

**TITLE: [PR-CM] Planning Reform Unit - Tweed Development Control Plan
Section B23 - Hastings Point Locality Based Development Code**

ORIGIN:

Planning Reforms

FILE NO: GT1/DCP/B23

SUMMARY OF REPORT:

Preparation of the draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code began in April 2009. The draft Plan has been the subject of an extensive, staged community consultation program and has been prepared for adoption following a review of public submissions received during the draft Plan's public exhibition.

The project team for the plan comprised of the consultant Ruker Urban Design and staff from the Planning Reform Unit (PRU). Ruker was engaged in the capacity of an 'extension officer' to the PRU enabling the collaboration of ideas, skills and experiences through a co-authoring process of the draft plan; this was designed to ensure that the plan was the work of the Council as much it was Ruker, and that any copyright or intellectual property rights would ultimately vest in the Council, rather than an external party.

The issues raised through public submissions on the draft plan and an initial response from Council officers and the consultant was reported to the Council Meeting of 19 October 2010. An updated schedule of response to the public submissions is provided within the final Code document. Further detail on specific, post-exhibition amendments made to the Plan is detailed in the body of this report.

The report further highlights the response to concerns raised by the community through amendments to the draft Plan and provides a chronology of events in the production of the Plan and the community consultation processes.

Ultimately, the report and the corresponding amended draft Plan recognises the unique qualities of the locality that distinguish it to other small coastal villages in the Tweed. Distilling the characteristics and developing them in line with the expectations of the local community, landowners, and residents in a document which projects a desired future character consistent with these expectations has been the overriding objective of the placed based planning process, which was greatly assisted by local community participation by way of feedback and input.

The key post exhibition amendments which have been made to the document include:

1. Removal of residential flat building type and reduction of the maximum number of storeys from 3 to 2 for residential developments in the South Hastings Point and Centre Precincts;
2. Removal of requirement for trees in front and rear setbacks;

3. Variation of setbacks in Northern Entry and Peninsula Street Precinct (rear setback) and Creek Streets (north side front setback);
4. Revising diagrams removing reference to indicative development footprints over Lot 156 and The Point;
5. Additional resource material;
6. Removal of duplication text, predominantly reproduced from DCP A1;
7. General document revisions improving readability, maps and graphics.

The consultant for this project is supportive of the final draft Code amendments.

Based on the extent and nature of the amendments, and the extensive investigations underpinning these changes, the report concludes that a re-exhibition of the draft Plan is not warranted.

This report recommends the adoption of the draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code.

RECOMMENDATION:

That Council:

1. **Receives and notes the amendments to the publicly exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, arising from the review of public consultation submissions.**
2. **Adopts the exhibited Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, as amended, and provided as an attachment to this report, and resolves to give public notice of the Plan's adoption in accordance with Clause 21(2) of the Environmental Planning and Assessment Regulation 2000.**
3. **That a notice be placed in the Tweed Link notifying Councils intention to repeal the Hastings Point Interim Development Controls within the Tweed Development Control Plan Section A1 – Residential & Tourist Development Code. The publication of the notice of intention to take place 14 days before publication of the notice of repeal and commencement of Tweed Development Control Plan Section – B23 Hastings Point Locality Based Development Code.**
4. **Forwards a copy of the adopted Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code, to the Director-General of the NSW Department of Planning in accordance with Clause 25AB of the Environmental Planning and Assessment Regulation 2000.**

REPORT:

Preparation of the draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code began in April 2009 and comprised of several public (community based) workshops, councillor workshops, general information sessions, site inspections, on-site meetings, and a statutory public exhibition. A chronology of the key dates and activities associated with and leading to this project is provided at **Attachment 3**.

The information gathered from the various consultations was collated and used to inform decisions leading to and in the preparation of the draft Plan. The project team for the plan comprised of Ruker Urban Design and staff from the Planning Reform Unit (PRU). Ruker was engaged in the capacity of an 'extension officer' to the PRU enabling the collaboration of ideas, skills and experiences through a coauthoring process of the draft plan. The intent behind the designed team collaboration was to ensure that Council staff had at its disposal the best means of ensuring that contemporary industry practice, and a diverse range of views, skills and experiences were available to draw upon beyond that of the council and the community. The appointment of Ruker was invaluable to the overall process as their role was multidisciplinary acting both in the capacity of expert urban design advisor, umpire and workshop facilitator.

