

David O'Connell

From: [REDACTED]
Sent: Monday, 29 February 2016 6:02 PM
To: Corporate Email
Subject: Objection to Casuarina Town Centre, MP 06_0258 MOD 10, Mixed Use Subdivision

Good Afternoon

Re: Casuarina Town Centre, MP 06_0258 MOD 10, Mixed Use Subdivision

I am in the process of purchasing land at Casuarina and I would like your assistance and support to revise the proposed scope of works associated with the above named development.

The development appears to be great for the community, however, there is a concern that the developer is now seeking to reduce the "green space/easement" from 20m down to 10.5m so he can build a road and footpath.

A list of objections has been prepared below to assist with your review.

1. The width of the easement has already been reduced from 36m down to 20m and current plans to introduce a road will diminish its effective width even further to the disadvantage of neighbouring residents.
2. The introduction of a traffic road is contrary to the originating planning intent and purpose of the easement for open space landscape planting and pedestrian / cycle way.
3. Decrease landscape and visual buffer to future development.
4. Neighbouring residents that purchased land and built in the area have done so based on planning approvals which required 36m to 20m easement for landscape buffering and have not contemplated such to include a trafficable road.
5. The proposal conflicts with earlier planning permits and there is not sufficient planning merit or grounds to overcome the conflict.
6. The developer has adequate capacity to internalise the trafficable road within the master planning community rather than adjacent to existing residential properties.
7. The developer is merely seeking to increase their developable area at the expense of neighbouring residents by accommodating the road within an area always intended for landscape buffer planting and pedestrian/cycle access only.

We would appreciate any assistance you can provide in order to ensure the developer is being fair and reasonable and maintains the 20m easement.

Thanks in advance for taking the time to review this email.

Regards
[REDACTED]

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From: [REDACTED] >
Sent: Saturday, 27 February 2016 10:15 AM
To: Corporate Email; Katie Milne; Barry Longland; Gary Bagnall; Carolyn Byrne; Warren Polglase; Phil Youngblutt
Subject: Casuarina Town Centre - NSW Govt Application No. MP 06_0258 MOD 10

Councillors and Planning Unit

I refer to current Modification Request for the Casuarina Town Centre Plan which is currently being assessed by council for submission to the State Government.

The residents of Casuarina in particular the residents on the northern boundary of the town centre have a major concern with the proposal by the developer to reduce the approved 20m open space corridor between the existing residents and the town centre down to 10.5m.

The separation between the proposed town centre and the residential lots on the northern boundary has always been a very sensitive subject with the residents of Casuarina and the wider community.

The originating town centre approval was for an open drainage swale which was within a 36m wide easement.

This easement provided an open space and vegetation corridor between the future town centre and residential lots.

This was a major benefit to the lots that aligned the northern boundary and the prices of the lots reflected this.

We like the other residents including Santai Resort that bought blocks that back onto the swale have designed and built taking in account the aspect and benefits that the swale / open space corridor provided.

In 2009 the town centre plans were developed and lodged with State Government for approval. The plans included the replacement of the swale with underground stormwater pipe drainage and the reduction of the easement to 15m.

As the council knows this was highly contested by the Casuarina residents and wider community.

The determination by State Government was to replace the swale with an underground drainage stormwater system and provide a 20m wide east west open space easement which was to be recontoured, grassed and landscaped and to include 3m wide cycleway / walkway constructed thereon.

This was the agreed compromised position which would maintain public amenity and provide an appropriate buffer distance between the proposed town centre and the adjoining properties.

The current submitted plans is to reduce the agreed 20m separation to 10.5m comprising of 8m of vegetation and a 2.5m wide footpath. This is a further 50% reduction in the already compromised separation width !!!

The submission also is to construct a road within the approved 20m wide zone.

If approved, this will result in less open space landscaping and introduce amenity impacts for all adjoining residents that would have not been reasonably contemplated but have since purchased and built in the area. Of course, the developer stands to gain additional developable area by building the road closer to existing residents rather than internal to their own development.

Enough is enough of these greedy developers changing the goal posts and pushing their problems onto the existing community.

Grounds of Objection

1. The width of the easement has already been reduced from 36m down to 20m and current plans to introduce a road will diminish its effective width even further to the disadvantage of neighbouring residents.
2. The introduction of a traffic road is contrary to the originating planning intent and purpose of the easement for open space landscape planting and pedestrian / cycleway only.
3. The introduction of trafficable road will cause adverse amenity impacts on neighbouring residents due to:
 - a. Increase noise impacts
 - b. Increase light spillage
 - c. Increase security concerns
 - d. Decrease landscape and visual buffer to future development
4. Neighbouring residents that purchased land and built in the area have done so based on planning approvals which required 36m to 20m easement for landscape buffering and would have not reasonable contemplated such to include a trafficable road.
5. The introduction of a trafficable road is likely to adversely impact on neighbouring resident's property values.
6. The proposal conflicts with earlier planning permits and there is not sufficient planning merit or grounds to overcome the conflict.
7. The developer has adequate capacity to internalise the trafficable road within the master planning community rather than adjacent to existing residential properties.
8. The developer is merely seeking to increase their developable area at the expense of neighbouring residents by accommodating the road within an area always intended for landscape buffer planting and pedestrian/cycle access only.

We request Councils support in maintaining the current approved 20m separation.

Thanks

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

From: [REDACTED] >
Sent: Sunday, 28 February 2016 1:24 PM
To: Corporate Email; Katie Milne
Subject: Casuarina Town Centre - NSW Govt Application No. MP 06_0258 MOD 10

Councillors & Planning Dept.

We refer to current Modification Request for the Casuarina Town Centre Plan which is currently on review for comments and assessed to the State Government.

We own a unit in Santai Resort which overlooks the swale which divides the existing residents of Casuarina and the future town centre.

At the time of purchasing our unit off the plan 10 years ago, we were told by the developer the 36m drainage easement behind the resort would never be built on.

The resort has been designed based on this with many balconies protruding right up the southern boundary.

The successful reduction of the easement width from 36m to 20m in 2009 was a massive blow for the Santai unit owners as well as the Casuarina community.

