



3.00 RESPONSE TO AGENCY SUBMISSIONS

Pursuant to public exhibition of the subject proposal, submissions were received from the following Agencies:

Tweed Shire Council
Department of Environment and Climate Change
Department of Primary Industries
Northern Rivers Catchment Management Authority
Rural Fire Service
Department of Lands
Roads and Traffic Authority
Department of Water and Energy

Responses to each of these Agency submissions are presented below.

3.01 Tweed Shire Council

By letter dated 3 October 2008, the Tweed Shire Council lodged a Submission in response to the publicly exhibited Concept Plan and Project Application for Casuarina Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

Generally, the Submission of Council is not supportive. However, it is advised that, since October 2008, a series of meetings have been held with Council addressing concerns and seeking the resolution of outstanding matters.

The grounds of the Submission and the responses of the proponent are as follows, and for convenience, are ordered in the manner presented in the Council's Submission. (*Please note that Council's Submissions are presented in summary form and are not directly quoted*).

Owner's Consent

Council has not granted owner's consent for the inclusion of Lot 13 on DP 1014470 in the applications.

Response

It is advised that Council is still considering the granting of such consent.



Development Plan and Subsequent Concept Master Plans

Reference is made by Council to Consent of the Land and Environment Court (Consent No. s96/135, 16/12/98), reflected in the “Kings Beach Development Plan”. This and subsequent plans have consistently provided for:

- *open space for drainage and cycle/footpaths;*
- *retail facilities away from Tweed Coast Road;*
- *a greater length of Esplanade road;*
- *provision of a sports centre.*

It is contended that the proposed development is not consistent with the above.

Response

Overall, development of Casuarina to date demonstrates general accord with the referred approval.

Necessarily, with the effluxion of time, certain specific matters have been overtaken by events, each lawfully implemented. Notwithstanding:

- open space for drainage and cycle/footpaths has been provided generally as approved, and provision for open space has been made in excess of requirements;
- retailing facilities are being sought to be provided at a location(s) deemed to be the most appropriate to service contemporary and projected needs, however remaining generally consistent with planning approval(s);
- Esplanade roading is being proposed and sited along the foreshore at a location and to an extent deemed to be most appropriate to promote public beach access at the Town Centre focus;
- although no singly-located sports centre is proposed (however noting that playing fields have been established on lands adjacent to the proposed Town Centre), the assembly of existing and proposed recreational opportunities throughout Casuarina Township itself will ensure more than adequate provision for such services to meet expected demand.

Details of measured responses to the above are contained in the Preferred Project Reporting and in previously submitted Application, supporting plans and documents.

***Easement***

The proposal seeks the deletion of a swale and attendant easement and associated infrastructure.

Response

The application has been modified to incorporate a proposal to dedicate part of the land, the subject of the easement, to improve infrastructure, stormwater management and delivery of services, to enhance the amenity of existing and likely future neighbouring residents and to provide walkway/cycleway connection from the existing foreshore facility, safely and securely to the established Casuarina playing fields. (See **ML Design Plan No. MP-01-04(Q)** and **Cardno Drawing No. DA40(J)**)

Stormwater and Drainage

The removal of the swale (addressed above) is not acceptable in engineering terms.

Response

The further considerations in this accompanying reporting conclude the adequacy and the efficacy of the revised submitted plans.

Road Crossings of the Easement

The proposal departs from approved alignment(s) rendering service delivery infeasible.

Response

The attached reporting demonstrates the feasibility and adequacy of service delivery as proposed.

Cycleway/Pedestrian Links

The proposed removal of the 'swale' easement removes link(s) which would represent a substantial loss of amenity and public benefit for the Casuarina Community.

Response

The proposal has been amended to ensure no such detriments. There is no anticipated amenity loss, and public benefit is enhanced by the dedication of 'swale' lands in public ownership, in contrast, and in preference to, the present easement arrangement. (See Plans in **Attachment 2 – Landscape Concept Report, Casuarina Town Centre (EDAW) – Landscape Concept Plan, Public Access to Foreshore, Pedestrian Links, Cycle Circulation; and Shared Access Path – Northern Alignment (15m width)**).

***Roads and Traffic Movements******The partial deletion of the Esplanade road is not supported.*****Response**

The proposed disposition and extent of the Esplanade road is a carefully considered response to the likely projected community requirement for such a facility, and ensures a level of public beach access commensurate with reasonably-held public benefit expectations.

Cycleway***The proposed cycleway network is unsatisfactory and unsafe.*****Response**

The cycleway planning has been reviewed and revised to present a useable system with improved access and safety. (See Plan in **Attachment 2 – Landscape Concept Report, Casuarina Town Centre (EDAW) – Cycle Circulation**).

