



**SECTION 75W MODIFICATION:
CONCEPT AND PROJECT APPROVAL,
MP 06_0258, (as already modified)**

CASUARINA TOWN CENTRE

VOLUME 1: REPORT

**Prepared for
Kings Beach No. 2 Pty Ltd**

**By
BBC Consulting Planners**

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Appendix 4A: Proposed changes to Statement of Commitments attached to Concept Approval

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The following Appendices are provided in a separate A3 volume:

Appendix 5A: Stage 1A plans to be referred to in Concept Plan approval

Appendix 5B: Stage 1A plans to be referred to in Project Application approval

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Appendix 6B: Approved Project Application plans, as already modified

1. INTRODUCTION

1.1 Background

1.1.1 Overview

This report has been prepared to accompany a request to the Minister for Planning to further modify the Concept Approval and Project Approval (MP 06_0258) for the Casuarina Town Centre, pursuant to the provisions of Section 75W of the *Environmental Planning and Assessment Act 1979* ("the Act"). Essentially, the primary purpose of the modifications, which have been discussed with officers of the Department of Planning and of Tweed Shire Council, is to provide a more logical and efficient staging of the approved works, which will facilitate prompt implementation of the project, resulting in more immediate social and economic benefits including new employment opportunities and additional housing, all whilst ensuring that access to beachside car parking and cycleway connections are provided up-front. In this regard, the modifications primarily involve the introduction of a sub-stage of Stage 1 (referred to as Stage 1A).

Approval was granted on 20 September 2009 by the Minister for Planning to the Concept Plan and Project Application for the Casuarina Town Centre.

Concept Plan approval was granted for:

- The subdivision of land in 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.

Stage 1 Project Approval was granted for:

- The subdivision of land in 61 lots;
- Construction of the supermarket anchored retail centre;
- Bulk earthworks and vegetation clearing;
- Construction of all roads;
- Closure of Dianella Drive;
- Provision of infrastructure and services; and

- Landscaping.

The Concept Approval in Condition A2 divides construction of the project into four stages. It is the approved composition of Stage 1 which this Section 75W application primarily seeks to modify. Stage 1 is essentially the subdivision stage (although it permits construction of the retail centre) and encompasses all required bulk earthworks, road construction and other civil works across the whole site. The primary purpose of the Section 75W application is to enable the staged implementation of Stage 1. In this regard, there is now proposed to be a Stage 1A. Stage 1A forms part of Stage 1 but will be implemented ahead of completion of all Stage 1 works. It includes interim works.

1.1.2 Concept and Project Approvals, as already modified

Copies of the Concept Approval and Project Approval are provided in Appendices 1A and 1B, respectively. On 17 June 2010, the Concept Approval and Project Approval were modified (“the first modifications”). The first modifications involved:-

- carrying out of stormwater infiltration works and landscaping within adjoining Lots 10 and 13;
- filling of the existing drainage easement within the site and relinquishing the easement rights that benefitted Council in exchange for dedication of these areas to Council (once landscape works were complete); and
- carrying out of works and landscaping to facilitate the construction of a cul-de-sac at the western end of Dianella Drive and subsequently closing the existing intersection of Dianella Drive and Tweed Coast Road.

Essentially, the first modifications were the result of Tweed Shire Council granting the Proponent land owner’s consent to undertake stormwater, sewerage and landscaping works on Council-owned land, such consent having previously been withheld during the original assessment of the Concept and Project Applications. The approved first modifications to the Concept Approval and Project Approval are provided respectively in Appendices 2A and 2B.

The first modifications refer to various amended plans. A full set of the approved plans, as amended, for both the Concept and Project Approvals are provided in Appendices 6A and 6B, respectively.

1.1.3 Rationale for requested further modification of the Concept and Project Approvals

As part of the first modifications, various design amendments, as required by Conditions B2 and B4 of the Concept Approvals and Conditions B2(1), (2) and (4) of the Project Approvals were addressed by the modified plans. Those plans are now referred to in the two approvals, as already modified.

