



SECTION 75W MODIFICATION No. 9

PROJECT APPROVAL MP 06_0258

CASUARINA TOWN CENTRE

**Prepared for
Consolidated Properties Group**

**By
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1. INTRODUCTION

1.1 Overview of Proposed Modifications

This report has been prepared to accompany a request to the Minister for Planning to further modify the Concept Approval and Project Approval (MP 06_0258) for the Casuarina Town Centre, pursuant to the provisions of Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). The primary purpose of the modifications is to facilitate design amendments to the approved retail shopping centre. The amendments are predominantly sought in order to improve the external appearance and function of the shopping centre or have resulted from the detailed design process incorporating detailed design advice on structures, hydraulics, mechanical plant requirements and BCA compliance and from continuing discussions with the major tenant, Coles.

The modifications result in a minor change to the floor space. Condition A4 of the Concept Plan Approval (referring to associated documents) and Conditions A1 (description of the development), A2 (plans) and A3 (documents) of the Project Approval are required to be modified to reflect the amended design of the retail centre.

This report also seeks to delete Condition B5B of the Concept Plan Approval concerning further design details for the approved pylon sign which are included with this modification.

1.2 Current Approval Framework

1.2.1 Concept and Project Approvals (as originally granted)

Approval was granted on 20 September 2009 by the Minister for Planning to a Concept Plan and Project Application for the Casuarina Town Centre. Concept Plan approval was granted for:

1. The subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots;
2. Construction of a retail centre comprising a supermarket, restaurants and shops;
3. Construction of a hotel;
4. Construction of the associated road network and car parking;
5. Construction of all necessary services; and
6. Landscaping and open space.

Separately, Stage 1 Project Approval was granted for:

1. The subdivision of land into 61 lots;
2. Construction of a retail centre comprising 2500m² supermarket, 1160m² of retail shops/restaurants, office space and car parking;
3. Bulk earthworks and vegetation clearing;
4. Construction of all roads;
5. Closure of Dianella Drive;
6. Provision of infrastructure and services; and

7. Landscaping.

1.2.2 Concept and Project Approvals – Modification 1

Approval was granted on 17 June 2010 to modifications to the Concept Plan and Project Approval (Modification 1, referred to herein as “the first modifications”).

The first modifications involved:

1. carrying out of stormwater infiltration works and landscaping within adjoining Lots 10 and 13;
2. filling of the existing drainage easement within the site and relinquishing the easement rights that benefitted Council in exchange for dedication of these areas to Council (once landscape works were complete); and
3. carrying out of works and landscaping to facilitate the construction of a cul-de-sac at the western end of Dianella Drive and subsequently closing the existing intersection of Dianella Drive and Tweed Coast Road.

Essentially, the first modifications were the result of Tweed Shire Council granting the Proponent land owner’s consent to undertake stormwater, sewerage and landscaping works on Council-owned land, such consent having previously been withheld during the original assessment of the Concept and Project Applications.

1.2.3 Concept and Project Approvals – Modification 2

Approval was granted on 1 July 2011 to further modifications to the Concept Plan and Project Approval (Modification 2).

Modification 2 had the effect of allowing Stage 1 of the development to be carried out in two stages: Stage 1A and the ‘balance of Stage 1’. The modified plans and conditions reflected the staging.

It is noted that the retail centre would be undertaken as part of the Stage 1A development, although the approvals as modified facilitate the issue of separate Construction Certificates for the retail centre and other Stage 1A works.

1.2.4 Concept and Project Approvals – Modification 3

Approval was granted on 7 March 2012 to further modifications to the Concept Plan and Project Approval (Modification 3). This modification related to the retail centre and had the effect of reducing the size of the centre.

1.2.5 Concept and Project Approvals – Modifications 4 to 6

Modifications 4, 5 and 6 relate to minor aspects of the approvals unrelated to the shopping centre.

1.2.6 Concept and Project Approvals – Modification 7

Approval was granted on 18 June 2014 to further modifications to the Concept Plan and Project Approval (Modification 7). This modification related to the retail centre and allowed an increase in size with additional supermarket and specialty shop floor space. It also allowed the centre to be constructed in stages.

