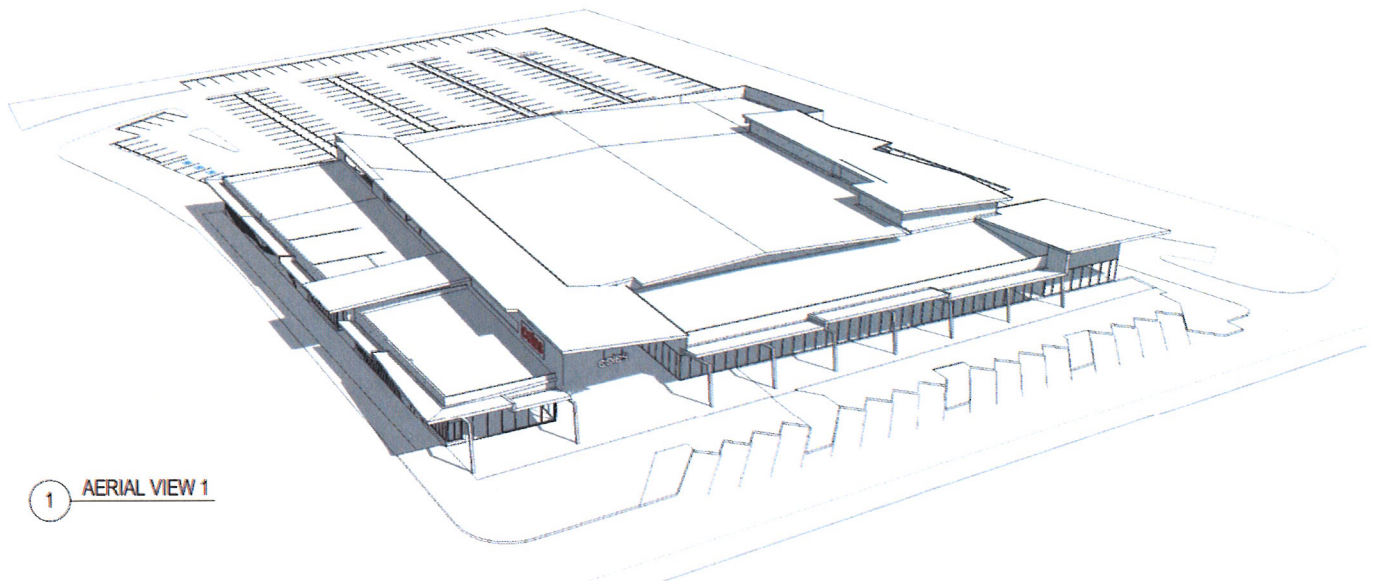




**MODIFICATION REQUEST:
CASUARINA TOWN CENTRE
TWEED COAST ROAD, CASUARINA
MP 06_0258 MOD 8**



1 AERIAL VIEW 1

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

January 2015

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1. BACKGROUND

This report is an assessment of a request to modify the Concept Plan and Stage 1 Project Approval for the Casuarina Town Centre (MP06_0258) pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application was lodged by BBC Consulting Planners, on behalf of the Consolidated Properties Group, and seeks approval to modify the design of the retail centre to provide a lighter, more contemporary look and feel for the major tenant, Coles.

2. SUBJECT SITE

Casuarina Town Centre is a 26.2 hectare (ha) site, located approximately 15 kilometres (km) to the south of Tweed Heads and 4 km north of Cabarita Beach. Low to medium density residential developments adjoin the northern and southern boundaries of the site. The Casuarina Beach foreshore is located to the east of the site, and Tweed Coast Road adjoins the western boundary of the site. The Cudgen Nature Reserve is located further to the west. The location of the retail centre the subject of this modification request is identified in **Figures 1 and 2**.