As they now stand, the Concept and Project Approvals require (in addition to all bulk earthworks) construction of all roads, infrastructure, services and landscaping across the

entire site in Stage 1, even though much of the central eastern and north-eastern parts of the site are not to be developed until Stages 2, 3 and 4. This means that:-

- (i) the section of The Boulevard (Road No. 1) located east of the intersection with Casuarina Way would be largely redundant for a protracted period and would be likely to attract anti-social (i.e. “hooning”) activity;
- (ii) substantial road, infrastructure and other civil works would need to be designed and constructed on parts of the site not earmarked for development until Stages 2, 3 and 4; and
- (iii) there would be increased public cost to maintain road and other infrastructure built well before they are actually needed (to the benefit of no-one).

The Proponent seeks to further modify the Concept and Project Approvals so that Stage 1 can be carried out in two stages: 1A and the balance of Stage 1.

Stage 1A excludes most road works, infrastructure and other civil works in the central, eastern and north-eastern part of the site, but includes all such works elsewhere (primarily the southern and western edges of the site). In order to facilitate this altered staging regime and to ensure appropriate connectivity, drainage and parking in the interim, selected works including the relocation of a section of the swale, culverts beneath Casuarina Way, various cycleway and pedestrian links and a new car park will be carried out within the central and north-eastern part of the site in Stage 1A. Details are provided in Section 2.1.

1.2 Consistency with Concept and Project Approvals

The proposed modifications to the approved Concept and Project Applications have no significant implications for what is actually approved within the Casuarina Town Centre, only on the phasing of Stage 1.

1.3 Documentation

This Section 75W report:-

- describes and justifies the requested further modifications to the Concept and Project Approvals;
- provides information in relation to Conditions B3 and B14 of the Project Approval relating respectively to the Pink Nodding Orchid, the proposed roundabout and the intersection of Casuarina Way and The Boulevard; and
- considers the relevant provisions of Section 75W of the Act.

Appendices included in the Section 75W report contain:-

- the original Consent and Project Approvals (see Appendices 1A and 1B respectively);

- the Consent and Project Approvals, as already modified (see Appendices 2A and 2B respectively);
- information addressing Conditions B3 and B14 of the Project Approval (see Appendices 3A and 3B respectively); and
- the Statements of Commitment attached to the Concept Approval and the Project Approval, each marked up to identify the proposed modifications (see Appendices 4A and 4B).

Provided in a separate A3 volume are:-

- Stage 1A plans prepared by Cardno (Qld) Pty Ltd which are to be referred to in the Concept Plan approval (see Appendix 5A);
- Stage 1A plans prepared by Cardno (Qld) Pty Ltd which are to be referred to in the Project Approval (see Appendix 5B);
- a set of the Concept Plans as currently approved (see Appendix 6A); and
- a set of the Project Application plans as currently approved (see Appendix 6B).

1.4 Consultation

The proposal to further modify the Concept and Project Approvals was discussed with Brent Devine, Alan Bright and Stuart Withington at the Department of Planning at a meeting in the Department's head office in Bridge Street on 4 August 2010. Subsequently, in the process of preparing the detail of the second Section 75W modification, the Proponent's representatives (Stephen Pink and Peter MacGregor) also met with Council officers (Lindsay McGavin and Rowena Mitchel). The Proponent's engineers (Cardno Qld Pty Ltd) then met with Council officers (Ray Musgrave, Patrick Knight, Danny Rose and Rowena Mitchel) at Tweed Shire Council on 24 August 2010. Their suggestions for Stage 1A included:-

- construct interim road (rural-type roadway – non-kerbing) in the location of Road 5 to the final location of the proposed eastern car park with the final form of Road 5 as approved to be constructed in the balance of Stage 1;
- construct the eastern car park (located approximately midway along the site's eastern boundary) in the final location with non-kerbing, with kerbing to be constructed in the balance of Stage 1;
- provide an interim pedestrian connection from the abovementioned car park to the existing frontal cycleway, with the final connection to be provided in the balance of Stage 1; and
- provide an interim cycleway link along the interim road in the location of Road 5, in place of the interim cycleway adjacent to the relocated swale.



Each of these suggestions has been included in the set of plans for Stage 1A submitted as part of the Section 75W modification application, except for deletion of the interim cycleway adjacent to the relocated swale (as referred to in the last of the above bullet points). The interim cycleway is a link for which support exists across the Casuarina community and has therefore been retained on the Stage 1A drawings.

