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TRANSCRIPT OF PROCEEDINGS

TRANSCRIPT IN CONFIDENCE

O/N H-942522

INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

RE: CASUARINA TOWN CENTRE CONCEPT AND PROJECT APPROVAL

PANEL:

**PROF ZADA LIPMAN
RUSSELL MILLER AM
PETER DUNCAN AM**

ASSISTING PANEL:

**DAVID KOPPERS
ALANA JELFS**

PROPONENT:

**NEWTON DENNY CHAPELLE, ON BEHALF OF
CLARENCE PROPERTY**

LOCATION:

**MANTRA ON SALT BEACH
THE PAVILION ROOM
GUNNAMATTA AVENUE
KINGSCLIFF, NEW SOUTH WALES**

DATE:

9.01 AM, TUESDAY, 23 OCTOBER 2018

PROF Z. LIPMAN: Good morning and welcome. Before we begin, I'd like to acknowledge the traditional owners of the land on which we meet and pay my respect to their elders past and present and to the elders from other communities who may be here today. Welcome to the public meeting today on the Casuarina Town Centre concept plan and project approval, MP06_0258, modification 10, from
5 Newton Denny Chapelle on behalf of Clarence Property, the proponent, who are seeking to modify the Casuarina Town Centre approval by replacing a hotel and medium-density development residential lots in particular with low-density residential development, increasing the maximum height along the main street from
10 three to four storeys, amending the road layout, open space and other supporting infrastructure, as well as making changes to staging and the timing of the construction of the beach access path.

My name is Zada Lipman. I'm the chair of this panel, which has been appointed to
15 determine this proposal. Joining me are my fellow Commissioners – on my left, Russell Miller, on my right, Peter Duncan – and we're supported by the Commission staff Alana Jelfs and David Koppers. Before I continue, I should state that all Commissioners must make an annual declaration of interest identifying potential conflicts with their appointed role. For the record, we are unaware of any conflicts in
20 relation to our determination of this development application. You can find additional information on the way we manage conflicts of interest and potential conflicts in our policy paper on this matter, which is available on the Commission website.

25 As required under recent changes to the planning legislation and in the interests of openness, transparency and to ensure the full capture of information, today's meeting is being recorded, and the full transcript will be made and be available on the Commission's website. This public meeting gives us the opportunity to hear from the community in relation to the Casuarina Town Centre concept plan and project
30 approval. I must emphasise that no decision on the application has yet been made. This meeting is a vital input for the Commission in its process of determining the application. For more information, please visit the public meeting guidelines on our website. For information regarding what the Independent Planning Commission of New South Wales is and its role in the determination of this project, I refer you to
35 handouts that we have provided for the meeting.

This public meeting is part of our decision-making process. We have also been briefed by the department and by the applicant, and yesterday we conducted a site
40 visit with the applicant and several community groups who attended as observers, and we are meeting with Tweed Council this afternoon. After today's meeting, we may convene with relevant stakeholders for clarification, if additional information is required on matters raised. Records of all meetings will be published on the Commission's website.

45 The Commission will continue to accept written comments about the project until 5 pm on the 30th of October 2018. Anyone can send written comments before that

time. You can do so by sending your comments by email to ipcn@ipcn.nsw.gov.au or by post to the Independent Planning Commission New South Wales, Level 3, 201 Elizabeth Street, Sydney, New South Wales, 2000. Following today's meeting, we'll endeavour to complete our assessment as soon as possible; however, there may be
5 delays if we find there is a need for additional information.

Before we hear from our first registered speaker, I would like to lay down some ground rules that we expect everyone today to follow. First, today's meeting is not a
10 debate. Our panel will not take questions from the floor, and no interjections are permitted. Our aim is to provide maximum opportunity for people to speak and be heard by the panel. Public speaking is an ordeal for many people. Though you may not agree with everything you hear today, each speaker has the right to be treated with respect and to be heard in silence. Today's focus is public consultation. Our panel is here to listen, not to comment. As mentioned, a secretariat – or,
15 occasionally, Commissioners – may ask questions for clarification.

