



Planning &
Environment

**MODIFICATION REQUEST:
CASUARINA TOWN CENTRE
TWEED COAST ROAD, CASUARINA
06_0258 MOD 6**



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2014

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1. BACKGROUND

This report is an assessment of a request to modify the concept plan approval and Stage 1 project approval of Major Project 06_0258 pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification relates to a mixed use subdivision, referred to as the 'Casuarina Town Centre', located at Tweed Coast Road, Casuarina in the Tweed local government area.

The concept plan and concurrent Stage 1 project application were approved by the then Minister for Planning on 20 September 2009 under Part 3A of the EP&A Act. Concept plan approval was granted for:

- the subdivision of land into 61 lots including low and medium density residential, retail, commercial and mixed use lots;
- construction of a retail centre comprising a supermarket, restaurants and shops;
- construction of a hotel;
- construction of the associated road network and car parking;
- construction of all necessary services; and
- landscaping and open space.

Stage 1 project approval was granted for:

- the subdivision of land into 61 lots;
- construction of the supermarket anchored retail centre;
- bulk earthworks and vegetation clearing;
- construction of all roads and closure of Dianella Drive;
- provision of infrastructure and services; and
- landscaping.

1.1 Subject Site

The subject site is located at Casuarina, approximately 15km to the south of Tweed Heads and 4km north of Cabarita Beach. Low to medium density residential development immediately adjoins the site's northern and southern boundaries. The Casuarina Beach foreshore adjoins the site to the east, with Tweed Coast Road adjoining the western site boundary. The Cudgen Nature Reserve is located further to the west. **Figure 1** shows the site location in context to the surrounding locality.

The site forms part of the master planned Casuarina development precinct involving the integration of residential, tourist and commercial developments fronting the Casuarina Beach foreshore. The approved concept plan, including features of the site approved as part of the Stage 1 project approval is illustrated at **Figure 2**.

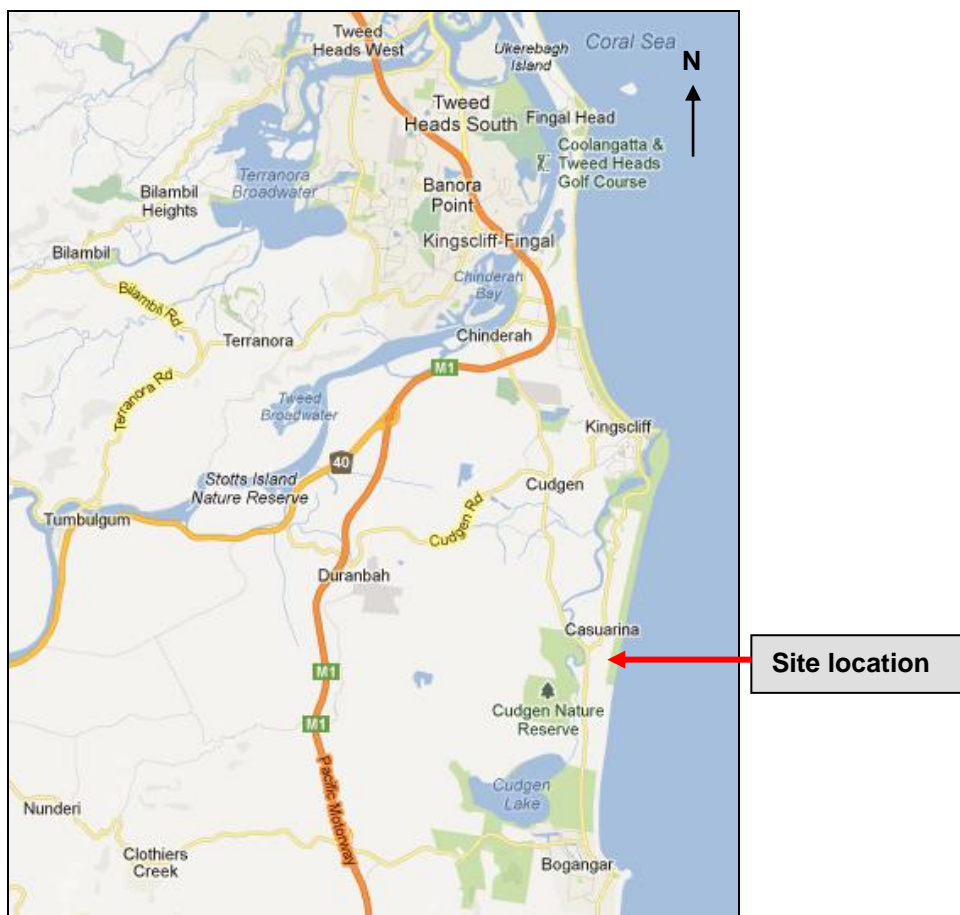


Figure 1: Site location – Casuarina Town Centre



Figure 2: Approved Casuarina Town Centre Concept Plan

The approved concept plan and project approval has been modified on five occasions, as outlined in **Table 1** below.

Table 1: Summary of Approved Modifications to the Concept Plan and Stage 1 Project Application

Approval		Description
Modification 1 17 June 2010	Concept	<ul style="list-style-type: none"> Amendments to the approved concept stormwater regime for the site.
	Project Application	<ul style="list-style-type: none"> Filling of the existing drainage easement. Works to facilitate the closure of the Dianella Drive/Tweed Coast Road intersection to be replaced with a cul-de-sac road.
Modification 2 1 July 2011	Concept	<ul style="list-style-type: none"> Amendments to the project staging to allow Stage 1 to be carried out in two sub-stages (referred to as Stage 1A and the balance of Stage 1).
	Project Application	<ul style="list-style-type: none"> Amendments to density requirements. Amendments to the conditions of approval to make separate references to sub-stages Stages 1A and the balance of Stage 1.
Modification 3 7 March 2012	Concept	<ul style="list-style-type: none"> No change.
	Project Application	<ul style="list-style-type: none"> Reduced gross floor area, size and scale of the supermarket building. Removal of basement car parking, reconfiguration of the at-grade car park, and provision of parking shade structures. Additional signage. Increased landscaping works.
Modification 4 24 April 2013	Concept	<ul style="list-style-type: none"> Amendments to the concept staging including an allowance for the sequencing of future stages to be varied. Deletion of the requirement to construct the beach access as part of the concept plan.
	Project Application	<ul style="list-style-type: none"> Consolidation of medium density residential Lots 7, 8, 9, 14 & 15 to form temporary Lot 57 within Stage 1A. A requirement to provide evidence of approval and construction of the beach access prior to the issuing of a construction certificate and subdivision certificate respectively. Amendments to the timing of monetary contributions.
Modification 5 24 September 2013	Concept	<ul style="list-style-type: none"> No change.
	Project Application	<ul style="list-style-type: none"> Construction of a retaining wall in the south-eastern portion of the site and associated works adjacent to the cul-de-sac head of Road 6.

2. PROPOSED MODIFICATION

On 25 October 2013, Newton Denny Chappelle on behalf of CTC Multiple Lots Pty Ltd (the proponent), submitted a Section 75W modification request to both the concept plan approval and Stage 1 project approval of Major Project 06_0258.

The proposed modifications to the concept plan involve:

- amendments to the approved concept staging involving the creation of new sub-stages '1B' and '1C' as part of Stage 1;
- the creation of a new Lot 2A within the approved commercial Lot 2;
- amendments to the approved land use of Lots 7, 8, 9, 14 & 15 from medium density residential to low density residential (single dwelling use); and
- amendments to the minimum lot size to allow for the construction of dwellings on lots below 450m² in area.

The proposed modifications to the Stage 1 project approval involve:

- the addition of new sub-stages '1B' and '1C';
- the inclusion of adjoining Lots 7, 8, 9, 14 & 15 to form part of the development of Stage 1; and
- the subdivision of adjoining Lots 7, 8, 9, 14 & 15 into 40 Torrens title residential lots.

All documentation submitted by the proponent in support of the modification request is provided at **Appendix C**.

3. STATUTORY CONTEXT

Approval of Major Project 06_0258 was granted in accordance with Part 3A under Sections 75O and 75J of the EP&A Act. Section 75W of the EP&A Act provides for the modification of the Minister's approval.

Pursuant to Section 75W(2) of the EP&A Act, the proponent may request the Minister for Planning to modify the approval of a project. Any request is to be lodged with the Secretary. A copy of the proponent's modification request is included at **Appendix C**.

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of environmental assessment requirements with respect to the proposed modification. Following an assessment of the modification request, it was considered that environmental assessment requirements were not required.

Under Section 75W(4) of the EP&A Act, the Minister may modify the approval (with or without conditions) or disapprove the modification. The following report outlines the Department of Planning & Environment's (DP&E) assessment of the modification request.

3.1 Delegated Authority

Under the Instrument of Delegation dated 14 September 2011, the functions and powers of the Minister for Planning to determine section 75W modification requests were delegated to the Executive Director – Development Assessment Systems & Approvals, whereby:

- the relevant local council has not made an objection to the proposal;
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

Council has not objected to the proposal, a political disclosure statement has not been made and less than 10 public submissions in the nature of objections were received. The Executive Director – Development Assessment Systems & Approvals may therefore determine the modification request under delegation.

4. CONSULTATION AND SUBMISSIONS

Under Section 75W of the EP&A Act, it is at DP&E's discretion as to whether a modification request is required to be publicly exhibited. Given the relatively minor nature of the modification involving amended staging and an overall reduction in residential density for the site, public exhibition was not undertaken. Notwithstanding, under Section 75X(2)(f) of the EP&A Act, the Secretary is to make publicly available requests for modifications of approvals given by the Minister.

In accordance with Clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for modification was made publicly available on DP&E's website. In addition, notification letters were sent to 20 of the immediately adjoining and nearby landowners.

The application was referred to Tweed Shire Council (council) and NSW Trade & Investment – Crown Lands inviting any issues or requirements to be provided. One public submission was received. The issues raised in the submissions are outlined below.

