



*Ballina Shire Development Control Plan 2012*

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

### ***Schedule of Proposed Amendments***

August 2017 (17/46291)

The following table provides details of the amendments proposed to Ballina 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><i>Chapter 2 – General and Environmental Considerations</i></p> <p><i>Part 3.9 Stormwater Management</i></p> <p><i>3.9.1 Application</i></p>	<table><tr><td colspan="2">Applies to:</td></tr><tr><td>Location/s:</td><td>All zones.</td></tr><tr><td>Development Type/s:</td><td>All development (excluding <i>dwelling houses</i> and <i>secondary dwellings</i>)</td></tr></table>	Applies to:		Location/s:	All zones.	Development Type/s:	All development (excluding <i>dwelling houses</i> and <i>secondary dwellings</i> )	<table><tr><td colspan="2">Applies to:</td></tr><tr><td>Location/s:</td><td>All zones.</td></tr><tr><td>Development Type/s:</td><td>All development (excluding <i>dwelling houses</i>, <i>dual occupancies</i> and <i>secondary dwellings</i>)</td></tr></table>	Applies to:		Location/s:	All zones.	Development Type/s:	All development (excluding <i>dwelling houses</i> , <i>dual occupancies</i> and <i>secondary dwellings</i> )	<p>Corrects an anomaly.</p> <p>Section 2.2.4 of the Ballina Shire Council Stormwater Management Standards for Development (2016) excludes dual occupancies as well as single residential dwellings and secondary dwellings from requiring stormwater treatment. Therefore it is appropriate that this exclusion also be reflected in Chapter 2 – Part 3.9.</p>
Applies to:																
Location/s:	All zones.															
Development Type/s:	All development (excluding <i>dwelling houses</i> and <i>secondary dwellings</i> )															
Applies to:																
Location/s:	All zones.															
Development Type/s:	All development (excluding <i>dwelling houses</i> , <i>dual occupancies</i> and <i>secondary dwellings</i> )															
2	<p><i>Chapter 2 General and Environmental Considerations</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.14 Coastal Hazards</i></p> <p><i>3.14.3 A. Area A, Lennox Head – Land adjacent to Seven Mile Beach southward from Byron Street</i></p>	<p>i. Building foundations on all beachfront allotments are to comprise piling supporting a suspended floor with a minimum clearance of 0.3 metres between ground level (existing) and the underside of the floor system, and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level;</p>	<p>i. Building foundations on all beachfront allotments are to comprise piling supporting a suspended floor with a minimum clearance of 0.3 metres between ground level (existing) and the underside of the floor system, and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level. The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas and is also to be certified that the design will allow ocean inundation from waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring.</p>	<p>The requirement for a minimum clearance is considered to be outdated as it does not take into consideration current building practices.</p> <p>The principal protection measures are the minimum floor level and the piling to 2.0m AHD.</p>												
3	<p><i>Chapter 2 General and Environmental Considerations</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.14 Coastal</i></p>	<p>ii. Building foundations must be designed to address the effect of the zone of reduced bearing capacity and minimum floor levels may apply where there is a threat of inundation. Design criteria for foundations are as follows:</p> <ul style="list-style-type: none"><li>• Building foundations are to comprise piling</li></ul>	<p>ii. Building foundations must be designed to address the effect of the zone of reduced bearing capacity and minimum floor levels may apply where there is a threat of inundation. Design criteria for foundations are as follows:</p> <ul style="list-style-type: none"><li>• Building foundations are to comprise piling</li></ul>	<p>The requirement for a minimum clearance is considered to be outdated as it does not take into consideration current building practices.</p>												

