

# Tweed Development Control Plan 2008

## Section B11 Seaside City Review

### Preamble

The following analysis provides a clause-by-clause review of the content and value of Section B11 Seaside City of the Tweed Development Control Plan 2008 (Seaside DCP). The analysis has been undertaken in relation to a landowner request submitted to Council's Strategic Planning and Urban Design Unit by Seaside Living Pty Ltd on 11 August 2015 (the Request). The Request includes three options, in essence being to:

- 1.Repeal the Seaside DCP
- 2.Retain the Seaside DCP, however reduce the provisions of the Seaside DCP to only detail controls for the Cylinders Drive South-East block
- 3.Retain the Seaside DCP, however remove all minimum density provisions and defer the assessment of small lot housing to Section A1 of the Tweed Development Control Plan 2008 (Section A1).

The assessment of the Seaside DCP is as follows.

### 1. Introduction

#### 1.1 The Vision & Principles

Summary: Provides a narrative vision for Seaside City, promoting coastal character, vibrant village centre, pedestrian amenity and a strong physical and visual connection with the surrounding environment.

*Action: Include narrative within relevant sections of the Kingscliff Locality Plan and/or Section A1 – Additional site-specific provisions.*

#### 1.2 Aims of the Section

Summary: Provides aims and objectives for the section. Key components include references to subtropical climate, coastal design guidelines, tourism as an economic driver, accommodation that makes good use of available and sought after land and provide a viable and attractive centre to cater for tourists, residents and day-trippers.

*Action: Include relevant aims and objectives within the Kingscliff Locality Plan and/or Section A1 – Additional site-specific provisions.*

## **2. Administration**

### 2.1 Land to which this Section applies

Summary: Maps the extent of the Section.

*Action: Include within Section A1 – Additional site-specific provisions.*

### 2.2 How does this Section relate to other Sections & Environmental Planning Instruments

Summary: Details the prevailing documents in the event of an inconsistency

*Action: Common planning practice, specific retention not required.*

### 2.3 Site & Context

Summary: Details the sites location within the Tweed Coast and environmental context.

*Action: Specific retention not required.*

## **3. Subdivision/Site Preparation**

### 3.1 Environmental & Hazard Management

Summary: Requires the preparation of a dune management plan, 50m riparian buffer zone, riparian management plan, bushfire management plan and threatened species management plan.

*Action: These requirements have been acted upon through conditions of consent, section 88b restrictions and land dedication. Discussions with relevant staff have not identified concerns should these provisions be repealed.*

### 3.2 Infrastructure Management

Summary: Requires the preparation of a stormwater quality management plan, land forming and site regarding plan, trunk stormwater management plan, traffic management plan and water supply and sewerage management plan. The stormwater infiltration rates are also prescribed.

The provision of open space is discussed, acknowledging the desire for structured open space to be provided off-site, the numerical space requirements for structured and passive open space, principles and mapping of passive open space locations. Of note a 40% deduction in structured open space is discussed in acknowledging a high percentage of tourist accommodation.

Movement-based provisions include north-south pedestrian corridors along both the eastern and western edges, public transport shelters and seating on both sides of Casuarina Way and both sides of the village centre. Finally, 225 public/beach access car parking are required within a prescribed area.

*Action: The engineering management plans all cross-reference the design specifications contained within Section A5 of the Tweed DCP (Subdivision Manual). Discussions will relevant staff have not identified concerns should these provisions be repealed.*

*All parks have been dedicated to Council and Parks 1, 2, 4 and 5 have already been embellished (or embellishment works are currently being constructed). Of note, the DCP amendment, along with the development that has been submitted for assessment, whilst embodying a reduced overall population has included a greatly reduced tourist component. This development trend may result in Council collecting a different amount of s94 contributions for structured open space than originally anticipated.*

