

**SUBMISSION SUMMARY – PUBLIC EXHIBITION NOV – DEC 2012
DCP A1 RESIDENTIAL AND TOURIST CODE PARTS A AND B**

Sub No.	Document Number	Date received	Date Subm ackn'd	Theme / Issue	Comments	Planning Response	Recommendation / Action
7	61088909	21.12.12	21.01.13	General and site analysis	<p>Very much support the document which aims to ensure development is as community friendly and sustainable as possible.</p> <p>Supports the premise that housing needs to be built to suit the site rather than the site altered to suit the house.</p> <p>Fully support the stronger emphasis on site analysis encouraging developers to be mindful of passive solar design and sound planning principles.</p> <p>Fully support objective 2 in section 1.4 Streetscapes to ensure residential development encourages a high level of pedestrian amenity, access, safety and passive surveillance, especially for older residents.</p>	<p>Support for the DCP focus on site analysis, consideration of streetscape and neighbourhood character, designing to climate and building housing to suit the site is noted.</p> <p>This support is consistent with the earlier consultation feedback, which attracted overwhelming support for each of these themes.</p>	No amendment to the DCP A1 required.
4	60901895	17.12.12	21.12.12	Complex; Onerous requirements; Site analysis	<p>Regularly design dwellings in Salt and Casuarina. Considers the draft is even more complex and onerous than the existing policy.</p> <p>It is too complicated to provide any real guidance to the general public as the range of requirements makes it impossible for the lay person to understand how a dwelling can be designed for a site.</p> <p>Requirement for submission of detailed site analysis plan, landscaping plan and requirement for 600 eaves are issues which will add significantly to cost.</p> <p>Level of detail required on site analysis is onerous. These issues are identified by a survey and site inspection by designer and adding to plans is costly and issues are apparent at site visit.</p>	<p>The draft DCP has been developed to allow greater flexibility for innovative design. Mandatory controls have been removed and the draft DCP clearly states that the controls are guidelines and that there may be more suitable alternative solutions.</p> <p>Explanation The DCP includes a brief “explanation” under each “design theme” to assist the lay person understand the issues and what the controls are seeking to achieve. The DCP also includes images to assist in understanding the principles and intent of the controls.</p> <p>Site analysis / level of detail / costs Low scale residential development is the most common form of development within the Tweed and therefore, has the potential to have the most significant impact on the character of its various settlement areas.</p>	<p>The site analysis requirements are retained in the final DCP A1.</p> <p>The site analysis requirements have been reviewed and consolidated to simplify their interpretation.</p> <p>A sample site analysis and template is being developed to support the DCP A1 to assist the site analysis requirement.</p> <p>The submission requirements section and the solar access section (4.3) have been amended to remove the equinox requirements.</p>
5	60937316	18.12.12	21.12.12	Complex; Onerous requirements; Site analysis;	<p>Previous submission [to discussion papers] is still relevant. Philosophy of the DCP is inappropriate, particularly in relation to detached dwellings. Document is extremely detailed and over regulated. Document dictates the entire design process and takes away freedom of choice in dwelling design. Acknowledges Council should have some impact into certain cases to ensure the interests of the general public are protected, however, forcing design detail requirements on house construction goes beyond what a DCP is intended to accomplish.</p> <p>Not in a format that can be understood by the general public. Draft DCP is extremely complex and intimidating to the lay person and not in a form that will “guide” the general public.</p> <p>Site analysis is an excessive requirement as a survey is sufficient in the majority of cases. Hours of work would be required to prepare the site analysis and this would add to the cost of housing. Requirements for distance to shops, fencing etc is considered irrelevant.</p>	<p>Consultation feedback from the residential and tourist development discussion papers supports a balance of an individual’s right to develop their house as they desire with balanced consideration and respect of neighbourhood and community character. The draft DCP A1 seeks to achieve this balance.</p> <p>Undertaking a site analysis is the first step in good design and ensuring that the house design or choice is suited to the site, its aspect and features. Undertaking a site analysis also ensures consideration is given to the impact a single house may have on the streetscape or neighbourhood character and results in a more livable house.</p> <p>To enable greater design flexibility, as the DCP encourages, site analysis is a key consideration in the assessment of the opportunities, constraints and unique features of a site and what alternative solutions may or may not be suitable.</p>	

