

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

User Instructions

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

**Action Item - PLANNING COMMITTEE MEETING Thursday, 5 November
2015**

Action is required for Item **8** as per the Planning Committee Recommendation outlined below.

ATTENTION:

PLEASE NOTE THE ADOPTION OF THE COMMITTEE RECOMMENDATIONS BY COUNCIL AT ITS MEETING HELD Thursday, 5 November 2015 (Minute No 589 Refers)

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

**Cr B Longland
Cr P Youngblutt**

RECOMMENDED that Council endorse:

1. The Tweed Development Control Plan Section A1 be revised to include Additional Site Specific Controls – Seaside City as per Table 1 of this report and 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. A post public exhibition report detailing public submissions and any proposed further amendments be prepared for a future Planning Committee meeting.
3. DA15/0079, DA15/0080, DA15/0081 and DA15/0082 all be determined under the Delegation of the General Manager after public exhibition of the DCP has occurred and Council has resolved to adopt the relevant section of the revised DCP.

The Motion was **Carried**

FOR VOTE - Unanimous

Agenda Report

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

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: GT1/DCP/B11 Pt2

Valid



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:

In August 2015 Council's Strategic Planning and Urban Design Unit received a request to amend Section B11 of the Tweed Development Control Plan 2008 (Tweed DCP), as it relates to Seaside City (Seaside City DCP). The purpose of this report is to advise Council of the nature of that request and provide planning framework recommendations accordingly.

The review seeks to facilitate a small-lot housing subdivision and stems from Council's prior consideration and determination regarding development application; DA15/0079, DA15/0080, DA15/0081 and DA15/0082, all of which sought a subdivision format that was seen to be inconsistent with the Seaside City DCP, and which Council has resolved to amend to enable the proposed developments.

Owing to practicality and equity, a review of the Seaside City DCP to facilitate these DAs' cannot occur for those properties in isolation of all others. A wider review was therefore undertaken and 4 options became apparent, these are:

1. Repeal the Seaside DCP in its entirety;
2. Retain the Seaside DCP, and reduce the area of application to a single block (Cylinders Drive South-East block), or
3. Retain the Seaside DCP, remove all minimum density provisions and defer the assessment of small lot housing to the Council's *Housing Code* under Section A1 of the Tweed DCP.
4. A hybrid of the 3 options above.

Each option possesses a level of merit and Council staff' recommend the hybrid of the three options. This consists of removing duplicate or superseded controls, and consolidation of the remaining provisions into the existing *Housing Code*, as additional site specific controls.

Applying Option 4 will simplify the planning provisions, remove ambiguities that currently arise between these two sections of the Tweed DCP, will enable a more flexible market-

demand based approach to the provision of medium density residential accommodation, which should be better placed to meet changing demographic needs.

This report seeks endorsement of the recommended approach prior to amendments being drafted and publicly exhibited.

In relation to the four development applications, staff noted that Council raised no substantive issue with the proposed developments, above that of the DCP inconsistency, and as such it is recommended that their determination therefore be delegated to the General Manager. This will minimise any further delay once the amended DCP takes effect, which will occur by public notification the week following the Council Meeting at which the DCP is adopted.

RECOMMENDATION:

That Council endorse:

- 1. The Tweed Development Control Plan Section A1 be revised to include Additional Site Specific Controls – Seaside City as per Table 1 of this report and 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. A post public exhibition report detailing public submissions and any proposed further amendments be prepared for a future Planning Committee meeting.**
- 3. DA15/0079, DA15/0080, DA15/0081 and DA15/0082 all be determined under the Delegation of the General Manager after public exhibition of the DCP has occurred and Council has resolved to adopt the relevant section of the revised DCP.**

REPORT:

Council's Strategic Planning and Urban Design Unit received a request to amend Section B11 of the Tweed Development Control Plan 2008, as it relates to Seaside City (Seaside City DCP). The review seeks to facilitate a small-lot housing subdivision and stems from Council's previous resolutions relating to DA15/0079 – DA15/0082.