Sportsfield Access and Associated Car Park***The proposal does not address adequately matters of residential amenity, access and the provision of car parking for sporting field activities.*****Response**

To the limited extent that these are matters of relevance to the subject application, it is not expected that there will be detriments or inconvenience caused to residents in the manner suggested.

Proposed Retail and Supermarket***The proposed location of the supermarket adjacent to the Tweed Coast Road is not supported and is inconsistent with the approved Master Plan. The projected Primary and Secondary Trade Areas are not supported.*****Response**

A peer review of the originally submitted Economic Impact Assessment is appended. (See **Attachment 1 - Retail Sustainability & EIA Assessment Report (MacroPlan Australia)**) for further consideration. This Report reaffirms support for the nominated position, size and extent of the proposed shopping centre and demonstrates consistency with Council's retailing strategies, sustainable impacts and community benefits.



Further, from a considered urban design perspective, the location aspects of the Centre within Casuarina are re-confirmed. This perspective is also presented within the Preferred Project Report.

Conclusion

Council has listed matters for further detailed assessment should it be in receipt of an acceptable amended Concept Plan.

Response

To the considerable extent that the Concept Plan has been reviewed and revised, (see **ML Design Plan MP31(J)**) and explanation provided within the context of the **Preferred Project Reporting**, it is submitted that **all** matters listed by Council for its further consideration are dealt with fully, in support of the proposal.

3.02 Department of Environment and Climate Change

By letter dated 24 September 2008, the Department of Environment and Climate Change lodged a Submission in response to the Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

The Department has advised support for the proposal subject to amendments to the Draft Statement of Commitments.

The principal requirement of the Department is that the Aboriginal and European Heritage Assessment, August 2008, does not fill the requirements of the “*Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*” (Department of Planning 2007).

In response, please refer to **Attachment 5 – Aboriginal and European Cultural Assessment, Casuarina Town Centre (Mary Dallas Consulting Archaeologists)**, January 2009.

This Report provides a full response in terms of the Guidelines referred above, including the undertaking of Aboriginal community consultation, as required.



Appendix 2 to the Departmental advice refers to conditions to be attached to the Draft Statement of Commitments referable to Flooding and to Aboriginal Cultural Heritage.

In response, it is advised that these conditions are acceptable to the proponent.

Appendix 2 to the Departmental advice refers to conditions to be attached to the Draft Statement of Commitments referable to Climate Change and Coastline Hazards.

In response, it is further advised that these conditions are acceptable to the proponent and these are included in the **Statement of Commitments** referable to the **Concept Plan Application** (see **Attachment 3**).

3.03 Department of Primary Industries

By letter dated 27 August 2008, the Department of Primary Industries lodged a Submission in response to the Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

The advice notified that the Department has been formed by the merger NSW Fisheries, Department of Mineral Resources, State Forests and NSW Agriculture.

The advice further noted that the Aquatic Habitat Protection Unit within DPI has reviewed the Application, having regard to the provisions of the Fisheries Management Act 1994 and attendant Policies.

The Department has advised that the Application raises no agricultural, mining or forestry issues, and the Aquatic Habitat Protection Unit has no interest, other than noting that should subsequent works associated with boardwalks and other infrastructure that are conceptually presented in the Environmental Assessment but are not part of the Application may require certain approvals under the Act to ensure that impacts on aquatic habitats and recreational fishing are appropriately mitigated.

(It is noted that with reference to **ML Design Plan No. MP-19(N)**, a public beach access (“Proposed Beach Corridor”) is proposed at the termination of the Boulevard and its connection to the proposed Esplanade, opposite proposed Lot 17. As submitted



previously, the matter of a compensatory closure of one of the existing beach accesses has yet to be determined and advised by the relevant authority).

3.04 Northern Rivers Catchment Management Authority

By letter received 29 September 2008, the Northern Rivers Catchment Management Authority lodged a Submission in response to the Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

The Authority has advised that the Application has been assessed in relation to the achievement of Capital Action Plan (CAP) targets, noting a concern if the volume and quality of stormwater runoff to Cudgen Creek and the ocean is not adequately addressed.

In response, matters pertaining to water quality and stormwater have been fully addressed and assessed in reporting to date.

In further response, the proponent undertakes to ensure that the quality of any runoff into the water bodies, both during and after the construction of the development, will be equal to or better than current levels. This undertaking is included in that part of the **Statement of Commitments** referable to the **Concept Plan Application** (see **Attachment 3**).

3.05 Rural Fire Service

By letter dated 11 September 2008, the NSW Rural Fire Service lodged a Submission in response to the Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

The Fire Service has requested that certain recommendations should be adopted as part of the proposed development, as follows:

1. Asset Protection Zone

At the commencement of building works and in perpetuity, proposed Stage 1 shall be managed entirely as an "Inner Protection Area" as outlined within "Planning for Bushfire Protection 2006" and the Service's "Standard for Asset Protection Zone".



