

Joanna Bakopanos
Team Leader
Metropolitan and Regional Projects North
Department of Planning and Infrastructure
NSW Government
GPO Box 39
SYDNEY NSW 2001

**Re: Mixed Use Development at Lots 184 -187 & 191 -194 in DP 259164, and
Lots 20 – 23 in DP 31208, Hastings Road and Tweed Coast Road,
Bogangar/Cabarita Beach**

I refer to Development Application 07_0179 which was approved on 2nd December 2009.

In our meeting on 8 April 2011, we discussed modifying certain elements of this development whilst maintaining the current building height, footprint and interface with Tweed Coast Road.

The specific modifications being sought are as follows:

- Area of supermarket has been increased to 2310sqm to 2479sqm
- Area of specialty retail has decreased from 1106sqm to 913sqm
- Pedestrian connection has been relocated from through the development to a dedicated pathway connecting to travelators. This pathway has been designed using Crime Prevention through Environmental Design principal and is further enhanced by the utilization of continual video surveillance.
- Lobby of the residential units moved from the forecourt of the supermarket area to a dedicated lobby from Tweed Coast Road which can be accessed 24 hours
- A travelator and lift provides access directly to Tweed Coast Road replacing a ramp within the carpark and lift feeding patrons into the forecourt.
- Loading access on Hastings Road has been relocated to the previous vehicle access to the basement carpark. Previously the access to the loading dock was shared by waste removal vehicles and members of the public.

The new loading access point is utilized solely for the servicing of the centre, providing a clear separation for all other vehicles which are seeking accessing the centre.

The following documents are provided to support these design changes and changes to the retail space.

Architectural Plans

DA – 01 Revision A – Site Plan
DA – 02 Revision A – Lower Basement Plan – B2 Stage 1
DA – 03 Revision A – Basement Plan – B1 Stage 1
DA – 04 Revision A – Ground Level – Tweed Coast Road Stage 1
DA – 05 Revision A – Level 1 Plan – Stage 2
DA – 06 Revision A – Level 2 Plan – Stage 2
DA – 07 Revision A – Roof Plan – Stage 2
DA – 20 Revision A – Elevations
DA – 30 Revision A - Sections

Architectural Statement

Letter from Stephen Blaxland, Architect, BN Group Pty Ltd dated 11 October 2011 addressing the increased connectivity and safer link created by the new pedestrian pathway and access from Hastings Road to Tweed Coast Road.

Internal Traffic Movements

Letter from Lucas Faulkner, Business Manager, Opus International Consultants (Australia) Pty Ltd 9 August 2011, addressing traffic movements to and from the loading dock and circulation within the internal carparking area. Modeling undertaken on traffic movement confirms that they meet the requirements of AS 2890.2-2002.

Economics

Letter from Vivienne Bolla, Senior Analyst, Foresight Partners Pty Ltd dated 28 July 2011, providing an updated analysis which justifies the increase to the supermarket and a decrease to the specialty retail.

Development Condition for Modification

Part A – Administrative Conditions

A1 – Project Description

- Change required to reflect new supermarket and specialty areas

A2 – Project in Accordance with Plans

- Change required to reflect new plans

Part B – Prior to Issue of Construction Certificate

B16 – Flooding

- Condition required to reflect the new Q100 flood zone denoting an RL 2.90m AHD and a designed floor level of 3.00m AHD with a freeboard of 3.50m AHD. Amended plans now reflect the current Tweed Shire Council Development of Flood Liable Land Maps.

B29 – Section 94 Monetary Contribution

- It is intended that the proposed development will be staged with the supermarket and retail delivered first to meet the immediate community need.
- The residential units will be delivered when the economic climate for this product will sustain their release to the market.
- Accordingly, we are seeking this condition to reflect the calculation and payment of any monetary contributions inline with a staged development with a separate contribution for the supermarket and retail component.

Also attached for your reference is your letter dated 21 April 2011 summarizing our meeting on the 8 April 2011 and providing direction on the supporting information required to accompany our 75W application.

I thank you for your assistance during this process and ask if you require any further information that you do not hesitate to contact me directly.