4.2 Public Authority Submissions

Tweed Shire Council provided the following comments in regards to the modification request:

- it considered that the town centre site should have a higher residential density in close proximity to services such as the retail centre in order to maintain the viability of such services; and
- a more detailed assessment of the potential economic impacts arising from the proposed modification should be provided.

Following the proponent's submission of additional information involving a request to construct dwellings on lots less than 450m², and submission of an Estimated Impacts Report, council provided the following additional comments:

- that council remain as the Principal Certifying Authority (PCA) for any approved subdivision or development works on lots 7, 8, 9, 14 & 15; and
- requested that DP&E consider the permissibility of small lot housing on approved medium density residential Lot 3. The Tweed Shire Council Development Control Plan (Tweed DCP) A1 – Residential and Tourist Development Code should be considered as part of the assessment.

A copy of council's submissions is included at **Appendix D**.

NSW Trade & Investment – Crown Lands did not provide comment on the proposed modification.

4.2 Public Submissions

One public submission objecting to the modification request was received. Key issues raised in the submission include:

- clarification as to whether the site is contaminated;
- health implications of dust emissions generated as a result of bulk earthworks;
- a request that site earthworks be independently monitored and more stringent conditions imposed;
- concerns that the removal of dune vegetation will accelerate dune erosion; and
- increased security risks as a result of the footpath by attracting pedestrians into the park at the rear of the property.

DP&E notes that dust emissions from the site have been generated as a result of previous bulk earthworks activities carried out as part of Stage 1A site preparation works. DP&E has previously consulted with both council and the building contractor in regards to dust management, resulting in a number of additional measures having been put in place to address these concerns.

The proponent has advised that Stage 1A bulk earthworks across the site are now largely finalised. Nonetheless, in order to address the concerns raised in the public submission, DP&E has recommended additional dust control measures should the modification request be approved and any further earthworks be required.

Further discussion of the dust issue, contamination and dune vegetation clearing is provided in **Table 2** under **Section 5.4** of this report.

In relation to the proposed pedestrian footpath, it is noted that construction of the footpath referred to in the submission does not form part of this modification request and is therefore not considered in this report.

A copy of the public submission is included at **Appendix E**.

5. ASSESSMENT

DP&E considers the key issues associated with the proposed modifications to the concept plan and project approval include the following:

- development staging (concept);
- permissibility of small lot housing (concept); and
- residential density (concept and project approval).

Other issues relating to dust emissions, certification and monetary contributions have also been considered in **Table 2** in **Section 5.4**.

5.1 Development Staging (Concept)

The town centre concept plan approval comprises four development stages, with project approval granted concurrently for Stage 1. The proponent seeks to introduce new sub-stages '1B' and '1C' under Stage 1 as part of the modification.

As part of the approval for MOD 2, Stage 1 was split into two sub-stages, now referenced as 'Stage 1A' and 'the balance of Stage 1'. The concept plan terms of approval require the development of these stages to be completed prior to any subsequent stages, in order to ensure all essential infrastructure and services are provided throughout the site.

Although 'the balance of Stage 1' works are not yet complete (with works associated with the beach access and drainage swale outstanding), the proponent wishes to lodge development applications with council to undertake works on Lot 2 and Lot 3, both of which are nominated on the approved concept staging plan as being within Stage 2. As the approval requires all Stage 1 works to be completed prior to the commencement of any future stages, new sub-stages 1B and 1C are proposed under Stage 1, with the development of Lot 2 and Lot 3 to be contained within the new sub-stages. The balance of Stage 1 works will remain as approved.

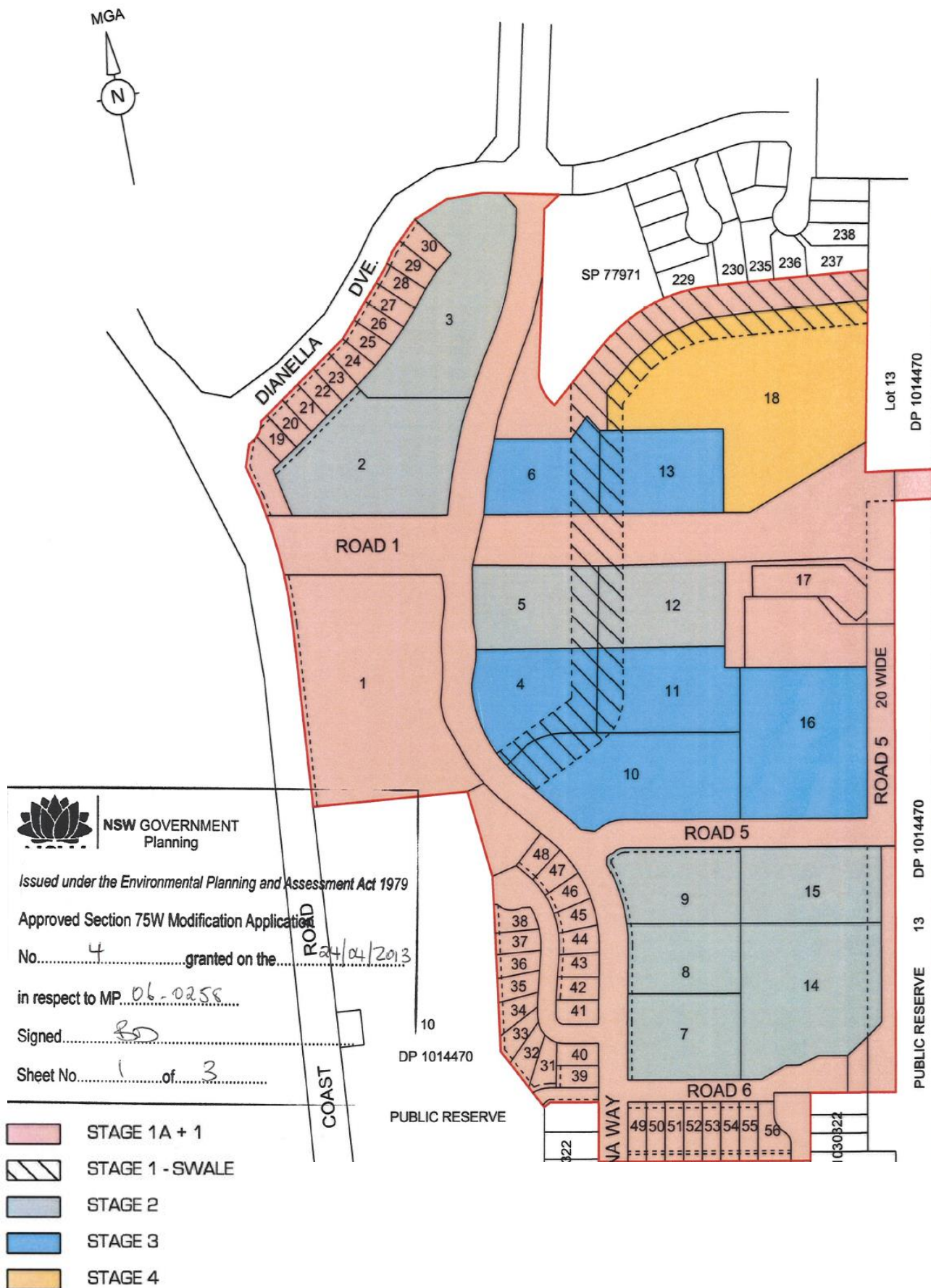
Figure 3 below shows the approved concept staging plan. **Figure 4** shows the proposed concept staging incorporating new sub-stages 1B and 1C.

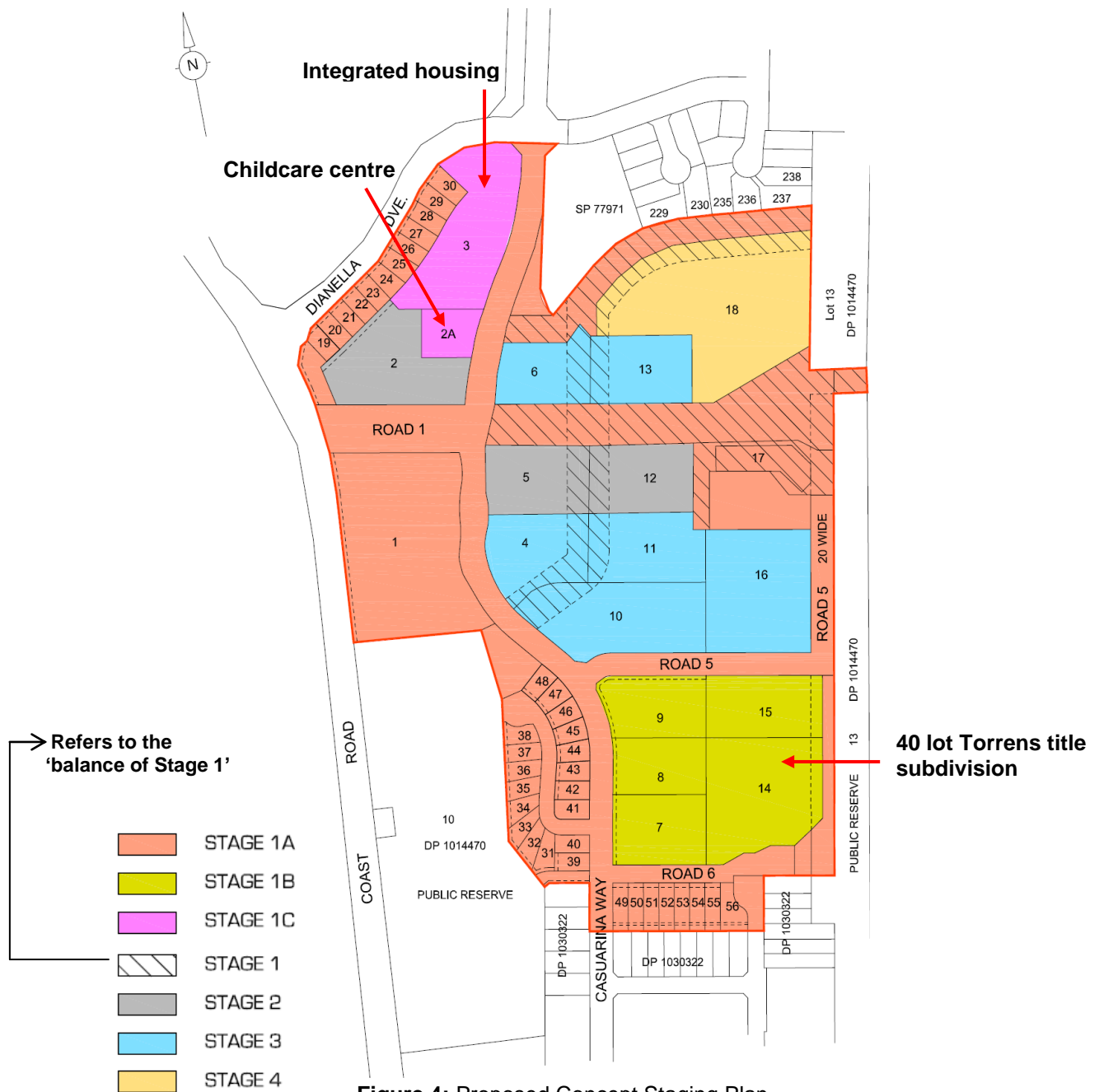
In addition to the revised staging, the proponent seeks to subdivide commercial Lot 2 into two lots to create new 'Lot 2A'. Lot 2A is proposed to form part of new Stage 1C, with the balance of Lot 2 remaining within Stage 2 (as originally approved). The purpose of the proposed subdivision to create Lot 2A as part of Stage 1C is to allow for the development of this lot to be carried out under Stage 1. **Figure 4** below shows the location of proposed new Lot 2A.

