

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Casuarina Town Centre Concept and Project Approval  
**Date:** Thursday, 18 October 2018 4:18:43 PM  
**Attachments:** [image001.png](#)  
[13054 IPC RFI.pdf](#)  
[RE Casuarina Town Centre - MP06\\_0258 MOD 10.msg](#)

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Good Afternoon Alana & David,

Further to our meeting with the IPC on Monday 15 October 2018, please find attached communication which outlines the proposed amendment to the two nominated conditions of consent in addition to addressing several queries raised by the Commissioners during our meeting.

With respect to the sought amendment to Condition E20D, I have also attached the communication with Tweed Shire Council for your records.

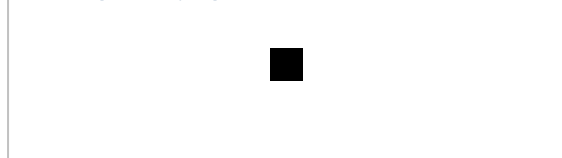
Please feel free to contact me should you have any queries in respect to the contents of the attached letter.

Regards,

**Damian Chapelle**

*Principal Town Planner*

cid:image002.png@01D276EA.54FE1C10



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Date: 18<sup>th</sup> October 2018  
Our Ref: 13/054

Independent Planning Commission  
Level 3, 201 Elizabeth Street  
Sydney, NSW 2000

Attention: Ms Alana Jelfs

**Re: MP06\_0258 – Casuarina Town Centre - Modification 10**

Further to our meeting with the Independent Planning Commission concerning the Casuarina Town Centre (MP06\_0258), please find further information relating to the proposed amended conditions and discussion points raised by the Commissioners during the meeting.

**1. Proposed Conditions**

Project Approval - Condition E20D

Stage 1 Project Approval Instrument includes proposed Condition *E20D Demolition of existing sewer*; which was not previously included in the draft conditions issued to the applicant on 28 June 2018 by the Department of Planning & Environment.

The Project Manager and Engineer have identified the Condition creates a raft of issues in the sequencing of the works and adds a substantial amount of time to the civil works program. As such this condition has been reviewed with Tweed Shire Council.

Following consultation with Tweed Shire Council in respect to Condition E20D, Council has proposed the below amendment (red text) to the condition. We advise the Commission our Clients support for Council's recommended wording.

**Proposed Condition E20D - Demolition of the existing sewer**

*E20D Bulk earthworks within a 10 metre proximity to the existing trunk sewer on the lot shall not commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned as part of the initial staged works and approved by Council. Similarly, the demolition of the existing trunk sewer cannot commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned. Any alternative sequencing to that prescribed in this condition is to be agreed to and approved by Tweed Shire Council's Water and Wastewater Manager (or his delegate) via an application for a Certificate of Compliance made under Section 305 of the Water Management Act 2000 prior to commencement of bulk earthworks.*

## Concept Plan – Condition C8

Importantly for the consideration of the Commission, Clarence Property does not object to Condition C8 in so far as it requires the delivery of Icon Building, Lifesaving Facilities and Beach Access in Stage 2 prior to the occupation of any other building within Stage 2. This ensures the surf lifesaving facilities and beach access are provided prior to the occupation of any future building on the mixed use and medium density sites.

However, on review of the proposed Condition C8, we note the Condition references the need to obtain an approval for the beach access prior to the development application being issued for the Icon Building in Stage 2. A concern is raised in the event the consent authority does not support/approve the beach access, the determination of the development application for the Icon Building is unable to progress, thereby resulting in a potential significant delay to the delivery of other infrastructure (e.g. surf lifesaving facilities) able to be provided within the Icon Building.

By seeking to amend the wording of the Condition to require the beach access prior to any other development in Stage 2 permits the construction of the Icon Building thus delivery of the surf lifesaving facilities for the residents as referenced in the Department’s assessment of the beach access on page 26 of their assessment report, which states;

“Therefore, to ensure the delivery of the surf lifesaving facilities and central beach access are not delayed, the Department recommends the staging be modified, requiring construction of the Icon Building, including the lifesaving facilities and beach access path prior, to the occupation of the other medium density, mixed use and commercial development of the site.”

By amending Condition C8, the delivery of the Icon Building and importantly the public assets of surf lifesaving facilities and the beach access prior to any other medium density or mixed use/commercial building is maintained.

