





**Ardill Payne**  
& PARTNERS

ENGINEERS PLANNERS SURVEYORS ENVIRONMENTAL PROJECT MANAGEMENT

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## SECTION 4.55(1A) APPLICATION

### Submission to Ballina Shire Council

To modify the terms and conditions of DA 2016/510

Lot 43 Sec 1 DP 11687  
3 Rayner Lane, Lennox Head

for:  
Don and Julie Priest

June 2018

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**Document Control Sheet**

Filename:	8231 - Section 4.55 Report (June 2018)				
Job No.:	8231				
Job Captain:	Paul Snellgrove				
Author:	Paul Snellgrove				
Client:	Don and Julie Priest				
File/Pathname	S:\01 Jobs\8200-8299\8231 DA,SEE 3 Rayner Lane, Lennox Head\03 Town Planning\s4.55(1A) June 2018\8231 - Section 4.55 Report (June 2018).docx				
Revision No:	Date:	Checked By		Issued By	
		Name	Signed	Name	Signed
0		P Snellgrove		D Roberts	
1					
2					



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## 1 Introduction

*This section introduces the proposal and provides a general overview of the project.*

### 1.1 Background

Ardill Payne and Partners (APP) has been engaged by Don and Julie Priest to provide town planning services in the preparation and lodgement of a Section 4.55 application and statement of environmental effects with Ballina Shire Council.

Consent is sought to modify the terms and conditions of DA 2016/510 under the provisions of Section 4.55(1A) of the *EP & A Act 1979*. The proposal involves the following modifications:

- 1400mm extension to the pool deck which will result in an encroachment of 857mm into the eastern foreshore building line
- relocation of the stairs at the eastern end of the deck to the southern side of the deck
- raise the finished level of the ground floor deck off the rumpus room and first floor deck off the dining room to match the internal floor levels of those rooms

### 1.2 Structure and Scope of Report

<b>Section 2</b>	Describes the subject land and its local environmental context.
<b>Section 3</b>	Describes the proposed modification in detail.
<b>Section 4</b>	Reviews the key environmental interactions and proposed management measures.
<b>Section 5</b>	Reviews the statutory and planning policy provisions applying to the proposed modification.
<b>Section 6</b>	Provides a summary and conclusions.
<b>Appendix A</b>	Copy of notice of consent – DA 2016/510 (including stamped approved plans)

## Appendix B Plans of proposed modified development

### 1.3 Planning and Land Use History

A search of Council's DA's Online identified the following applications that have been determined by Council in respect of the subject land:

Application Number	Application Type	Lodgement Date	Details
2016/510.1	Construction Certificate	31/05/2017	3 Rayner La, Lennox Head 2478 NSW Demolition, New Dwelling - Single Residence & Swimming Pool The demolition of an existing dwelling/garage, construction of a new two storey dwelling and swimming pool
2016/510.1	Development Application	09/09/2016	3 Rayner La, Lennox Head 2478 NSW Demolition, New Dwelling - Single Residence & Swimming Pool The demolition of an existing dwelling/garage, construction of a new two storey dwelling and swimming pool

A copy of the notice of consent (including the stamped approved plans) for DA 2016/510 is provided at **Appendix A**.

### 1.4 Overview of Statutory Framework

Ballina Council was the consent authority for DA 2016/510 and is the consent authority for this s4.55 application.

DA 2016/510 did not comprise integrated development for the purposes of Section 4.46 of the *EP & A Act 1979* and did not require concurrence.

Clause 120(1) of the *EP & A Regulation 2000* provides that as soon as practicable after receiving an application to modify a development consent, the consent authority must cause a copy of the application to be given to each approval body to which the application relates.

This application is made under the provisions of Section 4.55(1A) of the Act on the basis that the modifications involve minimal environmental impact and the development to which the consent as modified relates is substantially the same development as that to which the consent was originally granted.

## 2 The Site and Its Context

*This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.*

### 2.1 Location and Property Description

The subject land is described in real property terms as Lot 43 Sec 1 DP 11687 and is commonly known as No. 3 Rayner Lane, Lennox Head.

An aerial photograph of the subject and adjoining land is provided below:



Source: SixMaps



## 2.2 Site Analysis

A detailed site analysis was provided in the Statement of Environmental Effects (dated 5<sup>th</sup> September 2016) that was prepared by Ardill Payne & Partners which supported and informed DA 2016/510.

As at the date of writing this report, the buildings had been demolished and the site was being prepared for the construction of foundations/footings/piling under the terms and conditions of DA and CC 2016/510.

The original site analysis provided detailed information in respect of the following, which remains pertinent to the site and to this Section 4.55 application:

- location
- topography
- stormwater
- coastal hazards
- visual context
- contamination
- social and economic impacts
- waste management and disposal
- adjoining and surrounding land uses
- traffic, access and parking
- infrastructure provision
  - water and sewerage
  - electricity
  - telecommunications

The proposed modifications are not such that will change the existing approved development in the context of any of the above and are such that will have minimal environmental impacts.





### 3 Description of Proposal

*This section describes the proposed development and identifies any environmental and development objectives that will be adopted in conjunction with the project.*

#### 3.1 Description of Proposed Modified Development

Consent is sought to modify the terms and conditions of DA 2016/510 under the provisions of s4.55(1A) of the *EP & A Act 1979*. The proposed modifications involve:

- 1400mm extension to the pool deck which will result in an encroachment of 857mm into the eastern foreshore building line
- relocation of the stairs at the eastern end of the deck to the southern side of the deck
- raise the finished floor level of the deck off the rumpus room (ground floor) and the deck off the dining room (first floor) to match the internal floor levels of those rooms

The proposed modifications will not change the building footprint, gross floor area, access, parking, height, bulk, scale, external appearance, building height plane etc.

Plans of the proposed modified development are provided at **Appendix B** of this report.

Contingent upon the grant of consent to the proposed modifications, there will be a need to amend Condition 24 so that it refers to the proposed eastern building line encroachment. The only other consequential change will be to substitute the stamped approved plans with the architectural set provided at **Appendix B** to this application.

The nature of the modifications is such that there is no need to amend the existing approved BASIX certificate.

#### 4 Statement of Environmental Effects

*Section 4.15 of the EP & A Act 1979 requires the consideration of likely impacts of the development on the natural and man-made environment of the locality.*

##### 4.1 Water Quality

There will not be any increase in impervious areas/surfaces on the subject land as a result of the proposed modified development with roof-water being captured in a water tank(s) to satisfy BASIX requirements.

As per Section 2.2.4 of Council's Stormwater Management Standards for Development, stormwater treatment is not required for *"runoff from single residential dwellings, dual occupancies and secondary dwellings."*

As per Section 2.3.2 of Council's Stormwater Standards, attenuation of post development stormwater discharge is not required for "Brownfield (Infill) Development only" involving *"Single residential dwellings, dual occupancies and secondary dwellings."*

There are no consequential changes to stormwater generation, management or disposal.

##### 4.2 Traffic and Parking

There will not be any change to the approved vehicular access to the proposed dwelling which is via a new driveway to Rayner Lane to service the double garage.

There will not be any change to the expected traffic generation of 9-10 movements/day. The local road network has the capacity to accommodate the vehicle movements that will be generated by the proposed development.

There are no consequential changes to traffic, parking or vehicular access.

##### 4.3 Waste

There will not be any changes to the approved waste services to the proposed modified development via Council's general, green and recycling kerb-side waste collection services which are currently collected in Allens Parade.



Waste generated during the site and construction works will be the responsibility of the principle building contractor. Any construction waste will be managed on site by the principle contractor and will be appropriately disposed of in accordance with best practice and Council's requirements.

A SWMMP has been prepared and forms part of the Construction Certificate documentation. There are no consequential changes to waste management and disposal.

#### **4.4 Contamination**

The subject land is long-standing vacant residential lot (created in 1922) that is situated in a developed residential estate and which is adjoined by dwellings. The subject and adjoining land has not been used for any purpose that would have potentially contaminated the site.

There were no contamination issues raised in the assessment of DA 2016/510 and there are no such issues with the proposed modification.

#### **4.5 Coastal Hazards**

The subject land is identified as being subject to coastal hazards, however is afforded protection by the existing revetment wall to the east and is thus subject to the provisions of Section 3.14 of Chapter 2 of the BDCP.

The proposed modifications are not such that will change the existing approved development in the context of the structural design of the footings and foundations as per Section 3.14 or any of the respective consent conditions.

## 5 Statutory and Policy Planning

*This section of the report identifies and addresses the applicable environmental planning instruments (EPIs) and policy planning documents that must be considered by the consent authority in the consideration of this application.*

### 5.1 Section 4.55(1A) considerations

APP has prepared this application on behalf of Don and Julie Priest. The owner's consent to the making of this application is attached to the s4.55 application form.

**Section 4.55(1A)** provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulation, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with:*
  - (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1), (2) and (5) do not apply to such a modification.*

**Section 4.55(3)** requires the consent authority to take into account the relevant matters contained in Section 4.15(1) of the Act when determining the application. Environmental impacts are detailed above in **Section 4** with comments in respect of applicable EPI's and DCP's being provided below.

Section 4.55(1A)(a) – The proposed modification is considered to be such that will have minimal environmental impact. The changes are to a recently approved dwelling house on a developed residential lot (with the existing buildings having recently been demolished/removed).



Section 4.55(1A)(b) – The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

Section 4.55(1A)(c) – The regulations do not require the application to be advertised. The advertising under Council’s DCP is a matter for Council. The original DA was advertised during the period 19<sup>th</sup> September to 4<sup>th</sup> October 2016.

Section 4.55(1A)(d) – If advertised, it is incumbent upon Council to consider any submissions received.

Clause 120(1) of the Regulation provides that as soon as practicable after receiving an application to modify a development consent, the consent authority must cause a copy of the application to be given to each concurrence authority and approval body to which the application relates. DA 2016/510 was not integrated and did not require concurrence and thus this application is not required to be referred to any other body.

## 5.2 LEPs, SEPPs and DCPs

As is implicit and evidenced in the grant of consent to DA 2016/510, the construction of a dwelling house and swimming pool on the subject land (previously developed but now vacant residential lot) is consistent with all relevant environmental planning instruments and other statutory planning provisions including the:

- BLEP 2012
- SEPP 71 – Coastal Protection (as in force at that time)
- SEPP 55 – Remediation of Land
- Ballina DCP 2012

### 5.2.1 Ballina LEP 2012

The proposed modifications will not change the approved development in the context of the original assessment under the provisions of the BLEP 2012.



### 5.2.2 State Environmental Planning Policy (Coastal Management) 2018

SEPP-CM came into effect on the 3<sup>rd</sup> April 2018, with SEPP 71 – Coastal Protection being repealed that same day. The subject land is situated in the coastal zone and is thus subject to the provisions of the SEPP. The subject land is **not** mapped on the:

- Coastal Wetlands and Littoral Rainforests Area Map and thus Part 2, Division 1 does not apply
- No Coastal Vulnerability Map at this time and thus Part 2, Division 2 does not apply

The subject land is mapped on the Coastal Environment Area Map and thus Division 3 of Part 2 applies. As per Clause 13, the proposed modified development:

- will not have any new or consequential impacts on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment in the context of the existing approved development
- will not have any adverse impacts on coastal environmental values and natural coastal processes – existing conditions relating to coastal hazards to be retained
- will not have any adverse impacts on any marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands or rock platforms
- will not have any impacts on existing public open space and existing public access to and along the foreshore/beach
- will not have any impacts on Aboriginal cultural heritage, practices or places
- will not have any impacts on the use of the surf zone

The subject land is mapped on the Coastal Use Area Map and thus Division 4 of Part 2 applies. As per Clause 14, the proposed modified development:

- will not change the relationship of the existing approved development to the adjoining foreshore and will not change or compromise the existing public access to/along the foreshore for the full eastern frontage of the lot
- will not result in any overshadowing, wind funneling or the loss of any views from any public places to the foreshore
- will not adversely impact the visual amenity and scenic qualities of the coast
- will not have any impacts on Aboriginal cultural heritage or places
- will not have any impacts on any cultural and built environment heritage
- is reasonable having regard to the location, existing use, adjoining uses and strategic planning context and to the existing approved development



As per Clause 15, the proposed development will not cause increased risk of coastal hazards on the subject or any other land.

As per Clause 16, the proposed development is not subject to any coastal management program or coastal zone management plan.

### 5.2.3 Ballina DCP 2012

The proposed modifications will not change the original approved development in the context of the original assessment under the provisions of the BDCP 2012 in respect of:

- Chapter 2 – General and Environmental Controls
  - Section 3.3 – Natural Areas and Habitat
  - Section 3.4 – Potentially Contaminated Land
  - Section 3.6 – Mosquito Management
  - Section 3.7 – Waste Management
  - Section 3.9 – Stormwater Management
  - Section 3.10 – Sediment and Erosion Control
  - Section 3.11 – Provision of Services
  - Section 3.14 – Coastal Hazards
  - Section 3.18 – Protection of Foreshore and Public Open Space
  - Section 3.19 – Car Parking and Access
- Chapter 2a – Vegetation Management
- Chapter 4 – Residential and Tourist Development – Part 3.1 – General Controls applying to residential and tourist development
  - Element A – Building Height
  - Element B – Floor Space Ratios
  - Element C – Building Envelopes
  - Element F – Development Fronting Laneways
  - Element G – Landscaping and Open Space
  - Element H – Vehicular Access and Parking
  - Element I – Overlooking and Privacy
  - Element J – Solar Access



- Element K – Fences and Walls
- Element L – Roof Pitch
- Element M – Adaptable Housing
- Element N – Minimum Lot Area
- Element O – Dwelling Density
- Element P – Earthworks and Slope Sensitive Design Controls
- Element Q – Screening of Underfloor Space of Buildings
- Chapter 4 – Residential and Tourist Development – Part 4 – Special Area Controls – 4.5 – Lennox Head Coastal Protection Area

The nature of the proposed modifications require further consideration and assessment under the following provisions of the BDCP:

- **Element D – Articulation Zone**
- **Element E – Building Lines**
- **Section 4.5 – Lennox Head Coastal Hazard Protection Area**

Element E relates to building lines, the objectives of which are:

**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.

The subject land is subject to both a street (western) and a foreshore (eastern) building line. The existing and proposed modified building complies with the required 6m building line to Rayner Lane.

Table 4.5.3 of Section 4.5 requires the following foreshore (eastern) building line for the subject land:

- 40.43m at northern boundary
- 41.95m at southern boundary





The existing approved development complies with such, however, the proposed modified development has a cantilevered eastern deck to the swimming pool that encroaches the eastern foreshore building line by 857mm.

Control (iii) of Element E provides that *“where an encroachment forward of the building line specified in (i) or (ii) is sought, variation to the standard may be granted where an alternative building line can be established on the basis of the average distance of the building lines of the nearest 2 buildings (either residential accommodation or tourist and visitor accommodation) 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.”*

As shown on Drawing A2 at **Appendix B**, it appears that there is an eastern building line encroachment of the timber deck to the adjoining residential building at Lot 44 Sec 1 DP 11687, which is considered to be such that would satisfy Control (iii). Whilst the property to the north is setback from the foreshore building line, this is mainly due to the fact that the property has not been redeveloped. It would be reasonable to assume that this property would be re-developed in the near future to a similar bulk and scale of other recent Rayner Lane developments.

