

B5 - CASUARINA BEACH

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- B5 - CASUARINA BEACH..... 1**
- B5.1 INTRODUCTION ..... 1
- B5.1.1 Aims of this Section..... 1
- B5.1.2 Land to which this Section applies ..... 1
- B5.1.3 How to use this Section..... 1
- B5 - Map 1..... 3**
- B5 - Map 2..... 4**
- B5.1.4 How does this Section relate to other Sections and Environmental Planning Instruments? ..... 5
- B5.1.5 Relevant Principles, Policies and Actions of the Tweed Shire 2000+ Strategic Plan and NSW Coastal Policies ..... 5
- B5.2 URBAN DESIGN ..... 6
- B5.2.1 Background..... 6
- B5.2.2 Urban Design Principles..... 6
- B5.3 MANAGEMENT OF INFRASTRUCTURE PROVISION..... 9
- B5.4 MANAGEMENT OF ENVIRONMENTAL MATTERS ..... 12
- Annexure 1 - Shirewide Strategic Principles..... 14**
- Annexure 2 - NSW Coastal Policy 1997 - A Sustainable Future for the New South Wales Coast ..... 21**





## B5 - CASUARINA BEACH

### B5.1 INTRODUCTION

#### ***B5.1.1 Aims of this Section***

- Implement the negotiated Settlement - particularly implementing the Development Plan and well managed and coordinated implementation of the provision of public services and infrastructure;
- Provide more detailed provisions than those contained in the Tweed Local Environmental Plan 2000;
- Provide clear policies and guidance for the future development and management of the subject land to all stakeholders; landowners; State Government agencies and potential residents;
- Reflect the State significance of this coastal site, particularly in terms of environmental planning and management and urban and landscape design;
- Apply the principles, policies and actions of the Tweed Shire 2000+ Strategic Plan, the NSW Coastal Policy and Ecologically Sustainable Development;
- Reflect the strategic context of the subject land and provide a basis for subsequent preparation of a Development Control Plan for South Kingscliff generally - as shown on B5 - Map 2;
- Provide a sound policy basis for the development assessment and determination of the merits of development as required by Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended);
- Encourage innovation in design commensurate with this Section, AMCORD 95 and its successors.

#### ***B5.1.2 Land to which this Section applies***

This Section applies to all land within the area referred to as Casuarina Beach and as shown within the area defined by the bold line on B5 - Map 1 - the property description being Lots 1 and 2 in DP 811425. The Plan generally derives from a Settlement negotiated between the landowner (Lenen Pty Ltd) and Tweed Shire Council (October 1998) and relates also to the Coastal site owned by Narui Gold Coast Pty Ltd.

#### ***B5.1.3 How to use this Section***

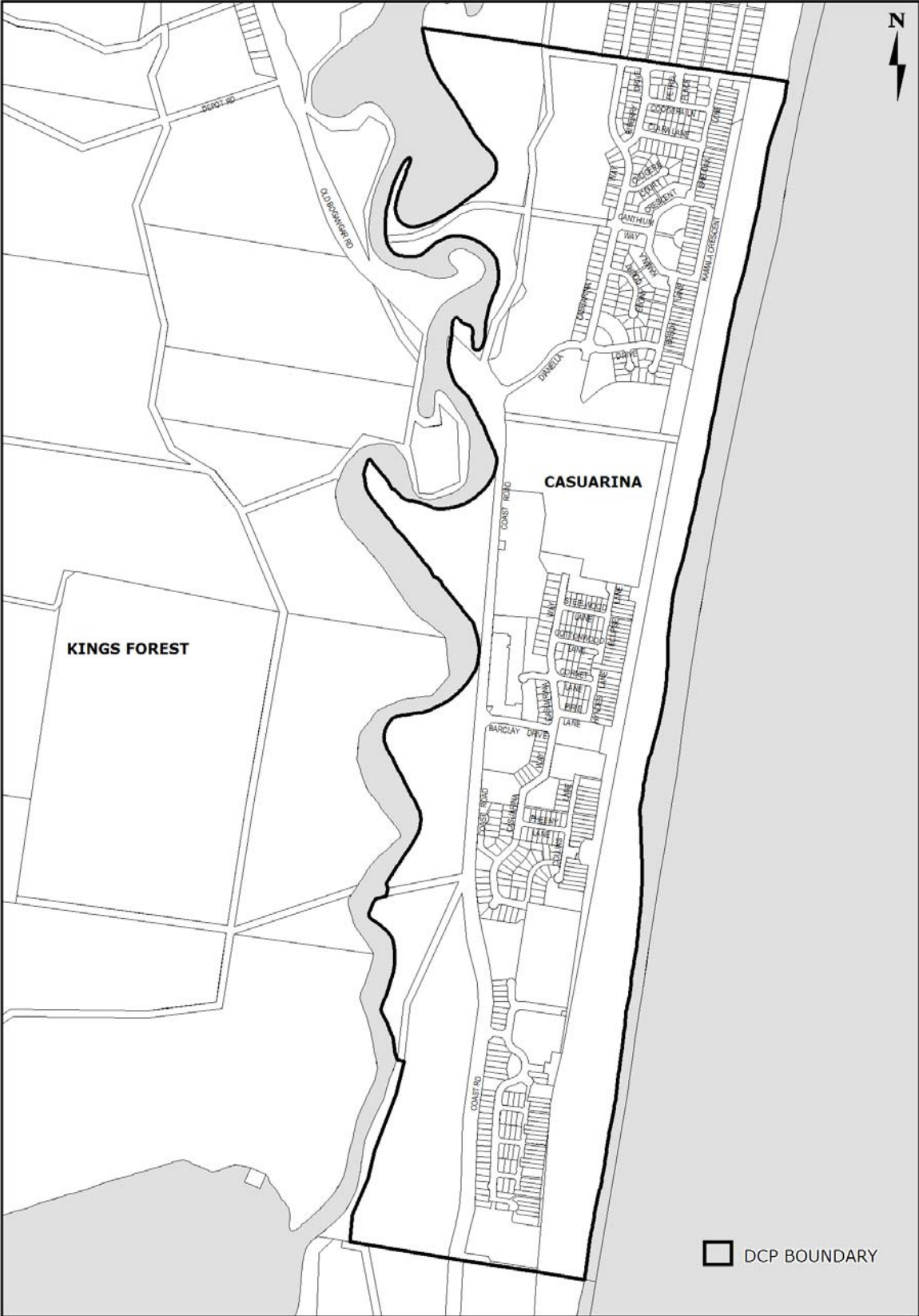
Where a development is proposed in respect of land to which this Section applies, Council shall take the provisions of this Section into consideration in determining the application.

