



Our ref: 01593  
2<sup>nd</sup> March 2012

The General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Attn: Mr. Iain Lonsdale

LS: 7156A, 39925, 39926

TWEED SHIRE COUNCIL	
FILE No:	PP10/0001 Pt 3
DCC. No:	47225792
RECD:	- 7 MAR 2012
ASSIGNED TO:	RUSSELL, S
HARD COPY	<input checked="" type="checkbox"/>
IMAGE	<input type="checkbox"/>

**RE: Planning Proposal, Boyd's Bay Garden World, Tweed Heads**

Dear Iain,

I refer to the above and our recent discussions. In this regard, the proponents of the Boyd's Bay Garden World rezoning proposal wish to advance upon discussions to date and to formally seek a new Council resolution that acknowledges that there are constraints to the resolved 'Business Park' use and that as a result the proponent is now seeking a formal resolution that moves away from the context of previously Council resolutions (specifically that the future use will be Business Park comprising a mix of uses, with a maximum Bulky Goods retail component of let's say no more than 50% total GFA).

Specifically, the council resolution would maintain the mix of uses and the need for a DCP to control future development, however the differing ratio of uses as outlined in this submission would need to be reported to council for approval prior to undertaking advertising of the rezoning.

#### Background & Vision

Specifically, Council has resolved as follows in respect of the subject site:

#### 15<sup>th</sup> December 2009, Council resolved that:

1. Council endorses the proposed amendment Table 9-1 of the Tweed Urban and Employment Land Release Strategy (TEULRS) 2009 relating to the staged release of a nominated employment investigation area from medium (10-20 years) to short term (0-10 years), as outlined in the submission received by Council from Planit Consulting on 9 September 2009, relating to the Boyd's Bay Garden World site, Lot 10, DP 1084319, Tweed Heads.
2. Approval of Point 1 above will be subject to the proponents providing a more detailed response to the main outstanding issues identified in this report, including further prior consultation occurring with the key relevant authorities, Tweed Shire Council, Gold Coast Airport and the Roads and Traffic Authority, as part of any future Planning Proposal application to rezone this site.

Council subsequently received a request to prepare a planning proposal for the site, and on the 20<sup>th</sup> July 2010, Council resolved that:

1. Planning Proposal PP10/0001 for a change of land-use zone classification from Rural 1(a) to 3(c) Commerce and Trade rezoning be supported in principle on Lot 10 DP 1084319 Parkes Drive, Tweed Heads West and

LOT 10 DP1084319 BANKSIA ST + LOT 1 & 2 DP1011625  
PARKES, HAKEA & GRAM DR  
THW

that the proposal be referred to the Department of Planning for a gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979*.

2. The applicant of planning proposal PP10/0001 be advised that the actual rezoning classification of the land, if supported by Council, will be determined following assessment of any detailed site studies required after receipt of the initial gateway determination to proceed.

A planning proposal was forwarded to the Department of Planning in accordance with Council's resolution on 23 July 2010.

Subsequent to the preparation and assessment of detailed investigations and consultation with Government authorities, **Council further resolved, on the 20<sup>th</sup> September 2011**, as follows:-

**7 [PR-CM] Planning Proposal PP10/0001 - Lot 10 DP 1084319 "Boyd's Bay Garden World Site", Tweed Heads West**

518  
Cr D Holdom  
Cr W Polglase

**RESOLVED** that:

1. Council endorses the public exhibition of Planning Proposal (PP10/0001) for a change of land-use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G, at Lot 10 DP 1084319 Parkes Drive Tweed Heads West in accordance with point No.2 of this recommendation, subject to Council officers receiving prior advice from the NSW Roads and Traffic Authority and Council's Heritage Consultant in support of the Draft LEP Amendment described in this report;
2. Draft Tweed Local Environmental Plan 2000 – Amendment No. 93 – Boyds Bay Garden World Site, (Planning Proposal PP10/0001) for a change of land use zone classification from 1(a) Rural to 3(c) Commerce and Trade and the inclusion of a new Clause 53G at Lot 10 DP 1084319 Parkes Drive Tweed Heads West be publicly exhibited for a minimum period of 28 days, in accordance with the Gateway Determination dated 6 September 2010 and clause 57 of the *Environmental Planning and Assessment Act 1979*; and
3. Following public exhibition any public submission received in respect of the Draft Amendment No.93 is to be reported to Council along with any proposed amendments.