2. REQUESTED MODIFICATIONS TO CONCEPT AND PROJECT APPROVALS

2.1 Description

The approved staging plan is depicted in Figure No. DA 41K Revision K dated 21 December 2009 (see Appendix 5A). It shows the stages of development within the approved subdivision and needs to be read in the context that Stage 1, pursuant to the Concept Plan and Project Application approvals, includes subdivision of the land into 61 lots, all bulk earthworks, construction of all roads, provision of all infrastructure and services, and all landscaping (as well as construction of the retail centre and closure of Dianella Drive) including on lands identified as being in Stages 2, 3 and 4.

Although much of the land in the Casuarina Town Centre located to the east of Casuarina Way (Road No. 3) is shown on Drawing DA 41K Revision K as being developed in Stages 2, 3 and 4, all bulk earthworks, roads, infrastructure, services, other civil works and landscaping on that part of the site are required to be carried out in Stage 1. Whilst the Proponent still seeks to carry out the bulk earthworks for Stages 2, 3 and 4 in Stage 1, the Proponent wants to defer various roadworks (including the section of The Boulevard (Road No. 1), located to the east of Casuarina Way), infrastructure, services, other civil works and landscaping within the areas of the site not earmarked for development until Stages 2, 3 and 4. This requires Stage 1 to be divided into two separate stages: 1A and the balance of Stage 1. Stage 1A will be a sub-stage of Stage 1. When the works in Stage 1A have been carried out, what will be left will be the balance of the approved works in Stage 1.

To clarify the works now proposed in Stage 1A, Figure DA 103 “Stage 1A Works Plan” has been added to the schedule of drawings. It shows:-

- the majority of bulk earthworks on the site falling within Stage 1A;
- Stage 1A civil works will be limited to Lots 1, 2, 3, 7, 8, 9, 14 and 19-56 as well as Casuarina Way (Road No. 3), the western section of The Boulevard (Road No. 1) including the intersection of The Boulevard and Casuarina Way, and Road No's 5 and 6 (although Road No. 5 will only be constructed to a rural standard, pending completion of the Stage 1 works, as agreed with officers of Tweed Shire Council);
- in Stage 1A, a section of the swale is relocated, pending completion of the Stage 1 works;
- 4 x 1050 ø culverts beneath Casuarina Way and the southern end of the relocated swale;
- a 3.5-metre wide cycleway link to the existing cycleway within Lot 10 (i.e. the playing fields);
- an interim cycleway link east of and parallel to the relocated swale which will connect to the beach cycleway via a section of existing cycleway south of the existing swale which is to be maintained;

- a new car park (non-kerbed) to be located at the northern end of Road No. 5 (rural-type construction), connected to the beach cycleway via an interim 1.5-metre wide pedestrian link;
- a pedestrian link to the beach cycleway from a park to be built at the eastern end of Road No. 6;
- a two-lane roundabout at the intersection of Casuarina Way and The Boulevard (in response to Condition B14 of the Project Approval); and
- a proposed U-turn bay within the central landscaped median of The Boulevard (Road No. 1) to facilitate circulation eastwards from the westbound lane without necessitating a circuitous trip via Tweed Coast Road.

Other than for the interim Stage 1A works noted above, the Stage 1 works will ultimately be carried out as approved. This means that there is no necessity to amend or delete any of the plans referred to in either the concept or project application approvals. However, there is a need to introduce reference to the Stage 1A plans.

In relation to the approved retail centre, its construction forms part of Stage 1 but because of its size and scale, may not be complete before the Proponent seeks to implement Stages 2, 3 or 4. Therefore, to the extent that the two approvals (including their associated Statements of Commitment) require Stage 1 to be completed prior to certain other actions occurring, they are sought to be modified to exclude required completion of the retail centre as part of Stage 1.

Finally, this Section 75W application also seeks to make minor additional and/or consequential amendments to the two approvals, comprising:-

- introducing a reference to the attached Section 75W report in Condition A4 of the Concept Approval and A3 of the Project Approval, both of which relate to 'Project in Accordance with Documents';
- introducing an exception provision into the abovementioned conditions insofar as they reference the Preferred Project Report, which on page 62 nominates an irrelevant density requirement which is inappropriate and unnecessary in the light of required compliance with an FSR control;
- minor changes to the wording of Condition B5 of the Concept Approval relating to the beach access through the Crown Reserve; and
- changes to the Statements of Commitment attached to each approval to reflect the altered staging regime (i.e. the introduction of Stage 1A).

