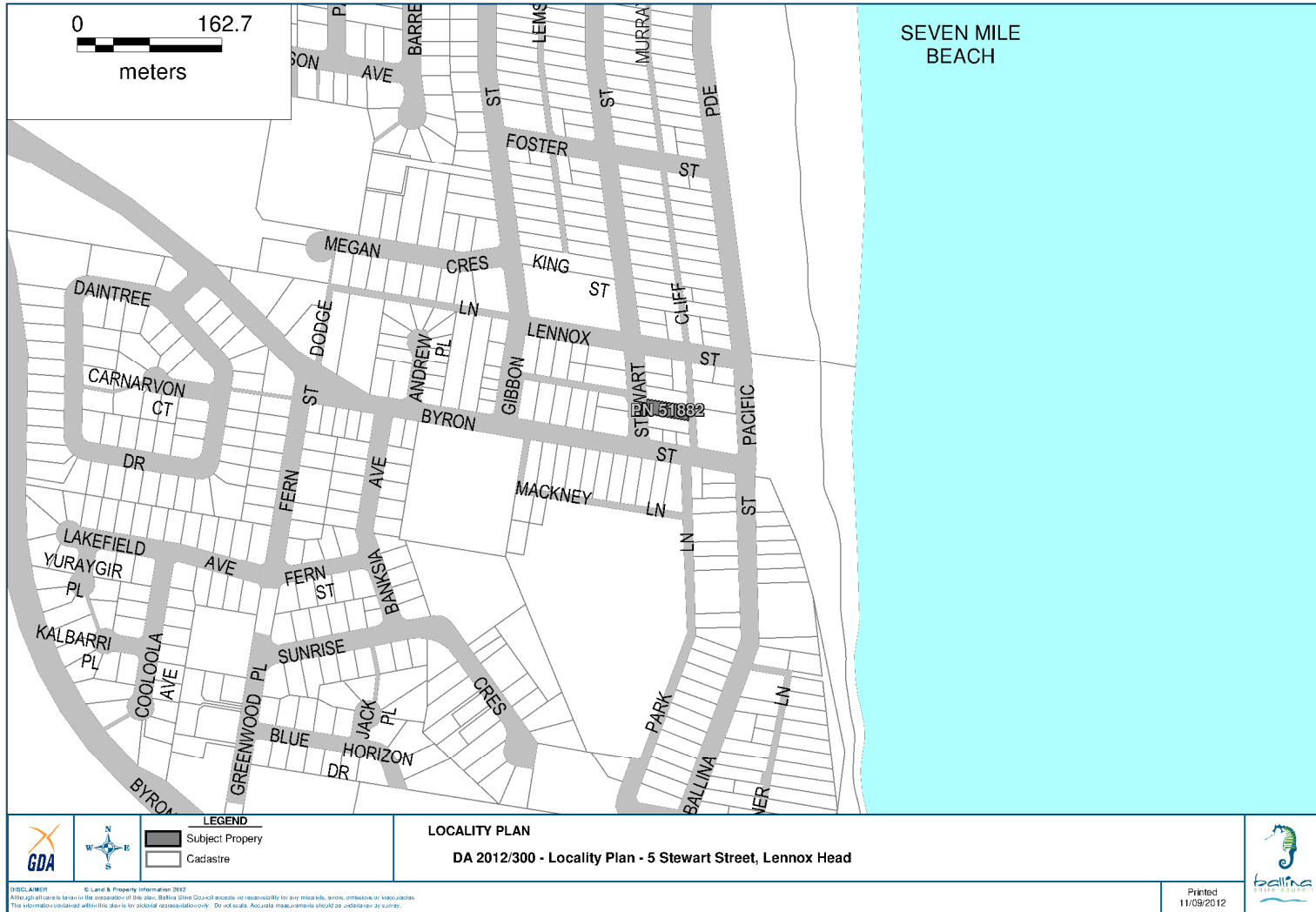
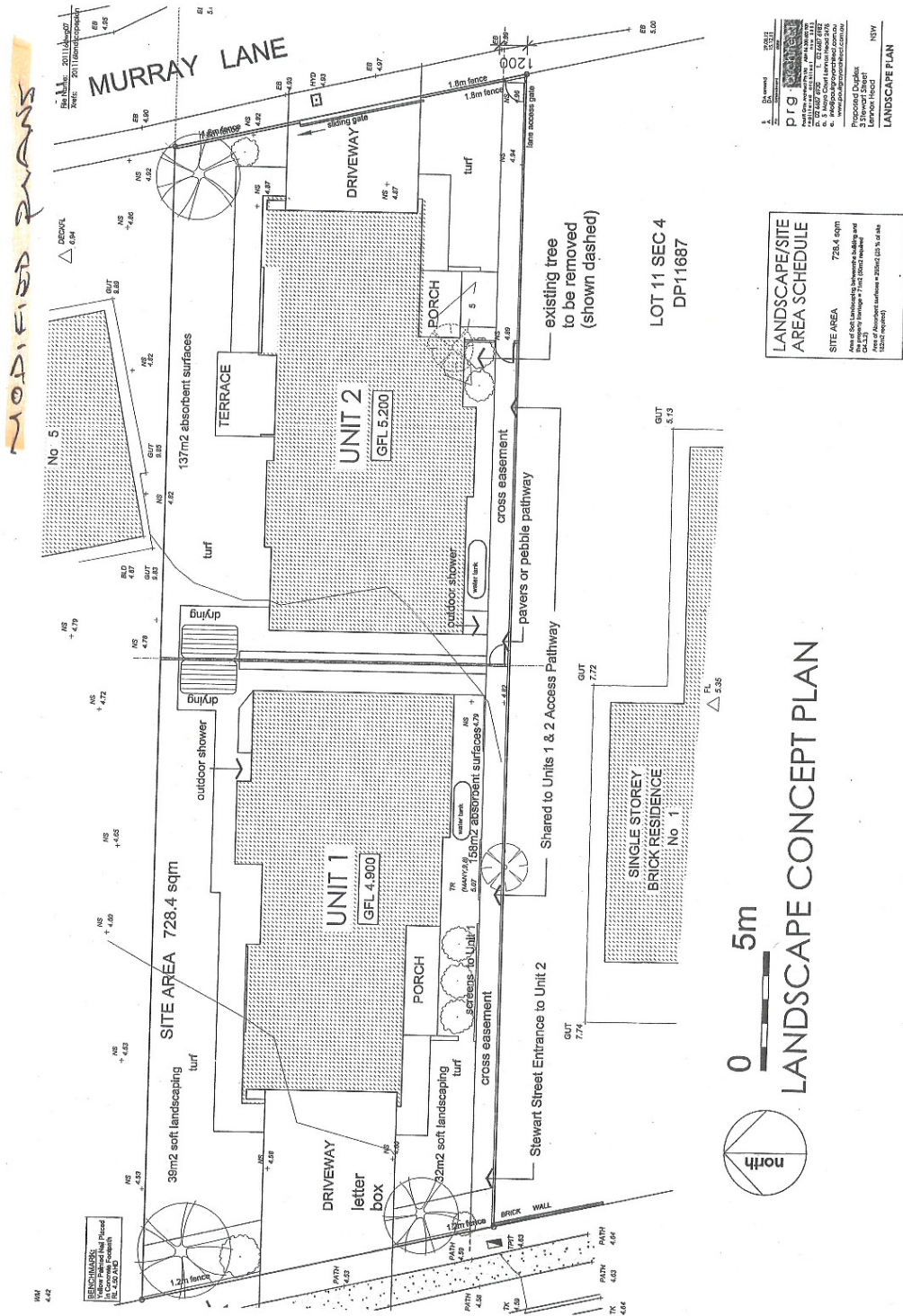
