

27th April 2006

Attn: As above

**PROPOSED RESIDENTIAL & TOURIST SUBDIVISION - LOT 156 in DP 628026, CREEK STREET,
HASTINGS POINT - WALTER ELLIOT HOLDINGS P/L**

Dear Sir,

Pursuant to the provisions of the Environmental Planning & Assessment Act and sub-ordinate legislation, Planit Consulting has been engaged by Walter Elliot Holdings to prepare and submit a request for confirmation from the Minister that the development of the subject land can proceed as a 'Major Project'.

Pursuant to the Department's guidelines, we are requesting confirmation from the Minister in accord with the provisions of Clause 6 of SEPP (Major Projects) 2005. This correspondence also seeks to gain the Director General's Requirements. In this regard, this request is accompanied by a preliminary assessment of the proposal, again prepared in accordance with the Department's requirements.

We trust that the above (and attached) information is to the Department's satisfaction and that should you require any further information, that you do not hesitate to contact me at any time.

Yours faithfully

Adam Smith
Director
PLANIT CONSULTING P/L

Enc.

Section 1 – Introduction & Background

The subject site is located within the town of Hastings Point upon the Tweed Coast. The land incorporates an area of 17.907ha and is located within the following statutory zones pursuant to the Tweed Local Environmental Plan 2000:-

- 2(a) Low Density Residential
- 2(e) Residential Tourist
- 7(a) Environmental Protection (Wetlands & Littoral Rainforest)

A zoning map is contained within the plans at Annexure A.

The development as shown within the attached preliminary plans is permissible with consent and represents a use and format consistent with the objectives of the zone.

The site has been zoned for residential or urban purposes for some significant time and has been the subject of recent zoning amendments initiated by Council in 2002/2003. These amendments resulted in portions of previously urban zoned land being amalgamated in to the environmental protection zoning ringing the current development footprint. This effectual back zoning exercise was based on an analysis by Council of the sites constraints as nominated by Council within in its Local Environmental Study for the site dated 2003.

In terms of history, the site has previously been the subject of both filling and dredging during the 1970's and 1980's. These works included the creation of the large pond shown within the attached plans, which has now been placed within an environmental protection zone.

Following is a table of development facts relevant to the Minister's considerations:-

Summary Table - Development Facts

ELEMENT	DETAILS
Legal Property Description	Lot 156 in DP 628026, Lot 10 & 11 in DP 24564
Site Area	17.907ha
Capital Investment \$	\$4.2M
Employment Generation	
No. Allotments	58
Uses Proposed	Residential Torrens Allotments, Future Tourist Allotment, Integrated Housing Allotment
Key Issues	a. Flooding b. Buffers c. Community Interaction d. Open Space e. Access f. Compliance with zone objectives g. Stormwater Quality h. Vegetation Rehabilitation

Section 2 – Site Details

The site is irregular in shape and incorporates an area of approximately 17.907ha.

A copy of the deposited plan associated with the land is contained within Annexure B.

The site comprises of largely undisturbed low lying coastal vegetation to the southwest and south east. These areas are located within the

7(a) Environmental Protection Zone. The remainder of the site is largely cleared and has been maintained in a cleared state for several years. This land (shown in photographs below) is located within the 2(e) Zone pursuant to the Tweed LEP 2000.



Plate 1. View of central drain contained within the allotment.



Plate 2. Site Aerial



Plate 3 - Montage view across site from within northern boundary



Plate 4. Creek Street access at western end (adjacent to caravan park)

Also attached at Annexure A is a series of plans relating to the proposal, inclusive of locality plans depicting both the local and regional context.

Section 3 – The Proposal in Summary

The proposal seeks to implement the following key actions:-

Filling of the Land

1. Filling of the land to RL 2.4m AHD, which equates to the adopted design flood level (1 in 100 year) pursuant to Tweed Council's Development Control Plan No.5. Levels currently vary across the site from approximately 1.0m AHD to 2.0m AHD.



Accordingly, filling of the site by up to 1.4m will be required in order to provide flood free habitable areas. A detailed flood study is currently being prepared in this regard, with initial investigations undertaken indicating suitable impacts.

