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VISUAL IMPACT ASSESSMENT

Kingscliff Resort

Casuarina Way, Kingscliff



Completed by

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on

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EXECUTIVE SUMMARY

This report summarises a visual impact assessment of a 180 unit resort development proposed for a site on Casuarina Way, Kingscliff.

Specifically this report addresses the provisions of relevant planning instruments and guidelines, and the requirements of the Director-General's Environmental Assessment Requirements (DGR's), in so far as they relate to matters of visual amenity.

The assessment summarised in this report is supported by photography of the site and surrounding area (refer Appendices A & B) and a number of photomontages prepared to illustrate the visibility of the proposed built form and the visual impacts of the proposal as would be experienced from key vantage points in the visual catchment.

The assessment found that the proposed development is, in terms of visual impacts, an exemplary, contextually responsive design outcome that would satisfy the requirements of the applicable planning provisions and guidelines relating to matters of visual amenity.

Specifically, the assessment found that the proposal would maintain and enhance the natural landscape elements of the coastal zone and Cudgen Creek, and the topographical and vegetation characteristics associated with these elements. In so doing the proposed development would reinforce the contribution that these elements make to the local character and identity.

The assessment also found that the proposed development would have practically no impact on the beach amenity, and would have no significant adverse impacts on the views and visual connections enjoyed from the local area.

Finally, this assessment found that the proposed built form would be of a height and scale that would be consistent with the built form character of the area, and due to the sensitivity of the layout and the extensive amount of landscaping, would not adversely impact on the visual integrity of the natural landscape elements of the local area.

Based on the investigations and observations undertaken in this assessment, in so far as impacts on visual amenity are of concern, it was determined that the proposed development should be approved.

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1. INTRODUCTION

1.1 Scope of Report

- 1 LVO' Architecture has been commissioned by the Applicant (Leighton Properties Resorts Pty Ltd as Trustee for Kingscliff Resort Trust) to prepare this report to assist with assessment of the impacts of the proposed development on the visual environment.
- 2 The proposed development is a 180 unit resort comprising: unit pods consisting of 4 x 2 bedroom units, 2- and 3-bedroom bungalows, Central Resort Facilities (which includes conference facilities, reception, administration, a restaurant, retail premises and associated facilities), an Interpretive Centre, recreation facilities, maintenance facilities, public amenities, and associated internal circulation roads, carparking and extensive landscaping.
- 3 The subject site is located on the Casuarina Way, between the Sutherland Street bridge over Cudgen Creek and the existing Salt development (refer Figure 1), and is properly described as Lot 490 on DP 1095234, part Lot 489 on DP 47021, and part Lot 500 on DP 1095235.

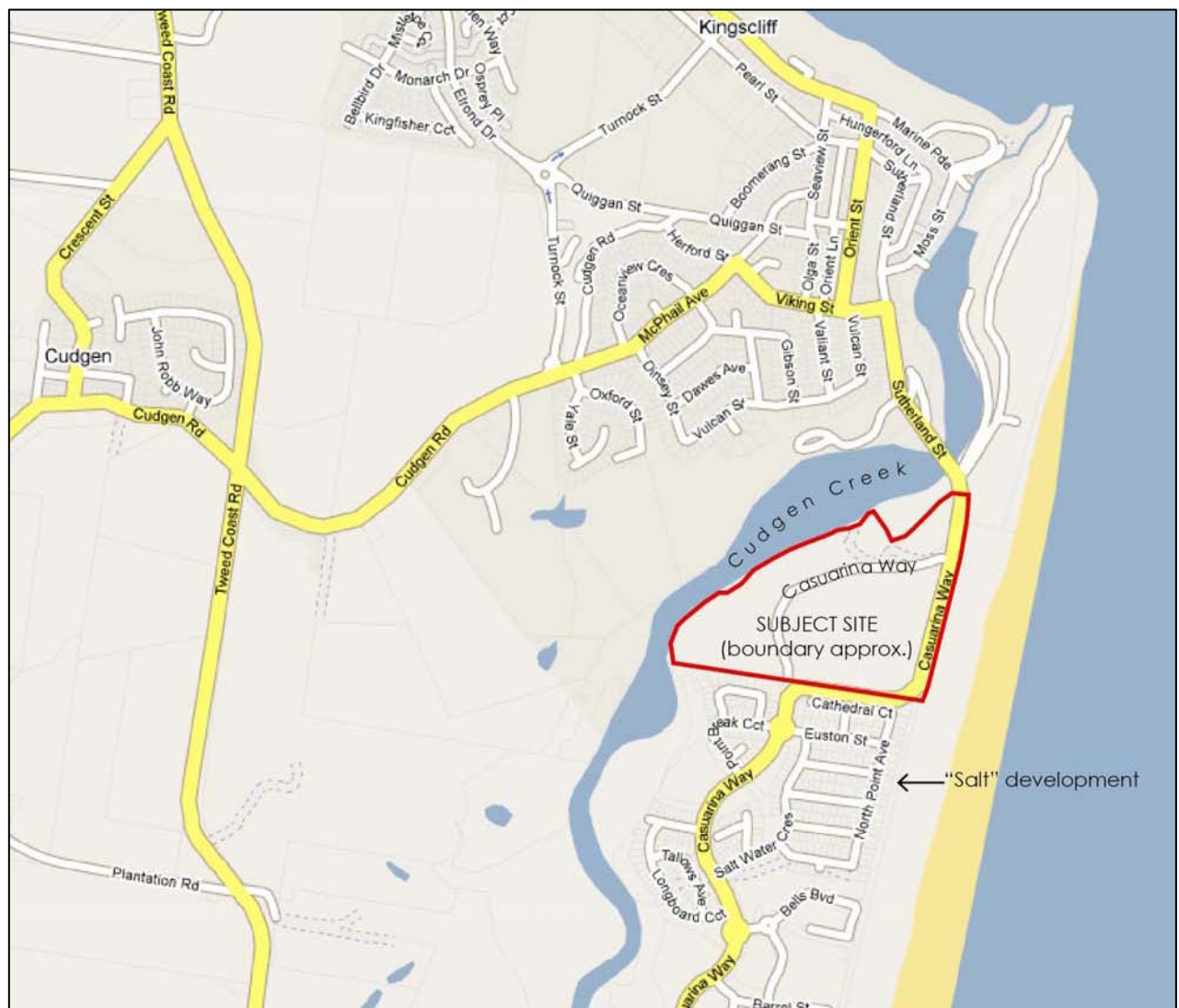


Figure 1 - Map of local area showing location of site (map courtesy Google Maps).

- 4 This report addresses issues identified in the provisions of applicable planning instruments and guidelines that relate to the subject site and to matters of visual amenity (issues are summarised at Appendix D). The key relevant issues identified in these provisions, and the focus of this assessment can be categorised as follows:
- i. Impacts on Scenic Amenity
 - ii. Impacts on Character and Identity
 - iii. Impacts on Beach Amenity
 - iv. Impacts on Views
 - v. Impacts of Bulk and Scale
 - vi. Impacts on Legibility
- 5 These issues are addressed at Section 4 of this report.
- 6 This report also specifically addresses the Director-General's Environmental Assessment Requirements (DGR's), as advised by letter dated 14.08.2008 (refer Section 5 of this report). The requirements relevant to the scope of this report are copied below:

Attachment 1: Item 2

2. Urban Design and Management

2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the Coastal Design Guidelines of NSW (2003), the NSW Coastal Policy 1997 and SEPP71 – Coastal Protection.

...

Attachment 1: Item 3

3. Visual Impact

3.1 Address the visual impact of the proposal in the context of the surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.

3.2 Use visual aids such as scale model or photomontage to demonstrate visual impacts.

3.3 Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.

...

