

# Submissions Report

## Seaside City DCP

Prepared for: Tweed Shire Council  
© GeoLINK, 2013



PO Box 119  
Lennox Head NSW 2478  
T 02 6687 7666

PO Box 1446  
Coffs Harbour NSW 2450  
T 02 6651 7666

[info@geolink.net.au](mailto:info@geolink.net.au)

<b><i>UPR</i></b>	<b><i>Description</i></b>	<b><i>Date Issued</i></b>	<b><i>Issued By</i></b>
2069-3001	First issue	07/03/2013	RVI
2069-1011	Updated following client review	21/03/2013	RVI
2069-1012	Updated following client & applicant meeting	02/04/2013	RVI



## 1. Introduction

On 13 December 2012, Tweed Shire Council resolved to publicly exhibit draft amendments to Section B11 Seaside City of the Tweed Development Control Plan 2008 (DCP). The amendments are a result of an application made to Council on behalf of the majority landholder seeking a range of modifications to the existing B11.

The resultant draft B11 was publicly exhibited from 18 December 2012 to 7 February 2013, in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and associated Regulation.

The exhibited draft B11 proposes to:

- remove of the mandatory tourist accommodation component within the central core area;
- increase the extent of low density housing areas by re-nominating areas to the 'Coastal Housing' designation;
- modify the type of medium density product adjacent to the village core (lands within Richtech ownership only) so as to facilitate 'Courtyard Housing';
- include provision for Dual Occupancy development in the Coastal Housing precinct for lots with an area of 700 m<sup>2</sup> or greater that have a dual frontage;
- replace the areas designated as 'Coastal Units' with 'Coastal Multi Dwelling Housing' to allow lower densities and a wider variety of housing; and
- undertake 'general housekeeping' throughout the Section, particularly clarifying the relationship of controls to Section A1 of the Tweed DCP 2008.

## 2. Submissions

A total of six submissions were received by Council in response to the draft B11. All were supportive of the proposed amendment, but each also provided suggestions for addition variation to the draft as exhibited. These submissions are summarised below, based on the issues raised:

### 2.1 Increased height

Two identical submissions were made; one on behalf of the major landholder, and the second on behalf of a minority landholder. The two submissions suggest amendments to parts of the Coastal Multi Dwelling precinct to increase allowable building height and suggest that the minimum floor space ratio control be deleted, as it is considered to be unnecessary.

By way of a subsequent email, this request was further refined, suggesting that, within the Coastal Multi Dwelling precinct, areas previously identified for apartment development (i.e. within the current Coastal Units precinct) should have the ability to be developed for townhouses/ apartments at a three-storey height, with the remaining areas within the precinct retaining the two-storey height limit.

### 2.2 Building depth control/ setbacks

Two submissions suggest that the control limiting building width to a maximum of 18 m be deleted, to enable the most efficient use of the full width of the existing sites. The submissions also suggest a relaxation to the rear setback, to 4.5 m for single storey buildings, to enable house design that maximises the benefits of the northerly aspect.

### 2.3 Setbacks/ Village Centre beachfront lots/ Coastal Housing height limit

This submission makes a number of suggestions:

- height limit for Coastal Housing precinct – suggests that single-storey houses be allowed, in addition to two-storey buildings;
- setbacks – suggests that front and rear setbacks be reduced from 6.0 m to 4.5 m;
- Village Centre beachfront lots – suggests that the Village Centre precinct be restricted to the western side of Cylinders Drive.

### 2.4 Coastal Housing height limit

The submission agrees with the key modifications proposed in the draft DCP. It also suggests that single-storey houses be allowed, in addition to two-storey buildings in the Coastal Housing precinct.

## 3. Analysis

### 3.1 Increased height within Coastal Multi Dwelling precinct

As exhibited, draft B11 proposes a maximum height control of 9 m to the building ridgeline and 7 m to ceiling (two storeys) uniformly across the Coastal Multi Dwelling precinct. The current B11, however, includes a Coastal Unit precinct, which allows a maximum height of 11 m to the ridgeline and 9 m to the ceiling.

