

**Community Conversation 02 Feedback**  
Fingal Head Building Height Review

September 2017

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## Report Summary

- This Report provides an analysis of the community feedback provided at the second Fingal Head Community Conversation workshop, which formed part of the Fingal Head Building Height Review (“the review”) community consultation process.
- 38 members of the community attended, including representatives from the local Aboriginal community. Seven Tweed Shire Council staff attended and facilitated the group discussions.
- Three different building height scenarios (8m and 2 storeys; 9m and two storeys; 9m and no storey limit) were tested against three site context scenarios found within Fingal Head being flood liable land, steep land and the flatter village centre land.
- Attendees were broken into groups to discuss these height and built form based issues and record their feedback and preferences for each of the height/site context scenario combinations.
- Within the broader range of preferences there was a clear congregation of similar opinion surrounding the suitability of maintaining the 9m height limit to accommodate different contextual situations (flood and slope), but to also introduce further clarification that buildings can only be a maximum of 2 storey within that 9m limit.
- In response to attendees preferences relating to roof decks, on aggregate there was a preference to retain the opportunity to build a roof deck but there was also overriding support to implement additional design based guidance and controls.
- Additional comments received from some attendees advocated the need for a more holistic community based locality plan be undertaken to identify the village character and guide future development.



## Introduction and Project Process

This report summarises the feedback and findings to date from the second round of community consultation performed as part of the FHBHR.

The review is being undertaken in response to a resolution of the Council to undertake a review of the concerns raised by the local community concerning height of buildings, the appearance of new and recent development and its perceived impact on Fingal Head's character and amenity.

The following work has been undertaken to date:

- An Audit Report of recent Development Applications in Fingal Head.
- Community Survey (online and hard copy delivered to all landowners).
- Community Conversation 01 – Drop-in Session Feb 2016.
- Fingal Head Aboriginal Community consultation session March 2016.
- Survey and Conversation 01 Feedback Summary Report – published to website and made available to all participants.
- Community Conversation 02 height of buildings workshop and identification of community values June 2017.

The Community Conversation 02 session was held at the Fingal Head Primary School Hall on the evening of Wednesday 14 June 2017. It was a targeted consultation specifically for Fingal Head residents and those members of the public who had previously participated in the Community Survey and/or Community Conversation 01. The intent of the invited workshop format was to refine the issues and values that had been raised through previous consultation sessions with a focus on community input.

The aims of the Community Conversation 02 workshop were to:

- summarise the analysis of the community's concerns up to that point, including feedback from the first round of consultation;
- provide an opportunity for the local community to learn more about building heights, by presenting a summary of the broader strategic planning context of which building height is a component, and detail on the planning framework that controls height of buildings;
- discuss options to address building height in relation to the different site constraints existing in Fingal Head (flooding, sloping/steep sites and smaller lots within the village) supported by scenario based group exercises;
- create an opportunity for people to hear and understand the views and concerns or others and to have open dialogue with each other and Council staff;
- facilitate an environment for collective critical thinking on real issues affecting the community, principally in the context of height of buildings;
- analyse whether a communal community opinion on the suitability of a building height standard for Fingal Head was present or achievable; and

- enable a record of the community views or concerns to be captured for the benefit of reporting the review and its findings or recommendations to the elected Council for determination.

## What is Building Height?

Building height or 'height of buildings', as it is described under the *Tweed Local Environmental Plan 2014* (LEP 2014), is a provision for defining how the height of a building is to be measured. Under this LEP height of building represents the maximum allowable on the land for development, without variation, and is set out in the following terms:

**Definition:** *Building Height is the vertical distance from **existing ground level** to the highest point of the building, measured in metres. [emphasis added]*

Although the height of building map describes the 'maximum' allowable building height for development this may not always be the case. Clause 4.6 of the LEP is relevantly described as 'exceptions to development standards' and its purpose is to allow flexibility in the application of certain 'development standards', including height of building.

Whilst the test for varying the height of building standard is fairly stringent the fact remains that a variation to a prescribed maximum height of building could be approved. The situation was similar under the previous LEP, *Tweed Local Environmental Plan LEP 2000* (LEP 2000).

The key differences between the previous LEP 2000 and LEP 2014 are the type of measurement and the point from where it is taken. LEP 2000 was arguably more refined because it incorporated a 'physical' limit in metres, a 'design' limit in storeys and took into account differing site constraints (e.g., flooding and slope) by measuring height from a 'finished ground level' opposed to the current 'existing ground level'. It was set out in the following terms:

**Definition:** *Height (in relation to a building) is the greatest distance measured vertically from any point to the **finished ground level** immediately below that point, measured in storeys. [emphasis added]*

*A storey is:*

- (a) the space between two floors, or a floor and a ceiling or roof immediately above it, or*
- (b) foundation areas, garages, workshops, storerooms etc where the height between the finished ground level and the top of the floor immediately above them exceeds 1.5 metres in height.*

*A storey can be maximum 4.5 metres high for residential buildings.*

The notable elements of the above LEP 2000 provision is that a two storey (residential) building would have a maximum height of 9 metres, with the principal difference to LEP 2014 being that it could be measured from a finished ground level of up to 1.5metres meaning that the theoretical overall maximum height of building, without variation, is 10.5 metres for a 2-storey residential building.

This can be contrasted with the storey definition under the LEP 2014, which is in the following terms:

**Definition:** *Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:*

- (a) a space the contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

Generally speaking and unlike the LEP 2000 definition the LEP 2014 provision does not allow for a similar height concession (1.5m) based on such things as foundation areas, garages, workshops, storerooms or the like, and nor does it prevent a single storey residential building from reaching a height of 9 metres, either in whole or in part, as may be the case where it incorporates design elements such as an enclosed atrium or mezzanine level. It is therefore not surprising that there is some confusion within the wider community surrounding building height measurement, especially since the transition from the LEP 2000 and LEP 2014 is still relevantly new and given the range of contrast.

This review has highlighted that among the Fingal Head community there is a widely held belief that in the absence of a 'storey control' within TLEP 2014, buildings can now be built taller than what was previously the case under TLEP 2000 however, as illustrated in Figure 1 below this is not necessarily the case; and notwithstanding that LEP 2014 would allow for a 3 storey building, this is without the additional 1.5m height allowed under LEP 2000 for the foundation areas and the like. Consequently, and in theory, whilst the LEP 2014 allowed for an additional storey it nonetheless had to be achieved within the same 9 metre building height.

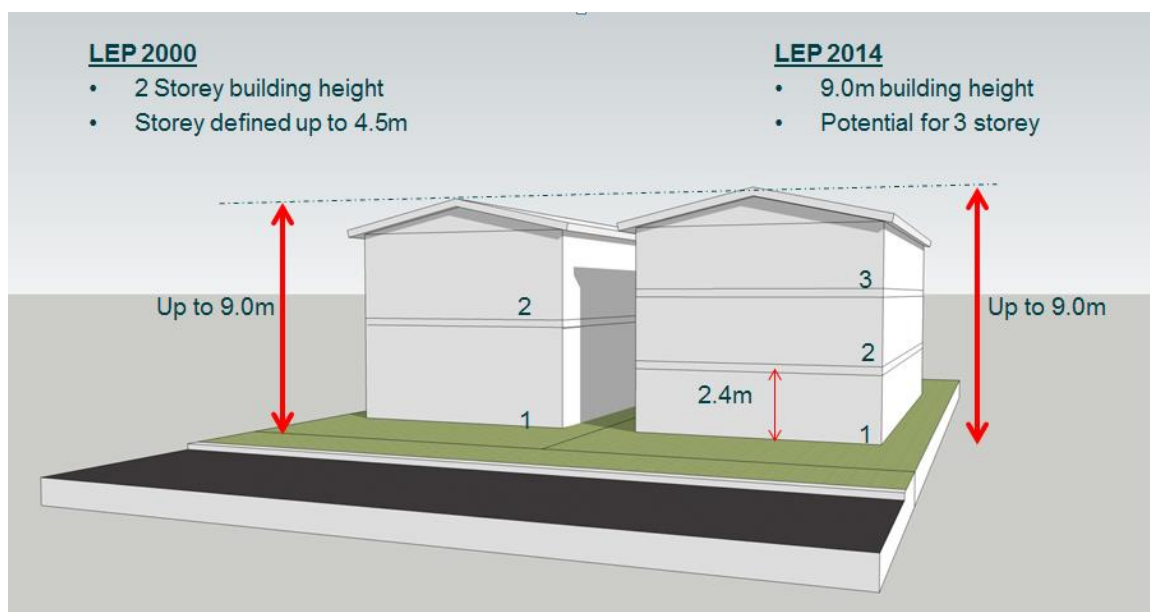


Figure 1 – Comparison of LEP 2000 and LEP 2014 9m building height control at work.

There are undoubtedly other additional factors that may influence the physical height of a storey, and the corresponding overall building height. By way of example, the general minimum 2.4m floor to ceiling height under the Building Code of Australia for habitable space within a dwelling-house is giving way to a more contemporary use of 2.7m floor to ceiling heights, as illustrated in Figure 2 below, which increases overall building height and invariably influences the capability of the design to achieve two or three storeys within the allowable 9m building height limit.

What we understood is that there is a widely held perception that the change in practice of measuring or defining measurement away from the former combined 'metres and storey' to

one based solely on metres is somehow encouraging rather than purely enabling larger or taller developments within Fingal Head. In its wider context we interpreted this to be an issue more aligned with character and amenity opposed to one grounded in height, although we accept that height is as much a contributor to uncharacteristic development as it is essential for accommodating the variety and extent of land characteristics / constraints previously discussed.

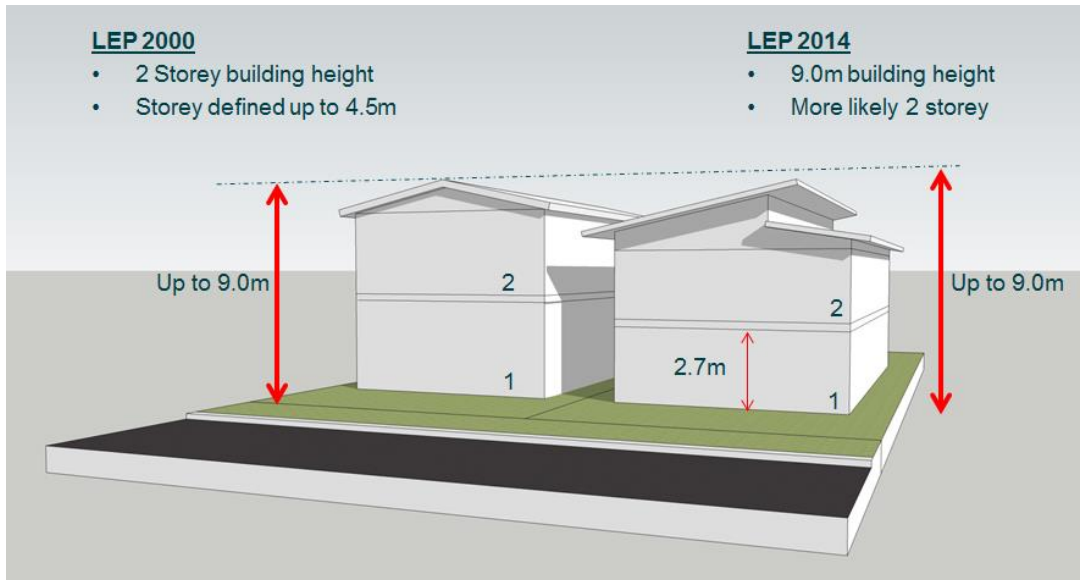
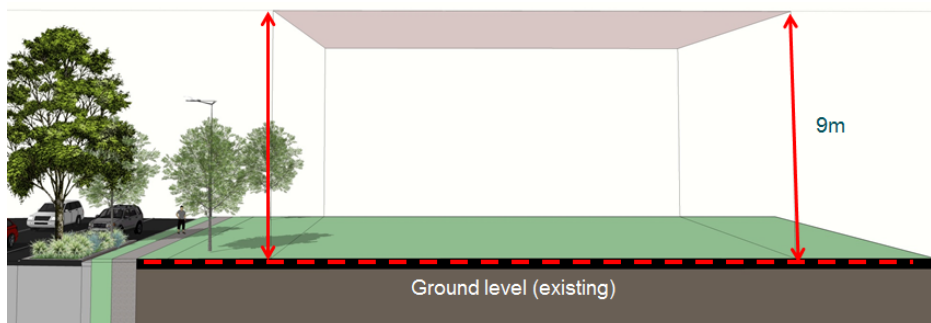


Figure 2 – Depiction of a contemporary house design with higher floor to ceiling design.

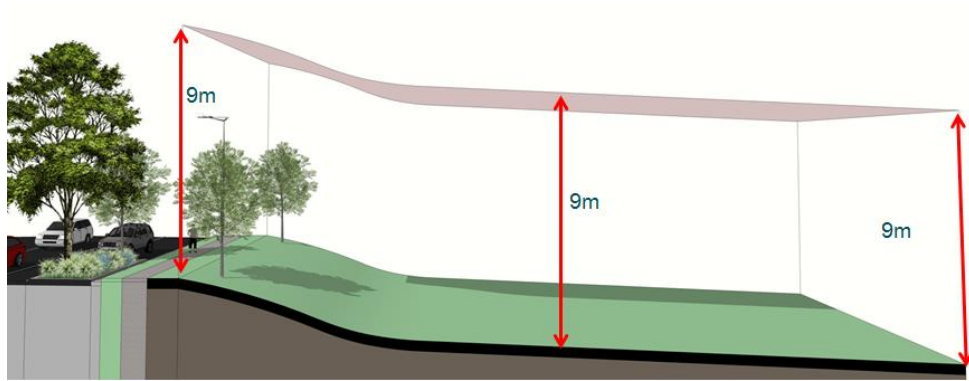
The following diagrams illustrate what the building height plan looks like under the current LEP 2014 rules, noting that building height is measured from the existing ground level of the site at any point on the site and projected vertically. This is applied at the time an approval for a building is made.

On a flat site, the 9m building height line would look like that in the illustration below:





On a sloping site the building height line would follow the contour of the land, as depicted in the illustration below:



## Fingal Head Development Application Audit

As part of the review, an audit of residential development approved in Fingal Head since the introduction of LEP 2014 was undertaken; it revealed there had been no three-storey dwelling approvals during this time. This trend might be attributed to:

- a significant proportion of the residential zoned land in Fingal Head is environmentally constrained by flooding or steep terrain, which in turn affects building design and specifically overall building height, and
- Increasing market demand and design tendency towards sustainability utilising passive design, which typically incorporates higher ceiling volumes with highlight windows to achieve greater natural light and ventilation.

We deduced from the audit of Council's records that despite the potential under the LEP 2014 controls for a three storey building (or part thereof), within the 9m building height limit, current evidence suggests that maximising the number of storeys over other design and liveability considerations is not the driving factor for new development in Fingal Head. Whilst we are witnessing larger and more modern houses with greater floor to ceiling clearances replacing the existing smaller cottages, the prevailing trend remains dominated by buildings designed within a 9m and 2-storey height limit.

Notwithstanding the predominance of new dwellings designed within the 9m / 2 storey threshold, the DA audit did reveal one variation to the TLEP 2014 9m height limit approved by Council, allowing a roof deck to be constructed above a two-storey dwelling. Some community members had raised objection to and concern with this kind of development. The audit also revealed a number of other more minor building envelope variations for the most part relating to building line setbacks to property boundaries.

