

18<sup>th</sup> DEFERRED May 2026  
Our reference: S\_1017.5288

The General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

ATTENTION: Mr Benjamin Grant  
Senior Planner

Dear Sir

**RE: DA 10.2025.156.1 (PAN-532102) 5 Penny Lane, Byron Bay – Request for Additional Information**

We refer to Council's letter of 20<sup>th</sup> April 2026 (Reference PAN-532102) and the Northern Regional Planning Panel's Record of Deferral dated 17<sup>th</sup> April 2026. Below, we have set out the items specified in the Panel letter (Items 1–3) and Council's letter (Item 4) and provided responses to each point.

Items 1 and 4 of Council's letter both relate to stormwater design and are addressed together below.

1. Stormwater

- *Podium Level – amended plans to demonstrate that all flows discharged into the vegetated area are adequately retained and infiltrated within the Atlantis Flo-Tank system, with no uncontrolled overflow to adjoining properties or buildings.*
- *Ground floor –*
  - *amended design of the North OSD system to provide a volume of 56m<sup>3</sup> or greater and a 1 x 100mm orifice outlet.*
  - *a fully detailed design of the controlled overland flow path to cater for overflow of 96 litres/s and 118 litres/s north and south OSD system respectively.*
  - *a Geotechnical Report to verify:*
  - *the adopted exfiltration rate of 100mm/hr in MUSIC to support the Infiltration System Design.*
  - *the depth of the existing groundwater to confirm the minimum separation distance of 1.0m between base of the infiltration system and the top of the groundwater table.*

4. Review of amended stormwater concept plan

*Council's Development Engineer has completed an assessment of the amended stormwater concept plan which is attached to this correspondence. The assessment finds that while the infiltration rate adopted for the North and South On-site Detention (OSD) systems is acceptable, the designs have significant issues in relation to groundwater separation and system detailing.*

*The assessment identifies that the highest seasonal groundwater level has been underestimated, and the base of the infiltration systems misidentified on the design drawings. The North On-site Detention System (OSD) provides only 95 mm separation and the South OSD 695 mm separation to groundwater levels, with both falling short of the commonly accepted 1.0 m minimum required by Council. As a result, neither system complies with*

groundwater separation requirements, and poses a high risk of groundwater interaction and compromised performance. Accordingly, the system design cannot be endorsed without redesign, further hydrogeological justification, or alternative stormwater measures.

The review also highlights a significant practical constraint, noting that both OSD systems are located beneath the concrete ground floor carpark surface, which prevents reasonable access for inspection and maintenance. It is unclear how the filter media will be accessed for replacement in the future.

As such, you are requested to either submit an alternative stormwater system design or provide the following information to justify the current proposal:

- Provide information demonstrating that the proposed OSD systems can achieve a vertical separation distance of at least 1m from the highest seasonal groundwater level, and that the OSD will not suffer from compromised system performance due to interaction with ground water.
- Provide information explaining how the OSD systems will be accessed for maintenance and / or replacement of filter media in the future.

**Comment:** The project's Civil Engineer Ardill Payne and Partners (APP) has been working directly with Council's Development Engineer to agree on an acceptable stormwater design. The redesigned stormwater system and the response addressing Items 1 and 4 are provided in the Ardill Payne and Partners submission accompanying this response (**Attachment A**).

## 2. Urban Design and Landscaping Design

- Detailed landscaping plan, which includes the following:
  - appropriate soil profiles for proposed plant species.
  - landscaping maintenance plan that outlines the viability and maintainability of podium level landscape including at Level One on the southeast building façade and demonstrates the methods for watering and maintaining mature vegetation and replacing dead/dying vegetation overtime.
  - Car parking landscape screening treatment and materials along Wallum Place, noting the 2m-4m setback between the site and the road reserve and location of sewer rising main along the boundary with Wallum Place that limits the ability to plant tall tree species or deep-rooted vegetation).

**Comment:** Refer **Attachment B** — Landscape Concept Pack prepared by LARC, including detailed landscape plans, sections, supporting documentation on landscape establishment and maintenance, and a 3D render of the Wallum Place screening.

- Public safety and CPTED resolution of the ground level space between the Porter Street terraces and the southeast building façade.

**Comment:** Refer **Attachment C** — CPTED Response Letter, the revised SE Walkway CPTED plan (2001 RevB), and the existing DA986 Rev05 ground floor CPTED plan.

## 3. Car Parking

- Detailed car parking design, including EV charging infrastructure (i.e., conduit and sufficient electrical capacity for future installation).
- Clarification of car parking requirements including consideration of:
  - total car parking requirements.

**Comment:** Refer **Attachment D** — Car Parking Response Letter, Stage 5 Car Parking Schedule, revised Stage 5 Car Parking Plan, Habitat Site Car Parking Plan, and the approved Hotel DA 025 plan provided for historical reference.

- + requirements under Council's DCP, relevant Australian Standards and Section 1(c) of the Liveable Housing Guidelines.

**Comment:** Refer **Attachment E** — Livable Housing Response Letter prepared by Inclusive Places, the project's specialist Access Consultant.



- + *car wash facilities refer to prescriptive measure 6 in section D1.10.6 of Chapter D1 of BDCP 2014.*

**Comment:** Refer **Attachment D** — revised Stage 5 Car Parking Plan, which incorporates the proposed car wash bay.

- + *Infrastructure for EV car charging refer to prescriptive measures in section B4.2.14 of Chapter B4 of BDCP 2014 and Austroads 2022 - Guidelines for Low and Zero Emission Vehicle Charging Infrastructure Installation.*

**Comment:** Refer **Attachment F** — EV Charging Response Letter prepared by MDA Consulting Engineers Pty Ltd, the project's Electrical Engineer.

## Conclusion

The proposal complies with the requirements raised in Council's letter of 20<sup>th</sup> April 2026 (Reference PAN-532102) and the Northern Regional Planning Panel's Record of Deferral dated 17<sup>th</sup> April 2026. Each item has been addressed in the information attached to this submission.

Accordingly, the Applicant requests that the Panel approve the application. Should you require any additional information or wish to clarify any matter raised by this response, please feel free to contact me at any time.

Yours faithfully,

**PLANNERS NORTH**



**Stephen Connelly** RPIA (Life Fellow), CEnvP-IA  
PARTNERSHIP PRINCIPAL  
(m) 0419 237 982  
(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)

**Attachments:****Attachment A – STORMWATER**

- A1 APP Stormwater Design
- A2 MUSIC Modelling

**Attachment B - LANDSCAPING**

- B1 Landscape Concept Pack
- B2 Wallum Place Render

**Attachment C – CPTED**

- C1 260515 - CPTED Response Letter
- C2 2001 CPTED - SE WALKWAY (RevB) - floor plan, key updated.
- C3 DA986 Rev05 - Existing ground floor CPTED DA plan referenced in letter.

**Attachment D – CAR PARKING**

- D1 260515 - Deferral Response Letter - Car Parking
- D2 025 STAGE 05 CAR PARKING POSITION (RevB)
- D3 260515 - Stage 5 Car Parking Schedule
- D4 026 SITE WIDE CAR PARKING POSITION (RevB)
- D5 10.2020.87.1 - Approved DA 025 Rev05

**Attachment E- ACCESSIBLE PARKING**

- E1 260515 - Deferral Response Letter - Livable Housing

**Attachment F – EV INFRASTRUCTURE**

- F1 260515 - Habitat S5 - EV Charging Response Letter

13 May 2026

The General Manager  
Byron Shire Council  
PO Box 219  
70 Station Street,  
MULLUMBIMBY NSW 2482

Dear Sir/Madam

**RE: REPONSE TO REQUEST FOR ADDITIONAL INFORMATION  
STORMWATER RELATED MATTERS  
DA.10.2025.156.1 – MIXED USE DEVELOPMENT - 5 PENNY LANE, BYRON BAY**

We refer to Councils recent request for additional information (RFI) dated 20 April 2026 and provide the following responses to the stormwater related items, particularly 1 and 4 of the RFI:

**1. Stormwater**

***Podium Level – amended plans to demonstrate that all flows discharged into the vegetated area are adequately retained and infiltrated within the Atlantis Flo-Tank system, with no uncontrolled overflow to adjoining properties or buildings.***

The current proposal no longer utilises the podium level for stormwater detention and treatment. As such the podium level drainage is to capture surface runoff from this level. This will be done via conventional means of grading, shallow capture pits and pipework. The Atlantis flo-Tank system is no longer present within the podium, however the waterproofing and Atlantis flow cell will remain to provide drainage of the planted areas for any water which infiltrates into the soil media.

***Amended design of the North OSD system to provide a volume of 56m<sup>3</sup> or greater and a 1 x 100mm orifice outlet.***

The OSD tank is documented as having a volume of 54m<sup>3</sup> given a base of RL 4.695 and top of RL 5.295. The surface level in the carpark is currently nominated at RL 5.7 We can simply increase the top of the tank from 5.295 to 5.4 to achieve the volume leaving 300mm for the carpark slab over. The modelling for which Council has based the 56m<sup>3</sup> from appears to be APP's DRAINS model. This model includes 2 x 100mm outlets as shown in the amended report issued before the NRPP meeting, we propose that this arrangement is provided in the final design. Drawing SK07 has been updated to reflect the change in the Volume.

***A fully detailed design of the controlled overland flow path to cater for overflow of 96 litres/s and 118 litres/s north and south OSD system respectively.***

The outlets are documented at 2 x 300 and 2 x 375 for the north and south systems respectively, these would convey the flows to the open drain on wallum place and the easy street drainage system respectively. Based on AS3500.3 Figure 5.4.11.2 (c) they would have capacities of 160L/s and 300L/s respectively. Given a choked downstream network under 1% AEP conditions a 375 diameter pipe conveying 60L/s flowing full (ie, under head) would have a head loss of less than 0.1m. the height difference between the surface at the southern infiltration system and the pit lid in Easy Street is 0.56m. Therefore, the proposed 2 x 375 pipes are sufficient to convey a minimum of 120L/s with 0.1m head loss. Similarly, the northern system has a similar available head from pit surface to overflow in Wallum Place. To convey the 96L/s 0.16m of head loss would occur which is less than available, therefore the 2 x 300 pipes are also sufficient.

The outlets may be further refined at detailed design stage and reassessed by Council during the Section 68 approval process.

***A Geotechnical Report to verify:***

- ***the adopted exfiltration rate of 100mm/hr in MUSIC to support the Infiltration System Design.***

Infiltration rates of 100mm/hr have been demonstrated in testing completed by ASCT for the civil subdivisional design. Further within item 4 of the RFI states “*Council’s Development Engineer has completed an assessment of the amended stormwater concept plan which is attached to this correspondence. The assessment finds that while the infiltration rate adopted for the North and South On-site Detention (OSD) systems is acceptable*”.

- ***the depth of the existing groundwater to confirm the minimum separation distance of 1.0m between base of the infiltration system and the top of the groundwater table.***

Previous geotechnical testing has been provided which demonstrates the groundwater levels. This is further discussed below in relation to item 4 of the RFI.

#### ***4. Review of amended stormwater concept plan***

***Provide information demonstrating that the proposed OSD systems can achieve a vertical separation distance of at least 1m from the highest seasonal groundwater level, and that the OSD will not suffer from compromised system performance due to interaction with ground water.***

The previous information provided to Council demonstrated a separation to the regular ground water level. The 3.1-3.2m AHD, this equates to the average level from the observed groundwater

levels by Douglas and Partners as well as previously by Shaw Urquhart in 2011 prior to the site filling works being completed. This provides approx. 1.4m separation between the infiltration systems and the normal standing groundwater.

Through discussions we understand that Council are assessing separation based on the highest recorded groundwater level from the Douglas and Partners Groundwater Impact Assessment 201856.00.R.Rev3, dated Nov 2021, in particular Table 3 which is 4.1m AHD value recorded in March 2021.

We understand highest seasonal groundwater to be the groundwater level associated with normal rainfall and seasonal conditions. The recorded rainfall at the Cape Byron AWS for March 2021 was 472mm with approximately 350mm of that falling in the week leading up to the investigation (equivalent to 10% and 20% AEP). The mean rainfall for March is 192mm. Given this we believe that conditions at the time of the investigations did not reflect normal seasonal conditions.

Figure 6 within the Douglas and Partners report shows that once the higher than normal rainfall subsided the groundwater level reduced and based on the groundwater levels logged in April the groundwater level sat between 2.8-3.2m AHD. For reference April 2021 had a recorded rainfall slightly higher than the mean rainfall for April.

Given the MUSIC modelling indicates treatment rates exceeding the BSC targets, as well as the conservative infiltration rate used for modelling (half of the lowest recorded infiltration rate and nearly 1/3 of the mean infiltration rate) the reduced depth to Councils adopted 4.1m AHD highest seasonal ground water level we propose that the southern infiltration area remains as documented with achieving 700mm separation which has filter medium depth would still achieve the required targets, as music modelling shows that reducing the infiltration media as low as 100mm will still provide satisfactory results. Whilst not utilised for treatment infiltration within the northern OSD system to prevent any ponding between events.

Post discussions with Council regarding this, we have provided an alternative gross pollutant screen and Atlan filter system for lower Northern System. The details of this are provided on drawing SK10. Music modelling input and results are also provided electronically.

***Provide information explaining how the OSD systems will be accessed for maintenance and / or replacement of filter media in the future.***

OSD maintenance will be done via maintenance openings within the carpark slab. This is achievable as system is intended and shown as a void rather than flo-tank systems or similar where access would be prevented.

Given a blockage factor of 2 has been utilised to allow for some clogging/degradation of the system over time. The insitu silty sand fill material used as the infiltration media is not expected to require replacement. Should this be required vacuum excavation or manual excavation would be utilised.

Regular Maintenance is expected and would consist of removal of gross pollutants, tilling of surface to break up any crust which has formed. The latter maintenance works would be performed by hand.

We trust the above clarifies items 1 and 4 of your letter in relation to stormwater matters. Should you have any further queries in relation to this please feel free to contact our office.

Yours faithfully,



**Ryan Beavis**

BE (Hons) MIEAust

NSW Professional Engineer (Civil and Structural)

**ARDILL PAYNE & PARTNERS**

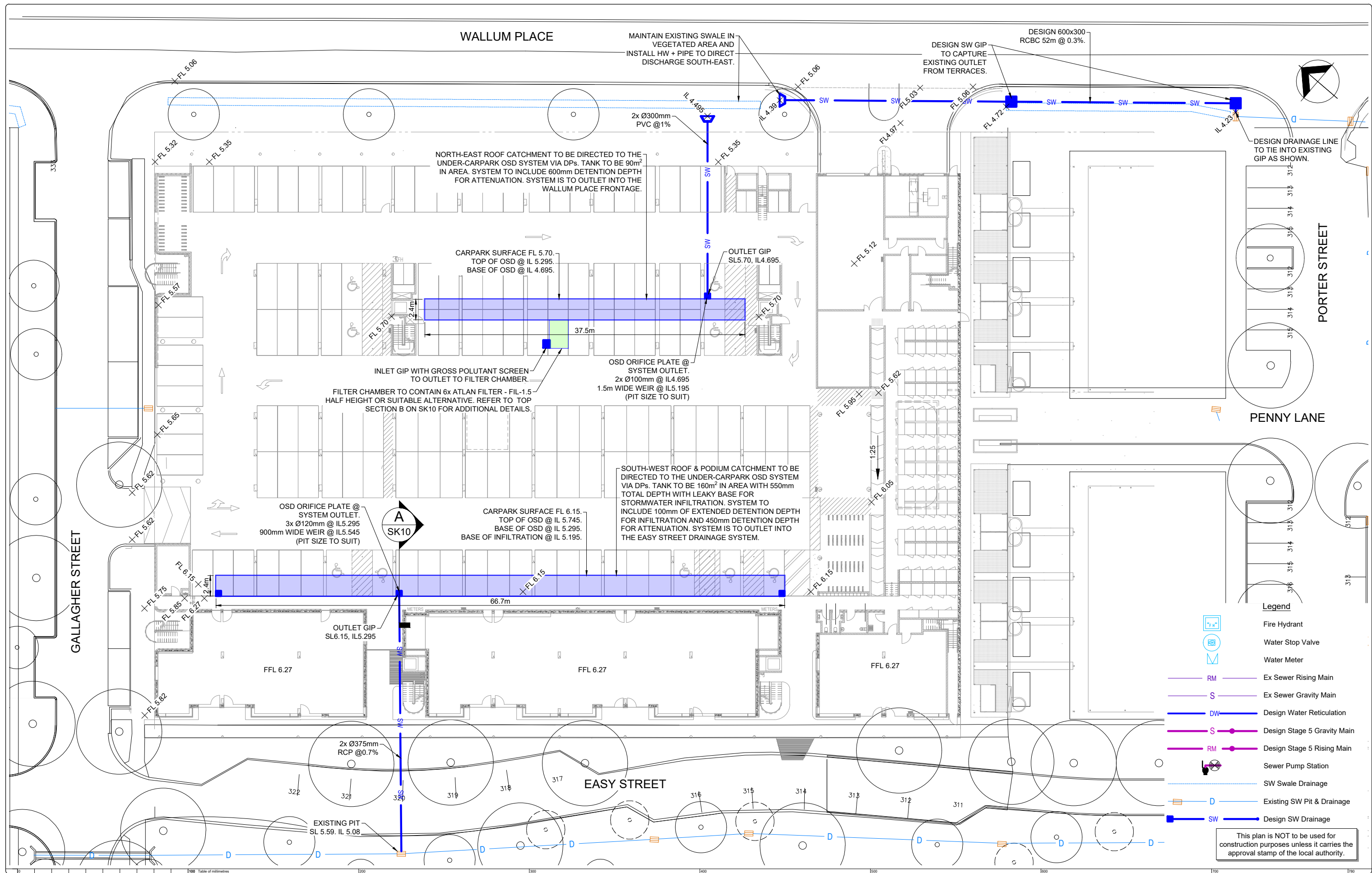
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**ATTACHMENT 1: Proposed Stormwater Management Plans**

