Each stage is to include parking for the disabled (as required) in accordance with Tweed Shire Council Development Control Plan Part A2 - Site Access and Parking Code and AS2890.

Full design detail of the proposed parking and manoeuvring areas including integrated landscaping shall be submitted to the Principal Certifying Authority with the Construction Certificate for

Building/Subdivision Works.

Staff and customer bicycle parking provisions are to be provided in accordance with the Bitzios Traffic Impact Assessment.

[PCC0065]

39. The Construction Certificate Application shall include a detailed Stormwater Management Plan (SWMP) for the occupational or use stage of the proposed development, prepared in accordance with Section D7.07 of Council's *Development Design Specification D7 - Stormwater Quality*. Such plans are to include measures, monitoring and adaptive management actions to ensure appropriate stormwater quality outcomes are achieved.

Permanent stormwater quality treatment shall comply with the *Tweed Urban Stormwater Quality Management Plan* and Council's *Development Design Specification D7 - Stormwater Quality*. Variations to these standards shall only be accepted where they are supported by best practice water sensitive urban design principles entailed in the "Water By Design" guidelines (being a program of the South East Queensland Healthy Waterways Partnership).

Treatment basins must be provided with a facility to bypass major stormwater flow events (greater than the Q3 month storm event), or otherwise cater for major storm flows without disturbing captured pollutants or damaging the structure.

Proposed treatment measures other than "deemed to comply" measures as specified in Council's *Development Design Specification D7*, must be supported by engineering calculations, including MUSIC modelling, to confirm that acceptable capacity and efficiency is achieved.

An Operational Manual for all Stormwater Quality Control Devices must be provided as part of the SWMP.

A Section 68 Stormwater application shall be submitted to Council providing Detailed Design (Construction Issue) Civil engineering plans that include:

- Final earthworks and level plans including overall site sections;
- Detailed design plans of all bioretention basins including levels, pipe sizes and invert levels, inlet/outlet forebays, under-drainage layer layout and interaction with surrounding ground levels.
- Detailed design plans for all temporary sediment basins for construction phase of the development and details of erosion and sediment control measures.

[PCC0165]

40. Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Contribution Plan.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 7.11 Contributions have been paid and the Certifying Authority has sighted Council's receipt confirming

payment.

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

These charges 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 7.11 Plan current at the time of the payment.

A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

Stage 2A

(a) Tweed Road Contribution Plan:

205.0347 Trips @ \$921 per Trips \$113,302.20

(\$815 base rate + \$106 indexation)

(\$75,534.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

3.1184 ET @ \$2187.14 per ET \$6,820.38

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Stage 2B

(a) Tweed Road Contribution Plan:

164.8500 Trips @ \$921 per Trips \$91,096.20

(\$815 base rate + \$106 indexation)

(\$60,730.80 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

2.7532 ET @ \$2187.14 per ET \$6,021.63

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

Stage 3

(a) Tweed Road Contribution Plan:

523.8125 Trips @ \$921 per Trips \$289,458.60

(\$815 base rate + \$106 indexation)

(\$192,972.40 has been subtracted from this total as this development is deemed an 'Employment Generating Development')

CP Plan No. 4

Sector1_4

(b) Extensions to Council Administration Offices

& Technical Support Facilities

2.8674 ET @ \$2187.14 per ET \$6,271.41

(\$1,759.90 base rate + \$427.24 indexation)

CP Plan No. 18

[PCC0215]

41. 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.

Pursuant to Clause 146 of the Environmental Planning and Assessment Regulations, 2000, a Construction Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Certificate of Compliance" signed by an authorised officer of Council.

BELOW IS ADVICE ONLY

The Section 64 Contributions for this development at the date of this approval have been estimated as:

Stage 1

Water = NIL

Sewer = NIL

Stage 2A

Water = 4.394 ET @ \$13,926 = \$61,190.80

Sewer = 5.334 ET @ \$6,690 = \$35,684.50

Stage 2B

Water = 5.495 ET @ \$13,926 = \$76,523.40

Sewer = 5.495 ET @ \$6,690 = \$36,761.60

Stage 2C

Water = NIL

Sewer = NIL

Stage 2D

Water = NIL

Sewer = NIL

Stage 3

Water = 6.775 ET @ \$13,926 = \$94,348.70

Sewer = 7.525 ET @ \$6,690 = \$50,342.30

Total for all Stages:

Water = 16.664 ET @ \$13,926 = \$93,666.30

Sewer = 18.354 ET @ \$6,690 = \$122,788.30

[PCC0265]

42. The building is to have a low reflective roof in accordance with the requirements of Gold Coast Airport Pty Ltd.

The subject land is within the Lighting Zone for Gold Coast Airport, in which use of non-reflective roof surfaces is mandatory. Any proposed use of reflective roof materials requires approval from Gold Coast Airport Pty Ltd, prior to issue of a construction certificate. (Note: Colorbond is a pre-approved material, with the exception of roof colours having solar absorption equal to or less than 0.35).

The maximum intensity of any external light source to not exceed 0 candela at 3° above the horizontal.

[PCC0335]

43. All fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional runoff or ponding occurring within neighbouring properties.

All earthworks shall be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage shall be submitted with a S68 stormwater application for Council approval.

[PCC0485]

44. Prior to the issue of a Construction Certificate for Stage 2A, details from a Structural Engineer are to be submitted to the Water Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

45. 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]

46. 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. The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.
- b) Where Council is requested to issue a Construction Certificate for subdivision works associated with this 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]

47. 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]

48. Medium density/integrated developments, excluding developments containing less than four attached or detached dwellings and having a Building Code classification of 1a, will be required to provide a single bulk water service at the road frontage for each Stage (ie: 2, 3 and 4) of the development. Applications for each of the bulk meter shall be made to the supply authority detailing the size in accordance with Plumbing Code of Australia (PCA) and BCA requirements.

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.

[PCC1185]

49. 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.

[PCC1195]

50. Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, in accordance with Section 68 of the Local Government Act, 1993 any premises proposing to discharge wastewater into Council's sewerage system other than domestic sewage, shall submit to Council a completed Liquid Trade Waste Application for a Liquid Trade Waste Services Agreement. The Application is to be approved by the General Manager or his delegate PRIOR to the issuing of a Construction Certificate to discharge to Council's sewerage system.

[PCC1255]

51. Prior to the issue of a Construction Certificate for Stage 2A, Stage 2B and Stage 3, 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]

52. Three copies of detailed hydraulic plans shall be submitted with all Liquid Trade Waste Applications indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices must comply with AS3500.

[PCC1275]

53. Prior to the issue of a Construction Certificate for Stage 2A, the applicant is required to lodge an application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993, pay the appropriate fee and be issued with an approval.

Any application to install/operate an onsite sewerage management system (private ejection pump station) under Section 68 of the Local Government Act 1993 shall be accompanied by a detailed hydraulic design report certified by a qualified hydraulic engineer and shall address the following criteria:

- * System type and specifications including pump-well volume, pump specifications and rising main size, length and location.
- * Details of operation and maintenance
- * The sewer pump is to be constructed in a flood proof well with electrical equipment located above 1 in 100 ARI.

Any approval to install an on site sewerage treatment system (private ejection pump station) shall comply with the hydraulic design specifications as certified by a qualified Hydraulic Engineer including all recommendations of that report and any addendum to the report to the satisfaction of Councils General Manager or his delegate.

[PCC1295]

54. If the development is likely to disturb or impact upon water or sewer infrastructure (eg: extending, relocating or lowering of pipeline), written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

Applications for these works must be submitted on Council's standard Section 68 Application form accompanied by the required attachments and the prescribed fee. The arrangements and costs associated with any adjustment to water and wastewater infrastructure shall be borne in full by the applicant/developer.

The Section 68 Application must be approved by Council prior to the associated Construction Certificate being issued.

[PCC1310]

55. Prior to the issue of a construction certificate an Acid Sulfate Soil Management Plan shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. The Acid Sulfate Soil Management Plan is to also consider the management of groundwater potentially intercepted from within Acid Sulfate Soils and any contamination matters. All work shall comply with the approved Acid Sulfate Soil Management Plan.
56. Prior to the issue of a construction certificate for each relevant stage, three copies of plans drawn to a scale of 1:50 detailing the following with regards to the proposed Stage 2A & 2B food storage areas shall be provided to Council's Environmental Health Officers for assessment and approval:
- 1) Floor plan and two sectional elevations
 - 2) Layout of proposed Stage 2A & 2B food storage areas showing all equipment
 - 3) All internal finish details including floors, wall, ceiling, lighting and counter/bench finishes
 - 4) Hydraulic design, in particular the method of disposal of trade waste where required

Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required.

