

B1 - TERRANORA

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- B1 - TERRANORA..... 1**
- B1.1 INTRODUCTION ..... 1
  - B1.1.1 Aims of this Section..... 1
  - B1.1.2 Land to which this Section applies ..... 1
  - B1.1.3 What this Section contains ..... 1
  - B1.1.4 How does this Section relate to other Sections and Environmental Planning Instruments? ..... 2
  - B1.1.5 How to use this Section..... 2
- B1.2 DEVELOPMENT PRINCIPLES AND OBJECTIVES..... 3
  - B1.2.1 General ..... 3
  - B1.2.2 Specific Objectives..... 3
- B1.3 SUBDIVISION AND DWELLINGS IN THE RESIDENTIAL AREAS..... 3
  - B1.3.1 Objectives ..... 3
  - B1.3.2 Subdivision..... 3
  - B1.3.3 Residential Development ..... 4
  - B1.3.4 Multi-Dwelling Unit Development in Residential Areas..... 4
  - B1.3.5 Non-Residential Development in Residential Areas..... 5
- B1.4 PUBLIC OPEN SPACE ..... 6
  - B1.4.1 Objectives ..... 6
- B1.5 ENVIRONMENTAL PROTECTION ..... 6
  - B1.5.1 Objectives ..... 6
  - B1.5.2 Soil Conservation ..... 6
  - B1.5.3 Tree Preservation and Landscaping ..... 7
  - B1.5.4 Streams and Water Quality ..... 7
- B1.6 TRAFFIC AND TRANSPORT ..... 7
  - B1.6.1 Objectives ..... 7
  - B1.6.2 Collector Roads..... 7
  - B1.6.3 Local Roads ..... 8
  - B1.6.4 Pathways ..... 8
  - B1.6.5 Parking..... 8
- B1.7 COMMERCIAL PRECINCT ..... 8
  - B1.7.1 Objectives ..... 8
  - B1.7.2 Development Principles ..... 8
- B1.8 UTILITIES..... 9



# Table of Contents



B1.8.1	Objectives .....	9
B1.8.2	Water .....	9
B1.8.3	Sewerage.....	9
B1.8.4	Drainage .....	9
B1.8.5	Electricity.....	10
B1.8.6	Telecommunications .....	10
B1.9	CONTRIBUTIONS .....	10
B1.9.1	Section 94 Contributions .....	10
B1.9.2	Roadworks and Road Dedication.....	10
B1.9.3	Other Contributions, Land Dedication or Works .....	10
B1.9.4	Calculation of Actual Contributions .....	10
<b>B1 - Map 1</b>	.....	<b>11</b>



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## B1 - TERRANORA

### B1.1 INTRODUCTION

#### ***B1.1.1 Aims of this Section***

- Present Council's objectives with regard to development of the Terranora Village area.
- Provide design guidelines for the determination of the merits of development at Terranora.
- Provide more detailed provisions than those contained in Tweed Local Environmental Plan 2000.

#### ***B1.1.2 Land to which this Section applies***

This Section applies to all land within the area defined by the bold black line as shown on B1 - Map 1.

#### ***B1.1.3 What this Section contains***

This Section consists of nine basic components as follows:

Introduction (B1.1)

Development Principles and Objectives (B1.2)

Subdivision and Dwellings in the Residential Areas (B1.3)

Public Open Space (B1.4)

Environmental Protection (B1.5)

Traffic and Transport (B1.6)

Commercial Precinct (B1.7)

Utilities (B1.8)

Contributions (B1.9)

The Introduction (B1.1) states the purpose of the Section, its relationship to other planning documents and instructions on how best to use the Section.

The desired future character of the Terranora Village is provided in Clause B1.2. It identifies the general standard of development to be achieved and what characteristics of the area are to be maintained.

Clause B1.3 provides detail on how the Terranora residential area is to be developed. It broadly identifies the issues that should be addressed in the design and development of future subdivisions and the construction of dwellings.

The requirements for the dedication of public open space are outlined in Clause B1.4.

Issues addressing the impacts of development on the natural environment are outlined in Clause B1.5 including measures to minimise soil erosion, preserve native vegetation and protect natural waterways from pollution.