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6	60987591	19.12.12	21.12.12	Complex; Onerous requirements; Site analysis;	<p>Previous submission [to discussion papers is still relevant. Philosophy of the DCP is inappropriate, particularly in relation to detached dwellings. Document is extremely detailed and over regulated. Document dictates the entire design process and takes away freedom of choice in dwelling design. Acknowledges Council should have some impact into certain cases to ensure the interests of the general public are protected, however, forcing design detail requirements on house construction goes beyond what a DCP is intended to accomplish.</p> <p>Not in a format that can be understood by the general public. Draft DCP is extremely complex and intimidating to the lay person and not in a form that will "guide" the general public.</p> <p>Site analysis is an excessive requirement as a survey is sufficient in the majority of cases. Hours of work would be required to prepare the site analysis and this would add to the cost of housing. Requirements for distance to shops, fencing etc is considered irrelevant.</p>	<p>As part of the design process a site analysis is frequently informally carried out, though not always well documented. The draft DCP requirement is for this understanding of the site to be documented. A site analysis may be based on a simple survey which includes additional consideration of the site features identified at the site visit. It is noted that the level of information and assessment required for a site analysis will vary depending on the scale and potential impacts of the residential or tourist development. This has been further clarified in the final draft DCP.</p> <p>Concern regarding additional cost for the preparation of site analysis is noted, though most quality development would already be undertaking this level of site assessment. A sample site analysis and template has been developed to minimise the potential additional cost of preparation and for the assistance of those undertaking smaller scale works. It is noted that the level of information and assessment required for a site analysis will vary depending on the scale and potential impacts of the residential or tourist development. This has been further clarified in the final draft DCP.</p>	
3	60889260	17.12.12	21.12.12	Site analysis	<p>Noted that applied the draft DCP to alterations and additions and there is extra cost to client. Site analysis always revolves around north and wind directions which is constant for the Tweed. Has not included irrelevant equinox shadow plans.</p>	<p>Further, senior staff from the Department of Planning Office in Grafton has reviewed the site analysis controls to determine if they were too onerous based on a public request during the exhibition period. Paul indicated that the site analysis provisions were not too onerous and a formal submission would not be made.</p> <p>For these reasons it is recommended that the site analysis requirements are retained in the final draft.</p> <p>Other matters - equinox The equinox provides more yearly average shadowing and a clearer picture of shadowing in the design detail. However, it is noted that the January and December shadow diagrams provide sufficient information to understand the summer and winter overshadowing extremes related to smaller scale housing.</p> <p>It is therefore agreed that shadow diagrams for January and December are sufficient.</p> <p>Other matters - eaves Comments on eaves are addressed under the roof design issues.</p>	
3	60889260	17.12.12	21.12.12	State Government directions; DCP flexibility;	<p>Has noticed the Government comment about DCPs. Generally good work.</p>	<p>New State Government directions for DCPs Concerns regarding the State Government position on DCPs are noted. The Amendment Bill was assented by Parliament in November 2012 with some amendments.</p>	No amendment to the DCP A1 required.
5	60937316	18.12.12	21.12.12	State Government directions; DCP flexibility;	<p>Proposed amendments to the EP&A Act seek to clarify that DCPS are for "guidance" in achieving zone objectives and permissible development.</p> <p>Controls are presented in a format where they are mandatory unless justified by a site analysis. This is in conflict with the</p>	<p>The Bill clarifies the status of DCPs as "guidelines" and that LEPs have precedence over DCPs. The Bill has the practical effect of not preventing or unreasonably restricting development that is otherwise permissible under an applicable LEP. This essentially preserves the current status</p>	

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					Ministers approach to streamline development approval and remove impediments to the supply of housing. This draft could be seen as an impediment.	of DCPs rather than amending it.	