Provision of Access

2. Upgrading of Creek Street carriageway and the intersection between Creek Street and Coast Road. The proposal will also result in the extension of Creek Street towards the west.
3. Provision of an alternate access point through Lots 10 & 11 in 24564 and its extension along the rear of those existing parcels fronting Creek Street.
4. Provision of pedestrian through links to future recreation and environmental areas, thereby ensuring the consistent provision of access for surrounding residents.

Bushfire Protection

5. The proposal incorporates suitable buffers in accord with the Planning for Bushfire Protection Guidelines 2001. In this regard, the predominance of asset protection zones are contained within urban zoned lands, however, consistent with requirements relating to mosquito management and the provision of environmental facilities within the adjacent 7(a) zoned land, some asset protection zones are proposed within the 7(a) Zone.
6. Fire fighting access links (perimeter roads) have been proposed throughout the development in accord with PFBP guidelines 2001.

Environmental Protection

7. The proposal incorporates the provision of varied buffers to the development from and within the Environmental Protection Zone. Detailed Environmental Assessments are being carried out at present, which will compliment several undertaken in recent years. We note however that Council's zoning of the land in 2003 incorporated an acknowledgement that due to the fact that walking trails, recreation areas and the like are permitted within the 7(a) zone, that some buffering would be acceptable within the adjacent zone. Of course, the proposed development has not sought to maximise this arrangement, rather, the attached plans depict the significant extent to which the proposal incorporates buffering within the urban zoned areas.
8. The attached plans generally depict those areas within which open space and pedestrian linkages are proposed. These areas will be rehabilitated, dependent upon the dominant vegetation type, hydraulic regimes and existing characteristics. All areas marked in dark green are to be subject to significant rehabilitation, with the exception of where bushfire asset protection zones are required. These areas will in the main be limited to ground covers and spaced plantings consistent with 'inner' asset protection zones.

Development Uses

9. The proposal incorporates two (2) primary uses, being (a). Residential allotments; and (b). a larger residue allotment to be developed for the purpose of an integrated Tourist Resort. The residential component will also incorporate a total of 15 integrated housing allotments. This designation is adopted from the definition of integrated housing within the Tweed LEP 2000, which permits smaller allotments in the order of 250m² to 300m² if the approval is associated with linked development plans of the actual proposed dwellings houses. These plans are currently being prepared and will accompany the development application.



10. The proposal can be split up as follows:-

Allotment Type	Number of Allotments
Residential Allotments	42
Integrated Housing	15
Tourist Resort	1

Residential Lots	Tourist Component	Park Area / Environmental Area	Park Area / Environmental Area (%)	Road
3.005ha	1.725ha	12.229ha	68.29%	0.947ha

Servicing & Infrastructure

11. The proposal is capable of being serviced by centralised sewerage and water facilities. Sewer and water are available within the Creek Street road reserve.

12. Stormwater management is a significant issue confronting the development. In this regard, all waters currently drain off the site in to the adjacent lagoon area. This lagoon area is capable of accommodating post development hydrological loads, however all stormwater generated by the development will require significant treatment before discharging to adjacent waterways. This will be covered within a stormwater quality management plan to accompany the formal development proposal.

Section 4 – Preliminary Statutory Assessment

Following is a detailed table incorporating a summary assessment of the proposal in relation to 'compliance' matters contained within relevant assessment documents applicable to the site / development.

PROVISION ELEMENT /	REQUIREMENT (WHERE STATED)	COMPLIANCE
Zone Objectives / Permissible Development	Tweed LEP	
2(e) Zone	Tourist Development Dwelling Houses (min 450m ²)	Yes Yes
7(a) Environmental Protection Zone	Environmental Facilities Bushfire Hazard Reduction	Yes Yes
2(a) Low Density Residential Zone	Dwelling Houses (min 450m ²) Roads	Yes Yes
Minimum allotment size		
2(a) Zone	450m ²	Yes
2(e) Zone	450m ²	Yes
7(a) Zone	40ha	N/A
NB. Integrated Housing is minimum 250m ²		Yes

