

Chapter 12:

Bangalow

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Section 1 GENERAL

1.1. Citation

This plan may be cited as “Byron Shire Development Control Plan 2010 Chapter 12” and constitutes a DCP prepared and adopted in accordance with the provisions of section 74C of the Environmental Planning and Assessment Act 1979 and the regulations thereunder.

1.2. Commencement date

This plan was first made effective on 10 December 1991, being the date on which Council formally resolved to adopt the plan. Amendments, if any, are catalogued in clause 9.

1.3. Application

This plan applies to all development and building applications involving the land in the Bangalow locality shown on the DCP map and the land zoned Industrial 4(a) being the Bangalow Industrial Park.

1.4. Definitions

“DCP map” means the map marked “Development Control Plan No. 12 Development Guidelines”.

“Conservation area” means the area shown on the DCP map by a dashed line comprising the major portion of the established township developed prior to the 1940’s and includes the heritage precinct.

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

- (a) the Byron Local Environment Plan 1988, as amended, 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 document & policies

This DCP chapter is part of the comprehensive package of DCP chapters, codes and policies being introduced to supplement the Shire-wide Byron LEP 1988. As such, this DCP gives detailed expression to Council’s policies and guidelines for the development and environmental management of Bangalow, including the existing township, the new residential areas and the industrial park.

This DCP chapter must be read in conjunction with the provisions of the Byron LEP 1988, being the principal planning instrument applying to the land, the relevant provisions of the North Coast Regional Environmental Plan 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 chapter should be read in conjunction with the provisions of Chapter 1, which specifies Council’s objectives, guidelines and developments standards for various forms of development, including:

- Subdivision (Part B)
- Residential Development (Part C)
- Commercial (Part D)

- Industrial Development (Part E)
- Car Park (Part G)
- Landscaping (Part H)
- House Location and Site Design (Part K)
- Sign Policy (Part L)

Section 2 OBJECTIVES

2.1. General

The main purpose of this DCP chapter is to give detailed expression to Council's planning and development policies and objectives as set out in Byron LEP 1988 for Bangalow Township.

The objectives of the relevant zones as provided by Byron LEP 1988 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 maintain and enhance the unique character and amenity of Bangalow as a rural township and encourage new development to complement that special character to strengthen the tourist potential and living amenity of the town.
- (b) To provide for a variety of residential development forms and densities, including innovative cluster housing and medium density which best utilises the particular topography and maximises the use of services.
- (c) To provide development guidelines for the growth of commercial and non-residential uses in the town to support the increased resident population and respond to tourism growth.
- (d) To encourage the economic and orderly development of the Bangalow Industrial Park and provide opportunities for local employment and services.
- (e) To provide guidelines to ensure that the development of the industrial park complements the character of Bangalow and the surrounding rural area in terms of appearance and scale of development.
- (f) To establish specific guidelines for the conservation of buildings identified as historically significant with realistic criteria for extensions, alterations and infill development sympathetic to the important buildings in terms of design, scale, detailing, materials, colours, etc.
- (g) To provide for an upgraded network of public open space, integrated with pedestrian access, cycleway and recreation facilities based primarily on the Byron Creek town park corridor, to meet needs as the town expands.
- (h) To ensure efficient and economic provision of engineering services and utilities for new development, and minimise construction and maintenance costs.
- (i) To allow for the provision and upgrading of community facilities to meet needs as growth occurs.
- (j) To facilitate the orderly and staged development of the town.
- (k) To provide an economic, convenient and safe road and movement system
- (l) To ensure that proposed development does not visually intrude on exposed ridges, avoids environmentally constrained areas such as flood-labile land and steep slopes and takes account of the potential impact of the RTA bypass.
- (m) To lay the framework for environmental management and possible future development in the Investigation 1(d) zone areas as a basis for rezoning consideration in response to genuine demand and opportunities.

Section 3 DEVELOPMENT GUIDELINES

3.1. General

Applicants should have regard for the overall design requirements for various forms of development set out in Chapter 1. The guidelines hereunder give specific criteria for development in various localities within Bangalow to apply to both redevelopment or infill development within the existing township and new development in the new housing or release areas.

3.2. New residential development areas

This clause and clause 3.3 apply to broadacre or undeveloped land areas of Bangalow, being:

- New housing area “A”, west of Rifle Range Road
- New housing area “B”, east of the Pacific Highway bypass
- The area predominantly occupied by the commercial nursery east of Rifle Range Road – area “C”
- The area of steeper land east of Campbell Street and north of the railway line – area “D”

Subject to appropriate rezoning, these clauses will also have application to development in potential release areas, namely:

- Land north of Colin Street zoned 1(d) – area “E”
- Area south of Charlotte Street zoned 1(d) – area “F”
- Land zoned 1(b1) on south-eastern side of the town, south of the Byron Creek and west of the existing Pacific Highway – area “J”

Reference is to be made to the DCP maps for development guidelines, indicative road layout, preferred locations of open space and medium density housing, etc., to be recognised in preparation of development and subdivision applications.

Council will encourage new housing and buildings in the new housing areas to incorporate some of the features of the predominating style of development in the existing town to assist compatibility between new and old development in terms of building materials, colour, roof pitch and materials, etc.

Applicants are to refer to the guidelines and standards for residential development contained in Chapter 1, Residential Development (Part C) and the subdivision site design principles set out in Chapter 1, Subdivision (Part B).

This DCP chapter gives recognition to the growing demand for diversity in residential needs, reflecting changing household types and lifestyles. In all subdivision applications, developers must provide a range of lot sizes, with small lots dispersed through new release areas, except area “D”. Additionally, medium density/ cluster housing should generally be located in the localities specified on the map. Such medium density dwelling unit sites should comprise a minimum of 10% of the land in the particular release area (see section 3.3 below).

3.3. Guidelines for new housing areas

Area “A” – the topography, sloping gently to the creek corridor on the western side of the and with significant stands of bamboo, pine trees and single specimens of native trees lends itself to development of cluster housing featuring some of this vegetation in common open space, located primarily on the western part of the land. Up to 50% of all house lots may be small lots or cluster housing. Subdivision or development is to be designed so that no habitable room is located within 12 metres of the proposed tree planting buffer along the northern boundary of the area. Residential subdivision development is to be staged so that no housing lots are released for registration of the plan north of the line shown on the map prior to the substantial establishment of

the tree buffer.

Area “B” – small lots to be dispersed through subdivision with opportunity for cluster housing or medium density sites adjacent to open space corridors. Applications for residential subdivision or development of the land within 100 metres of the western boundary alignment of the bypass road should be accompanied by a Noise Impact Report by a recognised Acoustic Engineer demonstrating to Council's satisfaction that the environmental objective for noise levels at the worst affected dwelling site of 63dB(A), L10(18hr) will be met, allowing for construction and full use of the bypass, including RTA noise reductions measures. The existing main residence should be retained within a large lot to remain an important visual element in the development area.

Area “C” – subdivision and road pattern dictated to some extent by existing subdivisions.

Area “D” – the predominantly steep slopes require house sites to be positioned carefully on the lower ridges, preferably in small groups, avoiding gullies. There is no requirement for small lots or medium density to be provided on this land.

Area “E” – the road layout is to be an extension of Colin Street. Subdivision roads are to avoid the minor gully that transects the area. Open space is to be provided along Paddy's Creek along the western side of the area.

Area “F” – the road layout is to be a SW loop road extension from the existing cul-de-sacs of Charlotte and Thomas Streets. Development is to avoid the lower flood-prone areas which are to be rezoned to open space.

Area “J” – this area has potential for progressive development subject to rezoning. The lower areas are flood-prone and are to be dedicated and progressively developed for the proposed Shire Botanic Garden. Opportunity for medium density exists in the lower area with proximity to the town centre, as noted on the map. Pedestrian/ cycleway access to town over the creek is to be provided in a convenient location adjacent to the town swimming pool.

3.4. Existing residential areas: infill guidelines

Reference should be made to clause 4.3 since much of the existing township is located with a conservation area.

Dual occupancy is permitted in accordance with the Byron LEP 1988 and Chapter 1 of this DCP.