Clause B1.6 provides guidelines for the design and construction of the local area road network and addresses such issues as pedestrian pathways, car parking and the desired hierarchy of roads.

Guidelines for the development of a commercial precinct are identified in Clause B1.7.

The requirements for the provision of essential services including water, sewer, electricity and telephone services are identified in Clause B1.8.

Clause B1.9 identifies the contributions to be paid by monetary means and/or made through the dedication of land for the provision of essential amenities and services that will be required due to the development of Terranora Village.

**B1.1.4 *How does this Section relate to other Sections and Environmental Planning Instruments?***

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

Where there is an inconsistency between this Section and any other Sections, the provision of this Section shall prevail.

This Section is generally consistent with the provisions of the Tweed Local Environmental Plan (LEP) 2000, as required by Section 72 of the Environmental Planning and Assessment Act 1979. In the event of any inconsistencies, the provisions of the LEP shall prevail.

To encourage good design and to comply with Council's policies, it is important that this Section be used in conjunction with the various other Sections and policies for Tweed Shire which may be relevant to a particular development. These include the following:

- Section A1 - Residential and Tourist Development Code
- Section A2 - Site Access and Parking Code
- Section A4 - Advertising Signs Code
- Section A5 - Subdivision Manual
- Section A9 - Energy Smart Housing
- Section A10 - Exempt and Complying Development
- Section A12 - (Repealed 29 April 2008)
- Section A14 - (Repealed 29 April 2008)

Copies of these documents may be obtained upon request from Council.

**B1.1.5 *How to use this Section***

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 (Clause B1.1.4).

**Step 3:** Familiarise yourself with the Development Principles and Objectives for the future of the Terranora Village (Clause B1.2).

**Step 4:** Follow the applicable design guidelines and development controls (Clauses B1.3 – B1.9), and refer to other applicable Sections and policies to prepare your application.

It is these components that will be used by Council to assess the merits of any development proposal for land to which this Section applies.

## **B1.2 DEVELOPMENT PRINCIPLES AND OBJECTIVES**

### ***B1.2.1 General***

- To ensure that development is consistent with the scenic and environmental values of the area.
- To provide generally for a low density residential environment while at the same time providing for flexibility in housing choice and density by allowing for the erection of a variety of residential forms in appropriate areas.
- To enable development for retail, commercial and community purposes for the local and nearby rural community in appropriate locations within the site where the scale and type of development is compatible with living areas.
- To ensure that development does not take place unless adequate provision is made for utility services such as electricity, drainage, water, sewerage and telephone.
- To provide roads and pathways for effective, convenient and safe access and efficient servicing by public transport.
- To ensure subdivision design has regard to climate, solar access, slope, drainage patterns, erosion, geological hazards and landscape features.

### ***B1.2.2 Specific Objectives***

All developments must generally comply with B1 - Map 2 of this Section.

The specific design objectives with regard to utilities, retail, housing, open space, environmental protection, drainage, traffic and transport for the Terranora Village are detailed throughout the remainder of this Section.

## **B1.3 SUBDIVISION AND DWELLINGS IN THE RESIDENTIAL AREAS**

### ***B1.3.1 Objectives***

Subdivision and dwelling construction should contribute to achieving one of the main objectives of this Section, ie to ensure the development promotes a residential area which is consistent with the scenic and environmental values of the area as far as possible.

Without limiting the variety of housing forms possible, encourage private dwelling houses which are responsive to the coastal climate and views from the site.

A high standard of design for all housing will be required.

### ***B1.3.2 Subdivision***

All subdivision should generally satisfy the following goals:

- The prominent ridgeline will contain larger lot sizes;

- Allow the maximum number of sites to be oriented on a north-south axis so as to permit houses to maximise solar access;
- To provide useable and suitably located open space facilities;
- To take into account prevailing winds, and design the subdivision to reduce the impact of these winds.

Without limiting the objectives and design goals of this section, subdivisions shall be in accordance with Section A5 – Subdivision Manual of this DCP.

### ***B1.3.3 Residential Development***

It is envisaged that the Terranora Village area will develop a predominantly detached housing character with a yield of 8 to 15 dwellings/ha, although dual occupancy development will continue to be permitted.

