

**Chronology of Council Resolutions and Activity
Ballina Waterways/ Burns Point Ferry Road to April 2018**

Date	Action
November 1995	Council resolved to prepare an amendment to the Ballina Local Environmental Plan for the area " <i>bounded generally by the Pacific Highway, Emigrant Creek, the Richmond River and Burns Point Ferry Road, with the purpose of the plan being to facilitate the urban development of the site</i> ".
June - July 1997	Exhibition of draft amendment 39 to the Ballina Local Environmental Plan 1987.
June 1999	Amended concept plan submitted by Steel & Associates Pty Ltd that attempted to address community and public authority submissions to the public exhibition.
July 1999	Council resolved to exhibit the revised rezoning proposal.
September 1999	Exhibition of the revised proposal deferred pending submission of further geotechnical information.
1999 - 2005	Ongoing work relating to resolving technical issues on the site.
November 2005	Rezoning request received seeking support from Council to rezone the land to facilitate residential development in the northern half of the site, with the remainder of the area to be zoned for environmental protection purposes. The request was worded as if it were a fresh application (i.e. not reliant on the previous decisions of Council) and an application fee was paid.
January 2006	<p>Council resolved as follows:</p> <ol style="list-style-type: none"> 1. <i>That the Council proceed to commence the formal processing of the requested amendment to the Ballina Local Environmental Plan 1987 relating to Lot 4 DP 537417 with the matter to be the subject of a further report to the Council providing additional technical detail with respect to the proposed amendment.</i> 2. <i>The Council workshop proposed on developer agreements will further define Council's expectations with respect to this particular development and the potential for a marina.</i> <p>The report included the following statement:</p> <p><i>This report is essentially to inform the Council with respect to whether or not it is considered the request is consistent with the adopted criteria for the commencement of formal processing, and to seek direction from the Council as to whether the formal processing of the request should commence.</i></p> <p><i>It is important to note that the commencement of the formal amendment process in no way binds the Council to rezone the land. Commencement of the process merely means that more detailed technical assessment of the proposal will start. Should Council wish to continue consideration of this proposed amendment, the next step will be the presentation of a more detailed report to the Council regarding the technical aspects of the proposal based on an initial review of the material provided by the proponent.</i></p> <p>The Council resolution was not forwarded to the Department of Planning under S54(4) of the Act.</p> <p>The following advice was provided to the proponent:</p> <p><i>Please note that Council's consideration of the matter to date stops short of a decision to prepare a draft local environmental plan, as required under Section 54 of the Environmental Planning and Assessment Act.</i></p> <p>This is the origin of draft LEP Amendment No.93.</p>

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<p>July 2006</p>	<p>Council considered an update report concerning the rezoning. The report advised that there were a range of constraints over the land which were still being assessed. Council resolved as follows:</p> <p><i>That the report concerning the current status of the request for rezoning of Allotment 1 DP 537417 Burns Ferry Road, West Ballina be received and noted.</i></p>
<p>October 2008</p>	<p>Response from Landpartners (formerly Aspect North) to Council's list of issues, withdrawing the concept plan and requesting:</p> <ul style="list-style-type: none"> • That the 4.76 ha area adjacent to the Pacific Highway be rezoned for urban development. • The potential to explore further development options over the balance of the land be preserved by maintaining the current zone or equivalent and that it be considered for urban expansion in the Urban Land Release Strategy.
<p>December 2008</p>	<p>Council resolved as follows:</p> <p><i>That in respect to the subject land matters Council resolves to proceed with option two as identified in the body of this report.</i></p> <p>Option 2 is reproduced below:</p> <ol style="list-style-type: none"> 1. Advise the various land owners that Council is supportive of rezoning the 4.76 ha area of the Ballina Waterways site adjacent to the Pacific Highway and the immediately adjoining lands for urban purposes as part of the comprehensive Draft Local Environmental Plan, provided that: <ol style="list-style-type: none"> a. An integrated rezoning strategy is provided in conjunction with the Ferry Boat Motel site. b. The proposed zoning facilitates the development of the land for low key tourist accommodation, aged care, manufactured home estate, business or low key/impact industrial or a mix, rather than conventional residential allotments. c. A zoning strategy includes areas to be set aside for environmental protection, compensatory environmental measures and strategies for long term maintenance of environmental protection areas. d. The owners of the Ballina Waterways and former Ferry Boat Motel site provide commitments towards access being provided to and across the site in accordance with the NSW Roads & Traffic Authority recommendations i.e. extension of Kalinga Street across the site to give alternative access to Emigrant Lane. e. A planning agreement is provided that outlines all undertakings/proposals that cannot be secured or delivered via the proposed zoning; or <p>(Note: It is envisaged that the owners of the adjoining Emigrant Lane Properties would be contacted to ascertain their preference for the future zoning of their land.)</p>