The proponent has advised that a childcare centre is proposed for Lot 2A, however, this will require lodgement of a development application to council for assessment and determination under Part 4 of the EP&A Act.

In summary, the proponent seeks to bring forward the following aspects originally approved as part of Stage 2, to be included as part of proposed new sub-stages '1B' and '1C' under Stage 1:

- the development of Lots 7, 8, 9, 14 & 15 within Stage 1B (40 lot Torrens title subdivision) – discussed further at **Section 5.2**;
- the development of medium density residential Lot 3 within Stage 1C (integrated residential housing) – discussed further at **Section 5.3**; and
- the development of commercial Lot 2A within Stage 1C (childcare centre).





Council did not raise any issues in regards to the revised development staging, and has previously been made aware of the intention to develop integrated residential housing and a childcare centre on Lot 2A and Lot 3 respectively through correspondence with the proponent.

Department's Consideration

DP&E notes that any future development upon Lot 2A and Lot 3 will require the assessment and determination of council under Part 4 of the EP&A Act. The proponent has advised that sufficient infrastructure and servicing works have been completed to allow for the development of these lots in concurrence with the remaining Stage 1 works. DP&E is therefore supportive of the modification request to create new sub-stages 1B and 1C within Stage 1; and for the creation of new Lot 2A, to be developed as part of Stage 1C.

Term A2 of the concept plan approval is therefore recommended to be modified to require the development of Stages 1A, 1B, 1C and the balance of Stage 1 to be undertaken prior to the development of any subsequent stages. The concept plan approval is also recommended to be modified to allow the development of all sub-stages within Stage 1 to be undertaken concurrently.

5.2 Permissibility of Small Lot Housing (Concept)

The approved concept plan nominates Lot 3 as a medium density residential lot, to be developed as part of Stage 2. The proponent intends to construct an integrated residential housing development on Lot 3, on individual freehold lots of less than 450m². In order for dwelling houses to be permissible on lots of less than 450m², an amendment to the concept plan approval is required as the current residential zoning only allows for the construction of dwellings on lots greater than 450m².

The location of Lot 3 in context to the site is shown at **Figure 5**. An indicative plan showing the potential for a 29-lot integrated housing development at Lot 3 is provided at **Figure 6**.

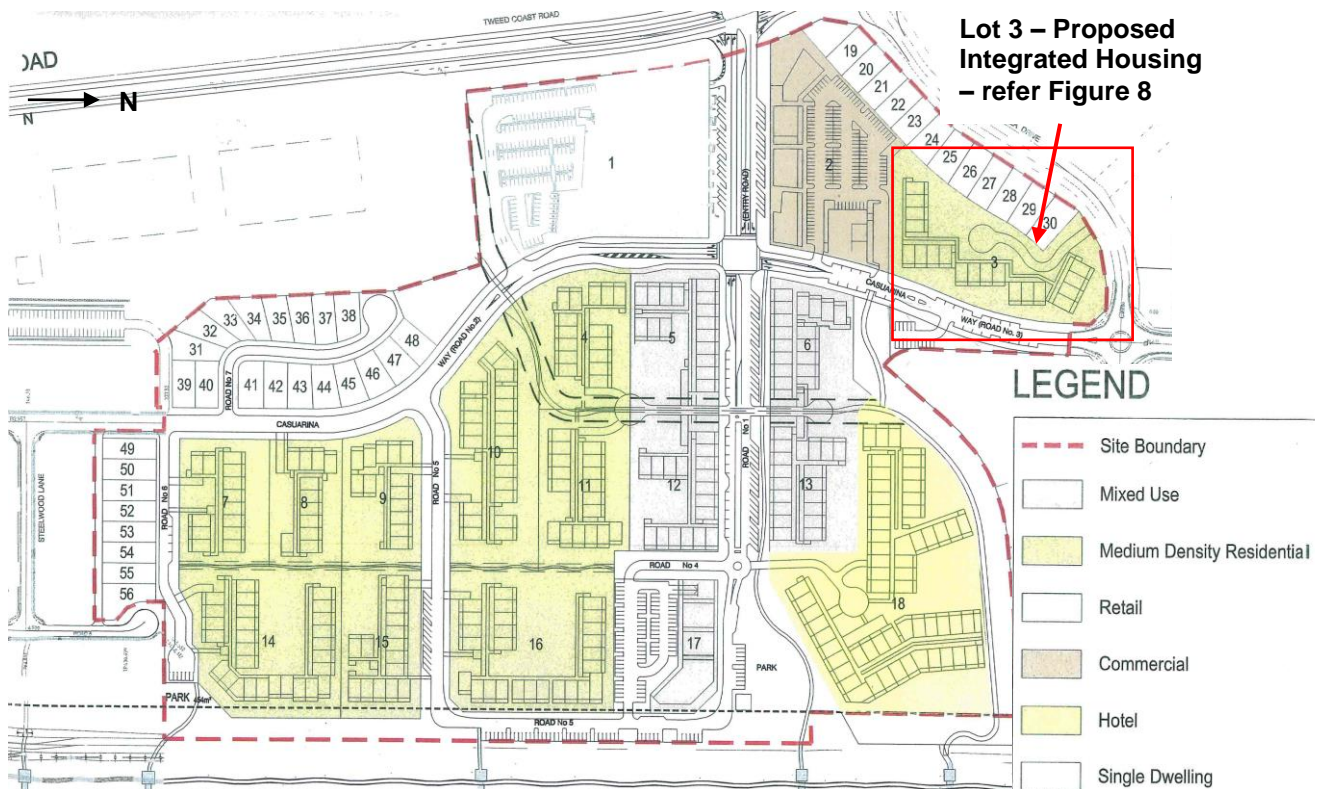


Figure 5: Location of Lot 3 (Integrated Housing Lot)

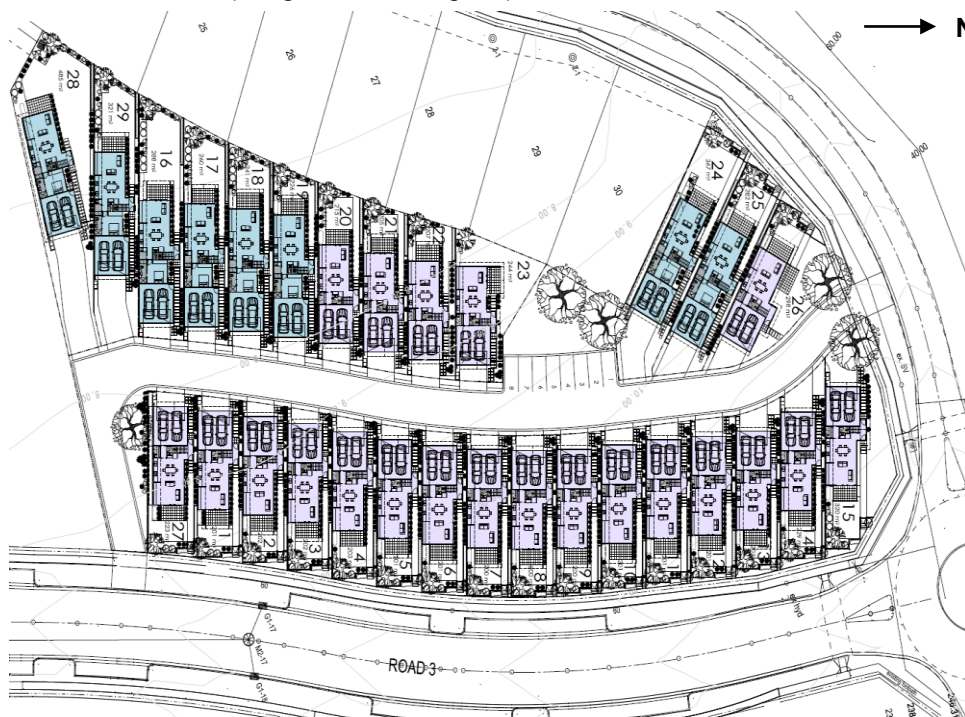


Figure 6: Potential for a 29 Lot Integrated Housing Development at Lot 3

Lot 3 is nominated for medium density residential under the approved concept plan, and is zoned 2(e) Residential Tourist under the Tweed Local Environmental Plan 2000 (Tweed LEP).