Having regard to the above, it is therefore submitted that the proposed encroachment of the ground level deck to the eastern building line is reasonable due to the fact that:

- it is cantilevered and is not roofed and does not contain any supports or posts
- it is at the ground floor level of the building
- it is for a distance of 857mm
- the encroachment will not likely have any adverse impacts on the amenity of any adjoining property/dwellings
- the encroachment will not have any adverse impacts on the presentation of the building in the local landscape or streetscape
- the encroachment will not result in any overshadowing, causing loss of privacy or obstructing views on/from any public place or any adjoining residences
- the encroachment is minor and is cantilevered and will not expose the building/development to any increased risk of exposure to/damage from coastal processes
- there appears to be a comparable encroachment to the timber deck on the adjoining residential building to the south



## 6 Conclusion

*This section of the report provides a conclusion of the development proposal.*

Consent is sought to modify the terms and conditions of DA 2016/510 under the provisions of Section 4.55(1A) of the *EP & A Act 1979*.

The proposal involves what are considered to be relatively minor changes to the approved development involving:

- 1400mm extension to the pool deck which will result in an encroachment of 857mm into the eastern foreshore building line
- relocation of the stairs at the eastern end of the deck to the southern side of the deck
- raise the finished level of the ground floor deck off the rumpus room and first floor deck off the dining room to match the internal floor levels of those rooms

The proposed modifications will not change the gross floor area, height, bulk, scale, footprint, parking, access, external appearance etc of the approved building.

The proposed changes are considered to be such that will have minimal environmental impacts with the modified development remaining substantially the same as that for which the existing consent has been granted.

The proposed development is permissible with consent within the zone, complies with all other relevant planning controls, is such is substantially the same as the approved and modified development and will have minimal environmental impacts.

The circumstances of the case and the public interest are such that the application warrants the grant of consent.



## 7 Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) on behalf of Don and Julie Priest for the purpose of lodging a Section 4.55(1A) application with Ballina Shire Council and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.



## 8 Appendices

Appendix A	Copy of notice of consent (including stamped approved plans) – DA 2016/510
Appendix B	Plans of proposed modified development



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**APPENDIX A**

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**Appendix A:** Copy of notice of consent (including stamped approved plans) – DA 2016/510



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**APPENDIX B**

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**Appendix B:** Plans of proposed modified development

CLIENT/S:  
Don & Julie Priest

PROJECT :  
New Residence

PROJECT ADDRESS:  
3 Rayner Lane Lennox Head

**BALLINA SHIRE COUNCIL**  
Environmental Planning & Assessment Act 1979  
Development Consent No: 2016/50  
Determination date: 25/01/2017



SHEET NUMBER	ARCHITECTURAL SCHEDULE	REVISION
DA-00-01	Cover Sheet	C
DA-01-01	Site Plan	C
DA-01-02	Hardscape Plan	C
DA-01-03	Site Sections	B
DA-02-01	Ground Floor Plan	C
DA-02-02	Level 1 Floor Plan	C
DA-03-01	Elevations 1	B
DA-03-02	Elevations 2	B
DA-03-03	Elevations 3	B
DA-04-01	Front Perspectives	
DA-04-02	Rear Perspectives	

## DEVELOPMENT APPLICATION DRAWINGS ISSUE 3 30.01.2017

Revision Schedule		
Date	Number	Description
07.11.2016	A	Create Building Envelope Mass to cast shadows as per BSC Building Envelope
05.11.2016	B	Remove all Shadow Diagrams. Shadow diagrams supplied by Shadow Consultant. Reduce overall Building Height by 110mm
30.01.2017	C	Modify building to clear the Foreshore Building Line



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**BALLINA**  
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66 MOON STREET  
BALLINA NSW  
2748



Project No :  
**016-063**  
Sheet No :  
**DA-00-01**  
Issue and Date:  
**30.01.2017**

**DRAWINGS PRINT TO SCALE ON A2 SHEETS**

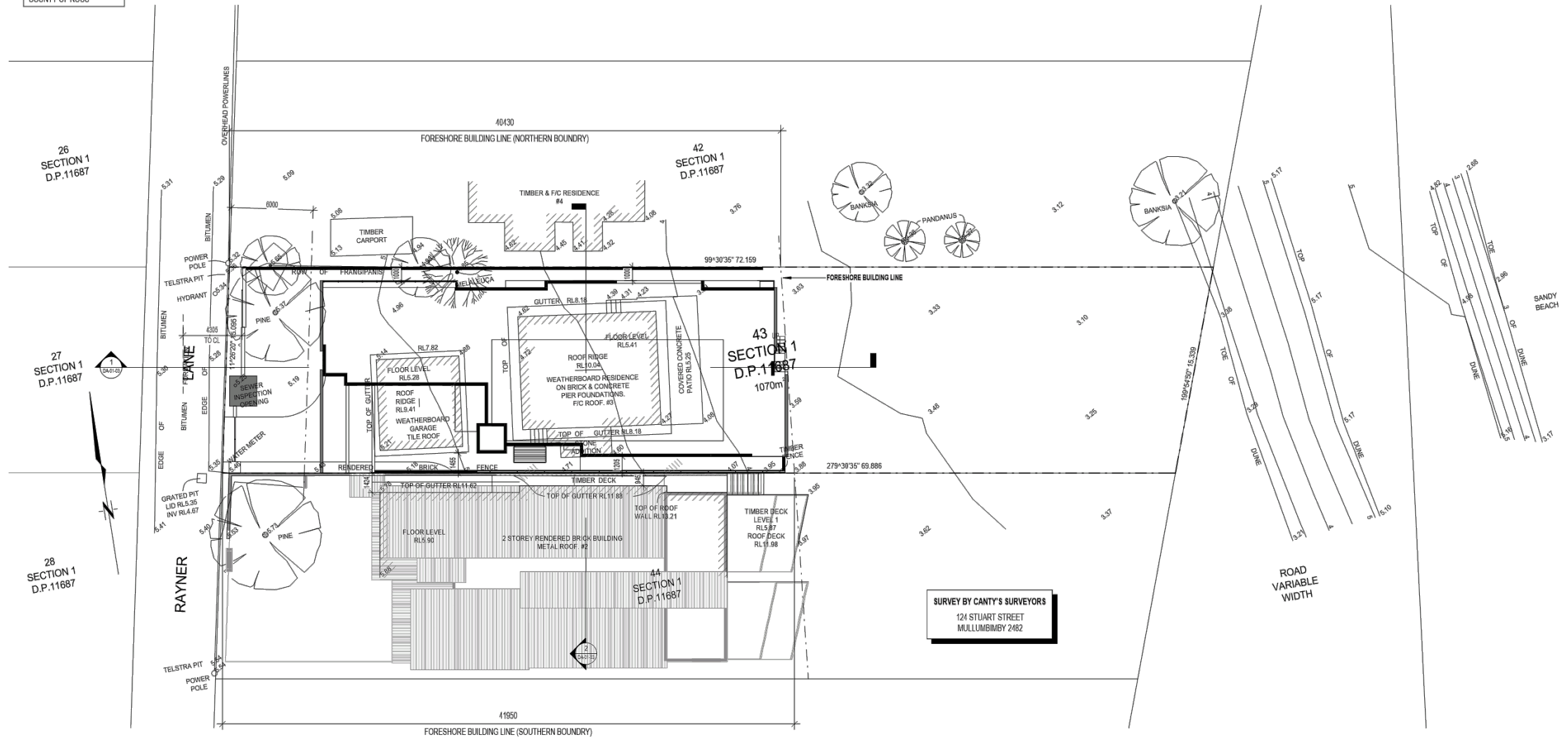
**LOT NO. 43**  
**3 RAYNER LANE**  
**LENNOX HEAD**

**COUNCIL : BALLINA SHIRE COUNCIL**

Footprint Area 360.00 m<sup>2</sup>  
 Site Area 1070.00 m<sup>2</sup>  
 Site Coverage 33%  
 FSR = 47% (509m<sup>2</sup> / 1070<sup>m</sup>²)

**PROPERTY DESCRIPTION**  
 LOT 43 SECTION 1 DP 11687  
 PARISH OF BALLINA  
 COUNTY OF ROUS

**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017



**1 Site Plan**  
 Scale: 1 : 200



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 BSA: 1167391

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 BALLINA NSW  
 2748



Revision Schedule		
Date	Number	Revision Description
30.01.2017	C	Modify building to clear the Foreshore Building Line

client : Don & Julie Priest

project : 3 Rayner Lane Lennox Head

designed by : MT

issue & date : 30.01.2017

title : Site Plan

drawn by : SL

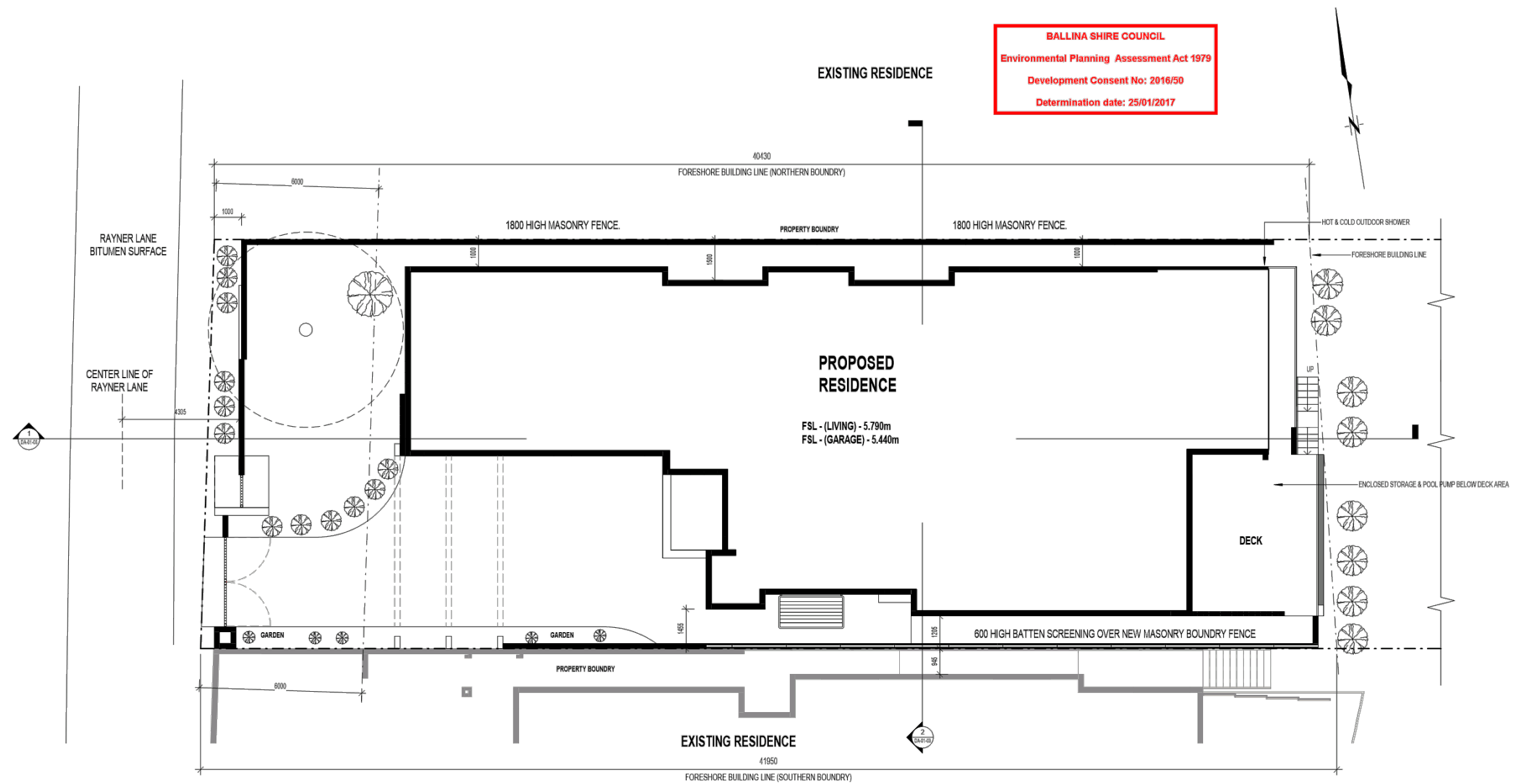
job no : 016-063

sheet no : DA-01-01




scale : 1 : 200 on A2

30/01/2017 10:07:16 AM M:\MS Design Job Folder\2016 Jobs\016-063 - Don & Julie Priest - 3 Rayner Lane Lennox Head\REVIT\016-063 Don & Julie Priest - 3 Rayner Lane Lennox Head (2).rvt





