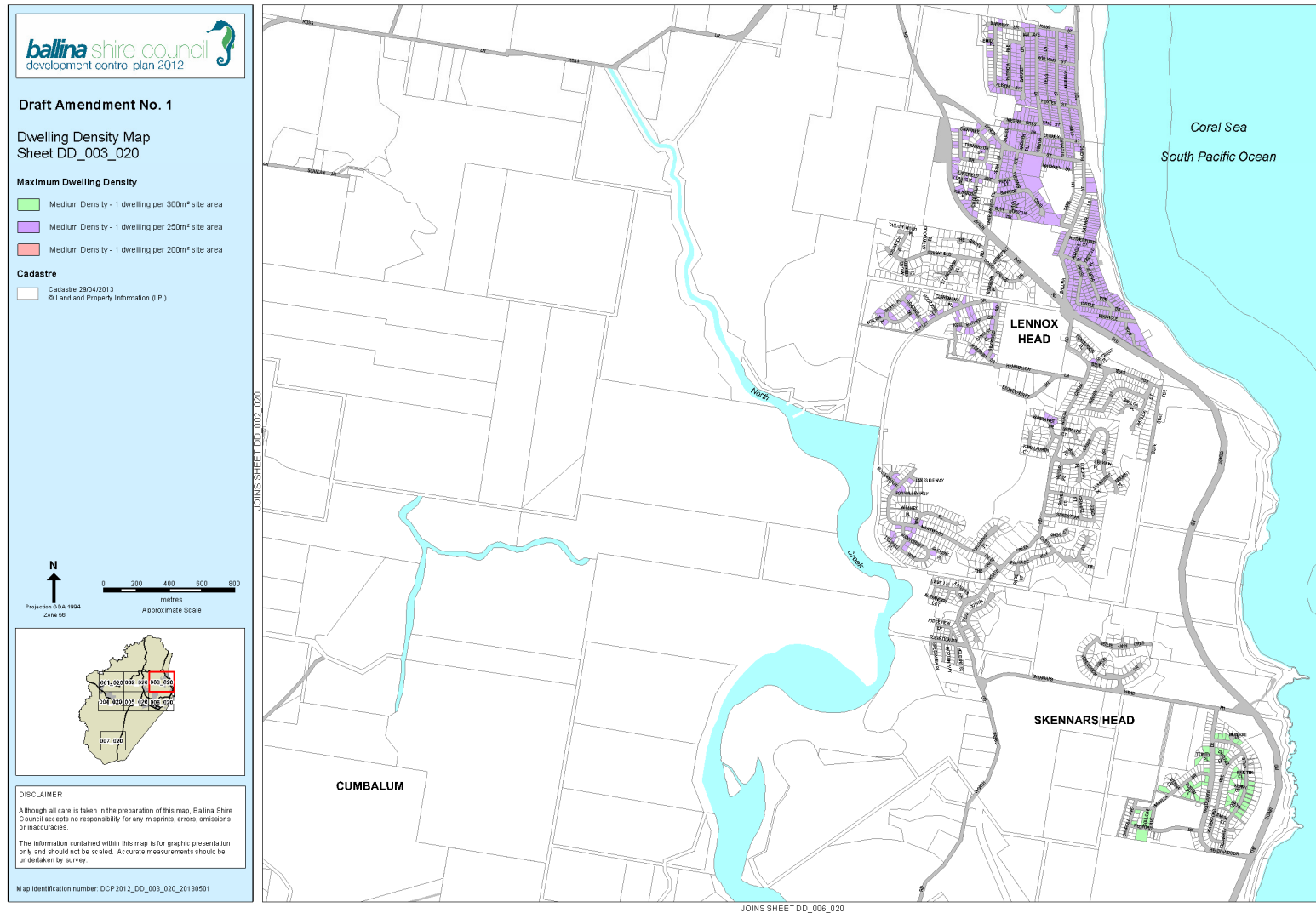
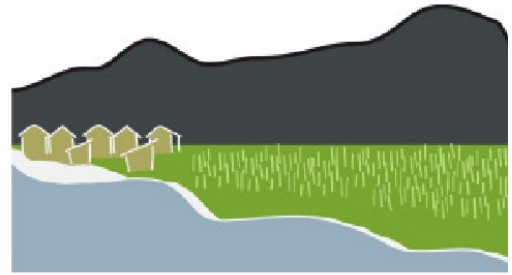


9.6 Development Control Plan 2012 - Amendment No. 1.DOC





# Ballina Shire Development Control Plan 2012

## Draft Amendment No. 1

### Proposed Amendments Chapter 4 – Residential and Tourist Development





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## Part 1 Preliminary

### 1.1 Introduction

**Name:**

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

**Purpose:**

To identify Council's requirements relating to residential and tourist development.

**Relationship to other Chapters of this DCP:**

The provisions in this chapter prevail over those in chapters 1, 2, 2a and 2b where there is an inconsistency.

Where there is an inconsistency between provisions in chapters 3, 4, 5, 6, 6a, 6b, 6c, 6d and 7 Council will determine which provision(s) will apply based on consideration of the strategic planning framework for the land the subject of the application, statutory considerations, relevant planning objectives and the nature of the proposed development.

The provisions of chapter 8 apply in conjunction with those in this chapter, but prevail in the event of an inconsistency unless otherwise specified.

Special Area Controls in this chapter prevail over General Controls in the event of an inconsistency

**Application:**

The planning provisions of this chapter apply to development that includes *residential accommodation* and *tourist and visitor accommodation*.

**Planning Objectives and Development Controls:**

The provisions of this chapter are categorised in relation to a series of planning considerations (referred to as elements). For each element, planning objectives and development controls are specified. Development proposals must be consistent with the planning objectives for the chapter and each of the applicable elements. Such consistency is typically demonstrated by compliance with the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.

## Part 2 Chapter Planning Objectives

The overarching objectives of this chapter are as follows:

- a. Provide for quality residential neighbourhoods and tourist related development;
- b. Ensure that development is compatible with local landscape amenity and character; and
- c. Ensure the orderly development of land.





## Part 3 General Controls

### 3.1 General Controls applying to residential and tourist development

#### 3.1.1 Application

<b>Applies to:</b>	
Location/s:	Zones B1, B2, B3, B4, B6, R2 & R3
Development Type/s:	<i>Residential accommodation</i> and <i>Tourist and visitor accommodation</i>

#### 3.1.2 Planning Objectives

- Achieve well designed developments which relate to the landscape and character of the locality;
- Manage the bulk, scale and traffic generation of residential development to avoid adverse impacts on adjoining land uses;
- Ensure new development recognises and responds to the privacy and amenity of adjoining premises whilst providing for passive surveillance of public areas;
- Encourage dwellings which respond to the sub-tropical climate; and
- Provide for flexibility in the use of buildings with respect to *residential accommodation* and *tourist and visitor accommodation* uses.



#### Note:

Residential developments comprising:

- 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2m above ground level) and
- 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops)

are to be designed in accordance with the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings*

It should be noted that this does not include a Class 1a or Class 1b building under the Building Code of Australia (eg town houses or villas).

#### 3.1.3 Development Controls

##### A. Element - Building Height

##### Objectives

- Ensure that the height of buildings (*building height*) is compatible with the bulk, scale and character of the locality;





- b. Minimise adverse impacts on existing or future amenity of adjoining properties and scenic or landscape quality of the locality; and
- c. Protect significant views from public places.

**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.

**B. Element - Floor Space Ratios**

**Objectives**

- i. Ensure that buildings are compatible with the bulk, scale and character of the locality; and
- ii. Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape qualities of the locality.

**Controls**

- i. Where development for the purpose of a *dwelling house, secondary dwelling, dual occupancy* or *semi-detached dwelling* is proposed on land identified on the Floor Space Ratio Map, Council will apply the following approach to the calculation of the *floor space ratio* (FSR);
  - Where the *dwelling house, secondary dwelling, dual occupancy* or *semi-detached dwelling* is part of a mixed use development involving *commercial premises*, the FSR shown on the Floor Space Ratio Map applies, and
  - Where the *dwelling house, secondary dwelling, dual occupancy* or *semi-detached dwelling* is not part of a mixed use development involving *commercial premises*, an FSR of 0.5:1 applies.



**Notes:** For land shown on the Floor Space Ratio Map, buildings are to comply with the *floor space ratio* provisions of BLEP 2012 clauses 4.4 and 4.5.

For development for the purpose of a *dwelling house, secondary dwelling, dual occupancy* or *semi-detached dwelling* the FSR is 0.5:1.

**C. Element - Building Envelopes**

**Objectives**

- i. 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;



- ii. Ensure that the occupants of *residential accommodation* have the opportunity to enjoy the optimum use of winter sunlight;
- iii. Enhance opportunities for solar access to both the development site and adjoining properties;
- iv. Achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments to create usable *private open space* and courtyards;
- v. Ensure that buildings are compatible with the bulk, scale and character of the locality; and
- vi. Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.

**Controls**

- i. *Residential accommodation* and *tourist and visitor accommodation* in Zone R2 Low Density Residential and Zone R3 Medium Density Residential must be contained within a **building envelope** measured as follows:
  - below a plane measured over the land at 45° from a point 1.8 metres above the side and rear boundaries,
  - where the subject site has a frontage to a secondary street, below a plane measured over the land at 45° from a point 1.8m above a parallel line measured 2.0m inside the secondary street boundary,
  - where the subject site has a frontage to a public reserve, below a plane measured over the land at 45° from a point 1.8m above the boundary to the public reserve, and
  - below a plane measured 8.5 metres above *ground level*.
- ii. The external walls of a *residential accommodation* or *tourist and visitor accommodation* must be setback a minimum of 900mm from the side and rear boundaries of the site (excluding internal strata title boundaries), subject to consideration of impact on privacy, *private open space* and solar access to adjoining properties; and
- iii. For *dual occupancies*, *semi-detached dwellings*, *attached dwellings* and *multi dwelling housing* developments and any *residential accommodation* or *tourist and visitor accommodation* that share a common wall, the **building height plane** as applied from side and rear boundaries of the site (excluding internal strata title boundaries), secondary frontages and public reserves applies to those parts of the development which interface with adjoining properties and public land.



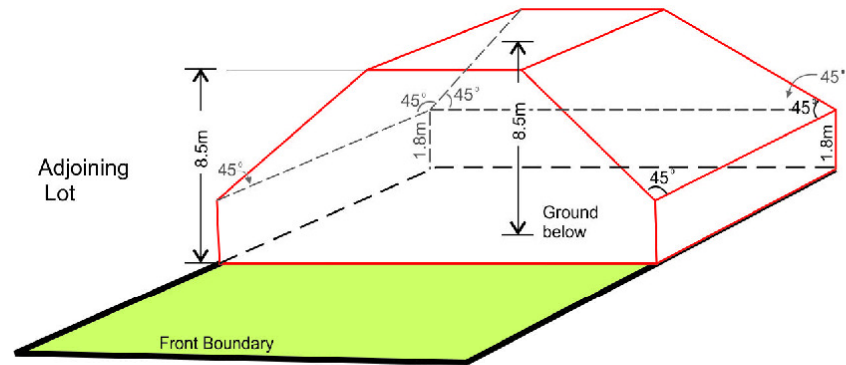
**Notes:** The 8.5m plane above *ground level* is applied to the existing ground level, except where land is identified on the "Flood Planning Maps" (Ballina LEP 2012) as requiring fill, *ground level* is measured from the finished ground level.







