

**PROPOSERS RESPONSE**

**TO**

**GOVERNMENT AGENCY  
AND  
PUBLIC SUBMISSIONS**

**PROPOSED TOURIST RESORT  
AT  
“LOT 490” CASUARINA WAY  
SOUTH KINGSCLIFF**

**DECEMBER 2010**

**PREPARED FOR  
LEIGHTON PROPERTIES RESORTS PTY LTD**

**BY**



**JIM GLAZEBROOK & ASSOCIATES PTY LTD  
3 NULLUM STREET  
MURWILLUMBAH 2484**

# **CONTENTS**

<b><u>SECTION</u></b>		<b><u>PAGE</u></b>
1.0	INTRODUCTION	1
2.0	NSW DEPARTMENT OF PLANNING (KEY ISSUES & ADDITIONAL INFORMATION)	3
3.0	TWEED SHIRE COUNCIL	15
4.0	DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE & WATER	19
5.0	LAND & PROPERTY MANAGEMENT AUTHORITY	20
6.0	NSW OFFICE OF WATER	22
7.0	NORTHERN RIVERS CATCHMENT MANAGEMENT AUTHORITY	23
8.0	ROADS & TRAFFIC AUTHORITY	24
9.0	NSW RURAL FIRE SERVICE	25
10.0	NSW INDUSTRY & INVESTMENT	26
11.0	SALT SURF LIFE SAVING CLUB	27
12.0	HOUSING NSW	29
13.0	PUBLIC SUBMISSIONS	30

---

# Section 1.0

## Introduction

---

- 1.1 Jim Glazebrook & Associates Pty Ltd has been briefed by Leighton Properties Resorts Pty Ltd (the proponent) to prepare this response to submissions.
- 1.2 The Environmental Assessment (EA) was exhibited from 20 April 2010 until 24 May 2010. Additionally the EA was referred to a number of government agencies. In response to that exhibition and referral process submissions were received from the following:
- Tweed Shire Council;
  - Department of Environment Climate Change & Water;
  - Land & Property Management Authority;
  - NSW Office of Water;
  - Northern Rivers Catchment Management Authority;
  - Roads & Traffic Authority;
  - NSW Rural Fire Service;
  - NSW Industry & Investment;
  - SALT Surf Lifesaving Club;
  - Housing NSW; and
  - 39 public submissions.
- 1.3 The proponent was provided with a copy of all submissions by the Department of Planning (the Department) together with a letter from the Department (4 June 2010) setting out, amongst other things, matters which the Department perceived as being key issues following its assessment of the submissions.
- 1.4 This report sets out the proponent's response to the submissions including the key issues identified by the Department. It complements the Preferred Project Report & Revised Statement of Commitments which is submitted as a separate document.
- 1.5 To assist with the assessment of and response to issues contained in the submissions further reports and advices have been sought from relevant consultants. Additionally, revisions have been made where necessary to the architectural and landscape drawings. Those documents are forwarded with this report and include:



- 
- Responses to Agency Comments – Lot 490, Kingscliff  
- James Warren & Associates Pty Ltd, December 2010;
  - Revised Dune Management Plan  
- James Warren & Associates Pty Ltd, October 2010;
  - Revised Riparian Management Plan  
- James Warren & Associates Pty Ltd, October 2010;
  - Mosquito & Biting Midge Management Plan  
- Cardno (Qld) Pty Ltd, October 2010;
  - Additional Information to Bushfire Threat Assessment Report  
- BCA Check Pty Ltd, November 2010;
  - Letter dated 5 August 2010 from LVO Architecture addressing issues related to visual impact and landscaping;
  - Revised landscape drawings (Nos. LP-02, LP-03, LP-04, and DP-048 dated 21.9.10);  
- LVO Architecture, September 2010;
  - Letter dated 30 September, 2010 from VDM Consulting addressing issues related to coastal management; stormwater and flooding; and civil engineering and services.
  - Proposed Tourist Resort – Casuarina Way Kingscliff, Coastal Hazard Assessment Issue 3.  
- VDM Consulting Belleng, September 2010;
  - Letter dated 30 November 2010 from Halcrow addressing issues related to traffic and parking;
  - Letter dated 6 August 2010 from Everick Heritage Consultants addressing issues related to cultural heritage;
  - Coastal Public Safety Risk Assessment & Treatment Plan  
- Australian Coastsafe, September 2010.
  - Planning advice regarding length of stay of tourist accommodation  
- JBA Urban Planning, June 2009
  - Report – Dual Key Occupancy & the Impact on Development Contributions for the Kingscliff Resort  
- Cardno 7 December, 2010
  - Revised architectural drawings,
    - Staging Plan (Dwg No.1040 MP-01-13) Issue C;
    - Site Plan (Dwg No.1040 MP-01-03) Issue I;
    - MP-Site Constraints (Dwg No.1040 MP-01-4) Issue J;
    - Aerial Site View (Dwg No.1040 MP-01-5) Issue F.- JMA Architects Queensland Pty Ltd.

---

## Section 2.0

# NSW Department of Planning (Key Issues & Additional Information)

---

2.1 Comments in respect of the 12 key issues identified in Attachment 1 of the Department's letter follow.

2.1.1 Ecological Impacts

***Concern is raised with the removal of native vegetation (Coast Banksia) in the resort premises area of the site to make way for the construction of units and bungalows. To avoid losses, the Department of Environment & Climate Change & Water has recommended that alternative development layouts be explored to relocate the development footprint away from significant clumps of Coastal Banksia.***

Further site investigations and design review have been undertaken with the aim of exploring further opportunities to minimise clearing of Coast banksias. The advice prepared by James Warren & Associates Pty Ltd (JWA) at page 2 comments as follows:

*"Proposed accommodation in the southern and eastern portions of the main development area has been reconfigured where possible to further avoid Coast banksia however the loss of some mature vegetation is unavoidable. The vegetation loss proposed on the main development area will be heavily offset with the extensive revegetation and rehabilitation works along with the replacement planting of Coast banksias at a rate of two new Banksias for each Banksia lost.*

*The proposed placement of the car park, tennis court and portions of the pathway in the RMA has been revised to further avoid Coast banksia. The clump of Banksia identified as Community 4 – Mid-high open forest (Banksia integrifolia) will be retained in its entirety in the amended design with the location of the pathways, tennis court, basketball court and picnic shelters all being amended."*

2.1.2 Traffic & Parking

***The proponent is to further consult with Tweed Shire Council with regards to the proposed road improvements to Casuarina Way and associated parking areas within the site.***



---

Issues related to traffic and parking are addressed at length in the advice prepared by Halcrow. Specifically with respect to proposed works on Casuarina Way it is advised that,

*"We reference letter dated 28<sup>th</sup> May 2010 (see Attachment A) sent to Tweed Shire Council (cc. Department of Planning) which references the Plan of Management for justification of Casuarina Way remaining as a rural standard of road for the following reasons:*

- *The Lot 490 Plan of Management calls for development on the site to provide a nature bushland setting that ameliorates the effects of urbanisation of the coastline. An urban standard of road is not consistent with this intended character and visual amenity for the development;*
- *The Kingscliff Resort does not present an active frontage to Casuarina Way as a fence and landscaping will be established between the road and the Resort; and*
- *The existing carriageway provides the same width of sealed road shoulder as provided within Salt to ensure a safe area for cyclists to use the road."*

Specifically with respect to car parking areas within the site the matters raised by TSC have been addressed as follows:

- *"The widths of internal circulation roads are generally less than 6.0m, with the exception of those sections adjacent to dedicated car parking areas where the aisle width has been increased to a minimum of 6.2m. This will be further detailed at the project's construction certificate approval phase (ie. operational works phase) within detailed designed drawings";*
- *"The internal circulation roads do connect to the Primary Access and roundabout on Casuarina Way. Within the site there are only two control points as follows:*
  - *A "boom gate" system located within the circulation road adjacent to the western side of the Resort Facilities building. This gate system will prohibit the movement of non-resort traffic into and out of the resort's accommodation areas.*
  - *A "boom gate" system located between the Resort's Maintenance Area and the accommodation areas. This gate system will only be used by maintenance vehicles and will prohibit the movement of general traffic (ie. both Resort guest and general public) through this location of the Resort".*
- *Our Traffic Report dated 10<sup>th</sup> December 2009 (Kingscliff Resort – Casuarina Way, South Kingscliff [New South Wales] assumed an 85% occupancy for available keys of the 84 two-bedroom dual-key units (n.b. excluding the two-bedroom bungalows). The application of TSC's 100% occupancy would result in an event whereby all of the 84 two-bedroom units were let as single room units (ie. 168 one-bedroom units). This event is expected to be extremely rare and as such should not be considered as a typical operating scenario for the Resort.*

---

*It should also be highlighted that TSC's application of 100% occupancy of all available unit keys assumes that a private motor vehicle (ie. private or hire vehicle) is associated with each key and would therefore require a parking space. This assumption does not take into account the strong likelihood that some guests would use other transport modes, including tourist coaches, group mini bus and conference associated share rides (ie. car pooling where guests of separate units may travel in the same vehicle).*

*Therefore, we consider that a reduction in total resort guest car parking provision by way of the application of 85% occupancy in the car parking estimate to the 84 two-bedroom dual-key units (n.b. excluding the two-bedroom bungalows) to be a reasonable approach for estimating likely car parking demand provisions".*

### 2.1.3 Coastal Flood Plain Issues

***As advised in the DECCW submission the proponent is to further consult with Tweed Council in relation to compliance with minimum requirements for fill and floor levels and coastal hazard impact lines.***

Further consultation has been undertaken with Tweed Shire Council regarding "minimum requirements for fill and floor levels and coastal hazard impact lines". Details of that consultation are reported in full in the letter from VDM Consulting. That letter advises, inter alia, as follows,

*"An image showing the revised hazard lines including an immediate hazard line, 2050 hazard line, and 2100 hazard line was provided by Jane Lofthouse on the 4<sup>th</sup> August 2010. The revised hazard lines are shown as being further landward than those provided in the previous Tweed Shire Coastline Hazard Study 2002.*

*The TSC Development Control Plan (DCP) requires that minimum floor levels provide 0.5m freeboard to the Q<sub>100</sub> event. Therefore, the 3.10m AHD minimum floor level provides the necessary 0.5m freeboard and therefore satisfies the requirement of the TSC.*

*The minimum fill level for roadways within the site is defined as the Q<sub>100</sub> flood level. Therefore, all roads within the site must be constructed at an elevation of at least 2.60m AHD.*

*Discussions confirmed the flood levels and fill requirements provided are accurate. ....the previously provided information relating to the high level climate change impacts remain valid and the minimum fill and floor levels stated above satisfy the requirements of the TSC in terms of flood immunity.*

*We have amended the Coastal Hazard Assessment so that the revised hazard lines (2010) have been overlaid onto the new development layout. ....amendments (to the project plans) were not required for coastal hazard purposes.*

*It is noted that some public amenities are located seaward of the revised 2100 hazard line (2010), specifically road and car parking, public amenities block, picnic shelters, playground and circuit training facilities and beach access. Given the non-critical and relatively minor nature of the infrastructure, and that infrastructure is being provided for public use this incursion is considered acceptable provided the balance of Lot 500 is utilised for dune rehabilitation".*

---

#### 2.1.4 Proposed Scale/Intensity

***Further justification as to the number of buildings and the development footprint of the proposed resort's associated facilities is required having regard to the potential cumulative impacts on the environment. A reduction in the site's intensity may be required to address this issue.***

A number of modifications to the footprint/layout of the proposed development have been undertaken (refer discussion in 2.1.1) to achieve better environmental outcomes. This is particularly so in the case of minimising the need to clear Coastal banksia. The advice prepared by JWA at page 2 comments as follows:

*"Cumulative impacts of the proposed development have been considered in the Ecological Assessment. Whilst some vegetation will be removed the bulk of the vegetation lost will be cleared and or weed affected areas. It is also worth noting that the site has been significantly affected by sand mining and road construction. Regardless of these points, the applicant is proposing a substantial increase in native vegetation on the site".*

It is considered that further reducing the density of the proposed development is not necessary in this context. The density (and footprint) of the proposed development, through the investigation, design and consultation processes, has been significantly reduced in recognition of sensitive environmental constraints. It is relevant to note in this regard that the calculations in the EA (at page 20) indicate that building site cover is only 16% of the site, roads and parking area a further 15%, while landscape area is 69% of the site area. Moreover the gross density is a quite conservative one (1) unit per 648m<sup>2</sup> of gross site area. It is also relevant to note that through the latter part of the design process the footprint of the development was shrunk by amalgamating 84 of the units into 21 quad-plexes. That had the effect of reducing the number of residential buildings from 180 to 117.

#### 2.1.5 Management of Tourist Resort & Public Reserves

***The EA indicates that the long term management of the resort and surrounding land would be the responsibility of the resort operator and a maintenance plan with designated lease requirements/processes to achieve satisfactory standards of maintenance. According to the EA this maintenance plan is yet to be approved by the Land and Property Management Authority. To ensure proper implementation of the proposed Riparian and Dune Management Plans, further detail and clarification with regards to the status of this maintenance plan is to be provided.***

The Kingscliff Resort Maintenance Plan has been approved by the Land and Property Management Authority. The purpose of this plan is to provide a framework document outlining the means by which the surrounding lands and community facilities will be maintained to a satisfactory level and identifying the manner and standards for maintenance. The Plan aims to provide sufficient information to enable the landlord, the tenant and third parties to understand how maintenance will be achieved.

---

The Dune and Riparian Management Plans are stand alone documents which do not require the support of the Maintenance Plan to be implemented. As the Maintenance Plan does not impact upon the implementation of the Dune and Riparian Management Plans and primarily focuses on the ongoing maintenance of the community facilities, it is not essential to the assessment of this EA.

Open space areas that are part of the Lot 490 Plan of Management Area outside of the resort premises are owned and ultimately the responsibility of the State and are not leased by the applicant. The long term maintenance responsibilities for the public facilities and the open space areas are the subject of ongoing dialogue between the proponent and the Land & Property Management Authority. It is understood that a suitable consent condition will be determined, following further discussions between those parties, to adequately address the matter.

#### 2.1.6 Bushfire Protection

- a) **Landscape Buffer** – *The Bushfire Threat Assessment prepared by BCA Check, dated December 2009, identifies the subject site's southern 30m vegetation buffer as an Asset Protection Zone (APZ). However, the Landscape Masterplan (LS-05) prepared by LVO identifies this area as a landscaped visual buffer. In this regard please clarify whether this APZ is compliant with the Planning for Bushfire Protection 2006.*
- b) **Site Vegetation** – *The Bushfire Threat Assessment is not consistent with the proposed Landscape Masterplan provided with the EA. Further assessment is required with regards to the level of hazard presented to the resort's occupants in the event of a bushfire. It is recommended you consult the RFS on this matter.*

The Additional Information Report addressing bushfire threat assessment issues covers in detail all of the matters raised in this regard (in particular comments from the Rural Fire Service). Specifically with respect to the matters raised by the Department it is commented as follows:

(a) Landscape Buffer:

*"Further information has been provided by James Warren & Associates (see Appendix A) which identifies this area as having managed surface fuels to minimal levels and staggered plantings for visual screening purposes. The vegetation management will significantly reduce the risk of this area becoming a significant bushfire hazard.*

*This area will not be an asset protection zone for the purpose of only having a 15% canopy cover however it will be managed and therefore will not be a hazard and in turn will not require an asset protection zone ie. no hazard to the south. It is also noted that asset protection zones have been provided to the east and west of this visual buffer".*

(b) Site Vegetation

*"It is understood that the revegetation of the site will be with littoral rainforest species. This is to be confirmed in the Landscape Masterplan. It is noted that the fire runs as shown in Appendix C and the shape of the vegetation add further redundancy to this assessment of the bushfire behaviour".*

---

### 2.1.7 Use of Tourist Units as Residential Dwellings

***The EA and its supporting documentation state no permanent residential accommodation can be provided within the proposed tourist resort due to an existing covenant restriction applicable to the site and current conditions of the Crown lease arrangement. Please provide further detail of available mechanisms to ensure the operation and management of the site continues to be adequately benchmarked against the covenant, Crown lease and Plan of Management.***

This issue has been subject of ongoing dialogue between the proponent, the Department of Planning & the Land & Property Management Authority. The development lease for Lot 490 currently contains a restriction on use that prohibits the use of any part of the leased premises for permanent residential accommodation (except for a caretaker or manager of resort holiday accommodation constructed on the premises where that residence is provided as part of their employment or engagement contract). There is also registered on the Title of Lot 490 a similar restriction on use.