Compliance with the provisions of this Section does not necessarily imply that Council will grant consent to an application - Council must also take into consideration those matters listed under Section 79(C)(1) of the Environmental Planning and Assessment Act, 1979. Where justified, Council may consent to an application which departs from the provisions of this Section.

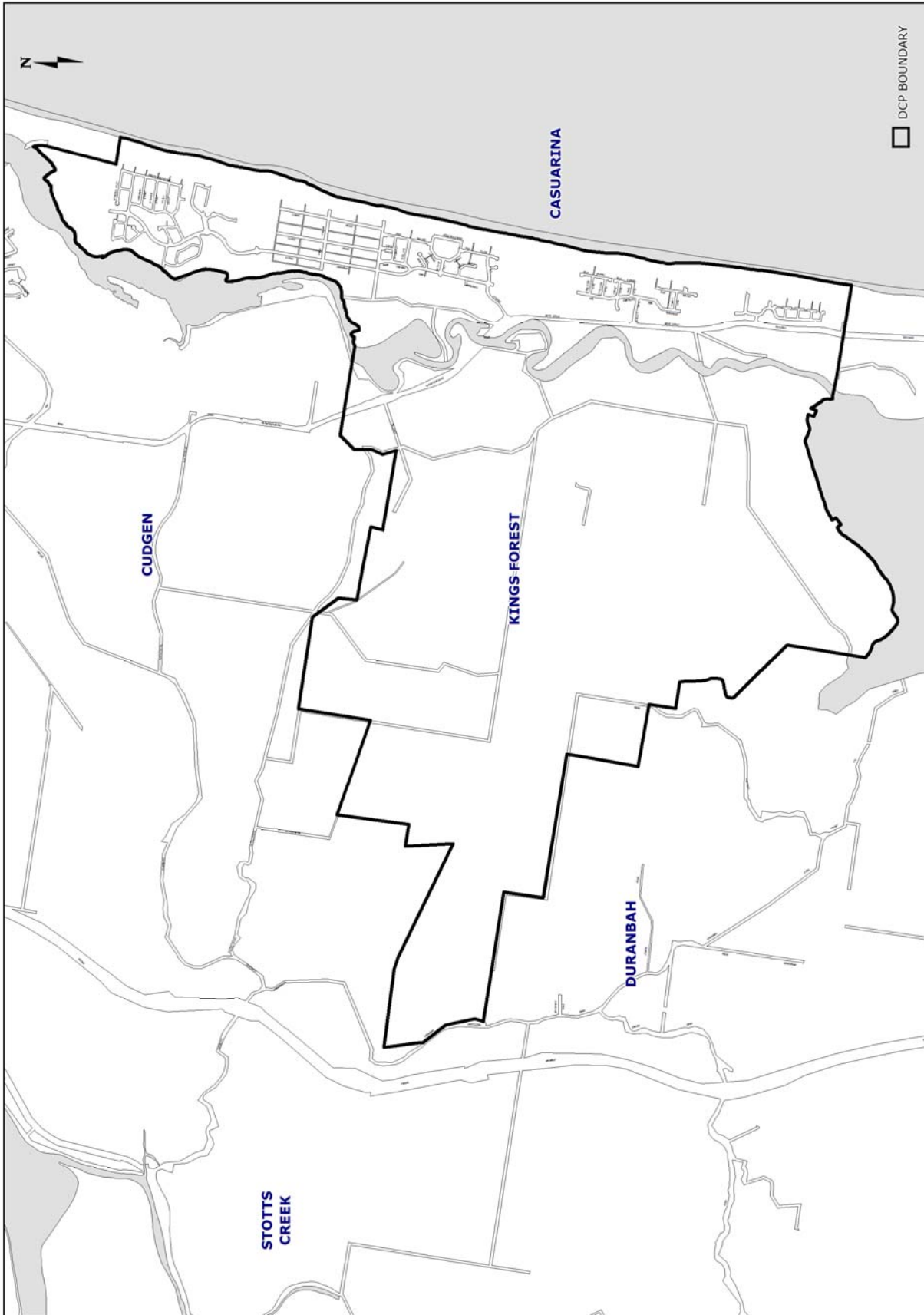
In preparing an application for development there are a number of specific steps which should be followed:

- Step 1:** Check the zoning of the site under the Tweed LEP to ensure the proposed development is permissible.
- Step 2:** Determine whether any other Sections or Council Policies apply to the site.
- Step 3:** Carefully work through the Urban Design (B5.2), Management of Infrastructure Provisions (B5.3) and Management of Environmental Matters (B5.4).

B5 - Map 1



# B5 - Map 2





#### **B5.1.4 *How does this Section relate to other Sections and Environmental Planning Instruments?***

Where an inconsistency arises between this Section and any environmental planning instrument applying to the same land, the provisions of environmental planning instrument prevails. An environmental planning instrument means a State Environmental Planning Policy, a Regional Environmental Plan or a Local Environmental Plan.

Where there is an inconsistency between this Section and any other Sections, the provision of this Section shall prevail.

Other relevant Sections which may have to be referred to in the determination of a development application include:

Section A1 - Residential and Tourist Development Code

Section A2 - Site Access and Parking Code

Section A4 - Advertising Signs Code

Section A5 - Subdivision Manual

S94 Contribution Plan No 4 - Tweed Road Contributions Plan

S94 Contribution Plan No 6 - Street Tree Planting in Residential Areas

S94 Contribution Plan No 11 - Library Facilities

S94 Contribution Plan No 12 - Bus Shelters

S94 Contribution Plan No 13 - Eviron Cemetery/Crematorium Facility

S94 Contribution Plan No 16 - Emergency Facilities (Surf Lifesaving)

S94 Contribution Plan No 18 - Council Administration Offices and Technical Support Facilities

S94 Contribution Plan No 19 - Casuarina Beach/Kings Forest

Section 94 Contribution Plans enable Council to apply conditions requiring the dedication of land to Council or the payment of monetary contributions towards public amenities and services or both, which are required by that development. The Section 94 criteria for contributions are based on:-

- a. being for or relating to a planning purpose;
- b. being fair and reasonable related to the subject development;
- c. being such as a reasonably Planning Authority (duly appreciating its statutory duties) could properly impose.