2.2 Requested Modifications to Concept Approval

2.2.1 Condition A2: Staging

Condition A2 of the Concept Approval relates to staging of construction of the project. It states as follows:-

“A2 Staging

The project is to be constructed in four stages generally as follows:

- (1) Stage 1 comprises:
 - (a) *Bulk earthworks;*
 - (b) *Subdivision of the land into 61 lots;*
 - (c) *Construction of a retail centre;*
 - (d) *Closure of Dianella Drive;*
 - (e) *Construction of roads and services; and*
 - (f) *Landscaping.*
- (2) Stage 2 comprises:
 - (a) *Development of mixed use lots 5, 12 and 17;*
 - (b) *Development of commercial lot 2; and*
 - (c) *Development of medium density residential lot 3.*
- (3) Stage 3 comprises:
 - (a) *Development of mixed use lots 6 and 13; and*
 - (b) *Development of medium density residential lots 4, 10, 11 and 16.*
- (4) Stage 4 comprises:
 - (a) *Development of medium density residential lots 7, 8, 9, 14 and 15; and*
 - (b) *Development of hotel lot 18.”*

The Minister is requested to modify Condition A2 in the following manner (note: new text is shown in bold type, deleted text is struck out):-

"A2 Staging

The project is to be constructed in four stages generally as follows:

- (1) Stage 1 comprises:
 - (a) Bulk earthworks;
 - (b) Subdivision of the land into 61 lots;
 - (c) Construction of a retail centre;
 - (d) Closure of Dianella Drive;
 - (e) Construction of roads and services; and
 - (f) Landscaping.
- (2) Stage 2 comprises:
 - (a) Development of mixed use lots 5, 12 and 17;
 - (b) Development of commercial lot 2; and
 - (c) Development of medium density residential lot 3.
- (3) Stage 3 comprises:
 - (a) Development of mixed use lots 6 and 13; and
 - (b) Development of medium density residential lots 4, 10, 11 and 16.
- (4) Stage 4 comprises:
 - (a) Development of medium density residential lots 7, 8, 9, 14 and 15; and
 - (b) Development of hotel lot 18.

Notwithstanding the above, Stage 1 can be carried out in two stages, being Stage 1A and the balance of Stage 1 as described in the documents and drawings prepared by BBC Consulting Planners and Cardno (Qld) Pty Ltd, submitted in October 2010."

2.2.2 Condition A3: Drawings

Condition A3 of the Concept Approval, as already modified, refers to the approved drawings. It states as follows:-

“A3 Project in Accordance with Plans

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

Design Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-31(N)		Concept Plan	17/08/09
MP-19®		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
MP-01-13(G)		Sun Study – Winter Solstice – June 21 – 3pm	17/08/09

Design and Survey Drawings prepared by Cardno (Qld) Pty Ltd			
DA22I	I	Existing Contours Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09
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
8491-901	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
8491-909	E	Public Parking	14/08/09

Except for:

- (1) *any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;*
- (2) *otherwise provided by the conditions of this approval.”*

The Minister is requested to modify Condition A3 in the following manner:-

“A3 Project in Accordance with Plans

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

Design Drawings prepared by ML Design			
Drawing No.	Revision	Name of Plan	Date
MP-31(N)		Concept Plan	17/08/09
MP-19®		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
MP-01-13(G)		Sun Study – Winter Solstice – June 21 – 3pm	17/08/09

Design and Survey Drawings prepared by Cardno (Qld) Pty Ltd			
DA22I	I	Existing Contours Plan	10/08/09
DA24M	M	Finished Surface Contours	06/01/10
DA39J	J	Subdivision Layout Plan	10/08/09
DA40N	N	Dedication and Easement Plan	21/12/09
DA41K	K	Staging Plan	21/12/09
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
8491-901	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
8491-909	C	Public Parking	14/08/09

Notwithstanding the above, Stage 1 can be carried out in two stages, being Stage 1A and Stage 1B, as described in the documents and drawings prepared by BBC Consulting Planners and Cardno (Qld) Pty Ltd, submitted in October 2010, the latter comprising the following drawings:-

Figure No.	Description	Date
Figure No. DA103	Stage 1A Works Plan	08/09/10
Figure No. DA105	Stage 1A Finished Surface Contours	08/09/10
Figure No. DA119	Stage 1A Subdivision Layout Plan	08/09/10
Figure No. DA120	Stage 1A Dedication and Easement Plan	08/09/10

”

Except for:

- (1) *any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;*
- (2) *otherwise provided by the conditions of this approval.*

2.2.3 Condition A4 Project in Accordance with Documents

Condition A4 of the Concept Approval, as already modified, requires the project to be undertaken in accordance with various documents, as follows:-

“A4 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) *Environmental Assessment Report prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and*
- b) *Preferred Project Report prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009.*

Section 75W Modification Request documentation

- c) *Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979 prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.”*

The document in (b) above includes a table of project amendments on pages 61 and 62. Row 6 of the table (on page 62) identifies a density for medium density residential and mixed use of 1 unit/130m². This is not expressed as a minimum or maximum. Nor is it a control or requirement which flows from Tweed Shire Development Control Plan. The relevant density control is the floor space ratio control and thus the density parameter of 1 unit/130m² need not be complied with.

Therefore, the Minister is requested to modify Condition A4 in the following manner:-

“A4 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

Environmental Assessment Documentation

- a) Environmental Assessment Report *prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and*
- b) Preferred Project Report *prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009, **except in relation to the density of 1 unit/130m² on page 62.***

Section 75W Modification Request documentation

- c) Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979 *prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.*
- d) **Section 75W Modification Request Concept and Project Approval MP06_0258 (as already modified) prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated October 2010.**

2.2.4 Condition B5 – Beach Access through Crown Reserve

Condition B5 states as follows:-

“B5 Beach Access through Crown Reserve

The proponent is to obtain approval from the Department of Lands regarding the provision of the proposed beach access to the east of the icon building.

Note: This may require the closure of one of the existing beach accesses.

Evidence of the approval for the construction of the beach access shall be provided to the Department prior to the issue of a Construction Certificate for Stage 1.”

The Proponent is concerned that despite its best endeavours, it might not be able to obtain the required approval. The Proponent therefore requests that Condition B5 be modified to require the lodgement of the required application by the Proponent.

The Minister is requested to modify Condition B5 as follows:-

“B5 Beach Access through Crown Reserve

*The proponent is to **lodge an application seeking** approval from the Department of Lands regarding the provision of the proposed beach access to the east of the icon building.*

Note: This may require the closure of one of the existing beach accesses.

*Evidence of **lodgement of the application** for the construction of the beach access shall be provided to the Department prior to the issue of a Construction Certificate for Stage 1."*

2.2.5 Statement of Commitments

It will be necessary to modify the Statement of Commitments for both the Concept Approval and the Project Approval (Commitments 1-18 are attached to the Concept Approval and Commitments 19-38 are attached to the Project Approval) to make reference to Stage 1A because completion of Stage 1 is a much referred to condition precedent. Proposed modifications are identified below.

Table 1: Proposed modifications to the Statement of Commitments included in Schedule 3 of the Concept Plan Approval

Commitment No.	Required Modification
1	In the "Timing for Completion" column, change Stage 1 to Stage 1A and insert the words "in Stage 1A" after the words "all roads, open space, embellishment" and after the words "infrastructure works relating to sewer, water and drainage".
3	In the "Timing for Completion" column, change Stage 1 to Stage 1A.
5	In the first paragraph in the "Timing for Completion" column, change Stage 1 to Stage 1A. In the second paragraph, in the "Timing for Completion" column, in lieu of the words "prior to the issue of a subdivision certificate for the Stage 1 works", insert "prior to the issue of a subdivision certificate for the works in the Stage in which the landscape and other works are located".
6	In the "Timing for Completion" column, after the words "prior to the issue of a subdivision certificate and dedicated as part of the subdivision certificate approval process", insert "for the Stage in which the car parking works and land to be dedicated are located".
7	In the "Timing for Completion" column, delete the existing words and insert:- <i>"All roadworks/walkway/cycleway works in Stage 1A will be constructed prior to the issue of a subdivision certificate for the lots created by the subdivision certificate for the lots created by the Stage 1A works.</i> <i>All other roadworks/walkway/cycleway works in other Stages will be constructed prior to the issue of a subdivision certificate for the respective Stage of which those works form part."</i>
11	In the "Timing for Completion" column, change Stage 1 to Stage 1A.
15	In the "Timing for Completion" column, change Stage 1 to Stage 1A.

Commitment No.	Required Modification
17	In the "Timing for Completion" column, in lieu of "the Stage 1 works" insert "the stage in which the works are located".