Any new buildings should be designed to incorporate features, which will render the development compatible in style, roof design, etc., with adjacent buildings contributing to the heritage value of Bangalow (see Section 4 of this DCP chapter).

3.5. Commercial & non-residential development

Most commercial development opportunities are located with the heritage precinct and reference should be made to Section 4 of this DCP chapter and also to the requirements of Chapter 1 (Part D). Outdoor eating is encouraged in Station Street, as envisaged in clause D3.9 (Outdoor eating) of Chapter 1 (Part D).

Future provision may be made for a neighbourhood general store in housing area “A” east of Rifle Range Road, as shown on the map; such site to be about 1000 square metres and to be located adjacent to a private community preschool, sharing access to Rifle Range Road and on-site parking.

Development controls for the Bangalow Industrial Park are detailed in Section 6.

3.6. Parking

Applicants are to refer to Chapter 1 (Part G) Car Parking. For development involving additional commercial floor area, rear on-site parking shall be provided where practicable, particularly as shown on the map. Council may require dedication of land for car parking to form a public parking area within central Bangalow with access to the unnamed land adjacent to the Masonic Hall.

3.7. Landscaping

The effective use of landscaping and tree planting in subdivisions and proposed developments is required to increase the living and visual amenity of the locality and assist in micro-climate control.

The village is set in a concave landform, generally falling to Byron Creek. The highway bypass contained the town on the east and constraints the future urban development to an envelope surrounding the heritage precinct with new development opportunities predominantly in the east and south-east, thus providing a focus into the old village. This enables the existing landscape features to be exploited and reinforced.

Development applicants generally are to have regard for the requirements of Chapter 1 (Part H) Landscaping. Specific Landscaping controls follow for the various new housing areas.

Area "A" – a landscape corridor and spray-drift buffer are to be established along the northern boundary of the property 24 metres wide by dedication, planting and maintenance as consent conditions to the first residential subdivision. The purpose of this landscape corridor and tree planting is to assist in mitigating any potential adverse impact caused by odour from the piggery or spray drift from the orchards to the north. The tree planting is to be carried out in accordance with Figure "F": Tree Planting Buffer Guidelines – adjacent to Rifle Range at west Bangalow".

Area "B" – a landscape corridor 10 metres wide is to be provided and dedicated along the frontage to the arterial road (Byron Road) at the time of subdivision. Provision is also to be made in the subdivision layout for planting of a shelterbelt/ screen along the main ridge within this release area to reduce the effect of cool south-westerly winds. The nominated area of the open paddock immediately west of the existing main residence is to remain developed by roads or buildings to retain the vista from Byron Street. The lower lying northern part of this area will be within the noise impact area of the bypass and should be open space.

Area "D" – subdivision design to include tree planting of steepest slopes with appropriate native species to control erosion and create a desirable amenity and appearance.

Area "J" – the opportunity for future development should be realised in conjunction with the dedicated and development of the riverside areas for a Shire Botanic Garden as shown on the map.

In the heritage precinct, reference should be made to Section 4 of this DCP chapter for streetscape and landscape guidelines.

3.8. Highway bypass: landscape impact

The design of the roadside development associated with the highway bypass should maintain the theme of the rural landscape, i.e. a rural meadow pattern of large open grassed spaces wholly or partly enclosed by trees, mainly along drainage lines. This means that most of the roadside should be grassed with an occasional grouping of rainforest trees. Three groups are proposed: one near the southern departure from the old highway; one associated with Byron Creek; and one near the northern junction with the old highway.

Traffic on the bypass will obtain views of Bangalow. These viewing opportunities are important and must not be screen out by planting trees along the roadside of groups too close to the road.

The bypass traffic will provide a noise source. The roadworks will include roadside acoustic mounding to provide excess attenuation to the accepted 63dB(A) 100-150 metres from the roadside.

Suggested tree species for bypass road planting's;

Cudgerie	<i>Flindersia schottiana</i>
Tulipwood	<i>Harpulia pendula</i>
White Walnut	<i>Crptocarya obovata</i>
Red Carabeen	<i>Geissois benthamii</i>
White Booyong	<i>Argyrodendron trifoliolatum</i>
Lilly Pilly	<i>Acmenasmithii</i>
Bangalow Palm	<i>Archontophoenix cunninghamiana</i>
Blue Fig	<i>Elaeocarpus granis</i>
Red Ash	<i>Alphitonia excelsa</i>
Purple Cherry	<i>Syzygium crebinerve</i>
Coolamon	<i>Syzygium moorei</i>

Pioneer planting species:

Brown Kurrajong	<i>Commersonia bartramia</i>
Blackwood	<i>Acacia melanoxylon</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Macaranga	<i>Macaranga tanarius</i>

3.9. Development applications

Development and subdivision applications are to be prepared and submitted in accordance with the provisions of Section B9 of Chapter 1 (Subdivision) and the instructions on Council's application forms.

Development and subdivision applications involving larger sites shall include a detailed land use budget for the whole of the land with percentages, total areas and numbers of lots and dwellings given over to conventional size lots, small lots, medium density, open space (public and communal), drainage works, walkways and roads, etc., and staging plan for the release of lots.

3.10. Climate control, aspect & House siting

Reference should be made to the "Housing Location and Site Design Code" within Chapter 1.

Section 4 HERITAGE

4.1. Character

The recognition of Bangalow as an historic village of strong individual character has strengthened considerably in recent years and reinforcing the continuity with the past is a major aim of the DCP chapter. Bangalow's character derives from the following:

- (a) For a small rural township there is an unusual, yet impressive scale to the commercial buildings. Most of the commercial buildings date from around the First World War, are of solid brick constructions and have ornate parapets exhibiting later 'Federation' influences. Although the verandahs have gone, there remains a strong sense of originality and compatibility of design.
- (b) The established residential areas are typified by small scale houses, generally light coloured in weatherboard or asbestos-cement sheeting with silver galvanised iron roofs. Hipped or gabled roofs with front verandahs are common to most. A very high proportion of houses would date from 1900-1920 period and exhibition 'Federation' influences in their designs.
- (c) There is generally an absence of inappropriate "intrusive" buildings, either in the commercial or residential areas such that there remains a pleasing architectural harmony about the building in scale, form, materials and colour.
- (d) The relationship of Bangalow's buildings to its undulating topography contributes much to its character, particularly the stepping of buildings down the steep main street.
- (e) The topography and landscape itself create much of the charm and visual attraction of Bangalow and from all approaches to the town and from within the town, all vistas end against evergreen rolling hills.

Council requires that any proposed development fully respects and complements this historic and architectural significance in its setting as set out in these guidelines and provisions.

4.2. Heritage areas: description

The attached Map "B" showing heritage precincts indicates that three separate areas have been defined:

A. Existing heritage precinct

This area was identified in the existing Byron LEP 1988 and encompasses the commercial buildings at the top end of Byron Street and the eastern side of Station Street to the showground entry. It is shown hatched on Map "B".

B. Extension to heritage precinct

In considering any proposal for development involving land in the area shown as "Proposed extension to heritage precinct" on the map, Council will have full regard for all the matters raised in clause 19 of the LEP as if the land were located within a heritage precinct. In so doing, Council considers the subject land to be an integral part of the heritage precinct and recognises that any inappropriate building or development is likely to have an adverse effect on the architectural and historic integrity of the town centre.

This precinct extension area is predominantly residential with close similarities between the buildings. The precinct extends part the Anglican Church at the bottom of the hill across the large residence on the eastern hill. This precinct will therefore comprise all the vista down the main street.

C. Conservation area

Although the heritage precinct along Byron Street contains the most cohesive group of buildings requiring special protection, it is recognised that there are in the surrounding area a great number of buildings, individually or in groups, that collectively makes a major contribution to the town character. The characteristics of light coloured walls and roods again dominate and their contrast with the lushness of the surrounding landscape is important. It is recognised that his character could easily be destroyed by the intrusion of buildings of inappropriate scale or colour and to protect this, a conservation area has been created as shown on the map.

Building guidelines for these three areas follow.

