


















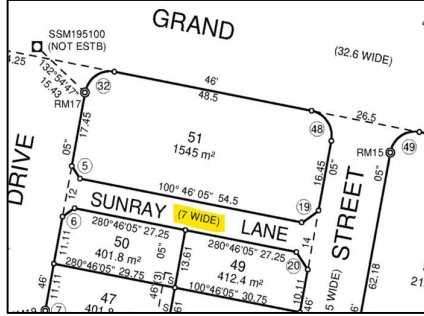










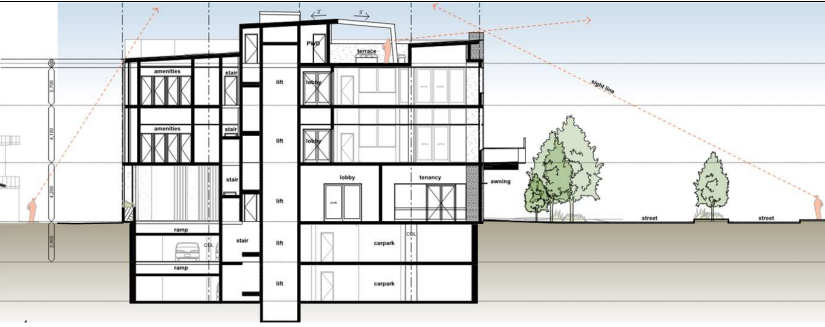




## Attachment 1 – Response to Submissions

PUBLIC SUBMISSIONS		
Issues Raised	Summary of Issues	Response
<b>Traffic Submissions: 16</b>	 Increased traffic generation from proposed mixed-use development	 Whilst the proposal will result in increased traffic generation, the existing road network has capacity to absorb the additional vehicle movements.  Please see Attachment 3 – Response to RFI prepared by TTM
	 Inability for road network to absorb additional traffic	 The existing road network, including Sunray Lane, has the capacity to absorb the additional vehicle movements expected to be generated by the proposed mixed-use development.  Please see Attachment 3 – Response to RFI prepared by TTM  <u>Refer to amended Response to RFI prepared by TTM.</u>
	 Sunray Lane not equipped to take on additional vehicle movements generated	
	 Safety implications for pedestrians and cyclists	 Whilst the proposal will result in increased traffic generation, no changes are proposed to existing road rules or designated speeds. Pedestrian access within the Town Centre will not be altered by the proposal.  Please see Attachment 3 – Response to RFI prepared by TTM
	 Legitimacy of Traffic Impact Assessment	 Some submissions raised concerns with the legitimacy of the submitted Traffic Report, generally due to the report referencing Sunray Lane as being 7m in width. Sunray Lane is a 7m wide carriageway as per DP1264557. The submitted Traffic Report is accurate and has been substantiated by the RFI response prepared by TTM and provided under Attachment 3.  <u>Sunray Lane has an overall width of 7m by DP 1264557, and a road width of 5.7m as per the As-Constructed Survey submitted as part of this second RFI response. It is noted the kerbs to Sunray Lane are flush with the road and measure 150mm in width each, providing an additional 300mm and thereby increasing the trafficable width of Sunray Lane to 6m. Refer to amended Response to RFI prepared by TTM.</u>











