

ASSESSMENT REPORT

Section 75W Modification Casuarina Town Centre Tweed Coast Road, Casuarina MP 06_0258 MOD 9

1. BACKGROUND

This report is an assessment of a request to modify the Concept Plan and Stage 1 Project Approval for the Casuarina Town Centre in the Tweed local government area. The requests have been lodged by BBC Consulting Planners, on behalf of the Consolidated Properties Group pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The request is seeking approval to increase the height of the retail centre, reconfigure the tenancies and internal layout of the supermarket, modify the design of each elevation of the building, and provide the detailed designs for the illuminated pylon sign on the north-west corner of the site. The Proponent has advised that the proposed modifications are required to facilitate compliance with the BCA, reduce the visual prominence of the roof top plant, and to improve the visual appearance of the retail centre.

1.1 Subject Site and Surrounding Area

The Casuarina Town Centre is a 26.2 hectare (ha) site, located approximately 15 kilometres (km) to the south of Tweed Heads and 4 km north of Cabarita Beach. Low to medium density residential developments adjoin the northern and southern boundaries of the site. The Casuarina Beach foreshore is located to the east of the site, and Tweed Coast Road adjoins the western boundary of the site. The Cudgen Nature Reserve is located further to the west. The location of the retail centre is identified in **Figures 1 and 2**.



Figure 1: Location Plan



Figure 2: Approved Casuarina Town Centre Concept Plan

1.2 Site History

A Concept Plan and concurrent Stage 1 Project Application were approved by the then Minister for Planning on 20 September 2009, under Part 3A of the EP&A Act. The Concept Plan provides for:

- the subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots;
- construction of a retail centre comprising a supermarket, restaurants and shops;
- construction of a hotel;
- construction of the road network, car parking and services; and
- landscaping and open space.

The Stage 1 Project Approval permits:

- the subdivision of land into 61 lots;
- construction of a retail centre;
- bulk earthworks and vegetation clearing;
- construction of all roads and the closure of Dianella Drive;
- provision of infrastructure and services;
- signage and advertising; and
- landscaping.

The Concept Plan and Project Approval have been modified on eight occasions to:

- permit changes to the staging arrangements;
- increase the gross floor area (GFA) of the retail centre from 4,135 m² to 5,244 m²;
- revise the car parking requirements for the retail centre commensurate with the increase in GFA;
- reduce the density of the development on lots 7 to 9 and lots 14 and 15;

- increase the total number lots from 61 lots to 97 lots;
- revise the stormwater concept, landscape concept, signage and beach access arrangements for the site;
- revise the timing for the payment of development contributions;
- increase the maximum height of the retail centre from RL 15.80 m to RL 16.045 m; and
- permit the installation of a 12 m high illuminated pylon sign on the north-west corner of the site, adjacent to Tweed Coast Road.

2. PROPOSED MODIFICATION AND JUSTIFICATION

On 23 February 2015, BBC Consulting Planners on behalf of the Consolidated Properties Group (the Proponent), submitted a section 75W modification application seeking approval to increase the height and modify the internal layout of the building as follows:

- increase the maximum building height from RL 16.045 m to RL 17.860 m;
- increase the parapet wall height of the supermarket from RL 14.8 m to RL 16.0 m;
- reduce the total gross floor area of the retail centre by 166 m²;
- reconfigure the office space and the plant room associated with the supermarket;
- include a refuse area, fire pump room and sprinkler tanks, and an electrical switchboard adjacent to the loading dock;
- minor design changes to each elevation to facilitate the installation of a secondary lower roof to the restaurant on the northern and western elevations, the installation of screening and signage on the northern elevation, and design refinements to the breezeway and the removal of the windbreak screens on the western elevation;
- revisions to the materials palette;
- reconfiguration of the specialty shop tenancies;
- refinement of the roof design, including the provision of access to the roof plant area;
- relocation of the bike racks and reconfiguration of the outdoor seating;
- inclusion of the detailed design of the mechanical services;
- amendments to the car park layout to provide additional trolley bays and facilitate compliance with Australian Standard 2890 (the total number of car parking spaces will be reduced from 241 spaces to 237 spaces); and
- inclusion of the design details for the approved 12 m high illuminated pylon sign.

