

9.1 Development Control Plan 2012 - Amendment No 6.DOC



Ballina Shire Development Control Plan 2012  
Draft Amendment No. 6 – General Amendments

Schedule of Proposed Amendments

August 2015

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The following table provides details of the amendments proposed to Ballina Development Control Plan 2012 (DCP). The amendments relate to issues and ideas identified during the scheduled annual DCP review process. In the main the proposed amendments seek to provide greater clarity relating to Council requirements and correct minor errors and omissions.

No.	DCP Reference	Existing Provision	Proposed Amendment	Reason
1	<p><i>Chapter 2 - General and Environmental Considerations</i></p> <p><i>Part 3 General Controls</i></p> <p><i>3.9 Stormwater Management</i></p>	<p><b>3.9.2 Planning Objectives</b></p> <p>a. Provide for the ongoing environmental health of downstream receiving waters, with the main receiving waterways being the Richmond River and North Creek;</p> <p>b. Ensure that stormwater management systems are designed and implemented to ensure protection of ground and surface water and ecological values;</p> <p>c. Achieve best practice stormwater treatment targets for stormwater quality;</p> <p>d. Achieve best practice stormwater quantity and detention requirements;</p> <p>e. Promote suitable long term low maintenance stormwater devices and infrastructure.</p> <p>f. Protect and improve stormwater infrastructure; and</p> <p>g. Provide stormwater infrastructure that minimises risk to the public.</p> <p><b>3.9.3 Development Controls</b></p> <p><b>A Stormwater Quality and Treatment</b></p> <p>i. Development must comply with the stormwater quality performance objectives listed. The following minimum required reductions in pollutant loads (TP, TSS, TN and GP) must be achieved in relation to untreated runoff from the proposed development (based on a comparison of the unmitigated</p>	<p><b>3.9.2 Planning Objectives</b></p> <p>a. Convey runoff from the site and upstream catchments, to a lawful point of discharge, in a manner that minimises flood damage and risk to people and property.</p> <p>b. Manage stormwater as an integral part of the total water cycle, preserving natural waterways and riparian zones, optimising use/reuse of rainwater/stormwater and protection of downstream ecological values by removing pollutants generated from the development in runoff.</p> <p>c. Manage post development stormwater runoff flows to not exceed pre development values.</p> <p>d. Provide sustainable, low maintenance stormwater infrastructure.</p> <p><b>3.9.3 Development Controls</b></p> <p><b>A Stormwater Conveyance and Discharge</b></p> <p>i. Stormwater runoff from upstream catchments must not be impeded at the site boundary and is to be safely conveyed, through the site.</p> <p>ii. Stormwater runoff from the site is to be conveyed to a lawful point of discharge.</p>	<p>The proposed amendments seek to replace prescriptive controls with performance based controls. This has been done to respond to contemporary stormwater environmental and flood related standards.</p> <p>The amendments also pre-empt the "Ballina Shire Council Stormwater Management Standards for Development", which is in the process of being prepared. Once finalised it will be used as the primary stormwater management standard and will replace the "Northern Rivers Local Government Development and Design Manual" which will become the secondary reference standard.</p>

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		<p>development case versus the developed mitigated case).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 80% reduction in total suspended solids (TSS).</li> <li><input type="checkbox"/> 60% reduction in total phosphorus (TP).</li> <li><input type="checkbox"/> 45% reduction in total nitrogen (TN).</li> <li><input type="checkbox"/> 90% reduction in gross pollutants (GP).</li> </ul> <p><b>B Stormwater Quantity and On-site Detention</b></p> <p><b>i. Requirements for both infill and greenfield developments</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Adequate stormwater detention facilities are to be provided within the subject site.</li> <li><input type="checkbox"/> Detention facilities are to be designed to ensure there is no increase in peak stormwater event discharge immediately downstream of the development for the 5, 10, 20, 50 and 100 year average recurrence interval (ARI) rainfall events and for durations from 5 minutes to 3 hours.</li> </ul> <p><b>ii. Additional requirements for greenfield developments only</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Full catchment modelling is to be undertaken for all <b>greenfield developments</b>, including any flood prone areas located downstream of the development.</li> <li><input type="checkbox"/> The catchment modelling is to be used to generate a flood control system that achieves the following minimum requirements based on the 5, 10, 20, 50 and 100 year ARI rainfall events and for durations from 5 minutes to 3 hours:</li> </ul> <p>o no increase in flood levels on land adjoining the development where such an increase would cause</p>	<p>iii. Stormwater conveyance will have a Major/Minor System configuration. Minor flows will be conveyed and contained in a system of kerb and gutter, pits and pipes/culverts. Major flows (flow in excess of Minor System capacity) will be conveyed in overland flow paths designed to cater for such flows.</p> <p>iv. The stormwater conveyance system will conform to the design criteria and provide capacity, flood immunity, flow, depth and velocity characteristics designated by the primary standard in Section E.</p> <p><b>B Water Sensitive Design</b></p> <p>i. Development must minimise the quantity of directly connected impervious surface areas and maximise retention of stormwater runoff.</p> <p>ii. The ecological health of natural drainage systems, waterways, waterbodies and their riparian zones is to be preserved.</p> <p>iii. Development must achieve the following minimum reductions in pollutant loads (TP, TSS, TN and GP) in relation to untreated runoff from the proposed development (based on a comparison of the unmitigated development case versus the developed mitigated case).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 80% reduction in total suspended solids (TSS).</li> <li><input type="checkbox"/> 60% reduction in total phosphorus (TP).</li> <li><input type="checkbox"/> 45% reduction in total nitrogen (TN).</li> <li><input type="checkbox"/> 90% reduction in gross pollutants (GP).</li> </ul> <p>iv. Opportunities for rainwater/stormwater use to reduce potable water consumption are to be identified and optimised.</p>	

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		<p>significant damage to, or significantly adversely affect either the value or potential use of the land, and</p> <ul style="list-style-type: none"> <li>o no increase in peak flood level and/or discharge at any location downstream of the development where existing land uses may be significantly adversely affected by such an increase</li> </ul> <p><b>C Stormwater Management Plans</b></p> <ul style="list-style-type: none"> <li>i. Applications for typical residential, commercial and industrial developments on lots with an area of less than 2000 square metres are to be supported by a stormwater management plan.</li> <li>ii. Stormwater management plans are to be designed in accordance with the minimum requirements as specified on Council's website.</li> <li>iii. Stormwater management for industrial and commercial development must be designed in accordance with Council's standard stormwater management plans and drawings.</li> <li>iv. Applications for proposals that do not comply with the minimum stormwater management plan requirements are to be supported by detailed modelling and design information that complies with all other requirements of section 3.9.</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> Council is preparing standard Stormwater Management Plans for commercial, industrial and residential development on lots less than 2000m<sup>2</sup>. These plans will be available on Council's web site when finalised.</p> </div>	<p>v. Stormwater management systems are to be appropriate for the proposed land use, the site and the remainder of the upstream and downstream catchments.</p> <p><b>C Manage Stormwater Runoff from Development</b></p> <ul style="list-style-type: none"> <li>i. Changes to the natural or pre-development runoff volume, peak discharge rate, frequency, duration and velocity of stormwater by development and associated stormwater systems must be mitigated and managed to ensure no adverse flooding or ecological impacts on downstream land, landuse and receiving systems.</li> <li>ii. Stormwater runoff is not to be generated, concentrated or diverted by development in a manner that causes any adverse flooding impacts, damages or nuisance to any downstream persons, public or private property.</li> </ul> <p><b>D Lifecycle of Stormwater Infrastructure</b></p> <ul style="list-style-type: none"> <li>i. The operation, maintenance and life cycle costs of stormwater infrastructure must be sustainable in the long term.</li> <li>ii. Stormwater infrastructure is to be accessible for safe maintenance, and minimise the risk of injury, damages or nuisance to the public, users and operational staff.</li> <li>iii. Stormwater infrastructure located in the public domain must not diminish the amenity of the surrounding landscape.</li> </ul>	

