

Our Ref: Z20301  
Your Ref: DA23/0316  
LN33816  
Andrew Watkins



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**23 July 2024**

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via email: [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

Dear Andrew,

**RESPONSE TO ASSESSMENT MANAGER'S INFORMATION REQUEST  
DEVELOPMENT APPLICATION FOR PROPOSED PLACE OF PUBLIC WORSHIP + ANCILLARY OFFICE,  
COMMUNITY MEETING ROOM, WEDDING CHAPEL & A RESTAURANT OR CAFÉ AT  
90 PHILLIP STREET, CHINDERAH  
(LOT 12 DP830660)**

We act on behalf of our client, The Trustee for Gardn Church Property Trust, regarding the abovementioned Development Application.

On 12 February 2024 an Information Request was received from Tweed Shire Council. Pursuant to the *Environmental Planning and Assessment Act 1997* (EP&A Act), we provide our response to this information request below.

The following information is attached in support of this response:

1. Council RFI (**Attachment 1**)
2. Amended Proposal Plans by Aspect Architecture (**Attachment 2**)
3. Engineering Response and amended Reporting/Plans by Westera (**Attachment 3**)
4. Ecological Response and amended Reporting/Plans by Biome (**Attachment 4**)
5. Bushfire response and amended Reporting by Bushfire Safe (**Attachment 5**)
6. Arborist Response and amended Reporting by Peter Gray (**Attachment 6**)
7. Traffic Response and amended Reporting by Rytenskild Traffic (**Attachment 7**)
8. Preliminary Contaminated Land Assessment from DTMR (**Attachment 8**)
9. Geotechnical Report by Pacific Geotech (**Attachment 9**)
10. Acoustic Response and amended Reporting by CRG Acoustics (**Attachment 10**)
11. Indicative Food Premises Plans by Aspect Architecture (**Attachment 11**)
12. Response to Public Submissions by Zone Planning (**Attachment 12**)

In accordance with *EP&A Act 1997* this letter and attachments constitute a response to all the information requested. We submit that the below and attached information together with that provided with the application submission, provides sufficient information for Council to now complete its assessment and favourably determine the application.

Firstly, we premise this response by noting that significant consultation with Council Planners, Management and Technical Officers has informed a detailed and comprehensive response to the raised items.

This has included individual meetings between the consultant team and their respective Council officer counterparts and departments, as well as group meetings and discussions and attendance at a site visit with Council and the Northern Regional Planning Panel representatives. Through this extensive consultation process Council has in principle agreed to the amended proposal plans. The result is a comprehensive and meaningful response to the Council Information Request, referral comments and community concerns, and a significantly improved position on key raised matters (such as flood, ecological, engineering and traffic matters). We refer Council to the amended plans within **Attachment 2**.

As a broad summary, the amended proposal has widely retained the built form, use and function of the proposal while vastly improving the perceived impacts of the development (reducing the venue capacity, reducing fill and subsequent flood impacts, redirecting stormwater flows away from any sensitive areas, increasing buffer planting and environmental protection within the confines of Planning for Bushfire Protection and ensuring safety to visitors and property).

The proposal as amended does not increase any associated impacts that the community were not already informed of and provided opportunity to comment on during public notification (on two occasions). As such, we strongly advocate that the proposal will have a reduced impact on the surrounding area (in terms of lower attendance numbers, improved ecological interface, reduced and overly compliant fill all expanded on below), which directly respond to submissions made during the prior notification periods. As the applicant has expressly and meaningfully responded to the matters raised in the previous submissions and RFI, this application does not require re-notification and we respectfully ask Council to finalise its assessment and provide its recommendation to the Northern Regional Planning Panel for a timely determination.

## **1. FLOOD AND STORMWATER**

*The proposal raises significant concerns in relation to the flood-prone nature of the site and to the extent of proposed filling. It is noted that a Preliminary Extent of Filling Plan (Drawing No. N21-053-PF01 dated October 2023) and a letter from Westera Partners (dated 13 October 2023) were provided in response to flooding concerns informally conveyed to you ahead of the Northern Regional Planning Panel Briefing on 14 November 2023 and ahead this letter. Those additional documents have also been reviewed by Council officers and further information is requested as follows:*

- a) The extent of proposed filling as indicated in the application and as shown on Drawing No. N21-053-PF01 dated October 2023 is considered unacceptable.*

*Council's Tweed Valley Floodplain Risk Management Study (2014) and previous cumulative development scenarios show filling in Chinderah causes unacceptable flooding impacts in Chinderah village.*

*Please amend the application to remove the fill material from the proposed driveway and car parking areas, with filling to be strictly limited to the proposed building footprint only. This is to be supported by a Flood Impact Assessment (FIA) prepared by a qualified engineer experienced in flood modelling.*