6	60987591	19.12.12	21.12.12	State Government directions; DCP flexibility;	Proposed amendments to the EP&A Act seek to clarify that DCPS are for "guidance" in achieving zone objectives and permissible development. Controls are presented in a format where they are mandatory unless justified by a site analysis. This is in conflict with the Ministers approach to streamline development approval and remove impediments to the supply of housing. This draft could be seen as an impediment.	The role of a DCP is <i>to provide guidance for: giving effect to the aims; achieving the objectives; and facilitating development which is permitted in an environmental planning instrument applying to the land concerned</i> (EP&A Act Section 74BA). The draft DCP A1 has been written consistent with this Bill and the legislative framework for DCPs. The draft DCP A1 does not seek to restrict development (or standards) otherwise permitted under the LEP. Instead it serves as a guideline document that provides guidance on how permitted development could/should be developed. The DP&I have reviewed the draft DCP and have informally confirmed that the DCP is not inconsistent with their policy approach. The draft DCP, as supported by court findings, can and does in some instances further refine development standards. For example a zone may permit a range of residential uses from single dwellings through to residential flat buildings (RFBs), however, the LEP mapping layers for floor space ratio and height provide controls related to the highest use, ie the RFB. It is an appropriate role of the draft DCP to provide further guidance and the suitable height and FSR for the range of other uses that may be permissible, ie the height and FSR controls will be lower for a single dwelling than the maximum allowable for a RFB. The mandatory requirements have been removed from the draft DCP. The draft DCP provides controls which serve as guidelines and acknowledges that there may be alternative suitable solutions and allows this flexibility. This has been further clarified in the final draft DCP. A site analysis is required for all DAs. This assessment process is a fundamental part of the design or house selection process and is already undertaken by most architects and designers. Undertaking the site analysis is the process which the opportunities and constraints of a site and therefore, highlights where an alternative solution may be more suitable. This work is largely already informally carried out. The requirement for an alternative solution is the next step of showing why a proposal is a better solution. The DP&I have reviewed the draft DCP and have informally confirmed that the DCP is not inconsistent with their policy approach.	
4	60901895	17.12.12	21.12.12	State Government directions; DCP flexibility;	DCP should be a flexible document which provides guidance on the development. The draft does not appear to be flexible as variations will not be granted unless substantial evidence (site analysis) is submitted.		
7	61088909	21.12.12	21.01.13	Affordable Housing	Care should be taken in developments of affordable housing as these people can least afford costly drainage or bad planning issues. Support the modifications to granny flat controls in order to restrict the use to the purpose for which it is intended.	Affordable housing concerns are noted. Affordable housing is best located in close proximity to transport and services as well as integrated throughout communities. Housing affordability is also about providing a broad range of housing types and opportunities. It is noted that the draft DCP does not make provision for <i>affordable housing</i> , as this has very specific development and management requirements. Instead the draft DCP makes provision for small lot housing through encouraging and providing the flexibility for greater diversity in housing types,	No amendment to the DCP A1 required.

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						<p>sizes and potentially costs.</p> <p>Including the small lot housing provisions in the draft DCP Part A will provide the framework for new land releases, through a planning proposal and medium density development to provide an integrated mix of lot sizes and housing types.</p> <p>The inclusion of small lot housing is also consistent with the approach and provisions of the Housing Code SEPP, which allows complying development dwellings on lots ranging from 200m².</p> <p>It is noted that "small lot housing" does not always equal "affordable housing", rather is another choice in the housing market, as is affordable housing.</p> <p>Support for the granny flat amendments reducing their size is noted.</p>	
5	60937316	18.12.12	21.12.12	Excessive controls	<p>Previously advised of the excessive controls and requested they be simplified ie the section on landscaping contains 13 planning principles, 10 objectives and 15 controls. Perhaps the information in the planning and design principles and objectives could be in within an information document.</p> <p>The housing code does not require such excessive detail and site analysis.</p> <p>Each time a "variation" is required this will require a significant amount of work.</p>	<p>Comments regarding excessive controls are noted and generally agreed with. The draft DCP becomes a more effective document when it is simple to use, succinct and eliminates duplication. This is balanced with ensuring the document includes relevant controls to achieve desired outcomes and sufficient context and explanation to ensure that it is understood by the general community.</p> <p>The Housing Code is a simplified Code assessable document which provides mandatory controls for development considered to be of "low impact". The draft DCP A1 is a document which captures all development outside of the "low impact" assessable Code. The draft DCP applies to a far wider range of development situations, which may not always be considered "low impact".</p> <p>Development that cannot meet the Housing Code development standards require a development application under the Tweed DCP A1. Given that the draft DCP is prepared as a guideline and encourages flexibility, it is appropriate that the draft DCP standards guide development outcomes compatible with site and the local context and character.</p>	The draft DCP has been amended to simplify a number of sections, reduce the number of controls and clarify the requirements. Overall the DCP reduces the current 202 controls to 142 controls in the revised draft DCP, whilst maintaining the intent of the outcomes.