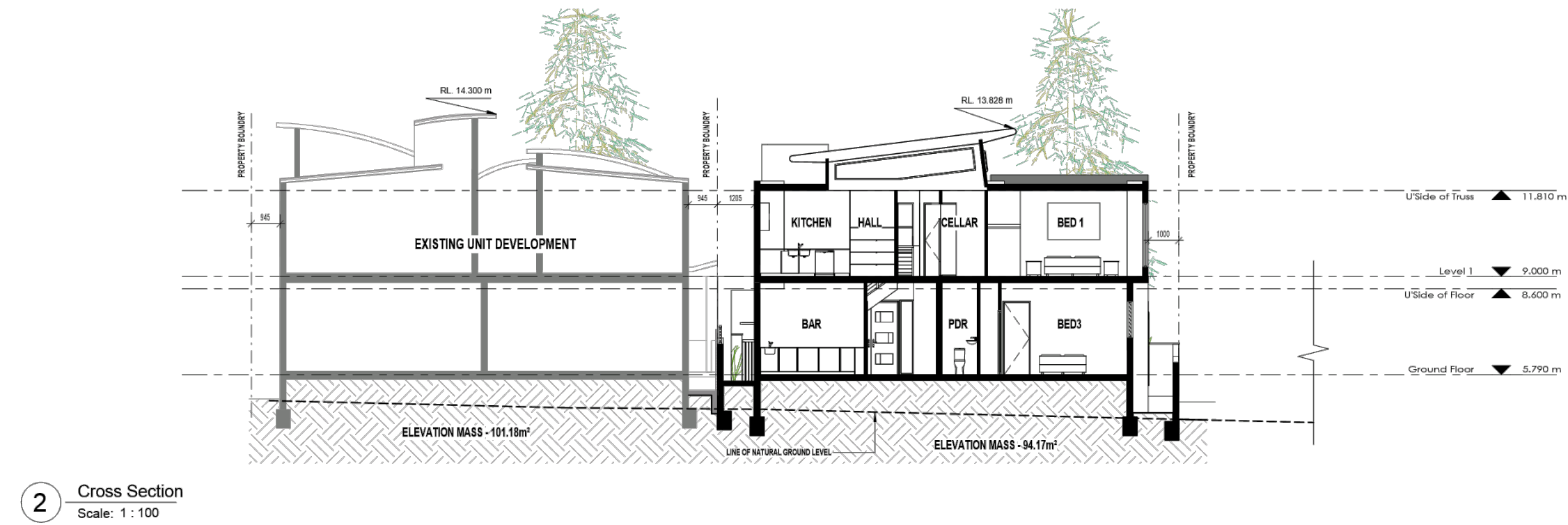
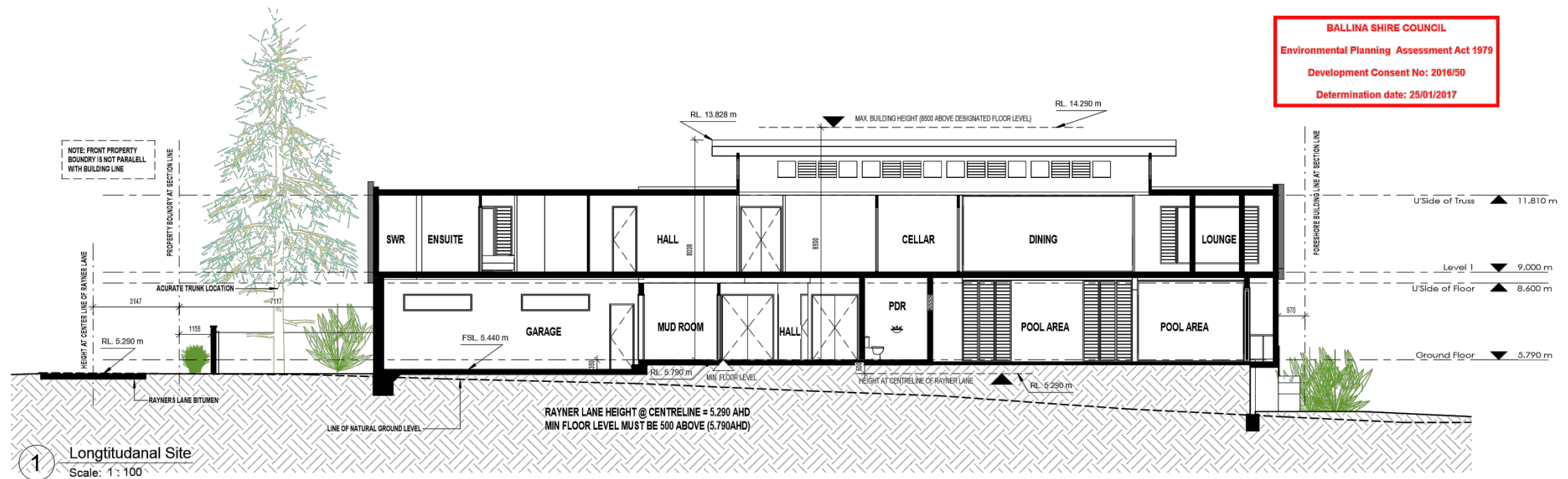
1 Hardscape Plan  
Scale: 1 : 100

 <p><b>MS design</b> Building Designers</p> <p>© copyright ms design pty ltd</p>	<p><b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 92 132 448 554 BSA: 1167391</p>	<p><b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748</p>	 <p>ENDORSED Sustainable Building Designer</p>	 <p>building designers' association of queensland inc.</p>
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Revision Schedule		
Date	Number	Revision Description
30.01.2017	C	Modify building to clear the Foreshore Building Line

client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : <b>016-063</b>
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-01-02</b>
title : <b>Hardscape Plan</b>			scale : 1 : 100 on A2

**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017



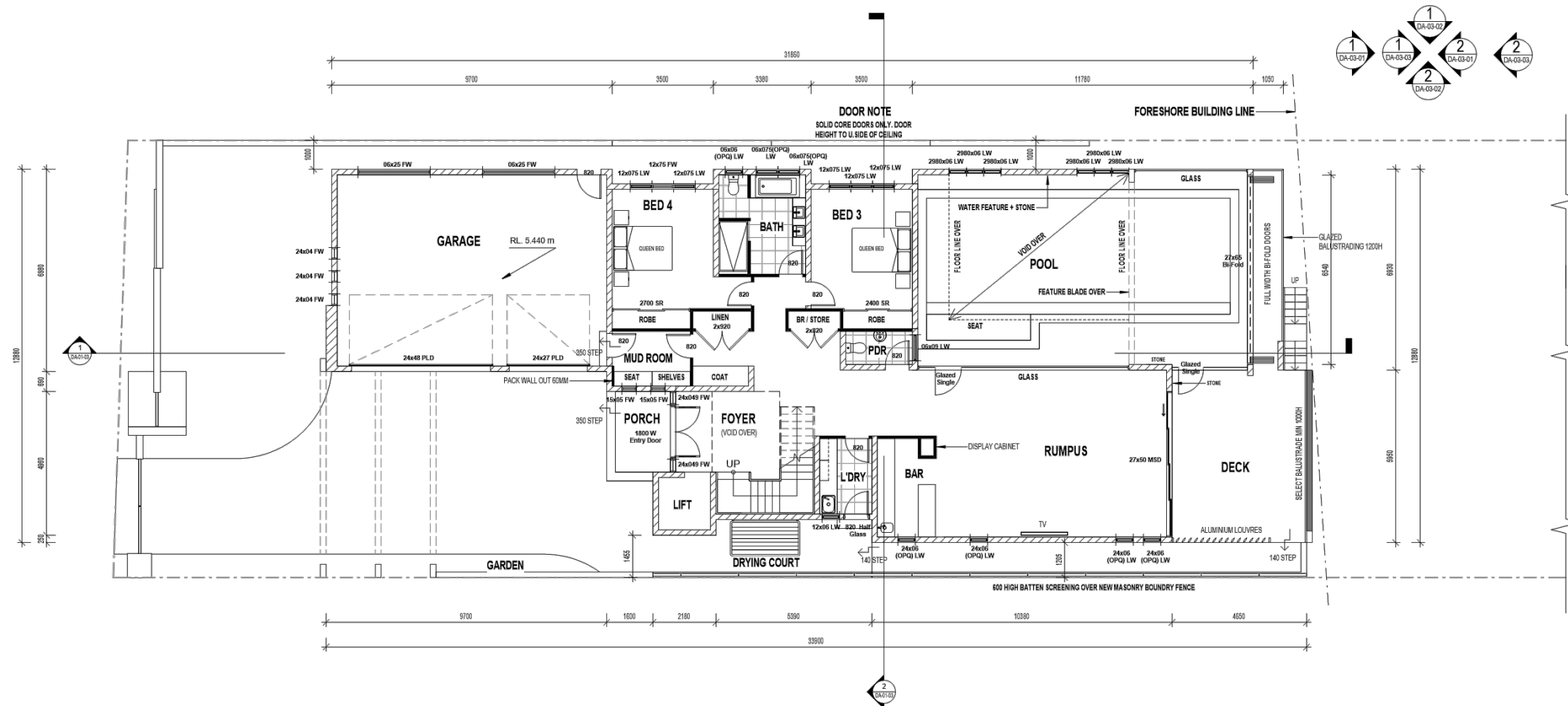
 GOLD COAST PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 52 132 448 554 BSA: 1167391	 BALLINA PH 0412 488 044 56 MOON STREET BALLINA NSW 2748	 ENDORSED Sustainable Building Designer	 building designers' association of queensland inc.
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Revision Schedule		
Date	Number	Revision Description
05.11.2016	B	Remove all Shadow Diagrams. Shadow diagrams supplied by Shadow Consultant. Reduce overall Building Height by 110mm




client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : 016-063
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-01-03</b>
title : Site Sections			scale : 1 : 100 on A2

GF Floor Areas	
Name	Area
GF Living	172.39 m <sup>2</sup>
Enclosed Pool	81.87 m <sup>2</sup>
Garage	66.83 m <sup>2</sup>
Rear Deck	38.16 m <sup>2</sup>
Porch	6.60 m <sup>2</sup>
Grand total	365.85 m <sup>2</sup>

**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017



**1** Ground Floor  
Scale: 1 : 100

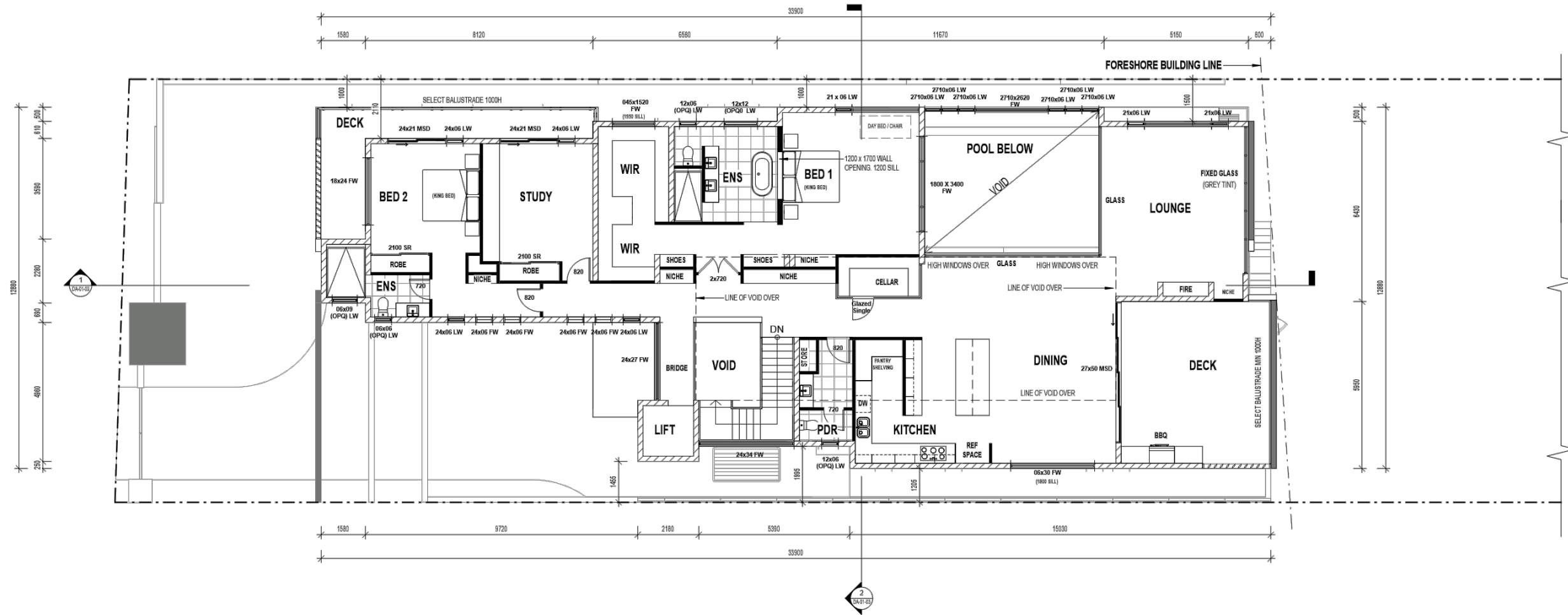
 <b>MS design</b> <small>Building Designers</small>	<b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 6A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 92 132 448 554 BSA: 1167391	<b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748	 <b>ENDORSED</b> Sustainable Building Designer	 building designers' association of queensland inc.
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Revision Schedule		
Date	Number	Revision Description
30.01.2017	C	Modify building to clear the Foreshore Building Line




client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : 016-063
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-02-01</b>
title : Ground Floor Plan			scale : 1 : 100 on A2

Lev 1 Floor Areas	
Name	Area
Lev 1 Living	278.95 m <sup>2</sup>
BBQ Deck	33.92 m <sup>2</sup>
Pool Void	33.31 m <sup>2</sup>
Lev 1 Deck	17.17 m <sup>2</sup>
Grand total	363.34 m <sup>2</sup>

**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017



**1** Level 1  
Scale: 1 : 100

 <b>MS design</b> <small>Building Designers</small> © copyright ms design pty ltd	<b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 52 132 448 554 BSA: 1167391	<b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748  ENDORSED Sustainable Building Designer	 building designers' association of queensland inc.
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Revision Schedule		
Date	Number	Revision Description
30.01.2017	C	Modify building to clear the Foreshore Building Line

client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : 016-063
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-02-02</b>
title : Level 1 Floor Plan			scale : 1 : 100 on A2






**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017

**1** West Elevation (Schematic)  
Scale: 1 : 75



**2** East Elevation (Schematic)  
Scale: 1 : 75

 <small>© copyright ms design pty ltd</small> <small>30/01/2017 10:07:28 AM M:\MS Design Job Folder\2016 Jobs\016-063 - Don &amp; Julie Priest - 3 Rayner Lane Lennox Head\REV\T016-063 Don &amp; Julie Priest - 3 Rayner Lane Lennox Head (2).vrt</small>	<b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 52 132 448 554 BSA: 1167391	<b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748  ENDORSED Sustainable Building Designer	 building designers' association of queensland inc.
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Revision Schedule		
Date	Number	Revision Description
05.11.2016	B	Remove all Shadow Diagrams. Shadow diagrams supplied by Shadow Consultant. Reduce overall Building Height by 110mm

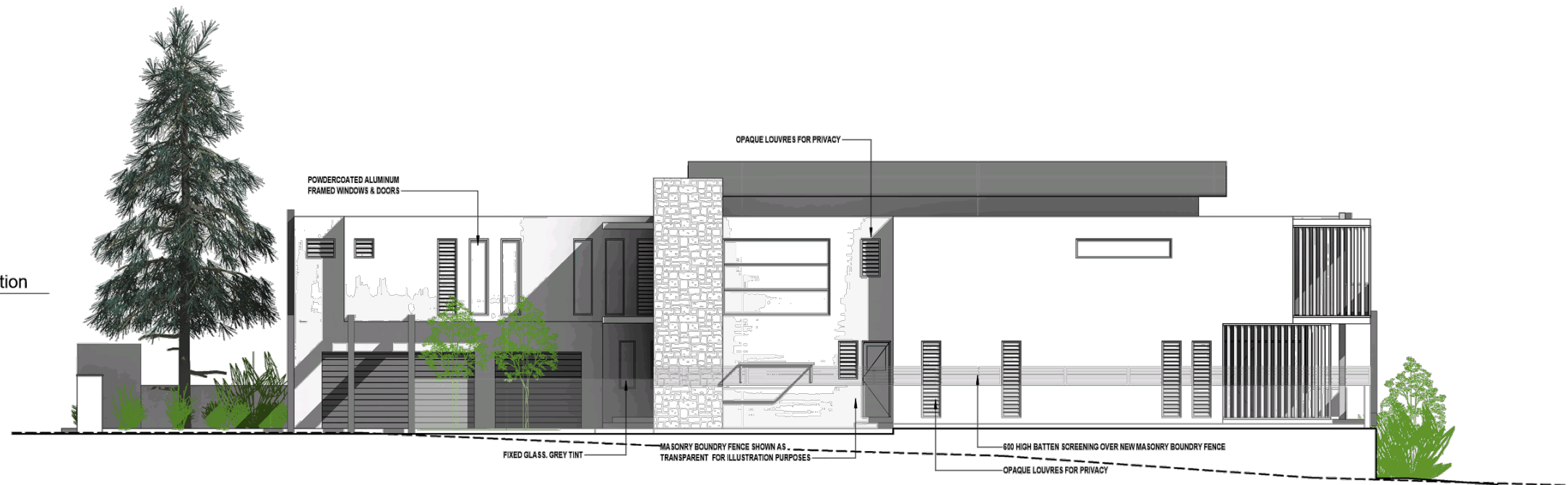
client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : 016-063
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-03-01</b>
title : Elevations 1			scale : 1 : 75 on A2