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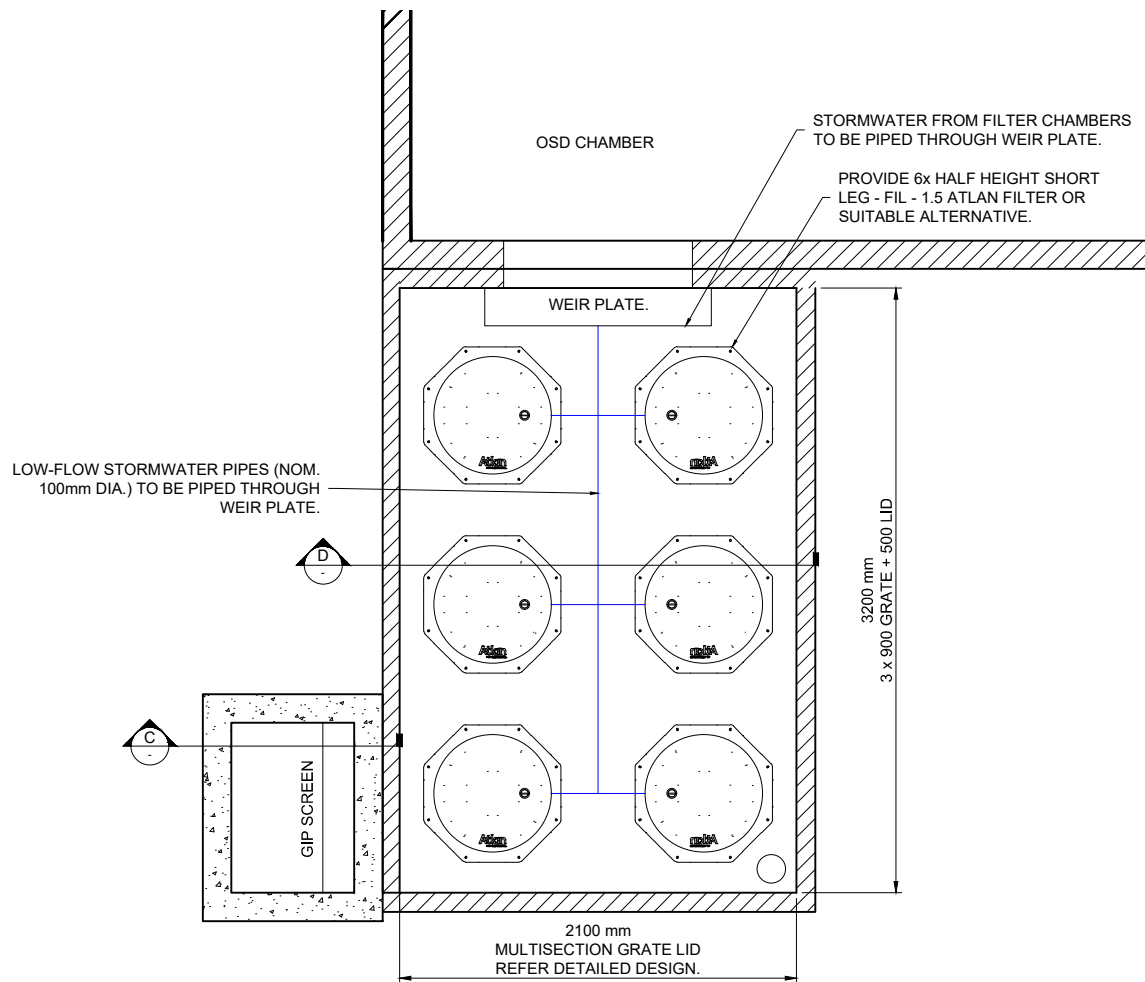
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| F     | 14/05/2026        | TREATMENT CHAMBER DETAILS ADDED       | RB    |
| E     | 19/04/2026        | TYPICAL OSD TANK SECTION              | RB    |
| D     | 08/04/2026        | SW DESIGN TO SUIT APPLICATION REFUSAL | ER    |
| C     | 02/10/2025        | MINOR SW ADJUSTMENTS                  | ER    |
| B     | 04/202513/05/2025 | SUE FOR DA APPLICATION ATLAN FILTERS  | RB    |
| A     | 19/03/2025        | STG 5 SERVICE RE-DESIGN               | RB    |

|          |                                                         |
|----------|---------------------------------------------------------|
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| Project: | BAYSHORE VILLAGE<br>BAYSHORE DRIVE, BYRON BAY, NSW 2481 |

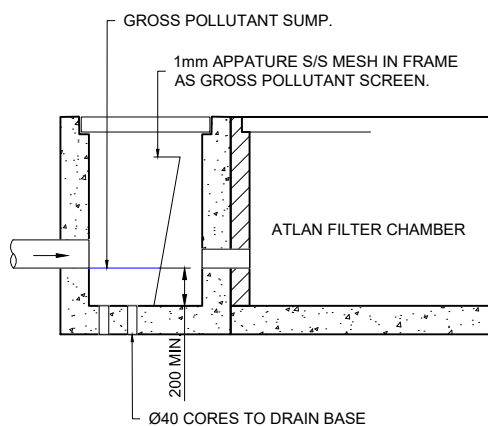
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|----------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Title:                                                                                             | STG 5 STORMWATER & FINISHED GROUND FLOOR LEVELS PLAN |
| Do not scale drawing. Use written dimensions only<br>This plan is copyright © All rights reserved. |                                                      |

|                                                                                                                                                                                                                                                       |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| ARDILL PAYNE<br>& PARTNERS<br>ENGINEERS PLANNERS SURVEYORS<br>ENVIRONMENTAL PROJECT MANAGEMENT<br>BALLINA 45 River Street Ph. 02 6686 3280<br>GUNNEDAH 285 Conadilly Street Ph. 02 6742 9955<br>A.B.N. 51 808 558 977 e-mail: info@ardillpayne.com.au |  |
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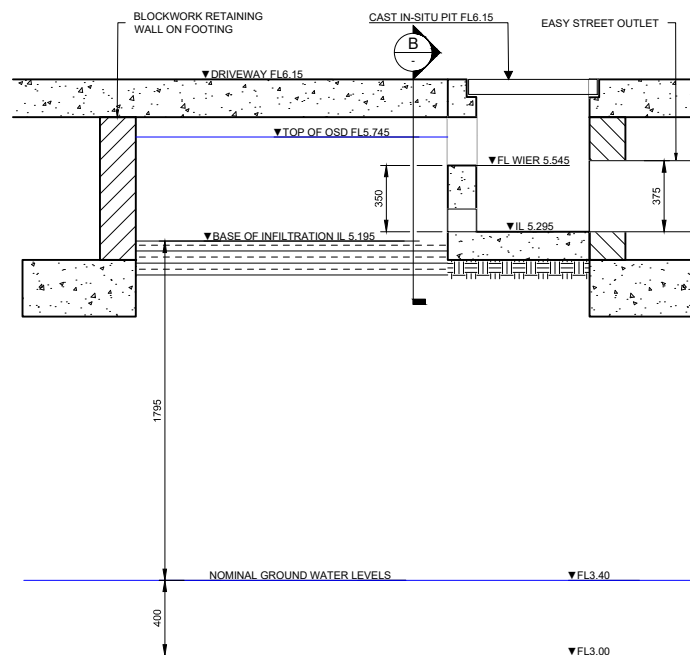
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| Checked  | CM/AH      | Datum         |                              |
| Approved | RB/AH      | Drafting File | 7213-05-SMP - 2026-05-13.dwg |
| Date     | 19/03/2025 | Design File   |                              |
| Job No   | 7213-05    | Dwg No.       | SK07                         |
|          |            | Issue         | F                            |



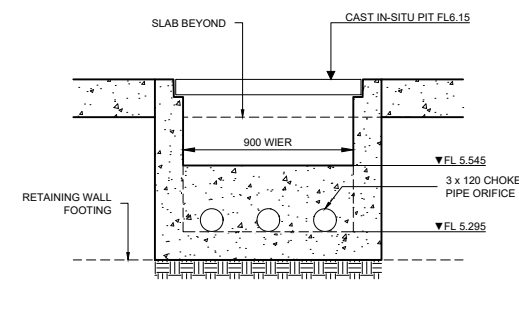
**B SECTION**  
SK07 GIP INLET & FILTER CHAMBER TOP VIEW  
SCALE 1:20 AT A1



**C SECTION**  
SK07 GIP INLET & FILTER CHAMBER SIDE VIEW  
SCALE 1:20 AT A1



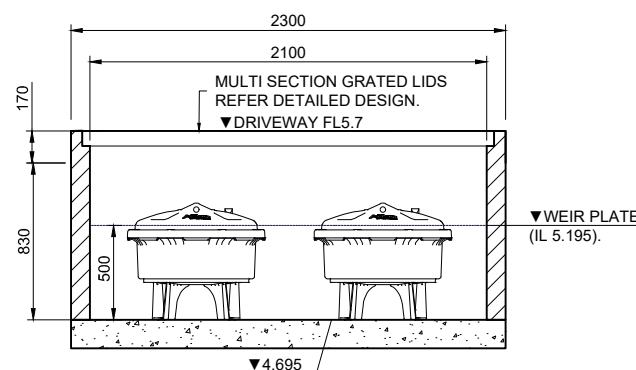
**A SECTION**  
SK07 TYPICAL OSD TANK CROSS SECTION  
SCALE 1:20 AT A1



**B SECTION**  
WIER SECTION  
SCALE 1:20 AT A1

## OSD DETAILS

## TREATMENT CHAMBER DETAILS



**D SECTION**  
SK07 ATLAN FILTER CHAMBER (TYPICAL)  
SCALE 1:20 AT A1

This plan is NOT to be used for construction purposes unless it carries the approval stamp of the local authority.

| Issue | Date       | Description                   | App'd |
|-------|------------|-------------------------------|-------|
| B     | 13/05/2026 | ATLAN FILTERS & CHAMBER ADDED | RB    |
| A     | 16/04/2026 | TYPICAL OSD TANK SECTION      | RB    |

Client:  
**BAYSHORE PROPERTIES PTY. LTD.**

Project:  
**BAYSHORE VILLAGE**  
BAYSHORE DRIVE, BYRON BAY, NSW 2481

Title:  
**STG 5 STORMWATER & FINISHED GROUND FLOOR LEVELS PLAN**

Do not scale drawing. Use written dimensions only  
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**ARDILL PAYNE**  
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|          |            |               |                              |
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| Drawn    | JR/LH      |               | 0 0.2 0.4 0.6 0.8 1.0        |
| Checked  | CM/AH      | Datum         |                              |
| Approved | RB/AH      | Drafting File | 7213-05-SMP - 2026-05-13.dwg |
| Date     | 13/05/2026 | Design File   |                              |
| Job No   | 7213-05    | Dwg No.       | SK10                         |
|          |            | Issue         | B                            |

# LARC

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LANDSCAPE ARCHITECTURE

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[www.larc.la](http://www.larc.la)

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CONCEPT DESIGN DA

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Project: 26889 - Habitat Stage 5, Byron Bay, NSW, 2481 ●

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Revision C - 14.05.2026

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- Landscape DA Design
  - Concept Plans, Detailed Plans & Sections
  - Inspiration Images & Plant / Material Selection
-



- LEGEND
1. Footpath to Byron Shire council DCP requirements.

2. Entry to GF car parking.

3. Existing established Pink Euodia tree to be retained and protected during construction.

4. Garden areas on ground floor, around the perimeter of the building, with semi shade tolerant native plants. eg. Dicondra repens, Viola hederacea, Myoporum, Alocassia, Lomandra + Banksia.

5. New gardens on streetscape adjacent to on street carparking areas, with new native shade tree where shown & planting under.

6. Existing corner streetscape gardens , including mature trees and large feature boulder to be retained and protected during construction.

7. Low gardens flanking entry arcades, & in front of retail tenancies, planted in natural ground. SW facing gardens, with awning over. Shade tolerant native plants. eg. Dicondra repens, Viola hederacea, Myoporum, Cyathea, Alocassia, Ferns + Native grasses. Outdoor furniture & lighting to future detail design.

8. Timber bridge entry points - use rough sawn Spotted Gum to match Stage 4.

9. Shade tolerant native strip gardens to front of tenancies - to match Stage 4.

10. SE walkway, brushed-concrete service path, to provide maintenance access to podium gardens above. Gates, cameras, lighting & night patrols to address CPTED.

11. Adjacent garden & pocket park not part of this document.

12. Central shade garden with a cluster of tall palms growing up through the podium void - Kentia or Archontophoenix species (Bangalow palm).

13. Connection and reinstatement of Wallum place verge if damaged during construction.

14. Retain existing planting/street trees on Wallum PI, add native shrubs, grasses and groundcovers one side of existing conc. invert swale.

15. Semi-shaded gardens to NE boundary in front of carpark mesh screen and under L1 overhang. Shade tolerant native plants. eg. Dicondra repens, Viola hederacea, Blechnum, Alocassia, Cyanthea + Dianella sp.

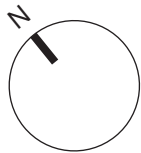




LANDSCAPE MASTERPLAN

LEVEL 1/ PODIUM

SCALE 1:400 @ A3



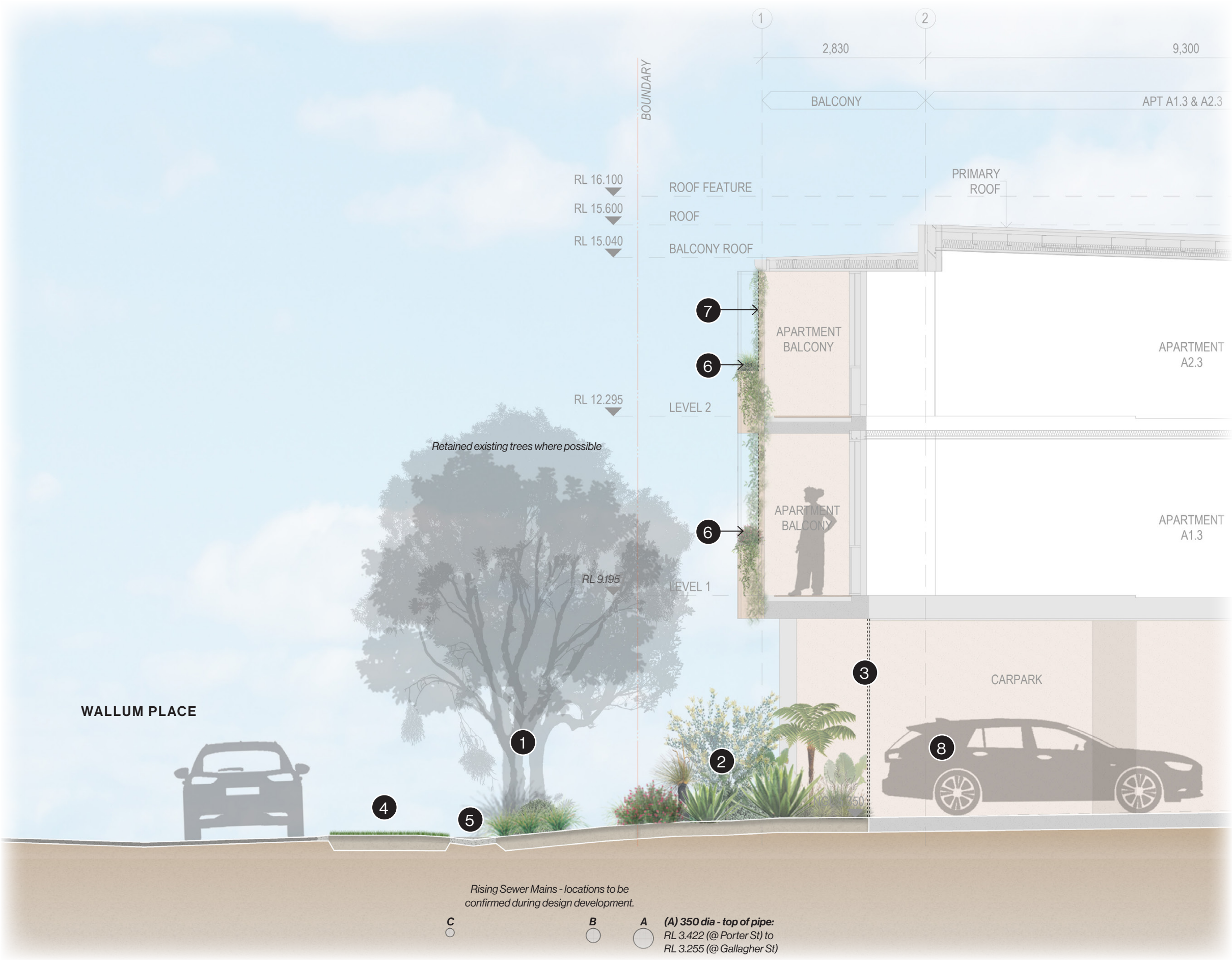
LEGEND

1. Podium Planting - Native trees and palms in the center to reduce on looking between apartments. Walls and mounding landscape treatment to achieve adequate soil depth - refer to DCP requirements. Minimum 1200 soil depth, mounded to approx 1500mm above slab level. Use boulder walls to address level changes over a narrow space, ensuring all mounding is 1:4 grade maximum. Species include eg. Elaeocarpus eumundi, Kentia & Archontophoenix palm (Bangalow palm).
2. Maintenance only access paths with gravel and low mass groundcover areas on the upper & lower side of the central spine.
3. Use of local basalt boulder walls to address level changes over a narrow space, ensuring all walls are less than 1000mm with mounding as 1:4 grade maximum.
4. Gardens ramping up to the seats, with foliage to provide privacy to private balconies. Waterproofing and protection board to structure in detail design.
5. Densely planted privacy garden to the back of bench seating and mounded, with small trees, shrubs and GC's. Shade tolerant native plants. eg. Dicondra repens, Viola hederacea, Blechnum, Alocassia, Cyranthea + Dianella sp.
6. Open patch of lawn for passive recreation and openness adjacent the pool space with bench seating / boulder seats to edge.
7. Cluster of Palm trees growing up through the podium void from ground level below - Kentia or Archontophoenix species (Bangalow palm).
8. Pool lounging bench seating / booths.
9. Podium planting to cascade over wall and down NE wall. Native vines species that cascade such as Pandoera, Ipomea, C.cousin it & Myoporum
10. Apartment planter boxes. With native vines species that both cascade and climb such as Pandoera, Ipomea, Cissus, Pararistolochia and Hoya. Steel Mesh or SS wire trellis to support good vine growth and match the opposite side of Easy Street aesthetic.





