

B22 - MURWILLUMBAH TOWN CENTRE

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1 Introduction

1.1 The purpose of this development control plan

This Development Control Plan (DCP) has been prepared in accordance with Part 3 Division 6 of the *Environmental Planning and Assessment Act 1979* (the Act) and with Part 3 of the Environmental Planning and Assessment Regulation 2000. The DCP provides more detailed provisions to expand upon the Tweed Local Environmental Plan 2000 (LEP) for development within the Murwillumbah Town Centre that will:

- Contribute to the growth and character of the Murwillumbah Town Centre, and
- Protect and enhance the public domain.

Under Section 79C of the Act, the consent authority is required to take into consideration the relevant provisions of this DCP in determining an application for development within the identified Murwillumbah Town Centre area.

1.2 Name and commencement

This plan is called the Murwillumbah Town Centre Development Control Plan 2007.

The DCP was adopted by Tweed Shire Council on 13 May 2008 and came into effect on 04 June 2008.

1.3 Land and development covered by this plan

This DCP applies to development on all of the land within the Murwillumbah Town Centre Area, that lies within the boundary identified on Figure 1.1

1.4 Relationship to other documents

The Tweed Local Environmental Plan 2000 is the principal environmental planning instrument applying to the Murwillumbah Town Centre. This DCP contains detailed provisions that supplement the provisions of the LEP. If there is any inconsistency between this DCP and the LEP, the LEP will prevail.

A Residential and Tourist Development Code has been prepared by Council to apply to all forms of residential development within the Tweed Shire area. The Code is based on “development types” and is not site specific. This DCP has been developed specifically to apply to the conditions, opportunities and constraints present within Murwillumbah town centre and may propose outcomes for particular development types that differ to those appearing in the Residential and Tourist Development Code. Where there may be an inconsistency between this DCP and the Residential and Tourist Development Code, this DCP will prevail. Where this DCP is silent in regard to a particular issue, the provisions of the Residential and Tourist Development Code will apply

The DCP’s technical policies, guidelines and codes of Tweed Shire Council shown in Appendix 1 also apply to the Murwillumbah Town Centre

1.5 How to use this development control plan

This DCP is comprised of 5 sections:

1. *Introduction.* This component identifies the boundaries, purpose and the relationship of the DCP to other controls within the existing planning framework.
2. *Vision and Strategies.* This section provides an overall framework for the guidelines and controls of the DCP, in the context of an overarching vision and a number of key strategies, which are in turn implemented through the more detailed controls of the DCP.
3. *Urban Structure.* This section sets the broad framework for the future development of the town centre by describing the preferred relationship of land uses, public domain, connections and key features.
4. *Detailed guidelines and controls.* This section incorporates guidelines and controls that apply to development on all sites within the DCP area.
5. *Medium Density Residential Development.* This section provides specific controls for identified medium density residential areas within the Town Centre.
6. *Mixed Use Development.* This section provides specific controls for identified mixed use areas within the Town Centre
7. *Controls for Special Areas.* The particular opportunities, constraints, character and values of Murwillumbah Street and the Prospero Street area are given particular emphasis through additional guidelines for this precinct.

Each of the “guidelines and controls” in this DCP utilise a similar format:

- Explanation – Explains the rationale for the particular design element.
- Objectives – Identifies the desired outcome for each design element.
- Guidelines and controls – Provides the principal means of achieving the objectives and may include numeric and/or non-numeric requirements. It is contingent of the applicant to establish how these requirements are met, or in cases where they may not be applicable, establish the reasons the reasons why, within the context of the particular case.

1.6 Additional Information

Details of the adoption and commencement of this plan as set out in section 1.2 of the DCP.

In December 2007, Council adopted a Flood Risk Management Policy to address safety and evacuation issues arising from habitation of the flood plain. As a result, there is constraint on increasing densities in parts of the study area and therefore carrying elements of the plan forward for adoption. It is shown clearly throughout the document where elements are not adopted and deferred for future consideration.

Similarly, some elements of the plan which have been adopted rely on rezoning of the land to occur prior to being fully activated. It is envisaged that this will occur as part of Tweed Local Environmental Plan 2008 intended for gazettal in 2008. These elements are shown in the plan, generally on mapping diagrams.

2 Vision and key strategies

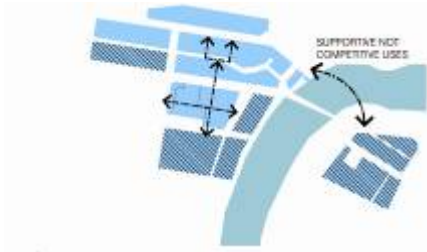
The research and design process that led to the development of this DCP (including stakeholder consultation) has led to the definition of an overarching vision that will underpin the development of Murwillumbah Town Centre and the application of this DCP.

Murwillumbah Town Centre Vision

Build on Murwillumbah's lively hinterland village qualities to create a walkable, vibrant, mixed use centre with a successful main street and a balance between building scale and landscape character.

As a broad means for achieving this vision, a series of key strategies have been developed to provide a framework for the more detailed controls of this DCP. These strategies are identified below and described in terms of the key outcomes embodied within the DCP.

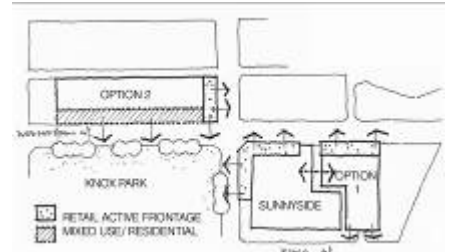
Strategy 1: Reinforce the character and vitality of the Murwillumbah Street precinct.



Land Use



Character and infill guidelines for Murwillumbah Street precinct



Guidelines for development of major retail

Strategy 2: Create an active, liveable town centre, which provides for residential growth (that cannot be accommodated elsewhere) and which integrates Knox Park.



Land Use



Residential development guidelines



Mixed use development guidelines

Strategy 3 (Deferred): Create a framework for revitalising the Prospero Street area.

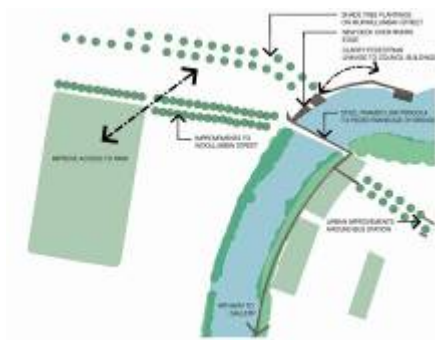


Land Use

Precinct development guidelines

Urban character

Strategy 4: Create a walkable, connected centre that focuses on the River



Landscape Structure



Key capital works proposals



Key capital works proposals

3 Urban structure

A structure plan has been prepared in order to guide and coordinate the location and form of future development within the Murwillumbah Town Centre. The Structure Plan provides an indication of the disposition of preferred activities, existing and proposed connections, an overlay of the proposed landscape system and the proposed strategies further developed within this DCP.

The Structure Plan is presented at Figure 3.1. Key components of the Structure Plan are as follows:

- Revitalisation of Knox park
- Increases in residential density on the periphery of Knox Park and the core retail and commercial area
- Retail and commercial development focused between Murwillumbah Street and Prince Street, with Mixed Use areas at the edges of this precinct
- Recognition of the need to maintain and enhance the existing character of Murwillumbah Street as the principal retail street of the Town Centre.
- Revitalisation of the Prospero Street with a mix of potential activities
- Enhancement of the riverfront and improved street capes and pedestrian connections
- Recognition of the principal pedestrian connections within the Town Centre
- Improved entry to the Town Centre from Tweed Valley Way

DEFERRED

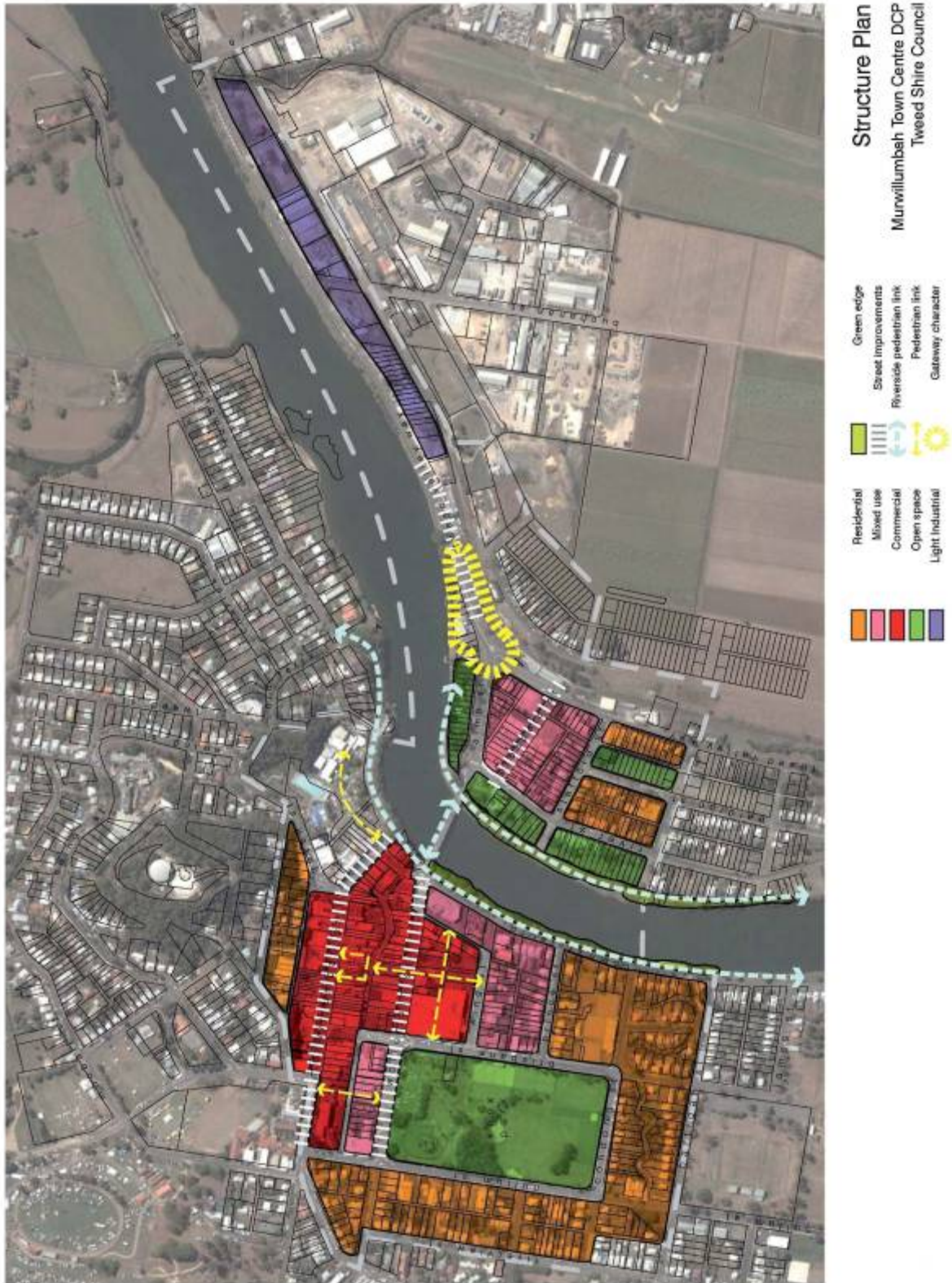


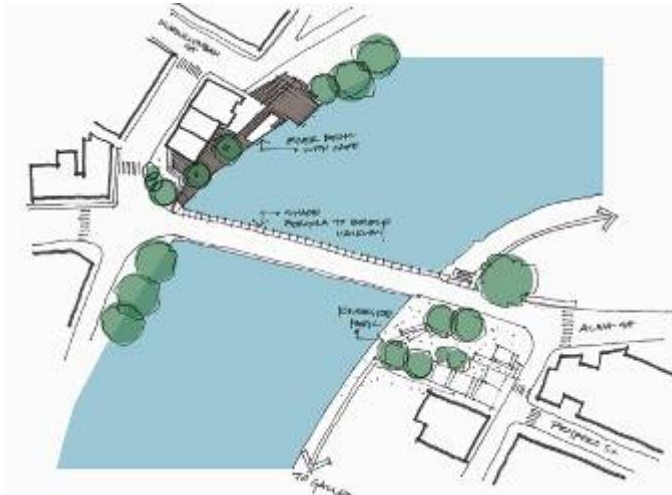
Figure 3.1 Urban Structure Plan

The urban structure plan provides a graphical expression of the main principles and strategies embodied within the DCP

3.1 Public domain system

The landscape qualities of the Town Centre are an important influence on its future image, comfort, public and private amenity. Landscaping within the public domain will be implemented within the framework established by a Public Domain Capital Works Strategy, which has been prepared to accompany this DCP. The key elements of this strategy are highlighted in Figure 3.2 and the character sketches that accompany it.

In the private domain, it is important that a strong and consistent approach to landscape is achieved in order to contribute to both a high level of amenity and a cohesive image for the Town Centre. This is best achieved through a combination of Council leadership and the potential establishment of a public domain manual for the town centre.



