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Ballina Shire Combined Development Control Plan

Chapter 1 - Urban Land Policy Statement 14 - Ballina Heights Estate



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Part 1 Preliminary

1.1 Introduction

Name

Ballina Shire Combined DCP, Policy Statement No.14 Ballina Heights Estate.

Purpose

To outline Council policy with respect to the development of Ballina Heights Estate.

Applies to

- Existing and future stages of the urban subdivision commonly referred to as "Ballina Heights Estate" as illustrated on Figure 1.
- Development applications lodged after this Policy Statement comes into effect.

Adoption and Commencement

Adopted: 22 July 2010

Commenced: 12 August 2010

Amendments to this Policy

A schedule of amendments to this part of the DCP is provided in the Preliminary Section at the front of the Ballina Shire Combined DCP.

Related Policy / Technical Code

This component of the DCP is to be read in conjunction with the following planning documents:

- Ballina Local Environmental Plan 1987
- Ballina Combined Development Control Plan 2006
- Ballina Shire Development Control Plan - Exempt and Complying Development 2006
- NSW Housing Code 2008
- Current Developer Contribution Plans (Section 94)
- Current Developer Servicing Plans (Section 64)
- Northern Rivers Local Government - Construction Manual
- Northern Rivers Local Government - Development and Design Manual
- Ballina Heights Dual Water Supply Plumbing Guidelines

1.2 Structure of this Policy Statement

This Policy Statement incorporates written text, figures, photographs and diagrams for the purposes of establishing and clarifying design criteria for all types of development within Ballina Heights Estate.

The Policy Statement is divided into 4 parts and a series of Appendices as follows:

- Part 1 - Preliminary
- Part 2 - General Aims and Objectives
- Part 3 - Development Controls at Subdivision Stage
- Part 4 - Development Controls Post Subdivision
- Appendices

1.3 Notes

Notes are included within various sections of this Policy Statement to guide DCP interpretation. To distinguish the notes from the Policy Statement generally, they are contained within a shaded box identified with a notepad symbol, as illustrated below. The NOTES do not form part of the formal requirements of the DCP.



Note: This is an example of the formatting of interpretive notes within this Policy Statement.

1.4 Variation to DCP Controls

Any development proposal must demonstrate consistency with the overall objectives of this component of the DCP and the criteria applicable to the different precincts and forms of development. Council may grant consent to a development proposal that does not comply with specific requirements of this Chapter after considering the particular merits of the application. Justification for departure from the requirements must be provided with the development application.

1.5 Background Information

The Cumbalum Urban Release Area (CURA) comprises a key future urban release area for Ballina Shire. Information concerning the CURA is provided at Appendix A. Figure 2 illustrates the relationship of the estate to the broader planning of the CURA.

Ballina Heights Estate is located at the southern end of the CURA and comprises the first stage of the development of the release area. Once the estate is fully developed, it will incorporate residential areas, a neighbourhood shopping centre, sporting and recreational areas, schools, aged care facilities and land set aside for environmental protection purposes. Key stages in the planning and development of the estate are provided at Appendix B.

As illustrated on Figure 2, there are three broad components of Ballina Heights Estate:

- Areas zoned for urban purposes and already subdivided and developed;
- Areas zoned for urban purposes but not yet subdivided and developed; and
- Areas planned for the future northward expansion of the estate (known as "Precinct A"). These areas are currently not zoned for urban purposes, but investigations are underway to determine their suitability or otherwise for that purpose.

Once fully developed, and subject to the outcome of the investigations referred to above, the estate will have a residential population in the order of 5000 people. This includes approximately 3000 people in the area currently zoned for urban purposes and a further possible 2000 people in the area currently undergoing the rezoning process. These population figures are approximate only, with the final population yield to be determined by the rezoning and development application processes and the demographics of the future resident population.