### **Proposed Condition C8 - Delivery of Icon Building, Lifesaving Facilities and Beach Access**

#### *C8 Delivery of Icon Building, Lifesaving Facilities and Beach Access*

*Future Applications for the development of any buildings in Stage 2 must demonstrate that construction of the Icon Building, including lifesaving facilities, and the additional new beach access path will be completed prior to the occupation of any other building within Stage 2.*

~~*The proponent is to obtain approval and any licences from the relevant agencies regarding the provision of the proposed beach access to the east of the icon building. Evidence of the approval for the construction of the beach access shall be provided prior to the issue of a Development Consent for the Icon Building.*~~

#### *Note:*

- 1. This may require the closure of one of the existing beach accesses.*
- 2. This may require approval under the Crown Lands Act 1989.*
- 3. Relevant agencies may include (but are not limited to) the Tweed Coast Reserve Trust and Crown Lands.*

### **Queries from the Commission**

#### **1. Confirm additional parking numbers from current approval**

The below table outlines the difference between the original approval and the current modification pertaining to parking numbers as reviewed by the project engineer.

Parking location	MOD Sept 2009	Current Proposal	Difference
Within 100m of Foreshore	133	144	+11
Between 100-200m of Foreshore	31	34	+3
<b>TOTAL</b>	<b>164</b>	<b>178</b>	<b>+14</b>

Mod 10 provides additional public parking when compared to the total parking spaces approved under the original application. Reference is also made to the fact all future development within the Casuarina Town Centre will need to provide parking upon their site. That is, the 178 on-street parking spaces are provided for public use, whilst additional parking for future development is to be located upon the development lots pursuant to the Tweed Development Control Plan 2008.

**2. Provide a summary of why the Sewer Pump Station is located where it is and why there were no suitable alternative locations.**

The following summary is provided by the project engineer;

- Existing Council Sewer through the Casuarina Town Centre development is between 5-7m deep.
- The development requires the diversion of the existing Tweed Shire Council sewer.
- Tweed Shire Council standards do not permit sewer infrastructure deeper than 5m thus driving the need for a pump station.
- Multiple options were considered within Tweed Shire Council's 2100 Coastal Hazard (further away from the park). All options were deemed to be non-complaint, and advice was received from Tweed Shire Council that the pump station could not be located within the 2100 Coastal Foreshore zone. This position is reinforced by Condition B55 which states the sewer pumping station shall not be located within DCP B25 Coastal Hazard 2100 max zone
- Based on the above point the pump station was located in the only remaining available location which provided 30m of buffer to the residential and mixed use lots as illustrated below in Figure 1.