Figure 4.1 – Typical Building Envelope Controls



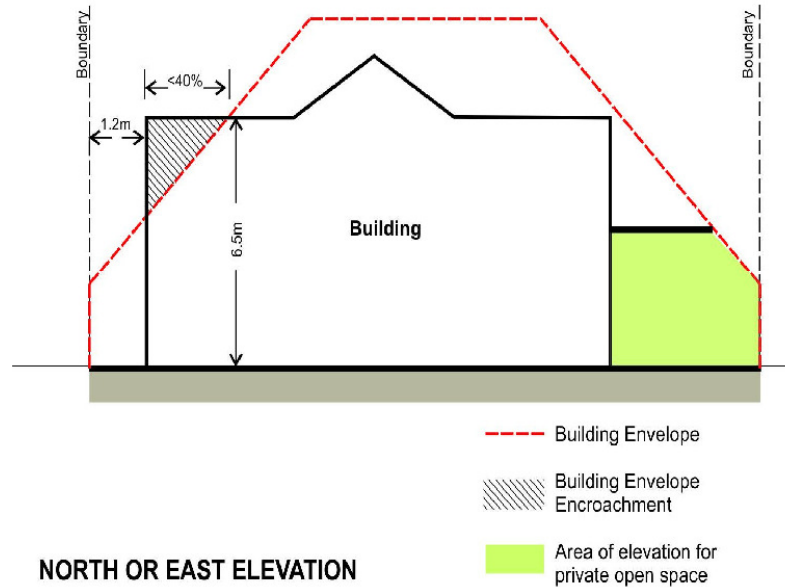
#### Variations

- i. The following variations to the setbacks nominated by the **building envelope** are permitted:
- **Eaves and gutters** – up to a maximum of 700mm (note: minimum setback requirements provided by the *Building Code of Australia* must be complied with i.e. 450mm to the outside of fascia),
  - **Climate control elements** - which are of a minor scale and an open character, and that do not affect compliance with the above design objectives, and
  - **Encroachments** are permitted along the northern and eastern elevations of the wall length provided that:
    - the encroachment is for not more than 40% of the wall length of the elevation of the building;
    - the encroachment does not exceed 6.5 metres in height measured from the wall/eave junction;
    - the encroachment is at least 1200mm from the side or rear boundary; and
    - an area of *private open space* meeting the requirements indicated in **G. Element – Landscaping and Open Space** is provided along the same elevation as the encroachment.





**Figure 4.2 – Building Envelope Variations**



**Notes:**

Encroachments to the side and rear boundary **building envelopes** will generally not be supported along the southern and western elevations. This is because these elevations have the greatest capacity to overshadow adjoining properties, including existing or future **private open space** required to meet the provisions of this DCP.

This DCP does not limit the number of storeys or levels within a dwelling. For dwellings comprising more than 2 levels, Council will have particular regard to the impact of the dwelling on privacy and overshadowing of nearby properties.

**D. Element – Articulation Zone**

**Objective**

- a. Promote building facades which contribute to the character of the streetscape.

**Controls**

- i. An entry feature porch, veranda or deck associated with **residential accommodation or tourist and visitor accommodation** in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the main **building line or setback** by up to 1.5m in front;



- ii. Up to 25% of the **articulation zone**, 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
- iii. New dwellings are to be designed to address the street, provide an easily identifiable entrance for pedestrians and contribute to the streetscape.

Figure 4.3 – Articulation Zones

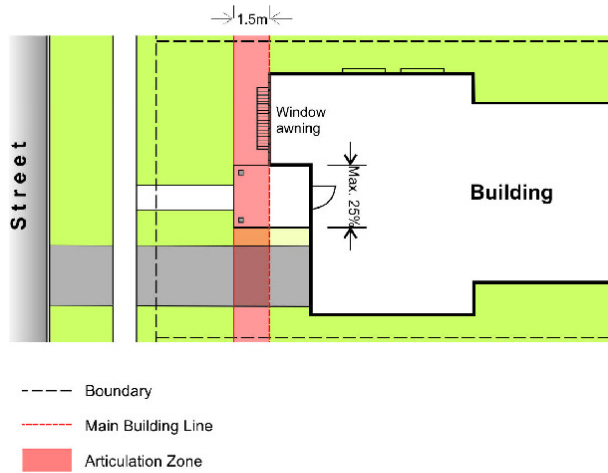
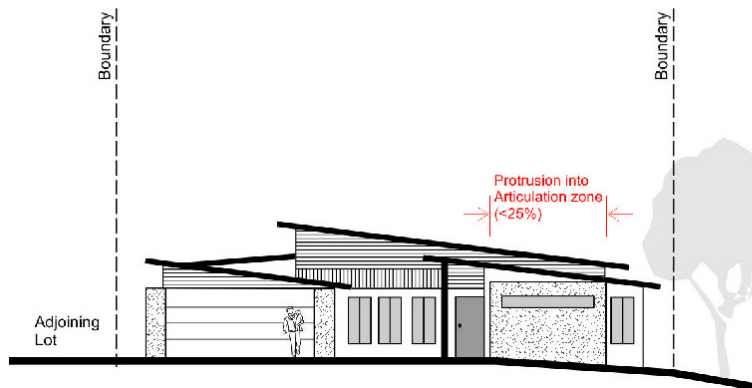


Figure 4.4 – Articulation Zone Elevation View





**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.

**Controls**

- i. Residential accommodation and tourist and visitor accommodation buildings and all ancillary development on a lot must be setback behind the building line specified on the Building Line Map (except as specified in items (iii) or (iv) below).
- ii. Where a building line is not specified in (i) and the land is within Zone R2 Low Density Residential or Zone R3 Medium Density Residential, the building line specified in Table 4.1 applies.

Table 4.1 - Minimum Building Line – R2 & R3 Zone	
Boundary	Building Line (distance from boundary)
Primary Road	6.0m
Parallel Road	6.0m
Public Reserve or Foreshore	6.0m
Lane	3.5m
Side or Rear	None specified



**Note:**  
 In conjunction with any specified building lines and setbacks in this section, the building construction and setback requirements of the Building Code of Australia will apply, particularly in relation to side and rear building setbacks from lot boundaries.

- iii. Where an encroachment forward of the building line specified in (i) or (ii) is sought, variation to the standard may be granted where an alternate building line can be established on the basis of the average distance of the building lines of the nearest 2 residential accommodation or tourist and visitor accommodation buildings having a boundary with the same primary road and located within 40m of the lot on which the residential accommodation or tourist and visitor accommodation building is to be erected.
- iv. Variations to the building line specified in (i) or (ii) may be granted in relation to secondary road frontages on corner lots in accordance with Table 4.2 below:





Table 4.2 – Secondary Road Frontage Building Lines		
Building Line	Reduction	Varied Building Line
4.6m	1.0m	3.6m
6.0m	2.0m	4.0m
7.6m	2.6m	5.0m
Other	On merit	

- v. Balconies may encroach beyond the specified building line provided that:
- The balcony is of cantilevered type construction,
  - No walls or columns are erected below the balcony,
  - No walls or rooves are erected above the balcony, and
  - The balcony has a maximum projection of 1.8 metres.

#### F. Element – Development Fronting Laneways

##### Objectives

- a. Ensure that development is compatible with the characteristics of laneways.
- b. Provide for safe vehicular access to and from laneways.
- c. Ensure that development fronting lanes has practical access and infrastructure servicing.

##### Controls

- i. Residential accommodation and tourist and visitor accommodation buildings and all ancillary development on a lot must be setback from the boundary with a lane behind the building line as specified on the Building Line Map.
- ii. Where a lot has a lane frontage and a building line to the lane is not specified on the Building Line Map, the building line is 3.5m from the lane frontage.
- iii. Garages that are directly accessed from the lane shall have a minimum setback of 5.5m from the lane boundary in accordance with Figure 4.5, except as specified in (v).
- iv. Residential accommodation and tourist and visitor accommodation with direct frontages to laneways are permitted except where specified on the Restricted Lane Frontage Map.
- v. Where direct frontage to a lane is restricted under (iv), garages must be provided in accordance with the design parameters shown in Figure 4.6.
- vi. Where development occurs on the corner of a lane, a corner splay of 2.5m x 2.5m must be dedicated to Council.
- vii. Adequate infrastructure servicing, including formalised vehicular access, waste collection and postal delivery, must be available to any lane where direct frontages are proposed, except where the requirements of (viii) are met.
- viii. Where waste collection or postal delivery services are not provided to a lane, direct frontages may be permitted where a paved pedestrian access way with a minimum width of 1.2m is provided on site to enable each dwelling or occupancy direct access to the street frontage.

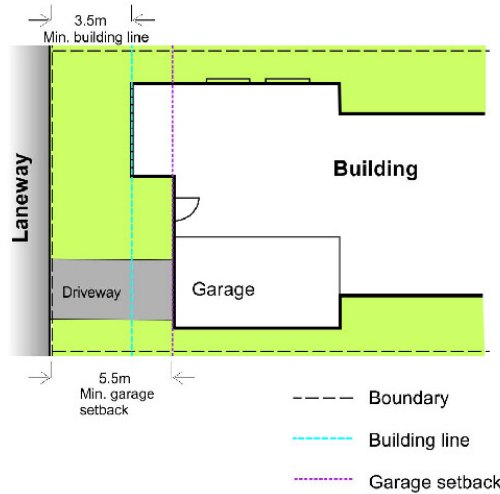




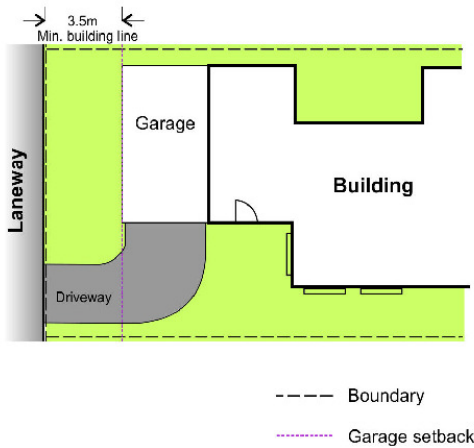
**Notes:**

Garages and onsite parking are encouraged from laneways (where available). However, the above controls do not directly prohibit access from the secondary street frontage.