The term “permanent residential accommodation” has not been defined in the lease or in the restriction currently registered on the relevant title. The meaning of the term should therefore be construed in the context of its common usage and meaning.

The common dictionary meaning for the word “permanent” is “*existing perpetually or a long indefinite period of time*”. The proponent has obtained legal advice on this issue. The advice is that there is no restriction on owners using accommodation constructed on the land for purposes other than short stay tourist accommodation provided they do not reside in the accommodation for an indefinite period or as their principal or primary place of residence.

It is understood that the Tweed Shire Council also wants to ensure that there is clarity in defining non-permanent use. The proponent is concerned that Council is considering proposing a restriction whereby residential accommodation is limited to a certain number of days per year. Commercially, a restriction of this nature would prevent the procurement of the project development funding and purchaser financing. Furthermore, it will be necessary to give a meaning to the term “permanent residential accommodation” to avoid uncertainty in the market place.

The relevant Tweed Local Environment Plan allows the land to be used for “Tourist Accommodation”. Tourist accommodation is defined as:-

*“a building principally used for the accommodation of tourists but does not include a building elsewhere specifically defined in this schedule”.*

It is not necessary to impose a limit on occupation measured by a certain number of days to cause compliance with the relevant provisions of the planning scheme. The development is clearly intended to provide a holiday destination for tourists. A holiday home is not a place where one is domiciled

---

or lives as his or her usual place of abode. Tourists are not permanent residents – they are visitors or travellers to a place. Tourists are not long term residents but they may be long term visitors. Merely because a tourist visits or stays at a place for a long time does not mean he or she is no longer a tourist. For these reasons the following definition for the allowable usage of the proposed accommodation bungalows/units is proposed:-

*“The accommodation bungalows/units can be used for short term accommodation, for conference letting and by owner occupiers (as long as it is not their main residence).”*

The proposed mechanism to ensure that the development is being used in accordance with the above proposed definition is for each bungalow/unit owner to provide the Body Corporate Manager an annual formal written confirmation that their bungalow/unit is not their main residence (as defined by the Australian Tax Office).

The proposed usage definition is entirely consistent with the relevant provisions of the planning scheme and will afford purchasers and their advisors certainty when evaluating this key provision of the lease. Any condition of a development approval which purports to limit occupation of the property to a specified number of days would (based on market analysis) be unacceptable to the purchasers. These restrictions on use will be clearly defined in the marketing and sales contract documentation.

#### 2.1.8 Owner's Consent

***In accordance with clause 8F of the Environmental Planning & Assessment Regulation 2000 the proponent should provide advice regarding the need to obtain the consent of the relevant owner, prior to determination of the application, for any relevant improvement works proposed to be carried out to the Casuarina Way road reserve.***

The advice prepared by Halcrow specifically addresses this matter,

*“It is understood that the Land and Property Management Authority (owner of Casuarina Way) have already been consulted in the development of the Master Planning for the site. Proposed works to be undertaken within the Casuarina Way road reserve include the following:*

- *A roundabout at the Primary Access location;*
- *Indented bus bays;*
- *Access cross-over to the formal car parking area adjacent to the proposed recreation area (ie. tennis court); and*
- *Pedestrian refuge islands proximate to the proposed indented bus bays.*

*While the Land and Property Management Authority has been consulted in relation to this project, it is expected that the requirement for obtaining specific consent from them as land owner to undertake work in Casuarina Way would be undertaken following the preparation of detailed design drawings (ie. at the construction certificate approval phase).”*



---

## 2.1.9 Site Screening / Privacy Issues

***The Visual Impact Assessment dated March 2010 compiled by LVO notes that vegetation shown in its montages represents proposed vegetation plantings 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. Please provide detailed measures demonstrating how the site will be screened prior to the mature growth of the proposed vegetation screen plantings.***

The advice prepared by LVO Architecture addresses this issue at some length,

*“The photomontages we have prepared do show plantings as it would typically appear after 5 years of growth. However it is important to note that some plants (specifically pioneer species) will grow to a reasonable size well before 5 years and will provide a progressive amount of screening as they grow.*

*Regarding views from Casuarina Way, the landscape plans prepared by LVO Architecture show a screen fence proposed along Casuarina Way which will screen most views into the site. This fence will itself be screened and softened by proposed landscaping between it and the road. In addition the landscape plans show advanced tree planting proposed along the length of Casuarina Way, within the carparking areas, and at key points such as roundabouts. These advanced trees will provide a good deal of screening while the less mature planting grows to a point where it will provide effective screening. These measures are shown on the landscape plans prepared by LVO Architecture (such as drawing No. LS03).*

*Regarding visual impacts on existing and future residences of the Salt development, along the southern boundary of the site, the landscape plans also show retention of mature buffer planting and addition of new planting between the proposed development and residential properties adjoining the southern boundary (through a 30 metre wide dedicated buffer zone). This measure is shown in the landscape plans prepared by LVO Architecture (such as drawing No. L05). Photomontages prepared by our office, and included in our report indicate that the proposed vegetation will be adequate (in terms of density and height) to screen the proposed built form, once matured.*

*A letter provided by James Warren & Associates (included as Appendix A to this letter) reiterates that retention of vegetation and proposed new vegetation (littoral rainforest species) through the buffer will ensure an adequate screen is provided to proposed built form. The letter also explains that development of the site will be staged so as to ensure that construction adjacent to the southern buffer area is undertaken last, giving the retained and new plants through the buffer area an opportunity to grow to a size that will provide a suitable level of screening.*

*Because of the extent of retained and proposed planting, and the time available for the plants to grow, I am of the opinion that the proposed buildings will be adequately screened. However, as noted in the letter from James Warren & Associates, if the proposed buildings are not sufficiently screened, there is opportunity to add additional mature plants around the proposed buildings to provide extra screening.*

*I note however, that despite the measures described above, it is likely that parts of some of the development will be visible while the proposed vegetation matures. However, this is simply a consequence of development – there is always disruption of the site and an optimal visual outcome is not achieved until planting matures. It would be unreasonable to require development to have an optimal visual outcome from the outset – I can think of no development that has achieved such an outcome.*

---

*Finally, I note that, in my opinion, it would be a mistake to require that more mature plantings be utilised in place of the proposed immature planting. Immature planting tends to establish better and grow more quickly than more mature planting and will achieve a better screening outcome in the longer term”.*

#### 2.1.10 Amenity Impacts

- a) **Noise** – ***According to the Acoustic Report prepared by TTM Consulting Pty Ltd. Several units/bungalows will be exposed to predicted traffic noise levels above the criteria prescribed for acoustic treatments for internal noise limits under AS/NZS 2107:2000 “Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors”. The Statement of Commitments may need to be updated in this regard.***
- b) **Light spill** – ***No specific design detail with regards to minimising light spill on adjoining residential/environmental areas appear to have been proposed as part of the project. It is suggested the Statement of Commitments are updated in order to prevent light spill impacts on surrounding areas.***

This matter relates to acoustic conditions within the proposed units and the potential for light spill. Those matters have been included in the Statement of Commitments as suggested.

#### 2.1.11 Beach Safety

***The proponent is to further consult with Tweed Shire Council and Salt Surf Life Saving Club with regards to safety risk presented to future occupants of the proposed tourist resort and the general public swimming at the section of Bogangar Beach adjoining the site.***

Leighton Properties Resorts has met with Vince Connell and Patrick Knight of the Tweed Shire Council and with David Hoare, David Rope and Mark Humphries of Salt Surf Life Saving Club to discuss the proposed level of surf life saving to be provided as part of the Kingscliff Resort.