<p>Filling of Land / Flood Free Access</p>	<p>2.4m AHD (Fill Level) 2.7m AHD (Habitable Floor Level) Development Control Plan No.5 - Development of Flood Liable Land</p>	<p>Yes - filled to a minimum of 2.4m AHD. Yes</p>			<p>provide 2.87ha of Open Space per 1000 persons. NB. Based on a rate of 2.9 persons per allotment, the proposal will result in an overall population of 168.2 - say 169 persons.</p>	
<p>Bushfire Protection Buffers</p>	<p>PFBP Guidelines 2001 Rural Fires Act 1997 Refer attached plan.</p>	<p>Yes</p>			<p>The latter equates to a requirement to provide the following:-</p>	
<p>Open Space</p>	<p>Development Control Plan No.16 - Subdivision Environmental Open Space - On merits Local Open Space (Casual Parks) - 1.13ha per 1000 persons. Sporting or Structured Open Space - 1.7ha per 1000 persons. Combined this equates to a requirement to</p>				<p>Structured Open Space = 0.287ha (2870m²) Casual or Local Park Space = 0.19ha (1900m²)</p>	<p>It is proposed to contribute monies in accord with S.94 Plan No.5 in relation to Structured Open Space. In excess of 12ha of dedicated open space will be provided to Council as the public trustee. Of this land, in excess of 5000m² will be allocated towards passive open space facilities for the enjoyment of the public.</p>



Road Widths	Development Control Plan No.16 - Subdivisions 14m width for Local Access Street accommodating less than 1000 vehicles per day.	Yes The proposal will accommodate approximately 434 vehicles per day and therefore sits well under Council threshold. 15m minimum width is proposed, with the exception of integrated housing access paths which will remain as private roads.

Section 5 – Key Issues

The site possesses unique characteristics in relation to its proximity to the adjacent estuary, Pacific Ocean and Tweed Coast Hinterland. These important values are complimented by the fact that the site is serviced and accessible from all relevant urban infrastructure. Nonetheless, the natural values of the land in particular, also act as the key constraining management factor in relation to the subject site.

Of particular concern are the following:-

Community Expectations

As the site has remained vacant for some considerable time, the land has often been used by surrounding landowners as an area of open space recreation and access path to the adjacent estuary. As a result of this use, the surrounding community have grown to obviously appreciate the use of this land without the benefit of legal access. The proposal recognises the latter and within reasonable limits, seeks to ensure that pedestrian public access is afforded to the recreational and environmental areas contained therein. These facilities are clearly shown within the attached documentation, which also provides evidence in relation to the legibility and accessibility of the proposed subdivision design.

We also would expect that on the basis of previous community representations made to Council during the 2003 rezoning of the land, that the surrounding residents will consider that the development of the site in a manner consistent with the zoning of the parcel, will have an undesirable impact upon their amenity. We would consider that indeed there will be a partial change in character to the locality, but not one that would be considered unreasonable given the long held zoning of the parcel and the expectation that the site would be developed that this zoning would normally engender.

We would expect, notwithstanding the many deliverable benefits that the development will bring, that the proposal will result in some level of opposition from a segment of surrounding land owners.

Flooding

The filling of the land and the location of the site within a rather narrow throat of the dominant estuary results in a delicate balance in ensuring that there is no adverse off site efflux of flood waters due to displacement.

We note that the land is zoned for urban development and that Council's Flooding DCP (DCP 5) nominates that the site must only be

developed if first filled to the 1 in 100 year level. This of course is what is proposed for this site.

The site has been the subject of detailed flood modelling that is continuing to be refined at present. This modelling has to date demonstrated that the filling of the land can proceed without detrimental impact upon surrounding or downstream properties.

It is noted that the access road (Creek Street) leading to the site from Coast Road is at a level that will be subject to inundation during flood events. This will lead to some isolation of the site during short term flood events, however the existing of existing houses on either side of Creek Street dictates that the raising of this road is unviable.

Environmental Disturbance

The site has been cleared in part for a considerable number of years, obviously leading to its inclusion within the urban zoned lands surrounding the village of Hastings Point. Those areas surrounding the cleared or zoned portion possess significant environmental value and accommodate a number of known species of value.

The site does not however incorporate any threatened or ROTAP species.

