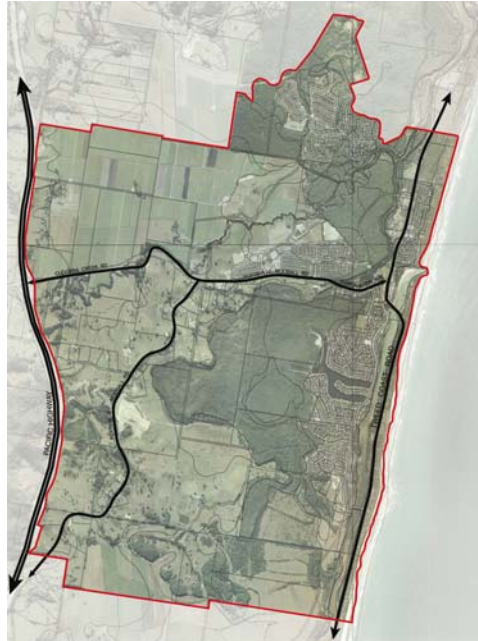


Pottsville Locality Plan

March 2008

Prepared for Tweed Shire Council



Draft Development Control Plan

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Quality Assurance

Reviewed by

.....
Stewart Verity

Director
 Urban Design and Planning
 Architectus Sydney Pty Ltd

.....
 Date

This document is for discussion
 purposes only unless signed.

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 2008 (TLEP) for development within the Pottsville Locality area that will:

- Contribute to the growth and character of the Pottsville village centre and surrounding areas,
- Protect and enhance the public domain, and
- Provide for future retail and employment centres as the population increases to meet the needs of the Pottsville Locality area.

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 Pottsville Locality area.

1.2 Name and commencement

This plan is called “Section B21 – Pottsville” of the Tweed Development Control Plan 2008.

The DCP was adopted by Tweed Shire Council on (INSERT DATE) and came into effect on (INSERT DATE).

1.3 Land and development covered by this plan

The controls identified within this section of the DCP apply to development on land within the area bounded by the red line described in Figure 1.1 of this section.

1.4 Relationship to other documents

The Tweed Local Environmental Plan 2008 is the principal environmental planning instrument applying to the Pottsville Locality. 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 Section of the DCP has been developed specifically to apply to the conditions, opportunities and constraints present within Pottsville Village Centre and its surrounding areas. This Section may therefore 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 Section and the Residential and Tourist Development Code, this Section will prevail. Where this Section is silent in regard to a particular issue, the provisions of the Residential and Tourist Development Code will apply.

The various technical policies, guidelines and codes of Tweed Shire Council also apply to the Pottsville Locality Plan area in the manner they were originally intended. In some instances however, the particular circumstances of the Pottsville Locality have warranted an alternative approach to these standards. In such cases, the objectives of this Section will prevail.

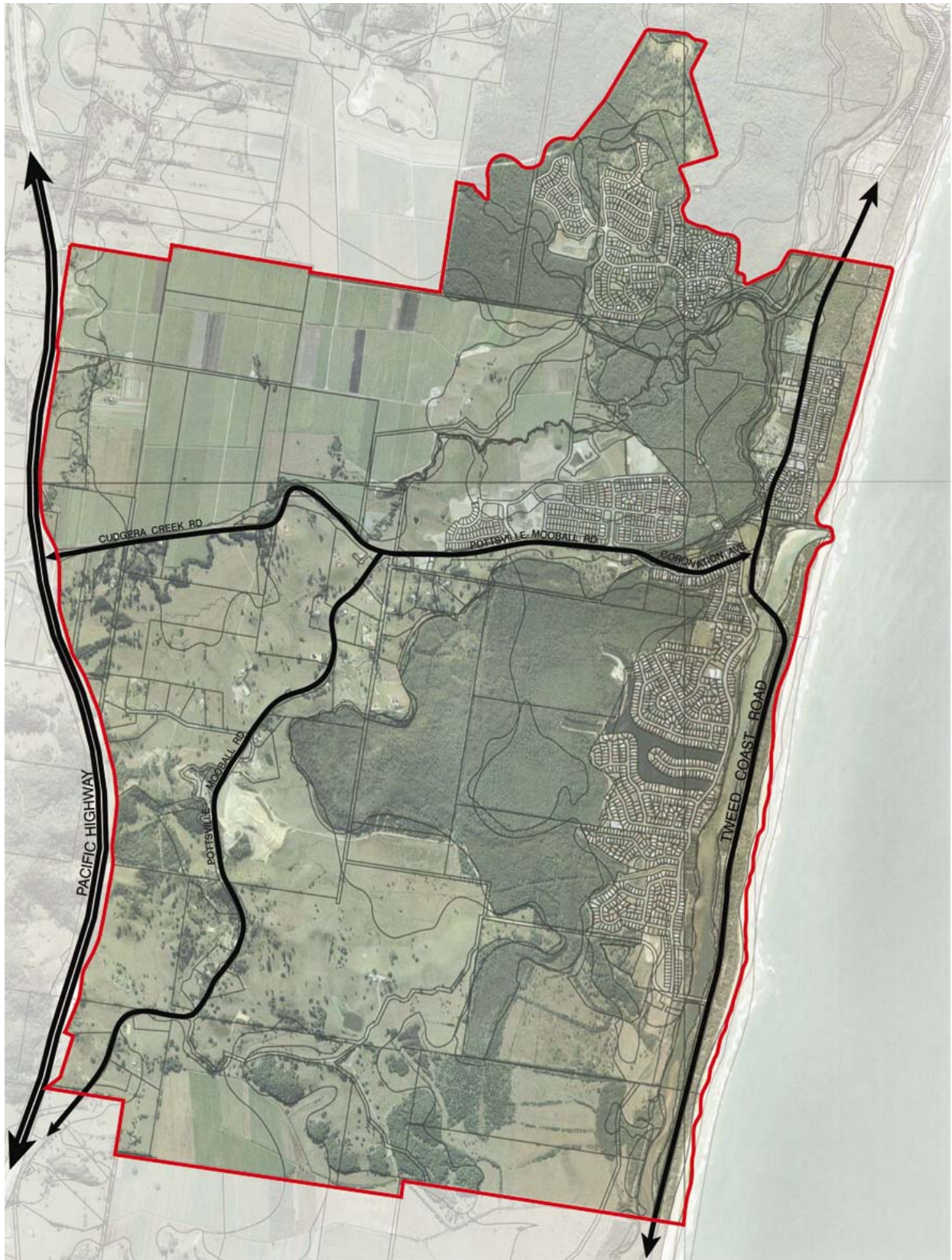


Figure 1.1 DCP Boundary

This Section of the DCP applies to all development on land situated within the above illustrated boundary

1.5 How to use this development control plan

This DCP is comprised of 5 sections:

1. *Introduction.* This component identifies boundaries, purpose and the relationship of the DCP to other controls within the existing planning framework.
2. *Key Objectives.* This section provides an overall framework for the guidelines and controls of the DCP, in the context of overarching general objectives, 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 Pottsville by describing the preferred relationship of land uses, public domain, connections and key features.
4. *Guidelines and controls.* This section incorporates guidelines and controls that apply to development within identified areas or issues of relevance to Pottsville.
5. *Special controls and guidelines.* The particular relationship of existing and potential future retail areas to the Pottsville Village Centre have necessitated specific controls related to retail expansion in the Locality Plan area. These are addressed here.

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 why, within the context of the particular case.

2 Key objectives

Overarching objectives are defined for a range of key issue areas and are intended to provide a general framework for the guidelines and controls appearing within the Development Control Plan.

Retain Pottsville's character and Identity:

- Retain the "connected villages" settlement pattern and general structure of the village centre.
- Retain the main street character of the Pottsville Village Centre within any expansion.
- Retain a generally low scale built form within all existing development areas.

Respond positively to an expanding population

- Ensure key environmental resources are protected.
- Foster development that meets the needs of the expanding population that also protects and enhances existing activities and facilities.

