



Ballina Shire Development Control Plan 2012

Draft Amendment – General Amendments

Schedule of Proposed Amendments

December 2016 (16/98773)

9.2 Ballina Shire Development Control Plan 2012 - Amendment.DOC

BDCP 2012 Draft Amendment – December 2016

The following table provides details of the amendments proposed to Ballina Development Control Plan 2012 (DCP). The amendments relate to issues and ideas identified as a result of periodic review of the DCP.

No	DCP Reference	Existing Provision	Proposed Amendment	Reason						
1	Chapter 2 General and Environmental Considerations Part 3 General Controls 3.22 Road Noise Mitigation	No current provision.	<p>3.22.1 Application</p> <table border="1"> <tr> <td colspan="2">Applies to:</td> </tr> <tr> <td>Location/s:</td> <td>All land.</td> </tr> <tr> <td>Development Type/s:</td> <td>All development.</td> </tr> </table> <p>3.22.2 Planning Objectives</p> <ul style="list-style-type: none"> a. Design new roads and urban areas to minimise exposure of people to road traffic noise. b. Ensure development is consistent with the policy approach outlined in the NSW Road Noise Policy (RNP) as applicable to Ballina Shire conditions. c. Balance urban design, amenity and cost considerations in relation to road traffic noise impacts and associated noise management outcomes. d. Provide for the consideration of a variety of management responses to the mitigation of known or projected road traffic noise impacts. <p>3.22.3 Development Controls</p> <p>A Assessment of Road Noise</p> <ul style="list-style-type: none"> i. Road noise shall be assessed in accordance with the criteria in the NSW Road Noise Policy (RNP). 	Applies to:		Location/s:	All land.	Development Type/s:	All development.	<p>The clause has been prepared in response to the Council's resolution not to proceed with the remaining section of noise wall at Ballina Heights Drive.</p> <p>The proposed clause reinforces consideration of noise issues under the DCP and provides an assessment framework which requires road noise impacts, in association with other residential amenity and urban design issues, to be considered in the development assessment process.</p> <p>The assessment framework also aims to assist developers and consultants by providing more clarity and certainty on Council's road noise management requirements.</p>
Applies to:										
Location/s:	All land.									
Development Type/s:	All development.									

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			<p>Note:</p> <p>Assessment of road noise should consider the criteria in Appendix C of the NSW Road Noise Policy which requires internal noise levels (L_{Aeq}) of 35 dB(A) for bedrooms during night periods (10pm to 7am) and 40 dB(A) for other habitable rooms.</p> <p>B Application of Noise Assessment Criteria and Mitigation/Management</p> <p>i. Development applications must assess options for feasible and reasonable road traffic noise mitigation measures where known or projected road traffic noise levels exceed the criteria specified in the RNP.</p> <p>Notes:</p> <p>Assessment of mitigation options under (i) should consider the principles of the NSW Road Noise Policy in the following priority order:</p> <ul style="list-style-type: none"> i. Land use and development planning: <ul style="list-style-type: none"> • Consider the location and siting of urban subdivisions to minimise impacts from road traffic noise on sensitive receivers. ii. Road and transport planning: <ul style="list-style-type: none"> • Consider the separation between busy roads/transport corridors and sensitive receivers. iii. Noise source control: <ul style="list-style-type: none"> • Examine source control options including low noise road surfaces and lower speed limits. iv. Transmission path control: <ul style="list-style-type: none"> • Review options including acoustic barrier walls/mounds and acoustic treatment of buildings. 	

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			<p>ii. Road traffic noise mitigation measures assessed under (i) must be evaluated having regard for the following:</p> <ul style="list-style-type: none"> • Effectiveness of proposed measures in reducing road traffic noise exposure to residential and other sensitive receivers. • Whole of life costs for construction, installation, ongoing maintenance and end of life replacement. • Subdivision layout and road design impacts. • Urban design, visual, aesthetic and scenic view impacts. • Connectivity of residential communities and permeability of residential urban areas. • Sustainability, shading, orientation and localised dwelling design impacts. • Safety and security impacts. • The ability of the market to adjust (discount) the price of land (to be purchased for future residences) by accounting for the costs of future road noise management at the individual lot/residence level. • Equitable allocation of costs and benefits to stakeholders (developers, road authorities, existing residents and future residents) arising from road noise and road noise mitigation measures. 	