Due to existing surf life saving facilities already provided and operational at Salt, which is within walking distance to the Kingscliff Resort, Tweed Shire Council was supportive of augmenting the existing surf life saving arrangements provided by the SALT Surf Life Saving Club as opposed to a separate facility being established on the beach adjoining the Kingscliff Resort.

The resort premises will be adequately sign posted in accordance with the requirements of Surf Life Saving New South Wales. Additionally beach safety and detail on local protected beaches will be provided to visitors to the development in visitor packs and through signage in the public car parking areas.

---

The proposed mechanism for delivering the annual financial contribution from the resort to the surf club will be through an agreement established between the Body Corporate for the Resort and the Salt Surf Life Saving Club. The strata scheme for the Resort will include bylaws requiring the annual payment to the club. The funds would come from the Body Corporate Fees paid quarterly by the owners of the units and bungalows.

The calculation of the annual payment is to be determined between Leighton Properties Resorts and Salt Surf Life Saving Club following the determination of this application. During their meeting both the proponent and the surf club agreed that the quantum of the contribution should be calculated closer to the commencement of the operation of the resort so as to ensure that the full implications of the resort operations for the surf club can be understood and accounted for.

Further to the consultation between Leighton Properties Resorts, Tweed Shire Council and Salt Surf Life Saving Club, a report has been prepared to provide a Risk Assessment and Treatment Plan for the beach adjoining the resort (Coastal Public Safety Risk Assessment & Treatment Plan, Australian Coastsafe, September 2010). Extensive consultation was also undertaken with relevant parties as part of that report. The Australian Coastsafe report is included amongst the further reports and advices submitted with this report.

#### 2.1.12 Ecologically Sustainable Development (ESD)

***In accordance with the aims of the Lot 490 Plan of Management, the proponent should further investigate options to encourage innovative, ecologically sustainable design within the proposed tourist resort and associated public facilities. In particular, the proponent should further consider the use of the following sustainable development options on site:***

- a) Photovoltaic solar systems***
- b) Water saving devices and fittings***
- c) Recycled water use for toilet flushing.***

ESD has been an important consideration for the proponent in the design process of the project. In that regard the proponent advises as follows:

*“The possible use of photovoltaic solar systems will be further investigated at the detail design stage of the proposal and they will be considered for the development if a suitable and economically viable solar system can be utilised.*

*When designing the Kingscliff resort, the proponent looked to ensure ecologically sustainable design was incorporated into the various resort elements. In terms of water saving devices, tapware, toilets, shower heads and similar hydraulic devices will be AAA rated or better. Similarly, appliances such as dishwasher units will be AAA rated or better.*

*Also each bungalow will include a rainwater capture tank for use in toilet flushing. The tanks will include a tap for other uses such as hand irrigation. Also to minimise water usage, landscaping and plant species have been selected to avoid the requirement of irrigation.*

---

*On top of water saving measures, the design has also incorporated a number of energy saving measures. Appliances such as fridges and dishwashers will be 3 star energy rated or better. Hot water in the bungalows will be generated with high efficiency heat pumps. The bungalow indoor and perimeter lighting will be done with efficiency fittings. The pathway and roadway lighting will be subtle but with a focus on safety. Outdoor clothes drying facilities will be provided to allow for the natural drying of clothes and towels rather than excessive use of dryers.*

*The bungalow designs incorporate significant attention to passive energy efficiency. The designs achieve excellent performance in terms of natural ventilation and natural lighting. The bungalows on the southern side of the internal roads have been re-orientated to ensure that decks and living areas achieve a north-easterly aspect and they achieve natural ventilation through numerous openings to capture prevailing breezes. The living areas and bedrooms will be provided with air conditioning to deal with climate extremes, however it is intended the spaces will be naturally ventilated much of the time.*

*Ceiling fans will be included with high ceiling heights to enhance with natural ventilation performance of the spaces. Light weight construction with strong attention to thermal resilience of the building fabric has also been incorporated.*

*Final material choices will focus on the recycled content of those materials as well as the recyclability of the materials. Low VOC paint and carpets will be sourced. PVC in such areas as floor coverings and plumbing will be minimised. Material choices will focus on durability and materials such as the selection of insulants and refrigerants will deliver zero ozone depleting potential.*

2.2 With respect to the additional information matters set out in Attachment 2 of the Department's letter it is commented as follows:

2.2.1 Staging of Works

A staging plan (Dwg No.1040 MP-01-13, issue C) is included in the revised architectural drawings.

Stage 1 includes the development of 44 x 2 bedroom units, 16 x 2 bedroom bungalows, 24 x 3 bedroom bungalows and 6 x 3 bedroom beachside bungalows. The following works are also included in Stage 1:

- The proposed Community Facilities including:
  - The environmental revegetation of the dune and riparian management areas;
  - A children's playground;
  - Public toilets and shower facilities;
  - Picnic Shelters;
  - Bike racks;
  - Public beachside and riparian car parking;
  - A multi purpose space / Interpretive centre;
  - Circuit training facilities;
  - Half court basketball court;
  - Tennis court; and
  - A pontoon / creek access point;

- 
- The south western access to Casuarina Way for construction access for Stage 2 works; and
  - The staff / maintenance facilities in the south west corner of the site.

Stage 2 encompasses the remainder of the development.

#### 2.2.2 Mosquito/Biting Midge Impact Assessment

A Mosquito & Biting Midge Management Plan (Cardno (Qld) Pty Ltd, October 2010) has been completed and is included amongst the further reports and advices forwarded with this report (refer Section 1.5).

---

# Section 3.0

## Tweed Shire Council (TSC)

---

- 3.1 The issues identified in the TSC submission are specifically addressed in the further reports and advices provided by the relevant consultants (refer Section 1.5). Issues not addressed in those documents and requiring a specific response from the proponent are set out in 3.2 of this Section. The following table lists the relevant issues and indicates where they are addressed.

**TABLE 1**  
**TWEED SHIRE COUNCIL SUBMISSION**

<b>TSC ISSUE</b>	<b>TSC LETTER PAGE</b>	<b>RESPONSE</b>
<b>PLANNING MATTERS</b> <ul style="list-style-type: none"><li>• Enforcing permanent accommodation restriction</li><li>• Dual key arrangement &amp; developer contributions</li><li>• Urban design</li></ul>	1 of 19  3 of 19 5 of 19	Section 3.2.1 of this report.  Section 3.2.2 of this report. Section 2.1.9 of this report and letter from LVO Architecture.
<b>TRAFFIC &amp; ACCESS</b> <ul style="list-style-type: none"><li>• Casuarina Way design standard</li><li>• General traffic access issues</li></ul>	5 of 19  5 of 19	Section 2.1.2 of this report and letter from Halcrow. Section 2.1.2 of this report and letter from Halcrow and revised site plan.
<b>INFRASTRUCTURE ENGINEERING</b> <ul style="list-style-type: none"><li>• Flooding</li><li>• Stormwater Management</li></ul>	6 of 19  6 of 19	Section 2.1.3 of this report and letter from VDM Consulting. Letter from VDM Consulting.
<b>WATER &amp; SEWER INFRASTRUCTURE</b> <ul style="list-style-type: none"><li>• Water Supply</li><li>• Sewerage</li><li>• Public infrastructure works</li></ul>	7 of 19 8 of 19 9 of 19	Letter from VDM Consulting. Letter from VDM Consulting. Letter from VDM Consulting.
<b>RECREATION SERVICES</b> <ul style="list-style-type: none"><li>• Maintenance, public liability and guaranteed public access</li><li>• Surf lifesaving provisions</li><li>• Community facilities</li></ul>	9 of 19  10 of 19  10 of 19	Section 3.2.3 of this report.  Section 2.1.11 of this report and report by Australian Coastsafe. Section 3.2.4 of this report.