4.3. Development within heritage areas

4.3.1. General

The Byron LEP 1988 recognises the heritage significance of the town by the special provisions relating to “heritage precinct” development. Clauses 18-22 of the Byron LEP set down:

- matters which Council should take into account when assessing any application for development or demolition involving land in the heritage precinct;
- special development incentives where the conservation of a building depends on Council consent to permit any use or depart from any development standard; and
- public notification and advertising requirements for any proposed demolition or proposal involving use of development incentive.

The description and requirements below give detailed expression to the assessment criteria and design requirements for the style, colour, materials, size, form, appearance, etc., of any proposed building, alteration, additions or other development within the “heritage precinct”, the proposed extension to the heritage precinct and the conservation area.

4.3.2. Existing heritage precinct

This precinct contains the following building types:

- 1 and 2 storey commercial buildings, predominantly in rendered brickwork but with some in weatherboard;
- single storey houses in weatherboard and galvanised iron; and
- large showground pavilion in decorative metal cladding with galvanised iron roof.

A. Restoration

The attached Map “D” shows that a high proportion of the buildings in this area are recommended to be conserved by appropriate maintenance works for those buildings already in good condition or reinstatement of missing details such as verandahs, shop fronts, doors and windows to original detail.

B. Infill

Several sites within this area are regarded as suitable for new developments providing the design is compatible with other buildings in the precinct. To establish compatibility the following guidelines are provided.

C. Form

A dominant feature of the commercial buildings is the front parapet concealing the roof. These parapets are ornate having applied decorative relief to approximately 25% of the face area of the form of mouldings, pilasters or recesses and are generally in painted rendered brickwork. The tops of the parapets, particularly on the northern side of Byron Street, are well articulated with stepped, sloping or curved motifs although on the southern side, other than for the National Australia Bank, parapet tops are more regular. Parapets should not be removed and new buildings should avoid long flat parapets and bland elevations with not relief.

A number of buildings, notably the banks, post office and adjoining house and houses in Station Street have hipped or hipped and gabled roofs in galvanised iron, other than for the bank in tiles. Roof pitches generally are in the 25-35 degree range. New roofs should fall within this range and should be compatible with neighbouring roofs.

D. Scale

The height of Bangalow's commercial buildings is impressive and derives from high floor to ceiling heights internally, the steepness of the hill and the high proportion of parapet area to wall area below. The main area comprises either single or double storey buildings in random mix with the average heights being 10-11 metres to the parapet top on double storey and 5.5-7 metres on single storey. These heights should be maintained. Reference should be made to Map "E" (Elevations to Byron Street of buildings in present heritage precinct).

The areas of parapet face above the imaginary ceiling line is approximately 50% of the area of the wall below that line. Modern commercial buildings with 3.0 metre ceilings and low parapets above concealing flat roofs will not be acceptable.

In relation to the buildings having pitched roofs it will be noted that eaves heights, either single or double storey buildings, are substantially higher than modern residences owing to the use of timber floors being higher above ground and greater floor to ceiling heights internally. Eaves heights on the majority of residences are from 3-3.5 metres above ground and modern residences with eaves heights 2.1-2.5 metres above ground will be out of scale. These heights should be maintained throughout the precinct.

E. Verandahs

Early photographs of Bangalow show the great impact the verandahs to both the commercial and residential areas had on the streetscape. Commercial verandahs generally of 2 storey in height, were supported on cast iron or timber posts and were richly decorated in the traditions of the period. The attached elevations for No. 13 Byron Street (Sketch "C") shows the effect these had. The reinstatement and renovation of these missing post-supported verandahs is strongly encouraged and they should be constructed faithfully to original detail.

- (a) All new buildings in the heritage precincts should incorporate verandahs and balconies into their design, reminiscent of the original period of the precinct.
- (b) Colour themes and signage to be in heritage type, reminiscent of the period of the original structure and in accordance with Council's Sign Policy (Part L of Chapter 1).
- (c) The structure shall comply with Ordinance 30, clause 27, of the Local Government Act 1919.
- (d) Awnings and verandahs to have a maximum width of 3.66 metres and a minimum of 3 metres, with a minimum height of 3 metres above footway allowing for under-awning signs as controlled by Ordinance 55. All structures shall have a minimum clearance of 600 mm from the face of kerb and 2 metres clear walking space (Figure 1) at shopfront.
- (e) The structure shall be designed to be self-supporting if any single post becomes non-load

bearing at any time.

- (f) Prior to construction, all underpavement services shall be located and design amended accordingly in consultation with Council.
- (g) All verandah structures are to be maintained in a neat, tidy and structurally sound condition at all times.
- (h) If at any time the structure falls into disrepair, Council may order works to be done or carry out works itself at the cost of the owner.
- (i) External coatings and other protective requirements for the structure be checked at a maximum of 5 year intervals or less, if required under manufacturer standards, for deterioration and upgraded where necessary.

F. Materials

The use of heavy masonry as a building material, either as face brick in the banks or rendered bricks as in the shop buildings along the northern side of Byron Street, contributes much to the unique character of Bangalow. Most small villages of this size on the North coast are almost exclusively built in timber and the presence of brick here creates an impression of solidarity and permanence. A small proportion of commercial buildings are in timber with generally simple detailing.

The continued use of either of these materials would be appropriate, noting that virtually all the face brick buildings are on the southern side of Byron Street and the rendered and painted buildings are on the northern side.

G. Shopfronts

Many original shopfronts remain on the northern side of Byron Street, 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 designed shopfront using materials compatible with neighbouring earlier shopfronts and avoid bland, low cost materials such as aluminium. In addition, recessed entry doors to shops create interest in the line of shopfronts.

H. Fencing & landscaping

Early photographs indicate a general absence of fencing in the precinct and there is therefore no case for reinstatement. However the provision of attractive period type fencing in timber picket or brickwork to the house in Station Street would greatly enhance the streetscape qualities in this area.

Although Bangalow benefits greatly from its green vistas, a scheme to plant an avenue of broad shady trees along both sides of Station Street would further enhance its quality and amenity and focus attention on the A & I Pavilion at the northern end. These trees could be of a flowering subtropical type such as Cape Chestnut, African Tulip or Fire Wheel Tree. Pecan Trees are also suitable.

I. Signage

Early photographs reveal a restrained and yet sympathetic approach to signs. Signs, which do not relate to the shape of the building, its colours or details can detract from the appearance of the building and the streetscape.

Generally, Council will not grant consent to the establishment of above awning signs unless Council has made an assessment of the style of lettering, the location and size of the sign and the

materials and colours to be used. Cantilevered, illuminated signs off the face of the building and signs propped up above the footpath awning are inappropriate.

Council shall not consent to the establishment of below awning advertising signs unless the design of such signs is in keeping with the historical nature of the building and is not in conflict with adjoining buildings or the historical streetscape.

4.3.3. *Extended heritage precinct*

This extension of the precinct differs from the existing precinct in that only a small number of low scale commercial buildings are located at the western end, the rest being low scale residential buildings other than for the school and church.

The following development guidelines apply:

A. Form

The majority of houses are single or double fronted with hipped or hipped and gabled roofs with front verandahs. New developments should compliment these forms and in addition, front and side setbacks should remain reasonably consistent. Roof pitches should remain in the 25-35 degree range. Parapets, where located on commercial buildings, should be consistent with recommendations for the existing precinct.

B. Scale

A consistency of scale is important and new buildings should remain single storey with eaves heights similar to adjoining buildings. To achieve this, floor and ceiling levels must be reasonably consistent with earlier buildings with earlier buildings, which may preclude concrete slab-on-the-ground construction in some locations.

C. Verandahs

Verandahs remain an important component of the new building designs and their retention and inclusion in new buildings is to be encouraged. Enclosure of existing verandahs will be discouraged. Restoration of original verandah, covering details and colour schemes, is desirable.

D. Materials

The materials of buildings are in light painted weatherboard with silver galvanised iron roofs. The use of these materials is encouraged, although the desire to build in brickwork may be accommodated by the use of very light coloured bricks or painting the bricks to blend with the general colour tones of the area. The use of dark bricks and dark roof tiles will be discouraged. Window openings in a vertical form rather than horizontal will be more compatible with earlier buildings and will be encouraged

E. Fencing & Landscaping

The introduction of suitable fencing appropriate to the period of the area, i.e. decorative pickets or brick and timber, will greatly enhance the streetscape qualities and compliment the building's design. Modern fencing in galvanised weld mesh, fibre-cement sheet, profiled metal sheet or high brick fences are not considered appropriate gardens and street tree planting.

