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PREAMBLE

This Attachment (**Attachment 11**) is to be read in conjunction with the parent **Environmental Assessment** in relation to the proposed Town Centre, Casuarina Beach, and with particular reference to **Section 3.00 – Statutory Assessment of Development Proposal** of the Environmental Assessment.

1.00 STATUTORY ASSESSMENT OF DEVELOPMENT PROPOSAL

The following statutory instruments are addressed with reference to the proposed development of a Town Centre at Casuarina Beach.

1.01 Environmental Planning and Assessment Act 1979 (as amended)

Pursuant to confirmation of Major Project status advised by the Minister for Planning (9 December 2006) for the preparation of a Concept Plan, provisions of Environmental Planning and Assessment Act as amended apply, generally and in particular.

The following commentary is provided

- Pursuant to Section 76A (1) of the *Environmental Planning and Assessment Amendment Act 1997*, Tweed Shire Council's consent for development is sought with respect to the Project Application for Stage 1 Works.
- According to Section 79C of *EP & A Act* (i.e. Matters for Consideration – General), Council must take into consideration a range of matters in determining a development application. These matters, where applicable, have been addressed through the preparation of this Environmental Assessment.
- The form of development proposed is not *Designated Development*, according to Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

- Given the nature of the proposed development, being recognised as a Major Project and necessarily requiring other State Government Approvals, the form of development proposed is *Integrated Development*, pursuant to Section 91 of the *EP & A Act 1979*.
- The Project Application involves the Stage 1 Works associated with the Town Centre Precinct of the Concept Plan Application. As a consequence, pursuant to Section 80.4 of the Act, development consent may be granted:
 - *for the development for which the consent is sought, or*
 - *for that development, except for a specified part or aspect of that development, or*
 - *for a specific part or aspect of that development.*

In relation to the above, it is noted that the consent for the Stage 1 Works namely, a Town Centre shopping complex, subdivision of land into 56 lots and associated land clearing, earthworks and road construction, is subject to the conditions of approval in general accordance with the original Casuarina Beach Stage 1 - Master Plan dated December 1998.

It is also noted that the Town Centre Precinct is one of two (2) "*deferred*" areas (the other being the North West Precinct site) within the Casuarina Beach Estate Master Plan site (dated December 1998). The two (2) "*deferred*" areas were to be deferred from construction activities for a period of four (4) years to provide stands of Coast Banksia for foraging by the Common Blossom Bat during that period, as referred to above.

Based upon then-submitted reporting, it was agreed in March 2000 that unless there were an alternative biological timeframe agreed between the Applicant, NPWS and Tweed Shire Council, development of the Town Centre Precinct (subject site) should commence on 2 June 2003. No such agreement was made for variation. Notwithstanding, it is noted that following further recent site specific studies, (refer **Attachment 2 - Report on Engineering and Environmental Matters - Appendix C**) it was concluded and it was so submitted, that there was no ecological impediment to the immediate commencement of development of the Precinct.

The implications of s.5A of the *EP & A Act* (i.e. significant effect on threatened species populations or ecological communities or their habitats) are relevant with respect to the proposed development. The aspects listed under s.5A are addressed by Cardno MBK Report in their Report titled Ecological Assessment Report (refer **Attachment 2 - Report on Engineering and Environmental Matters - Appendix C**). It is noted that this Report has concluded that *"the Town Centre development would not have, nor be likely to have, a significant impact upon any threatened species, populations or ecological communities, or habitats"*. On this basis, it was determined that there is no requirement for the preparation of a Species Impact Statement for the proposed development.

In summary, all relevant sections of the EP & A Act have been addressed and complied with.

1.02 State Environmental Planning Policy (Major Projects) 2005

A request was made to the Minister for Planning, for and on behalf of the proponent, Kings Beach No. 2 Pty Ltd (submissions dated 11 October 2006), seeking confirmation that the proposal for the proposed development of a Town Centre and associated uses to service the needs of Casuarina Beach Township and environs, was a project, having regard to the relevant provisions of the Environmental Planning and Environment Act 1979, to which such provisions applied.

By letter of response dated 9 December 2006, the Minister advised confirmation of the proposed development as a Major Project and that Part 3A of the Act therefore applied, and that the submission of a Concept Plan for the project was duly authorized, pursuant to Section 75M of the Act.

Accordingly, with reference to State Environmental Planning Policy (Major Projects) 2005, the following provisions are relevant to the subject Application.

"(2) Aims of Policy

The aims of this Policy are as follows:

- (a) to identify development to which the development assessment and approval process under Part 3A of the Act applies*
- (c) to facilitate the development of important urban, coastal and regional sites of economic, environmental or social significance, development or consideration of those State significant sites for the benefit of the State*
- (e) to rationalise and clarify the provisions making the Minister the development authority for development*

- (6) *Identification of Part 3A projects*
(1) *Development that, in the opinion of the Minister, is development of a Kind*
(a) *that is described in Schedule 1 or 2*
is declared to be a project to which Part 3A of the Act applies

Schedule 1 Part 3A Projects – classes of development

Group 5 Residential, commercial or retail projects

Residential, commercial or retail projects
Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives

Group 6 Tourist and recreational facilities

17. *Tourist, convention and entertainment facilities*
Development for the purpose of tourist related facilities, major convention and exhibition facilities or multi-use entertainment facilities that:
has a capital investment value of more than \$100 million, or
employs 100 or more people

Schedule 2 Part 3A Projects – specified sites

Coastal Areas

Development within the coastal zone for any of the following purposes:
subdivision of land in a residential zone into more than 25 lots

Having regard to the legislative provisions cited above, it is submitted that the proposed development is a project to which State Environmental Planning Policy (Major Projects) 2005 applies, namely, the proposal is for development within the Coastal Zone of land to be subdivided, within a Residential Zone, into more than 25 lots.

Furthermore, it is respectfully submitted that the proposed development is further qualified, the estimated capital investment value of development as proposed, including all costs necessary to establish and operate the proposed development, including the design, construction of buildings, structures, associated infrastructure and fixed or mobile plant equipment, however, excluding land costs, being more than \$50 million, the estimated capital investment value is in excess of \$300 million; and the estimated tourism-related employment of persons to operate the projected development in any one (1) year (other than construction workers employed to establish the development) exceeding 100 persons.

1.03 State Environmental Planning Policies (SEPP)

State Environmental Planning Policy No. 11 – Traffic Generating Developments

This Policy requires that the NSW Traffic Authority:

- (a) is made aware of; and
 - (b) is given an opportunity to make representations in respect of;
- development referred to in Schedule 1 or 2 of the Policy. This development is included in

Schedule 1 (c) *the erection of a building for the purposes of shops and commercial premises where the gross floor area of the building is or exceeds 4,000 square metres...*

and Schedule 2 (g) *subdivision of land into 50 or more allotments;*

and thus the Policy is applicable. Accordingly, a copy of the Application will be sent by the Consent Authority to the Traffic Authority for assessment.

As such, a Traffic Impact Study has been prepared by Cardno Eppell Olsen with respect to the traffic to be generated by the proposed Concept Plan development and more specifically, the Stage 1 Works Project Application. The traffic engineering advice has concluded that the proposed internal road network is appropriately sized to accommodate trips likely to be generated as a result of the proposed development as well as future traffic demand along Casuarina Way and confirms that there are no inherent safety issues with the proposed street network (refer **Attachment 7 – Traffic Impact Study**).

State Environment Planning Policy 55 – Remediation of Land

The stated objective of this Policy is:

"to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
- (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) *by requiring that a remediation work meet certain standards and notification requirements."*

In view of the previous sand mining activities, an investigation has been conducted addressing the soils comprising the subject site. It is concluded that the subject land has no record of any agricultural use and thus chemical contamination is not an issue. However, much of the land in the general area has been subjected to sand mining operations in the past. Subsequently, a site radiation investigation was conducted to determine if any site contamination had occurred (refer **Attachment 2 - Report on Engineering and Environmental Matters- Appendix E**).

The investigation confirmed that sand mining activities had taken place on the subject site. Preliminary surface radiation levels recorded on-site were equivalent to endemic background levels that do not exceed the Action Level Criteria for any occupancy type specified by the NSW Department of Health. Nevertheless, although it is considered that the site is suitable for the proposed urban development, further detailed site radiation investigation would be undertaken at a later date.

State Environment Planning Policy 65 – Design Quality of Residential Flat Development

Pursuit to Part 1 Clause 3 of the Policy,

Residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.*

The stated aim of this Policy is:

"to improve the design quality of residential flat development in New South Wales" ... so as to achieve the following objectives:

- (a) to ensure that it contributes to the sustainable development of New South Wales:*
 - (i) by providing sustainable housing in social and environmental terms, and*
 - (ii) by being a long-term asset to its neighbourhood, and*
 - (iii) by achieving the urban planning policies for its regional and local contexts, and*
- (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
- (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
- (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
- (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.*

In response, the Concept Plan proposes a number of sub-precincts within the Town Centre development to accommodate medium-density residential development and mixed use development with a height limit of three (3) storeys.

Accordingly, this Policy is generally applicable to the subject Application. Notwithstanding, subsequent stages of the Town Centre, specifically involving consent applications for residential and mixed use development as described above, would necessarily trigger a detailed assessment with regard to the Part 2 Clause 9-18 namely, the ten (10) cited design quality principles.

In summary, the implementation of the project will be generally consistent with the directives and guidelines contained within the Policy. There is nothing in the project which would otherwise limit the implementation of this Policy.

State Environmental Planning Policy 71 – Coastal Protection

Pursuant to Part 1 Clause 4, this State Policy applies to land within the Coastal Zone (as defined in the Coastal Protection Act 1979, at Section 4A(3)(a)), the landward boundary of which is one kilometre of the coastal waters of the State.

The Policy refers to “*sensitive coastal location*”, being, inter alia, land within 100 metres above mean high watermark of the sea.

The development, the subject of this Assessment, is not within 100 metres of the sea, and is accordingly, not deemed to be in a “*sensitive coastal location*”; nor, with reference to Part 3 Clause 9 of the Policy, is it deemed to be “*significant coastal development*”.

Notwithstanding, it is submitted that the proposed development does not conflict with the stated Aims of the Policy, particularly given the nature and condition of the subject site, its location and the extent of adjacent or current or proposed development activities. In particular, the subject site is not characterised by features of the natural environment or elements of the local amenity which are of particular value and which might otherwise be affected adversely by the proposed development.

Consistent with the stated Policy Aims, the subject proposal seeks:

- to protect and manage the natural, cultural, recreational and economic attributes of the coast;
- to improve public access to the foreshore to the extent that this is compatible with the natural attributes of the foreshore;
- to ensure that the visual amenity of the coast is protected;
- to protect local environments and amenity;
- to manage the coastal zone in accordance with defined principles of ecologically sustainable development; and
- to ensure that development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

At Clause 8 of the Policy, **matters for consideration** are listed. To the extent that these are relevant to the subject proposal, the following matters are addressed, further to the above.

- an environmental and management plan of the Coastal Foreshore is proposed;
- improved public access to the foreshore is proposed, noting that in addition to the four (4) existing pedestrian accesses, a further such access is proposed, at the end of the boulevard, for the convenience of the public. Planning for pedestrians or persons with a disability will be incorporated into the design of such facilities;
- landscape planning as proposed is specifically responsive to the enhancement of visual amenity and protection of the valuable coastal asset;
- development generally is responsive to, and seeks to enhance, the natural scenic and other environmental qualities of the environs;

Other State Environment Planning Policies

It is noted that SEPP 14 – Coastal Wetlands, SEPP 26 – Littoral Rainforest, and SEPP 44 – Koala Habitat, are not relevant to this application and have been adequately addressed in **Attachment 2 - Report on Engineering and Environmental Matters – Appendix C**.