	 Access of site at all hours	 Hours of operation will be proposed as part of any future DA. Tenancies occupied by medical specialists will generally reflect standard business hours while the proposed café will generally reflect standard operating hours for this type of food and drink premises.
	 Rear-loaded access originally anticipated for residential access only	 The subject site was approved under MP06_0258-Mod-10 to be rear loaded for the purposes of commercial and/or retail and residential uses. The proposal is consistent with approval of the site as being rear loaded.
	 Emergency vehicles going to and from the site	 The types of specialists that will occupy the suites require patients to be able to attend appointments independently, and not require transport via emergency vehicle (ambulances). Access to and from the site by emergency vehicle will be the same for the proposed mixed-use as it would be for any other commercial, retail or residential use.
	 Original approval provided for ground floor parking only	 The proposed mixed-use building requires basement and at-grade parking in order to comply with the requirements set out in <i>Section A2 Site Access and Parking Code</i> of the Tweed Development Control Plan (TDCP) 2008.  It is worth noting a three-storey mixed use medium density development would also require basement parking in order to comply with the provisions of Section A2 of the TDCP 2008. Withdrawn DA22/0079, lodged over the subject site on 14/02/2022 for a three-storey mixed-use building comprising commercial/retail ground floor uses and two levels of residential accommodation required basement as well as at grade parking to meet the parking requirements stipulated in A2 of TDCP 2008.  Basement parking is required in order to satisfy the parking requirements outlined in Section A2 of TDCP 2008 and the proposed two levels of basement parking are therefore considered appropriate.
	 Traffic report notes Sunray Lane is 7m in width but measures 6m	 DP1264557 (being the underlying Deposited Plan for portion of the Town Centre east of Casuarina Way) shows Sunray Lane as being 7m wide – see snippet from DP below. The Traffic Impact Assessment is therefore correct. See snippet from DP below:

		 <p><u>Sunray Lane has an overall width of 7m by DP 1264557, and a road width of 5.7m as per the As-Constructed Survey submitted as part of this second RFI response. It is noted the kerbs to Sunray Lane are flush with the adjoining ground and measure 150mm in width each, providing an additional 300mm and thereby increasing the trafficable width of Sunray Lane to 6m.</u></p>
	 Access for garbage trucks	 Ensuring garbage truck access along public roads is a Council consideration. Council may wish to consider prohibiting parking along Sunray Lane to ensure clear access for garbage trucks and other rigid vehicles. It is noted this concern would be raised irrespective of the development proposed, given the site has been designated for rear loading.
	 Traffic generation and impacts from future development of medium-density sites not considered	 The Traffic Impact Assessment (TIA) submitted as part of the Modification application evaluated the number of vehicle movements likely to be generated by the proposal against existing vehicle movements and the capacity of the road network within the Casuarina Town Centre. In evaluating the capacity of the road network, the TIA has considered future development to an extent however, it cannot be entirely considered as it is currently unknown what will be developed on those allotments. As such, evaluating the proposal against existing vehicle usage and estimated capacity is considered appropriate.
<b>Building Height Submissions: 15</b>	 Non-compliance with 13.6m building height prescribed under TLEP 2014	 The proposed built form is largely compliant with the 13.6m maximum height of building prescribed under the TLEP 2014 with GFL-L2 fully contained within the 13.6m. The exception is a portion of the parapet along the northern elevation, the

	<p> Rooftop terrace exceeds height limits</p>	<p>roof over the proposed rooftop terrace, and the lift overrun. See height plane diagram below.</p>  <p>The northern parapet over the main building entrance measures approximately 400mm above the maximum prescribed height. This increase is indiscernible and does not result in any additional adverse impacts on the natural or built environment.</p> <p>The roof to the proposed rooftop terrace measures approximately 14.8m from natural ground level to the ridge of the terrace roof. As discussed in Section 3.2 of the Modification Report, the terrace is located relatively centrally to the roof of the third storey, with substantial setbacks to all four property boundaries. As a result, and as depicted in Section 1 of the Modification plans (see snippet below), the terrace will be largely indiscernible from private and public domains below. Furthermore, the substantial setbacks to all boundaries results in shadow impacts from the terrace falling across the third storey roof form only, ensuring no additional impacts are imposed on adjacent residential allotments or the public domain. The substantial setbacks also mitigate opportunities for overlooking from the terrace to areas of private open space of residential allotments adjacent to the site.</p>
--	--------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------





