

## **B15 - SEABREEZE ESTATE, POTTSVILLE**

Version 1.2

## Amendments

| Version | Effective      | Resolution   | Description                                     | Authorised |
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| 1.0     | 4 January 2000 |              | DCP 38 Council adopted document                 | Council    |
| --      | 12 April 2007  |              | Amalgamation of DCPs into one consolidated DCP. | Council    |
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| 1.2     | XXXXXXXX       | XXXXXXXX     | Amendments post public exhibition               | Council    |
|         |                |              |   |            |

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## **B15 - SEABREEZE ESTATE, POTTSVILLE**

### **B15.1 INTRODUCTION**

#### ***B15.1.1 Aims of this Section***

- Retain the significant landscape features, including the ridgetops, in the development design of the site;
- Provide a comprehensive and integrated set of objectives, criteria and measures to cover the essential aspects of residential and non-residential development;
- Provide a "user-friendly" document for those involved in the planning, development and management of the site;
- Provide for a neighbourhood character with centrally located shops, facilities and meeting places which offer a sense of arrival;
- Identify Council's preferred traffic, open space and pedestrian networks for the site's development;
- Ensure as far as practicable that remnant natural features and environmentally sensitive areas of the site are not adversely affected by future development, or the effects thereof are mitigated;
- Provide the widest possible choice of housing and residential lot sizes in a new residential community based on integrated design of housing, access and supporting non-residential facilities;
- Provide for medium density housing in close proximity to the centrally located shops and community facilities;
- Ensure appropriate design of development along the Mooball-Pottsville Road, such that any acoustic mitigation measures involve minimal extent of fencing or walling with extensive screen landscaping.
- Ensure that any acoustic measures are of a design standard which reinforces the visual presentation of development to the main southern entry from the Pacific Highway to the Tweed Coast;
- Ensure that development has minimal impact upon water quality of adjacent lands and waterways;
- Facilitate cost-effective residential development with a high standard of amenity, convenience, safety and environmental sustainability;
- Reflect principles and relevant performance criteria expressed in AMCORD, the Australian Model Code for Residential Development (1995) Commonwealth of Australia; and
- Ensure that the necessary services and community facilities infrastructure are available in an orderly and economic manner.

#### ***B15.1.2 Land to which this Section applies***

This Section applies to the area known as Flannery's Land or the Seabreeze Estate, located to the west of Pottsville Village in north-eastern New South Wales (B15 – Map 1).

***B15.1.3 How does this Section relate to other Sections and Environmental Planning Instruments?***

Where an inconsistency arises between this Section and any environmental planning instrument (EPI) applying to the same land, the provisions of the EPI prevails. An EPI means a State Environmental Planning Policy, a deemed EPI or a Local Environmental Plan.

Where there is an inconsistency between this Section and any other Section in force, the provisions of this Section shall prevail.

This Section is consistent with, and expands upon, the provisions of the Tweed LEP 2000 as amended. In the event of any inconsistency, the provisions of the LEP shall prevail.

Where a development application is received for land to which this Section applies, Council must take into consideration the provisions of this Section as well as the other matters listed under Section 79C of the Environmental Planning and Assessment Act 1979. As such, compliance with the provisions of this Section does not necessarily imply that Council will grant consent to an application.

Where a proposed development does not comply with a provision of this Section, it is essential that the applicant sets out the reasons for non-compliance in the documentation supporting the application, and demonstrates that the variation will achieve the objectives of this Section.

This Section has regard to relevant guidelines contained in AMCORD - The Australian Model Code for Residential Development (1995). Other Sections, Codes or Policies which may be relevant to a particular development proposal, and which should be addressed by the applicant, are as follows:

- Section A1 - Residential and Tourist Development Code;
- Section A2 - Site Access and Parking Code;
- Section A3 - Development of Flood Liable Land;
- Section A5 - Subdivision Manual;
- Section A9 - Energy Smart Housing;

Tweed Shire Council Landscape Manual;

NSW Coastal Policy;

Managing Urban Stormwater - Soils and Construction (1998 Edition) NSW Department of Housing;

Land Use Guidelines for Acid Sulfate Soils; Guidelines for Development, Tweed Shire Council (1992); and

Various Section 94 Contribution Plans applying to the land or particular development.

This Section has been prepared having regard for the findings of a number of specialist reports and planning studies, including the Local Environmental Studies prepared in 1994 and 2010.

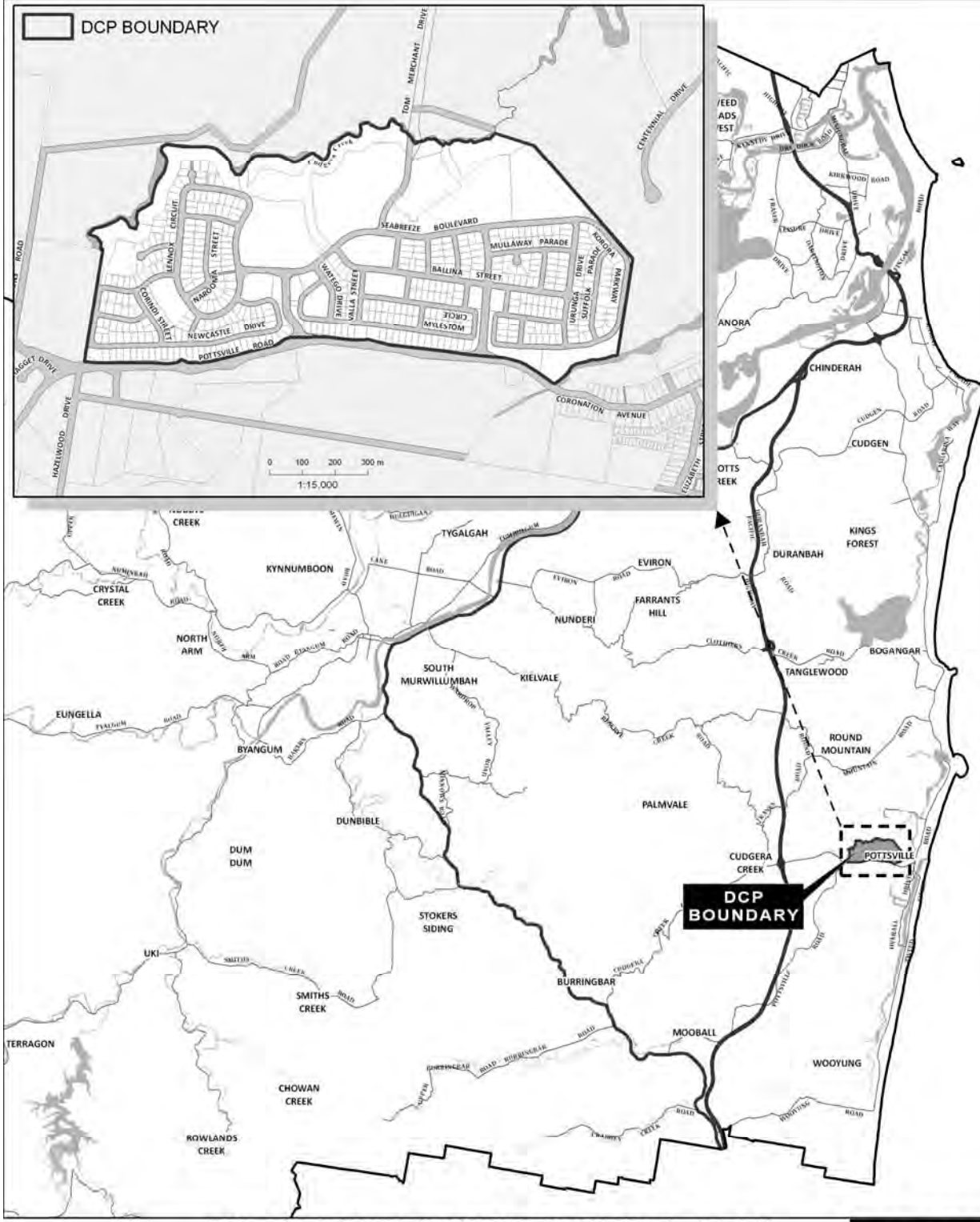
***B15.1.4 How to use this Section***

Where a development is proposed on land to which this Section applies, Council shall take the provisions of this Section into consideration in determining the application.

In preparing an application for development, there are a number of specific steps that should be followed:

- Step 1:** Check the zoning of the site under Tweed LEP 2000 to ensure that the proposed development is permissible and to determine what related provisions apply.
- Step 2:** Establish what other Sections or Policies apply to the site.
- Step 3:** Familiarise yourself with the Management (B15.2), Environmental (B15.3) and Development Application requirements (B15.4).