TSC ISSUE	TSC LETTER PAGE	RESPONSE
<b>NATURAL RESOURCE MANAGEMENT</b> <ul style="list-style-type: none"> <li>• Maintenance (general)</li> <li>• Coastal hazards</li> <li>• Restoration within Lot 500</li> <li>• Pontoon</li> <li>• Adequacy of ecological assessment</li> <li>• Adequacy of DMP</li> <li>• Adequacy of RMP</li> </ul>	11 of 19 11 of 19 12 of 19 12 of 19 12 of 19 14 of 19 16 of 19	Section 3.2.5 of this report. Section 2.1.3 of this report and letter from VDM Consulting. Section 3.2.6 of this report. Section 3.2.7 of this report. Report by James Warren & Associates Pty Ltd. Report by James Warren & Associates Pty Ltd. Report by James Warren & Associates Pty Ltd.
<b>ENVIRONMENTAL HEALTH</b>	18 of 19	Section 3.2.8 of this report and letter from VDM Consulting.
<b>BUILDING SERVICES</b>	18 of 19	Section 3.2.9 of this report.

3.2 Comments on other issues necessitating a specific response from the proponent, and not addressed in the attached consultant reports and advices, follow.

3.2.1 Enforcement of Restriction on Permanent Accommodation

This matter was identified as a key issue in the DOP's letter and has been addressed in Section 2.1.7 of this report.

3.2.2 Dual Key Arrangement & Section 94 Contributions

We disagree with the Tweed Shire Council's approach to determining developer contributions in respect of the dual key arrangements and believe it is not an equitable method to calculate the difference between dual key and non dual key arrangements.

This issue has been the subject of investigation and report by consultant Cardno. The full Cardno report is forwarded with this document. Its conclusions are as follows:

- The proposed Kingscliff Resort dual key units as designed would appear to pose no additional demand from a water and sewerage perspective than an unsuited 2 bedroom unit;
- Based on the information provided, and review of developer contributions in other areas, it would appear that the current assessment of developer charges by Tweed Shire Council is high; and
- A more reasonable assessment would be to consider the unit/bungalows as 2 bedroom units with a loading of 0.7ET. This is consistent with how the units would be assessed under various other policies in NSW.

---

### 3.2.3 Maintenance, Public Liability & Guaranteed Public Access

This Maintenance Plan has not been included as part of this application as it does not specifically relate to planning issues associated with the development of the site.

With respect to TSC's request for assurance that the areas will be publicly accessible and the facilities will not be restricted, the proponent would accept a condition of consent requiring full access to be provided. However it is to be noted that the tennis court will be managed through the resort management to ensure its orderly usage and to protect against vandalism.

Fencing is to be provided in various areas of the dune and riparian management zones for the protection of the vegetation. These areas will not be publicly accessible for environmental reasons.

It is noted that Leighton Properties Resorts only have a lease over the resort site being Lot 1 on DP 1117599. This does not include the publicly accessible surrounding lands as defined by the Lot 490 Plan of Management. Public liability on the leased resort site area will be the responsibility of the body corporate of the resort, however the body corporate will not be responsible for public liability for the surrounding land which is not being leased.

### 3.2.4 Community Facilities

The Community Facilities Plan was prepared for the Land and Property Management Authority to outline the expenditure of the \$5.26 million Community Facilities Budget. This Community Facilities Plan has not been included as part of this application as it is not required for the assessment of the proposed application, however it can be downloaded from the resort webpage: <http://www.kingscliffresort.com.au/>

Further detail associated with the proposed community facilities can be provided for further assessment by the Department of Planning and the Tweed Shire Council at the detail design phase of the approval process.

While the proposed community facilities will be constructed by the developer, they will be owned by the Crown as they will be constructed on Crown land outside of the leased resort premises land (Lot 1 on DP 1117599).

In terms of management, all of the community facilities will be publicly accessible at all times aside from the tennis court which will be managed through resort management (refer 3.2.3 above). The toilets and change facilities will also be locked by the resort management at nights.

The maintenance of the proposed facilities and the Plan of Management Land surrounding the resort premises is the subject of ongoing dialogue between the proponent and the LPMA.

---

The proposed community facilities in Lot 500, including the beach front public parking, have been provided in accordance with the directives of the Lot 490 Plan of Management. The Plan of Management calls for parking to be provided along the old Tweed Coast Way alignment which falls within Lot 500.

3.2.5 Maintenance (General)

A Maintenance Plan (refer Section 3.2.3) has been completed and approved by LPMA. The maintenance obligations for the resort are the subject of ongoing dialogue between the proponent and the LPMA.

3.2.6 Restoration Within Lot 500

All facilities, including car parking, have been located and sized within Lot 500 in accordance with the adopted POM. Moreover the revised DMP sets out detailed strategies for restoration within Lot 500. The location of facilities within the RMA has also been reviewed and this is covered in the revised RMP.

3.2.7 Pontoon (Cudgen Creek)

The pontoon has been proposed in response to the Lot 490 Plan of Management (POM). Under the Management Objective of Accessibility and Connectivity, the POM states *"Provide an access point to Cudgen Creek in order to minimise impacts particularly with regards to bank stabilisation"*. The pontoon has been determined to be the most appropriate formalised access to the creek. The pontoon gangway could be constructed of marine grade aluminium non-slip grating (to allow light penetration below the gangway for marine vegetation growth) if required.

3.2.8 Environmental Health

Adequate information has been provided within the EA in respect of this issue. The proponent agrees to suitable conditions of consent in this regard.

3.2.9 Building Services

The proponent agrees to the suggested condition of consent in this regard.

---

## Section 4.0

# Department of Environment, Climate Change & Water (DECCW)

---

- 4.1 The issues identified in the DECCW submission are specifically addressed in the further reports and advices provided by the relevant consultants (refer Section 1.5). The following table lists the relevant issues and indicates where they are addressed.

**TABLE 2**  
**DECCW SUBMISSION**

DECCW ISSUE	DECCW LETTER PAGE	RESPONSE
<b><u>ATTACHMENT 1</u></b> (RECOMMENDED STATEMENTS OF COMMITMENT/CONDITIONS OF APPROVAL)		
Biodiversity & Conservation	3 of 14	Report by James Warren & Associates Pty Ltd
Coastal Floodplain	4 of 14	Letter from VDM Consulting.
Aboriginal Cultural Heritage	4 of 14	Letter from Everick Heritage Consultants Pty Ltd.
Statement of Commitments	NA	It should be noted that where appropriate the Statement of Commitments (refer Preferred Project Report, Section 3.0) has been amended in response to this part of the DECCW submission.
<b><u>ATTACHMENT 2</u></b> (DECCW ASSESSMENT OF PROPOSAL)		
Biodiversity & Conservation	5 of 14	Report by James Warren & Associates Pty Ltd.
Coastal Floodplain	11 of 14	Letter from VDM Consulting.
Aboriginal Cultural Heritage	12 of 14	Letter from Everick Heritage Consultants Pty Ltd.

---

## Section 5.0

# Land & Property Management Authority (LPMA)

---

- 5.1 The issues identified in the LPMA submission are specifically addressed in the further reports and advices provided by the relevant consultants (refer Section 1.5). Issues not addressed in those documents and requiring a specific response from the proponent are set out in 5.2 of this Section. The following table lists the relevant issues and indicates where they are addressed.

**TABLE 3**  
**LPMA SUBMISSION**

LPMA ISSUE	LPMA LETTER PAGE	RESPONSE
THE SUBJECT SITE	1 of 6	Section 5.2.1 of this report.
PLANNING	1 of 6	Section 5.2.2 of this report.
STAGING OF WORKS	2 of 6	Section 5.2.3 of this report.
FLORA & FAUNA MANAGEMENT	2 of 6	Report by James Warren & Associates Pty Ltd.
RIPARIAN MANAGEMENT AREA	3 of 6	Report by James Warren & Associates Pty Ltd.
RIPARIAN MANAGEMENT PLAN	4 of 6	Report by James Warren & Associates Pty Ltd.
DUNE MANAGEMENT AREA	4 of 6	Report by James Warren & Associates Pty Ltd.
DUNE MANAGEMENT PLAN	5 of 6	Report by James Warren & Associates Pty Ltd.
GROUNDWATER	5 of 6	Letter from VDM Consulting.
BUSHFIRE MANAGEMENT	5 of 6	Report by BCA Check Pty Ltd.
CONTAMINATED LAND	5 of 6	Report by VDM Consulting.
INFRASTRUCTURE	6 of 6	<ul style="list-style-type: none"><li>• Report by VDM Consulting;</li><li>• Letter from LVO Architecture;</li><li>• Report by James Warren &amp; Associates Pty Ltd.</li></ul>
STATEMENT OF COMMITMENTS	NA	It should be noted that where appropriate the Statement of Commitments (refer Preferred Project Report, Section 3.0) has been amended in response to this submission.

