



Ballina Shire Development Control Plan 2012

Draft Amendment No 12 – General Amendments

Schedule of Proposed Amendments

April 2019 (19/23577)

8.4 Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC

BDCP 2012 Draft Amendment No 12 – April 2019

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

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
1	<p>Chapter 1 – Administration</p> <p>Part 3.2 Development Applications</p> <p>3.2.4 Public Notification and Exhibition of Development Proposals</p>	<p>3.2.4 Public Notification and Exhibition of Development</p> <p>Level 1 - Targeted Notification</p> <p>This involves a letter being sent to owners and occupiers of those properties which, in the opinion of Council's Assessment Officer, are likely to be unreasonably impacted by the proposed development. Level 1 typically applies to relatively small scale development such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Front fences (that are not exempt development); <input type="checkbox"/> Pontoons; <input type="checkbox"/> Building line and/or setback variations; <input type="checkbox"/> <i>Dwelling houses, dual occupancies, rural worker's dwellings, secondary dwellings</i> and <i>group home</i> proposals (when such group homes comprise up to 10 bedrooms being within one or more group homes on a site) where it is determined that there may be an issue such as impacts on privacy, overshadowing or view loss beyond that which could have reasonably been expected given the planning controls applying in the locality. 	<p>3.2.4 Public Notification and Exhibition of Development</p> <p>Level 1 - Targeted Notification</p> <p>This involves a letter being sent to owners and occupiers of those properties which, in the opinion of Council's Assessment Officer, are likely to be unreasonably may be impacted by the proposed development. Level 1 typically applies to relatively small scale development such as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Front fences (that are not exempt development); <input type="checkbox"/> Pontoons; <input type="checkbox"/> Building line and/or setback variations other than those considered as minor; <input type="checkbox"/> <i>Dwelling houses, dual occupancies, rural worker's dwellings, secondary dwellings</i> and <i>group home</i> proposals (when such group homes comprise up to 10 bedrooms being within one or more group homes on a site) where it is determined that there may be an issue such as impacts on privacy, overshadowing or view loss beyond that which could have reasonably been expected given the planning controls applying in the locality. 	<p>To clarify that not all notifications are the result of the assessment officer's opinion that the development may have unreasonable impacts.</p>
2	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.1 Land Use Conflict</p> <p>3.1.3 Development Controls</p>	<p>No current provision.</p>	<p>3.1.3 Development Controls</p> <p>A Minimum Buffers and Land Use Conflict Risk Assessment (LUCRA) – Specified Land Uses</p> <ul style="list-style-type: none"> • Add minimum buffer distances for hot mix asphalt / bitumen batch plants to Table 2.1, differentiating between new technology (500m) and old technology (1,000m). • Add the following new control (iii): <p>iii. Minimum buffer distances for specified land uses are to be calculated from the property</p>	<p>Introduces minimum buffer distances for hotmix asphalt / bitumen batch plants and includes diagrams which detail how buffer distances for specified land uses are to be calculated.</p>

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
			<p>boundary (not from the location of the activity) as shown in Figure 1, unless it can be demonstrated that an area within the property is not capable of being used as part of the activity.</p> <ul style="list-style-type: none"> Addition of diagrams to show how buffer distances are to be calculated. <p><i>Refer to Chapter 2, Part 3.1 for consolidated development controls with changes highlighted in yellow.</i></p>	
3	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.7 Waste Management</p> <p>3.7.3 Development Controls</p>	<p>3.7.3 Development Controls</p> <p>Notes:</p> <p>All waste generated as part of any development must be disposed of in accordance with the Protection of the Environment and Operations Act 1997 and regulations and in accordance with the Local Government Act 1993.</p> <p>A template for completion of a SWMMP is available from Council.</p> <p>Design of waste management facilities and their conformity with the requirements of this DCP will be considered having regard to Council's Policy for Waste Management in Multi Unit Developments (in preparation as at June 2014).</p>	<p>3.7.3 Development Controls</p> <p>Notes:</p> <p>All waste generated as part of any development must be disposed of in accordance with the Protection of the Environment and Operations Act 1997 and regulations and in accordance with the Local Government Act 1993.</p> <p>A template for completion of a SWMMP is available from Council provided at Appendix A.</p> <p>Design of waste management facilities and their conformity with the requirements of this DCP will be considered having regard to Council's Policy for Waste Management in for Multi-Unit Developments. (in preparation as at June 2014).</p>	<p>To advise that the policy was adopted by the Council at its Ordinary Meeting held on 22 November 2018.</p> <p>Also advises that the template is provided in Appendix A of Chapter 2 of the DCP.</p>
4	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.14 Coastal Hazards</p> <p>3.14.3 Development Controls</p>	<p>3.14.3 Development Controls</p> <p>A Area A, Lennox Head – Land adjacent to Seven Mile Beach southward from Byron Street.</p> <p>iv. On all beachfront allotments, boundary fences eastward of the eastern <i>building line</i> shall be a maximum height of 1 metre above <i>ground level (finished)</i> and shall be of an open style construction (i.e. not a solid screen fence).</p>	<p>3.14.3 Development Controls</p> <p>A Area A, Lennox Head – Land adjacent to Seven Mile Beach southward from Byron Street.</p> <p>iv. On all beachfront allotments, boundary fences eastward of the eastern <i>building line</i> shall be a maximum height of 1 metre above <i>ground level (finished)</i> and shall be of an open style construction (i.e. not a solid screen fence).</p> <p>Fully cantilevered balconies are permitted to extend up to 1.8m eastward of the eastern <i>building line</i> (subject to no unreasonable adverse impacts on adjoining properties by way of view loss, privacy or shadowing).</p>	<p>To reinstate the provisions of previous development controls for this area.</p>