*The FIA must include a cumulative development scenario in the flood modelling; must consider climate change and must clearly demonstrate that the development, when considered in isolation (including each proposed stage of development) and cumulatively, will not result in significant adverse impacts on local flood behaviour or adjoining land.*

*The Tweed Valley Floodplain Risk Management Study (2014) can be viewed on Council's website at: <https://www.tweed.nsw.gov.au/files/assets/public/v/1/documents/property-and-rates/floods-and-stormwater/tweed-valley-floodplain-risk-management-study-final-october-2014.pdf>*

- b) The application incorrectly references Development Control Plan A3 Section A3.7.1 for Kingscliff. Please update the application to fully address and demonstrate compliance with the applicable flood controls for Chinderah.*
- c) Kingscliff TAFE is used as the Evacuation Centre as it is above the PMF. The proposed church is in the floodplain affected by the 1% Annual Exceedance Probability (AEP) flood. People are likely to be trapped and in danger if the proposed church is used as an evacuation centre and the flood is greater than a 1% AEP flood. The proposal should not therefore be identified or used as an evacuation centre.*
- d) The use of a solid acoustic fence along the southern boundary of the site (as indicated in the Environmental Noise Impact Report (CRG Acoustics, dated 3 May 2023) would have an adverse impact on flood water behaviour during a flood event and is therefore considered unacceptable. The application is to be revised to include an appropriately designed acoustic fence which will not impede the free flow of flood water or have any other adverse effects.*
- e) Please confirm that the proposal is not Designated Development, taking into account any amendments to stormwater management.*

## RESPONSE

While also previously compliant with Council provisions, we note the community and Council concerns in terms of potential flood impacts and the sensitivity of this matter. As a result, the proposal has been revised in its entirety and now results in a drastically reduced amount of fill site wide. Generally, the proposal now limits all filling to simply ensuring positive drainage from the site and fill within the immediate building envelope, noting that drainage and stormwater has also been revised and confirms no worsening of flows to existing receivers.

The proposal strategy in terms of fill/earthworks (volume and location) and stormwater, capture, treatment and discharge has been confirmed in principle with Council technical officers and is formalised in the accompanying material.

Please refer to the detailed response provided in **Attachment 3** through Westera Partners. In direct Response to Council's raised and requested items:

- (a) Filling has been reduced as requested;
- (b) The response material correctly references the flood controls for Chinderah as requested;
- (c) There is no intention to utilise the site as an evacuation centre. As Council correctly notes, the refuge for the area is the Kingscliff TAFE. Additional resilience was simply included within the building (i.e. higher finished floor level) to allow the Church to assist other properties and the community following a flood, rather than having to focus repairs on their own facility;
- (d) The Acoustic wall allows an operable lower 'flap' allowing the free flow of flood water across and between sites, please refer to this design detail included in the Acoustic Report in **Attachment 10**; and
- (e) The proposal considers the salient items listed in cl.2.7 of the SEPPRH and confirms that there are no direct works in the land identified as coastal wetland and no impact on same. The p[ro]posal is therefore not designated development. The proposal includes no clearing of native vegetation or physical works within the mapped areas and the stormwater measures, which mimic the existing catchment to maintain quality/quantities to predevelopment scenarios, ensures no harm to marine vegetation. We can confirm the proposal is not designated development, as there is no fundamental change or worsening of flows to sensitive receivers. Please refer to the accompanying reporting in **Attachment 3**.

## **2. COASTAL WETLAND AREA (CWA)/PRESERVATION OF TREES/BIODIVERSITY AND HABITAT MANAGEMENT**

### ***Item 1 Amended development layout, design and habitat management to avoid and minimise ecological impact***

*Council concerns are raised with respect to the proximity of certain elements of the proposal to high conservation red flagged values supported onsite and potential for adverse cumulative direct and indirect impact/s on the biophysical, hydrological and ecological integrity and function of those values.*

*Council's Development Control Plan Section A19 Biodiversity & Habitat Management (DCP A19) includes development envelope controls that relate to ecological buffers, habitat restoration, biodiversity management and long-term protection (dependent on the scale of the proposed development) as measures to be applied/implemented to satisfactorily avoid and minimise development impacts upon high conservation red flagged values.*

*Ecological buffers to key high conservation red flagged values are typically expected to a) be clear of all built form, stormwater infrastructure and bushfire asset protection zones; b) be subject to a habitat restoration program (to improve existing habitat and re-establish a pre-clear vegetation community) and c) afforded long-term statutory protection.*

*Key ecological buffer distances to be applied to the subject sites high conservation red flagged values as identified by Council and described in the submitted Ecological Assessment dated June 2023 prepared by Biome Water and Environmental Consulting*

consistent with the development envelope controls of DCP A19 are outlined in Table 1 below:

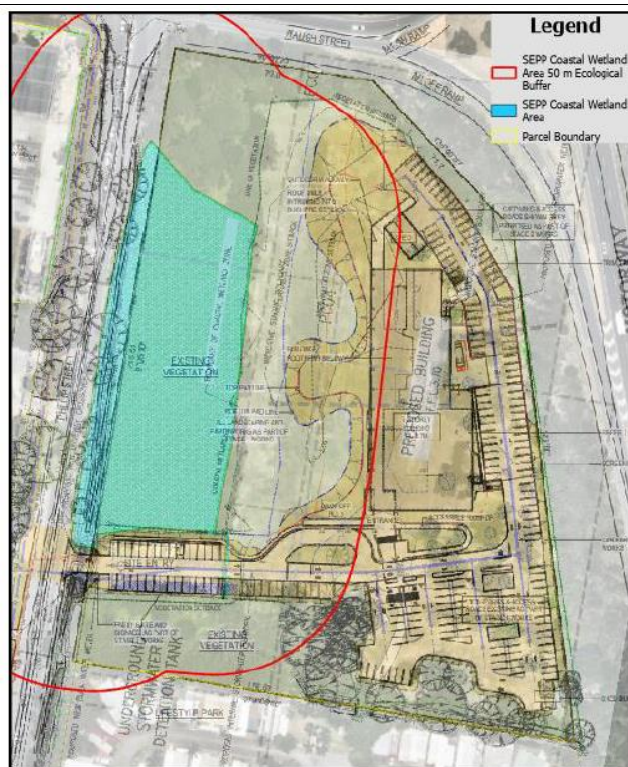
High conservation red flagged value	Ecological Buffer*
'Important Wetlands'. Coastal Wetland Area [as identified under the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> ].	50 metres
'Listed Ecological Communities'. Candidate Endangered Ecological Communities listed under the <i>Biodiversity Conservation Act 2016</i> .	30 metres
'Over-cleared Landscapes'. Native vegetation occurring within an Over-cleared Mitchell Landscape – Byron Tweed Alluvial Plains.	20 metres
'Areas within a species polygon for threatened fauna or other significant fauna that are known or predicted to occur at the site'.	20 metres

\*Where more than one red flag applies the larger ecological setback/buffer shall be used.

*Specific elements of the proposal that have the potential to result in unacceptable ecological impact and that fail to conform to the DCP A19 Development Envelope Controls (DEC's) include:*

- Proposed car parking and pedestrian access immediately adjacent to the Coastal Wetland Area (CWA) (north) and candidate Endangered Ecological Community (EEC) upon entry to the site. Negligible setbacks are provided.*
- Stormwater infrastructure/carparking (south), particularly underground stormwater detention tanks (proximate to the sites entrance) that are expected to require excavation to install are proposed immediately adjacent to a candidate EEC and within 15 metres of the CWA.*
- Proposed filling to the east of the site within approximately 17 metres of the CWA and immediately adjacent to a candidate EEC to the north of the site.*
- Proposed building elements to the east of the site extend within approximately 42 m of the CWA.*
- Proposed bushfire asset protection zones (APZ) extend to the outer boundary of the CWA and edge of candidate EEC to the north compromising ecological restoration efforts within the CWA and EEC ecological buffer zone consistent with DCP A19. Due to the extent of the proposed APZ, there are significant limitations to which habitat restoration can be undertaken in order to conform to NSW RFS Standards for Asset Protection Zones.*

*The extent of proposed filling and built form development encroachment into the 50 metre Coastal Wetland Area ecological buffer is depicted in Figure 1 and Figure 2 respectively (see below/following page):*



**Figure 1** Proposed earthworks - 50 m CWA buffer red



**Figure 2** Proposed layout – 50 m CWA buffer red

*The site's key high conservation red flagged values and associated ecological buffer zones (based on the current proposed development envelope) as deemed acceptable to Council to satisfy the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 and DCP A19 are collectively captured within the area indicatively depicted on the development overlay plan prepared by Council in Figure 3 below and shown as 'Conservation Footprint':*





**Figure 3** Acceptable indicative 'Conservation Footprint' shown highlighted in green.

As such the applicant is requested to address the following matters and demonstrate how the proposal avoids and minimises potential ecological impact to an acceptable level through appropriate and responsive development design and management:

**A. Development design and layout**

- i. Remove all carparking/hardstand areas from the indicative 'Conservation Footprint' as shown in Figure 3 of this information request to the north and south of the proposed entry road where adjacent to the Coastal Wetland Area (CWA) and within a 50m wide ecological buffer from the CWA.
- ii. Remove all proposed fill material and structures from within the indicative 'Conservation Footprint' as shown in Figure 3 of this information request, to be positioned outside a 50 metre wide ecological buffer from the CWA with the exception of the proposed primary access.
- iii. Clearly demonstrate with detailed civil engineering plans avoidance of all development occurring/extending within the CWA.