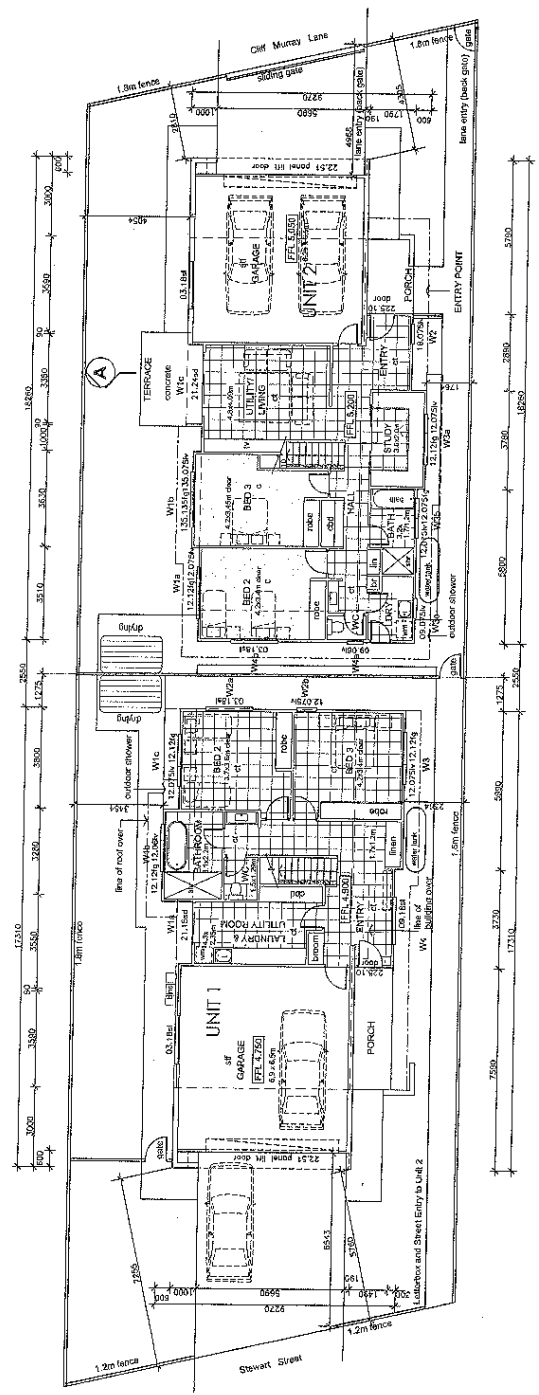


