

20 Dress Circle Drive Lennox Head

Proposed Duplex 18.09.2018

FOR
David Beck

ARCHITECTURAL SCHEDULE

DRAWING NO: DRAWING SCHEDULE REVISION

A-00-00	Cover Sheet	A
A-01-01	Existing Site Plan	
A-01-02	Proposed Site Plan	A
A-01-03	Site Sections	
A-01-04	Hardscape Plan	
A-02-01	Ground Floor Layout & Key Plan	
A-02-02	Level 1 Floor Layout & Key Plan	
A-02-03	Ground Floor Dimensions	
A-02-04	Level 1 Dimensions	
A-03-01	Elevations	
A-03-02	Elevations	
A-03-03	Building Envelope. 3D Views	A
A-05-01	Roof Plan	
A-05-02	Concept Strata Plans	
A-06-01	Shadow Diagrams	



REV	DATE	DESCRIPTION
A	17.09.2018	Reduce Unit 2 Family & Meals Floor Areas. Cut back Unit 2 Balcony. Move entire building 300mm West. Drop building 100mm. Adjust FSR.

**DEVELOPMENT
APPLICATION PLANS**
NOT FOR CONSTRUCTION

PROJECT BRIEF

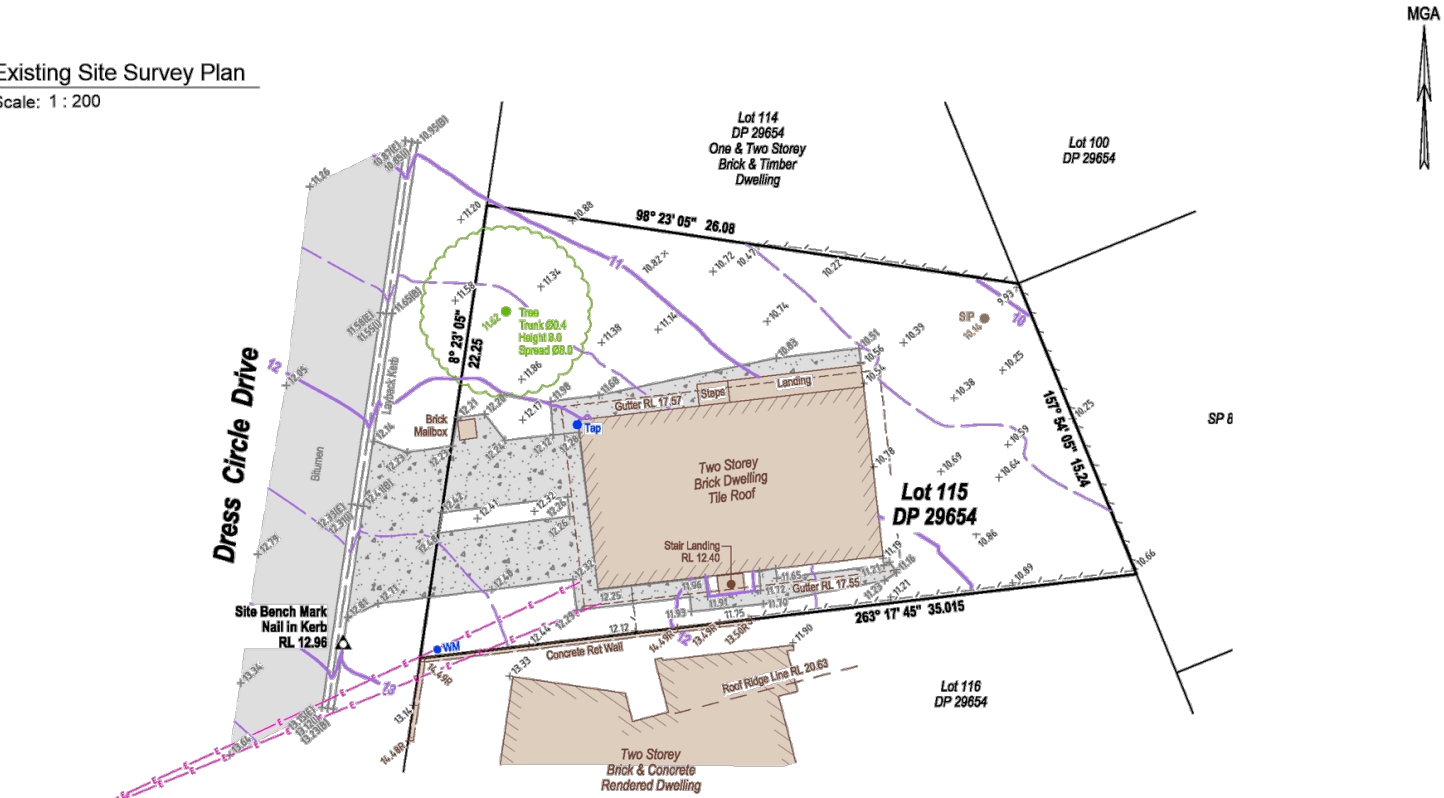
2 X 3 BEDROOM UNITS. CLASS 2 BUILDING. DESIGN REQUIRED PWD ACCESS VIA A LIFT TO THE LEVEL 1 UNIT. STEPPING THE BUILDING DOWN THE HILL NOT POSSIBLE DUE TO DISABLED REQUIREMENT. ACCESS FROM THE GROUND LEVEL IS ALSO PROVIDED VIA A RAMP. OVERSIZED GARAGE & INCREASED CIRCULATION AREAS HAVE BEEN NECESSARY DUE TO CLIENTS PARTICULAR REQUIREMENTS. FIRE SEPARATION DESIGN PRINCIPALS WILL BE APPLIED TO ALLOW FOR A FUTURE STRATA SUBDIVISION.

Date :
18.09.2018

Project No :
018-019

Sheet No :
A-00-00

1 Existing Site Survey Plan
Scale: 1 : 200



Notes:

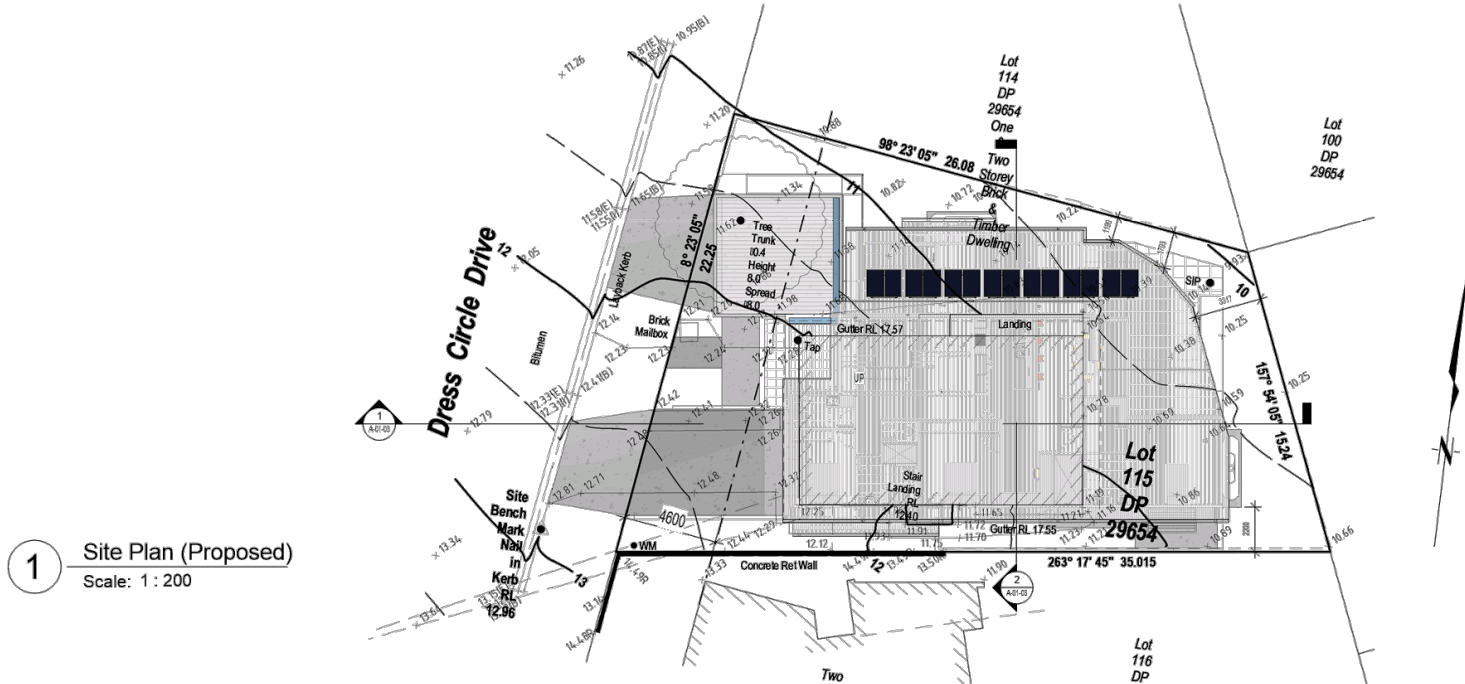
	Fenceline		Concrete	(E)	Edge of Bitumen
	OH Electricity		Water Meter	(I)	Invert of Kerb
			Power Pole	(B)	Top of Layback Kerb
			Sewer Inspection Plate		

Disclaimer:
 * Services shown hereon have been located by field survey. Prior to any excavation or construction, the relevant authority should be contacted for the possible location of further services and the exact location of all services.
 • Underground services including telecommunication cables have not been located, and have been plotted from the records of the relevant authorities.
 • All levels are ground levels unless otherwise indicated.

