



Area E Urban Release Development Code

Tweed Development Control Plan - Section B24

Amendments

Version	Effective	Resolution	Description	Authorised
1.0	-	19.07.2011	Public exhibition document	Council
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Tweed Development Control Plan
Section B24

AREA E URBAN RELEASE DEVELOPMENT CODE

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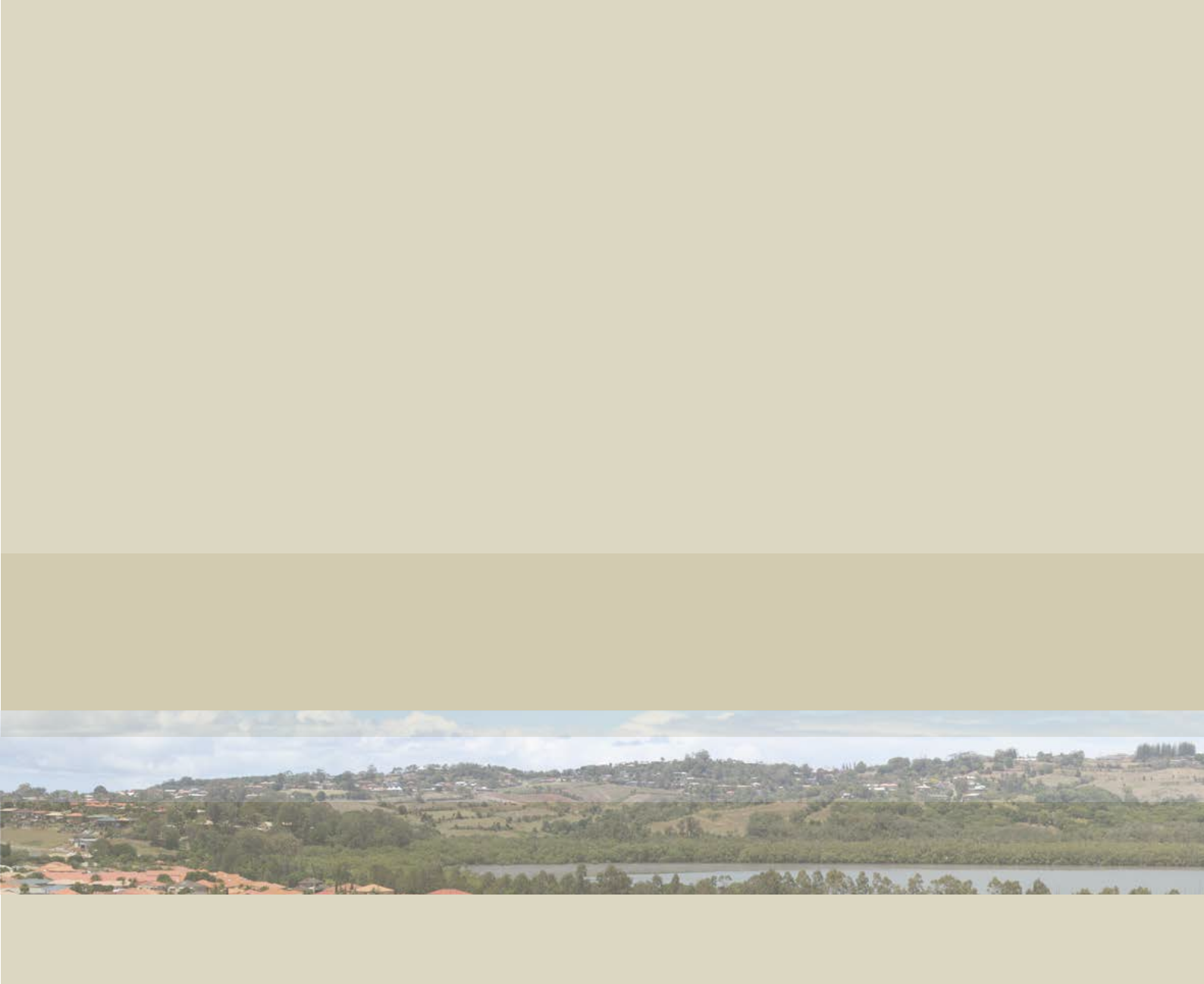
PART 02 SUBDIVISION

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PART 01 INTRODUCTION

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- 2 Name of this Code
- 3 Land and Development Covered by this Code
- 4 Relationship to other Documents
- 5 How to use this Section of the Tweed DCP
- 6 Code Preparation





Figure 1.1 Area E Urban Release Area Code Boundary

This Code applies to all development on land situated within the boundary illustrated above.

1.1 The Purpose of this Urban Release Area Code

This Section of the Tweed Development Control Plan has been prepared in accordance with Part 3 of the Environmental Planning and Assessment Act 1979 ('the Act') and with Part 3 of the Environmental Planning and Assessment Regulation 2000.