Applications for single dwelling houses should generally satisfy the following goals:

- Provide for solar access for internal and external living areas, so as to minimise energy requirements.
- Provide internal and external privacy for their occupants and also for the occupants of adjoining residences.
- Not include pale or reflective roof material.
- Ensure that no structure unduly restricts the sunlight available to a dwelling house or proposed dwelling house on an adjoining or neighbouring lot.
- Ensure that appropriate landscaping will be developed.

Particular care must be taken in the design of dwelling houses within the ridgetop precinct shown in B1 - Map 2 of this Section. This precinct generally follows the 80 metre contour line and is required to ensure that views north from Terranora Road are not entirely interrupted by housing development.

Dwellings in this precinct should:

- be single storey unless the building is stepped down the hillside so that its highest part does not intrude above the height of a one storey building when viewed from Terranora Road.
- have a maximum height above finished ground level of 3.5 metres to the uppermost ceiling or top plate of the highest external wall of the development. Minor earthworks is permissible, however, any proposed work must be justified and in accordance with Section A14 – Cut and Fill on Residential Land of this DCP.
- have a maximum roof pitch of 22.5° and include no lofts or similar structures.

### ***B1.3.4 Multi-Dwelling Unit Development in Residential Areas***

A variety of medium density housing forms such as integrated housing, villa houses, townhouses, and terrace buildings will be permissible in the medium density residential area shown in B1 - Map 2 of this Section. No such development is to be above 2 storeys in height and preference will be given to “Green Street” or similar developments as illustrated in the Australian Model Code for Residential Development.



All development applications, including those for subdivision in the medium density areas, are to include the design of housing and landscaping as well as that of individual allotments ie, development will be considered in the same manner as is integrated housing where house design is consented to simultaneously with lot design. This is to ensure that development in the higher density areas meets Council's objectives for a high standard of design in these areas.

Applications for multi-dwelling units should generally satisfy the following goals:

- Provide for solar access for internal and external living areas, so as to minimise energy requirements.
- Provide internal and external privacy for their occupants and also for the occupants of adjoining residences.
- Not include pale or reflective roof material.
- Ensure that no structure unduly restricts the sunlight available to a dwelling unit or proposed dwelling unit on an adjoining or neighbouring lot.
- Be designed and sited in accordance with the requirements of Section A1 – Multi-Dwelling Housing of this DCP.
- Ensure that appropriate landscaping will be developed.

Development comprising rows of identical mutli-dwelling units will be strongly discouraged. "Mirror image" designs of attached dwelling units should be kept to a minimum.

Medium density housing is to be developed in precincts that, while containing a variety of designs, will achieve a coordinated appearance by the use of coordinated design features, colour schemes, and landscaping.

Housing north of the school and accessed from Federation Drive is to contain provision for pedestrian access to the school from Federation Drive.

### ***B1.3.5 Non-Residential Development in Residential Areas***

Whilst the 2(d) zone within the LEP permits a range of non-residential uses, it is to be generally understood that the primary purpose of the residential areas is for residential development whereas the "Commercial Precinct" will provide the area for non-residential development. As a consequence, only in special circumstances, will Council permit non-residential development within the residential areas.

In determining any application for non-residential development within the residential areas, Council will generally:

- advise adjoining property owners and others who may be affected by the development and advertise the application in the local newspaper;
- allow the public 14 days to comment on the proposal; and
- consider any comments made by the public on the proposal before determining the application.

An additional fee may be required to cover the costs of advertising.

Furthermore, Council will be particularly concerned that these non-residential developments:

- do not create a noise nuisance;
- are located on roads appropriate to the expected volume of traffic generated by the development;
- provide adequate car parking; and
- provide measures to ensure the privacy of adjacent dwellings.

## **B1.4 PUBLIC OPEN SPACE**

### ***B1.4.1 Objectives***

- To provide open space in the form of parks and pathways that is accessible to the majority of residents of the Terranora Village area.
- To retain views from Terranora Road without the interference of housing.