Provide an appropriate and responsive movement system

- Ensure that the traffic and transport needs of the Pottsville Community are catered for safely and effectively now and into the future
- Ensure the provision of safe, attractive and direct pedestrian and bicycle connections and facilities throughout the Pottsville area

Provide high quality and responsive design

- Ensure that built forms are climatically and environmentally appropriate.
- Ensure that buildings contribute positively to the public domain
- Ensure all future development is undertaken in an environmentally, socially and economically responsive manner.
- Provide an improved and connected public domain network

3 Urban Structure

A Structure Plan has been prepared in order to guide and coordinate the location and form of future development within the Pottsville DCP area. The Structure Plan provides an indication of the disposition of preferred activities, existing and proposed connections, and identifies potential future residential and employment release areas.

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

- 3 residential release areas are identified:
 - Dunloe Park reflects proposals contained within the Far North Coast Regional Strategy and is defined by Pottsville-Mooball Road, SEPP 71 Wetlands and scattered bushland areas to the west and south.
 - An area referred to as the “Kings Land” has been identified between Koala Beach and Seabreeze estates. This area is unsuitable for cane production, is currently serviced by road and has immediate access to water and sewerage services.
 - An extension of the Seabreeze Estate.
- All currently defined bushland and wetland areas are to be maintained. Additional bushland and linkage areas have been identified at the south and western parts of the study area and provide a boundary to the potential expansion of Dunloe Park.
- All existing land under cane production north of Cudgera Creek Road is to be retained in its present use.
- A strong rural-urban edge and a “green entry” to Pottsville is to be maintained.
- Accessibility between neighbourhood areas, and to and from major regional routes will be enhanced to provide greater connectivity between residential estates and provide a village centre by-pass opportunity for wider, regional movements.
- The existing Pottsville village centre will continue to be recognised as the focal centre for community interaction and activity.
- A “chore-based” local retail centre to provide the general week-to-week needs of the local community will establish within either Seabreeze Estate or Dunloe Park consistent with the guidelines of Council’s Retail Strategy. This centre is to compliment the activities/services provided within the existing Pottsville village centre.
- Dependent upon the location of where the “chore-based” local retail centre is provided a neighbourhood retail centre will be provided within either Seabreeze Estate or Dunloe Park.
- An employment release area is located on the western edge of the study area. The site is comprised of short and long term areas. The short term area is focused on both sides of Kudgerie Road. A direct link from the western end of Kudgerie Road to Cudgera Creek Road and the Pacific Highway is also required.

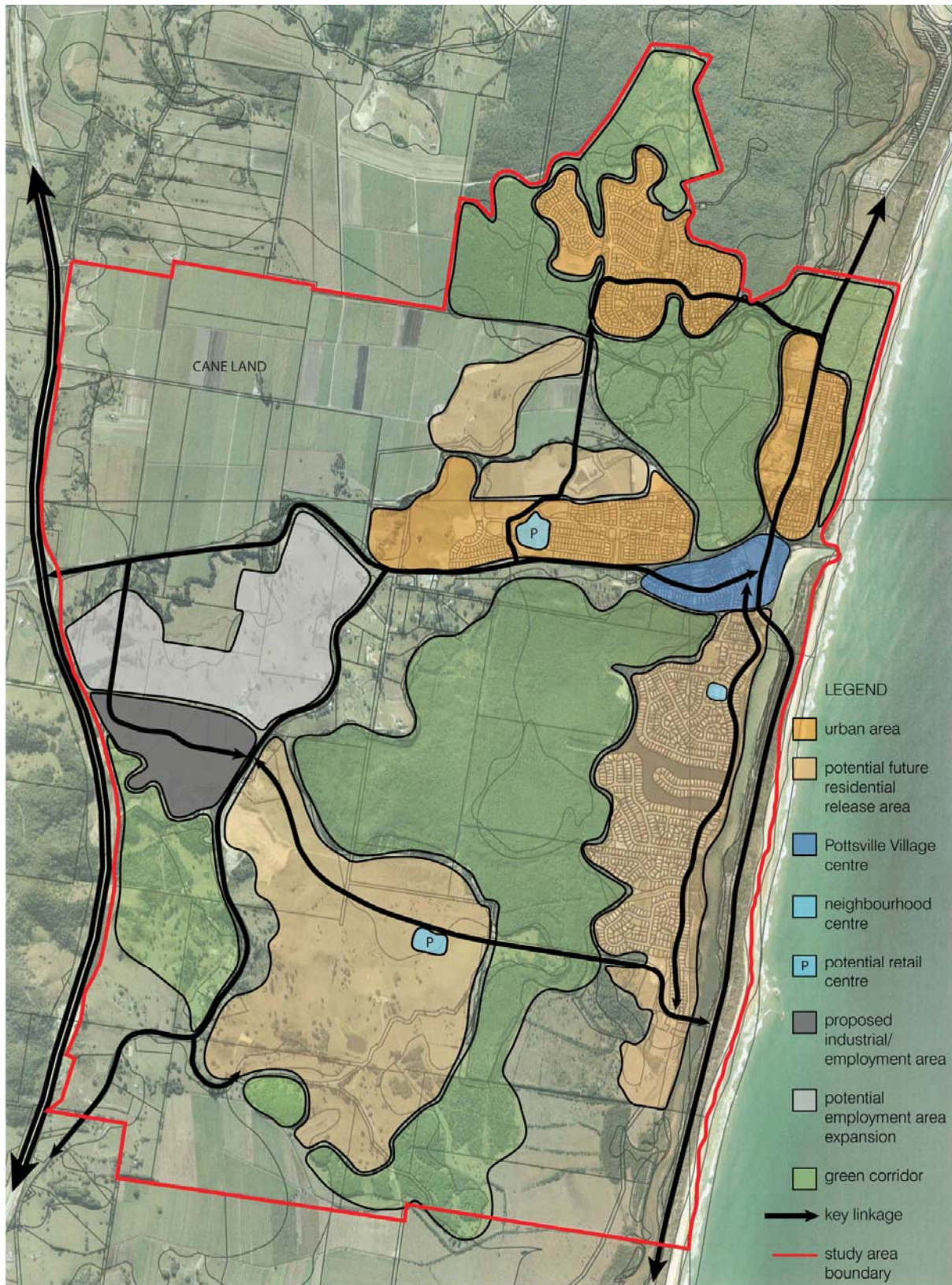


Figure 3.1 Urban Structure

This plan illustrates the broad relationship of activities and provides the broad framework for decision making

4 Village and Neighbourhood Centres

The following guidelines have been developed to apply to the village centre and to all neighbourhood centres within the Pottsville Area. These basic guidelines on hierarchy, form and appearance of centres is then supported with subsequent detailed sections relating to the identified locations of Pottsville Village Centre, Seabreeze Estate and Dunloe Park.

4.1 Location and Hierarchy

The total local population envisaged by the DCP is in excess of 10,000 residents. Clearly, this represents a significant jump over the current resident population of around 3,700. Under such a scenario, there will, in the future, be a need for additional retail development and services.

It is important that retail and commercial development is located in a manner that is both efficient, and contributory to broader goals and objectives. In this respect, it is preferable to build on and consolidate existing areas, rather than establish new competing centres in close proximity. That said, the existing village centre possesses major land constraints that limit its ability to expand and accept major retail development such as a full line supermarket.

Objectives

- Establish a clear hierarchy of centres within the Pottsville area.
- Maintain the strength of the existing Pottsville Centre within the hierarchy.

Guidelines

- Commercial development is to be provided in 4 centres (see Figure 3.1):
 - Pottsville Waters
 - Seabreeze Estate
 - Dunloe Park release area
 - Pottsville Village Centre.
- Within the entire Pottsville Area, 1 full line supermarket may be accommodated to cater for the demand generated by the residents within the Pottsville Locality Plan area. Due to constraints within the village centre area, it is likely that a full line supermarket will not be located there. Seabreeze Estate and Dunloe Park are considered the only viable alternatives.
- As a result of a potential supermarket outside of the existing Pottsville Village area, the role of the Pottsville Village Centre will develop over time to focus on community/professional services and tourism/leisure based activities, while the new centre will be focused on “chore” retail needs only.
- Regardless of location outside of the existing village centre, the potential impact of a new centre should not result in the existing village centre becoming unviable. Proponents are required to prepare an Economic Impact Assessment addressing this issue.