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
5	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.19 Car Parking and Access</p> <p>3.19.3 Development Controls</p> <p>E. Car Parking Requirements</p>	<p>3.19.3 Development Controls</p> <p>E. Car Parking Requirements</p> <p>Table 2.3 – General Car Parking Requirements</p> <p>Land Use:</p> <ul style="list-style-type: none"> - Business premises - Food and drink premises - Office premises - Retail premises 	<p>3.19.3 Development Controls</p> <p>E. Car Parking Requirements</p> <p>Table 2.3 – General Car Parking Requirements</p> <p>For each of the nominated land uses in Table 2.3 (business premises, food and drink premises, office premises and retail premises), amend first dot point under the heading 'Lennox Head Precinct A' to read as follows:</p> <div style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> - 1 space per 30m² 25m² Gross Floor Area (GFA) to be provided on site, plus 1 space per 150m² GFA to be paid as contributions for the improvement of public lands for car parking purposes. </div> <p>For the land use 'Food and drink premises', delete third dot point under the heading 'Lennox Head Precinct A' as shown below:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Where additional car parking is required in relation to applications to legitimise existing alfresco dining activities on public land, and where it is not possible to physically accommodate such parking on the subject site, Council may consider a monetary contribution for the provision of such parking in accordance with the adopted Parking Contributions Plan.</p> </div>	<p>At its Ordinary Meeting held on 28 February 2019, the Council resolved to close the car parking contributions plan for the Lennox Head Village Centre and to amend the DCP to remove reference to the use of the contributions plan for car parking in the Lennox Head Village Centre.</p>
6	<p>Chapter 6c – Commercial Development Lennox Head</p> <p>Part 4.3 Element – Vehicle Access</p>	<p><small>Note: In accordance with the provisions of the Lennox Head Parking Contributions Plan, where the size of a new development does not warrant a contribution to a whole space, a partial contribution will be accepted.</small></p>	<p>Delete note.</p>	<p>See above.</p>

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
7	<p><i>Chapter 6c – Commercial Development Lennox Head</i></p> <p><i>Part 5.3 Development Controls</i></p> <p><i>Table 6c.1 - Precinct A Development Controls</i></p>	<p>TABLE 6c.1 – PRECINCT A DEVELOPMENT CONTROLS</p> <p>Element: Car Parking</p> <p>Office Premises / Business Premises</p> <ul style="list-style-type: none"> - 1 space per 30m² Gross Floor Area (GFA) to be provided on site plus 1 space per 150m² GFA to be paid as contributions for the improvement of public lands for car parking purposes. - A minimum of 25% of total required spaces to be available for customer accessible parking. <p>Shops</p> <ul style="list-style-type: none"> - 1 space per 30m² GFA to be provided on site plus 1 space per 150m² GFA to be paid as contributions for the improvement of public lands for car parking purposes. - A minimum of 75% of total required spaces to be available for customer accessible parking. <p>Restaurant or Café</p>	<p>Amend first dot point under each heading (office / business premises, shops, restaurants / cafes) to read as follows:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>- 1 space per 30m² 25m² Gross Floor Area (GFA) to be provided on site, plus 1 space per 150m² GFA to be paid as contributions for the improvement of public lands for car parking purposes.</p> </div> <p>Delete the third dot point under the heading 'Restaurant or Café':</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Where additional car parking is required in relation to applications to legitimise existing alfresco dining activities on public land, and where it is not possible to physically accommodate such parking on the subject site, Council may consider a monetary contribution for the provision of such parking in accordance with the adopted Parking Contributions Plan.</p> </div>	<p>See above.</p>

