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## **Section 1 GENERAL**

### **1.1 Citation**

This plan may be cited as “Byron Shire Development Control Plan No. 11” and constitutes a DCP prepared and adopted in accordance with the provisions of section 72 of the Environmental Planning and Assessment Act 1979 and the Regulations thereunder.

### **1.2 Commencement Date**

This plan shall be effective for 11/12/90 being the date on which Council formally resolved to adopt the plan. Amendments, if any, are catalogued in clause 12.

### **1.3 Application**

This plan applies to all development and building application involving the land shown on the DCP maps.

### **1.4 Definitions**

“DCP map” means the map marked “Development Control Plan No. 4 – Development Guidelines”.

The definitions of some of the other terms used in this plan may be found in:

- (a) the Byron LEP 1988 and any other environmental planning instrument applying to the land;
- (b) the 1980 Model Provisions adopted by the Byron LEP 1988; and
- (c) the Environmental Planning and Assessment Act 1979, Local Government Act 1919 and other relevant Acts.

### **1.5 Relationship to other documents and policies**

This DCP is part of the comprehensive package of DCPs, codes and policies being introduced to supplement the Shire-wide Byron LEP 1988. As such, this DCP gives detailed expression to Council policies and guidelines for the development and environmental management of Mullumbimby, both the existing township and the new residential areas.

This DCP must be read in conjunction with the provisions of the Byron LEP 1988, being the principal planning instrument applying to the land, the relevant SEPPs and the relevant provisions of the North Coast REP 1988. In the event of any inconsistency between this plan and the statutory planning instruments, the provisions of the statutory planning instruments shall prevail.

In particular, this DCP should be read in conjunction with the provisions of DCP No, 1 which specifies Council’s objectives, guidelines and development standards for various forms of development, including subdivision (Part B), residential development (Part C),

commercial (Part D), car parking (Part G), landscaping (Part H) and house location and site design (Part K).

## **Section 2 OBJECTIVES OF PLAN**

### **2.1 General**

The main purpose is to give detailed expression to Council's Planning and Development policies and objectives as set out in the Byron LEP 1988 for Mullumbimby township.

The objectives of the relevant zone applying to the land under the provisions of the Byron LEP are to be taken into account for the purposes of this plan.

### **2.2 Specific objectives**

The specific objectives of this plan are:

- (a) to enhance the character and amenity of Mullumbimby as a rural township and ensure that new development compliments the towns character;
- (b) to take advantage of the variety of topography, aspect, views and water course in providing a variety of residential development forms and densities, including innovative small lot and cluster housing and medium density housing in appropriate locations, to give character to the new release areas;
- (c) to provide an upgraded, economic, safe and convenient road and movement system to minimise congestion, integrated with the walkway/ bikeway system;
- (d) to ensure efficient and cost effective provision of engineering works and services for new development to achieve minimum construction and maintenance costs;
- (e) to provide and upgraded network of public open space based primarily on the river park system and integrated with the walkway/ bikeway system to meeet the needs of the expanding town;
- (f) to provide realistic guidelines for the growth of commercial and non-residential uses to support the increasing population and respond to tourism opportunities;
- (g) to establish guidelines to ensure new development involving buildings of conservation significance sympathetic to the heritage character with realistic criteria for extensions, alterations and infill development in terms of scale, detailing, design, materials, signage, etc.
- (h) to make provision for upgrading of community and recreation facilities to meet the needs of the growing population;
- (i) to facilitate the orderly and staged development of the town;
- (j) to ensure that new development does not intrude on important landscape elements such as ridgelines;
- (k) to ensure that new development avoids constrained land such as steeply sloping areas or flood liable land; and

- (l) to lay the framework for future access and services to potential future housing area and environmental management of these areas as a basis for future rezoning consideration in response to genuine demand for housing.

### **Section 3 URBAN DESIGN GUIDELINES – EXISTING TOWN**

#### **3.1 Character**

The existing character derives from a number of components:

- (a) the surrounding backdrop of steep hills visible from most parts of the town and a wide straight street grid-iron system of the older parts of town;
- (b) the lush, subtropical environment, particularly in the riverside area and street trees;
- (c) the commercial area is a pleasing mixture of 1 and 2 storey buildings, many with interesting original shopfronts and decorated parapets and landmark buildings predominantly with steep pitched roofs, usually corrugated iron; and
- (d) the older residential area is characterised by single storey houses dated predominantly from the 1890s to the 1930s in light painted weatherboards, large silver iron roofs in hips of gables of generous proportions with high eaves above ground heights. In addition, well established gardens predominate.

The DCP will require that any proposed development respects and complements the historical and architectural significance of its setting as set out in the guidelines hereunder. Reference should be made to Map 1 for location of precinct areas.

#### **3.2 New buildings in established areas**

To preserve the existing character of Mullumbimby's established areas it is important that new buildings or renovations to existing buildings respect the old. New buildings should sit comfortably in the existing environment by the use of sympathetic elements and demonstrate a continuation of the evolutionary building process that is the heritage of Mullumbimby.

New buildings should not be "faked" copies of old buildings or made to look old, but should be designed and placed so that they reflect the modern progressive thinking of the community yet do not overwhelm the neighbouring architectural characteristics. This requires careful designing as even the use of the above commonly used modern materials such as brick and tile can seem inappropriate when placed in the context of an historic environment. The redevelopment of vacant sites or buildings of non-contributory character is an opportunity to provide a sensitively designed new building that will strengthen the architectural qualities of the area. In addition, the architectural qualities of the surrounding area provide design influences that make the design of infill buildings much simpler.