		 <p>The maximum exceedance of the prescribed building height results from the lift overrun which measures approximately 15.3m from natural ground level. As with the rooftop terrace, the lift is located relatively centrally to the third storey roof form and will not cast additional shadows over adjacent areas of public and private open space, nor will it be visible from the public domain below.</p> <p>The exceedance to the maximum prescribed height of building will not result in any adverse environmental impacts.</p>
	<p> Floor to ceiling heights greater than necessary</p>	<p> Proposed floor to ceiling heights are required to allow for servicing, equipment and the required headspace and clearances above and around the equipment.</p> <p>Please refer to Attachment 2 – Response to Request for Information.</p>
	<p> Increased height will set a precedence</p>	<p> The partial fourth storey, being the rooftop terrace, is set substantially back from each boundary and will be largely undetectable from the public domain. No's 5 and 6 Grand Parade have both had four storey developments approved over them with the construction of Pama (5 Grand Parade) nearing completion. This, coupled with the fact the roof terrace takes up just 14.1% of the entire third storey roof form and is set lower than the proposed lift overrun, demonstrates that the partial fourth storey will not set a precedence and will provide a seamless transition between the four-storey developments that gatekeep Grand Parade at its western end, and the three storey sites at the eastern end, adjacent to the foreshore.</p>