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason				
		<ul style="list-style-type: none"> - 1 space per 30m² to be provided on site plus 1 space per 150m² to be paid as contributions for the improvement of public lands for car parking purposes. - A minimum of 75% of total required spaces to be available for customer accessible parking. - Where additional car parking is required in relation to applications to legitimise existing alfresco dining activities on public land, and where it is not possible to physically accommodate such parking on the subject site, Council may consider a monetary contribution for the provision of such parking in accordance with the adopted Parking Contributions Plan. 						
8	<p>Chapter 6c – Commercial Development Lennox Head</p> <p>Part 8 Development Controls - Precinct D</p> <p>Table 6c.3</p>	<table border="1"> <thead> <tr> <th>Element</th> <th>Controls</th> </tr> </thead> <tbody> <tr> <td>Building Setback</td> <td> <p>Ballina Street</p> <ul style="list-style-type: none"> - A line perpendicular to the northern boundary of the site and 2 metres from its north-eastern corner. Setback area is to demonstrate consistency with the Lennox Head Village Centre Landscape Master Plan (see Appendix A). </td> </tr> </tbody> </table>	Element	Controls	Building Setback	<p>Ballina Street</p> <ul style="list-style-type: none"> - A line perpendicular to the northern boundary of the site and 2 metres from its north-eastern corner. Setback area is to demonstrate consistency with the Lennox Head Village Centre Landscape Master Plan (see Appendix A). 	Delete 'north-eastern' and replace with 'north-western'.	Corrects an anomaly with respect to the calculation of setback controls for properties located in Ballina Street, Lennox Head.
Element	Controls							
Building Setback	<p>Ballina Street</p> <ul style="list-style-type: none"> - A line perpendicular to the northern boundary of the site and 2 metres from its north-eastern corner. Setback area is to demonstrate consistency with the Lennox Head Village Centre Landscape Master Plan (see Appendix A). 							
9	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3 General Controls</p> <p>3.23 Boat Ramps, Pontoons and Jetties</p>	No current provision.	<p>3.23 Boat Ramps, Pontoons and Jetties</p> <p><i>Refer to Chapter 2, Part 3.23 for consolidated development controls.</i></p>	To provide development controls to ensure the management and use of waterfront land and land adjoining waterfront land is appropriately regulated.				

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason																
10	Chapter 2a – Vegetation Management	Applies to the whole of Chapter 2a.	Chapter 2a has been amended to delete reference to the <i>Native Vegetation Act 2003</i> and the <i>Threatened Species Conservation Act 1997</i> which have been repealed and replaced by the following legislation: <ul style="list-style-type: none"> • <i>Biodiversity Conservation Act 2016</i>; • <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>; and • <i>Local Land Services Act 2013</i>. <p>Refer to Chapter 2a for consolidated development controls with changes highlighted in yellow.</p>	Chapter 2a is amended to reference new biodiversity legislation and provisions which commenced on 25 August 2017.																
11	Chapter 2b – Floodplain Management Part 3.5 Factoring Climate Change into Flood Planning Levels (FPLs)	<p>Table 3.1 – Applicable Climate Change Conditions</p> <table border="1"> <thead> <tr> <th>Year at which climate change conditions are used to determine FPLs</th> <th>Type or Location of Development</th> </tr> </thead> <tbody> <tr> <td rowspan="3">2100</td> <td>Development on rural zoned land where the site is vacant at the date of commencement of this Policy.</td> </tr> <tr> <td>Development on land rezoned to permit urban development after January 2010.</td> </tr> <tr> <td>New development in undeveloped areas within: <ul style="list-style-type: none"> • Southern Cross Industrial Estate, Ballina; • Ferngrove Estate, Ballina; • Pacific Pines Estate, Lennox Head; and • Ballina Heights Estate, Cumbalum. </td> </tr> <tr> <td>2050</td> <td>All other development</td> </tr> </tbody> </table>	Year at which climate change conditions are used to determine FPLs	Type or Location of Development	2100	Development on rural zoned land where the site is vacant at the date of commencement of this Policy.	Development on land rezoned to permit urban development after January 2010.	New development in undeveloped areas within: <ul style="list-style-type: none"> • Southern Cross Industrial Estate, Ballina; • Ferngrove Estate, Ballina; • Pacific Pines Estate, Lennox Head; and • Ballina Heights Estate, Cumbalum. 	2050	All other development	<p>Table 3.1 – Applicable Climate Change Conditions</p> <table border="1"> <thead> <tr> <th>Year at which climate change conditions are used to determine FPLs</th> <th>Type or Location of Development</th> </tr> </thead> <tbody> <tr> <td rowspan="3">2100</td> <td>Development on rural zoned land where the site is vacant at the date of commencement of this Policy.</td> </tr> <tr> <td>Development on land rezoned to permit urban development after January 2010.</td> </tr> <tr> <td>New development in undeveloped areas within: <ul style="list-style-type: none"> • Southern Cross Industrial Estate, Ballina; • Ferngrove Estate, Ballina; • Pacific Pines Estate, Lennox Head; and • Ballina Heights Estate, Cumbalum. </td> </tr> <tr> <td>2050</td> <td>a. All development in all other areas; and b. On-site sewage management systems and effluent land application areas in all areas.</td> </tr> </tbody> </table>	Year at which climate change conditions are used to determine FPLs	Type or Location of Development	2100	Development on rural zoned land where the site is vacant at the date of commencement of this Policy.	Development on land rezoned to permit urban development after January 2010.	New development in undeveloped areas within: <ul style="list-style-type: none"> • Southern Cross Industrial Estate, Ballina; • Ferngrove Estate, Ballina; • Pacific Pines Estate, Lennox Head; and • Ballina Heights Estate, Cumbalum. 	2050	a. All development in all other areas; and b. On-site sewage management systems and effluent land application areas in all areas.	Provides clarity regarding On-Site Sewage Management (OSSM) installation heights in the flood plain regions of the shire, and advises which climate change year flood height data to use for OSSM purposes.
Year at which climate change conditions are used to determine FPLs	Type or Location of Development																			
2100	Development on rural zoned land where the site is vacant at the date of commencement of this Policy.																			
	Development on land rezoned to permit urban development after January 2010.																			
	New development in undeveloped areas within: <ul style="list-style-type: none"> • Southern Cross Industrial Estate, Ballina; • Ferngrove Estate, Ballina; • Pacific Pines Estate, Lennox Head; and • Ballina Heights Estate, Cumbalum. 																			
2050	All other development																			
Year at which climate change conditions are used to determine FPLs	Type or Location of Development																			
2100	Development on rural zoned land where the site is vacant at the date of commencement of this Policy.																			
	Development on land rezoned to permit urban development after January 2010.																			
	New development in undeveloped areas within: <ul style="list-style-type: none"> • Southern Cross Industrial Estate, Ballina; • Ferngrove Estate, Ballina; • Pacific Pines Estate, Lennox Head; and • Ballina Heights Estate, Cumbalum. 																			
2050	a. All development in all other areas; and b. On-site sewage management systems and effluent land application areas in all areas.																			