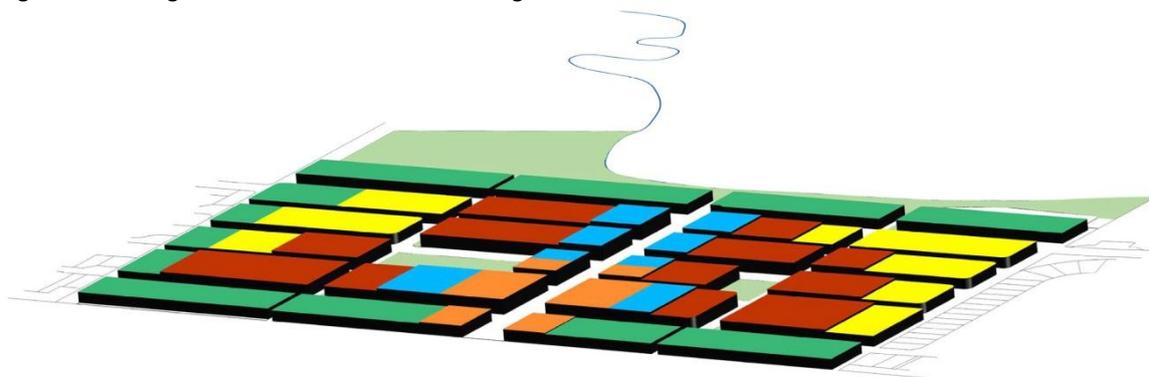
In the exhibited draft, the Coastal Units precinct was modified to Coastal Multi Dwelling housing, based on the applicants' original request, which suggested that market conditions could not sustain such high density development.

In considering the proposed amendment, a key consideration has been to maintain the development opportunities, and it is noted that removal of the Coastal Units precinct removes the ability to develop 'residential flat buildings'.

One of the key objectives of the original Section B11 was to facilitate a level of development that would result in population yields sufficient to ensure a viable Village Centre. A secondary objective was to facilitate a built form response that graduated in height towards a relatively dense and compact Village Centre, providing for a range of housing/ building forms from single to three storeys in height.

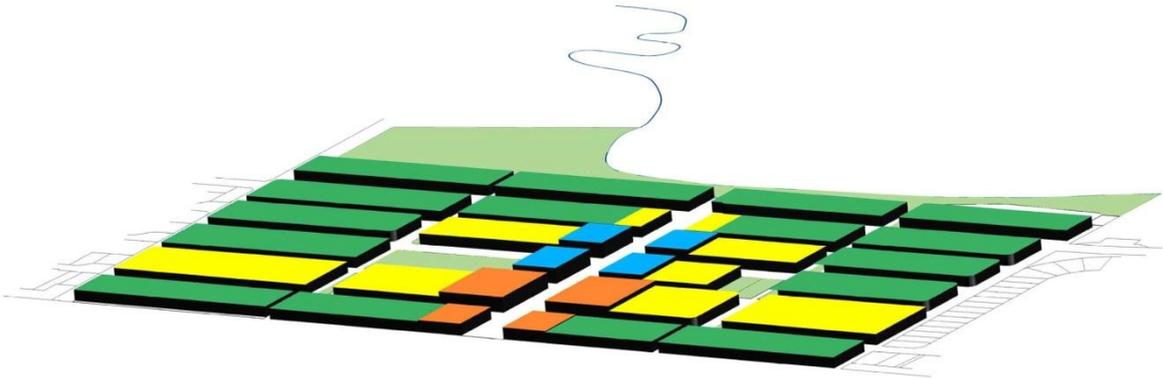
A graphic representation of this graduation in height is shown in **Figure 1**.

**Figure 1** Height in accordance with existing B11



A consequence of the amendments proposed in the draft Section, as exhibited, would be to reduce the height variation across the site, with 9 m to ridgeline (maximum) across the site, except for the Village Centre and the Village Centre Fringe. A graphic representation of this scenario is shown in **Figure 2**.

**Figure 2 Height in accordance with exhibited draft B11**



Accordingly, the amendment resulted in the limitations to building height for Richtech and non-Richtech owned properties. In addition, this amendment, in effect, prohibited Residential Flat Buildings (RFBs) by virtue of confining buildings to two storeys in height. Both of these outcomes are contradictory to the intent of the original DCP amendment, which was not to reduce the development potential of landowners, rather, reduce the 'minimum' provisions which previously had to be met.