Attachment 2: Item 11

11. View Analysis – *artist impression, photomontages etc of the proposed development in the context of the surrounding development...*

2. THE SITE & ITS CONTEXT

2.1 Description

- 7 To the south of the site is the Salt development: a 72 hectare development which comprises detached and attached dwellings, apartments and a number of significant buildings (including Mantra on Salt Beach, Peppers Bale Salt, and Peppers Salt) (refer Figure 4 and Appendix B, Figure B1). Despite its significant size, the Salt development accommodates just 16.5 hectares of public parkland or green space.
- 8 Some 15 detached dwelling lots at the northern end of the Salt development share the boundary with the subject site.
- 9 Further south, beyond Salt, is the Casuarina Beach development: a 168 hectare residential development. The Salt and Casuarina Beach developments represent a new tourist residential settlement (South Kingscliff), separate and distinct from the existing settlement of Kingscliff (central Kingscliff)
- 10 To the east of the subject site is the beach. A high dunal ridge along the eastern edge of the site separates the rest of the site from the beach (refer Appendix A, Figure A1).
- 11 To the west of the subject site is Cudgen Creek. Cudgen Creek extends from Cudgen Lake, approximately 5 kilometres south of the site, running parallel to the coast to its mouth north of the site. Cudgen Creek is identified in the Tweed Coast Estuaries Management Plan (TCEM 2004) as having a unique diversity of species, due to its latitude and geography. The lower reaches of the Creek are popular boating, fishing, and recreation spaces.
- 12 To the north of the site, Cudgen Creek meets the ocean. The Sutherland Street Bridge across Cudgen Creek connects South Kingscliff with central Kingscliff. The creek and the tract of riparian vegetation associated with it serve as a well-defined spatial and visual break separating and defining the central Kingscliff settlement and the new South Kingscliff settlement.
- 13 The road from Kingscliff (Sutherland Street) used to connect with the Old Tweed Coast Highway. Today, the majority of traffic travelling along the coast travels along the inland Tweed Coast Road or the Yelgun to Chinderah Freeway, which both branch off the Pacific Highway south of Chinderah, bypassing Kingscliff, the site, and South Kingscliff.



Figure 2 – Aerial photo of local area (from north-west of site) showing context of site (photo courtesy Skyepics).



Figure 3 – Aerial photo of local area (from west of site) showing context of site (photo courtesy Skyepics).



Figure 4 – Aerial photo of local area (from south-east of site) showing context of site, especially the Salt development in the foreground (photo courtesy Skyepics).

- 14 Presently the site is undeveloped, except for the remnants of the Old Tweed Coast Highway, which extends along the eastern side of the site. The site is almost completely vegetated (quite densely in some areas) with a species composition indicative of the site's history of sand mining (exhibiting a predominance of regrowth and regeneration species) and the microclimatic attributes of the environment (exhibiting a variety of species typical of regenerative coastal and riparian environments).
- 15 The most visually significant vegetation on the site achieves canopy heights in excess of 10 metres. A vegetation survey has been undertaken by James Warren & Associates which identifies and describes significant vegetation on the site in greater detail.
- 16 The site has an undulating dunal topography, varying from RL AHD 1.5 metres (near the drainage culvert to the west of the site) to RL AHD 8.0 metres to the west of the site. From a distance the site appears to be relatively flat.
- 17 There is a significant grade difference along the eastern edge and northern boundary with the Casuarina Way which contributes to the concealing of views into the site from external vantage points (refer Appendix A, Figure A13).

2.2 Visual Qualities and Amenity

- 18 The site and surrounding area has particularly high scenic qualities, owing principally to the visual qualities of the coastal zone (the beach and ocean) and Cudgen Creek, and the unique landforms and vegetation typologies defined by these elements.
- 19 Specifically, the tract of riparian vegetation associated with Cudgen Creek, and the dunal forms and vegetation associated with the coastal zone contribute much to the visual character of the area, as well as the visual definition of the subject site.
- 20 Both elements are also important organising devices which contribute to the legibility and visual structure of the local area. An example of such a contribution is the way in which Cudgen Creek and the tract of vegetation along it serves as a visual break between the original urban settlement of Kingscliff, and the 'new settlement' area of South Kingscliff. The viewer experiences this break as both a defining edge and a break between the distinct urban settlements.
- 21 These landscape elements identified above contribute a great deal to the scenic qualities of the area and as such form an integral part of the visual amenity and character of the local area, creating the visual setting of development along the coast.
- 22 Many of the settlements of the coast appear as small clusters along a narrow chain of development that runs along the coast. The settlements typically appear well defined within the landscape elements, and separated from other clusters by tracts of natural or rural landscape.
- 23 The Tweed Shire Scenic Landscape Evaluation (Brouwer 1995) defines the site as being within the Cudgen Creek Unit of the Cudgen District. The Evaluation makes the following relevant comments about each designation:

For the Cudgen District

- i. Neither Cudgen Creek nor the beach are identified as Significant Features at this regional level;
- ii. Cudgen Road is the nearest road identified as a Designated Scenic Route (it is 750+ metres inland from the site and achieves not notable views to the site);
- iii. Littoral forests are identified as Significant Values (the proposed development would result in a re-establishment of littoral rainforest vegetation to the site);
- iv. One of two district objectives is to "Maintain naturalness of beach setting"; and
- v. One of four Parameters of Development is to "Limit visibility of development from beach headlands and major beach entries".

For the Cudgen Creek Unit

- i. Cudgen Creek riverine forest is identified as a "Landscape Feature – Natural";

- ii. Kingscliff residential on the headland is identified as an Observer Point;
- iii. The scenic quality level is described as "high";
- iv. The report identifies the following Scenic management Opportunities:
 - Cudgen Creek – clean up – enhance recreation access
 - Lookout at Kingscliff water towers
 - Preservation of remnant rainforest

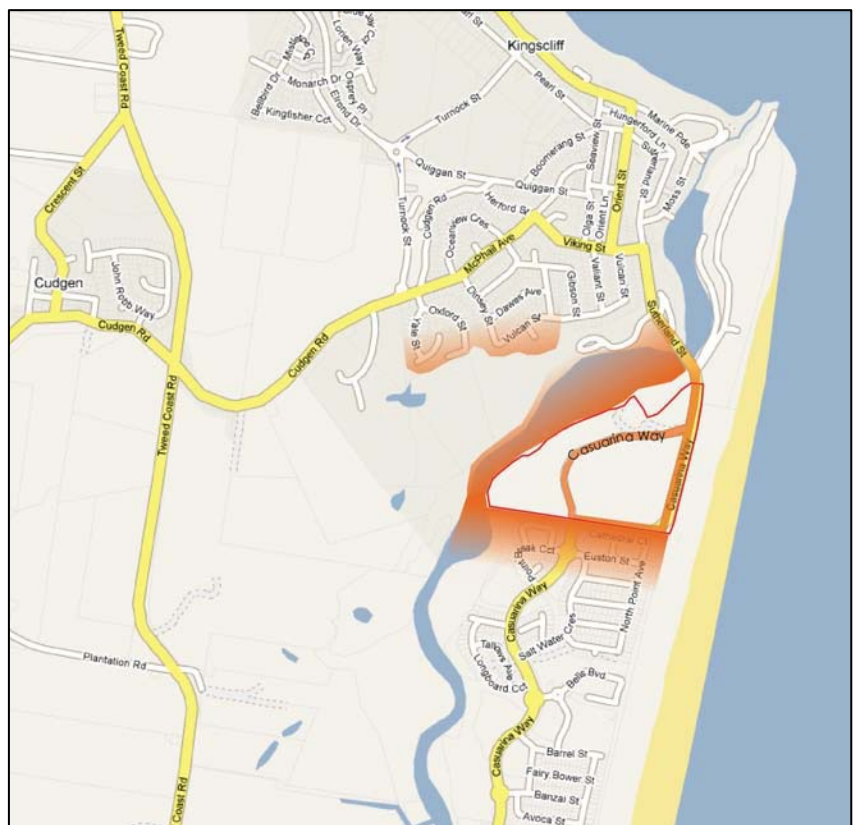
- 24 The assessment also identifies a landmark (sand mining scar) on or near the site.
- 25 The subject site is critically located near the convergence of the significant natural features of the creek and the coastal zone, and near the break that defines the separation between the established Kingscliff centre, and the South Kingscliff settlement. As such the site is relatively prominent and something of a gateway site, especially when experienced by southbound travellers from Kingscliff. The north-eastern sector of the site presents a natural focal point to this gateway function.
- 26 It is important to acknowledge that any future development on the site or in the local area will inevitably result in some modification of the natural landscape elements of the local area described above. It is however quite possible for development to occur and retain the *inherent* qualities of those elements, specifically: a dominance of natural elements over built form; the sense of place and habitat offered by the vegetation; and a green backdrop to the rivers and beaches.
- 27 As well as the natural elements that contribute to the visual environment of the local area, it is relevant to note the contribution made by the built environment. Developments such as Salt and Casuarina Beach to the south of the site have had a significant impact on the visual environment in terms of introducing a new development typology to the existing "beach village" type of settlement in the area.
- 28 The buildings of the Salt and Casuarina Beach developments, and the developments themselves, are of such a scale that they dominate the natural qualities of the environment and fail to achieve any meaningful visual integration with their setting.
- 29 The fact that these developments have been built alters the reasonable expectations of how future development along the coast may appear, and by extension, would alter the impact that any future development would have on local residents.