Figure 1: Location Plan

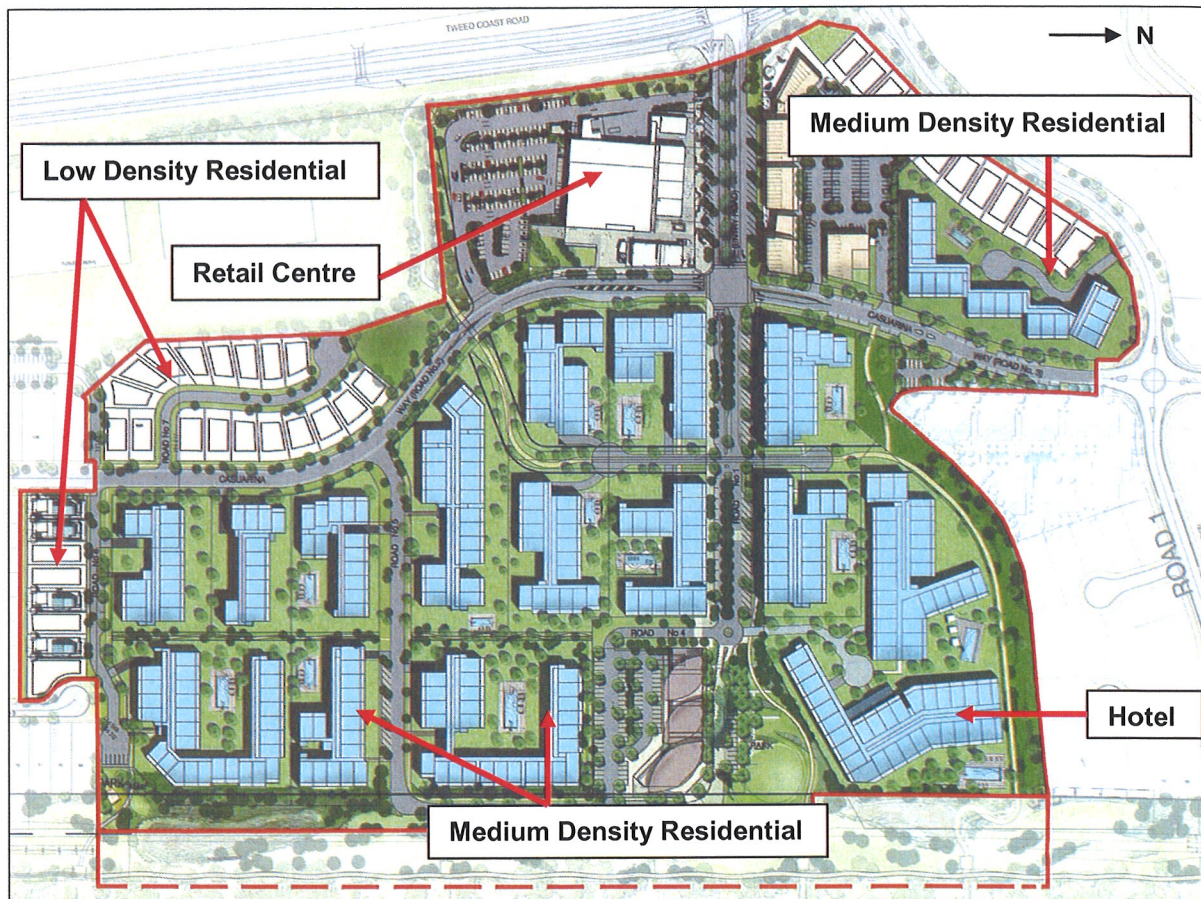


Figure 2: Approved Casuarina Town Centre Concept Plan

3. SITE HISTORY

A 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. The Concept Plan provides 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.

The concurrent Stage 1 Project Approval permits:

- the subdivision of land into 61 lots;
- construction of a 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.

The Concept Plan and Project Approval have been modified on seven occasions to:

- permit changes to the staging arrangements;
- increase the gross floor area (GFA) for the retail centre from 4,135 m² to 5,244 m²;
- revise car parking requirements for the retail centre commensurate with the total increase in GFA;
- reduce the density of the development on lots 7 to 9 and lots 14 and 15;
- increase the total number lots from 61 lots to 97 lots;
- revise the stormwater concept, landscape concept, signage and beach access arrangements for the site; and

- revise the timing for the payment of development contributions.

A summary of the abovementioned modifications is provided at **Appendix F**.

4. PROPOSED MODIFICATION

4.1 Modification Description

In August 2014, BBC Consulting Planners, on behalf of Consolidated Properties Group (the Proponent), submitted a section 75W modification request to modify the Concept Plan and Stage 1 Project Approval for the Casuarina Town Centre (refer **Appendix C**). The modification seeks approval to increase the height of the building by 0.245 m from RL 15.80 m to RL 16.045 m, and undertake internal and external design revisions to the retail centre to provide a lighter, more contemporary look and feel for the major tenant, Coles. These changes are summarised below.

Building Height:

- increase the maximum height of the retail centre from RL 15.80 m (at the office/plant room) to RL 16.045 m (breezeway feature roof);
- increase in the ridge height of the retail centre from RL 14.013 m to RL 14.800 m; and
- increase in the parapet height of the retail centre from of RL 14.100 m to RL 14.800 m.

