



Ballina Shire Development Control Plan 2012

**Draft Amendment No. 11 – General
Amendments**

Explanatory Information

Exhibition Period: 30/8/2017 – 29/9/2017

Submissions Close: 29/9/2017

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Note:

This exhibition document only contains details of the relevant amendments to the DCP as proposed in Draft Amendment No.11. A full copy of the current adopted DCP is available on Council's website at www.ballina.nsw.gov.au or can be viewed by arrangement by contacting Council's Strategic and Community Facilities Group on telephone 6686 1284.

EXHIBITION NOTICE

Ballina Shire Development Control Plan 2012 Draft Amendment No.11 - General Amendments

Council has prepared Draft Amendment No.11 – General Amendments to the Ballina Shire Development Control Plan 2012 (the DCP).

Draft Amendment No.11 proposes various changes to the DCP including the following:

- Removal of the third storey/loft provisions contained within Chapter 4 – Residential and Tourist Development;
- Removal of the 300mm high minimum underfloor clearance height for buildings in coastal hazard areas contained within Chapter 2 – General and Environmental Considerations;
- Amendment of provisions in Chapter 5 – Industrial Development relating to the materials permitted for use on the exterior of industrial buildings;
- Inclusion of a provision within Part 3.2.3 of Chapter 3 – Urban Subdivision relating to local parks which specifies a requirement for shade cover over play equipment; and
- Amendment of various provisions to align development controls with the recently amended Part 3 Housing Code provisions contained within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- Amendment of Chapter 7 Rural Living and Activity to align requirements relating to dual occupancy development with the Rural Area Detached Dual Occupancy Planning Proposal.

Draft Amendment No.11 to the DCP is on public exhibition between 30 August 2017 and 29 September 2017. The documentation can be viewed at Council's Customer Service Centre between 8:15am and 4:30pm Monday to Friday (exclusive of public holidays) and at Council's Community Access Points (Alstonville, Ballina and Lennox Head libraries). The amendment can also be viewed on Council's website **ballina.nsw.gov.au**.

Submissions are invited and must be made in writing to the General Manager before close of business on 29 September 2017. Submissions can be lodged electronically, by mail or fax.

Submissions close: 29 September 2017.

Enquiries: Leah Toole, Strategic and Community Facilities Group, Ph 6686 1454

DEVELOPMENT CONTROL PLAN – GENERAL INFORMATION

The Ballina Shire Development Control Plan 2012 (DCP) was adopted by Council at its Ordinary Meeting held on 20 December 2012 (Minute No. 201212/13) and commenced operation in conjunction with the *Ballina Local Environmental Plan 2012* (LEP) on 4 February 2013. The new DCP superseded the Ballina Shire Combined Development Control Plan 2006.

The DCP has been reviewed and amended a number of times as indicated in the schedule below:

Schedule of Amendments to Ballina Development Control Plan 2012					
#	Area/s subject to DCP Amendment	Purpose	Council's Decision	Date of Council's Resolution	Effective From
PRINCIPAL PLAN	Ballina Local Government Area	Review of Ballina Shire Combined DCP 2006 to ensure consistency with Standard Instrument LEP. Included substantial review of provisions relating to residential development and urban subdivision.	Approved	20 December 2012	4 February 2013
1	Ballina Local Government Area	General amendments to Chapters 1, 3, 4, 5 and 7, amended Building Line Map, amended Dwelling Density Map and miscellaneous corrections	Approved	27 June 2013	8 July 2013
2	Cumalum Precinct B	Inclusion of precinct-specific controls in Part 5 of Chapter 3 (Urban Subdivision), amendment to Natural Area and Habitats Map and application of public art provisions to subject land.	Approved	24 April 2014	12 May 2014
3	Ballina Local Government Area	General amendments to Chapters 1, 2, 2b, 3, 4, 5, 6a, 7 and 8. Includes revised parking requirements for food and drink premises, shop top housing and for health consulting rooms and medical centres within Ballina Town centre, amended secondary dwelling development standards including site fill requirements, amended adaptable housing provision requirements, and amended Earthwork and Site Sensitive Design Controls.	Approved	26 June 2014	16 July 2014
4	Cumalum Precinct A	Inclusion of precinct-specific controls in Part 5 of Chapter 3 (Urban Subdivision) and amendment to Natural Area and Habitats Map.	Approved	26 February 2015	11 March 2015
5	Ballina Local Government Area	Review and amendment of Chapter 2b – Floodplain Management. Introduces a risk based approach to development of flood prone land consistent with the principles contained within the NSW Floodplain Development Manual.	Approved	28 May 2015	1 July 2015
-	Cumalum Precinct A – Cumalum Views	Amendment of precinct-specific controls in Part 5 of Chapter 3 (Urban Subdivision) clause 5.6.3 B xiii relating to Stormwater	Approved	26 November 2015	26 November 2015
6	Ballina Local Government Area	General amendments to Chapters 1, 2, 4, 5, 6c, 6d, and 8. Includes consolidation of car parking requirements and revised Stormwater Management provisions in Chapter 2, amendment of preferred land use provisions for Lennox Head Precinct D in Chapter 6c, and the correction of various errors and anomalies.	Approved (Refer Minute No 171215/9 Chapter 2b excluded.)	17 December 2015	1 February 2016