The determination by State Government was the following - quote :

06_0258 MOD 1 : Director Generals Report

a. page 3 : "the existing open drainage easement will no longer be created for stormwater drainage and infiltration purposes. This will instead allow for the creation of a 20m wide landscaped pedestrian/cycleway easement to be created along the existing easement route..."

b. page 6 : The filling of the existing easement will create a 20m wide corridor of public open space and provide a landscaped connection for pedestrians and cyclists"

c. page 7 : Proposed section of the 20m wide dedication is included in the report

06_0258 MOD 1 : Major Project Assessment Report

a. page 33 : The Department considers the proposal to fill the ease-west drainage easement and provide a 20m wide open space corridor with a realigned pedestrian cycleway as a favourable development outcome and one which provides a significant public benefit. The easement will be converted into a landscaped open space corridor for public benefit which will be dedicated to and maintained by council"

b. page 34 : "the proponent has outlined in the Statement of Commitments that landscaping works will be undertaken within the open space/drainage easement, consisting mostly of native plant species which is anticipated to improve habitat areas for local fauna species"

"the proponent is committed to increasing the open space to 20m to width to ensure an appropriate amount of open space is provided between the existing properties to the north and any future development on adjoining lots within the town centre"

"The proposed landscaping works between the town centre and adjoining properties will help mitigate the impacts of increased noise generation. The landscaping works will also assist in maintaining a level of privacy for those properties which have rear balconies overlooking the easement/swale"

06_0258 MOD 2: Modification of Ministers Approval

a. pages 2 and 3 detail the approved drawings which include drawings DA26L and DA44D. Both of these drawings detail the 20m wide dedicated

b. Pedestrian links landscaping drawing - typical section details the proposed landscaping of the 20m wide dedication

The Developer in is current submission has totally ignored what was approved by the State Government as the requirements for the future town centre.

We residents and property owners at Casuarina that live directly on the boundary of the swale are looking to State Government to enforce and honour what has been previously approved.

We all have to abide by guide lines and rules when building our houses, the developer needs to do the same when designing the town centre.

We are sick of greedy developers changing the goal posts and pushing their problems onto the existing community.

The developer has adequate capacity to move the proposed road further south out of the 20m dedication zone or internalize the trafficable road within the town centre rather than adjacent to existing residential properties. The developer is merely seeking to increase their developable area at the expense of the community by decreasing the approved buffer zone and accommodating a road within an area always intended for landscape buffer planting and pedestrian / cycle access only.

We are seeking Councils support to enforce the 20m wide landscaped pedestrian/cycleway that was promised to the residents of Casuarina as a favourable compromise with the reduction of the 36m swale in the last determination by State Government.

Thanks

[REDACTED]
[REDACTED] [REDACTED]

From: [REDACTED] >
Sent: Friday, 4 March 2016 11:00 AM
To: Corporate Email; tweed@parliament.nsw.gov.au
Subject: objection Casuarina Town Centre, MP 06_0258 MOD 10, Mixed Use Subdivision (Concept Plan)

1. The width of the easement has already been reduced from 36 m down to 20 m and current plans to introduce a road will diminish its effective width even further to the disadvantage of neighboring residents.
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 - a. Increase noise impacts
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4. Neighboring residents that purchased land and built in the area have done so based on planning approvals which required 36 m to 20 m easement for landscape buffering and would have not reasonable contemplated such to include a traffic-able road.
5. The introduction of a traffic-able road is likely to adversely impact on neighboring resident's property values.
6. The proposal conflicts with earlier planning permits and there is not sufficient planning merit or grounds to overcome the conflict.
7. The developer has adequate capacity to internalize the traffic-able road within the master planning community rather than adjacent to existing residential properties.
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General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

Attention: Councillors and Planning Department

Email: 'tsc@tweed.nsw.gov.au'; 'kmilne@tweed.nsw.gov.au';
'blongland@tweed.nsw.gov.au'; Gary Bagnall
<GBagnall@tweed.nsw.gov.au>; 'cbyrne@tweed.nsw.gov.au';
'wpolglase@tweed.nsw.gov.au'; 'pyoungblutt@tweed.nsw.gov.au'

Dear Sirs / Madam,

**Casuarina Town Centre Master Plan – Major Project: MP06_0258 MOD10,
Mixed Use Subdivision**

We refer to the current Modification Request for the Casuarina Town Centre Plan which is currently being assessed by council for submission to the State Government.

Please find attached individually signed letters from 100% of the residents that live directly on the northern boundary of the Casuarina Town Centre.

The residents are ALL objecting to the proposal by the developer to reduce the current 20m wide landscaped pedestrian / cycleway easement separating the existing residents on the northern boundary and future Casuarina Town Centre.

The developer is merely seeking to increase their developable area at the expense of the community by decreasing the approved buffer zone and accommodating a road within an area always intended for landscape buffer planting and pedestrian / cycle access only.

This is pure greed and unacceptable by the community.

We are seeking the Department of Planning to enforce the current determination as detailed in the Director Generals Report 06_0258 MOD 1 :

- a. page 3 : "the existing open drainage easement will no longer be created for stormwater drainage and infiltration purposes. This will instead allow for the creation of a 20m wide landscaped pedestrian/cycleway easement to be created along the existing easement route..."
- b. page 6 : The filling of the existing easement will create a 20m wide corridor of public open space and provide a landscaped connection for pedestrians and cyclists"

c. page 7 : Proposed section of the 20m wide dedication is included in the report

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a. page 33 : **The Department considers the proposal to fill the ease-west drainage easement and provide a 20m wide open space corridor with a realigned pedestrian cycleway as a favourable development outcome and one which provides a significant public benefit.** The easement will be converted into a landscaped open space corridor for public benefit which will be dedicated to and maintained by council"

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"the proponent is committed to increasing the open space to 20m to width to ensure an appropriate amount of open space is provided between the existing properties to the north and any future development on adjoining lots within the town center"

"The proposed landscaping works between the town center and adjoining properties will help mitigate the impacts of increased noise generation. The landscaping works will also assist in maintaining a level of privacy for those properties which have rear balconies overlooking the easement/swale"

06_0258 MOD 2: Modification of Ministers Approval

a. pages 2 and 3 detail the approved drawings which include drawings DA26L and DA44D. Both of these drawings detail the 20m wide dedicated

b. Pedestrian links landscaping drawing - typical section details the proposed landscaping of the 20m wide dedication

The Developer in his current submission has totally ignored what was approved by the Department of Planning as the requirements for the future town centre.

We residents and property owners at Casuarina are looking for Councils support in maintaining the current approved 20m separation.

Please do not hesitate to contact me on [REDACTED] if you require any further information.

Yours Faithfully

[REDACTED]



http://mapsatellitestreet.com/?gclid=COqb_qWjm8sCFQqZvAodBw4F2Q

- Objection Letters Attached
- Objection Letters Forwarded directly to Department of Planning

Application No. Casuarina Town Centre, MP06_0258 MOD10, Mixed Use Subdivision

The Director of Industry Assessment
The Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Nicola Chisholm

GROUND OF OBJECTION

1. The width of the easement has already been reduced from 36m down to 20m and current plans to reduce it further down to 10.5m will reduce the available community open space.
2. The introduction of a traffic road within the 20m buffer zone is contrary to the originating planning intent and purpose of the easement for open space landscape planting and pedestrian / cycleway only.
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7. The developer is merely seeking to increase their developable area at the expense of the community by decreasing the buffer zone and accommodating a road within an area always intended for landscape buffer planting and pedestrian/cycle access only.

