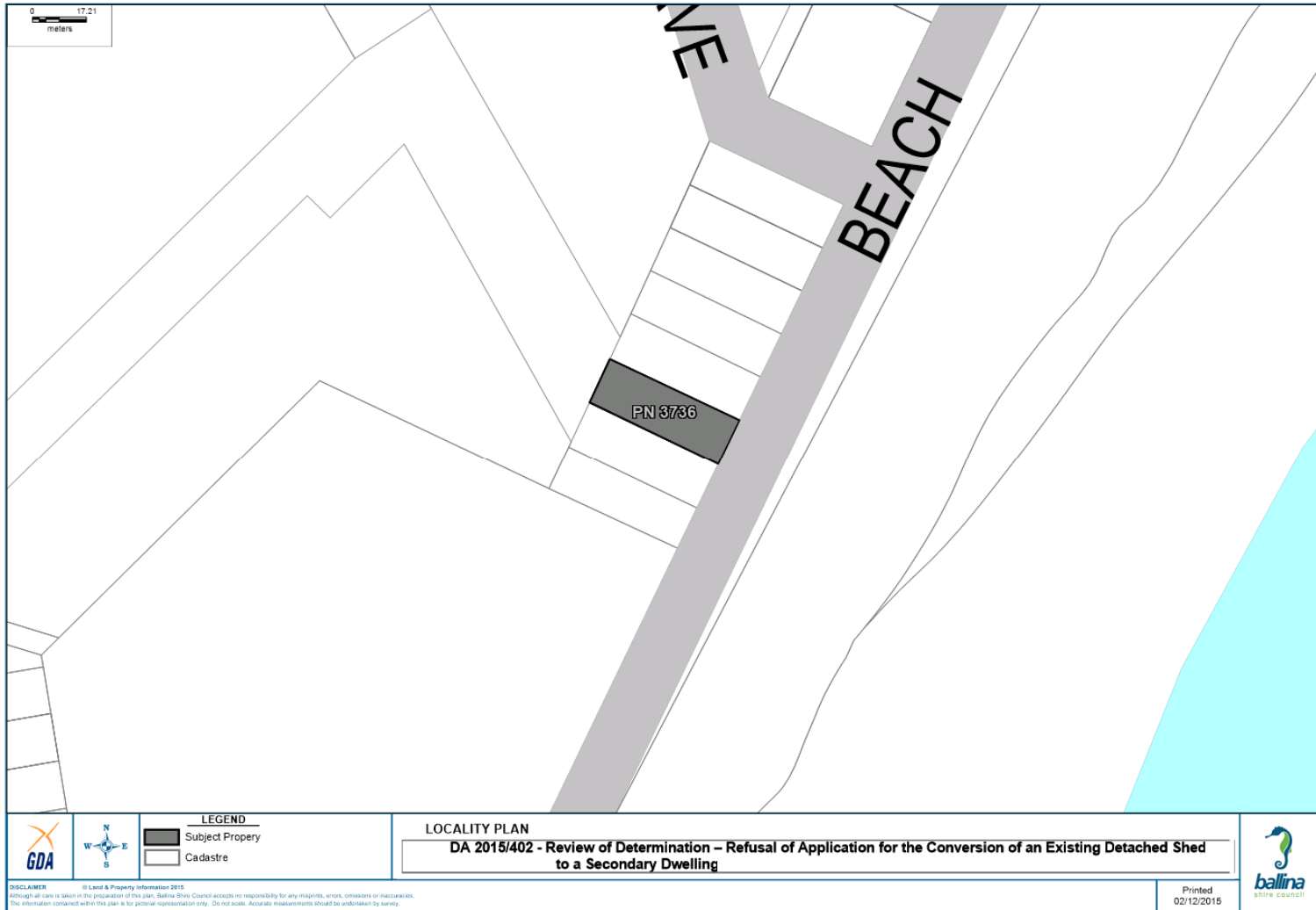
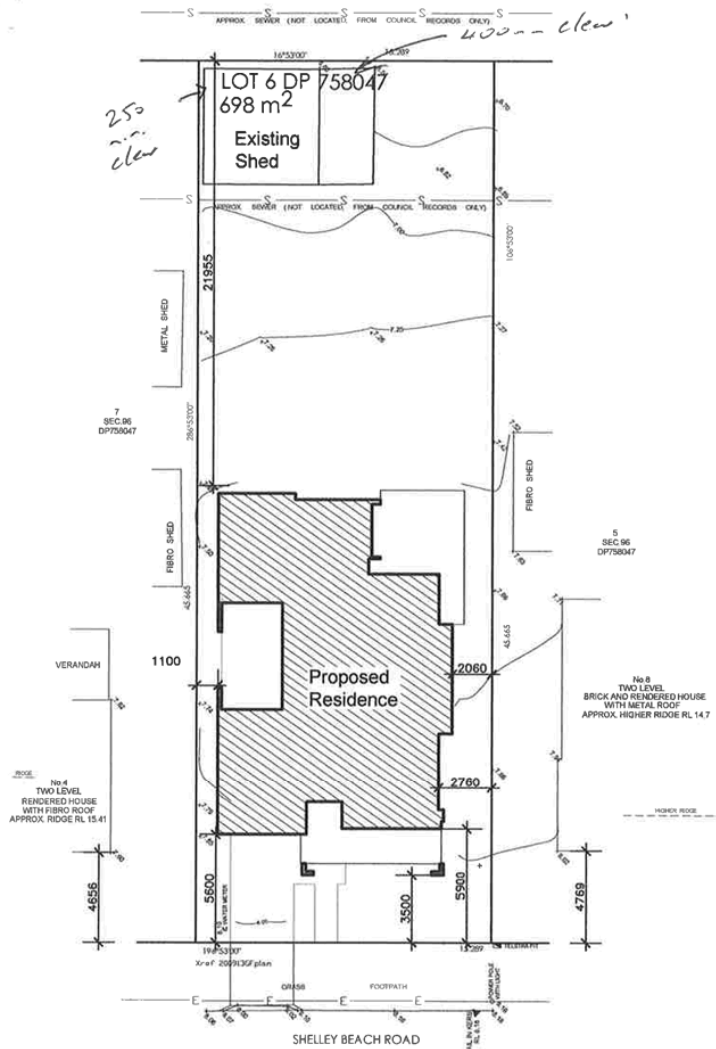


