

SUMMARY OF SUBMISSIONS RECEIVED - PP13/0001 BORDER PARK PUBLIC EXHIBITION

ECM NO	SUB #	NAME	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATON
GENERAL SUBMISSIONS					
3637726	1		<ul style="list-style-type: none"> • Praise for the notification letter. • Concern for the potential significant increase in traffic along Binya Avenue and the impacts of road damage and increased noise on the well being of residents. 	<p>Praise for notification letter noted.</p> <p>A new vehicular access to the Gold Coast Highway is proposed as part of this Planning Proposal. RMS has provided in principle support and a more detailed investigation with regard to the location of the access to inform the development application stage is currently being undertaken by RMS in order to understand an manage local traffic impacts outside of the scope of the planning proposal.</p> <p>The intent is for the Gold Coast Highway access to be the primary access to the site. Binya Avenue is proposed to have a significantly reduced role.</p> <p>Although the intent is for the Binya Road access to be retained in a reduced capacity, there is scope for either:</p> <ul style="list-style-type: none"> • the complete removal of the Binya Road access once the access to the Gold Coast Highway has been established, • or the retention of the Binya Road access for emergency only, i.e. access for Emergency Services. <p>The retention of emergency vehicle only access to Binya Avenue would address the concerns of residents regarding road traffic impacts whilst retaining a secondary access to the site that can be used in emergency situations.</p>	<p>1. Recommend that Development Control Plan (DCP) specifies that any vehicular access to the site from Binya Avenue can only be for emergency access i.e. emergency vehicles.</p>
3633686	3		<ul style="list-style-type: none"> • Fully supports the PP as it may bring jobs. Supports the green buffer around the edge. Any development is an improvement on the current state of the site. • Hope that there is access to Ourimbah Road and no access to Binya Avenue. 	<p>Support for Planning Proposal is noted.</p> <p>As per previous comment, the retention of emergency vehicle only access to Binya Avenue would address the concerns of residents regarding road traffic impacts whilst retaining a secondary access to the site that can be used in emergency situations.</p> <p>The potential connection of Ourimbah Road is earmarked for the medium to long term. Timing of the</p>	<p>As per Recommendation 1.</p>

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				design and construction of the road connection to Ourimbah Road will be subject to a certain threshold of development occurring on the Border Park site. The design and construction of the road connection is also subject to funding arrangements in Council's capital works budget.	
	4		<ul style="list-style-type: none"> Request for residents who live at Binya Ave, Coolangatta to be advised of PP. 	Residents of Binya Avenue were directly notified. Those on the Qld side were a few days behind the NSW side as TSC was waiting on the address data from the GCCC.	No amendment required.
3640874	6		<ul style="list-style-type: none"> Owner of the property 57-61 Ourimbah Road. Very supportive of the proposal, specifically: the provision of road connection to the Ourimbah Rd industrial estate; this reduces the reliance on the existing street network for large truck movements and access; provides a direct connectivity to the Ourimbah Rd industrial estate so it is not isolated and has a stronger appeal and identity combined with employment base. Acknowledges and supports the longer term strategic intent and would welcome the redevelopment of the Ourimbah Rd industrial area. Can see the flow on benefits for the area when the bulky goods development is undertaken. Feels that it would be a missed opportunity for Council and the community not to undertake the road connections and rezoning of the adjoining land simultaneously. Suggests that the owner of the land subject to the road connection should be approach not only on the easements for water but also for the road connection. Would be encouraged to redevelop to cater for business park operations should this eventuate. Currently the Gold Coast Highway is a poor entry to the Tweed and submitter is not seeing the RMS maintaining the road t the same standard as the Qld side. As part of the proposal suggests the road reserve should be improved by the RMS, including closing in the rough open drainage line adjacent the highway, commensurate with the Qld side. Very encouraged by the TSC vision and the proposal. 	<p>Note the support for the Ourimbah Road connection.</p> <p>Note the support for the potential future redevelopment of Ourimbah Road. Simultaneous rezoning of the Ourimbah Road industrial estate is not sought as part of this Planning Proposal. The potential redevelopment of Ourimbah Road is earmarked for the medium to long term, once a critical mass is achieved on the Border Park site.</p> <p>Noted – RMS to be advised of submitter comments.</p>	<p>No amendment required</p> <p>No amendment required.</p> <p>No amendment required.</p>
3645462	7		<ul style="list-style-type: none"> Requests there is no vehicle access off Binya Avenue to the Border Park Raceway under stage 1 or 2 due to the increase of traffic in the 	As per previous comment The retention of emergency vehicle only access to Binya Avenue would address the concerns of residents regarding road traffic	As per Recommendation 1.

