

**APPENDIX 3**

**LAND & PROPERTY INFORMATION AUTHORITY-  
TITLE RESTRICTION**

Form: 13RVP  
 Release: 2.0  
[www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)

**RESTRICTION ON THE  
 USE OF LAND VESTED  
 PRESCRIBED AUTHORITY**



**AD396138D**

New South Wales  
 Section 88D(3) Conveyancing Act 1919

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	FOLIO IDENTIFIER 490/1095234		
(B) LODGED BY	Document Collection Box	Name, Address or DX and Telephone	CODE
	469S	LLPN 123334 DEPARTMENT OF LANDS PO BOX 272, GRAFTON, NSW, 2460	R
(C) PRESCRIBED AUTHORITY	Reference: 07/2482		
	THE STATE OF NEW SOUTH WALES		

(D) The prescribed authority, being the registered proprietor of the above land, applies to have a recording made in the Register of a restriction on the use of land affecting the above land the terms of which are set out in a true copy of the relevant order dated 30 August 2007 annexed hereto and marked A and certifies that no person or corporation has acquired an interest in the above land.

DATE 30 August 2007

(E) I certify that an authorised officer of the prescribed authority, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this application in my presence.

Certified correct for the purposes of the Real Property Act 1900 by an authorised officer of the prescribed authority.

Signature of witness:

Signature of authorised officer:

Name of witness: Nessbit Lionel Hurcum

Name: Stephen Houlahan

Address of witness: 76 Victoria Street

Position: Team Leader

Grafton NSW 2460

Lands Administration

CT- 469S.

**Annexure A to RESTRICTION ON THE USE OF LAND VESTED IN A PRESCRIBED AUTHORITY**

**Parties:**

**THE STATE OF NEW SOUTH WALES**

**Dated 30 August 2007**

" A "

## ORDER

Land: Lot 490 DP 1095234 ("Land") vested in The State of New South Wales.

The Land is a vacant site to be developed in accordance with the Plan of Management for the Land adopted by the Minister under Section 114 of the Crown Lands Act 1989 in August 2005. The Plan of Management allows the Land to be developed without it being used for permanent residential accommodation. This Order is made to support the Plan of Management.

### 1. DEFINITIONS AND INTERPRETATION

#### 1.1 Definitions

**Council** means the consent authority for a Development Application for the Land which at the date of this Order is Tweed Shire Council.

**Department** means the Department administering the Land which at the date of this Order is the Department of Lands.

**Development Application** means an application for consent to any development required by the Environmental Planning and Assessment Act 1979 (NSW).

#### 1.2 Interpretation

##### 1.2.1 Name, Gender and Corporation

Words importing the singular number include the plural and vice versa, words importing a person including a corporation and vice versa and each gender includes every other gender.

##### 1.2.2 Jointly and Severally

Any covenants to be performed under this Order by two or more persons binds those persons jointly and each of them severally.

##### 1.2.3 Bodies and Associations

References to authorities, institutes, associations and bodies, whether statutory or otherwise, will in the event of any such organisation ceasing to exist, be reconstituted, renamed or replaced or the power or functions or any such organisation be transferred to any other organisation, be deemed to refer respectively to the organisation established or constituted in lieu of any such organisation.

##### 1.2.4 Statutes and Regulations

Reference to a statute or ordinance includes all regulations under and amendments to that statute or ordinance whether by subsequent statute or otherwise and a statute or ordinance passed in substitution for the statute or ordinance.

**1.2.5 Headings and Notes**

Headings and any notes have been inserted for convenience only and do not in any way limit or govern the construction of the terms of this Order.

**1.2.6 Monthly and Yearly**

A reference to "month" and "year" means respectively calendar month and calendar year.

**1.2.7 Include**

The word "include" (in any form) when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

**1.2.8 Notices etc.**

Any notices, notification, certificate, letter, approval or consent must be in writing and will be properly executed if signed by an officer, manager or solicitor of the party giving it.

**2. USE OF LAND**

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**2.1 General Obligation**

The Land must not be used for permanent residential accommodation (except for a caretaker or manager where the residence is provided as part of their employment or engagement contract).

**2.2 Entire Land**

The owner of the Land and any lessee or other person in possession of the Land must not permit any person to use the Land for permanent residential accommodation (except a caretaker or a manager where the residence is provided as part of their employment or engagement contract).

**2.3 Discretion of Department**

The restrictions on use in clauses 2.1 and 2.2 will not apply to the extent the Department gives consent for the use of the relevant part of the Land for permanent residential accommodation. This consent may be granted, withheld or refused in the absolute discretion of the Department and with such conditions as the Department may in its discretion require.

**3. DEVELOPMENT**

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**3.1 Development Application for Permanent Residential Accommodation**

No Development Application for the Land may be lodged with the Council that would:

- 3.1.1 permit any part of the Land to be used for permanent residential accommodation; or

3.1.2 permit development or construction that would encourage or facilitate the use of the Land for permanent residential accommodation.

**3.2 Development Application for Resort Holiday Accommodation**

No Development Application in respect of any part of the Land may be lodged at Council without the prior consent of the Department. The consent of the Department will not be unreasonably refused or withheld where the Development Application provides for or relates to the Development of resort holiday accommodation on the Land.

**4. MISCELLANEOUS**

- 4.1 The State of New South Wales has the benefit of these covenants as restrictions and public positive covenants under Section 88D *Conveyancing Act 1919*.
- 4.2 The land which is the subject of the burden of these covenants is the Land and every part of it.
- 4.3 The State of New South Wales has the right to release, vary or modify this covenant in accordance with Section 88D *Conveyancing Act 1919*.

Dated: 30 August 2007

EXECUTED by the Minister administering the Crown)  
Lands Act 1989 on behalf of STATE OF NEW  
SOUTH WALES in the presence of: )  
)

.....  
Signature of Witness

.....  
Signature of Authorised Officer

*Nessbit L Hurcum*  
.....  
Name of Witness  
Nessbit Hurcum

.....  
Stephen Houlahan by delegation pursuant to section 180 of the Crown Lands Act 1989 and with authority under section 13L of the Real Property Act 1900 from the Minister administering the Crown Lands Act 1989 on behalf of the State of New South Wales.