8.5 **DA 2015/402 - Secondary Dwelling, 6 Shelly Beach Road, East Ballina.DOC**





File Name: 201035dwg01
Xrefs: 201035siteplan

- Drawing List**
- 01 Site Plan
 - 02 Ground Floor Plan
 - 03 First Floor Plan
 - 04 Elevation
 - 05 Sections
 - 06 Roof Plan
 - 07 Existing Site Survey Plan

- Notes**
1. The purpose of these drawings is for Development Application Approvals only. Further details may be required for construction.
 2. The work is to be in accordance with The Building Code of Australia and The Australian Standards and to the Satisfaction of the Local Authority or Building Certifier.
 3. Refer to Consultants Drawings for Civil & Structural Layouts & Details

LEGEND

app	appliance cupboard
bfd	bi-fold door
bfs	bi-fold shutters
br	broom cupboard
cs	cavity sliding door
ct	ceramic tiles
ex	existing
fg	fixed glass
g	glass
gl	glass louvre window
glv	glass louvres
ogl	obscure glass louvre window
olv	obscure glass louvres
pa	pavers
ref	refrigerator
sd	sliding door
shr	shower
sl	sliding window
ssd	stacking sliding door
stf	steel trowel finished concrete
t	laundry tub
td	timber decking
wm	washing machine
wo	wall oven