**Figure 4.5 – Garage Setback Requirements for Non-restricted Lane Frontages**



**DIRECT LANE ACCESS**



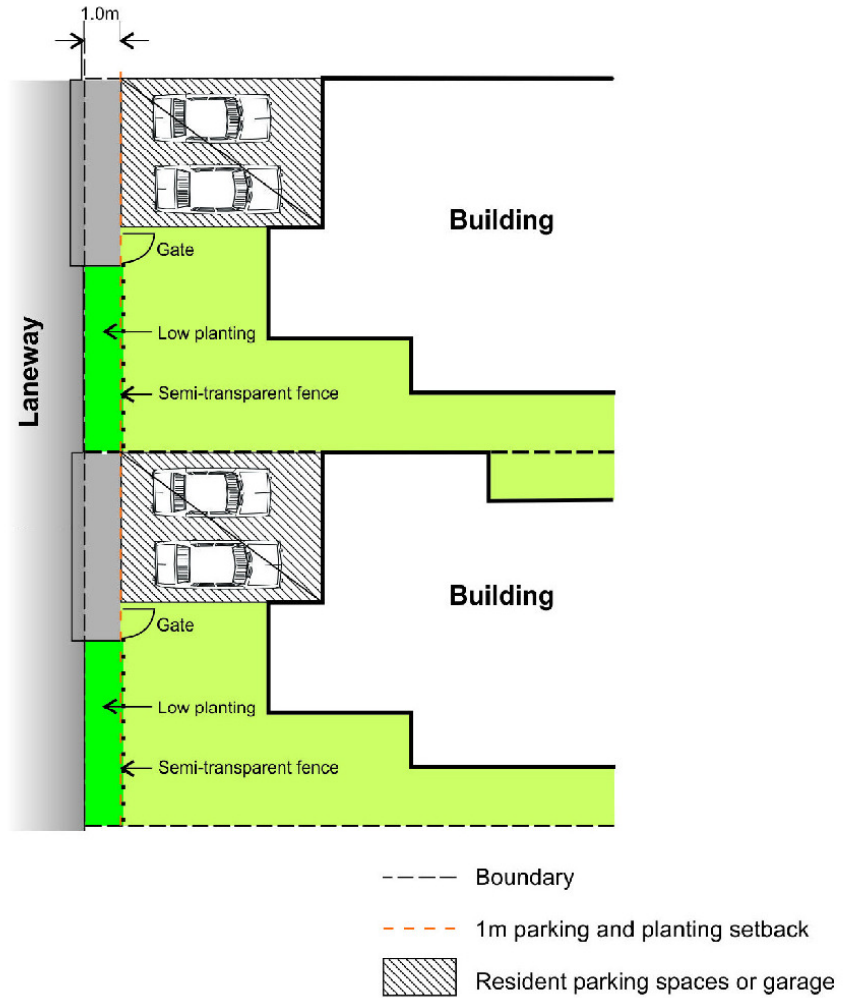
**INDIRECT LANE ACCESS**



**Notes:**

Provision for 2 car parking spaces within the property boundary is required where a minimum 3.5m building line is required where a minimum 3.5m building line is applied in association with indirect lane access.

**Figure 4.6 – Garage Access - Restricted Residential Frontages in Laneways**





#### G. Element - Landscaping and Open Space

##### Objectives

- a. Ensure **residential accommodation and tourist and visitor accommodation** are provided with **private open space** which is usable and meets the needs of **occupants**;
- b. Maximise the liveability and amenity of **residential accommodation and tourist and visitor accommodation**;
- c. Ensure that **landscaped areas** are an integral component of residential **and tourist oriented** development proposals;
- d. Preserve and retain existing mature native vegetation wherever practicable; and
- e. Support landscape design that incorporates the planning of landscape species indigenous to the part of the shire in which they are being planted;

##### 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<sup>2</sup> with a minimum width of 4m x 4m and a maximum gradient of 1:10.

##### Controls – Private Open Space for Multi Dwelling Housing, Residential Flat Buildings and Tourist and Visitor Accommodation

- i. Each **dwelling** will have access at ground level to a court yard with a minimum area of 40m<sup>2</sup>, a minimum dimension of 4m and a maximum gradient of 1:10;
- ii. Where **dwellings** and entries are located entirely above ground floor, Council may consent to the provision of private open space by way of a balcony. To be considered as **private open space**, balconies must contain a minimum area of 25m<sup>2</sup> and a minimum width of 2.5m;
- iii. **Private open space** must be directly accessible from a living area; and
- iv. Where practicable, **private open space** is to be located to the north or east of the dwelling and is required to have appropriate orientation and provisions to allow for winter sun and summer shade.
- v. **Private open space** is not required for development comprising only **backpackers accommodation, bed and breakfast accommodation, farm stay accommodation or hotel or motel accommodation**.







**Note:** *Private open space* may be provided in more than one contiguous area subject to at least one portion having a minimum dimension of 4m x 4m.

**Controls –Landscaping for Multi Dwelling Housing, Residential Flat Buildings and Tourist and Visitor Accommodation**

- i. Landscaped open space comprising *landscaped areas* and *private open space* is to be provided for each *dwelling* in accordance with **Table 4.3**; and
- ii. The landscaped open space requirements in (i) are not required for development comprising only *backpackers accommodation, bed and breakfast accommodation, farm stay accommodation or hotel or motel accommodation*.
- iii. At least 75% of the landscaped open space area must be covered by pervious surfaces, such as lawn or landscaping.
- iv. Development applications for *multi dwelling housing, residential flat buildings or tourist and visitor accommodation* are to be supported by landscaping plans detailing all proposed *private open space* areas and *landscaped areas* and shall detail the main structures on the site (including buildings, car parks, fences, retaining walls, surfacing materials and the like), any existing trees to be retained and all proposed plantings (including common names, botanical names, numbers and mature heights).

Table 4.3 – Landscaped Open Space Requirements for <i>Multi Dwelling Housing, Residential Flat Buildings and Tourist and Visitor Accommodation</i>	
Dwelling size	Landscaped open space per dwelling
<60m <sup>2</sup> total <i>dwelling</i> GFA*	50m <sup>2</sup>
60m <sup>2</sup> - 85m <sup>2</sup> total <i>dwelling</i> GFA*	70m <sup>2</sup>
>85m <sup>2</sup> total <i>dwelling</i> GFA*	90m <sup>2</sup>

\* Balconies, courtyards, driveways and required car parking spaces are not included in the total *dwelling* GFA calculations

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

**Objectives**

- 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.

**Controls – Car parking**

- 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 *residential flat buildings* must not be located forward of the *building line or setback* unless it can be demonstrated that such car parking will be suitably screened along the street frontage.

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

<sup>\*</sup>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* and *shop top housing* are specified in Chapter 2.

**Controls – Garages and carports**

- i. Garages and carports are to be setback at least 1m behind the *building line* or 5.5 metres from the property boundary (whichever is greater);
- ii. The maximum width of the garage must not be more than 50% of the lot frontage;
- iii. Carports must not be wider than one car space width or 4m where other means of undercover parking is provided on-site;



- iv. Carports forward of the setback specified in (i) will be considered subject to the following criteria:
- 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,
  - Carport posts are setback a minimum of 2.0 metres from the street boundary,
  - 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.



**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.

**I. Element - Overlooking and Privacy**

**Objectives**

- a. Ensure buildings do not unduly affect existing or future development on adjoining properties by impinging on privacy or obstructing views; and
- b. Provide visual privacy for internal and external spaces;





### Controls

- i. A window must have a privacy screen if:
  - it is a window in a habitable room, other than a bedroom, and
  - the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
  - the window has a sill height of less than 1.5 metres.
- ii. A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
  - has a setback of less than 3 metres from a side or rear boundary, and
  - has a floor area of more than 3 square metres.
- iii. For *residential accommodation* and *tourist and visitor accommodation* involving multiple dwellings on the same site, direct views between habitable rooms, other than bedrooms, shall be screened where:
  - Ground and first floor windows are within a 9 metre radius from any part of the window of an adjacent dwelling on the same site, and
  - Other floor windows are within a 12 metre radius of an adjacent dwelling on the same site, and
  - Direct views from habitable rooms, excluding bedrooms, of dwellings into the principal area of *private open space* of other dwellings on the same site shall be screened or obscured where they are within a 12 metre radius.



**Note:** A habitable room is defined in the *Building Code of Australia* and includes rooms used for normal domestic activities such as living rooms, lounge rooms, dining rooms, studies, playrooms, family rooms, rumpus rooms, kitchens and the like but does not include bathrooms, laundries, water closets (toilets), walk-in wardrobes, corridors, hallways, lobbies and the like.

- iv. Details of privacy screening required in (i)-(iii) must be submitted with the development application and may consist of:
  - Screening that has 25% openings (maximum), is permanently fixed and is constructed of durable materials, or
  - A 1.8 metre high visually impervious fence or wall between a ground-level balcony, deck, patio, pergola, terrace, verandah or window where the floor level is not more than 1 metre above *ground level (existing)*, or
  - Landscape screening by using existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years (without affecting solar access or views).
  - Fixed opaque glazing in any part of a window below 1.5 m above floor level.

### Controls – additional privacy requirements for roof terraces

- i. Roof top terraces and associated structures shall be designed so their size and location does not impose upon or have unreasonable impacts on the privacy adjoining dwellings; and



- ii. Awnings and coverings on roof terraces must be located within the applicable height limits for structures and must not unduly obstruct views from surrounding properties; and
- iii. Roof terraces are to be appropriately located and screened to prevent direct views into habitable rooms or *private open space* of any adjoining dwellings.

#### J. Element - Solar Access

##### Objectives

- a. Ensure new dwellings have adequate direct sunlight to living areas (living rooms, lounge rooms, kitchens, dining rooms and the like) and *private open space*; and
- b. Ensure developments do not significantly overshadow living areas and the *private open space* of adjacent dwellings and areas of foreshore open space.

##### Controls – *Dual Occupancies, Semi-attached Dwellings, Attached Dwellings, Multi Dwelling Housing, Residential Flat Buildings and Tourist and Visitor Accommodation*

- i. Dwellings are to be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east;
- ii. The windows of living areas of *dwellings* and *private open space* facing north, north east or north west must receive at least three hours of direct sunlight between 9.00am and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);
- iii. The solar access requirements in (i) and (ii) are not required for development comprising only *backpackers accommodation, bed and breakfast accommodation, farm stay accommodation or hotel or motel accommodation.*
- iv. New buildings must maintain at least three hours of direct sunlight to the windows of living areas that face north, north east or north west for existing adjacent *dwellings* and their areas of *private open space* between 9.00am and 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice);
- v. Where existing overshadowing by buildings and fences does not provide the required amount of direct sunlight to existing adjacent *dwellings* and their areas of *private open space* as required in (iii), new buildings must not result in an unreasonable reduction of existing direct sunlight to adjoining dwellings;
- vi. Buildings are to be designed, wherever practicable, to include a north or west facing roof where a solar hot water system or collector can be installed
- vii. New buildings must not result in overshadowing of beaches or adjoining public foreshore open space before 3.00pm (Australian Eastern Standard Time) on 21 June (Winter Solstice) or 6.30pm (Australian Eastern Daylight Saving Time) on 21 December (Summer Solstice).





**Note:**

Where overshadowing is likely to occur, the following measures may be required to reduce potential impacts:

- the building re-sited or setbacks increased,
- heights reduced, and
- amendment of roof designs.

**K. Element - Fences and Walls**

**Objectives**

- a. To ensure that fences and courtyard walls:
- Do not become a dominant built element in the streetscape;
  - Provide a sense of territory, privacy, noise reduction and safety for residents;
  - Do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents;
  - Do not impact on the safe movement of vehicles and pedestrians; and
  - Retain opportunities for casual social interaction in the community.