## Building Height in the Context of Fingal Head

The majority of privately owned developable land in Fingal Head is zoned R2 Low Density Residential, with a small pocket of land along Marine Parade zoned B2 Local Centre. Both the R2 and B2 zones in the Fingal Head locality have a 9m building height limit under TLEP 2014.

Remaining land in the area is either public land, under Council or Crown ownership, or in private ownership under the Tweed Byron Aboriginal Land Council, and comprises a mix of environmental and recreational zoning. By default under the LEP these zones have a 10m maximum building height limit and more restrictive land-use permissibility than the residential and commercial zones.

Figure 3 below illustrates the range of building typologies occurring along the Tweed's urban coastal area, along with the building height guideline under the Tweed Development Control Plan 2008 (DCP). As shown, the single dwelling and town house typologies have a height of 9m under the DCP, whereas residential flat buildings (RFB) and shop-top housing (STH) have 12.2m and 13.6m respectively. The height guideline in the DCP varies to that in the LEP, but as these latter two building typologies do not apply to Fingal Head there is no need to address the occurrence of that variance.

For present purposes it is the first two building typologies that are permissible in Fingal Head and the maximum building height specified under the LEP and DCP for these align.



Figure 3 – Typical residential building typologies on the Tweed Coast and the related maximum building height guide under the Tweed Development Control Plan.

## Fingal Head – Three Different Site Conditions

For the purpose of the workshop, the Fingal Head Locality was broken down into three different precincts characteristic of key building design constraints and including:

- a) Flood affected lots;
- b) Sloping sites (>12 degrees); and
- c) Remainder of the village with characteristically flat small allotments

### Flood Affected Lots

A significant proportion of the Fingal Head village is identified as being flood liable including properties fronting Fingal Road, Wommin Lake Crescent, Crown Street, Lagoon Road, Dune Street and Letitia Road. Based on the Design Flood Level (DFL), the minimum floor level for habitable rooms is 3.1m, meaning on some properties the ground floor of a dwelling would need to be raised between 1-1.7m above the existing ground level. This has the effect of increasing the overall height of a building.

### Slope Affected Allotments

A number of allotments within Fingal Head are located on 'moderate sloping land' which is described as land greater than 12 degrees (or 21.25%). On a sloping site there is greater likelihood for a building to appear taller when viewed from the lower side (downslope) and therefore increase the perception of building scale or mass. In order to avoid excessive cut and fill and minimise erosion and runoff impacts, buildings are encouraged to step with the land.

### Smaller Village Allotments

Land outside of flood liability and sloping sites have been identified as village allotments for the purpose of the workshop exercises. These allotments tend to be smaller in terms of street frontage width and land area. Whilst these allotments tend to be flatter and less constrained in terms of site and construction conditions, they represent part of Fingal Head which is undergoing transition as the smaller houses are replaced by larger more contemporary dwellings.



Flood liable Lots

Sloping Lots

Village (smaller) lots

## Session Summary and Consultation Methodology

### Overview

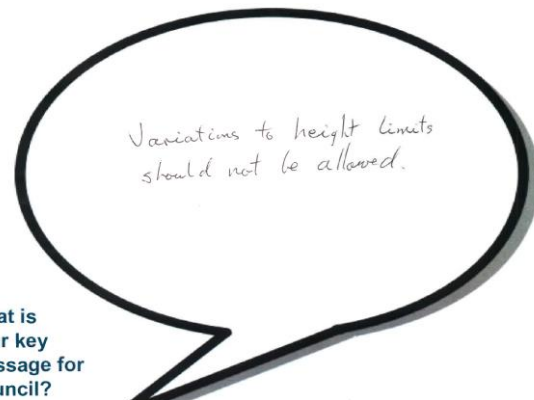
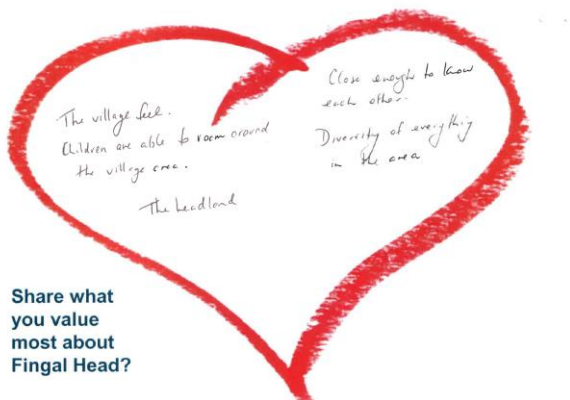
The Community Conversation 02 was a ‘by invitation’ workshop for Fingal Head landowners and those members of the wider community who had participated in previous consultation events. The intent of this targeted rather than public workshop was to focus and draw on the lived experiences of those who reside or own property within Fingal Head.

38 members of the community attended, including representatives from the local Aboriginal community. Seven Tweed Shire Council staff attended and facilitated the group discussions.

### Workshop Introduction/Icebreaker

The evening opened with an ‘ice-breaker’ exercise that sought to encourage the attendees to think about and define the key community values for Fingal Head under the headings of ‘what you value most’, ‘key message for Council’ and ‘question for tonight’. Many participants also used this icebreaker exercise to raise questions and views on issues which fell outside of the brief of the building height review but which are still considered important in the context of understanding character and future community based planning.

Below is an example of the feedback. The full suite of responses received can be found in Appendices 1, 2 and 3 to this document.



## Building Height Scenarios

Council's technical staff then presented some background material relating to the context of the Building Height Review, the basis of the strategic planning framework, and information on specific technical aspects of building height. This comprised quite detailed conversation and explanations of the environmental factors present in Fingal Head and how they might influence building design and therefore building height.

The formal participatory component of the workshop focused on exploring the affect that different building height controls would have on development within the three typical and observable site contexts that exist within Fingal Head being:

- a) Scenario 01 - Flood affected lots;
- b) Scenario 02 - Sloping sites (>12 degrees); and
- c) Scenario 03 – Village (smaller) lots.

Each table was given a separate worksheet for each of the above contexts (example below), and asked to fill out the pros and cons of three building height alternatives (9m and no storey limit; 9m and 2 storey limit; 8m and 2 storey limit) in consideration of the three different contextual scenarios. The questions were posed to each table as working groups, but individual responses within those groups were also encouraged. In most instances, a consensus of a preferred height/storey outcome was achieved by each of the working groups in response to those three contextual scenarios.

**Fingal Head Building Height Review**  
Community Conversation 02 Table Exercises 14 June 2017



### Exercise 1 – Flood Affected Land

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control		<i>Too much flexibility.</i>
9m limit with maximum 2 storey control	<i>Agreement of table to existing ground level.</i>	<i>No provision for change to building height if changes in R.L. City Heightcon F.P.L.</i>
8m height limit with 2 storey control	<i>Provided Bm. is measured <del>Too restrictive.</del> from F.P.L.</i>	<i>Too restrictive</i>

A final exercise asked the workgroups to comment on how they feel about roof decks in the Fingal Head locality. Roof top decks have led to some concern in Fingal Head with recent feedback identifying the potential for adverse impacts on the appearance and overall height of a building, along with amenity and privacy impacts on adjoining properties. Discussion on these points was encouraged in an attempt to tease out whether the broader community felt that a greater level of regulation was required, and if so what that regulation might look like. There was a general conversation with an apparent consensus that roof top decks should be permissible, but designed to be unroofed and incorporated within the overall design and setback of a dwelling.

## Results and Discussion

### Ice Breaker Exercise

This exercise was not compulsory and the number of responses varied.

Task	Number of Responses
Share what you value most about Fingal Head	16
What is your key message for Council?	23
What is your key question tonight?	11

Various themes were raised through the ice breaker exercises, with many respondents providing feedback on the workshop itself, whilst others focussed on more specific issues relating to Fingal Head such as car parking, beach fencing and concerns around the former quarry site. Whilst many of these topics do not relate specifically to building height and are beyond the scope of the current review, they nonetheless provide valuable and important insight into the broader concerns of the community that could be addressed through a locality plan.

Even with the range of issues and the different weight that individuals ascribed to each, there were threads of common interest woven amongst them, particularly in relation to the high value placed on the natural environment and concern for the village character and scale. These two themes have been focal points throughout all consultation to date.

Concern was also raised about the Council's governance and consistency in the application of built form controls through their regulatory decision making role. There was widespread opinion that current planning controls are for the most part effective, there is little to no value in changing them and the failure exists primarily in decisions to allow variations to the controls when, in the view of the local community, such variations are generally unjustified and result in undesirable or unavoidable negative outcomes.

In the context of this review itself and in particular from a built form perspective, the potential impacts on amenity through overshadowing and reduced privacy were repeatedly highlighted as issues of concern rather than the visual impact of building themselves. When considering this in the context of policy development, paying more heed to these amenity-related elements through a more comprehensive approach to the site analysis and building design is considered a more appropriate response than a reduction in building height per se, which may not necessarily result in a better outcome for overall amenity.

This value-based feedback has raised concerns, issues and questions that are consistent with the themes identified during previous consultation and surveys, and will significantly contribute to the planning justification for, and guiding the preparation of, a locality plan for Fingal Head.

The full responses to the ice breaker exercises can be viewed in Appendices 1, 2 and 3 to this report.

## Scenario 01 - Flood Affected Lots

### What You Said

	9m no storey control	9m 2 storey control	8m 2 storey control
Number of preferences	2	3	1

Retaining the 9m building height limit on flood affected land was the most generally held view, as shown in the Table above. Three out of the six workgroups concluded that 9m with the addition of a 2 storey limit was the most suitable building height control for this scenario, with an additional two tables concluding that 9m with no storey control was suitable.

Building Height Scenario	Pros	Cons
9m height limit no maximum storey control	Flexibility in design; Variety; Flexibility; Important for flexibility with flood levels; Variation in buildings and more versatility in design and roof shapes; Vast variety of designs to allow for diversity of people who want to live here;	Too much flexibility; Can squash 3 storeys in; 3 storey building looks like a box - not good; Lack of policing if heights are exceeded; Looks strange/compromised Excessive bulk; The maximum storey limit simply creates issues over a technicality; Lower ceilings – not environmental
9m limit with maximum 2 storey control	Allows higher ceilings; Could be acceptable in flood area; Certainty about form; Less scope to relax/breach codes; More suitable look/use; Allows flexible design with vast variety of design for the diversity of people who live there;	No provisions for change in building height if changes in R.L.; Lack of policing if heights are exceeded; Limits what can be built; Leaves just one floor for habitable space,
8m height limit with 2 storey control	Provided 8m is measured from design flood level; Ensures certainty of 2 storeys; Local amenity; Lower land prices;	Too restrictive; One habitable floor only in flood areas; Lack of policing if heights are exceeded; Will encourage too many applications for relaxations; Limits design quite severely; Compromise of design; In flood area limited to get 2 storeys; Limits design, limits diversity; Economic outcome – most likely will lose value if change is made

The pros and cons of each scenario as identified by the workgroups reflected a general understanding that an approach that retains flexibility, but is not unlimited, would be the most reasonable or appropriate.

Copies of the worksheets and full comments can be found in Appendix 4 to this report.

### What We Heard

The importance of flexibility in design to allow 2 habitable stories above the design flood level was emphasised by many of the attendees, and this generally held view at the same time appeared to acknowledge that an 8m height limit would be an unreasonable design burden for those landowners affected by the flood constraint. There were also multiple

expressions of concern that it would lead to more requests for relaxations and subsequent granting of variations and it followed that a 9m height limit with a 2-storey restriction would be the best way to achieve this.

Some questions have been asked in relation to the definition of a storey and whether the sacrificial area under the design flood level is regarded as a storey. Were that the case, a two storey restriction would then potentially limit dwellings in flood affected lots to a single habitable storey above the design flood limit. LEP 2014 does not specify a minimum or maximum measurable height for a storey, instead identifying it only as *the space between one floor level and the floor level next above*, and the ability to amend the LEP definition is not straightforward. Thus the successful implementation of a 2 storey limit would to some extent be dependent on identification of a suitable pathway to clarify how a *storey* is measured to ensure that owners of flood affected land are able to achieve two habitable storeys above the design flood level.

## Where to Now?

In order to mandate a 2 storey restriction, an amendment will need to be made to the LEP 2014 to introduce the restriction as a development standard for the Fingal Head locality, or potentially more broadly throughout the Shire.

Whilst there may be opportunity to clarify the meaning of a 'storey' within the LEP, this pathway is challenging given Council's inability to add definitions to the Dictionary beyond those included in the LEP standard instrument. A more suitable solution is to seek clarification for Fingal Head in particular or more broadly for all flood affected areas of the Shire through a design guide control in the DCP.

## Scenario 02 - Sloping Sites

### What You Said

	9m no storey control	9m 2 storey control	8m 2 storey control
Number of preferences	1	3	2

Building Height Scenario	Pros	Cons
9m height limit no maximum storey control	Needs to allow the flexibility for design; From street appearance so long as 9m makes no difference if 2 or 3 storey; Allows 3 habitable levels (split level); Flexible	Expense of changing DCP; Imposing from street/beach level; Could restrict sunlight on neighbours; Visual perception looks bigger than is; Will change village feel;
9m limit with maximum 2 storey control	8/9m might be fine but not if unlimited storey control; Storey limit not relevant if 9m in place; 2 habitable levels; Less bulk; Airflow / sunlight with flexibility in roof line; Acceptable only on sloping sites	Imposing from street/beach level; Could restrict sunlight on neighbours; Historically has been pushed through to Land and Environment Court to build even higher;
8m height limit with 2 storey control	Will encourage building in line with land slope; Allows for flexibility of design without imposing street view; Limits design and appearance;	Limits the design and opportunity; Can't build a house successfully the way you want; Too restrictive; Will encourage more applications for variations;



In a similar trend to flood affected sites, the more favoured building height for development on sloping sites was 9m height limit with a 2 storey restriction. There were groups that also favoured 8m and 2 storeys.

Copies of the worksheets and full comments can be found in Appendix 5 to this report.

## What We Heard

Whilst the majority preference was to retain the 9m limit, understandably there were some concerns that building on sloping land, particularly on the up-slope, may have the appearance of being taller. This is an important issue particularly in the sense of impacts on local character with regard to scale. No matter what the resolved height limit may ultimately be it highlights the need for careful building design that respects both the existing form of the land and the character of the area.

A key issue that was discussed was the possibility that lowering the building height limit to 8m may lead to more instances of proponents seeking to maximise excavation. Notwithstanding that Council's DCP A1 (2.1) aims to minimise the extent of earthworks associated with residential development, building height is currently measured from existing ground level therefore there is an apparent advantage in some instance for excavating to achieve greater height within a building. Amongst the respondent feedback there was an apparent overarching view that retaining flexibility with the 9m to avoid additional excavation, but including a 2 storey limit to control visual impact, would provide the most holistic response for managing these issues on a site by site basis.

Of particular additional note in relation to sloping sites was the comment that 'excavation will cause harm to Aboriginal Cultural Heritage and should be avoided'. Though not certain to cause harm, earthworks are unequivocally a significant issue of potential risk to Aboriginal Cultural Heritage (ACH), particularly in Fingal Head which is a State mapped precautionary area, is recorded on the Department of Environment and Heritage's 'AHMIS' register, and contains other registered Aboriginal Cultural Heritage sites. Council is currently finalising an Aboriginal Cultural Heritage Management Plan that will assist with identifying the issues and alleviating the current risk of 'harm' to Aboriginal cultural heritage.