8.1 **DA 2012/300 - Strata Title Duplex Development, Lennox Head.DOC**





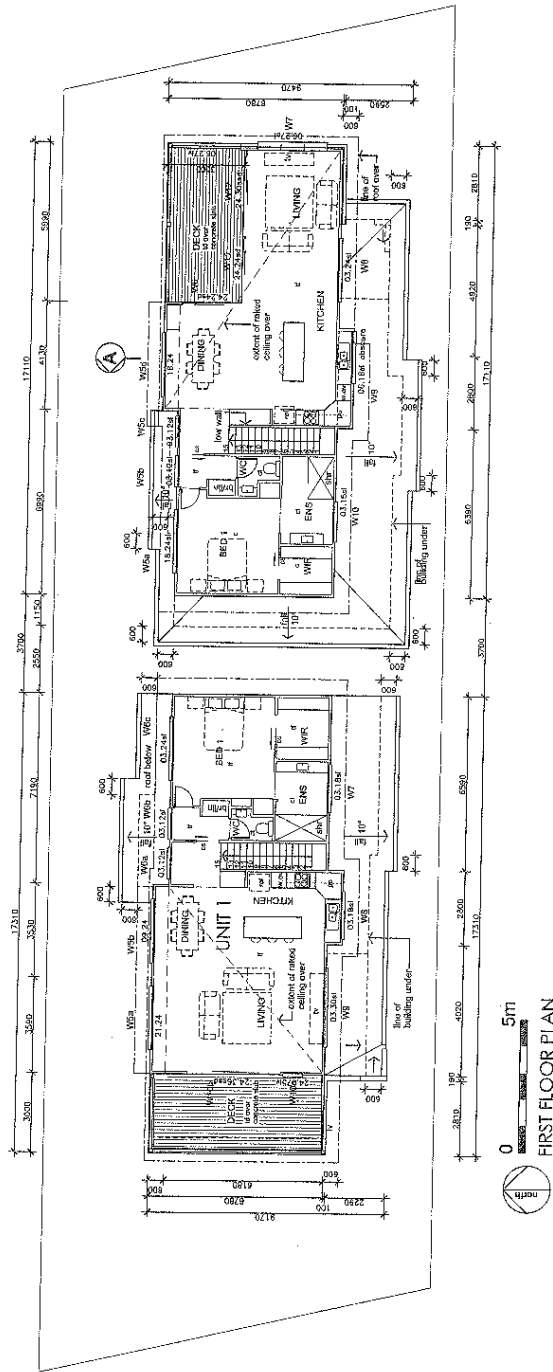
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 NORTH
 GROUND FLOOR PLAN