1.04 Regional Environmental Plan and Other Relevant Documents

1.04.1 North Coast Regional Environmental Plan 1988 (NCREP)

The NCREP was devised by the then Department of Environment and Planning to provide a basis for the drafting of regional policies to guide the preparation of Local Environmental Plans in order to protect the natural environment and to co-ordinate and guide development to produce a productive and environmentally sound outcome.

The plan applies to various Local Government areas including Tweed Shire.

The NCREP compartmentalises various aspects of development and provides guidance as to how Councils can prepare LEPs or deal with land uses as part of the development control process.

The following Section provides comments in relation to certain issues identified in NCREP.

Part 3 Conservation and the environment

Within Division 2 (Section 30) there are a number of specific objectives for coastal development, including:

- (a) *to enhance the visual quality of the coastal environment;*
- (b) *to provide for the appropriate recreational use of beaches;*
- (c) *to protect the water quality of the coastal environment;*
- (d) *to minimise risks to people and property resulting from coastal processes;*
- (e) *to minimise changes to coastal processes resulting from development; and*
- (f) *to encourage retention of natural areas and regeneration of those natural areas which are already degraded.*

The following matters are addressed in response:

- Submitted landscape plans seek to enhance visual amenity;
- Enhanced beach access is provided;
- Water quality management plans are submitted;
- Environmental management planning measures are proposed to protect and enhance public assets and to improve public safety.

The Plan directs that Council's LEP should provide for appropriate protection for such land and provides guidelines for land adjoining or adjacent to a coastal foreshore (i.e. minimise visual impact, assess impacts for engineering works).

The development proposal supports the various listed objectives and aims to minimise impact on coastal processes and visual quality via appropriate urban design and extensive new native landscape plantings. Works proposed within the 7(f) Zone land are limited to the construction of an esplanade, upgrading of the constructed pedestrian, walkway and cycleway facilities and minor landscaped drainage (water quality) swales. Building heights of two and three storeys, the deliberate control of vehicle movement and environmentally responsive engineering works will minimise changes to coastal processes.

With reference to Section 32B of the Plan, the referred matters are generally addressed in the responses to SEPP 71 previously in this reporting. The relevant matters are also further addressed elsewhere in this Assessment.

Section 33 outlines the various responsibilities of Council before consent is granted for development on land affected or likely to be affected by coastal processes. These are listed as follows:

- (a) *take into account the Coastline Development Manual;*
- (b) *require as a condition of development consent that disturbed foreshore areas be rehabilitated; and*
- (c) *require as a condition of development consent that access across fore-dune areas be confined to specified points.*

The proposal does not envisage development of land affected by coastal processes.

Part 4 Urban Development

These objectives in relation to urban development are to:

- (a) *provide for the orderly and economic release of urban land and identify growth centres; and*
- (b) *promote the efficient commercial functioning of subregional and district centres;*

The proposed Town Centre Concept Plan, being the final Precinct (other than the North-West Precinct which has a Master Plan Approval) to be developed along the 3.5km Casuarina Beach community, is in sequence with the orderly development of the area and enables a range of desired land uses at intensities in accordance with the intent of the original Master Plan approval (dated December 1998) and longstanding community expectations.

As always intended, the Concept Plan develops retail and commercial opportunities scaled to support the needs and demands of the surrounding residential catchments within the primary trade area without detrimentally impacting upon the viability of neighbouring or other centres.

As well as developing a core retail centre, the Stage 1 Project Application will provide the internal network of roads, services and utilities so as to facilitate the orderly release of urban land without burdening existing physical or social infrastructure and therefore is in keeping with the objectives of the NCREP.

Section 41 of Division 2 (Urban Housing) notes that the objective of the NCREP in relation to housing is to promote the provision of a range of adequate, affordable and suitable housing to meet the needs of the region's population.

The proposed development provides for a variety of new allotments which will facilitate the future development of a range of housing types and densities. Such housing choice includes single dwellings, mixed use and medium density dwellings. The anticipated future development intensity of dwellings indicated on the Concept Plan is appropriately scaled to complement the nature of the Town Centre Precinct and will be properly serviced with reticulated water and sewage disposal facilities, power, telecommunications and a functional road hierarchy. The street layout incorporates a range of capacity roading designed to suitably provide access, meet reasonable demand and accord with recognised water-sensitive design principles. Therefore, it is submitted that the proposed development is consistent with all relevant provisions of the Plan.

Section 44 of Division 3 (Environmental Hazards) notes that the objective of the NCREP, in relation to environmental hazards, is to ensure that urban and tourism development is

located on land that is free from flooding, land instability, coastal erosion, bushfire risks and aircraft noise pollution.

In response, it is submitted that no environmental hazards are anticipated. It is noted that the construction process on this site will involve the clearing and removal of vegetation from the entire site. The only part of the site which is potentially subject to bushfire attack is the eastern boundary adjacent to approximately 60 metres of dune vegetation, as the Town Centre is bounded to the west by the Coast Road and to the north and south by existing developed sections of Casuarina Development. It is submitted that a maintained fuel-free zone of 32 metres is proposed along this eastern boundary which achieves compliance with the Asset Protection Zones (APZ) requirements as issued by the NSW Rural Fire Service and therefore bushfire risk can be managed appropriately.

Part 5 Regional Infrastructure

Section 64 notes that the objective of the Plan in relation to community services is to ensure that full account is taken of the need for community services in the planning process. Accordingly, the proposed Concept Plan has made suitable and adequate provision for the future development of community and welfare services within the core Town Centre domain. In particular, proposed Lot 2 (9,582m²) located at the westernmost end of the main street, directly opposite the core retail complex and nearest to the Coast Road and Lot 17 (2,009m²) located at the eastern most end of the main street and nearest the main beach access point, have been identified as suitable for development of commercial activities, including community services. These allotments are located along either end of the central Town Centre axis, will be highly accessible and are large enough to provide for suitable community services at a scale proportionally adequate having regard to existing and to future planned urban developments within the Casuarina Beach community and recognised surrounding trade areas.

Part 6 Tourism and Recreation

Section 77 of Division 2 (Recreation) outlines objectives in respect of recreation:

- (a) *to allow provisions for the diverse recreational needs of the community, taking into account expected population growth and visitor use; and*
- (b) *to prevent environmental degradation caused by excessive or inappropriate recreational use.*

Acknowledging that substantial Recreational Open Space Land contributions for the Town Centre Precinct have already been granted in accordance with the original Plan of Development, the proposed Concept Plan includes additional opportunities for passive and active recreation at the north-eastern end of the Town Centre boulevard. Furthermore, the Town Centre Precinct is located in close proximity to a diverse range of recreational pursuits developed within preceding stages of the Casuarina development. Accordingly, the Concept Plan enables suitable connectivity with such facilities to ensure that the needs of future residents are catered for. In so doing, the environmental matters relevant to the use of lands dedicated for recreational purposes as part of this Application includes the provision of appropriate buffering and controlled access, as well as the utilization of recognised environmental management measures to avoid degradation.

Section 81 (1) of the NCREP notes that Council shall not consent to a development application on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:

- a. *there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development;*
- b. *buildings to be erected as part of the development will not detract from the amenity of the waterway; and*
- c. *the development is consistent with the principles of any foreshore management plan applying to the area.*

The proposal is not within 100 metres of the ocean or a substantial waterway, and as such, it is considered that the proposal is in accordance with the relevant sections of the NCREP, as outlined above. In any event, substantial areas of open space have been handed over to the public as evidenced by the Concept Plan and prior approvals in accordance with this requirement.

1.04.2 New South Wales Coastal Policy 1997

The New South Wales Coastal Policy 1997 is relevant given the location of the subject site. The Policy applies within one (1) kilometre landward of the open coast high-water mark. As a result, the subject site lies within the boundaries identified by the Policy as "coastal zone", and therefore the objectives of the Policy are to be taken into consideration in this Application.

The Policy notes that local Councils must take account of the Coastal Policy in preparation of LEPs, and must also consider the Policy when determining development applications in such areas.

There are nine goals (1997: 18) listed in the Policy. The goals and relevant responses in relation to each, with respect to the proposed development, are listed as follows:

- **“Protecting, rehabilitating and improving the natural environment of the coastal zone”**

In response, the protection and rehabilitation of the coastal zone is viewed as a central component of the Casuarina Beach Estate development. As the subject site includes areas adjacent to the fore-dunes, as well as an inland area that has been heavily modified by previous sand mining (and re-contoured more recently), appropriate native species of a diverse nature have been and will be planted in order to rehabilitate and improve the natural environment.

- **“Recognising and accommodating the natural processes of the coastal zone.”**

In response, the protection and appropriate embellishment of the area is viewed as an integral part of the overall Stage 1 - Master Plan (dated December 1998) of the Casuarina Beach development. This is reflected in the proposal, with appropriate plantings being utilised together with satisfactory on-site stormwater treatment and water sensitive conveyance measures – as detailed in the previous approval process.

- **“Protecting and enhancing the aesthetic qualities of the coastal zone.”**

In response, although the previously existing vegetation (though limited in terms of floristic diversity) has been cleared, appropriate native species have been planted adjoining the site, with further plantings proposed within the site in order to increase species diversity and promote the area’s aesthetic qualities.

- **“Protecting and conserving the cultural heritage of the coastal zone”**

In response, it is considered that this goal is not directly relevant given the extensive sand mining that was undertaken in the past. It has been concluded that no relics of any significance have remained given the extensive and sustained nature of the previous disturbance to the land.

- **“Providing for ecologically sustainable development and use of resources”**

In response, the proposal recognises the environmental attributes of the site’s surrounds and seeks to enhance them via supplementary plantings and appropriate treatment of water and waste, in accordance with Council’s requirements. The means by which this is proposed are addressed in **Attachment 2 - Report on Engineering and Environmental Matters**.

- **“Providing for ecologically sustainable human settlement in the coastal zone”**

In response, an appropriate level of services is to be provided for use by persons on the site. Vehicle access, water, power, sewer, stormwater and other similar aspects have been afforded careful consideration as part of the previous overarching Casuarina Beach Development Approval process and have similarly been addressed appropriately to ensure the environment is not compromised.

- **“Providing for appropriate public access and use”**

In response, public access is to be provided via an appropriately located and sealed pedestrian/cycleway and vehicle access via Casuarina Way, Old Bogangar (Coast) Road and the Town Centre boulevard.

In addition to the above, the Coastal Policy contains a number of key strategic actions (Section 2.3) which are relevant to the proposal:

Water Quality

“Water quality in coastal waters, estuaries and rivers will be maintained where it is currently adequate, or improved where it is currently inadequate. This will be addressed through a number of specific actions designed to control discharges from both point and non-point sources, including development and implementation of management and monitoring programs.”

In response, it is recognised that proper maintenance of water quality is a requirement. Such water-sensitive design principles have been addressed in the proposed Water Quality Monitoring Programme, (refer **Attachment 2 - Report on Engineering and Environmental Matters**) with the subject land adopting ‘best practice’ management standards.