[PCCNS01]

57. Prior to the release of the Construction Certificate, details of the supply ventilation systems/air intakes servicing Stage 2A & 2B in accordance with the recommendations of the Odour Review for 1 Wollemi Place, Tweed Heads, prepared by Jacobs (ref: F0:V0) August 7, 2018 are to be submitted to the nominated Principal Certifying Authority for assessment and approval.

[PCCNS02]

58. Prior to the issue of a Construction Certificate, the applicant is to provide detailed plans of proposed signage at the subject site including the number, location/orientation, type, content, method of illumination and proposed hours of operation for illumination of the signs, and demonstrate compliance with the requirements of Table 2.1 of Australian Standard AS4282-1997.

[PCCNS03]

59. The proposed water and sewer infrastructure on the Civil Works Plans (McVeigh Plans C-DA-07-01 and C-DA-08-01) submitted are considered to be preliminary and are subject to change to meet Council requirements. Prior to the issue of a Construction Certificate for Stage 2A, updated plans shall be assessed under Section 68 of the Local Government Act for the relevant water / sewer works.
60. Prior to the issue of a Construction Certificate for Stage 2A plans for the Plumbing and Drainage Works on Private Land <[http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSeptic Form.pdf](http://www.tweed.nsw.gov.au/Controls/Forms/Documents/SewerSepticForm.pdf)> application shall be provided to the Water Authority for approval.
61. Prior to the issue of a Construction Certificate for Stage 2A, plans shall be submitted to demonstrate that suitable screening along the entirety of the western boundary of the lot is provided, to enable screening of the Wastewater Treatment Plant from public view, as outlined in the DCP A5 and Tweed Shire Council Development Design Specification D12 Sewerage System, Section D12.04.8.

[PCCNS04]

62. Prior to the issue of a construction certificate for Stage 2 of the development, an application for airspace approval under the Airports (Protection of Airspace) Regulations is to be made via Gold Coast Airport Pty Ltd, in the event that detail design indicates that any part of the building will penetrate the OLS.
63. Prior to the issue of a construction certificate for each relevant stage of the development, an application for airspace approval under the Airports (Protection of Airspace) Regulations is to be made via Gold Coast Airport Pty Ltd, for any proposed temporary penetration of the OLS by use of construction cranes or other equipment, with a minimum of 8 weeks notice.
64. The protection of Tree No. 1 - Eucalyptus tereticornis (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists and associated 11 m radius tree protection zone pursuant to Condition 33 shall be reflected on all relevant engineering plans for any stage of the development involving works within 10 metres of the associated tree protection zone. All tree protection measures shall be in accordance with Australian Standard AS4970:2009 Protection of trees on development sites. Relevant plans shall be submitted to Council and approved by Council's General Manager or delegate prior to issue of any respective construction certificate.

65. A detailed plan of landscaping is to be submitted and approved by Council's General Manager or delegate prior to the issue of a Construction Certificate for each stage of the development to include the following:
- a. Planting palette that meets the following plant selection criteria:
 - i. A minimum of 80% locally occurring Australian native species and maximum of 20% non-locally occurring Australian native species to apply to all trees.
 - ii. A minimum of 80% locally occurring Australian native species and maximum of 20% Australian native or exotic species to apply to other plants (shrubs, ground cover and similar).
 - iii. No noxious or environmental weed species
 - b. Details of permanent tree protection features (i.e. bollards/fencing) around the perimeter of the tree protection zone to Tree No. 1 *Eucalyptus tereticornis* (Forest Red Gum) as identified in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019 prepared by TPZ Project Arborists as part of the Stage 2A detailed plan of landscaping.
 - c. Landscaping must be in accordance with RFS' Planning for Bushfire Protection 2006 requirements and must be compliant with Council's landscaping restrictions for sewer easements.
66. Provide details of best practice aquatic fauna management measures to be implemented during dewatering of all onsite waterbodies. All fauna management measures shall be approved by Council's General Manager or delegate prior to issue of the relevant construction certificate.
67. Engineering design of Sugarwood Drive and Wollemi Place road widening shall demonstrate retention of Tree No. 2 - *Melaleuca quinquenervia* (Broad-leaved Paperbark) (as referenced in Preliminary Arborists Report (PAR) 1 Wollemi Place Tweed Heads West dated 25 January 2019) and as generally shown on Dwg. No. 8945-SK-C-01 Rev. B dated 24 January 2019 prepared by McVeigh in accordance with management measures prescribed in the PAR with respect to the *M. quinquenervia* only. Tree protection measures shall be detailed on engineering plans and approved by Council's General Manager or delegate.
68. Vegetation occurring immediately adjacent to the subject site shall not be impacted as a result of the development and must be afforded adequate protection during the construction phase to the satisfaction of Council. Necessary vegetation protection measures shall be in accordance with *Australian Standard AS4970:2009 Protection of trees on development sites*, detailed on engineering plans and approved by Council's General Manager or delegate.