**B. Habitat Restoration**

The applicant is requested to amend the Habitat Restoration Plan Rev. B dated 12 July 2022 prepared by Biome Water and Environmental Consulting to:

- i. Reflect the following indicative habitat restoration zones as shown in Figure 4 below as prepared by Council:
  - Habitat Restoration Zone 1 – Assisted natural regeneration (weed control) – approximately 1.2 ha.
  - Habitat Restoration Zone 2 – Reconstruction/revegetation with the intent to re-establish the pre-clear vegetation community – approximately 0.45 ha and appropriate density to achieve site capture after a minimum five (5) year maintenance period.
  - Habitat Restoration Zone 3 – Native copse planting – approximately 0.3 ha.



**Figure 4** Council concept habitat restoration zones

- ii. Provide commitment to a minimum five (5) year habitat restoration maintenance period post the establishment phase involving all primary works.
- iii. Provide details of in-perpetuity protection of high conservation red flagged values and associated ecological buffer zones within the indicative 'Conservation Footprint' as shown in Figure 3 of this information request.

See also 3. Traffic and Parking comments below.

### C. Bushfire management



*The applicant is requested to engage the services of an accredited Bushfire Planning & Design practitioner to amend the submitted Bushfire Assessment Report dated 05 June 2023 prepared by Bushfire Certifiers to have full regard to the retention of ecological red flagged values and habitat restoration requirements as detailed in this request for further information.*

*Please note Council officers will not support inner or outer asset protection zones within Habitat Restoration Zone 1 and Habitat Restoration Zone 2 as shown in Figure 4 of this information request.*

**Item 2 Assessment of significance**

*The site supports preferred habitat for the threatened Mitchell's Rainforest Snail (*Thersites mitchelliae*). The applicant is requested to conduct a targeted fauna survey for this species and subsequently perform an assessment of significance (5-part test) under the Biodiversity Conservation Act 2016.*

**Item 3 - Koala management**

*The proposal involves the removal of four (4) Preferred Koala Food Trees scheduled under the Tweed Coast Comprehensive Koala Plan of Management 2020 (TCKPoM).*

*The applicant is requested to provide a Koala Offset Management Plan in accordance with Appendix C – Offset Provisions of the TCKPoM.*

**Item 4 - Arboricultural assessment**

*Please provide an updated Arboricultural Impact Assessment prepared by a minimum Level 5 AQF Arborist that addresses and recommends measures to adequately mitigate/prevent any potential adverse impact on trees arising from:*

- a. The installation of any proposed acoustic barriers to the south of the site;*
- b. Filling to the eastern common boundary with the M1 Pacific Motorway (vegetation within the M1 road reserve); and*
- c. Potential road widening and installation/upgrade of any water and wastewater services within the Phillip Street road reserve.*

*In providing the above further information, the applicant must ensure that any updates, revisions or other amendments to the application and its associated plans and documents are also consistent with the other items requested in this letter.*

**RESPONSE**

A detailed review (including confirmation of in principle support of Council) has been undertaken on all relevant ecological matters raised. Additional buffering, replanting and ongoing management of same is now included in the accompanying revised ecological material (**Attachment 4**). This has balanced the ecological position of Council with requirements under Planning For Bushfire Protection 2019, enforced by the RFS, and offers an overall improvement to the ecological protection of the site (while suitably protecting the church visitors and building in the unlikely event of a bushfire).

Please refer to the detailed response provided in **Attachment 4** through Biome. In direct Response to Council's raised and requested items:

## ITEM 1 – Amended Development Layout/Preservation of Trees and Habitat Management

### A. Development Design and Layout.

- i. Car parking areas immediately north and south adjacent of the entry driveway have been removed as requested;
- ii. Fill material within the conservation footprint has been generally removed as requested, though we note the car parking footprint has marginally changed; and
- iii. Civil Engineering detail confirms no development occurs or extends within the Coastal Wetland Area.

### B. Habitat Restoration

- i. The habitat restoration area has been refined in response to meetings, discussions and negotiation between Council and the consultant team, including consideration of required bushfire protection;
- ii. The applicant commits to a 5 year habitat restoration maintenance period as requested; and
- iii. Please refer to **Attachment 4** regarding in perpetuity protection of red flag areas as requested.

### C. Bushfire Management

The bushfire protection strategy has been revised in response to the above comments and bushfire response material accompanies this letter in **Attachment 5**, in addition to being previously provided to Council and referred to the RFS (pending response).