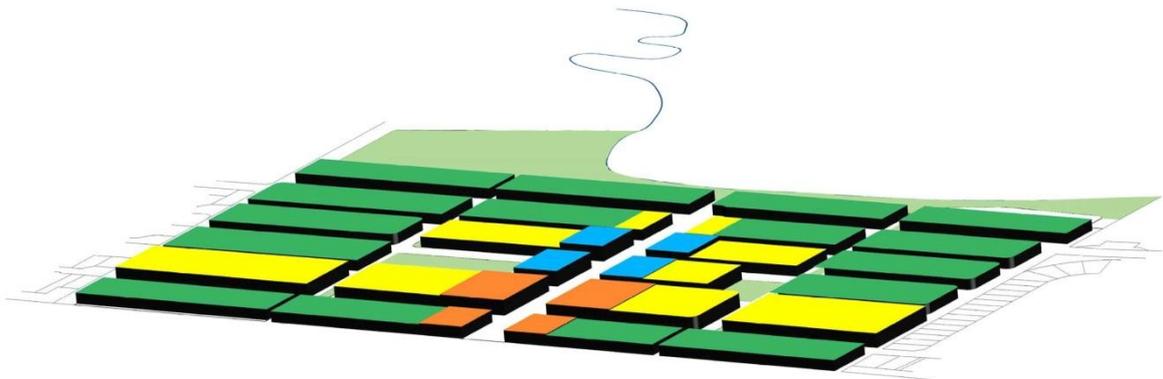
Achieving the required development yields is primarily controlled within B11 by establishing minimum required densities for the nominated precincts. Within the Coastal Multi Dwelling precinct, this required minimum density is 1 dwelling per 220 m<sup>2</sup> site area.

Previous analysis undertaken by Council indicates that, based on the controls contained in the draft B11, it is possible to comply with this minimum density requirement on individual blocks, but that design options may be limited, as the ability to comply is 'tight'. This is primarily as a result of the three-dimensional building envelopes that are a result of the various development controls.

Allowing an additional storey in height in some areas of the Coastal Multi Dwellings precinct will increase the available building envelope, allowing for a greater overall 'space' within which the required number of dwellings can be achieved.

The suggested changes put forward in the submissions would provide a height graduation across the site that would be 'between' the two scenarios described above. As shown in **Figure 3**, this would allow a greater level of variation than the exhibited draft, partially maintaining the intention of the original Section.

**Figure 3 Height in accordance with submissions**



Development to a maximum height of 11 m (to ridgeline) would not be out of character with development elsewhere on the Tweed Coast, with such development existing in Casuarina and at Salt (both directly adjoining the Seaside City City). Under the medium density residential provisions of Section A1 of the Tweed DCP, residential flat buildings of three storeys are permitted in all medium density areas of the Shire.

The amended height also re-instates the previous development opportunities afforded to landowners, except for select Richtech-owned properties, which have come at the proponents' request.

### ***Recommendation***

Allowing three-storey residential development in some parts of the Coastal Multi Dwellings precinct will assist in achieving the original aims of Section B11, in that it will assist in the provision of an ultimate population yield sufficient to support a viable Village Centre, and it will provide the graduation in height and density of built form from the Seaside City margins toward the Village Centre.

Three-storey development will not be inconsistent with the residential character established on the Tweed Coast and given the alignment of the lots, the height is unlikely to result in significant overshadowing issues.

It is therefore recommended that the amendments requested within the submissions be accepted and the draft Section B11 be updated accordingly.

### **3.2 Deletion of Floor Space Ratio control**

One of the submissions also requests that the 0.7:1 floor space ratio control established within the draft Section for the Coastal Multi Dwellings precinct be removed. Like building height, the current B11, includes a Coastal Unit precinct, which allows a FSR of 1.25:1. Accordingly, the amendment (as exhibited) effectively reduced the FSR applicable to allotments previously nominated for Coastal Unit development.

Analysis undertaken by Council indicates that compliance with this floor space ratio control may be the factor that most limits the design options available when achieving the minimum density requirements. Given that the primary objective is to achieve this density, and that built form controls such as height, site coverage and setbacks control the three-dimensional building envelope, it is considered that the floor space ratio control is not useful and could therefore be removed.

### ***Recommendation***

It is recommended that the 0.7:1 floor space ratio control currently proposed for the Coastal Multi Dwellings precinct be deleted.

### **3.3 Building Depth control**

The existing Section B11, and the exhibited draft Section, include a control relating to building design for medium density development outside of the Village Centre, limiting the width of buildings to a maximum of 18 m 'glassline to glassline'. The intention of this control is to provide for the possibility of dual aspect dwellings, maximise natural ventilation and optimal access to daylight.