Acid Sulfate Soils

"All efforts will be made to avoid disturbance of potential acid sulfate soils and appropriate management strategies and monitoring protocols developed where such soils are disturbed."

In response, the appended Report (refer **Attachment 2 - Report on Engineering and Environmental Matters – Appendix F**) addresses the issue of Acid Sulfate Soils, noting there is limited possibility of acid or potential acid sulfate soils being present on the subject site. Accordingly, an Acid Sulfate Soils Management Plan has been produced and is included with **Attachment 2 - Appendix F** as an attachment.

Development proposals

"Development proposals will have to conform with specified design and planning standards to control height, setback and scale to ensure public access and to ensure that beaches and foreshore open spaces are not overshadowed."

In response, the proposed development has been designed in accordance with the various design requirements contained within LEP 2000 and therefore accords with this objective.

The Policy notes that Council has certain obligations which are to be reflected in the LEP. In particular, Section 117 Direction (which accompanies the Policy) requires that the LEP must:

- (a) *include provisions that give effect to and are consistent with the coastal policy; and*
- (b) *not alter, create or remove existing zones unless the environmental study relating to the LEP has been prepared and considered.*

The proposed development is in accordance with the relevant provisions of the *Tweed LEP 2000*. It is not proposed to alter or remove existing zones.

The Development Control Section (1997: 79) outlines the various Policy aspects that Councils must have due regard to when assessing development applications.

Table 3 – Design and Locational Principles for Consideration in LEP, DCP and Development Control (Strategic Action 3.2.4) is a relevant consideration in respect of Council's requirements. The various aspects required to be addressed/assessed by Council have been appropriately addressed as part of the Development Application process for the subject site.

1.04.3 Coastal Design Guidelines (CDG) for NSW Discussion Paper

Advice on design aspects is provided in the Coastal Design Guidelines (CDG), the emphasis being on development that relates with the surrounding coastal landscape, rather than being dominant, while enhancing diversity in design and urban form.

It is noted that following receipt of advice from Tweed Shire Council, the North Coast Design Guidelines have been superseded by the aforementioned document, and will therefore not be addressed in this Report.

The CDG highlights seven (7) coastal design concepts which are focused on reinforcing existing good neighbourhoods or creating quality new ones. As this application deals with the creation of new allotments varying in size, road construction and associated bulk earthworks, services, utilities, as well as a core retail centre; the proposed development will facilitate the protection of coastal ecologies and create liveable communities in accordance with these guidelines (refer Section 7.01.4)

1.04.4 Coastline Management Manual (1990)

The Coastline Management Manual provides information concerning various aspects such as beach erosion, shoreline recession, vegetation degradation, amongst others. The Manual also provides a means of addressing such issues and provides detail concerning the role of Council, other government instrumentalities and proponents in responding to such issues.

It is advised that these issues were extensively dealt with at the time of the Stage 1 approval (1998) and all dune management works and revegetation have been completed in accordance with the Dune Management Plan approved.

The Concept Plan and Stage 1 Project Application proposes works within the 7(f) zoned land limited to the construction of an esplanade, and upgrading of the existing walkway/cycleway (and associated landscape development) which was temporarily established to link preceding stages of the Casuarina Community development and necessarily associated water quality and drainage utilities which will be landscaped and integrated into the natural coastal zone. It is accordingly submitted that the Manual is not

strictly applicable in the subject circumstances (refer **Report on Engineering and Environmental Matters - Attachment 2**).

However, the proposal has been designed in accordance with the precepts contained within the instrument and recognises the importance of vegetation as a means of preventing soil erosion and habitat for native fauna.

1.04.5 New South Wales National Parks and Wildlife Service – Gazetted Maps

The National Parks and Wildlife Service was consulted in order to determine if the subject site was impacted upon having regard to the NPWS Gazetted Maps for the area.

The subject site is not referenced in these NPWS Gazetted Maps.

1.04.6 Northern Rivers Strategy 1999

The Northern Rivers Strategy includes the Tweed Coast (and the subject site) and is aimed at providing a framework for a sustainable future.

The “*Tweed Heads Strategic 2004 Plan*” encapsulates much of the Northern Rivers Strategy in its approach. Accordingly, it is an applicable “guiding document” as it has a more localised focus, notwithstanding that it does not impact directly upon the subject site and is further addressed below.

1.04.7 Tweed Shire Strategic Plan 2004-2024

The Tweed 4/24 Plan updates the previous Tweed 2000+ Strategic Plan. It is an instrument with relevance to the whole Shire and sets out broad strategies and directions on how the Council will manage the changing needs of the region.

It is submitted that the subject Application has been carefully considered and prepared in such a manner so as to accord with such broad strategies and directions of the Tweed 4/24 Plan. The development will consist of a mix of retail/commercial/resort/holiday/recreation/living area and reinforces the vision that the area is suited to the establishment

of residential development. The Town Centre Concept Plan and Stage 1 Project application proposal therefore accord with the strategic requirements and will form an integral part of the Casuarina Beach development.

1.05 Tweed Local Environmental Plan 2000

This instrument is Tweed Shire Council's primary statutory instrument for planning and land use regulation. It incorporates, and gives effect to, the policies and strategic objectives of the above referred Strategic Plan. The Plan also promotes development that is consistent with the four (4) stated principles of Ecologically Sustainable Development.

Under this Plan, the subject land is predominantly zoned '2(e) Residential Tourist Zone', with land adjacent to the eastern dunes zoned '7(f) Environmental Protection Zone'. The implications of this for the proposed development are addressed below.

The Tweed Local Environmental Plan states the matters which the consent authority must take into consideration in the determination of applications. These are as follows:

- "(1) The consent authority may grant consent to development (other than development specific in Item 3 of the table to clause 11) only if:*
 - a. it is satisfied that the development is consistent with the primary objective of the one within which it is located, and*
 - b. it has considered those other aims and objectives of this plan that are relevant to the development, and*
 - c. it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be effected by its being carried out or on the area of Tweed as a whole.*
- (2) The consent authority may grant consent to development specified in Item 3 of the Table to clause 11 only if the applicant demonstrates to the satisfaction of the consent authority that:*
 - a. the development is necessary for any of the following reasons:*
 - b. it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development;*
 - c. it meets an identified urgent community need,*
 - d. it comprises a major employment generator, and*
 - e. there is no other appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity, and*
 - f. the development will generally consistent with the scale and character of existing and future lawful development in the immediate area, and*
 - g. the development would be consistent with the aims of this plan and at least one of the objectives of the zone within which it is proposed to be located.*

(3) Development referred to in subclause (2) which, in the opinion of the consent authority, meets the criteria of the subclause is identified as advertised development for the purpose of the Act."

In this instance, the proposed use of the land is specified in Item 2 of the Table of Development, and as such, Section 1 above is applicable. Accordingly, this Section of the Report assesses the proposed development against the criteria listed in Section 1 below.

(a) it is satisfied that the development is consistent with the primary objective of the one within which it is located

In response, the objective of the Residential Tourist Zone is to encourage family-orientated tourist development in association with residential development. It is considered that the proposed Town Centre Concept Plan which incorporates a variety of forms of residential choice, retail/commercial and mixed use development, and the Stage 1 Project Application involving the subdivision of the site into fifty-six (56) new allotments of various sizes, provision of roads, utilities, services and a shopping centre development, is entirely consistent with the intent of the Zone.

(b) it has considered those other aims and objectives of this plan that are relevant to the development

In response, the aims and objectives of the Residential Tourist Zone are further addressed below.

(c) it is satisfied that the development would not have an unacceptable cumulative impact on the community, locality or catchment that will be affected by its being carried out or on the area of Tweed as a whole

In response, the Concept Plan allows for the staged development of the Town Centre Precinct and thereby the release of urban lands for residential, commercial, retail and mixed-use development in a controlled and sequenced manner so as not to detrimentally impact upon the viability of neighbouring new Tweed Coast centres. In particular, the Stage 1 Project application which involves the development of the shopping centre has been scaled in accordance with identified trade catchments which comprise the critical mass of existing permanent residents and weekend/holiday tourists from within the Casuarina Beach community, and therefore will have a positive impact on the local coastal community and catchment as a whole.

With reference to Part 2 Provisions applying to particular zones of the LEP, the following matters are noted:

Section 11 The zones

As stated above, the subject land is predominantly zoned Zone 2(e) Residential Tourist, pursuant to Zoning Map 1 of the Tweed Local Environmental Plan 2000. Additionally, the coastal foreshore area is zoned Zone 7(f) Environmental Protection (Coastal Lands).

These zones and their respective requirements are addressed as follows:

Zone 2(e) – Residential Tourist

The primary objective of 2(e) – Residential Tourist Zone is:

“to encourage the provision of family-oriented tourist accommodation and related facilities and services in association with residential development including a variety of forms of low and medium density housing and associated tourist facilities such as hotels, motels, refreshment rooms, holiday cabins, camping grounds, caravan parks and compatible commercial services which will provide short-term accommodation and day tourist facilities.”

The secondary objective of the 2(e) Residential Tourist Zone states:

“to permit other development which has an association with a residential/tourist environment and is unlikely to adversely affect the residential amenity or place demands on services beyond the level reasonably required for residential use.”

The proposal seeks to develop a Town Centre Concept Plan which makes provision for residential, commercial, retail and mixed use development, at varying scales and intensities. The residential development is envisaged to include single dwellings, medium density and mixed use housing choice so as to meet the needs of a range of households for tourist, family holiday and weekender purposes as well as for retiree and permanent residents. Stage 1 will create the following allotments:

Land Use	Number of Lots
Retailing	1
Commercial (including office, medical centre, child care centre, community facilities)	1
Commercial (including restaurants, entertainment, beach retailing)	1
Mixed Use	4
Medium Density Residential	11
Low Density Residential	<u>38</u>
Total	56

In addition, the shopping centre, scaled to service the growing demands of residents within the Casuarina community and located on the western end of the proposed Town Centre boulevard, is a further demonstration that this application is in accordance with the aforementioned objectives as it will facilitate the development of activities which have an association with a residential/tourist environment and has been specifically designed to be sensitive to, and responsive to, the residential amenity of the area.

Within this zone, the Tweed LEP 2000 provides the following listing of uses:

Item 1 allowed without consent:

**environmental facilities*

Item 2 allowed only with consent:

**bed and breakfast*

**any other buildings, works, places or land uses not included in Item 1, 3 or 4*

Item 3 allowed only with consent and must satisfy the provisions of clause 8(2):

**boat repair and servicing facilities*

**bulk stores*

**bus depots*

**car repair stations*

**helipads*

** heliports*

**light industries*

**recreation establishments*

Item 4 prohibited

**abattoirs*

**agriculture*

**animal establishments*

**boat showrooms*

**brothels*

**bulky goods retailing*

**depots*

**dwelling houses if each is on an allotment of less than 450m²*

**extractive industries*

**forestry*

**industries (other than home industries or light industries)*

**institutions*

**junkyards*

**liquid fuel depots*

**mines*

** motor showrooms*

**offensive or hazardous industries*

**recreation vehicle areas*

**restricted premises*

** roadside stalls*

** rural industries*

**rural tourist facilities*

**rural workers' dwellings*

**sawmills*

**stock and sale yards*

**storage units*

**transport terminals (other than bus depots or bus stations*

**warehouses*

Having regard to the above, the proposed land uses are all generally included in Item 2 being, "any other buildings, works, places or land uses not included in Item 1, 3 or 4". Accordingly, this proposal is generally permissible, requiring consent.

