



8 August 2012

Mr Sam Haddad
Director General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Haddad

**Proposed modification to the mixed use development
at Cabarita Beach (MP07_0179 Mod 2)**

I refer to the Deputy Director General's letter dated 5 August 2012 referring the above modification application to the Planning Assessment Commission for determination under Ministerial delegation.

I noted Tweed Shire Council was concerned about the potential impact from the increase in size of delivery vehicles and the proposed extension of hours of operation only applicable to the supermarket. Issues raised in public submissions included impacts on residential amenity and the accuracy of complaint register that is to be kept by the proponent.

I have carefully considered the 2 public submissions and the issues raised in Council's submission, the Department's assessment report and the recommendation. I agree with the Department's conclusion that the proponent's amendments to the proposal have addressed Council's concern. These included not changing the size of delivery vehicles and extending the proposed operation hours to the whole commercial centre. The issues raised by residents will be adequately addressed by the recommended conditions including trial Sunday deliveries to assess potential operational impacts and noise monitoring.

I consider the Department's recommendation that the application should be approved subject to the recommended conditions is reasonable. The application is approved with conditions.

The signed instrument of approval and file (09/02229 Part 2) are returned herewith.

Yours sincerely

Gabrielle Kibble AO
Chair
Planning Assessment Commission

cc. The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW
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