The proposed public open space, shown in B1 - Map 2 of this Section, is to be dedicated to Council free of cost. Additional open space also shown in B1 - Map 2 of this Section is to be dedicated to Council to comprise useable casual open space. Useable casual open space does not include "left over" pieces of land unsuitable for development. Criteria for useable casual open space is:

- slope is to be such that walking is possible for the majority of the expected population;
- all neighbourhood parks and dedicated open space are to be connected by a network of useable pedestrian linkages;
- these pedestrian linkages are to be paved and landscaped so that maintenance requirements are minimised.
- casual open space is to be embellished by the developer and bonded for maintenance for an appropriate period. Embellishment will comprise appropriate planting with native shrubs/trees and the placement of seats. Landscaping is to be in accordance with requirements of Council's Recreation Services Unit.

The pedestrian walkways shown in B1 - Map 2 of this Section are indicative only with regard to their location which may be altered during detailed design of subdivision. However, generally there are to be useable pedestrian linkages between the residential areas and the school, and between the residential areas and the commercial precinct.

## **B1.5 ENVIRONMENTAL PROTECTION**

### ***B1.5.1 Objectives***

- Retain wherever possible vegetated areas in their natural state to enhance the visual appearance of the development.
- Ensure that development takes account of the existing physical constraints of the land.

### ***B1.5.2 Soil Conservation***

- All development should incorporate soil conservation measures to minimise soil erosion during and following completion of development. Large scale

development should be staged so that soil disturbance and erosion at any one time is minimised.

- As a condition of development consent, Council will require the applicant to submit details showing measures to be taken to ensure the control of erosion and sedimentation.
- All erosion and sedimentation control measures shall be in place prior to major construction work commencing on site.

### ***B1.5.3 Tree Preservation and Landscaping***

- In determining a development application, Council may consider whether any trees or other vegetation on the land should be preserved.
- Existing trees, other than camphor laurels, should be preserved wherever possible. The siting and layout of a development at the initial design stage should consider the location of native trees with a view to their preservation.
- All applications for development should indicate the location of existing native vegetation and should note the measures to be taken to protect existing native vegetation which is to be retained.
- Camphor laurel trees with a trunk diameter of less than 30cm, and lantana are to be removed using the most effective available method. Before dedication of casual open space replacement of these other weed species with native trees and shrubs will be required where appropriate.
- Contributions will be required from the developer to finance the planting and maintenance of appropriate street trees.

### ***B1.5.4 Streams and Water Quality***

Streams and watercourses are to be protected from pollution and sedimentation by the installation of gross pollutant and sediment traps.

Major and minor stormwater drainage systems are to be constructed in accordance with Section A5 – Subdivision Manual of this DCP.

## **B1.6 TRAFFIC AND TRANSPORT**

### ***B1.6.1 Objectives***

- Create opportunities for traffic circulation and movement through the development that are both safe and convenient for all vehicles.
- Allow for convenient and safe access to public transport from all development areas and activity centres including the Terranora Primary School.
- Create opportunities for pedestrian pathways which minimise both walking distances to activity destinations and conflicts with traffic routes.

### ***B1.6.2 Collector Roads***

B1 - Map 2 of this Section shows the preferred location of the collector roads within Terranora Village. Council will only permit minor changes to the location of these roads arising from the detailed design of these roads.

Design and construction of all collector roads are to be in accordance with Section A5 – Subdivision Manual of this DCP.

All work undertaken at the intersection of Terranora Road, and a collector road into the Terranora Village area, must be in accordance with an agreed Traffic Study for the area and any requirements that the Roads and Traffic Authority identifies.

Any traffic control measures required at the intersection of Terranora Road and a collector road into the Terranora Village area shall be provided at the applicant's cost.

### ***B1.6.3 Local Roads***

The primary function of these roads is to provide direct access to properties, and they should be designed at relatively short lengths, encouraging traffic onto the collector roads from each housing precinct.

Design and construction of all local roads are to be in accordance with Section A5 – Subdivision Manual of this DCP.

### ***B1.6.4 Pathways***

Pedestrian pathways should create enjoyable journeys between destinations such as open space, schools and shops and be designed to minimise conflicts with traffic routes and minimise walking distances.

Pathways may in some cases perform a drainage function and/or provide access for servicing authorities.

The location and design of all pathways must be approved by Council.

All pathways are to be constructed during subdivision construction.

