

Date: 12th March 2018
Our Ref: 13/054

Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Emma Butcher

Re: MP06_0258 – Casuarina Town Centre - Modification 10

Further to the email from the Department's planning consultant Ms Natasha Harras, dated 1 March 2018, please find additional information addressing the listed matters associated with the Casuarina Town Centre modification.

- An updated map and table in the same form as those set out below to enable a comparison between approved and proposed open space. In this regard please could you include clarification as to whether the lot to the west of Lots 92 and 93 is proposed to be an open space area dedicated to Council?*

Comment: Please find attached the requested plan which establishes the land areas under the current modified proposal to be created as open space and dedicated to Tweed Shire Council. The amended proposal provides for the dedication of 13,805m² of land for open space area and generally aligns with the current approved plan. Reference is however made to the primary land area which is removed from the current plan, being planned privately owned north-south cycleway (3,970m²), is now achieved through the planned public road and cycleway/footpath design for connectivity purposes.

As indicated in the attached plan, the lot (Area 6) located west of Lots 92 and 93 is proposed to be dedicated to Tweed Shire Council.

- Please confirm that the line of the shared path though this allotment is proposed to be as per the updated Site Layout Plan C-0002 Rev E dated 1.2.18 as opposed to all other earlier plans.*

Comment: The pathway as illustrated on the updated plan C-0003 Rev E, dated 1.2.18 is the current plan and correctly illustrates the pathway alignment for the development.

- Written confirmation from Council that the coastal reserve lot will be managed and maintained as an APZ, noting the adopted Plan of Management for the land does not make any commitments in this regard. If Council are not willing to provide written confirmation a Bushfire Assessment report based on the assumption the site will not be managed as an APZ will be required.*

Comment: Please find attached advice from Bushfire Certifiers addressing the status of the coastal reserve, having due regard to the advice issued from the NSW Rural Fire Service [dated 16 January 2018]. Bushfire Certifiers have stated in order to comply with recommendation 2 of the RFS letter and the status of the public reserve. A Landscape Vegetation Management Plan (LVMP) is recommended to be prepared demonstrating the landscaping within the public reserve to the east of Lots 85-91 complies with the principles of Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's document Standards for Asset Protection Zones as conditioned by the RFS. Specifically, the LVMP should also make reference to the areas being managed in and around the landscaping e.g. mown lawn which is achievable. The coastal reserve and associated infiltration area has been designed to permit the area to be mowed as evidenced by the batter design in addition to the ability for vehicles to access the site through the shared pedestrian/driveway.

Based on Tweed Shire Council's adoption at the February 2018 Council meeting of the Plan of Management (August 2017) and the recommendation for a Landscape Vegetation Management Plan (LVMP) to comply with Appendix 5 of PBP2006 as required by the NSW RFS and a description within the LVMP in relation to maintenance of the lawn sections of vegetation, that compliance will be achieved. Importantly, there will not be a need to specifically reference the community public reserve as a specific APZ given Planning for Bushfire Protection 2006 defines the managed land as being equivalent.

The Bushfire Certifiers advice is attached for the Departments referral to the NSW RFS.

We also raise no objection to a condition of the Project Approval requiring the preparation of a Landscape Vegetation Management Plan as this document would be prepared in conjunction with the landscape plans for the entire town centre. Importantly, the preparation of the plan would also satisfy the NSW RFS conditions outlined within their letter of 16 January 2018.

- *Owners consent from Council on a Council letterhead for the works on Council land.*

Comment: We understand through communication with Tweed Shire Council, the prescribed landowners consent has been issued to the Department

- *Detailed information on the process to determine and construct the beach access path. Which authorities / stakeholders are responsible for granting the access? What stage are the negotiations up to? What roadblocks or concerns do the authorities have which have prevented determination of the location of the path until now?*

Comment: The approval/design of the beach access commenced in 2008 with the former landowner and has extended through to more recent refinements through consultation with a number of stakeholders. This has included discussions with Tweed Shire Council, Crown Lands, Urban Designers, Ecologists and Surf Lifesaving Authorities to assist in defining the opportunities and constraints with the development of a beach access.

In 2008, Crown Lands were asked to consent to the lodgement of an application to the Tweed Coast Reserve Trust for a new beach access to be constructed through Tweed Coast Reserve (Reserve 1001008 for public recreation and Coastal Environmental Protection notified 31 October 1997) to the immediate east of the proposed Icon Building).

The Crown following a review of the 'Casuarina Town Centre – Proposed New Beach Access Ecological and Dune Vegetation Management Plan' wrote to the proponent identifying they did not support the proposal in September 2008 due to ecological and design issues.

Upon Clarence Property acquiring the Town Centre site, representation was made to Tweed Shire Council (as Trustee of the Tweed Coast Reserve), seeking the "terms of reference" for the planned construction of the new beach access and subsequent closure of an existing access track. Consultation occurred in 2012 and has continued upon each of the proposed modifications to the town centre where the beach access was party to the modification.

Feedback concerning Council's position on the beach access was provided in 2017, post lodgement of the current modification. Council resolved to support the current beach access infrastructure versus the development of a new access track. To this end, our proposal seeks retain the existing beach access tracks and link any future beach access to the development of the Icon Building which will house the surf lifesaving equipment as per the current requirements under Condition C5.

Furthermore, the link to provide the approvals and undertake subsequent construction of a new beach access is heavily reliant on the introduction of non-residents to the Casuarina Town Centre and as such we believe the Icon Building will be the primary demand generator for visitors given its retail & entertainment use combined with its location to the foreshore area.

We trust this letter and attached plan provides the required information to finalise the assessment. However, should you have any questions, please do not hesitate contacting Mr Damian Chapelle of this office.

Yours sincerely,

NEWTON DENNY CHAPELLE

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

DAMIAN CHAPELLE

Town Planner. BTP CPP.