

TITLE: [PR-CM] Tweed Development Control Plan - Section B11 Seaside City

SUBMITTED BY: Planning Reforms

FILE REFERENCE: GT1/DCP/B11 Pt1



Civic Leadership

SUMMARY OF REPORT:

In May 2012 Council received correspondence from Planit Consulting on behalf of Richtech Pty Ltd (the proponent) in relation to Seaside City, comprising:

- A request to amend Tweed Development Control Plan 2008 Section B11 – Seaside City (Seaside City DCP); and
- A development application seeking approval for 33 existing allotments to be re-subdivided to create a total of 50 residential allotments.

This report relates to the requested Seaside City DCP amendments. The Development Application is subject to a separate process and will be reported to the Council at a later date.

In accordance with Council's previous resolution of 26 June 2012, an independent town planning consultant has been engaged to assess the requested amendments. This report outlines the results of that assessment and describes the resultant DCP amendments proposed.

The majority of the requested amendments are supported, with the exception to the removal of the 'minimum density' provisions. In this regard, the report recommends retaining the minimum density provisions in order to provide:

- Greater assurance that the highest and best use of the land will be achieved;
- A minimum population yield that is sufficient to support a sustainable community, focussed around a walkable, mixed-use village centre as per the Vision and Aims of the Seaside City DCP; and
- Improved ability for infrastructure planning and coordination.

The amendments sought by the proponent would likely reduce future population yields, through a combination of increased areas of low density housing (Coastal Dwellings) and the associated reduction in other medium density accommodation areas. However, by retaining the minimum density levels within the Coastal Multiple Dwellings, Village Centre Fringe and Village Centre areas, the reduction in future population is not considered to substantially affect the integrity of the Seaside City DCP.

A draft Seaside City DCP has been prepared in accordance with the above findings detailed in this report and is recommended for formal public exhibition.

RECOMMENDATION:

That:

- 1. The draft *Tweed Development Control Plan Section B11 – Seaside City* be placed on public exhibition in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000 for a minimum period of 28 days; and**
- 2. Following public exhibition, a further report addressing all submissions is to be prepared for consideration by Council.**

REPORT:

Background

Seaside City has a long history dating back to the 1920s when the subdivision was originally created. More recently it has become the subject of a revitalisation development, by way of three primary development consents, being DA05/0775, DA05/0793 and DA05/1464, which all approved the carrying out of works for the purposes of land clearing, earthworks, construction of roads and other services in preparation of the further development of the existing lots.

Concurrent to the consideration of the above development applications, a site specific DCP and site specific Section 94 Plan were created in relation to the Seaside City Development (Section B11 to the Tweed Shire Development Control Plan and Section 94 Plan No. 28). Additionally, Council entered into a Voluntary Planning Agreement with Richtech to enable Richtech to recoup infrastructure costs from those properties within the estate not owned by Richtech.

Situated between the Salt and Casuarina developments, the subject site is predominately zoned 2(e) Residential Tourist pursuant to the Tweed Local Environmental Plan 2000 (TLEP 2000). Environmental Protection zones frame the estate to the east and west, specifically 7(l) Environmental Protection (Habitat) bordering on the banks of the nearby Cudgen Creek to the west, and 7(f) Environmental Protection (Coastal Lands) bordering the sand dunes to the east.

The Seaside City DCP establishes a vision as 'a casual coastal community with a comfortable and welcoming atmosphere and a vibrant and attractive village centre'. The existing Land Use Plan is displayed in Figure 1 and includes a combination of housing and land use types including:

- 2 storey coastal dwellings
- 2 storey coastal multi dwelling housing
- 3 storey coastal units
- 3 storey tourist accommodation (medium density tourist accommodation only)
- 3 storey village centre

The higher density tourist and village centre areas are focused along the central movement spine of 'Ocean Avenue' with densities tapering out towards the peripheries of the site.

FIGURE 1 – SEASIDE CITY LAND USE PLAN



Requested Amendments

A full copy of the proponents' request can be found as Attachment 1 of this report, however can be surmised as follows:

1. Removal of the mandatory tourist accommodation component within the central core area;
2. Removal of 'minimum density' designations from all accommodation areas within the DCP;
3. Increasing the extent of low density housing areas by re-nominating areas to the 'Coastal Housing' designation in accord with the DCP;
4. Modifying the type of medium density product adjacent to the village core (lands within Richtech ownership only) so as to facilitate 'Courtyard Housing';
5. Concurrent with the DCP amendment outlined above, will be a need to review and amend the Seaside S.94 Plan and potentially the VPA;
6. Include control for Dual Occupancy development in the precinct, stating 'Dual Occupancy Lot Size 700m² dual frontage allotments minimum'; and
7. General housekeeping and clarifying the relationship of controls to Section A1 of the Tweed DCP 2008.

The proponent has stated that the request is driven by economic factors, marketing advices and that the densities and development types discussed within are considered unrealistic and unachievable within the short to medium term (upwards of 10 years).