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	<p>The Report to Council included the following advice:</p> <p><i>Council has the ability to include the subject land and the other adjoining land in a draft plan under the terms of Council's original resolution at its Ordinary Meeting held on 23 November 1995:</i></p> <p><i>"to prepare a local environmental plan to amend the provisions of the Ballina Local Environmental Plan 1987. The amending plan shall apply to that area in West Ballina bounded generally by the Pacific Highway, Emigrant Creek, the Richmond River and Burns Point Ferry Road, with the purpose of the plan being to facilitate the urban development of the site".</i></p> <p><i>Recent advice from the Department of Planning suggests that Council can continue to act on this original resolution if it wishes to prepare a draft plan for this land. Council will, however, need to obtain a Section 65 Certificate from the Director-General of Planning for the public exhibition of a draft plan.</i></p> <p><i>If Council is to support any rezoning of part of the land for urban purposes, it may have to be undertaken as part of the comprehensive new Draft Local Environmental Plan, given the timing of both matters.</i></p> <p>Consideration of the amendment proceeded under draft LEP Amendment No.39.</p>
July 2009	Presentation to Councillors by SJ Connelly concerning revised concept for the site.
March 2010	Draft Ballina Local Environmental Plan 2010 placed on public exhibition proposing entire site to be zoned R2 Rural Landscape.
April 2010	<p>Council request for clarification regarding proponent's progress in relation to the amendment. Request sought clarification in relation to the following:</p> <ol style="list-style-type: none"> a. <i>whether or not your client intends to proceed with the current rezoning request; and</i> b. <i>should your client still be proceeding with the rezoning proposal, the likely timeframe for the submission of the required technical information connected to the rezoning.</i> <p>No specific response was received.</p>
May 2010	Council request to Department of Planning for entry of LEP amendment no.39 into the Gateway planning system. Amendment could not continue under the previous LEP amendment system.
June 2010	Department of Planning advice that conversion of the existing draft to a planning proposal under the Gateway system was not supported. This advice closed the consideration of the LEP amendment request (39) previously presented to Council.
October 2010	Advice from SJ Connelly that Part 3A submission lodged with Department of Planning. Council advised of a mixed urban/ environmental concept for the land (including biobanking).
May/ June 2011	Project identified as not being received into the Part 3A assessment system under reforms to Part 3A.
September 2011	Draft Ballina Local Environmental Plan 2011 placed on public exhibition proposing entire site to be zoned E2 Environmental Conservation.
December 2011	Submission received from SJ Connelly in relation to proposed environmental conservation zoning for the site in Draft Ballina Local Environmental Plan 2011. In response, Council resolved to grant the proponent additional time to prepare a rezoning proposal and to zone part of the site rural in accordance with its December 2008 resolution. This resolution included the applicable land use zoning for the site would be reviewed in 12 months.

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9.1 **DCP and Amended Planning Proposal - Burns Point Ferry Road.DOC**

May 2012	LEP amendment request received to rezone Lot 1 DP 522558 (former Ferry Boat Motel site) to allow medium density residential development.
July 2012	LEP amendment request received from SJ Connelly to rezone Lot 4 DP 537419 (Ballina Waterways site) comprising a mix of urban and environmental conservation land uses (including biobanking).
September 2012	LEP amendment request for Lot 1 DP 522558 (former Ferry Boat Motel site) reported to Council with recommendation to proceed with preparation of a planning proposal for Lot 1 only. Proposal for Lot 4 to be assessed and reported separately.
October 2012	Council request to SJ Connelly for additional information in relation to rezoning proposal for Lot 4, including request for proponent agreement to engage third party ecological consultant to review ecological characteristics of site. No specific response received.
February 2013	Ballina Local Environmental Plan 2012 is made and zones the 4.76 hectare area (identified in the December 2008 Council resolution) as RU2 Rural Landscape. The remainder of the site (proposed for E2 Environmental Conservation under the Draft LEP) is deferred and remains zoned 1(b) – Rural (Urban Investigation) as per the Ballina Local Environmental Plan 1987.
June 2013	Matter reported to Council for direction as to how to proceed in relation to current proposal having regard to Council's previous (December 2011) resolution and the proponent's failure to respond to Council's October 2012 correspondence. Council resolved to defer consideration of the matter for up to 6 months allowing the proponent to submit additional information.
January 2014	Matter reported to Council for direction as to how to proceed following the lapsing of 6 months from the June 2013 resolution and the absence of additional information from the proponent. Council resolves to continue processing the amendment subject to the following: <ul style="list-style-type: none"> - undertaking of an independent ecological review at cost of applicant (to be completed by May 30), and, - Council seeking advice from the (then) Department of Planning and Infrastructure in relation to the ability to apply environmental protection zones to the site.
May 2014	Independent ecological consultant (Blackwood Ecological Services) provides report on the assessment of the ecological values of the site.
June 2014	The proponent acknowledges the findings and recommendations of the Blackwood Ecological Services report and makes a written commitment to enter a voluntary planning agreement with Council to achieve satisfactory ecological outcomes for the site should the LEP amendment proposal proceed.
July 2014	Matter reported to Council addressing items in January 2014 resolution. Council resolved to submit the proposal to the Department of Planning and Environment for Gateway determination and to engage a consultant to undertake a third party review of the proposal following government agency consultation. The resolution also required a further report to be presented to the Council at the conclusion of the community and Government agency consultations (exhibition).
September 2014	Gateway determination issued by Department of Planning and Environment in favour of the proposal subject to additional assessment undertaken prior to public exhibition.
December 2014	Additional information supporting the proposal submitted by the proponent in response to the requirements of the Gateway determination.
February 2015	Consultation with government agencies and Council technical staff.
August 2015	Additional information submitted by proponents suitable to enable third party review of the planning proposal to proceed.

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9.1 **DCP and Amended Planning Proposal - Burns Point Ferry Road.DOC**

March 2016	Peer Review and Gap Analysis Report prepared by GeoLINK.
April 2016	Alteration of Gateway determination issued by the Department of Planning and environment. The altered Gateway determination related to the part R2 and Part RU2 zones, proposed planning controls permitting additional permitted uses. The period in which the LEP was required to be completed was also extended to 1 April 2017.
June	Exhibition of Planning Proposal and draft VPA.
December 2016	Council considered the planning proposal and VPA post exhibition at its Ordinary Meeting on 15 December 2016. Council resolved to defer the proposal pending further investigation in relation to ecological and any other environmental impacts.
March 2017	Alteration of Gateway determination to extend the time to finalise the planning proposal to 1 January 2018.
March 2017	Councillors briefed by GeoLINK in relation to ecological and other environmental impacts associated with the planning proposal.
May 2017	Council considers endorses planning proposal to apply an R2 zone and part RU2 zone to the site and additional permitted uses and controls as detailed in the exhibited planning proposal. Council also authorises the execution of the planning agreement and preparation of a draft DCP. Council resolved to require the draft DCP to be reported back to the Council prior to public exhibition [Minute No 250517/7].
June 2017	Council and property owner execute Planning Agreement
June 2017	GeoLINK engaged to prepare draft DCP after proponent agrees to meet costs
October 2017	Revised VPA prepared following coming into effect of Biodiversity Conservation Act in August 2017.
November 2017	Proponents submit additional information including site structure plan to enable draft DCP preparation to progress. Proponents agree that revised VPA is suitable for public notification with the draft DCP.
February 2018	Gateway Determination extended to require the LEP amendment to be completed by 1 October 2018.
March 2018	GeoLINK submit final draft DCP suitable for staff consultation and review by proponents.
April 2018	Staff technical review of draft DCP provisions finalised report to Councils May 2018 meeting prepared.