The Motion was **Carried**

**FOR VOTE - Cr J van Lieshout, Cr K Skinner, Cr D Holdom, Cr W Polglase, Cr P Youngblutt, Cr B Longland**  
**AGAINST VOTE - Cr K Milne**

The latest resolution was the result of a Council report that specified, in line with undertakings and consultations with the proponents prior, that the likely use of the land, which was to be reinforced by a future DCP, was a Business Park comprising a mix of Industrial Large Format Retail (Hardware), Office, Logistics and Bulky Goods Retail. This arrangement of uses, which was agreed by the proponents, was intended to provide for the orderly and economic use of the land, particularly via the inclusion of bulky goods retail as a component that (given its high demand) would underpin the economic viability of the project.

Subsequent market research undertaken by the proponents has been of significant concern in so much that the intended mix of uses is not well supported by the market and real concern therefore exists in respect of the viability of the project. The market research does in fact support a mix of uses so that consistency can be gained with the intent of the resolution of council and the Employment Generating Lands Strategy; however as with the recommendations of the original Economic Impact Assessment relating to the proposal (RPS 2011), a greater density of Bulky Retail is

required in order to ensure the viability of the project in line with current demand demonstrated in the local area. In this regard, current demand is immediate and under supply is evident. In simple terms, market research, coupled with project feasibility analysis dictates that in today's market, a minimum of 18,000m<sup>2</sup> of Bulky Retail is required in order to reach a critical mass that underpins the following:-

1. The sites role as a destination
2. The need to ensure that a mixture of bulky retail occurs on the site in order to ensure effective cross over demand, particularly given the sites role as a car oriented destination
3. The ability to provide for a range of bulky retail and hybrid industry / retail (high end lighting supply and warehouse, plumbing supplies etc), each of which combined facilitate the critical mass for a Bulky Goods destination to operate in a viable manner. The latter is consistent with the four (4) broad ranges of Bulky Goods identified in page 17 of the RPS EIA. Also relevant in this respect is the direct quote by RPS in respect of the need for a variety of uses over a critical mass, where it states (also at page 17), inter alia:-

*'Successful bulky goods retail precincts contain a critical mix and mass of bulky goods retailers. These precincts also generally have a strong anchor tenants. An anchor tenant is a nationally renowned retailer who has the ability to attract patrons from a wide area'*

Specifically, our client is not seeking to move away from a mixed use employment generating outcome, rather, based on market conditions and research, improved design work that addresses operational capacities in respect of car parking, loading and unloading etc, they are seeking to implement a vision that contains the following:-

#### **Bulky Goods Retailing**

- Approximately 19415m<sup>2</sup> GFA
- Internalised lifestyle destination, with all tenants contributing to a mixed use lifestyle experience
- High quality architecture
- Promotion of high end building supplies (lighting, plumbing etc)
- Top end products and services
- Extensive landscaping, shade and rest / escape areas
- Approximately 415 car parking spaces
- No supermarket tenancies
- All loading and unloading to be focussed on rear of building (in dead areas)

#### **Commercial Floor space – Upper levels**

- Approximately 6500m<sup>2</sup> of commercial / employment floor space (represents approximately 23% of overall space, consistent with the recommendations of the RPS EIA 2011)
- Uses could include commercial tenancies and mixed use components such as Fitness Centres, Dance Studios, Art Studios and Cinemas
- Upper level components will be afforded high quality architecture and be encouraged to incorporate extensive break outs so as to encourage passive overlooking and vibrancy of the internal car parking area

*Parking calculations*

The above points are clearly outlined in the detailed plans contained as **Attachment A** to this submission.

The vision above builds upon the intent of the proponent outlined in discussions to date, however it also addresses Council's stated goals of facilitating employment, creating destinations and ensuring that all new development achieves high architectural and usability standards.