This Code is part of a strategic framework for guiding the future development of the Area E Urban Release Area. The Code provides more detailed provisions to expand upon the Tweed Local Environmental Plan (TLEP) and Tweed DCP for development within Area E that will:

- Realise the vision for the development of Area E and guide the growth and character consistent with that vision;
- Coordinate infrastructure provision and development to ensure the integrated and efficient use of land; and
- Protect and enhance areas of the public domain and land possessing environmental value.

1.2 Aims of this code

The aims of this section are to ensure:

1. Quality residential development that responds to aspect, slope and climate;
2. Protection and enhancement of natural bushland areas, waterways and land of high ecological value;
3. Provision of quality open space and public domain areas that meet the needs of the local and regional community
4. Provision of integrated into pedestrian and cycleway networks;
5. Co-ordinated infrastructure provision to ensure efficient use of the land and efficient infrastructure supply and provision.

1.3 Name of the Code

This Section is called "Section B24 – Area E Urban Release Development Code" of the Tweed Development Control Plan 2008.

1.4 Land and Development Covered by this Code

This Section of the Tweed DCP applies to development on land within the area bounded by the white line described in Figure 1.1 of this Code.

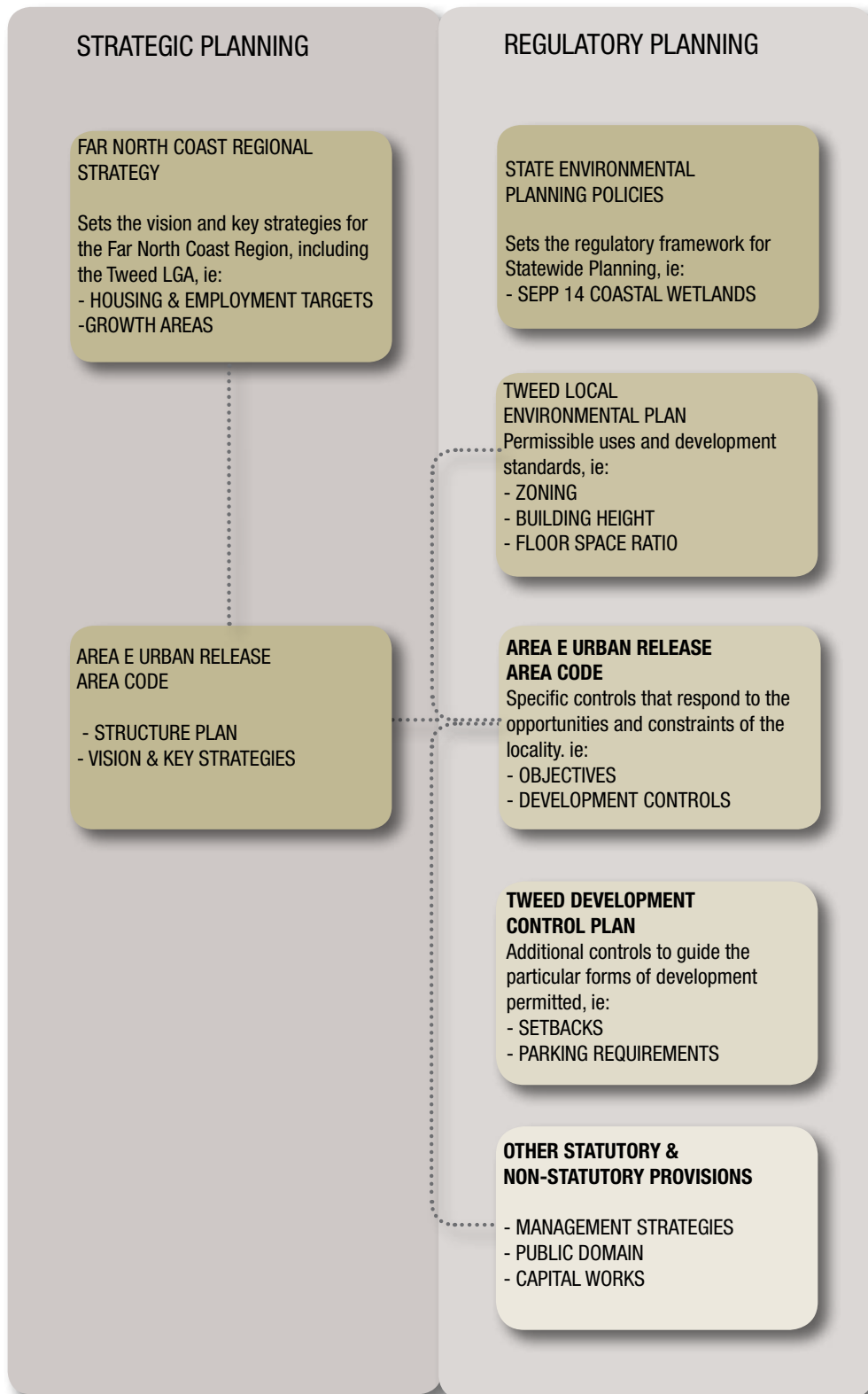


Figure 1.2 Urban Release Area Development Code relationship with other documents and policy
This Code combines both elements of the planning process so that the regulatory component has a strong strategic focus, justification and relevance. The above illustrates the relationship between the Urban Release Development Code and the various implementation mechanisms.