## Where to Now?

Reducing the overall allowable building height on sloping sites may be effective in alleviating concerns relating to visual impact of buildings on sloping sites in some instances, however in many circumstances it may also lead to unreasonable restrictions to design. The DCP currently recognises the challenges facing development on steep land by allowing an additional metre of building height on slopes greater than 12 degrees to enable flexibility of height and roof design. It is important for Council to balance the desire for development to integrate on a visual scale and maintain the integrity of the landform without unduly burdening or infringing on the reasonable expectations of landowners to design and build to satisfy their needs.

Thus in a similar vein to the response to flood affected lots, introduction of a 2 storey restriction into Fingal Head and retaining the existing 9m height limit is considered the most effective and efficient means of providing a threshold to development to curb the potential for buildings to appear taller, whilst still allowing sufficient flexibility for design. As outlined above, a 2 storey restriction will be recommended via amendment to the LEP 2014.

## Scenario 3 - Village (smaller) Lots

### What You Said

	9m no storey control	9m 2 storey control	8m 2 storey control
Number of preferences	0	4	2

Responses to the most appropriate building height control on village centre sites were unanimously in favour of introducing a 2 storey restriction, with the retention of the existing 9m being preferred over reducing the height to 8m.

Building Height Scenario	Pros	Cons
9m height limit no maximum storey control	Flexibility for roof line design; Would allow view with option of 3 <sup>rd</sup> view in a palatable design; Flexible for owners	Predictability of bulk and scale for 3 levels was not appealing; Not in keeping with the village atmosphere; Too 'unit like'; Too bulky, not good for village May be able to fit in 3 storeys
9m limit with maximum 2 storey control	Still allows diversity; Consistency with rest of village restriction; More likely to result in a better village development Better options for design (light air flow, roof angle)	
8m height limit with 2 storey control	For those that are design challenged; Would not make an immediate difference for the view; Due to not being affected by flood, 8m limit allows for flexibility of design; Less bulk	Too restrictive for flat narrow block; Too restrictive, may be different to other 'zones' that could cause friction in the village

Copies of the worksheets and full comments can be found in Appendix 6 to this report.

### What We Heard

In contrast to the two previous exercises there was unanimous consensus on the storey restriction element of the village centre discussion. There was no support shown for the existing 9m control with unlimited stories, with an apparent concern about the potential for 3 storeys to be designed within 9m. This concern appears to be held strong despite there having been no applications or approvals for 3 storey development in the village centre since the introduction of LEP 2014, therefore little indication that it is a sought after design outcome.

All tables agreed that the introduction of a 2 storey limit would still allow appropriate flexibility and freedom in design for new development whilst kerbing the potential for 'larger bulkier 3 storey' buildings with greater perceived height to change the scale and character of the village centre.

Some groups felt that 8m with a 2 storey limit was the most suitable, and indicated that without the challenges of slope or flood affectation an 8m limit would be reasonable and provides ample opportunity for flexibility in taste and design.

## Where to Now?

Despite the overwhelming support for introduction of a storey limit within the village centre, there was also a recurring comment indicating a preference for building height controls to be consistent across all precincts within Fingal Head regardless of site characteristics or environmental constraints. Suggestions were made that having different controls for different precincts could lead to misunderstanding of what controls apply where, or angst or division amongst the community.

The village centre is relatively free of design constraints; however the allotments in this precinct do tend to be smaller in terms of street frontage and overall land area. Thus even with the trending replacement of older smaller houses with larger more contemporary buildings, the scale and bulk of these newer developments is inherently limited by the maximum allowable site coverage and floor space ratio, which are driven by lot size. Reducing the height limit to 8m would be unlikely to have any significant effect on the overall visual appearance of new developments, and order to maintain the desired consistency in height limits across the locality, retention of the existing 9m height limit and introduction of a 2 storey restriction is deemed the most suitable response to the community's concerns.

## Roof Decks

This exercise had a more general question and answer format than the previous scenario based exercises. Four example roof deck designs were included on the worksheet for comment with groups being prompted to discuss the merits of the different designs.

When asked the broad question of whether roof decks should be permitted in Fingal Head, three groups voted 'no' and three tables voted 'yes'. Despite the split in overall opinion, those that voted yes all made specific mention of a desire for conditions and/or detailed considerations for roof decks with respect to design, mitigating against potential amenity and privacy impacts and ensuring that all structures related to the roof deck are kept below the maximum building height. This indicates some level of acceptance within the community for roof top decks and a clear preference for at least some level of design control particularly for those that are an addition to an existing house.

Whilst the DCP is currently silent on roof decks, it does recognise that roofs are an integral component of the design of a building for many reasons, including contribution to an attractive streetscape, and encourages roof form to be compatible or complimentary with adjacent buildings and the broader streetscape character. Consideration may be given to more specific controls for roof decks within the DCP to address the issues raised in this review.

Copies of the worksheets and full comments can be found in Appendix 7 to this report.

Roof Decks	Yes	No
Should they be allowed in Fingal Head?	* Yes if integrated (this may also alleviate the need to extend heights / push boundaries) * Yes with conditions * The table agreed there is no issue with roof decks in Fingal Head	No No No
Do you think there should be specific design controls which relate to the design and siting of roof decks?	No structures or landscaping above the maximum height limit (including railings) Integrated so it looks as part of the house Set in from edge No shade structures	
What other considerations would you assign to roof decks?	Shadowing Visual and social impacts Lack of privacy Noise considerations Reduced amenity Non-permanent structures on roof deck (e.g. sails / umbrellas) Demountable shading only	
Any other comments regarding roof decks?	Aesthetics – consideration of time of use and ensuing noise No permanent coverings Many are built but how many are used? Must install a camera for any inappropriate activity An opportunity to flaunt rules – then a shade structure will be erected Used as a default 3 <sup>rd</sup> storey Encourages damage to vegetation (for views) It's been observed they are rarely used	



## Discussion and Conclusions

Initial feedback about the format, delivery and suitability of the Community Conversation 02 workshop has been extremely positive. The community received the session well and their keen participation was credit to their passion for the topic and allowed some very useful discussions to take place.

Clear themes and visions have arisen throughout the two consultation sessions, with more refined aspirations coming out of the second session. Whilst there still appears to be some lingering division within the community with regards to the most suitable building height scenario for Fingal Head, on conclusion of the community engagement process it has become clear that the community is united in their recognition that Fingal Head is unique, and that the 'village character' is important and needs to be protected.

Whilst the overall objective of the workshop and consultation was to discuss building heights, the value-based feedback provided evidence that those public value elements that have been repeatedly identified by Fingal head residents as requiring attention are best addressed through the preparation of a Locality Plan.

There was a strong indication amongst the feedback that there is little recognition of value in changing the current height controls, suggesting an acceptance within the community for little or no changes within the legislative policy context. Notwithstanding, the desire for the introduction of a 2 storey is present within the community, and the provision of such a limit into a site specific section of the DCP is an appropriate pathway to satisfy these appeals.

The results of the height specific scenario exercises show that the most widely accepted view across all scenarios is retention of the current 9m height limit with the introduction of a 2 storey control. The below table presents the total number of group consensus decisions for each building height scenario across all the site contexts presented during the workshop exercises.

9m height limit no maximum storey control	9m limit with maximum 2 storey control	8m height limit with 2 storey control
3	10	5

The above indication of overall preference for a single building height control, when looked at in conjunction with the written comments provided on the exercise sheets, appears to indicate a broader acceptance amongst the workshop attendees that whilst tweaking the maximum allowable building height in response to specific environmental constraints (e.g. flooding, sloping sites) may achieve more refined design outcomes on some sites, the introduction of several site-dependant controls within a single locality risks misunderstanding amongst land owners about what limits apply to their land, friction between neighbours and tension in the community with a perception that some sites enjoy more relaxed standards than others, a push for relaxations from landowners whose sites are 'on the edge', and potentially adding greater complexity to the development assessment process. The workshop results in this regard support a recommendation for a single building height control for Fingal Head.

Depending on its nature, the application of a standardised building height control across a locality subject to environmental constraints that typically influence building height, such as varying degrees of slope and flood affectation, may appear restrictive for those sites that are

both genuinely and atypically constrained. It may also be seen as too liberal on unconstrained land. Thus the challenge for the resolution of the building height issue at Fingal Head, as it is understood from the consultation and feedback, is centred around providing two things:

1. Certainty of the ability to design and build a dwelling to a reasonable expectation or standard on constrained sites,
2. Protection of the valued local character of Fingal Head and its low scale residential qualities through locality specific design control.

The retention of the existing 9m height limit allows for continuation of the same level of flexibility in design as has been available to date, to which no community complaints have been made from the perspective that it is too restrictive. It also maintains consistency with the height limits generally applied across low density residential areas throughout the Tweed. Community feedback during the review process showed general support for retention of a 9m height limit and acceptance of its suitability on constrained land. In that regard there appears to be suitable justification for maintaining the 9m height limit throughout the locality, whereby addressing point number 1 above.

In recognition of the changing nature of dwelling design in response to increasing resident desire for sustainability and internal amenity, and that floor to ceiling heights are becoming increasingly larger resulting in a perceived increase in overall bulk and mass, a locality specific building height design control that responds to the community's concerns about potential impacts on the local character and amenity of Fingal Head is considered appropriate. The building heights nominated in the LEP are absolute and are not necessarily calibrated to respond to the intricacies of specific locations. Further, being measured in metres rather than storeys the LEP height control has little ability to influence the character of a building beyond a general typology. As has been deemed appropriate in other small coastal villages in the Tweed where, in a similar nature to Fingal Head, the protection of small scale character and local amenity is a sensitive issue and fundamental to community value, a variation to the standard requirements under the TLEP 2014 in relation to building height is recommended in the form of a 2 storey limit.

Preparation of an LEP amendment and a Locality Plan has significant resource costs and time requirements to complete, along with varying levels of effectiveness within in the broader legal context. Notwithstanding, in an effort to provide a response to the Fingal Head Community and the Councillor's request, an effective short term solution is to incorporate a 2 storey limit and some broad locality specific character statements and planning objectives into the DCP, whilst longer term responses such as LEP amendments and Locality Plans can be prepared.

The recommendations in the following section will be discussed in an upcoming business paper to Council and for their decision.

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## Recommendations

1. A report to Council is to be prepared which will respond to the initial Councillor notice of motion and report the key findings of the Fingal Head Building Height Review process and community consultation sessions.
2. As part of that report to Council provide a set of recommendations to Councillors for their endorsement including:
  - a. That the Fingal Head Building Height Review Workshop Report be received and noted.
  - b. That the existing 9m building height limit which currently applies to the Fingal Head locality be maintained as this height provides flexibility to design a building on sites which are constrained by flood and sloping sites.
  - c. That the 9m building height limit be further qualified by a restriction of a 2 storey floor limit.
  - d. Enact the above recommendation as part of a broader planning proposal to amend LEP 2014 to supplement the maximum height development standard with a maximum storey allocation as they relate to different building typologies. As it would apply to Fingal Head this would include 9m and 2 storey building height standard.
  - e. That design guidelines relating to roof decks be included as part of a future review of DCP A1 Residential and Tourist Code.
3. As part of a more detailed process that a Fingal Head Locality Plan and DCP be prepared has part of Strategic Planning and Urban Design units future work plan addressing the following elements:
  - a. Preparation of character statements describing the existing and desired future character of Fingal Head, those elements that distinguish it as a unique place to live and are highly valued by the community that lives there.
  - b. A set of planning principles and a design guide to provide policy influence and assist in decision making and assessment of future development in Fingal Head, particularly in relation to the varying contextual conditions and constraints including flood liable land, sloping sites and village (smaller) allotments.
4. Timelines and procedural outlines for implementation of the above recommendations are currently being scoped by Council's Strategic Planning and Urban Design Unit and will be further examined within the forthcoming report to Council.

## **Appendices (as separate files)**

Appendix 1 Share what you value most about Fingal Head

Appendix 2 What is your key message for Council?

Appendix 3 What is your key question for tonight?

Appendix 4 Exercise 1 Flood Affected Lots

Appendix 5 Exercise 2 Sloping Sites

Appendix 6 Exercise 3 Remainder of Village

Appendix 7 Rook Decks





# TWEED

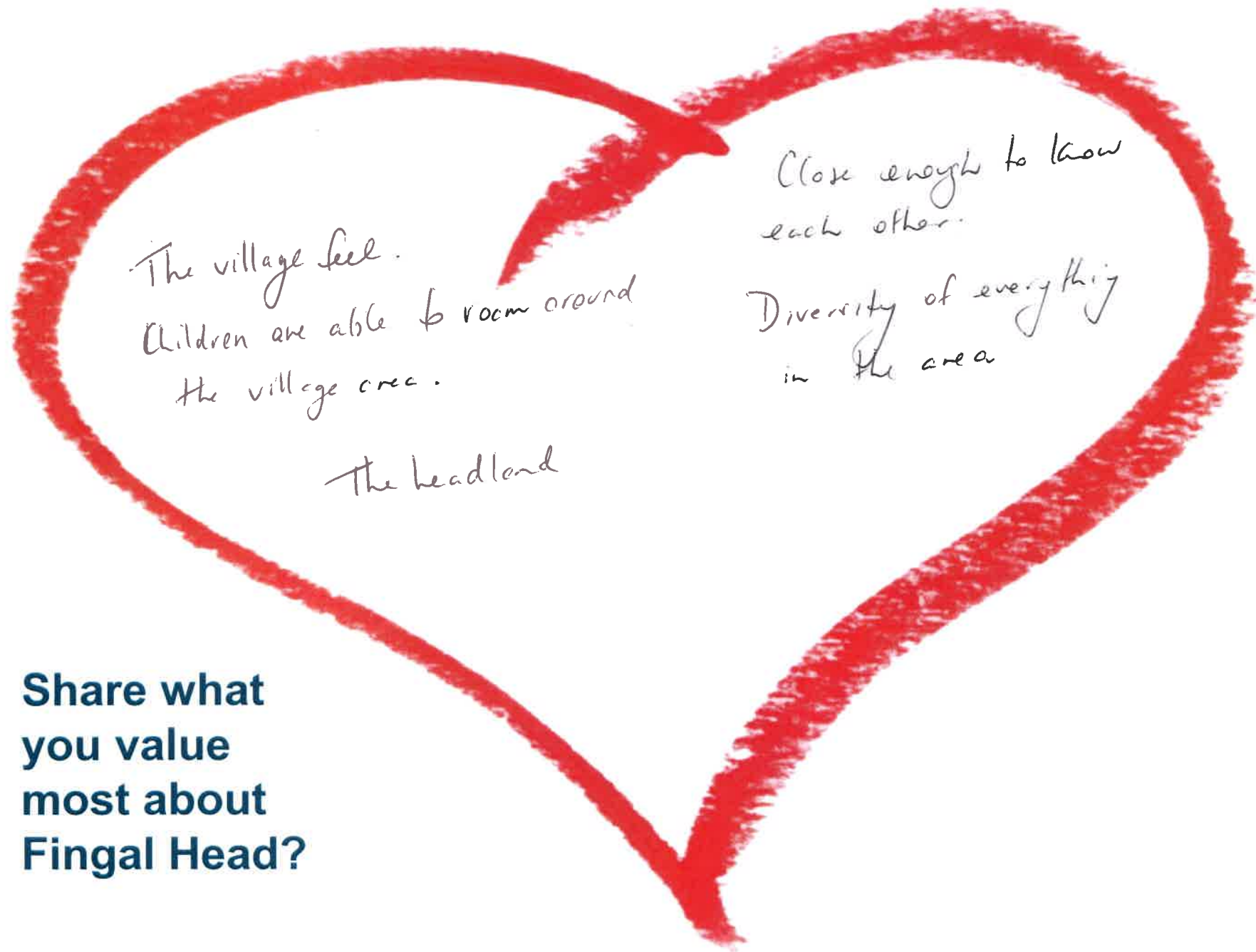
SHIRE COUNCIL

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[tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)  
Fax: (02) 6670 2429  
PO Box 816  
Murwillumbah NSW 2484