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			<p>residential street.</p> <ul style="list-style-type: none"> Request the delivery hours be limited to 6am to 10pm to reduce noise impacts on the Binya Avenue and Kirra Beach Caravan Park residents. Request the height of building for Bunnings be reduced from 40 metres to 20 metres. 	<p>impacts whilst retaining a secondary access to the site that can be used in emergency situations.</p> <p>Noted. Limitation of delivery hours cannot be managed as part of a Planning Proposal. Operational matters such as these will need to be managed as part of the Development Assessment process and conditioned where appropriate.</p> <p>The proposed 40m height limit for the Border Park site has been carefully considered by Council. It is considered that the 40m building height is required to encourage a greater mix of employment generating uses to establish on the site in the longer term. An increase of building height to 40m will facilitate a mix of uses such as short term accommodation, commercial offices and research space that will allow for the development of the site as a Business and Research Park with a strong nexus to the Gold Coast Airport in the long term. Interface issues that result from the proposed increase in height will be managed at the Development Assessment stage through architectural, urban design and landscaping elements to minimise impacts on surrounding residents.</p>	<p>2. Incorporate provisions to manage delivery times in the DCP to minimise noise impacts on surrounding residents and achieve required standards.</p> <p>3. Incorporate provisions within the DCP to manage interface issues, such as urban design, overlooking, bulk and scale, for buildings within 10m of the site boundary.</p>
3647240	8		<ul style="list-style-type: none"> Suggests that the Border Park site be converted into an indoor velodrome for cyclists instead of having to travel to Brisbane. This facility could pay for itself with the Commonwealth Games in 2018 by directing more people to the Tweed, benefiting both QLD and NSW. <p>Stables could be converted into bike team rooms and traffic could enter / exit via the Old Pacific Highway.</p>	<p>Council is seeking a B7 Zone over the site to encourage employment generating uses, as identified in the 2009 Tweed Urban and Employment Land Release Strategy. The construction of a velodrome on the site is a commercial decision separate to the Planning Proposal and the broader land use planning system.</p>	None
3647751	9		<ul style="list-style-type: none"> Requests there is no vehicle access off Binya Avenue to the Border Park Raceway under stage 1 or 2 due to the increase of traffic in the residential street. Request the delivery hours be limited to 6am to 10pm to reduce noise impacts on the Binya Avenue and Kirra Beach Caravan Park residents. Request the height of building for Bunnings be reduced from 40 metres to 20 metres. 	As per previous comment for submission 7.	As per Recommendations 1, 2 and 3
3650007	10		<ul style="list-style-type: none"> Requests there is no vehicle access off Binya Avenue to the Border Park Raceway under stage 1 or 2 due to the increase of traffic in the 	As per previous comment for submission 7.	As per Recommendations 1, 2 and 3

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			<p>residential street.</p> <ul style="list-style-type: none"> Request the delivery hours be limited to 6am to 10pm to reduce noise impacts on the Binya Avenue and Kirra Beach Caravan Park residents. Request the height of building for Bunnings be reduced from 40 metres to 20 metres. 		
3655172	12		<ul style="list-style-type: none"> Not supportive of the increase in height. The site is currently improved by raceway and private recreation which is appropriate for the site. The business park zoning would create an intensification and create negative impacts on the surrounding medium density residential zones. Supports the RE2 zone but not the B7 zone due to the proximity to the residential zones. 	<p>The site has been identified for employment uses since 2009 within the Tweed Urban and Employment Land Use Strategy</p> <p>The proposed 40m height limit for the Border Park site has been carefully considered by Council and is required to encourage a greater mix of employment generating uses to establish on the site in the longer term. An increase of building height to 40m will facilitate a mix of uses such as short term accommodation, commercial offices and research space that will allow for the development of the site as a Business and Research Park with a strong nexus to the Gold Coast Airport in the long term.</p> <p>The raceway is considered to be an underutilisation of the site and does not provide the land use opportunity to maximise employment generating uses over the site or improve the interface between the site and the Gold Coast Highway.</p> <p>It is considered that the Planning Proposal has provided strong justification for the rezoning of the site to accommodate B7 land uses. Potential negative impacts resulting from the establishment of uses accepted in the B7 zone over the site can be effectively managed at the Development Assessment stage through architectural, urban design and landscaping elements to minimise impacts on surrounding residents.</p>	As per Recommendation 3.
3655177	13		<ul style="list-style-type: none"> A Kirra Shores owner backing onto Ourimbah Road. A significant issue for the residents is the high number of buses, trucks and light commercial vehicles that use Ourimbah Road. Many buses use this area as a temporary parking, rest area to pass time and do paperwork. Idling buses cause unnecessary air and noise pollution, day and night. As access to the Border Park site is limited to Myles or Ducat Street significant traffic will occur 	<p>Addressing current issues of existing land uses on Ourimbah Road is outside the scope of the Planning Proposal.</p> <p>Access to the site is not proposed to be limited to Miles Street or Ducat Street as a new vehicular access to</p>	None

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			<p>along these roads and Ourimbah Road.</p> <ul style="list-style-type: none"> Trusts that should the planning proposal be adopted that Council will redress this limited access to Ourimbah Road and connect Border Park to the Old Pacific Highway that runs past the site reducing existing heavy traffic volumes along the above three roads and nuisance parking. 	<p>the Gold Coast Highway is proposed as part of this Planning Proposal. RMS has provided in principle support and a more detailed investigation with regard to the location of the access is currently being undertaken by RMS.</p> <p>The intent is for the Gold Coast Highway access to be the primary access to the site.</p>	
3667614	16		<ul style="list-style-type: none"> In 2013 and 2014 Dexus received 2 planning consents to facilitate investment of a \$160m expansion of the Tweed City Shopping Centre. This is based on the TSC long established policy that Tweed South be the prime retail precinct for the LGA. As such Dexus takes an interest in other retail proposals. Note that Bunnings is defined as "<i>hardware and Building supplies</i>" and that the proposed showrooms are intended to be "<i>bulky goods premises</i>". Both uses are permitted in the B7 zone. IT is noted that "<i>retail premises</i>" other than "<i>neighbourhood shops</i>" are prohibited. The RPS Economic Analysis makes specific reference to the Draft Tweed Retail Strategy noting there will be no impact on the existing or planned retail centres. Based on this assessment, Dexus is satisfied that the planning proposal remains consistent with the draft Tweed Retail Strategy. Dexus reserve the right of review this position should Council review the permissibility of "<i>retail premises</i>". 	<p>Note that the submission considers the Planning Proposal to be consistent with the Draft Tweed Retail Strategy.</p>	None
3667621	17		<ul style="list-style-type: none"> Writing to formally lodge objection to the proposal. Purpose of the development - with the already thriving Tweed South homeware and building supplies businesses and the current approval for the former Boyds Bay Garden World the need for another is questioned. <p>With the growing international airport, developing university, world class beaches and the coming Commonwealth Games and the international spotlight on the area withholding development of the site may serve the community better in the</p>	<p>Noted</p> <p>Rezoning of the site is considered essential to encourage employment generating land uses to establish on the site. The B7 zone permits a wide range of commercial uses and 'Hardware and Building Supplies' is one of them.</p> <p>There is a current identified need for additional land zoned B7 and no strategic basis to withhold development of the site. Additionally, Council has no control over the commercial decisions of the landholder that would allow them to withhold</p>	As per Recommendation 1.