In accordance with the Tweed LEP, the construction of dwelling houses in the 2(e) zone is prohibited if each dwelling is on an allotment of less than 450m². Whilst integrated housing is permissible (with consent) in the 2(e) zone, the provision of such housing on smaller lots becomes problematic as the definition of integrated housing incorporates the word *dwelling*, and dwelling houses are otherwise prohibited unless each is on an allotment of 450m² or greater. Council's Development Assessment Panel minutes from November 2013 (included at **Appendix F**) discusses the anomaly in further detail.

The proponent's intention is to provide dwellings on lots of less than 450m² as part of the integrated residential housing development at Lot 3. A modification to the concept plan approval is therefore sought to make reference to an allowance for small lot housing within the town centre site, on individual freehold lots of less than 450m².

Permissibility

Under the savings and transitional arrangements in respect to the repeal of Part 3A, the provisions of any environmental planning instrument (EPI) do not have effect to the extent to which they are inconsistent with the terms of the approval of a concept plan (Schedule 6A, clause 3B(2)(f) of the EP&A Act). Essentially, the provisions contained within an approved concept plan override any inconsistencies of an applicable EPI.

In assessing any future application that is lodged for the development of Lot 3, council (as the consent authority) will need to be satisfied that the proposal is consistent with the terms of the concept plan. Through modification of the concept plan approval to allow for the creation of small lot housing (on lots of 450m² or less), any inconsistencies with the lot size provisions specified under the Tweed LEP can subsequently be dealt with.

Council did not raise concern in response to the request to modify the approved concept plan, and has previously been made aware by the proponent of the intention to develop small lot housing on Lot 3.

Department's Consideration

Whilst multi-dwelling housing was the original intent for Lot 3 under the approved concept plan, DP&E considers that integrated housing on small lots is not inconsistent with the original intent for Lot 3 to contain a higher-density population. It is also noted that the draft Tweed Local Environmental Plan 2012 (currently with DP&E for gazettal), outlines no minimum lot size requirement for any land within the town centre site. Essentially, once the standard instrument LEP comes into force, the current minimum lot size requirements for the town centre will be irrelevant. DP&E therefore recommends that the concept plan be modified to permit the construction of dwellings on lots of less than 450m².

Whilst DP&E provides support for this aspect of the modification, it does not wish to set a precedent for the remaining medium density and mixed use precincts to be subdivided into small lots for integrated housing. It is considered imperative that the remaining medium density and mixed use lots contain some form of multi-dwelling housing, as originally envisaged, to ensure the continued viability of the site as a town centre.

5.3 Residential Density (Concept and Project Approval)

The town centre concept plan approval incorporates a variety of different land uses. The proponent seeks to amend the approved land use of adjoining Lots 7, 8, 9, 14 & 15 from medium density residential to low density residential use. The proponent further seeks to subdivide this portion of land into 40 Torrens title residential lots.

Figure 7 below shows the approved concept land use plan, and location of adjoining medium density residential Lots 7, 8, 9, 14 & 15.

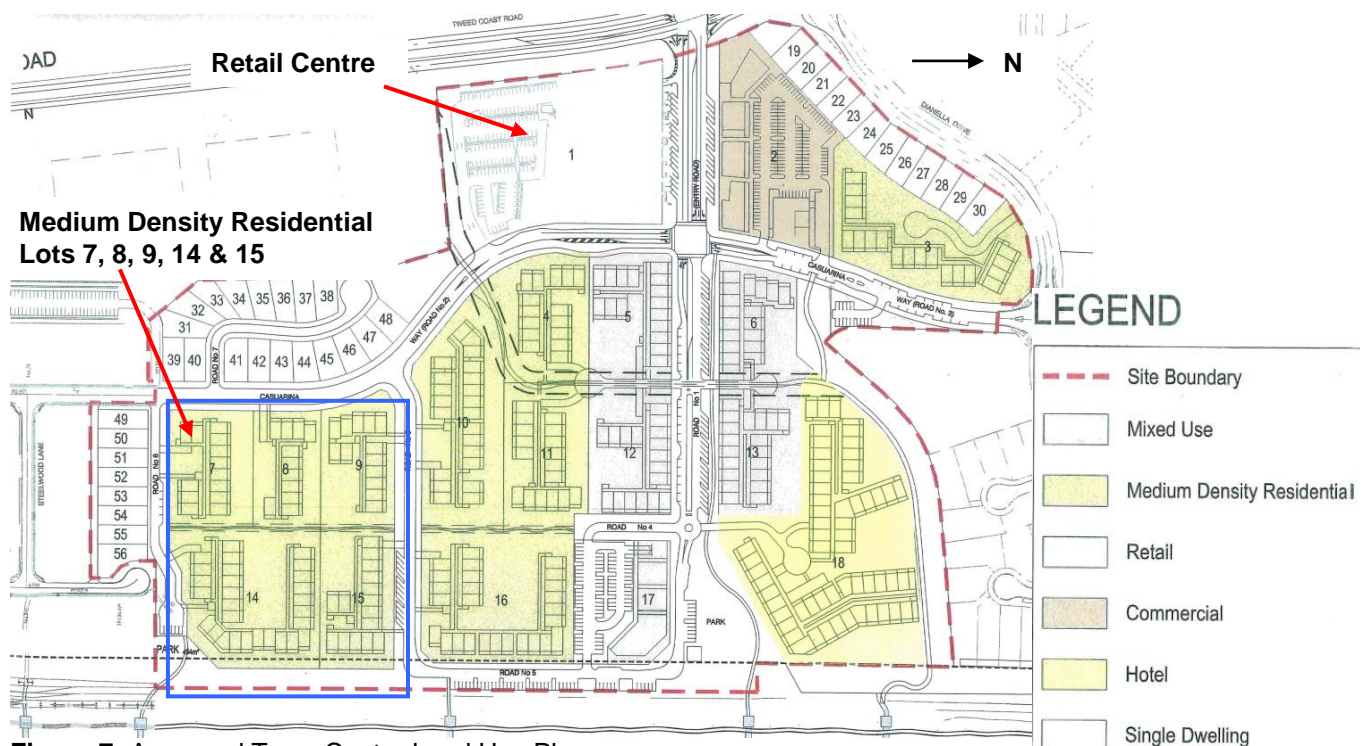


Figure 7: Approved Town Centre Land Use Plan

The proponent's request to amend the approved land use plan is the result of multi-dwelling housing no longer being considered a commercially viable option for the site, with the current market demand being predominately for low density (single dwelling) lots.

Council's submission on the proposal advised that the town centre should have a higher residential density in close proximity to services such as the retail centre at Lot 1. Council requested the proponent provide further assessment, including a more detailed consideration of the impacts on the viability of the town centre which may occur as a result of reduced residential density.

The proponent subsequently engaged MacroPlan Dimasi to prepare an Estimated Impacts Report (EIR), included at **Appendix C**. The EIR assesses the potential impacts on the viability of the town centre site due to the proposed reduction in residential density. The EIR estimates a total reduction of 125 persons from the primary trade area (equal to 0.6% of the primary trade area population), should the proposed modification be approved. The EIR notes that this would have a negligible impact on retail sales, and considered that the town centre will draw most of its business from a much broader area than the subject site itself. The EIR concluded that the proposed reduction in residential density will have a negligible effect on the overall economic viability of the town centre development.

Following review of the EIR, council did not raise any further concern in regards to this aspect of the proposed modification.

Department's Consideration

DP&E notes that the EIR only assesses the potential impact on the viability of the proposed supermarket, and not the potential impact on all future businesses which will form part of the town centre site including retail shops, restaurants, and commercial businesses within approved mixed use precincts. Furthermore, the EIR's predicted 125 fewer persons residing within the site is not a completely accurate assessment, as the report assumes the medium density lots would contain only tourist accommodation with an average annual occupancy rate of 58.5%. The medium density precincts were originally approved to contain a mixture of tourist accommodation and multi-dwelling residential housing, hence, it is expected that the total

number of persons no longer residing within the site as result of the proposed modification would be greater than 125.

Notwithstanding the above, DP&E acknowledges that the site's primary trade area at present covers a broad region extending from Kingscliff in the north to Pottsville in the south. The trade area also includes the nearby Kings Forest residential subdivision which was granted Stage 1 project approval for 376 residential lots in August 2013 (and has concept approval for 4,500 dwellings in total). It is considered that the future population to be contained within the main trade area will ensure the viability of the site as a town centre is maintained. Furthermore, there is additional medium density residential housing stock approved as part of the concept plan (within Lots 4, 10, 11 & 16) directly adjoining the retail centre which will support future businesses within the site, including the proposed supermarket. DP&E is satisfied that the proposed change of use to Lots 7, 8, 9, 14 & 15 from medium density residential to low density residential will not detrimentally impact on the overall viability of the town centre site. DP&E therefore recommends that the concept approval be modified to allow the amendments to the land use of Lots 7, 8, 9, 14 & 15.

Subdivision of Lots 7, 8, 9, 14 & 15

Should the request to modify the approved land use of adjoining Lots 7, 8, 9, 14 & 15 be supported, the proponent further seeks approval for the subdivision of this parcel of land into 40 Torrens title lots as part of this modification.

The proposed lots range in size from a minimum of 499.5m² to a maximum of 932.7m², with an average lot size of 577.8m². Two new internal roads are proposed to service the lots, including new Road 10 which will link between approved Roads 5 and 6, and new Road 11 which will extend eastwards off approved Road 2 (Casuarina Way) and link to new Road 10. **Figure 8** shows the proposed subdivision layout and internal road network. Pedestrian pathways are proposed throughout the subdivision, linking to the previously approved pathway network.



Figure 8: Proposed 40 lot subdivision of adjoining Lots 7, 8, 9, 14 & 15

The proponent's Engineering Services Report (refer **Appendix C**) concluded that the proposed subdivision and associated civil works would meet council's development standards.