---

5.2 Comments on other issues necessitating a specific response from the proponent, and not addressed in the attached consultants reports and advices, follow.

5.2.1 The Subject Site

The property description incorporating DP 1095234 is understood to have been correct at the time of lodgement of the EA and was in fact the title description contained in the owners consent issued by the Department of Lands. More recently we have been notified that a subdivision of Lot 490 has been registered (4.6.2010) whereby it is now known as Lots 1 & 2 in DP 1117599.

With respect to the proposed pontoon the proponent agrees to lodge with LPMA an identification survey of the facility (post construction) so that the affected section of Cudgen Creek can be incorporated into the existing lease.

5.2.2 Planning

Where necessary plans and figures have been revised to show the latest and correct information. These are included (where appropriate) in the further reports and advices prepared by relevant consultants. Moreover, the architectural drawings MP-Site Constraints (Dwg No.1040, MP-01-4) and Site Plan (Dwg No. 040, MP-01-3) have been revised accordingly.

5.2.3 Staging

A staging plan (Dwg No. 1040, MP-01-13) is included amongst the revised architectural drawings. The proposed staging is otherwise addressed in Section 2.0 (Department of Planning submission) of this report.

---

## Section 6.0

### NSW Office of Water (NOW)

---

- 6.1 The issues identified in the NOW submission are specifically addressed in the further reports and advices provided by the relevant consultants (refer Section 1.5). The following table lists the relevant issues and indicates where they are addressed.

**TABLE 4**  
**NOW SUBMISSION**

NOW ISSUE	NOW LETTER PAGE	RESPONSE
GROUNDWATER	2 of 3	Letter from VDM Consulting.
SURFACE WATER & STORMWATER MANAGEMENT	2 of 3	Letter from VDM Consulting.
RIPARIAN MANAGEMENT	3 of 3	Report by James Warren & Associates Pty Ltd.
WATER SUPPLY	3 of 3	Letter from VDM Consulting.

---

## Section 7.0

# Northern Rivers Catchment Management Authority (CMA)

---

- 7.1 The CMA notes that it is satisfied that the proposal complies with the intent of all of the relevant targets of the Northern Rivers Catchment Action Plan. The CMA also notes its support for the use of buffers to high conservation value areas and the 'maintain or improve' principle that has been proposed in terms of vegetation management.

---

## Section 8.0

# Roads & Traffic Authority (RTA)

---

8.1 This submission recommends the preparation of a traffic impact study addressing the following points:

- Assessment of the impacts on the existing road network and junctions;
- The availability of adequate sight distances;
- Provision of adequate off-street car parking and connections to it;
- Safe provision for turning traffic;
- Facilities and connections for pedestrians and cyclists to the existing networks;
- The availability of public transport; and
- Provision of an adequate servicing area that can manage the type of vehicles that will use it so they can enter and leave in a forward manner.

All of the foregoing matters are addressed in detail in the EA. Further comments are provided in the letter from traffic consultant Halcrow.

---

## Section 9.0

### NSW Rural Fire Service

---

- 9.1 The matters raised in this submission have been the subject of further consultation between the NSW Rural Fire Service and consultants BCA Check Pty Ltd. The report by BCA Check Pty Ltd provides responses to the identified issues.
- 9.2 Bushfire protection is also an issue raised in the Department of Planning's Key Issues and that is addressed in Section 2.1.6 of this report.

---

## Section 10.0

# NSW Industry & Investment

---

10.1 This submission is generally supportive of the application. It notes the following:

- The proposal raises no agricultural, minerals or forestry issues;
- It is generally satisfied with the environmental assessment and mitigation strategies proposed to limit impacts on fish and aquatic habitats;
- The proposal is consistent with the minimum requirement I & I NSW's Policy & Guidelines for Aquatic Habitat Management & Fish Conservation (1999);
- The RMP is generally satisfactory; and
- There is no objection to the proposed location of the pontoon in Cudgen Creek.

---

## Section 11.0

### SALT Surf Life Saving Club

---

- 11.1 Leighton Properties Resorts has met with Vince Connell and Patrick Knight of Tweed Shire Council and with David Hoare, David Rope and Mark Humphries of Salt Surf Life Saving Club to discuss the proposed level of surf life saving services to be provided as part of the Kingscliff Resort.
- 11.2 Due to the surf life saving facilities already provided and operational at Salt, which is within walking distance of the Kingscliff resort, it was determined that the most appropriate surf life saving service would be provided by Salt as opposed to establishing a separate facility on the beach adjoining the Kingscliff Resort.
- 11.3 The resort premises will be adequately sign posted in accordance with the requirements of Surf Life Saving New South Wales. Additionally, beach safety information and detail on local protected beaches will be provided to visitors to the resort in visitor packs and through signage in the public car parking areas.
- 11.4 The proposed mechanism for delivering the annual financial contribution from the resort to the surf club will be through an agreement established between the Body Corporate for the Resort and the Salt Surf Life Saving Club. The strata scheme for the Resort will include bylaws requiring the annual payment to the club. The funds would come from the Body Corporate Fees paid quarterly by the owners of the units and bungalows.
- 11.5 The calculation of the annual payment is to be determined between Leighton Properties Resorts and Salt Surf Life Saving Club following the determination of this application. During their meeting both the proponent and the surf club agreed that the quantum of the contribution should be calculated closer to the commencement of the operation of the resort so as to ensure that the full implications of the resort operations for the surf club can be understood and accounted for.

- 
- 11.6 Further to the consultation between Leighton Properties Resorts, Tweed Shire Council and Salt Surf Life Saving Club, a report has been prepared by Australian Coastsafe to provide a Risk Assessment and Treatment Plan for the beach adjoining the resort. Extensive consultation was also undertaken with relevant parties as part of that report. The Australian Coastsafe report is included amongst the further reports and advices submitted with this report.

---

## Section 12.0

### Housing NSW

---

- 12.1 This submission requests that the proponent be required to demonstrate:
- Where the workforce will be drawn from (taking into account that there are a large number of other major projects in northern NSW and southern Queensland); and
  - What measures they will put in place to minimise impact on low cost rental housing in the locality (for example monitoring of the local market and regular contact with the local Department of Housing Area Director).

12.2 In respect of those matters it is noted that there is ongoing consultation between the proponent, the Department of Planning and the Land & Property Management Authority.

12.3 The Department of Housing submission in relation to the Kingscliff Resort states:

*“Although the proposed tourist development will create jobs for local construction workers which will be welcomed in Tweed, no consideration has been given to where the work force will be drawn from and / or accommodated.”*

The accommodation of workers in the Kingscliff area is a significant issue and one which we believe could be alleviated to a degree by the development of the Kingscliff Resort. In response to the concerns of the Department of Housing, we propose to allow short term leases (6 months) to be available to the local work force. By increasing the amount of accommodation available to workers in the general area, the pressures on accommodation in the area should be reduced.

