



Ballina Shire Development Control Plan 2012

Draft Amendment No 13 – General Amendments

Schedule of Proposed Amendments

May 2020 (20/13121)

8.13 Ballina Shire Development Control Plan 2012 - Draft Amendment No.13

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

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
1	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.11 Provision of Services</p> <p>3.11.3 Development Controls</p> <p>C – Sewage Management</p>	<p>3.11.2 Planning Objectives</p> <p>a. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;</p> <p>b. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate; and</p> <p>c. Protect public health.</p>	<p>Add new objective:</p> <p>3.11.2 Planning Objectives</p> <p>a. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;</p> <p>b. Ensure development is compatible with the capacity of the reticulated sewerage network and environmental characteristics of land;</p> <p>c. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate; and</p> <p>d. Protect public health.</p>	<p>To advise that where rural-residential lots are connected to the reticulated sewer system, on-site sewage management systems cannot be used to meet sewage management requirements for new dwellings, particularly in circumstances where the reticulated sewer system does not have the capacity to accommodate new dwellings, eg. the Fig Tree Hill Estate in Lennox Head.</p>
	<p>C Sewage Management</p> <p>i. Development shall be provided with an adequate reticulated sewer connection or have suitable arrangements in place for such a connection to be made where access to reticulated sewer is available.</p> <p>ii. Where access to reticulated sewer is not available, wastewater disposal must meet the requirements of Section 3.8 in relation to on-site sewage management.</p>	<p>Amend wording of C. Sewage Management and add new Note:</p> <p>C Sewage Management</p> <p>i. Development shall be provided with an adequate reticulated sewer connection or have suitable arrangements in place for such a connection to be made where access to the reticulated sewer network is available to the site. Access to the reticulated sewer network must have capacity to allow such connection.</p> <p>ii. Where access to no reticulated sewer network exists, is not available, wastewater disposal must meet the requirements of Section 3.8 in relation to on-site sewage management.</p>		

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No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		No existing note.	<p>Notes:</p> <p>Where a lot is connected to the reticulated sewer network, an on-site sewage management system cannot be used to meet sewage management requirements. This also applies where the reticulated sewer network is at capacity.</p> <p>Fig Tree Hill Estate:</p> <p>Historically, dual occupancy development within the Fig Tree Hill Estate has not been permitted due to inadequate sewerage capacity. Despite dual occupancy developments being permissible in rural zones under the provisions of the Ballina LEP 2012, the current capacity of the reticulated sewer network prevents dual occupancy development as the requirement for suitable arrangements for connection to the sewer network to be in place cannot be met unless capacity is increased.</p> <p>In 1983, Council approved a subdivision for 50 dwellings within the Fig Tree Hill Estate. An on-site sewage disposal method for each household was trialed but found to be ineffective. Consequently, reticulated sewer was installed as per the development consent conditions. In 1994, Council approved an additional 12 allotments under the closer rural settlement housing of the LEP, as they then applied. Council approved this subdivision on the basis that reticulated services, including sewer services, were presently available and able to cater for the development.</p>	
2	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.8 On-site Sewage Management Systems</p> <p>3.8.3 Development Controls</p>	<p>Notes:</p> <p>On-site management of sewage may only be undertaken where access to reticulated sewer is not available (see Section 3.11 Provision of Services).</p> <p>The type of management strategy needed for different sites can vary. It is advised that applicants proposing an on-site sewage management system consult with Council's Regulatory Services Group for further information.</p> <p>In addition to any development approval obtained, approval under Section 68 of the <i>Local Government Act 1993</i> is also required with respect to On-site Sewage Management Systems. Application for a Section 68 approval should be made concurrently with a development application.</p>	<p>Notes:</p> <p>On-site management of sewage may only be undertaken where access to no reticulated sewer network exists is not available (see Section 3.11 Provision of Services).</p> <p>The type of management strategy needed for different sites can vary. It is advised that applicants proposing an on-site sewage management system consult with Council's Regulatory Services Group for further information.</p> <p>In addition to any development approval obtained, approval under Section 68 of the <i>Local Government Act 1993</i> is also required with respect to On-site Sewage Management Systems. Application for a Section 68 approval should be made concurrently with a development application.</p>	Amend note for consistency with proposed amendments noted above.

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3	<p><i>Chapter 2 – General and Environmental Considerations</i></p> <p><i>Part 3.16 Public Art</i></p>	<table border="1"> <tr> <td colspan="2" data-bbox="712 347 1142 371">Applies to:</td> </tr> <tr> <td data-bbox="712 371 824 421">Location/s:</td> <td data-bbox="824 371 1142 421">Zone B3 Commercial Core (Ballina). Zone B2 Local Centre. (Astonville, Lennox Head, Ballina Heights Estate and Cumbalum Precinct B). Zone B1 Neighbourhood Centre (Wollongbar, Lennox Head and Wardell only).</td> </tr> <tr> <td data-bbox="712 421 824 496">Development Type/s:</td> <td data-bbox="824 421 1142 496">Commercial premises and tourist and visitor accommodation with an estimated development cost in excess of \$1,000,000.</td> </tr> </table>	Applies to:		Location/s:	Zone B3 Commercial Core (Ballina). Zone B2 Local Centre. (Astonville, Lennox Head, Ballina Heights Estate and Cumbalum Precinct B). Zone B1 Neighbourhood Centre (Wollongbar, Lennox Head and Wardell only).	Development Type/s:	Commercial premises and tourist and visitor accommodation with an estimated development cost in excess of \$1,000,000.	<table border="1"> <tr> <td colspan="2" data-bbox="1169 347 1599 371">Applies to:</td> </tr> <tr> <td data-bbox="1169 371 1281 446">Location/s:</td> <td data-bbox="1281 371 1599 446">Zone B3 Commercial Core (Ballina). Zone B2 Local Centre. (Astonville, Lennox Head, Ballina Heights Estate and Cumbalum Precinct B). Zone B1 Neighbourhood Centre (Wollongbar, Lennox Head, Skennars Head and Wardell only). Zone RE2 Private Recreation Zone RU2 Rural Landscape</td> </tr> <tr> <td data-bbox="1169 446 1281 550">Development Type/s:</td> <td data-bbox="1281 446 1599 550">Commercial premises and tourist and visitor accommodation, recreation facilities (outdoor), or recreation facilities (major) with an estimated development cost in excess of \$1,000,000 (calculated in accordance with the Environmental Planning and Assessment Regulation).</td> </tr> </table>	Applies to:		Location/s:	Zone B3 Commercial Core (Ballina). Zone B2 Local Centre. (Astonville, Lennox Head, Ballina Heights Estate and Cumbalum Precinct B). Zone B1 Neighbourhood Centre (Wollongbar, Lennox Head, Skennars Head and Wardell only). Zone RE2 Private Recreation Zone RU2 Rural Landscape	Development Type/s:	Commercial premises and tourist and visitor accommodation, recreation facilities (outdoor), or recreation facilities (major) with an estimated development cost in excess of \$1,000,000 (calculated in accordance with the Environmental Planning and Assessment Regulation).	<p>Inclusion of new commercial zone located within the Aureus development at Skennars Head.</p> <p>Inclusion of zones where recreation facilities can occur.</p> <p>Extending the development types that requires public art to include recreation facilities (major and outdoor). This includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks, golf courses, equestrian centres and skate board ramps. These types of development have the potential to become key public locations that have the capacity to reinforce the shire's cultural identity, community values or sense of place through the addition of public art.</p>
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		<p>3.16.3 Development Controls</p> <p>i. Developments must include public art to the value of at least \$15,000 as an integral part of the development;</p>	<p>3.16.3 Development Controls</p> <p>i. Developments must include public art in a civic space to the value of at least \$15,000 as an integral part of the development to the minimum value as outlined in Council's Public Art Policy.</p>	<p>Linking the minimum value of public art to the Fees and Charges Schedule rather than specifying a set amount in the DCP allows the amount to change without having to exhibit the DCP. It is suggested that this amount is indexed annually according to the Consumer Price Index (CPI).</p>												