**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017

1 North Elevation  
 Scale: 1 : 100



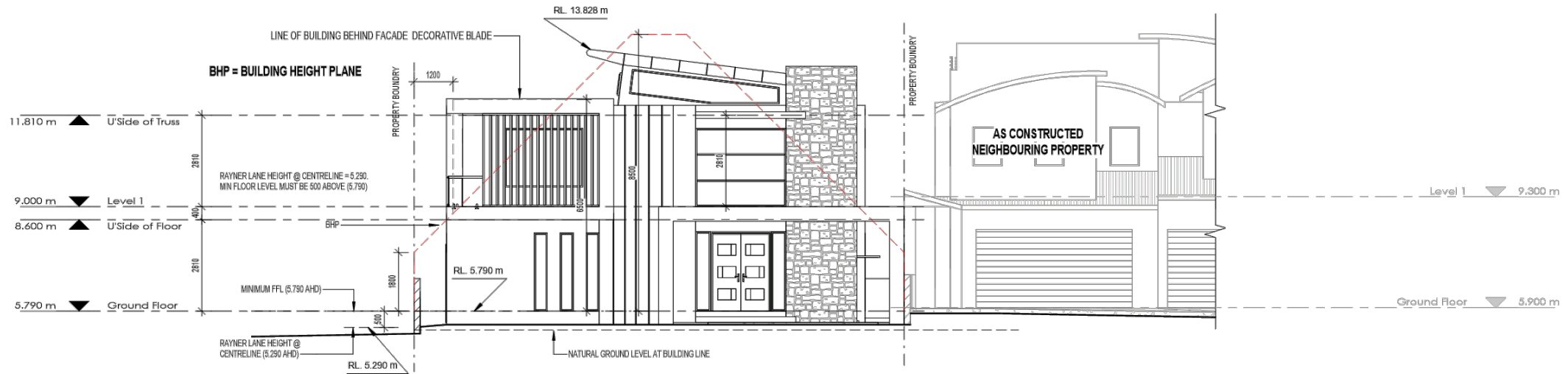
2 South Elevation  
 Scale: 1 : 100



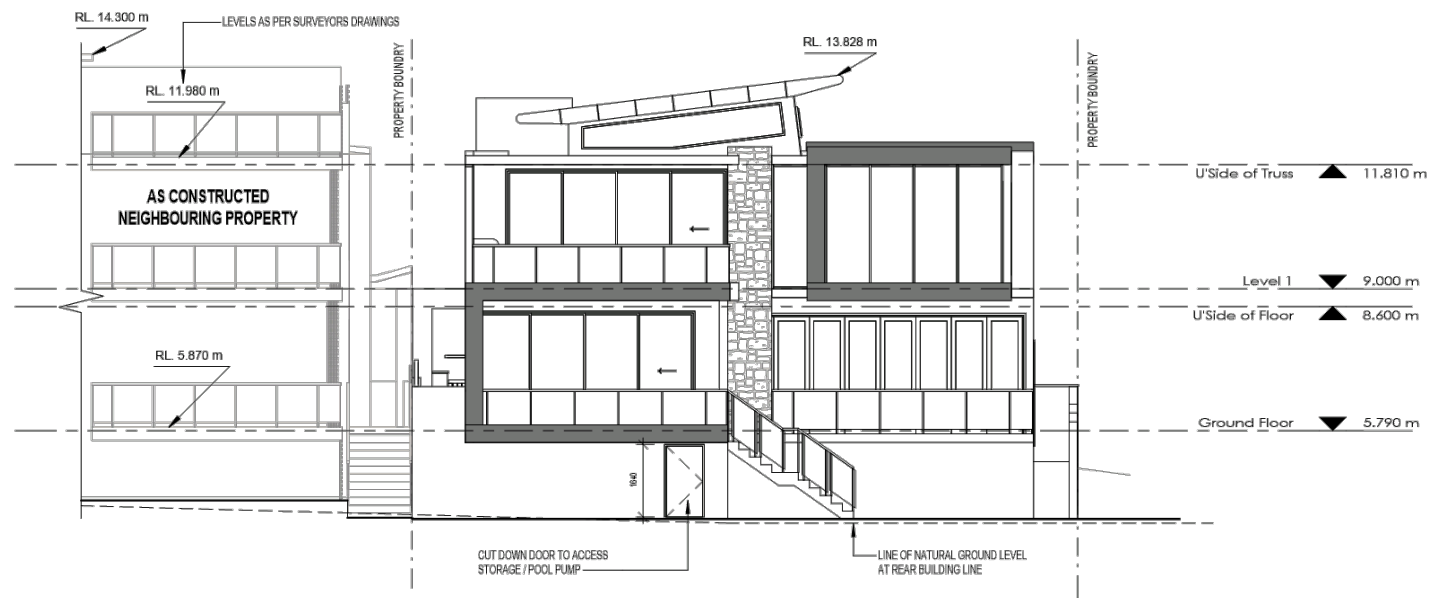
 © copyright ms design pty ltd <small>30/01/2017 10:07:38 AM M:\MS Design Job Folder\2016 Jobs\016-063 - Don &amp; Julie Priest - 3 Rayner Lane Lennox Head\REVIT\016-063 Don &amp; Julie Priest - 3 Rayner Lane Lennox Head (2).rvt</small>	<b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 92 132 448 554 BSA: 1167391	<b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748	 ENDORSED Sustainable Building Designer	 building designers' association of queensland inc.
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Revision Schedule		
Date	Number	Revision Description
05.11.2016	B	Remove all Shadow Diagrams. Shadow diagrams supplied by Shadow Consultant. Reduce overall Building Height by 110mm

client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : 016-063
project : <b>3 Rayner Lane Lennox Head</b>	issue & date :30.01.2017		sheet no : <b>DA-03-02</b>
title : Elevations 2			scale : 1 : 100 on A2






1 West Elevation  
Scale: 1 : 100



2 East Elevation  
Scale: 1 : 100

**BALLINA SHIRE COUNCIL**  
Environmental Planning Assessment Act 1979  
Development Consent No: 2016/50  
Determination date: 25/01/2017

 GOLD COAST PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 92 132 448 554 BSA: 1167391	BALLINA PH 0412 488 044 56 MOON STREET BALLINA NSW 2748  ENDORSED Sustainable Building Designer	 building designers' association of queensland inc.
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Revision Schedule		
Date	Number	Revision Description
05.11.2016	B	Remove all Shadow Diagrams. Shadow diagrams supplied by Shadow Consultant. Reduce overall Building Height by 110mm

client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : <b>016-063</b>
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-03-03</b>
title : <b>Elevations 3</b>			scale : 1 : 100 on A2



**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017



 <p><b>MS design</b> Building Designers</p> <p>© copyright ms design pty ltd</p>	<p><b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 52 132 448 554 BSA: 1167391</p>	<p><b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748</p>	 <p><b>ENDORSED</b> Sustainable Building Designer</p>	 <p><b>building designers'</b> association of queensland inc.</p>
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Revision Schedule		
Date	Number	Revision Description

client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : <b>016-063</b>
project : <b>3 Rayner Lane Lennox Head</b>	issue & date :30.01.2017		sheet no : <b>DA-04-01</b>
title : <b>Front Perspectives</b>			scale : on A2





**BALLINA SHIRE COUNCIL**  
 Environmental Planning Assessment Act 1979  
 Development Consent No: 2016/50  
 Determination date: 25/01/2017

 <b>GOLD COAST</b> PH 07 5570 4118 FAX 07 5570 4119 SUITE 8A, 47 ASHMORE ROAD BUNDALL QLD 4217 PO BOX 6786, GCMC BUNDALL 9726 ABN: 92 132 448 554 BSA: 1167391	<b>BALLINA</b> PH 0412 488 044 56 MOON STREET BALLINA NSW 2748  building designers' association of queensland inc.	 <small>© copyright ms design pty ltd</small> <small>30/01/2017 10:08:14 AM M:\MS Design Job Folder\2016 Jobs\016-063 - Don &amp; Julie Priest - 3 Rayner Lane Lennox Head\REV\T\016-063 Don &amp; Julie Priest - 3 Rayner Lane Lennox Head (2).rvt</small>
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Revision Schedule		
Date	Number	Revision Description

client : <b>Don &amp; Julie Priest</b>	designed by : MT	drawn by : SL	job no : <b>016-063</b>
project : <b>3 Rayner Lane Lennox Head</b>	issue & date : 30.01.2017		sheet no : <b>DA-04-02</b>
	title : <b>Rear Perspectives</b>		scale : on A2

**CLIENT/S:**  
 Don & Julie Priest  
**PROJECT :**  
 New Residence  
**PROJECT ADDRESS:**  
 3 Rayner Lane Lennox Head

CONSULTANTS			
DESIGNER (ARCHITECTS)	MS DESIGN PTY LTD	MICHAEL THOMPSON (STEVE LOYD)	07 5570 4118 191 CANNING ST QLD
STRUCTURAL CIVIL ENGINEER	ARDU PAYNE PARTNERS	RYAN BEAVIS	02 9686 2200
VERTICER	BALLINA SHIRE COUNCIL	BALLINA SHIRE COUNCIL	02 6666 4444
TOWN PLANNING	ARDU PAYNE PARTNERS	DWAYNE ROBERTS	02 9686 2200
ENERGY EFFICIENCY/BASE	PARTNERS ENERGY	DAVE HOWARD	02 9224 6200

DOCUMENTS TO BE READ IN CONJUNCTION WITH THIS PLAN SET		
BASIC CERT. ORIGINAL CERT NO: 186413 - 41592916	AMENDED CERT. NO: 186413 - 41592916	CONTACT MS DESIGN FOR A DIGITAL COPY
DEVELOPMENT APPLICATION APPROVAL: 2016/510 - 25012917		AVAILABLE ON COUNCIL WEB SITE OR CONTACT MS DESIGN FOR A DIGITAL COPY
STRUCTURAL ENGINEERING: 2016/510		CONTACT ARDU PAYNE PARTNERS DESIGN FOR A DIGITAL COPY



SHEET NUMBER	ARCHITECTURAL SCHEDULE	REVISION
A-00-01	Cover Sheet	F
A-01-01	Site Plan	
A-01-02	Hardscape Plan	B
A-01-03	Site Sections	
A-02-01	Layout & Key Plans	E
A-02-02	Ground Floor Dimensions	E
A-02-03	Level 1 Dimensions	D
A-03-01	Elevations: 1	D
A-03-02	Elevations: 2	D
A-03-03	Schematic Elevations	
A-04-01	Sections & Details: 1	
A-04-02	Sections & Details: 2	E
A-04-03	Sections & Details: 3	E
A-04-04	Stair Details	D
A-04-05	Front Fence Details	C
A-04-06	Exterior Aluminium Louvre Screen Details	
A-05-01	Ground Floor Slab Plans	E
A-05-02	Lev 1 Slab Plans	F
A-05-03	Roof Slab Dimensions & Roof Drainage	E
A-05-06	Roof Plan & Solar Panel Set Out	
A-06-02	GF Door & Window Schedules	B
A-06-03	Lev 1 Door & Window Schedules	D
A-07-01	GF Wet Area Details	
A-07-02	Lev 1 Wet Area Details	B
A-07-03	Kitchen & Powder Room Details	C
A-07-04	Pool Detail Plan	D
A-08-01	A/C & Reflected Ceiling Plans	
A-08-03	Floorcovering Plans	
A-09-01	Electrical Plan	
A-10-01	Front Perspectives	
A-10-02	Rear Perspectives	

Revision Schedule		
Date	Number	Description
02.06.2018	A	Minor adjustment to Pool Lev 1 Pool Dimensions
12.05.2018	B	Minor plan changes including Deck Notes: Basic adjustments, No major or structural changes
12.05.2018	C	Front Garden Bed Access, Deck and ramp to pool, glass over to lev 1 PCP room, Main Bedroom Window Change, Move Bed 2 Window
03.05.2018	D	Lev 1 Louvre and Sill wall in N of glazing, Remove B.F. old window in Main Bedroom, Remove Pool 2 future, Add primary edge note, Plan Laundry Material Changes, Move Rear External Stair
03.05.2018	E	Product Change for Pool Slab (Waterproofing), Remove Slab Stepdown from GF & L1 Rear Steps, Install Vantage Door Drainage System, Gate lever rear Concrete Deck 857 mm inside Foreshore Building Line
02.06.2018	F	Adjust Lev 1 Slab Layout & Dimensioned plans to match engineering



**GOLD COAST**  
 PH 07 5570 4118  
 FAX 07 5570 4119  
 SUITE 66 - 47 A SCHADRE ROAD  
 BUNDALOO QLD 4217  
 PO BOX 5786 - GOLD COAST QLD 4226  
 ABN: 92 132 448 554  
 BSAU 1187391

**BALLINA**  
 PH 0412 488 048  
 56 MOON STREET  
 BALLINA NSW  
 2478



Project No:  
**016-063**  
 Sheet No:  
**A-00-01**  
 Issue No and Date:  
**05.06.2018**  
 Plan Issue:  
**Construction Issue Drawings (B)**