2.3 The Visual Catchment of the Site

30 Figure 5 and Figures at Appendices A & B illustrate the visual catchment of the subject site and confirm the following:

- i. The site will obviously be most visible from the Casuarina Way, which passes through the site. However, views into the site from this route are limited by roadside vegetation and topography (refer Appendix A, Figures A1-A5). Also, the regional importance of this road has been greatly reduced since the development of the inland freeway, with the road now serving as more of a local connector road.
- ii. Due to the dunes and dunal vegetation along the eastern side of the site, and the difference in level between the beach and the site, no views into the site are achieved from the beach (refer Appendix A, Figure A6).
- iii. The northern lots of the Salt development, which adjoin the southern boundary of the site, are some 1.5-3 metres higher than the site and so look over the site (refer Appendix A, Figure A15).
- iv. The site is not visible from the Sutherland Street Bridge, but is visible from the northern approach to the bridge and from vantage points along and across Cudgen Creek (refer Appendix B, Figure B3). Views into the site from Cudgen Creek are limited however due to the dense riparian vegetation.
- v. Only partial views of the site are visible from the residential areas on the hill to the north-east of the site (Dinsey Road etc). From these areas the site is usually screened from foreground vegetation and buildings, and is always seen in comparison to the prominent Salt development (refer Appendix B, Figure B4).

Figure 5 – Map indicating approximate visual catchment of the site.



3. THE PROPOSED DEVELOPMENT

3.1 Description

- 31 This report is based on the proposed site layout depicted on Master Plan MP-01-3 (dated 02/04/09) prepared by JMA Architects Queensland Pty Ltd.
- 32 A full description of the proposed development will not be provided in this report as it has been comprehensively addressed in the Planner's Report (prepared by Jim Glazebrook & Associates) and associated documents. Following are simply some key observations relevant to the scope of this report.
- i. The majority of the development (being the accommodation unit pods, the bungalows, the central facilities, pool facilities, internal circulation roads and carparking) are located on the coastal side of Casuarina Way. There would only be minor development (tennis court, a half basketball court, a pontoon, and some walkways and associated shelters) on the part of the site on the creek side of Casuarina Way. There would also be some structures (including community amenities, and shelters), carparking, and pathways (three beach access points) to the east of the site, along the dunes.
 - ii. Primary access will be achieved from a proposed roundabout off the Casuarina Way, south of the Sutherland Street Bridge and approximately 1 kilometre south of the central area of Kingscliff. A secondary access point providing access to a maintenance area is located near where Casuarina Way enters the site at the southern boundary.
 - iii. The accommodation unit pods and bungalows will be constructed as lightweight post and beam construction, raised off the ground to minimise site disturbance.
 - iv. The maximum building heights on the site will effectively be 2 storeys, and the majority of buildings will be less than 8 metres above ground (in accordance with the Strategy requirements of the Dept of Lands Draft Plan of Management) – a few buildings (five) will exceed this limit very slightly (by approximately 300-500mm) and it is unlikely that such exceedence would have any impact on the visibility or visual impacts of these buildings. The limited building height will reduce visibility and enable screening and enclosure from vegetation.
 - v. Except for minor amounts of earthworks required to accommodate the internal roads and carparks, drainage and landscape, I have been advised that there will be minimal other earthworks undertaken as part of the proposal. Whether retained or battered, this degree of earthworks is considered minor and unlikely to have an adverse visual impact on even the immediate vicinity.

- vi. Building form, materials, and colours have been selected to reflect traditional, modest beach house / coastal village vernacular, ensuring that the buildings are contextually appropriate and consistent with the unique local character (in accordance with the Strategy requirements of the Dept of Lands Draft Plan of Management).
- vii. Building form, materials, and colours have also been selected to integrate the building into the natural environment and make them visually recessive.
- viii. For the most part, the internal circulation roads comprise a 4 metre wide bitumen seal within a 6 metre wide carriageway.
- ix. The irregular, or organic, layout of the internal circulation roads aids in integrating them into the natural environment.
- x. The roof profile of the buildings is shallow and will minimise opportunities for protrusion through the tree canopy.
- xi. Built form will be dispersed to enable connectivity and dominance of the landscape elements, and maintain the landscape as the fabric of the site. The majority of the built form has been sited to avoid disturbance of significant stands of existing vegetation and topography.
- xii. There will be extensive retention and protection of existing vegetation on the site which will provide immediate screening and integration of built form, and will also enable retention of existing character and amenity.
- xiii. Much of the ailing existing vegetation and weeds on the site will be removed and the areas will be rehabilitated with more significant vegetation. The process of revegetation will eventually result in the establishment of a littoral rainforest consistent with the site's pre-mined character, in place of the existing disturbed coastal vegetation typology. Until the retained and additional vegetation rehabilitate and mature the site will appear to be less densely vegetated than at present (this may take up to 5 years).
- xiv. The currently disturbed riparian corridor is to be rehabilitated as a key element of the proposal.
- xv. The proposal includes pathways and shelters which will enhance physical and visual public access to natural landscape elements.
- xvi. There is a landscaped visual buffer along the length of the southern boundary which is 30 metres wide for most of the length of the boundary. Carparking is to be located along the eastern boundary and Casuarina Way boundary, allowing the built form to be set back from the boundaries. The carparking hardstand areas are to be fragmented and interspersed with significant amounts of vegetation to reduce the visual impact. Open mesh and solid screen fencing is to be located between the Casuarina Way and the carparking areas to further reduce the visibility of the carparking.

xvii. Over 70% of the site is available to sustain large, deep root plants, providing significant opportunity for retention and addition of vegetation that can integrate and screen the built form.

33 These measures will likely do much to reduce the visibility of the built form and maintain the visual integrity of the natural environment, thereby maintaining the scenic amenity and character of the local area.

34 The following section considers in more detail the visibility of the proposed development from key vantage points in the local area.

3.2 Commentary on Photomontages

35 Photomontages have been prepared (included at Appendix C) to illustrate the visibility and visual impacts of the proposed development from five key vantage points: from the proposed roundabout near the north-eastern corner of the site; from Casuarina Way near the south-western corner of the site; from the Salt residences adjoining the southern boundary of the site at ground level and at a height representative of the second floor of the dwellings; and from across Cudgen Creek.

36 These vantage points were deemed to be the most critical vantage points in the visual catchment based on: the expected extent of visibility of the proposal from the vantage points; the accessibility (by the general public) of the vantage points; viewer's expectations of views from the vantage points; and identified public concern for specific vantage points.

37 The selection of the photomontage points were discussed (by phone conversation on 16 October 2008) with Sally Munk from the NSW Dept of Planning, and Denise Galle from the Tweed Shire Council.

38 The reasons for selecting each vantage point, along with observations on the photomontages are provided under separate headings below.

39 The photomontages provide a comprehensive summary of the visual experience of the site from the visual catchment.

40 It is important to note that the photomontages are not survey accurate but are sufficiently accurate to provide a complete and fair representation of the proposed development in its context. Stitching of the photos results in some distortion of the model of the proposed development but it is unlikely that such distortion would result in a noticeable alteration of the visual impacts.

41 The proposed landscaping shown in the photomontages is generally consistent with what is shown on the proposed landscape plans prepared by LVO' Architecture. The vegetation shown represents the proposed species after approximately 5 years of growth. Prior to this time the vegetation will obviously be smaller and less dense, and as such more of the built form would be likely to be visible until planting matures.

42 Photomontages weren't prepared for vantage points along the beach to the east of the site as none of the built form would be visible from this location (refer Appendix A, Figure A6). Also, photomontages were not prepared for vantage points on the hill to the north-west of the site as views of the site from this area are obstructed (refer Appendix B, Figure B4). Furthermore, it is expected that from the distance of the viewpoints, and given the context of the site adjacent to the visually dominant Salt development, the built form would have little visual impact.