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		<p>iii. Applications must outline the nature of the work/s (eg fountain, statue, mosaic etc); show its approximate location and size and demonstrate how the proposed public art addresses the following Design Selection Criteria:</p> <ul style="list-style-type: none"> • Standards of excellence and innovation; • Relevance and appropriateness of the work in relation to its site; • Relevance and appropriateness of the work to Ballina Shire; • Consistency with current planning, heritage and environmental policies and plans of management; • Consideration for public safety and the public's use of and access to the public space; • Consideration of maintenance and durability requirements, including potential for vandalism; • Evidence of funding sources and satisfactory budget, including an allocation for ongoing maintenance; and • Evidence of appropriate Public Liability Insurance to cover construction and installation of the work. 	<p>Delete Control (iii) and replace with the following:</p> <p>iii. A Public Art Plan is to be prepared that provides details of the proposed public art and must be submitted as part of the Development Application. The Public Art Plan must include the following:</p> <ul style="list-style-type: none"> a) An illustration of the public art concept/s providing the expected form, dimensions, materials and location of the proposed public art. b) A statement explaining the rationale behind the public art work and how it relates to the development and site. c) A description of how the public will interact or access the public art. d) A program for design, fabrication, installation of the public art and how it integrates with the construction of the development. e) Expected life of public art, maintenance requirements and deaccessioning arrangements. f) Evidence of Public Liability Insurance to cover construction and installation of the public art. g) Expected expenditure for the public art and a budget for ongoing maintenance. h) Demonstration of how the proposed public art addresses the following Design Selection Criteria: <ul style="list-style-type: none"> • Demonstrates artistic excellence and innovation. 	<p>Requires more detail on the proposed public art to be provided to Council and at what stage in the application and approval process this should occur.</p>

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			<ul style="list-style-type: none"> • Demonstrates local and cultural appropriateness to the site and to Ballina Shire; • Is consistent with current planning, heritage and environmental policies and plans of management; • Meets relevant building and safety standards; • Considers public safety and the public's use of and access to the public artwork; and • Considers maintenance and durability, including potential for vandalism. 	
		No existing provisions.	<p>Include the following new provisions:</p> <p>iv. Any substantial changes to the Public Art Plan must be submitted to Council prior to the fabrication of the public artwork.</p>	Ensures any changes to the public art plan are known to Council prior to the completion of the development.
			<p>v. Where artworks are to be intended to be transferred to Council upon completion of a development, a Detailed Public Art Plan is also required prior to a construction certificate being issued. A Detailed Public Art Plan is to include final design drawings, material specifications, engineering certificates and insurance documents.</p>	Provides additional requirements for public art that is to be handed over to Council for management and maintenance in the longer term. Allows Council to consider these implications earlier in the assessment and approval process.
			<p>vi. A Public Art Report is to be submitted to Council prior to issue of an Occupation Certificate. The purpose of the Public Art Report is to satisfy Council that the public art has been delivered and the public art commitments have been fulfilled.</p>	The requirement of a Public Art Report prior to the issue of an occupation certificate is to satisfy Council that the public art has been delivered and the public art commitments have been fulfilled. The information

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			<p>A condition of consent will be included in development consents issued involving public art, which will require the submission of a Public Art Report that addresses the following:</p> <ul style="list-style-type: none"> a) Location address of the artwork and its position within the development; b) Name of the artist/s and the artist's statement relating to the public art; c) Details regarding the fabrication and installation of the work; d) Photos of the installed artwork; e) Relevant documentation including material specifications, maintenance schedule and engineers' drawings or certificates; f) The expected life of the artwork and ongoing maintenance requirements; g) Evidence of public art expenditure; and h) Any other relevant information regarding ownership, decommissioning arrangements, warranty or copyright of the work. 	<p>contained in the Public Art Report will inform Council's Public Art register.</p>
			<p>vii. Where artworks are to be transferred to the care of Council, they will be assessed by the Public Art Advisory Panel who will then make a recommendation regarding the suitability of the artwork for the collection. Depending on the work, the recommendation will be passed to Council or the GM for approval. Any public art entering Council's public art collection will be accompanied by a maintenance schedule and associated costs and a legal document</p>	<p>Provides information regarding ownership and maintenance of the public artwork that is to be transferred to Council's public art collection.</p>

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		<p>Notes:</p> <p>The Ballina Shire Public Art Policy involves the establishment of both an Artists Register and a Public Art Advisory Panel, which will be utilised by Council when acquiring Public Art to be placed on Public Land. For works to be provided on Private Land, there is no requirement to refer proposals to the Public Art Advisory Panel or to engage artists on the Artist Register. It is however open for applicants to utilise these services should they wish to do so.</p> <p>It is open to applicants to request that Public Art required pursuant to this Chapter be placed on Public Land within the town or local centre (rather than on the development site). Under such circumstances the selection procedures documented in the Public Art Policy apply.</p> <p>Development to which the policy applies must incorporate an item of public art with a minimum value of \$15,000 as an integral part of that development in a civic space.</p> <p>To meet this requirement, Council may accept the contribution of an equivalent amount towards the provision of public art in a public place.</p>	<p>transferring full rights of ownership to Ballina Shire Council. Council will have exclusive copyright licence of the works, however full copyright will remain with the artist/author of the work/object.</p> <p>Notes:</p> <p>The Ballina Shire Public Art Policy involves the establishment of both an Artists Register and a Public Art Advisory Panel, which will be utilised by Council when acquiring Public Art to be placed on Public Land.</p> <p>Public art documents submitted to Council may be reviewed by Council's Public Art Advisory Panel for comment and any recommendations will be recorded and passed on to the developer. Local artists and art professionals are provided on the Arts Northern Rivers - Northern Rivers Creative directory website.</p> <p>For works to be provided on Private Land, there is no requirement to refer proposals to the Public Art Advisory Panel or to engage artists or art professionals on the Artist Register Creative Directory. It is however open for applicants to utilise use these services should they wish to do so.</p> <p>It is open to applicants to request that Public Art required pursuant to this Chapter be placed on Public Land within the town or local centre (rather than on the development site). To meet this requirement, Council may accept the contribution of an equivalent amount towards the provision of public art in a public place. Under such circumstances the selection procedures documented in the Public Art Policy apply.</p> <p>Development to which the policy applies must incorporate an item of public art with a minimum value of \$15,000 \$16,000 as an integral part of that development in a civic space.</p> <p>To meet this requirement, Council may accept the contribution a payment of an equivalent amount towards the provision of public art in a public place.</p>	<p>Provides information on where advice and professional services regarding public art can be found.</p>								
4	<p>Chapter 2 – General and Environmental Considerations</p> <p>Part 3.21 Bushfire Management</p>	<p>3.21.1 Application</p> <p>Applies to:</p> <table border="1"> <tr> <td>Location/s:</td> <td>All land.</td> </tr> <tr> <td>Development Type/s:</td> <td>All development.</td> </tr> </table>	Location/s:	All land.	Development Type/s:	All development.	<p>3.21.1 Application</p> <p>Applies to:</p> <table border="1"> <tr> <td>Location/s:</td> <td> <p>All land that</p> <ul style="list-style-type: none"> has been designated (mapped) as bush fire prone land under legislation; or has been identified in the course of processing and determining a development application, <p>as land that can support a bush fire or is likely to be subject to bush fire attack.</p> </td> </tr> <tr> <td>Development Type/s:</td> <td>All development.</td> </tr> </table>	Location/s:	<p>All land that</p> <ul style="list-style-type: none"> has been designated (mapped) as bush fire prone land under legislation; or has been identified in the course of processing and determining a development application, <p>as land that can support a bush fire or is likely to be subject to bush fire attack.</p>	Development Type/s:	All development.	<p>To ensure provision of applicable housing construction standards to development that is located on or adjacent to land that has been identified as capable of supporting a bush fire or likely to be subject to bush fire attack.</p>
Location/s:	All land.											
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Location/s:	<p>All land that</p> <ul style="list-style-type: none"> has been designated (mapped) as bush fire prone land under legislation; or has been identified in the course of processing and determining a development application, <p>as land that can support a bush fire or is likely to be subject to bush fire attack.</p>											
Development Type/s:	All development.											