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			<p>future.</p> <ul style="list-style-type: none"> Concern 2 Traffic flow in a residential area - should the proposal proceed they have concerns with traffic impacts on Ourimbah Road and Binya Avenue. Access only from the Gold Coast Highway should be considered and in the best interests of local residents. <p>With the development proceeding in Cobaki Lakes, routine traffic on Ducat Street and Miles Street will continue to rise. Traffic is already heavy on Ducat Street, the Quarterdeck and Mulga Way and the intersection of Ducat, Mugga and Ourimbah is dangerous. Whilst Ourimbah Road already has small industrial traffic this is minimal and for local business access only. If this is opened up traffic will dramatically increase with negative effects on air quality, noise and safety for local residents.</p> <p>This would also mean Kirra Shores would then have 2 boundaries of its property exposed to heavy traffic. Further it is unclear if Binya Avenue is planned to continue in the longer term</p> <ul style="list-style-type: none"> Would also like to point out that whilst traffic has continued to grow on Ducat Street there remains no safe designated pedestrian crossing along this road other than the Kennedy Drive intersection and it is hoped this will be addressed in the very near future. Requests that names remain anonymous. 	<p>development of the site. Future visions and guidelines for the site may be further refined in the DCP.</p> <p>A new vehicular access to the Gold Coast Highway is proposed as part of this Planning Proposal. RMS has provided in principle support and a more detailed investigation with regard to the location of the access is currently being undertaken by RMS.</p> <p>The intent is for the Gold Coast Highway access to be the primary access to the site.</p> <p>As per previous comments, the retention of emergency vehicle only access to Binya Avenue would address the concerns of residents regarding road traffic impacts whilst retaining a secondary access to the site that can be used in emergency situations.</p> <p>Noted – however, general traffic issues on Ducat Street are outside the scope of this planning proposal.</p>	
3667637	18		<ul style="list-style-type: none"> Submitter has great concerns with the proposed rezoning. The site is an entry to the Tweed from the airport and the north. Future rail terminus near this airport will reinforce this site as a prominent gateway to the Tweed area. Questions if this is the appropriate development. What is clear from reading the aim of the development is to establish a competitive facility within the opposition's facilities catchment area with the purpose of crushing any threat to a monopolistic stranglehold on the market segment. The purported catchment overlaps with the other proposed development and the need is not demonstrated. Why can't the proponent develop the facility on 	<p>The arguments in the Economic Report have been reviewed by Council and their consultants and are considered to be sound.</p> <p>The site is in a strategic location in relation to the Gold Coast Airport and is considered to be underutilised at its current zoning. Applying the B7 zone over the site is consistent with the Tweed Urban and Employment Land Release Strategy (TUELRS) 2009 and will allow for the site to be developed for commercial uses that have the capacity to support the Gold Coast Airport and generate employment.</p> <p>Transitioning part of the site from RE2 - Private</p>	<p>No amendment required.</p> <p>As per recommendation 3.</p>

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			<p>designated industrial land rather than impinging on residents' open space or private recreation areas that are essential as population increases. Where is Tweed proposing to offset this loss of amenity with an alternative site in a comparative proximity to facilities.</p> <ul style="list-style-type: none"> • The only positive benefit alluded to are additional employment provision, which is a farce as Bunnings intend to relocate from Tweed South, giving no marginal benefit; and linking to Ourimbah Road, which has greater benefits to Bunnings and may be detrimental to residential areas feeding off Ourimbah Road. That busses and other heavy vehicles from Ourimbah Road can access the highway other than travelling through residential areas is positive but this can be done by Council independent of the development. • One is advised to read the disclaimer by RPS in the economic analysis that states the report and contents is written to support the client's ambition. • Council's own report notes "employment lands would be preferred over residential or retail development". The TUELRs also states that the purpose of the employment lands specifically excludes land predominantly for retail uses. The proposed development is purely retail in both the Bunnings and stage 2 proposal. • Consider the viability of the raceway as it is unlikely the club will make substantial investment when the ultimate intent is in favour of commercial properties. It is likely this area will remain unused because of the constraints giving justification as probably intended for early development of stage 2 and total removal of the site from public recreational or sporting use. • Finance - the report talks about \$23m bleeding from Queensland. This is a small minded argument and hopes that this is not a consideration for TSC. <p>Nowhere in the report is it actually demonstrated that the proposed facility is actually needed and of long term benefit to the community. At some 112800m2 of land the land value at \$350m2 is</p>	<p>Recreation to B7 – Business Zone will provide for development of the site for employment generating uses and will not significantly affect resident's open space and private recreation areas as the site is currently a commercially operated private recreation space. It is not considered that the site is an essential element of the network of open space and private recreation areas in Tweed Shire.</p> <p>Noted. As proposed the new Bunnings would be a significantly larger store. Growth on the current site is not possible. The current site would still permit retail; therefore there is a net gain of employment.</p> <p>Noted. A study engaged by a proponent inherently is prepared to assess the proposed activity/use. Council's role is to review that information in the context of the locality and region.</p> <p>Employment generation is the key focus of the future use of the site. Whilst there may be other higher employment generating uses, the use of timber and hardware is a permitted use within this zone.</p> <p>The Raceway owners are party to the proposal and this is an economic decision for the Raceway not Council.</p> <p>As noted the site has been identified for employment uses with the Tweed Urban and Employment Land Release since 2009.</p>	