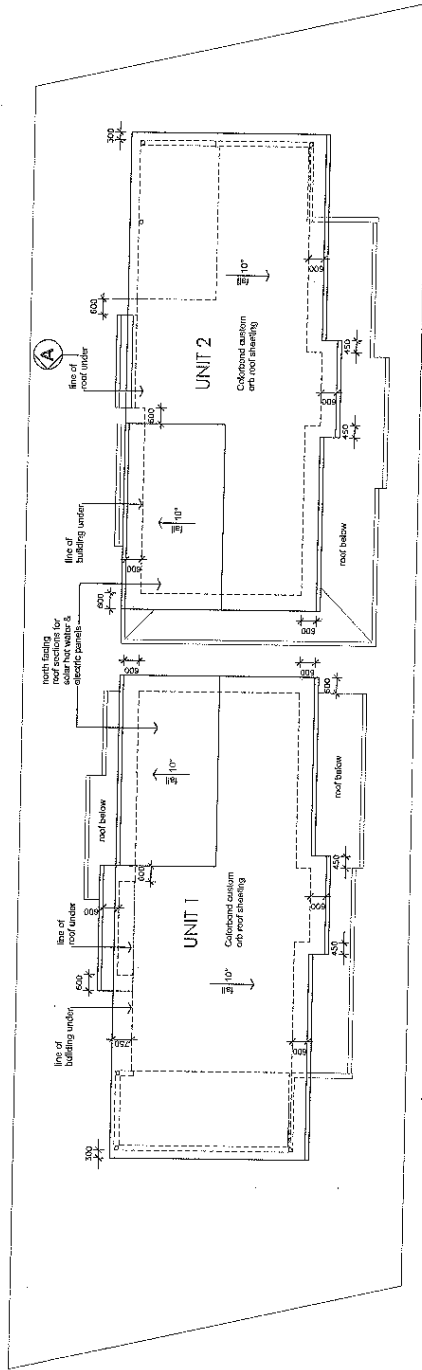
PTG
 Proposed Duplex
 Lennox Head
 NSW
 GROUND FLOOR PLAN
 Date: 11/10/12
 Sheet: 02
 3/09/2012 7:10:28 PM