Locality: LENNOX HEAD LGA: BALLINA Parish: BALLINA County: ROUS FB: 1244 RR: 1:200 @ A3	Coords: ASSUMED Datum: AHD Origin: SSM 61771 RL: 11.755 LB: N/A Contour: 0.5m	Ref: 18038-1A Date: 11.04.2018 Survey: CAA CSC Drawn: SB Data: D01,M01 Sheet: 1 of 1	PLAN SHOWING DETAIL SURVEY OVER LOT 115 IN DP 29654 20 Dress Circle Drive Client: MS Design For: David Beck
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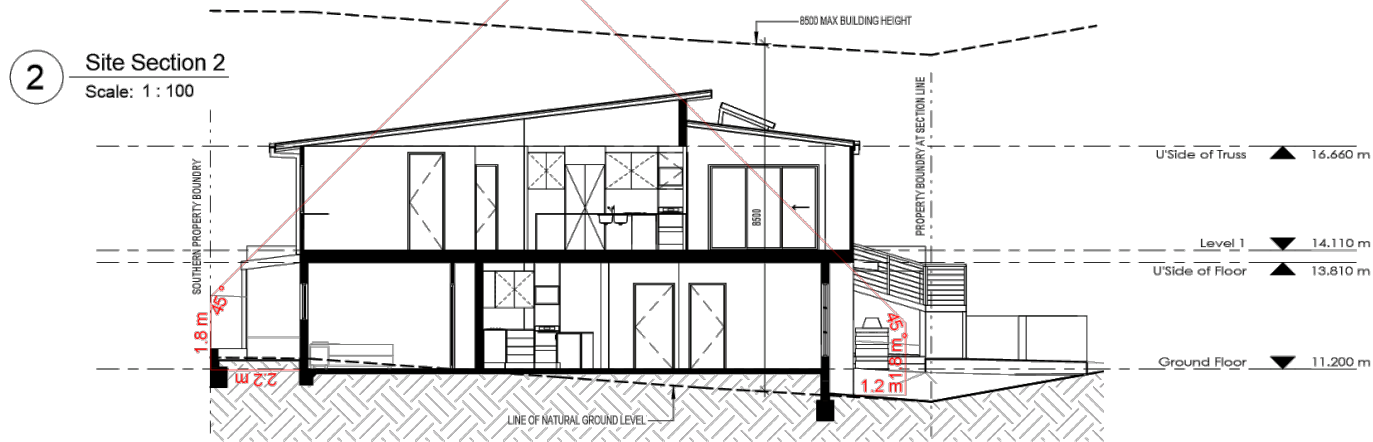
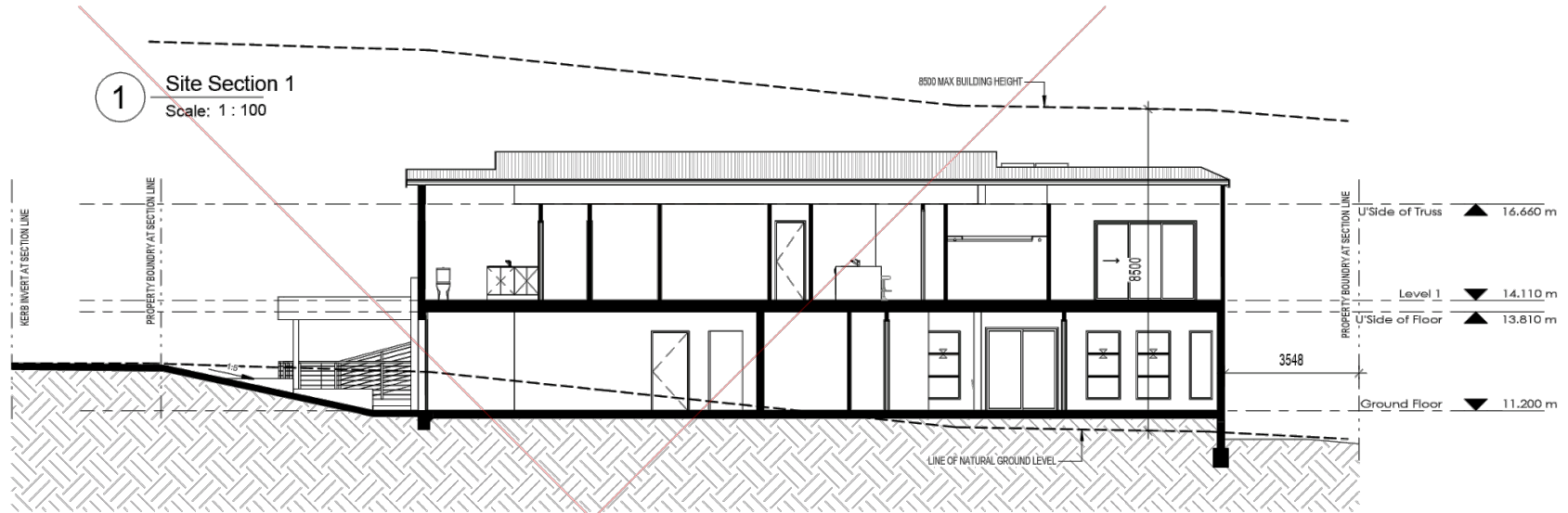
<p>LOT NO. 115 20 DRESS CIRCLE DRIVE LENNOX HEAD</p> <hr/> <p>COUNCIL : BALLINA SHIRE COUNCIL</p> <p>PROPERTY DESCRIPTION LOT 115 ON DP 29654 PARISH OF BALLINA COUNTY OF ROUS</p>	<p>SITE CALCULATIONS</p> <table> <tr> <td>Site Area</td> <td>547.00m²</td> <td>FSR</td> <td>0.528 :1. (0.5 :1 Allowed)</td> </tr> <tr> <td>Building Footprint</td> <td>270.00m²</td> <td></td> <td>(289.00m²) (273.5m² Allowed)</td> </tr> <tr> <td>Site Coverage</td> <td>49%</td> <td></td> <td></td> </tr> <tr> <td>GFA - Unit 1</td> <td>127.00m²</td> <td>POS - Unit 1</td> <td>87.00m² (40m² Required)</td> </tr> <tr> <td>GFA - Unit 2</td> <td>162.00m²</td> <td>POS - Unit 2</td> <td>44.00m² (40m² Required)</td> </tr> <tr> <td>Total GFA</td> <td>289.00m²</td> <td></td> <td></td> </tr> </table> <p style="color: blue; text-align: center;">See last pages for FSR calculation.</p>	Site Area	547.00m ²	FSR	0.528 :1. (0.5 :1 Allowed)	Building Footprint	270.00m ²		(289.00m ²) (273.5m ² Allowed)	Site Coverage	49%			GFA - Unit 1	127.00m ²	POS - Unit 1	87.00m ² (40m ² Required)	GFA - Unit 2	162.00m ²	POS - Unit 2	44.00m ² (40m ² Required)	Total GFA	289.00m ²		
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Total GFA	289.00m ²																								




1 Site Plan (Proposed)
 Scale: 1 : 200

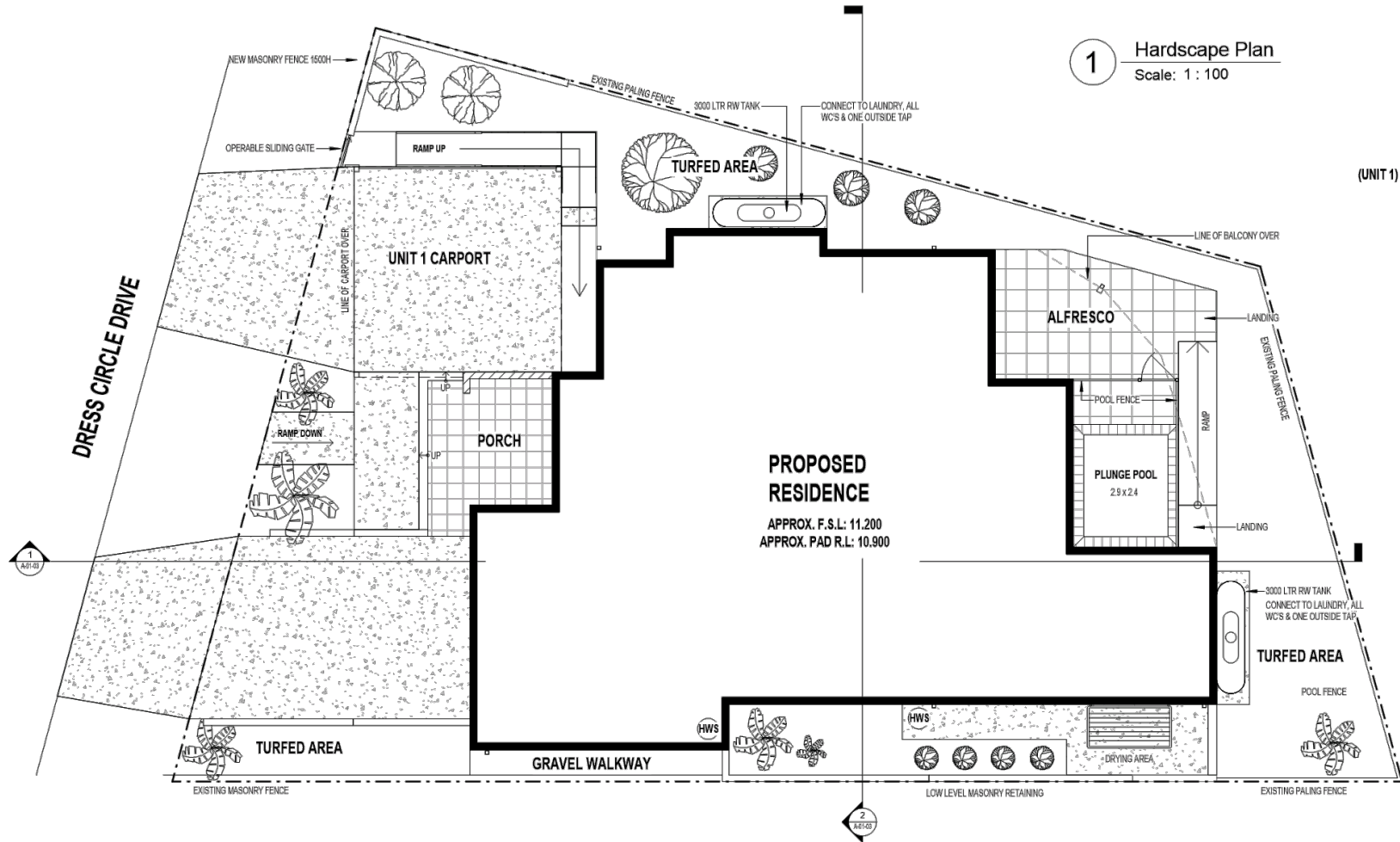
<p>GOLD COAST BALLINA Suite BA, 47 Anderson Rd Bundall QLD 4227 PO Box 1706, GC&C QLD 4228 Ph: 57 5074 4118 Fax: 57 5074 2115</p>	<p>56 Meiers Street Ballina NSW 2470 Ph: 6412 488 844 admin@msdesign.net.au www.msdesign.net.au</p>	<p>ADN: 52 132 448 554 (AS: 1161731)</p>	<p>DRAWN REV DATE DESCRIPTION</p> <p>MT A 17.09.2018 Redesign Unit 2 Family & Main Floor Areas. Cut back Unit 1 Staircase. Move entrance building 100mm West. Drop building 100mm. Adjust FSR</p>	<p>PROJECT</p> <p>Proposed Duplex</p> <p>20 Dress Circle Drive Lennox Head</p>	<p>CLIENT</p> <p>David Beck</p>	<p>TITLE</p> <p>Proposed Site Plan</p>	<p>ISSUE</p> <p>DA-02</p>	<p>DATE</p> <p>18.09.2018</p>	<p>DWG NO</p> <p>A-01-02</p>	<p>PROJECT NO</p> <p>018-019</p>
			<p>Development Application</p>	<p>SCALE</p> <p>1 : 200</p>	<p>SL</p> <p>A3</p>					

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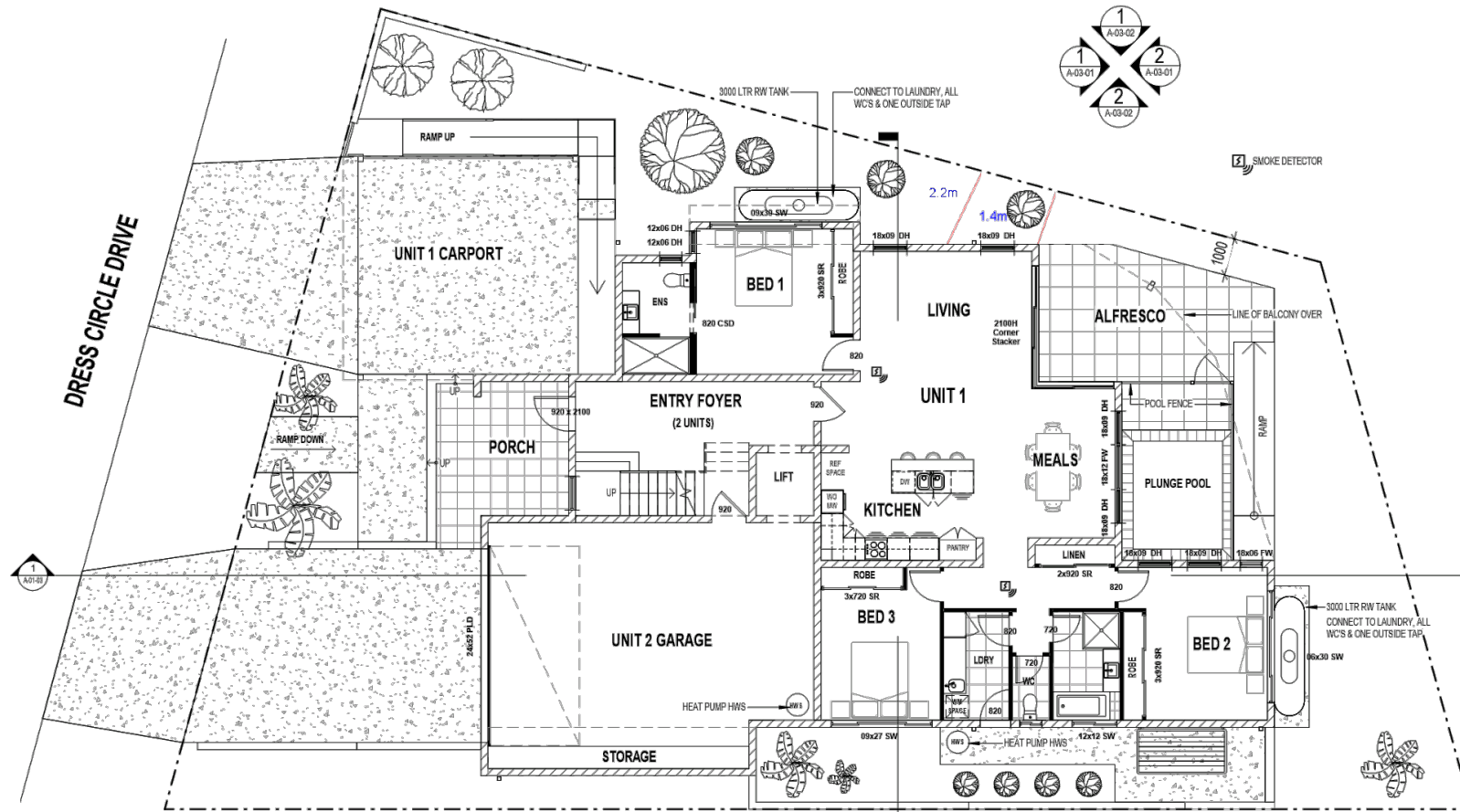
 GOLD COAST BALLINA Suite BA, 47 Anderson Rd Bundaberg QLD 4227 PO Box 1706, GC&C QLD 4228 Ph: 07 5570 4118 Fax: 07 5570 2410	56 Meiers Street Ballina NSW 2470 Ph: 6412 488 844 admin@msdesign.net.au www.msdesign.net.au	DRAWN REV DATE DESCRIPTION	PROJECT Proposed Duplex	CLIENT David Beck	TITLE Site Sections	ISSUE DA-02	DATE 18.09.2018	DWG NO A-01-03	PROJECT NO 018-019
		Development Application	DRAWN SCALE 1 : 100	SL A3					