DRAWINGS PRINT TO SCALE ON A2 SHEETS

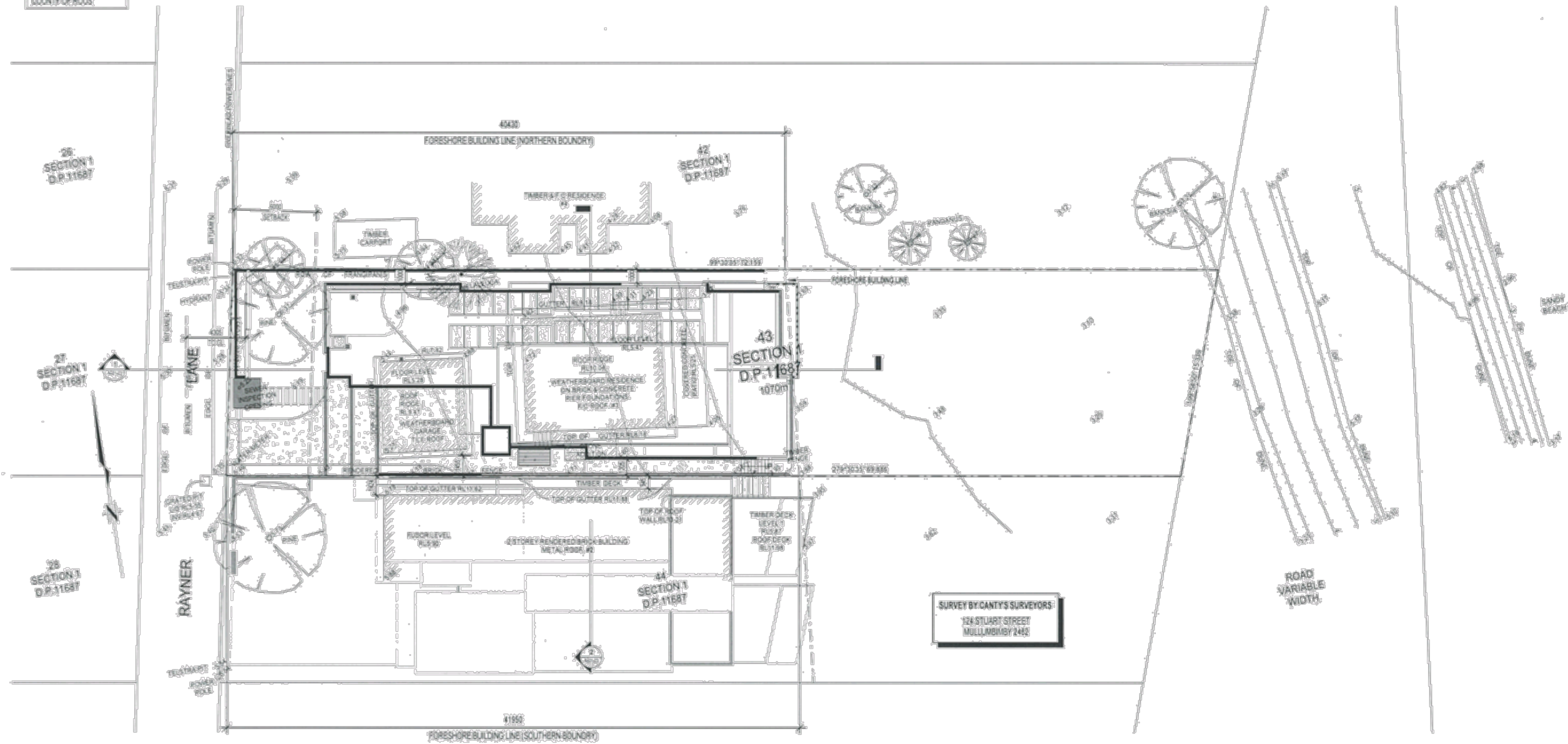
**LOT NO. 43**  
**3 RAYNER LANE**  
**LENNOX HEAD**

**COUNCIL: BALLINA SHIRE COUNCIL**

Footprint Area: 260.00 m<sup>2</sup>  
 Site Area: 1070.00 m<sup>2</sup>  
 Site Coverage: 23%

KSR = 47% (2006/11/2016)

**PROPERTY DESCRIPTION**  
 LOT 43 SECTION 1 D.P. 11687  
 PARISH OF BALDINA  
 COUNTY OF BOJOS



**1** Site Plan  
 Scale: 1 : 200

**MS** GOLD COAST BALLINA  
 24 Moor Street Ballina NSW 2478  
 PO Box 8788 COGC QLD 4728  
 Ph: 07 5525 4100 Fax: 07 5525 2118  
 www.msdesign.net.au

NO.	DATE	DESCRIPTION

**PROJECT:** New Residence  
 3 Rayner Lane Lennox Head

**OWNER:** Don & Julie Priest

**TITLE:** Site Plan

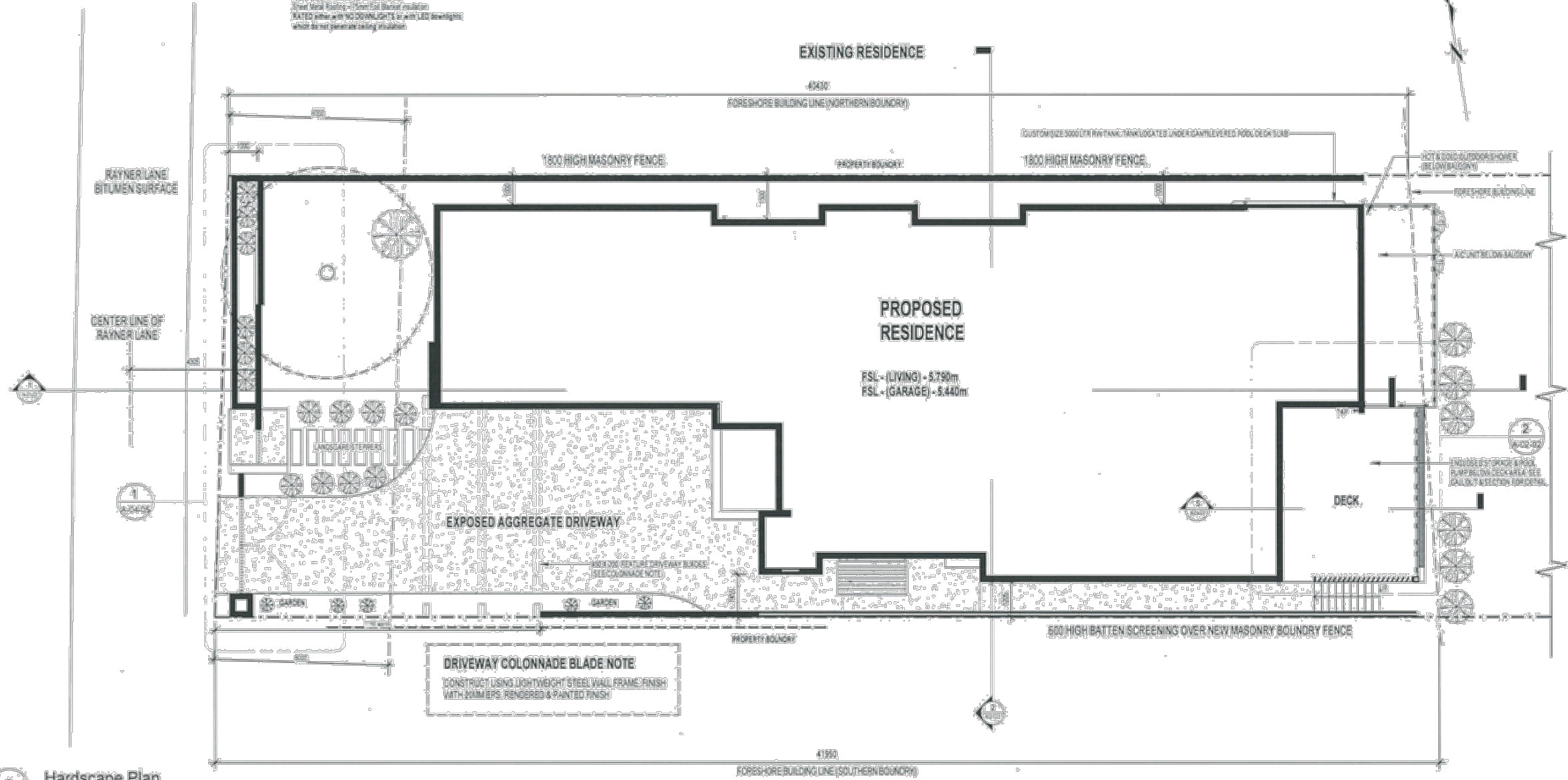
**REVISION:** B  
**DATE:** 05.06.2018  
**DRAWING NO.:** A-01-01  
**PROJECT NO.:** 016-063  
**SCALE:** 1 : 200  
**SIZE:** A2

Construction Issue Drawings (B)

©) All rights reserved. This drawing is to be checked on site prior to commencement of work. Discrepancies to be brought to the attention of the author. Any dimensions not mentioned must be referred to the designer by confirmation. The copyright and information contained in this document are the property of MS Design. Use of copying of the information in this document without the written permission of MS Design constitutes a infringement of copyright.

**1 Thermal Specifications**  
Scale: 1:100

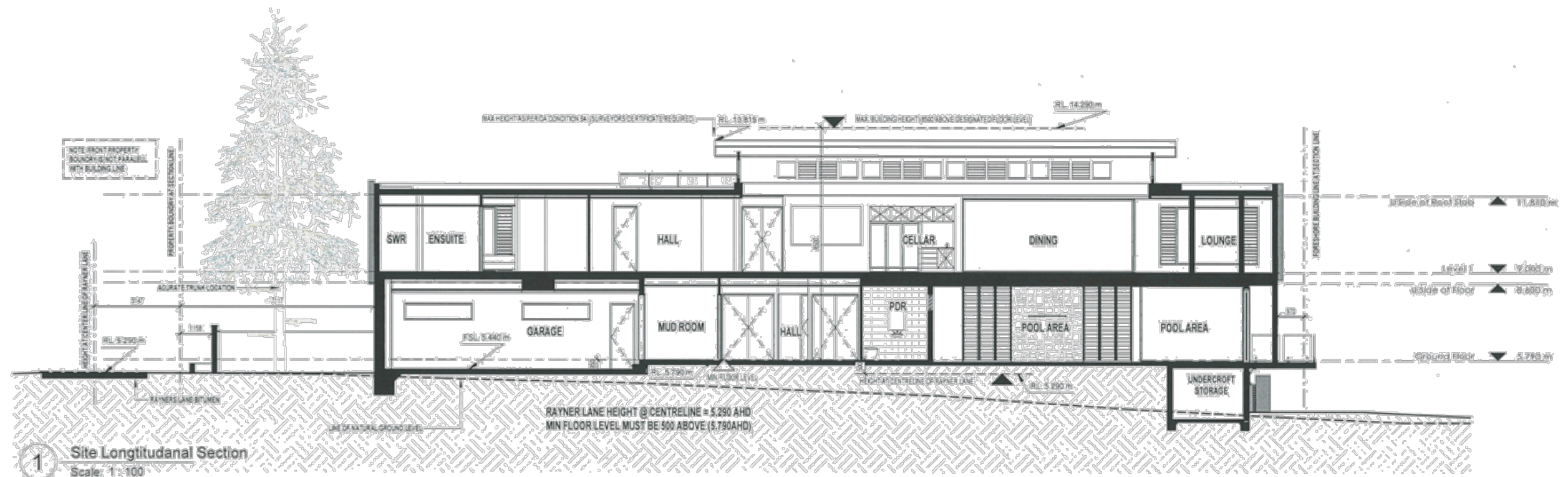
**THERMAL PERFORMANCE SPECIFICATIONS:**  
The following specifications take precedence over other plan notations for the construction of this building.  
**NOTE:** In addition to SABS compliance, it is required to comply with the New South Wales Assessment of the Building Code of Australia (Volume 2).  
This includes New South Wales SPS 2.1 and 3.12.  
SABS also mentions a range of the following provisions:  
S Building 2.1.1 Thermal insulation  
**NOTE:** Glass framing to used a thermal break type (ie. epoxy) or Insulating Glazing System (IGU).  
S Building 2.1.2  
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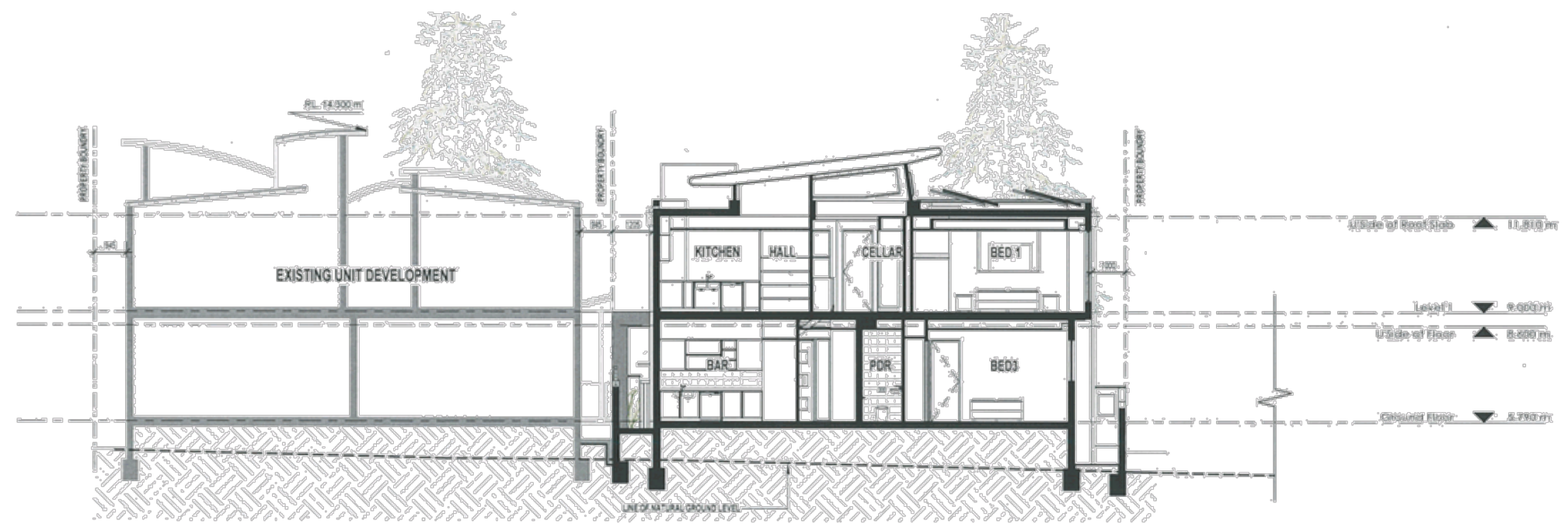
**2 Hardscape Plan**  
Scale: 1:100

	<b>GOLD COAST BALLINA</b> 40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18	40/11/17 10/11/18
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**PROJECT:** New Residence  
**3 Rayner Lane Lennox Head**  
**OWNER:** Don & Julie Priest  
**DESIGNER:** Hardscape Plan  
**ISSUE:** B  
**DATE:** 05.06.2018  
**REV. NO:** A-01-02  
**PROJECT NO:** 016-063  
**DRAWN:** SL  
**SCALE:** 1:100  
**REVISION:** A2  
**CONSTRUCTION ISSUE DRAWINGS (B)**

