

Council Reference: DA09/0830.04 LN910  
Your Reference: MP07\_0179 Mod 2



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Dear Sir/ Madam

**Part 3, part 4 storey mixed use development entailing ground level commercial including supermarket and retail shops upper level residential units, basement and surface car parking and landscaped areas (Department of Planning Application MP07\_0179) Tweed Coast Road and Hastings Road BOGANGAR**

Reference is made to a S75W modification request to the above application which was referred to Tweed Shire Council for comment on 12 March 2012. Please find below Tweed Shire Council's submission with respect to the proposed amendments;

**Amendment of Conditions G3 Loading and Unloading**

From the submitted information, it is considered that the proposed modification relates primarily to the delivery hours associated with the development. However it is noted that the original condition also relates to the size of delivery vehicles (restricted to small rigid vehicles- maximum 12.5m- deliveries by semi trailer are not permitted) and the payment of a bond to Council for the purpose of future traffic control devices.

Under the proposed condition G3, the restrictions to delivery vehicle size or future traffic control devices has been deleted. The proposed modification to remove these elements of the existing condition has not been addressed or discussed within the information provided to Council. It is also queried as to why the heading of the condition is to be modified from 'Loading and Unloading' to 'Delivery Hours' as the existing condition is not limited solely to delivery hours.

However, it is considered that the delivery hours proposed and the associated mechanisms to trial Sunday deliveries are generally acceptable.

**Amendment of Conditions G5 Hours of Operation**

Existing condition G5 stipulates operating hours for the commercial component of the project being Monday to Saturday commencing 8:30am (Sunday 9am) and closing times Monday-Wednesday and Friday 5:30pm, Thursday 9pm, Saturday 5pm, Sunday 4pm and closed on Public Holidays.

The hours of operation proposed within proposed condition G5A- Hours of Operation are considered to be generally acceptable, however, it would appear an error may have occurred in the translation as the proposed condition refers to the operation of the

supermarket only and not the commercial component of the project as per the original wording of G5. Therefore the wording of the proposed G5A should be amended to stipulate the commercial component of the project (therefore inclusive of the supermarket) and not just the supermarket.

Furthermore, it is noted that proposed condition G5C- Size of Sunday Delivery Vehicles outlines that, *'The size of delivery vehicles using the site on a Sunday shall be limited to a maximum of a fixed axle, 14 pallet truck with a maximum length of 13 metres.'*

This condition is inconsistent with existing condition G3 which limits delivery vehicles at all times to *'a small rigid vehicle (maximum 12.5m)'*. Council has not been provided with any technical information for assessment which supports an increase to the delivery vehicle size. Reference to the previous S75W modification to this development proposal indicates that a 12.5m 'truck' has been utilised to demonstrate turning circles in the loading dock.

Notwithstanding this, an amendment of the condition as submitted would remove any size limitation on delivery vehicles from Monday to Saturday. This has not been addressed within the report, or any basis put forward for this relaxation.

Tweed Shire Council does not support this modification application as submitted due to the issues raised above, particularly relating to the removal of conditions stipulating delivery vehicle size and future traffic control devices.

For further information regarding this matter please contact David O'Connell on (02) 6670 2661.

Yours faithfully



**Vince Connell**  
Director Planning and Regulation