[PCCNS05]

PRIOR TO COMMENCEMENT OF WORK

69. 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]

70. An application is to be made to Council to temporarily “cap off” the existing building sewerage house drainage from Council's sewerage system, prior to any demolition work commencing. A Plumbing and Drainage Works on Private Land application form shall be submitted to Tweed Shire Council and payment of fees in accordance with Councils adopted fees and charges.

[PCW0045]

71. Prior to the commencement of works, the applicant is to indicate their compliance with the provisions of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref: 18051 report REV 2) on 08 August 2018 (and any approved addendum/amendments) by providing to the Principal Certifying Authority appropriate details on the building components and systems intended to be used in the construction of the building with the corresponding STC/RW ratings. Such details shall also reference the window and door systems to be installed with the corresponding STC/RW ratings.

[PCW0135]

72. 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]

73. 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]

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

[PCW0245]

75. **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]

76. 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]

77. 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]

78. 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]

79. Where any existing sewer junctions are to be disused on the site, the connection point shall be permanently removed by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges prior to commencing any building works.

[PCW1135]

80. Prior to commencement of any works further investigation of potential contamination by a suitably qualified person as identified in the Detailed Site Investigation for Lot 10 DP 1084319, 1 Wollemi Place Tweed Heads West prepared by HMC Environmental Consulting (HMC2018.143), shall be completed and submitted to the satisfaction of the General Manager or his delegate. Investigation shall include (but not be limited to) identified areas of uncontrolled fill, dieldrin impacted soil, locations where equipment, lead batteries and/or oil/fuel containers have been stored, and water quality and sediments within the onsite retention ponds.

[PCWNS01]

81. Prior to commencement of any works a Remediation Action Plan (RAP) shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. All work shall comply with the approved RAP.

[PCWNS02]

82. Prior to commencement of any site or construction works (other than those required for remediation) a Site Audit Statement (SAS) from an accredited site auditor in accordance with the Contaminated Land Management Act 1997, is to be submitted to the satisfaction of the General manager or his delegate. The SAS is to certify that the land is suitable for the proposed land use. Conditions imposed on the SAS shall form part of this consent.

Where the SAS conditions, if applicable, are not consistent with this consent, a Section 4.55 application pursuant to the Environmental Planning & Assessment Act 1979 will be required to ensure the conditions form part of the consent conditions.

[PCWNS03]

83. The applicant is to prepare a construction noise assessment prepared by a suitably qualified person. Should the assessment dictate the need for a Construction Noise Management Plan (CNMP), a CNMP shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate.

[PCWNS04]

84. Prior to commencement of works a Waste Management Plan (WMP) shall be prepared by a suitably qualified person and submitted to the satisfaction of the General Manager or his delegate. The WMP shall address the objectives and requirements of Section 2.0 *Construction of Buildings or Structures* of Tweed Development Control Plan A15, including construction and operational phases.
85. All approved tree protection fencing shall be installed to the satisfaction of Council prior to commencement of any works.
86. All pre-construction Bush Stone-curlew management measures as prescribed in 'Section 7 - Impact Management Strategies' in the Bush Stone-curlew Impact Assessment, 1 Wollemi Place, Tweed Heads West dated January 2019 prepared by Biome Water and Environmental Consulting shall be implemented prior to commencement of works to the satisfaction of Council.
87. Prior to the Commencement of Works for Stage 1, Development Consent DA17/0238 must be surrendered pursuant to Section 4.17 of the EP&A Act 1997 and Clause 97 of the EP&A Regulation 2000.
88. Prior to the commencement of any works for Stage 1, where any existing sewer junctions are to be disused on the site, the connection point shall be permanently removed by Council staff. Applications shall be made to Tweed Shire Council and include the payment of fees in accordance with Councils adopted fees and charges.