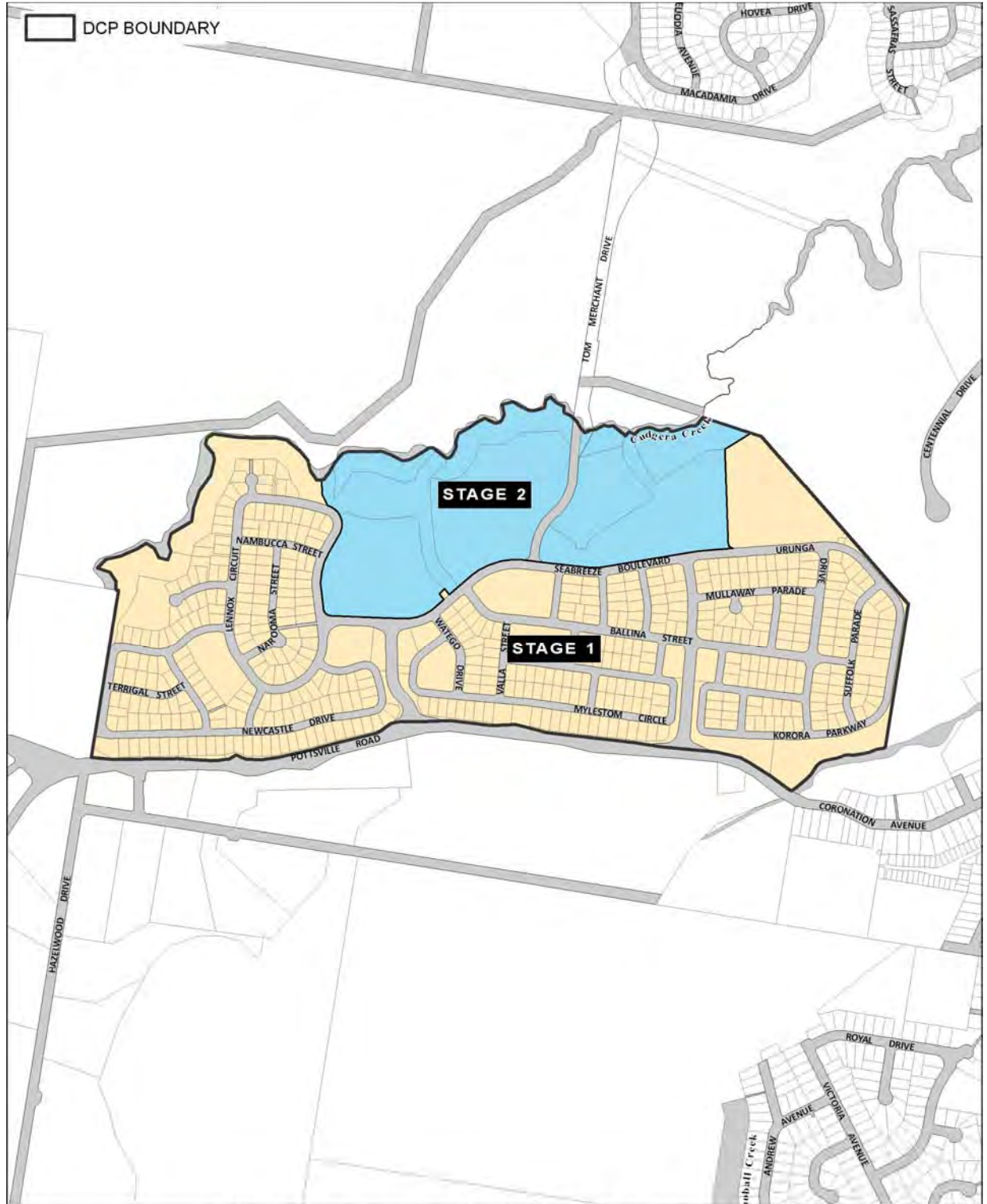
# B15 – Map 1 – Locality Plan of DCP Section B15 Boundary



**TWEED DEVELOPMENT CONTROL PLAN** **B15 - MAP1**  
SECTION B15  
SEABREEZE ESTATE, POTTSVILLE



### B15 – Map 1A – Seabreeze Estate Stages 1 & 2



**TWEED DEVELOPMENT CONTROL PLAN**

**B15 - MAP1A**

SECTION B15  
SEABREEZE ESTATE, POTTSVILLE

## **B15.2 MANAGEMENT ISSUES**

### ***B15.2.1 General***

The relevant management issues, strategies and plans referred to in this Section should be prepared and assist in an overall understanding of the site's context, having regard for the inter-relationship between issues and having regard for the staged development of the site.

### ***B15.2.2 Overall Site Analysis***

The key design step in establishing the development context is to undertake a site analysis. This enables the designer to gain a full appreciation of the characteristics, attributes, opportunities and constraints of the site and surrounds (B15 – Map 2 and Map 2A).

This Section requires that future development applications and development designs include a site analysis for each individual site (see Clause B15.3.2).

The objectives of the overall site analysis are to include:

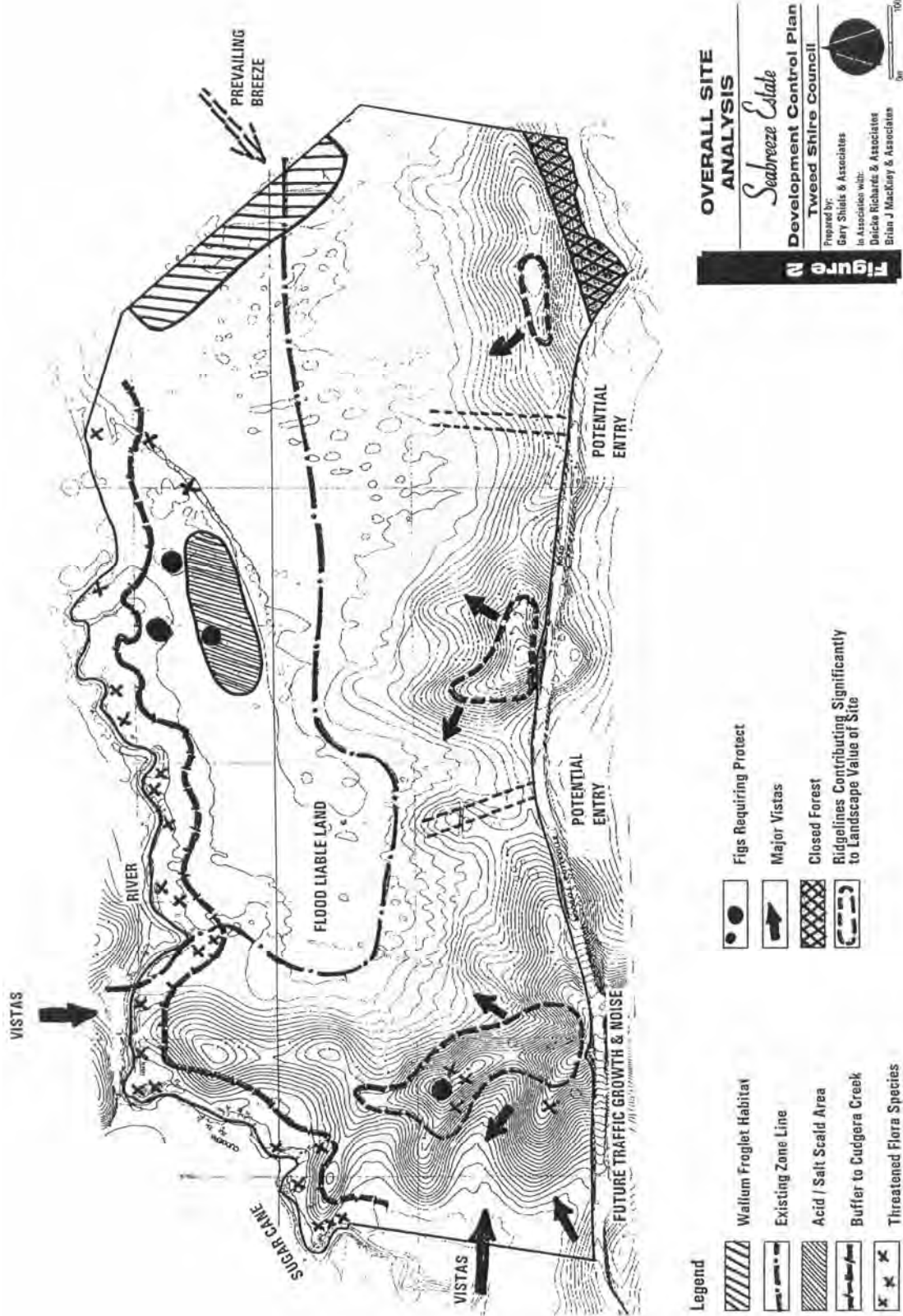
- To ensure that site layout and building design take into consideration the existing characteristics, opportunities and constraints of the site, and connectivity to other parts of the study area and the surrounds, so as to create a design of high quality and liveability which is sensitive to its environment;
- To assist property owners to achieve the best overall use of sites when considering development proposals; and
- To encourage sensitively designed development which reflects the physical attributes of the area.

The analysis considers the following matters:

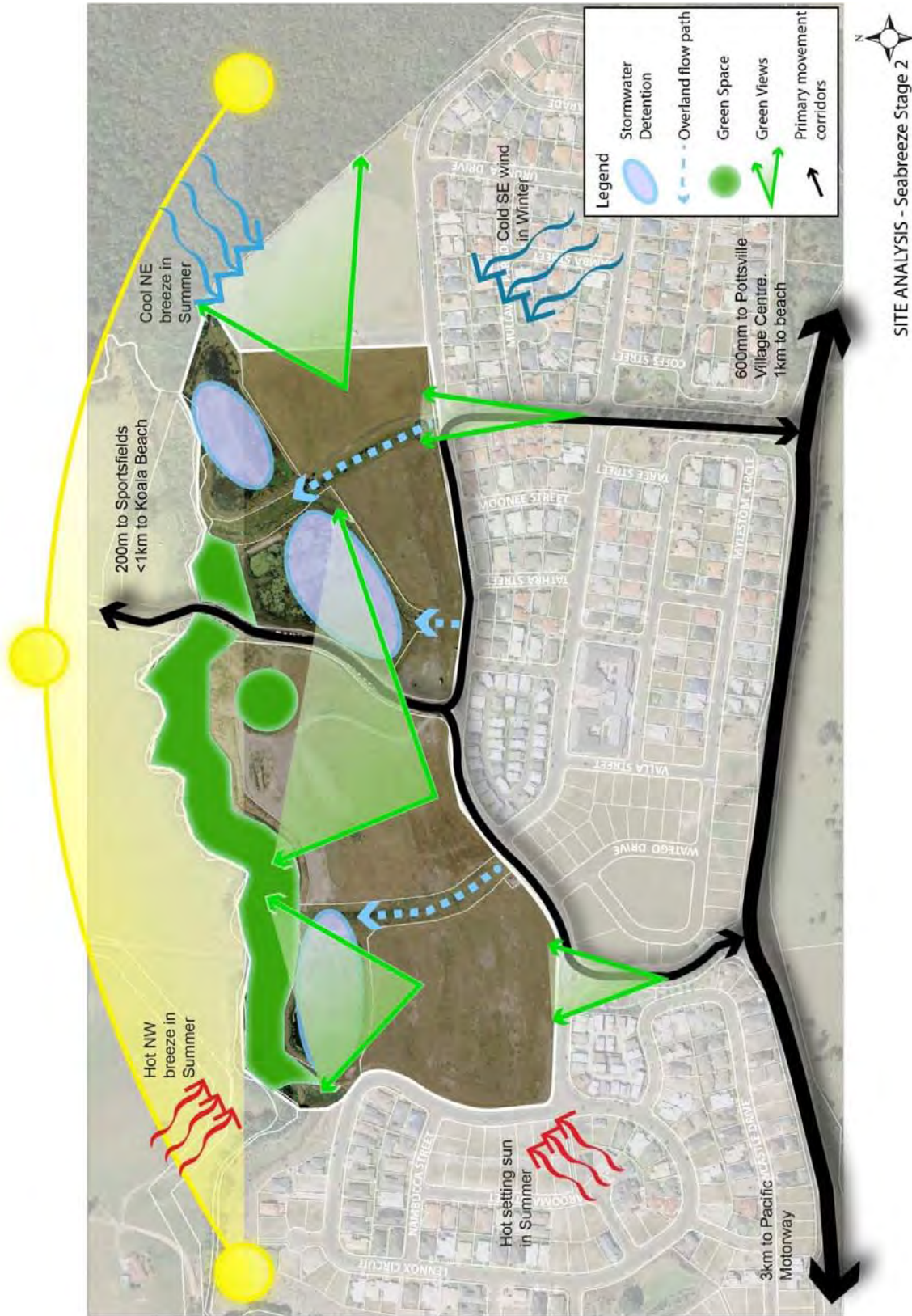
- Topographical features of the site and adjacent property such as slope, flood level, ridges, existing natural vegetation, drainage paths and opportunities for the protection or enhancement of views and vistas;
- The need to protect important features of the site and natural areas, such as riparian vegetation and selected fig trees;
- The desired future character of the area;
- Opportunities to link into open space, pedestrian and cycle networks; and
- Noise sources and access points.