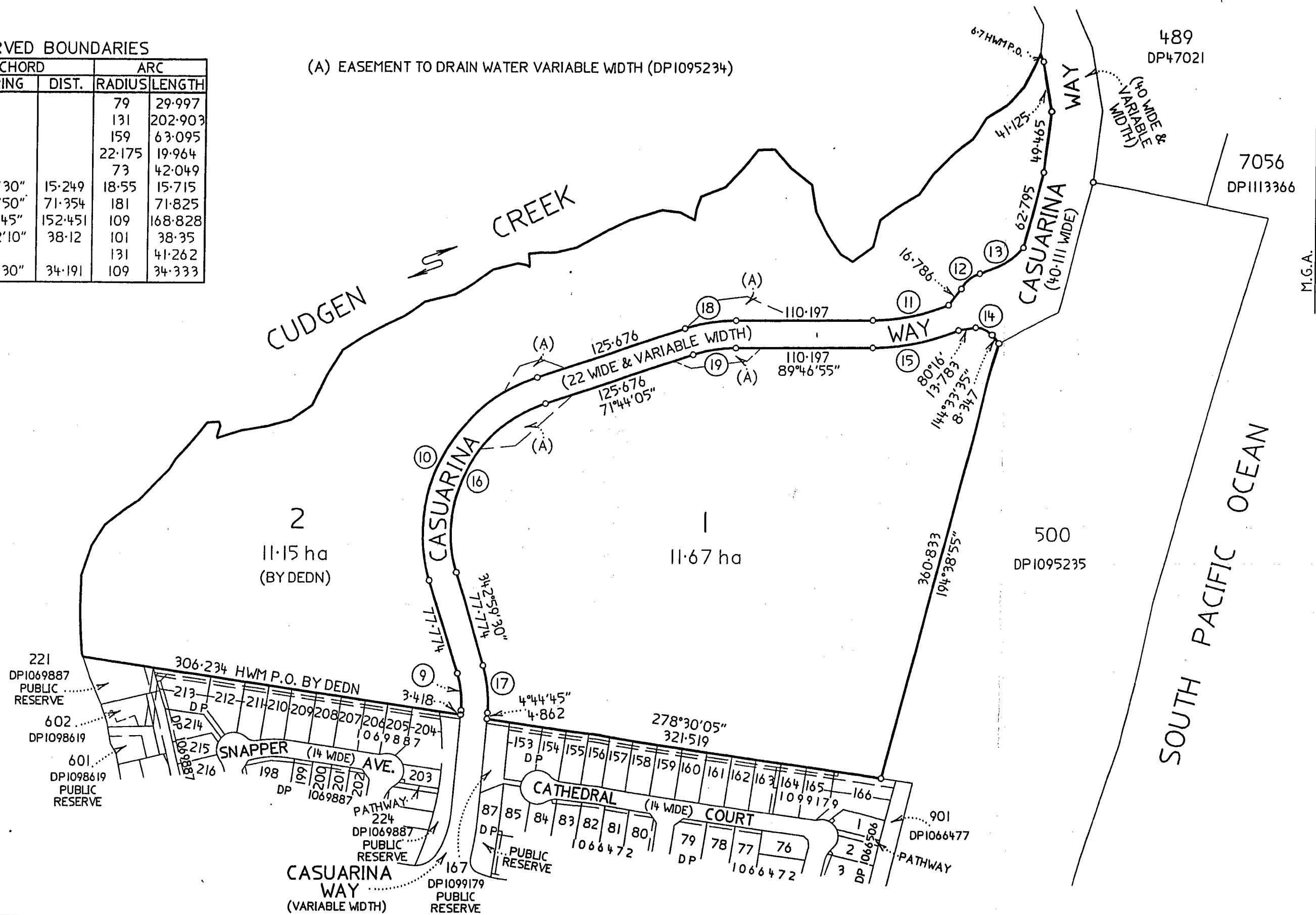
**APPENDIX 4**

**LAND & PROPERTY INFORMATION AUTHORITY-  
PROPOSED SUBDIVISION**

**CURVED BOUNDARIES**

LINE NUM.	CHORD		ARC	
	BEARING	DIST.	RADIUS	LENGTH
9			79	29.997
10			131	202.903
11			159	63.095
12			22.175	19.964
13			73	42.049
14	113°34'30"	15.249	18.55	15.715
15	78°24'50"	71.354	181	71.825
16	27°21'45"	152.451	109	168.828
17	353°52'10"	38.12	101	38.35
18			131	41.262
19	80°45'30"	34.191	109	34.333

(A) EASEMENT TO DRAIN WATER VARIABLE WIDTH (DP1095234)

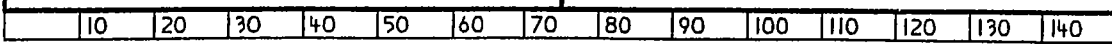


Surveyor: GEOFFREY JAMES THOMSON  
 Date of Survey: 22/8/2007  
 Surveyor's Ref: 8145-282, Checklist

**PLAN OF SUBDIVISION OF LOT 490  
 IN DP1095234**

LGA: TWEED  
 Locality: KINGSCLIFF  
 Subdivision No:  
 Lengths are in metres. Reduction Ratio 1: 3000

Registered  
 DP



**APPENDIX 5**

**LANDOWNER'S CONSENT**

36 Marina Dve  
PO Box 291 J  
Coffs Harbour Jetty NSW 2450

ph 6691 9611  
fax 6651 9975

Contact: Phil Fogarty  
e-mail phil.fogarty@lands.nsw.gov.au  
mobile 0413 852 544

[www.lands.nsw.gov.au](http://www.lands.nsw.gov.au)

Mr Geoff Stephens  
Project Development Manager  
Leighton Properties Resorts Pty Limited  
Level 11, Waterfront Place  
1 Eagle Street, Brisbane Qld 4000

Our Reference: DOC09/37383  
25 June 2009

Dear Mr Stephens

**Re: Major Project Application for Kingscliff Resort**  
(NSW Planning Ref MP07/0089)  
**Lot 490 DP 1095234 Casuarina Way, Kingscliff**

I refer to the above Major Project Application and Preliminary Assessment previously lodged by Leighton Properties Resorts PL with the Minister for Planning and the Director General's Requirements that were subsequently issued on 14 August 2008.

At that time the Department of Lands withheld its consent as owner to lodgement of the application because of contractual obligations under the development lease requiring Leighton to submit for approval of the Department of Lands a set of Community Benefit Plans.

The Department is now pleased to provide owners consent to lodgement, having approved the subject Community Benefit Plans, and having endorsed the environmental assessment reports in satisfaction of the DGR's.

Owner's consent is given without prejudice so that full investigation of the development proposal may proceed under the State's environmental planning laws. The Department on behalf of the Minister reserves the right to submit comment on the proposal during that process.

Should you require any further information in regards to this matter, please contact me on 66919611.

Yours sincerely



Phil Fogarty  
Program Manager  
Commercial  
Far North Coast

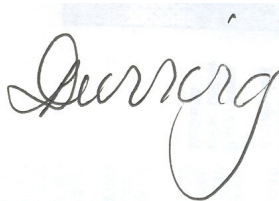
# NSW DEPARTMENT OF LANDS

**DEVELOPMENT APPLICATION RELATING TO  
LAND VESTED IN THE CROWN  
CONSENT AS OWNERS OF THE LAND**

<b>APPLICANT</b>	Leighton Properties Resorts Pty Ltd
<b>PROPERTY DETAILS</b>	Lot 490 DP 1095234, Part Lot 489 DP 47021 and Part Lot 500 DP 1095235
<b>RESERVE DETAILS</b>	Crown Reserves 1002202 for Tourist Facilities and Services and 1001008 for Public Recreation and Coastal Environmental Protection.
<b>RESERVE MANAGEMENT</b>	<p>Reserve 1002202 is under the care control and management of the Crown Lands Reserve Trust and managed by the Department of Lands.</p> <p>Reserve 1001008 is under the care control and management of the Tweed Coast reserve Trust and managed by Tweed Shire Council.</p> <p>A development lease and ground lease granted under Sec 34a CLA to Leighton Properties Resorts P/L provides that the holder has responsibilities for environmental works and public facilities for the term of the lease.</p>
<b>PROPOSED DEVELOPMENT</b>	<b>Construction of a tourist resort and associated facilities including community facilities and environmental rehabilitation</b>

**Consent as owner of the lands described above pursuant to Clause 49 of the Environmental Planning and Assessment Regulation 2000.**

Under Instrument of Authority dated 21 April 2006, I, Richard Dunning, Program Manager, Land Management, North Coast, Crown Lands Division, Department of Lands, 76 Victoria Street (PO Box 272) GRAFTON, for and on behalf of the Crown hereby consent to the making of the attached application for the above proposal.