7	Skennars Head Expansion Area & Ballina Local Government Area (certain aspects)	Inclusion of precinct-specific controls in Part 5 of Chapter 3 (Urban Subdivision) with respect to the Skennars Head Expansion Area; Amendment of controls relating to external infrastructure in s3.1.2 of Chapter 3; and amendment of controls relating to mosquito management with respect to stormwater design in s3.6 of Chapter 2 (General and Environmental Considerations)	Approved	27 October 2016	14 November 2016
8	16 Tara Downs Lennox Head	Inclusion of clause 4.6 within Chapter 4 Residential and Tourist Development. Clause 4.6 provides for site specific buffers and indicative building envelopes and Asset protection Zones. Also includes Appendix B to Chapter 4 and changes to the Special Area Control Map -Residential SR_003_020	Approved	24 November 2016	12 December 2016
9	44 – 52 Blue Seas Parade	Inclusion of clause 4.7 within Chapter 4 Residential and Tourist Development. Clause 4.7 provides for site specific controls including rear building setbacks, geotechnical and aesthetic controls. Also includes Appendix C to Chapter 4 and changes to the Special Area Control Map – Residential SR_003_020	Approved	15 December 2016	16 January 2017
10	Ballina Local Government Area	General amendments to Chapters 1, 2 and 3. Includes amendment of public notification provisions relating to group homes in Chapter 1, inclusion of an equivalent zone provision in Chapter 1 to address interpretation of deferred matters under Ballina LEP 2012, adjustments to public art and car access and manoeuvring provisions in Chapter 2, inclusion of a new road noise mitigation clause in Chapter 2, and adjustments to Chapter 3 to ensure consistency with new road noise mitigation clause.	Approved	23 February 2017	8 March 2017

Draft Amendment No.11 proposes changes to various controls including those relating to third storey/loft provisions associated with residential development, building design in the Lennox Head coastal hazard area, exterior materials permitted on industrial buildings, requirements for shade cover over play equipment in local parks, rural area dual occupancy development and the amendment of various provisions to align controls with the provisions of Part 3 Housing Code contained within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The DCP is generally reviewed on an annual basis and identified issues are researched and addressed through the review process. This ensures that the DCP is able to remain a contemporary and evolving document and able to respond to development issues in an optimal manner.

The LEP establishes the overarching local planning policy of Council, with a focus on land use permissibility and development standards that direct land use outcomes.

The DCP operates in a secondary role to the LEP and complements the LEP by providing a greater level of detail in relation to preferred development outcomes. The DCP incorporates a variety of planning objectives and development guidelines that form Council's local planning policy when used in conjunction with the LEP.

DRAFT AMENDMENT NO.11 – SUMMARY

Information relating to specific amendments contained within Draft Amendment No.11 is provided within the *Schedule of Proposed Amendments* and the report to the Council's Ordinary Meeting on 27 July 2017. These documents form a part of the exhibition material.

Issues relating to rural area dual occupancy development are discussed in the report to Council's Ordinary Meeting on 22 June 2017, and Planning Proposal 17/008 Rural Area Dual Occupancy which is being separately exhibited until 15 September 2017.

Draft Amendment No.11 relates to the following DCP chapters:

Chapter 2 – General and Environmental Considerations

Chapter 2b – Floodplain Management

Chapter 3 – Urban Subdivision

Chapter 4 – Residential and Tourist Development

Chapter 5 – Industrial Development

Chapter 6a – Commercial Development Ballina Town Centre

Chapter 7 – Rural Living and Activity

Each of the above chapters forms a part of the exhibition material and has been amended to incorporate proposed changes which have been highlighted in **yellow**.