Yours sincerely



Sharon Waddell
Development Manager
On Behalf of
Cabarita Property Investments

Cc

Brent Devine
Environmental Planner
Metropolitan and Regional Projects North
NSW Department of Planning and Infrastructure

Director
Planning and Development
Tweed Shire Council

Application to modify a development consent

Date lodged: 12/10/11



NSW GOVERNMENT
Department of Planning

DA modification no. 07-0179 MOD1
(Office use only)

1. Before you lodge

This form is to be used for applications to modify Part 4 development consents under section 96 or 96AA of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This form is also to be used for Part 4 development consents that are to be modified under section 75W of the Act.

Disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

Anyone wishing to lodge an application is recommended to call the Department of Planning to discuss their proposal and modification application requirements prior to lodging their application. You can lodge your completed form, together with attachments and fees at the relevant Department of Planning office listed below. Please lodge Part 4 modification applications with the Department of Planning head office or, for modification applications that are within the Kosciuszko ski resorts area, the Department's Alpine Resorts team.

NSW Department of Planning
Head Office
Ground Floor, 23-33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone: 1300 305 695 Fax: (02) 9228 6555
Email: information@planning.nsw.gov.au

NSW Department of Planning
Alpine Resorts Team
Shop 5A, Snowy River Avenue
PO Box 36, Jindabyne NSW 2627
Phone: (02) 6456 1733 Fax: (02) 6456 1736
Email: alpineresorts@planning.nsw.gov.au

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to the Department. When your application has been assessed, you will receive a notice of determination.

2. Applicant and contact details

Company/organisation/agency

WA Stockwell Pty Ltd

ABN

50010095360

☐ Mr ☐ Ms ☒ Mrs ☐ Dr ☐ Other

First name

Sharon

Family name

Waddell

STREET ADDRESS

Unit/street no.

399

Street name

Montague Road

Suburb or town

West End

State

QLD

Postcode

4101

POSTAL ADDRESS (or mark 'as above')

PO Box 3144

Suburb or town

South Brisbane

State

QLD

Postcode

4101

Daytime telephone

07 3004 6865

Fax

07 3004 6899

Mobile

0418 746 635

Email

sharon@stockwells.com

3. Property description

Unit/street no. (or lot no. for Kosciuszko ski resorts)

L 184-187,191-194DP259164
L20-23DP31208

Street or property name

Tweed Coast Rd & Hastings St

Suburb, town or locality

Cabarita

Postcode

NSW

Local government area

Tweed Shire Council

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma e.g. 123/579, 162/2.

L 184-187,191-194DP259164 L20-23DP31208

Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact the NSW Department of Lands for updated details. If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers do not apply.

4. Details of the original development consent

Briefly describe your approved development in the space below. If the development has been modified previously you must list all previous modifications and the relevant determination date(s).

Approved Development contains 40 residential units, 2310sqm supermarket(with 200sqm office), 1106sqm of speciality retail, ground level public forecourt, pedestrian thoroughfare, landscaped podium, site landscaping, 204 car spaces in basement & at grade, loading bay, 3 access points, excavation works and signage.

What was the original development application no.?

07_0179

What was the date consent was granted?

2 Dec 2009

What was the original application fee?

\$35,705.00

5. Type of modification

An application under section 96 of the EP&A Act is an application to modify a development consent. Modifications to a development consent can also be made under section 75W of the EP&A Act, or section 96AA for court granted consents.

There are five types of modification applications. Please tick the type of modification application that is being sought:

- ☐ Section 96(1) involving minor error, misdescription or miscalculation.
- ☐ Section 96(1A) involving minimal environmental impact, where the development as originally approved remains substantially the same.
- ☐ Section 96(2) other modification, where the development as originally approved remains substantially the same.
- ☐ Section 96AA modification of consent granted by the Land and Environment Court, where the development as originally approved remains substantially the same.
- ☒ Section 75W modification, involving use of Part 3A processes to modify the Part 4 consent.

Note: If the proposed modification will lead to the consented development being not 'substantially the same' (except in the case of a proposed modification under section 75W) then you will need to submit a new development application.

6. Extent of modification

Will the modified development be substantially the same as the development that was originally approved?

No ☐ ➤ Please submit a new development application.

Yes ☒ ➤ Please provide evidence that the development will remain substantially the same. (If you need to attach additional pages, please list below the material attached).

Note: Question 6 does not apply to proposed modifications under section 75W.