4.2 Major Retail Development

Major retail development refers primarily to the potential for a full-line supermarket to be located within the Pottsville area. As noted in a previous section there is likely to be sufficient demand from within the locality area for the profitable operation of a full-line supermarket in the future.

Full-line supermarkets typically have floor areas of around 2,000 – 3,500 sqm and is normally co-located with additional specialty retail that both supports the supermarket and draws off the trade it generates. The location of a major supermarket development within the Pottsville area therefore has significant implications for the functioning of the existing village centre, the potential development of other areas and the operational efficiency of the transport network.

An efficient supermarket based centre would allow for the opportunity for a multifunctional (single) trip through the mix of retail services it provides. In the interests of unnecessary travel, such opportunities should be maintained and fostered. In respect of Pottsville's specific circumstances, it must be ensured that activities proposed for a potential new centre occur in a way that duplication of current Village Centre activities is minimised and managed. Additionally, activities located within the new centre should maintain an ability for a complementary relationship to develop, rather than one founded on direct competition with the existing centre.

The impact of a full-line supermarket and associate specialty retailing will need to be determined in an impact assessment report.

Objective

- Provide additional retail opportunities, consistent with Council's adopted Retail Strategy, to service the needs of the community within the Pottsville Locality Plan area only, and
- Ensure the scale and mix of activities associated with a new centre are not of a form that will degrade the operation and future success of the existing village centre.

Guidelines

- Over time, Pottsville Village Centre and any new supermarket based centre will develop complementary roles, with the supermarket centre focused on day to day "chore" retail needs and the Village centre becoming more focused on community/professional services and tourism and entertainment activities.
- Community services, professional services, leisure and entertainment activities are to be focused within the existing Pottsville Village Centre area.
- Community facilities intended to provide for the entire Pottsville community are to be preferably located within the Pottsville Village Centre area.
- Retail, services and facilities provided in the supermarket based centre and other neighbourhood centres must not directly compete with those located within the village centre or outside of the Pottsville Locality Plan area. To this end, Council will expect justification by a qualified urban economist (or similar professional) to demonstrate that existing activities within the Pottsville village centre and other centres of the Tweed Coast will not be unreasonably impacted by any
- Duplication of existing Village Centre specialty retail in a proposed supermarket based centre is to be minimised while the Village Centre adapts and changes in response to changing circumstances. In order to assist in achieving this outcome, total specialty retail, service and professional floorspace in a new supermarket based centre is not to exceed a total of 500 sqm in its first 4 years of operation, and a further 500 sqm in the second 4 years of operation.
- Council may consent to an additional area of specialty retail floorspace if it can be demonstrated that the additional area will not result in the duplication of an existing facility or that such potential duplication will not result in the non-viability of the Village Centre.

Additionally, Council must be satisfied that the activities proposed for such areas are not better located within the Pottsville Village Centre area (eg community & professional services, leisure & entertainment uses).

4.3 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 Pottsville, 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;

Guidelines

- 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, materials and colour
- 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;
- Pole signs 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.

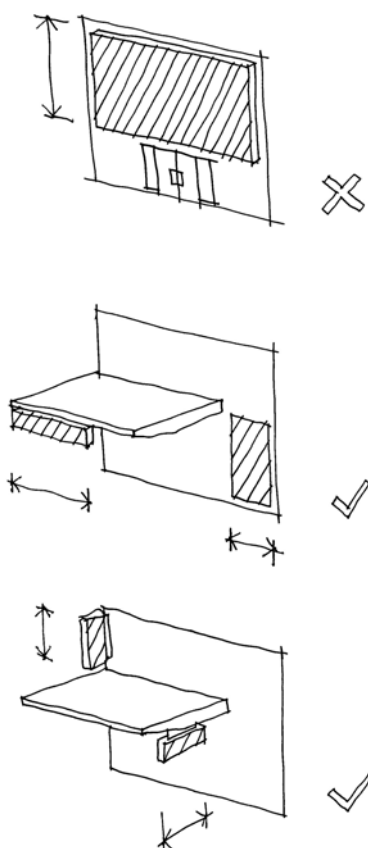


Figure 4.1 Appropriate location and proportion of building signage

4.4 Pottsville Village Centre Guidelines and Controls

This area is the principal retail and commercial precinct in the DCP area at present. It is intended that this situation be maintained and consolidated in the future by providing opportunities for expansion and consolidation of new commercial, retail and residential development within the precinct.

Urban development within the village centre by the private sector will be supported by investment in the public domain to assist in creating and improving an exemplary urban environment, and providing the setting for the application of new design controls on buildings.

The following controls collectively define the future form, appearance and character of the village centre. It is considered that the outcomes of complying development in this respect will be to foster and maintain a strong, vital and vibrant village centre, which continues to be the focus of community activity.

4.4.1 Village Centre Structure

In order to ensure that the Village Centre maintains its economic viability in the long term and continues to provide for its role as the principal local tourist centre, opportunities to consolidate and expand appropriate development within the current, and an expanded, precinct need to be capitalised on. This includes encouraging commercial and residential activities at upper levels, as well as expanding the area of the village centre itself. Additionally, the facilities provided should focus on tourism/leisure, community and professional services and general retail markets.

Within the short term, the footprint of the village centre should consolidate on underutilised sites within the existing commercially zoned area to include further retail and commercial development in keeping with the scale and character of the existing centre. Within a longer time horizon of around 5-10 years it is desirable to extend the boundaries of the village centre to the west, allowing the existing centre to consolidate and provide for growing demand rather than provide for that demand outside of the village centre which would, ultimately have a detrimental impact on the retail vitality of the existing centre. Mixed use development could, over time, occupy those sites to the western end of village to include further retail and commercial development in keeping with the scale and character of the existing.

The corner of Coronation Avenue and Phillip Street is a key entrance site and should be encouraged to be redeveloped. This site could accommodate mixed use comprising retail at the ground floor commercial and/or residential/accommodation above. At the ground level, this new development provides an ideal opportunity to provide a 'piazzetta' or small public space with cafes/shops on the corner of Coronation and Phillip, creating both a public space focus and a welcoming entry into the village centre.

Objective

- The village centre should be consolidated and expanded over time in order that its role as a central focus for the community is maintained into the future.

Guidelines

- Development of the village centre should consolidate and expand to reflect the broad structure detailed on Figure 4.1.

- The “Pottsville Village Centre” guidelines and controls apply only to the area defined in Figure 4.1.



Figure 4.1 Short and Long term village centre structure

4.4.2 Public Domain

While the village centre has a strong character, it is widely acknowledged that currently there are traffic, accessibility and parking issues in the village centre which could be rectified through capital works. In particular, issues of traffic speeds through the village centre, lack of safety with the current on street parking arrangements, lack of pedestrian crossing points, and a lack of formalized servicing and parking areas have been highlighted during community consultation. In addition, the lack of clear, legible links to the creek and the beach, and lack of clear definition of the village centre have been highlighted as areas of concern for visitors.

Objectives

- Ensure that the physical appearance and character of the village centre is of a high quality and that the village centre is legible and efficient in the way it operates.
- Planting design positively contributes to the amenity of development and to the diverse subtropical character and ecology of Pottsville

Guidelines

Public Domain Framework

- Landscape within the public domain is to be implemented in accordance with the Public Domain Framework appearing in Fig. 4.2 and the Priorities Plan appearing in Figure 4.4.