The overriding vision of the locality is to reinforce Hastings Point's role as a low key holiday destination for temporary residents and visitors and a small coastal settlement for permanent residents where buildings are to reflect coastal architectural styles and the integrity of the natural landscape including Cudgera and Christies Creek, ocean beaches and headland is carefully managed.

The methodology employed throughout the locality plan process included:

- extensive community consultation including workshops, questionnaires and stakeholder meetings;
- a comprehensive mapping and constraints overlay exercise to establish a baseline level of locality information and data including environmental protection areas and flooding;
- a locality wide visual analysis to determine the defining view corridors within the locality;
- identification of four precincts within the locality derived from existing built form character coupled with precinct specific environmental constraints, topographic and geographic features criteria;
- the identification of the existing character within each of the precincts including built form and natural features;
- the establishment of vision statements and desired future character for each of the precincts;
- the formulation of precinct specific development controls which provides certainty to future development within them including appropriate building types, building heights, setbacks, floor space ratio and landscaping requirements.

The key characteristics and exhibited development controls as they relate to the four identified precincts has been discussed below. The four precincts include; Peninsula

Street and the Northern Entry Precinct; Creek Street Precinct, The Centre Precinct; and South Hastings Point Precinct.

Peninsula Street and the Northern Entry Precinct

The north hill component of this precinct has a number of existing residential flat buildings as well as a mix of single and two-storey dwellings and multi-unit dwellings. The draft plan identified this part of the precinct as being suitable for small residential flat buildings with a height limit of 10 metre (3 storeys).

The draft plan identified that future development will need to be setback from the dunes, step with the topography and screened by vegetation along the Tweed Coast Road. The exhibited plan also established a 5.0 metre rear setback of the potential 3rd storey building element to reduce the visual bulk of future development when viewed from the beach, headland, bridge and Tweed Coast Road. Houses, dual occupancies and townhouses are also appropriate forms of development within this precinct and would have an 8.0 metre building height limit.

Lots around the bridge and estuary (western side of Peninsula Street) are predominantly double storey multi-unit dwellings. Given the potential of future development to have a significant impact on views, character and natural amenity, the draft plan limited future development to houses, dual occupancies, villas and townhouses, which have an 8.0 metre building height limit.

Creek Street Precinct (including Lot 156)

Creek Street is a low scale, single and two-storey residential precinct. The draft plan identified that future buildings must complement the low scale, well landscaped residential qualities which currently exist. Appropriate building types identified by the draft plan include houses and dual occupancies only with a maximum 8.0 metre building height.

Lot 156 has been identified as being part of the Creek Street Precinct. The draft plan identified that any future development which may occur over this site would need to reflect the low scale residential character of Creek Street. The draft plan therefore identified houses and dual occupancies, with a maximum 8.0 metre height limit, as the appropriate building types over Lot 156.

The Centre Precinct

In the Centre Precinct the draft plan identified opportunity for shop-top housing and expansion of retail uses of the existing shop site into the immediately adjoining lots, with a maximum height limit of 10.0m.