2. Water and Utilities

Water, electricity and gas are to comply with Section 4.1.3 of "Planning for Bushfire Protection 2006".

3. Access

Public road access shall comply with Section 4.1.3.1 of "Planning for Bushfire Protection 2006".

4. Design and Construction

New construction is to comply with Appendix 3 – Site Bushfire Attack Assessment of "Planning for Bushfire Protection 2006".

5. Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of "Planning for Bushfire Protection 2006".

In response, the proponent agrees to the adoption of the above recommendations and undertakes that development will proceed accordingly. The above recommendations are incorporated into that part of the **Statement of Commitments** referable to the **Project Application for Stage 1 Works** (see **Attachment 4**).

3.06 Department of Lands

By letter dated 22 September 2008, the Department of Lands lodged a Submission in response to the Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

The Department notes that the proposed development will have an impact upon adjoining Crown Reserve 1001008 for public recreation and coastal environmental protection notified 31 October 1997. The Department further notes, that Tweed Shire Council is the appointed Corporate Manager of the Tweed Coast Reserve Trust charged with the care, control and management of the Crown Reserve.

The Department has formed a view that the proposed development will have an impact on the Crown Reserve by encouraging higher use of the area and increasing access to the Reserve; and while acknowledging that previous contributions to the management and rehabilitation of the Reserve have been made, further contributions should be made to ensure additional weed control works.



The Department therefore has requested that the following conditions be attached to any Development Approval.

- The proponent be required to fund in perpetuity any restorative actions, including the erection of visual barriers, which may be required as a result of unauthorised tree or vegetation clearing fronting the development within Crown Reserve 1001008, to the satisfaction of the Department;
- The endangered species *Geodorum densiflorum* has been found in significant numbers to the immediate north of the subject site at Seaside City and Salt developments. Targeted surveys for this species should be undertaken and mitigation measures for impacts on the species identified;
- No asset protection zones are to be located within Crown Reserve 1001008;
- No works are authorised to be undertaken on Crown Reserve 1001008. Effective mitigation measures need to be implemented for any works adjoining Crown land to ensure that there is no impact on the Crown land.

In response, the proponent agrees to the attachment of the above conditions to any Development Approval. This undertaking is incorporated in that part of the **Statement of Commitments** referable to the **Concept Plan Application** (see **Attachment 3**).

3.07 Roads and Traffic Authority

By letter dated 22 September 2008, the Roads and Traffic Authority lodged a Submission in response to the Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report**.

The RTA has advised confirmation that Tweed Coast Road is a regional road and other supporting roads are local roads. In relation to local roads, the RTA has advised the Tweed Shire Council should be consulted to determine the suitability of the proposed future road network.

The RTA has also advised that it was not in a position at this time to give the concurrence of traffic signals on the Tweed Coast Road, noting that for safety reasons, the RTA has established numerical warrants that have to be met before signalisation is approved.



In further advice, the RTA has requested that the Traffic Study be extended to determine when the signal installation will be warranted. Further, that traffic modelling should be modified to exclude filtered right turns in peak periods.

The RTA additionally advised that angle parking in the Boulevard and Main Street (Road No. 1) is in close proximity to the proposed traffic signals, and that this method of parking can adversely impact upon the performance and safety of the traffic signal operation. The angle parking should be replaced with parallel parking and any shortfall in the number of spaces to be provided elsewhere in the proposal.

The RTA also advised that the proposed parallel parking along Casuarina Way (Roads No. 3) north of the Boulevard, does not include the provision of bus bays and that this should be considered in further parking layout.

Finally, the authority advised that the proponent would need to seek concurrence for signal installation and in the design of such signals, and would be required to:

- Enter into a Works Authorisation Deed for construction of the signals;
- Complete final design and design report;
- Complete civil works design (if required);
- Complete electrical design;
- Complete road safety audit of design;
- Installation of traffic signal hardware to be carried out by RTA-qualified contractors.

Response

Having regard to the above, the following responses are provided:

(a) Responsible Road Authority

It is fully understood and accepted that the Tweed Shire Council is the responsible road authority for the Tweed Coast Road and the new roadways within the application. This includes the intersection of Tweed Coast Road/The Boulevard and The Boulevard/Casuarina Way/Main Street. The responsibility for Tweed Coast Road has been discussed on numerous occasions, in respect of this application, over the past two years with both RTA and Council such that this level of responsibility was well understood since the commencement of the application. In this regard, the proposed closure of Dianella Drive at Tweed Coast Road, the proposed signalised intersection at



Tweed Coast Road/The Boulevard, the proposed signalised intersection at The Boulevard/Casuarina Way/Main Street and the proposed internal street network within the Town Centre has been discussed with Council's traffic officers. The Council has generally accepted and supported the proposed road network arrangements.