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**Ballina Shire Development Control Plan 2012 – Chapter 3 Urban Subdivision
Draft Amendments**

5.8 Burns Point Ferry Road Area

5.8.1 Application

Applies to:	
Location/s (Land):	Burns Point Ferry Road Expansion Area (Land as shown on Special Area Control Map)
Development Type/s:	Subdivision

5.8.2 Desired Future Character

Precinct 1 is located within the north of the site within the R2 zoned area and features undeveloped land some of which has high conservation value including endangered ecological communities and wildlife habitat, including grass owl vegetation. Drainage lines within the site feed into Emigrant Creek to the west and Richmond River to the south. The site is subject to flooding and has a high water table requiring filling to ensure an appropriate level of flood immunity and ensure adequate stormwater treatment and drainage.

High conservation value land impacted by the development of Precinct 1 will be offset within Precinct 2 in accordance with a Biobanking Agreement, prepared under the *Threatened Species Conservation Act 1995*, for the site. The Biobanking Agreement must be registered prior to the granting of any development consent for development on the site other than for the subdivision of the land to create an allotment for the intended Biobanking Agreement or other activities in pursuit of the registration of the Biobanking Agreement.

Precinct 1 is divided into two sections. The northern section will contain single dwelling housing forms and the southern section will contain live/work development as indicated in the Residential Intensity Plan contained within Appendix F.

The live/work section of Precinct 1 may be developed as a Community Title subdivision scheme whereas the single dwelling section is proposed to be developed as a Torrens Title subdivision scheme.

The key function of that part of Precinct 1 designated for live/work development is to provide for residential development while allowing home business uses in association with the primary residential use. The integral requirement of development within this part of Precinct 1 is that home business uses cannot be established without a primary dwelling component.

Part of Precinct 1 shall provide housing choice opportunities tied to a home business use. These home businesses will be located in the southern area of Precinct 1 in accordance with

the Burns Point Ferry Road Area Structure Plan (Appendix F). In this area home businesses shall be permitted to occupy larger floor areas (up to 120m²) than home businesses located elsewhere within residential zones.

The key purpose of Precinct 2 is the designation of land for the management and protection of important biodiversity associated with the site, particularly Endangered Ecological Communities, possible grass owl habitat, riparian areas and wildlife habitat. Environmental buffers and infrastructure requirements required for Precinct 1 must be designed to avoid impacts within Precinct 2.

One mixed use development containing a restaurant or café, and information and education facility and a dwelling (Interpretive Centre) is permitted within Precinct 2 as shown on the Burns Point Structure Plan (Refer Appendix F).



Note:

Details of the additional permitted uses permitted on this site are contained within *Schedule 1 Additional permitted uses* of Ballina LEP 2012.

A Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979 applies to the Land. The agreement provides that part of the land (Precinct 2) will be Biobanking site ; and that detailed geotechnical investigations be carried out on that part of the Land proposed to be developed for purposes other than environmental protection.

5.8.3 Planning Objectives

The planning objectives of the subdivision of the Burns Point Ferry Road Area are to:

- a. Facilitate a high level of landscape and urban amenity.
- b. Enhance and protect the bio-physical environment, particularly the Endangered Ecological Communities, grass owl habitat and other wildlife habitat associated with the site.
- c. Protect and enhance ground water, surface water quality and hydrology.
- d. Ensure that the siting, scale and intensity of subdivision enhances and protects Ballina's liveability attributes by:
 - delivering landscaped public open spaces for local recreation opportunities and to complement residential amenity;
 - provides a permeable pedestrian network that facilitates communal exchange and fosters a sense of community;
 - ensuring that site access does not compromise the amenity or safety of adjoining residential areas and road networks;
 - providing a street design and hierarchy that addresses environmental constraints and traffic/ pedestrian requirements of the live-work precinct.
- e. Ensure that suitable buffers are provided between adjoining development, environmentally significant land (existing and future) and for the management of hazards (including bushfire and mosquito management).

- f. Provide a subdivision layout that is responsive to site opportunities and constraints including energy efficiency, solar access, topography and prevailing winds.
- g. Ensure that service infrastructure and open space are provided in an orderly and economically feasible manner, provide for connectivity with existing and planned infrastructure and meet the needs of the future residents and occupants of the site.
- h. Ensure the site is subdivided generally in accordance with the Burns Point Ferry Road Area Structure Plan provided as Appendix F.

5.8.4 Development Controls

A. Element – Site Layout (Precincts 1 and 2)

General


- i. Subdivision of the Land must be consistent with the planning objectives for the Land set out under section 5.8.3 and the Burns Point Ferry Road Area Structure Plan in Appendix F.
- ii. Subdivision of the Land other than a minor boundary adjustment or for the creation of a lot for the Biobanking Agreement must comply with the master planning requirements outlined in Section 3.2.3 of this Chapter of the DCP.

Access and Road Network (Precinct 1)

- iii. Access to this site must be via:
 - A new left in left out intersection in River Street shown as Intersection A on the Access Plan within the Burns Point Structure Plan (Appendix F); and
 - A new intersection in Burns Point Ferry Road shown as Intersection B on the Access Plan within the Burns Point Structure Plan (Appendix F).
- iv. The street network is to be designed to provide safe and convenient access for residents generally as shown on the Burns Point Ferry Road Area Structure Plan (Appendix F).
- v. The design and hierarchy of internal roads is to be in accordance with the requirements set out in the *Northern Rivers Local Government Development and Design Manual*.
- vi. Where appropriate, street design should accommodate road reserves within bushfire asset protection zones, particularly on the southern and eastern boundaries.
- vii. The street network design is to incorporate designated bus routes and bus stop locations to service a walkability catchment of 400 metres. Bus stops are to be provided with "hail and ride" J poles and constructed bus shelters.
- viii. A street and pedestrian/cycleway network is to be provided which integrates the subdivision with public open spaces and the mixed-use development within Precinct 2 and the shared pathway located in River Street. The network shall be generally consistent with the Burns Point Ferry Road Area Structure Plan (Appendix F).
- ix. On-street parking for visitors and non-resident employees must be provided within the street network as part of the overall subdivision at a minimum rate of one space per two lots.