3.2.1 From Vantage Point PP01: Near North-Eastern Corner of Site

43 This vantage point was selected as it is representative of the northern approach to the site, from Kingscliff. As the viewer crosses the Sutherland Street Bridge and approaches the location of the proposed roundabout the site becomes visible, with views to both sides of the site opening up as the road sweeps to the west.

44 This vantage point is one of the more critical in the visual catchment as it would represent the introductory views of the proposed development when approaching from the north and because the view takes in the Central Facilities Building, and Interpretive Centre – the activity hub and focal point of the development.

45 The photomontage from this location shows that foreground vegetation (to be retained) would screen most of the built form, including the Central Facilities Building (the largest building proposed for the site) and Interpretive Centre. Supplementary planting (proposed) would further screen the built form and carparking.

46 It is likely that some built form and carparking would remain partially visible. This would have little adverse impact on the visual environment and in fact would be quite important as it would advertise the function of the development and communicate the focus of activity to visitors. The activity would also contribute to an engaging sense of community activity and identity.

47 On the other side of Casuarina Way, as a result of existing vegetation and proposed vegetation, it is unlikely that the built form would be at all visible from this vantage point, or from most vantage points along Casuarina Way.

48 On both sides of Casuarina Way the enhancement of the vegetation will make a positive contribution to the visual environment in terms of contributing to the scenic qualities and the local character.

3.2.2 From Vantage Point PP02: Near South-Western Corner of Resort Site

49 This vantage point was selected as it is representative of the southern approach to the site from the Salt development and because the view is oriented towards the maintenance building and associated carparking. Views across the site open up as the viewer approaches the south-western corner of the site.

50 This vantage point is also one of the more critical in the visual catchment as it would represent the introductory views of the proposed development when approaching from the south.

51 The photomontage from this location shows the proposed landscaping (advanced trees and middle storey buffer planting) would screen much of the maintenance building and carparking areas. This screening would be augmented by the visually recessive screen fencing proposed along the resort site boundary.

52 The photomontage also shows that it is likely that a vegetated skyline would remain in the background of the view, thereby maintaining the dominance of the natural elements over built form.

53 The entry road to the maintenance area is obvious in this view. However it is clearly expressed as a secondary access route, and maintains consistency with the appearance of the existing fire-break road along the southern boundary of the site.

54 While this view will be altered by the built form that will be visible, it should be acknowledged that the viewers experiencing this view would have just travelled through the entire Casuarina Beach and Salt developments. By comparison, the built form of the proposed development would appear far more visually integrated and subordinate to the natural landscape elements.

55 Furthermore, it should be acknowledged that visible built form does not necessarily have an adverse impact nor is it a requirement of any of the planning instruments or guidelines to completely screen built form.

56 The intrusion of the carparking associated with the maintenance building would not have a significantly adverse impact as the remaining 15 metres of landscaped buffer provided along the southern boundary will provide a significant amount of screening. The separation between the built form of the proposed development and the existing residents of the Salt development is obvious and appears significant from this vantage point.

3.2.3 From Vantage Point PP03: Residents along Southern Boundary of Site

Ground Floor

- 57 This vantage point was selected as it would illustrate the visibility of the proposed built form, and its impacts on existing views, from the elevated residential lots adjoining the south of the site. This photo is taken from the retained land within the Salt development, some 1.5 – 2.0 metres above the ground level of the site. The vantage point represents views from the ground level of these lots.
- 58 The ground level vantage point was chosen as it represents views from the ground level of residences along this boundary where most buildings are likely to have living rooms, kitchens, and outdoor recreation areas at ground level – these are the most frequented living spaces of a house.
- 59 The photomontage shows that the views from the residential properties really only take in the subject site. The photomontage also shows that, due to: the separation between the built form of the proposed development and the Salt residences; the way the site slopes away from the southern boundary; the height of the proposed buildings; the roof profiles and colours; and the dense landscaping proposed through the buffer area, little if any of the proposed built form would be visible.
- 60 Certainly, the built form would not obstruct or detract from views to the natural landscape features of the site, or beyond the site, and is likely to be far less visible than development that could occur, and be consistent with people's reasonable expectations for development on the site.
- 61 It is unlikely that the intrusion of the carparking associated with the maintenance building into the landscaped buffer along the southern boundary of the site would have a significant impact on views from residences along the northern boundary of the Salt development as there will still be a buffer of at least 15 metres and a separation of at least 20 metres. This 15 metre wide portion of the buffer will be heavily vegetated (with advanced endemic trees and middle storey buffer planting) and will be more than sufficiently wide to screen the carparking area and the maintenance buildings. Furthermore, it is only 3 potential residences that will be affected from the reduction in the width of the buffer. These same residences would also be affected by traffic along Casuarina Way and it is unlikely that the visual impacts of the maintenance buildings, carparking, and related activity would be significantly greater than those from the road.
- 62 Again, it is important to acknowledge when considering views such as those from this vantage point that the requirement is not for all built form to be screened or invisible, but for it to be integrated, not intrusive, and not detracting from the scenic amenity qualities of the area. This photomontage shows that the proposed development satisfies these requirements.

63 This photomontage also shows that the proposed landscaping would make a significant contribution to the scenic amenity of the local area by enhancing the extent of vegetation and re-establishing a littoral rainforest vegetation typology.

3.2.4 From Vantage Point PP04: Residents along Southern Boundary of Site Upper Floor

64 This vantage point was selected as it would illustrate the visibility of the proposed built form, and its impacts on existing views, from the upper floors of residences adjoining the south of the site. This photo is taken from Lot 14 along Cathedral Court.

65 The specific vantage point was approximately 6 metres back from the rock boundary adjacent the northern property boundary of the Salt development, in line with the northern façade of neighbouring houses. The photo was taken at a height of approximately 4.5 metres, which is similar to the eye height of someone standing on the second floor of a house adjoining the southern boundary of the site. The photomontage shows that, even if some second floors of neighbouring houses would be slightly higher (due to topography or floor-to-floor heights), the outlook would be similar (i.e. little or none of the built form would be visible).

66 The photo is a panorama image as this best represents the total visual experience that someone from an upper level might experience. Because the photo is a stitched image there is some warping of the foreground. However, this warping would not affect the representation of the built form or landscaping proposed for the site.

67 The photomontage shows that, because of the dense landscaping proposed through the buffer area, little if any of the proposed built form would be visible.

68 Because of the almost absolute screening effect of the proposed vegetation buffer along the southern part of the site, we have also provided a version of the photomontage with the vegetation made transparent so the location of the buildings can be seen.

69 Certainly, the built form would not obstruct or detract from views to the natural landscape features of the site, or beyond the site, and is likely to be far less visible than development that could occur, and be consistent with people's reasonable expectations for development on the site.

70 Again, it is important to acknowledge when considering views such as those from this vantage point that the requirement is not for all built form to be screened or invisible, but for it to be integrated, not intrusive, and not detracting from the scenic amenity qualities of the area. This photomontage shows that the proposed development satisfies these requirements.

71 This photomontage also shows that the proposed landscaping would make a significant contribution to the scenic amenity of the local area by enhancing the extent of vegetation and re-establishing a littoral rainforest vegetation typology.

3.2.5 From Vantage Point PP05: Across Cudgen Creek

72 This vantage point was selected as it would generally illustrate the visibility of the proposed built form across and from Cudgen Creek. This photomontage would also illustrate the visual impacts of the proposed development on the scenic amenity of the riparian space associated with the creek.

73 The photomontage from this location shows that the built form of the proposed development would not be visible from across or on the creek, except for the modest pontoon. The pontoon would not have an adverse impact on the visual environment as it would not detract from the natural landscape elements and would be consistent with the form and type of development expected on the creek.

74 This photomontage also shows that the proposed landscaping would make a significant contribution to the scenic amenity of views from across and on the creek by enhancing the riparian vegetation. The riparian vegetation is an important contributor to the scenic amenity of the area, and is also important in defining the visual break between settlements created by the creek and the tract of riparian vegetation.

