

# Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I approve the section 75W modification of the project approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Heather Warton  
**Director**  
**Metropolitan and Regional Projects North**

Sydney

7th

March 2012

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## SCHEDULE 1

**Project Approval:** granted by the then Minister for Planning on 20 September 2009.

**For the following:** Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff, Tweed local government area.

**Modification:** Amendments involving:

- reduction of gross floor area of the supermarket and retail centre;
- reduced size and scale of the retail centre building;
- removal of all basement car parking;
- reconfiguration of the at-grade car park;
- relocation of the substation;
- provision of shade structures;
- additional signage; and
- additional landscaping works.

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## **SCHEDULE 2**

The approval as described in Schedule 1 is modified as follows:

**(a) Condition A1 is amended as follows:**

**A1 Project Description**

Project approval is granted only to carrying out the project described in detail below:

- 1) Bulk earthworks and vegetation clearing;
- 2) Subdivision of the land into 61 lots comprising 38 low density residential lots, 18 super lots for future development, 3 open space lots and 2 lots for the purposes of drainage;
- 3) Construction of the retail centre with a total floor space of ~~4135m<sup>2</sup>~~ **3705m<sup>2</sup>** comprising a maximum of ~~3660m<sup>2</sup>~~ **3460m<sup>2</sup>** of retail floor space. The retail floor space is composed of:
  - a. supermarket of ~~2500m<sup>2</sup>~~ **2300m<sup>2</sup>**;
  - b. shops of ~~850m<sup>2</sup>~~ **1000m<sup>2</sup>**; and
  - c. restaurants of ~~340m<sup>2</sup>~~ **160m<sup>2</sup>**.

The retail centre will provide car parking for a total of ~~248~~ **220** vehicles (~~including 72 spaces in a basement car park~~);

- 4) Construction of roads and car parking;
- 5) Closure of Dianella Drive at its intersection with Tweed Coast Road;
- 6) Realignment of the foreshore walkway/cycleway;
- 7) Landscaping;
- 8) Signage for the retail centre; and
- 9) Provision of associated services i.e. water, sewerage, stormwater drainage, electricity supply and telecommunications.

**(b) Condition A2 is amended as follows:**

**A2 Project in Accordance with Plans**

The project will be undertaken generally in accordance with the following drawings:

Architectural (or Design) Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-19(R)		Land Use Plan	17/08/09
MP-30(W)		Open Space Plan	17/08/09
MP-01-04(U)		Casuarina Beach Town Centre – Indicative Master Plan	17/08/09
Engineering Drawings prepared by Cardno (QLD) Pty Ltd			

Drawing No.	Revision	Name of Plan	Date
DA22I	I	Existing Contours Plan	10/08/09
DA23J	J	Road Layout Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA25K	K	Cut / Fill Depths Layout Plan	21/12/09
DA26I	I	Site Cross Sections	21/12/09
DA27I	I	Erosion & Sediment Control Layout Plan	10/08/09
DA28F	F	Road No.1 Longitudinal Section	10/08/09
DA29D	D	Casuarina Way (Road No.2) Longitudinal Section	10/08/09
DA30E	E	Road No 3 (Casuarina Way) and Road No 4 Longitudinal Sections	10/08/09
DA31G	G	Road No 5 Longitudinal Section	10/08/09
DA32F	F	Road No 6 Longitudinal Section	10/08/09
DA33F	F	Road No 7 Longitudinal Section	10/08/09
DA34E	E	Typical Cross Sections Sheet 1	10/08/09
DA35G	G	Typical Cross Sections Sheet 1	10/08/09
DA36K	K	Catchment Areas and Drainage Paths	06/01/10
DA37I	I	Sewer Reticulation Layout Plan	10/08/09
DA38H	H	Water Reticulation Layout Plan	10/08/09
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09
DA42B	B	Proposed Frontal Cycleway/ Infiltration Basins Layout Plan	21/12/09
DA44D	D	Proposed Frontal Cycleway/ Drainage Re-alignment Layout Plan	21/12/09
DA46B	B	Proposed Additional Works in Lot 10	06/11/09
<b>Traffic Engineering Drawings prepared by Cardno Eppell Olsen</b>			
Drawing No.	Revision	Name of Plan	Date
8491-101	G	Tweed Coast Road / Town Centre Drive Intersection Concept	03/07/09
8491-102	D	Casuarina Way / Town Centre Drive Intersection Concept Option 1	23/01/09
8491-603	B	Revised Shopping Centre Carpark	14/08/09
8491-702	F	10.0M Compactor Collection Vehicle Sweep Path	14/08/09
8491-703-1	D	8.8M Medium Rigid Vehicle Swept	14/08/09