The proposed modifications are depicted in **Figures 3 to 8** below.

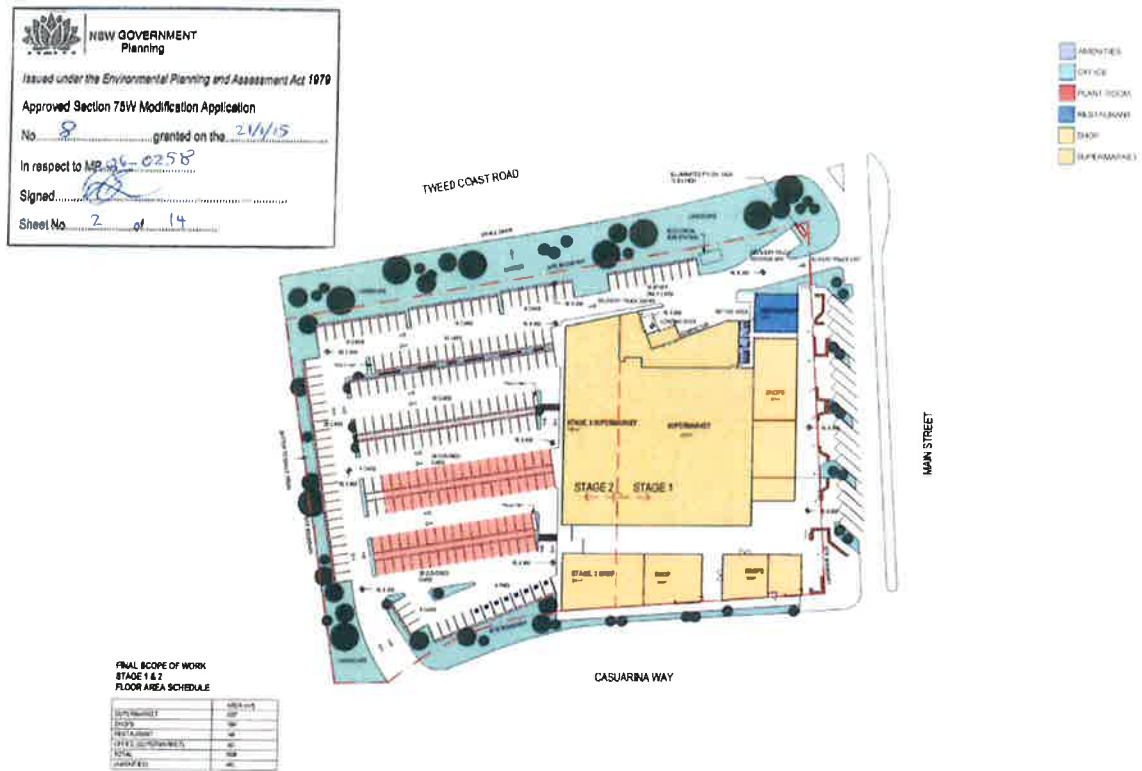