#### **3.3 Heritage buildings**

The Byron LEP 1988 recognises 7 buildings as "items of environmental heritage" as follows:

Westpac Bank, Burringbar Street  
National Bank, Burringbar Street

Mullumbimby Courthouse  
"Cedar House", 140 Dalley Street  
"Summerset", Azalea Street  
Church of England, Stuart Street  
Heritage Museum, Myocum Street

Development or demolition involving these buildings is subject to the special provisions of clauses 18.22 of the Byron LEP 1988 relating to matters required to be assessed by Council in determining an application, special development incentives and public notification procedures.

In addition, the 2 buildings listed below are recognised as of sufficient heritage value to be recommended for inclusion in the Byron LEP 1988 as "items of environmental heritage". Council will have full regard for the matters raised in clause 19 of the LEP in considering any proposal for development, including alterations or additions involving these buildings and land surrounding the buildings.

Convent, Casuarina Street  
Manse, Casuarina Street

### **3.4 Central Business District –Precinct 1**

#### *3.4.1 General guidelines*

An aim of this DCP is to encourage the central business and shopping area to remain compact and maximise shopper accessibility. Map 5 indicates Council's development guidelines for this precinct.

Public accessibility within the commercial area is to be improved by provision of walkways/ arcades within commercial redevelopment linking the laneways and car parking areas to the main commercial street frontages.

Out door eating area are encouraged.

Council will take steps to encourage:

- (a) the creation of a node or central place for information display and directions and shopper resting place in Burringbar Street, adjacent to the Post Office; and
- (b) town entry display/ outdoor sculpture/ direction sign structure or facility in the vicinity of the intersection between Station/ Argyle/ Burringbar Streets, west of the railway crossing in conjunctions with the redesign of this intersection and provision of public parking and landscaped area in the adjacent leased SRA land.

Such facilities should extend the theme established by the community based Mullumbimby "Gateway" project at the Pacific Highway corner.

Provision of rear parking and arcade/ walkway connections will be encouraged in new commercial developments, linking parking area and rear service lanes with the shopping streets.

That part of the railway land north of the railway crossing with frontage to Station Street will be considered for the land term provision of public parking and open space and relocation of the Telecom depot.

The long term creation of a civic uses precinct will be encourage on sites on the north side of Burringbar Street, west of Gordon Street, to take advantage of the riverfront park location as the potential to relocate the existing semi-industrial/ depot uses to more appropriate sites becomes available.

### *3.4.2 Character of Buildings*

The buildings of most significant character in this area are:

National Australia Bank

Westpac Bank

Commercial Hotel

2 storey building (39-49 Burringbar Street), diagonally opposite Commercial Hotel

2 storey building (55 Burringbar Street), west of Westpac Bank

Courthouse

All of these buildings, except for the courthouse, are 2 storey and all but the timber 2 storey building on the eastern side of the Westpac Bank have steep hipped roofs. Five of these buildings have or had verandahs so that sun control and a sense of light and shade are very important. Wide eaves at the roof are also a common feature. Wall materials are either red brick with light painted contrasts or in a light painted finish over weatherboard or rendered brickwork. Roof materials are predominantly in galvanised iron, although tiles are to be found in the National Australia Bank and on several new developments. Windows are small, of vertical proportion and solid wall area accounts for the greater part of the wall face area. Large areas of glass are not common. The floor-to-floor heights within these buildings are greater than now used with the result that these buildings stand well above the newer flat roofed developments.

The majority of commercial buildings however are of a lower scale, have a parapeted front with minor relief and are of single storey. New developments should consider the following points:

Scale – 2 storey is preferable with ground floor ceiling heights less than the significant buildings so they do not lose their importance, but not less than 10%. Single storey buildings could be designed to take a future second storey.

Form – a hipped roof or hipped gabled roof with pitch between 25-30 degrees is preferable. If a flat roof is chosen, it should be concealed by a parapet having a height of at least equal to 50% of the ground floor height. Flat unrelieved parapets should be avoided and relief in the form of string courses, ledges, cornices or cappings should be considered.

The elevations of the commercial buildings in Appendix 5 are provided to facilitate comparison of the scale and form between proposed new development and existing development within the commercial area.

Applicants will be required to provide a street elevation of the proposed building or

extension/ renovation set into the existing street elevation.

Materials – most new buildings will be built in brickwork to suit fire prevention requirements but this does not need to be left in face work. It should be noted that although the majority of buildings in Burringbar Street are in a face brick, a large number are painted and this adds much interest to the street. Painted cement rendered brickwork should be considered as an alternative to face brickwork. In addition, the newer trend of roughly laid imitation sandstock bricks is out of character with the older more traditional well-laid bricks.

Verandahs and awnings – an important amenity for pedestrians in a hot and wet climate is adequate protection from the weather and verandahs or awnings over the footpath fulfil this purpose. Generally, there is good footpath coverage except for the banks, which are not designed to provide this amenity. New development should be encouraged to provide footpath awnings in a style sympathetic to the adjoining awnings. Buildings such as the Commercial Hotel and 55 Burringbar Street look very mutilated without their original 2 storey verandahs and these should be restored to the buildings so that they can then remake a major contribution to the streetscape. The use of verandah posts supporting these verandahs is allowed under present building ordinances and encouraged by Council.

Signs – uncoordinated and poorly thought out advertising signs and shop names can do great damage to the visual qualities of the streetscape and deserve special consideration. Signs should be complimentary to the building on which they are placed and should not detract from nor dominate the architectural features nor prejudice the appearance of adjacent buildings. When considering the placement or design of a sign, the following points should be considered.

Is a sign really needed, or is the window display of the activities or products adequate enough?

What is the most important information to be conveyed?

Where and how will people be viewing the sign? Will they be moving in a car or on foot?

How would the sign fit in with existing signs on the shopfront of the building?

How should the sign compliment the central business precinct?

How many signs are really needed?