Design Revisions:

- a high level breezeway, including a raised entry statement to capture and filter the eastern sun and natural breezes through the main pedestrian thoroughfare and supermarket shopfront;
- modifications to the shopfronts on the northern elevation of the centre;
- a new colonnade, framed awning and landscape buffer to the walkway on the northern elevation;
- introduction of feature battens and lighting to the eastern and southern elevations;
- installation of new windows at building corners to facilitate the installation of operable glazing in the future, if desirable;
- redistribution of approved bicycle parking;
- raised roof form over restaurant tenancy to the north/west;
- relocation of the plant room and mezzanine office over the supermarket;
- relocation of the external signage;
- a new illuminated 12 m high pylon sign at the corner of Tweed Coast Road and Main Street; and
- a revised colour and material palette.

The proposed modification does not result in any significant change to the approved building footprint, gross floor area, car parking numbers or layout, loading areas, driveway crossover locations, pedestrian entry points, tenancy layouts, or staging sequence.

4.2 Modification Justification

The Proponent has advised that the need for the modification has arisen as a result of further design development undertaken by the project architects to improve the visual appearance of the centre. The modification has been designed to reduce the visual bulk of the building and provide a more contemporary look for the retail centre in comparison to the approved project. The Proponent also submits that the revised design is more appropriate in the context of the coastal setting of the centre.

5. STATUTORY CONTEXT

5.1 Approval Authority

Under Clause 3 of Schedule 6A of the Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011, continues to apply to transitional Part 3A projects. Consequently, the Minister for Planning is the approval authority for the proposed modification.

On 10 November 2014, the Minister for Planning delegated responsibility for the determination of section 75W modification applications to directors and managers who report to the Executive Director, Infrastructure and Industry Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposed modifications comply with the terms of the delegation as Tweed Shire Council (the Council) did not object to the applications, a political disclosure statement has not been made in relation to the applications, and no public submissions were received in the nature of objection. Accordingly, the Manager, Industry Assessments may determine the applications in accordance with the Minister's delegation.

5.2 Modification

The Department of Planning and Environment (the Department) is satisfied that the applications can properly be characterised as modifications to the original Concept Plan and Project Approval, and can therefore be assessed and determined under section 75W of the Act.

In this respect the Department notes that there is no change to the total GFA allocated to the retail centre, and the overall height and design of the centre remains consistent with the intent of the Concept Plan and Project Approval.

5.3 Consultation

The modification application was made publicly available on the Department's website on 2 September 2014. The Department also referred the application to the Tweed Shire Council (Council), and Roads and Maritime Services (RMS) for comment. Consultation with other agencies and adjoining landowners was not considered necessary owing to the minor nature of the modification. A summary of the agency submissions is provided below.

The Council raised no objection and provided the following comments:

- Tweed Coast Road is a classified road and therefore the proposed 12 m high illuminated pylon sign adjacent to the Tweed Coast Road/Grand Parade may require concurrence from the RMS under the provisions of *State Environmental Planning Policy No. 64 - Advertising and Signage* (SEPP 64); and
- the proposed sign may also require assessment under the provisions of clause 101 of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).

It should also be noted that the Council provided no comments in relation to the proposed design revisions, or proposed changes to the building height.

The RMS raised no objection to the application, and advised that concurrence is provided subject to the Department ensuring that the operation of the illuminated signage will not impact on road safety or the operation of the traffic signals at the intersection of Tweed Coast Road and Grand Parade. In addition, RMS requested that the Proponent prepare of a Vehicle Management Plan to address potential conflicts between vehicles and pedestrians within the loading area.

The Department has reviewed the agency submissions and has concluded that:

- the Proponent has not provided detailed drawings of the proposed signage and as such it is not possible to undertake an assessment of the application against SEPP 64 and the

Infrastructure SEPP at this stage. Notwithstanding, the final details of the signage, as well as an assessment of the signage against the provisions of SEPP 64 and the Infrastructure SEPP can be provided for the approval of the Secretary prior to the installation of the signage. This issue is discussed in greater detail in **Section 6** of this report; and

- there are no significant changes to the configuration of the loading area, as such the preparation of a Vehicle Management Plan is not considered necessary. Furthermore, the Department considers that the existing conditions of the Project Approval (conditions B17, B18 and B19) will ensure that potential conflicts between vehicles and pedestrians in the loading area are managed to a satisfactory level.

6. ASSESSMENT

In its assessment of the modification applications, the Department has considered the following:

- the Proponent's modification requests (see **Appendix C**);
- all submissions received by the Department (see **Appendix D**);
- the proposed plans (see **Appendix E**); and
- the Director-General's assessment reports for the original project application and earlier modification approvals.

