



Ballina Shire Development Control Plan 2012

Chapter 6 – Commercial Development

6



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Part 1 Preliminary

1.1 Introduction

Name:

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

Purpose:

To identify Council's requirements relating to commercial development.

Relationship to other Chapters of this DCP:

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

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

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

Chapter 6 contains the general planning controls for commercial development. The precinct specific controls contained in Chapters 6a, 6b, 6c and 6d prevail in the event of any inconsistency.

Application:

The planning provisions of this chapter apply to commercial development and other associated development in commercial areas.

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.

Structure:

Chapter 6 contains the general planning controls for commercial development and controls applying to mixed use development (development comprising commercial and residential or tourist accommodation). Precinct specific controls are provided for the following locations:

- Chapter 6a - Ballina Town Centre
- Chapter 6b – Alstonville
- Chapter 6c – Lennox Head





- Chapter 6d – West Ballina Enterprise Corridor

Part 2 Chapter Planning Objectives

The overarching planning objectives of this chapter are to:

- Provide for quality business and commercial development;
- Achieve well designed developments which relate to the landscape and character of the locality;
and
- Encourage the orderly development of business and commercial areas in Ballina Shire.

Part 3 General Controls

3.1 General Controls applying to business and commercial development

3.1.1 Application

Part 3 of this Chapter applies to:	
Location/s:	Land within Zones E1, E2, E3 & MU1
Development Type/s:	All development

3.1.2 Planning Objectives

The planning objectives of this Part are to:

- Encourage well-designed business and commercial development;
- Manage the bulk, scale and traffic generation of business and commercial development;
- Encourage buildings which respond to the shire's sub-tropical climate; and
- Provide general development controls that are consistent with and complementary to precinct specific controls.

3.1.3 Development Controls

A. Element - Building Height

Objectives

- Ensure that the **height of buildings** is compatible with the bulk, scale and character of the locality;
- Minimise adverse impacts on existing or future amenity of adjoining properties and scenic or landscape quality of the locality; and
- Protect significant views from public places.

Controls

- Building heights** are to comply with the provisions of BLEP 2012.





Note:

The height of any building must comply with the provisions of BLEP 2012 clauses 4.3 and 5.6.

B. Element - Floor Space Ratios

Objectives

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

Controls

- i. Where development is proposed on land identified on the Floor Space Ratio Map, the following approach will be applied to the calculation of FSR:
 - Where a mixed use development is proposed involving **commercial premises**, the **floor space ratio** (FSR) shown on the Floor Space Ratio Map will be applied; and
 - Where a **dwelling house** or **dwelling house** and **secondary dwelling** that is not part of a **mixed use development** involving **commercial premises** is proposed, a FSR of 0.5:1 will be applied.



Notes:

Buildings are to comply with the floor space ratio provisions as specified in clauses 4.4 and 4.5 of the BLEP 2012.

The **floor space ratio** (FSR) of buildings on a site is the ratio of the **gross floor area** (GFA) of all buildings within the site to the site area. For example, with an FSR of 0.5:1 on a 1000m² allotment can have a maximum GFA of 500m².

$$\frac{\text{GFA}}{\text{Site Area}} = \text{FSR}$$

C. Element – Roof Form

Objectives

- a. Provide visually interesting and harmonious roof scapes and skylines; and
- b. Ensure that roofs are designed to manage storm water associated with sub-tropical rainfall events.

Controls

- i. Roof forms are to be varied where practical and shall include the use of skillions, gables and hips;
- ii. Roofs are to have a minimum pitch of 5°, unless, in the opinion of Council, it is considered necessary to maintain views or to fulfil a particular building design;
- iii. Parapets and flat roofs should be avoided;
- iv. Roof forms shall be consistent with or complementary to existing surrounding developments;



- v. Lift over runs and other visually prominent infrastructure shall, as far as practicable, be concealed within roof structures;
- vi. All roof plant is to be represented on development application plans and elevations; and
- vii. Roofing colours, materials and finishes shall have a low reflectivity index.

D. Element – Building Setbacks

Objectives

- a. Minimise the impact of buildings upon the streetscape and to provide an appropriate sense of enclosure to all streets and lanes;
- b. Provide opportunities for landscaped and vegetated areas on private land;
- c. Support opportunities for alfresco dining on private land in commercial precincts; and
- d. Ensure the provision of adequate areas for pedestrian circulation and to ensure that queues do not impact on pedestrian movement.