The overall site analysis will in turn enable successful individual site planning to achieve a balance between development requirements and the protection of the natural and landscape value, utilising the identified opportunities to create new local urban environments, in accordance with Clause B15.3 of this Section.

# B15 - Map 2 – Site Analysis for Seabreeze Estate – Stage 1



### B15 - Map 2A – Site Analysis for Seabreeze Estate – Stage 2



SITE ANALYSIS - Seabreeze Stage 2

### ***B15.2.3 Habitat, Bushfire Management and Buffers***

#### **Habitat Management**

Development of the site has the potential to impact upon the habitat of native fauna including threatened species and areas of significant vegetation and habitat, which is considered important to protect and manage as development proceeds (B15 – Map 3). A Species Impact Statement (SIS) prepared on behalf of the proponent quantifies and describes the location and extent of habitat impact on threatened species and proposed mitigation measures. Threatened flora species known to occur on the subject site include *Spiny gardenia*, *Davidson's plum*, *Red lilly pilly* and *Durobby*. Threatened fauna species known to occur on the site include *Wallum froglet*, *Osprey*, *Koala*, *Black flying fox*, *Eastern long-eared bat*, *Southern myotis*, *Troughton's cave bat* and *Yellow-bellied sheathtail bat*. Other fauna species have been identified as being likely to occur on the subject site, including *Koala*.

Successive development proposals should take into account measures to protect and retain threatened species, and undertake mitigation measures in accordance with an approved SIS. Development proposals located within 'Stage 2' are to be prepared in accordance with the Flora and Fauna Assessment, dated July 2009, or any superseding assessment approved by Council.

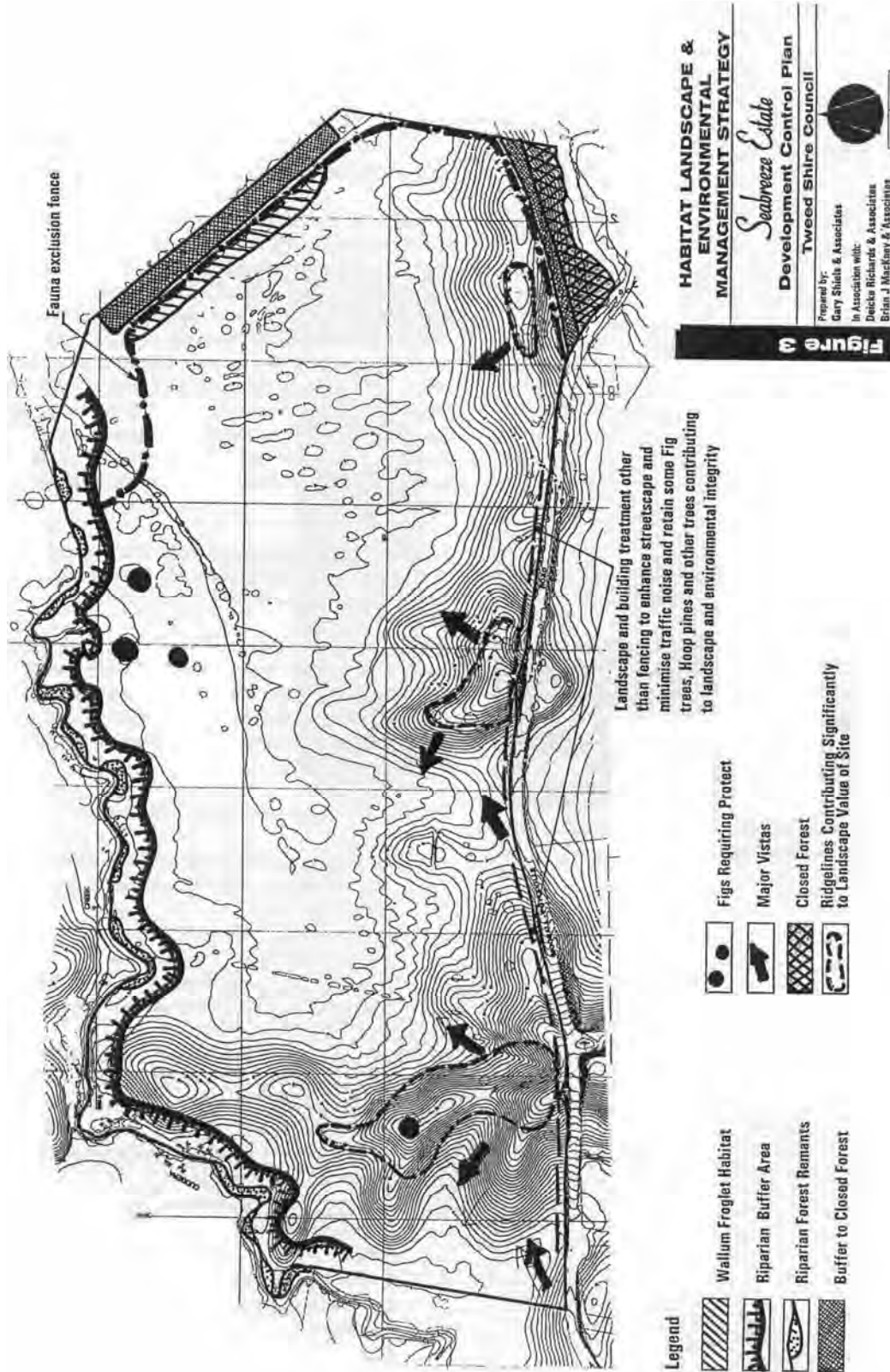
All development applications involving earthworks or site disturbance (except single dwelling houses, dual occupancy and town house development) must include an Environmental Management Plan (EMP) to ensure protection and enhancement of significant habitat areas and significant native species, as nominated in the approved SIS relating to the proposed development or works. A Koala management plan should also be prepared as part of the EMP.

The mitigation measures should include, where relevant, the following:

- Propagating and planting in regeneration areas along Cudgera Creek, threatened species, which will be removed, including *Spiny gardenia* and native figs;
- Establishing rainforest regeneration areas within selected parts of the riverine protection buffer to Cudgera Creek;
- Maintenance of a 50m riparian buffer to Cudgera Creek, in accordance with the Tweed Coast Estuaries Management Plan;
- Ensuring there is no significant change in the hydrological regime between the site and the adjacent Tweed Environmental Park, to protect *Wallum froglet* habitat;
- Providing stormwater retention and treatment basins and measures to intercept and treat run-off water before it enters Cudgera Creek;
- Encouraging diffuse points of in-flow of stormwater to Cudgera Creek;
- Provide barrier fencing along the buffer to the eastern boundary to protect adjacent closed forest;
- Reducing the growth of weeds;
- Retaining habitat opportunities for *Wallum froglet*, in north-east part of site;
- Stocking sediment retention basins with aquatic macrophytes or other suitable species to provide frog habitat;

- Regenerating disturbed areas of the Tweed Environmental Park adjacent to the subject site, including habitats for *Koala* and nectarivores;
- Providing suitable exclusion fencing in appropriate areas at the eastern end of the site to separate *Koalas* from traffic and other dangers associated with urban development;
- Using a range of significant plant and keystone fauna habitat species such as *Coast banksia* in the regeneration area adjacent to the *Brush box / Hoop pine* forest;
- Protecting and conserving selected *Fig trees*, *Hoop pine* and other native trees and shrubs which contribute to the existing scenic and environmental value of the site including roadside areas, within open space drainage reserves or road reserves. Design of subdivision and earthworks to recognise such protection;
- Pursue, a road layout that forms the edge to the natural and environmental protection areas, providing a public interface. Avoid the side or rear of properties directly adjoining vegetated areas or areas of environmental protection; and
- Imposing controls on dog ownership.

B15 – Map 3



## **Bushfire Management**

Areas of the site with a risk of exposure to bushfire hazard include land adjoining the Cudgera Creek riparian corridor and land adjacent to the closed forest areas and grasslands to the east.

The design of subdivisions should incorporate the provision of roads and buffer areas between housing lots and the bushfire hazard.

## **Buffers to Adjoining Uses**

The cultivation and management of agricultural crops such as sugar cane on adjacent land has the potential to impact on the amenity of the surrounding residents. Allotments should not be located closer than 150m from an existing area of sugar cane production on land to the north and north-west, unless an appropriate mitigating riparian rainforest buffer is established between the sugar cane plantings and housing lots to mitigate potential impact as part of any development proposal.

Allotments along the Mooball Pottsville Road should be designed with a landscape buffer and noise amelioration measures as appropriate to reduce the level of traffic noise. All applications for subdivision or development of land adjacent to the Mooball Pottsville Road shall include a Noise Impact Assessment and appropriate measures to comply with the Environment Protection Authority guideline in respect of anticipated traffic noise levels, entitled “Environmental Noise Management: Environmental Criteria for Road Traffic Noise” (June 1999). Clauses B15.3.3, B15.3.7 and B15.3.9 indicate environmental design criteria in relation to development adjacent to the Mooball-Pottsville Road.

Buffers with a general width of 50m are to be provided, to the bank of Cudgera Creek, and to the closed forest located on the eastern side of the site both within the property and in the Tweed Environmental Park. These buffers are to include regeneration planting. The buffer width to the closed forest may be narrower if justified in terms of drainage impact, fencing, or other appropriate measures.

A minimum buffer of 5m is to be provided between the road reserve at the eastern end of the site and the proposed fauna exclusion fence on the boundary, to incorporate appropriate landscaping, drainage controls and access to boundary for maintenance and bush-fire control.