Figure 4.2 Pottsville Village Centre Public Domain Framework

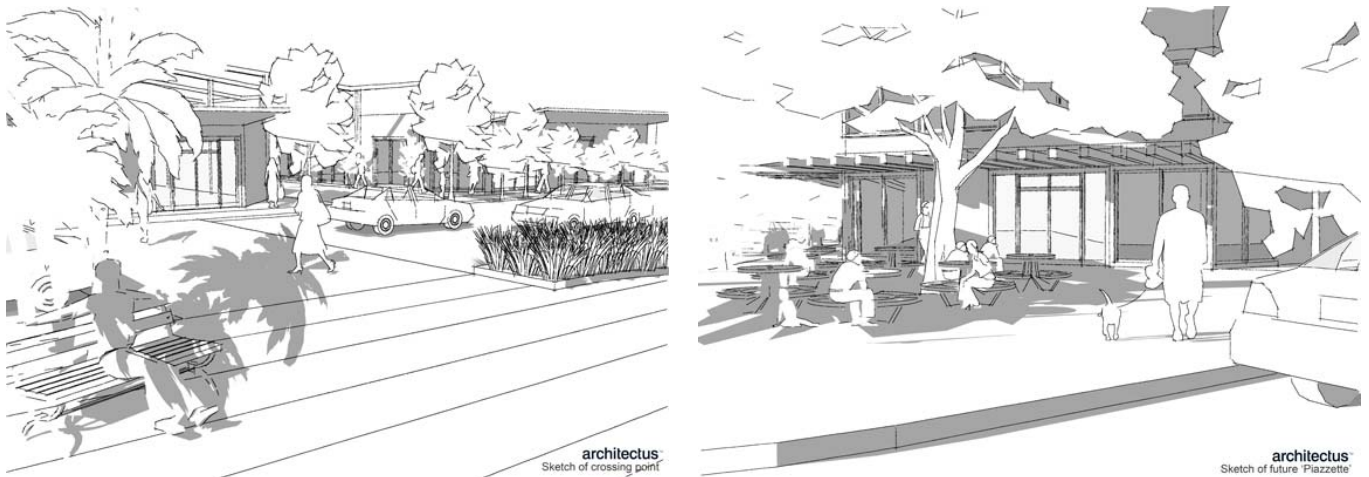


Figure 4.3 Pottsville Village Centre Indicative Streetscape Views
 These two indicative views illustrate one of the potential crossing points of Coronation Avenue (left) and a potential future "piazetta" at the corner of Phillip and Coronation (right)



Figure 4.4 Pottsville Village Centre Capital Works Priorities

Landscape

- Landscaping incorporates a planting design which provides:
 - a framework of predominantly endemic native species
 - native palm species planted as small groups amongst other tree types as an emergent feature
 - visual interest through form, texture and variations in seasonal colour;
 - compatibility with buildings, hard paved areas, overhead and underground services;
 - scale relative to the size and nature of the development and its setting;
- The opportunities for water infiltration on site are maximised by:
 - draining portions of hard surfaced areas to permeable surfaces;
 - maximising areas of turf, garden beds and pervious paving types;
 - minimising the area of impervious surface finishes on the site; and
 - providing permeable surface treatments.

4.4.3 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 for key sites.
- 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 Pottsville Village Centre is not to exceed a Floor Space Ratio of 1.8:1.
- In order to encourage the positive redevelopment of the sites fronting Coronation Avenue between Phillip Street and Elizabeth Street, Council may consider approving a development with an FSR of 2.1:1, where the development incorporates the following features:
 - Demonstrated general compliance with other guidelines of this DCP
 - Minimum site area of 1,000 sqm
 - Exemplary architectural design
 - Incorporation of a "Piazetta" on the corner of Phillip St and Coronation Ave (the site area may be utilised in FSR calculations).
 - Street address and active frontages to Phillip Street and Coronation Avenue.
 - Improved public domain, implemented in accordance with the proposed public domain framework.
- 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 2008.

4.4.4 Site Coverage

Site coverage is defined as the area of a site that is built upon and impermeable. It includes all buildings and structures, including at-grade hardstand parking. 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. The Pottsville Village Centre has an established character of less than 100% site coverage, with buildings in many cases set back from front, rear and (sometimes) side boundaries.

Objectives

- Provide an area on village centre 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 village centre sites and improve the amenity of developments, allowing for good daylight access, ventilation and provision of high quality private and semi-public landscaped spaces.

Guidelines

- The maximum site coverage of any development within the Pottsville Village Centre is not to exceed 80%.
- 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.

4.4.5 Building Height

The definition of “height” is contained within the Tweed Local Environmental Plan 2008. Building heights have been determined by a range of factors including:

- a need to preserve a pedestrian scale in the Pottsville Village Centre
- the existing and potential character of streets
- the potential to encourage positive change through improved development potential

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 Coronation Avenue and Phillip Street.

Guidelines

- The maximum allowable height within the Pottsville Village Centre is 13.6 metres.
- The 3rd floor of any development is not to occupy more than 70% of the floorplate of the level immediately below.
- In cases where Council has consented to an increased FSR (2.1:1), Council may also allow a greater upper storey floor area, up to a

- maximum of 90% of the floorplate of the level immediately below.
- Where development goes to a third level, residential uses only are permitted on that third level.
- Where adjacent to lower scale development, the 3rd floor of proposed development is to step down to its lower scale neighbours.

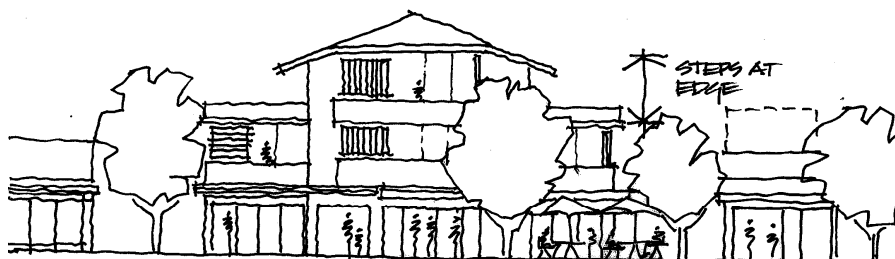


Figure 4.5 Building Height Relationships

Where taller development is to be located adjacent to lower scale existing properties, built form should step down to side boundaries.

Floor to floor and floor to ceiling heights

- Ground floors of all buildings within the Village Centre are to have a minimum floor to floor height of 3.6m in order to provide for flexibility of future use.
- 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.

4.4.6 Setbacks and Street Frontage

It is important that new buildings within the Pottsville Village Centre contribute to a strong definition of the street and public domain. The lower scale nature of Village Centre streetscape, variation in setbacks and a strong landscape presence in these spaces make a positive contribution to its image and character. In this light, the approach to street frontage height therefore, needs to be one that provides for flexibility in street setbacks, whilst also maintaining a strong address to the street environment.

Active street frontage is characterised by lively pedestrian activity. In Pottsville, this is accomplished by the orientation of non-residential uses such as shops, to the street frontage, and through vibrant semi-public spaces, such as café courtyards that immediately border the street. These patterns are to be continued in the future

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
- Create lively and interesting frontages to urban spaces

Guidelines

Street Setbacks

- Where a retail ground floor use is proposed, 85% of the building frontage is to align with the property boundary.
- Where other uses are proposed, street setbacks of up to 6m are

allowable, provided that the street frontage space is considered as a semi-public space and comprises landscape and activities that contribute to activity and vitality of the street.