SITE PLAN
SCALE 1:200

Basix Commitments

Refer also to Basix certificate 464611S

Summary-

- fixtures- minimum 3 star showerheads, 3 star toilets, 4 star taps
- 1000l minimum water tank from 100 sq metres of roof to supply toilet cisterns + 1 outdoor tap
- Thermal Comfort- Walls external wall - insulation of at least R1.5
- ceiling insulation R1.5 + thermocellular blanket
- ceiling and roof - Ceilings R value of at least R1.5 + thermocellular blanket
- Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.
- Windows glazing- refer to glazing table-
- Hot Water- Solar electric boosted 31 - 35 RECS
- Cooling- ceiling fans to at least 1 living room + 1 bedroom
- Heating- nil
- Ventilation- natural ventilation to at least one bathroom
- Ventilation- kitchen ducted to roof or façade manual switch on/off
- Artificial lighting - to be fluorescent or LED type to all kitchen bathrooms, toilets,
- laundry, at least 5 of the bedrooms/study, at least 1 living dining room
- Natural lighting- window to kitchen, and 2 bathrooms
- Provide a fixed indoor (covered) and outdoor drying line

A DA 18.01.13
no amandthm 016



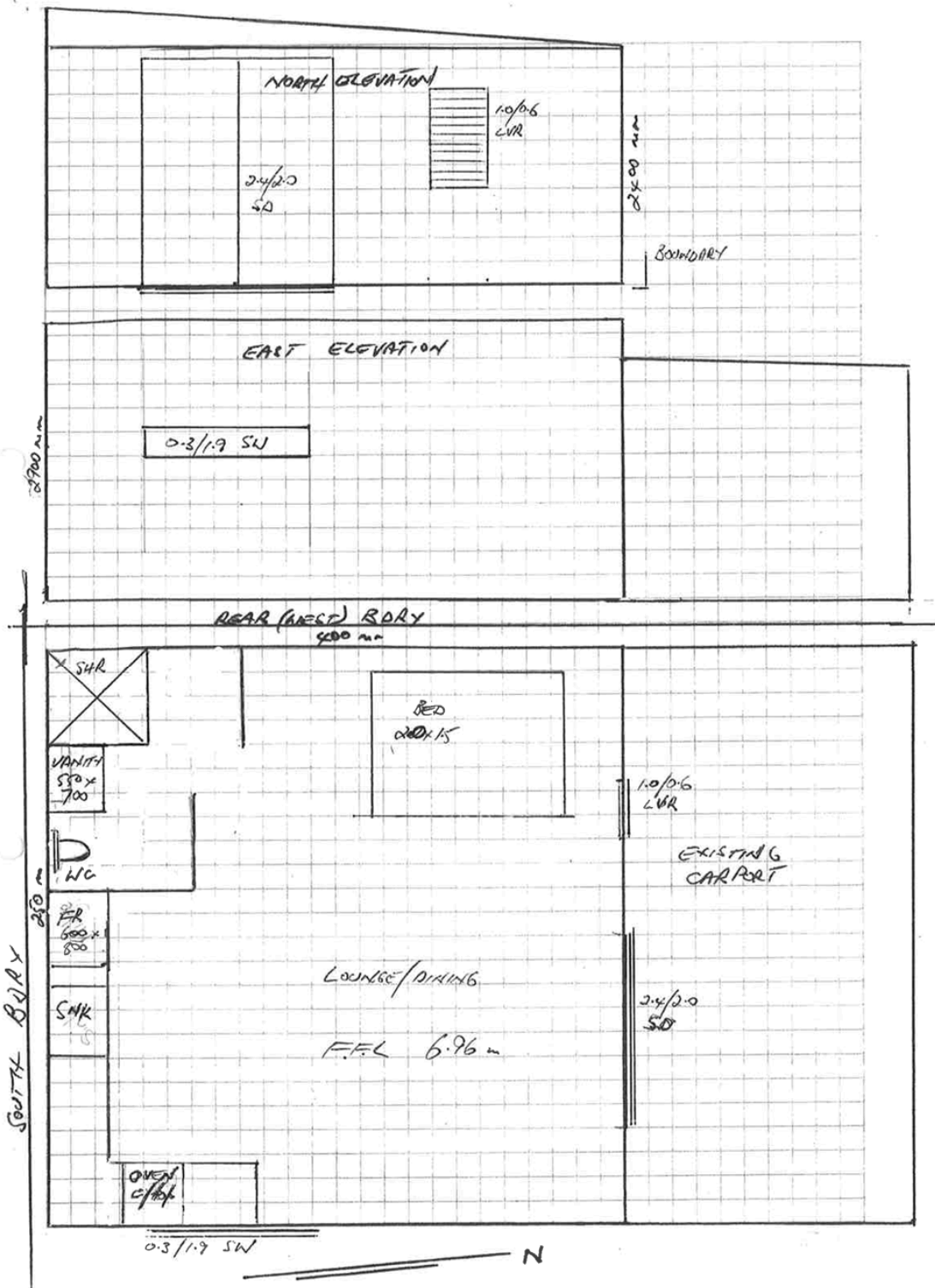
Paul H Gray Architect Pty Ltd ABN 37 112 507 66
120/111 E & B STS Ballina NSW 2480
p. 02 6687 6930 f. 02 6687 696
c. 5b Mayo Court Lennox Head 24
e. info@prga.com.au
w. www.prga.com.au