Figure 3: Approved Ground Floor Plan

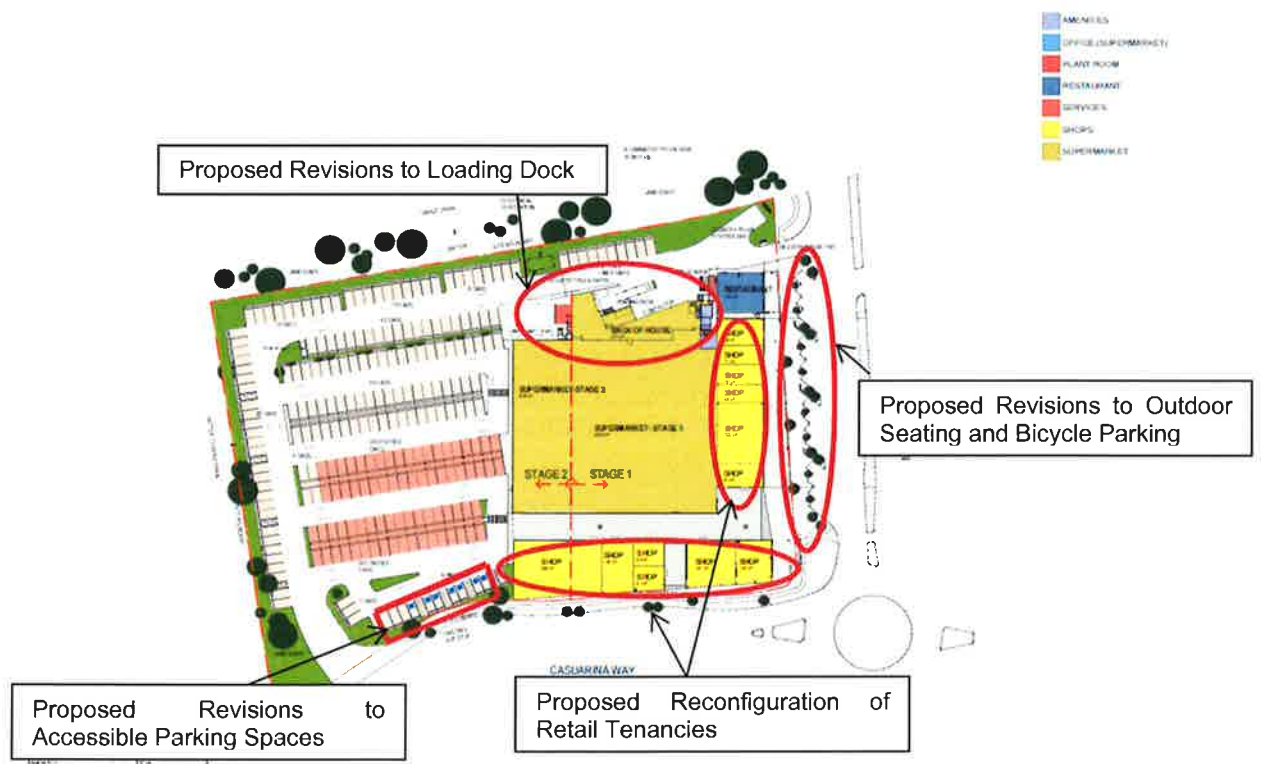
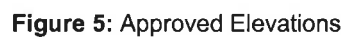