A copy of the Statement of Commitments attached to the Concept Approval is provided in Appendix 4A with the proposed changes tracked and the new text shown in colour.

2.3 Modifications to Project Approval

2.3.1 Condition A2: Drawings

Condition A2 of the Project Approval, as already modified, refers to the approved drawings. It states 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

Engineering Drawings prepared by Cardno (Qld) Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
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

Traffic Engineering Drawings prepared by Cardno Eppell Olsen			
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 Path (Forward In)	14/08/09
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
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

<i>Supermarket Architecture Drawings prepared by Donovan Hill</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09
DA13	H	Shadow Diagrams	30/01/09

<i>Landscape Drawings prepared by EDAW</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
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

"

The Minister is requested to modify Condition A2 in the following manner (note: new text is shown in bold type; deleted text is struck out):-

“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

Traffic Engineering Drawings prepared by Cardno Eppell Olsen			
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 Path (Forward In)	14/08/09
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
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

Supermarket Architecture Drawings prepared by Donovan Hill			
Drawing No.	Revision	Name of Plan	Date
DA05	J	Site Plan and Schedules	13/08/09
DA06	H	Elevations North and East	30/01/09
DA07	H	Elevations South and West	30/01/09
DA08	H	Ground Floor Plan	30/01/09
DA09	H	First Floor Plan	30/01/09
DA10	H	Roof Plan	30/01/09
DA11	H	Basement Plan	30/01/09
DA12	H	Sections	30/01/09
DA13	H	Shadow Diagrams	30/01/09

Landscape Drawings prepared by EDAW			
Drawing No.	Revision	Name of Plan	Date
08		Vehicular Street Hierarchy	August 2009
09		Pedestrian Links	August 2009

Landscape Drawings prepared by EDAW			
Drawing No.	Revision	Name of Plan	Date
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

Notwithstanding the above, Stage 1 can be carried out in stages: 1A and the balance of Stage 1, as described in the documents and drawings prepared by BBC Consulting Planners and Cardno (Qld) Pty Ltd, submitted in October 2010, the latter comprising the following drawings:-

Figure No.	Description	Date
Figure No. DA100	Locality Plan, Site Plan and Schedule of Drawings	08/09/10
Figure No. DA101	Subject Land and Air Photo 2005	08/09/10
Figure No. DA103	Stage 1A Works Plan	08/09/10
Figure No. DA104	Stage 1A Road Layout Plan	08/09/10
Figure No. DA105	Stage 1A Finished Surface Contours	08/09/10
Figure No. DA106	Cut/Fill Depths Layout Plan	08/09/10
Figure No. DA107	Stage 1A Site Cross Sections	08/09/10
Figure No. DA108	Stage 1A Erosion and Sediment Control Layout Plan	08/09/10
Figure No. DA109	Road No. 1 Longitudinal Section	08/09/10
Figure No. DA110	Casuarina Way (Road No. 2) Longitudinal Section	08/09/10
Figure No. DA111	Road No. 3 (Casuarina Way) Longitudinal Section	08/09/10
Figure No. DA112	Road No. 5 Longitudinal Section	08/09/10
Figure No. DA113	Road No. 5 & 7 Longitudinal Sections	08/09/10
Figure No. DA114	Typical Cross Section – Sheet 1	08/09/10
Figure No. DA115	Typical Cross Section – Sheet 2	08/09/10
Figure No. DA116	Stage 1A Catchment Areas and Drainage Paths	08/09/10
Figure No. DA117	Stage 1A Sewer Reticulation Layout Plan	08/09/10
Figure No. DA118	Stage 1A Water Reticulation Layout Plan	08/09/10

<u>Figure No.</u>	<u>Description</u>	<u>Date</u>
Figure No. DA119	Stage 1A Subdivision Layout Plan	08/09/10
Figure No. DA120	Stage 1A Dedication and Easement Plan	08/09/10
Figure No. DA121	Stage 1A Proposed Cycleway/Drainage Re-alignment Layout Plan	08/09/10
Figure No. DA122	Proposed Additional Works in Lot 10	08/09/10

"

2.3.2 Condition A3

Condition A3 of the Project Approval, as already modified, requires the project to be undertaken in accordance with various documents, as follows:-

"A3 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

- (1) Environmental Assessment Report prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and
- (2) Preferred Project Report prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009.
- (3) Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979 prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010."