It would be most beneficial to the meeting if your presentation is focused on issues of concern to you. I would also ask that speakers address the Commissioners throughout their presentations. It's important that everyone registered to speak
20 receives a fair share of time. We will enforce speaking times that were nominated by each speaker. As chair, I reserve the right to allow additional time for provision of further material. A warning bell will sound one minute before the speaker's allotted time is up and again when it runs out. Please respect these time limits.

25 Though we'll strive to stick to our schedule today, speakers sometimes don't appear or decide not to speak. If you know someone will not be attending, please advise either Alana Jelfs or David Koppers. If you would like to project something onto the screen, please give it to Alana or David before you make your presentation. If you have a copy of your presentation, it would be appreciated if you could provide a copy
30 to the Commission staff after you speak.

Please note that any information given to us may be made public. The Commission's privacy statement governs our approach to your information; if you'd like a copy of the statement, you can obtain one from our website. Today's meeting will be
35 recorded by Commission staff and then transcribed and the transcript made available on the Commission's website; however, other recording of this meeting is not allowed. Finally, I'd ask that everyone present please turn off their mobile phones. Thank you. I now call the first speaker, Damian Chapelle. Damian, you have 10
40 minutes.

MR D. CHAPELLE: Thank you, Chair, and thank you to the Commission for the opportunity to present to you today. As you've said, my name is Damian Chapelle. I'm a principal planner at Newton Danny Chapelle and act on behalf of Clarence Property, the proponent. I'd like to just run through some key facts for the proposed
45 modification to the Casuarina Town Centre, and firstly with the plan that's referenced on the screen to you, which is concept plan job number 199202B, which identifies in red the area in which this modification relates to. You will also see on

this plan an outer area bound in red; that is which – the area of which the total major project applies.

So, as you can see, this project applies to part thereof the Casuarina Town Centre.

5 As the chair alluded to, the key points in this application are the conversion of medium-density development sites to single-lot residential, the preservation of Grand Parade through to a mixed-use development, and also nominated sites for the purpose of medium-density development. The proposal also incorporates a subdivision design which modifies the road layout, incorporating 14 additional on-street public
10 car-parking spaces to that originally approved. The proposal also deletes the hotel use. The application seeks to change the timing for the provision of the additional beach access and also the staging. I might just go to the next one, please. Thank you.

15 Upon the original application being lodged, you'll see the sun study identifies that built form, which was approved for the purpose of the original concept plan for the Casuarina Town Centre. As you can see by our next plan, which is BG&E plan COO3, our proposal seeks to provide single residential lots on the northern and southern components of the modification area whilst preserving the density and
20 height within what we call the commercial core, which runs through Grand Parade. When the application was firstly lodged, there was a number of objections which related to the northern buffer, which is the area of which the swale is being filled.

As I alluded to the Commissioner on our inspection, the application originally had
25 the road encroaching into that 20 metres, and that comprised, really, a great number of the 88 per cent of submissions that were originally lodged as the core submission that was received. At that time, it was determined to make a further amendment to the application to reinstate the 20-metre buffer by moving the road southwards to ensure that that green open space preserved the 20 metre. Under the current
30 approval, condition B5 of the concept approval requires Clarence Property to obtain approval from the relevant government agencies for the provision of the proposed beach access to the east of the Icon building:

35 *This is currently required ... to the issue of a construction certificate for the balance of stage 1 works.*

We have requested that the approval be modified to have access approved in stage 2, in association with the development of the Icon building and surf lifesaving facilities. To this end, we have sought to amend condition B5, which states that evidence of the
40 approval for the construction of the beach access be provided prior to the occupation certificate and, in fact, the actual construction of the beach access provided prior to operation of the Icon building.