Council did not raise concern regarding the proposed subdivision. It was, however, recommended that all proposed lots adjoining Road 2 (Casuarina Way) only obtain access from surrounding local roads given Casuarina Way is a higher class road with increased traffic. The introduction of a Restriction as to User encumbering proposed Lots 77, 78, 92 and 93 is therefore recommended as part of the modification, in order to ensure these lots only obtain access via Roads 5, 6 or 11. Further Restriction as to Users are recommended for Lot 58 to prevent access via the adjoining cul-de-sac head, and also Lots 67 and 68 to prevent access from Road 5 which is proposed to contain adjoining on-street car parking.

Council further requested that it remain as the PCA for the development of the subdivision, due to concerns regarding the acceptance of infrastructure which has not been developed under the supervision of council. Council's request is considered in **Table 2** under **Section 5.4**.

Department's Consideration – Proposed Subdivision

DP&E is satisfied the proposed subdivision is consistent with the surrounding locality given the approved land use immediately to the west and south of the site has been granted project approval for low density residential use as part of Stage 1A. Furthermore, the infrastructure works carried out under Stage 1A will ensure all future lots can connect to reticulated water and sewerage, as well as electricity and telecommunication networks. DP&E therefore recommends that the project approval be modified to allow for the subdivision of adjoining Lots 7, 8, 9, 14 & 15 into 40 low density residential lots.

5.4 Other Issues

DP&E's assessment of other issues, including dust emissions, contamination, dune vegetation clearing, certification, and monetary contributions is provided in **Table 2** below.

Table 2: Assessment of Other Issues

Issue	Consideration	Department's Recommendation
Dust emissions as a result of bulk earthworks at the site (public submission)	<ul style="list-style-type: none"> Bulk earthworks activities carried out as part of Stage 1A have contributed toward dust emissions affecting adjoining residences. The proponent has advised that Stage 1A site earthworks are nearly complete. Additional dust control measures are recommended, should any further site earthworks be required. 	<ul style="list-style-type: none"> The insertion of council's erosion control measures for sand-type developments is recommended under Condition D11 – <i>Dust Control Measures</i>. Measures include the provision of silt fencing, hydro-mulching of exposed areas, increased watering on the site, and a requirement to cease any dust generating activities should wind speeds at the site reach 35km/hour. Additional dust control measures are recommended to Conditions D8, D9, D11 and D16 to satisfactorily address the concerns raised in the public submission.
Site contamination issues (public submission)	<ul style="list-style-type: none"> Existing conditions under the Stage 1 project approval address site contamination issues. Condition B1 requires full depth radiation investigations to be conducted across the whole development site following clearing works and prior to the commencement of earthworks activities. Condition E5 requires a Site Audit Summary Report and Site Audit Statement and Validation Report to be prepared for the PCA. The site audit must be prepared by a site auditor accredited by the Environmental Protection Agency verifying that the land is suitable for the proposed uses. 	<ul style="list-style-type: none"> N/A

Clearing of dune vegetation (public submission)	<ul style="list-style-type: none"> The modification does not propose the removal of any dune vegetation on the eastern side of the existing coastal pathway (within the Crown land reserve), nor does it propose the removal of any vegetation that has not been granted previous approval under the Stage 1 project application. A copy of the approved Stage 1A Construction Certificate drawing showing the approved clearing works for the site (approved by council on 29 July 2010) is provided at Appendix C. 	<ul style="list-style-type: none"> N/A
Council's request to remain as the PCA for the development of Stage 1B	<ul style="list-style-type: none"> Section 109E of the EP&A Act allows for the person having the benefit of a development consent to appoint a PCA (be it the consent authority, council, or an accredited certifier). 	<ul style="list-style-type: none"> DP&E is not in a position to require the proponent to specifically appoint council as the PCA as it fetters the proponent's right to appoint a private certifier. It is recommended Condition E13 (which requires the proponent to dedicate all internal roads to council prior to the issue of a Subdivision Certificate) be modified to require all internal roads to be constructed to <i>council's satisfaction</i> prior to dedication.
Monetary Contributions	<ul style="list-style-type: none"> Section 64 and section 94 monetary contribution rates are required to be amended to reflect the increased number of lots proposed as part of the modification. 	<ul style="list-style-type: none"> Council provided an amended payment schedule which reflects the contribution rates as of 2014 (refer Appendix D). It is recommended the contribution rates be amended to accord with council's updated payment schedule.

6. CONCLUSION AND RECOMMENDATIONS

DP&E is satisfied that the proposed amendments to the concept plan approval and Stage 1 project approval for Major Project 06_0258 are adequately justified in this report, and will not result in additional environmental, social, or economical implications on the site or surrounding locality. Consequently, DP&E is satisfied that the proposed modifications should be approved.

It is recommended that the A/Executive Director – Development Assessment Systems & Approvals, as delegate of the Minister for Planning:

- approve the proposed modification under section 75W of the EP&A Act to the concept plan approval by signing the Instrument of Approval included at **Appendix A**; and
- approve the proposed modification under section 75W of the EP&A Act to the Stage 1 project approval by signing the Instrument of Approval included at **Appendix B**.

Prepared by:



Brent Devine
Senior Planner
Industry, Key Sites & Social Projects

Endorsed by:



Chris Ritchie
A/Director
Industry, Key Sites & Social Projects

APPENDIX A

MODIFYING INSTRUMENT – CONCEPT PLAN APPROVAL (06_0258 MOD 6)

APPENDIX B

MODIFYING INSTRUMENT – STAGE 1 PROJECT APPROVAL (06_0258 MOD 6)

APPENDIX C

SECTION 75W MODIFICATION REQUEST – NEWTON DENNY CHAPPELLE – OCTOBER 2013

SUPPLEMENTARY INFORMATION – NEWTON DENNY CHAPPELLE – DECEMBER 2013

ESTIMATED IMPACTS REPORT – MACROPLAN DIMASAI – DECEMBER 2013

APPROVED STAGE 1A CONSTRUCTION CERTIFICATE DRAWING (CC10/10208 – SITE CLEARING) – 29 JULY 2010

Casuarina Town Centre, NSW

S75W Application – Estimated impacts

December 2013



MacroPlan Dimasi

MELBOURNE

Level 4
356 Collins Street
Melbourne VIC 3000
(03) 9600 0500

BRISBANE

Level 15
111 Eagle Street
Brisbane QLD 4000
(07) 3221 8166

SYDNEY

Level 4
39 Martin Place
Sydney NSW 2000
(02) 9221 5211

PERTH

Ground Floor
12 St Georges Terrace
Perth WA 6000
(08) 9225 7200

Prepared for: Consolidated Properties Group

MacroPlan Dimasi staff responsible for this report:

James Turnbull, Manager – Retail

Fraser Brown, Consultant

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Background

This report examines the potential impacts on the proposed Casuarina Town Centre resulting from the S75W application recently submitted by Consolidated Properties Group that seeks to reduce the density of a parcel of land near the town centre.

The NSW Department of Planning and Infrastructure (DPI) would like to understand whether the viability of the town centre will be affected as a result of the proposed amendment.

The subject site in question has concept approval for 208 medium density tourist accommodation units. Consolidated Properties Group proposes to reduce the density of the site to low density residential subdivision, which will provide 40 freehold lots, on the basis that the tourist accommodation market is already oversupplied.

The proposed Casuarina Town Centre has development approval for a 3,660 sq.m shopping centre, including a 2,300 sq.m supermarket (plus 200 sq.m office) and 1,160 sq.m of supporting retail specialty floorspace.

Tourism market

Table 1 presents Australian Bureau of Statistics (ABS) tourism accommodation statistics for the surrounding region over the period September 2010 to June 2013. The statistical areas (SA2) of relevance include Kingscliff-Fingal (includes Casuarina) and Pottsville. Prior to 2012, the ABS produced tourism data according to different geographical areas. The time series is therefore not contiguous. The Tweed Heads SLA encompasses Tweed Heads, Tweed Heads South and Kingscliff.

Between the September quarter 2010 and December quarter 2011, the average occupancy rate for hotels, motels and serviced apartments in the Tweed (A) – Tweed heads SLA ranged between 40% and 60%.

Over the past year, the average occupancy rate throughout the Kingscliff-Fingal SA2 has been around 58.5%, with the Pottsville region SA2 achieving a 42.7% average occupancy rate, both having improved considerably from the previous year. To put this in context, the NSW average occupancy rate for the past year was about 66%.

Very low occupancy rates were recorded in March and June quarters 2012, an indication that the market was oversupplied. As a result, some 20% of existing stock has been converted/refurbished for alternative uses, possibly permanent accommodation. Since March 2012, total available accommodation rooms in the Kingscliff-Fingal SA2 decreased from 791 to 617.

This reduction in supply and relatively low occupancy rate suggest low market support for further tourist accommodation in Casuarina. On this evidence, additional tourist accommodation is expected to struggle and is not required to support observed demand. Furthermore, existing tourist accommodation providers would be less impacted by the alternative development scheme – one that considers low density permanent residents.

Table 1
Casuarina Town Centre - tourism accommodation statistics*

SLA	Sep 2010	Dec 2010	Mar 2011	Jun 2011	Sep 2011	Dec 2011	SA2	Mar 2012	Jun 2012	Sep 2012	Dec 2012	Mar 2013	Jun 2013	Ann. Avg. Sep 12 - Jun 13
Quarterly room occupancy rate							Quarterly room occupancy rate							
Tweed (A) - Tweed Heads**	41.0%	52.5%	52.7%	43.7%	47.4%	58.5%	Kingscliff-Fingal	50.0%	39.6%	41.5%	68.0%	67.8%	58.5%	58.5%
							Pottsville	40.7%	34.8%	30.9%	44.2%	48.6%	48.2%	42.7%
Available rooms							Available rooms							
Tweed (A) - Tweed Heads**	1,472	1,467	1,449	1,467	1,431	1,405	Kingscliff-Fingal	791	712	699	639	632	617	647
							Pottsville	77	75	77	75	59	83	74
Average number of guests per room night							Average number of guests per room night							
Tweed (A) - Tweed Heads**	1.9	2.0	2.0	1.9	1.9	1.9	Kingscliff-Fingal	2.0	2.0	2.0	2.0	2.1	1.4	1.9
							Pottsville	2.3	2.1	1.9	2.1	2.1	2.8	2.3

*Accommodation includes hotels, motels and serviced apartments with 15 or more rooms/units

** ABS published tourism data at SLA level until December 2011. From March 2012 onwards, data is produced at SA2 level. SA2 data provides more granularity in the Tweed Coast region.