FREQUENTLY ASKED QUESTIONS

Q. What should I do if I have concerns with Draft Amendment No.11 to the DCP?

If you have concerns with any of the proposals detailed in Draft Amendment No.11 to the DCP you are invited to contact Council's Strategic and Community Facilities Group to discuss the matter further. Should you choose, you may make a written submission to Council detailing your concern. Council will consider all written submissions received prior to finalising the draft DCP amendment. Details of how to make a submission are contained below.

Q. Which parts of the DCP apply to me?

Various parts of the DCP will apply to your land depending on its zoning and the land use proposed. You should check the zoning of your land and the permissibility of any proposed development in the applicable LEP to determine the specific parts of the DCP that will apply. The DCP only applies to development that requires development consent.

Q. How does the DCP affect my property?

This depends on the zoning of your property. You should check the relevant map under the applicable LEP for the zoning, then read the relevant parts of the DCP for further information. Contact Council for further information on the zoning of land and the applicable LEP.

Q. How are Local Environmental Plans and Development Control Plans related?

LEPs and DCPs both direct the way in which land uses can be undertaken in Ballina Shire. A LEP provides the base information such as zoning, floor space ratio and height limits. The DCP provides guidance in support of the LEP such as design and amenity controls.

HOW THE DCP WORKS

What is a Development Control Plan (DCP)?

A DCP is a Council policy document that contains the detailed design controls applicable to development in a local government area.

DCPs are part of a hierarchy of planning documents that establish requirements and direction for development. These documents provide the basis for development assessment in Ballina Shire and are outlined below:

- State Environmental Planning Policies (SEPPs)
- Local Environmental Plans (LEPs)
- Development Control Plan (DCP)

Under the local planning framework, the LEP and DCP provide the basis for development assessment. The LEP establishes the overarching local planning policy of Council, focusing on the permissibility of land uses in different areas of the shire and development standards that direct land use outcomes. The DCP provides a greater level of detail in relation to the delivery of development outcomes and incorporates a variety of planning objectives and development controls that form Council's local planning policy when used in conjunction with the LEP.

Councils are responsible for the preparation and content of DCPs and, unlike the LEPs, there is no requirement for State Government endorsement.

The Ballina Shire Development Control Plan 2012 is the current DCP in operation in Ballina Shire.

How does the DCP affect what I can do on my land?

The DCP contains the specific provisions which guide how particular forms of development can be undertaken.

The Ballina Shire Development Control Plan 2012 is designed to apply in conjunction with the two LEPs applicable to land in Ballina Shire.

Key steps in determining the application of the DCP are provided in the flowchart on the next page (Figure 1). The DCP only applies when development consent is required.