*The north-south pedestrian paths have been provided, as have bus shelters along Casuarina Way. The DCP prescribed bus stops within both sides of the village centre do not appear feasible given the carparking/public domain layout constructed. In light of the walkability of the estate, this is not considered to be a significant issue. The current subdivision plans indicate a total of 244 car spaces within the beach parking precinct, 21 in excess of the development consent/ 19 more than the DCP. Whilst the current small lot housing proposals are likely to reduce the overall amount of car parking (as a result of more driveway crossovers and separation distances between crossovers), the amount required is prescribed within an existing condition of consent and currently sufficient surplus is available. Accordingly, specific retention of this control is not considered necessary.*

## **4. Urban Structure & Form**

### **4.1 Desired Future Character & Structure**

Summary: Details a diagrammatic structure plan, identifying the various housing themes as well as structural objectives.

*Action: The structure of Seaside City is now primarily delivered through the LEP zoning, building height, floor space ratio and minimum lot size provisions, as well as being*

*significantly constructed and dedicated. Accordingly, specific retention of these provisions is not required.*

#### 4.1.1 Public Space

Summary: Details the size and level of embellishment of the 5 passive open space locations within Seaside City.

*Action: As discussed previously, all passive open space areas have been dedicated and all, bar Park 3, have been embellished. Further, the level of embellishment is generally discussed within the consent and the relevant section 94 plan, as such specific retention of these provisions is not required.*

#### 4.1.2 – 4.1.4 Village Centre Design

Summary: Details the need for a sense of arrival and a mix of compatible land uses including business, retail, health, tourist, residential and community facilities. 1,000 – 1,500m<sup>2</sup> of impulse and service retail is envisaged, manifesting a village atmosphere. Built form provisions prescribe street address, awnings and activation as well as fine grain frontages and architectural variety. Additional design methods are also included to ensure an unbroken, pleasant main street experience.

*Action: The provisions detailed largely reflect best-practice urban design for a coastal, urban village, as opposed to reflecting specific conditions or requirements of Seaside City. In this regard, similar controls and have been included within DCP sections relevant to Pottsville and Area E. To-date however, no shirewide controls are present to guide the building design and style of the village street should the Seaside DCP be repealed. A short-term response is to retain the Seaside DCP, or utilise the controls within Section A1 (either site specific or shirewide). Over the long-term, it may prove beneficial to establish a stand-alone section for main streets, which could include additional site specific provisions.*

#### 4.1.5 Building Style & Design for Areas Outside of Village Centre

Summary: A series of design and finishing provisions are detailed, encouraging development to respond to the subtropical coastal climate and include a variety of materials. Specific elements referenced include:

- Building Design (no 'themed architecture' or brick veneer project homes)
- Roof (material/colour and eave overhang)
- Walls (suitable finishes and proportions)

- Landscaping (Landscaping plan for all development including single detached housing)
- Verandahs (integrate with dwelling design)
- Garages (unobtrusive, recessed or to the rear)
- Driveways (one crossover per lot, 4m width at the street boundary)
- Outdoor Structures (materials that complement the dwelling)
- Ancillary Structures (screened from public view)
- Addressing the Street (all street frontages to be addressed)
- Building Height (graduate towards the centre)
- Building Siting (positioned and orientated to maximise the benefits of the natural elements)
- Privacy (Location and screening)
- Deep soil zone (refers to the deep soil provisions of Section A1)
- Setbacks (provides 3 setback options – a 'tradition option' and 2 options that enable reduced front and rear setbacks whilst increasing the northern setback for solar access)
- Fencing (1.2m and 1.8m prescribed heights and 1.2m in the environmental protection zone)

*Action: The majority of the elements listed can also be found elsewhere within Council's planning framework, such the Tweed LEP 2014 and Sections A1 and A2 of the Tweed DCP 2008. Specific elements not identified as located elsewhere within the applicable framework include the Building Design, Roof and Walls controls. These provisions are considered to directly inform the desired and prevailing character of Seaside City and as such should be retained either through a Seaside DCP, or site specific provisions within Section A1.*