26 June 2009

Richard Dunning  
Program Manager, Land Management (North Coast)  
Crown Lands Division  
Department of Lands  
GRAFTON

## **APPENDIX 6**

### **CAPITAL INVESTMENT VALUE STATEMENT**

# THE KINGSCLIFF RESORT DEVELOPMENT - CAPITAL INVESTMENT VALUE

## Total Cost Summary

GFA: Gross floor area  
Rates current at April 2009

Zone	Level	GFA m <sup>2</sup>	Cost/m <sup>2</sup>	Total Cost
<b>A CIVIL WORKS as separate contract</b>				<b>\$6,350,328</b>
<b>B DU PLANS (In 21 No.)</b>				
B1	Ground floor (In 2 No.)	3,444	2,317	7,979,664
B2	First floor (In 2 No.)	3,612	1,955	7,060,704
B3	Timber truss roof (In 2 No.)			1,405,320
B4	Stepping stones			8,400
B5	Landscaping			Excl.
B6	FF&E			2,520,000
B7	Preliminaries 10%			1,897,392
B8	Margin 5%			1,043,574
		<b>7,056</b>	<b>\$3,106</b>	<b>\$21,915,054</b>
<b>C DU ASSOCIATED WORKS</b>				
C1	Elevated timber pathways			505,312
C2	Road noise barrier			500,000
C3	Preliminaries 10%			100,532
C4	Margin 5%			55,292
				<b>\$1,161,136</b>
<b>D BB2 PLANS (In 38 No.)</b>				
D1	Ground floor	4,978	1,491	7,424,402
D2	Timber truss roof			1,233,480
D3	Driveway and stepping stones			63,460
D4	Landscaping			Excl.
D5	FF&E			1,140,000
D6	Preliminaries 10%			986,138
D7	Margin 5%			542,374
		<b>4,978</b>	<b>\$2,288</b>	<b>\$11,389,854</b>
<b>E BB3 PLANS (In 44 No.)</b>				
E1	Ground floor	3,520	1,464	5,152,928
E2	First floor	2,640	1,758	4,641,076
E3	Timber truss roof			1,058,640
E4	Driveway and stepping stones			73,480
E5	FF&E			1,540,000
E6	Preliminaries 10%			1,246,608
E7	Margin 5%			685,652
		<b>6,160</b>	<b>\$2,337</b>	<b>\$14,398,384</b>
<b>F FULLY ACCESSIBLE UPGRADES (In 12 No.)</b>				<b>\$120,000</b>
<b>G LLB PLANS (In 14 No.)</b>				
G1	Ground floor	2,142	1,410	3,020,290
G2	Upper floor	2,352	1,851	4,353,650
G3	Timber truss roof			510,440
G4	Driveway and stepping stones			53,760
G5	Landscaping			Excl.
	<b>Carried forward</b>	<b>22,688</b>	<b>\$2,789</b>	<b>\$63,272,896</b>

# THE KINGSCLIFF RESORT DEVELOPMENT - CAPITAL INVESTMENT VALUE

## Total Cost Summary

GFA: Gross floor area  
Rates current at April 2009

Zone	Level	GFA m <sup>2</sup>	Cost/m <sup>2</sup>	Total Cost
	Brought forward	22,688	\$2,789	\$63,272,896
<b>G</b>	<b>LLB PLANS (In 14 No.) Cont'd</b>			
	G6 Swimming pool			350,000
	G7 FF&E			700,000
	G8 Preliminaries 10%			898,814
	G9 Margin 5%			494,340
		<b>4,494</b>	<b>\$2,310</b>	<b>\$10,381,294</b>
<b>H</b>	<b>INTERPRETIVE CENTRE</b>			
	H1 Interpretative Centre	175	2,292	401,143
	H2 FF&E			100,000
		<b>175</b>	<b>\$2,864</b>	<b>\$501,143</b>
<b>I</b>	<b>CENTRAL FACILITIES</b>			
	I1 Porte cochere	230	1,368	314,650
	I2 Reception/Admin offices/Deck	895	2,841	2,542,510
	I3 Conference Hall/Store	336	4,253	1,429,060
	I4 Restaurant /Bar/Kitchen/Retail	642	5,193	3,333,685
	I5 Preliminaries 15%			1,142,986
	I6 Margin 5%			438,145
		<b>2,103</b>	<b>\$4,375</b>	<b>\$9,201,036</b>
<b>J</b>	<b>PONTOON</b>			<b>\$77,546</b>
<b>K</b>	<b>MAINTENANCE &amp; STAFF AMENITIES</b>			
	K1 Staff kitchen/lunch/amenities	196	2,692	527,660
	K2 Housekeeping/maintenance	204	1,749	356,820
	K3 Food & Beverages			387,000
	K4 Fence & gates			45,700
	K5 Maintenance Equipment			75,000
	K6 Preliminaries 10%			139,218
	K7 Margin 5%			76,570
		<b>400</b>	<b>\$4,020</b>	<b>\$1,607,968</b>
<b>L</b>	<b>PUBLIC AMENITIES</b>	<b>168</b>	<b>\$2,976</b>	<b>\$500,022</b>
<b>M</b>	<b>BUS SHELTERS (In 2 No.)</b>			<b>\$43,612</b>
<b>N</b>	<b>PICNIC SHELTERS - beach side (In 4 No.)</b>			<b>\$97,160</b>
<b>O</b>	<b>PICNIC SHELTERS - creek side (In 5 No.)</b>			<b>\$92,575</b>
<b>P</b>	<b>LARGE BBQ AREA - creek side</b>			<b>\$94,133</b>
<b>Q</b>	<b>RECREATION COURTS</b>			<b>\$50,000</b>
	<b>Carried forward</b>	<b>25,534</b>	<b>\$3,054</b>	<b>\$77,981,245</b>