Active Frontage

- The ground storey level of premises with frontage to a key public urban space and streets incorporates activities that are likely to foster casual, social and business interaction for extended periods (such as shop fronts, indoor/outdoor cafes and restaurants) for 85% of that frontage; and
 - presents a maximum of 70% of building frontage as windows/glazed doors and a maximum of 30% as solid façade; and
 - provide clear or relatively clear windows and, where provided, grille or translucent security screens rather than solid shutters, screens or roller-doors.
 - The design of upper storeys uses provide opportunities for occupants to look out over public space

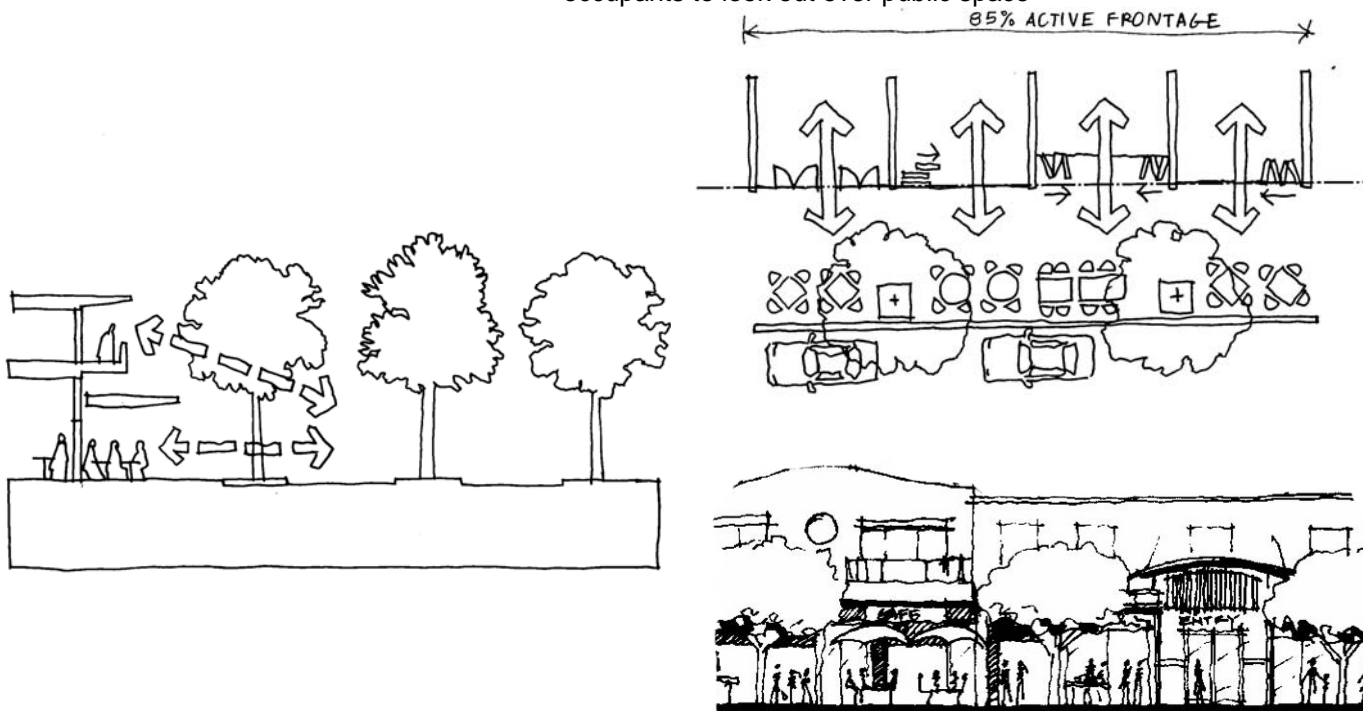


Figure 4.6 Ground floor active frontage

The above diagrams illustrate principles for ground floor active frontage and for ground and upper level interaction with public spaces (including the street)

4.4.7 Building 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. In Pottsville too, examples of spaces between building frontages and the street also exist. These are typically well landscaped and contribute strongly to the character of the village centre. In such situations though, buildings continue to be oriented toward public streets.

Objectives

- Achieve a strong definition of the public domain.
- Reinforce a supportive relationship between buildings and streets
- Contribute to a strong landscape quality within the village centre

Guidelines

- 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

4.4.8 Townscape and Building Character

The form and appearance of buildings holds significant implications for the character of the village centre and for the manner in which it is perceived by both residents and visitors. In the face of increasing competition from other centres, it is vitally important that the village centre express an image, through all elements of its form, that conveys a high quality, visually and climatically appropriate built form in order to attract and maintain future business and visitation.

Objective

- Development should create or contribute to the village townscape and landscape character of the precinct and the environs of the site in which the development is to be carried out.

Guidelines

- Buildings and landscape in the village centre are to have the following characteristics:
 - Tops of buildings are to avoid flat profiles and contribute to the shaping of the skyline
 - Walls are to incorporate variation in frontages, use of varied textures, screening and layering
 - Buildings are to be articulated to create a human scale with awnings, recesses, detail and texture
 - Large vertical or horizontal masses are to be broken down with the use of a combination of colour, modelling of facade and layering
 - Building construction is to avoid large areas of rendered masonry, instead using composite construction including lightweight cladding and screening materials
 - Entries are to be clearly identifiable
 - Buildings incorporate the use of screening, sun shading devices

and deep recesses to create deep shadows and shading on building facades

4.4.9 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 Village Centre.

Objectives

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

Controls

- The design of buildings on corner sites are to be designed to express and/or 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

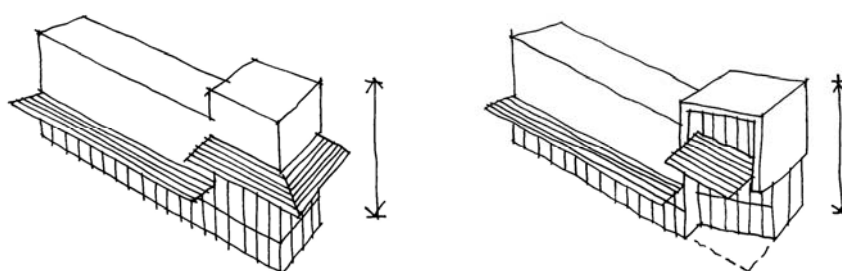


Figure 4.7 A combination of height, architectural treatment and building location can be used to emphasise the importance of corners

4.4.10 Awnings and Weather Protection

Awnings assist in providing a pleasant and comfortable pedestrian environment, weather protection and contribute to the creation of a pedestrian scaled environment. Awnings are particularly important in typical shopfront design expressed in many parts of Coronation Avenue and Phillip Street.

Objectives

- Provide weather protection in areas of high pedestrian traffic and in semi-public space.
- Encourage the use of consistent and continuous awnings where retail shopfronts are provided.

Guidelines

- Provide continuous awnings for all retail shopfronts that are located within the village centre.

- Wrap awnings around corners for at least 6 metres where a property is located on a street corner.
- Where buildings are set back from the street frontage boundary, alternate weather protection to the created semi-public space is to be provided. This could include pergolas, fabric screens, shade trees etc,
- Awnings and shade structures 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

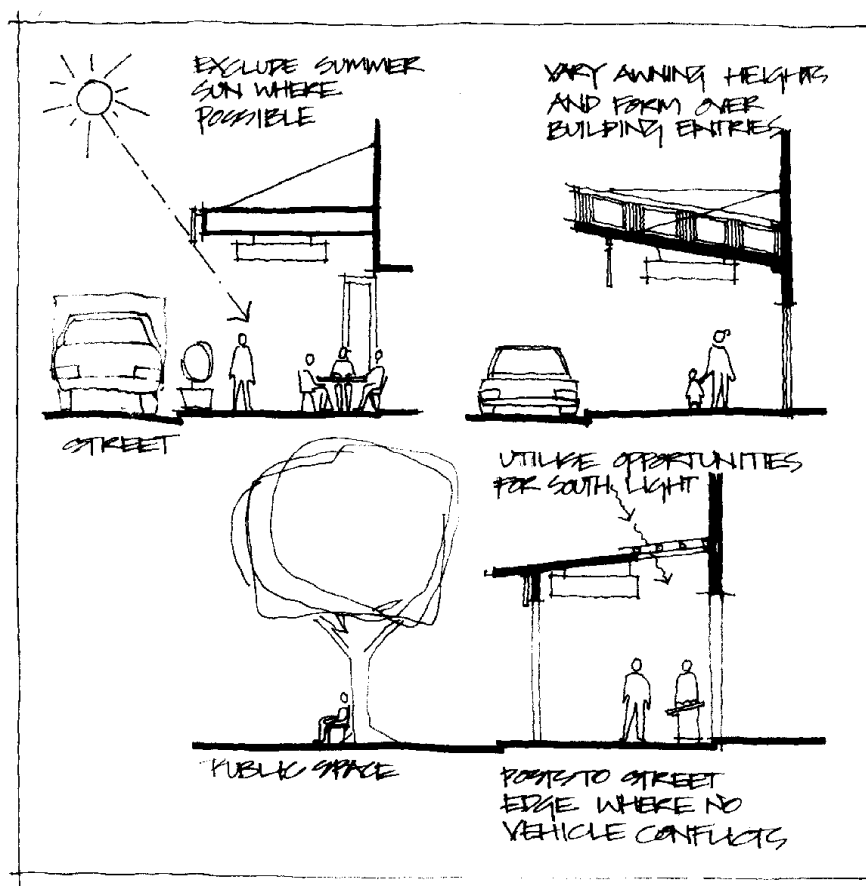


Figure 4.8 Design considerations for awnings

4.4.11 Mixed Use Development

Mixed use buildings incorporate various combinations of retail, commercial and residential uses. They are a unique building type that requires specific design outcomes to ensure a high quality built form outcome. This is particularly the case in village 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.