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			<p>Notes:</p> <ol style="list-style-type: none"> Allotments identified as requiring specific design or building construction standards due to road traffic noise shall have relevant restrictions on title applied. Restriction to title shall require certification by a suitably qualified acoustic consultant of compliance with internal noise levels in accordance with Appendix C of the Road Noise Policy (or contemporary guideline). Refer to AS 3671-1989 Acoustics – Road traffic noise intrusion – Building siting and construction for further guidance. Specific provisions apply to the erection of acoustic barriers on individual properties in certain parts of Lennox Head within Chapter 4 (see Element K Fences and Walls). Some individual subdivision consents contain conditions regarding specific road noise mitigation requirements/measures that are to be implemented. Refer to the conditions of consent for the particular subdivision. 	
2	<p><i>Chapter 3 Urban Subdivision</i></p> <p><i>Part 5 Precinct Specific Controls</i></p> <p><i>5.4 Ballina Heights Estate, Cumbalum</i></p> <p><i>5.4.3 Development Controls</i></p> <p><i>C. Element – Residential Precincts</i></p> <p><i>Clause 5.4.3 C (vi)</i></p>	<p>vi. Residential areas within the Precincts will be protected from road traffic noise associated with the Pacific Highway and the road identified as Cumbalum Way on the Structure Plan to a design sound level of satisfactory as per AS/NZS 2107:2000 Acoustics – Recommended Design Sound Level and Reverberation Times for Building Interiors.</p>	<p>vi. Residential areas within the Precincts will be protected from road traffic noise associated with the Pacific Highway to a design sound level of satisfactory as per AS/NZS 2107:2000 Acoustics – Recommended Design Sound Level and Reverberation Times for Building Interiors.</p>	<p>Changes are proposed to Part 5.4 Ballina Heights Estate, Cumbalum to provide consistency with the new clause 3.22 Road Noise Mitigation and the NSW Road Noise Policy.</p>

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3	<p><i>Chapter 3 Urban Subdivision</i></p> <p><i>Part 5 Precinct Specific Controls</i></p> <p><i>5.5 Cumbalum Precinct B</i></p> <p><i>5.5.3 Development Controls</i></p> <p><i>D. Element – Residential Precincts</i></p> <p><i>Clause 5.5.3 D (iv)</i></p>	<p>iv. Residential areas must be protected from road traffic noise associated with the Pacific Highway and Ross Lane such that the relevant road noise standard can be met, being as per the 'Environmental Criteria for Road Traffic Noise (ECRTN)' prepared by the Department of Environment, Climate Change & Water (DECCW) for external road noise of LAeq(15 hour) 55 dB(A) between 7am – 10pm and LAeq (9hour) 50 dB(A) from 10pm – 7 am. These measures are to be implemented as part of the subdivision of the land. This to generally include the 3 m high landscaped earth noise bund along Ross Lane as shown on the Cumbalum Precinct B Structure Plan (Figure 1 – Appendix C).</p>	<p>iv. Residential areas must be protected from road traffic noise associated with the Pacific Highway and Ross Lane in accordance with the NSW Road Noise Policy.</p>	<p>Changes are proposed to Part 5.5 Cumbalum Precinct B to provide consistency with the new clause 3.22 Road Noise Mitigation and the NSW Road Noise Policy.</p>
4	<p><i>Chapter 3 Urban Subdivision</i></p> <p><i>Part 5 Precinct Specific Controls</i></p> <p><i>5.6 Cumbalum Views</i></p> <p><i>5.6.3 Development Controls</i></p> <p><i>E. Element – Residential Precincts</i></p> <p><i>Clause 5.6.3 E (vi)</i></p>	<p>Note:</p> <p>Contemporary road noise standards are to be met. At the endorsement of this DCP, these standards were that noise standards be met as per "Environmental Criteria for Road Traffic Noise (DECCW) for external road noise of LAeq (15 hour) 55 dB(A) between 7 am and 10 pm and LAeq (9 hour) 50 dB(A) from 10pm to 7 am.</p>	<p>Note:</p> <p>Contemporary noise standards are to be met in accordance with criteria in the NSW Road Noise Policy.</p>	<p>Changes are proposed to Part 5.6 Cumbalum Views to provide consistency with the new clause 3.22 Road Noise Mitigation and the NSW Road Noise Policy.</p>