The Department considers the key issues for the proposed modifications to be:

- increased height of the retail centre;
- design revisions;
- signage; and
- modification of Condition B3 of the Concept Approval and Condition B2(3) of the Project Approval.

6.1 Increased Height of the Retail Centre

The application seeks approval to increase the maximum height of the building by 0.245 m from RL 15.80 m (at the office/ plant room) to RL 16.045 m (breezeway feature roof). In addition, the application also seeks approval to increase the height of the ridge line and building parapets as follows:

- increase in the ridge height by 0.78 m from RL 14.013 m to RL 14.800 m; and
- increase in the parapet height by 0.7 m from of RL 14.100 m to RL 14.800 m.

The proposed modifications to the maximum building height are depicted in **Figures 3** and **4** below.

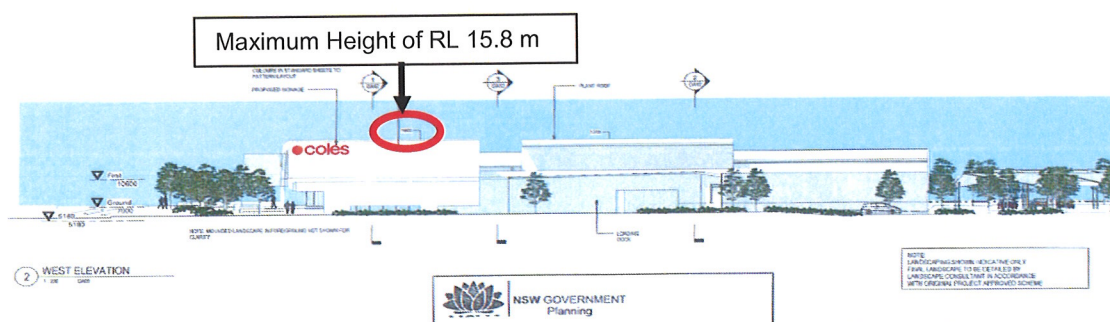


Figure 3: Maximum Approved Building Height as Identified on the Western Elevation

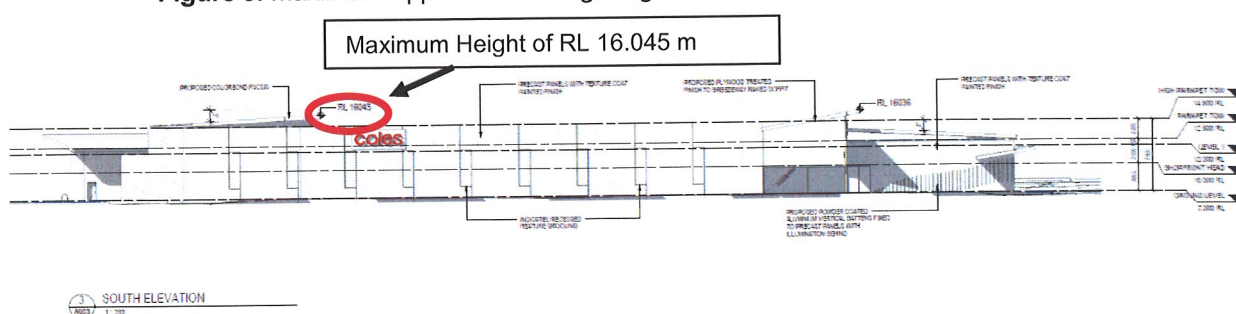


Figure 4: Maximum Proposed Building Height as Identified on the Southern Elevation

The Department has assessed the proposed modifications to the building height and has concluded that these modifications are minor and will reduce the bulk scale of the building when viewed from Tweed Coast Road and Main Street. In addition, the Department has concluded that proposed changes to the building height, in conjunction with the proposed revisions to each building elevation will create a lighter more open building design which responds to the context of the coastal setting of the site. Accordingly, the proposed increase in height is considered acceptable.

6.2 Design Revisions

The application seeks approval to undertake the following internal and external design modifications:

- creation of a high level breezeway within the main pedestrian thoroughfare and supermarket shopfront;
- modifications to the shopfronts, construction of a colonnade with a framed awning, and additional landscaping on the northern elevation;
- the installation of feature battens and lighting on the eastern and southern elevations;
- the installation of new windows at the building corners;
- raised roof form over the restaurant tenancy to the north/west;
- relocation of the external signage;
- relocation of the plant room and mezzanine office over the supermarket;
- redistribution of the approved bicycle parking;
- installation of a new illuminated 12 m high pylon sign at the corner of Tweed Coast Road and Main Street; and
- revisions to the colour and materials palette.

