

Cumalum Precinct A – Contributions Plan and DCP Provisions

Ordinary Council Meeting

26 February 2015

Attachment 1 – Submissions

RECORDS  
SCANNED

19 DEC 2014

General Manager  
Ballina Shire Council  
Ballina. NSWDoc No.....  
Batch No.....1A The Ridgeway  
Cumalun NSW  
18-12-2014

Subject : Cumalun Precinct A Development Control Plan

Reference: Cumalun Precinct A (14/868334)

On behalf of the members of the Ballina Heights Residences Action Group (BHRAG) the management committee would like to submit suggestions to the Development Control Plan (DCP) 2012 to deal with urban subdivision in Cumalun Precinct A (CPA). Because there is an cumulative impact between Ballina Heights Estate and the CPA, these suggestions would benefit our residents.

The BHRAG has been representing our local members for over two years. One of the re-occurring issue at our committee meetings has been road traffic matters including:

- vehicle speeding
- road safety of foot traffic
- vehicle road noise
- trucks & load limits and
- general traffic movement

These issues have been brought to the notice of Council on several occasions and response to date has been minimal.

To give you an indication of the current scope of the problem a recent traffic movement survey at the southern end of The Ridgeway recorded the following:

- Monday noon – 1.00pm = 140 vehicle movements.
- Tuesday 4.00pm – 4.30pm = 108 vehicle movements

With the urban development of CPA there is a need to ensure traffic is eventually distributed across the area. One would assume some CPA traffic would use Ballina Heights Drive and not The Ridgeway which is always an option to them.

The BHRAG committee would like to see vehicle access to and from the new CPA via a number of sources such as Sandy Flat Road, Ross Lane and Ballina Heights Drive.

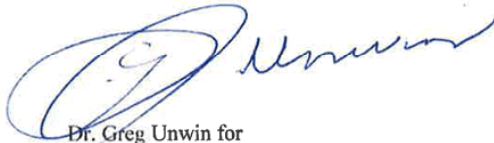
#### Recommendations

- 1) We strongly recommend that Sandy Flat Road be upgraded to Tamarind Drive. This would encourage CPA vehicles and vehicles from a future Cumalun Precinct B to use this access and not to use Ballina Heights Drive and other roads as a short cut to and from Ballina.

- 2) We would like Council's assurance that construction vehicles for this new Precinct A will not use The Ridgeway or Ballina Heights Drive to access the site but would be directed to an upgraded Sandy Flat Road.
- 3) We would also like Deadmans Creek Road (DCR) to remain open until a second access road to Ballina Heights Estate & the new CPA is operational. Large cement, brick, soil/rock and machinery trucks continue to use DCR and The Ridgeway to service new housing on the Estate to the north. Truck load limits or other restrictions should be imposed to prevent further road pavement damage to DCR and The Ridgeway. We note pavement repair work is scheduled for The Ridgeway in 2015.
- 4) Traffic calming measures must be implemented to improve current and future road safety. The committee in part strongly recommends the following:
  - Centreline road marking
  - Large road painted speed signs as used elsewhere in the Shire

If you wish to discuss this submission with us please do not hesitate to contact.

Yours sincerely



Dr. Greg Unwin for  
BHRAG

Copy: John Truman

General Manager  
Ballina Shire Council  
Ballina, NSW

Subject : Cumbalum Precinct A Development Control Plan

Reference: Cumbalum Precinct A (14/868334)

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I would like to submit suggestions to the Development Control Plan (DCP) 2012 to deal with urban subdivision in Cumbalum Precinct A (CPA). Because there is a cumulative impact between Ballina Heights Estate and the CPA, these suggestions would benefit just not me but all local residents.

One of the re-occurring issue I find concerns road traffic matters including:

- vehicle speeding
- road safety of foot traffic
- vehicle road noise
- trucks & load limits and
- general traffic movement

I understand these issues have been brought to the notice of Council on several occasions and response to date has been minimal.

With the urban development of CPA there is a need to ensure traffic is eventually distributed across the area. One would assume some CPA traffic would use Ballina Heights Drive and not The Ridgeway which is always an option to them.

I would like to see vehicle access to and from the new CPA via a number of sources such as Sandy Flat Road, Ross Lane and Ballina Heights Drive.

**My Recommendations are:**

- 1) I recommend that Sandy Flat Road be upgraded to Tamarind Drive. This would encourage CPA vehicles and vehicles from a future Cumbalum Precinct B to use this access and not to use Ballina Heights Drive and other roads as a short cut to and from Ballina.

- 2) I would like Council's assurance that construction vehicles for this new Precinct A will not use The Ridgeway or Ballina Heights Drive to access the site but would be directed to an upgraded Sandy Flat Road.
- 3) I would also like Council's assurance that Deadmans Creek Road (DCR) will remain open until a second access road to Ballina Heights Estate & the new CPA is operational. Large cement, brick, soil/rock and machinery trucks continue to use DCR and The Ridgeway to service new housing on the Estate to the north. Truck load limits or other restrictions should be imposed to prevent further road pavement damage to DCR and The Ridgeway. I note pavement repair work is scheduled for The Ridgeway in 2015.
- 4) Traffic calming measures must be implemented to improve current and future road safety. I recommends in part the following:
  - > Centreline road marking
  - > Large road painted speed signs as used elsewhere in the Shire

Yours sincerely



Ken and Helen Stewart  
1/32 The Ridgeway  
Cumalum NSW 2478  
66813464

## 9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC

General Manager  
Ballina Shire Council  
Ballina. NSW

Unit 2, 26 The Ridgeway  
CUMBALUM NSW 2478  
19 December 2014

Subject : Cumalum Precinct A Development Control Plan

Reference: Cumalum Precinct A (14/868334)

---

I would like to submit suggestions to the Development Control Plan (DCP) 2012 to deal with urban subdivision in Cumalum Precinct A (CPA). Because there is a cumulative impact between Ballina Heights Estate and the CPA, these suggestions would benefit not just myself but all local residents.

One of the re-occurring issues I find concerns road traffic matters including:

- vehicle speeding
- road safety of foot traffic
- vehicle road noise
- trucks & load limits and
- general traffic movement

I understand these issues have been brought to the notice of Council on several occasions and response to date has been minimal.

With the urban development of CPA there is a need to ensure traffic is eventually distributed across the area. One would assume some CPA traffic would use Ballina Heights Drive and not The Ridgeway which is always an option to them,

I would like to see vehicle access to and from the new CPA via a number of sources such as Sandy Flat Road, Ross Lane and Ballina Heights Drive.

### **My Recommendations are:**

- 1) I recommend that Sandy Flat Road be upgraded to Tamarind Drive. This would encourage CPA vehicles and vehicles from a future Cumalum Precinct B to use this access and not to use Ballina Heights Drive and other roads as a short cut to and from Ballina.
- 2) I would like Council's assurance that construction vehicles for this new Precinct A will not use The Ridgeway or Ballina Heights Drive to access the site but would be directed to an upgraded Sandy Flat Road.
- 3) I would also like Council's assurance that Deadmans Creek Road (DCR) will remain open until a second access road to Ballina Heights Estate & the new CPA is operational. Large cement, brick, soil/rock and machinery trucks continue to use DCR and The Ridgeway to service new housing on the Estate to the north.

Truck load limits or other restrictions should be imposed to prevent further road pavement damage to DCR and The Ridgeway. I note pavement repair work is scheduled for The Ridgeway in 2015.

- 4) Traffic calming measures must be implemented to improve current and future road safety. I recommends in part the following:
- Centreline road marking
  - Large road painted speed signs as used elsewhere in the Shire

Yours sincerely



Julie Doxey

## 9.1 Cumalun Precinct A - DCP and Contributions Plan.DOC

General Manager  
Ballina Shire Council  
Ballina. NSW

19 The Ridgeway  
Cumalun  
19/12/2014

Subject : Cumalun Precinct A Development Control Plan

Reference: Cumalun Precinct A (14/868334)

---

I would like to submit suggestions to the Development Control Plan (DCP) 2012 to deal with urban subdivision in Cumalun Precinct A (CPA). Because there is a cumulative impact between Ballina Heights Estate and the CPA, these suggestions would benefit just not me but all local residents.

One of the re-occurring issue I find concerns road traffic matters including:

- vehicle speeding
- road safety of foot traffic
- vehicle road noise
- trucks & load limits and
- general traffic movement

I understand these issues have been brought to the notice of Council on several occasions and response to date has been minimal.

With the urban development of CPA there is a need to ensure traffic is eventually distributed across the area. One would assume some CPA traffic would use Ballina Heights Drive and not The Ridgeway which is always an option to them.

I would like to see vehicle access to and from the new CPA via a number of sources such as Sandy Flat Road, Ross Lane and Ballina Heights Drive.

### **My Recommendations are:**

- 1) I recommend that Sandy Flat Road be upgraded to Tamarind Drive. This would encourage CPA vehicles and vehicles from a future Cumalun Precinct B to use this access and not to use Ballina Heights Drive and other roads as a short cut to and from Ballina.
- 2) I would like Council's assurance that construction vehicles for this new Precinct A will not use The Ridgeway or Ballina Heights Drive to access the site but would be directed to an upgraded Sandy Flat Road.



- 3) I would also like Council's assurance that Deadmans Creek Road (DCR) will remain open until a second access road to Ballina Heights Estate & the new CPA is operational. Large cement, brick, soil/rock and machinery trucks continue to use DCR and The Ridgeway to service new housing on the Estate to the north. Truck load limits or other restrictions should be imposed to prevent further road pavement damage to DCR and The Ridgeway. I note pavement repair work is scheduled for The Ridgeway in 2015.
- 4) Traffic calming measures must be implemented to improve current and future road safety. I recommends in part the following:
  - Centreline road marking
  - Large road painted speed signs as used elsewhere in the Shire

Yours sincerely

David H Robinson JP

## 9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC

General Manager

Ballina Shire Council  
2014  
Ballina. NSW

74 The Ridgeway  
Cumalum 2478  
Wednesday, 31 December

Subject : Cumalum Precinct A Development Control Plan

Reference: Cumalum Precinct A (14/868334)

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I would like to submit suggestions to the Development Control Plan (DCP) 2012 to deal with urban subdivision in Cumalum Precinct A (CPA). Because there is a cumulative impact between Ballina Heights Estate and the CPA, these suggestions would benefit just not me but all local residents.

One of the re-occurring issue I find concerns road traffic matters including:

- vehicle speeding
- road safety of foot traffic
- vehicle road noise
- trucks & load limits and
- general traffic movement

I understand these issues have been brought to the notice of Council on several occasions and response to date has been minimal.

With the urban development of CPA there is a need to ensure traffic is eventually distributed across the area. One would assume some CPA traffic would use Ballina Heights Drive and not The Ridgeway which is always an option to them.

I would like to see vehicle access to and from the new CPA via a number of sources such as Sandy Flat Road, Ross Lane and Ballina Heights Drive.

### **My Recommendations are:**

- 1) I recommend that Sandy Flat Road be upgraded to Tamarind Drive. This would encourage CPA vehicles and vehicles from a future Cumalum Precinct B to use this access and not to use Ballina Heights Drive and other roads as a short cut to and from Ballina.

- 2) I would like Council's assurance that construction vehicles for this new Precinct A will not use The Ridgeway or Ballina Heights Drive to access the site but would be directed to an upgraded Sandy Flat Road.
- 3) I would also like Council's assurance that Deadmans Creek Road (DCR) will remain open until a second access road to Ballina Heights Estate & the new CPA is operational. Large cement, brick, soil/rock and machinery trucks continue to use DCR and The Ridgeway to service new housing on the Estate to the north. Truck load limits or other restrictions should be imposed to prevent further road pavement damage to DCR and The Ridgeway. I note pavement repair work is scheduled for The Ridgeway in 2015.
- 4) Traffic calming measures must be implemented to improve current and future road safety. I recommends in part the following:
  - Centreline road marking
  - Large road painted speed signs as used elsewhere in the Shire

Yours sincerely



Peter Harden

**Simon Scott**

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**From:** Fiona King  
**Sent:** Friday, 19 December 2014 12:04 PM  
**To:** Strategic Planners  
**Subject:** FW: Cumalum Precinct A Development Control Plan

FYI

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**From:** Ballina Shire Council  
**Sent:** Friday, 19 December 2014 11:51 AM  
**To:** Fiona King  
**Subject:** FW: Cumalum Precinct A Development Control Plan

---

**From:** david buckman [<mailto:dwcbuckman@westnet.com.au>]  
**Sent:** Thursday, 18 December 2014 6:50 PM  
**To:** Ballina Shire Council  
**Subject:** Cumalum Precinct A Development Control Plan

General Manager  
Ballina Shire Council  
Ballina. NSW  
Date:

Subject : Cumalum Precinct A Development Control Plan

Reference: Cumalum Precinct A (14/868334)

[1] I recommend that Sandy Flat Road be upgraded to Tamarind Drive. This would encourage CPA vehicles and vehicles from a future Cumalum Precinct B to use this access and not to use Ballina Heights Drive and other roads as a short cut to and from Ballina.

[2] I would like Council's assurance that construction vehicles for this new Precinct A will not use The Ridgeway or Ballina Heights Drive to access the site but would be directed to an upgraded Sandy Flat Road.

[3] I would also like Council's assurance that Deadmans Creek Road (DCR) will be "**closed immediately**" because we now have a second access road [Ballina Heights Drive] to Ballina Heights Estate which could direct the traffic away from Deadmans Creek Road and the Ridgeway cutting out the noise of the trucks coming up the hill and the noise of the trucks breaking going back down again and the inconvenience of the noise and dust created non-stop along the Ridgeway.

## 9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC

w [4] We have lived at this address for the last seven years and still do not have a footpath outside our property to allow for pedestrian traffic and the Australia Post to ride their delivery vehicles on which makes everyone's "**expensive lawn**" the route.

[ [5] The roundabout design at the corner of The Ridgeway and Deadmans Creek Road has a flaw that directs the traffic leaving the estate directly into the oncoming traffic coming up the Deadmans Creek Road hill.

With the increase in traffic conditions it is only a matter of time before we see the first head on collision at this poorly designed roundabout.

Yours sincerely

David W Buckman

5 The Ridgeway Cumalum 2478.

Email: [dwcbuckman@westnet.com.au](mailto:dwcbuckman@westnet.com.au)

Phone: 66816670

Mobile: 0414862817

SUBMISSION C

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

RECORDS SCANNED	
27 JAN 2015	
Doc No.....	
Batch No.....	

Beddoes Family  
PO Box 706  
Ballina NSW 2478  
15/1/2015

Dear Sir,

**Re: Cumbalum Precinct A Development Control Plan Letter 4/12/2014  
Simon Scott**

We thank you for your above letter and would like to place before the Council the following points and would like the questions raised to be answered. Some of the points raised may not be directly related to this amendment, however they relate in general to the subdivision.