Optimal access to natural light and the provision of natural 'flow-through' ventilation are important components of building development. There are, however, a number of design options available, other than limited building width, to help to achieve this.

### ***Recommendation***

Given that Council's previous assessment indicates that achieving the required density on individual lots is 'tight', and given that adequate building envelope controls remain in place, it is considered that the 18 m building width control is not crucial to the aims and objectives of this Section.

It is recommended that the 18 maximum building width control be deleted.

### **3.4 Setbacks**

Two of the submissions have suggested that setbacks be reduced from 6.0 m to 4.5 m. One suggested that the rear setback be reduced for single-storey buildings, while the other suggests a reduction in both front and rear setbacks.

Currently, Section B11 specifies the following setbacks in relation to buildings outside of the Village Centre:

- Front: 6 m (can be reduced to 3 m from a secondary street frontage, but only for a corner lot);
- Rear: currently this is a little ambiguous, stating: “*The backyard with a minimum dimension of 6 m is to be provided for each development*”. If that minimum 6 m is provided as width rather than depth, it is unclear what the rear setback should be.

The existing lot layout within Seaside City has a majority of the lots being dual frontage, with streets at both ends. The existing Section is unclear for these lots, but would nominally suggest a 6 m setback from both frontages.

It is suggested, therefore, that the minimum rear boundary setback be set at the same dimension as the front setback. This will provide for some uniformity of streetscape, given that on the dual frontage lots, owners will have a choice of street frontage. Given the width of lots, this will also ensure that rear yards with a minimum dimension of 6 m will be provided, with that 6 m dimension being either as depth or width.

The requirement for fencing should also be clarified, to ensure that a maximum fence height of 1.2 m is for any street frontage, whether that is the ‘front’ or ‘rear’ of the dwelling.

Special design elements such as verandas, balconies, sun structures, entrances and the like, constructed of open design and occupying no greater than 50% of the width of the main building facade may be setback a minimum of 3 metres from the front or rear boundary.

Previous analysis indicates that being able to comply with the current set of controls and achieve the minimum number of units per block required by the minimum density control is ‘tight’. This is primarily around the three-dimensional building envelope established by the individual controls. Reducing the setback requirements will assist in increasing the available envelope, making it easier for individual developments to achieve the required yield. This needs to be balanced, however, with management of potential impacts such as overshadowing and overlooking of adjoining properties.

**Recommendation**

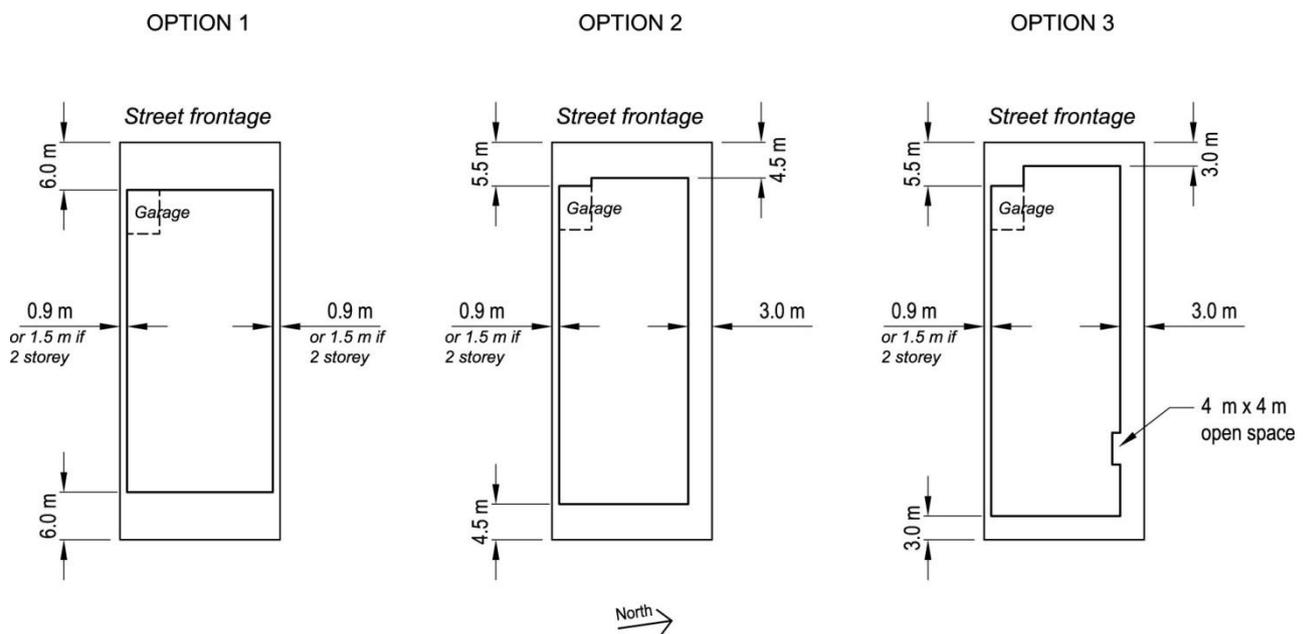
It is suggested that setbacks can be reduced, but that such reduction should be accompanied by additional design controls that will achieve increased side setback along the northern boundary of properties. This will address issues such as overshadowing and ensure that useable internal open space is provided with appropriate orientation. This is particularly achievable given that the lots at Seaside City are orientated east/west.