# THE KINGSCLIFF RESORT DEVELOPMENT - CAPITAL INVESTMENT VALUE

## Total Cost Summary

GFA: Gross floor area  
Rates current at April 2009

Zone	Level	GFA m <sup>2</sup>	Cost/m <sup>2</sup>	Total Cost
	Brought forward	25,534	\$3,054	\$77,981,245
<b>R</b>	<b>SWIMMING POOL</b>			
	S1 Swimming pool			515,000
	S2 Children's pool			110,000
	S3 Spa			25,000
	S4 Pool heating			120,000
	S5 Sundry Electrical			20,000
	S6 Pool fencing			50,000
	S7 Pool bridge and decking			50,000
	S8 Pool furniture			10,000
	S9 FF&E			35,000
	S10 Pool BBQ shelters (In 4 No.)	80	950	76,000
	S11 Pool paving			621,000
	S12 Preliminaries 10%			163,200
	S13 Margin 5%			89,760
		<b>80</b>	<b>\$23,562</b>	<b>\$1,884,960</b>
<b>S</b>	<b>POOL AMENITIES</b>			
	T1 Spa & gym	203	3,252	660,213
	T2 Preliminaries 10%			66,021
	T3 Margin 5%			36,312
		<b>203</b>	<b>\$3,756</b>	<b>\$762,546</b>
<b>T</b>	<b>RESORTS CHILDRENS PLAYGROUND</b>			<b>\$254,042</b>
<b>U</b>	<b>PUBLIC CHILDRENS PLAYGROUND</b>			<b>\$396,165</b>
<b>V</b>	<b>GAMES ROOM</b>			
	W1 Games room	99	1,841	182,225
	W2 Preliminaries 10%			18,222
	W3 Margin 5%			10,022
		<b>99</b>	<b>\$2,126</b>	<b>\$210,469</b>
<b>W</b>	<b>BIKE RACKS</b>			<b>\$11,000</b>
<b>X</b>	<b>LANDSCAPING</b>			
	Y1 LVO' Architect budget 02/09/2008			2,588,299
	Y2 Landscape lighting - cabling			100,000
	Y3 Exercise Stations beachside			36,000
	Y4 Gray water treatment plant			Excl.
	Y5 Irrigation rainwater tanks			50,000
	Y6 Irrigation pumps			10,000
	Y7 Preliminaries 10%			308,430
	Y8 Margin 5%			169,636
				<b>\$3,262,365</b>
<b>Y</b>	<b>SITE SIGNAGE</b>			<b>\$119,693</b>
	<b>Carried forward</b>	<b>25,916</b>	<b>\$3,275</b>	<b>\$84,882,485</b>

# THE KINGSCLIFF RESORT DEVELOPMENT - CAPITAL INVESTMENT VALUE

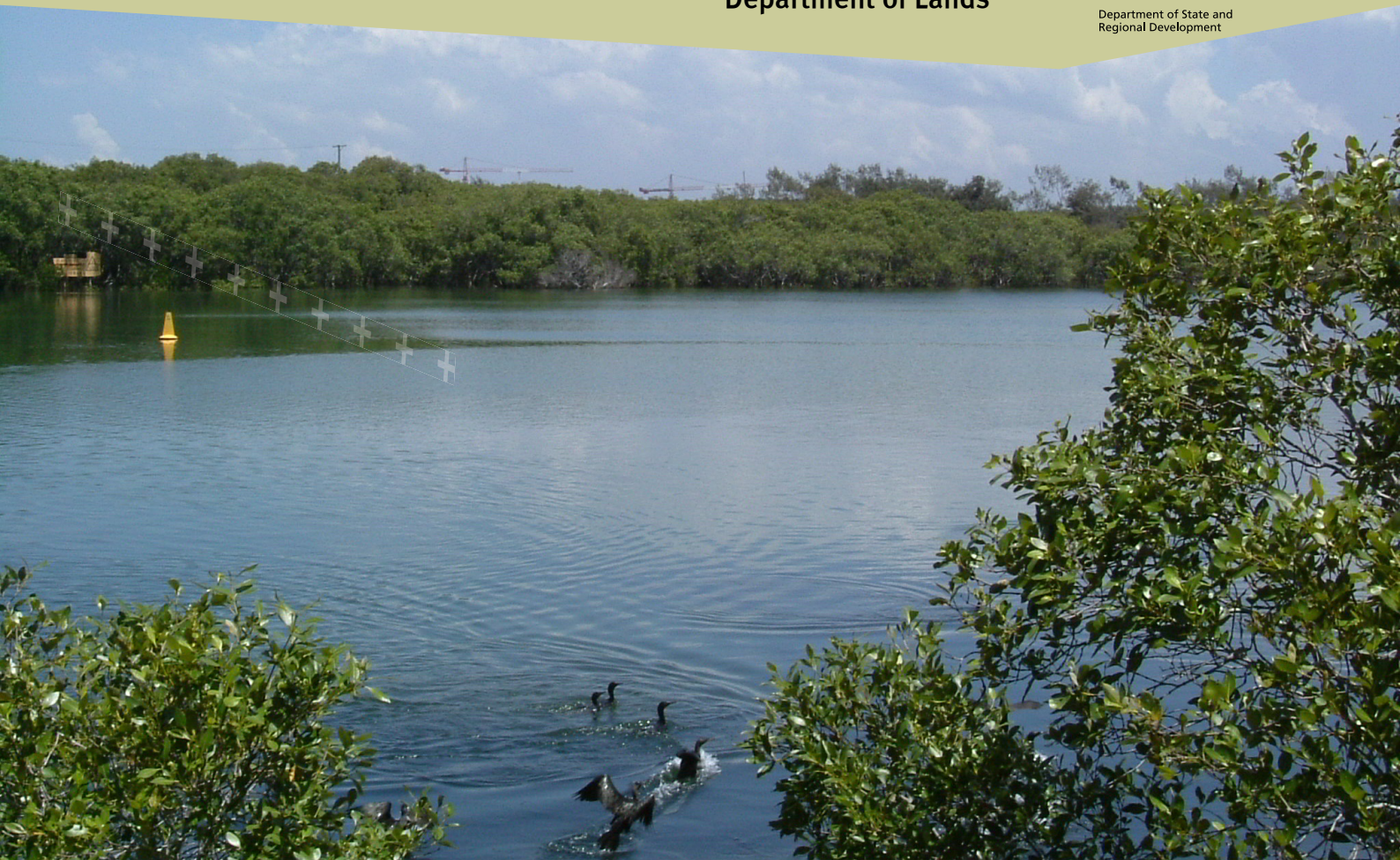
## Total Cost Summary

GFA: Gross floor area  
Rates current at April 2009

Zone	Level	GFA m <sup>2</sup>	Cost/m <sup>2</sup>	Total Cost
	Brought forward	25,916	\$3,275	\$84,882,485
<b>Z</b>	<b>SITE SECURITY</b>			<b>\$250,000</b>
<b>a</b>	<b>VEHICLE ACCESS CONTROL</b>			<b>\$150,000</b>
	<b>Net Cost</b>	<b>25,916</b>	<b>\$3,291</b>	<b>\$85,282,485</b>
<b>Margin &amp; Adjustments</b>				
	PROJECT CONTINGENCIES	5.0%		4,264,124
	AUTHORITY FEES & CHARGES	4.0%		3,581,864
	PROFESSIONAL FEES	10.0%		9,312,847
	ESCALATION to November 2010	2.5%		2,561,033
	EXTRA ESCALATION STAGE 2			Excl.
	GST			Excl.
	<b>Total Cost</b>	<b>25,916</b>	<b>\$4,052</b>	<b>\$105,002,353</b>

**APPENDIX 7**

**LOT 490 PLAN OF MANAGEMENT**



# LOT 490

Incorporating Lot 490 and Parts of Lots 489 and 500

Draft Plan of Management



# LOT 490

Incorporating Lot 490 and Parts of Lots 489 and 500

Draft Plan of Management

Exhibited 13 December 2004 to 7 February 2005

Amendments post-exhibition restricted to revised diagrams to refine cartography

# ACKNOWLEDGEMENTS

This Plan of Management has been developed in close association with the Lot 490 Steering Committee who have been dedicated to the forging the best possible development solutions, environmental protection and community benefit. The collective knowledge and passion for the site has been key to the development of the Plan of Management to guide the future of this important area.

The Tweed Shire Council have also been an integral part of the development of the Plan of Management, providing key local knowledge, research and information.

Funding for this Plan of Management has been provided by the Department of State and Regional Development.