*Specific testing and consultation has occurred regarding the setback controls of the Seaside DCP, particularly Option 3 which has been utilised on several proposals to maximise solar aspect in light of the Seaside City subdivision pattern. Whilst identified as desirable to retain Option 3, 3D modelling has identified that its application is not appropriate to small lot housing or development on lots with narrow frontages. In this regard, the principles of Option 3 are to increase the northern setback, allowing a higher portion of sunlight penetration into the dwelling, particularly along the long axis of the dwelling/lot. These principles cannot be realised with narrow lot frontages on an east-west access (which is predominately proposed) as the overshadowing from the property to the north would not allow sufficient sunlight penetration along the long axis unless part of an integrated development proposal. In light of these findings it is proposed to restrict the use of Option 3 setback provisions to lots a with frontage width greater than 18m. Further, the principles of Option 3 are to be documented as objectives enabling integrated proposals increased scope to consider setback alternatives to those found in Section A1.*

## **5. Building Controls Accommodation Area**

### 5.1 Coastal Housing

Summary: Prescribes the location, maximum building height, maximum site coverage, maximum floor space ratio and minimum landscape area. Design themes are also discussed.

*Action: The LEP now implements the location (through use of the R2 Low Density Residential zone), maximum building height and maximum floor space ratio provisions. In comparison to the Section A1 provisions relating to maximum site coverage and minimum landscaped area, the provisions of the Seaside DCP are identical. Similar to the building style and design provisions prescribed within 4.1.5, the discussed design themes should be retained to assist in the continued character development of this precinct of Seaside City.*

### 5.2. Cylinders Drive South-East – Specific Requirements

Summary: Adding to the provisions of 5.1, specific setback and private open space provisions are detailed in light of the highly constrained nature of applicable lots.

*Action: Despite approximately only 5 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.*

### 5.3 Coastal Multi Dwelling Housing

Summary: Prescribes the location, maximum building height, maximum site coverage, maximum floor space ratio, minimum density (1 unit per 220m<sup>2</sup>) and minimum landscape area. Design themes are also discussed, particularly lot amalgamation, private open space and building depth.

*Action: The LEP now implements the location (through use of the R3 Medium Density Residential zone), maximum building height and maximum floor space ratio provisions.*

*In comparison to Section A1, the Seaside DCP prescribes a greater level of site coverage (55 -65% in A1 as opposed to 70% in Seaside DCP) and landscaped area (15-20% in A1 as opposed to 30% in Seaside DCP). It is not considered necessary to specifically retain the Seaside DCP provisions as opposed to utilising A1 controls as none of the aims or objectives of the Seaside City DCP specifically call up increased levels of landscaping, further, the Section A1 provisions provide a more contemporary and defined reflection of landscaped area.*

*In relation to the minimum density requirements, the proponent has requested their removal, replaced with the following statement: 'densities should be maximised where possible'.*

*Given the links between desired population and economic sustainable floorspace provision have been debated elsewhere, I have not considered that matter further in this analysis.*

*The objectives of the R3 zone include the phrase 'medium density residential environment' however neither Council, nor the NSW Department of Planning & Environment formally acknowledge what the parameters of medium density may be. The most relevant document within Council's planning framework which provides commentary in this regard is the Tweed Urban and Employment Land Release Strategy 2009, specifically Table 4-3 Tweed Councils Density Ratios by Dwelling Type and LEP Zone. When equating the findings of Table 4-3 into a 'dwelling' per m<sup>2</sup> of site area ratio, a range of 1 dwelling per 151 – 200m<sup>2</sup> of site area is identified. Further, Table 4-3 indicates that within the medium density zone 1 occupant is anticipated per 75.5 – 100.8m<sup>2</sup> of site area – this calculation is relevant when considering the justification for variation submitted to Council regarding the applications on hand.*

*When comparing these results to the applications before Council, it is concluded that the submitted applications seek a density lower than traditionally anticipated within the medium density zone, however within the western most applications, the difference is negligible.*

*Whilst there is no guarantee that the applications currently before Council will be approved and constructed, if they were, only 11 Coastal Multi Dwelling Housing lots remain, equating to approximately 13,414m<sup>2</sup>. It is considered appropriate that guidance be continued through the Seaside DCP to ensure medium density outcomes are achieved. Accordingly the following provisions are recommended:*

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

## 5.4 Village Centre Fringe

Summary: Prescribes the location, maximum building height, maximum floor space ratio, minimum density (1 unit per 125m<sup>2</sup>) and minimum landscape area. Maximum GFA for ancillary uses are also prescribed.