Controls

- i. Where applicable, **building lines or setbacks** shall comply with the detailed requirements established for each precinct outlined in **Chapters 6a – 6d**;
- ii. Any automatic teller machine or other vending machine is to be:
 - Setback 0.5 metres in addition to any applicable **building line or setback**;
 - Well illuminated at all times;
- iii. Garage doors and/or car parking access security gates must be setback a minimum of 5.5 metres from the lane or street boundary where direct vehicle access is obtained;
- iv. Except where buildings are built to the boundary, balconies may project forward of the specified **building line or setback** provided that:
 - The balcony is of cantilevered construction;
 - No walls or columns are erected below the balcony;
 - No walls or roofs are erected above the balcony; and
 - The balcony has a projection not exceeding 1.8 metres from the building;
- v. No balconies or verandahs are to project over the public domain (awnings are excepted);
- vi. Fences or courtyard walls greater than 1 metre in height and forward of the **building line or setback** are to comply with the following design requirements:
 - The wall or fence is to be articulated so as to provide visual relief and opportunities for landscape plantings between the wall and public areas;
 - Elements of the wall or fence that are higher than 1 metre are to be visually permeable for not less than 30% of the total length of the wall or fence; and
 - Where erected on a lane frontage adjacent to a vehicular access, the fencing and/or landscaping shall provide reasonable sight distance for drivers reversing off the site based in the requirements of AS 2890.





E. Element – Arcades

Objectives

- a. Provide safe and convenient connections to enhance the pedestrian network and to provide linkages between shopping areas, public spaces and car parking;
- b. Encourage the use of parking at the rear of a development site by providing good access to the front of the site; and
- c. Encourage activity within arcades.

Controls

- i. Arcades are to:
 - Accommodate active uses such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants;
 - Be obvious and direct thoroughfares for pedestrians;
 - Provide for adequate clearance to ensure pedestrian movement is not obstructed;
 - Provide public access from at least 7.00am to 9.00pm daily;
 - Have, where practicable, access to natural light for part of their length and at openings at each end;
 - Have, where air conditioned, clear glazed entry doors for at least 50% of the entrance frontage;
 - Have signage at the entry indicating public accessibility and to where the arcade leads, and
 - Have clear sight lines and no opportunities for concealment;
- ii. Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street; and
- iii. Incorporate pavement areas accessible to pedestrians throughout.

F. Element – Awnings

Objectives

- a. Provide pedestrian amenity and weather protection;
- b. Provide a consistent building element within the streetscape;
- c. Promote safety and encourage the use of streets by pedestrians at all times of day and night; and
- d. Encourage the use of outdoor spaces for active purposes in association with ground floor uses.

Controls

- i. Awnings providing continuous shelter from the weather are to be provided for the full extent of an active street frontage;
- ii. Awnings are to:
 - be horizontal or near horizontal with a pitch not exceeding 10%;
 - provide a minimum 3.2 metres and maximum 4.2 metres clearance from the finished ground level at the property boundary;





- provide a minimum width of 2.5 metres (unless constrained by narrow pavements, street trees, infrastructure or the like);
- be set back at least 1 metre from the kerb;
- iii. Awnings on sloping streets shall step down in horizontal steps (maximum 700 millimetres per step) to follow the slope of the street;
- iv. All contiguous awnings must be of consistent height and depth and of complementary design and materials;
- v. New awnings shall be designed to be consistent with and complementary to existing adjoining awning structures and be integrated into the building design;
- vi. Awnings shall wrap around street corners and contribute to the articulation and focal design of corner buildings; and
- vii. Under awning lighting shall comply with Australian Standard 1158 – Lighting for roads and public spaces.

G. Element – Landscaping

Objectives

- a. Ensure that landscaping is an integral component of development within business zones for the purposes of softening, shading, and enhancing the visual appearance of development;
- b. Improve the amenity of business and commercial precincts through preserving and retaining existing mature trees where practical;
- c. Support landscape design that incorporates the planting of endemic landscape species wherever possible;
- d. Ensure that new street furniture is coordinated with existing street furniture and does not create clutter and obstacles in public spaces; and
- e. Ensure that public areas respond to the needs of people with sensory and other disabilities.