## ITEM 2 – Assessment of Significance

It was confirmed with Council that due to the now improved buffer no targeted fauna survey is necessary.

## ITEM 3 – Koala Management

Koala offset management and planning is included within the ecological response material. Of note, all required offset planting is suitably accommodated within the site.

## ITEM 4 – Arboricultural Assessment

A response from the project arborist accompanies this letter in **Attachment 6**, which confirms that the trees proposed for retention are not impacted by proposed structures such as acoustic fencing, car parking, infrastructure or the like. Where tree protection areas are encroached, this is within the tolerable 10% and construction management processes (under boring of trees and services) will ensure this vegetation is not impacted.

## 3. TRAFFIC AND PARKING

*Removal of all carparking/hardstand areas from the indicative 'Conservation Footprint' referred to above, will result in a parking shortfall of 33 car parking spaces in relation to the requirements of Section A2 Site Access and Parking of Council's DCP, which is not considered acceptable.*

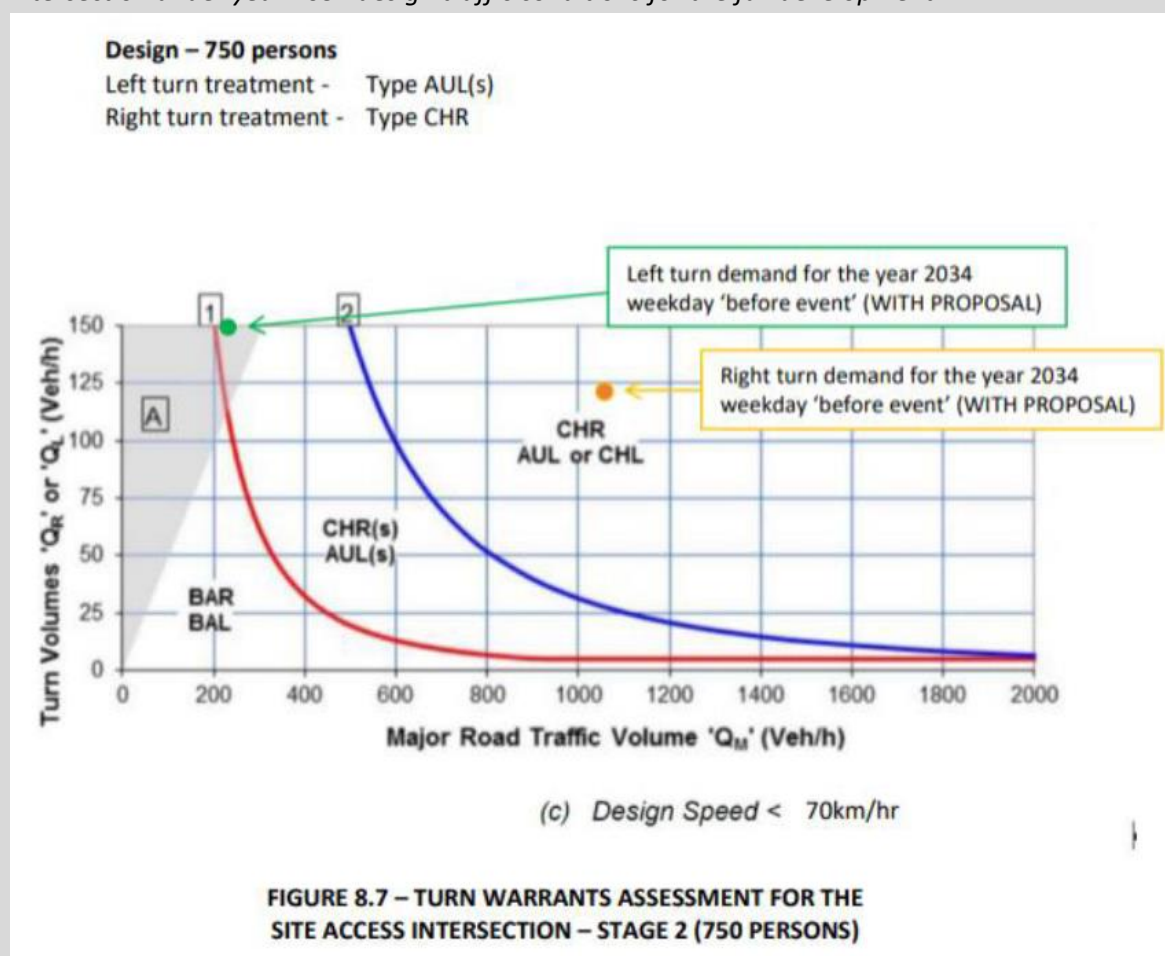
*The proposed development should be revised so that proposed parking complies with the requirements of Section A2 of the DCP.*

*In addition to the above, the applicant is requested to provide the following information:*