1.2.7 Concept and Project Approvals – Modification 8

Approval was granted on 21 January 2015 to further modifications to the Concept Plan and Project Approval (Modification 8). This modification related to the minor design changes to the retail centre.

1.2.8 Rationale for requested further modification of the Concept and Project Approvals

The approved retail centre will be anchored by a Coles supermarket. The need for the modifications arises from detailed design development undertaken by the project architects and design team including structural, hydraulics and mechanical engineers and BCA compliance. The project architect has made minor improvements to the appearance of the centre through subtle changes to material colours and façade treatment. The modification will result in a more contemporary look and feel for the supermarket and specialty shops.

1.3 Consistency with Concept and Project Approvals

The proposed modification is consistent with the Concept and Project Approvals, with the exception of the design of the retail centre. This is the subject of the proposed modification.

1.4 Documentation

This Section 75W report:

1. describes and justifies the requested modifications to the Concept and Project Approvals;
2. demonstrates support for the Statements of Commitment; and
3. sets out how the information lodged addresses certain conditions of Approval, being Condition B3 of the Concept Plan Approval with reference to an approval for the design of the retail centre.

Appendix 1 contains a set of plans which comprise the modified plans for which approval is sought.

1.5 Consultation

The proposal to modify the Project Approval has been discussed the Council officers who raised no objections in principle to the modifications.

2. REQUESTED MODIFICATIONS TO PROJECT APPROVAL

2.1 Proposed Design Modifications to Retail Centre

The modifications include:

1. Service areas have been included following design advice including:
 - delineation of a refuse area near the loading dock;
 - provision of an electrical switchboard;
 - provision of a fire pump room and fire sprinkler tanks adjacent to the loading dock. The tanks will be relocated for the Stage 2 development.
2. Seating along Grand Parade (formerly Main Street) amended to reflect constructed seating within the road reserve.
3. Property boundaries have been updated to reflect final surveyed site following completion of the subdivision resulting in minor changes to the shop design along Casuarina Way.
4. The Coles plant room / office breakup amended to reflect Coles requirements with an additional 20 square metres of office space and a corresponding reduction in the size of the plant room of 20 square metres.
5. Design works for mechanical plan has enabled the roof plant area to be delineated in greater detail and are now shown on the building elevations. Provision is made for access to this roof plant area. The building height at the top of the condenser plant deck RL17.860m. The plant will be screened by custom orb wall sheeting.
6. Minor modification to the entry roof along Casuarina way to ensure drainage is provided within the subject site.
7. Introduction of screening and signage to the colonnade framed awning along the northern façade to introduce a shading element to the external walkway and shop fronts while also providing a visual prominence to the adjacent specialty shops.
8. The breakup of specialty shop space has been modified.
9. A secondary lower roof to restaurant has been added for weather protection and shading and is visible on the northern and western elevations.
10. Breezeway roof between tenancies along Casuarina Way amended to suit hydraulic requirements and to strengthen the entry statement.
11. Material selection updated and resolved in greater detail with minor changes to colour of façade elements
12. Parapet walls to Coles amended as a result of structural co-ordination and to enable fire separation to the supermarket space. The proposed parapet wall height is RL16.000m.
13. Car bays layout amended to provide additional trolley bays;
14. Removal of windbreak screens from breezeway to enhance movement through the breezeway and improve visibility and surveillance.

15. Bicycle rack location has been amended.

16. General mechanical services and roof access / walkways are shown.

17. Disabled car bays amended to show correct size to AS2980 requirements to meet the needs of Stage 1 (i.e. 1 bay per 30 as noted in car bay schedule - 8 in total)

Modified plans are contained in Appendix 1.

Changes to floor space

The modifications result in minor changes to floor space schedules included in the approved drawings as summarised in the following table.

	Mod 8 Stage 1	Mod 8 Stage 2	Mod 9 Stage 1	Mod 9 Stage 2
Supermarket	2337	3337	2339	3157
Specialty shops	1317	1581	1323	1587
Restaurant	148	148	144	144
Total Retail Area	3802	5066	3806	4888
Office	163	163	183	183
Amenities	45	45	37	37
Total Floor Area (m2)	4010	5274	4026	5108
Parking	237	241	237	241

The area of the Stage 2 expansion has been reduced as the Coles back of house does not need to be expanded. This results in an overall reduction in the size of the development to 5,108 square metres.