Shopfronts – many original shopfronts remain in Mullumbimby either in heavily moulded timber or nickel plated frames with leadlight highlights. These original shopfronts contribute much to the character of the shopping area and their retention and reinstatement should be regarded as necessary. New buildings should consider the importance of a well design shopfront using material compatible with neighbouring earlier shopfronts and avoid bland low cost materials such as aluminium. In additions, recessed entry doors to shops create interest in the line of shopfronts.

### **3.5 Central Mullumbimby residential – Precinct 2**

This area comprises the main residential section of the existing form located between the

railway and the river, to the north and south of the central business precinct.

### *3.5.1 Character of buildings*

A number of houses in this area are good examples of their type and contribute significantly to the character of the area. These are:

4 Dalley Street  
22 Gordon Street  
6 Jubilee Avenue  
8 Jubilee Avenue  
5 Fern Street  
138 Dalley Street  
140 Dalley Street ("Cedar House")  
87 Station Street  
4 Tyagarah Street

Although these 9 have been singled out, there are many others that use common design features or materials that contribute to a consistent architectural character in this area. The majority of these houses generally belong to an era of 1890-1930 and with this area there are few intrusive buildings. As in all eras of building, the common use of available materials and social aspirations produces buildings of compatible appearance. Just as the earthy tone brickwork and dark tile low pitched roofs identify newer residential developments, so do the light painted weatherboard walls with steep galvanised iron roofs identify this older established area. Other features that identify this older area are:

Scale – the scale of the buildings is much higher (caused by many buildings being raised to a safe flood level), higher floor to ceiling heights that now commonly used and steep pitched roofs. This overall height is most significant and the introduction of new domestic buildings with slab-on-the-ground construction, 2.4 metre ceiling heights and low pitched roofed produces and incompatible relationship between the scale of the buildings. Eaves heights above the ground should reflect the common heights in the immediate existing surrounds and preferably be within plus or minus 10% of the existing buildings. Similarly, roof pitches should be compatible with the commonly used pitches, i.e. between 25 degrees and 35 degrees.

Materials – most of the earlier buildings are in painted weatherboard and this use of this is still appropriate. If brickwork is desired, it is worth considering bagging and painting it so that the important colour component in the area is not lost. Where reflective glare is likely, silver, white or light grey should be avoided.

Verandahs - nearly all the older houses enjoy the amenity of verandahs and wide eaves giving maximum protection from the weather and providing an important transition space between the garden and the house proper. New residences should be encouraged to include this feature.

Fences – many of the buildings in this area would be greatly enhanced by the inclusion of an appropriate and sympathetic fence to the street. When constructed using details belonging to the period of the house and painted in sympathetic colours, they add much interest to the streetscape.

### *3.5.2 Infill development guidelines*

Opportunities for infill housing in the form of dual occupancy development, townhouse development or resubdivision are available where:

- (a) the applicant can demonstrate an adequate site area or lot sizes in accordance with DCP No. 1 (Parts B and C) – Subdivision and Residential;
- (b) adequate access is available. For instance, where a rear land may be sealed or where an adequate 6 metre battle-axe accessway is available with reciprocal right-of-way, if required; and
- (c) suitable lot shape, dwelling sites and dwelling design can be established so that Council is satisfied that the proposed dwellings are compatible with adjacent existing housing and do not unnecessarily intrude the privacy of neighbours.

Consideration of any change of use or proposed alteration or addition involving the small industrial area at Mill Street (old Norco butter factory site) will have particular regard to the need to minimise interference by noise, etc. to adjacent residential premises and the limitation imposed by lack of off-street parking and adequate loading bays and flood protection measures.

Railway land north of the existing Telecom depot in Station Street is recommended for open space buffer and drainage reserve.

### **3.6 East Mullumbimby – Precinct 3**

This is a later developed area than the central residential area and contains many houses dating from the 1940s to the present time. As development has spread steadily east, so have the architectural styles changed from painted weatherboard or asbestos cement sheets houses with galvanised iron or corrugated asbestos roofs to the brick and tile wooden houses now consistently appearing.

The older houses, as in Precinct 1, have common features of painted walls and high scale. When redeveloping within the precinct, the qualities of adjoining houses exhibiting character should be considered such that scale, eaves heights, roof pitches, wall finishes and siting are compatible. The continuation of painted or precoloured materials is important. No particular building has been singled out in this area for its architectural quality but rather, the character derives from the group as a whole.

Since much of the area is subject to marginal flooding in the 1% flood event, flood protection measures are to be included in the design of new development.

### **3.7 West Mullumbimby residential – Precinct 4**

The western area are predominantly of new brick and tile construction and although this has produced its own character, attention to climate control by wide eaves and verandahs and the planting of gardens and trees that will mature to offer colour and shade like the established gardens will be beneficial.

Four buildings contribute significantly to the character of this precinct, these being:

No. 2 Main Arm Road  
Casuarina Street (Manse)  
Casuarina Street (Convent)  
Main Arm Road, Inverary (out of town)

Others such as lot 10, Riverside Drive, give strong support to these.

As for Precincts 2 and 3, the different scale, light coloured wall materials, steep galvanised iron roofs, verandahs, fences and well-established gardens are important characteristics of older buildings in this area. When developing next to or near buildings of this character, care should be taken in the building design to achieve compatibility.

## **Section 4 DEVELOPMENT GUIDELINES – NEW URBAN AREAS**

### **4.1 General**

Applicants are to have regards for the overall design requirements for various forms of residential development as set out in DCP no. 1 (Part C) – Residential and (Part B) Subdivision. In particular, the environmental design criteria and urban subdivision criteria are to be observed.

Reference is to be made to “Development Guidelines – General” (Map 4) for indicative road layout, preferred location of open space and medium density housing to be recognised in preparation of applicants.

A minimum proportion of 10% of all new dwelling-house lots are to be 450-550 m<sup>2</sup> in area (small lots) dispersed through a new release areas for the purpose of achieving greater efficiency in use of serviced urban land and to provide for future demands for diversity in household types.