Figure 4: Proposed Ground Floor Plan



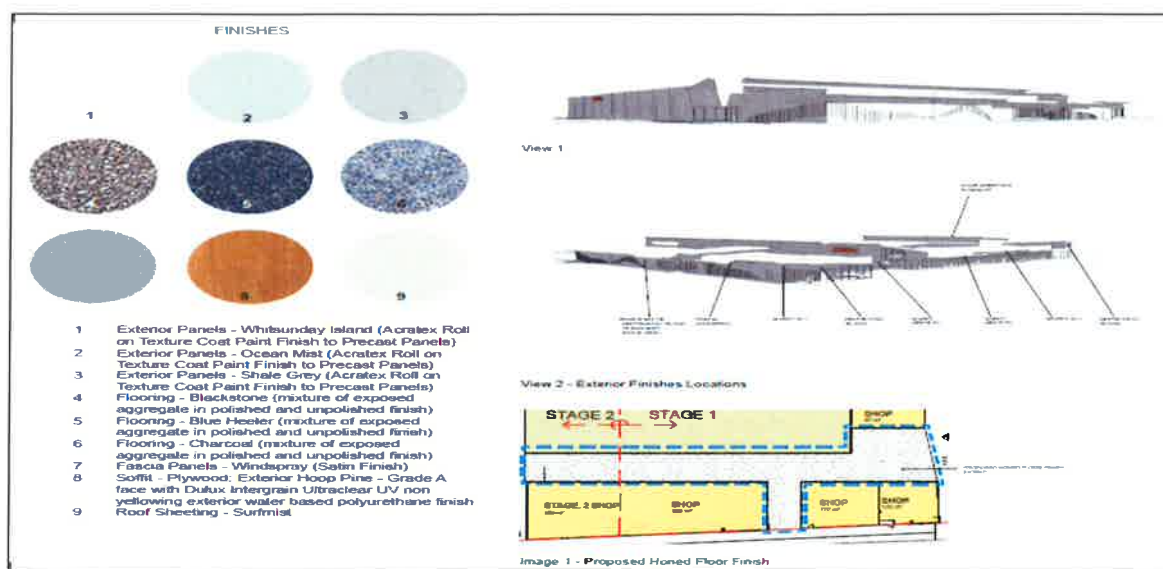


Figure 7: Approved Materials and Finishes

FLOOR FINISH SCHEDULE					
CODE	MANUFACTURER	MODEL	DESCRIPTION	Image	COMMENTS
ET_01	Boral	Boralstone™ Honed Concrete	Domeo		Breezeway. Honed R10 Slip Resistance
ET_02	Boral	Expose™ Exposed Pebble	Ocean Floor		External walkway. Light Exposure - R11 Slip Resistance
ET_03	Boral	Boralstone™ Honed Concrete	Salt N Pepper		Breezeway. Honed R10 Slip Resistance. 32Mpa
ET_04	Unknown	Unknown	To match existing adjacent tile		External Paver - R11 Slip Resistance
TL_01	Classic Ceramics	Range: Stones (Mirage) Basaltina Grgia Product Code: SC02 FM	Famafa FM		Public Amenities Floor Size: 150 x 600mm, 3mm grout colour to match tile

Figure 8: Proposed Materials and Finishes

3. STATUTORY CONSIDERATION

3.1 Section 75W

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A to the EP&A Act, continues to apply to section 75W modification applications to Part 3A projects.

The modification request has been lodged with the Secretary pursuant to section 75W of the EP&A Act. The Minister's approval is not required if the project, as modified, remains consistent with the original approval. As the modification request seeks to amend the approved drawings and the conditions of approval, the Minister's approval is required.

The proposed changes constitute a modification, are within the scope of section 75W of the EP&A Act, and do not constitute a new application. Therefore, the Minister (or his delegate) has the ability to determine the modification application.

Consequently, this report has been prepared in accordance with the requirements of Part 3A of the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg). The Minister (or his delegate) may approve or disapprove the modification of the project under section 75W of the EP&A Act.

3.2 Approval Authority

The Minister for Planning delegated responsibility for the determination of section 75W modification applications to directors and managers who report to the Executive Director, Infrastructure and Industry Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposal complies with the terms of the delegation as Tweed Shire Council (the Council) does not object to the proposal, a political disclosure statement has not been made in relation to the application, and no public submissions were received in the nature of objections. Accordingly, the Manager, Industry Assessments may determine the application in accordance with the Minister's delegation.

3.3 Consultation

The modification application was made publicly available on the Department's website on 2 March 2015. The Department also referred the application to the Council, and Roads and Maritime Services (RMS) for comment. Consultation with other agencies and adjoining landowners was not considered necessary due to the minor nature of the modification. A summary of the agency submissions is provided below.

The Council raised no objection to the applications, and advised that it has no comment in relation to the proposed design revisions, or the proposed change to the building height.

The RMS advised that it was concerned that the proposed pylon signage may impact on the safe and efficient operation of the traffic signals located at the intersection of Tweed Coast Main Street. To address these issues the RMS recommended that the signage should be redesigned as follows:

- the pylon sign should include the name of the centre;
- there should be no more than five signage zones on pylon sign;
- any additional legend signage should be sufficient for drivers to comprehend; and
- the illumination levels should meet the current illumination standards.

The safety impacts of the proposed signage are discussed in detail in **Section 4** of this report.

4. ASSESSMENT

In its assessment of the modification applications the Department has considered the following:

- the Proponent's modification requests (see **Appendix C**);
- all submissions received by the Department (see **Appendix D**); and
- the Director-General's assessment reports for the original Concept Plan and Project Application and earlier modification approvals.

The Department considers the key issues for assessment are:

- the proposed increase to the height of the retail centre;
- design revisions; and
- signage.

4.1 Proposed Increase in Height of the Retail Centre

The application seeks approval to increase the maximum height of the building by 1.8 m from RL 16.045 m (approved breezeway feature roof) to RL 17.86 m (top of the proposed condenser deck). In addition, the application also seeks approval to increase the height of the building parapets by 1.2 m from of RL 14.8 m to RL 16.0 m.