Pylon sign

Greater design detail is provided for the business identification signage (pylon sign) at the north west corner of the site addressing Tween Coast Road. This would be an integrated series of illuminated tenancy signs mirrored on both sides of the sign fixed to a sign structure some 12 metres high. The signage would comprise light boxes illuminated by LED lights with vinyl graphics.

The sign would delineate the site and identify the tenancies.

Summary

There is no significant change to the overall building footprint, activated street front interface, carparking numbers and layout, driveway crossover locations, staging sequence, amenities location, loading areas or pedestrian entry locations to breezeway.

The overall appearance of the development has been improved by further attention to the architectural detailing and colour scheme.

There is a minor change to building height with the roof plant room now shown on the elevation drawings and the minor changes to the roof structures. The maximum building height is RL17.86m to the top of the plant room which is set back from the general parapet height of RL16.00 metres. Ground level is at RL7.00 metres.

2.2 Proposed Modification to Conditions

2.2.1 Condition A1 – Project Description

Condition A1 is sought to be modified to reflect changes to overall floor space figures. Condition A1 (3) is to be amended as follows (changes highlighted in bold and strikethrough:

*3) Construction of the retail centre in two (2) stages with a total combined floor space of ~~5,274m²~~ **5,108m²** comprising a maximum of ~~5,029m²~~ **4,888m²** of retail floor space. The retail floor space is composed of:*

*a. a ~~2,300m²~~ **2,339m²** supermarket as part of Stage 1, increasing by ~~1,000m²~~ **818m²** to ~~3,300m²~~ **3,157m²** total as part of Stage 2;*

*b. specialty retail shops of ~~1,317m²~~ **1,323m²** as part of Stage 1, increasing by 264m² to ~~1,581m²~~ **1,587m²** total as part of Stage 2; and*

*c. a restaurant of ~~148m²~~ **144m²** total as part of Stage 1.*

The retail centre will provide a total of 237 car parking spaces as part of Stage 1 and 241 car parking spaces as part of Stage 2

2.2.2 Condition A2 - Project in Accordance with Plans

Condition A2 is sought to be modified by striking out certain approved drawing revision numbers and dates, and adding modified drawing revision numbers and dates to reflect the drawings in Appendix 1.

2.2.3 Condition A3 - Project in Accordance with Documents

Condition A3 is sought to be modified by introducing a reference to the subject Section 75W report prepared by BBC Consulting Planners in the list of approved documents forming part of the Project Approval. A similar change would be made to Condition A4 of the Concept Plan Approval.

2.2.4 Condition B5B - of Concept Approval and B2 of Project Approval

Condition B5B requires the following:

B5B Illuminated Pylon Sign

Prior to the issue of a Construction Certificate for the installation of the 12 m high illuminated pylon sign, the following information must be submitted and approved by the Secretary:

- ☐ *detailed architectural drawings for the 12m high pylon sign;*
- ☐ *evidence of consultation with the Roads and Maritime Services regarding the impacts of the sign on the safety and efficiency of Tweed Coast Road;*
- ☐ *an assessment of the sign against the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage and State Environmental Planning Policy (Infrastructure) 2007; and*
- ☐ *details demonstrating compliance with the Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS 4282 – 1997).*

Detailed architectural drawings for the 12m high pylon sign are provided with this application to enable the implications of the sign on the operation of Tweed Coast Road to be assessed by the RMS. An assessment of the relevant SEPPs and Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS 4282 – 1997) is included in this statement.

Consequently the requirements of this condition have been satisfied and it is requested that this condition be deleted.

2.3 Support for Statement of Commitments – Project Approval

2.3.1 Project Component 20 – Urban Design

The Statement of Commitment includes an Environmental Outcome, which is:

“That the built form meets the best modern Australian coastal design standards.”

It is considered that the modified proposal, the subject of this application strongly supports this Environmental Outcome as set out in the Project Approval.