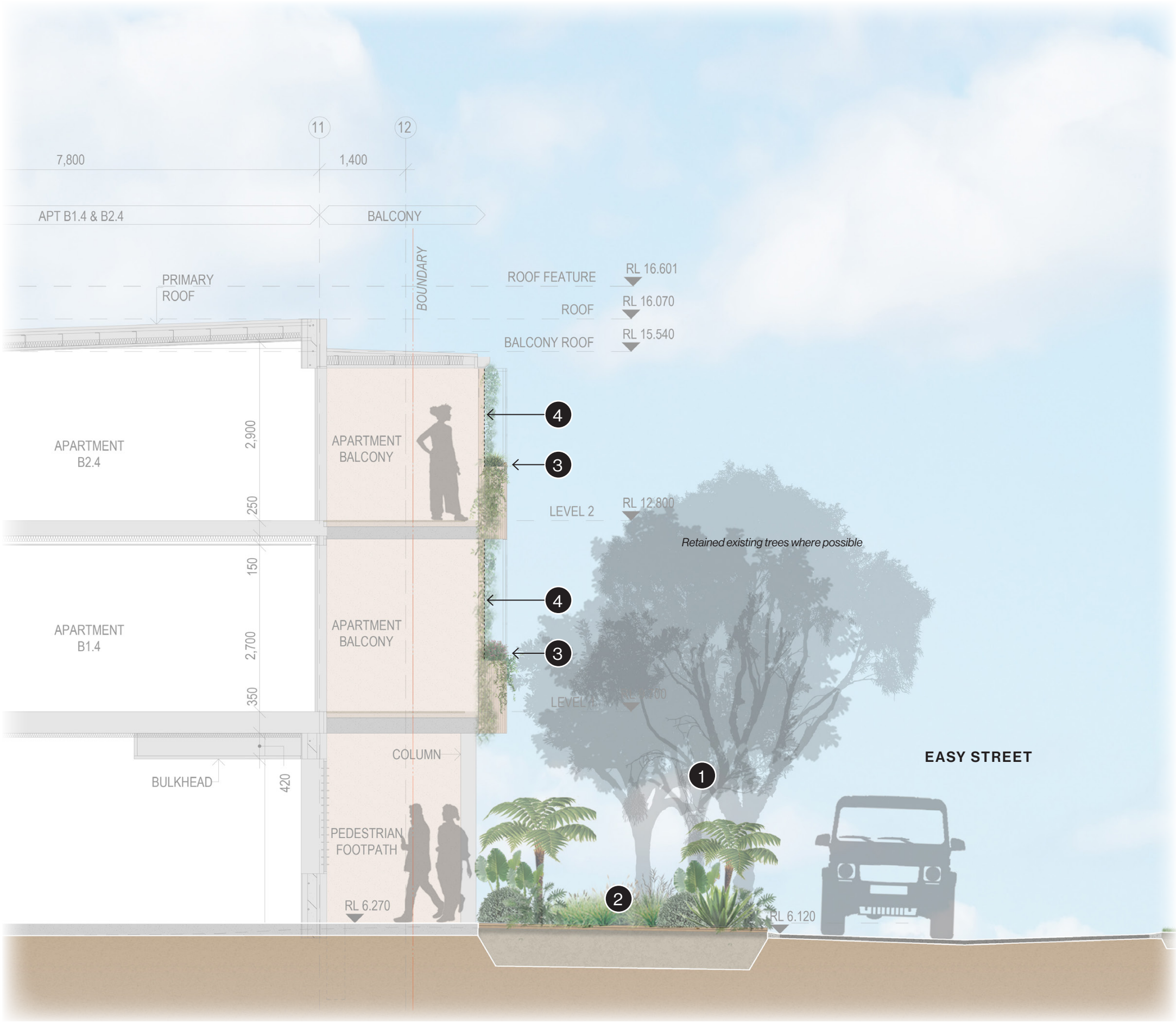
- LEGEND
- 1. Retain existing gardens and street trees where possible on Wallum Place, add native shrubs, grasses and groundcovers.
  - 2. Shaded gardens to NE boundary in front of carpark ember mesh screen and under L1 overhang. Native plants. eg. Dicondra repens, Viola hederacea, Lomandra, Banksia, Westringa + Dianella sp.
  - 3. Ember screen to carpark - refer to architectural documentation.
  - 4. Lawn verge along Wallum Place
  - 5. Existing concrete invert swale on Wallum Pl verge
  - 6. Apartment Planter Boxes. Native vines species that both cascade and climb such as Pandoera, Ipomea, Cissus, Pararistolochia and Hoya. Steel Mesh or SS wire trellis to support good vine growth and match the opposite side of Easy Street aesthetic.
  - 7. Trellis / mesh structure to support climbing species - refer to architectural documentation.
  - 8. Undercroft / carparking.





LEGEND

- 1. Retain existing Easy Street gardens and street trees where possible, add native shrubs, grasses and groundcovers.
- 2. Small timber bridge entry points (using rough sawn Spotted Gum to match Stage 4). Gardens adjacent, with shrubs grasses and groundcovers. eg. Dicondra repens, Viola hederacea, Blechnum, Alocassia, Cyathea + Dianella sp.
- 3. Apartment Planter Boxes. Native vines species that both cascade and climb such as Pandoera, Ipomea, Cissus, Pararistolochia and Hoya. Steel Mesh or SS wire trellis to support good vine growth and match the opposite side of Easy Street aesthetic.
- 4. Trellis / mesh structure to support climbing species - refer to architectural documentation.



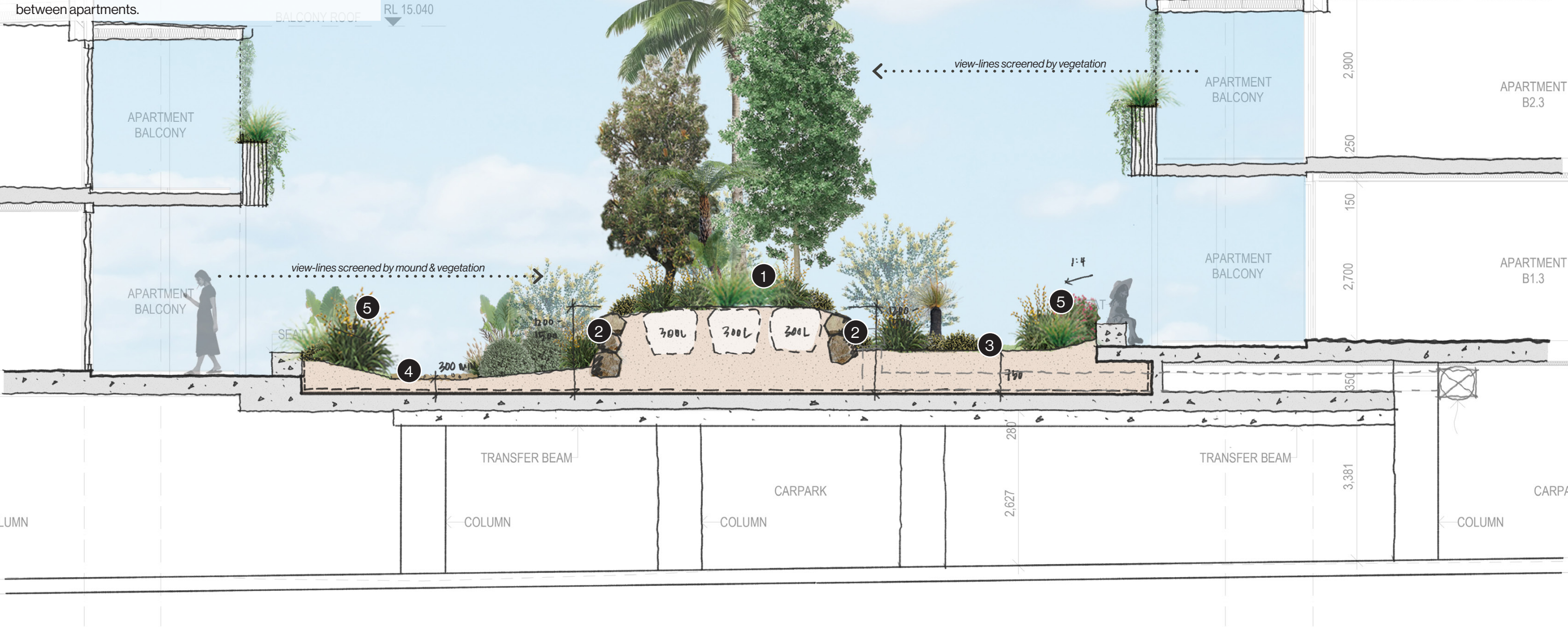


LANDSCAPE PODIUM - SECTION C

SCALE 1:75

LEGEND

- 1. Podium Planting - Native trees and palms in the center to reduce on looking between apartments. Walls and mounding landscape treatment to achieve adequate soil depth - refer to DCP requirements. Minimum 1200 soil depth, mounded to approx 1500mm above slab level.
- 2. Use boulder walls to address level changes over a narrow space, ensuring all mounding is 1:4 grade maximum.
- 3. Mass groundcover and native grasses on upper side of the central spine - informal maintenance only track.
- 4. River gravel swale / pathway through the garden on the lower side, low point to address drainage.
- 5. Gardens ramping up to the seats, with foliage to provide privacy to private balconies.
- 6. Native trees and palms in the center to reduce over looking between apartments.



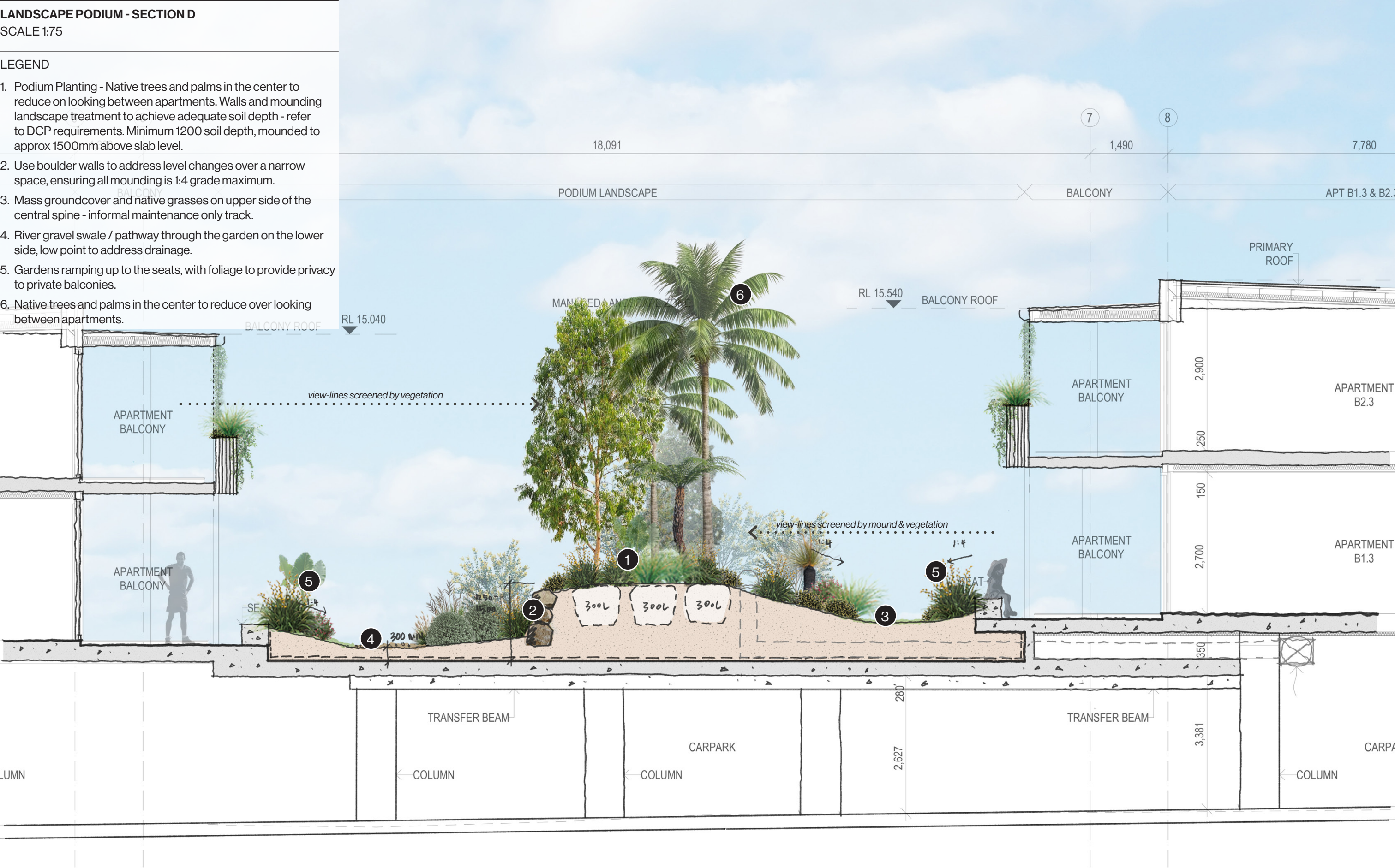


LANDSCAPE PODIUM - SECTION D

SCALE 1:75

LEGEND

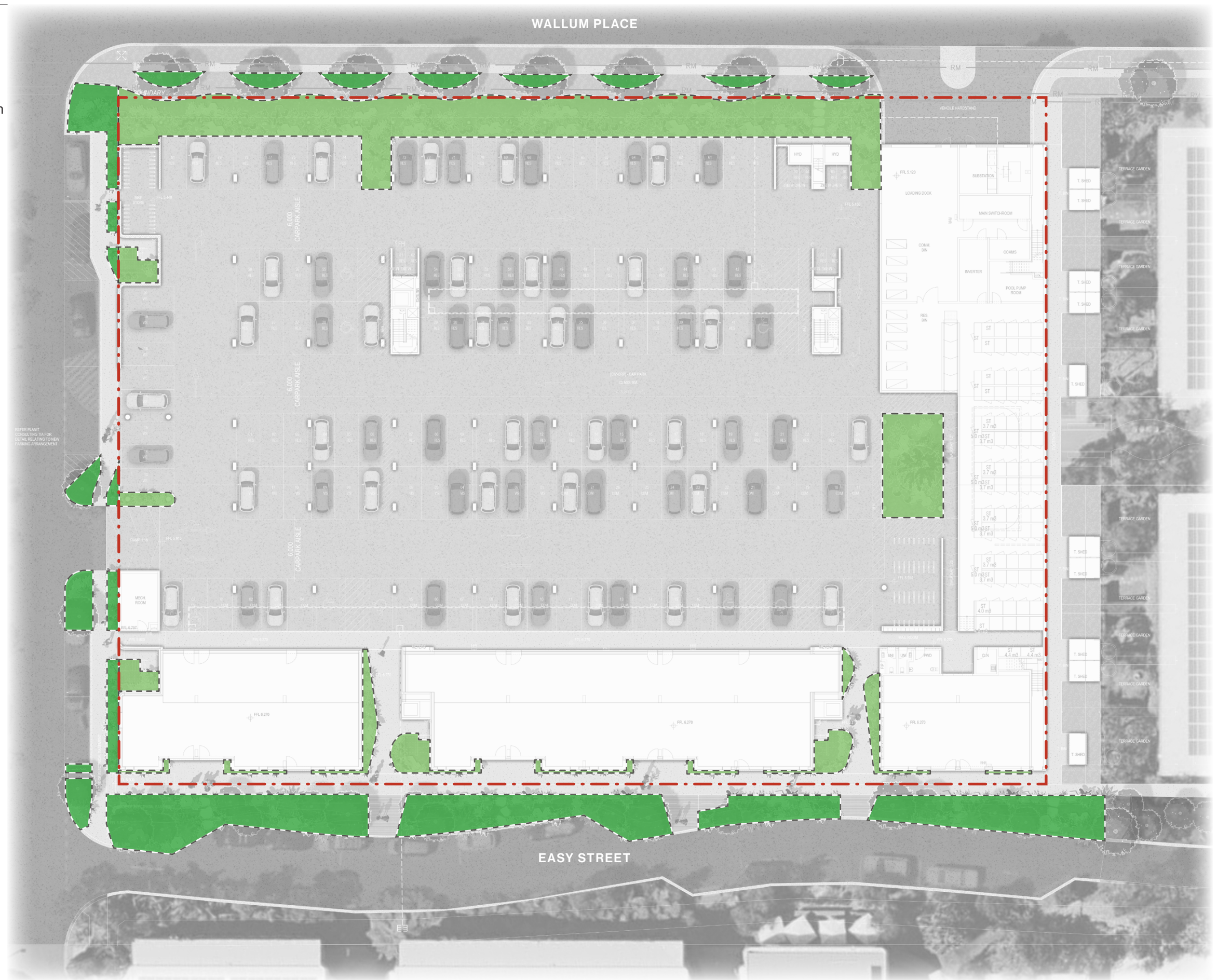
- 1. Podium Planting - Native trees and palms in the center to reduce on looking between apartments. Walls and mounding landscape treatment to achieve adequate soil depth - refer to DCP requirements. Minimum 1200 soil depth, mounded to approx 1500mm above slab level.
- 2. Use boulder walls to address level changes over a narrow space, ensuring all mounding is 1:4 grade maximum.
- 3. Mass groundcover and native grasses on upper side of the central spine - informal maintenance only track.
- 4. River gravel swale / pathway through the garden on the lower side, low point to address drainage.
- 5. Gardens ramping up to the seats, with foliage to provide privacy to private balconies.
- 6. Native trees and palms in the center to reduce over looking between apartments.





All containerized planting on upper levels is proposed in accordance with to DCP requirements.