## **Lot 490 Steering Committee Members**

Richard Dunning

*Chair of the Steering Committee and Administrator of the Lot 490 Reserve Trust. Mr Dunning is also the Acting Manager (Business Services) for Crown Lands NSW, Far North Coast;*

Noel Hodges

*Director Planning & Environment, Tweed Shire Council*

Cr Warren Polglase

*Mayor, Tweed Shire Council*

Tim Rabbidge

*Landscape Planning Manager, Department of Infrastructure Planning and Natural Resources*

Trevor Wilson

*Business Development Manager, Department of State and Regional Development*

Ian Oelrichs

*Chair, Northern Rivers Regional Development Board*

Barbara Fitzgibbon

*Kingscliff Ratepayers Association*

Rose Wright

*Kingscliff Chamber of Commerce*

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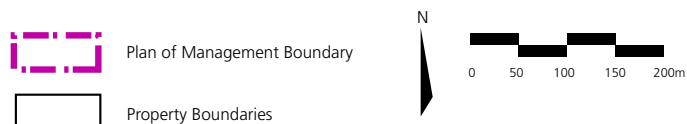
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# 1 INTRODUCTION

## BACKGROUND

This document forms the Plan of Management for the site described as 'Lot 490'. The site has previously been identified as a location for tourism development and the Plan has been prepared to guide future development of the site, ensuring consistency with community and environmental values.

The land is Crown land owned and managed by the state of New South Wales (Department of Lands). While the site is described as Lot 490 it comprises Lot 490 DP47021, part of Lot 489 DP 47021 and part of Lot 500 DP727470 (Figure 1). Lot 490 was gazetted as Crown Reserve 1002202 for Tourist Facilities and Services on 6 November, 1998. Lots 489 and 500 were gazetted as Crown Reserve 1001008 for Public Recreation and Coastal Environmental Protection on 31 October 1997.



**Figure 1**  
**The Site**

## AIMS OF THE PLAN

The aims of this Plan of Management are:

- to ensure development is consistent with the ecological, scenic, social and cultural values of the site;
- to promote regeneration and restoration of sensitive yet degraded areas within the reserve and adjoining land;
- enhance the attractions of the site and surrounds in terms of tourist potential;
- to ensure the development of the site integrates with the new development to the south, Cudgen Headland and Lot 500;
- to reflect the State significance of this coastal site, particularly in terms of environmental planning and management and urban design;
- to apply the principles, policies and actions of the Crown Lands Act 1989, Tweed Shire 2000+ Strategic Plan, the NSW Coastal Policy and State Environmental Planning Policy 71 (Coastal Protection).
- to enable the generation of a sustainable revenue source to facilitate appropriate management;
- to encourage innovative, ecologically sustainable design while enhancing community well-being.

## ECO TOURISM

The site's potential for tourism development is a critical element of this Plan of Management in order to meet the vision and objectives expressed by the broader community. The underlying principles for *eco tourism* are aligned with the community's desires and expectations best described below:

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

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

(Nature and Eco-tourism Accreditation Program 2000)

## RELEVANT STRATEGIES AND POLICIES

There are many State, regional and local policies and strategies that relate to the planning and management of the site. A number of these have been particularly important in the preparation of this Plan of Management, including:

- New South Wales Coastal Policy
- Tweed Shire 2000+ Strategic Plan

- Cudgen Creek Estuary Management Plan
- North Coast Regional Environmental Plan
- Tweed Vegetation Management Strategy, 2004
- Draft Tweed Shire Coastline Management Plan, 2004

## 2 MANAGEMENT CONTEXT

There are important contextual elements to this site to be considered as part of a planning, development and management process including:

- Land Tenure;
- Cudgen Headland;
- Cudgen Creek;
- Kingscliff;
- South Kingscliff Urban Release Area; and
- Economic Development.

### **Land Tenure**

The site is Crown Land and public access to the beach foreshore and creekside land must be maintained. Any development of the site will be on a leasehold basis with the length of term to be negotiated.

### **Cudgen Headland**

Cudgen Headland adjoins the site to the north-east. This is also Crown land and is reserved for public recreation and beach access. Development of the site needs to ensure strong connections with Cudgen Headland integrating the local context with cohesive design and environmental management.

### **Cudgen Creek**

Cudgen Creek adjoins the site to the west and represents an important estuarine community. Cudgen Creek is significant in terms of ecological and scenic values. It also provides regional water based recreation opportunities with direct access to the Pacific Ocean.

### **Kingscliff Village**

The site is directly south of Kingscliff Village, an important growth area within the Tweed Coast that has undergone significant changes over the past few years with a prediction of strong continuous growth.

### **South Kingscliff Urban Release Area**

The site is part of the South Kingscliff Urban Release Area, one of the most significant remaining coastal areas identified for development on the New South Wales coast. This Plan recognises

the regional significance of the site and the need to ensure high quality urban design outcomes and environmental protection. The land has high potential for tourist development that would contribute to the region's economic growth. As part of the South Kingscliff Urban Release Area, Salt and Casuarina Beach residential community have been developed with some stages still under construction. Movement connectivity between the subject site and southern development will be an important element of the design and development process, including road network and pedestrian/cycle pathway connections.

### **Economic Development**

The Tweed Valley has been identified as one of six regional centres for implementing the Country Centres Growth Strategy initiative of the Government's Policy for Regional Development. The *Tourism Infrastructure Development* component of the Strategy has identified a gap in the area of quality ecotourism facilities on the Tweed Coast, and has considered the subject land to have attributes appropriate for eco tourism development.

### 3 SITE

The site (Figure 1) is immediately south of Kingscliff, north of the Salt development currently under construction and east of Cudgen Creek representing a significant area to the local community, visitors and tourists. The site comprises 43.4 hectares of Crown Reserve. The land is generally flat with some sections considered to be flood prone.

The major influence on the physical attributes of the site has been sandmining which occurred across the site until the early 1980's and resulted in the existing flat topography. The disturbance and inadequate rehabilitation associated with the sandmining has resulted in the site vegetation being dominated by exotic species, many of which are noxious and environmental weeds. There are some isolated stands of native vegetation, generally *Banksia integrifolia*, and *Casuarina* species. A range of other threatened fauna species have been recorded in the local area with several recorded on the site. The site appears unlikely to provide core habitat for any of these species, however more studies will be necessary to accurately determine this.

The site has access to the Council's reticulated water and sewer system. There is a low voltage electricity line traversing the site and a telecommunications fibre optic cable is located near the southern boundary of the site.

#### SITE ZONING

The land is zoned in the Tweed Local Environmental Plan 2000 as:

Zone 7(a) Environmental Protection (Wetlands and Littoral Rainforest), located along the Cudgen Creek margin of the site. The primary objectives of this zone are:

- to identify, protect and conserve significant wetlands and littoral rainforests; and
- to prohibit development which could destroy or damage a wetland or littoral rainforest.

Zone 2(f) Tourism, located over the majority of Lot 490. The primary objectives of this zone are:

- to encourage integrated tourist development and uses associated with ancillary to or supportive of the tourist development, including retailing and service facilities, where such facilities are an integral part of the tourist development and are of a scale appropriate to the needs of that development; and
- to ensure that prime sites are developed for the best use and fulfill their economic and employment generating potential for the area.

Lot 500, is zoned as Zone 7(f) Environmental Protection (Coastal Lands). The primary objectives of this zone are:

- to identify land susceptible to coastal erosion and protect it from inappropriate development; and
- to protect and enhance the scenic and environmental values of the land.