The proposed modifications are depicted in **Figures 5 to 8** overleaf.

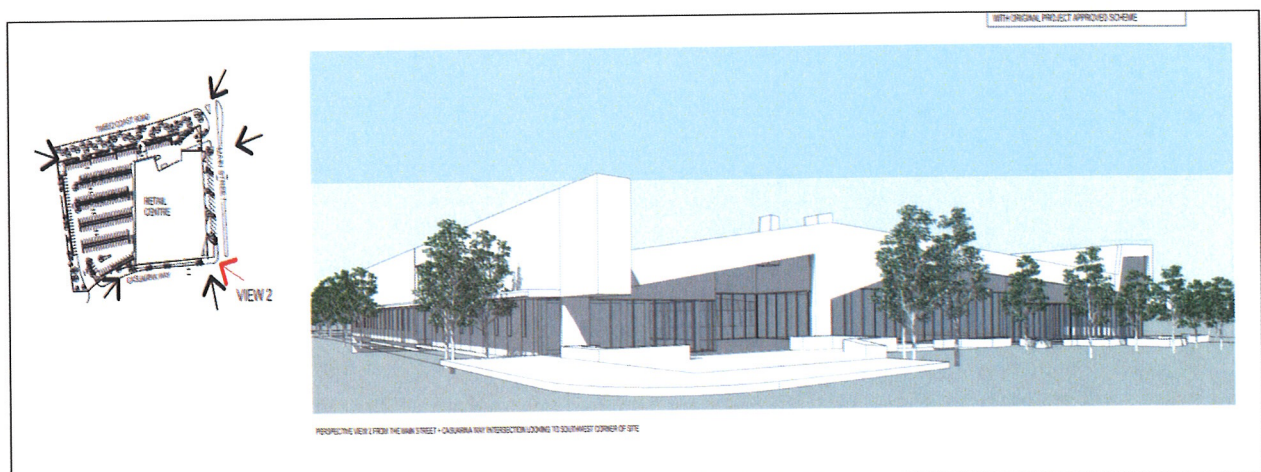


Figure 5: Perspective Illustrating the Approved Appearance of the Retail Centre as Viewed from the Corner of Casuarina Way and Main Street.

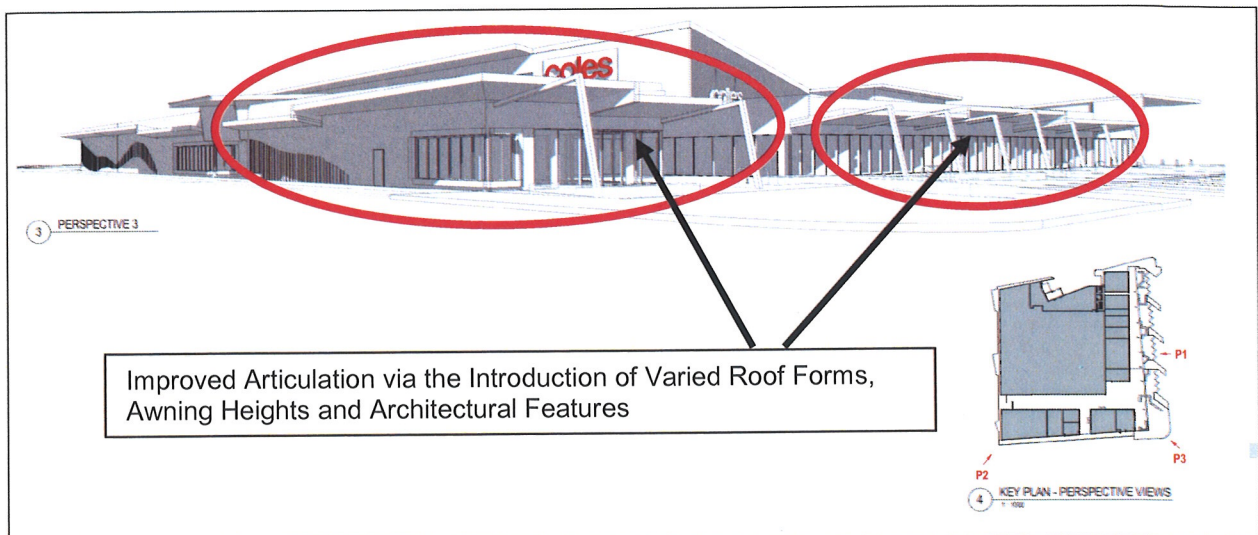


Figure 6: Perspective Illustrating the Proposed Appearance of the Retail Centre as Viewed from the Corner of Casuarina Way and Main Street.

