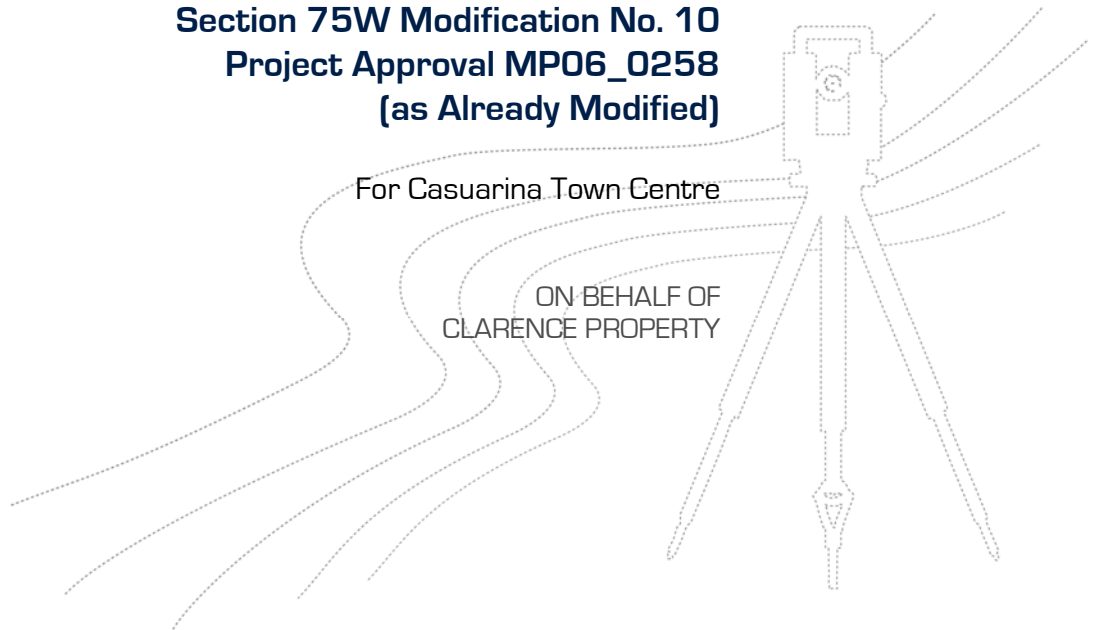


**Section 75W Modification No. 10  
Project Approval MP06\_0258  
(as Already Modified)**

For Casuarina Town Centre

ON BEHALF OF  
CLARENCE PROPERTY



Our Ref: 13/054

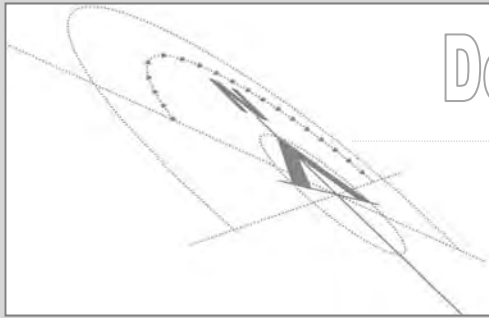
Date: January 2016





## Casuarina Beach





# Document Control Sheet

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Date of Issue:		13 <sup>th</sup> January 2016		
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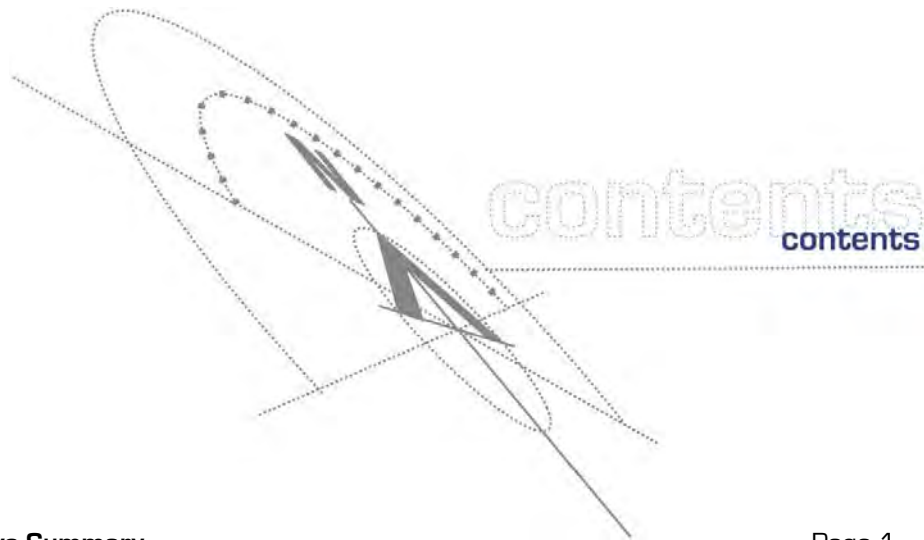
## USAGE NOTE:

The plans to this document were prepared for the exclusive use of Clarence Property to accompany a Section 75W Application to Department of Planning and Infrastructure your approval for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Newton Denny Chapelle accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

The maps, development plans and exhibits shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.

The information contained in this report is based on independent research undertaken by Newton Denny Chapelle. To the best of our knowledge, it does not contain any false, misleading or incomplete information.



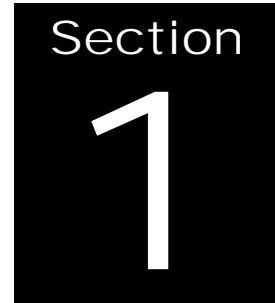


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## **Attachments**

- Attachment 1 – Landowner Authority and  
Political Donations Disclosure Statement
- Attachment 2 – Proposed Amended Subdivision & Staging Plans  
Prepared by Newton Denny Chapelle
- Attachment 3 – Urban Design Plans and Design Statement  
Prepared by RPS
- Attachment 4 – Landscape Design Plans  
Prepared by RPS
- Attachment 5 – Economic Impact Assessment  
Prepared by Location IQ
- Attachment 6 – Engineering Services Report  
Prepared by Newton Denny Chapelle
- Attachment 7 – Casuarina Beach Village Community Consultation Report  
Prepared by Promedia Public Relations

# Executive Summary



## 1.1 Overview of Proposed Amendment

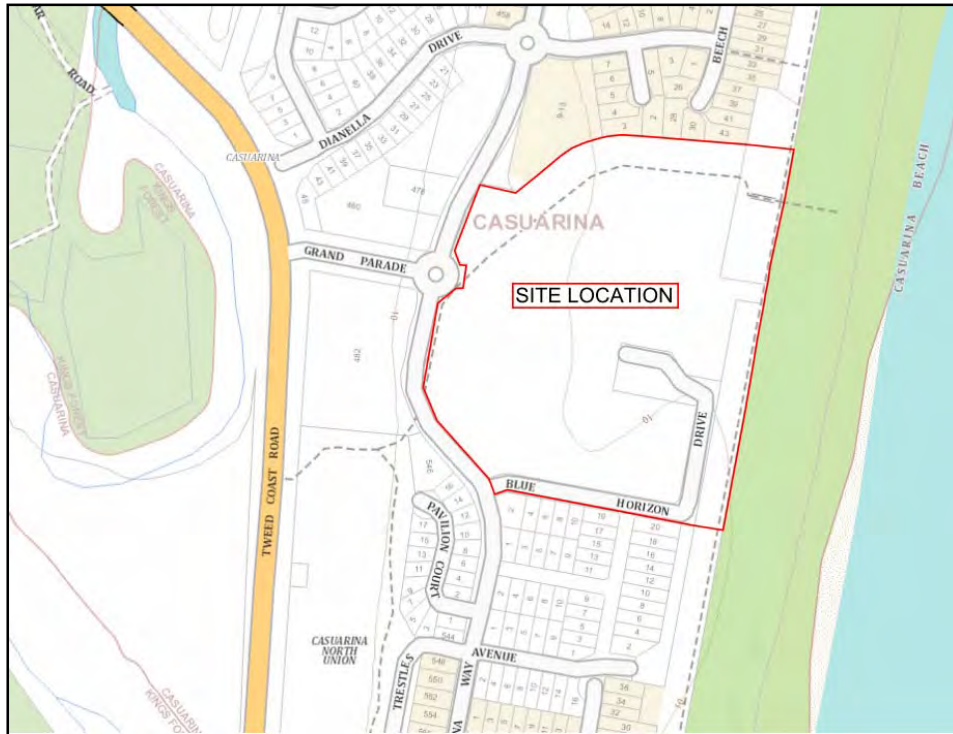
Newton Denny Chapelle ["NDC"] has been instructed by Clarence Property ["Proponent"] to submit a request to the Minister for Planning & Environment to further modify the Concept Approval and Project Approval [MP 06\_0258] for the Casuarina Town Centre, pursuant to the provisions of Section 75W of the Environmental Planning and Assessment Act 1979 ["the Act"].

The primary purpose of this application is to provide for the modification of the following key elements of the Concept Plan and Project Approval:

- Modified lot layout & built form density
- Filling & piping of the existing swale and the inclusion of a green buffer zone;
- Modified staging of key infrastructure, lot release and provision of an additional beach access; and
- Utilisation of excess fill within the balance of Stage 2; and
- Obtain Project Approval to create 92 lots over the balance of the Casuarina Town Centre for future single dwellings, mixed use development and residential flat buildings.

Tweed Shire Council will be the Principal Certifying Authority for civil works associated with this amendment





**Plate 1: Site Locality**



**Plate 2: Aerial of subject site in local context**



## 1.2 Project Background

### 1.2.1 Original Approvals

The Kings Beach Development Plan (which applies to the Casuarina Beach area) was approved by the NSW Land and Environment Court in December 1998. The consent (S96/135) approved the following:

- (1) The subdivision of the land into 14 lots.
- (2) The carrying out of "Stage 1" works.
- (3) The development of the management lots for the purposes of low-and-medium-density residential, retail, commercial and tourist development, together with associated and related uses and facilities generally in accordance with the Development Plan.

The consent required that the future development of the "Management Lots" (1-7) be subject to future Development Applications and provided population estimates for each of the lots.

Approval was subsequently granted on 20 September 2009 by the Minister for Planning to the Concept Plan and Project Application for the Casuarina Town Centre, Major Project 06\_0258.

The Concept Plan approval was granted for:

- The subdivision of land in 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 associated road network and car parking;
- Construction of all necessary services; and
- Landscaping and open space.