4. ASSESSMENT OF IMPACTS

75 An overview of the provisions and guidelines relating to matters of visual amenity (identified at Appendix D) reveals the following requirements for development on the site and in the local area:

- i. **Impacts on Scenic Amenity:** Development is to protect and, where possible, enhance the scenic amenity of the coastal zone and other natural landscape features.
- ii. **Impacts on Character and Identity:** Development is to reinforce local character and identity.
- iii. **Impacts on Beach Amenity:** Development is to ensure beach amenity is protected.
- iv. **Impacts on Views:** Quality views and visual connections to the coast and natural landscape features are to be maintained, as is the dominance of these elements over built form.
- v. **Impacts of Bulk and Scale:** The bulk and scale of development is to be appropriate to the visual setting, including surrounding development (existing or future), and development is to be integrated into its setting.
- vi. **Impacts on Legibility:** Specifically, the maintenance of visual and physical separation between settlements (by way of greenbelts and distance).

4.1 Impacts on Scenic Amenity

76 As identified in Section 2.2 of this report, the visual qualities and amenity of the area is principally defined by the natural landscape features, specifically the beach and coastal zone, and the creek and riparian zone. As well as being dominant scenic elements, these features are important organising elements of the visual environment.

77 The landform and some of the vegetation on the site are extensions of the dominant natural features and as such also contribute a great deal to the scenic qualities of the visual environment.

78 Before considering the likely impacts of the proposed development on these features it is important to acknowledge the following:

- i. Firstly, the subject site is identified in most of the planning instruments as an appropriate location for some form of tourist residential development. It is therefore acknowledged that some development of built form and modification of the natural environment will occur.
- ii. Secondly, the integrity of the natural scenic amenity of the local area was significantly compromised by the development of Salt, due to extensive removal of vegetation, modification of topography, and intensity of built form. Such development significantly alters the character of the area, and affects people's

expectations of future development in the area, but at the same time probably heightens the value and importance of the natural scenic qualities of the site.

- 79 The proposed design seeks to minimise and enhance the natural features of the site which significantly contribute to the scenic amenity of the local area, and, as shown in the photomontages at Appendix C, succeeds in doing so.
- 80 Although the proposal does result in some modification of the natural elements of the site, there is no significant intrusion into or impact on the visual qualities of the creek, the riparian zone, the beach, or the coastal zone.
- 81 Certainly, the inherent qualities, integrity, and dominance of the natural landscape elements have been maintained, including the performance of the creek and riparian space as an important visual break between settlements.
- 82 The resulting visibility of the proposed development would likely be significantly less than what would be expected of development on the site, and would do much to maintain and enhance the natural elements marginalised by the Salt development.
- 83 For the reasons identified above the proposed development can be seen to protect and enhance the scenic amenity of the coastal zone and other natural landscape features, and thus would comply with the relevant planning provisions and guidelines.

4.2 Impacts on Character and Identity

- 84 The character and identity of the local area is inherently tied to the elements which define the scenic amenity of the area. The fact that the proposed development maintains and enhances the scenic amenity of the local area ensures that elements of the character and identity of the area will also be maintained.
- 85 The character and identity is also defined by settlement patterns and built form. The proposed development is consistent with the intended settlement patterns for the area, being a gateway site for South Kingscliff, and proposes a built form that maintains the dominance of the scenic elements.
- 86 Given its function, and degree of visual integration, it is unlikely that the proposed development would detract from the primacy of the established central Kingscliff area, and as such would maintain the urban form which is part of the local identity.
- 87 The proposed development would affect the character of the new settlement area of South Kingscliff (including the Salt and Casuarina Beach developments) but will constitute a positive contribution, setting a new standard for contextually sensitive resort-style development.

88 For the reasons identified above the proposed development can be seen to reinforce local character and amenity and thus would comply with the relevant planning provisions and guidelines.

4.3 Impacts on Beach Amenity

89 The beach area adjacent to the site has a character defined by a dominance of the natural environment and an almost complete absence of any visible built form (except for some glimpses of the eastern-most built form of the Salt development). Further south, the beach amenity is altered by the surf beach and associated activity.

90 Given the distance between the proposed built form and the beach (in excess of 100 metres), the retention of the dune topography and vegetation, and the 2 storey height limit of the beach side bungalows, it is unlikely that the proposed development will have any adverse impacts on the beach amenity in terms of either: increased visibility of built form; alterations of natural elements; reduced privacy; or overshadowing.

91 Impacts on beach fauna (such as impacts of light spill on nesting turtles) are generally beyond the scope of this report (being principally matters of ecology), but, given the design of the proposed built form, the retention of the dune system, and the vegetation to be retained along the dunes, it is unlikely that any visual impacts from the proposed development would adversely impact on beach ecology, particularly in terms of light spill.

92 The only real potential for impact on the beach amenity would be impacts that would result from additional activity on the beach from the resort population (facilitated by the proposed beach access paths and parking facilities, and encouraged by the proposed shelters). Such activity would typically be considered a positive impact on beach amenity.

93 For the reasons identified above it can be seen that the proposed development would maintain and protect beach amenity, and thus would comply with the relevant planning provisions and guidelines.

4.4 Impacts on Views

94 The following Section provides a summary of the view sharing assessment process provided in the Preliminaries (Planning Principles) of the Development Control Plan (Principle 1, Section A1 of DCP 2008).

95 The principal views enjoyed from the local area that will potentially be affected by the proposed development are views to the north from residential development at Salt and views to the beach from elevated locations to the north-west of the site.

4.4.1 Impacts on Views from Residential Area to South (Salt)

- 96 It is relevant to note the following stated concerns of the Salt Village Residents Association Incorporated (in an undated letter to Tweed Shire Council):
- The main issue from SVRA point of view is that we don't want to overlook a sea of buildings and immature vegetation on a development we believed was meant to be a "quality ecotourism resort..."*
- 97 The views from the residential properties (ground or upper floors) to the south of the site really only take in the subject site. Views from the 2nd storeys of these residences take in some of the hill to the north-west of the site, and some areas beyond the site. These views would be described as having a low-medium value (i.e. they encompass natural landscape elements, but not significant elements such as the beach or mountains).
- 98 The extent of impact of the proposed development on these views is shown in Appendix C, and described at Section 3.2.3 of this report. The extent of impacts will not be significant and will be far less than what could occur with a less sensitive development of the site. Certainly, the residents, whether looking from the ground or second floor of neighbouring buildings would not look over a "sea of buildings". Instead they would look at dense rehabilitated vegetation with some glimpses of some buildings through the natural landscape. For these reasons and others stated in this report, the proposed development can be seen to have impacts consistent with (or better than) a "quality ecotourism resort".
- 99 It is important to note that most of the ailing existing vegetation and all weeds on the site will be removed during the construction process and the areas will be rehabilitated with more appropriate vegetation. During the removal and rehabilitation stage the removal of vegetation will make some of the proposed built form more visible, especially from residences to the south of the site. However, the revegetation and rehabilitation of a 30 metre wide vegetated buffer along the southern boundary of the site will do much to maintain an effective and adequate level of screening until the site is rehabilitated.
- 100 It is relevant to discuss in this section the impact of the intrusion of the carparking associated with the maintenance facilities into the landscaped visual buffer along the southern boundary. It is unlikely that the intrusion would have a significant impact on views from residences along the northern boundary of the Salt development as there will still be a buffer of at least 15 metres and a separation of at least 20 metres. This 15 metre wide portion of the buffer will be heavily vegetated (with advanced endemic trees and middle storey buffer planting) and will be more than sufficiently wide to screen the carparking area and the maintenance buildings.
- 101 Furthermore, it is only 3 potential residences that will be affected from the reduction in the width of the buffer. These same residences would also be affected by traffic along Casuarina Way and

it is unlikely that the visual impacts of the maintenance buildings, carparking, and related activity would be significantly greater than those from the road.

4.4.1 Impacts on Views from Residential Area to North-West

- 102 The views from the residential properties to the north-east of the site take in the ocean, some glimpses of the creek, the subject site, and surrounding development (Salt and Casuarina Beach are particularly dominant). These views would be described as having a low-medium value (i.e. they encompass natural landscape elements, and the beach, but are distant and usually obstructed by foreground vegetation and buildings).
- 103 The extent of impact of the proposed development on these views is likely to be fairly slight. The proposed built form would not obstruct any views to particular landscape elements such as the ocean or the beach. The site would alter the view, but as the site forms just part of a wider context, which takes in a great deal of built form, compared to the Salt development and Casuarina Beach, the impacts on the view by the proposed development would be almost negligible. As such, the impacts on views can be seen to be reasonable and an acceptable view sharing outcome.

