

Items for Consideration of Council

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Items for Consideration of Council

C O N F I D E N T I A L

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| Reports from Director Development Services in Committee | 5 |
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| <i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2)</i> | |
| <i>(d) commercial information of a confidential nature that would, if disclosed:</i> | |
| <i>(i) prejudice the commercial position of the person who supplied it, or</i> | |
| <i>(ii) confer a commercial advantage on a competitor of the council, or</i> | |
| <i>(iii) reveal a trade secret</i> | 5 |

Reports from Director Development Services

MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
 - (a) the provisions of
 - (i) any environmental planning instrument; and
 - (ii) any draft environmental planning instrument that is or has been placed on exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan, and
 - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
 - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

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1. ORIGIN: Director

FILE REF: Tweed Futures - A Strategic Plan for Tweed Shire

REPORT TITLE:

Tweed Futures Tweed Shire Strategic Plan: Business/Development and Community/Environmental Representatives on the Steering Committee

SUMMARY OF REPORT:

Twelve nominations have been received:

- One giving an option representing either of the two major sectors;
- Four nominating to specifically to represent Business/Development Sector; and
- Six nominating to specifically represent the Community/Environment Sector.

RECOMMENDATION:

That Council:

1. Invites Mr Brian Ray and Mr Graham J Martin to represent the business and development sectors on the Tweed Futures Tweed Shire Strategic Plan Steering Committee.
2. Invites Mr Steve Dale and Mr Barry Longland to represent the community and environmental interests on the Tweed Futures Tweed Shire Strategic Plan Steering Committee.
3. Expresses strong appreciation to all nominees for the commitment to the Steering Committee and assures them that their interest in the Project will also be engaged by other mechanisms during the process of preparing the new Tweed Shire Strategic Plan.

Reports from Director Development Services

REPORT:

Twelve nominations have been received:

- One giving an option representing either of the two major sectors;
- Four nominating to specifically to represent Business/Development Sector; and
- Six nominating to specifically represent the Community/Environment Sector.

Copies of nominations letters and documentation are annexed.

NOMINATIONS

| Name | Nominating Party | Business /Development Sector | Community /Environmental Interests Sector |
|---|---|------------------------------|---|
| Maggie-anne Leybourne | Self | ✓ | |
| Brian Ray, Ray Group | Self | ✓ | |
| Steve Dale | Tweed Monitor | | ✓ |
| Ben Richardson (Murwillumbah Church of Christ) | Self and Pastor Peter Pennycuick, Secretary Ministers Fraternal, Murwillumbah | | ✓ |
| Gordon Beckett | Self | ✓ * | |
| Jeff Baldwin | Penny Baldwin (wife) | | ✓ |
| Barry Longland President, Uki Village & District Residents Association | Self | | ✓ |
| Graham J Martin | NSW Canegrowers' Association Tweed River Branch | ✓ | |
| Robert G Quirk | NSW Canegrowers' Association Tweed River Branch | ✓ | |
| Patricia Betts | Self | | ✓ |
| Terry Watson General Manager, TACTIC | Self | ✓ | |
| Ray Tate | Banora Point Residents Association | | ✓ |
| Robert Wesener Fulton Trotter | Self | ✓ | |

Reports from Director Development Services

- * Mr Gordon Beckett was not specific as to which sector he nominated to represent but the above assumes Business/Development representation.

CONCLUSION

Through the General Manager Council will express strong appreciation for all of the above nominations and underlying interest taken to nominate/be nominated.

The Council resolution was to establish a Steering Committee comprising:

- Independent facilitator/chair (non-voting)
- Mayor
- Deputy Mayor
- Councillors - Cr Beck, Cr James
- Two Representatives from the Business/Development Sector
- Two Representatives from the Community/Environmental Sector; and
- Director Development Services (as the Executive Officer)

There are clearly some very worthy nominations that cannot be accommodated if the Steering Committee composition is to be retained.

The following conclusions are drawn as to the most appropriate representatives to comprise the Business/Development and Community/Environmental representatives:

- a) Mr Brian Ray, who has extensive development experience internationally, nationally and in the Tweed over the last 15 years in terms of residential and tourism developments.
- b) Mr G J Martin, who is President of a key agricultural and rural interests in the Shire and he would provide an inland, rural and agricultural range of perspectives on the preparation of the Strategic Plan.
- c) Mr Steve Dale, who has very substantial involvement in the Tweed Coast Community Coalition representing various community interest groups on the Tweed Coast and is a member of the Bogangar/Cabarita Beach Development Control Plan Steering Committee.
- d) Mr Barry Longland, as President of the Uki Village & District Residents Association, can bring again the Shirewide rural and village issues to the fore in the deliberations of the Steering Committee.

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2. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/DCP/46 Pt2

REPORT TITLE:

Draft Development Control Plan No 46 and Plan of Management - South Kingscliff Gateway

SUMMARY OF REPORT:

Lot 490 is under the care, control and management of Council. To date there have been two joint draft DCPs and Plans of Management prepared and exhibited; and Council has called for tenders for the development of the land.

Council resolved on 5 February 2003 that it reviews the draft Development Control Plan No 46 and Plan of Management. This has primarily concerned the provision of a habitable floor space of 15% of the site area.

In addition to this review, the Ray Group have requested from Council finalisation of the re-alignment of the Coast Road through Lot 490.

In determining these items, the optimisation of planning outcomes for Lot 490 must be paramount, and these have already been set out in draft DCP 46. It is concluded that 15% habitable floor space can be accommodated in the draft DCP 46 but the finalisation of the realignment of Tweed Coast Road should await the outcome of the tender process for Lot 490.

RECOMMENDATION:

That Council:-

1. Seeks the support of the Department of Infrastructure Planning and Natural Resources to finalise the joint Development Control Plan and Plan of Management for Lot 490 DP 47021 to allow for habitable floorspace of 15% of total site area subject to appropriate environmental controls to achieve the stated vision and objectives of the draft Development Control Plan.
2. Subject to that formal support, places the draft Development Control Plan and Plan of Management on public exhibition for twenty-eight days.
3. The determination of the road connection through Lot 490 is deferred until the outcomes of the tendering process and any interim realignment of the Tweed Coast Road with Lot 490 to a temporary road - constructed and potentially rehabilitated at the total cost of the Ray Group.

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REPORT:

BACKGROUND

Lot 490 is under the care, control and management of Council. It is 24 hectares in area and is located alongside Cudgen Creek, is zoned 2(f) Tourism in Tweed Local Environmental Plan 2000, and is part of the overall South Kingscliff development. It is therefore an important component in the long term future of the Tweed Coast.

A Development Control Plan is essential to the determination of the most appropriate planning for the site. To date there have been two joint draft DCPs and Plans of Management prepared and exhibited for Lot 490; and Council has called for tenders for the development of Lot 490.

Following evaluation of the second draft Council resolved on 5 February 2003 that:

“Council reviews the draft Development Control Plan No 46 and Plan of Management – South Kingscliff Gateway in respect of the request from the Tweed Coast Reserve Trust (dated 29 January 2003) and the submissions received as a result of the exhibition of the draft Plan between 4 December 2001 and 31 January 2002.”

The Tweed Coast Reserve Trust has previously recommended to Council that:-

“The Tweed Coast Reserve Trust requests Council to review draft DCP No 46 and Draft Plan of Management, indicatively to include:-

- 1. The habitable built environment is not to exceed more than 15% of the land space of Lot 490.*
- 2. The average building height not to exceed 8 metres and nothing to exceed three storeys”.*

In addition to the review of DCP No 46 requested by Council, the Ray Group have requested from Council finalisation of the re-alignment of the Coast Road through Lot 490, in the following terms:

“Following our discussions with you last Thursday regarding the possible future development of Lot 490 at South Kingscliff, enclosed is our initial plan DA26, as produced by Cardno MBK, which shows our proposal for the road alignment from the northern boundary of Salt through to the connection with Cudgen Creek Bridge.

Whilst this alignment is notional, we believe that it fits in with an alignment that would have been created by the development of the allowable areas shown in the previous two draft DCPs.

We are willing to risk the costs involved in preparing a formal design and development application if we have an understanding that this proposed alignment is generally in accordance with the Trust’s proposal for future development of this land.

Whilst we understand that the final decision on this alignment can only be made once the DCP is displayed and subsequently finalised, at this point we would simply request some advice as to the suitability of this proposed alignment.”

DRAFT DCP 46

The draft Plans prepared to date have been based on the following vision and objectives:

“3.0 THE VISION

3.1 Why do we need a Vision?

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The Vision is an expression of the community's ambitions for the site – encompassing the environmental, economic and cultural aspirations of the Shire and the State and including its recreational and visual expectations.

The Vision: Quality eco-tourism development in a bushland setting combining a range of recreational opportunities and economic benefits to the community while ensuring protection and enhancement of the land's environmental values.

3.2 Plan Objectives

The objectives of the identified Vision for the development of the site are to create a development that exhibits the following characteristics:

Accessibility: *Walking and cycling will be safe, pleasurable and stimulating activities for people with a range of abilities. The internal movement network needs to be integrated with the external. This includes connection to Management Unit 1 – Gateway to Kingscliff and land east of the present Coast Road. Development of the site will include contribution towards (6) provision of pedestrian access across Cudgen Creek.*

Open Space: *An abundance of green spaces to ensure the development's natural bushland setting. Physical and visual links between development and creek and dune foreshore areas including the fore dunes east of the present location of the Coast Road will be enhanced. A significant proportion of the open space will remain accessible to the general public.*

Environmental Enhancement: *Landscaping will be of a high standard, with an emphasis on regenerating native coastal vegetation and the retention of existing natural vegetation. The landscaping will contribute to creating a microclimate supportive of year-round outdoor experiences at both Creek side and Beach side including enhancement of the vegetation and access in Lot 500 adjoining the site.*

Visual Amenity: *Landscaping and rehabilitation, when viewed from surrounding residences, will ensure the retention of a sense of a bushland setting that provides the perception that urban ribbon development along the coastline has been minimised.*

Built form: *New development will be of a low scale and will be designed to respond favourably to the local climate and topography. Ideally, the built development will incorporate contemporary architecture with subtropical themes expressed through living areas strongly connected to the outdoors with sheltered transition zones such as decks and verandas.*

Recreation: *The beachfront and the estuary will be the focus for recreation, including walking, cycling, jogging, water sports, children's play and other beach related activities that are linked to the fore dunes east of the present location of the Coast Road and Sutherland Point.*

Lifestyle: *The development will cater for a range of lifestyle experiences in a relaxed and safe environment.*

Tourist: *New development will be designed in line with eco-tourism principles:*

“Ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation.

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Tourism in a natural area that offers interesting ways to learn about the environment with an operator that uses resources wisely, contributes to the conservation of the environment and helps local communities”.

(Nature and Eco-tourism Accreditation Program 2000)

Financial return: *The development will generate a sustainable source of funding of sufficient magnitude to assist the Tweed Coast Reserves Trust to adequately manage and maintain the single coastal reserve.”*

The draft Plans prepared to date have combined the planning controls of a DCP with the public land management requirements of a Plan of Management. This, together with the need to protect the natural qualities of the site and retain community access, has dictated the format and content of the draft Plan. As a result the draft Plan has balanced a range of social, economic and environmental issues; identified two development areas: beachside and creekside; nominated an amount of development for each area has been (150 units and 50 cabins respectively); and maintained a significant area of open space for continued public use.

At this stage the Trust has not expressed any view on the preferred form of development. The Trust has expressed the view that the return from any development should at least be sufficient to meet the maintenance costs of the Coastal Reserve.

The scale of nominated development reflects the content of the public submissions made to the earlier exhibition of the Options Report. The western boundary of Area 1 has been defined by the realignment of the Coast Road should developers wish to fund it. This would allow public parking along the existing Coast Road formation; and increase the attraction of Unit 2 by removing the road fronting the Unit.

Yield

The current draft DCP provides for the following yields:

Management Unit No. 2 – Beachside

This unit is approximately 5.5ha in area and may accommodate up to an indicative maximum of 150 rooms.

Management Unit No. 3 – Creekside

This unit is 3.5ha in area and may accommodate up to an indicative maximum of 100 units/sites.

The February resolution of Council has been assessed as follows:

- Site Area
 - Total site area = 247,200m²
 - 15% site area = 37,000m²
- Apartment size/assumptions:
 - 1 bed - 55m²
 - 2 bed - 90m²
 - Cabin - 40m²

Reports from Director Development Services

- The Floor Space arising from the development yields proposed in Draft DCP 46 are as follows:

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| Management Unit No 2 (150 x 2 bed units) - total floor space | 13,300m ² |
| Ancillary floor space (based on Salt). | 5,000m ² |
| Pool etc | 1,000m ² |
| TOTAL | 19,300m² |

| | |
|--|----------------------------|
| Management Unit No 3 (50 cabins) - total floor space | 4,000m ² |
| Reception Areas, etc | 1,000m ² |
| Pool | 500m ² |
| Recreation Area | 500m ² |
| TOTAL | 6,000m² |
| GRAND TOTAL | 25,300m² |

On this basis the total floor space provided for in previous DCPs is 25,300m² (approximately 10% of total site area), which is less than the 15% nominated in the Council resolution. The resultant yield from a 15% site area would allow for additional units of anything between 100 x 2 bedroom units to 200 cabins.

The additional floor space would significantly increase the amount of accommodation over and above the stated vision for Lot 490. However, a nominated habitable floor space of 15% of that site area could be supported as a maximum for potential development subject to:-

- This figure not being used as a target
- The resultant development meeting all necessary environmental controls as set out in the draft DCP
- There being no adverse impacts as a result of the development.

Salt Development

Approval was granted for Salt on 23 April 2003. The approved plans indicate Casuarina Way being relocated as indicated by Figure 1 with an assumption that it would bisect Lot 490 in a new alignment. Until such time as that new alignment has been constructed, a temporary road reserve between Casuarina Way and the existing Coast Road is conditioned to be created along the northern boundary of the SALT site.

