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			
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. 2. To ensure that the occupants of the building or buildings will enjoy the optimum use of winter sunlight and summer shade. 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 microclimate, and mitigate excessive bulk in built-form. 4. To establish neighbourhoods that offer a high level of amenity and sense of openness with buildings that are cognisant of, and blend	1. Developments must be set back progressively from the site boundaries as height increases so that they a) do not adversely affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy or obstructing views. 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. c) integrate with surrounding developments, public reserves and the predominant streetscape character to offer a high level of amenity and establish a sense of openness. 2. Developments must be designed so that they will promote energy efficiency and so that residents may enjoy optimum use of winter sunlight and summer shade.	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. 2. Variation to the building height plane may be considered in relation to one or more boundaries in the following circumstances: a) where the floor level is required to be above ground level to comply with Council's requirements for flood protection; or b) for the zero lot line boundaries of semi-detached dwellings and attached dwellings; or c) in circumstances referred to in Prescriptive Measure 2. of Section D1.2.2. d) where unavoidable site constraints (slope, orientation, configuration/shape) intensify off-site impacts such as overshadowing (provided the 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	**VARIATION TO PRESCRIPTIVE MEASURE SOUGHT** The proposed development seeks for a variation to the building height plans for dwelling block A and C. The portions within the building height plane are very minor articulation elements and represent minor inclusions. The variations are identified in the Architectural Plans included in this application. Despite the variation, the development has strategically located windows and private open spaces to ensure they do not impact the privacy of neighbouring surrounding including 64 Bangalow Road, Byon Bay. The location and position of the dwellings has been chosen to promote energy efficiency and optimum use of winter sun and summer shade consistent with Prescriptive Measure 2. of Section D1.2.2. Further, despite the variation proposed, the development achieves the performance criteria and objective through the following way: • The Multi Dwelling Housing product progressively provides for increased setbacks as the building increases in height to mitigate against privacy and provide for an acceptable amenity outcome. • The Multi Dwelling Housing ensures optimum energy efficiency to all residents is achieved through

with, the scale and streetscape character of the locality. 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).			complying with solar access requirements contained in this section. • Despite the variation the development retains an acceptable level of solar access to adjoining built form consistent with the provisions of the Housing SEPP for the affordable portion and the remainder of the dwellings The proposed development despite its noncompliance is suitable for the site meeting the performance criteria and objectives of the control.
D1.2.2 Setbacks from Boundaries			
1 To achieve varied and interesting streets that complement and harmonise with existing and planned streetscapes and development in the locality. 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. 3. To achieve effective use of allotments to create useable and liveable	1. Setback requirements may be flexible provided they are demonstrated to achieve the above Objectives and Performance Criteria. 2. The street façade of a building, and 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. A reasonable degree of integration with the existing pattern of setbacks must be balanced with the need to provide variety in the streetscape. 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	Strict compliance with the following minimum setback prescriptive measures will not necessarily be sufficient by itself to meet the Objectives. <u>1. Minimum Street Frontage Setbacks</u> 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.	**VARIATION SOUGHT** The development is a regionally classified road and as a result, consistent with this control requires minimum setback of 9m or a variation of 6.5m may be sought for a single storey dwelling or single storey element of two storey dwellings. The development seeks to provide for a 5.4m front setback, proposing a variation of 1.1m or 17%. Whilst a variation to the front setback is proposed, the proposed building line contributes to an attractive streetscape through the use of street address, landscaping and private open spaces that distinguish between the private and public environments. Further, despite the variation sought, the setback achieves the objectives of the control by way of the following: • Achieves a varied and interesting street that compliments and

private open space and courtyards. 4. To provide flexibility in siting and design of dwelling house development in urban residential areas. 5. To ensure that development in residential areas seeks to minimise any negative impacts on neighbours caused by siting.	because they are inappropriately planned or treated for climate control. 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: 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; e) the effect on vehicular safety and visibility, particularly on corner sites; f) the orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds; g) the proposed location of any private open space, courtyard or landscaped areas; 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; i) the location and treatment of any car parking areas or car parking structures on the site. 5. Notwithstanding any of the above criteria, buildings must comply with the building height plane as detailed in Section D1.2.1. 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	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. No development is permitted within the building setbacks other than garbage storage facilities, mail boxes, 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.	harmonise with the existing streetscape and development in the locality; • Provides for a suitable orientation and spacing of residential development that achieves high quality living environments relative to sunlight, shade, wind and weather protection. • Enables effective use of the allotments to create usable and liveable private open space and courtyards. • Facilitates an interesting and varied dwelling sitting in the urban residential areas; • Mitigates adverse negative impacts on neighbours including privacy, noise, etc. The elected setback affords merit, provides for a varied and articulated streetscape and achieves the objectives of the control despite the variation.
		2. Minimum Side and Rear Boundary Setbacks a) Side and rear setbacks are to be a minimum 900mm, with all dwellings also complying with the requirements of the building height plane. 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: 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:	**N/A** The provisions contained in Control 4 apply to the proposed development. However, appreciate these controls apply in general.