It is noted that roads appear to be on the existing road reserves in both Precinct A and B. These areas are wildlife corridors already made and should be preserved as such! The comments about keeping farm trees in the subdivision is important, however we see that a recent approval upon the Quinlan land allows for removal of two tuckaroo trees (feed trees) within an 8 lot subdivision. What guarantee do we have that the council not change its mind later down the track. The removal of trees throughout the Ballina Heights subdivision was allowed. It is good to hopefully see a change for this subdivision.

Stormwater is once again our main problem. Despite our requests and council's promises to discuss the simulation, and I repeat "simulation", it has taken over two years to have this meeting with WBM to discuss the many "abnormalities" that are in the paper. This meeting has been organised for the 27/1/15 by Paul Bushman and may result in more or less questions (hopefully less). It still remains that the Council is relying on a "simulation", not a flood study, for the "facts". It appears that this simulation has been taken as gospel by council, a poor attempt at a true independent flood study. The fact remains that there will be more water from the subdivision regardless of how you try to hide it! The effect will not be minimal and any extra water will have an effect, even if its for three days a year more. We do not accept that by putting water into the subsoil upstream will have no effect on us. it remains in the water table and hence reduces absorption and the old saying 'out of sight, out of mind' seems to be in force here.

"Reducing" the effect of phosphate levels etc. does not mean there is no effect. Surely council is aware of the Chikkaiba wetland area due in part, if not wholly, to storm water runoff etc. Time does not heal all problems, it just gives us time to see our mistakes.

In the section 'Stormwater' Section XVII - Development... .....due to increase stormwater volumes. Unlike Ballina Heights, is council and developers saying that there is an increase in storm water volume?  
Section XXI - This concerns the treatment of stormwater with the subdivision. This is of interest because water catchments shown on maps do not catch all the

water from the subdivision with a large area, approximately 80 houses, being uncontrolled by the water retention procedures so what will happen to this water? We and our neighbours do not accept that a simulation is enough to rely on and again ask why a full and independent flood study was not done? The time since this first started (approx 7 years) would have started to show a good picture by now.

This may not be the time to bring this up however, we note that the cycle way is within environmental zones as well as allowing for house sites, does this not mean disturbance in a certain area?

Lastly, where does the animal proof fence go? If you are going to link up the areas with the nature reserve and other areas, these will need to be behind the fence thus not allowing for house sites, cycleways, fire trails, etc.

Thanks again for allowing for comments and we look forward to the meeting on the 27/1/2015.

YF,



Beddoes Family

**Simon Scott**

---

**From:** Phil Thompson <Phil@ballinatoyota.com.au>  
**Sent:** Friday, 23 January 2015 3:20 PM  
**To:** Simon Scott  
**Subject:** RE: Draft Amendment No.4 to the DCP and the draft CURA Precinct A Contributions Plan.  
**Attachments:** Rezoning objection 120229\_00000.pdf

Hi Simon,

Whilst I don't know what exactly is changing I would like to re-table my letter 29/02/2012.

There are some un-answered questions, which, I would like answered.

One of my concerns continues to be the increased traffic and increase traffic flow directed into Unara Parkway and Foley Avenue  
And traffic rates/flows in and out of the current estate.

Also the changing of the original design of the estate to have large urban blocks to now small urban blocks not consistent with the area.

We are seeing this now with the new small subdivisions within the existing estate.

This is devaluing the estate and the appeal of living out of town and away from the coastal strip.

Thank you.

*Phil Thompson*

0428.253.677

phil.thompson1000@gmail.com

---

**From:** Simon Scott [mailto:simons@ballina.nsw.gov.au]  
**Sent:** Tuesday, 9 December 2014 1:50 PM  
**To:** Phil Thompson  
**Subject:** RE: Draft Amendment No.4 to the DCP and the draft CURA Precinct A Contributions Plan.

Hi Phil,

I have been advised that the material is now available on the website, on this page:

[http://www.ballina.nsw.gov.au/cp\\_themes/default/page.asp?p=DOC-CDG-37-37-62](http://www.ballina.nsw.gov.au/cp_themes/default/page.asp?p=DOC-CDG-37-37-62)

Click on the title '**Cumbalum Precinct A – Draft DCP Amendment and Draft Contributions Plan**' to download the material.

Regards,



Phil Thompson  
33 Unara Parkway, Ballina Heights  
PO Box 1111, Ballina NSW 2478  
(w) 02 6686 3322  
(m) 0428 253 677

29<sup>th</sup> February 2012

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Dear Sir/Madam,

Re: Public Exhibition of Cumalum Precinct A and Cumalum Precinct B planning proposals

My main concerns are in relation to Cumalum Precinct A and the traffic flow from Cumalum Precinct A and B along Ballina Heights Drive to intersection with Unara Parkway and the traffic flow on Unara Parkway.

Cumalum Precinct A.

*R3 proposed Medium Density Residential.*

- Minimum Size Allotments as per meeting 25/01/2012 is to be 400m<sup>2</sup>
- Minimum Size Allotments as per Planning Proposal – November 2011 Cumalum Urban Release Area – Precinct A page 20 of 86 Green “G” is to be 450m<sup>2</sup>
- Chapter 1 (Urban Land) – Part 4 (Policy Statements) Policy Statement No 4 – Urban Subdivision Page 2, 4.1 states “**Residential Areas** allotments created for residential development shall generally have a minimum area of 600m<sup>2</sup> with a minimum frontage of 18m

The whole thing is becoming confusing. 400m<sup>2</sup>, 450m<sup>2</sup> or 600m<sup>2</sup>?

We purchased land and built at Ballina Heights Estate for the view and the area having larger allotments. The current average size parcels of land at Ballina Heights are well in excess of your proposed minimum of 400/450m<sup>2</sup>.

The current entrance of Ballina Heights is 6 klms from Ballina.

We were happy to offset the travel time and expense knowing we were living in a community with urban sprawl and space. People and cars not forced on top of each other. We wanted space and paid for it. We want to live in a more spacious environment.

We are not talking about developments close to the city centre or close to the beaches; we are talking about urban living surrounded by Rural and Environmental areas with planned but not yet constructed shopping Centre, School, Aged Care facility and sporting fields. Ballina Heights Drive has not even been constructed.

*Any proposed development (Cumalun Precinct A) attached to the current development (Ballina Heights) needs to keep the same aesthetic appeal and design in keeping with the area.* Alternatively, the development needs to be completely separate to the existing development as per the residential developments on the south-east side of North Creek Road, Ballina.

***Precinct A Traffic Study***

My concern is the traffic flow along Unara Parkway, the Unara Parkway and Ballina Heights Drive intersection and the Cumalun Interchange.

- 22/14929/1832 RO Cumalun Urban Release Area Infrastructure Delivery Plan Page 17. **Table 10** Refer items in red. *Items in red exceed the preliminary road classifications proposed in rezoning submissions.*
- *5998 Engineering Infrastructure January 2010 (CURA) Figure 5.1* would appear that Unara Parkway has the potential to become a racetrack to those who exceed the speed limit.
- Planning Proposal – November 2011 Cumalun Urban Release Area – Precinct A Page 22 of 86. Potential Urban Grow Areas do not appear to be taken into consideration for traffic flow for any extension of Unara Parkway and possibly Foley Avenue.

For all intent and purposes “The Ridgeway” is currently a collector road for Ballina Heights. It has three round-a-bouts to assist with traffic flow and safety. Unara Parkway has no round-a-bouts at the moment. What are your proposed developments of the existing Unara parkway for traffic flow and pedestrian and driver safety with the increased traffic from Precinct A development coming on-line?

What is your intention with the extension of Unara Parkway and Ballina Heights Drive in view of Table 10 Precinct A traffic Study Comparison highlighting traffic flow exceeds the preliminary road classifications proposed for rezoning submissions.

Deadmans Creek Road and the Cumalun Interchange both flood when there is a High Rainfall Event. What are your plans to ensure access to Ballina Heights and Precinct A when a High Rainfall Event occurs? What are your plans for access by Emergency Services when there is a High Rainfall Event?

I object to any rezoning until:

- Precinct A is rezoned with allotment sizes in keeping with Ballina Heights Estate.
- There is a full assessment of land within Precinct A and land east of Precinct A which are listed as “Potential Development” and a decision made on zoning for future development.
- The proposed road infrastructure and traffic flow does not exceed the preliminary road classifications proposed in the rezoning submission taking into consideration the “Potential Development” land mentioned above.
- Should Unara Parkway be extended, the existing section of Unara parkway be redesigned with round-a-bouts to slow traffic, improve safety and assist with access from feeder roads.

- Community consultation with existing Ballina Height's residents regarding possible closure of Deadmans Creek road, access to Ballina Heights and Precinct A solely through the Cumalum Interchange and Ballina Heights Drive.
- Full and easy access to Ballina Heights and Precinct A in a high rainfall event.

A reply to my questions outlined in my letter would be appreciated.

Thank you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Phil Thompson', written in a cursive style.

Phil Thompson.



abn: 56 291 496 553  
 6 Byron Street, PO Box 538,  
 Lennox Head, NSW 2478  
 Telephone: 1300 66 00 87

23 January 2015  
 Our reference: 1356-050

The General Manager  
 Ballina Shire Council  
 PO Box 450  
 Ballina NSW 2478

Attn. Mr Simon Scott

Dear Sir,

**RE: Cumalum Precinct A - Draft DCP Amendment and Draft Contributions Plan**

Council has prepared Draft Amendment No.4 to the Ballina Shire Development Control Plan 2012 that will, upon adoption, apply site specific development controls to Precinct A of the Cumalum Urban Release Area (CURA). Further, Council has prepared and exhibited a draft developer Contributions Plan (CURA Precinct A Contributions Plan 2014) to enable Council to levy monetary contributions from future developers of the land towards the provision of road, open space and community facilities infrastructure required to service the area where such facilities are not provided by the Developer.

The submission is prepared on behalf of Vixsun Pty Ltd (Vixsun), the registered proprietor of land in the southern part of Cumalum Precinct A. It is understood that *Elton Consulting* is making a submission on behalf of the other landowners in Cumalum Precinct A.

In the finalisation of the Cumalum Precinct A DCP and Contributions Plan, Vixsun would be pleased if Council gave consideration to the following matters:

1. DCP Figure 4 maps a "Cultural Heritage site". The location of the site is incorrectly identified in Figure 4. Council is requested to amend the mapping to accord with Figure 10 in the report Cultural Heritage Assessment by Everick of January 2010.
2. DCP Figure 4 maps an "Entry Feature" at the southern part of the Precinct. The location of the site is incorrectly identified in Figure 4. Council is requested to amend the mapping to show the location of this feature further north coincident with the southern "Key View Corridor".
3. DCP Figure 3 maps dual "Dedicated On-Road Cycle Lanes" along the Precinct Collector Road. It is respectfully submitted that this facility should be a single Dedicated On-Road Cycle Lane.
4. DCP Clause 5.6.3 Development Controls, B. Element – Infrastructure Provision, sub clause xxi specifies:

*xxi. Stormwater treatment and disposal are not to rely solely on end of line facilities. A treatment train is to be provided that incorporates a range of facilities, inclusive of*

1356-050 submission by vixsun to draft dcp and s94 plan

*measures, where appropriate, within the subdivision. To limit the impact of the increased volume of surface run-off from urbanisation on downstream hydrology, infiltration measures for low event (<Q1) storms are to be incorporated into the stormwater management system*

Vixsun's expert engineers recommend that infiltration measures for low event storms should be Q3months, not Q1.

5. In negotiations concerning the Draft Contributions Plan it was agreed that early works in the form of netball / tennis courts could be provided in Ballina Heights Estate. Vixsun would be pleased if the Contributions Plan could be amended to make this flexibility explicit.

Should you require any additional information in which to clarify any matter raised by this submission, please feel free to contact the writer at anytime.

Yours faithfully,  
**PLANNERS NORTH**



**Stephen Connelly FPIA CPP**  
PARTNERSHIP PRINCIPAL  
(m) 0419 237 982  
(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)





## **Cumbalum Precinct A (Heights) – Draft DCP Amendment**

Submission - Intrapac Projects Pty Ltd

**Client:**  
Intrapac Projects Pty Ltd

**Date:**  
22 January 2015

**Contact:**  
**Jenny Rudolph**  
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Prepared by	Deb Barr/J. Rudolph
Reviewed by	J. Rudolph
Date	22 January 2015
Document name	Draft submission final.docx
Version	Final

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# 1 Introduction

## 1.1 Objectives of this submission

Ballina Shire Council has prepared a draft DCP amendment to Part 5 of Chapter 3 – Urban Subdivision of the Ballina Shire Development Control Plan 2012. The amendment seeks to include site-specific development control plan provisions for the Cumalum Precinct A (Cumalum Views) area.

These proposed draft controls by Ballina Shire Council specifically relate to subdivision provisions focussing on subdivision layout and composition, infrastructure provision, open space and community facilities, landscaping and environmental attributes.

The draft amendment to the DCP is currently on exhibition until 23 January 2015. .

This submission has been prepared on behalf of Intrapac Projects Pty Ltd, which owns or has legal options over, the large majority of the land identified as Cumalum Precinct A (now referred to as CURA A).

This submission outlines Intrapac’s vision for the future development of CURA A and clearly presents their intentions for the provision of both hard and soft infrastructure in the creation of a new residential community. In delivering the CURA A vision, there are key draft DCP planning guidelines that require further consideration in order to create CURA A as a workable, livable and sustainable community. This submission therefore provides the key aspects/concerns that Intrapac wish to discuss with Council.

Over and above this submission, Intrapac will be submitting a “visionary” document”, as well as meeting with Council in late January 2015 to discuss in detail the stormwater drainage issues.

## 1.2 Recommendation

It is recommended that Ballina Shire Council make proposed changes to the draft DCP provisions as outlined in this submission for the following reasons:-

- » Intrapac is an experienced developer with sustainable residential projects which create communities in respectful places around the country,
- » The site location, attributes and topography warrant clear but flexible planning and design controls to support detailed studies,
- » Further studies have revealed that standard engineering solutions will be difficult to achieve due to the site topography,
- » Proposed controls need to ensure differentiation to that of Ballina Heights and CURA B in order to create an example of master planned communities in Ballina, but also ensure the market demand can be met, and
- » Efficient utilisation of the currently zoned land is critical due to the many site conditions over the land.

## 2 Cumalum Views

### 2.1 Vision Statement and Objectives

The draft amendment to the DCP suggests, CURA A will be named and branded '**Cumalum Views**'. This name will clearly differentiate the Precinct as a distinct community and entry statements marking the transition into the community from Ballina Heights to the south and from CURA B to the north.