### ***B1.6.5 Parking***

All requirements relating to parking shall be in accordance with Section A2 – Site Access and Parking Code of this DCP.

## **B1.7 COMMERCIAL PRECINCT**

### ***B1.7.1 Objectives***

The Commercial Precinct shall provide for the establishment of retail services for residents of the area.

### ***B1.7.2 Development Principles***

The precinct shall be developed in accordance with the following principles:

- The scale and type of development is to be compatible with the low density character of the Terranora Village area and will be limited to single storey buildings only.
- Vehicular and pedestrian traffic circulation will provide for safe and convenient movement.
- The intersection with Terranora Road is to be safely designed and in accordance with the requirements of the Roads and Traffic Authority.
- Vehicular entry to the precinct is to be by way of the collector road only, and no vehicular access directly from Terranora Road to individual commercial premises will be permitted.

- The requirements of servicing authorities are to be met.
  - As the commercial precinct will be the main entrance to the residential area it is to contain attractive landscaping commensurate with that function and with traffic safety.
  - Applications for development of the commercial area are to include detailed design of buildings, carparking, pedestrian and vehicular access and landscaping, so as to ensure that a high standard of design is maintained.
  - Roofing of commercial buildings will not comprise pale colours or reflective materials.

## **B1.8 UTILITIES**

### ***B1.8.1 Objectives***

- To provide for appropriate and efficient utility systems, the costs of which are to be equitably shared between all developers, Council and other Government Agencies.
- Through the implementation of reasonable contributions facilitate the economic construction of utility services.

### ***B1.8.2 Water***

- All lots shall be connected to an approved reticulated domestic water supply.
- Water supply contribution charges shall be in accordance with Council's headworks charges.
- Water supply construction shall be in accordance with Section A5 – Subdivision Manual of this DCP.

### ***B1.8.3 Sewerage***

- Except as provided by dot points 2 and 3, all lots shall be connected to an outfall sewerage system.
- In the initial stages of the development a maximum number of seventy (70) allotments (or equivalent tenements) may be serviced by septic systems provided that sewerage mains are provided to each allotment and capped for future connection to the outfall system.
- A bond for constructing the outfall sewerage system must be lodged with Council prior to the Council certifying a final linen plan for any part of the site, developing pursuant to dot point 2. The amount of this bond will be determined on a pro-rata basis of lots as created.
- The sewerage outfall system shall be constructed in accordance with Section A5 – Subdivision Manual of this DCP, except as varied by Vinnicombe and Associates subject to agreement with Council.
- Sewerage contribution charges shall be in accordance with Council's headworks charges.

### ***B1.8.4 Drainage***

See Clause B1.5.4 Streams and Water Quality.

**B1.8.5 Electricity**

Arrangements are to be made with Country Energy regarding the provision of underground reticulation of electricity throughout the Terranora Village area.

**B1.8.6 Telecommunications**

Arrangements are to be made with Telstra Australia for the provision of underground telecommunications supply throughout the Terranora Village area.

**B1.9 CONTRIBUTIONS**

**B1.9.1 Section 94 Contributions**

Council has identified that development within the Terranora Village area will generate the need for a number of essential amenities and services including water, sewerage, roads, open space and community facilities.

In assessing and determining a development application under Section 90 of the Environmental Planning and Assessment Act 1979, Council may impose conditions requiring the undertaking of certain works or improvements by developers, the dedication or transfer of land to Council, or the payment of monetary contributions towards public amenities and services, which are needed as a result of the development.

**B1.9.2 Roadworks and Road Dedication**

As a condition of development consent, an applicant may be required to dedicate any part of a site affected by proposed roads, road widening and pedestrian pathways at no cost to Council.

Council may also require the upgrading of roads not immediately fronting the development to provide suitable access to the development. Each case will be considered on its individual merits.

Applicants are required to provide or make monetary contribution to tree planting on footpaths.