Figure 1 - Land to which this Policy Statement Applies

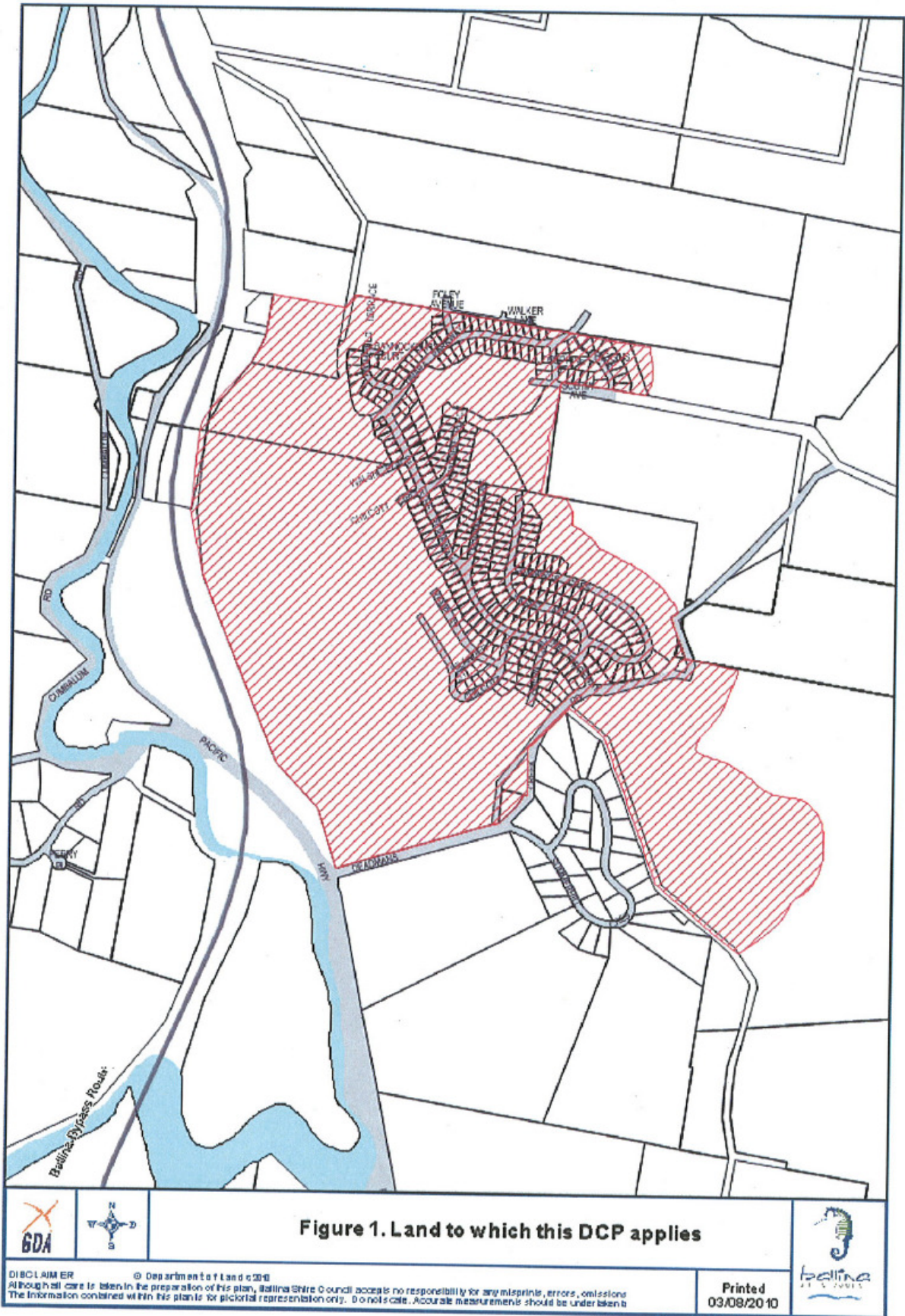
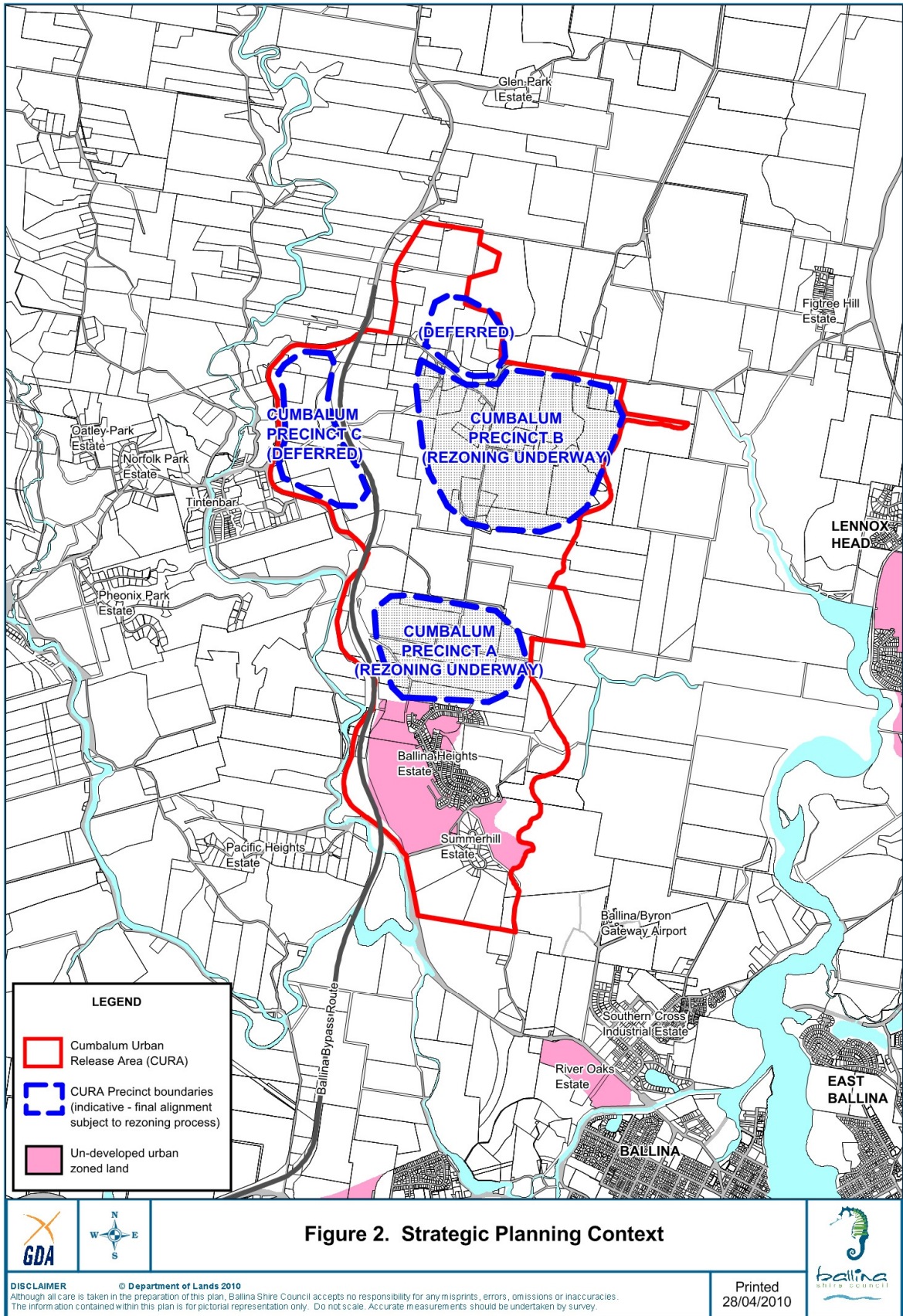


Figure 2 - Strategic Planning Context



1.6 Land Use Budget

Following is an indicative land budget and population yield for the portions of the estate which are currently zoned for urban purposes. Figure 3 illustrates the location of each land use component.

Table 1 - Ballina Heights Estate Land Use Budget - Zoned Areas				
Land use component <i>E = Existing</i> <i>C = Under Construction</i> <i>F = Future</i>	Approximate land area	Indicative residential lot yield	Indicative dwelling yield	Indicative population yield (@ 2.6 persons/dwg)
Casual Open Space No. 1 (E)	3.3ha	-	-	-
Casual Open Space No. 2 (E)	17.4ha	-	-	-
Casual Open Space No. 3 (E)	59.0ha	-	-	-
SP (sports fields) (C)	8.6ha	-	-	-
FST (flood plain & stormwater treatment site) (F)	8.7ha	-	-	-
E1 (existing allotments) (includes roads and pocket parks) (E)	37.1ha	323	365	949
C1 (Central 1) (F)	6.6ha	59	63	163
C2 (Central 2) (F)	2.0ha	20	20	52
C3 (Central 3) (F)	2.0ha	21	21	54
C4 (Central 4) (F)	3.2ha	34	34	88
C5 (Central 5) (F)	1.9ha	22	22	57
C6 (Central 6) (F)	0.1ha	2	2	5
C7 (Central 7) (F)	0.1ha	1	1	2
C8 (Central 8) (F)	1.9ha	23	23	59
W1 (West 1) (F)	22.6ha	271	271	705
S1 (South 1) (F)	17.4ha	209	209	543
S2 (South 2) (F)	0.48ha	6	6	15
MU (mixed use) (F)	6.6ha	44	44	114
RV (retirement village) (F)	2.3ha	To be determined	To be determined	To be determined
SC (school) (F)	10ha	-	-	-
Totals	211	1035	1081	2856

Part 2 General Planning Objectives

2.1 General Planning Objectives

- a. establish Council policy with respect to the development of Ballina Heights Estate (the estate);
- b. establish controls and guidelines for both subdivision and built form within the estate;
- c. provide an integrated framework for the development of the estate;
- d. facilitate the long term development of the Cumbalum Ridge area as foreshadowed in the Cumbalum Structure Plan.

Part 3 Planning Controls at Subdivision Stage

3.1 Layout of the Estate

3.1.1 Introduction

Ballina Heights Estate is being constructed in stages over an extended timeframe. It is important that a Structure Plan guides the subdivision process to ensure an integrated and coordinated urban form is achieved. However, given the timeframes involved it is also important that there is some flexibility in the planning framework to enable the detailed subdivision and lot layout to be determined as each stage moves through the development application process.

3.1.2 Planning Objectives

- a. provide for the integrated development of Ballina Heights Estate;
- b. provide reasonable certainty for developers and residents regarding the broad subdivision layout;
- c. provide flexibility with respect to the detailed configuration of roads and allotments;
- d. ensure that adequate land is set aside in appropriate locations for the range of land uses required in the estate;
- e. ensure that infrastructure is designed and provided on an integrated basis having regard for the likely future stages of development;
- f. establish residential densities for future stages of the estate.

3.1.3 Development Controls

A. Conditions of Consent

- i. Applications for subdivision of land are to be consistent with the various "Aspects" listed in development consent 2001/128 (as amended).



Note: DA 2001/128 involved approval for the conceptual or "master plan" layout of the estate comprising a maximum of 753 allotments plus the approval of stages 1 - 4 which contained 219 lots. This consent required further development consents to be obtained for the remaining stages 5 - 16 with each application to contain no more than 200 allotments. All subsequent stages of development must be consistent with the terms of that consent relating to the master plan approval (or "Aspects"). The consent has been amended on a number of occasions. A compilation of the current set of conditions relating to the masterplan approval is contained at Appendix C.

