



Development Control Plan No. 17 Coastal Hazard Protection, Lennox Head (Interim Measures)

DCP No:	17
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OBJECTIVE

What is the purpose of the plan?

It is intended that this plan is an interim plan pending completion of the Ballina Shire Coastal Zone Management Study and Management Plan. The purpose of the plan is to identify hazard zones along the coastline in which development will be restricted or which design will have to reflect the potential hazard.

This plan is a development control plan for the purpose of Section 72 of the Environmental Planning and Assessment Act 1979 and was made having regard for the provisions of Part 3 of the Environmental Planning and Assessment Regulation 2000.

Ballina Local Environmental Plan 1987 is the local environmental plan that operates in relation to the land to which this development control plan applies.

What are the aims of the plan?

- Ensure that interim planning provisions do not significantly compromise longer-term management strategies that will result from a Coastal Zone Management Study and Management Plan.
- Ensure that the type, scale and/or location of new developments reflect the level of risk posed by coastal hazards in the interim term.
- Provide development controls that seek to minimize the damage potential to existing and proposed developments posed by specific coastline threats.
- To minimize amenity, social, economic and environmental impacts associated with coastal hazards and their management in the interim period.

BACKGROUND

What is the background to this plan?

This plan has been predominantly informed by the Ballina Shire Coastline Hazard Definition Study prepared by WBM in 2003, and Ballina Coastline Interim Measures and Action Plan prepared by WBM in 2005. As a Coastal Zone Management Study and Management Plan is likely to take around 5 years to prepare, the measures contained within this plan will assist in the regulation and assessment of public works and developments proposed within hazard affected areas, for an interim period.

INTERIM DEVELOPMENT CONTROL PLAN

Where does this plan apply?

Although the Hazard Definition Study and Interim Measures and Action Plan mentioned above referred to the broader Shire coastline, this development control plan has been prepared in response to coastal hazard issues that have been identified in relation to Lennox Head.

Specifically, this plan applies to land seaward of the Maximum 50 Year Hazard Line along the coastline at Lennox Head (as shown in Coastline Hazard Definition Study prepared by WBM in 2003).

How does this plan relate to other Council plans and policies?

This plan must be considered in conjunction with provisions of the principal planning instrument, Ballina Local Environmental Plan 1987, the provisions of the North Coast Regional Environmental Plan 1988, and relevant State Environmental Planning Policies. In the event of any inconsistency between this plan and the above statutory planning instruments, the provisions of the statutory planning instrument will prevail.

A number of Council Development Control Plans also apply to land to which this plan applies including, Ballina Shire Development Control Plan No. 1 – Urban Land (DCP No. 1), Ballina Shire Development Control Plan No. 5 – Bed & Breakfast Establishments (DCP No. 5), Ballina Shire Development Control Plan No. 9 – Energy Smart Homes (DCP No. 9), and Ballina Shire Development Control Plan No. 13 – Stormwater Management (DCP No. 13). In the event of any inconsistency between this plan and the above development control plans, the provisions of this plan will prevail.

What do some of the key terms used in this plan mean?

Development – as defined in Section 4 of the Environmental Planning and Assessment Act 1979, excluding *minor improvements and renovations*.

Minor improvements and renovations – comprises development defined as ‘exempt development’ in DCP No. 7 and alterations and additions that do not result in the floor area of a building exceeding 1.2 times the floor area of that building (as measured at the date of commencement of the plan) nor cost more than 20% of the current value of the building. (The cost of the alterations and additions and the current value of the building shall be compared at equivalent current prices and identified in Development Applications, for approval by Council.

Maintenance – is defined as replacing defective, worn-out, rotten and/or damaged materials within the building with similar new materials.

Zone of reduced bearing capacity – refers to land that is located landward of a receding erosion scarp where slumping may occur. Definition of the extent of the zone of reduced bearing capacity requires professional assessment on a site by site basis.

What are the plan’s development controls?

The development controls vary according to the characteristics of various compartments along the Lennox Head coastline. In general terms these controls are as follows:

- ***Lennox Head – Land adjacent to Seven Mile Beach southward from Byron Street.***

Ballina Development Control Plan No. 3 - Coastal Hazard Protection Lennox Head will continue to be implemented.