Council is required to have adopted Section 94 Contribution Plans before it may legally include a requirement to make a contribution as a condition of development approval.

#### **B5.1.5 *Relevant Principles, Policies and Actions of the Tweed Shire 2000+ Strategic Plan and NSW Coastal Policies***

These are extracted and presented as Annexures 1 and 2 respectively. This Section, the negotiated Settlement and Court Consent Orders (sought on 17 December 1998) seek to implement these Principles, Policies and Actions.

## B5.2 URBAN DESIGN

### B5.2.1 *Background*

The Casuarina Beach Coastal area is one of the most significant remaining coastal sites zoned for substantial development in New South Wales. This Section seeks therefore to recognise the State significance of this site and ensure high quality urban design and environmental conservation. The land contains sites with high potential for major tourist development beneficial to the Shire's economic development and employment generation, and will also be subject of substantial demand for short term (day tripper) tourists and hence the provision of well located and well managed public car parking areas and beach access points are also critically important. Planning for the site needs to extend to principles of design for architectural form and landscaping.

The total population yield from the development of the Management Lots which are Lots 1-7 on the Development Plan) in accordance with future development consents are based upon the following estimates:-

<b>Lots</b>	<b>Population</b>
1	550
2	620
3	1100
4	700
5	1520
6	400
7	710
<b>Total</b>	<b>5600</b>

### B5.2.2 *Urban Design Principles*

Urban design for this land shall be based upon AMCORD 95 and its successors. Design of key buildings shall be of the highest architectural standards and reflect this significant coastal location.

The Urban Design Principles for the development of Casuarina Beach are:-

1. East/west open space and cycleway/footpath linkages shall be provided as shown on S94 Plan No 22 - Cycleways (Maps 8 and 9). Distinction is made between those cycleway/footpaths contained in proposed public open space from those included in a local road reserve. The former are included in the Section 94 Contributions Plan for the subject site, whereas the latter are required for construction as an integral part of implementation of the relevant development consent. A "lattice" open space system shall provide for permeability and access to and from the ocean foreshore and Cudgen Creek open space areas shall be reflected as significant regional open space elements with continuous cycleway and/or footpaths with related quality landscaping.
2. (a) The minimum setback from the street front boundary to the wall of a dwelling is to be not less than six (6) metres.  
 (b) The minimum setback from the street front boundary to the wall of a single garage is to be not less than 5.4 metres and not less than 5 metres to the wall of a double garage.

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- (c) Special design elements such as verandas, entrances and the like constructed of open design shall be setback a minimum of 3 metres from the front street boundary.
    - (d) The minimum side boundary setback for any dwelling shall be not less than 900mm to the wall and not less than 675mm to the outer most projection of the eave.
    - (e) The minimum setback from a secondary street boundary of a corner lot to the wall of a dwelling is to be not less than 3 metres.
    - (f) For beachfront lots, the rear building line is the boundary line between the 2(e) and 7(f) zones. No structures are permitted within the 7(f) zone.
    - (g) All fencing east of the 7(f) and 2(e) zone boundary shall be a maximum height of not more than 1.2 metres.
  3. The fencing of the boundaries of the private open space/beach maintenance areas identified on the Development Plan shall be compatible with fencing protection of the dunal areas, based upon Queensland and NSW State Agency Guidelines and indicatively a maximum of 1.2m in height with wooden posts and horizontal structural components with wide high quality wire mesh.

The management of the private open space/beach maintenance areas shall be clearly specified in management statements provided to Council as an integral part of the development applications for the subdivision and development of the related residential land in the Management Lots created by Stage 1.
  4. Footpath alignments and signage shall be provided to provide for safe and legible access by the public between car parking areas, residential precincts and open space areas to the ocean foreshore open space and beach access points. Such alignments shall be designed to maximise visual benefit to surrounding views of the beach, ocean and areas of environmental quality and be winding and incorporating good quality landscaping and lighting.
  5. Local streets/laneways shall be provided at, approximately, a maximum 3.5m road pavement - incorporating passing bays - with a 6m reserve with suitable footpath width for the inclusion of relevant services on the perimeters of precincts 21, 22, 23 and 24 to form an integral part of bushfire hazard reduction buffer and a general buffer between the development and the dedicated Lot 8 for an "environmental conservation". Similarly, such local streets/laneways shall be provided on the boundary/perimeters of the development precincts as they abut public open space and drainage reserves, ie. precincts 9, 10, 11, 12, 13, 16, 17, 18, 19 and 20.
  6. The final width and design of public open space and drainage reserves as indicated on the Open Space Plan shall be finalised with the submission of a development application for the relevant Management Lots. Adjustment to the development areas of precincts 11, 12, 13, 17, 18, 19 and 20 is encouraged providing that adequacy of useable and well landscaped open space is ensured in conjunction with the drainage reserve and flow path.
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7. a. Public car parking provision shall be provided as part of road reserve construction during the course of the development of the Management Lots on the coastal foreshore roads and roads/streets and the roads/streets immediately perpendicular to them. The provision of such public car parking shall be maximised in terms of two sided angled car parking on the ocean foreshore roads and roads running perpendicular to them with the targeted provision by this means of 500 public car parking spaces but the actual number to be based on a suitable balance with the urban design access and amenity assurances for the development. The applicant for the stage 1 consent shall provide plans which identify those sections of these roads/streets to provide public car parking to seek to meet this demand.
  - b. Evaluation shall be undertaken regarding the potential provision of net additional public car parking within Lot 500 which is part of the Single Coastal Reserve recently transferred by the Department of Land and Water Conservation to Tweed Shire Council - and being based upon environmental constraints and the Plan of Management applying to the Single Coastal Reserve.
8. Passive public open space shall be dedicated is shown in the "Kings Beach Development Plan" Map No 5. Given the coastal and regional open space significance of this land, a minimum of approximately 1.58ha of passive open space will be dedicated - 8.85ha per 1,000 population. Some passive open space will be integrated with drainage reserves - to be dedicated in the Development Application for the Management Lots.
9. Public access should be provided to the beach as shown on the Development Plan, a maximum of 400m intervals and logically to relate to the ocean foreshore road, nodes of public open space, retail and commercial activities and public car parking provision.
10. Public open space shall be dedicated for the frontage of the Narui coastal lot as shown on the Development Plan relating to all land in Narui ownership that forms part of the 7(f) Environmental Protection zone. The public cycleway and footpath link will be provided as an integral part of this open space.
11. Lot 8 as identified on the Development Plan shall be dedicated to Council at no cost because of the environmental qualities and benefits of the land identified as Lot 8 and include areas for rehabilitation and to implement the Coastal Banksia amelioration program. Related walking tracks will be provided within the dedicated Lot 8 west of the Tweed Coast Road realignment and the development area.
12. The underpass for cycleway and pedestrian footpath provision under the relocated Tweed Coast Road shall be constructed as part of Stage 1 development of the road.