The site does provide for a total of four (4) threatened fauna species as follows:-

- Koala
- Grey headed flying fox
- Little bent wing bat
- Glossy black cockatoo

The habitat for these species is separated from the proposed development footprint and is limited to the forested areas in the south western corner of the site.

Appropriate measures have been allowed for within the preliminary design attached, with management measures inclusive of identification and dedication of habitat areas, rehabilitation of degraded or damaged areas, adoption of generous buffers inclusive of zoned lands and the limitation on recreational use within and surrounding environmentally sensitive areas.

The inundation of the site by highest astronomical tides (HAT) is a matter of some concern as this has been identified as extending in part, as within the zoned and cleared portions of the site. This of course is limited on site to estuarine grasslands. In the central portion of the site it is proposed to develop within these areas, with the remainder of similar areas being left undeveloped, notwithstanding inclusion within the 2(e) zone.

Section 6 – SEPP Major Projects

With reference to the matters under SEPP Major Projects, attention is drawn to the provisions of Clause 6, which state, inter alia:-

6 Identification of Part 3A projects

(1) Development that, in the opinion of the Minister, is development of a kind:

- (a) that is described in Schedule 1 or 2, or
- (b) that is described in Schedule 3 as a project to which Part 3A of the Act applies, or
- (c) to the extent that it is not otherwise described in Schedules 1-3, that is described in Schedule 5,

is declared to be a project to which Part 3A of the Act applies.

Having regard to the above, we note that the matters contained within Schedule 2, sub clause 1(i) states, inter alia:-

- (i) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly



within a sensitive coastal location.

Given that the site is located within a sensitive coastal location, let alone the coastal zone, the development of the land in a manner exceeding 25 allotments is considered to breach the threshold relating to the determination and format of any application to develop this land. Accordingly, we consider that the proposal is in effect caught by the matters under SEPP Major Projects thereby dictating that the Minister is the relevant consent authority for this project.

Please note that there are no matters contained within the proposal that require the concurrence from delegates of the Department of Planning.



Annexure A – Preliminary Plans



Annexure B – Deposited Plan





LOCATION PLAN

The location plan left denotes the site in respect to the broader regional context (Source: WhereIS.com.au, 2006)

SITE AERIAL

The aerial photograph below denotes the subject site and the surrounding built and natural environments



1.0

INTRODUCTION - CONTEXTUAL ANALYSIS

CONTEXT ANALYSIS

The following concept analysis focuses on creating a dynamic residential precinct responsive to internal and external environmental, social and economic elements in order to achieve a sustainable outcome. In the regional context the proposed development will lend a formalised land pattern that promotes sustainable development within surrounding allotments. The residential and tourist precinct will act as an important 'residential node' within the residential catchments supporting Hastings Point. The proposed layout adheres to urban design principles relevant to contemporary Australian suburban residential development. The proposal incorporates permeable linear street networks and open space corridors that both respect the natural site conditions and provide legible links both to adjoining development. The built form intends to follow the natural form and will include dwellings utilising environmentally sustainable design principles. Also, where possible water sensitive urban design will be incorporated into the sites layout to safely and efficiently manage stormwater flows.

REGIONAL/LOCAL CONTEXT

The site has an area of 17.907ha

In the preparation of this documentation a number of relevant planning studies, local and state government texts were reviewed. This information was fundamental in preparation of the concept in order to achieve a development responsive to the environment into which it is to be established. The conglomeration of previous investigations and professional literature illustrates that the site and the region is positioned in a prime location in respect to natural environment.

DEVELOPMENT SUMMARY

The site is located in the suburb of Hastings Point which is within the Tweed Shire Council area situated on the far north coast of NSW. The site location is depicted on the site locality map and aerial photograph below and is also featured through out this investigation.

Property details are as follows:-

- Site Address:- Creek Street, Hastings Point
- Real Property Descriptions:- Lot 156 DP 628026
- Zoning:- Tweed Shire Council Zones; 2(A), 2(E) and 7(A)
- Area:- 17.907 ha
- Development Summary:- Refer below tables.