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
	<p><i>Hazards</i></p> <p><i>3.14.3 B. Area B, Lennox Head – Land Seaward of Immediate Hazard Line between Byron Street and the Lake Ainsworth Sport and Recreation Centre</i></p>	<p>supporting a suspended floor with a minimum clearance of 0.3 metres between ground level (existing) and the underside of the floor system, and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level;</p>	<p>supporting a suspended floor <del>with a minimum clearance of 0.3 metres between ground level (existing) and the underside of the floor system,</del> and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level. The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas and is also to be certified that the design will allow ocean inundation from waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring.</p>	<p>The principal protection measures are the minimum floor level and the piling to 2.0m AHD.</p>
4	<p><i>Chapter 2 General and Environmental Considerations</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.14 Coastal Hazards</i></p> <p><i>3.14.3 C. Area C, 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</i></p>	<p>ii. 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. The following design criteria is applicable:</p> <ul style="list-style-type: none"> <li>• Building foundations are to comprise piling supporting a suspended floor with a minimum clearance of 0.3 metres between ground level (existing) and the underside of the floor system, and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level:</li> </ul>	<p>ii. 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. The following design criteria is applicable:</p> <ul style="list-style-type: none"> <li>• Building foundations are to comprise piling supporting a suspended floor <del>with a minimum clearance of 0.3 metres between ground level (existing) and the underside of the floor system,</del> and be designed to support the building for the condition of removal of soil to RL 2.0 metres AHD including any lateral loadings imposed by a soil mass failure to this level. The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas and is also to be certified that the design will allow ocean inundation from waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring.</li> </ul>	<p>The requirement for a minimum clearance is considered to be outdated as it does not take into consideration current building practices.</p> <p>The principal protection measures are the minimum floor level and the piling to 2.0m AHD.</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason				
5	<i>Chapter 2b Floodplain Management</i>  <i>Part 3 Development Controls</i>  <i>Part 3.9 Wardell Village</i>	<p>The following provisions apply to infill development in the residential village area of Wardell:</p> <p>i Minimum habitable floor heights shall be FPL2-2100 + 0.5m.</p>	<p>Amend clause (i) as highlighted in yellow below to reflect the application of the 2050 flood planning levels for infill development:</p> <p>i Minimum habitable floor heights shall be <b>FPL2-2050</b> + 0.5m.</p>	<p>Resolves an inconsistency between Table 3.1 and Clause 3.9. The infill development provisions for the Wardell village should be aligned with the provisions for other existing urban areas.</p>				
6	<i>Chapter 3 Urban Subdivision</i>  <i>Part 3.2.3 Major Subdivision Control Elements</i>  <i>C Element – Vision, Concept and Master Plan Content</i>  <i>Development Controls</i>  <i>(iii) Table 3.2, Land Use</i>	<p>iii. In the preparation of the master plan for major subdivision comprising new neighbourhoods consideration should also be given to the principles of the <i>NSW Coastal Design Guidelines</i> (Coastal Council of NSW 2003) and the following <i>Neighbourhood Design Standards</i> produced by the Queensland Government Urban Land Development Authority (November 2011) which provide contemporary design standards for neighbourhood design:</p> <table><tr><td>Land use</td><td><ul style="list-style-type: none"><li>Neighbourhood centres serve a catchment of several neighbourhoods and should be located on major connector or arterial roads for exposure and access.</li><li>Land intensive uses such as district and major parks should be located at the periphery of neighbourhoods.</li></ul></td></tr></table>	Land use	<ul style="list-style-type: none"><li>Neighbourhood centres serve a catchment of several neighbourhoods and should be located on major connector or arterial roads for exposure and access.</li><li>Land intensive uses such as district and major parks should be located at the periphery of neighbourhoods.</li></ul>	<p>iii. In the preparation of the master plan for major subdivision comprising new neighbourhoods consideration should also be given to the principles of the <i>NSW Coastal Design Guidelines</i> (Coastal Council of NSW 2003) and the following <b>which incorporates the</b> <i>Neighbourhood Design Standards</i> produced by the Queensland Government Urban Land Development Authority (November 2011) which provide contemporary design standards for neighbourhood design:</p> <table><tr><td>Land use</td><td><ul style="list-style-type: none"><li>Neighbourhood centres serve a catchment of several neighbourhoods and should be located on major connector or arterial roads for exposure and access.</li><li>Land intensive uses such as district and major parks should be located at the periphery of neighbourhoods.</li><li><b>Where provided, local parks must provide shade cover over all play equipment where there is not adequate shade cover provided by trees.</b></li></ul></td></tr></table>	Land use	<ul style="list-style-type: none"><li>Neighbourhood centres serve a catchment of several neighbourhoods and should be located on major connector or arterial roads for exposure and access.</li><li>Land intensive uses such as district and major parks should be located at the periphery of neighbourhoods.</li><li><b>Where provided, local parks must provide shade cover over all play equipment where there is not adequate shade cover provided by trees.</b></li></ul>	<p>On 23 March 2017, Council resolved to amend its playground policy to require all new playground installations to include a shade structure where there is no adequate overhead shade provided by trees. Council also resolved to consider retrofitting shade structures to existing playgrounds.</p> <p>Parts of Chapter 3 require shade cover to be provided over play equipment in certain locations (5.1.3 J, Aspects &amp; Elevation Estates Lennox Head; 5.3.3 I, Wollongbar Urban Expansion Area). The inclusion of the proposed text provides consistency with existing park provisions and the recent Council resolution.</p>
Land use	<ul style="list-style-type: none"><li>Neighbourhood centres serve a catchment of several neighbourhoods and should be located on major connector or arterial roads for exposure and access.</li><li>Land intensive uses such as district and major parks should be located at the periphery of neighbourhoods.</li></ul>							
Land use	<ul style="list-style-type: none"><li>Neighbourhood centres serve a catchment of several neighbourhoods and should be located on major connector or arterial roads for exposure and access.</li><li>Land intensive uses such as district and major parks should be located at the periphery of neighbourhoods.</li><li><b>Where provided, local parks must provide shade cover over all play equipment where there is not adequate shade cover provided by trees.</b></li></ul>							