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			<p>some \$40,000,000. Under current zoning would be surprised is the value was 10% of this. It is fair and equitable for Bunnings to pay Council some 36 million to place them on equal footing with similar commercial land and to compensate Council, should they be incompetent to allow the project to proceed.</p> <ul style="list-style-type: none"> For all international travellers and those heading into Tweed from the north the Tweed is planned to be demarcated by a characteristic big green box. This is not a legacy we want and is an underdevelopment of the site. If the site is to be developed it should be for a more productive use, such as an integrated convention centre, exhibition, sports centre with hotel / airport accommodation and related facilities as this would have enormous spin offs for the community. 	<p>The design and urban design of the site will be guided by the Development Control Plan for the site and assessed within future development applications.</p> <p>A number of these and similar uses are permitted through the B7 zone and may occur. Council can apply a zone that permits such uses but cannot enforce particular uses.</p>	
3668033	20		<ul style="list-style-type: none"> Current owner of two properties in Binya Avenue, which currently provides access to the site. Whilst do not object to the proposal there are some areas of concern: The proposal stages 1 and 2 are silent on the issue of access to Binya Avenue. New road connections to the GCHW are mentioned but not access to Binya. It is anticipated that stage 1 will retain the Binya Road access. Vehemently object to the new raceway facility access off Binya Avenue for the following reasons: <ul style="list-style-type: none"> The raceway will be a completely new development and will attract a high patronage than the current dilapidated facility. The traffic assessment does not consider the likely increase of the flows on Binya Avenue arising from the new development. The traffic assessment does not contain details on the assessment on Binya and surrounding road network. The traffic assessment focuses on traffic generated by Bunnings and the bulky goods developments, with no assessment of the raceway. 	<p>Noted</p> <p>A new vehicular access to the Gold Coast Highway is proposed as part of this Planning Proposal. RMS has provided in principle support and a more detailed investigation with regard to the location of the access is currently being undertaken by RMS.</p> <p>The intent is for the Gold Coast Highway access to be the primary access to the site. Binya Avenue is proposed to have a significantly reduced role.</p> <p>Although the intent is for the Binya Road access to be retained in a reduced capacity, there is scope for either:</p> <ul style="list-style-type: none"> the complete removal of the Binya Road access once the access to the Gold Coast Highway has been established, Or the retention of the Binya Road access for emergency only, i.e. access for Emergency Services. <p>The retention of emergency vehicle only access to Binya Avenue would address the concerns of residents regarding road traffic impacts whilst retaining a</p>	As per Recommendations 1 and 3

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			<ul style="list-style-type: none"> - The racetrack development should be assessed as a new development as this will far exceed that of the current premises. - Binya Avenue and Appel Street are local roads, which provide access to the gated estate (Kirra Shores) and the Coolangatta AFL clubhouse and sports field. This roundabout is frequently blocked with traffic queues, which is unacceptable. - It would not be acceptable for construction traffic to gain access from Appel and Binya as the roads are not designed for this and large trucks will not be able to negotiate the roundabout. - Binya Avenue is a no through road, with quiet residential ambience and a safe environment for children. This would be threatened by the likely increase in traffic. - The planning proposal should not be supported until these issues are addressed, or alternatively no access is retained off onya Avenue for the reconstructed racetrack facility. <ul style="list-style-type: none"> • Objection is raise to the height limit of 40 metres. Tall development is anticipated along the beachfront coastal strip and in proximity to town centres, this site meets neither criteria. <p>The adjacent Kirra caravan park is 2 storeys. The proposed height is not compatible with the scale of development permitted on the adjacent sites and provides no transition between them.</p>	<p>secondary access to the site that can be used in emergency situations.</p> <p>The proposed 40m height limit for the Border Park site has been carefully considered by Council. It is considered that the 40m building height is required to encourage a greater mix of employment generating uses to establish on the site. An increase of building height to 40m will facilitate a mix of uses such as short term accommodation, commercial offices and research space that will allow for the development of the site as a Business and Research Park with a strong nexus to the Gold Coast Airport in the long term. Interface issues that result from the proposed increase in height will be managed at the Development Assessment stage through architectural, urban design and landscaping elements to minimise impacts on surrounding residents.</p>	
3627673	23		<ul style="list-style-type: none"> • Letter on behalf of the Owners Corporation of Strata Plan SP35574 "Kirra Shires" 20 Binya Avenue (2 Ourimbah Road) Tweed Heads. • Raising an issue with drainage for Lot 644 DP 755740 and Lot 21 DP 518902. 	<p>Stormwater runs off the back of Kirra Hill on the Gold Coast side, flows through the unit complex, where it needs to be managed by their internal drainage, which then discharges to our stormwater system to the south.</p> <p>As the PP does not propose any increased discharge</p>	None