Allotments	Number of Lots
Residential Lots	42
Integrated Lots	15
Tourist Component	1

Residential Lots	Tourist Component	Park Area	Park Area as %	Roadways	Total Site Area
3.005ha	1.725ha	12.229ha	68.29%	0.947ha	17.907ha

DETAILED DESCRIPTION

The site has road frontage to Creek Street. Topography is predominately flat with and is characterised by a large central area of paddock with a number of scattered trees. Also along the perimeter of the site is land that would best be described as wetland and intertidal swamp sclerophyll vegetation.

The land is not currently improved with any buildings.

WHAT THE PROPOSAL AIMS TO ACHIEVE

This proposal aims to:-

- Fulfil the requirements of Tweed Shire Council Strategic Plan, LEP and relevant DCPs;
- Provide a basis for the stakeholders to understand and comment on proposed development and management intent;
- Summarise the process which was followed to produce the Concept Plan;
- Provide a concise overview of the main values and issues of concern to the local area and of the regional context;
- Document the various types of urban open space and how they are to be managed and developed (incorporated into the natural environment);
- Identify key performance indicators, policies and relevant topical literature used to develop concept and final ; and
- Communicate this information effectively to all interested stakeholders.

THE AREAS COVERED BY THE REVIEW

The proposal covers the following topical information in a graphically notated format:-

- Ecological;
- Bushfire;
- Hydraulics & Local Drainage;
- Access & Mobility;
- Surrounding Environment – both natural and built form; and
- Open Space

PROJECT
156 Creek Street, Hastings Point - Residential Development

CLIENT
Walter Elliott Holdings Pty Ltd

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TITLE
Concept Plan - Introduction / Context

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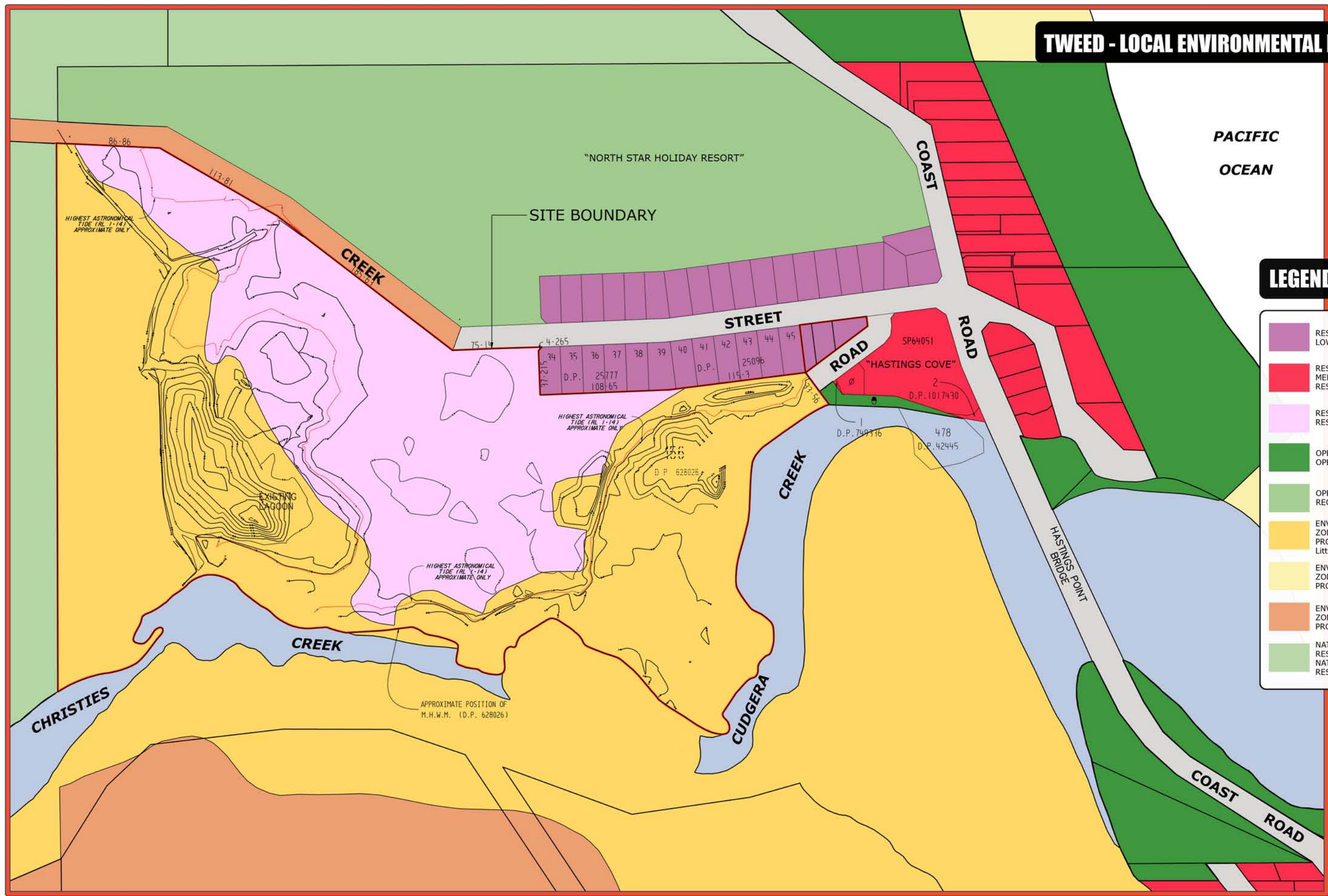
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LEGEND