This will ensure that the surf lifesaving facilities are provided upon the opening of
45 that additional beach access and, secondly, also acknowledges the fact that there are the three beach accesses that we witnessed yesterday, of which one is constructed for an emergency access currently. With respect to building height, I actually draw

reference to Tweed Shire Council's business paper in reviewing the town centre application. And I think it's a pertinent comment within their business paper – it actually states:

5 *The subject application –*

for the modification –

10 *...is for subdivision only, with no buildings proposed at this time. However, the amended masterplan would enable the development of a four-storey development on three of the proposed allotments, with the remainder having a maximum three-storey height. Future development applications –*

for development of these allotments:

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...would be assessed with respect to height/scale and built form. The site is currently subject to a 13.6-metre building height control, and the proposed concept ... building heights would conform with this control.

20 I think that's pertinent, to identify that this application is seeking to be consistent with the planning provisions which relate to height. Unfortunately, I could not provide you with an electronic copy. But you will see excerpts of the Tweed LEP Building Height Plan that we have given you which actually shows the building height provisions for the Casuarina town centre and lands to the north and south. I will just draw your attention to this document that I'm holding in front, which, as I said, is an excerpt of the Tweed LEP. You will see that the 13.6-metre height is not just solely relating to the Casuarina town centre. Commissioner Miller, I think another copy is handy. You can have mine, if you like.

30 MR R. MILLER AM:

MR CHAPELLE: But what you will see: that to the south and also to the north, with the brown shaded area marked N2 – identifies where the 13.6-metre building height also stands. We also wish to raise that there is no objections to the proposed conditions raised by the Department of Planning and Environment with respect to conditions B8, C1 and C2. These conditions specifically seek to nominate only those sites where medium-density or mixed-use development can occur – two, three or four storeys, but also provide specific reference to design guidelines, being the New South Wales apartment guidelines, which will be applicable to this site. We also raise that the overall height of the development when compared to the adjoining Santai development will not be impacted by the 13.6 metres, that is, our proposal would be 1.5 metres below the ridgeline of that adjoining Santai proposal.

45 I also wish to now comment with respect to the open space please. The proposed open space – the amended subdivision design, as I reference, has increased the area of green space through the reinstatement of the 20-metre green buffer in the northern portion of the town centre. This was a specific, I suppose, concern that was raised,

as I said, by a number of submissions, but also allowed us, through our review of the design levels for the site, to provide greater utilisation of this area, and also adopting the shared pedestrian cycleway, which is consistent with the current approval.

5 With respect to the Civic Park, the Civic Park is reinstated, obviously, within this proposal. The park will contain children's play equipment and associated furniture for residents and visitors to utilise. This is also well supported by the sports fields and the coastal pathways which we inspected yesterday. The Civic Park has been reviewed by Tweed Shire Council, and in their report of December 13th
10 acknowledged their support, albeit subject to condition B52, which requires detailed design plans to be submitted to council as part of the construction certificate process.

I'd like to refer the Commission to the approved Department of Planning and Assessment report: page 6, which makes reference to the open space calculations
15 prepared for the site. Alana, I might just get you to – next plan, please. Thank you. The plan reference that I have on the screen, figure number DA40N – I'd like to draw the Commission to the layout, which identifies all areas which were to be dedicated through to Tweed Shire Council.

20 In the assessment report, it refers to a total of 16,400 square metres of open space being provided, however acknowledges that our proposal seeks to provide 13,805. It certainly came to my attention, following our initial discussion with the Commission, that there seemed to be quite a significant anomaly here. If I may approach the screen very quickly.

25 The application assessment report by council has incorporated this area, being the open space foreshore, as part of their total area of 16,000 square metres, whereas our open space provided to the Department of Planning was reviewing what we are providing within our modification area. If you include the additional area that was to the outside the MOD 10 area, we are actually, in fact, only 910 square metres short,
30 being the reduction through this proposal. That is, the original Park Civic size was 3717 square metres; our proposal is 3500 square metres. And then also with the modification to the access track, that area is also reduced, which gives us the 900 square metres reduction.

35 I'd also just like to quickly identify with the sewer pump station location. The actual existing sewer through the Casuarina town centre is five to seven metres deep. The development does require the diversion of the existing council sewer main. The sewer infrastructure being deeper than five metres – and obviously it does not permit, under council's standard – has granted the location of the sewer pump station outside
40 council's Tweed 2100 coastal hazard zone.