4.3.4. *Conservation area*

The guidelines for the area are much less restrictive than the heritage precinct but endeavour to encourage compatibility and sensitivity towards the character of Bangalow.

A. Form

The steepness of the topography dictates that buildings may be part 1 and 2 storey but the shape of the building will be unrestricted. Roof form should retain the steep pitched hipped or gabled form. Flat or very low pitched roofs are discouraged.

B. Scale

New buildings should observe the general eaves and roof heights of surrounding buildings and remain compatible with these.

C. Verandahs

Verandahs are an important element in the vista across this area and their retention on existing buildings or inclusion in new designs is strongly encouraged.

D. Materials

Dark brick and tile building materials are again considered inappropriate to this area and encouragement will be given to the use of light coloured wall material and light metal roofs.

4.4. Works by Public Authorities

All works and buildings to be constructed by any public authority such as part improvements, amenities, street furniture and school buildings, should have regard for the criteria expressed above.

4.5. Advise

The intention of the above guidelines is to produce an environment of well balanced and harmonious buildings that blend together through their form, scale and materials. The intention is not to produce fake copies of the earlier buildings, but to recognise their individual historic worth, drawing from their influences for modern buildings that will ensure harmony. Reproductions of early buildings will only devalue them and confuse the evolution of the local building types.

Assistance in the interpretation of these guidelines is readily available through the Byron Shire Council which engages a conservation architect to give this advice freely on its behalf.

Section 5 REQUIREMENTS FOR ROADS & UTILITIES

5.1. General Design Guidelines

5.1.1. Roads

Unless varied by this DCP chapter, road design is to comply with the appropriate provisions of Byron Shire DCP 2010 Chapter 1, viz:

Section B4 "Rural subdivision"
 Section B3.3 "Local and minor roads"
 Section B3.4 "Road pavement"
 Section B6 "Roads – Urban areas"

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

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

The following criteria are to apply to the design and construction of roads:

- (a) Roads are to be located with minimum impact and disturbance to the environment and landscape. Significant individual trees and stands of vegetation must be preserved.
- (b) Road design is to encourage low construction costs and minimum future maintenance costs.
- (c) Long, straight sections of road are to be avoided.
- (d) Roads are to generally follow contours and ridges, and avoid steep sections and cuts.
- (e) Minor access roads serving new subdivisions are to connect with existing arterial roads at intersect points with satisfactory sight distances.
- (f) New road systems are to be integrated with the pedestrian/cycleways system as indicated on the maps and in section 5.1.4.
- (g) New roads systems are to be identified as with distributors or minor roads to reflect their traffic carrying function in the road hierarchy. Guidelines are given in section B6.2 of Byron Shire DCP 2010 Chapter 1.
- (h) 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, carriage ways constructions and islands with raised paved crossings may be used. The devices should be integrated with landscaping elements.
- (i) Lot layout and house site locations are to be designed to minimise the need for vehicle access directly on to existing arterial roads. Wherever possible, vehicle access is to be provided by means of new minor access roads.

5.1.2. Road Intersections

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

Contributions will be required from developments in the release areas generating the added traffics as indicated in the later sections of this DCP chapter. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

- (a) The Campbell Street intersections: not suitable for upgrading; will require control by limiting access.
- (b) The intersection of Leslie and Keith Streets with the Pacific Highway: will require traffic control.
- (c) The railway Rifle Range Road underpass and intersection with Lismore Road: Traffic control requirements.

5.1.3. Drainage

Surface drainage is to comply with the appropriate provisions of Chapter 1.viz:

- Section B2.7 "Drainage"
- Section B3.8 "Stormwater drainage"
- Section B7.2 "Major Drainage"
- Section B7.3 "Drainage easements"
- Section B7.4 "Common drainage"

5.1.4. Pedestrian & Cycleway system

A pedestrian/Cycleways system is to be provided as indicated on the map for the purpose of providing a safe route along probable desire lines between such destinations as schools, shops, openspace and housing areas, and providing minimum conflict with major roads. Pedestrian and cycleway systems may follow drainage swales.

The minimum dedicated width of the pathway/Cycleway is to be 4 metres and is to be dedicated as public road. Development consents will require that the pathway/cycleway be constructed through new developments.

Contributions will be required from developments in the release areas towards the provision of elements of the town walkway/cycleway system,

5.1.5. Geotechnical Requirements

Council requires that all proposed house sites in the shire be certified as geotechnically suitable. Geotechnical reports are required at subdivision development application stage for new allotments and at building application stage for existing allotments. Detailed requirements for such reports are specified in Chapter 1, section B7.11.

5.1.6. Sewerage Upgrading Requirements

Sewerage is to be provided to new housing areas in compliance with the provisions of DCP No 1, Section B7.6 "Sewer".

Augmentation of the treatment works, pumpstation PS2 and rising main No 2 as required to cater for the developments covered by this DCP chapter 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.

5.1.7. Water Supply

reticulated water supply is to be provided to new housing areas in the compliance with the provisions of Chapter 1 section B7.7 "water".

Augmentation required to cater for the developments covered by this DCP chapter will be provided

as part of Council's adopted works program and will be funded by the adopted section 94 headworks contributions.

5.1.8. Electricity

The provisions of Chapter 1, section B7.8, are to apply to all housing areas.

Underground electricity reticulation is required for all developments. Written evidence of satisfactory arrangements with the relevant electricity supplier will be required.

Some electricity poles may need removal or relocation for road upgrading. The developer is to negotiate these instances with relevant electricity supplier.

5.1.9. Telephone

The provisions of Chapter 1, section B7.9, are to apply to all housing areas.

Adequate easements are to be provided to ensure that telephone facilities may be installed. Telephone services are to be underground wherever practical, with common trenching for water supply.

5.2. Specific Requirements for Housing area "A"

Points of Vehicle Access

A maximum of 2 points of access to the existing road network will be accepted, as shown generally on Map "A" (Development guidelines).

Council will encourage the developer to minimise the number of allotments along Rifle Range Road that have independent access to Rifle Range Road. This could be achieved by having larger lots wider

Intersection of Raftons Road & Rifle Range Road

A development consent condition for subdivision of the northern part of this area will require the upgrading of this intersection or contribution towards such upgrading. The power pole may require resisting with the intersection to be kerb and guttered adjacent to the development and the road bitumen sealed to the gutter.

A Rous County Council water main crosses this intersection with an inspection structure in the intersection. The developer is required to ascertain Rous County Council requirements regarding any possible relocation of this structure.

Rifle Range Road

Rifle Range Road becomes a Local Distributor 2 road. The required sealed carriageway width from Chapter 1, section B6.2, is 11 metres. The developer will be required to contribute to this upgrading and associated kerb and guttering and drainage structures. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage. Dedication of land will be required to provide for the road reserve to follow the existing alignment of Rifle Range Road at about 120 metres south of the intersection with Raftons Road.

Other Intersections

Contributions will be required towards the upgrading and modification of highway intersections. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

Drainage Requirements

New housing area "A" drainage generally west to an unnamed creek. Road and Subdivision layout should be designed with roads generally on the ridges such as that the existing gullies continue to drain the development in wildlife/open space corridors.

Water Supply Requirements

A Rous County Council water main easement transects this area. No buildings are permitted in this area 5 metre wide easement.

5.3. Specific Requirements for housing area "B"

Points of Vehicle Access

One access point to the arterial road, Byron Bay, is preferred. This will be required to be constructed by the developer in stages to eventually become a NAASRA type "C" intersection. The approximate location is indicated on the map.

This T-Junction onto the arterial road is to be staggered a minimum of 80 metres from any existing intersections.

Provision is to be made in the subdivision layout for future public road connection through to land to the south.

Intersections

The intersection of Byron Bay with the Pacific Highway is to be rebuilt by the Roads and Traffic Authority as part of the construction of the proposed highway bypass.

Sewer

An extra contribution over Council's normal headworks contribution will be required from the developments in housing area "B" to cater for the augmentation to pump station PS1 and rising main No 1.