- RESIDENTIAL ZONE 2(a) - LOW DENSITY RESIDENTIAL
- RESIDENTIAL ZONE 2(b) - MEDIUM DENSITY RESIDENTIAL
- RESIDENTIAL ZONE 2(e) - RESIDENTIAL TOURIST
- OPEN SPACE ZONE 6(a) - OPEN SPACE
- OPEN SPACE ZONE 6(b) - RECREATION
- ENVIRONMENTAL PROTECTION ZONE 7(a) - ENVIRONMENTAL PROTECTION (Wetlands and Littoral Rainforests)
- ENVIRONMENTAL PROTECTION ZONE 7(f) - ENVIRONMENTAL PROTECTION (Coastal Lands)
- ENVIRONMENTAL PROTECTION ZONE 7(a) - ENVIRONMENTAL PROTECTION (Habitat)
- NATIONAL PARKS / NATURE RESERVES ZONE 8(a) - NATIONAL PARKS & NATURE RESERVES



SCALE 1:3000 @ A3



OPPORTUNITY No.4

Incorporate natural drainage lines into open spaces and WSUD

**OPPORTUNITY No.3**

Linear road networks to provide a high level of amenity to open space and adjoining residential development.

OPPORTUNITY No.8

Opportunity to integrate new development with existing road network.

OPPORTUNITY No.2

Access to surrounding residential catchment.

OPPORTUNITY No.9

Convenient location to access beaches, recreational open spaces and commercial retail hub of Hastings Point

CONSTRAINT No.3

Potential bushfire hazard.

CONSTRAINT No.1

Area subject to infrequent inundation.

OPPORTUNITY No.5

Ecological areas retained and enhanced via environmental buffer and rehabilitation.

OPPORTUNITY No.10

Bushfire buffer will include replacing/rehabilitation of endemic vegetation with fire retardant species.

OPPORTUNITY No.7

Conserve views and vistas associated with open spaces.

**CONSTRAINT No.2**

Portions of the site are currently below Q100 flood levels. Preliminary hydraulic modelling reveals the site can be filled to the design flood level with no detrimental impacts.

**OPPORTUNITY No.6**

Area suitable for passive recreation - existing lawn / turfed area- subtle embellishment for passive recreation - facilities to blend well with natural surrounds.

**CONSTRAINT No.5**

Regulatory constraint -Tweed LEP Zone 7 (a) - to remain undisturbed apart from appropriate rehabilitation.