I HAVE MADE A REPORTABLE POLICAL DONATION IN THE PREVIOUS TWO YEARS.....YES / NO.....

PLEASE KEEP MY DETAILS PRIVATE.....YES/NO.....

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PLEASE KEEP MY DETAILS PRIVATE.....☒ YES/NO.....

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NAME..... LYNDA ARNOLD

SIGNATURE..... L. Arnold

ADDRESS..... 4 HARPULLIA CT, CASUARINA 2487

I HAVE MADE A REPORTABLE POLICAL DONATION IN THE PREVIOUS TWO YEARS.....YES / NO.....

PLEASE KEEP MY DETAILS PRIVATE.....YES/NO.....

Application No. Casuarina Town Centre, MP06_0258 MOD10, Mixed Use Subdivision

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Application No. Casuarina Town Centre, MP06_0258 MOD10, Mixed Use Subdivision

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I HAVE MADE A REPORTABLE POLICAL DONATION IN THE PREVIOUS TWO YEARS.....YES / NO.....☒ NO

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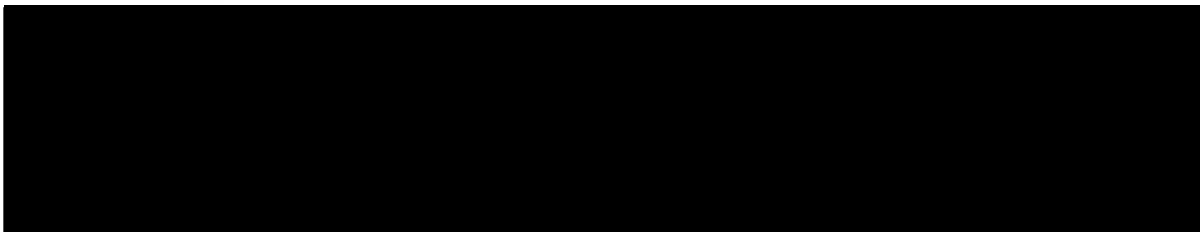
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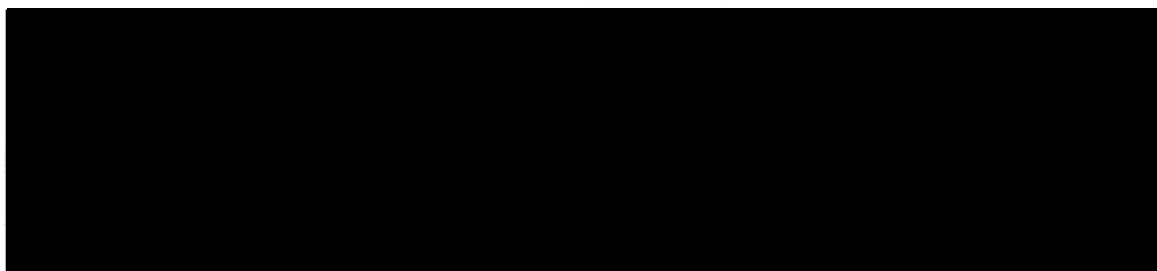
Application No. Casuarina Town Centre, MP06_0258 MOD10, Mixed Use Subdivision

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Attention: Nicola Chisholm

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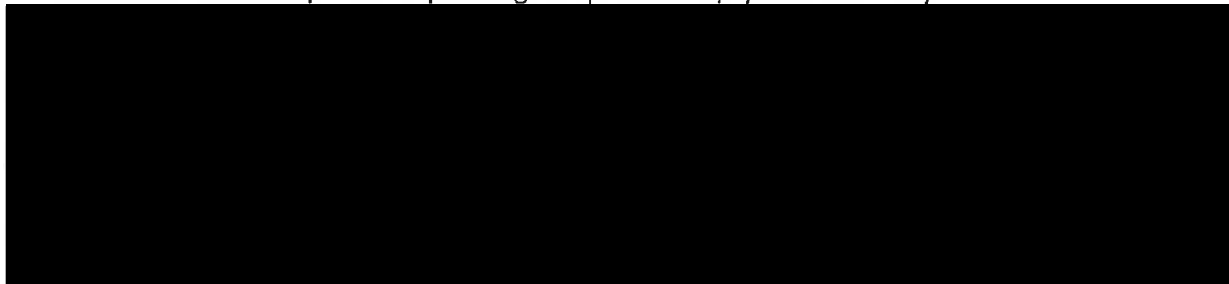
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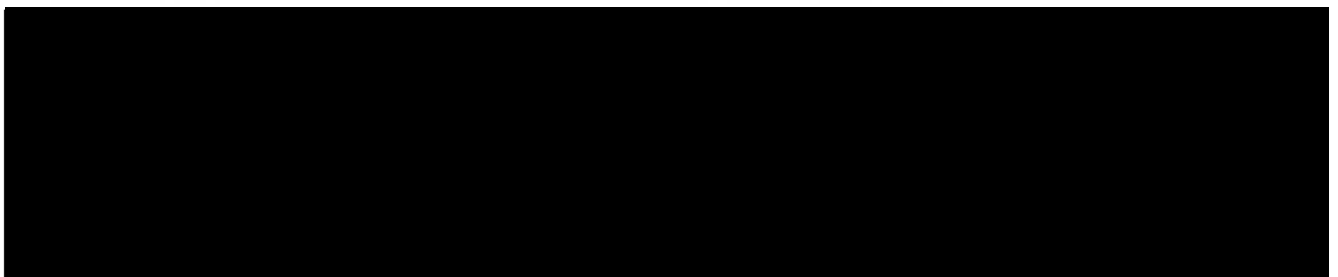
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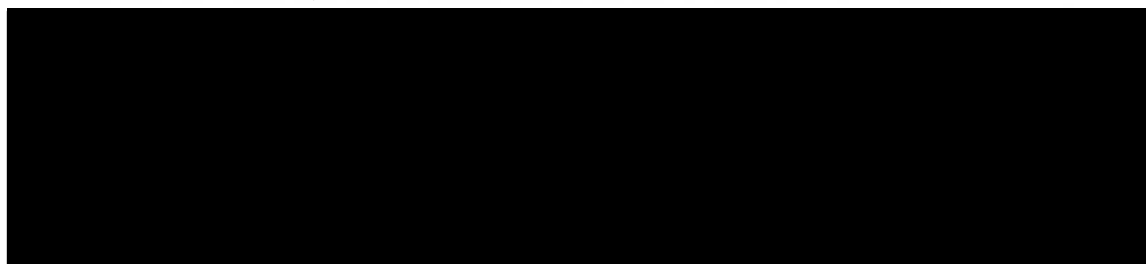
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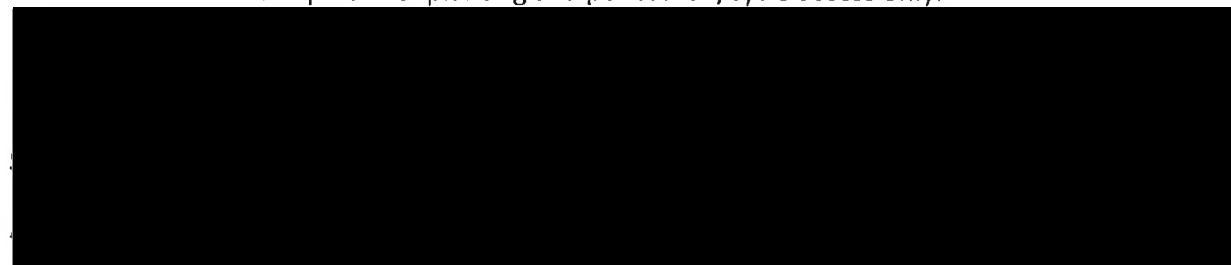
Application No. Casuarina Town Centre, MP06_0258 MOD10, Mixed Use Subdivision