In Pottsville, mixed use development is appropriate as it provides opportunities to broaden the mix of uses in the village centre, within the development footprint. This greater opportunity will assist in maintaining and enhancing the attractiveness of the village centre for investment, and better enable it to compete with other emerging centres.

Objectives

- Ensure appropriate residential amenity is fostered in the design of mixed use development in Pottsville Village Centre.
- Provide enhanced surveillance and activity within the village centre.
- Provide opportunities for non-retail development in order to broaden the economic base and attractiveness of the village centre.

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 throughout the Pottsville village 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 to the public domain, whilst allowing for suitable privacy for upper storey residential apartments
- All parking is to be located at the rear or in a basement car park, accessed via a rear lane wherever possible.

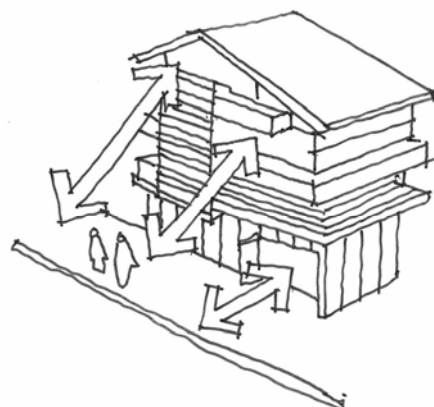


Figure 4.9 Establish strong sightlines to provide casual surveillance of the public domain as well as privacy to upper levels

4.4.12 Rear Lane

A key proposal within the Pottsville Locality Plan is to provide a rear lane behind existing premises on the north side of Coronation Avenue to help alleviate traffic flow, provide more efficient servicing and opportunities for parking. The presence of this secondary access system provides the added benefit of ensuring strong activation of the street and a minimum of conflict between vehicles and pedestrians.

Objectives

- Provide and maintain a quality urban environment.
- Ensure rear lanes adequately provide for their service function, while also providing a safe and pleasant pedestrian environment.

Guidelines

- The proposed rear lane is to provide parking and service access to properties, as well as an opportunity for vehicle circulation in the village centre.
- Proposed development is to provide a frontage and an additional pedestrian entrance to a rear lane wherever present.
- 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 the rear lane.
- Landscape planting (particularly shade trees) is to be provided within or adjacent to the rear lane.

4.5 New Retail Centres

Additional future retail centres are potentially located at Dunloe Park and Seabreeze Estate. The design, function and layout of these centres should occur in a manner that achieves a high quality public domain, an efficient centre and one which exhibits a high quality and a character appropriate to location. It is therefore important that best practice urban design criteria are applied to the total design of each potential precinct

A future centre at Seabreeze Estate has potential to impact significantly on the existing Pottsville Village Centre and therefore, specific additional principles, guidelines and controls have been prepared for this area.

Objectives

- Development should contribute to a distinctive, memorable and legible retail centre.
- Sustainable design and building practices should be an integral part of the retail centre development.
- Overall building form should be designed as a series of human scaled components.
- Development is to be designed in a way that lively and interesting frontages to public spaces are created.
- Buildings should be designed to reflect contemporary subtropical character.

Guidelines

Urban Design

- Development is in accordance with an approved site master plan

which demonstrates the following:

- The street layout is connected and permeable, and provides choices of routes for drivers and pedestrians
 - The street and building layout facilitates movement for public transport and bicycles
 - Buildings are facing streets and public open spaces and having their entries visible clearly recognisable and accessible from the street or space.
 - Layout of the project should have regard to topography, views and existing vegetation.
 - The visual prominence of carparking areas is kept to a minimum and where appropriate provided underground or flanked by buildings/development that addresses the street frontage.
- Buildings located in prominent positions (e.g. on corner sites and principles streets, or with frontages to major parks or squares,) are designed to express and/or emphasise the importance of their location through architectural expression and/or landscape treatments (such as 3D massing, increased height, reduced building setbacks, entrance location and orientation, etc.)

Climate and Sustainability

- A detailed master plan is undertaken which establishes best practice parameters for energy efficiency and water sensitive urban design.
- The opportunities for water infiltration on site are maximised by:
 - draining portions of hard surfaced areas to permeable surfaces;
 - maximising areas of turf, garden beds and pervious paving types;
 - minimising the area of impervious surface finishes on the site; and
 - providing permeable surface treatments

Bulk and Scale

- Building mass is articulated to reduce bulk of a structure and to highlight the entry or address. This may be achieved by a combination of any of the following:
 - projecting planes of the façade and avoiding blank walls;
 - incorporating a stepped façade profile;
 - recessing lower floors and rooflines;
 - projecting building entry canopies and balconies;
 - incorporating podiums and platforms;
 - utilising screens, pergolas or other materials;
 - reducing building width.

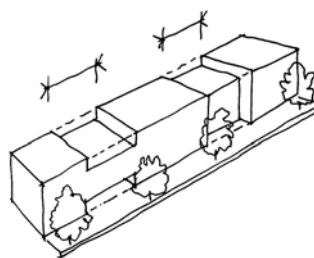


Figure 4.10 Articulation of buildings successfully reduces bulk and scale

Address – Access and Presentation

- The ground storey level of premises with frontage to a key public

urban spaces and streets incorporates activities that are likely to foster casual, social and business interaction for extended periods (such as shop fronts, indoor/outdoor cafes and restaurants) for 85% of that frontage; and

- presents a maximum of 70% of building frontage as windows/glazed doors and a maximum of 30% as solid façade; and
- provide clear or relatively clear windows and, where provided, grille or translucent security screens rather than sold shutters, screens or roller-doors.
- The design of upper storeys uses provide opportunities for occupants to look out over public space

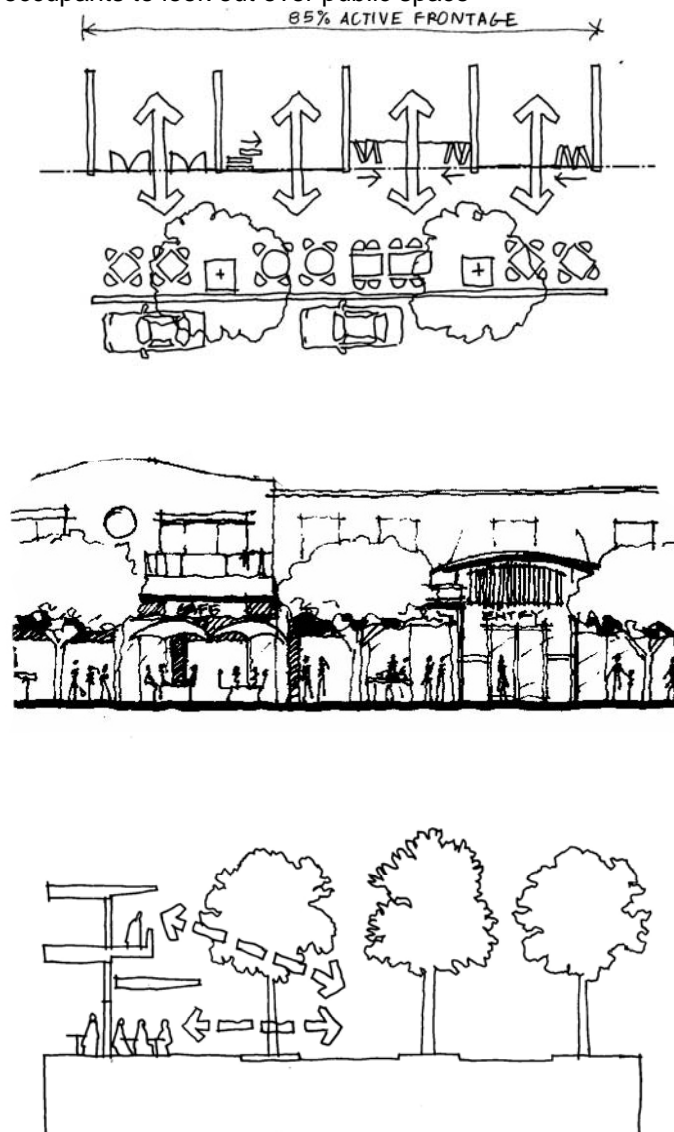


Figure 4.11 ground floor active retail frontage and upper level interaction with public space