## **Contamination**

A Preliminary Contaminated Site Investigation (PCSI) was undertaken for the land area of Seabreeze 'Stage 2'. The PCSI concluded that based on the history and topography of the site, as well as the length of time since the previous land use activities were undertaken it is considered highly unlikely that contaminants would be present in significant concentrations. However, further investigations and SEPP 55 assessment may be required if extensive deep excavations are proposed.

### ***B15.2.4 Traffic Management and Movement Network***

#### **What is the Traffic Management and Movement Plan?**

The Traffic Management and Movement Plan is a document which will establish the road hierarchy and the movement system for this estate. The Plan will include appropriate vehicle design speeds, treatments for entry / exit points,



roundabout treatment, noise amelioration measures, traffic calming and slow points, bus routes, and the integration of pedestrian and bikeway routes with motorised vehicle routes (B15 – Map 4).

### **What will it achieve?**

The objectives of the Traffic Management and Movement Plan include the following:

- To contain vehicle speed within the development providing a high level of environmental amenity and safety,
- To facilitate convenience of access for residents;
- To establish a basis for the road hierarchy;
- To facilitate a road layout that is clear and legible;
- To facilitate a road layout that provides long views towards the Cudgera Creek riparian corridor, and other green, topographic or landmark vistas;
- To facilitate a road layout that provides for regular shaped lots; and
- To provide safe and convenient network for pedestrians and cyclists.

### **When will the Traffic Management and Movement Plan be required?**

A Traffic Management and Movement Plan is to be prepared for the whole estate and submitted in conjunction with the first subdivision Development Application. A further Traffic Management and Movement Plan is to be prepared and submitted in conjunction with the first subdivision development application within 'Stage 2', which integrates with existing movement conditions. The Traffic Management and Movement Plan should reflect the indicative densities and land uses in the Structure Plan (B15 – Map 7) and give the overall vehicle, pedestrian and bicycle traffic and movement system context for the estate.

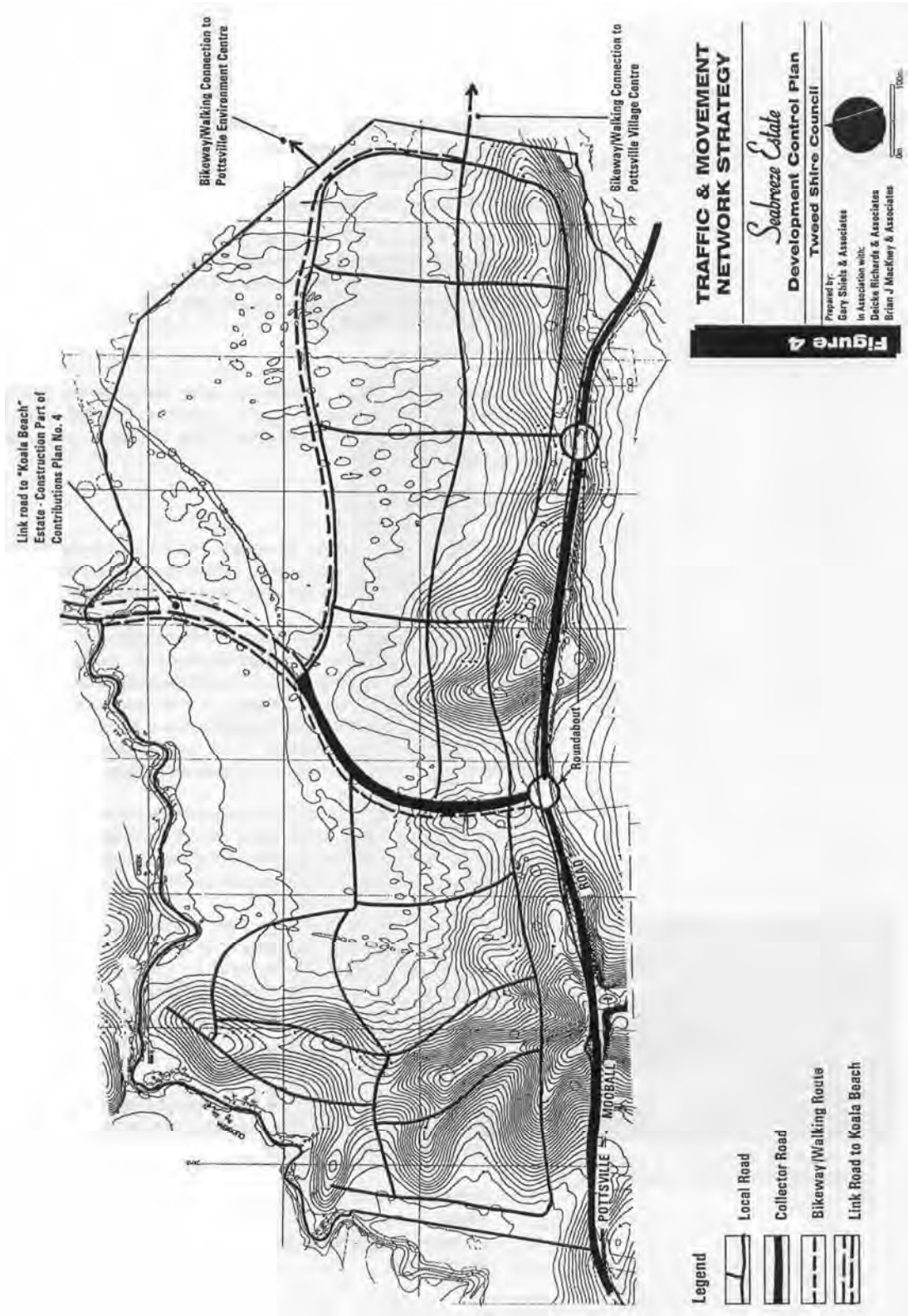
### **What will the Plan need to contain?**

The Traffic Management and Movement Plan may contain the following items in schematic form, with detailed design not required until submission of engineering drawings with the application for a construction certificate following issue of development consent:

- Development of an appropriate road hierarchy system;
- Design speed, traffic calming and speed control devices, having regard to AUSTRROADS and AMCORD guidelines, with particular reference to road verge and widths, longitudinal gradients and street design;
- The location and details of the access points to the estate, supported by a traffic study;
- On and off street pedestrian and bicycle routes;
- Location of future linkages to Pottsville village centre at the eastern end of the site and alignment of proposed road reserve to be dedicated for linked road to Koala Beach to the north;
- Restricted access streets;
- Bus routes and bus stops and;
- Details of on-street parking.

Sources for the design of the road system include the Guide to Traffic Engineering Practice AUSTRROADS 1993, Queensland Streets 1993, AMCORD 1995, and Planning for Bus Services - Technical Bulletin 19, Department of Planning 1989.

**B15 – Map 4**



### ***B15.2.5 Soil and Water Management***

The applicant is to provide a Soil and Water Management Plan (SWMP) in respect of the whole estate, to be submitted with the first Development Application for subdivision (B15 – Map 5). A further SWMP is to be submitted with the first development application for subdivision within 'Stage 2'.

#### **What is the Soil and Water Management Plan?**

This plan is to provide a basic network of stormwater, water pollution and run-off control facilities to protect the environment. It is to ensure that the risk of soil erosion, sedimentation and loss of water quality is minimised and human safety and amenity is not jeopardised, as urban development of the site proceeds.

#### **What will it achieve?**

The objective of this plan is to ensure that during construction and following implementation of the development, there is a satisfactory integrated system of stormwater and water quality control which is safe, economic to maintain and environmentally acceptable.

#### **When will the Plan be required?**

A detailed SWMP will be required for each development application for subdivision or building development which involves earthworks, as required by Clause 52 of the Tweed Local Environmental Plan 2000.

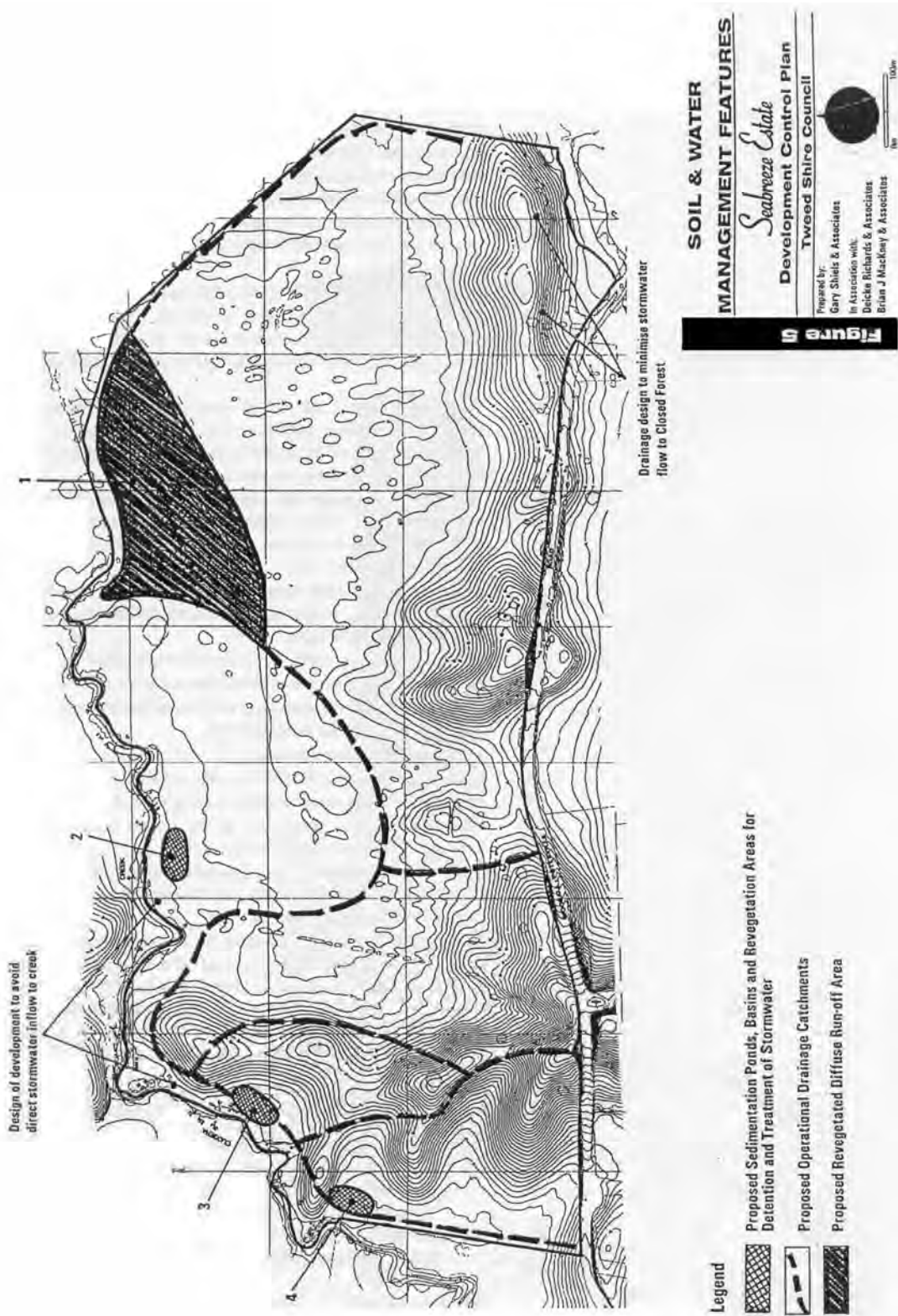
Measures to be addressed include those to control erosion, sediment and stormwater run-off, and release of groundwater or surface water containing high acidity, nutrients or pollutants, resulting from disturbance and development of the site.