“Arbour” shade structure and pedestrian link across the Tweed River



Riverside deck adjacent to Wharf Street

Figure 3.2 Examples of public domain works proposed within Murwillumbah Town Centre

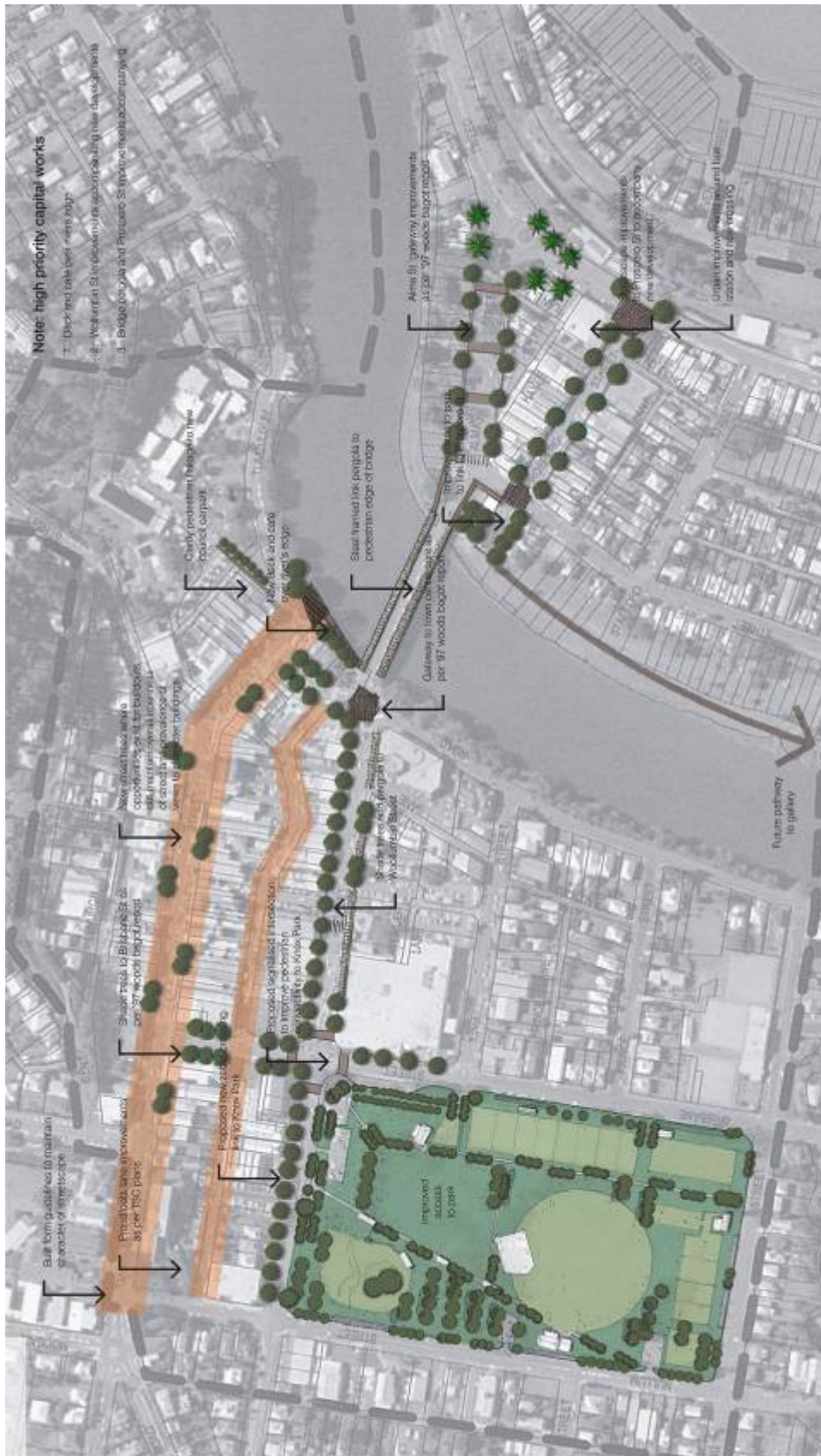


Figure 3.3 Proposed Public Domain Proposals

3.2 Precinct Character

This DCP has identified a number of Precinct Areas in Murwillumbah Town Centre, based on both the existing, and an intended future character to be encouraged through the life of this DCP.

A total of 8 precincts are identified (refer Fig 3.4). The following sections define the key character elements that will inform and guide future development for each of these precincts, and which underpin the more detailed controls presented throughout the body of this DCP.

3.2.1 Medium Density Housing Precincts

These areas are currently predominantly residential in land use. Increased residential densities are proposed in order to provide a greater level of casual surveillance to Knox Park. In relation to Knox Park specifically, this DCP does not envisage typical styles of residential flat buildings. Rather, the specific conditions encountered in this area warrant forms that are more closely related to townhouses/rowhouses (see Section 5 for specific guidance).

Several non-residential activities are currently located within this precinct (eg Bowls Club). It is not the intention that these activities be replaced by residential development, rather, it is intended that over time, medium density residential development will become the predominant activity in the precinct, mixed with other activities and forms of residential.

3.2.2 Town Centre Core

This area is the principal retail and commercial precinct in the DCP area. It is intended that this situation be maintained and consolidated in the future by limiting major retail development outside of the core and focusing new commercial and retail development within the precinct in areas that best support its existing strong urban structure.

The Town Centre Core will be the focus of public domain works and special attention will be paid to ensuring that the strong image and urban character of Murwillumbah Street is maintained into the future.

3.2.3 Civic Precinct

The Civic Precinct is centred on Council Chambers, the pool and its park and riverfront setting. The Council Chambers provides an important “anchor” for Murwillumbah Street/Wharf Street, which will be maintained and enhanced through nearby public domain proposals, proposed town centre parking and an objective to maintain a direct connection with the main street.

3.2.4 South Murwillumbah Riverfront

This area is subject to relatively regular flooding and is unsuitable for residential development. Council is in fact progressively purchasing the remaining properties along the river fringe. This action will contribute to the creation of a continuous riverfront park, with pedestrian connections to the south and north. The parkland will also provide a key feature and focus for the western end of prospero Street and contribute to an improved pedestrian connection into the main town centre area.

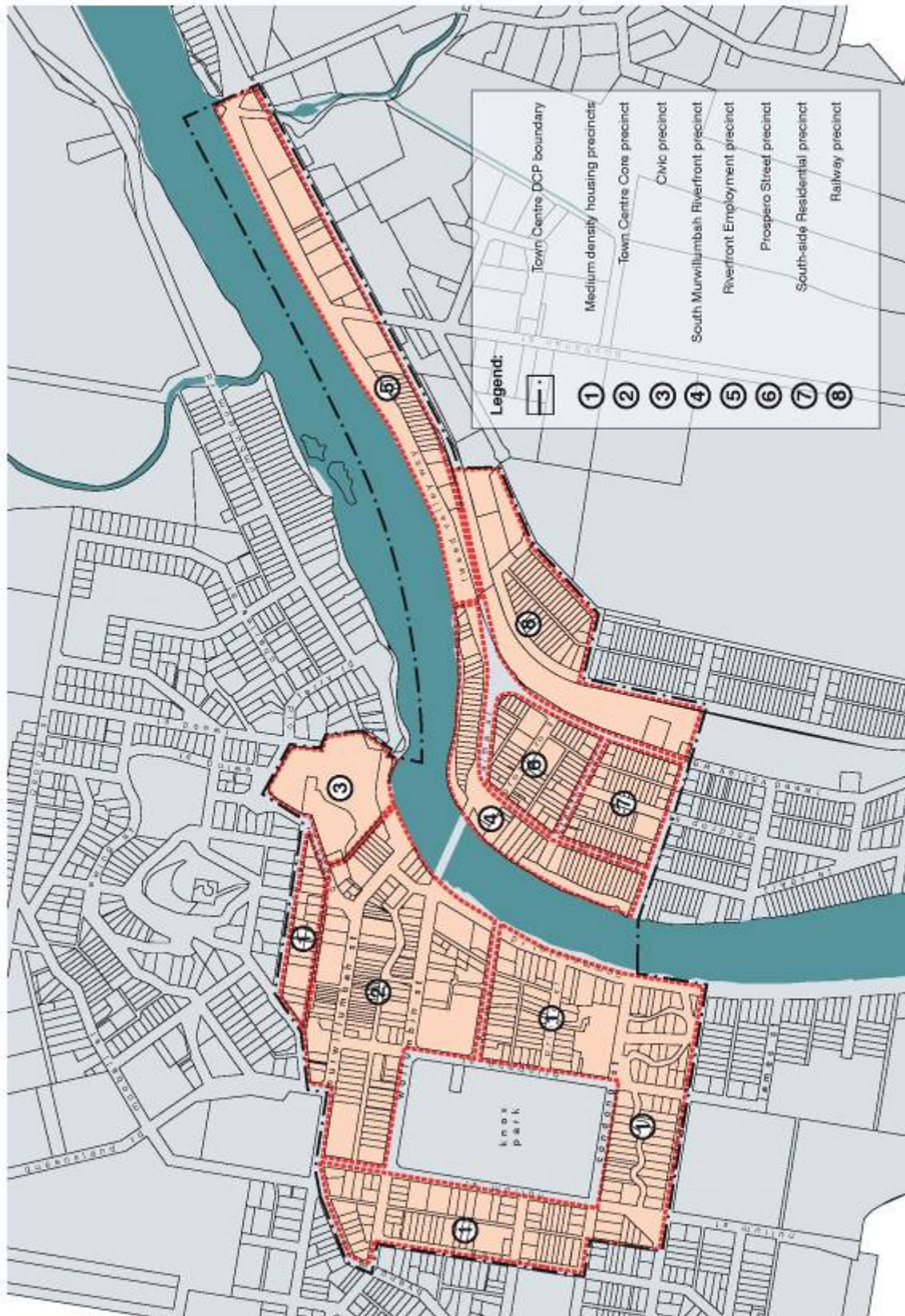


Figure 3.4 DCP Precincts

3.2.5 Riverfront Employment

This area extends northwards from the town centre between the Tweed River and Tweed Valley Way. Current activities include businesses, a hotel and accommodation mixed with isolated residential dwellings. The existing zoning is considered an appropriate framework for an objective of

maintaining commercial uses in this area.

The Precinct is the eastern edge of the town centre and the main entry to the study area. As such, it is important to ensure that development is of a high quality and presentation as this area has the potential to greatly affect the perceived image of the Town. Likewise, the Precinct's river frontage is a feature that can be more clearly expressed in future development. The careful placement of built form can open up views of the River and the town centre, enhancing legibility and the entire "entry" experience.

3.2.6 Prospero Street Precinct

The Prospero Street Precinct has been in decline for some time and has now reached the point where the area is predominantly vacant. Much of this situation has been caused by a gradual shift in focus to the north side of the River and the closure of the Casino Rail Link. More fundamentally however, the area's susceptibility to flooding is such that significant investment in the area is presently unviable.

The DCP proposes revitalisation of this precinct through a significant increase in development potential and by proposing strategies to address the flooding situation in a workable and feasible manner. While a mix of commercial, residential and retail uses is proposed, flexibility should guide the future development of the precinct, where subject to detailed feasibility assessments, all potential opportunities may be considered (a cultural industries precinct for example). While flexibility in eventual use may be the intention, it is important to confirm that the precinct is considered unsuitable for major retail or any such use that has the potential to degrade the strength, consolidation and primacy of the existing town centre core.

3.2.7 South-side Residential

This precinct presently exists as low scale, detached residential development, which in view of present or nearby flooding constraints has a reduced potential for ongoing maintenance and upgrade. Additionally, this precinct has an important role to play in support of the revitalisation of the Prospero Street Precinct and is well located to take advantage of the Riverfront and other open space opportunities. Additionally, the area is within walking distance of the town centre core. As such, proposals for this area revolve around supporting increased residential densities, accommodated in a manner that takes account of flooding constraints and existing character of the area.

3.2.8 Railway Precinct

The DCP provides no specific controls for this area, due to both a need for flexibility in order to accommodate development opportunities as they arise, and the fact that much of the presently developable land is in State Government ownership and will generally need to be rezoned for development. As is the case with the Riverfront Employment Precinct, this area forms an important gateway to the town centre. The potential quality of future development and public domain works should be considered in this light, with an emphasis on creating an attractive and memorable southern entrance to the town.

4 Detailed guidelines and controls

The Town Centre is experienced from the public spaces within it, primarily the streets. The form of buildings that address or relate to these spaces is an important consideration for the quality of the public domain and for perceptions of the Town Centre. Built form controls affect the relationship of building scale and mass to public spaces and results in the creation of appropriate solar access for both public and private spaces.

Built form elements considered important and addressed within the DCP include:

- Floor Space Ratios
- Site Coverage
- Building height;
- Street Alignment and Setbacks;
- Urban Grain;
- Active Frontages;
- Corners;
- Awnings;
- Signage and Advertising.

Together, these controls set the building envelope for each site and the broad manner in which buildings establish a relationship to their adjacent public domain. Each built form control category is addressed below in terms of objectives and controls.

4.1 Floor space ratios

Floor space ratios are a measure of the density of development on a site. FSR's in themselves are not an effective control on building bulk and in this respect must be coordinated with controls for height, setbacks, site coverage etc. to result in an appropriate bulk and scale. FSR's however are a highly effective mechanism for defining the total development potential of a site, providing the market with a clear indication of potential viability and providing a mechanism for assessing the potential external impacts of development, for example parking and traffic generation.