Layout and Character (Precinct 1)

- x. The design of the lots must enable the construction of a built form which is sympathetic to the established character of the area.
- xi. A development application for Community Title subdivision must include a draft development contract and a draft management statement.

	<p>Note:</p> <p>Community Title Subdivision Provisions</p> <p>Community Title legislation enables the creation of private development lots and common property (community lot) where proposed future uses of the private lots can be specified in a community management statement and future use of common property can be specified in a development contract. A community title scheme is managed by the community association.</p> <p>1. Development Contract</p> <p>A Development Contract must be provided for all community title schemes. A draft of the contract must be provided with the DA for subdivision. The Development Contract operates primarily as a construction agreement between the developer and members of the community title scheme in relation to the use of common property areas and in relation to the provision of various facilities or amenities. The development contract is signed by the developer and the Council.</p> <p>2. Management Statement</p> <p>A Management Statement must be provided for all community title schemes. A draft of the Management Statement must be provided with the DA for subdivision. The final Management Statement must be lodged with the NSW Land and Property Information office for registration with the final subdivision plan. The Management Statement should contain details of the design concept for future development within the scheme; architectural and landscape guidelines for future development; and rules regarding access to land; use and maintenance of common property; services; insurance etc.</p> <p>The Management Statement must clearly indicate:</p> <ul style="list-style-type: none"> a. The maintenance requirements applicable to all community infrastructure . b. How waste will be collected, stored and disposed of within the community title scheme <p>Aspects of the draft contract and management statement may be incorporated into conditions of development consent.</p>
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B. Element – Infrastructure Provision (Precinct 1 and Additional Permitted Use Area within Precinct 2)

Internal Infrastructure

- i. The subdivision is to be fully serviced with water, sewer, roads, drainage, underground electricity and communications. All service infrastructure is to be provided in accordance with the *Northern Rivers Local Government Development and Design Manual*.
- ii. Applications for development are to be accompanied by an infrastructure servicing plan that provides for infrastructure delivery consistent with the staging identified on the Burns Point Ferry Road Area Structure Plan (Appendix F).
- iii. Each development stage is to be fully serviced and provided with connections that are sized for the ultimate yield of the area. Each development stage is to provide associated upstream/downstream/connecting easements where required for crossing intervening land or for stormwater conveyance, discharge treatment or attenuation.

C. Element – Open Space (Precinct 1)

- i. A local public park, comprising a minimum usable park area of 2000 m², and to service a walkability catchment of 400 metres must be provided and be provided generally consistent with the Burns Point Ferry Road Area Structure Plan (Appendix F).
- ii. The local park is to be embellished by the developer in accordance with a design approved by Council, including:
 - Shade trees, garden areas and seating;
 - Children's playground with impact matting/ softfall and multi-play equipment area at least 100 m² in size and covered by a shade structure;
 - Drinking fountain and tap; and
 - BBQ, picnic shelter with picnic table setting.
- iii. Details of the location and type of facilities proposed are to be provided with the development application for the subdivision of the site.

D. Element – Residential Precincts

Density

- i. Precinct 1 is to be divided into two density areas as shown on the Residential Intensity Plan within the Burns Point Ferry Road Area Structure Plan. These areas are:
 - Area 1 (northern section of Precinct 1) shall be subdivided (Torrens title) to accommodate single dwellings.
 - Area 2 (southern section of Precinct 1) shall be subdivided to predominantly accommodate the live/ work component of the development. This area may be subdivided as a community title scheme.

E. Element – Environmental Management and Buffers

Biodiversity and Environmental Management

- i. A Biobanking Agreement pursuant to the *Threatened Species Conservation Act 1995*, is required to be registered prior to the granting of any development consent for subdivision in accordance with the Voluntary Planning Agreement registered for the land.
- ii. An entomological assessment shall be prepared as part of the development application for residential or live work subdivision of the land. The assessment must address the requirements of Section 3.6 Mosquito Management of Chapter 2 of BSDCP 2012.
- iii. A noise impact assessment is to be prepared and submitted as part of the development application for the residential or live work subdivision of the land, specifically to identify traffic noise affected lots impacted by the operation of River Street and determine suitable measures to mitigate such impacts.

Environmental Buffers

- iv. Riparian corridors within the site must be established in accordance with *NSW Department of Primary Industries (Office of Water) Guidelines for Riparian Corridors on Waterfront Land*. The proponent is required to consult with DPI Water to ensure rehabilitation requirements for riparian corridors are considered as part of the subdivision design process and prior to the submission of the development application.
- v. Asset Protection Zones (APZs) for all live work and residential development shall be located within Precinct 1. Any required APZ for the mixed-use development within Precinct 2 must be contained within the area nominated for this use on the Burns Point Ferry Road Area Structure Plan (refer Appendix F) The APZs must be determined in accordance with the NSW RFS publication *Planning for Bush Fire Protection*. The APZs must have regard to any required future revegetation within Precinct 2.
- vi. Unless otherwise defined by the entomological assessment, mosquito management buffers must be provided as follows:
 - minimum width of 30 metres;
 - buffer to be primarily formed by roadways and footpath reserves around allotments adjacent to all vegetated areas;
 - buffer to be clear of vegetation likely to afford harborage to mosquitoes dispersing from wetland vegetation.



Note:

Any reduction in the 30m buffer must be justified by a entomological assessment. The minimum 30m buffer must be clear of any significant vegetation likely to afford harbourage to mosquitoes dispersing from the wetland margin vegetation.

F. Element – Filling of the Site, Flooding and Geotechnical Requirements

Filling and Flood Impacts

- i. The site must be filled to ensure an appropriate level of flood immunity and ensure adequate stormwater treatment and drainage. The specific details of the fill and how it will interface with adjoining land must be addressed as part of the development application for subdivision of the land.
- ii. The site must be filled to a minimum level of R.L. 2.7m Australian Height Datum;
- iii. The minimum floor level for all buildings on the site is to be determined in accordance with the methodology contained within Chapter 2B Floodplain Management of BSDCP 2012.
- iv. Batters must be provided at the edge of the fill area and must have a slope of not less than 1:6.
- v. Batters must be located within Precinct One or in the case of the additional permitted use in Precinct Two be located within the site area allocated for such use.