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
12	<p><i>Chapter 2b – Floodplain Management</i></p> <p><i>Part 3.8 Filling of Flood Liable Allotments Prior to Constructing Buildings</i></p>	<p>3.8 Filling of Flood Liable Allotments Prior to Constructing Buildings</p> <p>v. Where filling is required, rural buildings shall be located on fill pads. The fill (at the required level) shall cover a minimum area comprising the building site plus a curtilage extending a minimum distance of 3 metres beyond the structure. FPL1 is applied to any additional areas required for waste water storage and disposal.</p>	<p>3.8 Filling of Flood Liable Allotments Prior to Constructing Buildings</p> <p>v. Where filling is required, rural buildings shall be located on fill pads. The fill (at the required level) shall cover a minimum area comprising the building site plus a curtilage extending a minimum distance of 3 metres beyond the structure. FPL1 is applied to any additional areas required for waste water storage and disposal. FPL1₂₀₅₀ is applied to any additional areas required for on-site sewage management systems and effluent land application areas.</p>	<p>Provides clarity regarding On-Site Sewage Management (OSSM) installation heights in the flood plain regions of the shire, and advises which climate change year flood height data to use for OSSM purposes.</p>
13	<p><i>Chapter 4 – Residential & Tourist Development</i></p> <p><i>Part 3.1.2 Planning Objectives</i></p> <p><i>and</i></p> <p><i>Chapter 8 – Other Uses</i></p> <p><i>Part 4 Provisions for Other Development in Residential, Business and Industrial Zones</i></p>	<p>No current provision.</p>	<p>Insert new note:</p> <p>Notes:</p> <p>Private recreational facilities ancillary to a dwelling house are to be used for the recreational enjoyment of the occupants of the dwelling house only.</p> <p>Examples of private recreational facilities include (but is not limited to) items and areas used for the following activities:</p> <ul style="list-style-type: none"> - Basketball - Cricket - Handball - Netball - Skate board ramps - Tennis courts <p>These activities (facilities) are likely to generate noise and other issues and may adversely impact on the amenity of adjoining properties and the surrounding area. A development application that seeks approval for a private recreational facility will be assessed individually on its merit.</p>	<p>To provide guidance for the consideration of potential impacts of development involving private recreational facilities such as skate board ramps.</p> <p>At its Ordinary Meeting on 24 August 2017 Council resolved to refuse DA 2017/312 for the use of a private skateboard ramp facility forward of the building line at 2-12 Greenwood Place, Lennox Head.</p> <p>Council also resolved to develop a policy in relation to private skateboarding facilities in R2 and R3 zones. In lieu of a policy, it is considered that DCP controls are a sufficient mechanism for providing guidance on such facilities.</p>

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
14	Chapter 4 – Residential & Tourist Development Part 3.1.3 Development Controls A. Element – Building Height	Controls i. The height of any building (building height) is to comply with the provisions of the BLEP 2012. ii. Buildings with 3 levels or greater development must be designed to minimise overshadowing and protect the privacy of occupants of adjoining buildings.	Controls i. The height of any building (building height) is to comply with the provisions of the BLEP 2012. ii. Buildings with 3 levels or greater development must be designed to minimise overshadowing and protect the privacy of occupants of adjoining buildings.	Control (ii) is an objective, not a control. A control should provide a means of satisfying the objective. Overlooking and privacy controls are provided for in Element I and solar access provisions are included in Element J of the DCP.
15	Chapter 4 – Residential & Tourist Development Part 3.1.3 Development Controls B. Element – Floor Space Ratio	Controls i. Where development for the purpose of a <i>dwelling house, secondary dwelling, dual occupancy</i> or <i>semi-detached dwelling</i> is proposed on land identified on the Floor Space Ratio Map, Council will apply the following approach to the calculation of the <i>floor space ratio</i> (FSR); <ul style="list-style-type: none"> ▪ Where the <i>dwelling house, secondary dwelling, dual occupancy</i> or <i>semi-detached dwelling</i> is part of a mixed use development involving commercial premises, the FSR shown on the Floor Space Ratio Map applies, and ▪ Where the <i>dwelling house, secondary dwelling, dual occupancy</i> or <i>semi-detached dwelling</i> is not part of a mixed use development involving commercial premises, an FSR of 0.5:1 applies. ▪ In the case of a dwelling house, dual occupancy or semi detached dwelling, which requires 2 car parking spaces, the maximum floor area excluded from the calculation of gross floor area is 44 square metres. 	Controls i. Where development for the purpose of a <i>dwelling house, secondary dwelling, dual occupancy</i> or <i>semi-detached dwelling</i> is proposed on land identified on the Floor Space Ratio Map, Council will apply the following approach to the calculation of the <i>floor space ratio</i> (FSR): <ul style="list-style-type: none"> ▪ Where the <i>dwelling house, secondary dwelling, dual occupancy</i> or <i>semi-detached dwelling</i> is part of a mixed use development involving commercial premises, the FSR shown on the Floor Space Ratio Map applies, and ▪ Where the <i>dwelling house, secondary dwelling, dual occupancy</i> or <i>semi-detached dwelling</i> is not part of a mixed use development involving commercial premises, an FSR of 0.5:1 applies. ▪ In the case of a <i>dwelling house, dual occupancy</i> or <i>semi-detached dwelling</i>, which requires 2 car parking spaces, the maximum floor area excluded from the calculation of gross floor area for parking is 44 square metres. ▪ Stairs, stairwells, lifts and the like are 	To provide clarity in the calculation method for gross floor area and to clarify that the exclusion under the 44 square metres provision only applies to areas for parking.