DA No: 2012/300
 Date: 20/11/12
 Title: Strata Title Duplex Development



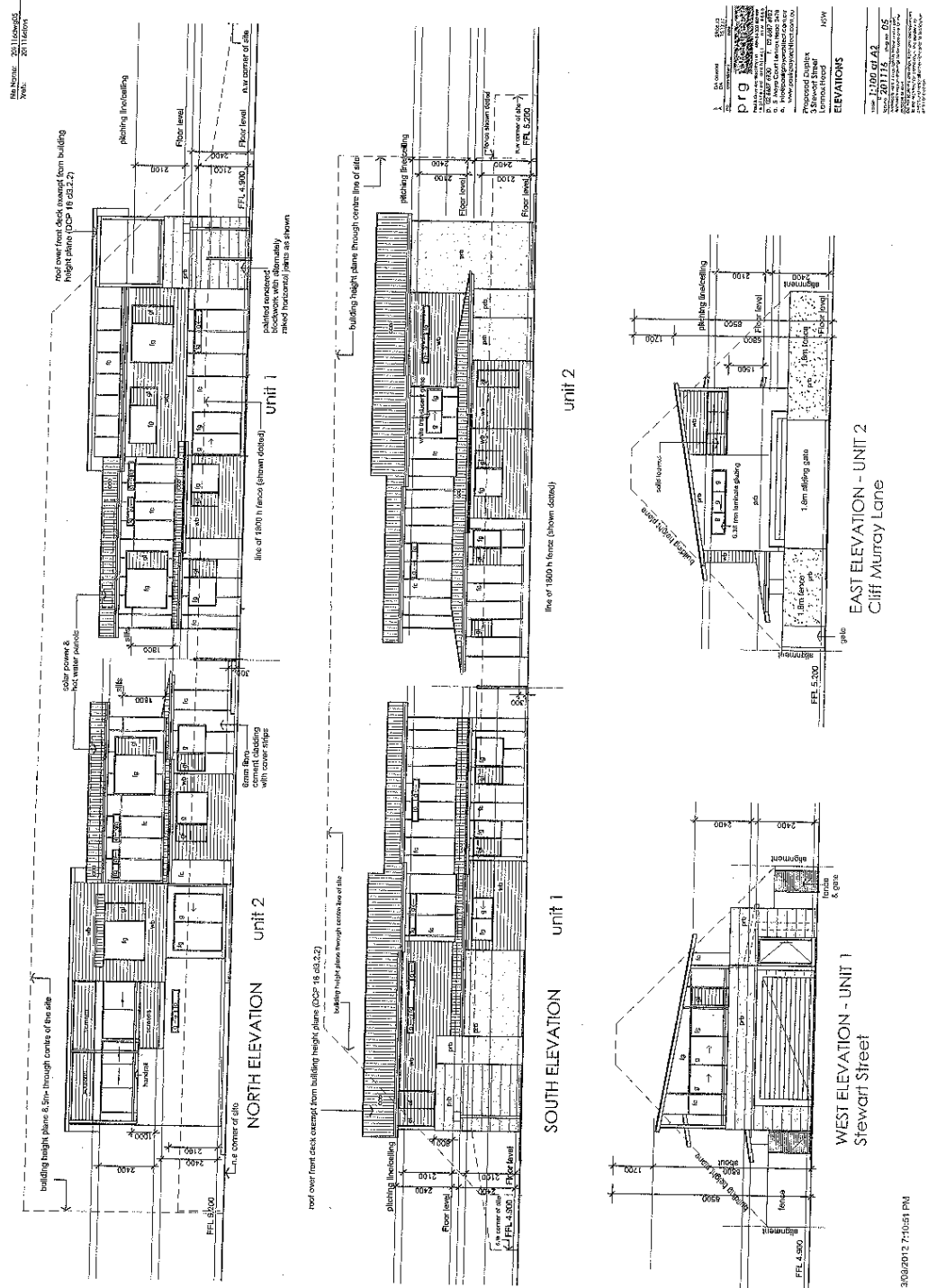
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 Title: Strata Title Duplex Development
 Author: [Name]
 Designer: [Name]
 Drafter: [Name]
 Checked: [Name]
 Approved: [Name]
 Date: 20/11/12
 Scale: 1:100
 Project: Strata Title Duplex Development
 Location: Lennox Head
 Drawing: FIRST FLOOR PLAN