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		<p>3.21.2 Planning Objectives</p> <p>a. Ensure that development does not occur in a manner that creates unreasonable safety risks to site occupants, the community and/or emergency services; and</p> <p>b. Ensure development is designed to manage and mitigate the risk to human life from bushfire; and</p> <p>3.21.3 Development Controls</p> <p>i. Development must conform to the requirements of the NSW Rural Fire Service's <i>Planning for Bushfire Protection</i> publication and associated Rural Fire Service policy.</p>	<p>3.21.2 Planning Objectives</p> <p>a. Ensure that development does not occur in a manner that creates unreasonable safety risks to site occupants, the community and/or emergency services; and</p> <p>b. Ensure development is designed to manage and mitigate the risk to human life from bushfire. and</p> <p>3.21.3 Development Controls</p> <p>i. Development must conform to the requirements of the NSW Rural Fire Service's <i>Planning for Bush Fire Protection</i> publication and Australian Standard AS3959 – Construction of buildings in bushfire-prone areas. associated Rural Fire Service policy.</p>	
5	<p><i>Chapter 2 – General and Environmental Considerations</i></p> <p><i>Part 3.23 Boat Ramps, Pontoons and Jetties</i></p>	<p>3.23 Boat Ramps, Pontoons and Jetties</p> <p>A Assessment of Structures</p> <p>i. Development applications for structures (boat ramps, pontoons, jetties and retaining walls) shall be assessed by the waterway owner (Council or Crown) to ensure consistency with the relevant standards and drawings.</p> <p>E Retaining Walls</p> <p>i. Retaining walls are to be constructed in accordance with Council's standard layout of drawing. The design of the structure is to be prepared and certified by a practicing structural engineer as meeting the relevant engineering standards.</p>	<p>3.23 Waterway Structures</p> <p>A Assessment of Structures</p> <p>i. Development applications for waterway structures (boat ramps, pontoons, jetties and retaining walls) shall be assessed by the waterway owner (Council or Crown) to ensure consistency with the relevant standards and drawings.</p> <p>E Retaining Walls</p> <p>i. Retaining walls are to be constructed in accordance with Council's standard layout of drawing. The design of the structure is to be prepared and certified by a practicing structural engineer as meeting the relevant engineering standards.</p>	<p>To provide consistency in the naming of these structures which will assist customers when searching for the information on Council's website.</p> <p>Council's website will also be updated to include the typical/standard layout drawings within the one location.</p>

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6	<p><i>Chapter 3 – Urban Subdivision</i></p> <p><i>Fire Asset Protection Zones – Private Use of Public Land Policy</i></p>	<p>No existing provision.</p>	<p>Insert new provisions under Part 3.1 Minor Subdivision General Controls (Element H) and Part 3.2 Major Subdivision Requirements (Element D):</p> <p>Element – Asset Protection Zones</p> <p>Planning Objectives</p> <p>a. To regulate the use of public land in respect to its use as a fire asset protection zone; and</p> <p>b. To ensure that public land is not constrained by private uses.</p> <p>Development Controls</p> <p>i. Asset Protection Zones (APZs) required for private developments are to be located entirely within the boundary of the development.</p> <p>ii. Where new subdivisions are required to provide APZs these must be located within the subdivision and may include the use of roads, private property or in some cases public reserves that are part of the subdivision.</p> <p>iii. Existing public reserves must not be used to provide APZs for private development.</p> <p>Notes:</p> <p>New subdivisions located on land mapped as bush fire prone land must have regard to Council's <i>Fire Asset Protection Zones – Private Use of Public Land Policy</i>.</p> <p>APZs must be determined in accordance with the NSW Rural Fire Service publications <i>Planning for Bush Fire Protection and Standards for Asset Protection Zones</i>.</p>	<p>The review of the <i>Fire Asset Protection Zones – Private Use of Public Land Policy</i> was considered by Council at its February 2020 Ordinary meeting. Council resolved to adopt the amended policy and place on exhibition for public comment.</p> <p>This policy position is being incorporated into the DCP to reinforce the requirement that asset protection zones, where required for private development, must be located wholly within the boundary of the development site and not on public land.</p>

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7	Chapter 3 – Urban Subdivision <i>E. Element – Services and Infrastructure</i>	<p>Control - Service Infrastructure Internal to the Development Site</p> <ul style="list-style-type: none"> i. Subdivisions shall be fully serviced with water, sewer, roads, drainage, underground electricity and communication services; ii. Where lots are proposed having frontage only to a lane, adequate infrastructure servicing, including formalised vehicular access, waste collection and postal delivery, must be available to the lane frontage, except where the requirements of (iii) are met. iii. Where waste collection or postal delivery services are not provided to a lane, lots must be provided with a paved pedestrian access way having minimum 1.2m width to enable each future dwelling or occupancy direct access to the street frontage. iv. All service infrastructure is to be designed and constructed in accordance with the <i>Northern Rivers Local Government Development and Design Manual</i>; and v. Service infrastructure internal to the development site shall be provided by the developer at no cost to Council. 	<p>Control - Service Infrastructure Internal to the Development Site</p> <ul style="list-style-type: none"> i. Subdivisions shall be fully serviced with water, sewer, roads, drainage, underground electricity and communication services; ii. All lots are required to have frontage to a public road to provide adequate infrastructure servicing, including waste collection and postal delivery (refer to Element G for minimum requirements for battle-axe lots); iii. Where lots are proposed having frontage only to a lane, adequate infrastructure servicing, including formalised vehicular access, waste collection and postal delivery, must be available to the lane frontage, except where the requirements of (iv) are met; iv. Where waste collection or postal delivery services are not provided to a lane, lots must be provided with a paved pedestrian access way having minimum 1.2m width to enable each future dwelling or occupancy direct access to the street frontage; v. All service infrastructure is to be designed and constructed in accordance with the <i>Northern Rivers Local Government Development and Design Manual</i>; and vi. Service infrastructure internal to the development site shall be provided by the developer at no cost to Council. 	<p>To clarify that all allotments are required to have public road frontage to ensure adequate provision of services and infrastructure to each lot.</p> <p>Where Torrens Title lots are provided with access corridors, they are to comply with the controls for battle-axe lots in Element G – Minimum Lot Size and Shape contained within Chapter 3 – Urban Subdivision.</p>

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8	Chapter 4 – Residential and Tourist Development Part 3 General Controls Secondary Dwellings	<p>3.1.1 Application</p> <p>Applies to:</p> <p>Location/s: Zones B1, B2, B3, B4, B6, R2 & R3</p> <p>Development Type/s: Residential accommodation (excluding secondary dwellings unless specifically stated) and Tourist and visitor accommodation</p> <p>Notes:</p> <ol style="list-style-type: none"> The provisions of Part 3 General Controls do not apply to secondary dwelling unless specifically stated. Secondary dwellings will be assessed against the controls contained in Division 2, clause 23(1) (c) to (g) of the Affordable Rental Housing SEPP. Refer also to the controls contained within Chapter 7 – Rural Living and Activity which contains controls applicable to residential accommodation, and tourist and visitor accommodation within the RU1, RU2, E2, E3, W1 and W2 zones where permissible. 	<p>3.1.1 Application</p> <p>Applies to:</p> <p>Location/s: Zones B1, B2, B3, B4, B6, R2 & R3</p> <p>Development Type/s: Residential accommodation (excluding secondary dwellings unless specifically stated) (including associated buildings such as sheds) and Tourist and visitor accommodation</p> <p>Notes:</p> <ol style="list-style-type: none"> The provisions of Part 3 General Controls do not apply to secondary dwelling unless specifically stated. Secondary dwellings will be assessed against the controls contained in Division 2, clause 23(1) (c) to (g) of the Affordable Rental Housing SEPP. Refer also to the controls contained within Chapter 7 – Rural Living and Activity which contains controls applicable to residential accommodation, and tourist and visitor accommodation within the RU1, RU2, E2, E3, W1 and W2 zones where permissible. 	Controls within Chapter 4 have been amended to provide clarity and consistency regarding the assessment of applications for secondary dwellings.	
		<p>C. Element - Building Envelopes</p> <p>i. Residential accommodation (optional for secondary dwellings) and tourist and visitor accommodation in Zone R2 Low Density Residential and Zone R3 Medium Density Residential must be contained within a building envelope measured as follows:</p>	<p>C. Element - Building Envelopes</p> <p>i. Residential accommodation (optional for secondary dwellings) and tourist and visitor accommodation in Zone R2 Low Density Residential and Zone R3 Medium Density Residential must be contained within a building envelope measured as follows:</p>		As above.
		<p>G. Element - Landscaping and Open Space</p> <p>Controls – Landscaping and Private Open Space for Dwellings, Dual Occupancies, Attached Dwellings and Semi-Detached Dwellings</p>	<p>G. Element - Landscaping and Open Space</p> <p>Controls – Landscaping and Private Open Space for Dwelling Houses, Secondary Dwellings, Dual Occupancies, Attached Dwellings and Semi-Detached Dwellings</p>		As above.
		<p>I. Element - Overlooking and Privacy</p> <p>iii. For residential accommodation and tourist and visitor accommodation involving multiple dwellings on the same site, direct views between habitable rooms, other than bedrooms, shall be screened where:</p>	<p>I. Element - Overlooking and Privacy</p> <p>iii. For residential accommodation (excluding secondary dwellings on R2 zoned land) and tourist and visitor accommodation involving multiple dwellings on the same site, direct views between habitable rooms, other than bedrooms, shall be screened where:</p>		The exemption to provide screening in certain circumstances does not apply to secondary dwellings located on R3 zoned land as they have the potential to be converted to