Architectural and Landscape Character

- Buildings incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades
- Buildings, wherever possible, achieve a high degree of integration between indoor and outdoor spaces
- Landscape is integrated with built form and should be of a sub-tropical character with strong textures and colours & robust species
- Buildings incorporate composite construction, combining lightweight and masonry elements
- Landscaping incorporates a planting design which provides:
 - a framework of predominantly endemic native species
 - native palm species planted as small groups amongst other tree types as an emergent feature
 - visual interest through form, texture and variations in seasonal colour;
 - compatibility with buildings, hard paved areas, overhead and underground services;
 - scale relative to the size and nature of the development and its setting;

Awnings

- Frontages pedestrian streets and public spaces i are to have pedestrian shelter in the form of continuous awnings, colonnades, covered pergolas and arcades that are to take solar access, potential traffic conflicts with overhangs, and the desirability of creating patterned or dappled shade on the footpath into their design

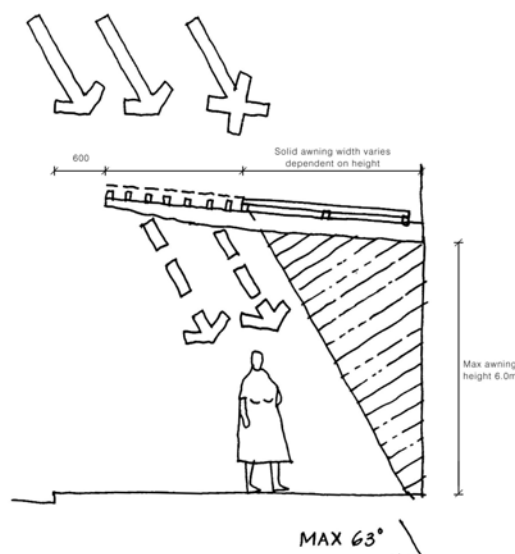


Figure 4.12 Potential awning design option

4.6 Additional Guidelines for Retail Development – Seabreeze Estate.

The likelihood of an additional retailing presence at the Seabreeze Estate in the short term is a very real possibility. If incorrectly managed, a retail centre at Seabreeze will have detrimental impacts on the ability of the existing Pottsville Centre to survive and adapt itself for the future. While there is a need for the Pottsville Village Centre to realign itself in response to the changing circumstances that will be presented, there is also a need for the retail potentially located at Seabreeze to be cognisant of its impacts on Pottsville, and other retail centres, avoiding any negative flow-on effects.

A wider issue to be considered in any significant retail development involves the issue of design quality. In all aspects, the location, form and appearance of development within the Seabreeze Centre should strive to relate well with its surroundings and foster a sense of individual quality that separates it from the standard approaches to this type of retail development.

Objectives

- Protect the economic viability of the existing Pottsville Centre and foster complementarity between the two centres.
- Ensure that design is cognisant of its location.
- Design should reflect best practice urban design principles.

Guidelines

Specialty Retail and economic impact

- The appropriate location for professional services, community facilities and commercial office development is within the Pottsville Village Centre area.
- Any application for specialty retail development within the Seabreeze Estate is to be accompanied with a detailed Economic Impact Assessment detailing the likely impact of the proposal on Pottsville Village Centre and other retail within the Locality Plan area, Council will take the EIA into account when assessing an application and may request an independent review.
- Total specialty retail floorspace in the Seabreeze Estate is limited to no more than 500 sqm within the first 4 years of operation and a further 500 sqm within the subsequent 4 years. Council may consent to an additional area if it can be demonstrated that the additional area will not result in a duplication of existing activities in the Pottsville Village Centre or that any duplication will not result in the non-viability of the Village Centre. *The term “specialty retail” does not include professional services such as doctors and the like, community facilities or commercial office development*

Requirement for a Master Plan

- A detailed master plan of the site and its surrounds is to be prepared which incorporates best practice urban design principles, similar to those mentioned throughout this Plan, in terms of permeability, accessibility and urban form.
- Development must be in accordance with an approved master plan which, at a minimum, demonstrates the following:
 - The street layout is connected and permeable, and provides choices of routes for drivers and pedestrians.

-
- The street and building layout facilitates movement for public transport and bicycles
 - Buildings are integrated with the existing built character.
 - Buildings face streets and public open spaces and have their entries visible, clearly recognisable and accessible from the street or space.
 - Layout of the proposal should have regard to topography, views and existing vegetation
 - Retail development, including any servicing areas, is not to front the Mooball – Pottsville Road.
 - A high quality and well located public domain system is provided for
 - The amount, location and design of carparking areas are appropriate and well founded. It is preferred that they are located within buildings underground. If they must be provided at grade or above ground they must be sleeved by active uses.
 - There is a clear relationship between the (required) economic impact assessment and the form, layout and land use mix of a proposal.

5 Residential Areas

Development in existing residential areas is controlled by the Tweed Development Control Plan, and particularly by the chapter relating to Residential and Tourist Accommodation. The following guidelines, are intended to provide a more site specific and targeted set of criteria that are not detailed within Section A1 of the DCP. While the guidelines may be read generally, for all development, they are targeted particularly at new residential development within the three identified release areas of:

- Northern expansion of Seabreeze Estate
- Kings Land
- Dunloe Park

The following sections provide objectives and guidelines on a range of issues, which is followed by further criteria specific to Dunloe Park.

5.1 Subtropical Character

Objectives

- Building designs reflect a contemporary urban sub tropical 'coastal' architectural character that promotes:
 - An environment that is shaded, light and cool;
 - outdoor or semi-enclosed public spaces that complement adjoining indoor spaces

Guidelines

- Buildings incorporate the use of screening, sun shading devices and deep recesses to create deep shadows and shading on building facades
- Buildings, wherever possible, achieve a high degree of integration between indoor and outdoor spaces
- Landscape is integrated with built form and should be of a subtropical character with strong textures and colours & robust species
- Buildings incorporate composite construction, combining lightweight and masonry elements, and avoid a predominance of brick and tile or tile and rendered masonry

5.2 Master Plan Provisions

Objectives

- Ensure that site planning reflects a detailed understanding of opportunities and constraints.
- Ensure that development is coordinated with its contextual environment (including any adjacent developments)
- Ensure that development proposals reflect principles of environmental sustainability and best practice urban design.

