

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS		
CHAPTER B3: Services		
Objectives	Controls	Comment
B3.2.1 Provision of Services		
<p>1. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development.</p> <p>2. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate;</p> <p>3. To ensure provision of adequate engineering and safety standards for public road access, together with equitable apportionment of road upgrading requirements and associated costs for development served by existing public roads, un-constructed or partially constructed public roads and Crown Roads.</p>	<p>C1. <u>Water Supply</u></p> <p>a) Development shall be provided with an adequate water supply connection or have suitable arrangements in place for the provision of an adequate water supply service.</p> <p>b) Development requiring a water supply from off-site is to be connected to a reticulated water system where such a connection is practically available to the site. Alternate water sources may be provided in conjunction with reticulated services.</p> <p>c) For Reticulated Water, the following applies:</p> <p>i) The water supply system must be located and designed to optimise the effective building envelope of each parcel of land designed for occupation, having regard to site constraints.</p> <p>ii) All water mains within private property must be located within easements designed in accordance with Council's requirements.</p>	<p>COMPLIES</p> <p>a) Water supply connection is proposed to connect to Council supply and infrastructure located along the northern side of Garden Avenue. Refer to Civil Engineering Services Report included under Attachment 6 and Civil Engineering Plans included under Attachment 5 for location of infrastructure proposed connection points.</p> <p>N/A</p> <p>b) Water supply is proposed to be connected onsite to Council's infrastructure.</p> <p>COMPLIES</p> <p>All water infrastructure is located consistent with the consideration of this sub clause. Refer to Civil Engineering Services Report included under Attachment 6 and Civil Engineering Plans included under Attachment 5 for location of infrastructure proposed connection points.</p>

	<p>iii) Pump Stations, Hydrants, Metering and other ancillary works must be located with due consideration to the amenity of the subdivision, adjacent developments, and the environment; and provide for the access and maintenance requirements of the Council.</p> <p>iv) Subdivisions and residential development must demonstrate with compliance with relevant NSW Fire and Rescue Guidelines for provisions of hydrants.</p> <p>d) Businesses or facilities (e.g. caravan parks, camping grounds, farm stay accommodation, educational establishments, restaurants or cafes) that supply people with drinking water from an independent water supply shall comply with the Private Water Supply Guidelines, published by NSW Health. This includes water pumped from rivers, creeks, bores, dams and rainwater tanks. It does not include supplies provided by water utilities or individual household supplies.</p> <p>e) A business involved in the preparation or manufacture of food must use potable water for all activities associated with these activities. Non potable water may be used only where it can be demonstrated that it will not adversely affect the safety of the food handled by the business.</p>	<p>N/A</p> <p>N/A</p>
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	<p>f) Rural dwellings without reticulated water are to have a minimum domestic tank capacity of 40,000 litres. Secondary dwellings must have a minimum 20,000 litres in addition to the primary dwelling requirements. For applicants who seek to be better prepared for extended periods of little or no rain, please refer to Section 8.4 of the Byron Rural Settlement Strategy 1998. In bushfire prone areas additional water dedicated for fire fighting purposes is to be provided. For specific bushfire requirements please refer to the current version of the NSW Rural Fire Service (RFS) Planning for Bushfire Protection and any additional design information included in the Practice Notes or Fast Facts Sheets provided by the RFS.</p> <p>g) Substantial contributions and developer charges may be payable in relation to different types of development. Applicants should contact Council before preparing a development application to determine what costs are involved.</p>	<p>N/A</p> <p>NOTED</p>
	<p>C2. <u>Electricity Supply</u></p> <p>a) Development shall be provided with an adequate connection to grid supplied electricity services or its equivalent. Transformers and associated infrastructure is to be contained within the development.</p>	<p>COMPLIES</p> <p>a) Overhead and underground electricity is available along Garden Avenue. The development will be connected to the electrical network. Refer to Civil Engineering Services Report included under Attachment 6.</p> <p>N/A</p> <p>b) The proposal seeks connection to existing electrical network.</p>

	<p>b) Alternative electricity sources for development other than urban and rural residential subdivision may be considered where the applicant can demonstrate the provision of reticulated services is prohibitive due to cost of connection or there is a clear environmental benefit in not connecting to mains infrastructure (e.g. enables supply from renewable sources, avoids the need to remove areas of high environmental value vegetation and habitats). Details are to be provided with the development application.</p>	
	<p>C3. Telecommunications Infrastructure</p> <p>a) Development shall be provided with access to the telecommunications network for fixed line telephone services.</p> <p>b) Developers are required to install fibre ready facilities for all developments unless exempted by Planning Circular No. PS 17-005. Arrangements are to be made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier. Developers are to have regard to other new technologies to improve telecommunications speeds for the internet and other computer based communication devices, and to facilitate new and evolving industries.</p>	<p>COMPLIES</p> <p>a) There is an existing NBN cable connection within the site and therefore adequate communications connections are available to service the site. The development will be connected to the telecommunications network. Refer to Civil Engineering Services Report included under Attachment 6.</p> <p>COMPLIES</p> <p>b) There is an existing NBN cable connection within the site and therefore adequate communications connections are available to service the site. The development will be connected to the telecommunications network. Refer to Civil Engineering Services Report included under Attachment 6.</p>

	<p>c) Alternative means of telecommunications access for rural subdivision may be considered where the applicant can demonstrate that an NBN Fixed Wireless service is available and is supported by a letter from NBN Co Limited confirming that each allotment can be serviced by such a system. Approvals for rural subdivisions utilising alternative means of telecommunications access will require restrictions on the title of all new allotments consistent with the concept sought by the developer (e.g. fixed line telephone services not provided).</p>	<p>N/A c) The site is not in a rural area.</p>
	<p>C4. Alternative means of telecommunications access for development other than subdivision may be considered where the applicant can demonstrate that the provision of fixed line services is prohibitive due to the cost of connection or that there is a clear environmental benefit in not connecting to fixed line infrastructure. Details are to be provided with the development application.</p>	<p>N/A The proposal will be connected to fixed line services.</p>
	<p>C5. <u>Sewage Management</u></p> <p>a) Development shall be provided with an adequate reticulated sewer connection or have suitable arrangements in place for such a connection to be made where access to reticulated sewer is available.</p> <p>b) For reticulated sewer the following applies:</p>	<p>COMPLIES a) The proposal seeks to connect to the new Council sewer system. Refer to Attachment 5 Civil Engineering Plans for location of proposed sewer line.</p> <p>COMPLIES The sewer has been designed in accord with Council requirements. Refer to Civil Engineering</p>

	<p>C6. <u>Stormwater and Drainage</u> Development must comply with the requirements set out in Sections B3.2.3 and B3.2.4 relating to stormwater management and erosion and sedimentation control.</p>	<p>COMPLIES Refer Stormwater Management Plan included under Attachment 7.</p>
	<p>C7. <u>Road Access – General (Including Driveways)</u> a) Development must comply with road access requirements contained in Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access, and the Northern Rivers Development & Design Manual.</p>	<p>COMPLIES Refer Traffic Impact Statement under Attachment 9.</p>
	<p>C8. On bushfire prone land, road access may need to be improved to facilitate access by the NSW Rural Fire Service. For specific requirements please refer to the current version of the NSW RFS Planning for Bushfire Protection and any additional design information included in “Practice Notes or Fast Facts Sheets”.</p>	<p>COMPLIES A Bushfire Threat Assessment Report has been prepared and included under Attachment 12. The proposal meets the site access requirements of Planning for Bushfire Protection 2019.</p>
	<p>C9. <u>Road Access – Council controlled roads</u> Where development is proposed with frontage to a Council controlled road, or where access to a development site relies on a Council controlled road, the following road construction and upgrading requirements will apply:</p> <p>a) Construction or upgrading of the adjoining road to Council's adopted engineering standards, currently the Northern Rivers Development</p>	<p>COMPLIES Garden Avenue frontage is proposed to be upgraded as part of DA10.2024.154.1.</p>

	<p>Design & Construction Manuals, for the full frontage of the property. In cases where the development is staged or does not utilise the full property frontage a reduced length of frontage construction may be applied – applicants should discuss those cases with Council's development engineer before lodging a Development Application. Council may require upgrading for the full frontage or more, for safety, dust, noise, amenity, or environmental reasons. Laneway construction or upgrading should be in accordance with Chapter D6 Subdivision (D6.4.3).</p> <p>b) Where road(s) providing access to the immediate site frontage do not meet Council's construction standards to accommodate the additional traffic volume predicted to be generated by the proposed development, Council will require partial or full construction or upgrading of those road(s) to Council's adopted engineering standards, currently the Northern Rivers Development Design & Construction Manuals. The proportional quantum of the construction required will be based on the proportion of the volume of traffic predicted to be generated by the proposed development relative to the total traffic predicted on the access road. If in Council's opinion the proportional works or equivalent contribution will not be sufficient to provide a safe and practical standard of road access Council may refuse consent to the development application.</p>	
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	<p>c) In cases where the above requirements are not appropriate to the proposed development developers may seek to enter into a Voluntary Planning Agreement with Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979 to address access road requirements.</p> <p>d) Where the construction or upgrade works are specifically identified in an adopted contributions plan and the works are not required to provide a safe and practical standard of road access, the works can be provided for by payment of the relevant contributions. If the works are required, the Council may accept an offer by the applicant to provide the works as an “in-kind” contribution (i.e. the applicant completes part or all of the work identified in the Plan) in lieu of the payment of the monetary contribution. The applicant should make any request for an “in-kind” contribution at the time of lodging a Development application.</p>	
	<p>C10. <u>Road Access – Crown Roads:</u></p> <p>a) Crown Roads are public roads administered by the NSW Land and Property Management Authority under the Roads Act 1993. Crown roads are generally available as ‘natural terrain roads’ to provide a means of public access for pedestrians, vehicles (where possible) and to drive stock. The entitlement to use a Crown Road for the purpose of access must not be interpreted as an automatic right</p>	<p>N/A The proposal does not seek access to a crown road.</p>

	<p>to undertake construction or upgrading works to improve access along the Crown road.</p> <p>b) In most cases where development consent is sought that requires access from a Crown Road, the ownership will likely be given to Council or TfNSW and require upgrading in part or full to Council's standards. The road standards applied will be the same as for Council controlled roads, discussed above. Applicants may wish to consider alternative access if they do not want to upgrade a Crown Road.</p>	
B3.2.2 On-site Sewage Management		
<p>1. To ensure that on-site sewage management systems are designed and operated to ensure protection of ground and surface water, including drinking water supplies;</p> <p>2. To ensure rural residential developments including rural subdivisions are adequately serviced with on-site sewage management system(s);</p> <p>3. To ensure on-site sewage management systems that service or are required for industrial, commercial and rural industries are appropriately designed.</p> <p>4. To encourage and provide for the use of water recycling systems where appropriate;</p>	<p>C1. Residential, commercial and industrial development that produces sewage and is not to be connected to the urban sewage system must comply with the Council's Design Guidelines for On-Site Sewage Management for Single Households.</p> <p>C2. A detailed on-site sewage management report may be required with a development application depending upon the scale of the development, the size of the land and distances to watercourses. A report is generally required with a Development Application for systems that service rural dwellings on land less than 1 hectare, rural and rural residential subdivisions creating lots smaller than 5 ha, rural tourist and commercial developments, or for dwellings on constrained land such as:</p> <p>a) steeply sloping land > 15%,</p>	<p>N/A</p> <p>N/A</p>

<p>5. To minimise public health risk including the spread of disease by micro-organisms;</p> <p>6. To prevent degradation of soil and vegetation including soil structure, salinisation, water logging, chemical contamination and soil erosion; and</p> <p>7. To ensure that neighbouring properties are not adversely affected by effluent or effluent management systems.</p>	<p>b) land within 100 metres to permanent surface water, 250 metres to groundwater wells or 40 metres to intermittent watercourse, dams, dry gullies and drainage channels;</p> <p>c) flood prone land;</p> <p>d) land within 12 metres to a neighbouring property; or</p> <p>e) land subject to erosion or mass movement;</p> <p>f) land with poor soils (clay or sand); or</p> <p>f) land located within the drinking water catchment.</p>	
	<p>C3. Generally, as a minimum secondary treatment will be required. Primary treatment is not supported. For developments on small lots, tertiary level treatment will likely be required. Upgrades to an existing on-site sewage management system may be required when alterations or additions to an existing dwelling house are proposed (depending on the age, capacity and performance of the existing system, and the scale and size of the development).</p>	N/A
	<p>C4. Plans must be submitted with reports to show the location of the on-site sewage management system drawn to scale relative to boundaries, structures (proposed and existing), roads and driveways, environmentally sensitive areas and vegetation, watercourses, bores, dams, and</p>	N/A

	other topographic features. Details of the type of system, storage capacity and area for land disposal must be indicated.	
B3.2.3 Stormwater Management		
<ol style="list-style-type: none"> 1. To promote on-site stormwater management practices that support the 'pre-development' hydrological regime (surface flow, streams and groundwater). 2. To ensure that new development does not reduce the effectiveness of existing drainage patterns (including built infrastructure). 3. To minimise the impacts of stormwater runoff from a site on adjoining properties. 4. To provide an acceptable level of protection against personal injury and property damage due to localised stormwater runoff. 5. To promote on-site retention, detention and infiltration of stormwater. 6. To promote stormwater harvesting and other forms of innovative water conservation. 7. To promote better integration of stormwater management into development proposals. 8. To ensure that on-site stormwater management facilities can be economically maintained, and that adequate 	<p>C1. Development Applications</p> <p>Development applications must contain sufficient information to assess whether the proposed stormwater system is effective and feasible, both within the site and in its connection to the public drainage system.</p> <p>An approval of the stormwater management system may be required under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.</p> <p>An applicant may lodge detailed stormwater management plans with the development application for concurrent approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993, as necessary. Alternatively stormwater management concept plans must be lodged with the development application and a condition of consent will require the relevant approvals prior to issue of the Construction Certificate.</p> <p>Plans showing the method of draining the land are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards. Sample drawings developed as part of the</p>	<p>COMPLIES</p> <p>Refer Stormwater Management Plan included under Attachment 7.</p>

<p>arrangements are made for on-going maintenance.</p> <p>9. To provide for the ongoing environmental health of receiving waters;</p> <p>10. To ensure that stormwater management systems protect ground and surface water and other ecological values;</p> <p>11. To achieve best practice stormwater treatment targets for stormwater quality.</p>	<p>Northern Rivers Local Government Development Design and Construction Manuals provide guidance on the type of information that should be included in stormwater management plans for subdivision works. AS/NZS 3500.3:2003 Plumbing and drainage - Stormwater drainage is the relevant Australian Standard at the time of writing this document. Appendices C and K of AS/NZS 3500.3:2003 provide guidance on the type of information that should be included in stormwater management plans for building works.</p>	
	<p>C2. <u>Properties adjacent to or containing waterways.</u> Lands identified as containing or directly adjoining waterways may be subject to inundation (during the 1 in 100 year ARI storm event). Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual. Development proposals in close proximity to waterways or other areas of possible inundation must be accompanied by a hydrologic study submitted by an appropriately qualified person to demonstrate that the proposal or any future development will not interfere with the natural flowpath or be subject to flooding (refer to Chapter C2 Areas Affected by Flood). Appropriate buffers to waterways must be provided.</p>	<p>COMPLIES Site Subject Site is located within a Flood Planning Area. A Flood Assessment has been carried out and is included under Attachment 8. The assessment outlines the flood controls, assesses the flood risk and provides the flood evacuation procedures.</p>
	<p>C3. a) Site drainage shall be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals,</p>	<p>COMPLIES Refer Stormwater Management Plan included under Attachment 7. The proposal will provide</p>

	<p>Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.</p> <p>b) For building works, the piped property drainage system is to capture and convey to a lawful point of discharge all stormwater runoff from the following areas of the development site:</p> <ul style="list-style-type: none"> i) impervious areas including roofs, paved areas and driveways ii) areas subject to changes to ground level (existing) including excavation or filled areas iii) areas where the natural or pre-development overland flow regime is disrupted to the potential detriment of an adjoining property. <p>c) The development must not introduce, impede or divert stormwater runoff in such a manner as to increase stormwater flow across a boundary onto adjoining property. Concentrated, collected or diverted stormwater flow onto an adjoining property must be at a lawful point of discharge.</p>	<p>stormwater management infrastructure consistent with Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.</p>
	<p>C4. <u>Lawful Point of Discharge</u></p> <p>a) A lawful point of discharge exists at a particular location, if:</p> <ul style="list-style-type: none"> i) the location of the discharge is under the lawful control of the Council or other statutory authority from whom permission to discharge has been received; and 	<p>COMPLIES</p> <p>Refer Stormwater Management Plan included under Attachment 7. All stormwater will be directed to legal point of discharge.</p>

	<p>ii) in discharging in that location, the discharge will not cause an actionable nuisance.</p> <p>b) Where a lawful point of discharge is not available in the vicinity drainage may need to be constructed and any easements may need to be acquired to direct collected stormwater to a lawful point of discharge. Negotiations with property owners must be undertaken along feasible easement routes to determine whether an easement can be obtained to provide stormwater system that will drain by gravity to a public drainage system. Where easements are proposed over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties must be submitted with the development application.</p> <p>c) For properties involving building works generally at a higher level than the adjoining road, where the site drainage system can be piped under gravity to the road drainage system, then the discharge is to be connected to the street drainage system.</p> <p>d) For properties involving building works generally at a lower level than the adjoining road, where the site drainage system cannot be piped under gravity to the road drainage system, the discharge is to be carried out entirely in accordance with one of the following options:</p>	
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	<p>i) Discharge to a public drainage system within the development site.</p> <p>ii) Private drainage easement across neighbouring properties.</p> <p>iii) Charged systems, but ONLY for residential developments up to and including a single dwelling where it can be demonstrated that an easement cannot be obtained and where the roof gutters are sufficiently above the road gutter to permit drainage via a (pressurised) sealed system.</p> <p>iv) Dispersion trenches, but ONLY for residential developments up to and including a single dwelling, where it can be demonstrated that an easement cannot be obtained and sufficient land is available.</p> <p>v) Infiltration trenches, but ONLY where it can be demonstrated that: an easement cannot be obtained; there is sufficient land available; the underlying soil is sandy enough to infiltrate all runoff up to the 20 year ARI storm; and infiltration will not lead to contamination of the groundwater. Other storm events may be considered having regard to the consequences of failure and impacts on downstream properties.</p> <p>vi) Pump-out systems, but ONLY for basement car park areas where: it can be demonstrated that, if gravity</p>	
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	<p>drainage is not possible, an easement cannot be obtained; the contributing catchment is the driveway ramp only, up to a maximum of 60 m² ; and, pump failure will not cause overflow affecting neighbouring properties or habitable floor areas.</p>	
	<p>C5. <u>Easements</u></p> <p>a) Easements are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.</p> <p>b) Where a site is traversed by a drain (under the control of Council) that is not within an easement, a suitable easement must be created in favour of the Council.</p> <p>c) Where an easement is benefiting private property(s) only, the easement is not to be to the benefit of Council.</p> <p>d) Where an easement is required to be created a written agreement must be made between all relevant parties agreeing to its creation. Evidence of the written agreement to the creation of the easement is to be submitted with a Development Application. Council may grant deferred commencement consent subject to easement creation.</p>	<p>N/A</p> <p>The proposed services are such that new or additional easements are not required.</p>
	<p>C6. <u>On-site Stormwater Detention (OSD)</u></p> <p>a) On-site Stormwater Detention (OSD) shall be provided in accordance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire</p>	<p>COMPLIES</p> <p>Refer Stormwater Management Plan included under Attachment 7. An OSD solution is provided.</p>

	<p>Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.</p> <p>b) OSD shall generally be incorporated into all development (except as provided by 'c)' below), including the following:</p> <ul style="list-style-type: none"> i) residential, commercial and industrial development; ii) educational establishments, hospitals, community services and other institutions; iii) public buildings; iv) impervious car parks; and v) tennis and other impervious playing courts. <p>c) OSD is not required in the following circumstances:</p> <ul style="list-style-type: none"> i) where the total net increase in impervious area is less than 150 m² ; ii) if the application is for or relates to a dwelling house unless a restriction on title specifies otherwise; iii) if the application is for development on land zoned RU1, RU2, or R5 unless needed to provide a lawful point of discharge; 	
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	<p>iv) where the site drains directly to a trunk drainage system within the tidal reach of a river or stream;</p> <p>v) where the site is located within a catchment within which a regional detention structure has been provided for the ultimate development of the catchment;</p> <p>vi) where dispersion or infiltration is used as the means of stormwater discharge from the site; or</p> <p>vii) where a Consulting Engineer has undertaken a detailed analysis of the entire catchment and demonstrated that the provision of detention on the subject property, including consideration of the cumulative affect of detention provision across the catchment, will provide no benefit to any downstream drainage system for storm frequencies between the 5 year and 100 year ARI.</p>	
	<p>C7. Stormwater Quality and Treatment</p> <p>a) Applications for development types listed in Table B3.1 (including redevelopment) must address the “key” pollutants identified in that table (see below).</p>	<p>COMPLIES</p> <p>Refer to Attachment 7 Stormwater Management Plan for stormwater quality measures.</p>

Table B3.1 – Key pollutants in stormwater flows to be addressed

Development Type	Litter	Coarse Sediment	Fine Particles	Total Phosphorous	Total Nitrogen	Hydrocarbons, motor fuels, oils & grease
Low Density Residential ¹ bed and breakfast accommodation & farm stay accommodation	Y	N	N	Y	Y	N
Medium Density Residential ² & tourist and visitor accommodation (excluding bed and breakfast accommodation & farm stay accommodation)	Y	Y	Y	Y	Y	N
Commercial, Shopping & Retail Outlets	Y	Y	Y	N	N	N
Industrial	Y	Y	Y	?	?	Y
Car Parks, Service Stations & Wash Bays	Y	Y	Y	N	?	Y

Y - Key pollutant, needs to be addressed.
 ? - Variable, requires site specific assessment.
 N - Not significant.

(Source: Adapted from the Byron Shire Urban Stormwater Management Plan)

1. - "Low Density Residential" development refers to dual occupancies, dwelling houses, rural workers' dwellings, secondary dwellings, shop top housing comprising 2 or less dwellings and semi-detached dwellings.
2. - "Medium Density residential" development refers to attached dwellings, boarding houses, group homes, hostels, multi dwelling housing, residential flat buildings, seniors housing and shop top housing comprising 3 or more dwellings.

- b) Applications for subdivisions and developments involving an area of land greater than 2,500m² must provide measures to address the "key" pollutants in accordance with Table B3.2 for all stormwater flows up to 25% of the 1-year ARI peak flow from the development site.

Table B3.2 – Pollutants and Retention Criteria

Pollutant / Issue	Retention Criteria
Litter	70% of average annual load greater than 5mm.
Coarse Sediment	80% of average annual load for particles 0.5mm or less.
Fine Particles	50% of average annual load for particles 0.1mm or less.
Total Phosphorous	45% of average annual load.
Total Nitrogen	45% of average annual load.
Hydrocarbons, motor fuels, oils & grease	90% of average annual load.

- c) Runoff from all areas (including roofs and paved areas) needs to be treated. Significant water quality improvements can be achieved by configuring a sequence of treatment measures (a 'treatment train'). Such measures may include roofwater tanks, infiltration devices, filtration & bio-retention devices, porous paving, grassed swales, better landscape practices, ponds & wetlands and stormwater tanks. The suitability of treatment measures will depend largely on site conditions. For example, infiltration devices are not suitable in areas with heavy clay soils and subsoils.
- d) A soil and water management plan is required where the area of soil surface disturbance exceeds 2500m². Sites of this scale typically require sediment retention basins to minimise sediment pollution.

B3.2.4 Sedimentation and Erosion Control Measures

<p>O1. Encourage implementation of contemporary best practice in erosion and sediment control;</p> <p>O2. Prevent land degradation by soil erosion through inappropriate land use practices;</p> <p>O3. Protect waterways and sensitive environments from being degraded by increased sediment load;</p> <p>O4. Promote and protect biodiversity by minimising cumulative impacts of sedimentation on the environment; and</p> <p>O5. Protect amenity and prevent discharge of sediment on to both public land and private land.</p>	<p>C1. An erosion and sediment control plan is required where the area of soil surface disturbance is in the range 250m² – 2500m², or where the area of soil surface disturbance is less than 250m² but the site has either a slope exceeding 20% or immediately adjoins a waterway.</p>	<p>COMPLIES Refer to Stormwater Management Plan Attachment 7.</p>
	<p>C2. A soil and water management plan is required where the area of soil surface disturbance exceeds 2500m². Sites of this scale typically require sediment retention basins to minimise sediment pollution.</p>	<p>COMPLIES Refer to Stormwater Management Plan Attachment 7.</p>
	<p>C3. Plans must be prepared in accordance with Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and 'Managing Urban Stormwater: Soils and Construction' (Landcom, Sydney, 2003). An approval must be obtained for the plan from Council, under Section 68 of the Local Government Act, 1993, prior to issue of a Construction Certificate.</p>	<p>COMPLIES Refer to Stormwater Management Plan Attachment 7.</p>

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS		
CHAPTER B4: Traffic Planning, Vehicle Parking, Circulation and Access		
Aims	Controls	Comment
B4.2.1 Traffic Impact		
<ol style="list-style-type: none"> 1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated. 2. To ensure that parking supply and management in new developments supports Council policies and objectives for the development of Byron Shire 3. To ensure that traffic generating developments make adequate provision for off-street car parking, such that the needs of occupants, users, visitors, employees, service and delivery vehicles are met. 4. To ensure the safe and efficient circulation of vehicles entering, leaving and within car parking and service/delivery areas; t. 5. To minimise the detrimental effects (particularly visual and radiated heat effects) associated with off-street car parking areas on the amenity of urban areas 6. To ensure that entry/exit points to car parking and service/delivery areas are situated in a way that sight distances are maximised, and disruption to the circulation of vehicles on the public road system is minimised. 	<p>C1. Introduction</p> <p>A traffic impact assessment is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks.</p> <p>The assessment will not only include general impacts relating to traffic management (road efficiency and safety), but should consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.</p> <p>The scope of a traffic impact assessment will depend on the location, type and size of the development and the ability of the road network to handle traffic generated by the development. The assessment may have to address broader transport planning and environmental considerations and will need to take into account any traffic management strategy, strategic plan or local development plan. All traffic impact assessments must address the Road Access and Safety Principles described above.</p> <p>A traffic impact assessment is undertaken by competent experts on behalf of the proponent of a development and is documented in a</p>	<p>COMPLIES</p> <p>A Traffic Impact Statement is included under Attachment 9</p>

7. To have regard to the objectives contained within the Byron Shire Strategic Transport Statement (Transport Policy).	Traffic Impact Statement or Traffic Impact Study, according to level of impact.	
	<p>C2. <u>The Need for Traffic Impact Assessment</u></p> <p>The traffic attracted to a new land use development or a major expansion of an existing development, such as an industrial project or a major shopping centre, can have significant impacts on the performance of the current or future road network. These need to be properly assessed and addressed so that a satisfactory level of road safety and transport efficiency is maintained.</p> <p>Judgment is required to decide whether a project requires a full traffic impact assessment or some lesser analysis of traffic issues. For example, small urban developments may only require alterations to driveways and off-street parking spaces, whereas a similar development on a rural road may require turn lanes because of the high-speed environment, the level of traffic generated and/or site geometry that restricts visibility.</p> <p>The following is a guide for deciding on the level of traffic assessment required:</p> <p>a) Low Impact (generally less than 10 peak hour trips) – submit a safety assessment demonstrating satisfactory access location, sight distances and sightlines to pedestrians.</p>	<p>COMPLIES</p> <p>a) N/A</p>

	<p>b) Moderate Impact (10 – 50 peak hour trips) – Traffic Impact Statement required.</p> <p>c) High Impact (more than 50 peak hour trips) – Traffic Impact Study required.</p> <p>The need for a traffic impact assessment can be influenced by many factors apart from the volume of peak hour traffic to be generated by the development. Where other criteria are significant, the discretion of Council can be exercised. Where development is to be located in a particularly sensitive area (e.g. densely populated) a traffic impact study may be deemed necessary, even though fewer than 10 peak hour trips are generated. Conversely, there may be cases where the development is in an isolated and less sensitive area and a traffic impact statement is considered to be sufficient even though the development generates more than 50 peak hour trips. Similarly a lower threshold, in terms of additional traffic generated, may be appropriate in more densely populated areas.</p>	<p>b) A “Moderate Impact” Traffic Impact Statement is required. Refer to Traffic Impact Statement included under Attachment 9</p> <p>c) N/A</p>
	<p><u>C3. Traffic Impact Statement</u></p> <p>A Traffic Impact Statement serves the same purpose as a traffic impact study but is not as comprehensive. A Traffic Impact Statement should include:</p> <p>a) a brief description of the development in terms of proposed land use and trips generated;</p>	<p>COMPLIES</p> <p>A Traffic Impact Statement has been prepared and included in Attachment 9.</p>

	<p>b) a brief description of the existing operational conditions of the road network in the immediate vicinity of the development;</p> <p>c) analysis of the operation of the accesses and parking arrangements for the development;</p> <p>d) analysis of the parking demand and supply of the development;</p> <p>e) analysis for the mobility impaired;</p> <p>f) analysis of the operation of the first intersection, as a minimum, on either side of the accesses;</p> <p>g) a conceptual geometric layout of the access arrangements, including any nearby driveways and intersections; and</p> <p>h) professional opinion on the expected traffic impact based on a site observation during the expected critical peak hour and the analysis conducted.</p>	
	<p>C4. <u>Traffic Impact Study</u></p> <p>A Traffic Impact Study should follow the standard format and structure described in the Roads and Maritime Authority's (RMS) 'Guide to Traffic Generating Developments' (as amended from time to time by a superseding document prepared by RMS).</p>	<p>N/A</p> <p>A Traffic Impact Statement has been prepared and included in Attachment 9.</p>

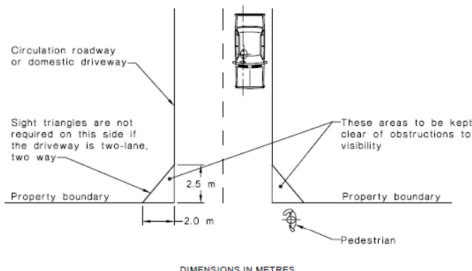
	All proposed developments listed in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 require referral to either a Regional Traffic Development Committee or a Local Traffic Development Committee. In most situations, a Traffic Impact Study will be required for developments listed under column 2 in that schedule.	
	<p>C5. <u>Road Safety Audit</u></p> <p>The person carrying out the traffic impact assessment will need to determine whether a Road Safety Audit, prepared in accordance with RMS requirements, needs to be included as part of the traffic impact assessment. This would be particularly relevant when road safety is identified as a major concern, for example, activities that generate large numbers of heavy vehicles or new schools.</p> <p>Road safety audits must consider the access and safety of all road users, modes of transport and services delivered within the road reserve such as bus stops and waste collection.</p>	<p>N/A</p> <p>A Traffic Impact Statement has been prepared and included in Attachment 9.</p>
B4.2.2 Parking Layout Standards		
Objectives As above	<p>C1. Car parking requirements, parking layout, driveway widths and vehicle manoeuvring areas are to be in accordance with the relevant sections of the current editions of Australian Standard 2890.</p>	<p>COMPLIES</p> <p>All car parking areas and driveways have been designed in accord with AS2890.</p>
	<p>C2. All parking spaces in commercial and industrial developments must be available for</p>	<p>N/A</p>

	unrestricted public access and employee use. There shall be no restriction on public parking in the required car park, other than car spaces set aside for any residential units approved on the site.	
	C3. Access for the disabled and parking facilities are to be provided in accordance with the current editions of AS 2890 and the Building Code of Australia and the requirements of the Disability Discrimination Act, 1992 (Commonwealth).	COMPLIES All car parking areas and driveways have been designed in accord with AS2890.
	C4. Tandem or stacked parking is not generally favoured. However, in certain cases, the provision of a limited number of employee parking spaces may be provided in this way in circumstances where no inconvenience arises from its use and subject to the following guidelines: <ul style="list-style-type: none"> a) The applicant must be able to demonstrate that there is a real need for stacked parking and that the provision of stacked parking will not adversely affect the use of the site. b) No more than two (2) cars are parked in a stacked arrangement, so that no more than one (1) vehicle has to move to allow egress of another. c) Stacked parking is only to be used to provide parking for people employed on the premises and likely to park all day or a major part of the day. d) Stacked parking spaces are to be used by the occupants of the site in one tenancy. 	COMPLIES The proposal includes a number of dwellings with tandem garage / carport and driveway parking arrangement. Each such arrangement is assigned to the corresponding dwelling. The use of such arrangement does not affect the use of the site. Refer layout provided within Architectural Plans under Attachment 1 .

	e) Stacked parking for customer/public and for separate dwellings on the same property will not be supported.	
B4.2.3 Vehicle Access and Manoeuvring Areas		
Objectives As above	C1. Driveways and manoeuvring areas are to be designed and constructed in accordance with the requirements of the current editions of Australian Standard 2890, Austroads and the Northern Rivers Local Government Development & Design Manual.	COMPLIES All car parking areas and driveways have been designed in accord with AS2890.
	C2. All parking and service areas shall be provided with sufficient manoeuvring areas to allow vehicles to enter and leave the site in a forward direction. Dwelling houses and dual occupancy developments may seek a variation this requirement on roads with low traffic volumes by demonstrating there are no traffic safety issues on the frontage roadway or within the site.	COMPLIES All vehicles can enter and exit the site in a forward direction.
	C3. Designs for manoeuvring areas are to be in accordance with the current editions of Australian Standard 2890 and must include a swept path analysis for the relevant design vehicle.	COMPLIES All car parking areas and driveways have been designed in accord with AS2890. Swept paths are provided within the Traffic Impact Statement included under Attachment 9 .
	C4. Driveways, manoeuvring areas and parking areas, including loading & unloading areas, should be sealed with an all-weather surface, such as asphalt, bitumen seal, concrete, pavers or other similar treatment. Porous paving should be provided, where soils are capable of high infiltration rates, for parking spaces (other than those for people with disabilities) and	COMPLIES All driveways are sealed with an all-weather surface. Refer Civil Engineering Plans included under Attachment 5 .

	domestic driveways. Gravel surfaces are generally not acceptable in urban locations and some rural situations (issues such as noise, dust, and erosion need to be considered).	
	<p>C5. Internal driveways for more than three dwellings should have a minimum driveway width of 5.5 metres to facilitate two-way access. The driveway width may be reduced to a minimum width of 3.5m where there are no potential internal driveway conflicts or traffic safety issues having regard to the following:</p> <ul style="list-style-type: none"> a) a minimum driveway width of 5.5m is provided for at least the first 6 m from the property boundary; b) adequate passing opportunities are provided; c) good sight distance is available; d) slope of driveway is not excessive; e) frontage roadway has less than 3000 vehicle trips per day; and f) traffic and pedestrian volumes on the driveway 	<p>COMPLIES</p> <p>The proposal provides a driveway with width varying between 3.5m and 6.7m wide. The proposal utilises a one-way driveway arrangement and reduced widths do not result in internal driveway conflicts.</p> <p>The proposal includes:</p> <ul style="list-style-type: none"> • Minimum 5.5m width for more than the first 6m of from the property boundary • Includes adequate passing opportunities • Provides sufficient sight distances • The driveway is flat; and • The public road has a low level of vehicle trips.
	C6. Where driveways are to be negotiated by a waste collection vehicle, they must have a maximum gradient of 16% at any one point.	<p>COMPLIES</p> <p>Waste collection vehicles are proposed onsite. Refer Waste Management Plan under Attachment 10. The gradient of the driveway does not exceed 16%. Refer Civil Engineering Plans under Attachment 5.</p>
	C7. Internal driveways for three dwellings or less are to have a minimum width of 3m with a 4m wide X 2.7m high access corridor to facilitate landscaping, services, retaining walls etc.	N/A

	C8. Driveways for hatchet shaped lots should be fenced and landscaped on either side in order to minimise any potential noise or light pollution for adjoining lots with different ownership.	COMPLIES The proposal includes fencing and landscaping. Refer Landscaping Plan under Attachment 14 .
	C9. The design of access to a development from a high speed (> 50km/hr) or high volume road (> 3000 vehicles per day), should not allow hazardous diverging or merging manoeuvres to occur on the through traffic lanes. The construction of turn lanes for vehicle movement for proposed developments are to be provided on major roads where the conflict between the turning traffic and any opposing major road traffic, may cause a substantial traffic delay or risk. Development applications must be supported with turn warrant assessments and preliminary engineering plans of the necessary treatment/s - refer to Austroads publications.	N/A The site does not access from a high speed or high-volume road.
B4.2.4 Structures Adjacent to Driveways		
Objectives As above	Boundary fencing, garages, carports, landscaping, vegetation, signs, letterboxes or any other structures adjacent to a driveway that exceed 1.15 metres in height are to demonstrate compliance with the current editions of Australian Standard 2890 in relation to the provision of sight lines for vehicles and pedestrians. No permanent sight obstruction exceeding 1.15 metre in height shall be located within the identified clearance area for sight distances. The following diagram is provided from Australian Standard 2890.1:2004 for guidance:	COMPLIES Sightline are provided as required. Refer Traffic Impact Statement under Attachment 9 .

	 <p>Figure B4.1 – Minimum Sight Lines for Pedestrian Safety (Source: Australian Stan 2004)</p>	
B4.2.5 Car Parking Requirements		
Objectives As above	C1. Unless otherwise specified elsewhere in this DCP, car parking is to be provided in accordance with the schedule contained in Table B4.1	COMPLIES The proposal provides resident and visitor parking consistent with Table B4.1. Refer Traffic Impact Statement under Attachment 9 .
	C2. Where a proposed use is not represented in Table B4.1 or elsewhere in this DCP, the rates under the RMS Guide to Traffic Generating Developments (as amended from time to time by a superseding document prepared by RMS) will apply.	N/A The parking rate of multi dwelling housing is identified in Table B4.1.
	C3. If a rate is not provided by the RMS Guide to Traffic Generating Developments (as amended from time to time by a superseding document prepared by RMS) a merit based assessment will apply. In such circumstances applicants are encouraged to review car parking rates for adjoining or surrounding Councils and to contact Council's Development Engineers as to what an appropriate rate may be.	N/A The parking rate of multi dwelling housing is identified in Table B4.1.

B4.2.6 Underground/ Basement Car Parks		
Objectives As above	<p>C1. Where excavation is proposed for basement car parks development applications should demonstrate that:</p> <ul style="list-style-type: none"> a) The proposed access to and appearance of the car park will be visually compatible with the existing and desired future character of the locality, streetscape and immediate surrounds. b) The proposed access to the car park is consistent with the Council's pedestrian and traffic management strategies for the commercial area and will not detract from pedestrian safety or the safety and amenity of community spaces or any public road. In this regard rear lane or secondary street access to the basement car park is preferred to minimise amenity impacts to streetscape and remove pedestrian conflicts. c) All earthworks are located on the subject property and do not require any underpinning into neighbouring properties or adjoining road reserves. d) Access to the basement complies with the Flood Planning Level to prevent the ingress of flood waters. Where grading cannot achieve compliance with the Flood Planning Level and provided no other feasible option (i.e. driveway design) is available, then the design may incorporate elements (e.g. ramps etc) or automatic mechanisms (e.g. hydraulic barriers etc) to prevent the ingress of flood waters to the basement, subject to the elements or mechanisms 	<p>N/A No basement parking is proposed.</p>

	<p>complying with the relevant Flood Planning Level. The basement to also include facilities for the pumping of water in the event of failure, or larger flood events.</p> <p>e) Access to the basement is designed to prevent the entry of stormwater. Driveway ramps that allow for the ingress of rainwater are to be predominantly covered, with a maximum area of 60m² only that is exposed to direct rainfall.</p> <p>f) The proposal will not adversely affect groundwater levels, flows, characteristics or quality.</p>	
B4.2.7 Car Parking Credits and Street Parking		
Objectives As above	C1. Council may acknowledge car parking credits for a site based on the current approved use/s.	N/A The site is improved by Dwelling House
	C2. Any car parking credit shall be based on the rates in Table B4.1 in this DCP Chapter.	N/A The site is improved by Dwelling House
	C3. Car parking credit is equivalent to the parking requirement for current approved use/s calculated in accordance with (1) and (2) above, less the number of parking spaces specified by current approvals.	N/A The site is improved by Dwelling House
	C4. Where a developer contribution for car parking has previously been paid for a current approved use/s on a development site, new development may be entitled to car parking credits equivalent to the number of spaces for which developer contributions were received	N/A No contribution for car parking has previously been paid.

	by Council if the above calculation does not acknowledge the credit.	
	C5. Where a car parking credit has previously been granted for land dedications in conjunction with development, a new development on the same site will be entitled to take that into consideration in calculating the number of car parking credits.	N/A No contribution for car parking has previously been paid.
	C6. Car parking credits are not transferable to other development sites.	N/A No contribution for car parking has previously been paid.
	<p>C7. Council will consider proposals to increase on street parking capacity for the provision of some or all customer car parking spaces by increasing on street parking capacity where there is a material public benefit, and where:</p> <ul style="list-style-type: none"> a) The net increase in formalised (ie paved &/or linemarked) on street parking is 25% greater than the number otherwise required on site; b) The resulting streetscape conforms with the principles of good urban design; c) The level of pedestrian, cycle and traffic amenity on the street is maintained; and d) The proposal is not detrimental to utility services. <p>NOTE: Council is more likely to give favourable consideration to such proposals if they provide an offsetting benefit to the public - such as property boundary setback dedication to allow conversion of existing parallel parking to angle parking. Other proposals that promote ESD policies will also be entertained.</p>	N/A The proposal is for residential development.

B4.2.8 Bicycle, Motorcycles and Coach Parking		
Objectives As above	<p>C1. Bicycle Parking Development Proposals must make provision for bicycle parking in accordance with Table B4.1. The Bicycle parking is also to be designed in accordance with the current editions of AS 2890 Parking Facilities, Austroads and the NSW RTA Bicycle Guideline 2005 as appropriate and as nominated under Chapter B5 Providing for Cycling.</p>	<p>N/A Table B4.1 does not specify a bicycle parking rate. Each garage or carport can accommodate a bicycle.</p>
	<p>C2. Coach Parking Large developments, such as shopping centres, sporting facilities and hotels require on-site parking for regular passenger buses (and taxis), shopper-coaches, tourist coaches, etc. Parking for sufficient numbers of vehicles at convenient places (usually at main entrance points) should be provided on-site. Adequate provision must be made for access, safe manoeuvring and parking of coaches in proposals for tourist, commercial and recreational developments. Where applicants submit alternate proposals for a lesser number of car parking spaces based on bus/ coach transport, then bus parking will be required on the site.</p> <p>A reduction in car parking may be approved if adequate demonstrated arrangements are made for bus/coach or other transport to the development. Any reduction shall be validated by a Traffic Impact Study & Survey.</p>	<p>N/A The proposal is for residential development. Coach parking is not applicable.</p>

	<p>C3. Motorcycles. To encourage alternative forms of motor transport and to enable applicants to utilise areas within a car park that are undersized for the standard vehicle space, the following motorcycle parking provisions are to apply:</p> <p>a) Large commercial developments with a gross floor area exceeding 1000m² shall make provision for the parking of motorcycles. Two percent of car parking spaces shall be converted to Motorcycle spaces at a general rate of 4 motor cycle spaces for every space converted. (e.g. a development generating 50 car parking spaces will have 49 car parking spaces and 4 motorcycle spaces).</p> <p>b) For smaller developments where motorcycle spaces are proposed in lieu of car parking, these will be considered on merit, provided a minimum of 90% of parking is for cars, and 4 bike spaces are provided for every vehicle space not provided (eg a development generating 10 car parking spaces, could propose 9 spaces and 4 motorcycle spaces).</p>	<p>N/A</p> <p>Table B4.1 does not specify a motor bike parking rate. No motorbike parking in lieu of car parking is proposed.</p>
B4.2.9 Loading Bays		
Objectives As above	1. All developments have a need for a safe loading and unloading area (service area) which does not obstruct the passage of	<p>N/A</p> <p>Table B4.2 does not specify a loading bay requirement for residential development.</p>

	vehicles or pedestrians. Unless designed specifically for a nominated vehicle type or types appropriate to the use of the proposed development, loading bays should be provided in accordance with the schedule contained in Table B4.2	
	2. Where a proposed use is not represented in Table B4.2, the rates under the RMS Guide to Traffic Generating Developments (as amended from time to time by a superseding document prepared by RMS) will apply.	N/A The RMS Guide to Traffic Generating Development does not specify a loading bay requirement for residential development.
	3. Access, loading bays and manoeuvring for a service area must be designed in accordance with the current editions of AS 2890 Parking Facilities.	N/A No loading bay requirement is identified for the development.
	4. In general, service areas should satisfy the following requirements: a) The service area must be a physically defined location, screened from public view, and not used for purposes other than servicing, loading and unloading. b) Service area layout must facilitate its efficient use and must effectively discourage onstreet loading and unloading. c) Requirements for storage and collection of waste must be taken into account in service area design. d) All service vehicles must be able to enter and leave the site in a forward direction, i.e. adequate manoeuvring space is required on site.	N/A No loading bay requirement is identified for the development.

	<p>e) Internal roadways must be of a size adequate for the largest vehicle anticipated to use the site.</p> <p>f) Service vehicle movements should be separated from car movements.</p>	
B4.2.10 Monetary Contributions		
Objectives As above	<p>Council may consider accepting a monetary contribution in lieu of on-site car parking on land predominantly zoned B2 where there is a nexus between the development and the area in which public parking is or will be provided. Such cases will be considered on merit, with reference to:</p> <ul style="list-style-type: none"> a) the size of the development; b) the site's proximity to, and the accessibility of, existing or proposed public car parking areas; c) the demand for car parking generally in the locality; and d) the general traffic flow in the area; e) the cost to Council of providing the parking off site; f) the likelihood of the parking being occupied and not being available for parking associated with the proposed development. <p>Should a monetary contribution be proposed, applicants will need to discuss this option with Council prior to lodgement of the Development Application, and propose either a voluntary planning agreement (VPA) or submit a VPA with the development</p>	<p>N/A</p> <p>The proposal is for residential development.</p>

	<p>application. (Note: There is no Section 94 Plan for car parking).</p> <p>In locations away from the main commercial areas, or where no public car parks are planned, onsite car parking is to be provided with the development.</p> <p>For works in kind, Council may consider car parking on public land or in the road reserve for all or part of the car parking required for an adjacent development proposal. Such work if permitted, is at the applicants expense, and such arrangements will only be allowed when a positive outcome results and the streetscape is improved.</p>	
B4.2.11 Landscaping		
Objectives As above	<p>As an integral and important component of outdoor parking area design, suitable landscaping must be provided in accordance with the requirements of Chapter B9 Landscaping. In particular shade trees can assist with cooling the car parking area and the vehicles parked therein, and assist with managing the microclimate of urban areas.</p> <p>Specifically outdoor car parks comprising 10 or more vehicle spaces are to incorporate a landscape bay of a suitable dimension to support the healthy growth of shade trees with a minimum height of 8 metres (at maturity) to shade every 2-5 parking spaces. The bay can also incorporate water sensitive urban design principles to facilitate stormwater disposal and also irrigation of the</p>	<p>N/A The proposal does not include an at grade parking area.</p>

trees. Figure B4.1 below illustrates various car park landscaping configurations.

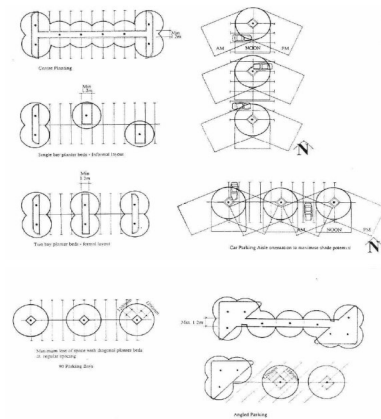


Figure B4.2 – Car park landscaping configurations (Source: South Sydney DCP No. 11 Transport Guidelines for Development, 1998)

B4.2.12 Parking Schedules

Table B4.1 – Parking Rates

Land Use	Car Parking	Bicycle Spaces
Amusement centre	4 spaces per 100m ² GFA plus 1 per 2 employees	8 per 100m ² of GFA
Backpackers accommodation	1 space per 8 beds	1 per 5 beds
Bed and breakfast accommodation	1 space per guest bedroom plus 1 space per dwelling	
Boarding house	See SEPP (Affordable Rental Housing) 2009	1 space per bed
Business premises	1 space per 20m ² GFA	2 per 100m ² (or part thereof) up to a floor area of 200 m ² and 1 per 200 m ² thereafter
Bulky goods premises	1 space per 50m ² GFA	
Caravan park/ Camping grounds	In accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2000	
Caretaker dwelling	See medium density housing, except visitor car spaces are not required.	
Commercial premises	See business premises	
Community facilities	Merit based at a general rate of 1 space per 40m ² of GFA.	1 per 100 m ² of GFA

NOTED.

Land Use	Car Parking	Bicycle Spaces
<i>Child care centre</i>	1 space per 4 children plus drop off/pick up area	
<i>Dual occupancy</i>	See <i>medium density housing</i> , except visitor car spaces are not required where on-street car parking is available within close proximity to the development.	
<i>Dwelling house</i>	2 spaces per <i>dwelling</i>	
<i>Educational establishment</i>	(Primary) 1 space per 2 staff members	1 per 5 students over year 4
<i>Educational establishment</i>	(Secondary) 1 space per 2 staff members plus 1 per 10 students aged 17 and over	1 per 5 students
<i>Educational establishment</i>	(Tertiary) 1 space per 5 students plus 1 space per 2 staff members	1 per 5 students
<i>Entertainment facility</i>	1 per 10 seats	1 Space per 10 car parks
<i>Exhibition home</i>	2 spaces per home external to garage/ <i>dwelling</i> parking Space	
<i>Food and Drink Premises</i>	1 per 20 m ² of GFA in Business and Industrial Zones. 1 per 7.5 m ² in all other zones.	1 per 25m ² of GFA

Land Use	Car Parking	Bicycle Spaces
<i>Function centre</i>	Same as food and drink premises	
<i>Funeral home</i>	2 spaces plus either 1 space per 30m ² GFA or 1 per 5 seats in chapel, whichever is greater	
<i>Garden centre</i>	1 space per 70m ² display area (including accessories). Where landscape supplies are included an additional 1 space per employee plus 2 customer spaces.	
<i>Group home</i>	Refer <i>SEPP (Affordable Rental Housing) 2009</i>	
<i>Hardware and building supplies</i>	1 space for 50m ² GFA.	
<i>Health consulting rooms</i>	2 spaces per consulting room plus 1 space per 2 employees plus any <i>dwelling</i> requirement	1 space per consulting room
<i>Hotel or motel accommodation</i>	1 spaces per unit plus 1 space per 2 employees (on site at any one time) plus 1 space for on-site manager. If public restaurant or function room included, as per food and drink premises	2 Spaces for accommodation units only If public restaurant or function room included, add 1 per 25m ² of GFA
<i>Industry</i>	1 space per 100 m ² or two per factory unit which ever is the greater.	

		<table><tr><th>Land Use</th><th>Car Parking</th><th>Bicycle Spaces</th></tr><tr><td><i>Plant nursery</i></td><td>See <i>garden centre</i></td><td></td></tr><tr><td><i>Pub</i></td><td>1 space per 5m² of public area in bars and lounges.</td><td>2 per 25 m² of public areas in bars and 2 per 100 m² of lounges and beer gardens</td></tr><tr><td><i>Public administration building</i></td><td>See <i>business premises</i></td><td></td></tr><tr><td><i>Recreation facility (indoor)</i></td><td>Bowling Alley: 3 spaces per lane Squash Courts: 3 spaces per court Gymnasium: 1 spaces per 20m² GFA Other activities: on merit</td><td>1 per 4 employees and 1 per 200m² of GFA</td></tr><tr><td><i>Recreation facility (outdoor)</i></td><td>Tennis Courts: 3 spaces per court Bowling Club: 15 spaces per green plus any restaurant and pub requirements where applicable Golf Course: 4 spaces per hole on course plus any food and drink requirements where applicable. Other activities: on merit</td><td>1 per 4 employees and 1 per 200m² of GFA</td></tr><tr><td><i>Registered club</i></td><td>See <i>pub</i></td><td>See <i>pub</i></td></tr><tr><td><i>Restaurant</i></td><td>See <i>food and drink premises</i></td><td>See <i>food and drink premises</i></td></tr><tr><td><i>Retail premises</i></td><td>See <i>business premises</i></td><td>See <i>business premises</i></td></tr></table>	Land Use	Car Parking	Bicycle Spaces	<i>Plant nursery</i>	See <i>garden centre</i>		<i>Pub</i>	1 space per 5m ² of public area in bars and lounges.	2 per 25 m ² of public areas in bars and 2 per 100 m ² of lounges and beer gardens	<i>Public administration building</i>	See <i>business premises</i>		<i>Recreation facility (indoor)</i>	Bowling Alley: 3 spaces per lane Squash Courts: 3 spaces per court Gymnasium: 1 spaces per 20m ² GFA Other activities: on merit	1 per 4 employees and 1 per 200m ² of GFA	<i>Recreation facility (outdoor)</i>	Tennis Courts: 3 spaces per court Bowling Club: 15 spaces per green plus any restaurant and pub requirements where applicable Golf Course: 4 spaces per hole on course plus any food and drink requirements where applicable. Other activities: on merit	1 per 4 employees and 1 per 200m ² of GFA	<i>Registered club</i>	See <i>pub</i>	See <i>pub</i>	<i>Restaurant</i>	See <i>food and drink premises</i>	See <i>food and drink premises</i>	<i>Retail premises</i>	See <i>business premises</i>	See <i>business premises</i>				
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PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS CHAPTER B8: WASTE MINIMISATION AND MANAGEMENT		
Objectives	Controls	Comment
B8.3.1. Demolition of Buildings or Structures		
<p>O1. To maximise resource recovery and minimise residual waste from demolition activities.</p> <p>O2. To optimise adaptive reuse opportunities of existing building/structures.</p> <p>O3. To maximise reuse and recycling of materials.</p> <p>O4. To minimise waste generation.</p> <p>O5. To ensure appropriate storage and collection of waste.</p> <p>O6. To minimise the environmental impacts associated with waste management.</p> <p>O7. To avoid illegal dumping.</p> <p>O8. To promote improved project management.</p>	<p>C1. A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with Development Applications seeking consent for demolition. The SWMMP must demonstrate that the proposed development will:</p> <ul style="list-style-type: none"> a) pursue adaptive reuse opportunities of buildings/structures; b) identify all waste likely to result from the demolition, and opportunities for reuse of materials. Refer to Table B8.1; c) facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted; d) reuse or recycle salvaged materials on-site where possible; e) allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements); f) provide separate collection bins or areas for the storage of residual waste; g) clearly 'signpost' the purpose and content of the bins and storage areas; 	<p>COMPLIES A Site Waste Minimisation and Management Plan is included under Attachment 10.</p>

	<ul style="list-style-type: none"> h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter; i) minimise site disturbance, limiting unnecessary excavation. 	
	<p>C2. When implementing the SWMMP the applicant must ensure that:</p> <ul style="list-style-type: none"> a) footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval; b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act (1997); c) waste is only transported to a place that can lawfully be used as a waste facility; d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.; e) documentary evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained. 	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>
B8.3.2 Construction of Buildings		
O1. To maximise resource recovery and minimise residual waste from construction activities.	C1. All dwellings A Site Waste Minimisation and Management Plan (SWMMP) must be submitted with Development Applications seeking consent for construction of buildings or structures. The SWMMP must:	<p>COMPLIES A Site Waste Minimisation and Management Plan is included under Attachment 10.</p>

<p>02. To maximise reuse and recycling of materials.</p> <p>03. To minimise waste generation.</p> <p>04. To ensure appropriate collection and storage of waste.</p> <p>05. To minimise the environmental impacts associated with waste management.</p> <p>06. To avoid illegal dumping.</p> <p>07. To promote improved project management.</p> <p>08. To optimise adaptive reuse opportunities of existing building/structures.</p>	<ul style="list-style-type: none"> a) Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in Appendix B8.2 for a guide; b) identify potential reuse/recycling opportunities of excess construction materials; c) incorporate the use of prefabricated components and recycled materials where possible; d) specify arrangements for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage; e) consider organising to return excess materials to the supplier or manufacturer; f) allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation); g) nominate proposed arrangements to ensure appropriate transport, processing and disposal of waste and recycling; and to ensure that all contractors are aware of the legal requirements for disposing of waste; h) promote separate collection bins or areas for the storage of residual waste; i) clearly 'signpost' the purpose and content of the bins and storage areas; j) specify intended implementation measures to prevent damage by the 	
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	<p>elements, odour and health risks, and windborne litter;</p> <p>k) minimise site disturbance and limit unnecessary excavation;</p> <p>l) ensure that all waste is transported to a place that can lawfully be used as a waste facility;</p> <p>m) Require retention of all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.</p>	
B8.3.3 Bin Sizes and Collection Measures		
<p>O1. To ensure that adequate provision is made for collection, storage and transport of waste for all development, commensurate with the development's scale, nature and potential for waste generation..</p> <p>O2. To ensure that the design and provision of waste collection, storage and transport facilities does not create significant adverse impacts on the amenity of the surrounding locality.</p> <p>O3. To ensure that the design and provision of waste collection, storage and transport facilities does not create significant adverse parking, cycle or traffic impacts on adjoining roads.</p>	<p>C1. The SWMMP provided with the Development Application must specify the proposed bin sizes and collection arrangements for the development.</p>	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>
	<p>C2. Where collection is proposed by Council's kerbside pickup service for development other than a dwelling house, the SWMMP and Development Application must specify and illustrate in a site plan drawn to a readily legible scale:</p> <p>a) the site's boundary dimensions and available kerbside/ road frontage space, after deducting existing or proposed access driveways;</p> <p>b) the kerbside/ road frontage space intended to be occupied by 'wheelie bins' on pickup days, based on the dimensions of the bins proposed. Bin</p>	<p>N/A The proposal does not include kerb side collection.</p>

	dimensions are available on request from Council.	
	<p>C3. If the kerbside/road frontage space intended to be occupied by 'wheelie bins', to service development other than a dwelling house, exceeds 75% of the site's available kerbside/road frontage space (after deducting existing or proposed access driveways), the SWMMP must include justification of reasons why a bulk bin service should not be provided. That justification must include an analysis of the likely amenity, pedestrian, cycle and traffic impacts of the proposed kerbside/ road frontage bin storage and collection arrangements on pickup day. The analysis must address visual impacts, amenity impacts, pedestrian and cycle impacts and impacts on parking and traffic movement on adjoining roads. In those circumstances Council is unlikely to approve a kerbside pickup service for the development unless it considers that those impacts are likely to be not significant.</p>	<p>N/A The proposal does not include kerb side collection.</p>
	<p>C4. Where collection is proposed other than by Council's kerbside pickup service, the SWMMP and Development Application must specify and illustrate in a site plan drawn to a readily legible scale:</p> <ul style="list-style-type: none"> a) the proposed bin storage location, dimensions, pickup vehicle access and manoeuvring arrangements; b) The proposed means of ensuring that the pickup vehicle can enter and exit the site in a forward direction and can manoeuvre 	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>

	safely on site, consistent with the requirements of Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.	
B8.4 Specific Development Criteria		
4.1 Dwelling Houses, Semi Detached Dwellings and Dual Occupancies		
N/A		
4.2 Multi Dwelling House, Residential Flat Buildings and Attached Dwellings		
<p>O1. To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.</p> <p>O2. To ensure appropriate waste storage and collection facilities.</p> <p>O3. To maximise source separation and recovery of recyclables.</p> <p>O4. To ensure waste management systems are as intuitive for occupants as possible and are readily accessible.</p> <p>O5. To ensure appropriate resourcing of waste management systems, including servicing.</p> <p>O6. To minimise risk to health and safety associated with handling and disposal of</p>	<p>1. A Site Waste Minimisation and Management Plan (SWMMP) is to be submitted with a Development Application and must show:</p> <p>a) the location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling;</p> <p>b) the location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste and recycling bins;</p> <p>c) the location of any interim storage facilities for recyclable materials;</p> <p>d) the location of any waste compaction equipment;</p> <p>e) an identified location for individual compost containers or communal compost container;</p>	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>

<p>waste and recycled material, and ensure optimum hygiene.</p> <p>O7. To minimise adverse environmental impacts associated with waste management.</p> <p>O8. To discourage illegal dumping by providing on-site storage, and removal services.</p>	<p>f) an identified collection point for the collection and emptying of Council's waste and recycling bins;</p> <p>g) the path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area);</p> <p>h) the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade</p>	
	<p>2. The SWWMP must address and demonstrate that the following criteria and outcomes will be achieved:</p> <p>a) systems must be designed to maximise source separation and recovery of recyclables;</p> <p>b) waste management systems must be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.</p>	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>
	<p>3. The following minimum collection and storage facilities must be provided:</p> <p>a) each dwelling must be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim</p>	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>

	<p>storage of a minimum one day's garbage and recycling generation;</p> <p>b) residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with Appendix B8.4 and the Better Practice Guide for Waste Management in Multi-Unit Dwellings.</p> <p>c) multi dwelling housing and attached dwellings in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with Appendix B8.4 and the Better Practice Guide for Waste Management in Multi-Unit Dwellings;</p> <p>d) the waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision;</p> <p>e) for multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area</p>	
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	<p>must be readily accessible to all residents and must be located close to the main waste storage room or area;</p> <p>f) Residential development where Council determines that there is inadequate space for kerbside collection, is to be designed with onsite garbage collection and pickup. (Applicants should consult with Council prior to lodgement of the DA where there is there is limited space for kerbside collection).</p>	
	<p>4. The following location and design criteria apply to collection and storage facilities:</p> <p>a) in townhouse and villa developments with individual waste/recycling storage areas, such areas must be located and designed in a manner which minimises adverse impacts upon neighbouring properties and upon the appearance of the premises;</p> <p>b) there must be an unobstructed and continuous accessible path of travel (as per Australian Standard 1428 Design for Access and Mobility - 2001) from the waste/recycling storage area(s) or room(s) to:</p> <ul style="list-style-type: none"> i) the entry to any adaptable housing (as per Australian Standard 4299 Adaptable Housing - 1995), ii) the principal entrance to each residential flat building, 	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>

	<p>iii) the point at which bins are collected/emptied;</p> <p>c) in instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s);</p> <p>d) communal waste storage areas must have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers;</p> <p>e) each service room and storage area must be located for convenient access by users and must be well ventilated and well lit;</p> <p>f) where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected on-site. Bins that are collected on-site must be collected either from their usual storage point or from an on-site temporary holding area located inside the property boundary and close to a property entrance;</p> <p>g) where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property</p>	
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	<p>boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at Appendix B8.5). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles. All access design must be consistent with the requirements of Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access;</p> <p>h) if Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place;</p> <p>i) if bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins must remain in their on-site storage areas at all other times;</p>	
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	<p>j) residents must have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas must be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer;</p> <p>k) the design and location of waste storage areas/facilities must be such that they complement the design of both the development and the surrounding streetscape.</p>	
	<p>5. The SWMMP must include measures to ensure that agents of the owners' corporation will take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities Service options available to multi dwelling housing, residential flat buildings and attached dwellings are described on the Byron Shire Council web site.</p>	<p>COMPLIES Refer Site Waste Minimisation and Management Plan is included under Attachment 10.</p>
4.3 Tourist Accommodation and Commercial and Retail Development		
N/A		
4.4 Mixed use Development		
N/A		
4.5 Industrial Development		

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS CHAPTER B9: LANDSCAPING		
Objectives	Controls	Comment
B9.3 General Landscaping Principles		
B9.3.1 General Landscape Design Principles		
O1. <i>To specify the general principles that apply to landscape design associated with development in Byron Shire.</i>	C1. Landscape design must comply with the requirements of Chapter B11 Planning for Crime Prevention and must minimise the potential for crime and vandalism.	COMPLIES Refer Landscaping Plan included under Attachment 14.
	C2. Landscaping and planting must not interfere with the function and accessibility of underground or overhead services and facilities, including inspections pits/ meters.	COMPLIES Refer Landscaping Plan included under Attachment 14.
	C3. Landscaping not to interfere with the structural integrity of buildings and structures: a) Trees must not be planted within 3 metres of any building. b) When placing trees in the landscape, consideration must be given to the size and spread of the tree when it is mature. Ensure that trees have adequate space for their branches and roots to grow without interfering with building eaves, walls, concrete slabs, foundations, driveways, paths, retaining walls or other built structures.	COMPLIES Refer Landscaping Plan included under Attachment 14.

	<p>C4. Site and landscape design must:</p> <ul style="list-style-type: none"> a) retain and protect existing significant native vegetation on the site wherever possible; b) retain any trees or other vegetation of cultural or heritage significance; c) incorporate the retention of existing mature trees (with the exception of weed species) into the landscape design wherever possible; d) utilise plant species locally indigenous to the area (and preferably) sourced from the local area, in preference to exotic plant material, wherever practicable; e) Ensure that weed species are removed from the site and are not used in the landscape design; f) Incorporate compensatory plantings whenever significant native vegetation is removed or damaged; g) on larger land parcels, incorporate bushland restoration/ regeneration works in strategic areas to consolidate naturally occurring plant communities and assist in the remediation of damaged lands. 	<p>COMPLIES Refer Landscaping Plan included under Attachment 14.</p>
	<p>C5. Where a street or a locality has a specific character derived from existing vegetation, similar or compatible species are planted on the site (except where the existing species are undesirable weed species).</p>	<p>N/A The locality does not have a specific character that is derived from existing vegetation.</p>

	<p>C6. Landscaping must endeavour to soften the harsh visual effect of extensive areas of hard-surfacing, such as the cumulative effect of building walls, car parking areas and pavements. The height of plants selected must relate to the scale of the building(s), helping to visually break up hard surfaces and providing a balance between built and natural forms when the development is viewed from adjoining public streets or neighbouring properties.</p>	<p>COMPLIES Refer Landscaping Plan included under Attachment 14.</p>
	<p>C7. Plant species used in landscaping must:</p> <ul style="list-style-type: none"> a) be suited to prevailing site conditions (such as soil characteristics, sun, shade, wind, rainfall and drainage regimes) and require minimal maintenance; b) be hardy and long-lived; c) be predominantly locally indigenous species (sourced from the local area wherever practicable), in preference to exotic plant species; d) provide on-going visual interest through form, colour, texture, floral display and the like. 	<p>COMPLIES Refer Landscaping Plan included under Attachment 14.</p>
	<p>C8. Landscaping must provide year-round shade, shelter and amenity to outdoor living areas and help to define the function of different outdoor spaces.</p>	<p>COMPLIES Refer Landscaping Plan included under Attachment 14.</p>
	<p>C9. The landscape design of public areas and semi-public spaces such as car parking areas and the frontages of commercial and industrial buildings must incorporate:</p>	<p>N/A The proposal does not include public spaces.</p>

	<p>a) pedestrian pathways that have a different surface finish to, and are clearly differentiated from, driveways and vehicular movement areas;</p> <p>b) planting or other design elements that help drivers and pedestrians locate the main entry/ exit points into the site;</p> <p>c) planting or other design elements that assist pedestrians find their way around the development safely and locate the main entry/exit points into the building(s).</p>	
	<p>C10. Where the proposed development has the potential to impact upon the amenity of adjoining development, vegetative buffers are required to provide dense screening along the boundary of the proposed development.</p>	<p>N/A</p> <p>The proposal is for residential development adjacent residential development.</p>
	<p>C11. Where the proposed development is located on land mapped as Bushfire Prone Land, landscaping around proposed buildings must comply with the current legislative requirements of the Rural Fires Act, 1997 in regards to measures required to protect the proposed development from bushfires.</p>	<p>COMPLIES</p> <p>Refer Landscaping Plan included under Attachment 14 and Bushfire Threat Assessment under Attachment 12.</p>
B9.4 Multi Dwelling Housing, Attached Dwellings and Residential Flat Buildings		
B9.4.1 Landscape Principles		
<p>1. To ensure a high-quality landscape and aesthetic environment for multi dwelling</p>	<p>Multi dwelling housing, attached dwellings and residential flat buildings shall provide a high-quality landscape that seeks to enhance the amenity</p>	<p>1. The following design requirements apply to multi dwelling housing, attached dwellings and residential flat buildings developments:</p> <p>COMPLIES</p> <p>Refer Landscaping Plan included under Attachment 14.</p>

housing, attached dwellings and residential flat buildings.	and function of the development and provide a pleasant environment for residents that supports their physical and psychological well-being.	<div>a) retention of suitable existing vegetation;</div> <div>b) screen planting to street frontages and driveway areas, to provide privacy between dwelling houses and around the boundaries of the site;</div> <div>c) provision of pleasant, landscaped settings for the enjoyment of residents;</div> <div>d) planting selection that relates to building scale and mass.</div>	<div>COMPLIES.</div> <div>This control requires 2170m² of communal landscaping. This number can be reduced by the area of private courtyards and private open space balconies.</div> <div>The proposal provides 2540.07m² of private courtyards and private open space balconies. The communal landscape area requirement is reduced to 0m². The proposal does not require communal open space.</div>				
		<div>2. The common landscaped area of the site must not be less than the total of the areas required for each dwelling house, calculated from the following table, less the total of the areas of approved private courtyards and approved private open space balconies in accordance with Chapter D1 Residential Accommodation in Urban, Village and Special Purpose Zones.</div> <div>Table B9.1 – Dwelling Size to Landscape Area</div> <table><tr><td>Dwelling Size</td><td>Landscape Area</td></tr><tr><td>Small (under 55m² in floor plan area)</td><td>50m²</td></tr><tr><td>Medium (under 55-</td><td>70m²</td></tr></table>		Dwelling Size	Landscape Area	Small (under 55m ² in floor plan area)	50m ²
Dwelling Size	Landscape Area						
Small (under 55m ² in floor plan area)	50m ²						
Medium (under 55-	70m ²						

		<table><tr><td>85m² in floor plan area)</td><td></td></tr><tr><td>Large (over 85m² in floor plan area)</td><td>90m²</td></tr></table>	85m ² in floor plan area)		Large (over 85m ² in floor plan area)	90m ²	
85m ² in floor plan area)							
Large (over 85m ² in floor plan area)	90m ²						
B9.4.2 Common Landscape Area							
1. To ensure appropriate treatment of common landscaped areas.	<div><div>1. Landscaped areas and landscaping must be considered as components of the site planning process and must reflect the scale of development.</div><div>2. Landscaping must complement existing streetscapes, urban landscape and bushland, and must be in scale with the height and bulk of buildings. Landscaping must be sensitive to site attributes such as existing landscape features, streetscape, ecology, land capability, micro-climate, views and vistas.</div><div>3. Development must be designed to maximise the number of trees retained on the site.</div></div>	<div><div>1. The common landscaped area of the site must be in accordance with Section B9.4.1.</div><div>2. A minimum of 75% of the total common landscaped area of the site must consist of deep soil areas. Areas of landscaping over underground car parks, and the like, cannot be included in the calculation of deep soil areas.</div><div>3. The landscape design must address:<div><div>a) the retention and provision of appropriate trees on the site;</div><div>b) the use of earth mounding and terraced areas to create useful and visually pleasing recreation areas and to assist screening;</div><div>c) the orientation of landscape areas with regard to sunlight and prevailing winds;</div></div></div></div>	<div><div>N/A</div><div>Section B9.4.1 requires 2170m² of communal landscaping. This number can be reduced by the area of private courtyards and private open space balconies.</div><div>The proposal provides 2540.07m² of private courtyards and private open space balconies. The communal landscape area requirement is reduced to 0m². The proposal does not require communal open space.</div></div>				

		<p>d) the provision of sufficient areas adequately shaded against the summer sun and giving adequate access to the winter sun.</p> <p>4. Areas used for the management of on-site sewage effluent must be excluded from calculations of the common landscaped area.</p>	
B9.5 Dual Occupancies and Semi Detached Dwellings			
N/A			
B9.6 Tourist and Visitor Accommodation, Caravan Parks, Camping Grounds and Eco-tourist Facilities			
N/A			
B9.7 Commercial and Retail Development			
N/A			
B9.8 Industrial Development			
N/A			
B9.9 Car Parking and Open Storage Areas			
N/A			
B9.10 Cycleways, Pedestrian Routes, Drainage and Watercourses			
N/A			
B9.11 Street Trees in Subdivision and Developments			
O1. <i>To promote ecological diversity and landscape character in the Shire's streets.</i>	C1. Native species, (preferably locally indigenous species), must be used as street	N/A	

	<p>trees in association with subdivision and development to preserve and enhance the natural character of the Shire. In addition, the retention and featuring of existing vegetation within the road reserve may provide a suitable established landscaped streetscape. Careful consideration is required in the location and choice of street trees, with particular attention to:</p> <ul style="list-style-type: none"> a) services and infrastructure (both underground and overhead), b) sight lines at intersections, and c) pedestrian and cycleway movements. 	<p>The proposal has limited frontage to public road. Street trees are to be provided as part of DA10.2024.154.1.</p>
	<p>C2. For multi dwelling housing, attached dwellings, residential flat buildings and commercial development the embellishment of the road reserve with street trees will be considered on merit and dependant upon existing street trees, width of the road frontage and size of the development. The Landscape Concept Plan prepared for the development needs to consider street trees and other landscaping of the road reserve as an integral part of the development.</p>	<p>N/A The proposal has limited frontage to public road. Street trees are to be provided as part of DA10.2024.154.1.</p>
	<p>C3. The design of the planted area for street trees should encourage passive watering from the road and footpath surface and incorporate the principles of water sensitive urban design.</p> <p>For design and technical guidelines refer to the Landcom Street Tree Design Guidelines available online.</p>	<p>N/A The proposal has limited frontage to public road. Street trees are to be provided as part of DA10.2024.154.1.</p>

	1. Prescriptive Measures 1. Street trees should be chosen for their: a) non-invasive root systems; b) good canopy spread and shade provision; c) mature height growth nature (under 10m in height) d) colour and appeal; e) low maintenance requirements; f) suitability for soil type and drainage conditions	N/A The proposal has limited frontage to public road. Street trees are to be provided as part of DA10.2024.154.1.
	2. Prescriptive Measures Street trees provided as part of a new development must be a minimum of 45 litres in size to provide an early established character to the development. In some circumstances the use of root barriers will be required when planting trees close to kerbs, buildings and other structures under the possible threat of root damage.	N/A The proposal has limited frontage to public road. Street trees are to be provided as part of DA10.2024.154.1.
	3. Prescriptive Measures A minimum of one street tree per 15 metres of residential lot street frontage with a minimum canopy diameter of 8 metres at maturity to be provided for new subdivisions.	N/A The proposal has limited frontage to public road. Street trees are to be provided as part of DA10.2024.154.1.

B13.2 Development Controls			
B13.2.1 Dwellings, Dwelling Houses, Semi – Detached Dwellings and Dual Occupancies			
N/A			
B13.2.2 Multi Dwelling Housing, Attached Dwellings, Residential Flat Buildings, Shop Top Housing and Serviced Apartments			
1. To implement the requirements and objectives of the Disability Discrimination Act, 1992, relevant equitable access legislation and the Byron Disability Access and Inclusion Plan 2008 - 2013. 2. To nominate adaptable housing standards for multi unit residential development in Byron Shire.	There are no Performance Criteria.	<p>1. Design and Access in accordance with AS1428.1 – Design for Access and Mobility General Requirements for Access – New Buildings (for class 3, 5, 6, 7, 8 and 9 buildings) and AS 4299 - Adaptable Housing must be provided to and within new developments and major alterations for residential development to which this Section applies as follows:</p> <p>a) <u>Dwelling Units</u>: A minimum of 10% of units, rounded up to the nearest whole number should be adaptable housing. Where a development is undertaken in stages after commencement of this DCP (including where earlier stages have been subdivided subsequently from the subject land) the calculation of the 'minimum 10% of units' shall include the units provided in those earlier stages.</p>	<p>COMPLIES</p> <p>The proposal provides for 3 adaptable units being 8A01, 8A02 and 8A03. Refer Architectural Plans under Attachment 1.</p>

		<p>The adaptable housing units must be located throughout the development with a variety of outlooks. Access to the upper level of townhouses can be by lift, stair lift, chair lift, inclinator or platform lift or ramp in accordance with the relevant Australian Standards. Any lift must comply with the relevant Australian Standards.</p> <p>b) <u>Access:</u> A continuous accessible path of travel in accordance with AS1428 or an inclinator/ lift/ hoist (in accordance with AS1735) as appropriate must be provided between the main street entrance to the residential complex, adaptable housing units, access or car parking spaces, letterboxes, garbage storage area, recreation areas and clothes drying areas.</p> <p>c) <u>Car Parking:</u> At least one accessible car parking space for the disabled must be provided for each adaptable housing unit, if a parking space is provided or if it is required pursuant to Chapter B4 Traffic Planning, Vehicle Parking, Circulation</p>	
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		<p>and Access or any other Chapter of this DCP. These spaces must be located close to and accessible from the entrance to the adaptable housing units and from the main entrance to the building. The spaces must be attached to the title of the adaptable housing unit in any Strata Plan or Community Title plan. Car parking must be in accordance with the requirements of BCA Section D Part D3.5 and Australian Standard AS/NZS 2890.6:2009 Parking Facilities – Part 6: Off-street parking for people with disabilities.</p> <p>2. In the interest of promoting the objectives, principles and goals of the Byron Disability Access and Inclusion Plan 2008 – 2013, the above standards are also encouraged in the case of refurbishment of existing buildings and developments that do not include major alterations.</p>	
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Chapter B14 – Excavation and Fill			
OBJECTIVES	PERFORMANCE CRITERIA	PRESCRIPTIVE MEASURES	COMMENTS
B14.2 Excavation and Fill in all Zones			
<p>1. To ensure that towns, villages, commercial, industrial, residential and rural areas maintain overall compatibility with the Shire's natural features and its historical built character.</p> <p>2. To control the extent, character, bulk and scale of earthworks so that both individual and cumulative earthworks over time do not detract from the existing and desired future character of their immediate locality, and the surrounding area.</p> <p>3. To promote the use of earthworks to create landscapes and streetscapes that make a positive contribution to the existing and desired future character of their immediate locality and the surrounding area.</p>	<p>1. Development proposals must demonstrate that proposed earthworks will be compatible with the low rise, low to medium density form, scale and desired future character of their locality and immediate surrounds. Proposals must demonstrate that excavation and fill will be limited to ensure that:</p> <p>a) Adverse visual impacts, bulk and scale of both the proposed earthworks and the resultant overall development are minimised;</p> <p>b) Overshadowing of adjoining private and public land is avoided;</p> <p>c) The scale and character of the resultant landform and buildings will remain compatible with their surrounds and with the desired future character of the locality;</p> <p>d) Resultant drainage characteristics and systems both on the site and in the locality will be consistent with Chapter B3 Services and with Water Sensitive Urban Design Principles.</p> <p>e) The need for engineering and support works is minimised;</p>	<p>1. Unless otherwise stated below, excavation and filling must be limited to a depth of 1 metre. See Figure B14.1.</p>	<p>COMPLIES No earthworks exceeding 1m are proposed. Refer Civil Engineering Plans under Attachment 1.</p>
		<p>2. The maximum excavation restriction is not applicable where the excavation is incorporated into the dwelling structure to satisfy minimum car parking requirements up to a maximum height of 2 metres. For details see Figure B14.2.</p>	<p>N/A No earthworks exceeding 1m are proposed. Refer Civil Engineering Plans under Attachment 1.</p>
		<p>3. Batters and cuttings to be landscaped with appropriate native shrubs and ground covers to prevent erosion and not left exposed to the elements. Stripped top soil to be stockpiled on site and used to top dress disturbed areas.</p>	<p>N/A The proposal does not include batter or cuttings</p>
		<p>4. Where earthworks are proposed for swimming pools, the earthworks to have a maximum depth of no more than 2 metres. Where swimming pools are partially benched into the side of a hill to create an infinity edge or similar, the pool to extend no more than 1 metre out of the ground. For details see Figures B14.3 and B14.4.</p>	<p>N/A This application does not seek consent for a pool.</p>

	f) Risk of geotechnical instability and/ or landslip is minimised.	5. Where pools are to be located on sloping land or on land considered by Council as geotechnically constrained, appropriate geotechnical investigations to be carried out by a suitably qualified engineer. Details to be submitted with the development application demonstrating that the site is suitable for the proposed pool.	N/A This application does not seek consent for a pool.
	2. Where earthworks are designed to facilitate and/ or improve thermal sustainability and insulation in buildings and developments rather than as structural or landscape elements, development proposals must demonstrate the particular benefits to be gained from those earthworks.	6. Where in-ground water tanks and effluent disposal systems are proposed, there are no specific restrictions limiting the depth of earthworks. Where required details on geotechnical and acid sulfate soils constraints to be submitted with the development application.	N/A No inground water tanks are proposed.
	3. Earthworks must be designed to ensure that the community /pedestrian scale and character of commercial areas will be retained and reinforced.	7. Basement car parks - Any development application that seeks consent for a basement car park will need to have regard to the provisions contained within Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.	N/A Basement parking is not proposed.
	4. Where filling is proposed to mitigate flooding and stormwater issues, details are to be submitted with the application demonstrating the fill will not have a significant adverse impact on the flow characteristics of flood waters or detrimentally increase the level of flooding or stormwater on other properties or development.	7. Filling on the floodplain - Any development application that seeks consent to fill land within the flood planning area will need to have regard to the provisions contained within Chapter C2 Areas Affected by Flood.	The proposal meets the requirements of Chapter C2 – Areas Affected by Flood. An assessment of the provision of Chapter C2 is contained within in the Flood Assessment under Attachment 8 .
	5. Lots that are identified as having stability problems either on Council's GIS mapping or through the development assessment process (slopes greater than 15 degrees, land that has historically been used for uncontrolled filling, or land that is constrained by springs or wet areas etc.) are to adequately address geotechnical constraints through the submission	9. Engineering detail by a suitably qualified structural or geotechnical engineer to be submitted for earthworks on land	N/A The site does not have a gradient exceeding 15%.

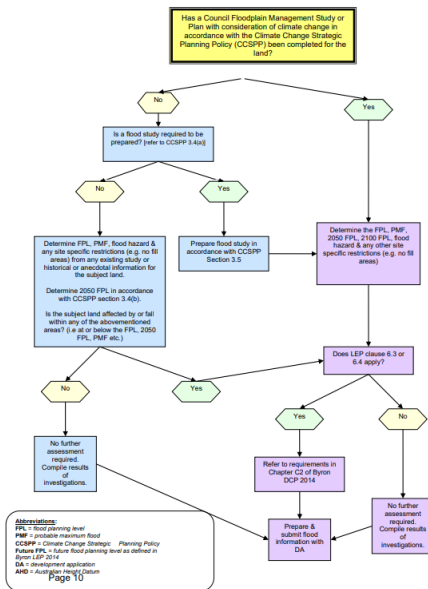
	<p>of a detailed geotechnical report prepared by a suitably qualified professional. The development application shall also incorporate preliminary design detail for footings, driveways and storm water management to demonstrate how the risk is adequately managed. In certain circumstances the geotechnical constraints will prevent properties from being developed for infill development and applications will not be approved</p>	<p>with a gradient exceeding 15% or where cut and fill of more than 1 metre is proposed.</p>	
		<p>10. A site plan shall be provided that shows all areas of cut and fill on the site and specifically identifies any areas over one metre.</p>	<p>COMPLIES Refer Civil Engineering Plans under Attachment 5.</p>

PART C: CONTROLS APPLYING TO LAND WITH SPECIFIC CONSTRAINTS AND ENVIRONMENTAL		
CHAPTER C2: Areas Affected by Flood		
Objectives	Controls	Comment
C2.3.1 Applicable Flood Study		
<p>1. <u>Belongil Creek Catchment</u></p> <p>a) <i>Belongil Creek Flood Study (2009)</i></p> <p>i) includes Byron Bay township and industrial estate, West Byron and Sunrise estate. The extent of the Belongil Creek catchment is shown in Map C2.1.</p> <p>b) <i>Belongil Creek Floodplain Risk Management Study & Plan</i> (in preparation)</p> <p>2. <u>Brunswick River Catchment</u></p> <p>a) Brunswick River Flood Study (1986)</p> <p>i) includes Mullumbimby and Brunswick Heads. The extent of the Brunswick River catchment is shown in Map C2.2.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Note: this document does not include a climate change assessment; refer to Council's Climate Change Strategic Planning Policy for flood planning level methodology and requirements.</p> </div> <p>b) North Byron Coastal Creeks Flood Study (in preparation)</p> <p>i) includes Mullumbimby, Brunswick Heads, Ocean Shores, New Brighton, South Golden Beach and Billinudgel.</p>	<p><u>Application</u></p> <p>Until such time as the <i>Belongil Creek Floodplain Risk Management Study & Plan</i> is adopted, the following climate change scenarios in the Belongil Creek Flood Study (2009) shall apply:</p> <ul style="list-style-type: none"> • 2050 Climate Change scenario shall be used for the 2050 Climate Change planning horizon. • 2100 Climate Change scenario shall be used for the 2100 Climate Change planning horizon. <p><u>Application</u></p> <p>Until such time as the <i>North Byron Coastal Creeks Flood Study</i> is adopted, the Projected 2050 Flood Planning Level applies as follows:</p> <ul style="list-style-type: none"> • where the site of the development is at or below 4m AHD, an additional 0.4m shall be applied to the estimated 1 in 100 year flood level, in addition to the normal 0.5m freeboard. • where the site of the development is above 4m AHD, the estimated 1 in 100 year flood level shall be used, together with the normal 0.5m freeboard. <p><u>Application</u></p>	<p>COMPLIES</p> <p>Refer Flood Assessment included under Attachment 8 for assessment of the applicable flood provisions.</p>

<p>ii) the study area for the North Byron Coastal Creeks Flood Study combines the Brunswick River, Marshalls Creek and Simpsons Creek catchments. The extent of the North Byron Coastal Creeks catchment is shown in Map C2.3.</p> <p>c) North Byron Coastal Creeks Floodplain Risk Management Study & Plan (planned to commence in future).</p> <p>3. <u>Marshalls Creek Catchment</u></p> <p>a) <i>Marshalls Creek Floodplain Management Plan (1997)</i></p> <p>b) <i>Tweed – Byron Coastal Creeks Flood Study (2010)</i></p> <p>c) <i>Tweed – Byron Coastal Creeks Flood Study BSC Climate Change Assessment (2010)</i></p> <p>i) includes Ocean Shores, New Brighton, South Golden Beach and Billinudgel. The extent of the Marshalls Creek catchment is shown in Map C2.4.</p> <p>d) <i>North Byron Coastal Creeks Flood Study</i> (in preparation)</p> <p>i) refer to Brunswick River catchment.</p> <p>4. <u>Tallow Creek Catchment</u></p> <p>a) <i>Tallow Creek Flood Study (2002)</i></p> <p>b) <i>Tallow Creek Floodplain Risk Management Study and Plan (2009)</i></p> <p>i) includes Suffolk Park, and the estates of Byron Hills and Baywood Chase. The extent of the Tallow Creek catchment is shown in Map C2.5.</p>	<p>Until such time as the North Byron Coastal Creeks Flood Study is adopted, the following climate change scenarios shall apply:</p> <ul style="list-style-type: none"> • 2050 Climate Change scenario shall be used for the 2050 Climate Change planning horizon. • 2100 Climate Change scenario shall be used for the 2100 Climate Change planning horizon. <p><u>Application</u></p> <p>In the absence of more updated flood mapping for this catchment, the following climate change scenarios in the <i>Tallow Creek Floodplain Risk Management Study and Plan</i> shall apply:</p> <ul style="list-style-type: none"> • 2050 Climate Change scenario shall be used for the 2050 Climate Change planning horizon. • 2100 Climate Change scenario shall be used for the 2100 Climate Change planning horizon. 	
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ii) applies until superseded by a more current flood study and management plan for this catchment:

Figure C2.1 – Flow chart illustrating process for determining flood planning controls on land at or below the future Flood Planning Level



C2.3.2 Minimum Floor Levels

C1. The finished floor level of **habitable rooms** must be above the relevant level defined by the **flood planning matrix**. Analysis and certification by a suitably qualified structural engineer will be required where the finished floor level of enclosed 'nonhabitable' rooms is more than 1.0 metre below the 1:100 year flood level.

COMPLIES

Refer Flood Assessment included under **Attachment 8**. Each dwelling provides minimum floor levels consistent with the flood planning matrix.

C2. Developments in **new release areas**, certain rezoning proposals, **critical facilities** and **special purpose facilities** requiring a

N/A

	longer flood planning horizon are generally required to achieve the Projected 2100 Flood Planning Level .	
	C3. New dwellings in existing residential areas are generally required to achieve the Projected 2050 Flood Planning Level . Adaptable building design is encouraged so that dwellings on piers, posts, columns or piles can be raised in future to accommodate climate change. Where concrete slab on ground is necessary the slab level shall be finished at least 300mm above the surrounding ground, as well as achieve the Projected 2050 Flood Planning Level .	COMPLIES Refer Flood Assessment included under Attachment 8 . Each dwelling provides minimum floor levels consistent with the flood planning matrix.
	C4. Commercial and Industrial floor levels are generally required to achieve the Projected 2050 Flood Planning Level . Where this cannot occur, Council will consider flood proofing and emergency storage above the Projected 2050 Flood Planning Level to minimise damage that may occur during flooding (refer to sections C2.3.4 Flood Proofing and C2.3.5 Special Provisions).	N/A
C2.3.3 Flood Planning Matrix		
	The flood planning matrix below sets out general planning requirements for “low / intermediate” and “high” hazard flood categories. The flood affectation or hazard of a property or part of a property may change when considering climate change.	COMPLIES Refer Flood Assessment included under Attachment 8 for assessment of the flood planning matrix.

	<p>To satisfy the provisions of the LEP, developments must not only demonstrate compliance with the Primary Constraints in the flood planning matrix but must also demonstrate compliance with the Additional Constraints. The primary constraints relate to land to which LEP clause 6.3(3) applies (i.e. land at or below the flood planning level), while additional constraints relate to land to which LEP clause 6.3(4) applies (i.e. land at or below the future flood planning level).</p> <p>The flood planning matrix will not prevail over any special provisions set out in Section C2.3.5.</p>	
C2.3.4 Flood Proofing		
	<p>C1. Flood Compatible Material Materials located below the relevant level defined by the flood planning matrix must be capable of resisting damage, deterioration, corrosion or decay taking into account the likely time the material would be in contact with flood water and the likely time it would take for the material to subsequently dry out.</p>	<p>COMPLIES Refer Flood Assessment included under Attachment 8 for comment regarding flood compatible materials.</p>
	<p>C2. Services Services and related equipment, other than electricity meters, must not be located below the relevant flood planning level defined by the flood planning matrix unless they have been designed specifically to cope with flood water inundation. The location of electricity meters is regulated by the electricity supply authority.</p>	<p>COMPLIES Refer Flood Assessment included under Attachment 8 for comment regarding flood compatible materials.</p>

	Unless the electricity supply authority determines otherwise, electrical switches must be placed above the relevant level defined by the flood planning matrix . Electrical conduits and cables installed below the relevant level defined by the flood planning matrix must be waterproofed or placed in waterproof enclosures.	
	C3. Enclosures Any enclosure located below the relevant level defined by the flood planning matrix must have openings to allow for automatic entry and exit of floodwater for all floods up to the relevant level defined by the flood planning matrix .	COMPLIES Refer Flood Assessment included under Attachment 8 for comment regarding enclosure.
C2.3.5 Special Provisions		
	1. CBD Infill Development For infill development in a commercial centre, change of use and additions to existing commercial premises, the current floor level (compatible with the footpath level) can be retained. However buildings must comply with section C2.3.4 Flood Proofing.	N/A

	<p><u>2. New Brighton, South Golden Beach and Billinudgel</u></p> <p>Dwellings in this area are subject to frequent low level flooding.</p> <p>Refer to Councils Marshalls Creek Floodplain Management Plan (1997) for land that cannot be filled. Preferable building type is on piers, with car parking located under, and with under floor area to remain clear of infill construction. The area shall not be used for storage, nor infilled at a later date.</p>	N/A
	<p><u>3. Tallow Creek Flood Study Catchment</u> (Map C2.5) This study found that buildings / dwellings should be 0.5m above the 2100 Climate Change flood levels.</p> <p>Refer to the Tallow Creek Floodplain Management Plan (2009) for land that cannot be filled. Preferable building type is on piers, with car parking located under, and with under floor area to remain clear of infill construction. The area shall not be used for storage, nor infilled at a later date.</p>	N/A

	<p>4. <u>Bangalow</u></p> <p>Council does not currently have any adopted flood studies or management plans for Bangalow. Where development is proposed on land that is or may be considered at or below the flood planning level, the applicant will be required to submit a report using local flood information to satisfy the provisions in the flood planning matrix. In some instances a professional Civil / Hydraulic Engineer (with qualifications suitable for admission as a corporate Member of Engineers Australia) will be required to prepare this report or a flood study (Refer to Section B3.2.3 of Chapter B3 Services for further guidance).</p> <p>Local flood information could be anecdotal flood heights (i.e. highest recorded flood height) or flood studies carried out for previous rezoning or large development applications.</p>	N/A
	<p>5. <u>Basement Car Parks</u></p> <p>Any basement car park shall incorporate design elements (e.g. ramps etc) or automatic mechanisms (e.g. hydraulic barriers etc) to prevent the ingress of flood waters. The design elements or mechanisms are to comply with at a minimum the Projected 2050 Flood Planning Level. The basement shall also include facilities for the pumping of water in the event of failure, or larger flood events.</p>	N/A
	<p>6. <u>Rural Areas</u></p> <p>Council does not hold plans or records for flooding in most rural areas, other than in the defined catchments (refer to Section C2.3.1).</p>	N/A

	<p>In certain rural areas, floodplains may be steep and narrow, and are liable to rapid flood inundation with little warning.</p> <p>In the absence of current flood information, persons proposing new developments in rural areas near rivers, streams and gullies that could be flood liable should seek out and use reliable local historical information. Catchment flood studies may be required to establish design flood levels, flow rates for structural design, and to assess the potential impact of the development on local flood behaviour. Refer to Section B3.2.3 of Chapter B3 Services for further guidance.</p> <p>Where development is proposed on rural land that may be considered flood liable land, the applicant will be required to submit a report using local flood information, establishing the levels on the site equivalent to the Projected 2050 Flood Planning Level in relation to any dwelling, residential, tourist or commercial project. In some instances a professional Civil /Hydraulic Engineer (with qualifications suitable for admission as a corporate Member of Engineers Australia) will be required to prepare this report or a flood study.</p> <p>The floor level of any dwelling shall be at or above the Projected 2050 Flood Planning Level while the floor level for other types of development will be determined on a case-by case basis.</p>	
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Chapter D1 – Residential Accommodation in Urban, Village and Special Purpose Zones			
OBJECTIVES	PERFORMANCE CRITERIA	PRESCRIPTIVE MEASURES	COMMENT
D1.2 GENERAL PROVISIONS			
D1.2.1 Building Height Plane			
<p>1. To ensure that residential development is designed to minimise impacts on solar access and privacy on adjoining properties, and on the views from adjacent existing buildings.</p> <p>2. To ensure that the occupants of the building or buildings will enjoy the optimum use of winter sunlight and summer shade.</p> <p>3. To establish spatial separation of residential dwellings and domestic outbuildings from the street, and between allotments, to provide a varied and interesting streetscape, optimise</p>	<p>1. Developments must be set back progressively from the site boundaries as height increases so that they:</p> <p>a) do not adversely affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy or obstructing views.</p> <p>b) establish spatial separation between residential dwellings (including domestic outbuildings) from the street and other public reserves, and between allotments, to provide a varied and interesting streetscape, optimise microclimate, and mitigate excessive bulk in built-form.</p> <p>c) integrate with surrounding developments, public reserves and the predominant streetscape character to offer a high</p>	<p>1. The building height plane in combination with boundary setbacks prescribed in this DCP, and building height prescribed in the Byron LEP 2014, form the maximum building envelope for all residential development other than for shop top housing and ancillary dwellings in Zones IN1, IN2 and B7.</p>	<p>VARIATION SOUGHT Minor Intrusions into the building height plane are sought. Refer Section 3.6 and Section 5.2 of the SEE for discussion.</p>
		<p>2. Variation to the building height plane may be considered in relation to one or more boundaries in the following circumstances:</p> <p>a) where the floor level is required to be above ground level to comply with Council's requirements for flood protection; or</p> <p>b) for the zero lot line boundaries of semi-detached dwellings and attached dwellings;</p> <p>c) or in circumstances referred to in Prescriptive Measure 2. of Section D1.2.2.</p> <p>d) where unavoidable site constraints (slope, orientation, configuration/shape) intensify off-site impacts such as overshadowing (provided the</p>	<p>NOTED Minor Intrusions into the building height plane are sought. The proposal is flood prone land and as such qualifies for variation consideration under 2 a).</p>

<p>microclimate, and mitigate excessive bulk in built-form.</p> <p>4. To establish neighbourhoods that offer a high level of amenity and sense of openness with buildings that are cognisant of, and blend with, the scale and streetscape character of the locality.</p> <p>5. To provide flexibility in application of the Building Height Plane for steeply sloping and constrained sites to optimise building orientation and location and mitigate off-site impacts (ie. overshadowing, overlooking).</p>	<p>level of amenity and establish a sense of openness.</p> <p>2. Developments must respond to the constraints of the site (eg. slope, orientation, configuration/shape) to optimise solar access for the private open space and solar power infrastructure of the development site and adjoining properties.</p>	<p>impacts are addressed in accordance with Development Controls related to Privacy and Solar Access) and mitigation measures are included in the design to the fullest extent possible.</p>	
D1.2.2 Setbacks from Boundaries			
<p>1. To achieve varied and interesting streets that complement and harmonise with existing and planned streetscapes and</p>	<p>1. Setback requirements may be flexible provided they are demonstrated to achieve the above Objectives and Performance Criteria.</p> <p>2. The street façade of a building, and any open space between it</p>	<p>Strict compliance with the following minimum setback prescriptive measures will not necessarily be sufficient by itself to meet the Objectives.</p> <p>1. Minimum Street Frontage Setbacks</p>	<p>COMPLIES – All dwellings are setback greater than 4.5m from Garden Avenue.</p>

<p>development in the locality.</p> <p>2. To achieve good orientation and spacing of residential developments that achieve high quality living environments relative to sunlight, shade, wind and weather protection, residential amenity and proximity of neighbouring development.</p> <p>3. To achieve effective use of allotments to create useable and liveable private open space and courtyards.</p> <p>4. To provide flexibility in siting and design of dwelling house development in urban residential areas.</p> <p>5. To ensure that development in residential areas seeks to minimise any negative impacts on neighbours caused by siting.</p>	<p>and the street must contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping. A reasonable degree of integration with the existing pattern of setbacks must be balanced with the need to provide variety in the streetscape.</p> <p>3. Private open space and common landscaped areas of the site must be useable as part of the living environment available for the occupants of the development. Council will discourage the provision of bare spaces between buildings and the street which are unusable because they lack privacy, or because they are inappropriately planned or treated for climate control.</p> <p>4. The setback from a street frontage for a building that is part of a residential development will be determined on its merits, having regard to:</p> <ul style="list-style-type: none"> a) the Objectives; b) any provisions of this DCP applying to the specific location; c) the position of any existing buildings in the locality; d) the size and shape of the allotment; 	<ul style="list-style-type: none"> a) Local Roads - A minimum setback of 4.5 metres must be maintained from the primary front boundary. b) Classified roads- A minimum setback of 9 metres applies to these roads from the primary front boundary. A variation to 6.5 metres may be sought for single storey dwellings or single storey elements of two storey dwellings. (NB. The provisions under SEPP Infrastructure 2007 apply to such developments) c) Garages and carports are to be set back 5.5m from the front boundary except from classified roads where the setbacks under (b) are to apply. d) Corner allotments on local or secondary roads - setbacks may be reduced to 3m on one frontage. e) Rear Lane or unformed roads - 3 metres, unless it is the primary frontage to the development (eg. Shirley Lane, Byron Bay) in which case a setback of 4.5 metres applies including to garages and carports. Consideration may be given to setback variations in Heritage Conservation Areas where strict compliance with these provisions would result in conflict with the Chapter and Section Objectives specified in Chapter C1 Non-Indigenous Heritage. 	<p>N/A - The development does not front a Classified Road.</p> <p>COMPLIES - All garages and carports are setback greater than 5.5m.</p> <p>N/A - The subject site is not considered a corner allotment.</p> <p>N/A - There is no access off a rear lane.</p>
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	<p>e) the effect on vehicular safety and visibility, particularly on corner sites;</p> <p>f) the orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds;</p> <p>g) the proposed location of any private open space, courtyard or landscaped areas;</p> <p>h) the facade of the proposed building or buildings which will face the street and the proposed landscape treatment of that part of the allotment which is visible from the street;</p> <p>i) the location and treatment of any car parking areas or car parking structures on the site.</p>	<p>No development is permitted within the building setbacks other than garbage storage facilities, mailboxes, landscaping and driveways. Car parking must not be provided within setbacks, other than informal parking within the driveway (i.e. parking not required by the DCP). Stacked car parking is not permitted within setbacks.</p>	<p>COMPLIES – No items other than those listed in the control are located within the front setback.</p>
	<p>5. Notwithstanding any of the above criteria, buildings must comply with the building height plane as detailed in Section D1.2.1.</p> <p>6. Dwelling house development may be permitted to encroach into the side setback and building height plane where it enhances the design of buildings, complements the streetscape and does not adversely affect privacy, solar access, microclimate, traffic safety or amenity of adjoining development.</p>	<p>2. Minimum Side and Rear Boundary Setbacks</p> <p>a) Side and rear setbacks are to be a minimum 900mm, with all dwellings also complying with the requirements of the building height plane.</p> <p>b) In urban residential areas, Council may consent to the construction of one or more building walls set back less than 900mm from a side or rear boundary, such that the building/s cannot comply with the building height plane, where:</p> <ul style="list-style-type: none"> i) such wall or walls contain no openings; and ii) it is demonstrated to Council's satisfaction that the development, if carried out, would improve the siting or orientation of the dwelling/s or the provision of private open space; and would not significantly: <ul style="list-style-type: none"> • increase the overshadowing of adjoining properties; or • reduce the level of privacy enjoyed by adjoining properties. 	<p>N/A – The proposal is for multi dwelling housing. The minimum side and rear setback are prescribed by control 4 below.</p> <p>N/A – The proposal does not seek to construct any wall within the development closer than 900mm to a boundary.</p>

	<p>7. When considering applications for variations to minimum setbacks nominated below in the Prescriptive Measures, Council will have regard to:</p> <ul style="list-style-type: none"> a) the Objectives; b) compliance with the Performance Criteria; c) the visual impact of the variation on the streetscape; d) the impact of the variation on the amenity, privacy, views and access of surrounding properties; e) the existing and future status of the road; f) potential traffic impacts and required sight lines as per AS2890; and g) compliance with the Building Code of Australia. <p>8. The Development must seek to minimize any impacts on neighbouring properties through considerate siting and design</p>	<p>c) Applications for zero lot line development will only be considered where the relevant lot or lots are part of an integrated design, and where all buildings set to a zero lot line are constructed prior to issue of a Subdivision Certificate.</p>	<p>N/A – The proposal does not seek zero lot development.</p>
		<p>3. Minimum Setbacks for Dual Occupancies and Secondary Dwellings</p> <ul style="list-style-type: none"> a) Side and rear setback – 1.5 metres for single storey, and must comply with the building height plane. 	<p>N/A The proposal does not include a dual occupancy or secondary dwelling.</p>
		<p>4. Minimum Setbacks for Residential Flat Buildings and Multi-Dwelling Housing</p> <ul style="list-style-type: none"> a) Side and rear setback – 1.5 metres for single storey, otherwise governed by the building height plane. b) Between buildings on a site – 3 metres. 	<p>VARIATION SOUGHT The proposal provides 1.5m or greater setback to side boundary for all dwelling except dwelling 8A13. Dwelling 8A13 is setback 1.16m from the side boundary.</p> <p>VARIATION SOUGHT Less than 3m is provided between dwelling onsite.</p>
		<p>5. Minimum Setbacks for Swimming Pools and Spas</p> <ul style="list-style-type: none"> a) The outer edge of the pool concourse or coping must be set back a minimum of one (1) metre from the side or rear boundaries, with the water line being a minimum of 1.5 metres from those boundaries. b) Pools should not be located within the street frontage setback, except 	<p>N/A No swimming pool is proposed.</p>

		<p>on sites where private open space can be accommodated only in this location or other site attributes support this outcome.</p> <p>c) Pool pumps shall be located as far back from a side or rear boundary as practical and if closer than 3 m from either it shall be acoustically shielded.</p>	
D1.2.3 Privacy			
<p>1. To ensure buildings do not unduly affect existing or future development on adjoining properties by impinging on privacy or obstructing views.</p> <p>2. To ensure buildings are designed to optimise privacy for internal and external spaces while allowing for casual surveillance of the street and other public spaces.</p> <p>3. To ensure that building design is cognisant of site constraints (slope, orientation, configuration/shape) and addresses privacy accordingly.</p>	<p>1. Developments must be set back progressively from the site boundaries in accordance with the Building Height Plane to establish spatial separation between buildings and property boundaries to not adversely affect existing or future development on adjoining properties by impinging on privacy.</p> <p>2. Windows of developments must include design elements (screening, landscaping, opaque glazing) to protect the privacy of adjacent properties where:</p> <p>a) encroachments into the Building Height Plane are proposed; and/or</p> <p>b) site constraints (slope, orientation, configuration/shape) necessitate, to ensure the continued protection of adjacent privacy.</p>	<p>1. Where a direct view exists into the private open space of an adjoining dwelling, the outlook from windows, landing stairs, terraces, decks and balconies must be screened by privacy screens which achieve at maximum 50% transparency, or obscured by landscaping.</p> <p>2. Decks, terraces, balconies and other external living areas within 4 metres from a side or rear boundary and with a floor level greater than 1.0m above ground level (existing) will require a privacy screen unless it can be demonstrated that there will be negligible overlooking and/or privacy impacts.</p>	<p>N/A The building form is single storey is height and no direct views will be afforded into the private open space of an adjoining dwelling.</p> <p>N/A No deck, terraces or balcony has a floor level greater than 1m above ground level (existing).</p>

	3. All parts of any decks, terraces and balconies located in the Building Height Plane are designed to have generous building separation and screens to avoid loss of amenity and visual privacy.		
D1.2.4 Solar Access			
1. To ensure that residential development is designed to optimise solar access and thereby not significantly overshadow living areas (decks, living rooms, bedrooms, kitchens etc.), private open spaces and existing solar power installations of both the development site and adjoining properties.	<p>1. Development must be designed cognisant of microclimate to promote energy efficiency and ensure that residents of the development site enjoy optimum use of winter sunlight and summer shade in living areas (decks, living rooms, bedrooms, kitchens etc.) and private open space.</p> <p>2. Development must respond to the constraints of the site (eg. slope, orientation, configuration) and be appropriately located to ensure residential development does not significantly overshadow the living areas (decks, living rooms, bedrooms, kitchen, bedroom etc.) and private open spaces of adjoining properties.</p> <p>3. Development must ensure that living areas (decks, living rooms, bedrooms, kitchens, etc.), private open spaces and existing solar power installations of development on the site and adjoining properties will have solar access between the hours of 9.00am to 3.00pm on any day.</p>	<p>1. Except where there is no possibility of overshadowing, proposed development comprising two storeys or greater must be accompanied by shadow diagrams over the subject and adjoining sites for the summer solstice (21st December) and winter solstice (21 June) at the times of 9am, 12pm and 3pm. Shadow cast by fences, roof overhangs and changes in level are to be considered and should be indicated on shadow diagrams submitted. Plans must clearly differentiate the existing situation with the proposed situation to fully demonstrate the extent of the proposed overshadowing.</p> <p>2. Shadow diagrams must demonstrate that proposed dwellings are to achieve a minimum of:</p> <p>a) two hours sunlight between 9am and 3pm on June 21 for private open spaces; and</p> <p>b) three hours of sunlight between 9am and 3pm on June 21 over a portion of their north-facing living areas (decks, living rooms, bedrooms, kitchens etc.).</p>	<p>COMPLIES</p> <p>Refer Architectural Plans under Attachment 1. Shadow diagrams are included. The proposal affords solar access in accord with this control.</p>

		<p>3. Shadow diagrams must demonstrate that neighbouring dwellings are to achieve a minimum of:</p> <ul style="list-style-type: none"> a) two hours of sunlight to at least 50% of private open spaces between 9am and 3pm on June 21; b) and three hours of sunlight between 9am and 3pm on June 21 over a portion of north facing living areas (decks, living rooms, bedrooms, kitchens etc.). c) where overshadowing by existing buildings is greater than the abovementioned, sunlight is not to be further restricted. <p>4. New dwelling design should minimise overshadowing on existing adjacent solar panels where other reasonable design alternatives are possible.</p>	
D1.2.5 Screening the Underfloor Space of Buildings			
<ol style="list-style-type: none"> 1. To improve the external appearance of elevated buildings. 2. To provide for compatibility in appearance and character between buildings in the locality 	<ol style="list-style-type: none"> 1. The underfloor space of elevated buildings must be provided with infill panelling, advanced landscaping or other forms of visual screening to improve the external appearance of the building and to ensure compatibility with other development in the locality. 2. In flood liable land the screening of the underfloor space of elevated buildings may not be appropriate. 	There are no Prescriptive Measures.	<p>N/A.</p> <p>The site is flood prone land. Screening of the undercroft is not appropriate.</p>

	<p>Screening below the flood planning level must have openings to allow for entry and exit of flood water and must be structurally adequate and not reduce the structural capacity of the building during a 1 in 100 year flood event.</p> <p>3. Where buildings are proposed on bush fire prone land, underfloor screening may be required to comply with specific requirements prescribed by the Building Code of Australia and Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.</p>		
D1.2.6 Character and Visual Impact			
<p>1. To retain and enhance the unique character of Byron Shire and its distinctive landscapes, ecology, towns, villages, rural and natural areas.</p> <p>2. To ensure that new development respects and complements those aspects of an area's natural and built environment that are important to its existing character.</p>	<p>1. Development should demonstrate how siting, design and character are consistent with the relevant Residential Character Narrative, as contained in the corresponding locality chapter in Part E of this DCP.</p> <p>2. Site, building and landscaping design must address the climate.</p> <p>3. The street face of a building, together with any open space between it and the street, must contribute to the general attractiveness of the streetscape by means of good design, appropriate materials, and effective landscaping.</p>	There are no Prescriptive Measures.	<p>COMMENT</p> <p>The site is located within Pocket C, Precinct 6 and identified within a Transitional area in Figure E3.1.</p> <p>The proposed single storey detached town houses is completely consistent with the Character Category identified for the site.</p> <p>Importantly when considering the existing context and setting of the locality, it is important to note the site and surrounding area is located in a 'transition area' as identified in Chapter E3 of the Byron Development Control Plan 2014.</p> <p>The description of 'transitional area' in</p>

	<ol style="list-style-type: none"> 4. Development should be designed to minimise loss of privacy; 5. There must be a reasonable degree of integration with the existing built and natural environment, balanced with the desirability of providing for variety in streetscapes; 6. Long, straight wall areas will be discouraged and must be broken up visually by a combination of building materials and/or changes in the wall plane; 7. The provision of verandahs, balconies, pergolas and other protective outdoor elements will be encouraged for visual, climatic and energy efficiency reasons; 8. Well-designed overhanging eaves should be provided where feasible to protect against heavy rainfall and summer sun, while allowing winter sun penetration; 9. All building materials must be compatible in character with their surrounding environment. Any metal roof must have a colorbond or equivalent finish and no roof may be highly reflective. White or light-coloured roofing may be approved where it is demonstrated that it is not likely to be visually intrusive. Details of building materials and surface colours must be submitted 		<p>this Chapter of the Byron Development Control Plan 2014 is as follows:</p> <p><i>earmarking an area for change incorporating pockets of low rise medium density homes that match the amenity of traditional free standing homes, while introducing contemporary dwelling forms for old and young singles and families – retaining attributes that are valued by the community. How the area will look and feel in the future is likely to evolve, and in some cases notably</i></p> <p>As identified, how the locality will look and feel in the future is likely to evolve, and in some cases notably. The site and the surrounding areas are intended to accommodate development that may alter the existing character of the locality.</p> <p>The proposal provides an alternative low rise-built form that provides the similar amenity to traditional detached dwelling houses, and which will provide contemporary dwellings for down sizers, young singles and families.</p>
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	for assessment with a development application.										
D1.2.7 Fences											
<div>1. To enable residents to erect fences to provide for a sense of privacy, noise reduction and security.</div> <div>2. To ensure that fences do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents.</div> <div>3. To ensure that fences do not unduly reduce opportunities for casual social interaction in the community.</div> <div>4. To ensure that fences do not become a dominant built element in the streetscape.</div> <div>5. To exclude unwanted light from vehicles in particular circumstances.</div> <div>6. To ensure that the design and placement</div>	<div>1. Fences must not:<div><div>a) impair driver or pedestrian visibility at road intersections;</div><div>b) prevent residents of a dwelling from casually observing the adjacent street;</div><div>c) detract from the streetscape in terms of fencing design, materials, scale or colours;</div><div>d) prevent emergency access by safety and emergency vehicles and personnel.</div></div></div> <div>2. Gates or openings in fences must facilitate safe entry and exit conditions for vehicles to and from public roads. Fences must not create or contribute to unsafe sight distance restrictions for vehicles entering or exiting neighbouring properties.</div> <div>3. Fencing of corner allotments must allow for reasonable enclosure of rear yard areas for privacy and security, while minimising the impact of the fence on the street scene, safe sight distance and traffic and pedestrian safety.</div>	<div>Height of Fences</div> <div>a) The height of fences should not exceed:</div> <div>Table D1.1 – Height of Fences</div> <table><tr><th>Fence Location</th><th>Height</th></tr><tr><td>Front Fence</td><td>1.2 metres</td></tr><tr><td>Side Fence</td><td>1.2 metres within the building line setback and 1.8 metres for the remainder</td></tr><tr><td>Rear fence</td><td>1.8 metres. Where the rear fence is the primary frontage front fence height provision may apply</td></tr></table> <div>b) Front fences and side fences within the building line setback higher than 1.2 metres but not higher than 1.8 metres may be permitted for properties:<div><div>i) adjoining land used for business or commercial purposes, in cases where screening from the adjoining business activity is necessary to protect residential amenity;</div></div></div>	Fence Location	Height	Front Fence	1.2 metres	Side Fence	1.2 metres within the building line setback and 1.8 metres for the remainder	Rear fence	1.8 metres. Where the rear fence is the primary frontage front fence height provision may apply	<div>COMPLIES</div> <div>All fencing is 1.8m in height. Refer Architectural plans under Attachment 1</div> <div>N/A</div> <div>The site is a battleaxe lot.</div>
Fence Location	Height										
Front Fence	1.2 metres										
Side Fence	1.2 metres within the building line setback and 1.8 metres for the remainder										
Rear fence	1.8 metres. Where the rear fence is the primary frontage front fence height provision may apply										

<p>of fences do not adversely impact traffic or pedestrian safety.</p> <p>7. To ensure provision for access by safety and emergency vehicles and personnel.</p>		<p>ii) where it is demonstrated that traffic noise and light impacts from car headlights on a public road will create adverse impacts on residential amenity in the absence of the higher fence;</p> <p>iii) necessary for safety, noise mitigation purposes or to enclose the primary open space area.</p>	
		<p>c) Any front fence higher than 1.2 metres must be:</p> <p>i) located not less than 50cm inside the front boundary with the area in front of the fence to be landscaped; or</p> <p>ii) articulated with recessed sections of a minimum 0.9 x 0.9 metres at a maximum interval of 5 metres to allow planting of vegetation to reduce the impact of the fence</p>	<p>N/A</p> <p>The site is a battleaxe lot. No front fencing is proposed.</p>
		<p>2. Corner Allotments Fencing of the secondary frontage will be allowed up to 1.8m high on the boundary, up to either of the following alignment setbacks from the primary street: a) the established building line setback to the street; or b) if the existing dwelling is forward of the established building line setback, in line with the existing dwelling. Fencing forward of this alignment must comply with the front fence requirements.</p>	<p>N/A - The site is not a corner allotment.</p>
		<p>3. Sight Lines at Intersections Where a visually solid fence is proposed at the intersection of two public roads, satisfactory sight distance must be provided for traffic using the road. A minimum corner splay of 4m x 4m must</p>	<p>N/A</p> <p>No visually solid fence is proposed adjacent an intersection.</p>

		be provided in the fence. Landscaping or planting in the splay area must not impede driver visibility and must contain low shrubs and ground covers and/or clear trunked canopy shade trees to maintain sight lines.	
D1.2.8 Balconies			
1. To ensure that the visual character of balconies is consistent with and does not dominate the design of residential buildings.	Balconies must not dominate the visual character of buildings or development. The design of balconies must be consistent in character with the building and development in terms of materials, colours, dimensions, bulk, scale and proportion.	There are no Prescriptive Measures.	COMPLIES The proposal includes balconies that are proportionate to the size of the building and its design. See Attachment 1 – Architectural Plans .
D1.2.9 Pedestrian and Cycle Access			
1. To reduce car dependence through the promotion of alternative forms of transport. 2. To assist in the delivery of Council's adopted bike plan where possible. 3. To provide an expansion of the existing pedestrian/ cycleways to improve connectivity throughout the Shire.	1. Development applications for residential accommodation of more than 3 dwellings must demonstrate that the pedestrian/cycleway network detailed in Council's adopted Byron Shire Bike Strategy and Action Plan will be incorporated into new development. 2. Refer to Chapter B5 Providing for Cycling and Chapter B13 Access and Mobility.	Refer to Chapter B5 Providing for Cycling and Chapter B13 Access and Mobility.	COMPLIES Refer separate assessment of Chapter B5 and B13.
D1.2.10 Garage to Habitable Space Conversions			
1. To ensure that adequate parking is provided when garages are converted to habitable space.	1. Development applications seeking to convert a garage to a habitable space must provide an alternate parking solution in accordance with Chapter B4 and Chapter D1.2.2.	There are no prescriptive measures.	N/A – The proposal does not seek to convert a garage to a habitable space.

	2. Applicants at the head of a cul-de-sac should seek to retain garages and carparking and look for alternate solutions when siting a secondary dwelling or developing habitable space.		
D1.2.11 Energy Efficiency			
1. To reduce greenhouse gas emissions created from residential development 2. To increase thermal comfort and efficiency for residential development	1. Buildings for habitable purposes should seek to incorporate measures to reduce energy consumption, reduce reticulated water consumptions and improve thermal comfort. 2. Where possible, development should seek to fit or retrofit energy efficient fixtures and fittings to reduce greenhouse gas emissions.	1. Long term residential accommodation exempt from BASIX must incorporate measures to reduce energy consumption, reduce reticulated water consumption and improve thermal comfort. Details are to be provided on development application plans. Measures are to include but are not limited to: a) Minimum R2.5 ceiling insulation when access is available. b) Hot water system must not be an electric storage tank that is connected to mains power. c) Minimum 3 stars taps and fixtures to be installed in all kitchen, laundry And bathrooms. d) Minimum 4 star air conditioning (if proposed) e) Minimum 5000 litre rainwater tank collecting at least 30% of the development's roof water. 1 garden tap connected to rainwater tank.	N/A – The proposed development is BASIX affected development. A BASIX certificate has been provided. See BASIX Certificate under Attachment 20 .
D1.2.12 Internal access between storeys in residential development			
1. To ensure connectivity between the floors of Dwelling houses.	1. Dwellings with more than one habitable storey must demonstrate how the residents can easily access both levels of the dwelling in all weather conditions.	1. Each habitable floor of a multi-storey dwelling house must be connected by an internal staircase (garage and laundry excluded).	N/A The dwellings are single storey.
D1.3 DWELLING HOUSES			

D1.3.1 On-site Car Parking			
1. To provide adequate and visually compatible accommodation for vehicles	<p>1. Car parking must be provided on the site in a manner which is convenient in terms of access for residents of the dwelling; safe and accessible in terms of visibility, turning and manoeuvring capabilities; and visually compatible with the site and its locality.</p> <p>2. Car parking structures, including garages and carports, which are visible from the street must be compatible with the dwelling in terms of design and materials, and may form part of the dwelling structure.</p>	<p>1. Refer to Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for detailed provisions regarding car parking and vehicle access.</p> <p>2. Council may consent to the location of a carport such that it does not comply with the building height plane in relation to a boundary, having regard to the matters contained in Section D1.2.1 and to the adequacy and safety of vehicular access.</p>	N/A – the proposal is for multi dwelling housing.
D1.3.2 Landscaping			
<p>1. To enhance the visual quality of residential areas and to improve the residential amenity of the Shire.</p> <p>2. To limit stormwater runoff from residential areas.</p>	To enhance the visual quality and improve the residential amenity of the Shire, Council encourages the landscaping of dwelling house allotments in accordance with the principles contained in Chapter B9 Landscaping.	<p>1. In cases where a dwelling is to be erected closer than 4.5 metres to the front boundary, Council will require, as a condition of approval, adequate landscaping to be provided to the street frontage of the lot prior to occupation of the dwelling. Landscaping must be consistent with the principles contained in Chapter B9 Landscaping.</p> <p>2. At least 25% of the site must consist of deep soil areas. The deep soil area must not include any areas used for the management of on-site sewage effluent.</p>	N/A – the proposal is for multi dwelling housing.
D1.3.3 Private Open Space			

1. To ensure that adequate accessible and useable open space is provided to meet the recreational, gardening and landscape needs of residents.	<p>1. Private open space areas must be of dimensions to suit the projected requirements of the occupants and guests and to accommodate outdoor recreation needs, as well as providing space for service functions such as clothes drying and domestic storage.</p> <p>2. Part of the private open space must be capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and be directly accessible from the dwelling. Provision must be made for space for private gardening such as vegetable gardens.</p> <p>3. Location of private open space must take account of outlook, natural features of the site and neighbouring buildings or open space. Orientation of private open space must provide for maximum year round use in terms of sunlight.</p> <p>4. Private recreational facilities must not adversely affect the amenity of adjacent properties.</p>	1. Dwelling houses must have an area of private open space at ground level not located in the front setback, having a minimum area of 30m ² and a minimum length and width each of 4m, excluding any area used for vehicle circulation or parking.	N/A – the proposal is for multi dwelling housing.
D1.3.4 Expanded House			
1. To facilitate the provision of a dwelling house comprising a number of separate building components.	There are no Performance Criteria.	<p>The design and use of an expanded house must conform to the following criteria:</p> <p>1. No expanded house habitable outbuilding is to be located more than 20m from the wall of the main building,</p>	N/A – the proposal is for multi dwelling housing.

		<p>measured from wall to wall at the closest point;</p> <ol style="list-style-type: none"> 2. The main building must contain an identifiable living area including the kitchen; 3. A maximum of three outbuildings may be connected to the main building by paths with an all-weather surface; 4. No separate driveway, car parking area, garage or carport structure is to be provided to service any outbuilding; 5. One outbuilding must be limited to a maximum floor area of 45m² excluding decks, verandahs, patios, balconies and the like; and the others must be limited to a maximum 30m² floor area excluding decks, verandahs, patios, balconies and the like; 6. None of the outbuildings are to contain facilities (e.g. kitchen, sink or the like) that would enable the preparation of food; 7. Each separate outbuilding may incorporate a maximum of two bedrooms (including rooms with an ensuite or bathroom); 8. A maximum of only one laundry is permitted per dwelling. 	
D1.4 SECONDARY DWELLINGS			

D1.4.1 Private Open Space			
1. To ensure that residents of secondary dwellings have access to useable private open space.	<ol style="list-style-type: none"> 1. An open space courtyard (which may include decking) must be provided for a secondary dwelling, with dimensions to suit the projected requirements of the residents and to accommodate outdoor recreation needs. 2. The courtyard must be capable of enabling an extension of the living area of the secondary dwelling. 3. Location of courtyards must take account of outlook and natural features of the site without impacting on neighbouring buildings or open space. 4. Orientation and shading of courtyards must provide for maximum year round use in terms of sunlight. 	<ol style="list-style-type: none"> 1. Secondary dwellings must have access to an individual courtyard at ground level having a minimum area of 15m² and a minimum length and width each of 2.5 metres, not including any area used exclusively for the circulation or parking of vehicles. The courtyard should be designed to facilitate access to winter sunshine. 2. The private open space area must not include any areas required for the management of on-site sewage effluent. 3. Decks and verandahs for secondary dwellings not to exceed 20m² in area. 	N/A – the proposal is for multi dwelling housing.
D1.4.2 Access and Car Parking			
To ensure that the provision of access to secondary dwellings does not adversely impact pedestrian, cycle and vehicle safety in urban streets, and is compatible with urban streetscape and character.	<ol style="list-style-type: none"> 1. Where feasible and where pedestrian and traffic safety will be improved, vehicular access to a secondary dwelling should be shared with the driveway access serving the principal dwelling. Driveways must be located and designed to minimise danger to pedestrians and cyclists using the street as a result of vehicles entering or leaving the driveway. 2. Consistent with the provisions of State Environmental Planning 	There are no Prescriptive Measures.	N/A – the proposal is for multi dwelling housing.

	<p>Policy (Affordable Rental Housing) 2009, no additional parking is required for a secondary dwelling, over and above the requirements for the principal dwelling.</p> <p>3. Secondary dwellings should not be sited so as to remove car parking servicing the principal dwelling.</p>		
D1.4.3 Siting, Design and Character			
<p>1. To ensure that siting and design of secondary dwellings do not detract from the streetscape and the residential character of urban streets.</p>	<p>The siting and design of development comprising a principal dwelling and a secondary dwelling must:</p> <ul style="list-style-type: none"> a) ensure compatibility in character between the dwellings on the site, the site itself and the surrounding urban environment; b) ensure visual and acoustic privacy between dwellings on the site, and between the site and the adjoining neighbourhood; c) ensure that the development is suited to the site in terms of topography, slope, water flows and drainage; d) ensure that the development on the site will be visually compatible with the surrounding neighbourhood. e) ensure that the siting of the development does not externalize impacts of noise, overshadowing, or 	<ul style="list-style-type: none"> 1. Secondary dwellings are not permitted on strata-title lots. 2. Secondary dwellings are to comply with the Building Height Plane requirements under Chapter D1.2.1 of Byron DCP 2014. 	<p>N/A – the proposal is for multi dwelling housing.</p>

	<p>compromises to privacy onto neighbouring properties.</p> <p>f) demonstrate how siting, design and character are consistent with the relevant Residential Character Narrative, as contained in the corresponding locality chapter in Part E of this DCP.</p>		
D1.5 DUAL OCCUPANCY AND SEMI-DETACHED DWELLINGS			
D1.5.1. On-Site Car Parking			
<p>1. To provide adequate and visually compatible on-site accommodation of vehicles for residents and visitors.</p>	<p>1. On corner lots there may be an advantage in providing access to each dwelling from a different street frontage, paying particular attention to the need to make the best use of the site, to promote traffic safety and to orient buildings and landscaped areas to maximise climatic advantages.</p> <p>2. In other cases, where feasible and where pedestrian and traffic safety will be improved, vehicular access to dwellings should comprise a shared driveway.</p> <p>3. Driveways must be located and designed to minimise danger to pedestrians and cyclists using the street as a result of vehicles reversing into or out of the driveway.</p>	<p>1. Generally 2 car parking spaces will be required for a dwelling and 2 for each dual occupancy.</p> <p>2. Refer to Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for detailed provisions regarding car parking and vehicle access.</p> <p>3. Applications where a dual occupancy or semi-detached dwelling proposes vehicle access to a rear lane, are to comply with the provisions under Chapter D6 Subdivision (Section D6.4.3).</p>	<p>N/A – the proposal is for multi dwelling housing.</p>
D1.5.2 Character			
<p>1. To ensure that dual occupancy and semi-detached dwelling</p>	<p>1. In assessing any proposal for dual occupancy or semi-detached dwelling development, particular</p>	<p>There are no prescriptive measures.</p>	<p>N/A – the proposal is for multi dwelling housing.</p>

development is compatible in character with development in the locality, provides adequate private open space and addresses slope and drainage issues.	<p>consideration will be given to the topography and slope of the site, the use of design to minimise loss of privacy, the visual impact of the proposal and the likely impact on water flows and drainage.</p> <ol style="list-style-type: none"> 2. To encourage better visual quality and greater public acceptance, any dual occupancy (attached) or semi-detached dwelling development must be designed as far as possible to look like a dwelling house. Mirror-image dwellings must be avoided. 3. Private open space must be specifically designed to be easily accessible to each dwelling. 4. Dual occupancy and semi-detached dwellings should demonstrate how siting, design and character are consistent with the relevant Residential Character Narrative, as contained in the corresponding locality chapter in Part E of this DCP. 		
D1.5.3 Adjoining and Adjacent Development			
1. To ensure that new development is consistent with the character and amenity of existing development in the locality.	1. Development must be compatible with the bulk, scale, height and character of adjoining and adjacent development. The site characteristics, including slope and aspect, must be taken into consideration in assessing the appropriate height and number of storeys.	<p>Council will only consider dual occupancy and semi-detached dwelling development in urban areas where, in its opinion, it has been demonstrated that the following objectives have been met;</p> <ol style="list-style-type: none"> 1. Adequate provision for reasonable protection of existing views from neighbouring houses; 	N/A – the proposal is for multi dwelling housing.

	<ol style="list-style-type: none"> 2. Adequate provision must be made for solar access and privacy of the proposed dwelling(s) and any adjacent dwelling. 	<ol style="list-style-type: none"> 2. Adequate provision for privacy of the proposed dwelling(s) and any adjacent dwelling(s); 3. Adequate provision for access to natural light and solar access for the proposed dwelling(s) and any adjacent dwelling(s); 4. Maintenance of the character and neighbourhood amenity of the adjoining residential area. 	
D1.5.4 Private Open Space			
<ol style="list-style-type: none"> 1. To ensure that adequate accessible and usable open space is provided to meet the recreational, gardening and landscape needs of residents. 	<ol style="list-style-type: none"> 1. Private open space areas must be of dimensions to suit the projected requirements of the occupants and guests and to accommodate outdoor recreation needs, as well as providing space for service functions such as clothes drying and domestic storage. 2. Part of the private open space must be capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and be directly accessible from the dwelling. Provision must be made for space for private gardening such as vegetable gardens. 3. Location of private open space must take account of outlook, natural features of the site and neighbouring buildings or open space. Orientation of private open space must provide for maximum year round use in terms of sunlight. 	<ol style="list-style-type: none"> 1. Each dwelling must have an area of private open space at ground level not located in the front setback, having a minimum area of 30m² and a minimum length and width each of 4m, excluding any area used for vehicle circulation or parking. 2. The private open space area must not include any areas used for the management of on-site sewage effluent. 	N/A – the proposal is for multi dwelling housing.

	4. Private recreational facilities must not adversely affect the amenity of adjacent properties.		
D1.5.5 Landscaping			
To provide attractive landscapes that reinforce the function of the street and enhance the amenity of dwellings and the built environment.	Refer to Chapter B9 Landscaping.	Refer to Chapter B9 Landscaping.	N/A – the proposal is for multi dwelling housing.
D1.5.6 Sound Proofing			
To ensure an acceptable acoustic environment for residents.	<ol style="list-style-type: none"> 1. Division walls between separate occupancy areas of dual occupancy (attached) and semi-detached dwelling development must be of sound resisting construction to ensure acoustic privacy and amenity between rooms. 2. Development must be designed to minimise noise and vibration impacts upon occupants of surrounding dwellings. Where practicable, sources of noise must be sited away from adjoining properties, and where necessary must be screened by acoustic treatments. 	There are no Prescriptive Measures	N/A – the proposal is for multi dwelling housing.
D1.6 MULTI DWELLING HOUSING, RESIDENTIAL FLAT BUILDINGS AND ATTACHED DWELLINGS			
D1.6.1 Private Open Space CourtyardsA			
1. To ensure that residents have access to private, useable, landscaped open space.	1. Open space courtyards must be provided for each dwelling, with dimensions to suit the projected requirements of the residents and to accommodate outdoor recreation needs.	1. Each dwelling must have access to an individual courtyard at ground level having a minimum area of 30m ² and a minimum length and width each of 4 metres, not including any area used exclusively for the circulation or	COMPLIES All dwellings are provided with minimum 30m ² courtyard. Refer Architectural Plans under Attachment 1 .

	<ol style="list-style-type: none"> 2. Courtyards must be capable of enabling an extension of the living area of the dwelling. 3. Location of courtyards must take account of outlook and natural features of the site without impacting on neighbouring buildings or open space. 4. Orientation and shading of courtyards must provide for maximum year round use in terms of sunlight. 	<p>parking of vehicles. The courtyard must be designed to facilitate access to winter sunshine and must be landscaped to Council's satisfaction.</p> <ol style="list-style-type: none"> 2. The private open space area must not include any areas used for the management of on-site sewage effluent. 	<p>COMPLIES – The site will be connected to sewer.</p>
D1.6.2 Open Space Balcony			
<p>To ensure that residents of above-ground dwellings have immediate access to outdoor private open space.</p>	<p>Where dwellings are situated or have access entirely above the ground level of the development, Council may consent to the provision of private open space by means of a balcony which is of sufficient size and which is located so as to provide a usable private outdoor area to Council's satisfaction.</p>	<ol style="list-style-type: none"> 1. This provision is only activated when it is not possible to allocate private open space at ground level. 2. A private open space balcony must have a minimum area of 15m² and a minimum length and width of 2.4 metres. A private open space balcony must be demonstrated to have appropriate orientation and adequate provision for winter sun and summer shade. 3. Balconies and/or eaves may overhang minimum length or width dimensions of private courtyards or other private open space balconies, subject to compliance with the building height plane, and provided that adequate access to winter sun and summer shade is demonstrated for all potentially shaded balconies and/or courtyards. 	<p>COMPLIES</p> <p>For all dwelling that have the alfresco above ground level, the alfresco is minimum 15m² in size with dimension greater than 2.4m in length and width.</p> <p>All alfresco areas are orientated to north.</p>

D1.6.3 Landscaping			
To provide attractive landscapes that reinforce the function of the street, enhance the amenity of dwellings and the built environment, and allow preservation of significant vegetation.	Refer to Chapter B9 Landscaping.	Refer to Chapter B9 Landscaping.	COMPLIES Refer Landscape Plan included under Attachment 14 .
D1.6.4 On-Site Car Parking			
<ol style="list-style-type: none"> 1. To provide sufficient convenient car parking for residents and visitors. 2. To maintain the amenity of adjoining properties and the efficiency of the road network by providing for car parking on-site. 3. To ensure that vehicle access to and from development is safe, effective and enhances visual amenity. 	<ol style="list-style-type: none"> 1. Driveway design must provide safe and efficient ingress/egress to and from the site. 2. Resident and visitor car parking must be provided according to projected needs. 3. The design of driveways and parking areas must minimise the visual impact of hard paved areas and long straights, eg by incorporating curves and landscaping. 	<ol style="list-style-type: none"> 1. Refer to Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for detailed provisions regarding vehicle access, numbers, dimensions and layout of car parking spaces. 2. Large areas of car parking must be broken up by variation in layout, pavement treatment, landscaping, mounding and/or other means to Council's satisfaction. 	COMPLIES Refer separate assessment of Chapter B4. N/A The development does not utilise large areas of carparking. Car parking is distributed throughout the development.
D1.6.5 Sound Proofing			
<ol style="list-style-type: none"> 1. To ensure an adequate acoustic environment for residents. 	<ol style="list-style-type: none"> 1. Development must be designed to provide a reasonable acoustic environment within dwellings and to minimise the potential for noise impact on the occupants of surrounding dwellings. 	<ol style="list-style-type: none"> 1. Division walls between dwellings must be of sound-resisting construction to Council's satisfaction. 2. The floors in single storey multi-dwelling housing, residential flat 	N/A All dwellings are detached. N/A All dwellings are single storey.

	<p>2. Where practicable, sources of noise must be sited away from adjoining properties and where necessary must be screened by effective acoustic treatments.</p> <p>3. Development must be designed to minimise noise and vibration impacts on occupants of surrounding dwellings or buildings.</p>	buildings and attached dwellings must be so constructed or treated as to minimise the conduct of sound between dwellings.	
D1.6.6 Clothes Drying Facilities			
1. To ensure that adequate, effective space is provided and provision is made for clothes drying.	Outdoor clothes drying facilities must be provided to meet projected needs and located to facilitate privacy and sunlight access.	The minimum provision of clothes drying facilities must be at the rate of 7.5 metres of line per dwelling, located in suitably screened external drying areas.	<p>COMPLIES</p> <p>The location of screened clothes drying areas for each dwelling is identified in Attachment 1. A minimum of 7.5m of line is provided per dwelling.</p>
D1.6.7 Equity of Access and Mobility			
1. To ensure equity of access and mobility to all members of the community.	There are no Performance Criteria.	Provision for access and mobility must be made pursuant to Chapter B13 Access and Mobility.	<p>COMPLIES</p> <p>Refer separate assessment of Chapter B13.</p>
D1.6.8 Pipes and Vents			
1. To optimise the aesthetic appeal of development and to minimise visual impacts of external pipes and vents.	1. External pipes and vents must be concealed.	<p>1. All service pipes and vents must be concealed within the walls of residential flat buildings, multi-dwelling housing and attached dwellings. Provision of recessed service pipes in external walls may be acceptable where it is demonstrated that the proposal is consistent with the Objectives</p> <p>2. Access to pipes and vents must be provided as required by relevant authorities.</p>	<p>COMPLIES</p> <p>Refer Architectural Plans under Attachment 1.</p>
D1.6.9 TV Antennae			

1. To minimise adverse visual impacts of TV antennae and dishes, and to ensure the availability of television reception for all dwellings.	Common television antennae and/or dishes must be provided to meet the expected needs of residents.	Each development must be provided with a common television reception system designed to minimise adverse visual impacts whilst enabling high quality reception for each dwelling.	WILL COMPLY If required a communal tv antenna can be conditioned.
D1.6.10 Character			
1. To ensure that medium density housing development, including multi-dwelling housing (including Manor Houses and Terraces), residential flat buildings and attached dwellings are compatible in character with development in the locality, provides adequate private open space and addresses slope and drainage issues.	<p>1. In assessing any proposal for medium density housing development, particular consideration will be given to the topography and slope of the site, the use of design to minimise loss of privacy, the visual impact of the proposal and the likely impact on water flows and drainage.</p> <p>2. Medium density housing development should demonstrate how they are consistent with the relevant Residential Character Narrative, as contained in the corresponding locality chapter in Part E of this DCP.</p>	To facilitate good design a Design Verification Statement will be required. In demonstrating how the built form of the development contributes to the character of the local area, the statement should articulate how it is consistent with the relevant locality narrative as contained in the applicable locality chapter in Part E of this DCP.	N/A Refer separate assessment of Part E off the DCP
D1.6.11 Density			
1. To ensure that medium density housing development, including multi-dwelling housing (including Manor Houses and Terraces) and attached dwellings are compatible in bulk and scale with development in the locality and is	1. To provide a range of housing options that are compatible with locality that is suitable within the Low Density Residential Zone.	1. Multi-dwelling housing and attached dwellings within the R2 Low Density Residential Zone are to have a maximum of 3 dwellings per 1000m ² of lot size. Any additional dwellings require a site area of 333m ² per dwelling. Prescriptive measure one for this part does not apply if the proposal includes the provision of affordable housing.	COMPLIES The site is zoned R2 Low Density Residential. The site is 8740m ² in size. To comply with the control the first three dwellings require 1000m ² of area. All subsequent dwellings require 333m ² of area. This equates to a maximum number of dwellings on the site of 26.243. The proposal includes 25 dwellings, providing a density less than the maximum permitted.

<p>consistent with objectives of the zone.</p> <p>2. To enable a variety of housing types within the Shire.</p>			
D1.7 AFFORDABLE HOUSING			
D1.7.1 Affordable Housing in R2, R3, B2 and B4 Zones			
<p>1. To provide guidance regarding the implementation clause 6.7 Affordable housing in residential and business zones of Byron LEP 2014.</p> <p>2. To ensure the provision of a diverse range of dwelling types and sizes that meet the needs of a wide range of family and household types and provides greater availability of affordable housing.</p>	<p>1. Council shall consider the matters listed in clause 6.7 Affordable housing in residential and business zones of LEP 2014 when considering development applications in Zones R2, R3, B2 or B4 for:</p> <ul style="list-style-type: none"> a) subdivision of 25 or more lots where a diversity of lot sizes can be provided; b) residential accommodation of 25 or more dwellings where a diversity of dwelling types can be provided; c) redevelopment of existing housing where a reduced number of dwellings and/or a reduced diversity of dwelling types are proposed. <p>2. Council may consider applying a condition to the development consent for affordable housing requiring that the development not be used for the purposes of tourist and visitor accommodation including holiday letting.</p> <p>3. Council may consider varying density controls for subdivision to allow additional lots to be created for</p>	<p>There are no Prescriptive Measures.</p>	<p>COMPLIES</p> <p>The matter identified within the BLEP 2014 are considered in Section 5.1 of the Statement of Environmental Effects.</p>

	<p>dedication to a public housing provider.</p> <p>4. The meaning of 'very low income household', 'low income household' and 'moderate income household' is the same as provided in clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>		
D1.8 BOARDING HOUSES			
Division 3 (Boarding Houses) of State Environmental Planning Policy (Affordable Rental Housing) 2009 governs the provision of boarding houses in various Residential and Business Zones. Those provisions and standards will be applied to all boarding house development to which this Section applies.			N/A – The proposal is for multi dwelling housing
D1.9 HOSTELS			
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 governs the provision of hostels. Those provisions and standards will be applied to all hostel development to which this Section applies.			N/A – The proposal is for multi dwelling housing
D1.10 SHOP TOP HOUSING			
N/A – The proposal is for multi dwelling housing			
D1.11 ANCILLARY DWELLINGS IN BUSINESS PARK AND INDUSTRIAL ZONES			
N/A – The proposal is for multi dwelling housing			
D1.12 STUDIOS			
N/A – No Studios are proposed			

PART C: FURTHER CONTROLS APPLYING TO SPECIFIC LAND USES		
CHAPTER D6: Subdivision		
Objectives	Controls	Comment
D6.2 Development Controls		
D6.2.1 Subdivision Design Guidelines		
<p>O1. <i>To specify development controls, design guidelines and criteria that apply generally to subdivisions.</i></p> <p>O2. <i>To ensure that subdivision proposals deliver contemporary construction and services standards and result in development that is consistent with the particular needs, character and environment of Byron Shire.</i></p>	<p>1. Site Design</p> <p>a) The following natural environment factors must be addressed in the overall site design of any proposed subdivision:</p> <ul style="list-style-type: none"> i) Climate control (wind and sun) ii) Landform iii) Aspect and views iv) Geology and soils v) Drainage and groundwater vi) Vegetation. 	<p>COMPLIES</p> <p>The proposal includes strata subdivision. The proposed site design consistent in scale and form of development in the local area.</p>
	<p>b) Site design must integrate these factors with consideration of the existing and proposed human-made environment with which the subdivision interacts. This will include consideration of the effects of, and the impacts on the following human made factors:</p> <ul style="list-style-type: none"> i) Accessibility to urban centres ii) Accessibility to community and recreational facilities iii) Road and transport networks iv) Site access v) Physical and human services vi) Built environment in the vicinity vii) Existing buildings and improvements on the site. 	<p>COMPLIES</p> <p>The proposal includes strata subdivision. The proposal is accessible to physical and human services and is consistent in scale and form within the vicinity of the built environment and surroundings.</p>

	<p>c) Development applications for subdivision (except for applications for boundary adjustment subdivision in accordance with Byron LEP 2014 or strata subdivision of a lawfully erected building) must include a Site and Context Analysis Plan complying with the requirements of Section A13.1 – Context and Site Analysis. The Context and Site Analysis Plan must also demonstrate how the abovementioned natural and man-made environmental factors have been considered and addressed.</p>	<p>N/A The proposal includes strata subdivision only.</p>
C2. Climate Control and Aspect		
	<p><u>2. Climate Control and Aspect</u> Design of the proposed subdivision must aim to gain the most advantage of cooling breezes in summer and reduce the impact of adverse winds in winter by effective site layout and use of landscaping. Significant topographical features such as valleys and ridges can serve to channel or block prevailing winds. Similarly, the selection of vegetation types and location of vegetation buffers and shelterbelts can be used to advantage in climate control on the site. The design of site layout and landscaping should be structured to avoid funnelling unfavourable winds and encourage cooling summer breezes. Aspect is an important factor in designing the subdivision layout in regard to optimising solar access. The following principles are a basic guide. Solar access is maximised where:</p> <p>a) Buildings can be sited so that the main living areas are oriented north. b) Overshadowing of, or by other buildings is minimised.</p>	<p>N/A The proposal includes strata subdivision only.</p>

	<p>Shadows are small on a north-facing slope so dwelling sites can be closer together. On a south-facing slope, shadow length is increased so dwelling sites should be further apart. On east or west-facing slopes, dwellings need to be stepped back to maintain solar access.</p> <p>These guidelines must be considered together with the particular topography and vegetation of the site to achieve a layout that optimises solar access and site characteristics. A regular grid of N-S and E-W streets is unlikely to result in an attractive living environment or offer the flexibility for different housing needs.</p>	
	<p>3. Hazards</p> <p>Hazard constraints potentially affecting land must be identified and addressed in preparing an application for subdivision. The following list identifies some hazards that may affect the potential for subdivision or influence subdivision design:</p> <ul style="list-style-type: none"> a) Flooding. b) Bushfire. c) Landslip and subsidence. d) Land contamination and the need to address the requirements under State Environmental Planning Policy No.55 – Remediation of Land. e) Acid sulfate soils. f) Coastal Hazards. <p>Development applications must identify and address all potential hazards of the site in accordance with the requirements of Byron LEP 2014, this DCP and other relevant Council</p>	<p>COMPLIES</p> <p>The proposal's identified hazard constraints include:</p> <ul style="list-style-type: none"> - Flooding - Bushfire - Possible Land Contamination <p>A Flood Assessment, Bushfire Assessment and Preliminary Site Investigation have been carried out findings and recommendations are provided within this report.</p>

	and State Government policies, guidelines and legislation.	
	<p>4. <u>Vegetation removal</u></p> <p>Subdivision road layout must be designed around significant stands of trees. These may be located within reserves or accommodated within the subdivision layout such that dwelling construction may be achieved without causing any undue interference with existing trees.</p> <p>The environmental buffer distances in chapter B6 Buffers and Minimising Land Use Conflict should be incorporated into the subdivision design. Where urban subdivision adjoins bushland, Council may impose particular consent conditions relating to the ongoing management of the interface between the subdivision and the bushland.</p> <p>Proposals that require the removal of vegetation for bushfire protection purposes (e.g. asset protection zone) may need to include a Flora and Fauna Assessment and, where native vegetation is to be removed, may need to prepare a Vegetation Management Plan.</p> <p>Vegetation to be removed must be located within the subject land unless an agreement has been reached to provide the necessary asset protection zone on the neighbouring property. Evidence of any agreement with the neighbouring land owner, together with that owners' written consent to lodgement of the DA must be submitted with the development application. The agreement must be in the form of a proposed Section 88B Instrument under</p>	<p>N/A</p> <p>The proposal does not result in the removal of trees.</p>

	<p>the Conveyancing Act 1919, consistent with the requirements of the NSW Rural Fire Service. For specific details on subdivision on bushfire prone land, applicants are referred to the NSW RFS document 'Planning for Bushfire Protection'.</p> <p>Any trees proposed to be removed as a result of a subdivision proposal must be identified in accordance with the provisions of B2.2.1 (Chapter B2 Preservation of Trees and Other Vegetation) or a Site and Context Analysis Plan (as required by Part A13) and be marked clearly to facilitate identification at the time of site inspection.</p>	
	<p><u>5. Riparian Buffers and land fronting watercourses</u></p> <p>Subdivision design must encourage the retention of riparian vegetation and should incorporate riparian buffers. The retention of existing vegetation and landforms assists in infiltrating, detaining and treating stormwater, as well as maintaining water balance and aesthetics. The retention of vegetation along also watercourse, assists in habitat connectivity, which is critical to maintaining biodiversity.</p> <p>Riparian corridors must be left undisturbed. Their natural and ecological values must be enhanced where possible. Street and lot layout must be planned so that riparian habitat is retained and where possible connected to remnant habitat in adjoining areas. Where land proposed for subdivision fronts a</p>	<p>COMPLIES</p> <p>The proposal doesn't result in the removal of riparian buffers.</p>

	<p>watercourse, it is preferable that the subdivision be designed to limit direct access to the water.</p> <p>Vegetation and topography must be retained along the site's natural drainage lines. This vegetation will play a key part in providing habitat connectivity and maintaining biodiversity.</p> <p>The retention or reinstatement of vegetation and provision of habitat connectivity must utilise locally indigenous species and be incorporated in the design of public areas and facilities such as parks, detention/ infiltration basins, or water treatment areas.</p> <p>Allotments having frontage to a watercourse are to comply with the minimum requirements for buffers under Chapter B6 Buffers and Minimising Land Use Conflict (where relevant).</p>	
	<p>6. Landscaping</p> <p>The effective use of landscaping can make a significant contribution to climate control, ecological characteristics, the overall appearance of the subdivision and the residential environment which is ultimately created.</p> <p>Generally, one street tree per 15 metres of residential lot street frontage with a maximum canopy diameter of 8 metres at maturity is to be provided for new subdivisions.</p> <p>Applicants must comply with the landscaping design and maintenance requirements in Chapter B9 Landscaping.</p>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>

	<p>7. Roads</p> <p>Roads are to be designed to provide a pronounced road hierarchy in which the size, width and appearance matches its function. Streets at the lower end of the hierarchy must not become through-routes for unrelated traffic and proper provision must be made for buses and service and delivery vehicles.</p> <p>Depending on the overall size and layout of a subdivision, a typical road hierarchy could include:</p> <ul style="list-style-type: none"> a) Arterial or sub-arterial roads – roads giving access to the subdivision but not part of it. b) Collector street - a main link through the subdivision, connecting directly with arterial roads. c) Local access road - a loop road or cul-de-sac serving more than 15 lots. d) Minor road - a cul-de-sac, minor loop or minor access street, serving less than 15 lots. <p>Where cul-de-sacs are proposed, consideration to is be given to providing pedestrian and cycling traffic through to the next street with regards to the CPTED principles in Chapter B11 Planning for Crime Prevention.</p> <p>Roads (including footpaths, cycleways, and watercourse crossings) are to be designed in accordance with the requirements specified in the Northern Rivers Development and Design Manual as amended from time to time. Council</p>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>
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	<p>will consider variations to these requirements on merit where compliance is proven to be onerous and having regards to the scale, location and density of the development.</p> <p>Where an allotment to be subdivided has access via an unsealed, unconstructed or partly constructed road, the applicant must provide constructed road access from the nearest constructed road to all allotments involved in the subdivision to facilitate ultimate design road capacity.</p> <p>The applicant must supply and erect street signs in accordance with Councils requirements.</p> <p>Subdivision development must provide footpath and nature strip treatment that reflects the particular road function and provides a safe and pleasant people-oriented environment for pedestrians and cyclists. New roads are to be appropriately landscaped with street trees in accordance with Chapter B9 Landscaping and retain significant existing vegetation to complement the subdivision.</p> <p>Other street furniture such as bus stops to be provided as required. All development applications for subdivision to incorporate preliminary engineering drawings of the work to be carried out as required under the regulations.</p>	
	8. <u>Street Lighting</u>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>

	<p>Council will require energy efficient street lighting to be provided and installed in conjunction with any subdivision located in an area where street lighting is required.</p> <p>New street lighting to be installed as part of a subdivision is to incorporate energy efficient technology to reduce power consumption and carbon footprint with a wattage of 55 watts or less, and may include:</p> <ul style="list-style-type: none"> a) Compact fluorescent b) T5 linear fluorescent c) Metal halide d) White LED e) Low Pressure Sodium lamps of 55W or less f) High Pressure Sodium lamps of 55w or less <p>Council will consider alternate street lighting arrangements powered from solar or wind turbines with back up mains power for subdivisions comprising 25 lots or more. Details to be submitted with the development application including maintenance/ cleaning regime, suppliers/ installers warranties/ guarantees, accessibility to replacement parts, battery, panel and turbine life, useability in high wind situations for wind turbines and any noise issues.</p> <p>Street lighting to comply with AS1158 or AS3771 and any requirements for disability access and mobility. Written evidence that satisfactory arrangements have been made with the Energy</p>	
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	Provider will be required prior to the release of a Subdivision Certificate.	
	<p>9. <u>Public open space and public reserve</u></p> <p>The value to the public of public open space is determined by how easy it is to get to, how well it is used, it's potential for active or passive uses, it's environmental value and how pleasant it is to be there.</p> <p>Public open space within a subdivision should form part of a pedestrian/cycleway network that connects residential areas and other facilities. Where appropriate, landscaping of open space must be integrated with street and private landscaping to bring the whole landscape environment together. Some Key Principles include:</p> <ul style="list-style-type: none"> a) There must be a functional hierarchy of open space to ensure leisure activities for a wide variety of people. b) Open space must be safe to use for access or leisure. c) It must enhance the function and appearance of the subdivision. d) It must act as a landscape-linking element. <p>Only land which is in a suitable location and which is able to be used for active or passive recreation will be considered to meet the requirements for public open space. Public open space areas must be functional, well-located and distributed appropriately throughout the subdivision to maximise accessibility and provide for passive and active recreational opportunities.</p>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>

	<p>Applicants proposing urban subdivisions of 25 lots or more are encouraged to contact Council for the requirements for the provision of open space or local parks as part of the subdivision prior to the preparation and lodgement of the development application.</p> <p>Land which is primarily used for drainage purposes may not be considered as open space if predominantly unusable. Specific requirements under the chapters for the Shire's towns and villages may also apply in relation to open space.</p> <p>Dedication and embellishment of land used for open space may be offset against the S94 contributions for open space. Applicants should consider the requirements of Council's section 94 contributions plan and the site specific chapters for urban release areas as these documents contain the site specific requirements for the provision of open space. Council's section 94 plan sets out the requirements for undertaking works in kind or the dedication of land in lieu of payment of monetary contributions. It is at the discretion of Council to accept land as open space.</p> <p>Local parks when provided to be generally in accordance with the following criteria:</p> <ul style="list-style-type: none"> a) Contain a minimum usable park area of 2000m² ; b) Be designed and located so as to maximise street frontage and encourage natural surveillance from surrounding residents; 	
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	<p>c) Be generally level with gradients not exceeding 5%;</p> <p>d) Be equipped with play equipment and/or park furniture;</p> <p>e) Provide shade cover over all play equipment;</p> <p>f) Include soft-fall under all play equipment in accordance with the relevant Australian Standards;</p> <p>g) Be situated so that dwellings in the development and surrounding area are generally within a 500m lineal distance of a local park;</p> <p>h) Be situated on land that is readily accessible to the surrounding dwellings and be physically connected to the pathway network;</p> <p>g) Be cleared of weed species and have a bush regeneration plan if required;</p> <p>h) Be cleared of surface rock and be suitable for mowing / maintenance.</p>	
	<p>10. <u>Stormwater Management</u></p> <p>Management of stormwater is an integral part of subdividing land and a means to control flooding and other amenity impacts. The following minimum provisions apply.</p> <p>a) Development applications must demonstrate compliance with Chapter B3 Services, the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.</p>	<p>COMPLIES</p> <p>a) Refer to Stormwater Management Plan under Attachment 7.</p>

	<p>b) Each new allotment must be capable of discharging stormwater runoff from impervious areas to a lawful point of discharge. A lawful point of discharge (d) may be a natural watercourse or drainage path to which the site drains naturally, or a location where any discharge will not cause any actionable nuisance. Where a lawful point of discharge does not exist on the allotment (d), constructed drainage and any necessary easements must be provided to a lawful point of discharge.</p> <p>c) The applicant must construct all necessary drainage works and must provide all necessary drainage easements and/or drainage reserves including on adjoining or downstream properties to the lawful point of discharge. Where easements are proposed over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties must be submitted with the development application. Deferred commencement consent may be issued subject to the registration of the easement in these circumstances.</p> <p>d) An appropriate stormwater flow management system must be established to reduce the velocity and peak flow of stormwater discharge (i.e. the provision of an on-site stormwater detention system). e) For small lot subdivision where onsite stormwater detention is required, the construction may be deferred until the dwelling construction stage. In this regard a Restriction as to User must be created on the plan of subdivision pursuant to the</p>	<p>b) Refer to Stormwater Management Plan under Attachment 7.</p> <p>c) Refer to Stormwater Management Plan under Attachment 7.</p> <p>d) Refer to Stormwater Management Plan under Attachment 7.</p>
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	<p>provisions of S.88E of the Conveyancing Act 1919, stating:</p> <p><i>"No building or development shall be erected on the lots burdened unless the proprietor has first constructed or has made provision for construction of an onsite stormwater detention system (which expression shall include all ancillary gutters, pipes, drains, walls, curves, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater) (here in after called "the system"). The design, construction and/or provision of the system shall be to the requirements and satisfaction of Byron Shire Council."</i></p> <p>f) Lands identified as containing or directly adjoining watercourses or trunk drainage lines may be subject to partial inundation during the 1 in 100 year ARI storm event. A hydrology study must be submitted to identify the 1 in 100 year ARI flow level where the land is traversed by or adjacent to a watercourse or trunk drainage system. Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapters B3 Services and C2 Areas Affected by Flood.</p>	<p>f) A Flood Assessment has been carried out by RMC Property Group and is included under Attachment 8. The proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapters B3 Services and C2 Areas Affected by Flood.</p>
	<p>11. <u>Utility Services</u> Utility Services, including power and telephone, are to be provided in accordance with Chapter B3 Services.</p>	<p>COMPLIES The proposal provides utility services in accordance with B3 Services. Refer to Attachment 6 Civil Engineering Services Report and Attachment 5 Civil Engineering Plan.</p>

	<p>The siting and design of proposed utilities must be illustrated on the subdivision plan submitted with the development application.</p> <p>Written evidence of satisfactory arrangements with a telecommunications and electricity provider must be submitted prior to release of a Subdivision Certificate. Provision must be made for the placement of telephone and electricity underground in visually sensitive locations. A renewable energy system may be approved for the subdivision where development applications demonstrate that the proposed system is sustainable, will provide adequate levels of service to future residents, and minimises the need to remove vegetation for service corridors.</p> <p>Where possible, subdivision design must provide for common trenching of services to reduce the number of trenches and the amount of land required, and to reduce costs and disruption due to maintenance. Trenching must meet the standards detailed within the Streets Opening Conference current Guide to Codes and Practices for Streets opening.</p>	
	<p>12. <u>Provision of Potable Water Supply</u></p> <p>Development applications must demonstrate that an adequate water supply will be available to meet the needs of future residents and occupants, either through the provision of reticulated water supply or rainwater tanks if reticulation is not available in accordance with the provisions of Chapter B3 Services, and the</p>	<p>COMPLIES</p> <p>The proposal provides utility services in accordance with B3 Services. Refer to Attachment 6 Civil Engineering Services Report and Attachment 5 Civil Engineering Plan.</p>

	Northern Rivers Development and Design Manual.	
	<p>13. <u>Sewer</u> Sewer must be provided to all lots within urban zones. Satisfactory arrangements for provision of sewer services must be made with Council in accordance with Chapter B3 Services.</p>	<p>COMPLIES The proposal provides utility services in accordance with B3 Services. Refer to Attachment 6 Civil Engineering Services Report and Attachment 5 Civil Engineering Plan.</p>
	<p>14. <u>Geotechnical Report</u> a) Development applications for vacant lot subdivision must include a report and certificate from a NATA - accredited practising civil engineer confirming that all proposed allotments contain a building envelope of adequate size and shape (i.e. a rectangle with dimensions at least 15m x 12m) that is geotechnically capable of accommodating a dwelling house and is not subject to slip or subsidence. The certified building envelopes must be identified on the DA drawings. b) The report must address the matters listed in AS1726 (as amended from time to time). c) Engineer specialising in geophysical sciences and preparing reports for the consideration of Council must provide written evidence of their holding an insurance policy to the value of at least \$10m indemnifying him/her against professional negligence.</p>	<p>COMPLIES The subject site is the site is 12320m² in size (Lot 7 is 8740m² in size). The site is level, and its elevation is approximately 7 metres AHD. The site is not subject to slip or subsidence. A Geotechnical Report is not required for the site.</p>
	<p>15. <u>Strata Title, Community Title and Stratum Subdivision</u> The minimum areas specified by the Byron LEP 2014 lot size map apply to Stratum subdivision</p>	<p>N/A The proposal includes strata subdivision. The minimum lot size provisions do not apply to the proposal.</p>

	<p>in all zones. The LEP sets out minimum lot sizes for Strata and Community Title subdivision in certain zones. For those zones where there is no prescribed minimum area for strata or community title subdivision, minimum lot sizes will be based on the development footprint.</p> <p>The terms of the development consent will be subject to the relevant provisions of the LEP and this DCP, depending on the location, zoning, characterisation and nature of the development proposed. Generally, approved Strata or Community Title Lots must include sufficient area to accommodate the approved development unit, together with any ancillary area, development or structure related exclusively to that unit, unless those facilities are provided in an approved Community Lot or Common Property.</p> <p>Council will not grant consent to a development application seeking consent for Strata or Stratum Title subdivision unless either that consent or a previous consent identifies and approves one or more buildings that will be erected on or in each of the new Strata or stratum lots.</p> <p>Where vacant lots (Stratum, Strata and Community Title) are proposed all relevant services, infrastructure and access provisions are to be constructed, and any necessary contributions to be paid, prior to the issue of the subdivision/ strata certificate.</p> <p>Other than for dual occupancy development, vacant Strata lots must be created as</p>	
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	<p>“development lots” in accordance with Part 5 of the Strata Schemes Development Act 2015.</p> <p>Strata subdivision of dual occupancies may create a vacant strata lot subject to:</p> <ul style="list-style-type: none"> a) One of the dwellings having been constructed and a final occupation certificate issued for that dwelling. b) All relevant services, infrastructure and access provisions are to be constructed and any necessary contributions to be paid, prior to the issue of the subdivision / strata certificate. c) Relocation of all services to facilitate construction of the development on the vacant lot without affecting service provision to existing development. d) Creation of a restriction on use that prohibits the construction of a dwelling on the vacant Strata lot other than in accordance with the development consent for the dual occupancy building. <p>Applications for Stratum Subdivision must provide the following:</p> <ul style="list-style-type: none"> a) Draft Plan of Subdivision showing the parcel at ground level and subsequent sheets for each level within the building b) A draft Building Management Statement as per Schedule 8A of the Conveyancing Act 1919. c) Details on easements including easements for support and shelter, vehicular personal access, services and any other easements. 	
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	For further details on Stratum Subdivision applicants are referred to <i>Part 23 - Division 3B Provisions relating to Stratum Lots of the Conveyancing Act 1919 and the Land and Property Information Registrar Generals Directions on Stratum Subdivisions.</i>	
D6.3 Rural Subdivision		
<p><i>The following provides planning controls for land in rural and rural residential areas including the RU1, RU2 and R5 Zones. R5 is an urban zone however the most appropriate subdivision controls are those which apply to rural lots.</i></p> <p>01. <i>To ensure that lot sizes and shapes facilitate the orderly and economic use and development of land.</i></p> <p>02. <i>To ensure that the configuration of the subdivision and the size and shape of lots facilitates the use and management of the resultant land parcels for agricultural and other rural purposes.</i></p> <p>03. <i>To ensure that adequate access is available to hatchet-shaped lots.</i></p>	<p>Performance Criteria</p> <p>1. Land suitable for agriculture is both a limited resource and an important part of the Shire's economy. Rural subdivisions must be designed to avoid conflicts between neighbouring land uses and consequently must demonstrate compliance with Chapter B6 Buffers and Minimising Land Use Conflict. Where a subdivision is proposed near an area where land is used or has potential for agriculture, Council will give particular consideration to the likely social, economic and environmental consequences of the proposal and to the following principles:</p> <p style="padding-left: 40px;">a) New lots must have dwelling sites protected from noise, dust, odours, spraying, etc, considering wind direction and topography in relation to nearby agricultural uses.</p> <p style="padding-left: 40px;">b) Ridgelines, vegetation and distance can provide effective buffers.</p>	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>
	<p>2. Lots intended to accommodate a dwelling in rural areas must have an identified dwelling site that:</p> <p style="padding-left: 40px;">a) has access by two wheel drive vehicle to a constructed public road;</p>	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>

	<p>b) is not affected by significant environmental constraints;</p> <p>c) is not at or below the flood planning level;</p> <p>d) complies with bushfire provisions under the requirements of Planning for Bushfire Protection as in force at the time of the proposed development;</p> <p>e) has adequate solar access;</p> <p>f) will not create conflicts with or adverse impacts on nearby farming or rural activities;</p> <p>g) is not subject to slip or subsidence.</p>	
	<p><u>Prescriptive Measures</u></p> <p>1. Lot sizes must not be less than the minimum area specified in Byron LEP 2014 on the lot size map.</p>	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>
	<p>2. Battle-axe or hatchet-shaped lots may be permitted in rural zones and the R5 Zone provided the access handle is of sufficient width to accommodate an access driveway, associated drainage, services and landscaping that conforms to the existing landform. The minimum road frontage of each allotment must be 7 metres. This may translate as 3.5 metres frontage each if reciprocal rights of carriageway provide shared access to two or more adjoining lots. Pavement widths are to be in accordance with Northern Rivers Development and Design Manual.</p>	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>
	<p>3. Applications for rural subdivision for primary production purposes in accordance with Clause 4.2 of Byron LEP 2014 are to include written information from either the Department of Primary Industries (or its successor) or an</p>	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>

	<p>accredited expert in the field of agriculture confirming that the proposed lot(s) is suited for viable agricultural activity of the type proposed. Splays of 4 m x 4 m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.</p>	
	<p>4. Splayed corners must be provided and dedicated to Council at existing and new road intersections in accordance with the following schedule:</p> <p>a) At the junction of a local road with a main road. (note Main Road has the same meaning as Main Road under the <i>Roads Act 1993</i>).</p>	<p>N/A The proposal is not a rural subdivision.</p>
6.3.2 Stormwater Management		
<p><i>O1. To facilitate effective water and drainage management and to preserve existing natural drainage systems.</i></p>	<p>Performance Criteria</p> <p>1. Development applications must demonstrate that the proposed development will incorporate water management and drainage provisions consistent with the requirements of Chapter B3 Services and the other stormwater provisions in Section D6.2.1.</p>	<p>N/A The proposal is not a rural subdivision.</p>
	<p>2. Stormwater runoff from each new allotment must not create significant detrimental effects on downstream properties or the environment. Natural watercourses and existing drainage paths must be retained. Subdivision works must not impede natural drainage paths or significantly increase existing flow velocity or quantity.</p>	<p>N/A The proposal is not a rural subdivision.</p>

	3. Small rural and rural residential lots may have to provide an inter- allotment drainage system constructed in accordance with the Northern Rivers Development and Design Manual.	N/A The proposal is not a rural subdivision.
	Prescriptive Measures Dwelling sites must not be located within the 1 in 100 year ARI flow path of any existing watercourses or drainage paths.	N/A The proposal is not a rural subdivision.
D6.3.3 Road Design and Construction		
<p><i>01. To ensure access and drainage provision to new lots.</i></p> <p><i>02. To enable flexibility in design of new rural roads.</i></p> <p><i>03. To ensure that adequate sight distance is provided at intersections.</i></p> <p><i>04. To ensure that constructed access is provided to new lots.</i></p>	<p>Performance Criteria</p> <p>All roads required to service existing and proposed new lots must be designed and constructed to comply with the Northern Rivers Development and Design Manual and Chapter B3 Services. The Council may consider alternative designs in particular instances where the development application demonstrates that:</p> <p>a) Safety requirements are not compromised.</p> <p>b) The proposed road will not carry more than 60 vehicle movements per day.</p> <p>c) Visibility is not impaired from start to finish of the road along its centre-lines.</p>	N/A The proposal is not a rural subdivision.

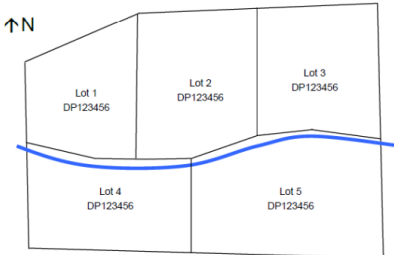
	<p>d) The grassed verge of the proposed road will not be damaged by traffic movements along the road.</p> <p>e) An adequate manoeuvring area is provided to accommodate the turning of a standard (8.8m) service vehicle at the end of a road or in a location approved by Council.</p>	
	<p><u>Prescriptive Measures</u></p> <p>1. The design of such works must comply with the Northern Rivers Development and Design Manual. Construction must be carried out in accordance with those requirements.</p> <p>2. Additional standards may apply in bushfire prone areas as per the requirements of the NSW Rural Fire Service.</p>	<p>N/A The proposal is not a rural subdivision.</p>
D6.3.4 Sewage Management		
<p><i>O1. To ensure that sustainable sewage management facilities are available to new lots in Rural areas.</i></p> <p><i>O2. To ensure that on-site sewage management systems comply with the requirements of Chapter B3 Services and will remain economically viable in terms of ongoing management and maintenance.</i></p>	<p><u>Prescriptive Measures</u></p> <p>1. Where Council deems that reticulated sewer service is available and feasible, each allotment created must be connected to Council's sewerage reticulation system.</p>	<p>N/A The proposal is not a rural subdivision.</p>

	<p>2. In all other cases development applications must demonstrate that an on-site sewage management system complying with the requirements of Chapter B3 Services can be provided to service each lot. Where lots are constrained and specialised on-site sewage management systems are proposed or required, Council may specify as a condition of consent a restriction to be placed on the title advising new land owners of the type of system to be installed in the future.</p>	
D6.3.5 Rural Community Title Subdivision		
<p><i>01. The objective of this Section is to provide guidelines for rural Community title subdivision including the conversion of existing approved multiple occupancies to community title under the Community Land Development Act 1989.</i></p>	<p><u>Performance Criteria</u></p> <p>1. Rural community title subdivision under the <i>Community Land Development Act 1989</i>, should demonstrate compliance with the relevant guidelines and performance standards contained in Sections 6.2, 6.3 and Sections 8.1 – 8.6 of the Byron Rural Settlement Strategy 1998.</p> <p>2. The conversion of existing approved multiple occupancies to rural community title subdivision under the <i>Community Land Development Act 1989</i> should demonstrate Byron Shire Development Control Plan 2014 – Chapter D6 – Subdivision Adopted 15 August 2019 Effective 11 September 2019 19 compliance with the objectives contained in Sections 6.2, 6.3 and Sections 8.1 – 8.6 of the Byron Rural Settlement Strategy 1998.</p>	<p>N/A The proposal is not a rural subdivision.</p>

	<p><u>Prescriptive Measures</u></p> <p>1. The maximum number of lots resulting from the Community Title subdivision of rural land (including the conversion of existing approved multiple occupancies to rural community title subdivision) must not exceed the number of approved house sites (excluding the neighbourhood lot/common land) identified in the multiple occupancy approval in relation to the land concerned, or the number of lots identified under the Byron LEP 2014.</p>	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>
	<p>2. Consent must not be granted to a development application for rural Community Title subdivision under clause 4.1AA of Byron LEP 2014 unless the Council has considered the following information in relation to the proposed development:</p> <ul style="list-style-type: none"> a) a water management plan; b) an on-site sewage management plan in accordance with the requirements of Chapter B3 Services; c) a waste management plan; d) a vegetation management plan and planting requirements; e) a bushfire management plan; f) measures to address the unauthorised/unapproved illegal construction and occupation of dwelling houses. Where such dwellings are to remain as part of the development and not be demolished, a detailed engineers report and certification is to be submitted with the development application demonstrating the dwelling is structurally sound, how it meets the relevant provisions of the Building Code of 	<p>N/A</p> <p>The proposal is not a rural subdivision.</p>

	<p>Australia, and/or what works are proposed to upgrade the building to a safe standard. Such works are to be completed prior to the issue of a subdivision certificate for the Community Title Development;</p> <p>g) a draft neighbourhood management statement consistent with the <i>Community Land Development Act 1989</i>, including but not limited to the following:</p> <ul style="list-style-type: none"> i) provision for bushfire management; ii) a prohibition on domestic cats and dogs or provisions providing for their management; iii) provision for environmental repair and enhancement; iv) provision for waste management; v) provision for water management; vi) provision for on-site sewage management; vii) provision for design and construction of any new dwellings; viii) provision for safe vehicular access and driveways in accordance with Northern Rivers Development and Design Manual. 	
	<p>3. Where vegetation management works have been completed previously as part of a development application, credit will be given against those works. Details are to be submitted with the development application demonstrating that the aims and objectives of the previously completed vegetation management works have been achieved.</p>	<p>N/A The proposal is not a rural subdivision.</p>

	4. In this Section, Community Title Subdivision means subdivision in accordance with the <i>Community Land Development Act 1989</i> .	N/A The proposal is not a rural subdivision.
D6.3.6 Subdivision Design and Lot Layout on Rural land within the Drinking Water Catchment		
<p><i>O1. To minimise water quality impacts through application of appropriate subdivision design criteria.</i></p> <p><i>O2. To provide appropriate planning controls for the subdivision of rural land within the drinking water catchment as identified under Byron LEP 2014.</i></p>	<p><u>Prescriptive Criteria</u></p> <p>1. Lot layout must be designed around building envelopes that have been identified taking into consideration the location and characteristics of roads, watercourses and other constraints identified in the site analysis and constraints mapping prepared under Chapter C4 Development in a Drinking Water Catchment. Lot boundaries must be located to minimise impacts on existing vegetation and sensitive areas such as steep land or highly erosive soils. Section 88E restrictive covenants may be required to restrict fencing, and reinforce riparian management practices</p>	N/A The proposal is not a rural subdivision.
	<p>2. When watercourses and drainage depressions exist on the site, the following design criteria apply:</p> <p>a) A watercourse should not form the boundary between two allotments, as this can create conflict over who is responsible for watercourse maintenance.</p> <p>b) A solution is to design the lots that are adjacent to a watercourse to each include a minimum buffer of 10m to the watercourse while incorporating the watercourse into</p>	N/A The proposal is not a rural subdivision.

	<p>the adjacent lots (see Figure D6.5). If required, water for the stock on lots to the north can be provided through offline watering infrastructure and a suitable easement to ensure water supply. Consideration of buffers in B6 Buffers and Minimising Land Use Conflict must be taken into account.</p>	
	<p>3. For Community Title developments, watercourses and riparian land are to be managed collectively within the Community lot.</p> <p>The purpose of this is to enable appropriate management of the watercourse without a boundary (e.g. a fence) located in the middle of the watercourse, or 'give and take' fencing with numerous watercourse crossings. As a result the boundary will be easier to fence off, it is less likely that the fence will be washed away, and consistent management of the watercourse can be achieved. Such an approach can also reduce land management conflicts between both sides of the creek.</p>  <p>Figure D6.5 – Example of preferred subdivision design along a watercourse</p>	<p>N/A The proposal is not a rural subdivision.</p>
D6.4 Urban Residential Subdivision		

D6.4.1 Lot Size and Shape		
<p><i>The following provides planning controls for subdivision of land in residential areas including the R2, R3 and RU5 Zones. RU5 is a rural zone however the most appropriate subdivision controls are those which apply to urban lots.</i></p> <p>O1. <i>To provide lots of sufficient size to satisfy the needs of future residents, and which will accommodate well designed and innovative development;</i></p> <p>O2. <i>To encourage diversity in lot size and opportunities for a variety of housing choice;</i></p> <p>O3. <i>To ensure that lot design takes into account the natural features of the site and locality.</i></p>	<p>Performance Criteria</p> <p>1. Lots must be of sufficient area to allow for the siting of a dwelling and ancillary buildings, including provisions for private open space, solar access, vehicle access and parking. Lots must provide sufficient effluent disposal areas where required.</p> <p>2. Lot sizes must enable dwellings and driveways to be sited to protect natural or cultural features, and must respond to site constraints including topography, bushland, soil erosion, drainage, and bushfire risk.</p> <p>3. To provide useable areas, lot sizes may need to be increased where sites are steep or contain significant constraints or landscape features including watercourses and easements.</p> <p>4. Lot design must enable the construction of a built form that is sympathetic to the established character of the area.</p>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>
	<p>Prescriptive Measures</p> <p>1. Lot sizes must not be less than the minimum area specified in Byron LEP 2014 on the lot size map.</p>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>
	<p>2. Proposed lots containing existing dwellings must not result in that lot having a floor space ratio lower than that specified on the floor space ratio map.</p>	<p>N/A</p> <p>Lot 7 does not contain an existing dwelling.</p>

	3. Lots must provide an appropriate shape and area to accommodate an unconstrained building envelope with minimum dimensions of 12 metres by 15 metres.	N/A The proposal includes strata subdivision only.
	4. Each Torrens title lot must have a minimum road frontage of 6 metres (i.e. 3 metre driveway and provision for services, landscaping etc). This may translate as 3 metres frontage each if reciprocal rights of carriageway provide shared access to 2 or more adjoining lots. Consideration will be given to a further reduction in lot width for four or more lots where the pavement widths comply with the Northern Rivers Development and Design Manual. Lots relying on rights of carriageway with no road frontage will not be supported.	N/A The proposal includes strata subdivision only.
	5. The access handle of hatchet-shaped lots must be landscaped in accordance with the requirements of Chapter B9 Landscaping. A landscaping plan must be submitted with the development application for subdivision. Such details could incorporate, for example a meandering driveway with landscaping elements, passing bays, different pavement treatments and kerb blisters incorporating landscaping beds.	N/A The proposal includes strata subdivision only.
	6. Hatchet shaped lots (excluding the access handle) should meet the minimum lot sizes as set out in lot size map (BLEP 2014). The area of battle-axe handles is not to be included in determining minimum lot sizes.	N/A The proposal includes strata subdivision only.

	7. Splays of 4m X 4m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.	N/A The proposal includes strata subdivision only.
D6.4.2 Access Design		
<i>O1. To ensure provision of safe and effective access to properties.</i>	Performance Criteria 1. Driveways and access must form an integral part of the overall design of the subdivision. 2. Driveway and access design is to provide a safe and efficient entrance/exit to individual lots.	N/A The proposal includes strata subdivision only.
	Prescriptive Measures 1. Applications must demonstrate that vehicle access can be provided to each lot created by the subdivision in accordance with Chapter B3 Services. In certain circumstances, due to topography and other constraints, the driveway will need to be designed and constructed at the subdivision stage 1.	N/A The proposal includes strata subdivision only.
	2. Additional standards may apply in bushfire prone areas as per the requirements of the NSW Rural	N/A The proposal includes strata subdivision only.

	Fire Service.	
D6.4.3 Infill Subdivision		
<p><i>01. To ensure infill development occurs in a co-ordinated manner.</i></p> <p><i>02. To ensure vehicle and pedestrian safety and residential amenity is maintained.</i></p>	<p><u>Prescriptive Measures</u></p> <p>The re-subdivision of existing residential lots which rely on or propose rear lane access will necessitate an upgrade of the rear lane. The following minimum standards are to apply for Strata, Community and Torrens Title subdivision: (See Figures D6.6 and D6.7 for detail)</p> <p>a) Construction of the laneway to provide a nominal minimum width of 3 metres bitumen seal with controlled drainage for the full laneway frontage of the property. Where required Council may require sealing to be extended to finalise a laneway or to connect with the nearest cross street.</p> <p>b) Driveways are to be installed, and, where crossing of an existing table drain is proposed, installation of appropriate sized concrete pipe and headwalls may be required.</p> <p>c) Fencing and access to comply with B4.2.4.</p> <p>d) Legal pedestrian access is to be provided back to the main street frontage by way of a Right of footway, common property or battleaxe subdivision design. This can also be used for the provision of services (water, sewer, power and telecommunications) to the rear dwelling house / lot and enable garbage and postal services to be collected from the street as opposed to the laneway. Where it is to be used for pedestrian purposes only, the handle to be a minimum 1.2 metres wide to</p>	<p>N/A</p> <p>The proposal includes strata subdivision only.</p>

facilitate easy access and manoeuvring of a garbage bin, whilst also providing a main street frontage for visitors and delivery services. Where infrastructure services are also sited in the handle, this may need to be increased to a width of three (3) metres. The access handle should be appropriately fenced for privacy purposes, but must not restrict sight distances to adjoining driveways.

e) Applicants are to demonstrate that each lot can accommodate an unconstrained building envelope of 12 x 15 metres. **Dwelling houses** and garages are to be set back a minimum of 3 metres from the laneway boundary.

f) No gates or doors are to open out onto the public road reserve including the laneway.

g) Landscaping is to comply with the requirements of Chapter B9 Landscaping.

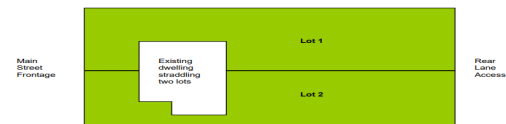


Figure D6.6 – Pre Development (existing) Subdivision Pattern

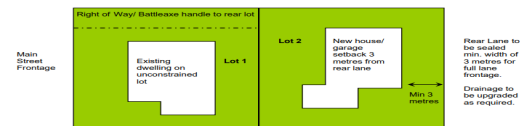


Figure D6.7 – Post Development Subdivision Pattern

h) For development incorporating more than two lots, or development for the purpose of two or more **dwelling**s (not including any **secondary dwelling**), Council may require a

	higher standard of laneway upgrade in terms of width of seal and drainage infrastructure.	
D6.5 Industrial and Commercial Subdivision		
D6.5.1 Lot Size and Shape (Industrial)		
<p><i>The following provides planning controls for the subdivision of land in the Business and Industrial Zones.</i></p> <p>O1. To provide lots of sufficient size and design to satisfy the needs of future industry and to accommodate well designed development.</p> <p>O2. To ensure that adequate access is available to allotments.</p>	<p>Performance Criteria Lots must be of sufficient size to allow for the siting of industrial units/ buildings and ancillary facilities including vehicular access, parking, loading and unloading of goods, storage, waste management and landscaping.</p>	N/A
	<p>Prescriptive Measures 1. Lots to comply with the lot size map under Byron LEP 2014. Minimum width and frontage is 25 metres.</p> <p>2. Battle-axe allotments should be avoided where possible, however where there is no alternative, development applications must demonstrate that the layout can provide for effective vehicular circulation, (including entry and exit in a forward direction) parking and loading, storage, waste management and landscaping. The battleaxe handle is to be a minimum of 8 metres.</p> <p>3. Splays of 4m X 4m should generally be provided on corner lots, except in site specific circumstances where increased sight lines are required.</p>	N/A
D6.5.3 Subdivision Design (Industrial and Commercial)		

<p><i>O1. To ensure that industrial subdivisions are designed to facilitate the provision of efficient and functional industrial development.</i></p> <p><i>O2. To ensure that subdivision development is compatible with nearby development and with the existing and desired future character of the locality.</i></p>	<p><u>Performance Criteria</u></p> <p>1. Lot sizes and configurations must create an efficient allotment layout and facilitate future industrial development on that land.</p> <p>2. Development applications must demonstrate that the subdivision design identifies and addresses all natural constraints and landscape elements, and mitigates adverse environmental impacts. The design must address and respect natural constraints including topography, drainage, soil landscapes, flora, fauna and bushfire hazard.</p> <p>3. Development applications must demonstrate that lots are configured to provide for adequate vehicular parking, circulation, storage, waste management and loading and unloading of goods.</p> <p>4. Lot layout and pedestrian networks must be configured to enhance personal safety and minimise potential for crime, vandalism and potential for crime.</p>	N/A
	<p><u>Prescriptive Measures</u></p> <p>1. Subdivision design must be consistent with the requirements of Chapter B11 Planning for Crime Prevention. Subdivision design must maximise the opportunities for observation of buildings, spaces and activities by occupants, passing motorists and pedestrians.</p> <p>2. Development applications for subdivision must identify, address and respect all environmental</p>	N/A

	<p>constraints that affect the site and surrounds. Where lands contain or adjoin bushland or adjoin lands containing endangered flora and/or fauna species, development proposals must be accompanied by a flora and fauna assessment.</p> <p>3. Lands identified as containing or directly adjoining watercourses or trunk drainage lines may be subject to partial inundation during the 1 in 100 year ARI storm event. Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapter B3 Services and C2 Areas Affected by Flood.</p> <p>4. Lots must be designed to allow the construction of a building or carriageway with a maximum excavation or fill in accordance with the requirements of Chapter B14 Excavation and Fill, whilst not impeding the flow of waters.</p>	
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PART E: FURTHER CONTROLS APPLYING TO SPECIFIC LOCALITIES CHAPTER E3: MULLUMBIMBY		
Objectives	Controls	Comment
E3.3 Mullumbimby Residential Character Precincts		
<p><u>Character Category</u></p> <p><i>Pocket C is over Federation Bridge, the primary access to west. It is a suburban garden area bordered by the Mullumbimby Showgrounds and the meandering Brunswick River. Like Argyle Street, Main Arm Road is an important gateway road to and from the town and development should afford similar streetscape outcomes. Other streets use a modified grid layout and introduce the use of cul-desacs. They are also characterised by grassy nature strips with kerb and gutter edges more evident.</i></p> <p><i>Original homes in the area are typically brick and tile, well set back from the street with relatively large lots and lawns. The built form is largely single storey with some pockets of two-storey housing. Larger lots on through streets in the less flood prone areas, lend themselves to one and two storey medium density homes that provide all the amenity of a traditional freestanding home in a well-designed and compact form. Parking for this form of development should be accommodated on site and the interface with the street designed to promote safety and community interaction.</i></p>	N/A	<p>COMMENT</p> <p>The site is located within Pocket C, Precinct 6 and identified within a Transitional area in Figure E3.1.</p> <p>The proposed single storey detached town houses is completely consistent with the Character Category identified for the site.</p> <p>Importantly when considering the existing context and setting of the locality, it is important to note the site and surrounding area is located in a 'transition area' as identified in Chapter E3 of the Byron Development Control Plan 2014.</p> <p>The description of 'transitional area' in this Chapter of the Byron Development Control Plan 2014 is as follows:</p> <p><i>earmarking an area for change incorporating pockets of low rise medium density homes that match the amenity of traditional free standing homes, while introducing contemporary dwelling forms for old and young singles and families – retaining attributes that are valued by the community. How the area will look and feel in the future is likely to evolve, and in some cases notably</i></p>

		<p>As identified, how the locality will look and feel in the future is likely to evolve, and in some cases notably. The site and the surrounding areas are intended to accommodate development that may alter the existing character of the locality.</p> <p>The proposal provides an alternative low rise-built form that provides the similar amenity to traditional detached dwelling houses, and which will provide contemporary dwellings for down sizers, young singles and families.</p>
E3.4 Character, Bulk and Scale of Development		
<p><i>O1. To ensure that development is consistent with and will enhance the low rise, low scale heritage character of Mullumbimby.</i></p>	<p><u>Performance Criteria</u></p> <ol style="list-style-type: none"> 1. The existing character of Mullumbimby derives from a number of components, including the surrounding backdrop of steep hills; subtropical environment; the distinct shop fronts of the commercial area; the older residential areas; wide streets with mature street trees and narrow rear lanes. Development needs to be consistent with these components where possible. 2. Development Applications must demonstrate that: <ol style="list-style-type: none"> a) the character, bulk, scale and density of proposed development will be compatible with and will enhance the low rise character and scale of Mullumbimby, its built environment and its surrounds, including the 	<p>COMPLIES</p> <p>The proposal provides for a single storey detached built form that is located behind tradition sized 600m2 allotments. The proposal maintains the low-rise character.</p> <p>COMPLIES</p> <p>a) The proposed single storey detached town houses is completely consistent with the Character Category identified for the site.</p> <p>Importantly when considering the existing context and setting of the locality, it is important to note the</p>

	<p>characteristics discussed above where relevant;</p> <p>b) building materials, textures, finishes and colours will be compatible with</p>	<p>site and surrounding area is located in a 'transition area' as identified in Chapter E3 of the Byron Development Control Plan 2014.</p> <p>The description of 'transitional area' in this Chapter of the Byron Development Control Plan 2014 is as follows:</p> <p><i>earmarking an area for change incorporating pockets of low rise medium density homes that match the amenity of traditional free standing homes, while introducing contemporary dwelling forms for old and young singles and families – retaining attributes that are valued by the community. How the area will look and feel in the future is likely to evolve, and in some cases notably</i></p> <p>As identified, how the locality will look and feel in the future is likely to evolve, and in some cases notably. The site and the surrounding areas are intended to accommodate development that may alter the existing character of the locality.</p> <p>The proposal provides an alternative low rise-built form that provides the similar amenity to traditional detached dwelling houses, and which will provide contemporary dwellings for down sizers, young singles and families. The density provided is less than that permitted by the Byron Development Control Plan 2014 for Multi Dwelling Housing in the R2 Low Density Residential Zone.</p> <p>b) The proposal includes colours and materials that are compatible with and contribute positively to the</p>
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	and will enhance the low rise character and scale of Mullumbimby, its built environment and its surrounds.	existing low-rise character of scale of the adjacent areas.
	Prescriptive Measures There are no Prescriptive Measures.	Noted.
E3.5 Urban Design and Infill Development		
<p><i>01. To specify urban design guidelines for development within established urban areas of Mullumbimby.</i></p> <p><i>02. To protect the established streetscape character of Mullumbimby's older residential and commercial precincts.</i></p> <p><i>03. To ensure that new development in established urban areas will be consistent with and will enhance the low rise scale and heritage character of Mullumbimby.</i></p>	<p><u>Performance Criteria</u></p> <p>1. Development Applications seeking consent for infill development in established areas must demonstrate consistency with the character statements for Mullumbimby contained in Appendix E3.1 of this Chapter.</p>	<p>COMPLIES</p> <p>The site is located within Precinct 6. The character statement for Precinct 4 and 6 is identified as follows:</p> <p><u>West Mullumbimby Residential – Precincts 4 and 6</u></p> <p><i>Houses in the western area are predominantly of more recent brick and tile construction. Although this has produced its own character, attention to climate control by use of wide eaves and verandahs, as well as planting of gardens and trees that will mature to offer colour and shade like established gardens will be beneficial. Four buildings contribute significantly to the character of this precinct, these being:</i></p> <p><i>a) No. 2 Main Arm Road</i> <i>b) Casuarina Street (Manse)</i> <i>c) Casuarina Street (Convent)</i> <i>d) Main Arm Road, Inverary (out of town)</i></p> <p><i>Others such as Lot 10, Riverside Drive, give strong support to these.</i></p>

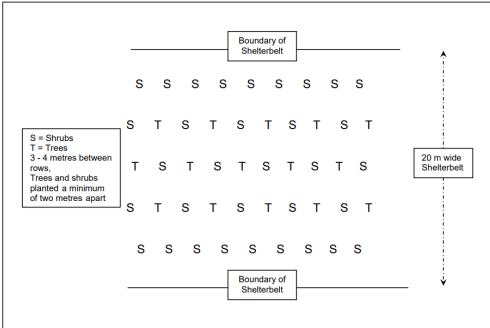
		<p><i>As for Precincts 2 and 3, the scale, light coloured wall materials, steep galvanised iron roofs, verandahs, fences and well-established gardens are important characteristics of older buildings in this area. When developing next to or near buildings of this character, care should be taken in the building design to achieve compatibility.</i></p> <p><i>The Mullumbimby Urban Area Map identifies a potential neighbourhood shop on two sites (one in Precinct 4 and one in Precinct 6) to service the west Mullumbimby area. The two sites are largely undeveloped residential properties with one site located at 23-37 Main Arm Road and the second site at 30 Chinbible Avenue. The nomination of the two sites does not lock the landowners in to developing the land specifically for that purpose, with the feasibility of such development dependant upon economic circumstances and other factors. Any retail premises including car parking areas to be carefully designed and sited to provide a minimum 20 metre buffer from existing adjoining residential lots.</i></p> <p>The proposed dwelling designs include appropriate roof forms, verandas, colours and materials which are generally consistent with and which will contribute positively to the existing low-rise character of scale of the adjacent areas, albeit the development will be largely not visible from public streets.</p>
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	<p>2. It is important that new buildings or renovations respect the old. New buildings should sit comfortably in the urban fabric, utilising sympathetic elements and demonstrating a continuation of the evolutionary building process that is the heritage of Mullumbimby.</p> <p>3. New buildings should not be “faked” copies of old buildings or made to look ‘old’, but should be designed and placed so that they reflect the modern, progressive thinking of the community, yet do not overwhelm the neighbouring architectural characteristics. Byron LEP 2014 defines a large part of Mullumbimby urban area as a Heritage Conservation Area. Byron Shire Development Control Plan 2014 – Chapter E3 – Mullumbimby Adopted 17 September 2020 Effective 28 September 2020 12</p> <p>4. Development or demolition involving Heritage Items or the Heritage Conservation Area is subject to the Heritage provisions of Byron LEP 2014, and the provisions of Chapter C1 Non-Indigenous Heritage.</p>	<p>As identified within the statement the site is identified as a possible neighbourhood shop location. The statement also identifies that the nomination of the site for this purpose does not lock the landowner into developing the land for that purpose. There is simply no demand for such an item and as such it is not feasible. Additionally, prioritising residential zoned land for residential development is consistent with current planning need and the public interest.</p> <p>COMPLIES The proposal site comfortable within the existing urban fabric, nothing it is located behind 600m2 freehold lots and will be largely not visible from the adjoining public roads.</p> <p>COMPLIES The proposal does not include ‘faked’ copies of old buildings.</p> <p>N/A The development does not involve a heritage item.</p>
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	<u>Prescriptive Measures</u> There are no Prescriptive Measures.	Noted
E3.6 Infill Development in Precincts 2 and 3		
<p><i>01. To ensure infill development in Precincts 2 and 3 occurs in a co-ordinated manner.</i></p> <p><i>02. To ensure vehicle and pedestrian safety and residential amenity is maintained.</i></p> <p><i>03. To encourage urban consolidation of underdeveloped residential lots in close proximity to Precinct 1.</i></p>	<p><u>Performance Criteria</u></p> <ol style="list-style-type: none"> 1. Vehicle access to the development complies with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access. 2. Suitable lot shape, dwelling sites and dwelling design are established so that proposed or future dwellings are compatible with adjacent existing housing and do not unnecessarily intrude on the privacy of neighbours. 3. Landscaping treatment to both street and lane frontages to protect and enhance the streetscape and character of the Precinct. 	<p>N/A</p> <p>The subject site is in Precinct 6.</p>
	<p><u>Prescriptive Measures</u></p> <p>Refer to Chapter D6 Subdivision (Section D6.4.3)</p>	<p>N/A</p> <p>The subject site is in Precinct 6.</p>
E3.7 Urban Design in Precinct 5		
<p><i>01. To specify urban design guidelines for development within Precinct 5 in addition to those in other Sections of this DCP.</i></p> <p><i>02. To ensure that development in Precinct 5 for new urban areas will support and enhance the low rise, character and scale of Mullumbimby.</i></p>	<p><u>Performance Criteria</u></p> <ol style="list-style-type: none"> 1. The development shall respond to the undulating topography and north-facing aspects of this precinct with curvilinear layouts and innovative, cost effective subdivision practice. The character of the streetscape and length of visual 'runs' in this precinct will contrast with the existing town grid pattern. 	<p>N/A</p> <p>The subject site is in Precinct 6.</p>

	<p>2. The prominent east/ west ridgeline is to be preserved as an important local wildlife corridor, shelterbelt and visual element in the landscape. Native vegetation communities are to be managed appropriately with a combination of weed control, assisted natural regeneration and planting where necessary. The shelterbelt is to provide:</p> <ul style="list-style-type: none"> a) A distinctive visual buffer between residential development in Precinct 5 and rural residential development to the south in Precinct 7; b) An extension of the Mooyabil Spur native vegetation corridor to the west linking with riparian areas adjoining the main arm of the Brunswick River to the east; c) Habitat for native flora and fauna including koalas; and d) A natural feature to reduce wind speed. <p>3. The open space system will focus on the river corridor and the extension along the gully forming the northern boundary of this area.</p> <p>4. Preferred cluster housing/ medium density sites should be located adjacent to open space corridors or the shelterbelt.</p>	
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	<p>5. A master plan will identify a potential site for a future community facility on an area of land identified for open space. The future community facility is to serve the residents of this precinct and adjoining residential and rural residential areas.</p> <p>6. Vehicle access is to be provided from Clays Road to Left Bank Road through Precinct 5 to improve connectivity between the southern and western areas of Mullumbimby, as shown on the Mullumbimby Urban Area Map. Brushbox Drive to also link in with the proposed distribution road through Precinct 5. Design and construction to comply with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.</p>	
	<p><u>Prescriptive Measures</u></p> <p>1. The shelterbelt will have a minimum width of 20 metres and shall be planted with species locally indigenous to Byron Shire (refer to the Native Species Planting Guide to Byron Shire) along the southern boundary of Precinct 5 (Mullumbimby Urban Area Map) within the adjacent road reserve (See Figure E3.1 for design details). Existing native vegetation within the road reserve and within Precinct 5 is to be integrated with planted species.</p> <p>2. No vehicle access or roads to be provided from or constructed within the shelterbelt other than a potential link connecting Brushbox Drive within Precinct 7 to the proposed distribution road, as indicated in</p>	<p>N/A</p> <p>The subject site is in Precinct 6.</p>

	<p>the Mullumbimby Urban Area Map. A shared bike/ pedestrian pathway in the shelterbelt will be considered on merit.</p>  <p>Figure E3.2 – Shelterbelt Design</p> <p>Trees and shrubs are to be planted at minimum two metres spacing in rows and the rows are to be 3-4 metres apart as per Figure E3.1. Species selected are to include Koala food trees endemic to the area. A mixture of native shrubs and grass species are to be planted on the outside rows. A detailed plan prepared by a suitably qualified professional is to be submitted with the Development Application demonstrating how the shelterbelt will be landscaped (including the planting list), vegetation to be retained, and how the shelterbelt will be managed.</p>	
E3.8 Urban Design in Precinct 7 & Southern Part of Precinct 2 (Large Lot Residential)		
O1. To specify urban design guidelines for development within the Large Lot Residential areas adjoining the Mullumbimby township.	<u>Performance Criteria</u> There are no Performance Criteria.	Noted.
	<u>Prescriptive Measures</u>	N/A

<p><i>O2. To ensure that development in Large Lot Residential areas will support and enhance the low rise, heritage character and scale of Mullumbimby.</i></p>	<p>Development Applications seeking consent for development in R5 zone must demonstrate compliance with the following urban design principles, in addition to the requirements of Byron LEP 2014 and Chapter D1 Residential Development in Urban and Special Purpose Zones:</p> <ul style="list-style-type: none"> a) A Pedestrian/ cycleway system, and a potential neighbourhood shop site to service the needs of residents is located on the corner of Left Bank Road and Tuckeroo Avenue to service the residents in Precincts 5, 7 and surrounding areas b) Brushbox Drive to potentially connect with a distribution road in Precinct 5 to improve vehicle and pedestrian connectivity. c) The land west of the Mullumbimby swimming pool is flood prone and not serviced by reticulated sewer. Any development on these properties to be carefully sited and designed to enable suitable area for the treatment and disposal of effluent in accordance with Chapter B3 Services. d) In the Orchid Avenue/ Station Street area at the south end of Precinct 2 residential development is to be restricted to the flood free area located north of Saltwater Creek. 	<p>The subject site is in Precinct 6.</p>
<p>E3.9 Urban Open Space and Recreation</p>		

<p><i>O1. To provide for the public open space and recreation needs of existing and future residents of Mullumbimby.</i></p> <p><i>O2. To facilitate the provision of a continuous open space and environmental protection network on the banks of the Brunswick River and its tributaries in Mullumbimby.</i></p>	<p><u>Performance Criteria</u></p> <p>Development Applications must demonstrate compliance with the following open space principles:</p> <ul style="list-style-type: none"> a) public open space is to form an integrated network and functional hierarchy of open space as shown on the Mullumbimby Urban Area Map; b) the principal open space element to be enhanced and extended includes the riparian open space and environmental protection corridor as illustrated on the Mullumbimby Urban Area Map; c) new neighbourhood parks or playgrounds are to be provided so that no new urban dwelling lot is located further than 400 metres from a park; d) neighbourhood parks need to be designed to meet the Crime Prevention through Environmental Design (CPTED) principles and Active Living criteria. Constructed facilities and amenities are to be provided to a level that is commensurate with the demands generated by that open space area. 	<p>N/A</p> <p>The proposal is a small infill development. The provision of public open space is not required.</p>
	<p><u>Prescriptive Measures</u></p> <ul style="list-style-type: none"> 1. Provision should be made for future sports fields on the land in the northern portion of Precinct 5 as nominated on the Mullumbimby Urban Area Map. Details to be submitted with the Development 	<p>N/A</p> <p>The subject site is in Precinct 6. The proposal is a small infill development. The provision of public open space is not required.</p>

	<p>Application for the subdivision of this land as to how these sports fields are to be provided and embellished. As a minimum the plan to indicate the following:</p> <ul style="list-style-type: none"> a) an informal playing fields area constructed to a standard to that which is required for competitive sport. Such fields should be dimensioned to facilitate sports such as soccer, football, cricket, hockey and other team sports, although it may comprise informal usage, by the residents or people using the recreational facilities; b) walking/exercise/educational tracks; c) children's playground, west of the parking area on the south side of the playing fields; d) seating, shelters/BBQs, toilet facilities, west of the parking area on the south side of the playing fields; e) basketball and Tennis court (with tennis court fencing); f) car parking for a minimum of 40 vehicles; g) landscaping, particularly around the perimeter of the facilities and along the creek line; h) fencing, bollards, signage; 	
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	<ul style="list-style-type: none"> i) flood signage and management devices; j) any area(s) proposed for community garden purposes; k) location of future community facility and associated parking. <p>2. New neighbourhood parks in other localities should be designed with a usable area commensurate with the number of residents it shall serve. Neighbourhood parks are to be provided with the following facilities as a minimum:</p> <ul style="list-style-type: none"> a) imaginative play and sensory stimuli areas/structures: providing opportunities for children to create their own play scenarios; b) some form of ball play area (e.g. half court basketball); c) some conventional play equipment (e.g. Climbing structure/s) must meet Australian standards, 80m² of play equipment as a minimum; d) synthetic soft-fall surfaces in areas of high use; e) ample supervising adult seating; f) an electric BBQ, two covered tables and bins on stands; 	<p>N/A</p> <p>The subject site is in Precinct 6. The proposal is a small infill development. The provision of public open space is not required.</p>
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	<p>g) a pathway network connecting to adjoining roads;</p> <p>h) shade covers over all play equipment;</p> <p>i) appropriate plantings of locally indigenous species (no eucalypts or exotics). Trees must have non-invasive root systems and be suitable for under-pruning as they develop to allow mower egress and undisturbed lines of sight;</p> <p>j) the park should have bollards spaced at 1.5m separating roadway from park. A chained entrance should be provided for mower access; and</p> <p>k) the park should be turfed with a Couch (Cynodon sp.) to allow selective weed control.</p>	
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