The vision that is sought in part to be replicated is considered to be the Brickworks complex at Ferry Road in Southport and equally James Street in Brisbane. These facilities set themselves apart from other bulky retail destinations in South East Queensland & Northern New South Wales, in that they provide the very mix of services that promotes and sustain their roles as a destination. These centres also promote a high level of architecture that maintains their role as a point of difference from other standard retail areas (Machinery Drive, Bundall, West Burleigh).

**Consistency with Adopted Policies / Guidelines**

Whilst the seeking of a resolution of council that strongly supports the need, as described above, to increase the extent of bulky retail, can easily be demonstrated on economic terms, it is important to note that the advanced stage of this rezoning also ensures that Council will achieve its intent (as outlined in TUERS) of short term and real employment generation. This is an important consideration and one that deserves strong consideration by Council given that previous discussions in respect of this matter have indicated that other parties are also seeking to rezone land for this purpose in the short term. It is our understanding that these approaches have not translated in to forceful pursuit of this goal and hence the rezoning of this proposal, will act so as to satisfy the immediate demand outlined in the RPS report of 37,000m2 (current shortfall)(page 22, RPS 2011). Accordingly, this proposal, when viewed in the context that all constraints associated with the land are able to be addressed (as demonstrated), represents an outcome that achieves fundamental compliance with the base requirements of both the market and the council (in respect of employment generation and economic stimulus).

It is acknowledged nonetheless that the proposal demonstrates some departure from the Tweed Retail Strategy, which at this point in time is some seven (7) years old and did not seek to clearly separate retail and bulky retail uses. Nevertheless, the RPS EIA (2011) prepared and submitted to council prior to the September 2011 resolution, addressed the departure of the proposal from the Tweed Retail Strategy in the context of the Council resolutions underpinning the resolved retail strategy. This assessment is outlined in the following table, demonstrating that the proposal nonetheless is consistent with the intent of council in respect of retail site identification. Furthermore, additional assessment has been carried out with respect to the Net Community Benefit test within the Right Place for Business document prepared by the DOP. This assessment is also tabled below.

**Table: Retail Strategy Resolutions (TSC 2005)**

The character of existing towns and villages and also retail facilities have to be protected;	The inclusion of bulky goods retail on the subject site will not affect the character of existing towns and villages. Additional bulky goods retail sites are required in Tweed Shire as the growing population is expected to double the demand for these uses over the next 20 years and existing precincts (notably Greenway Drive) are nearing capacity.
Where appropriate, TSC will support the incremental expansion of existing retail centres in such a way as not to threaten or fracture those centres, rather than building new ones;	Bulky goods retail on the subject site will not threaten or fracture the viability of existing centres. As car based uses, bulky goods retail does not add to the value of centres in terms of urban design, activity or walkability. They are best located in a fringe or frame location, however this is not possible in Tweed Shire as no suitable sites currently exist. Consequently, this site is considered a suitable location for these uses.
Reinforce Tweed Heads South as the major district retail centre by encouraging its expansion when the Tweed's population demands an increased range and level of shopping;	This item relates to retail floor space and not bulky goods retail floorspace. The inclusion of bulky goods retail floorspace on the subject site will not impact on the role of Tweed heads South as the major district retail centre.

Maintain, and where possible, enhance the special appeal of the retail centre of Murwillumbah and those village centres of similar style;	The inclusion of bulky goods retail on the subject site will not affect the appeal or character of Murwillumbah and other village centres.
Limit the scale of new large-scale retail centres in the coastal region to a level which caters for the majority of chore- type shopping needs. This concept is to reflect the need to consumption and to support reduce fuel sustainability within each centre through discouraging vehicle use and encouraging walking;	This item relates to retail centres in the coastal area of Tweed Shire and is not applicable for the assessment of bulky goods retail.
Council does not support the establishment of another district retail shopping centre.	This item relates to retail centres in the coastal area of Tweed Shire and is not applicable for the assessment of bulky goods retail.