Zone 7(f) Environmental Protection (Coastal Lands) Zone

The primary objectives are

- *“to identify land susceptible to coastal erosion and protected from inappropriate development;*
- *to protect and enhance the scenic and environmental values of the land;”*

The secondary objective is:

- *“to allow for other development that is compatible with the primary function of the zone.”*

With reference to Part 3 *General Provisions* of the LEP, the following matters are noted:

The proposal seeks limited development of the 7(f) zone for the stated purpose of construction of an esplanade, the reconstruction and upgrading of the existing walkway/cycleway (which was temporarily established to link preceding stages of the Casuarina Community development) and necessarily associated water quality and drainage utilities which will be landscaped and integrated into the natural coastal zone. No adverse effects upon the coastal system or the landscape quality of the locality are anticipated.

Within this zone, the Tweed LEP 2000 provides the following listing of uses:

Item 1 allowed without consent:

- *beach maintenance*
- *environmental facilities*

Item 2 allowed only with consent:

- | | |
|--|--|
| <i>*bed and breakfast</i> | <i>*real estate signs</i> |
| <i>*bushfire hazard reduction that is not exempt development</i> | <i>*recreation areas</i> |
| <i>*earthworks</i> | <i>*roads</i> |
| <i>*emergency service facilities</i> | <i>*urban stormwater quality management facilities</i> |
| <i>*noxious weed control that is not exempt development</i> | <i>*utility installations (other than gas holders or generating works)</i> |
| <i>*public utility undertakings</i> | <i>*works for drainage and land fill</i> |

Item 3 allowed only with consent and must satisfy the provisions of clause 8(2) but not on land at South Kingscliff

- | | |
|-------------------------|-----------------------------|
| <i>*agriculture</i> | <i>*caravan parks</i> |
| <i>*camping grounds</i> | <i>*community buildings</i> |
| <i>*car parks</i> | <i>*mineral sand mines</i> |

Item 4 prohibited

- *any buildings, works, places or land uses not included in Item 1, 2 or 3.*

Having regard to the above, the proposed uses within the 7(f) Zone are generally permissible, requiring consent.

To the extent that proposed Lots 14, 15 and 18 extend to a minor extent into the 7(f) Zone, these lots, respectively 8,148m², 5,018m² and 20,493m² in area, are proposed “super-lots” for integrated medium-density residential development. Where such “super-lots” include such 7(f) zoned lands, no buildings or other structures are included in such zoned lands. Their use of such lands will be contributory, solely, for private open space purposes and so complement and enhance the adjoining and adjacent public domain.

It is accordingly noted that, notwithstanding that with reference to the relevant Local Planning instruments, consent may only be granted to subdivision of such zoned land to a minimum allotment size of 40 hectares, other than for agricultural or residential purposes. The intended purpose is private open space, allowing for favourable consideration in the circumstances stated above, which consent is supported.

With reference to Part 3 **General Provisions** of the LEP, the following matters are noted and addressed:

Section 15 Availability of essential services

The subject land can be fully serviced with the necessary services, including water, waste, stormwater, electricity, telephone and other services, using the infrastructure arrangements put in place for earlier stages, as is demonstrated by the **attached** submissions.

Section 16 Height of buildings

The Town Centre Concept Plan has determined a pattern of building heights ranging between two (2) and three (3) storeys which is in accordance with the maximum building height requirements within the 2(e) zone. The shopping centre proposed as part of the Stage 1 Project Application comprises two (2) storeys in part and therefore is also consistent with the applicable building height.

Section 17 Social impact assessment

In response, a socio-economic impact assessment has been prepared with regard to the proposed centre (refer **Core Economics Socio-Economic Impact Assessment - Attachment 8**).

It is noted that considerable community consultation was conducted prior to the preparation of the Town Centre Concept Plan. Such consultation provided a further demonstration of the various

benefits which would accrue from the proposal (refer **Promedia Community Consultation Report - Attachment 9**).

With reference to Part 4 Subdivision of the LEP, the following matter is noted:

Section 19 General

The subject land cannot be subdivided without consent.

With reference to Part 5 Roads of the LEP, the following matters are noted:

Section 22 Development near designated roads

This Section is relevant because the proposed subdivision relies on a designated arterial road for its sole means of vehicular access (2b). With reference to Subsection 4, the following points are made:

- The development is unlikely to constitute a traffic hazard or materially reduce the capacity or efficiency of the designated road
- The location, standard and design of access points will ensure that through traffic movement on the designated road is not impeded
- The development and its access arrangements will not prejudice any future improvements to, or realignment of, the designated road
- The development is sensitive to traffic noise, and adequate measures will be put in place to ameliorate any potential noise impact
- The development will not detract from the scenic values of the locality, particularly from the point of view of road users

With reference to Part 7 Hazards and Buffers of the LEP, the following matters are noted:

Section 31 Development adjoining water bodies

This clause applies to land that adjoins the mean high-water mark of a waterbody, consequently the clause does not apply to the subject land. Notwithstanding, the development will minimise the risk of pollution to waterways.

Section 34 Flooding

Presently, the topography of the site is such that only a small portion within the existing drainage swale would potentially be subject to flooding in a Q100 flooding event. The balance lands in the development envelope will be above the predicted Q100 flood level of 2.6m AHD.

Following appropriate earthwork, the subject land will not be flood liable, thereby minimising future potential flood damage and associated adverse effects on the community.

Section 35 Acid sulfate soils

In response, it is advised that the proposed development will comply with the stated objectives of the Plan (refer **Attachment 2 - Report on Engineering and Environmental Matters – Appendix F**).

Section 36 Coastal erosions outside Zone 7(f)

The proposed development does not involve works within the 7(f) zone other than the construction of the esplanade, the upgrading of the existing walkway/cycleway (which was temporarily established to link preceding stages of the Casuarina Community development) and necessarily associated water quality and drainage utilities, which will be landscaped and integrated into the natural coastal zone. No adverse effects upon the coastal system or the landscape quality of the locality are anticipated (refer **Report on Engineering and Environmental Matters - Attachment 2**).

Section 38 Future road corridors

The proposed development is not located on land in or adjoining a future road corridor.

Section 39 Remediation of contaminated land

In response the attached **Report on Engineering and Environmental Matters - Attachment 2** refers, and specifies the findings of a preliminary investigation of the land concerned which conclude that the land is suitable for the proposed development and does not require further remediation.

1.06 Far North Coast Regional Strategy 2006-2031

The purpose of the Far North Coast Regional Strategy, applying to an area including six (6) local government areas (including the Tweed Shire Council), is to manage the Region's expected high growth rate in a sustainable manner. The Regional strategy seeks *'to protect unique environmental assets, cultural values and natural resources of the Region while ensuring that future planning maintains the character of the Region and provides for economic opportunities'*.

Three (3) key desired outcomes of the Regional Strategy with relevance to the subject application are as follows:

Settlement and Housing – The regional settlement pattern will accommodate future growth while providing quality places to live. The Strategy plans to efficiently use land allocated for urban development without sacrificing the identity of the area.

Settlement Character and Design - New development will include a range of well designed housing, within easy access to services and facilities, preferably in walking distance.'

Economic Development and Employment Growth – The regional strategy promotes a clear hierarchy of commercial centres consistent in scale and centrally located within each community.

In response, the Town Centre Concept Plan and Stage 1 Works proposal accords with the strategic requirements of the Far North Coast Regional Strategy by seeking to accommodate future growth in a settlement pattern which protects environmental values and natural resources, is identified within the existing urban footprint (with reference to the Town and Village Growth Map – Sheet 1 Tweed) and is sympathetically scaled so that the proposed commercial, retail and mixed use land patterns (including more specifically, the shopping centre), is consistent with, and supported by, the Tweed Retail Strategy so according with the long-standing economic hierarchy intended for the area (refer **Core Economics Socio-Economic Impact Assessment - Attachment 8**).

1.07 Tweed Development Control Plans

1.07.1 Development Control Plan (DCP) Section A1 - Multi-dwelling Housing and Tourist Accommodation

The Town Centre Concept Plan proposal includes eleven (11) Medium Density Housing and four (4) Mixed Use lots to accommodate for future Multi-dwelling Housing as follows:

Lot No.	Land Use	Height	Plot Ratio	Area
Lot 3	Medium Density	3	1.2	8,821m ²
Lot 4	Medium Density	3	1.2	5,613m ²
Lot 5	Mixed Use	3	2.0	5,167m ²
Lot 6	Mixed Use	3	2.0	6,408m ²
Lot 7	Medium Density	3	1.2	5,299m ²
Lot 8	Medium Density	3	1.2	4,239m ²
Lot 9	Medium Density	3	1.2	4,549m ²
Lot 10	Medium Density	3	1.2	8,497m ²
Lot 11	Medium Density	3	1.2	5,577m ²
Lot 12	Mixed Use	3	2.0	5,178m ²
Lot 13	Mixed Use	3	2.0	5,178m ²
Lot 14	Medium Density	3	1.2	8,148m ²
Lot 15	Medium Density	3	1.2	5,018m ²
Lot 16	Medium Density	3	1.2	9,644m ²
Lot 18	Medium Density	3	1.2	21,134m ²

The four (4) mixed-use allotments are located in the heart of the Town Centre Precinct with direct frontage to the Town Centre "*Main Street*" /boulevard. These sites will encourage the continuation of an active street frontage along the full length of this primary east-west axis through the provision of ground floor retailing which have been limited to a total of 2,000m².

The twelve (12) medium density allotments generally fill the remaining lands within the Town Centre Precinct to provide a weighted residential base upon which to support the higher-order retailing, convenience shopping, commercial and community services and entertainment development typically associated with such a centre (refer **ML Design Master Plan Architectural Report - Attachment 3** and **Malcolm Middleton Urban Design Report - Attachment 5**).

Although the development of these lots will be subject to subsequent development applications, issues relating to site analysis, planning and layout and density, their

development is addressed in attached reporting (refer **ML Design Master Plan Architectural Report - Attachment 3**).

The above-listed height and density criteria pertinent to the proposed development are compliant with those contained in the recently ratified Tweed Shire Council's Tweed Development Control Plan Section A1 – Residential and Tourist Development Code.

A1.2.1 Design Element – Planning and Design

Site Analysis

The design of multi-dwelling housing may achieve the site analysis objectives where:-

P1. A site analysis is undertaken which considers:-

- *The likely impact on surrounding development, particularly with regard to overshadowing, privacy and obstruction of views;*
- *Topographical features of the site and surrounding properties such as slope, existing natural vegetation and opportunities for the creation of views and vistas;*
- *The character of surrounding development, particularly street setbacks, subdivision and road patterns;*
- *Opportunities to link into existing open space, pedestrian and cycle networks.*

In response, the Concept Plan proposes the configuration of medium-density residential and mixed use residential allotments which have the potential to achieve the following;

- a high degree of amenity both internal and external to the site,
- lot sizes of a suitable size and so minimise the potential for disturbance to other low-density housing in terms of traffic implications, overshadowing, loss of privacy and or views;
- proposed building height controls which are consistent with surrounding development,
- building setback provisions which will enable the development of active street frontages with good streetscape supervision;
- proposed new allotments which are easily and directly accessible via vehicle, bicycle or on foot;

(It is noted that due to the extensive sandmining, the Town Centre Precinct has no valuable topographic or natural vegetation qualities worth preserving) (refer **Malcolm Middleton Urban Design Report - Attachment 5**).