Owing to practicality and equity, a review of the Seaside City DCP to facilitate these DAs' cannot occur for those properties in isolation of all others. A wider review was therefore undertaken and 4 options became apparent, these are:

1. Repeal the Seaside DCP in its entirety;
2. Retain the Seaside DCP, and reduce the area of application to a single block (Cylinders Drive South-East block), or
3. Retain the Seaside DCP, remove all minimum density provisions and defer the assessment of small lot housing to the Council's Housing Code under Section A1 of the Tweed DCP.
4. A hybrid of the 3 options above.

The hybrid of the options 1-3, consisting of the removal of duplicate or superseded controls, and consolidation of the remaining provisions into the existing Housing Code, as additional site specific controls, is considered to be the best option.

Seaside City DCP – History and Review

Site specific development controls were originally adopted for Seaside City in October 2006. The core aims of the Seaside City DCP are to:

- *Identify a structure for Seaside City that provides opportunities in creating a vibrant and individual community that reflects its' subtropical climate and Far North Coast cultural context;*
- *Reflect the significance of this coastal site, particularly in terms of environmental planning and management and urban and landscape design;*
- *Recognise that tourism is the main economic driver within the village while ensuring the quality of life of the permanent community is not compromised;*
- *Provide clear policies and guidance for the future development and management of the subject land.*

Since adoption of the Seaside City DCP, the area has progressively developed, particularly within the past 3 – 5 years as the site infrastructure requirements had been established. At present, the majority of lots within the estate have applications before Council, approvals in place, or have been developed. Figure 1 displays the development status of lots within Seaside City.