Objectives

- Limit the potential for overdevelopment of sites.
- Provide incentives for positive redevelopment and revitalisation through manipulation of development potential in key areas.
- Ensure the potential density of development for a site is coordinated with other built form controls and provision of parking

Guidelines

- The maximum density of development on any site within the DCP area is not to exceed the Floor Space Ratio for that site, as described on the Murwillumbah Town Centre Floor Space Ratio Map (Figure 4.1)
- Floor Space Ratio is defined as the ratio of Gross Floor Area to Site Area.
- Gross Floor Area has the meaning attributed to it within Tweed Local Environmental Plan 2000.

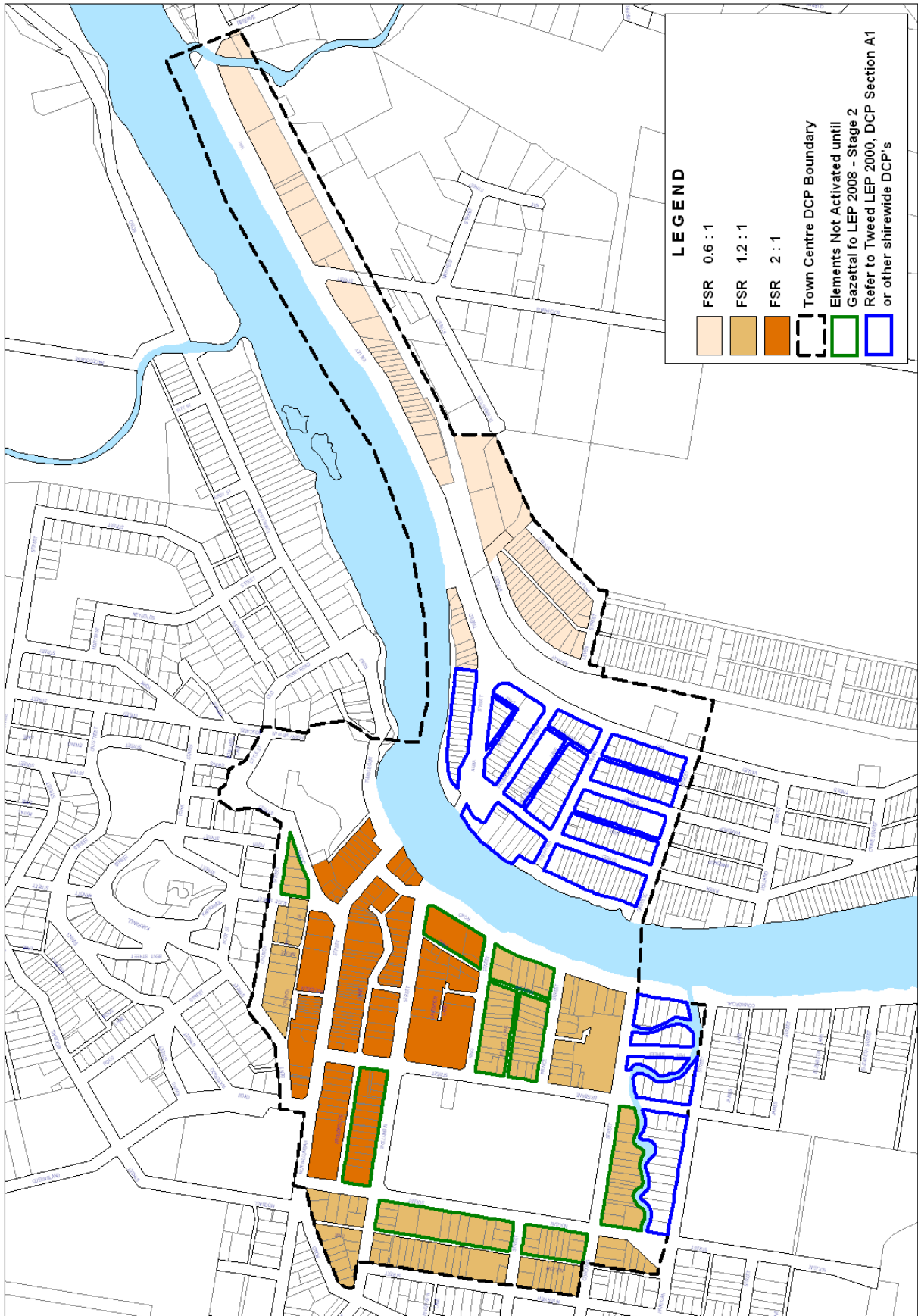


Figure 4.1

Murwillumbah Town Centre Floor Space Ratios

4.2 Site coverage

Ground level spaces that are not built upon may be public, communal or private. Controlling site coverage of buildings can result in natural ventilation between buildings, improved amenity, improved solar access and greater opportunities for landscape planting and stormwater infiltration.

Objectives

- Provide an area on residential sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size.
- Limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy.
- Provide for the efficient and cost effective use of land.
- Provide residents with passive and active recreational opportunities.

Guidelines

- The maximum site coverage of development on any site within the DCP area is not to exceed the Site Coverage for that site, as described on the Murwillumbah Town Centre Site Coverage Map (Figure 4.2).
- For the purposes of this DCP, site coverage is defined as all areas of a site that are developed upon, or over, such that the ground level is not exposed to the sky.



A high level of site coverage such as is encountered on a retail main street (Gordon, Sydney is located centrally in the image) provides for a continuous active frontage and supports high levels of activity. Lower site coverage, as is encountered in residential areas (on the periphery of the town centre) allows for planting and separation between buildings

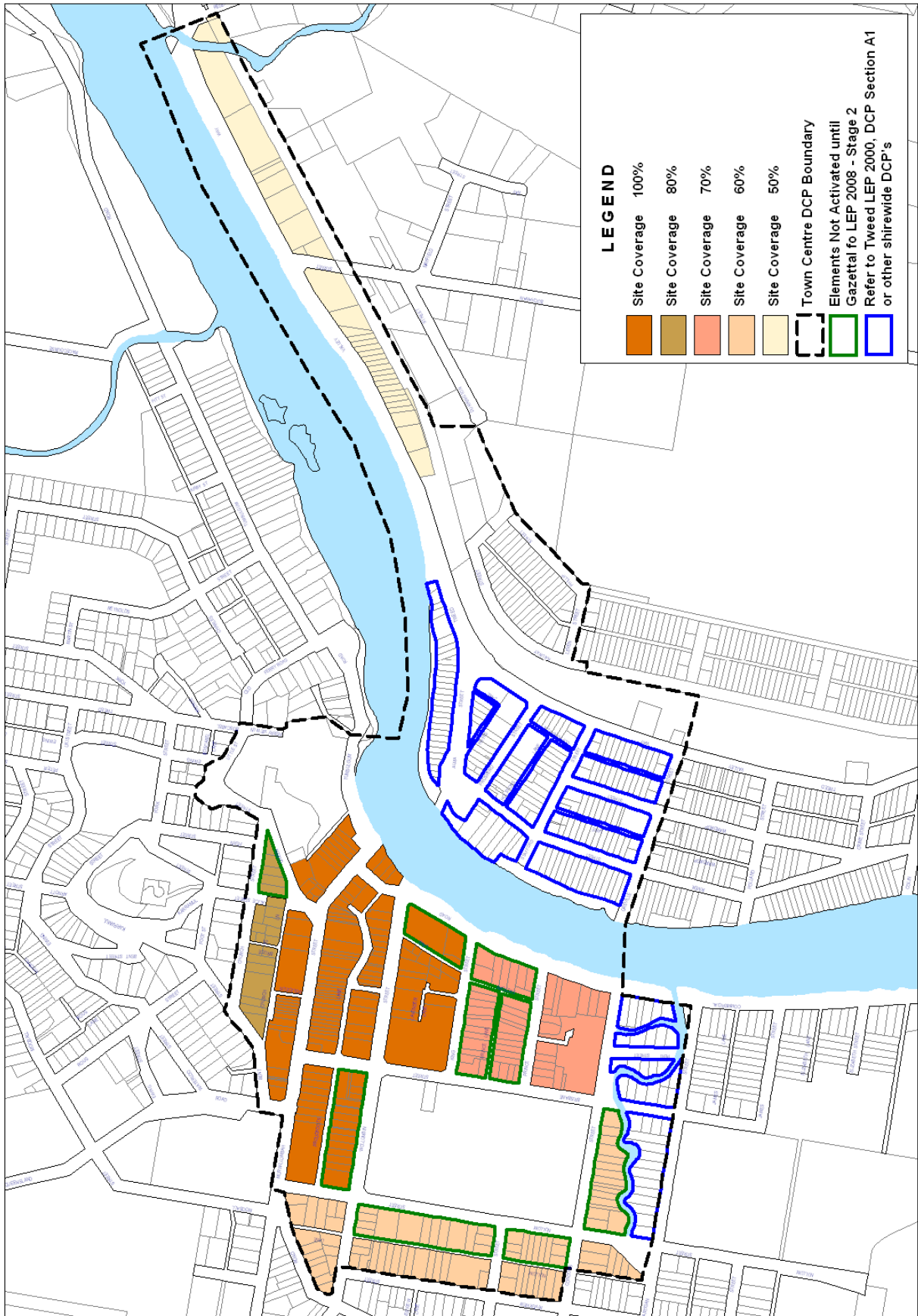


Figure 4.2 Murwillumbah Town Centre Site Coverage

4.3 Building height

The definition of “height” is contained within the Tweed Local Environmental Plan 2000. Building heights have been determined by a range of factors including:

- a need to preserve a pedestrian scale in the Town Centre
- the existing and potential character of streets
- the types of activities considered appropriate to particular locations
- the impact of existing physical constraints, such as flooding, and
- the potential to encourage positive change through redevelopment

Objectives

- Ensure that the height of buildings does not negatively impact on the amenity of the public domain.
- Ensure appropriate solar access to adjacent public and private space.
- Provide an incentive for revitalisation and renewal of the Prospero Street precinct.
- Provide opportunity for increased building height where the impact of flooding provides limitations for ground floor residential development.
- Provide for a high level of internal amenity and for flexibility of use, where appropriate.

Controls

- The maximum allowable height of development within Murwillumbah Town Centre is indicated within the Murwillumbah Town Centre Building Height Map (Figure 4.3).

Floor to floor and floor to ceiling heights

- Ground floors of all buildings within the Town Centre Core and Prospero Street Precincts are to have a minimum floor to floor height of 3.6m in order to provide for flexibility of future use. Non-residential buildings (particularly commercial and retail) are encouraged to provide a minimum 4.5m floor to floor height for ground level.
- Above ground level, residential floors are to have a minimum floor to ceiling height of 2.7 metres.
- Above ground level, commercial and retail floors are to have a minimum floor to floor height of 3.3 metres.

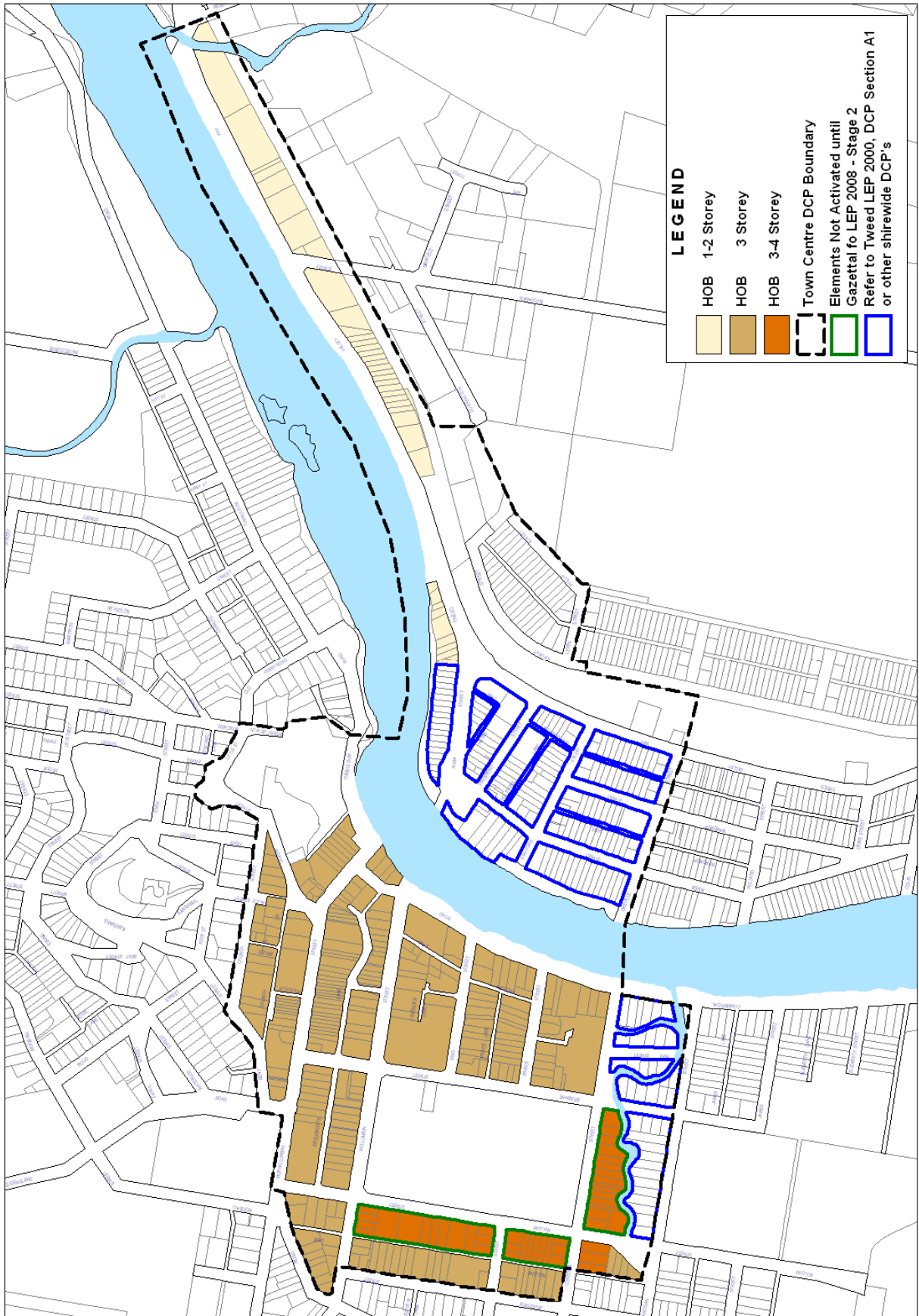


Figure 4.3 Murwillumbah Town Centre Building Heights

4.4 Street frontage height

It is important that new buildings within the Murwillumbah Town Centre Core contribute to a strong definition of the street and public domain. The lower scale nature of Town Centre streetscape makes a positive contribution to its image and character. In this light, the approach to street frontage height therefore, needs to be one that provides a strong address to the street environment, whilst also maintaining a suitable relationship to the scale of existing buildings.