Intrapac have developed a vision for the Precinct:

**Cumalum Views offers an outstanding opportunity to develop a unique place. Responding to its location, topography and views. It offers a sustainable development that integrates with, but differentiates from, the nearby Ballina Heights Estate. Cumalum Views will provide a new place to meet the growing housing needs in the area and cater for families, retired persons and single households who aspire for housing diversity at different price-points**

Cumalum Views development will respond to the site's natural topography and link with the environmental qualities, including the natural bushland and significant large fig trees of the area, simultaneously facilitating efficient development of built form. Key current landscape features include:

- » The site's topography and landscape
- » Retaining the Aboriginal heritage elements
- » Views and vista to the sea and rural areas
- » Retaining larger lots of environmental lands on the ridge
- » Protecting the key existing fig tree and bushland.

Such factors combine to create respite and 'place making' opportunities and a visually interesting Precinct.

The development will feature an integrated network of pedestrian/cycle paths which supports the main connector bus route to provide safe, convenient and direct access within the residential precincts and to Ballina Heights Village Centre. In some cases, these paths may perform a drainage function and provide access for servicing authorities.

Cumalum Views will be a functional, attractive and pleasant place to live, bringing about a number of social benefits for its community. The area will incorporate the following social infrastructure to promote community togetherness, self-sufficiency and active, healthy lifestyles:

- » A central district park of 6,500sqm which forms the community hub and may include the community building, walking paths, picnic shelters, BBQ facilities and play equipment and will be in close proximity to the water reservoir
- » Located within the central park is a community building, including appropriate car parking and landscaping, that supports the creation of a community place and hub within Cumalum Views

- » A local park of 2,000sqm which will be embellished with play equipment, landscaping, seating and shelter, and be located alongside the proposed Bushland Park area which is proposed to be dedicated to Council for the enjoyment of the community
- » The Bushland Park will have an approximate area of 22,000sqm and will provide opportunities for the community to learn about the native local flora and fauna and walks and hikes in the area
- » Local sports field facilities
- » Cycling networks
- » Walking paths
- » A local urban community garden
- » Bus routes and stops in locations which provide safe and convenient access to residents
- » A range of housing typologies
- » Higher density residential development in locations that are well situated in respect of facilities and services
- » Housing that is oriented toward public roads and open spaces to enhance surveillance of the public areas.

Cumalum Views will be a sustainable and ecologically sensitive development, contributing to the local economy through providing construction jobs to the area and attracting more people to the Village Centre in Ballina Heights. The development will provide an attractive, functional and pleasant place to live in, balancing new development outcomes with the benefits of upgrades to services and facilities for the new community.

## 2.2 Urban Design Analysis

Due to the unique topography of CURA A, RobertsDay has undertaken an Urban Design Analysis to determine how the natural topography affects:

- » Building envelope parameters
- » Front and side boundary setbacks
- » Garage and carport setbacks
- » Minimum lot sizes.

The analysis is appended (Appendix A) to this submission as a means to explain and illustrate development control provisions which should be amended to better reflect the conditions of the site.

## 3 Draft CURA A DCP Provisions

Intrapac Projects Pty Ltd (now referred to as Intrapac) has requested that Elton Consulting prepare this submission in response to the draft DCP provisions that are currently being exhibited. Intrapac will also be part of a joint submission with all the CURA A landowners.

This submission seeks to amend the exhibited draft provisions to help enable Intrapac to achieve and deliver their vision for the CURA A. As detailed below, some of the draft provisions do not provide sufficient flexibility in delivering this vision, while other controls are not achievable due to existing natural constraints of the site.

The natural topography of CURA A and the creation of a well planned community place in Ballina requires a unique and site-specific response in the provision of hard and soft infrastructure.

### 3.1 Open Space

#### 3.1.1 District Open Space and Community Centre

The Hilltop District Open Space will be located on top of the hill alongside the road connecting CURA A with Ballina Heights to the south and CURA B to the north. Council's draft DCP recommends the creation of a 10,000sqm district open space area, together with a 1,000sqm area for the community centre adjacent to the park. The total area of land being dedicated to the district open space and community centre would be a total of 11,000sqm.

Intrapac proposes that the district park and area for the community facilities be reduced in size from that proposed by Council. It is acknowledged that an area of 11,000sqm would fully comply with the requirement/standard set out in the Ballina Shire Council Section 94 Plan. However, Intrapac proposes a total district open space of 6,500sqm for the following reasons:-

- » RobertsDay has provided an analysis of similar district open space areas which vary between 6,000sqm and 8,000sqm. All of these areas provide sufficient space for the creation of playgrounds and informal sports areas. As stated in the Urban Design Analysis, the preliminary *concept layout and plan illustrates how the park satisfies its role as a district park and is able to accommodate key facilities.*
- » A district park should provide a space for the community facility, community garden, play area, rest area and act as the community "special place". The proposed size of 6,500sqm allows for this, as well as intimacy in the space, yet adequate area to undertake passive activities, as well as integrate with the community facility.
- » The proposed space will feel larger as it is adjacent to the water reservoir and its area will provide a more spacious perception of the park.
- » The large fig tree needs to be protected and retained as a special place within the park.
- » The topography of the site means that the district park can be on flatter land, while some local parks have different attraction values and uses to keep the community interest and informed.
- » It is not feasible or appropriate to provide such a large area for a park on the largest extent of flatter land. However a 6,500sqm park still provides wide opportunity to sit in the park and retain views to the sea and to the hinterland. A proposed smaller district park could make

allowance for the same value, but allow additional embellishment with the proposed funds identified in the Section 94, and create a wonderful special place for the community.

**It is recommended:-**

- » That the district park be generally located as shown in the attached plan and be 6,500sqm in size.
- » That the draft DCP chapter be amended to reflect the above.

### 3.1.2 Bushland Park

Intrapac proposes that a portion of the site currently zoned RU1 and located between the R2 and R3 zones, which has environmental qualities, form another "special place" in CURA A.

The proposed Bushland Park is proposed alongside a local park. The bushland park can provide an extension to the local park and provide the communities with a place where they can learn, explore and have a place to respect the current vegetation. The Bushland Park could be viewed as a park, similar to that in outer suburbs of Sydney, such as Kenshurst, Warriewood, Oatley and Mortdale, where the community walk along a pathway to appreciate the vegetation and experience the natural vegetation on the site.

The proposed Bushland Park of 22,000sqm in area can form a future development application supported by a vegetation management plan with the land and embellishments dedicated to Council for benefit of the community.

**It is recommended:-**

- » That the Bushland Park be included in the DCP as an appropriate passive local park due it providing different opportunities, benefits and place opportunities.
- » That the draft DCP under "Local Parks" be amended to include " *the Bushland Park be provided as local open space in the location as shown on the Structure Plan Cumalum Views – Figure 1.*"

### 3.1.3 Local Open Spaces

#### Space adjoining the Bushland Park

A local open space is proposed to adjoin the Bushland Park, on the northern side of the proposed road and southern side of the Bushland Park. An indicative design for the integrated Bushland Park and local open space is provided in the Urban Design Analysis prepared by RobertsDay.

It is proposed that the local park be expanded to include an area of 2,000sqm, be expanded to be located on suitable topography, and provide the opportunity for the installation of playground equipment. Car parking can also be provided on the southern side of the proposed road.

The local open space adjacent to the Bushland Park satisfies the requirements for the proposed community.

It is proposed that the local open space on the northern edge be slightly relocated to the east, to align with the pedestrian linkage, topography and view towards the sport fields.

#### Southern Space

To ensure that communities are all within 400m of open space, a further local open space area is likely to be established within the southern part of CURA A. Due to the topography of the area, it is likely that this local park will not be 100% usable. However, an area of open space which links

communities to the special features from the south, and also allows Ballina Heights communities to move within the area to local amenity, is important. Local open space should therefore not require all open space to be 2,000sqm in size and to be 100% usable.

There are draft provisions relating to both local and district open space which indicate embellishments for these areas. The list of the proposed embellishments for these areas are not matters for inclusion in the DCP, rather they should be included in the Section 94 Contributions Plan.

**It is recommended:-**

That the draft DCP be amended to locate open space within 400m of communities, however the guideline should not outline an absolute size or usability due to the topography. The DCP should rather include other performance criteria, such as:-

- » Open space areas should be located and responding to the topography
- » Open space should be located and designed to link communities to ensure social cohesion
- » Open space areas should be places to rest and enjoy the qualities of the open space.

### 3.2 Stormwater

The draft provisions relating to stormwater propose an overly restrictive regime where compliance may not be able to be achieved at the site due to its natural topography. For example, almost all of the stormwater detention area in the south-eastern part of the site is not naturally located above the Q100 flood level. Due to the relative steepness of the site, the engineers have indicated that it is not possible to detain sufficient stormwater upstream, and it is therefore unlikely the development could comply with this draft control.

The draft mosquito controls also limit the ability to contain and control stormwater. Intrapac propose that on the detailed design that a suitably qualified ecologist be retained to advise on this and other aspects of the stormwater design.

It is also requested that Council, rather than enforce highly prescriptive provisions, reconsider its approach to stormwater provisions by requiring compliance with the publications listed in the "Notes" in Section 3.9.3 D of Chapter 2 of the DCP 2012 (current versions), and in particular the Northern Rivers Local Government Development Design and Construction Manual. This Manual has been derived from the Aus-spec Development Specification series and has been modified to specifically suit the needs of the Northern NSW Councils, including Ballina Shire Council.

Furthermore, there are general stormwater management controls in Chapter 2 – General and Environmental Considerations, which all future subdivision applications are required to comply with.

By removing the specificity of the draft provisions in the DCP Amendment, Intrapac and its consultants will be able to install the appropriate stormwater infrastructure that will adequately control all runoff exiting the site without significantly adversely impacting sites downstream. Stormwater is a critical component of a development application (where this principle should be demonstrated), as well as in the construction certificate, and therefore Council still has the necessary control over the stormwater management and design.

**It is recommended:-**

That the section relating to stormwater be re-written to only include the following requirements:-

- » *The stormwater design for the site will comply with Ballina DCP 2012, Chapter 2, Section 3.9, and the complementary requirements set out below.*

- » *Development proposals are to demonstrate that development will not significantly adversely impact on the downstream natural environment or on adjacent private property due to increased stormwater volume.*
- » *Development applications for subdivision are to be accompanied by an integrated Stormwater Management Plan for each stage in order that the cumulative impacts associated with the development of Cumalum Views as a whole are considered. Major stormwater detention/treatment areas are identified on Cumalum Views Structure Plan – Figure 1.*
- » *Stormwater treatment and disposal are not to rely solely on end of line facilities. A treatment train is to be provided that incorporates a range of facilities, inclusive of measures, where appropriate, within the subdivision. [Retain the "Notes" box under "xxi"]*
- » *Stormwater detention areas are to be designed so as to minimise the potential for mosquito habitat and facilitate easy maintenance. To achieve this, stormwater design is to (as far as practicable whilst achieving stormwater treatment and retention goals) [Retain "Notes" from (xxii) apart from "v"]:*
  - > *Detain water for no more than 3 days*
  - > *Be developed in consultation with a suitably qualified ecologist*
  - > *Consider and avoid the potential for weed proliferation*
  - > *Be developed in consultation with Council, to ensure the design facilitates easy maintenance*
  - > *Include details of maintenance requirements.*

### 3.3 Earthworks

The draft clauses of the proposed DCP provide sufficient guideline but also general flexibility for the development of the site. However there are two aspects of concern:

- » At development application stage the principle of the degree of earthworks should be considered, however much of the detailed cut and fill and retaining structures will be provided with the Construction certificate. This is the more appropriate stage when details of earthworks should be provided.
- » Further an analysis of the site reveals over 20 different contour and site conditions across the site. With the broad extent of site conditions, the level cut and fill in the subdivision application stage may be greater than 1,500mm in some cases for engineering works and/or for dwelling construction. Earthworks on created lots should therefore be variable depending on the location of the lot on the site.

**It is recommended:-**

That the existing (ii) and (iv) clauses in the draft DCP be amended to include only the below:-

- » *A development application for residential subdivision should be accompanied by plans that show the principles and general locations relating to the cut and filling, including retaining walls, across the site for the proposed subdivision. Detailed plans and engineering drawings/plans should be submitted with the construction certificate.*
- » *Earthworks on a created residential lot in the subdivision should demonstrate clear access for the access for vehicles and access to the dwelling from the street.*

### 3.4 Side and front setbacks for a dwelling

An analysis of the site reveals more than 20 different contour and site conditions across the site. With the broad extent of site conditions, and the topography of the site, it is necessary for flexibility to be introduced into Council's controls to enable easy access to garages and driveways, and for houses to be located on the site where the best conditions are located.

Providing variety to the setbacks enables the housing diversity, and ensuring the best design on each of the residential lots.

RobertsDay have undertaken an analysis of a number of sites to determine an appropriate design response for future houses in Cumalum Views. This analysis, on pages 3-6 of the Urban Design Analysis, indicates the appropriateness for more flexible setbacks for houses and garages and are:-

- » Front setback 3.0m – 6.0m
- » Garage setback 0.5m – 3.0m
- » Side setbacks no change (that is, 1.0m from side and rear, and 4.0m from secondary road)

Where the garage setback is less than 2m from the street, direct access to the garage will need to be provided so that vehicles do not inhibit street movement.

**It is recommended:-**

- » That the draft DCP be amended to include more flexible setback and envelope controls to provide the best opportunity to construct new houses on the most suitable conditions of each property created.
- » The proposed minimum setback from the street should be:-
  - > Front setback 3.0m
  - > Garage setback 0.5m

### 3.5 Setbacks for garages off laneways

Where access to new houses is from a laneway, increased flexibility in the setbacks to garages for Cumalum Views is proposed. The opportunity to reduce the setback of the garages to the laneways will enable these structures to be located at appropriate locations within the site given the unique topography and site conditions presented within CURA A.

As with the general setbacks for houses, it is requested that Council consider a reduced setback of 0m for garages accessed from laneways.

**It is recommended:-**

- » That the draft DCP be amended to include more flexible setback controls to provide the best opportunity to construct garages which are accessed from laneways on the most suitable conditions of each property created.

### 3.6 Environmental conditions

The site is not currently environmental zoned land due to the Department of Planning and Environment's "E-Zone" review. Intrapac realises that some lands have environmental qualities



and environmental lands are associated with some of the topography or the environmental setting for the region.

The draft DCP provisions require an Environmental Vegetation Management Plan (VMP) to be submitted with each development application. It is not considered necessary that detailed vegetation management plans be submitted with each development application as the Plans are quite expensive to undertake. It is normal practice for Councils to include a VMP as a condition of consent, once the developer has clarity that the application is approved and the management/governance associated with such lands is known.

In addition, site specific environmental studies should consider each of the species and ascertain their root expanse and condition. It is therefore proposed to remove the inflexible control of specific buffers around trees.

There are also some clauses in the draft DCP that seem to be copied from the CURA B DCP, and thus not relevant to CURA A, for example F(i) third dot point and fifth dot point in the "environmental management" section.