B. Layout of Estate

- ii. Applications for the subdivision of land are to be generally consistent with:
 - the Ballina Heights Structure Plan as illustrated on Figure 3; and
 - the Concept Landscaping and Feature Plan as illustrated on Figures 4A and 4B.
- iii. Applications for the subdivision of land are to be accompanied by information demonstrating how the proposed subdivision stage integrates with both the Structure Plan for the estate (Figure 3) and the likely subdivision pattern of land adjoining the specific stage and utilities and infrastructure servicing the development.



Note: When Council adopted this Policy Statement in July 2010 it also resolved "that prior to taking any action [on the possible closure of] Deadmans Creek Road, Council receive a further report which examines the feasibility of maintaining the access via lowering the road as close to possible to natural surface level".

C. Miscellaneous Provisions

- iv. The **lowland rainforest and Bangalow Palm forest** located in the northeast portion of the site will be adequately buffered and protected from residential development. This will be achieved by way of the following:
 - Physical separation of the forest from residential development. In this regard, a minimum of a 30m buffer and 20m road reserve will separate the western edge of the forest from residential development. A minimum of 10m planted buffer and 7m access route for vehicles will also be provided between the Bangalow Palms and the water quality control pond.
- v. With respect to **mosquito management**, the subdivision shall be designed in accordance with the recommendations of the James Warren and Associates Report "Mosquito and Biting Midge Management Plan - Ballina Heights Estate, Ballina" (March 2001). A summary of these recommendations is provided at Appendix E.



Note: One recommendation of the James Warren report related to the type of street lighting to be used in Ballina Heights Estate. Negotiations are underway between Council and the developers of the estate with respect to improving the energy efficiency of the street light network. This may lead to changes to the street lights provided in some future stages of the estate from that recommended in the James Warren report.

- vi. The land is identified as being **bushfire prone** in accordance with the provisions of Schedule 6 of the Rural Fires and Environmental Assessment Legislation Amendment Act 2002, No. 67. The applicant and/or proponent must obtain a bushfire safety authority from the Commissioner of the NSW Rural Fire Service before developing bushfire prone land.
- vii. No buildings or structures are permitted over the Rous Water **300mm water main**. To achieve this, either a 6.0 metre wide easement is to be created above the main or alternatively the main is to be relocated so that it is situated in future road reserves.
- viii. No buildings or structures are permitted within an **electricity transmission line** corridor without prior consultation with Country Energy.

Figure 3 - Ballina Heights Structure Plan

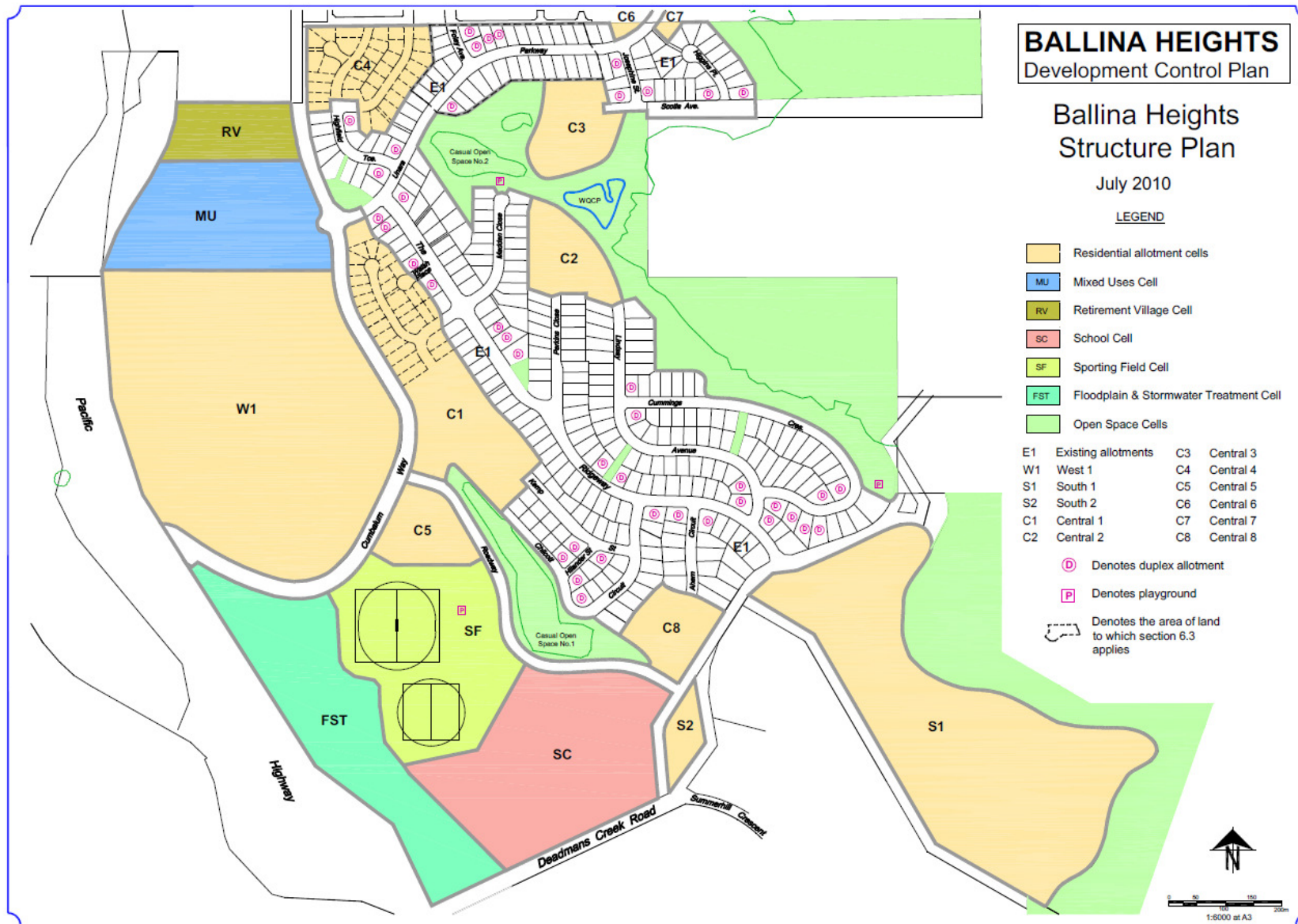


Figure 4A - Ballina Heights Concept Landscaping and Feature Plan

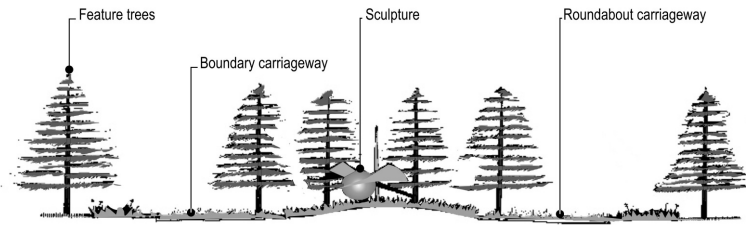


The lot layout & facilities locations shown herein are subject to change without notice & regulatory planning approval.

