

Kate Masters

Subject: FW: TSC Comments Kings Forest Project Application Mod 3 Service Station DA11/0565.04 (MP08/0194)

From: Denise Galle [mailto:DGalle@tweed.nsw.gov.au]

Sent: Friday, 20 November 2015 4:22 PM

To: Kate Masters

Cc: Troy Green; Vince Connell; Lindsay McGavin; Mark Kingston; Marama Hopkins; Danny Rose; Simone Gillespie; Peter Pennycuik; Angie Cousens; Ray Clark; Wes Knight; Robert Noakes; Doreen Harwood

Subject: TSC Comments Kings Forest Project Application Mod 3 Service Station DA11/0565.04 (MP08/0194)

Hi Kate,

Within the limited time period provided, Council staff have reviewed the latest modification application, and the Department is requested to consider the following matters in the assessment of the application:

Building BCA Matters

The modification is from a Rural Supplies Building (Class 6 & 7b building) to a Service Station – six (6) food outlets building (Class 6).

- Council would recommend additional conditions to MP08/0194 as follows:

Insert after Condition 99

General

- i) 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.
- ii) 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 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.
- iii) Pursuant to Section 68 of the Local Government Act, 1993 an approved pre-treatment device (eg. grease arrestor, oil separator, basket traps) must be installed in accordance with Tweed Shire Council's Policy - Discharge of Liquid Trade Waste to Council's Sewerage System. Submission of detailed hydraulic plans and specifications indicating the size, type and location of pre-treatment devices and full details of drainage installations in accordance with AS 3500 shall be submitted to Council for approval along with a Liquid Trade Waste Application Form and all required information required therein.

Insert after Condition 108

- 108a. Details of the kitchen exhaust system are to be provided and approved prior to release of the Construction Certificate if required. Such details are to include the location of discharge to the air,

capture velocity, size and hood and angle of filters. The system shall comply with AS1668.2 - Ventilation Requirements.

Insert after Condition 113

General

- i) 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).
- ii) 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.

Ecology Matters

The application should specifically address the current approvals and management plans and relate this application to those approvals including the EPBC Approval Conditions. Any surveys and desktop analysis should focus on any changes in the physical, ecological or planning conditions that may affect the site since the previous approvals.

The current application does not appear to:

- Acknowledge the Preliminary Determination by the NSW Scientific Committee to list the Tweed Coast Koalas as an Endangered Population under the Threatened Species Conservation Act (1995).
- Acknowledge the draft Tweed Coast Comprehensive Koala Plan of Management which will apply to lands surrounding the site.
- Acknowledge the Kings Forest Koala Plan of Management.
- Acknowledge the EPBC Act approval
- Acknowledge the numerous environmental management plans that apply to the site.

The outer 20m of the 50m ecological buffer appears to be nominated for car parking and bushfire asset protection which appears contrary to the approved Preferred Project Report which locates these uses outside of the ecological buffer. As a consequence of this the proposed koala exclusion fencing is now located 20m inside the ecological buffer contrary to PAC condition 46 which specifically requires such fencing to be located on the outer edge of the 50m buffer. The application provides no justification for this, incorrectly stating that: *This proposed modification maintains the approved strategies of the Koala Plan of Management for Kings Forest excluding Koalas from the development footprint area and positions boundary fencing in the previously approved locations.* (See p 15 of Modification Report).

Environmental Health

The assessment should specifically consider:

- Underground Petroleum Storage System and the risk assessment required for such facilities
- Acid Sulfate Soils and Dewatering - The dewatering plan has not demonstrated the consideration of investigations required by condition C10 of MP06_0318 nor Condition 17 of MP08_0194. The plan has not considered any noise nuisance impacts of dewatering operations on residents to the west of the subject site. The Plan states that aluminium was elevated and did not meet discharge criteria however provides for an off-site discharge option that does not address aluminium treatment.
- Amenity/Noise - It is noted in the Consolidated Project Approval at A12. (1) that the approval does not give approval to the first use of the rural supplies building in Precinct 1. The condition would therefore need to be amended.