**Controls**

- i. The height of fences must not exceed the heights shown in **Table 4.5**:

Table 4.5 - Height of Fences	
Fence Location	Height
<b>Front Fence*</b>	1.2 metres
<b>Side Fence</b>	1.2 metres forward of the building line and 1.8 metres for the remainder.
<b>Rear Fence</b>	1.8 metres. Where the rear fence is the primary frontage, 1.2 metres.
*Front fence refers to a fence on the front boundary or forward of the building line on the primary street frontage of a site.	

- ii. Where fences or walls are proposed exceed 1.2 metres in height (as required under Table 4.5), the fence or wall is to be designed in accordance with the following:
- The fence or wall is to be articulated so as to provide visual relief and opportunities for landscape plantings between the wall and public areas;
  - The maximum height of the fence or wall is 1.8 m; and
  - The design of the fence or wall incorporates openings with at least 50% visual permeability.
- iii. Where a fence abuts a driveway edge, a minimum 2.5m x 2.0m splayed area in accordance with Australian Standard 2890 is to be provided either side of the driveway for solid fence designs for traffic viewing purposes. Alternatively, a fully open or part open style fence may be adopted either side of the driveway which may incorporate solid construction to a maximum height of 1.0m.



**Note:**

Some residential streets in the Lennox Head area have been identified as having traffic levels where acoustic mitigation is appropriate. Implementation of acoustic mitigation measures on these sites will be an individual owner's choice. Development controls for acoustic fencing are detailed in (iv) below.

Council applies AS2890 Parking Facilities with respect to the requirements for splays.

iv. Acoustic fencing may be erected on boundaries to the following streets and roads in Lennox Head:

- Ballina Street
- Byron Street
- North Creek Road (The Coast Road to Skennars Head Road)
- Hutley Drive
- Montwood Drive

Acoustic fencing is to be designed in accordance with the following:

- The wall or fence is to be articulated so as to provide visual relief and opportunities for landscape plantings between the wall and public areas; and
- Maximum height 1.8 m.

**L. Element - Roof Pitch****Objectives**

- a. Ensure that roofs are designed to manage stormwater associated with sub-tropical rainfall events; and
- b. Discourage the use of flat roofs on new dwellings to encourage building up to but not exceeding two storeys.

**Development Controls**

- i. Roofs of dwellings are to have a minimum pitch of 5°; and
- ii. Council may consider a variation to control (i) to maintain views or to correspond with adjoining building design that is consistent with the character of the locality.



**Note:** Shading devices and pergolas are exempt from the nominated pitch requirements specified in this control element.

**M. Element - Adaptable Housing****Objectives**



- a. Ensure that residential development is designed such that increased opportunities exist for people with limited mobility to reside in the broader community.

**Controls**

- i. At least 10% of all *dwelling*s in an *attached dwelling*, *residential flat building* or *multi dwelling housing* development (or at least 1 *dwelling* unit, whichever is the greater) must be designed in accordance with Australian Adaptable Housing Standard (AS 4299-1995); and
- ii. Car parking and garages allocated to *dwelling*s built to the Australian Adaptable Housing Standard (AS 4299-1995) must comply with the dimensions specified in the Standard.

**N. Element - Minimum Lot Area**

**Objectives**

- a. Ensure that lot area for different forms of *residential accommodation* are suitable to provide for the desired residential land use in a manner that is compatible with the provision of required services and amenity outcomes and neighbourhood character; and
- b. Provide a clear indication of the potential forms of *residential accommodation* that a land parcel may accommodate.

**Controls**

- i. Except as provided for under element O, development must comply with the lot area for each form of residential accommodation specified in **Table 4.6**.

Table 4.6 - Minimum Lot Areas for Residential Accommodation	
Type of Residential Accommodation	Minimum Lot Area
<i>Dwelling house</i>	450m <sup>2</sup> 550m <sup>2</sup> - corner lots
<i>Dual occupancy</i>	450m <sup>2</sup> - attached 600m <sup>2</sup> - detached
<i>Semi-detached dwelling</i> (per <i>dwelling</i> )	300m <sup>2</sup>
<i>Attached dwelling</i> (per <i>dwelling</i> )	300m <sup>2</sup>
<i>Multi dwelling housing</i>	1000m <sup>2</sup>
<i>Residential flat building</i>	1000m <sup>2</sup>



**Note:**

The standards for most compatible residential form will apply to *tourist and visitor accommodation*.

**O. Element - Dwelling Density**

**Objectives**







- a. Ensure that medium density development is compatible with available services and neighbourhood amenity and character; and
- b. Provide a clear indication of the potential extent of medium density development on certain land.

#### Controls

- i. Development must not exceed the number of **dwelling**s provided for on a site as identified on the Dwelling Density Maps.



#### Note:

The number of **dwelling**s enabled under this provision is a theoretical maximum based on land area only. The actual number of **dwelling**s possible on a site may be less than the maximum once other planning provisions are taken into account.

### P. Element – Earthworks and Slope Sensitive Design Controls

#### Objectives

- a. To limit the extent of **excavation** and **filling**.
- b. To provide for development that is responsive to existing landform.
- c. To ensure that building design is compatible with the topographical conditions of the site.

#### Controls

- i. **Earthworks** are to comply with the following provisions, except as provided for under (ii)
  - **Earthworks** on a lot that will be visible from any point outside the lot are restricted to a maximum height of **1500mm** from **ground level (existing)** for a single cut or **fill**;
  - **Excavation** and site benching resulting in multiple cuts or **fill** embankments that are visible from any point outside the lot are restricted to a maximum height of **1100mm** per single cut or **fill**;
  - 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 is 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 designed and certified by a suitably qualified structural engineer.
- ii. For lots with slopes greater than or equal to 15%, the following provisions must be complied with:
  - Building siting is to relate to the original form of the land;
  - Alternatives to slab on ground construction are encouraged, where, due to the gradient and characteristics of the site, major **excavation** or **filling** as a result of raft slab construction





would be inappropriate. Examples of alternative construction includes: Bearer and joist construction; Deepened edge beam; Split level design; Suspended slab design; and

- **Earthworks** are to be kept to the minimum required for an appropriately designed site responsive development.

#### Q. Element - Screening Underfloor Space of Buildings

##### **Objective**

- Improve the appearance of elevated buildings and provide for enhanced neighbourhood amenity.

##### **Controls**

- Where the understorey of a building is visible from adjoining properties or public land, landscaping or screening panels must be provided around the base perimeter of the building and maintained. Screening is to be provided in accordance with the following:
  - Screening panels must not create the appearance of a solid wall and are to be constructed of lattice, slats or other like materials.
  - Proposals for the use of landscaping for the screening of underfloor areas must be accompanied by a landscape plan which includes information identifying the location and species of plantings.
  - Landscaping screening is to be provided utilising mature plants.
- Screening required under (i) is to be provided prior to the occupation of the building.

#### R. Element - Tourist Accommodation Length of Stay

##### **Objective**

- Ensure that **tourist and visitor accommodation** is utilised for short term occupation only.

##### **Controls**

- Tourist and visitor accommodation** must only be occupied on a short-term basis and shall not be utilised or let for long term or permanent accommodation.
- Guests must not be accommodated for more than 42 consecutive days with an interval of at least 14 days between occupancies, or for more than a total of 90 days in any 12 month period.

#### S. Element - Tourist Accommodation Building Design

##### **Objective**

- Ensure that **tourist and visitor accommodation** is constructed in a manner consistent with residential accommodation buildings.





**Controls**

- i. **Tourist and visitor accommodation** comprising or within a building of 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2m above ground level) and comprising 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops) is to be designed in accordance with the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings*.

**3.2 Small Lot Integrated Housing**

**3.2.1 Application**

<b>Applies to:</b>	
Location/s:	Zone R3 Medium Density Residential
Development Type/s:	Applications for <i>detached dwellings, semi-detached dwellings</i> or <i>attached dwellings</i>

**3.2.2 Background**

Integrated housing consists of the concurrent subdivision of land into 4 or more allotments (each with an area between 300m<sup>2</sup> and 450m<sup>2</sup>) and the erection of a *dwelling house, semi-detached dwelling* or *attached dwelling* on each of the lots created by the subdivision.

As integrated housing applications involve relatively small allotments, issues of privacy and overlooking are particularly relevant in the development assessment process. Furthermore, as these *dwellings* often have a common party wall which share structural support, it is important that detailed consideration is given to the design and construction of this element of the building. Accordingly, the BLEP 2012 requires that the dwelling design be assessed and approved concurrently with the subdivision. For applications involving *attached dwellings* or *semi-detached dwellings*, Council also requires that all *dwellings* sharing common party walls are constructed concurrently.

**3.2.3 Planning Objectives**

- a. To ensure that integrated housing developments are located in areas which are accessible to local infrastructure and public transport;
- b. To ensure that integrated housing developments are designed:
  - to provide visual and acoustic privacy for future residents;
  - with adequate *private open space* to meet the needs of residents; and
  - to provide for solar access.



### 3.2.4 Development Controls

#### A. Building Design - General

- i. Designs for integrated housing developments must demonstrate that:
  - there will be adequate privacy within the development for the occupants of each *dwelling* and for existing *dwellings* on adjoining allotments;
  - there are adequate water, sewerage and drainage services for each *dwelling*;
  - there will be adequate access to natural light for each *dwelling*; and
  - new *dwellings* will be provided with *landscaped areas* and *private open space* in accordance with the requirements of Element G in section 3.1.3 of this chapter.
- ii. The **building height plane** specified in section 3.1.3 of this chapter applies to applications for integrated housing for those parts of the development which interface with adjoining properties and public land;
- iii. *Building lines or setbacks* and **building envelopes** for individual *dwellings* within the integrated housing scheme that comply with the *Building Code of Australia* will be assessed on the merits of the case having particular regard for:
  - privacy;
  - overshadowing; and
  - the bulk and scale of the development as a whole.

#### B. Additional controls for attached dwellings and semi-detached dwellings

- i. Where *attached dwellings* are proposed, all vehicular access is to be provided from a rear service lane wherever possible;
- ii. *Attached dwellings* and *semi-detached dwellings* must be designed to be complementary to one another with respect to building form, materials and landscaping. However, each *dwelling* is to be provided with articulation and detailing to provide an individual identity;
- iii. Each *dwelling* is to front the public street system and have a front door which is readily identifiable and accessible from the street;
- iv. *Semi-detached dwellings* or *Attached dwellings* proposed on a corner allotment shall address both frontages by the use of verandas, balconies, windows or similar modulating elements;
- v. Where vehicular access is from a **primary road** (rather than a service lane) garages and carports must not occupy more than 50% of the width of the façade;
- vi. Construction of *dwellings* with common party walls is to occur concurrently. Occupation certificates will only be issued once all *dwellings* sharing the common wall are completed; and
- vii. The location of mail and garbage services are to be nominated and adequate provision made for each *dwelling* to access such services.