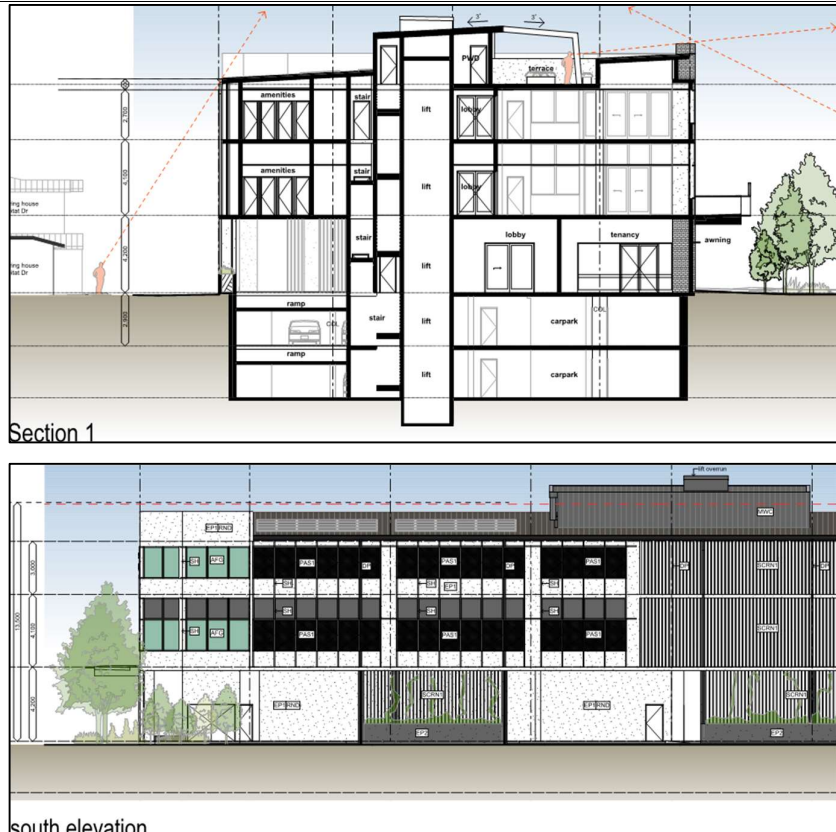


	<p>Change in height is not 'substantially the same' development</p>	<p>As demonstrated in Section 6.2 of the submitted Modification Report, the proposal achieves 'substantially the same' development in respect to building height as:</p> <ul style="list-style-type: none"> <li>Increased height will not result in additional impacts in respect of overshadowing on adjacent properties</li> <li>Additional height proposed will not alter the form, scale or appearance of the building due to its recessed location</li> <li>Additional height will have no impact on the primary or secondary road frontages, or on setbacks permitted under the Tweed Development Control Plan 2008;</li> <li>The increased building height affects the subject site only and will not result in changes to any other site within the Casuarina Town Centre.</li> </ul>
<p><b>Inconsistency Submissions: 16</b></p>	<p>Built form/design is out of character with the locality</p>	<p>The design of the built form (which will be refined as part of any future DA) as well as proposed building materials and landscaping all contribute to the coastal nature and character of the Casuarina Town Centre. The proposed design is sympathetic to other developments in the area and incorporates similar features, building materials, colour scheme, landscaping treatment and articulation to those approved at other larger scaled developments such as Pama (5 Grand Parade), 6 Grand Parade and most recently the mixed-use medium density development approved over 9 Grand Parade.</p>
	<p>Proposal is inconsistent with approved plans and the character of the area</p>	<p>A number of submissions raised concerns the proposed mixed-use development was inconsistent with plans and policies that apply to the site.</p> <p>Please refer to Attachment 2 Response to Request for Information.</p>
	<p>Proposal is not 'substantially the same' development</p>	<p>A qualitative and quantitative analysis of the proposal was discussed in Section 6.2 of the submitted Modification Report and demonstrates that the proposed development is substantially the same as it will continue to have '<i>essentially or materially</i>' the same essence as the land use approved for the site under MP06_0258-Mod-10. Most notably, the proposed change of use and increased height of building affects the subject site only. No changes to any other sites within the Casuarina Town Centre result from the proposal.</p>








	 Proposal seeks to alter approved residential use to solely commercial	 The proposed removal of the residential component of the approved land use has been discussed under the 'Housing' category within this table.  <u>It should be reinforced that the proposal seeks to remove the residential component of the site but retain the mixed-use component of the approved land use.</u>
	 Change of land use from mixed-use to solely medical specialist centre	 The proposal seeks to modify the residential component of the approved land use, changing it from mixed-use <i>medium density</i> to mixed-use. As the proposal provides specialist medical suites and a café, the development will continue to meet the definition of <b>mixed-use</b> as provided in the <b>Tweed Local Environmental Plan 2014</b> as at least two land uses will be provided.  <u>Further to the above, the ground floor specialist health tenancies will be occupied by health services that are more retail-like in nature. Examples of possible occupants include pathology and audiology which operate more like a retail or commercial space with shorter consultation times and higher customer turnover than a traditional clinic with longer consultation times.</u>
	 Inconsistent with zone objectives	 Section 6.1 of the submitted Modification Report demonstrates how the proposed mixed-use development is consistent with the Objectives of the E1 zone, including: <ul style="list-style-type: none"> <li> provides retail and business uses that service the needs of the people who live, work and visit the area (Objective 1);</li> <li> encourages investment and generates local growth (economic and employment) through the incorporation of various specialist clinics and food and drinks premises (Objective 2);</li> <li> provides business and other non-residential land uses on the ground floor (Objective 4);</li> <li> provides tourist opportunities by being a mixed-use development that incorporates food and drinks premises (part Objective 5); and</li> </ul>












		<p>is proposed at a scale that is consistent with surrounding neighbourhoods. In addition, it is considered the incorporation of medical facilities will aid in making the site as a focal point of the local community, with the food and drink premises capable of providing a sense of place (Objective 6).</p> <p>Further to the above Council, in their submission, acknowledged that the proposal was “considered to generally comply with the objectives of this zone by providing a range of uses that serve the needs of people who live in, work in or visit the area and encourage investment in development that generates employment opportunities and economic growth.”</p>
<b>Location</b> <b>Submissions: 12</b>	<p>Inappropriate location for a medical centre (predominantly residential area)</p>	<p>The location of the subject site is considered to be highly appropriate for a mixed-use development such as the proposed, as it is located centrally to the Casuarina Town Centre. The subject site easily accessible to residents, visitors and people who work in the centre, but also to people within the Tweed Shire and broader regions. Its proximity to public transport and the recently opened Tweed Valley Hospital is also a strong indicator that the location for the proposed development is appropriate.</p> <p>Please also refer to Attachment 2 Response to Request for Information.</p>
	<p>Better sites elsewhere</p>	
	<p>Proposed use should be located next to new hospital or in a commercial zone</p>	
<b>Housing</b> <b>Submissions: 7</b>	<p>Housing shortage in NSW &amp; Australia</p>	<p>Whilst access to, and availability of, housing is currently of social and political concern across NSW and Australia, the proposed removal of the residential component of the approved land use will not detrimentally impact on the housing stock available within the Casuarina Town Centre.</p> <p>As discussed in Section 6.1 of the Modification Report, and within the submitted Economic Analysis, the Town Centre is capable of absorbing majority of the estimated dwelling yield for the site, on other sites within the Town Centre. For example, approval for dwelling numbers above the estimated dwelling yield at No’s 5 and 6 Grand Parade allow for a combined 13 dwellings to be absorbed within these two developments. Whilst the site will not provide residential</p>
	<p>Removal of residential component is inconsistent with approved concept plan</p>	

















