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10 September 2017

Paul Hickey  
General Manager  
Ballina Shire Council  
40 Cherry Street  
Ballina NSW 2478



Dear Paul

**Planning Proposal Request: – Skennars Head**

I act on behalf of the applicant, Intrapac Skennars Head Pty Ltd.

I refer to your letter dated 8 August 2017 requesting further information and clarification of issues in relation to the proposed planning proposal over part of the land at 505 The Coast Road, Skennars Head. I apologise for the delay in responding.

Below and attached in the annexures is information providing responses to the clarification questions or additional information.

**Neighbourhood centre**

Height

The proposed neighbourhood centre was a critical element raised by the community in all our consultation events. Most residents and communities wished for the neighbourhood centre to be built as soon as possible to meet their local retail demands and the creation of a hub and place in the community.

Intrapac therefore wishes to have certainty, following a rezoning, to design and develop the local neighbourhood centre. There is no certainty for an outcome when a development application has to rely on Clause 4.6 – Exceptional Development Standards. For this reason the rezoning application wishes to increase the height by a small margin from 8.5m to 10m.

The detailed design of the local neighbourhood centre has not been undertaken, and thus when considering the standard/normal floor to floor or floor to ceiling heights in non residential and community spaces, a height of 10m is required. A potential cross section of floor to ceilings of the neighbourhood centre is included in **Annexure A**, to demonstrate the need for a 10m height. Section A demonstrates that if there is a food premises facing onto the neighbourhood park, and having shop top housing above, a 10m height is required. Further the 10m is required given the small footprints of each dwelling above the ground floor commercial/retail space; and to provide for passive surveillance to the neighbourhood park and dining areas.

Section B demonstrates that in the case of a multifunctional space, which the community were asking for, is provided there is a need to have the flexibility in the roof design, without relying on Clause 5.6 of the Ballina LEP. The height allows for a visual roof feature and focal point – otherwise the neighbourhood centre risks becoming bland and featureless with similar height to surrounding residential areas.

Section C demonstrates that for a small local supermarket with a community space above (for example a child care), and to meet the requirements for ventilation, health and safety, plus operations, a 10m height is required.

For these reasons we request and apply to amend the height to 10m.



#### Design intent

The local neighbourhood centre has not been designed, in other words there has been no architectural plans developed for the proposed B1 site as yet. Principles have been included within the rezoning to justify the intent of the B1 zoning and provide a potential direction for the site.

It is not necessary for the design intent to be included within an amended DCP or site specific DCP. Rather at the development application stage the Council can assess all aspects of the local neighbourhood. The design of the future local neighbourhood centre (B1) already has:-

- » character, traffic, pedestrian and other controls outlined in the Skennars Head Expansion Area DCP
- » Chapter 6 Commercial – of the Ballina Shire DCP 2012 also has controls that are applicable to the site
- » other commercial centres which have a site specific DCP are of a higher hierarchy and large size, such as Lennox Head Commercial area. This level of detail is therefore not required in Skennars Head.

It is therefore proposed that it is not necessary to have a site specific DCP, and it is considered that there is no need in this circumstance.

All aspects of design, height parking, access, pedestrian movement, uses and landscaping can be assessed at DA stage. This approach also allows Intrapac to call for a design competition or EOI from architects and urban designers, in order to ensure the best outcome and character can be achieved, and achieves the vision for the site.

#### Proposed uses in B1 zone

The proposed B1 zoning for the site will include uses that are permissible in the zone. It is not proposed to be any additional uses for the site other than that permissible by consent in a B1 zone.

#### *Permitted without consent*

*Environmental protection works; Home-based child care; Home occupations*

#### *3 Permitted with consent*

*Boarding houses; Business premises; Child care centres; Community facilities; Dwelling houses; Extensive agriculture; Group homes; Health consulting rooms; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Any other development not specified in item 2 or 4*

It is possible that shop top housing will be provided in the B1 zone, and will be subject to market demand.

#### **Residential**

##### Residential Lot size

Intrapac have significant experience in understanding the market demand, providing diversity of housing as well as construction of dwellings on lots between 300sqm – 450sqm.