Objectives

- Achieve a comfortable street environment for pedestrians.
- Provide a strong and appropriate definition of the public domain.
- Maintain a compatible relationship with existing buildings in the street

Controls

- Buildings within the Town Centre Core Precinct are to have a street frontage height compatible with the average existing street frontage height of adjacent and nearby buildings
- Above the defined street frontage height, buildings are to be set back a minimum of 4.5 metres from the street alignment of the building.



The above image (Oxford Street, Sydney) depicts an example of how an average street frontage height may be defined.

4.5 Building Alignment and Orientation

The way in which buildings address the street has important implications for the quality of the public domain. In general terms, streets should be fronted by buildings that respond to the street alignment by orientation of their main entrances and facades.

Objectives

- Achieve a strong definition of the public domain.
- Reinforce a supportive relationship between buildings and streets

Controls

- The external facades of buildings are to be aligned with the streets that they front.
- The main “face” and entrance of all buildings is to be oriented toward, and be immediately visible from, the street directly in front.
- Where a building is located on an allotment that has more than one street frontage, the main pedestrian entry is to be oriented toward the more significant of the streets



The above image demonstrates an appropriate street alignment (right), versus an example that is to be avoided, where buildings are oriented to an internal vehicle access way rather than a public street (left)

4.6 Street Setbacks

The placement of buildings along the street has important implications for its character and comfort. In core commercial and retail areas, experiencing high levels of pedestrian activity, it is appropriate that buildings strongly define the public domain, with a very close relationship between buildings and the main pedestrian thoroughfare. In residential areas, a higher proportion of landscape and a separation between the building and the street are more appropriate.

The separation of buildings also affects the quality of the private domain, and of privacy and residential amenity. In this respect, the side and rear setbacks of buildings should allow adequate solar access to private spaces as well as maintain appropriate levels of privacy between adjacent properties.

Objectives

- Provide a high quality public and private domain in terms of solar access, privacy and overlooking.
- Provide consistent definition of the public domain.

Controls

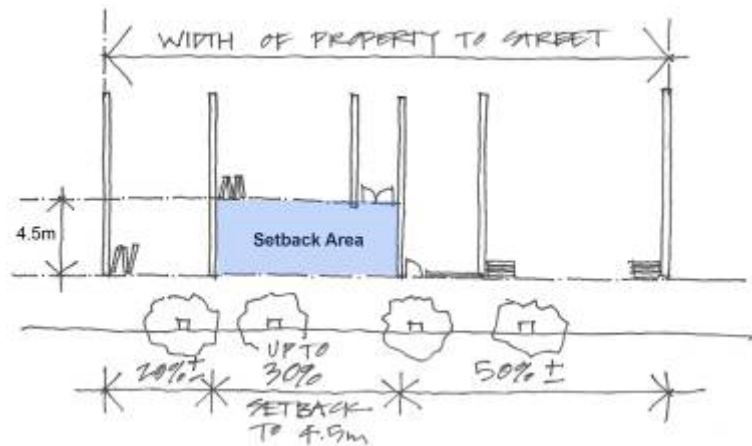
- Figure 4.4 describes the overarching approach to street setbacks within the DCP area. In general terms, the principal retail streets will have no street front setbacks, while secondary commercial areas, residential and mixed use areas will incorporate a landscaped setback of various depths:
 - 4.5m setbacks apply to sites that do not utilise rear lane vehicular access.
 - Setbacks of between 2.5m and 3.5m applies to properties that utilise rear lane access.
- Buildings are to be set back consistently along a street. This is achieved by all buildings having a zero setback in the principal retail streets, and in other areas by taking cues from adjoining and adjacent properties.
- Encroachments into the street setback are allowable only for awnings in the Town Centre Core and for balconies and bay windows where there is a street setback provided. With the exception of awnings, the maximum encroachment is 1.2 metres.
- Above an established street frontage height, buildings are to be set back a minimum of 3 metres.



Zero street setbacks are appropriate in Murwillumbah's commercial main streets (left), while setbacks of up to 4.5 metres in residential areas provide for a less formal appearance and opportunities for planting (right).

Street Frontage Boundary Alignment

- Figure 4.4 describes the appropriate alignment of street facades:
 - Within main commercial streets, 100% of the building frontage is to be built to the street frontage boundary.
 - In Wollumbin and parts of Brisbane Street and Commercial Road, up to 30% of the street façade may be set back from the property boundary a maximum of 4.5 metres.
 - In other locations, no part of the street façade is to be built to the street boundary



Example application of street frontage alignment controls. In this diagram, 30% of the total width of the property is set back 4.5 metres, with 70% aligned to the street frontage boundary.

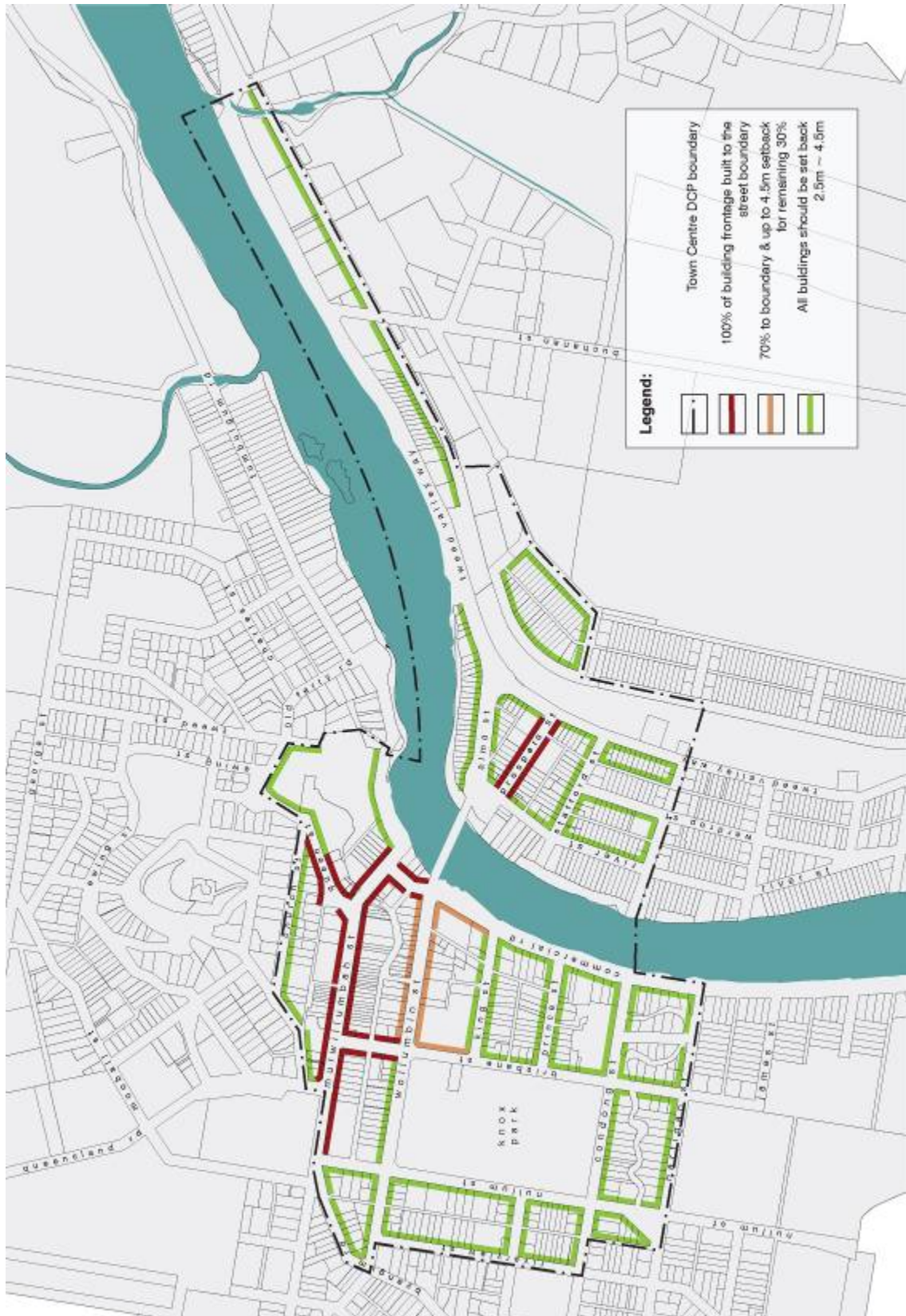


Figure 4.4 Street frontage alignment and setbacks of buildings in Murwillumbah Town Centre

4.7 Active frontages

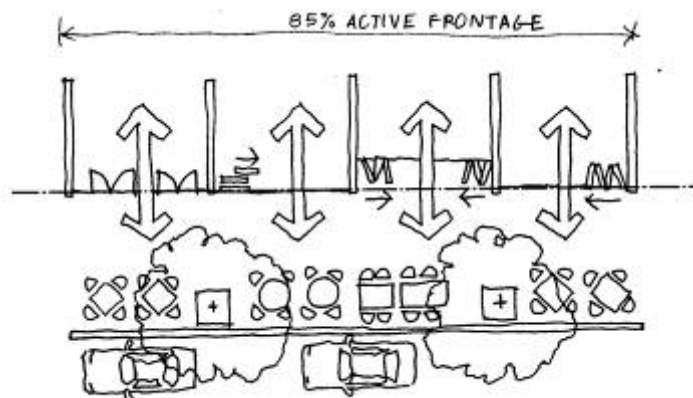
Active street frontage is characterised by lively pedestrian activity. Busy pedestrian areas and non-residential uses such as shops, studio, offices, cafes, recreation and promenade opportunities promote the most active street frontages.

Objectives

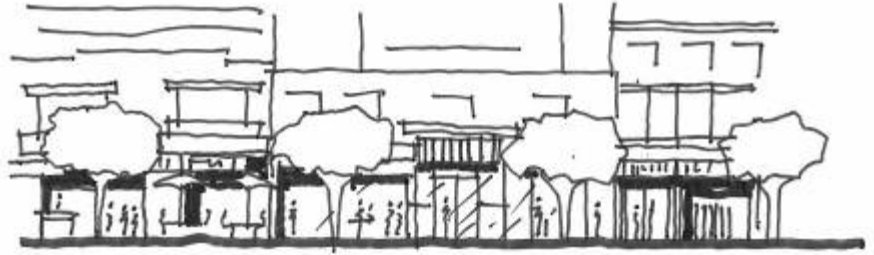
- Provide for a lively interface between buildings and the public domain;
- Encourage continuity in the streetscape;
- Contribute to pedestrian scale at street level;
- Encourage shop fronts to line streets in the retail/commercial core; and
- Provide safe streets through lighting and activity.

Controls

- Active frontage consists of:
 - activities that are likely to foster casual, social and business interaction for extended periods - such as shopfronts, indoor/outdoor cafes and restaurants, which front and have access to and from the street
 - Have a maximum of 35% as solid facade, the remainder comprising openings, glazing, shopfronts and building entries.
 - The provision of continuous awnings over footpaths, and fronting onto public spaces, except where alternate shade or shelter is provided.
- Where properties have frontage to two streets (or 1 street plus a lane), a primary active frontage is to be provided to the main street, while a secondary active frontage should be provided to the less important street.
- The ground storey level of premises with frontage onto a public space as nominated on figure 4.5, are to incorporate active frontage:
 - Streets within main retail/commercial areas are to incorporate 85% active frontage.
 - All new development with frontage to Proudfoots Lane is to incorporate an active frontage to the Lane.



In the main pedestrian/retail streets, 85% of the frontage is to be “active”.



Extensive ground floor glazing and street level activity are key features of major retail streets



Examples of active frontage in retail areas: Street dining in Double Bay, Sydney and main entrances and shopfronts on Murwillumbah Street.

