



Office of
Environment
& Heritage

Our Ref: Enter : DOC16/98148
Your Ref: MP06_0258MOD10

Ms Kate MacDonald
Team Leader – Industry Assessments
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Ms Nicola Chisholm.

Dear Ms MacDonald

Re: Proposed Modification of Major Project Approval 06_0258 MOD10, Casuarina Town Centre.

Thank you for your letter dated 19 February 2016 about the proposed modification to the Casuarina Town Centre requesting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

The OEH has reviewed the proposed modifications including the Modification Report dated January 2016 prepared by Newton Denny Chapelle for the Section 75W Modification No. 10 Project Approval MP06_0258 (as Already Modified) for Casuarina Town Centre on behalf of the Clarence Property Group. Detailed comments are provided in **Attachment 1** to this letter.

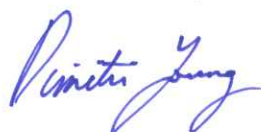
In summary, the proposed modifications do not give rise to significant physical changes to the approved project and therefore impacts are likely to be limited to those addressed in the original Environmental Assessment. Hence, the modification does not raise any significant issues regarding our statutory interests.

The OEH advises that:

1. prior to determining the proposal the Department of Planning and Environment should be satisfied that the impacts on intangible Aboriginal cultural heritage arising from increased building heights have been adequately considered.
2. the revised drainage concept is a matter best managed by the Tweed Shire Council.
3. impacts on biodiversity and Aboriginal cultural heritage will need to be adequately assessed as part of identifying future beach access options.

If you have any further questions about this issue, Mr Clyde Treadwell, Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6659 8288 or at clyde.treadwell@environment.nsw.gov.au.

Yours sincerely

 31 March 2016

DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations

Contact officer: Clyde Treadwell 6659 8288

Enclosure: Detailed OEH Comments - Casuarina Town Centre MP.06_0258 MOD 10

Attachment 1 - Detailed OEH Comments - Casuarina Town Centre MP.06_0258 MOD 10

The Approved Proposal

The original approval was granted on 20 September 2009 by the Minister for Planning to the Concept Plan and Project Application for the Casuarina Town Centre, Major Project 06_0258.

The original Concept Plan approval was granted for:

- The subdivision of 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 associated road network and car parking;
- Construction of all necessary services; and Landscaping and open space.

Subsequently, from 17 June 2010 to 15 June 2016, nine (9) modifications to the Approval were granted, and this application is now seeking modification 10 which involves some seven (7) matters.

The Modification

The following comments are in response to the Modification Report dated January 2016 prepared by Newton Denny Chapelle for the Section 75W Modification No. 10 Project Approval MP06_0258 for Casuarina Town Centre on behalf of Clarence Property Group.

The proposed modifications do not give rise to significant physical changes to the approved project and therefore impacts are likely to be limited to those addressed in the original Environmental Assessment. Comments on each component of the modification sought are provided below.

1. Modification of the approved lot layout and increase in the number of lots permitted on-site from 97 to 177;

OEH Comment:

It appears that this increase in the number of lots permitted is a result of removal of the approved hotel use from the Project. The primary implication of the increase in number of lots permitted is from a sustainability perspective. Given an assessment of this part of the development area has previously been undertaken the OEH has no further comment on this component of the modification.

2. Modification of the built form controls to increase the height of buildings permitted along Grand Parade;

OEH Comment:

Consideration may need to be given to the implications and potential impacts of this modification on intangible Aboriginal cultural heritage if any view lines are impacted by the changes in height. This is best addressed through consultation with Aboriginal cultural knowledge holders.

3. Deletion of the approved hotel use;

OEH Comment:

This matter is outside the OEH's statutory responsibilities. The primary implication of the deletion of the hotel use relates to the future use of this area. The modification seeks an increase in the permitted number of residential allotments on the area formerly identified as the hotel use. Given an assessment of this part of the development area has previously been undertaken the OEH has no further comment on this component of the modification.

4. Revisions to the drainage concept to facilitate the filling of the existing drainage swale and the conversion of the swale to a 'green buffer';

The modification is seeking that the proposed site stormwater management system substitute a major stormwater pipe network in lieu of an existing deep swale that traverses the site. In addition, the proposal is for the development to provide the same amount of infiltration areas as previously nominated, in past concept approval documentation, but in differing locations to those shown in the concept approval.

OEH Comment:

The information provided with the modification demonstrates that the proposed drainage infrastructure is generally in alignment with previous design concepts and approvals for the site. Variations to previous design concepts surrounding the stormwater swale were discussed.

Hydraulic modelling shows that replacement of the existing drainage swale with three 1650mm diameter stormwater pipes is sufficient to convey 120% of the 100 year ARI storm event. Relocation of the sewer trunk main to align with the stormwater system is also possible.

The OEH is satisfied that the revised drainage concept is a matter best managed by the Tweed Shire Council.

5. Changes to the timing for the provision of additional beach access;

Currently, the beach access is to be approved prior to the release of Stage 1C. In this respect, the residents of Casuarina Town Centre already enjoy the benefit of two existing access pathways which are located along the frontage of the subject allotment. The proponent is undertaking stakeholder consultation and is seeking to have the required beach access approved in Stage 2 in association with the development of the 'Icon Building' and surf lifesaving facilities.

OEH Comment:

The timing of the provision of the beach access is a matter outside the OEH's statutory responsibilities. Impacts on biodiversity and Aboriginal cultural heritage will need to be adequately assessed as part of identifying beach access options.

6. Changes to the approved staging plan;

The amendment seeks to provide for development of the balance of the civil infrastructure works and the subdivision of the residue parcel through the inclusion of two (2) sub-stages. Stage 1D is proposed to include the construction of the civil infrastructure

and its associated dedication as a public asset, whilst Stage 1E will include the release of the remaining 92 lots (including 2 public reserves).

OEH Comment:

This matter is generally outside the OEH's statutory responsibilities. Given the revised staging is on the previously assessed development footprint the OEH has no further comment on this component of the modification..

7. Administrative changes to the conditions of approval in response to the above changes.

OEH Comment:

This matter is outside the OEH's statutory responsibilities.

Summary

In summary, the OEH advises that:

1. prior to determining the proposal the Department of Planning and Environment should be satisfied that the impacts on intangible Aboriginal cultural heritage arising from increased heights have been adequately considered.
2. the revised drainage concept is a matter best managed by the Tweed Shire Council.
3. impacts on biodiversity and Aboriginal cultural heritage will need to be adequately assessed as part of identifying future beach access options.