Source: ABS; MacroPlan Dimasi

Implications for Casuarina Town Centre

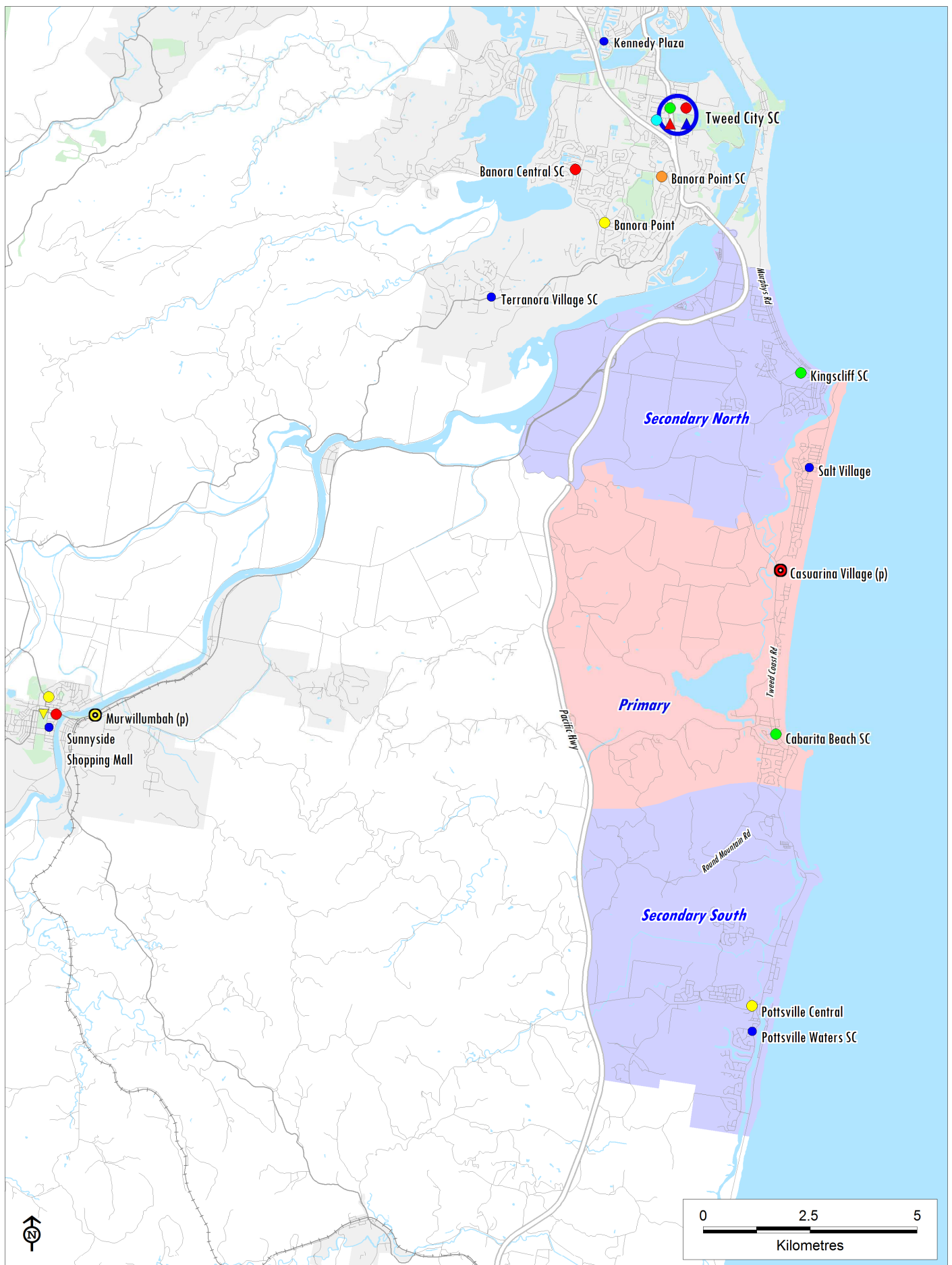
To assess the potential impacts of the proposed change in development schemes, we have examined the net difference in equivalent year round population for each scheme, in Table 2.

Table 2				
Casuarina Town Centre - Comparison of development schemes				
Development	Units/ dwellings	Guests/residents per unit/dwelling	Average occ. rate	Year round equivalent population
Tourist accommodation	208	1.9	58.5%	232
Residential subdivision	40	2.7	n.a	<u>107</u>
Net difference				-125
<i>*Accommodation includes hotels, motels and serviced apartments with 15 or more rooms/units</i>				
<i>Source: ABS; MacroPlan Dimasi</i>				

Our analysis of the Casuarina Town Centre development indicates that it could potentially serve a main trade area population of 21,920 residents, including 6,450 residents in the primary sector, were it constructed today (i.e. 2013). The defined main trade area extends from Kingscliff in the north to Pottsville in the south, as illustrated on Map 1.

Assuming an average annual occupancy rate of 58.5% and an average of 1.9 guests per room, the 208 unit tourist accommodation facility would support a year round equivalent population of 232 persons.

The average dwelling density in the primary sector is 2.7 residents per household. Conservatively applying this rate to the 40 dwelling low density subdivision results in a potential population of 107. In reality, as it is a low density development, average household sizes are likely to be larger than this, in excess of 3.0 persons per dwelling.



Map 1: Casuarina

Trade Area & Competition

If the residential subdivision were to be approved and proceed, there would be an effective net reduction in population of 125 from the main trade area of Casuarina Town Centre. This equates to only 0.6% of the main trade area population, and would have a negligible impact on potential retail sales at the town centre. Indeed, the Casuarina Town Centre will draw most of its business from a much broader area than the area around the subject site.

Table 3 below presents our analysis of the current and future market gap for supermarket floorspace provision. We have assessed this as follows:

- Estimated current population and future growth in this population in the main trade area from 2013 to 2026.
- Calculated the per capita expenditure on fresh food and groceries (F&G) and allocated 75% of this to supermarkets.
- Multiplied supermarket F&G expenditure per capita by the trade area population and added a further 6% to allow for general merchandise items sold by supermarkets, thus resulting in the estimated current total supermarket expenditure.
- Divided total supermarket expenditure by a \$9,000 per sq.m retail turnover density (RTD), which is considered a successful trading performance, particularly for non-metropolitan supermarket facilities. This RTD would be expected to increase by around 0.65% per annum, allowing for real growth in retail expenditure. The estimated demand for supermarket floorspace within the main trade area at present is approximately 9,940 sq.m on this basis. This supermarket demand is expected to grow to 13,825 sq.m by 2026.
- Estimated the existing supply of supermarket floorspace in the main trade area to be 5,100 sq.m, comprised of two supermarkets, namely Woolworths at Kingscliff and Cabarita Beach. This provision would increase to 7,400 sq.m once the approved 2,300 sq.m supermarket at Casuarina Town Centre is developed.

- The total supermarket supply is then subtracted from supermarket demand in order to calculate the market gap in the main trade area. The current market gap is estimated to be around 4,840 sq.m.
- A substantial market gap is forecast to remain over the forecast period, even with the inclusion of a 2,300 sq.m supermarket at Casuarina Town Centre in 2015/16, driven by the rapidly growing population.

This analysis does not account for demand generated by tourists, and thus is a very conservative view, based only on residential demand. Indeed, the temporary population supported by the approved tourist accommodation facility at the subject site is not accounted for in this market gap analysis. Even without considering the population from visitors/tourists, there is strong market support for the approved supermarket, which is a key driver of the overall town centre.

Table 3

Casuarina Town Centre main trade area - supermarket floorspace market gap

Factor	Year ending June					
	2013	2014	2015	2016	2021	2026
Main trade area population	21,920	22,470	23,020	23,570	26,320	29,320
F&G Spend per capita* (\$)	\$5,116	\$5,154	\$5,192	\$5,231	\$5,493	\$5,786
75% of F&G spend to smkts (\$)	\$3,837	3,865	3,894	3,923	4,120	4,340
Total F&G expenditure to smkts (\$M)	\$84.1	\$86.9	\$89.6	\$92.5	\$108.4	\$127.2
6% of smkt sales to GM (\$M)	\$5.4	\$5.5	\$5.7	\$5.9	\$6.9	\$8.1
Total smkt expenditure (\$M)	\$89.5	\$92.4	\$95.4	\$98.4	\$115.4	\$135.4
RTD @ \$9,000/sq.m Incr. 0.65% p.a	<u>9,000</u>	<u>9,059</u>	<u>9,117</u>	<u>9,177</u>	<u>9,479</u>	<u>9,791</u>
Supermarket demand (sq.m)	9,941	10,200	10,460	10,720	12,171	13,825
Existing smkt supply (sq.m)	5,100	5,100	5,100	5,100	7,400	7,400
Proposed smkt supply (sq.m)	-	-	-	<u>2,300</u>	-	-
Total smkt supply (sq.m)	<u>5,100</u>	<u>5,100</u>	<u>5,100</u>	<u>7,400</u>	<u>7,400</u>	<u>7,400</u>
Total supermarket gap (sq.m)	4,841	5,100	5,360	3,320	4,771	6,425

*Constant 2012/13 dollars & including GST

Source: MarketInfo; MacroPlan Dimasi

Conclusion

Our analysis shows that a reduction in density at the subject site would have a negligible effect on the viability of the proposed Casuarina Town Centre. The net loss in population is almost negligible in the broader context of the main trade area population that the town centre would serve. A large market gap for supermarket floorspace within the main trade area currently exists based on the existing residential population and this gap will increase further with future population growth.