## 4 VISION

The Vision is underscored by the community's desires and expectations for the area. This vision represents an holistic view encompassing environmental, economic, social and cultural aspirations of the local community, Shire and State.

*A quality eco-tourism development in a natural setting combining a range of passive and active recreational opportunities and economic benefits to the local community while ensuring protection and enhancement of the site's environmental values.*

## 5 MANAGEMENT FRAMEWORK

The management of the site is based on the vision statement that is shared by the Reserve Trust and the wider community and is endorsed by the Department of Lands. The management framework for the reserve is intended to provide long-term guidance for all future decisions affecting the reserve.

Design, development and management of this land must be consistent with the Plan of Management and any conditions attached to leases or licences granted under the Crown Lands Act.

### OVERARCHING PRINCIPLES

The Plan of Management is based on the Principles of Crown Land Management as defined in Section 11 - Crown Lands Act 1989. These provide the basis for management and administration of Crown Land in New South Wales and include:

- That environmental protection principles be observed in relation to the management and administration of Crown land;
- That the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;
- That public use and enjoyment of appropriate Crown land be encouraged;
- Where appropriate, multiple use of Crown land is encouraged;
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity;
- That Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

### MANAGEMENT OBJECTIVES

The objectives are outlined to meet the vision for the future of the site. Objectives are identified under each of the following categories:

- Accessibility and Connectivity;
- Character and Visual Amenity;
- Open Space and Recreation;
- Environmental Enhancement;
- Built Form;
- Tourism;
- Water Cycle and Flood Management; and
- Community Involvement.

Objectives and strategies for each objective are listed on the following pages.

## ACCESSIBILITY AND CONNECTIVITY

Objective	Strategy
<p><b>The site is to be accessible physically, visually and economically with public access to the beach, creek and natural bushland areas and links to the Tweed Shire Council's pedestrian/cycle network, designed in an integrated and holistic manner.</b></p>	<p>Tweed Coast Way to be relocated within Lot 490 to the corridor shown in Figure 2 and electricity easement to be utilised where possible;</p> <p>New road alignment to consolidate commercial development, and maximise continuity of community based activities, while being consistent with environmental objectives for the site;</p> <p>Maintain the existing Tweed Coast Way alignment as a beach access road, limited car parking and pedestrian/cycle link;</p> <p>Determine and provide up to three access points to the beach through Lot 500 to allow public access to the beach while minimising adverse impacts on the dune areas (see Figure 3);</p> <p>Provide an access point to Cudgen Creek in order to minimise impacts particularly with regards to bank stabilisation (see Figure 3 );</p> <p>Provide well located and safe public car parking areas at beach and creek access points;</p> <p>Ensure car parking is located to minimise environmental and visual impacts;</p> <p>Car parking within the tourism development to be environmentally responsive and in accordance with Tweed Shire Council's (TSC) requirements;</p> <p>Continue pedestrian/cycle path from southern developments to the Cudgen Creek crossing;</p> <p>Provide safe and barrier free pedestrian/cycle access where appropriate;</p> <p>Provide internal pedestrian/cycle links to coastal pathway system;</p> <p>Provide pedestrian/cycle links to Cudgen Creek integrating with future recreation facilities;</p> <p>All pedestrian/cycle paths to be designed in accordance with TSC's DCP 16. Natural surveillance and sight lines relating to public safety to be incorporated;</p> <p>Provide bicycle racks to enable safe and secure bicycle storage at key destinations/recreation nodes;</p> <p>Provide safe pedestrian/cycle path crossings on the realigned Tweed Coast Way;</p> <p>Align pedestrian/cycle paths to maximise visual access to surrounding beach, ocean, creek and areas of environmental and high scenic quality; and</p> <p>Locate pedestrian/cycle paths to limit adverse environmental impacts.</p>

## CHARACTER AND VISUAL AMENITY

Objective	Strategy
<p><b>The coastal village character and natural setting is to be retained and enhanced to ensure a strong sense of place.</b></p>	<p>Establish a Coastal Village character, to be reinforced through built form and landscape, reflecting the existing beach culture/lifestyle;</p> <p>Provide a natural bushland setting that ameliorates the effects of urbanisation of the coastline;</p> <p>Establish a <i>significant entry/arrival point</i> through appropriate landscape treatment at the northern part of the site adjacent to the Cudgen Creek crossing enhancing the natural setting and coastal character;</p> <p>The high scenic qualities and natural attributes are to be the focus of development and open space/recreation;</p> <p>Landscape species are to be endemic to the local area;</p> <p>Landscape infrastructure elements including lighting, shelters, etc are to be reflective of the coastal character;</p> <p>Minimise visibility of built form/development from the new Tweed Coast Way alignment, existing residential areas to the north and south, and public open space and recreation areas;</p> <p>Align and landscape the realigned Tweed Coast Way to provide a visually stimulating driver experience for residents and visitors to the area, reinforcing a strong sense of place;</p> <p>Ensure traffic calming devices are implemented along the new Tweed Coast Way to ensure public safety, accessibility and well-being;</p> <p>Establish a visual/landscape buffer (30m minimum) to southern residential development using endemic species;</p> <p>Maximise opportunities for views from public open space to the beach and creek; and</p> <p>Underground the existing power line to enhance visual amenity of the area.</p>

## OPEN SPACE AND RECREATION

Objective	Strategy
<p><b>Provide an abundance of open space to ensure a natural setting to development, enhancing ecological, cultural and scenic quality values and to provide important community facilities and a diverse range of passive and active recreational opportunities.</b></p>	<p>Provide for a range of diverse and inclusive recreational opportunities, such as walking, cycling, surfing, swimming, canoeing/kayaking, other non-motorised boating, fishing, bird watching and other water and nature based activities;</p> <p>Provide access to a variety of areas within the site. beach, creek and bushland;</p> <p>Provide a community focus within the arrival/entry area promoting social and cultural values and celebrating the history of the area;</p> <p>Allow small scale commercial facilities (under lease) associated with recreation activities, eg canoe/bicycle hire/kiosk;</p> <p>Ensure any recreation related commercial facility does not compromise environmental objectives;</p> <p>Incorporate interpretive/educational elements within the open space and recreation areas, expressing the local beach culture and character of the area;</p> <p>Maximise continuity between open space and recreation areas, and development;</p> <p>Minimise fragmentation of rehabilitated open space through appropriately locating pedestrian/cycle links and recreation areas; and</p> <p>Ensure environmentally sustainable development of open space and recreation areas via controlled access points through the dunes to the beach and to Cudgen Creek (see Objective - Accessibility and Connectivity).</p>

**ENVIRONMENTAL ENHANCEMENT**

Objective	Strategy
<p><b>Maximise ecological values of the site by conserving ecologically significant areas, rehabilitating degraded areas, and limiting any future adverse impacts.</b></p>	<p>Develop and implement a weed management program to remove weeds from the site and minimise future infestations;</p> <p>Incorporate an extension to the existing dune restoration program to the south (Lot 500) by implementing a Dune Management Plan;</p> <p>Undertake studies to precisely identify ecologically significant areas and potential impacts on threatened species;</p> <p>Undertake studies to identify any risk of post- sand mining contamination;</p> <p>Landscape design and implementation in developed areas to emphasise regeneration of native coastal vegetation and the retention of existing natural vegetation, enhancing habitat connectivity;</p> <p>Ensure comprehensive landscape and environmental enhancement programs form part of any development plan;</p> <p>Provide enhanced habitat for identified threatened or vulnerable species ;</p> <p>Conserve the Cudgen Creek estuarine community and rehabilitate where necessary;</p> <p>Undertake rehabilitation along the Cudgen Creek edge where appropriate;</p> <p>Monitor bank erosion on the Cudgen Creek edge and address if necessary; and</p> <p>Ensure any environmental enhancement does not create new habitats for biting midge.</p>