# Appendix 1

**Share what you value most about Fingal Head**



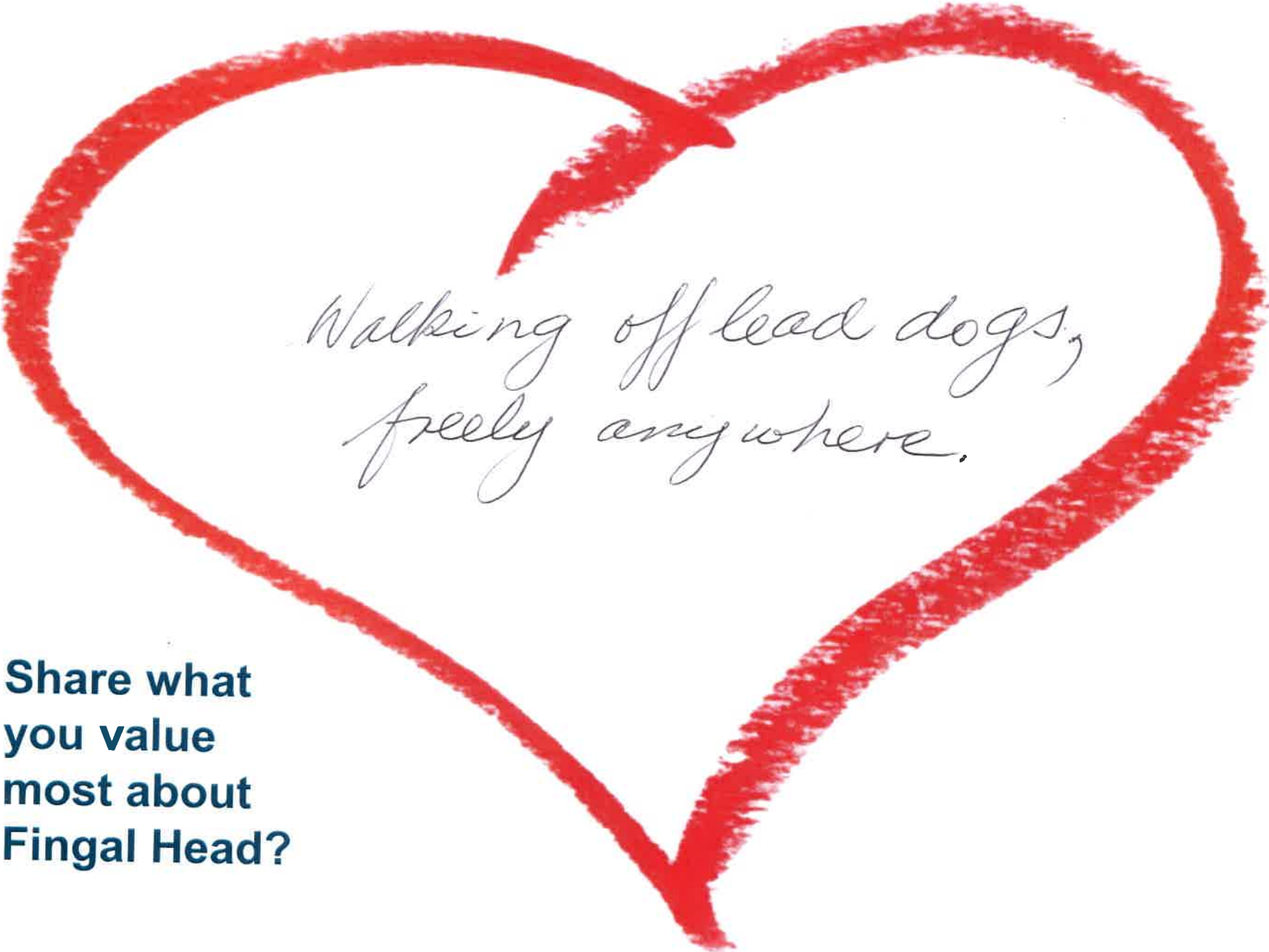
The village feel.  
Children are able to roam around  
the village area.

The headland

Close enough to know  
each other.

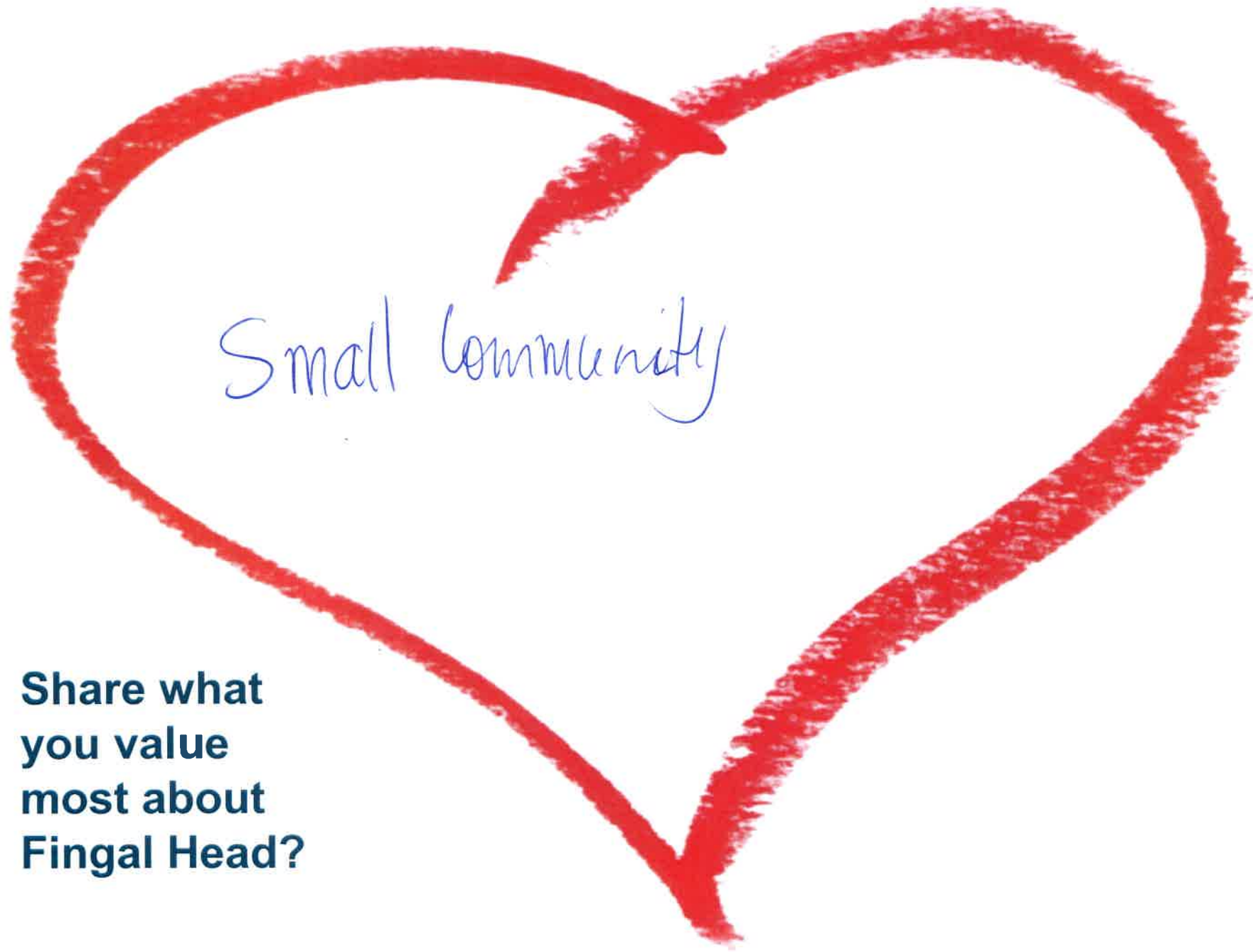
Diversity of everything  
in the area

**Share what  
you value  
most about  
Fingal Head?**



*Walking off lead dogs,  
freely anywhere.*

**Share what  
you value  
most about  
Fingal Head?**



**Share what  
you value  
most about  
Fingal Head?**



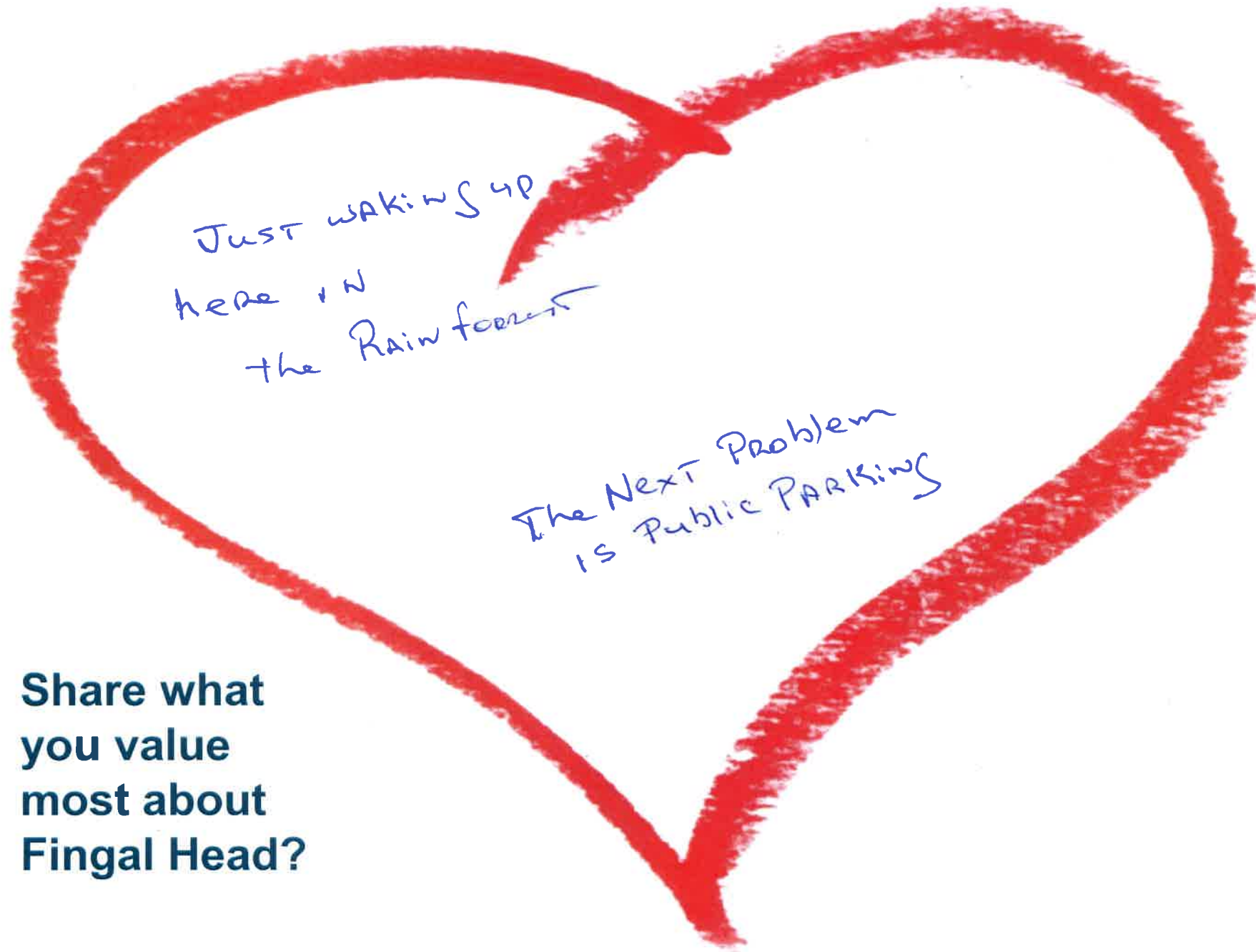
*Ocean, friends, dogs, ambiance*

**Share what  
you value  
most about  
Fingal Head?**



The natural beauty, the forest  
the beach, the River, the headland.

**Share what  
you value  
most about  
Fingal Head?**

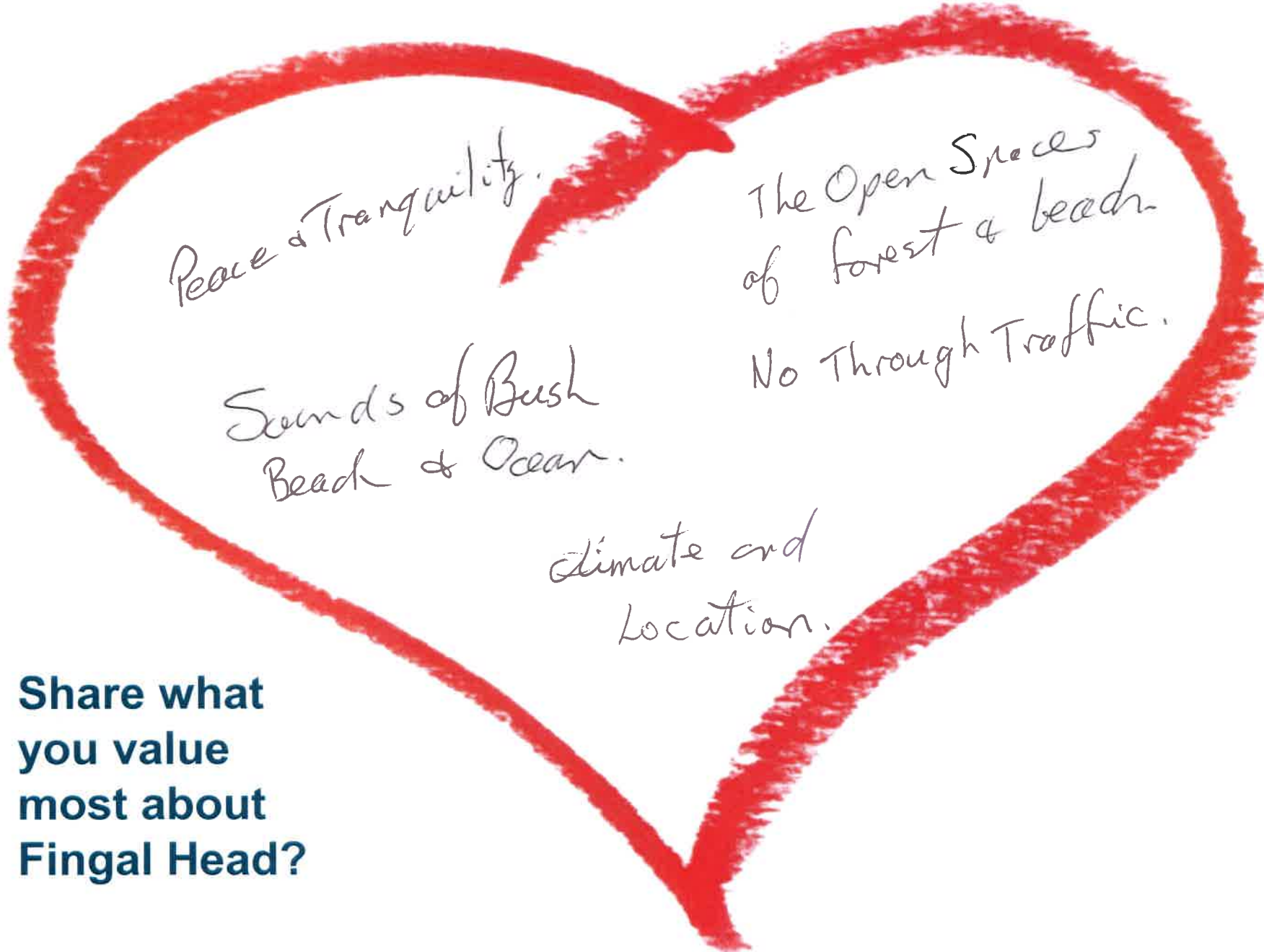


Just waking up  
here in  
the Rain forest

The Next Problem  
IS Public PARKING

**Share what  
you value  
most about  
Fingal Head?**





Peace & Tranquility.