Controls

- i. Development applications for new buildings in a business zone must be supported by a landscape plan that details the following, where applicable:
 - existing vegetation;
 - existing vegetation proposed to be removed;
 - proposed general planting and landscape treatment for all public, private and car parking areas of the site;
 - design details of hard landscaping elements and major **earthworks** (cut and fill) and any mounding;
 - street trees;
 - existing and proposed street furniture including proposed signage; and
- ii. A species list comprising native vegetation that is consistent with the *Ballina Shire Urban Garden Guide* is to be provided as part of the landscape plan.





H. Element – Gateways and Landmark Sites

Objectives

- a. Ensure key landmark corner sites are developed to ensure distinctive and unique design of buildings that will form gateways and entrance statements to commercial centres.

Controls

- i. The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasise the corner as a focal point through design elements such as:
 - increased wall heights;
 - splayed corner details;
 - expression of junction of building planes;
 - contrasting building materials; and
- ii. Shopfronts are to wrap around corners and entrances shall be located centrally to the corner.

I. Element – Vehicular Access and Parking

Objectives

- a. Provide sufficient on-site car parking to adequately service the needs of the occupants, users, visitors, employees and service and delivery vehicles of a development;
- b. Ensure compliance with relevant standards and that provision is made for the safe and efficient circulation of vehicles entering, exiting and manoeuvring within the site;
- c. Maintain vehicular and pedestrian safety through design standards for the access to car parking areas;
- d. Integrate the location and design of car parking with the design of the site and building without compromising street character, landscape or pedestrian amenity and safety;
- e. Ensure access to off-street car parking does not unreasonably impact on the provision of parking within the public street system; and
- f. Provide adequate loading areas for commercial developments.

Controls

- i. On-site car parking and vehicular access is to be provided for development in accordance with the car parking requirements specified in **Chapter 2**;
- ii. Car parking shall be designed in accordance with Australian Standard 2890 and the *RTA Guide to Traffic Generating Developments*;
- iii. Car parking spaces required for customer parking in commercial, business and retail developments are to be freely accessible at all times and must not be gated or secured for exclusive use in any form;
- iv. Site access and kerb crossover points shall have adequate sight distances and are to be designed to ensure that all vehicles are able to safely enter and exit the site while maintaining the safety and integrity of the road network;





- v. The visual impact of car parking areas is to be softened by the incorporation of appropriate landscaping;
- vi. Vehicular access points are to be provided from rear lanes or secondary street frontages wherever possible;
- vii. Vehicular access points should be located to increase or maximise on-street parking opportunities;
- viii. Driveways and car parking areas must not hinder the free flow of pedestrians on or adjacent to the site;
- ix. Where possible, car parking areas should be designed to facilitate the long term integration of car parking areas between allotments;
- x. The number of loading bays to be provided shall be determined having regard to the scale and type of use proposed. In this regard full details of the anticipated volume and frequency of deliveries shall be supplied with each development application;
- xi. Service areas and loading bays should be designed to cater for the vehicles and servicing operations anticipated to occur in a particular development. Designs shall comply with Australian Standard 2890.2 Part 2: Off-street commercial vehicle facilities; and
- xii. The location and design of loading bays are to integrate into the overall design of the building, be separate from customer car parking areas and be appropriately screened when located adjacent to sensitive adjoining land uses.



Notes:

Where a development falls within more than one category, car parking shall be provided based on the total required for each category.

In addition to the provisions of Chapter 2, precinct specific car parking rates may be applicable.

J. Element – Waste Storage Facilities

Objectives

- a. Ensure the efficient storage and collection of waste and the quality design of waste storage facilities.

Controls

- i. Waste storage facilities are to be physically and visually integrated into the design of the development at ground or basement level and are to be of a size appropriate to the scale of the development;
- ii. Waste storage facilities shall meet the following design requirements:
 - located behind the **building line or setback** and screened from the street or a public place;
 - accessed from a rear lane or secondary street frontage wherever possible;
 - easily accessible for all tenancies/occupancies in the building;
 - can be adequately serviced by waste collection vehicles, having regard for safety and ease of manoeuvring;





- has water and drainage facilities for cleaning and maintenance, where necessary;
 - does not immediately adjoin habitable rooms or outdoor seating/recreation areas; and
 - shall be appropriately screened and oriented when located adjacent to sensitive adjoining land uses.
- iii. Where storage and handling of putrescible (organic) or food waste is anticipated, waste storage areas must incorporate an appropriate roofed and screened area that is connected to the sewer system.