## Part 4 – Special Area Controls

### 4.1 Coastal Grove Estate, Lennox Head

#### 4.1.1 Application

Applies to:	
Location/s:	Coastal Grove Estate (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	<i>Residential accommodation.</i>

#### 4.1.2 Planning Objectives

- a. To provide a high quality residential development to meet the demand for housing within the Lennox Head area;
- b. To protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and riparian vegetation values; and
- c. To provide services and facilities to meet the needs of the future residents of the site.

#### 4.1.3 Development Controls

##### A. Element - Building Height

- i. *Dwelling houses* must not be comprised of more than 2 storeys except as set out in (ii); and
- ii. *Dwelling houses* located on Lots 26-32 DP 1168665 (Blue Seas Parade) must not exceed 1 storey above *ground level (existing)* when viewed directly from the front street boundary of the lot.



**Note:** The building height plane provisions contained in Part 3 of this chapter apply to residential development in the Coastal Grove Estate.

##### B. Element - Slope Sensitive Design

- i. *Dwellings* and associated development on residential lots with a slope greater than 15% are required to conform to the following requirements:

##### Driveways

- Driveways are to not to exceed a maximum gradient of 1:6 unless it can be demonstrated to the satisfaction of the consent authority that no reasonable alternative to this solution is possible. In such cases driveways are not to exceed a maximum gradient of 1:4.
- Applications are to include a long section drawing of proposed driveway access that has been prepared by an appropriately qualified person based on site survey information.





**Earthworks**

- **Earthworks** are subject to the following requirements:

**Table 4.7 - Coastal Grove Earthworks Requirements**

Geotechnical zone <sup>1</sup>	Maximum cut or fill - property boundary	Maximum cut or fill - elsewhere on site
1	1.2m	No limitation if works contained fully within <b>building envelope</b>
2	1.2m	2.5m if works contained fully within <b>building envelope</b>
3	1.2m	1.5m

<sup>1</sup>Geotechnical zones are shown in the *Coastal Grove Assessed Slope Suitability Zoning Plan* attached in Appendix A.



**Notes:** Cut and fill parameters mean that **excavation** and/or **filling** on sites with a slope exceeding 15% may, in some circumstances, exceed 1m (on property boundary) and 1.5m (elsewhere on the site). This is subject to the conditions identified above and relevant engineering and geotechnical assessment demonstrating the suitability of the site for the proposed **excavation/ filling** and associated works. The geotechnical zones are based on analysis undertaken by Coffey Geosciences in relation to the application for the subdivision of the land.

**C. Element - Geotechnical and Engineering Assessment**

- i. Applications for development on land within geotechnical zone 3 (see Appendix A - Coastal Grove Assessed Slope Suitability Zoning Plan) must be accompanied by a geotechnical assessment. The assessment is to be prepared by a qualified geotechnical engineer.
- ii. Where a geotechnical assessment is required, applications for development must demonstrate that the findings of the assessment have been considered in relation to the structural design of the proposed development.



**Note:** Applicants may be required to have regard for the geotechnical assessment undertaken by Coffey Geosciences in relation to the application for the subdivision of the land.



## 4.2 Aspects Estate & Elevation Estate, Lennox Head

### 4.2.1 Application

<b>Applies to:</b>	
Location/s:	Aspects Estate and Elevation Estate (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	<i>Residential accommodation</i> and <i>tourist and visitor accommodation</i> .

### 4.2.2 Planning Objectives

- a. Provide a high quality residential development to meet the demand for housing within the Lennox Head area; and
- b. Protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and *biodiversity* values; and
- c. Provide for energy efficient housing that is responsive to the environmental characteristics of the site and its surrounds.

### 4.2.3 Development Controls

#### A. Element - Cut and Fill

- i. *Earthworks* involving *excavation* in association with the construction of *dwellings* (other than for *swimming pools*) is limited to a depth of 1.2 metres.
- ii. *Earthworks* involving *filling* in association with the construction of *dwellings* is limited to a height of 1.2 metres.

#### B. Element - Mosquito Controls

- iii. Where an outdoor entertaining area is provided in conjunction with a dwelling fronting Hutley Drive (as extended), a proportion of this area (of a size commensurate with the number of people who would want to use it) will be insect screened.

#### C. Element - Development of Mews Allotments

- iv. Housing development on mews allotments must comply with the following:
  - vehicular access is to be from a rear laneway;
  - a minimum 3.0m front *building setback*;
  - a minimum 1.0m setback from laneway;
  - a minimum of 90m<sup>2</sup> landscaped area;
  - a minimum 2.0m side setback on at least one side;
  - where a zero setback on one side is proposed, satisfactory legal arrangements are made for maintenance, there are no openings in the wall, and the wall is fire rated masonry construction;





- adequate solar access is provided to each *dwelling*; and
- adequate *private open space* is provided for each dwelling (minimum area of 32m<sup>2</sup>, minimum dimension of 3m) with direct connection to indoor living areas.

**4.3 Wollongbar Urban Expansion Area**

**4.3.1 Application**

<b>Applies to:</b>	
Location/s:	Wollongbar Urban Expansion Area (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	<i>Residential accommodation</i> and <i>tourist and visitor accommodation</i> .

**4.3.2 Planning Objectives**

- a. Provide a high quality residential development to meet the demand for housing within the Wollongbar area; and
- b. Protect the inherent environmental qualities of the site and its surrounds including visual character, landscape setting and *biodiversity* values; and
- c. Provide for energy efficient housing that is responsive to the environmental characteristics of the site and its surrounds.

**4.2.3 Development Controls**

**A. Element - Light-weight construction**

- i. Light-weight construction is required for lots where the **building envelope** is identified as having a 'medium' likelihood of slip.



**Note:**

Provision (i) is in place to ensure that the risk of landslip does not increase due to the potential for natural drainage to be altered or slopes steepened by excavation or filling, as can be the case with 'slab on ground' construction

**B. Element - High likelihood of slip**

- ii. No *dwelling*s or other ancillary residential structures are permitted to be constructed on land that is identified as having a 'high' likelihood of slope instability.



**Note:**

Provision (ii) responds to the potential for landslip to be significantly exacerbated if the natural drainage is altered or slopes are modified by *earthworks*.







#### C. Element - Cut and fill

- iii. *Earthworks* involving *excavation* in association with the construction of *dwelling*s (other than for *swimming pools*) is limited to a depth of 1.2 metres.
- iv. *Earthworks* involving *filling* in association with the construction of *dwelling*s is limited to a height of 1.2 metres.

### 4.4 Camden Lane Area, Ballina

#### 4.4.1 Application

<b>Applies to:</b>	
Location/s:	Camden Lane Area (as shown on the Special Areas Controls Maps - Residential).
Development Type/s:	<i>Residential accommodation</i> and <i>tourist and visitor accommodation</i> .

#### 4.4.2 Planning Objectives

- a. Preserve the amenity of dwelling houses on the allotments subject to this section; and
- b. Minimise adverse impacts on the amenity and environmental attributes of North Creek.

#### 4.4.3 Development Controls

- i. Development must not be located east of the building lines specified in Table 4.8.

Table 4.8 – Camden Lane Area Foreshore Building Lines			
Address	Lot DP	Foreshore Building Line (east of western lot boundary)	
		at northern boundary	at southern boundary
1 Camden Lane	Lot 33 DP 872966	43.0m	
3 Camden Lane	Lot 3 DP 1079380	29.8m	38.7m
5 Camden Lane	Lot 1 DP 1119099	29.8m	
2 Skinner Street	Lot 10 DP 1126929	33.5m	



#### Note:

The Camden Lane foreshore building line is measured as the distance specified in Table 4.8 shoreward from the western boundary of each site. For Nos. 1 and 5 Camden Lane and No. 2 Skinner Street the foreshore building line is parallel to the western boundary of each site. For No. 3 Camden Lane, the foreshore building line is measured diagonally across the lot between the specified points on the northern and southern boundaries.





#### 4.5 Lennox Head Coastal Hazard Protection Area

##### 4.5.1 Application

<b>Applies to:</b>	
Location/s:	Lennox Head Coastal Hazard Protection Area (as shown on the Special Area Controls Maps - Residential).
Development Type/s:	<i>Residential accommodation</i> and <i>tourist and visitor accommodation</i> .

##### 4.5.2 Planning Objectives

- a. Minimise adverse impacts and hazard risks associated with coastal processes on dwellings and ancillary uses.

##### 4.5.3 Development Controls

- i. Development must comply with the floor levels and building lines specified in the following tables.

**Table 4.9 – Ballina Street Foreshore Building Provisions**

Address	Lot DP/SP	Habitable Floor Level	Foreshore Building Line (east of Ballina St boundary)	
			at northern boundary	at southern boundary
			77-83 Ballina Street	SP 45001
85 Ballina Street	Lot 6 Section 1 DP 11687	6.00m AHD	34.7m	35.91m
87 Ballina Street	Lot 5 Section 1 DP 11687	6.00m AHD	33.5m	34.7m

**Table 4.10 – Rayner Lane Foreshore Building Provisions**

Address	Lot DP/SP	Habitable Floor Level	Foreshore Building Line (east of Rayner Lane boundary)	
			at northern boundary	at southern boundary
			2 Rayner Lane	SP 84004
3 Rayner Lane	Lot 43 Section 1 DP 11687	40.43m	41.95m	
4 Rayner Lane	Lot 42 Section 1 DP 11687	38.90m	40.43m	
5 Rayner Lane	Lot 41 Section 1 DP 11687	37.38m	38.90m	
6 Rayner Lane	Lot 40 Section 1 DP 11687	35.85m	37.38m	
7 Rayner Lane	Lot 39 Section 1 DP 11687	34.33m	35.85m	



**Table 4.10 (cont.) – Rayner Lane Foreshore Building Provisions**

Address	Lot DP/SP	Habitable Floor Level	Foreshore Building Line (east of Rayner Lane boundary)	
			at northern boundary	at southern boundary
8 Rayner Lane	Lot 38 Section 1 DP 11687	500mm above centreline of Rayner Lane	32.18m	34.33m
9 Rayner Lane	SP 74190		31.28m	32.18m
10 Rayner Lane	SP 60473		29.76m	31.28m
11 Rayner Lane	SP 67477		28.13m	29.76m
12 Rayner Lane	SP 66590	6.0m AHD	26.50m	28.13m
13 Rayner Lane	Lot 33 Section 1 DP 11687		24.89m	26.50m
14 Rayner Lane	Lot 32 Section 1 DP 11687		23.25m	24.89m
15 Rayner Lane	Lot 31 Section 1 DP 11687		21.63m	23.25m
16 Rayner Lane	Lot 30 Section 1 DP 11687		20.00m	21.63m
10A Rutherford Street	Lot 45 Section 1 DP 11687	500mm above centreline of Rayner Lane	43.47m	45.00m

**Table 4.11 – Rutherford Street Building Provisions**

Address	Lot DP/SP	Habitable Floor Level (AHD)
10 Rutherford Street	Lot 10 DP 20330	3.40m
10A Rutherford Street	Lot 45 Section 1 DP 11687	(see Table 4.8)
11 Rutherford Street	Lot 11 DP 20330	3.40m