Separately, Stage 1 Project Approval was granted for:

- The subdivision of land into 61 lots;
- Construction of a retail centre comprising 2500m<sup>2</sup> supermarket, 1160m<sup>2</sup> of retail
- shops/restaurants, office space and car parking;
- Bulk earthworks and vegetation clearing;
- Construction of all roads;
- Closure of Dianella Drive;
- Provision of infrastructure and services; and
- Landscaping.



**Plate 3:** Approved Casuarina Town Centre Concept Plan

### **1.2.2 Modified Approvals**

A series of amendments have been lodged with the Department of Planning & Environment for the Casuarina Town Centre project. A summary of the previously determined amendments is provided below.

#### **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:

- carrying out of stormwater infiltration works and landscaping within adjoining Lots 10 and 13;
- 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
- 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.

#### **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.

### **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.

### **Concept and Project Approvals – Modification 4**

Modification 4 relates to modification to the staging of the subdivision, consolidation of lots 7, 8, 9, 14 & 15 into a development lot, modification of Condition A2 to allow the sequencing for future stages to be varied with the written approval of the Department, insert of a new condition relating to the timing to obtain approval for the beach access and the amendment to the timing in which Section 94 and Section 64 Contributions are paid for the shopping centre.

The Modification was approved in April 2013.

### **Concept and Project Approvals – Modification 5**

Modification 5 approved an amendment to the location of a retaining wall on the south-eastern boundary of the Casuarina Town Centre site adjacent to the cul-de-sac of Road 6.

The modification was approved on 24 September 2013.

### **Concept and Project Approvals – Modification 6**

Modification to the Concept Plan and Stage 1 Project Application for the Casuarina Town Centre involving:

- The number of lots through the subdivision of Lots 7,8 ,9, 14 & 15 into 40 torrens title residential lots;
- the introduction of additional sub-stages 1B and 1C;
- an associated amendment to the concept plan staging

The modification as approved on 16 May 2014.

### **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.

### **Concept and Project Approvals – Modification 8**

Approval was granted on 21 January 2015 to permit design revisions to the retail centre and inclusion of new Condition B5B to permit the installation of a 12 m high illuminated pylon sign on the north-eastern corner of the site.

### **Concept and Project Approvals – Modification 9**

Approval was granted on 15 June 2016 for further modifications to the design of the approved retail shopping centre and the installation of a 12m high illuminated pylon sign on the north-eastern corner of the site.

## **1.2.3 Construction Certificate**

Tweed Shire Council acting as the Principal Certifying Authority (PCA) has issued several Construction Certificates associated with the subdivision of the Casuarina Town Centre. Key Construction Certificates associated with the subdivision of the land are outlined below.

A Construction Certificate [CC10/0208] has been issued by Tweed Shire Council for the completion of the Site Clearing & Sedimentation Controls on 29 July 2010.

A subsequent Construction Certificate CC12/0507 was issued by Tweed Shire Council on 7 February 2013 for a Casuarina Town Centre including 61 lot subdivision, road works, infrastructure works and landscaping [Department of Planning Application MP06 0258].

With the development of “The Pocket”, Tweed Shire Council issued Construction Certificate 14/0328 for the development of 56 residential lots on 21 August 2014.

#### **1.2.4 Subdivision Certificate**

The subdivision of land comprising Stage 1A of the Casuarina Town Centre was registered by the LPI on 30 July 2014. The registration provided for the creation of Deposited Plan 1198266.

The subdivision of land comprising Stage 1B of the Casuarina Town Centre and known as “The Pocket” was registered by the LPI on 23 July 2015. The registration provided for the creation of Deposited Plan 1208915.

### **1.3 Environmental Planning & Assessment Act and Regulations**

Schedule 6A, Clause 3C of the Act relates to Transitional Part 3A provisions for Modification of Concept Plans and states that Section 75W continues to apply for the purpose of the modification of a Concept Plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.

Section 75W (as in force immediately before the repeal of that Part) facilitates the lodgement and determination of an application to modify a Part 3A approval. Section 75W is in the following terms:

[1] In this section:

**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.

**Modification of approval** means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
  - (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- [2] The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- [3] The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- [4] The Minister may modify the approval [with or without conditions] or disapprove of the modification.
- [5] The proponent of a project to which Section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project [or with the failure of the Minister to determine the request with 40 days after it is made] may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- [6] Subsection [5] does not apply to a request to modify:
- (a) an approval granted by or as directed by the Court on appeal, or
  - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.
- [7] This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan."

There are no regulations of relevance to a Modification Application.

## 1.4 Consistency with Concept and Project Approvals

The proposed modification is consistent with the Concept and Project Approvals. The aforementioned approvals provided for the development of residential, mixed use [commercial/shop top housing] and residential flat buildings within the Concept Plan.

This application retains the core land uses encompassed within the Concept Plan and Project Approvals, however seeks to modify the density and associated urban design



and infrastructure delivery for these land uses. This is the subject of the proposed modification.

## 1.5 Documentation

This Section 75W report:

- Describes and justifies the requested further modifications to the Concept and Project Approvals; and
- Considers the relevant provisions of Section 75W of the Act.

Attachments included in the Section 75W report contain:

- The completed modification application form (see **Attachment 1**);
- Amended subdivision and staging plans prepared by Newton Denny Chapelle (see **Attachment 2**);
- Urban Design Master Plan and Design Statement prepared by RPS (see **Attachment 3**);
- Landscape Concept Plan prepared by RPS (see **Attachment 4**);
- Economic Impact Assessment prepared by Location IQ (see **Attachment 5**);
- Engineering Services Report prepared by Newton Denny Chapelle (see **Attachment 6**); and
- Casuarina Beach Village Community Consultation Report prepared by Promedia Public Relations (see **Attachment 7**)

## 1.6 Consultation

Representatives of Clarence Property and Newton Denny Chapelle have consulted with both the Department of Planning & Environment, Tweed Shire Council and the local community prior to the lodgement of this application.

#### Department of Planning & Environment

Mr Paul Rippon (Clarence Property) and Mr Damian Chapelle (Newton Denny Chapelle) met with Ms Kate MacDonald on 7 August 2015. A general overview of the proposed amendments and the rationale for modifying the Part 3A approval was provided.

Ms MacDonald advised the Department had no immediate objections to the nature of the proposed amendments, however urged the proponents to consult with the Local Council prior to the lodgement of the Section 75W application.

An outline of the proposed technical reports required to support the Section 75W application was also outlined by the proponent during the meeting. These reports included

- Economic Impact Assessment;
- Urban Design Plan; and
- Stormwater Management Plan

The Department of Planning & Environment concurred with the listed reports and identified no additional reports deemed necessary for lodgement with this application.

#### Tweed Shire Council

Representatives of Newton Denny Chapelle have undertaken consultation with Tweed Shire Council with specific regard to the stormwater management of the site together with the urban design outcomes achieved through the piping and filling of the swale with a specific focus on the landscape buffer and the potential impacts to the northern residential properties.

Specific commentary was provided by Tweed Shire Council to Newton Denny Chapelle in respect to the proposed stormwater management for the town centre. This correspondence is discussed within the Engineering Services Report provided within Attachment 6 of this report.

A meeting was also held between representatives of Tweed Shire Council and the Casuarina Town Centre project team on 6 November 2015. A description of the

proposed amendments was outlined to Council. The key points raised by Council staff included:

- A review of car parking servicing the development should be undertaken;
- Address public transport serviceability to the Town Centre;
- Address the inclusion of four-way intersections and whether a roundabout should be installed at these intersections;
- The elected Council will need to resolve to grant owners consent to remove the existing easement which sits over the drainage swale.
- Review the siting of retaining walls within the foreshore drainage reserve.

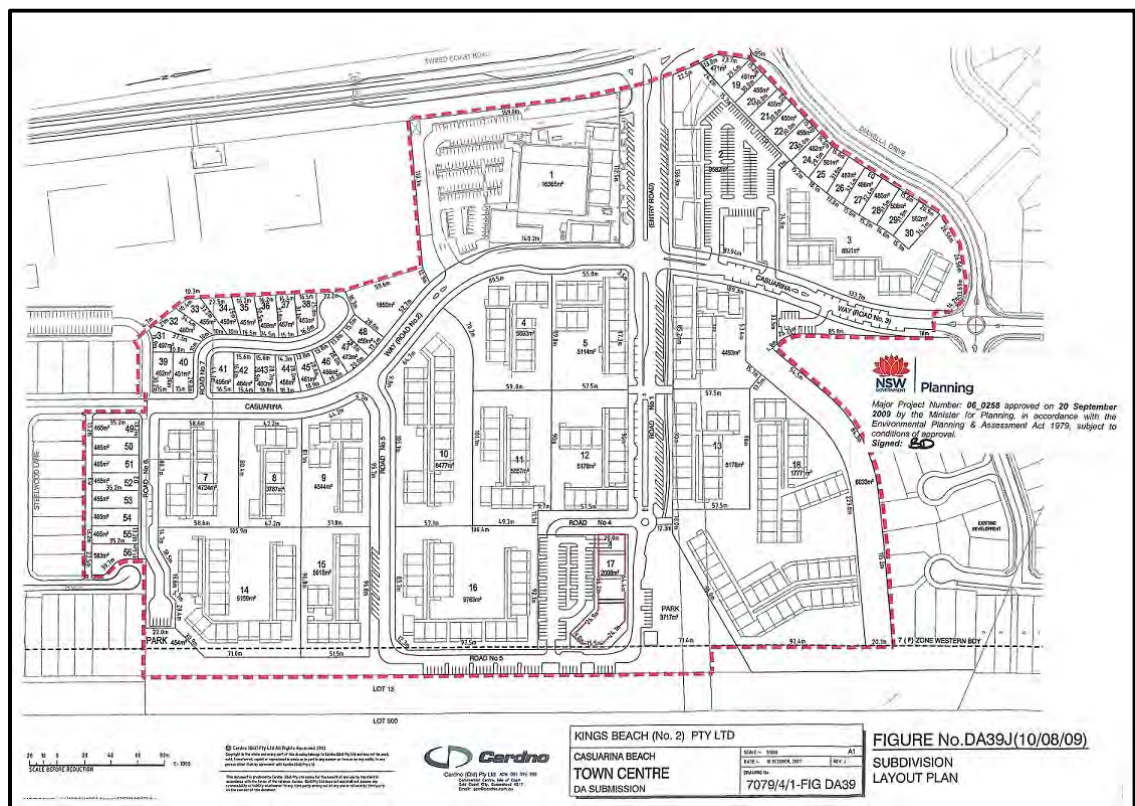
In specific regard to the removal of the existing drainage easement which sits over the swale, reference is made to the Department of Planning & Environment Assessment Report for the initial Concept Plan which identified the purpose of the easement.