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		<p><b>D Lifecycle for Stormwater Infrastructure</b></p> <p>i. A management plan is to be prepared for the pre-construction, during construction and post construction phases of stormwater infrastructure; and</p> <p>ii. The management plan is to include prescriptive requirements for the operation, maintenance and regular cleaning of stormwater devices, along with performance monitoring of the receiving environment.</p> <p><b>Notes:</b> The following list includes publications by Ballina Shire Council, governments, agencies and other authorities that provide guidance with respect to stormwater management and assessment. Council will consider the current version of the listed documents in its assessment of any stormwater management proposal:</p> <ul style="list-style-type: none"> <li>▪ Australian Rainfall and Runoff (AR&amp;R)</li> <li>▪ Australian Runoff Quality (ARQ)</li> <li>▪ Ballina Shire Standard Stormwater Management Plans - Industrial, Commercial and Duplex.</li> <li>▪ Ballina Shire Urban Stormwater Management Strategy</li> <li>▪ Department of Main Roads Road Drainage Design Manual</li> <li>▪ Landcom Soils and Construction Manual</li> <li>▪ Northern Rivers Construction Manual</li> <li>▪ Northern Rivers Development and Design Manual (NRDDM)</li> <li>▪ Northern Rivers Handbook of Drainage Design</li> <li>▪ Queensland Urban Drainage Manual (QUDM)</li> <li>▪ Water by Design Music Modelling Guidelines for South East Queensland</li> </ul> <p>Notwithstanding the exclusion of <b>dwelling houses</b> and <b>secondary dwellings</b> from the application of this section, where a restriction on title requires the provision of a stormwater management device (such as a rainwater tank) to be provided in association with a <b>dwelling house</b> or <b>secondary dwelling</b>, Council may seek to apply this requirement via a condition of development consent.</p>	<p><b>E Standards</b></p> <p>i. The primary and secondary standards are to be observed for:</p> <ul style="list-style-type: none"> <li>• Compliance with the Development Controls A - D</li> <li>• Stormwater management systems and infrastructure, design, construction and operation and</li> <li>• Stormwater related documentation accompanying Development and Construction Certificate Applications</li> </ul> <p>ii. Compliance with Development Controls A - D is satisfied by compliance with appropriate "deemed to comply" solutions provided in the primary standard.</p> <p><b>Note:</b> The primary standard for provision and design of stormwater management systems and infrastructure is will be the "Ballina Shire Council Stormwater Management Standards for Development" once finalised. The secondary standard is the "Northern Rivers Local Government Development and Design Manual". Where there is any inconsistency between these standards the primary standard shall prevail to the extent of the inconsistency.</p>	

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2	<p>Chapter 2 - General and Environmental Considerations</p> <p>Clause 3.19.3 Development Controls</p> <p>E. Car Parking Requirements</p>	<p>i. Unless otherwise specified elsewhere in this DCP, car parking is to be provided in accordance with the schedule contained in Table 2.3. Where a proposed use is not represented in Table 2.3 or elsewhere in this DCP, the rates under the RTA Guide to Traffic Generating Developments will apply. If a rate is not provided by the RTA Guide to Traffic Generating Developments a merit based assessment will apply.</p>	<p>Car parking rates contained within other DCP chapters (4, 5, 6a, 6b, 6c, 6d, 7 and 8) have been consolidated within Table 2.3 whilst still being retained within their original location. No changes to rates have taken place unless discussed elsewhere in this document.</p> <p>A reference has also been included to the requirements of SEPP 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide which apply in certain circumstances to residential flat buildings, shop top housing or mixed use development with a residential component. In such cases Part 3J of the Apartment Design Guide specifies minimum car parking requirements.</p> <p>Refer Attachment 1 for the consolidated car parking provisions with changes highlighted in yellow.</p>	<p>Some confusion has been caused by the different car parking rates contained within area specific chapters ie Alstonville, Lennox Head and Ballina. The proposed consolidation of car parking rates in one location will simplify the DCP. Individual chapters will still retain references to car parking and access requirements.</p>
3	<p>Chapter 2- General and Environmental Considerations Development Controls E – Car Parking Requirements</p> <p>Clause 3.19.3 iv</p>	<p>iv. Parking spaces for people with disabilities shall be covered by a waterproof roof or awning structure in new development comprising commercial, industrial or <b>tourist and visitor accommodation</b> uses (or any combination thereof) and that has an aggregated floor area greater than 500m<sup>2</sup>.</p>	<p>iv. Parking spaces for people with disabilities shall be covered by a waterproof roof or awning structure:</p> <ul style="list-style-type: none"> <li>a. in new development comprising commercial, industrial or <b>tourist and visitor accommodation</b> uses (or any combination thereof) and that has an aggregated floor area greater than 500m<sup>2</sup>; <b>or</b></li> <li>b. <b>in public car parks containing 20 or more spaces.</b></li> </ul>	<p>There is merit in new public car parks containing 20 or more spaces providing covered parking for persons with a disability on a similar basis as the requirements are applied to commercial, industrial or tourist and visitor accommodation uses.</p>
4	<p>Chapter 2b - Floodplain Management clause 3.8 ii</p>	<p>ii. Allotments within flood liable land where 2050 climate change conditions apply and on which buildings are proposed to be erected are to be filled wholly or partly (i.e. to provide a building pad) to a <b>minimum</b> fill level as shown on maps contained within Schedule I.</p>	<p>ii. Allotments within flood liable land where 2050 climate change conditions apply and on which buildings are proposed to be erected are to <b>be</b> filled wholly or partly (i.e. to provide a building pad) to <b>the required</b> fill level as shown on maps contained within Schedule I.</p>	<p>Nominating a <b>required</b> fill level for the areas in which 2050 climate change conditions apply, as opposed to the current <b>minimum</b> fill level. This would encourage various alternative</p>

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				resilient housing designs such as the Queenslander style and facilitate a move away from slab on fill construction.
5	Chapter 2b - Floodplain Management		<ol style="list-style-type: none"> <li>1. Incorporation of 2050 - 50 Year ARI flood planning level maps (FPL1) which relate to non-habitable floor space. DCP currently does not contain these maps.</li> <li>2. Schedule D Planning Considerations for Car parking reference a point 6. There is no point 6 within the accompanying notes therefore this reference requires deletion.</li> <li>3. Schedule D Planning Considerations for Car parking reference DCP Chapter 2 Ballina Town Centre. Incorrect reference. Correct reference is DCP 2012 Chapter 6a Commercial Development Ballina Town Centre.</li> <li>4. Schedule H Map 2a Ballina LGA North Velocity Map legend does not include velocity criteria as is the case with the other velocity maps. Requires legend to be amended.</li> <li>5. Figure 1 - DCP Map to be replaced with new maps which incorporates the area subject to the 2013 Newrybar Swamp Drainage and Flood Mitigation Study.</li> <li>6. Include a note within clause 3.14 which indicates that within areas subject to 2100 climate change conditions the FPL is also the minimum fill level.</li> <li>7. Various consequential changes should the Council adopt proposed DCP amendments No's. 4 and 5 detailed above.</li> </ol>	<p>Council adopted the Chapter 2b at its Ordinary Meeting on 28 May 2015. It subsequently became effective on 1 July 2015. The intervening period was used to amend the DCP chapter to reflect the Council's resolution regarding retention of the 2050 climate change conditions fill levels and a number of other consequential changes and correction of minor errors and drafting anomalies.</p> <p>Since implementation of Chapter 2b additional changes have been identified which relate to the correction of minor errors and the insertion of the 2050 - 50 Year ARI flood planning level maps (FPL1).</p>

