

TITLE: [PR-PC] Kingscliff Locality Plan Community Consultation

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: GT1/DCP/B26

Validms



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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Making decisions with you
2.2	Engagement
2.2.6	Strategic Land Use Planning - To provide long-term land-use plans to guide future development, plan for population growth, and protect the Tweed's environment, heritage and community life.

ROLE: **Provider**

SUMMARY OF REPORT:

This report seeks Council's endorsement of the draft Tweed Development Control Plan, Section B26 Kingscliff, for public exhibition.

The purpose of the Kingscliff Locality Plan (KLP) and Development Control Plan (the 'DCP') is to provide a 30-year vision and planning framework to guide the future growth and expansion of the locality. The KLP has been prepared in three volumes including:

- Volume 01 - Kingscliff Locality Wide Strategies
- Volume 02 - Kingscliff Precinct Plans
- Volume 03 - Kingscliff Development Control Plan (Section B26 – Kingscliff)

The aim of the **KLP Volume 01 – Locality Wide Strategies**, is to provide a contextual background and locality wide strategies relating to environmental context, demographic and community context, urban structure, economic and retail, traffic, access and movement and service infrastructure.

The aim of the **KLP Volume 02 – Kingscliff Precinct Plans** is to provide precinct specific background, context and strategies relating to existing settlement areas and greenfield development make up the Kingscliff and Cudgen localities.

The aim of the **KLP Volume 03 - Kingscliff Development Control Plan** (the 'DCP'), is to guide planning and design development within the Kingscliff Locality through application of planning and design principles, objectives and development controls.

It is anticipated that the outcomes of a formal public exhibition will provide additional opportunity for the community to have input into the final Kingscliff Locality Plan and DCP which is anticipated to be delivered in the fourth quarter of 2017.

RECOMMENDATION:

That:

- 1. Council endorses the Draft Kingscliff Locality Plan (Volumes 1 & 2) and Development Control Plan (Volume 3 - Draft Tweed Development Control Plan, Section A26 – Kingscliff), is to be publically exhibited for a minimum period of 28 days, in accordance with Section 18 of the *Environmental Planning Assessment Regulation 2000*;**
- 2. During the public exhibition period conduct a public ‘drop-in’ session undertaken by Council staff at Kingscliff; and**
- 3. Following public exhibition a further report is to be submitted to Council detailing the content and response of submissions received.**

REPORT:**Background: Kingscliff Locality Process**

The Kingscliff Locality Plan and community consultation processes have been in progress since the project commencement in 2014. The Kingscliff Locality Plan development to date has progressed through four stages of a five-stage process represented as annexure 2 including:

Stage 01 - Project Inception - Project initiation stage established a project plan, communications plan, defined the study area as well as establishing internal and external reference panels. The external reference panel comprised of 14 people local community and business members selected for demonstrating a diverse range of local knowledge, planning and built environment experience with strong links, and networks with the local community. The key deliverables from this stage included:

- Kingscliff Locality Project Plan
- Kingscliff Locality Plan Communications Plan
- Formation of the External Reference Panel and Charter (14 members/8 meetings)

Stage 02 - Background and Community Vision - Initial community consultation included a community vision workshop attended by more than 150 people who sought to understand broader community visions, aspirations and issues experienced within the Kingscliff locality. This was followed by a widely distributed community vision survey which received more than 250 responses. This background and community visioning opportunity established the core values and important character elements which underpin the Kingscliff locality. Key deliverables from this stage included:

- Statutory Planning Framework Report
- Community Vision survey (250 responses)
- Community vision workshop (150 attendees)

Stage 03 - Context, Issues, Opportunities and Options - The purpose of Stage 03 was to establish a comprehensive background context, issues and opportunities report to serve as a platform to understand the locality and directly inform draft strategies within the draft precinct plans. This was also supplemented with the findings of previous community vision workshop and survey. A stakeholder and community invited Enquiry by Design Workshop. This information culminated in a two-week shopfront exhibition attended by over 800 people. Key deliverables from this stage included:

- Context Issues and Opportunities Report
- Enquiry by Design Workshop Report
- Draft Precinct Plans Report
- Shopfront Exhibition (2 weeks – over 800 attendees)
- Shopfront exhibition feedback report (over 1600 ‘sticky dot’ responses, 40 written submissions)

Stage 04 - Draft Locality Plan and DCP – Following consultation from Stage 03, key strategies, planning and design principles are refined and developed into a draft Kingscliff Locality Plan and Development Control Plan. The key deliverables from this stage include:

- Draft Kingscliff Locality Plan and Development Code.
- Formal exhibition of the Draft Kingscliff Locality Plan and Development Code.