	access, microclimate, traffic safety or amenity of adjoining development. 7. When considering applications for variations to minimum setbacks nominated below in the Prescriptive Measures, Council will have regard to: 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. *8.* The Development must seek to minimize any impacts on neighbouring properties through considerate siting and design	• increase the overshadowing of adjoining properties; or • reduce the level of privacy enjoyed by adjoining properties. 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.	
		3.Minimum Setbacks for Dual Occupancies and Secondary Dwellings a) Side and rear setback – 1.5 metres for single storey, and must comply with the building height plane	**N/A** No dual occupancy proposed
		4.Minimum Setbacks for Residential Flat Buildings and Multi-Dwelling Housing 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.	**VARIATION SOUGHT** The development does not provide for the required 1.5m side setback and elects to provide for the building height plane defined under Chapter D1 of Byron DCP. In this regard, and consistent with that mentioned above, the proposed development seeks for a variation to the building height plans for dwelling block A on the northern portion. See Sheet DA-37 of Attachment 1- Architectural Plans. The portions within the building height plane including an external communal open space and a small portion of Unit 1 along with an equally small portion of the upper level of Unit 7 is within the building height plane. Despite the variation proposed, the façade does not adjoin a residential use with the entrance road being adjacent. In this regard a total separation of 25m is afforded where by a road is in between along with typical residential fencing and landscaping mitigating the visual impact.

			Further, despite the variation proposed, the development achieves the performance criteria and objective through the following way: • Achieves a varied and interesting street that compliments and harmonise with the existing streetscape and development in the locality; • Provides for a suitable orientation and spacing of residential development that achieves high quality living environments relative to sunlight, shade, wind and weather protection. • Enables effective use of the allotments to create usable and liveable private open space and courtyards. • Facilitates an interesting and varied dwelling sitting in the urban residential areas; • Mitigates adverse negative impacts on neighbours including privacy, noise, etc. Further, and with respect to the required 3m minimum building separation. The Development provides for 3 buildings all of which are greater than 3m separated. With the building however walls are located within 1.8m and therefore require a FRL of not less than 60/60/60. No further variations are proposed as part of this application with respect to this Chapter. It is considered the development largely complies with this Chapter and where

			variations are sought sufficient planning merit is afforded.
		5. Minimum Setbacks for Swimming Pools and Spas 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 on sites where private open space can be accommodated only in this location or other site attributes support this outcome. 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.	**COMPLIES** The development achieves the minimum setback of 1.5m for the side and rear boundary. The communal pool is located at the rear of the site and is appropriately screened and will not adversely impact the amenity or character of the locality.
D1.2.3 Screening the Underfloor Space of Buildings			
1. To improve the external appearance of elevated buildings. 2. To provide for compatibility in appearance and character between buildings in the locality	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. 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. 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.	There are no Prescriptive Measures.	**COMPLIES** Suitable screening is provided to any underfloor space provided for the development. The subject site is located within a flood liable area.

D1.2.4 Character and Visual Impact			
1. To retain and enhance the unique character of Byron Shire and its distinctive landscapes, ecology, towns, villages, rural and natural areas. 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.	1. Site, building and landscaping design must address the climate; 2. 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; 3. Development should be designed to minimise loss of privacy; 4. 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; 5. 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; 6. The provision of verandahs, balconies, pergolas and other protective outdoor elements will be encouraged for visual, climatic and energy efficiency reasons; 7. Well-designed overhanging eaves should be provided where feasible to protect against heavy rainfall and summer sun, while allowing winter sun penetration; 8. 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 for assessment with a development application.	There are no Prescriptive Measures.	**COMPLIES** The proposed development meets the performance criteria by providing suitable landscaping between the buildings and a design of the townhouses that maintains privacy for the site and adjoining residential use. The townhouses have provided a suitable degree of integration with the natural environment, providing townhouses that suite the topography of the site and providing interesting wall articulation that is broken up visually to provide interest in the façade. The use of balconies has been provided off main living areas to create a connection between the indoor and outdoor environments whilst providing suitable separation distances to ensure no loss of privacy results from the proposal.

<table>
<tr><th colspan="3">D1.2.5 Fences</th><th></th></tr>
<tr>
<td>1. To enable residents to erect fences to provide for a sense of privacy, noise reduction and security.
2. To ensure that fences do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents.
3. To ensure that fences do not unduly reduce opportunities for casual social interaction in the community.
4. To ensure that fences do not become a dominant built element in the streetscape.
5. To exclude unwanted light from vehicles in particular circumstances.
6. To ensure that the design and placement of fences do not adversely impact traffic or pedestrian safety.
7. To ensure provision for access by safety and emergency vehicles and personnel.</td>
<td>1. Fences must not:
a) impair driver or pedestrian visibility at road intersections;
b) prevent residents of a dwelling from casually observing the adjacent street;
c) detract from the streetscape in terms of fencing design, materials, scale or colours;
d) prevent emergency access by safety and emergency vehicles and personnel.
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.
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.</td>
<td>Height of Fences
a) The height of fences should not exceed:
Table D1.1 – Height of Fences
<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>
</td>
<td>COMPLIES
All fencing proposed meets the prescriptive measures.</td>
</tr>
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<td></td><td></td>
<td>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:
i) adjoining land used for business or commercial purposes, in cases where screening from the adjoining business activity is necessary to protect residential amenity;
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;
iii) necessary for safety, noise mitigation purposes or to enclose the primary open space area.</td>
<td>COMPLIES</td>
</tr>
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<td></td><td></td>
<td>c) Any front fence higher than 1.2 metres must be:
i) located not less than 50cm inside the front boundary with the area in front of the fence to be landscaped; or
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</td>
<td>COMPLIES</td>
</tr>
</table>