Proposed Residence
Lot 6 DP758047
6 Shelly Beach Road
East Ballina
SITE PLAN

scale **1:200 of A3**

job no **200913** dwg no **01**

Architect work is copyright in whole and in part. Architects design drawings to be used only for the purpose of issue.
Not for construction. Refer any alterations to the Architect for clarification. The builder is to check and verify all dimensions prior to construction.



Brenda Wright

From: David & Wendy Fryer <dwfryer@idx.com.au>
Sent: Monday, 17 August 2015 7:15 AM
Subject: Fwd: DA 2015/402 M Walton Lot 6 96 DP 758047 6 Shelly beach Rd East Ballina.

Begin forwarded message:

From: David & Wendy Fryer <dwfryer@idx.com.au>
Subject: DA 2015/402 M Walton Lot 6 96 DP 758047 6 Shelly beach Rd East Ballina.
Date: 16 August 2015 9:15:30 pm AEST
To: council@ballina.nsw.gov.au

Dear Peter Craig,

There are two matters that I would like to raise regarding the above Development application.

1. The proposed conversion is only metres from the Public Reserve area which is dense native coastal bushland thus could be prone to bush fires. Does the BSC have any set back requirements for this development?.
2. The proposal is for a secondary dwelling(is this the same as a granny flat requirement)my concern is off street parking. Given that the proposed conversion is some 45m from Shelly Beach Rd, the new occupants will have to make their way down the side of No 6.

My concern is that they will take the easy way out and park their motor vehicles on the rear public reserve, thus becoming a illegal permanent car parking area. Might we suggest that the owner be required to provide on site parking facilities.

I wish to object to the DA2015/402 on both these grounds.

Yours faithfully

David Fryer

Owner 8 Shelly Beach Rd East Ballina 2480

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Brenda Wright

From: June <hardiemiller@gmail.com>
Sent: Wednesday, 26 August 2015 10:11 AM
Subject: 6 Shelley Beach Road

http://scanmail.trustwave.com/?c=4991&d=-IPd1WxgGeNNqbOmMbQ3rmNQZNVwL37No5FCI6G_w&u=http%3a%2f%2fda%2eballina%2ensw%2egov%2eau%2fPages%2fXC%2eTrack%2fSearchApplication%2easpx%3fid%3d010%2e2015%2e00000402%2e001

Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

Dear Sir /Madam

Attention Peter Craig

I writing to you with my objection to Lot 6Sec: 96 DP: 758047, 6 Shelley Beach Road EAST BALLINA

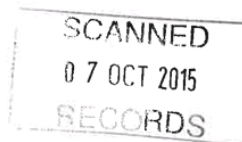
My objection to this development is to the accessibility to this shed (Secondary Dwelling) Where is the parking and access going to be available ??? Via the crown land.