6	60987591	19.12.12	21.12.12	Excessive controls	<p>Previously advised of the excessive controls and requested they be simplified ie the section on landscaping contains 13 planning principles, 10 objectives and 15 controls. Perhaps the information in the planning and design principles and objectives could be in within an information document.</p> <p>The housing code does not require such excessive detail and site analysis.</p> <p>Each time a "variation" is required this will require a significant amount of work.</p>		
5	60937316	18.12.12	21.12.12	Site coverage	There are multiple controls which affect the site area which can be occupied by a dwelling ie setbacks, landscaping controls etc and site coverage is considered to be superfluous.	<p>The setbacks provide the maximum envelope for the dwelling footprint, whereas the site coverage controls (complimentary to the landscaping controls) provide the total area that may be covered in built form (impervious surfaces). The site coverage, landscaping and setback controls work together to guide the maximum boundary of the building footprint, the maximum size of the building footprint, the total area of impervious surfaces and to retain and encourage both hard and soft landscaping elements.</p> <p>This approach, using setbacks, site coverage and landscape controls is also consistent with the Housing Code SEPP.</p>	The site coverage requirements are retained in the revised draft DCP A1.
6	60987591	19.12.12	21.12.12	Site coverage	There are multiple controls which affect the site area which can be occupied by a dwelling ie setbacks, landscaping controls etc and site coverage is considered to be superfluous.		

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5	60937316	18.12.12	21.12.12	Building form	Controls that require articulation of walls in excess of 15m in length or 4m in height would prevent a two storey dwelling being constructed unless it has a different material or wall plane on the upper level. Two storey homes have been constructed without articulation to the upper level and these are not considered to be bulky in appearance. This requirement would add substantially to cost.	This control is guiding articulation of excessively large expanses of blank wall. Articulation may be provided, for example, in the form of change of materials as suggested, stepping in or out of the walls, planting of landscaping to screen the wall, or may be as simple as providing windows with hoods or screens to break up the expanse of blank wall.	The articulation requirements are retained in the revised draft DCP A1.
6	60987591	19.12.12	21.12.12	Building form	Controls that require articulation of walls in excess of 15m in length or 4m in height would prevent a two storey dwelling being constructed unless it has a different material or wall plane on the upper level. Two storey homes have been constructed without articulation to the upper level and these are not considered to be bulky in appearance. This requirement would add substantially to cost.	It is considered that there are many ways of meeting the articulation requirements which may not significantly add to the cost. Therefore it is recommended that this control remains.	
5	60937316	18.12.12	21.12.12	Cut and fill	Controls are too complex and confusing for the lay person, The cut allowance for sites in excess of 10 degree slope does not allow any cut outside the building footprint. This is far more onerous than the current 1m cut external to the building footprint. Why have such detailed controls within the building footprint when they would not be visible externally?	The previous discussion paper consultation attracted overwhelming support for maintaining the undulating landscape character of the Tweed (94%) and encouraging the structural design of a house to be based on the existing slope of the site (94%). This is also supported by the comments in submission 7.	The cut and fill requirements and the intent are retained in the revised draft DCP A1.
6	60987591	19.12.12	21.12.12	Cut and fill	Controls are too complex and confusing for the lay person, The cut allowance for sites in excess of 10 degree slope does not allow any cut outside the building footprint. This is far more onerous than the current 1m cut external to the building footprint. Why have such detailed controls within the building footprint when they would not be visible externally?	It is based on this feedback and design analysis that the cut and fill controls have been drafted. The draft DCP A1 requirements do not limit cut and fill within the building footprint, as currently, thereby encouraging and allowing greater flexibility for the level change of the site to be taken up within the building footprint. Designing to suit the slope is considered a more sensitive building approach to ensure that development fits within the Tweed's undulating character rather than modifying the site extensively to fit a house which is more suitable to a flat site.	