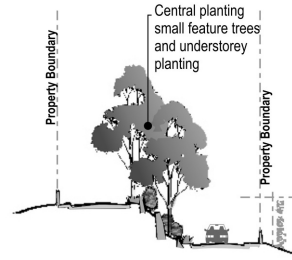
July 2010

BALLINA HEIGHTS CONCEPT LANDSCAPING & FEATURE PLAN

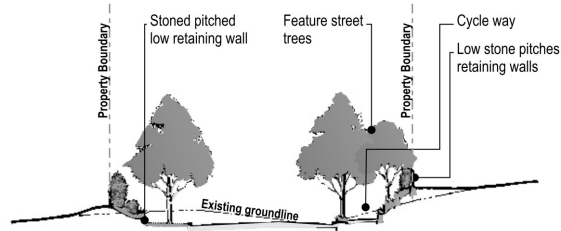
Figure 4B - Ballina Heights Concept Landscaping



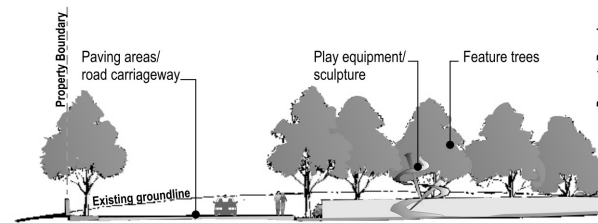
Sketch Elevation - Gateway Structure / Sculpture to Ballina Heights



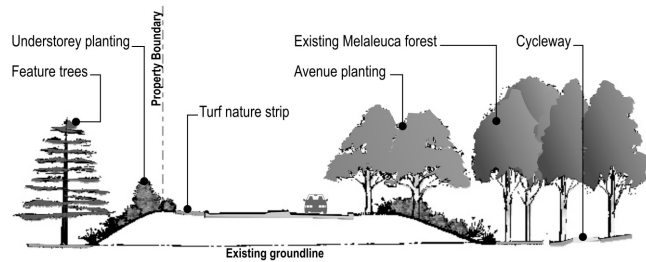
Sketch Section - Neighbourhood Split Roadway



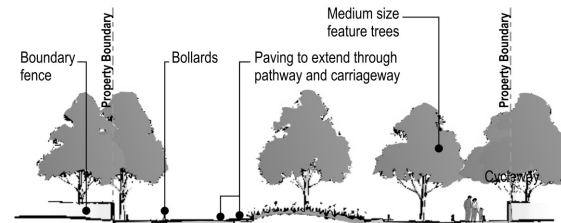
Sketch Section - Cumbalum Way



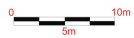
Sketch Section - Paving / Traffic Calming Area and Neighbourhood Park



Sketch Section - Cumbalum Way



Sketch Elevation - Roundabout to Neighbourhood Area



BALLINA HEIGHTS CONCEPT LANDSCAPING

April 2010

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3.2. Infrastructure Provision

3.2.1 Planning Objectives

- a. ensure that service infrastructure and open space & community infrastructure is provided in an orderly and economically feasible manner;
- b. ensure that infrastructure is constructed in accordance with adopted Council policy.

3.2.2 Development Controls

A. Infrastructure Internal to the Development Site

General

- i. The subdivision shall be fully serviced with water, sewer, roads, drainage and underground electricity and telephone services. This service infrastructure may be constructed on a staged basis to accommodate the staged release of the estate.
- ii. All service infrastructure is to be designed and constructed in accordance with the Northern Rivers Local Government Development and Design Manual.
- iii. Service infrastructure internal to the development site shall be provided by the developer at no cost to Council (other than matters documented in item "iv" and "v" below)
- iv. The following service infrastructure internal to the development site shall be provided by way of payment of contributions in accordance with Council's Developer Servicing Plans (both S64 and 94);
 - Community Facilities

Dual Reticulation Water Supply

- v. A dual-reticulation water supply for non-potable water is to be provided throughout the estate.
- vi. The developer shall incorporate on the Certificate of Title for all allotments Restrictions as to User which require all dwellings and buildings with plumbing (including schools, commercial buildings and the like) to make provision for non-potable water service plumbing and facilities to the approval of Council.

Roads and Access

- vii. Cumbalum Way is to be designed as a limited access road. No direct vehicular access is to be provided to properties within residential precincts fronting the road. Access to non-residential precincts fronting Cumbalum Way is to be provided on an integrated basis, with no vehicular access to individual tenancies provided.
- viii. Safe pedestrian access is to be provided across Cumbalum Way linking residential precincts with one another and with the village centre, open space and community infrastructure. Grade separated access is to be provided linking the sporting field and school precincts with precinct W1.
- ix. The road network is to be designed to provide for designated bus routes and bus stops in locations which provide safe and convenient access for residents.
- x. A pedestrian / cycle path network shall be provided generally in accordance with Figure 3A - Landscape Masterplan. The pedestrian / cycle path may, in some cases, perform a drainage function and/or provide access for servicing authorities.

Stormwater

- xi. All stormwater infrastructure will be designed to achieve no net increases in pollutant or sediment load leaving the site. This will be achieved by way of the following:
- Compliance with applicable conditions of development consent; and
 - Compliance with recommendations of Gilbert and Sutherland Soil and Water Assessment and Management Plan (March 1999).



Note: It is noted that the stormwater management plan will require changes due to the implications arising from modification to the Ballina Bypass. These changes will be assessed and approved via the development application process.

- xii. The developer shall incorporate on the Certificate of Title for all allotments Restrictions as to User which identify installation and maintenance obligations for storm water treatment devices.

Active Open Space and Sports Club House

- xiii. The developer shall provide a minimum of 8.6 hectares of embellished active open space within Precinct SF. The construction and embellishment of the active open space is to be in accordance with conditions of consent documented in DA No. 2003/413 and 2001/128. These are reproduced in Appendix D.
- xiv. The developer shall provide sports club house facilities in lieu of the "Sports Club" previously proposed and agreed to by Council. These facilities are to include meeting space, kitchen, change rooms, toilets, storage, canteen facilities and covered outside areas (such as verandas). Pre-lodgement discussions are to be held with Council's Manager Open Space and Reserves prior to the lodgement of any development application for the sports club house.

B. Infrastructure External to the Development Site

- xv. Service infrastructure external to the development site will be provided by way of payment of contributions in accordance with Council's Developer Servicing Plans (both S64 and 94);



Note: Under early stages of the estate, the developers constructed a sewerage rising main to Council's nominated disposal point as well as a cycleway linking the estate to Ballina.

3.3 Residential Precincts

3.3.1 Planning Objectives

- a. provide for a range of residential forms;
- b. encourage higher densities in locations accessible to facilities and services; and
- c. ensure that residential allotments are of a suitable size and shape to accommodate the anticipated densities.

3.3.2 Development Controls

- i. Subdivision layouts are to provide for a range of housing types including dwellings, dual occupancies (duplex) and medium density housing.
- ii. Precincts nominated in the Structure Plan for residential purposes are to achieve the target densities nominated in Table 2.

Precinct	Average Slope	Density
C1 - C8, S1, S2 & W1	Slopes 12 ^o and greater	8 - 10 dwellings / ha
	Slopes less than 12 ^o	12 -15 dwellings / ha
MU	-	15+ dwellings / ha (Excluding areas set aside for commercial, community and other non-residential uses)

- iii. Any development application for subdivision is to provide a subdivision plan identifying the size and shape of the proposed lots and road network. Land use designations for all lots are to be identified on the subdivision plan, in accordance with those currently contained in Chapter 1 – Urban Land, being:
 - L2 – Low Density (Single Dwellings & Dual Occupancy);
 - L1 – Low Density (Large Lots);
 - D – Duplex;
 - M1 – Medium Density; and
 - O1 – Open Space.
- iv. All residential subdivision plans (excluding Strata Title subdivision approvals) that are approved by Council are to be appended to this Plan and are to be incorporated by Council from time to time into its formal development control plans for the area.
- v. Allotments designed to accommodate duplex and medium density development are preferred locations which adjoin open space and which have convenient access to services and amenities. Such allotments should also meet the following criteria:
 - not have an average slope greater than 12^o.
 - not be of a battle-axe configuration;
 - not be located in a cul-de-sac, unless it can be demonstrated that the subsequent development of the site will not unreasonably impact on the traffic capacity of the road network and the on-street parking provided; and
 - preferably be a corner allotment.
- vi. Residential allotments are to be designed in accordance with Policy Statement 4 of Chapter 1.