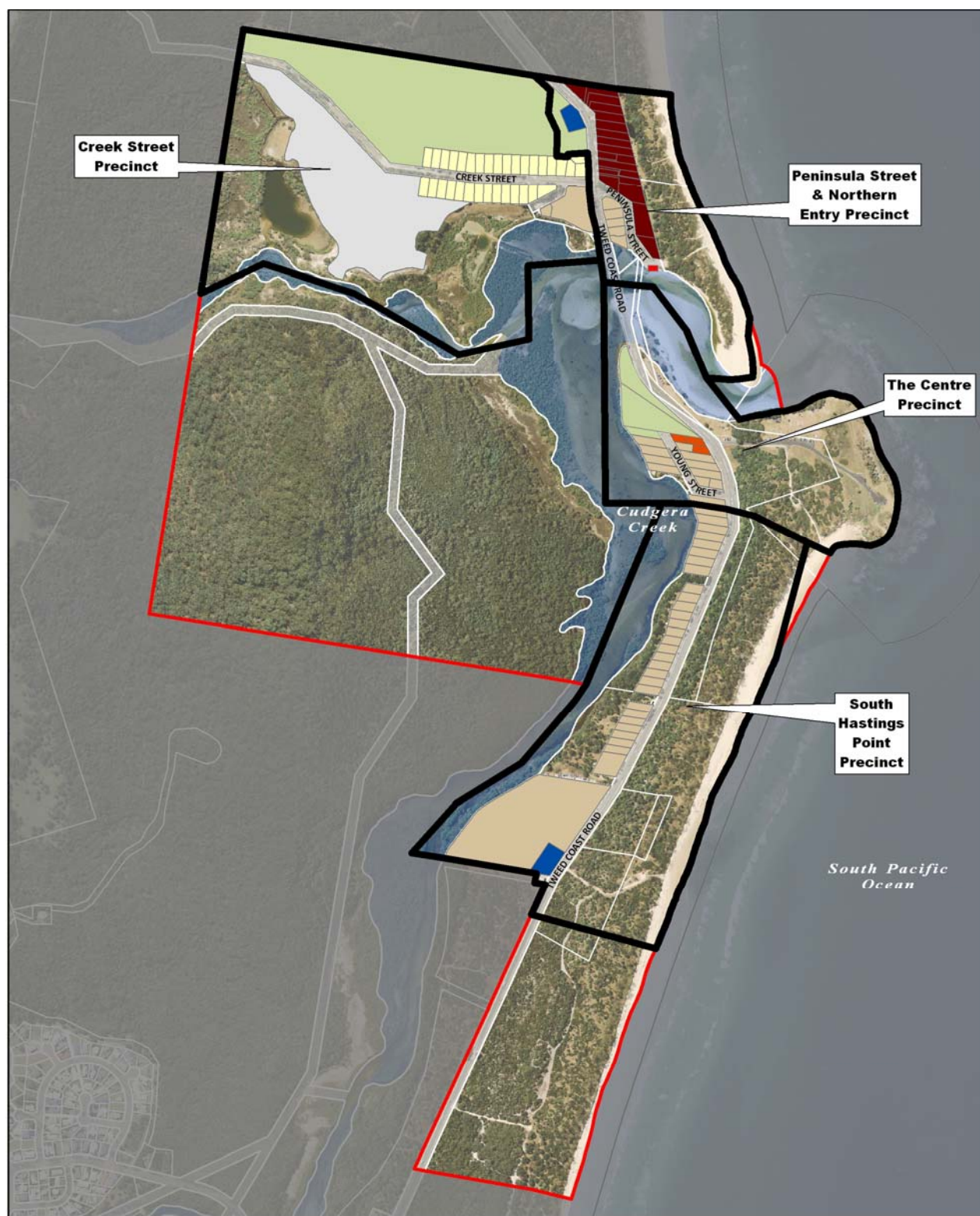
Apart from the existing retail corner the balance of the precinct is predominantly low scale single and two storey dwellings and dual occupancies. Given the proximity to the Cudgera Creek and the high visual and environmental sensitivity of this precinct, the draft plan identified houses, dual occupancies, villas and townhouses which will have an 8.0 metre building height limit as the predominant building type. The draft plan also provided opportunity for Council to consider small residential flat buildings where key design and visual setting criteria combined with character objectives could be satisfied.

South Hastings Point Precinct

South Hastings Point Precinct consists predominantly of single and two storey houses and dual occupancies. Given the environmental constraints and coastal sensitivity of the precinct, and potential of future development to impact on views, as well as the inability of many of the allotments to adequately accommodate larger developments, development is limited to houses, dual occupancies, villas and townhouses, a maximum 8.0 metre building height limit. The exhibited draft plan also provided the opportunity for Council to consider small residential flat buildings where key design and visual setting criteria combined with character objectives could be satisfied.

The post exhibition review of the Draft Code has resulted in a series of amended development controls, which are further discussed in the next section of this report.

Figure 1: Hastings Point Building Types and Precinct Boundaries



SOURCE:
Aerial imagery taken
October 2009 by
Fugro Spatial Pty Ltd

Figure 3.9 - Building Types & Precinct Plan
Tweed Development Control Plan - Section B23



Public Exhibition

The Draft Code was placed on public exhibition during the period 28 April 2010 to 2 July 2010, and concluded with 113 submissions received. During the exhibition period a special workshop was held for local landowners on 25 May 2010. Submissions received during the public exhibition period covered a broad range of issues including:

- Acid Sulfate Soils
- Building Type
- Beach and Dunal System
- Cudgera Creek bridge
- Cycle and foot paths
- Development Approvals
- Design Controls
- Estuary
- FSR
- Property Value
- Landscape
- Northern dunes
- Residential Flat Buildings
- Retail
- Signage
- Tree canopy height
- Vegetative Escarpment
- Building height
- Building Materials
- Buffers
- Car parking
- Caravan Park
- Drainage
- Education Signage
- Foreshore
- Floodwater
- Headland
- Littoral Rainforest
- Sea level rise
- Setback
- Southern Planting
- Sewerage system
- Tidal wetlands
- Views
- Deep soil zones
- Camping
- Character
- Cudgera Creek
- Christies Creek
- Eastern foreshore
- Fill
- Flooding
- Compliance
- Park facilities
- Precincts
- The Point
- Visual Setting
- Service Station
- Traffic
- Wildlife Corridor
- Water Quality

Tabulation, collation and an initial response from the Council officers and the consultant to the public submissions were reported to Council at the Ordinary Meeting of 19 October 2010. An updated schedule of response to the public submissions is provided within an attachment of the final draft Code document.

Post Exhibition Amendments

The Project Team, consisting of both Council officers and the consultant, Ruker Urban Design, worked together to review and respond to the public submissions on the draft Code. The consultant submitted a final draft Code document to Council on 30 September 2010, thereby finalising her main contracted services.

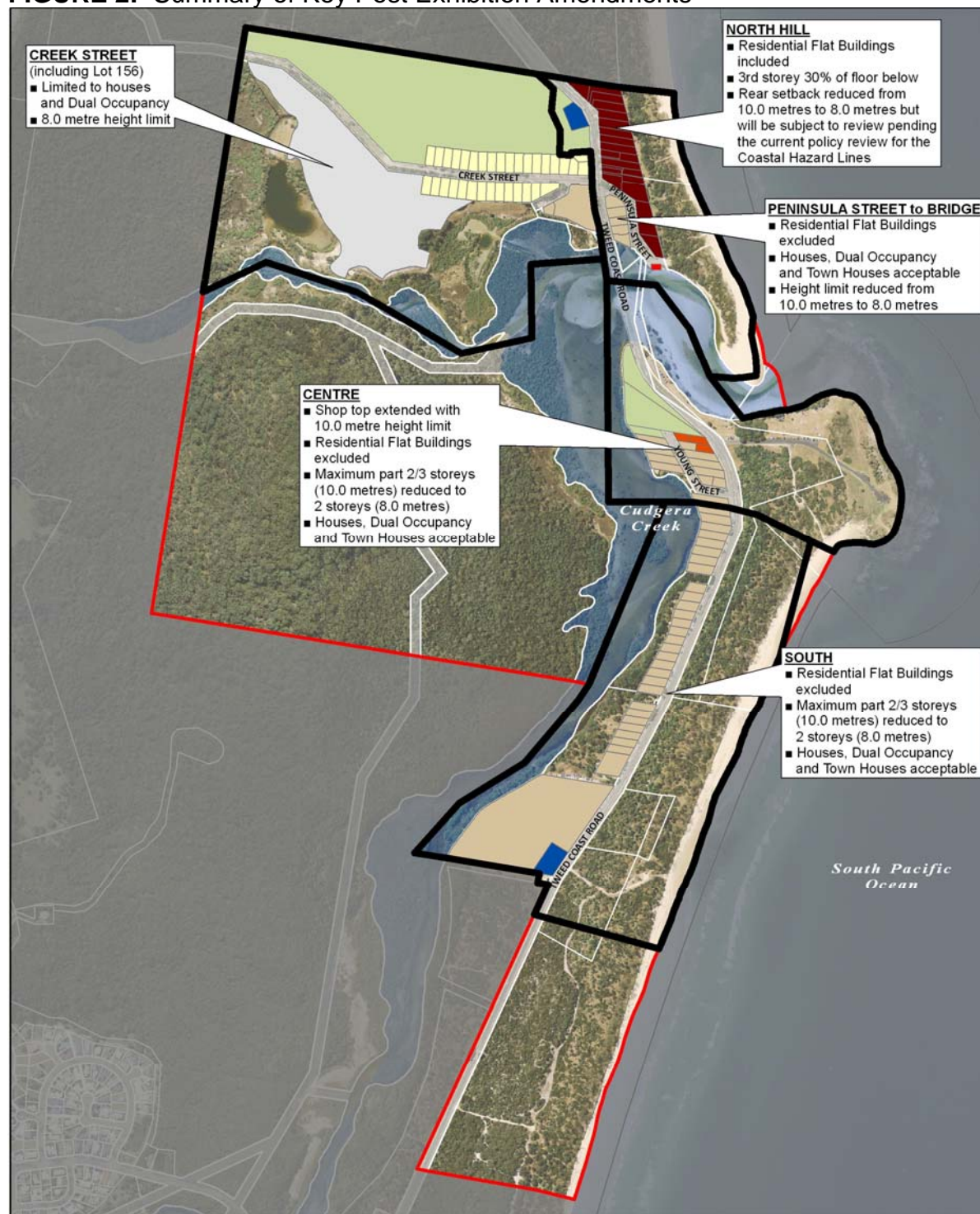
Council officers have since conducted further, post-exhibition analysis of the issues raised by the public submissions, and have recommended a series of further amendments to the final draft Code.