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		<p>20 Dress Circle Drive Lennox Head</p>	<p>Development Application</p>	<p>1 : 100</p>	<p>SL A3</p>			

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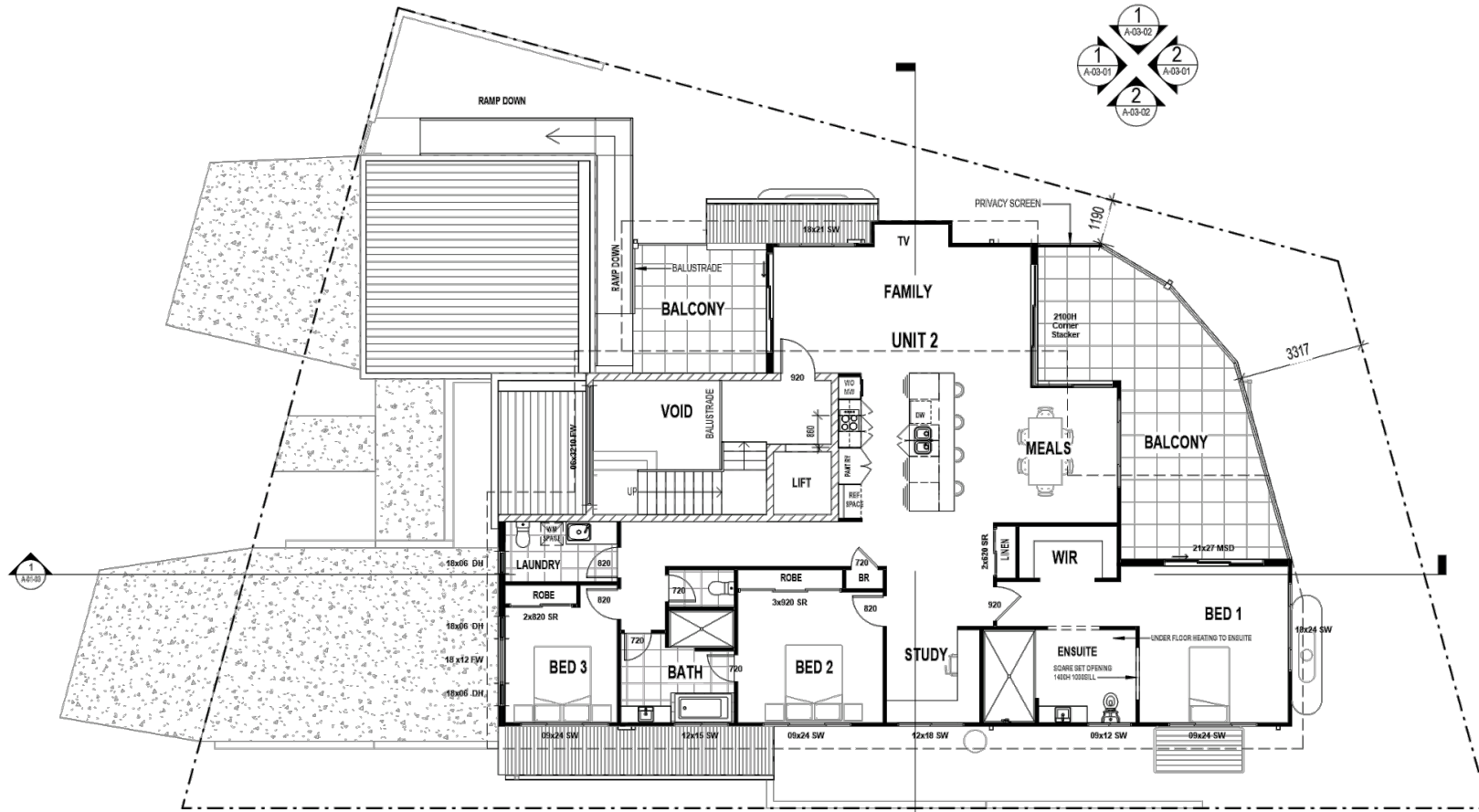


1 Ground Floor Layout & Key Plan
Scale: 1 : 100

<p>MS GOLD COAST BALLINA 20 Dress Circle Drive Lennox Head NSW 2478 Ph: 6412 488 041 Fax: 6412 488 042</p>	<p>GOLD COAST Suite 5A, 47 Anderson Rd Bundall QLD 4227 Ph: 5531 5765, 5531 5728 Fax: 5531 2415</p>	<p>BALLINA 56 Moon Street Ballina NSW 2478 Ph: 6412 488 041 admin@msdesign.net.au www.msdesign.net.au</p>
	<p>ABN: 52 132 448 554 DAS: 1107391</p>	<p>PROJECT Proposed Duplex</p>
	<p>CLIENT David Beck</p>	<p>TITLE Ground Floor Layout & Key Plan</p>
	<p>ISSUE DA-02</p>	<p>DATE 18.09.2018</p>

<p>ISSUE DA-02</p>	<p>DATE 18.09.2018</p>	<p>DWG NO A-02-01</p>	<p>PROJECT NO 018-019</p>
<p>SCALE 1 : 100</p>	<p>Development Application</p>	<p>SL</p>	<p>A3</p>

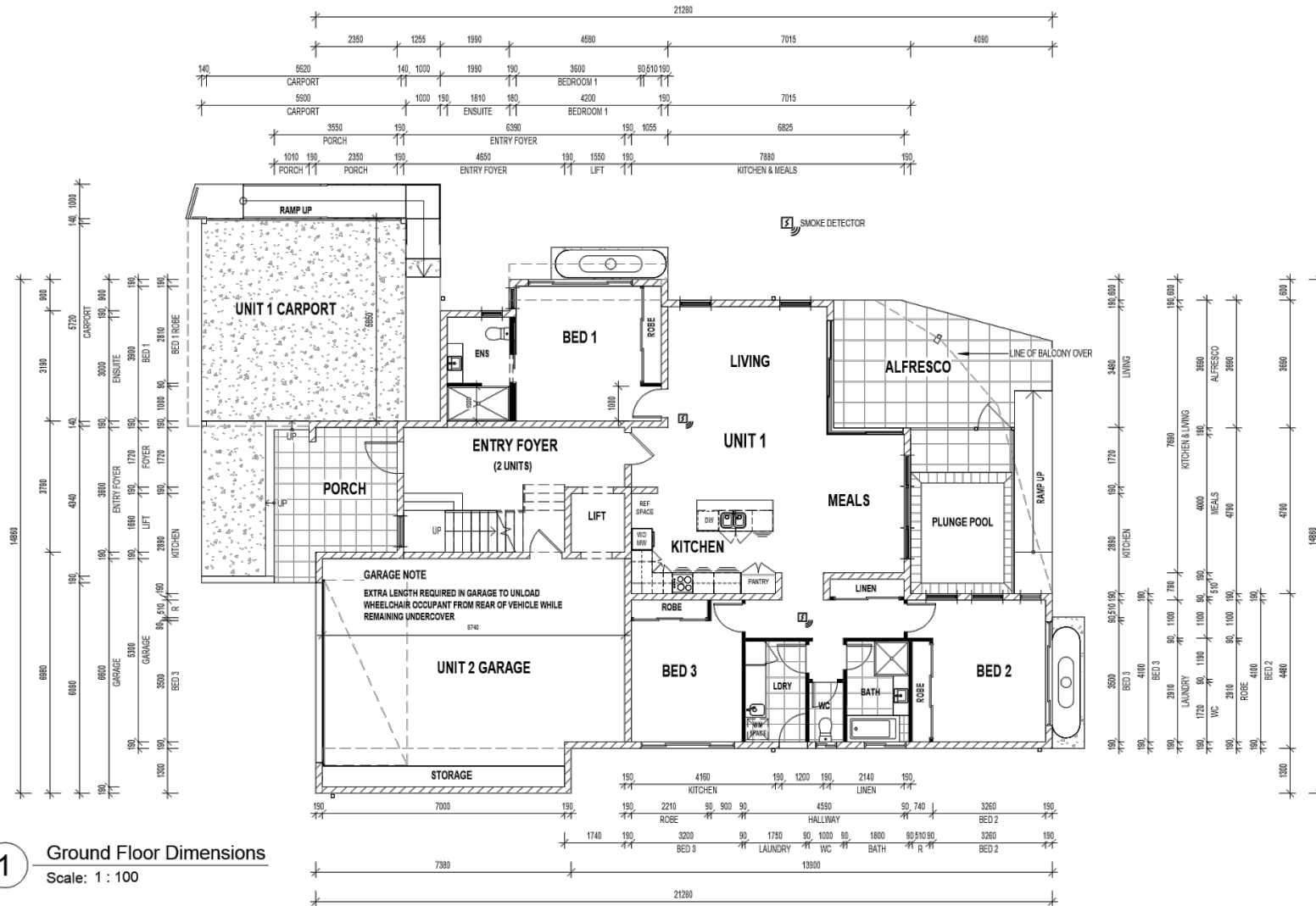
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1 Level 1 Layout & Key Plan
Scale: 1 : 100

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		<p>1</p>	<p>1</p>	<p>18.09.2018</p>	<p>Proposed Duplex</p>	<p>David Beck</p>	<p>Level 1 Floor Layout & Key Plan</p>	<p>DA-02</p>	<p>A-02-02</p>	<p>018-019</p>		

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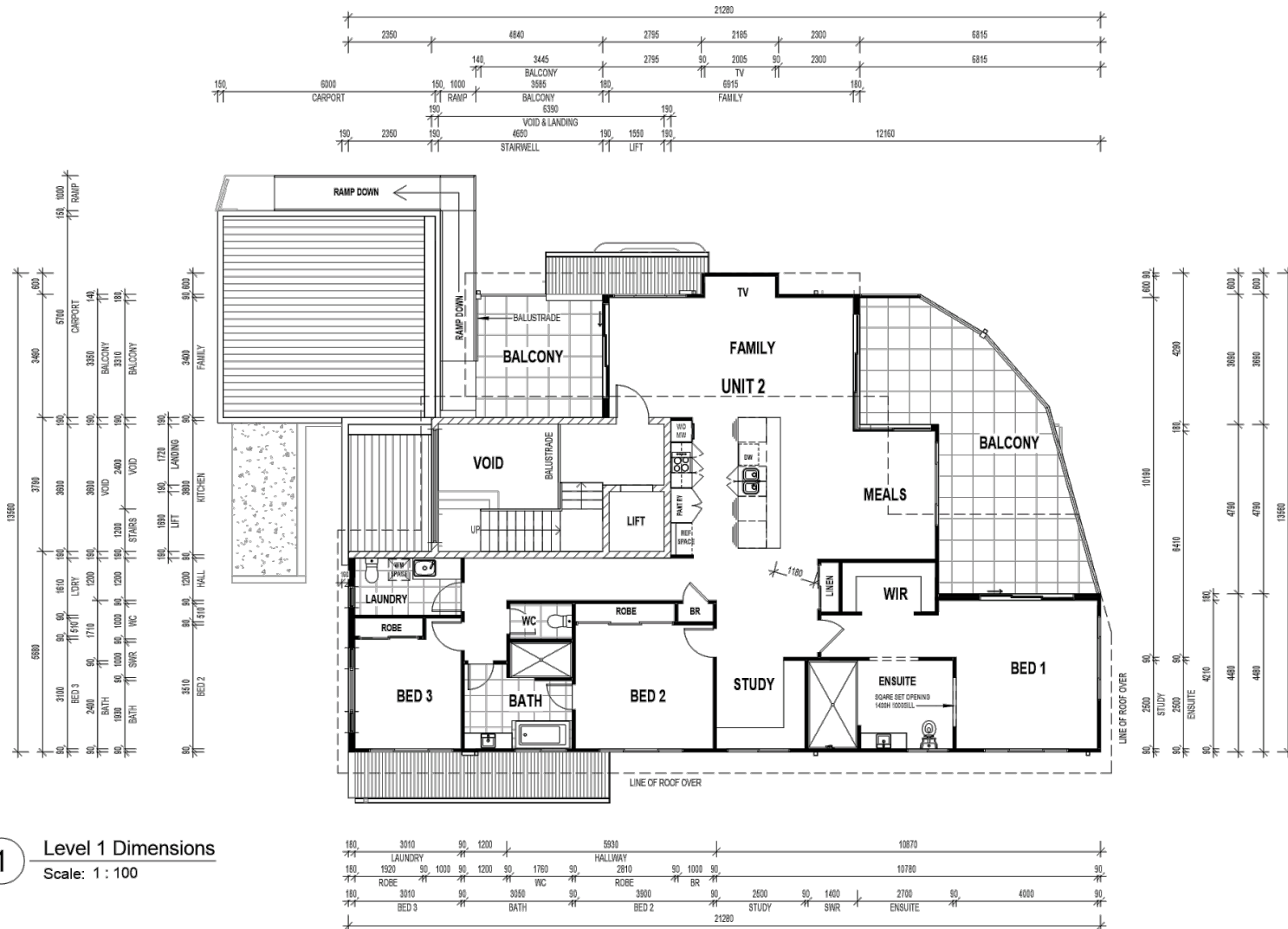
MS
GOLD COAST BALLINA
Sole SA, 47 Anderson Rd
Ballina NSW 2470
Ph: 6412 488 844
Fax: 6412 488 844