Conditions of consent will ensure that adequate stormwater pollution control basins and other run-off and water quality control measures have been completed to Council's satisfaction prior to the commencement of any development construction work. Special provisions relate to disturbance of potential acid sulfate soils.

#### **What will the Plan need to contain?**

Both the initial and detailed SWMP should refer as appropriate to the drainage design features which will be submitted in later engineering drawings (following issue of development consent), and having regard to:

B15 – Map 5



- likely increase in nutrients, pollutants and sediment run-off generally as a result of development;
- existing surface patterns of stormwater run-off and intensities, based on rural situation;
- sizing of drainage and pollution control system based on ultimate development in the whole catchment;
- proposed system of controlling stormwater run-off;
- identification of minor and major stormwater flow paths, with designation of annual exceedance probability in the design of the drainage system;
- the method of dealing with stormwater drainage in a combination of pipes, channels and flow paths and indicate the AEP for capacity of the pipeline systems proposed;
- appropriate safe level of urban run-off within the major flow paths;
- ensuring that when conveyed in a channel the product of velocity and maximum channel depth at a section is less than 0.4 as indicated in the NSW Flood Plain Development Manual 2005, and Australian Rainfall and Run-off 1987;
- appropriately designed and located water quality and sediment control structures and facilities should be provided as both temporary facilities (construction phase) and permanent facilities, and should be integrated with the system of stormwater conveyance and detention;
- temporary water quality and sediment control facilities could include temporary sediment control fences and traps, vegetation buffer zones, temporary construction exits, controls on stockpiles, revegetated run-off flow areas, stabilisation works, etc;
- permanent facilities could include infiltration basins and trenches, filter strips, grass swales, constructed wetlands, oil and grit separators; gross pollutant traps and litter racks;
- proposed discharge points for minor and major flows including any requirements for easements to discharge onto and across adjacent land;
- proposed methods for managing filling and drainage issues along the property boundary that may impact on adjacent land;
- acid sulphate soil management plan;
- maximisation of on-site infiltration in the design of the stormwater system;
- maintenance and long term durability of systems and facilities;
- economical long term maintenance of the system including details of ownership, whether an easement or reserve etc;
- ensure minimal hydrological or environmental impact in any existing wetlands or waterways, as a result of the development and alterations in the stormwater and water quality balance; and
- the proposed system should be based on the methodology, criteria and examples in documents including "Managing Urban Stormwater" (Department of Housing, 1998), Section A5 - Subdivision Manual, the

“Queensland Urban Design Manual” (QUDM) (Brisbane City Council, Water Resources Commission and Qld. Local Government Association 1992) and “Acid Sulphate Soils Manual” (ASSMAC).

The water and sediment control system should aim to provide a quality of water in the receiving waterways of Cudgera Creek within acceptable limits, having regard to:

- (i) background levels being established to represent the existing situation within the adjoining surface and groundwater systems. These background levels shall be agreed to by Council and shall be based on physical, chemical and ecological sampling of representative samples;
- (ii) the need to ensure that there is no unacceptable reduction in water quality within the receiving waterways as a result of the proposed development; and
- (iii) the relevant EPA, Council, Department of Housing and ANZECC Guidelines for water quality management.

Water quality modelling will be required to determine whether the proposed stormwater quality control measures will reduce pollutants and nutrients to acceptable levels and ensure receiving waters are not adversely impacted.

Following construction, soil and water management facilities will generally be accepted as dedicated drainage reserves.

### ***B15.2.6 Flood Liable Land Development***

#### **What is the Flood Liable Land Development Plan?**

The Flood Liable Land Development Plan (FLLDP) is a document which identifies specifically the likely impact of development and the reshaping of flood liable land on flood behaviour, and the hydraulic and hydrologic systems on land in the vicinity.

#### **What will it achieve?**

The FLLDP shall identify those lands affected by flooding in the vicinity of the site and the extent to which they are flooded, particularly those lands where increased flooding may result from proposed development of the site. It will also identify and assess any increased risk to persons, property, flora and fauna resulting from increased or prolonged flooding of the site or surrounding lands.

#### **When is the Plan required?**

A FLLDP will be required to be prepared and submitted in conjunction with any application which involves significant filling of the flood basin.

#### **What will it contain?**

A FLLDP will contain a flood study of the flood plain in relation to the proposed development and its likely impacts. The study and the management plan will be prepared in accordance with the NSW Government Flood Plain Development Manual, having particular regard for Appendix G "Flood Study Methodology".

The study and plan will identify loss of flood storage, define the 1% AEP flood level, the impact on the salinity in the Creek and consequent impacts on habitat as a result of development, sources of fill, and the extent to which storm and tidal influence aggravate flooding. In this regard, additional measurement of the catchment and analysis/calibration of flood behaviour is required. The plan

should outline the means by which any potential impact on flood behaviour will be mitigated or contained.

It shall provide a thorough risk assessment of those lands and properties adversely affected by the predicted flood afflux for both 1% AEP and 5% AEP floods, including all present and proposed means of access to the site.

### ***B15.2.7 Open Space Strategy***

#### **What is the Open Space Strategy?**

The Open Space Strategy is a document and plan(s) which will provide the outline for an appropriate network of structured and casual open space and landscaping of public areas to serve the needs of the future residents of the estate (B15 – Map 6).

#### **What will it achieve?**

The objectives of the Open Space Strategy include the following:

- To provide a safe and pleasant open space network which meets the diverse needs of future residents, in terms of neighbourhood parks, play spaces, buffer regeneration areas, natural area parks, kickabout and picnic areas, and sportsfields, ensuring these spaces are appropriately located and accessed for adaptable usage;
- To ensure that public open space can be satisfactorily maintained by Council; and
- To ensure that the landscaping of public areas is appropriate.

#### **When is the Open Space Strategy required?**

This strategy is required for all subdivision applications which involve the creation of lots on broad-acre or filled sites, but does not include infill subdivision or multi-dwelling development on developed sites.

#### **What will the Strategy need to contain?**

This strategy will have regard to the matters and principles indicated in B15 – Map 6 in respect of the whole estate.

The strategy should refer generally to the standard and type of proposed embellishments, the location, gradients, means of access and linkages, to open space, and relationship to dwelling yield. Design details for embellishment of individual parks are not required by Council until the submission of a construction certificates following development consent.

**An** open space strategy will recognise the following open space hierarchy principles as set out in Council's Contributions Plan No. 20 – Public Open Space at Seabreeze Estate.

Only those areas of the riparian buffer open space which are actually useable for passive recreation by means of access to walkways, grassed kickabout areas, and play parks may be included in the calculation of open space required. Entry statements are not included in open space calculations. Council will not accept open space unless it is satisfied that no additional maintenance responsibility, including fire management and weed control, is required from Council, unless adequate long term funding arrangements for maintenance are committed or otherwise assured.



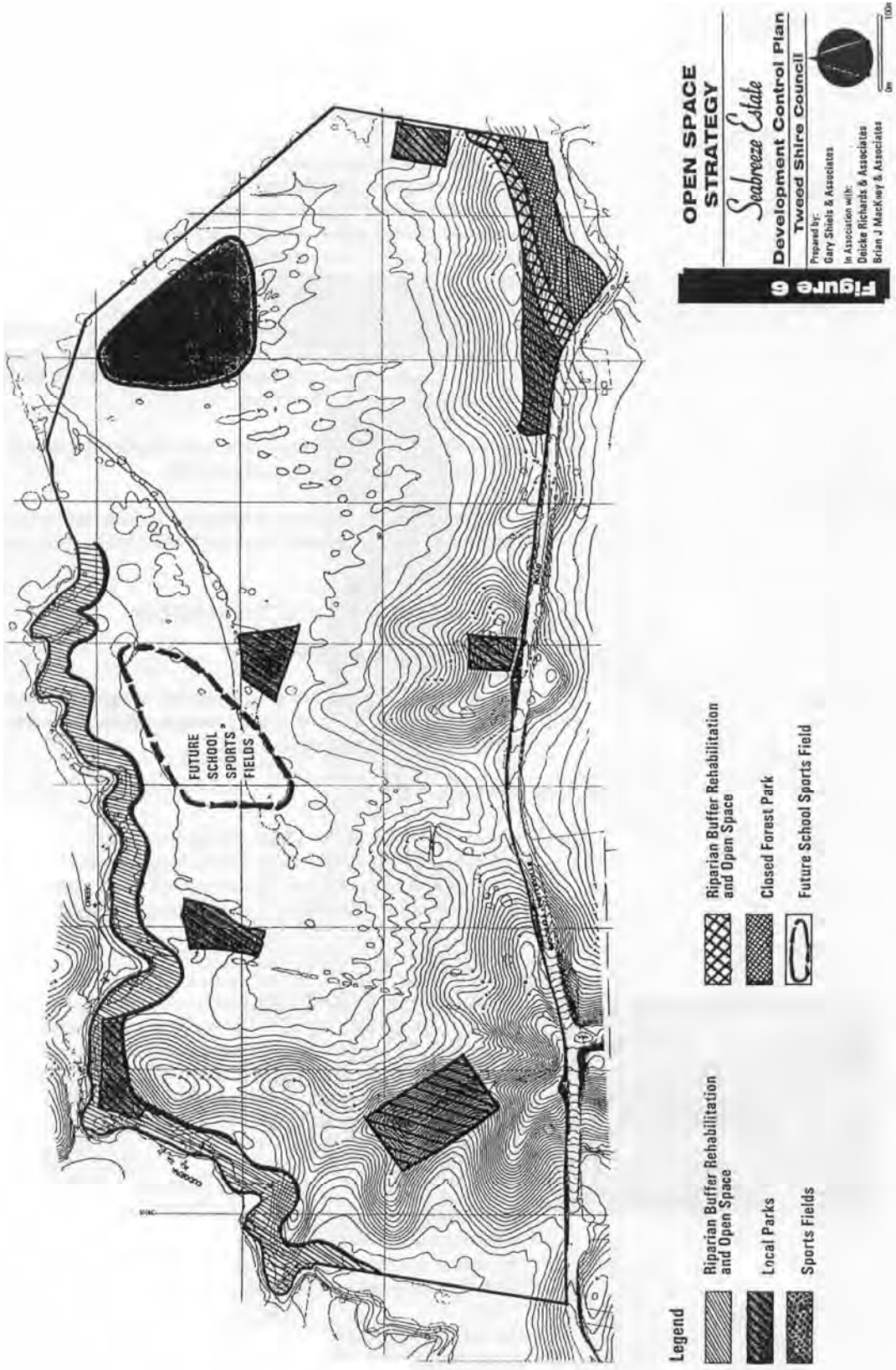
All areas to be dedicated must be embellished or rehabilitated to a minimum maintenance state to the satisfaction of Council's Recreation Services Unit. This may include the land being drained, improved, top soiled, turfed, provided with amenities, vehicular access, and with weed management and fire management measures in place. The performance criteria for provision of parklands and sportsfields is set out in Clause B15.3.10 of this Section.