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
			<p>excluded from the gross floor area of multi storey buildings on the ground floor only.</p> <ul style="list-style-type: none"> ▪ Separating walls between dwellings are excluded from the calculation of gross floor area. 	
16	<p>Chapter 4 – Residential & Tourist Development</p> <p>Part 3 General Controls</p> <p>Clause 3.1.3</p> <p>D. Element – Articulation Zone</p>	<p>Objectives</p> <p>a. Promote building facades which contribute to the character of the streetscape.</p> <p>b. To reference the controls contained within the Housing Code under the provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes)</i> 2008.</p> <p>Controls</p> <p>i. The following building elements associated with <i>residential accommodation</i> or <i>tourist and visitor accommodation</i> in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the main <i>building line or setback</i> by up to 1.5m in front:</p> <p>a) an entry feature or portico,</p> <p>b) a balcony, deck, pergola, terrace or verandah,</p> <p>c) a window box treatment,</p> <p>d) a bay window or similar feature,</p> <p>e) an eave.</p> <p>ii. Up to 25% of the <i>articulation zone</i>, when viewed from above, may include building elements. An awning or other feature over a window and a sunshade feature and eaves are not included in the maximum area calculation of building elements; and</p>	<p>Objectives</p> <p>a. Promote building facades which contribute to the character of the streetscape.</p> <p>b. To provide a level of consistency with the development standards for complying development within <i>State Environmental Planning Policy (Exempt and Complying Development Codes)</i> 2008.</p> <p>Controls</p> <p>i. The following building elements associated with <i>residential accommodation</i> or <i>tourist and visitor accommodation</i> in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the <i>main building line or setback to the primary street frontage</i> by up to 1.5m in front:</p> <p>a) an entry feature or portico,</p> <p>b) a balcony, deck, pergola, terrace or verandah,</p> <p>c) a window box treatment,</p> <p>d) a bay window or similar feature,</p> <p>e) an eave.</p> <p>ii. Up to 25% of the <i>articulation zone</i>, when viewed from above, may include building elements. An awning or other feature over a window and a sunshade feature and eaves are not included in the maximum area calculation of building elements; and</p>	<p>To provide clarity that the articulation zone does not include areas forward of the building line to secondary or parallel road frontages or foreshore, canal or river frontages.</p>

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		iii. New dwellings are to be designed to address the street, provide an easily identifiable entrance for pedestrians and contribute to the streetscape.	iii. New dwellings are to be designed to address the street, provide an easily identifiable entrance for pedestrians and contribute to the streetscape.	
17	Chapter 4 – Residential & Tourist Development Part 3 General Controls Clause 3.1.3 E. Element – Building Lines	Objectives a. Protect the amenity of the locality in which the dwelling is situated; b. Ensure new development makes a positive contribution to the local streetscape; and c. Setback buildings and garages/carports from the street to provide sufficient space for landscaping, visual and acoustic privacy and vehicle parking, whilst protecting the established character of the neighbourhood.	Objectives a. Protect the amenity of the locality in which the dwelling is situated; b. Ensure new development makes a positive contribution to the local streetscape; c. Setback buildings and garages/carports from the street to provide sufficient space for landscaping, visual and acoustic privacy and vehicle parking, whilst protecting the established character of the neighbourhood; and d. Protect the amenity of and views to canals, rivers and foreshore areas.	To provide a distinction between building lines to a road, street or lane frontage as distinct from a rear building line to a canal, river or foreshore as there are different objectives for each.
18	Chapter 4 – Residential & Tourist Development Part 3 General Controls Clause 3.1.3 G. Element – Landscaping and Open Space	Controls – Landscaping and Private Open Space for Dwellings, Dual Occupancies, Attached Dwellings and Semi-Detached Dwellings i. At least 25% of the site must be covered by landscaped areas comprising pervious surfaces. ii. Each dwelling is to be provided with an area of private open space that is: ▪ Predominately flat; ▪ Located at ground level; ▪ Accessible directly from a living area; and ▪ Where practicable, located to the north or east of the dwelling. iii. A new dwelling must have an outdoor living area of at least 24m ² with a minimum dimension of 4m x 4m and a maximum gradient of 1:10.	Controls – Landscaping and Private Open Space for Dwellings, Dual Occupancies, Attached Dwellings and Semi-Detached Dwellings i. At least 25% of the site must be covered by landscaped areas comprising pervious surfaces. ii. Each dwelling is to be provided with an area of private open space that is: ▪ Predominately flat; and ▪ At least 24m² in contiguous area; and/or ▪ Minimum dimension of 3m x 3m. ▪ Located at ground level; ▪ Accessible directly from a living area; and ▪ Where practicable, located to the north or east of the dwelling. iii. A new dwelling must have an outdoor living area of at least 24m ² with a minimum	Allows the use of upper floor balconies to be used for two storey developments, is less prescriptive on permitted gradients and more consistent with minimum area for complying development as provided in the <i>State Environmental Planning Policy (Exempt and Complying Development Code) 2008</i> (Codes SEPP). New provision (iv) requires landscaping to be completed for dual occupancy developments prior to occupation.

