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Peter Thornton
BCA Check Pty Ltd
PO Box 375
Lennox Head 2478 NSW

1 September 2008

Dear Peter,

SUBJECT: KINGSCLIFF RESORT - ECO TOURISM STATUS

The following correspondence intends to provide information to the New South Wales Rural Fire Service relating to the 'Eco Tourism' status of the Kingscliff Resort development.

In February 2008, Leighton Properties Queensland (LPPL) signed a development lease with the NSW Department of Lands (DoL). The development lease is structured into two phases with a construction lease for up to 10 years (which is terminated at practical completion of the resort) followed by a 70 year ground lease. The lease involves the development of a new 180 unit environmentally sensitive resort within the 'Lot 490 Plan of Management' site located along Casuarina Way, Kingscliff.

The 'Lot 490 Plan of Management' site area covers a total of 43.4 hectares of Crown Reserve which includes Lot 490 DP1095234, part of Lot 489 DP47021 and part of Lot 500 DP1095235. The site is located at Casuarina Way, South Kingscliff approximately 1.5km to the south of the Kingscliff Township in the Tweed Shire. The site adjoins the northern boundary of the Salt development. Cudgen Creek defines the northern and western extremities of the site and the eastern boundary is the Pacific Ocean.

Lot 490 is 24.5Ha and is bisected by Casuarina Way. The Resort Premises is to be located within the eastern portion of Lot 490 and is 11.67Ha in area.

In 2005 the 'Lot 490 Plan of Management' (attached to this correspondence) was developed by the Department of Lands in close association with the Lot 490 Steering Committee which consisted of numerous stakeholders. As a requirement of the lease between LPPL and the DoL, LPPL must design the Kingscliff resort in accordance with the objectives and strategies detailed within the Lot 490 Plan of Management.

The Plan of Management's vision for the site is:

"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" (Lot 490 Plan of Management, 2005)



LEIGHTON PROPERTIES

The Plan of Management also states:

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)*

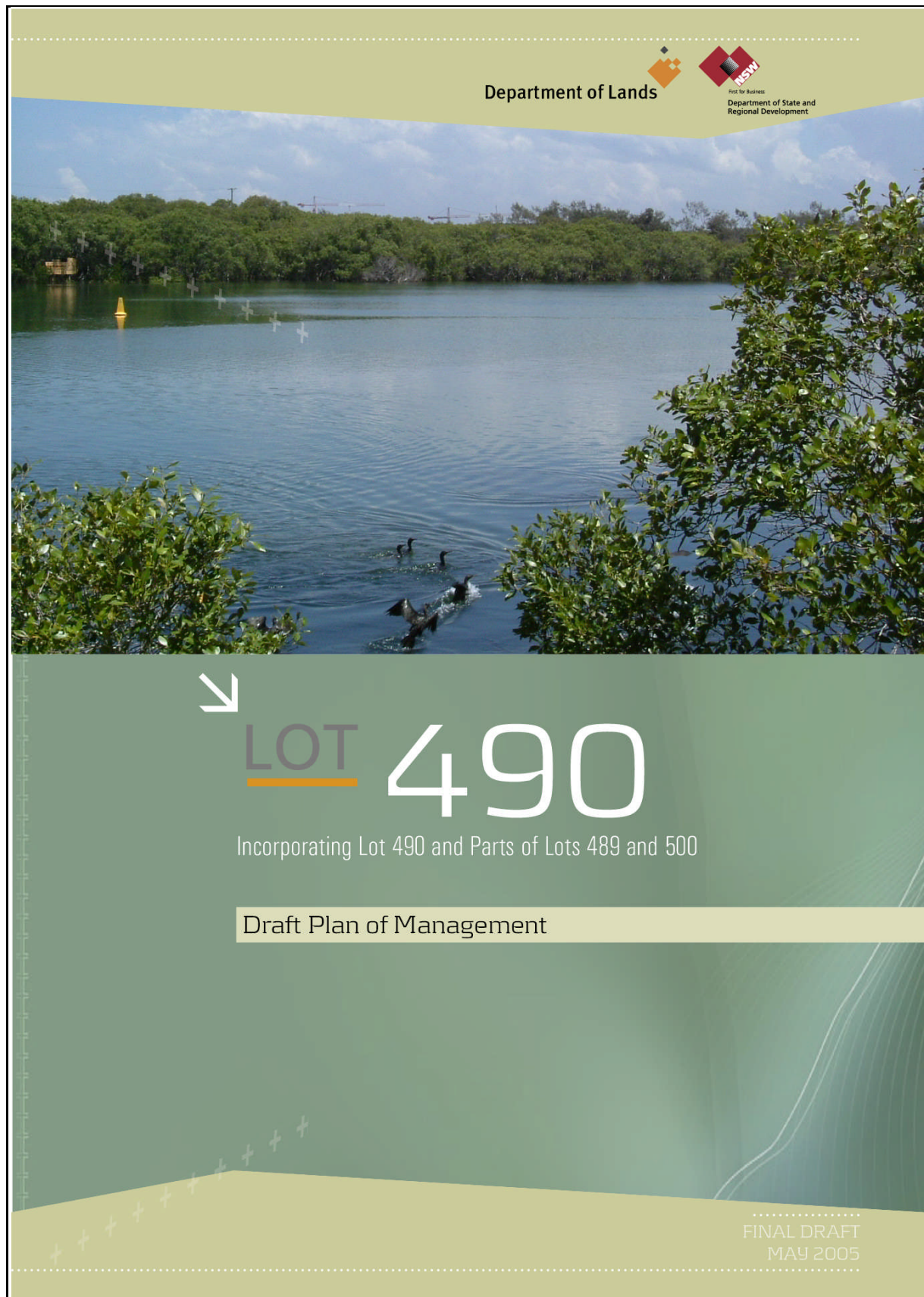
The proposed development will incorporate these principles through a number of avenues including:

- Retaining existing mature vegetation where possible;
- Undertaking extensive environmental rehabilitation and revegetation over the entirety of the 43.4Ha 'Lot 490 Plan of Management' site area;
- Maintaining the entirety of the site area for the full period of the lease;
- Providing an Environmental Management Plan for the development;
- Providing boardwalks and pathways through the bushland located on the western portion of Lot 490 for people to enjoy the environment;
- Implementing a water reuse strategy to minimise water usage;
- Designing the buildings with high levels of cross ventilation to minimise the requirements for air conditioning;
- Using light weight building materials and no slab on ground construction techniques to minimise the environmental footprint of the buildings;
- Implementing an Aboriginal Participation Plan which aims to encourage aboriginal employment within the construction and operation phases of the resort; and
- Providing formalised beach and creek access points which provide accessibility whilst minimising environmental impact.

For any further information, please do not hesitate to contact me directly.

Regards

BRIAN TEN BRINKE
DEVELOPMENT MANAGER
LEIGHTON PROPERTIES PTY LTD



Department of Lands



First for Business
Department of State and
Regional Development

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

FINAL DRAFT
MAY 2005

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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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 DP47021 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

1

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

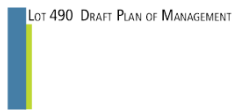
APPENDIX A

**Developer's eco-tourism correspondence
Plan of Management for Lot 490**



LOT 490 DRAFT PLAN OF MANAGEMENT

- 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
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.	Tweed Coast Way to be relocated within Lot 490 to the corridor shown in Figure 2 and electricity easement to be utilised where possible; New road alignment to consolidate commercial development, and maximise continuity of community based activities, while being consistent with environmental objectives for the site; Maintain the existing Tweed Coast Way alignment as a beach access road, limited car parking and pedestrian/cycle link; 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); Provide an access point to Cudgen Creek in order to minimise impacts particularly with regards to bank stabilisation (see Figure 3); Provide well located and safe public car parking areas at beach and creek access points; Ensure car parking is located to minimise environmental and visual impacts; Car parking within the tourism development to be environmentally responsive and in accordance with Tweed Shire Council's (TSC) requirements; Continue pedestrian/cycle path from southern developments to the Cudgen Creek crossing; Provide safe and barrier free pedestrian/cycle access where appropriate; Provide internal pedestrian/cycle links to coastal pathway system; Provide pedestrian/cycle links to Cudgen Creek integrating with future recreation facilities; 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; Provide bicycle racks to enable safe and secure bicycle storage at key destinations/recreation nodes; Provide safe pedestrian/cycle path crossings on the realigned Tweed Coast Way; Align pedestrian/cycle paths to maximise visual access to surrounding beach, ocean, creek and areas of environmental and high scenic quality; and Locate pedestrian/cycle paths to limit adverse environmental impacts.