- vii. Small residential lots (450m² - 600m²) will be considered in all parts of Precinct MU. Small lots will also be considered within Precincts W1, C1 and C5 but only where it can be demonstrated that:
- safe pedestrian access (including grade separated access across Cumbalum Way) can be achieved from the subject allotment to the Village Centre (refer 4.1.3.ii).
 - the pedestrian access is not more than 400m in length.



Note: Council will be reviewing its policy with respect to minimum lot sizes in new release areas (including future stages of Ballina Heights Estate) as part of the post exhibition deliberations on Draft Ballina LEP 2010. This review may result in changes to the subdivision provisions in this and other parts of the DCP.

- viii. Residential areas within the Precincts will be protected from road traffic noise associated with the Pacific Highway and Cumbalum Way to a design sound level of "satisfactory" as per "AS/NZS 2107:2000 'Acoustics - Recommended Design Sound Level and Reverberation Times for Building Interiors".
- ix. Should allotments be identified at subdivision stage as requiring specific residential design requirements associated with mitigation of road traffic noise, information to this effect shall be placed on the S88b instrument applying to the allotment.

Part 4 Planning Controls Post Subdivision

4.1 Precinct MU (Village Centre and Mixed Uses)

4.1.1 Introduction

Precinct MU will comprise a Village Centre servicing the day to day retail and commercial needs of residents of the estate (including the possible future expansion into Precinct A). The Precinct may also contain residential uses and passive recreation.

4.1.2 Planning Objectives

- a. provide for a "Village Centre" containing a range of commercial, retail, office and entertainment uses to service the day to day needs of residents of within the southern section of the Cumbalum urban Release Area;
- b. ensure that adequate land is set aside to accommodate the commercial and retail needs of the ultimate population of the locality (including possible future residents of Precinct A);
- c. provide for convenient and safe pedestrian and vehicular access to the Village Centre from surrounding residential areas;
- d. provide for higher density residential development in close proximity to the Village Centre; and
- e. provide for the ongoing protection of the mature fig trees located within the precinct.

4.1.3 Development Controls

- i. Development is to provide for a mix of commercial and retail tenancies to meet the day to day needs of residents of the locality.
- ii. A minimum area of 2ha shall be allocated to commercial and retail purposes within the precinct (herewith referred to as the "Village Centre"). Shop top housing is encouraged within this area.
- iii. Prior to development consent being issued for development within the precinct a masterplan is to be prepared illustrating the location and density of various uses within the precinct.

- iv. All development is to be a minimum of 20m from the drip line of the existing mature fig trees. Some low impact ancillary uses (such as alfresco dining) may be considered within this area.
- v. Vehicular access to Cumbalum Way is to be provided on an integrated basis, with no vehicular access to individual tenancies provided.
- vi. Residential areas within the precinct will be protected from road traffic noise associated with the Pacific Highway and Cumbalum Way to a design sound level of "satisfactory" as per "AS/NZS 2107:2000 'Acoustics - Recommended Design Sound Level and Reverberation Times for Building Interiors".
- vii. Commercial and retail developments are required to provide loading bays wholly within the future private property. Loading and unloading from the public street system is not supported.
- viii. Car parking is to be provided on site in accordance with Policy Statement 2 - Car Parking and Access.

4.2 Precinct RV (Retirement Village)

4.2.1 Introduction

A precinct has been provided for the future provision of aged care services in a location which is readily accessible to the future Ballina Heights Village Centre.

4.2.2 Planning Objectives

- a. provide for aged care services in a location which is accessible to the Village Centre;
- b. provide for the development of aged care services to occur on an integrated basis.

4.2.3 Development Controls

- i. Aged care services shall be provided on an integrated basis.
- ii. The aged care services shall be designed in a manner which facilitates its future northward expansion into "Precinct A".
- iii. Vehicular access to Cumbalum Way is to be provided on an integrated basis, with no vehicular access to individual tenancies provided.
- iv. Safe pedestrian and motorised scooter access is to be provided between the aged care services site and the Village Centre.
- v. Residential areas within the precinct will be protected from road traffic noise associated with the Pacific Highway and Cumbalum Way to a design sound level of "satisfactory" as per "AS/NZS 2107:2000 'Acoustics - Recommended Design Sound Level and Reverberation Times for Building Interiors".



Note: State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 provides the detailed planning controls for development of such housing.

4.3 Precinct SC (School)

4.3.1 Introduction

A school precinct has been provided adjacent to the public playing fields. It is envisaged that the school will be developed by the private sector and will, over time, contain both primary and secondary school facilities.

4.3.2 Planning Objectives

- a. To provide school facilities which meet contemporary standards of school design;

4.3.3 Development Controls

- i. The school is to be constructed in accordance with NSW Department of Education Guidelines;
- ii. Pre-lodgement discussions are to be held with Council's Regulatory and Civil Services Groups prior to the lodgement of any development application for the school.



Note: The key purpose of this requirement is to establish broad traffic management objectives to ensure that the adjacent public road network and amenity of the locality are not compromised unreasonably as a consequence of the school's operation.

- iii. Dedicated pick up and drop off points are to be provided for both vehicles and buses within the school grounds.
- iv. The school must not be wholly reliant on the use of public playing fields adjacent to the site and must provide adequate play areas and basic sports facilities to service the needs of the school. Should the school require the use of the public playing fields adjacent to the site to supplement the on-site facilities, appropriate arrangements for the hiring of the fields must be made with Council's Civil Services Group.

4.4 Residential Precincts

4.4.1 Introduction

The existing subdivision of Ballina Heights Estate is relatively low density, comprising detached dwellings on allotments generally over 600m² in area. A number of duplex sites are also scattered throughout the subdivision. Future stages of the estate (much of which is located in relative close proximity to the Village Centre) are expected to provide slightly higher densities so as to provide a greater range of housing choice for prospective residents.

4.4.2 Planning Objectives

- a. establish density controls for individual allotments within residential precincts;
- b. provide a level of certainty for land owners regarding the form and density of development that can reasonably be expected to occur on any given allotment.

4.4.3 Development Controls

A. All Precincts

Densities

- i. Existing residential allotments (as shown on figure 3) are generally nominated for low density residential uses (L2 - Dwellings and Dual Occupancies). Allotments identified with a "D" on figure 3 have been identified as Duplex lots.



Note: Formal definitions used in the interpretation of this DCP are contained in Chapter 1 (Urban Land), Part 1 - Introduction. In summary, however, a "dual occupancy" involves two attached dwellings on a single allotment which are required to remain un-subdivided from each other. A "duplex" involves two dwellings (whether attached or detached) on a single allotment of land which may be strata-title subdivided from one another.

- ii. For allotments created following the introduction of this DCP, permitted residential densities are nominated on the endorsed plan of subdivision which created the allotment. These land use designations are those currently contained in Chapter 1 – Urban Land, namely:
 - a. L2 – Low Density (Single Dwellings & Dual Occupancy);
 - b. L1 – Low Density (Large Lots);
 - c. D – Duplex; and
 - d. M1 – Medium Density.