- ***Lennox Head – Land Seaward of Immediate Hazard Line between Byron Street and the Lake Ainsworth Sport and Recreation Centre.***

Development is permitted on private land between Byron and Foster Streets subject to design by an appropriately qualified engineer to accommodate erosion and inundation potential. Foundations must address the effect of the zone of reduced bearing capacity and minimum floor levels may apply where there is the threat of inundation. Design criteria are specified in Appendix A.

(Note: This will have minor implications as the immediate hazard zone only affects a small area along the frontage of about 18 private allotments and the standard building line, if applied, will ensure that new development is predominately sited landward of the immediate hazard zone.)

Minor improvements and renovations are permitted on private land between Byron and Foster Streets.

No development is permitted on public land, other than outlined below.

Minor community facility improvements and renovations are permitted on public land, and if possible, are capable of being practicably removed if threatened.

Routine infrastructure maintenance and repair works post storm are permitted on public land.

Maintenance is permitted on all land.

- ***Lennox Head – Land between the Immediate Hazard Line and the Maximum 50 Year Hazard Line, between Byron Street and Lake Ainsworth Sport and Recreation Centre.***

Development is permitted on land that is landward of an adopted interim planning line (22 metres landward of the designated immediate hazard line based on a 10 year planning period – refer to illustration at Appendix B).

Development is permitted on land that is seaward of an adopted interim planning line, subject to design by an appropriately qualified engineer to accommodate erosion and inundation potential. Foundations must address the effect of the zone of reduced bearing capacity and minimum floor levels may apply where there is the threat of inundation. Design criteria are specified in Appendix A.

Minor improvements and renovation are permitted on all land.

Maintenance is permitted on all land.

Development consent

In the event that Council decides to grant consent to an application to carry out development on land to which this plan applies, an Advisory Note will be contained within the Notice of Determination.

Depending on the specific location of the land to which the Notice of Determination relates, such an Advisory Note is likely to contain the following information.

- ***Land Seaward of the Immediate Hazard Line, between Byron Street and the Lake Ainsworth Sport and Recreation Centre***

Advisory note: Council is aware that the subject land is within the Immediate Hazard Zone as identified in the Ballina Shire Coastline Hazard Definition Study. Council accepts no liability for any potential harm, loss or damage in respect of the approved development on the lands as a result of Coastal Hazards.

- ***Land between the Immediate Hazard Line and the Maximum 50 Year Hazard Line, between Byron Street and Lake Ainsworth Sport and Recreation Centre***

Advisory Note: Council is aware that the subject land is within the Maximum 50 Year Hazard Zone as identified in the Ballina Shire Coastline Hazard Definition Study and is within the Interim Planning Zone as identified in the Ballina Coastline Interim Measures and Action Plan. Council accepts no liability for any potential harm, loss or damage in respect of the approved development on the land within the Interim Planning Zone as a result of coastal hazards.

REFERENCES

- Ballina Shire Coastline Hazard Definition Study Final Report – WBM Oceanics Australia 2003.
- Ballina Coastline Interim Measures and Action Plan – WBM Oceanics Australia 2005.

APPENDIX A: DESIGN CRITERIA TO ACCOMMODATE EROSION AND INUNDATION POTENTIAL

The following design criteria are to apply and information is to be supplied when engineering design is required to accommodate erosion and inundation potential.

1. Building foundations are to comprise piling supporting a suspended floor with a minimum clearance of 0.3 metres above natural ground surface to the underside of the floor system, and designed to support the building for the condition of removal of soil to RL two (2) metres AHD including any lateral loadings imposed by a soil mass failure to this level.
2. Piling referred to in (1) above is to be designed to fully support the building, by a competent and qualified engineer practising in the field of civil design.
3. Plans, sections and elevations submitted should identify:
 - Floor levels and natural and finished ground levels; and
 - Top and bottom levels of foundations, footings or piles.

APPENDIX B: INTERIM HAZARD LINE