

ASSESSMENT REPORT

CASUARINA TOWN CENTRE PROJECT APPROVAL MP 06_0258 MODIFICATION 11

1. INTRODUCTION

This report is an assessment of an application seeking to modify Condition G5 relating to the operating hours for a supermarket and retail shops within an approved retail centre at 482 Casuarina Way, Casuarina, in the Tweed Shire local government area.

The application has been lodged by Planit Consulting on behalf of Coles Supermarkets Australia Pty Ltd, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. SUBJECT SITE

The subject modification relates to a shopping centre located on Lot 11 in DP 1198266, 482 Casuarina Way, Casuarina (see **Figure 1**).

The site is located within the Casuarina Town Centre, on Tweed Coast Road, Casuarina. The centre is surrounded by areas designated for residential development to the north and east, playing fields to the south, and nature reserves to the west.



Figure 1: Site Location

3. APPROVAL HISTORY

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

Concept Plan approval was granted for:

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

Stage 1 Project Approval was granted for:

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

The Project Approval has been modified on nine occasions, as set out in **Table 1**.

Table 1: Approval History

Modification No.	Description	Approval
1	Amendments to design and survey drawings and stormwater regime for the site.	17 June 2010
2	Amendments to the approved plans and documents, and density requirements.	1 July 2011
3	Changes to the retail centre.	7 March 2012
4	Consolidation of some medium density residential lots to form a temporary Lot 57 within Stage 1A and subsequent new conditions; new conditions relating to beach access; and change to timing of payment of monetary contributions.	24 April 2013
5	Amendments include the construction of a retaining wall on the south-east boundary of the site and associated works adjacent to the cul-de-sac head of Road 6.	24 September 2013
6	Amendments to the approved number of lots and amended project plans; introduction of additional dust control measures; amendments to reference new sub-stages; and updated Section 94 and Section 64 monetary contribution rates.	16 May 2014
7	Amendments to retail floor areas, retail staging, car parking arrangements, and amended Section 94 and Section 64 contributions.	18 June 2014
8	Amendments include design revisions to the retail centre and inclusion of new Condition B5B to permit the installation of a 12 m high illuminated pylon sign on the north-eastern corner of the site.	21 January 2015
9	Further modification to the design of the approved retail shopping centre and the installation of a 12 m high illuminated pylon sign on the north-east corner of the site.	15 June 2016
10	Currently under assessment and seeks various changes to the remainder of the town centre area which has not yet been constructed.	Under assessment

4. PROPOSED MODIFICATION

On 19 December 2016, the Proponent lodged an application MP 06_0258 MOD 11 seeking approval for the modification of Condition G5 of the Project Approval relating to the retail centre hours of operation.

The existing hours of operation as per the approval, are 8:00 am to 9:00 pm Mondays to Sundays, including public holidays.

The application seeks to modify the operating hours for the supermarket to 7:00 am to 9:00 pm Mondays to Sundays and public holidays. The other retail shops would retain operating hours of 8 am to 9 pm.

The modification is requested by Coles Supermarkets to enable more effective retail servicing for the residents of Casuarina by enabling convenience shopping opportunities during the morning commute periods; additional employment opportunities; and effective competition with Woolworths Kingscliff which currently operates from 7 am to 10 pm, seven days a week.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Director, Modification Assessments, may determine the application under delegation, as:

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

5.3 Environmental Planning Instruments

The following EPIs are relevant to the application:

- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings;*
- *State Environmental Planning Policy No. 71 – Coastal Protection; and*
- *Tweed Local Environmental Plan 2014.*

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification does not affect the development's consistency with the EPIs.

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Tweed Shire Council (Council). The Department also notified surrounding landowners of the application.

Council had no objection to the hours of operation for the retail centre being modified.

There were no **public** submissions received.

7. ASSESSMENT

The proposed modification is minor in nature, and relates to extending the operating hours of the supermarket by one hour in the mornings, enabling trading to commence at 7 am.

In support of the application, the Proponent notes the retail centre has been carefully designed to ensure maximum separation from residents and locate areas of potential noise sources (loading and vehicle movements) adjacent to open space, rather than future residential sites. As such, the additional hour of trading is unlikely to result in any material or unacceptable noise or amenity impacts on nearby residents.

The Department has considered the proposed modification to the hours of operation of the supermarket within the retail centre, and is satisfied that the additional hour of trading would not result in any material adverse amenity impacts and would improve the retail services available to local residents.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that the modification would not result in any adverse environmental impacts.


Consequently, it is recommended that the modification be approved.

9. RECOMMENDATION

It is **RECOMMENDED** that the Director, Modification Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 96(1A), subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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APPENDIX A: NOTICE OF MODIFICATION

A copy of the instrument of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8168

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8168

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8168

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8168
