

**Halcrow**

Level 5 20 Wharf Street  
Brisbane QLD 4000  
Australia  
Tel 07 3169 2900 Fax 07 3169 2999  
halcrow.com



Leighton Properties Pty Ltd  
Level 2, HQ South Tower  
520 Wickham Street  
Fortitude Valley QLD 4006

Att: Mr Cameron Binney

30<sup>th</sup> November 2010

Our re      CTRLRMQ\_I01  
Your re

Dear Cameron,

**RESPONSE TO DEPARTMENT OF PLANNING & OTHER REFERRAL AGENCIES (TRAFFIC & PARKING COMMENTS)**

We provide herein our response to comments raised by the New South Wales Department of Planning and other relevant Agencies. Our responses relate specifically to traffic, transport and car parking comments.

**3.1 RESPONSE TO DEPARTMENT OF PLANNING COMMENTS**

*(Department of Planning: Page 2 of 4)*

**Traffic and 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.

**Response:**

We reference letter dated 28<sup>th</sup> May 2010 (see Attachment A) sent to Tweed Shire Council (c.c. 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 natural 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.

*(Department of Planning: Page 2 of 4)*

**Owner's Consent**

In accordance with clause 8F of the *Environmental Planning and Assessment Regulation 2000* the proponent should provide advice regarding 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.

**Response:**

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 (i.e. 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 (i.e. at the construction certificate approval phase).

### **3.2 RESPONSE TO TWEED SHIRE COUNCIL COMMENTS**

*(Tweed Shire Council: Page 5 of 19)*

**Traffic and Access**

Casuarina Way Design Standard

Historically the developers of SALT agreed to build that part of Casuarina Way through Lot 490 to a rural standard knowing that should re-developments of Lot 490 occur the landowner/developer of Lot 490 would be required to upgrade the road to an urban standard depending on the nature of the development being processed.

The applicant's proposal has been reviewed and it is understood that Leighton Properties argue that the retention of the existing rural road design for Casuarina Way is justified given that the proposed

development does not address the frontage of Casuarina Way. It is further understood that barrier fencing signified in Leighton's development proposal will restrict pedestrian access from the road to designated pathways and entrances, thus minimising the use of this section of road by pedestrians and the need for an urban road cross section with integral kerb and gutter and adjacent footpaths.

Notwithstanding the earlier intention for Casuarina Way through Lot 490, it is agreed that the existing rural cross section is acceptable, provided it is enhanced with the following attributes:

1. Re surface the pavement with Asphaltic Concrete with a 25mm thickness
2. Provide a concrete edge strip to seal on both sides of Casuarina Way
3. Provide a grass lined table drain consistent with Water Sensitive Urban Design Principals
4. Ensure that street lighting is compliant with Australian Standards for a rural road.

It will also be necessary to ensure traffic and pedestrian movement across Casuarina Way is restricted to within the nominated crossing area only as per the proponents plans that in all other areas the development fencing and or landscaping will restrict free pedestrian and vehicular movement from the property road. The ultimate design of such barriers should have strong regard for urban implications and safety by design implications.

**Response:**

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

*(Tweed Shire Council: Page 5 of 19)*  
General Traffic and Access Issues

- Internal road widths cannot cater for right angle parking as shown on the proposal plans. A 6.0m minimum aisle/road width is required (refer AS2890.1 Off Street Parking Code). This has been identified in the traffic report but not shown on the proposal plans.

**Response:**

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 (i.e. operational works phase) within detailed design drawings.

*(Tweed Shire Council: Page 6 of 19)*

- The majority of the proposed internal roads do not connect to the proposed primary access and roundabout on Casuarina Way. The internal road network requires revision. The connection of the internal road network with the maintenance area access should be deleted to prohibit general development traffic using the maintenance area access from Casuarina Way.

**Response:**

The internal circulation roads do connect to the Primary Access and roundabout on Casuarina Way (see Master Plan as Attachment B). Within the site there 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 (i.e. both Resort guest and general public) through this location of the Resort.

*(Tweed Shire Council: Page 6 of 19)*

- The cycleway near the pedestrian refuge is to be extended to the east (towards the beach) external to the resort via road reserve. Another pedestrian crossing of Casuarina Way, possibly integrating with a roundabout approach island, should be considered which connects with the existing coastal cycleway.

**Response:**

The Master Plan (see Attachment B) has been amended to incorporate these comments.

*(Tweed Shire Council: Page 6 of 19)*

- The existing coastal cycleway is shown splitting the proposed northern car park area. This requires clarification.

**Response:**

The Master Plan (see Attachment B) has been amended to incorporate these comments.

*(Tweed Shire Council: Page 6 of 19)*

- Casuarina Way is to cater for on-road cycling in both direction.

