

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

User Instructions

If necessary to view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

**Action Item - PLANNING COMMITTEE MEETING Thursday, 6 November
2014**

Action is required for Item 6 as per the Planning Committee Recommendation outlined below.

ATTENTION:

PLEASE NOTE THE ADOPTION OF THE COMMITTEE RECOMMENDATIONS BY COUNCIL AT ITS MEETING HELD Thursday, 6 November 2014 (Minute No 619 Refers)

TITLE: [PR-PC] Coastal Villages Planning Proposal and Amendments to Tweed Development Control Plan - Section B23 Hastings Point

DECLARATION OF INTEREST

Cr Youngblutt declared a Non-Pecuniary, Non-Significant conflict of interest in this Item due to a relative having interest in property within the area. Cr P Youngblutt will manage the conflict by leaving the Chamber and taking no part in the discussion or voting.

**Cr B Longland
Cr M Armstrong**

RECOMMENDED that:

1. A Planning Proposal to facilitate the strategic objectives of the Hastings Point and Pottsville Locality Based Development Codes be prepared and submitted to NSW Planning & Environment, requesting a Gateway Determination under Section 56(1) of the Environmental Planning and Assessment Act 1979;
2. Council staff amend the proposed extension to the environmental zones and the size and location of the developable footprint of Lot 156 by increasing the 50 metre buffers to 75 metre buffers and adjusting the footprint layout (roads, houses, stormwater treatment/filtration area and bushfire protection zone) accordingly where referred to in the text and diagrams of the draft Development Control Plan B23, Hastings Point and the Planning Proposal for submission to NSW Planning & Environment referred to in paragraph 1 above.
3. On receiving an affirmative Determination Notice, the Planning Proposal be finalised and exhibited in accordance with the Determination or where there is no condition, for a period not less than 30 days;

4. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is not seeking plan making delegations for this planning proposal;
5. The public exhibition of draft Tweed Development Control Plan, Section B23 – Hastings Point Locality Based Development Code, be undertaken for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979; and
6. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.

The Motion was **Carried**

FOR VOTE - Unanimous

ABSENT. DID NOT VOTE - Cr C Byrne, Cr P Youngblutt

TITLE: [PR-PC] Coastal Villages Planning Proposal and Amendments to Tweed Development Control Plan - Section B23 Hastings Point

SUBMITTED BY: Strategic Planning and Urban Design

FILE REFERENCE: PP14/0001 Pt1

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- | | |
|-------|--|
| 1 | Civic Leadership |
| 1.5 | Manage and plan for a balance between population growth, urban development and environmental protection and the retention of economical viable agriculture land |
| 1.5.2 | Land use plans and development controls will be applied and regulated rigorously and consistently and consider the requirements of development proponents, the natural environment and those in the community affected by the proposed development |

SUMMARY OF REPORT:

This report relates to the strategic policy currently being developed or modified for the coastal villages of Hastings Point and Pottsville, and in response to prior resolution of the Council. In particular, Council's endorsement to refer a planning proposal for a Gateway Determination and to enable the public exhibition of it and an associated DCP is sought.

The Hastings Point Locality Based Development Code (Hastings Point Code) was prepared through 2010 and adopted as Section B23 of the Tweed Development Control Plan 2008 at Council's meeting of 14 December 2010. Within the plan preparation stage of the Hastings Point Code recommendations relating to Lot 156 DP 628026 (referred to as Lot 156) were not fully implemented as a development application for the site was being considered concurrently. The development application process has since concluded by way of refusal. Consistent with the relevant Notice of Motion resolved at the Council meeting of 17 October 2013, Council officers have undertaken a review of the previous development application documentation including interdivisional recommendations, commentary made within the Director General's report on a Major Project Application, and applied best practice urban design principles combined with a more detailed constraints mapping exercise enabling draft amendments to be prepared for the Hastings Point Code and Tweed LEP.

To further the implementation of both the Hastings Point Code and Pottsville Locality Based Development Code, a Planning Proposal (draft PP) has also been prepared, and incorporates the Codes' zoning, building height, floor space ratio and lot size recommendations.

It is also acknowledged that an independent environmental assessment has been submitted from a member(s) of the public and that its review will be undertaken by the NRM Unit. Should the need for substantive amendment to the draft PP result from this review, a further report to Council will precede any public exhibition, otherwise it will be included within the general public submission review to be later reported on.

RECOMMENDATION:

That:

- 1. A Planning Proposal to facilitate the strategic objectives of the Hastings Point and Pottsville Locality Based Development Codes be prepared and submitted to NSW Planning & Environment, requesting a Gateway Determination under Section 56(1) of the Environmental Planning and Assessment Act 1979;**
- 2. On receiving an affirmative Determination Notice, the Planning Proposal be finalised and exhibited in accordance with the Determination or where there is no condition, for a period not less than 30 days;**
- 3. The Minister for Planning and Infrastructure or his Delegate be advised that Tweed Council is not seeking plan making delegations for this planning proposal;**
- 4. The public exhibition of draft Tweed Development Control Plan, Section B23 – Hastings Point Locality Based Development Code, be undertaken for a minimum period of 30 days, in accordance with section 74E of the Environmental Planning Assessment Act 1979; and**
- 5. Following public exhibition a further report is to be submitted to Council detailing the content and response to submissions received.**

REPORT:

In 2010, Council adopted the Pottsville Locality Based Development Code (Pottsville Code) and the Hastings Point Locality Based Development Code (Hastings Point Code), being Sections B21 and B23 of the Tweed Development Control Plan. Whilst a core role of each of these Codes includes the provision of development controls, both documents also contain strategic recommendations, many of which require amendments to the Tweed Local Environmental Plan, in order to take effect. The need to embody these amendments into the LEP framework has been acknowledged in the Strategic Planning and Urban Design Unit (SPU) Work Plan 2014/15, by way of its Priority 1 project status (Coastal Villages PP).