		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.	**N/A** The site is not a corner allotment.
		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 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.	**COMPLIES** All sight lines are maintained for the site with the previously approved access mechanism to be used.
D1.2.6 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 townhouses proposed include balconies that are not visible from Bangalow Road in which fronts the site. The balconies do not dominant the streetscape character and are consistent with the dwelling design in terms of proportion, colour and materials.
D1.2.7 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** Pedestrian/ cycle access to and from each allotment is achieved from Bangalow Road. Bicycle parking is provided within the site. The proposed development will not impact on the existing access networks that surround the subject site.

D1.2.8 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. 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.	There are no prescriptive measures.	**N/A** The proposal does not seek to convert a garage to habitable space. The subject site is not located in a cul-de-sac and therefore this control is not applicable.
D1.2.9 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.	**COMPLIES** The proposed development is BASIX affected development and as a result a BASIX certificate has been provided for the proposed dwellings on the site.
D1.3 DWELLING HOUSES			
Not applicable			
D1.4 SECONDARY DWELLINGS			
Not applicable			
D1.5 DUAL OCCUPANCY AND SEMI-DETACHED DWELLINGS			
Not applicable			
D1.6 MULTI DWELLING HOUSING, RESIDENTIAL FLAT BUILDINGS AND ATTACHED DWELLINGS			
D1.6.1 Private Open Space Courtyards			
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 30m2 and a minimum length and width each of 4 metres, not including any area used exclusively for	**COMPLIES** Each townhouse provides for sufficient ground level courtyard private open space of 30m² consistent with this control.

	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.	the circulation or parking of vehicles. The courtyard must be designed to facilitate access to winter sunshine and must be landscaped to Council's satisfaction. 2. The private open space area must not include any areas used for the management of on-site sewage effluent.	The courtyards also comply with the minimum dimension of 4m length and width. The private open space areas allow for winter sunshine and have been suitably landscaped. The private open space areas are void of infrastructure as prohibited by this control.
D1.6.2 Open Space Balcony			
1.To ensure that residents of above-ground dwellings have immediate access to outdoor private open space.	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 useable private outdoor area to Council's satisfaction.	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.	**N/A** Each townhouse provides for at grade private open space and therefore this control is not activated.
D1.6.3 Landscaping			
1. 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** Chapter B9 Landscaping has been assessed as part of this development application.
D1.6.4 On-Site Car Parking			
1. To provide sufficient convenient car parking for residents and visitors.	1. Driveway design must provide safe and efficient ingress/egress to and from the site.	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.	**COMPLIES** See detailed assessment against Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for further detail.

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.	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.	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.	Large areas of car parking are broken up by variation in layout, pavement treatment, landscaping mounding and/ or other means. See Statement of Landscape Intent included in this application.
D1.6.5 Sound Proofing			
1. To ensure an adequate acoustic environment for residents.	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. 2. Where practicable, sources of noise must be sited away from adjoining properties and where necessary must be screened by effective acoustic treatments. 3. Development must be designed to minimise noise and vibration impacts on occupants of surrounding dwellings or buildings.	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 buildings and attached dwellings must be so constructed or treated as to minimise the conduct of sound between dwellings.	**COMPLIES** The walls between dwellings can be constructed of sound-resisting material to reduce 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.	**COMPLIES** Suitable clothes drying facilities are provided in the common property area at the rear of the site.
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.	**COMPLIES** The proposed development includes accessible housing consistent with Chapter B13 Access and Mobility of Byron DCP.
D1.6.8 Pipes and Vents			
1. To optimise the aesthetic appeal of development and to minimise visual impacts of external pipes and vents.	External pipes and vents must be concealed.	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	**COMPLIES** The proposed development conceals pipes and vents within the walls of the townhouses.

		acceptable where it is demonstrated that the proposal is consistent with the Objectives. 2. Access to pipes and vents must be provided as required by relevant authorities.	
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.	**COMPLIES** Each townhouse is equipped with providing suitable reception system.
D1.7 AFFORDABLE HOUSING			
D1.7.1 Affordable Housing in R2, R3, B2 and B4 Zones			
1. To provide guidance regarding the implementation clause 6.7 Affordable housing in residential and business zones of Byron LEP 2014. 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.	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: 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. 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. 3. Council may consider varying density controls for subdivision to allow additional lots to be created for dedication to a public housing provider.	There are no Prescriptive Measures.	**COMPLIES** The proposed development does not comprise of the subdivision of 25 or more lots, residential accommodation comprising of 25 or more dwellings, redevelopment of existing housing where reduced number of dwellings and/or a reduced diversity of dwelling types are proposed. As a result control 1 a)-c) are not applicable. Due to a portion of the development being Affordable Housing it is accepted that Council will provide a condition on the determination relating to the retention of the Affordable Housing and to be used for at least 15 years consistent with the Housing SEPP.