 IN GROUND UNDERCROFT PLANTING

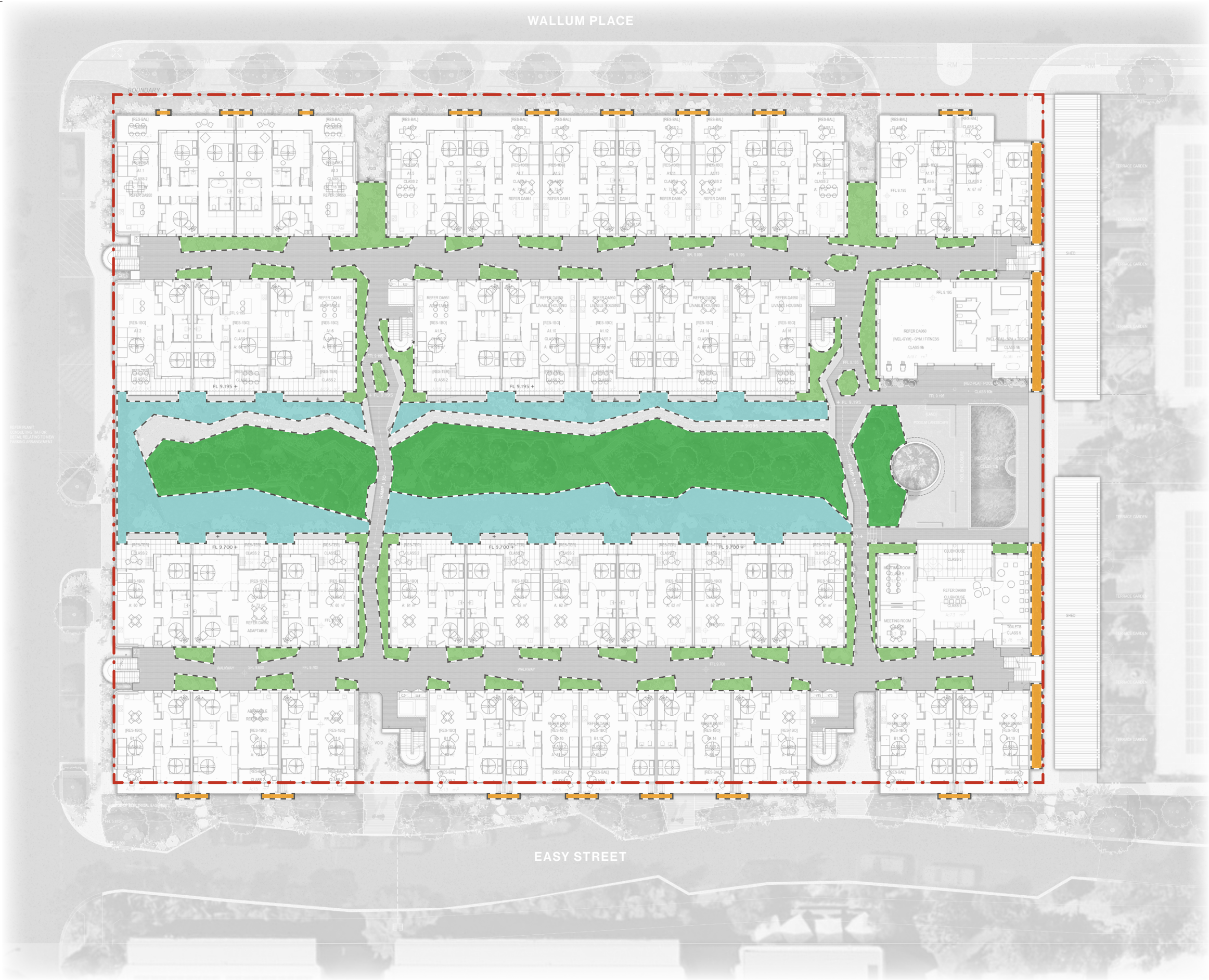




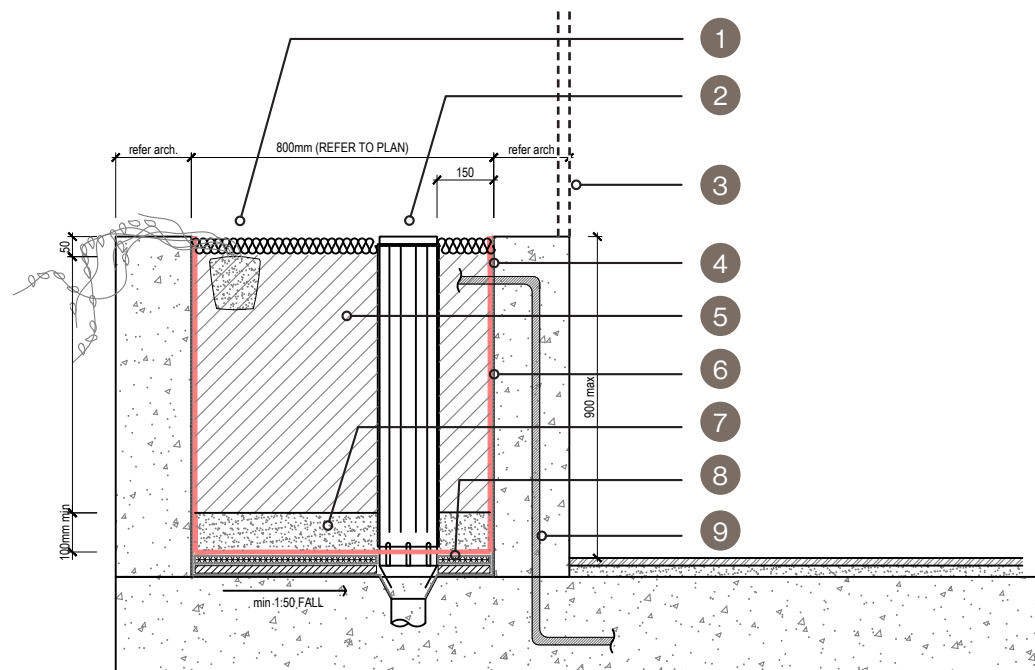
Minimum planting depths have been considered into the design of the building. All deep planting on ground level is in ground traditional planting.

All containerized planting on upper levels is proposed in accordance with to DCP requirements. Minimum soil depths are shown below.

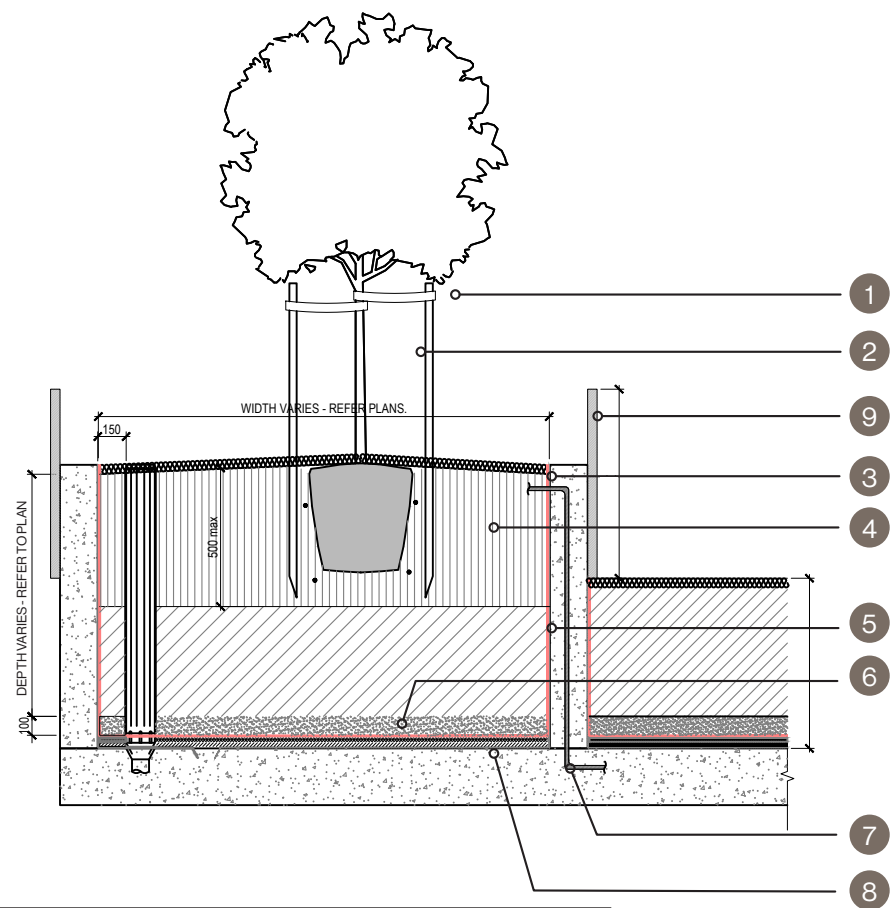
- PODIUM TREES / PALMS & SHRUBS.  
DEPTH: 1100MM (MOUNDED TO 1500MM)
- PODIUM PLANTERS SMALL SHRUBS &  
GROUND COVERS. MIN DEPTH: 600MM
- PODIUM SHRUBS & GROUNDCOVERS.  
MIN DEPTH: 450-700MM
- PODIUM GROUNDCOVERS CASCADING /  
CLIMBING - MIN DEPTH: 600MM







**DETAIL SECTION - PODIUM PLANTER**  
TYPICAL ONLY - TO FUTURE DETAIL DESIGN  
Scale 1:10 @ a3



**DETAIL SECTION - TREE PODIUM PLANTER**  
TYPICAL ONLY - TO FUTURE DETAIL DESIGN  
scale 1:20 @ a3

- LEGEND (DETAIL):**
- 1 Plants as specified in pallette & to future detailed design.
  - 2 Drainage Riser, with inspection opening, at 10m cntrs & 150mm from edge. Rigid slotted pipe socked in geotextile fabric.
  - 3 Screening / Balustrade if required - to be developed in detail design
  - 4 Geotextile filter fabric layer
  - 5 Imported lightweight podium soil blend
  - 6 Waterproofing of entire walls & floors of planting area of roof. Waterproofing as specified in detailed design.
  - 7 100mm thick min layer of washed river sand
  - 8 Slimline drainage cell layer in base.
  - 9 Allow for penetrations in built form, to allow conduits to supply water / drainage & irrigation to planting area.

- LEGEND (DETAIL):**
- 1 Trees as specified, refer to planting pallette.
  - 2 Stake trees as specified in detailed design.
  - 3 Geotextile filter fabric layer
  - 4 Imported lightweight podium soil blend. 2 types of soil media used where trees are required. Soil to comply with Table 1, 'AS4419-2003.
  - 5 Waterproofing of entire walls & floors of planting area of roof. Waterproofing as specified in detailed design.
  - 6 100mm thick min layer of washed river sand
  - 7 Allow for conduits to supply water / drainage & irrigation to planting area.
  - 8 Slimline drainage cell in base of planter.
  - 9 Screening / Balustrade if required - to be developed in detail design

- PODIUM GARDEN DEPTHS AND NOTES:**
- Ensure all podium planters are;
  - Waterproof lined
  - Lined with coreflute protection board
  - Atlantis drainage cell in base of each planter
  - Geofabric filter liner over drain-cell
  - Lightweight podium soil mix
  - Ensure all podium planters are suitably drained to stormwater
  - Ensure water supply line for irrigation is run to each planter





ESTABLISHMENT  
MAINTENANCE

Establish and maintain landscaping works following the issue of the Certificate of Practical Completion. Maintain works of a maintenance nature including but not limited to watering, weeding, fertilising, pest and disease and weed control, planting replacements, pruning and the like with accepted horticultural practices.

All plants shall be watered as per watering program below (unless unnecessary due to rain) from time of planting until the end of the establishment period (12 weeks).

Replace any plant that has been planted by the contractor, which dies from any cause during the planting establishment period. Plant replacement shall be of equivalent size and species as detailed in the plant schedule.

Removal of Weeds, Debris and Rubbish in planting areas shall occur at monthly intervals through the construction and defects liability/ establishment period. Any specified plant material damaged during this practice shall be replaced.

COMPLETION MAINTENANCE

Upon completion of the works all works shall be maintained for a period of 52 weeks from the date of practical completion.

- Maintenance shall include:
- replacement of dead, damaged or stolen plants
  - watering as required to maintain plant growth in a healthy condition
  - replenish soil and mulch to specified depths if required following settlement
  - pruning if required to maintain good form and safety
  - pest and disease control
  - fertilising if required to encourage growth
  - regular removal of rubbish and litter

PODIUM PLANTING MAINTENANCE

The planting species selected for podium planting zones, are of low-maintenance requirements. These plants are predominately native sprawling ground covers, succulent cascading species, tried and tested shrubs and trees. These will only require periodic cutting back, fertilising, and weed & pest control.

MAINTENANCE ACCESS &  
METHODOLOGY

All garden areas on ground floor are accessible on grade. Native plant species have been selected, which will include tried and tested species, and species which have been successful in prior stages of Habitat.

Podium garden areas in communal open space on Level 1 are accessible on grade without anchor connections. Gravel pathways have been incorporated into the design to ensure ongoing and safe maintenance access.

Apartment planterboxes on Level 1 & Level 2 are accessible from on grade access within balustrades.

In instances along the (south-east) SE edge of the building on Level 1 - the gardens are designed to spill over the edge, it is proposed the gardens will be maintained using appropriate anchor connections and static lines. Static lines should be run central through podium planting areas. This will be outlined further in detail design. Access to these areas will be via ladder access from the SE pathway below, as well as via lockable access gates located at the end of apartment accessways adjacent to the stair cores in both the Wallum Place and Easy Street buildings.

Landscaping has been designed with low-maintenance species to minimise ongoing care requirements.

The landscaping within the Stage 5 apartment building and any areas outside the site boundary that form part of the common property will be maintained by the Community Association under the existing Habitat management framework. The Community Association engages a private landscape maintenance contractor on an ongoing basis to ensure ongoing and appropriate maintenance of all landscaped areas.

All green waste generated from landscape maintenance activities will be managed through Habitat’s established private green waste collection system, with disposal undertaken in accordance with applicable waste management practices and relevant requirements.



Example of static line fall arrest system



The following details of the proposed landscaping areas is derived from both, DCP Chapter B9 - Landscaping & Residential Design Flat Code (Planning NSW) – Planting on Structures.

Podium Planting Areas

Rooftop and balcony planting (or vertical landscaping) is proposed on the upper levels to promote a more attractive facade, soften the bulk and height of the building, provide privacy between upper level balconies and apartments & create the typical local subtropical ambience.

Podium Planting Requirements

**Large Trees** (canopy diameter of up to 16 metres at maturity)  
- minimum soil depth 1.3 metre  
- minimum soil area 10 metre x 10 metre area or equivalent  
- **1500mmm deep** (1300mm soil, 150mm drainage, 50mm mulch + setdown from top of planter)

**Medium trees** (8 metre canopy diameter at maturity)  
- minimum soil depth 1 metre  
- approximate soil area 6 metre x 6 metre or equivalent  
- **1200mm deep** (1000mmm soil, 150mm drainage, 50mm mulch + setdown from top of planter)

**Small Trees** (4 metre canopy diameter at maturity)  
- minimum soil depth 800mm  
- approximate soil area 3.5 metre x 3.5 metre or equivalent  
- **1000mm deep** (800mm soil, 150mm drainage, 50mm mulch + setdown from top of planter)

**Shrubs**  
- minimum soil depths 500-600mm  
- **700-800mm deep** (500mm soil, 150mm drainage, 50mm mulch + setdown from top of planter)

**Groundcovers & Climbers**  
- minimum soil depths 300-450mm  
- **450-600mm deep** (300-450mm soil, 100mm drainage, 50mm mulch + setdown from top of planter)

**Turf**  
-minimum soil depths 100-300mm  
- **200-300mm deep** (100-300mm soil, 100mm drainage)

Notes:  
- any subsurface drainage requirements are in addition to the minimum soil depths quoted above.  
- minimum 600mm wide soil profile plus planter structure width.  
- provide irrigation to planter boxes.

Planting Generally

The following planting sizes are the minimum required to achieve an initial impact in the landscape design:

- a) street and feature trees: 45 litre minimum
- b) trees: 300mm minimum pot size
- c) large shrubs: 200mm minimum pot size
- d) groundcovers: 140mm minimum pot size

A minimum of 90% of all plants used shall be locally indigenous (and sourced from the local area wherever practicable). Proposed plant species are detailed within this document and comply with this sufficiently.

Planting will provide on-going visual interest through form, colour, texture, floral display and the like.

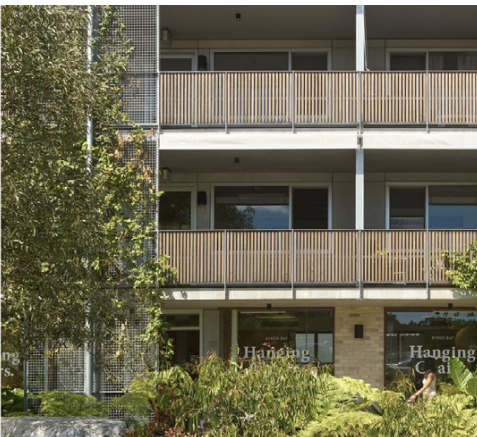
Landscaping will improve the microclimate in and around buildings and enhance the function of outdoor living spaces.

Landscaping intends to provide year-round shade, shelter and amenity to outdoor living areas and help to define the function of different outdoor spaces.



PLANTING CHARACTER

A carefully curated planting pallet, suitable for its location - coastal native species capable of withstanding salt and wind & with beautiful soft tones of green and grey. Planting to create tranquil spaces, planting to soften the building & robust low maintenance planting to podiums and apartment planter boxes. Tried and tested native species that have been successful from the prior Habitat stages.





TREES / PALMS

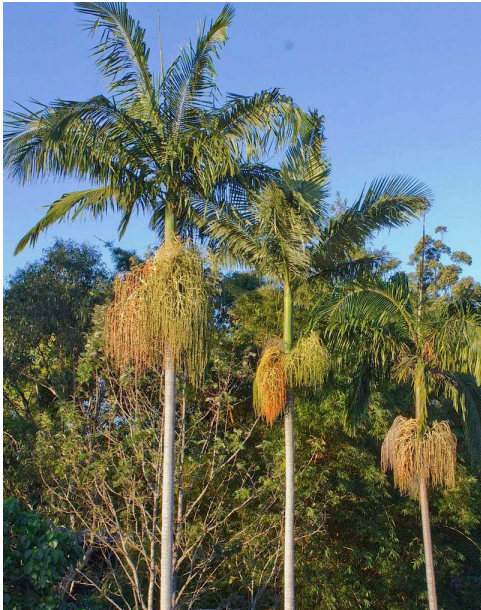
Suitable species for the level 1 podium gardens for screening, and the ground floor perimeter and verge planting.



MELALEUCA leucadendra



HOWEA forsteriana (Kentia)



ARCHENTOPHOENIX cunninghamiana



BANKSIA integrifolia



PANDANUS tectorius



EUCALYPTUS robusta



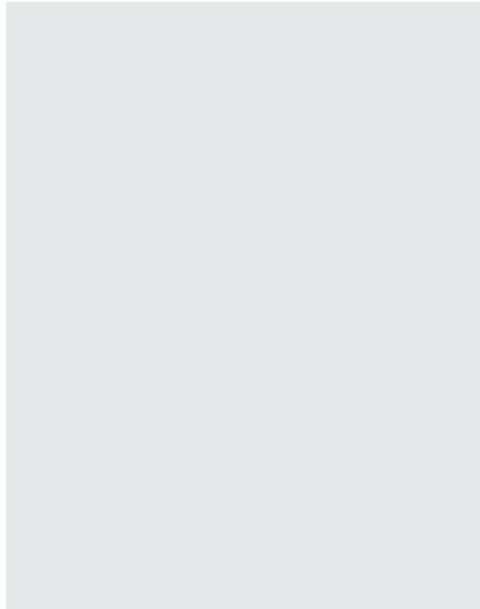
MELICOPE elleryana - pink



CUPANIOPSIS anacardiodes



CYATHEA cooperi



NATIVE SHRUBS

Sun tolerant species for north facing gardens on level 1 and ground floor.