**LEGEND**

- POTENTIAL VIEWING PLATFORM**
- POTENTIAL VEHICLE ENTRY POINTS**
- REHABILITATION ZONE/BUSHFIRE BUFFER ZONE**
- EXISTING PEDESTRIAN PATHWAY**
- EXISTING URBAN DEVELOPMENT**
- HIGHEST ASTRONOMICAL TIDE (HAT - RL 1.14)**
- TWEED SHIRE COUNCIL LEP ZONE 2 (A)**
- TWEED SHIRE COUNCIL LEP ZONE 7 (A)**
- POTENTIAL PUBLIC OPEN SPACE**
- POTENTIAL PEDESTRIAN PATHWAY / FIRE TRAIL**
- PROPOSED LEP ZONE 2 (E)**
- SEPP 14 LINE (APPROXIMATE)**
- SEWER PUMP STATION**
- RETICULATED SEWER SUPPLY**
- OVERHEAD POWER LINES**
- RETICULATED WATER SUPPLY**
- VIEW SHEDS / VISTAS**
- RETAINED VEGETATION**

Opportunities & Constraints

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156 Creek Street, Hastings Point - Residential Development

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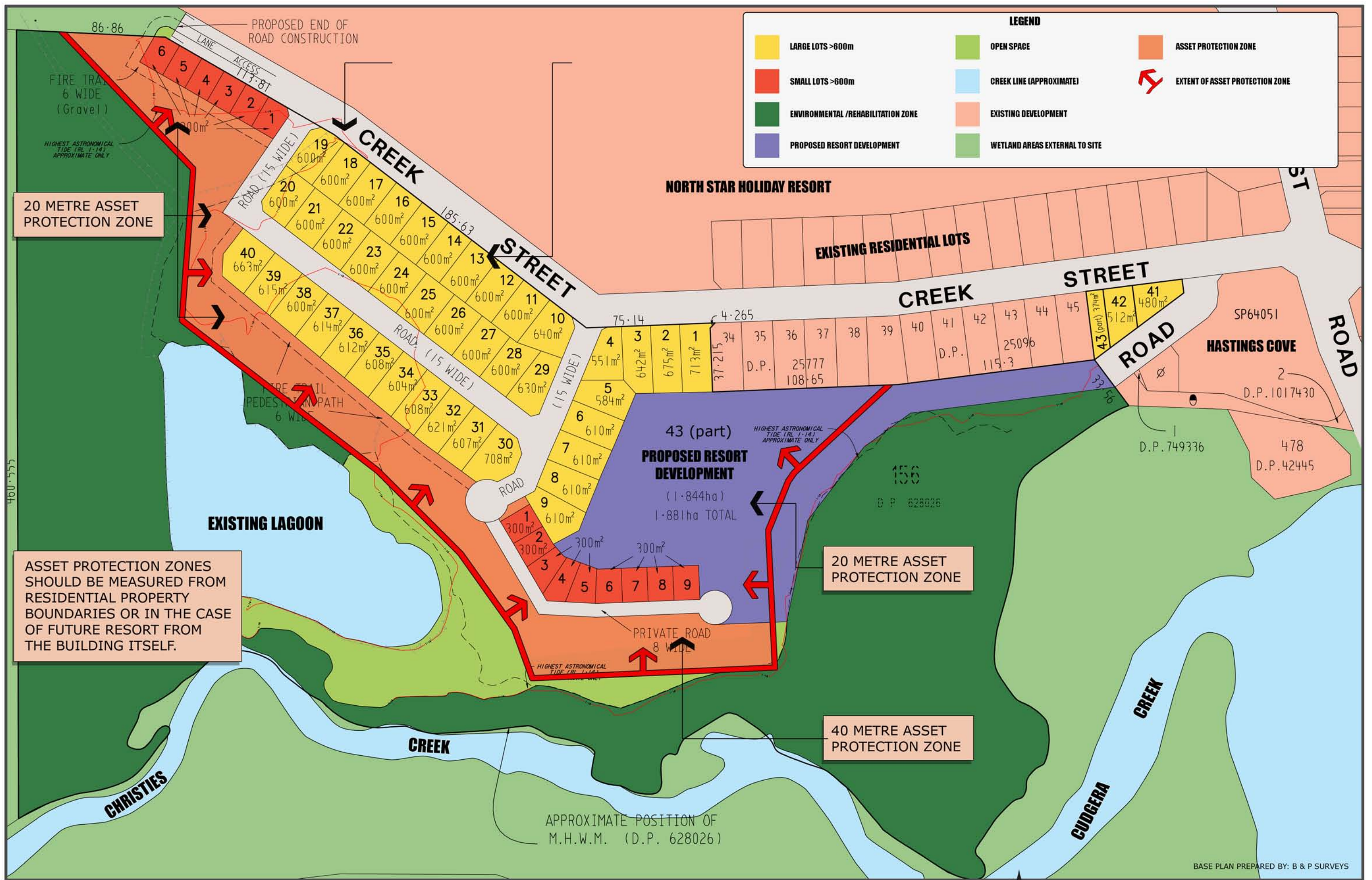
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PROJECT
156 Creek Street, Hastings Point - Residential Development