Draft Development Control Plan - Section B23 - Hastings Point Development Code

In addition to implementing several of the strategic components of the Pottsville and Hastings Point Codes, additional site specific information is now available relating to Lot 156 of DP 628026 (referred to as Lot 156). By way of background, Lot 156 involves a large, predominately under-developed parcel at the western end of Creek Street, Hastings Point. A portion of the property is currently zoned for urban purposes and the remainder comprises a Deferred Matter within the Tweed LEP 2014 and environmental protection within the Tweed LEP 2000.

The Hastings Point Code included limited discussion regarding Lot 156 in light of development application processes that were being undertaken concurrently to the Codes' preparation, however the DA process has now concluded, by way of refusal. It is now considered appropriate to utilise the specialist studies and findings contained within the development assessment process to better inform the strategic framework for Lot 156. This approach has been resolved by Council as a Notice of Motion at its meeting of 17 October 2013 and is considered to provide greater clarity to the developer and the public, as well provide a planning framework that reflects best practice for the site.

Amendments have been drafted to Part 4 - Precinct Specific Strategies - 4.2 Creek Street within Hastings Point Code as follows:

1. Recommendations regarding the size and location of the developable footprint of Lot 156 by establishing suitable protection and buffers for land of environmental quality;
2. Clarify the existing condition and future desired character for Creek Street as a whole and Lot 156 within that context, both in relation to built form and engineering design (i.e. road upgrades, flooding controls etc); and
3. Provide clearer guidance by way of improved drafting, simplifying the relationship/s between controls and correction of minor errors.

A full copy of the draft Part 4.2 is provided as Attachment 1 of this report and specific discussion regarding the development footprint is provided below.

Lot 156 - Development Footprint

The identification of a revised development footprint over Lot 156 is the outcome of a site constraints exercise which maps environmental significant lands combined with the application of appropriate buffers to those lands. This constraints exercise accounts for the high ecological value of the terrestrial and estuarine vegetation communities including state significant wetlands and salt marsh areas over the site. The source of the constraints

mapping has been based of vegetation mapping carried out for Council in 2009 and verified by Tweed Shire Council by way of aerial photo analysis and site inspections in 2013.

As displayed within Figure 1, the draft development footprint of Lot 156 is to be defined by achieving:

- A 50m buffer to the intertidal and salt marsh extents of Christies Creek;
- A 50m buffer to areas of high wetland conservation value (as mapped by Australian Government Department on the Environment and Heritage)
- A 50m buffer to the intertidal and salt marsh extents identified to the western edge of the site
- A 20m buffer to existing terrestrial native vegetation located within the eastern, south western and western parts of the site.
- A 100m buffer to SEPP 14 Wetland areas.

Figure 1 - Proposed Buffers and Development Footprint for Lot 156



Precinct Boundary
 [Symbol] Creek Street Precinct

2012 Aerial Imagery
 SOURCE:
 Aerial imagery was captured on
 6th to 9th May 2012 © AAM Pty Ltd

COMBINED ENVIRONMENTAL CONSTRAINTS

Vegetation
 SOURCE:
 Vegetation mapping carried out
 by Henry James 2009 and
 verified by Tweed Shire Council in 2013

**Coastal Wetlands
 State Environmental
 Planning Policy No.14**
 SOURCE:
 NSW Planning & Environment

**Coastal Wetlands
 State Environmental
 Planning Policy No.14**
 SOURCE:
 NSW Planning & Environment

**Local Environmental
 Plan 2000**
 SOURCE:
 Tweed Shire Council
 Environmental Protection Zones

Wetlands Conservation Value
 SOURCE: NSW Department of Planning
 Part of the NSW Comprehensive Coastal
 Assessment (CCA)
 Wetlands of High Conservation Value and
 Their Threats in the Tweed Catchment.

Wetlands
 SOURCE:
 NSW National Parks and
 Wildlife Service, Wetlands of NSW

**Directory of
 Important Wetlands**
 SOURCE:
 Australian Government Department
 of the Environment and Heritage,
 Directory of Important Wetlands
 Spatial Database Including Wetlands
 Type and Criteria.

The abovementioned methodology has been endorsed by Council's Natural Resource Management Unit (NRM unit) as appropriate to both Council's existing environmental planning framework and the site specific conditions of Lot 156.