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			<ul style="list-style-type: none"> Units 21, 23 and 25 (lots 11,12 and 13) can experience flooding as a result of heavy rain due to the existing drainage easement adjacent these units being unable to cope with the large volume of water. Request that TSC acknowledge the drainage issue and request that during the construction of the proposed Bunnings store. Request that efforts to ensure there is no increase in current volumes into the stormwater system in Binya Avenue. 	to Binya Avenue, and formalises a legal point of discharge on RMS land, this should have no negative impact on the Kirra Shores drainage.	
3670320	24		<p>Concern regarding the B7 zone and height limit of 15 metres due to the further fragmentation of the key employment uses in the northern Shire. Concern for the severe impact of the key driver at Enterprise Park. Reference to the impact of the relocation at Burleigh Heads and the loss of trade for businesses.</p> <p>Suggest that Bunnings Tweed Heads South is one of the most profitable enough though it is smaller without the full range of products.</p> <p>Concern for the proposed loss of open space in addition to the loss of the Pony Club Crown Reserve through the airport runway expansion.</p> <p>Concern that the future industrial land expansion of the airport surely will provide sufficient employment land.</p> <p>In addition Council's own Sports field Policy has identified a lack of lands for sporting purposed in the northern part of the Shire and suggest this use would be more suitable.</p>	<p>Council is seeking a B7 Zone over the site to encourage employment generating uses, as identified in the 2009 Tweed Urban and Employment Land Release Strategy (TUELRS). The decision to move sites is a commercial one for Bunnings . The Enterprise Park location permits a wide range of retail and trade uses which would be permitted to fill the void should Bunnings move out.</p> <p>The site is currently a commercially operated private recreation space. It is not considered that the site is an essential element of the network of public open space and private recreation areas in Tweed Shire.</p> <p>As noted above the site has been identified for employment uses through the 2009 TUELRS.</p> <p>It is acknowledged that the Northern Region of the Shire is identified in the 2014 strategy as lacking lands for sporting purposes. Notwithstanding, the TUELRS has identified the site for employment purposes since 2009. The sports field strategy identifies a need for a large site (approx. 20 hectares) which can accommodate multiple sports uses. This site is not sufficient in size.</p>	None
AGENCY SUBMISSIONS					
3639379	2	Qld Department of Transport and Main Roads	As the site is within NSW there is no formal comment regarding the PP.	Noted	None
3634077	5	NSW RFS	Note that the PP is being reviewed.	Noted. See submission number 15.	None

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3655190	11	NSW RMS	<ul style="list-style-type: none"> Key interests of the NSW RMS are safety and efficiency of the network, traffic management, the integrity of infrastructure assets and integration of land use and transport. GCHW is a classified (State) road and a declared controlled access road, with access requiring approval of the RMS. In principle the agreement for access to the GCHW from the site is still current; however, RMS is not in a position to agree to any planning proposal and subsequent access. RMS has been approached by the GC Airport re potential access to the airport opposite the subject site. The traffic assessment by the applicant did not assess this access to service both sides of the highway. RMS is still reviewing this and it is estimated this will require 8 weeks. RMS position regarding a single access point to the highway remains unchanged. RMS does not support the proposed left in, left out access to the subject site. 	<p>Noted</p> <p>In principle support to the access to the Gold Coast Highway is noted. It is also noted that design detail regarding that future vehicular access to the Gold Coast Highway is subject to assessment by Council and RMS at the time a Development Application is submitted. Council has only sought 'in principle' support for a vehicular access. It is the intent that the details of any vehicular would be agreed as part of any Development Application seeking access to the Gold Coast Highway.</p> <p>This is a separate matter to the Planning Proposal. The proponent was not asked to consider access to both sides of the Gold Coast Highway. If the GCAPL is seeking access to the Gold Coast Highway they will need to negotiate with RMS separately.</p>	No further action
3660283	14	Dept of Infrastructure & Regional Development	<ul style="list-style-type: none"> Notes that the draft documents considers the Gold Coast Airport OLS and ANEF contours between 20 and 30 concluding there is no further need for Council to investigate acoustic issues relating to aircraft noise. Notes that Council considers the proposed building height of 40 metres will not result in intrusions to the prescribed airspace of the Gold Coast Airport. Notwithstanding, the inclusion of a lighting assessment there is no reference to the National Airports Safeguarding Framework (NASF) in the exhibited documents. The NASF comprises guidelines for regulating and managing the risks associated with aircraft noise, building generate4d windshear at airports, wildlife strikes in the vicinity of airports, wind turbine farms as physical obstacles to air navigation, lighting distractions in the vicinity of airports and intrusions into the operational airspace. 	<p>Noted</p> <p>Reference to the NASF was not included in the Planning Proposal as the proposed zoning and height limit are not considered to impact on the safe operations of Gold Coast Airport. This is evidenced by the Gold Coast Airport's own submission which raises no substantive issue with regard to either</p> <ul style="list-style-type: none"> Obstacle Limitation Surface (OLS); and Procedures for Air Navigational Services—Aircraft Operations (PANS-OPS) surface <p>The DCP may reference the <i>Airports Act 1996</i> and the <i>Airports (Protection of Airspace) Regulations 1996</i>, as these establish a framework for the protection of airspace at and around airports..</p>	4. The DCP incorporate a reference to the protection of airspace legislation and a requirement that any significant development be referred to the Gold Coast Airport for their review and comment.