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6	<p><i>Chapter 4 Residential and Tourist</i></p> <p><i>Part 3 General controls</i></p>	<p> <b>Note:</b> Residential developments comprising:</p> <p>a. 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2m above ground level) and</p> <p>b. 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops)</p> <p>are to be designed in accordance with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings</p> <p>It should be noted that this does not include a Class 1a or Class 1b building under the Building Code of Australia (eg town houses or villas).</p>	<p> <b>Note:</b> Residential flat buildings, shop top housing or mixed use development with a residential component which consists of the following:</p> <p>(i) the erection of a new building, (ii) the substantial redevelopment or the substantial refurbishment of an existing building, (iii) the conversion of an existing building, and</p> <p>a. the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p> <p>b. the building concerned contains at least 4 or more dwellings.</p> <p>are to be designed in accordance with the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings</p> <p>It should be noted that this does not include a Class 1a or Class 1b building under the Building Code of Australia (eg town houses or villas).</p>	<p>The changes reflect changes made to SEPP 65 in June 2015.</p> <p>Also update reference to SEPP 65 elsewhere within Chapter 4.</p>
7	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>M. Element - Adaptable Housing</i></p>	<p>No current provision</p>	<p> <b>Note:</b> Residents contemplating building new housing are encouraged to consider the design elements contained within the <a href="#">Liveable Housing Design Guidelines</a>, and the design suggestions contained within the <a href="#">The tradies guide to good access</a>.</p>	<p><i>Liveable Housing Australia</i> is a partnership between community and consumer groups, government and industry. The Liveable Housing Design Guidelines (LHDG), the self assessment tool and optional project certification process provides a practical means through which liveable housing design ideas may be disseminated throughout the community.</p> <p>The "tradies" guide to good access is an initiative of the Northern Rivers Regional Access Forum and provides similar advisor information as contained within the LHDG.</p> <p>A reference to the above publications within the DCP is intended to assist with the</p>



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				dissemination of liveable (adaptable) design ideas.
8	Chapter 4 Residential and Tourist Development  P. Element - Earthworks & Slope Sensitive Design Controls  i Earthworks	<ul style="list-style-type: none"> <li>Earthworks involving excavation and/or filling on or within 900mm of a property boundary are restricted to maximum height of 1200mm per single cut, single fill or combination cut/fill. These works are to be retained by a masonry structure designed and certified by a suitably qualified structural engineer.</li> </ul>	<ul style="list-style-type: none"> <li>Earthworks involving excavation and/or filling on or within 900mm of a property boundary are restricted to maximum height of 1200mm per single cut, single fill or combination cut/fill. These works are to be retained by a masonry structure <b>which is to be</b> designed and certified by a suitably qualified structural engineer <b>if in excess of 1 metre in height.</b></li> </ul>	The proposed amendment reinstates previous practice in place prior to DCP 2012.
9	Chapter 4 Residential and Tourist Development  Clause 3.1.3 Development Controls  Landscaping and Open Space Requirements	iii. A new <b>dwelling</b> must have an outdoor living area of at least 24m <sup>2</sup> with a minimum <b>width</b> of 4m x 4m and a maximum gradient of 1:10.	iii. A new <b>dwelling</b> must have an outdoor living area of at least 24m <sup>2</sup> with a minimum <b>dimension</b> of 4m x 4m and a maximum gradient of 1:10.	Corrects an error.
10	Chapter Commercial Development Lennox Head  Clause 8.1 Background	<p><b>Part 8 Development Controls – Precinct D 8.1 Background</b></p> <p>Precinct D (Commercial Accommodation) currently contains a range of accommodation styles, including <b>dwelling houses, residential flat buildings</b> and <b>tourist and visitor accommodation</b>. The generally non-commercial nature of development, combined with a number of prominent mature trees located on private land, contribute to the low key landscape character of the Lennox Head Village Centre. From both pedestrian amenity and traffic management perspectives, it is considered desirable that there be no intensification of existing traffic access from</p>	<p>Deletion of that part of clause 8.1 highlighted in yellow and replacement with the following words:</p> <p><b>Traffic amenity impacts within Raynor Lane and Rutherford Street will be assessed in accordance with section 4.3 Impact on amenity, as contained in the Guide to Traffic Generating Development (RTA 2002).</b></p> <p><b>Redevelopment of allotments located on the eastern side of Ballina Street shall obtain vehicular access from either Raynor Lane or Rutherford Street. Redevelopment of allotments located on the western side of Ballina Street shall obtain vehicular</b></p>	Clause 8.1 Background – The comments in this section are essentially a carryover of comments contained within Chapter 8 of the previous Ballina Shire Combined DCP adopted by Council in August 2006. Given that this DCP consolidated previous provisions within the one policy document it is likely that the comments had their genesis within a version of the Ballina Shire Development Control Plan – Urban Land which was first adopted in July 1994.

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		Ballina Street within the Precinct, with the longer term goal being to relocate all vehicular access to either Rayner Lane or Rutherford Street. Given that this will result in an increase in traffic movements in Rayner Lane, which is essentially a residential area, it is considered appropriate to minimise the scale of the increased traffic flows in this area, so as to also manage impacts on nearby residential areas.	access from Park Lane.	Given that the DCP seeks to relocate vehicle access to Rayner Lane or Rutherford Street an increase in traffic flow in these streets will result as a consequence. It is seen as desirable that traffic flow issues be assessed in accordance with guidelines issued by the [previous] Roads and Traffic Authority related to environmental road capacity. The environmental capacity of a road is determined by road width, traffic volumes, speed limits and other factors.  Alternatively Council may wish to consider encouraging vehicular access from Ballina Street and discouraging access from Rayner Lane or Rutherford Street. This option should, however, be considered in relation to impact on the streetscape, pedestrian accessibility and active street frontages on Ballina Street.
11	Chapter 6c Commercial Development Lennox Head Clause 8.2 - Preferred land Uses	<b>8.2 Preferred Land Uses</b> The preferred land use within this Precinct is short term <i>tourist and visitor accommodation</i> such as serviced apartments, motels and the like. <i>Shop top housing</i> is also encouraged. Commercial activities, such as <i>restaurants or cafes</i> , may be considered only when ancillary to the use of the	Rewording of that part of clause 8.2 highlighted in yellow as follows: <b>8.2 Preferred Land Uses</b> The preferred land use within this Precinct is short term <i>tourist and visitor accommodation</i> such as serviced apartments, motels and the like. <i>Shop top</i>	Section 8.2 nominates preferred land uses within Precinct D, which is the precinct bounded by Ballina Street, Raynor Lane and Rutherford Street. It is the non-compliance with the preferred land use provisions that was a cause for concern during the

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		<p>premises for <i>tourist and visitor accommodation</i> and where fronting Ballina Street (short term accommodation must, however, remain the dominant land use).</p>	<p><i>housing</i>, as well as commercial activities fronting Ballina Street that are ancillary to <i>tourist and visitor accommodation</i>, (such as <i>restaurants or cafes</i>) are also encouraged.</p>	<p>assessment of DA 2014/609, 45-49 Ballina Street, Lennox Head.</p> <p>It is noted that the 2006 DCP contained the following statement which was not repeated within the 2012 DCP:</p> <p><i>"Buildings intended for use as permanent residential accommodation are also permitted."</i></p> <p>It is also noted that the B2 Local Centre zone applicable to Precinct D permits with consent <i>dwelling houses, secondary dwellings and extensive agriculture</i> as uses additional to the mandatory uses required to be permitted by the <i>Standard Instrument</i>.</p> <p>DCP's cannot be used as a mechanism for the regulation of land use permissibility. At best they could be viewed as providing broad statements relating to desired precinct character.</p> <p>In the context of the LEP permitting dwelling houses and secondary dwellings within the B2 zone clause 8.2 has been subject to rewording to better ensure that it expresses a preference, as was its original intent, as opposed to a seeking to prohibit uses otherwise permissible.</p>