Suitable conditions that should be imposed if the application were to be approved include:

GEN – Service Centre

The development shall be carried out in accordance with the provisions of Section 6 – Recommended Acoustic Treatments of the Environmental Noise Impact prepared by CRG Acoustics dated 21 September 2015.

PCC Service Centre

- The carwash is to be constructed with solid walls and a solid roof. The carwash is to also have the installation of automatic doors. These doors should provide more than 15 dB noise reduction.
- Drainage grates over trafficable areas be well fixed to avoid rattling when a vehicle passes over the grate.
- Mechanical plant be designed and installed to comply with the noise criterion presented in Section 4. As final plant requirements are not known at this stage, additional acoustic assessment/s should be undertaken prior to Commencement of Use to confirm acceptable noise levels have been achieved; and be conditioned within the Development Approval. Based upon the assumed plant noise source levels, acoustic screening to the western dwellings is likely to be required such as locating plant on the eastern side of the service station building envelope; or incorporating acoustic barriers / enclosures at roof-top plant.

USE – Service Centre

- The car vacuums be limited to 7am and 10pm, or a further assessment be undertaken to review restriction of use once actual plant is selected.
- Goods delivery (including fuel delivery) be limited to 7am and 10pm.
- Waste collection be limited to 7am and 6pm Monday to Saturday

Lighting - Retain existing condition 104

Food Premises New Conditions

- Prior to the construction certificate being issued copies of 3 plans drawn to a scale of 1:50 detailing the following with regards to all food related areas shall be submitted to Tweed Shire Council for assessment and approval, on the approved form and accompanied by the adopted fee:
 - a) Floor plan
 - b) Layout of kitchens and bar showing all equipment
 - c) All internal finish details including floors, wall, ceiling and lighting
 - d) Hydraulic design in particular method of disposal of trade waste
 - e) Mechanical exhaust ventilation as per the requirements of AS1668 Pts 1 & 2 where required
 - f) Served areas including counters etc.

Any premises used for the storage, preparation or sale of food are to comply with the NSW Food Act 2003, FSANZ Food Safety Standards and AS 4674-2004 Design, construction and Fit-out of Food Premises

Planning

It is noted that the Concept Approval MP06_0318 has been amended to accommodate food and drink premises.

The Department should consider the following matters as part of their assessment:

- The visual implications of the proposed development on Tweed Coast Road;
- The visual implications of signage and lighting associated with the facility;

- Tweed DCP Section B9

Historically, Council has attempted to retain the existing vegetated setting along Tweed Coast Road, with the Casuarina and Salt developments originally being shielded from Tweed Coast Road with significant vegetation where possible.

This position strategically emanated from Tweed Shire 2000+ Strategic Plan which stated that Greenbelts will be provided by conserving open space between South Kingscliff and Bogangar and maintaining agricultural zones over land between Cudgen and Kingscliff and between Kingscliff and Kings Forest/Kings Beach (Policy and Action 117)

Tweed DCP Section B9 endorsed this Policy and Action by encouraging the establishment and management of green belts to identify and contain urban areas.

The DCP states:

B9.7.9 Protected Green Belt

The character of the Tweed Coast includes urban areas surrounded by open countryside. There are no continuous stretches of significant urban areas. This character will be continued with future urban release areas with each one being separated from other urban areas. It is essential that this character be retained.

To achieve this the Strategy addresses two inter-related issues

- *the identification of the land to be set aside as green belt, and*
- *the uses such land may be put to.*

B9 - Map 2 indicates that the land currently separating urban areas includes a wide range of landscapes, environments and zones, but all of which collectively add up to a significant asset which separates each of the District settlements and contributes to their individual character. Much of this land is already set aside for special attention - flood liable land, prime agricultural land, habitat etc. What is required is a framework to ensure that it collectively fulfils the function as a green belt.