13. Five point five (5.5) hectares of active open space shall be provided and dedicated as part of Stage 1 as shown on the Development Plan. Road access to active recreation lots 10 and 11 shall be provided between development precincts 13 and 16 and in a northerly direction west of Precinct 16 with the associated car parking and amenities block being provided on the active open space lots in locations maximising easy vehicular and pedestrian access and the provision of the relevant sporting fields.
14. Local parks shall be provided as an integral part of the development Management Lots at a minimum of 2000m<sup>2</sup> of useable recreational area; not be more than 250m from any dwelling and have public road frontage for a minimum of 50% of the perimeter frontage of the local park. Such design shall be in accordance with AMCORD. These parks will be by later dedication as identified in conjunction with future Development Applications.
15. All nodes of retail and commercial activity with integral public open space and community facility provisions shall generally be within 400m of any dwelling within the development. Such facilities will be provided to satisfy this standard for Precinct 22, 23 and 24 if demonstrably viable.
16. The fencing shall be provided on the boundary between the residential precincts and other development/land uses on the eastern boundary of the road reserve with the new Tweed Coast Road, the design of which shall take account of the potential for noise impact. Appropriate studies and designs shall be submitted with each development application for land adjoining that road. Dense landscaping immediately adjacent to this fencing to the west shall enhance the aesthetic effects of the fencing.
17. The main retail and commercial centre shall be designed to ensure “adequately facing” retail and commercial development and thereby externalise the presentation of the various business operations to the maximum extent. This is particularly to take place on the eastern frontage of such developments.

### **B5.3 MANAGEMENT OF INFRASTRUCTURE PROVISION**

1. The developer will be responsible for the funding of infrastructure arising from out of sequence development. It is anticipated that the cost effective provision of such infrastructure will be in a north to south direction. Accordingly, the phasing of release of the Management Lots shall be sufficient to provide for the logical and cost effective development to be considered for release “out of sequence” then the developer shall fund and/or construct all infrastructure requirements - based as necessary upon the agreement of the owners of intervening lots.
2. There will be no direct vehicular access from the relocated Tweed Coast Road other than via approved intersections.
3. There shall be no alteration of the finished ground levels of the acoustical bund within 1 m of the boundary of the Management Lots on the eastern boundary of the relocated Coast Road unless any alteration demonstrably ensures the achievement of current noise amelioration standards.
4. The “connecting road” from the relocated Coast Road alignment to the existing Coast Road shall be constructed and dedicated generally as indicated on the Development Plan.

5. The following roadworks shall be carried out at no cost to Council in accordance with engineering plans for the Stage 1 works to be submitted and approved PRIOR to work commencing:
- (i) (a) Construction and dedication of the relocated Coast Road from the new bridge over Cudgen Creek to the existing road formation to the south, generally as indicated on Figures 3 and 4 of the report titled "Statement of Evidence - Report on Road Infrastructure, Power and Telecommunications Provisions, Lenen Pty Ltd", September 1998 prepared by PN Casey, subject to condition 14i(b);
  - (b) The road reserve width shall be a minimum of 40m and the relocated Coast Road cross section shall comprise a 13m formation width, 11 m asphaltic concrete seal built to regional road standard. The road formation is to be located such that the western boundary of the road is not closer than 20m to the eastern bank of Cudgen Creek. Any application under Part XII of the Local Government Act 1919 shall be required to demonstrate that the widening of the road reserve on the eastern side shall be adequate to accommodate this condition and all necessary engineering infrastructure and pedestrian pathways to suit the ultimate road formation requirements as generally indicated in Figure 4 of the "Statement of Evidence Report on Infrastructure, Power and Telecommunications Provisions";
  - (c) In particular provision shall be made as follows: (this condition does not apply to active open space lots 9, 10 and 11);
    - A bund on or east of the eastern existing road reserve boundary shall be constructed generally at a level of 1 metre above the finished surface level of the Coast Road with a minimum crest width of 1 metre.
    - A landscape buffer 2m wide no steeper than 1 in 4 west of the eastern road reserve boundary.
    - A services corridor 2m wide with no greater cross fall than 1 in 20 west of the landscape buffer.
    - A drainage swale of adequate widths to meet the Q100 design capacity with associated underground pipe work, the batters of which are not to exceed 1 in 4 slope between the services corridor and the road corridor.
    - A road corridor appropriate to satisfy the required 4 lane facility with allowance for the ultimate tapers and deceleration lanes for the 3 intersections in their ultimate configuration.
    - Road batters on the western embankment at a slope not greater than 2:1 stabilised with native grasses and groundcover.
    - Pedestrian/cycleway west of the carriageway between the most northerly intersection and the Cudgen Creek bridge.

- (ii) Construction and dedication of a “connecting road” from the relocated Coast Road alignment to the existing Coast Road generally as indicated on the Development Plan.

The junction of the relocated Coast Road and the “connecting road” shall be constructed to an AUSTROADS Type C Rural standard including intersection lighting to North Power standards. The design of the intersection and road reserve widths shall make provision for future traffic signals.

- (iii) The junctions of the relocated Coast Road and the accesses to proposed Lots 1 and 2 and proposed Lots 3 and 4 shall be constructed to an AUSTROADS Type C Rural standard. The design of the intersections and road reserve widths shall make provision for a future roundabout or traffic signals and/or intersection prioritisation works to the satisfaction of the Director of Engineering and Operations.
- (iv) The applicant shall provide a bond to Council for the upgrading of the three intersections referred to in sub-paragraphs (ii) and (iii) of this condition. The amount of the bond shall reflect the cost of upgrading the intersections from the standard as constructed at Stage 1 to the ultimate urban intersection standard which includes kerb and guttering, signalisation (the northern intersection only), medians, lane widening and other such works as required under AUSTROADS Standards. This bond shall remain in place for twelve months from the date of this consent or until a S94 Plan affecting the Land comes into effect whichever first occurs. The amount of the bond shall be based on the approved estimated cost of the approved works plus 20% to the satisfaction of the Director of Engineering and Operations.