**Table: The Right Place for Business Criteria – Net Community Benefit (adapted from RPS EIA 2011)**

Criteria	Bulky Goods	Commercial Office
The likely impact on the economic performance and viability of existing centres (including the confidence of future investment in centres and the likely effects of any oversupply in commercial office space on centres)	The recommended bulky goods retail use will not affect the viability or economic performance of existing or proposed centres in Tweed Shire. Long term demand is sufficient to support the subject site and any mooted (but uncertain) expansion of the Greenway Drive precinct. It will serve to attract investment to the region that will positively impact established centres and will not lead to any oversupply of commercial office space.	The recommended commercial office (as part of a business park) will not affect the viability or economic performance of existing or proposed centres in Tweed Shire. It will serve to attract investment to the region that will positively impact established centres and will not lead to any oversupply of commercial office space. The commercial office space contained within the business park will serve a distinct function when compared to office users that will locate within designated centres.
The amount of use of public infrastructure and facilities in centres, and the direct and indirect cost of the proposal to the public sector.	There will be no anticipated direct or indirect cost to the public sector from the recommended development. Rather it will provide direct benefits to the local community through: <ul style="list-style-type: none"> <li>Increasing employment levels through both the construction and operational phases of the development</li> <li>Increase employment self containment levels</li> </ul>	There will be no anticipated direct or indirect cost to the public sector from the recommended development. Rather it will provide direct benefits to the local community through: <ul style="list-style-type: none"> <li>Increasing employment levels through both the construction and operational phases of the development</li> <li>Increase employment self containment levels</li> </ul>

<p>The practicality of alternative locations, which may better achieve the outcomes the policy is seeking</p>	<p>The subject site is considered to be suitable for bulky goods retail uses based on the site's location adjacent to the intersection of the Pacific Highway and Tugun Bypass, providing it with easy accessibility and a high level of visibility to passing traffic.</p> <p>Long term demand is sufficient to support the subject site and any mooted (but uncertain) expansion of the Greenway Drive precinct.</p> <p>The site will provide the opportunity to attract national anchor tenants to the Tweed Shire that might not otherwise be able to locate in the Shire as a result of the lack of suitable sites available for sale or lease.</p>	<p>Other locations throughout the Tweed Shire have also been identified for potential employment lands along with the subject site. All these sites (and more) are required to make employment demands of the shire.</p> <p>The proposed employment uses on the site are reasonable from a first principles perspective and will also help to cater to the additional demand for approximately 24,000 local jobs which are required in the Tweed Shire to 2021.</p>
<p>The ability of the proposal to adapt its format or design to more likely secure a site within or adjoining a centre or in a better location</p>	<p>No suitable sites are currently available within or adjoining existing designated centres in the urban northern portion of Tweed Shire. The subject site is a suitable location due to its regional Road accessibility and proximity to the airport.</p> <p>Long term demand is sufficient to support the subject site and any mooted (but uncertain) expansion of the Greenway Drive precinct.</p>	<p>No suitable sites are available within or adjoining existing designated centres in the urban northern portion of Tweed Shire. The subject site is a suitable location due to its Regional Road accessibility and proximity to the airport.</p>
<p><b>Criteria</b></p>	<p><b>Bulky Goods</b></p>	<p><b>Commercial Office</b></p>
<p>The degree to which the policy (Right Place for Business and Services Planning) and its objectives can be satisfied</p>	<p>The inclusion of bulky goods retail on the subject site will not undermine any established or proposed centres in Tweed Shire. As anticipated by the proposed zoning the site is an appropriate location for this type of land use.</p>	<p>Limiting the commercial office space to 20% to 30% of the total floor space will not undermine any established or proposed centre in Tweed Shire</p>
<p>The proposed level of accessibility to the catchment of the development by public transport, walking and cycling</p>	<p>The site has the capacity to be serviced by public transport. As a car-based activity, this use does not benefit from cycle or walking access.</p>	<p>The site has the capacity to be serviced by public transport and enjoys excellent ease of access in this regard. Residents who live in close proximity to the site will have the capacity to walk or cycle to work.</p>

The likely effect on trip patterns, travel demand and car use

Additional employment uses within the Tweed Shire provide the opportunity to reduce journey to work travel times as well as increase employment self containment levels. This will in turn reduce residents' travel outside of the local area for employment and could potentially lead to an additional \$198,000 to \$234,000 being spent in local retail and commercial centres due to savings associated with reduced travel time.