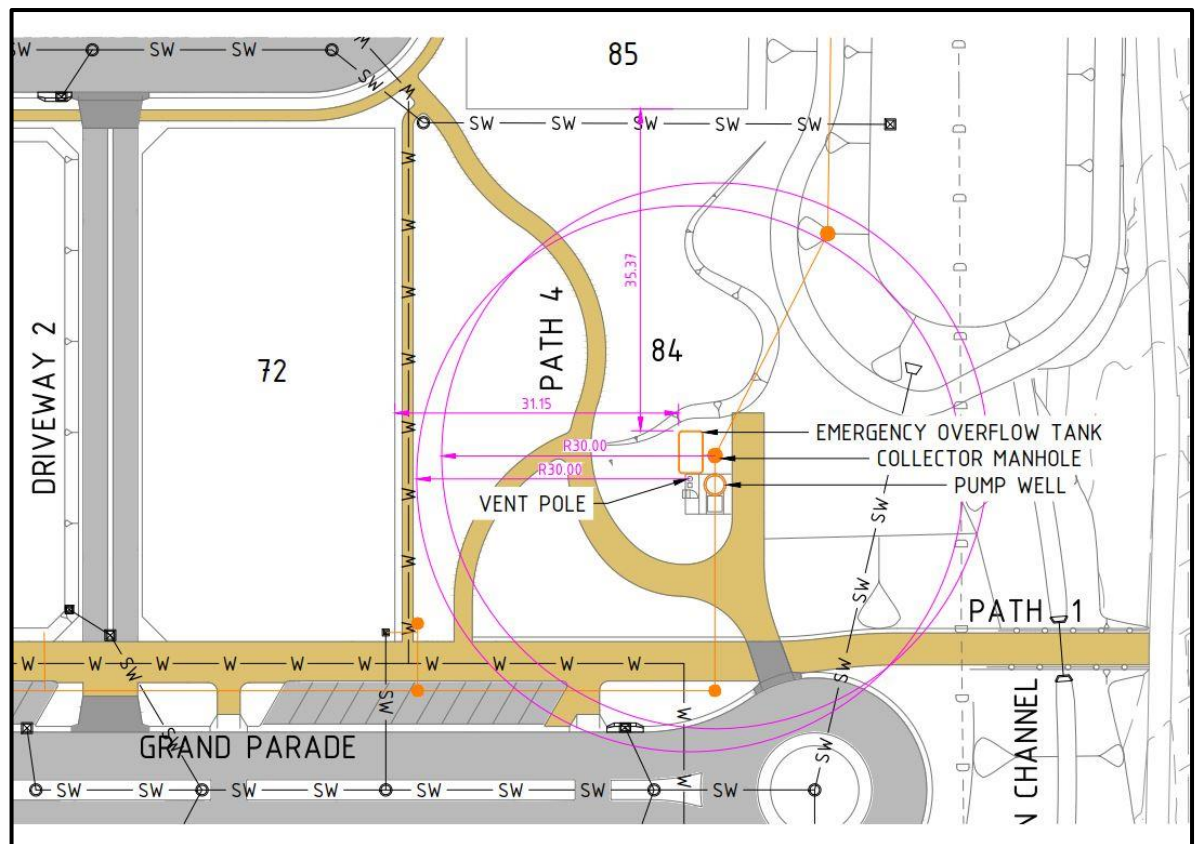


Figure 1 – BGE Illustration outlining compliance with the 30m SPS buffer

### 3. Odour Assessment

The Commission raised a query concerning the ability to satisfy the prescribed 30m setback from the SPS to the residential lots in addition to reviewing the setback to the children's play equipment.

As illustrated in Figure 1, the proposal satisfies the prescribed 30m buffer between the SPS and residential lots to the north and west.

With respect to the play equipment, based on a 10m offset from the pump station and maximum play equipment height of 4m, the project engineer has advised a maximum odour concentration of 0.23OU is predicted. This level is significantly less than the adapted criteria of 2.5OU as outlined in Figure 2 below which is an excerpt from the Separation Distance Assessment Report which was lodged with the Modification.

3.3 Results						
The maximum predicted odour concentrations at ground level, 4 m, 7 m and 10 m above ground for various distances from the SPS vent are provided in Table 3.						
Table 3: Maximum Predicted Odour Concentration at Receptors (Peak Time with Emission Control)						
Averaging Period	Distance from Source (m)	Receptor Height (m)				Adopted Criteria (OU)
		0	4	7	10	
		Maximum Predicted Odour Concentration (OU)				
Peak Concentration* (1 second average)	10	<0.01	0.23	0.3	6.1	2.5
	20	0.041	0.32	1.5	2.2	
	30	0.057	0.27	0.98	1.2	
	40	0.083	0.23	0.80	0.71	
	50	0.10	0.22	0.7	0.57	

\* converted using 1 hour average odour results from AUSPLUME model output

The model results show a maximum predicted odour concentration of 6.1 OU at a distance of 10 m downwind of the SPS vent (wind speed = 0.5 m/s, stability class = C). Figure 3 presents an isopleth plot of the worst case model scenario at 10 m above ground (4 storey building).

### 4. Is there a lot boundary around the Sewer Pump Station

Condition E20C requires a separate lot (not an easement) to be created in the plan of subdivision for the sewer pumping station and the lot to be dedicated to Council. The proponent raises no objection to this Condition.

Further, reference is made to Condition E20C which requires the shape and size of the lot to be suitable for the sewer pump station and meet the minimum 30m buffer between the pump station, collector manhole or vent and adjacent property boundaries. No objection to this condition is raised by the proponent, whilst Figure 1 illustrates full compliance with the proposed Condition.

We trust that the above information will assist the Commission in their review of Modification 10 to the Casuarina Town Centre (MP06\_0258). Should you have any questions, please do not hesitate contacting Mr Damian Chapelle of this office.

Yours sincerely,

**NEWTON DENNY CHAPELLE**



**DAMIAN CHAPELLE**

Town Planner. BTP CPP.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: Casuarina Town Centre - MP06\_0258 MOD 10  
**Date:** Wednesday, 10 October 2018 8:35:58 AM  
**Attachments:** [image001.png](#)  
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[image008.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)

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Hi Damian,  
Please see below Council's suggested wording for revised condition E20.  
*Condition E20D*

**Demolition of the existing sewer**

*E20D Bulk earthworks within a 10 metre proximity to the existing trunk sewer on the lot shall not commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned as part of the initial staged works and approved by Council. Similarly the demolition of the existing trunk sewer cannot commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned. Any alternative sequencing to that prescribed in this condition is to be agreed and approved by Tweed Shire Council's Water and Wastewater Manager (or his delegate) via an application for a Certificate of Compliance made under Section 305 of the Water Management Act 2000 prior to commencement of bulk earthworks.*

Please let me know if you wish to discuss further.