Stage 05 - Final Locality Plan and DCP - Following a formal exhibition and submission review period of Stage 04, the draft Kingscliff Locality Plan and DCP may be further refined where required into the final Kingscliff Locality Plan and DCP, to be formally adopted and implemented by Council. The key deliverables for this stage will include:

- Final Kingscliff Locality Plan and Development Code.
- Council adoption and implementation of the Plan.

Council's Building Height Resolution

Following on from the Kingscliff shopfront exhibition, where the *Context, Issues and Opportunities Report*, *Draft Precinct Plans* and *Enquiry by Design Report* were publicly exhibited, it was noted there was a mixed community and land owner stakeholder view in relation to building height proposals.

In response a report was forwarded to Councils Ordinary Meeting on the 16th March 2017 with a number of further consultation options specifically relating to the relationship between building height and public domain outcomes. At that meeting Council resolved that rather than pursue additional community based building height consultation, that the draft Kingscliff Development Control Plan be prepared with amended building heights and reported back to Council. Those amended building heights have now been integrated within the draft DCP and include:

- *The Marine Parade Town Centre Precinct be limited to a building height of 11.0m;*
- *All other areas of medium density residential zones be limited to a building height of 12.2m;*
- *All mixed use and business zones be limited to a building height of 13.6m;*
- *The Kingscliff Hill area, bounded by Moss Street / Sutherland Street and Boomerang Street/Cudgen Road be limited to a building height of 9.0m;*

Draft DCP Section B26 - Kingscliff

The draft DCP B26 – Kingscliff will apply to all development on land within the area illustrated in Figure 1.3 of the DCP. The DCP includes lands bounded by the Pacific Highway to the north extending to the locality boundary with Fingal Head, the Tweed Coast Road to the west and south to the locality boundary with Casuarina. The study area also includes Cudgen Village given the proximity and strong historic relationship with Kingscliff the need to more holistically consider the broader locality context, particularly in relation to land use, desired future character and traffic management considerations. The study area includes part of Chinderah (south of the Pacific Highway) as it marks the interface between the existing light industrial estate and those lands to the south.

The draft DCP provided in Attachment 1 is structured into four parts as follows:

Part 01 - Introduction - The first part is the Introduction and Context which addresses the legislative requirements of the plan

Part 02 - Master planning and Subdivision – Provides planning and design guidelines for all development relating to master planning and subdivision. Additional planning and design principles provide specific planning and design principles relating to key Greenfield development sites to inform the design led master planning and subdivision process.

Part 03 - Town Centre – Provides planning and design guidelines for the Kingscliff Town Centre Precinct. This part identifies the town centre character statement, illustrates guiding design principles, and provides development objectives and controls to guide future built form development and facilitate improved urban design, streetscape and place making outcomes.

Part 04 - Residential Precincts - Details character statements, objectives and development controls for Kingscliff's existing residential precincts.

Key Strategies and Initiatives

Some of the key strategies and initiatives contained within the Kingscliff Locality Plan and DCP are summarised below in a precinct by precinct breakdown below. A map illustration the defined precinct areas have been provided within the draft DCP document (Volume 03).

Kingscliff Town Centre Precinct – The primary objective of the Kingscliff town centre is to reinforce the existing role and function of the town centre core as a sub-regional retail centre servicing the local residents as well as a broader network of Tweed coastal towns. The key planning and design opportunities include:

- Continue to build upon the diverse range of town centre uses including a mix of retail, commercial, public domain, recreation, tourism and accommodation uses with a focus on improving the connectivity, streetscape and pedestrian amenity whilst effectively managing traffic and car parking.
- Facilitate expansion opportunity of the Town Centre west along Turnock Street.
- Retaining the low scale and fine grain retail frontages of the shops along Marine Parade with an 11.0m building height.
- Retain a low rise (<13.6m) building height across the balance of the Kingscliff town centre B4 Mixed Use Zone.
- Encourage through block connections between Pearl St and Marine Parade.
- With the future redevelopment of the Kingscliff Shopping Village site establish the development of a basement and multi-storey car park, development of a public square and allocation of floor area for a multi-purpose community facility to include a relocated library and community meeting rooms.
- Facilitate a town centre public domain improvement master plan to deliver a range of public domain outcomes including footpath widening, additional street tree planting and landscaping.