---

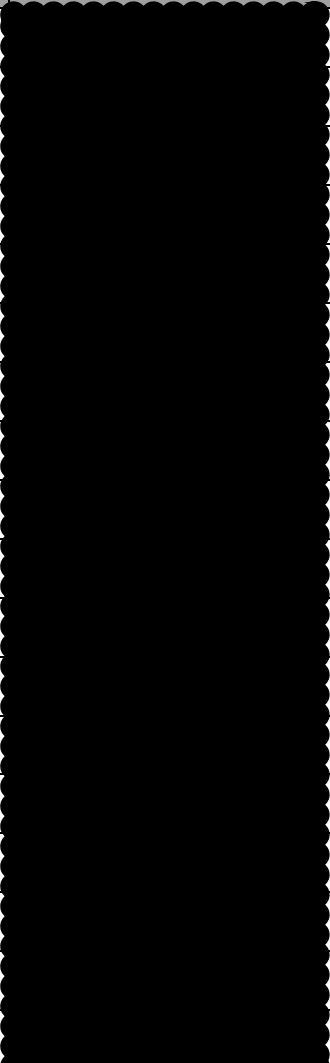
# Section 13.0

## Public Submissions

---

- 13.1 A total of 39 public submissions were provided to the proponent for review. Those submissions are listed in the following table.

**SUBMISSIONS TABLE**

#	Name	Address	Date
1	Barbara Fitzgibbon		21.05.2010
2	Samuel and Louise Byer		24.05.2010
3	Peter and Lorraine Bryant		24.05.2010
4	Leanne Pearce on behalf of Salt Village Residents Assoc.		24.05.2010
5	Geoff and Kerrie Bower		No date provided
6	Geoff and Kerrie Bower		23.05.2010
7	Todd and Erica Moore		20.05.2010
8	Stephen Mather		No date provided
9	Taneshia Atkinson		No date provided
10	Tom Campbell		No date provided
11	Robyn and Jeremy Cornford		19.05.2010
12	Jeremy Cornford		19.05.2010
13	Trevor Reece		16.05.2010
14	David and Julie Rope		No date provided
15	Michael McCabe		No date provided
16	Mark Morgan		No date provided
17	Mark Frawley		No date provided
18	Lynley Casey		No date provided

#	Name	Address	Date
19	Lorraine and Peter Bryant		No date provided
20	Jodie Poole		No date provided
21	Geoffrey North		No date provided
22	Drew McCarthy		No date provided
23	D Davey		No date provided
24	Andrew McLachlan		No date provided
25	Allison Adams		No date provided
26	Ryan Bower		25.05.2010
27	Ryan Bower		No date provided
28	Paul Hughes		No date provided
29	Phil and Debbie Houston		No date provided
30	Harry Boyd		<b>10.05.2010</b>
31	Shane Curran		No date provided
32	Michael and Andrea Saville		20.05.2010
33	Bruce Williams and Sally Peacock		17.05.2010
34	Jackie Pearson		23.05.2010
35	Mrs KC Fradgley		23.05.2010
36	Magnus Watson		No date provided
37	Michael and Nichole Peters		No date provided
38	Ruth Watson		No date provided
39	Mr NP Yorston		23.05.2010

13.2 The key issues raised in the public submissions have been identified and are addressed in the following sections.

13.2.1 Southern Buffer Zone

*(Issue identified in 14 Submissions: 2,3,4,7,15,19,20,27,29,32,33,34,35,39)*

*"The developer has proposed to construct a Pedestrian Access which incorporates footpaths and wide swales in the said buffer zone which would mean the area would be cleared in its entirety eliminating the existing 8-10 metre tall Banksia and She-oak trees. The original Plan of Management (POM) in place when the majority of salt residents purchased their homes stated that a 30m Buffer Zone would be maintained free of any construction. However, the*



---

*developer is ignoring the original (POM) that was agreed by the affected communities and is now making an application to undermine this 30m Buffer Zone. The swales, paths, maintenance access which are proposed to be located within this Buffer Zone should not be approved. We ask that the Developer not be permitted to construct in the Buffer Zone and is required to adhere to the original POM. The removal of this buffer zone will seriously impact the privacy of Salt residents and could potentially expose them theft due to easy access of the properties”.*

*(Extract from submission 34)*

Revisions made to the site plan (refer Dwg No.1040 MP-01-3, Issue 1) include alterations to the Southern Buffer Area in response to the submissions on this issue. Those alterations include:

- Removal of the maintenance area facilities and access from the buffer area;
- Relocation of the bushfire access trail; and
- Relocation of the pathway from the southern beach access point.

Furthermore Section 2.1.9 – Site Screening/Privacy Issues of this report provides further information with respect to visual impacts at the interface of the southern buffer/SALT development boundary.

#### 13.2.2 Flora & Fauna

*(Issues identified in 14 Submissions: 2,3,4,6, 10,14,15,19,23,27,32,33,34,35)*

*“The POM states “the site should provide a range of accommodation and recreational opportunities within a natural setting using best practice ecotourism principles”.*

*Will the site be totally cleared for the construction of the 180 bungalows? The site is rich with habitats of wallaby and black cockatoo. If the site is totally cleared, there are concerns that these species will be severely impacted.”*

*(Extract from submission number 4)*

The site is not to be totally cleared and this was explicit in the exhibited EA. Section 2.1.1 – Ecological Impacts of this report provides further information in this regard.

#### 13.2.3 Bushfire Hazard

*(Issue identified in 9 submissions: 4,6,14,17,27,29,32,33,34)*

*“We note the bushfire rating attached to a large proportion of land in the subject Lot 489m 490 and 500 sites.*

---

*The use of light weight building materials on construction of the subject structures such as timber decking and fencing appears to be inadequate, especially considering the great expense residents of Salt Village were subject to for the erection of fire retardant fencing, as timber fencing was against the regulations for the subject area, enforced by Tweed Shire Council”.*

*(Extract from submission number 14)*

The issue of a specific construction standard for buildings for bushfire protection purposes is further addressed in Section 2.1.6 – Bushfire Protection and Section 9.1 of this report. It is understood that there is full compliance in this regard.

#### 13.2.4 Density / Scale of Development

*(Issue identified in 9 submissions: 3,6,7,14,19,27,32,33,34)*

*“I object to the size of the development. The construction of 180 ‘dwellings’ in such a concentrated location is outrageous. A more realistic figure for dwellings should be around 80 for this site and it should be more concentrated.*

*(Extract from submission number 27)*

This issue is specifically addressed in Section 2.1.4 – Proposed Scale/Intensity of this report. Generally, having regard to the analysis provided in the EA and this Submissions Report, it is reasonable to conclude that there are no indications of excessive density or scale. Specific indicators such as ecological sustainability, infrastructure capacity, visual integration, amenity values and regulatory compliance do not signal any concern about the proposed density or scale of development. Moreover, in terms of the public benefit infrastructure and improvements which must be funded by this development, there are equally important commercial considerations which must also be recognised.

#### 13.2.5 Character & Visual Amenity

*(Issue identified in 8 Submissions: 6,9,10,14,25,27,34,35)*

*“The POM for the site states any development of the site should be in keeping with aesthetics of the village of Kingscliff. Please show me where else in Kingscliff where you can fins, light weight 2 storey, flimsy small dwelling with timber and tin as the main source of material for construction? It doesn’t work and is foreign to the local village.*

*Development is located on the major thoroughfare along the Kingscliff Peninsula. If this development is going to be the ‘entry statement’ to The New Tweed Coast, then everyone who has invested in the region has major problems”.*

*(Extract from submission number 27)*

What the POM actually states with respect to character and visual amenity (refer EA page 36) is, *“the coastal village character and natural setting are to be retained and enhanced to ensure a strong sense of place”*. It is considered that this would not necessarily be achieved by merely mimicking the face brick/ tile/colourbond

---

standard typical of much of the domestic scale architecture in recently developed areas of Kingscliff. Indeed careful consideration has been given to the integration of architectural and landscape designs to specifically promote a low scale, coastal village character (refer ES page 37). Moreover the style and character of the built form is consistent with principles set out in the Coastal Design Guidelines NSW (2003) (refer EA Section 6.1.3).