7	61088909	21.12.12	21.01.13	Cut and fill	Believe their concerns raised in their 2010 submission have been heard and incorporated into the documents. This is a big issue for Pottsville with very little flat land suitable for development and flooding issues which can be exacerbated by new development built up higher than established development. Believe the Code has been strongly worded to protect existing areas.	Under the draft DCP cut and fill outside of the building footprint is permitted up to 1m for up to 10% of the site or a maximum of 100sqm. This guideline enables some levelling of the site for private open space usage, drying courtyards and the like. Outside of the building footprint, fill to 600mm and cut to 1m is also permitted under the Housing Code SEPP. This allows for small retaining walls and small scale levelling of the site. These provisions, in addition to the generous cut and fill provisions applying to subdivision under <i>Tweed DCP Section A5 – Subdivision Manual</i> are considered to provide a suitable balance between enabling construction of dwellings and minimising construction costs whilst maintaining the undulating landscapes of the Tweed.	
7	61088909	21.12.12	21.01.13	Height	Support building height measured from natural ground level. Encourages more sympathetic use of the topography and is consistent with the aims of the Code. Support this inclusion in this document.	Support is noted.	No amendment to the DCP A1 required.
5	60937316	18.12.12	21.12.12	Landscape controls	Controls are excessively detailed. Private gardens are carried out after occupation of the dwelling and often evolve over many years. The need for this to be demonstrated at DA stage is onerous and pointless as most landscaping is	Support for private open space is noted. The current DCP uses a combination of “deep soil zone”, “impermeable surface area”, “external living area” and	The landscaping requirements have been amended to reduce the number of controls and simplify the landscaping requirements, whilst retaining

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6	60987591	19.12.12	21.12.12	Landscape controls	undertaken at a later stage. Controls are excessively detailed. Private gardens are carried out after occupation of the dwelling and often evolve over many years. The need for this to be demonstrated at DA stage is onerous and pointless as most landscaping is undertaken at a later stage.	“landscaping” controls to manage the balance of built form and landscape / deep soil areas. The exhibited draft DCP consolidated these controls to “site coverage”, and “landscaped area”, of which a “deep soil zone” other private open space and “external living areas” are a part. The controls included in the draft DCP currently exist and were drawn from the above four themes, however, it is acknowledged the exhibited draft DCP contains an excessive number of landscaping controls.	essentially the same total landscaped and permeable surface area requirements.
7	61088909	21.12.12	21.01.13	Deep soil zones	Believe it is very important for a healthy community to have outdoor areas and open space and to maintain the deep soil areas. These areas contribute greatly to natural cooling of residential areas and therefore sustainability. Need to be maintained especially in the small lot sizes.	<p>Further review of the landscaping controls has resulted in consolidation of the controls and redrafting the landscaping requirements in a simplified manner, whilst retaining the minimum landscaping and deep soil requirements.</p> <p>The reference to a definition and use of the term “<i>landscape area (total)</i>” has been removed as this is essentially superfluous as it refers to the area of the site left over from site coverage and complicates the understanding of the term “<i>landscape area</i>” within the draft Local Environmental Plan 2012 (dLEP). The term “<i>deep soil zone</i>” has been retained as it is an accepted term within the Tweed Shire that further clarifies an area of the landscape area that is “principally to allow planting of larger trees and landscaping”.</p> <p>The use of “<i>landscape area (total)</i>” encompassed the balance of the site outside of the site coverage and included pathways, driveways, outdoor living areas and the like. Further testing of the application of these requirements, in particular including the “<i>other principle private open space and external living area</i>” within the landscaping table restricts the flexibility for use of a site and effectively restricts the amount of area permitting hard surface areas making provision of a driveway and external living area very difficult, especially on smaller lots. Overall whilst the landscaped area outcome in the exhibited draft DCP is essentially similar to the revised draft DCP, less flexibility was placed on hard surface areas, including driveways, patios and other forms of external living areas.