Note:

Flood impacts from the filling of the site have been assessed and incorporated into Council's integrated flood model. Therefore, flood impacts from the filling of the site are considered acceptable from a broader floodplain perspective.

Geotechnical and land Contamination Impacts

- vi. A geotechnical assessment must be prepared as part of the development application for subdivision of the land that assesses:
 - Trafficability and management of construction activities associated with the development of the site; and
 - Preloading requirements associated with the filling of the land and future development of the site, including appropriate monitoring and testing regimes to confirm the preloading process is complete.



Note:

Previous geotechnical investigations have identified development issues at the site resulting from low strength surface soils and a weak marine clay subsurface layer.

The Planning Agreement which applies to the Land contains specific geotechnical requirements.

- vii. A detailed land contamination assessment is required as part of the development application for the residential and live work subdivision of the land and the development of the proposed Interpretative Centre. The assessment must comply with the requirements contained within SEPP 55 – Remediation of Land (or its successor), *National Environmental Protection (Assessment of Site Contamination) Measure 1999 (2013)*, *Ballina Shire Council Policy for the Management of Contaminated Land* and any other relevant guidelines. The assessment must consider potential impacts of previous land use at the site including:
- Former garbage disposal area;
 - Former farm house and shed;
 - Sugar cane farming activities;
 - Potential ground water contamination associated with previous land uses;and
 - Any other potentially contaminating activities previously carried out on the site.

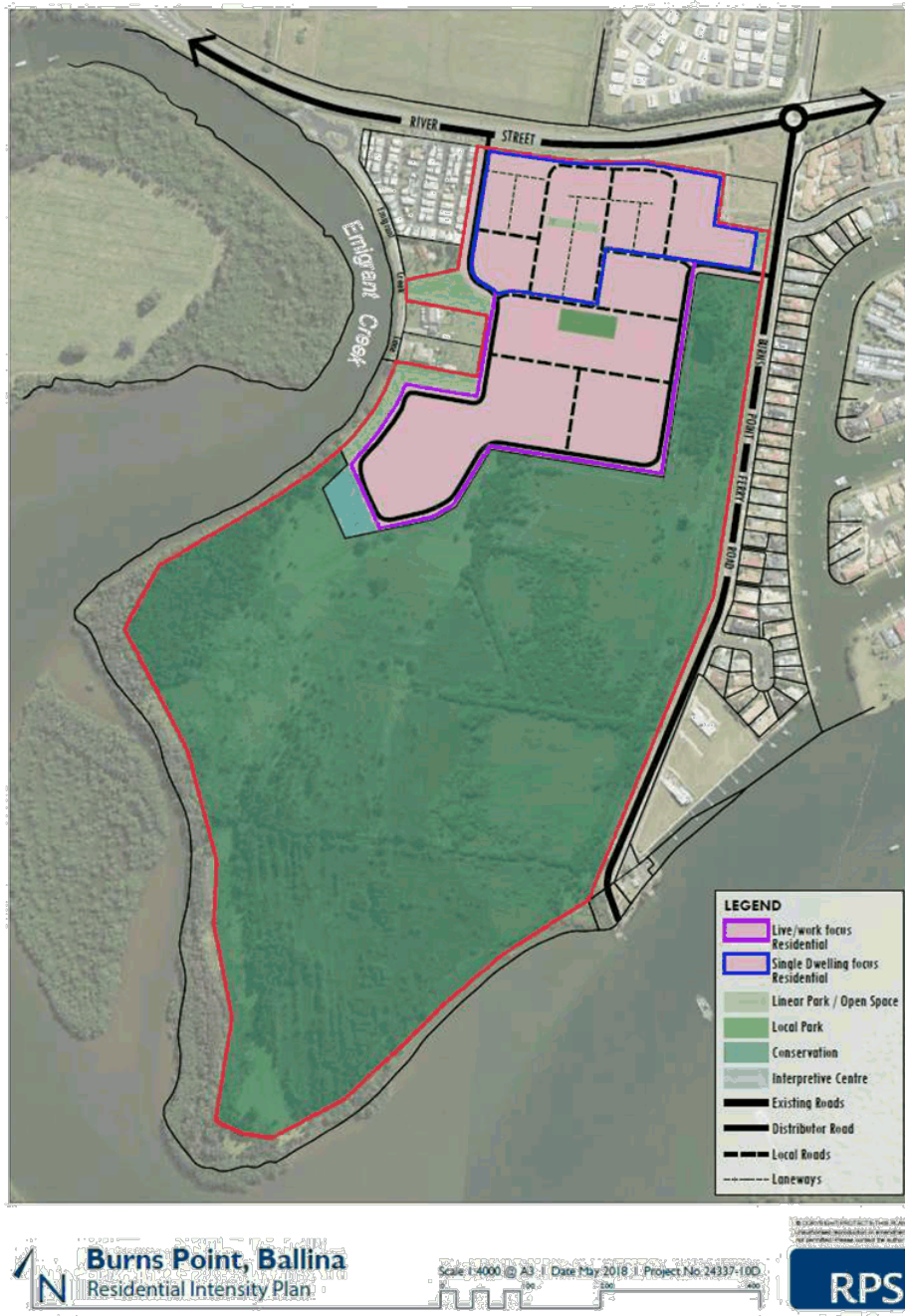
G. Element – Stormwater Management and Buffers

- i. A stormwater management plan that provides for the following must be prepared and lodged with the development application for the subdivision:
- All stormwater infrastructure is to be located within Precinct 1.
 - Uncontaminated, low pH, low nutrient fill is to be used for all earthworks required within Precinct 1.
 - Avoid the need for deep basins or permanent pools for the detention of stormwater by incorporating shallow detention areas or swales across the site which fully drain following rainfall events.
 - Ensure that stormwater leaving the site is treated to a quality equal or better to predevelopment quality and that stormwater flow rates leaving the site are no greater than pre-development flow rates.
 - Stormwater treatment and disposal must not rely solely on any end of line facility. A treatment train must be proposed that incorporates a range of facilities, inclusive of measures, where appropriate, within the road system. Best management practices include dispersion techniques such as dissipaters, litter and debris control traps and associated trunk line drainage structures in controlling sediment and reducing phosphate/nitrate levels. Where possible and practicable, these structures are to be designed sympathetic to the surrounding environment and constructed of natural materials such as boulders and rock features and landscaped.
 - Manage the flow and quality of water leaving the site to avoid adverse impacts upon adjoining sensitive wetland areas, particularly in relation to maintaining low pH and low nutrient levels.