DRAWN	REV	DATE	DESCRIPTION	PROJECT	CLIENT	TITLE	ISSUE	DATE	DWG NO	PROJECT NO
				Proposed Duplex	David Beck	Ground Floor Dimensions	DA-02	18.09.2018	A-02-03	018-019
				20 Dress Circle Drive Lennox Head						SL

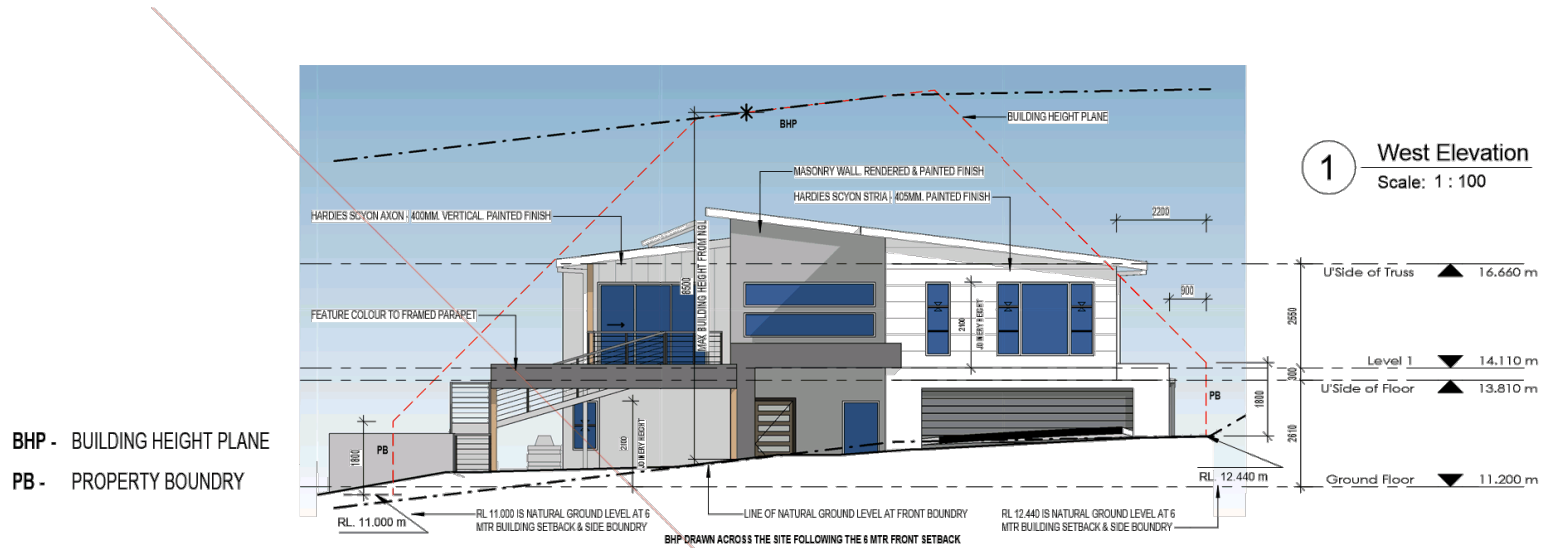
Development Application
SCALE: 1 : 100
A3

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8.1 **DA 2018/421 - 20 Dress Circle Drive Lennox Head.DOC**



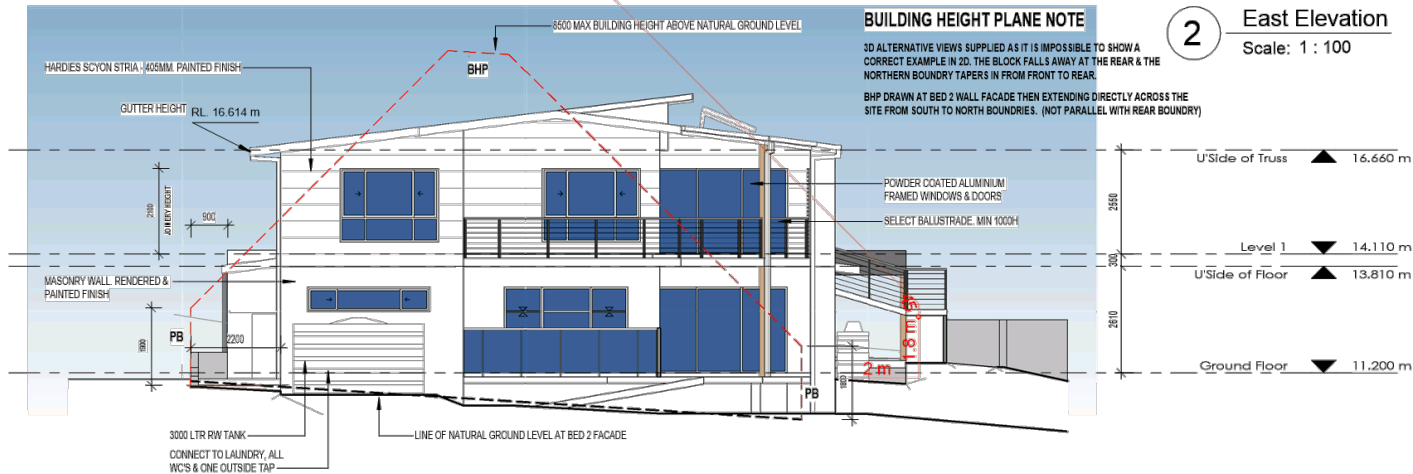
<p>GOLD COAST BALLINA Suite BA, 47 Adelaide Rd Ballina NSW 2470 Ph: 6412 488 844 Fax: 67 593 2115</p>	<p>36 Moon Street Ballina NSW 2470 Ph: 67 5074 4118 www.mdesign.net.au</p>	<p>PROJECT: Proposed Duplex CLIENT: David Beck TITLE: Level 1 Dimensions ISSUE: DA-02 DATE: 18.09.2018 DWO NO: A-02-04 PROJECT NO: 018-019 DRAWN: SL SCALE: 1 : 100</p>	<p>Development Application</p>
	<p>Do not scale from drawings. Dimensions are to be checked on site prior to commencement of work. Discrepancies to be brought to the attention of the author. Any dimensions not nominated must be referred to the designer for confirmation. The concepts and information contained in this document are the copyright of MS Design. Use or copying of the document in whole or in part without the written permission of MS Design constitutes an infringement of copyright.</p>		



1 West Elevation
Scale: 1 : 100

BHP - BUILDING HEIGHT PLANE
PB - PROPERTY BOUNDARY

REFER TO ALTERNATIVE 3D BUILDING ENVELOPE / BHP VIEWS ON SHEET A-03-03 FOR MORE DETAIL



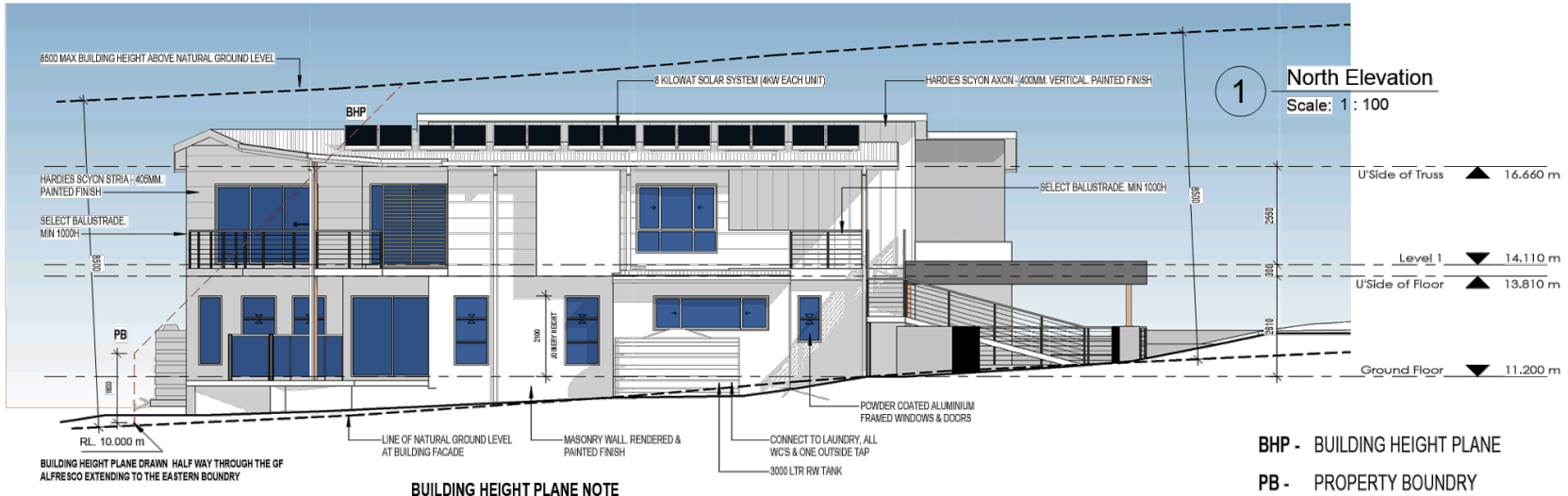
2 East Elevation
Scale: 1 : 100

BUILDING HEIGHT PLANE NOTE
3D ALTERNATIVE VIEWS SUPPLIED AS IT IS IMPOSSIBLE TO SHOW A CORRECT EXAMPLE IN 2D. THE BLOCK FALLS AWAY AT THE REAR & THE NORTHERN BOUNDARY TAPERS IN FROM FRONT TO REAR.
BHP DRAWN AT BED 2 WALL FACADE THEN EXTENDING DIRECTLY ACROSS THE SITE FROM SOUTH TO NORTH BOUNDRIES. (NOT PARALLEL WITH REAR BOUNDARY)

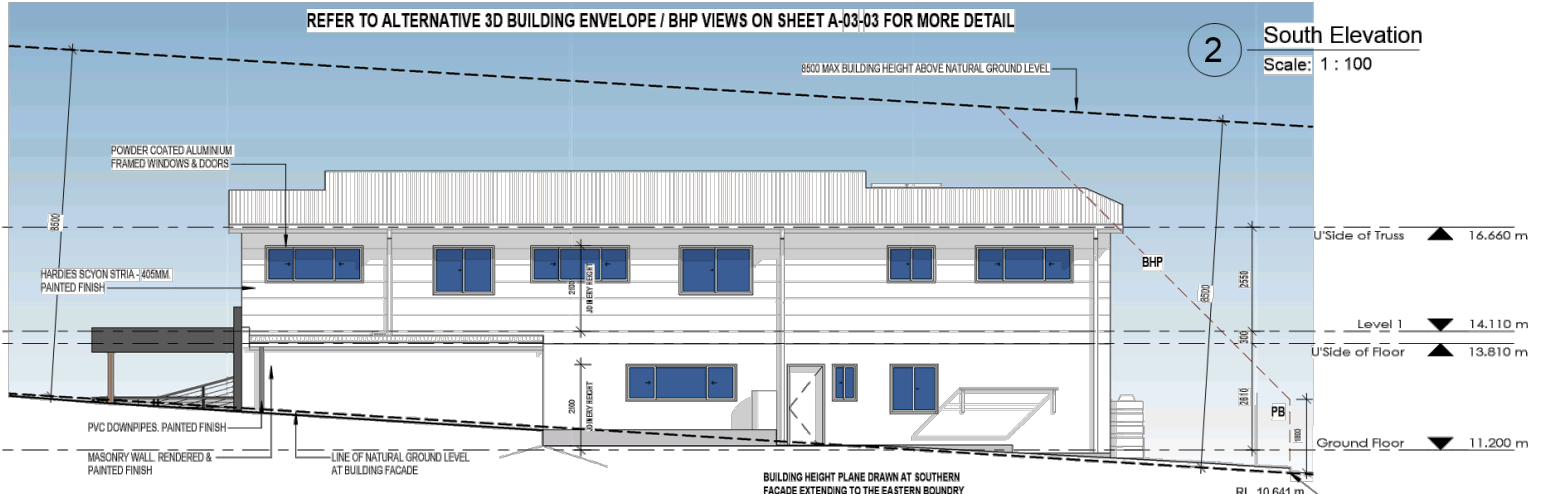
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	<p>PROJECT Proposed Duplex</p>	<p>CLIENT David Beck</p>
	<p>TITLE Elevations</p>	<p>ISSUE DA-02</p>
	<p>DATE 18.09.2018</p>	<p>DWG NO A-03-01</p>