Additional employment uses within the Tweed Shire provide the opportunity to reduce journey to work travel times as well as increase employment self containment levels. This will in turn reduce residents' travel outside of the local area for employment and could potentially lead to an additional \$198,000 to \$234,000 being spent in local retail and commercial centres due to savings associated with reduced travel time.

In recent days, correspondence has also been received in respect of Traffic and Access issues and these are being addressed now and will be the subject of a revised Traffic Assessment to be completed in the next couple of days. This will be forwarded to council immediately upon receipt.

As stated previously, it is our client's intention to work closely with the Council and relevant authorities and stakeholders to ensure that the process regarding rezoning and ultimately the future development of the land occur in an efficient and timely manner, however given research undertaken to date, it is considered imperative that if this momentum is to be maintained and employment facilitated in the shortest time possible, that a new resolution of council is required.

We thank you in anticipation of your consideration of this matter and ask that you do not hesitate to contact the undersigned should you have any queries.

Regards

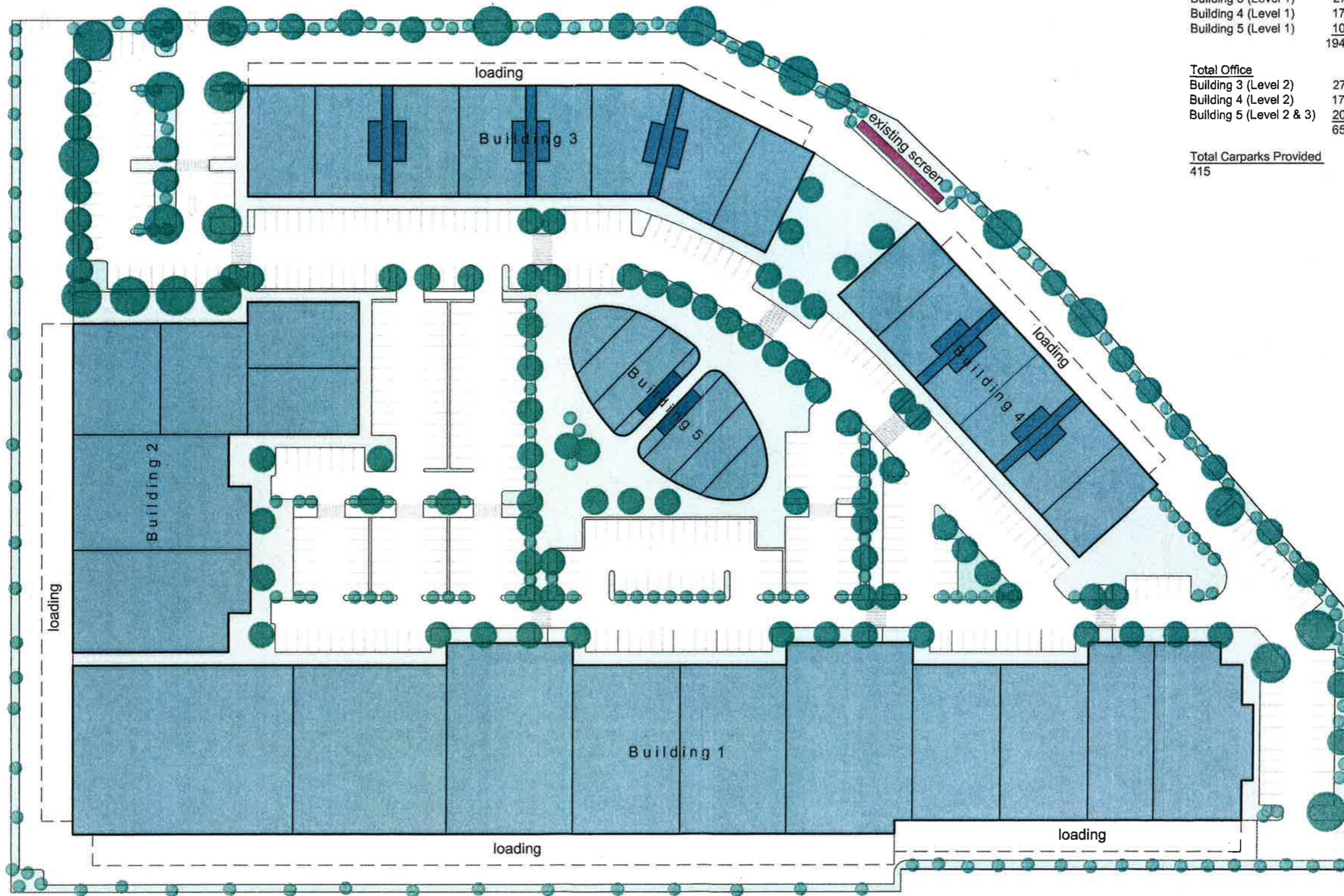


Adam Smith  
Director  
PLANIT Consulting

# Attachment A

## Proposed Conceptual Development Diagrams Outlining Updated Vision





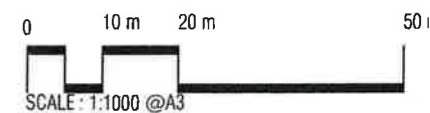
<b>Total Bulky Goods</b>	
Building 1	10285.01
Building 2	3581.35
Building 3 (Level 1)	2799.16
Building 4 (Level 1)	1715.57
Building 5 (Level 1)	1034.50
	<u>19415.59 m<sup>2</sup></u>
<b>Total Office</b>	
Building 3 (Level 2)	2799.16
Building 4 (Level 2)	1715.57
Building 5 (Level 2 & 3)	2069.00
	<u>6583.73 m<sup>2</sup></u>
<b>Total Carparks Provided</b>	
	415

NOTE: SITE NOT YET SURVEYED FOR LOCATIONS OF FEATURES, TOPOGRAPHY.