Medium density/ cluster housing is to be located in the localities specified on the map and generally medium density sites should comprise a minimum of 10% of land within a particular release area.

Designers of subdivisions are also referred to in the Australian Model Code for Residential Development, June 1989, Commonwealth Department of Industry, Technology and Commerce (Joint Venture for More Affordable Housing Task Force). Innovative small lot subdivision is encouraged provided that the subdivision design is based on an integrated approach linking site planning, dwelling location, road and drainage design and open space (private and public) in one process. Pedestrian scale landscaped designs for minor access roads are sought based on the technical information in the above document and achieving cost effective, quality housing subdivisions provide a variety of lot sizes and types, giving high amenity and safety.

### **4.2 Area west of Azalea Street – Precinct 5**

The undulating topography and north-facing aspects will lend themselves to curvilinear layouts and innovative cost effective subdivision practice as described in 4.1. The scale of streetscape and length of visual runs will contract greatly with the existing town grid-iron pattern.

Subdivision design is to be based on roads as small in section (both road reserve and road seal) as necessary to serve the traffic function of the road with minor access roads designed specifically for low vehicle speed (20-30 kph maximum) to provide a public street environment safe for pedestrians.

The prominent east/ west ridgeling is to be avoided by house sites and roads and open space corridors should avoid cutting across the landform.

The open space system focuses on the river corridor and the extension along the fully forming the northern boundary of this area.

Preferred cluster housing/ medium density sites are located adjacent to open space

corridors.

Provision is made for the site of future neighbourhood shop/ community centre as shown.

#### **4.3 Riverside Drive area – Precinct 6**

Continuing residential development and subdivisions of this area is to be in accordance with the “Development Guidelines” map in relation to access roads, location of medium density and open space, pedestrian links, etc.

A neighbourhood shop site and future caravan park site are provided adjacent to Chinbible Street subject to satisfactory access point and flood protection measures/ site works at the south-eastern corner of the showground.

## **Section 5 DEVELOPMENT GUIDELINES – RURAL RESIDENTIAL**

### **5.1 Left Bank Road – Precinct 7**

Requirements for lot sizes, shapes, frontages, setbacks, house siting and effluent disposal are specified in DCP No. 1 and the Byron LEP 1988.

The access road and trail system, areas to be protected as open space, shelterbelts to improve the amenity, etc., are generally to be as shown on the map. The ridgeline, steep slopes, areas of trees, waterlogged and low-lying areas are to be avoided by house sites and access roading.

### **5.2 Orchid Avenue/ Station Street area – south end of Precinct 2**

House sites are to be restricted to the low flood free ridge located north of Saltwater Creek.

## **Section 6 ROADS AND MOVEMENT SYSTEMS**

### **6.1 DCP No. 1 criteria**

Unless varied by this DCP, road design and associated drainage systems are to comply with the appropriate provisions of DCP No. 1, viz:

Part B Section 7.3 "Drainage" and Section 7.8 "Pedestrian, Bikeways and Vehicle Movement Systems:.

This section address the following criteria:

- Roads to be integrated into the design of the development
- Priority to be given to the safety and convenience of pedestrians and cyclists
- Road hierarchy
- Provision for trucks and buses
- Pavement widths, footpaths and nature strips
- Access to lots
- Easements for steep embankments
- Provisions of conduits for service mains
- Construction of access

### **6.2 Road location criteria**

The road system within the release area and the points of intersection with existing roads should generally be in accordance with the detailed provisions of this DCP and with the indicative layout shown on the included maps and shall be subject to the approval of Council's Works and Services Director.

Roads are to be located with minimum impact and disturbance to the environment and landscape. Significant individual trees and stands of vegetation should be preserved where possible.

Roads are to generally follow contours and ridges and avoid steep sections and cuts.

Long straight sections of road are to be avoided.

### **6.3 Design and construction standards**

Construction and drainage of roads are required for all subdivision and the design of such works is to comply with Council's Specification for Engineering Works.

Road design is to encourage low construction costs and minimum future maintenance costs.

New roads are to be determined as either through roads, minor loops or cul-de-sacs to reflect their traffic carrying function in the road hierarchy as indicated on "Roads, Movement Systems and Services" (Map 3). Guidelines are given in DCP No. 1 (Part b) – Subdivision.

Minor access roads serving new subdivisions are to connect with existing roads at

intersect points with satisfactory sight distances.

Traffic safety and vehicle speed reduction devices are to be used in appropriate locations on new subdivision roads in order to clearly define for motorists the entry into low speed residential access streets. For example, carriageway constructions and islands with raised paved crossings may be used. These devices should be integrated with landscaping elements.

Road pavements in ribbed concrete or paving blocks with compacted edges and passing bays down to 3.7 metres width and narrower road reserves may only be permitted where the subdivision design can establish to the satisfaction of the Council's Works and Services Director that an integrated design does not compromise pedestrian or traffic safety and achieves the technical design criteria contained in Sections B4 to B8 of the "Australian Model Code for Residential Development" (referred to in Section 4.1 of this DCP).

Lot layout and house site locations are to be designed to minimise the need for vehicle access directly onto existing arterial roads. Wherever possible, vehicle access is to be provided by means of new minor access roads.

Any roads provided by the developer are to be integrated with the proposed Local Area Traffic Management Scheme for the Riverside Drive/ Pine Avenue area. Where proposed infill lots or new lots are served by an existing unsealed or unmade land or road, the land or road is to be fully constructed to the full length of the lot.

#### **6.4 Flood free access**

Provision of flood free access is required from Clay's Road to Left Bank Road. This road may be initially constructed as a single land, unsealed as a conditions of approval to subdivision of land as shown on the "Development Guidelines" map.