A further subsequent amendment was discussed between the proponent, Council's project planner and Council's engaged planner during a project update meeting. The additional amendment seeks to remove the 'Coastal Units' designation from the proponents land within the amended Land use Plan, replacing it with additional areas of 'Coastal Multi-Dwelling'.

The findings in relation to the abovementioned amendments are discussed within the following section.

Assessment

A copy of the formal advice provided to Council from the engaged independent planning consultant can be found within Attachment 2 of this report, however the key discussion points are detailed as follows.

1. *Removal of the mandatory tourist accommodation component within the central core area*

This requested is supported. Both the NSW Department of Planning and Infrastructure (DP&I), by way of the Standard Instrument Order 2006 and Council, by way of Section A1 of the Tweed DCP 2008 and the draft Tweed LEP 2012, have sought to move away from strictly segregating and regulating the use of residential and tourist accommodation. In this regard, the better practice is considered to embody flexibility, allowing uses to evolve, however matching that with the highest order construction and design standards, as well as management plans to ensure different uses (permanent and tourist) can coexist.

Further, whilst Council does not currently have a direct tourism strategy providing a detailed needs analysis and guidance on the number of units/ facilities required, significant development within Salt and Casuarina include considerable tourist development, in a variety of scales. In light of the quantity of tourist accommodation within the immediate vicinity, it is questionable whether additional tourist development would be feasible at

Seaside City, and therefore its provision should not be mandated. This point is particularly prevalent in the current economic market.

The proponents' submission states that they do not wish to delete tourist development from the DCP; rather they are seeking to remove the requirement that it is 'compulsory' in the village centre and fringe areas. This request is consistent with the above commentary.

2. *Removal of 'minimum density' designations from all accommodation areas within the DCP.*
3. *Increasing the extent of low density housing areas by re-nominating areas to the 'Coastal Housing' designation in accord with the DCP.*

The two abovementioned requests are strongly linked and as such have been discussed in a mutual fashion. The amendments requested have the potential to reduce dwelling/population yields in two ways. Firstly, the revised land use plan suggests a greater area designated for low density housing, generally in the form of single dwellings. Secondly, the application requests that the minimum density provisions be removed for all other land use categories. Council's planning consultant has provided an analysis of the potential yields with a variety of scenarios, surmised as per Table 1:

Scenario	Dwellings	Population
Current 'probable' yields - <i>Maintain the existing Seaside City DCP provisions</i>	1,001	1,796
Potential worst case yields - <i>Amend the land use plan to include additional Coastal Housing and removing the minimum density requirements from all areas</i>	219	567
Potential likely yields - <i>Amend the land use plan to include additional Coastal Housing and retain the minimum density requirements</i>	601	1,384

Table 1 – Potential Yield Comparison

A key part of the vision for Seaside City is the creation of a vibrant and attractive village centre, including 1,000 – 1,500m² of retail uses providing for impulse and service retail (e.g. general store, newsagent, restaurant / café including al fresco dining, hairdresser, etc) uses that directly activate the public realm. The Seaside City DCP vision is directly consistent with the wider Tweed Coast Strategy (Section B9 of the Tweed DCP 2008), which details a hierarchy of commercial / retail centres along the coast and, specifically for Seaside City, the establishment of a neighbourhood centre.

Despite the complexities of establishing the economic feasibility, general planning practice indicates that a population of 500 – 800 people within its service catchment would be necessary. Further, based on local field experience, Council's consultant is of the view that a catchment in excess of 800-1,000 people is necessary to provide genuine sustainability.

As indicated above, the current Seaside City DCP is likely to yield in the order of 1,700 people, indicating that a neighbourhood centre is realistically sustainable. In relation to the requested amendments, the worst case scenario outlined above could seriously challenge this feasibility, and therefore Council's vision for the Tweed Coast, as it has a potential to reduce the yield to as few as 500 people.

Maintaining the minimum densities, but allowing the increased area for low density development, as shown in the potential likely scenario in Table 3 (above), would provide for a population of around 1,400 -1,500 people, depending on demand for dual occupancy in the low density areas. This yield would not seriously challenge the feasibility of the neighbourhood centre and is considered to provide an appropriate balance between ensuring the highest and best use of the land and more short-term market considerations. The recommended approach has been conveyed to the proponent, whom has not raised

any significant objection to the modified approach embodied within the draft Seaside City DCP detailed as Attachment 3.

The retention of the minimum density provisions within the Seaside City DCP is a key component of the future development form. In this regard it is highly desirable to achieve an appropriate balance between facilitating short-term economic stimulus and housing variety and the longer-term considerations of ensuring the highest and best use of the land, creating sustainable communities and coordinating infrastructure provision. Whilst the draft Seaside City DCP is considered to achieve this balance, removing the density control completely could significantly jeopardise the integrity and vision contained therein.