- Stormwater detention areas are to be designed so as to minimise the potential for mosquito habitat and facilitate easy maintenance. Refer to DCP Chapter 2 General and Environmental Requirements, clause 3.6.3(viii) for specific design requirements.

Appendix F – Burns Point Ferry Road Expansion Area, Structure Plan, Mosquito Management Plan, Residential Intensity Plan, Open Space Plan, Access Plan









Burns Point, Ballina
 Open Space Plan

Scale 1:4000 @ A3 | Date May 2018 | Project No 24337-100





Burns Point, Ballina
Mosquito Management Plan

Scale 1:4000 @ A3 | Date May 2018 | Project No: 24337-100






Burns Point, Ballina
 Access Plan

Scale 1:4000 @ A3 | Date May 2018 | Project No 24337-100



Ballina Shire Development Control Plan 2012 – Chapter 4 Residential and Tourist Development

Draft Amendments


4.8 Burns Pont Ferry Road Expansion Area

4.7.1 Application

Applies to:	
Location/s:	Burns Point Ferry Road Expansion Area (as shown on Special Area Control Map)
Development Type/s:	<i>Precinct 1 - Residential and Home Business (live/work) uses</i> <i>Precinct 2 - Biobanking Site and one Mixed Use Development</i>

4.7.2 Planning Objectives

- a. Within that part of Precinct 1 designated as having a live/work focus on the Residential Intensity Plan (Appendix E) - to provide improved opportunities for the establishment of home businesses within residential buildings (live/work) to meet the growing demand for integrated housing and employment opportunities in the Ballina area;
- b. Within that part of Precinct 1 designated as having a single dwelling focus on the Residential Intensity Plan (Appendix E) – to provide high quality detached single dwelling housing.
- b. Within Precinct 2 to protect and embellish the existing environmental qualities of the site by protecting the site under a Biobanking Agreement prepared under the *Threatened Species Conservation Act 1995*;
- c. Provide for environmental buffers from significant vegetation, waterways, mosquito risks, and bushfire risks within the site; and
- d. To provide services and facilities to meet the needs of the future residents of the site.
- e. To minimise land use conflict between residential and home business uses, whilst recognising the live/work character of part of the expansion area.

	Note: Live / work development for the purpose of this chapter means a dwelling which contains a <i>home business</i> . The total floor area occupied by the <i>home business</i> shall not exceed a floor space ratio of 0.2:1 or 120m ² whichever is the smaller. Refer also to the definition of <i>home business</i> contained within <i>Ballina LEP 2012</i> .
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4.7.3 Development Controls

A. Element – Access and Parking (Precinct 1)

- i. On site car parking for all live/work developments must be provided as follows:
 - In accordance with the requirement for a *Home Business*, as stipulated in BSDCP Chapter 2 Table 2.3.

B. Element – Additional Uses within Precinct 2

- i. A facility; characteristic of a mixed-use development containing a restaurant or café, information, education facility, and a dwelling (Interpretive Centre) may be located within Precinct 2. The development is required to:
 - Be located in the area specified on the Burns Point Ferry Road Area Structure Plan provided at Appendix E;
 - Be located on a site the area of which does not exceed 2,500 m² within Precinct 2;
 - Be limited to two storeys and be compatible with the bulk, scale and character of the locality;
 - Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality;
 - Have direct access from a public road;
 - Provide car parking in accordance with an approved car parking study;
 - Comply with a Council approved operational management plan that identifies hours of operation, landscape maintenance, mosquito controls, car parking arrangements and total number of employees working at the premises at any one time.
 - Facilitate the provision of interpretative information relating to the environmental value of Precinct 2;
 - Apply and contain relevant buffers detailed within this chapter;
 - Comply with the provisions of Chapter 2b of BSDCP 2012 - Floodplain Management.

C. Element – Biodiversity – Precinct 2

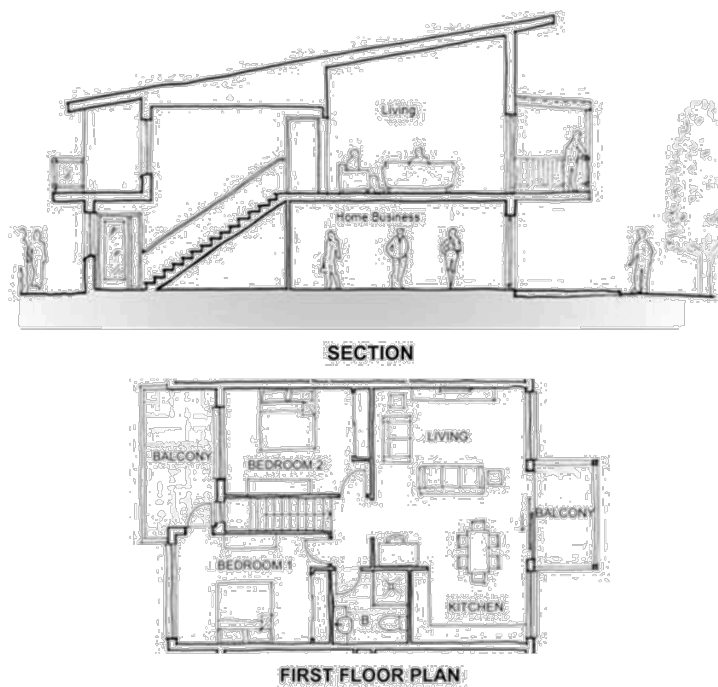
- i. A Biobanking Agreement pursuant to Division 2 of Part 7A of the *Threatened Species Conservation Act 1995* is required to be registered on title in accordance with the provisions contained in the Voluntary Planning Agreement applying to the land. Any development of the site must be consistent with this agreement.