Further to Council officers' assessment, additional technical assessment, prepared by Australian Wetland Consulting Pty Ltd on behalf of a Hastings Point resident(s), has been received. The privately commissioned report advocates greater buffers than the methodology detailed above, which would further reduce the development footprint of Lot 156. Council's NRM unit is currently reviewing this documentation and should their findings result in significant amendments to the developable footprint of Lot 156, a further Council report will be prepared prior to public exhibition. Should the NRM unit conclude that no, or only minor amendments be required, that information will be considered within the formal public exhibition process of the draft Hastings Point Code and draft PP.

Draft Planning Proposal (Coastal Villages)

As discussed above, both the Hastings Point and Pottsville Codes provide strong guidance for development within both settlements, however several of these provisions require amendment to the Tweed LEP in order to take effect. Accordingly, a draft planning proposal (draft PP) has been prepared and seeks to make amendment to the Tweed LEP 2014 written instrument (inclusion of additional item to Schedule 1 - Additional Permitted Uses) and maps (amendment to Land Zoning, Lot Size, Floor Space Ratio, Height of Buildings and Additional Permitted Use Maps) to provide an integrated and consistent planning framework for the localities. Broadly, the draft PP seeks to facilitate:

Hastings Point

- The protection of environmental attributes located on Lot 156 DP 628026,
- The establishment of a suitable urban footprint the facilitate the development of Lot 156 DP 628026,
- The protection of existing character and realise the desired future character throughout Hastings Point.

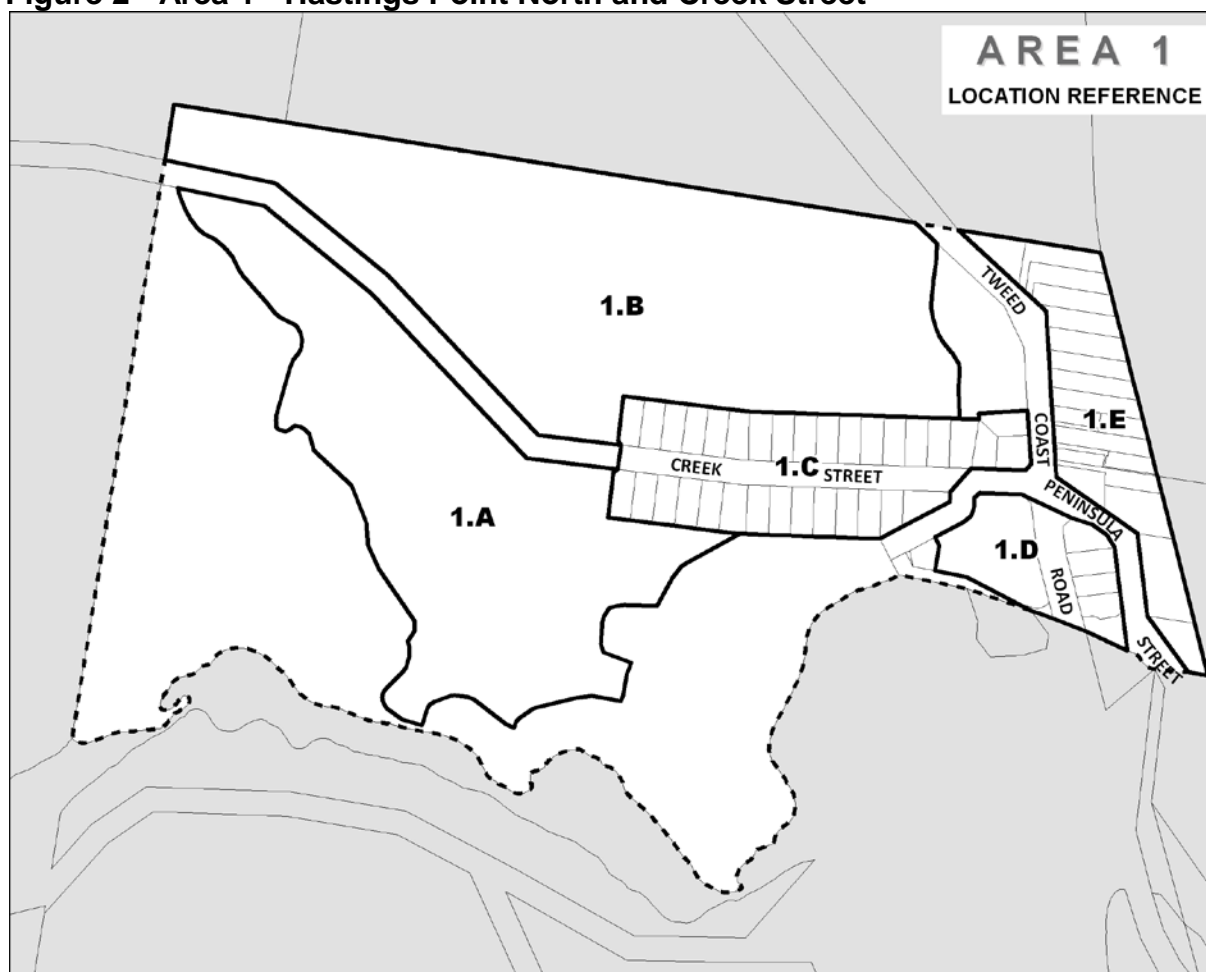
Pottsville

- The expansion of the Pottsville village centre to accommodate current and future demand,
- The realisation of the future desired character of the Pottsville village centre,
- Housekeeping amendments originating from the transition of Council's previous LEP into the Standard Instrument LEP format.

The following section provides specific discussion of the amendments sought, grouped into four distinct Areas.

AREA 1 - HASTINGS POINT NORTH AND CREEK STREET

Figure 2 - Area 1 - Hastings Point North and Creek Street



Area 1.A

	Existing	Proposed
Zoning	R1 General Residential	R2 Low Density Residential/ Deferred Matter (pending E-Zone Review)
Maximum Height of Buildings	13.6m	8m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	450m ²	700m ²

Summary of changes: Zoning amendment to reduce the size of the urban footprint and reflect the zoning of the precinct, reduction in maximum height of buildings and floor space ratio, increase in minimum lot size.

Also discussed above, is that Area 1.A, being the area of Lot 156 presently zoned for urban purposes, involves a significant suite of statutory amendments. The amendments essentially comprise a reduction in the urban footprint to enable increased environmental protection. In light of the ongoing 'E-Zone Review', being undertaken by the NSW Department of Planning and Environment (DP&E), the area of environmental protection is proposed to be deferred at this time (that is, it will default to LEP 2000). Council officers will continue to liaise with DP&E staff throughout the Gateway Determination process to establish any alternative options that might better reflect the environmental sensitivity of the land.

Within the urban footprint, the Hastings Point Code prescribes that Lot 156 is to be developed as an extension of the existing Creek Street character. Accordingly, the maximum height of buildings, maximum floor space ratio and minimum lot sizes are proposed to reflect those present throughout Creek Street. The amendments proposed significantly affect the theoretical development potential of the Area, both by a reduction in development footprint and a reduction of development scale within the footprint. However, the proposed amendments are considered to reflect the environmental qualities of the site and provide a statutory framework that reflects the desired future character of the Area, as established within the Hastings Point Code.

Area 1.B

	Existing	Proposed
Zoning	RE2 Private Recreation	RE2 Private Recreation
Maximum Height of Buildings	10m	8m
Maximum Floor Space Ratio	Not prescribed	Not prescribed
Minimum Lot Size	Not prescribed	Not prescribed

Summary of changes: Reduction in maximum height of buildings.

Consistent with the findings of the Hastings Point Code for the Creek Street precinct, the draft PP seeks to reduce the maximum building heights to 8m.

Area 1.C

	Existing	Proposed
Zoning	R2 Low Density Residential	R2 Low Density Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	0.8:1	0.8:1
Minimum Lot Size	450m ²	700m ²

Summary of changes: Increase in the minimum lot size permitted from 450m² to 700m².

The Hastings Point Code identified that the current conditions of Creek Street be retained, and form the basis of its desired future character. Whilst the Hastings Point Code details a comprehensive list of the existing features that contribute to the precincts character, the prevailing lot size of greater than 700m² is considered a central feature that facilitates many of the other character elements. Accordingly, the draft PP seeks to embody this character feature within the statutory framework, providing a clearer means for realising the visions established within the Hastings Point Code.

Area 1.D

	Existing	Proposed
Zoning	R3 Medium Density Residential	R3 Medium Density Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Reduction in maximum floor space ratio.

The Hastings Point Code identified that whilst the land encompassed within Area 1.D was suitable for medium density development, Residential Flat Buildings (RFBs) or Shop-Top Housing/RFBs were not considered suitable. As the existing maximum FSR provision of 2:1 is designed to support Shop-Top RFB development, it is no longer appropriate, instead the

FSR should reflect the desired building types, being dual occupancy and townhouse development.

Area 1.E

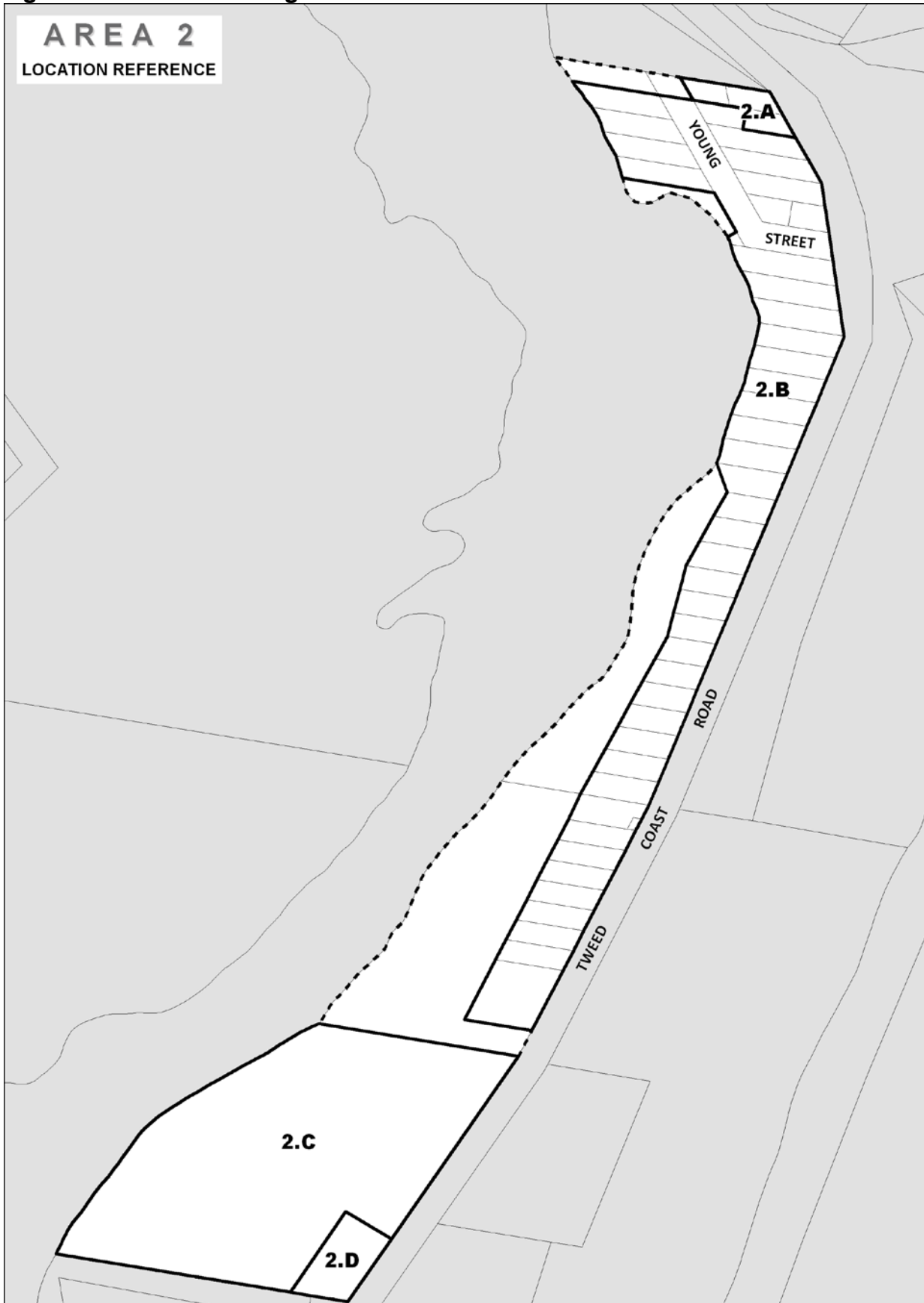
	Existing	Proposed
Zoning	R3 Medium Density Residential	R3 Medium Density Residential
Maximum Height of Buildings	10m	8m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Reduction in the maximum height of building and floor space ratio.

The Hastings Point Code provides site specific building height and FSR provisions for the land contained within Area 1.E, which is sought to be embedded into the LEP.

AREA 2 - HASTINGS POINT CENTRAL AND SOUTH

Figure 3 - Area 2 - Hastings Point Central and South



Area 2.A

	Existing	Proposed
Zoning	R3 Medium Density Residential	B1 Neighbourhood Centre
Maximum Height of Buildings	10m	10m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Change in land use zoning and reduction in maximum floor space ratio.

Area 2.A comprises the existing Hastings Point general store and two adjoining residential developments. The land use zone change from medium density to neighbourhood centre zoning better reflects both the existing and proposed future desired use of the sites, as stipulated within the Hastings Point Code. The Hastings Point Code also provides a specific maximum floor space ratio for development permitted on the site, which is proposed to be embodied within the LEP.

Area 2.B

	Existing	Proposed
Zoning	R3 Medium Density Residential	R2 Low Density Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	Not prescribed	350m ²

Summary of changes: Change in land use zoning, reduction to maximum FSR and inclusion of minimum lot size provisions.

The findings of the Hastings Point Code concluded that this precinct was suitable for residential accommodation types other than Residential Flat Buildings (RFBs). Accordingly the draft PP seeks to amend the applicable land use zoning to a residential zone within which RFBs are not permitted and reduce the maximum floor space ratio provisions to correlate with the residential types encouraged by the Code. In acknowledging that the Hastings Point Code identified 'medium density' building types other than RFBs as suitable, a smaller minimum lot size than generically used for the low density zone within the Tweed LEP 2014 is proposed. The 350m² minimum lot size has been matched to existing lot sizes, contemporary development forms approved within the precinct and the desired future character discussion of the Hastings Point Code. Whilst the minimum lot size control in itself does not control density, it does afford the opportunity for dual occupancy and town house development to be subdivided by way of Torrens Title, as opposed to Strata Title, which has been identified as an industry desire and direction for some time.

Area 2.C

	Existing	Proposed
Zoning	R1 General Residential	R1 General Residential
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	450m ²	450m ²

Summary of changes: Reduction in maximum floor space ratio

Area 2.C comprises 'The Point' seniors living development. Changes to the maximum floor space ratio are proposed to reflect those established within the Hastings Point Code.

Area 2.D

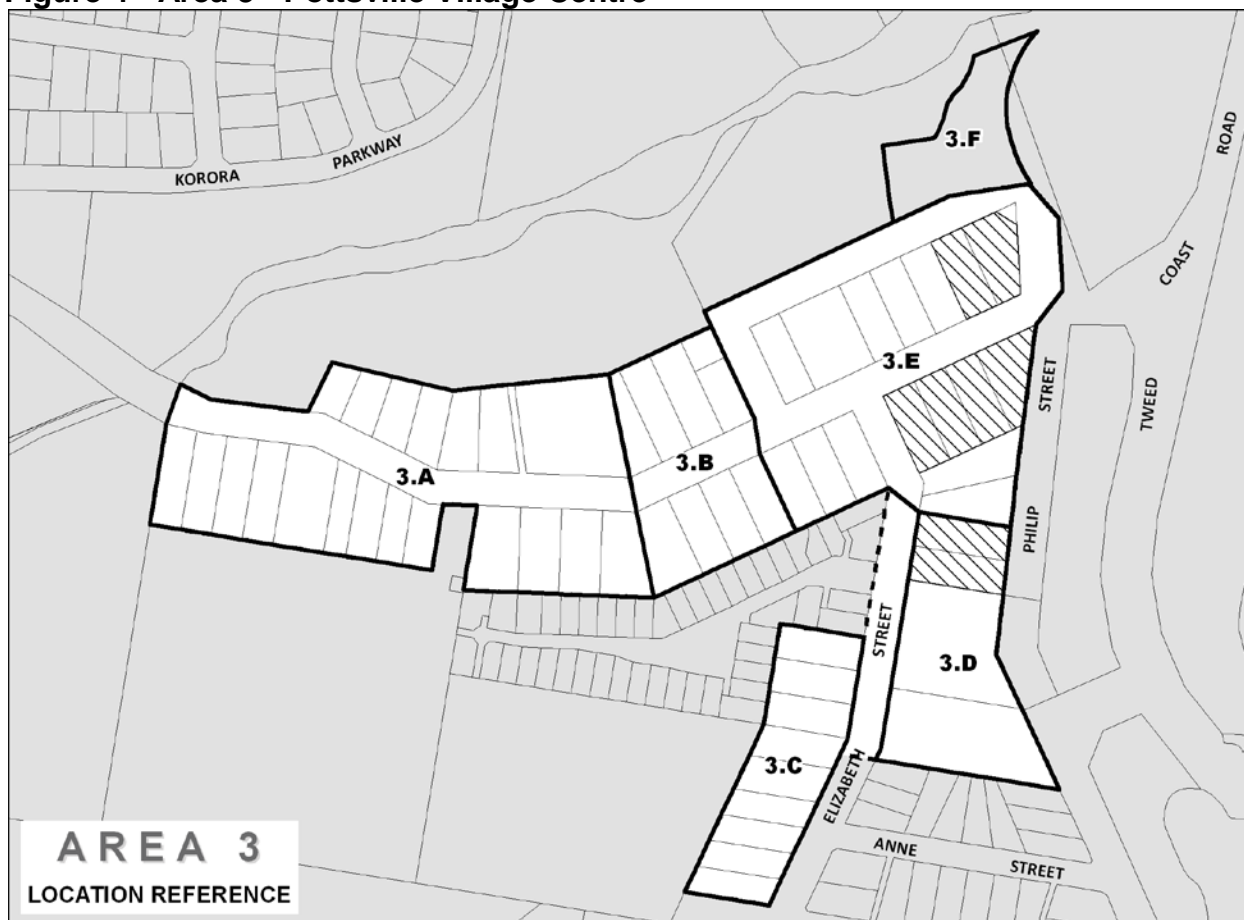
	Existing	Proposed
Zoning	R1 General Residential	B2 Local Centre
Maximum Height of Buildings	8m	8m
Maximum Floor Space Ratio	2:1	1:1
Minimum Lot Size	450m ²	Not applicable

Summary of changes: Change to land use zone, reduction in maximum floor space ratio and removal of minimum lot size provisions.

Area 2.D comprises the existing Shell service station site. The Hastings Point Code acknowledges the presence and likely continuance of the service station and encourages additional low-scale commercial premises on the site. Accordingly, the draft PP utilises the Local Centre zone, permitting service stations and additional commercial activities in the future. The draft PP proposes to remove the existing prescribed minimum lot size as the standard is not considered relevant to commercial-based development. The maximum floor space ratio is proposed to be lowered to reflect the size and building type specific provisions contained within the Hastings Point Code.

AREA 3 - POTTSVILLE VILLAGE CENTRE

Figure 4 - Area 3 - Pottsville Village Centre



Area 3.A

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre - plus additional permitted use
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendment to land use zoning, proposed additional permitted land use, increase in maximum building height and reduction in maximum floor space ratio.

Located on the periphery of the Pottsville village centre, the Pottsville Code identifies specific building height and floor space ratio controls for the Area, which are directly translated through the draft PP.