Action: *The LEP now implements the location (through use of the R3 Medium Density Residential zone), maximum building height and maximum floor space ratio provisions.*

*In comparison to the Section A1, the Seaside DCP prescribes a greater level of landscaped area (15% in A1 as opposed to 25% in Seaside DCP). It is not considered necessary to specifically retain the Seaside DCP landscape provision as none of the aims or objectives of the Seaside City DCP specifically call up increased levels of landscaping, further, the Section A1 provisions provide a more contemporary and defined reflection of landscaped area.*

*In relation to the minimum density requirements, the proponent has requested their removal, replaced with the following statement: 'densities should be maximised where possible'.*

*Given the links between desired population and economic sustainable floorspace provision have been debated elsewhere; I have not considered that matter further in this analysis.*

*The objectives of the R3 zone include the phrase 'medium density residential environment' however neither Council, nor the NSW Department of Planning & Environment formally acknowledge what the parameters of medium density may be. The most relevant document within Council's planning framework which provides commentary in this regard is the Tweed Urban and Employment Land Release Strategy 2009, specifically Table 4-3 Tweed Councils Density Ratios by Dwelling Type and LEP Zone. When equating the findings of Table 4-3 into a 'dwelling' per m<sup>2</sup> of site area ratio, a range of 1 dwelling per 151 – 200m<sup>2</sup> of site area is identified. Further, Table 4-3 indicates that within the medium density zone 1 occupant is anticipated per 75.5 – 100.8m<sup>2</sup> of site area.*

*When comparing these results to the applications before Council, it is identified that the submitted applications seek a density lower prescribed within the Seaside DCP, however are on target with densities traditionally anticipated within the medium density zone.*

*Whilst there is no guarantee that the applications currently before Council will be approved and constructed, if they were, only 2 Village Centre Fringe lots remain, equating to approximately 2,530m<sup>2</sup>. It is considered appropriate that guidance be continued through the Seaside DCP to ensure medium density outcomes are achieved. Accordingly the following provisions are recommended:*

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

### 5.5 Village Centre (Tourist or Permanent Accommodation)

Summary: Prescribes the location, maximum building height and maximum floor space ratio.

*Action: The LEP now implements the location (through use of the B4 Mixed Use zone), maximum building height and maximum floor space ratio provisions. Specific retention is not considered necessary.*

### **Summary**

The following table indicates the components of the Seaside DCP that are considered to warrant retention, as well as the document they should reside within.

<b>Clause</b>	<b>Document</b>
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
2.1 Land to which this section applies	Section A1 – Additional site-specific provisions
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.
5.1 Coastal Housing (Design themes)	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)	Section A1 – Additional site-specific provisions
5.4 Village Centre Fringe	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:	Section A1 – Additional site-specific provisions
<ol style="list-style-type: none"> <li>1. The desired density of residential accommodation on land zoned R3 Medium Density Residential is greater than 1 dwelling per 200m<sup>2</sup> site area.</li> <li>2. Residential accommodation on land zoned R3 Medium Density Residential must achieve a minimum density of 1 per 360m<sup>2</sup> site area unless significant site constraints (other than land tenure) direct otherwise.</li> <li>3. The minimum 450m<sup>2</sup> site area provisions for Dual Occupancy and Secondary Dwellings do not apply to land zoned R3 Medium Density Residential within Seaside City.</li> </ol>	