		Path (Forward In)	
8491-703-2	D	8.8M Medium Rigid Vehicle Swept Path (Reverse In)	14/08/09
8491-704	C	19M Articulated Vehicle Swept Path	14/08/09
<b><u>SK011</u></b>		<b><u>Austroads 19m Semi – Site and Loading Ingress Manoeuvre A</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK012</u></b>		<b><u>Austroads 19m Semi – Site and Loading Ingress Manoeuvre B</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK013</u></b>		<b><u>Austroads 19m Semi – Site and Loading Ingress Manoeuvre</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK014</u></b>		<b><u>10.7m Truck – Site and Loading Ingress Manoeuvre</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK015</u></b>		<b><u>10.7m Truck – Site and Loading Ingress Manoeuvre</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK016</u></b>		<b><u>Austroads 8.8m Truck – Site and Loading Ingress Manoeuvre</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK017</u></b>		<b><u>Austroads 8.8m Truck – Site and Loading Ingress Manoeuvre</u></b>	<b><u>15/11/2011</u></b>
<b><u>SK018</u></b>		<b><u>Proposed Loading Area Signage</u></b>	<b><u>15/11/2011</u></b>
8491-901	H	Parking Bay Dimensions	14/08/09
8491-902	F	Parking Bay Dimensions	06/02/09
8491-903	F	Parking Bay Dimensions	06/02/09
8491-904	D	Parking Bay Dimensions	23/01/09
8491-905	E	Parking Bay Dimensions	03/07/09
8491-906	E	Parking Bay Dimensions	03/07/09
8491-907	D	Parking Bay Dimensions	23/01/09
8491-908	E	Bus and Car Swept Path	14/08/09
8491-909	E	Public Parking	14/08/09
<b>Supermarket Architecture Drawings prepared by Donovan Hill</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
<b><u>DA01</u></b>	<b><u>PA-3A</u></b>	<b><u>Cover Page</u></b>	<b><u>14/02/12</u></b>
<b><u>DA02</u></b>	<b><u>PA-3A</u></b>	<b><u>Perspective Sketches</u></b>	<b><u>14/02/12</u></b>
<b><u>DA03</u></b>	<b><u>PA-3</u></b>	<b><u>Perspective Sketches</u></b>	<b><u>16/11/11</u></b>
<b><u>DA04</u></b>	<b><u>PA-3</u></b>	<b><u>Locality Plan</u></b>	<b><u>16/11/11</u></b>
DA05	J <b><u>PA-3A</u></b>	Site Plan and Schedules	13/08/09 <b><u>14/02/12</u></b>
DA06	H <b><u>PA-3A</u></b>	Elevations North and East	30/04/09 <b><u>14/02/12</u></b>
DA07	H <b><u>PA-3A</u></b>	Elevations South and West	30/04/09 <b><u>14/02/12</u></b>
DA08	H	Ground Floor Plan	30/04/09

	<u>PA-3A</u>		<u>14/02/12</u>
DA09	H <u>PA-3</u>	First Floor Plan	30/01/09 <u>16/11/11</u>
DA10	H <u>PA-3</u>	Roof Plan	30/01/09 <u>16/11/11</u>
DA11	H	Basement Plan	30/01/09
DA12	H <u>PA-3</u>	Sections	30/01/09 <u>16/11/11</u>
DA13	H <u>PA-3</u>	Shadow Diagrams	30/01/09 <u>16/11/11</u>
DA14	† <u>PA-3</u>	Building Signage Details	13/08/09 <u>16/11/11</u>
DA15	<u>PA-3A</u>	Carpark Views	<u>14/02/12</u>
DA16	<u>PA-3</u>	<u>Proposed Finishes</u>	<u>23/02/12</u>
<b>Landscape Drawings prepared by EDAW</b>			
Drawing No.	Revision	Name of Plan	Date
08		Vehicular Street Hierarchy	August 2009
09		Pedestrian Links	August 2009
010		Cycle Circulation	August 2009
011		Street Tree Strategy	August 2009
012		Entrance Statement	August 2009
013		The Boulevard	August 2009
014		Main Street	August 2009
015		Casuarina Way	February 2010
016		Local Roads	August 2009
017		Pedestrian Links	February 2009
018		Foreshore Reserve Management Area	February 2010
019		Indicative Sections – Foreshore Reserve	August 2009
020		Civic Park	February 2010
021		Public Carpark Section	August 2009
022		Retail Centre	February 2010
<b>Stage 1A drawings prepared by Cardno (Qld) Pty Ltd.</b>			
DA103	B	Stage 1A Works Plan	18/11/10
DA104	B	Stage 1A Road Layout Plan	18/11/10
DA105	B	Stage 1A Finished Surface Contours	18/11/10
DA106	B	Cut/Fill Depths Layout Plan	18/11/10
DA107	B	Stage 1A Site Cross Sections	18/11/10