APPENDIX D

TWEED SHIRE COUNCIL – SUBMISSION 1 – 29 NOVEMBER 2013

TWEED SHIRE COUNCIL – SUBMISSION 2 – 24 JANUARY 2014

**TWEED SHIRE COUNCIL – UPDATED SECTION 94 AND SECTION 64 CONTRIBUTION SCHEDULES – 14
FEBRUARY 2014**



TWEED
SHIRE COUNCIL

Council Reference: DA10/0222.12 LN54240
Your Reference: MP06_0258 MOD 6

Customer Service | 1300 292 872 | (02) 6670 2400

29 November 2013

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Department of Planning and Infrastructure
Industry, Social Projects & Key Sites
GPO Box 39
SYDNEY NSW 2001

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Att: Ray Lawlor

Dear Sir/Madam

**Development Application DA10/0222.12 - Casuarina Town
Centre including 56 lot subdivision, road works, infrastructure
works and landscaping (Department of Planning Application
MP06_0258) at Lot 13 DP 1014470; Casuarina Way
CASUARINA; Lot 144 DP 1030322 & Lot 223 DP 1048494 & Lot
3 DP 1042119; Tweed Coast Road CASUARINA**

Reference is made to your correspondence received by Council on 5 November 2013, requesting comments or issues in regard to a proposed modification to the abovementioned approval. The proposed modification relates to amending the subdivision configuration and staging of the Casuarina Town Centre development. Council officers have reviewed the proposal and advise the Department of Infrastructure and Planning to give consideration of the following matters:

Planning Comments

The proponent's justification for an amendment to a 40 lot Torrens title subdivision appears to be mainly underpinned by current market demand for residential development. It is also noted that issues such as the proposal being in accordance with the established residential density, difficulty in providing medium density development to the rate originally envisaged due to DCP A1 controls and a lack of underpinning analysis for the original projected yield from this land (208 units) are cited as justification for the proposed modification.

In assessing the merits of the original proposal it was noted that a variety of low and medium density housing options was an element of the overall Casuarina Town Centre development which provided an environmental, social and economic benefit and resulted in the support of the development. Furthermore, it is considered that a town centre site should have a higher residential density in close proximity to services such as the proposed retail area in order to maintain the viability of such services.

Therefore, from Council's perspective it is considered necessary that any such amendment be suitably investigated from a holistic perspective regarding potential impacts on the Casuarina Town Centre Development.

It is not considered that adequate information has been provided in this regard to determine that the proposed amendment will not have a detrimental impact on the Casuarina Town

Centre development as a whole. As such, a detailed assessment of the potential impacts arising from the proposed modification should be provided in order to ascertain the impact of the modification with respect to this.

Development Engineering Comments

1. The long sections for proposed road 10 and road 11 are not clear or readable (extremely blurry). Hence no comment can be provided on the long sections for grades, cut and fill.
2. All lots have road frontage. Road 2 is a higher class road with increased traffic. It is recommended that there be a restriction for no access off road 2 into proposed Lots 20, 21, 35 and 36. Access should be off local roads where possible and access is achievable into Lots 20, 21, 35 and 36 from roads 5, 11 and 6.
3. Additional on street parking is proposed along road 5 within the road reserve and they are located along the northern boundary of lot numbers 10 and 11. It is recommended that a restriction be provided over Lots 10 and 11 to have access off road 10 only, given that there are possible site access and sight distant issues.
4. Standard erosion controls required for sand type environments, including additional measures such as:
 - Providing silt fencing across site at minimum 30m spacing's where area has been exposed.
 - Hydro-mulch exposed areas immediately after works have been completed.
 - When wind speeds reach approximately 35km/h have a restriction to stop all wind generating activities on site.
 - Increased watering on site to prevent dust generation, including the possibility of having temporary sprinklers.
 - Include 1.8m high hessian fence around the proposed property boundaries.

For further information regarding this matter please contact David O'Connell on (02) 6670 2661.

Yours faithfully

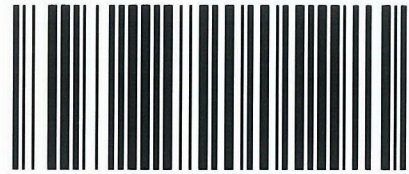

Vince Connell

Director Planning & Regulation

Council Reference: DA10/0222.12 LN54240
Your Reference: MP06_0258 MOD 6



TWEED
SHIRE COUNCIL



PCU50997

Fax (02) 6670 2429

PO Box 816

Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

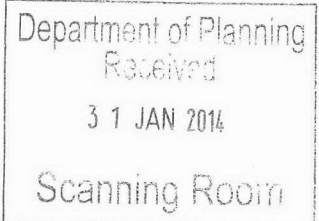
24 January 2014

Department of Planning and Infrastructure
Industry, Social Projects & Key Sites
GPO Box 39
SYDNEY NSW 2001

Attn: Brent Devine

Dear Sir/Madam

**Development Application DA10/0222.12 - amendment to
Development Consent DA10/0222 for Casuarina Town Centre
including 56 lot subdivision, road works, infrastructure works
and landscaping (Department of Planning Application
MP06_0258) at Lot 13 DP 1014470; Casuarina Way
CASUARINA; Lot 144 DP 1030322 & Lot 223 DP 1048494 & Lot
3 DP 1042119; Tweed Coast Road CASUARINA**



Reference is made to correspondence received by Council on 5 November 2013, 17 December 2013 and 17 January 2014 with respect to the Casuarina Town Centre Major Project (MP06_0258 Mod 6) modification currently under consideration. Council officers have reviewed the provided information and advise the NSW Planning and Infrastructure to give consideration of the following matters:

Amendment of Subdivision Configuration

The applicant has submitted an Estimated Impacts report prepared by MacroPlanDimasi with respect to the modification of five medium density allotments to 40 Torrens title allotments. This outlines that the proposed modification will have a minor impact on the Casuarina Town Centre Major Project and in particular the viability of the town centre.

Tweed Shire Council have no further comment with respect to this element of the s75W modification, however NSW Planning and Infrastructure are requested to consider the information in this report in determining the appropriateness of the modification, particularly in terms of impact to the viability of the town centre area as a result of a reduction in density.

Assessment of Modified Subdivision Configuration by Council

Correspondence received from NSW Planning and Infrastructure has outlined that the proponent is seeking to introduce a new 'Stage 1B' to include the parcel of land making up lots 7, 8, 9, 14 & 15 (currently within Stage 2) to be included as part of the Stage 1 project approval. As a result, the proposed subdivision of this land into 40 lots would not undergo assessment and determination by Council under Part 4 of the Environmental Planning and Assessment Act. In this event, the applicant could also utilise a Private Certifier to act as the Principal Certifying Authority for the proposed development to issue future Construction and Subdivision Certificate/s.

This has been discussed with Council's Acting Co-ordinator Development Engineering Section who has indicated that it would be Council's preference to remain as the Principal Certifying Authority for such a development due to potential concerns regarding

the acceptance of infrastructure at a future date which has not been developed/constructed under the supervision of Council.

Proposed Integrated Housing Development

The s75W modification has proposed to amend the Concept and Project Plan in order to allow an Integrated Housing development on allotments under 450m² at Precinct 3 of the Casuarina Town Centre. Tweed Shire Council has previously advised that such a development is not considered to be permissible under the Tweed Local Environmental Plan 2000. NSW Planning and Infrastructure are requested to consider the permissibility of the proposal and any potential conflict this may result in relating to the future development of the site. Furthermore, it is requested that the objectives and controls of Tweed Shire Council Development Control Plan (DCP) A1- Residential and Tourist Development Code be considered as part of the assessment process undertaken by NSW Planning and Infrastructure.

For further information regarding this matter please contact David O'Connell on (02) 6670 2661.

Yours faithfully



Vince Connell
Director Planning & Regulation

Council Reference: DA10/0222.12 LN54240
Your Reference: MP06_0258 MOD 6



TWEED
SHIRE COUNCIL

14 February 2014

Department of Planning and Infrastructure
Industry, Social Projects & Key Sites
GPO Box 39
SYDNEY NSW 2001

Attn: Brent Devine

Dear Sir/Madam

**Development Application DA10/0222.12 - amendment to
Development Consent DA10/0222 for Casuarina Town Centre
including 56 lot subdivision, road works, infrastructure works
and landscaping (Department of Planning Application
MP06_0258) at Lot 13 DP 1014470; Casuarina Way
CASUARINA; Lot 144 DP 1030322 & Lot 223 DP 1048494 & Lot
3 DP 1042119; Tweed Coast Road CASUARINA**

Reference is made to the Casuarina Town Centre Major Project (MP06_0258 Mod 6) modification currently under consideration. Council officers have reviewed the submitted information and provide an enclosed table with the amended S64 and S94 contributions applicable to the modified Major Project.

For further information regarding this matter please contact David O'Connell on (02) 6670 2661.