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		<p>I. Element - Overlooking and Privacy</p> <p>Note: A habitable room is defined in the <i>Building Code of Australia</i> and includes rooms used for normal domestic activities such as living rooms, lounge rooms, dining rooms, studies, playrooms, family rooms, rumpus rooms, kitchens and the like but does not include bathrooms, laundries, water closets (toilets), walk-in wardrobes, corridors, hallways, lobbies and the like.</p>	<p>I. Element - Overlooking and Privacy</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. A habitable room is defined in the <i>Building Code of Australia</i> and includes rooms used for normal domestic activities such as living rooms, lounge rooms, dining rooms, studies, playrooms, family rooms, rumpus rooms, kitchens and the like but does not include bathrooms, laundries, water closets (toilets), walk-in wardrobes, corridors, hallways, lobbies and the like. 2. This element applies to <i>secondary dwellings</i> on R3 zoned land as they have the potential to be converted to other forms of <i>residential accommodation</i>, each dwelling within which may be owned under separate ownership. 	<p>other forms of residential accommodation in the future.</p>
9	<p>Chapter 4 – Residential and Tourist Development</p> <p>C. Element – Building Envelopes</p>	<p>No existing provision.</p>	<p>Add new Control (iii):</p> <p>iii. The external walls of garages, sheds and similar detached outbuildings with a floor area greater than 50m² must be setback a minimum of 2 metres from the side and rear boundaries of the site (excluding internal strata title boundaries), subject to consideration of impacts on privacy, <i>private open space</i> and solar access to adjoining properties; and</p>	<p>In response to court proceedings associated with DA 2018/189, provisions are included to address bulk and scale issues associated with the construction of sheds in residential areas.</p>
		<p>Notes:</p> <p>The 8.5m plane above <i>ground level</i> is applied to the existing ground level, except where land is identified on the 'Flood Planning Maps' (Ballina LEP 2012) as requiring fill, <i>ground level</i> is measured from the finished ground level.</p> <p>Architectural Roof Features which comply with the requirements specified within clause 5.6 of Ballina LEP 2012 are permitted to exceed the building heights specified on the Height of Buildings Map.</p> <p>Architectural roof features are decorative building elements not capable of being used as floor space. They must have minimal shadow impacts. The majority of the roof feature must be contained within the prescribed building height.</p> <p>Where an architectural roof feature is proposed that exceeds the otherwise permitted height it is recommended that the design be discussed with Council's Development Services staff.</p>	<p>Notes:</p> <ol style="list-style-type: none"> 1. The 8.5m plane above <i>ground level</i> is applied to the existing <i>ground level</i>. All planes referred to under this element are measured from <i>ground level (existing)</i>, except where land is identified on the 'Flood Planning Maps' (Ballina LEP 2012) as requiring fill, in which case <i>ground level</i> is measured from the finished ground level taken to be the minimum required fill level. 2. Architectural Roof Features which comply with the requirements specified within clause 5.6 of Ballina LEP 2012 are permitted to exceed the building heights specified on the Height of Buildings Map. <p>Architectural roof features are decorative building elements not capable of being used as floor space. They must have minimal shadow impacts. The majority of the roof feature must be contained within the prescribed building height.</p> <p>Where an architectural roof feature is proposed that exceeds the otherwise permitted height it is recommended that the design be discussed with Council's Development Services staff.</p> <ol style="list-style-type: none"> 3. Boundary setbacks for larger sheds provide opportunity for landscape screening to minimise amenity impacts. Landscaping details may be required as part of a development application. 4. The minimum setbacks referred to in Controls (i) and (ii) above may need to be increased to minimise impacts to adjoining properties. 	<p>Amend note (1) to clarify the measurement of the building height plane in respect to land that is identified as being flood prone land.</p> <p>Addition of notes (3) and (4) to address bulk and scale issues associated with the construction of sheds in residential areas.</p>

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No	DCP Reference	Existing Provision	Proposed Amendment	Reason
10	Chapter 4 – Residential and Tourist Development D. Element – Articulation Zone	No existing note.	<p>Note: Refer to controls contained within Element I – Overlooking and Privacy which do not permit the following structures within the articulation zone:</p> <ul style="list-style-type: none"> balconies, decks, pergolas, terraces or verandahs located within 3 metres of side or rear boundaries that require privacy screens. 	To clarify that structures located within the articulation zone should be open type structures. The inclusion of a required privacy screen is counter-productive to this and therefore is not permitted. Refer to item no. 14 in this schedule.
11	Chapter 4 – Residential and Tourist Development H. Element – Vehicular Access and Parking	<p>H. Element - Vehicular Access and Parking Objectives</p> <ol style="list-style-type: none"> Provide adequate on site car parking for development; and Ensure streetscape amenity, character and utility is maintained. <p>Controls – Garages</p> <ol style="list-style-type: none"> Garages are to be located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street boundary; and The maximum width of the garage door must not be more than 50% of the lot frontage. 	<p>H. Element - Vehicular Access and Parking Objectives</p> <ol style="list-style-type: none"> Provide adequate on site car parking for development; and Provide car parking that is convenient and safe to access; Ensure garages, carports and sheds do not dominate the streetscape; and Ensure streetscape amenity, character and utility is maintained. <p>Controls – Garages and Sheds</p> <ol style="list-style-type: none"> Garages and sheds are to be located behind the building line or, where the building line is less than 5.5 metres, a minimum of 5.5 metres from the street boundary; and The combined maximum width of the garage and shed doors must not be more than 50% of the lot frontage. <p>Note: The design of garages and sheds that are required for additional vehicular storage, eg. caravans, motorhomes and the like, must not detract from the existing, or planned, future streetscape and character of the locality.</p>	In response to court proceedings associated with DA 2018/189, provisions are included to address bulk and scale issues associated with the construction of sheds in residential areas.

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No	DCP Reference	Existing Provision		Proposed Amendment		Reason
		Land Use	Car Parking	Land Use	Car Parking	
13	Chapter 2 – General and Environmental Considerations Table 2.3 – General Car Parking Requirements	Attached Dwellings	2 spaces per dwelling Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.	Attached Dwellings	2 spaces per dwelling <ul style="list-style-type: none"> At least 1 required car parking space per dwelling is must be covered. Stack parking is an acceptable solution. where 	To reinforce the requirement that at least 1 car parking space per dwelling must be a covered space, and that the covered space is to be provided behind the building line or setback.
		Dual Occupancies	2 spaces per dwelling Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.	Dual Occupancies	2 spaces per dwelling <ul style="list-style-type: none"> At least 1 required car parking space per dwelling is must be covered. Stack parking is an acceptable solution. where 	
		Dwelling house	2 spaces per dwelling Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.	Dwelling house	2 spaces per dwelling <ul style="list-style-type: none"> At least 1 required car parking space per dwelling is must be covered. Stack parking is an acceptable solution. where 	
		Semi – attached Dwellings	2 spaces per dwelling Stack parking is an acceptable solution where at least 1 required parking space per dwelling is covered.	Semi – attached Dwellings	2 spaces per dwelling <ul style="list-style-type: none"> At least 1 required car parking space per dwelling is must be covered. Stack parking is an acceptable solution. where 	
14	Chapter 4 – Residential and Tourist Development I. Element – Overlooking and Privacy	ii. A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it: <ul style="list-style-type: none"> has a setback of less than 3 metres from a side or rear boundary, and has a floor area of more than 3 square metres and a floor level greater than 1.0m above ground level (existing). 		iii. A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it: <ul style="list-style-type: none"> has a setback of less than 3 metres from a side or rear boundary, and has a floor area of more than 3 square metres and a floor level greater than 1.0m above ground level (existing). Balconies, decks, pergolas, terraces or verandahs that are within 3 metres of side or rear boundaries and require privacy screens are not permitted within the articulation zone. 		To clarify that structures located within the articulation zone should be open type structures. The inclusion of a required privacy screen is counter-productive to this and therefore is not permitted.