These further changes were communicated to the consultant, who acknowledged the rationale of these further investigations, and raised no objection to the final draft Code amendments.

Whilst the format of the document has been changed to be consistent with the layout of the recently adopted Pottsville Locality Based Development Code, the content of the document remains substantially unchanged, except for those amendments which include:

1. Removal of residential flat building type and reduction in maximum number of storeys from 3 to 2 for residential developments in the South Hastings Point and Centre Precincts;
2. Removal of requirement for trees in front and rear setbacks;
3. Variation of setbacks in Peninsula and Creek Streets;
4. Revising diagrams removing reference to indicative development footprints over Lot 156;
5. Additional resource material;
6. Removal of duplication text, predominantly reproduced from DCP A1;
7. General document revisions improving readability, maps and graphics.

These amendments are further discussed below and graphically represented in Figure 2 which provides a summary of key post exhibition amendments to the Plan. A detailed comparison of development controls between DCP A1 and the Hastings Point Locality Based Development Code is provided at **Attachment 3**.

FIGURE 2: Summary of Key Post Exhibition Amendments**Figure 3.91 - Summary of Key Post Exhibition Amendments
Tweed Development Control Plan - Section B23**

SOURCE:
Aerial imagery taken
October 2009 by
Fugro Spatial Pty Ltd

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Cadastral: 05 November, 2010
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Boundaries shown should be considered approximate only.

0 50 100 200 M
1:10,000 @ A4 Portrait
DO NOT SCALE
COPY ONLY - NOT CERTIFIED

Map Projection: Universal Transverse Mercator
Horizontal Datum: Geoidetic Datum of Australia 1984
(srid: Map Grid of Australia, Zone 56)

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TWEED
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Variation to certain building type and height provisions in the South Hastings Point and Centre Precincts

Under the definitions of coastal settlements within NSW North Coast Design Guidelines 2008 and the Coastal Design Guidelines 2003, Hastings Point is a small coastal village which defines residential buildings as being typically low rise, one to two storeys in height with opportunity for a village centre (retail hub) to be 3 storeys in height commensurate with the limited level of retail, commercial and social infrastructure services. Height limits and building typologies as identified within each of the Hastings Point Precincts have been applied consistent with these guiding documents.

Following community responses expressing concern about the potential impact of increased residential densities, further design investigations were undertaken, which revealed that:

- the majority of sites within both the South Hastings Point and Centre Precincts would have difficulty providing adequate basement car parking and car manoeuvring room within the setback defined building envelope (6 metre front, and 8 metre rear). This was particularly evident on blocks which had relatively modest lot dimensions typically having a 20 metre street frontage and depths of as little as 36 metres.
- the predominant existing building types within the South Hastings Point Precinct and Centre Precincts are single and two storey detached dwellings and dual occupancies, and that
- the existing and desired future character as expressed by the residents of these precincts is consistent with the definitions in the NSW North Coast Design Guidelines 2008 and the Coastal Design Guidelines 2003.

During public exhibition, and throughout the public consultation process, considerable concern was expressed about the potential adverse impact of 10 metre, 3 storey residential flat buildings (RFBs) development on the character of these precincts and Hastings Point generally, and as such, the Draft Code was amended post-exhibition to remove the provisions relating to RFBs from South Hastings Point and the Centre Precinct.

Whilst it is possible that a range of RFB configurations may have resulted in a greater variety of housing options, it was considered that the cumulative impact of three-storey (10 metre high) development and the potential for a significant change in the urban subdivision pattern through consolidation would ultimately undermine both the existing and future character of the precinct.