Rev. No. 2011/04/04
 Date: 2011/04/04

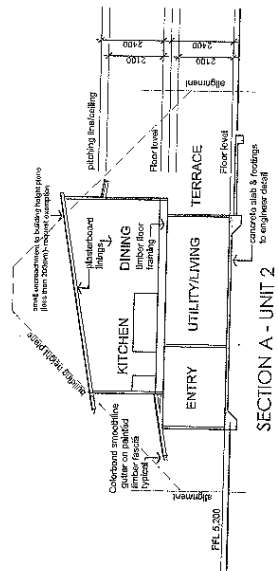
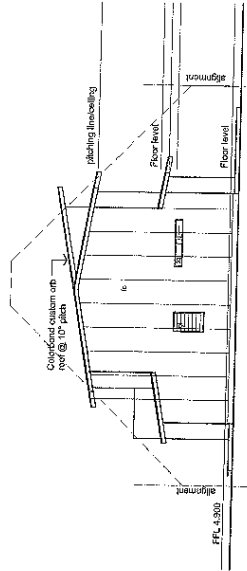
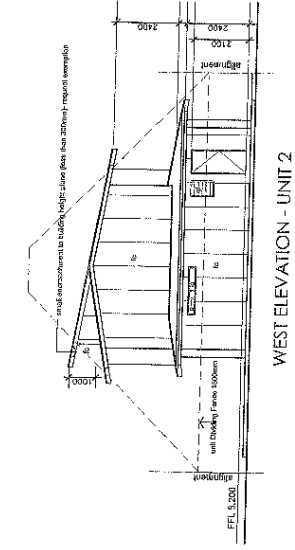


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1	1	2012/04/04	L. O'NEILL		1:100	01			
PROJECT: DA 2012/300 - Strata Title Duplex Development, Lennox Head DRAWING: ROOF PLAN SCALE: 1:100 DATE: 2012/04/04 DRAWN BY: L. O'NEILL CHECKED BY: [Blank] PROJECT MANAGER: [Blank] ARCHITECT: [Blank] ENGINEER: [Blank] SURVEYOR: [Blank] CONSULTANT: [Blank]									

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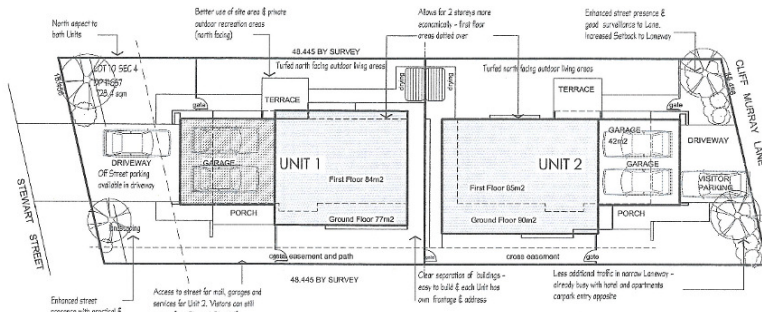
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1 DA 2012/300
 2/2/11
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 Date: 2012/02/02
 Drawn: J. Brown
 Checked: J. Brown
 Title: ELEVATIONS & SECTION
 Scale: 1:100
 Date: 2012/02/02
 Project: 2012/300 - Strata Title Duplex Development, Lennox Head
 Date: 2012/02/02
 Drawn: J. Brown
 Checked: J. Brown
 Title: ELEVATIONS & SECTION
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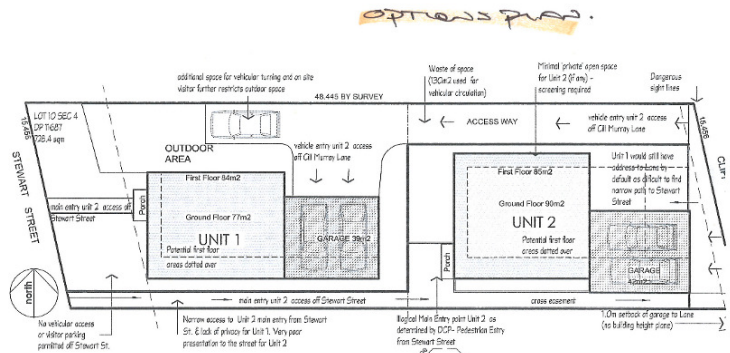
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8.1 **DA 2012/300 - Strata Title Duplex Development, Lennox Head.DOC**



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DUPLEX OPTION 1 - As per Application