</p> <p>Removing the “<i>landscape area (total)</i>” definition and relying on the “<i>landscape area</i>” definition of the draft Local Environmental Plan (LEP) 2012 as well as amending the landscape requirement table 2 in C1 encourages the same level of landscape area (equivalent to the current permeable surface requirements), sets up minimum dimensions to encourage adequately dimensioned private open space which allows for planting of larger trees and landscaping as encouraged in the deep soil zone definition and allows flexibility in where the landscaping and deep soils zones are located to enable the dwelling and site to be more responsive to solar orientation. In addition removing the “<i>other principle private open space and external living areas</i>” minimum requirement column in table 2 in C1 allows greater flexibility for site planning.</p> <p>In essence a site will have a maximum percentage allowed</p>	

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						<p>for site coverage, a minimum percentage required for landscaping, of which an area must be a deep soil zone, and the remainder of the site, may be flexibly used for driveways, external living areas or further landscaping. In addition the <i>planning and design principles</i> and <i>objectives</i> have been reviewed and consolidated for greater clarity and ease of use, whilst retaining the intent.</p> <p>The minimum landscape requirements under the revised draft DCP are essentially the same as the current DCP landscape and permeable surface requirements. A table summarising the landscape outcomes under the current DCP 2008, the exhibited DCP and the revised DCP within this report, is provided in Attachment 5.</p> <p>The draft DCP has been amended to only require a "landscape plan" for dual occupancy development within part A. Single dwellings, granny flats, alterations and additions will only be required to identify the location of landscape areas and total landscape calculations to ensure that the minimum landscape area and deep soil requirements and the maximum site coverage requirements have been met and to demonstrate that the landscape and outdoor living areas are located to respond to the site and its orientation.</p>	
7	61088909	21.12.12	21.01.13	Public spaces	<p>In the previous submission noted the issue of ongoing maintenance of public landscaped areas/features of a development which revert to Council ownership and hence ratepayers after a certain period of maintenance.</p> <p>Council should be mindful of the limitations on costs to ratepayers for future maintenance. Example provided of the problems with the segmented pebble-crete slab footpaths in the Seabreeze Estate, the rusting and deteriorating streetlights.</p> <p>Believe there needs to be more responsibility given to the developer for maintenance and repair of such issues and suggest this may be included in the DCP.</p>	<p>These concerns are noted, however, the ongoing maintenance of works dedicated to Council are outside the scope of the DCP.</p> <p>These concerns are appropriately addressed in a Council Policy on Land/Works to be Dedicated to Council and/or in the DCP Part A5 Subdivision Manual, which is proposed to be reviewed at a later stage.</p>	No amendment to the DCP A1 required.
5	60937316	18.12.12	21.12.12	Roof design	<p>The DCP encourages 2.7m high ceilings which will add considerable cost and would have a negative impact on housing affordability.</p> <p>The DCP contains controls for 600mm eaves, which is considered ridiculous. Having to justify 450mm is ridiculous. Larger eaves on smaller lots restrict the available building footprint. The eave is supposedly required to provide shade and weather protection however; thermal comfort is addressed by Basix.</p>	<p>The DCP does <i>encourage</i> 2.7m high ceilings as this is considered best practice design and suitable to designing to the Tweed's sub tropical climate, however, this is included as a design principle rather than a requirement. The inclusion of this guideline does not enforce the requirement and therefore the additional cost is optional</p> <p>The DCP requirement for 600mm eaves has been reviewed may be considered restrictive in some instances where portions of an elevation may extend to the edge of the eave. It is acknowledged that whilst Basix does not place controls on eaves it does encourage shading of windows through eaves, window hoods or the like.</p> <p>These alternative sun shading devices also meet the objectives and would be considered in lieu of a 600mm eave. Further a site analysis has the scope to identify the key aspects which require solar shading and identify the most appropriate measures to address that constraint.</p>	Amendments have been made to 3.1 <i>Setbacks</i> and 4.6 <i>Roofs, dormers, attics and skylights</i> to clarify wider eaves are encouraged, though not specifically required.