#### **6.5 Intersections**

The increased vehicular traffic generated by the proposed developments requires that several existing road intersections be upgraded or modified to effect traffic control. These intersections are described below.

Contributions will be required from developments in the release areas generating the added traffic. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

- (a) The access point from any residential development servicing the land north of the Council depot will require a Class C intersection to Tunnel Road.
- (b) The intersection of Main Arm road with Coolamon Scenic Drive (Tunnel Road) will require and upgraded intersection to Council's design.
- (c) The intersection of Pine Avenue with Main Arm Road will require an intersection upgrading in increase traffic safety to Council's design.
- (d) The intersection of Azalea Street with Jubilee Avenue will require intersection

upgrading in conjunction with upgrading of Jubilee Avenue and bus turning and car parking.

- (e) The intersection of Azalea Street with Left Bank Road will require intersection upgrading to recognise Left Bank road as the major road.

#### **6.6 Pedestrian cycleway**

New road systems are to be integrated with the pedestrian/ cycleway system as indicated on the maps.

Section 94 contributions will be required from lots in the West Mullumbimby release areas to provide for eventual construction of a pedestrian/ cycleway bridge over the Brunswick River.

## **Section 7 URBAN SERVICES**

### **7.1 Water Supply**

Water is to be provided to all lots within urban zones. Satisfactory arrangements shall be made with Council before lodgement of any application for subdivision.

Augmentation of the water supply required to cater for the developments covered by this DCP will be provided as part of Council's adopted Works Program and will be funded by the adopted section 94 headworks contributions.

Internal reticulation and metering is to be provided by the developer using an approved contractor. All works are to be carried out under the supervision of Council in accordance with approved plans.

### **7.2 Sewerage**

Augmentation of the treatment works, pump stations and rising mains as required to cater for the developments covered by this DCP will be provided as part of Council's adopted Works Program and will be funded by the adopted section 94 headworks contributions per allotments created.

Sewer is to be provided to all lots within urban zones. Satisfactory arrangements shall be made with Council before lodgement of any application for subdivision.

Reticulation is to be provided by the developer using an approved contractor. All works are to be carried out under the supervision of Council in accordance with approved plans.

### **7.3 Stormwater**

Reference is made to Section 7.3 (Drainage) of DCP No. 1 (Part B) – Subdivision for requirements. Maximum use is to be made of unsealed surfaces to retain stormwater surcharge with design of drainage easements and system to the specific standards in Council's Specification for Engineering Works.

For overland flow design, all swales shall provide for the 1% flood event and design of road drainage and piped drainage system and structures are to be designed to provide for flows of the 5 year recurrence event.

### **7.4 Waste management**

Contributions will be required from urban and rural residential subdivision developments to provide a future waste management facility in the location decided by Council.

### **7.5 Electricity**

Underground electricity reticulation is required for urban developments. Written evidence of satisfactory arrangements with Northpower will be required and adequate easements are to be provided as required by Northpower.

## **7.6 Telephone**

Adequate easements are to be provided to ensure that telephone facilities may be installed. Written evidence from Telstra is to be submitted indicating that the proposed subdivision can be served by telephone.

Telephone services are to be underground wherever practical with common trenching for water supply, Telstra and electricity reticulation.

## **7.7 Specific requirements for Precinct 5**

Prior to the granting of subdivision approval for further residential development in the area west of Azalea Street (Precinct 5). Council will require the submission of a satisfactory engineering services design for the provision of water, sewerage and drainage services to the whole of the precinct.

## **Section 8 DEVELOPMENT HAZARDS**

### **8.1 Flooding**

New subdivision on flood liable land are to be designed so that all house sites and access roads are filled to the minimum 1% or 1 in 100 year flood level, however the subdivision design may locate some open space with the flood liable area.

Council may require a flood study at the cost of the applicant to demonstrate satisfactory flood protection of buildings and that the proposed fill and development will not adversely affect the flooding of property elsewhere.

The minimum habitable floor level of all building is to be 500 mm above the 1% flood level as determined by Council's Works and Services Director.

Council may permit development in established areas that are marginally flood affected for the purposes of minor infill or extensions without requiring landfill, subject to assessment by Council's Works and Services Director.

On an infill development site the maximum depth of fill is to be 600 mm. No filling or variation to ground levels within 1 metre of the boundary alignment other than as necessary to bring surface undulations to an even gradient consistent with the gradient of adjacent land.

### **8.2 Geotechnical**

Council will require a certificate from a practising structural engineer in conjunction with a geotechnical report on the subject land in accordance with the requirements of clause 7.11 of the DCP No. 1 (Part b) – Subdivision.

Unhealthy land under the Public Health Act is declared for site in Ann Street and Orchid Place (See "Constraints" map). On these sites, a geotechnical report will be required to determine the extent of the unsatisfactory material and the amount of removal and clean fill required. On completion of site works and filling, a geotechnical certificate from a suitably qualified engineer will be required to evidence that the site is satisfactory for building. The developer will be required to have the notice under the Public Health Act revoked in respect of the land prior to commencement of building construction.

## **Section 9 OPEN SPACE AND RECREATION**

### **9.1 Open space and recreation**

Reference is made to Section 7.7 of DCP No. 1 – Subdivision.

Public open space is to be provided by dedication as subdivision or redevelopment occurs to form an integrated network and functional hierarchy of open space as shown on the “Development Guidelines: map at the ratio of 3 ha per 1,000 population.

The principal open space element to be enhanced and extended is the riverside open space corridor.

A potential boat ramp location is shown within the park, north of Mill Street (Precinct 2).

New neighbourhood parks or playgrounds with a minimum area of 700 m<sup>2</sup> are generally to be provided so that no new urban dwelling lot is located further than 200 metres from a park.

Council may accept a monetary contribution in lieu of provision of dedicated open space.

Provision should be made for future sportsfields on the land north of the gully in Precinct 5.

