

## ITEMS FOR CONSIDERATION OF THE TRUST:

ITEM	PRECIS	PAGE
	REPORTS THROUGH THE GENERAL MANAGER/EXECUTIVE MANAGER	5
	REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT	5
1	[PE] Tweed Heads Masterplan - Jack Evans Boat Harbour	7

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK

## REPORTS THROUGH THE GENERAL MANAGER/EXECUTIVE MANAGER

### REPORTS FROM DIRECTOR PLANNING & ENVIRONMENT

#### 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.

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**1 [PE] Tweed Heads Masterplan - Jack Evans Boat Harbour**

**ORIGIN:**

**Strategic Town Planning**

**FILE REFERENCE: GT1/LEP/2000/64**

**SUMMARY OF REPORT:**

Diane Beamer, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), released the Tweed Heads Masterplan on 27 August 2004. The Masterplan is a vision document with no statutory force at this point in time.

It will fall to Council to implement the Plan. Therefore, Council needs to establish a position on the Masterplan as well as develop and implement the Plan into an achievable framework. Several Council policy documents will need to be amended to reflect the specific details expressed in the vision put forward in the Masterplan. Specifically this would include the Tweed Local Environmental Plan 2000 and Development Control Plan No. 18 Tweed Heads as well as a new Section 94 Developer Contribution Plan.

To undertake any of the development and upgrade work identified in the Masterplan a Plan of Management for Jack Evans Boat Harbour will need to be drafted, exhibited and adopted by the Trust, as well as being approved by the Minister of Lands. To commence this process the Minister will need to agree to the preparation of a draft Plan of Management.

This Trust report examines the strategic implications that arise from the Tweed Heads Masterplan and how best they should be implemented. Finally, it recommends that the Trust endorses Council's resolutions of 6 October 2004.

**RECOMMENDATION:**

That the Jack Evans Boat Harbour Reserve Trust

1. Endorses the following Council resolutions of 6 October 2004;

Gives a low priority to the Lagoon concept, stormwater and drainage plans and Tweed Heads centre bypass due to resource constraints.

Undertakes to compulsorily acquire Lot 703 DP 877250 (Part of Reserve 88182) Coral St, Jack Evans Boat harbour, Tweed Heads and Lot 7035 DP 1053313 (Reserve 1000253) Corner of Bay St and Dixon St (Queensland), Tweed Heads

Approaches the Minister for Lands for approval to prepare a draft Plan of Management for Jack Evans Boatharbour Reserve.