	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.		
D1.8 BOARDING HOUSES			
Not applicable			
D1.9 HOSTELS			
Not applicable			
D1.10 SHOP TOP HOUSING			
Not applicable			
D1.11 ANCILLARY DWELLINGS IN BUSINESS PARK AND INDUSTRIAL ZONES			
Not applicable			
D1.12 STUDIOS			
Not applicable			

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS CHAPTER B3: SERVICES	
CONTROLS	**COMMENTS**
1.0 Provision of Services	
Water Supply	
1. Water Supply 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. 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. c) For Reticulated Water, the following applies: 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. ii) All water mains within private property must be located within easements designed in accordance with Council's requirements. 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. 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. 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. f) Rural dwellings without reticulated water are to have a minimum domestic tank capacity of 40,000 litres. 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	**COMPLIES** Each proposed allotment and resulting use can be provided with water supply consistent with this control.

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. 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.	
Electricity Supply	
1. Electricity Supply 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. 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 conservation value vegetation and habitats). Details are to be provided with the development application.	**COMPLIES** The proposed development will provide with relevant connection service in which will occur within the CC stage of the development.
Telecommunications Infrastructure	
1. Telecommunications Infrastructure a) Development shall be provided with access to the telecommunications network for fixed line telephone services. 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. 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	**COMPLIES** The proposed development will be provide for the relevant connections to telecommunication services prior within the CC phase.

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). d) 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.	
Sewage Management	
1. Sewage Management 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. b) For reticulated sewer the following applies: i) The system must be sized and designed in accordance with the Northern Rivers Development and Design Manual; ii) Sewer reticulation for the proposed development must be constructed at the proponent's cost by an approved contractor; iii) A sewer connection point must be provided to each parcel of land designed for separate occupation. The system must be designed to optimise the effective building envelope of each lot; iv) All sewer mains and rising mains must be located within easements designed in accordance with Council's requirements; v) Pump Stations, Wells, Access Chambers, Vents and other ancillary works must be located with due consideration to the amenity of the subdivision, of adjacent developments and the environment. Consideration must be given to noise, odours and the aesthetic impact of the system, and to access and maintenance requirements of the Council. c) Where access to reticulated sewer is not available, arrangements must meet the requirements of Section B3.2.2 in relation to on-site sewage management. d) 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.	**COMPLIES** Each proposed allotment will be suitably connected to sewerage infrastructure within the CC stage.
Stormwater and Drainage	

1. 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.	**COMPLIES** Each proposed allotment will be suitably connected to sewerage and manage stormwater infrastructure.
Road Access – General	
1. Road Access 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. b) 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".	**COMPLIES** A double lane driveway is proposed as part of the application. In which ability for MRV to turn around has been incorporated into the design.
Road Access – Council Controlled Roads	
1. Road Access a) Construction or upgrading of the adjoining road to Council's adopted engineering standards, currently the Northern Rivers Development 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 withCouncil'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). 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. 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	**COMPLIES** The development is to gain access from the road directly to the north of the site and to be constructed consistent with DA10.2019.20.1. The road is appropriate for the land use ensuring the development does not disrupt Bangalow Road being a Regional Classified road.

Section 93F of the Environmental Planning and Assessment Act 1979 to address access road requirements. 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.	
Road Access – Crown Controlled Roads	
1. Road Access 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 to undertake construction or upgrading works to improve access along the Crown road. b) Applicants proposing to upgrade a Crown Road to provide access to a property need to submit the written consent from the NSW Land and Property Management Authority. The NSW Land and Property Management Authority may agree to applications seeking approval for minor works on Crown roads involving: i) Slashing undergrowth and clearing trees where demonstrated to be necessary ii) Light grading of the natural terrain iii) Slightly crowning the track formation to establish surface and cross for drainage iv) Establishing cross-banks and/or mitre drains or comparable effective devices to control water and sediment run-off v) Placement of gravel, road base or stones to stabilise the track formation or fill potholes. c) Where development consent with access from a Crown Road will require upgrading of the road in part or full to Council's standards, the road standards applied will be the same as for Council controlled roads, discussed above. In such instances the NSW Land and Property Management Authority will usually require the road to be dedicated to Council. Council will not accept dedication of the Crown Road unless the road has been constructed to Council's standards and the Council has agreed to accept the transfer of such a road reserve from the Crown.	**N/A** The site does not adjoin a Crown Controlled Road. Bangalow Road is a Regionally Classified road.

d) Council may accept access construction to the "minor works" standard of the NSW Land and Property Management Authority, (subject to the Authority's agreement) for developments that are not estimated to increase the traffic demand (e.g. where there is an existing dwelling entitlement). However, construction or upgrading works may be required to provide a safe and practical standard of road access or to satisfy bushfire requirements.	
2.0 On-Site Sewage Management	
1. 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.	**N/A** Each allotment has ability to connect into existing sewerage infrastructure and as a result on-site sewerage management is not required.
2. 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: a) steeply sloping land > 15%, 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; c) flood prone land; d) land within 12 metres to a neighbouring property; or e) land subject to erosion or mass movement; f) land with poor soils (clay or sand); or g) land located within the drinking water catchment.	**N/A** Each allotment has ability to connect into existing sewerage infrastructure and as a result on-site sewerage management is not required.
3. 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).	**N/A** Each allotment has ability to connect into existing sewerage infrastructure and as a result on-site sewerage management is not required.
4. 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	**N/A** Each allotment has ability to connect into existing sewerage infrastructure and as a result on-site sewerage management is not required.