Contributions will be required for embellishment of town recreation facilities.

## **Section 10 COMMUNITY FACILITIES**

### **10.1 Community facilities**

Existing town community facilities are to be upgraded utilising section 94 contributions to be required for new subdivisions or development to support anticipated population growth.

Provision is to be made for the dedication of a site of approximately 2,000 m<sup>2</sup> in Precinct 5 for a community building.

## **Section 11 SECTION 94 CONTRIBUTIONS**

### **11.1 Section 94 contributions**

Having regard for the additional demand for use of community facilities and services likely to arise as a result of residential development, contributions will be levied for the following purposes:

Road and intersection upgrading

For development south-west of town with access via Left Bank Road

For development north-west of town with access via Main Arm Road

Bikeways/ pedestrian system

For development north-west of town

Sewer and water headworks and augmentation

Community facilities

Parks embellishment

Parks acquisition

Garbage transfer and recycling depot

Unit rates of contributions will be set by Council each year. As an indication the unit rates for 1990 are:

Road and intersection upgrading

For development south-west of town with access via Left Bank Road - \$1,006 per ET

For development north-west of town with access via Main Arm Road - \$475 per ET

Bikeways/ pedestrian system

For development north-west of town - \$300 per ET

Sewer and water headworks and augmentation – as per Council fees

Community facilities - \$530 per ET

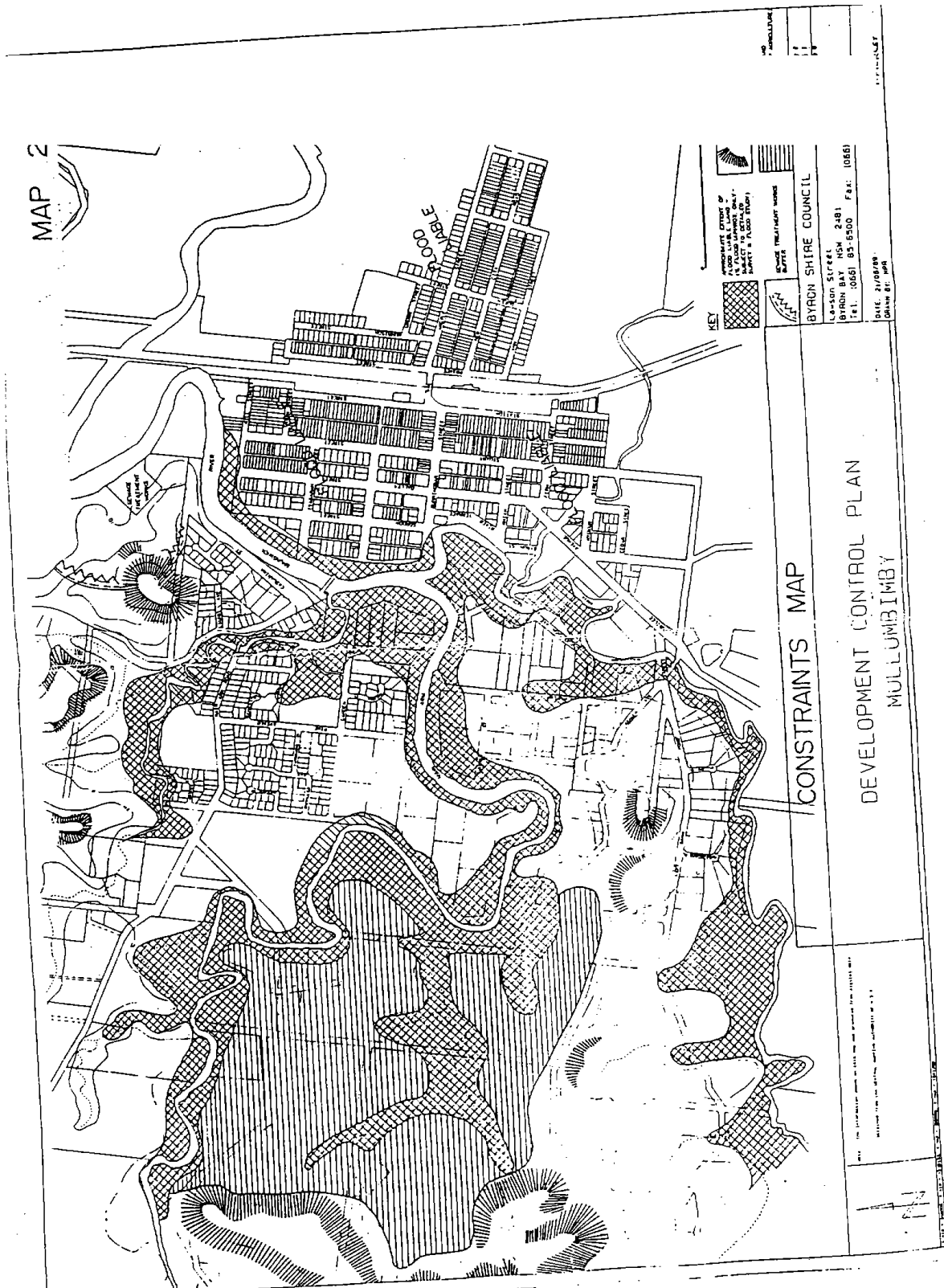
Parks embellishment - \$530 per ET

Parks acquisition - \$2,400 per ET (if land not dedicated)