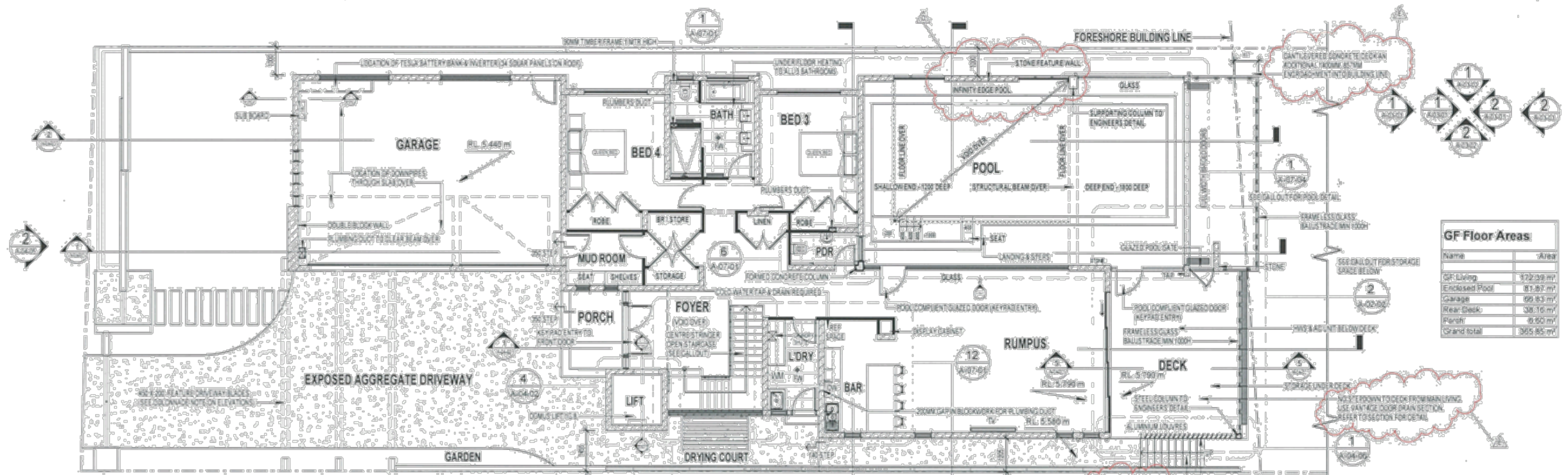


1 Site Longitudinal Section  
Scale: 1:100

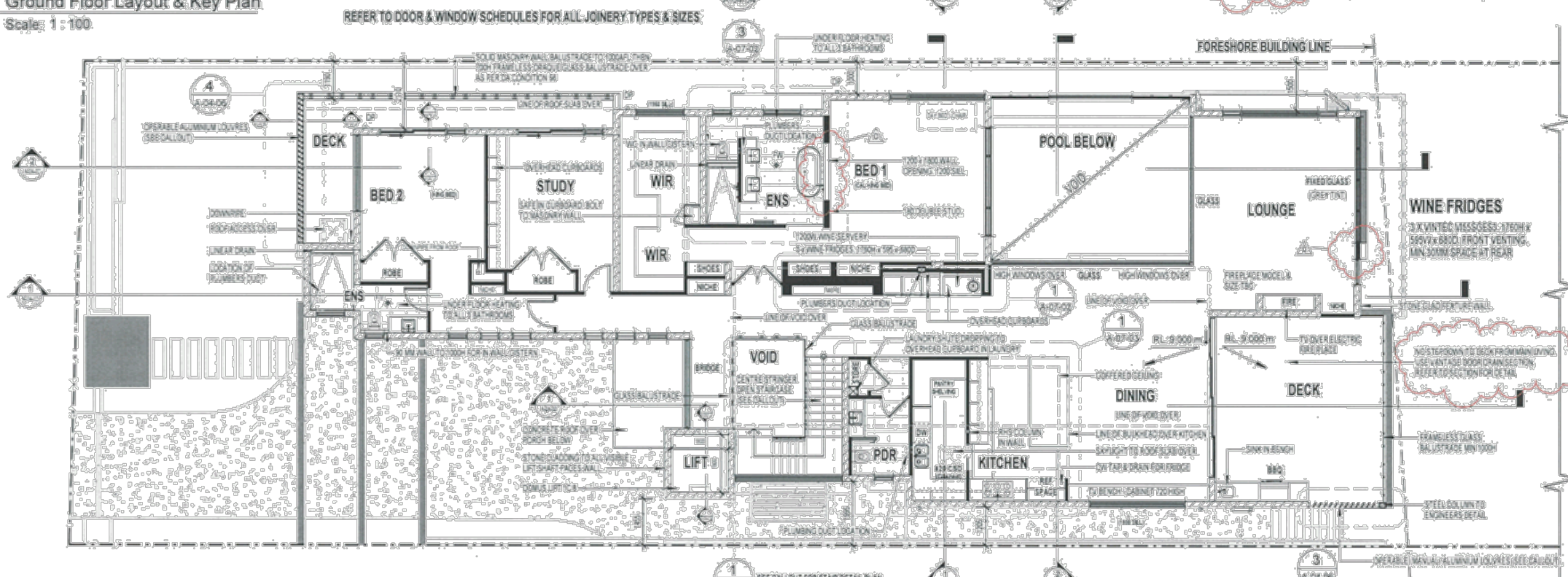


2 Site Cross Section  
Scale: 1:100

	<b>GOLD COAST BALLINA</b> Suite 101, 27 Riverside Rd Ballina NSW 2478 PO Box 4796 GCMC QLD 4703 Ph: 07 5579 4719 Fax: 07 5579 2118	4880 12 132 689 854 0434 7147784	PROJECT: <b>New Residence:</b> 3 Rayner Lane Lennox Head	CLIENT: <b>Don &amp; Julie Priest</b>	TITLE: <b>Site Sections</b>	ISSUE: <b>B</b>	DATE: <b>05.06.2018</b>	DRAWING NO: <b>A-01-03</b>	PROJECT NO: <b>016-003</b> SCALE: <b>1:100</b> DRAWN: <b>SL</b> CHECKED: <b>A2</b>
	Construction Issue Drawings (B)								



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



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

**MS DESIGN**  
GOLD COAST BALLINA  
Suite 68, 47 Ashmore Rd  
Ballina NSW 2478  
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NO.	DATE	DESCRIPTION
1	05.06.2018	Issue for Construction
2	05.06.2018	Issue for Construction
3	05.06.2018	Issue for Construction
4	05.06.2018	Issue for Construction
5	05.06.2018	Issue for Construction
6	05.06.2018	Issue for Construction
7	05.06.2018	Issue for Construction
8	05.06.2018	Issue for Construction
9	05.06.2018	Issue for Construction
10	05.06.2018	Issue for Construction

PROJECT: **New Residence**  
3 Rayner Lane Lennox Head

CLIENT: **Don & Julie Priest**

TITLE: **Layout & Key Plans**

DATE: **05.06.2018**

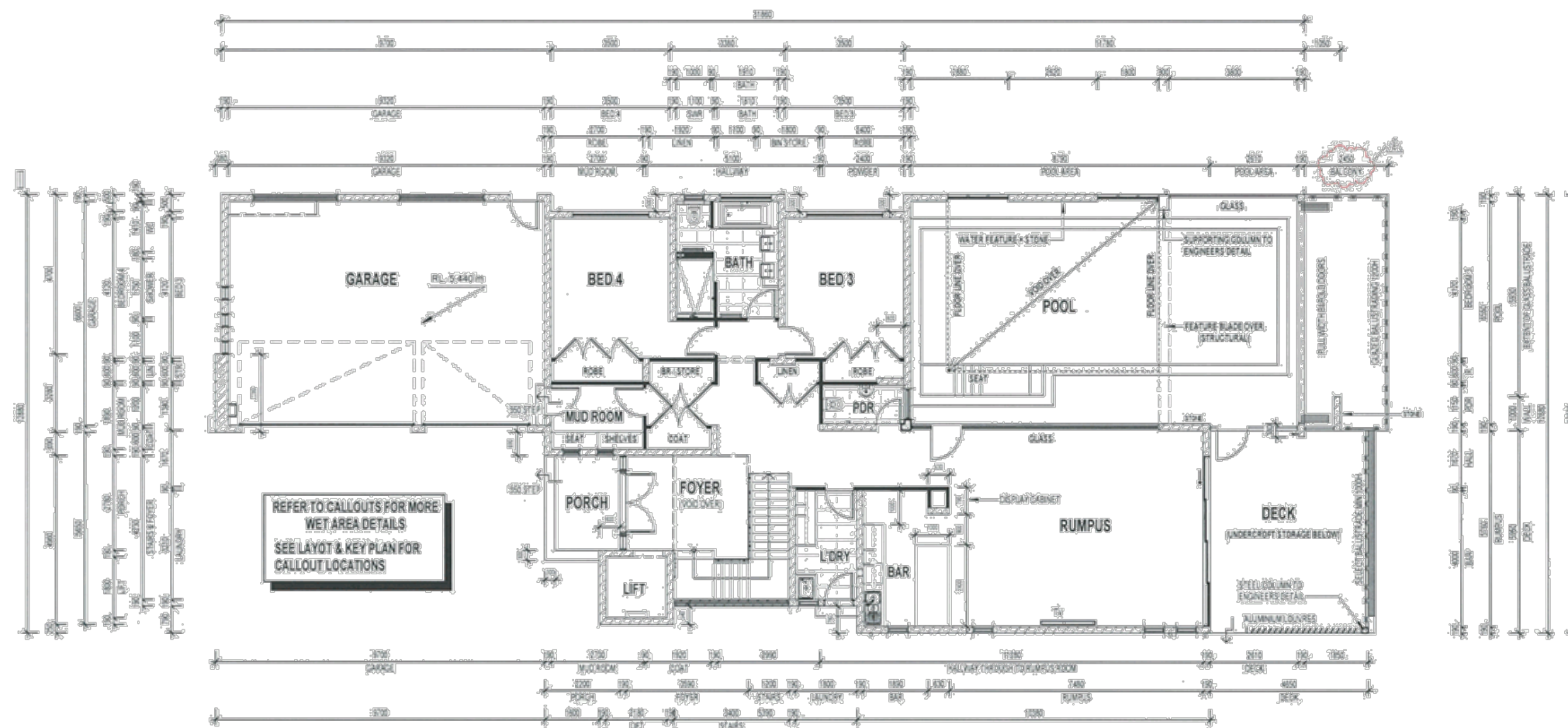
REVISION: **A-02-01**

PROJECT NO: **016-063**

SCALE: **1 : 100**

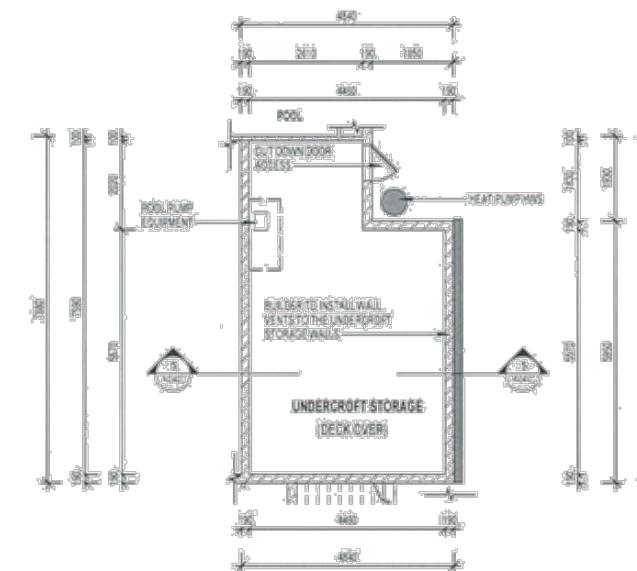
CONSTRUCTION ISSUE DRAWINGS (B)

**A2**



1 Ground Floor Dimensions  
Scale: 1 : 100

2 Undercroft Storage Detail Plan  
Scale: 1 : 100



**MS** GOLD COAST BALLINA  
 Suite 10, 27 Ayrton Rd Ballina NSW 2461  
 PO Box 6798 GLEC QLD 4778  
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REV	DATE	DESCRIPTION
1	05.06.2018	Revised Change to Pool Wall Waterproofing, Removal of Bedroom from B.E.S. 11 Area, Stone Detail, Storage Area, Storage Cabinet, and Undercroft Storage Area

PROJECT: New Residence  
 3 Rayner Lane, Lennox Head

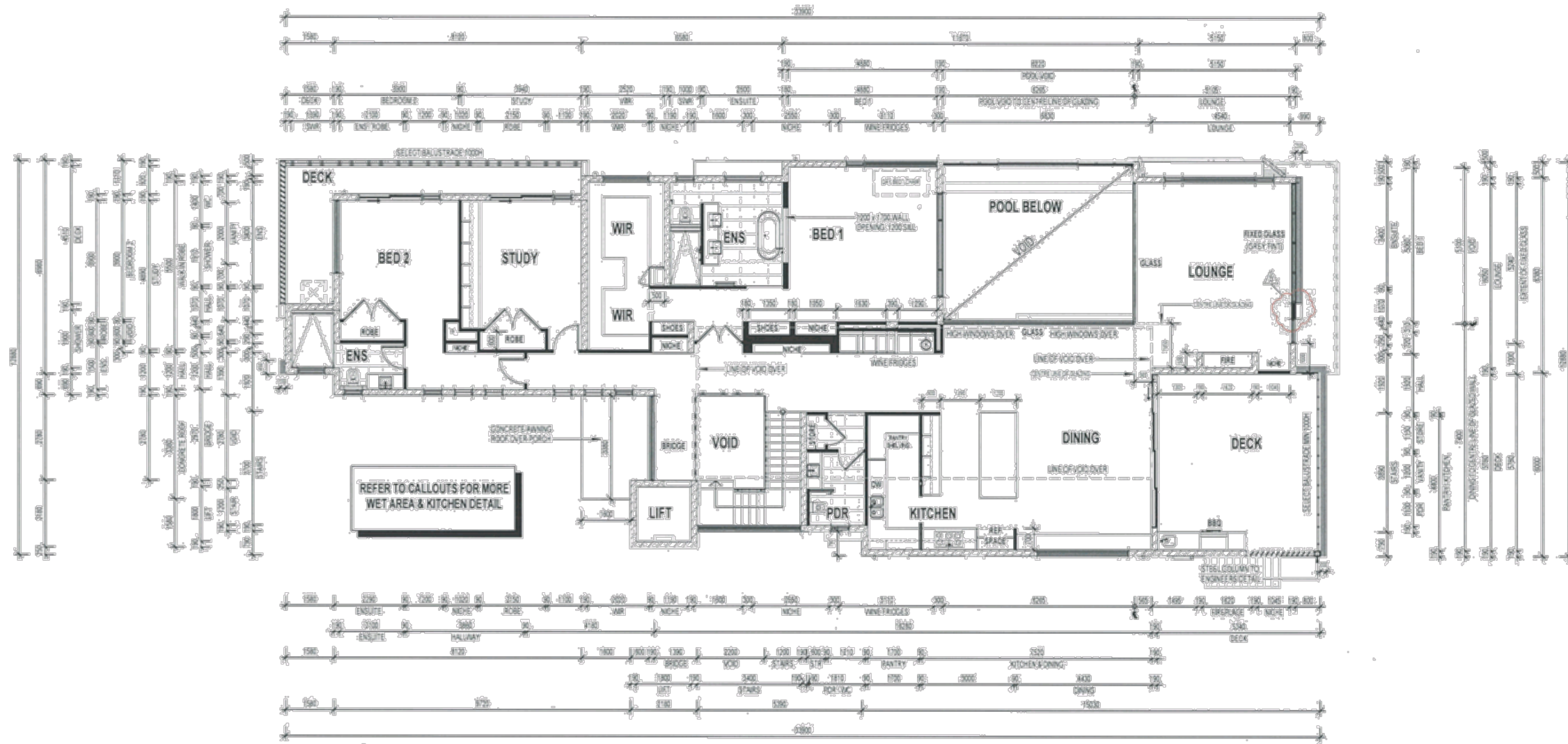
CLIENT: Don & Julie Priest

TITLE: Ground Floor Dimensions

DATE: 05.06.2018  
 DRAWING NO: A-02-02  
 SCALE: 1 : 100

PROJECT NO: 016-063  
 DRAWN: SL  
 SCALE: 1 : 100  
 A2

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**1** Level 1 Dimensions  
Scale: 1:100