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
7	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>C. Element – Building Envelopes</i></p>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>i. Ensure buildings are set back progressively from the side and rear boundaries as building height increases so that buildings do not unduly affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or unreasonably obstructing views;</li> <li>ii. Ensure that the occupants of <b>residential accommodation</b> have the opportunity to enjoy the optimum use of winter sunlight;</li> <li>iii. Enhance opportunities for solar access to both the development site and adjoining properties;</li> <li>iv. Achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments to create usable <b>private open space</b> and courtyards;</li> <li>v. Ensure that buildings are compatible with the bulk, scale and character of the locality; and</li> <li>vi. Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.</li> </ul> <p><b>Variations</b></p> <ul style="list-style-type: none"> <li>i. The following variations to the setbacks nominated by the <b>building envelope</b> are permitted: <ul style="list-style-type: none"> <li>▪ <b>Eaves and gutters</b> – up to a maximum of 700mm (note: minimum setback requirements provided by the <i>Building Code of Australia</i> must be complied with i.e. 450mm to the outside of fascia),</li> </ul> </li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>i. Ensure buildings are set back progressively from the side and rear boundaries as building height increases so that buildings do not unduly affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or unreasonably obstructing views;</li> <li>ii. Ensure that the occupants of <b>residential accommodation</b> have the opportunity to enjoy the optimum use of winter sunlight;</li> <li>iii. Enhance opportunities for solar access to both the development site and adjoining properties;</li> <li>iv. Achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments to create usable <b>private open space</b> and courtyards;</li> <li>v. Ensure that buildings are compatible with the bulk, scale and character of the locality; and</li> <li>vi. Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.</li> <li>vii. To provide flexibility for steeply sloping sites to best address streetscape, solar orientation and location for outdoor amenity areas.</li> </ul> <p><b>Variations</b></p> <ul style="list-style-type: none"> <li>i. The following variations to the setbacks nominated by the <b>building envelope</b> are permitted: <ul style="list-style-type: none"> <li>▪ <b>Eaves and gutters</b> – up to a maximum of 700mm (note: minimum setback requirements provided by the <i>Building Code of Australia</i> must</li> </ul> </li> </ul>	<p>Provides flexibility for addressing variations on sloping sites and on northern and eastern elevations.</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		<ul style="list-style-type: none"> <li>▪ <b>Climate control elements</b> - which are of a minor scale and an open character, and that do not affect compliance with the above design objectives, and</li> <li>▪ <b>Encroachments</b> are permitted along the northern and eastern elevations of the wall length provided that: <ul style="list-style-type: none"> <li>- the encroachment is for not more than 40% of the wall length of the elevation of the building;</li> <li>- the encroachment does not exceed 6.5 metres in height measured from the wall/eave junction;</li> <li>- the encroachment is at least 1200mm from the side or rear boundary; and</li> <li>- an area of <b>private open space</b> meeting the requirements indicated in <b>G. Element – Landscaping and Open Space</b> is provided along the same elevation as the encroachment.</li> </ul> </li> </ul>	<p>be complied with i.e. 450mm to the outside of fascia),</p> <ul style="list-style-type: none"> <li>▪ <b>Climate control elements</b> - which are of a minor scale and an open character, and that do not affect compliance with the above design objectives.</li> <li>▪ <b>Encroachments</b> are permitted along the northern and eastern elevations of the wall length <del>provided that:</del> subject to no adverse solar impacts on neighbouring properties. <ul style="list-style-type: none"> <li><del>the encroachment is for not more than 40% of the wall length of the elevation of the building;</del></li> <li><del>the encroachment does not exceed 6.5 metres in height measured from the wall/eave junction;</del></li> <li><del>the encroachment is at least 1200mm from the side or rear boundary; and</del></li> <li>- an area of <b>private open space</b> meeting the requirements indicated in <b>G. Element – Landscaping and Open Space</b> is provided along the same elevation as the encroachment.</li> </ul> </li> </ul>	
8	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>Element C – Building Envelopes</i></p> <p><i>Control (iv)</i></p>	<p>(iv) A third storey in the form of a loft only is permitted within residential development subject to a 8.5 metre maximum building height subject to compliance with the following:</p> <p>(a) No more than two rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below are to be contained within the loft space; and</p> <p>(b) Design must ensure that the loft does not have the external appearance of a storey.</p> <p>(c) The maximum roof pitch is not to exceed 35</p>	<p>Delete Control (iv):</p> <p><del>(iv) A third storey in the form of a loft only is permitted within residential development subject to a 8.5 metre maximum building height subject to compliance with the following:</del></p> <p><del>(a) No more than two rooms (for the purposes of a bedroom and/or study) and a bathroom plus an internal link to the storey below are to be contained within the loft space; and</del></p> <p><del>(b) Design must ensure that the loft does not have</del></p>	<p>On 26 June 2014 Council resolved to adopt changes to the DCP to limit the third storey of dwellings to a loft.</p> <p>In 2017, concerns were raised that the loft provisions were ambiguous and needed clarification to explain the intent of the control.</p> <p>A Councillor briefing was held on 16 May 2017 to inform Councillors of existing</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		<p>degrees; and</p> <p>(d) Compliance with building envelope controls.</p>	<p><del>the external appearance of a storey.</del></p> <p><del>(c) The maximum roof pitch is not to exceed 35 degrees; and</del></p> <p><del>(d) Compliance with building envelope controls.</del></p>	<p>provisions regarding building height and form and to revisit the merits of placing limits on the design of a third storey. It is noted here that generally few sites are capable of easily accommodating a third storey having regard to the applicable 8.5 metre height limit and other building and development standards applied under the DCP. A third storey is sometimes able to be achieved on sloping sites and then typically for only part of the building footprint. The high construction costs associated with third storeys also forms an additional barrier, limiting their more widespread incorporation into building designs.</p> <p>Having regard to the nature of existing controls including the 8.5 metre building height limit, building envelope and floor space ratio restrictions, it is considered that these are adequate to control building height, form and bulk concerns without the need for additional controls such as those relating to lofts.</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
9	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>D. Element – Articulation Zone</i></p> <p><i>Control (i)</i></p>	<p><b>Objective</b></p> <p>a. Promote building facades which contribute to the character of the streetscape.</p> <p><b>Controls</b></p> <p>i. An entry feature porch, veranda or deck associated with <b>residential accommodation or tourist and visitor accommodation</b> in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the main <b>building line or setback</b> by up to 1.5m in front; and</p>	<p>Add the following Objective:</p> <p><b>b. To reference controls contained within the Housing Code under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</b></p> <p>Amend Control (i) to read as follows:</p> <p><b>(i) The following building elements associated with <b>residential accommodation or tourist and visitor accommodation</b> in Zone R2 Low Density Residential and Zone R3 Medium Density Residential may project forward of the main <b>building line or setback</b> by up to 1.5m in front:</b></p> <p>(a) an entry feature or portico,</p> <p>(b) a balcony, deck, pergola, terrace or verandah,</p> <p>(c) a window box treatment,</p> <p>(d) a bay window or similar feature,</p> <p>(e) an eave.</p>	<p>Clarifies the elements that the control applies to and aligns the control with the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 3 Housing Code as amended, to take effect from 17 July 2017.</p>
10	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>E. Element – Building Lines</i></p> <p><i>Control (v)</i></p>	<p>v. Balconies may encroach beyond the specified <b>building line</b> provided that:</p> <ul style="list-style-type: none"> <li>- The balcony is of cantilevered type construction,</li> <li>- No walls or columns are erected below the balcony,</li> <li>- No walls or rooves are erected above the balcony, and</li> <li>- The balcony has a maximum projection of 1.8 metres and is not located more than 300mm forward of the 1.5 metre articulation zone.</li> </ul>	<p>Delete Control (v):</p> <p><del>v. Balconies may encroach beyond the specified <b>building line</b> provided that:</del></p> <p><del>— The balcony is of cantilevered type construction,</del></p> <p><del>— No walls or columns are erected below the balcony,</del></p> <p><del>— No walls or rooves are erected above the balcony, and</del></p> <p><del>— The balcony has a maximum projection of 1.8 metres and is not located more than 300mm forward of the 1.5 metre articulation zone.</del></p>	<p>Aligns the control with the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 3 Housing Code as amended, to take effect from 17 July 2017.</p> <p>The provisions of the Code SEPP permit balconies that comply with the articulation zone provisions.</p>