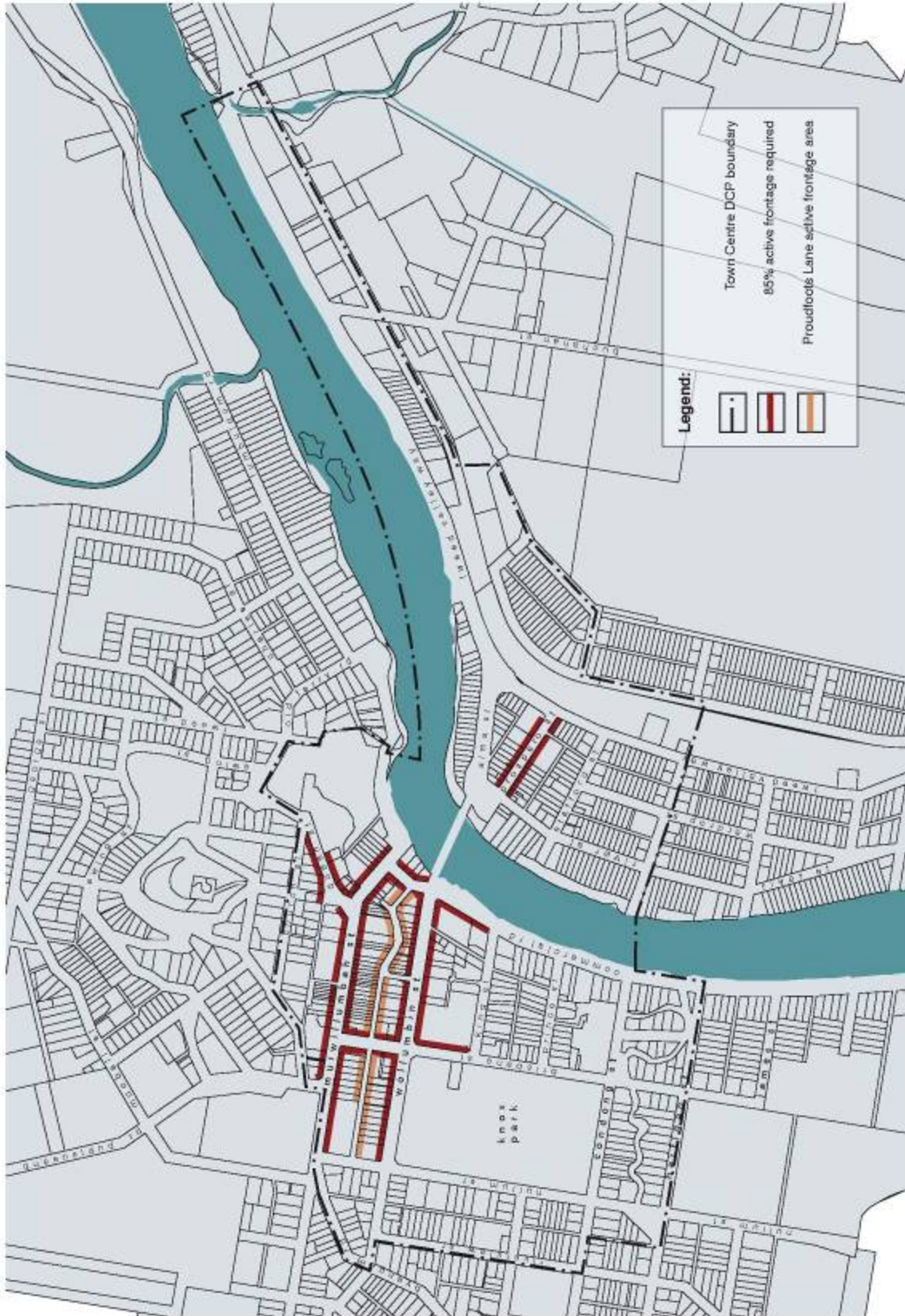


Figure 4.5 Active Frontages in Murwillumbah Town Centre

4.8 Rear Lanes

Murwillumbah Town Centre possesses an extensive pattern of rear lanes that provide service access to existing properties. The presence of this secondary access system provides the added benefit of ensuring strong activation of the street and minimises conflict between vehicles and pedestrians.

Objectives

- Maintain the extensive rear lane system present in the DCP Area.
- Ensure rear lanes adequately provide for their service function, while also providing a safe and pleasant pedestrian environment.

Guidelines

- Where available or practicable, rear lanes are to provide parking and service access to properties.
- Development must address, where present, a rear lane, which is to include a pedestrian entrance to the building.
- Proposed development is to provide suitable casual surveillance of rear lanes.
- Service and access facilities (eg driveways) are to occupy no more than 50% of an individual properties frontage to a rear lane.
- Continuous and unencumbered pedestrian access is to be provided to rear lanes.
- Wherever possible, landscape (particularly shade trees) is to be provided within the rear lane or immediately adjacent private property.



The images above provide examples of rear lane development that provide both activity and surveillance of the space

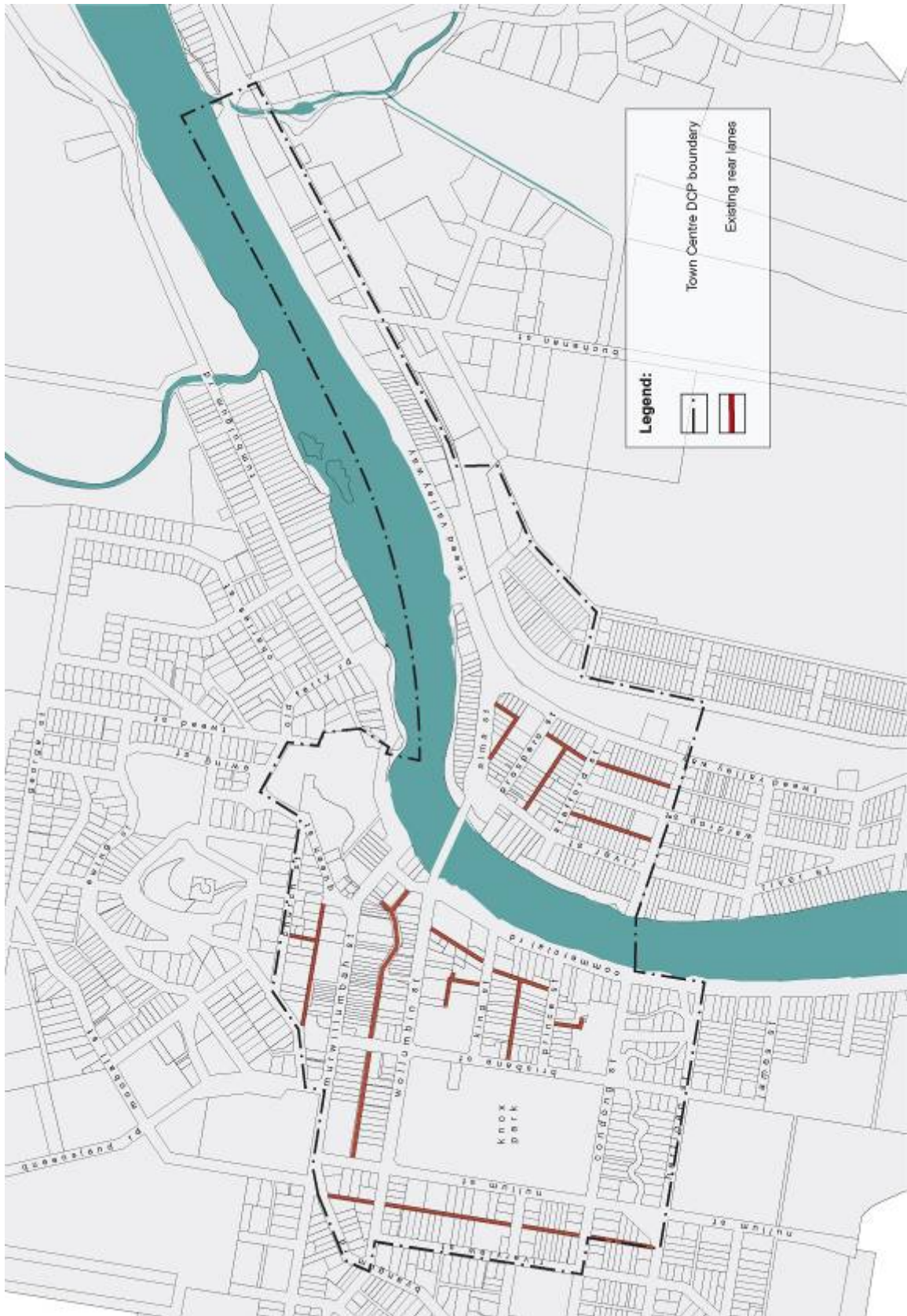


Figure 4.6 Location of Rear Lanes within Murwillumbah Town Centre

4.9 Corner Buildings

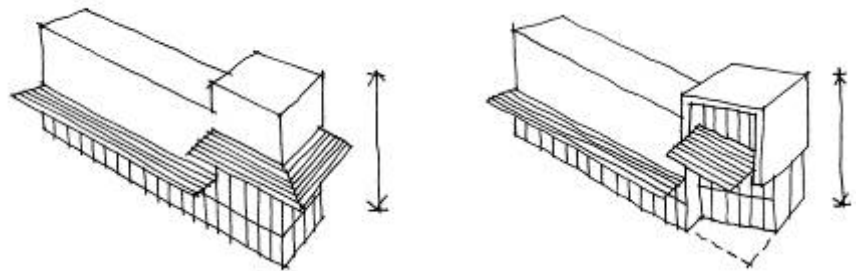
Corner buildings are highly visible and provide the opportunity for notable design solutions. Strong corner buildings can provide valuable street definition and assist in defining the edges of precincts. In this respect, they are important elements contributing to the legibility and overall character of the Town Centre.

Objectives

- Enhance the legibility of the Town Centre.
- Provide a strong address of important junctions.

Controls

- Buildings on corner sites are to be designed to emphasise the importance of their location through architectural expression and landscape treatments (such as increased height, reduced building setbacks, entrances location and orientation), and are to display the following characteristics:
 - 3D modelling of corner elements - e.g. truncation, articulated bays
 - A strong design contribution to the shaping of the skyline
 - Landscape and footpath treatment at corners which reinforces the significance of the corner



A combination of height, architectural treatment and building location can be used to emphasise the importance of corners

4.10 Awnings

Awnings assist in providing a pleasant and comfortable pedestrian environment, weather protection and contribute to the creation of a pedestrian scaled environment. Continuous awnings are particularly important in areas of high pedestrian traffic, such as Murwillumbah Street.

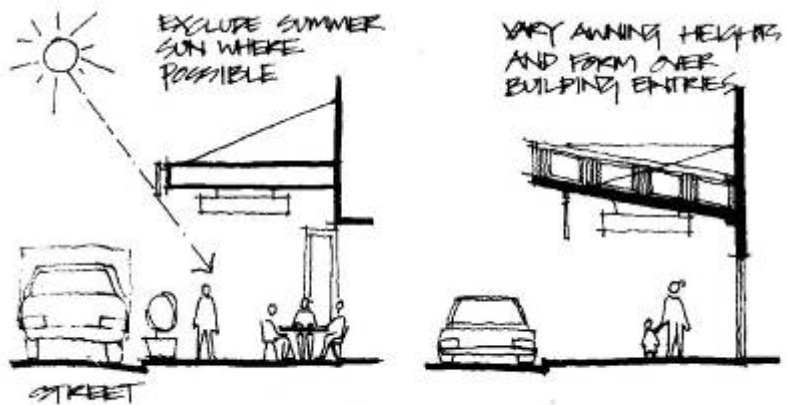
Objectives

- Provide weather protection in areas of high pedestrian traffic.
- Encourage the use of consistent and continuous awnings within the Town Centre Core

Controls

- Provide continuous awnings in accordance with the locations defined in Figure 4.7, regardless of ground or upper floor use.
- Wrap awnings around corners for at least 6 metres where a property is located on a street corner.
- Awnings should be designed to:
 - Exclude summer afternoon sun where possible
 - Articulate significant building entries
 - Provide shelter to the street, but, where deep awnings occur, bring natural light to shop front

- Awnings should have a minimum soffit height of 3.3 metres and be coordinated such that there are no more than minor variations in height between awning structures on adjacent buildings.
- Awnings should have a minimum depth of 3 metres and provide under awning lighting. Where a depth of 3 metres cannot be achieved due to the proximity of the carriageway to the property boundary, the outside edge of the awning is to be aligned to within 500mm of the kerb line.
- Any under awning sign is to maintain a minimum clearance of 2.8 metres from the level of the pavement



Awnings should be designed to provide shade and shelter, promoting pedestrian activity. Additionally, the design of awnings can assist in emphasising building entries



The image above provides an example of continuous and coordinated awnings along a (sloping) retail main street (Oxford Street, Sydney)