- a) An additional, post-development Traffic Impact Assessment (TIA) for the intersection of Waugh Street and Phillip Street (consistent with the recommendations of Transport for NSW (TfNSW), a copy of which is attached.
- b) A revised design/layout to include a channelised right turn (CRT) to be constructed on Phillip Street and into the site, and consistent with the TIA requested above and to cater for the predicted 2034 demand for this intersection (see below):

Stage 2 attendance capacity (750 persons) (as per supplied TIA)

In accordance with Austroads Part 6, the following turn treatments are warranted at the access intersection under year 2034 design traffic conditions for the full development:



- c) The revised design should also include the construction of a pedestrian refuge near the entrance to the site giving clear and safe pedestrian access into the site and venue, in accordance with the recommendations from TfNSW.

**PLEASE NOTE:** The above traffic and parking advice is based on the current proposal to provide a 750-seat auditorium. Should the overall proposal be amended (for example by reducing the capacity of the proposed auditorium) to address other matters in this letter, the specific traffic engineering requirements that would need to be met may also need to be revised.

## RESPONSE

Through the removal and reworking of parking areas, the proposal results in a marginal reduction to overall parking of two (2) spaces. Simultaneously, a minor rework of the internal areas has been undertaken to reduce the operational capacity of the church from 750 to 710, which in turn ensures the proposal remains compliant with Council parking provisions in any event.

A detailed response is provided from Rytenkild Traffic Engineers in **Attachment 7**. We note that within this, several of the requested provisions (such as a designated right turn and pedestrian refuge) are not strictly provided, as these inclusions raised concerns and conflict with driveways located opposite the site and were undesirable. Notwithstanding, this traffic position and response strategy has been confirmed in principle with Council's traffic technical officers as a suitable approach.

Specifically, the updated reporting reflects the RFI Response outcomes (such as design changes) in full, considering the new parking arrangement, new attendee numbers and indicatively showing the access and intersection treatments as proposed and investigated. The proposal only expects a peak demand to occur a few times a year and does not increase current demand for parking/traffic on the weekend (as the Church already operates from the nearby SDA church also on Phillip Street). So there is a negligible net change to the roadway as a result of the proposal.

## 4. INFRASTRUCTURE (INCLUDING WATER/WASTEWATER)

*Due to the current limited capacity within the existing sewer network in Phillip Street & Wommin Bay Road, the site needs to be connected to the existing sewer network located within Waugh Street. The applicant is requested to:*

- a) amend the preliminary Civil Servicing Plan(s) to show the proposed sewer rising main connecting into the existing sewer maintenance structure DM/3 located within Waugh Street. These plans will need to comply with TSC's engineering standards;*
- b) amend the submitted engineering plans and reporting to include a 150mm water main rather than a 100mm water main;*
- c) provide a peak water and sewer demand flow calculation for the proposed development site which considers event scenarios. Engineering plans and reporting should be updated accordingly. Specifically, the location of the onsite sewage pump station and any onsite sewage detention accommodations should be shown, consistent with TSC Development Design Specification D12.*

*Should consent ultimately be granted, the applicant would be liable for the payment of contributions for the proposed water main works referred to above.*

## RESPONSE

Please refer to the Engineering Response and amended reporting/plans in **Attachment 3**. In particular, in response to these items:

- a) Connectivity has been amended as requested;
- b) A 150mm water connection has been included as requested; and
- c) Additional sewer demand and connection detail has been provided as requested.



## 5. ACID SULFATE SOILS

*The applicant is requested to:*

- a) *Submit to Council an Acid Sulfate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the proposed works that are classified as being in an Acid Sulfate Soils zone 3.*

*The ASSMP must be prepared by a person qualified and competent in relevant geotechnical expertise in relation to the assessment of Acid Sulfate Soils risks*

*Or:*

- b) *Submit to Council a Preliminary Assessment prepared in accordance with the NSW Sulfate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the proposed works that are classified as being in an Acid Sulfate Soils zone 3.*

*The Preliminary Assessment must conclude and clearly demonstrate that an ASSMP is not required in accordance with the guidelines otherwise an ASSMP must also be submitted to Council as per a) above.*

## RESPONSE

The applicant has engaged Peter Elkington of Pacific Geotech with field work and site sampling being completed on Friday 12<sup>th</sup> July, There is a short delay with the laboratory and reporting will be forthcoming in the next 2 weeks and will be provided to Council urgently ahead of their recommendation to the Northern Regional Planning Panel.

Of note, the proposal requires negligible excavation, limited generally to detention tank installation and parking grading and footings. The remaining site works areas are generally 'fill' exercises only (related to achieving positive drainage and building footprint/footings). As such, the likelihood of the proposal impacting Acid Sulfate Soils is low and can be suitably managed through construction management plans and the like as part of detailed design and Construction Certificate processes.