5.4. Specific Requirements for Housing area "C"

This area, zoned 2(a), is already partly subdivided. Further infill subdivision is to obtain access from Rifle Range Road or Raftons Road as appropriate, with intersections offset by a minimum of 80 metres from any new access road opposite.

Section B5.5 of Chapter 1 "Infill subdivision" provides development guidelines for this area. Developers will be required to contribute to sealing, kerb and guttering and drainage structures for Rifle Range Road. Contributions will be required towards the upgrading and modification of Keith and Leslie Streets highway intersections. Developers are advised to discuss these contributions with Council; at Preliminary subdivision layout stage.

5.5. Specific Requirements for Housing area "D"

Point of Access

The point of access to a west end subdivision for a maximum of 20 lots is to be from an extension to Leslie Street. Subdivision of the east end of this area will be required to gain access from Granuaille Road.

Intersections

Contributions will be required towards the upgrading and modification of the Keith and Leslie Streets highway intersections. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

Geotechnical Certification

For subdivision in this area, a geotechnical report for the subdivision road and each house site will be required to certify the slope stability. This will be required at the time of submission of the development application for subdivision.

Water Supply

A 1000 square metres parcel of land adjacent to the existing reservoir will be required to be dedicated to Council as a condition of consent to the first subdivision in order to provide for additional reservoir.

5.6. Specific Requirements for potential release area “E”Point of access and road layout

Access is to be gained from an extension to Colin Street

Provision is to be made for future public road access to the land to the North.

Road layout is to avoid the central gully in this area.

Intersections

Contributions will be required towards the upgrading and modification of the Keith and Leslie Streets highway intersections. Developers are advised to discuss these contributions with Council at preliminary subdivision layout stage.

Water Supply

A Rous County Council water main easement transects this area. No buildings are permitted in this area 5 metre wide easement.

5.7. Specific Requirements for potential release area “F”Points of Access

If this land is to be developed, 2 accesses would be approved forming a loop extension to Charlotte and Thomas Streets.

Intersections

The existing intersections of Robinson Street to Lismore Road has good sight distances and is considered satisfactory in its present condition for the extra traffic.

5.8. Specific Requirements for Potential release area “J”Points of Access

If this land is to be developed, provision should be made for the realignment of the existing Pacific Highway to afford through traffic status to the subdivision entrance.

Sewer

An extra contribution over Council's normal headworks contributions will be required from developments in potential release area "J" to cater for the augmentation to pump station PS1 and rising main No.1.

Section 6 INDUSTRIAL PARK

6.1. Character

6.1.1 Situation

The industrial area, zoned 4(a) in the Byron LEP 1988, is characterised by well established camphor laurel “shade” trees and is set amid undulating evergreen hills in a predominantly rural vista. The 3 ha site is approximately 2km from the township and is bounded by Trunk Road 65 and by the North Coast railway line.

6.1.2. Development

It is recognised that development of traditional urban and/ or suburban industrial buildings maybe unsympathetic, both to the rural character and to the heritage identify of the area. Accordingly, the development controls in this section have been designed to enable a planned development in which all buildings are architecturally sympathetic with Bangalow’s heritage character. The theme and style for the development is generally established by the design of the multi-unit complex approved by Council in August 1990 on the large south-western allotment fronting Lismore Road(TR65).

6.1.3. Amenities

To compliment the attractiveness of the “workplace environment” a small park, central in the area has been provided. The preferred location for a refreshment room is adjacent to this park.

6.2. Development Controls

6.2.1. Restrictions

The Byron LEP 1988 sets down the basic range of permissible uses, establishes the maximum height of 7.5 metres for development within third zone and provides statutory restrictions on location of bulk retailing establishments.

6.2.2. Allotment size

To ensure the integrity of the desired future character, the following minimum requirements will apply:

- (a) minimum lot size where a single enterprise is to be developed – 1000 square metres.
- (b) Minimum lot size where factory units or multiple enterprises are to be developed – 1400 square metres.
- (c) Minimum lot size where an ancillary servicing enterprise is to be developed – 350 square metres.

Battleaxe blocks are to be avoided.

6.2.3. Site Coverage

Buildings, exclusive of covered walkways and permitted compounds, should not exceed 50% of each allotment.

6.2.4. Setback of Buildings

In accordance with Byron Shire DCP 2010 Chapter 1 (part E), the minimum setbacks to the front street alignments of allotments are to be 10 metres and 3 metres from a side boundary adjacent to

a road or laneway. For a lot of area below 400 square metres, the front setback may be reduced to 4 metres where parking is provided at the side or rear of the site.

6.2.5. *Construction Material/Style*

Industrial buildings should be attractive, functional and harmonious with surrounding development.

Where a building is designed for multiple tenancy, all external walls and dividing walls between units are preferred to be of concrete "lit-up" construction. On the front elevation, polished stone, metal panels, timber or fabricated ornamentation may be used providing that the area of glass does not exceed 25% of the area of the front elevation. Decorative or textured surfaces may also be considered.

Internal dividing walls of factory units are to be fire rated and constructed in accordance with Chapter 1 (part E2.13).

All exposed surfaces should be treated with waterproof or cement based paint in recognised heritage colours. Alternatively, exposed surfaces may be sand blasted or texture finished by bush hammering.

Post and beam timber construction may be considered for smaller buildings designed for single occupancy, ancillary servicing enterprises or detached offices serving larger industrial buildings. In such buildings, verandahs, louvre infill and external lattice screening to the satisfaction of Council will be permitted.

Floor levels of all buildings shall be a minimum of 300mm above allotment ground level.

Separate male and female toilets to be provided to each factory unit where there are more than 2 units to a building.

Garbage stands and external compounds should be screened from view from a public place. Painted decorative screening material should conform to a recognised heritage colour.

6.2.6. *Roof Form*

Roof form may be hipped, pitched or gabled. There should be a minimum roof pitch from the horizontal to be within the parameters of:

- 30% for buildings of 10 metres or less frontage, decreasing proportionately to 10% of buildings of 30 metres or more frontage
- Crested ridge caps, finials and roof vents may be incorporated as features in any building.
- Flat roofs, skillion roofs and large fascias will not be approved. Non-reflective, light coloured colorbond or similar roofing material should be used.

Provisions should be made for the collection of roofwater in rainwater tanks as it may be desired to reticulate this water source for consumption.

6.2.7. *Floor Space Ratio*

Floor Space Ratio will be as follows:

- (a) Where a showroom or office is attached to an industrial building or factory unit, the ratio of office/showroom floorspace to the overall building area shall not exceed 40% provided that the ancillary retailing and/or display is in association with a manufacturing or processing use of the enterprise; or

(b) Where a showroom or office provides an ancillary servicing activity that is supportive of and dependent upon the main function of factories and warehouses and with Council's consent, a floor space ratio of 60% office/showroom to overall covered space may be permitted.

6.2.8. Dwellings

The provisions of the Byron LEP 1988 permit, with the consent of Council, the erection of dwelling-houses to be used in conjunction with industry and situated on the same lot, on land zoned 4(a). One dwelling-house per lot will be permitted only where it can be demonstrated to Council's satisfaction that:

- (a) The site proposed contains only one enterprise and the lot size exceeds 1500 square metres;
- (b) The dwelling-house is a caretaker's or manager's residence;
- (c) The dwelling-house is necessary for the operation and security of the industry;
- (d) The occupant will be an employee of the industry; and
- (e) The size of the dwelling to be restricted to 1 bedroom only.

6.2.9. Loading Docks

Loading docks, service areas and vehicular entries to warehouse or factory buildings should not be located on any street elevation of a building unless suitably screened from view from a public place. Screening may be by way of landscaping, building design, purpose built lattice fencing or by other means to Council's satisfaction.

6.2.10. Fencing

Ornamental fences not exceeding 1 metre in height may be erected as part of the landscaping design.

A compound enclosed by security fencing may be constructed provided that:

- (a) The area of the compound does not exceed 20% of the allotment;
- (b) The compound is not within 10 metres of the front alignment of the allotment;
- (c) The compound is not within 3 metres of a side or rear boundary adjacent to a street or lane; and
- (d) No advertising signage is to be erected on the compound fencing.

6.2.11. Signs

The erection of any sign is to be accordance with Chapter 1 (part L) which sets out sign policy. In particular; Council will only favourably consider the erection of integrated signs designed in conjunction with the proposed buildings to be erected on the western side of the state with exposure to the Bangalow/Lismore Road. This will minimise any adverse visual impact to the travelling public on this road.

6.2.12. Landscaping

A landscaped area shall be provided to all street frontages occupying a minimum of 3 metres set back from the boundary. Setback areas and any unused areas on this site shall be landscaped and maintained to Council's satisfaction in accordance with the provisions of Chapter 1 (part H)

“Landscape”.

In order to limit the impact on the existing rural amenity from this proposed development, the usage of larger native tree varieties will be encouraged.

6.2.13. Parking

Off-street parking on all allotments is to be provided in accordance with Chapter 1 (part G).

In the event of a communal car park being provided to Council’s satisfaction, Council may consider discounting the carparking spaces required for enterprises in the immediate vicinity.

Due to compact area of the estate, Council; may consider relaxing the carspaces required by ancillary servicing enterprises such as the refreshment room, that would draw their custom wholly or largely from factories or industry within the estate.

6.2.14. Exemption clause

Any or all proposals which are at variance with provisions of this DCP chapter will be assessed on their merits and may be approved only where it can be demonstrated to Council’s satisfaction that a particular proposal meets Council’s objectives, notwithstanding from this DCP chapter.

Section 7 OPEN SPACE AND COMMUNITY FACILITIES

7.1. Town park System

It is intended that as development and growth of the town proceeds the town park system, primarily along Byron Creek, be progressively provided and upgraded as a major opportunity to promote the amenity and attractiveness of the town.

The upgrading of the Byron Creek park system will ensure an urban open space corridor is available from the North-East of the bowling club and then to the showground and to South to the swimming pool parkland and the site of the proposed Botanic Garden, South of Deacon Street.

A subsidiary park system will follow Paddy's Creek from bangalow palms Estate southwards.

The following elements of the town park system will be requirements of the development applications involving the relevant housing release areas:

Area "B" An appropriate area of land adjacent to Byron Creek near the showground is required to be dedicated at the time of a subdivision involving this land, in addition to neighbourhood open space within the release area.

Area "C" The part of the appropriate zoned 1(a) shall be dedicated as part of the open space corridor at the time of subdivision, as shown on the map.

Area "J" A major part of Byron Creek town park system is suggested as the site of a future Botanic garden to be developed in stages on land to be dedicated on the northern side of the potential release area "J"

7.2. Local Open Space

Public open space in the form of neighbourhood parks is to be provided in subdivision development in accordance with the requirements of section B7.5 of Chapter 1.

Council may accept a monetary contribution in lieu of part of open space to be dedicated.

No house lot is to be further than 150metres from a children's play park; such children's play parks to be a minimum of 700 square metres in area.

Open space is generally to be provided in location shown on the map

The walkway/Cycleway system is to be integrated with the park system to safe access houses to open space and Community facilities.

7.3. Community and Recreation Facilities

Existing community and recreation facilities are to be upgraded to support anticipated growth in population Section 94 Contributions will be required.

Provision should be made in the subdivision of area "A" for the site of potential private preschool or community building as indicated adjacent to a potential neighbourhood general store site.

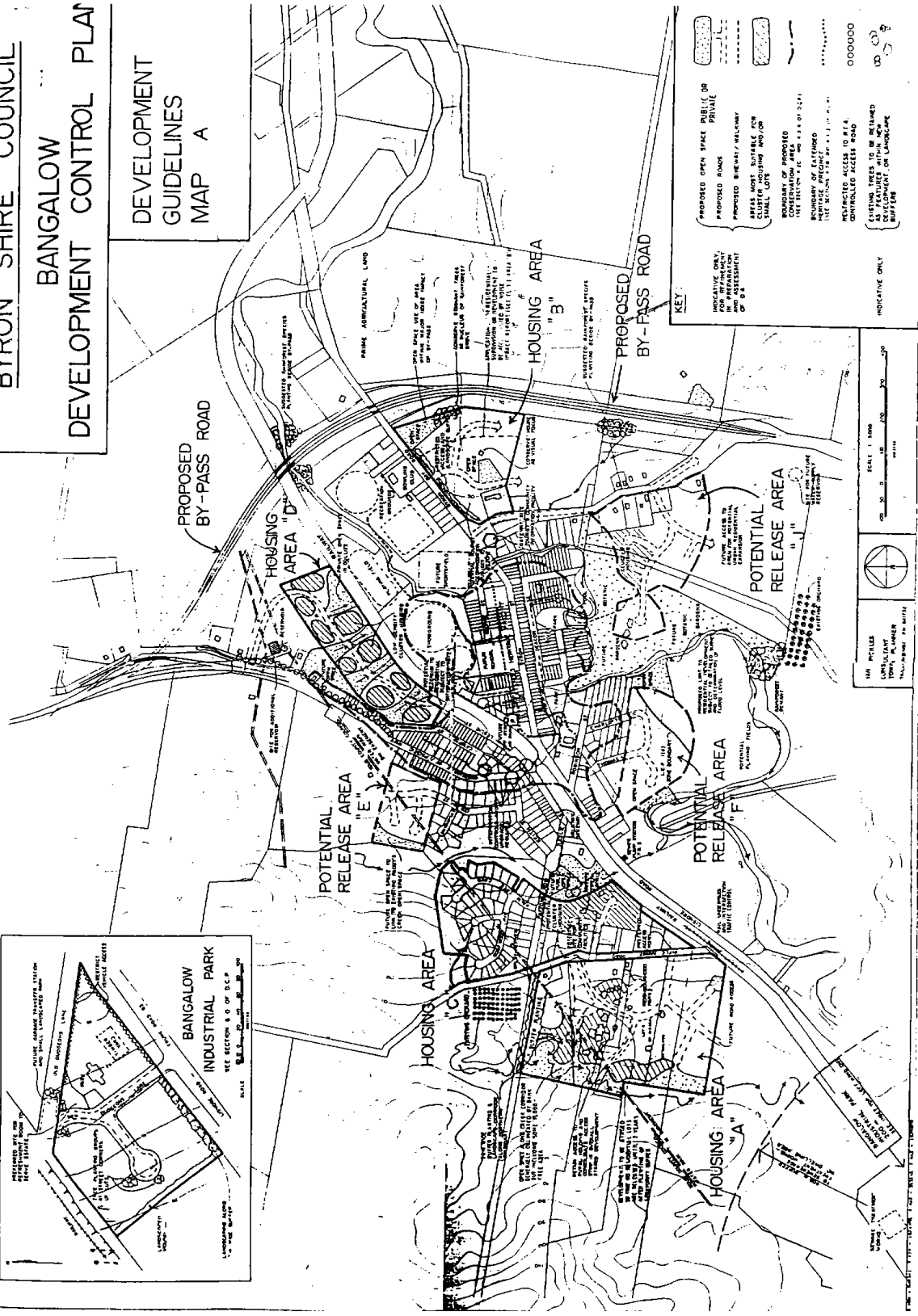
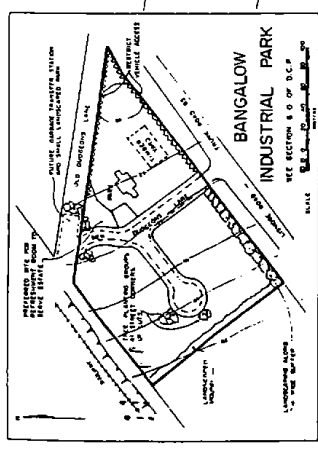
Section 8 AMENDMENT CATALOGUE