		accommodation, the proposal will not result in a detrimental impact on housing supply or typology within the Town Centre.
<b>Amenity Submissions: 6</b>	 Noise pollution from rooftop terrace	 As stated in Section 3.2 of the Modification Report, the purpose of the rooftop terrace is to provide a respite space for patients between and during treatment, their families/support network and a breakout space for staff. The rooftop terrace cannot be accessed by general members of the public and will not be accessible out of hours of the building. Any noise emanating from the terrace will be during the day only and is anticipated to be largely inaudible from adjacent allotments.
	 Privacy impacts from rooftop terrace – overlooking adjacent residential allotments	 As discussed in Section 3.2 of the s75W Modification Report, the proposed roof terrace is relatively centrally located to the third storey roof form and is setback approximately 6.9m from the southern boundary, 22.5m from the eastern boundary, 22m from the western boundary and 5.4m from the northern boundary.  In respect of southern adjacent residential dwellings, the 6.9m setback to the southern boundary is substantial in nature and will not present opportunities to overlook the private open spaces of 6 Candlenut Street or 5 Habitat Drive. In addition to the proposed height of the roof terrace, and the substantial setbacks, the southern extent of the proposed rooftop terrace is to be of a solid construction with no windows provided. Views from the rooftop terrace will extend across the east, west and north only with these sightlines extending out above the public domain. Refer to Section 1 and South Elevation below.








		 <p>Section 1</p> <p>South elevation</p>
	<p> Privacy concerns due to extensive south-facing glazing</p>	<p> Concern was raised in respect of privacy and potential for overlooking from south-facing glazing primarily into areas of private open space of adjacent residential allotments to the south.</p> <p>These privacy concerns will be mitigated as part of any future DA. As shown on the South Elevation within the amended plan set provided under Attachment 4, mitigation measures such as aluminium screening over windows and as battens screens have been shown as examples of measures that can be utilised to mitigate</p>



		overlooking concerns. Other measures may include increased floor to sill heights and obscured glazing.
	 Impact from lighting emanating from medical suites at all hours	 Light pollution can be mitigated in cohesion with measures to mitigate privacy impacts such as via privacy screens, obscured glazing and the incorporation of internal blinds. Mitigation measures will be proposed as part of any future DA.
	 Impacts on solar access to adjacent residential allotments	 As demonstrated on the Shadow Diagrams submitted as part of the Modification package, shadows cast from the rooftop terrace will land entirely on the third storey roof of the subject building.  Updated shadow diagrams have been provided within the amended plan set and incorporate a comparison to a built form that is compliant with the 13.6m building height, and built to the boundaries. Whilst minor additional shadows fall to the east and west of the site under the proposed built form due to the proposed awning, no additional shadows are cast over the southern adjacent dwellings than would otherwise be cast by a compliant development.  The proposal will not result in additional solar impacts to southern adjacent residential allotments when compared to a generic built form measuring 13.6m in height.  Please refer to Attachment 4 for updated shadow diagrams.
	 Shadow diagrams likely inaccurate	 The shadow diagrams prepared by Sparc and submitted as part of the Modification package are accurate. However, updated diagrams have been provided which show a comparison of the shadows cast by the proposed development and those cast by a standard built form that has been built to the boundaries of the site and is 13.6m in height.  Please refer to Attachment 4 for updated shadow diagrams.
<b>Waste</b>	 Proposal will generate more waste than 300m2	