## 6. CONTAMINATED LAND

*Council records show that the site was previously used for the storage of vehicles and that the site was subject to compliance action due to the importation of fill from an unknown source.*

*The applicant is requested to engage a suitably qualified and experienced environmental consultant to prepare a Preliminary Site Investigation that has been prepared in accordance with SEPP (Resilience and Hazards) 2021 and NSW EPA Statutory Guidelines. The report must be accompanied by a Contaminated Land Summary Table.*

## RESPONSE

Please refer to the accompanying preliminary site contamination assessment in **Attachment 8** which was provided to the client through DTMR on purchase of the site in 2021. A more recent review and report from Pacific Geotechnical is expected to confirm that while the site may have previously (and predating the applicants ownership) stored vehicles and had some fill imported, there is negligible risk of contamination. The applicant has engaged Peter Elkington of Pacific Geotech with field work and site sampling being completed on Friday 12<sup>th</sup> July. There is a short delay with the laboratory and reporting will be forthcoming in the next 2 weeks and will be provided to Council urgently ahead of their recommendation to the Panel. A geotechnical report from Pacific Geotechnical also accompanies in **Attachment 9**.

## 7. GROUNDWATER AND DEWATERING

*Council records indicate that the site has high groundwater vulnerability. Please confirm the depth of excavation works, the depth of groundwater and whether any groundwater will be encountered, and if dewatering is proposed as part of the works.*

*If dewatering is proposed/required, the applicant must submit a dewatering management plan prepared in accordance with Council's Dewatering in the Tweed: A guideline for the Management of Dewatering Operations prior to the issue of any development consent.*

## RESPONSE

As previously noted, the proposal requires negligible excavation, limited generally to detention tank installation and parking grading and footings. The remaining site works areas are generally 'fill' exercises and highly unlikely to alter or affect the groundwater table. The groundwater depth at RL0.6m and depth of works being above this at RL1.1m has been confirmed by the consulting engineers and geotechnical investigations, and a response to this item in their **Attachment 3** material confirming dewatering is not required.

## 8. NOISE IMPACT ASSESSMENT – LIVE MUSIC AND AMPLIFIED SOUND

*Nuisance lower frequency noise cannot be adequately addressed using the Noise Policy for Industry as a noise criterion for amplified sound from activities such as band practices and church services, and other patron noise.*

*Please update the Noise Impact Assessment using the following noise criterion to determine potential impacts on the closest noise receivers at all proposed operational time periods, including any shoulder periods:*

*The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any noise sensitive receivers, including the caravan park, which shall be taken to be a residential receiver.*

*Please make all necessary amendments to the predicted impacts from the use on surrounding noise sensitive receivers. Any changes to the recommended mitigation measures shall be included within the report.*

*The applicant is also requested to include an 1/1 octave band spectra, suitably describing any equivalent to the Rating Background Levels (RBL) for each of the Day, Evening and Night periods is to be provided in writing as a table within the report.*

## **RESPONSE**

Please refer to the acoustic response and amended acoustic reporting in **Attachment 10**. Of interest, the submitted acoustic report makes specific reference to amplified music within the auditorium being suitable 7am to 10pm at controlled level. We trust this limitation can be suitably conditioned.

## **9. FOOD PREMISES**

*The applicant is requested to provide updated plans/documents to show:*

- a) the proposed kitchen and any proposed mechanical ventilation to ensure compliance with AS1668.2 is achievable; and*
- b) any proposed waste storage area including a suitable drainage connection and water connection to permit easy cleaning down of any bins used by the food premises to prevent odours and attraction of pests.*

*Please update all relevant plans and documents accordingly.*

*Note: Should consent be granted, a separate Application for Approval of Food Premises Fit-out will be required.*

## **RESPONSE**

The proposal plans now include an indicative food premises layout, though we note this is not a known layout and will be subject to a separate application for fit-out at the time of establishing. The plans are offered to confirm that such a use of the space is entirely suitable and achievable. Please refer to the indicative plans in **Attachment 11** and we note these should not form stamped plans, hence they have been provided separately to the complete plan suite.

## **10. SOLAR PANELS AND WATER HARVESTING**

*The applicant is requested to update the proposed development to include appropriate rooftop solar/photovoltaic panels and means of 'water harvesting' and reuse for the purposes of the proposal.*

## RESPONSE

The proposal will incorporate Solar panels and water harvesting as suitable and has indicated this on the amended plans in **Attachment 2**.

### 11. AGENCY ADVICE

a) Transport for NSW (TfNSW) – To be read in conjunction with item 3 Traffic and Parking above.