6	60987591	19.12.12	21.12.12	Roof design	<p>The DCP encourages 2.7m high ceilings which will add considerable cost and would have a negative impact on housing affordability.</p> <p>The DCP contains controls for 600mm eaves, which is considered ridiculous. Having to justify 450mm is ridiculous. Larger eaves on smaller lots restrict the available building footprint. The eave is supposedly required to provide shade and weather protection however; thermal comfort is</p>		

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					addressed by Basix.		
4	60901895	17.12.12	21.12.12	Roof design	Requirement for submission of detailed site analysis plan, landscaping plan and requirement for 600 eaves are issues which will add significantly to cost.	<p>The issue of eaves is related to side setbacks, where both together or individually address building separation, design and shading of windows. In order to allow flexibility the DCP has been amended to address these separately.</p> <p>The draft DCP has been amended enable eaves less than 600mm, whilst retaining the intent that eaves should be greater and/or window shading provided as is suitable for the Tweed climate.</p>	
1	59858587	20.11.12	17.11.12	Setbacks Visual & Acoustic Privacy	<p>Seeking clarification on the privacy screening controls.</p> <p>Section 2.2 Control C12 requires external living areas greater than 1m above the ground to be screened if less than 4m from a boundary.</p> <p>Section 4.4 Control C2 then mentions any external living area within 3m of a boundary needs to be screened.</p> <p>Suggests controls should be consistent and located in the one section to avoid confusion.</p>	This is an identified duplicated control within the document. Only one control looking at visual privacy and screen is required and as such one of the controls will be removed to avoid confusion.	The inconsistency in the side boundary external living privacy setbacks has been amended through deleting the privacy setback to external living areas from the 2.2 <i>Landscaping</i> section and retain in the 4.5 <i>Visual and acoustic privacy</i> section.
5	60937316	18.12.12	21.12.12	Rear setbacks	Controls on Page 57 differ from the housing code with a 4.5m rear setback required for lots between 300 and 900 m ² . Council has stated the intent is to be consistent with the Housing Code.	The DCP A1 is drafted consistent with the structure and approach of the Housing Code SEPP, for example the lot size categorisations have been aligned with those of the Housing Code.	The rear setback requirements and the intent are retained in the revised draft DCP A1.
6	60987591	19.12.12	21.12.12	Rear setbacks	Controls on Page 57 differ from the housing code with a 4.5m rear setback required for lots between 300 and 900 m ² . Council has stated the intent is to be consistent with the Housing Code.	<p>It is noted that the Housing Code SEPP is aimed at low impact development and controls for this Code have been applied at a State level to suit what is considered "low impact". Should a dwelling not meet the Housing Code requirements it is potentially not considered low impact and therefore the DCP controls apply. The DCP controls have been drafted to provide guidelines suited to the Tweed local area and the feedback from the community during the earlier consultation phases.</p> <p>Lots between 300 and 900 m² make up the vast majority of the Tweed residential development. Current trends towards building essentially as close to boundaries as possible and to maximise larger building footprints on increasingly smaller lots is significantly altering the landscape character of the Tweed. Feedback from the earlier consultation on the discussion papers overwhelmingly supports retaining the Tweeds landscape character.</p> <p>Providing guidelines for a slightly greater rear setback (4.5 Vs 3m in the Code SEPP) is considered better suited to the Tweed context in order to enable integration between the dwelling and the outdoor spaces; enable adequate separation to maintain breezes and sunlight to dwellings and minimise noise transfer; and to enable sufficient space for rear yard landscaping, including trees, where appropriate or desired.</p>	
2	60886073	14.12.12	21.12.12	Setbacks	Query as to whether the 4.5m front setback will change the other DCPs, ie Seaside City.	The DCP A1 provides the broader development controls for residential and tourist development. Where a locality specific DCP is in place, which may have differing controls, the	Minor amendments to the setback controls have been made, increasing the front setback for lots 600-900m ²
7	61088909	21.12.12	21.01.13	Setbacks	With the trend toward bigger houses on smaller lots, setbacks		

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					become more important. No mention was seen of limitation on the location of noise emitting apparatus such as pumps and air conditioning, which should not interfere with neighbours.	locality specific DCP controls prevail. Where there are no locality specific controls the standard DCP A1 development controls apply. The DCP Section 4.4 Visual and acoustic privacy addresses and places requirements on noise arising from air conditioning, pool pumps and the like. Similarly, location of noise emitting apparatus is a consideration in the site analysis requirements in Section 4. Following review of the setback section, the setback requirements have been reordered and consolidated for greater clarity. As part of this review, the front setback provision for lots 600-900m ² has been increased from 4.5 to 6m. This is the most common lot size where infill development is likely to occur and a 6m setback is considered more consistent with the development pattern of established areas.	from 4.5m to 6m, and the section simplified and reordered for greater clarity.