The Director of Industry Assessment
The Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Nicola Chisholm

GROUNDS OF OBJECTION

1. The width of the easement has already been reduced from 36m down to 20m and current plans to reduce it further down to 10.5m will reduce the available community open space.
2. The introduction of a traffic road within the 20m buffer zone is contrary to the originating planning intent and purpose of the easement for open space landscape planting and pedestrian / cycleway only.
3. The proposal conflicts with earlier planning permits and there is not sufficient planning merit or grounds to overcome the conflict.
4. The introduction of trafficable road will cause adverse amenity impacts on neighbouring residents due to:
 - a. Increase noise impacts
 - b. Increase light spillage
 - c. Increase security concerns
 - d. Decrease landscape and visual buffer to future development
5. Neighbouring residents that purchased land and built in the area have done so based on planning approvals which required 36m to 20m easement for landscape buffering and would have not reasonable contemplated such to include a trafficable road.
6. The developer has adequate capacity to move the proposed road south out of the 20m zone or internalise the trafficable road within the town centre master planning rather than adjacent to existing residential properties.
7. The developer is merely seeking to increase their developable area at the expense of the community by decreasing the buffer zone and accommodating a road within an area always intended for landscape buffer planting and pedestrian/cycle access only.



I HAVE MADE A REPORTABLE POLICAL DONATION IN THE PREVIOUS TWO YEARS.....~~YES~~ / NO.....

PLEASE KEEP MY DETAILS PRIVATE.....YES / ~~NO~~.....

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The Director of Industry Assessment
The Department of Planning and Environment
GPO Box 39
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Attention: Nicola Chisholm

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I HAVE MADE A REPORTABLE POLICAL DONATION IN THE PREVIOUS TWO YEARS.....YES / ☒ NO.....

PLEASE KEEP MY DETAILS PRIVATE.....☒ YES / ☐ NO.....

Application No. Casuarina Town Centre, MP06_0258 MOD10, Mixed Use Subdivision

The Director of Industry Assessment
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GPO Box 39
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I HAVE MADE A REPORTABLE POLICAL DONATION IN THE PREVIOUS TWO YEARS.....YES/ NO NO

PLEASE KEEP MY DETAILS PRIVATE.....YES/NO.....YES

David O'Connell

From: Prins Ralston <ralstonp@bigpond.com>
Sent: Friday, 25 March 2016 10:25 AM
To: Corporate Email; Katie Milne; tweed@parliament.nsw.gov.au
Subject: URGENT: Casuarina Town Centre, MP 06_0258 MOD 10, Mixed Use Subdivision (Concept Plan)
Attachments: NSW Government letter.pdf
Importance: High

Dear Minister and Councillor,

Re - Casuarina Town Centre, MP 06_0258 MOD 10, Mixed Use Subdivision (Concept Plan) - Tweed Coast Road, Casuarina Beach, NSW, 2487

We write to you re the above and seek your consideration of the below.

We are the owners of Lot 235 Beech Lane, Casuarina Beach that directly abuts the Swale that this Concept plan looks to RESUME.

We purchased this block in 2003 and have subsequently built a home on the lot based on a swale easement of 36 meters. You will note that since the time of inducement to purchase, the same developer and subsequent developer has attempted to resume the swale for their direct FINANCIAL GAIN and to the existing LANDHOLDERS DETERMENT. These landholders have already enriched the developer and invested in building the local community that is now Casuarina Beach.

We refer to whittling down of the SWALE easement over the last 14 years from 36 Meters to effectively 10 Meters (refer to emails below and previous submissions).

The proposal to:

- resume the swale;
- lay a pipe;
- fill in the swale – some 4+ Meters deep currently; and
- hard cover and reduce the separation from our land to effectively 10 meters ;

is DANGEROUS and NEGLIGENT because

- the swale is a natural water course that the water from our land and surrounding land drains into;
- the swale has filled/flowed to the brim and lapped our land many, many time since 2003;
- unless the piping is the same capacity, for flow, seepage and draining as the swale, then any significant weather is going to cause flooding;
- since our last submission on this subject in 2009, flood event in NSW and Queensland, with subsequent loss of life and property have resulted in various judicial and other formal enquiries which have OPINED very negatively on attempts to pipe natural watercourse. Various recommendations have flowed – no indication here of any reference to such and we note that the landholders were left with the LOSS of LIFE and PROPERTY not the DEVELOPERS or the DECISION MAKERS.

is DETRIMENTAL to the community and quiet enjoyment of our property because

- The width of the easement has already been reduced from 36m down to 20m and current plans to introduce a road will diminish its effective width even further to the disadvantage of neighbouring residents.
- The stunning aspect that the swale and the current rock facing affords the properties, the area in general; as compared to filling in the swale and what will amount to a movement of the level of finished level of our properties;
- The introduction of a traffic road is contrary to the originating planning intent and purpose of the easement for open space landscape planting and pedestrian / cycleway only.
- The introduction of trafficable road will cause adverse amenity impacts on neighbouring residents due to:
 - o Increase noise impacts
 - o Increase light spillage
 - o Increase security concerns
 - o Decrease landscape and visual buffer to future development
- Neighbouring residents that purchased land and built in the area have done so based on planning approvals which required 36m to 20m easement for landscape buffering and would have not reasonable contemplated such to include a trafficable road.
- The introduction of a trafficable road is likely to adversely impact on neighbouring resident's property values.
- The proposal conflicts with earlier planning permits and there is not sufficient planning merit or grounds to overcome the conflict.
- The developer has adequate capacity to internalise the trafficable road within the master planning community rather than adjacent to existing residential properties.
- The developer is merely seeking to increase their developable area at the expense of neighbouring residents by accommodating the road within an area always intended for landscape buffer planting and pedestrian/cycle access only.