6. A pedestrian footpath/cycleway will be constructed adjacent to the western side of the relocated Coast Road from the intersection of the northern “connecting road” referred to in provision 22 above to the Cudgen Creek bridge - based upon the design and embankment construction which are part of the Stage 1 Consent implementation.
7. Water quality management measures shall be provided and be in accordance with all stages of development in accordance with the report titled “Statement of Evidence - Report on Master Drainage and Stormwater Management Strategy, Lenen Pty Ltd” (September, 1998 - PN Casey).
8. A water quality monitoring program shall be established for the duration of the development of Casuarina Beach which generally incorporates the following:-
- a. base line conditions for existing groundwater including pH, total dissolved solids, total nitrogen, total phosphorus, iron (total), aluminium and faecal coliforms;
  - b. surface water and ground water monitoring programs (pre-construction, construction and operational phases) - including details of standards, location and frequency;
  - c. water sampling results from the surface water and ground water monitoring programs shall be submitted to Council on a routine 6 monthly basis from the commencement of any works. Where sampling results indicate a substantial failure to meet water quality objectives or

standards these results are to be reported immediately to Council for consideration;

- d. a report detailing water sampling results from surface water and ground water monitoring program shall be submitted to Council prior to commencement of any new stage of the development - including details of any relevant previous failures to meet water quality discharge objectives or standards. The report shall include recommendations as to any proposed amelioration works.

## **B5.4 MANAGEMENT OF ENVIRONMENTAL MATTERS**

1. The provision of sewerage pumping stations shall be identified on future Development Applications, and a minimum of a twenty (20) metre buffer surrounding the pumping station shall be provided relative to the boundary of any residential lot.
2. Development of any Management Lot shall include the removal of all existing bitou bush plants and the resultant disturbed areas shall be appropriately treated to prevent dust nuisance and soil erosion.
3. A Dune Management Plan shall be prepared in respect of the fore dune areas adjoining the subject land and including a management schedule for implementation for recommended works and rehabilitation. Development of the Management Lots shall be consistent with the Dune Management Plan.
4. Compensatory plantings of Koala Food trees shall take place to a minimum of 50 mature trees or alternatively 200 tube stock trees at appropriately clear locations within the Lot 8 to be dedicated and floppy top koala fencing will be constructed on the western side of the relocated Tweed Coast Road.
5. The dedicated passive public open space on the coastal foreshore - Lots 12, 13 and 14 on the Development Plan - will be subject of embellishment works undertaken by the applicant for the Stage 1 development consent and/or owner and be conditioned as part of the Stage 1 development consent providing for:-
  - a. removal of bitou bush and other noxious weeds;
  - b. rehabilitation of the area consistent with the Dune Management Plan and good practice;
  - c. provision of adequate and appropriate security lighting for users of Lots 12, 13 and 14;
  - d. provide suitable related day visitor facilities generally consistent with drawings contained in Appendix E to the Statement of Environmental Effects submitted with the development application for Stage 1; and
  - e. a schedule for the implementation of the embellishment works, including the relationship between the works in Lots 12, 13 and 14 and the related Management Lots.

A bond has been negotiated with the applicant in relation to the Stage 1 development consent and Council will utilise the bond to undertake works in accordance with an implementation schedule for the embellishment works and consistent with appropriate provision of facilities relative to development of Management Lots and security and



minimising potential vandalism. Such works shall be designed and implemented to the highest quality and best practice standards compatible with this site and the fore dune area.

6. The Amelioration Program for Coastal Banksia and related Queensland Blossom Bat habitat and food source shall be implemented to ensure the fulfilment of a no net loss criterion and compensatory plantings must be established in the locality prior to the removal of existing plants in any subsequent Management Lot development.
7. All development applications for the development of the future Management Lots shall comply with the Environment Protection Authority guidelines on Acid Sulfate Soils and include an Acid Sulfate Soil Management Plan.
8. An Environmental Plan of Management shall be prepared in conjunction with the Department of Land and Water Conservation and Council in respect of those parts of Lot 500 adjoining the subject land and future development of the Management Lot shall be consistent with that Environmental Plan of Management.

## Annexure 1 - Shirewide Strategic Principles

1. Achieve quality social, economic and physical outcomes as a result of responsible planning and decision making based on ecological and resource sustainability.
2. Council provides leadership and coordination of planning activities at the local and sub-regional level through an integrated governmental and community approach to planning and decision making based on community values.
3. Retain the Tweed's environmental and scenic values as a primary focus for all Council's decision making, including local implementation of Commonwealth and State environmental legislation and International treaty obligations.
4. Incorporate the principles of ecological sustainability into Council's financial, strategic and corporate planning decisions. Affirm community support for this long term, ongoing process through extensive consultation and participation.
5. Participate in the process of developing water quality and river flow objectives for Tweed's waterways so that the planning, implementation and operation of development and Council's activities will complement and advance those objectives.
6. Place an increased emphasis on economic development, employment generation and retention in the Tweed.
7. Not compromise longer term employment potential, for example, by short term residential releases in tourism and agricultural sectors.
8. Consolidate higher order retailing and commercial centres at Tweed Heads as a sub-regional centre and at the district centres of Murwillumbah and Kingscliff. Assess and approve future district and neighbourhood centres with a view to encouraging reduced car dependence and self-contained 'village' communities.
9. Identify rural settlement areas ahead of demand to ensure future rural residential subdivisions occur in a controlled manner.
10. Approve future development to create containment of existing villages and communities through the provision of green buffers between urban developments. Landscape to retain character and identity within each area. Require upfront pre-rezoning public land dedications where appropriate.
11. Provide resource and corridor protections for agricultural land, extractive industry, services, roads.
12. Integrate the preparation of Sections of the Tweed Shire Development Control Plan, Infrastructure Plans, Developer Contributions Plans and sustainability statements in conjunction with draft Local Environmental Plans before the latter is publicly exhibited for significant rezoning applications.
13. In conjunction with stakeholder groups, determine 'best practice' procedures for the submission and assessment of development applications.
14. Establish Regional Open Space worthy of Tweed's environmental qualities.
15. Recognise the need to sustain integrity of the Plan with consistent decision making by Council, and ensure any significant variations are explicitly recognised, monitored and the Plan itself changed as appropriate so that its integrity is maintained. The monitoring of this Section's integrity is to be through a broadly based committee comprising State, Council and community representatives.