**It is recommended:-**

- » That the prescriptive nature of the VMP in the DCP be removed, as it is a normal condition of consent when councils have supported the development application and the principles relating to the site.
- » The DCP be amended to exclude inappropriate clauses that seem to be applicable to CURA B.
- » The DCP, under "Retention of mature paddock trees" should acknowledge necessary buffers around the significant trees, however leave the actual dimension to the detailed assessment undertaken by an ecologist.

### 3.7 Sports Fields

Intrapac acknowledges that the future community will generate the need for active recreation areas/sports fields. The location of the proposed sports fields in CURA A is based around the principle to be adjacent to CURA B sports fields. However, the sports fields should be located on flatter and appropriate land and could be located closer to Sandy Flat Road to ensure improved surveillance, linkage and usability.

Furthermore, the establishment of the sports field by the linen release of the 450<sup>th</sup> lot at Cumbalum Views is overly restrictive. This clause would mean that the sports field would need to be initiated much earlier as the sports field will take time to mature and be fully established. The need and delivery of the sports field should not differentiate as to whom delivers it, as this is not a requirement of a DCP but rather a Section 94 Plan.

**It is recommended:-**

- » That the DCP Plan be adjusted as per the Plan attached to indicate broad locations of the sports field.
- » Reword "requirement for the establishment of the sports field prior to the linen release of the 450<sup>th</sup> residential lot" be deleted.

### 3.8 Other Comments

While reviewing the draft DCP amendment, we noticed some other concerns with the current wording and would like to bring these to Council's attention:

### 3.8.1 Remove duplication with current DCP

- » Some design controls in the draft DCP are the same as those contained in the general controls in Chapter 3 – Urban Subdivision. For simplification, we request that these repetitions be removed from the Draft DCP relating to CURA A/Cumalun Views, including 5.6.3Bi, iii, and v.

### 3.8.2 Entry statement

- » CURA A wishes to create a unique and different character to Ballina Heights or CURA B. Section 5.6.3Aiii, dot point 2 should be amended to include an entry statement, whether it be landscaping, change of road materials or architectural features, will be provided to both the southern and northern entrances to the precinct.

### 3.8.3 Acoustic protection for future residential lots

- » The draft DCP provisions require *contemporary road noise standards ... to be met*. These contemporary standards do not provide the prescriptive outcomes as identified in Council's notes.
- » For residential lots which are located on busy roads, their design will need to comply with *Development near Rail Corridors and Busy Roads* by the RMS and no restrictions are necessary to be placed on the title of the lot.

### 3.8.4 Amendment to the draft DCP maps

- » Section 5.6.3Dvii – this draft control refers to 'key site features', however it is unclear as to what these features include. The *Landscape and Special Places Plan Cumalun Views* (Figure 4) should be amended to clarify these features as demonstrated in the Plan attached (Annexure A1).
- » Section 5.6.3Bviii – these provisions are not clearly indicated on the Mobility Plan. The traffic calming measures should be in line with page 72 of the Council report of its meeting on 27 November 2014. It is requested that Council amend the Mobility Plan to reflect their report.

### 3.8.5 Requirement for a child care centre

- » The location and size of child care centres are driven by community and market demand. The draft DCP provisions stipulate the location of a child care centre within 400m of the central district park. However, the demographic composition for this new community is unknown at this stage and there may not be sufficient market demand for such a facility. It is considered more appropriate to allow the location and provision of a future child care centre be driven by the community make-up and market demand.

### 3.8.6 Prescriptive DCP provisions

- » The principal purpose of a DCP is to provide guidance to a consent authority and people who are proposing to undertake development on land to which the DCP applies. The controls in a DCP, according to Planning Circular PS 13-003, should be flexible and enable Council's to consider innovative solutions when assessing development proposals, helping to create good planning outcomes. The draft provisions appear to be rather restrictive in their application, and do not enable or facilitate any innovative approach in the delivery of CURA A.
- » Some clauses in the DCP are more prescriptive than the Section 94 Plan, and tend to outline controls that the developer must do, which is not enforceable through the DCP. For example,

the community building is a Section 94 item, and does not need to be provided for by the developer. The developer may contribute monies to Council, who can build the building.

# Appendices

- A Urban Design Analysis prepared by RobertsDay
- B Proposed amendments to Council DCP Maps

A Urban Design Analysis prepared  
by RobertsDay

## 9.1 Cumalun Precinct A - DCP and Contributions Plan.DOC

### Cumalun Precinct A Commentary

#### Ballina Shire DCP Development controls

We acknowledge that the DCP development controls help achieve good outcomes for typical residential lots and in normal circumstances we would endorse and apply the controls to any neighbourhood master plan prepared in Ballina.

The topography in Cumalun A precinct presents a unique condition whereby a custom response is required to achieve a high quality urban design outcome. Our preliminary analysis of the site's topography (p.2) identifies over twenty slope conditions by grade and type that will have to be resolved and documented as part of the design process.

Based on our past experience with slope intensive projects we would like to carry out a detailed slope study to identify the type of construction and preferred solutions in response to each slope condition. The deliverable will be similar to that of the University of Western Sydney Slope Analysis that Robertsdays prepared, inserts of the study are enclosed on page 3.

Through this process, using the studies as an evidence base, we request permission from council to propose amendments to the development controls specific to Cumalun Precinct A to deliver a distinct residential community reflecting its location, topography and views.

Our preliminary Slope Design study (p.4-6) illustrates the development control parameters that require updating. We anticipate these to include:

- Building envelope parameters
- Front and side boundary setbacks
- Garage and carport setbacks
- Minimum lot sizes

#### Draft Cumalun Precinct A DCP Open Space

##### Hilltop District Park

We support the provision of a district park for passive recreation together with a new iconic community building. We strongly believe that the requirement for a 10,000sqm park site and 1,000sqm site for the community building could be integrated to reduce the area required; increase efficiency of land used in the master plan and; improve the amenity of the park by focusing on good design and it's role as an epicenter of activity rather than size.

We have enclosed precedents of parks between 6,000- 8,000sqm in size that perform similar roles and provide similar facilities to the district park proposed in the master plan.

A concept layout and plan illustrates how the park satisfies it's role as a district park and is able to accommodate key facilities (p.7-8). The park is:

- located in a suitable catchment location;
- aligned with the collector road to facilitate view sharing towards Ballina Heights, the coast, and hinterland views;
- designed to protect and enhance significant natural features such as the grand fig tree;
- able to accommodate:
  - ◊ an iconic community building
  - ◊ local urban community garden
  - ◊ adventure Playground
  - ◊ BBQ facilities, shelter and seating
  - ◊ a large green for informal recreational activities and gatherings.

##### Bushland Park

Precedents of parks on slopes are provided to illustrate the nature and function of the local park and demonstrate how intuitive slope design can be used to create character (p.11).

A concept layout and plan illustrates how the park could be designed and program to deliver a variety of recreational uses for local residents and visitors (p.12-14).



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Issue Details:	Ballina DCP response
Drawn By:	WL
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File Name:	INT BAL RD 3 701 Cumalun Precinct A



Scale:  
NTS

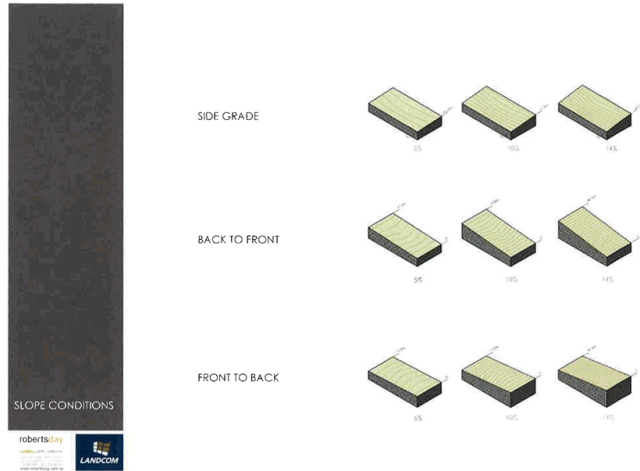
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9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**

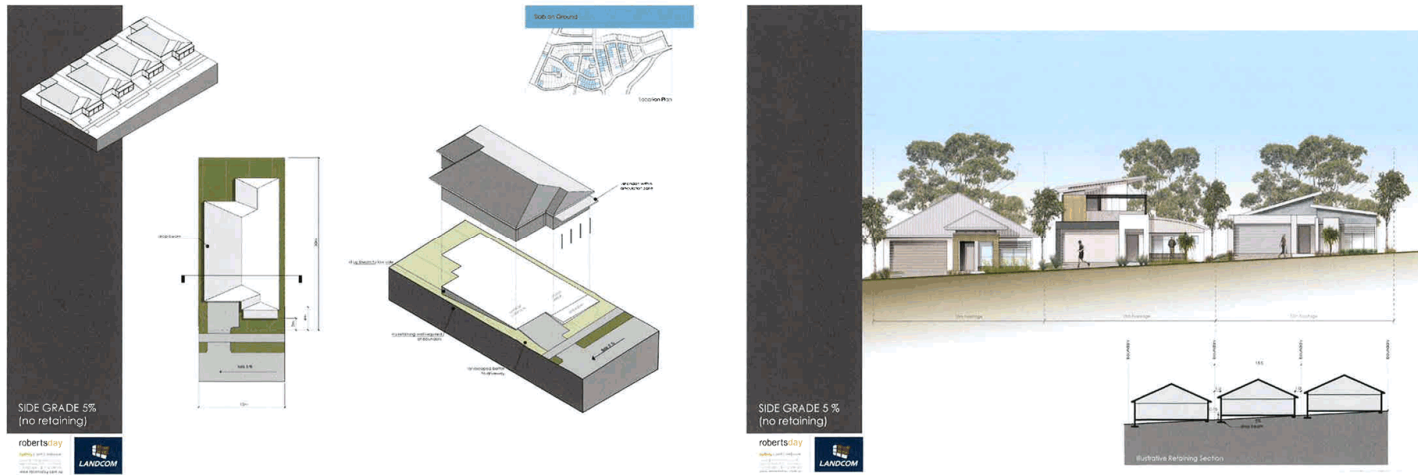


**Building Controls**

Further studies on slope design would help us understand how the natural topography affects:

- Building envelope parameters
- Front and side boundary setbacks
- Garage and carport setbacks
- Minimum lot sizes

Example pages of a slope study we prepared for University Western Sydney are shown below.



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**Slope study example**

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9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**



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Preliminary Slope Design Study - Area A

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9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**



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Preliminary Slope Design Study - Area A

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9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**



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**Preliminary Slope Design Study - Area B**

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9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC



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Hilltop Park Concept Plan

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9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC



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Issue:	A
Date:	20/01/15
Issue Details:	Ballina DCP response
Drawn By:	WL
Approved By:	SM
File Name:	INT BAL RD 3 701 Cumbalum Precinct A



Scale:  
 NTS

Hilltop District Park Visualisations

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9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC



**Rotary Park, Kenshurst,  
NSW**  
Yellow Line Area:  
c.6,100sqm



**Warriewood Valley  
Playground, Warriewood,  
NSW**  
Yellow Line Area:  
c.8,400sqm



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Scale:  
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Park Precedents

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9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**



**Hoskins Park, Dulwich Hill,  
NSW**  
Yellow Line Area:  
c.6,200sqm



**Yamble Reserve, Quarry  
Road, Ryde, NSW**  
Yellow Line Area:  
c.9,000sqm



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**Scale:**  
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Park Precedents

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9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**



**Bushland & Local Park**

An active recreational space, providing residents and visitors with stunning views to the coast. A small information kiosk provides information on the area, the bushland, walks and hikes in the area.



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Park Precedents

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9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC



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Bushland and Local Park Concept Plan

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9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC



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Issue:	A
Date:	23/01/15
Issue Details:	Ballina DCP response
Drawn By:	WL
Approved By:	SM
File Name:	INT BAL RD 3 701 Cumbalum Precinct A



Scale:  
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Bushland and Local Park Concept Plan

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9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC



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Scale:  
 NTS

Bushland and Local Park Visualisations

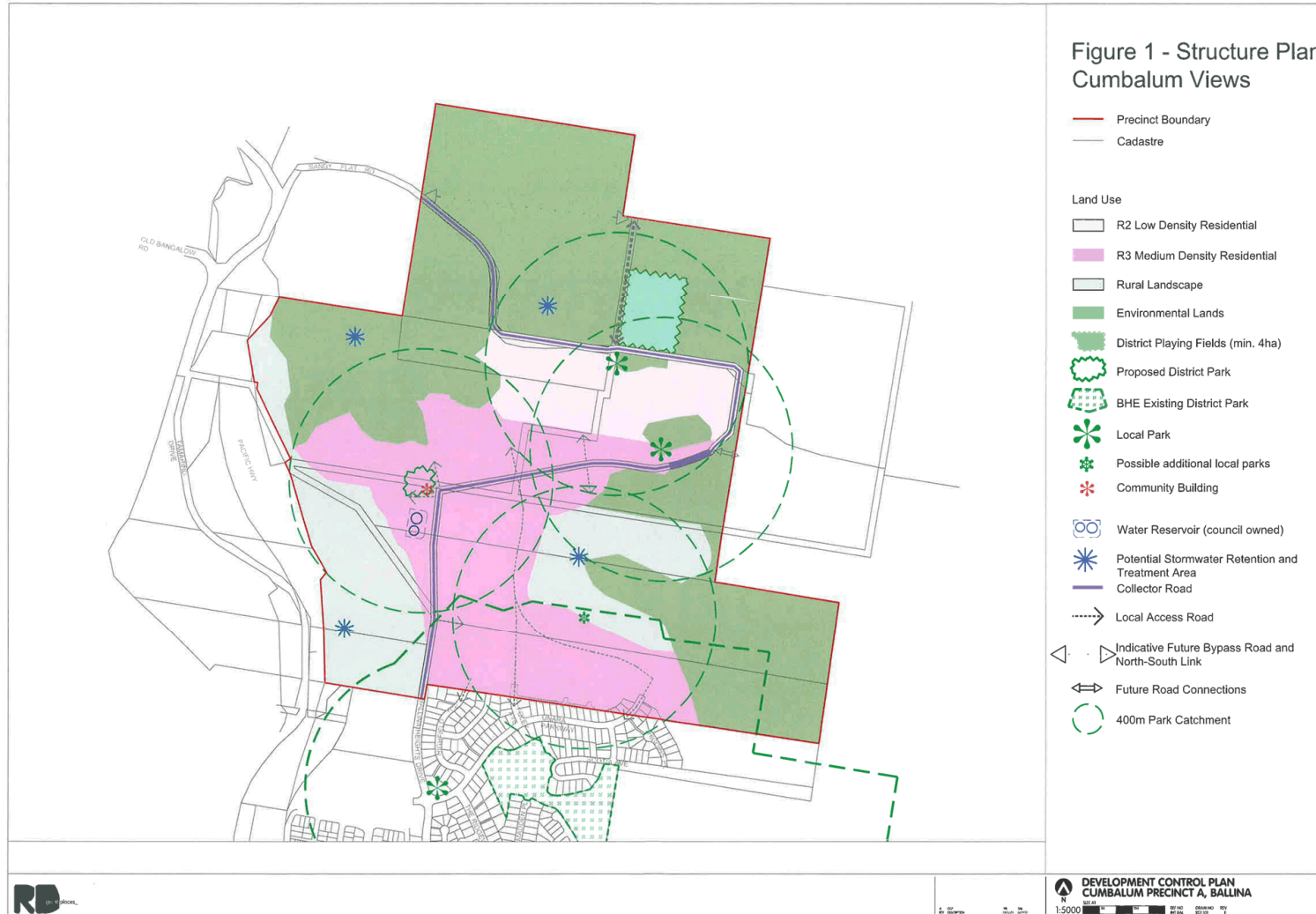
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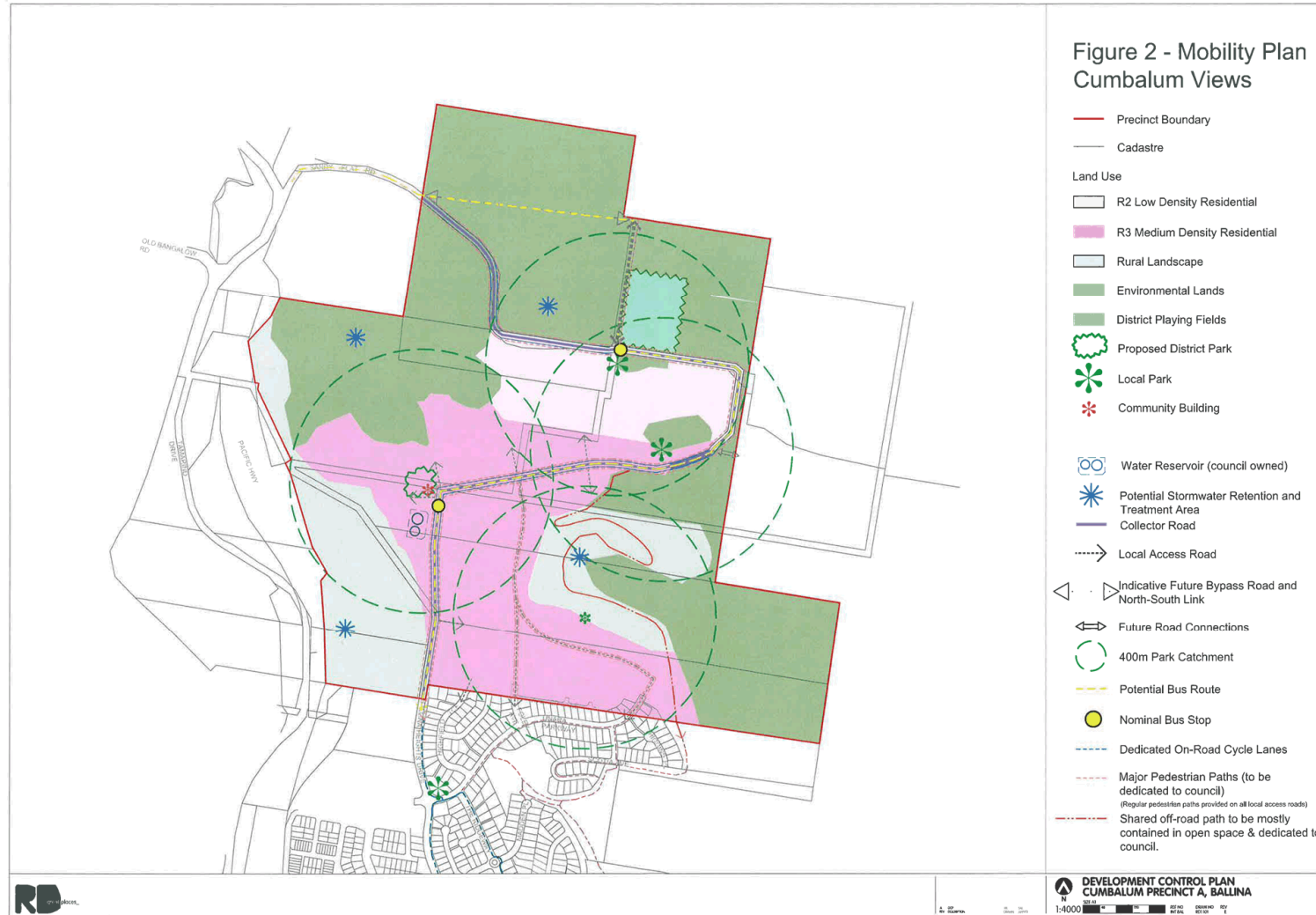
Disclaimer: Issued for design intent only. All areas and dimensions are subject to detail design and survey

## B Proposed amendments to Council DCP Maps

9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



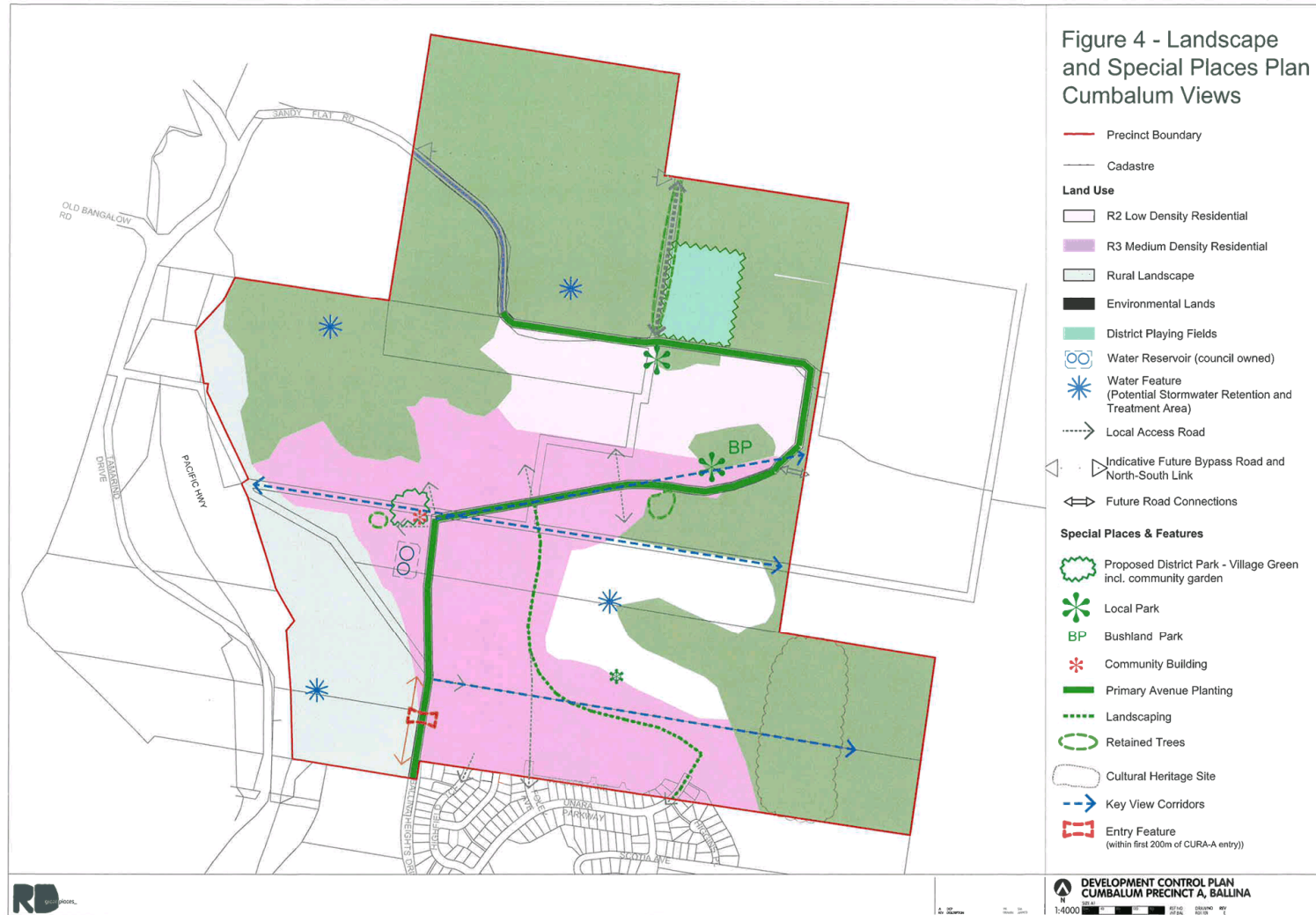
9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



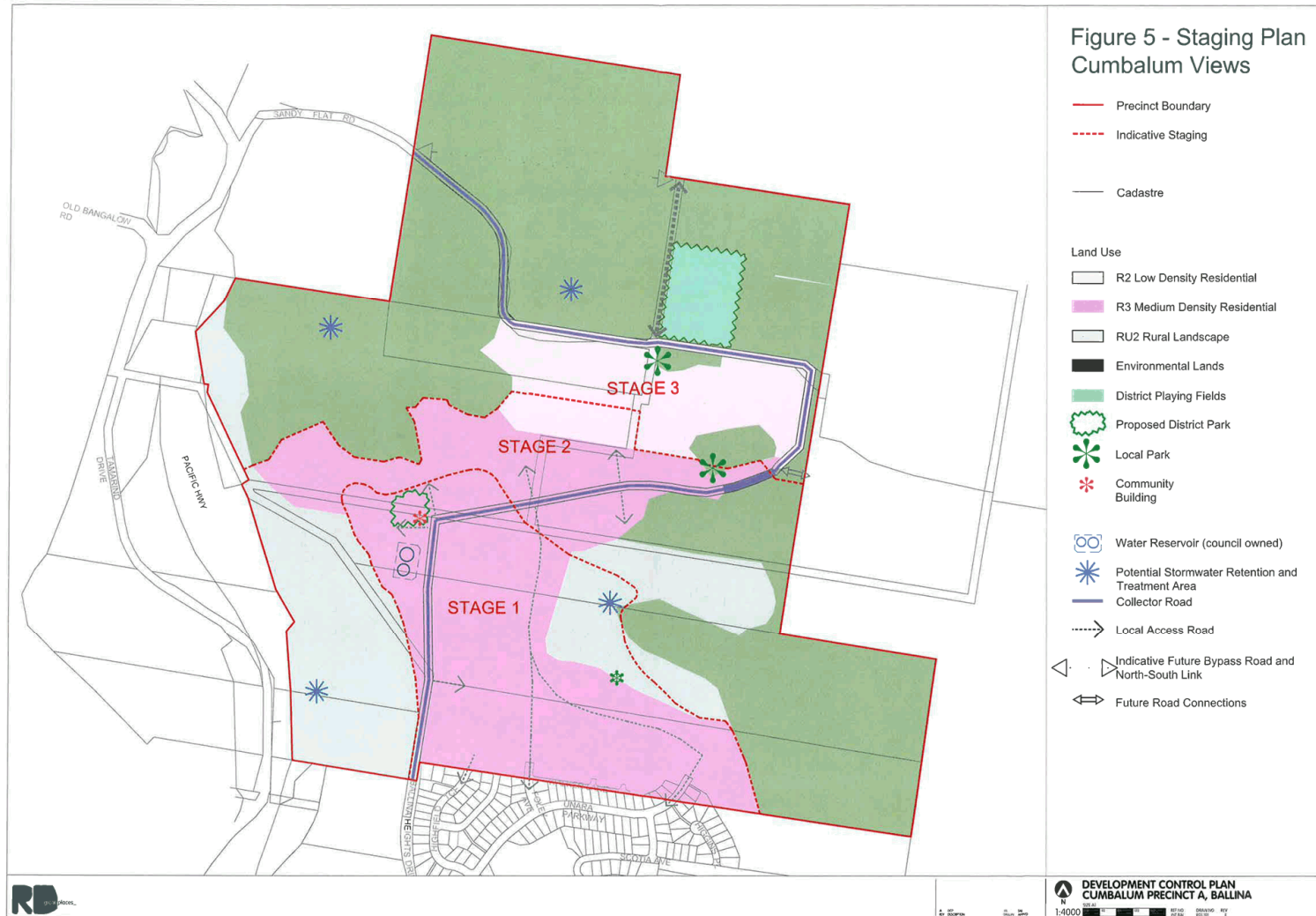
9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



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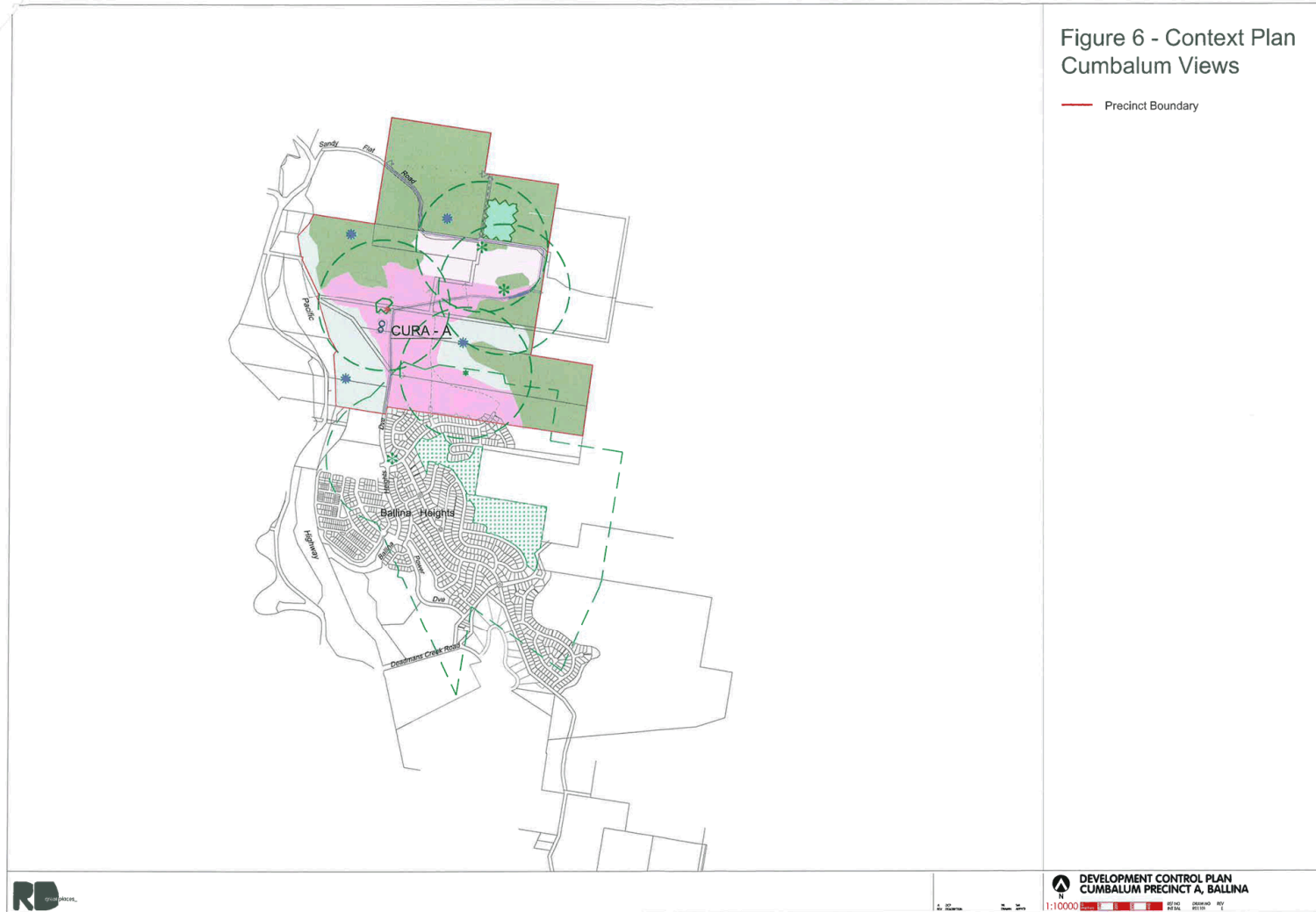