Turnock Street Precinct - Turnock St will form the primary access into the Kingscliff township and as such presents significant opportunity for character defining built form and urban development, strong passive movement links (pedestrian and cycling) balanced with areas of environmental protection across the southern portion of the precinct. The key planning and design opportunities for this precinct include:

- Expansion of the town centre and B4 Mixed Use land uses west along Turnock St.
- Facilitate mixed use development along part of Turnock St including an active ground floor retail uses and shop top housing above.
- Public domain treatment to Turnock St frontage including widened footpath, areas for outdoor dining and street trees.

- Facilitate a diverse mix of low rise medium density housing opportunities across the northern portion of the precinct to take advantage of the flat site topography and good walking proximity to the existing town centre.
- Design Turnock Street as a well landscaped visually attractive connector street integrating traffic movement, cycle and pedestrian movement, parking, shade, lighting and WSUD befitting of the primary access road from Tweed Coast Road into the Kingscliff township.

Business and Knowledge Precinct – The business and knowledge precinct will play a strong transformative role to expand economic and employment generating land uses servicing both Kingscliff and broader sub-regional area. Given the large site area (47.5ha) and the ready access to the Pacific Highway, the Business and Knowledge Precinct will establish an integrated and connected urban structure and diverse mix of employment generating land uses. The key planning and design opportunities for this Greenfield development site include:

- The development of a regionally scaled business park (approx. 75000sqm).
- The establishment of a regional education and/or health services campus.
- Development of a new local retail centre to serve the immediate future resident population and complement the existing Kingscliff town centre (approx. 10-15000sqm).
- The establishment of a character defining mixed use main street.
- A mix of low, medium and high residential housing typologies which may include low rise medium density, residential flat buildings and student housing in association with an education and/or health precinct.
- Provide open spaces areas including additional structured and casual open space (approx. 9.5ha) to meet the future need of the growing locality population.

North Kingscliff Precinct – The North Kingscliff Precinct includes the existing low density residential areas as well as a Greenfield development site. The key planning and design opportunities for this Greenfield development site include:

- Development of the north Kingscliff Precinct Greenfield development site as a mix of housing types including low density residential housing, low rise medium density residential, small lot housing as well as small residential flat buildings fronting Kingscliff Street.
- Subdivision configuration of this site needs to consider the broader locality movement (vehicular and passive) opportunities and open space network. This may include; Ozone Road connection west to a future intersection with Tweed Coast Road; and a new north south road connecting Elrond Drive with Sands Street.
- Increasing residential density and building heights fronting Kingscliff Street which is the key north south connector road and public transportation route and Shell St fronting the Kingscliff playing fields with an R3 zoning and building height of 12.2m.
- Reducing minimum lot size to encourage coastal small lot housing and additional dual occupancy infill development whilst maintaining a low-density character.
- Encouraging secondary dwelling development within the existing residential areas providing affordable housing, aged housing in place and inter-generational family housing opportunities.
- Embellish north south drainage corridor for combined drainage, vegetation, open space and passive movement (shared path) uses and pursue a dedicated on-road cycle path the length of Kingscliff Street / Pearl Street.

West Kingscliff Precinct – The West Kingscliff Greenfield development site presents opportunity to develop a range of low rise medium and low density residential housing types with the southern development boundary defined by the Turnock St extension alignment and areas of environmental protection south of the road alignment. Well defined north-south and east-west strong passive movement links (pedestrian and cycling) will connect the Greenfield development site to existing residential precinct areas to the immediate north and the Kingscliff Township to the east. Areas of environmental protection delineated by the Turnock St (west) extension will form a continuous ecological connection from the Tweed Coast Road through to the Kingscliff Town centre. The key planning and design opportunities for this Greenfield development site include:

- Construction of the Turnock Street extension which will form the new primary connector road and gateway from the Tweed Coast Road into the Kingscliff Township to include a dedicated cycle and walking path.
- Facilitate a mix of low rise medium density residential development heading west along the extended Turnock Street to take advantage of the close proximity to the existing centre and encouragement of higher densities along principle movement corridors.
- Pursue the embellishment of the north-south drainage corridor for combined drainage, vegetation, open space and passive movement (shared path) uses.