The protected green belt incorporates land zoned 'Open Space', 'Environmental Protection' and 'National Parks and Nature Reserves' under Tweed LEP 2000. This includes the entire coastal foreshore of the district, the majority of the Cudgen Creek riparian zone and extensive wetlands and areas of native forest.

The green belt maintains the natural character of the coastline and provides physical and visual separation between towns. It provides for significant recreational opportunities for residents and tourists alike and ensures public access to the entire coastal foreshore. The green belt also has an important biological function by protecting significant coastal wetlands and forests and significant parts of the catchment area of Cudgen Creek and Cudgen Lake.

The integrity of the Protected Green Belt will be maintained by such measures as:

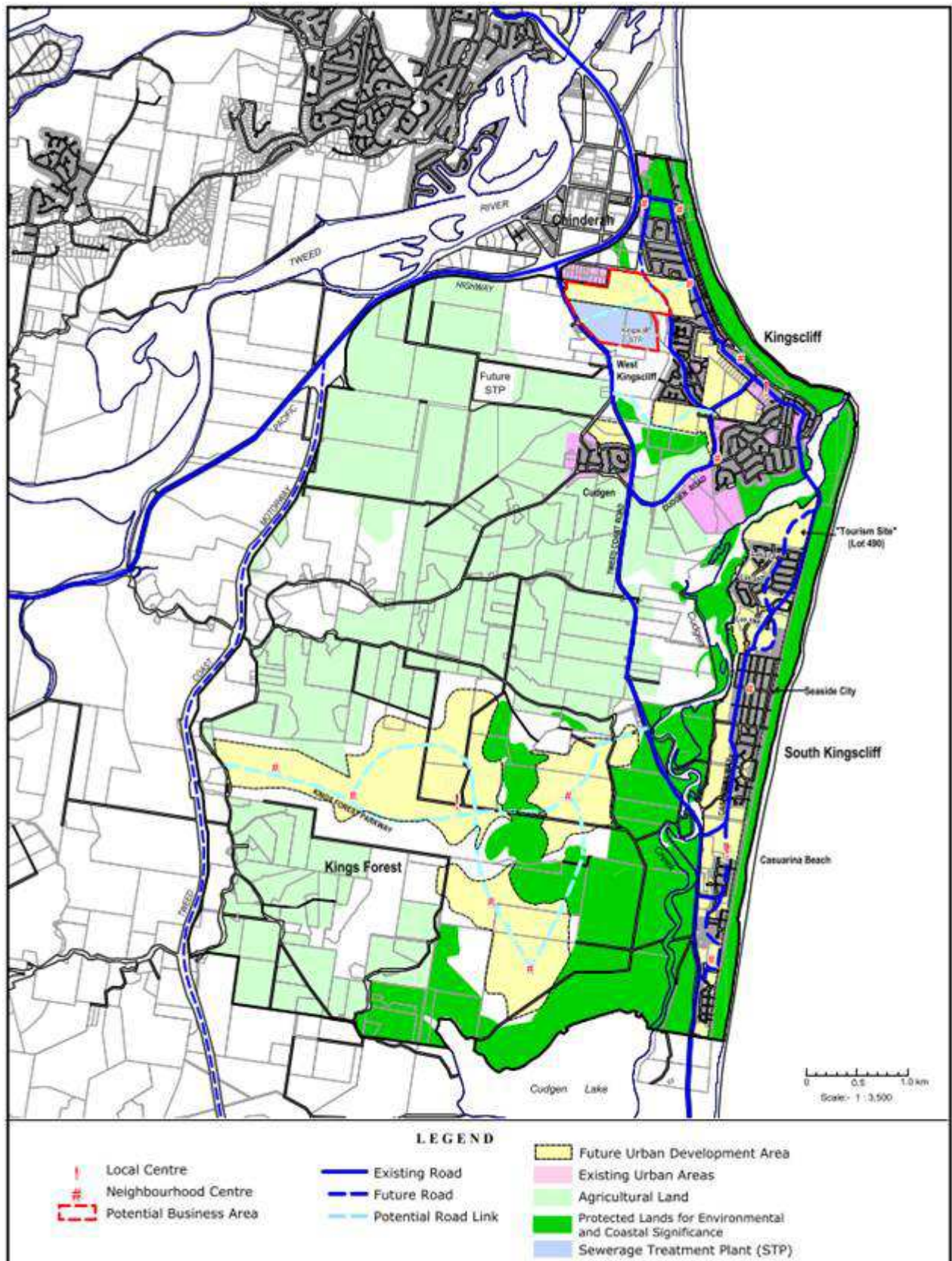
- *Ensuring infrastructure for adjoining urban areas is only located there if there are no other suitable locations;*
- *Protecting its visual characteristics which help to define the character of urban areas;*
- *Encouraging appropriate land uses.*