4.4.2 Summary

- 104 For the reasons identified above the impacts on the views from the local area can be seen to be reasonable and an acceptable view sharing outcome. Also, it can be seen that the views and visual connections to the coast and natural landscape features will be maintained, as will the dominance of these elements. As such the proposal would comply with the relevant planning provisions and guidelines.

4.5 Impacts of Bulk and Scale

- 105 Except for the Central Resort Facilities and maintenance buildings, the proposed buildings will be consistent in scale in bulk with modest 2 storey detached beachside house.
- 106 As noted in Section 8.5 of Appendix D, the subject site is located outside of the area shown on the Height of Buildings Map as having a height limit; therefore the acceptable height limit is 3 storeys.
- 107 However, the Strategy for Built Form in the Dept. of Lands Draft Plan of Management seeks a maximum building height of 2 storeys or 8 metres.
- 108 The maximum building heights on the site will effectively be 2 storeys, and the majority of buildings will be less than 8 metres above ground – five buildings will exceed this limit very slightly (by 300-500mm) but it is unlikely that such exceedence would have any impact on the visibility or visual impacts of these buildings.

- 109 However, the planning provisions also require that the bulk and scale of development must be consistent with surrounding development and appropriate to its visual setting.
- 110 The photomontages show that much of the proposed built form won't be visible from beyond the site. The built form that will be visible – the Resort Facilities, maintenance buildings, and some buildings around the periphery, will all be of a lesser scale than similar buildings in the Salt development, and consistent with the maximum 2 storey height limit sought by the Dept. of Lands Draft Plan of Management.
- 111 The photomontages also show that the proposed buildings will also be less prominent than significant existing and proposed vegetation, meaning the built form will be appropriate to the visual setting.
- 112 For the reasons identified above the proposed development can be seen to be of a bulk and scale that is appropriate to the visual setting, and will be integrated into its setting, and thus would comply with the relevant planning provisions and guidelines.

4.6 Impacts on Legibility

- 113 As explained at Sections 3.1 and 4.1 of this report, the proposed development will not compromise the visual integrity of the tract of riparian vegetation or Cudgen Creek, both of which create a significant visual break between the established Kingscliff settlement, and the new settlements of South Kingscliff.
- 114 Furthermore, the proposed development will enhance the subject site's role as a gateway site to the new settlement area by presenting a sympathetic and well design development to the viewer, whilst maintaining the natural landscape elements which define the visual experience of the area.
- 115 For the reasons identified above the proposed development can be seen to maintain the visual separation between settlements and thus would comply with the relevant planning provisions and guidelines.

5. RESPONSE TO DGR'S

116 This report was commissioned to specifically address the Director-General's Environmental Assessment Requirements (DGR's), as advised by letter dated 14.08.2008. The requirements relevant to the scope of this report are copied below:

Attachment 1: Item 2

2. Urban Design and Management

2.1 *Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the Coastal Design Guidelines of NSW (2003), the NSW Coastal Policy 1997 and SEPP71 – Coastal Protection.*

...

Attachment 1: Item 3

3. Visual Impact

3.1 *Address the visual impact of the proposal in the context of the surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.*

3.2 *Use visual aids such as scale model or photomontage to demonstrate visual impacts.*

3.3 *Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.*

...

Attachment 2: Item 11

11. View Analysis – *artist impression, photomontages etc of the proposed development in the context of the surrounding development...*

117 The preceding section of this report explains that the proposed development satisfies the requirements of the applicable planning provisions and guidelines which relate to matters of visual amenity.

118 This assessment shows that the proposed development will be of a bulk, scale, appearance, and character that will be consistent with the existing and intended built form of the area, and will maintain and enhance the natural landscape features which define the scenic amenity of the local area.

- 119 This assessment has also shown that the proposed development will have negligible adverse impacts on the amenity of the beach and foreshore or public reserves, and will have no unacceptable impacts on views from public places.
- 120 As described in Section 3 of this report, the design of the proposed development seems to have been principally motivated by attempts to integrate the proposed built form into the natural landscape of the site. This has been achieved through a range of design initiatives, including use of appropriate colours and building materials, retention of significant landscape elements, rehabilitation and enhancement of the site vegetation, and provisions of significant screening and vegetation buffer areas.
- 121 The result is a proposal that positively responds to its setting and is sympathetic to the inherent qualities of the scenic amenity of the area. It is likely that any adverse impacts on visual amenity would be slight and well within the realm of what would be acceptable, especially given the site's proximity to the Salt development and given the zoning of the site.
- 122 These observations are confirmed by the photomontages provided at Appendix C, which illustrate the visibility and likely visual impacts of the proposed development from key vantage points in the visual catchment.
- 123 Based on the assessment summarised in this report it can be seen that the proposed development satisfies the DGR's relating to visual amenity.

6. CONCLUSIONS

- 124 The subject site is a unique site – located between two significant landscape elements (the coast and Cudgen Creek), characterised by the landform and vegetation of these elements, and at the gateway to the developing South Kingscliff tourist residential settlement.
- 125 Despite being zoned for tourist residential development, being located next to the extensive Salt development, and having a limited visual catchment, any development of such a locally significant site which exhibits such valuable visual qualities is going to be (and should be) subject to a high degree of scrutiny.
- 126 This assessment found that the proposed development is a modest (in terms of the extent of built form) and contextually sensitive proposal that achieves a well-measured balance between capitalising on the opportunities offered by the site, and maintaining the inherent visual qualities of the site and local area.
- 127 The proposed layout and design of the built form and the landscaping seems to be significantly motivated by an attempt to reduce the visibility of the built form and hardstand areas and integrate the buildings into the natural landscape of the site. This has been achieved through application of a number of design principles, including:
- minimisation of site disturbance;
 - minimisation of building and hardstand footprint and height;
 - articulation of built form;
 - utilisation of visually recessive colours and materials;
 - dispersal of built form within the natural environment;
 - retention of significant vegetation;
 - addition of contextually appropriate vegetation;
 - incorporation of vegetation buffers to the perimeter; and
 - maintenance of vegetation on visible slopes, dunes, and ridges.
- 128 The outcome is a proposal that would set a new standard for environmentally sensitive, integrated tourist development and which would certainly satisfy the vision for the site identified in the Dept. of Lands' "Draft Plan of Management" which seeks:
- A quality eco-tourism development in a natural setting... whilst ensuring protection and enhancement of the site's environmental values.*
- 129 Based on the investigations and observations undertaken in this assessment, I conclude that the proposed development is, in terms of visual impacts, an exemplary, contextually responsive design outcome that would satisfy the requirements of the applicable planning provisions and guidelines relating to matters of visual amenity, as it would:

- protect and enhance scenic amenity;
- reinforce local character and identity;
- protect beach amenity;
- maintain quality views and visual connections;
- be of a bulk and scale appropriate to the visual setting; and
- maintain the visual definition between settlements.

130 For these reasons, in so far as impacts on visual amenity are of concern, I believe the proposed development should be approved.

7. APPENDIX A – Photos of the Subject Site



Figure A1 - View south to site from Casuarina Way, south of Sutherland Street Bridge.



Figure A2 – View south to site from Casuarina Way, with site on both sides of road.



Figure A3 - View east to site from Casuarina Way.



Figure A4 - View east to site from Casuarina Way.



Figure A5 - View north-east to site from Casuarina Way, near northern boundary of Salt development.



Figure A6 - View to site from beach, showing screening achieved by dunes and dunal vegetation.