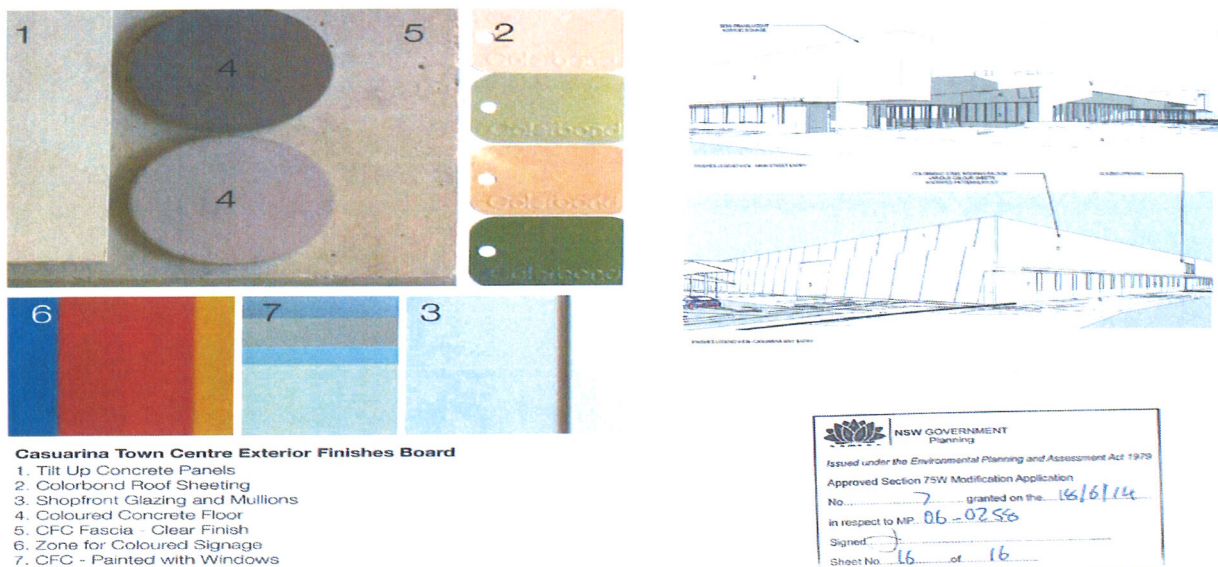


Figure 7: Approved Materials and Finishes

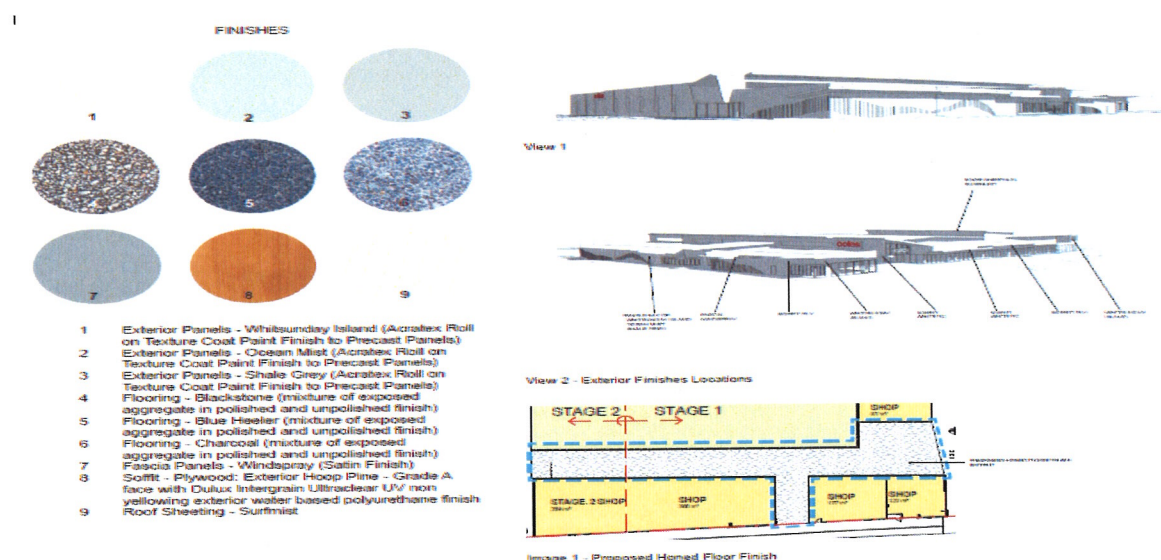


Figure 8: Proposed Materials and Finishes

The Department has reviewed the design revisions and has concluded that the revised elevations, together with the raised breezeway entry statement and amended roof form will provide a greater level of articulation and will reduce the bulk of the building in comparison to the approved project. This is especially so when viewed from the intersection of Casuarina Way and Main Street.