The proposed modifications to the maximum building height and parapets are shown in **Figures 9 and 10** below.

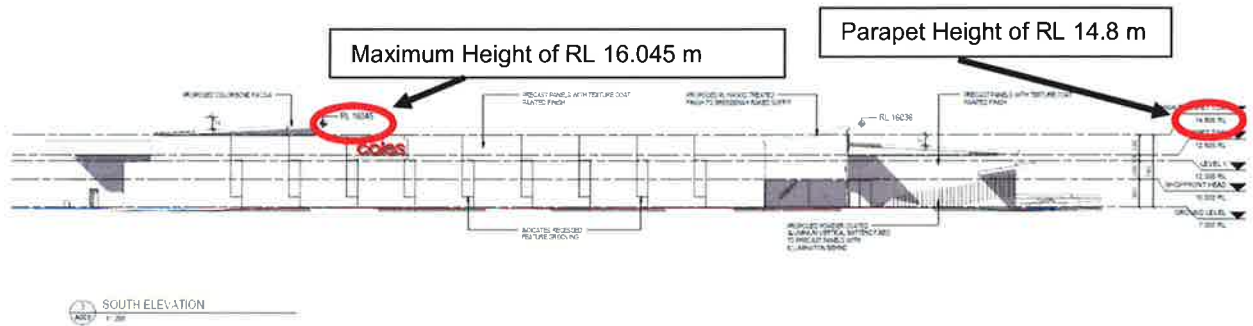


Figure 9: Maximum Approved Building Height (Southern Elevation)

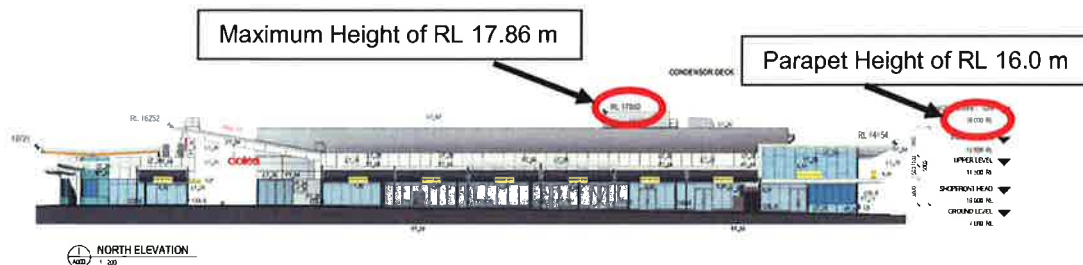


Figure 10: Maximum Proposed Building Height (Western Elevation)

The Proponent has advised that the proposed modifications to the height of the building are required to ensure that there is sufficient clearance between the underside of the roof and the structural framing to accommodate the installation of the structural members and mechanical ducting (see **Figure 11** below). Furthermore, the Proponent has advised that it is seeking to increase the height of the building parapets to mitigate the visual impacts associated with increasing the height of the condenser deck.

