

TITLE: [PR-CM] Draft Tweed Development Control Plan - Section A17

SUBMITTED BY: Planning Reforms

FILE REFERENCE: GT1/DCP/A17



Civic Leadership

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
1.5.2	Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development

SUMMARY OF REPORT:

This report updates Council on the progress of the draft Tweed Development Control Plan - Section A17 - Business Development, Enterprise Corridor and Business Park Zones (draft DCP), which is currently being prepared in association with the recent rezoning of the Boyds Bay Business Park.

The rezoning of the site, comprising of Lot 10 DP 1084319, in 2012 was to facilitate a change in use from the previous Boyds Bay Garden World retail nursery to permit other commercial and bulky-goods retail business. The rezoning of the site was coupled with a site specific clause in the *Tweed Local Environmental Plan 2000* (Clause 53G) requiring the making of a Development Control Plan (DCP) for the site prior to any grant of development approval.

Whilst preparing the draft DCP it was observed that many aspects of the DCP's provisions and objectives have a broader application than to this site alone and that it would be more efficient to expand the application of the DCP to cover the business development, enterprise corridor and business park zones collectively. Therefore, the draft DCP has been structured with a two part format. Part 1 provides provisions generic to all business and enterprise corridor development zones and Part 2 provides those that are specific to nominated key sites. Written in this way the DCP can be readily tailored to suit the needs of Clause 53G for this site without unnecessarily imposing those requirements on other unrelated sites.

The purpose of the DCP is to facilitate a high quality and more sustainable form of development design for commercial and business development. Tweed does not presently have a comparative DCP fulfilling this function.

This report concludes that the draft DCP provides an opportunity to advance the Council's broader strategic planning objectives within its existing framework and that the draft DCP is suitable for a public exhibition.

RECOMMENDATION:

That:

- 1. The public exhibition of draft Tweed Development Control Plan, Section A17 – Business Development, Enterprise Corridor and Business Park Zones, be undertaken for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979.**
- 2. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.**

REPORT:

Following the preparation and exhibition of a planning proposal (PP10/0001) for the Boyds Bay Garden World site (the Site) Council resolved its meeting of 17 July 2012 to forward the final proposal to the Department of Planning and Infrastructure (DP&I) to be made. The amendment took effect on 16 November 2012, rezoning the site (Lot 10 DP 1084319) from 1(a) Rural to 3(c) Commerce and Trade.

FIGURE 1 - THE SITE - LOT 10 DP 1084319



Locality Plan
 Lot 10 DP 1084319
 Parkes Drive, Tweed Heads West

Figure 1

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The amendment to the *Tweed Local Environmental Plan 2000* (Amendment No.93) was comprised of two elements, with the first being the zoning map amendment. The second part related to a new site specific clause (Clause 53G), which requires the making of a DCP for the site, consistent with the detailed terms of the clause, prior to any grant of development approval.

A copy of the draft DCP is provided as Attachment 1. This report details the content and scope of the draft DCP and how it satisfies Council's resolution and the provisions of Clause 53G.

The Role of the Draft DCP

The planning proposal (LEP Amendment) for the site was pursued by the then proponent as a mixed use business park. The detailed evaluation comprised both of their commitment to a multi-purpose business park and of the opportunities and constraints provided by the site. Ultimately, whilst the site had clear commercial advantage because of its proximity to key public infrastructure (roads & airport) and good exposure to the more heavily populated catchments it was also heavily constrained by that infrastructure. It was evident that the constrained traffic capacity within the surrounding road network and airport operation requirements would severely impact the ability of the site to yield a level of development that might otherwise be obtained on a comparative site without those limitations. Consequently, it was a necessary precondition of a rezoning that a DCP be prepared to coordinate a manageable and appropriate level/kind of development. The new Clause 53G would provide that regulation.

In preparation of the draft DCP, Council officers' undertook a process of detailed literature review, case study analysis, internal workshops and interviews with industry experts. It was revealed through this process that many of the aims, objectives and development controls required of the DCP would be universal to a range of commercial and business zones and as such possess a much wider application than the Boyds Bay site alone.

Guiding best practice solutions for commercial business park development and premises is not presently catered for specifically in the Tweed. The draft DCP provides an efficient opportunity to manage both the DCP requirements of Clause 53G as well as introducing provisions for specific commercial and business development zones.