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NO.	DATE	DESCRIPTION
1	05.06.2018	Issue for Construction

PROJECT  
**New Residence**  
3 Rayner Lane Lennox Head

CLIENT  
**Don & Julie Priest**

TITLE  
**Level 1 Dimensions**

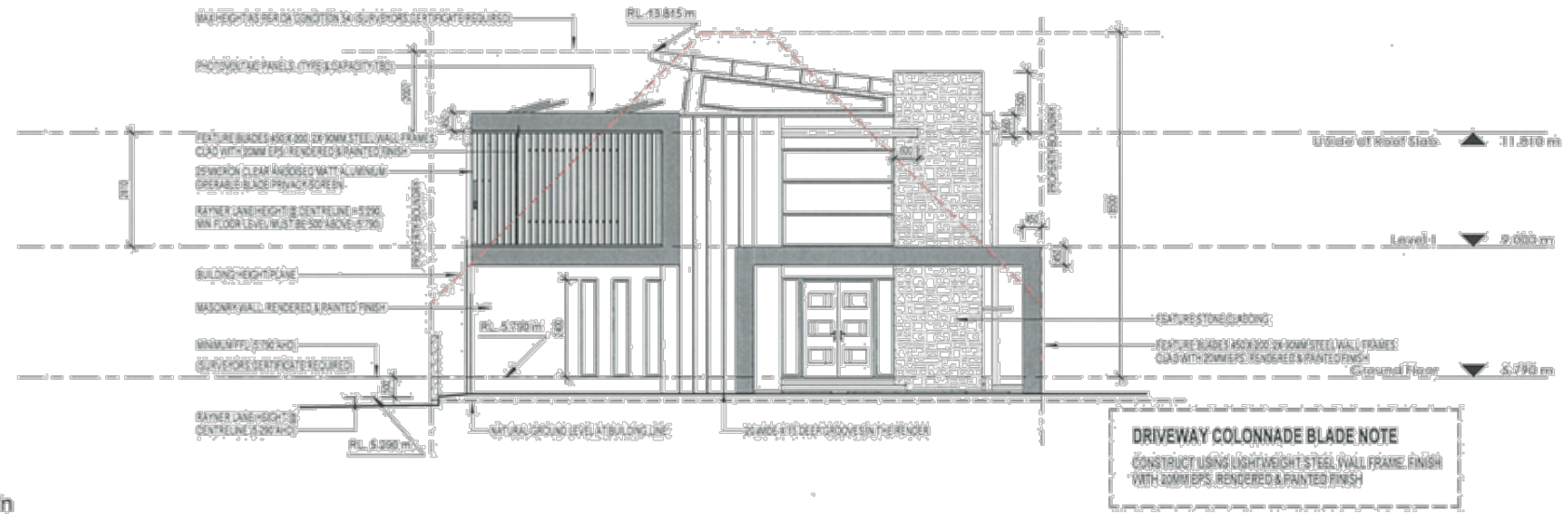
REVISION  
**B**  
DATE  
**05.06.2018**  
DWS NO.  
**A-02-03**

PROJECT NO **016-063**  
DRAWN  
**SL**  
SCALE  
**1:100**  
**A2**

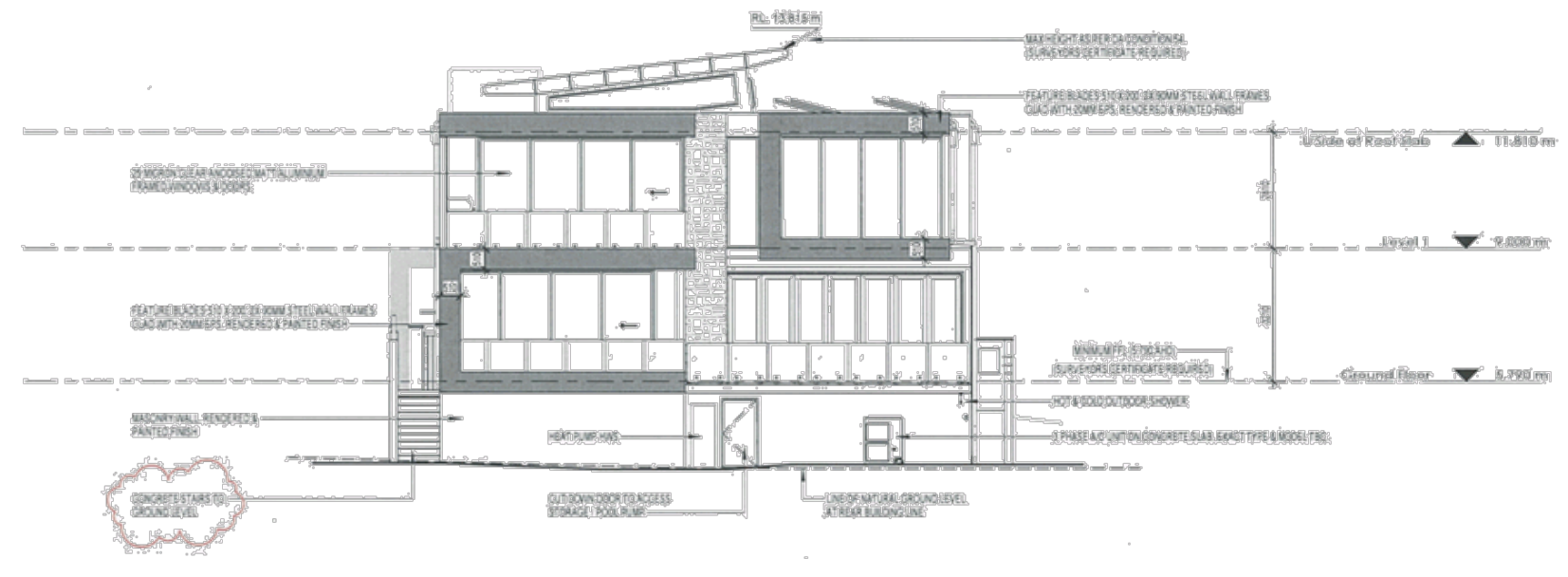
Construction Issue Drawings (B)

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1 West Elevation  
Scale: 1 : 100

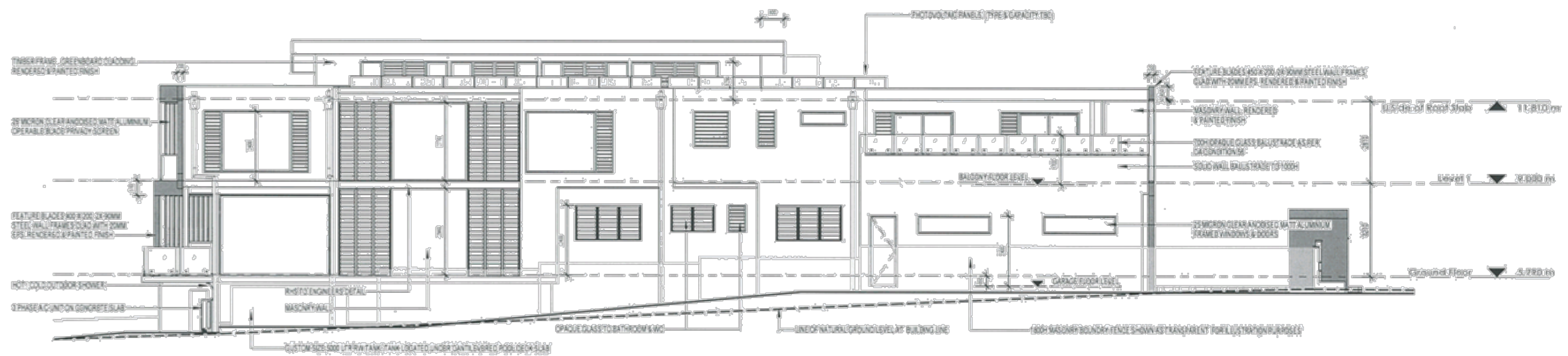


2 East Elevation  
Scale: 1 : 100

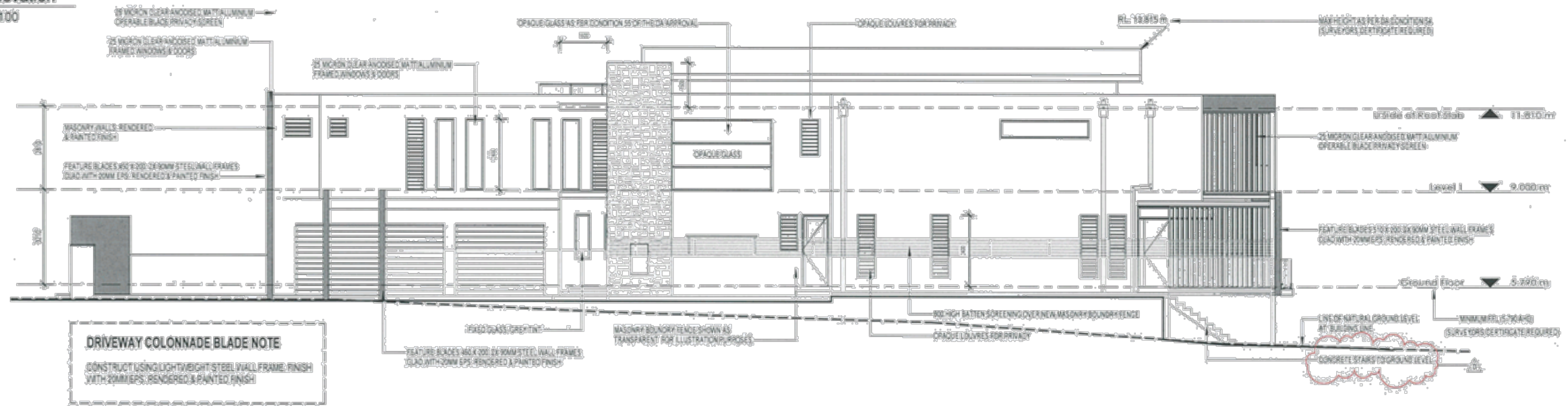
<p><b>GOLD COAST BALLINA</b> Suite 1A, 47 Adelaide Rd Ballina NSW 2478 Ph: 6612 6918 Fax: 6612 6918</p>	<p>APN: 62 122 488 054 B43, 116791</p>	REV	DATE	DESCRIPTION	PROJECT	OWNER	TITLE	ISSUE	DATE	ISSUE NO	PROJECT NO
		1	05/06/2018	Construction Issue Drawings (B)	New Residence 3 Rayner Lane, Lennox Head	Don & Julie Priest	Elevations 1	B	05.06.2018	A-03-01	016-053

Scale: 1 : 100

**1 North Elevation**  
Scale: 1:100



**2 South Elevation**  
Scale: 1:100



**MS**  
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ABN: 52 112 488 844  
BASIC 1127291

DATE	24/04/2018
DESCRIPTION	DA 2016/510 - 3 Rayner Lane Lennox Head - Modification
BY	MS DESIGN
CHECKED BY	MS DESIGN
APPROVED BY	MS DESIGN

PROJECT: **New Residence**  
3 Rayner Lane Lennox Head

CLIENT: **Don & Julie Priest**

TYPE: **Elevations 2**

DATE: **05.06.2018**

ISSUE: **B**

REVISION: **A-03-02**

PROJECT NO: **016-063**

SCALE: **1:100**

CONSTRUCTION ISSUE DRAWINGS (B)

**A2**



1 West Elevation (Schematic)  
Scale: 1:75



2 East Elevation (Schematic)  
Scale: 1:75

	<b>GOLD COAST</b> Suite 1A, 47 Ashmore Rd Burwood QLD 4159 Ph: 07 5578 2118 Fax: 07 5578 2118	<b>BALLINA</b> 14 Nelson Street Ballina NSW 2478 Ph: 0412 488 044 www.msdesign.net.au	NO. REV. DATE DESCRIPTION _____ _____ _____	PROJECT: <b>New Residence</b> 3 Rayner Lane Lennox Head	CLIENT: <b>Don &amp; Julie Priest</b>	OFFICE: <b>Schematic Elevations</b>	DRAWING: <b>B</b>	DATE: <b>05.06.2018</b>	SHEET NO. / OF: <b>A-03-03</b>	PROJECT NO. / OF: <b>016-063 / 54</b>
	Construction Issue Drawings (B)								SCALE: <b>1:75</b>	SHEET: <b>A2</b>

**Intelligent Architecture**

**Michael & Megan Jones**

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Licensed Builder 34488

O502:LET.001:MEJ:sa

13<sup>th</sup> July, 2018

The General Manager  
Ballina Shire Council  
Attention: The Group Manager, Development & Environmental Health  
**Attention: Mr Matthew Wood & Mr Vince Hunt**  
PO Box 450  
BALLINA NSW 2478  
Email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Your Ref: DA2016/510.2

Dear Sir

We have been instructed to act on behalf of Ms Rebecca and Mr Graham Richardson - Owners of 2/2 Rayner Lane, Lennox Head.

We acknowledge receipt of Council's notice of an Application to Modify Consent 2016/510 submitted to Council by Ardill Payne and Partners in relation to Lot 43; Section 1; DP 11687; for a new dwelling approved for construction, known as 3 Rayner Lane, Lennox Head.

We have reviewed the Application and note that the Application is for Modification of three (3) elements to the previous Consent comprising:

- 400mm extension to the pool deck at elevated Ground Floor level, which will result in an encroachment of 857mm into the Eastern Foreshore Building Line
- Relocation of the stairs at the eastern end of the deck to the southern side of the deck
- Raise the finished floor level of the deck off the Ground Floor Rumpus Room and the deck off the First Floor Dining Room to match the internal floor levels of these rooms

There is no objection to the adjustment of the deck levels to either Ground Floor deck off the Rumpus Room, nor to the First Floor deck to the Dining Room.

We wish to object to the other two amendments on the following basis.

**A. Exceedance of the Eastern Foreshore Building set-back Line**

The statement on page 7 of the submission by Ardill Payne under Clause 3.1 indicates that *"the proposed modifications will not change the building footprint, gross floor area, access, parking, height, bulk, scale, external appearance, Building Height Plane, etc."* This statement is incorrect in a number of aspects.

In the first instance - clearly the 1400mm extension of the deck at the eastern end of the approved swimming pool increases the building cover of the site and reduces the pervious area of the site.