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No	DCP Reference	Existing Provision	Proposed Amendment	Reason
15	Chapter 4 – Residential and Tourist Development J. Element – Solar Access	Controls – Dual Occupancies, Semi-attached Dwellings, Attached Dwellings, Multi Dwelling Housing, Residential Flat Buildings and Tourist and Visitor Accommodation i. Dwellings are to be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east;	Controls – Dwellings, Dual Occupancies, Semi-attached Dwellings, Attached Dwellings, Multi Dwelling Housing, Residential Flat Buildings and Tourist and Visitor Accommodation i. Residential accommodation and tourist and visitor accommodation are to be designed so that dwellings are to be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east;	In response to court proceedings associated with DA 2017/707, the controls are amended to avoid ambiguity and to clarify that the controls apply to all residential development, including single dwellings.
16	Chapter 6a – Commercial Development Ballina Town Centre Activation requirements and accessible car parking provisions	Applies to the whole of Chapter 6a.	Refer to Chapter 6a for consolidated development controls with changes highlighted in yellow.	To incorporate activation requirements associated with residential flat building development in the B3 zone within the Ballina Town Centre in accordance with Amendment #42 to the Ballina LEP 2012 and Council resolution of 25 July 2019. To clarify that on site car parking for certain development is required to be freely accessible to the general public at all times.
17	Chapter 8 – Other Uses Part 3.1 Temporary Use of Land 3.1.3 Development Controls	3.1.3 Development Controls i. Development must comply with the relevant requirements documented in Council's Special Events Policy;	3.1.3 Development Controls i. Development must comply with the relevant requirements documented in Council's Special Events Policy;	Council no longer has a 'Special Events Policy' therefore the reference is to be deleted.

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Ballina Shire Development Control Plan 2012

Chapter 6a – Commercial Development Ballina Town Centre

Proposed changes highlighted in yellow





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Part 1 Preliminary

1.1 Introduction

Name:

Ballina Shire Development Control Plan 2012, Chapter 6a – Commercial Development Ballina Town Centre.

Purpose:

To identify Council's requirements relating to commercial development in the Ballina Town Centre.

Relationship to other Chapters of this DCP:

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

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

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

The provisions of this Chapter prevail over the general provisions in Chapter 6 in the event of any inconsistency.

Application:

This Chapter applies to:	
Location/s:	Land within Zone B3 Commercial Core and B4 Mixed Use in the Ballina Town Centre and as shown on the Ballina Town Centre Precincts Map
Development Type/s:	<i>Business premises, commercial premises, retail premises and mixed use developments (including residential accommodation and tourist and visitor accommodation)</i>

Planning Objectives and Development Controls:

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



the identified development controls, although there may be circumstances where an alternative to the application of a development control is consistent with the planning objectives.

Part 2 Chapter Planning Objectives

The planning objectives of this chapter are to;

- a. Provide controls to regulate, co-ordinate and stimulate development in the town centre;
- b. Ensure that development is consistent with the identified desired future character of each precinct in the town centre;
- c. Ensure that development is consistent with the Ballina Town Centre Structure Plan; and
- d. Provide best practice urban design guidelines to improve the quality of design in the Town Centre.

Part 3 The Structure Plan

Urban structure refers to the pattern or arrangement of development blocks, streets, buildings, open space and landscape which make up urban areas. The Ballina Town Centre Structure Plan (see Appendix A) identifies the major physical elements that make up the structure of the Town Centre. These elements include:

- major entries;
- road hierarchy;
- existing and desired active street frontages;
- major public off-street car parks;
- existing and desired mid-block pedestrian links;
- existing and desired public open spaces;
- existing items of cultural heritage;
- desired laneways; and
- significant vistas.

The Structure Plan provides a framework for development in the Town Centre. It will assist developers and designers to obtain an understanding of the context for their proposed development.

New development within the Ballina Town Centre will need to consider applicable elements nominated in the Structure Plan.





Part 4 Town Centre Precincts

The Town Centre is divided into eight precincts based on different characteristics, values and development potential of that area (Ballina Town Centre Precincts Map).

The desired future character of each precinct is based on a ten year focus of how the precinct may accommodate future change whilst maintaining and reinforcing the consistent elements of that precinct.

The character statements provide a basis for the building envelope and other development controls which apply to each precinct. In accordance with the objectives of this section, development must be consistent with the desired future character statement applicable to that site.

Building envelope controls and other development controls contained in this part of Chapter 6 have been established in response to the desired future character of each precinct.

A development application relating to land to which this chapter applies must address the desired future character statement and building envelope controls for the precinct in which the development is located.

4.1 Controls Applying to Town Centre Core Precinct

4.1.1 Desired Future Character

This precinct exhibits the most intensive variety and activity in the Town Centre. A mix of uses, a high density of shop-fronts and continuous building frontages create a vibrant streetscape. Uses at the ground floor include restaurants, cafes, leisure and lifestyle- orientated retail, on-street trading and outdoor dining. Commercial services, residential apartments and shop-top housing occupy upper floors.

4.1.2 Building Envelope Controls

Element	Control
Front Setbacks (including balconies)	i. Zero setback (i.e. build to frontage – building articulation and balconies included) up to and including the third storey. ii. 4 metre setback for storeys above the third storey.
Side Setbacks (including balconies)	iii. Zero side setback





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Table 6a.1 – Town Centre Core Building Envelope Controls	
Element	Control
	iv. Corner buildings may have a zero boundary setback from the longer frontage of the site for all storeys of the building subject to: <ul style="list-style-type: none"> - The provision of active frontages at the ground level to both street frontages. Refer Appendix B for Active Frontage Requirements. - Distinguishing the first three storeys from the upper two storeys by using variation and articulation in the building façade. Refer to the section on 'Facades' in Part 4 of the <i>Apartment Design Guide</i> (DPE 2015) for a range of possible design techniques. - Compliance with other building envelope and development controls.
Rear Setbacks to Lane	v. Zero rear setback up to the second storey. vi. 25 metres above the second storey.
Building Depth	vii. Commercial development may be permitted to extend the entire depth of the site for the lower two storeys (i.e. ground and first floor) where adequate internal natural light is provided by way of atriums or courts. viii. Residential storeys and commercial storeys above the second storey are to have a maximum depth of 18m including balconies.
Onsite Building separation	ix. 12 metres between habitable rooms/balconies. x. 9 metres between habitable rooms/balconies and non habitable rooms/blank walls. xi. 6 metres between non-habitable rooms/blank walls.
Balconies	xii. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres. xiii. For buildings fronting River Street, balconies are required on all storeys above ground level.





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Table 6a.1 – Town Centre Core Building Envelope Controls	
Element	Control
Floor to ceiling heights	xiv. Ground floor – Minimum of 3.6 metres. xv. Other storeys – Minimum of 2.7 metres.
Other	xvi. Commercial storeys above the second storey are to be capable of conversion for residential use. xvii. Active frontages are required as shown on the Active Frontages Map (BLEP2012 clause 7.13) when associated with residential flat building development. Refer Appendix B for Active Frontage Requirements.

4.2 Controls Applying to the Northern Fringe Precinct

4.2.1 Desired Future Character

The Northern Fringe Precinct accommodates most of the Town Centre's commercial services and professional consulting rooms. While commercial and retail uses occupy the bottom two storeys of buildings, upper floors are typically occupied for commercial and residential uses. Transitions in grade are provided within the ground floor of buildings by ramps and/or terraces in order to provide protection from flood waters. Upper floors have limited building depths and articulated facades which include balconies to facilitate use for either commercial or residential purposes.