7. Description of modification

- In the case of a section 96(1) application, indicate the nature of the minor error, misdescription or miscalculation in the space below.
- In the case of a section 96(1A), section 96(2) or section 96AA application describe the impact of the modification in the space below. A statement of environmental effects will need to accompany the application, which includes an assessment of the development as proposed to be modified in accordance with section 79C(1) of the EP&A Act. Provisions of the *Heritage Act 1977* may also apply for works to a heritage item or works adjoining a heritage item.
- In the case of a section 75W application under clause 8J(8) of the Environmental Planning and Assessment Regulation 2000, a development consent in force immediately before the commencement of Part 3A of the Act may be modified under section 75W as if the consent were an approval under that Part. However, approval from the Minister is required to lodge a section 75W application. **Applicants should contact the Department first if they are considering applying for a modification under section 75W.**

Regardless of the type of modification, please state below the specific conditions of consent to be modified, deleted or additional conditions request, and details of any other changes being sought.

Part A - Administrative Conditions:

A1 Project Details,

A2 Project Plans DA11 - DA25

Part B - Prior to Issue of Construction Certificate

B 16 - Flooding,

B29 Monetary Contributions

Area of Supermarket increased - 2310sqm to 2479sqm

Area of Specialty Retail decreased - 1106sqm to 913sqm

Pedestrian connection from Hastings Road to Tweed Coast Road

Relocation of Residential Lobby

Relocation of the basement carpark access to Tweed Coast frontage

Note: If your proposal is within Kosciuszko ski resorts area, please attach a copy of the Interim Lease Variation Approval received from the Department of Environment and Climate Change to your application.

8. General terms of approval from State agencies

If the original development application was classified as integrated development and required approval from one or more State agencies, list them in the space below and their respective general terms of approval. Depending on the type of modification, it may be necessary to refer the modification application to the approval body.

The Department was not considered an intergrated development.

9. Number of jobs to be created

Please indicate the number of jobs the proposed development will create. This should be expressed as a proportion of full time jobs over a full year, (e.g. a person employed full time for 6 months would equal 0.5 of a full time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full time for 2 weeks, which equals approximately 0.08 of an FTE job).

Construction jobs (full time equivalent)	120
Operational jobs (full time equivalent)	30

10. Application fee

Part 15 of the Environmental Planning and Assessment Regulation 2000 sets out how to calculate the fees for an application for modification of a development consent. If your development needs to be advertised to the public you may also need to include an advertising fee.

Note: Advertising fees attract GST, all other fees do not.

Please contact the Department in order to calculate the fee for your modification application.

Estimated cost of the development	Original application fee	Total fees lodged
\$14,000,000	\$35,705.00	\$5000.00

11. Political donation disclosure statement

Persons lodging modification applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you attached a disclosure statement to this application?

Yes ☐

No ☒

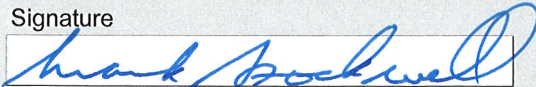
Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

12. Owner's consent

The owner(s) of the land to be developed must sign the application. If you are not the owner of the land, you must have all the owners sign the application. If the land is Crown land, an authorised officer of the NSW Department of Lands must sign the application. **An original signature must be provided.**

As the owner(s) of the above property, I/we consent to this application:

Signature



Name

Mark W. Stockwell

Date

11.10.11

Signature

Name

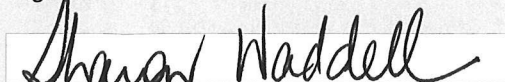
Date

Note: For applications within the Kosciuszko ski resorts area, the approval of the lessee rather than the owner is required.

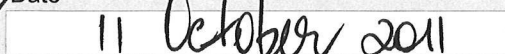
13. Applicant's signature

The applicant, or the applicant's agent, must sign the application. Only an original signature will be accepted (photocopies or faxed copies will not be accepted).

Signature



Date



In what capacity are you signing if you are not the applicant



Name, if you are not the applicant



14. Privacy policy

The information you provide in this application will enable the Department, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted.

If your application is for designated development or advertised development, it will be made available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected any information provided in your application. Please ensure that the information is accurate and advise the Department of any changes.