2.3.2 Project Component 20 - Urban Design (Height)

The Statement of Commitment includes an urban design commitment requiring the heights to remain the same as the approved development which indicated a height of 13 metres. Modification 8 (approved) indicates the highest point of the retail development to be RL16045 above a ground level of RL7000. The proposed amendments to the roof have a maximum height of RL16228. The height of the roof plant room now shown on the elevation is RL17860 and remains within the 13 metre building height.

3. ASSESSMENT AND CONCLUSION

3.1 Relevant Planning Instruments

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 Advertising and Signage (“SEPP 64”) was gazetted on 16 March 2001. The Policy sets out a range of detailed provisions to regulate advertising and signage and to ensure that proposals are compatible with the desired amenity and character of designated areas. The SEPP is applicable to all forms of signage and advertisements including building identification signs.

An assessment of the proposal against the relevant provisions of SEPP 64 is set out below.

SEPP 64	Comment
Part 1 – Preliminary	
1. Name of Policy This Policy is <i>State Environmental Planning Policy No 64 - Advertising and Signage</i> .	Noted
2. Commencement This Policy commences on 16 March 2001.	Noted
3. Aims, objectives etc. (1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.	The desired amenity and visual character of the area is reflected in the concept plan approval which identifies the site as the location for a shopping centre to serve the Casuarina area. The proposed pylon sign is consistent with this character as it signifies the location of the centre and acts as a point of arrival. It is considered that the proposal is compatible with the desired amenity of the commercial area. The site is appropriately located on the site and is a separate structure to the main retail building. The use of LEP lighting contained within light boxes covered with vinyl signage results in a level of illumination that is consistent with the character of the area. The business identification sign provide effective communication of the building in a suitable location for this use and is of a high quality design and finish including the incorporation of LED lighting. Noted
4. Definitions (1) In this Policy: business identification sign means a sign: (a) that indicates:	The pylon sign is for the purpose of business identification sign.

<p>(i) the name of the person, and (ii) the business carried on by the person, at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.</p> <p>Signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:</p> <p>(a) building identification signs, and (b) business identification signs, and (c) advertisements to which Part 3 applies, but does not include traffic signs or traffic control facilities.</p>	
<p>5. Area of application of this Policy This Policy applies to the whole of the State.</p>	<p>This Policy applies to the subject application.</p>
<p>6. Signage to which this Policy applies (1) This Policy applies to all signage: (a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and (b) is visible from any public place or public reserve, except as provided by this Policy.</p>	<p>This Policy applies to the pylon sign as it is permissible with consent on the land to which the application relates and because it will be visible from a public place or public reserve.</p>
<p>7. Relationship with other environmental planning instruments In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.</p>	<p>Noted.</p>
<p>Part 2 – Signage Generally</p>	
<p>8. Granting of consent of signage A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied: (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.</p>	<p>The objectives of the policy are discussed above. Discussed below.</p>
<p>Part 3 – Advertisements</p>	
<p>Division 1 General 9 Advertisements to which this Part applies This Part applies to all signage to which this Policy applies, other than the following: (a) business identification signs, (b) building identification signs, (c) signage that, or the display of which, is exempt development under an environmental planning instrument</p>	<p>As described above, the proposal is defined as business identification signage. Therefore Part 3 of the SEPP does not apply.</p>

that applies to it, (d) signage on vehicles.	
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The table below provides a detailed assessment of the proposal against the relevant assessment criteria listed in Schedule 1 of the SEPP.