The project need not be undertaken in accordance with the density requirement on page 62 of the document referred to in (2) above, for the reasons set out in Section 2.2.3 of this Section 75W report. The Minister is therefore requested to modify Condition A3 in the following manner:-

"A3 Project in Accordance with Documents

The project will be undertaken in accordance with the following documents:

- (1) Environmental Assessment Report prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated August 2008; and
- (2) Preferred Project Report prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated 25 March 2009, **except in relation to the density of 1 unit/130m² on page 62.**

- (3) *Request to Modify a Major Project under Section 75W, Environmental Planning and Assessment Act 1979 prepared by Victor G Feros Town Planning Consultants on behalf of Kings Beach No. 2 Pty Ltd, dated February 2010.*
- (4) **Section 75W Modification Request Concept and Project Approval MP06_0258 (as already modified) prepared by BBC Consulting Planners on behalf of Kings Beach No. 2 Pty Ltd, dated October 2010"**

2.3.3 Statement of Commitments

The following modifications are proposed to the "Statement of Commitments" attached to the Project Application approval:-

Table 2: Proposed modifications to the Statement of Commitments included in Schedule 3 of the Project Application Approval

Commitment No.	Required Modification
19	In the "Timing for Completion" column, in lieu of "other Stage 1 work", insert "Stage 1A works or Stage 1 works as the case may be".
22	<p>In the first paragraph of the "Timing for Completion" column, in lieu of "Stage 1 Project Application works", insert "Stage 1A Project Application works or Stage 1 Project Application works, as the case may be".</p> <p>In the second paragraph of the "Timing for Completion" column, in lieu of "the Stage 1 works", insert "Stage 1A works or the Stage 1 works, as the case may be".</p> <p>In the third paragraph, in the "Timing for Completion" column, in lieu of "Stage 1", insert "Stage 1A or Stage 1, as the case may be".</p>
23	<p>At the end of the first paragraph of the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".</p> <p>In the second paragraph, change "Stage 1" to "Stage 1A".</p>
24	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".
25	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".
26	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".
27	In the "Timing for Completion" column, replace "Stage 1" with "Stage 1A".

Commitment No.	Required Modification
32	In the "Timing for Completion" column, in lieu of the words "to be constructed in Stage 1", insert "to be constructed in Stages 1A and the balance of Stage 1".
33	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".
34	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".
35	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".
37	At the end of the paragraph in the "Timing for Completion" column, add the words "Notwithstanding the above, interim works can be carried out consistent with the approved staging plan, and in particular, the scope of works in Stage 1A".

A copy of the Statement of Commitments attached to the Project Approval is provided in Appendix 4B with the proposed changes tracked and new text shown in colour.

3. INFORMATION TO ADDRESS CONDITIONS B3 AND B14 OF THE PROJECT APPROVAL

3.1 Condition B3

Condition B3 of the Project Approval requires that a study of the site for the suitability of habitat for the Pink Nodding Orchid be undertaken by a suitably qualified orchid specialist and the results of the study submitted to the (then) Department of Planning and the Department of Environment and Climate Change (DECC) for approval. This requirement has now been satisfied and on 27 July 2010, the Department advised Cardno (Qld) Pty Ltd that the requirements of Condition B3 had been satisfactorily addressed (see Appendix 3A).

3.2 Condition B14

Condition B14 of the Project Approval (which relates to the intersection of Casuarina Way and The Boulevard) requires the Proponent to provide a SIDRA assessment for a roundabout option at the intersection of Casuarina Way and The Boulevard so that it can be addressed for signal warrants within RTA guidelines. Cardno Eppell Olsen has now prepared the required SIDRA assessment (see Appendix 3B). It concludes that a two-lane roundabout will be sufficient to provide for the projected traffic demand at the Casuarina Way/The Boulevard intersection. As such, the roundabout is shown on the Stage 1 drawings for which the Minister's consent is now requested (see Appendices 5A and 5B).

4. CONCLUSION

This Section 75W report primarily relates to the required introduction of a sub-stage of Stage 1, referred to herein as “Stage 1A”. Creation of Stage 1A will enable the approved project to be implemented more logically, promptly and efficiently. It will not change the ultimate form of the approved project, but will result in more immediate social and economic benefits including new employment opportunities and additional housing, whilst still ensuring that public facilities, such as beachside parking and cycleway connections, are provided up-front in the development of the town centre.