June Hardie
2 Shelley Beach Road
East Ballina NSW 2478

June Hardie
Sent from my iPad

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://scanmail.trustwave.com/?c=4991&d=-IPd1WxgGeNNqbOmMbQ3rmNQZNVwL37No8ETeP-3_A&u=http%3a%2f%2fwww%2esymanteccloud%2ecom

File 15/25225
A02015/25225

DAP ASSESSMENT REPORT

File Reference DA: 2015/402

Applicant Mr M Walton

Property Lot: 6 Sec: 96 DP: 758047, 6 Shelly Beach Road EAST BALLINA

Proposal Conversion of existing shed to a Secondary Dwelling

Effect of Planning Instrument The land is R3 Medium Density Residential under the provisions of the Ballina Local Environmental Plan (BLEP) and affected by Development Control Plan (DCP) 2012

Introduction:

A Development Application has been received to convert a back yard weatherboard shed into a Secondary Dwelling. The shed was approved as a temporary dwelling while a new two storey dwelling was recently constructed. Decommissioning of the temporary dwelling was undertaken to Council's satisfaction.

Reportable political donations

Details of known reportable political donations are as follows:
- Nil

Public exhibition and relevant objector details:

Neighbour notification resulted in two objections being received.

Objector 1 - No.2 Shelley Beach Road – Very brief e-mail objection with concerns over parking and access being via Crown land at the rear.

Objector 2 – No.8 Shelley Beach Road:

1. Dwelling would be affected by bushfire as land at rear is bushland reserve;
2. Parking and access would occur from the reserve at the rear.

Applicable Planning Instruments:

Ballina Local Environmental Plan 2012; Ballina Shire Development Control Plans; State Environmental Planning Policy (Affordable Rental Housing) 2009.

Issues raised with objections / issues of non compliance:**Issues raised by the objectors**

Both objectors raised concerns of parking on the reserve at the rear and vehicular access to the secondary dwelling occurring from the reserve at the rear.

One objector also queried whether there were bushfire setbacks required from the reserve at the rear due to dense bushland.

While Council cannot grant access over the reserve at the rear as it is Crown Land it cannot refuse an application for a Secondary Dwelling based on lack of carparking. Therefore the

concerns of the objectors regarding parking and vehicular access have no weight in determining this application.

The site is in Bushfire Prone Land and a submission has been ^{made} submitted clarifying the Bushfire Attack Level (BAL).

Issues of non-compliance:

State Environmental Planning Policy (Affordable Rental Housing) 2009

1. The building is 200mm from the side boundary whereas Part 9 of the SEPP requires 900mm;
2. The building is 400mm from the rear boundary whereas Part 10 of the SEPP requires 3 metres.

Ballina Shire Council Development Control Plan Chapter 4 – Residential and Tourist Development

1. Element C Building Envelopes requires setbacks from the rear and side boundaries to comply the 1.8m and 45 degree height envelope, and to also be a minimum of 900mm.

Building Code of Australia

1. External walls do not comply with the Fire Separation requirements of the BCA for a Class 1 building.

Conclusion:

While Council has the authority to vary the requirements of the SEPP and Controls of the DCP no justification/submission has been provided requesting approval under the objectives. In addition the subject area is a well ^{abundant} set after beach location with the adjoining houses and units currently receiving considerable improvements. It is considered that the shed is not in keeping with the standard of buildings of the area, and it's proximity to boundaries for use as a dwelling would impact on adjoining occupants' amenity. A dwelling is setback off the boundary to achieve an ambience by provision of space between occupants to alleviate noise, visual and physical intrusion.

The building does not satisfy the requirements of the Building Code of Australia in regard to fire safety matters as the weatherboard external wall has no fire rating.

Assessment officer Recommendations / Options:

In view of the above it is recommended that the application be refused on the grounds of non compliance with:

1. Part 3.7 of the Building Code of Australia Class 1 and 10 Buildings regarding Fire Separation;
2. Parts 9 and 10 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 regarding side and rear boundary setbacks;
3. Element C of Ballina Shire Development Control Plan 2012 Chapter 4 regarding Building Envelopes.

Minutes of (DAP) meeting dated:

17 September 2015

Inspection of subject site by members of the Panel disclosed concerns over the variations from the regulatory controls. Members believed that the controls were quite generous to allow/encourage affordable housing/rental and ensured some degree of separation between occupants of adjoining land. Encroachments contributed to the residential intensification and perception of overcrowding, loss of privacy, noise and impact.