The recommended Basis for Draft Tweed Coast Structure Plan includes Clause B9.7.9 Protected Green Belt. It emphasises that the Green Belt has essentially been defined by the environmental values and resources of the area: significant vegetation, wetlands and prime farmland. The significance of the use of the green belt is that it is not an independent policy layer as such but a concept which brings the protection of the environmental resources together under the one collective banner to ensure the containment and

separation of coastal communities, thereby assisting in the definition of their individual character. Its integrity is to be maintained by a number of measures set out in Section 9.3 of the Discussion Paper.

It is recommended that these elements of Section B9 be addressed in more detail in the assessment of the current application.

An extract from Map 2 is as follows which shows the intended green belt along Tweed Coast Road:



Section B9
Tweed Coast Strategy
Structure Plan

MAP 2

Waste

The Waste Management Plan for the service station states that construction waste will be managed under existing provisions for this development application.

Waste and recycling for the service station will be serviced by a number of bulk bins that are considered suitable for this type of development.

Water & Sewer TSC is the Water Authority

The following consent conditions are recommended:

MP08_0194 Part 3 Prior to Issue of Construction Certificate

- # The size and shape of the site shown on the drawings is considered preliminary and may need to vary on the basis of the final design of the sewer pumping station.
- # The designs shown are considered preliminary and sufficiently more information is required to obtain a Construction Certificate for the Water Supply and Sewerage works

MP08_0194 Part 3 Prior to Issue of Occupation Certificate

- # A certificate of compliance (CC) under Sections 305, 306 and 307 of the Water Management Act 2000 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council. Prior to the occupation of the building or issue of any Interim or Final Occupation Certificate (whichever comes first), all Section 64 Contributions must have been paid in full and the Certifying Authority must have sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Based on the detail/plan submitted the following water and sewer contributions would be applicable

Description	Unit/Area	kL/a	Water Rate	Sewer Rate	Water ET	Sewer ET
Stage 1						
Car Wash	1		5.7	9	5.7	9
Dog Wash*		584,000			2.5391	4.1714
Service Station	8		0.6	0.9	4.8	7.2
Tenancies	795m2		0.008	0.013	6.36	10.335
Roof Lounge	62		0.008	0.013	0.496	0.806
Sub Total					19.8951	31.5124
Stage 2						
Truck Bowsers	2		0.6	0.9	1.2	1.8
Grand Total					21.0951	33.3124

*Dog Wash Bay - assume 50L per dog, 4 dogs per hour 8 hours per day

Water currently \$13,128 per ET

Sewer currently \$6,307 per ET

Traffic

A revised traffic impact assessment (TIA, Appendix C of the application) has been provided by the applicant's consultants. On review, this revised report has satisfactorily addressed the previous comments and concerns. As

such, the service station / food and drink premises development has been demonstrated to have manageable impacts on peak traffic volumes on Tweed Coast Road and related intersections and driveway accesses; have adequate carparking, service and delivery areas and manoeuvring to allow for forward entry and egress; and addresses existing consent conditions associated with the Kings Forest development and assessment of traffic impacts on the TSC road network. If unforeseen traffic impacts are seen to occur once the service station is operating, and with increased traffic generation from Kings Forest residential precincts, further road and/or intersection upgrade works can be conditioned through later precinct DAs.