Secondly, the proposed extension of the pool deck does alter the external appearance of the building, with an increased cantilever and overshadowing of landscape material.

Thirdly, the extension of the pool deck and the relocation of the stairs from the eastern end of the deck to the southern side of the deck clearly changes access to the building.

Clause 4.1 on page 8 of the submission by Ardill Payne states that *"there will not be any increase in impervious areas/surfaces on the subject land as a result of the proposed Modified Development...."*

RICHARDSON  
Lennox Head

INTELLIGENT ARCHITECTURE

13<sup>th</sup> July, 2018  
Page 1 of 4

Clearly the 1400mm extension of the pool deck will result in a decrease in pervious areas/surfaces on the subject land. Their statement is erroneous and misleading.

Whilst the extension of the pool deck will not change stormwater collection, it does reduce pervious area calculations for the site.

On page 14 of the submission by Ardill Payne relating to building lines, Element E of the Ballina DCP relating to Building Lines states that:

*The objectives are:*

- (a) Protect the amenity of the locality in which the dwelling is situated;*
- (b) Ensure new development makes positive contribution to the local streetscape; and*
- (c) Set-back 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*

The subject land is subject to both a street (western) and foreshore (eastern) Building Line. The existing and proposed modified Building Lines comply with the required 6m Building Line to Rayner Lane.

Table 4.5.3 of s.4.5 requires the Eastern Foreshore Building Line for the subject land to be specifically set-back 40.43m along the northern side boundary and 41.95m at the southern boundary.

The existing approved development complies with these requirements.

The proposed 1400mm extension of the cantilevered eastern deck to the swimming pool will result in an encroachment beyond the Eastern Foreshore Building Line by nearly 1m.

As an item elevated and cantilevering into the Foreshore Building Line is considered in our submission as an unacceptable and unjustified encroachment.

On page 15 of Ardill Payne's submission they refer to Control (iii) of Element E which deals with criteria in which an encroachment forward of the Building Line may be considered and granted. This primarily refers to the ability to establish an alternative Building Line on the basis of the average distance between the nearest two buildings, which usually refers to buildings on either side of the subject Lot.

Reference is made to an apparent encroachment of the timber deck to the residential building at Lot 44, Section 1, DP 11687 which is immediately to the south of the subject property. There is insufficient evidence provided that the timber deck to the neighbouring property at 2 Rayner Lane factually or actually does project or encroach upon the Foreshore Building Line.

In fact, the Foreshore Building Line is a nominated set-back parallel to the boundary between Rutherford Street and the beach coastline and there is therefore no need to create an arbitrary new Building Line to suit the convenience of the Applicant, particularly when there is no further development to the north of the subject property.

To grant an exemption to encroach upon the Foreshore Building Line will establish an "in principle" argument for increasing encroachment on the Foreshore Building Line for each successive development to the north of the subject property. This "creep" is a commonly abused methodology for increasing development at the expense of the local environment which if Council approve this instance, will create a less defensible precedence for further developments to the north, which will likely be inevitable.

We herewith submit that the increase of the cantilevered eastern deck to the swimming pool be **not allowed** to encroach beyond the Eastern Foreshore Building Line under any circumstance. Whether the neighbouring southern property exceeds the Foreshore Building Line has not been proven, and is an inadequate argument nor justification for a random exceedance and encroachment for the benefit of the developer of this allotment.

Furthermore, the encroachment forces the relocation of the stair from its present location on the east facade to the side (and in this case placed at the southern side) between the development and the side boundary. This (contrary to the statement on page 15 by Ardill Payne under the fourth dot point) will have a seriously adverse impact on the amenity of No. 1/2 Rayner Lane - the immediately adjoining property and dwelling.

This property already has been seriously compromised in its immense loss of northern sunlight by the Council approving the Development in the first instance, and now to relocate the stair (which will be regularly used by the occupants of the subject site to access the beach) will seriously impact upon the privacy amenity of the occupants of No. 1/2 Rayner Lane.

The encroachment of the cantilevered east deck to the swimming pool beyond the Foreshore Building Line is misleadingly stated as being a Ground Level deck when in fact it is approx **1500mm above Ground Level** as a cantilevered element.

The justification argued for this encroachment is an excessive comparison with any minor (if any can be proven) comparable encroachment of the timber deck on the adjoining residential building to the south, which is more than 60% less than what is being proposed by this developer.

On page 7 of Ardill Payne's submission they suggest that contingent upon the Council granting Consent for the proposed Modification that Condition 24 of the original Consent be amended.

We herewith submit that **under no circumstance should Council consider amending Condition 24 of the original Consent** and that the Foreshore Building Line established by the metric dimensions on the northern and southern side boundaries stand.

**B. Loss of Privacy Amenity**

The proposed relocation of the access stair from the open recreation space to the property with associated pedestrian access from the beachfront into the dwelling will be a regularly used facility for occupants to access and return from the beachfront. To relocate the stair from the eastern central part of the eastern facade to the southern side boundary results in a substantial loss of privacy amenity to the occupants of No. 1/2 Rayner Lane in two parts.

Firstly, people will access the GF deck and Rumpus Room, adjacent to the deck and primary living space of the occupants of 1/2 Rayner Lane, with the increased volume and regularity of acoustic and visual privacy loss.

In addition to this, the existing BBQ and screen along the southern side of the deck of the proposed development will have an opening placed within it, to allow that regular pedestrian access from the eastern side of the property and the beachfront into the deck and Rumpus Room area.

Thirdly, the loss of the screen on the southern side of the deck will increase the amount of noise transferring from the swimming pool area, and the proposed extended deck at the east end of the swimming pool, with further noise transfer to the property at No. 1/2 Rayner Lane, and potentially extending further south, to our client's property at No. 2/2 Rayner Lane.

The arguments set out by Ardill Payne either distort or inaccurately convey the situation, with an understatement of the increased lack of visual and acoustic amenity and privacy to our client and their neighbours immediately adjacent to the subject land.

This relocation of the stair and the loss of amenity should be a supporting reason why the proposed extension of the cantilevered deck to the eastern end of the swimming pool **should not be allowed**, in addition to the fact that the proposed deck extension encroaches unnecessarily upon the Foreshore Building Line with an unnecessary, inadequately justified, and inappropriate benefit to the developer of that property.

C. CONCLUSION and RECOMMENDATION

We herewith submit that:

1. **The extension of the deck at the eastern end of the swimming pool should not extend beyond the established Foreshore Building Line.**

There is opportunity for the deck to be extended at an obtuse angle and parallel with the Foreshore Building Line allowing a little more useable space at the eastern end of the swimming pool, however **there is an inadequate justification for extension of the timber deck** beyond the established Foreshore Building Line.

We strongly implore **Council to hold firm to the established Foreshore Building Line on this development and as a precedent for subsequent inevitable developments** further north along the coastline.

2. **The relocation of the stair for access from the eastern yard and beachfront will result in an increased and unacceptable loss of privacy and amenity to the property at 1/2 Rayner Lane, and should be refused.**

Irrespective of the solution for the proposed extension (if any) of the deck to the east end of the swimming pool, the stair access should remain in the vicinity of the location already approved - being toward the centre of the property, and away from interference with neighbouring properties (on either side of the subject property).

D. Declaration

We herewith declare that neither the writer, this firm nor our clients - Ms Rebecca and Mr Graham Richardson have made any reportable political donations or gifts to any Councillor of the Council or employee of the Council within the past two years.

Yours faithfully



Michael E Jones  
Registered Architect 4388  
OAM JP BArch MBA

J Manyweathers

4 Rayner Lane,

Lennox Head, NSW, 2478 .

jjmanyweathers@hotmail.com

0419941552

Ballina Shire Council

40 Cherry Street, Ballina, 2478.

Re: Submission in regards to modified DA 2016/510 for Lot 43: Sec: I DP: 11687 3 Rayner Lane, Lennox Head

The Manyweathers property (4 Rayner Lane) is located directly adjacent to the North of lot 43 on the Eastern side of Rayner Lane.

We object to the modification of the development application based on the need to preserve the Eastern Foreshore Building Line. We understand that Council has applied this foreshore setback to limit the ability of new development to step closer and closer to the Eastern foreshore behind Rayner Lane. We believe that all houses along the Eastern side of Rayner Lane should exhibit positive architecture that contributes in a meaningful way to the local environment, without overpowering the natural setting or reducing the privacy or amenity of use of the immediate beach, dunes and neighbouring properties.

This foreshore building line that council has adopted, deliberately forces design restraint and allows for sharing the coastal setting between all residents and beach users without detriment. It allows this, while still permitting more than adequate building envelopes for all of the properties along Rayner lane without resorting to any form of encroachment.

Why then should an amendment be granted for an encroachment over the Eastern Foreshore building line?

The application for modification seeks to establish an alternate building line by taking the average building line of the nearest 2 buildings. We believe that it is misleading to try to form an "average" using only the Southern neighbouring property (2 Rayner Lane) and to use this to establish a precedent building line. It can be clearly seen that our house, at 4 Rayner lane to the North, is built well behind the foreshore building line and to take an average line between the Eastern extremities of 2 Rayner Lane and 4 Rayner Lane will not justify extending the Council stipulated Foreshore Building line at 3 Rayner Lane. Furthermore, the application fails to provide reason for the encroachment based on requirements of articulation. There may be reasons why an encroachment is required to allow up to 1500mm extra articulation space on some sites, but this is clearly not the case in this application.

From a personal perspective, we believe that extending the deck towards the East will further erode our remaining privacy and the amenity of our own outdoor areas and internal living areas. As work has begun on this development we are already witnessing the unacceptable extent of the "tunnel" that we are being built into by the size and scale of the new building and the bulk and height of the



walls that are being built on our boundary. We fear that there will be no place on our property that we will enjoy any privacy away from the overlooking windows to the South and the proposed building to the North. Both of these new developments have been designed well outside of the council's own building lines, limits and envelopes. The only limit that has not been ignored, up until now, is the Eastern foreshore building line. We are relying on council to preserve the foreshore building line that they have set so that this and future developments are not able to encroach closer to the ocean. It is too dangerous to allow this encroachment to occur, as it will contribute to the erosion of the building line itself as future developments along the length of Rayner Lane will claim that Lot 41 has created a new precedent and that we all should be allowed the same or greater encroachment.

Council has an obligation to establish development controls and then to enforce them. Sadly, many developments along Rayner Lane have not been built in line within the current development controls. However, in order to preserve what is left of the Lennox Head coastal environment, Council must cease to approve design that falls outside of its own development controls. Council must show leadership and support sustainable and effective architecture that contributes to the Lennox Head environment rather than dominating it.

We appreciate your consideration of these objections and hope that they are taken into account as you assess this DA modification.

This document has been prepared on behalf of Jeannette Manyweathers by her daughters and powers of attorney Jennifer O'Leary (0419941552) and Margaret Sheely (0448433509).

Jennifer O'Leary

Margaret Sheely

Handwritten signatures of Jennifer O'Leary and Margaret Sheely. The signature of Jennifer O'Leary is written above the signature of Margaret Sheely.

16 July 2018

Craig Jones and Rebecca Winters-Jones  
1/2 Rayner Lane  
Lennox Head, NSW, 2478

The General Manager  
Ballina Shire Council  
Attention: The Group Manager, Development & Environmental Health  
**Attention: Mr Matthew Wood**  
PO Box 450  
BALLINA NSW 2478  
Email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Re: Application to Modify Consent 2016/510, Your Ref: DA2016/510

Dear Sir,

We are the owners of 1/2 Rayner Lane, Lennox Head.

We acknowledge receipt of Ballina Shire Council (Council) notice of an Application to Modify Consent 2016/510 submitted to Council by Ardill Payne and Partners in relation to Lot 43; Section 1; DP 11687; for a new dwelling approved for construction, known as 3 Rayner Lane, Lennox Head.

We previously objected to the initial development of this dwelling due to the unreasonable impacts on our property (see attachments). These impacts include but are not limited to the substantial loss of natural light and ventilation to our property.

The Development Application 2016/510 (the Development Application) that was approved by Council in 2017 includes a substantial encroachment beyond the building height plane provisions of the Ballina Shire Council, Local Environmental Plan (LEP) and Development Control Plan (DCP). This encroachment is the sole reason for the unreasonable impacts on our property. Council failed to acknowledge these impacts and allowed the development to occur.

During the Council Meeting in which the Development Application approval was given, one Councillor even stated that we were lucky to have had the views that we currently enjoyed for so long. It is curious that this was used as a reason to justify the development of a dwelling outside of the councils own Development Control Plan. It was Councils own discretion that was used to create these impacts to our property.

The Council then continued to approve the construction of a road in the reserve between our property and the beach, which is now used as a parking lot for construction vehicles. This road was not included in the initial Development Approval and there was no consultation with us on the matter.

Needless to say we are not happy with the Councils approach to making decisions that impact rate paying citizens.

During the Council meeting where the Development Application was approved, one Councillor asked if it was possible to approve the development, subject to rectifying the encroachment on the Southern Boundary. The response from the Council General Manager was that this was not possible and that the Development Application needed to be assessed in its entirety. We now find ourselves in a situation where a piecemeal approach to approvals is being sought by the developer, including the construction of the road and now a further modification that contributes to further impacts on neighbouring properties. As a neighbour, you could understand how this would be deeply disturbing.

For the record, we are not opposed to the development of 3 Rayner Lane. We purchased the property with the full knowledge that this would occur. We trusted that the Council would apply good judgement using the requirements of its Development Control Plan to guide this development. Clearly this trust was misguided.

With respect to the Application to Modify Consent 2016/510, we object to the extension of the pool deck beyond the eastern building line and the relocation of the stairs to the southern boundary. These proposed modifications will **further** impact our property. The extension of the deck necessitates the relocation of the stairs which creates a privacy concern for us.

The proposed entry on the Southern boundary will be directly adjacent to our current entrance and create a direct line of sight into our downstairs rumpus and childrens bedrooms, impacting our privacy and noise. This proposed stairway and entrance will be frequently used by the occupants accessing the beach.

We also submit that increasing the height of the block wall and screening on the boundary beyond the current height will further restrict lighting and ventilation into our lower level family room and bedrooms.

Further, the extension of the pool deck beyond the eastern building line is an encroachment on **another** boundary, placing the proposed dwelling outside of the Development Control Plan on three of the four possible boundaries of the building.

The applicant has hidden behind the excuse that the "bulk and scale" of the building is in line with the context of other buildings on the street. This does not make it an acceptable reason to impact on other properties. The Development Control Plan is established to set the development context of the area. As it was for us, the Development Control Plan was available to assess when purchasing the property, so it should be a reasonable expectation from both developers and nearby property owners that consent is given within this context.

Perpetuating a precedence where all boundaries can exceed the Councils own Development Control Plan does not make it right.

We appeal to Council to **not approve** Application to Modify Consent 2016/510 on the basis of increased loss of visual and acoustic privacy to our property.

**Declaration**

We herewith declare that we not have made any reportable political donations or gifts to any Councillor of the Council or employee of the Council within the past two years.

Yours Faithfully

Craig Jones and Rebecca Winters-Jones