16. Make social cohesion as a primary consideration of planning and development. Fully consider the social effects of development before development applications are approved.
17. Monitor changing growth patterns, community expectations and values, and achieve more effective community involvement.

### **INFRASTRUCTURE FINANCE**

18. Base the management of urban release areas upon the full cost recovery of public infrastructure already provided, and the provision of infrastructure needed to service growth at no cost to existing ratepayers.
19. Where development is proposed outside the orderly sequence detailed in the Strategic Plan and the Tweed Development Program, require premium payments to meet the full cost of the services needed without the cost sharing with other developments in the area.
20. Incorporate into Council's S94 Developer Contribution Plans, both existing and in the future, the borrowing costs for capital ie, foreshadowed and retrospective, and potentially/possibly include a maintenance component for a specified period where maintenance costs are excessive.
21. In asset management, include Council's explicit consideration of the consequences and financial liabilities from acquiring new assets. This assessment will include the costs over the life of the asset and the impact on rates to maintain the assets at the most cost effective level.
22. Apportion growth related infrastructure on the way in which the need or demand for the additional infrastructure is created rather than by the incidence of benefits. Where external works are carried out in excess of that proportion required by that development, Council will not consider this additional cost as a credit to other Council payments. Recoupment of these costs from benefiting developments will be considered on merit for a specified time period.
23. Plan Council's long term rate and debt structures to be for the lowest levels possible at the end of the Tweed's major infrastructure provision (approx 2030). Rate levels at that time should only be at the level needed to adequately maintain and replace this infrastructure without debt servicing. In the interim period, rate levels should be at a level sufficient to meet Council's asset management liabilities.

### **Policies and Actions of the Tweed Shire 2000+ Strategic Plan relevant to development and environmental conservation of Casuarina Beach**

#### **The Tweed Environment:**

3. Environmental Protection Council will include identified significant areas of natural vegetation, scenic areas, fauna habitats and corridors, and fishery habitats and protect them by Environmental Protection Zones. Planning controls within such zones will be structured to provide certainty for the retention of the environmental qualities of these areas.
10. Environmental Improvement Council will encourage and provide incentives, based on development entitlements, for developers of land to obtain the following public benefits:
  - (a) Establishment of public walking trails;
  - (b) River foreshore public access;
  - (c) Environmental rehabilitation and revegetation.

These incentives will only be applied in a manner which is clear and accountable to the public.

6. Environmental areas, where they abut urban development will be protected from the threats of domestic and feral animals, exotic plant species and bushfire hazards, by regulations and public education programmes.
7. Foreshores The visual impact of development in proximity to coastal and river foreshores, will be minimised by the preparation of appropriate guidelines for all development to ensure that new development maintains or enhances the scenic landscape values in these locations.
8. Vegetation Management Plan A Vegetation Management Plan will be completed to identify all areas where land rehabilitation and conservation of significant native vegetation is desirable in the Tweed. The Plan will include provisions to encourage land holders to protect, enhance and manage those identified areas unless otherwise required.
13. Environmental Hazards The management of environmental hazards will be addressed by through:
  - (a) locating new development behind the 100 year erosion line other than development associated with stabilisation works and controlled beach access with the exception of land covered by this Section where the 50 years + 30 metres erosion line applies;
  - (b) prohibiting caravan parks in the currently defined 7(f) Environmental Protection Zone;
  - (c) prohibiting new buildings or other above ground structures except those required for erosion control works, beach management or surf marine rescue on headlands or within the 100 year erosion line (note: Casuarina Beach 50 year plus 30 metre erosion line);
  - (d) identifying contaminated land and assessing it for necessary remedial work;
  - (e) preparing, with assistance of the NSW Government, Coastal and Estuarine management plans; and
  - (f) ensuring Council will benefit from the Commonwealth Government Coast Care Program.

### **Open Space and Recreation**

29. Open Space and Recreation Strategy The Tweed Open Space and Recreation Strategy will be implemented by:
  - (a) reviewing the Local Environmental Plan, the Development Control Plan for the Shire and Contributions Plans for open space on the performance criteria embodied in the Strategy so that contribution levies adequately cover the cost of acquisition and embellishment.
  - (b) preparing appropriate management plans for Crown and private lands where necessary for regional open space requirements.
30. Open Space Standards Council will ensure the identification of open space areas of high value within proposed and existing release areas through performance based standards. It will amend the Subdivision Guidelines so that these open space requirements are fully satisfied prior to approval. The Guidelines will include

- appropriate environmental requirements and provide for adequate buffers and/or open space between different uses.
33. Accessibility Council will ensure that private development adjacent to public land, foreshores and beaches does not impede public and open space networks.
  35. Management Plans will be prepared to give guidance to public and private land owners on appropriate use, planning and management, particularly for:
    - (a) the Fingal Peninsula.
    - (b) the Tweed Coastal Sector.
  38. Council's Long Term Financial Plan will reflect its commitment to open space and recreation planning, embodying affordability of maintenance and an increased "user pays levy" or "in kind" assistance to reduce the maintenance costs associated with sports fields and facilities.
  41. Cycleways Council will negotiate the provision of a cycleway and walking trail from Kingscliff to Bogangar with land owners/developers; and establish a walking trail through to Wooyung by planning, negotiation with land owners and potential development trade-offs.
  42. A Section 94 Cycleways Contributions Plan is based on the Tweed Shire Bicycle Plan and capitalising on Roads and Traffic Authority grants.
  43. Foreshores A Section 94 Contributions Plan has been prepared for:
    - the enhancement of accessed networks, ramps for canoeing and other water activities, interpretation signage for environmental walks etc; and
    - the provision of public access to river foreshores and the embellishment and environmental protection of those foreshores (including land dedication and monetary contributions).

### **Community and Cultural Development**

50. Council will ensure that
  - (a) land is zoned and subdivided for residential development only when needs generated for additional community and welfare services, health and educational facilities will be met;
  - (b) childcare centres are able to be permitted in all rural, residential and business zones; and
  - (c) schools and other educational institutions are able to be used and developed for community purposes.
51. Develop a network of accessible and economical multi-purpose community centres in towns and villages, providing a range of services, will be developed in cooperation with relevant community groups.