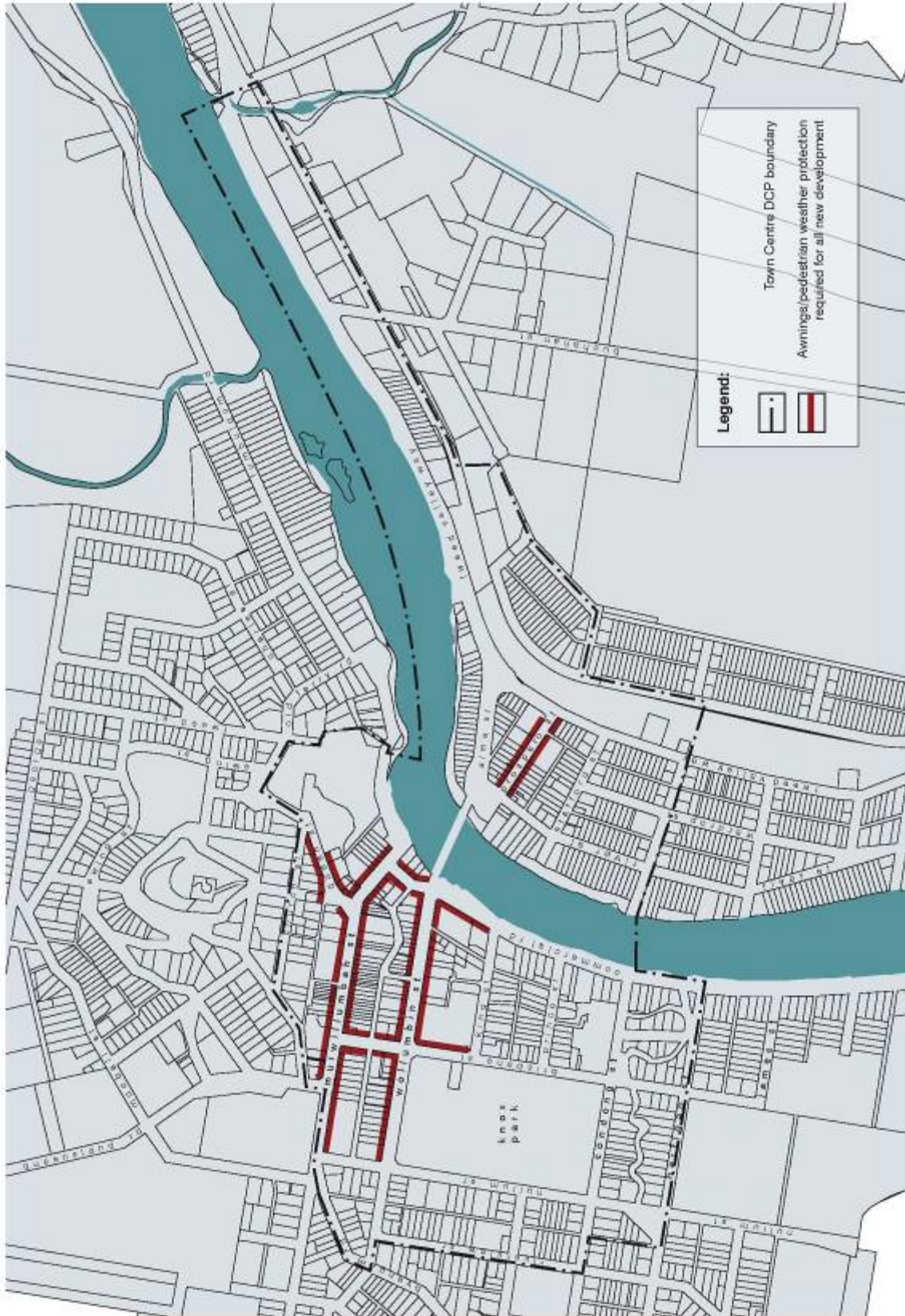


Figure 4.7 Location of awnings in Murwillumbah Town Centre

4.11 Signage and advertising

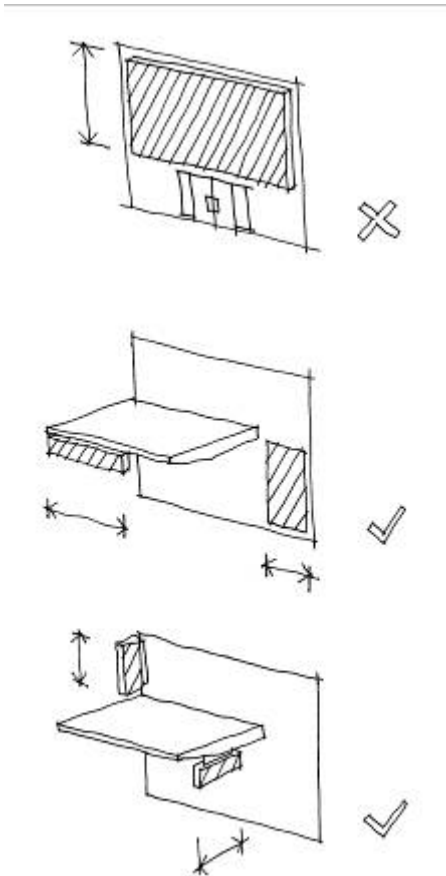
Individual signage is essential to commercial premises. Collectively, signage contributes significantly to the character of the public domain and should be considered in this context. It is important for commercial signage to be of a quality that enhances the character of Murwillumbah Town Centre, while also fulfilling the needs of business operators

Objectives

- To confine advertising and signage to appropriate, consistent and visually acceptable locations;
- To establish controls that encourages consistency and utility in the treatment of signage, so that it does not detract from the streetscape;
- To allow freedom of expression for commerce within well defined limits;
- To ensure that heritage structures are not despoiled by unsympathetic signage; and
- To avoid the visual pollution, which results from, unregulated advertising and signage

Controls

- All applications for new buildings or the substantial refurbishment of an existing building shall detail the design provisions made to accommodate future signage;
- Signs are designed and treated as an extension of the architecture of the building reflecting the building in terms of styling and materials;
- The scale proportion and form of advertising devices and entry features are appropriate to the streetscape or other setting in which they are located;
- Signage devices do not obstruct the passage of pedestrians or vehicles. They do not impact on traffic safety and do not obstruct sight lines;
- Signage devices placed on footpaths and street edges (e.g. "A-frame" display boards) are not permitted;
- Signage devices are designed and integrated into the building and landscape design so as to minimise visual clutter;
- Signage devices are constructed of robust materials so as to minimise ongoing maintenance;
- Signs will only be permitted above the awning of a building where they are incorporated into the design of the building; and
- Signs are not to cover windows or detract from the architectural qualities of a building.



Appropriate location and proportion of building signage

5 Medium Density Residential Development



Example of potential future streetscape, incorporating medium density residential development

A key aspect of this DCP and the work that has informed it has been a focus on increasing the residential population within and around the town centre. This objective is designed to enliven the town centre public domain, provide alternative forms of housing, and increase safety through enhanced casual surveillance (this is of particular concern to the Knox Park frontage).

Key strategies in support of these objectives involve the creation of opportunities for medium density housing and for residential apartments to accompany retail and commercial uses in a mixed use format (see Section 6 for specific details). While encouraging these housing choices, there are a range of guidelines that are to be incorporated within any design proposal. These are considered to be in addition to other more general DCP controls detailed here.

Guidelines

General

- Medium density residential development is encouraged in Murwillumbah Town Centre in those areas identified in Figure 5.1.

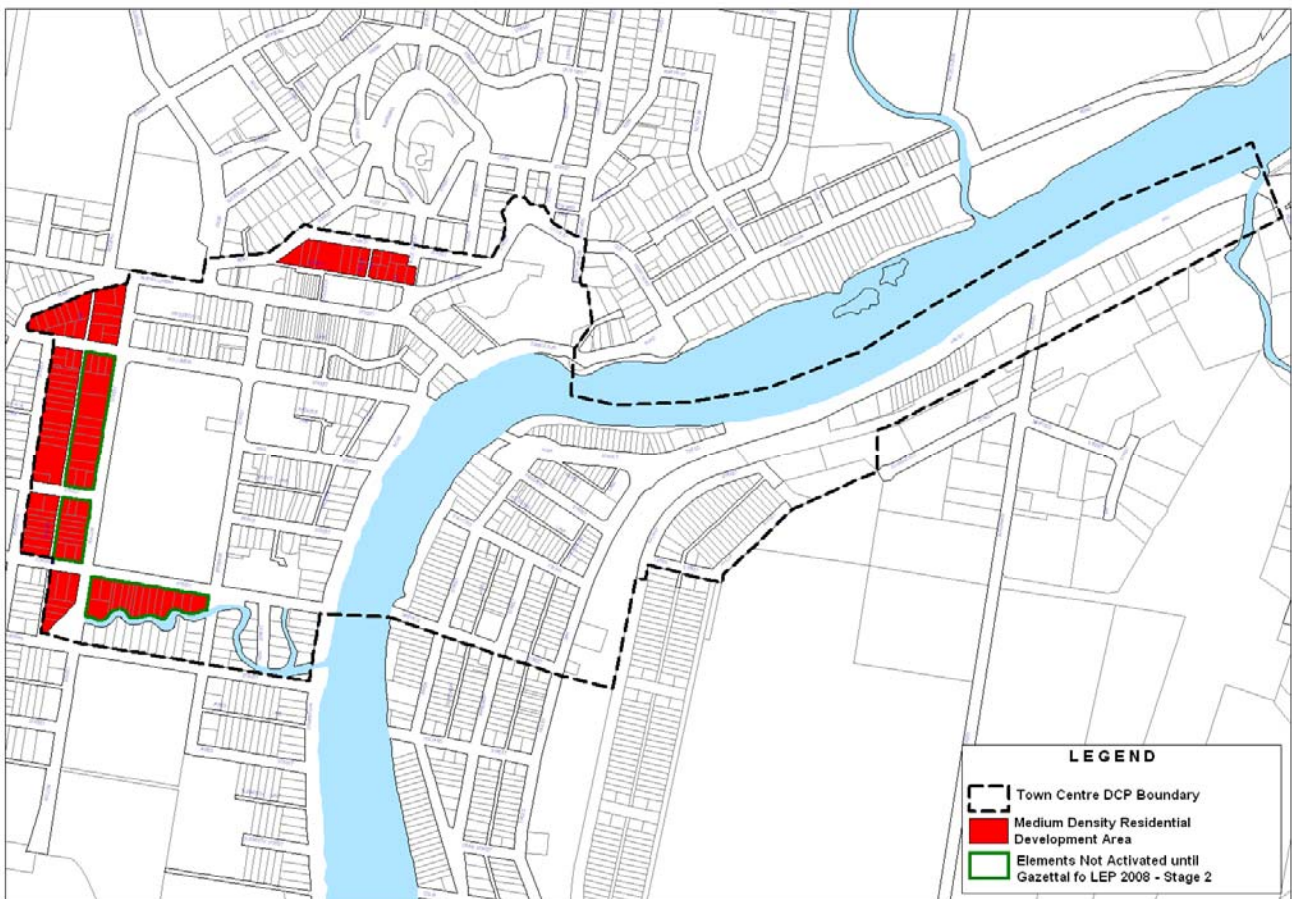


Figure 5.1

Medium density residential areas in Murwillumbah Town Centre

- Medium density development in Murwillumbah Town Centre incorporates residential flat buildings, townhouses and row houses.
- Site planning optimises the number of units which address or have their primary frontage to the street. Primary entries must be clearly visible from the street, expressed in the appearance of the building.
- Site planning optimises the number of habitable rooms overlooking public space.
- Site planning minimises the number of habitable rooms looking onto side boundaries.
- Pedestrian paths and entries are more prominent than vehicle movement areas and utility spaces



Examples of appropriate medium density housing forms

- For sites defined as 3/4 storeys on the Murwillumbah Town Centre Building Height Map (Figure 4.3), the uppermost storey is to have a floorplate of no more than 40% of that located immediately below. Additionally, the uppermost storey is to be set back from the main façade by a minimum of 3 metres.

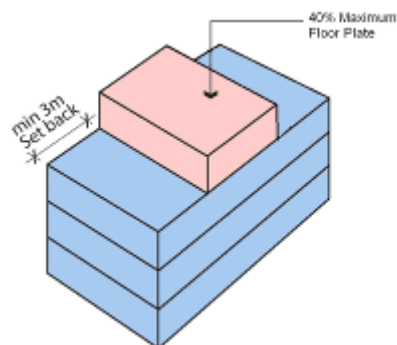
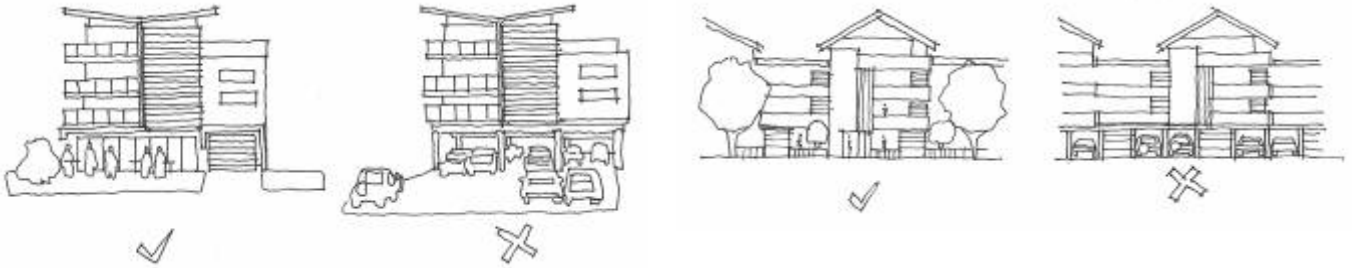


Illustration of 4th storey controls for medium density residential development

Parking

- Apartment Forms
 - Parking is not to dominate the streetscape.
 - Parking is to be provided within a basement parking area,

- accessed from a single point on the street frontage.
- Basement parking may project a maximum of 1.2m above natural ground level.
- Where projecting above ground level, basements are to be designed as an integral element of the building and should incorporate appropriate screening to minimize visual impact.



Examples of appropriate and inappropriate approaches to parking in residential flat buildings.



Example of an appropriate “sub-basement” option which has been designed as an integral component of the way the building presents a transition to the public domain

- Other medium density forms
 - Car parking is to be provided either within a basement, behind street front development, or in single spaces beside a dwelling entry (see images below).
 - Parking is not to dominate the streetscape.
 - All parking structures are to be set back from the building’s main street façade.