9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**





9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



**9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC**

Cumbalum Precinct A – Contributions Plan and DCP Provisions

Ordinary Council Meeting

26 February 2015

Attachment 2 – Submissions Review

**Attachment 2 – Submissions Review**

<b>Submission / Issue Raised</b>	<b>Council Staff Response</b>
<b>Submission A - Form letter [Greg Unwin on the behalf of the Ballina Heights Residences Action Group (BHRAG), Julie Doxey, Peter Harden, David Robinson and Ken &amp; Helen Stewart – Residents of Ballina Heights Estate].</b>	
1. Recommend that Sandy Flat Road be upgraded to Tamarind Drive.	The upgrading of Sandy Flat Road, and the funding of these works, is to be considered further in the context of the current review of the Ballina Shire Roads Contributions Plan (see Council Minute No. 271114/9).
2. Requests that Council ensure that construction vehicles associated with the development of Precinct A not access the site via The Ridgeway or Ballina Heights Drive, but rather access the site via an upgraded Sandy Flat Road.	It is anticipated that construction vehicles will need to access Precinct A via Ballina Heights Drive from the south, as the construction of the Sandy Flat Road upgrade and link to Precinct A is not planned in the short-term. The upgrade of Sandy Flat Road is anticipated to occur as works included in the Roads Contributions Plan, with the link to Precinct A to be provided by the developer. The south to north roll-out of development provides the most economically and technically viable approach to the development of the land. Notwithstanding, Council may condition future development consents for large construction vehicles to access Precinct A via Ballina Height Drive, rather than The Ridgeway.
3. Recommends that Deadmans Creek Road remain open until a second access to the Ballina Heights Estate is provided.	This matter is not the subject of the Precinct A DCP and will form the subject of a separate report to Council by Council's Civil Services Group.
4. Recommends the implementation of traffic calming measures to improve road safety.	The draft Precinct A development control plan material includes provisions relating to traffic calming measures at the entrance to Precinct A. However, the implementation of traffic calming measures within the Ballina Heights Estate is not the subject of the CURA A DCP.
<b>Submission B – David Buckman</b>	
1. Recommends that Sandy Flat Road be upgraded to Tamarind Drive.	Refer to response to Submission A Issue 1 above.
2. Seek to ensure that construction vehicles associated with the development of Precinct A not access the site via the Ridgeway or Ballina Heights Drive, but rather access the site via an upgraded Sandy Flat Road.	Refer to response to Submission A Issue 2 above.

9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

Submission / Issue Raised	Council Staff Response
3. Recommends that Deadmans Creek Road be closed immediately.	Refer to response to Submission A Issue 3 above.
4. Notes that parts of the Ballina Heights Estate do not have footpaths.	This matter is not the subject of the CURA A DCP. Notwithstanding, this matter can be considered by the Council as part of its pedestrian access mobility planning in due course.
5. Submits that there is a flaw in the design of the Ridgeway / Deadmans Creek roundabout.	This matter is not the subject of the CURA A DCP. However, this matter comment has been referred to Council's Civil Services Group for assessment.
<b>Submission C - Colin Beddoes</b>	
1. Seeks to ensure that ecologically significant remnant trees are retained in association with the development of Precinct A.	The ecological assessments undertaken in association with the rezoning of Precinct A identified significant stands and isolated paddock trees that should be retained. These areas are identified on 'Figure 4 Landscape & Special Places Plan' as 'Environmental Land' and 'Trees to be retained'.
2. Concerns regarding the assessment of potential stormwater impacts associated with the development of Precinct A.	The draft development control provisions require the detailed consideration of stormwater management as a part of future subdivision applications.
3. Questions regarding the provision of an animal proof fence, contiguous with that provided adjacent to development within the Ballina Heights Estate.	Council's Development and Environmental Health Group has advised that Council has been requiring the construction of animal proof fences as a part of subdivision works on land adjacent to the Ballina Nature Reserve. These fences provide the dual benefits of restricting the impact of domestic cats and dogs on native fauna as well as limiting the movement of feral pigs into residential areas. The design and location of such fences need, however, to have regard for potentially negative impacts of limiting native fauna movement. Consequently, it is recommended that the DCP be amended to require the consideration of feral animal fencing as a part of subdivision applications. As this matter appears to being generally applicable to subdivision within the Shire, it is also recommended that this requirement be incorporated in the general subdivision development provisions of the DCP in due course.
<b>Submission D – Phil Thompson</b>	

9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**

Submission / Issue Raised	Council Staff Response
<p>Note: Mr Thompson's submission comprises:</p> <ul style="list-style-type: none"> <li>- the resubmission of his submission of 29/02/2012 relating to the rezoning of Precinct A; and</li> <li>- Several contemporaneous points raised within the body of the email.</li> </ul> <p>It is noted that many of the points raised in the context of the rezoning process were addressed as a part of that process, and as such these items are not repeated here. However, the additional points raised in the body of Mr Thompson's email are addressed below.</p>	
<p>1. Concerns (non-specific) regarding increased traffic, particularly in relation to Unara Parkway and Foley Avenue and generally in and out of Ballina Heights Estate.</p>	<p>It is anticipated that the local and arterial road network within Cumalum (Ballina Heights and Precinct A) will continue to experience growth in traffic as the area is developed. Notwithstanding, the road network has been designed to cater for the anticipated traffic flows into and out of the area.</p>
<p>2. Concerns with the potential for the creation of smaller blocks in Precinct A and that this would be inconsistent with the existing urban character of the Ballina Heights Estate.</p>	<p>Development standards within the Ballina LEP that apply to Precinct A include medium density zoning that provides for a broad range of development types and a minimum lot size of 450m<sup>2</sup> and 600m<sup>2</sup>. These standards were set following completing of a local environmental study for the land by a third party contractor on behalf of Council.</p> <p>The rationale for this approach has been that the detailed design of the subdivision is not yet determined, as this will evolve further through the development assessment process. Consequently, a more flexible approach to development types and lot size provisions have been provided to enable the development assessment process to determine lot configuration and density, having regard for site characteristics, urban design considerations and marketability. Notwithstanding, due to these factors, it is anticipated that the majority of residential blocks within Precinct A will be in the range of 600m<sup>2</sup>.</p>
<p><b>Submissions E – Planners North on the Behalf of Vixsun Pty Ltd.</b></p>	
<p>1. Requests that mapping refine the location of the 'cultural heritage site' shown on Figure 4.</p>	<p>The illustration of the cultural heritage site was general, as per earlier mapping provided to Council by Ardill Payne &amp; Partners. Notwithstanding, the refinement of the location and extent of the cultural heritage site can be accommodated within the DCP mapping. This change is recommended.</p>

9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

Submission / Issue Raised	Council Staff Response
<p>2. Requests that the 'entry feature' be relocated further to the north, at the boundary of the Intrapac and Vixsun properties.</p>	<p>It is understood that the developers of the land (Intrapac and Vixsun) wish to distinguish their respective developments, with the Vixsun development being essentially a continuation of their existing development within the Ballina Heights Estate. Consequently, the relocation of the southern 'entry feature' would be consistent with this approach and can be accommodated in the DCP mapping. This change is recommended.</p>
<p>3. Requests that the dual dedicated on-road cycle lanes on the future northern section of Ballina Heights Drive be reduced to single lane only.</p>	<p>The identification of dedicated on-road cycle lanes on both sides of the extension to Ballina Heights Drive was included on the basis of information provided by the developers' representative (Ardill Payne &amp; Partners) as part of their initial input into the preparation of the draft development standards.</p> <p>Notwithstanding, Council's Engineers have further reviewed the proposed arrangements for pedestrian and cycle infrastructure along the extension of Ballina Heights Drive and recommend the following approach:</p> <ul style="list-style-type: none"> <li>- Single off-road shared pathway, on the eastern side of Ballina Heights Drive (connecting to existing constructed shared pathway in the Ballina Heights Estate).</li> <li>- Single pedestrian footpath on the western side of Ballina Heights Drive.</li> <li>- No dedicated on-road cycle lanes. It is noted that currently Council anticipates a road carriage way width of 13m, which should accommodate on-road cycle movements (though not dedicated on-road cycle lanes).</li> <li>- Discontinuing pedestrian paths and cycle infrastructure along Sandy Flat Road toward Tamard Drive at the edge of the development footprint, but maintaining the pathway infrastructure linking (north-south) Precinct A to the playing fields and Precinct B. It is recommended that the DCP be amended to reflect the above.</li> </ul>
<p>4. Request that stormwater infiltration for small frequent storm events be set at the Q3 months rather than &lt;Q1 storms.</p>	<p>It is noted that the &lt;Q1 standard was proposed by the developers' representative (Ardill Payne &amp; Partners) as part of their initial input into the preparation of the draft development standards. Notwithstanding,</p>

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Submission / Issue Raised	Council Staff Response
	Council's Engineers recommend the draft development controls could be amended to require, in more general terms, that stormwater design is to consider the infiltration of minor stormwater events. This change is recommended.
5. Request that the contributions plan be amended to explicitly recognise that the developer may 'bring forward' some netball/tennis courts required in Precinct A to be constructed at the Ballina Heights playing fields.	It is noted that the draft contributions plan explicitly makes provision for the acceptance, by the Council, of works-in-kind delivered by the developer, in lieu of monetary contributions. The contributions plan also outlines the matters for Council's consideration when determining whether to accept an offer of works-in-kind. Consequently, it is suggested that the process outlined in the contribution plan already provides ample scope for a future Council to consider the Precinct A proponent's (Vixsun Pty Ltd) proposal for works-in-kind.
<b>Elton Consulting on the behalf of Intrapac Projects Pty Ltd.</b>	
The following points relate to Part 3 of the submission ('Draft CURA A DCP Provisions').	
1. District Park - Request that the central district park be reduced in size (from 11,000m <sup>2</sup> (combined with community centre site) to 6,500m <sup>2</sup> and be relocated away from the elevated part of the site.	The area of land to be provided for open space purposes included in the draft development control provisions (and provisions in the contributions plan) is based on accepted open space standards (as per Council's Open Space Strategy). For the reasons outlined in the report presented to Council at the Ordinary Meeting held on 27 November 2014, this request is not supported.
2. Bushland Park – Request that a 'bushland park' be included in the DCP as a passive local park.	For the reasons outlined in the report presented to Council at the Ordinary Meeting held on 27 November 2014, this request is not supported. The DCP and s.94 plan provisions have been drafted on the basis that the district open space requirement for Precinct A be provided for in the form of a relatively open and flexible community space. The bushland park concept, whilst proposing an interesting facility, involves ongoing environmental and infrastructure costs on primarily very steep land. On this basis, the DCP and s.94 plan provisions do not allow for the bushland park to meet the developments' district open space requirements. Notwithstanding this, such a park may be considered by Council as additional open space or it may form part of

Submission / Issue Raised	Council Staff Response
	the local park network in Precinct A.
<p>3. Local Open Spaces – Request that the DCP should not include specific size, location and 'usability' criteria but rather rely upon a set of performance criteria (provided).</p>	<p>Staff submit that the provision of minimum standards regarding the size, location and usability of local open space is an approach that is consistent with the public interest in this matter. That is, the DCP sets out to provide clear minimum standards with opportunity for justified variations to be undertaken.</p>
<p>4. Stormwater – Request that the following amendments be made:</p> <ul style="list-style-type: none"> <li>a. Remove requirement for registration on title where onsite stormwater treatment devices are to be located on private land (where required);</li> <li>b. Remove requirement that stormwater devices be located above the Q100 flood level;</li> <li>c. Remove requirement that stormwater management is to infiltrate water from minor (&lt;Q1) stormwater events; and</li> <li>d. Remove notes associated with mosquito management best practice.</li> <li>e. Add the word 'significantly' into subclause xvii to recognise that some adverse impact may be acceptable, albeit 'minor' or 'insignificant'.</li> </ul>	<p>The following points are made in response to the submission, in relation to stormwater matters:</p> <ul style="list-style-type: none"> <li>a. The draft development control provisions include the requirement that maintenance requirements for onsite stormwater treatment devices be registered on title, where such devices are proposed on private land to meet stormwater management objectives. This is considered standard practice in such circumstances, to ensure that appropriate maintenance is provided so the intended stormwater functions can be maintained over the long term. If stormwater devices are not proposed to be located on private land, then no notation on titles will be required.</li> <li>b. Council's engineers recommend that the draft clause be amended to clarify that the intended outcome is to ensure that stormwater devices are not inundated during a Q100 flood event (and are free-draining), whether or not the device is located on flood affected land. Any such devices, located on flood affected land, would also need to consider the impact on the floodplain.</li> <li>c. Refer to response E4 above.</li> <li>d. 'Notes' within the DCP are for information purposes and do not form part of the development control provisions. Consequently, the mosquito 'notes' provide information to inform applicants regarding ways that the stormwater system may be designed to minimise the potential for mosquito breeding, based on local knowledge. Other measures may be appropriate, subject to consideration at</li> </ul>