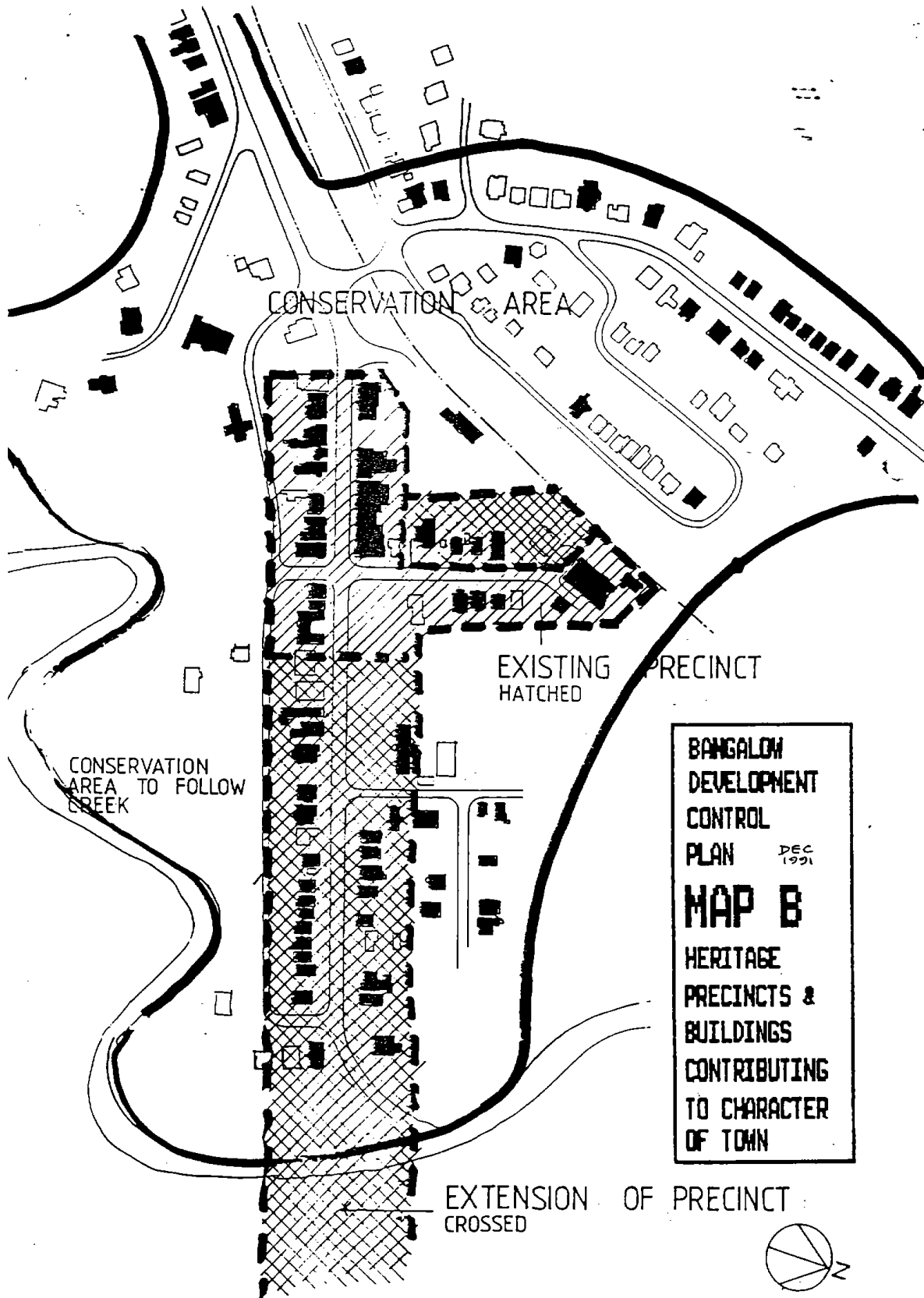
8.1. Amendment Catalogue

6 June 1988	Council decision to prepare DCP for Bangalow
January 1989	Council consultant Ian Pickles prepares draft DCP
June 1989	Draft DCP exhibited pursuant to clause 22 of regulations
November 1990	Amended draft DCP prepared following RTA decision to alter highway bypass route
10 December 1991	DCP adopted by Council
3 March 2011	Consolidation of DCP 12 - Bangalow into Byron Shire DCP 2010 as Chapter 12: Bangalow

BYRON SHIRE COUNCIL
BANGALOW
DEVELOPMENT CONTROL PLAN

DEVELOPMENT
GUIDELINES
MAP A





BANGALOW DEVELOPMENT CONTROL PLAN

SKETCH C

DEC 1996

Building elevation showing effect of verandah re-instatement ; typical building in Heritage Precinct