Sounds of Bush  
Beach & Ocean.

Climate and  
Location.

The Open Spaces  
of forest & beach.  
No Through Traffic.

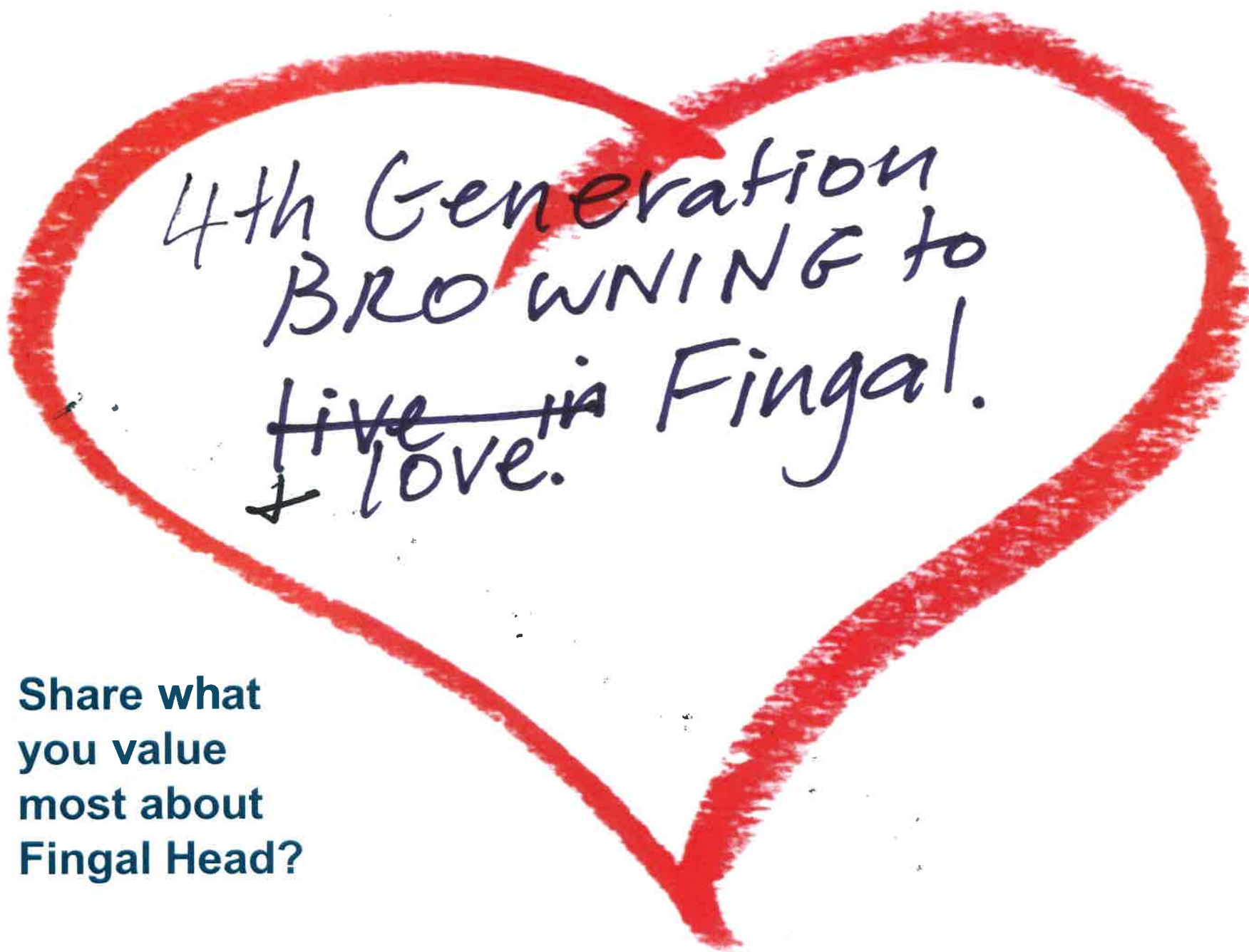
**Share what  
you value  
most about  
Fingal Head?**

\* I value the beautiful natural environment - the forests, river, beaches lakes and lagoons - the headland, lighthouse forested walks and natural habitat

\* The village character, diverse, harmonious community who work together because they love Fingal. I would love to see this

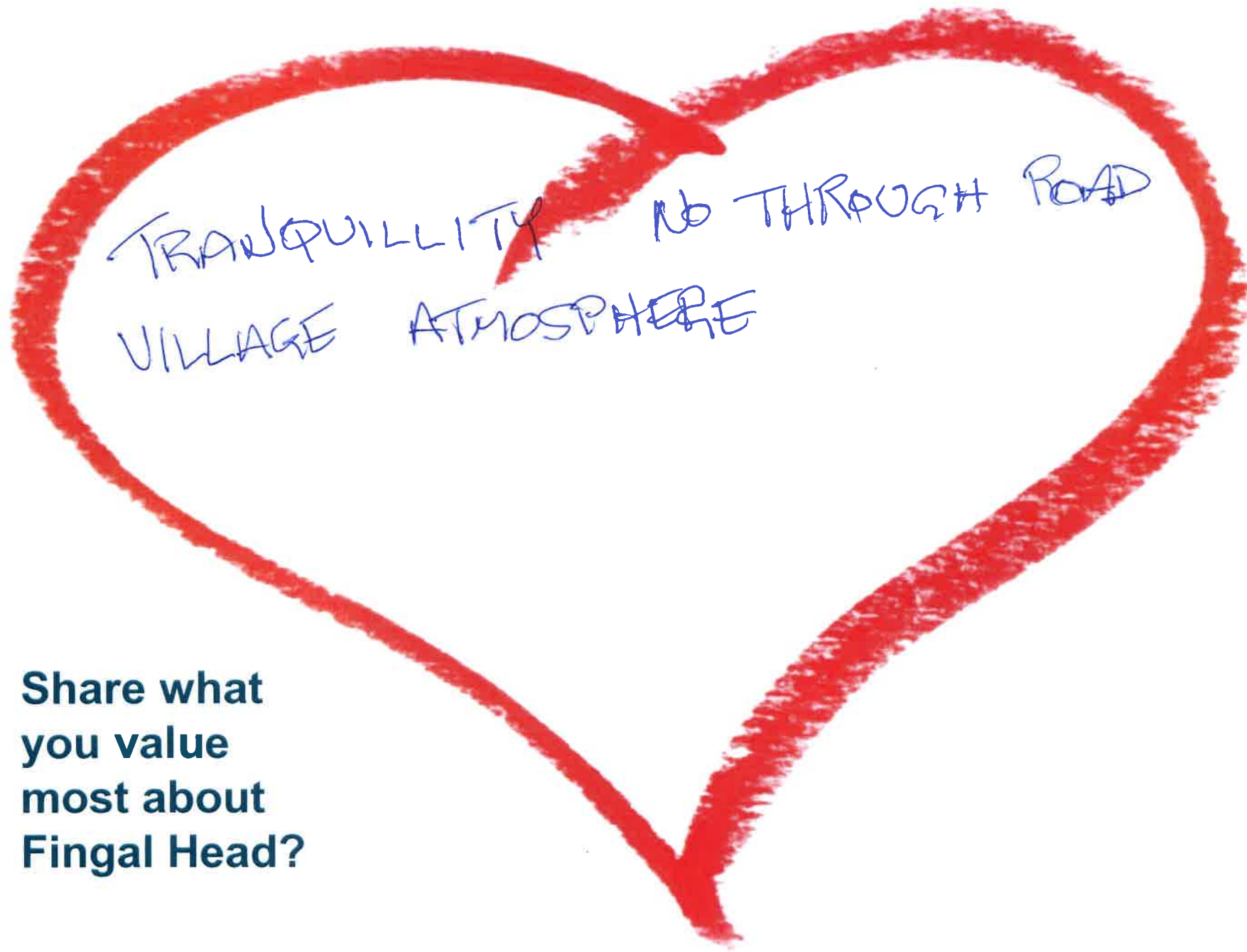
Share what you value most about Fingal Head? ~~village~~ character preserved and our cottages not replaced by huge inappropriate mansions that occupy the whole block and leave no room for trees & gardens

I love the small streets scattered with trees old and new and large beautiful gardens and trees.



4th Generation  
BROWNING to  
~~live in~~ Fingal.  
& love.

**Share what  
you value  
most about  
Fingal Head?**

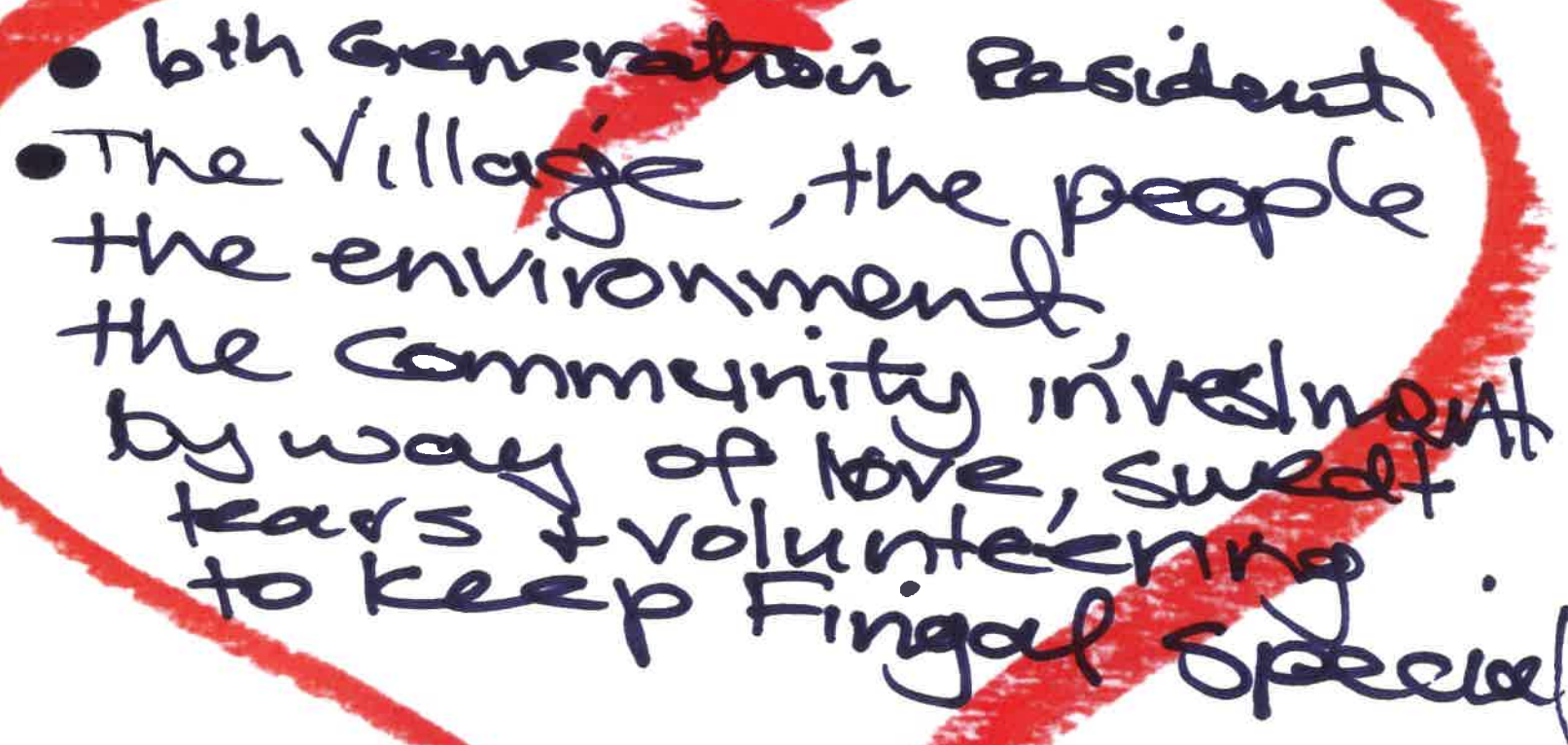


**Share what  
you value  
most about  
Fingal Head?**

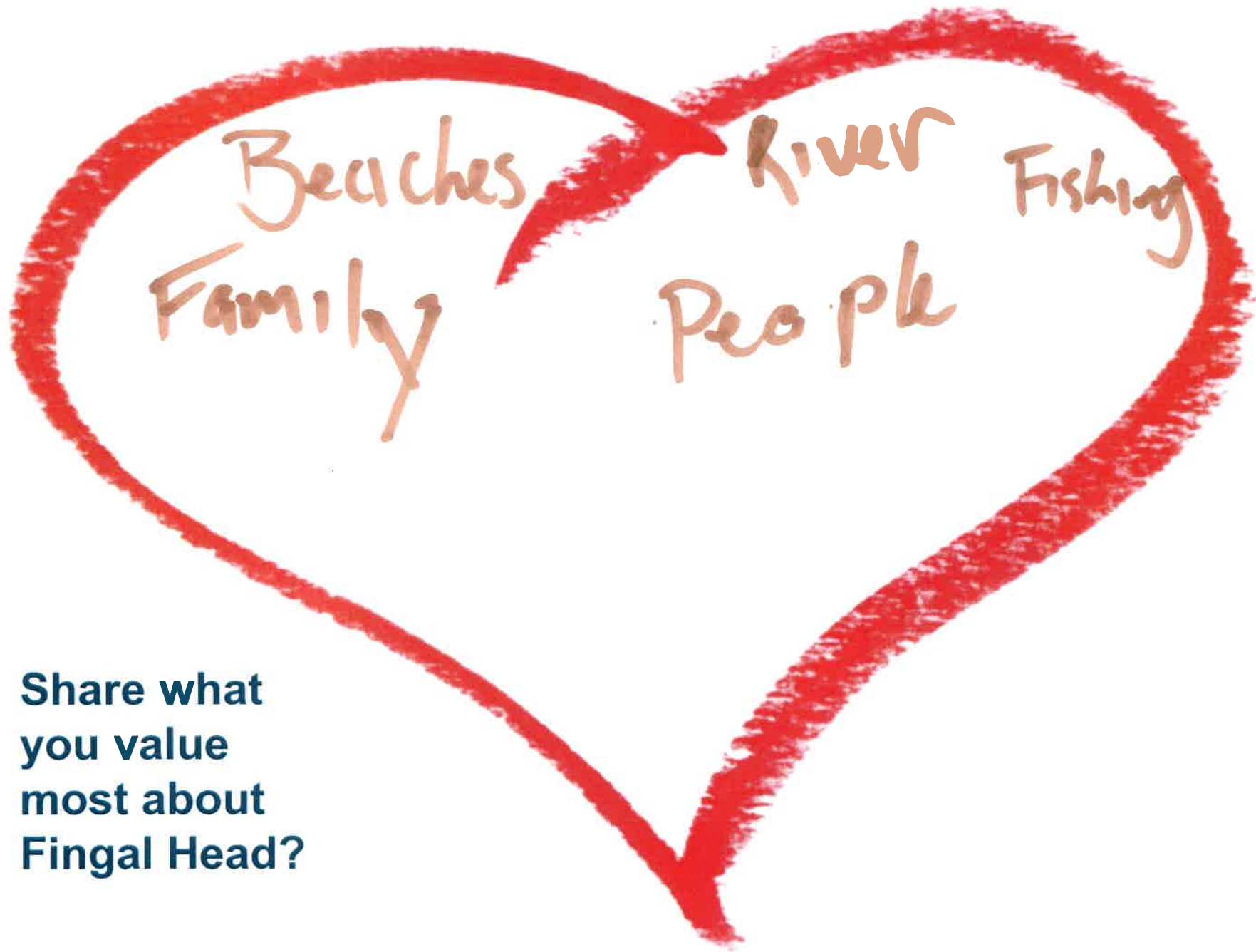
People Atmosphere  
Beauty & lifestyle  
Value  
ENVIRONMENT

Share what  
you value  
most about  
Fingal Head?