#### 13.2.6 Crime / Security

*(Issue identified in 7 Submissions: 4,6,15,19,27,34,35)*

*“Kingscliff is currently experiencing major juvenile crime including assault, vandalism, break and enter robbery (refer attached). At Salt we are continuing to experience excessive crime, in particular with gangs who access the development mostly along the public beachfront access where they are largely hidden. The beachfront bikeway/walkway is located immediately in front of the proposed development. This walkway has most recently experienced graffiti, excessive damage and destruction of pathway lights, adjoining property damage and destruction of trees and vegetation.*

*The development of another 180 ‘bungalows’ for short term accommodation and transient visitors to the region on weekends or peak tourism season is dangerous and unsustainable with current levels of policing”.*

*(Extract from submission number 6).*

It is understood that the NSW Police Force has not raised any objection to the proposal in this regard. Moreover, a facility such as this which would provide full time onsite management, supervision and security would bring with it a measure of control and surveillance which would not otherwise be available.

#### 13.2.7 Cudgen Creek

*(Issue identified in 7 Submissions: 8,9,11,13,14,21,27)*

*“The report on coastal crown lands Lot 490 borders both the Pacific Ocean and a narrow coastal creek. The creek known as Cudgen Creek has shallow clear safe swimming waters and is used by the local community for a whole range of water activities. It is a local picnic and recreation gathering spot and tourist attraction in its own right, but has limited capacity. It is not a large river and much of its accessible sandy banks and swimming areas are already at capacity.*

*There are several distinct impacts from placing a proposed resort of the scale as and density as proposed by the Lot 490 development application in the immediate vicinity of this local recreational waterway. It seems strange that the methodology of the so-called “professional planning and socio-economic reports and analysis” could overlook the importance and impacts of this environmental feature and local attraction.*

*Unfortunately, it completely fails to detail any such projected impact”.*

*(Extract from submission number 12).*

---

The EA (refer Section 5.0 and 6.0) has given extensive and detailed attention to potential impacts on Cudgen Creek. That was an issue identified in both the POM and the Director-General's requirements for the EA. The Riparian Management Plan which has been prepared for the site provides the strategy for the management and amelioration of impacts in the Cudgen Creek riparian zone.

#### 13.2.8 Traffic

*(Issue identified in 6 Submissions: 6,11,13,14,27,34)*

*"The proposed development would generate a high level of traffic and place unacceptable pressure on the local road network and the bridge over Cudgen Creek. Whilst it is understood that a new bridge is mooted for Cudgen Creek, the traffic generated by up to 720 holiday makers along Casuarina Way will be excessive and, in particular, during peak tourism periods will cause serious traffic delays to local residents at the proposed development entry, which we note is located on a sweeping bend. The location of this roundabout causes not only traffic concerns but also safety concerns".*

*(Extract from submission number 27).*

The traffic impact assessment which was undertaken as part of the EA (refer EA Section 6.4) determined that the local road network (including Cudgen Creek Bridge) and junctions had adequate capacity to cater for the proposed development. Specifically with respect to the Cudgen Creek Bridge it was concluded that no further upgrading of the bridge would be required as a result of the proposed development. Tweed Shire Council (which is the traffic authority in this case) has not raised any objection in that regard. Section 2.1.2 of this report addresses the further matters raised in respect of traffic and parking.

#### 13.2.9 Property Values

*(Issue identified in 6 Submissions: 4,6,14,19,27,34)*

*"We believe that in the current proposed form, approval of the development would have a significant negative impact on the property values of the Salt Development.*

*During construction of Salt Village residents were required to adhere to strict guidelines for design and construction, hence providing the pleasant community in which we currently reside. The construction of the proposed development with the light weight building materials proposed, lack of screening from the public roadway as well as proposed construction not being consistent with the surrounding area, has the potential to severely inhibit our property values".*

*(Extract from submission number 14)*

Issues associated with character and visual amenity are addressed in Section 12.2.5. In the circumstances the notion that this project, because of its design features, would consequently depress property values in the area essentially has no basis to it. Moreover no compelling evidence is presented in any of the submissions.

---

It is pertinent to note in this regard that the Lot 490 site has been earmarked and zoned for tourist development at least since the commencement of the Tweed LEP 2000. Furthermore, significantly more land is zoned for development (eg. west of Casuarina Way) than is proposed to be taken up in this project. This proposal is quite conservative both in its land uptake and scale/density (refer Section 2.1.4 of this report). In this context it is difficult to sustain any view regarding consequential depressed property values. In fact the contrary (ie. enhanced property values) is quite a likely scenario. It is considered that positive impacts in that regard would likely be generated by the significant investment in public facilities and foreshore improvements (both at the beach and Cudgen Creek) which would be a directly attributable to this project.

The economic context of the project is addressed at length in the EA (refer Section 6.10).

#### 13.2.10 Crown Land Use

*(Issue identified in 5 Submissions: 4,6,14,23,34)*

*"The proposed development is to be constructed on Crown Land which we are strongly opposed. We are concerned that the use of Crown Land for private development purposes is improper and raises significant equity issues. As residents of New South Wales, we believe it is in appropriate that land, owned by the people, should be 'gifted' to a private development company in exchange for the creation of that is essentially a small amount of community benefit – both in terms of physical construction and dollar value".*

*(Extract from submission number 6).*

The application for this project follows a lengthy POM process undertaken by the Department of Lands. That process included extensive public consultation and stakeholder involvement. This matter is addressed at length in the EA (refer EA Section 1.0 and Section 4.12).

#### 13.2.11 Oversupply of Tourist Accommodation

*(issue identified in 5 Submissions: 2,4,6,15,34)*

*"There are several hundred dwellings of all sizes and types that are already built surrounding this site and within a 2km radius that are not rented, not leased, not sold and are left vacant. Why must Lot 490 be sacrificed when an existing oversupply of newly built dwellings are readily available to tourists now?"*

*(Extract from submission number 2).*

This issue to some extent is tied to the issue of property values discussed in Section 12.2.9 above. The economic context of the project is addressed at length in the EA (refer Section 6.10).

---

### 13.2.12 Privacy

*(Issue identified in 4 Submissions: 6.14.27.39)*

*"Our neighbourhood will suffer a significant loss of privacy as a result of the development. 900 holiday makes would descend on our doorstep and there is a distinct lack of a suitable buffer between the proposed development and Salt, and as such, we will suffer a significant Loss of Privacy. Remember, these people – all on holiday will be less than a residential block to a residential neighbourhood".*

*(Extract from submission number 27)*

The issues associated with the Southern Buffer Area are discussed in the foregoing Section 12.2.1. Additionally Section 2.1.9 – Site Screening Privacy Issues of this report addresses at length the specific landscape strategy for addressing these concerns.

### 13.2.13 Beach Safety

*(Issue identified in 4 Submissions: 14,27,32,33)*

*"The proposed development fronts an easterly facing surf beach which is exceptionally dangerous and often treacherous. Similar conditions are found at Casuarina where a drowning has occurred.*

*The proposal to develop 180 tourist 'bungalows' and potentially adding 720 people to a picturesque but highly dangerous unparallel beach area is not appropriate".*

*(Extract from submission number 6)*

This issue is addressed in Section 2.1.11 – Beach Safety of this report.

### 13.2.14 Community Access to Open Space

*(Issue identified in 4 Submissions: 11,13,25,31)*

*"This application, as it stands, will inevitably lead to the southern community creek frontage parklands along Lot 500 and Lot 489 being lost to the existing community by way of increased controlled and limited parking and access points as Leighton's refuses to incorporate a separate and independent resort access from Casuarina Way.*

*With no independent and separate resort road access, the access area is open to future claims for new safety restrictions and increased measures to limit vehicle numbers and, consequently, public beach access and parking by way of Lots 500 and 489".*

*(Extract from submission number 11).*

Public access to foreshore open space would not in any way be inhibited by the proposed development. The contrary is in fact the case. Access opportunities would be improved and formalised through the funding of public infrastructure and improvements. The project design in this regard is driven by the POM and it is fully compliant with the relevant objectives of the POM.

---

13.2.15 Flood Risks

*(Issue identified in 2 Submissions: 6,27)*

*"The proposed development in the application includes construction in a know Flood Prone area. Parts of the site are below the Q100 Flood Level of RL 2.6 metres".*

*(Extract from submission number 27)*

Flood issues have been subject of further consultation with Tweed Shire Council and are addressed in Section 2.1.3 – Coastal Flood Plain Issues of this report.

**JIM GLAZEBROOK MPlA, CPP**  
**December 2010**