The draft DCP has been designed with a two part structure, with Part 1 providing those provisions generic to all business development, business park and enterprise corridor zones, and Part 2 those that are specific to nominated key sites. Written in this way the DCP can be readily tailored to suit the needs of Clause 53G for this site, or the specific needs of any other subsequent site, without unnecessarily imposing those requirements on other unrelated sites.

Part 1 is tailored to relate to the B5 - Business Development, B6 - Enterprise Corridor and B7 - Business Park zones, as provided within the Standard Instrument Order 2006 and as utilised within the draft Tweed Local Environmental Plan 2012. Further detail regarding these zones is provided further in this report.

The overarching aims and objectives of the draft DCP are as follows:

Aims

1. *Contribute to the growth and character of Tweed Shire's business and enterprise precincts.*
2. *Facilitate coordinated business and enterprise precincts which maximise employment opportunities through site efficiency and amenity.*
3. *Facilitate the development of sites that minimises underutilisation or sterilisation of land through poor site planning, design and unsuitable land uses.*

4. *Achieve an attractive and sustainable built form which responds to the features of the site and the Tweed's subtropical climate.*

Objectives

1. *Encourage establishing employment and land uses synergies and integration by supporting built form variety, diversity and co-location of infrastructure.*
2. *Establish efficient site planning, land use and built form through an investigative site analysis process.*
3. *Ensure the underutilisation of land is minimised by establishing an integrated suite of design controls and requiring applicants undertake a site specific analysis and design response.*
4. *Establish a high quality built form character and urban environment through best practice site planning and urban design provisions.*
5. *Establish specific urban design provisions that create human scale outcomes, attractive streetscapes and moderating building mass for large floorplate development.*
6. *Encourage the inclusion of design features that provide high quality environments for staff and customers.*
7. *Ensure comfortable microclimates are created through adequate landscaping and the provision of water sensitive urban design.*
8. *Ensure that development with an interface to zone or precinct boundaries responds to potential external conflicts that arise from a land use and built form change.*
9. *Encourage the implementation of active and passive design processes that sustainably respond to the sites climatic conditions.*
10. *Encourage the integration of fine-grain, ancillary and supplementary land uses within business and enterprise zones.*

To facilitate achieving the aims and objectives, design controls have been drafted relating to a number of design themes, including:

- Site Design - Including site analysis, urban design and cut and fill.
- Building Design - Including responding to climate, forms and materials, overshadowing, views and visual amenity.
- Building Envelope - Including site coverage, setbacks and building heights.
- Landscaping.
- Ancillary Buildings and Structures - Including neighbourhood shops, child care, signs, fences etc.

Part 2 of the draft DCP provides additional planning framework that is specific to the Boyds Bay site, and comprises specific aims, objectives and controls for the site. The draft DCP specifies the aim of the Boyds Bay Business Park as follows:

Support an integrated design approach that establishes a variety of complementary business park land uses which respond to site constraints with quality urban and building design within a business park setting.

The development controls seek to maximise the use of the site as a highly co-ordinated "stand alone" destination, whilst responding to a variety of constraints, including flooding, traffic capacity and restrictions relating to the operation of the Gold Coast Airport.

The combination of Part 1 and 2 of the draft DCP is considered to satisfy the requirements of Clause 53G, and if adopted, enables the site to be developed in accordance with Council's strategic vision.

The B5 - Business Development, B6 - Enterprise Corridor and B7 - Business Park zones

As discussed previously, the draft DCP applies to all development within the B5 - Business Development (B5), B6 - Enterprise Corridor (B6) and B7 - Business Park (B7) zones. The referred zones are provided within the Standard Instrument Order 2006 (SI Order) and both the B5 and B7 zones are utilised within the draft Tweed Local Environmental Plan 2012 (draft Tweed LEP).

The SI Order objective of the B5 zone is *to enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.* In addition to the SI Order mandated objectives, the draft Tweed LEP identifies the following additional objectives:

- *To provide for retailing activities that are not suited to, or desirable in, the other business zones or that serve the needs of the other businesses in zone.*
- *To accommodate a wide range of employment generating uses and associated support facilities including light industrial, transport and storage activities.*

The draft Tweed LEP has utilised the B5 zone as a 'rollover' of the 3(c) Commerce and Trade zone from the Tweed LEP 2000. As such, the B5 zone is largely confined to the area of South Tweed Heads and Murwillumbah.

The SI Order objectives of the B6 zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

The B6 zone is yet to be used within the draft Tweed LEP as no directly translating zone is present within the Tweed LEP 2000. Nonetheless, opportunities to utilise the zone have been identified at a desktop level and the zone may be pursued within future LEP amendments. In light of the similarities in objectives of the zone to the B5 and B7 zones, it is considered appropriate that the draft DCP apply to any land that may be zoned B6 in the future.

The SI Order objectives of the B7 zone are:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

In addition to the SI Order mandated objectives, the draft Tweed LEP identifies the following additional objectives:

- *To encourage a range of compatible uses, including residential, recreational and community facilities to maximise cross utilisation of urban infrastructure.*
- *To encourage and promote good urban design through integration of all buildings, structures and landscaped areas with strong visual and aesthetic appeal.*

The Site represents the only use of the B7 zone within the draft Tweed LEP. Despite its limited application, like the B6 zone, the strategic potential of the B7 zone to possess a wider application has been identified at a desktop level and may be pursued further post the

making of the draft Tweed LEP. As with the B6 zone, in light of the similarities in objectives of the zone to the B5 and B6 zones, it is considered appropriate that the draft DCP apply to any land that may be zoned B7 in the future.

Further commentary on each of the zones discussed above can be found within the draft DCP (Attachment 1) and the NSW Department of Planning & Infrastructure's LEP practice note PN 11-002 - Preparing LEPs using the Standard Instrument: standard zones (provided as Attachment 2).

OPTIONS:

1. Endorse the public exhibition of the draft DCP; or
2. Defer public exhibition for a Councillor workshop.

Council officers recommend Option 1.

CONCLUSION:

The draft DCP is being prepared as a necessary precondition under Clause 53G of the Tweed LEP 2000 to the approval of any development of the land. Further, the aims and objectives developed for the Boyds Bay DCP where noted as having a broader application to the commercial and business zones more generally.

Subsequently, the format of the DCP was restructured to capitalise on a more efficient use of Council's resources by developing a draft DCP that dealt with these zones more broadly and at the same time meeting the needs of Clause 53G for the Boyds Bay site through site specific provisions.

As discussed within the report, the draft DCP has two major parts, with first providing high level guidance on design across the B5 - Business Development, B6 - Enterprise Corridor and B7 - Business Park zones and with the second part tailoring site specific guidelines. The Part 2, site specific section will include provisions for the Boyds Bay site and is adaptable for later use as new key commercial and business parks or enterprise corridors are identified.

Designing the format of the DCP with this two part format will enable Council to provide design guidance for commercial and business development where it does not currently exist.

In so far as the Boyds Bay site the draft DCP recognises the development constraints and commitments identified during the preparation of the planning proposal and plan making process. In particular, the draft DCP responds to the specific legal requirements of Clause 53G of the Tweed LEP 2000. Amongst those challenges the draft DCP responds to traffic capacity and Gold Coast Airport operation constraints, creating a 'stand alone' destination that embodies high quality urban design and ensuring that future development adequately responds to the neighbouring residential lands.

The draft DCP has been prepared on the basis of extensive literature review, case study analysis, internal workshops and interviews with industry experts. The project has reached a stage where the aims, objectives, and controls within the draft DCP need to be 'tested' for their level of acceptance within the broader community.

The draft DCP is suitable for public exhibition.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

Council's resource expenditure relating to the preparation of the DCP and in connection with requirement of Clause 53G of the Tweed LEP pertaining to Lot 10 DP 1084319 is subject to Council's adopted Fees and Charges. The remainder of the project is not considered to have any significant budget implications.

c. Legal:

The draft DCP is being prepared in accordance with all required statutory requirements under the *Environmental Planning and Assessment Act 1979*.

d. Communication/Engagement:

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

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1: Draft Tweed Development Control Plan - Section A17 - Business Development, Enterprise Corridor and Business Park Zone (ECM 3232039)

Attachment 2: NSW Department of Planning & Infrastructure's LEP practice note PN 11-002 - Preparing LEPs using the Standard Instrument: standard zones (ECM 3232040)