And we note that the properties in question extend into the swale and past the existing stone retaining wall and any attempt to fill on top of our properties and change the contour of our properties and its surrounds will be denied.

Kind Regards

Prins

Dr P Ralston



Email: ralstonp@bigpond.com

If you receive this email by mistake, please notify us and do not make any use of the email. We do not waive any privilege, confidentiality or copyright associated with it.

From: Prins Ralston [<mailto:pl.ralston@bigpond.com>]

Sent: Wednesday, 24 June 2009 1:45 PM

To: 'office@keneally.minister.nsw.gov.au'; 'sam.haddad@planning.nsw.gov.au'

Subject: Casuarina Town Centre and the Swale

Importance: High

Dear Minister and Secretary,

- Re our property - Lot 235 Beech Lane, Casuarina Beach – directly on the Swale

Thank you for considering our previous correspondence re the above. As this issues is in its final phases of consideration it has come to our attention that departmental Environmental Planners are recommending consideration of an easement width of 20 metres with only 2 metre setbacks for all buildings from the boundary.

This recommendation is totally inconsistent with what was advertised and promised to the Casuarina community when we all bought our blocks of land and dwellings on the edge of the easement from the developer, at a significant mark-up due to the promised open space. This is the same developer that previously seeded the existing 36 meter easement in order to get us to purchase these properties. It has always been portrayed and advertised that the current 36 metre wide easement would be a permanent feature of the Casuarina landscape and that it would provide an essential open space corridor and separation between the existing residents of Casuarina and the future town centre.

Considering the town centre development includes the filling in of swale and the possession of appropriately 70% of the current easement, we see no reason why the remaining 30% of easement which directly effects the existing residents of Casuarina and which has NO impact on the layout of the town centre including roads and infrastructure should not be maintained at a minimum of 30 metres with a 10 metre setback to all buildings and structure. This would amount to a significant compromise already by the residents in favour of the developer.

This will ensure the current amenity, privacy and enjoyment which we the residents who live on the edge of the easement currently enjoy, as promised and contracted by the developer, when we purchased our properties is maintained.

We the residents request your consideration of the above;

1. in maintaining the easement width where the existing residents reside is not less than 30 Meters (a compromise of giving the developer 6 meters);

2. that a building set back from the edge of the easement of 10 Meters is maintained;

noting that in the full context of the entire town centre development the proposed reduction in the easement will not stop the development or cause any significant detriment to its feasibility. The only people that are being caused any detriment are the existing residents and we seek your assistance to minimise the significant detriment that this WILL cause us the invested residents.

With sincere thanks for your consideration

Kind Regards

The Ralston Family

[REDACTED]

From: Prins Ralston [<mailto:pralston@eshgroup.com.au>]

Sent: Tuesday, 26 May 2009 3:42 PM

To: jvanlieshout@tweed.nsw.gov.au

Cc: pl.ralston@bigpond.com

Subject: Casuarina Town Centre and the Swale

Importance: High

Dear Councilor,

- Re our property - Lot 235 Beech Lane, Casuarina Beach – directly on the Swale

We are a family that bought the above property from the developer that is proposing to develop the town centre back in 2003.

Over the subsequent 6 years we have saved and built our property that is due for completion in next month. A realisation of a long held DREAM for our family.

Please note that we vehemently object to the proposed resumption and thereby reduction of the swale/easement in order to get the Town Centre built. As you will note from the attached letter we have long held this view.

We further note that if this resumption was to proceed that it would cause us great detriment and include the significant reduction of the benefit provided by this easement to ourselves and our neighbors. The recognized benefits and enjoyment provided by this easement to us includes:

- the visual impact and physical impact separation from our property to the commercial precinct that the developer is attempting to develop;
- views to the beach and ocean;
- the clear air aspects in all directions;
- access via the easement to the beach and the ovals;
- emergency access to the beach;
- The stunning aspect that the swale and the current rock facing affords the properties, the area in general; as compared to filling in the swale and what will amount to a movement of the level of finished level of our properties;
- The changing of a natural aspect of the landscape that may be to our long term detriment given that what is proposed in terms of the piping will not have the same water movement capacity that the current swale does; and
- We note that the properties in question extend into the swale and past the existing stone retaining wall and any attempt to fill on top of our properties and change the contour of our properties and its surrounds will be denied.

As indicated we originally purchased the property from the same developer that now wants to resume the swale. This same developer produce the following documents that induce us to purchase our lot and encouraged us to build our property the way we have:

- Master plan for Casuarina Beach. (as now reproduced in the Casuarina Town Centre, Urban Design Report for Kings Beach (No 2) Pty Ltd - February 2008, page 2)
- The three town centre concepts that were presented at a series of public displays late in 2006. (as now reproduced in the Casuarina Town Centre, Urban Design Report for Kings Beach (No 2) Pty Ltd - February 2008, pages 11, 12 and 13)
- Marketing documents.
- Website images.
- Price lists;
- Title searches
- survey plans;

These documents dating back to as early as 2002 and as late as April 2008, induced us and others to purchase property that adjoins the swale, on the basis that the swale would exist in perpetuity as indicated in all of this document. As you will note, the swale on all of the documents, including most importantly the detailed survey and lot plans, indicate the width and length of the swale. The inducement was based on there being a clear easement area of at least 36 metres between the lot and any commercial or other development. This area would clearly give us and sustain our views, privacy and other amenities, including access via this easement. It is clear also from the various marketing and pricing schedules that the lots that adjoin the swale were being marketed and subsequently sold at a significantly greater price than lots that did not adjoin the swale. It is clear that through the marketing materials, as well as the assertions made to us by the selling agents, and supported by the price differential, that the extent and amenities of the swale added significantly to the benefit purported to be delivered by this easement.