## BUILT FORM

Objective	Strategy
<p><b>Incorporate <i>best practice Ecologically Sustainable Development (ESD) principles in order to retain and enhance the coastal character and environmental values.</i></b></p>	<p>Establish estuary and beach setbacks (as shown on Figure 2), within which, no significant structures are to be located. Picnic shelters and other small scale structures may be considered in these areas.</p> <p>Building height not to exceed two (2) storeys or a maximum of 8 metres, or adversely impact on significant view corridors;</p> <p>Use materials that are sympathetic to the local character in terms of colour and texture;</p> <p>Use quality materials appropriate for coastal environmental conditions;</p> <p>Style and character to be reflective of a low scale, coastal village;</p> <p>Design and construct buildings to be climatically responsive to site conditions;</p> <p>Incorporate contemporary, innovative and environmentally responsive architecture reflecting coastal themes, expressing a strong connection with the natural setting;</p> <p>Minimise clearing of natural vegetation;</p> <p>Minimise building footprint including the restriction of <i>slab on ground</i> development;</p> <p>Ensure energy consumption is minimised;</p> <p>Incorporate natural ventilation techniques and appropriate building orientation;</p> <p>Maximise water use efficiency;</p> <p>Ensure maximum life cycle costing is incorporated; and</p> <p>Maintain density of built form to respect the natural setting and minimise adverse visual and environmental impacts.</p>

## TOURISM

Objective	Strategy
<p><b>Provide a diverse range of accommodation and recreational opportunities within a natural setting using <i>best practice</i> eco-tourism principles.</b></p>	<p>Facilitate an eco tourism development on the site (under lease) consistent with all of the objectives in this Plan;</p> <p>Provide a diverse range of accommodation (cabin style) and associated facilities, while being consistent with the objectives in this Plan and 'eco tourism' principles below;</p> <p>Provide an integrated/ multi-purpose community facility as a part of the development celebrating the local beach culture and to promote community well-being;</p> <p>Provide diverse nature and water based experiences utilising the direct link with the beach, creek and bushland; and</p> <p>Design, construct and manage any development in accordance with the following 'eco tourism' principles:</p> <ul style="list-style-type: none"> <li>• minimise impact on the environment;</li> <li>• promote local environmental and cultural awareness;</li> <li>• provide positive experiences for both visitors and local community;</li> <li>• Provide direct financial benefits for conservation and rehabilitation;</li> <li>• Provide financial benefits and empowerment for the local community and economy;</li> <li>• Contribute actively to the conservation of natural and cultural heritage;</li> <li>• Include the local community in its planning, development and operation; and</li> <li>• Interpret the natural and cultural heritage of the destination to visitor.</li> </ul>

## WATER CYCLE AND FLOOD MANAGEMENT

Objective	Strategy
<p><b>To ensure <i>best practice</i> Water Sensitive Urban Design principles are applied to ensure the quality of surrounding water bodies are maintained and water use is minimised.</b></p>	<p>Minimise changes to natural drainage patterns;</p> <p>Manage stormwater to ensure no adverse impacts on receiving waters;</p> <p>Ensure that any stormwater management measures do not create an environment for biting midge;</p> <p>Provide on site stormwater management that is sensitive to environmental and scenic qualities of the site.</p> <p>Provide rainwater tanks to enhance on site reticulation for any landscape irrigation;</p> <p>Minimise the requirement for landscape irrigation;</p> <p>Maximise opportunities for water recycling on-site; and</p> <p>Recognise areas below the 1:100 year floodline as generally inappropriate for development.</p>

## COMMUNITY INVOLVEMENT

Objective	Strategy
<p><b>To ensure ongoing community involvement in the design, development and management of the site</b></p>	<p>Establish clear communication channels between the Reserve Trust, lessee(s) and community;</p> <p>Continuously review and incorporate community attitudes, expectations and requirements into the management of the site; and</p> <p>Undertake community consultation at critical phases of the design and development process.</p>

The development parameters established by the management strategies described above are shown in Figure 2. Development and management principles for the site are shown in Figure 3. This figure illustrates the intent of the Plan but is not intended to precisely define where different activities and facilities might occur.

## **ADMINISTRATION**

The Crown Lands Act 1989 allows for the creation of a trust to manage Crown Reserves. A trust or multiple trusts may manage this site, while other options may also be considered.

On adoption of the Plan of Management by the Minister, it is incumbent on the management body to implement the Plan pursuant to Section 114 - Crown Lands Act 1989. Alteration of the adopted Plan of Management may be undertaken under Section 115 of the Act and may be required after a period of five years to keep abreast of government policy, to cater for the changing expectations and requirements of the community and to ensure the Plan of Management remains useful and relevant.

The Trust may enter into a lease or licence for the whole or part of the lands to which this PoM applies provided that:

1. The use and/or occupation of the land is in accordance with this PoM and relevant Crown land management policies
2. The use and/or occupation of the land is consistent with the purpose of the land and is considered to be in the public interest.
3. The granting of the lease or licence is in accordance with the provisions of the Crown Lands Act 1989.