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5	<p><i>Chapter 1 Administration</i> <i>Part 1 Preliminary</i> 1.5 Relationship to other planning documents</p>	No current provision.	<p>Insertion of a new clause 1.5A:</p> <p>1.5A Interpretation – Deferred Areas Ballina LEP 2012</p> <p>Where land is located within a deferred area under the Ballina LEP 2012, a reference in this DCP to a zone type listed under the Ballina LEP 2012 is to be interpreted as being equivalent to zones under the Ballina LEP 1987 as specified in the table below.</p> <table border="1"> <thead> <tr> <th>Ballina LEP 2012 – Zone:</th> <th>Ballina LEP 1987 – Zone:</th> </tr> </thead> <tbody> <tr> <td>E2 Environmental Conservation</td> <td>7(a) Environmental Protection (Wetlands) 7(f) Environmental Protection (Coastal Lands) 7(g) Environmental Protection (Foliate)</td> </tr> <tr> <td>E3 Environmental Management</td> <td>7(b) Environmental Protection (Water Catchment) 7(c) Environmental Protection (Scent Escapement) 7(ea) Environmental Protection (Newlybar Scent Escapement) 7(g) Environmental Protection (Urban Buffer)</td> </tr> <tr> <td>RU1 Primary Production</td> <td>1(a)(1) Rural (Plateau Lands Agriculture) 1(a)(2) Rural (Coastal Lands Agriculture) 1(e) Rural (Refractive and Mineral Resources)</td> </tr> <tr> <td>RU2 Rural Landscape</td> <td>1(b) Rural (Secondary Agricultural Land) 1(d) Rural (Urban Investigation)</td> </tr> <tr> <td>UL1 Public Use/Recreation</td> <td>6(a) Open Space</td> </tr> <tr> <td>R2 Low Density Residential</td> <td>2(a) Residential (Living Area) 2(b) Residential (Village Area)</td> </tr> <tr> <td>R3 Medium Density Residential</td> <td>2(a) Residential (Living Area) 2(b) Residential (Village Area)</td> </tr> <tr> <td>Other zones</td> <td>As determined by Council</td> </tr> </tbody> </table>	Ballina LEP 2012 – Zone:	Ballina LEP 1987 – Zone:	E2 Environmental Conservation	7(a) Environmental Protection (Wetlands) 7(f) Environmental Protection (Coastal Lands) 7(g) Environmental Protection (Foliate)	E3 Environmental Management	7(b) Environmental Protection (Water Catchment) 7(c) Environmental Protection (Scent Escapement) 7(ea) Environmental Protection (Newlybar Scent Escapement) 7(g) Environmental Protection (Urban Buffer)	RU1 Primary Production	1(a)(1) Rural (Plateau Lands Agriculture) 1(a)(2) Rural (Coastal Lands Agriculture) 1(e) Rural (Refractive and Mineral Resources)	RU2 Rural Landscape	1(b) Rural (Secondary Agricultural Land) 1(d) Rural (Urban Investigation)	UL1 Public Use/Recreation	6(a) Open Space	R2 Low Density Residential	2(a) Residential (Living Area) 2(b) Residential (Village Area)	R3 Medium Density Residential	2(a) Residential (Living Area) 2(b) Residential (Village Area)	Other zones	As determined by Council	<p>This amendment reinforces that the provisions of the DCP apply to all land within the shire, including the areas identified as deferred matters under the BLEP 2012.</p>
Ballina LEP 2012 – Zone:	Ballina LEP 1987 – Zone:																					
E2 Environmental Conservation	7(a) Environmental Protection (Wetlands) 7(f) Environmental Protection (Coastal Lands) 7(g) Environmental Protection (Foliate)																					
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6	<p><i>Chapter 1 Administration</i> <i>Part 3.2 Development Applications</i> 3.2.4 Public Notification and Exhibition of Development Proposals</p>	<p>3.2.4 Public Notification and Exhibition of Development Proposals</p> <p>Certain applications that will not, in the opinion of Council, create any unreasonable impacts on surrounding properties will generally not be subject to any notification, including, but not limited to:</p>	<p>3.2.4 Public Notification and Exhibition of Development Proposals</p> <p>Certain applications that will not, in the opinion of Council, create any unreasonable impacts on surrounding properties will generally not be subject to any notification, including, but not limited to:</p> <ul style="list-style-type: none"> • Change of use applications within Zone B3 	<p>This amendment implements the changes endorsed by Council at its Ordinary Meeting on 28 January 2016. At this meeting, Council resolved to amend its notification process in respect of development applications involving the construction</p>																		