The proposed design revisions will also allow greater use of natural light and ventilation within the internal and external spaces of the building. This will improve the environmental performance of the building by reducing its reliance on artificial light and ventilation. In addition, it will reduce wind impacts on the southern elevation.

Furthermore, the Department has concluded that the application will create more visual interest along each elevation, and would provide a lighter, more open appearance that provides a more appropriate response to the site's coastal location.

The Department supports the proposed design revisions on the basis that they will provide an improved urban design outcome in comparison to the approved project, and no concerns were raised in relation to these revisions by the Council.

6.3 Signage

The application seeks approval to install a 12 m high illuminated pylon sign in the north-east corner of the site, adjacent to the intersection of Tweed Coast Road and Main Street. As Tweed Coast Road is a classified road, the proposed sign requires the Proponent to obtain concurrence from the RMS under the provisions of SEP 64. In addition the signage also requires assessment under the provisions of the Infrastructure SEPP.

The application does not include detailed drawings of the proposed sign and does not include an assessment of the sign against the requirements of SEPP 64 or the Infrastructure SEPP. The Department is supportive of the installation of the sign subject to the Proponent demonstrating that:

- the sign has been designed in consultation with the RMS; and
- it complies with the requirements of SEPP 64, the Infrastructure SEPP and the *Australian Standard for the Control of the Obtrusive Effects of Outdoor Lighting* (AS 4282 – 1997).

An appropriate condition has been recommended as follows:

"B5B Illuminated Pylon Sign

Prior to the issue of a Construction Certificate for the installation of the 12 m high illuminated pylon sign, the following information must be submitted to and approved by the Secretary:

- detailed architectural drawings for the 12 m high pylon sign;
- evidence of consultation with the Roads and Maritime Services regarding the impacts of the sign on the safety and efficiency of Tweed Coast Road;
- an assessment of the sign against the requirements of *State Environmental Planning Policy No. 64 Advertising and Signage* and *State Environmental Planning Policy (Infrastructure SEPP)*; and
- details demonstrating compliance with the *Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting* (AS 4282 – 1997)".

6.4 Modification of Condition B3 of the Concept Approval and Condition B2(3) of the Project Approval

The original Concept Plan and Project Approval included identical conditions requiring revisions to the architectural plans to reduce the scale of the A-frame element on the western side of the retail centre (conditions B3 and B2(3)). This condition is reproduced below:

"The retail centre built form shall be modified to reduce the scale of the A frame element on the western side of the building. Modified plans are to be submitted to the Department for approval prior to the issue of a Construction Certificate for the retail centre".

The architectural plans were revised to comply with the requirements of conditions B3 and B2(3) as part of MP06_0258 MOD 3. The proposed modification seeks to remove the A-frame element altogether, making this condition redundant. As such the Proponent has requested the deletion of this condition.

The Department supports the deletion of conditions B2 and B2(3) on the basis that the revised design of the retail centre results in an improvement in the external appearance of the centre, and this is partly achieved through the removal of the A-frame element.

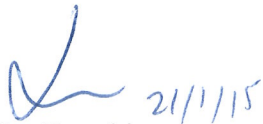
7. CONCLUSION AND RECOMMENDATIONS


The Department considers the proposed modifications are consistent with the terms of the Concept Plan and Project Approval, and will not result in any environmental impacts beyond those previously assessed. Further, the Department considers that the Council's concerns and the concerns of the RMS have been addressed via the recommended conditions of approval. It is therefore recommended that the modification requests be approved subject to the conditions recommended in the Instruments of Modification.

It is recommended that the Manager, Industry Assessments, as delegate of the Minister for Planning:

- a) approve the proposed modification to the Concept Plan approval under section 75W of the EP&A Act by signing the Instrument of Modification included at **Appendix A**; and
- b) approve the proposed modification to the Stage 1 Project Approval under section 75W of the EP&A Act by signing the Instrument of Approval included at **Appendix B**.

Prepared by:
Robert Byrne
Senior Planner


Kate MacDonald
Team Leader
Industry Assessments


Chris Ritchie
Manager
Industry Assessments

APPENDIX A

MODIFYING INSTRUMENT – CONCEPT PLAN APPROVAL 06_0258 MOD 8

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 10 November 2014, I approve the section 75W modification of the Concept Plan approval referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 21 JANUARY 2015

SCHEDULE 1

Concept Plan Approval:	MP06_0258 granted by the Minister for Planning on 20 September 2009.
Proponent:	Kings Beach No. 2 Pty Ltd
For the following:	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff, Tweed local government area.
Modification:	MP06_0258 MOD 8 including the inclusion of the modification 8 documentation in Condition A4 and the deletion of Condition B3.