Not only has all of the documentation and the developers selling agents induced us to purchase the property, it has also induced us to construct our properties on the basis that the swale/easement with afford us all of the benefits indicated above.

It seems unfair and unjust that the Developer can profit from the initial sale and now resume that land that induced the sale, renege, and profit once again.

As a consequence of the above we are fully supportive of the conclusions and the recommendations made to you by your Council officers as follows:

"5. Conclusion

Whilst the proponent has made a genuine attempt to mitigate the adverse impacts of the proposed elimination of the Easement/Right of Carriageway Benefiting Council over lot 223 DP104849, they have not provided sufficient evidence to justify:

- The major departure from the L&E Court *Kings Beach Development Plan*
- The loss of level of service and amenity to residents provided by the easement/right of way and assets contained therein. Particularly given that residents who purchased in this area would have had a reasonable expectation that the open space contained in the easement/right of way would remain, as it is specifically designated in the L&E Court Kings Beach Development Plan and the proponents own *Kings Beach*

6. Recommendation

That

- (a) Council withhold owners consent relating to lots 10 and 13 DP1014470, the easement/right of carriageway benefiting Council over lot 223 DP104849 and Dianella Drive.
- (b) Council advise the proponents and the Department that it supports the concept of the Town Centre proposal and would more favourably consider a request for owners consent if a revised concept plan was submitted that conformed with the intent of the *Kings Beach Development Plan* contained in the Land & Environment Court consent of 16 December 1998 for DA s96/135."

We plead with you to endorse these considered conclusions and recommendations of your Council Officers.

Kind Regards

The Ralston Family

■ ■■■■■■

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C/- 80 Windermere Street
Sinnamon Park QLD 4073
T: 0411 755 069
E: pl.ralston@bigpond.com

1 March 2009

The Hon. Minister Hon Kristina Keneally, MP,
Minister for Planning
Level 34 Governor Macquarie Tower,
1 Farrer Place,
SYDNEY NSW 2000

Dear Minister,

**Casuarina Town Centre, Urban Design Report for Kings Beach (No 2) Pty Ltd -
Incorporation of swale into Casuarina Village development**

We note that Mr Don O'Rourke, representing Kings Beach (No 2) Pty Ltd, has presented on the proposed development of the Casuarina Village to your department and at public meetings both at Casuarina Beach and Kingscliff. The extent of this development is noted to include the resumption of more than 20 plus metres of the swale, by the length of the swale (many hundreds of meters) (refer DP1048494, registered 17/02/2003), that is subject to easements and adjoining the various lots now running along the swale, including the properties at Lot 235 Beech Lane, Lot 229 Harpullia Court, Lot 230 Harpullia Court and Lot 224 Casuarina Way.

As noted in the attached signed letter by us the "Affected Residents" to Kings Beach (No 2) Pty Ltd "The Developer", we vehemently object to the proposed resumption and thereby reduction of the easement.

We further note that if this resumption was to proceed that it would cause us great detriment and include the significant reduction of the benefit provided by this easement to all of us as, unit holders, landholders and the community. The benefits and enjoyment provided by this easement to us includes:

- the visuals impact and physical impact separation from our property to the commercial precinct that The Developer is attempting to develop;
- views to the beach and ocean;
- the clear air aspects in all directions;
- access via the easement to the beach and the ovals;
- emergency access to the beach;

- The stunning aspect that the swale and the current rock facing affords the properties, the area in general; as compared to filling in the swale and what will amount to a movement of the level of finished level of our properties;
- The changing of a natural aspect of the landscape that may be to our long term detriment given that what is proposed in terms of the piping will not have the same water movement capacity that the current swale does; and
- We note that the properties in question extend into the swale and past the existing stone retaining wall and any attempt to fill on top of our properties and change the contour of our properties and its surrounds will be denied.

We have detailed in our attached letter to The Developer the basis, from the years 2002 to 2008, for our being misled and induced into purchasing the properties at a significant premium in the first place from The Developer, as well as then being induced into constructing our properties on the basis that the swale/easement with afford us all of the benefits indicated above. Further, we note in the proposed response from The Developer to the Director General's Environmental Assessment requirements for the Casuarina Town Centre Concept Plan a more accurate response than that provided by The Developer. It would appear that this is an opportunistic move on the part of the developer to maximise profits and does nothing but remove the amenity of area and rob the community of such an amenity.

You will note from the attached letter that we wrote to The Developer in mid April 2008 after it was represented to us at the public meetings that The Developer would welcome feedback and suggested a way forward in resolving our concerns. The Developer has subsequently informed us that they will not meet with us or entertain our objections and will look to press on with their development proposal "as is".

We The Affected residents based on various documentation including "Master Planning development documentation", produced by The Developer and endorsed by the NSW Government and Tweed Shire Council, over the period 2002 to 2008 have been induced into significantly investing into the affected properties. We believe that if the easement the subject of this and the attached letter were to be altered in any way we would have been misled and deceived into our investment and would rightly seek recompense.

As such, we would seek your assurance that you will not permit the reduction of this public amenity in the form of the reduction of the easement/swale.

Yours faithfully

The residents named here:

- Dr, Ms Ralston and family, Lot 235 Beech Lane, Casuarina Beach;
- Ms Robinson and family, Lot 229 Harpullia Court, Casuarina Beach;
- Dr Amanda Evans, Lot 230 Harpullia Court, Casuarina Beach; and

- Santai Resort - Lot 224, Casuarina Way, Casuarina Beach.

The Santai Executive Committee named here:

- Andy and Catherine Kilpatrick, Lot 82, Unit 308;
- Margie Howarth, Lot 85, Unit 311;
- Andrew Robinson, Lot 108 ,Unit 334;
- Michael and Elisa Valitutti, Lot 64, Unit 231; and
- John Shortis (Resortcorp).

C/- 80 Windermere Street
Sinnamon Park QLD 4073
T: 0411 755 069
E: pl.ralston@bigpond.com

17 April 2008

The Directors, Kings Beach (No2) Pty Ltd
C/- Mr Don O'Rourke
Consolidated Properties
Level 12, 344 Queen Street
BRISBANE QLD 4000

Dear Sirs,

**Casuarina Town Centre, Urban Design Report for Kings Beach (No 2) Pty Ltd -
Incorporation of swale into Casuarina Village development**

We note that you have presented on the proposed development of the Casuarina Village to a couple of public meetings both at Casuarina Beach and Kingscliff. The extent of this development is noted to include the resumption of up to 20-odd plus metres of the swale that is subject to easements and adjoining the various lots now running along the swale, including our properties at Lot N235 Beech Lane, Lot 229 Harpullia Court, Lot 230 Harpullia Court and Lot 224 Casuarina Way.