CHARACTER AND VISUAL AMENITY

Objective	Strategy
The coastal village character and natural setting is to be retained and enhanced to ensure a strong sense of place.	Establish a Coastal Village character, to be reinforced through built form and landscape, reflecting the existing beach culture/lifestyle; Provide a natural bushland setting that ameliorates the effects of urbanisation of the coastline; 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; The high scenic qualities and natural attributes are to be the focus of development and open space/recreation; Landscape species are to be endemic to the local area; Landscape infrastructure elements including lighting, shelters, etc are to be reflective of the coastal character; 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; 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; Ensure traffic calming devices are implemented along the new Tweed Coast Way to ensure public safety, accessibility and well-being; Establish a visual/landscape buffer (30m minimum) to southern residential development using endemic species; Maximise opportunities for views from public open space to the beach and creek; and Underground the existing power line to enhance visual amenity of the area.

OPEN SPACE AND RECREATION

Objective	Strategy
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.	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; Provide access to a variety of areas within the site. beach, creek and bushland; Provide a community focus within the arrival/entry area promoting social and cultural values and celebrating the history of the area; Allow small scale commercial facilities (under lease) associated with recreation activities, eg canoe/bicycle hire/kiosk; Ensure any recreation related commercial facility does not compromise environmental objectives; Incorporate interpretive/educational elements within the open space and recreation areas, expressing the local beach culture and character of the area; Maximise continuity between open space and recreation areas, and development; Minimise fragmentation of rehabilitated open space through appropriately locating pedestrian/cycle links and recreation areas; and 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).

ENVIRONMENTAL ENHANCEMENT

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

BUILT FORM

Objective	Strategy
Incorporate <i>best practice</i> Ecologically Sustainable Development (ESD) principles in order to retain and enhance the coastal character and environmental values.	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. Building height not to exceed two (2) storeys or a maximum of 8 metres, or adversely impact on significant view corridors; Use materials that are sympathetic to the local character in terms of colour and texture; Use quality materials appropriate for coastal environmental conditions; Style and character to be reflective of a low scale, coastal village; Design and construct buildings to be climatically responsive to site conditions; Incorporate contemporary, innovative and environmentally responsive architecture reflecting coastal themes, expressing a strong connection with the natural setting; Minimise clearing of natural vegetation; Minimise building footprint including the restriction of <i>slab on ground</i> development; Ensure energy consumption is minimised; Incorporate natural ventilation techniques and appropriate building orientation; Maximise water use efficiency; Ensure maximum life cycle costing is incorporated; and Maintain density of built form to respect the natural setting and minimise adverse visual and environmental impacts.

TOURISM

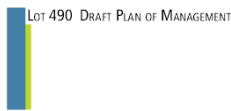
Objective	Strategy
Provide a diverse range of accommodation and recreational opportunities within a natural setting using <i>best practice</i> eco-tourism principles.	Facilitate an eco tourism development on the site (under lease) consistent with all of the objectives in this Plan; Provide a diverse range of accommodation (cabin style) and associated facilities, while being consistent with the objectives in this Plan and 'eco tourism' principles below; Provide an integrated/ multi-purpose community facility as a part of the development celebrating the local beach culture and to promote community well-being; Provide diverse nature and water based experiences utilising the direct link with the beach, creek and bushland; and Design, construct and manage any development in accordance with the following 'eco tourism' principles: • minimise impact on the environment; • promote local environmental and cultural awareness; • provide positive experiences for both visitors and local community; • Provide direct financial benefits for conservation and rehabilitation; • Provide financial benefits and empowerment for the local community and economy; • Contribute actively to the conservation of natural and cultural heritage; • Include the local community in its planning, development and operation; and • Interpret the natural and cultural heritage of the destination to visitor.

WATER CYCLE AND FLOOD MANAGEMENT

Objective	Strategy
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.	Minimise changes to natural drainage patterns; Manage stormwater to ensure no adverse impacts on receiving waters; Ensure that any stormwater management measures do not create an environment for biting midge; Provide on site stormwater management that is sensitive to environmental and scenic qualities of the site. Provide rainwater tanks to enhance on site reticulation for any landscape irrigation; Minimise the requirement for landscape irrigation; Maximise opportunities for water recycling on-site; and Recognise areas below the 1:100 year floodline as generally inappropriate for development.

COMMUNITY INVOLVEMENT

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



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.