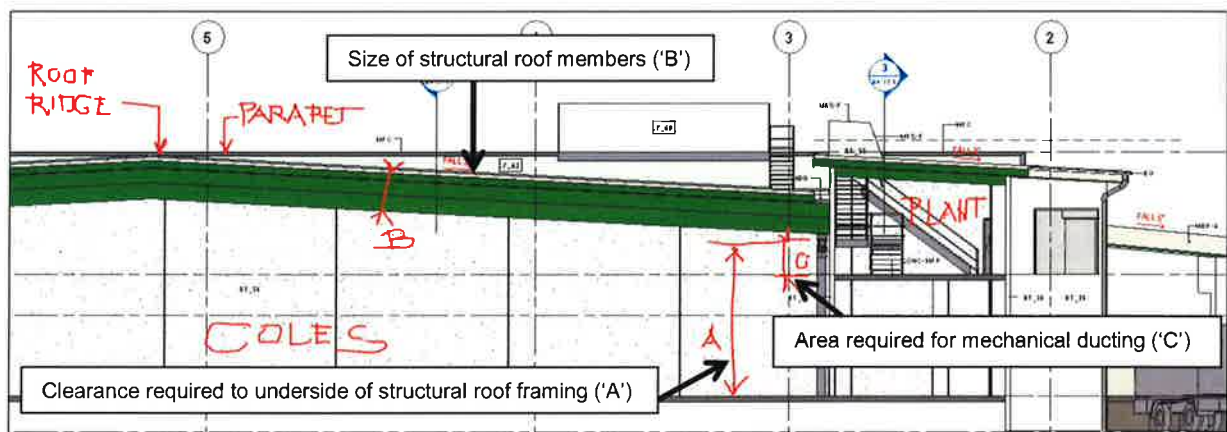


Figure 11: Factors Driving the Proposed Increase to the Height of the Retail Centre

The Department has reviewed the proposed changes to the building height and has concluded that due to the mechanical plant being centrally located within the roof plane and setback from the building parapets, the mechanical plant would only be visible from distant vantage points where views to the site are screened by existing street trees or other structures (see **Figures 12 and 13**).



Figure 12: Perspective Showing the Appearance of the Centre As Viewed from the Intersection of Casuarina Way and Main Street



Figure 13: Perspective Showing the Appearance of the Centre As Viewed from the Intersection of Tweed Coast Road and Main Street

In addition, the Department has concluded that the additional building height will not result in a perceivable increase to the bulk and scale of the building in comparison to the approved project. Given the above, the Department supports the proposed increase to the height of the retail centre.

4.2 Design Revisions

As previously outlined the applications seek approval to undertake the following internal and external design revisions:

- reconfiguration of the office space and the plant room associated with the supermarket;
- inclusion of a refuse area, fire pump room and sprinkler tanks, and an electrical switchboard adjacent to the loading dock;
- minor design changes to the northern and western elevations to facilitate the installation of a secondary lower roof to the restaurant on the northern and western elevations, the installation of screening and signage on the northern elevation, and design refinements to the breezeway and the removal of the windbreak screens on the western elevation;
- revisions to the materials palette;
- reconfiguration of the specialty shop tenancies;
- refinement of the roof design, including the provision of access to the roof plant area;

- relocation of the bike racks and reconfiguration of the outdoor seating;
- inclusion of the detailed design of the mechanical services; and
- amendments to the car park layout to provide additional trolley bays and facilitate compliance with the minimum dimensions required for accessible parking spaces as outlined in Australian Standard 2980.

The Department notes that the proposed design revisions are required to facilitate compliance with the BCA and Australian Standard 2980, and to respond to the operational requirements of the supermarket tenant (Coles).

The Department has reviewed the proposed design changes in consultation with the Council and is satisfied that the proposed changes are acceptable for the following reasons:

- the internal modifications will improve the functionality of the building for the end users and will ensure compliance with the requirements of the BCA;
- the proposed modifications to the building elevations, including the installation of additional signage and modifications to the schedule of materials and finishes will not significantly alter the character of the building in comparison to the approved project; and
- the revisions within the car park and public domain will ensure compliance with the accessible car parking requirements of Australian Standard 2980 and will ensure the provision of suitable outdoor seating and bicycle parking facilities.

Accordingly, the Department has recommended modifications to Condition A1 to include the revised elevations and floor plans within the schedule of approved drawings.

4.3 Signage

The application proposes to include new signage zones on the façade of the town centre building (fascia and under awning signs as identified in **Figure 6**) and specify the signage details for the illuminated pylon sign approved for construction on the north-east corner of the site. The proposed pylon signage is comprised of an illuminated light box with vinyl graphics. The signage details are depicted in **Figure 14** below.