The built form on the lots between 300 – 450sqm will vary between single and two storey dwellings. The proposed R3 proposed minimum lot size is proposed to be 300sqm where each lot can accommodate a single dwelling on each site. If a single dwelling on a 300sqm lot has a nil side boundary on one side, it can comply with Clause 4.1A for the R3 Residential lots where the minimum lot size for all houses will be 300sqm.

The proposed dwellings in the future can be designed and assessed in line with Clause 3.2 of the Residential DCP.



As the number of lots/land to be part of the rezoning is not significant, it is not considered necessary or worthy to undertake a site specific DCP amendment for the smaller lots until post Gateway. The proposed development controls for the dwelling designs can be developed while further work is being done as part of the rezoning.

An urban design/architect who will be working with Intrapac on the lots and houses of 300sqm – 450sqm has now been commissioned.

The lots closer to the size of 300sqm will be designed and constructed as an integrated lot where the subdivision and dwelling will be undertaken in an integrated manner. Lots closer to the size of 450sqm can have a subdivision and built form to occur as a separate development application for the mum and dad home purchaser.

In all cases, Intrapac, will have Design Guidelines as a part of a sales contract where all landowners need to comply with the Guidelines as part of the legal contract. This ensures good quality outcomes for the master planned community.

It should be noted that delivery of housing is not an aspect considered at a rezoning stage.

#### Laneways as primary street frontages

Intrapac notes Councils concern regarding the proposed rezoning of lots down to 300sqm and access arrangements thereto.

TPS traffic engineers and Knobel Consulting Engineers have considered this and have advised that the laneway width of 7m is sufficient:-

- » The minimum unobstructed width of the laneway shall be 5.5m excepting that a minimum unobstructed width of no less than 3.5m shall be allowed over a maximum distance of 5.0m in length provided that the distance between such points is not less than 50m.
- » An unobstructed width of no less than 7.0m will be provided at the rear of all garages and a minimum garage entry width of 6.0m (at the lane boundary) will be provided to ensure that cars can be comfortably manoeuvred in and out of garages.
- » Visitor parking shall be provided in the laneway at the rate of 0.5 spaces/dwelling. This may be provided in consolidated parking areas provided that the distance between the visitor space and any dwelling does not exceed 50m.
- » A "laneway template" will be submitted to Council which specifies how each of the following matters will be satisfied in overall laneway design where laneways perform the role of the "primary access".
- » The design vehicle shall be a 12.5m HRV as defined in AS/NZ 2890.2.
- » In addition, the laneways are used as a location for garage and on site parking access. Services can also be accommodated in laneways. Outbuildings/garages can be set back and all parking can be accommodated on site.

The proposed laneways should therefore not be a restriction to the proposed rezoning of part of the site.

There are a few areas proposed to be rezoned where the primary orientation or front door to the park side where there is amenity to enjoy. This supports ensuring that houses orientate and provide surveillance over the open space. In these occasions, it is not considered that the primary access is the laneway, however rather only the primary access for the vehicle.

#### Voluntary Planning Agreement (VPA)

A meeting was held between Intrapac and Council on 29 August 2017.

Intrapac understands that Council is assessing and considering both the Section 94 aspects relating to DA 2017/244 as well as potential other public benefits that are associated with the broader rezoning outcome. As discussed at the meeting, further discussions and negotiations



will be held regarding the local levies, proposed variations, offsets, Section 94 Plan as well as additional public benefits as part of a VPA. The final outcome will be dependent on negotiations between Council and Intrapac.

Intrapac considers that should there be VPA, this can be considered post Gateway, when there is certainty on the current DA as well as the in-principle support for the rezoning proceeding to Gateway.

**Conclusion**

Thank you for the opportunity to provide the additional information.