It is recommended, therefore, that applicants be given a choice of setback options, where reduced front and rear setbacks are available, but only where additional northside setbacks are provided. The following table outlines the setback options that are recommended across the site:

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Front	Minimum 6 m	Minimum 4.5 m	Minimum 3 m
Side	Both sides - minimum 900 mm for single storey, minimum 1500 mm for two storey and above	Northern boundary - minimum 3 m Southern boundary - minimum 900 mm for single storey, minimum 1500 mm for two storey and above	Northern boundary - minimum 3 m Southern boundary - minimum 900 mm for single storey, minimum 1500 mm for two storey and above A minimum 4m x 4m area of open space to be provided along the northern boundary.
Rear	Minimum 6 m	Minimum 4.5 m	Minimum 3m

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
Notes	Special design elements, such as verandas, balconies, sun structures, entrances and the like, constructed of open design and occupying no greater than 50% of the width of the main building façade, may be setback a minimum of 3 m from the front street boundary.	Special design elements, such as verandas, balconies, sun structures, entrances and the like, constructed of open design and occupying no greater than 50% of the width of the main building façade, may be setback a minimum of 2 m from the front street boundary.	Special design elements, such as verandas, balconies, sun structures, entrances and the like, constructed of open design and occupying no greater than 50% of the width of the main building façade, may be setback a minimum of 2 m from the front street boundary.

The sketches below illustrate how these reduced setbacks might work



### **Garage Setback:**

In all cases, it is recommended that a standing area 5.5m long for the parking of a vehicle is to be provided within the property in front of all garages.

Within the Coastal Multi Dwelling Housing typology, alternative front and rear setback provisions will be considered where a new mid-block laneway or like vehicular access is proposed.

### **3.5 Single storey development in Coastal Housing precinct**

Two of the submissions suggest that single-storey dwellings be allowed within the Coastal Housing precinct, in addition to two-storey dwellings.

The existing Section B11, as well as the exhibited draft, provides for a maximum height of two storeys in this precinct, and it appears that the submitters have misinterpreted this as a minimum requirement. The reality is that single-storey dwellings would be allowable under the current provisions of the Section.

### **Recommendation**

The wording within the Section should be clarified to communicate that the height limit in the Coastal Housing precinct is a *maximum* of two storeys.

### 3.6 Village Centre beachfront lots

The relevant submission suggests that the Village Centre lots located on the eastern side of Cylinders Drive (i.e. beachfront lots) should be residential/ tourist lots, to minimise potential conflicts of such development directly adjacent to the low density Coastal Housing precinct. It also suggests that commercial development should be located closer to where off-street parking is located.

The submission essentially questions whether these beachfront lots should be commercial in nature or residential. As indicated above, one of the key objectives of the Section is to facilitate a strong, viable Village Centre. There does not appear to have been any economic analysis undertaken to examine how much commercial development is viable/ feasible within this Village Centre.

Notwithstanding the lack of economic analysis, experience elsewhere on the Tweed Coast would suggest that it may be difficult to support shops within the Village Centre with the final population of Seaside City, which will be in the order of 1,500—1,800 people.