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			The NASF was developed by Commonwealth, State and Territory Governments and the Australian Local Government Association. The aims include the improvement of safety outcomes in land use planning decisions. In 2012 all governments agreed to implement NASF. TSC may wish to consider whether it is prudent to reference the NASF in its planning documents while they are being reviewed.		
3661975	15	NSW RFS	The RFS has reviewed the plans and documents and raises no concerns or issues in relation to bushfire.	Noted.	None
3667641	19	Ian Rigby Consulting Pty Ltd on behalf of Gold Coast Airport Pty Ltd (GCAPL)	<ul style="list-style-type: none"> Has been asked to make representation on behalf of the Gold Coast Airport Pty Ltd (GCAPL). The GCAPL raises no objection concerning the proposed land use of the physical form of the development of the site. There are no airport related constraints affecting the proposed development relating to airspace restrictions or aircraft noise. GCAPL advises that it is appropriate and desirable for provision to be made for the proposed signalised intersection to be adapted for 4-way movement, including a route of access to the airport property. It is requested that provision of the Border Park proponents of a link to the airport property from the 4 way signalised intersection be made as a condition of approval of the planning proposal and that further the proponents be required to consult with the GCAPL during the design phase in relation to the configuration of the intersection, to ensure the airports needs may be accommodated. 	<p>Noted</p> <p>A new vehicular access to the Gold Coast Highway is proposed as part of this Planning Proposal. RMS has provided in principle support and a more detailed investigation with regard to the location of the access is currently being undertaken by RMS. It is understood that RMS are considering long term arrangements such as a 4-way intersection.</p> <p>There are no conditions of approval placed on Planning Proposals. While future vehicular access to the Gold Coast Highway is identified as part of this Planning Proposal it is subject to assessment by Council and RMS at the time a Development Application is submitted.</p>	None
3665707	21	Office of Environment and Heritage	<p>OEH has reviewed the planning proposal and provided comments in attachment 1, with regard to Aboriginal Cultural Heritage (ACH), biodiversity values and threatened species, OEH estate flooding, coast and estuaries.</p> <p>The planning proposal is supported by OEH on the basis that areas with potentially important ACH as identified by the Everick Due Diligence Assessment are zoned E2 Environmental Conservation unless further detail investigations at the planning proposal stage demonstrate the absence of ACH values in</p>	<p>Conditional support is noted. It is also noted that the site is identified in the Tweed Urban and Land Release Strategy 2009 as employment land. The site is strategically located in the Tweed / Gold Coast Urban area and adjacent to the Gold Coast Airport and Southern Cross University.</p> <p>ACH is discussed following.</p>	5. The DCP outlines the environmental constraints and attributes of the site, the recommendations of the Cumberland Ecology Ecological Assessment as well as the requirements for Offset agreements and/or environmental requirements where areas of EEC may be impacted.

ECM NO	SUB #	NAME	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATON
			<p>these areas. (If the DP&E do not permit the inclusion of E2 then an alternate suitable zone to protect the land is to be applied in conjunction with an appropriate land management agreement to protect and maintain the ACH).</p> <p>The areas of high conservation value, such as the endangered ecological communities (EEC), swamp sclerophyll forest on coastal floodplains of the NSW North Coast Sydney Basin and South East Corner Bioregions and freshwater wetlands of the NSW North Coast Sydney Basin and South East Corner Bioregions are protected from inappropriate land uses through the application of appropriate and effective environmental protections zoning such as E2. The E2 zone should incorporate a buffer to the Swamp Sclerophyll Forest EEC and the Freshwater Wetlands EEC with a minimum width of 20m to be revegetated so that indirect impacts of future development to be enabled by the planning proposal are appropriately mitigated. The E2 zone should also be applied to the 2 Freshwater Wetlands EEC remnants encircled by the racetrack, which connect to each other and the Swamp Sclerophyll Forest EEC. (If the DP&E do not permit the inclusion of E2 then an alternate suitable zone to protect the land is to be applied in conjunction with an appropriate land management agreement to protect and maintain the ACH).</p> <p>If the planning proposal cannot apply land zones to protect and maintain the Swamp Sclerophyll Forest EEC and the Freshwater Wetlands EEC then an appropriate offset is identified and set aside in perpetuity prior to the approval of the planning proposal. OEH recommends using the Biobanking Assessment Methodology (BBAM) to calculate the type and quantum of offsets required. Consideration should be given to a suitable legal agreement between Council and the proponent to ensure the offsets are implemented.</p> <p>Consideration is to be given to requiring the establishment of a suitable legal agreement between Council and the proponent at the planning proposal stage to ensure that mitigation measures detailed in the flora and fauna report are implemented.</p> <p>Consideration to be given to the planning proposal adequately demonstrating that it will not result in any</p>	<p>The areas of swamp sclerophyll forest are to be retained. Given the Environmental Zone review currently being undertaken by the Department of Planning, Council does not have the ability to apply the E2 zone and, therefore, the existing RE2 Private Open Space zone is to be retained over the swamp sclerophyll forest.</p> <p>Two areas identified as freshwater wetland fall within the proposed future development footprint of the concept plan. A critical factor in the determination of these areas as EEC wetland is a sound understanding of the substrate history. This has not been fully determined and therefore, a precautionary approach has been taken to their identification as EEC.</p> <p>Notwithstanding, should these areas be impacted, compensatory offsets will need to be agreed. Detailed assessment is appropriate at the development application stage where the details, footprint and scope of the development type, size and impacts is assessed. Assessment at the rezoning stage is appropriate to identify potential environmentally significant areas and to understand the any future development impacts. This assessment was undertaken by Cumberland Ecology and resulted in a range of recommendations, significantly redesign of the concept plan to minimise impacts on the swamp sclerophyll forest and removal of these sites from the future development footprint by retention of the RE2 zone. The assessment recommends development of a compensatory wetland adjoining the south-western swamp sclerophyll forest.</p> <p>These areas will be subject to offset agreements should the future development impact on these areas.</p> <p>The assessment also recommends: development of a Vegetation Management Plan, options to modify the design of the wetland, design stage actions and a balance of controlled access integrated with public appreciation opportunities.</p> <p>The application of a 20 metre buffer around the</p>	

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			<p>direct or indirect impacts on OEH estate.</p> <p>If the planning proposal proceeds OEH recommends:</p> <p>a) Further information is sought from the proponent at the development applications stage for the assessment of significance in relation to potential for genetic exchange between the suite of organisms that comprise the Freshwater Wetland EEC on the site and elsewhere identifying the EECs local occurrence, given that the wetland vegetation communities to the west of the site are likely to be isolated from the subject site by the Gold Coast Highway.</p> <p>b) Any future clearing of the Swamp Sclerophyll Forest EEC associated with the development applications, such as provision of a new access road link with the industrial area to the south, is offset. OEH recommends use of the BBAM to determine the type and quantum of offsets.</p> <p><u>ACH</u></p> <p>OEH states it is critical that tangible and intangible ACH is fully assessed and considered. The Due Diligence assessment identifies two areas (sections 3 and 5) of potential ACH significance within the site. OEH recommends these be zoned E2 unless further detailed assessment demonstrates the absence of ACH (or other appropriate zone as above). Any future ground disturbance works must comply with Part 6 of the National Parks and Wildlife Act.</p>	<p>swamp sclerophyll forest and freshwater wetlands would significantly limit the future development of the site, which is identified within the Tweed Urban Employment and Land Release Strategy for employment uses, is strategically located adjacent the growing Gold Coast Airport and within the urban area of Tweed Heads / Coolangatta.</p> <p>Whilst the OEH recommends that offsets be undertaken prior to the completion of the Planning Proposal and be subject to a [voluntary] planning agreement, it is considered this level of detailed assessment can be suitably addressed at the DA stage.</p> <p>As part of the planning proposal and Local Environmental Plan (LEP) amendment, the key sites mapping layer is to be amended to include this site. This triggers Clause 7.13 of the LEP, whereby preparation of a development control plan (DCP) is required prior to granting any development consent.</p> <p>The recommendations of the Cumberland Ecology Ecological Assessment, as well as the Recommendations of the Everick ACH Assessment will be embodied within the DCP. The requirement for Offsets, including further assessment of habitat and species, based on the Biobanking Assessment Methodology, will be part of these requirements.</p> <p>The Draft Tweed Aboriginal Cultural Heritage Mapping (endorsed by the Aboriginal Advisory Committee (AAC)) does not identify any known or predictive Aboriginal cultural heritage on the site, however, the neighbouring Airport site contains significant known and predictive Aboriginal cultural heritage.</p> <p>The Due Diligence Assessment recommends an Aboriginal Sites Officer be given sufficient notice to attend the site to monitor initial earthworks in Areas 1 and 3, noting that no ground disturbance is planned for Area 5. Notwithstanding, should ground disturbance occur then the same requirement would apply.</p> <p>It is also recommended that Cultural induction, by the TLALC, be provided to all plant operators.</p> <p>Should any Aboriginal human remains or other cultural material be found then the legislative stop work requirements will prevail.</p>	<p>6. The Requirements for ACH test pits, site induction and site monitors, endorsed by the AAC, be included within the DCP.</p>

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			<p><u>Biodiversity</u></p> <p>OEH has reviewed the Cumberland Ecology Report and maintains the high level conservation value should be protected and land zoned E2 (or other appropriate zone as above). This applies to both the Swamp Sclerophyll Forest EEC and the Freshwater Wetland EEC. A buffer of a minimum of 20m to be revegetated so that edge effects are appropriately mitigated. This should be applied so that the 2 EEC wetlands encircled by the racetrack are connected to each other and to the Swamp Sclerophyll Forest EEC.</p> <p>OEH noted the Cumberland Ecology Report provides an assessment for the Freshwater Wetland EEC and other threatened entities. The need for such assessment is questionable as planning proposal do not trigger section 5A of the EP&A Act 1979. Nevertheless, the assessment indicates that the proposed development to be enabled by the planning proposal is unlikely to have an adverse effect on the extent of the Freshwater Wetland EEC such that its</p>	<p>The Tweed Aboriginal Advisory Committee have been consulted during the planning proposal process and have requested investigative test pits be undertaken in Areas 3 and 5; site monitors be present for any ground disturbance below the fill level in areas 1 and 2; and Investigation test pits be undertaken in Area 4 if there is subsurface work planned.</p> <p>Council does not currently have the ability to apply an E2 zone. Notwithstanding, the preference (through the draft Aboriginal Cultural Heritage Management Plan) is to undertake a due diligence assessment and minimise any impact of development. Potential ACH may be suitably managed by proceeding in a cautious manner and compliance the above recommendations for a sites officer and cultural induction rather than an environmental zoning.</p> <p>Given that the E2 cannot be used, the approach taken in the interim is to apply an alternative suitable zone. Within the Border Park PP the environmentally significant areas are proposed to retain the RE2 Private Recreation zone. Areas 3 and 5 will predominantly be captured in the retained RE2 Private Recreation zone (used as an alternative to the E2 zone). All areas will be subject to the above recommendations.</p> <p>Addressed above</p>	

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			<p>local occurrence is likely to be placed at risk of extinction due to the proximity of similar habitat immediately west of the planning area, and the expectation that seed and pollen can be transferred between this area and the subject site. Definition of the EEC local occurrence as per the Assessment of Significance Guidelines pursuant to s5A of the EP&A Act is a key requirement upon which significance is based for EECs in the Assessment of Significance. Hence, OEH recommends that Council seeks further information from the proponent at the development applications stage in relation to the potential for genetic exchange between the suite of organisms that comprise the Freshwater Wetland EEC on the site and that elsewhere given the wetland vegetation communities to the west if the site are likely to be isolated from the subject site by the Gold Coast Highway.</p> <p><u>Threatened species</u></p> <p>OEH recommends appropriate environmental protections as discussed above</p> <p><u>Mitigation measures</u></p> <p>The planning proposal is supported by mitigation measures, which are supported by OEH. Consideration should be given to the establishment of a suitable legal agreement between Council and the proponent to ensure the measures are implemented.</p> <p><u>OEH estate</u></p> <p>The planning proposal should adequately demonstrate that the proposal will not result in any direct or indirect impacts on OEH estate</p> <p><u>Flooding, coasts and estuaries</u></p> <p>OEH has identified that the southwest corner of the site is impacted by the 1% AEP flood. The minor nature of the impact does not affect the development potential of the site.</p>	<p>There is no State owned land within the immediate vicinity of the site other than the Gold Coast Airport land (NSW). This proposal does not impact on this land.</p> <p>Noted, and supported by the additional studies.</p>	
3703595	22	NSW RMS	<p>Copy of previous comments and concerns.</p> <p>Copy provided of the Traffic Assessment Peer review undertaken on behalf of the RMS by Bitzios.</p> <p>Advice that the RMS has engaged further traffic analysis to examine the extent of any access</p>	<p>Council staff and the Consultants assessing the proposal met with the RMS and their traffic consultant on 27 July 2015.</p> <p>At this time the distinction between the level of traffic assessment required for the possible suite of uses that may arise out of the rezoning of the site, based on the</p>	No further action at this time.

ECM NO	SUB #	NAME	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATON
			<p>necessary to manage traffic from the site and carry out wider network analysis to measure possible wider traffic impacts. This is undertaken at the RMS cost and is estimated to require an additional 8 weeks.</p> <p>Meeting with RMS was requested.</p>	<p>applicant's submitted concept plans stage 1 and 2, and the detailed traffic assessment required at a development application (DA) stage was discussed.</p> <p>Agreement was reached that whilst the traffic assessment at DA stage is based on the potential uses arising out of the planning proposal, there is a need to understand the greater impact of the development in the future should the Ourimbah Road connection be provided and the cumulative impacts of surrounding proposals in this network, including: the Boyd's Bay Garden World future redevelopment, the Cobaki Lakes future development and the Gold Coast Airport future development.</p> <p>It was acknowledged by RMS Consultants that conceptually, the envisaged traffic arising from the Border Park planning proposal is able to be accommodated within acceptable traffic parameters; and the form, size and scale of the intersection will be informed by the future development applications.</p> <p>Notwithstanding, agreement was reached that the RMS would undertake further traffic assessment based on two scenarios: stage 1 being a future Bunnings and redeveloped Border Park Raceway; Stage 2 being the highest potential uses of the zoning and including a connection to Ourimbah Road. RMS envisaged that this would take approximately one week to complete.</p> <p>Subsequently the RMS met with Gold Coast Airport (GCAPL). RMS confirmed by email 28 July 2015 that the GCAPL requested that the traffic assessment in association with the Border Park planning proposal consider a full fourth leg access to this intersection and GCAPL and that GCAPL would provide data on traffic generation (note: this does not include data on future land uses to inform traffic generation).</p> <p>The RMS noted this would delay the modelling being undertaken. A request was made to the RMS by email of 28 July 2015 seeking clarification as to the revised timeframe; however, at the time of preparing this report no response had been received.</p> <p>It is noted that the GCAPL Draft Preliminary Major Development Plan (GCAMDP) is currently on public exhibition. It is also noted that GCAMDP identifies a "<i>Development Footprint</i>" in red outline on Figure 16.10 (as well as others) and the Plan states in 16.7 Impact</p>	

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				<p><i>Assessment - Figure 16.16</i> that the road proposed to connect to the Gold Coast Highway subject intersection is for proposed "construction access". A report on the GCAMDP is also included within this business paper.</p> <p>Whilst it is acknowledged that the wider traffic implications are an important consideration for the future development of the site and the wider traffic catchment planning, the purpose of the planning proposal is to determine the suitability of the site for the intended zoning and therefore, future permitted land uses. It is not considered reasonable to delay consideration of the planning proposal by Council due to a desire of Gold Coast Airport to also connect to the Gold Coast Highway when there is significant uncertainty as to the potential land uses on the GCAPL land. If the proponent lodges a Development Application with Council there will be opportunity for Gold Coast Airport to work with proponent at that stage to facilitate an access to their site.</p> <p>Undertaking detailed SIDRA traffic modelling in anticipation of development provides a cautionary, though not necessarily appropriate approach; given the development scenarios are speculative at this stage. This level of assessment is suited to the DA stage, whereby the intersection may be designed to the appropriate capacity.</p> <p>At the time of report preparation, the RMS provided verbal advice (3 September 2015) that they are not proceeding with the additional traffic modelling.</p> <p>It is recommended that the detailed traffic assessment, whilst of merit, may suitably be considered at the DA stage. Therefore, given that the RMS have provided in principle support for an intersection to the Gold Coast Highway it is suggested there is no significant benefit in continuing to hold the progress of the planning proposal at bay based on the possible future traffic demands of the GCAPL.</p>	
3703595	25	NSW RMS	<p>The planning proposal has transport consequences that have not been fully explored in the documents supporting the proposal.</p> <p>The access to the Gold Coast Highway will create additional traffic and delays.</p> <p>Their traffic assessment has identified further</p>	<p>The reporting of the planning proposal has been delayed some four months to allow the RMS to undertake additional assessment, which is now postponed.</p> <p>The comments relating to approval of Stage 1 are noted; however, the stage 1 and Stage 2 proposals are</p>	None

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			<p>development considerations for the network arising from the Cobaki development which has delayed the assessment.</p> <p>The RMS would prefer the planning proposal be delayed until further traffic analysis has been undertaken.</p> <p>However, the RMS notes this delay may be unacceptable to Council and confirms in principle support for an access to the highway. The RMS also states that they are prepare to only support rezoning of Stage 1 of the site.</p>	<p>concept plans only and are used to inform assessment of the proposed impact of the Planning proposal. The assessment of future impacts is undertaken in detail at the Development Application, where future development may occur in stages. The planning proposal is not determined in stages.</p>	