Examples of appropriate parking arrangements for other medium density housing forms.

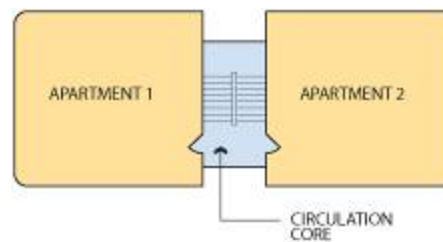
Knox Park & Other Low Lying Areas

South Murwillumbah and much of the frontage to Knox Park experiences flooding during extreme events, thereby providing a potential constraint on development. Conversely, part of the area’s proximity to a major public

domain resource (Knox Park) and/or an objective of stimulating redevelopment, underlies a need to maximise casual surveillance and density. As a result of these factors, particular development outcomes are envisaged.

The following guidelines apply to sites identified in the following plan.

- Both row houses and apartment forms are permissible in flood affected areas. Row houses are permissible on all properties highlighted in figure 5.2 which have frontage to Condong Street and Nullum Street.
- For Sites with frontage to Condong and Nullam Streets (as detailed above) shown in Figure 5.2, site planning is to encourage internal vertical alignment of spaces to ensure the Row House style is achieved.
- Where flooding constraints require the main habitable spaces to be above ground level, design solutions should be sought that maintain an active ground level frontage to the street through the location of building entries, secondary living/utility spaces etc at ground level, with parking located underground, beside or behind these elements. Bedrooms and main living areas (including kitchens) are strictly prohibited at ground level.
- Ground level habitable space should comprise no more than 10% of the total dwelling gross floor area.
- Where apartments are proposed:
 - There are to be no more than two apartments per level accessing a circulation core.
 - Ground floor apartments are to be configured over 2 levels with main living and bedroom areas on level 1 and only entry spaces, parking, secondary living/utility spaces provided on ground floor. Ground level habitable space is to comprise no more than 10% of an individual dwelling gross floor area.
 - A flood refuge area that allows access for evacuation is incorporated at least 1 floor above the 1 in 100 year flood design level. The space is to be covered and easily accessible to all apartments.



The number of apartments accessing a single core are to be minimised

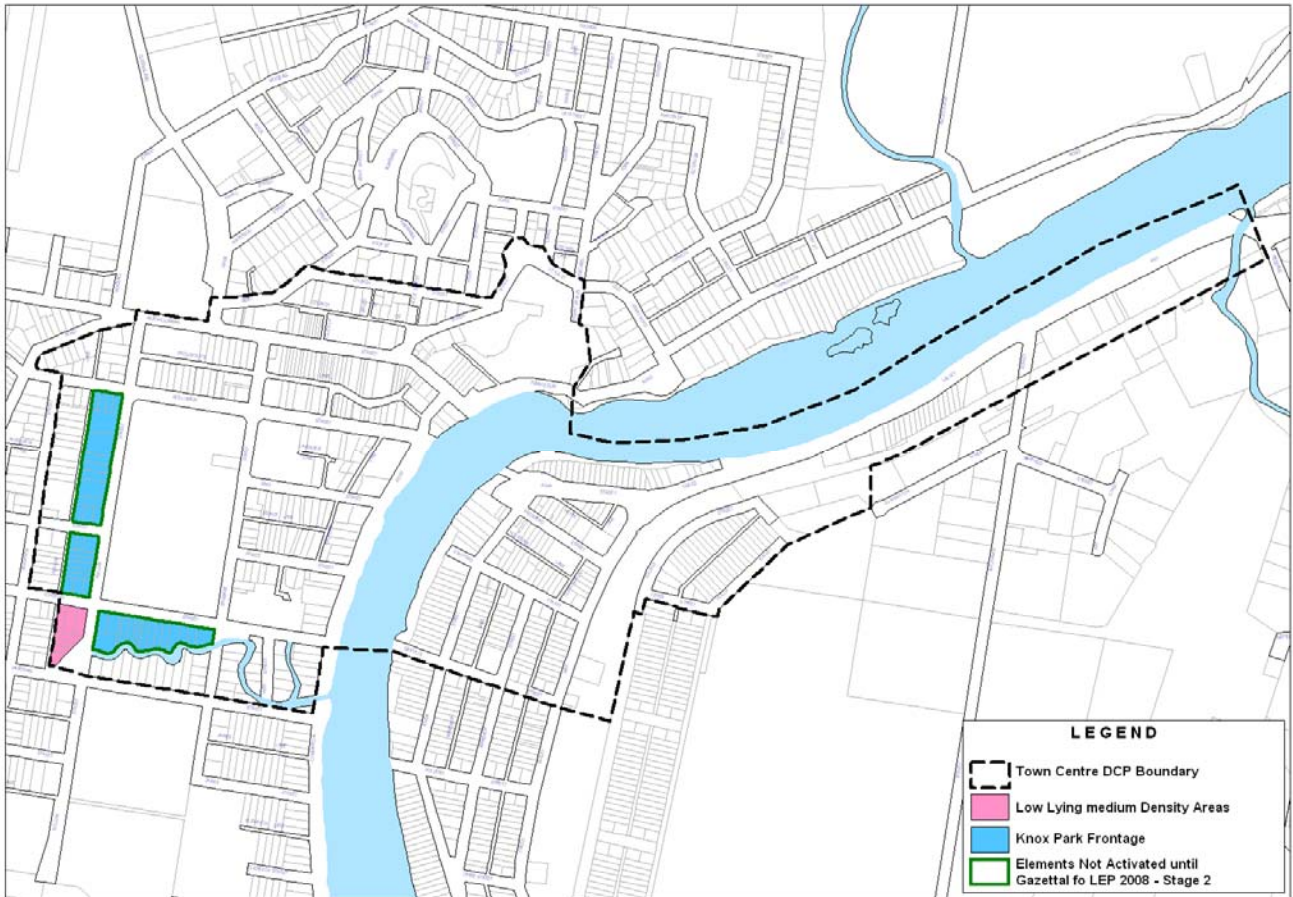


Figure 5.2 Low Lying Medium Density Areas



This example at Rainbow Shores (Clare Design) illustrates an appropriate attached house form where ground floor habitable space is minimised.



Ground levels in apartment buildings are to be configured as a 2 level “townhouse” with minimum habitable space at ground level.

6 Mixed Use Development



Indicative view of Wollumbin Street, opposite Knox Park, as an example of a potential future mixed use streetscape.

Mixed use buildings are a unique building type that requires specific attention to ensure a high quality built form outcome. This is particularly the case in town centre areas as streets normally experience high levels of activity, with the potential to affect residential amenity. Likewise, the location of residential development within a busy retail street context has the potential to disrupt the continuity of the street and impact on the quality of the public domain.

Guidelines

- Mixed use development is defined as a vertical integration of 2 or more activities within the one building. A typical example of mixed use development is shop top housing.
- Mixed Use development is encouraged in Murwillumbah Town Centre in those areas identified in Figure 6.1.

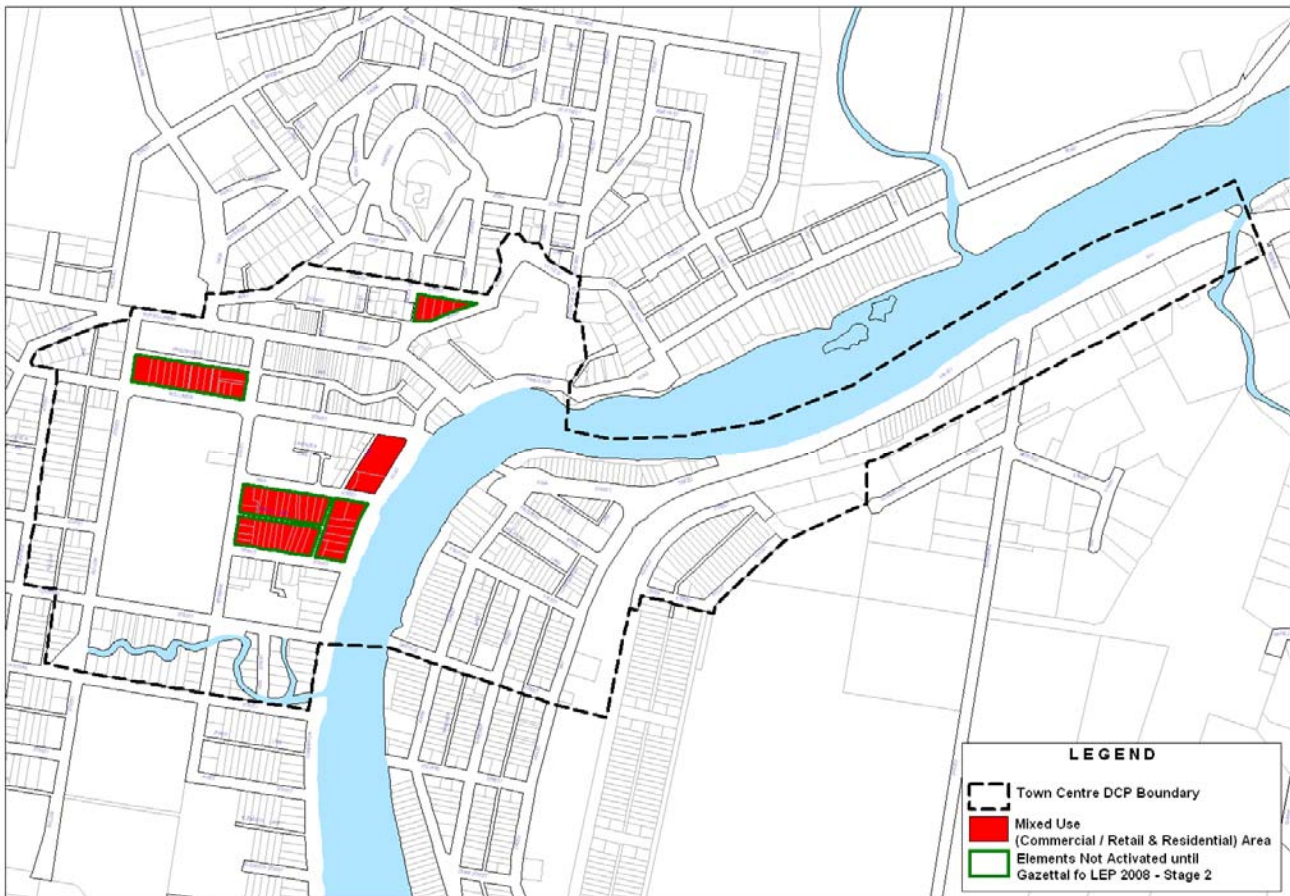
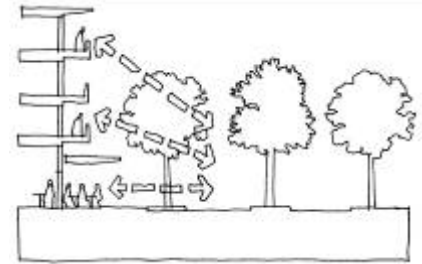
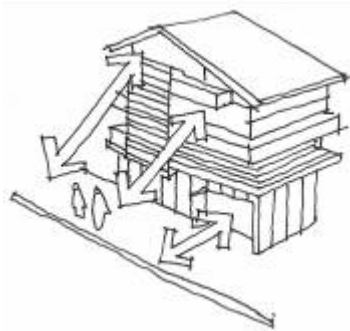


Figure 6.1

Mixed Use development areas in Murwillumbah Town Centre

- The upper floor uses of mixed use buildings must have clearly defined and separate entrances from the street frontage.
- The entrances for upper floor activities is not to occupy more than 10%-20% of the street frontage.
- Mixed use buildings must establish clear sightlines for casual surveillance of the public domain, whilst allowing for suitable privacy for upper storey residential apartments.
- Mixed use buildings are to be highly detailed and articulated such that their bulk and scale is reduced and compatible with the fine grained development pattern that surrounds them.
- All parking is to be located at the rear or in a basement car park, accessed via a rear lane wherever possible.



Establish strong sightlines to provide casual surveillance of the public domain as well as privacy to upper levels



The above images depict examples of modern mixed use development of an appropriate scale for Murwillumbah Town Centre

7 Additional Controls for Special Areas and Issues

In addition to the general and more specific controls contained within this DCP, there are a number of places and issues that because of their unique or special nature require further individual attention. These include:

- The Murwillumbah Street Precinct
- The Prospero Street Precinct
- The potential impact of additional major retail establishments.

These are addressed in the following sections.

7.1 Murwillumbah Street Precinct

The Murwillumbah Street Precinct is defined in Figure 7.1. It is the main retail street for Murwillumbah. Comprised of a pedestrian friendly scale and a fine grained mix of activities, it is the core of the Town Centre's image and character. The precinct contains several heritage buildings and a range of additional buildings of architectural or other merit that contribute strongly to the character and coordinated appearance of the street.