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12	Chapter 6c Commercial Development Lennox Head  Precinct D Development Controls – Building Design	<p><i>Building Design - Building facades fronting Ballina Street are to be articulated at intervals of approximately 5 metres horizontally. For example, if a building occupies a 15 metre frontage, it should appear as though there are three separate shops with 5 metre frontages. This can be achieved via window separations, signage, setbacks, colours, changes of building materials etc.</i></p> <p><i>- Where ground floor levels comprise non-residential land uses, an active and accessible street frontage shall be provided at the same level of the footpath. An active street frontage shall have a minimum 50% clear glazing and shall consist of one or more of the following:</i></p> <ul style="list-style-type: none"> <li>• a shop front,</li> <li>• commercial and residential lobbies,</li> <li>• a café or restaurant if accompanied by an entry from the street, or</li> <li>• a public building if accompanied by an entry from the street.</li> </ul>	<p>Rewording of that part of Building Design Controls highlighted in yellow as follows:</p> <p><i>Building Design - Building facades fronting Ballina Street, Rutherford Street or Raynor Lane are to be articulated at intervals of approximately 5 metres horizontally. For example, if a building occupies a 15 metre frontage, it should appear as though there are three separate shops with 5 metre frontages. Similarly if a building fronting Raynor Lane, contains a number of individual dwellings each dwelling shall be appropriately articulated.</i></p> <p><i>Articulation may be achieved via window separations, signage, setbacks, colours, changes of building materials etc.</i></p>	<p>Precinct D design guidance is currently limited to Ballina Street. Given that some large sites have resulted from lot consolidation it is equally important that some relevant guidance be provided in respect to other lot frontages.</p>
13	Chapter 6d Commercial Development - West Ballina Enterprise Corridor  Table 6.4 Precinct 2 Development Incentives	<p><b>Table 6d.4 – Development Incentives applying to Precinct 2</b></p> <p><b>Control</b></p> <p>A reduction in car parking may be considered under the following circumstances:</p> <ol style="list-style-type: none"> <li>i. The development must provide shop top housing above each industrial/commercial tenancy;</li> <li>ii. Where courtyard carparking, including the provision of appropriate landscaping is provided;</li> <li>iii. Where these are satisfied, the following carparking reductions may be permitted; and</li> <li>iv. A reduction in the rate of tenancy</li> </ol>	<p><b>Table 6d.4 – Development Incentives applying to Precinct 2</b></p> <p><b>Control</b></p> <p>A reduction in car parking may be considered from that prescribed in Table 6d.3 under the following circumstances:</p> <ol style="list-style-type: none"> <li>a. The development must provide shop top housing above each industrial/commercial tenancy</li> <li>b. Where courtyard car parking, including the provision of appropriate landscaping is provided;</li> <li>c. There is sufficient off-street parking spaces provided within the live/work development and adequate justification is</li> </ol>	<p>Rationalises car parking incentives within the one location. These changes are also reflected in Chapter 2 car parking requirements.</p>

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		carparking from that prescribed in Table 6d.3 so long as it can be demonstrated that unacceptable levels of carparking in public areas will not result.	provided demonstrating that their use (by residential visitors) will primarily occur outside of the identified business hours then no requirement for visitor car parking will be required; d. Off-street car parking shall be provided for the use of all industrial and commercial tenancies; e. Parking for residential units shall be provided in a ground floor garage or undercover area; f. Residential entries shall be located directly from the public street or common area and clearly demarcated from the entries to the commercial components; and g. No vehicular access is to be provided from a street frontage other than the combined access point.																					
15	Chapter 5 – Industrial Development 3.1.3 – Development Controls Element B – Landscaping and Screening Control ii	ii. A <b>landscaped area</b> with a minimum <b>width</b> of 3.0m is to be provided along all frontages of the site. Unless otherwise utilised for access ways, forward of the <b>front building line or setback</b> should be landscaped for the full depth of the frontage. This may include pedestrian pathways;	The reference to width is in error should refer to <b>depth</b> .	The proposed change corrects an error and reflects the manner in which this provision has been interpreted.																				
16	Chapter 8 - Other Uses Table 8.1	D. Parking and Access i. Off-street car parking for a <i>sex services premises</i> is to be provided as follows; and <table border="1"> <caption>Table 8.1 - Off Street Car Parking Requirements for Sex Services Premises</caption> <thead> <tr> <th>Number of Consulting Rooms</th> <th>Minimum Number of Car Parking Spaces Required</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>6</td> </tr> <tr> <td>3</td> <td>5</td> </tr> <tr> <td>4</td> <td>4</td> </tr> <tr> <td>1</td> <td>3</td> </tr> </tbody> </table>	Number of Consulting Rooms	Minimum Number of Car Parking Spaces Required	4	6	3	5	4	4	1	3	The reference to 4 consulting rooms and 4 car parking spaces is in error. The table should be amended as indicated in yellow highlight below:  D. Parking and Access i. Off-street car parking for a <i>sex services premises</i> is to be provided as follows; and <table border="1"> <caption>Table 8.1 - Off Street Car Parking Requirements for Sex Services Premises</caption> <thead> <tr> <th>Number of Consulting Rooms</th> <th>Minimum Number of Car Parking Spaces Required</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>6</td> </tr> <tr> <td>3</td> <td>5</td> </tr> <tr> <td>2</td> <td>4</td> </tr> <tr> <td>1</td> <td>3</td> </tr> </tbody> </table>	Number of Consulting Rooms	Minimum Number of Car Parking Spaces Required	4	6	3	5	2	4	1	3	Corrects an error.
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9.1 Development Control Plan 2012 - Amendment No 6.DOC

No.	DCP Reference	Existing Provision	Proposed Amendment	Reason
	Chapter 2 - General and Environmental Considerations Clause 3.19.3 Development Controls  E. Car Parking Requirements Table 2.3	<b>Medical centre</b> 3 spaces per consulting room plus 1 space per 2 employees plus any dwelling requirement  <b>Medical Centre – Ballina Town Centre</b> 1 space per 25m <sup>2</sup> gross floor area	<b>Medical centre</b> (Located in Central Business Districts) 1 space per 25m <sup>2</sup> gross floor area.  <b>Medical centre</b> (Non CBD locations) 3 spaces per consulting room plus 1 space per 2 employees plus any dwelling requirement	Aligns the car parking rate for medical centres located in CBD locations. This amendment was endorsed by the Council for exhibition at its Ordinary Meeting on 24 September 2015.

□.

**Attachment 1****Extract from Chapter 2 - General and Environmental Considerations****Clause 3.19 Car Parking and Access Requirements**

(Note - Proposed changes resulting from consolidation of requirements, or inclusion of items discussed in Schedule, highlighted in yellow.)

**3.19 Car Parking and Access****3.19.1 Application**

<b>Applies to:</b>	
Location/s:	All land.
Development Type/s:	All development.

**3.19.2 Planning Objectives**

- a. Provide sufficient on-site car parking to adequately service the needs of the occupants, users, visitors, employees and service and delivery vehicles of a development;
- b. Ensure compliance with relevant standards and that provision is made for the safe and efficient circulation of vehicles entering, exiting and manoeuvring within the site;
- c. Maintain vehicular and pedestrian safety through design standards for the access to car parking areas;
- d. Integrate the location and design of car parking with the design of the site and building without compromising street character, landscape or pedestrian amenity and safety;
- e. Ensure access to off-street car parking does not unreasonably impact on the provision of parking within the public street system; and
- f. Provide adequate loading areas for commercial developments.

**3.19.3 Development Controls****A. Parking and Loading Layout Standards (General)**

- i. All parking spaces in commercial and industrial developments must be available for unrestricted public access and employee use.
- ii. Parking for people with disabilities is to be provided in accordance with the requirements of the *Building Code of Australia* and designed in accordance with the requirements of Australian Standard 2890.