CLIENT
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TITLE
Concept Plan - Bushfire Management Plan

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IMAGES



SITE CONTEXT

5.0

URBAN DESIGN - CONCEPT DEVELOPMENT

GUIDING PRINCIPLES

ESD

- The design of residential structures will be supportive to observe desirable orientation lot size and shape where practical to enable dwellings to achieve Environmentally Sustainable Design (ESD) outcomes.

SUSTAINABILITY

ENVIRONMENTAL

- The economic sustainability of the Hastings Point area strongly relies on the recognition and appreciation of the ecological assets of the wider region. Highlight the natural landscapes and incorporate into open space corridors and park lands.
- Retain where possible native vegetation within open space reserves including Conservation and rehabilitation of natural wetland or waterways as waterway linkages;
- Utilise endemic species within landscape walk/cycle trails through the site.
- Utilise landscape elements to create specific environmental outcomes such shade, filtered and framed views.

CONSERVATION

WSUD

- The proposed residential development will take advantage to integrate Water Sensitive Urban Design (WSUD) principles at the onset of the development ensuring an environmentally sustainable outcome. Key principles of Water Sensitive Urban Design (WSUD) applicable to this development include:
 - Reducing potable water demand;
 - Minimising waste water generation; and
 - Treatment of urban stormwater.
- Stormwater treatment systems such as gross pollutant traps will be included to reduce pollution of the receiving environment.

WATER SENSITIVE URBAN DESIGN

ACCESS & MOBILITY

- Connect people and places by developing the proposed residential 'neighbourhood' as a compact walkable environment with a desirable, dynamic and comfortable public realm.
- Through legibility people can develop a feeling of nodes, boundaries, paths, edges and landmarks, and through means of visual cues. Through a good knowledge of legibility, planning methods can better developed to understand people's mental perception of their link to the landscape.
- CPTED entails the proper design and effective use of the built environment in such a manner that reduces 'the fear of crime and incidence of crime' such as passive surveillance with building orientated to keep eyes on the street.

LEGIBILITY & IDENTITY

OPEN SPACE

- Sustainable development in this residential context is a broader concept than just environmental protection that does not stunt the areas ability to grow. It takes into account the long term health and integrity of the environment associated with human activities while maintaining economic viability.
- Create a sense of place 'community identity' through creation of places and open spaces that facilitate community interaction and exchange such as BBQ, picnic facilities and passive recreational opportunities. A range of active and passive recreational spaces are to be employed to create spatial diversity and offer choice to the community.
- CPTED principles will be used to enforce safety throughout private and public domains, including responsive open spaces offering opportunity for passive surveillance and landscaping maintaining clear sight lines and lighting.
- The open spaces will be used to protect environmentally sensitive areas incorporating significant vegetation communities. These open spaces will be linked to provide both pedestrian and faunal corridors supporting faunal migration and promoting active recreation and alternative transport modes.
- The creek line and its riparian vegetation retains the potential to be developed into a significant open space 'community resource'.

GREEN LINKS

URBAN FORM & LANDUSES

- Incorporating a mix of lot sizes and residential densities, addressing public safety, minimising exclusion and offering consumer and life style choices will lead to the creation urban vitality, a sense of place and greater opportunities for interaction.
- A mix of low and medium density residential lot sizes and dwelling types front the creek open space system. The park front location maximises the amenity for these residential uses whilst the houses in turn improve the safety for the park users by fronting and overlooking the park. (CPTED Principles)

RESIDENTIAL AMENITY



PROJECT
156 Creek Street, Hastings Point - Residential Development

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Walter Elliott Holdings Pty Ltd

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Concept Plan - Urban Design Principles

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