BANKSIA robur



CALLISTEMON viminalis



CASAURINA greenwave



DORYANTHES palmeri



XANTHORRHOEA glauca



**NATIVE SHRUBS**  
*Shade tolerant species, in the understory & south facing gardens.*



ALOCASIA brisbanensis



ALPINEA caerulea



CORDYLINE petiolaris



DOODIA aspera



BLECHNIUM gibbum



CORDYLINE petiolaris

**NATIVE GRASSES**



LOMANDRA confertifolia



PENNISETUM nafray



LOMANDRA hystrix



DIANELLA caerulea



ANIGOZANTHUS kangaroo paw

**GROUNDCOVERS**



VIOLA hederacea



DICHONDRA repens



CASOURINA cousin it



CARPOBROTUS glaucescens



MYOPORUM parvifolium



VINES / CREEPERS  
eg. trellis structures



PANDOREA (native jasmine climber)



PARARISTOLOCHIA richmond birdwing



CISSUS antartica ellen danica



HOYA sp.



We acknowledge the Bundjalung of Byron Bay Arakwal people, the Minjungbal people, the Widjabul people and The Turrbal people as the Traditional Owners of the lands on which we work and create. We also acknowledge the traditional custodians throughout Aboriginal and Torres Strait Islander lands. We recognise their ongoing connection to country, land and waters that were never ceded and pay our respects to Elders, past, present and future.



BRISBANE

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BYRON BAY

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CONTACT

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Call: +61 411 710 320







18<sup>th</sup> May 2026

Our reference: S\_1017.5286

The General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

ATTENTION: Benjamin Grant  
Senior Development Assessment Planner

Dear Sir

**RE: DA 10.2025.156.1 (PAN-532102) Deferral Item 2: Public Safety and CPTED, South-East Walkway**

This letter responds to the Northern Regional Planning Panel's Record of Deferral dated 17<sup>th</sup> April 2026 and Council's request for additional information dated 20<sup>th</sup> April 2026, in respect of Item 2: Urban Design and Landscape Design, fourth bullet:

*"Public safety and CPTED resolution of the ground level space between the Porter Street terraces and the southeast building facade."*

The applicant has reviewed this matter against the relevant CPTED framework and proposes a coordinated package of refinements specific to the south-east walkway. The package builds on what is already shown on DA986 Rev 05 (Ground Floor Compliance Plan — CPTED, MANA, 11 April 2025) and provides additional detail in the area flagged. A CPTED drawing focused on this area accompanies this letter (**Appendix A**).

The applicable framework comprises NSW Police's Safer by Design (CPTED), the Apartment Design Guide under SEPP (Housing) 2021, and Byron Development Control Plan 2014 Chapter B11 — Planning for Crime Prevention.

### **1. The Walkway in Context**

The area referred to by the Panel is a 1.5m wide pedestrian walkway running the full length of the south-east elevation of Stage 5, between the building wall and the rear of the new commercial-terrace shed structures. It connects Easy Street at the south to Wallum Place at the north, with a midway crossing at the pocket park between the two existing terrace blocks.

The walkway is not a public through-route. It provides controlled access for residents and service use, primarily to the bin recesses behind the sheds and for occasional maintenance. It forms part of the 4m extension to the existing live-work terraces — the result of direct consultation with the owners, who sought to limit activation along this edge.



## 2. What Is Already Shown on the Drawings

DA986 Rev 05 (**Appendix B**) is the principal CPTED drawing in the DA submission. For the south-east walkway it shows:

- Neighbouring surveillance arrows from the Porter Street terraces directed at the south-east elevation of Stage 5;
- Neighbouring-surveillance arrow through the pocket park at the midway crossing;
- Four indicative external light sources distributed along the length of the walkway; and
- Contractor surveillance coverage, which extends around the perimeter of Stage 05.

The proposal that follows builds on this layer, addressing the four CPTED principles (surveillance, access control, territorial reinforcement, and space and activity management) with supporting lighting performance criteria. The new CPTED drawing at **Appendix A** reflects it.

## 3. Proposed CPTED Resolution

3.1 Access Control: The walkway runs in two controlled segments, one on either side of the central pocket park, one connecting Easy Street, and the other Wallum Place. Because the pocket park is publicly accessible, each segment requires treatment at both of its ends. The applicant proposes:

- Four mandatory 1.8m hardwood timber gates with anti-climb top detail (one at the Easy Street end, one at each side of the pocket-park crossing, and one at the Wallum Place end), replacing the 1.2m '*optional*' gates currently shown on the architectural set;
- Entry controlled by swipe-card or keyed access for residents and authorised tenants only, integrated with the existing Habitat-wide access-control system for shared facilities (pool, bin enclosures, amenity rooms, and other shared facilities); and
- Free egress from inside the walkway at all times without key, swipe-card, or other interlock.

3.2 Surveillance: Habitat operates three random nightly security patrols across the precinct. One is a foot patrol that closes workspaces and checks the precinct's locked access points. Under this proposal, the south-east walkway is added to its route, accessed via the same access-control system. The other two are drive-through patrols watching for suspicious activity, with views into the walkway through the gate slats and into the central pocket park from Porter Street.

Four CCTV cameras are proposed, one at each of the mandatory walkway gates (refer 3.1). The cameras are oriented to cover each gate and its approach, securing the points where unauthorised entry would occur. They are pointed away from the terrace gardens to avoid any concerns over privacy.

Each new shed sits under a pergola roof, half enclosed as storage and half open paving, with a 1.2m timber fence and access gate to the walkway. This gives partial views from each terrace garden into the walkway. The central pocket park, used mainly by terrace owners and tenants, provides further informal oversight.

3.3 Space and Activity Management: The precinct's operational management plan will be updated at OC stage to include the walkway, covering:

- Inclusion of the south-east walkway and central pocket park in the precinct's three random nightly security patrols;
- Quarterly inspection of all light fittings, gates, fences, access-control hardware and CCTV cameras along the walkway, with prompt replacement of failed fittings;



- Graffiti and litter response within forty-eight hours of identification or notification; and
- Annual Community Association review, with a written record retained.

3.4 Lighting (performance criteria): Lighting along the walkway will be designed by a suitably qualified electrical engineer and detailed at the Construction Certificate stage. The applicant commits to the following:

- Designed to AS/NZS 1158.3.1:2020 Lighting for roads and public spaces — Category P (Pedestrian) lighting, with the subcategory selected by the engineer to suit the function and use of the walkway;
- Continuous illumination such that no portion of the walkway is in shadow at any time between dusk and dawn;
- Low-level fixtures (bollard, low wall, or step-light) preferred to overhead pole fixtures, to suit the narrow geometry and limit light-spill into adjoining terrace gardens; and
- Photoelectric switching with manual override accessible to building management, and emergency battery back-up to the gate-threshold fittings.

These criteria can be incorporated into a condition of consent and confirmed on the lighting design drawings at CC stage.

3.5 Territorial Reinforcement: Discreet signage at each of the four gates will read "*Residents and Service Access Only*" (or equivalent). The walkway itself will be finished in brushed (broom-finish) concrete — distinct from the washed concrete on the new public footpath along Easy Street where the walkway gates open. The change in surface marks the transition between public and managed space. The brushed finish also suits the regular movement of wheelie bins along the run. The 400-millimetre planted strip currently shown along the building wall will be removed, delivering the full 1.5-metre walkway width and clear sightlines along the run.

The applicant trusts that the above resolution addresses the Panel's concern in respect of the south-east walkway and looks forward to finalising the determination. Should you require any additional information or wish to clarify any matter raised by this response, please feel free to contact me at any time.

Yours faithfully,

**PLANNERS NORTH**



**Stephen Connelly** RPIA (Life Fellow), CEnvP-IA

PARTNERSHIP PRINCIPAL

(m) 0419 237 982

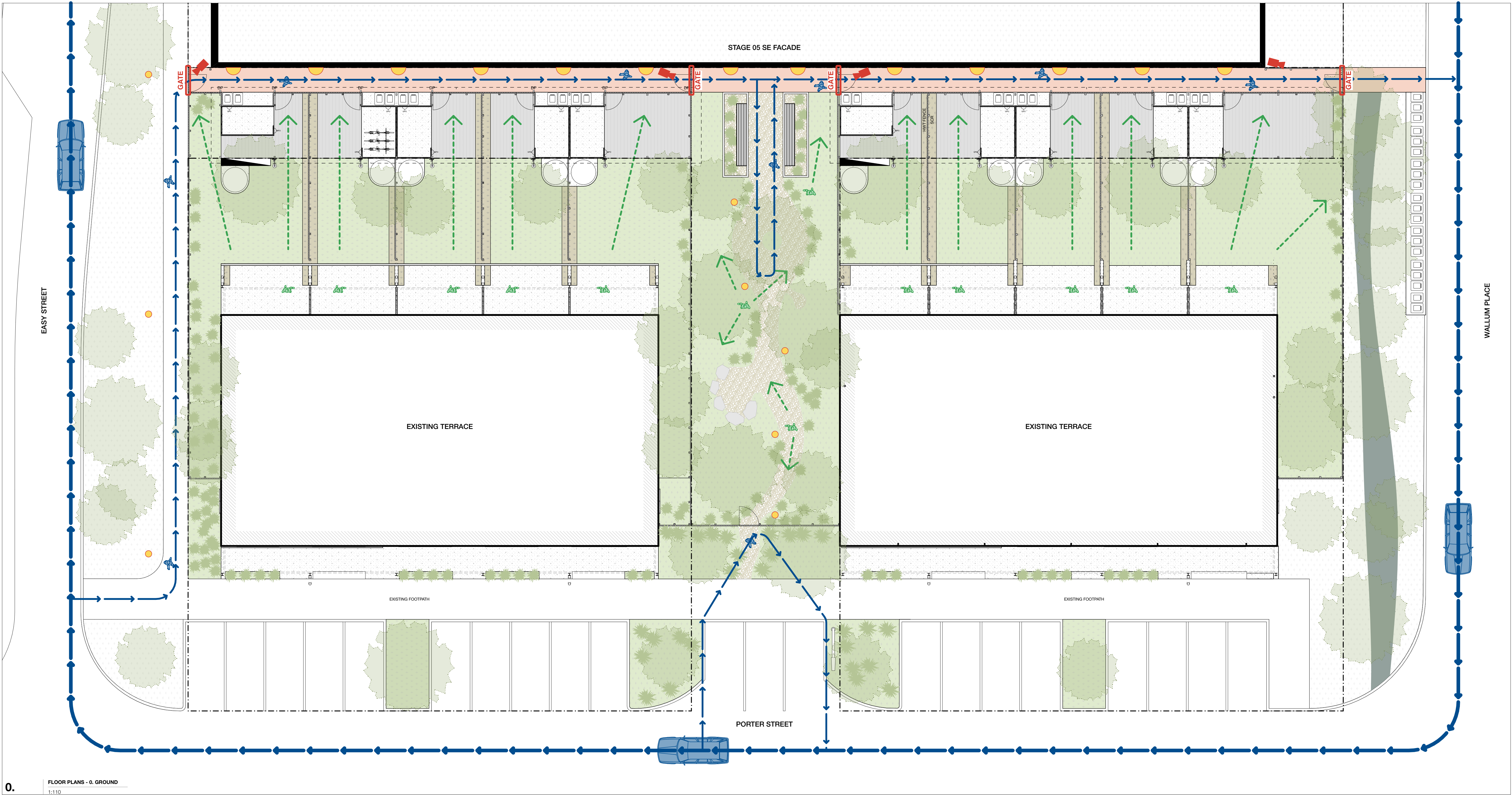
(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)



## **Appendix A**

Updated CPTED drawing.





0.

FLOOR PLANS - 0. GROUND  
1:110

- GATE

Mandatory 1.8m gate, swipe-card or keyed entry
- CCTV camera at gate threshold

CCTV camera at gate threshold
- Wall-mounted lighting

Wall-mounted lighting
- Bollard lighting, pocket park + Easy St

Bollard lighting, pocket park + Easy St
- Brushed-concrete walkway

Brushed-concrete walkway
- Nightly drive-through patrol

Nightly drive-through patrol
- Nightly foot patrol

Nightly foot patrol
- Passive surveillance, terrace gardens

Passive surveillance, terrace gardens

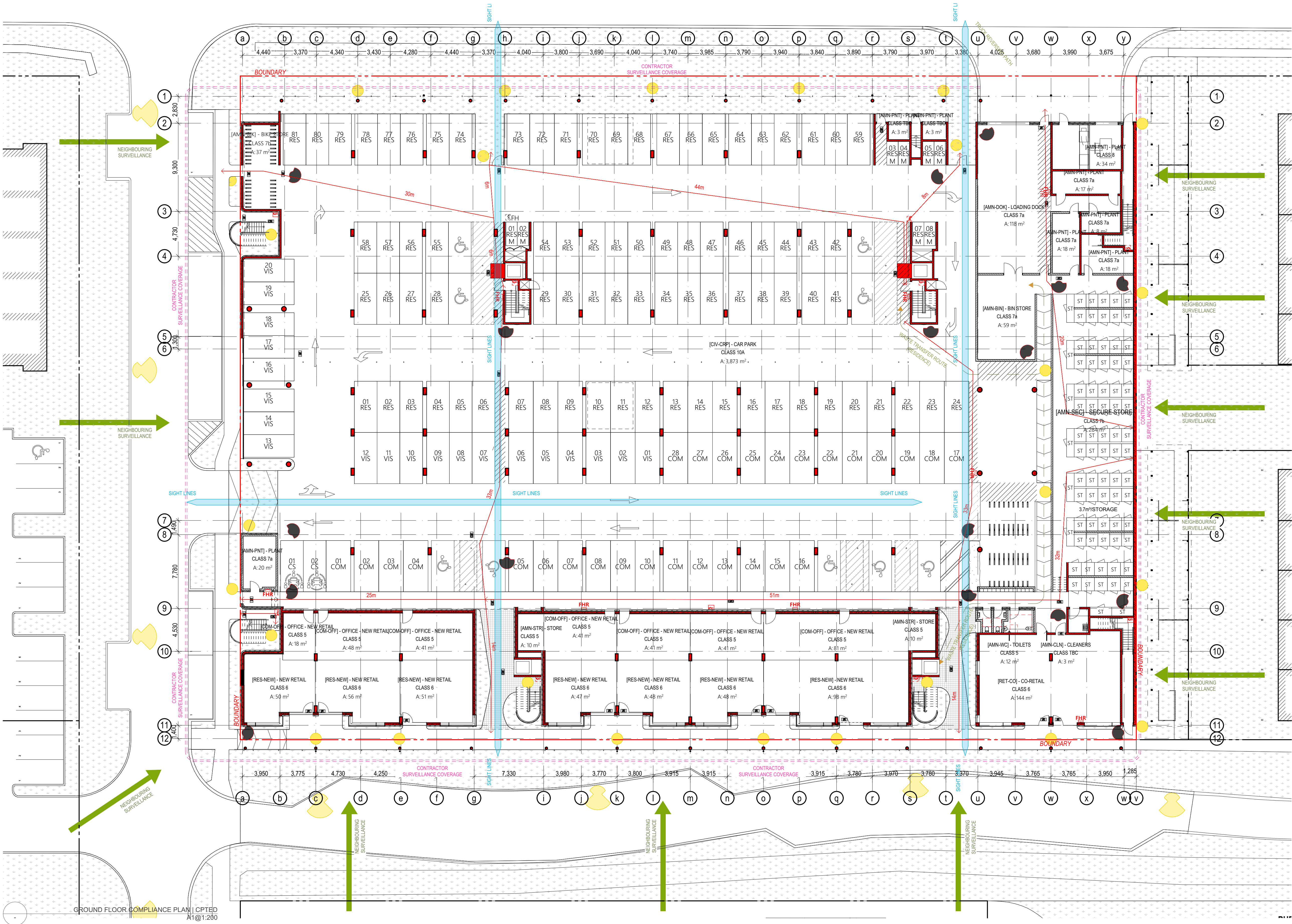
Lighting and CCTV positions indicative; final by qualified electrical engineer at CC stage



## **Appendix B**

The principal CPTED drawing in the DA submission.





**COMPLIANCE PLAN LEGEND**

- ALL DIMENSIONS NOTED ON THIS PLAN, BUT NOT LIMITED TO, ARE MINIMUM CIRCULATION SPACES TO BE ACHIEVED TO AS 1428.1.

\* CRITICAL CLEAR DIMENSIONS BETWEEN FINISHED WALL FACES, TO AS 1428.1.

- REFER TO DOOR SCHEDULE FOR SIZES AND DETAILS.

- TGS1 TACTILE BRAILLE SIGNS TO BE INSTALLED AS PER AS1428.1, REFER TO FITMENTS AND EQUIPMENT SCHEDULE.

STATUTORY SIGNAGE TO BE INSTALLED TO AS1428.1. REFER TO SIGNAGE SCHEDULE FOR DETAILS.

----- SANITARY CIRCULATION SPACE TO AS 1428.1

LATCH-SIDE + HINGE-SIDE CLEARANCES -

90° TO 180° TURNING

ESCAPE PATH AND DISTANCES TO EXIT

FIRE RATED WALLS

FIRE HYDRANT

FIRE HOSE REEL

EMERGENCY EXIT SIGN

**CRIME PREVENTION LEGEND**

- REFER NOTES ON DRAWING FOR DETAILED NOTES ON ADOPTED MEASURES

SECURITY LIGHT SOURCE

STREET LIGHT SOURCE

SECURITY CAMERA

PASSIVE SURVEILLANCE

SIGHT LINES

SECURITY SURVEILLANCE COVERAGE

CRIME PREVENTION MEASURES

Integrated design features include the following:

The building has been designed to eliminate dead ends and ensure sight-lines are maintained through building volumes. All points of entry are open and connected to public space and clearly visible to existing street and neighbourhood networks

Passive surveillance: Stage 5 is overlooked by existing residential dwellings, passively monitored by the Stage 4 to the SW, the Pocket Living units to the NW and the Commercial Terraces to the SE. From within Stage 5 care has been taken to eliminate dead ends and maximise passive surveillance from the occupants (tenants / guests / staff) within this stage development.

Street lighting along Easy and Gallagher Street will ensure high visibility of people accessing the site outside of daylight hours.

A mix of wall lights, bollards and in-ground uplights will be selected depending on location. These external lightings will be installed throughout the precinct, ensuring coverage to all external spaces. Locations and numbers of CCTV and external lights indicative only. Final layout and numbers to be determined by suitably qualified electrical engineer and security specialist.