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**

Submission / Issue Raised	Council Staff Response
	<p>development application stage.</p> <p>e. Council's Engineers support this request as a reasonable amendment to the controls. This change is recommended.</p>
<p>5. Earthworks – Request amendment to the existing provisions to the following extent:</p> <p>a. That the requirement for detail to be provided, regarding broad scale cut and fill and retaining structures, be deferred until construction certificate stage rather than development application stage; and</p> <p>b. Request that the cut and fill standard of no more than 1.5m within residential allotments be relaxed, due to the topography of the subject land.</p>	<p>The following points are made in relation to earthworks:</p> <p>a. In response, Council's Engineers recommend that the draft development control provisions be amended to clarify that <u>preliminary</u> engineering plans are to be provided at development application stage to identify the extent of cut and fill and the scale of any retaining structures. More detailed engineering designs are to be provided at construction certificate stage. It is noted that such preliminary engineering plans will be required by the developers to guide the design of the subdivision.</p> <p>b. The development controls for residential earthworks contained in Chapter 4 of the DCP reference clause 3.29 of the General Housing Code (State Environmental Planning Policy (Exempt and Complying Development Codes) 2008), which establishes a maximum cut standard of 3.0m if located more than 1.5m from any boundary. Chapter 4 of the DCP also includes provisions to encourage alternative building techniques on sites over 15% grade. It is recommended the provisions contained in Chapter 4 provide a reasonable balance between flexibility and encouraging alternative building techniques where appropriate. Consequently, it is recommended that subclause iv of the Precinct A earthworks provisions be removed and reliance be made on the general earthworks provisions in Chapter 4 for building design.</p>
<p>6. Setbacks – Seek a flexible approach to building setbacks and recommend the application of the following default building setbacks:</p> <ul style="list-style-type: none"> <li>- Front setback 3.0m</li> <li>- Garage setback 0.5m</li> </ul>	<p>It is noted that the focus of the amendments to the DCP that are the subject of this report relate to subdivision controls rather than building controls. Building setbacks are identified in Chapter 4 of the Ballina Shire DCP 2012 by way of mapping and otherwise</p>

Submission / Issue Raised	Council Staff Response
	<p>through the application of a default setback of 6.0m to roads and public reserves and 3.0m to laneways.</p> <p>The broad scale application of a default front setback of 3.0m and garage setback of 0.5m, in the absence of detailed information to justify this, may not be in keeping with the Council's expectations for the future character of Precinct A.</p> <p>Notwithstanding, it is acknowledged that parts of the subject site may, due to characteristics of the land, justify reduced building setbacks in some areas. Consequently, the Precinct A section of Chapter 3 of the DCP could acknowledge that the design of all residential allotments not be restricted by the shire-wide default setbacks (of 6.0m), but rather be considered on merit, having regard for the characteristics of the land. This could be achieved by the inclusion of additional text in Element E – Residential Precincts of the draft subdivision controls for Precinct A. This could then be supported, when appropriate setbacks have been identified, via mapping in Chapter 4, to guide dwelling construction.</p> <p>Under this approach, the subdivision phase would need to identify alternative building lines ought and then the DCP would need to be amended to map the specific setbacks.</p>
<p>7. Environmental conditions – Request the amendment of provisions relating to environmental protection as follows:</p> <ul style="list-style-type: none"> <li>a. Defer the requirement for a vegetation management plan (VMP) to be prepared until subdivision certificate stage, rather than development application stage;</li> <li>b. The removal of clauses, the developer argues are legacies of the Precinct B DCP, that are not appropriate to Precinct A; and</li> <li>c. Relaxation of buffering requirements to mature paddock trees that are to be retained.</li> </ul>	<ul style="list-style-type: none"> <li>a. Council's Environmental Scientist recommends that a VMP be prepared at development application stage, in order to ensure that mitigation measures that may be required to balance the environmental and development outcomes of the site, are properly considered and conditioned with respect to future development approvals.</li> <li>b. The clauses to which the proponent refers relate to the provision of information regarding 'environmental lands' that are to be either dedicated to Council or held in private ownership, to provide information regarding the rehabilitation and management arrangements that will apply to those areas. It is acknowledged that the draft provisions could be amended (including amendment to Figure 3) to clarify the locations where these</li> </ul>

Submission / Issue Raised	Council Staff Response
	<p>requirements are to apply. This change is recommended.</p> <p>c. Council's Environmental Scientist advises that, based on local experience, a minimum setback of 20m from the 'drip-line' of large fig trees (that are to be retained) is required to ensure their long-term health and to avoid impacts to infrastructure. It is noted that 20m is a nominal minimum buffer and a greater buffer distance may be required where additional buffering is required to accommodate tree maturity.</p>
<p>8. Sports fields – Request amendment to the provisions relating to sporting fields as per the following:</p> <p>a. Relocation of the Precinct A sporting fields closer to Precinct A and not be collocated with the Precinct B playing fields; and</p> <p>b. Removal of the provision requiring the establishment of the playing fields prior the release of the 450<sup>th</sup> lot, as the fields are to be delivered by the Council via the contributions plan.</p>	<p>a. The proposed relocation of the Precinct A sporting fields, closer to Precinct A is not supported on the basis of the following:</p> <ul style="list-style-type: none"> <li>- The proposed location is directly within the path of a major floodway that connects Emigrant Creek and North Creek during a Q100 flood event. The assessment of specific risks to infrastructure and safety associated with this approach has not been undertaken;</li> <li>- The collocation of future sporting fields, with Precinct B, provides efficiencies in terms of maintenance, usability and convenience for future users of the open space infrastructure.</li> </ul> <p>b. The construction of the sporting fields, district park and community hall are to be delivered by the Council funded via the contributions plan unless the developer elects to provide the infrastructure as works-in-kind. The draft development control clause includes desired timeframes for the delivery of this infrastructure, <i>'if provided by the developer as works-in-kind'</i>. If the developer does not intend to provide these facilities as works-in-kind (credited against the contributions plan) then the delivery timeframe for the infrastructure will be determined by the Council having regard for funds collected through the contributions plan.</p> <p>The timeframe identified in the DCP seeks to encourage the developer to provide</p>

Submission / Issue Raised	Council Staff Response
	<p>infrastructure about half way through the development if planning to use the works-in-kind approach. If the works are not provide in this timeframe, Council still has time to progress the infrastructure before the end of the development if desirable. This is to avoid a situation where infrastructure is promised by the developer late in the development and then not provided leaving Council with fewer options to address the provision of the infrastructure and time delays.</p>
<p>9. Other comments:</p> <ul style="list-style-type: none"> <li>a. Request the removal of duplication of existing DCP provisions.</li> <li>b. Entry statement – Request that the provisions include a requirement that 'entry statements' be included at both the southern and northern ends of the estate.</li> <li>c. The proponent disputes the road noise provisions including: <ul style="list-style-type: none"> <li>- Reference to the standard Environmental Criteria (ECRTN) rather than the guideline 'Development near Rail Corridors and Busy Roads'; and</li> <li>- the requirement for registration on titles if lots are affected by road noise.</li> </ul> </li> <li>d. DCP maps – Request amendment to the DCPs with respect to the following: <ul style="list-style-type: none"> <li>- Clarification of "key features" referred to in draft clause 5.6.3.D.vii with reference to Figure 4.</li> <li>- The developer submits that draft clause 5.6.3.B.viii, relating to traffic calming measures proposed at the northern entrance to Precinct A, do not give effect to the Council report presented at the Ordinary Meeting held on 27 November 2014, with respect to the matter (page 72).</li> </ul> </li> <li>e. Child care centre – Request that the requirement that the future child care centre site not be required to be</li> </ul>	<ul style="list-style-type: none"> <li>a. Several provisions relating to the provision of infrastructure were included in the Precinct A subdivision chapter to provide abundant clarity regarding infrastructure delivery expectations. Notwithstanding, for the purpose of simplifying the DCP and removing duplication, this request can be accommodated. Changes in this regard are recommended.</li> <li>b. This request relates to the desire of the developers of Precinct A to distinguish the development from Ballina Heights. This may provide for improved amenity outcomes and legibility and is therefore is supported.</li> <li>c. On the first point, the RMS guideline 'Development near Rail Corridors and Busy Roads' refers to the Environmental Criteria for Road Noise (ECRTN) standard as follows: "Traffic noise should not exceed the noise levels recommended in the ECRTN". Consequently, reference to the ECRTN standards in the draft development control plan provision notes is considered appropriate.</li> </ul> <p>On the second point, the requirement in the draft development control provisions that appropriate notation be registered on title (where relevant) where lots are affected by road noise, has been included to ensure that purchasers of such lots are aware of the noise affectation of the land, particularly in cases where house construction is to occur by complying development.</p>

Submission / Issue Raised	Council Staff Response
<p>provided within 400m of the central district park, but rather that the location be determined by market demand and future demographics of the community.</p> <p>f. Prescriptive DCP provisions – The developer makes the following points with respect to the draft provisions:</p> <ul style="list-style-type: none"> <li>- General statement that the draft DCP provisions are over prescriptive.</li> <li>- Concern that the DCP is more prescriptive than the contributions plan in requiring the delivery of infrastructure by the developer when that infrastructure is included in the contributions plan, and thus be delivered by the Council, funded by financial contribution by the developer. This matter is a repeat of that raised as point 8b above.</li> </ul>	<p>d. In response to the DCP mapping matters raised:</p> <ul style="list-style-type: none"> <li>- The notation of features referred to in clause 5.6.3.D.vii may be clarified by amendment to the text to read “<i>site features and infrastructure</i>” with reference to Figure 4.</li> <li>- The notation to the mobility plan (Figure 2) reads “<i>Traffic calming measures are to be implemented at the northern entrance to Precinct A (in order to discourage through traffic from Precinct B and to encourage Ballina-bound Precinct B traffic to travel west via Sandy Flat Road and Tamarind Drive)</i>”. Staff is of the view that the existing draft notation gives effect to the matter as outlined on page 72 of the previous Council report. It is noted that the notation on Figure 2 is further reinforced by draft clause 5.6.3.B.viii. and xiii.</li> </ul> <p>e. The purpose of the draft clause is to seek to ensure that the child care centre is located within a reasonable distance to the central district park, which encompasses the most accessible part of the site and also the central activity and amenity hub of the precinct. Staff is of the view that the 400m criteria provides reasonable flexibility to the location of the child care center.</p> <p>f. In response to the matters raised:</p> <ul style="list-style-type: none"> <li>- The draft provisions have been prepared to provide a flexible planning scheme that identifies key performance based outcomes sought by Council. In some cases numeric standards are provided where Council is seeking particular public interest outcomes.</li> <li>- Contrary to the proponents’ assertion, the clauses referred to do not require the delivery of infrastructure by the developer. The clauses include the words, “if provided by the developer as works in kind”. Consequently, if the developer does not propose to provide these facilities as works-in-kind (credited against the contributions</li> </ul>

9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

Submission / Issue Raised	Council Staff Response
	plan) then the delivery timeframe for the infrastructure will be determined by the Council having regard for funds collected through the contributions plan. The clause does not, in this case, tie the release of lots to the delivery of the facilities.



## **Cumbalum Precinct A (Views) – Draft DCP Amendment**

Addendum to the Submission - Intrapac  
Projects Pty Ltd

**Client:**  
Intrapac Projects Pty Ltd

**Date:**  
16 February 2015

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Prepared by	J. Rudolph
Reviewed by	J. Rudolph
Date	13 February 2015
Document name	Addendum Submission
Version	Final

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# 1 Introduction

## 1.1 Objectives of this submission

Intrapac Projects Pty Ltd made a submission to Ballina Shire Council on 22 January 2015 to the Draft DCP amendment to Part 5 of Chapter 3 – Urban Subdivision of the Ballina Shire Development Control Plan 2012. The amendment sought to include site-specific development control plan provisions for the Cumbalum Precinct A (Cumbalum Views) area.

Subsequent to various discussions and a meeting between Intrapac Projects Pty Ltd and Council's Strategic Planning Manager, Elton Consulting and Landsite were requested to submit an addendum to Ballina Shire Council.

## 1.2 Recommendation

It is recommended that Ballina Shire Council make proposed changes to the draft DCP provisions to include '*The Ridge Parkland*' as a recognised open space and community benefit into the DCP, for the following reasons:

- » The site location, attributes and topography warrant clear but flexible planning and design controls to support detailed studies,
- » The park can contribute to usable open space for the community
- » The concept plan demonstrates that the park can form a central component of Cumbalum Views, with walkways, areas for recreation or grassed passive landscape areas, areas for pedestrian walks and linkages or places to explore.
- » The concept plan demonstrates that existing vegetation communities can be retained and rehabilitated / enhanced to the benefit of the local environment and community.
- » The concept design, and working with Council can ensure low maintenance of the Ridge Parklands in the future.

## 2 Cumalun Views

### 2.1 Vision Statement and Objectives

Intrapac continue to be excited about the vision for Cumalun Views:

**Cumalun Views offers an outstanding opportunity to develop a unique place. Responding to its location, topography and views. It offers a sustainable development that integrates with, but differentiates from, the nearby Ballina Heights Estate. Cumalun Views will provide a new place to meet the growing housing needs in the area and cater for families, retired persons and single households who aspire for housing diversity at different price-points**

Cumalun Views development will respond to the site's natural topography and link with the environmental qualities, including the natural environment and significant large fig trees of the area, simultaneously facilitating efficient development of built form. Key current landscape features include:

- » The site's topography and landscape
- » Retaining key areas for open space and community benefit
- » Creating places and spaces which make Cumalun Views an attractive place to live.
- » Views and vista to the sea and rural areas
- » Retaining larger lots of environmental lands on the ridge
- » Protecting the key existing fig tree

Such factors combine to create respite and 'place making' opportunities and a visually interesting Precinct.

Cumalun Views will be a functional, attractive and pleasant place to live, bringing about a number of social benefits for its community. The area will incorporate the following social infrastructure to promote community togetherness, self-sufficiency and active, healthy lifestyles:

- » A central district park of 6,500sqm which forms the community hub and includes the community building, walking paths, picnic shelters, BBQ facilities and play equipment and will be in close proximity to the water reservoir
- » Located within the central park is a community building, including appropriate car parking and landscaping, that supports the creation of a community place and hub within Cumalun Views
- » A second main open space area - The Ridge Parkland, comprising approximately 22,000sqm (5,000sqm amenity landscape) will maintain existing vegetation communities and provide recreational infrastructure with elevated views to the surrounding countryside including park pavilion, walking paths, picnic shelters, BBQ facilities and play equipment. This park provides a different environment to that of the district park, but complements the district park.
- » A further local park ensuring 400m walkability to all open space reserves and community spaces.

## 9.1 Cumalum Precinct A - DCP and Contributions Plan.DOC

- » Local sports field facilities
- » Cycling networks
- » Walking paths
- » A local urban community garden
- » Bus routes and stops in locations which provide safe and convenient access to residents
- » A range of housing typologies
- » Higher density residential development in locations that are well situated in respect of facilities and services
- » Housing that is oriented toward public roads and open spaces to enhance surveillance of the public areas.

Cumalum Views will be a sustainable and ecologically sensitive development, contributing to the local economy through providing construction jobs to the area and attracting more people to the Village Centre in Ballina Heights. The development will provide an attractive, functional and pleasant place to live in, balancing new development outcomes with the benefits of upgrades to services and facilities for the new community.