5	60937316	18.12.12	21.12.12	Solar access	The need to prepare shadow diagrams for two storey dwellings is excessive. Lots within Tweed are generally large and only single or double storey. It is only in extreme cases where a dwelling could reasonably affect the adjacent through overshadowing and an assessing officer should be skilled in identifying where a shadow diagram is required. The Tweed is not like Sydney where sunlight is more restricted and lower in the sky. Overshadowing is not an issue for the vast majority of the Tweed.	The current DCP A1 requires shadow diagrams for all dwelling houses, duplexes and granny flats, therefore this is not a new requirement and carries over the current requirements. There are many instances within the Tweed where even single level dwellings, as a result of significant site modifications and benching to sloping sites, may overshadow adjoining properties. The draft DCP addresses the impacts of site benching through the amended cut and fill requirements and acknowledges that most single level dwellings have minimal overshadowing impact above fence lines and therefore has removed the requirement for shadow diagrams for single level dwellings, granny flats and dual occupancy. The draft DCP reflects that two storey developments can have overshadowing impacts on adjoining properties and therefore retains the current shadow diagram requirements. It is considered that the draft DCP has incorporated less restrictive shadow diagram requirements than the current DCP and it is recommended that the two storey requirement be maintained.	The draft DCP A1 has been amended to clarify that shadow diagrams are required for two storey development or greater.
6	60987591	19.12.12	21.12.12	Solar access	The need to prepare shadow diagrams for two storey dwellings is excessive. Lots within Tweed are generally large and only single or double storey. It is only in extreme cases where a dwelling could reasonably affect the adjacent through overshadowing and an assessing officer should be skilled in identifying where a shadow diagram is required. The Tweed is not like Sydney where sunlight is more restricted and lower in the sky. Overshadowing is not an issue for the vast majority of the Tweed.		
8				Density provisions in Part B	Clause 51A of the current LEP applies a density of 1 per 450m ² for multi-unit housing in a low density area. Under the draft LEP 2012 this density controls will be lost. Given that the LEP is to be a translation of the current controls it is suggested that the intent of Clause 51A be included in Part B of the Residential and Tourist Development Code. The loss of Clause 51A will have the implication of significantly increasing the density for multi-unit housing in the low density residential zones. Historically the development lot area of 220m ² in A1 Part B Townhouses has not been used as a density control as Clause 51A of the Tweed LEP 2000 represents the density control of 1 dwelling per 450m ² . The development lot area control of 220m ² has historically been used as an amenity and equity provision to ensure each unit within a development is provided with a reasonable area that offers good amenity.	Subsequent to the public exhibition of the draft DCP, the draft shire wide LEP 2012 has been publicly exhibited. Internal review has identified one of the implications of the translation of the current LEP into the required format of the standard LEP template is the loss of the current LEP Clause 51A. Whilst the floor space ratio provisions are translated into the draft LEP, the effective density controls for town house development, under Part B for low density residential zones is not. In order to maintain the current density provisions, thereby not significantly increasing them, it is proposed to include the intent of Clause 51A in Part B.	The <i>draft DCP A1 Part B Row Houses and Town Houses Chapter 1 Building Types – Town Houses (villas)</i> has been amended to include the density provisions of LEP 2000 Clause 51 A of 1 dwelling per 450m ² for multi unit housing within a low density residential zone and 1 dwelling per 250m ² within 300 metres of a business zone. The same density provisions have been included in Part 1.4 of the draft DCP A1 Part A.