**Table 4.12 – Allens Parade Area (Reserve Frontage) Building Provisions**

Address	Lot DP/SP	Habitable Floor Level (AHD)	Foreshore Building Line (from eastern lot boundary)
5-7 Tresise Place	SP 33397, SP 36179	3.40m	5.0m
4 Tresise Place	Lot 7 DP 255308	3.40m	5.0m
3 Tresise Place	Lot 8 DP 255308	3.40m	5.0m
10 Allens Parade	Lot 88 DP 29654	3.40m	5.0m
12 Allens Parade	Lot 86 DP 29654	3.40m	5.0m
18 Allens Parade	SP 33295, SP 66541	3.40m	5.0m
26 Allens Parade	Lot 80 DP 29654	3.40m	5.0m
28 Allens Parade	Lot 78 DP 29654	3.40m	5.0m
34 Allens Parade	Lot 76 DP 29654	3.40m	5.0m
36 Allens Parade	SP 75998	3.40m	5.0m
42 Allens Parade	Lot 72 DP 29654	3.40m	5.0m
48 Allens Parade	SP 70447	3.40m	5.0m

**Table 4.13 – Allens Parade Area (Seawall Frontage) Building Provisions**

Address	Lot DP/SP	Habitable Floor Level (AHD)	Foreshore Building Line (from eastern lot extremity)	
			at northern boundary	at southern boundary
52 Allens Parade	Lot 2 DP 1004752	5.25m	5.7m	10.3m
56 Allens Parade	Lot 65 DP 29654	5.25m	10.3m	10.3m
58 Allens Parade	Lot 63 DP 29654	5.25m	10.3m	10.3m
64 Allens Parade	Lot 61 DP 29654	5.25m	10.3m	10.3m
44 Dress Circle Drive	Lot 58 DP 29654	5.25m	10.3m	7.0m
46 Dress Circle Drive	Lot 57 DP 29654	5.25m	7.0m	N/A

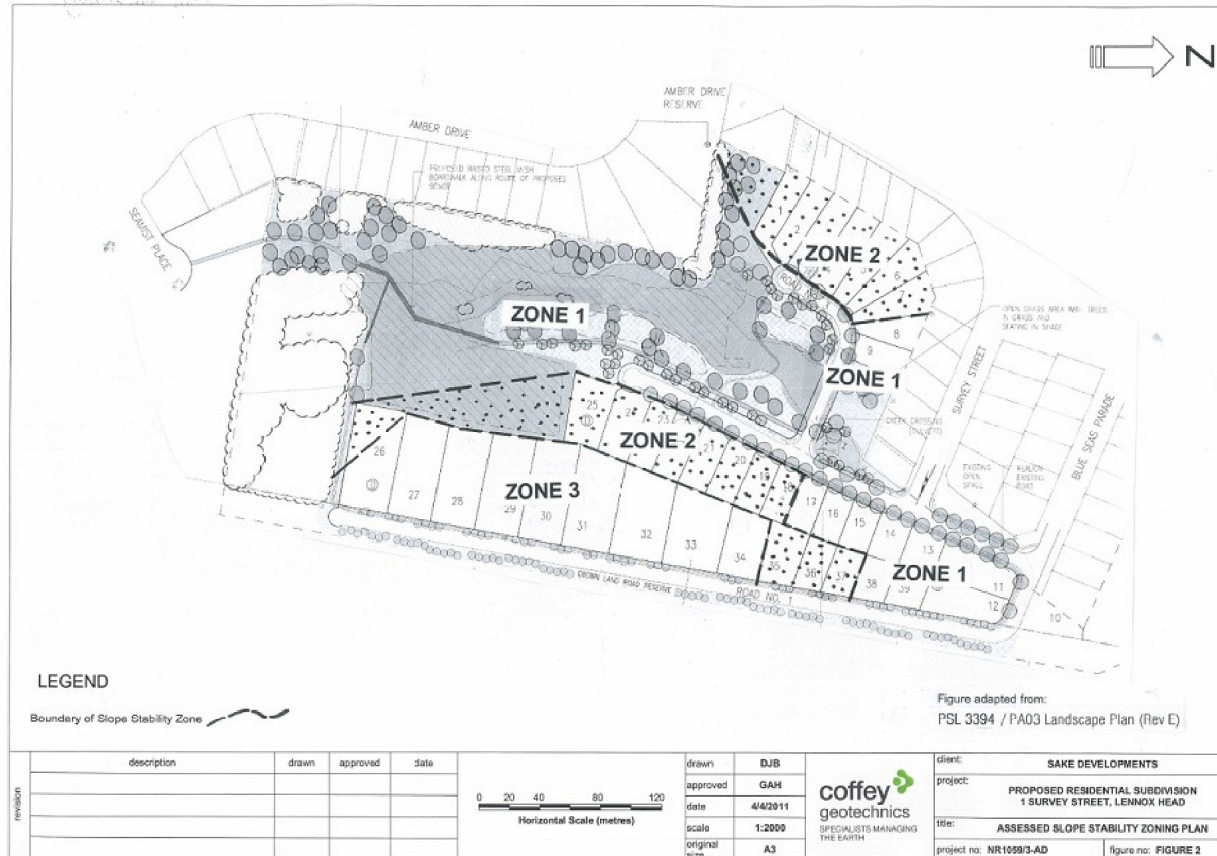




**Note:**  
Where compliance with the minimum floor level requirement for buildings in Rayner Lane results in encroachment beyond the maximum building height specified in the LEP, Council may consider a variation to the building height standard under clause 4.6 of the LEP where the building would have otherwise met the building height standard in the absence of the minimum floor level requirement.



Appendix A - Coastal Grove Assessed Slope Suitability Zoning Plan



**DRAFT AMENDMENT NO. 1 – AMENDMENT DETAILS**

The proposed amendments under Draft Amendment No. 1 are detailed as follows.

Tourist and Visitor Accommodation

Chapter 4 of the DCP contains a combined set of development objectives and outcomes for both residential accommodation (permanent residential dwellings) and tourist and visitor accommodation (short term holiday accommodation) in all business and residential zones within the shire.

Generally, this chapter seeks to apply the same standards to both forms of accommodation except in circumstances where differences are warranted. Discrepancies have been identified in the adopted provisions of Chapter 4 where objectives and controls are not clearly applied to residential accommodation and tourist and visitor accommodation, as intended.

This is inconsistent with the intention of the DCP, being to standardise the requirements for certain residential and tourist related developments. A number of recommended changes to the content of the general controls for building elements in section 3.1 of Chapter 4 seek to resolve this issue to clarify the types of development the objectives and controls apply to. The recommended amendments to Chapter 4 are summarised in Table 1.

Table 1 – Proposed Amendments Relating to Tourist and Visitor Accommodation	
Building Element (Chapter 4, Section 3.1)	Proposed Change
<i>Element C – Building Envelopes</i>	<p>The objectives and controls under this element seek to minimise the impacts of residential and tourist developments on adjoining properties and to maintain neighbourhood amenity. This is achieved through the application of building envelope parameters that establish relevant front, side and rear setbacks for buildings.</p> <p>It is the intention under the DCP that the building envelope controls only apply within residential zones (R2 Low Density Residential and R3 Medium Density Residential) and not within business zones which are subject to separate development controls in DCP Chapter 6. The current wording in the Element C controls incorrectly implies that the building envelope controls apply in all zones. Draft Amendment 1 proposes to correct this by specifying that the building envelope controls only apply to development within the R2 and R3 zone.</p>
<i>Element D – Articulation Zone</i>	<p>The standards specified in Element D ensure that the built form contributes to the character of the streetscape through articulation of building features. The types of development to which these standards are to be applied is currently not clearly specified.</p>

Table 1 – Proposed Amendments Relating to Tourist and Visitor Accommodation	
Building Element (Chapter 4, Section 3.1)	Proposed Change
	<p>It is proposed in Draft Amendment No. 1 to clarify this by specifying that the standards in Element D apply to both residential accommodation and tourist and visitor accommodation in residential zones.</p>
<i>Element E – Building Lines</i>	<p>The objectives and controls of this element contain standards that establish building lines in certain areas to ensure buildings are setback from road frontages and other boundaries to promote the visual quality of the streetscape and open space. The building line provisions in the DCP are currently supported by maps that specify the required building line or setback for a development from its applicable street, road or other frontage.</p> <p>Although it is intended that the building line provisions apply to both residential accommodation and tourist and visitor accommodation, the current wording of the controls can be read such that the provision only applies to residential accommodation.</p> <p>It is proposed in Draft Amendment No. 1 to reinforce the application of building line provisions to both residential accommodation and tourist and visitor accommodation.</p>
<i>Element G – Landscaping and Open Space</i>	<p>The objectives and controls under this element ensure a minimum standard for the provision of landscaped areas and private open space (outdoor living areas) for various forms of residential and tourist oriented development.</p> <p>The current landscaping and private open space standards specified in Chapter 4 are oriented generally to residential developments. While it is intended that these standards also apply to some forms of tourist oriented developments, the current specifications in Element G do not clearly provide for this. It is proposed in Draft Amendment No. 1 to modify these requirements and apply the provision for landscaping and open space to tourist and visitor accommodation developments generally.</p> <p>Draft Amendment No. 1 also modifies the general landscaping standards in relation to where they apply. Certain standards will not apply to developments such as backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation and</p>



Table 1 – Proposed Amendments Relating to Tourist and Visitor Accommodation	
Building Element (Chapter 4, Section 3.1)	Proposed Change
	hotel or motel accommodation, where provision of private open space is not normally required.
<i>Element J – Solar Access</i>	<p>The development standards applied under this element seek to ensure new dwellings are designed to achieve adequate exposure to sunlight and to ensure existing buildings are not unreasonably restricted from access to sunlight from new development.</p> <p>The current solar access standards in Element J are oriented generally only to developments for residential accommodation. While it is intended that these standards are applied to some forms of tourist and visitor accommodation, the current specifications in Element J do not clearly provide for this.</p> <p>Draft Amendment No. 1 proposes to modify these standards to include requirements for the provision of solar access for tourist and visitor accommodation generally. There are proposed exceptions for developments such as backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation and hotel or motel accommodation, where compliance with solar access requirements is not normally required.</p>
<i>Element P – Slope Sensitive Design and Element Q - Earthworks</i>	<p>The slope sensitive design and earthworks requirements under these elements are to ensure development on sloping land is appropriately sited and designed to minimise the need for excavation and filling.</p> <p>The content of these current standards and controls for slope sensitive design and earthworks are similar and are applied generally only to residential development without clearly including tourist oriented development.</p> <p>Draft Amendment No. 1 proposes that the standards and controls for slope sensitive design and earthworks be amalgamated for clarity. It is also proposed that the wording be adjusted to reinforce the application of the provisions to both residential developments and tourist oriented developments.</p>

Residential Development with Lane Frontage

The adopted development standards for residential development and tourist oriented development in Chapter 4 of the DCP allow for development to have direct frontages to

urban lanes. In addition, the subdivision provisions in Chapter 3 of the DCP allow for the potential subdivision of lots with an urban lane frontage only.

Council's policy in the past has been to require the provision of a minimum 1.2 metre wide pedestrian access pathway to the street frontage of the site for any dwelling fronting a lane. These requirements were to ensure that all dwellings were provided with adequate access to essential services such as waste collection and postal delivery.