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
			dimension of 4m x 4m and a maximum gradient of 1:10. iv. For dual occupancy dwellings, the entire site is to be fully turfed and landscaped prior to the issue of an Occupation Certificate for any of the dwellings.	
19	Chapter 4 – Residential & Tourist Development Part 3 General Controls Clause 3.1.3 H. Element – Vehicular Access and Parking	<p>Objectives</p> <ul style="list-style-type: none"> a. Provide adequate on site car parking for development; b. Ensure car parking is designed in accordance with the current Australian Standard 2890 (Parking Facilities). c. Ensure car parking areas include adequate space and provision for vehicles to manoeuvre safely on site; d. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network; and e. Ensure streetscape amenity, character and utility is maintained. <p>Controls – Car parking</p> <ul style="list-style-type: none"> i. On site car parking for development is to be provided in accordance with Table 4.4; ii. At least one of the required car parking spaces is to be a covered car parking space and located in accordance with Control Element – Garages and Carports; and iii. Car parking provided in association with the residential accommodation specified in Table 4.4 must not be located forward of the building line or setback unless it can be demonstrated that such car parking will be suitably screened 	<p>Objectives</p> <ul style="list-style-type: none"> a. Provide adequate on site car parking for development; and b. Ensure car parking is designed in accordance with the current Australian Standard 2890 (Parking Facilities). c. Ensure car parking areas include adequate space and provision for vehicles to manoeuvre safely on site; d. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network; and e. Ensure streetscape amenity, character and utility is maintained. <p>Controls – Car parking</p> <ul style="list-style-type: none"> i. On site car parking for development is to be provided in accordance with Table 4.4; and ii. At least one of the required car parking spaces is to be a covered car parking space and located in accordance with Control Element – Garages and Carports; and iii. Car parking provided in association with the residential accommodation specified in Table 4.4 must not be located forward of the building line or setback unless as permitted below. It can be demonstrated that such car parking will 	<p>Objectives b, c and d are proposed to be deleted as they are covered by provisions contained within Chapter 2 – General and Environmental Considerations, Part 3.19 Car Parking and Access.</p> <p>The requirement that car parking provided forward of the building line be suitably screened along the street frontage is proposed to be deleted. The term 'suitably screened' is subjective and there are no controls available to determine what constitutes effective screening of parking areas. The cumulative impact of such screening also reduces the residential amenity of the streetscape.</p> <p>The proposed amendment seeks to permit carports of greater than 6m width on larger lots based on a merit assessment.</p> <p>The proposed amendments provide consistency with the provisions for complying development contained within the Codes SEPP.</p>

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		<p>along the street frontage.</p> <p>Controls – Garages and carpports</p> <p>i. Garages are to be setback 5.5 metres from the property boundary;</p> <p>ii. The maximum width of the garage door must not be more than 50% of the lot frontage;</p> <p>iii. (Deleted Amendment 3 - 16.7.2014).</p> <p>iv. Carports forward of the setback specified in (i) will be considered subject to the following criteria:</p> <ul style="list-style-type: none"> No other suitable location is available behind the setback specified in (i), 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>be suitably screened along the street frontage.</p> <p>Controls – Garages</p> <p>i. Garages are to be setback located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the property street boundary; and</p> <p>ii. The maximum width of the garage door must not be more than 50% of the lot frontage.</p> <p>iii. (Deleted Amendment 3 - 16.7.2014).</p> <p>Controls – Carports</p> <p>i. Carports forward of the building line or setback specified in (i) will be considered subject to the following criteria:</p> <ul style="list-style-type: none"> No other suitable location is available behind the setback specified in (i), The carport is located a minimum of 900mm from the side boundary, At least one covered parking space (garage or carport) for each dwelling is located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street 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 (flat or low pitched roofs are preferred); 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 	<p>The separation of controls provides clarification of the differing controls for garages, carpports and the permissibility of stack parking forming part of the required parking.</p>