### **Economic Development**

70. Council will safeguard the longer term economic development potential of tourism zoned land currently zoned Residential 2(f) south of Kingscliff and all industrial and commercial zoned land.
73. Co-ordinate The organisations dealing with economic development in the Tweed will be coordinated in accordance with the Hassell report recommendations with support for the Tweed Economic Review Board.

79. Tweed Development Program The release of new urban development will be managed by a Tweed Development Program which will:
- (a) provide infrastructure to match anticipated growth in residential lots;
  - (b) specify essential infrastructure in excess of \$100,000 which is required before a nominated area of land can be released for development;
  - (c) provide for a developer to proceed "out of sequence" only if all the necessary infrastructure is provided at no cost to the community;
  - (d) manage new urban development to minimise the public sector costs in providing related infrastructure; and
  - (e) be based upon and integrated with Council's three year management plan and 10 year long term financial planning.
80. In accordance with the Tweed Development Program, Council will facilitate development of urban release areas compatible with the following strategic infrastructure constraints detailed in that Program:
- (a) Piggabeen Road;
  - (b) Kingscliff STW: effluent licence approval;
  - (c) Coast Road;
  - (d) Banora STW: receiving water capacity;
  - (e) Kennedy Drive.
81. Council will pursue ILAP based coordination so that infrastructure provision is cost effective and coordinated similar to the NSW Urban Development Program.
82. Council will facilitate infrastructure provision where there is economic development and employment generation - such emphasis to be potentially reflected in Section 94 Contributions Plans.

### **Infrastructure Planning and Finance**

90. Roads Council will implement the Old Bogangar Road upgrade and Coast Road improvements to capitalise upon State Government funding assistance in the short term.
97. Council will, through the Public Transport Working Group and its draft public transport policy, give greater emphasis to public transport in subdivision design, road network design and inter-related land use planning.
98. Traffic Management Council will look towards setting traffic reduction targets giving priority to public transport; walking and cycling; improving traffic control systems; adopting revised parking policies; reducing trips needed and trip length; and promoting public awareness.

### **Urban Development and Management**

103. Integrated Development Future development will be based on the integration of land use and transportation planning ie, urban settlement patterns which promote neighbourhood self containment; provision for alternative accessways for walking/cycling; provision for public transport and mixed use development to reduce private car dependence.
104. Council will employ contemporary urban design principles to maximise the desirability of town and district centres for public use. Consideration will be given to social
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interaction, recreation, amenity, culture, delivery of support services and the transaction of commerce.

108. South Kingscliff This includes the urban release areas of Casuarina Beach, Kings Forest and Seaside City. Council recognises the anticipated major growth anticipated over the next 10 years at South Kingscliff. It will plan for another district centre which consolidates community and health facilities, schools and churches adjacent to that centre. The centre is to be located preferably within the Kings Forest development because it is less constrained, and will accommodate the greater part of the expected permanent population; alternatively, at Casuarina Beach if development timing, feasibilities etc, justify.
116. Self-Contained Centres. To avoid the creation of "urban sprawl", Council will encourage local identity and preserve scenic and environmental qualities of urban areas. Future urban development will be based on the concept of creating compact, self-contained centres. To achieve that:
- neighbourhood centres will contain appropriate community, commercial and employment facilities within walking distance of residences.
  - land use and transportation planning will be integrated, including walkways, cycleways, traffic calming and public transport. The road network will be designed to encourage the use of public transport and minimise the use of private vehicles.
  - open space green belts will be set aside between centres. Wherever possible, those green belts will be based on land in public ownership. Where that is not feasible, limited development with extensive landscaping, which does not detract from the green belt concept, may be permitted.
117. Green Belts Open space green belts will be addressed by:
- (a) identification and conservation of open space areas between South Kingscliff Urban Release Area, Bogangar, Hastings Point, Pottsville.
  - (b) maintaining an agricultural zone over land north of Cudgen Road in order to separate Cudgen and Kingscliff and protect good agricultural land.
  - (c) maintaining an agricultural zone over land south of Cudgen Road so as to protect good agricultural land; contain the Kingscliff urban area; differentiate it from the Kings Forest/Casuarina Beach developments; and provide a buffer for the high value agricultural land at Cudgen.
  - (d) requiring a buffer area between South Tweed and Terranora, and between Bilambil Village and Bilambil Heights, and between Bilambil Heights and Cobaki Lakes. and
  - (e) limiting development of Area E at Terranora to the north-facing slope of the Terranora Ridge, so the southern face remains as a forested backdrop to the Tweed River and agricultural land.
118. Before any land is released in an urban release area, detailed integrated local area planning must be undertaken. Council will require the following to effect "release" of these areas, unless other arrangements satisfactory to Council are made (eg, Master Plan):
- an infrastructure plan, including proposed works and funding sources, and any Council liability.
  - a water quality management plan.

- a development control plan.
- a S94 Contribution Plan.

These plans are to be prepared at the proponents' expense and coordinate all landowners.

119. Integrated Planning Urban Release Areas shall be designed to provide for housing choice, make the best use of available resources and provide for diversity and social interaction. The design of urban release areas will require:

- meeting any requirements of the Housing Strategy.
- provision of suitable land for employment opportunities.
- design to facilitate an efficient bus route system.
- upfront provision of easily accessible community services and facilities which are Council's responsibility.
- provision of a range of residential densities.
- protection and enhancement of environmental values of adjacent land are protected and enhanced.
- provision of appropriate open space for residents at local, neighbourhood and regional level.

Future urban releases shall not occur without a catchment based Water Quality Management Study being prepared to the satisfaction of Council, prior to Local Environmental Plan and/or Development Control Plan confirmation.

121. South Kingscliff The detailed planning for the South Kingscliff area includes the following principles:

- key sectors of the Casuarina Beach, SALT and Seaside City land reserved for tourist development.
- ecologically significant vegetation retained in a protective zoning with an appropriate management plan.
- public access to the entire length of the beach front.
- retail and commercial centres, preferably located in the Kings Forest area (as fewer constraints apply than the abovementioned release areas) with social and health facilities.
- retail and commercial facilities in Casuarina Beach limited to those necessary to serve that area's tourist and permanent residents.
- habitat protection.
- slope stability.
- retention of the ridge's scenic values in the locality.