No	DCP Reference	Existing Provision	Proposed Amendment	Reason
11	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>H. Element – Vehicular Access and Parking</i></p> <p><i>Controls – Garages and Carports</i></p>	<p>iv. Carports forward of the setback specified in (i) will be considered subject to the following criteria:</p> <ul style="list-style-type: none"> <li>No other suitable location is available behind the setback specified in (i),</li> <li>The carport is located a minimum of 900mm from the side boundary,</li> <li>The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind,</li> <li>Carport posts are setback a minimum of 2.0 metres from the street boundary,</li> <li>The carport roof does not significantly impact on the streetscape,</li> <li>The carport roof is not trafficable,</li> <li>The carport does not exceed 33% of the width of the allotment frontage or 6m (whichever is lesser), and</li> <li>Any side and/or rear enclosure or screening is to include minimum 50% visual permeability.</li> </ul>	<p>iv. Carports forward of the setback specified in (i) will be considered subject to the following criteria:</p> <ul style="list-style-type: none"> <li>No other suitable location is available behind the setback specified in (i),</li> <li>The carport is located a minimum of 900mm from the side boundary,</li> <li>The frontage facing the street remains open and is not fitted with a door or enclosing device of any kind,</li> <li><del>Carport posts are setback a minimum of 2.0 metres from the street boundary,</del></li> <li>The carport roof does not significantly impact on the streetscape,</li> <li>The carport roof is not trafficable,</li> <li>The carport does not exceed 33% of the width of the allotment frontage or 6m (whichever is lesser), and</li> <li>Any side and/or rear enclosure or screening is to include minimum 50% visual permeability.</li> </ul>	<p>The restriction is not considered to be required and is often varied as it is not achievable on many sites without recourse to expensive structural designs.</p>
12	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 3 General Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>I. Element – Overlooking and Privacy</i></p> <p><i>Controls (i) and (ii)</i></p>	<p>i. A window must have a privacy screen if:</p> <ul style="list-style-type: none"> <li>it is a window in a habitable room, other than a bedroom, and</li> <li>the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and</li> <li>the window has a sill height of less than 1.5 metres.</li> </ul> <p>ii. A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:</p> <ul style="list-style-type: none"> <li>has a setback of less than 3 metres from a side or rear boundary, and</li> <li>has a floor area of more than 3 square metres.</li> </ul>	<p>i. A window must have a privacy screen if:</p> <ul style="list-style-type: none"> <li>it is a window in a habitable room, other than a bedroom, and</li> <li>the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and</li> <li>the window has a sill height of less than 1.5 metres <b>and a floor level greater than 1.0m above ground level (existing).</b></li> </ul> <p>ii. A balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:</p> <ul style="list-style-type: none"> <li>has a setback of less than 3 metres from a side or rear boundary, and</li> <li><b>has a floor area of more than 3 square metres and a floor level greater than 1.0m above ground level (existing).</b></li> </ul>	<p>In most cases, particularly in new subdivisions, a 1.8m high side and/or rear boundary fence is erected following construction of the dwelling house. The requirement to provide a privacy screen in these circumstances is onerous and not warranted.</p> <p>Also aligns the control with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 3 Housing Code as amended, to take effect from 17 July 2017.</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
13	Chapter 4 Residential and Tourist Development Part 3 General Controls Clause 3.1.3 N. Element – Minimum Lot Area	No existing provision.	<p><b>Note:</b></p> <p>Strata subdivision of dual occupancy developments are to have regard for the provision of services as outlined in Chapter 3 - Urban Subdivision, Part 3.1.2 E. Where a dwelling or occupancy does not have direct access to the street frontage, lots must be provided with a paved pedestrian access way having a minimum 1.2m width to enable waste collection and postal delivery services.</p>	Reinforcement of the requirements listed in Chapter 3 Urban Subdivision in relation to Chapter 4.
14	Chapter 4 Residential and Tourist Development Part 3 General Controls Clause 3.1.3 O. Element – Dwelling Density Control (i)	(i) Development must not exceed the number of <b>dwelling</b> s provided for on a site as identified on the Dwelling Density Maps.	(i) Development for the purpose of residential accommodation (except for single dwellings, dual occupancy development and secondary dwellings) must not exceed the number of dwellings provided for on a site as identified on the Dwelling Density Maps.	This provision provides clarification that the Dwelling Density Maps were intended to apply to multi dwelling housing (3 or more dwellings) as opposed to dual occupancy and secondary dwellings.
15	Chapter 4 Residential and Tourist Development Part 3 General Controls Clause 3.1.3 P. Element – Earthworks and Slope Sensitive Design Controls	<p><b>Objectives</b></p> <p>a. To limit the extent of excavation and filling.</p> <p>b. To reference controls contained within the General Housing Code and the Rural Housing Code under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>c. To provide for development that is responsive to existing landform.</p>	<p><b>Objectives</b></p> <p>a. To limit the extent of excavation and filling.</p> <p>b. To reference controls contained within the General Housing Code and the Rural Housing Code under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>c. To provide for development that is responsive to existing landform.</p>	Amends the terminology in line with the amended Part 3 Housing Code contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which takes effect from 17 July 2017.