Because a significant number of urban lane frontages, particularly in Ballina and Lennox Head, are now provided with waste collection and postal delivery services, it is considered no longer essential that a pedestrian access pathway be required for residential development fronting lanes where all essential services are provided.

The current development standards for residential and tourist oriented development fronting lanes do not require the provision of a pedestrian access to the street frontage for each dwelling. In addition, there are no specific prescriptive requirements to ensure residential and tourist oriented developments fronting a lane have access to essential services such as waste collection and postal delivery, although this is implied through the relevant objectives.

There are a number of urban lanes in the shire that are currently not provided with waste collection or postal delivery services. Because of this, it is considered appropriate that in such circumstances all dwellings or occupancies in a residential or tourist oriented development are provided with practical and legal pedestrian access to the street frontage of the site to enable access to these services.

Draft Amendment No. 1 proposes that an objective and development control be added to Chapter 4, Section 3.1.3, Element F to specifically require any development with a lane frontage to be adequately serviced. It is also recommended that a specific development control be added to the subdivision services and infrastructure requirements in Chapter 3 to ensure any subdivision for lots with a frontage to an urban lane is adequately serviced.

When adopted, these controls will require any development proposal for residential or tourist oriented uses or for subdivisions with lots that front an urban lane to demonstrate that the lane frontage currently has vehicular access and is serviced by waste collection and postal delivery vehicles.

In cases where waste collection and postal delivery services are not currently provided or are not available to the lane frontage of the site, a 1.2 metre wide pedestrian access pathway is to be provided on the site to allow each dwelling access to the street frontage of the site.

#### Dwelling Density in Residential Zones

Chapter 4 (Section 3.1.3, Element N) of the DCP applies minimum lot areas for various forms of residential accommodation which seeks to regulate urban density by ensuring appropriate lot sizes for medium density residential development (see Table 2).

In addition, the DCP also incorporates the maximum residential density ratio provisions for existing urban areas as contained in the former 2006 DCP (see Table 3) and extends these provisions to also include undeveloped expansion areas (such as the Wollongbar Urban Expansion Area and the Pacific Pines area at Lennox Head).

<b>Table 2 - Minimum Lot Areas for Residential Accommodation</b>	
<b>Type of Residential Accommodation</b>	<b>Minimum Lot Area</b>
<i>Dwelling house</i>	450m <sup>2</sup> 550m <sup>2</sup> - corner lots
<i>Dual occupancy</i>	450m <sup>2</sup> - attached 600m <sup>2</sup> - detached
<i>Semi-detached dwelling</i> (per dwelling)	300m <sup>2</sup>
<i>Attached dwelling</i> (per dwelling)	300m <sup>2</sup>
<i>Multi dwelling housing</i>	1000m <sup>2</sup>
<i>Residential flat building</i>	1000m <sup>2</sup>

<b>Table 3 – Maximum Residential Density</b>	
<b>Locality</b>	<b>Maximum Residential Density</b>
Ballina, Cumbalum, East Ballina & West Ballina	1 dwelling per 200m <sup>2</sup> site area
Lennox Head & Skennars Head	1 dwelling per 250m <sup>2</sup> site area
Alstonville, Wardell & Wollongbar	1 dwelling per 300m <sup>2</sup> site area

The combination of these two standards has the unintended effect of weakening the preferred minimum lot size for medium density residential developments (Table 2) in new urban expansion areas, particularly those that are not yet subdivided for residential development.

The maximum residential density ratios have been retained to preserve density provisions in existing and established urban areas but are not considered appropriate in newly established or undeveloped urban areas where it is desired that the minimum lot size provisions prevail. The application of the minimum lot size provisions sends a signal as to the type of development that can be expected on a lot and as result, are a key planning provision for new urban areas.

On this basis, it is proposed that the maximum residential density provisions in the 2012 DCP be modified to strengthen the effect of the minimum lot size standards. This can be achieved by amending the Dwelling Density Map referenced in the controls for Element O – Dwelling Density contained in section 3.1.3 of Chapter 4.

Amending the Dwelling Density Map to remove the density ratio requirements for certain newly established and establishing areas allows the minimum lot size provisions to regulate development type and density as originally intended.

In these areas, density (in terms of the number of dwellings possible on a site) will be determined based on the merit of a proposal and application of other relevant planning provisions such as car parking, setbacks and landscaped area.

The areas where it is proposed to remove the dwelling density provisions are as follows:

- Wollongbar Urban Expansion Area
- Ballina Heights Estate, Cumbalum
- Henderson Farm area, Lennox Head
- Pacific Pines Estate, Lennox Head
- Lennox Palms Estate (off Kellie-Ann Crescent), Lennox Head
- RMS Depot, West Ballina
- Ferngrove Estate, Ballina
- Riveroaks Estate, Ballina
- North Angels Beach Estate, East Ballina

Building Lines in Residential Areas

The DCP establishes building lines to ensure buildings are set back from road frontages to promote the visual quality of the streetscape and open space. The building line provisions in the DCP are currently supported by maps that specify the required building line to which buildings must be set back from specified boundaries in rural and residential areas of the shire.

The building line provisions for rural areas are detailed in Section 3.7 of Chapter 7 of the DCP which provides standard minimum building setbacks except where otherwise specified on the Building Line Map. There are currently no such default building lines for urban residential areas.

Although the current Building Line Map is intended to comprehensively cover all residential areas of the shire and clarify specific building line requirements, it is proposed in Draft Amendment No. 1 to include a default set of building lines for residential areas. As detailed in Table 4 below, it is proposed to include these default residential building line specifications under Element E in Section 3.1 of Chapter 4 similar to those currently applied to rural areas in Chapter 7.

<b>Table 4 - Minimum Building Line – R2 &amp; R3 Zone</b>	
<b>Boundary</b>	<b>Building Line</b> (distance from boundary)
<b>Primary Road</b>	6.0m
<b>Parallel Road</b>	6.0m
Public Reserve or Foreshore	6.0m
Lane	3.5m
Side or Rear	None specified

In addition to the above, planning proposal BSCPP12/001 has recently resulted in the rezoning of Nos. 160-190 North Creek Road Lennox Head to R3 Medium Density Residential and planning proposal BSCPP12/004 (endorsed by Council for finalisation) is proposing the application of an R2 Low Density Residential zone to land on Blue Seas Parade at Lennox Head. It is proposed in Draft Amendment No. 1 to apply a 6.0m building

line to these properties on the Building Line Map to reflect the residential land use and for consistency with the surrounding locality.

#### Eco-tourist Facilities

During the exhibition of the Draft Ballina Development Control Plan 2012, a submission was received requesting further consideration of eco-tourist provisions in Chapter 7 – Rural Living and Activity. The attachment to the report presented to Council's Ordinary Meeting held on 20 December 2012 included the recommendation that Section 3.3 of Chapter 7 relating to Rural Tourist and Visitor Accommodation be amended to address eco-tourism facilities. The recommendation was that information would be added to Chapter 7 following the further review of definition-related matters.

While eco-tourism is a defined land use in the LEP, no development standards have been adopted for this type of use and, as such, eco-tourist facilities are not a permissible land use in the current instrument. Notably though, tourist and visitor accommodation, which can include nature-based tourism, is permitted widely in the shire.

One of the reasons for the request to include provisions for eco-tourist facilities in the DCP relates to bush fire protection requirements. Section 100B of the *Rural Fires Act 1997* specifies certain development proposals that must be issued with a bush fire safety authority by the NSW Rural Fire Service (RFS).

These developments include those defined as a 'special fire protection purpose' under the *Rural Fires Act 1997*. 'Hotel, motel or other tourist accommodation' are identified as a 'special fire protection purpose' and, for the purposes of the *Rural Fires Act 1997*, eco-tourist facilities are included as a form of tourist development, within this definition. The RFS document *Planning for Bushfire Protection 2006* contains the guidelines and standards for the issue of a bush fire safety authority and specifies a number of concessions for developments identified as eco-tourist facilities.

For a development proposal to be eligible for these concessions, the RFS has advised that it is the responsibility of Council to determine whether or not a development proposal constitutes eco-tourism prior to any proposal being submitted to the RFS for a bush fire safety authority.

However, because eco-tourist facilities are not a permissible land use under the current provisions of the BLEP 2012, any development requesting recognition as an eco-tourist facility, even if only for the purposes of obtaining a bush fire safety authority, is considered to be in conflict with the provisions of the BLEP 2012.

To address this issue it is proposed to include a note in Section 3.3.3 of Chapter 7 - Rural Living and Activity to advise prospective applicants as to why development cannot be determined as eco-tourist facilities for the purposes of the RFS Planning for Bushfire Protection provisions.

#### Planning Provisions – B5 Business Development Zone

Council has recently given its support to the application of a B5 Business Development zone to land in the Southern Cross Industrial Estate in Ballina. If the B5 zone is applied by the Minister for Planning and Infrastructure, the DCP will need to be adjusted to ensure suitable planning provisions apply to development in this zone. Given this, it is proposed that text identifying that development in the B5 Business Development zone is subject to the

provisions of Chapter 5 be inserted into the DCP in anticipation of the completion of the Council endorsed LEP amendment

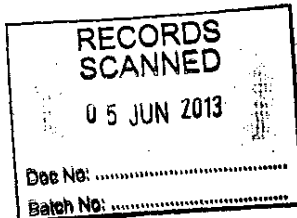
This will have the effect of applying the planning provisions for industrial development to bulky goods and large format retailing development and other related uses in the proposed B5 Business Development zone on Boeing Avenue in the Southern Cross Industrial Estate.

The industrial provisions have been identified on the basis that the B5 zone is within the Southern Cross Industrial Estate and it is intended that bulky goods development in this locality be compatible with the character of the estate.

Savings Provisions

The DCP was introduced and commenced operation on the basis that it applies to development applications lodged after the introduction of the plan. Applications lodged prior to the introduction of the DCP 2012 are assessed under the provisions of the former Ballina Shire Combined DCP 2006. This is consistent with the manner in which the *Ballina Local Environmental Plan 2012* is applied.

For clarity, it is proposed to include a savings provision as part of Part 1 of the DCP stating its application to development applications lodged after the date of the DCP's implementation.



3 June 2013  
Our Ref: 13/9000

General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Attention: Strategic Services Group

Dear Sir,

**Re: Public Exhibition –Amendment No. 1 to Ballina DCP 2012**

Newton Denny Chapelle (NDC) has reviewed the proposed DCP amendments as advertised on Council's web site and wishes to make the following comments.

**1. PROPOSED DCP AMENDMENTS**

NDC supports the re-introduction of the requirement for dwellings with frontage to laneways which are not fully serviced to provide a pedestrian linkage through to the public street. It is our understanding that there are relatively few laneways in the Shire which are fully serviced – particularly with garbage and postal services. In order to provide clarity to users of the DCP, it may be more user-friendly if the proposed clause was reworded and linked to a DCP map illustrating those laneways which are fully serviced (ie where the walkway is not required).

**2. OTHER ISSUES**

In addition to the above, NDC has had the opportunity to prepare a range of residential and commercial development applications against the provisions of BDCP 2012 and has identified a number of provisions which may warrant review and fine tuning. NDC would welcome the opportunity to meet with Council to discuss the practical and financial implications of these requirements.