other topographic features. Details of the type of system, storage capacity and area for land disposal must be indicated.	
3.0 Stormwater Management	
1. 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. 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. 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. 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 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. Council's manuals, and guidelines, including standard and sample drawings, are available on Council's website.	**COMPLIES** The proposed development includes sufficient information to assess whether the proposed stormwater system is effective and feasible. Each dwelling provides for sufficient access to stormwater systems and is to be managed suitably. A section 68 under the Local Government Act 1993 is to be obtained subsequent to the development consent and prior to the construction certificate. Refer to the civil and servicing engineering assessment for more information.
Properties Adjacent to or Containing Waterways	
2. Properties adjacent to or containing waterways 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.	**N/A** The subject site is not within close proximity (within 40m) of a classified watercourse, river or the like.
Site Drainage	

3. Site Drainage a) Site drainage shall 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. 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: 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. 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.	**COMPLIES** The proposed development has thoroughly considered site drainage and incorporates sufficient stormwater management for the subdivision and residential uses proposed. Refer to the civil and servicing engineering assessment for more information.
Lawful Point of Discharge	
4. Lawful Point of Discharge a) A lawful point of discharge exists at a particular location, if: 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 ii) in discharging in that location, the discharge will not cause an actionable nuisance. 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. 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. 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:	**COMPLIES** The development provides for a lawful point of discharge. See civil and servicing engineering assessment for more information.

i) Discharge to a public drainage system within the development site. ii) Private drainage easement across neighbouring properties. 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. 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. 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. vi) Pump-out systems, but ONLY for basement car park areas where: it can be demonstrated that, if gravity 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.	
Easements	
5. Easements a) Easements are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals. 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. c) Where an easement is benefiting private property(s) only, the easement is not to be to the benefit of Council. 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.	**COMPLIES** Where required easements have been proposed to suitably services both allotments.
On-site Stormwater Detention (OSD)	
6. On-site Stormwater Detention a) On-site Stormwater Detention (OSD) shall be provided 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.	**COMPLIES** Where appropriate, on-site stormwater detention is proposed for the subject site.

b) OSD shall generally be incorporated into all development (except as provided by 'c)' below), including the following: 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. c) OSD is not required in the following circumstances: 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; iv) where the site drains directly to a trunk drainage system within the tidal reach of a river or stream; 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; vi) where dispersion or infiltration is used as the means of stormwater discharge from the site; or 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 effect 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.	
Stormwater Quality and Treatment	
7. Applications for development types listed in Table B3.1 (including redevelopment) must address the "key" pollutants identified in that table (see below).	**COMPLIES** Refer to civil and servicing engineering assessment for more information.
Sedimentation and Erosion Control Measures	
1. An erosion and sediment control plan is required where the area of soil surface disturbance is in the range 250m2 – 2 500m2, 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.	**COMPLIES** Refer to civil and servicing engineering assessment for more information.
2. A soil and water management plan is required where the area of soil surface disturbance exceeds 2 500m2. Sites of this scale typically require sediment retention basins to minimise sediment pollution.	**COMPLIES** Refer to civil and servicing engineering assessment for more information.

3. 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.	**COMPLIES** Refer to civil and servicing engineering assessment for more information.

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS CHAPTER B4: TRAFFIC PLANNING, VEHICLE PARKING, CIRCULATION AND ACCESS	
CONTROLS	**COMMENTS**
1.0 Traffic Impact	
Traffic Impact Assessment	
1. 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.	**Noted** A Traffic Impact Assessment has been prepared as part of the proposal to consider the impact of the surrounding road network.
2. A Traffic Impact Statement serves the same purpose as a traffic impact study but is not as comprehensive.	**N/A** A Traffic Impact Assessment has been prepared as part of the proposal and noted above.
3. 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). 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.	**COMPLIES** The Traffic Impact Assessment report addresses Councils DCP Chapter B4, along with the housing SEPP and appreciates AS2890 and RMS guide to Traffic Generating Developments.
4. 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.	**Noted** A Traffic Impact Assessment has been prepared in which determines the need for a Road Safety Audit consistent with this control.
2.0 Parking Layout Standards	
1. 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.	**COMPLIES** Car parking requirements, parking layout, driveway widths and vehicle maneuvering areas will be designed and constructed in accordance with the relevant standards.
2. All parking spaces in commercial and industrial developments must be available for 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.	**N/A** The development is not for commercial or industrial uses.