## 3 Draft CURA A DCP Provisions - Amendment

Intrapac Projects Pty Ltd (now referred to as Intrapac) has requested that Elton Consulting prepare this Addendum submission in response to the draft DCP provisions, and following a meeting with Council planners.

This submission seeks to amend the exhibited draft provisions to help enable Intrapac to achieve and deliver their vision for the CURA A. This Addendum provides additional justification for the inclusion of 'The Ridge Parkland' as an open space area in the draft DCP and Section 94.

The natural topography of CURA A and the creation of a well planned community place in Ballina requires a unique and site-specific response in the provision to open space.

### 3.1 The Ridge Parkland

#### 3.1.1 Description

It is proposed that the Ridge Parkland, which is approximately 22,000sqm in size, form a central local park that supplements the district park on the hill.

The proposed Ridge Parkland:-

- » can significantly contribute to usable open space for the community
- » assists to link the northern area of CURA A to the southern part
- » can form a central component of Cumalum Views placemaking strategy
- » comprises areas for recreation for children (playground), grassed passive landscape areas on the upper and lower levels of the site, retain and rehabilitate existing vegetation communities.
- » protect and capitalise long distance views from a prominent ridgeline for community benefit
- » facilitate pedestrian walks, stairs and linkages, as well as low impact trails for places to explore
- » provide for education of the local community about local landscapes and vegetation
- » opportunity for public art and learning opportunities
- » provide retaining walls, rocky escarpments and viewing platforms
- » provide dedicated car parking for the park
- » The concept design, and working with Council, can ensure low maintenance of the Ridge Parklands in the future.

#### 3.1.2 Justification

- » The park, The Ridge Parkland, is relatively large, and together with the community district park can provide adequate open areas and amenity for the community.

## 9.1 Cumbalum Precinct A - DCP and Contributions Plan.DOC

- » The Ridge Parkland provides a different type of open space to that of the community district park. It is a passive recreation area, but also allows for places to be explored in a more natural environment.
- » The proposed rehabilitation of the existing vegetation community and establishment of native grassland meadows will add to the local environment and maintain lower levels of maintenance than traditional district recreation parks.
- » Together the community district park and Ridge Parkland will provide in excess of the DCP nominated 10,000sqm (1Ha), with beautiful views to the sea and hinterland landscapes.
- » The variety of use and amenity for communities is beneficial and provides a differentiator to the other developments in Ballina.
- » Provides for effective utilisation of the land, and supports the adjacent residential area.
- » The design allows more of the future community to access open space within 400m.
- » The maintenance and management of the park is proposed to be discussed with Council.

### 3.1.3 It is recommended:-

That the draft DCP be amended to include The Ridge Parkland open space as a key and integrated park within the DCP.

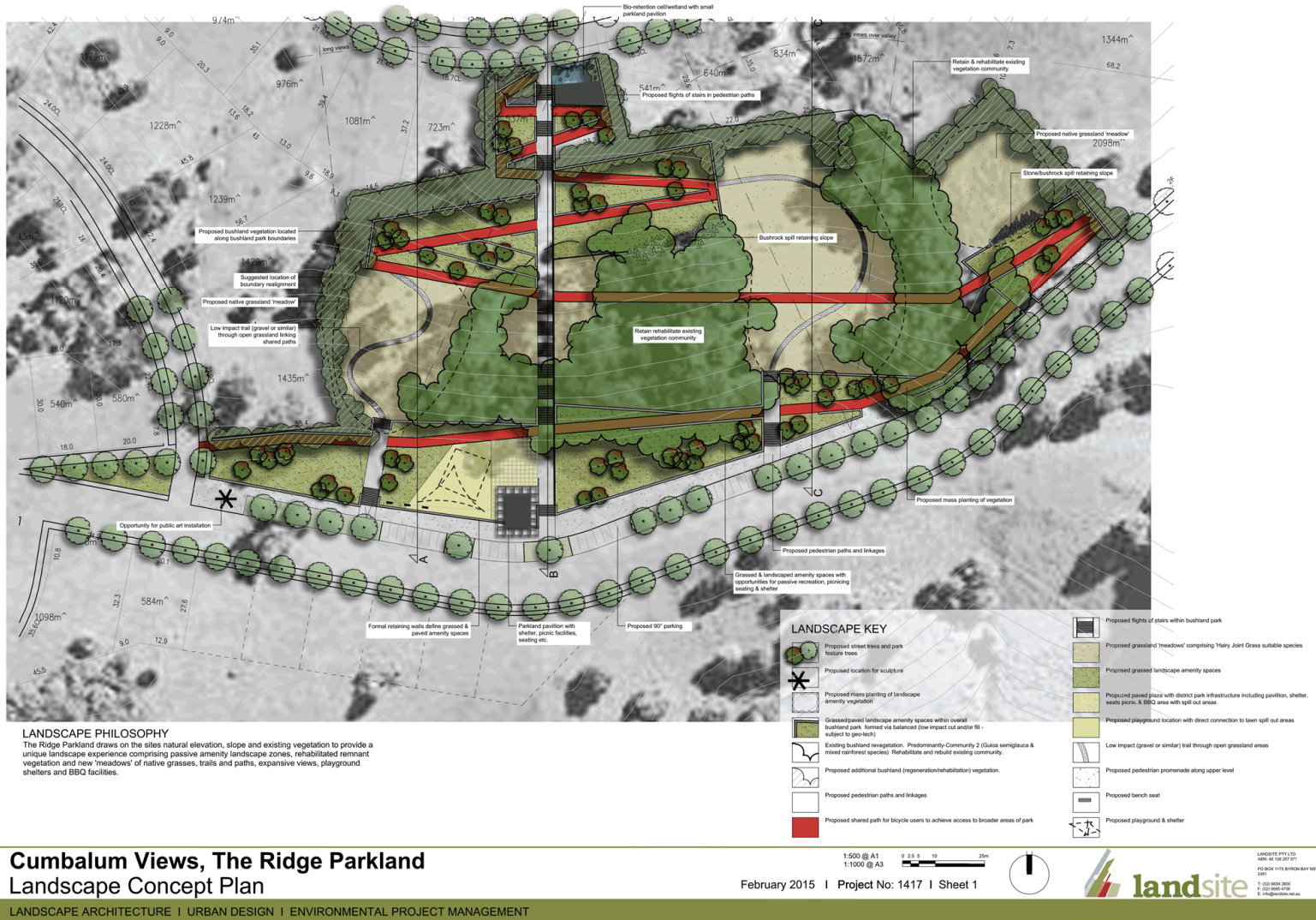
# Appendices

A      The Ridge Parkland

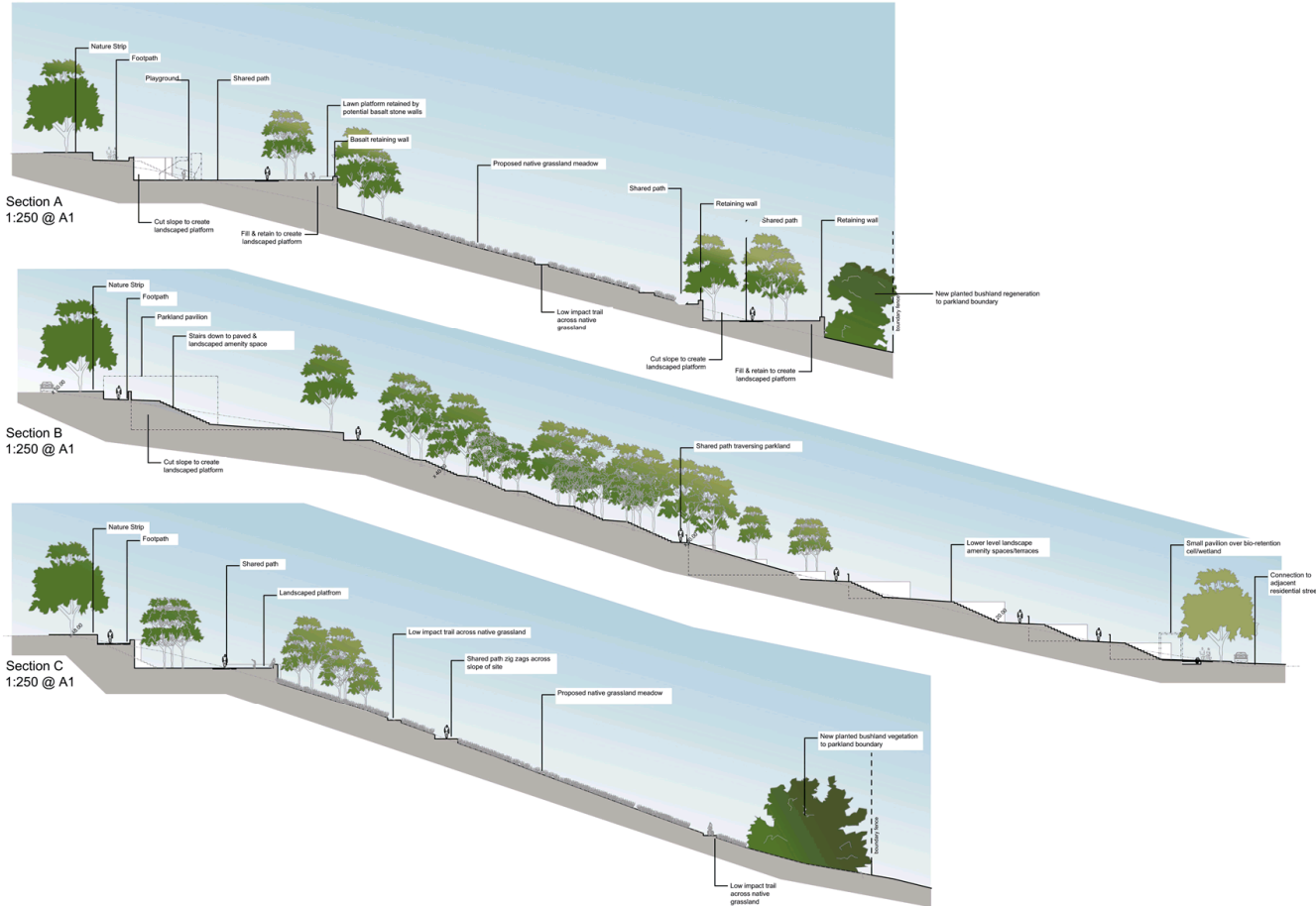
## A The Ridge Parkland



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



**Cumalum Views, The Ridge Parkland**  
Landscape Concept Plan

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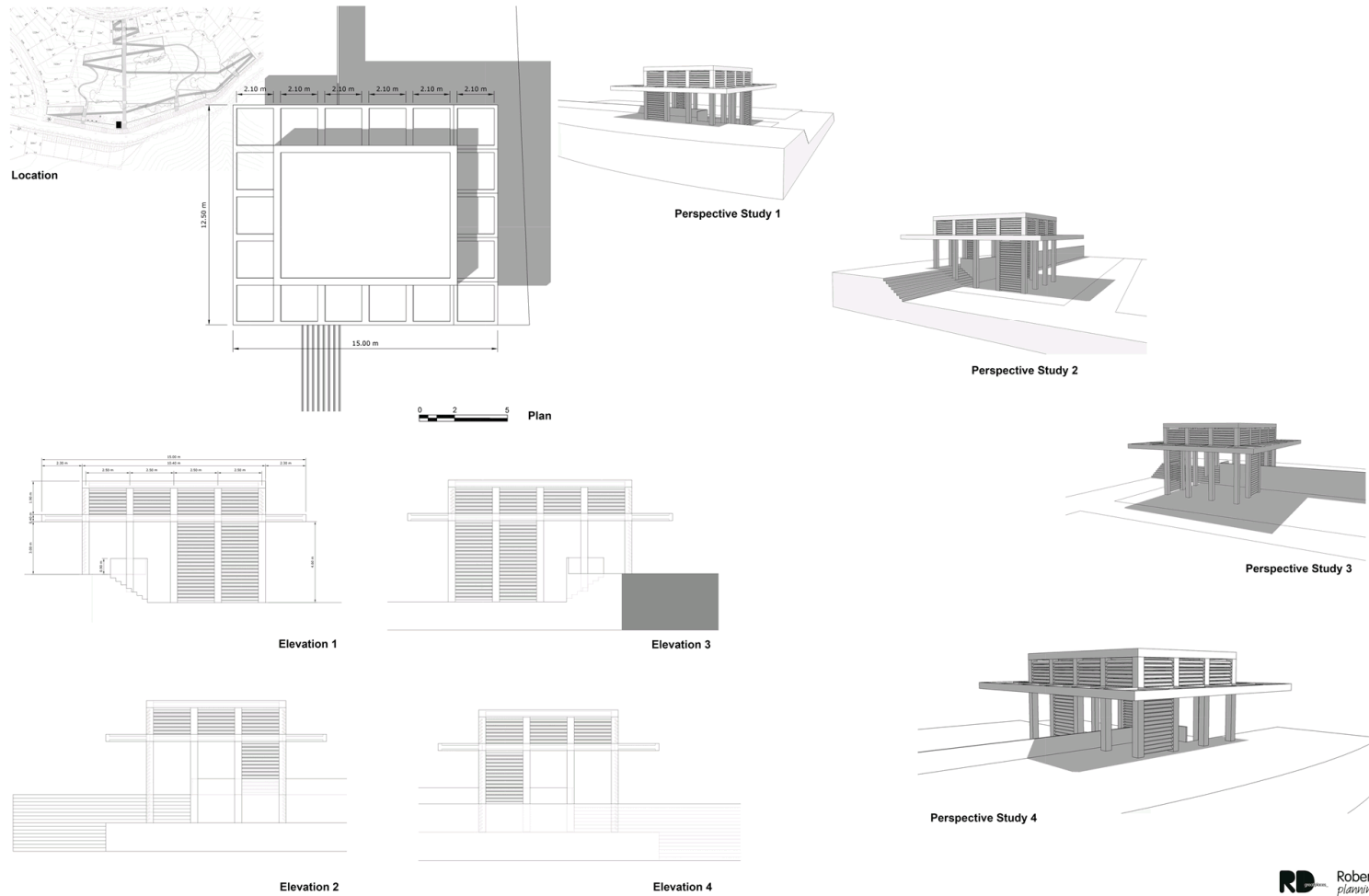
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9.1 **Cumalum Precinct A - DCP and Contributions Plan.DOC**



**Cumalum Views, Bushland Park**  
**The Ridge Parkland - Park Pavilion Concept**

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9.1 **Cumbalum Precinct A - DCP and Contributions Plan.DOC**

**Existing Site and Views**



**Pavilions and Play**



**Paving, Levels and Grades**



**Vegetation**



**Furniture**



**Sculpture**



**Cumbalum Views, The Ridge Parkland  
Concept Images**

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