WASTE MANAGEMENT MEASURES

- Residential Waste Bin
  - Green Waste Bin
  - Recycling Waste Bin
  - Cardboard Waste Bin
- 1100 Litre Bin - Typical
- 240 Litre Bin - Typical







abn: 56 291 496 553  
6 Porter Street, Byron Bay, NSW, 2481  
Bundjalung Country  
Telephone: 1300 66 00 87

18<sup>th</sup> May 2026

Our reference: S\_1017.5287

The General Manager  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

ATTENTION: Mr Benjamin Grant  
Senior Planner

Dear Sir

**RE: PPSNTH-420 — DA 10.2025.156.1 — 5 Penny Lane, Byron Bay — Response to Item 3 (Car Parking)**

We refer to Council's letter of 20<sup>th</sup> April 2026 (Reference PAN-532102), and the Northern Regional Planning Panel's Record of Deferral dated 17<sup>th</sup> April 2026, which seek further information in respect of the above development application.

This letter responds to Item 3 (Car Parking) of Council's letter, addressing total car parking requirements, the proposed car wash facility, and EV charging infrastructure.

The proposed development is well supplied with car parking and complies with the requirements of Byron Development Control Plan 2014, Chapter E5 (Habitat, Precinct 1A). The corrected requirement and supply position is set out below, with reference to the attached Car Parking Schedule, the revised Stage 5 Car Parking Plan, and the Habitat Site Car Parking Plan.

### **1. Total Car Parking Requirements**

Council's Assessment Report dated 30<sup>th</sup> March 2026 (Table 9) sets out a total parking requirement of 138 spaces. On detailed review, four matters require correction in the Assessment Report's calculation of the requirement:

- a. Bedroom count: The Assessment Report applied the residential rate of one space per bedroom against 84 bedrooms. The proposal comprises 78 apartments (37 on Level 1 and 41 on Level 2), with a unit mix of four 2-bedroom apartments and 74 1-bedroom apartments, giving 82 bedrooms in total. The corrected residential requirement is 82 spaces.



Planning  
Institute  
Australia





- b. Visitor parking base: DCP E5 sets the visitor rate at one space per four *apartments*, not per four bedrooms. With 78 apartments, the visitor requirement is 20 spaces ( $78 \div 4 = 19.5$ , rounded up).
- c. Workspace amenity: The Assessment Report includes 114 m<sup>2</sup> of shared Workspace (Co-Lab) as commercial office floor area, generating a notional two additional spaces. The Workspace is a shared *residential* amenity for occupants of Stage 5; its users already have allocated parking under the residential rate. Consistent with the Traffic Impact Assessment (Planit Consulting, April 2025), which excluded amenities from the calculation, the workspace area is excluded from the parking requirement.
- d. Motorcycle offset: DCP B4 permits a reduction in commercial parking where motorcycle parks are provided above the minimum. DCP E5 does not address motorcycle parking for Habitat; DCP B4 accordingly governs, and the eight motorcycle spaces proposed generate a credit of 2 commercial spaces. This offset was applied in the Traffic Impact Assessment (Planit Consulting, April 2025) but was not carried through into the Assessment Report.

After these corrections, the total parking requirement is summarised below.

| Component             | Calculation                                                                                        | Required   |
|-----------------------|----------------------------------------------------------------------------------------------------|------------|
| Residential           | 82 bedrooms × 1 (incl. 8 adaptable per AS 4299)                                                    | 82         |
| Visitor               | 78 apartments ÷ 4 (rounded up)                                                                     | 20         |
| Commercial — office   | 369 m <sup>2</sup> × 70% ÷ 40 (rounded up)                                                         | 7          |
| Commercial — retail   | 482 m <sup>2</sup> ÷ 20 (incl. 1 accessible bay required under NCC, at 1 per 50 commercial spaces) | 24         |
| Workspace amenity     | excluded (resident amenity)                                                                        | —          |
| Motorcycle offset     | 8 m/cycles, credit of 2 commercial spaces                                                          | (2)        |
| <b>Total required</b> |                                                                                                    | <b>131</b> |

The corrected total requirement is 131 spaces. Provision and credits are addressed at Section 2 below.

Adaptable and Livable: Council's Item 3 also requests consideration of Australian Standards and Section 1(c) of the Livable Housing Guidelines, in addition to the DCP rates set out above. The Australian Standards requirement is satisfied — eight adaptable residential bays (per AS 4299, within the 82 residential count) and one accessible commercial bay (per Class 6 NCC, within the commercial count), as detailed at Section 2 below. Section 1(c) of the Livable Housing Guidelines, which addresses car parking, is not a mandatory requirement for this development; the detailed position is set out at Section 7.

## 2. Stage 5 Provision

The proposed Stage 5 development provides 141 physical car parking spaces within the Stage 5 envelope, comprising:

- 82 residential spaces;
- 8 adaptable residential spaces dimensioned per AS 4299 (one per adaptable apartment);



- 20 visitor spaces;
- 28 commercial spaces;
- 1 accessible commercial space (1 per 50 commercial spaces, per NCC accessibility requirements); and
- 2 car share spaces.

The 9 adaptable/accessible spaces (8 residential + 1 commercial) satisfy the requirement identified in the Council Assessment Report Table 10. Eight motorcycle spaces and 74 bicycle spaces are also provided.

Loading provision is unchanged: one SRV bay in the eastern corner of the site (shared with waste collection); one new MRV bay on Gallagher Street; and the existing Gallagher Street loading bay (held as site-wide surplus, retained).

Two further matters add to the Stage 5 supply position:

Car share credits: The two Stage 5 car share spaces generate 10 credits at the DCP E5 rate (5 credits per car share space). These credits are added to the Stage 5 supply position.

Additional Porter Street parks: Three new on-street parking spaces are proposed along Porter Street between the commercial terraces, in the location of the former Penny Lane entry. These are net new spaces attached to the Stage 5 supply, in addition to the 141 physical bays. Their proximity to the commercial terraces means they are most likely to be used by terrace occupants, but they are broadly available to Habitat as a whole.

*Note: three historical Gallagher Street spaces are also being lost to enable the Stage 5 carpark entry and the new MRV loading bay. These spaces were attributed to Stage 4 on the site-wide ledger; the loss is properly addressed under Section 3 below.*

Stage 5 effective position: Of the 141 physical bays, 2 are dedicated to car share and contribute +10 credits in lieu of being counted as general parking (per DCP E5). The Stage 5 effective position is 139 general bays + 10 car share credits + 3 Porter Street additional spaces = 152 spaces provided against a corrected requirement of 131 — a stand-alone surplus of 21 spaces. Refer to the attached Stage 5 Car Parking Plan for the layout and bay-by-bay identification.

### **3. Site-Wide Context and Historical Credits**

Parking provision is properly considered within the broader Habitat site, which operates as a community title scheme with shared site-wide allocation across stages. Three matters affect the site-wide ledger and require attention. The Gallagher Street civil works arise from the present Stage 5 design, but properly attach to the site-wide ledger because the bays affected are historically allocated to Stage 4. The post-Stage 4 site surplus and the existing on-site car share were both captured in the NRPP-approved Hotel DA (10.2020.87.1, approved 5 October 2021 under NRPP reference PPSNTH-32) but have not been carried through into the present assessment. Refer to the attached DA025 Rev 05 for the site-wide parking position.

Civil works, Gallagher Street: Three on-street parking spaces are removed from Gallagher Street to accommodate the new MRV loading bay and the Stage 5 carpark entry. These three spaces were historically allocated to Stage 4 as part of the site-wide ledger (DA025 Rev 05). Two are direct kerbside losses; the third is consumed by the swept path of the new MRV loading bay. Replacement spaces have been provided at the southern end of Porter Street, adjacent to the Recreation Precinct, and are absorbed within the existing site surplus (see below).



These Porter Street replacement spaces are distinct from the three additional Porter Street parks identified at Section 2 above, which sit between the commercial terraces and constitute net new supply.

Site surplus: The Habitat site held a surplus of 4 spaces following the completion of Stage 4. As a result of the Gallagher Street reattribution described above, the remaining site surplus is 1 space.

Existing on-site car share: Three car share spaces are currently provided across the Habitat site — two within the Pocket Living / Easy Street Living precinct, and one within the Commercial Precinct. These spaces were approved as part of the Hotel DA but have not been credited in the present application. Per DCP E5, each car share space consumes one bay and generates 5 credits, giving a net contribution of +4 per space. The three existing car share spaces accordingly contribute a net +12 spaces to the site-wide position (–3 physical, +15 credits).

#### 4. Headline Car Parking Position

The corrected requirement and the adjusted supply position are summarised in the table below. The Stage 5 part reflects the position set out at Section 2; the site-wide part reflects Section 3.

| Item                                                       | Required   | Provided   | Net        |
|------------------------------------------------------------|------------|------------|------------|
| <b>Stage 5 — effective position</b>                        |            |            |            |
| Residential (incl. 8 adaptable)                            | 82         | 90         | +8         |
| Visitor                                                    | 20         | 20         | 0          |
| Commercial — office and retail (incl. 1 accessible)        | 31         | 29         | –2         |
| Workspace amenity (excluded)                               | —          | —          | —          |
| Motorcycle offset (8 m/cycles, credit of 2 commercial)     | (2)        | —          | +2         |
| Car share — Stage 5 (2 bays = 10 credits)                  | —          | 10         | +10        |
| Additional parks, Porter Street                            | —          | 3          | +3         |
| <b>Stage 5 effective position</b>                          | <b>131</b> | <b>152</b> | <b>+21</b> |
| <b>Site-wide adjustments</b>                               |            |            |            |
| Site surplus (post-Gallagher reattribution) <sup>1</sup>   | —          | 1          | +1         |
| Existing site car share (3 bays + 15 credits) <sup>2</sup> | —          | 12         | +12        |
| <b>Adjusted site-wide position</b>                         | <b>131</b> | <b>165</b> | <b>+34</b> |

<sup>1</sup> Site surplus reduced from 4 to 1 following Gallagher Street reattribution (three spaces historically allocated to Stage 4).

<sup>2</sup> Net contribution shown (–3 physical bays + 15 credits = +12). Two spaces in Pocket Living / Easy Street Living precinct, one in Commercial Precinct.

The Habitat Site Car Parking Plan attached identifies the location of all spaces referenced above, including the existing site car share spaces and the surplus parks.



## **5. Car Wash Facility**

DCP D1.10.6 (prescriptive measure 6) requires at least one car wash bay to be provided for multi-unit residential developments containing more than 10 residential units. The Stage 5 car parking plan has been revised to incorporate a car wash bay measuring 3.0 m × 7.6 m within the at-grade carpark, meeting the minimum dimensional requirement. Water and electricity supply are provided to the bay, and runoff is drained to on-site sewer disposal (separate from stormwater) to satisfy the water quality objective of DCP D1.10.6.

Per the DCP, the car wash bay may overlap a visitor space, driveway or turning area. The proposed bay overlaps one visitor space and one adjacent unoccupied bay. The revised plan retains the AS 2890.1-compliant turning area shown on the original DA submission at the end of the dead-end aisle. Through layout efficiencies in accommodating the car wash facility, the revised plan provides 141 physical Stage 5 spaces — one more than the 140 indicated in the Council Assessment Report. There is no net loss of parking.

Refer to the attached revised Stage 5 Car Parking Plan for the bay location.

## **6. EV Charging Infrastructure**

Council's Item 3 requests detailed car parking design, including EV charging infrastructure, and consideration of the prescriptive measures in DCP B4.2.14 and Austroads (2022) AP-G98-22. The development is designed to comply with the minimum EV charging infrastructure provisions of NCC 2022 Section J9D4, which incorporate and exceed the prescriptive measures of DCP B4.2.14, and to align with the transferable provisions of the Austroads guideline.

The detailed engineering response — EV-ready bay counts under DCP B4.2.14 and NCC J9D4, distribution-board provisioning under Table J9D4, and alignment with Austroads AP-G98-22 — is set out in the attached EV Charging Response Letter.

## **7. Section 1(c) Livable Housing Guidelines**

Council's Item 3 also requests consideration of Section 1(c) of the Livable Housing Guidelines. Section 1(c) is not applicable to this Class 2 development. The detail is set out in the attached Livable Housing Response Letter.

Notwithstanding, the Stage 5 effective surplus identified at Section 4 provides design headroom for additional provisions that may be required.

## **8. Conclusion**

In summary:

- The Stage 5 effective position is a surplus of 21 spaces (152 provided against a corrected requirement of 131, applying car share credits in lieu of the 2 car share bay count and 3 additional Porter Street parks).
- A further 13 spaces of net supply are available across the broader Habitat site (post-Gallagher site surplus of 1; existing site car share net contribution of 12), giving an adjusted site-wide net surplus of 34 spaces.
- The car wash facility is incorporated within Stage 5 with no net loss of parking.
- EV charging infrastructure is provided in accordance with DCP B4.2.14 and NCC 2022 Section J9D4 — refer to the attached EV Charging Response Letter.
- Section 1(c) of the Livable Housing Guidelines is not applicable to this development — refer to the attached Livable Housing Response Letter.



The proposal is fully compliant with Byron Development Control Plan 2014 in respect of car parking. We trust this letter and its attachments address the matters raised under Item 3 of Council's letter of 20 April 2026. Should you require any additional information or wish to clarify any matter raised by this response, please feel free to contact me at any time.

Yours faithfully,

**PLANNERS NORTH**



**Stephen Connelly** RPIA (Life Fellow), CEnvP-IA

PARTNERSHIP PRINCIPAL

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#### **Attachments**

1. 260515 - Stage 5 Car Parking Schedule: corrected and detailed reconciliation across Traffic Engineer, Architect, Council and corrected positions.
2. 025 STAGE 05 CAR PARKING POSITION (RevB): including car wash bay and EV-ready bay identification.
3. 026 SITE WIDE CAR PARKING POSITION (RevB): site-wide allocation, existing car share locations, site surplus.
4. 10.2020.87.1 - Approved DA 025 Rev05: approved hotel car parking plan for reference, supports site surplus and existing car share position
5. EV Charging Response Letter (issued by MDA Consulting Engineers Pty Ltd).
6. Livable Housing Response Letter







HABITAT STAGE 5 — CAR PARKING RECONCILIATION

New Stage 5 Apartment DA (10.2025.156.1) · Prepared 15 May 2026

| Item                                                | Rate / basis         | Bay dimensions | Qty / units | Traffic Eng.<br><i>Planit TR4</i> | Architect<br><i>MANA DA015</i> | Council<br><i>Assmt. Rpt.</i> | CCPS<br><i>Corrected</i> | Notes                                                                                                          |
|-----------------------------------------------------|----------------------|----------------|-------------|-----------------------------------|--------------------------------|-------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------|
| REQUIRED PARKING — PER DCP E5 PRECINCT 1A (HABITAT) |                      |                |             |                                   |                                |                               |                          |                                                                                                                |
| Car parks                                           |                      |                |             |                                   |                                |                               |                          |                                                                                                                |
| Residential Units                                   | 1 per bedroom        | 5.4 × 2.4 m    | 82 br       | 82                                | 82                             | 84                            | 82                       | Council 84 (actual 82). 78 apts (37 L1 + 41 L2): 4 × 2-bed + 74 × 1-bed. Council +2 error.                     |
| Residential Visitors                                | 1 per 4 apartments   | 5.4 × 2.4 m    | 78 apts     | 20                                | 20                             | 21                            | 20                       | Council 21 (rate applied to br not apts). 78 ÷ 4 → 20. Council +1 error.                                       |
| Office / commercial                                 | 1 per 40m² × 70%     | 5.4 × 2.4 m    | 363–369m²   | 6                                 | 7                              | 7                             | 7                        | Planit 363m² → 6. Council 369m² → 7. 7 adopted.                                                                |
| Workspace amenity (Co-Lab)                          | 1 per 40m² × 70%     | 5.4 × 2.4 m    | 114m²       | 0                                 | 0                              | 2                             | 0                        | Resident amenity, not commercial. Planit excluded amenities. Council +2 error.                                 |
| Retail                                              | 1 per 20m²           | 5.4 × 2.6 m    | 479–482m²   | 24                                | 24                             | 24                            | 24                       | Planit 479m² / Council 482m² — both round to 24.                                                               |
| Motorcycle offset (credit)                          | 8 m/cycles = –2 com. | —              | —           | –2                                | –2                             | 0                             | –2                       | DCP B4 reduction (E5 does not address motorbike minimum). 8 motorbikes provided. Council did not apply credit. |
| Car parks required                                  |                      |                |             | 130                               | 131                            | 138                           | 131                      |                                                                                                                |

|                                               |                                       |                                    |             |     |     |     |     |                                                                                                                                                                      |
|-----------------------------------------------|---------------------------------------|------------------------------------|-------------|-----|-----|-----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ancillary (not counted in car park total)     |                                       |                                    |             |     |     |     |     |                                                                                                                                                                      |
| Adaptable residential                         | 1 per adaptable unit (AS4299)         | 5.4 × 2.4 m, 1:40                  | 8 adaptable | 8   | 8   | 8   | 8   | Required within the residential count (1 per adaptable unit, AS 4299).                                                                                               |
| Accessible commercial                         | 1 per 50 spaces (Class 6 NCC)         | 5.4 × 2.4 m, 1:40                  | 1           | 1   | 1   | 1   | 1   | Required within the commercial count (1 per 50 commercial spaces, NCC).                                                                                              |
| Bicycle parks                                 | DCP B4 (E5 does not address)          | —                                  | 8 req.      | 8   | 8   | 8   | 8   | DCP B4 (E5 does not address bicycle parking). 8 required.                                                                                                            |
| Motorcycle parks                              | offset basis only                     | —                                  | 8 prov.     | 8   | 8   | 0   | 8   | Provided to support the –2 commercial offset above. Council did not capture.                                                                                         |
| SRV loading bay                               | 1 per rate (DCP B4)                   | 6.4 × 3.5 m, 3.5 m head            | 1 req.      | 1   | 1   | 1   | 1   | DCP B4 — 1 service vehicle bay required.                                                                                                                             |
| MRV loading bay                               | additional per DCP B4                 | 8.8 × 3.5 m, 4.5 m head            | 1 req.      | 1   | 1   | 1   | 1   | DCP B4 — 1 medium rigid vehicle bay required.                                                                                                                        |
| Car wash bay                                  | DCP D1.10.6 — ≥1 per shop-top housing | —                                  | 1 req.      | —   | —   | 1   | 1   | DCP D1.10.6 — 1 required per shop-top housing of this scale.                                                                                                         |
| EV-ready provision                            | NCC J9D4 + DCP B4.2.14                | —                                  | 115 req.    | —   | —   | 115 | 115 | Required: 1\00% of NCC Class 2 spaces (90 res + 20 vis + 2 CS = 112) + 10% of NCC Class 5 or 6 commercial (3 of 29) = 115. See attached EV Charging Response Letter. |
| PROVIDED PARKING — STAGE 5 EFFECTIVE POSITION |                                       |                                    |             |     |     |     |     |                                                                                                                                                                      |
| Stage 5 on-site parking and additions         |                                       |                                    |             |     |     |     |     |                                                                                                                                                                      |
| Stage 5 on-site parking (at-grade)            | physical bays (incl. PWD + Car Share) | 5.4 × 2.4 / 2.6 m                  | 141         | 138 | 140 | 140 | 141 | 141 physical bays. Planit 138 / Architect & Council 140. Layout efficiencies in revised plan deliver 141 (incl. AS 2890.1 turning area at end of dead-end aisle).    |
| Less: car share spaces consumed (within 141)  | DCP E5 substitution                   | 5.4 × 2.4 m                        | 2           | 0   | 0   | 0   | (2) | 2 CS bays within 141; substitute for credits (next row, per DCP E5).                                                                                                 |
| Stage 5 car share credits                     | 1 car share = 5 credits (DCP E5)      | —                                  | 2 × 5       | 0   | 0   | 0   | 10  | 2 × 5 = 10 credits (DCP E5). Not applied by other parties.                                                                                                           |
| Additional parks — Porter Street              |                                       | net new at former Penny Lane entry | 3           | 3   | 0   | 0   | 3   | 3 new on-street parks at former Penny Lane entry, between commercial terraces. Architect / Council Table 9 did not capture.                                          |
| Stage 5 effective position                    |                                       |                                    |             | 141 | 140 | 140 | 152 |                                                                                                                                                                      |