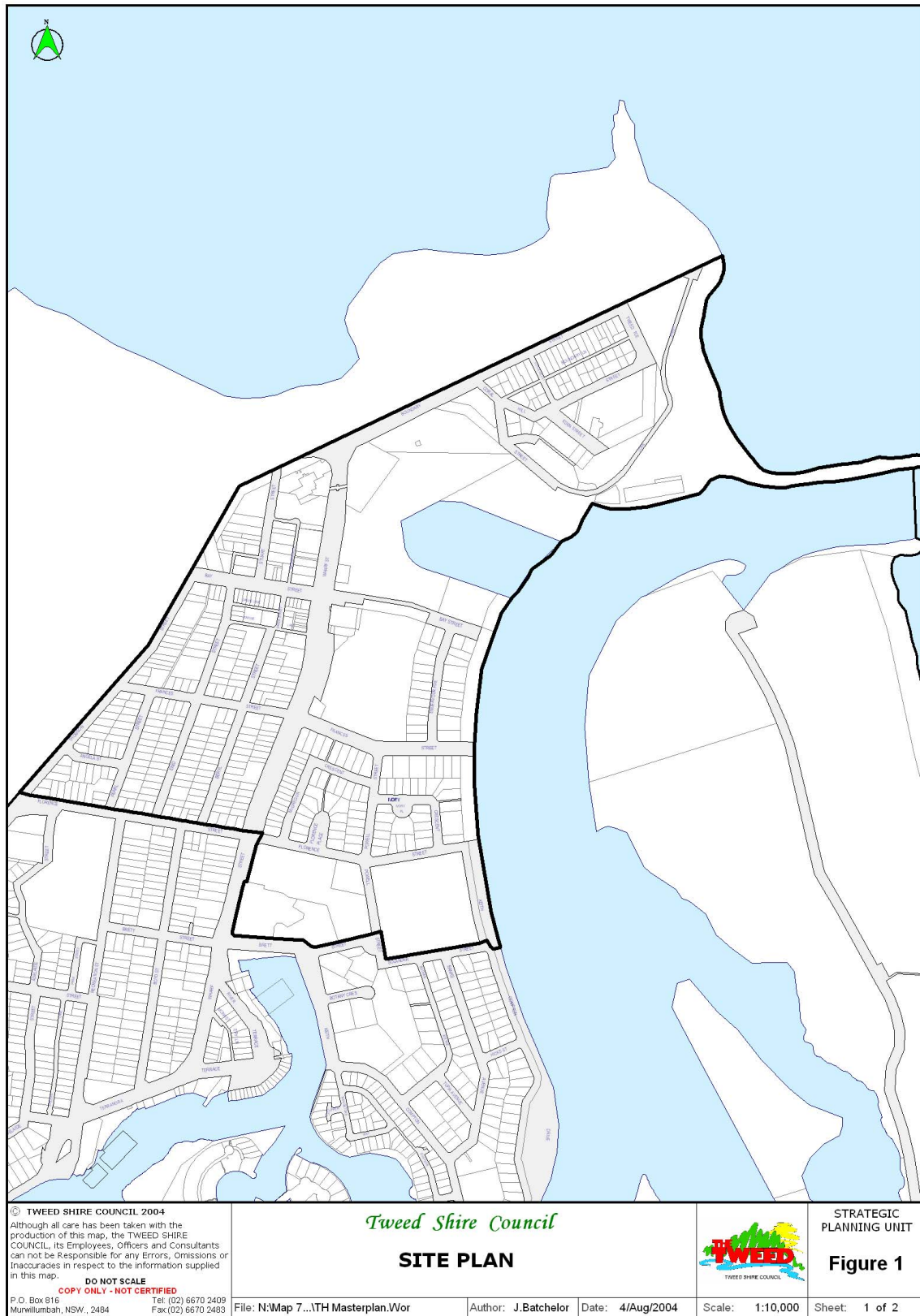
2. Endorses Council's request to the Minister of Lands to consent to the preparation of a draft Plan of Management for Jack Evans Boat Harbour Reserve.

**REPORT:**

**Locality**

The Tweed Heads Masterplan covers the Tweed Heads CBD area north from the Queensland / New South Wales border south to the Hospital and Tweed Heads Civic Centre. Figure 1 below represents the extent of the Tweed Heads Masterplan.

Figure 1 - Locality Plan





## Background

Central Tweed Heads has historically played a major role in the economy of the Tweed. Over the years the economic focus has been shifted to other areas such as Tweed Heads South and Kingscliff. This has left Tweed Heads CBD demonstrating a lacklustre economic vitality and a large amount of vacant commercial / retail floorspace.

For some time there has been a push to revitalise central Tweed Heads. This would involve a restructure of the economic focus of the area, including the review of tourism and the retail sectors, and what part they will play in the future of the area.

On 13 June 2002 Andrew Refshauge MP, the then minister for Urban Affairs and Planning, announced the establishment of a Ministerial Taskforce for Tweed Heads. The Taskforce was established after numerous requests were made to the Minister to establish comprehensive planning controls for Tweed Heads after the development application was received for the Latitude 28 high rise proposal.

The Taskforce's web page identifies its objective as follows:

*"The State Government is helping to develop a **Masterplan** for Tweed Heads to re-establish the Tweed Heads Central Business District as the economic and cultural centre for the region. As a starting point a Taskforce was formed to review and direct investigations. The taskforce comprises a large number of State and Local Government bodies and local community organisation".*

The Taskforce was co-chaired by State Member, Neville Newell MP and Council's General Manager, Dr John Griffin. The Masterplan was completed and placed on public exhibition in June 2004.

Following the exhibition of the draft Masterplan Council resolved to make a submission to the Taskforce as follows:

*"That Council:*

- *Generally supports the direction of the draft Masterplan,*
- *Recommends that a group be established between the Tweed Heads Taskforce, State Government and Council to conduct a detailed investigation into the specific financial, policy and infrastructure components of the draft Masterplan,*
- *Proposes to the State Government that funds should be made available from the Plan First strategic planning developer levy to undertake further detailed assessment of the final Masterplan and any subsequent drafting of statutory documents".*

The Taskforce has finalised the preparation of a draft Masterplan and presented it to the Minister who released the final plan on 27 August 2004. The Minister also announced an allocation of \$200,000 to Council to implement some of the findings of the Masterplan into Council's policy documents.