4.2.2 Building Envelope Controls

Table 6a.2 – Northern Fringe Precinct Building Envelope Controls	
Element	Control
Front Setbacks (including balconies)	i. Zero setback (i.e. build to frontage – building articulation and balconies included) up to and including the third storey. ii. 4 metre setback for storeys above the third storey.
Side Setbacks (including balconies)	iii. Zero side setback. iv. Corner buildings may have a zero boundary setback from the longer frontage of the site for all storeys of the building subject to:





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**CHAPTER 6a – Commercial Development Ballina
 Town Centre**

Table 6a.2 – Northern Fringe Precinct Building Envelope Controls	
Element	Control
	<ul style="list-style-type: none"> - The provision of active frontages at the ground level to both street frontages. Refer Appendix B for active frontage requirements; - Definition of the first three storeys from the upper two storeys by using variation and articulation in the building façade. Refer to the section on 'Facades' in Part 4 of the <i>Apartment Design Guide</i> (DPE 2015) for a range of possible design techniques; and - Compliance with other building envelope and development controls.
Rear Setbacks to Lane	<ul style="list-style-type: none"> v. North Tamar Street – 3 metres to Holden Lane at the ground floor and second storey (to provide space for a deep soil zone and appropriate transition between commercial and residential zones). 25 metres above second storey minus the depth of any land dedicated to Council for car parking or lane/road widening purposes. vi. South Tamar Street – Zero setback at the ground floor and second storey to Winton Lane. 25 metres above second storey minus the depth of any land dedicated to Council for car parking or lane/road widening purposes.
Building Depth	<ul style="list-style-type: none"> vii. Commercial development may be permitted to extend the entire depth of the site for the lower two storeys (i.e. ground and first floor) where adequate internal natural light is provided by way of atriums or courts. viii. Residential storeys and commercial storeys above the second storey are to have a maximum depth of 18m, glass line to glass line and 24 metres including balconies.
Onsite Building separation	<ul style="list-style-type: none"> ix. 12 metres between habitable rooms/balconies. x. 9 metres between habitable rooms/balconies and non habitable rooms/blank walls. xi. 6 metres between non-habitable rooms/blank walls.



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Table 6a.2 – Northern Fringe Precinct Building Envelope Controls	
Element	Control
Balconies	xii. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	xiii. Ground floor – Minimum of 3.6 metres. xiv. Other storeys – Minimum of 2.7 metres.
Other	xv. Commercial storeys above the second storey are to be capable of conversion for residential use. xvi. Active frontages are required as shown on the Active Frontages Map (BLEP2012 clause 7.13) when associated with residential flat building development. Refer Appendix B for Active Frontage Requirements.

4.3 Controls Applying to the Fawcett Park Precinct

4.3.1 Desired Future Character

The Richmond River and Fawcett Park provide a riverside setting for this precinct. Cafes, restaurants and outdoor dining are the most concentrated in this precinct given the outlook to the river and park. Dwellings are used for a mix of long and short term accommodation.

Buildings address both River Street and Fawcett Street with active frontages providing opportunities for alfresco dining facilitated by buildings that are setback from Fawcett Street.

4.3.2 Building Envelope Controls

Table 6a.3 – Fawcett Park Precinct Building Envelope Controls	
Element	Control
Front Setbacks (including balconies)	<i>River Street</i> i. Zero setback (i.e. build to frontage – building articulation and balconies included) up to and including the third storey. ii. 4 metre setback for storeys above the third storey. <i>Fawcett Street (west of Moon Street)</i> iii. 8 metre setback at ground floor. iv. 6m setback for second storey and above.

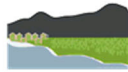




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Table 6a.3 – Fawcett Park Precinct Building Envelope Controls	
Element	Control
	<i>Fawcett Street (between Cherry and Moon Streets)</i> v. 4 metre setback at ground floor.
Side Setbacks (including balconies)	vi. Zero side setback.
Building Depth	vii. Commercial storey up to and including the second storey are to have a minimum depth of 21 metres from glass line to glass line. viii. Residential storeys and commercial storeys above the second storey are to have a maximum depth of 18m, glass line to glass line and 24 metres including balconies.
Building separation (controls for within the development site) (including balconies)	ix. 12 metres between habitable rooms/balconies. x. 9 metres between habitable rooms/balconies and non habitable rooms/blank walls. xi. 6 metres between non-habitable rooms/blank walls.
Balconies	xii. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	xiii. Ground floor – Minimum of 3.6 metres. xiv. Other storeys – Minimum of 2.7 metres.
Vehicular Access to Basement Parking	xv. Vehicular access points to basement car parking along the Fawcett Park frontage are to be minimised as much as practical. xvi. Vehicular access to basement car parking located in the street block between Cherry Street and Moon Street is not to occur from River Street. Access is encouraged to occur from Cherry Lane or Moon Street rather than Fawcett Street.
Deep Soil Zones	xvii. Deep soil zones which have dimensions of at least the length and breadth of a car parking space are to be provided at regular points along the Fawcett Street frontage of allotments. These zones are to be planted with trees





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Table 6a.3 – Fawcett Park Precinct Building Envelope Controls	
Element	Control
	that are consistent with those provided in the public domain.
Active Frontages	xviii. Active frontages are required along Riverwalk Arcade. xix. Active frontages are required as shown on the Active Frontages Map (BLEP2012 clause 7.13) when associated with residential flat building development. Refer Appendix B for Active Frontage Requirements.



Note: Ground floor climate protection measures may be provided forward of the building line, provided that public access is maintained. Proposal will be assessed on merit.

4.4 Controls Applying to the Riverside East Precinct

4.4.1 Desired Future Character

The Riverside East Precinct contains a mix of land uses with a higher component of major commercial development. Modern commercial spaces are provided at the lower floors of buildings which accommodate substantial commercial, leisure and entertainment anchors.

A human scale is retained along the River Street frontage while buildings of greater scale are situated within sites along Fawcett Street. Newer large scale buildings exhibit a high standard of architectural and environmental design and harness river views.

4.4.2 Building Envelope Controls

Table 6a.4 – Riverside East Precinct Building Envelope Controls	
Element	Control
Front Setbacks (including balconies)	<i>River Street</i> i. Zero setback (i.e. build to frontage – building articulation and balconies included) up to and including the third storey. ii. 4 metre setback for storeys above the third storey.

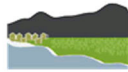




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Table 6a.4 – Riverside East Precinct Building Envelope Controls	
Element	Control
	<p><i>Fawcett Street (from the north east corner of the Cherry Street intersection to the north east corner of the Fawcett Lane intersection)</i></p> <p>iii. Buildings are to be setback behind the existing building line.</p> <p>iv. A variation to the building line will be considered for residential development above the first storey and fronting Fawcett Lane.</p> <p><i>Other Streets</i></p> <p>v. Zero setback</p>
Side Setbacks (including balconies)	vi. Merit based and in accordance with BCA standards.
Building Depth	<p><i>Commercial</i></p> <p>vii. Determined on the merit of the development.</p> <p><i>Residential</i></p> <p>viii. Residential storeys are to have a maximum depth of 18m, glass line to glass line and 24 metres including balconies.</p>
Building separation (controls for within the development site) (including balconies)	<p>ix. 12 metres between habitable rooms/balconies.</p> <p>x. 9 metres between habitable rooms/balconies and non habitable rooms/blank walls.</p> <p>xi. 6 metres between non-habitable rooms/blank walls.</p>
Balconies	xii. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	<p>xiii. Ground floor – Minimum of 3.6 metres.</p> <p>xiv. Other storeys – Minimum of 2.7 metres.</p>
Vehicular Access to Basement Parking	xv. New vehicular access points are to be provided from Fawcett Street, Fawcett Lane or Cherry Street. Access points from River Street are discouraged.





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Table 6a.4 – Riverside East Precinct Building Envelope Controls	
Element	Control
	xvi. A combined vehicular access point is nominated in the vicinity of the centre point of the Fawcett Street frontage of the River Street/Fawcett Lane/Fawcett Street/Cherry Street block. At this location an integrated vehicular access is to be provided that serves the larger allotments within the block.
Open Space and Deep Soil Zones	<p>xvii. The area of open space created in front of the building line must be accessible to the public and may be comprised of a mix of hard paved courtyards and landscaping.</p> <p>xviii. The deep soil zone is to comprise 15% of the total site area and contain a minimum width of 6m to enable sufficient root zone for larger trees.</p> <p>xix. No structures, works or excavations that may restrict vegetation growth are permitted in the deep soil zone (including, but not limited to car parking, hard paving, patios, decks and drying areas).</p>
Active Frontages	xx. Active frontages are required as shown on the Active Frontages Map (BLEP2012 clause 7.13) when associated with residential flat building development. Refer Appendix B for Active Frontage Requirements.

4.5 Controls Applying to the Riverside West Precinct

4.5.1 Desired Future Character

A. Desired Future Character

The Riverside West Precinct contains of a mix of uses with a higher component of destination tourist-related activity and accommodation. Modern commercial spaces accommodate substantial commercial, leisure and entertainment anchors.

A mix of higher and lower scale buildings create an appropriate interface with the riverfront, War Memorial Park and new foreshore public open space. Buildings in this precinct have a distinct base, middle and top and display horizontal patterns, significant articulation, the use of lightweight elements





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and carefully designed rooftops. Established mature trees have been protected to provide reference for building height.