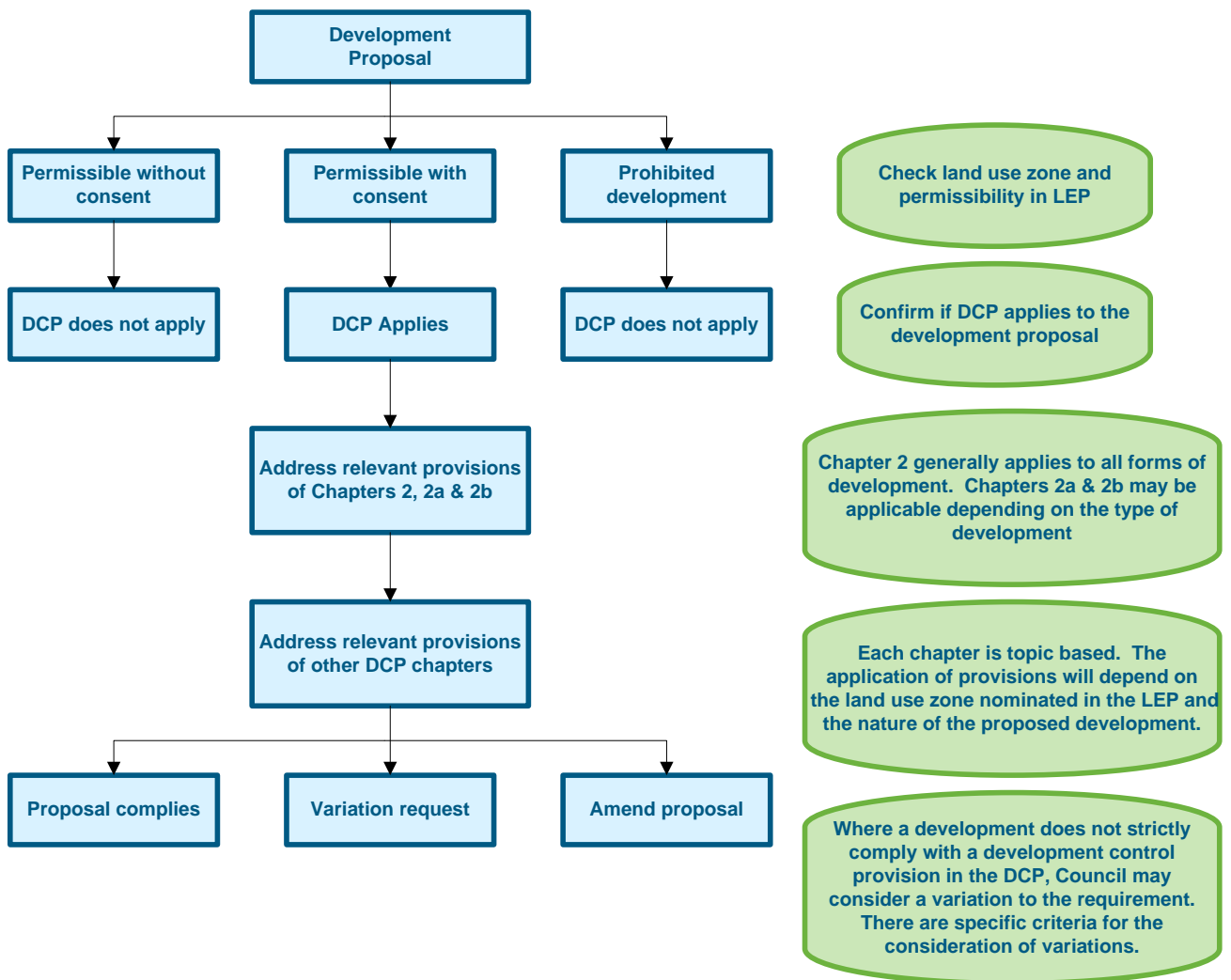


Figure 1: Development Control Plan Flowchart

SUBMISSIONS

Exhibition & Information Viewing Details

Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012 will be publicly exhibited for a minimum period of 28 days in accordance with legislative requirements.

Exhibition Duration: 30 August 2017 until 29 September 2017

DCP Amendment No.11 is on public exhibition at Council's Customer Service Centre and may also be viewed online at Council's website www.ballina.nsw.gov.au or at the Community Access Points as detailed below.

Community Access Points

BALLINA

Council's Customer Service Centre, 40 Cherry Street, Ballina
Ballina Library, 8 River Street, Ballina

ALSTONVILLE

Alstonville Library, 42-46 Commercial Road, Alstonville

LENNOX HEAD

Lennox Head Library, 3 Park Lane, Lennox Head

Submissions

Public submissions and engagement with Council in relation to Draft Amendment No.11 to the DCP are encouraged. Submissions must be made in writing to the General Manager and can be lodged electronically, by mail or by fax as detailed below.

Email council@ballina.nsw.gov.au

Mail General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Fax (02) 6686 7035

Further Information

If you require any further information in relation to Draft Amendment No.11 to the DCP, please contact Leah Toole in Council's Strategic & Community Facilities Group on (02) 6686 1454.

Appendix A – Schedule of Proposed Amendments

Appendix B – Draft Amended Chapter 2 – General and Environmental Considerations

**Appendix C – Draft Amended Chapter 2b – Floodplain
Management**

Appendix D – Draft Amended Chapter 3 – Urban Subdivision

Appendix E – Draft Amended Chapter 4 – Residential and Tourist Development

Appendix F – Draft Amended Chapter 5 – Industrial Development

**Appendix G – Draft Amended Chapter 6a – Commercial
Development Ballina Town Centre**

Appendix H – Draft Amended Chapter 7 – Rural Living and Activity

Appendix I – Report to the Council’s Ordinary Meeting held on 27/7/2017