DA108	B	Stage 1A Erosion & Sediment Control Layout Plan	18/11/10
DA109		Road No.1 Longitudinal Section	08/09/10
DA110		Casuarina Way (Road No.2) Longitudinal Section	08/09/10
DA111		Road No.3 (Casuarina Way) Longitudinal Section	08/09/10
DA112		Road No.5 Longitudinal Section	08/09/10
DA113		Road No 6 & 7 Longitudinal Sections	08/09/10
DA114		Typical Cross Sections Sheet 1	08/09/10
DA115		Typical Cross Sections Sheet 2	08/09/10
DA116	B	Stage 1A Catchment Areas and Drainage Paths	18/11/10
DA117	B	Stage 1A Sewer Reticulation Layout Plan	18/11/10
DA118	B	Stage 1A Water Reticulation Layout Plan	18/11/10
DA119	B	Stage 1A Subdivision Layout Plan	18/11/10
DA120	B	Stage 1A Dedication and Easement Plan	18/11/10
DA121	B	Stage 1A Proposed Cycleway/Drainage Re-alignment Layout Plan	18/11/10
DA122		Proposed Additional Works in Lot 10	08/09/10

(c) Inserting new clause (5) following Condition A3(4) as follows:

(5) Section 75W Modification No. 3 Project Approval MP 06 0258 (as already modified) Casuarina Town Centre, prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated November 2011.

(d) Amending Condition E21 as follows:

### **E21 Section 94 Monetary Contributions**

#### **Amount of Contributions**

Name of Contribution Plan			
	No. of ET	\$ per ET	Sub-Total
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	<del>1653.6</del> <b>1448.4</b> trips	\$930	<del>\$1,537,848</del> <b>\$1,384,212</b>
TRCP Sector 7_4 LCA4 - Casuarina			\$254,654

Street Trees	51	\$297	\$15,147
Shirewide Library Facilities	51	\$688	\$35,088
Bus Shelters	51	\$26	\$1,326
Eviron Cemetery	51	\$131	\$6,681
Community Facilities (Casuarina Beach / Kings Forest)	51	\$1,443	\$73,593
Emergency Facilities (Surf Lifesaving)	51	\$200	\$10,200
Extensions to Council Administration Offices and Technical Support Facilities	51	\$1996.80	\$101,836.80
Regional Open Space (Casual)	51	\$855	\$43,605
Regional Open Space (Structured)	51	\$2327	\$118,677
<b>TOTAL CONTRIBUTIONS PAYABLE</b>			<b>\$2,198,655.80</b>
			<b>\$2,045,019.80</b>

Note: Contribution Plan credits can be obtained from both Zone 6 Contributions (four laning of Tweed Coast Road) and Local Area Charge 4 (various traffic signals) under Contribution Plan No. 4. All other proposed roads and intersections are to be constructed at the developer's expense.

#### **Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Tweed Shire Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council, shall be submitted to the Certifying Authority prior to the issue of the Subdivision Certificate.

These charges to remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

#### **Section 94 Plans**

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

#### **(e) Amending Condition E22 as follows:**

#### **E22 Section 64 Monetary Contributions**

A certificate of compliance under Sections 305, 306 and 307 of the *Water Management Act 2000* is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with Tweed Shire Council.

Pursuant to Clause 146 of the *Environmental Planning and Assessment Regulation 2000*, a Subdivision Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Principal Certifying Authority has sighted Council's



"Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

The current charges applicable are:

Charge	Calculation	Total
Development Servicing Plan for Water Supply Services (July 2007)	64.18 <u>62.08</u> ET x \$10,346.90	\$664,064.00 <u>\$642,335.55</u>
South Kingscliff Water Levy	64.18 <u>62.08</u> ET x \$240	\$15,403.20 <u>\$14,899.20</u>
Development Servicing Plan for Sewerage Services (July 2007)	64.18 <u>62.08</u> ET x \$4972.1	\$340,489.40 <u>\$324,081.48</u>
<b>TOTAL</b>		<b>\$1,019,956.60</b> <b><u>\$981,319.23</u></b>

These charges remain fixed for a period of twelve (12) months from the date of this approval and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

A copy of the Section 64 contribution plans may be inspected at Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(f) Inserting new condition B5A as follows:

**B5A Shade Structures**

**Detailed design information of the car parking shade structures shall be submitted to the Department for approval prior to the issue of a Construction Certificate for the retail centre. Design details are to include, but are not limited to, the following:**

- (1) **Elevation plans showing the height and length of the structures;**
- (2) **Specific materials to be used;**
- (3) **Colours and finishes to be used; and**
- (4) **Photomontages of the structures when viewed from Tweed Coast Road and Casuarina Way respectively.**

(g) Inserting new condition G5A as follows:

**G5A Signage**

**All illuminated signage associated with the supermarket and retail shops must be extinguished outside of the retail centre operating hours.**

**Note: the hours of operation for the retail centre are listed under Condition G5.**