It was also noted that the reserve at the rear appears to be well used and maintained. Variation to the SEPP to allow a secondary dwelling on a 400mm setback instead of the 3 metres required by the SEPP was an intrusion into the users of the reserve. The Panel noted that the shed could be brickveneer or provided with an alternative fire rated material that would satisfy the BCA.

DAP members present at meeting:
Vince Hunt, Dave Tyler, Peter Craig

Site visit date by DAP members:
14 September 2015

DAP Recommendations:
Refuse the application for the reasons stated above.
There are no other reasonable options.


DAP Member / Assessment officer signatures



DATED: 17 September 2015

Group Manager/ Comments/ Recommendations/ Endorsement

Insert Comments / Recommendations *Recommended Refusal Endorsed.*

 *R.A. WILLIS.* Dated 22.09.2015

General Manager endorsement where applicable/required 

Dated _____

AD 2015/026490

Peter Craig
DA 2015/402 (tvo)



25 September 2015

Mr M Walton
6 Shelly Beach Road
EAST BALLINA NSW 2478

**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**
(Issued under Section 81(1)(a) of the Environmental Planning and
Assessment Act 1979)

Development Application No: DA 2015/402

Applicant: Mr M Walton

Subject Land: Lot: 6 Sec: 96 DP: 758047, No. 6 Shelly
Beach Road, East Ballina

Development Proposal: Conversion of existing shed to a Secondary
Dwelling

Determination: The development application has been determined by Ballina
Shire Council on 25 September 2015 by way of **refusal for the
following reasons:**

- 1 The building does not comply with Part 3.7 of the Building Code of Australia regarding fire separation for a dwelling.
- 2 The building does not comply with Parts 9 and 10 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 regarding side and rear boundary setbacks for a Secondary Dwelling.
- 3 The building does not comply with Element C of Ballina Shire Development Control Plan 2012 Chapter 4 regarding building envelopes for a dwelling.



(initial)
Assessment Officer

Signed: 25/09/2015

Rod Willis
Group Manager
Development and Environmental Health
On behalf of Ballina Shire Council

Right of Appeal: If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the NSW Land and Environment Court within 6 months after the date on which you receive this notice or the date on which the application is taken to have been determined under Section 82(1).

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

Review of Determination: Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within the time prescribed by Section 82A(2A) and be accompanied by the fee prescribed by Section 257 of the Environmental Planning & Assessment Regulation 2000. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the Council under Division 4 in respect of an application by the Crown.



(initial)
Assessment Officer

[Print](#)[Close](#)**RE: DA 2015/402 - 6 shelly beach road**

From: **walton mark** (haybry@bigpond.net.au)
Saved: Sunday, 8 November 2015 9:32:09 AM
To: Peter Craig (peterc@ballina.nsw.gov.au)
4 attachments
L1080521.JPG (174.5 KB), L1080522.JPG (177.6 KB), L1080531.JPG (174.5 KB), L1080525.JPG (169.3 KB)

[Continue writing](#) | [Delete](#)

Dear Peter - thanks for your reply.

I respectfully request reconsideration of the development proposal on the following grounds.

The motive for applying for a secondary dwelling was partly to provide separate and affordable accommodation for a member of our extended family working as a midwife at Lismore base and studying for university entrance to medicine. It was also prompted by the State Governments policy of encouraging construction of affordable housing by using existing suitable sites

I am willing to meet BCA requirements on walls to the southern and western boundaries. I am also aware that the immediate neighbour to the south does not object to the development. The existing/proposed building is 200-300mm from the south/west site boundaries. The western boundary of the site is adjacent to a reserve. I am aware of the height plane condition but feel in this case, given the above conditions, Council may consider waiving this requirement.

I attach a number of photos showing various aspects of the proposed secondary dwelling particularly the separation from the southern neighbour and the reserve to the west.

Overall I believe the site and building to be very suitable for a secondary dwelling which was approved for our temporary occupation during the recent construction of my house on the site. It provides an aesthetic and private location with little impact on neighbours.

Regards

Mark Walton
0408443790

From: peterc@ballina.nsw.gov.au
To: haybry@bigpond.net.au
Subject: RE: DA 2015/402 - 6 shelly beach road
Date: Wed, 7 Oct 2015 21:56:10 +0000