**Response:**

We reference letter dated 28<sup>th</sup> May 2010 (see Attachment A) sent to Tweed Shire Council (c.c. Department of Planning), which references the Plan of Management for justification of Casuarina Way remaining as a rural standard of road. It should also be highlighted that the subject section of Casuarina Way's width of road shoulder (i.e. between the edge line and road edge) is a similar width to that provided through Salt (i.e. between edge line and kerb).

*(Tweed Shire Council: Page 6 of 19)*

- Off-street car parking is to be provided in accordance with DCP-A2. In this regard 100% occupancy of the development must be assumed, not 85% as stated in the traffic report. Also the beach parking of 300 spaces per kilometre of beach frontage should be generally complied with (only about 60 spaces have been proposed which is about half of which is required). This beach parking can be located further back within the proposed development and does not necessarily need to be right on the beach front.

**Response:**

Resort Car Parking

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 (i.e. 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 (i.e. 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 (i.e. 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.

#### Beach Car Parking

The TSC DCP states that "Developments associated with beach frontages may be required to provide adequate beach parking in addition to that required for nominated uses within the proposed development. Beach parking shall be assessed generally at 300 spaces per kilometre of beach frontage".

Given that the Resort will include approximately 400m of active beach frontage, the general requirement would be 120 spaces. However, the Plan of Management states that limited parking is to be provided along Tweed Coast Way. It also requests that car parking be located to minimise environmental and visual impacts.

Reducing the number of spaces from the general requirement of 120 spaces, to approximately 60 spaces satisfies the intent of the Plan of Management in that parking is minimised and visual/environmental impacts are lessened through a smaller footprint of hardstand car parking area.

### **3.3 RESPONSE TO ROADS AND TRAFFIC AUTHORITY COMMENTS**

*(Roads and Traffic Authority: Page 1 of 1)*

As Casuarina Way is a Local Road under the care and control of Council, it is Council's responsibility to set priorities and standards for this development.

Council may wish to request a traffic impact study comprising of the following points to allow Council to make an informed assessment of this application.

- i. Assessment of the impacts on the existing road networks and junctions
- ii. The availability of adequate sight distances

- iii. Provision of adequate off-street car parking and connections to it
- iv. Safe provisions for turning traffic
- v. Facilities and connections for pedestrians and cyclists to the existing networks
- vi. The availability of public transport
- vii. 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.

**Response:**

The above points raised by the RTA have previously been addressed in our Traffic Report dated 10<sup>th</sup> December 2009 (*Kingscliff Resort – Casuarina Way, South Kingscliff [New South Wales]*).

We trust that the above responses suitably address those comments raised by the New South Wales Department of Planning and other relevant Agencies. Should you have any further queries, then please do not hesitate to contact us.

Yours sincerely



John Hulbert  
Associate Director, Transport Planning  
Consulting Business Group (QLD)

Enc.

**ATTACHMENT A**

**LETTER TO TSC (c.c. NSW DOP) – DATED 28/05/2010**





28 May 2010

Denise Galle – Coordinator Development Assessment  
Tweed Shire Council  
PO Box 816  
Murwillumbah NSW 2484

**Leighton Properties Pty Limited**

ACN 009 765 379  
Level 11, 1 Eagle Street  
Brisbane Qld 4000  
PO Box 7870, Waterfront Place  
Brisbane Qld 4001  
Australia  
Telephone (07) 3370 4700  
Facsimile (07) 3370 4704  
[www.leightonproperties.com.au](http://www.leightonproperties.com.au)

Dear Denise,

**RE: Kingscliff Resort - Lot 490**

We refer to our meeting held at the Tweed Shire Council offices on 26 May 2010 to discuss the Environmental Assessment application submitted to the NSW Department of Planning for the Lot 490 Kingscliff Resort development.

Accordingly, we provide the following additional information:

**Meaning of the term “Permanent Residential Accommodation”**

1. 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”*. We have obtained legal advice on this issue. Our 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.

We understand that the Tweed Shire Council also wants to ensure that there is clarity in defining non-permanent use. We are 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, in our experience 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".*

In our view 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. Our 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 we propose the following interpretation of the relevant term:-

*"Restriction against permanent residential accommodation means that an owner or occupier may visit and occupy the property for short or longer term stays but not on a permanent or indefinite basis or as an owners/occupiers principal place of residence."*

In our view (and for the reasons expressed above) this 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 our market analysis) be unacceptable to the purchasers. These restrictions on use will be clearly defined in the marketing and Sales Contract documentation.

## **Maintenance and Management Obligations**

2. As a condition of the development lease for Lot 490, the tenant is required to maintain and manage all built form and environmental elements of the resort on the resort premises for the duration of the lease. This obligation will fall on Leighton Properties during the construction and development phase of the resort with the responsibility being passed on to the purchasers and the resort's body corporate following the sale of the bungalows.