**A. Stormwater**

Attenuation Requirements

BDCP 2012 has dramatically increased the quantum of stormwater required to be attenuated on development sites. Very simply, under BDCP 2006 stormwater modelling was required to design to the 100 year rainfall event over generally a 6 minute interval. BDCP 2012 has changed this requirement and projects are now required to consider a 100 year event over a 3 hour storm.

JOHN NEWTON B. Surv. M.L.S. Aust. TONY DENNY B. Surv. (Hons). M.A.S. Aust. DAMIAN CHAPELLE B.T. CPP  
 Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480  
 Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au  
 Also at: Casino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000

The impact of this change on project design is significant. As a guide, the following illustrates the impact with respect to attenuation requirements for a theoretical project involving 900m<sup>2</sup> of hard stand surface (for, say, a 3 unit development). Previously, in addition to BASIX tanks, an extra 8,000 litres of void space for attenuation would be designed for. The new BDCP 2012 requires this to now be in the order of 28,000 litres, an increase of over 350%. Refer attached hand calculations of the required volumes.

It is important to note that this volume is effectively 'empty space' and is not able to be utilised for any other purpose. Even if it were able to be provided on an urban block at low cost within a depressed garden area for example, the nominal maximum water depth would be 300mm, thereby requiring an available footprint of 93m<sup>2</sup> (equal to greater than the space required for two (2) sets of double garages). This area would then need to be built to line and level and is likely to require retaining walls to make surface drainage work.

It is clarified that the 100yr event was previously contained within a technical document used as a reference by Council staff. However the practical interpretation (on past projects) was to apply the shortest time of concentration (typically 6mins). However, the new BDCP 2012 lists the attenuation of all storms up to 3 hours duration as a development control that now needs to be implemented for all development.

It is therefore recommended that attenuation control measures within the BDCP 2012 should be revised, with emphasis placed upon maintaining the peak flow rates as per the current subdivision stormwater piped design standards (which is to a Q5yr and Q10yr) and that exemptions be explored as to when the need for greater attenuation up to Q100yr events is required.

#### Dual Occupancies

BDCP 2012 has introduced a requirement for stormwater management plans for "dual occupancy" developments. Under the previous BDCP 2006, these projects were exempt from preparing such assessments. A "dwelling house", on the other hand, remains exempt from this requirement (and rightly so).

Given that a "dual occupancy" and a "dwelling house" are governed by the same built form design controls in Chapter 4 of BDCP 2012 (relating to setbacks, floor space ratio, landscaped open space etc), the impacts of stormwater discharging from the site would largely be the same under both development scenarios. Whilst it is acknowledged that there may be some additional hardstand in the form of driveways, this impact is negligible. Accordingly, it is NDC's view that a stormwater management plan should not be required for dual occupancy developments.

#### **B. Vehicular Turning Circles**

Chapter 2 of BDCP 2012 has changed the turning circle template applicable to residential unit developments. Council's practice under BDCP 2006 required the application of the 85<sup>th</sup> percentile vehicle with a 300mm clearance either side. This was consistent with the approach specified in AS2890.1 for residential development of this kind.

BDCP 2012 now requires projects to utilise the 99<sup>th</sup> percentile vehicle (ie the largest 1% of vehicles) as the design vehicle, to which the 300mm clearance would still apply for residential unit developments. This is contrary to the recommendations within Section B2.3 of AS2890.1 which permits the 85<sup>th</sup> percentile vehicle to access garages and parking aisles.

The ramification of design to the 99<sup>th</sup> percentile, means greater turning areas and wider garages for unit development, thereby lessor lands for residential/landscaping use. This design requirement seems contrary to the normal expectation that smaller sized vehicles



would be more prevalent in unit developments (given the typical demographics of occupants) and the need to find a practical balance to suit most users.

It is recommended that the BDCP 2012 not be based upon the 99<sup>th</sup> percentile vehicle for parking and access, but rather revert to the AS2890.1 standard design provisions of an 85<sup>th</sup> percentile vehicle but with emphasis that the 300mm clearance requirements to structures is desired.

**C. Waste Management Plans**

BDCP 2012 has introduced the requirement for the preparation of a Site Waste Minimisation and Management Plan at development application stage for all development in the Shire. If applied strictly, this requires the preparation of a relatively detailed assessment for even quite modest development projects - such as minor changes of use, dwelling houses and dual occupancies.

It is suggested that the application of this DCP requirement should be tailored to suit the scale of development proposed. It is further suggested that there may be merit in Council providing some "example plans" for proponents to use for smaller projects. In this regard, we note that Gosford Council has a number of examples available online for reference.

**D. Aircraft Noise**

Former BDCP 2006 included a Chapter relating to noise impacts associated with the Ballina/Byron Gateway Airport. As part of this Chapter, there was a Map illustrating the ANEF contours in the vicinity of the airport and flight path approaches.

The introduction of BLEP 2012 *Clause 7.6 Development in Areas Subject to Aircraft Noise* has changed the way this matter is managed. In this regard, Clause 7.6 refers to a "Noise Exposure Contour Map for the Ballina Byron Gateway Airport" and specifies design controls for buildings within specified noise contours on that map. Unfortunately, this map is not readily accessible to the community. Accordingly, it is respectfully requested that a copy of the applicable map be provided for information purposes either within the DCP, or on Council's web-site.

**3. CONCLUSION**

NDC appreciates that the development of the new DCP was a big task which covered a wide range of issues and disciplines. It is considered timely to review the DCP requirements as documented above as part of the ongoing "fine tuning" process of the document.

Should you have any queries regarding the above, please not hesitate to contact either Mr Peter Williams or Ms Karina Vikstrom of this office on (02) 6622 1011.

Yours sincerely,  
**NEWTON DENNY CHAPELLE**

  
**DAMIAN CHAPELLE**  
Town Planner, BTP CPP.

## 9.6 Development Control Plan 2012 - Amendment No. 1.DOC

Simplistic Rational Method (Conservative)							
$C_p =$	$I_p =$	$C = I_p \cdot C_p$	Time Peak	Intensity (mm/hr)	Imp Area (m <sup>2</sup> )	Q=CIA (l/s)	
Imperv $C_p = 0.95$	0.95	90%	6 mins	195	900	44	
Perv $C_p = 0.65$	0.95	62%	6 mins	195	900	30	
Imperv $C_{100} = 0.95$	1.2	100%	6 mins	309	900	77	
		(= 1.2 x 0.95 = 1.14 use Max 1.0)					
Perv $C_{100} = 0.65$	1.2	78%	6 mins	309	900	60	
Imperv $C_{100} = 0.95$	1.2	100%	60 mins	106	900	27	
		(= 1.2 x 0.95 = 1.14 use Max 1.0)					
Perv $C_{100} = 0.65$	1.2	78%	60 mins	106	900	21	

### Q5 Year Event Time To Peak 6 Mins

Basha Equation	$V_p/V_i = r(2+r)/3$	where $r = (Q_p - Q_o)/Q_i$	$Q_i =$	44 l/s
			$Q_o =$	30 l/s
			Therefore $r =$	32%
Total Volume in at Q100yr = $(4 \times T \text{ (mins)} \times 60 \text{ (secs)} \times Q_i)/3$				
= $(4 \times 6 \times 60 \times 44) / 3$				
$V_i = 21119$ Litres				
Hence $V_p$ Storage = $(21119 \times (0.32 \times (2 + 0.32))) / 3$				
<b>Require 5148 Litres</b>				

### Q100 Year Event Time To Peak 6 Mins

Boyd Equation	$V_p/V_i = r$	where $r = (Q_p - Q_o)/Q_i$	$Q_i =$	77 l/s
			$Q_o =$	60 l/s
			Therefore $r =$	22%
Total Volume in at Q100yr = $(4 \times T \text{ (mins)} \times 60 \text{ (secs)} \times Q_i)/3$				
= $(4 \times 6 \times 60 \times 77) / 3$				
$V_i = 37080$ Litres				
Hence $V_p$ Storage = $37080 \times 0.22$				
<b>Require 8158 Litres</b>				

### Q100 Year Event Time To Peak 60mins (180 Mins Storm)\*

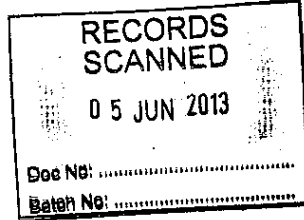
Boyd Equation	$V_p/V_i = r$	where $r = (Q_p - Q_o)/Q_i$	$Q_i =$	27 l/s
			$Q_o =$	21 l/s
			Therefore $r =$	22%
*Simplistic Hydrograph				
Total Volume in at Q100yr = $(4 \times T \text{ (mins)} \times 60 \text{ (secs)} \times Q_i)/3$				
= $(4 \times 60 \times 60 \times 18) / 3$				
$V_i = 127200$ Litres				
Hence $V_p$ Storage = $(127200 \times 0.22)$				
<b>Require 27984 Litres</b>				



3 June 2013  
Our Ref: 10/025

General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Attention: Strategic Services Group



Dear Sir,

**Re: Public Exhibition – Amendment No. 1 to Ballina DCP 2012.**

Newton Denny Chapelle (NDC) has been engaged by Mr & Mrs Bailey to lodge a submission to the exhibition of Draft Amendment No. 1 to Ballina DCP 2012. In particular, the submission relates to the proposed notation within the DCP relating to ecotourism and *Planning for Bushfire Protection 2006*.

Council will be aware that our clients are seeking to prepare a Development Application for their property at Tobin Close, Lennox Head for the purpose of an ecotourism development involving 6 x 2 bedroom cabins. Given the site's location (ie. surrounded by dense native vegetation), it is necessary to assess the bushfire risks associated with the development via the "ecotourism" concessions provided within *Planning for Bushfire Protection 2006*.

Whilst "tourist and visitor accommodation" is permissible with consent on the land, "ecotourism" is a prohibited land use pursuant to BLEP 2012. Council's Regulatory Services Group have advised that since "ecotourism" is a prohibited land use within BLEP 2012, it is not able to categorise the project as ecotourism for the purpose of *Planning for Bushfire Protection 2006*. As such, our clients are not able to proceed with the Development Application.

We note that at the Ordinary Meeting of Council held in March 2013, Council considered this issue and resolved to "receive a report on the possible inclusion of eco-tourism facilities under the BLEP 2012". Our clients respectfully request that this report be presented to Council for consideration as a matter of priority and that the Council endorse "eco-tourism" as a legitimate land use within Ballina Shire. Procedurally, this approach will necessitate an amendment to BLEP 2012 and subsequent further amendment to BDCP 2012.

Should you have any queries regarding the above, please not hesitate to contact Ms Karina Vikstrom of this office on (02) 6622 1011.

Yours sincerely,  
**NEWTON DENNY CHAPELLE**

*Dai Chapelle*  
**DAMIAN CHAPELLE**  
Town Planner. BTP CPP.

JOHN NEWTON B. Surv. M.I.S. Aust. TONY DENNY B. Surv. (Hons) M.I.S. Aust. DAMIAN CHAPELLE BTP CPP  
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480  
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au  
Also at: Cassino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000