<b>Submissions: 4</b>	commercial/retail tenancies and 18 residential units	 A Waste Management Plan will accompany any future Development Application and will outline the type and amount of waste expected to be generated, disposal procedure and frequency.
	 How will waste be managed (Waste Management Plan?)	
	 Type of waste generated	
<b>Street Frontage Submissions: 2</b>	 Approved concept plan requires activation of ground floor tenancies along Grand Parade	 Please see Attachment 2 – Response to Request for Information.  <u>Direct street access to each ground floor tenancy has been incorporated within the amended plan set dated 18/09/2024. Direct street access to clinics 1 and 2b is achieved via the incorporation of ramps within the respective tenancies allowing access that complies with AS1428. Direct street access to clinic 2a is via a step up from the footpath into the clinic. Equitable access to this clinic will continue to be obtained via the main lobby of the building.</u>
<b>Other</b>	 Environmental impacts including increased energy usage, potential damage to local ecosystems	 The subject site is part of the broader Casuarina Town Centre subdivision. Impacts to local ecosystems were considered as part of the original subdivision and subsequent modifications (where relevant).  In respect of increased energy usage, the submitted roof plan shows an indicative solar panel layout on the western portion of the roof form. Building materials and colour scheme will also contribute to reduced energy usage and will be detailed within any future Development Application.
	 Future compliance for building to be used for medical suites only	 Use of the tenancies are subject to development approvals. Any approvals can be conditioned accordingly to ensure continued use of the tenancy. Should the change in use of a tenancy be sought, a Development Application would be required.
	 Exposure of contaminated soils through excavation for 2 levels of basement parking	 As noted in Section 5.2.3 of the submitted Modification Report, the contamination and remediation of land was assessed as part of the original Major Projects application (MP06_0258). As stated, the proposal before the Department does not

		<p>seek to change any of the conditions that were imposed in respect of contamination or remediation.</p> <p>Any necessary assessment of land contamination and/or remediation resulting from the second proposed basement level will be addressed as part of any future Development Application.</p>
	 Resident security	<p> One submission noted an increase in property and motor vehicle related crime in Casuarina in recent years, stating the subject site would be closed, with no passive surveillance at night and on weekends, indicating an increased risk to resident safety.</p> <p>Whilst not specifically a planning matter, we offer the follow response:</p> <p>Surrounding residential dwellings are likely to be vacant during core business hours on weekdays (being the predominant operating time for the proposed development) which provides opportunities for crime. As the proposal will predominantly operate on weekdays during core business hours, it is considered patient and staff turnover at the subject site is likely to have a deterring effect on opportunities for crime.</p> <p>The subject site will likely be subject to certain security measures which may include security patrols, CCTV cameras or both. These measures would further aid in deterring crime to adjacent allotments.</p>
	 Approval of request will create precedence	<p> As discussed in the submitted Modification Report, the proposal pertains to the subject site alone and has no bearing on existing or future approvals over any other site within the Casuarina Town Centre. The proposal seeks a very specific utilisation of the proposed mixed-use development that is unlikely to be replicated within the town centre. Any other future proposals that seek change in land use or building height will be subject to assessment and determination by the Department.</p>
	 Future development applications on vacant sites will result in less density	<p> The submission noted that the submitted Modification Report referred to an increase in the number of dwellings approved on other sites within the town centre and how those aid in absorbing the loss of the estimated density approved over the subject site. The submission then notes it was <i>“not unlikely future [DA’s] for vacant sites...will include requests for lesser numbers”</i>. The matter raised is</p>