Please note that we vehemently object to the proposed resumption and thereby reduction of the easement.

We further note that if this resumption was to proceed that it would cause us great detriment and include the significant reduction of the benefit provided by this easement to all of us as, unit holders, landholders and the community. The benefits and enjoyment provided by this easement to us includes:

- the visuals impact and physical impact separation from our property to the commercial precinct that you are attempting to develop;
- views to the beach and ocean;
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- The changing of a natural aspect of the landscape that may be to our long term detriment given that what is proposed in terms of the piping will not have the same water movement capacity that the current swale does; and
- We note that the properties in question extend into the swale and past the existing stone retaining wall and any attempt to fill on top of our properties and change the contour of our properties and its surrounds will be denied.

We wish to point out to you that the lots including Lot N235 Beech Lane, Lot 229 Harpullia Court, Lot 230 Harpullia Court and Lot 224 Casuarina Way were purchased from your group. You have access, no doubt, to the following documents that were produced to induce us to purchase these lots:

- Master plan for Casuarina Beach. (as now reproduced in the Casuarina Town Centre, Urban Design Report for Kings Beach (No 2) Pty Ltd - February 2008, page 2)
- The three town centre concepts that were presented at a series of public displays late in 2006. (as now reproduced in the Casuarina Town Centre, Urban Design Report for Kings Beach (No 2) Pty Ltd - February 2008, pages 11, 12 and 13)
- Marketing documents.
- Website images.
- Price lists;
- Title searches and survey plans;

These documents dating back to as early as 2002 and as late as April 2008, induced us and others to purchase property that adjoins the swale, on the basis that the swale would exist in perpetuity as indicated in all of this document. As you will note, the swale on all of the documents, including most importantly the detailed survey and lot plans, indicate the width and length of the swale. The inducement was based on there being a clear easement area of at least 36 metres between the lot and any commercial or other development. This area would clearly give us and sustain our views, privacy and other amenities, including access via this easement. It is clear also from the various marketing and pricing schedules that the lots that adjoin the swale were being marketed and subsequently sold at a significantly greater price than lots that did not adjoin the swale. It is clear that through the marketing materials, as well as the assertions made to us by the selling agents, and supported by the price differential, that the extent and amenities of the swale added significantly to the benefit purported to be delivered by this easement.

Not only has all of the documentation and your selling agents induced us to purchase the property, it has also induced us to construct our properties on the basis that the swale/easement will afford us all of the benefits indicated above.

We also note that in your proposed response to the Director General's Environmental Assessment requirements for the Casuarina Town Centre Concept Plan that the following would add to a more accurate and balanced response:

1. *Land Use Pattern and Visual Impacts*

1.1 *Integration and compatibility of the proposed land uses (retail, commercial, tourist, open space) across the site with regard to access arrangements.*

"The proposed land uses are consistent with well accepted urban design principles for Town Centre Design. The variety of proposed land uses are all uses that would be expected to be found in a Town Centre and in the case of the proposed Casuarina Town Centre the proposed uses are well integrated across an urban form that is conducive to Town Centre activity. The uses are centrally placed in the site development that has occurred over the last nine years and have frontage directly on to the two major access roads servicing the Town Centre."

Your proposed response does not adequately describe the reduction of the open space aspects and access that will result from your proposed resumption of the swale.

1.2 *Justify any inconsistencies in the proposed concept plan for the site...*

"There are no obvious inconsistencies contained within the proposed concept plan for the site. The Town Centre is located in the identified location for such a use and at a time consistent with the status of development in and around the proposed site."

This is clearly not right as the town centre has moved to include the resumption of the swale. Where is the justification and rationale for this, other than the obvious economic one?

1.6 *Address the visual impact in the context of the adjoining and surrounding development in relation to setting, density, built form, building mass and height as viewed from the public domain including all publicly accessible coastal locations.*

"The visual impact of the Town Centre is consistent with the developing character and scale of the local community into which it is proposed to be placed. Height is within the generally accepted height limits for coastal communities in Northern NSW. The proposed built form contains variety of built form, articulation, shadowing, street activation and consistent visual interest throughout the central area. Surrounding development has been developed in a similar approach but perhaps without the particular visual interest proposed for the Town Centre facilities.

Density is consistent with adjoining communities such as Seaside City, Salt and Kingscliff. The setting is conducive to a visually strong Town Centre because of the strong green backdrop to the centre, central location within the community and direct visual connection to Old Bogangar Road and the balance of the New Tweed Coast."

There is no indication here of the significant change in the visual impact and what this will mean to the existing residents. Further, there is no indication here that you will be reducing an advertised public and emergency access path to the beach.

2.0 Consider measures that would be implemented to ensure ongoing public access to the foreshore.

"The proposed urban form of the Town Centre is predicated on the premise that ongoing public access to the foreshore is desirable and will occur. The urban design amenity inherent within the concept takes this principle as the base condition and builds all the surrounding urban form from this base. The Boulevard and Esplanade are focused on the access locations as is the carparking and pick up and drop off facilities."

Again there is no indication that a major access and buffer area is being removed and how you intend to compensate or deal with these consequences.

Given what you and your group of companies are now purporting to do, it would be understandable that we would maintain that your actions to date has been clearly misleading and deceptive conduct on your, and your group's, behalf. We would also presume that if and when you are successful in your attempts to have this easement rezoned and reduced, that the loss of amenities and benefits that we would suffer would need to be justly compensated. You will note that this is not our preferred course of action as we have invested heavily based on your previous documentation, conduct and clear inducement for us to invest and build in this master planned community. As such, we would seek your assurance that you will not be looking to pursue the reduction of this public amenity in the form of the reduction of the easement/swale and that you will honour your master planning and purported principles of being an honest developer.

We understand that you may be amenable to resolving this issue through the following mechanism;

1. That an addendum be prepared to the Master Plan that has been lodged with State Government that retains the Swale in its original form with consequential changes/modification made.
2. That the above be finalized with a binding legal confirmation that you will be bound by this addendum and that this has been submitted as part of the Master Plan.

To ensure the above we would suggest the following as a way ahead:

1. Organise a meeting with yourself and representatives of the affected residents to examine the addendum showing the reversion to the original swale and the consequential changes. Also produced the form of the legal confirmation to us of the lodgement and that your groups will be bound by such.
2. Lodge the addendum;
3. Produced the legal confirmation to us of the lodgement and that your groups will be bound by such.