Beachfront Precinct - The Beach Front Precinct has been an area in transition for the last 20 years with the gradual redevelopment of the small coastal cottage into larger multi- unit developments capitalising on ocean views and adjacency to the linear coastal reserve and flat walkable proximity to the town centre to the south. This is reinforced with this precinct's current R3 Medium Density Residential Zoning and prevalence of the three storey residential flat buildings and other medium density housing types. The key planning and design opportunities for Beachfront Precinct include:

- Continue to facilitate high quality medium density residential development including residential flat buildings which respond to the site and subtropical climatic conditions by way of site planning, internal planning building form and material specification.
- Revise maximum building heights as they relate to building typologies within the TLEP including allocation of a 12.2m building height or three storeys for residential flat building development.
- In consultation with property owners facilitate the rezoning of 246-254 Marine Parade and Lot 701 DP 1002309 (Police site) from R3 Medium Density Residential to B4 Mixed Use to allow an active ground floor use (such as retail, food and beverage) with residential or tourist accommodation above with a building height limit of 13.6m.

Kingscliff Hill Precinct – The primary objective within the Kingscliff Hill Precinct is to continue to facilitate the development of low density housing and low rise medium density housing within the existing residential precinct which meets housing needs and is responsive to the sloping site conditions, view sharing, aspect and sub-tropical climatic context. The key planning and design opportunities for Kingscliff Hill Precinct include:

- The requirement for all development which increases the overall envelope of a dwelling to submit as part of the Statement of Environmental Effects consideration of the four-key planning principle assessment steps relating to potential view loss.

- Further embellishment of Hansen Park including upgraded playground equipment and shelters.
- Traffic calming and pedestrian safety (footpaths, crossing median) measures along Viking St.

Salt Precinct – The primary objectives for the Salt Precinct is to continue to facilitate the development tourist accommodation and tourist related development as well as the growth of the local centre and associated uses to service the needs of both tourists as well as local residents. To retain the predominantly low density residential character surrounding the local centre in keeping with the estates existing built form character and design covenants. The key planning and design opportunities for Salt Precinct include:

- In consultation with property owners facilitate the rezoning of Lot 169 DP 1075495 and Lot 930 DP 10791198 from SP3 and R1 to B4 Mixed Use to allow a range of residential, tourist, retail, food and beverage and other development uses with a building height limit of 13.6m.
- In consultation with the Tweed Byron Local Aboriginal Land Council regarding the future planning and management of Lot 1 & 2 DP 1117599 including the rezoning of these lands from SP3 to an appropriate E-Zone

Seaside Precinct - The primary objectives for the Seaside Precinct is to continue to facilitate the development of low density housing and low rise medium density housing within the existing residential precinct which meets housing needs and is responsive to site conditions, aspect and sub-tropical climatic context.

- To continue to facilitate the growth of the local centre including shop top housing as well as tourist accommodation and associated uses to service the needs of tourists as well as local residents.

Cudgen Village – Cudgen Village combines an existing low density residential precinct as well as a greenfield development site to the immediate north of the settlement as well as a large approved sand extraction development to the settlements west which over time will result in a large artificial lake. The key planning and design opportunities for this Greenfield development site include:

- Retain the low scale landscape residential character of Cudgen Village.
- Over the green field development site pursuing a subdivision pattern based around principles of sustainable design which will allow a range of housing typologies and mix of density including opportunity for some low rise medium density housing and seniors housing.
- Opportunity for a small local centre accessed off the Tweed Coast Road to fulfil day-to-day convince needs.
- Long term active and passive recreation uses and holiday or tourist accommodation surrounding the future artificial lake.

Public Domain Considerations

In response to a report on the provision of open space and public benefit in Kingscliff to Councils Ordinary Meeting on 15 June 2017 Council resolved, among others, that:

5. *A further report be brought back on other possible options, including but not limited to amending planning controls, to achieve potential benefits outlined within the report.*

Public domain and civic improvements within the town centre precinct are addressed at Section 3.18 Public Domain and Civic Improvements within KLP Volume 03 - Kingscliff Development Control Plan (Pages 124-127). Specific reference is made to Table 8 which tabulates key public domain elements, outlines an indicative cost, timing / delivery and responsibility. The key levers for delivering some of these benefits will be through s94 plans where as others are reliant on the commercial decisions of private land owners.