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		<ul style="list-style-type: none"> Change of use applications within Zone B3 Commercial Core and industrial uses in Zone IN1 General Industrial; Dwelling houses, dual occupancies, rural worker's dwellings and secondary dwellings that generally comply with development controls; Industrial developments within Zone IN1 General Industrial; Commercial developments within Zone B3 Commercial Core; Minor boundary adjustments; Vegetation management and/or clearing works; and Most forms of signage. <p>Level 1 – Targeted Notification</p> <p>This involves a letter being sent to owners and occupiers of those properties which, in the opinion of Council's Assessment Officer, are likely to be unreasonably impacted by the proposed development. Level 1 typically applies to relatively small scale development such as:</p> <ul style="list-style-type: none"> Front fences (that are not exempt development); 	<p>Commercial Core and industrial uses in Zone IN1 General Industrial;</p> <ul style="list-style-type: none"> Dwelling houses, dual occupancies, rural worker's dwellings, secondary dwellings and group homes (comprising up to 10 bedrooms being within one or more group homes on a site) that generally comply with development controls; Industrial developments within Zone IN1 General Industrial; Commercial developments within Zone B3 Commercial Core; Minor boundary adjustments; Vegetation management and/or clearing works; and Most forms of signage. <p>Level 1 – Targeted Notification</p> <p>This involves a letter being sent to owners and occupiers of those properties which, in the opinion of Council's Assessment Officer, are likely to be unreasonably impacted by the proposed development. Level 1 typically applies to relatively small scale development such as:</p> <ul style="list-style-type: none"> Front fences (that are not exempt development); Pontoons; Building line and/or setback variations; 	<p>of 'group homes' comprising up to 10 bedrooms being within one or more group homes on a site.</p> <p>The intent of the amendment is to treat group homes that are otherwise compliant with residential development standards more like dwellings in terms of the application of Council's notification procedures.</p>

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		<ul style="list-style-type: none"> Pontoons; Building line and/or setback variations; Dwelling houses, dual occupancies, rural worker's dwellings and secondary dwellings where it is determined that there may be an issue such as impacts on privacy, overshadowing or view loss beyond that which could have reasonably been expected given the planning controls applying in the locality. 	<ul style="list-style-type: none"> Dwelling houses, dual occupancies, rural worker's dwellings, secondary dwellings and group home proposals (when such group homes comprise up to 10 bedrooms being within one or more group homes on a site) where it is determined that there may be an issue such as impacts on privacy, overshadowing or view loss beyond that which could have reasonably been expected given the planning controls applying in the locality. 	
7	<p><i>Chapter 2 General and Environmental Considerations</i></p> <p><i>3.19 Car Parking and Access</i></p> <p><i>3.19.3 B – Car Access and Manoeuvring Areas</i></p> <p><i>Clause 3.19.3 B iv</i></p>	<p>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.</p>	<p>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.</p>	<p>Adjusts the standard applied to vehicle manoeuvring as the specific reference to the B99 vehicle classification is no longer required under the DCP.</p>

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8	<p><i>Chapter 2 General and Environmental Considerations</i></p> <p>3.16 Public Art</p>	<p>Notes:</p> <p>The Ballina Shire Public Art Policy involves the establishment of both an Artists Register and a Public Art Advisory Panel, which will be utilised by Council when acquiring Public Art to be placed on Public Land. For works to be provided on Private Land, there is no requirement to refer proposals to the Public Art Advisory Panel or to engage artists on the Artist Register. It is however open for applicants to utilise these services should they wish to do so.</p> <p>It is open to applicants to request that Public Art required pursuant to this Chapter be placed on Public Land within the town or local centre (rather than on the development site). Under such circumstances the selection procedures documented in the Public Art Policy apply.</p>	<p>Notes:</p> <p>The Ballina Shire Public Art Policy involves the establishment of both an Artists Register and a Public Art Advisory Panel, which will be utilised by Council when acquiring Public Art to be placed on Public Land. For works to be provided on Private Land, there is no requirement to refer proposals to the Public Art Advisory Panel or to engage artists on the Artist Register. It is however open for applicants to utilise these services should they wish to do so.</p> <p>It is open to applicants to request that Public Art required pursuant to this Chapter be placed on Public Land within the town or local centre (rather than on the development site). Under such circumstances the selection procedures documented in the Public Art Policy apply.</p> <p>Development to which the policy applies must incorporate an item of public art with a minimum value of \$15,000 as an integral part of that development in a civic space.</p> <p>To meet this requirement, Council may accept the contribution of an equivalent amount towards the provision of public art in a public place.</p>	<p>Incorporates additional elements from the Ballina Shire Public Art Policy within the DCP to assist in interpretation of the public art provision.</p>