Dwelling Design Criteria

- iii. Dwellings located on small lots (450m² - 600m²) are to comply with the design criteria established in the NSW Housing Code.
- iv. All "Granny Flat" developments are to comply with the NSW Affordable Housing SEPP.
- v. All "Dual Occupancy", "Duplex" and other medium density developments are to comply with Policy Statement 1.
- vi. All other dwellings are to comply with Council's relevant DCP design criteria, summaries of which can be found in Chapter 1, Part 3, Control Plan Area (Summary Tables)
- vii. All water supply plumbing to building(s) must be connected to both the potable and reclaimed water supplies including separate piping and connections inside and outside the building(s). Such system installation is to be carried out strictly in accordance with Ballina Shire Council document "Ballina Heights Dual Water Supply Plumbing Guidelines".

Flooding

- viii. Where located on land subject to flooding, dwellings are to comply with the minimum fill and floor levels established by Policy Statement 11 - Flood Levels.

Road Traffic Noise - Cumbalum Way and Pacific Highway

- ix. Allotments fronting Cumbalum Way or backing onto the Pacific Highway may be subject to specific design requirements associated with mitigation of road traffic noise. Prospective purchasers or owners of such allotments are encouraged to review the applicable S88b instrument applying to the land to ascertain whether or not these requirements apply.

Non residential uses

- x. Non-residential land uses within residential precincts will be assessed on their merits. Particular regard will be had for the following matters:
 - Impact on neighbourhood amenity; and
 - Car parking and access.



Note: Some non-residential purposes are permitted with development consent in residential zones. This includes uses such as childcare facilities and corner stores. It is Council's preference that such facilities be located on allotments nominated for this purpose at subdivision stage. This assists to ensure that the allotment is of an adequate size to accommodate the necessary car parking and manoeuvring areas on site. It also enables prospective purchasers of nearby properties to be aware of the likelihood of non residential uses in the area.

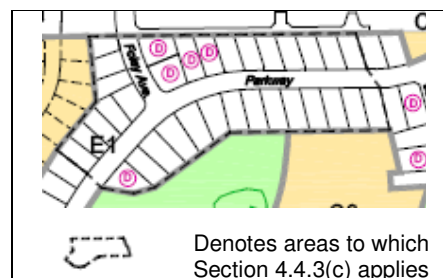
B. Special Provisions - Some properties fronting Deadmans Creek Road

- xi. A number of allotments fronting Deadmans Creek Road have a Restriction as to User on the title on the land prohibiting vehicular access from that road. Properties subject to these requirements must obtain vehicular access from roads other than Deadmans Creek Road.

C. Special Provisions - Northern Section of Unara Parkway (Figure 5)

- xii. In addition to the requirements listed above, the following additional controls apply to properties in the northern section of Unara Parkway as illustrated in Figure 5.
- xiii. The lots are to be constructed with functional pedestrian access from Unara Parkway to each of the properties.
- xiv. Dwellings are to be designed to present a “front elevation treatment” to Unara Parkway. This requirement is aimed at ensuring that an attractive built form addresses the major street.
- xv. Each dwelling that has a frontage to, or exclusive access via, the rear lane is to have a double garage capable of storing 2 motor cars.
- xvi. For lots 535-541, direct vehicular access is prohibited from Unara Parkway with vehicular access to be obtained via the rear lane. This is to ensure that the integrity and aesthetics of the rock retaining wall to Unara Parkway is not compromised.
- xvii. The building line to Unara Parkway is to be a minimum of 3m from the front property boundary.
- xviii. For lots 533 and 534, the building line to any garage that will access Unara Parkway is to be 5.5m from the front property boundary. This is to enable stack parking in the driveway in front of the garage so that no part of the car will protrude into the road reserve.
- xix. For those lots that adjoin the rear lane, the rear building line to the lane is to be in accordance with Section 3.2 and Diagram 1 of Policy Statement No.3 of Chapter 1 of the Ballina Shire Combined DCP (being 5.5m to any garage that is perpendicular to the lane and 3.5m to any other part of the dwelling). This is to enable stack parking in the driveway in front of the garage so that no part of the car will protrude into the road (lane) reserve.
- xx. Rear or boundary fencing between the rear building line and the rear lane is to be a maximum height of 1.2m and is to be of timber paling (lapped and capped) construction. This is to ensure that there are sufficient sight lines available to vehicles when exiting each lot to other vehicle and pedestrians using the lane.
- xxi. For lots 535-541, front fences along Unara Parkway are to have a maximum height of not greater than 1.2m. This is to ensure that the combined height of the retaining wall along the front property boundary, and any fencing on top of that wall, is not excessive.
- xxii. The requirements listed in above are to be incorporated into the respective Section 88b instruments for the lots

Figure 5



APPENDIX A - History of Ballina Heights Estate

Following is a summary of the key stages in the planning and development of Ballina Heights Estate:

- March 2000 - Ballina Heights Estate rezoned from Zone 1(d) Rural Urban Investigation Zone to Zone 2(b) Village Area in March 2000 via amendment No.51 to the Ballina Local Environmental Plan 1987.
- September 2001 - Council adopted the Development Control Plan for Ballina Heights Estate and approved Development Application No 2001/128. This consent involved approval for the conceptual layout of the Estate comprising a maximum of 753 allotments plus the approval of stages 1 - 4 which contained 219 lots. This consent required further development consents to be obtained for the remaining stages 5 - 16 with each application to contain no more than 200 allotments.
- November 2001 - Policy Statement No.14 - Ballina Height Estate formally incorporated into Ballina Development Control Plan No.1 - Urban Land.
- June 2003 - Council approved Development Application No. 2003/413. This consent related to stages 5-8 and involved 189 allotments.
- August 2006 - Policy Statement No.14 was incorporated into the Ballina Shire Combined Development Control Plan.
- October 2009 - DA 2010/175 was lodged with Council. It involved a subdivision for the purpose of creating a road, 29 residential lots and two residual allotments.

Policy Statement No.14, DA 2001/128 and DA 2003/413 have been amended on numerous occasions in response to changes to the subdivision layout. Figure x shows the staging of the release of the Estate to date.

In 2009, the developers of Ballina Height Estate requested that the DCP be amended so as to provide more flexibility with respect to the subdivision and lot layouts. One of the key drivers of this request was the decision of the RTA to amend the design of the intersection of the Ballina Bypass and the Cumbalum Interchange in response to issues associated with flood mitigation. Council used this opportunity to also update and modify the DCP to bring it into line with the planning framework being established with the renewal of the Ballina Local Environmental Plan.

APPENDIX B - Strategic Planning Context

Ballina Heights Estate forms the southern portion of a planning precinct referred to as "Cumbalum". Cumbalum extends from Ballina Heights Estate northward to Ross Lane. It has been identified in a range of State government and local planning documents as being a strategic location for future urban land release.

The Cumbalum Structure Plan 2006 broadly identified that there would ultimately be two (possibly three) distinct but interrelated villages in the Cumbalum area;

- The southern village involves Ballina Heights Estate and a possible northward extension of the Estate over what is referred to as "Precinct A". The rezoning process has commenced over "Precinct A" via draft amendment No.105 to the Ballina Local Environmental Plan 1987.
- The northern village (referred to as "Precinct B") encompasses an area from Sandy Flat Road north to Ross Lane, to the east of the approved Pacific Highway Ballina Bypass route. The constraints and opportunities analysis suggests that approximately 230 hectares of land may be appropriate for urban development (including land for residential, commercial, recreation and ancillary urban purposes). The rezoning process has also commenced over "Precinct B" also via draft amendment No.105.
- "Precinct C" encompasses an area from Sandy Flat north to Ross Lane, to the west of the approved Ballina Bypass route. A number of factors impact on the likely timelines for any future development within Precinct C. Accordingly it is considered appropriate that full and detailed consideration of development opportunities within Precinct C be deferred for a period of 10 years.