[PCWNS05]

DURING CONSTRUCTION

89. All proposed works are to be carried out in accordance with the conditions of development consent, approved management plans, approved trade waste agreement, approved construction certificate, drawings and specifications.

[DUR0005]

90. Should any Aboriginal object or cultural heritage (including human remains) be discovered all site works must cease immediately and the Tweed Byron Local Aboriginal Land Council (TBLALC) Aboriginal Sites Officer (on 07 5536 1763) are to be notified. The find is to be reported to the Office of Environment and Heritage. No works or development may be undertaken until the required investigations have been completed and any permits or approvals obtained, where required, in accordance with the National Parks and Wildlife Act, 1974.

[DUR0025]

91. Commencement of work, including the switching on and operation of plant, machinery and 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.

[DUR0205]

92. The development shall be carried out in accordance with the provisions of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref: 18051 report REV 2) on 08 August 2018 (and any approved addendum/amendment).

[DUR0275]

93. The development shall meet the building construction requirements of Australian Standard AS 2021 (*Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*).

[DUR0285]

94. If window systems to be used are not openable or are required to remain closed in order to satisfy the requirements of the Environmental Noise Impact Report for 1 Wollemi Place, Tweed Heads West (Lot 10 DP 1084319) prepared by CRG Acoustics (crgref: 18051 report REV 2) on 08 August 2018, then a system of mechanical ventilation complying with the relevant provisions of the Building Code of Australia shall be installed to service all habitable areas of the building.

[DUR0295]

95. 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]

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

[DUR0395]

97. The Principal Certifying Authority is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the Principal Certifying Authority via the notice under Section 6.6 of the Environmental Planning and Assessment Act 1979.

[DUR0405]

98. 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]

99. Excavation

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with WorkCover 2000 Regulations.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

[DUR0425]

100. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- (b) building involves the enclosure of a public place,

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

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

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

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

[DUR0435]

101. 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 2017.

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]

102. Minimum notice of five working days shall be given to Tweed Shire Council for the permanent removal of any disused sewer junctions (if applicable).

Tweed Shire Council staff shall undertake the works in accordance with the application lodged and upon excavation of the service by the developer.

[DUR0675]

103. Provision to be made for the designation of a durable and pervious car wash-down area/s. The area/s must be appropriately sized and identified for that specific purpose and be supplied with an adequate water supply for use within the area/s. Any surface run-off from the area must not discharge directly to the stormwater system. The disposal of all wash water, oil, grease or other pollutants shall be disposed of under the trade waste approval.

[DUR0975]

104. 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]

105. The burning off of trees and associated vegetation felled by clearing operations or builders waste is prohibited. Such materials shall either be recycled or disposed of in a manner acceptable to Councils General Manager or his delegate.

[DUR1015]

106. 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]

107. All walls in the food preparation and storage areas shall be of solid construction. For this purpose walls in such areas may be of masonry or stud wall construction. If stud wall construction is used then the wall shall be lined as a **minimum** with 9mm thick high impact resistant material eg. Villaboard or Versilux lining or other suitable material(s) approved by Council's Environmental Health Officer **and** tiled to a height of at least 2 metres.

Masonry walls where not tiled may be cement rendered to provide a smooth faced impervious finish up to the underside of the ceiling.

Metal stud wall framing in lieu of timber framing shall be used in areas where the walls and floor surfaces will be subjected to high levels of moisture or alternatively as directed by Council's Environmental Health Officer.

All penetrations of the wall surface in food preparation areas shall be effectively sealed to the satisfaction of Council's Environmental Health officer.