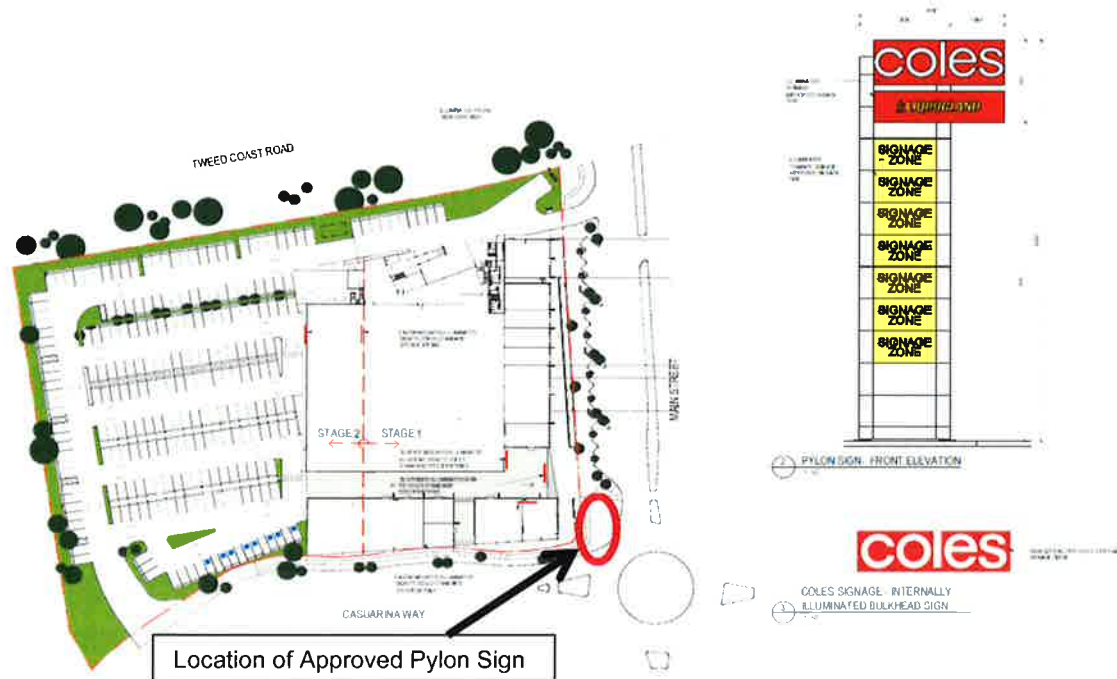


Figure 14: Design Specifications for the Approved Illuminated Pylon Sign

The Department notes that the RMS raised safety concerns with the design of the pylon signage and requested the following design changes to address these issues:

- the name of the centre should be included on the sign;
- no more than five lines of information should be displayed on the sign;
- all signage should be of a sufficient size for drivers to comprehend from the Tweed Coast Road; and
- all illumination must meet the relevant design standards.

The Department has reviewed the RMS' comments and agrees that the Proponent has not demonstrated that the signage proposed to be installed on the pylon sign will not cause any adverse road safety issues. Accordingly, the Department has recommended modifications to Condition B5B to ensure that the final design of the pylon signage addresses the issues raised by the RMS. The recommended wording for Condition B5B is as follows:

"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 to and approved by the Secretary:

- (a) drawings of the pylon sign containing the following:*
 - *the name of the centre; and*
 - *no more than five lines of signage information;*
- (b) details demonstrating that design of the sign complies with the requirements of Australian Standard 1906.1:2007;*
- (c) evidence of consultation with the Roads and Maritime Services that the final design of the sign complies with (a) and (b) above;*
- (d) an assessment of the sign against the requirements of State Environmental Planning Policy No. 64 Advertising and Signage and State Environmental Planning Policy (Infrastructure SEPP); and*
- (e) details demonstrating compliance with the Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS 4282-1997)".*

These modifications have been included in the Instrument of Modification.

The Department has also assessed additional building signs in consultation with the Council and considers them appropriate in a town centre context. Accordingly, the Department supports the location and configuration of the additional under awning and fascia signage.

5. CONCLUSION

The Department considers the proposed modifications are consistent with the terms of the Concept Plan and Project Approval, and will not result in any environmental impacts beyond those previously assessed. Further, the Department considers that the concerns of the RMS have been addressed via the recommended conditions of approval. It is therefore recommended that the modification requests be approved subject to the conditions recommended in the Instruments of Modification. The proposed modification has planning merit and is recommended for approval.