K. Element – Pedestrian Entries and Access

Objectives

- a. Provide access to development for pedestrians, strollers, scooters, wheelchairs and bicycles; and
- b. Encourage walking and cycling.

Controls

- i. Development is to comply with Australian Standard 1428 – Design for Access and Mobility; and
- ii. Secure and convenient parking and storage areas for bicycles are to be provided close to the entrance of the development.

L. Element – Energy Efficiency

Objectives

- a. Reduce the necessity for mechanical heating and cooling; and
- b. Minimise greenhouse gas emissions.

Controls

- i. Any **residential accommodation** component of new commercial buildings is to demonstrate compliance with *State Environmental Planning Policy – Building Sustainability Index (BASIX)* and *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*;
- ii. All non-residential development is to comply with the *Building Code of Australia Class 5 to 9* energy efficiency provisions;
- iii. Mechanical space heating and cooling is to be designed to target only those spaces which require heating or cooling, not the whole building; and
- iv. Development is to be designed to reduce reliance on artificial lighting.

M. Element – Water Efficiency

Objective

- a. Minimise water use within buildings.

Controls

- i. Development must incorporate the following;
 - Use at least AAA rated shower roses, taps and appliances;
 - Use of dual flush toilets; 6 litres or less for a full flush and 3 litres or less for a half flush;





- Use of waterless urinals; and
- Install sensor operated taps, or automatic shut-off taps, especially in public areas.

Part 4 Mixed Use Developments

4.1 Development controls applying to mixed use developments

4.1.1 Application

Part 4 of this Chapter applies to:	
Location/s:	Land within Zones E1, E2, and MU1
Development Type/s:	<i>Mixed use development</i>



Note:

Mixed use development is not a land use definition but is a general defined term to describe development comprising a mix of 2 or more different land uses (e.g. commercial and residential development).

4.1.2 Introduction

The controls in this part of Chapter 6 apply to developments that contain a mix of 2 or more different land uses (e.g. commercial and residential development). Where residential land uses are proposed as part of a mixed use development, the residential components of the development shall be assessed against the residential development controls contained in **Chapter 4**. Where there is an inconsistency between the mixed use development controls and the residential development controls, the mixed use development controls shall prevail to the extent of the inconsistency.

4.1.3 Planning Objectives

The planning objectives of this Part are to:

- Encourage well-designed *mixed use developments* that integrate commercial and residential land uses;
- Manage the bulk, scale and traffic generation of *mixed use developments*;
- Ensure that *mixed use developments* are designed having adequate regard for the amenity of occupants and surrounding development;
- Encourage buildings which respond to the shire’s sub-tropical climate; and
- Provide general development controls that are consistent with and complementary to precinct specific controls.

A. Element – Building Design

Objectives





- a. Ensure the design of *mixed use developments* maintain a reasonable level of residential amenity and preserves compatibility between land uses; and
- b. Encourage flexible building design that can accommodate a range of uses and allow for changes to uses over time.

Controls

- i. Development shall be designed to locate loading bays, waste storage/collection areas and any other noise and odour generating aspects of buildings away from residential areas;
- ii. Vehicular circulation areas must be legible and differentiate between the commercial service requirements, such as loading areas, and residential access;
- iii. Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to *commercial premises*;
- iv. Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards;
- v. All car parking required for the residential component of a development, including any required visitor car parking, must be provided on site. Developer Contributions for car parking spaces will not be accepted for any residential component of a development;
- vi. Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking;
- vii. All car parking spaces required for the commercial component of the development are to be *accessible car parking*. Car parking spaces provided for the residential component of the development may be in the form of secured parking;
- viii. Acoustic separation is to be provided wherever possible between loud commercial uses, such as cafes and restaurants, and residential uses. This may be achieved by utilising intermediate quiet-use barriers such as offices;
- ix. Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.
- x. To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements:
 - buildings are to have a simple and efficient structural grid;
 - the number of internal apartment structural walls are to be minimised;
 - ceiling heights for the ground and first floors are to be 3.6 metres; and
- xi. The *shop top housing* component of any mixed use development is to comply with the provisions of Chapter 4 – Residential Development.





Notes:

Residential developments that include:

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

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

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