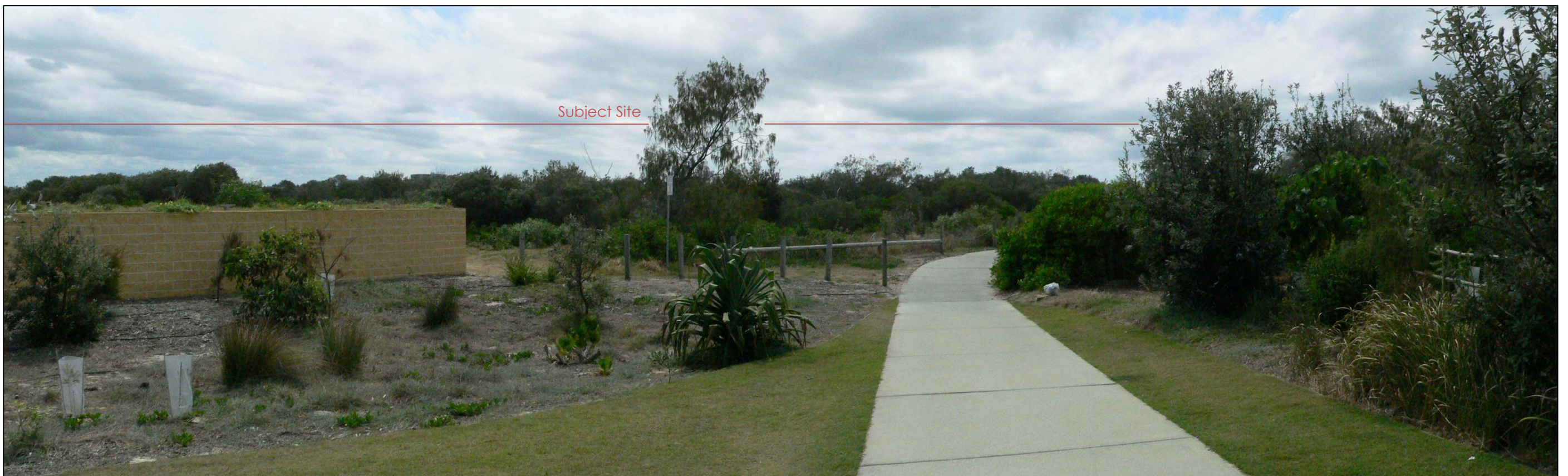


Figure A7 - View to south-eastern corner of site from existing pedestrian path.



Figure A8 - View to interior of site, showing existing vegetation type and topography.



Figure A9 - View to interior of site looking north along Old Tweed Coast Road, showing existing vegetation type and topography.



Figure A10 - View along existing road on site.



Figure A11 - View along path through western part of site.



Figure A13 - View to site from Casuarina Way showing the level difference where some parts of the site meet the road.



Figure A14- View along southern boundary of site, with residences at the northern part of Salt to the left of the photo.



Figure A12 - View along dunes adjacent eastern part of site.



Figure A15 - View along southern boundary of site, with residences at the northern part of Salt to the left of the photo. The vegetation to the right of the path will be enhanced as a landscaped visual buffer.

8. APPENDIX B – Photos of the Local Area



Figure B1 - View to internal park of Salt development showing scale of some of the main buildings in the development.



Figure B2 - View north along Casuarina Way, with Salt development in the foreground, the site in the mid-ground, and the established Kingscliff settlement in the background.



Figure B3 - View to site across Cudgen Creek. The riparian space of the creek will be rehabilitated and revegetated.



Figure B4 - View to site from residential area on hill to north-east of the site. The views to the site from this area are obstructed by foreground vegetation and buildings.



Figure B5 – View north towards Sutherland Street Bridge and towards existing residences along Cudgen Creek.



Figure B6 – View from near subject site, south along the beach toward patrolled beach.



Figure B7 – View across western part of the site towards residential area on hill north-east of site.



Figure B8 – View towards Casuarina Beach development.

9. APPENDIX C – Photomontages



Figure C1 - View from PP01 - BEFORE



Figure C2 - View from PP01 - AFTER

- NOTE:
- Photomontages are not survey accurate but are sufficiently accurate to fairly illustrate the proposed development in its context
 - Some distortion of photo and model may occur due to merging of photos;
 - Vegetation shown as per landscape plans prepared by LVO' Architecture, and consistent with species at approximately 5 years of growth.



Figure C3 - View from PP02 - BEFORE



- NOTE:
- Photomontages are not survey accurate but are sufficiently accurate to fairly illustrate the proposed development in its context
 - Some distortion of photo and model may occur due to merging of photos;
 - Vegetation shown as per landscape plans prepared by LVO' Architecture, and consistent with species at approximately 5 years of growth.

Figure C4 - View from PP02 - AFTER



Figure C5 - View from PP03 - BEFORE



- NOTE:
- Photomontages are not survey accurate but are sufficiently accurate to fairly illustrate the proposed development in its context
 - Some distortion of photo and model may occur due to merging of photos;
 - Vegetation shown as per landscape plans prepared by LVO' Architecture, and consistent with species at approximately 5 years of growth.

Figure C6 - View from PP03 - AFTER



Figure C7 - View from PP05 - BEFORE



Figure C8 - View from PP05 - AFTER

NOTE:

- Photomontages are not survey accurate but are sufficiently accurate to fairly illustrate the proposed development in its context
- Some distortion of photo and model may occur due to merging of photos;
- Vegetation shown as per landscape plans prepared by LVO' Architecture, and consistent with species at approximately 5 years of growth.



Figure C9 - View from PP05 - AFTER WITH PROPOSED VEGETATION TRANSPARENT (to show location of proposed buildings in background of the photomontage)



Figure C10 - View from PP05 - BEFORE



- NOTE:
- Photomontages are not survey accurate but are sufficiently accurate to fairly illustrate the proposed development in its context
 - Some distortion of photo and model may occur due to merging of photos;
 - Vegetation shown as per landscape plans prepared by LVO' Architecture, and consistent with species at approximately 5 years of growth.

Figure C11 - View from PP05 - AFTER

10. APPENDIX D – Identification of Applicable Planning Provisions

131 This section provides a summary of those provisions of the applicable planning instruments and guidelines which relate to the site, the proposed development, and to matters of visual amenity, and which inform the key issues addressed at Section 4 of this report.

132 The applicable requirements and intents of these documents are addressed at Section 4 of this report.

10.1 State Environmental Planning Policy No. 71 – Coastal Protection

133 As the subject site is located within the designated "coastal zone", it is subject to the provisions of this Planning Policy.

134 The following Aims from Part 1, Section 2 are relevant to the scope of this report:

(1) This Policy aims:

...

(e) to ensure that the visual amenity of the coast is protected, and

(f) to protect and preserve beach environments and beach amenity, and

...

(k) to ensure that the type, bulk, scale, and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

...

135 The following Matters for Consideration from Part 2, Section 8 are also relevant to the scope of this report:

The matters for consideration are the following:

...

(d) the suitability of development given its type, location and design and its relationship with the surrounding area,

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

...

10.2 NSW Coastal Policy 1997

136 The NSW Coastal Policy is a policy which seeks to set out a number of strategic actions, focussed more towards policy setting and development of guidelines, it warrants consideration in so far as it identifies goals and objectives that future development should endeavour to satisfy.

137 The Policy provides the following useful explanation of its intent:

The 1997 Coastal Policy is essentially focussed on recognising the need to reconcile the rapid population growth currently being experienced in coastal areas with the need to conserve what remains of valuable ecosystems.

...

The focus on conservation initiatives does not mean that future urban development in coastal areas should be sterilised.

138 The vision of the Policy is given expression through nine goals, the following of which is relevant to the scope of this report:

- *Protecting and enhancing the aesthetic qualities of the coastal zone.*

139 The goals and vision are supported by a number of strategic actions and objectives relating to coastal planning and management. The following of which are relevant to the scope of this report.

3.1 Objective

To identify and protect areas of high natural or built aesthetic quality.

3.2 Objective

To design and locate development to complement the surrounding environment and to recognise good aesthetic qualities.

3.3 Objective

To encourage towns to reinforce or establish their particular identities in a form which enhances the natural beauty of the coastal zone.

10.3 Coastal Design Guidelines for NSW 2003

140 The Coastal Design Guidelines document sets out a number of design principles for coastal settlements. According to the document *"The principles can be used to manage development within a settlement to ensure both the urban and natural character is considered in order to protect the character of coastal places."*

141 At the Introduction, the document sets out a number of Key Objectives, the following of which are relevant to the scope of this report:

- *To protect and enhance the cultural, ecological and visual characteristics of a locality.*
- *To limit coastal sprawl by establishing separation and greenbelts between settlements.*

- *To integrate new development with surrounding land uses.*
- *To protect local character.*

142 The document then goes on to identify more specific guidelines for various settlement types. Kingscliff fits the description of a "Coastal Town" (being a small centre with a population order of 5,000 to 6,000).

143 Section 1.2 sets out the following relevant intents to enable achievement of the Desired Future Character of Coastal Towns:

1. Relationship to the environment

a. The relationship of the town to the coast is protected and enhanced to provide:

- *visual links and views of the coast*
- *a clear relationship to the original landform, the foreshore and other unique natural features*

...