The project team formed the view that the design provisions that were being developed to enable this building type were becoming increasingly complex and inflexible and that they would be difficult for the Council's Development Assessment Unit to both regulate and implement. The complexity of the controls and the limited area of their potential application was a positive indicator supporting the view that RFBs are generally not appropriate for the southern side of Hastings Point, south of Cudgera Creek Bridge.

The removal of RFBs as a building type from both the South Hastings Point Precinct and Centre Precincts ensures redevelopment of these precincts will provide a better balance

of single detached dwellings and low rise multi-dwelling housing types (townhouses) that will maintain an adequate level of diversity while responding to concerns about protection of the natural environment, which is an essential feature of the character of the locality.

As such the plan identifies appropriate building types within both the South Hastings Point and Centre Precincts being houses, dual occupancies and townhouses, with a maximum 8.0 metre height limit.

It is proposed to retain the proposed maximum 10 metre height limit for the retail/commercial properties of the Centre Precinct.

Should a landowner wish to pursue an alternative development to that permitted under the Plan no less than two options are available. This can occur as a result of a planning proposal, a combined development application and planning proposal, a development control plan amendment or a combination of one or more. These processes increase the Council's and the community's ability to participate and direct an appropriate outcome and is seen as the better practice for managing larger developments.

Removal of requirement for trees in front and rear setbacks

Council has recently received advice relating to the potential liability it may face were it to apply specific requirements for the inclusion of trees within setbacks surrounding a development. While it is considered highly desirable and consistent with the maintenance of the character of the locality, it is not advisable to maintain specific design control requirements which place Council at risk of litigation. As such, all reference to provision of trees in front and rear setbacks have been removed from the Code. This does not however preclude a landowner from planting trees by their own decision.

This is consistent with Council's resolution of 15 July 2008 in relation to Tweed DCP section A1, which stated:

2. *That the controls in Tweed DCP section A1 relating to the retention and planting of trees be suspended from application pending the final determination and adoption of the draft Tweed DCP A1*

It should be noted for reference that the DCP was adopted on 22 April 2008 and that resolution was actually aimed at providing direction on how the adopted plan should be implemented in respect of the tree clause. It was based on community and industry concern that the planting or retention of trees in close proximity to a building could undermine or affect the structural integrity of a building.

Variation of setbacks in Peninsula and Creek Streets

Allotments located on the rear of the northern dune system off Tweed Coast Road and Peninsula Streets were, in the draft DCP, to apply a rear setback (that is the setback which faces the South Pacific Ocean) of 10 metres. When coupled with a front setback of 10 metres, it reduced the potential development envelope by 20 metres which, given the narrowness of some of those allotments was considered unreasonable. As an alternative, a rear setback, that is the setback from the coastal reserve facing the ocean, is proposed at a minimum of 8 metres, consistent with the general setback for RFBs throughout the locality.

It is material to note that this rear setback may need to be co-ordinated with the any relevant adopted outcomes of the Tweed Coastal Hazards Lines DCP which is currently being drafted.

Revised Lot 156 and 'The Point' Diagrams

The draft exhibited document included as part of the Creek Street Precinct Plan a diagrammatic representation of building envelopes over the site known as Lot 156. These illustrated building envelopes however were done without the benefit of a full site master plan or detailed consideration of the significant flooding and environmental constraints over the site. For this reason, and in consideration of the current Part 3A application over the site, the building envelopes have been removed from the plan to avoid misrepresenting what may realistically be achieved over the site.

As Lot 156 has been identified as part of the Creek Street Precinct, any future development would need to be carried out consistently with the stated objectives and development controls of that precinct plan. The plan identifies that appropriate building types within this plan are houses and dual occupancies, with a maximum building height of 8.0 meters.

Similarly, diagrammatic representations of South Hasting Point illustrate smaller development footprints over the Point site. Given that 'The Point' is a relatively new development, the diagrams within the plan have now been revised to represent the existing building envelopes.

Additional resource material

Apart from the detailed built form and landscape design ideas provided, a comprehensive suite of native vegetation species representative of the vegetation communities in the locality have been provided to allow for the consideration of indigenous plant species as part of landscaping and revegetation plans.

An additional section has been added which provides sample responses to the questionnaire forwarded to all landowners in the Hastings Point, along with a summary of responses to the public exhibition of the document. These sample responses have previously been reported to Council and are now incorporated into the DCP to provide background to the development of the Plan.