1.5 Relationship to other Documents

The Tweed Local Environmental Plan (TLEP) is the principal environmental planning instrument applying to Area E.

This Section of the Tweed DCP contains detailed provisions that supplement the provisions of the TLEP. If there is any inconsistency between this Section of the Tweed DCP and the TLEP, the TLEP shall prevail to the extent of that inconsistency.

Development within Area E is required to meet all relevant controls of the Tweed DCP, for example Section A5 Subdivision Manual, unless varied by this section.

The Residential and Tourist Development Code (Tweed DCP Section A1) applies to all forms of residential and tourist development within the Tweed Shire area. Section A1 is based on “building typologies” and is not site specific.

This Section of the Tweed DCP has been developed specifically to respond to the conditions, opportunities and constraints present within Area E and provides development controls specific to this locality. This Section may therefore provide for particular development types that differ to those covered by the Residential and Tourist Development Code. Where an inconsistency arises between this Section and the Residential and Tourist Development Code, this Section will prevail to the extent of that inconsistency. Where this Section is silent in regard to a particular issue, the provisions of the Residential and Tourist Development Code will apply.

The various technical policies, guidelines, specifications and codes of Tweed Shire Council also apply to the area of this Code. In some instances however, the particular circumstances of Area E have warranted an alternative approach to those requirements. Where an inconsistency arises between this Section and the Council’s various technical policies, guidelines, specifications and codes, this Section will prevail to the extent of that inconsistency.

This code establishes both a strategic direction for Area E and specific development controls. Some of the strategic objectives of the study area may not be consistent with the current land use zoning or permitted land uses of TLEP. Where inconsistencies occur, the land will need to be considered for rezoning in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

**AREA E
URBAN RELEASE
AREA CODE**

**PART 1
INTRODUCTION**

- PURPOSE OF THE CODE
- RELATIONSHIP TO OTHER DOCUMENTS
- HOW TO USE THIS SECTION

**PART 2
SUBDIVISION**

- VISION
- URBAN FOOTPRINT
- DESIGN PRINCIPLES

**PART 3
VILLAGE CENTRE**

- DESIGN PRINCIPLES

**PART 4
RESIDENTIAL CONTROLS**

- BUILT FORM CONTROLS
- CUT AND FILL
- LANDSCAPING

1.6 How to use this Section of the Tweed DCP

This Development Code is comprised of 4 parts:

1. Introduction - identifies where the Code applies, purpose and the relationship of the Code to other controls within the existing planning framework.
2. Subdivision - details the overarching vision for Area E, the identified Urban Footprint and 10 design principles to guide and control the subdivision of Area E. The themes and design principles discussed in this part affect the whole of the release area.
3. Village Centre Controls - Details design principles and controls for the subdivision and subsequent development of the village centre. This part specifically covers Placemaking and Urban Design, Built Form Design, Community Infrastructure, Commercial & Retail Facilities and Fostering Walkability & Integrated Movement.
4. Residential Controls - Details design principles and controls for the residential development across all of Area E. This part specifically covers Built Form, Cut and Fill, Landscaping, Topographically Sensitive Development Opportunities, Climatic Sensitive Design and Small Lot Housing.

The contents of this Code have been drafted post analysis of the Local Environmental Study 2004 for Area E, inspection of the site, landowner workshops and public consultation. Further background material and can be obtained from Council's Planning Reform Unit upon request.

Figure 1.3 Urban Release Area Code - Key Strategy Components

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 the Tweed Local Environmental Plan to ensure that the proposed development is permissible and to determine what related provisions apply. Where a proposed development is inconsistent with the land use provisions of the Tweed LEP, refer to Step 6.

Step 2: Establish what other Sections of this DCP or Council Policies apply to the site.

Step 3: Familiarise yourself with the context of Area E and determine which Precinct the site is located within.

Step 4: Understanding the 'Vision', 'Objectives' and be guided by 'Development Control' for the particular development form and, where required, precinct. Note: Where a proposed development is consistent with the Strategy for a particular precinct, but inconsistent with the land use provisions of Tweed LEP, refer to Step 6.

Step 5: Follow the applicable design guidelines and refer to other applicable Sections of the Tweed DCPs and related policies. It is these components that will be used by Council to assess any development proposal.

Step 6: Where a development proposal is consistent with the Vision, Objectives and Development Control for a particular development type or area, but is inconsistent with the provisions of Tweed LEP, the applicant will need to request a rezoning of the land in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

Where a proposed development is inconsistent with the provisions of both Tweed LEP, the Vision, Objectives and Development Control for a particular development type or area, the proposed development will not be supported.

Compliance with the provisions of this Section does not necessarily imply that Council will grant consent to an application. Council must, in relation to development applications, also take into consideration those matters listed under Section 79(C) of the Environmental Planning and Assessment Act, 1979 and any other statutory considerations.