## Masterplan

The Tweed Heads Masterplan represents a vision document which has detailed proposals and specific elements. Their feasibility needs to be investigated and if practical they will need to be incorporated into Council land use and other policy documents.

## Vision

The Masterplan Vision is expressed as:

***"Tweed Heads 2015 - a place where people live, work and play in a vibrant, diverse and sustainable Town Centre".***

The vision for the Tweed Heads Masterplan incorporates 10 years of future development for the Tweed Heads town centre. It also incorporates a substantial shift from the existing urban design and character of Tweed Heads.

To achieve this vision a large amount of infrastructure development and capital expenditure will be required. Funding for this development will be reliant on both public and private investment. The issue of capital expenditure and sources of funding is considered in a later section of this report.

This report summarises the major features of the Masterplan, in relation to the Jack Evans Boatharbour.

## Jack Evans Boat Harbour Reserve

The Masterplan proposes substantial modifications and improvements to the Jack Evans Boat Harbour. These proposals are summarised below (see also Figure 2):

- Cultural gardens
- Cultural Centre
- Marina – Rescue craft
- Amphitheatre
- Joint facilities VMR building Duranbah Beach
- Pedestrian access (switchback stairs) Point Danger
- Tourism facility – Flagstaff Hill
- Cultural / Museum, Old Pilot Station site, Flagstaff Hill
- Twin Towns, ground floor retail / restaurant / Café Boat harbour frontage
- Upgraded parkland Wharf St
- Market area, Bay St carpark

**Figure 2 - Jack Evans Boatharbour Redevelopment Opportunities**



#### **Area 4 - Cultural Centre**

This represents a new civic centre building to be relocated from the existing site on Wharf Street, which is proposed to be an extension of the adjoining University.

This site is currently underwater. To achieve the development of a Cultural Centre on this site would require substantial filling. It is unclear how this would be achieved, and whether the fill material is proposed to come from the excavation of the pool lagoon to the north. This issue requires further assessment.

Depending on the size and scale of the building it is anticipated that a small to medium size Cultural Centre would be between \$2 to \$10 million. These cost estimates are based on the development costs of the Banora Point Community Centre project.

#### **Area 5 - Marina**

It is difficult to determine how this facility would operate from the information in the Masterplan. But it is considered it would be a joint facility between specific rescue craft and a private marina operator. Any private commercial operation would generate a return to the Trust. Given the size of the facility it is considered that it would not

accommodate many craft, and this constrains the amount of rent which would be generated for a commercial operator.

This area is within the 6(b) Recreation zone where a marina is allowable with consent. Any development application for a marina would require concurrence with the Dept. of Natural Resources. Before any development application can be considered the Minister for Lands has to adopt a Plan of Management identifying the marina.

### **Area 12 – Twin Towns - Ground Floor Commercial / Retail**

The commercial viability of this proposal is not a concern of Council. The land occupied by Twin Towns is zoned 6(a) Recreation, Shops are a prohibited use within this zone Refreshment Rooms (Cafes and Restaurants) are allowable with consent.

Twin Towns have a lease over the footprint of their building, and a separate lease over the car park area fronting the Boat Harbour the site of the proposed ground floor commercial development would need to be include in a Jack Evans Boat Harbour Plan of Management.

### **Feasibility/Priorities**

The Masterplan nominates a range of projects and works. An assessment was carried out in the Council report 6 October which determined that the Lagoon concept for the reserve would require a large amount of capital to develop. Ongoing operational and maintenance costs would also be a restricting factor. Also there are issues regarding public safety and liability of a public access swimming area.

### **Jack Evans Boat Harbour Plan of Management**

Currently there is no adopted plan of management for the Jack Evans Boat Harbour Reserve. Therefore any commercial development on this reserve would require a plan to be drafted and considered in relation to the purpose of the reserve.

It would be preferable to undertake a plan of management for the entire boatharbour reserve but it is possible to prepare a plan for specific areas of the reserve. A draft plan of management needs to be publicly exhibited as well as adopted by the Minister for Lands as well as being adopted by the Reserve Trust. As part of the reserve is underwater it would also require concurrence with the Minister for Fisheries.

Jack Evans Boat Harbour covers all the crown land on Flagstaff Hill as well as Duranbah Beach.