Please can you confirm the above is acceptable to Council in order to progress a report to Council. We would be happy to undertake a presentation to Council on the rezoning application.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

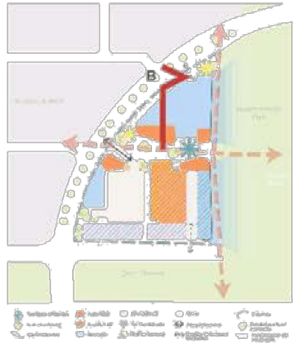
Jenny Rudolph  
Director  
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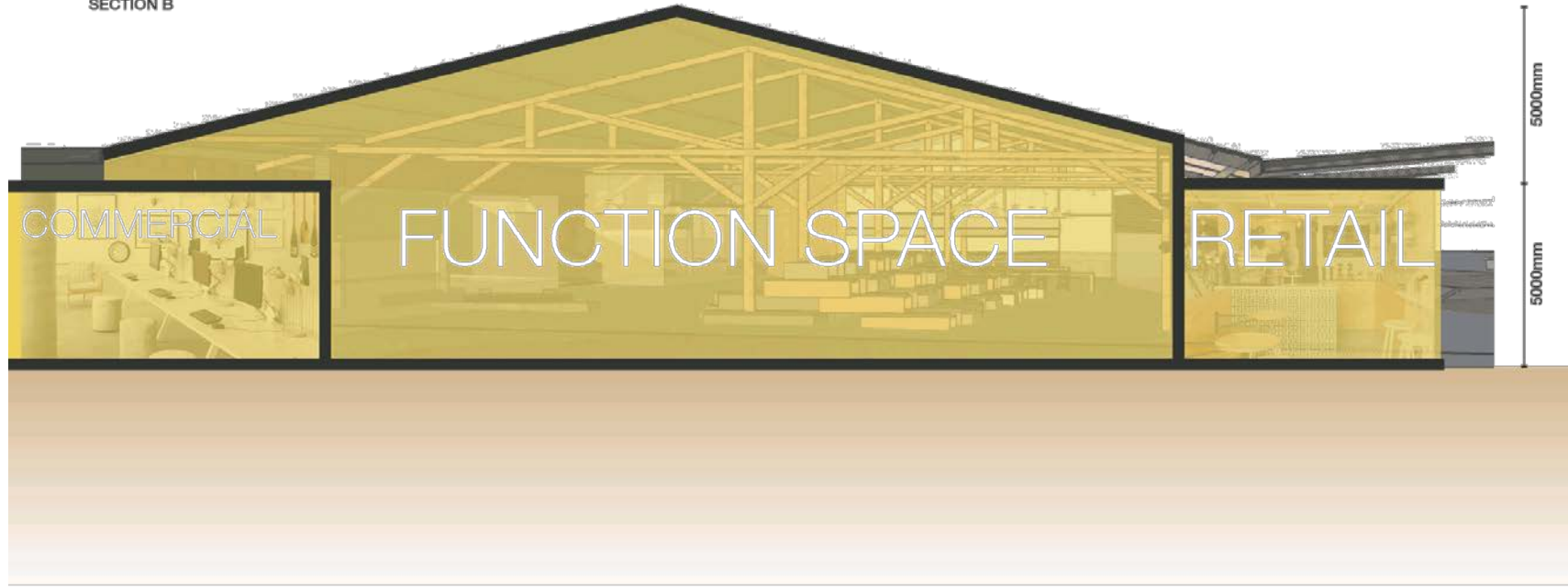
## Annexure A – Cross section to demonstrate height

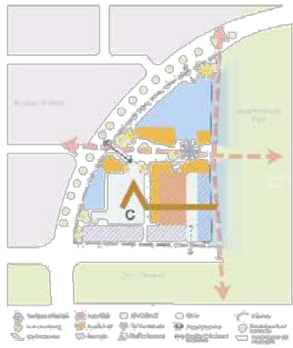






SECTION B







## Ballina Local Environmental Plan 2012

Current version for 1 September 2017 to date (accessed 9 October 2017 at 16:09)

Land Use Table > Zone B1

### Zone B1 Neighbourhood Centre

#### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To maintain a distinct retail hierarchy as identified in Council's strategic planning framework.
- To ensure adequate provision of infrastructure to support neighbourhood shopping facilities.
- To ensure a safe and accessible built environment.
- To encourage development that recognises natural, cultural and built heritage.
- To encourage development that is compatible with the character of the neighbourhood.

#### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

#### 3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Dwelling houses; Extensive agriculture; Group homes; Health consulting rooms; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Forestry; Freight transport facilities; Garden centres; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Marinas; Markets; Mooring pens; Moorings; Mortuaries; Places of public worship; Plant nurseries; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Sex services premises; Storage premises; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies