

14 July 2011

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| TWEED SHIRE COUNCIL | |
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Attention: Stuart Russell

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& GRAY ST THW.

Dear Sir

BOYDS BAY GARDEN WORLD - PLANNING PROPOSAL

We refer to your letter of 8 June 2011 advising of the Gateway Determination for the subject proposal, and requesting a review of the relevant documents and provision of comments by Gold Coast Airport Pty Ltd (GCAPL). We appreciate being provided with the opportunity to do so.

While the proposal has been varied somewhat since it was first considered by GCAPL, it is advised that our fundamental advice remains effectively unchanged from the information provided in our letter of 18 November 2009. So it is requested that the contents of that letter be referred to in support of the comments concerning key airport-related issues below. At that time, however, the proposal was described as being for a mixed-use specialty industrial, logistics warehousing and commercial complex, and therefore some different considerations apply in relation to aircraft noise, as discussed below, now that retailing is the predominant proposed use.

In general, we would note that GCAPL has not, as appears to be suggested in the proposal's constraints table, indicated to the proponents that "there were no issues of significance". Rather, the contrary is the case, given that development of the site is highly constrained by airport-related restrictions. However, GCAPL has drawn the attention of the proponents to all of the matters which will require attention, and concurs that the restrictions are capable of being addressed.

While the question of the appropriateness of the particular land use and configuration proposed are not within GCAPL's areas of concern, unless posing a particular hazard to aircraft operations, we would however take issue with the proposal's statements that the site enjoys a "direct link" to the airport or that the development would be likely to form part of a "possible airport commercial precinct".

Height Limits

The proponents have taken into consideration the advice previously made available by GCAPL as to maximum heights of buildings or structures within the subject property. A plan prepared by GCAPL dated 17 November 2009 identifies the maximum height permitted at the "critical point" along the

site's western boundary, ie the position where height permitted under airspace surfaces is most restrictive. At that point, maximum height is 13.75 metres AHD.

The plan further illustrates the varying height limits across the subject site imposed by the Obstacle Limitation Surface (OLS) and PANS-OPS.

It must be remembered that height limits are related to AHD, and refer to the absolute highest point, including any above-roof elements such as signs, aerals, architectural features, etc.

It is noted that consideration is being given by the proponents to establishing a height limit throughout the site of 13.6 metres AHD, and that such could perhaps be incorporated in a site-specific DCP. That course of action would of course be supported by GCAPL, if deemed appropriate by the Council. However, it is pointed out that airspace-related height limits are imposed by virtue of the Commonwealth Airports Act and the Airports (Protection of Airspace) Regulations. Approval would be required under that legislation for any penetration of that airspace, and any such application in this location would be opposed by GCAPL.

It is further noted that the airspace-related height limits are to be the subject of enhanced regulation under the draft Tweed Local Environmental Plan (LEP) 2000, with model local Clause 7.4 to preclude development consent by the Council in the absence of concurrence from Commonwealth aviation agencies.

As well, and as noted by the applicants in section 3.8 of their Airport Impact Study, it will be necessary for approval to be obtained from GCAPL for any temporary penetration of the airspace by cranes or otherwise during construction of the buildings. This may involve, as the applicants predict, severe restrictions on when any temporary penetrations would be permitted to occur, including possible limitation to night time.

Public Safety

As noted by the proponent and in our earlier advice, the subject land is not included in what would be the formal end-of-runway Public safety Zone (PSZ) (if configured as per the Queensland State Planning policy model).

However, as noted previously by GCAPL and acknowledged by the proponent, it will be prudent to avoid activities which could pose a particular hazard in the event of an incident involving an aircraft. In particular, land uses should not be located within the proposed complex involving the storage of hazardous or flammable materials, and it would appear that this will be unlikely in this instance in view of the type of land use put forward.

It is also the case that land uses should be discouraged within a PSZ which involve the presence or attraction of large numbers of people. If the site were located within a formal PSZ, it would be GCAPL's view that development of shopping facilities, including a bulky goods centre, would be inappropriate.

Lighting Restrictions

As advised in our letter of 18 November 2009, and as referred to in the current Planning Proposal, the site is situated partly within Zones A and B in the airport's Lighting Zone, thus severely limiting illumination permitted to be emitted, being zero candella at 3° above the horizontal in Zone A and 50 cd for Zone B. These restrictions will be strictly enforced in this locality, and contravention would constitute an unapproved "controlled activity" under the Airports Act.

As also noted by the applicants, non-reflective roof surfaces will be required, and materials proposed should be put forward to GCAPL prior to construction for confirmation.

Emissions, Turbulence

Our letter of 18 November 2009 advised of restrictions applying to activities could create air turbulence or emit particulate matter, etc which could affect aircraft operating in the prescribed airspace. However, in view of the nature of the land uses proposed in the current application, this matter is unlikely to be applicable.

Aircraft Noise

The Planning Proposal is accompanied by an "Aircraft Noise Impact Assessment". That report has been referred by GCAPL to independent acoustic engineers for preliminary review, and the advice received will be made available to the Council in the near future.

The site is located almost entirely between the 25 and 30 ANEF contours in the current ANEF mapping for Gold Coast Airport, rather than roughly evenly split between the 20-25 and 25-30 as shown in the applicant's assessment.

Apart from this greater extent of affectation by the 25-30 ANEF contours than considered in the assessment, we would also note at this stage that the categorisation of land uses in the applicant's report for assessment of necessary aircraft noise reduction does not accord with AS2021-2000. The principal land use in the proposal is referred to in the assessment as "bulky goods warehousing", with the use then incorrectly classified in the Industrial category of "warehouse", leading to a conclusion of the report that "no treatment" would be required for that element, as the highest noise impact is not predicted to exceed the threshold for the use of 85 dB(A).

However, the proposed land use instead clearly falls within the category of "shops, supermarkets, showrooms" in Table 3.3 of AS2021-2000, for which the required indoor design sound level is 75 dB(A), meaning that acoustic insulation will be required, according to basis on which the applicant's consultant's calculations have been made.

This inaccurate categorisation of the proposed retail premises as "warehousing" is also adopted in the airport operational study (Appendix C) in the Planning Proposal report.

The revised model local Clause 7.6 to be included in the draft Tweed LEP 2000 will provide for regulation of development in relation to the effects of aircraft noise. For development in an ANEF contour of 25 or greater for "retail premises" (thus including the subject proposal), the Council will be required to be satisfied that the development will meet the requirements for indoor noise levels specified in AS2021-2000.

We would also advise that current ANEF mapping is the subject of review during the current process of preparing the new Master Plan for the airport. In every likelihood, there will be variations to the position of ANEF contours in some respects, although it is not possible to be site-specific about changes at this stage.

As noted above, further advice will be provided to the Council in the near future from the airport's independent acoustic engineering consultants, and GCAPL would also wish to have the opportunity to review any further detailed proposals put forward by the proponents as to acoustic insulation of the proposed premises at a later stage of the application process.

Conclusion

We would be pleased to provide any further information which may assist the Council in its consideration of the application. GCAPL would welcome the opportunity to continue to liaise with the Council during later stages of the design and approvals process, when more detailed construction intentions are put forward. If further information is required at this stage, please contact the airport's planning consultants - Rigby Consulting Pty Ltd (T: 07-5536 5900; E: irigby@bigpond.net.au).

Yours sincerely,



Rob Porter
General Manager Operations and Standards
Gold Coast Airport