Schedule 1 Assessment Criteria	Comment and Compliance
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The desired future character of the area is reflected in the approved concept plan which identifies the site for a shopping centre.</p> <p>The development comprises a form of signage that is characteristic of centres of this nature.</p> <p>The development sits comfortably on the site, is in an appropriate location and has no adverse impact on the character of the development.</p> <p>The proposal is not considered to be outdoor advertising. It is building identification signage.</p>
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The site is not a heritage item and is not in heritage conservation area. It does not adjoin nor is it adjacent to a heritage item or conservation area.</p> <p>Land to the west of Tweed Coast Road is an environmental protection area and is separated from the proposed sign by the arterial road and its signalised intersection.</p> <p>The site adjoins other commercial land to the north and thus is well removed from nearby residential areas.</p> <p>It is considered that the pylon sign would not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.</p>
3. Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	<p>The development would not obscure or compromise any important views.</p> <p>The signs would not dominate the skyline and would not affect any existing access to views from the public or private domain.</p> <p>The development has no discernible impact on the viewing rights of other advertisers.</p>
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness?	<p>Yes. The pylon sign has a height that is higher than but similar to the adjoining shopping centre building. It is within a defined commercial area. The scale of the sign is considered appropriate in relation to the size of the building. The sign sits comfortably in its setting.</p> <p>Yes. The proposal will contribute to the visual interest of the area by enabling easy identification of a shopping centre in this location.</p> <p>The sign is simple in design and message and does not represent or contribute to potential visual clutter.</p> <p>No</p>

Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	Not to any significant extent No
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is compatible with the scale, proportion and characteristics of the building. The signs respect the overall design of the building and site and is appropriately designed for this purpose. The signs show innovation in the use of LED technology to minimise glare and occupy a part of the site appropriate for this purpose.
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signs will be internally illuminated and the development does not include any other structures or elements such as access platforms, external lighting and the like.
7. Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	LED lighting is proposed which has reduced glare. The sign proposes simple messages of businesses on the site. Although in close proximity to a signalised intersection, it is considered that the sign would not impede views of the signals or affect their visibility from any direction. Intensity can be adjusted if necessary although this is not expected to be the case. It is expected that the sign would be illuminated during centre opening hours.
8. Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Given the location of the sign, the simplicity of messages, the lack of flashing or direct lights and the logical location of the sign within an emerging commercial and mixed use area, it is considered that the proposed signage will not result in any adverse road safety effects for vehicles pedestrians or cyclists.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the Infrastructure SEPP deals with development adjacent to a road corridor. Clause 101(2) states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Whilst not relevant to the pylon sign, it is considered that the proposed pylon sign will not have a significant impact on the efficiency of operation of the road network. The lighting is not likely to hinder visibility of the signals at the nearby intersection and will act as a wayfinding element for the shopping centre to assist drivers.

Australian Standard AS 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.

This standard provides a basis for assessment of the likely effects of developments that involve the provision of outdoor lighting. It provides guidelines for maximum permissible levels of spill light and glare.

Australian Standard AS 4282 defines obtrusive light as spill light which, because of quantitative and directional attributes in a given context, gives rise to annoyance, discomfort and distraction. Spill light or stray light is defined as light emitted by a lighting installation which falls outside the boundaries of the property on which the installation is sited.

The location of the pylon sign is such that there may be light spill outside the boundary of the site onto Tweed Coast Road and Grand Parade. However there are no existing or proposed residential buildings in the vicinity of the sign. This is because the site is located in an area identified as a commercial centre and mixed use precinct within the Casuarina town centre.

The separation distances from the sign to potential sensitive receptors is such that the sign is capable of compliance with the requirements of AS4282 and the development is not likely to have a significant impact on the amenity of the nearby existing or potential future buildings.

3.2 Other Matters

This Section 75W report describes the proposed modifications to the design and to the conditions of approval.

The proposed modifications are minor and will result in substantially the same development, comprising a supermarket, retail and restaurant floor space, first floor office space and car parking, all to service the local community.

The proposed modifications mainly comprise amendments as a result of design development and the input from design consultants on structures and services. Improvements are proposed to the architecture and changes made to suite the specific needs of the supermarket tenant.

The amended building design does not change:

- the overall building footprint;
- the activated street front interface;
- carparking numbers and layout,
- driveway crossover locations,
- staging sequence,
- amenities location;
- loading areas; or
- pedestrian entry locations.

The site is zoned B2 Local Centre under Tweed Local Environmental Plan 2014. The proposal for the purposes of retail is consistent with the zone objectives and is permissible with consent in this zone.

The Statement of Commitments in the Project Approval is supported by the proposed improved retail development design and retention of the approved height.

The proposed modification remains consistent with the relevant planning controls and with the Concept Plan approval for Casuarina Town centre. It is worthy of favourable determination.



APPENDICES



APPENDIX 1

Amended Drawings