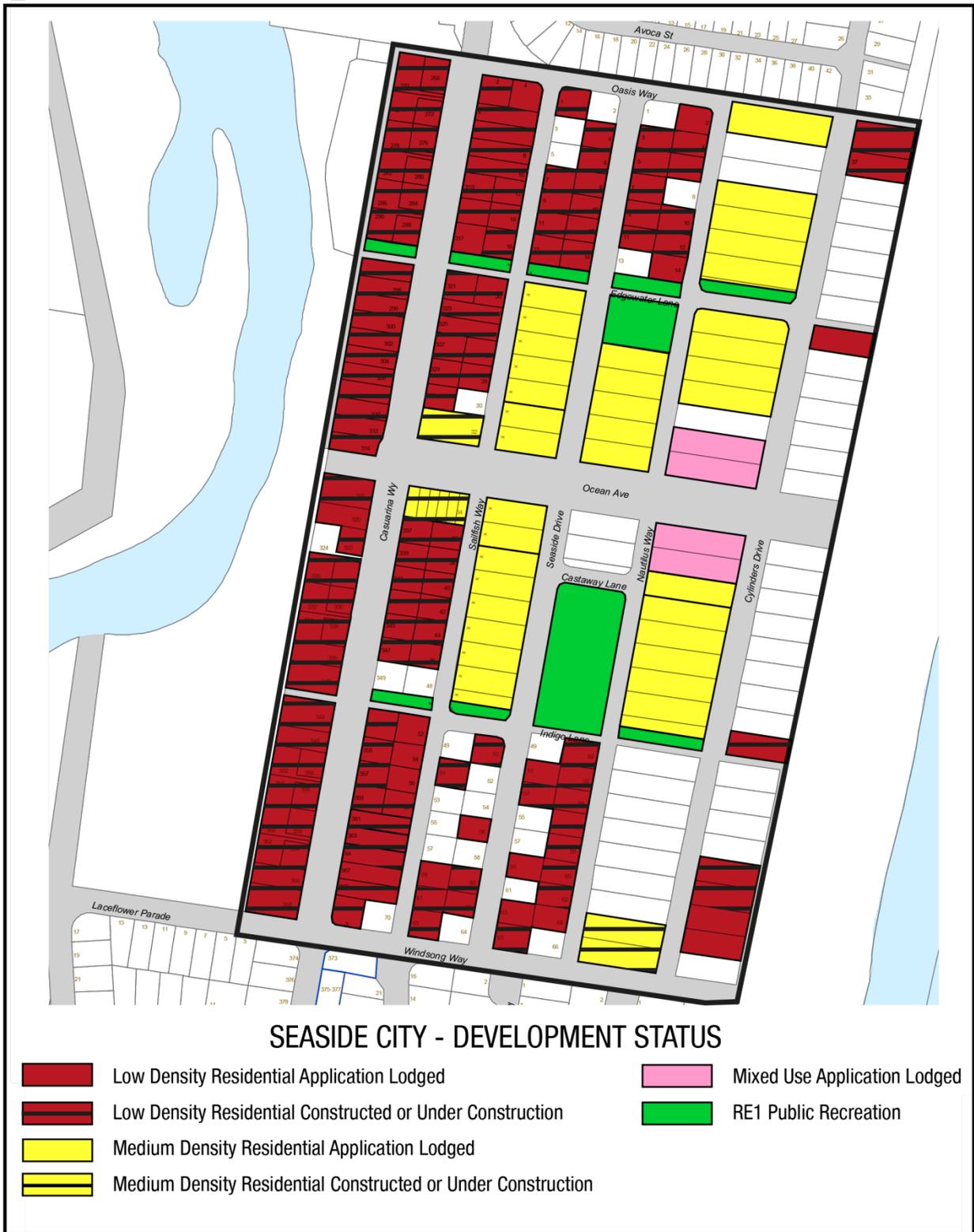


Figure 1 – Development Status of Seaside City Lots

To assess the submitted options, a review of the Seaside City DCP provisions was undertaken, along with a brief audit of current and past development applications. A detailed summary and analysis of the provisions of the Seaside City DCP can be found under Attachment 2, however, in broad terms, the Seaside City DCP development controls are detailed in three parts, being Subdivision/Site Preparation, Urban Structure & Form, and finally, Building Controls Accommodation Area. The provisions of each part are discussed below.

Subdivision/Site Preparation

Subdivision/Site Preparation prescribes environmental and hazard management provisions (i.e. bushfire, riparian and dune management etc.) as well as infrastructure management provisions (i.e. drainage, roads, open space etc.) In this regard, the various management plans and the like have been developed and actioned and Council has accepted land dedication of the environmental, infrastructure and open space reserves desired. Accordingly, the subdivision/site preparation provisions are not considered to directly influence current or future Development Applications and are no longer required.

Urban Structure & Form

Urban Structure & Form prescribes the layout of Seaside City (i.e. locations for Coastal Housing, Coastal Multi-Dwelling, Village Centre etc.) as well as detailed design-based provisions for the village centre and areas outside the village centre. The structural layout of Seaside City has been embodied within the Tweed LEP 2014 through the selective use of zones, maximum height of buildings, floor space ratio and minimum lot size. Accordingly, the relevant DCP controls are considered to have limited value into the future.

The village centre specific design provisions largely reflect best-practice urban design for a coastal, urban village. In this regard, similar controls and have been included within DCP sections relevant to Pottsville and Area E. To-date however, no shire-wide controls are present to guide the building design and style of the village street accordingly retention of these provisions is considered critical.

The majority of the design provisions applicable outside of the village centre are replicated elsewhere within Council's planning framework, particularly Sections A1 and A2 of the Tweed DCP. Specific provisions to Seaside City include 'Building Design', 'Roof and Walls' and 'Setbacks (Option #3)' controls. These provisions are considered to directly inform the desired and prevailing character of Seaside City and as such should be retained.

Building Controls Accommodation Area

Building Controls Accommodation Area prescribes maximum site coverage, building height and floor space ratio as well as minimum landscape area and density provisions for each Accommodation area. Further, setback provisions are specified for the South East Cylinders Drive block. As discussed earlier, the prescribed building height and floor space ratio requirements are now embedded within the Tweed LEP 2014. In addition, site coverage and landscape controls similar to those prescribed are also included within the *Housing Code*; Section A1 of the Tweed DCP. Accordingly these provisions are not considered to warrant specific retention as they would otherwise normally apply.

In relation to the South East Cylinders Drive controls, despite approximately only five properties yet to be assessed, these provisions have been identified by the proponent and through internal consultation as the primary controls in need to retention given the significant constraints present.

The final provision relates to the minimum density criteria, being 1 unit/dwelling per 220m² site area within the Coastal Multi Dwelling Housing area and 1 per 125m² within the Village Centre fringe area. All three options submitted by the proponent seek the removal of these controls.