[DUR1495]

108. All flooring materials in the food preparation and storage areas are to be impervious, non slip, non abrasive and capable of withstanding heavy duty operation. Where tiling is to be used epoxy grout finished flush with the floor surface is to be used in joints or alternatively all tiles are to be butt joined and free of cracks or crevices.

[DUR1505]

109. Windows and doors opening into food handling, preparation and storage areas shall be pest proofed in accordance with the provisions of Food Safety Standard 3.2.3.

[DUR1515]

110. Separate hand washing facilities must be provided with warm water and located in a position where it can be easily accessed by food handlers and be of a size that allows easy and effective hand washing to the satisfaction of the General Manager or his delegate.

[DUR1545]

111. All hazardous and/or dangerous goods shall be handled and stored in a designated area away from stormwater drains. The designated area is to be:

- (a) Roofed;
- (b) Provided with a sealed floor; and

Bunded so as to hold 110% of the total quantity of goods stored. Bunded area(s) shall not be flood-liaible and shall be provided with pump out facilities.

[DUR1635]

112. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired in accordance with Councils Development Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

113. No portion of the structure may be erected over any existing sullage or stormwater disposal drains, easements, sewer mains, or proposed sewer mains.

[DUR1945]

114. The developer/contractor is to maintain a copy of the development consent and Construction Certificate approval including plans and specifications on the site at all times.

[DUR2015]

115. The builder must provide an adequate trade waste service to ensure that all waste material is suitably contained and secured within an area on the site, and removed from the site at regular intervals for the period of construction/demolition to ensure no material is capable of being washed or blown from the site.

[DUR2185]

116. The site shall not be dewatered, unless written approval to carry out dewatering operations is received from the Tweed Shire Council General Manager or his delegate.

[DUR2425]

117. 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 Division to arrange a suitable inspection.

[DUR2445]

118. A Liquid Trade Waste Services Agreement will be issued and a Liquid Trade Waste Approval Number allocated once the device has been installed, inspected and Council has received a copy of the Waste Contractor's Service Agreement

[DUR2685]

119. No retaining walls or similar structures are to be constructed over or within the zone of influence of Council's sewer main.

[DUR2705]

120. The Applicant shall submit the appropriate 'Application for Water Meter Removal' form to Council's Water Unit to facilitate the removal of any existing water meters proposed to be unused as part of this development proposed. The removal of any existing connections shall be undertaken by Tweed Shire Council, with all applicable costs and application fees paid by the Applicant.

[DUR2800]

121. The exportation or importation of waste (including VENM & ENM) from or to the site must be in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the NSW Environmental Protection Authority *Waste Classification Guidelines*.

[DURNS01]

122. Works in the vicinity of public infrastructure must comply with the following requirements;

- a) No portion of any structure may be erected within any easement or within one metre where no easement exists for public infrastructure over the subject site. All structures shall be designed and sited such that all structure loads will be transferred to the foundation material outside of the zone of influence of any public infrastructure.
- b) Retaining walls are only permitted over the public sewer at the site boundaries. The structure must be designed to provide structural bridging over the pipe, as specified by Council, so as not to impose load on the pipe and to facilitate maintenance of the pipe without adverse effects on the wall's structural integrity and stability.
- c) Surface treatment over the sewer pipe shall be limited to soft landscaping, noninterlocking paving, concrete slab with construction joints along the alignment of the sewer easement (or one metre from the sewer if no easement exists) or similar treatments as specified by Council officers, to allow ready access to the pipe for excavation. Council will not be responsible for the reinstatement of plantings, unauthorised structures or decorative surfacing in the vicinity of the

pipe in the event of pipe excavation or other maintenance works.

- d) Trees and other landscaping that will grow to over one metre in height at maturity are not permitted within the sewer easement or within one metre of the sewer if no easement exists, to prevent the tree roots intruding into sewer mains and internal sewer pipes. Landscaping over the sewer shall be of a minor nature designed to ensure they do not damage or interfere with any part of the pipeline.