3. 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** Disabled access will be provided in accordance with the relevant standards.
4. 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.	**N/A** No stacked or tandem car parking is proposed within common maneuvering areas nor for each townhouse.
3.0 Vehicle Access and Manoeuvring Areas	
1. Driveways and manoeuvring areas are to be designed and constructed in accordance with the requirements of the current editions of Australian Standard 2890 and the Northern Rivers Local Government Development & Design Manual.	**COMPLIES** All driveways and maneuvering areas will be designed and constructed in accordance with the relevant standards.
2. 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 are exempt from this requirement except when located on roads with high traffic volumes or with short sight distances, or on roads with other traffic safety issues.	**COMPLIES** The site provides sufficient maneuvering space to permit vehicles to enter and exit the site in a forward gear.
3. 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** A swept path analysis has been undertaken and identifies all spaces are accessible and vehicles can enter and exit in a forward direction.
4. 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 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).	**COMPLIES** The proposed driveway and parking areas will be sealed. However, where appropriate other areas provide for porous paving to enable higher infiltration rates.
5. 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: 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.	**COMPLIES** Internal driveway serves more than three dwellings, the driveway width proposed is 6mallowing for two way access. As a result, the proposal complies with this control.

6. Where driveways are to be negotiated by a waste collection vehicle, they must have a maximum gradient of 16% at any one point.	**COMPLIES** The maximum driveway gradient for the proposal is not greater then 16% consistent with this control.
4.0 Structures Adjacent to Driveways	
1. 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	**COMPLIES** Sight lines are maintained and identified on the plans. The sight lines are not obstructed and comply with AS2890.
5.0 Car Parking Requirements	
1. 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 proposed development is to provide for the following car parking rates: • Affordable Housing rates per the Housing SEPP (Clause 18): at least 1 parking space per dwelling; • Multi Dwelling Housing – 1 space per 1 or 2 bedroom dwelling. • 1 visitor parking space per 4 dwellings relating to the Multi Dwelling Housing portion. Breaking this down, a total of 28.75 (29) parking spaces are required for the development with 30 provided. This 29 space requirement is made up of 5 spaces for the Affordable portion with an additional 23.75 (24) spaces for the Multi Dwelling Housing aspect. The visitor parking As a result, the development complies and further assessment is not required.
2. 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.	**Noted** See above.
3. 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.	**Noted** See above.
6.0 Underground and Basement Car Parks	
1. Where excavation is proposed for basement car parks development applications should demonstrate that:	**N/A** No underground or basement car parks are proposed as part of this application.

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 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. 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. f) The proposal will not adversely affect groundwater levels, flows, characteristics or quality.	
7.0 Car Parking Credits and Street Parking	
1. Council may acknowledge car parking credits for a site based on the current approved use/s.	**N/A** No car parking credits are proposed as part of this application.
2. Any car parking credit shall be based on the rates in Table B4.1 in this DCP Chapter.	
3. 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.	
4. 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 by Council if the above calculation does not acknowledge the credit.	
5. 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.	
6. Car parking credits are not transferable to other development sites.	

7. 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: 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.	
8.0 Bicycle, Motorcycles and Coach Parking	
1. Bicycle Parking	
1. 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.	**COMPLIES** No bicycle parking is required under table B4.1. However, bicycle parking has been provided in the south west corner of the site.
2. Coach Parking	
2. 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. 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.	**N/A** No coach parking is proposed on site.
3. Motorcycle Parking	
1. 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: 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).	**N/A** No motorcycle parking is required/ proposed on site.

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).	
9.0 Loading Bays	
1. All developments have a need for a safe loading and unloading area (service area) which does not obstruct the passage of 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.	**N/A** The proposed development does not include loading bays.
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.	
3. Access, loading bays and manoeuvering for a service area must be designed in accordance with the current editions of AS 2890 Parking Facilities.	
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.	
10. Monetary Contributions	
1. 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: 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.	**N/A** The site is not predominantly zoned B2.
11. Landscaping	
1. 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. 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	**COMPLIES** The proposed development incorporates more than 10 dwellings and therefore is required to incorporate landscape bays suitable in dimension to support the healthy growth of shade trees with a minimum height of 8m to shade every 2-5 parking spaces. This is generally achieved as can be identified on the Architectural Plans included in this application.

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 trees.	

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS CHAPTER B8: WASTE MINIMISATION AND MANAGEMENT	
CONTROLS	**COMMENTS**
1.0 Demolition of Buildings or Structures	
1. 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: 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; h) implement measures to prevent damage by the elements, odour and health risks, and windborne litter; i) minimise site disturbance, limiting unnecessary excavation.	**COMPLIES** A Site Waste Minimisation and Management Plan has been prepared and is incorporated as part of the application. The items contained in this control will be incorporate in this report.
2. When implementing the SWMMP the applicant must ensure that: 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.	**COMPLIES** A Site Waste Minimisation and Management Plan has been prepared and is incorporated as part of the application. The items contained in this control will be incorporate in this report.
2.0 Construction of Buildings	

1. 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: 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 elements, odour and health risks, and windborne litter; k) minimise site disturbance and limit unnecessary excavation; l) ensure that all waste is transported to a place that can lawfully be used as a waste facility; 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.	**COMPLIES** A Site Waste Minimisation and Management Plan has been prepared and incorporated in the application. Construction waste volumes including extent of reuse and recycling on site is nominated in the report.
3.0 Bin Sizes and Collection Measures	
1. The SWMMP provided with the Development Application must specify the proposed bin sizes and collection arrangements for the development.	**COMPLIES** Refer to the Site Waste Minimisation and Management Plan.
2. 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: a) the site's boundary dimensions and available kerbside/ road frontage space, after deducting existing or proposed access driveways; 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 dimensions are available on request from Council.	**COMPLIES** Refer to the Site Waste Minimisation and Management Plan.