- iii. Parking spaces for people with disabilities shall be covered by a waterproof roof or awning structure:
  - a. in new development comprising commercial, industrial or tourist and visitor accommodation uses (or any combination thereof) and that has an aggregated floor area greater than 500m<sup>2</sup>; or
  - b. in public car parks containing 20 or more spaces.
- iv. Stack parking is not permitted for commercial developments; however, consideration may be given where a dedicated parking attendant is on site at all times.
- v. Car parking shall be designed in accordance with Australian Standard 2890 and the *RTA Guide to Traffic Generating Developments*;
- vi. Car parking spaces required for customer parking in commercial, business and retail developments are to be freely accessible at all times and must not be gated or secured for exclusive use in any form;
- vii. Site access and kerb crossover points shall have adequate sight distances and are to be designed to ensure that all vehicles are able to safely enter and exit the site while maintaining the safety and integrity of the road network;
- viii. The visual impact of car parking areas is to be softened by the incorporation of appropriate landscaping;
- ix. Vehicular access points are to be provided from rear lanes or secondary street frontages wherever possible;
- x. Vehicular access points should be located to increase or maximise on-street parking opportunities;
- xi. Driveways and car parking areas must not hinder the free flow of pedestrians on or adjacent to the site;
- xii. Where possible, car parking areas should be designed to facilitate the long term integration of car parking areas between allotments;
- xiii. The number of loading bays to be provided shall be determined having regard to the scale and type of use proposed. In this regard full details of the anticipated volume and frequency of deliveries shall be supplied with each development application;
- xiv. Service areas and loading bays should be designed to cater for the vehicles and servicing operations anticipated to occur in a particular development. Designs shall comply with Australian Standard 2890.2 Part 2: Off-street commercial vehicle facilities; and
- xv. The location and design of loading bays are to integrate into the overall design of the building, be separate from customer car parking areas and be appropriately screened when located adjacent to sensitive adjoining land uses.

**A1. Parking and Loading Layout Standards (Lennox Head)**

- i. New developments shall be required to provide loading bays located wholly within the subject site. Such loading bays are not to be accessed from Ballina Street.
- ii. Loading bays and turning areas should have dimensions designed in accordance with the size of vehicles that will service the site.



- iii. No loading / unloading / deliveries is permitted on or from Ballina Street during the hours of 9.00am to 5.00pm.

### B. Car Access and Manoeuvring Areas (General)

- i. All car parking spaces are to be accessed via an access driveway. Direct access to car parking spaces from a road or lane is not permitted. However, where site constraints prevent this opportunity, Council may consider alternatives.
- ii. The maximum driveway gradient shall be in accordance with the AS 2890 and the *Northern Rivers Local Government Development & Design Manual*.
- iii. All parking and service areas shall be provided with sufficient manoeuvring areas to allow vehicles to enter the site in a forward direction, park and leave the site in a forward direction in no more than three separate movements (3 point turn). This requirement does not apply to *dwelling houses*. *Dual occupancy* developments may also be exempt on merit and where there are no potential internal driveway conflicts.
- iv. Designs for manoeuvring areas are to be in accordance with Australian Standard 2890 and must include a swept path analysis for the relevant design vehicle. Residential unit developments shall use the B99 vehicle as specified in AS 2890.
- v. The design of loading bays and service areas shall be in accordance with Australian Standard 2890.

### B1. Car Access and Manoeuvring Areas (Lennox Head)

- i. Redevelopment of allotments located on the eastern side of Ballina Street shall obtain vehicular access from either Rayner Lane or Rutherford Street. Redevelopment of allotments located on the western side of Ballina Street shall obtain vehicular access from Park Lane.
- ii. A maximum of one vehicular access point is to be provided to each property so as to increase opportunities for parking within the street system. Driveway locations should be located so as to maximise on street parking opportunities.

### C. Structures Adjacent to Driveways

- i. Where a driveway is accessed from a lane, any gate must be fully automated so that vehicles are not required to temporarily stop in the lane way.
- ii. Boundary fencing, garages, carports, landscaping, vegetation, signs or any other structures adjacent to a driveway that exceed 1 metre in height are to demonstrate compliance with Australian Standard 2890 in relation to the provision of sight lines for vehicles and pedestrians. No permanent sight obstruction exceeding 1 metre in height shall be located within the identified clearance area for sight distances.

### D. Access Driveways and Circulation Roadways

- i. Access driveways and circulation roadways are to be designed and constructed in accordance with the requirements of Australian Standard 2890.

**E. Car Parking Requirements**

- i. Unless otherwise specified elsewhere in this DCP, car parking is to be provided in accordance with the schedule contained in Table 2.3. Where a proposed use is not represented in Table 2.3 or elsewhere in this DCP, the rates under the *RTA Guide to Traffic Generating Developments* will apply. If a rate is not provided by the *RTA Guide to Traffic Generating Developments* a merit based assessment will apply.
- ii. The car parking requirements specified in Table 2.3 are minimum requirements. All required spaces associated with commercial and industrial uses shall be made available for unrestricted public access and employee use. Where car parking spaces are proposed to be designated for private use then such spaces are required to be additional to the minimum specified requirements.

**iii. Precinct 1 West Ballina Enterprise Corridor.**

A reduction in the provision of car parking spaces for a development as follows may be considered when the following provisions are satisfied:

- a. The development application is supported by a traffic and car parking analysis report prepared by a suitably qualified professional. This report is to demonstrate that the proposed provision of car parking is adequate to cater for the peak parking needs of the development.

**iv. Precinct 2 West Ballina Enterprise Corridor.**

A reduction in the provision of car parking spaces for a development as follows may be considered when the following provisions are satisfied:

- a. The development must provide shop top housing above each industrial/commercial tenancy
- b. Where courtyard car parking, including the provision of appropriate landscaping is provided;
- c. There is sufficient off-street parking spaces provided within the live/work development and adequate justification is provided demonstrating that their use (by residential visitors) will primarily occur outside of the identified business hours then no requirement for visitor car parking will be required;
- d. Off-street car parking shall be provided for the use of all industrial and commercial tenancies;
- e. Parking for residential units shall be provided in a ground floor garage or undercover area;
- f. Residential entries shall be located directly from the public street or common area and clearly demarcated from the entries to the commercial components; and
- g. No vehicular access is to be provided from a street frontage other than the combined access point.

v. **Precinct 4 West Ballina Enterprise Corridor fronting River Street.**

A reduction in the provision of car parking spaces for a development may be considered when the following provisions are satisfied:

- a. The development must provide shop top housing above each industrial/commercial tenancy;
- b. The building and associated structures demonstrate good architectural form, an active street frontage and logical access and parking;
- c. It can be demonstrated that available on-street parking spaces will only be required to cater for peak demand and that the typical usage patterns can be accommodated on-site; and
- d. It can be demonstrated that any peak time parking shortfall will not detrimentally impact adjoining land owners and the general public in terms of an unreasonable on-street parking usage.

**Note:**

In this DCP, except in so far as the context or subject matter otherwise indicates or requires:

- **Gross floor area** (GFA) and **gross leaseable floor area** (GLFA) are to be calculated as per the definitions contained in the *RTA Guide to Traffic Generating Developments*.
- Where reference is made to car parking space per room, unit, bed, etc the reference is taken to mean that number or a part thereof, e.g. "1 per 2 bedrooms" means "1 car parking space for every two bedrooms or part thereof".
- Where the number of spaces required is expressed as a decimal, e.g. "1.25 per unit" the total number of spaces so determined will be rounded up to the next whole number. For example, if 1.25 spaces are required per unit, then for 5 units the requirement will be 6.25 spaces, ie when rounded up, 7 spaces. Similarly, 7 units at 1.25 per unit will require 9 car parking spaces.

Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
<i>Amusement centre</i>	4 spaces per 100m <sup>2</sup> GFA plus 1 per 2 employees
<i>Attached Dwellings</i>	2 spaces per <i>dwelling</i> Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.
<i>Backpackers accommodation</i>	1 space per 5 beds
<i>Bed and breakfast accommodation</i>	1 space per guest bedroom plus 2 spaces per <i>dwelling</i>
<i>Boarding house</i>	See SEPP (Affordable Rental Housing) 2009
<i>Boating facility</i>	See <i>wharf</i>
<i>Business premises</i>	1 space per 40m <sup>2</sup> GFA <b>Ballina Town Centre</b> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> gross floor area at ground floor level.</li> <li>1 space per 40m<sup>2</sup> gross floor area at first floor level and above.</li> </ul> <b>Lennox Head Precinct A</b> <ul style="list-style-type: none"> <li>1 space per 30m<sup>2</sup> Gross Floor Area (GFA) to be provided on site plus 1 space per 150m<sup>2</sup> GFA to be paid as contributions for the improvement of public lands for car parking purposes.</li> <li>A minimum of 25% of total required spaces to be available for customer accessible parking.</li> </ul> <b>Lennox Head Precinct D</b> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> Gross Floor Area (GFA).</li> <li>A minimum of 25% of total required spaces to be available for customer accessible parking.</li> </ul>
<i>Bulky goods premises</i>	1 space per 40m <sup>2</sup> GFA
<i>Caravan park</i>	In accordance with the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2000</i>
<i>Commercial premises</i>	See <i>business premises, office premises</i> or <i>retail premises</i>

Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
<i>Community facilities</i>	Merit based
<i>Child care centre</i>	1 space per 4 children plus drop off/pick up area
<b>Dual Occupancies</b>	<b>2 spaces per dwelling</b> Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered
<i>Dwelling house</i>	2 spaces per <i>dwelling</i> Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.
<i>Educational establishment (Primary)</i>	1 space per 12 students plus 1 space per 2 employees
<i>Educational establishment (Secondary)</i>	1 space per 10 students plus 1 space per 2 employees
<i>Educational establishment (Tertiary)</i>	1 space per 5 students plus 1 space per 2 employees
<b>Educational establishment (Other – Located within the IN1 General Industrial zone )</b>	<b>Merit assessment. Parking rate to be determined based on a detailed Traffic Impact Assessment</b>
<i>Entertainment facility</i>	1 space per 5 seats or 1 space per 5m <sup>2</sup> of public floor space, whichever is greater
<i>Exhibition home</i>	2 spaces per home external to garage/ <i>dwelling</i> parking space
<i>Food and drink premises (not located in commercial centres)</i>	1 space per 3 seats or 15 per 100m <sup>2</sup> GFA, whichever is the greater.
<i>Food and drink premises</i>	<ul style="list-style-type: none"> <li>1 space per 25 m<sup>2</sup> of gross floor area at ground floor level.</li> <li>1 space per 40m<sup>2</sup> gross floor area at the first floor level and above.</li> <li>On site car parking is required to be accessible parking.</li> </ul> <p><b>Lennox Head Precinct A</b></p> <ul style="list-style-type: none"> <li>1 space per 30m<sup>2</sup> to be provided on site plus 1 space per 150m<sup>2</sup> to be paid as contributions for the improvement of public lands for car parking purposes.</li> </ul>

Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
	<ul style="list-style-type: none"> <li>A minimum of 75% of total required spaces to be available for customer accessible parking.</li> <li>Where additional car parking is required in relation to applications to legitimise existing alfresco dining activities on public land, and where it is not possible to physically accommodate such parking on the subject site, Council may consider a monetary contribution for the provision of such parking in accordance with the adopted Parking Contributions Plan.</li> </ul> <p><b>Lennox Head Precinct D</b></p> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> GFA.</li> <li>A minimum of 75% of total required spaces to be available for customer accessible parking.</li> </ul>
<i>Function centre</i>	1 space per 3 seats or 15 per 100m <sup>2</sup> GFA, whichever is the greater.
<i>Funeral home</i>	2 spaces plus either 1 space per 30m <sup>2</sup> GFA or 1 per 5 seats in chapel, whichever is greater
<i>Garden centre</i>	1 space per 70m <sup>2</sup> display area (including accessories). Where landscape supplies are included an additional 1 space per employee plus 2 visitor spaces and adequate loading/unloading area is to be provided.
<i>Group home</i>	Refer SEPP (Affordable Rental Housing) 2009
<i>Hardware and building supplies</i>	1 space for 40m <sup>2</sup> GFA.
<i>Health consulting rooms</i>	3 spaces per consulting room plus 1 space per 2 employees plus any dwelling requirement. <b>Ballina Town Centre</b> 3 spaces per surgery or consulting room.
<i>Home business</i>	<i>Dwelling</i> requirement plus 1 space for visitors plus 1 space per 2 non resident employees

Table 2.3 – General Car Parking Requirements											
Land Use	Car Parking										
<i>Home occupation (sex services)</i>	<table border="1"> <thead> <tr> <th>Number of Consulting Rooms</th> <th>Minimum Number of Car Parking Spaces Required</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>6</td> </tr> <tr> <td>3</td> <td>5</td> </tr> <tr> <td>2</td> <td>4</td> </tr> <tr> <td>1</td> <td>3</td> </tr> </tbody> </table>	Number of Consulting Rooms	Minimum Number of Car Parking Spaces Required	4	6	3	5	2	4	1	3
Number of Consulting Rooms	Minimum Number of Car Parking Spaces Required										
4	6										
3	5										
2	4										
1	3										
<i>Hospital</i>	Merit assessment. Parking rate to be determined based on a detailed Traffic Impact Assessment										
<i>Hotel or motel accommodation</i>	1.1 spaces per unit plus 1 space per 2 employees (on site at any one time) plus 1 space for on-site manager. If public <i>restaurant</i> included add 1 space per 30m <sup>2</sup> GFA occupied by <i>restaurant</i> use. If function room included, add 1 space per 3 seats or 15 per 100m <sup>2</sup> GFA whichever is the greater										
<i>Industrial training facility</i>	Merit assessment. Parking rate to be determined based on a detailed Traffic Impact Assessment										
<i>Industry</i>	1.3 spaces per 100m <sup>2</sup> GFA										
<i>Kiosk</i>	See <i>food and drink premises</i>										
<i>Landscape material supplies</i>	1 space per employee plus 2 visitor spaces and adequate loading/unloading area. Where applicable add 1 space per 70m <sup>2</sup> product display/showroom area										
<i>Live / work development</i> <i>(West Ballina Enterprise Corridor Precinct 2)</i>	1 space per dwelling requirement, plus 1 space per 75m <sup>2</sup> for commercial / light industrial. No requirement for visitor car parking in Precinct 2 where clause 3.19.3 E (iv) c matters are satisfied.										
<i>Market</i>	2.5 spaces per stall										
<i>Medical centre (Central Business Districts)</i>	1 space per 25m <sup>2</sup> gross floor area.										
<i>Medical centre (Non CBD locations)</i>	3 spaces per consulting room plus 1 space per 2 employees plus any <i>dwelling</i> requirement										
<i>Mortuary</i>	See <i>funeral chapel</i>										
<i>Multi Dwelling Housing and Residential Flat Buildings</i>	1 space per dwelling where total GFA of dwelling is less than 60m <sup>2</sup> . 1.5 spaces per dwelling where total GFA of dwelling is between 60m <sup>2</sup> and 85m <sup>2</sup> . 2 spaces per dwelling where total GFA of dwelling is greater than 85m <sup>2</sup> . Plus 1 additional space per 5 dwellings for visitor parking										

Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
<i>Neighbourhood Shop</i>	See <i>Retail Premises</i>
<i>Office Premises</i>	<p>1 space per 40m<sup>2</sup> GFA.</p> <p><b>Ballina Town Centre</b></p> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> gross floor area at ground floor level.</li> <li>1 space per 40m<sup>2</sup> gross floor area at first floor level and above.</li> </ul> <p><b>Lennox Head Precinct A</b></p> <ul style="list-style-type: none"> <li>1 space per 30m<sup>2</sup> Gross Floor Area (GFA) to be provided on site plus 1 space per 150m<sup>2</sup> GFA to be paid as contributions for the improvement of public lands for car parking purposes.</li> <li>A minimum of 25% of total required spaces to be available for customer accessible parking.</li> </ul> <p><b>Lennox Head Precinct D</b></p> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> Gross Floor Area (GFA).</li> <li>A minimum of 25% of total required spaces to be available for customer accessible parking.</li> </ul>
<i>Place of Public Worship</i>	1 space per 3 seats or 15 per 100m <sup>2</sup> GFA, whichever is the greater
<i>Plant nursery</i>	See <i>garden centre</i>
<i>Pub</i>	1 space per 25m <sup>2</sup> GFA. If public <i>restaurant</i> is included add 1 space per 3 seats or 15 per 100m <sup>2</sup> GFA, whichever is the greater
<i>Public administration building</i>	See <i>office premises</i>
<i>Recreation facility (indoor)</i>	<p>Bowling Alley: 3 spaces per lane</p> <p>Squash Courts: 3 spaces per court</p> <p>Gymnasium: 4.5 spaces per 100m<sup>2</sup> GFA</p> <p>Dance Studio: 1 space per 3 pupils</p> <p>Other activities: on merit</p>



Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
<i>Recreation facility (outdoor)</i>	Tennis Courts: 3 spaces per court Bowling Club: 21 spaces per green plus any restaurant and pub requirements where applicable Golf Course: 3 spaces per hole on course plus any restaurant and pub requirements where applicable Other activities: on merit
<i>Registered club</i>	See <i>pub</i>
<i>Residential Flat Buildings</i>	See <i>Multi Dwelling Housing</i>
<i>Restaurant</i>	See <i>food and drink premises</i>
<i>Retail premises</i>	1 space per 40m <sup>2</sup> GFA <b>Ballina Town Centre</b> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> gross floor area at ground floor level.</li> <li>1 space per 40m<sup>2</sup> gross floor area at first floor level and above.</li> </ul> <b>Lennox Head Precinct A</b> <ul style="list-style-type: none"> <li>1 space per 30m<sup>2</sup> GFA to be provided on site plus 1 space per 150m<sup>2</sup> GFA to be paid as contributions for the improvement of public lands for car parking purposes.</li> <li>A minimum of 75% of total required spaces to be available for customer accessible parking.</li> </ul> <b>Lennox Head Precinct D</b> <ul style="list-style-type: none"> <li>1 space per 25m<sup>2</sup> GFA.</li> <li>A minimum of 75% of total required spaces to be available for customer accessible parking.</li> </ul>
<i>Roadside stall</i>	4 spaces per stall
<i>Rural supplies</i>	1 space per 40m <sup>2</sup> GFA
<i>Secondary dwelling</i>	Nil
<i>Semi – attached Dwellings</i>	2 spaces per <i>dwelling</i> Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.

Table 2.3 – General Car Parking Requirements	
Land Use	Car Parking
<b>Self-storage premises</b>	1 space per 10 storage sheds, plus 1 space per 40m <sup>2</sup> GFA office space
<i>Seniors housing</i>	See <i>SEPP (Housing for seniors or people with a disability) 2004</i>
<i>Serviced apartment</i>	See <i>hotel or motel accommodation</i>
<i>Service station</i>	5 spaces per 100m <sup>2</sup> GFA plus 6 spaces per mechanical service bay
<i>Shop</i>	See <i>retail premises</i>
<i>Shopping centre</i>	Per area of <b>gross leasable floor area</b> (GLFA): 1-10,000m <sup>2</sup> GLFA - 6.1 spaces per 100m <sup>2</sup> 10,000 - 20,000m <sup>2</sup> GLFA - 5.6 spaces per 100m <sup>2</sup> 20,000 - 30,000m <sup>2</sup> GLFA - 4.3 spaces per 100m <sup>2</sup> Over 30,000m <sup>2</sup> GLFA - 4.1 spaces per 100m <sup>2</sup>
<i>Shop top housing</i>	<i>Dwelling</i> requirement plus <i>shop</i> requirement
<i>Takeaway food or drink premises</i>	See <i>food and drink premises</i>
<i>Temporary land uses</i>	Car parking must comply with standards for comparable land uses where specified in the DCP or based on relevant guidelines published by the NSW Roads and Maritime Services. Car parking must be sufficient to meet demand generated by staff and visitors.
<i>Timber yard</i>	See <i>landscape material supplies</i>
<b>Tourist and visitor accommodation</b>	Car parking determined by the rate applicable to the most equivalent form of housing
<i>Vehicle repair station</i>	6 spaces per service bay (service bays are counted as a car parking space)
<i>Vehicle sales or hire premises</i>	1 space per 100m <sup>2</sup> display area plus 1 space per 70m <sup>2</sup> spare parts sales area plus 1 space per employee plus adequate loading/unloading area for vehicle carriers
<i>Veterinary hospital</i>	3 spaces per veterinarian plus 1 space per 2 employees (assistants/administration)
<b>Warehouse or Distribution Centre</b>	1 space per 300m <sup>2</sup> GLA
<i>Wharf</i>	0.6 spaces per wet berth 0.2 spaces per dry berth

Land Use	Car Parking
	0.2 spaces per swing mooring 0.5 spaces per marina employee
<i>Wholesale supplies</i>	See <i>bulky goods premises</i>

**Note:**

Where a development comprises a 'mixed use development' and includes a residential component, all car parking for the residential component is to be provided on site. Section 94 Contributions for carparking shortfalls will not be accepted for the residential component of the development.

**F. Car Parking Credits (General)**

- i. Council may acknowledge car parking credits for a site based on current or most recent approved uses.
- ii. Any car parking credit granted for an existing *restaurant* or *commercial premises* or use on a site shall be calculated at the following rate:
  - 1 space per 25 m<sup>2</sup> gross floor area at ground floor;
  - 1 space per 40m<sup>2</sup> gross floor area at first floor level and above.

**F1. Lennox Head**

- i. Car parking credit granted for existing shops, restaurants, commercial offices on a site shall be calculated at the rate of 1 space per 25 m<sup>2</sup> GFA.
- ii. Car parking credits are only available for new development upon the land parcel associated with an approved current use. Car parking credits are not transferable to other development sites.
- iii. Where a development has previously paid for the construction of car parking in the public street system, new development of that same site will be entitled to car parking credits equivalent to the number of spaces which were previously paid for.
- iv. For every 5.4m of street frontage or part thereof dedicated to Council along Rayner Lane (in accordance with the provisions of Chapter 2), Council will credit one car parking space for existing and future developments on the land from which they originated.
- v. Where a developer contribution for car parking has previously been paid for a current approved use on a development site, new development will be entitled to car parking credits equivalent to the number of spaces for which developer contributions were received by Council.

vi. Where a car parking credit has previously been granted for land dedications in conjunction with development, a new development on the same site will be entitled to an equivalent number of car parking credits, and

vii. Car parking credits are only available for new development upon the land parcel associated with the current approved use. Car parking credits are not transferable to other development sites.

**G. Alfresco Dining**

- i. The dining area used to determine on site car parking requirements for food and drink premises will include any area identified for alfresco dining.

**H. Monetary Contributions**

- i. For development located within the Ballina Town Centre east of Kerr Street and south of Holden Lane, Council may accept a cash contribution in lieu of the provision of on-site car parking spaces for up to 20% of the required parking spaces. Such cases will be considered on merit with reference to:
  - the size of the development;
  - the site's proximity to, and the accessibility of, existing or proposed public car parking areas;
  - the demand for car parking generally in the locality; and,
  - the general traffic flow in the area.
- ii. In locations not included under a car parking contributions plan, on-site car parking is to be provided on the land subject of the development.



**Note:**

The required contribution under (i) is to be made at rate applicable in Council's annual Schedule of Fees and Charges.