Guidelines

- All development on sites greater than 2 hectares in area are to undertake a master planning process as described below.
- For purposes of this DCP, a site greater than 2 ha is taken to apply to a total project site, even if proposed development represents a less

- than 2 ha stage of a larger project.
- Council will take into account the outcomes of a master planning process in its assessment of a development proposal and may require an independent assessment to assist in its decision making.
 - A thorough master planning process is to be undertaken such that development proposals are able to demonstrate the following:
 - Proposals for phasing of development
 - Urban design proposals, including proposals for density, height, building envelopes, views, privacy and security and other design elements, and an explanation of how they relate to an analysis of the site and its context.
 - Proposals for distribution of major land uses, including public access and open space
 - Proposals regarding connection and interface with the existing public domain
 - Proposals relating to the mitigation of environmental impacts including slope, flood mitigation, water and soil management, remediation of contaminated land, solar access and energy efficiency and the management of potential flora and fauna impacts.
 - Proposals relating to access, including public transport, pedestrian, cycle and road access, parking and proposals regarding traffic impact
 - Proposals regarding infrastructure provision and funding
 - Proposed patterns of subdivision
 - Proposals regarding site landscaping
 - The likely environmental impact (social, economic and ecological) of implementing proposals.

5.3 Dunloe Park

Detailed controls for the development of the Dunloe Park release area are premature in light of the likely timing of development and a need for the type of focused design response that is outside the scope of this DCP and overarching Locality Plan. Nonetheless, the level of analysis and design attention provided by the Locality Plan process is sufficient to outline a number of key principles that should be embodied in any future proposal.

Objective

- Ensure the planning, design and development of the Dunloe Park release area occurs in a manner that reflects detailed site opportunities and constraints, and that achieves best practice urban design and environmental sustainability.

Guidelines

- Development of the Dunloe Park release area is to be based on an approved master plan.
- A Master plan may be prepared by either Council or a proponent.
- Key principles to be addressed and embodied within a Master Plan for Dunloe Park (in addition to those identified in Section 5.2) are:
 - Provide a through site connection, linking Black Rocks Estate with Kudgerie Ave, Cudgera Creek Road and the highway.
 - The proposed street system and resulting subdivision pattern is to be strongly based on the existing topography and is to maximise potential for solar orientation.
 - There should be a consolidated local neighbourhood centre

comprising retail, local community facilities (including a potential school site) and recreation/sporting facilities at a focal location in the site. Any higher density housing that may be proposed should also be located in this area, close to facilities and services

- Implementation of a stormwater management strategy that demonstrates a Water Sensitive Urban Design (WSUD) approach to the management of stormwater on and from the site.
- Open space corridors should connect areas of bushland and recreation areas, as well as protect existing riparian corridors and overland flow paths

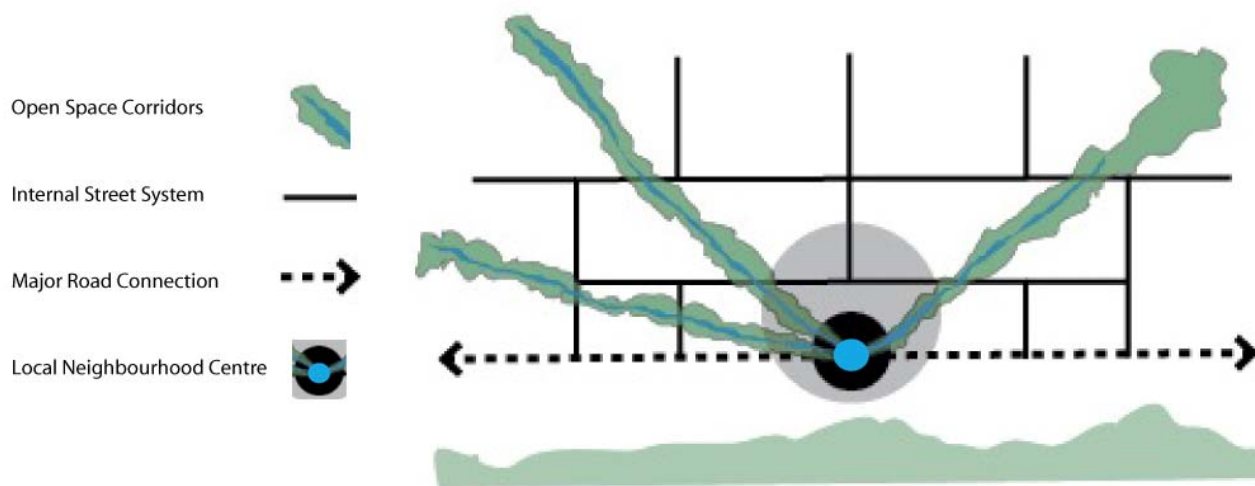


Figure 5.1 Dunloe Park Indicative Master Plan Principles

6 Future Employment Area

The Pottsville Locality Plan proposes a new employment area located west of the village centre and Dunloe Park, south of Cudgera Creek Road and adjacent to the Pacific Highway.

This DCP expands on the principles appearing in the Locality Plan, providing further detail for key elements under the following headings:

- Urban Structure
- Land Use
- Landscape and Conservation of Natural Values
- Built Form

6.1 Urban Structure

Development within the Pottsville Employment Area is to broadly reflect the following urban structure principles:

- The site may be planned and developed in 2 or more stages. Stage 1 is focused on Kudgerie Avenue.
- Access may be via Cudgera Creek Road and Pottsville-Mooball Road. Kudgerie Avenue is to be extended through to Cudgera Creek Road
- Riparian corridors and significant vegetation are to be protected.
- All external street frontages are to be buffered
- The road system is to reflect existing topographical constraints.
- Development and/or other proposals on highpoints is to reflect their visual prominence as an opportunity for special design consideration.

6.2 Land Use

The principle land use within the Pottsville Employment Area is Employment. The objectives for land uses in this area are:

- Provide a wide range of industrial and warehouse land uses.
- Encourage employment opportunities.
- Minimise any adverse effect of industry on other land uses.

6.3 Landscape and Conservation of Natural values

A principle consideration of the development of the Employment Area is its impact on the natural environment and the manner in which it is perceived from both passers by and users of the area. The key outcomes for the Employment area in this regard are as follows:

- Protection of the major riparian corridors and drainage flow paths within significant open space corridors.
- Application of water sensitive urban design principles to the management of the water cycle on the site is to be ensured.
- Significant trees are to be retained within buffers, setbacks and in road reservations. Significant trees are defined as those with a greater than 30cm diameter at chest height.
- Significant buffer planting is to be provided along all external road corridors and internally such that views into the employment area are predominantly obscured from external roads. The buffer planting zone is to be 25m for Pottsville-Mooball Road and 40m for Cudgera Creek Road.
- Street trees are to be planted on all internal streets.

6.4 Built Form

Objectives

- Ensure that built form establishes a strong relationship to open space.
- Ensure that development contributes to cohesive streetscapes and desirable pedestrian environments.
- Ensure a safe environment by promoting crime prevention through good urban design.
- Promote energy efficient building orientation and envelopes.
- Avoid street views of long building elevations not screened by landscaping or that display monotonous building forms and design.
- Encourage the provision of a range of distinctive building forms that promote the identity of each tenancy.
- Encourage a high quality built form by encouraging activity on elevations fronting streets, ensuring buildings address streets and emphasising vertical forms with landscape, buildings and street lighting.

Guidelines

- Development Applications are to be accompanied by a site analysis plan demonstrating site characteristics (site boundaries, north point, contours, location of services and nature of surrounding development etc) and site opportunities and constraints.
- Buildings are to address the primary street frontage of an allotment with a clear and well lit pedestrian entry. Where a lot has a dual frontage, building entries shall address the major road frontage with loading and truck movements taking place on the other frontage.
- Parking areas and service loading areas are to be located behind the building line and integrated into site layout and building design, and not dominate the primary streetscape of an allotment. Where located at the side or rear of an allotment with more than one street frontage, these areas shall be appropriately screened from the secondary street frontage(s).
- Street tree planting, including endemic species, is to be provided to enhance the appearance of the street and pedestrian environment, including providing protection from the sun.
- Buildings are to provide variety to facades by the use of projecting upper storeys over building entries, upper storey display windows, emphasising street corners and varying roof forms. .
- Buildings are to provide effective sunshading for windows, wall surfaces and building entries (other than loading docks) by the use of design elements such as overhanging eaves and awnings, undercrofts, colonnades and external sunshading devices including screens.
- Building forms are to be articulated using roofs with eaves that project beyond external walls, dividing long walls into a series of forms and emphasising customer entries and service doors. .