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		<p>d. To ensure that building design is compatible with the topographical conditions of the site.</p> <p><b>Controls</b></p> <p>i. Earthworks are to comply with the following provisions, except as provided for under (ii)</p> <ul style="list-style-type: none"> <li>The controls contained within this part are additional to those contained within clause 3.29 General Housing Code and clause 3A.29 of the Rural Housing Code;</li> </ul>	<p>d. To ensure that building design is compatible with the topographical conditions of the site.</p> <p><b>Controls</b></p> <p>i. Earthworks are to comply with the following provisions, except as provided for under (ii)</p> <ul style="list-style-type: none"> <li>The controls contained within this part are additional to those contained within clause 3.29 3.30-General of the Housing Code and clause 3A.29 of the Rural Housing Code;</li> </ul>	
16	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 4 Special Area Controls</i></p> <p><i>4.3 Wollongbar Urban Expansion Area</i></p> <p><i>4.3.3 A. Element – Light-weight construction</i></p>	<p><b>Note:</b></p> <p>Provision (i) is in place to ensure that the risk of landslip does not increase due to the potential for natural drainage to be altered or slopes steepened by excavation or filling, as can be the case with 'slab on ground' construction.</p>	<p><b>Note:</b></p> <p>Provision (i) is in place to ensure that the risk of landslip does not increase due to the potential for natural drainage to be altered or slopes steepened by excavation or filling, as can be the case with 'slab on ground' construction.</p> <p>Where construction other than light-weight construction is proposed, a geotechnical assessment and engineering design/report will be required.</p>	<p>Certain areas within the Wollongbar Urban Expansion Area (WUEA) have been identified as having a degree of instability. This provision requires light-weight construction for lots where the building envelope is identified as having a 'medium' likelihood of slip.</p> <p>It is considered that alternative forms of construction may be suitable in some areas, subject to an appropriate engineering assessment.</p>



No	DCP Reference	Existing Provision	Proposed Amendment	Reason
17	<p><i>Chapter 4 Residential and Tourist Development</i></p> <p><i>Part 4 Special Area Controls</i></p> <p><i>4.3 Wollongbar Urban Expansion Area</i></p> <p><i>4.3.3 B. Element – High likelihood of slip</i></p>	<p><b>Note:</b></p> <p>Provision (ii) responds to the potential for landslip to be significantly exacerbated if the natural drainage is altered or slopes are modified by <b>earthworks</b>.</p>	<p><b>Note:</b></p> <p>Provision (ii) responds to the potential for landslip to be significantly exacerbated if the natural drainage is altered or slopes are modified by <b>earthworks</b>.</p> <p>Slope instability zones are based on survey and analysis undertaken by the Department of Mineral Resources and Coffey Partners Pty Ltd. The areas identified as having a medium or high likelihood of slip are shown in the map titled 'Land affected by slip – Wollongbar Urban Expansion Area' and attached in Appendix D.</p>	<p>Certain areas within the Wollongbar Urban Expansion Area (WUEA) have been identified as having a degree of instability. This provision is in place to ensure that no dwellings or ancillary residential structures are constructed on land that is identified as having a 'high' likelihood of slope instability.</p> <p>An addition to the existing note has been included to reference the source material for areas identified as having a medium or high risk of slip. A map of these areas is also recommended for inclusion as 'Appendix D' to Chapter 4 to provide greater clarity and ease of reference for the material (see Attachment 1 at the end of this schedule).</p>
18	<p><i>Chapter 5 Industrial Development</i></p> <p><i>Part 3 General Development Controls</i></p> <p><i>Clause 3.1.3</i></p> <p><i>Element A – Building Design Requirements</i></p> <p><i>Building Appearance – Control</i></p>	<p>ii. The full length of any exterior wall facing a road frontage, including any adjoining exterior wall for a minimum length of 5 metres, must be of masonry construction and painted where of plain concrete finish.</p>	<p>ii. The full length of any exterior wall facing a road frontage, including any adjoining exterior wall for a minimum length of 5 metres, must be of masonry <b>or texture coated blue board</b> construction and painted where of plain concrete finish.</p>	<p>On 27 April 2017 Council resolved to support a variation to the DCP to permit the use of texture coated blue board wall cladding as well as masonry construction for exterior walls of industrial buildings facing a road frontage. Council approved the use of texture coated blue board on a building in the Russellton Industrial Estate, Alstonville under DA 2016/752.</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
19	<p><i>Chapter 6a Commercial Development – Ballina Town Centre</i></p> <p><i>Part 4 Town Centre Precincts</i></p> <p><i>4.1 Controls Applying to Town Centre Core Precinct</i></p> <p><i>4.1.2 Building Envelope Controls</i></p> <p><i>Table 6a.1 – Town Centre Core Building Envelope Controls</i></p> <p><i>Control (iv)</i></p>	<p>iv. Corner buildings may have a zero boundary setback from the longer frontage of the site for all storeys of the building subject to:</p> <ul style="list-style-type: none"> <li>- The provision of active frontages at the ground level to both street frontages.</li> <li>- 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 the Residential Flat Design Code (DIPNR 2002) for a range of possible design techniques.</li> <li>- Compliance with other building envelope and development controls.</li> </ul>	<p>iv. Corner buildings may have a zero boundary setback from the longer frontage of the site for all storeys of the building subject to:</p> <ul style="list-style-type: none"> <li>- The provision of active frontages at the ground level to both street frontages.</li> <li>- 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 <b>Part 4 of the Apartment Design Guide (DPE 2015)</b> for a range of possible design techniques.</li> <li>- Compliance with other building envelope and development controls.</li> </ul>	<p>Update reference to the new 'Apartment Design Guide' (replaces 'Residential Flat Design Code').</p>
20	<p><i>Chapter 6a Commercial Development – Ballina Town Centre</i></p> <p><i>Part 4 Town Centre Precincts</i></p> <p><i>4.2 Controls Applying to the Northern Fringe Precinct</i></p> <p><i>4.2.2 Building Envelope Controls</i></p> <p><i>Table 6a.2 – Northern Fringe Precinct Building Envelope Controls</i></p> <p><i>Control (iv)</i></p>	<p>iv. Corner buildings may have a zero boundary setback from the longer frontage of the site for all storeys of the building subject to:</p> <ul style="list-style-type: none"> <li>- The provision of active frontages at the ground level to both street frontages;</li> <li>- 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 the Residential Flat Design Code (DIPNR 2002) for a range of possible design techniques; and</li> <li>- Compliance with other building envelope and development controls.</li> </ul>	<p>iv. Corner buildings may have a zero boundary setback from the longer frontage of the site for all storeys of the building subject to:</p> <ul style="list-style-type: none"> <li>- The provision of active frontages at the ground level to both street frontages;</li> <li>- 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 <b>Part 4 of the Apartment Design Guide (DPE 2015)</b> for a range of possible design techniques; and</li> <li>- Compliance with other building envelope and development controls.</li> </ul>	<p>Update reference to the new 'Apartment Design Guide' (replaces 'Residential Flat Design Code').</p>

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
21	Chapter 7 Rural Living and Activity Part 3.1 Residential Development in Rural Areas Clause 3.1.2 Planning Objectives	<b>3.1.2 Planning Objectives</b> a. Encourage building design and locations that have regard for the existing characteristics of the site and locality; b. Ensure <b>dwelling</b> s are sited to reduce conflict between adjoining agricultural land uses; and c. Ensure that new <b>dwelling</b> s are located to minimise intrusion on the privacy and amenity of existing <b>dwelling</b> s.	Add the following Objective highlighted in yellow:  a. Encourage building design and locations that have regard for the existing characteristics of the site and locality; b. Ensure dwellings are sited to reduce conflict between adjoining agricultural land uses; and c. Ensure that new <b>dwelling</b> s are located to minimise intrusion on the privacy and amenity of existing <b>dwelling</b> s. d. Ensure all new dwellings not connected to a reticulated water supply have an adequate supply of water to service the property.	Ensure provision of adequate water supply for all rural properties.
22	Chapter 7 Rural Living and Activity Part 3 General Controls Clause 3.1.3 Element E – Expanded Dwellings	<b>E. Expanded Dwellings</b>  An expanded <b>dwelling</b> is a single <b>dwelling house</b> that consists of a central building surrounded by habitable outbuildings (e.g. kitchen, dining, lounge and laundry areas within a primary building surrounded by bedrooms that are physically separate structures, but are attached by walkway or similar structure).  i. Expanded <b>dwelling</b> s must comply with the following criteria: <ul style="list-style-type: none"><li>• All minor buildings must be within 10 metres of the main building and are to be attached by way of a covered walkway, deck or the like;</li><li>• All minor buildings must be limited to a maximum of 40 square metres and contain only one bedroom each;</li><li>• All kitchen, dining and laundry facilities must be located within the main building;</li><li>• The expanded <b>dwelling</b> must not contain more than 1 laundry and 1 kitchen;</li><li>• The expanded <b>dwelling</b> must act as one <b>dwelling</b> and must not be used for separate</li></ul>	<b>E. Expanded Dwellings</b>  An expanded <b>dwelling</b> is a single <b>dwelling house</b> that consists of a central building surrounded by habitable outbuildings e.g. kitchen, dining, lounge and laundry areas within a primary building surrounded by bedrooms that are physically separate structures <del>but are attached by walkway or similar structure</del> .  i. Expanded <b>dwelling</b> s must comply with the following criteria: <ul style="list-style-type: none"><li>• All minor buildings must be within 10 metres of the main building <del>and are to be attached by way of a covered walkway, deck or the like;</del> and be connected to the main building by a constructed pathway;</li><li>• All minor buildings must be limited to a maximum of 40 square metres and contain <b>not more than 1</b> bedroom each;</li><li>• All kitchen, dining and laundry facilities must be located within the main building;</li><li>• The expanded <b>dwelling</b> must not contain more than 1 laundry and 1 kitchen;</li></ul>	To ensure expanded dwellings appear as a single dwelling, the walkway provision is required to show connectivity between the buildings.  A key issue is that there are many examples of covered walkways not being completed, and in cases where they are completed the structure is incompatible with the design of the building and becomes an eyesore.  The idea of restricting modules to containing bedrooms only has been canvassed to prevent their use as a separate occupancy. It was considered that restricting the modules to bedrooms may be overly restrictive given that a common use of these rooms is for rumpus room purposes.  Given the above, it is

No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		<p>occupation;</p> <ul style="list-style-type: none"> <li>The expanded <b>dwelling</b> is to be designed as an integrated unit, with all minor buildings compatible with the design and materials of the main building; and</li> <li>Not more than one expanded <b>dwelling</b> per property.</li> </ul>	<ul style="list-style-type: none"> <li>The expanded <b>dwelling</b> must act as <b>1 dwelling</b> and must not be used for separate occupation;</li> <li>No outbuildings are to contain facilities (eg. kitchen, sink or the like) that would enable the preparation of food or beverages;</li> <li>The expanded <b>dwelling</b> is to be designed as an integrated unit, with all minor buildings compatible with the design and materials of the main building;</li> <li>Not more than one expanded <b>dwelling</b> per property; and</li> <li>No separate driveway, car parking area, garage or carport structure is to be provided to service any outbuilding.</li> </ul>	<p>considered appropriate to remove the requirement for attachment via a covered walkway as the inclusion of a requirement stating no sink or kitchen facilities is sufficient to prevent use as a separate occupancy. The suggested alternative is to require attachment via a constructed pathway.</p> <p>To reinforce that the expanded dwelling is to be used as a single dwelling, it is proposed to add the provision stating that no separate driveway, etc is to be provided to the outbuilding(s).</p>
23	<p>Chapter 7 Rural Living and Activity</p> <p>Part 3 General Controls</p> <p>Clause 3.1.3</p> <p>Element F – Dual Occupancies</p>	<p><b>F. Dual Occupancies</b></p> <p><b>Dual occupancies</b> involve two <b>dwelling</b>s on a single allotment of land. These may range in form from a typical "granny-flat" arrangement to two more substantial <b>dwelling</b>s.</p> <p>i. <b>Dual occupancies</b> must comply with the following criteria:</p> <ul style="list-style-type: none"> <li>The second <b>dwelling</b> must be within 10 metres of the first <b>dwelling</b> and is to be attached to the first/ original <b>dwelling</b>. Attachment may be achieved by way of a covered walkway, deck or the like;</li> <li>The second <b>dwelling</b> must be on the same legal title as the first <b>dwelling</b>;</li> <li>The second <b>dwelling</b> must have the same road access as the first <b>dwelling</b>; and</li> <li>The second <b>dwelling</b> must be located so that it minimises conflict with adjoining land uses.</li> </ul>	<p><b>F. Dual Occupancies</b></p> <p><b>Dual occupancies</b> involve two <b>dwelling</b>s on a single allotment of land. These may range in form from a typical "granny-flat" arrangement to two more substantial <b>dwelling</b>s.</p> <p>i. <b>Dual occupancies</b> must comply with the following criteria:</p> <ul style="list-style-type: none"> <li>The second <b>dwelling</b> must be within 10 metres of the first <b>dwelling</b> and is to be attached to the first/ original <b>dwelling</b>. Attachment may be achieved by way of a covered walkway, deck or the like;</li> <li>The second <b>dwelling</b> must be on the same legal title as the first <b>dwelling</b>;</li> <li>The second <b>dwelling</b> must be able to be accommodated on the land having regard to on-site disposal and management of sewerage waste;</li> <li>The second <b>dwelling</b> must be able to be accommodated on the land having regard to</li> </ul>	<p>The proposed changes align the controls contained within the DCP with those described in <i>Planning Proposal 17/008 Rural Area Detached Dual Occupancy</i> and proposed to be incorporated within Ballina LEP 2012.</p>



No	DCP Reference	Existing Provision	Proposed Amendment	Reason
		 <p><b>Notes:</b></p> <p>Separation between <i>dual occupancy dwellings</i> will be measured from the external walls of the dwellings or minor ancillary structures attached to the dwellings (such as carports and decks). Where measurements are made from structures such as carports or decks, measurements will be from the wall, column, post etc (not the eaves).</p> <p>If the first dwelling on the land is an expanded <i>dwelling</i> (as per Section E above) the second <i>dwelling</i> is to be of a regular, compact or non-expanded form.</p> <p>Council is not able to grant consent to strata-title subdivision of rural dual-occupancies unless each lot created, excluding common property, is not less than the minimum shown on the <i>Lot Size Map</i>.</p> <p>Consent for a <i>dual occupancy</i> will require payment of developer contributions.</p>	<p>the land's physical characteristics and constraints.</p> <ul style="list-style-type: none"> <li>The second <i>dwelling</i> must have the same road access as the first <i>dwelling</i>; and</li> <li>The second <i>dwelling</i> must be located so that it minimises conflict with adjoining land uses.</li> </ul>  <p><b>Notes:</b></p> <p><del>Separation between <i>dual occupancy dwellings</i> will be measured from the external walls of the dwellings or minor ancillary structures attached to the dwellings (such as carports and decks). Where measurements are made from structures such as carports or decks, measurements will be from the wall, column, post etc (not the eaves).</del></p> <p><del>If the first dwelling on the land is an expanded <i>dwelling</i> (as per Section E above) the second <i>dwelling</i> is to be of a regular, compact or non-expanded form.</del></p> <p><del>Council is not able to grant consent to strata-title subdivision of rural dual-occupancies unless each lot created, excluding common property, is not less than the minimum shown on the <i>Lot Size Map</i>.</del></p> <p><del>Consent for a <i>dual occupancy</i> will require payment of developer contributions.</del></p>	
24	<p><i>Chapter 7 Rural Living and Activity</i></p> <p><i>Part 3.1 Residential Development in Rural Areas</i></p> <p><i>Clause 3.1.3 Development Controls</i></p> <p><b><i>Element G – Water Supply</i></b></p>	No existing provision.	<p>Add the following new Development Control:</p> <p><b>G. Water Supply</b></p> <ol style="list-style-type: none"> <li>Dwellings not serviced by reticulated town water are to have a minimum 45,000 litres of potable water supply per dwelling.</li> <li>For dwellings located on bushfire prone land and where reticulated water is unavailable, an additional water source for firefighting purposes may be required. Refer to <i>Planning for Bushfire Protection 2006</i> for tank and water supply requirements.</li> </ol>	<p>Ensure provision of adequate water supply for potable use and for firefighting purposes (if located on bushfire prone land) for all rural properties.</p> <p>The NSW Rural Fire Service (RFS) no longer requires a 'dedicated' water supply for firefighting purposes as other water sources such as swimming pools, dams and tanks can be considered. The onus is on the property owner</p>



No	DCP Reference	Existing Provision	Proposed Amendment	Reason
				to ensure that any water source is maintained at the appropriate capacity as advised by the NSW RFS.

### Attachment 1: Draft Appendix D – Land affected by Landslip – Wollongbar Urban Expansion Area