The northern shore of the boat harbour has some area which will need to be reclaimed to accommodate the cultural centre (refer Figure 2). This represents considerable earthworks. This area is zoned both 6(a) Open Space and 6(b) Recreation, Earthworks is allowable with consent in both these zones.

It is important that any commercial proposals are examined in more detail and represented in the draft Plan of Management for the Boat Harbour.

---

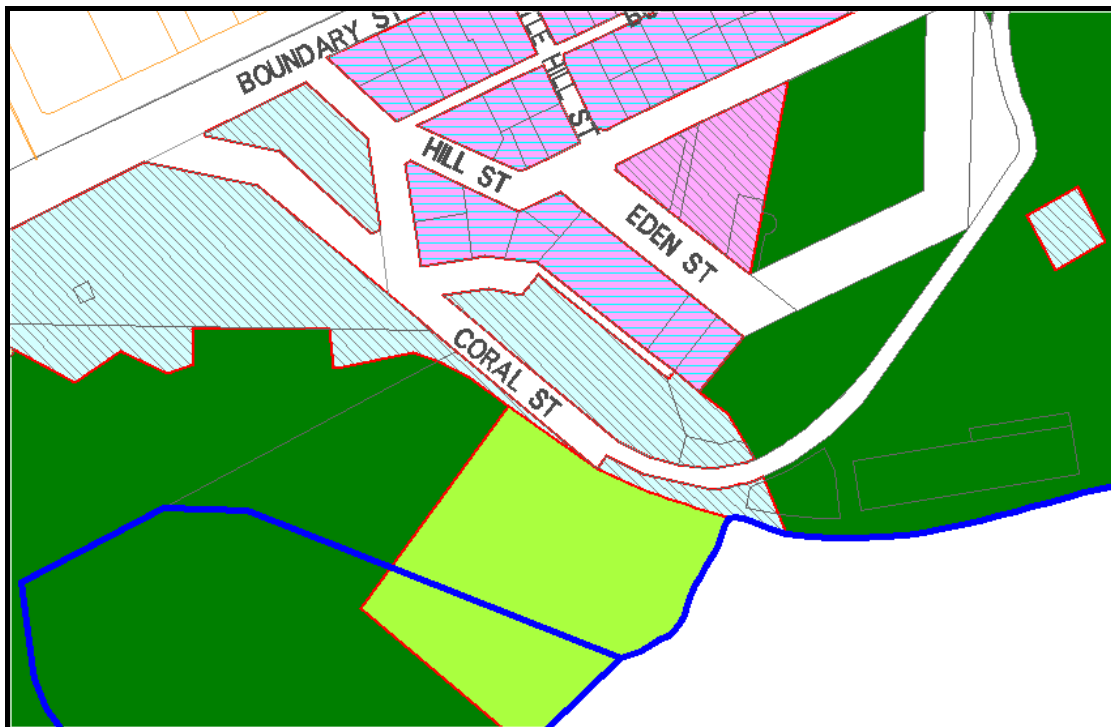
To instigate the preparation of a Plan of Management the Jack Evans Boat Harbour Reserve Trust will need to endorse the Council resolution of 6 October 2004:

*"Recommends to the Jack Evans Boat Harbour Reserve Trust that it notify the Minister of Lands requesting consent to prepare a draft Plan of Management for Jack Evans Boat Harbour Reserve, in accordance with section 112 of the Crown Lands Act, to implement the vision and objectives of the Tweed Heads Masterplan.*

*Approaches the Minister for Lands for funds to prepare a draft Plan of Management for Jack Evans Boatharbour Reserve".*

### Commercial Opportunities

**Figure 3 - Coral St (Opposite Jack Evans Boat Harbour) (Lot 703 DP 877250) Site Location**



An area of the Reserve has been identified by the Tweed Heads Masterplan for commercial opportunities to provide capital funding for Council to assist in providing some of the public infrastructure identified in the Masterplan (see Figure 3). The parcel is Lot 703 DP 877250 (Part of Reserve 88182) Pearl St, Jack Evans Boat Harbour, Tweed Heads. More details on this parcel of land can be found in the Council report of 6 October 2004.

To undertake this development it is important that the parcel of land be established in Council ownership and classified as Operational Land so that the land can be strata titled and resold after being developed.

This can be achieved by compulsory acquisition under the provisions of the Crown Lands Act it is recommended as part of this report the Minister of Lands is requested to undertake this transfer at a nominal rate.