The sportsfield open space (structured or active) is to be a minimum of 3 hectares and is to be located generally within the area shown on B15 – Map 6. The structured open space is to be dedicated and embellished in accordance with the Section 94 Contributions Plan applying to the estate.

Each stage of the residential subdivision is to be self contained in terms of provision of casual or parkland open space, where practicable.

The Open Space Strategy should demonstrate that the development and use of areas for open space will not adversely impact on significant habitat values or significant native flora and fauna.

# B15 – Map 6 – Open Space Strategy – Stage 1



# B15 – Map 6A – Open Space Strategy – Stage 2



OPEN SPACE STRATEGY - Seabreeze  
Stage 2 - MAP 6A

# B15 – Map 6.1 – ‘Greenfield’ Land



Map 6.1 - Land yet to be developed as  
at 1 August 2012

### ***B15.2.8 Services and Utilities Strategy***

#### **What is the Services and Utilities Strategy?**

The Services and Utilities Strategy is a document and plan which indicates the principle means and staging of providing essential utilities and services such as reticulated water and sewerage to the site.

#### **What will it achieve?**

The aim of the Services and Utilities Strategy is to ensure that the provision of essential utilities and services, including water, sewerage, telephone and electricity are provided cost effectively and in accordance with Council's overall strategy for upgrading such services related to the proposed stages of housing development.

At 1 August 2012, land identified within Map 6.1 remains in a largely undeveloped, greenfield state. The land is identified as predominately free of environmental constraint and is supported by a planning framework which enables the highest and best use of the land. Whilst the development potential of the land is high, the land is restricted by the capacity of Council's wastewater treatment site to manage any increase in wastewater arising from new development. This is presently limited to a 200 Equivalent Tenement (ET) maximum. The future development of the land will need to demonstrate compliance with ET's allocated.

#### **When is the Strategy required?**

The strategy including schematics for provision of these services shall be provided with the first application and indicate in principle the proposed provision of such services related to stages. An additional strategy for the land identified within Map 6.1 will be required with any development application for subdivision, multi-dwelling housing, seniors housing, or any land use where development is likely have an impact on the wastewater treatment allocation to the Seabreeze Estate. This will necessitate the submission of a conceptual design of the probable wastewater scheme for the proposed development.

#### **What will it contain?**

A services and utilities strategy will need to include details of the principal reservoirs, pumping stations, rising mains, easements etc to service the anticipated development, establish the timing of provision in relation to the staging, and whether the facilities are temporary or permanent.

The additional strategy for land identified in Map 6.1 will need to respond to the identified wastewater capacity constraint, existing Development Application approvals and the housing mix targets established within the Far North Coast Regional Strategy.

A total of 200 Equivalent Tenement (ET) is available to the land identified in Map 6.1. Of the 200 ET available, a minimum of 7 ET is allocated to the identified 'Town Centre' (see Map B15 7A) to enable the creation of a vibrant activity hub for Seabreeze residents. The 'Town Centre' is to provide facilities that meet the day-to-day needs of residents, and should explore land uses such as shops, refreshment rooms, child care and the like. In addition, Shop-Top housing is encouraged.

Any development application for subdivision within this area is encouraged to explore the provision of a number of larger urban lots which may initially support a single dwelling house, however retain appropriate potential for further residential development, should additional wastewater capacity become available through future improvements.

***B15.2.9 Indicative Layout for the Estate***

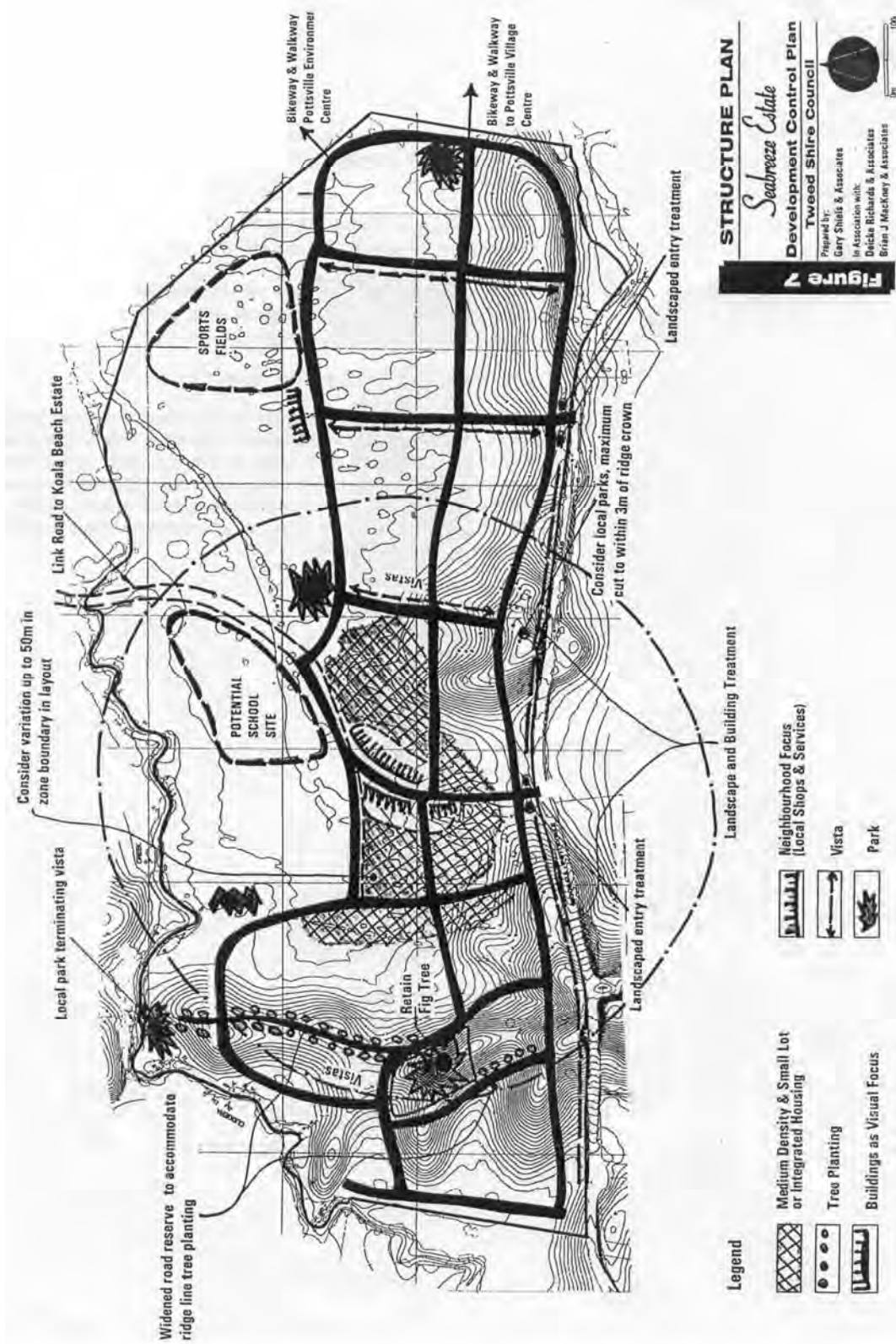
The Structure Plan shows the Indicative Layout for development of this estate (B15 – Map 7). The purpose of the Structure Plan is to indicate the preferred location and siting of the major elements of the estate, including open space, principal roads, landscape features, neighbourhood shopping facilities and medium density housing. This Structure Plan is indicative only, and is subject to detailed design in accordance with the objectives, performance criteria, and performance measures / acceptable solutions contained within this Section.

B15 – Map 7A provides an evolution of the previous Structure Plan, specifically addressing the development of Stage 2 of the Seabreeze Estate. As discussed above, the Structure Plan is ‘high level’ and indicative only; nonetheless the broad principles detailed should be investigated and embodied wherever possible into future development applications.

B15 - Map 7A removes the specific designation of the Potential School Site. In this regard, no assessment has been undertaken demonstrating that a school is not an acceptable land use, rather, correspondence from the NSW Department of Education & Communities has been received stating that the site is not specifically required for school facilities. Accordingly, land uses other than, but not discounting, a school may be pursued in this location.

Regarding the key corner site identified at the juncture of Tom Merchant Drive and Seabreeze Boulevard, applicants are to investigate the provision of higher order land use and design excellence through the subdivision pattern and built form to reflect and reinforce the landmark location of the corner. Suitable land uses for the site include, but are not limited to; multi-dwelling housing, child care and/or open space. Generally, the development of the corner location for the purposes of a single dwelling house is not supported.

B15 – Map 7



# B15 – Map 7A – Structure Plan – Stage 2



STRUCTURE PLAN - Seabreeze Stage 2  
MAP 7A



## **B15.3 ENVIRONMENTAL DESIGN ELEMENTS**

### ***B15.3.1 General***

This Clause contains the specific elements of estate development design for both subdivisions and new buildings. The purpose of this section is to ensure the future residential estate is of high quality and liveability and environmentally compatible with its surroundings.

The design philosophy is to provide a residential estate with a high standard of contemporary urban design, which appropriately integrates the site planning of lots, buildings and access with salient site features and constraints, and maximises the safety and liveability for future residents in harmony with the environment.

### ***B15.3.2 Site Analysis***

All development applications must be accompanied by a site analysis. This is to comprise a plan and a statement indicating that the analysis has considered the following matters:

- Topographical features of the site and adjacent property such as slope, flood level, ridges, existing natural vegetation, drainage paths and opportunities for the protection or enhancement of views and vistas;
- The need to protect important features of the site and natural areas such as riparian vegetation and selected fig trees;
- The desired future character of the area;
- Opportunities to link into open space, pedestrian and cycle networks; and
- Noise sources and access points.

The site analysis will in turn enable successful site planning, to achieve a balance between development requirements and protection of the natural and landscape value, utilising the identified opportunities to create new local urban environments, in accordance with Clause B15.3 of this Section.

### ***B15.3.3 Neighbourhood Design***

Objectives:

1. To develop the Seabreeze Estate with an identifiable neighbourhood character adjacent to the Pottsville village centre;
2. To provide safe and accessible pedestrian and bicycle access to the village centre and to the public school;
3. To ensure that the design of the estate reflects the important landscape features of the site, and minimises excavation on the important ridge areas which should be retained; and
4. To create a neighbourhood focus by providing centrally located neighbourhood retail, commercial and community uses, with clear, walkable pedestrian linkages to open space areas.

5. To present a high quality visual presentation of the development along the Mooball-Pottsville Road recognising the importance of the site on the main southern entry to the Tweed Coast from the Pacific Highway.

### **Performance Criteria**

- C1 Maintain major elements of the two main ridgetops and significant trees as important landscape features for the integrity of the site.
- C2 Incorporate a through street system to connect major elements of the neighbourhood to the Koala Beach link road, and an alternative route into the north of the Pottsville village centre.
- C3 Create a centrally located neighbourhood centre which is within a 5 to 10 minute walk of most dwellings.
- C4 Provide medium density housing close to the neighbourhood centre to support neighbourhood retail, non-residential and community uses.
- C5 Design a road network to focus vistas on significant trees and open spaces.
- C6 Consider the location of subdivision development north of the zone line to compensate for protection of ridgetops and to strengthen the walkable catchment of the neighbourhood centre (subject to relevant planning instrument requirements).
- C7 Provide a landscape buffer with minimal use of fencing or walling to the Mooball Pottsville Road to recognise the future sub-arterial function of the road.
- C8 Recognise the need to enhance the streetscape along the Mooball Pottsville Road as a principal entry point to the Shire's coastal communities from the proposed motorway.

### **Performance Measures and Acceptable Solutions**

- M1 Provide ridgetop local parks with retention of significant selected Fig trees, to maintain landscape integrity of the site.
- M2 Use a street geometry which terminates vistas in the main street of the neighbourhood centre or local parks to enhance sense of place and to slow traffic speed.
- M3 Locate all neighbourhood retail, commercial and community uses centrally along the main street which forms part of a link road to Koala Beach.
- M4 Locate sportsfields and amenities close to the neighbourhood non-residential facility adjacent to the link road.
- M5 Provide streets to run up and down hills in key locations to emphasise the role of landscape in forming a sense of place.
- M6. Integrated and detailed design of acoustic mitigation measures to the Mooball-Pottsville Road to be submitted with the first development application involving lots or development adjacent to the southern boundary of the site, indicating the achievement of a high standard of visual presentation and urban streetscape to the Mooball-Pottsville Road.
- M7 Lots that front Mooball Pottsville Road should have a landscape buffer with dwellings facing the road designed with appropriate acoustical treatment - long unbroken stretches of acoustic walling or fencing are to be avoided.

- M8 Incorporate where practicable an interconnected street system preferably (with 60 – 70m x 160 - 220m) sized blocks without cul-de-sacs and pedestrian walkways between lots. Cul-de-sacs can be incorporated outside of this 400m radius if access and walkability to neighbourhood node is not compromised
- M9 The external appearance of buildings on or close to ridgeline should be softened by appropriate tree planting.
- M10 Provide a widened road reserve with tree planting along the modified ridge line in the western part of the site.

### ***B15.3.4 Densities and Types of Development***

Objectives:

- To provide a range of housing types, including detached dwellings, medium density townhouses and small lot houses;
- To ensure densities of housing and site conditions are appropriate to housing types in terms of amenity, appearance, development costs and proximity to neighbourhood and sportsfield facilities; and
- To recognise the need for dual occupancy development whilst ensuring that uncontrolled dual occupancy does not jeopardise the amenity, traffic system or utility services within the "master planned" estate.
- To ensure that the density of development does not exceed the wastewater treatment capacity of 200ET total for the land identified in Map 6.1

#### **Performance Criteria**

- C1 Housing types to meet the range of demand within the local housing market.
- C2 Medium density housing and dual occupancies to be located in close proximity to neighbourhood centre of the Seabreeze Estate, bus routes, neighbourhood facilities and the sportsfield complex.

#### **Performance Measures and Acceptable Solutions**

- M1 Overall housing development types to reflect the Structure Plan Lay-out shown in B15 – Map 7 for Stage 1 and Map 7A for Stage 2.
- M2 Small lot integrated housing and medium density housing to avoid areas with slopes exceeding 10%.
- M3 Release of lots in stages to incorporate a range of housing types within each stage where practicable.
- M4 Provide a variety of medium density housing within 300m walking distance of the neighbourhood centre incorporating average densities of 16 - 24 dwelling units per hectare including duplexes, attached houses, residential flat buildings and detached housing.
- M5 Design dual occupancy in accordance with the design, streetscape and building siting guidelines within Section A1 - Multi-Dwelling Housing.
- M6 Nominate dual occupancy and medium density sites within each staged subdivision application.
- M7 Medium density development may be provided outside the area within 300m

of the neighbourhood centre, where appropriately located close to open space and avoiding ridgelines.

### ***B15.3.5 Lot Sizes and Orientation***

Objectives:

1. To provide a range of allotment sizes to meet the needs, affordability and preferences of different household types;
2. To ensure that each dwelling site has an appropriate aspect, useable private open space, sufficient natural sunlight and protection from overlooking; and
3. To orient lots so that buildings make best use of the characteristics of the site and maximise amenity and privacy.

#### **Performance Criteria**

- C1 Lot sizes to meet the projected requirements of people with different housing needs.
- C2 Lot size to accommodate dwelling and ancillary buildings, car accommodation and appropriate open space.
- C3 Orientation to maximise exposure to the benefits of solar access and sea breezes.
- C4 Larger lots for single dwelling houses to be provided where lots involve steeper slopes or protection of existing significant vegetation.

#### **Performance Measures and Acceptable Solutions**

- M1 Lots with an area greater than 450m<sup>2</sup> are to be shown on the plan capable of containing a building footprint suitable for building purposes measuring 10m by 15m.
- M2 Lots less than 450m<sup>2</sup> in area are to form part of an approved integrated housing development (see Clause A5.6.2 of A5 - Subdivision Manual).
- M3 Lot frontages to be oriented to streets and public open space so that property security and surveillance of footpaths and public open space are facilitated.

### ***B15.3.6 Building Siting and Design***

Objectives:

1. To enable flexibility in building siting whilst protecting neighbourhood amenity;
2. To ensure that the scale, height and setbacks of buildings is appropriate to maintaining residential character;
3. To site buildings to meet projected requirements for privacy;
4. To site buildings to meet adequate requirements for daylight to dwellings and sunlight to private open space;

5. To site buildings to preserve the important landscape features of the site; and
6. To minimise excavation for development on steep sites.

### Performance Criteria

- C1 The design of buildings to facilitate protection from the westerly sun and south-westerly winds;
- C2 Building walls and windows to be sited to minimise loss of amenity and loss of privacy to adjacent dwellings and land; and
- C3 Buildings to be sited to face streets or open space, with clear entry points, for neighbourhood security and convenience.

### Performance Measures and Acceptable Solutions

- M1 The design of residential buildings is to conform with the objectives, performance criteria and acceptable solutions contained within Section A1 - Residential and Tourist Development Code.
- M2 Optimal orientation for dwelling area windows for shade in summer and sun exposure in winter should be 20° east and west of north.
- M3 Buildings to be stepped to follow the slope of land on steeper sites with avoidance of excessive cut and fill to achieve building sites.



***B15.3.7 Noise and Amenity Impact***

Objective:

1. To ensure that future development, particularly residential development, is designed to minimise noise and amenity impact to future residents.

**Performance Criteria**

- C1 Minimise the exposure of dwelling lots direct to the Mooball Pottsville Road.
- C2 Provide acoustic mitigation measures in such a way as to avoid excessive lengths of acoustic fencing or walling, and allow some exposure of buildings to the Mooball Pottsville Road to present the estate.
- C3 Set back all residential development adequately from sugar cane cultivation areas on adjoining land.

**Performance Measures and Acceptable Solutions**

- M1 Provide service road or access streets to lots which front the Mooball Pottsville Road wherever practicable.
- M2 Provide appropriate landscaping with acoustic mounding and building setbacks to reduce noise impact to dwellings having regard for anticipated traffic volume and in accordance with the Australian Standard 3671: Acoustics - Road Traffic Noise Intrusion, Building Siting and Construction and the NSW Road Noise Policy.
- M3 Provide a Noise Impact Assessment related to anticipated traffic volume and appropriate measures for mitigation, with all applications for subdivision or development of land adjacent to the Mooball Pottsville Road.
- M4 Set back all dwelling lots a minimum of 150m from any existing area of sugar cane production on land to the north and north-west of the site, unless a significant riparian rainforest buffer is established.
- M5 Dwellings close to the Mooball Pottsville Road noise source should be designed with noise attenuation materials; Noise-sensitive rooms and private open spaces should be located away from the noise source.

**B15.3.8 Open Space Provision****Objectives:**

1. To provide a safe, attractive and useable open space network that is appropriately located to meet the diverse need of future residents; and
2. To ensure that public open space is landscaped and can be readily maintained by Council.

**Performance Criteria**

- C1 A hierarchy of public open space of different settings and functional purposes should be provided, and include local parkland (casual open space), sportsfields and riparian/bushland buffer areas.
- C2 Open space to act as focal points and be accessible within 400m walking distance of all dwelling development.
- C3 Parkland to contain central activity zone for play equipment and play area, located away from the arterial road, avoid long narrow strips abutting the link collector road, and be sited for good visibility to roads and dwellings.
- C4 Sportsfield to have minimum dimensions of 210m x 170m to allow for an adequate playing field area and ancillary space for building, play area margins, parking, etc.
- C5 Any riparian or bushland buffer park is not to be included as a component of public open space for the purposes of Council's Contributions Plan unless available as a useable parkland area. Such buffer areas to be substantially regenerated with appropriate species in accordance with the mitigation measures contained in the adopted SIS, having regard to the primary purpose to act as habitat and riparian buffer and protection area.
- C6 The proposed parkland shall be located in accordance with the Open Space Strategy (B15 – Map 6 and Map 6A) in particular to utilise parts of the key scenic ridges in the southern part of the site for inclusion in the two major areas of local parkland.

**Performance Measures and Acceptable Solutions**

- M1 Parkland areas are to be capable of having a central activity zone with a minimum of 400m<sup>2</sup> with a 20m wide buffer to all residential boundaries.
- M2 Parkland areas to be sited with safe and easy access to the Estate bicycle/walkway network with vehicle access provided via the local street system in directions which discourage through traffic.
- M3 The minimum size of local open space to be 2,000m<sup>2</sup> with at least 50% frontage to a local street for security and visibility.
- M4 The catchment of each local parkland area to be approximately 150 - 200 lots.
- M5 Sportsfields to be buffered by setback, road reserve, drainage reserve or landscaped area having regard for future provision of lighting.
- M6 Picnic facilities and walkways/cycleways within the environmental /bushland to be limited in order to maximise the regeneration and environmental buffer purpose.

### ***B15.3.9 Streetscape and Landscape***

Objective:

1. To provide attractive and safe streetscapes;
2. To provide appropriate landscaping of public places and roads, sensitive to the landscape features of the site;
3. To enhance the design intent, vistas and desired future character of the area; and
4. To ensure a high quality visual presentation of the estate along the Mooball-Pottsville Road recognising the importance of the site on the main southern entry to the Tweed Coast from the Pacific Highway.

#### **Performance Criteria**

- C1 Landscaping to complement the function of the street in terms of traffic volumes, reinforce desired traffic speed and behaviour, and be sensitive to site attributes, and protection of views and vistas.
- C2 Streetscape and landscaping to maximise safety for pedestrians and vehicles and minimise future maintenance for Council.
- C3 Provide a landscape buffer to the Mooball-Pottsville Road incorporating existing vegetation where practicable, with avoidance of extensive fencing or walling.
- C4 With the exception of the requirements in Clause B15.3.3 (M6) above, provide a landscape and streetscape concept plan with each subdivision application, indicating the treatment of streets, open space, buffers and the ridge interface.

#### **Performance Measures and Acceptable Solutions**

- M1 Design of street plantings to ensure minimum risk to pedestrians by way of inappropriate location and choice of shrubs and trees.
- M2 Choice of species to avoid service lines and facilitate long term ease of maintenance.
- M3 Incorporate within a wider than normal road reserve selected species of existing native trees contributing significantly to the landscape value of the site within the street network, particularly in the southern part of the site.
- M4 Provide a wider road reserve for tree planting down the modified ridge in the western part of the site.
- M5 Streetscape and landscape treatment along the Mooball-Pottsville Road is to avoid long lengths of fencing or walling, with appropriate use of landscape screening, setbacks of buildings and landscaped acoustic mounding.
- M6. The acoustic amelioration and landscaping adjacent to the Mooball/Pottsville Road shall be implemented as part of the Stage 1 subdivision - subject of clarification with the release of the Stage 1 Linen Plan, and be maintained by the developer for an adequate establishment period.
- M7 Choice of species is to complement and integrate with the vegetation riparian corridor.



- M8 Land use and landscaping of land parallel and immediately adjacent to Tom Merchant Drive must reflect its status as the Northern entrance to Seabreeze and is to include a landscape treatment of quality consistent with the existing Southern entrances.

### ***B15.3.10 Integrated Movement Network and Street Design***

Objective:

1. To provide a street system which fulfils the designated function of particular streets within the overall traffic movement network, accommodating public utilities and drainage and bus/walkway and pedestrian routes within a safe and attractive environment.

#### **Performance Criteria**

- C1 The design features of each type of residential street will reflect its primary function in terms of traffic speed and volume.
- C2 The street system is to be designed with a geometry which enables connection as directly as practical between all parts of the estate and to Pottsville village.
- C3 Provide a horizontal and vertical alignment which minimises excessive speeds.
- C4 Incorporate speed reduction techniques and devices as part of the design for the whole street environment, including slow points, landscape design, on-street parking, and safe sight distances.
- C5 Locate streets along the edges of the development wherever practicable to provide frontage to open space and the Mooball Pottsville Road.
- C6 Provide a safe and accessible walkway and bicycle route system focussing on the neighbourhood centre and connecting to major nodes within the estate and to Pottsville village centre as shown in B15 – Map 4.

#### **Performance Measures and Acceptable Solutions**

- M1 Dedication of the route for the proposed link road to Koala Beach, with such roads to be constructed to the most northerly point of the estate which has frontage to the link road, including public open space.
- M2 Potential bus route to be located within 400m of 80% of all allotments.
- M3 Long straight sections of road must include traffic control measures to reduce traffic speed.
- M4 The design of the street system to be in accordance with performance criteria and acceptable solutions set out in 1.2 and 1.3 of AMCORD (1995 - Design Elements).
- M5 Make provision for future bikeway/walkway connection to Pottsville Village Centre through south-western corner of the Tweed Leisure Gardens at eastern end of site or at a point determined by Council following further investigations.

### ***B15.3.11 Pedestrian and Bicycle Network***

Objective:

1. To provide a safe and convenient network for pedestrians and cyclists, incorporating all weather paths and access to points of attraction within and adjoining the development.

#### **Performance Criteria**

- C1 Provide for walkways and cycle route mainly utilising the proposed local road as indicated in B15 – Map 4.

#### **Performance Measures and Acceptable Solutions**

- M1 Pedestrian/cyclists pathways shall be provided and designed in accordance with the Guide to Traffic Engineering Practice AUSTRROADS 1993 Part 14, Bicycle.
- M2 Paths should use the most direct route between housing areas and the proposed neighbourhood and community facility focus.

### ***B15.3.12 Non-Residential Development***

Objective:

1. To facilitate provision of appropriate community facilities and other non-residential development to meet the neighbourhood service needs of this housing estate.

#### **Performance Criteria**

- C1 Provide for neighbourhood shopping centre, church and other appropriate non-residential facilities such as childcare centres, and a medical centre in a central location as shown on B15 – Map 7 and Map 7A - Structure Plan .

#### **Performance Measures and Acceptable Solutions**

- M1 The proposed neighbourhood shops and neighbourhood centre facilities to be located in the area shown generally on the Structure Plan (B15 – Map 7).
- M2 The range of uses within the neighbourhood centre to be restricted to convenience shops and services servicing the day-to-day needs of the surrounding areas, such as fruit shop, milk bar, general store, hairdressing salon, café, video outlet, childcare centre and the like, as well as community based uses.
- M3 Any childcare centre to be located and designed in accordance with Section A7 of the Tweed Development Control Plan 2008.

**B15.3.13 Hazard and nuisance mitigation**

Objective:

- To recognise the potential for hazards and nuisances such as bushfire, flooding, certain agricultural practices and acid sulphate soils to adversely impact upon the amenity of residents and cause risk to persons, property and/or the environment.

**Performance Criteria**

- C1 Provide adequate buffers between residential and other development and landuses.
- C2 Avoid development or adopt appropriate management practices for certain types of development such as flood prone land, acid sulphate soils and steep slopes.

**Performance Measures and Acceptable Solutions**

- M1 Minimum 150m buffer between Seabreeze Estate and any adjoining property with sugar cane. Refer to Clause B15.2.3 (Buffer to Adjoining Uses) for further measures relating to buffers.
- M2 Refer to Clause B15.2.5 in respect of Acid Sulphate Soil hazard mitigation measures.
- M3 Refer to Clause B15.2.3 (Bushfire Management) for Bushfire Hazard mitigation measures.
- M4 Refer to Clause B15.2.6 for Flooding Hazard measures.

**B15.4 DEVELOPMENT APPLICATION REQUIREMENTS**

Reference is to be made generally to Clause A5.6 of A5 - Subdivision Manual, for Development Application requirements in relation to subdivision, and to Section A14 of A1 - Multi-Dwelling Housing, in respect of multi-unit development.

The following checklist summaries requirements for provision of management plans or strategies to accompany various types of applications.

| <b>DEVELOPMENT APPLICATION REQUIREMENTS</b>   |                      |                                    |                           |                       |   |
|---|----------------------|------------------------------------|---------------------------|-----------------------|---|
| <b>Type of Study or Plan</b>                  | <b>MasterPlan DA</b> | <b>Further DAs for Subdivision</b> | <b>Integrated Housing</b> | <b>Medium Density</b> | <b>Dual Occupancy and Dwelling Houses</b> |
| <b>Site Analysis</b>                          | ✓                    | ✓                                  | ✓                         | ✓                     | ✓   |
| <b>Habitat &amp; Bushfire Management Plan</b> | ✓                    | ✓                                  |                           |                       |   |
| <b>Traffic Management &amp; Movement Plan</b> | ✓                    | ✓                                  | ✓                         |                       |   |
| <b>Soil &amp; Water Management Plan</b>       | ✓                    | ✓                                  | ✓                         | ✓                     | ✓   |
| <b>Flood Liable Land Development Plan</b>     | ✓                    | ✓                                  | ✓                         |                       |   |

| <b>DEVELOPMENT APPLICATION REQUIREMENTS</b> |                      |                                    |                           |                       |   |
|---|----------------------|------------------------------------|---------------------------|-----------------------|---|
| <b>Type of Study or Plan</b>                | <b>MasterPlan DA</b> | <b>Further DAs for Subdivision</b> | <b>Integrated Housing</b> | <b>Medium Density</b> | <b>Dual Occupancy and Dwelling Houses</b> |
| <b>Open Space Strategy</b>                  | ✓                    | ✓                                  |                           |                       |   |
| <b>Services &amp; Utilities Strategy</b>    | ✓                    | ✓                                  | ✓                         | ✓                     | ✓   |
| <b>Statement of Environmental Effects</b>   | ✓                    | ✓                                  | ✓                         | ✓                     | ✓   |

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