The minimum density provisions have previously been reviewed by the SP&UD Unit within a previous request to amend the Seaside DCP, reported to Council in December 2012. This request sought to remove the minimum density provisions, however post investigations, it

was resolved to reduce the area subject to the density provisions as opposed to endorsing their removal entirely. Within the 2012 review a wide range of contributing factors were considered, however primary focus involved achieving a sustainable population catchment to economically facilitate the Village Centre of Seaside City, as well as giving rise to the principles of the Tweed Coast Strategy, expressed through Section B9 of the Tweed DCP.

To-date three development applications have been determined where the minimum density provisions are applicable. All three determinations have obtained the minimum density, accordingly the Seaside DCP has been consistently upheld in this regard. Applications yet to be determined have sought variation to the density provisions. These applications detail the variation is justified as the building typologies sought possess higher occupancy rates, theoretically resulting in a similar total population, therefore not substantially altering the economic viability of the Village Centre. Further, development applications have since been lodged for the primary Village Centre lots, affording an increased confidence that commercial floorspace will be provided and is economically feasible.

The sites affected by the minimum density provision are zoned R3 Medium Density Residential (R3 zone) under the Tweed LEP 2014. The objectives of the R3 zone include reference to a *'medium density residential environment'* however neither Council, nor the NSW Department of Planning & Environment formally define the parameters of 'medium density'.

The Tweed Urban and Employment Land Release Strategy 2009, specifically Table 4-3 Tweed Councils Density Ratios by Dwelling Type and LEP Zone, does provide guidance however on the density anticipated by LEP zone. The findings of Table 4-3 equate to a range of 1 dwelling per 151 – 200m² site area for the R3 zone. Accordingly, the Seaside DCP prescribed minimum rate of 1 per 220m² largely reflects the density traditionally anticipated for a medium density area, whereas the minimum rate of 1 per 125m² is higher than traditionally anticipated.

Whilst the 1 per 220m² provision is considered to align with what is considered 'medium density', the stipulation that it forms the minimum density as opposed to a density target has been an assessment issue for current development applications. In this regard, to afford a wider range of outcomes and building typology options, prescribed density provisions could be altered as follows:

1. *The desired density of residential accommodation on land zoned R3 Medium Density Residential is greater than 1 dwelling per 200m² site area.*
2. *Residential accommodation on land zoned R3 Medium Density Residential must achieve a minimum density of 1 per 360m² site area unless significant site constraints (other than land tenure) direct otherwise.*
3. *The minimum 450m² site area provisions for Dual Occupancy and Secondary Dwellings do not apply to land zoned R3 Medium Density Residential within Seaside City.*

The three controls above provide a density target that is in keeping with medium density within the Tweed Shire, a minimum density limit to facilitate the objectives of the zone and increased flexibility for low-impact building types to further encourage density within the Seaside City setting.

Summary

As discussed above, the Council officer review of the Seaside DCP has identified that many of the controls have served their purpose, or have been replicated elsewhere within Council's planning framework, therefore and are no longer specifically required. Despite Seaside City being predominately advanced in its development cycle however, a number of controls are considered necessary to guide remaining development and ensure the vision and character of Seaside City is obtained.

In light of the above, Options 1 and 2 of the request, being to repeal all or a significant portion of the Seaside DCP are not supported. Whilst Option 3 is a viable option subject to some amendment, when considering the overall development cycle of Seaside City, retaining the Seaside DCP has limited longevity. Accordingly, Council officers recommend the provisions of the Seaside DCP inform the development of the Kingscliff Locality Plan and advocate the creation of 'Additional Site Specific Controls' within Section A1 of the Tweed Development Control Plan 2008. Table 1 identifies the specific actions in this regard.