DRAWN	REV	DATE	DESCRIPTION	PROJECT	CLIENT	TITLE	ISSUE	DATE	DWG NO	PROJECT NO
				Proposed Duplex	David Beck	Elevations	DA-02	18.09.2018	A-03-01	018-019
				20 Dress Circle Drive Lennox Head						SL
										SCALE 1 : 100
										A3

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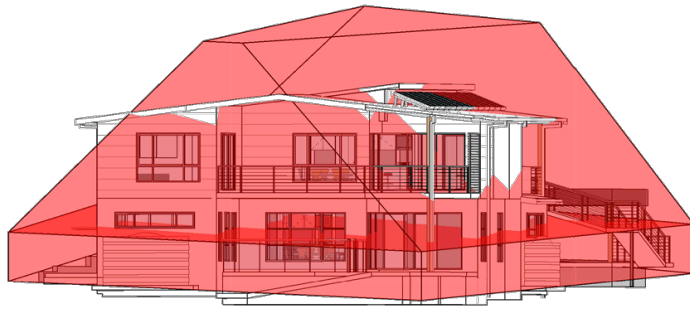


BUILDING HEIGHT PLANE NOTE
3D ALTERNATIVE VIEWS SUPPLIED AS IT IS IMPOSSIBLE TO SHOW A CORRECT EXAMPLE IN 2D. THE BLOCK FALLS AWAY AT THE REAR & THE NORTHERN BOUNDARY TAPERS IN FROM FRONT TO REAR.

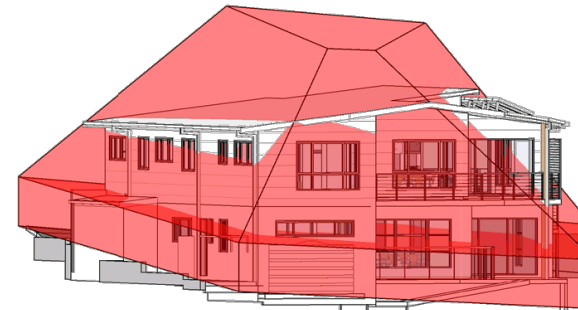


<p>MS DESIGN 10 CANTON RD BALLINA NSW 2478 Ph: 6412 488 844 Fax: 67 593 2418</p>	<p>GOLD COAST BALLINA Suite BA, 47 Ansons Rd Ballina QLD 4207 Ph: 6412 488 844 Fax: 67 593 2418</p>	<p>AGB: 92 132 448 554 DAS: 1161731 admin@msdesign.net.au www.msdesign.net.au</p>	PROJECT	CLIENT	TITLE	ISSUE	DATE	DWG NO	PROJECT NO
			Proposed Duplex	David Beck	Elevations	DA-02	18.09.2018	A-03-02	018-019
<p>20 Dress Circle Drive Lennox Head</p>									
<p>Development Application</p>									
<p>SCALE: 1 : 100</p>									

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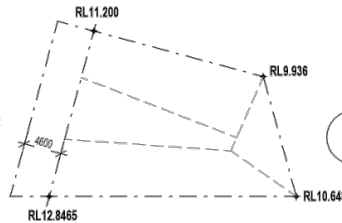
1 3D Building Plane N/E View
Scale:



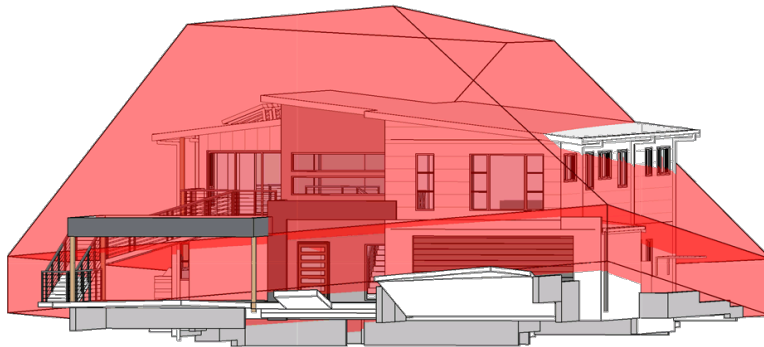
2 3D Building Plane S/E View
Scale:

3D BUILDING ENVELOPE SUPPLIED DUE TO THE DIFFICULTY IN CLEARLY DEFINING THE ENVELOPE IN 2D ON A SLOPING BLOCK WITH NON ALIGNED BOUNDRIES.

PLAN VIEW INDICATES THE 4 CORNERS OF THE ENVELOPE & THE EXISTING GROUND LEVELS THAT THEY WERE CAST AT. ENVELOPE THEN MASSED UP 1800MM FROM THOSE POINTS THEN 45° AS PER DCP. TOP EXTENTS INDICATE MAX. BUILDING HEIGHT OF 8500 ABOVE NGL.



5 3D Building Envelope Plan
Scale: 1 : 500



3 3D Building Plane S/W View
Scale:



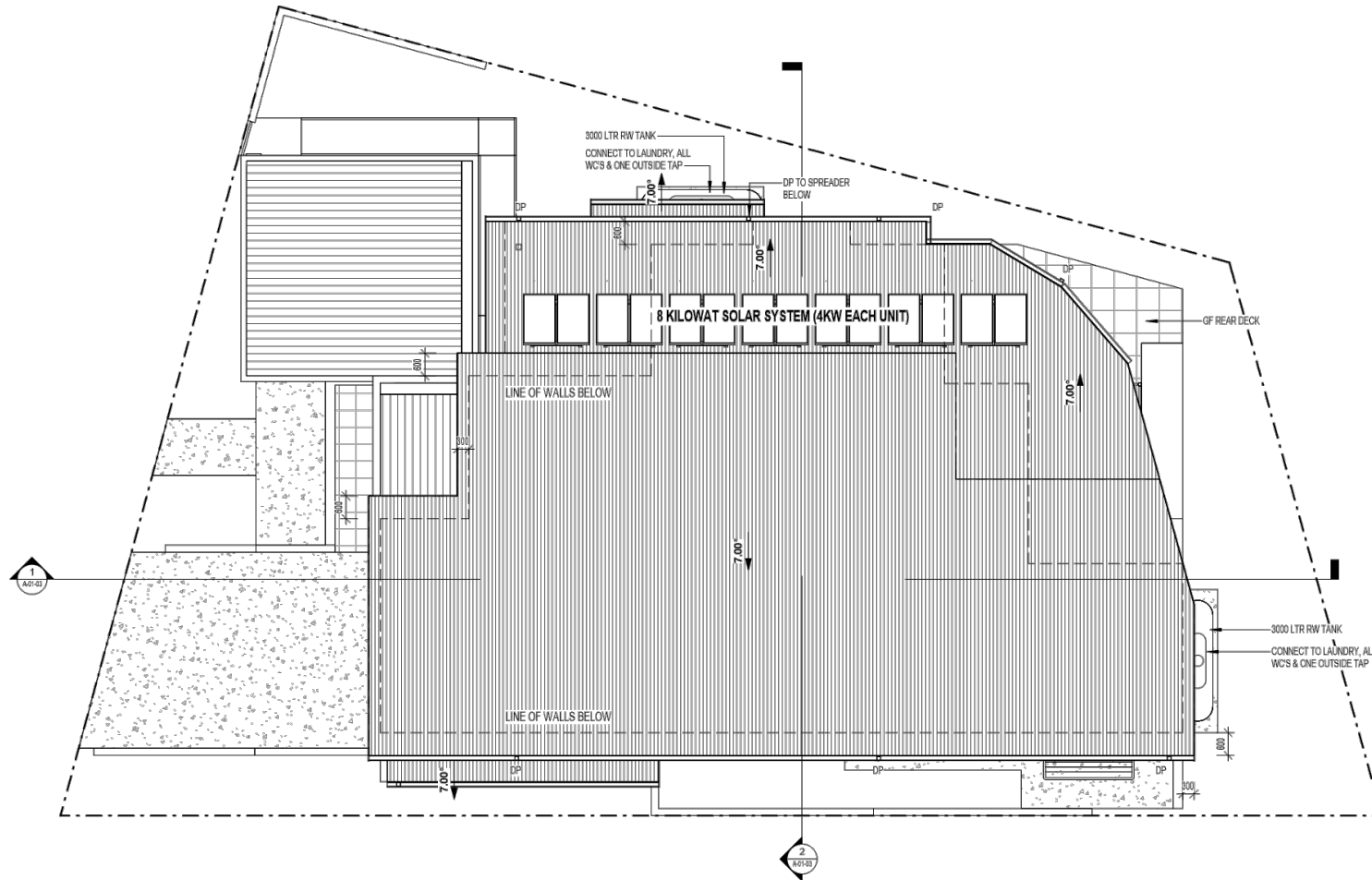
4 3D Building Plane N/W View
Scale:

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	<p>MT A</p>	<p>17.09.2018</p>	<p>Redux Unit 2 Family & Multi-Floor Areas, Cut back Unit 3 Garage, Mass on building 20 Dress Circle Drive building 150mm, Adjust FSR</p>
	<p>PROJECT</p>	<p>Proposed Duplex</p>	<p>CLIENT</p> <p>David Beck</p>
	<p>TITLE</p>	<p>Building Envelope, 3D Views</p>	<p>ISSUE</p> <p>DA-02</p>

<p>DATE</p> <p>18.09.2018</p>	<p>DWG NO</p> <p>A-03-03</p>	<p>PROJECT NO</p> <p>018-019</p>
<p>SCALE</p> <p>1 : 500</p>	<p>DRAWN</p> <p>SL</p>	<p>SCALE</p> <p>1 : 500</p>

<p>PROJECT</p> <p>20 Dress Circle Drive Lennox Head</p>	<p>Development Application</p>	<p>A3</p>
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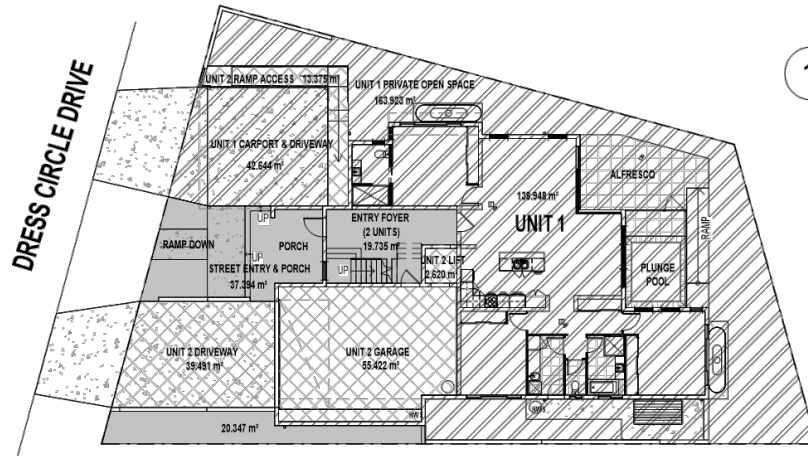
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1 Roof Plan
Scale: 1 : 100

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			<p>20 Dress Circle Drive Lennox Head</p>	<p>Development Application</p>	<p>SCALE 1 : 100</p>	<p>DRAWN SL</p>	<p>SCALE 1 : 100</p>	<p>A3</p>	

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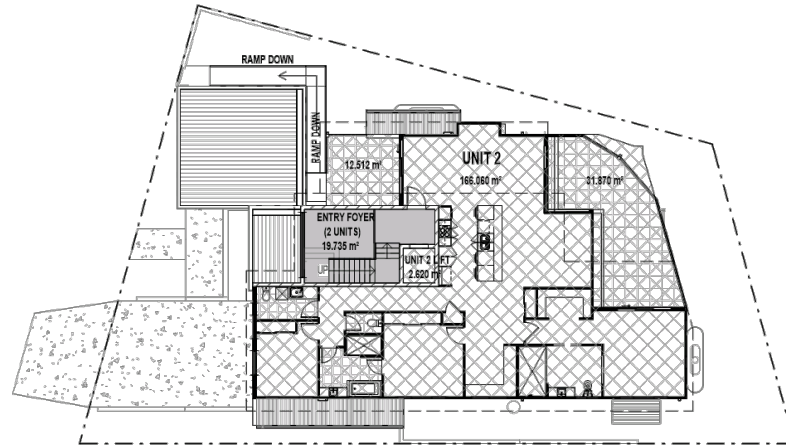


1 Ground Floor Strata Concept
Scale: 1 : 200

STRATA PLAN CONCEPT NOTE

THIS CONCEPT STRATA PLAN HAS BEEN PREPARED AS A PRELIMINARY GUIDE ONLY. FINAL DESIGN WILL BE PREPARED BY A LICENCED SURVEYOR & MAY VARY UNDER SCRUTINY OR THE IMPLEMENTATION OF IMPROVED DESIGN & DETAIL.