The Summary of responses to the public exhibition is substantially the same as the one reported to the Council Meeting of 19 October 2010, with the addition of comments relating to the removal of RFBs from the South Hastings Point and Centre Precincts, as discussed above.

Removal of duplication, predominantly from DCP A1

While comprehensive in its coverage of design controls, much of the information provided was a duplication of controls current in the Tweed DCP A1. As such, and given the intention of this DCP to only refer to controls in addition to those in DCP A1, all duplication has been removed. This has made the document more concise and improved the ability to clearly identify where variations from the standard requirements of A1 occur.

General document revisions improving readability, maps and graphics

Editorial corrections were undertaken to ensure that the intent of the document was as clear as possible and ambiguity or misunderstandings were minimised. A number of maps were reformatted to improve presentation and ensure consistency with Council's editorial requirements.

A comparison of the development controls between each of the precincts and DCP A1 has been appended to this report at Attachment 2 – Document Structure and Comparison of Development Controls.

Implementation of the Hastings Point Locality Based Development Code

Implementation of the DCP involves several steps that both give effect to the DCP and facilitate amendments to the Tweed LEP.

Following a Council resolution to adopt the Plan, notice of the resolution will need to be published; this is done through the Tweed Link and typically occurs within two weeks.

In addition, because this new plan is intended to provide the locality specific development provisions for the Hastings Point locality, the 'interim' development controls incorporated into Tweed DCP Section A1 following Council's resolution of 22 April 2008 will need to be repealed. This will also occur through a public notice in the Tweed Link at the same time that the new DCP takes effect.

The 'interim' development controls, which were further amended following a Council resolution of 30 October 2008, are in the following terms:

INTRODUCTION

This section of the Plan provides development provisions that have been formulated in response to an identified specific need of a particular site(s) or locality. This section is to prevail to the extent of inconsistency with any other development provision in this Plan.

Area of Application

Hastings Point – all land within the boundaries of the locality of Hastings Point.

Objectives

- To implement the recommendations of the Hastings Point “*Review of height, FSR and Setback Controls*” Report, prepared by Ruker and Associates dated 26 March 2008, as resolved by Council on 22 April 2008.
- To limit the impact of new development on the existing character and amenity of this coastal settlement prior to any further locality based planning by:
 - Implementing interim restricting height and density provisions for new development until provisions appropriately tailored to larger and more dense development (where appropriate) is adopted following community consultation, that will;
 - Provide greater certainty to the protection and preservation of the areas natural and built environment.

Controls

- a. The maximum building height is 2-storeys and 8 metres.
- b. The maximum density on any lot or combination of lots comprising a development site is two dwellings (dual occupancy).

Review Period

The review period for interim development controls outlined above for Hastings Point is 12 months from the adoption of this Plan, except where a locality or structure plan, or area specific planning controls are in preparation in which case it will be the adoption date of that body of work and the concurrent or subsequent repeal of the interim provisions.

The interim development controls relating to the Hastings Point locality shall take effect on the giving of public notice of the Council's adoption of the amended Tweed Shire Development Control Plan in accordance with clauses 21 & 22 of the Environmental Planning and Assessment Regulation 2000. There is no saving provision in respect of the area specific development controls herein above.

The new DCP was prepared in response to the Hastings Point “*Review of height, FSR and Setback Controls*,” prepared by Ruker and Associates and satisfies the requirements of that report by providing a comprehensive character and design analysis and suit of locality based development provisions. Following adoption of the new DCP the interim provisions (*Review Period*) will have been satisfied and no longer necessary.

As such the existing Hastings Point interim controls within the Tweed DCP A1 will need to be repealed. In order to repeal these interim controls, Council will need to notify of its intention to repeal at least 14 days before publication of the notice of repeal. The repeal of a development control plan is facilitated by public notice in a local newspaper (Tweed Link) and takes effect on the date of publication of the notice which will correspond with the commencement date of the Hastings Point Locality based Development Code.

Following those processes discussed above the DCP will take full effect and will provide the necessary development guidance on any new or existing development application lodged.