Clause	Document
1. Introduction	
1.1 The Vision & Principles	Kingscliff Locality Plan
1.2 Aims of the Section	Kingscliff Locality Plan and/or Section A1 – Additional site-specific provisions
2. Administration	
2.1 Land to which this section applies	Section A1 – Additional site-specific provisions
4. Urban Structure & Form	
4.1.2 – 4.1.4 Village Centre Design	Section A1 – Part C or Additional site-specific provisions
4.1.5 Building Style & Design for Area Outside of Village Centre <i>Provisions relating to Building Design, Roof, Walls and Setbacks</i>	Section A1 – Additional site-specific provisions. Note. Setbacks Option 3 will require drafting amendment to only apply to lots with a frontage width of greater than 18m.
5. Building Controls Accommodation Area	
5.1 Coastal Housing (Design themes only)	Section A1 – Additional site-specific provisions
5.2 Cylinders Drive South-East	Specific Requirements - Section A1 – Additional site-specific provisions
5.3 Coastal Multi-Unit (Design Themes only)	Section A1 – Additional site-specific provisions
5.4 Village Centre Fringe (Footprint only)	Section A1 – Additional site-specific provisions (augment the design themes of 5.3 to be applicable)
New Controls for Coastal Multi-Unit and Village Centre Fringe: 1. <i>The desired density of residential accommodation on land zoned R3 Medium Density Residential is greater than 1 dwelling per 200m² site area.</i> 2. <i>Residential accommodation on land zoned R3 Medium Density Residential must achieve a</i>	Section A1 – Additional site-specific provisions

<p><i>minimum density of 1 per 360m² site area unless significant site constraints (other than land tenure) direct otherwise.</i></p> <p>3. <i>The minimum 450m² site area provisions for Dual Occupancy and Secondary Dwellings do not apply to land zoned R3 Medium Density Residential within Seaside City.</i></p>	
--	--

Table 1 – Specific Clauses to include within Section A1 - Additional Site Specific Controls

Should Council adopt the site specific provisions within Section A1 post public exhibition, the Seaside DCP would be repealed. The suggested approach is considered the most effective method of conveying the controls, simplifying their application and reducing the layers of DCP assessment to suit the remaining application. The officer recommendation as detailed above has been forwarded to the proponent of the request, whom have advised that they are satisfied to proceed to public exhibition on this basis.

Timing of Applications Currently Under Assessment

On the 4 June 2015 Council resolved in regards to DA15/0079, DA15/0080, DA15/0081 and DA15/0082 that:

1. The submitted development applications for small lot housing are supported in principle, subject to the satisfaction of technical matters raised by Council staff in the information requests relevant to each application.
2. The proponent does not have to provide detailed dwelling house plans attached to each lot as a formal part of the subject applications.

If the DCP amendment proceeds as recommended in this report the proposed subdivision applications more closely reflect the proposed density provisions of one dwelling per 360m² and could be favourably considered and determined under staff delegation. However it is recommended that such determination is not made until the DCP is exhibited and Council has resolved to adopt the DCP.

OPTIONS:

1. Resolve to publically exhibit the Additional Site Specific Controls – Seaside City as detailed within Table 1 within Section A1 of the Tweed Development Control Plan 2008 for a period no less than 28 days.
2. Defer the matter for a workshop.
3. Reject the proponents request and retain the current Section B11 Seaside City of the Tweed Development Control Plan 2008 in its current form.

Council staff recommend Option 1.

CONCLUSION:

A request to amend Section B11 Seaside City of the Tweed DCP has been submitted to facilitate a small-lot housing subdivision and development, as depicted in Development Applications DA15/0079 – DA15/0082. Despite the origins of the request, the amendment options detailed have impacts upon all properties within Seaside City, particularly the Coastal Multi-Dwelling and Village Centre Fringe precincts.

A review of submitted options has identified that whilst each possesses varying levels of merit, a hybrid of the options which involves augmenting Section A1 of the Tweed DCP by way of additional site specific controls is preferred. This approach is considered to enable appropriate guidance to the remaining development of Seaside City, assist in achieving the desired character and removes duplication/inconsistency of controls across various sections of the Tweed DCP. Council officers preferred approach has been forwarded to the proponent who has indicated they are satisfied to proceed to public exhibition on that basis.

In light of the above, it is considered appropriate to advance the draft provisions to public exhibition, allowing input from the wider community.

COUNCIL IMPLICATIONS:

a. Policy:

It is recommended that the Tweed Development Control Plan be amended as identified in this report.

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

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. Seaside City Amendment Request (ECM 3830415)

Attachment 2. Council Officers Review of Section B11 - Seaside City of the Tweed Development Control Plan 2008 (ECM 3830417)