The Cumbalum Structure Plan has a number of implications for the planning and development of Ballina Heights Estate. These include:

- In order to ensure a future integrated urban form, it is critical that Ballina Heights Estate be developed in a manner which readily facilitates a possible future expansion into "Precinct A";
- Some elements of the Estate, such as the neighbourhood shops, should be of sufficient size to accommodate the needs of the additional population that may reside in the possible future expansion into "Precinct A"; and
- Infrastructure linkages between Ballina Heights Estate / "Precinct A" and "Precinct B" need to be considered as the areas are rezoned and developed. The development of Cumbalum Way (a main road linkage between the two areas) is particularly important.

APPENDIX C - Approved "Aspects" for Ballina Heights Estate

Extract from Section 96 to DA 2001/128 and DA 2003/413 – approved 12/05/2004

- (i) *A maximum of 753 allotments being created as depicted in Figure 1, Ballina Heights Development Control Plan DCP Layout Plan, contained within Ballina Shire DCP No. 1 – Urban Land (as amended).*
- (ii) *The landuses within the Estate as depicted within in Figure 1, Ballina Heights Development Control Plan DCP Layout Plan, contained within Ballina Shire DCP No. 1 – Urban Land (as amended).*
- (iii) *The residential densities for the Estate as depicted within Figure 6, Ballina Heights Development Control Plan Residential Densities, contained within Ballina Shire DCP No. 1 – Urban Land (as amended).*
- (iv) *The road layout plan as depicted in Figure 1, Ballina Heights Development Control Plan DCP Layout Plan, contained within Ballina Shire DCP No. 1 – Urban Land (as amended).*
- (v) *The staging of the proposed development as depicted in Figure 5, Ballina Heights Development Control Plan Staging Plan, contained within Ballina Shire DCP No. 1 – Urban Land (as amended).*

Extract from Consent – DA 2001/128 – approved 28/02/2003

- (vi) *The issue of a certificate by Ballina Shire Council and Rous Water for connection to water and sewerage facilities.*
- (vii) *Connection of the development's sewer rising main to Council's pump station in North Creek Road for the receipt of sewerage from the maximum number of lots with uses and densities as depicted in Figures 1 and 6 of the Ballina Heights Development Control Plan, prepared by Ardill Payne & Partners, Reference 5009km-dcp.doc, Dated 27 August 2002 subject to there being sufficient sewer treatment plant capacity.*
- (viii) *Connection to Rous Water's main for the supply of water via a temporary reservoir constructed by the developer and ultimately via a permanent reservoir constructed by Ballina Shire Council or Rous Water. The permanent reservoir is to be constructed within five (5) years of the issue of the Construction Certificate for Stage 1 (being Stages 1-4 as detailed on Figure 5 of the Ballina Heights Development Control Plan, prepared by Ardill Payne & Partners, Reference 5009km-dcp.doc, Dated 27 August 2002). Upon decommissioning and removal of the temporary reservoir, the site is to be developed in accordance with the land use and densities depicted in Figures 1 and 6 of the Ballina Heights Development Control Plan, prepared by Ardill Payne & Partners, Reference 5009km-dcp.doc, Dated 27 August 2002.*
- (ix) *The Domestic Pet Strategy as detailed in James Warren & Associates report included in Annexure G of Ardill Payne & Partners addendum to the development application dated 17 January 2001, and subsequent information supplied by Ardill Payne & Partners dated 31 July 2001. The Domestic Pet Strategy is to be amended to incorporate an appropriately designed and constructed domestic animal (cat and dog) proof fence. Such fence is to be erected within or along the western edge of the buffer along the eastern extremity of the estate, to the requirements and satisfaction of Council in consultation with the National Parks and Wildlife Service to protect fauna within the Ballina Nature Reserve.*
- (x) *The Mosquito Management Plan as detailed in James Warren & Associates report included in Annexure G of Ardill Payne & Partners addendum to the development application dated 17 January 2001.*
- (xi) *Management and protection of the mature figs within the development site as described in James Warren & Associates report included in Annexure G of Ardill Payne & Partners addendum to the development application dated 17 January 2001.*
- (xii) *The proposed buffering of tropical rainforest as described in James Warren & Associates report included in Annexure G of Ardill Payne & Partners addendum to the development application dated 17 January 2001.*

- (xiii) *Gilbert and Sutherland Stormwater Management Strategy as described in their report dated March 1999 and as provided in the supplementary report in Annexure J of the Ardill Payne & Partners addendum to the development application dated 17 January 2001.*
- (xiv) *Potential Acid Sulfate Soil Management Strategy as described in Gilbert and Sutherland report dated March 1999.*
- (xv) *The landscaping strategy as described in GeoLINK plans depicted as Figures 10a and 10b of the Ballina Heights Development Control Plan, prepared by Ardill Payne & Partners addendum to the development application dated 17 January 2001.*



Note: Whilst not a formal "aspect" of the development consent, condition 1.1 of amended DA 2001/128 (dated 28 February 2003) is integral to the approval framework for Ballina Heights Estate. This condition is reproduced below:

Pursuant to Section 80(5) of the Environmental Planning and Assessment Act 1979, the further stages of Ballina Heights Estate as detailed in Figures 6 and 7 – Conceptual Layout Plan – Stages 5-16 (Ardill Payne & Partners, dated January 2001) are not approved as part of Development Application 2001/128. Stages 5-16 of the Ballina Heights Estate are to be the subject of further (separate) development consents. Each subsequent development application should propose subdivision for no more than 200 allotments.

APPENDIX D - Conditions of Consent for Active Open Space

Extract from Section 96 to DA 2003/413 - approved 21/04/2008

1.3 Construction shall have commenced on one full sized oval (inclusive of 2 full size senior winter playing fields) required under the provisions of Policy Statement 14 – Ballina Heights of Chapter 1 – Urban Land within the Ballina Shire Combined Development Control Plan in accordance with construction plans approved by Council, to the satisfaction of Council's Developments Engineer on or before the release of the Subdivision Certificate for 250 residential lots within the Ballina Heights Estate. This will entail, as a minimum, commencement of bulk filling and draining works for the oval.

1.3A The proposed Structured Open Space area (as defined in Policy Statement 14 – Ballina Heights of Chapter 1 – Urban Land within the Ballina Shire Combined Development Control Plan) shall be completed and dedicated to Council prior to the issue of the Subdivision Certificate for the 375th residential lot.

In the event that co-location of the ovals is unable to be achieved:

- (i) At least one full sized oval (inclusive of 2 full size senior winter playing fields) must be completed and dedicated to Council, prior to the issue of the Subdivision Certificate for the 320th residential lot.
- (ii) The proposed second oval (inclusive of 2 full size senior winter playing fields) is to be constructed and dedicated to Council prior to the issue of the Subdivision Certificate for the 550th residential lot.

Note: In the event that co-location is unable to be achieved, an amenities building, pro-rata car parking spaces, sports field lighting and provision of suitable public all weather access will need to be provided to each full sized oval, in accordance with the construction plans approved by Council. One set of playground equipment is to be provided within the curtilage of Oval No.1 (being the oval in the western catchment).