4.5.2 Building Envelope Controls

Table 6a.5 – Riverside West Precinct Building Envelope Controls	
Element	Control
Front Setbacks (including balconies)	<p><i>River Street</i></p> <ul style="list-style-type: none"> i. Zero setback (i.e. build to frontage – building articulation and balconies included) up to and including the third storey. ii. 4 setback for storeys above the third storey. <p><i>Grant Street</i></p> <ul style="list-style-type: none"> iii. Zero setback.
Side Setbacks (including balconies)	iv. Merit based and in accordance with BCA standards.
Rear Setbacks to Lane	v. Merit based.
Building Depth	<p><i>Commercial</i></p> <ul style="list-style-type: none"> vi. Determined on the merit of the development. <p><i>Residential</i></p> <ul style="list-style-type: none"> vii. Residential storeys are to have a maximum depth of 18m, glass line to glass line and 24 metres including balconies.
Building separation (controls for within the development site) (including balconies)	<ul style="list-style-type: none"> viii. 12 metres between habitable rooms/balconies. ix. 9 metres between habitable rooms/balconies and non habitable rooms/blank walls. x. 6 metres between non-habitable rooms/blank walls.
Balconies	xi. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	<ul style="list-style-type: none"> xii. Ground floor – Minimum of 3.6 metres. xiii. Other storeys – Minimum of 2.7 metres.
Public Open Space	xiv. A section of the foreshore located between War Memorial Park and Kerr Street is to be dedicated to Council for public





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Table 6a.5 – Riverside West Precinct Building Envelope Controls	
Element	Control
	open space in accordance with the requirements of the Ballina Town Centre Structure Plan.
Deep Soil Zones	<p>xv. A deep soil zone comprising 15% of the total site area and containing a minimum width of 6m to enable sufficient root zone for larger trees is to be provided.</p> <p>xvi. No structures, works or excavations that may restrict vegetation growth are permitted in the deep soil zone (including, but not limited to car parking, hard paving, patios, decks and drying areas).</p>
Active Frontages	xvii. Active frontages are required as shown on the Active Frontages Map (BLEP2012 clause 7.13) when associated with residential flat building development. Refer Appendix B for Active Frontage Requirements.

4.6 Controls Applying to the Western Entrance Precinct

4.6.1 Desired Future Character

The Western Entrance Precinct provides a sense of arrival to the Town Centre with the built form addressing the highly prominent Kerr and River Street corner. Buildings are designed to give definition to this corner. Transitions in building form are provided to surrounding residential areas, the Highway Strip Precinct and the Town Centre Core Precinct.

Ground floor uses include a mix of commercial uses, such as take-away outlets, convenience shopping and household services for nearby residents. These commercial uses are supported by a north-south rear lane which aids circular and pedestrian access. The lane also provides a transition in the scale of built form to the lower rise Town Centre Core. Upper floors accommodate a mix of apartment sizes.



Note:

See Chapter 2 Section 3.17 regarding road widening requirements.



people • place • prosperity

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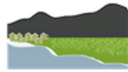


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4.6.2 Building Envelope Controls

Table 6a.6 – Western Entrance Precinct Building Envelope Controls	
Element	Control
Front Setbacks (including balconies)	<p><i>River Street</i></p> <ul style="list-style-type: none"> i. Zero setback (i.e. build to frontage – building articulation and balconies included) up to and including the third storey. ii. 4 setback for storeys above the third storey. <p><i>Kerr Street</i></p> <ul style="list-style-type: none"> iii. Zero setback.
Side Setbacks (including balconies)	<ul style="list-style-type: none"> iv. Zero metres, except Kerr Street (east side between Winton Lane and Tamar Street) which must be subject to a 6 metre setback to the eastern boundary.
Building Depth	<p><i>Commercial</i></p> <ul style="list-style-type: none"> v. Determined on the merit of the development. <p><i>Residential</i></p> <ul style="list-style-type: none"> vi. Residential storeys are to have a maximum depth of 18m, glass line to glass line and 24 metres including balconies.
Building separation (controls for within the development site) (including balconies)	<p><i>Up to four storeys</i></p> <ul style="list-style-type: none"> vii. 12 metres between habitable rooms/balconies. viii. 9 metres between habitable rooms/balconies and non-habitable rooms/blank walls. ix. 6 metres between non-habitable rooms/blank walls. <p><i>Above four storeys</i></p> <ul style="list-style-type: none"> x. 18 metres between habitable rooms/balconies. xi. 13 metres between habitable rooms/balconies and non-habitable rooms/blank walls. xii. 9 metres between non-habitable rooms/blank walls.
Balconies	<ul style="list-style-type: none"> xiii. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	<ul style="list-style-type: none"> xiv. Ground floor – Minimum of 3.6 metres.





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Table 6a.6 – Western Entrance Precinct Building Envelope Controls	
Element	Control
	xv. Other storeys – Minimum of 2.7 metres.
Housing Choice	<p>xvi. Where residential dwellings are proposed, a mix of studio, one bedroom, two bedroom and three bedroom apartments is required.</p> <p>xvii. Studio and 1 bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development.</p> <p>xviii. Three bedroom apartments are not to be more than 75% of the total mix of apartments within each development.</p>
New Laneways	xix. A 6 metre wide laneway is to be provided along the eastern boundary of allotments fronting Kerr Street between Winton Lane and River Street. See Road Widening Policy Map.
Deep Soil Zones	<p>xx. A deep soil zone comprising 15% of the total site area and containing a minimum width of 6m to enable sufficient root zone for larger trees is to be provided.</p> <p>xxi. No structures, works or excavations that may restrict vegetation growth are permitted in the deep soil zone (including, but not limited to car parking, hard paving, patios, decks and drying areas).</p>
Active Frontages	xxii. Active frontages are required as shown on the Active Frontages Map (BLEP2012 clause 7.13) when associated with residential flat building development. Refer Appendix B for Active Frontage Requirements.

4.7 Controls Applying to the Highway Strip Precinct

4.7.1 Desired Future Character

The Highway Strip Precinct consists of the western end of River Street that was formerly the route of the Pacific Highway. This precinct has a low scale of buildings and primarily contains uses that are accessed by motor vehicle rather than passing pedestrians. Uses include motel accommodation, large format retailing, takeaway food outlets, convenience stores and other commercial activities.





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Residential uses are limited to short-term motel accommodation and caretakers or studio dwellings. Amenity and privacy is carefully delivered to residents along Winton Lane by setbacks, fencing, landscaping and the arrangement of buildings and car parking within sites.

4.7.2 Building Envelope Controls

Table 6a.7 –Highway Strip Precinct Building Envelope Controls	
Element	Control
Front Setbacks (including balconies)	i. Zero setback. ii. Where buildings are setback from front boundaries, landscaping is to be provided to Council's satisfaction.
Side Setbacks (including balconies)	iii. Zero side setback. iv. Where buildings are setback from side boundaries, landscaping is to be provided to Council's satisfaction
Rear Setbacks (from Winton Lane)	v. 3.5 metres for deep soil zone. vi. 5.5 metres for garages with direct access.
Building Depth	<i>Commercial</i> vii. Determined on the merit of the development. <i>Residential</i> viii. Determined on the merit of the development.
Building separation (controls for within the development site) (including balconies)	ix. Determined on the merit of the development.
Balconies	x. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	xi. Ground floor – Minimum of 3.6 metres. xii. Other storeys – Minimum of 2.7 metres.
Residential Amenity	xiii. Vehicular crossings must not be located directly opposite the bedrooms of dwellings located on the northern side of Winton Lane.





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Table 6a.7 –Highway Strip Precinct Building Envelope Controls	
Element	Control
	xiv. Noise generating activities should be sited away from the rear of sites and any buildings and/or walls are to be used to provide a noise buffer to residences. xv. Any fences and/or walls are to include variation in materials and relief and are to be setback behind a landscape bed/deep soil zone.
Deep Soil Zones	xvi. A deep soil zone comprising 15% of the total site area and containing a minimum width of 6m to enable sufficient root zone for larger trees is to be provided. xvii. No structures, works or excavations that may restrict vegetation growth are permitted in the deep soil zone (including, but not limited to car parking, hard paving, patios, decks and drying areas).