*The existing 36m wide easement was never a designated area for public benefit; it is however acknowledged that over the passage of time it has become a frequently used open space corridor/ linkage for both cyclists and pedestrians between the foreshore area and the adjoining sporting fields to the south-west. The linkage provides a physical connection in the form of an existing concrete cycleway running alongside the easement route.*

*It should be noted that the easement in its current form is not a designated area of open space for public benefit; nor was it ever envisaged to be dedicated as public open space in its current configuration when the town centre site was developed. The easement was created solely to serve the purposes of collecting sewerage and stormwater flows, and for use as a right of carriageway to the benefit of Council.(pg 31 DoPE 2009)*

The purpose of the easement is of significance in Tweed Shire Council's determination to surrender the current easement configuration. The purpose of the easement is for stormwater and not as a green open space buffer. It is however acknowledged the land would provide a buffer to the northern residents which was seen at the time of the approval of the Casuarina Town Centre Concept Plan approval as a critical issue given the potential high rise development and tourist accommodation land use which required specific consideration to address privacy and residential amenity issues raised by residents to the north of the town centre.

As detailed further within this report, the modified layout provides an appropriate response to the open space treatment through a designated 8m planted zone and 2.5m shared pedestrian/cycleway which links through to the retail centre, sports fields and public transport bus bay. Furthermore, the inclusion of a local access road south of the green buffer results in a separation distance for lots west of Road A being 25.5m (Lot 65) and the balance of the lots providing a 26.5m separation to the common boundary with the adjoining northern residential properties. Accordingly, an increased separation of 26m is provided to the adjoining northern neighbours versus the originally approved buffer of 20m which is illustrated in **Plate 4** below.



**Plate 4:** Approved Subdivision Layout

### Community Consultation

Clarence Property has engaged in a community consultation program prior to the finalisation of the master plan and lodgement of this application.

The objective of the community consultation program was to educate local residents about revisions to the Casuarina Town Centre Concept Plan and to provide an opportunity for the community to share their views. The community consultation

program was coordinated by Promedia Public Relations on behalf of Clarence Property Group.

The program encompassed a 1300 telephone hotline, a Facebook information portal, advertising, news updates via local media and a community information evening conducted on Thursday 3 December 2015, which was attended by approximately 128 people. A presentation by Newton Denny Chapelle inclusive of plans illustrating the proposed amendments followed by a Q & A session with Clarence Property and Newton Denny Chapelle representatives was delivered at the meeting.

A survey was made available at the community information evening and posted to the Facebook information portal (via Survey Monkey), with respondents given nine days (3 - 11 December) to submit their feedback via:

- a ballot box at the information evening
- return post to Promedia, Clarence Property's community consultation team
- completing the online survey via Facebook /Survey Monkey

A total of 31 responses were received (23 hard copy and 8 digital). Survey results have been analysed and reported on in full detail by Promedia, with the following key findings identified:

- More than one third of respondents expressed excitement about the new concept plan. Lower density and the retention/improvement of the buffer zone were identified as key benefits by approximately one third of respondents;
- Four storey buildings, perceived traffic issues, smaller lot housing and car parking were identified as concerns by approximately 20% of respondents; However, comments indicate Clarence Property's revised concept plan is favoured over Consolidated Properties' original plan;
- The retention of buffer zones between existing and new properties was considered the most important attribute of the new plan, with comments indicating support in regard to filling the swale;

- The majority of respondents would visit Casuarina Beach Village for entertainment or dining out;
- Cabarita and Kingscliff were nominated as the local town centres most frequently visited by respondents;
- There was an even split between male and female respondents, with the majority falling into the 55-65 age bracket; and
- The majority of respondents were from Casuarina Beach, meaning survey results can be viewed as representative of community views.

Promedia have compiled a community consultation report outlining the process and outcomes. The document is provided within **Attachment 7** of this report.

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# Proposed Amendment to Concept Plan & Project Application

## Section 2

### 2.1 Description of Sought Amendments

This application seeks to undertake amendments to the Concept and Project Approvals (MP 06\_0258) as outlined below.

#### Staging

The sought amendment seeks to provide for the development of the balance of the civil infrastructure works and the subdivision of the residue parcel at Casuarina Beach through the inclusion of two (2) sub-stages. Stage 1D is proposed to include the construction of the civil infrastructure and its associated dedication as a public asset, whilst Stage 1E will include the release of the remaining 92 lots (including 2 public reserves).

Stage 1D will encompass the development of the balance of the road network (as amended), water, sewer, drainage, electricity and telecommunication infrastructure for the full Casuarina Town Centre. As part of the drainage works, the existing swale will be piped and filled as outlined in further detail within this report and thereby established as a planted buffer with a shared pedestrian/cycleway path.

Stage 1E will then comprise the release of the balance of the subdivision for future residential housing, mixed use, commercial and retail development. The timing for the release of the lots within Stage 1E will occur based on market demand.

#### Treatment of the Drainage Swale

Stormwater management proposed for the site seeks to substitute a major stormwater pipe network in lieu for the existing deep swale that traverses the site as shown in **Plate 5** of this report. In addition, the development shall provide the same quantum of infiltration areas as previously nominated in past approval documentation submitted by Cardno [2008], all be these areas in differing locations within the Casuarina Town Centre.



**Plate 5:** Existing swale which traverses through Casuarina Beach

The proposed design as illustrated within the Engineering Services Report prepared by Newton Denny Chapelle (refer **Attachment 6**) has been refined to ensure the design requirements deemed necessary in piping the swale is achieved as its primary function is to convey stormwater to the west in extreme events up to and including the 100yr ARI storm.

A design investigation has been completed for the swale by *Cardno* (refer Appendix C: Piping of Swale – Technical Memorandum 2 Casuarina Town Centre East West Drainage Scheme Options of the Engineering Services Report) to replace the existing Casuarina Town Centre east-west swale with a piped drainage system incorporating the latest design parameters as nominated by Tweed Shire Council. Modelling has been undertaken by Cardno in the XP-STORM modelling package to appropriately size the proposed drainage system. The drainage system proposed consists of three x

1650mm diameter pipes. Modelling by Cardno has determined that the proposed system is sufficient to cater for the rain intensity increase to 120% of the ARI 100 year event. Preliminary design details of the piping configuration and headwall inlet details are shown in Appendix C: Piping of Swale of the Engineering Services Report included within is document (**Attachment 6**).

Importantly, the piping and filling of the drainage channel will not adversely impact the primary purpose in which the swale was originally provided, that being for stormwater management of the site and surrounds.

### Urban Design

#### *Master Plan*

The Casuarina Beach master plan concept prepared by RPS and contained within **Attachments 3 and 4** is designed to establish the town centre as a beachfront community, providing opportunities for a variety of residential, retail and commercial uses and densities.



**Plate 6** – Concept View of Proposed Casuarina Town Centre Development (Source: RPS)

The Concept Plan extends the east-west road that connects Tweed Coast Road and Casuarina Way, creating a 'Grand Parade' that provides a missing link to the Casuarina Beach foreshore area. The Grand Parade provides extensive landscaping, footpaths wide enough to cater for alfresco dining and pedestrian traffic, and car parking for the commercial core.

The Grand Parade visually terminates at the foreshore area, which includes a civic park and three storey mixed use icon building. This beachfront area is intended to act as the civic focus of the Casuarina Town Centre.

#### *Road Layout*

The road layout designed by RPS provides convenient public vehicular access to the beach and foreshore area without compromising pedestrian amenity or residential privacy. The modified layout still preserves the ability for vehicles to enter the beachfront area for convenient pick-up, drop-off and parking, however within an environment designed to reflect the precinct's pedestrian character.

The 'Grand Parade' road is established as the key vehicular movement route through the town centre. With the piping and filling of the drainage swale, the modified master plan provides a 2.5m wide shared pedestrian/cycleway which links to the eastern foreshore pathway through Casuarina Town Centre to the Coles supermarket, sporting fields and the designated bus stop on Casuarina Way.

In order to maintain permeability, legibility and multi-user suitability, RPS have included four way intersections along the Grand Parade with Grand Parade afforded "Give Way" priority control. RPS have completed an Urban Design Statement, "*Casuarina Beach Urban Design Statement (2015)*" (refer **Attachment 3**) which references the master plan *is* supported by IPWEAQ in the 'Complete Streets' document, Brisbane City Plan 2014 and through analysis of existing four way intersections in new developments in which RPS have been involved. RPS submit, four way intersections are supported and considered more friendly towards pedestrians and cyclists than other intersection options, through the application of four ways along Grand Parade.

In respect to car parking, the approved development is to provide a total of 172 car spaces within 200m of the foreshore. The modified master plan achieves the same

quantum of parking with 111 spaces provided within 100m of the foreshore and a further 62 spaces within 200m. The primary difference in the parking layout relates to the parking designed within the Esplanade. The angled parking as contained within the original Concept Plan is not able to be developed due to insufficient land area to develop the car spaces on the land east of Blue Horizon Drive without encroaching into the foreshore public reserve. Delivery of the current plan would necessitate the construction of retaining walls within the Tweed Shire Council administered reserve.

### *Built Form*

The Casuarina Beach concept plan has been designed to create a gradual increase in density from the surrounding existing residential uses to the town centre core. The design provides typically single to two storey residential product to the north and south and as such provides a suitable relationship with the existing development located to the north and the recently developed "Pocket" subdivision to the south.

The increase in the height of the built form is focussed towards the Grand Parade mixed use precinct. In this respect, the design by RPS promotes rear loaded residential product in order to assist in terminating view lines, provide built form edges to key frontages (e.g. the civic park) and assist in creating transitions between building heights and densities. This increase in density and height will help define the Grand Parade as the commercial and civic core of the development.

The modified master plan encompasses two four storey apartment sites which bookmark the western end of Grand Parade as the entry point by utilising built form as a way to create a threshold in to the town centre area. These developments also relate to the built form of the adjoining Santai development to the north and the Coles development to the west. The Grand Parade is lined with three and four storey mixed use retail (ground floor) and residential units (levels 2 & 3) and thus seeks to establish a diverse and strong built form edge within this precinct. Importantly, the proposed building height accords with the 13.6m building height limit prescribed within the Tweed Local Environmental Plan.