8.4 Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason												
			to include minimum 50% visual permeability.													
20	Chapter 4 – Residential & Tourist Development Part 3 General Controls Clause 3.1.3 P. Element – Earthworks and Slope Sensitive Design	<p>Controls</p> <p>i. Earthworks are to comply with the following provisions, except as provided for under (ii)</p> <ul style="list-style-type: none"> The controls contained within this part are additional to those contained within clause 3.30 of the Housing Code and clause 3A.29 of the Rural Housing Code; A landscape plan is required to support any application involving earthworks with multiple cuts or fill embankments; The landscape plan is to demonstrate that landscaping suitable to soften the visual impact of the earthworks can be achieved; and Earthworks involving excavation and/or filling on or within 900mm of a property boundary are restricted to maximum height of 1200mm per single cut, single fill or combination cut/fill. These works are to be retained by a masonry structure which is to be designed and certified by a suitably qualified structural engineer if in excess of 1 metre in height. 	<p>Controls</p> <p>i. Earthworks are to comply with the following provisions, except as provided for under (ii)</p> <ul style="list-style-type: none"> The controls contained within this part are additional to those contained within clause 3.30 of the Housing Code and clause 3A.29 of the Rural Housing Code; A landscape plan is required to support any application involving earthworks with multiple cuts or fill embankments; The landscape plan is to demonstrate that landscaping suitable to soften the visual impact of the earthworks can be achieved; and Earthworks involving excavation and/or filling on or within 900mm 1 metre of a property boundary are restricted to permitted to be a maximum height of 1200mm per single cut, single fill or combination cut/fill. These works are to be retained by a masonry structure which is to be designed and certified by a suitably qualified structural engineer if in excess of 1 metre in height. 	<p>The proposed amendments are required:</p> <ul style="list-style-type: none"> To clarify that the DCP controls permit 1200mm depth of earthworks adjacent to boundaries, whereas the Housing Code (Codes SEPP) is limited to 1 metre; and To align the offset distance from the boundary with the Codes SEPP provisions of 1 metre in lieu of 900mm. 												
21	Chapter 4 – Residential & Tourist Development Part 3.2 Small Lot Integrated Housing	<p>3.2.1 Application</p> <table border="1"> <tr> <td colspan="2">Applies to:</td> </tr> <tr> <td>Location/s:</td> <td>Zone R3 Medium Density Residential</td> </tr> <tr> <td>Development Type/s:</td> <td>Applications for detached dwellings, semi-detached dwellings or attached dwellings</td> </tr> </table> <p>3.2.2 Background</p> <p>Integrated housing consists of the concurrent subdivision of land into 4 or more allotments (each with an area between 300m² and 450m²) and the erection of a dwelling house, semi-detached dwelling or attached dwelling on each of the lots</p>	Applies to:		Location/s:	Zone R3 Medium Density Residential	Development Type/s:	Applications for detached dwellings, semi-detached dwellings or attached dwellings	<p>3.2.1 Application</p> <table border="1"> <tr> <td colspan="2">Applies to:</td> </tr> <tr> <td>Location/s:</td> <td>Zone R3 Medium Density Residential</td> </tr> <tr> <td>Development Type/s:</td> <td>Applications for detached dwellings, dwelling houses, semi-detached dwellings or attached dwellings</td> </tr> </table> <p>3.2.2 Background</p> <p>Integrated housing consists of the concurrent subdivision of land into 4 or more allotments (each with an area between 300m² and 450 400m²) and the erection of a dwelling house, semi-detached dwelling or attached dwelling on each of the lots</p>	Applies to:		Location/s:	Zone R3 Medium Density Residential	Development Type/s:	Applications for detached dwellings, dwelling houses, semi-detached dwellings or attached dwellings	<p>This part of the DCP supplements the provisions contained within Clause 4.1A of Ballina LEP 2012 which provides exceptions to minimum lot sizes for certain residential development.</p> <p>To provide consistency with Clause 4.1A which references lot sizes of 300m² and 400m².</p> <p>To clarify that Part 3.2 applies to 'dwelling houses' in lieu of</p>
Applies to:																
Location/s:	Zone R3 Medium Density Residential															
Development Type/s:	Applications for detached dwellings, semi-detached dwellings or attached dwellings															
Applies to:																
Location/s:	Zone R3 Medium Density Residential															
Development Type/s:	Applications for detached dwellings, dwelling houses, semi-detached dwellings or attached dwellings															