6. RECOMMENDATION

It is recommended that the Manager, Industry Assessments, as delegate of the Minister for Planning:

- a) approve the proposed modification to the Concept Plan approval under section 75W of the EP&A Act by signing the Instrument of Modification included at **Appendix A**; and
- b) approve the proposed modification to the Stage 1 Project Approval under section 75W of the EP&A Act by signing the Instrument of Approval included at **Appendix B**.



15/6/15

Kate MacDonald
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Industry Assessments

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15/6/15

Chris Ritchie
Manager
Industry Assessments

APPENDIX A: INSTRUMENT OF MODIFICATION MP06_0258 MOD 9

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2016, I approve the section 75W modification of the Concept Plan approval referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 15 JUNE 2015

SCHEDULE 1

Concept Plan Approval:	MP 06_0258 granted by the Minister for Planning on 20 September 2009.
Proponent:	Kings Beach No. 2 Pty Ltd
For the following:	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470, Tweed Coast Road, South Kingscliff, Tweed local government area.
Modification:	Modification of Condition A4 to include the documentation submitted under MP 06_0258 MOD 9.

SCHEDULE 2

1. After Condition A4 i) insert new clause A4 j) as follows:

Section 75W Modification Request Documentation

- j) *Section 75W Modification No. 9 Project Approval MP 06_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, dated February 2015, as amended by *Section 75W Modification No. 9 Project Approval MP 06_0258 Casuarina Town Centre Addendum Report*, prepared by BBC Consulting Planners, and dated April 2015.

APPENDIX B: INSTRUMENT OF MODIFICATION MP06_0258 MOD 9

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the section 75W modification of the Project Approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 15 JUNE 2015

SCHEDULE 1

Project Approval:	MP 06_0258 granted by the Minister for Planning on 20 September 2009.
Proponent:	Kings Beach No. 2 Pty Ltd
For the following:	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470, Tweed Coast Road, South Kingscliff, Tweed local government area.
Modification:	MP 06_0258 MOD 9 involving design revisions to the retail centre and modification of Condition B5B to permit the installation of a 12 m high illuminated pylon sign on the north-eastern corner of the site.

SCHEDULE 2

1. In Part A, Condition A2 delete all references to drawings A000 to A011 and A013 and replace them with:

A000	C	Cover Page/Contents	30/01/2015
A001	C	Site Plan & Schedules Stage 2	30/01/2015
A002	C	Site Plan & Schedules Stage 1	30/01/2015
A003	C	Ground Floor Plan Stages 1 & 2	30/01/2015
A004	C	Ground Floor Plan Stage 1	30/01/2015
A005	C	First Floor Plan Stages 1 & 2	30/01/2015
A006	C	First Floor Plan Stage 1	30/01/2015
A007	C	Roof Plan	30/01/2015
A008	C	Elevations	30/01/2015
A009	C	Sections	30/01/2015
A010	C	Perspective Sketches	30/01/2015
A011	C	Shadow Diagrams	30/01/2015
A013	B	Proposed Finishes	30/01/2015

2. In Part A, Condition A3, insert A3(11) after A3(10) as follows:

- (11) *Section 75W Modification No. 9 (amended) Project Approval MP 06_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, and dated August 2014, as amended by *Section 75W Modification No. 9 Project Approval MP 06_0258 Casurina Town Centre Addendum Report*, prepared by BBC Consulting Planners, and dated April 2015.

3. In Part A, delete Condition B5B and replace it with 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 to and approved by the Secretary:

- (a) drawings of the pylon sign containing the following:
 - the name of the centre; and
 - no more than five lines of signage information;
- (b) details demonstrating that design of the sign complies with the requirements of *Australian Standard 1906.1:2007*;
- (c) evidence of consultation with the Roads and Maritime Services that the final design of the sign complies with (a) and (b) above;
- (d) an assessment of the sign against the requirements of *State Environmental Planning Policy No. 64 Advertising and Signage* and *State Environmental Planning Policy (Infrastructure SEPP)*; and
- (e) details demonstrating compliance with the Australian Standard for the *Control of Obtrusive Effects of Outdoor Lighting (AS 4282-1997)*.

APPENDIX C: MODIFICATION REQUESTS

Please see the Department's Website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6940

APPENDIX D: SUBMISSIONS

Please see the Department's Website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6940