The implementation of the new DCP will also facilitate changes to the Tweed LEP, which are likely to occur through the Draft Tweed LEP 2010 rather than as a separate planning proposal. Those amendments would reflect the new locality specific provisions and would include:

- Amendment to the 'Height of Buildings Map' to reflect the new building heights.
- Amendment to the 'Zoning Map' to reflect any necessary changes in permissible land-use, including;
 - Minor extension of the existing commercial area.
 - Reclassification of Lot 156 from 2(e) Residential Tourism to low-density residential development.
 - Potential reclassification of some Residential 2(b) Medium Density and 2(c) Urban Expansion to low density residential (permitting villa & townhouses), south of Cudegera Creek Bridge and south-side of Creek Street.
- Amendment to the 'FSR Map' to reflect FSR provisions across the study area.

The amendments to the Tweed LEP are not required in order to give effect to any element of the DCP. It is best practice that requires that the amendments be made so as to avoid any confusion or ambiguity arising between the two planning documents.

The Council's Web-site will be updated accordingly to reflect the Council's adoption of the new DCP and any subsequent amendments arising through the Tweed LEP.

Conclusion

The Hastings Point Locality Based Development Code has been drafted taking into account extensive community consultation, physical constraints analysis within the locality and design investigations into what can be realistically achieved within each of the defined precincts. It has also been developed as collaboration between council staff, consultant Ruker Urban Design and the community. It is based on current practice of urban planning and has taken into account relevant NSW Land and Environmental Court decisions and the provisions of the North Coast Urban Design Guidelines 2008 and the Coastal Design Guidelines for NSW 2003.

Hastings Point possesses unique qualities which made it identifiably different to other small coastal villages in the Tweed. Distilling these characteristics, and developing them in line with the expectations of the local community, landowners, and residents in a document which projects a desired future character consistent with these expectations has been the over-riding objective of this locality planning process. This requires careful planning about what uses and building typologies are appropriate within given precincts which collectively contribute to the localities overall urban structure and character.

The draft plan has taken all of these factors into account and has been design to foster Hastings Point as small coastal village whilst allowing opportunity for careful growth commensurate with its sensitive coastal location and limited level of retail and social infrastructure services available. The co-ordinated nature of the document provides

strategic direction to the ongoing management of precinct specific built form, the public domain including the estuary, beach, headland and abundant surrounding natural and environmental protection areas.

Principally, the draft plan is about identifying key settlement principles which underpin the character of the locality and seeking to accommodate growth in a contemporary coastal format embedded within the built form controls. The planning process has also reaffirmed the communities right to contribute to local planning is preserved and made easier by way of clear intentions and legible provisions, and to ensure that new development is not ahead of its time or incompatible with its context. Future generations will have the ability to have their say about the development and direction of growth within the village as the Plan is scheduled for review every 5 years.

Based on the issues raised in this report and those by way of the public submission the re-exhibition of the draft Plan is not considered warranted.

The most significant amendment is arguably the removal of the exceptional circumstances enabling provisions relating to part three-storey RFBs south of Cudgera Creek Bridge. It is note worthy that a high percentage of the submissions raised concern with these provisions. The majority of those submissions were opposed to RFB development and particularly development over 8 metres in height. The remainder of those submission objected on the basis that the provisions were too onerous and in effect would render RFB development unattainable or uneconomical. There was seemingly a perception amongst those wanting to retain the current controls under the Tweed LEP that anything less would be unreasonable and unlawful. On the balance of the strong planning and environmental grounds identified in this report, the latter view is not supported.

Based on the extent and nature of the amendments, and the extensive investigations underpinning these changes, the report concludes that a re-exhibition of the draft Plan is not warranted.

In light of the above the draft Plan is considered suitable for adoption, as amended.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "non confidential" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au (from 8.00pm Wednesday the week before the meeting) or visit Council's offices at Tweed Heads or Murwillumbah (from 8.00am Thursday the week before the meeting) or Council's libraries (from 10.00am Thursday the week of the meeting).

1. Draft Tweed Development Control Plan, Section B23 - Hastings Point Locality Based Development Code:
 - Part 1 - Introduction (ECM 23756257)
 - Part 2 - Hastings Point in Context (ECM 23757259)
 - Part 3 - Vision for Hastings Point (ECM 23757262))
 - Part 4 - Precinct Specific Strategies (ECM 23757263)
 - Part 5 - Visual Settings (ECM 23757264)
 - Part 6 - Building Type Controls (ECM 23757265)
 - Part 7 - Appendices (ECM 23936749)
 2. Document Structure and Comparison of Development Controls (ECM 23754164)
 3. Chronology of Key project dates (ECM 23755171)
-