8.4 **Ballina Shire Development Control Plan 2012 - Amendment No. 12.DOC**

BDCP 2012 Draft Amendment No 12 – April 2019

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		created by the subdivision.	created by the subdivision.	'detached dwellings' which is not a defined land use under the provisions of the Ballina LEP 2012.
22	<i>Chapter 5 – Industrial Development</i> <i>Part 4.2 Southern Cross Industrial Estate Control (iv)</i>	iv. A 4.6m foreshore building line or setback applies to allotments on Endeavour Close, Southern Cross Drive and Racecourse Road that adjoin the waterway. Buildings and ancillary structures are to be setback a minimum of 4.6 metres from the waterway frontage boundary.	No amendments are proposed to the wording of Control (iv). Amendments required to Building Line Map Sheet BL_007.	Corrects an anomaly. The proposed amendment seeks to include the area referred to in Control (iv) on the Building Line Map Sheet BL_007 and the DCP Building Lines Combined layer in Intramaps.
23	<i>Chapter 7 – Rural Living and Activity</i> <i>Part 3 General Controls</i> <i>Clause 3.1.3</i> <i>F. Dual Occupancies</i>	F. Dual Occupancies <i>Dual occupancies</i> involve two <i>dwellings</i> on a single allotment of land. These may range in form from a typical "granny-flat" arrangement to two more substantial <i>dwellings</i> .	F. Dual Occupancies <i>Dual occupancies</i> involve two <i>dwellings</i> on a single allotment of land. These may range in form from a typical "granny-flat" arrangement to two more substantial dwellings.	To clarify that granny flats (secondary dwellings) are not permissible in rural zones. Regardless of the size of the second dwelling, even small dwellings are to be assessed as dual occupancies as "secondary dwellings" are not a permissible land use on rural zoned land.
24	<i>Chapter 7 – Rural Living and Activity</i> <i>Part 4 Special Area Controls</i> <i>Part 4.1 South Ballina</i> <i>4.1.3 Development Controls</i> <i>4.1.3 (vii)</i>	vii. Applications are to include details with respect an appropriate fenced dog enclosure. The enclosure must be designed in accordance with the following: <ul style="list-style-type: none"> • In reasonable proximity to the dwelling there shall be constructed and maintained a fenced enclosure which is designed and constructed so as to provide a secure enclosure for keeping dogs; • Any gate forming part of the fenced enclosure shall be a self-closing gate; • No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through; and 	vii. Where an applicant proposes to keep domestic dogs , applications are to include details with respect an appropriate fenced dog enclosure. The enclosure must be designed in accordance with the following: <ul style="list-style-type: none"> • In reasonable proximity to the dwelling there shall be constructed and maintained a fenced enclosure which is designed and constructed so as to provide a secure enclosure for keeping dogs; • Any gate forming part of the fenced enclosure shall be a self-closing gate; • No gate to the fenced enclosure shall be propped open or otherwise kept open other than for the purpose of passing through; and 	The proposed amendment to clause (vii) clarifies that these details are only required to be proposed for applications which propose to keep domestic dogs.

Ballina Shire Development Control Plan 2012
Chapter 4 Residential & Tourist Development
Draft Amendments

H. Element - Vehicular Access and Parking**Objectives**

- a. Provide adequate on site car parking for development; and
- b. Ensure streetscape amenity, character and utility is maintained.

Controls – Car parking

- i. On site car parking for development is to be provided in accordance with **Table 4.4**.

Table 4.4 – Car Parking for Residential and Tourist Uses	
	Car Parking
<i>Dwelling Houses</i>	2 spaces per <i>dwelling</i> *
<i>Secondary Dwellings</i>	Nil
<i>Dual Occupancies</i>	2 spaces per <i>dwelling</i> *
<i>Semi-detached Dwellings</i>	2 spaces per <i>dwelling</i> *
<i>Attached Dwellings</i>	2 spaces per <i>dwelling</i> *
<i>Multi Dwelling Housing and Residential Flat Buildings</i>	1 space per <i>dwelling</i> where total GFA of <i>dwelling</i> is less than 60m ² . 1.5 spaces per <i>dwelling</i> where total GFA of <i>dwelling</i> is between 60m ² and 85m ² . 2 spaces per <i>dwelling</i> where total GFA of <i>dwelling</i> is greater than 85m ² . Plus 1 additional space per 5 <i>dwellings</i> for visitor parking.
<i>Shop top housing</i>	Dwelling requirement plus shop requirement

* Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.



Note: Car parking rates for *tourist and visitor accommodation* are determined by the rate applicable to the most equivalent form of housing.

Car parking rates for *hotel or motel accommodation* are specified in Chapter 2.

Controls – Garages

- i. Garages are to be located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street boundary; and
- ii. The maximum width of the garage door must not be more than 50% of the lot frontage.

Controls – Carports and Car Parking Spaces

- i. Carports and car parking spaces located forward of the **building line or setback** will be considered subject to the following criteria:
- At least one covered parking space (garage or carport) for each dwelling is located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street 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 (flat or low pitched roofs are preferred),
 - The carport roof is not trafficable,
 - The carport is not to exceed 33% of the width of the allotment frontage, and
 - No side or rear enclosure or screening is to be provided.



Note: Please refer to Council's 'Building Over Assets Policy' in relation to any development proposed forward of the building line.

Controls – Basement Parking

- i. **Basement** car parking must not extend more than 1m above **ground level (finished)** where it faces a public street or public space or 1.5m above **ground level (finished)** to the side and the rear of the lot where it does not face a public street or public space;
- ii. Ramps entering off a street or lane must start behind the boundary. Ramps cannot be located on public land; and
- iii. The walls of **basement** car parking that protrude above **ground level (existing)** are to be located within the building's footprint. **Basement** car parking is not to extend outside the external line of terraces, balconies and porches.



Notes: Groundwater interception may require a separate approval in accordance with the *Water Act 1912* and the *Water Management Act 2000*.

The design of basement car parking should have regard for mitigation measures suitable to manage impacts associated with inundation or flooding of basement car parking areas.