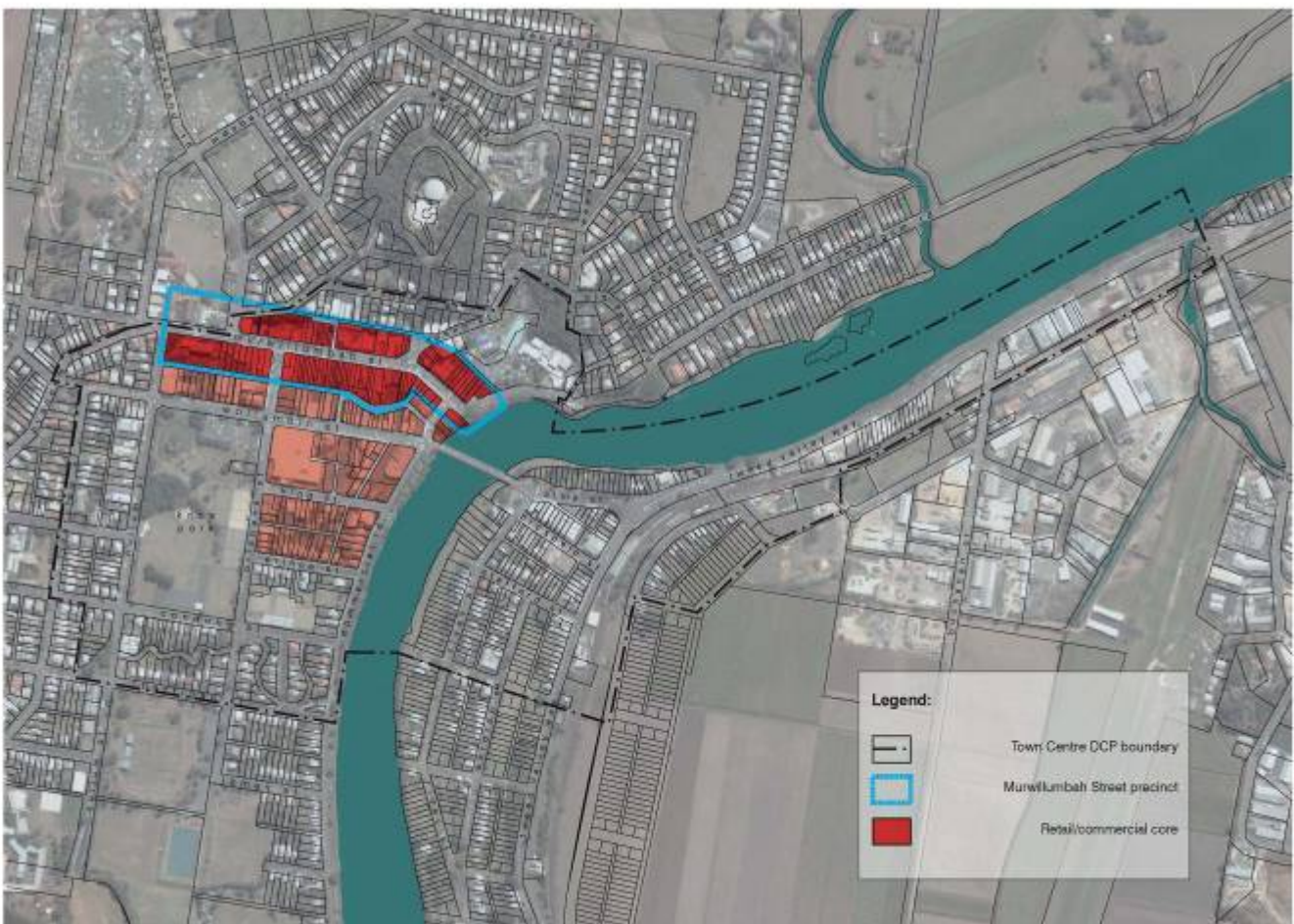


Figure 7.1 Murwillumbah Street Precinct Guidelines

- Special care and attention is to be placed on the design of buildings or alterations to existing buildings in the Murwillumbah Street Precinct in order to ensure a compatible relationship with the existing built

form.

- There is a mix of horizontally and vertically proportioned buildings existing in the street, and as such, no particular approach is singularly relevant. Instead, proposals for development should take clues from adjacent and nearby buildings in order to demonstrate the appropriateness of the design solution to the existing streetscape.
- While neither vertical nor horizontal proportioning predominates, all key buildings share a similar approach to detailing and façade articulation. In this respect, all new development is expected to employ varying building materials, colour, physical expression and articulation to engender a high degree of architectural detail and visual interest.
- Entrances to upper floor activities are not to occupy more than 10% of the ground floor street frontage.
- Infill buildings are to be designed to be compatible with the major patterns established in the vicinity, and street in general. These include parapet lines, widow placement, awning height and design, urban grain and subdivision pattern, extensive ground floor glazing and consistent street alignment.



Views of Murwillumbah Street. These views illustrate both vertical and horizontal proportioning systems in the existing buildings and a small scaled urban grain of the street.

7.1.1 Heritage and contributory buildings

This DCP supports the conservation of the rich mix of significant buildings within Murwillumbah generally, and specifically for the Murwillumbah Street Precinct, as this location is comprised of the greatest concentration of buildings, which in turn, provides the basis for the Street's image and character.

The Tweed LEP contains various controls on the conservation of items and areas of environmental and heritage significance. There are currently very few buildings listed in the LEP's heritage register, however the range of work contributing to this DCP has identified a larger number of additional buildings that could be appropriately referred to as "contributory" due to their cumulative impact on overall street character.

Objectives

- Protect and enhance items of environmental and heritage significance. LEP 2000 details the location of all heritage and contributory buildings within the DCP Area.
- All new developments in the Murwillumbah Street Precinct are to be designed to be compatible with the heritage significance of listed heritage items.

Guidelines

- Proposed developments involving heritage items must comply with the heritage provisions contained within Tweed LEP 2000
- When submitting an application in respect of a heritage item, the onus is on the proponent to demonstrate that the heritage significance of the item would not be compromised by the proposal.
- When submitting an application in respect of a heritage building, the onus is on the applicant to demonstrate that the architectural and streetscape value of the building would be retained or enhanced by the proposal.
- Where a development involves a heritage building, Council requires that a statement of heritage impact be prepared and lodged with the development application. The statement is to set out the relative merits of the place and the effects that proposed works may have on the significance of the place.
- When submitting an application in respect of a property within the vicinity of a heritage building, the onus is on the applicant to demonstrate that the architectural and streetscape appearance of the proposal is compatible with the streetscape and urban character established by the heritage building.

7.2 Prospero Street Precinct

The Prospero Street Precinct is a unique situation in Murwillumbah. It is economically depressed, sustaining little present activity, due in part to the area's susceptibility to flooding (1 in 20 yr). Conversely, the precinct forms the gateway to the town centre from its main access and is close enough to provide an important supporting role to the core town centre activities. While the final eventual use must be proven through a more detailed feasibility exercise, the revitalisation of the precinct will be a benefit to Murwillumbah.

DEFERRED

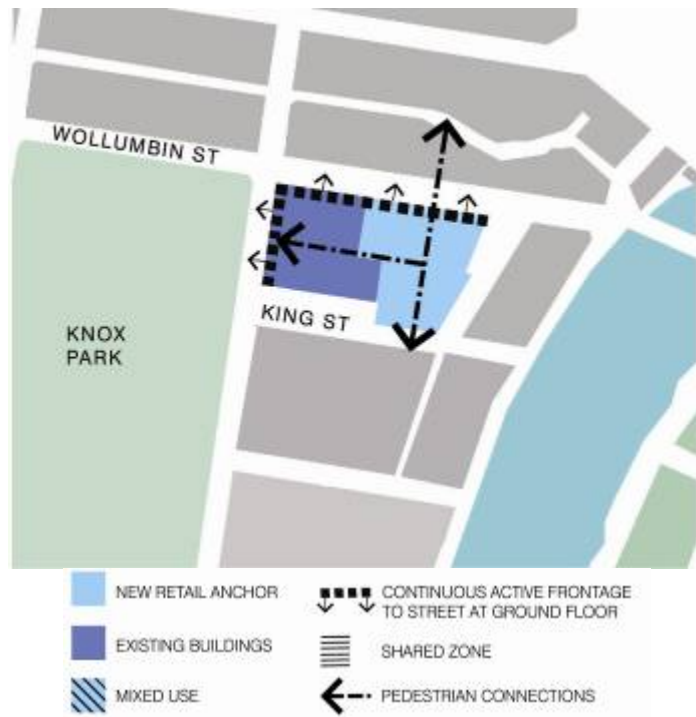
7.3 Major Retail Options

During the course of the study, it became clear that the potential for provision of a second major supermarket (and associated specialties) in the Town was a distinct possibility. As a result, three potential sites have been identified for which a number of general principles have been developed. It should be noted that no sites outside of the Town Centre were considered appropriate. Rather, it is considered that any new major retail should contribute to the strength of the town.

Site A

This site builds on and enhances the existing strong urban structure of the town with an expanded southern anchor to balance the strong east-west orientation of Murwillumbah Street. Additionally, the land size and orientation is suitable for a major retail offer. The identified site excludes the existing church on Wollumbin Street. The following principles apply:

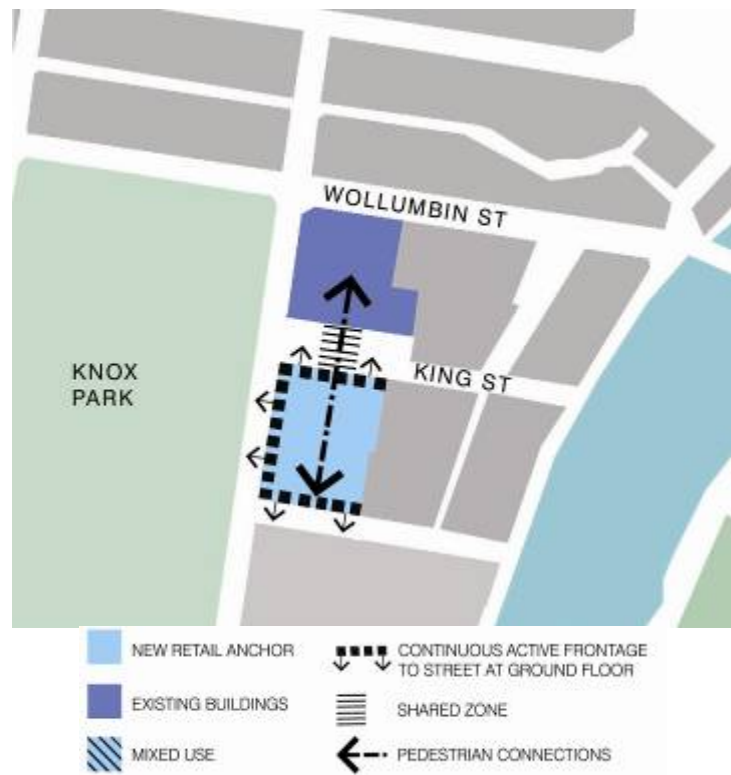
- Provide continuous active frontages to Wollumbin and Brisbane Streets.
- The development should be linked directly into the adjacent Sunnyside Mall.
- Provision of an additional supermarket.



Site B

This site also builds on and enhances the existing strong urban structure of the town with an expanded southern anchor to balance the strong east-west orientation of Murwillumbah Street. Option 2 however moves the centre of gravity further south and away from the core of the town centre. The land size and orientation is suitable for a major retail offer. The following principles apply:

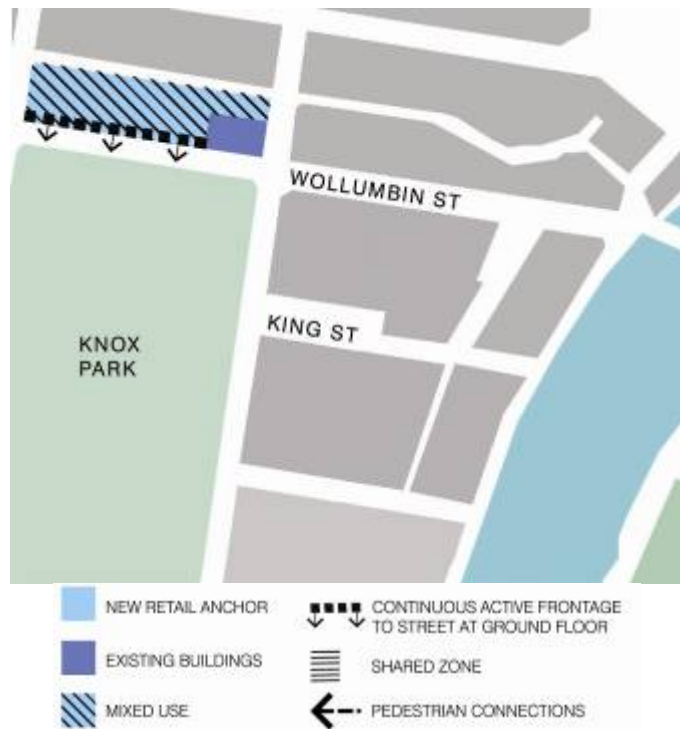
- Provide continuous active frontages to the 3 surrounding streets.
- The development should be linked directly into the adjacent Sunnyside Mall via a ground level pedestrian crossing over King Street.
- A direct pedestrian linkage should be provided through to Proudfoots Lane and Murwillumbah Street.



Site C

This site is located on a parcel of land that is in several ownerships and may be constrained by its orientation and dimension for use by a supermarket. The site is however compatible with the existing urban structure of the town, expanding the current strong east-west orientation of Murwillumbah Street. The following principles apply:

- Provide continuous active frontages to Wollumbin Street, of ground floor retail and residential above, in order to maximise casual surveillance of Knox Park
- Vehicle access is to be provided from Proudsfoot Lane, with current improvement plans for the eastern part of the Lane extended to this western part.





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