Site Planning and Layout

The design of multi-dwelling housing may achieve the site planning and layout objectives where:-

P1. The site layout takes into account on-site features, eg. topography, orientation, views and vegetation.

P2. The site layout integrates with the surrounding environment through:

- *buildings facing streets and public open spaces with their entries visible;*
- *buildings, streetscapes and landscape design relating to the site topography and to the surrounding neighbourhood character;*
- *visual links to views or features of significance are created or maintained;*
- *dwellings are sited and designed to maximise solar access to living areas and open space areas;*
- *minimising the extent to which driveways and garages dominate the appearance of the development; and*
- *providing adequate pedestrian, cycle and vehicle links to street and open space networks.*

P3. Open space areas contribute to the character of the development, provide for a range of activities, are cost-effective to maintain, and contribute, wherever possible, to stormwater management.

P4. The principal area of ground level private open space is located away from the public street frontage, except where such space satisfies the requirement of Design Element A3.3.3 Useable Open Space.

In response, development of the Concept Plan has rigorously considered all of the abovementioned site planning and layout considerations and is fully addressed in the **attached ML Design Master Plan Architectural Report - Attachment 3** and **Malcolm Middleton Urban Design Report - Attachment 5**.

Site Density

The design of multi-dwelling housing may achieve the site density objective where:-

P1. The scale of new development is compatible with and sympathetic to the scale and bulk of existing development in the locality, particularly on the perimeter of the development site, or where that locality or development site has some heritage significance or distinctive character.

P2. In areas subject to redevelopment, new development is compatible with the desired future character of the locality.

In response, the proposed building heights and plot ratios associated with the future Medium Density (3 storeys/plot ratio 0.75 – 1.25) and Mixed Use (3 storeys/plot ratio 1.5) residential allotments are compatible with the urban settlement patterns and hierarchy of built form consistent with generally stated Town Centre design principles and consistent with the intent of the approved Master Plan (December 1998) and the reasonable

expectations of local residents (refer **ML Design Master Plan Architectural Report - Attachment 3** and **Malcolm Middleton Urban Design Report - Attachment 5**).

1.07.2 Tweed Development Control Plan (DCP) Section A2 – Site Access and Parking Code

The relevant objective of Section A2 is:

- a. consistent with ESD principles, ensure provision of safe, convenient and equitable access to developed land for pedestrians, vehicles and persons using vehicles, bicycles and public transport;*

In response, the proposed development components are appropriately addressed in **attached** reporting. A safe circulation system that accommodates the needs of pedestrians, cyclists and vehicle users is proposed. In addition, appropriate landscaping treatment is to be applied where necessary to ensure good sight lines, enable passive supervision and avoid opportunities for concealment (refer **ML Design Master Plan Architectural Report - Attachment 3** and **EDAW Landscape Concept Report - Attachment 6**).

The Town Centre Precinct is serviceable by public transport, provides an ordered and integrated network of vehicle and pedestrian paths, bikeways, and open space, and incorporates accessible public beach car parking, emergency and service vehicle loading and manoeuvring. Accordingly, it is considered that the proposed Concept Plan satisfactorily addresses the various requirements of Section A2 (refer **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**).

With particular reference to the retail component as referred to in detail in Section 6.03.3 of this document, suitable on-street and off-street parking, vehicular, pedestrian, bicycle and non-discriminatory access provisions, as well as servicing and manoeuvring, will be achieved with respect to the development (refer **Donovan Hill Retail Centre Design – Attachment 4**).

1.07.3 Development Control Plan (DCP) Section A3 – Development of Flood Liable Land

This DCP is relevant given the adjacency of the subject site to the Pacific Ocean and the need to ensure an appropriate level of flood immunity for new development.

In response, any development of the land must take into account the prevailing Q100 flood height of RL 2.6 AHD. Presently, the topography of the site is such that only a small portion within the existing drainage corridor would potentially be subject to flooding in a Q100 flooding event. The balance of the lands in the development envelope will be above the predicted Q100 flood level of 2.6m AHD (refer **Report on Engineering and Environmental Matters - Attachment 2**).

1.07.4 Development Control Plan (DCP) Section A4 – Advertising Signs Code

On the basis that it is anticipated that the future built form and character of the projected “icon” buildings (prominently located at either end of the Town Centre boulevard), in concert with the highly profiled and articulated design standards of accompanying commercial and mixed use buildings, will orientate visitors to the core precinct, the Concept Plan Application does not involve the development of particular Town Centre signage (refer **ML Design Master Plan Architectural Report - Attachment 3**).

However, the Project Application, which includes the development of a shopping centre, has included indicative signage provisions for the centre (refer **Donovan Hill Retail Centre Design – Attachment 4**).

Signage details include a single pylon sign at the western intersection of the Town Centre boulevard and the Tweed Coast Road as well as signage incorporated into the building elevations to the east (Casuarina Way) and south-east (car park). It is submitted that such signage accords with the provisions of Section A4 of the DCP (refer **Donovan Hill Retail Centre Design – Attachment 4**).

1.07.5 Development Control Plan (DCP) Section A5 – Subdivision Manual

The proposed subdivision seeks the creation of fifty-six (56) lots.

Relevant Sections of the DCP are addressed, as follows:

Pursuant to **Section A 5.2.3**, it is noted that the proposed subdivision is defined as a “*Major Project*” and as such, a consent authority must not grant consent for the land

subdivision unless the Minister has adopted a master plan for land to which the development applies.

Pursuant to **Section A 5.3.4**, it is advised that significant site investigations, surveys and analyses of the Town Centre Precinct have been undertaken as part of preceding stages of the Casuarina Development, relevant details of which have been attached to this Report (refer **Report on Engineering and Environmental Matters - Attachment 2**).

Section B 5.4 Urban Subdivision Design Guidelines and Development Standards

"This chapter provides guidelines for urban master planning and subdivision design which elaborate on the principles and policies of Council's Strategic plan and provide the overall framework for neighbourhood and subdivision design in Tweed Shire".

With reference to **Section 5.4.3 Physical Constraints**, **Section 5.4.4 Environmental Constraints** and **Section 5.4.5 Landforming** it is advised that the site, in common with the entire South Kingscliff coastal strip, has been subject to very significant land surface disturbance in the past caused by extensive sand mining. As a result, the Town Centre precinct is submitted to be not constrained by physical features, environmental considerations and, will require extensive earthworks to establish a suitable urban platform upon which to develop this core development.

Further Development Control Plan matters are addressed as follows.

Section B 5.4.7 Urban Structure

Further, it is submitted that the proposed development appropriately addresses the various considerations listed in this Section, being reflective of, and in general accordance with, the overall approved Stage 1 Master Plan (dated December 1998) for Casuarina Beach. The proposed road network provides two (2) critical connections, enabling direct access from the Tweed Coast Road (Old Bogangar Road) into the centre of the Precinct and to the beach foreshore, as well as resolving the 'missing link' between the southern and northern sections of Casuarina Way (refer **ML Design Master Plan Architectural Report - Attachment 3** and **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**).

Section B 5.4.6 Stormwater Runoff, Drainage, Waterways and Flooding

In response, additional stormwater runoff will be necessarily associated with the proposed new road works and the development of the shopping centre. Accordingly, runoff from newly developed surfaces will be directed to a system of infiltration basins located in landscaped overland flow swale (refer **Report on Engineering and Environmental Matters - Attachment 2**).

Section B 5.4.8 Neighbourhood and Town Structure

In response, it is advised that the Town Centre Concept Plan is in general accordance with the approved Master Plan (December 1998), noting that the Centre:

- is strategically located and will be within acceptable walking distance from preceding stages;
- will be a focal point for community facilities;
- has been aligned so as to be directly accessible from Casuarina Way and the Tweed Coast Road, both being important transport corridors carrying public transport options;
- will enable the co-location of complementary facilities, land uses, parking and open space so as to create an active and vibrant centre;
- is well connected within and throughout the surrounding urban form with a clear hierarchy of transport patterns including pedestrian, cycleways and local streets; and
- will allow for the development of a range of housing choices which are complementary to, and consistent with, the coastal setting and neighbouring development patterns.

Section B 5.4.9 Movement Network

The road network proposes to draw activity through the core main street precinct, provide unobstructed beach access and public parking, and establish versatile connection points (car, cycle, pedestrian and fauna corridor) to existing networks servicing the greater Casuarina community in an efficient, safe and measured manner without adversely impacting upon the residential amenity of the area (refer **ML Design Master Plan Architectural Report - Attachment 3** and **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**).

Due to the nature and scale of the proposed development, no provisions for additional pathways or cycleways has been specifically detailed within this Report. Such works will be dealt with in more detail as part of subsequent development applications submitted over each of the individual future development lots. Notwithstanding, appropriate provision has been made for footpaths and cycle-paths to connect across the Town Centre Precinct and so allow for linkages with the existing pedestrian and cycle path network to the north and south of the subject site (refer **ML Design Master Plan Architectural Report - Attachment 3** and **EDAW Landscape Concept Report - Attachment 6**).

Section B 5.4.10 Public Open Space

While recreational Open Space land contributions for the Town Centre Precinct have already been granted in accordance with the original Plan of Development, the proposed Concept Plan includes additional opportunities for passive and active recreation as follows:

- at the north-eastern end of the Town Centre boulevard and adjacent to the primary beach access and public car parking provision;
- on the southern side of the core retail shopping centre which integrates with the existing Open Space reserve;
- a new pocket park adjacent to the beach access in the south-eastern corner of the Town Centre Precinct; and
- the dedication of certain of privately held 7(f) land adjacent to the eastern boundary.

Section B 5.4.11 Lot Layout

With respect to Residential 2(e) zoned land, it is to be noted that Table A5-9.4 (extract reproduced below) lists the basic requirements for new allotments within the Residential 2(e) zone.

Development Type	Lot size (m²)	Dimensions, shape, orientation	Comments
Dwelling house	Min 450	Contains a building platform minimum dimension 10m x 15m	
Dual occupancy	Min 500 or min 1000 if corner lot	Contains a building platform minimum dimension 10m x 15m	Must be nominated as dual occupancy lots in DAs for subdivision of >10 lots and must be <20% of lots in a subdivision. See also DCP6.

Development Type	Lot size (m ²)	Dimensions, shape, orientation	Comments
Integrated housing	Min 750	Contains a building platform minimum dimension 10m x 15m	Integrated housing developments in zones other than 2(a) Low Density Residential area to have a minimum site area of 250m ² /dwelling. If individual sites are <450m ² they must be on a strata (not Torrens title) subdivision. See also DCP6.
Multi dwelling housing	Size and shape to be commensurate with density taking into account requirements of DCP6 – Residential Development		
Mixed uses	Size and shape to be commensurate with proposed uses and zone objectives, taking into account; access, setback, landscaping, car parking and water sensitive design		Lots should be provided with vehicular access from rear lane, frontage vehicular access not encouraged. See principles of DCP39 regarding residential component. See also DCP6.
Other uses permissible in the zone	Size and shape to be commensurate with proposed uses and zone objectives, taking into account; access, setback, landscaping, car parking and water sensitive design		

Source: DCP Section A5.4.11 - Table A5-9.4

These are matters to be addressed in detail at the time of preparation and lodgement of further application.

The subject proposal seeks to create management lots which range in area from 4,239m² to 20,493m².