The Pottsville Code identifies the Area for 'Mixed Use', however the translation of this broad intention into the Tweed LEP 2014 is considered to require the inclusion of an additional permitted use. In this regard, whilst the Tweed LEP 2014 possess two zones that are considered predominately appropriate, being the B2 Local Centre and B4 Mixed Use zones, both zones only permit residential accommodation in the form of shop-top housing. Whilst this requirement is generally appropriate to ensure the primacy of commercial use within business areas, the intention of the Pottsville Code was not to require mixed use on each site, rather a mixture of uses within the Area. Accordingly, it is considered to include residential accommodation as an additional permitted use within the Area, enabling stand

alone residential development to be permissible, as well as regular business uses. This approach allows the intentions of the Pottsville Code to be realised, whilst not undermining other business centres throughout the Tweed Shire.

Area 3.B

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendments to land use zoning, increase to maximum height of buildings and decrease to maximum floor space ratio.

The draft PP seeks to undertake zoning, height of buildings and floor space ratio amendments to reflect the specific controls and strategies contained within the Pottsville Code.

Area 3.C

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre - plus additional permitted use
Maximum Height of Buildings	9m	9m
Maximum Floor Space Ratio	2:1	1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendments to land use zoning and decrease to maximum FSR.

As per Area 3.A, Area 3.C is recommended within the Pottsville Code to be a mixed use Area, accordingly a business zone with an additional permitted use (being residential accommodation) is proposed. Amendments to the maximum floor space ratio map are proposed to reflect the provisions of the Pottsville Code.

Area 3.D

	Existing	Proposed
Zoning	R3 Medium Density Residential	B2 Local Centre
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	1.85:1/ Not applicable
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Amendments to land use zoning, increase in maximum height of buildings, reduction and removal in maximum floor space ratio.

As per the Pottsville Code, Area 3.D is proposed to be rezoned for business purposes as well as increase the maximum building height to 11m. Further, no maximum floor space ratio provisions will be prescribed for the two community use sites (Pottsville Neighbourhood Centre and North Coast Area Health Services), whilst the remainder (shown as hatched) will possess a 1.85:1 maximum.

Area 3.E

	Existing	Proposed
Zoning	B2 Local Centre	B2 Local Centre
Maximum Height of Buildings	9m	11m
Maximum Floor Space Ratio	2:1	2:1/ 1.85:1
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Increase in maximum height of buildings, partial reduction to maximum floor space ratio.

The draft PP seeks to undertake zoning, height of buildings and floor space ratio amendments to reflect the specific controls and strategies contained within the Pottsville Code. Properties within the Area shown as hatched within Figure 4 will retain the existing 2:1 Maximum floor space ratio, whilst the remainder will be reduced to 1.85:1, as discussed within the Pottsville Code.

Area 3.F

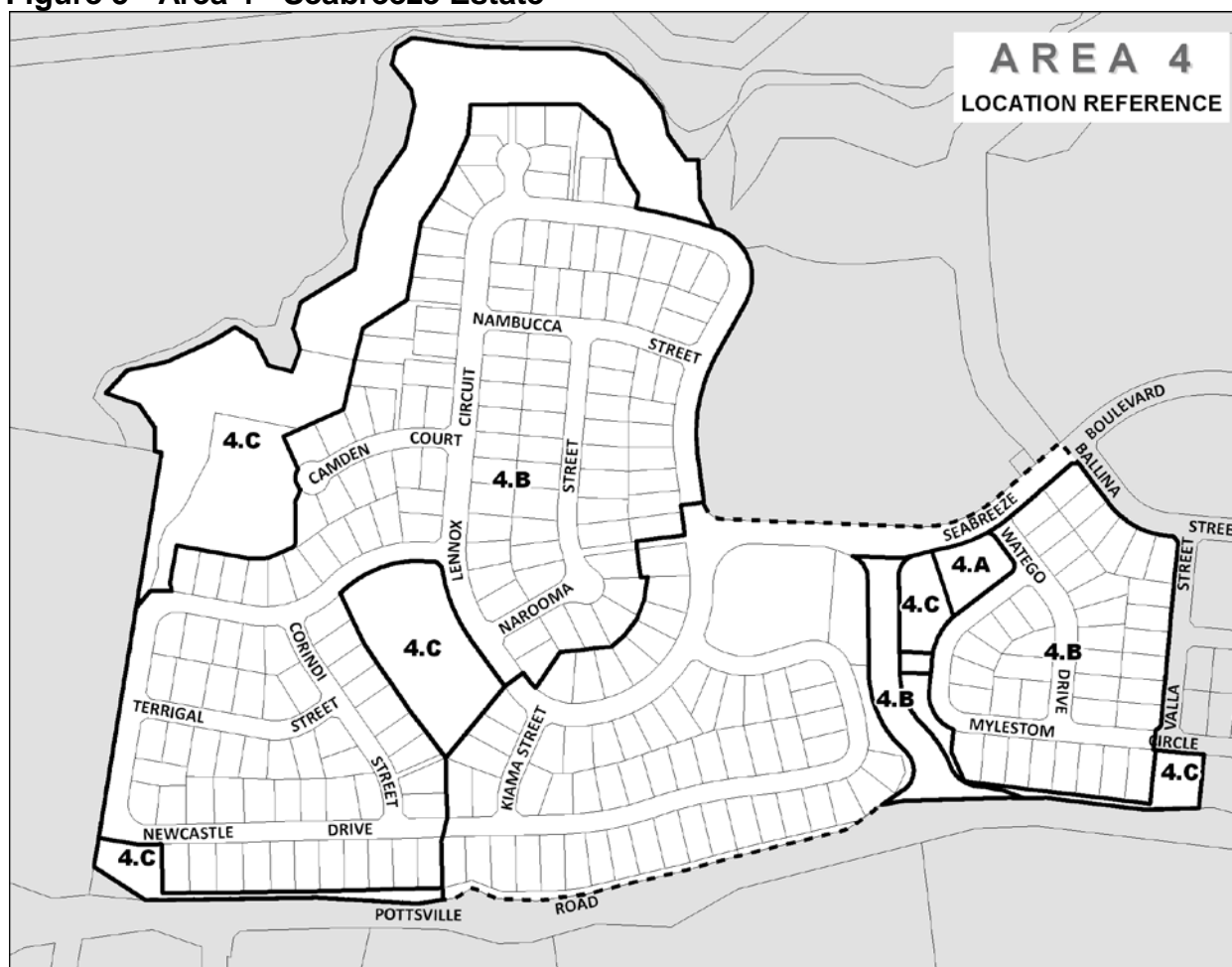
	Existing	Proposed
Zoning	RE1 Public Recreation	RE1 Public Recreation
Maximum Height of Buildings	9 meters	11 meters
Maximum Floor Space Ratio	Not applicable	Not applicable
Minimum Lot Size	Not applicable	Not applicable