Leighton Properties are continuing discussions with the Land and Property Management Authority – LPMA (the Landlord) on the issue of the maintenance and management obligations for the surrounding lands (the Lot 490 POM area outside of the resort area).

Tweed Shire Council will be informed of our discussions with the when we have more information on these obligations.

### **Casuarina Way Road Standard**

3. The existing portion of Casuarina Way which dissects the Lot 490 site is currently finished to a rural standard of road. This is considered to be an appropriate standard of finish for the road's function and location adjoining the proposed Tourism resort for the following reasons:
- The Lot 490 Plan of Management calls for development on the site to *Provide a natural bushland setting that ameliorates the effects of urbanisation of the coastline*. An urban standard of road is not consistent with this indented 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 in Salt to ensure a safe area for cyclists to use the road (refer to the below photos).



**Photographs 1 – 3: Images of the existing sealed road shoulder of Casuarina Way**

## **Surf Life Saving**

4. Leighton Properties commits to undertake further investigations regarding the appropriate level of contribution to be provided to local surf life saving to service the increased patronage to local patrolled beaches. This process will be undertaken with consultation with local surf life saving clubs, the Tweed Shire Council and the Department of Planning.

## **Dual Key Numbers**

5. Following the receipt of the Section 94 Contribution forecast for the Kingscliff Resort from Tweed Shire Council, the project team will assess the cost impact of providing dual keyed bungalow product. The project team's preference is to provide dual keyed offerings to provide for and encourage more visitors to the resort and the Kingscliff region, to provide purchasers with dual income streams and to provide a more diverse product offering to potential purchasers. Once the costs and benefits of dual keying has been analysed, the project team will discuss any proposed changes with Tweed Shire Council and the Department of Planning.

## **Proposed Works and Contribution Credits**

6. As discussed in our meeting held on 26 May 2010, Leighton Properties will be looking to secure contribution credits for works in kind for Section 94 Plan 5 – Local Open Space and Plan 22 Cycleways. It is anticipated that the works proposed as part of the resort development will exceed the contributions calculated for these two Section 94 Plans.

If you have any further questions in relation to any of the above information, please contact the undersigned.

Yours sincerely,



Cameron Binney  
Assistant Development Manager  
**Leighton Properties Pty Ltd**

c.c. Sebastian Tauni  
Department of Planning

**ATTACHMENT B**  
**THE KINGSCLIFF RESORT – MASTER PLAN**



LEGEND

- Resort internal circulation lanes
- On ground pedestrian and cycling pathways
- Suspended walkways
- Fully accessible bungalows
- Asset Protection Zone
- Landscape Visual Buffer
- Unit Pod
- Fully Accessible Unit Pod
- 2 Bedroom Bungalow
- 2 Bedroom Fully Accessible Bungalow
- 3 Bedroom Bungalow
- Beach Side Bungalow
- Maintenance Area



AMENDMENTS

REV.	DATE:	DESCRIPTION:	ISSUED BY:
G	13.08.10	RELODGEEMENT	GH
H	26.08.10	REVISED LAYOUT FOR RFI RESPONSE	GH
i	14.09.10	Surf life saving storage, Caraparking at entry	GH

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NOTES:

Verify all dimensions on site before the commencement of any new construction work, alterations or shop drawings - take measured dimensions in preference to any scaled dimensions

Comply to the following or any other relevant codes:

- Building Code of Australia
- Local Authorities Rules and Guidelines
- covenants manual
- Apply all applicable AUSTRALIAN STANDARDS where relevant, including:
- Tormite Barrier AS 3660
- Access and Mobility Codes AS 1428.1 & 1428.2

Larger Scale Drawings Take Precedence to smaller scale



LEIGHTON PROPERTIES

J M A

ARCHITECTS  
QUEENSLAND PTY LTD

17 Creswell St, Newstead, QLD 4006  
P.O.Box 27116 Fortitude Valley BC, 4006 QLD  
E mail: jma@jma-arch.com  
ACN: 101 165 271 ABN: 48 101 165 271  
TEL: 07 3252 4400 FAX: 07 3666 0099

CLIENT. LEIGHTON PROPERTIES  
JOB THE KINGSCLIFF RESORT  
LOCATION CASUARINA WAY  
KINGSCLIFF 2487  
PROPERTY DESCRIPTION

JOB No. 1040  
DATE. OCT 09  
SCALE. 1:1000@A1  
1:2000 @ A3  
DRAWN. GH  
CHECKED JMA Architects

DRAWING SET MASTER PLAN  
DRAWING TITLE SITE PLAN  
DRAWING No: 1040 MP-01-3  
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