LEISURE BROTHERS  
 lifestyle centre  
 Rose Street (Lot 10)  
 Tweed Heads NSW



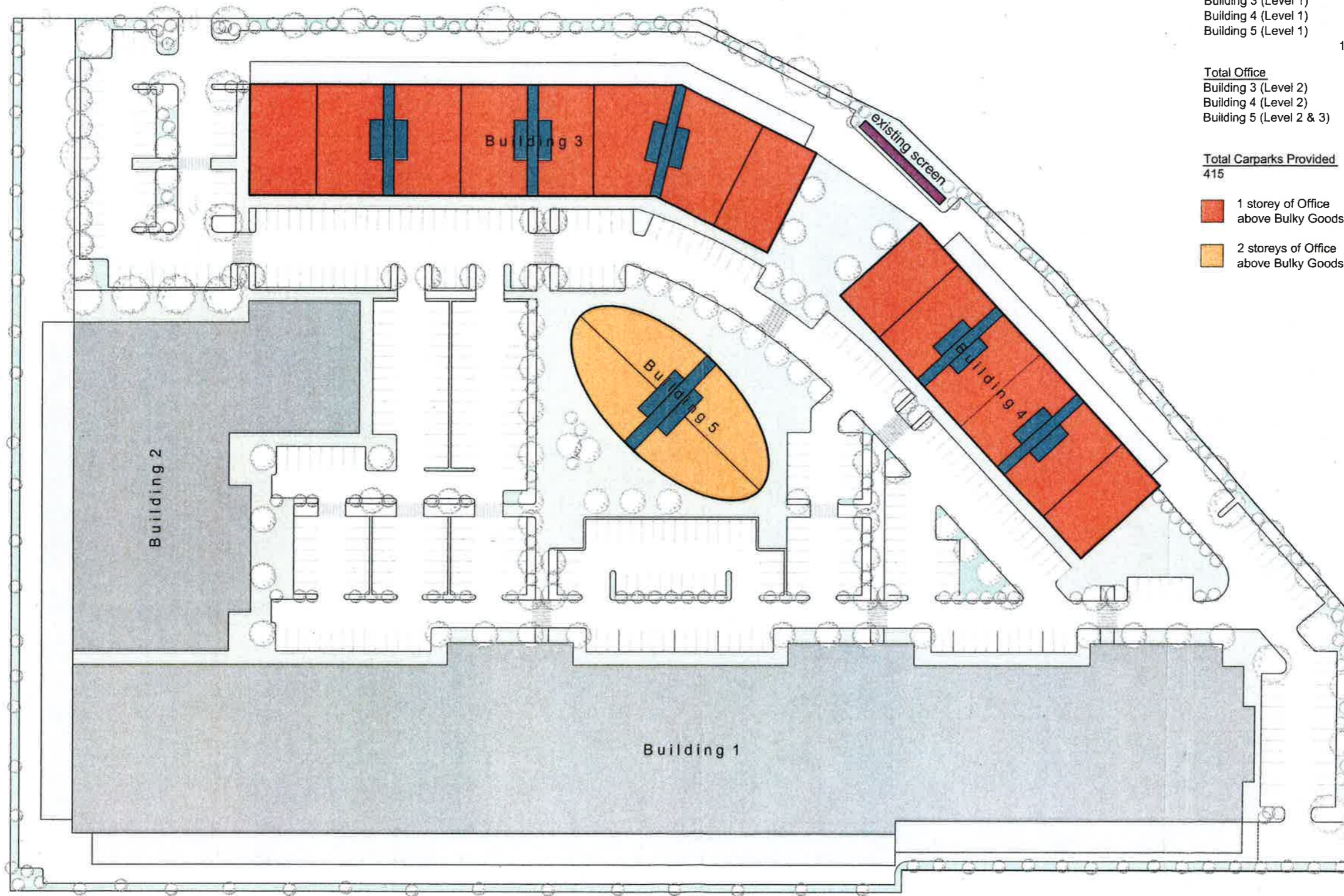
## lifestyle centre development application



IMPORTANT NOTE: Design shown for discussion purposes only & subject to Council Approval, engineering analysis etc.

The copyright in these drawings and plans remain vested in Fluid Architecture Pty Ltd. The design and plan may not be used or reproduced wholly or in part without the written permission of Fluid Architecture Pty Ltd.  
 Verify all dimensions on site. Do not scale from this drawing. Refer any discrepancies to architect.

**SITE PLAN -Level 1**  
 1:1000  
 A1.01 a  
 FEB 2012



Total Bulky Goods	
Building 1	10285.01
Building 2	3581.35
Building 3 (Level 1)	2799.16
Building 4 (Level 1)	1715.57
Building 5 (Level 1)	1034.50
<b>Total</b>	<b>19415.59 m<sup>2</sup></b>

Total Office	
Building 3 (Level 2)	2799.16
Building 4 (Level 2)	1715.57
Building 5 (Level 2 & 3)	2069.00
<b>Total</b>	<b>6583.73 m<sup>2</sup></b>

**Total Carparks Provided**  
415

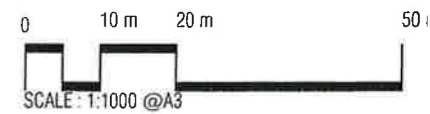
- 1 storey of Office above Bulky Goods
- 2 storeys of Office above Bulky Goods

NOTE: SITE NOT YET SURVEYED FOR LOCATIONS OF FEATURES, TOPOGRAPHY.

LEISURE BROTHERS  
lifestyle centre  
Rose Street (Lot 10)  
Tweed Heads NSW



## lifestyle centre development application



IMPORTANT NOTE: Design shown for discussion purposes only & subject to Council Approval, engineering analysis etc

The copyright in these drawings and plans remain vested in Fluid Architecture Pty Ltd. The designs and plans may not be used or reproduced wholly or in part without the written permission of Fluid Architecture Pty Ltd

Verify all dimensions on site. Do not scale from this drawing. Refer any discrepancies to architect.

SITE PLAN-Level 2

1:1000

A1.02 a

FEB 2012