SCHEDULE 2

1. After Condition A4 h) insert new clause A4 i) as follows:

Section 75W Modification Request Documentation

- i) *Section 75W Modification No. 8 Project Approval MP 06_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, dated August 2014, as amended by *Section 75W Modification No. 8 Project Approval MP06_0258 Casurina Town Centre Addendum Report*, prepared by BBC Consulting Planners, and dated 16 December 2014.

2. Delete Condition B3 in its entirety.
-

APPENDIX B

MODIFYING INSTRUMENT – STAGE 1 PROJECT APPROVAL 06_0258 MOD 8

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 10 November 2014, I approve the section 75W modification of the Project Approval referred to in Schedule 1, subject to the modified conditions of approval outlined in Schedule 2.



Chris Ritchie
Manager
Industry Assessments

Sydney 21 JANUARY 2015

SCHEDULE 1

Project Approval:	MP06_0258 granted by the Minister for Planning on 20 September 2009.
Proponent:	Kings Beach No. 2 Pty Ltd
For the following:	Mixed use subdivision at Lot 223 DP 1048494; Lot 3 DP 1042119; Lot 144 DP 1030322 and Lots 10 and 13 DP 1014470 – Tweed Coast Road, South Kingscliff, Tweed local government area.
Modification:	06_0258 MOD 8 involving design revisions to the retail centre and inclusion of new Condition B5B to permit the installation of a 12 m high illuminated pylon sign on the north-eastern corner of the site.

SCHEDULE 2

1. In Schedules 1 and 2 delete all references to 'Director-General' and replace them with 'Secretary'.
2. In Schedule 1, delete all references to 'Department of Planning' and replace them with 'Department of Planning and Environment'.
3. In Part A, Condition A2 delete all references to drawings DA01, DA02, DA03, DA04, DA05, DA05 1, DA06, DA07, DA08, DA09, DA10, DA12, DA13, DA14, DA15, DA16 and replace them with:

A000	B	Cover Page/Contents	29/08/2014
A001	B	Site Plan and Schedules Stage 2	29/08/2014
A002	B	Site Plan and Schedules Stage 1	29/08/2014
A003	B	Ground Floor Plan Stages 1 & 2	29/08/2014
A004	B	Ground Floor Plan Stage 1	29/08/2014
A005	B	First Floor Plan Stages 1 & 2	29/08/2014
A006	B	First Floor Plan Stage 1	29/08/2014
A007	B	Roof Plan	29/08/2014
A008	B	Elevations	29/08/2014
A009	B	Sections	29/08/2014
A010	B	Perspective Sketches	29/08/2014
A011	B	Shadow Diagrams	29/08/2014
A012	A	Building Signage Details	30/07/2014
A013	A	Proposed Finishes	30/07/2014

4. In Part A, Condition A3, insert A3(10) after A3(9) as follows:
 - (10) *Section 75W Modification No. 8 (amended) Project Approval MP 06_0258 Casuarina Town Centre* prepared by BBC Consulting Planners on behalf of Consolidated Properties Group, and dated August 2014, as amended by *Section 75W Modification No. 8 Project Approval MP06_0258 Casurina Town Centre Addendum Report*, prepared by BBC Consulting Planners, and dated 16 December 2014.
5. In Part A, delete Condition B2(3).
6. In Part A, insert new Condition B5B after Condition B5A as follows:

B5B Illuminated Pylon Sign

Prior to the issue of a Construction Certificate for the installation of the 12 m high illuminated pylon sign, the following information must be submitted to and approved by the Secretary:

- detailed architectural drawings for the 12 m high pylon sign;
- evidence of consultation with the Roads and Maritime Services regarding the impacts of the sign on the safety and efficiency of Tweed Coast Road;
- an assessment of the sign against the requirements of *State Environmental Planning Policy No. 64 Advertising and Signage* and *State Environmental Planning Policy (Infrastructure SEPP)*; and
- details demonstrating compliance with the *Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS 4282 – 1997)*.

APPENDIX C

SECTION 75W MODIFICATION REQUEST – BBC CONSULTING PLANNERS – AUGUST 2014 ADDENDUM REPORT - BBC CONSULTING PLANNERS - 16 DECEMBER 2014