1.62A The amenities building, car parking spaces, sports field lighting and the installation of playground equipment required for the proposed Structured Open Space area by the provisions of Policy Statement 14 – Ballina Heights of Chapter 1 – Urban Land within the Ballina Shire Combined Development Control Plan shall be constructed and completed in accordance with the provisions of Condition No. 1.3A, in accordance with the construction plans approved by Council prior to Council accepting dedication of the land.

1.63 An amenities building shall be required that provides a minimum of:

- Male and female ablution facilities (WC's and showers).
- Two designated lockable storage rooms of nominal dimensions of 4m x 4m.
- An awning/verandah for the perimeter of the building.
- A canteen.
- The building being constructed such that a second storey is capable of being erected thereon.

1.64 Suitable public all weather access shall be provided to the proposed Structured Open Space area as required by Condition 1.3A.

1.67 The playing fields shall be constructed in accordance with the consent conditions such that:

- a. The size of the fields can accommodate a full sized turf pitch cricket oval in summer and two rectangular full sized fields for winter sports (i.e. rugby league, union soccer).
- b. The orientation of the fields is to be between true north and 15 degrees east of north.
- c. The playing fields shall be graded with cross fall with an optimum surface slope of 1 in 70.
- d. The playing surface shall consist of a clean topsoil of nominal 150mm depth and within a pH range of 6.0-7.0, which is to be sourced, if possible, from another area of the development. The clean topsoil shall be laid upon a further 150mm of free draining sand medium. The mixing of topsoil with sand will depend on the quality of the soil (subsequent to an inspection between Council staff and the developers).
- e. Sports field lighting shall be installed in accordance with the relevant Australian Standards to the main cricket field/2 football fields.

- f. *The grass cover shall be of species suitable for the site.*
- g. *The playing fields, curtilage and site on which facilities are to be located, shall be developed and filled to a level of 1 in 10 year ARI for stormwater (as per Council's resolution dated 11 March 2004), with the only filling to occur above this level, being for field design and drainage purposes (i.e. shaping of the fields).*

The developer shall actively maintain, mow, water and further embellish the playing field surface in the period between commencement of construction and dedication. A bond shall be lodged with Council at the time of dedication, which may be used to maintain, repair or rectify works that are failing. The bond will be refunded after a 12 month period, should no rectification works be required.

Extract from DA 2003/413 – approved 26/06/2003

1.61 Parks to be developed in accordance with Code

Areas proposed or required to be dedicated as park and/or open space shall be developed in accordance with Section 3 of Council's Subdivision Code (as current at the time of construction works commencing). The areas are designated as "P" playground on Figure 1, of Policy Statement No. 14 of DCP No. 1 – Urban Land (as amended).

1.62 Nominated parks to accord with plan

All areas nominated as reserves/open spaces shown on the approved plan are to be dedicated to Council at no cost to Council. These areas are to be developed by the applicant/developer in accordance with the Council's Subdivision Code (as current at the time of construction work commencing).

1.65 *The applicant shall ensure that any fill material imported to the playing field site is free of contaminants, being natural or otherwise. The supplier of the fill material shall certify to Council at the completion of the filling operation that the fill material is free of contaminants.*

1.66 *The playing field's parking area shall provide for a minimum of 110 all weather car parking spaces.*

1.68 *The developer is to be responsible for the supply and installation of equipped playgrounds and/or alternative park furniture within each of the designated playgrounds (identified in Figure 1 of Policy Statement No. 14 of DCP No. 1 – Urban Land at the time of issue of the Subdivision Certificate for each stage of the subdivision that contains a designated playground. Playground equipment is to be of configuration and standard equivalent to the Megatoy Play Systems "Foreshore" Play System and "Euro Swingset" and is to be approved by the Group Manager Civil Services prior to installation.*

1.69 *Car parking, sealed access and amenities are to be constructed and become operational so as to coincide with the operation of the first public playing field/oval. The provision of such is to be commensurate with the demand generated by the constructed number of playing fields to the requirements and satisfaction of Council's Engineer.*

1.70 Playground fall protection

Install fall protection for all playground equipment in accordance with the provisions of Australian Standard AS 4422 – 1996 or any superseding or replacement standard that is in operation at the time of installation.

Extract from Section 96 to DA 2001/128 - approved 28/02/2003

1.69 *Areas proposed or required to be dedicated as park and/or open space shall be developed in accordance with Section 3 of Council's Subdivision Code (as current at the time of construction works commencing). The areas are designated as "P" playground on Figure 1, Ardill Payne & Partners, Job No. 5009, Filename 5009-Figure 1.*

1.70 Nominated parks to accord with plan

All areas nominated as reserves/open spaces shown on the approved plan are to be dedicated to Council at no cost to Council. These areas are to be developed by the applicant/developer in accordance with Council's Subdivision Code (as current at the time of construction work commencing).

1.71 *The developer is to be responsible for the supply and installation of equipped playgrounds and/or alternative park furniture within each of the designated playgrounds (identified in Figure 1 of the development control plan document) at the time of issue of the Subdivision Certificate for each stage*

of the subdivision that contains a designated playground. Playground equipment is to be of a configuration and standard equivalent to the Megatoy Play Systems "Foreshore" Play System and "Euro Swingset" and is to be approved by the Group Manager Civil Services prior to installation.

1.72 Car parking, access and amenities are to be constructed and become operational so as to coincide with the operation of the first public playing field/oval. The provision of such is to be commensurate with the demand generated by the constructed number of playing fields to the requirements and satisfaction of Council's Engineer.

1.73 Playground fall protection

Install fall protection for all playground equipment in accordance with the provisions of Australian Standard AS4422-1996 or any superseding or replacement standard that is in operation at the time of installation.

APPENDIX E - Mosquito Management

Following is a summary of the recommendations of the James Warren and Associates Report "Mosquito and Biting Midge Management Plan - Ballina Heights Estate, Ballina" (March 2001):

- a. *The design of the Water Quality Control Pond QCP should aim to:*
 - *minimise areas where water is left standing for a week or more;*
 - *maximise water movement through the pond;*
 - *prevent excessive growth of aquatic vegetation; and*
 - *maintain predator complex.*

Methods which may be utilised to achieve the above include:

 - *Stocking the pond with larvivoracious Pacific blue eye fish;*
 - *Monitoring of water quality to ensure survival of larvivoracious fish; and*
 - *Ensuring the pond does not become too densely vegetated.*
- b. *The design of the constructed wetlands shall be such that they will contain naturally occurring wetland species and existing grasses and reeds.*
- c. *Grass swales should be designed to enhance the regular flow of water into the wetland and to prevent ponding.*
- d. *All drains should be well maintained to prevent ponding of water.*
- e. *Buffers between residential development and known mosquito breeding areas should consist of open space or sparse vegetation. These buffers should not contain any dense vegetation that provides corridors between mosquito sites and residential areas.*
- f. *Where a vegetated buffer is proposed, the following recommendations are made:*
 - *The buffer should not provide additional breeding habitat by allowing water to pond.*
 - *Areas between residences and vegetated buffer should be kept clear or planted with tall lightly foliated species.*
 - *Consideration should be given to planting the corridor between the WQCP and the vegetated buffer with tall lightly foliated species.*
- g. *With respect to street lighting the following management measures are suggested for the site:*
 - *Avoiding the use of mercury vapour lighting and other forms of light from the blue end of the spectrum that are particularly attractive to insects.*
 - *Use of yellow lighting in street lighting and other light sources.*
 - *Ensuring that lights do not provide a direct line of sight to known insect breeding areas. The use of low "Colonial style" lighting or other low level forms of lighting should be considered throughout the development but particularly near to areas of Mosquito habitat.*