Yours faithfully


Colleen Forbes

Co-ordinator Development Assessment

Enc

Customer Service | 1300 292 872 | (02) 6670 2400

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

Stage 1A Subdivision

S94 Contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub-Total (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	266.5	1,186	316,069
TRCP Sector 7_4 LCA4- Casuarina	266.5	174	46,371
Street Trees (S94 Plan 6)	39	297	11,583
Libraries (S94 Plan 11)	39	838	32,682
Bus Shelters (S94 Plan 12)	39	64	2,496
Cemeteries (S94 Plan 13)	39	123	4,797
Community Facilities (S94 Plan 15)	39	1,389	54,171
Lifesaving (S94 Plan 16)	39	113	4,407
Council Admin (S94 Plan 18)	39	1,860.31	72,552.09
Regional Open Space (Casual- S94 Plan 26)	39	1,091	42,549
Regional Open Space (Structured- S94 Plan 26)	39	3,830	149,370
			737,047.09

S64 Contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	41	12,575	515,575
South Kingscliff Water Addition	41	292	11,972
Sewer Kingscliff	41	6,042	247,722
			775,269

Stage 1B Subdivision

S94 Contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub-Total (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	253.5	1,186	300,651
TRCP Sector 7_4 LCA4- Casuarina	253.5	174	44,109
Street Trees (S94 Plan 6)	39	297	11,583
Libraries (S94 Plan 11)	39	838	32,682
Bus Shelters (S94 Plan 12)	39	64	2,496
Cemeteries (S94 Plan 13)	39	123	4,797
Community Facilities (S94 Plan 15)	39	1,389	54,171
Lifesaving (S94 Plan 16)	39	113	4,407
Council Admin (S94 Plan 18)	39	1,860.31	72,552.09
Regional Open Space (Casual-S94 Plan 26)	39	1,091	42,549
Regional Open Space (Structured-S94 Plan 26)	39	3,830	149,370
			719,367.09

S64 Contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	38.8	12,575	487,910
South Kingscliff Water Addition	38.8	292	11,330
Sewer Kingscliff	39	6,042	235,638
			734,878

Stage 1C Subdivision

S94 Contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub-Total (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	6.5	1,186	7,709
TRCP Sector 7_4 LCA4- Casuarina	6.5	174	1,131
Street Trees (S94 Plan 6)			
Libraries (S94 Plan 11)			
Bus Shelters (S94 Plan 12)			
Cemeteries (S94 Plan 13)			
Community Facilities (S94 Plan 15)			
Lifesaving (S94 Plan 16)			
Council Admin (S94 Plan 18)	1	1,860.31	1,860.31
Regional Open Space (Casual- S94 Plan 26)			
Regional Open Space (Structured- S94 Plan 26)			
			10,700.31

S64 Contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	1	12,575	12,575
South Kingscliff Water Addition	1	292	292
Sewer Kingscliff	1	6,042	6,042
			18,909

Stages 1 & 2 Retail and Commercial Development

S94 Contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub-Total (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	1143.9	1,186	1,356,665
TRCP Sector 7_4 LCA4- Casuarina	1143.9	174	199,039
Street Trees (S94 Plan 6)			
Libraries (S94 Plan 11)			
Bus Shelters (S94 Plan 12)			
Cemeteries (S94 Plan 13)			
Community Facilities (S94 Plan 15)			
Lifesaving (S94 Plan 16)			
Council Admin (S94 Plan 18)			
Regional Open Space (Casual- S94 Plan 26)			
Regional Open Space (Structured- S94 Plan 26)			
			1,555,704

S64 Contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	7.68	12,575	96,576
South Kingscliff Water Addition	7.68	292	2,243
Sewer Kingscliff	12.18	6,042	73,591.60
			172,410.60

Balance of Stage 1 Subdivision
S94 Contributions

Plan	No. of ET/ Trips	\$ per ET/ Trips	Sub-Total (\$)
Tweed Road Contribution Plan (CP No. 4, Version 5.1, January 2009)	52	1,186	61,672
TRCP Sector 7_4 LCA4- Casuarina	52	174	9,048
Street Trees (S94 Plan 6)	8	297	2,376
Libraries (S94 Plan 11)	8	838	6,704
Bus Shelters (S94 Plan 12)	8	64	512
Cemeteries (S94 Plan 13)	8	123	984
Community Facilities (S94 Plan 15)	8	1,389	11,112
Lifesaving (S94 Plan 16)	8	113	904
Council Admin (S94 Plan 18)	8	1,860.31	14,882.48
Regional Open Space (Casual- S94 Plan 26)	8	1,091	8,728
Regional Open Space (Structured- S94 Plan 26)	8	3,830	30,640
			147,562.4809

S64 Contributions

Plan	No. of ET	\$ per ET	Sub-Total (\$)
Water South East	8.6	12,575	108,145
South Kingscliff Water Addition	8.6	292	2,511
Sewer Kingscliff	8	6,042	48,336
			158,992

APPENDIX E

PUBLIC SUBMISSION – MR SIMON PHILLIPS – 28 NOVEMBER 2013

28th November 2013

Honourable Mr. Brad Hazzard
The Minister for NSW Department of Planning and Infrastructure
23-33 Bridge Street, Sydney NSW 2000
GPO Box 39, Sydney NSW 2001

Tel: 02 9228 6111 Fax: 02 9228 6455 Email: information@planning.nsw.gov.au

Simon & Tracey Phillips
36 Eclipse Lane
Casuarina NSW 2487
0439885383
simon@ohsa.com.au

Attn: Ray Lawlor / Sara Roach / Chris Ritchie

Ray.Lawlor@planning.nsw.gov.au

Re: Submission re Modification to Mixed Use Subdivision (Concept Plan and Project Approval) - MOD 6 Casuarina Town Centre Development Eclipse Lane Casuarina NSW - 06-0258

Dear Minister,

I write to you about the above request for further amendment by the developer for modification to the Casuarina Town Centre – Mod 06. I request that before any determination is made by your officer Mr. Ray Lawlor that the following matters detailed in this letter are dealt with.

This is now my eight (8th) written communication to you about this development and probably more than 30 complaints about dust, noise, vibration, radiation and other matters to your Department officials. NSW Department of Planning and Infrastructure are the approving authority for this development.

Photo: Dust blanketing our suburb regularly



We have been blanketed by this development's toxic dust for almost 9 months. Our community has had community rallies, social media protests, media articles, Channel 9 news stories about his development and the distinct lack of proper monitoring by the Tweed Council. We have been repeatedly lied to by those connected to this development. Before you approve any further work or modification for this development we implore you to not allow this development to risk our short and long term health and continue the ongoing damage to our properties. We have had our local member Mr. Geoff Provest MP Tweed intervene on our behalf numerous times. We have had Workcover NSW issue numerous infringement notices for safety breaches where they have endangered the public and residents.

We understand through advice by local Casuarina resident whose family has worked on these mines for three generations that this Casuarina Town Centre site has been the location of sand mining on 5 or more occasions between the 1920's - 1970's and on particular the ACTUAL site of the mine processing plant and tailings/waste area. Sand mines have the dangerous silica (quartz) which is toxic to human health. Tailings areas are generally recognised as the most toxic locations of any mine.

We would like clarification as to whether this site has ever been listed as a toxic or contaminated site and if not, why wouldn't a mine processing plant and toxic tailings area be listed as a contaminated site and therefore not suitable for habitation or the location of a town centre?

Cardno advise that radiation readings in 3 locations on this site exceeded acceptable levels on a site a couple of hundred metres across even though mining finished some 50 or so years ago and they advise that it is not remediated fully yet!!

Given the detected unacceptable radiation levels and the historical use of this site, we would like clarification if the accredited site environmental auditor was aware of this and did he adjust his methodology accordingly to account for this greater need for evaluation. We would like clarification and independent review as to whether his investigation was appropriate given this elevated risk. We would specifically like to know if any penetration (drilling) analysis was sufficiently close enough to detect other additional isolated radiation spots or other deposits of toxic material and was the number of sites collected commensurate with the heightened level or risk given the historical use of this site.

Due to the toxic nature of tailings areas of mines did the environmental assessment of the site include mineralogy analysis for concentrated heavy metals or quartz deposits and other toxic material likely to be located around mine processing plants and tailings that if disturbed during earthworks could cause various central nervous developmental delays if young children were playing in it in their backyard – i.e. Mt Isa / port Pirie?

We would also like to know if your Department would be satisfied if Tweed Council have not required or conducted any environmental monitoring for quartz/silica or any other toxic dust for this project given the history of this site and the video provided previously to your Department showing our suburb regularly blanketed for 4 months with this sites dust? Millions of people each year die from silica and there is considerable data linking known

health risks with sand mining and silica exposure. We are currently awaiting scientific analysis from government laboratories for the dust that has been blown into our homes for the past 9 months.

Given the photos you have been provided previously on numerous occasions does your department consider Tweed Council enforced adequate dust controls on this site and what additional controls will you require to better manage and monitor this toxic dust? Given that the current unremediated site will need to be remediated can you guarantee that this time no dust from this radioactive area will blanket our suburb again due to lack of adequate dust suppression and no environmental monitoring?

We would like your department require INDEPENDANT radiation monitoring for households in Casuarina that have been affected by this site's dust and toxic dust analysis?

We would like any further earthworks on this site be independently monitored for this site more closely and enforced and more stringent conditions /controls on this development?

If cancer clusters or death due to silicosis develop on this town centre would your department still be satisfied with the diligence your department has demonstrated to date?

We are also aware that this development has requested that our dunes be cleared of current vegetation. This is well established vegetation and there has been considerable dune erosion over the past 5 years so we are very concerned about any established vegetation removal accelerating further dune erosion.

We are particularly concerned about the south footpath being directed over the footbridge in the park behind our properties. The reason our blocks are shorter than others and there is a park there is that this is a flood prone area so we believe it would be foolish to direct the footpath over our footbridge and it will increase security risks by bringing pedestrians into the small park at the rear of our property. There should be a direct link to the beach from the carpark and not have to loop it backwards and south over the footbridge in the park behind our properties.

I can be contacted on 0439 885 383. Thank you for intervening on this development. We have genuine fears for our long term health about this development. Please act so that in 5-30 years we don't find out that due to the lack of action now we all suffer horribly then.

Regards



Simon Phillips
36 Eclipse Lane
Casuarina NSW 2487

APPENDIX F

TWEED SHIRE COUNCIL – DEVELOPMENT ASSESSMENT PANEL MINUTES – 20 NOVEMBER 2013

APPENDIX G

PROPOSED DEVELOP PLANS – NEWTON DENNY CHAPELLE

APPENDIX H

CONSOLIDATED INSTRUMENT – CONCEPT PLAN APPROVAL – 06_0258 MOD 6

APPENDIX I

CONSOLIDATED INSTRUMENT – STAGE 1 PROJECT APPROVAL – 06_0258 MOD 6