**B1.9.3 Other Contributions, Land Dedication or Works**

Nothing in this Plan shall limit Council's ability to:

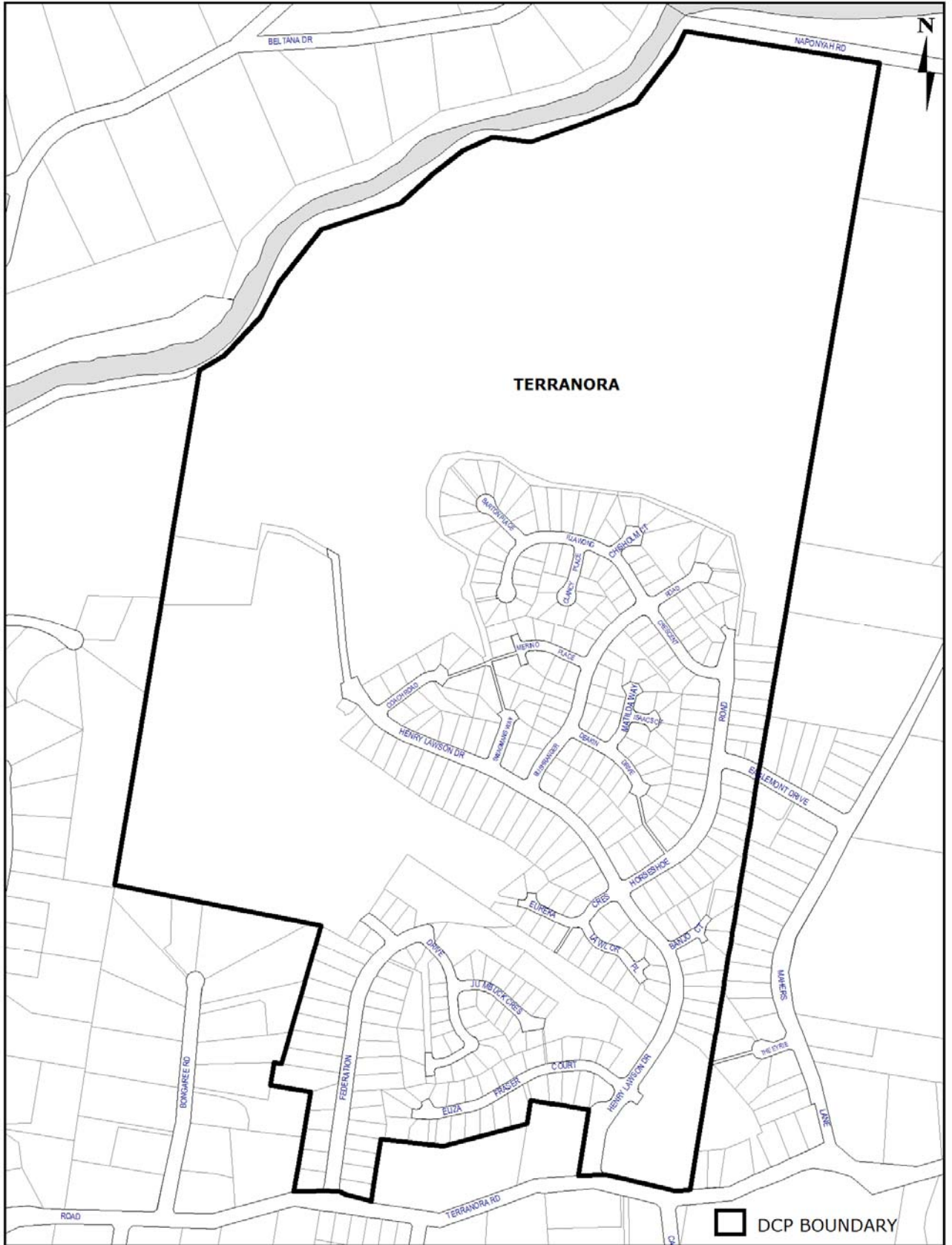
- i. impose contributions;
- ii. require dedication or transfer of land to Council; or
- iii. require construction of works.

as a condition of consent to a development based on Council's assessment of the application under Section 90 of the Environmental Planning and Assessment Act 1979, or its consideration of an application under the Local Government Act 1993.

**B1.9.4 Calculation of Actual Contributions**

Calculations for the actual value of the applicable contributions can be found in Council's Schedule of Fees and Charges.

B1 - Map 1







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Customer Service | 1300 292 872 | (02) 6670 2400

[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Fax (02) 6670 2429  
PO Box 816  
Murwillumbah NSW 2484