The proposed subdivision associated with the Concept Plan will create fifty-six (56) new allotments with the following areas:

Land Use	Number of Lots	Area Range
Retailing	1	16,324m ²
Commercial (including office, medical centre, child care centre, community facilities, etc)	1	9,582m ²
Commercial (including restaurants, entertainment, beach retailing)	1	2,008m ²
Mixed Use	4	5,167m ² – 6,408m ²
Medium Density Residential	11	4,239m ² – 21,134m ²
Low Density Residential	<u>38</u>	450m ² – 685m ²
TOTAL	56	

It is submitted that the new allotments proposed as part of the Stage 1 Project Application are necessarily associated with the Concept Master Plan and are compliant with the relevant stated provisions (refer **ML Design Master Plan Architectural Report - Attachment 3**).

For indicative purposes only, and subject to future requirements, it is the current intention to proceed with a staged development of the Town Centre Precinct generally in accordance with the following sequence:

Stage No.	Proposed Lot No.s	Land Use
Stage 1:	Lot 1,	Retailing
	Lots 19 - 56	Single Lot Dwellings (subdivision of lots)
Stage 2:	Lot 2	Commercial (including medical centre, child care centre, community facilities, etc)
	Lots 5, 12	Mixed Use
Stage 3:	Lots 6, 13	Mixed Use
	Lot 4, 10, 11, 16	Medium Density Residential
Stage 4	Lot 17	Commercial (including restaurants, entertainment, beach retailing)
	Lot 3, 7-9, 14-15, 18	Medium Density Residential

Section B 5.4.12 Infrastructure

With reference to water supply, a 150mm diameter main has already been constructed in Casuarina Way at both southern and northern boundaries of the site. It is proposed that a connecting main will be constructed along the proposed road alignment to deliver service to each of the proposed new lots. Previous reports indicate that this internal reticulation system has sufficient capacity to provide Tweed Shire Council's required standards of service at the Peak Instantaneous Demand and during fire flow events. It is further advised that this issue of water supply has been previously addressed as part of the previously approved Casuarina Beach Master Planning process (December 1998 NSW Land and Environment Court decision to grant consent (under Appeal Number 10686 of 1997), further to approved conditions S96/135) (refer **Report on Engineering and Environmental Matters - Attachment 2**).

All sewage will gravitate to an existing sewer main that runs from the south-eastern corner of the northern Precinct along the drainage swale to Pump No. 2 on the Coast Road. Individual connections can be easily provided from this main to each of the proposed new allotments. Easements will be created over all sewerage lines in private property (refer **Report on Engineering and Environmental Matters - Attachment 2 - Appendix A**).

1.07.6 Development Control Plan (DCP) Section A11 – Public Notification of Development Proposals

It is noted that Public Notification will be required in accordance with DCP Section A11.

1.07.7 Development Control Plan (DCP) Section A13 – Socio-Economic Impact Assessment

Due to the nature and extent of the subject Town Centre Concept Plan Application and the proposed Stage 1 Project Application, a comprehensive Socio-Economic Impact Assessment Report has been prepared to address such concerns (refer **Core Economic Socio-Economic Impact Assessment - Attachment 8**).

This Report demonstrates that urban land uses necessarily associated with the subject proposal will be well supported, will not detrimentally impact upon the viability of neighbouring centres, is consistent with the recognised hierarchy of centres within the region and is well within the expectations of local residents (refer **Core Economic Socio-Economic Impact Assessment - Attachment 8** and **Promedia Community Consultant Report - Attachment 9**).

1.07.8 Development Control Plan (DCP) Section A14 – Cut and Fill on Residential Land

It is noted that, unlike the developed parts of Casuarina, the eastern part of Lot 223 remains essentially in the same condition as it was when extensive and repeated sand-mining finished in the early 1970s. Accordingly, the site will be cleared of re-vegetation, and then reshaped to achieve the desired development outcome. The works proposed on

Lot 223 are compatible and consistent with previous earthworks activity undertaken on the wider Casuarina project.

It is noted that the earthworks phase will also cover the filling in of the existing east-west drainage swale which bisects the site, with the eventual replacement of the drainage capacity of that system by an underground stormwater drainage pipe system (refer **Report on Engineering and Environmental Matters - Attachment 2**).

Completion of the earthworks to the design levels will require the importation of approximately 40,000m³ of material. This material will be brought to the site by road transport.

All cleared vegetation will be mulched on-site for re-use on-site. In addition, following clearance, the subject site will be seeded with rapid growing grasses to prevent wind erosion and with appropriate native species planted within the site. An Earthworks Management Plan is included in the Appendices to this document (refer **Report on Engineering and Environmental Matters - Attachment 2**).

1.07.9 Development Control Plan (DCP) Section B5 – Casuarina Beach

This Development Control Plan was developed specifically for the Casuarina Beach residential development. Subsequently, the provisions within this instrument apply directly to the subject land. Section 1.5 of the DCP states that Council must take into consideration the provisions of the Development Control Plan when assessing development applications on such land.

The following, further matters are addressed.

Development Control Plan Provisions

Section 3.4 - Urban Design Provisions

(It is noted that items 2, 10, 11, 12, and 13 have not been addressed as they are considered not to be relevant.)

Item 1

“East/west open space and cycleway/footpath linkages shall be provided as shown on the Development Plan.”

In response, footpath/cycleway linkages through the subdivision have been relocated in the final subdivision plan, when viewed against the original Master Plan of the settlement. The current proposal is considered to be an improvement in terms of facilitating pedestrian and cycle movement within the land and to areas adjoining the development.

Item 3

“The fencing of the boundaries of the private open space/beach maintenance areas identified on the Development Plan shall be compatible with fencing protection of the dunal areas”

In response, as part of the Stage 1 Project Application, suitable fencing will be incorporated as required.

Item 4

“Footpath alignments and signage shall be provided to provide for safe and legible access by the public between car parking areas, residential precincts and open space areas to the ocean foreshore open space and beach access points”

In response, the proposal incorporates safe and accessible pedestrian/cycle path infrastructure as required.

Item 5

“Local streets/laneways shall be provided at, approximately, a maximum 3.5m road pavement – incorporating passing bays – with a 6m reserve with suitable footpath width for the inclusion of relevant services on the perimeters of precincts 21, 22, 23 and 24 to form an integral part of bushfire hazard reduction buffer and a general buffer between the development and the dedicated Lot 8 for ‘environmental conservation’. Similarly, such local streets/laneways shall be provided on the boundary/perimeters of the development precincts as they abut public open space and drainage reserves, i.e. precincts 9, 10, 11, 12, 13, 16, 17, 18 19 and 20”.

In response, with reference to the attached Report of **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**, the subdivision plans for the Town Centre Precinct comply with the above. The following typical street widths are proposed, all of which widths are compliant or in excess of requirements.

- Casuarina Way, north of the Town Centre – 21.0m road reserve within which is a two-lane roadway (total pavement width of 9.4m) plus indented kerbside parking (2.3m each). At the intersection with the boulevard, some pavement widening is necessary and can be achieved in the road reserve of 21.0m;
- Casuarina Way, south of the Town Centre – 20.0m road reserve within which is a two-lane roadway (total pavement width of 11.0m). At the intersection with the boulevard, some pavement widening is necessary and can be achieved in the road reserve of 20.0m;
- The boulevard (Tweed Coast Road–Casuarina Way) – 40.0m road reserve within which is a four-lane roadway (plus turning lanes), median divided with 45 degree indented parking on each side;
- Main Street (east of Casuarina Way) – 33.7m road reserve within which is a two-lane roadway (plus turning lane) median divided with 90 degree parking indented on the north side and parallel parking indented on the southern side;
- Road No. 4 (running north-south at the eastern end of Main Street) – 20.0m road reserve within which is a two-lane roadway (7.6m pavement) plus indented 90 degree parking on the eastern side;
- Road No. 5 (running east-west to the east of Casuarina Way) – 16.0m road reserve within which is a two-lane roadway (7.0m pavement) plus indented parallel parking on both sides;
- Road No. 6 (running east-west to the east of Casuarina Way) – 16.0m road reserve within which is a two-lane roadway (6.7m pavement) plus indented parallel parking on the northern side (refer **Figure DA23 - Road Layout Plan**).

Item 6

“The final width and design of public open space and drainage reserves as indicated on the Open Space Plan shall be finalised with the submission of a development application for the relevant Management Lots. Adjustment to the development areas of precincts 11, 12, 13, 17, 18, 19 and 20 is encouraged providing that adequacy of useable and well

landscaped open space is ensured in conjunction with the drainage reserve and flow path”.

In response, all recreational Open Space land contributions for the Town Centre Precinct have already been made for preceding stages of the Casuarina Beach development in accordance with the original Plan of Development. Notwithstanding, the proposed Concept Plan includes an area of 1.65 hectares for additional opportunities for passive and active recreation, the locations of which are as follows: (refer **ML Design Master Plan Architectural Report - Attachment 3**):

- at the north-eastern end of the Town Centre boulevard and adjacent to the primary beach access and public car parking provision;
- on the southern side of the core retail shopping centre which integrates with the existing Open Space reserve;
- a new pocket park adjacent to the beach access in the south-eastern corner of the Town Centre Precinct; and
- dedication of privately held 7(f) lands adjacent to the eastern boundary.

All open space will be useable and well landscaped in accordance with Council’s landscape guidelines for the Casuarina Beach project (refer **EDAW Landscape Concept Report - Attachment 6**).

Item 7

“Public car parking shall be provided as part of the road reserve construction during the course of the development of the Management Lots on the coastal foreshore”

In response, State agencies have considered that the appropriate provision of public car parking to satisfy the demand of beach-goers in Casuarina is 300 public spaces per kilometre length of beach. It should be noted that for the Salt development to the immediate north of the site, a parking ratio of 200 public spaces per kilometre of beach frontage was accepted. The subject site has a beach frontage of approximately 538m and accordingly, 162 public car spaces are required. The subject proposal seeks to provide 162 public parking spaces within a 175m distance of the foreshore walkway/cycleway to ensure easy and convenient access to the beach. Such parking is to be provided via a

combination of open public car parks in discrete areas adjacent to the foreshore, and kerbside parking in streets adjacent to the foreshore.

Parking requirements (both private and public) for each of the development components will be provided additional to this 162-space public parking provision. The former will be provided by a mix of on-site and on-street parking. Disabled parking will be provided within the public parking areas and there will be easy access for disabled users to the foreshore (parkland and boardwalk) via vehicle turnaround areas at the end of each beach access road.

Item 8

"Passive public open space shall be dedicated as shown on Maps 3 and 4. Given the coastal and regional open space significance of this land, a minimum of approximately 1.58 ha of passive open space will be dedicated – 8.85 ha per 1,000 population. Some passive open space will be integrated with drainage reserves – to be dedicated in the Development Application for the Management Lots".

In response the subject proposal complies with this provision (refer response to item 6 above)

Item 9

"Public access should be provided to the beach as shown on the Development Plan, a maximum of 400m intervals and logically to relate to the ocean foreshore road, nodes of public open space, retail and commercial activities and public car parking provision".

In response, it is noted that the proposed Town Centre Precinct is adjacent to land within the 7(f) zone. As all formal beach access paths between the Town Centre Precinct and the foreshore have already been established during preceding approved stages of the Casuarina Development, this application is deemed to comply with this requirement. Four (4) such public accesses are presently constructed. It is the intention to create a fifth access, subject to a further application, coincident with the foreshore termination of the boulevard, for enhanced public convenience.