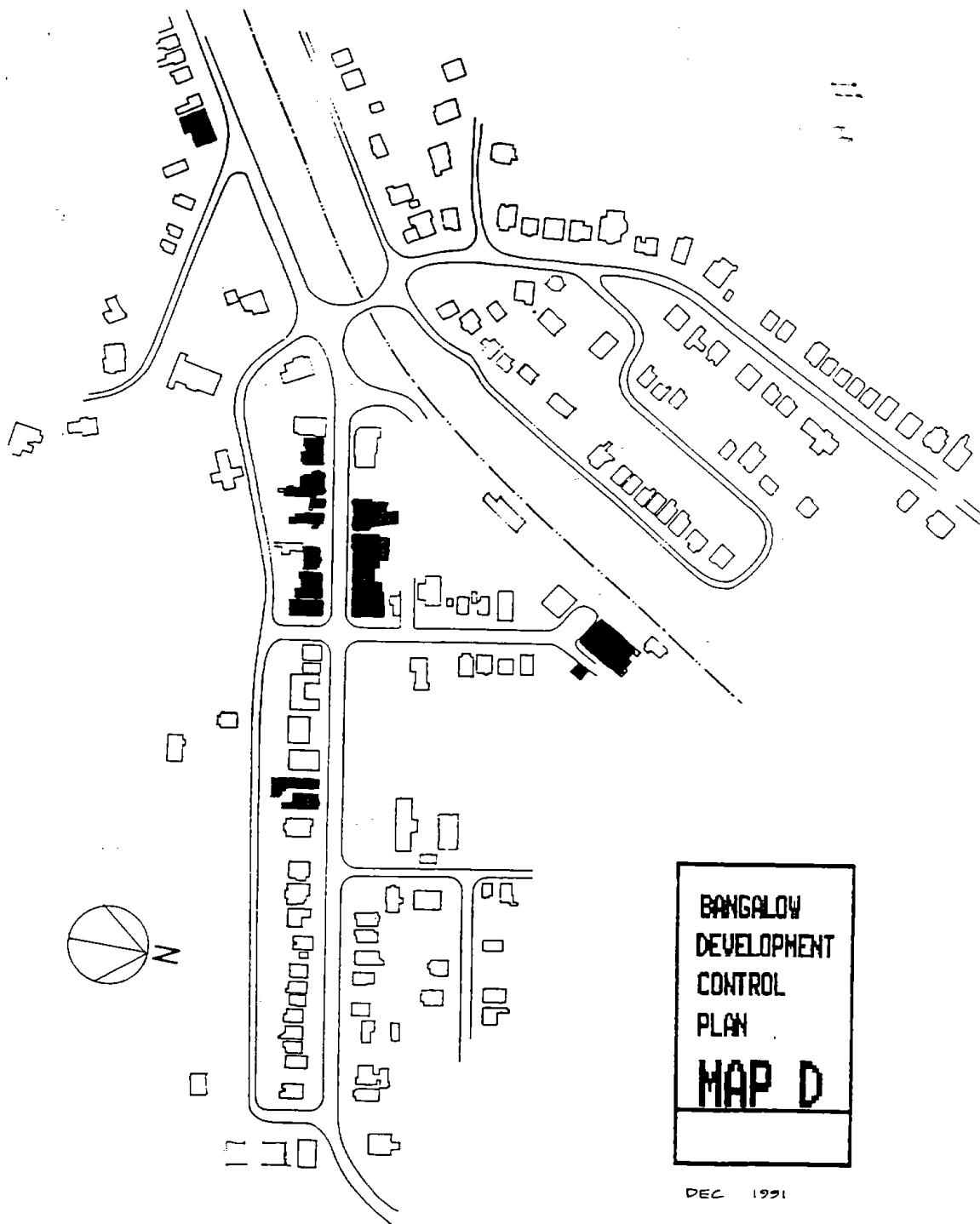
TIM SHELLSHEAR



Original

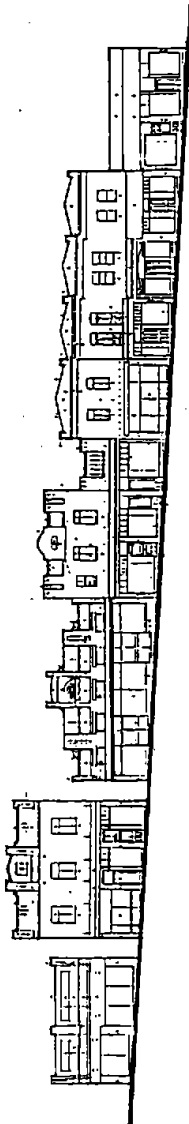


Present

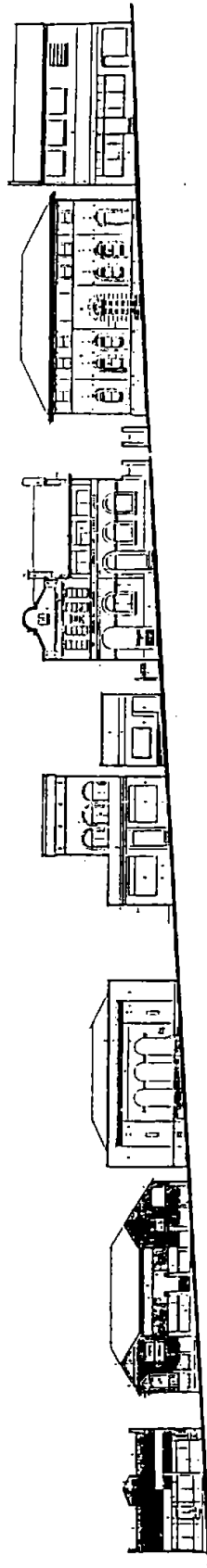


COMMERCIAL BUILDINGS RECOMMENDED TO BE
RETAINED IN OR RESTORED TO ORIGINAL
CONDITION

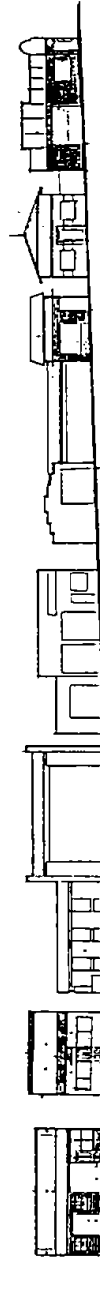
BANGALOW DEVELOPMENT CONTROL PLAN Dec 1951
SKETCH E
Elevations to Byron Street of Buildings in present Heritage Precinct
TIM SHELLSHEAR



Byron St. Top Block North Side



Byron St. Top Block South Side



Byron St. Lower Block South Side

TREE PLANTING BUFFER GUIDELINES - ADJACENT TO RIFLE RANGE AT WEST BANGALOW

RECOMMENDED SPECIES:

TALL TREES:
(to 15m)

- BRUSH BOX (*Lophostemon confertus*)
- TALLOWWOOD (*Euc. Microcarps*)
- FOREST OAK (*Casuarina Torulosa*)

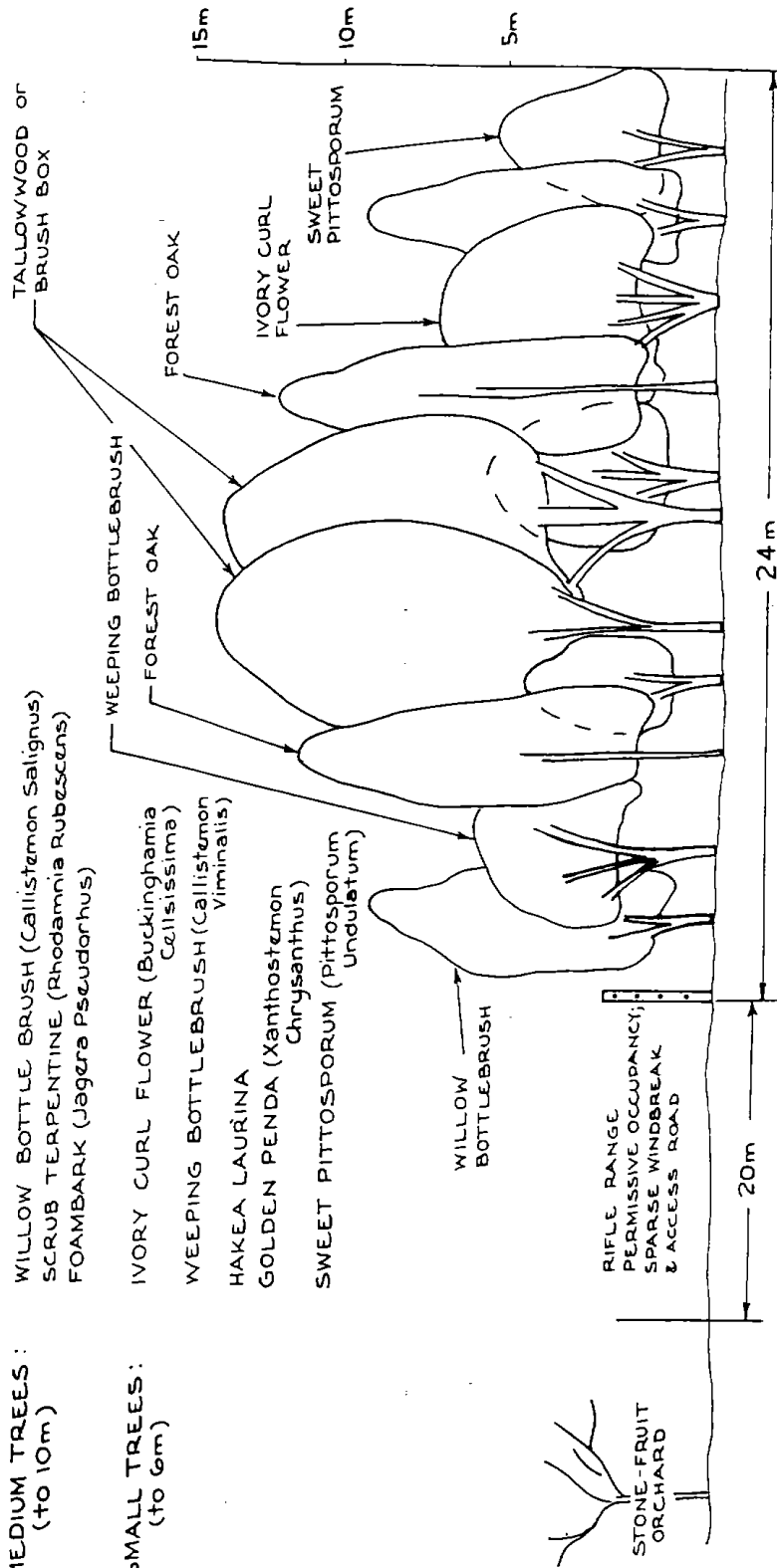
MEDIUM TREES:
(to 10m)

- WILLOW BOTTLE BRUSH (*Callistemon Salignus*)
- SCRUB TERPENTINE (*Rhodamnia Rubescens*)
- FOAMBARK (*Jagera Pseudorhus*)

SMALL TREES:
(to 6m)

- IVORY CURL FLOWER (*Buckinghamia Cellisissima*)
- WEEPING BOTTLEBRUSH (*Callistemon Viminalis*)
- HAKA LAURINA (*Xanthostemon Chrysanthus*)
- GOLDEN PENDA (*Xanthostemon Chrysanthus*)
- SWEET PITTOSPORUM (*Pittosporum Undulatum*)

TYPICAL PROFILE OF WIND-BREAK TO FILTER SPRAY DRIFT & ODOUR



APPENDIX T

ESTABLISHMENT: 2.5m SPACING IN OFFSET ROWS - WIDTH DETERMINED BY MAINTENANCE MACHINERY (e.g. 2-3m)

- DRIP IRRIGATION MAY BE NECESSARY TO ENSURE EVEN, CONSISTENT GROWTH
- MAINTENANCE FOR MINIMUM 2 YEARS WITH BOND POSTED TO COVER REPLACEMENT OF FAILURES