To commence this Council resolved at its meeting on 6 October 2004 that it:

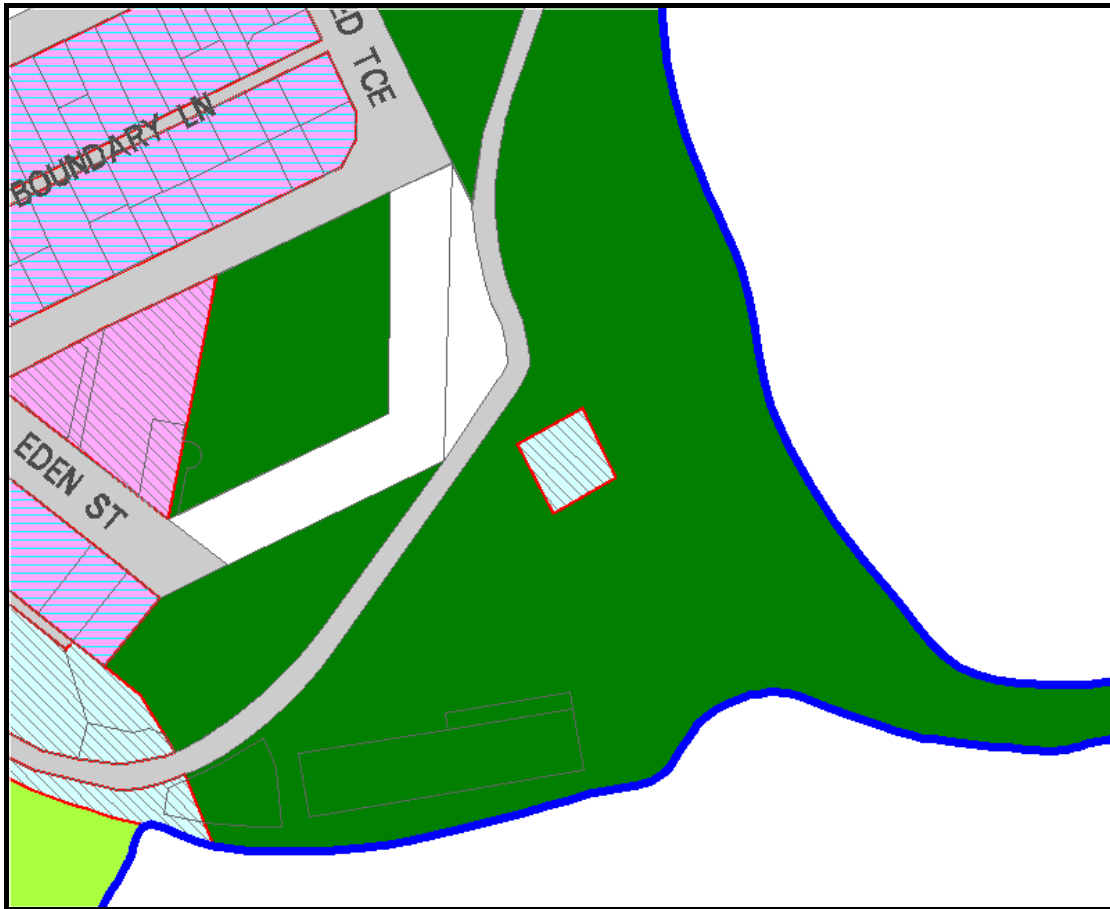
*"Advises the Jack Evans Boat Harbour Reserve Trust that it intends to acquire Lot 703 DP 877250 (Part of Reserve 88182) Coral St, Jack Evans Boat harbour, Tweed Heads".*

Another commercial opportunity has been identified at the Cudgen Beach VMR (see Figure 4). This proposal identifies the redevelopment of the existing building to a 2 storey complex with the top floor in Council's ownership with sub leasing rights for commercial operations. This would provide a commercial return to Council.

It is very difficult to determine a rental return for this lease area. There are many factors which need to be considered in determining the rent. Specifically, these are the unique location, design and use of the redeveloped building.

Any rent achieved from this proposed lease area will be a minor return on both the value of the land and the capital cost of redevelopment.

**Figure 4 - Cudgen Beach VMR Building (Part Lot 7033 DP 1053088)**



**LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**UNDER SEPARATE COVER:**

Nil.

---

THIS  
PAGE  
THIS  
PAGE  
IS  
IS  
BLANK  
BLANK