Regards

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**David O'Connell** | Town Planner



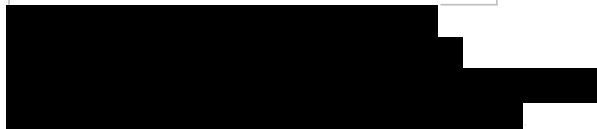
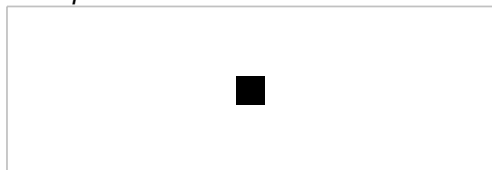
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**From:** [REDACTED]  
**Sent:** Monday, 8 October 2018 11:19 AM  
**To:** Colleen Forbes  
**Cc:** David O'Connell; Denise Galle  
**Subject:** RE: Casuarina Town Centre - MP06\_0258 MOD 10

Thank you

**Damian Chapelle**  
*Principal Town Planner*



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**From:** Colleen Forbes [REDACTED]  
**Sent:** Monday, 8 October 2018 11:18 AM

**To:** Damian Chapelle [REDACTED]  
**Cc:** David O'Connell [REDACTED]; Denise Galle [REDACTED]  
**Subject:** RE: Casuarina Town Centre - MP06\_0258 MOD 10

Hi Damien,  
David is back from leave now, so I will get him to respond.  
Regards,  
Colleen

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**Colleen Forbes**

Team Leader Development Assessment

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Damian Chapelle [REDACTED]  
**Sent:** Monday, 8 October 2018 11:15 AM  
**To:** Denise Galle  
**Cc:** Colleen Forbes  
**Subject:** RE: Casuarina Town Centre - MP06\_0258 MOD 10

Hi Denise,  
We are scheduled to meet the IPC on Monday 15 October 2018 for the Casuarina Mod. If possible, would we be able to ascertain Council's position on the below request for Condition E20D so we can advise the IPC.  
Thanks in advance.

**Damian Chapelle**  
*Principal Town Planner*

[REDACTED]

[REDACTED]

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**From:** Denise Galle [REDACTED]  
**Sent:** Tuesday, 25 September 2018 10:04 AM  
**To:** Damian Chapelle [REDACTED]  
**Cc:** Colleen Forbes [REDACTED]  
**Subject:** RE: Casuarina Town Centre - MP06\_0258 MOD 10

Damian  
Colleen will look after this till David returns on 4 October

**Denise Galle**

Team Leader Development Assessment  
Planning and Regulation Division  
Murwillumbah Office



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**From:** Damian Chapelle [Redacted]

**Sent:** Monday, 24 September 2018 6:15 PM

**To:** David O'Connell

**Cc:** Denise Galle; Simone Gillespie; James Webb

**Subject:** Casuarina Town Centre - MP06\_0258 MOD 10

Hi David,

We write in regard to the assessment report for MOD 10 for Casuarina Town Centre, which has now been issued to the IPC by the Department of Planning. The Stage 1 Project Approval Instrument includes proposed **Condition E20D Demolition of existing sewer**, which was not previously included in the draft conditions issued to us on 28 June 2018 by the Department of Planning & Environment.

This condition creates a raft of issues in the sequencing of the works and adds a substantial amount of time to the works program. As such we are seeking an opportunity to review this condition with Council and present an alternative option during the Construction Certificate process. We understand the importance of this condition to Council however are attempting to avoid another MOD with the Department being triggered if an alternative option is supported and we are unable to comply with the this condition in its current form.

As such, we seek Council's agreement to the addition of the below in red text to Condition E20D;

*Condition E20D*

**Demolition of the existing sewer**

*E20D Bulk earthworks within a 10 metre proximity to the existing trunk sewer on the lot shall not commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned as part of the initial staged works and approved by Council. Similarly the demolition of the existing trunk sewer cannot commence until the provision of the new sewer pumping station and trunk sewer main has been completed and commissioned. Any alternative sequencing to that prescribed in this condition is to be approved by Tweed Shire Council.*

Clarence Property have made contact with Anthony Witherdin at the Department who has advised we seek Council's written agreement to the above which can then be presented to the IPC during the determination process to be included in the project approval conditions.

The project civil engineer Ben Keith from BG&E recently contact Simone Gillespie at Council, who I am advised provided in principle agreement to our proposal, subject to agreement from Council's planners.

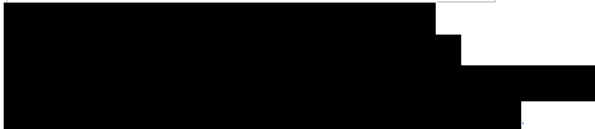
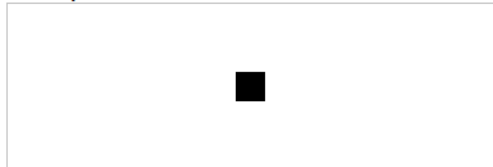
Accordingly, we seek your written agreement to the proposed addition to Condition E20D as outlined above.

Thanks in advance for your time.

Regards,

**Damian Chapelle**

*Principal Town Planner*



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