Furthermore, public parks, roads and beach parking have been provided nearest these existing access points. In particular, the proposed Town Centre boulevard will provide direct access to/from Tweed Coast Road and Casuarina Way to a primary beach access point and pocket park area (refer **ML Design Master Plan Architectural Report - Attachment 3**).

Item 14

Local parks shall be provided as an integral part of the development Management lots at a minimum of 2000 m² of useable recreational area; not be more than 250m from any dwelling and have public road frontage for a minimum of 50% of the perimeter frontage of the local park. Such design shall be in accordance with AMCORD. These parks will be by later dedication as identified in conjunction with future development.

In response, it is advised that all residential lots are within 250m of parkland. The proposed civic park at the north-eastern end of the Town Centre boulevard is in excess of 2000m². While the proposed pocket parks in the south-eastern corner of the Town Centre Precinct and on the southern side of the core retail centre are less than described above, it is submitted that their proximity to larger areas of open space (adjoining) offsets such a shortfall. As such, the open space contribution in this sense is considered to be acceptable.

Item 15

"All nodes of retail and commercial activity with integral public open space and community facility provisions shall generally be within 400m of any dwelling within the development."

In general response, all of the proposed new lots are within 400m of the Town Centre boulevard which will contain retail, commercial, community services and open space provisions as generally described above and in accordance with the Court-approved Master Plan (December 1998) for the settlement, which provision is considered to be acceptable.

Item 16

"The fencing shall be provided on the boundary between the residential precincts and other development/land uses on the eastern boundary of the road reserve with the new Tweed Coast Road, the design of which shall take account of the potential for noise impact. Appropriate studies and designs shall be submitted with each development application for land adjoining that road. Dense landscaping immediately adjacent to this fencing to the west shall enhance the aesthetic effects of the fencing."

In response, it is advised that the subject proposal will not create residential allotments on the eastern side of the Tweed Coast Road however, such fencing provisions will be incorporated on neighbouring sites if deemed necessary so as to protect the residential amenity of future residents.

Item 17

"The main retail and commercial centre shall be designed to ensure "adequately facing" retail and commercial development and thereby externalise the presentation of the various business operations to the maximum extent. This is particularly to take place on the eastern frontages of such developments."

In response, the Concept Plan proposes a settlement pattern which will create an active street frontage along the full length of the central Town Centre boulevard. Furthermore, the proposed shopping centre aims to create an engaging and interactive public realm, which achieves a high standard of architecture which is representative of the coastal climate, character and values of the wider Casuarina Beach Community (refer **Donovan Hill Retail Centre Design - Attachment 4**).

Section 3.5 – Management of Infrastructure Provisions

(Note that items 5 and 6 have not been addressed as they are not relevant.)

Item 1

"The developer will be responsible for the funding of infrastructure arising from out of sequence development...."

In response, the proposed Town Centre Precinct (referred to as Management Lot 5 from the original approved Master Plan (December 1998)) is the final management lot stage of the Casuarina Beach development and therefore is not deemed to rely on out-of-sequence infrastructure (refer **Report on Engineering and Environmental Matters – Attachment 2**).

Item 2

“There will be no direct vehicular access from the relocated Tweed Coast Road other than via approved intersections.”

In response, as stated above, access to the Town Centre will be via a new east-west central boulevard travelling from the Tweed Coast Road to the beach. This proposed axis which directs traffic into the heart of the Town Centre Precinct coincides with an existing (not constructed) road reserve and will enable a superior traffic management solution and intersection (four-way) between Coast Road traffic and the main internal collector road, being Casuarina Way. For consistency with the intent of the DCP, Dianella Drive, which currently provides the primary access to the Tweed Coast Road within the vicinity of the Town Centre will be closed to through-traffic and the existing intersection will be reconstructed to provide a cul-de-sac and will be landscaped (refer **ML Design Master Plan Architectural Report – Attachment 3**).

This will improve the residential amenity for future residents of Dianella Drive and will facilitate the construction of the northern “missing link” in Casuarina Way, extending from Steelwood Lane at the southern end, to the Dianella Drive roundabout at the north (refer **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**). Affected lands will be revegetated and remain as road reserve and are not proposed for other purposes. As Dianella Drive is an existing road, Council consent to any such proposal will be sought from the relevant Authorities to facilitate this process.

Item 3

“There shall be no alteration of the finished ground levels of the acoustical bund within 1m of the boundary of the Management Lots on the eastern boundary of the relocated Coast Road unless any alteration demonstrably ensures the achievement of current noise amelioration standards.”

In response, any and all works associated with the new Coast Road access (Town Centre boulevard) and the development of the core retail node and future commercial allotments on the eastern side of the Coast Road, will be carried out in such a manner as to provide suitable noise attenuation from Coast Road traffic in accord with this provision (refer **Report on Engineering and Environmental Matters – Attachment 2**).

Item 4

“The “connecting road” from the relocated Coast Road alignment to the existing Coast Road shall be constructed and dedicated generally as indicated on the Development Plan.”

In response, as referred to above (response to Item 2), the proposed Town Centre Concept Plan seeks to improve upon the current Coast Road access (at Dianella Drive) by constructing a new right-angle intersection (T-junction) with the Coast Road which will directly serve a new four-way intersection with Casuarina Way. This proposed solution is submitted to be an overall improvement upon the current arrangement, and that the closing of the existing Dianella Drive access point (following the opening of the new connection) is consistent with the intent of the approved Master Plan (December 1998) by limiting the connection points to the Tweed Coast Road to three (3) and resulting in an improved level of amenity for residents (refer **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**).

Item 7

“Water quality management measures shall be provided and be in accordance with all stages of development in accordance with the report titled “Statement of Evidence – Report on Master Drainage and Stormwater Management Strategy, Lenen Pty Ltd” (September, 1998, PN Casey).”

In response, it is stated that the proposal is consistent with the above. The stormwater treatment infrastructure will consist of infiltration pits, gross pollutant traps and dry infiltration basins. A detailed description of stormwater treatment devices and operational effectiveness is given in the Stormwater Management Plan (refer **Report on Engineering**

and Environmental Matters – Attachment 2 – Erosion and Sediment Control Plan - Appendix B).

Item 8

“A water quality monitoring program shall be established for the duration of the development of Kings Beach which generally incorporates the following:

- (a) base line conditions for existing groundwater including pH, total dissolved solids, total nitrogen, total phosphorus, iron (total), aluminium and faecal coliforms;*
- (b) surface water and ground water monitoring programs (pre-construction, construction and operational phases) – including details of standards, location and frequency;*
- (c) water sampling results from the surface water and ground water monitoring programs shall be submitted to Council on a routine 6 monthly basis from the commencement of any works. Where sampling results indicate a substantial failure to meet water quality objectives or standards these results are to be reported immediately to Council for consideration;*
- (d) a report detailing water sampling results from surface water and ground water monitoring program shall be submitted to Council prior to commencement of any new stage of the development – including details of any relevant previous failures to meet water quality discharge objectives or standards. The report shall include recommendations as to any proposed amelioration works.”*

In response, a water quality monitoring programme has been established to monitor water quality in Cudgen Creek as well as ground water on site (refer **Report on Engineering and Environmental Matters – Attachment 2**). This award-winning programme monitors and assesses all the relevant water quality indicators and complies with all of Council’s requirements as stated above.

Section 3.6 – Management of Environmental Matters

(Note that items 3, 4, 5, 6 and 8 have not been addressed as they are either not relevant to this application or have already been attended to in other applications.)

Item 1

“The provision of sewerage pumping stations shall be identified on future Development Applications, and a minimum of a twenty (20) metre buffer surrounding the pumping station shall be provided relative to the boundary of any residential lot.”

In response, with reference to sewerage reticulation, an existing sewer main runs from the south-eastern corner of the northern Precinct along the existing open drainage swale to Pump Station No 2 on the Coast Road. This sewer will be relocated as a consequence of the subject Town Centre Concept Plan development (refer **Report on Engineering and Environmental Matters – Attachment 2**).

Consequently, the development of the Town Centre site will require upgrading of the pumps in Pump Station No 2, and the installation of additional rising main capacity in the Coast Road and in Old Bogangar Road. The requirement for upgrading has been previously investigated in detail, and is the subject of an agreement between Cardno and Tweed Shire Council in terms of timing of the works and responsibility for installation (refer **Report on Engineering and Environmental Matters – Attachment 2**).

Accordingly, the proposed upgrading of the Pump Station No. 2 required by this Application will not reduce the separation between any adjoining residential properties to below 20 metres and therefore complies with this requirement.

Item 2

“Development of any Management Lot shall include the removal of all existing bitou bush plants and the resultant disturbed areas shall be appropriately treated to prevent dust nuisance and soil erosion.”

In response, all existing vegetation (including weed species such as bitou bush) will be removed from the subject site as part of the re-contouring and general earthworks for the subdivision. The resultant disturbed areas will be subject to management as per the Sediment and Erosion Control Management Plan (refer **Report on Engineering and Environmental Matters – Attachment 2**).

Item 7

“All development applications for the development of the future Management Lots shall comply with the Environment Protection Authority guidelines on Acid Sulfate Soils and include an Acid Sulfate Soil Management Plan.”

In response, the proposal will comply with the abovementioned guidelines as addressed in the Acid Sulfate Soils Report and Management Plan (refer **Report on Engineering and Environmental Matters – Attachment 2** and **Acid Sulphate Soils Management Plan Appendix F**).

1.07.10 Tweed Development Control Plan (DCP) Section B 9 - Tweed Coast Strategy

The stated objectives of this Strategy are to facilitate the development of the district based on current coastal planning and management practice. The following provides comments in relation to the key principles of the Strategy which are relevant with respect to the proposed development.

Section B 9.4.2 – Urban Development Areas

The Concept Plan seeks to use efficiently the existing infrastructure already established within the vicinity of the Town Centre development so as to maximise the potential of existing urban zoned lands to achieve a range of residential densities and housing choice which integrates with the existing Casuarina Beach community.

Section B 9.4.4 – Location and Design Principles

With respect to the Town Centre Concept Plan location, allotment configuration and road hierarchy and access, it is noted that the subject site is centrally located within the Casuarina Beach development, is highly accessible by all modes of transport, is aligned with and provides the integral connection between both the Tweed Coast Road and Casuarina Way so as to support an efficient public transport system, and allows for the future development of a range of compatible land uses scaled to meet the day-to-day retail, convenience shopping, commercial and service needs of future residents (refer **Core Economics Socio-Economic Impact Assessment - Attachment 8**).

Section 9.4.6 – Local Centres

The Strategy anticipates the development of three (3) local town centres at Kingscliff, South Kingscliff and Kings Forest. The strategy describes the primary purpose of the local centres is *to provide for the day to day commercial and service needs of the local area only. The local centres are envisaged to service a population catchment of up to 10,000 people and will incorporate between 1,500m² and 6,000m² of retail floor space, according to local demand*.

The Strategy relies upon the following planning controls with respect to the Town Centre Concept Plan.