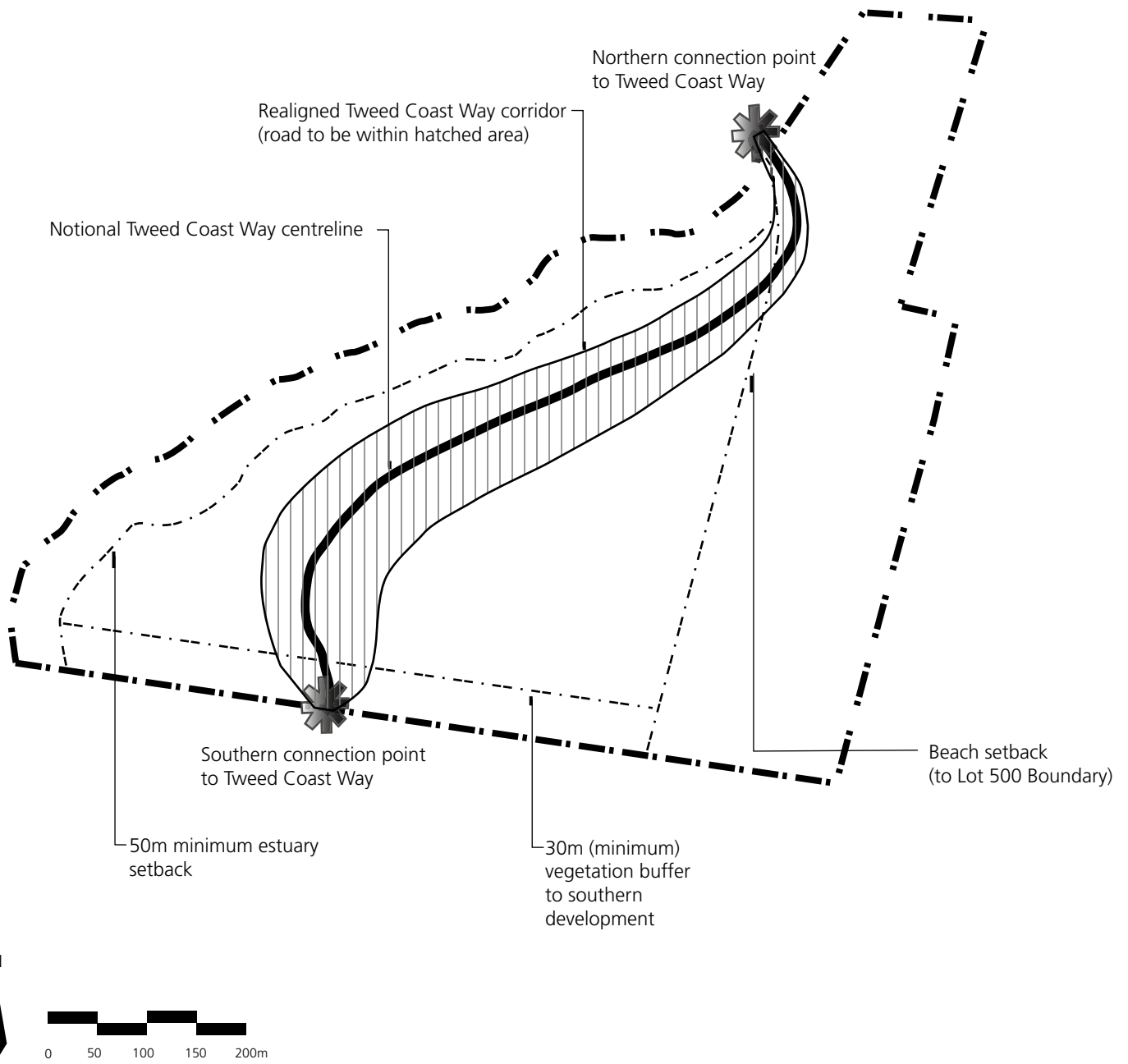
Any lessee for the site will be responsible for undertaking its activities in accordance with this Plan. The Lessee(s) will be required to report on an annual basis, its compliance with each relevant strategy contained in the Plan. This will be specified in the terms of the lease along with courses of action in the event of non-compliance.

## **ACCOUNTABILITY**

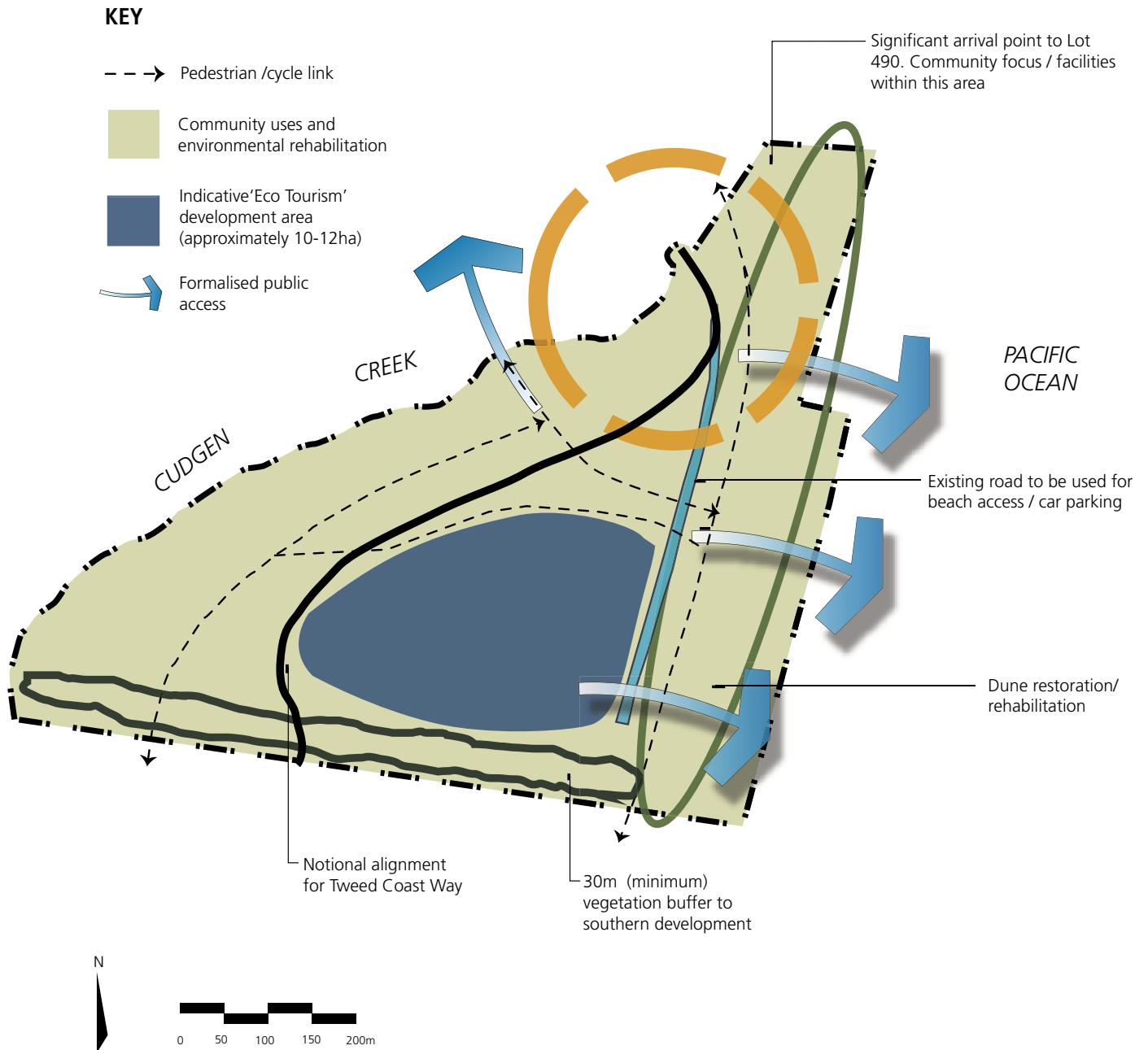
The Crown Lands Regulation (2000) specifies the accountability of a Reserve Trust in terms of the management of the Reserve. Section 33 directs that Reserve Trust reports must be prepared annually detailing the income, expenditure, assets, liabilities and improvements of the reserve as well as the details of any leases or licences granted by the Trust. Section 34 directs that the Trust must keep specific records as detailed in Schedule 4 of the Regulation.

- Where a reserve trust is managed by a trust board, the minutes of all meetings, receipts for all money received, documentation of all expenditure, cash book, bank, building society or credit union deposit book, and a plant and asset register must be kept.

- Where a reserve trust is managed by a council, as defined in the Local Government Act 1993, the council is required to keep records that will permit dissection of monetary details in respect of each reserve from which the Council receives revenue of any nature, details of improvements effected on each reserve, and details of all leases and licences granted or in force.
- Where a reserve trust is managed by a corporation other than a council, records must be kept in such a manner that allows assessment of income, expenditure, assets, liabilities, improvements effected and leases and licences granted or in force in respect of the reserve.



**Figure 2**  
**Development Parameters**



**Figure 3**  
**Design and Management Principles**