|                                                                     |                                     |                         |                   |    |    |    |     |                                                                                                               |
|---------------------------------------------------------------------|-------------------------------------|-------------------------|-------------------|----|----|----|-----|---------------------------------------------------------------------------------------------------------------|
| Ancillary (not counted in car park total)                           |                                     |                         |                   |    |    |    |     |                                                                                                               |
| Adaptable residential                                               | 1 per adaptable unit (AS 4299)      | 5.4 × 2.4 m, 1:40       | 8                 | 8  | 8  | 8  | 8   | Provided within the 141 Stage 5 total (AS 4299).                                                              |
| Accessible commercial                                               | 1 per 50 commercial spaces (NCC)    | 5.4 × 2.4 m, 1:40       | 1                 | 1  | 1  | 1  | 1   | Provided within the 141 Stage 5 total (NCC).                                                                  |
| Bicycle parks                                                       | DCP B4 (E5 silent)                  | —                       | 8 req. / 74 prov. | 74 | 74 | 74 | 74  | 74 provided — strong surplus over 8 required.                                                                 |
| Motorcycle parks                                                    | offset basis only                   | —                       | 8 prov.           | 8  | 8  | 0  | 8   | 8 motorcycles confirmed on plans; supports –2 com. credit in Required.                                        |
| SRV loading bay                                                     | DCP B4                              | 6.4 × 3.5 m, 3.5 m head | 1 prov.           | 1  | 1  | 1  | 1   | Provided in east corner of site, shared with waste collection.                                                |
| MRV loading bay                                                     | DCP B4                              | 8.8 × 3.5 m, 4.5 m head | 1 prov.           | 1  | 1  | 1  | 2   | New bay provided on Gallagher St; existing Gallagher St bay retained as site-wide surplus.                    |
| Car wash bay                                                        | DCP D1.10.6                         | —                       | 1 prov.           | —  | —  | 0  | 1   | Provided within Stage 5 carpark per revised plan; overlaps one visitor space.                                 |
| EV-ready provision                                                  | NCC J9D4 + DCP B4.2.14              | —                       | 115 prov.         | —  | —  | 0  | 115 | Provided: 112 NCC Class 2 + 3 NCC Class 5 or 6 = 115 EV-ready bays. See attached EV Charging Response Letter. |
| SITE-WIDE ADJUSTMENTS                                               |                                     |                         |                   |    |    |    |     |                                                                                                               |
| Site-wide ledger (post-Gallagher reattribution; Hotel DA precedent) |                                     |                         |                   |    |    |    |     |                                                                                                               |
| Site surplus (post-Gallagher reattribution)                         | historical site oversupply          | —                       | 1                 | –3 | 0  | 0  | 1   | Pre-S4: 53. Post-S4: 4. Reduced to 1 after Gallagher reattribution (3 spaces, incl. 1 to MRV swept path).     |
| Existing site car share — physical                                  | 3 historical bays elsewhere on site | —                       | 3                 | 0  | 0  | 0  | (3) | 2 in Pocket Living / Easy Street Living precinct, 1 in Commercial Precinct.                                   |
| Existing site car share — credits                                   | 3 × 5 credits (DCP E5)              | —                       | 3 × 5             | 0  | 0  | 0  | 15  | 3 × 5 = 15 credits (DCP E5). Approved at Hotel DA (10.2020.87.1).                                             |
| Site-wide adjustments                                               |                                     |                         |                   | –3 | 0  | 0  | 13  |                                                                                                               |

| ADJUSTED TOTAL — PROVIDED VS REQUIRED |     |     |     |     |                                                             |
|---------------------------------------|-----|-----|-----|-----|-------------------------------------------------------------|
| Adjusted total provided               | 138 | 140 | 140 | 165 | 152 + 13 = 165 (Stage 5 effective + Site-wide adjustments). |
| Total required                        | 130 | 131 | 138 | 131 |                                                             |
| NET POSITION (provided – required)    | 8   | 9   | 2   | 34  | Corrected: +34 surplus.                                     |



SOURCES & DOCUMENTS

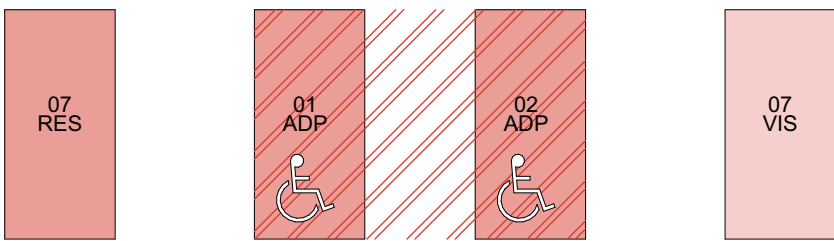
References used in this reconciliation.

| Source               | Document / section                                                                                                                                                                |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic Engineer     | TR 4 Traffic Report — Planit Consulting (J8486, RevB, Apr 2025). Table 4-1 (Carparking Requirements, p.16); Table 4-2 (Dimensions, p.17).                                         |
| Architect            | DA015 Car Parking Position Rev 03 — MANA, 11 Apr 2025. Stage 5 legend: 131 req / 140 prov. Site Surplus: 4 net.                                                                   |
| Council              | 260401 Council Assessment Report — BSC, 30 Mar 2026. §E5.5.4.2 Car Parking (Table 9, Table 10) p.60–61. Applicant-stated provision p.573–579. Car wash concern p.3128.            |
| Stage 4 historical   | DA025 Carparking Position Rev 02 — DFJ, 20 Aug 2019. Pre-S4 surplus 53, adjusted 4 post-S4.                                                                                       |
| Hotel DA historical  | DA025 Carparking Position Rev 05 — DFJ, 11 Jun 2021. Approved formula: physical + car-share credits + site surplus. 15 credits for 3 existing car share. 4 surplus post-redesign. |
| Regulatory — E5      | Byron DCP 2014 Chapter E5 Precinct 1A (Habitat). Habitat-specific rates. Prevails over B4.                                                                                        |
| Regulatory — B4      | Byron DCP 2014 Chapter B4. Used where E5 does not specify rates. Motorbike offset, bicycle rates, car-share 5× credit basis.                                                      |
| Regulatory — D1.10.6 | Byron DCP 2014 Chapter D1.10.6 Site Facilities. Car-wash bay: ≥1 per shop-top housing.                                                                                            |

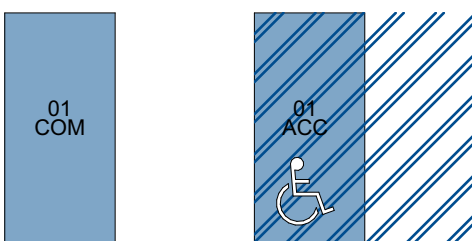


W A L L U M P L A C E

CAR PARKING LEGEND



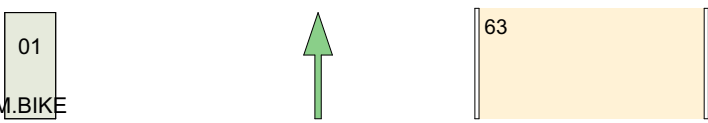
Residential car parking space:  
Adaptable residential car parking space:  
Residential visitor parking space:  
All residential, adaptable and visitor bays will be EV-ready (NCC J9D4 Class 2, 100% of associated spaces). Refer to the EV Charging Response Letter.



Commercial car parking space:  
Accessible commercial car parking space:  
A minimum of 10% of commercial bays will be provided as EV-ready (NCC J9D4 Class 5 or 6 / DCP B4.2.14). Refer to the EV Charging Response Letter.



Car Share parking space:  
Car wash bay - DCP D1.10.6 compliant (3.0 x 7.6 m)  
Loading Bay  
Relocated parking space



Motorcycle park  
Direction of travel  
Stage 04 parking spaces

Note: For detail on the required and provided counts per space type, refer to the attached Car Parking Schedule and Deferral Response Letter. For detail on EV charging infrastructure provisioning and compliance, refer to the attached EV Charging Response Letter.

G A L L A G H E R S T R E E T

COMMERCIAL TERRACE SHEDS

COMMERCIAL TERRACE SHEDS

E A S Y S T R E E T

PARKING - CAR PARKING - STAGE 05  
1:175

**NOTE**  
The Butler shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by Creative Capital and is to be used only for work when authorised in writing by Creative Capital.  
All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.  
All documents here within are subject to Australian Copyright Laws.

Scale @ A1  
1:175

DRAWING TITLE :  
**STAGE 05 CAR PARKING POSITION**  
PROJECT STATUS :  
**DA - FOR INFORMATION**

REVISION NO.  
**B**  
DRAWING NO.  
**025**





CARPARKING LEGEND

| Commercial Precinct |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 92       | 92       | 0   |
| Short Stay Carparks | 51       | 51       | 0   |
| PWD (incl. above)   | 2        | 4        | 2   |
| Loading Bays        | 4        | 4        | 0   |

| Commercial Terraces |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 22       | 22       | 0   |
| PWD (incl. above)   | 0        | 0        | 0   |
| Loading Bays        | 1        | 1        | 0   |

| Warehouse Lofts C+D |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 33       | 33       | 0   |
| PWD (incl. above)   | 1        | 1        | 0   |
| Loading Bays        | 1        | 1        | 0   |

| Warehouse Lofts A+B |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 33       | 33       | 0   |
| PWD (incl. above)   | 1        | 1        | 0   |
| Loading Bays        | 1        | 1        | 0   |

| Pocket Living     |          |          |     |
|-------------------|----------|----------|-----|
|                   | Required | Provided | Net |
| Carparks          | 77       | 77       | 0   |
| PWD (incl. above) | 16       | 16       | 0   |
| Loading Bays      | 1        | 1        | 0   |

| Stage 4           |          |          |     |
|-------------------|----------|----------|-----|
|                   | Required | Provided | Net |
| Carparks          | 74       | 74       | 0   |
| PWD (incl. above) | 2        | 2        | 0   |
| Loading Bays      | 5        | 5        | 0   |

| Stage 5                   |          |          |     |
|---------------------------|----------|----------|-----|
|                           | Required | Provided | Net |
| Carparks (incl Porter St) | 131      | 144      | +13 |
| PWD (incl. above)         | 9        | 9        | 0   |
| Loading Bays              | 2        | 2        | 0   |

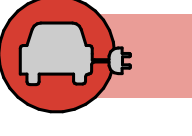
| Stage 5 Car Share        |          |        |     |
|--------------------------|----------|--------|-----|
|                          | Provided | Credit | Net |
| Provided within Stage 05 | 2        | 10     | +8  |

Note - 2 physical spots used for 2 provided car share spots. Net credit = 8

| Site Surplus |          |          |         |
|--------------|----------|----------|---------|
|              | Provided | + Others | Surplus |
| Carparks     | 1        | 0        | +1      |
| Loading Bays | 1        | 0        | 1       |

| Existing Car Share |          |        |     |
|--------------------|----------|--------|-----|
|                    | Provided | Credit | Net |
| Provided on Site   | 3        | 15     | +12 |

Note - 3 physical spots used for 3 provided car share spots. Net credit = 12

- 

6x existing operational dual-output Level 2 EV charging stations across the Habitat site. 12 charging points total – 2x Commercial Precinct, 2x Stage 4, and 2x Pocket Living / Easy Street Living precinct.
- 

Existing on-site car share location (3 across site: 2 Pocket Living / Easy Street Living, 1 Commercial Precinct)

Note: Required and provided counts per space type – refer to the attached Car Parking Schedule and Deferral Response Letter.





CARPARKING LEGEND

| Commercial Precinct |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 92       | 92       | 0   |
| Short Stay Carparks | 51       | 51       | 0   |
| PWD (incl. above)   | (2)      | (4)      | (2) |
| Loading Bays        | 4        | 4        | 0   |

| Commercial Terraces |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 22       | 22       | 0   |
| PWD (incl. above)   | (0)      | (0)      | (0) |
| Loading Bays        | 1        | 0        | -1  |

| Warehouse Lofts C+D |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 33       | 33       | 0   |
| PWD (incl. above)   | 1        | 1        | 0   |
| Loading Bays        | 1        | 1        | 0   |

| Warehouse Lofts A+B |          |          |     |
|---------------------|----------|----------|-----|
|                     | Required | Provided | Net |
| Carparks            | 33       | 33       | 0   |
| PWD (incl. above)   | 1        | 1        | 0   |
| Loading Bays        | 1        | 1        | 0   |

| Pocket Living     |          |          |     |
|-------------------|----------|----------|-----|
|                   | Required | Provided | Net |
| Carparks          | 77       | 77       | 0   |
| PWD (incl. above) | 16       | 16       | 0   |
| Loading Bays      | 1        | 1        | 0   |

| Stage 4           |          |          |     |
|-------------------|----------|----------|-----|
|                   | Required | Provided | Net |
| Carparks          | 74       | 74       | 0   |
| PWD (incl. above) | 1        | 1        | 0   |
| Loading Bays      | 5        | 5        | 0   |

| Stage 5           |          |          |     |
|-------------------|----------|----------|-----|
|                   | Required | Provided | Net |
| Carparks          | 224      | 229      | 5   |
| PWD (incl. above) | 8        | 8        | 0   |
| Loading Bays      | 2        | 2        | 0   |

| Site Surplus      |           |           |     |
|-------------------|-----------|-----------|-----|
|                   | Available | Used (S5) | Net |
| Carparks          | 1         | 1         | 0   |
| PWD (incl. above) | 0         | 0         | 0   |
| Loading Bays      | 1         | -1        | 0   |

| CAR SHARE                                                                         |          |        |     |
|-----------------------------------------------------------------------------------|----------|--------|-----|
|                                                                                   | Provided | Credit | Net |
| Provided on Site                                                                  | 3        | 15     | +15 |
| Note - 3 physical spots for 3 provided car share spots removed from site surplus  |          |        |     |
| Note - Park credits used to balance Stage 5 parking numbers                       |          |        |     |
| Provided in Stage 5                                                               | 4        | 20     | +16 |
| Note - 4 physical spots for 4 provided car share spots removed from Stage 5 total |          |        |     |
| Note - Park credits used to balance Stage 5 parking numbers                       |          |        |     |