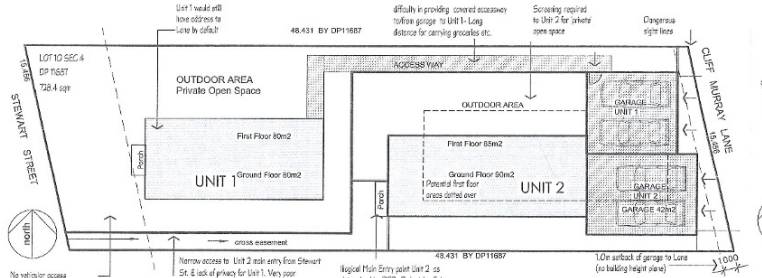
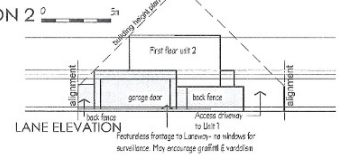
- Whats best about this option?-
- Good street presence each with to Stewart Street or Cliff Murray Lane. Straight forward. Strata
 - ~~DP 1887~~ address
 - Increased street surveillance reduces crime.
 - Increased ownership of Lane encouraging maintenance.
 - More privacy and outdoor spaces to Units
 - More Offstreet parking potential
 - CR Plans car will be a driveway to interior of 3CP



ALTERNATIVE DUPLEX OPTION 2

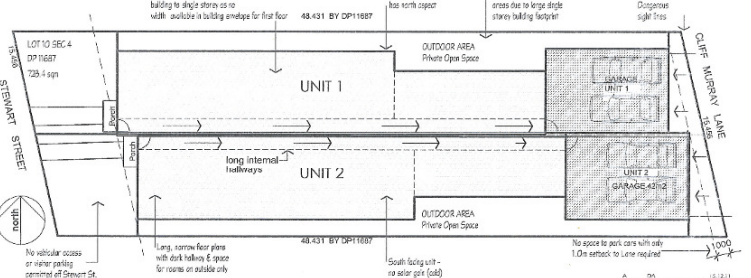
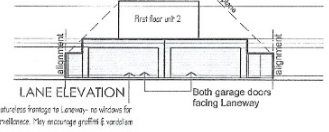
Whats wrong with this option?-

- Poor street presence to Stewart Street for Unit 2.
- No surveillance of Lane-way.
- Increased rubbish & lack of
- Less privacy to Units & less
- Poor access from garage to Unit 1
- Inappropriate design & use of space



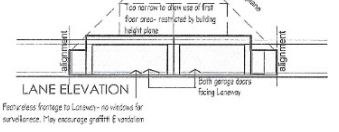
ALTERNATIVE DUPLEX OPTION 3

- Whats wrong with this option?-
- Poor street presence to Stewart Street for Unit 2.
 - No surveillance of Lane-way.
 - Increased rubbish & lack of
 - Less privacy to Units & less
 - Poor access from garage to Unit 1
 - Inappropriate design & use of space



ALTERNATIVE DUPLEX OPTION 4

- Whats wrong with this option?-
- No surveillance of Lane-way.
 - Increased rubbish & lack of
 - Less privacy to Units & less
 - Poor access from garage to Unit 1
 - Inappropriate design & use of space
 - Not enough height in building height plane to allow a front fence



prg

Proposed Duplex
3 Stewart Street
Lennox Head
NSW

SITE PLAN ALTERNATIVE OPTIONS

Scale: 1:200 at A2
Date: 201116

26/07/2012 12:27:08 PM

ARDILL PAYNE & PARTNERS

Civil, Structural & Environmental Engineers - Project Managers - Town Planners - Surveyors
ABN 51 808 558 977



WE Payne BE, MIE Aust ET Elford L & E S D TJ Cromack B.Tech (Eng), TMIE Aust PM Snellgrove BTP CPP

6230 Submission to DA 2012.300 (August 2012).doc

27 August 2012

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attn: Mr Vince Hunt

Dear Vince

**re: DA 2012/300 – proposed two storey detached Strata Title duplex
Lot 10 Sec 4 DP 11687, No. 5 Stewart Street, Lennox Head**

Ardill Payne & Partners acts on behalf of Maldew Pty Ltd, the owner of the Lennox Point Hotel.