3. 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.	**COMPLIES** Refer to the Site Waste Minimisation and Management Plan.
4. 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: 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 safely on site, consistent with the requirements of Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.	**COMPLIES** Refer to the Site Waste Minimisation and Management Plan.
4.1 Dwelling Houses, Semi Detached Dwellings and Dual Occupancies	
A Site Waste Minimisation and Management Plan (SWMMP) is to be submitted with a Development Application and must show: a) the location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling; b) The location of an on-site waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste and recycling bins. Indicative bin sizes are shown in Appendix B8.3; c) An identified kerbside collection point for the collection and emptying of Council's waste and recycling bins. In addition the SWMMP must: a) identify arrangements for waste container storage in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts; b) demonstrate that any designated area for composting is not likely to adversely impact on adjoining properties; c) where possible, locate the waste/recycling storage area in the rear yard and minimise the distance of travel to the collection point;	**N/A** The proposal does not involve a Dwelling House, Semi Detached Dwelling nor a Dual Occupancy. As a result, this control is not applicable.

d) demonstrate that the waste storage area will be easily accessible and will have unobstructed access to Council's usual collection point; e) demonstrate that there will be sufficient space within the kitchen (or an alternate location) for the interim storage of waste and recyclables; f) Demonstrate that the placement of bins for collection at the nominated collection point will ensure that adequate traffic and pedestrian safety is maintained.	
4.2 Multi Dwelling Housing, Residential Flat Buildings and Attached Dwellings	
1. A Site Waste Minimisation and Management Plan (SWMMP) is to be submitted with a Development Application and must show: a) the location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling; 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; c) the location of any interim storage facilities for recyclable materials; d) the location of any waste compaction equipment; e)an identified location for individual compost containers or communal compost container; f) an identified collection point for the collection and emptying of Council's waste and recycling bins; 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); 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.	Refer to Site Waste Minimisation and Management Plan, in which includes the location of indoor waste, location of external waste, collection area and path of travel etc.
2. The SWWMP must address and demonstrate that the following criteria and outcomes will be achieved: a) systems must be designed to maximise source separation and recovery of recyclables; Byron Shire Development Control Plan 2014 – Chapter B8 – Waste Minimisation and Management Adopted 26 June 2014 Effective 21 July 2014 15 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.	
3. The following minimum collection and storage facilities must be provided: a) each dwelling must be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation; 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	Refer to Site Waste Minimisation and Management Plan in which includes this detail.

Appendix B8.4 and the Better Practice Guide for Waste Management in Multi-Unit Dwellings. 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; 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; 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 must be readily accessible to all residents and must be located close to the main waste storage room or area;	
4. The following location and design criteria apply to collection and storage facilities: 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; 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: i) the entry to any adaptable housing (as per Australian Standard 4299 Adaptable Housing - 1995), ii) the principal entrance to each residential flat building, iii) the point at which bins are collected/emptied; 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); d) communal waste storage areas must have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers; e) each service room and storage area must be located for convenient access by users and must be well ventilated and well lit; 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; g) where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions	Refer to Site Waste Minimisation and Management Plan in which includes this detail.

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; 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; 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; 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; 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.	
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.	Refer to Site Waste Minimisation and Management Plan in which includes who mis responsible for transporting the bins to the collection point.
4.3 Tourist Accommodation and Commercial and Retail Development	
4.4 Mixed Use Development	
4.5 Industrial Development	

PART B: CONTROLS APPLYING GENERALLY TO DEVELOPMENT APPLICATIONS CHAPTER B9: LANDSCAPING	
CONTROLS	**COMMENTS**
1.0 General Landscape Design Principles	
1. Landscape design must comply with the requirements of Chapter B11 Planning for Crime Prevention, and must minimise the potential for crime and vandalism.	**COMPLES** The landscaping plan has been designed to comply with the requirements of Chapter B11 Planning for Crime Prevention.
2. Landscaping and planting must not interfere with the function and accessibility of underground or overhead services and facilities, including inspections pits/ meters.	**COMPLIES** The proposed landscaping plan demonstrates that the landscaping and planting proposed does not interfere with the function and accessibility of underground services and facilities.
3. 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** The landscaping will not interfere with the structural integrity of buildings or structures.
4. Site and landscape design must: 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	**COMPLIES** Refer to the landscape plans included in the package.
5. 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).	**COMPLIES** The planting species proposed are compatible with the existing character of vegetation on the site. Refer to the Landscape Plan included in the package.
6. 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	**COMPLIES** The proposed landscaping compliments the existing residential character and softens the appearance of the build form from the surrounding neighbours.