Planning Controls

TSC.4.2. *The three local town centres in the District will be:*

- *Kingscliff town centre - The local centre at Kingscliff comprises of the existing town centre. This will be expanded as required, within the confines of the existing commercial zone and into the urban expansion areas along Turnock Street.*
- *Proposed 'Seaside Village' centre in the Casuarina Beach development - A local centre at South Kingscliff will be established within the commercial area identified on the approved development plan for the Casuarina Beach subdivision. This will be established by the developer of Casuarina Beach.*
- *A future town centre at Kings Forest - The location and design of the local centre for Kings Forest will be planned for within the integrated DLEP, Structure Plan and Development Control Plan. There is currently no anticipated timeframe for this development.*

It is submitted in response that the subject Concept Plan, being in accordance with the original Master Plan approval for Casuarina Beach, and the proposed Stage 1 Project Application, which includes the development of a shopping centre with 3,660m² retail floor space, has limited the extent of retail floor space provided within the mixed-use and the retail/commercial allotments to 2,000m²; is consistent with Tweed Coast Strategy (refer **Core Economic Socio-Economic Impact Assessment - Attachment 8**).

Section B 9.5.5 Casuarina Way

A key design element of the Concept Plan and Stage 1 Project Application is the construction of the 'missing link' between the northern and southern portions of Casuarina

Way. Casuarina Way currently provides a convenient link between Kingscliff and the coastal villages on the southern Tweed Coast.

Associated with the construction of the missing portion of Casuarina Way will be the new intersection with the Town Centre boulevard and the Tweed Coast Road and the consequential closure to traffic from the Tweed Coast Road into Dianella Drive. This will provide an improved and safer connection point between Casuarina Way and the Tweed Coast Road and will enhance an entry statement for the Town Centre generally (refer **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**).

Overall, the proposed Concept Plan seeks to maintain this integral north-south link in a safe and pedestrian/cyclist friendly manner, suitable to cater for the needs of local traffic without attracting through traffic away from the Tweed Coast Road.

Section B 9.5.6 Public Transport

The Town Centre Concept Plan has an integrated road network which aligns with, and is highly accessible from, the Tweed Coast Road and Casuarina Way. Currently, Surfside Bus Lines operates a bus route from Tweed Centro through to Pottsville which services Casuarina. Route 603 travels along Tweed Coast Road and will pick up and drop off passengers wherever it is safe to do so. Accordingly, the development of a new Town Centre Precinct will make suitable provisions for a bus bay in a central and convenient location (refer **Cardno Eppell Olsen Traffic Impact Study - Attachment 7**).

Section B 9.5.7 Cycleways and Footpaths

The Town Centre Concept Plan will incorporate a high degree of pedestrian and cycleway facilities within a sympathetically landscaped public realm and will be fully integrated into the presently existing networks which service the Casuarina Beach community (refer **EDAW Landscape Concept Report - Attachment 6**).

Section B 9.5.9 Public Car Parking

Council has an adopted Policy of seeking to provide 300 car spaces per kilometre of ocean foreshore for public use. This standard is based on surveys carried out by Council on coastal parking provided on Gold Coast open beach access areas for day visitors. Accordingly, the Strategy then sets the following planning controls with respect to Public Car Parking.

Planning Controls

TSC.5.25. The requirements for public car parking within each individual development at South Kingscliff are a minimum of 300 car spaces per kilometre of site frontage to the ocean foreshore with the exception of the Lots 194, 301 and 312, where parking is to be provided in accordance with the development approval for the lots.

In response, consistent with this Policy, the proposed Town Centre, with a beach frontage of approximately 538 metres, has made provision for 170 public on-grade parking spaces within a 175m distance of the foreshore walkway/cycleway to ensure easy and convenient access to the beach (The calculated requirement is 162 spaces, which the proposal exceeds). Such parking is proposed to be provided via a combination of open public car parks in discrete areas adjacent to the foreshore and kerbside parking in streets adjacent to the foreshore.

Section B 9.6.3 Water, Sewer and Drainage

Adequate arrangements have been made for the provision of water, sewer and water-sensitive drainage services to the Town Centre site to meet the demands of future residents (refer **Report on Engineering and Environmental Matters - Attachment 2**).

Section B 9.7.3 Coastal Open Space

Although recreational Open Space land contributions for the Town Centre Precinct have already been made in accordance with the original Plan of Development, the proposed Concept Plan includes additional opportunities for passive and active recreation. The Concept Plan facilitates easy access to a diverse range of recreational pursuits developed within preceding stages of the Casuarina development (refer **EDAW Landscape Concept Report - Attachment 6**).

Section B 9.7.4 Coastal Esplanade and Parking

The Concept Plan proposes an esplanade and public car parking accessible within the immediate vicinity of existing beach access points, as detailed above.

In overall response, the Concept Plan utilises a combination of increased public open space, 7(f) land dedications, discrete parking areas, sensitively designed culs-de-sac and loop road access ways with integrated on-street parking provisions, adjacent to the existing foreshore access points (refer **ML Design Master Plan Architectural Report - Attachment 3**).

Section B 9.7.5 Beach Access

One of the primary aims of the proposed urban design form for the Concept Plan has been the provision of desirable public access to the foreshore. Accordingly, public access to the foreshore is promoted by the provision of a large civic park (approximately 80 metres of frontage), an icon building (which is envisaged to contain ground level restaurants, outdoor dining terraces and a ring road along the eastern boundary) and the provision of north and south public car parks which are strategically located adjacent to beach access paths to provide direct access to the foreshore and the north-south walkway/cycleway.

Public access to the beach is overall enhanced by the proposed provision of an esplanade, in support of the four (4) constructed paths; noting that it is the intention to provide a fifth beach access in the future.

The Town Centre boulevard will facilitate efficient and safe movement of persons via a range of transport modes directly to this area which has ample parking and pick-up and drop-off facilities and enhanced open space containing suitable public amenities (refer **ML Design Master Plan Architectural Report – Attachment 3**).

It is therefore considered that the Concept Plan is consistent with the guidelines as contained in this Strategy.

1.07.11 Tweed Development Control Plan (DCP) Section B18 - Tweed Coast Building Heights

The Concept Plan provides the framework for future building heights throughout the Town Centre Precinct. The proposed building heights will be predominantly three (3) storeys, with the overall skyline increasing in density to define the Town Centre boulevard as the commercial core (refer **ML Design Master Plan Architectural Report - Attachment 3**).

The proposed building heights will comply with the use rights associated with the individual allotments and generally accord with the following requirements from Section B18 of the DCP:

3 storey commercial development – 13 metres.

3 storey residential development – 11 metres.

3 storey mixed development (commercial on ground floor and 2 storeys of residential/tourist above) – 12 metres.

2 storey commercial development – 10 metres.

2 storey residential development – 8 metres.

With respect to the Stage 1 shopping centre proposal, the building is located on a parcel identified for retailing and will have a three (3) storey height limit under the provisions of the Concept Plan. The building form is predominantly single storey (some first floor office space is proposed), is articulated and includes an expansive roof form which covers the surrounding public realm, all within a 10 metre building height which provides opportunities for a range of internal ceiling heights and so add interest within individual tenancies. Therefore, the building form and height is compliant with the requirements of the DCP Section B18 (refer **Donovan Hill Retail Centre Design – Attachment 4**).

1.07.12 The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

With respect to Commonwealth-listed endangered species, it is submitted that there are no threatened flora species present within the proposed Town Centre site. The area does not

support habitat or vegetation communities of relevance to any threatened plant species known to occur in the general locality. In particular, there are no rainforest or wetland habitats present.

Threatened fauna species which are likely to occur in the area are limited to the highly mobile megachiropteran and microchiropteran bats. The Coast Banksia stands provide winter foraging resources for the Common Blossom Bat, the Black Flying Fox and the Grey-headed Flying Fox. However, the extent of this resource within the site constitutes only a very small part of the available foraging resource for individuals of these species within the locality. The site is generally not suitable for other threatened species which are known to occur locally, including koala, the glossy black cockatoo and a number of wading and wetland bird species.

1.07.13 The Tweed '*Ready for Business*' Economic Growth Management Strategy 2007-2010

This document aims to identify a plan for facilitating sustainable economic growth in the Tweed region and thereby seeks to complement and enhance the economic development and employment generation component of the Strategic Plan 2004-2024. While not having a direct statutory impact upon the assessment of the subject proposal, it does promote the development of the Tweed Retail Development Strategy (dated September 2005) and plans for the development of a Draft Retail Development Control Plan based on the Tweed Retail Strategy. Accordingly, the Tweed Coast Strategy has been addressed in the following section.

1.07.14 The Tweed Retail Strategy 2005

With respect to the subject application, the Tweed Retail Strategy anticipates the possible inclusion of additional supermarket-anchored centres other than the Woolworths supermarket at Kingscliff, located in one of the following emerging communities of Pottsville Beach, Casuarina Beach/Salt Village and Kings Forest.

At present, the coastal portion of the Tweed Shire, which extends from Fingal Head in the north to the Shire border in the south and west to the Pacific Highway, is serviced by the single supermarket at Kingscliff, which supermarket is considered to be trading at above-normal market expectation (refer **Core Economics Socio-Economic Impact Assessment – Attachment 8**).

Based on current growth estimates and the advices that supermarkets will not be developed at Kings Forest, Seaside City or Salt Village, the subject proposal seeks to offer the first supermarket in this area. As such, it will seek to rely upon the catchments from Pottsville Beach, Casuarina Beach/Salt Village and Kings Forest until such time as demand, resulting from population growth, residential density and population capacity, for an additional supermarket is reached. It is submitted, in consequence, that the subject proposal is generally consistent with the Tweed Coast Strategy (refer **Core Economics Socio-Economic Impact Assessment – Attachment 8**).

1.07.15 The Tweed Economic Vision & Strategy 2007-2010

This Strategy was endorsed by the Board of the Tweed Economic Development Corporation on 30 August 2007.

At Section 2.0 Land Use Planning, at 2.3 Retail Strategy (p. 4.10) it is noted that the Tweed Shire Council completed a Tweed Shire Retail Strategy in August 2005. In its consideration in November 2005, Council resolved several matters, including:

“Limit the scale of new large-scale retail centres in the coastal region to a level which caters for the majority of chore-type shopping needs.”

(“The concept is to reflect the need to reduce full consumption and to support sustainability within each centre through discouraging vehicle use and encouraging walking.”)

It is further stated (at page 4.10) that:

“Assessment of any retail development applications (are to) support and not compromise the recommendations of the Strategy”.

The Strategy has foreshadowed the preparation of a Draft Retail Development Control Plan, estimated to be completed in March 2008.

In response to this Strategy, with reference to the submitted Socio-Economic Impact Assessment (**Attachment 8**), the subject proposal is limited to a function which seeks to cater for “chore-based shopping”, is so located to encourage walking by local residents and visitors, and in general, does not compromise the recommendations of the Strategy.

1.07.16 Tweed Shire Council Fees and Charges

It is noted that Section 64 charges for standard water and sewerage headworks charges, being charged on a ‘lot’ or on a ‘unit’ basis, and matters relevant to Section 94, have been specifically addressed as part of this Application (refer **Report on Engineering and Environmental Matters – Attachment 2** and **Cardno Eppell Olsen Traffic Impact Study – Attachment 7**).

2.00 CONCLUSION

The above commentary addresses the statutory instruments considered to be relevant to the proposed development of the Town Centre at Casuarina Beach, the subject of the parent Environmental Assessment.

In summary, it is concluded that the proposed Concept Plan Application and the Project Application for Stage 1 Works are generally in accordance with all applicable statutory and non-statutory requirements.

Furthermore, it is concluded that the Applications are fully compliant with the relevant Local Environmental Planning, including the Development Control Planning instruments of the Tweed Shire Council.

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June 2008