4. We will produce a confirmation that we are supportive of the master plan with addendum as lodged.

Yours faithfully

The residents named here:

- Dr, Ms Ralston and family, Lot N235 Beech Lane, Casuarina Beach;
- Ms Robinson and family, Lot 229 Harpullia Court, Casuarina Beach;
- Dr Amanda Evans, Lot 230 Harpullia Court, Casuarina Beach; and
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- Margie Howarth, Lot 85, Unit 311;
- Andrew Robinson, Lot 108 ,Unit 334;
- Michael and Elisa Valitutti, Lot 64, Unit 231; and
- John Shortis (Resortcorp).

KINGSCLIFF RATEPAYERS and PROGRESS ASSOC. Inc
PO Box 1164, Kingscliff, NSW

Planning Services
Department of Planning and Environment
GPO Box 39
SYDNEY
NSW 2001

All correspondence to our P O Box please.

Your reference: 13/054

Date: 21st March 2016

Dear Sir / Madam,

Our Association thanks you for the opportunity to comment on the proposed modification to the Casuarina Town Centre by the Clarence property Group.

We submit the following:

Our Association is particularly concerned about:

- 1 The four storey building proposals.
- 2 Ensuring that the car parking for all the multi storey residential buildings be placed under the buildings (i.e. no residential or visitor parking on the roads).
- 3 Danger to pedestrians outside the *Icon* building.
- 4 Use of public land to provide required open space in the site.
- 5 Removal of vegetation.

Document: Section 75W Modification No. 10

Page 1 dot point 5 We do not object to the reconfiguration of lots.

Page 14 response to public consultation

We agree that the major concerns relate to:

Four storey buildings. Our Association, and others, fought hard for the decision to restrict the Tweed Coast building height to three storeys.

We can find no evidence in the document for the need for the request for the four storeys

and

there is no additional open public space to compensate for the additional number of people that the four storey buildings would house.

Our Association believes that this request should be **refused**.

Traffic issues: The area in front of the “*Icon*” building is going to become very congested and the traffic may cause problems re the safety of pedestrians particularly children.

Smaller lot housing: We are not convinced that this is wanted by new owners – no evidence was noted to support this plan.

Car parking: We believe that this could be improved with a small adjustment to the plan.

All residential, and visitor car parking, to be placed under the residential buildings.

Page 18 **filling the swale**

While the filling of the swale may not compromise the purpose of the swale there is another point to consider. We are concerned that the developer may be including the swale as part of the required open space for this development. The swale is on public land and we **do not support** this area being included in the public open space for this development.

We did not see any reference to the provision of open space elsewhere in the document.

Page 20 *"The road layout designed by RPS provides convenient public vehicular access to the beach and foreshore area without compromising pedestrian amenity or residential privacy."*

We **do not** agree.

We offer the following which we believe will enhance the pedestrian safety and increase parking:

That the Grand Parade becomes a dead end roundabout.

That the road providing access to Lots 1 to 8 became a single lane road with traffic moving from south to north on the western side of the road.

That this road terminate just after the first (Southern) entrance to the car park behind the *Icon* building.

That the eastern side of this road become parallel parking with the vehicles facing north.

The road in front of lots 1-8 and the car park behind the *Icon* building has already been constructed.

Rationale:

Currently, in the modified request, traffic is accessing the area in front of the *Icon* building near the beach access. This may place pedestrians - particularly children – in the path of vehicles.

It would increase the parking provisions without preventing the owners of Lots 1-to 8 accessing their driveways.

Lots 1 to 8 can exit the area via the public car park behind the *Icon* building – after all there are only eight (8) properties and therefore only about 20 vehicle movements from those properties per day on average (two vehicles per property).

The removal of the road (in the modified plan) from outside the front of the **Icon** building would allow for a small playground suitable for preschool children.

The roundabout could be a visual feature - perhaps a sculpture/green space etc.

Page 21 Para 4

"The modified master plan encompasses two four storey apartment sites which bookend the western end of Grand parade as an entry point by utilising built form as a way to create a threshold in to the town centre area."

We do not agree. These bookends will result in the entry to this site being overly blocky, will restrict the view lines and will present a visual barrier.

None of this site requires a variation to the three storey height limit that applies to the Tweed Coast.

There are, in fact, three (3) buildings (A, A & B) that are intended to be four (4) storey residential.

None of them are needed in exchange for green space offsets and therefore we consider the four storey claim is merely overdevelopment of the site.

and

"Grand Parade is lined with three and four storey mixed use retail (ground floor) and residential units (levels 2 & 3) and thus seeks to establish a diverse and strong built form edge within this precinct."

The "mixed use retail" claim does not appear to be correct. The drawing labelled *Density* clearly shows that only building F (the *Icon* building) is for mixed use. The rest of the site is residential.

"Importantly, the proposed building height accords with the 13.6 building height limit prescribed within the Tweed Local Environmental Plan."

We agree. However Tweed Coast is also subject to a three (3) storey limit along the coastline. This decision was hard fought by the community and is integral to the Tweed Coast having a successful and different tourist and residential approach to development. We are highlighting our natural attractions rather than covering the coastline with high rise.

The *Icon* building is stated as being three (3) storeys. The land upon which it would sit has been raised to at least one (1) storey high. If the *Icon* building is placed on the top of the current land height then it will effectively be at least four (4) storeys high. This is not acceptable to the community.

Page 23 Green Buffer

If the swale is to be covered then we would expect that the developer **cannot** include the this area a any part of their requirement to provide open space for the community use.

No vegetation is to be removed to improve access except when there is no other alternative.

No vegetation to be removed for views.

Page 24 last paragraph

What "surf lifesaving facilities"? This is a level 7 beach.

No vegetation to be removed because of any *lifesaving* buildings.

VILLAGE CONSULTATION REPORT:

Page 1 dot point 5

Four storey buildings, perceived traffic issues, smaller lot housing, and car parking were identified as concerns by approximately 20% of respondents."

We agree that four storey buildings traffic and parking and clearing of vegetation are of primary concern.

Page 5

We agree that there should be **no clearing** of the foreshore other than to provide beach access the same size as the other beach accesses along the Casuarina Beach coastline.

Page 6

Where are the playgrounds?

URBAN DESIGN PLANS

Grand Parade & Density & Streetscapes Grande Parade

These drawings clearly show that the developer is using public land as public open space.

We strongly oppose the developer using public land to compensate for the lack of public open space within the development.

If the drawings are to be believed then it could be argued that vegetation has been removed along the beachfront to provide views of the ocean.

Our Association strongly objects to the removal of any vegetation other than what is necessary for beach access.

Yield Estimate

We request that all car parking, and visitor parking, for the residential properties be placed under the buildings.

Yours sincerely,

Julie Murray,
Hon. Sec.



Cc Geoff Provost, State Member