## Annexure 2 - NSW Coastal Policy 1997 - A Sustainable Future for the New South Wales Coast

This highly relevant State Government Policy document has as its central focus the ecologically sustainable development (ESD) of the NSW Coastline which “is in recognition of the fact that the coast is the focus of intense pressures from human activity and that there are a large range of competing interests for its resources”. The NSW Coastal Policy 1997 is based on four (4) principles of ESD:-

- a. **Conservation of biological diversity and ecological integrity** - the need to conserve a variety of life forms, especially species diversity and to ensure the productive, stability and resilience of ecosystems;
- b. **Inter-generational equity** - maintaining the health, diversity and productivity of the environment and its potential enhancement for the benefit of future generations - also implying a level of economic sustainability;
- c. **Improved valuation, pricing and incentive mechanisms** - environmental factors such as the value of ecosystems, polluter pays principles etc to be incorporated in the valuation of assets and services and consideration in decision making processes;
- d. **The precautionary principle** - requires a risk adverse approach to decision making particularly where there is potential for serious or irreversible environmental damage and a lack of full scientific certainty in the decision making on measures to prevent environmental degradation.

The Coastal Policy requires that “local councils’ will be required to make new local environmental plans consistent with coastal policy”.

The **Strategic Actions in the NSW Coastal Policy** which are relevant to the planning and development for this site are as follows (references are from the NSW Coastal Policy):

- 1.1.4 Plans of Management, management strategies and/or operational plans will continue to be prepared, as appropriate, for:
  - all coastal Crown lands which are dedicated or reserved for public purpose;
  - all coastal community lands.
- 1.1.6 Voluntary conservation agreements will be negotiated with landowners to ensure preservation of plant and animal species on freehold and other lands of significant conservation value.
- 1.1.7 Seagrass, mangrove, saltmarsh, and other wetland associated species will be conserved and managed as valuable components of the ecosystem by effectively implementing existing controls (eg. SEPP14, Fish Habitat Protection) and through controlling runoff, sedimentation and other water quality impacts.
- 1.1.8 The implementation of SEPP14.
- 1.1.9 Local environmental plans will be prepared with appropriate zonings and other provisions for areas of recognised conservation value.
- 1.1.11 Regional open space networks/corridors (including water areas) should, where possible, be used to protect natural habitats and environments.
- 1.2.1 Distribution, diversity and condition of native plants, animal habitats, natural environments and natural phenomena of the coast will continue to be investigated with the aim of establishing their conservation significance.

- 1.3.2 Problems of non-point source pollution (eg resulting from urban development) will be addressed through a range of actions including the setting of ambient water quality objectives, the development stormwater management plans, the promulgation of environmental guidelines, and encouraging the adoption and implementation by industry and developers of “best management practices” for minimising pollution.
- 1.3.3 Water quality monitoring programs and environmental studies in coastal river systems, estuaries, inshore marine waters and coastal aquifers will be undertaken, as necessary, and regular reporting on the state of the environment for these ecosystems will take place.
- 1.3.4 Programs for monitoring water quality and the review of water quality objectives (consistent with the National Water Quality Management Strategy) will be provided and coordinated with the activities of relevant government agencies to increase the effectiveness of the programs.
- 1.3.8 The discharge of contaminated stormwater to coastal waters will be minimised, with the aim being to ensure environmentally sound management of stormwater and prevent contamination in the future.
- 1.4.7 Development proposals in or adjacent to estuaries will be rejected where they have the potential to adversely impact on the physical amenity or ecology of the estuaries to the extent that they are unacceptable under the Rivers and Foreshores Improvement Act, 1948 and Fisheries Management Act, 1994.
- 3.1.2 Provisions to protect areas or items of high aesthetic value will continue to be considered when preparing planning instruments and plans of management.
- 3.2.1 Guidelines such as the North and South Coast Design Guidelines and Guidelines for Tourism Development along the New South Wales Coast will be promoted to encourage good development and design in order to conserve the natural environment and integrate built features with the natural environment.
- 3.2.2 The use of good design principles will be encouraged to ensure more compact, human scale towns are developed with their own character within the constraints of existing infrastructure.
- 3.2.4 In preparing and amending regional and local environmental plans and development control plans and when assessing development applications, consideration of the design and locational principles contained in the Coastal Policy will be required.
- 4.1.4 Planning instruments, development control plans and design guidelines will identify and consider significant views and vistas within and from towns, including street patterns and layout and items of heritage significance, in planning for towns.
- 5.2.3 Management plans prepared for coastal areas will be considered in the preparation of REPs, LEPs and DCPs so as to achieve integrated, responsible and ecologically sustainable development and use of resources.
- 5.3.2 State government agencies will implement the actions detailed in the National Strategy for Ecologically Sustainable Development, as endorsed by the New South Wales State Government.
- 6.2.1 Planning instruments and development control plans will define the boundaries of urban areas and indicate the amount and form of development which is appropriate for each location taking into account the environmental and servicing implications.

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- 6.2.2 The design of towns and buildings should have regard to energy efficient principles, for example compact town form related to transport networks, in order to reduce energy dependency.
- 7.1.2 Public facilities will be provided at appropriate locations and with appropriate safety standards to facilitate fair and equitable access to and enjoyment of the recreational amenity of the coast and estuary foreshores.
- 7.1.3 Public access to council owned coastal lands should be facilitated by:-
- the preparation of plans of management for council community land which facilitate appropriate access;
  - the provision of appropriate access to council owned operational land;
  - leasing arrangements for council owned coastal land which maximise public access opportunities.
- 7.1.5 New tourism development in close proximity to foreshore areas will be required to include provision for public access to foreshores.
- 7.2.4 In preparing Section 94 Contribution Plans and levying developer contributions, consideration should be given to costs of providing surf life saving services for the community.
- 8.3.3 Councils should include matters relevant to their performance in coastal zone environmental management in their state of the environment reports and refer to:-
- areas of environmental sensitivity;
  - important wildlife and habitat corridors;
  - any unique landscape and vegetation;
  - development proposals affecting, or likely to affect, environmentally sensitive land;
  - polluted areas;
  - threatened species and any recovery plans;
  - vegetation cover and any instruments or policies relating to tree preservation.
- 8.3.4 The annual reports of local councils should contain details of programs undertaken by the Council during that year to preserve, protect, restore and enhance the natural environment.
- 9.1.2 When preparing local and regional environmental plans, regard for consistency with the Coastal Policy will be required.
- 9.2.1 The coastal planning and management activities of agencies will be consistent with the goals of the Coastal Policy.
- 9.2.2 The implementation of the Coastal Policy strategic actions will be subject to review and this will be reported to the Minister for Planning and Parliament annually.



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