2. Visual Sensitivity

a. Areas of visual sensitivity include:

- *views to and from the coast, rivers, lakes and other water bodies*

...

- *views of headland*
- *night and daytime views*
- *the urban settlement as it sits within the landscape*
- *public views which are retained and reinstated, including views from the streets and public areas to the water*

...

- *providing clear separation between adjacent settlements by maintaining rural and natural land.*

...

6. Height

...

b. Generally heights of up to two storeys in suburban areas.

c. Heights are subject to place-specific urban design studies. New development is appropriate to the predominant form and scale of surrounding development (either present or future), surrounding landforms and the visual setting of the settlement. Buildings avoid overshadowing of public open spaces, the foreshore and beaches in town centres before 3pm midwinter and 6:30pm Summer Daylight Savings Time. Elsewhere avoid

overshadowing of public open spaces, the foreshore and beaches before 4pm midwinter and 7pm Summer Daylight Savings Time.

144 Part 2 of the document sets out a number of guidelines to help achieve the desired future characters identified in Part 1. These guidelines are intended to be applied at the design process. As such, it is more appropriate for this assessment to consider the proposal against the overarching intents rather than attempt to consider the proposal against the instructive language of the guidelines.

10.4 Tweed 4/24 Strategic Plan 2004-2024

145 The Strategic Plan is a "... 'whole of Shire', 'whole of Council' strategy that shows how Tweed Shire Council will go about managing the Tweed over the next twenty years."

146 The Strategic Plan speaks fairly generally about community values, strategic themes, indicators and so on, but does identify some objectives relevant to the scope of this report seeking the protection and enhancement of the Shire's scenic landscapes and amenity. Examples of such values and principles are copied below:

Community Values:

- *Protection of the Tweed's natural beauty, scenic landscapes and environmental quality*
- ...
- *The distinctive character of towns and villages.*

Land Use Structure Plan

Key principles and elements of the new Structure Plan will include:

- *Maintenance of the integrity and character of existing towns and villages, which are to be separated by open space buffers or green belts*
- ...
- *Building height limits appropriate to the character of residential areas.*

10.5 Tweed LEP 2000

147 The subject site is located within zone 2(f) Residential – Tourism, 7(a) Environmental Protection (Wetland and Littoral Forest), and 7(f) Environmental Protection (Coastal Lands). The 2(f) Residential – Tourism zoning is consistent with the zoning of the Salt development.

148 The LEP identifies the following Primary Objectives for development in each of the zones applicable to the site:

Zone 2(f) Residential – Tourism:

Primary Objectives

- *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.*
- *to ensure that prime sites are developed for the best use and fulfil their economic and employment generating potential for the area.*

Secondary Objectives

- *to permit high quality residential development as being integral and supportive of the primary intent of this zone (tourist oriented development) in terms of design and management structure and only at a scale which enhances the proposed tourist resort character.*

Zone 7(a) Environmental Protection (Wetland and Littoral Forest)

Primary Objectives

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

Secondary Objectives

- *to protect the scenic values of wetlands and littoral rainforests.*
- *to allow other development that is compatible with the primary function of the zone.*

Zone 7(a) 7(f) Environmental Protection (Coastal Lands)

Primary Objectives

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

Secondary Objectives

- *to allow for other development that is compatible with the primary function of the zone.*

149 The LEP also identifies the following relevant Objectives relating to building height from Part 3 General Provisions:

Section 16 Height of Buildings

(1) Objective

- *to ensure that the height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.*

150 The subject site is outside of the area shown on the Height of Buildings Map as having a height limit; therefore the acceptable height limit is 3 storeys.

151 However, the Strategy for Built Form in the Dept. of Lands Draft Plan of Management seeks a maximum building height of 2 storeys or 8 metres.

152 The objectives identified above need to be taken into consideration separately from these specific height limits, and as such it should be acknowledged that the Salt development is subject to Clause 53B of the LEP which prohibits development higher than 2 storeys for single dwelling houses, integrated housing or multi-dwelling housing, and 3 storeys for other types of buildings.

Part 6 Environmental and Resource Provisions

153 Part 6 of the LEP sets out Environmental and Resource Provisions for land with Environmental Protection designations.

154 None of the provisions set out for land zoned 7(a) are relevant to the scope of this report.

155 The following provisions for land zoned 7(f) are relevant:

(2) In deciding whether to grant consent to development in Zone 7 (f), the consent authority must consider:

...

(d) the impact of the development on the landscape or scenic quality of the locality

...

Part 7 Hazards and Buffers

156 Part of the subject site adjoins a water body and so Section 31 of Part 7 Hazards and Buffers is applicable. The following provisions of Part 7 are relevant to the scope of this report:

(1) Objective

- *to protect and enhance scenic quality, water quality, aquatic ecosystems, bio-diversity and wildlife habitat and corridors.*

...

10.6 Tweed Shire DCP 2008

Section A1 – Planning Principles

157 Section A1 of the DCP sets out a number of Planning Principles, the following of which is relevant to the scope of this report:

Principle I – View Sharing

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all views away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Section A1 – Area Specific Development Controls

158 Section A1 of the DCP also sets out a number of Area Specific Development Controls. Section B9 – Tweed Coast Strategy identifies the specific controls applicable to the subject site. On the associated Map 2, the subject site is within an area designated “Future Urban Development Area” and is specifically identified as “Tourism Site (Lot 490)”.

159 The Vision Statement for the Tweed Coast Strategy (clause B9.3.2) read:

To manage growth so that the unique natural and developed character of the Tweed Coast is retained, and its economic vitality, tourism potential, ecological integrity and cultural fabric are enhanced.

160 This Vision Statement is supported by a number of Policy Principles; the following is of particular relevance to the scope of this report.

***Visual Amenity:** The high visual amenity of the district is to be maintained. This will be achieved by ensuring that existing agricultural and environmental areas remain protected and by ensuring that new development complements the natural surroundings. New buildings will be encouraged to present attractively to the public realm. Building heights will be limited to three storeys...*

161 These Policy Principles are translated into a number of Planning Objectives. Specific Planning Objectives are provided for Coastal Open Space, the Cudgen Creek Riparian Buffer, the Protected Green Belt, indicating the importance of these landscape elements to the Tweed Coast.

10.7 Tweed Shire Scenic Landscape Evaluation 1995

162 The Scenic Landscape Evaluation assessment classifies the Shire landscape into 56 scenic units, explaining:

Units are bounded by the visual barriers or edges of viewsheds formed by the topography; for example, ridgelines, vegetation; for example, dense forests, or the pattern of land use of travel through that landscape; for example, a distinct change in direction and views from a road.

163 The assessment goes on to identify a number of general Planning Principles, as follows:

For the Scenic Structure, Districts & Units Framework

- *Protect the landscape character of each Setting Units in order to maintain the contribution to scenic amenity of the landscape and the distinct identity of each Setting Unit.*
- *Protect the landscape characteristics of edges of Setting Units and Districts that help to define the landscape character and maintain diversity within the overall regional landscape structure.*
- *Maintain the relationships ion character between Setting Units within each district to maintain the differences and distinct character.*
- *Opportunities for rehabilitation and enhancement of scenic amenity should be taken wherever developed [sic] is proposed in that landscape.*

For the Scenic Routes and Views Framework

- *Manage the landscapes seen from designated scenic routes keeping the natural and scenic features remaining dominant, as they are the prominent components of the region's scenic amenity.*
- *Maintain the existing scenic characteristics of the views from significant viewpoints.*
- *Maintain the existing setting of the scenic designations with natural and scenic features dominant.*

10.8 Dept. of Lands Draft Plan of Management

164 The NSW Dept of Lands has developed a Draft Plan of Management for the subject site (dated May 2005). Of relevance to the scope of this report are the following sections from the Plan:

10.8.1 Section 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 ensure the development of the site integrates with the new development to the south, Cudgen Headland and Lot 500;*
- *...*

10.8.2 Section 5: Management Framework

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 the natural resources of Crown land (including water, soil, fl ora, fauna and scenic quality) be conserved wherever possible;*

...

Objective

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.

...

The coastal village character and natural setting is to be retained and enhanced to ensure a strong sense of place.

...

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.

...

Incorporate best practice Ecologically Sustainable Development (ESD) principles in order to retain and enhance the coastal character and environmental values.

...