		acknowledged however, density approvals over vacant sites are a matter for Tweed Shire Council to consider should it be proposed within future DA's.
	 Health services facilities are not commercial premises and cannot achieve compliance with C7 of MP06_0258-Mod-10	 Although <i>health services facilities</i> (and therefore <i>medical centres</i> ) are not a type of commercial use, part of the proposed modification sought a change to Condition C7 to incorporate the use of <i>health services facility</i> along the entire frontage to Grand Parade to ensure compliance with the remaining requirements of Condition C7 could be achieved.  Refer to Section 4 of the submitted Modification Report and Attachment 2 of the Response to Submissions package.
COUNCIL SUBMISSION		
Issues raised	Summary of issues	Response
<b>Proposed Land Use</b>	 Clarity as to whether the proposal seeks a medical centre or health services facility	 As discussed in the submitted Modification Report, consultation was held with DPHI prior to lodgement of the s75W Modification Application.  As part of those discussions, clarification on land use classification was sought from the Department who took the matter on notice to provide future advice.  The Department provided this advice via email on 13 February 2024, clarifying <i>medical centre</i> (being a type of <i>health services facility</i> ) sufficiently incorporated some of the specialist examples provided in the meeting.
<b>Activation of Grand Parade</b>	 Proposal is not considered to have achieved activation of street frontage (Grand Parade) as required by C7 of MP06_0258-Mod-10.	 Council's submission notes C7 has not been achieved, primarily due to the fact that not all of the ground floor tenancies achieve direct pedestrian access from the street.  Please see Attachment 2 – Response to Request for Information.  <u>Direct street access has now been provided to each ground floor tenancy thereby satisfying the requirement. It is considered however that the street frontage to Grand Parade had already been activated prior to the incorporation of direct street access to clinics 1, 2a and 2b.</u>
	 No concept plans provided to demonstrate residential	 Concept plans were not provided however, a previously lodged DA over the site, DA22/0079, demonstrated that provision of 18 dwellings on the site would struggle

<b>Residential Density</b>	amenity is difficult to provide on the site whilst meeting the minimum estimated density	to meet fundamental amenity-based requirements of the Apartment Design Guide including, but not limited to, solar access, natural cross ventilation, minimum dimensions for bedrooms, and minimum areas of private open space. We are aware that a substantial Request for Further Information or Withdraw letter was issued by Council in respect of DA22/0079. It is worth noting the DA was withdrawn from the system.
	 Loss of 18 residential dwellings to be considered holistically	 Council requested DPHI consider the loss of the 18 residential dwellings from the site separately to the additional dwellings approved at No's 5 and 6 Grand Parade. Council then requested the Department to consider the impact the reduction in density would have on the Casuarina Town Centre from a holistic perspective.  It is our consideration that a holistic assessment on the impact the loss of 18 dwellings from the site would have on the Casuarina Town Centre cannot be adequately undertaken without acknowledging that majority of the estimated dwellings have already been absorbed within approved developments elsewhere within the Casuarina Town Centre.  Fundamentally, as outlined in the submitted Economic Analysis, the proposal will result in a net loss of 1 residential dwelling across the entire Casuarina Town Centre, not 18.
<b>Traffic</b>	 Ability for Sunray Lane to cater to increased traffic generated by the proposal	 Please see Attachment 3 – Response to RFI prepared by TTM  <u>Further review of the capacity of Sunray Lane and trip and vehicle generation has been undertaken. It is considered additional traffic generated by the proposed development does not exceed the capacity of Sunray Lane. Refer to amended Response to RFI prepared by TTM.</u>
	 Section A2 of TDCP 2008 requires HRV for the food and drink premises and a rate of 1 HRV space per 10 consulting rooms. Proposal provides for 2 x SRV. Justification required.	
<b>Building Height</b>	 Proposal exceeds 13.6m maximum prescribed building height.	 Please see Attachment 2 – Response to Request for Information.

	 Need for a fourth storey for a mixed use development	 As discussed in Section 3.2 of the submitted Modification Report, the proposed rooftop terrace will be a quiet, private place of respite for patients undergoing, and in between, treatment. The terrace will also provide a breakout space for staff, as well as a private space for patients to discuss options and situations with their support network. Ensuring privacy to patients at times of respite during diagnosis and treatment is of paramount importance that cannot be achieved utilising public open spaces.
--	----------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------