[DURNS02]

- 123. All construction phase Bush Stone-curlew management measures as prescribed in 'Section 7 - Impact Management Strategies' in the Bush Stone-curlew Impact Assessment, 1 Wollemi Place, Tweed Heads West dated January 2019 prepared by Biome Water and Environmental Consulting shall be implemented to the satisfaction of Council.
- 124. All approved dewatering fauna management measures shall be implemented to Council's satisfaction during the construction phase.
- 125. All approved tree protection fencing shall remain for the duration of the construction period unless otherwise approved by Council's General Manager or delegate.
- 126. All landscaping shall be carried out in accordance with the approved detailed plan of landscaping for each stage of the development.
- 127. In the event that any threatened species, populations, ecological communities or their habitats are detected during operations with a high likelihood of negative impact, appropriate Plans of Management for those species must be formulated to the satisfaction of the General Manager or delegate and/or the Office of Environment and Heritage. No further site clearing will take place until the Plan(s) of Management is/are approved.

[DURNS03]

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

- 128. Prior to issue of an Occupation Certificate, all works/actions/inspections etc required at that stage by other conditions or any approved Management Plans or the like shall be completed in accordance with those conditions or plans.

[POC0005]

- 129. 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 6.9 and 6.10 unless an occupation certificate has been issued in relation to the building or part (maximum 25 penalty units).

[POC0205]

- 130. 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]

131. 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]

132. 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]

133. 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]

134. Prior to the issue of a final Occupation Certificate, all conditions of consent relevant to that stage are to be met.

[POC1055]

135. Prior to the issue of an occupation certificate, written validation shall be provided to the principal certifying authority from a suitably qualified person which certifies that the development complies with the recommendations and acoustic treatments as stated in the Environmental Noise Impact Report prepared by CRG Acoustics (crgref: 18051 report REV 2) 8 August 2018 (and any approved addendum / amendments). The applicant shall carry out any further acoustic treatment recommended by the suitably qualified person to the satisfaction of the General Manager or delegate within 30 days from the date of recommendation, provided that the General Manager or delegate may extend the time period for the carrying out of any recommended acoustic treatment to a date which may be determined by the General Manager or delegate.

[POCNS01]

136. Prior to the issue of an Occupation Certificate and also prior to the end of defects liability period, a CCTV inspection of any gravity sewerage systems installed and to be dedicated to Council including joints and junctions will be required to demonstrate that the standard of the infrastructure is acceptable to Council. Any defects identified by the inspection are to be repaired in accordance with Councils Development Design and Construction Specification. All costs associated with the CCTV inspection and repairs shall be borne by the applicants.

[POCNS02]

137. All approved landscaping requirements must be completed to the satisfaction of Council's General Manager or delegate PRIOR to the issue of the occupation certificate for each relevant stage of the development. Landscaping must be maintained at all times to the satisfaction of the Council's General Manager or delegate.

[POCNS03]

USE

138. 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]

139. The $L_{Aeq, 15 \text{ min}}$ noise level emitted from the premises shall not exceed the background noise level (L_{A90}) 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]

140. 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]

141. Hours of operation of the business are restricted to the following hours:

- * Stage 2A & 2B Warehouse workshop operations be limited to 7am to 6pm Monday to Saturday, and 8am to 5pm Sundays and public holidays.
- * Stage 3 Light Industrial operations be limited to 7am to 6pm, Monday to Friday.
- * Stage 3 Industrial Retail Outlet / Office operations be limited to 8.30am to 5pm, Monday to Saturday.

[USE0185]

142. 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]

143. 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]

144. Any premises used for the storage, preparation or sale of food are to comply with the *Food Act 2003*, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises and other requirements of Councils Environmental health Officer included in this approval.

[USE0835]

145. 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]

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

[USE1035]

147. The disposal of all wash water, oil, grease or other pollutants from the business shall be disposed of to the satisfaction of Council's General Manager or his delegate as outlined in the Liquid Trade Waste Services Agreement and General Conditions of Approval.

[USE1055]

148. The development shall be operated in accordance with the Recommended Acoustic Treatments identified in the *Environmental Noise Impact Report, 8 August 2018* prepared by CRG Acoustics (crgref: 18051 report REV 2) (and any approved addendum / amendments).

[USENS01]

149. Waste collection for any stage of the development is limited to the daytime period between 7am and 6pm.

[USENS02]

150. The Stage 2 Workshop is only permitted to undertake basic maintenance and vehicle care. Major repairs or heavy maintenance is not permitted.

151. The preparation or packaging of food is not permitted within Stage 2 of the development.

[USENS03]