Taking the commitment of where Casuarina Way connects with the southern boundary of Lot 490 as a conditioned commitment, it is recommended that the alignment through Lot 490 be ultimately determined by the tendering process and optimal public benefit in developing Lot 490.

Casuarina Way

The principles on which the draft DCP 46 alignment of the Coast Road are based have been detailed above. The objective was:

- to maximise the amount of open space area between Management Units 2 and 3, which is available for continued public use;

Reports from Director Development Services

- to minimise the length of the realignment of the Coast Road and hence the cost - any substantial costs may inhibit the viability of the development of Lot 490. The proposal by the Ray Group is at odds with those objectives.

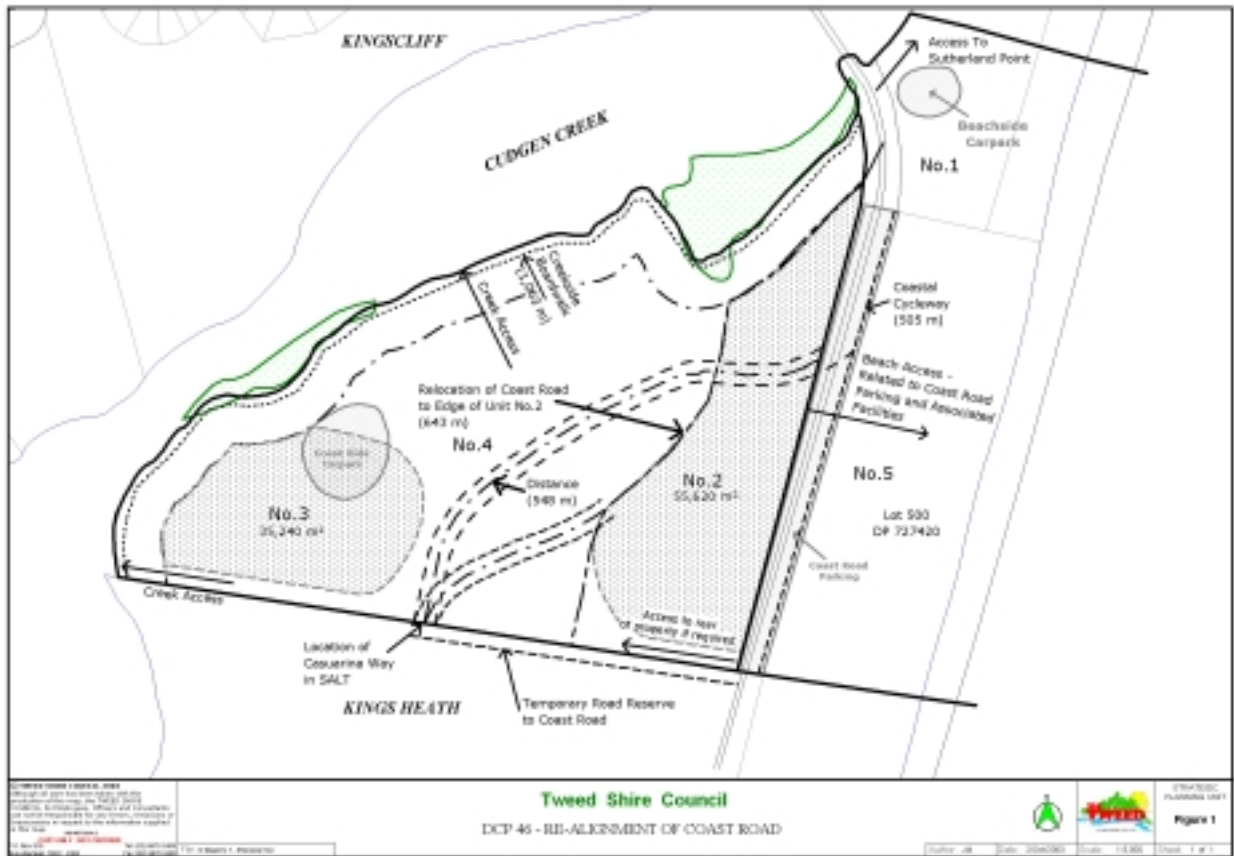
In determining the realignment of Coast Road the optimisation of planning outcomes for Lot 490 must be paramount, and these have already been set out in draft DCP 46. The options are summarised as follows:

1. Retain the alignment of Casuarina Way within the SALT development and adjust the alignment in Lot 490 as indicated by Figure 1.
2. Accommodate the realignment proposed by the Ray Group subject to the Ray Group funding the road.
3. Leave determination of the road connection through Lot 490 until the outcomes of the tendering process and any interim realignment of the Coast Road with Lot 490 to a temporary road - constructed and potentially rehabilitated at the total cost of the Ray Group.

Option 3 is preferred.

Draft DCP 46 considered by Council at its meeting on 5 February 2003 is attached.

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