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.	
7. Plant species used in landscaping must: 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.	**COMPLIES** The proposed species have been selected for their suitability for the site.
8. Landscaping must provide year-round shade, shelter and amenity to outdoor living areas and help to define the function of different outdoor spaces.	**COMPLIES** The proposed landscaping provides year-round weather protection and amenity.
9. 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: a) pedestrian pathways that have a different surface finish to, and are clearly differentiated from, driveways and vehicular movement areas; b) planting or other design elements that help drivers and pedestrians locate the main entry/ exit points into the site; 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).	**COMPLIES** The proposal provides for suitable landscaping within communal areas within the subject site consistent with this control.
10. 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.	**COMPLIES** The landscaping plan has provided for suitable screening that is to aid in providing privacy between users and retain amenity for surrounding allotment. This has been achieved through boundary treatment landscaping.
11. 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.	**COMPLIES** The subject site is mapped as within a Bushfire Prone area and as a result the landscaping plan has utilised a selection of plant species suitable for the site.
B9.4 Multi Dwelling Housing, Attached Dwellings and Residential Flat Buildings	
1. The following design requirements apply to multi dwelling housing, attached dwellings and residential flat buildings developments: a) retention of suitable existing vegetation; b) screen planting to street frontages and driveway areas, to provide privacy between dwelling houses and around the boundaries of the site; c) provision of pleasant landscaped settings for the enjoyment of residents; d) planting selection that relates to building scale and mass.	**COMPLIES** The statement of landscape intent provides retentions existing vegetation where possible, provides for screen planting to street frontages, boundary screening to aid in privacy and retains amenity for surrounding allotments.

<table>
<tr><td>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.

<table><tr><th>Dwelling(D) Size</th><th>Landscaped Area(D)</th></tr><tr><td>Small (under 55 m² in floor plan area(D))</td><td>50 m²</td></tr><tr><td>Medium (55-85 m² in floor plan area(D))</td><td>70 m²</td></tr><tr><td>Large (over 85 m² in floor plan area(D))</td><td>90 m²</td></tr></table></td><td>COMPLIES
The proposal provides for townhouses that have a floor plan area of between 86m² - 107m² and as a result a total of 90m² of common landscaped area is to be provided for the development.
The proposed development provides this area to the rear of the site, west of Dwelling block B and C.</td></tr>
<tr><td colspan="2">B9.4.2 Common Landscaped Area</td></tr>
<tr><td>1. The common landscaped area of the site must be in accordance with Section B9.4.1.</td><td>COMPLIES
See above commentary.</td></tr>
<tr><td>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.</td><td>COMPLIES
Sufficient deep soil zone is afforded to the development consistent with this control.
Please note this conflicts with Clause 18 of the Housing SEPP where a total of 15% of the site is to be afforded as deep soil zone.</td></tr>
<tr><td>3. The landscape design must address:

a) the retention and provision of appropriate trees on the site;
b) the use of earth mounding and terraced areas to create useful and visually pleasing recreation areas and to assist screening;
c) the orientation of landscape areas with regard to sunlight and prevailing winds;
d) the provision of sufficient areas adequately shaded against the summer sun and giving adequate access to the winter sun.</td><td>COMPLIES
The landscape plan provided as part of the application provides for the required items necessary to comply with this control.</td></tr>
<tr><td>4. Areas used for the management of on-site sewage effluent must be excluded from calculations of the common landscaped area.</td><td>COMPLIES
The site does not require the use of on-site effluent disposal, and as a result, this control is not applicable.</td></tr>
</table>

Chapter B14 – Excavation and Fill			
OBJECTIVES	**PERFORMANCE CRITERIA**	**PRESCRIPTIVE MEASURES**	**COMMENTS**
B14.2 Excavation and Fill in all Zones			
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. 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. 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.	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: a) Adverse visual impacts, bulk and scale of both the proposed earthworks and the resultant overall development are minimised; b) Overshadowing of adjoining private and public land is avoided; 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; 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. e) The need for engineering and support works is minimised; f) Risk of geotechnical instability and/ or landslip is minimised. 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,	1. Unless otherwise stated below, excavation and filling must be limited to a depth of 1 metre. See Figure B14.1.	**COMPLIES** The proposed development does not exceed the maximum cut and fill of 1m consistent with this control.
		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.	**COMPLIES** The development does not exceed the maximum cut and filling requirement consistent with Figure B14.1 abovementioned for the use of car parking. The development provides for safe and convenient car parking.
		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	**COMPLIES** Batters have been proposed and will not cause adverse erosion to the subject site or surrounding land.
		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.	**COMPLIES** The proposed development includes a pool, however the max excavation is not greater than 2m. The pool will not be partially benched.
		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.	**COMPLIES** The site is not considered to be on a sloping allotment.

	development proposals must demonstrate the particular benefits to be gained from those earthworks. 3. Earthworks must be designed to ensure that the community /pedestrian scale and character of commercial areas will be retained and reinforced. 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. 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 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	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.	**Noted**
		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.
		8.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.	**N/A** The site is not considered in a flood affected area.
		9. Engineering detail by a suitably qualified structural or geotechnical engineer to be submitted for earthworks on land with a gradient exceeding 15% or where cut and fill of more than 1 metre is proposed.	**N/A** The site does not have a gradient of more than 15%, not is the cut and fill greater then 1m consistent with this control.
		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.	**COMPLIES** A site plan is included as part of the Architectural Plans.