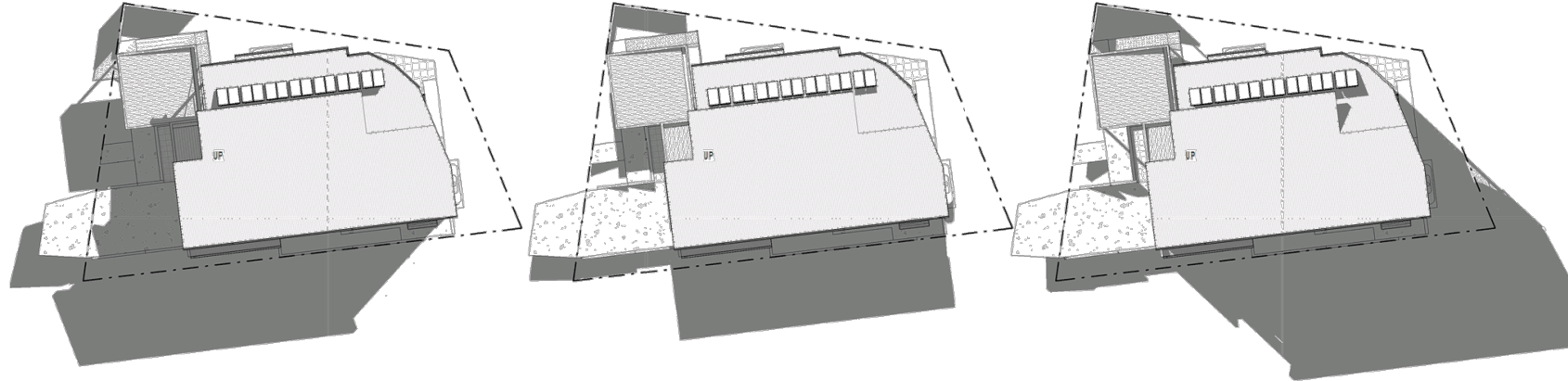
■	COMMON PROPERTY (TOTAL)	97.211 m ²
▨	UNIT 1	
	INTERNAL LIVING	138.948 m ²
	CARPORT & DRIVEWAY	42.644 m ²
	PRIVATE OPEN SPACE	163.923 m ²
▩	UNIT 2	
	GARAGE & DRIVEWAY	94.913 m ²
	RAMP ACCESS	13.375 m ²
	INTERNAL LIVING	161.680 m ²
	PRIVATE OPEN SPACE	44.382 m ²



2 Level 1 Strata Concept
Scale: 1 : 200

<p>GOLD COAST BALLINA Suite 5A, 47 Anderson Rd Bundall QLD 4227 PO Box 576, GC&C QLD 9726 Ph: 57 5070 4118 Fax: 57 5070 2415</p>	<p>36 Moon Street Ballina NSW 2470 Ph: 6412 488 844 admin@msdesign.net.au www.msdesign.net.au</p>	DRAWN REV DATE DESCRIPTION	PROJECT Proposed Duplex	CLIENT David Beck	TITLE Concept Strata Plans	ISSUE DA-02	DATE 18.09.2018	DWG NO A-05-02	PROJECT NO 018-019
		20 Dress Circle Drive Lennox Head	Development Application	DRAWN SCALE 1 : 200	SL A3				

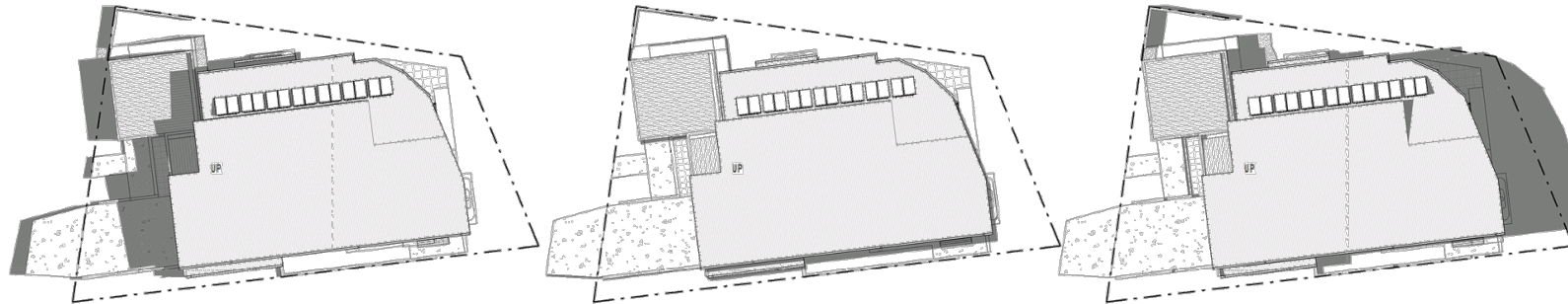
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1 9am June 21
Scale: 1 : 300

2 12 Midday June 21
Scale: 1 : 300


3 3pm June 21
Scale: 1 : 300



4 9am Dec 21
Scale: 1 : 300

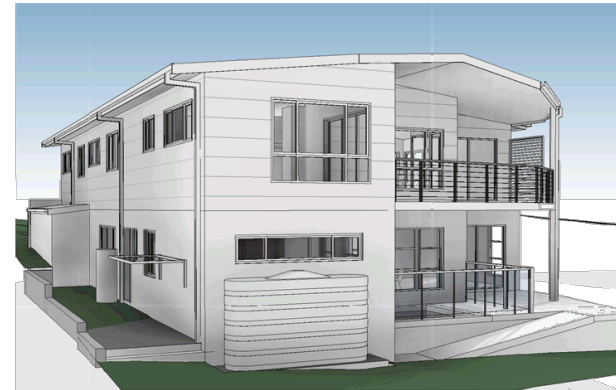
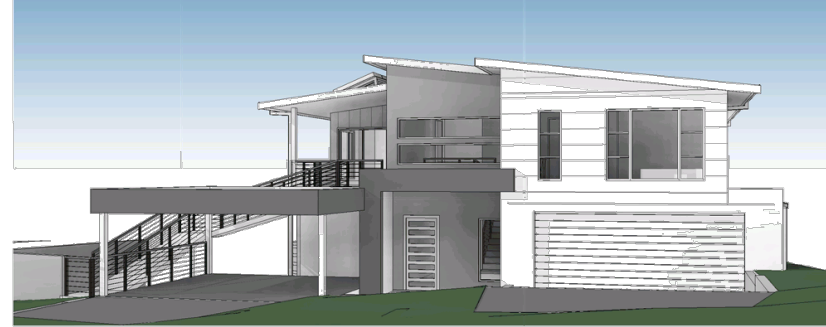
5 12 Midday Dec 21
Scale: 1 : 300


6 3pm Dec 21
Scale: 1 : 300

 GOLD COAST BALLINA Suite BA, 47 Ansonia Rd Bundaberg QLD 4227 PO Box 5706, GC-BC QLD 9226 Ph: 07 5370 4118 Fax: 07 5370 2115 <small>© Copyright MS Design Pty Ltd</small>	56 Moon Street Ballina NSW 2470 A/NZ: 02 132 448 554 (02) 661 191731 admin@msdesign.net.au www.msdesign.net.au	DRAWN REV DATE DESCRIPTION	PROJECT Proposed Duplex	CLIENT David Beck	TITLE Shadow Diagrams	ISSUE DA-02	DATE 18.09.2018	DWG NO A-06-01	PROJECT NO 018-019
		20 Dress Circle Drive Lennox Head	Development Application	SCALE 1 : 300	DRAWN SL	SCALE 1 : 300	A3		

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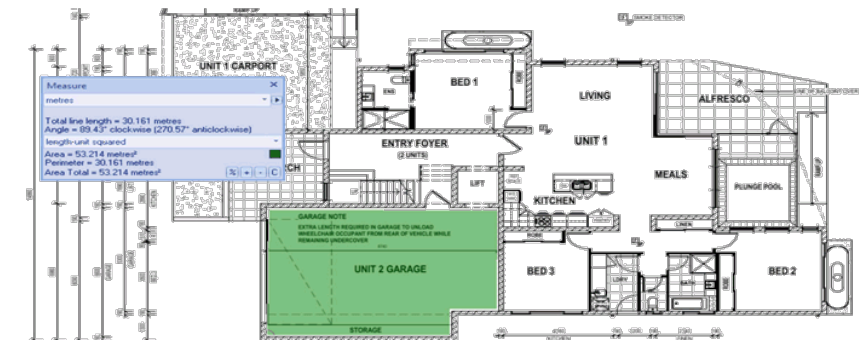
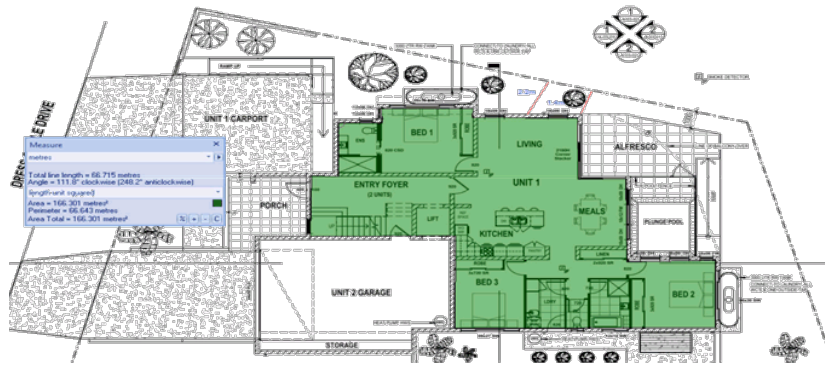
8.1 DA 2018/421 - 20 Dress Circle Drive Lennox Head.DOC



 GOLD COAST Suite 8A, 47 Anderson Rd Bundall QLD 4227 PO Box 1706, GC-INC QLD 4228 Ph: 57 5076 4118 Fax: 57 5076 2415 Copyright MS Design Pty Ltd	BALLINA 56 Meiers Street Ballina NSW 2470 Ph: 6412 488 844 admin@msdesign.net.au www.msdesign.net.au	DRAWN REV DATE DESCRIPTION	PROJECT Proposed Duplex 20 Dress Circle Drive Lennox Head	CLIENT David Beck	TITLE Perspectives	ISSUE DA-02	DATE 18.09.2018	DWG NO A-07-01	PROJECT NO 018-019
		Development Application							

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Floor Space Ratio Calculation



Unit 1	166.301
Unit 2	161.492
Unit 2 Garage	53.214 – 44m ² 9.214
Total GFA	337m ²
Land Size	547m ²
FSR	0.62:1m ²

Development Application Assessment Form for Minor Low Impact Development

(Pursuant to s.4.15 (1) of the EP & A Act 1979)



Checklist

2 x Stamped Plans & Specifications	<input checked="" type="checkbox"/>	Water Application Provided	<input type="checkbox"/>
Check Fees Charges	<input checked="" type="checkbox"/>	Builder's Insurance Certificate	<input type="checkbox"/>
Builder's Details/Owner Builders Permit	<input type="checkbox"/>	BASIX Certificate	<input checked="" type="checkbox"/>
Deposited Plan	<input checked="" type="checkbox"/>	Sewer Plan	<input type="checkbox"/>
Other	<input type="checkbox"/>		

Development Application No.:	2018/421
Property Description	Lot: 115 DP: 29654, 20 Dress Circle Drive LENNOX HEAD
Proposed Development:	Demolition of existing dwelling and construction of a new two storey strata title dual occupancy – attached including carport forward of the building line
Building Classification:	2
Site Inspection Date:	28 August 2018

Having inspected the site and assessed the application in terms of relevant matters for consideration within Section 4.15(1) of the EP & A Act 1979 and other pertinent concerns as detailed in the following sections of this report, it is recommended that the application be determined by:

Recommendations

1 Granting of consent unconditionally	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2 Granting of consent subject to conditions	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
3 Refusing of consent	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Any grounds for refusal are also provided in the attached assessment officer's report.