We have completed a, odour assessment. And I might just get you to go those aerials very quickly. The proposal can comply with a 30-metre setback, which is council's standard. The odour assessment identified 20 metres was acceptable, but 30 metres
45 is council's standard, which we can comply with. And with the play equipment – whilst no specific standard applies, basically with the height of the play equipment

and the stack – the accepted criteria is 2.5 odour units. Where the play equipment is located, it's being modelled at .23, that is, 10 times below the acceptable limit.

5 I'd also draw you to the images on the screen, where – this is within the actual Casuarina estate, where you have sewer pump stations within close proximity to houses and parks where there are seating arrangements. And this is actually within stage 1 of the Casuarina town centre, which is, as you can see, only about a metre off a residential property boundary. That was constructed in the last two years.

10 In summary, I would ask the Commission to favourably review the application. We believe that the assessment, both by Tweed Shire Council and also the Department of Planning, has had fair representation of not only the issues that we've raised but also the community. I believe that since the first application was lodged – I'll put our
15 hand up and say I think we got a few things wrong, and especially the green corridor to the north. But since having open days and discussions over a 16-month period with the community and also Tweed Shire Council, I believe we've come up with a very good mix of development that will suit the Casuarina town centre. And I ask you to endorse the recommendation or conclusions issued by the Department of
20 Planning. Thank you.

PROF LIPMAN: Thank you, Damian. Our next speaker is Andrew Robinson. You have five minutes, Andrew.

25 MR A. ROBINSON: Morning, and thank you for inviting us along to the talk today. My name is Andrew Robinson, and I'm a resident that lives directly on the northern boundary of the proposed town centre, plus have investment interests in Santai Resort, which also bounds on the northern boundary. I, with the other residents on the northern boundary, including Santai Resort, which consists of 114 units, have
30 rallied strongly over the past 10 years to retain and preserve the 20-metre buffer zone that was previously approved on the northern boundary of the town centre. We view this buffer zone as an open space which is extremely important, as it provides a separation between an existing residence and the town centre development and provides a vegetation corridor which can be accessed and used by not only the current residents of Casuarina but the wider growing community.

35 Various master plans have been completed over the years by several developers, with all of them seeking to reduce the 20-metre open space corridor. The first plan lodged by Clarence Property Group to produce – to include a road within the open space which, if approved, would have had a direct detrimental effect on the benefit that the
40 open space provides for the community. Over the past 15 months, we've been working closely with Clarence Property Group to come up with a solution that satisfies everyone.

45 To Clarence Property's credit, they've listened to our concerns, they've amended the plans to meet our needs and the current plans with the reinstatement of the 20-metre buffer zone, the local road designed outside the open space corridor, the deletion of the hotel use and the changing it to residential lots and ensuring the future build on

the medium-density lots meets the current desired standards. It has resulted in a town centre that is by far the best town centre plans completed today.

5 The current proposed plans with the buffer zone reinstated addresses all of our concerns, and we, the residents on the northern boundary, including Santai Resort, support the proposed amended plans and seek the support of the Independent Planning Commission to approve the plans so that the long-awaited town centre can finally be constructed and completed. Thank you.

10 PROF LIPMAN: Thank you, Andrew. Our next speaker is Mark Grunwald. Mark, you have five minutes.

MR M. GRUNWALD: Good morning, Commissioners. First of all, let me say that we're very grateful to Clarence Property Group and to Damian Chapelle for the
15 hearing we've been getting over the last 14 months. We had a number of concerns which they've always been welcoming of discussion and prepared to hear our grievances and, in most cases, acted to solve the problems. We're also grateful to Tweed Shire Council, to Troy Green and Vince Connell, who also have been very open to discuss with us problems. I speak on behalf of Casuarina Seaside and Salt
20 residents, so I'm not going to get into technical details as Damian talked about on the screen because I don't know all the code numbers of the plans, etcetera.