Date: 6 November 2015  
Our Ref: 15/9000

General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

*Attention: Mr Klaus Kerzinger*

Dear Sir,

**Re: Submission – Proposed Amendment No.6 to Ballina Development Control Plan**

We refer to the exhibited documentation concerning Draft Amendment No. 6 to the Ballina Development Control Plan 2012. Newton Denny Chapelle (NDC) would like to make the following submission with respect to two elements of the proposed DCP amendment.

**1. Chapter 2 – General and Environmental Considerations - Stormwater Provisions**

The updated Section 3.9 Stormwater Management is drafted such that it is heavily reliant on the as yet unpublished 'Ballina Shire Council Stormwater Management Standards for Development'. In the absence of knowing the contents of the 'Stormwater Management Standards', it is not possible to provide a considered submission to draft DCP, Chapter 2, Section 3.9.

As such, it is respectfully requested Council defer adoption of this element of the Draft DCP until such time as the Stormwater Management Standards have been made available for review and comment. This consultation could comprise targeted engagement with key practitioners involved with the design of stormwater management systems on a regular basis.

Notwithstanding the above, the following comments are also made with respect to Section 3.9 as currently drafted:

- A number of the development 'controls' are drafted in a manner which is better suited to being an 'objective' than a 'control' (eg Control B(i)). Conversely, one of the 'objectives' is better suited to being a 'control' (eg Objective 'C').

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- The current DCP does not provide for any information with respect to exemptions with respect to the application of the DCP requirements. We note that the Byron Council's '*Comprehensive Guidelines for Stormwater Management*' provides a list of circumstances where onsite detention is not required (including small scale development, rural development and the like). One specific exclusion which may provide a practical outcome for the lower lying areas of Ballina is as follows:

*"6.1(2)(d) OSD is not required in the following circumstances...where the site drains directly to a trunk drainage system within the tidal reach of a river or stream"*

- The DCP as currently drafted does not apply to 'dwelling houses' or 'secondary dwellings', however the DCP does apply to 'dual occupancies'. Given that BLEP2012 applies a consistent maximum Floor Space Ratio of 0.5:1 to each of these residential land uses it would appear reasonable that dual occupancies also be excluded from the application of the stormwater policy requirements.

## 2. Chapter 2(a) Floodplain Management

Chapter 2(a) as currently drafted continues to maintain Council's historic position of requiring flood prone land to be filled to achieve flood immunity. Council is urged to comprehensively review this requirement as it is an uneconomic and unsustainable impost on the community of Ballina. In particular, we note that:

- **Filling is an expensive exercise.** Importing and compacting fill, constructing suitable retaining walls and drainage all adds to the cost of development and is contributing to the reduction in housing affordability.
- **Fill is a scarce resource.** The Northern Rivers has a limited quantity of available quarrying resources (including overburden). Given that there are alternate construction methods available to achieving flood immunity, using this resource to continue to fill the floodplain would appear to be an extravagant use of a scarce and valuable resource.
- **Filling is occurring in a piecemeal fashion.** When poorly designed, differential fill levels between properties (and on occasions within an existing property) can result in ponding of stormwater and other drainage issues.
- **Roads will be set below the flood level.**
- **Issues with Infill Development:** The current approach of filling infill development (ie where a second dwelling is constructed within the rear yard of an allotment already embellished with a dwelling) provides additional costs to a project in addition to creating issues with the integration between the existing dwelling and proposed dual occupancy. This requirement has led to poorer urban design outcomes when you have one dwelling raised considerably higher than the existing dwelling and resulting issues with the pedestrian connectivity to the street frontage, drainage and loss of private open space.

Many other local government areas on the North Coast (including Lismore and Tweed) adopt a more practical approach of requiring habitable floor levels to achieve flood immunity, but enabling developments to achieve this immunity by way of elevated 'Queenslander style' construction. Council has recognised that this approach is acceptable for parts of Wardell.

## 9.1 Development Control Plan 2012 - Amendment No 6.DOC

By way of example, Lismore City Council's Floodplain Risk Management Plan 2014 provides in the High and Medium Flood Risk Precincts, apart from motels, habitable floor areas for new residential development (including replacement dwellings and extensions to existing dwellings) are to be at or above the flood planning level i.e. the 1 in 100 ARI flood level plus 500mm freeboard. New motels and other visitor accommodation require a minimum of 90% of the habitable floor area to be above the flood planning level with an approved flood evacuation plan. The Management Plan does not prescribe the need to fill the land and where it may be proposed, the fill is to be sourced from the floodplain.

Furthermore, commercial developments are able to develop at floor levels below the nominated flood levels, provided that suitable flood storage areas are available within the premises for the relocation of equipment and stock in a flood event. The Ballina Flood Plain is inundated infrequently and there are relatively long lead times with respect to impending flood. As such, this approach represents a practical outcome for the Ballina area.

Should you have any questions regarding this matter, please do not hesitate contacting Damian Chappelle of this office.

Yours sincerely,  
NEWTON DENNY CHAPELLE



**DAMIAN CHAPELLE**  
Town Planner. BTP CPP.



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9 November 2015  
Our reference: 1038-402

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

Dear Sir,

**RE: Development Control Plan 2012 - Draft Amendment No. 6**

Council has recently exhibited Amendment No. 6 to the Ballina Shire Development Control Plan 2012. We apologise that this submission is lodged late. In relation to this amendment we submit the following suggestions for possible improvement to the exhibited amendments.

**Chapter 2 - General and Environmental Considerations**

Section 3.2 relates to ridgelines and scenic areas. That aspect has not been proposed for a modification. However, recent approvals and Ministerial Directions raise concern about the dilution of the importance of ridgeline scenic development in the Shire. For example DA 2014/251 was approved literally on top of the most exposed ridge in the Knockrow locality despite its 7(d) zoning. Further, the Minister recently decided not to implement specific zoning to protect scenic areas under the template LEP. In our submission the apparent looseness of the approval process and the new Ministerial decree increases the need for solid DCP protection provisions.

At Section 3.9 amendments are suggested in relation to stormwater management. As a generality no objection is raised by this firm concerning those objectives. However, we recommend that it would be useful to better define the term "lawful point of discharge" in a reasonably broad way to ensure as flexible approach as possible to the meaning of that term.

In Table 2.3 Council is proposing to vary certain rates for car parking. No objection in principle is raised in relation to that specification. However, to provide flexibility into the future, it is respectfully suggested that under the heading Live/ Work Development the bracketed words (West Ballina Enterprise Corridor Precinct) be excluded. This will not change the intention, but will allow better utility for this land use as time goes on.

**Chapter 2b - Flood Management**

The changes incorporated to amending the existing Chapter 2b are applauded. However, in our view the "required fill level" is still much too high to achieve the objectives described in the "Ballina Housing Resilience Investigation and Options Report". We submit that the required fill levels should be set at a height just sufficient to allow positive drainage to the street.

In addition to the above again respectfully submit that this Chapter is extremely difficult for a lay person to understand and it is disappointing that Council's resolution to simplify this chapter has not been implemented with this amendment to the DCP generally.

**Chapter 6c - Commercial Development Lennox Head**

As a generality no objection is raised in relation to the general alterations and additions proposed to Chapter 6c. However, we respectfully submit that the preferred land use as specified in Part A relating to

1038-402



Development Controls for Precinct D should incorporate the landuse flexibility illustrated by Council in its determination of DA 2014/609.

Further to the above, the commercial precinct of Lennox Head has a special height control over and above the general height specified in the immediate locality. This height facilitates 3 levels. It was said in the debate concerning DA 2014/609 that three level development was never intended for this precinct. However, there is nothing in the LEP or DCP which guides this outcome. We respectfully submit that if it is intended that development in the commercial area of Lennox Head be limited to 2 levels that, at the very least, such an outcome should be described in the Development Control Plan for the locality.

Thank you for the opportunity to make submissions in relation to Development Control Plan Draft Amendments No. 6. Should you require any additional information in which to clarify any matter raised by this submission, please feel free to contact the writer at any time.

Yours faithfully,

**PLANNERS NORTH**



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