The conditions of consent, together with the reasons for the imposition of conditions, are as provided:

Designated development ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Integrated development ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, list consultations/ required referrals undertaken ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Does the Proposal involve a variation to a Development Standard?	Yes - Clause 4.4 Floor Space Ratio of BLEP 2012.
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Assessment of the Application

(Under Section 4.15(1) EP&A Act 1979)

Local Environmental Plans (LEP)

Applicable Zoning under the BLEP 2012:	R3 Medium Density Residential Zone
Permissibility within zone and suitable	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>Any additional comments or other relevant planning instruments:</i>	

4.15(1)(a)(iii) – Ballina Shire’s Development Control Plan (DCP) 2012	
DCP Chapters Currently In Force	<i>Tick box of applicable chapters and assess compliance with relevant provisions</i>
Chapter 1 – Administration	<input checked="" type="checkbox"/>
Chapter 2 – General and Environmental Considerations	<input checked="" type="checkbox"/>
Chapter 2b – Flood Plain Management	<input type="checkbox"/>
Chapter 3 – Urban Subdivision	<input type="checkbox"/>
Chapter 4 – Residential and Tourist Development	<input checked="" type="checkbox"/>
Chapter 5 – Industrial Development	<input type="checkbox"/>
Chapter 6 – Commercial Development	<input type="checkbox"/>
Chapter 6a – Commercial Development Ballina Town Centre	<input type="checkbox"/>
Chapter 6b – Commercial Development Alstonville	<input type="checkbox"/>
Chapter 6c – Commercial Development Lennox Head	<input type="checkbox"/>
Chapter 6d – Commercial Development West Ballina Enterprise Corridor	<input type="checkbox"/>
Chapter 7 – Rural Living and Activity	<input type="checkbox"/>
Chapter 8 – Special Uses	<input type="checkbox"/>
Chapter 18 – Rural Lands	<input type="checkbox"/>

4.15(1)(b) & (c)
The Likely Impacts of the Development and the Suitability of the Site for the Development

The following matters will address the likely impacts of the development, including environmental impacts on both the natural and built environments, in addition to social and economic impacts in the locality. The suitability of the site for the development will also be considered. **Only the key matters of relevance to the application are addressed.**

- The provisions of any environmental planning instrument and any proposed instrument and the provisions of the DCP.
 - The proposal does not satisfy the numeric development standard or objectives under Floor Space Ratio under Clause 4.4 of the BLEP.
 - In addition the proposal does not comply with the development controls or satisfy the planning objectives for Building Envelopes, Building Lines and Vehicular Access and Parking under the DCP.

- The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
 - With the non-compliance listed above the site is not suitable for the proposed structure. The proposed dual occupancy development will have an unreasonable adverse impact on the amenity of the surrounding neighbouring properties.
 - This over development will result in unreasonable impacts on other properties in the locality by way of overshadowing and excessive and unjustifiable bulk and scale.
 - If the development were to be reduced in size to comply with the FSR and building lines, it is likely that the building envelope encroachments, overall bulk and scale, streetscape impacts, privacy issues and overall impact on the adjoining properties would be greatly reduced.

- The suitability of the site for the development.
 - The site is located in a R3 Medium Density Zone which allows for dual occupancy development. However the combination of an FSR that is 19% over the prescribed development standard, building envelope encroachments in relation to three elevations and part of the development being forward of the building will result in over development of the site.

- Any submissions made in accordance with the Act or the regulations,
 - The assessment of this application considered the issues raised in the submissions submitted and have been considered in the assessment of the application.

<ul style="list-style-type: none"> • The public interest. - The proposed variation to the FSR of 19% is not in the public interest as it may erode Council's planned development density for the locality and the FSR development standard in general. - In addition, the development is not considered to be in the public interest, given the variation sought to the BLEP 2012 and DCP 2012 provisions that have been adopted by Council to regulate development on behalf of the community in general. 	
<p>Specific planning considerations as follows: Comments:</p>	
Building Floor Space ratio compliance (BLEP 2012 Clauses 4.4 and 4.5, refer floor space ratio map for mixed uses Chapter 4 DCP 2012)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<p>Floor Space Ratio – the proposed dual occupancy development has a proposed floor space ratio of 0.59:1 not the required 0.50:1. Amended plans have been received however the FSR was not changed from the original design. It must be noted that the calculation by the designer has the FSR at 0.528:1.</p> <p>The proposed dwelling is over the FSR. Council is required to ensure that buildings are compatible with the bulk, scale and character of the locality; and to minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape qualities of the locality.</p> <p>The variation to the FSR is not supported.</p>	
DCP Building line/articulation zone compliance (or provide comment on variation sought) (Chapter 4 DCP 2012)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<p>Carport forward of the building line – parking for a dual occupancy is required. The applicant is proposing a double carport forward of the building line for unit 1. Carports can be located forward of the building if it meets the following controls:</p> <ul style="list-style-type: none"> • No other suitable location is available behind the setback specified in • The carport is located a minimum of 900mm from the side boundary, • The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind, • The carport roof does not significantly impact on the streetscape, • The carport roof is not trafficable, • The carport does not exceed 33% of the width of the allotment frontage or 6m (whichever is lesser), and • Any side and/or rear enclosure or screening is to include minimum 50% visual permeability. <p>The site will be a vacant allotment, the applicant has justified why the variation should be permitted on the basis there is no other space on the site for parking for unit 1. This is a vacant site where the development should be designed to comply with Councils LEP and DCP.</p> <p>The double carport forward of the building line is not supported.</p>	
BLEP Overall building height compliance (8500mm)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Building Height Plane (BHP) compliance (or provide comment on variation sought) (CH4 DCP 2012)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

<p>Building envelope encroachment – The proposed dwelling encroaches the Building Height Plane on three elevations.</p> <p>The southern elevation overshadows the adjoining property between 9 am and 3pm on the winter solace. The living areas of the adjoining dwelling are on the upper level however due to the proposed dwelling setback of 2.2m, with no articulation of that elevation, the design will create a blank wall and cause unreasonable overshadowing.</p> <p>The objectives of this control are to ensure buildings are set back progressively from the side and rear boundaries as building height increases so that buildings do not unduly affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or unreasonably obstructing views. This design does not comply with the above controls.</p> <p>There are BHP variations to both the northern and southern, with the variation to the north being the area of particular concern due to its bulk and scale. The proposed dwelling is setback on the northern elevation from 1m in the rear north eastern corner then gradually increases toward the front of the site.</p> <p>The building height plane variations are not supported.</p>			
Overlooking and privacy provision compliance (Chapter 4 DCP 2012)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Any solar access and overshadowing issues (CH4 of DCP)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
	See comments above in Building Height Plane.		
Car Parking Compliance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Parking is proposed forward of the building line. This variation is not supported. See above in Building line for comments.			
Driveway gradient compliance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Structure clear of easements & sewer lines, adequate fall and access to sewer junction exists	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Adequate provision for stormwater disposal (street, easement, infiltration pit or other)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Bushfire Provisions that apply- 4.14 of EPAAct (RFS referral/ response or staff/applicant assessment report attached)- provide comment/assessment if mapped as bushfire prone land	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Is the proposal affected by the ANEF Aircraft contour map or any likely penetrations within the "Limitation or Operations Surface" area regarding airspace operations?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Flood prone land (minimum filling and floor levels apply)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Any roof/ wall colour restrictions applicable and consent to be conditioned accordingly as required	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Does proposal impact on adjoining Council Reserves and is access required over a Council Reserve	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A

<p>Does the proposed development:</p> <ul style="list-style-type: none"> Involve a ground penetration within 2 metres of an underground electricity power line or an electricity distribution pole or within 10 metres of any electricity tower? Exist within or immediately adjacent an electricity easement or substation Exist within 5 metres of an exposed overhead electricity power line <p>Is any pool proposed:</p> <ul style="list-style-type: none"> Within 30 metres of a structure supporting an overhead electricity transmission line (measured horizontally from the top of the pool to the bottom of the structure at ground level) Within 5 metres of an overhead electricity power line, measured vertically upwards from the top of the pool <p>Should any of the above exist, written notice must be Given to the electricity provider (21 Days).</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Compliance with objectives of SEPP (Coastal Management) 2018 and Coastal Management Act 2016</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Any SEPP 55 (Remediation of Land) issues or requirement for LUCRA report</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>

BLEP 2012 - Clause 4.6	
Questions	Comments (Y/N, complies)
<p>Has the applicant submitted a written request to vary a development standard as part of the development application?</p>	<p>Yes</p>
<p>Identify when the written request was lodged (as part of lodgement of DA or during assessment process). Provide details of circumstance if written request was not submitted as part of the lodgement of the development application (i.e. was a non-compliance identified after lodgement, was the proposal modified after lodgement resulting in a non-compliance?).</p>	<p>Lodgement</p>
<p>Have all the required matters listed as part of Clause 4.6 and as outlined within Council's written request form been satisfactorily answered by the applicant?</p>	<p>Yes</p>
Assessment of requested variation	
<p>a) What is the development standard being varied? (provide details of clause in BLEP 2012, including objectives of the development standard, numeric value and percentage variation)</p>	<p>Clause 4.4 Floor Space Ratio Required 0.5:1 Proposed 0.59:1 (19% variation)</p>
<p>b) What is the underlying objective of this development standard?</p>	<p>a. To ensure that buildings are compatible with the bulk, scale and character of the locality. b. to minimise adverse impacts on existing</p>

	or future amenity of adjoining properties and the scenic or landscape quality of the locality.
<p>c) In accordance with clause 4.6 of BLEP 2012:</p> <ul style="list-style-type: none"> • Has the applicant’s written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 (i.e. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard)? • Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, 	<p>No</p> <p>No</p>
d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?	Yes
<p>e) The Five Part Test (Note: only one of these tests needs to be satisfied)</p> <ul style="list-style-type: none"> • Are the objectives of the standard achieved notwithstanding non-compliance with the development standard? • Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary? • Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable? 	<p>No. The objectives of the FSR development standard are not achieved by the non-compliant design. If permitted it will likely result in over development on the subject lot and the cumulative effect of such developments has an adverse effect on the planned density of the overall locality.</p> <p>No. The underlying objective or purpose of the FSR standard is to limit building densities and, in conjunction with the building envelope and building line controls, limiting bulk and scale and adverse impacts on adjoining properties. This is relevant to the development and therefore compliance should be achieved where it is practical to do so. As this will be a vacant lot following the demolition of the existing dwelling, there are no site constraints to prevent compliance being achieved;</p> <p>No. The underlying objective of the purpose of the FSR provisions will not be defeated or thwarted if compliance is required and therefore requiring compliance with the FSR is a reasonable expectation. It is understandable that the owner</p>

<ul style="list-style-type: none"> • Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable? • Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)? 	<p>desires a large dwelling to accommodate their accessibility and carer needs. However the floor area could most likely be reduced by a skillfully adjusted design to achieve a more compliant design.</p> <p>No. The FSR development standard has not been abandoned or destroyed by Council's actions in granting consents in this locality in the past. Although the locality contains many two storey developments, dual occupancies and buildings that have building envelope encroachments, these are generally not where developments have been carried out on vacant parcels of land and where the FSR has been exceeded. The adjoining property at 22 Dress Circle Drive is such an example where building envelope encroachments have been approved. However it is a single dwelling that, including all parking, is completely behind the building line and has FSR of only 0.27:1;</p> <p>As the existing building is to be demolished, requiring compliance with the FSR development standard is not unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property.</p>
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It is recommended that the application be **REFUSED**

The application is to be determined by the elected Council.

Refer to the Council report for further details, options and reasons for the recommended refusal.

Note: The assessment officer responsible for the preparation of this report has no pecuniary interest or conflict of interest to disclose in respect to the application.

Assessment Officer (Name):	Cathryn Wilson	Date: 9 January 2019
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General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Vince Hunt

RE: Objection to DA 2018/421, Proposed Duplex at 20 Dress Circle Drive, Lennox Head

We are writing to object to the development application for the proposed duplex development at 20 Dress Circle Drive, Lennox Head. We live at 18 Dress Circle Drive Lennox Head, which adjoins 20 Dress Circle Drive. The following air photo illustrates this arrangement.

4



In making this submission, we acknowledge that the applicant has specific access requirements which have influenced the design of the proposed development. However, the application is seeking a number of variations to the LEP and DCP design controls and, unfortunately, these variations will result in significant impact on our residential amenity and lifestyle.

In particular, the design plans provide for a very significant encroachment into the Building Height Plane at the north east corner of the building – which is the corner closest to our house. As a result, the building will tower over our backyard resulting in overlooking and general loss of amenity (noise, air flow etc).

The part of the building on the north east corner which encroaches into the building height plane comprises a living area and large balcony. As such, our concerns about amenity and privacy are very real.

Other matters of concern to us include:

- The development does not comply with the permitted Gross Floor Area for dual occupancies. This indicates that the current design is an overdevelopment. Whilst we acknowledge that one of the units is proposed to have larger circulation spaces than normal in order to achieve disabled access, we feel that other ways to ensure compliance should be explored.
- The proposed development provides for a substantial carport within the front property boundary, which will be the only available carparking to service Unit 1. We understand that Council normally requires garages and carports to be setback at least 5.5m from the property boundary (to enable a visitor to pull off the street and park behind the garage / carport and the property boundary).