Garbage transfer and recycling depot - \$50 per ET

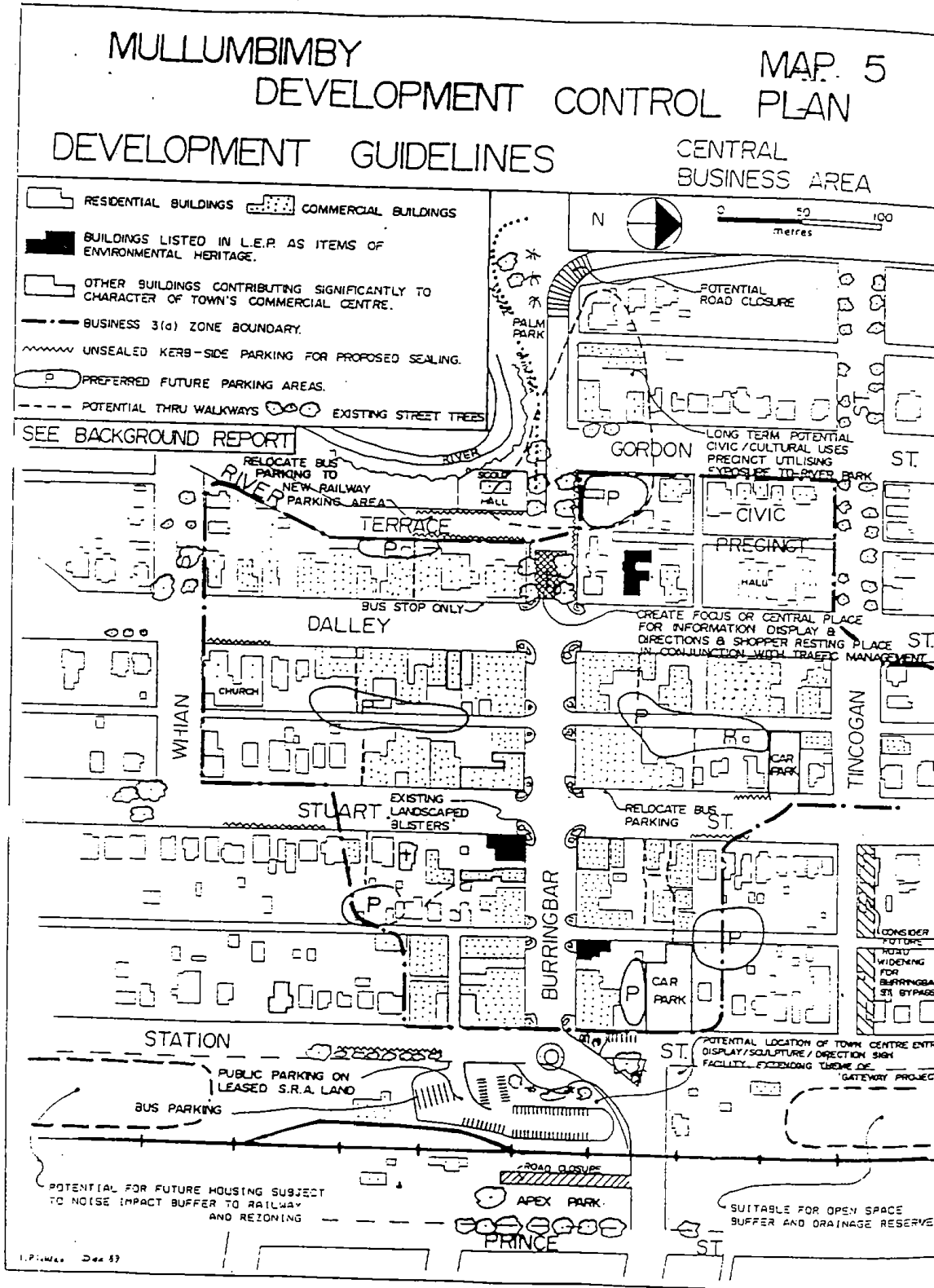


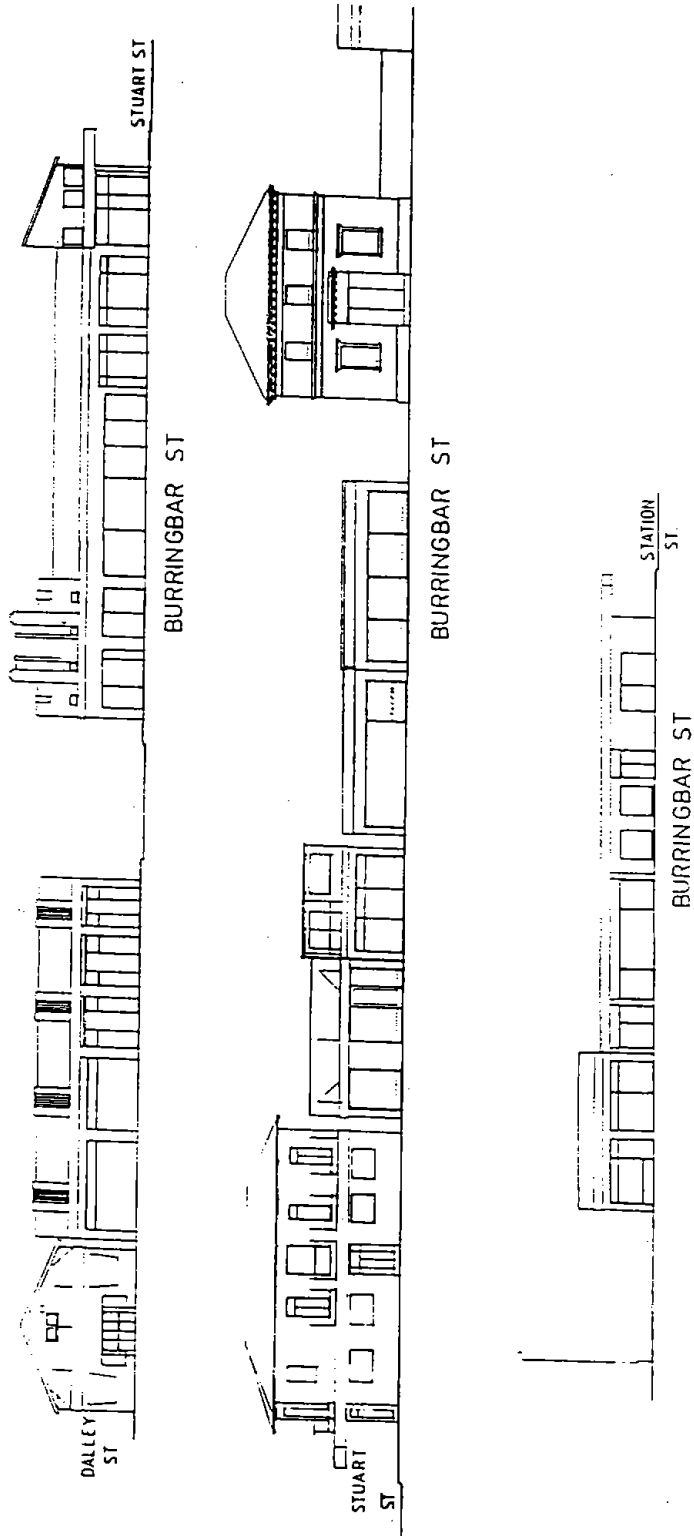
**BYRON SHIRE COUNCIL DEVELOPMENT CONTROL PLAN No 11**  
**Mullumbimby**  
**#217119**