Whilst there is no objection to the actual type of development proposed under DA 2012/300 (detached duplex), serious concern is raised in respect of the potential for the development as designed, to result in land use conflicts, particularly with the existing and continued operation of the Lennox Point Hotel.

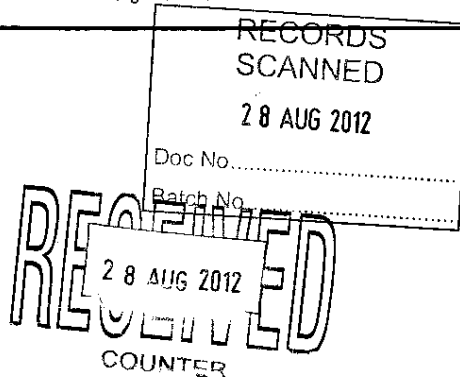
This submission has been based on information sourced from Council's website (DA's Online), being a copy of the Statement of Environmental Effects (SEE) and development plans (excluding floor plans).

Section 4.3.3 of the SEE provides an assessment of the development against the provisions of Chapter 16 – Lennox Head of the Combined DCP 2006. Section 4.3.3(d) confirms that a departure is sought from the provisions of Section 4.3.3 of Chapter 16.

As shown on *Figure 4.1 – The Village* of Chapter 16, the full length of Cliff Murray Lane from Byron Street through to Lennox and Foster Streets is identified as being a "NON RESIDENTIAL FRONTAGE LANE".

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6230 Submission to DA 2012.300 (August 2012).doc
27 August 2012

Section 4.3.3(ii) states that "The creation of a residential frontage to lanes shown as "non residential frontage lane" in Figure 4.1 is **prohibited**." [emphasis added]

The SEE reports that there does not appear to be a clear logic for areas shown as "non-residential frontage lane."

It should be noted that the "NOTES" to Section 4.3.3 of Chapter 16 clearly articulates the rationale behind the restrictions on lanes in Lennox Head, which has a sound planning foundation and are of particular relevance to this section of the lane.

The section of Cliff Murray Lane between Byron Street and Lennox Street provides vehicular access to both the Lennox Point Hotel's and Lennox Point Holiday Apartments' car parking and service areas.

The development as proposed, particularly with Unit 2 having a direct frontage, front door access and orientation to the lane, is such that could result in adverse impacts on the amenity of that unit particularly as a consequence of the traffic movements on the lane and from the operations of the hotel and resort.

In considering this development application, Council must be mindful of the need to protect and maintain the operational ability of two very important commercial, social and tourist developments in the town, both of which are significant employment generators and economic stimulators.

Compliance with the provisions of Section 4.3.3 of Chapter 16 would likely result in a substantially different site layout and unit design which would minimise the potential for impacts on the amenity of the proposed units (particularly the eastern unit) from traffic movements on the lane and operations of the hotel and holiday apartments.

Section 3.1 of Chapter 16 provides an express ability for a variation to a development standard contained in Section 3.1 and states that "Where a proposal does not strictly comply with a particular Development Control, a variation will only be considered where the applicant clearly demonstrates that the design proposed meets the corresponding Design Objectives and is a more appropriate response to meet the particular characteristics of the site and its setting than that specified by the Development Controls."

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3
6230 Submission to DA 2012.300 (August 2012).doc
27 August 2012

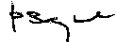
Section 4 does not contain such express ability to vary a development standard contained in Section 4. This may be intentional in that Council does want any variations to Section 4 development standards or may be an over-sight in the document.

If the first supposition is correct, there is no mechanism available to Council to vary the standard. If the second supposition is correct, Council may consider such variation and it would be appropriate in doing, so have regard to Section 3.1.

Having regard to the above, it is submitted that the applicant's request for a departure from the provisions of Clause 4.3.3 is such that constitutes a significant departure with potential adverse consequences and is not such that has (or is able to be) appropriately justified having regard to the circumstances of the case.

Having regard to the circumstances of the case, it is submitted that a re-design of the proposed development is warranted and necessary.

Yours faithfully



Paul Snellgrove
ARDILL PAYNE & PARTNERS

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