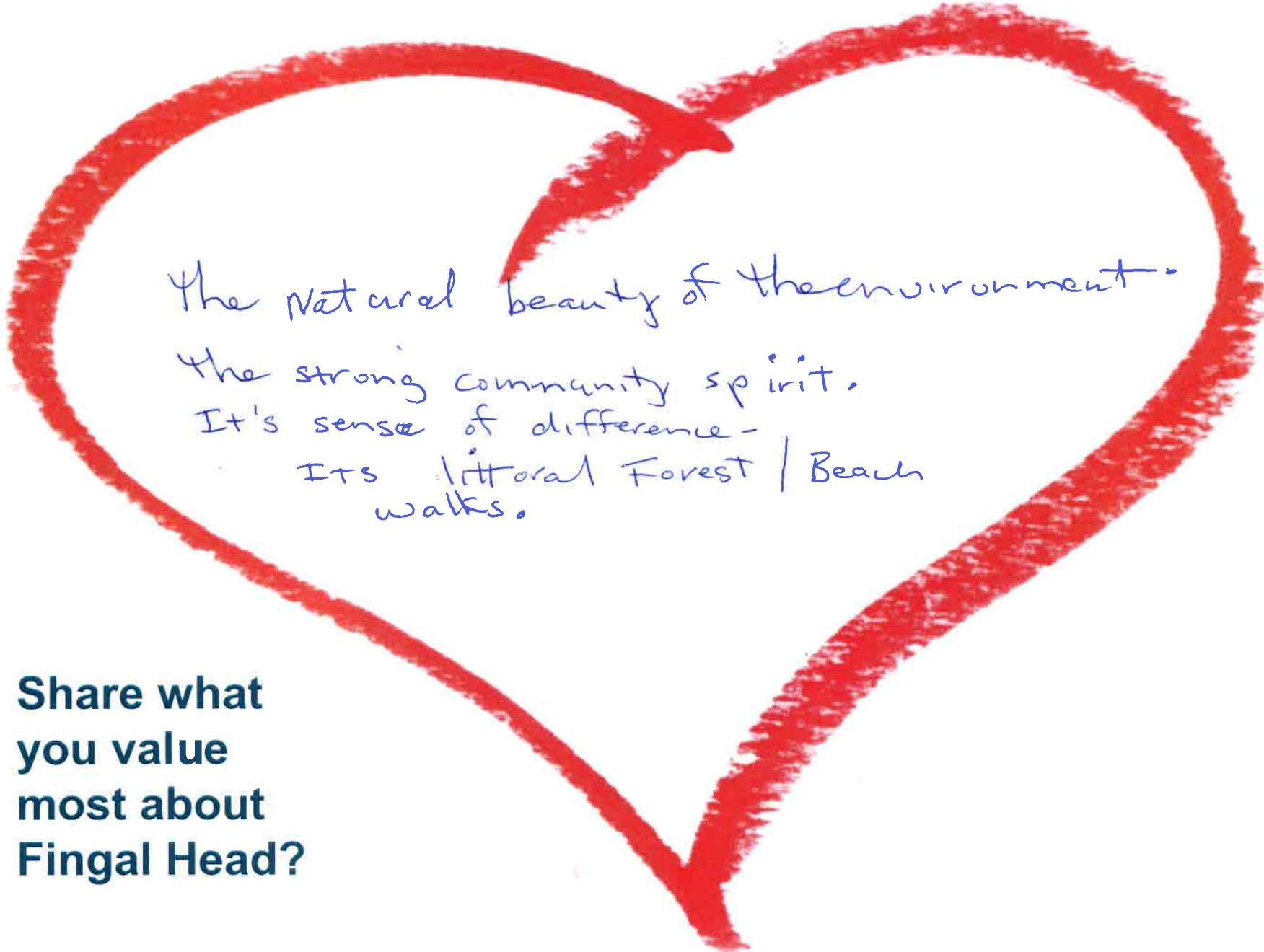
I'm sixty five grew up in Fingal seen change and  
enjoy it but a change for all to enjoy.  
To keep it special in my lifetime

- 
- bth Generation Resident
  - The Village, the people  
the environment  
the community investment  
by way of love, sweat  
tears + volunteering  
to keep Fingal special

Share what  
you value  
most about  
Fingal Head?



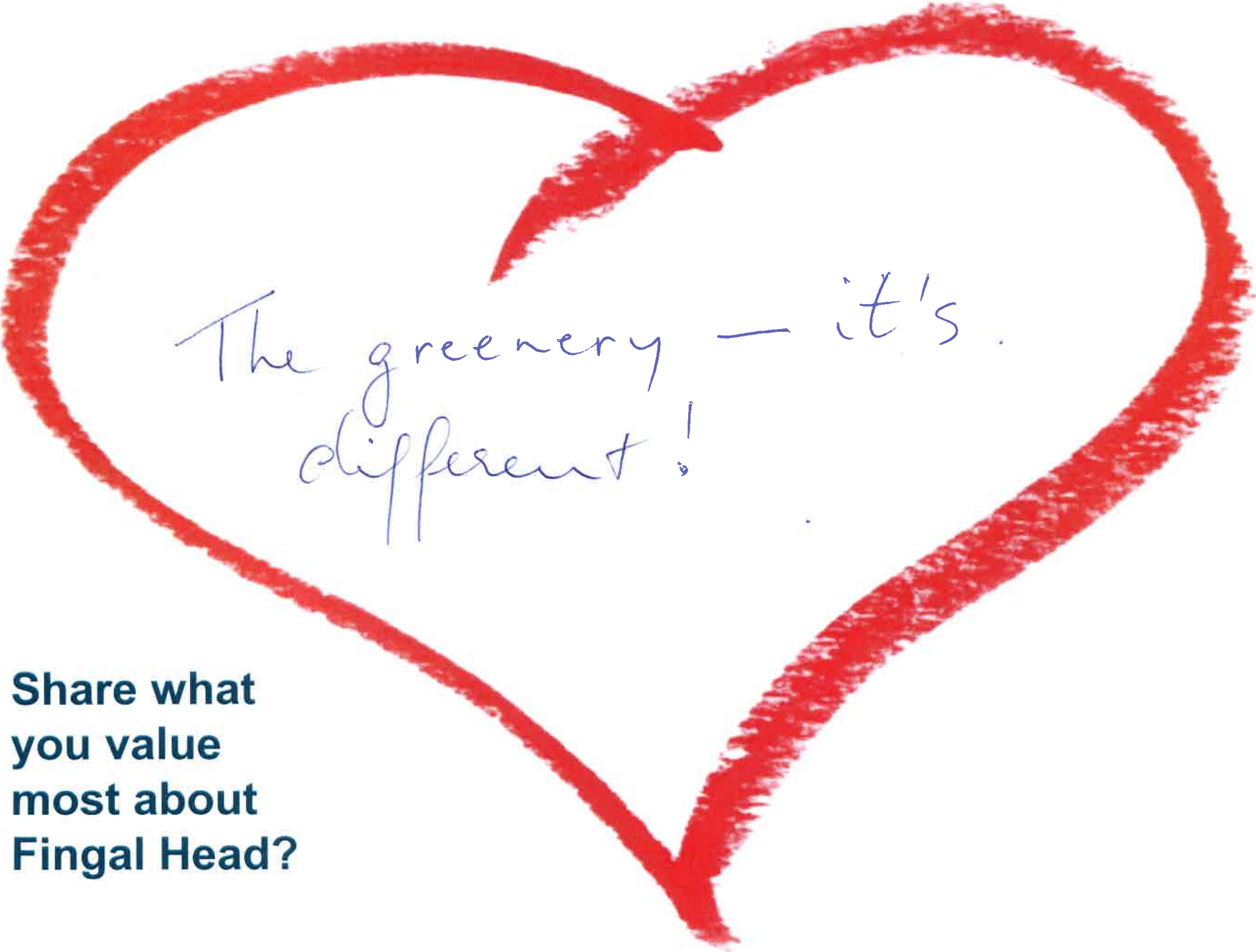
**Share what  
you value  
most about  
Fingal Head?**



The natural beauty of the environment.  
The strong community spirit.  
It's sense of difference -  
Its littoral Forest / Beach  
walks.

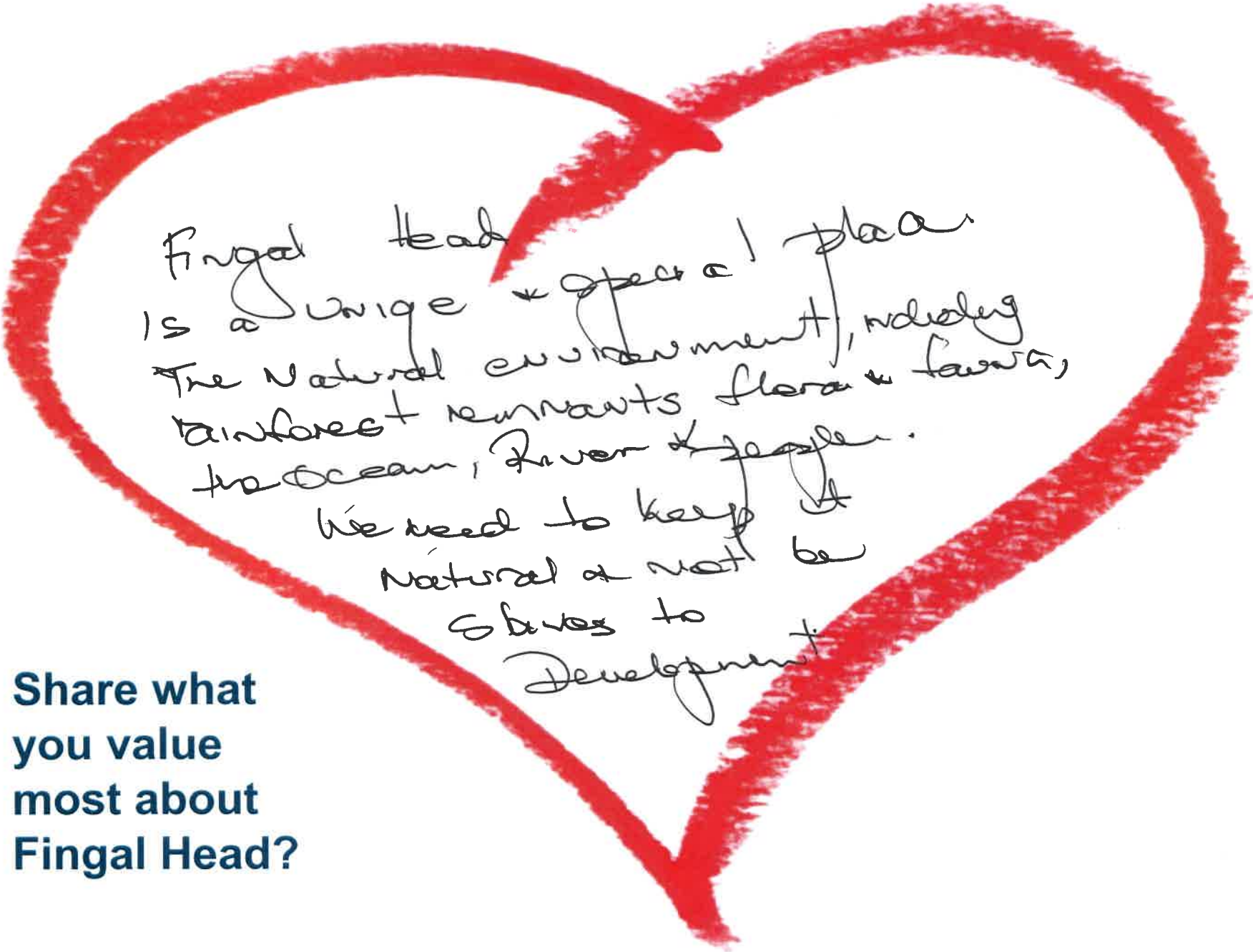
**Share what  
you value  
most about  
Fingal Head?**





The greenery — it's  
different!

**Share what  
you value  
most about  
Fingal Head?**



Fingal Head  
is a unique & special place.  
The natural environment, including  
rainforest remnants, flora & fauna,  
the ocean, River & people.  
We need to keep it  
natural & not be  
slaves to  
development.

**Share what  
you value  
most about  
Fingal Head?**

# Appendix 2

**What is your key message for Council?**

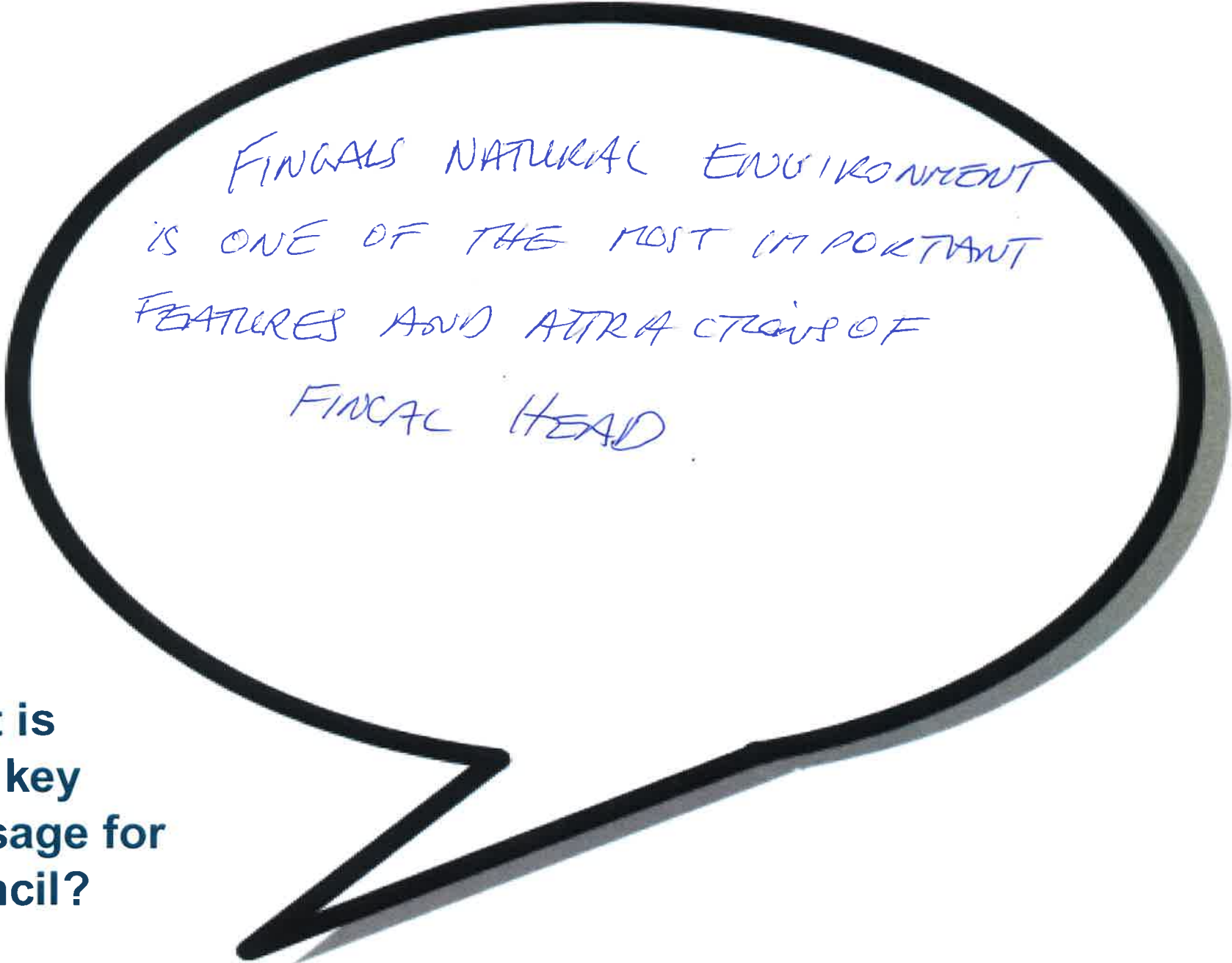
Height limits for  
Fingert should be  
2 storeys maximum 9 metre  
height limit.

\* No Roof top decks!

**What is  
your key  
message for  
Council?**



**What is  
your key  
message for  
Council?**

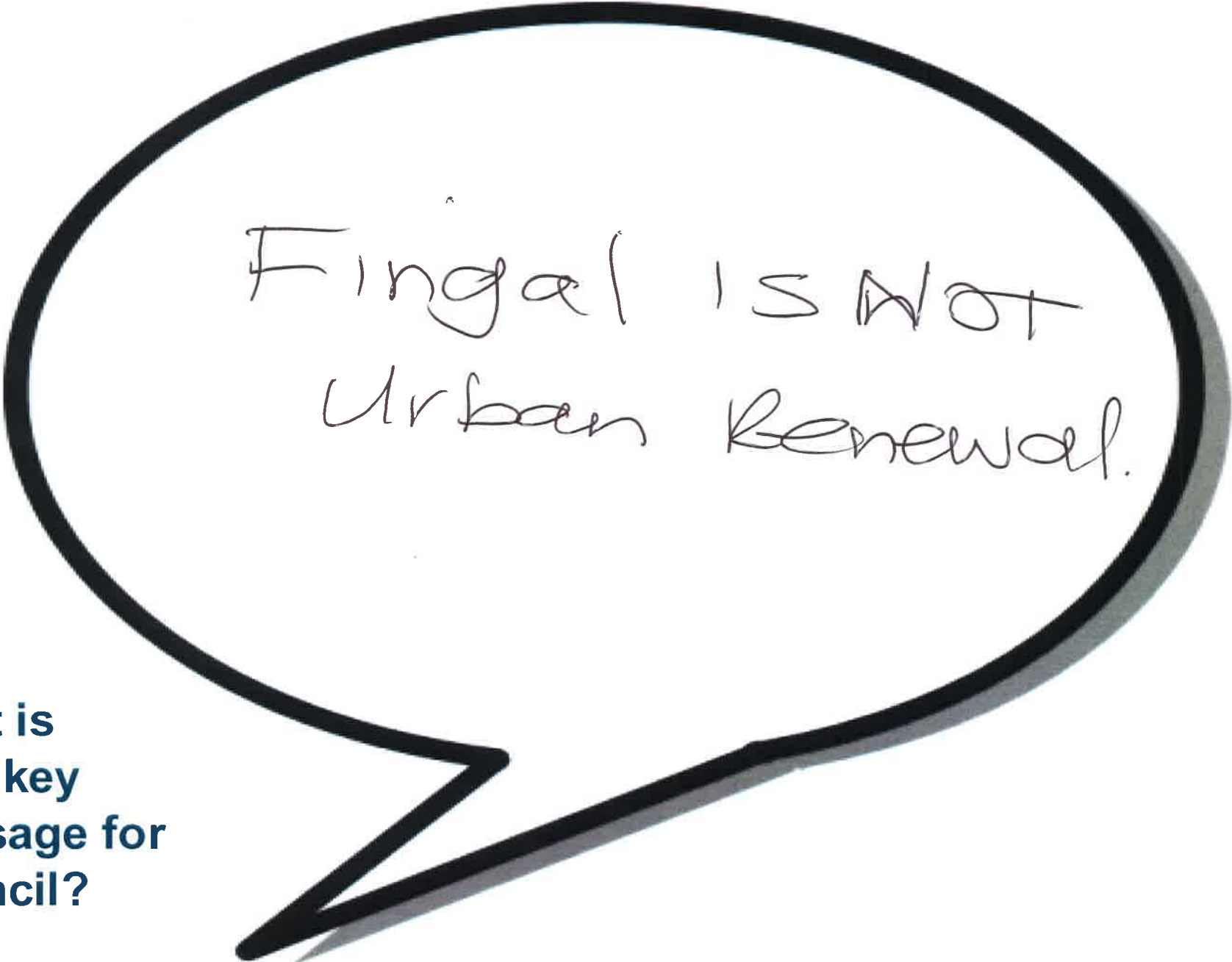


FINGALS NATURAL ENVIRONMENT  
IS ONE OF THE MOST IMPORTANT  
FEATURES AND ATTRACTORS OF  
FINGAL HEAD.

**What is  
your key  
message for  
Council?**

The littoral rainforest is a major component of the 'feel' of Fingal Head

**What is your key message for Council?**



Fingal IS NOT  
Urban Renewal.

**What is  
your key  
message for  
Council?**




\* BULK IS A MAJOR ~~CONCERN~~  
CONCERN.

\* OVERSHADOWING IS UNDESIRABLE  
WHEN SOLAR HEATING IS SO DESIRABLE

\* VARIATIONS TO REGULATIONS SHOULD NOT BE  
CONSIDERED.

\*

**What is  
your key  
message for  
Council?**



WE NEED  
A LOCALITY  
PLAN FOR  
FINGAL

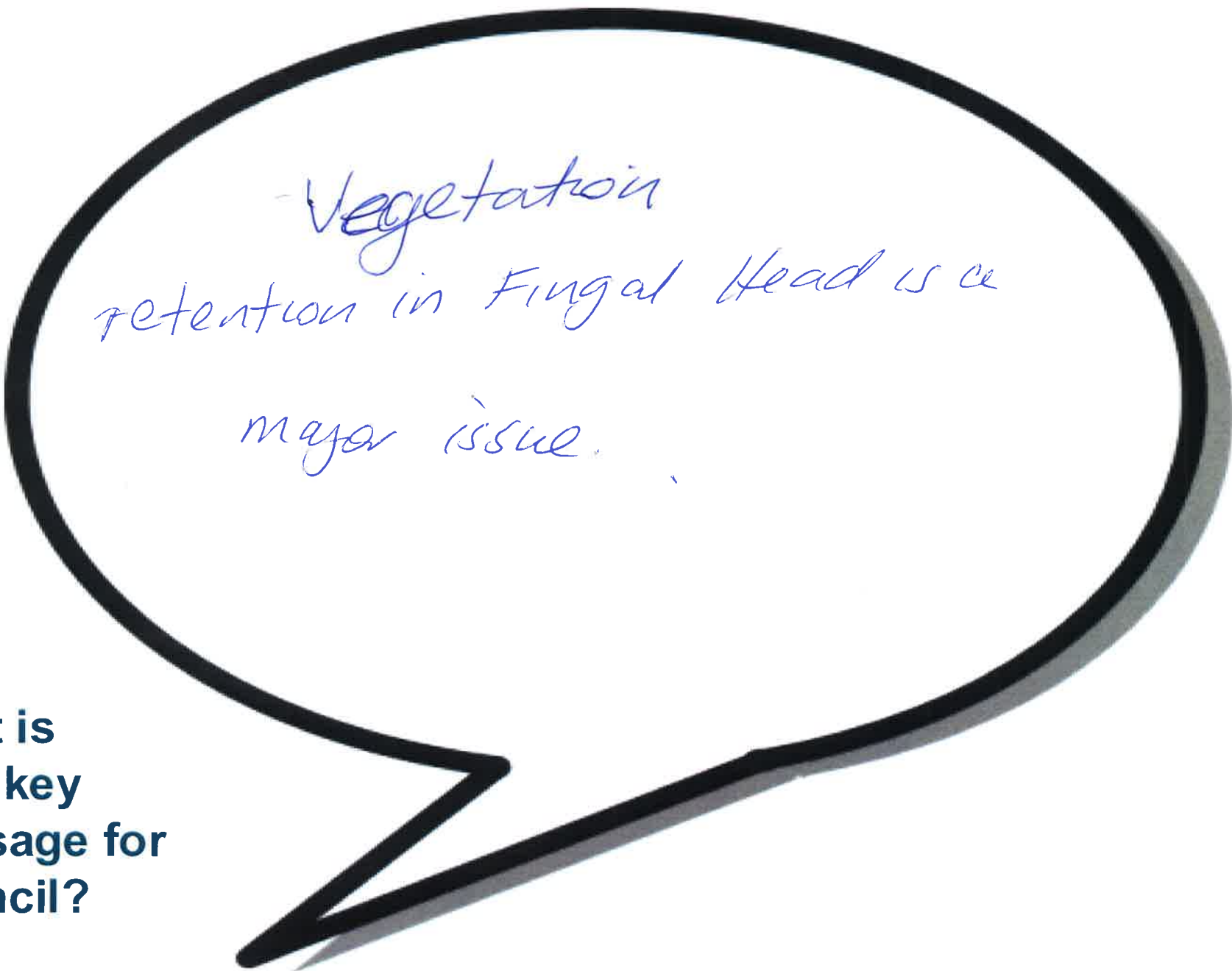
**What is  
your key  
message for  
Council?**

There really needs to be a  
differentiation of the flood/sloping  
and village areas.

In essence having been here for 17 years  
why is there a concern for change.

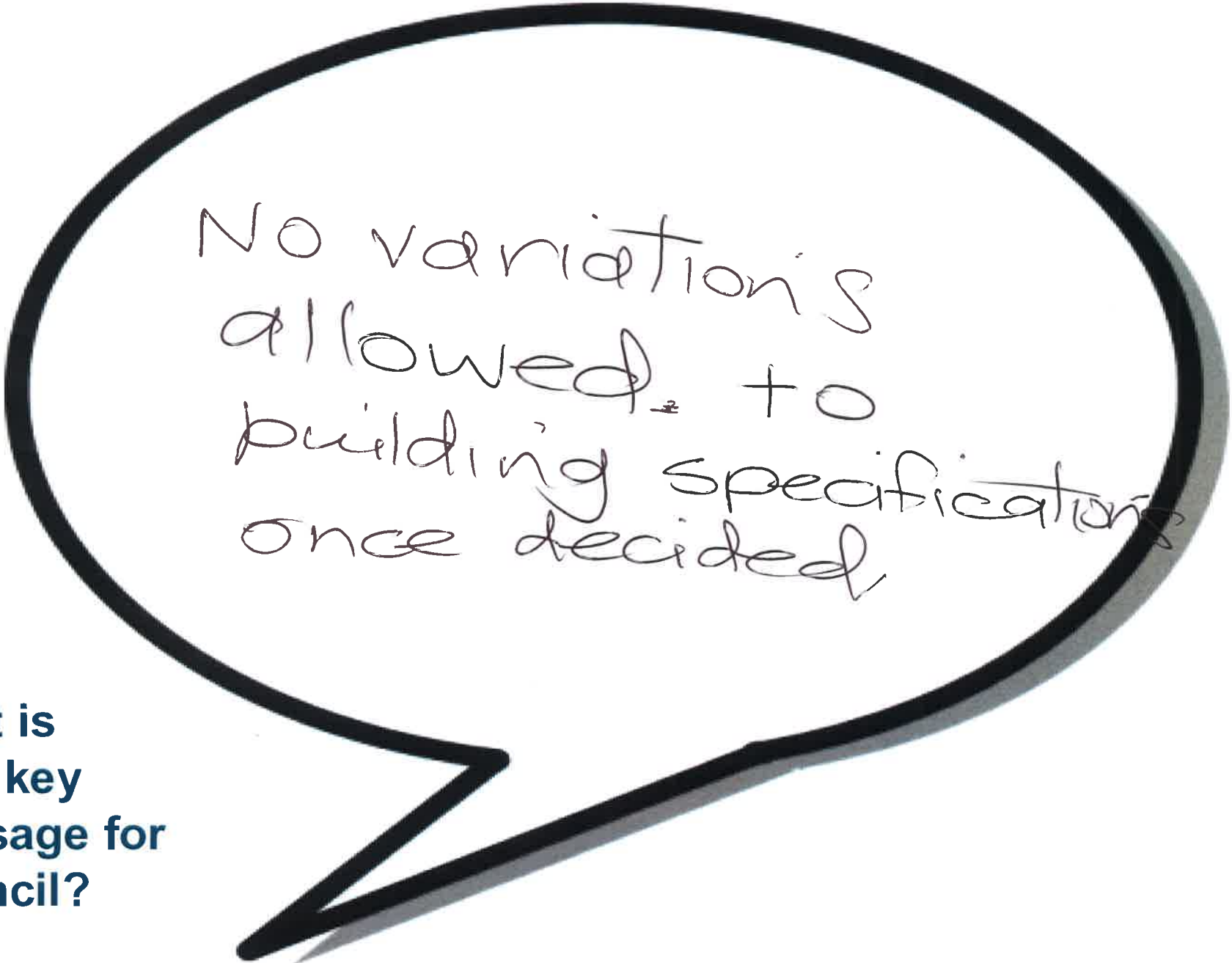
Fingol is in transition and we must be  
careful not to be tied to the  
past.