The plan is, hands down, far better than the original proposed master plan from Consolidated Properties, and the residents of Casuarina in the main very much
25 support the plan, and we're looking forward to a wonderful town centre in a couple of years time. We have three primary issues with the plan which Clarence Property Group has gone a long way to addressing. The first was the Surf Life Saving facility. The residents are very concerned, as we all live on a beach, we have children that swim there, we swim there. We wanted to ensure that whilst we might not get a Surf
30 Life Saving club because of our issues with Surf Life Saving clubs, we would have a facility that was large enough that in the future, as the area grows, that there could be a club down the track. We've got Kings Forest on our boundary, as you know, five to eight thousands residents going in there over the next God knows how many years, and we will be the area where they all congregate.

35 Clarence Property Group has very kindly invited us to come to the meetings with Surf Life Saving Australia when – and if – when they're held, and, on my understanding, Surf Life Saving Australia will dictate how large the facility has to be and that Clarence Property Group will comply. And we're very grateful that we've
40 been offered a seat at the table for that meeting. We are keen to see a beach entry at the end of Grand Parade. Obviously, that will be there to service the Surf Life Saving club. And following our walk around yesterday, which – and I hadn't quite understood the beach entry situation – from our point of view, I think I speak on behalf of most residents, I think it's important to have, yes, three beach entries, one
45 at each end and one in the middle, because we have elderly people that need to get to the beach, we have mothers with young children. They don't want to walk two or

three hundred metres to get to a beach entry from the main parking areas. I think that just makes some commonsense from our point of view.

5 The last point, which has been probably a contentious point for the residents, is that we're very keen to maintain the village character of Casuarina. It's something that all developers have strived to do and, in the main, succeeded. The stage 1 of the town centre with the Coles Supermarket and the Commons across the road is quite attractive. Residents seem very happy with the outcome. There's always criticism, but, in the main, I think it was – it has been well done. This second stage, which is 10 the big part of it, we're very keen to, if possible, maintain a three-storey height limit. We are aware that 13.6 is the current height limit. And I'm also – Clarence Property are also aware that we would like to maintain three-storey height limit. However, they will build to whatever is the approved height limit at the time. But certainly from a village character point of view, that would suit the residents.

15 In closing, again I just want to thank Clarence Property for their access they provided us, and they've never not been there when we've expected them. Same with Tweed Shire Council. And we would like to see the development proceed and have a wonderful town centre. Thank you.

20 PROF LIPMAN: Thank you, Mark. Our final speaker is Julie Murray. Julie, you have five minutes.

25 MS J. MURRAY: Good morning, Commissioners. My comments relate to the information provided to me by the members of the Kingscliff Ratepayers and Progress Association. Kingscliff Ratepayers and Progress Association has been involved since the first discussions and for about 18 years. We have little or no support for the creation of further accesses to the beach, for the creation of a surf club, as this is a level 7, i.e., a dangerous beach. The placement of flags could be 30 seen as indicating a safe swimming area, which is not correct.

35 My local research has led me to believe the surf club at this site will not be able to provide sufficient numbers to provide the services of a fully functioning surf club. Kingscliff Cudgen Headland Surf Club currently provides Surf Life Saving members to assist the Salt Surf Club, as Salt is unable to gain sufficient numbers to maintain its own, and we have no support for four storeys at all.

40 We do have general acceptance of the current design by supporting the improved road design at the eastern end of the Grand Parade; supporting the reduction of the population in the development; supporting the increase in car parking, but we recognise there's never going to be enough; supporting the increase in the greening of the development; retaining the stormwater drains; the protection of the vegetation on state land. We support the storage facility for Surf Rescue equipment, but not a surf club. We support the curved corners of the buildings.

45 We support the expected three-storey height along the Tweed Coast. Perhaps the larger buildings would be required to have a fourth storey if there is one, set back so

as to appear only three-storey from the ground. Perhaps rooftop gardens to soften the structures. We would also support some of the development set aside for low income housing. For example, one or two-bedroom. But we don't know if that's within your brief. We thank you for allowing the association's members' opinions to be presented today.

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PROF LIPMAN: Thank you very much, Julie. Is there anyone today that hasn't registered to speak who would like to speak? We have a little time. If not, then I will just thank you and close the meeting.

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[9.30 am]