4. *Modifying the type of medium density product adjacent to the village core (lands within Richtech ownership only) so as to facilitate 'Courtyard Housing'.*

This requested is supported. The subject area for Courtyard Housing is currently designated for Coastal Units, with a minimum density requirement of 1 unit per 160m². The Courtyard Housing concept submitted by the proponent, shows 20 units on a site of 5,000m², which would equate to a density of 1 unit per 250m², significantly less than the current density requirement. However, the requested land use plan amendments alter this area to Coastal Multi-Dwellings (1 unit per 220m²).

Population forecasts have been calculated on the basis of this change, and it is apparent that development of courtyard housing will not substantially affect the population yields. Council's planning consultant has recommended that provisions be included in the Seaside City DCP indicating that this form of housing, or similar forms, would be considered favourably in the low density Coastal Housing areas.

The exploration and provision of Courtyard Housing is considered to possess significant benefits for Seaside City, but also for the Tweed Shire in general. This form of housing type is largely void from Tweed Shire, however provides sound levels of density, with reduced bulk and scale to traditional medium density forms, such as residential flat buildings. Particularly within a coastal context, this typology provides a desirable method of integrating low density housing (dwellings and dual occupancy) with medium density housing (residential flat buildings). Courtyard housing is considered to assist the creation of a village atmosphere within Seaside City and provide greater housing variety.

5. *Concurrent with the DCP amendment outlined above, will be a need to review and amend the Seaside S.94 Plan and potentially the VPA.*

Developer contributions at Seaside City are managed under Section 94 Plan No. 28 – Seaside City, in association with the Seaside City Planning Agreement, between Council and Richtec Pty Ltd. Council's consultant has reviewed both documents in light of the amendments supported and concluded that no changes are necessary. This recommendation has been communicated to the proponent, whom raised no objection.

6. *Include control for Dual Occupancy development in the precinct, stating 'Dual Occupancy Lot Size 700m² dual frontage allotments minimum'.*

This requested is supported. In effect, this request seeks to clarify the site specific Seaside City DCPs relationship with shirewide Section A1 – Residential and Tourist Development Code of the Tweed DCP 2008. Specifically, concern has been raised as to the disconnection between the site requirements established within Section A1 and the site specific place-making and density provisions of the Seaside City. The amendment of the Seaside City DCP to clarify the minimum site requirements for dual occupancy development is considered to facilitate a more user-friendly document and improve achieving the stated vision and aims.

7. *General housekeeping and clarifying the relationship of controls to Section A1 of the Tweed DCP 2008.*

This requested is supported. A number of minor amendments have been undertaken in order to ensure the applicable controls are clear and concise, as well as clarify their relationship with Section A1 – Residential and Tourist Development Code of the Tweed DCP 2008.

OPTIONS:

That Council:

1. Determines this matter in accordance with the recommendations of this report and proceeds to public exhibition of the draft DCP Section B11 – Seaside City; or
2. Refuses the applicant's request and retain the current version of DCP Section B11 – Seaside City; or
3. Defers a resolution on the Draft DCP and seek clarification of any issues arising.

The Council officers recommend Option 1.

CONCLUSION:

The proponent has cited financial pressures and the depressed housing market as the main reasons for the requested amendments. The suggestion is that neither tourist developments nor medium density developments are viable development forms in the short to medium term (upwards to 10 years).

Council needs to balance these current financial pressures with the need to achieve a future overall development of Seaside City that is consistent with the Tweed Coast Strategy, the zoning of the site, and the visions and objectives of the Seaside City DCP.

This report concludes that amendments to the Seaside City DCP are warranted as follows:

- The proponents' amended land use plan be accepted, resulting in an increased component of low density/single dwelling lots across the site;
- The proponents' request to remove the mandatory tourist accommodation development provisions be accepted, subject to additional provisions that require any mixed residential/tourist development be designed and constructed to achieve the 'highest' relevant standards, being Building Code of Australia (BCA) compliance with tourist criteria and car parking requirements for residential development. Management plans addressing potential use conflicts should also be required for such development;
- Modifying the type of medium density product adjacent to the village core (lands within Richtech ownership only) so as to facilitate 'Courtyard Housing';
- Include control for Dual Occupancy development in the precinct, stating 'Dual Occupancy Lot Size 700m² dual frontage allotments minimum'; and
- General housekeeping and clarifying the relationship of controls to Section A1 of the Tweed DCP 2008.

The abovementioned amendments have been drafted in the form of the draft Seaside City DCP, contained as Attachment 3. It is recommended that this document be publicly exhibited for a minimum period of 28 days, enabling the community to inspect and provide comment.

COUNCIL IMPLICATIONS:**a. Policy:**

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Nil

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.5 Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land
- 1.5.3 The Tweed Local Environmental Plan will be reviewed and updated as required to ensure it provides an effective statutory framework to meet the needs of the Tweed community
- 1.5.3.1 Effective updating of Tweed LEP
- 1.5.3.1.1 Tweed LEP is maintained in accordance with statutory requirements and to reflect local planning studies and emerging planning proposals

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1: Development Control Plan amendment request (ECM 59926487)

Attachment 2: Independent planning consultants' advice to Council (ECM 59926489)

Attachment 3: Draft Seaside City Development Control Plan (ECM 59968158)