*TfNSW has highlighted the following issues to be considered and addressed in relation to potential impacts on the transport network:*

- *The trip generation for the proposed development has been taken at 70% of the total stage 2 capacity. To determine the full extent of the proposed development on the State (classified) road network, the trip generation should be taken at 100% of the total stage 2 capacity.*
- *The potential impacts of potential regulatory controls at the Phillip Street/Waugh Street intersection works upon the intersection, proposed access and Pacific Motorway off-ramp should be included in an updated Traffic Impact Assessment (TIA).*
- *To adequately assess the impact on the State road network, the directional splits for motorists entering and exiting the proposed development should be included in the updated TIA.*

*The full advice from TfNSW is available on the NSW Planning Portal (Ref: CNR-60038 and PPSNTH-250).*

b) Water NSW

*Water NSW advises that on the basis of current information, the proposal does not require a water supply work approval under section 90(2) of the Water Management Act 2000 (WMA).*

*In the event that the response(s) to this RFI identifies any aspect of the proposal as meeting the WMA definition of a 'flood work', it will be necessary for integrated referral to be made to Water NSW under s.90(4) of the WMA.*

c) Essential Energy (EE)

*EE has provided comments relating to potential safety risks arising from the proposed development. In particular, the plans provided do not show the distances from Essential Energy's infrastructure and the development. As such there may be a safety risk. A distance of 7.5m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk from overhead low voltage powerlines.*

*The application should therefore be updated to confirm the presence (or otherwise) of EE infrastructure and the distance(s) between that infrastructure and the nearest part of the development.*

*The full advice from EE is available on the NSW Planning Portal (Ref: CNR-60038 and PPSNTH-250).*

d) NSW Rural Fire Service (RFS)



*The RFS has provided recommended conditions and general advice, which will be appropriately incorporated into the conditions of any development consent.*

*The full RFS advice is available on the NSW Planning Portal (Ref: CNR-60038 and PPSNTH-250).*

*e) Gold Coast Airport – Airfield Operations & Standards*

*The applicant is requested to contact GCA if there is a chance of equipment (e.g. cranes) above 150m in height is to be used in the future development of the site.*

## RESPONSE

Appreciating the agency advice, we have separately responded to these range of matters and have provided amended bushfire material to be referred to the RFS. Nothing in the Agency Advice conflicts with the proposal and this suggests the proposal is entirely suitable in relation to these considerations.

## 12. SUBMISSIONS

*The applicant is requested to respond to the issues raised in the attached redacted public submissions. The attached submissions are objections only, noting there were a total of 106 submissions in support of the proposal in response to the initial and the re-notification of this application.*

*In responding to this letter, the applicant is advised to ensure that any updates, revisions or other amendments to the application and its associated plans and documents are consistent with all items requested in this RFI.*

## RESPONSE

We acknowledge receipt of 3 public objections during the first round of public notification and a further 3 objections during the second round. 1 of the submissions during the second round of notification was simply a recreation of a previous submission, meaning in total there appears to be 5 unique submissions in objection and as Council notes, 106 submissions were received in support of the proposal. Through Zone Planning, the applicant provided Council a very detailed response to the raised matters as part of the first round of Public Notification back in October 2023. No additional matters were raised in the second round of notification and as such, this prior response has widely and comprehensively addressed the matters raised. This response has been updated and is attached for Council and the community to review as **Attachment 12**.

In addition to the initial response, the applicant has now made several meaningful changes to the proposal that improve perceived off-site impacts of the proposal. We note these positively respond to all the key matters the few submissions raised, including:

- Flood – through extensive reduction to fill across the site, the overall impact of the proposal in terms of flooding is negligible and entirely within Council provisions and allowances for the locale.
- Traffic – the parking has been reconfigured in addition to further reduction to attendance capacity, resulting in improved compliance with Council provisions.

- Scale/Use – there has been a reduction to the scale of the proposal, including reducing the extent of earthworks and reducing attendance numbers overall
- Biodiversity Values – there is now additional buffering, planting and management of ecological areas and values site wide.

The proposal as amended has considered and improved the position around the community's raised concerns as noted in the introduction statements and in **Attachment 12**. The proposal does not increase any associated impacts that the community raised concerns around, or matters the community has been well informed of, and provided opportunity to comment on, during public notification (on two occasions). As the applicant has expressly and meaningfully responded to the matters raised in the previous submissions, this application does not require re-notification and we respectfully ask Council to finalise its assessment and provide its recommendation to the Northern Regional Planning Panel for a timely determination.

We trust this information is sufficient for your purposes; however, should you require any further details or clarification, please do not hesitate to contact Daniel Mulherin or the undersigned on (07) 5562 2303.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Darren Gibson', with a stylized flourish at the end.

**DARREN GIBSON | DIRECTOR**  
**ZONE PLANNING GROUP**