Whilst it may be reasonable to enable parking forward of the building line in cases where the project is endeavouring to retrofit an existing building or protect important vegetation, in this instance the project architect is starting with a 'blank slate'. As such, there does not appear to be any justification for the encroachment – other than they are trying to fit too much on the land.

We therefore request that Council require the development to comply with the 'standard' requirements relating to this matter.

Given the above, we request that Council reject the current application and require the provision of alternate plans which do not require such significant variations to the planning controls (particularly the building height plane). After all, these controls have been put in place for a reason – to protect residential amenity.

We trust that Council will agree with the above request. We would welcome the opportunity to meet with the relevant Council officer on site to explain our concerns in more detail.



Don Hurley

03 August 2018

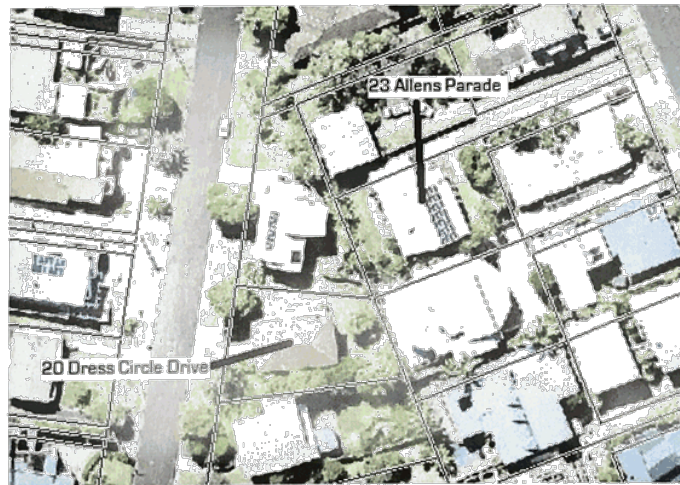
Wayne & Lisa McDermott,
23 Allens Pde,
Lennox Head, 2478.
0417697897

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Vince Hunt

RE: Objection to DA 2018/421, Proposed Duplex at 20 Dress Circle Drive, Lennox Head

We are writing to object to the development application for the proposed duplex development at 20 Dress Circle Drive, Lennox Head. We live at 23 Allens Parade, which adjoins 20 Dress Circle Drive. The following air photo illustrates this arrangement.



In making this submission, we acknowledge that the applicant has specific access requirements which have influenced the design of the proposed development. However, the application is seeking a

number of variations to the LEP and DCP design controls and, unfortunately, these variations will result in significant impact on our residential amenity and lifestyle.

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The part of the building on the north east corner which encroaches into the building height plane comprises a living area and large balcony. As such, our concerns about amenity and privacy are very real.

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- The proposed development provides for a substantial carport within the front property boundary, which will be the only available carparking to service Unit 1. We understand that Council normally requires garages and carports to be setback at least 5.5m from the property boundary (to enable a visitor to pull off the street and park behind the garage / carport and the property boundary).

Whilst it may be reasonable to enable parking forward of the building line in cases where the project is endeavouring to retrofit an existing building or protect important vegetation, in this instance the project architect is starting with a 'blank slate'. As such, there does not appear to be any justification for the encroachment – other than they are trying to fit too much on the land.

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Wayne McDermott

03 August 2018

Wayne & Lisa McDermott,
23 Allens Pde,
Lennox Head, 2478.
0417697897

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Vince Hunt

RE: Objection to DA 2018/421, Proposed Duplex at 20 Dress Circle Drive, Lennox Head

In response to your letter dated 26 September 2018, we note the amended plans do not address the items raised in our first submission, so we are again writing to object to the development application for the proposed duplex development at 20 Dress Circle Drive, Lennox Head. We live at 23 Allens Parade, which adjoins 20 Dress Circle Drive. The following air photo illustrates this arrangement.



In making this submission, we acknowledge that the applicant has specific access requirements which have influenced the design of the proposed development. However, the application is seeking a

number of variations to the LEP and DCP design controls and, unfortunately, these variations will result in significant impact on our residential amenity and lifestyle.

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- The proposed development provides for a substantial carport within the front property boundary, which will be the only available carparking to service Unit 1. We understand that Council normally requires garages and carports to be setback at least 5.5m from the property boundary (to enable a visitor to pull off the street and park behind the garage / carport and the property boundary).

Whilst it may be reasonable to enable parking forward of the building line in cases where the project is endeavouring to retrofit an existing building or protect important vegetation, in this instance the project architect is starting with a 'blank slate'. As such, there does not appear to be any justification for the encroachment – other than they are trying to fit too much on the land.

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We trust that Council will agree with the above request. We would welcome the opportunity to meet with the relevant Council officer on site to explain our concerns in more detail.


Wayne McDermott

~~10 August 2018~~
10 OCTOBER 2018



Susan Darnell,
21 Allens Pde
Lennox Head, 2478
0414707635

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Vince Hunt

RE: Objection to DA 2018/421, Proposed Duplex at 20 Dress Circle Drive, Lennox Head

I am writing to object to the development application for the proposed duplex development at 20 Dress Circle Drive, Lennox Head.

I live at 21 Allens Parade, Lennox Head. The current dwelling at 20 Dress Circle Drive, Lennox Head is presently just visible from my front deck. The proposed duplex dwelling as it goes outside the building guideline restrictions will be clearly visible from my deck and further close in this area of Lennox Head.

In making this submission, I acknowledge that the applicant has specific access requirements which have influenced the design of the proposed development. However, the application is seeking a number of variations to the LEP and DCP design controls and, unfortunately, these variations will result in significant impact on my residential amenity and lifestyle.

In particular, the design plans provide for a very significant encroachment into the Building Height Plane at the north east corner of the building – which is the corner closest to my house. As a result, the building will be very visible from my front deck and from the side and back windows of my house with general loss of visual amenity.

The part of the building on the north east corner which encroaches into the building height plane comprises a living area and large balcony.

Other matters of concern to us include:

- The development does not comply with the permitted Gross Floor Area for dual occupancies. This indicates that the current design is an overdevelopment. Whilst I acknowledge that one of the units is proposed to have larger circulation spaces than normal in order to achieve disabled access, the way to ensure compliance with the Gross Floor Area controls is to simply reduce the floor area of the second unit.
- The proposed development provides for a substantial carport within the front property boundary, which will be the only available carparking to service Unit 1. I understand that Council normally requires garages and carports to be setback at least 5.5m from the property boundary (to enable a visitor to pull off the street and park behind the garage / carport and the property boundary).

Whilst it may be reasonable to enable parking forward of the building line in cases where the project is endeavouring to retrofit an existing building or protect important vegetation, in this instance the project architect is starting with a 'blank slate'. As such, there does not appear to be any justification for the encroachment – other than they are trying to fit too much on the land.

I therefore request that Council require the development to comply with the 'standard' requirements relating to this matter.

Given the above, I request that Council reject the current application and require the provision of alternate plans which do not require such significant variations to the planning controls (particularly the building height plane). After all, these controls have been put in place for a reason - to protect residential amenity.

Whilst I understand that this area of Lennox is zoned for dual occupancy, I submit that if every new DA is permitted to overdevelop the land and encroach into Council height planes and make alternations from other Council compliance restrictions, this area will become little more than a brick and concrete jungle, which is not what we want in Lennox Head.

I trust that Council will agree with the above request.

Susan Darnell

13 August 2018

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Vince Hunt

RE: Objection to amended DA 2018/421, Proposed Duplex at 20 Dress Circle Drive, Lennox Head

We are writing to object to the amended development application for the proposed duplex development at 20 Dress Circle Drive, Lennox Head. We feel that the amended application does not substantially address the objections we raised to the original application. We live at 18 Dress Circle Drive Lennox Head, which adjoins 20 Dress Circle Drive. The following air photo illustrates this arrangement.

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In making this submission, we acknowledge that the applicant has specific access requirements which have influenced the design of the proposed development. However, the application is seeking a number of variations to the LEP and DCP design controls and, unfortunately, these variations will result in significant impact on our residential amenity and lifestyle.

In particular, the design plans provide for a very significant encroachment into the Building Height Plane at the north east corner of the building – which is the corner closest to our house. As a result, the building will tower over our backyard resulting in overlooking and general loss of amenity (noise, air flow etc).

The part of the building on the north east corner which encroaches into the building height plane comprises a living area and large balcony. As such, our concerns about amenity and privacy are very real.

Other matters of concern to us include:

- The development does not comply with the permitted Gross Floor Area for dual occupancies. This indicates that the current design is an overdevelopment. Whilst we acknowledge that one of the units is proposed to have larger circulation spaces than normal in order to achieve disabled access, the way to ensure compliance with the Gross Floor Area controls is to simply reduce the floor area of the second unit.
- The proposed development provides for a substantial carport within the front property boundary, which will be the only available carparking to service Unit 1. We understand that Council normally requires garages and carports to be setback at least 5.5m from the property boundary (to enable a visitor to pull off the street and park behind the garage / carport and the property boundary).

Whilst it may be reasonable to enable parking forward of the building line in cases where the project is endeavouring to retrofit an existing building or protect important vegetation, in this instance the project architect is starting with a 'blank slate'. As such, there does not appear to be any justification for the encroachment – other than they are trying to fit too much on the land.

We therefore request that Council require the development to comply with the 'standard' requirements relating to this matter.

Given the above, we request that Council reject the current application and require the provision of alternate plans which do not require such significant variations to the planning controls (particularly the building height plane). After all, these controls have been put in place for a reason - to protect residential amenity.

We trust that Council will agree with the above request. We would welcome the opportunity to meet with the relevant Council officer on site to explain our concerns in more detail.

Don Hurley

10 August 2018

BALLINA SHIRE COUNCIL

CONFIDENTIAL SUBMISSION

DA 2018/421 - 20 Dress Circle Drive
Lennox Head

Please note private and identifying information
has been removed from these submissions in
accordance with the Privacy & Personal
Information Protection Act 1998 at the request
of the submitter.

Ordinary Meeting 24/1/2019

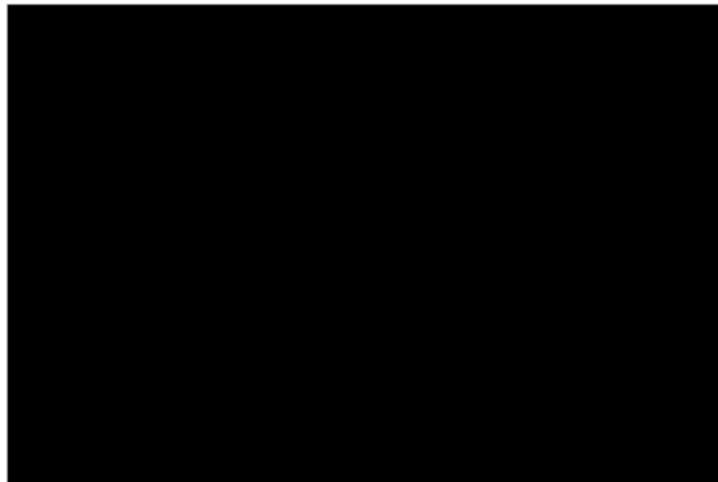
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Vince Hunt

RE: Objection to DA 2018/421, Proposed Duplex at 20 Dress Circle Drive, Lennox Head

We are writing to object to the development application for the proposed duplex development at 20 Dress Circle Drive, Lennox Head. [REDACTED]
[REDACTED]



In making this submission, we acknowledge that the applicant has specific access requirements which have influenced the design of the proposed development. However, the application is seeking a number of variations to the LEP and DCP design controls and, unfortunately, these variations will result in significant impact on our residential amenity and lifestyle.

In particular, the design plans provide for a very significant encroachment into the Building Height Plane at the north east corner and South East Corner of the building – [REDACTED]
[REDACTED] As a result, the building will tower over our backyard resulting in overlooking and general loss of amenity (noise, air flow etc).

The part of the building on the north east corner which encroaches into the building height plane comprises a living area and large balcony. As such, our concerns about amenity and privacy are very real.

Other matters of concern to us include:

- The development does not comply with the permitted Gross Floor Area for dual occupancies. This indicates that the current design is an overdevelopment. Whilst we acknowledge that one of the units is proposed to have larger circulation spaces than normal in order to achieve disabled access, the way to ensure compliance with the Gross Floor Area controls is to simply reduce the floor area of the second unit.
- The proposed development provides for a substantial carport within the front property boundary, which will be the only available carparking to service Unit 1. We understand that Council normally requires garages and carports to be setback at least 5.5m from the property boundary (to enable a visitor to pull off the street and park behind the garage / carport and the property boundary).

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We trust that Council will agree with the above request. We would welcome the opportunity to meet with the relevant Council officer on site to explain our concerns in more detail.

[REDACTED]

03 August 2018