Summary of changes: Increase to maximum height of buildings.

The Pottsville Code identifies an increase in maximum building height to the Area identified as Area 3.F to enable the provision of additional community infrastructure. The draft PP reflects the height of buildings amendment detailed.

AREA 4 - SEABREEZE ESTATE

Figure 5 - Area 4 - Seabreeze Estate



Area 4.A

	Existing	Proposed
Zoning	R1 General Residential	B2 Local Centre
Maximum Height of Buildings	13.6m	13.6m
Maximum Floor Space Ratio	2:1	2:1
Minimum Lot Size	450m ²	Not applicable

Summary of changes: Change to land use zoning, removal of minimum lot size provisions.

Area 4.A has been identified as a commercial node within both the DA approved Seabreeze masterplan, the Pottsville Code and Section B15 Seabreeze Estate of the Tweed Development Control Plan. Accordingly, a business zone has been applied to enable an appropriate range of commercial based activities and not unnecessarily restrict land use to residential based activities.

Area 4.B

	Existing	Proposed
Zoning	R1 General Residential	R2 Low Density Residential
Maximum Height of Buildings	13.6m	9m
Maximum Floor Space Ratio	2:1	0.8:1
Minimum Lot Size	450m ²	450m ²

Summary of changes: Change in land use zoning, reduction in maximum height of buildings and floor space ratio.

The amendments proposed within Area 4.B are considered to be a housekeeping matter, rather than a specific planning strategy. In this regard, within urban expansion areas the Tweed LEP 2014 included the planning provisions as a 'best fit translation' of the existing framework, or development as constructed. Area 4.B at was still in a Greenfield state for the majority of the preparation of the Tweed LEP 2014, however is now almost completely developed with low density housing. The draft PP provides an opportunity to amend the zoning to reflect the Areas development and provide consistency with the remainder of the Seabreeze Estate.

Area 4.C

	Existing	Proposed
Zoning	R1 General Residential	RE1 Public Recreation
Maximum Height of Buildings	13.6m	10m
Maximum Floor Space Ratio	2:1	Not applicable
Minimum Lot Size	450m ²	Not applicable

Summary of changes: Change in land use zoning, reduction in maximum height of buildings and removal of floor space ratio and minimum lot size requirements.

As per Area 4.B, the amendments proposed within Area 4.C are considered to be a housekeeping matter, rather than a specific planning strategy. In this regard, the land within Area 4.C has now been dedicated to Council primarily for open space purposes. The draft PP provides an opportunity to amend the zoning to reflect the Areas use for open space and provide consistency with the remainder of the Seabreeze Estate.

OPTIONS:

That Council:

1. Endorses the referral of the draft PP to the NSW Department of Planning and Environment for a Gateway Determination and the public exhibition of the draft DCP and PP; or
2. Defers public exhibition for a Councillor workshop.

Council officers recommend Option 1.

CONCLUSION:

The implementation of the statutory components of the Hastings Point and Pottsville Locality Based Development Codes is highly desirable in by providing a complimentary suite of planning provisions for development within the localities. The preparation of a draft Planning Proposal for the localities is considered to satisfy previous Council resolutions and enable the planning recommendations detailed within the Codes to be properly enacted.

The draft Hastings Point Code seeks to provide clarity to the extent and scale of urban development on Lot 156 DP 628026, which has been tested through various development application processes over a number of years. The public exhibition of the draft Hastings Point Code will enable community consultation of the development footprint and desired

forms of development for the Creek Street precinct, which has accounted for the various specialist studies undertaken.

Both the draft Hastings Point Code and draft Planning Proposal are considered appropriate for public exhibition, subject to a Gateway Determination being granted by NSW Department of Planning and Environment.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Not Applicable

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Draft Part 4.2 Creek Street of the Tweed Development Control Plan 2008 (ECM 3497310)