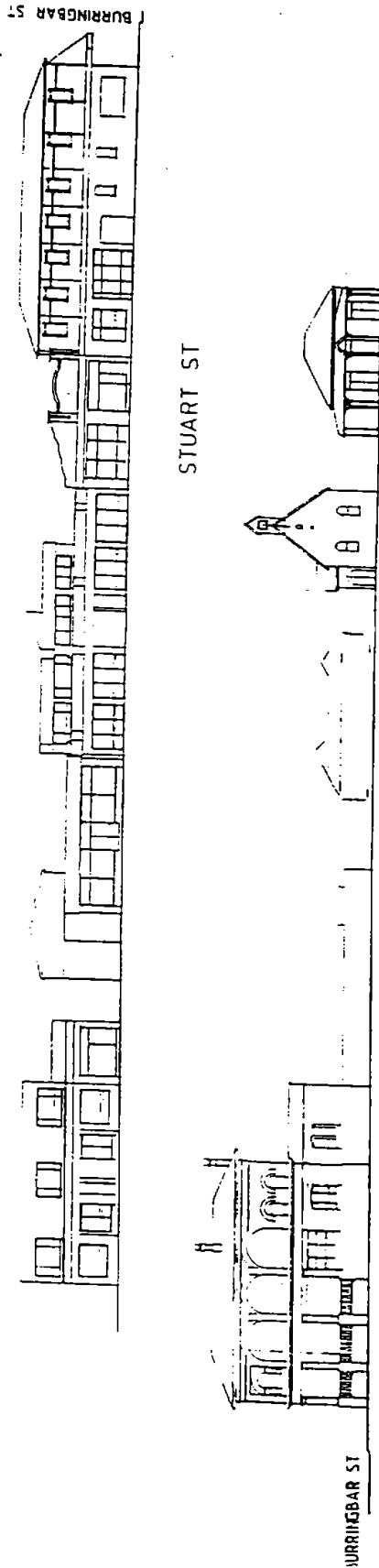








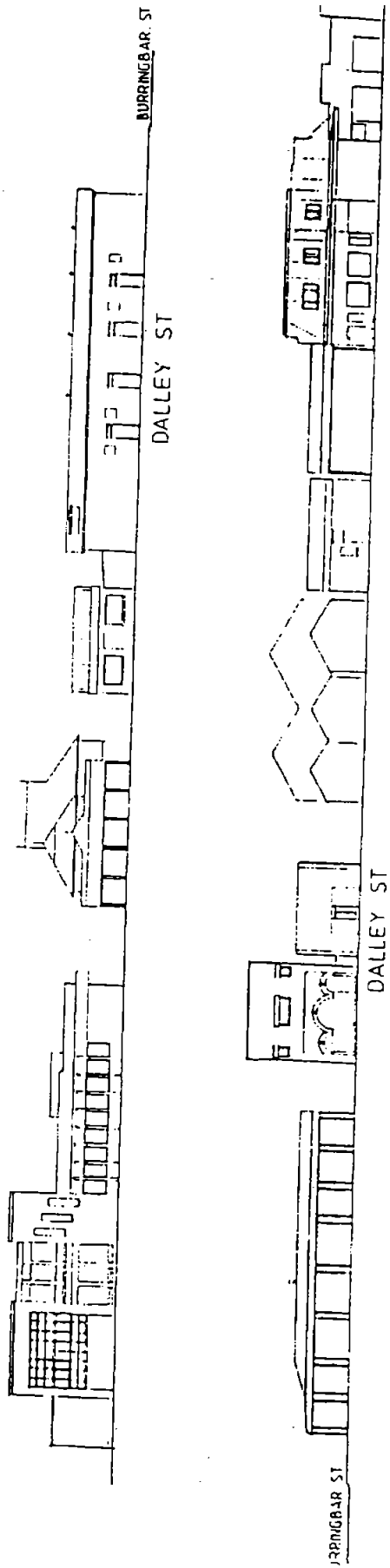
MULLUMBIMBY  
DEVELOPMENT CONTROL PLAN  
**SKETCH 2**  
Street Elevations of Buildings  
in Central Business Area -  
(Precinct No.1)



MULLUMBIMBY  
DEVELOPMENT CONTROL PLAN

**SKETCH 4**

Street Elevations of Buildings  
in Central Business Area  
( Precinct No.1 )



MULLUMBIMBY Draft  
DEVELOPMENT CONTROL PLAN  
**SKETCH 6**  
Street Elevations of Buildings  
in Central Business Area  
(Precinct No.1)