As identified within that KLP section and previous report (15 June 2017), the procurement of these public benefits would currently be outside of any existing s.94 Contributions Plan. As such these public domain improvements / benefits would need to be established within an S 94 Contribution Plan based on accurate costing of a design which has been endorsed through a town centre public domain improvement master plan process. The realisation of these projects would then be dependent on the collection of development contributions through staged release of greenfield development sites, typically over long time frames. Importantly, this collection is contingent on the reallocation of developer contributions within the capped thresholds of existing s 94 Contribution Plans.

Given that some of the public benefits such as a library site, car parking and town square would be over privately owned land (Kingscliff Shopping Village site and Turnock St Precinct) there is no certainty that these public developments can be delivered. As previously reported one procurement method which could be employed to ensure this certainty would be via voluntary planning agreement tied to a given development consent. However, the onus of these procurement mechanisms is reliant on their voluntary nature; one which cannot be required or regulated through strategic planning policy frameworks. Given the cost of developing and allocating land to deliver public benefits over private land, this private land allocation for 'public benefit' are typically offset through more flexible development standards (building height, floor space ratio, site coverage etc) to ensure redevelopment viability over the balance of the development site.

In the context of Council's adopted position pertaining to building height standards across key development sites, the ability to leverage these public outcomes across privately owned land becomes increasingly unviable from a development perspective and thereby increasingly unlikely to enter into a voluntary planning agreement. In this instance public benefit outcomes on private sites are contingent on commercial decisions made by land owners and negotiated design outcomes through development merit assessment processes which includes compliance with planning and design frameworks.

Consultation

In addition to the ordinary public exhibition requirements it is also proposed to hold a general public information / drop in session at Kingscliff during the 28 day exhibition period.

The general public information/drop in session would typically include the display of the documents on exhibition, a static exhibition of the key strategies as they relate to the different precincts and a looped PowerPoint presentation of the key draft strategies and controls. Council staff would be on hand to discuss the contents of the plan and any specific issues with the general public. The exhibition(s) would also have information on how the submissions can be made.

CONCLUSION:

The progress of the draft Kingscliff Locality Plan and Development Code is at a critical milestone stage of the process. To date a thorough and detailed communications plan and

community engagement strategy has ensured opportunity for the broader community as well as other stakeholder groups to have direct input into each project milestone stage. This feedback was used to develop the concept plans, which later informed the supplementary community feedback on the range of possible options for establishing clear principles to guide the future growth and development of the locality and to ensure its continued transition from a once quiet seaside village into the vibrant and thriving town it is now becoming retains the inherent characteristics the community most value. While the concepts offering wider options to achieve greater levels of public net benefit through agreed negotiated development trade-offs were not pursued further, post Council's March building height resolution, the draft locality plan does seek to maximise public infrastructure opportunities within the current planning framework and those lower height limits.

The Draft Kingscliff Locality Plan and DCP provides the strategic and development control framework to guide future development within Kingscliff and aims to achieve the broader strategic directions and objectives which have been identified within the Kingscliff Locality Plan Volumes 01: Locality Wide Strategies Volumes 02: Precincts Plans and Volume 03 Development Control Plan.

These three policy documents have been drafted to meet the Council's requirements and are suitable for public exhibition.

COUNCIL IMPLICATIONS:

a. Policy:

Community Engagement Strategy v1.1

b. Budget/Long Term Financial Plan:

A revised consultation budget will be prepared based on Council resolved consultation option.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Empower-We will give the community greater opportunity to participate in a transparent flow of information and feedback to Councillors who have been empowered as the Community representatives to make decisions in accordance with the Local Government Act 1993.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.	Kingscliff Locality Plan – Volume 01 - Kingscliff Locality Wide Strategies (ECM 4596021)
Attachment 2.	Kingscliff Locality Plan – Volume 02 - Precinct Plans (ECM 4596022)
Attachment 3	Kingscliff Locality Plan – Volume 03 – Development Control Plan (ECM 4596023)