S5 CARPARKING CALCULATIONS  
BASED UNDER EXISTING BYRON DCP 2014

| HABITAT AREA AND PARKING SCHEDULE - S5   |                                                   |                    |          |                     |                      |                                        |                                     |                                   |                                  |                       |                       |
|------------------------------------------|---------------------------------------------------|--------------------|----------|---------------------|----------------------|----------------------------------------|-------------------------------------|-----------------------------------|----------------------------------|-----------------------|-----------------------|
| CATEGORY                                 | LEP (Refer Planners North definitions)            | SCA CLASSIFICATION | QUANTITY | AREA M <sup>2</sup> | TOTAL AREA           | RATIO                                  | PARKS REQUIRED (Original DA Scheme) | PARKS REQUIRED (Council Required) | PARKS REQUIRED (Response to RFR) | USER CLASS (Required) | USER CLASS (Provided) |
| BIKE SHOP                                | Retail premises                                   | Class 6            | 280      |                     |                      | 1 space per 20sqm GFA                  | 13.0                                | 13.0                              | 13.0                             | Class 3a              | Class 3a              |
| CO-RETAIL                                | Retail premises                                   | Class 6            | 214      |                     |                      | 1 space per 20sqm GFA                  | 10.7                                | 10.7                              | 10.7                             | Class 3a              | Class 3a              |
| COMMERCIAL KITCHEN                       | Food & drink premises                             | Class 6            | 60       |                     |                      | 1 space per 20sqm GFA                  | 3.0                                 | 3.0                               | 3.0                              | Class 1a              | Class 2               |
| QWN                                      | Accessory to the hotel                            |                    | 35       |                     |                      |                                        |                                     |                                   |                                  |                       |                       |
| HOTEL                                    | Hotel or motel accommodation                      | Class 3            |          |                     |                      |                                        |                                     |                                   |                                  |                       |                       |
|                                          | Room Type 1                                       |                    | 52       | 1881                |                      | 1 space per room                       | 52.0                                | 52.0                              | 52.0                             | Class 2               | Class 2               |
|                                          | Room Type 2                                       |                    | 38       | 1061                | 3,254                | 1 space per room                       | 38.0                                | 38.0                              | 38.0                             | Class 2               | Class 2               |
|                                          | Room Type 3                                       |                    | 4        | 312                 |                      | 1 space per room                       | 4.0                                 | 4.0                               | 4.0                              | Class 2               | Class 2               |
| NETWORKING                               | Function Centre                                   | Class 9b           | 209      |                     |                      | 1 space per 20sqm GFA                  | 10.5                                | 10.5                              | 10.5                             | Class 2               | Class 2               |
| NEW RETAIL                               | Office premises                                   | Class 5            | 8        | 284                 | 508                  | 1 space per 40sqm GFA x 70%            | 4.4                                 | 4.4                               | 4.4                              | Class 1a              | Class 2               |
|                                          | Retail premises                                   | Class 6            | 6        | 254                 |                      | 1 space per 20sqm GFA                  | 12.7                                | 12.7                              | 12.7                             | Class 3a              | Class 3a              |
| OFFICE                                   | Office premises                                   | Class 5            | 185      |                     |                      | 1 space per 40sqm GFA x 70%            | 2.9                                 | 2.9                               | 2.9                              | Class 1a              | Class 2               |
| RESTAURANT (AND KITCHEN)                 | Food & drink premises                             | Class 6            | 311      |                     |                      | 1 space per 20sqm GFA                  | 15.6                                | 15.6                              | 15.6                             | Class 2               | Class 2               |
| RETAIL                                   | Retail premises                                   | Class 6            | 45       |                     |                      | 1 space per 20sqm GFA                  | 2.3                                 | 2.3                               | 2.3                              | Class 3a              | Class 3a              |
| SAUNA                                    | Accessory to the hotel                            |                    | 26       |                     |                      |                                        |                                     |                                   |                                  |                       |                       |
| SERVICED APARTMENT                       | Serviced Apartment                                | Class 3            | 12       | 435                 |                      | 1 space per room + 1 per 4 for visitor | 15.0                                | 15.0                              | 15.0                             | Class 1a              | Class 2               |
| SPECIAL FUNCTION CENTRE                  | Function Centre                                   | Class 9b           | 368      |                     |                      | 1 per 20sqm GFA                        | 18.4                                | 18.4                              | 18.4                             | Class 3a              | Class 3a              |
| STUDIO                                   | Recreational Facility Indoor & Education Facility | Class 9b           | 132      |                     |                      | 1 per 20sqm GFA                        | 6.6                                 | 6.6                               | 6.6                              | Class 2               | Class 2               |
| WELLNESS                                 | Office premises                                   | Class 5            | 352      |                     |                      | 1 space per 40sqm GFA x 70%            | 6.2                                 | 6.2                               | 6.2                              | Class 2               | Class 2               |
| AMMENTRIES                               | Accessory to adjacent use                         | Varies             | 210      |                     |                      | 1 space per 20sqm GFA                  | 0.0                                 | 10.5                              | 0.0                              |                       |                       |
| HOTEL STAFF (Housekeeping & maintenance) |                                                   |                    | 16       |                     |                      | 1 per 2 employees                      | 8.0                                 | 8.0                               | 8.0                              | Class 1a              | Class 2               |
| TOTAL REQUIRED                           |                                                   |                    |          |                     |                      |                                        | 223.1                               | 223.6                             | 223.1                            |                       |                       |
| TOTAL PROVIDED                           |                                                   |                    |          |                     |                      |                                        | 224                                 | 226                               | 224                              |                       |                       |
| NET POSITION                             |                                                   |                    |          |                     |                      |                                        | -0.9                                | -3.0                              | -0.7                             |                       |                       |
| PWD SPACES REQUIRED                      |                                                   |                    |          |                     |                      |                                        |                                     |                                   |                                  |                       |                       |
|                                          | Class 3                                           |                    | 6        | 6                   | 6                    | 1 PWD per accessible unit              | 6                                   | 6                                 | 6                                |                       |                       |
|                                          | Class 5 & 9b                                      |                    | 48.9     | 48.9                | 1 PWD per 100 spaces |                                        | 1                                   | 1                                 | 1                                |                       |                       |
|                                          | Class 6                                           |                    | 57.2     | 57.2                | 1 PWD per 100 spaces |                                        | 1                                   | 1                                 | 1                                |                       |                       |
| PWD SPACES REQUIRED TOTAL                |                                                   |                    |          |                     |                      |                                        | 8                                   | 8                                 | 8                                |                       |                       |
| PWD SPACES PROVIDED                      |                                                   |                    |          |                     |                      |                                        | 8                                   | 8                                 | 8                                |                       |                       |
| NET POSITION                             |                                                   |                    |          |                     |                      |                                        | -0.3                                | -0.3                              | -0.3                             |                       |                       |
| CARSHARE PROVIDED STAGE 5                |                                                   |                    |          |                     |                      |                                        | 2                                   | 1                                 | 4                                |                       |                       |
| ADJUSTED NET POSITION                    |                                                   |                    |          |                     |                      |                                        | -28                                 | -36                               | -31                              |                       |                       |
| CARSHARE CREDITS                         |                                                   |                    |          |                     |                      |                                        | 10                                  | 5                                 | 20                               |                       |                       |
| ADJUSTED NET POSITION                    |                                                   |                    |          |                     |                      |                                        | -15                                 | -31                               | -11                              |                       |                       |
| EXISTING CARSHARE ON SITE                |                                                   |                    |          |                     |                      |                                        | 3                                   | 0                                 | 3                                |                       |                       |
| ADJUSTED NET POSITION                    |                                                   |                    |          |                     |                      |                                        | -18                                 | -31                               | -11                              |                       |                       |
| CARSHARE CREDITS                         |                                                   |                    |          |                     |                      |                                        | 15                                  | 0                                 | 15                               |                       |                       |
| ADJUSTED NET POSITION                    |                                                   |                    |          |                     |                      |                                        | -3                                  | -31                               | 4                                |                       |                       |
| SURPLUS FROM SITE                        |                                                   |                    |          |                     |                      |                                        | 4                                   | 4                                 | 1                                |                       |                       |
| USED FOR STAGE 5                         |                                                   |                    |          |                     |                      |                                        | 4                                   | 4                                 | 1                                |                       |                       |
| ADJUSTED NET POSITION                    |                                                   |                    |          |                     |                      |                                        | 1                                   | -27                               | 5                                |                       |                       |
| TOTAL PARKS PROVIDED                     |                                                   |                    |          |                     |                      |                                        | 225                                 | 209                               | 229                              |                       |                       |
| TOTAL REQUIRED                           |                                                   |                    |          |                     |                      |                                        | 224                                 | 226                               | 224                              |                       |                       |
| TOTAL CLASS 3A PARKS                     |                                                   |                    |          |                     |                      |                                        | 0                                   | 58                                | 58                               |                       |                       |
| TOTAL CLASS 5 PARKS                      |                                                   |                    |          |                     |                      |                                        | 161                                 | 155                               | 127                              |                       |                       |
| TOTAL CLASS 6 PARKS                      |                                                   |                    |          |                     |                      |                                        | 9                                   | 19                                | 9                                |                       |                       |
| TOTAL CLASS 9 PARKS                      |                                                   |                    |          |                     |                      |                                        | 8                                   | 4                                 | 8                                |                       |                       |
| TOTAL CAR SHARE PARKS                    |                                                   |                    |          |                     |                      |                                        | 2                                   | 1                                 | 4                                |                       |                       |
| TOTAL PARKS                              |                                                   |                    |          |                     |                      |                                        | 201                                 | 237                               | 197                              |                       |                       |
| LOADING REQUIRED                         |                                                   |                    |          |                     |                      |                                        | 2                                   | 2                                 | 2                                |                       |                       |
| LOADING PROVIDED                         |                                                   |                    |          |                     |                      |                                        | 2                                   | 2                                 | 2                                |                       |                       |
| ADJUSTED NET POSITION                    |                                                   |                    |          |                     |                      |                                        | 0                                   | 0                                 | 0                                |                       |                       |





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15 May 2026

**Attention:**

Mr Benjamin Grant  
Senior Development  
Assessment Planner  
Byron Shire Council  
70 Station Street  
Mullumbimby NSW 24821

Re: PPSNTH-420 — DA 10.2025.156.1 — 5 Penny Lane, Byron Bay — Response to Item 3 (Car Parking — Universal Access and Livable Housing)

Dear Ben,

We refer to Council's letter of 20 April 2026 (Reference PAN-532102), and the Northern Regional Planning Panel's Record of Deferral dated 17 April 2026, which seek further information in respect of the above development application.

This letter responds to the universal access and Livable Housing strand of Item 3 (Car Parking) of Council's letter, specifically the request for clarification of car parking requirements including consideration of "requirements under Council's DCP, relevant Australian Standards and Section 1(c) of the Liveable Housing Guidelines." Total car parking requirements, the car wash facility, and EV charging infrastructure are addressed separately.

The proposal satisfies each accessibility requirement applicable to car parking under the Byron DCP 2014 (Chapters E5, B4 and B13), the relevant Australian Standards, and the NSW Apartment Design Guide. Section 1(c) of the Livable Housing Design Guidelines does not apply to this development for the reasons set out below.

**1. Byron Development Control Plan 2014**

Three chapters of the Byron DCP 2014 are relevant to car parking accessibility: Chapter E5 (Habitat), Chapter B13 (Access and Mobility), and Chapter B4 (Vehicle Parking, Circulation and Access). Chapter E5 applies by default; the general chapters apply where E5 is silent.

**1.1 Chapter E5 — Habitat**

Section E5.5.4.4 (Universal Access) requires:

- (a) one adaptable dwelling per ten dwellings or part thereof, designed to AS 4299;
- (b) accessible facilities (including car parking) compliant with AS 1428 Parts 1 and 2, the BCA, and the DDA;
- (c) continuous accessible paths of travel from public roads and through the ground level internal spaces of adaptable dwellings; and
- (d) adaptable dwellings designed to AS 1428 Parts 1, 2 and 4 and AS 4299.

The proposal satisfies each measure as follows:





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- (a) and (d) are met by the 8 adaptable apartments;
- (b) is met by 8 residential accessible car spaces and 1 commercial accessible car space; and
- (c) is met by a continuous accessible path of travel from each adaptable apartment's bay through the building's lifts and corridors.

Chapter E5 imposes no Livable Housing or Silver Level requirement on car parking.

#### *1.2 Chapter B13 — Access and Mobility*

Section B13.2.2 covers shop top housing and is consistent with Chapter E5 on the matters relevant here. It adds one requirement Chapter E5 does not: clause (1)(c) requires each accessible bay to be located close to its adaptable apartment and titled to the adaptable unit in any Strata Plan or Community Title plan. The 8 accessible bays will be titled to the 8 adaptable apartments at strata stage in accordance with this requirement.

Like Chapter E5, Chapter B13 imposes no Livable Housing or Silver Level requirement.

#### *1.3 Chapter B4 — Traffic Planning, Vehicle Parking*

Section B4.2.2(3) provides that "access for the disabled and parking facilities are to be provided in accordance with the current editions of AS 2890 and the Building Code of Australia and the requirements of the Disability Discrimination Act, 1992 (Commonwealth)." The proposal satisfies this requirement through the 9 accessible bays designed to AS/NZS 2890.6:2009.

Chapter B4 imposes no Livable Housing or Silver Level requirement.

## **2. Australian Standards**

The relevant Australian Standards are AS 4299 (Adaptable Housing), AS 1428.1 (Design for Access and Mobility), and AS/NZS 2890.6:2009 (Off-street Parking for People with Disabilities). AS 4299 applies to the 8 adaptable apartments and their associated parking bays. While AS1428.1 and AS/NZS 2890.6:2009 apply to the accessibility design of all 9 accessible bays (comprising 8 adaptable residential bays and 1 commercial bay).

All parking bays have been designed in accordance with the applicable Standards.

## **3. NSW Apartment Design Guide — Objective 4Q**

The NSW Apartment Design Guide (ADG) applies to this development as residential apartment development under State Environmental Planning Policy (Housing) 2021. The Livable Housing Guidelines (LHG) Silver Level features are relevant to this development through ADG Objective 4Q-1 (Universal Design).

Objective 4Q-1 states that "developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features." The proposal provides 16 apartments designed to LHG Silver Level (representing 20.5% of the total apartments). Of these, 8 apartments are also designed as adaptable in accordance with AS 4299, which exceeds the





Silver Level requirements.

Objective 4Q-1 does not include any specific requirements relating to car parking. Its design benchmark is limited to achieving 20% of apartments at LHG Silver Level, which is assessed at the apartment level.

Objective 4Q-2 separately addresses adaptable housing and identifies "larger car parking spaces for accessibility" as a possible design solution for adaptable apartments only. The ADG does not link LHG Silver Level apartments to specific parking bay dimensions.

The Section 1(c) parking bay dimension question sits within the Livable Housing Design Guidelines themselves, which 4Q-1 calls up. Section 4 below addresses Section 1(c) of the LHDG.

#### **4. Livable Housing Design Guidelines – Section 1(c)**

The Livable Housing Design Guidelines (Livable Housing Australia, 4th Edition, 2017) set out 15 voluntary universal design elements. ADG Objective 4Q-1 calls up the seven core Silver Level elements as the design benchmark. Section 1(c) sits within the Dwelling Access element – a conditional rule about parking space dimensions.

Section 1(c) is not applicable to this development for two reasons:

First: The LHDG itself places Class 2 common-area parking outside its scope. Page 11 of the LHDG confirms: "It is noted that common areas for Class 1b, 2, and 3 buildings are covered by the Disability (Access to Premises - Buildings) Standards 2010 and the National Construction Code (NCC), Building Code of Australia (BCA) Volumes 1 and 2 which take precedence over the LHD Guidelines."

The 8 residential accessible bays are located within the Class 7a shared parking of a Class 2 building, being common-area parking expressly identified by the LHDG as outside its scope. At page 15 the LHDG further confirms that its design elements "should only be applied to the parts of the building classes not covered by the Disability Standards and NCC (BCA Vol 1 and 2)." By its own scope, the LHDG does not apply to this development's car parking.

Second: Section 1(c)'s own wording further confirms this interpretation. It states: "Where a car parking space is relied upon as the safe and continuous pathway to the dwelling entrance, the space should incorporate [3,200 mm × 5,400 mm dimensions]." The requirement only applies where the parking space itself forms part of the accessible path of travel to the dwelling entrance, which is typically relevant in a Class 1a context (such as detached houses, terrace houses, or townhouses).

In this Class 2 building with Class 7a shared parking, access to the dwellings is instead provided via compliant accessible paths of travel through the building, including the car park, lift, and common corridors, all designed in accordance with AS 1428.1. As the parking spaces themselves are not relied upon as the accessible pathway to the dwelling entrance, the condition triggering the dimensional requirement under Section 1(c) is not applicable.

#### **5. Conclusion**

The proposal satisfies the applicable accessibility requirements for car parking under the Byron DCP 2014, the relevant Australian Standards, and the NSW Apartment Design Guide. The accessible





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parking bays have been designed in accordance with the applicable statutory and technical requirements, including AS 1428.1, AS/NZS 2890.6:2009, and AS 4299 where relevant.

Section 1(c) of the Livable Housing Design Guidelines is not applicable to this Class 2 development, as the Guidelines expressly exclude common-area parking within Class 2 buildings from their scope, and the parking spaces are not relied upon as the accessible path of travel to the dwelling entrance.

Should you require any further clarification, please do not hesitate to contact me.

Yours Sincerely,

Christine Cheung  
Access Consultant  
Accredited ACA Member No. 158



**Our Ref: 24-0448 NCC EV Statement**  
12<sup>th</sup> May 2026

Creative Capital  
44-45/1 Porter St., Byron Bay  
NSW 2481



**Attention: Melina Hobday**

Dear Ms Hobday

**RE: DA 10.2025.156.1 (PPSNTH-420) Item 3 (Electric Vehicle Charging Infrastructure)**

We refer to Council's letter of 20 April 2026 (Reference PAN-532102) and the Northern Regional Planning Panel's Record of Deferral dated 17 April 2026. In respect of the EV charging infrastructure component of Item 3 (Car Parking), Council requests:

- *Detailed car parking design, including EV charging infrastructure (i.e., conduit and sufficient electrical capacity for future installation); and*
- *Clarification of car parking requirements including consideration of:*
  - *Infrastructure for EV car charging refer to prescriptive measures in section B4.2.14 of Chapter B4 of BDCP 2014 and Austroads 2022 - Guidelines for Low and Zero Emission Vehicle Charging Infrastructure Installation.*

The development has been reviewed against:

- Byron Shire Development Control Plan 2014, Section B4.2.14 — Electric Vehicle Charging Infrastructure (DCP B4.2.14);
- National Construction Code 2022, Section J (Energy Efficiency), Part J9 (Energy Monitoring and On-site Distributed Energy Resources), Clause J9D4 — Facilities for Electric Vehicle Charging Equipment (NCC 2022 Section J9D4); and
- Austroads (2022) AP-G98-22 — Guidelines for Low and Zero Emission Vehicle Charging Infrastructure Installation.

NCC 2022 Section J9D4 sets the requirements for EV charging infrastructure for this development. Its requirements incorporate and exceed the prescriptive measures of DCP B4.2.14. The development will be designed to comply with NCC 2022 Section J9D4, and these requirements will be incorporated into the detailed design and implemented as part of the construction works.

DCP B4.2.14 requires electrical infrastructure and electrical capacity for the future installation of one Level 1 charger per residential dwelling and not less than 10% of commercial parking spaces as EV-ready Level 2 or higher. For the development's 78 dwellings and 29 commercial spaces, this is a minimum of 81 EV-ready bays.

However, the NCC 2022 Section J9D4(2)(e) requires 100% of car parking spaces associated with a Class 2 building and 10% of those associated with a Class 5 or 6 building to be sized for the future installation of

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a 7 kW (32 A) type 2 electric vehicle charger. For this development that is 112 Class 2 spaces (residential, adaptable, visitor and car share) and 3 Class 5 or 6 spaces, totalling 115 EV-ready bays. The NCC requirements are well above the DCP B4.2.14 requirements.

Carparking plan [025 STAGE 05 CAR PARKING POSITION (RevB)] demonstrates provision for 141 carparking spaces in total. Of those 141 spaces, 115 will be provided with the electrical infrastructure and sub-circuit allocation for a 7 kW (32 A) type 2 electric vehicle charger at each location which demonstrates the compliance to the NCC 2022 Section J9D4 and, by extension, DCP B4.2.14.

NCC 2022 Table J9D4 sets the minimum number of EV-dedicated distribution boards per storey on a banded scale. The single-storey at-grade carpark with 115 EV-ready spaces falls within the 97-120 band, requiring a minimum of five (5) EV-dedicated distribution boards. Also, the NCC 2022 requires the entire EV car charging system equipment to be managed and schedule charging of electric vehicles in response to total building demand using a EV charging energy management control system. The NCC 2022 Clause J9D4(2) also requires for each EV dedicated distribution board, to include a 36 mm DIN rail space per outgoing circuit for sub-circuit metering, and to be labelled.

With regards to the Austroads AP-G98-22 this is an advisory planning and design guidance directed primarily at publicly accessible charging in road reserves and as such private residential premises are out of scope per Table 1.1. Accordingly, the Austroads Guidelines are not relevant to the development's internal electrical EV requirements.

In our professional opinion the development must be design for the EV charging infrastructure requirements of NCC 2022 Section J9D4 and given the NCC is a higher level of design, DCP B4.2.14 is automatically incorporated.

The detailed electrical design of the electrical infrastructure pathways, EV distribution-board configuration and EV sub-circuit metering allocation will be developed and completed at Construction Certificate stage.

Yours faithfully,



**MAURICE DUFFILL**

FIEAust, CPEng, EngExec, NER, APEC,  
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