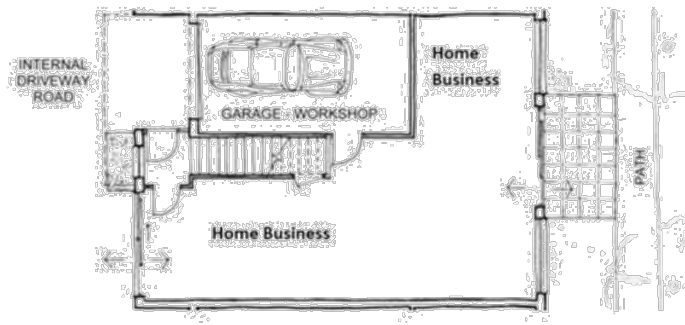
D. Element – Building Design (Live / Work)

- i. Two storey development is encouraged;
- ii. A building design able to accommodate a range of home business uses and allow for changes to uses over time is encouraged; (refer to Figure 4.1).


- iii. In relation to two storey development, the home business building components of the development must be clearly integrated and include:
 - Internal access between ground and upper floors;
 - The home business component on the ground floor;
 - The residential component on the upper floor.
- iv. The home business component must have high ceilings with a minimum of 3.3m floor to ceiling height. The live component must have a minimum 2.7m floor to ceiling height.
- v. No residential components shall be located on the ground floor except for garage and laundry facilities.
- vi. Development must be designed so that garbage collection areas and noise and odour generating operations are located away from living areas.
- vii. The home business operator shall reside within the dwelling component of the building on the same site. No part of the home business or dwelling (live/work) development shall be separately leased.

Figure 4.1 – Encouraged Live-Work Building Design






GROUND FLOOR PLAN

	<p>Note: The Building Code of Australia (BCA) contains requirements for the separation of certain classes of buildings. A BCA certifier should be consulted during the design phase of any development proposal to determine any BCA implications with any proposed development.</p>
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E. Element –Density

The following density requirements apply:

- The home business (work) component of a development must be secondary and tied to the primary dwelling use.
- The live (dwelling) component of the development is subject to a maximum Floor Space Ratio (FSR) of 0.5:1.
- The area for the home business (work) component must not exceed 120 square metres or a maximum FSR of 0.2:1; whichever is the lesser.
- The combined development is subject to a maximum FSR of 0.7:1.

	<p>Note: Refer also to clause 5.4 of Ballina LEP 2012 for floor space ratio provisions applicable to the Burns Point Ferry Road Expansion Area.</p>
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F. Element – Hours of Operation

- i. Traffic and noise generating activities associated with commercial activity shall be undertaken generally in accordance with the following:
 - 8.00am to 5.00pm Monday to Friday;
 - 8.00am to 1.00pm Saturdays;
 - No noise or traffic generating work on Sundays or Public Holidays.


G. Element – Landscaping and Open Space

- i. In addition to the requirements of Ballina Shire DCP 2012 – Chapter 4 Clause 4.7.3 – Element G, the following landscaping requirements are applicable to Precinct 1:
 - Landscape planting is to generally comprise low shrubs (to 1.2 metres high) and pruned up trees (to two metres) that will provide sightlines consistent with CPTED principles;
 - Where landscaping is required to meet the above requirements, a development application is to be supported by a landscaping plan; and
 - The landscaping plan must demonstrate that provision of landscaping is consistent with the entomological assessment and buffers required as part of the development approval for the subdivision of the land.

H. Element – Noise

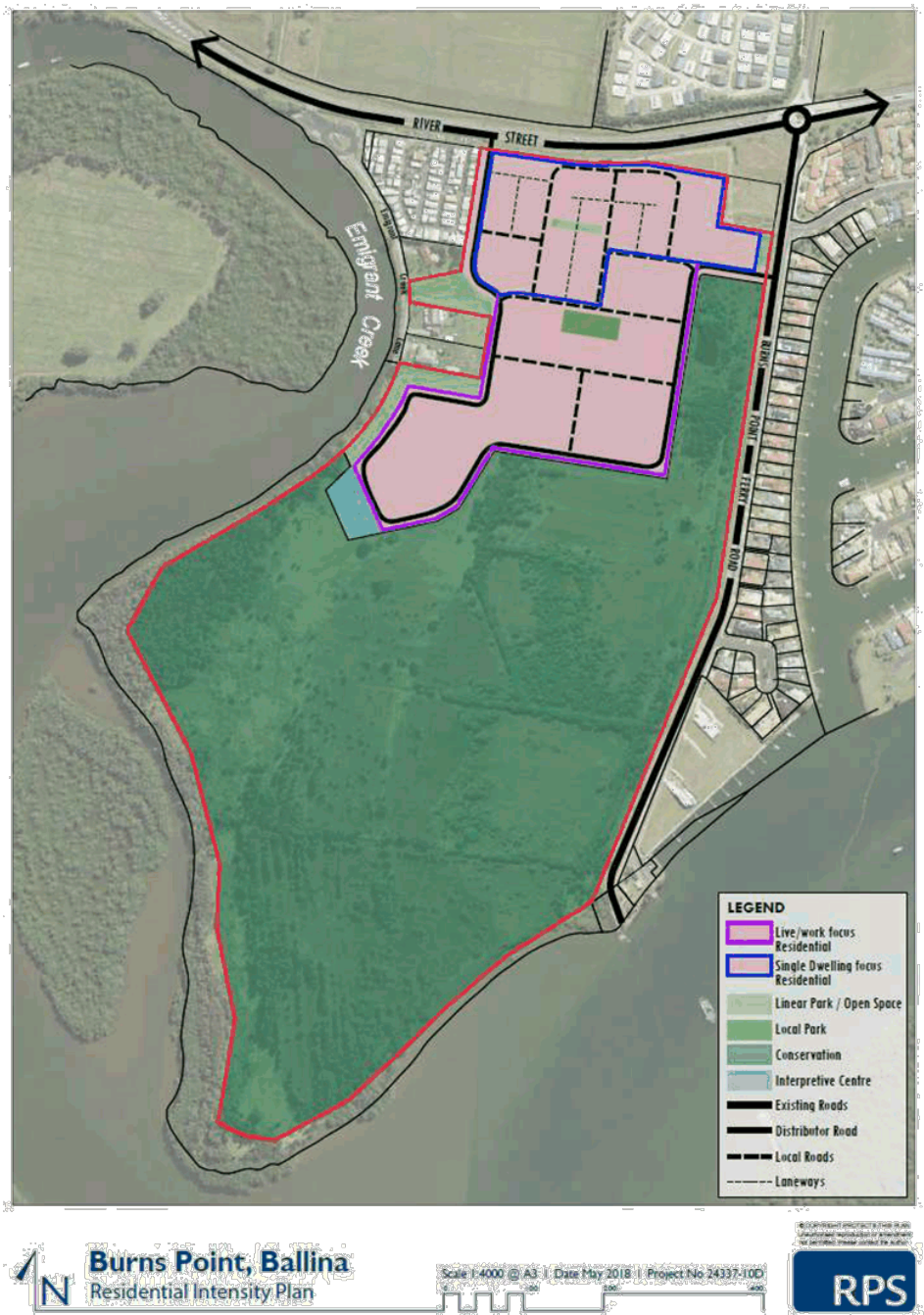
- i. The design of the residential component of development must address the acoustic interface between residential areas and work areas.
- ii. The residential component of a development must be designed to ensure compliance with *AS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors*. A summary of these requirements is provided in the table below:

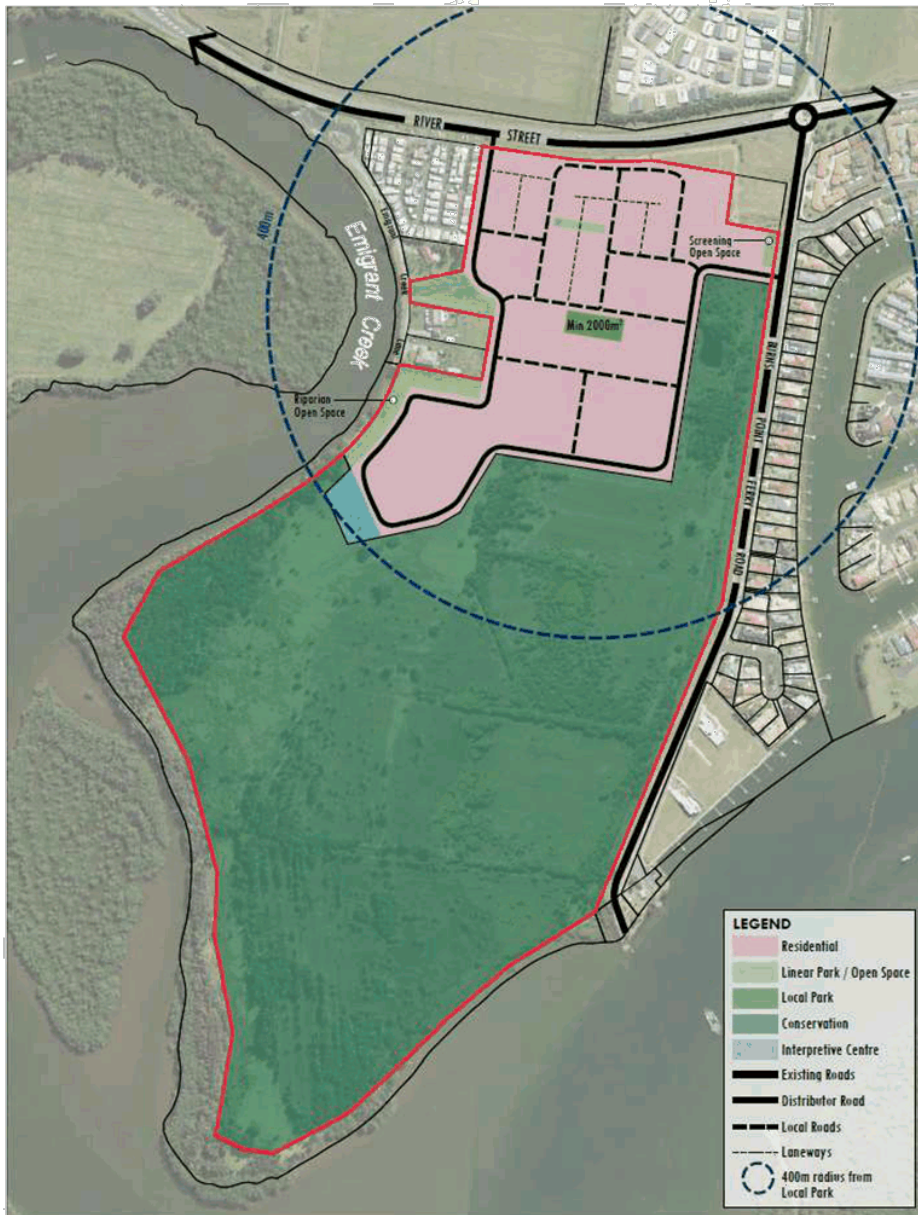
Type of occupancy / activity	Satisfactory design sound level dB(A)	Maximum design sound level dB(A)
Sleeping areas	30	35
Living areas	30	40
Work areas	35	40
Common areas	45	55

	<p>Note:</p> <p>Additional acoustic assessment may be required for individual live-work development applications dependent on the type of work activity proposed. The applicant shall consult with Council prior to submitting a development application to determine any acoustic assessment requirements for individual live-work developments.</p>
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Appendix E – Burns Point Expansion Area Structure Plan









Burns Point, Ballina
 Open Space Plan

Scale 1:4000 @ A3 | Date May 2018 | Project No 24337-100






Burns Point, Ballina
 Mosquito Management Plan

Scale 1:4000 | A3 | Date May 2018 | Project No 24337-10D