Where Grand Parade meets the foreshore area, the three storey mixed use 'icon building' will act as a focal point for recreation and tourism within the centre. The built form of the 'icon building' will define the southern boundary of the Civic Park and will

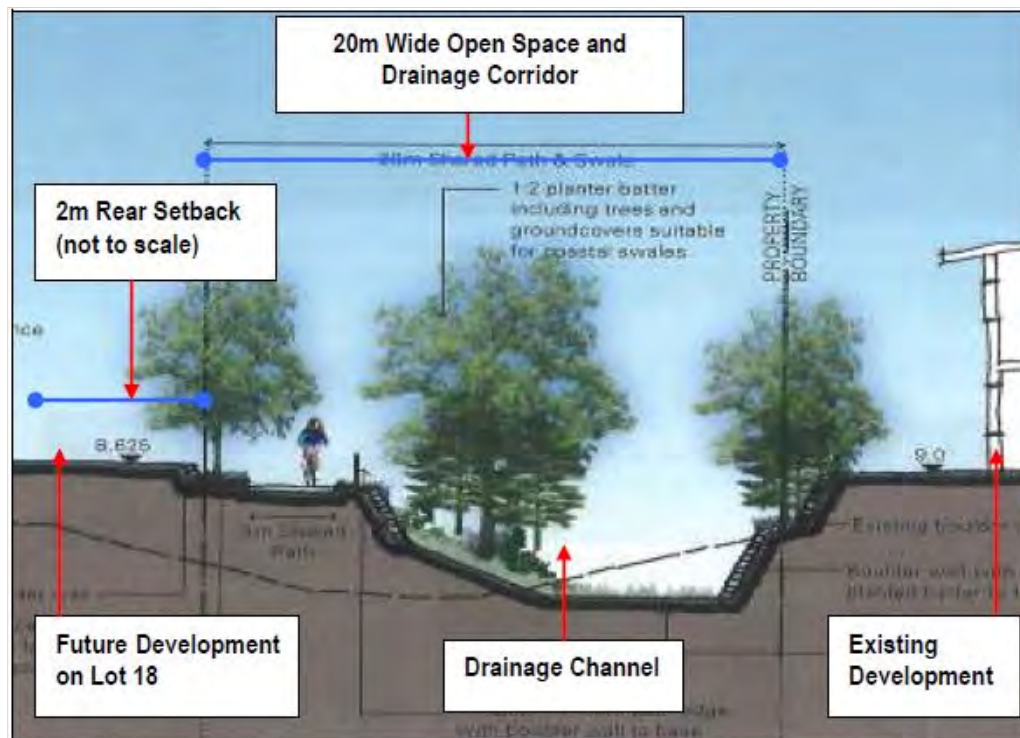
provide a landmark to assist with defining the destination that is Casuarina Town Centre with ground floor retail/refreshment facilities and two levels of residential apartments.

#### *Green Buffer*

As outlined earlier within this report, the site is currently embellished with a swale which occupies a width in the order of 36m. The swale is covered by an interim easement for drainage purposes. The approval which currently sits over the Casuarina Beach land provided for the modification of the 36m wide easement with the swale and associated cycleway occupying a width of 20 metres as demonstrated within **Plate 7** below which is an exhibit from the Director General's Environmental Assessment Report for the initial Concept Plan and Project Approval.

The purpose of the swale was twofold, firstly to provide for stormwater management within Casuarina, and secondly to address the proposed land use interface with the adjoining northern residential dwellings.

The swale and associated landscaping afforded an acceptable treatment between the proposed multi-level residential flat building and tourist hotel which were approved in the northern parts of the Casuarina Town Centre. Through submissions lodged to the Department of Planning & Environment for the original application, the clear message was the need to address the loss of privacy to the adjoining northern residents. In this respect, the approved master plan provided for a 22m setback (20m buffer & 2m building setback) for the 3 storey development to the northern common boundary.



**Plate 7: Approved drainage swale configuration**  
 [Department of Planning Director-General's EAR August 2009]

The proposed treatment for the northern green buffer provides for the inclusion of an 8m wide landscape buffer and 2.5m wide shared pedestrian/cycleway path. The green buffer will traverse east-west through the Casuarina Town Centre from the foreshore pathway through to the drainage reserve located adjacent to the Coles Supermarket.

In respect to the interface with the adjoining northern residential lots, the proposed master plan affords the existing residents to the north with a building setback of some 26.5m from the common northern boundary. Accordingly, the setback for future development is in fact increased by 4.5m, whilst the built form is now proposed to be modified to single dwellings with typically a two storey built form.

The proposed setback combined with the ability to landscape the 8m wide planting zone will afford the existing residents to the north with privacy and thus preserve their residential amenity to a greater level than would occur under the existing approval.



Reference is also made to the fact the swale was to be constructed with 2:1 batter with landscaping on either side of the drainage channel. The amended design will provide for improved management of this zone through the site being able to be landscaped upon land which is essentially level or modified to suit on-going vegetation maintenance.

A concept landscape plan has been prepared for the project by RPS as contained within **Attachment 4** of this document.

#### Land Use

This application also provides for the deletion of the tourist hotel due to the development not being deemed economically feasible having regard to existing tourist development within the immediate locality.

The modified proposal does not seek to shift from the core residential and town centre retail/commercial concept. The primary mixed use spine through Casuarina Town Centre has been preserved, whilst the residential use surrounding the core is retained, albeit at a modified density.

The modified master plan also retains the provision of public open space through the dedication of the green buffer to the north and the embellishment of the civic park located directly north of the 'Icon Building' consistent with the existing approval.

#### Beach Access

Currently, the beach access is to be approved prior to the release of Stage 1C. In this respect, the residents of Casuarina Town Centre already enjoy the benefit of existing two access pathways which are appropriately located for the frontage of the Town Centre. Clarence Property is undertaking detailed consultation with key stakeholders as part of the development of the beach access and thus is seeking to have the access approved in Stage 2 in association with the development of the 'Icon Building' and surf lifesaving facilities.

## 2.2 Requested Modifications to Concept & Project Approvals

The conditions relevant to this S75W Application to amend both the Concept Plan and Project Approval for MP06\_0258 are described below in Table 2.1. The recommended modifications to the conditions and the reason for the amendment are also provided.

**Table 2.1: Proposed Amendments to MP06\_0258**

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<b>Concept Plan</b>		
<b>Part A – Table</b> <ul style="list-style-type: none"> <li>Subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots;;</li> <li>Construction of a retail centre comprising a supermarket, restaurants and shops;</li> <li>Construction of a Hotel;</li> <li>Construction of the associated road network and car parking;</li> <li>Construction of all necessary services; and</li> <li>Landscaping and open space</li> </ul>	<ul style="list-style-type: none"> <li>Subdivision of land into <b>177 lots</b> including low and medium density residential, retail, commercial and mixed use lots;</li> <li>Construction of a retail centre comprising a supermarket, restaurants and shops;</li> <li><del>Construction of a Hotel;</del></li> <li>Construction of the associated road network and car parking;</li> <li>Construction of all necessary services; and</li> <li>Landscaping and open space.</li> </ul>	<p>The modification reflects the amendment to the total lot yield resulting from this amendment. This application will result in the creation of 92 lots within the proposed Stage 1E area.</p> <p>Note the stated lot number excludes the dedication of road reserves.</p> <p>The amendment also provides for the deletion of the three storey hotel proposed within the north-eastern part of the Town Centre development.</p>
<b>Part C Definitions</b> <i>Sub-stage</i> refers to individual Stages 1A, 1B, 1C, and the balance of Stage 1 under Stage 1.	<b>Part C Definitions</b> <i>Sub-stage</i> refers to individual Stages 1A, 1B, 1C, 1D & 1E. <del>and the balance of Stage 1 under Stage 4.</del>	<p>The amendment provides for the delivery of the subdivision within the proposed staging.</p> <p>As outlined within this report, the proposed use of the land, with the exception of the hotel will be retained and as such the</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment
		<p>Stages purely provide the mechanism to undertake the torrens title subdivision of the already approved super lots into the sought torrens title lots suitable for future development.</p> <p>Reference is made to the fact each development upon the proposed lots will require separate development consent under Part 4 of the EP&amp;A Act.</p>
<p><b>A1 Project Description</b></p> <p>Concept plan approval is granted only to carrying out the project described in detail below:</p> <ol style="list-style-type: none"> <li>1) Subdivision of land into 97 lots including low and medium density residential, retail, commercial and mixed use lots. The construction of dwellings on lots less than 450m<sup>2</sup> is permitted.</li> <li>2) Construction of a retail centre comprising a supermarket, restaurants and shops;</li> <li>3) Construction of a hotel;</li> <li>4) Construction of the associated road network and car parking;</li> <li>5) Construction of all necessary services; and</li> <li>6) Landscaping and open space</li> </ol>	<p><b>A1 Project Description</b></p> <p>Concept plan approval is granted only to carrying out the project described in detail below:</p> <ol style="list-style-type: none"> <li>1) Subdivision of land into <b>177 97</b> lots including low and medium density residential, retail, commercial and mixed use lots. The construction of dwellings on lots less than 450m<sup>2</sup> is permitted.</li> <li>2) Construction of a retail centre comprising a supermarket, restaurants and shops;</li> <li><del>3) Construction of a hotel;</del></li> <li>4) Construction of the associated road network and car parking;</li> <li>5) Construction of all necessary services; and</li> <li>6) Landscaping and open space</li> </ol>	<p>The modification reflects the amendment to the lot yield sought within this Amendment. The proposal provides for the creation of 92 lots.</p> <p>Note the stated lot number excludes the desiccation of road reserves.</p> <p>The amendment also provides for the deletion of the three storey hotel proposed within the north-eastern part of the Town Centre development.</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p><b>A2 Staging</b></p> <p>The project is to be constructed in four stages generally as follows:</p> <p>(1) Stage 1 comprises:</p> <ul style="list-style-type: none"> <li>(a) Bulk earthworks;</li> <li>(b) Subdivision of the land into 97 lots;</li> <li>(c) Construction of a retail centre;</li> <li>(d) Closure of Dianella Drive;</li> <li>(e) Construction of roads and services; and</li> <li>(f) Landscaping.</li> <li>(g) Development of medium density residential lot 3; and</li> <li>(h) Development of low density residential lots 58 to 97.</li> </ul> <p>(2) Stage 2 comprises:</p> <ul style="list-style-type: none"> <li>(a) Development of mixed use lots 5, 12 and 17;</li> <li>(b) Development of commercial lot 2; and</li> </ul> <p>(3) Stage 3 comprises:</p> <ul style="list-style-type: none"> <li>(a) Development of mixed use lots 6 and 13; and</li> <li>(b) Development of medium density residential lots 4, 10, 11 and 16.</li> </ul> <p>(4) Stage 4 comprises:</p> <ul style="list-style-type: none"> <li>(a) Development of hotel lot 18.</li> </ul> <p>Stage 1 works may be carried out in four separate sub-stages, referred to as 'Stage 1A', 'Stage 1B', 'Stage 1C', and 'the balance of Stage 1', as described in the documents and drawings listed under Condition A4(d) and A4(g).</p>	<p><b>A2 Staging</b></p> <p>The project is to be constructed in four stages generally as follows:</p> <p>(1) Stage 1 comprises:</p> <ul style="list-style-type: none"> <li>(a) Bulk earthworks;</li> <li>(b) Subdivision of the land into <b>177</b> lots;</li> <li>(c) Construction of a retail centre on Lots <b>1 &amp; 2</b>;</li> <li>(d) Closure of Dianella Drive;</li> <li>(e) Construction of roads and services; and</li> <li>(f) Landscaping.</li> <li>(g) Development of medium density residential lot 3;</li> <li>(h) <del>Development of low density residential lots 58 to 97.</del></li> </ul> <p>(2) Stage 2 comprises:</p> <ul style="list-style-type: none"> <li>(a) Development of mixed use lots 48, 49, 50, 53 &amp; 78;</li> <li>(b) <del>Development of commercial lot 2; and</del></li> </ul> <p>(3) Stage 3 comprises:</p> <ul style="list-style-type: none"> <li>(a) <del>Development of mixed use lots 6 and 13; and</del></li> <li>(b) <del>Development of medium density residential lots 4, 10, 11 and 16.</del></li> </ul> <p>(4) Stage 4 comprises:</p> <ul style="list-style-type: none"> <li>(a) <del>Development of hotel lot 18.</del></li> </ul> <p>Stage 1 works may be carried out in five separate sub-stages, referred to as 'Stage 1A', 'Stage 1B', 'Stage 1C', 1D &amp; 1E and 'the balance of Stage 1', as described in the documents and drawings listed under Condition A4(d) and A4(g).</p> <p>The <b>five</b> <del>four</del> sub-stages under Stage 1 may be undertaken concurrently, and must be completed prior to the development of Stages 2 <del>to 4</del>. The <del>order of subsequent Stages 2 to 4 may be varied only with the written approval of the Director General.</del></p>	<p>The modification reflects the amendment to the lot yield sought within this Amendment. The proposal provides for the creation of 92 lots.</p> <p>Note the stated lot number excludes the desiccation of road reserves.</p> <p>The amendment also provides for the deletion of the three storey hotel proposed within the north-eastern part of the Town Centre development.</p> <p>Stage 2 of the approval will provide for the development of the mixed use lots. The approach adopted seeks to remove the staged development of the mixed use lots and permit their development based on market demand. This approach is available as all necessary infrastructures will be in place with the creation of the lots in Stage 1.</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment																								
The four sub-stages under Stage 1 may be undertaken concurrently, and must be completed prior to the development of Stages 2 to 4. The order of subsequent Stages 2 to 4 may be varied only with the written approval of the Director-General.																										
<b>A3 Project in Accordance with Plans</b> The project will be undertaken generally in accordance with the following drawings:  <i>Refer to Table in the Concept Approval</i>	<b>A2 Project in Accordance with Plans</b> The project will be undertaken generally in accordance with the following drawings:  Drawing Prepared by Newton Denny Chapelle <table><tr><th>Drawing No</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1D</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1E</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1E – Detail 1</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1E – Detail 2</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Staging Plan</td><td>21.12.15</td></tr></table>	Drawing No	Rev	Name of Plan	Date	13/054		Subdivision Layout Plan Stage 1D	21.12.15	13/054		Subdivision Layout Plan Stage 1E	21.12.15	13/054		Subdivision Layout Plan Stage 1E – Detail 1	21.12.15	13/054		Subdivision Layout Plan Stage 1E – Detail 2	21.12.15	13/054		Subdivision Staging Plan	21.12.15	The referenced plans provide for the development of Stages 1D & 1E.
Drawing No	Rev	Name of Plan	Date																							
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13/054		Subdivision Layout Plan Stage 1E	21.12.15																							
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13/054		Subdivision Staging Plan	21.12.15																							
<b>A4 Project in Accordance with Documents</b> The project will be undertaken in accordance with the following documents:	Section 75W Modification Request Documentation <b>K) Section 75W Modification No. 10 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre prepared by Newton Denny Chapelle on behalf of Clarence Property, dated December 2015;</b>	Insert lodged documents to reflect the proposed amendment.																								
<b>B1 Building Setbacks</b> A minimum building setback of 2m shall be provided to all future lots adjoining the southern boundary of the 20m wide east-west open space corridor.	<del><b>B1 Building Setbacks</b> A minimum building setback of 2m shall be provided to all future lots adjoining the southern boundary of the 20m wide east-west open space corridor.</del>	No development is proposed to be located adjacent to the green buffer.																								
<b>B2 Cycleway</b> The cycleway is modified such that: 1) the sharp right turn at	<b>B2 Cycleway</b> The cycleway is modified such that: 4) the sharp right turn at the junction of lots 4, 10 and 11 is realigned to provide a provide a larger	The medium density development upon the referenced lots is no longer proposed.																								

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p>the junction of lots 4, 10 and 11 is realigned to provide a provide a larger radius curve.</p> <p>Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1 the balance of Stage 1 works.</p>	<p><del>radius curve.</del></p> <p><del>Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for Stage 1 the balance of Stage 1 works.</del></p>	<p>Accordingly, the cycleway now runs through Casuarina Beach adjacent to the green buffer on the northern portion of the site.</p> <p>As the cycleway runs parallel to the public road network, there is no requirement to retain Condition B38.</p>
<b>Project Approval</b>		
<b>Part A – Administration Conditions</b>		
<p><b>Part A – Table</b></p> <ul style="list-style-type: none"> <li>• Subdivision of land into 61 lots;</li> <li>• Construction of the supermarket anchored retail centre;</li> <li>• Bulk earthworks and vegetation clearing;</li> <li>• Construction of all roads;</li> <li>• Closure of Dianella Drive;</li> <li>• Provision of infrastructure and services; and</li> <li>• Landscaping</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivision of land into <b>177 lots for residential, retail, commercial, mixed use and open space;</b></li> <li>• Construction of the supermarket anchored retail centre;</li> <li>• Bulk earthworks and vegetation clearing;</li> <li>• Construction of all roads;</li> <li>• Closure of Dianella Drive;</li> <li>• Provision of infrastructure and services; and</li> <li>• Landscaping</li> </ul>	<p>The modification reflects the amendment to the lot yield sought within this Modification. The proposal provides for the creation of 92 lots.</p> <p>Note the stated lot number excludes the desiccation of road reserves.</p>
<p><b>A1 Project Description</b></p> <p>Project approval is granted only to carrying out the project described in detail below:</p> <p>1) Subdivision of land into 97 lots including low and medium density residential, retail, commercial and mixed use lots. The construction of dwellings on lots less than 450m<sup>2</sup> is permitted.</p>	<p><b>A1 Project Description</b></p> <p>Project approval is granted only to carrying out the project described in detail below:</p> <p>1) Subdivision of the land into 177 lots including low and medium density residential, retail, commercial and mixed use lots. The construction of dwellings on lots less than 450m<sup>2</sup> is permitted.</p>	<p>The modification provides for the creation of the modified development comprising of 92 lots in Stage 1E</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment																																																				
<p><b>A2 Project in Accordance with Plans</b></p> <p>The project will be undertaken generally in accordance with the following drawings:</p>	<p><b>A2 Project in Accordance with Plans</b></p> <p>The project will be undertaken generally in accordance with the following drawings:</p> <p>Drawing Prepared by Newton Denny Chapelle</p> <table><tr><th>Drawing No</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1D</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1E</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1E - Detail 1</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Layout Plan Stage 1E - Detail 2</td><td>21.12.15</td></tr><tr><td>13/054</td><td></td><td>Subdivision Staging Plan</td><td>21.12.15</td></tr><tr><td>BE001</td><td>Rev A</td><td>Bulk Earthworks Plan</td><td>December 15</td></tr><tr><td>C001</td><td>Rev A</td><td>Public Parking Count (Roads Plan)</td><td>December 15</td></tr><tr><td>C002</td><td>Rev A</td><td>Road Hierarchy and Pavement Width Plan</td><td>December 15</td></tr><tr><td>C003</td><td>Rev A</td><td>Master Services Plan</td><td>December 15</td></tr><tr><td>C004</td><td>Rev A</td><td>Longsection of Grand Parade</td><td>December 15</td></tr><tr><td>E001</td><td>Rev A</td><td>Sediment and Erosion Control Plan</td><td>December 15</td></tr><tr><td>8491-909</td><td>Rev C</td><td>Cardno Drawing – Public Parking</td><td>23/01/2009</td></tr></table>	Drawing No	Rev	Name of Plan	Date	13/054		Subdivision Layout Plan Stage 1D	21.12.15	13/054		Subdivision Layout Plan Stage 1E	21.12.15	13/054		Subdivision Layout Plan Stage 1E - Detail 1	21.12.15	13/054		Subdivision Layout Plan Stage 1E - Detail 2	21.12.15	13/054		Subdivision Staging Plan	21.12.15	BE001	Rev A	Bulk Earthworks Plan	December 15	C001	Rev A	Public Parking Count (Roads Plan)	December 15	C002	Rev A	Road Hierarchy and Pavement Width Plan	December 15	C003	Rev A	Master Services Plan	December 15	C004	Rev A	Longsection of Grand Parade	December 15	E001	Rev A	Sediment and Erosion Control Plan	December 15	8491-909	Rev C	Cardno Drawing – Public Parking	23/01/2009	<p>The referenced plans provide for the development of Stages 1D &amp; 1E.</p>
Drawing No	Rev	Name of Plan	Date																																																			
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<p><b>A3 Project in Accordance with Documents</b></p> <p>The project will be undertaken in accordance with the following documents:</p> <p>(1) <i>Environmental</i></p>	<p>(10) Section 75W Modification: Concept and Project Approval, MP 06_0258, (as already modified) Casuarina Town Centre prepared by Newton Denny Chapelle on behalf of Clarence Property, dated December 2015.</p>																																																					



Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p><i>Assessment Report</i> prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and,</p> <p>(2) <i>Preferred Project Report</i> prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009 (except in relation to the density requirements for future medium density residential and mixed use residential lots, as outlined in row 6 of the table on page 62, which is deleted).</p> <p>(3) <i>Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979</i> prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.</p> <p>(4) <i>Section 75W Modification: Concept and Project Approval, MP 06_0258, (as already modified) Casuarina Town Centre</i> prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated November 2010.</p> <p>(5) <i>Section 75W Modification No. 3 Project Approval MP 06_0258 (as already modified) Casuarina Town Centre</i>, prepared by BBC Consulting Planners on</p>		

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p>behalf of Kings Beach No. 2 Pty Ltd, dated November 2011.</p> <p>[6] <i>Section 75W Modification No. 4 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre</i> prepared by Newton Denny Chappelle on behalf of Clarence Property, dated November 2012; and supplementary information supporting the modification request, prepared by Newton Denny Chappelle, dated 18 April 2013.</p> <p>[7] <i>Section 75W Modification No. 4-Concept and Project Approval MP06_0258 Casuarina Town Centre, Tweed Coast Road, Casuarina</i> prepared by Newton Denny Chappelle on behalf of Clarence Property, dated 18 July 2013; and supplementary information amending the modification request, prepared by Newton Denny Chappelle, dated 27 August 2013.</p> <p>[8] <i>Section 75W Modification No. 6 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre</i> prepared by Newton Denny Chappelle on behalf of CTC Multiple Lots Pty Ltd, dated October 2013; and supplementary information supporting</p>		

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p>the modification request, prepared by Newton Denny Chappelle, dated 16 December 2013.</p> <p>(9) <i>Section 75W Modification No. 7 Project Approval MP 06_0258 Casuarina Town Centre</i> prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, dated December 2013; and supplementary information supporting the modification request prepared by Cardno Eppell Olsen, dated 5 February 2014 [Traffic Response] and 19 February 2014 [Traffic and Transport Infrastructure Charges Review].</p>		
<p><b>PART B1 – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR INDIVIDUAL SUB-STAGES 1A, 1B, 1C, AND THE RETAIL CENTRE</b></p>	<p>PART B1 – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATES FOR INDIVIDUAL SUB-STAGES 1A, 1B, 1C, <b>1D &amp; 1E</b>, AND THE RETAIL CENTRE</p>	<p>The amendment provides for future development to be subject to the prescribed conditions of the Project Approval.</p>
<p><b><i>B32 Landscaping Plan</i></b> Detailed landscape plan(s) shall be prepared for all landscaping proposed as part of Stage 1A and the retail centre. The plan(s) shall clearly delineate between landscaping in future public areas as well as private areas. The landscape plan(s) shall be prepared by a landscape architect or landscape consultant. The landscape plan for Stage 1A is to be approved by Council prior to the issue of a Construction Certificate for Stage 1A. The landscape plan for the</p>	<p><b><i>B32 Landscaping Plan</i></b> Detailed landscape plan(s) shall be prepared for all landscaping proposed as part of Stage 1A and the retail centre. The plan(s) shall clearly delineate between landscaping in future public areas as well as private areas. The landscape plan(s) shall be prepared by a landscape architect or landscape consultant. The landscape plan for Stage 1A is to be approved by Council prior to the issue of a Construction Certificate for Stage 1A. The landscape plan for the retail centre is to be approved by Council prior to the issue of the Construction Certificate for the retail centre. Detailed landscape plans depicting landscape works in public areas shall be subject to the approval of Tweed Shire Council's Director of Engineering and Operations. The detailed landscape plan(s) shall include the following documentation -</p>	<p>Through the adoption of the modified master plan, the shared pedestrian/cycleway path is located adjacent to the green buffer which extend in a modified location from the Foreshore pathway to Casuarina Way.</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p>retail centre is to be approved by Council prior to the issue of the Construction Certificate for the retail centre. Detailed landscape plans depicting landscape works in public areas shall be subject to the approval of Tweed Shire Council's Director of Engineering and Operations. The detailed landscape plan(s) shall include the following documentation -.</p> <p>(o) Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.</p> <p>(p) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.</p>	<p><del>(o) Landscape design for the east/west cycleway connection along the easement between proposed lots 4, 5, 6, 10, 11, 12, and 13, and the pedestrian easement between lots 7, 8, 9, 10, 11, 14, 15 and 16 must encourage use of these pathways by the general public and be designed in accordance with principles of Crime Prevention Through Environmental Design, allowing for sufficient lighting and sight lines from adjoining residential development.</del></p> <p><del>(p) The cycleway between lot 6 and 13 and 5 and 12 should be clearly delineated as a cycleway separate from the road.</del></p>	
<p><b>B38 Design Modifications</b></p> <p>The design of the layout and buildings shall be amended as follows:</p> <p>(1) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a</p>	<p><b><del>B38 Design Modifications</del></b></p> <p><del>The design of the layout and buildings shall be amended as follows:</del></p> <p><del>(3) The alignment of the cycleway within the open space area extending south through the 15m wide easement shall be modified to provide a larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The</del></p>	<p>The medium density development upon the referenced lots is no longer proposed. Accordingly, the cycleway now runs through Casuarina Town Centre adjacent to the green buffer on the northern portion of the site.</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p>larger radius curve at the intersection of future lots 4, 10 and 11 to ensure that adequate sight lines and surveillance can be maintained through the cycleway corridor. The proposed easement shall be modified accordingly.</p> <p>(2) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.</p>	<p><del>proposed easement shall be modified accordingly.</del></p> <p><del>(4) The east-west open space corridor is increased to a 20m width and lengthened to reach Casuarina Way.</del></p>	<p>As the cycleway runs parallel to the public road network, there is no requirement to retain Condition B38.</p>
<p><b>B51 Evidence of Approval - Beach Access through Crown Reserve</b></p> <p>The proponent is to obtain approval and any licences from the relevant agencies regarding the provision of the proposed beach access to the east of the icon building. Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of the first Construction Certificate for works within the balance of Stage 1.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li><i>This may require the closure of one of the existing beach accesses.</i></li> <li><i>This may require approval under the Crown Lands Act 1989.</i></li> <li><i>Relevant agencies may include (but are not limited to) the Tweed Coast Reserve Trust and Crown Lands.</i></li> </ol>	<p><b>B51 Evidence of Approval - Beach Access through Crown Reserve</b></p> <p>The proponent is to obtain approval and any licences from the relevant agencies regarding the provision of the proposed beach access to the east of the icon building. Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of the Construction Certificate for the Icon Building works within the balance of Stage 1.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> <li><i>This may require the closure of one of the existing beach accesses.</i></li> <li><i>This may require approval under the Crown Lands Act 1989.</i></li> <li><i>Relevant agencies may include (but are not limited to) the Tweed Coast Reserve Trust and Crown Lands.</i></li> </ol>	<p>The design of the beach access is being refined through consultation with a number of stakeholders associated with the approval and design process.</p> <p>The residential development within the Casuarina Town Centre is already serviced by two beach access paths which will meet the access requirements for future residents.</p> <p>The link to provide the approvals and undertake subsequent construction of the beach access is heavily reliant on the introduction of non-residents to the Casuarina Town Centre and as such we believe the Icon Building will be the primary demand generator for visitors given its retail &amp; entertainment use combined with its location. Accordingly, linking the approval to</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment
		the construction certificate of the Icon building is believed to be a suitable nexus in this instance.
<b>PART E1—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES FOR INDIVIDUAL SUB-STAGES 1A, 1B, 1C, AND THE BALANCE OF STAGE 1</b>	PART E1—PRIOR TO ISSUE OF SUBDIVISION CERTIFICATES FOR INDIVIDUAL SUB-STAGES 1A, 1B, 1C, 1D & 1E AND THE BALANCE OF STAGE 4	Amendment to the title of Part E1 of the approval requires the inclusion of the proposed sub-stations in order for the conditions to be applied in the development of the stages.
<p><b><i>E8 Registration of Easements / Restrictions to use / Right of carriageway</i></b></p> <p>4) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.</p> <p>(c) A restriction as to user for all lots adjoining the 20m wide dedication area containing the east/west cycleway link to:</p> <ol style="list-style-type: none"> <li>Prohibit the construction of fences within the dedication area; and</li> <li>Provide a minimum building setback of 2m to the boundary of the dedication area.</li> </ol>	<p><b><i><del>E8 Registration of Easements / Restrictions to use / Right of carriageway</del></i></b></p> <p><del>4) In addition to the above certification, the following is to be included in the Section 88B Instrument to accompany the final plan of subdivision.</del></p> <p><del>(d) A restriction as to user for all lots adjoining the 20m wide dedication area containing the east/west cycleway link to:</del></p> <ol style="list-style-type: none"> <li><del>Prohibit the construction of fences within the dedication area; and</del></li> <li><del>Provide a minimum building setback of 2m to the boundary of the dedication area.</del></li> </ol>	<p>Sub-clause 4(c) of Condition E8 is no longer relevant as the modified design ensures no residential lot adjoins the northern green buffer and shared pedestrian/cycleway path.</p>
<b><i>Monetary Contributions</i></b>		
<b><i>E21 Section 94 Monetary Contributions</i></b> <b>Amount of Contributions</b>	<b><i>E21 Section 94 Monetary Contributions</i></b> Amend the condition to delete the table headed "Balance of Stage 1 Subdivision Contributions and	The development of the proposed 82 lot will require the

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p><i>(See table within Development Consent Notice)</i></p> <p>Note: Contribution Plan credits can be obtained from both Zone 6 Contributions (four laning of Tweed Coast Road) and Local Area Charge 4 (various traffic signals) under Contribution Plan No. 4. All other proposed roads and intersections are to be constructed at the developer's expense.</p> <p><b>Timing and Method of Payment</b></p> <p>The contribution shall be paid in the form of cash or bank cheque, made out to Tweed Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council. Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.</p> <p>These charges to remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.</p> <p><b>Section 94 Plans</b></p> <p>A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.</p>	<p>replace the table with Stage 1E Subdivision Contributions.</p>	<p>payment of Section 94 Contributions payable prior to the release of the Subdivision Certificate for each residential, commercial or mixed use lot.</p>

Existing Condition Reference	Proposed Amendment	Reason for Amendment
<p><b><i>E22 Section 64 Monetary Contributions</i></b></p> <p>A certificate of compliance under Sections 305, 306 and 307 of the <i>Water Management Act 2000</i> is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with Tweed Shire Council.</p> <p>Pursuant to Clause 146 of the <i>Environmental Planning and Assessment Regulation 2000</i>, a Subdivision Certificate shall <b>NOT</b> be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Principal Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.</p> <p>The current charges applicable are:</p> <p><b><i>(See table within Development Consent Notice)</i></b></p> <p>These charges remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.</p> <p>A copy of the Section 64 contribution plans may be inspected at Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.</p>	<p><b><i>E22 Section 64 Monetary Contributions</i></b></p> <p>Amend the condition to delete the table headed "Balance of Stage 1 Subdivision Contributions and replace the table with Stage 1E Subdivision Contributions.</p>	<p>The development of the proposed 82 lot will require the payment of Section 64 Contributions payable prior to the release of the Subdivision Certificate for each residential, commercial or mixed use lot.</p>



# Environmental Assessment

## Section

# 3

Section 3 provides an environmental assessment of the proposed modification against the range of planning controls applicable in the subject case.

## 3.1 Tweed Local Environmental Plan 2014 (TLEP)

### 3.1.1 Aims of the Plan

The particular aims of this Plan are as follows:

- (a) to give effect to the desired outcomes, strategic principles, policies and actions contained in the Council's adopted strategic planning documents, including, but not limited to, consistency with local indigenous cultural values, and the national and international significance of the Tweed Caldera,*
- (b) to encourage a sustainable local economy and small business, employment, agriculture, affordable housing, recreational, arts, social, cultural, tourism and sustainable industry opportunities appropriate to Tweed,*
- (c) to promote the responsible sustainable management and conservation of Tweed's natural and environmentally sensitive areas and waterways, visual amenity and scenic routes, built environment, and cultural heritage,*
- (d) to promote development that is consistent with the principles of ecologically sustainable development and to implement appropriate action on climate change,*
- (e) to promote building design which considers food security, water conservation, energy efficiency and waste reduction,*
- (f) to promote the sustainable use of natural resources and facilitate the transition from fossil fuels to renewable energy,*
- (g) to conserve or enhance the biological diversity, scenic quality and geological and ecological integrity of Tweed,*
- (d) to promote the management and appropriate use of land that is contiguous to or interdependent on land declared a World Heritage site under the Convention Concerning the Protection of World Cultural and Natural Heritage, and to protect or enhance the environmental significance of that land,*

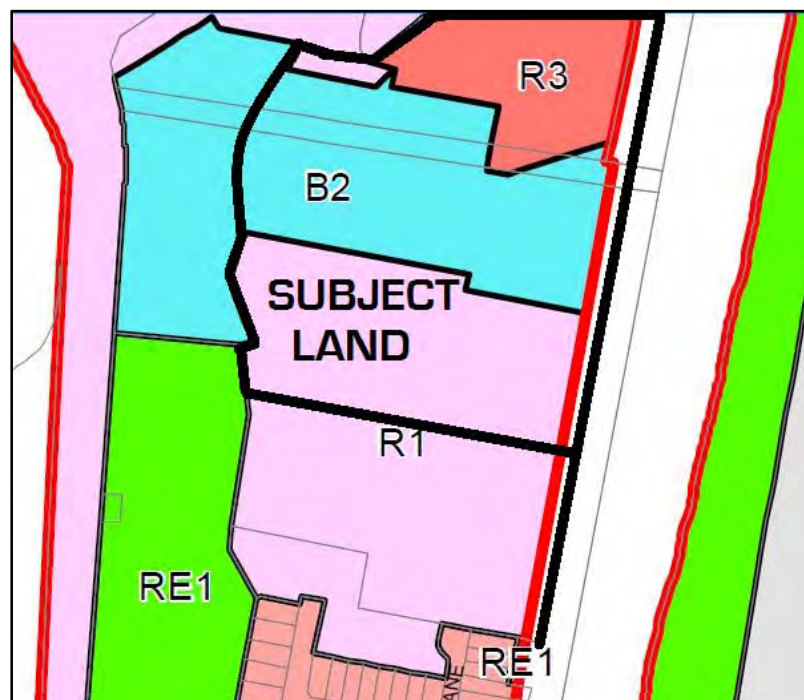
- (e) to conserve or enhance areas of defined high ecological value,*  
*(f) to provide special protection and suitable habitat for the recovery of the Tweed coastal Koala.*

**Comment:** The development of the Casuarina Town Centre as amended will assist with the accessibility of housing located in close proximity to a planned community centre. The development will also occur upon a purpose designated site consistent with the core elements (residential, commercial, retail, mixed land uses) approved within the original Concept Plan for the Casuarina Town Centre.

The proposed urban design by RPS will deliver a high quality urban environment which will contribute positively to the Casuarina locality.

### 3.1.2 Zoning & Permissibility

**Zone:** The land is zoned R1 – General Residential, R3 – Medium Density Residential and B2 – Local Centre pursuant to the provisions of the TLEP 2014. The eastern portion of the development area is mapped as “Deferred Matter” and as such is reliant on the provisions of the Tweed Local Environmental Plan 2000. **Plate 7** provides an extract of the zoning map applicable to the site under the TLEP 2014.



**Plate 7** – TLEP Land Zoning Map – Sheet LSZ\_024 Extract

**Land Use Definition:** The core land uses as approved within the Concept Plan for Casuarina Town Centre are listed below with the associated definitions from the Tweed Local Environmental Plan 2014.

***multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

***residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.*

***shop top housing** means one or more dwellings located above ground floor retail premises or business premises.*

***mixed use development** means a building or place comprising 2 or more different land uses.*

***food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:*

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,*
- (c) a pub,*
- (d) a small bar.*

***retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale),*

**Permissibility:** The subject site has the benefit of an approved Concept Plan issued by the NSW Department of Planning & Infrastructure [MP06\_0258 Casuarina Town Centre].

Accordingly, development consent under Part 4 of the Environmental Planning & Assessment Act 1979 will be required from Tweed Shire Council as the consent authority for the future development upon the lots created under the Concept Plan is able to proceed to determine the application based on the land use being consistent with the Concept Plan approval.

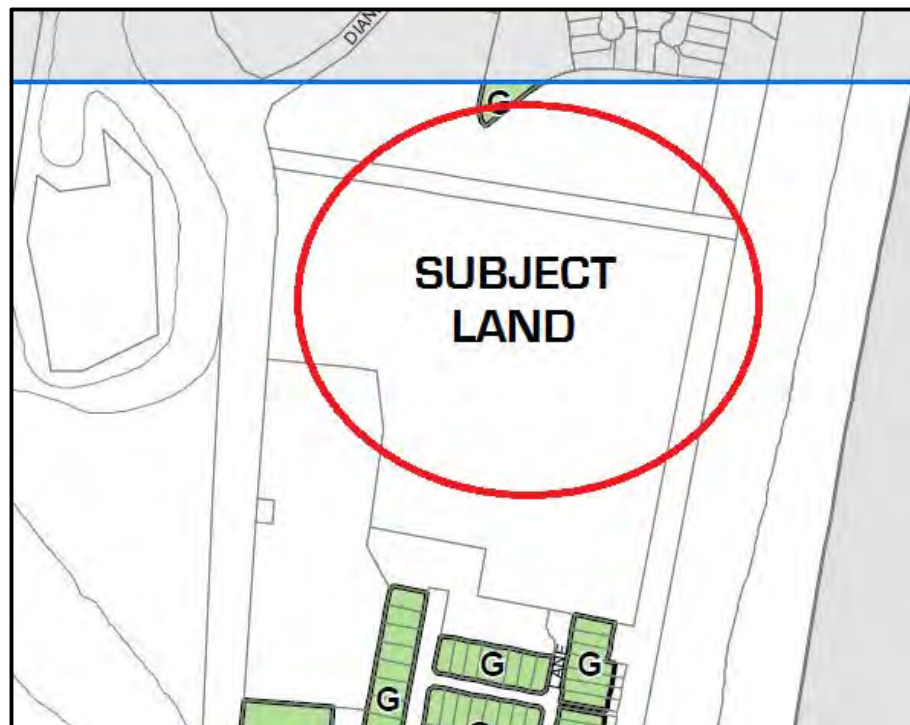
Notwithstanding the status of the Concept Plan, reference is made to the fact the proposed amendment does not seek to re-position land uses approved under the Concept Plan into areas which would therefore render them prohibited under the Tweed Local Environmental Plan 2014.

Under the modified master plan, the four storey residential flat buildings are located on land zoned B2. Accordingly, reliance is strictly made to the permissibility of the land use being provided by the existing Concept Plan approval which nominates residential flat buildings in the location as proposed within the modified master plan.

### 3.1.3 General Provisions

#### Clause 4.1 – Minimum subdivision lot size

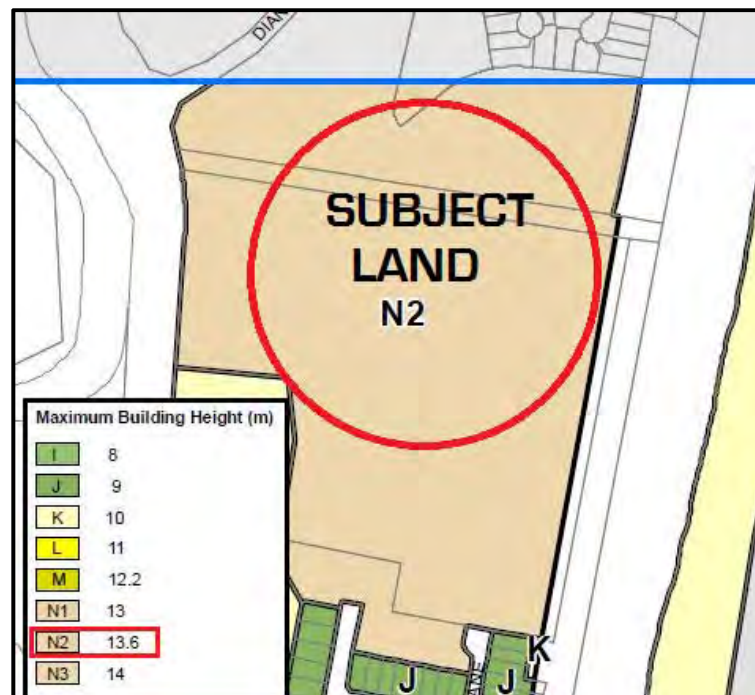
Pursuant to Clause 4.1, Lot Size Map – Sheet LSZ\_024 prescribes no minimum lot size for the subject land.



**Plate 8:** TLEP Minimum Lot Size Map – Sheet LSZ\_024 Extract

#### Clause 4.3 – Height of Buildings

The height of the buildings illustrated within the RPS vision document adhere to the prescribed maximum building height of 13.6m as provided within the Height of Buildings Map under the TLEP 2014. An extract from the applicable Height of Buildings Map is provided in **Plate 9**.

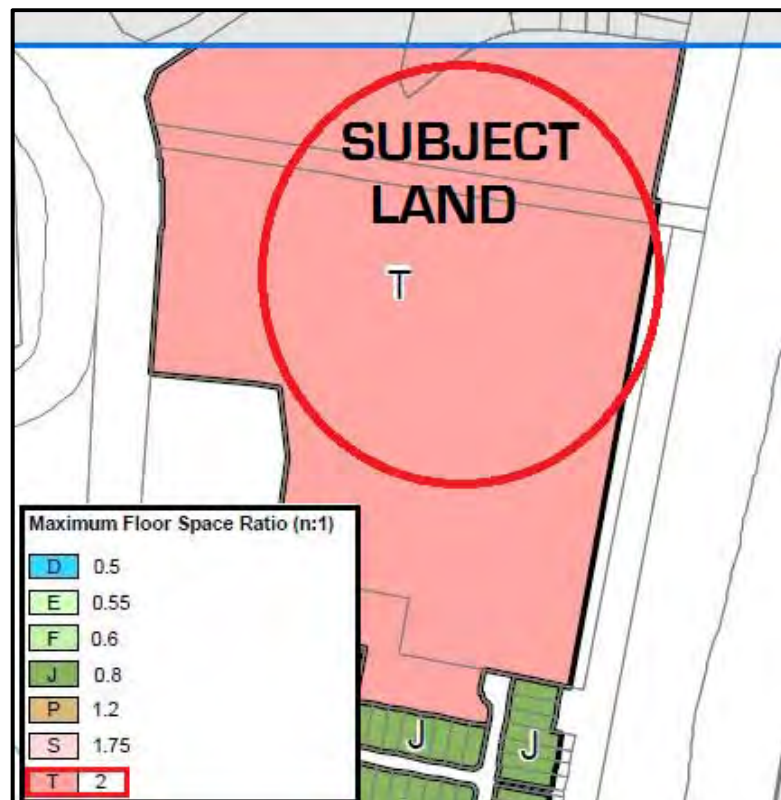


**Plate 9** – TLEP Height of Building Map – Sheet LSZ\_024 Extract

#### **Clause 4.4 – Floor Space Ratio**

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown on the Floor Space Ratio Map FSR\_024 (see **Plate 10**). The ***floor space ratio*** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. In this instance the nominated FSR is 2:1.

All buildings illustrated within the RPS “Density Plan” contained within **Attachment 3** of this document do not exceed greater than the prescribed FSR under the TLEP 2014.



**Plate 10** – Floor Space Ratio Map.

#### **Clause 7.1 – Acid Sulfate Soils**

The subject site is mapped as containing Class 4 Acid Sulfate Soils (ASS). Pursuant to Clause 7.1 works more than 2 metres below the natural ground surface or works by which the water table is likely to be lowered more than 2 metres below the natural ground surface trigger the need to consent to carry out works.

In this case the land is proposed to be filled, with minor works not exceeding below 2 metres of the existing ground to be undertaken in association with the building footings and drainage works.

#### **Clause 7.5 – Development within the Coastal Zone**

The subject site is located within 1km of the coast and is therefore located within the coastal zone and subject to the NSW Coastal Policy. The following comments are made with respect to the provisions of Clause 7.5:

- (a) **Foreshore Access** – The modified subdivision layout preserves the originally approved connectivity to the foreshore access. In this respect, an access is provided east of the planned Icon Building located fronting Grand Parade, whilst a shared pedestrian/cycleway path traverses the northern portion of the site in an east-west direction linking the foreshore path to Casuarina Way where the supermarket and bus stop are located.
- (b) **Relationship to Surrounding Area** – The modified design provides for an improved transition of development in respect to its bulk and height when compared with the original Concept Plan approval. In this respect, the adjoining northern and southern areas are characterised with two storey dwellings. Accordingly, the deletion of three storey residential flat buildings and the Hotel in lieu of residential lots able to entertain typically 2 storey dwellings with an increased setback to the adjoining northern and southern properties is considered to be a significant improvement to the relationship the Casuarina Town Centre has with existing adjoining development.
- (c) **Impact on Amenity of Foreshore** – The modified development does not seek to modify the approval in respect to the provision of a further beach access. This modification relates solely to the timing for the approval for the beach access
- (d) **Visual Amenity and Scenic Qualities** – Reference should be made to the urban design statement provided within Attachment 3 of this document.
- (e) **Conservation of Biodiversity and Ecosystems** – The site contains no significant environmental qualities due to the land being developed as part of the Casuarina Town Centre with associated civil works completed for the land.
- (f) **Cumulative Impact** – Council's strategic planning for the locality has envisaged that the area will be developed as the mixed use precinct of Casuarina consistent with the Concept Plan approval issued by the Department of Planning & infrastructure. This modification does not seek to amend the core land uses planned for the site. The amendment seeks to provide an improved urban design outcome through the modified subdivision layout.

### **7.10 – Essential Services**

The proposed development is capable of being serviced with essential infrastructure. Reference is made to the Engineering Services Report provided within **Attachment 6** of this report.

## **3.2 State Environmental Planning Policies**

### **3.2.1 State Environmental Planning Policy No. 55 (SEPP55) – Remediation of Contaminated Land**

The issue of contamination for the entire Casuarina Town Centre has been assessed as part of Concept Approval MP06\_0258 and Project Approval MP06\_0258. An investigation undertaken by Cardno (*Radiation Validation and Remediation Report – May 2014*) has identified an area [Area 1] within the site that requires remediation. Cardno identifies previous sand mining activities as the likely source of the radioactive material.

Remediation works will be undertaken pursuant with the existing conditions of the Project Approval MP06\_0258 in order to adhere to the requirements of SEPP 55.

### **3.2.2 State Environmental Planning Policy No. 71 (SEPP71) – Coastal Protection**

The provisions of SEPP 71 apply as the site is located within the Coastal Zone. Having regard to the matters contained within the SEPP and the proposed modification, the following observations against the proposed master plan are made:

- The modified master plan will not be affected by coastal erosion processes;
- The proposed development will not overshadow foreshore open space as the built form/mass of development within the Casuarina Town Centre has in fact been reduced ;



- The modified master plan will not affect public access to the beach or foreshore areas;
- The proposed development will not impact upon marine habitats;
- The proposed development will not impact upon threatened species of flora or fauna as listed under the Threatened Species Conservation Act 1995;
- The site is suitably serviced with water, sewer, and stormwater infrastructure, Refer **Attachment 6** – Engineering Report.

It is considered the proposed development is consistent with the provisions of the SEPP including but not limited to Clause 8.

### 3.3 Economic Assessment

Consistent with the advice provided by the Department of Planning & Environment, an Economic Impact Assessment (EIA) has been completed by *Location IQ* and is provided within Attachment 5 of this report. The EIA has assessed the impact of the modified master plan will have upon the continued operation of the retail development approved within the Casuarina Town Centre.

The *Location IQ* report presents an independent assessment of the likely economic implications from the proposed amendment to the residential density within the Casuarina Town Centre on the Far North Coast of New South Wales.

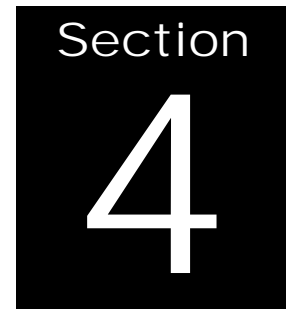
Location IQ has completed the assessment having regard to three core matters for consideration, they being;

- Reviews the regional and local context of the Casuarina Town Centre development as well as the specific Clarence Property Group proposal.
- Present an analysis of the trade area likely to be served by the Casuarina Town Centre retail development including forecasts with and without the reduced dwelling density on the Clarence Property Group site.
- Outline the likely implications for the retail component within the Town Centre from the lower population level.

Following an assessment of the above matters for consideration by Location IQ, the key outcomes

1. The reduction in density would result in the likely reduction of around 225 residents within the defined trade area by 2021, representing less than 1.5% of the main trade area. Location IQ have concluded this will have a negligible impact on the viability of the Casuarina Town Centre, which is due to open in mid-2016 before any residential development on the Clarence Property zoned land in any case.
2. Location IQ have concluded there is clearly demand for two major chain supermarkets within the defined trade area – the proposed Coles of 3,157m<sup>2</sup> and the existing Woolworths at Cabarita Beach at less than 2,400m<sup>2</sup>, with in-excess of 14,000 persons currently as well as tourists adding to demand. By 2021, there will be in-excess of 16,000 persons within this catchment, able to support two full-line supermarkets of over 3,000m<sup>2</sup> each.
3. Location IQ are of the view retail facilities along Grand Parade will open in line with the construction of buildings on the Clarence Property site. These facilities, therefore, will open in line with the population growth in the immediate surrounding buildings over the next five year period. The impact on these tenants from the reduced residential population is minimal and spread across a number of years.

# Conclusion



This Section 75W report, prepared on behalf of Clarence Property describes the proposed modifications to the development to provide for the implementation of a sub-stage within Stage 1B of the Casuarina Town Centre.

The sought amendments will deliver an improved design outcome which importantly preserves the core land uses within their location within the Casuarina Town Centre as originally approved by the Department of Planning & Environment.

The proposed modifications do not give rise to any significant physical changes to the nature of the approved project and therefore no impacts other than those addressed in the original Environmental Assessment are likely to arise.

The proposed modification of the approval is considered to be in the public interest and therefore approval of the application is respectfully requested. The community consultation process identified issues associated with the density of the development and car parking, both issues being addressed in a manner which preserve the existing compliance and/or consistency with the original approval.

Of specific interest was the support for the filling and piping of the swale and the improved design outcome which is achieved. Clarence Property are of the firm view the proposed concept plan will deliver a superior result when compared to the originally approved design.

Modification of the conditions and terms of the approval as proposed is authorised by  
Section 75W (1) (a) & (b) of the Environmental Planning and Assessment Act.

A handwritten signature in black ink that reads "Dai Chapelle". The signature is written in a cursive, slightly slanted style.

.....  
**DAMIAN CHAPELLE**  
Town Planner. BTP CPP

Date: 13<sup>th</sup> January 2016