Modifications to the existing conditions as proposed in the application are supported, and generally change the approved land use from "rural supplies" to "service station / food and drink premises". Section 94 contributions (TRCP) will need to be updated to reflect the revised traffic generation as outlined in the TIA if the Department want to approve the application.

One additional condition is recommended, as the TIA assumes that the development will not be operational until adequate road infrastructure to service has been constructed. This condition will ensure that the service station development cannot proceed out of sequence, and impact on Tweed Coast Road and nearby residences:

MP08_0194 Part 3 Prior to Issue of Occupation Certificate

- # The service station / food and drink premises shall not be operational until the following road infrastructure works are completed and open to traffic, as described in Bitzios Consulting "Kings Forest Service Station Traffic Impact Assessment" (Project No. P1745, Version 002, 22 September 2015):
- a) Widening and construction of a dividing median and turning lanes on Tweed Coast Road in the vicinity of the development site, and
 - b) Construction of a two-lane roundabout at the intersection of Tweed Coast Road and Kings Forest Parkway.

Stormwater Management

The application includes a stormwater management plan (Appendix O) and engineering report (Appendix K). The proposal is to pipe runoff from the site to a stormwater line running down Tweed Coast Road and then discharging to Cudgen Creek. It is proposed to treat stormwater via garden filter beds and a proprietary end of pipe treatment device.

Subject to detailed design, modelling confirmation and a separate s68 application prior to construction, this approach is acceptable. However the drawings submitted with the stormwater management plan show the treatment device located on the future regional sewer pump station site (WGM Consulting Drawing No.J049.0002.A). The design needs to be amended to remove all private stormwater infrastructure from this pump station site. The treatment device must be located on private land, and be maintained by the landholder in perpetuity. A consent condition is recommended to enforce this requirement.

MP08_0194 Part 3 Prior to Issue of Construction Certificate

- # No private stormwater infrastructure is to be located within the land to be dedicated to Council as the site of the regional sewer pump station. The proposed stormwater treatment device must be located wholly within the development site, and must be maintained in perpetuity by the landholder in accordance with manufacturer's specifications and as required to meet Council's stormwater quality objectives.

Engineering

- No information has been provided on the proposed height and location of the proposed retaining walls and batters for the site.

- Further detail was requested on the proposed cut & fill for the development. This has not been provided and the engineering report prepared by Mortons dated 5 May 2015 provides the same information as lodged in February for the 'Test of Adequacy'.
- No calculations have been provided to show that the balance of cut and fill can be contained on site. Therefore it is not known if imported fill is required from another location to make up the balance on site or if excess fill is required to be removed from site.
- A geotechnical assessment of the site is required to determine the depth of topsoil and unsuitable material as specified in the Mortons engineering report lodged with the application.
- No geotechnical report has been provided, therefore the following condition is recommended for the proposed service station;

Prior to the issue of a Construction Certificate, a Detailed Geotechnical Investigation shall be undertaken by an appropriately qualified practising professional Geotechnical Engineer, unless considered unjustified by the Geotechnical Engineer and supported in writing and endorsed by Council or the PCA.

The investigation shall identify any areas of compressible clay materials, loose sands, landslip, subsidence or reactive soil profiles which may impact on construction or building activities. If unsuitable materials are identified the investigation shall provide recommendations such as a preloading or other forms of treatment necessary to achieve surface movement (ys) rates consistent with a site classification M as defined by AS 2870 (current version). All consolidation resulting from preloading shall be monitored by settlement plates or detailed survey to determine consolidation/settlement characteristics.

Should you require any further comment from Council please advise us as soon as possible so sufficient time can be available to prepare an adequate response.

Could you please keep Council updated on the progress of the application.

Regards,

Denise Galle | Team Leader Development Assessment (Tuesday - Friday)
Planning and Regulation



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