(b) Signalisation

The RTA has identified that it has “established numerical warrants that have to be met before traffic signal installation is approved.” Such warrants are recognised by RTA as “only a guide.” In respect of the various factors influencing the provision of traffic signals the following responses are made in respect of the proposed signalised intersection at Tweed Coast Road/The Boulevard:

- traffic flows – detailed analysis is provided in the initial traffic report supporting the ultimate need for traffic signals. It is recognised that such traffic signals are part of the intent of Tweed Shire Council and have been identified as required works as scheduled in Council Tweed Road Contribution Plan (TRCP). The timing for such signalisation can be reassessed in further detail, if considered necessary, such that signalisation occurs as a consequence (trigger) of traffic volume or of the relevant stage of development in the Town Centre;
- traffic conflicts – the conflicting traffic movements at the intersection are considered appropriate (subject to volumes) to warrant signalisation;
- traffic accident statistics – whilst there are few reported accident records at Dianella Drive/Tweed Coast Road, the community feedback supports the proposed signalisation, as does the future traffic volume increases;
- pedestrian requirements – the proposed signalisation is generally not required for pedestrian reasons;
- access to major roads – the proposed intersection will provide the primary point of access to/from Tweed Coast Road for the Casuarina Town Centre and for residents of Casuarina (existing and proposed), Seaside (proposed) and Salt (existing and proposed). These access needs will warrant signalisation for capacity, efficiency and safety reasons;



- cost of installation – the funds for the signalisation are identified and incorporated within Council’s TRCP and contributions under the TRCP have been made (and will be made) by this applicant and others;
- availability of funds - – the funds for the signalisation are identified and incorporated within Council’s TRCP and contributions under the TRCP have been made (and will be made) by this applicant and others;
- maintenance costs – the need for signalisation has clearly been identified for capacity, efficiency and safety reasons and maintenance costs would therefore be accepted by Council as it would do for any other similar intersection project;
- practicality – the proposed signalisation is considered entirely practical, in particular recognising the ease of construction of the intersection and signal hardware whilst the Dianella Drive/Tweed Coast Road remain open and caters for the existing turning movement traffic volumes;
- feasibility – concept plans have been prepared and submitted with the application confirming the feasibility of the proposed signalisation;
- the signposted speed limit is not more than 80km/h.

With respect to the specific volume warrants, the traffic analysis undertaken as part of the application has concluded that under the “full development” traffic volumes, signalisation of the Tweed Coast Road/The Boulevard intersection is necessary. As indicated above, the timing of such signalisation can, if necessary, be conditioned (or reassessed) such that signalisation occurs as a consequence (trigger) of identified traffic volumes or of the relevant stage of development in the Town Centre.

With respect to the traffic signal phasing and resultant lane configuration/details, it is accepted that further analysis excluding filter right turns and identifying timing warrants can be undertaken should such an analysis be required. The details of traffic signals as identified by the RTA are recognised. It is also recognised that while the signalisation at Tweed Coast Road/The Boulevard is proposed to be implemented as part of the subject application, it is not solely as a consequence of the subject development traffic and is a requirement of other traffic, as indicated by its inclusion in Council’s TRCP.



(c) Angled Car Parking

With respect to the angled parking proposed in proximity to the signalised intersections proposed at Tweed Coast Road/The Boulevard and The Boulevard/Casuarina Way/Main Street, it is the considered view that the proposed arrangements (ie. the proximity of parking spaces to the intersections) are acceptable, recognising that the plans provided are concept level at this stage hence further detailed operational works design/application can still occur to refine the designs.

It is noted that, should there be any loss of car parking provision resulting from deletion of such angled parking, there is no need for such provision to be compensated elsewhere as such parking spaces are not part of any development application requirements.

(d) Parallel Car Parking

The proposed road width on Casuarina Way north of the Boulevard is consistent with that required by Tweed Shire Council for a bus route and any specific requirements for bus bays on this alignment may be accordingly accommodated if required.

3.08 Department of Water and Energy

By letter dated 10 October 2008, the Department of Water and Energy notified that the proposal comprising a Concept Plan Application and the Project Application for Stage 1 Works for the Town Centre, Casuarina Beach – the subject of this **Preferred Project Report** – was still being assessed, and that it was the intention to submit a response in due course addressing the following issues:

- Use of infiltration basins for disposal of stormwater to the underlying freshwater aquifer;
- lack of proper assessment of the water quality and volume impacts of this proposed disposal method on the aquifer;
- loss of assessment of the water licensing implications under NSW Water Legislation of accessing water from the aquifer system.



At the date of writing, no assessment has been received. Notwithstanding, the proponent undertakes to ensure the proper and appropriate management of stormwater disposal and water quality as undertaken in reporting in support of the subject proposal and will agree to the attachment of reasonable and relevant conditions in this regard.