4.8 Controls Applying to the Civic Precinct

4.8.1 Desired Future Character

The Civic Precinct contains several of Ballina's key civic buildings and facilities. These include the library, police station and court house. Privately owned sites provide tourist accommodation and commercial services that service a shire-wide catchment and are tourist orientated. There is a strong connection with river based recreation, tourism and cultural heritage in this precinct, with the Visitor Information Centre, Maritime Museum, Martin Street Boat Harbour and the other foreshore parklands and recreation facilities in close proximity. Buildings have a low scale to reflect the significance of heritage buildings in the locality. Sites have been progressively redeveloped to be orientated towards the foreshore parkland and the Martin Street Boat Harbour.

4.8.2 Building Envelope Controls

Table 6a.8 – Civic Precinct Building Envelope Controls	
Element	Control
Site Coverage	i. Determined on the merit of the development.
Front Setback (including balconies)	ii. Determined on the merit of the development.



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Side Setbacks (including balconies)	iii. Determined on the merit of the development.
Rear Setbacks	iv. Determined on the merit of the development.
Building Depth	v. Determined on the merit of the development.
Building separation (controls for within the development site) (including balconies)	vi. Determined on the merit of the development.
Balconies	vii. Balconies must have a minimum depth of 2 metres and a maximum depth of 3 metres.
Floor to ceiling heights	viii. Ground floor – Minimum of 3.6 metres. ix. Other storeys – Minimum of 3.3 metres.

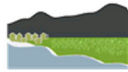
Part 5 Car Parking

5.1 Car Parking – Ballina Town Centre

Car parking must be provided in accordance with the provisions contained in the following table.

Table 6a.9 –Ballina Town Centre Car Parking Requirements	
Land Use	Car Parking
<i>Business premises or office premises</i>	<ul style="list-style-type: none"> 1 space per 25m² gross floor area at ground floor level. 1 space per 40m² gross floor area at first floor level and above. On site car parking provided is required to be accessible parking.
<i>Health consulting room</i>	<ul style="list-style-type: none"> 3 spaces per surgery or consulting room. On site car parking provided is required to be accessible parking
<i>Medical Centres</i>	<ul style="list-style-type: none"> 1 space per 25m² gross floor area. On site car parking provided is required to be accessible parking



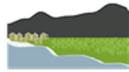


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Table 6a.9 –Ballina Town Centre Car Parking Requirements	
Land Use	Car Parking
<i>Retail premises</i>	<ul style="list-style-type: none"> • 1 space per 25m² gross floor area at ground floor level. • 1 space per 40m² gross floor area at first floor level and above. • On site car parking provided is required to be accessible parking.
<i>Restaurant or café</i>	<ul style="list-style-type: none"> • 1 space per 25m² gross floor area at ground floor level. • 1 space per 40m² gross floor area at first floor level and •
<i>Residential flat building (includes the residential component of shop top housing)</i>	<ul style="list-style-type: none"> • 1 space per dwelling where total GFA of dwelling is less than 60m². • 1.5 spaces per dwelling where total GFA of dwelling is between 60m² and 85m². • 2 spaces per dwelling where total GFA of dwelling is greater than 85m². • Plus 1 additional space per 5 dwellings for visitor parking. (Refer also to clause 3.19.3E ii.) • On site car parking provided for visitors is required to be accessible parking.
Other land uses	<p>To be provided in accordance with the rates specified in Chapter 2.</p> <ul style="list-style-type: none"> • On site car parking is required to be accessible parking.

accessible parking means parking spaces that are freely accessible to the general public for car parking purposes at all times and that are not restricted by boom gates, security screens or other devices that visually or physically restricts access.





Parking Credits – Ballina Town Centre

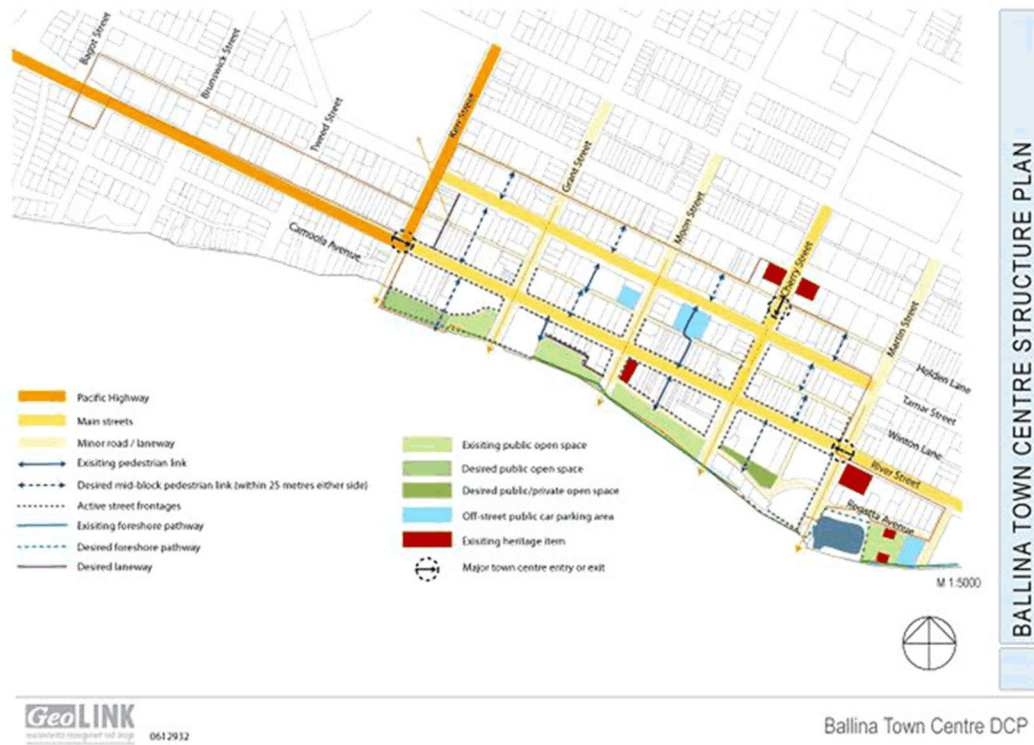
- i. Any car parking credit granted for existing shops, restaurants or commercial office use on a site will be calculated at the following rate:
 - 1 space per 25 m² gross floor area at ground floor;
 - 1 space per 40m² gross floor area at first floor level and above.
- ii. Where a developer contribution for car parking has previously been paid for a current approved use on a development site, new development will be entitled to car parking credits equivalent to the number of spaces for which developer contributions were received by Council.
- iii. Where a car parking credit has previously been granted for land dedications in conjunction with development, a new development on the same site will be entitled to an equivalent number of car parking credits.
- iv. Car parking credits are only available for new development upon the land parcel associated with the current approved use. Car parking credits are not transferable to other development sites.





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Appendix A – Ballina Town Centre Structure Plan





Appendix B – Active Frontage Design Requirements

Design Element	Standard
Display windows or entrance	<ul style="list-style-type: none"> Minimum 80% of the width of the street frontage of each individual retail or commercial premises, or a minimum 60% of the width of the street frontage of each premises used for other uses.
Residential lobby, fire services, entrance to carpark and car parking, electrical services, and other non-active ancillary uses.	<ul style="list-style-type: none"> Maximum of 40% of the site frontage. The River Street frontage is not to be used for these purposes.
Maximum width of premises	<ul style="list-style-type: none"> 6 metres
Maximum ground floor podium height above footpath level	<ul style="list-style-type: none"> 1 metre Podium balustrades to be made of transparent materials.
Awnings	<ul style="list-style-type: none"> Awnings are required to activated frontages. Awning width to align with awnings on adjoining premises, or equivalent to a minimum of 50% of the footpath width. Awning heights to align with awning heights on adjoining properties, or within the range of 3.6 to 4 metres above the footpath level. Awnings to corner sites shall be continuous and turn the corner.
Security grilles	<ul style="list-style-type: none"> must be visually permeable or transparent, and are encouraged to be internally mounted.

The Urban Design Guidelines for Victoria provide the following definitions for **Active frontage** and **Active use**:

Active frontage

Refers to street frontages where there is an active visual engagement between those in the street and those on the ground and upper floors of buildings.

This quality is assisted where the front facade of buildings, including the main entrance, faces and opens towards the street. Ground floors may accommodate uses such as cafes, shops or restaurants. However, for a frontage to be active, it does not necessarily need to be a retail use, nor have continuous windows. A building's upper floor windows and balconies may also contribute to the level of active frontage. Active frontages can provide informal surveillance opportunities and often improve the vitality and safety of an area.

Active use

Active uses are uses that generate many visits, in particular pedestrian visits, over an extended period of the day. Active uses may be shops, cafes, and other social uses. Higher density residential and office uses also can be active uses for particular periods of the day.