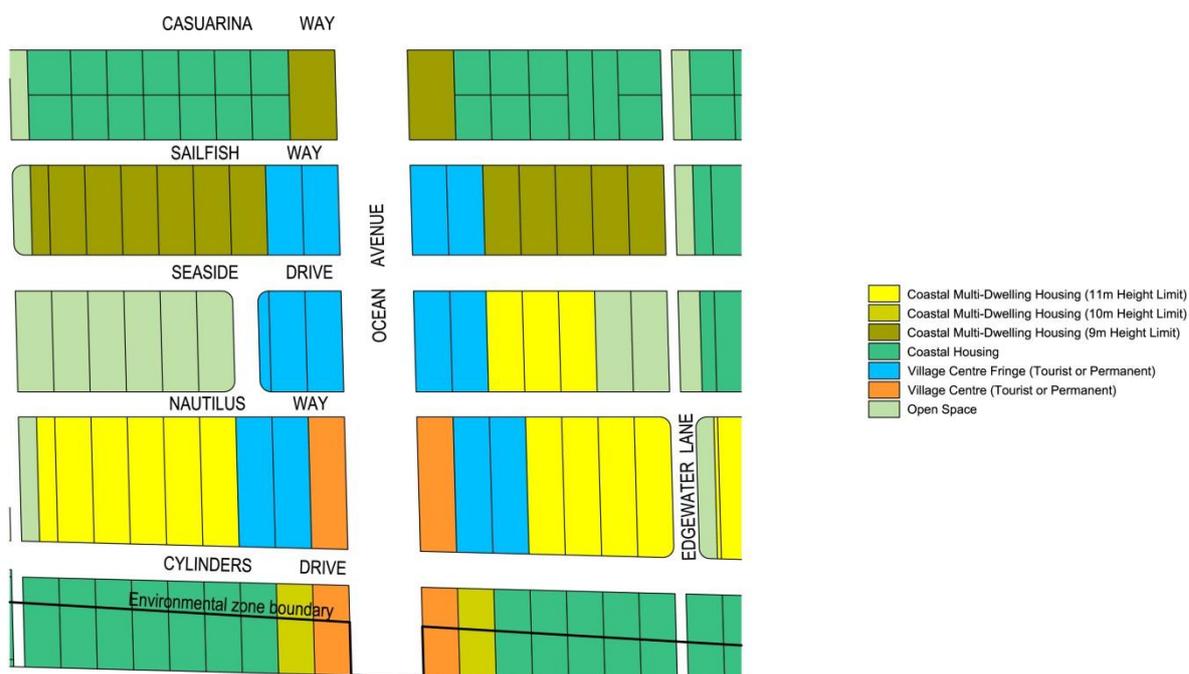
B11 suggests that the Village Centre would be made up of mixed-use development, comprising around 1,000 – 1,500 m<sup>2</sup> of retail floor space at the ground plane. Currently, the area designated as Village centre contains approximately 11,000 m<sup>2</sup> of site area (includes the lots on the eastern side of Cylinders Drive).

Research would suggest that 1 m<sup>2</sup> of retail floor space requires around 1 m<sup>2</sup> of additional space for parking, loading etc. Providing the maximum anticipated retail floor space of 1,500 m<sup>2</sup> would therefore utilise only around 3,000 m<sup>2</sup> of the Village Centre site area. The remainder of the 11,000 m<sup>2</sup> would presumably be utilised for non-commercial uses, such as residential or tourist accommodation.

However, this Village Centre area is proposed to be zoned B4 Mixed Use in the draft Tweed LEP. While 'shop-top housing' is permissible in this B4 zone, the definition specifies that such housing cannot occupy the ground plane.

Based on this, it is suggested that B11 currently contains too much land within the Village Centre.

The location of the Village Centre remains appropriate, at this key intersection adjacent to the beachfront. It is suggested, however, that the area could be reduced to the four key allotments around the intersection, as shown below.



West of Cylinders Drive, it is suggested that the two lots 'behind' the reduced Village Centre should be designated as Village Centre Fringe (Tourist or Permanent). This will allow three-storey residential or tourist development, including such uses at the ground plane, at a density of 1 unit per 125 m<sup>2</sup> of site area. This is consistent with the Vision for Seaside City and it will ensure that a relatively dense village core can be achieved, assisting to achieve the overall Seaside City population, and supporting the viability of the anticipated retail area.

East of Cylinders Drive, it is suggested that the two allotments 'behind' the reduced Village Centre should be designated as Coastal Multi Dwelling Housing, with a 10 m maximum height limit, to support the density of the village core.

***Recommendation***

Based on the above, it is suggested that the Village Centre lots be adjusted as suggested.