**What is  
your key  
message for  
Council?**



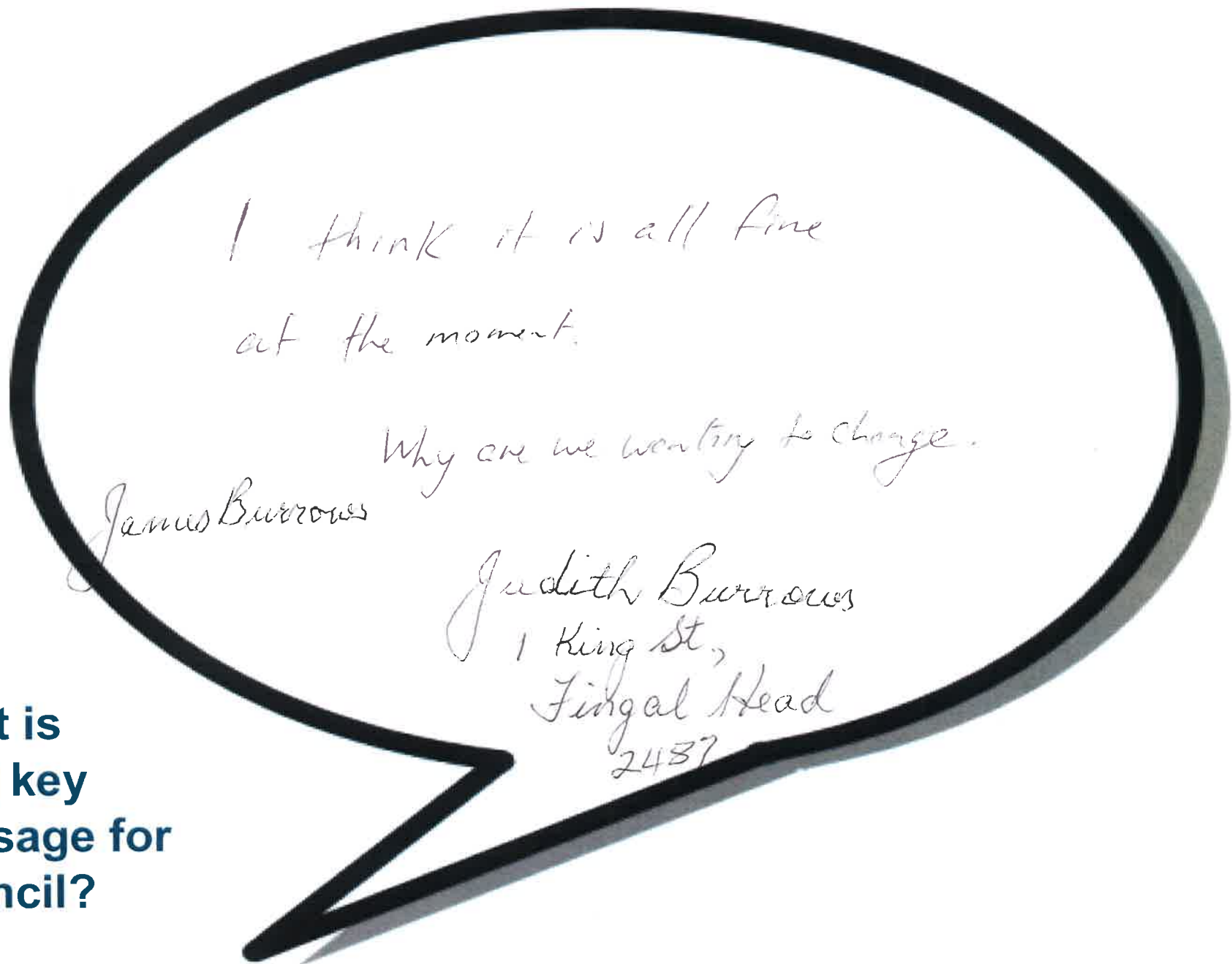
-Vegetation  
retention in Fingal Head is a  
major issue.

**What is  
your key  
message for  
Council?**



No variations  
allowed, to  
building specifications  
once decided

**What is  
your key  
message for  
Council?**

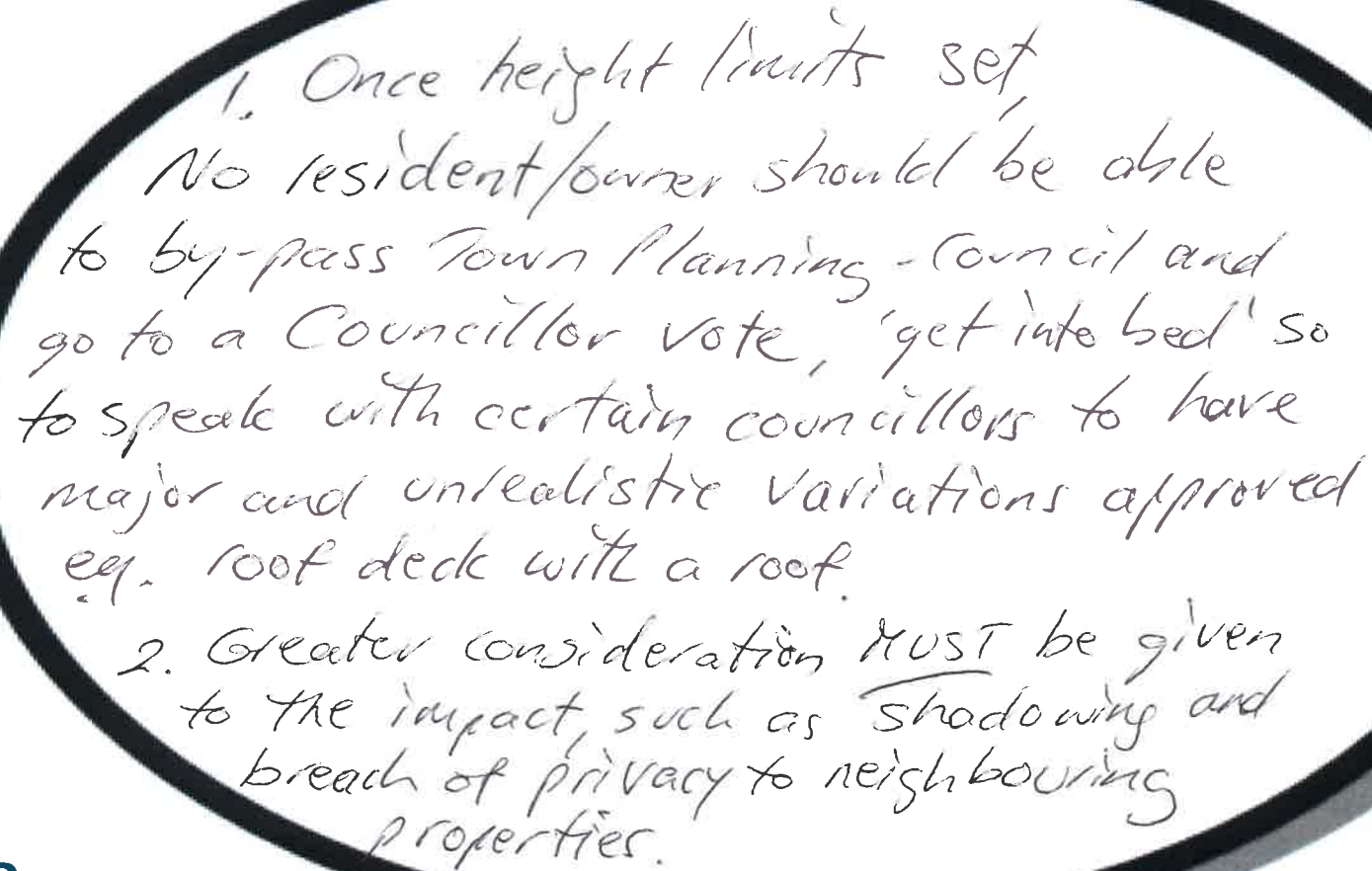


I think it is all fine  
at the moment.

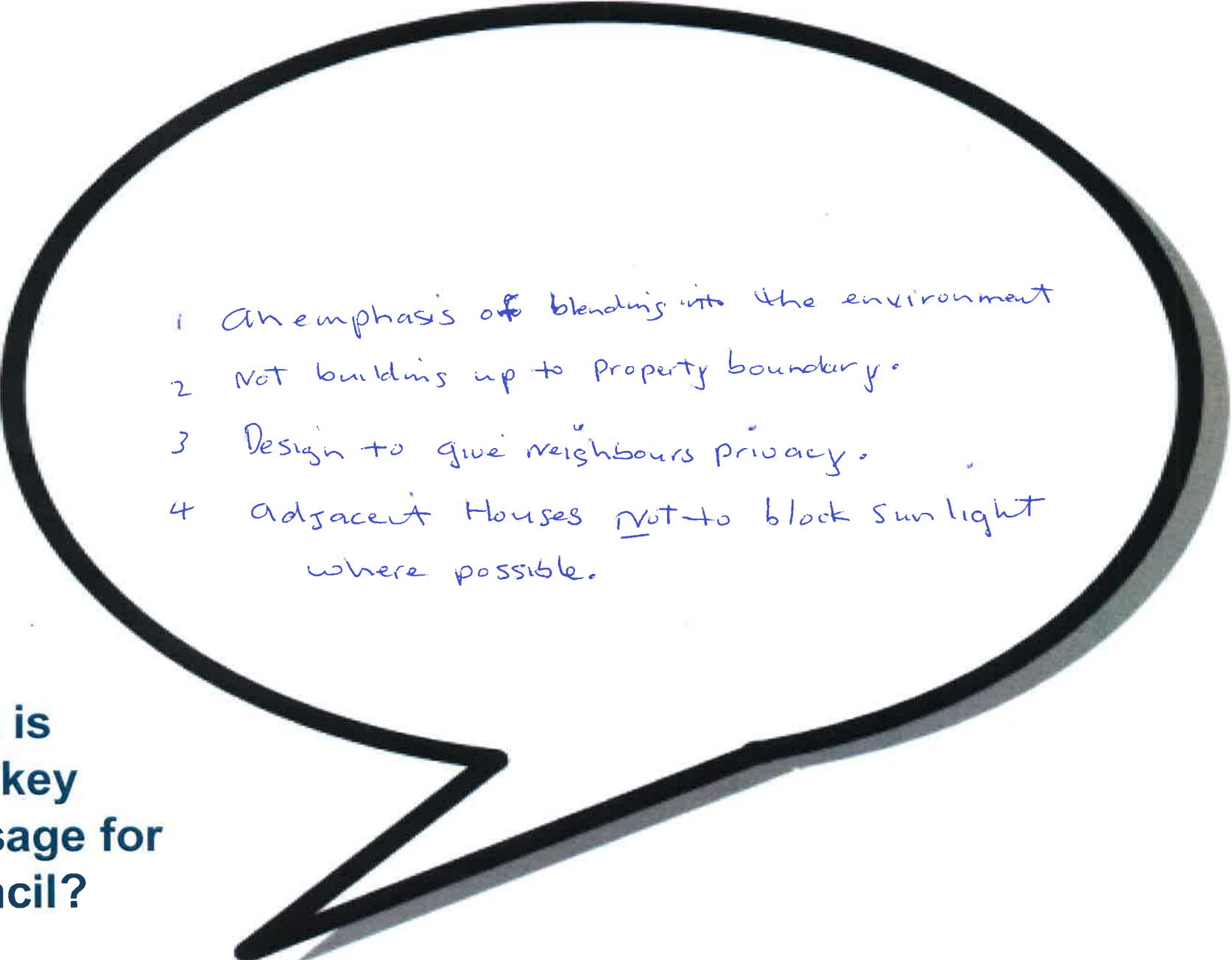
Janus Burrows Why are we wanting to change.

Judith Burrows  
1 King St.,  
Fingal Head  
2487

**What is  
your key  
message for  
Council?**

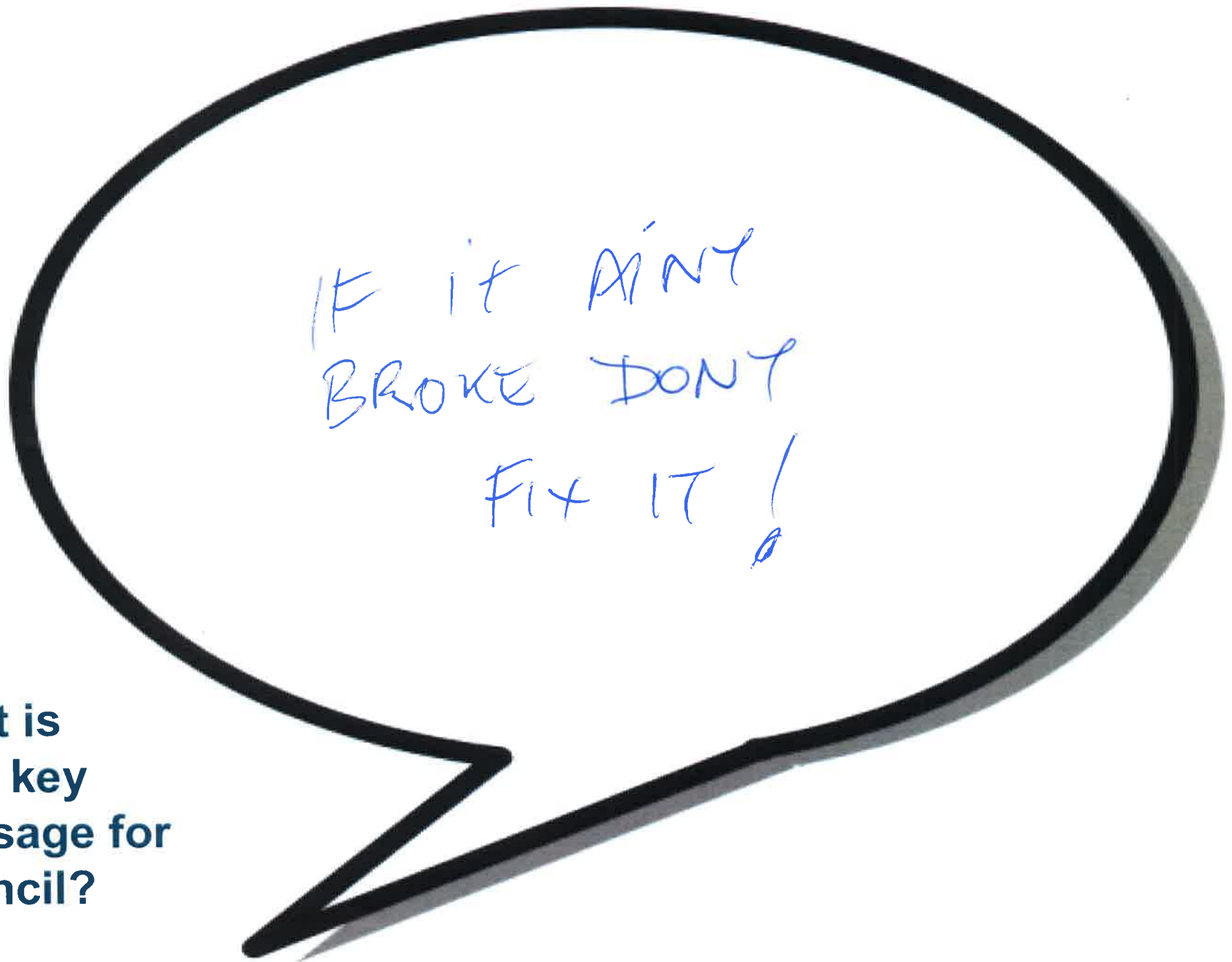
- 
1. Once height limits set, No resident/owner should be able to by-pass Town Planning - Council and go to a Councillor vote, 'get into bed' so to speak with certain councillors to have major and unrealistic variations approved e.g. roof deck with a roof.
  2. Greater consideration MUST be given to the impact, such as shadowing and breach of privacy to neighbouring properties.

**What is  
your key  
message for  
Council?**

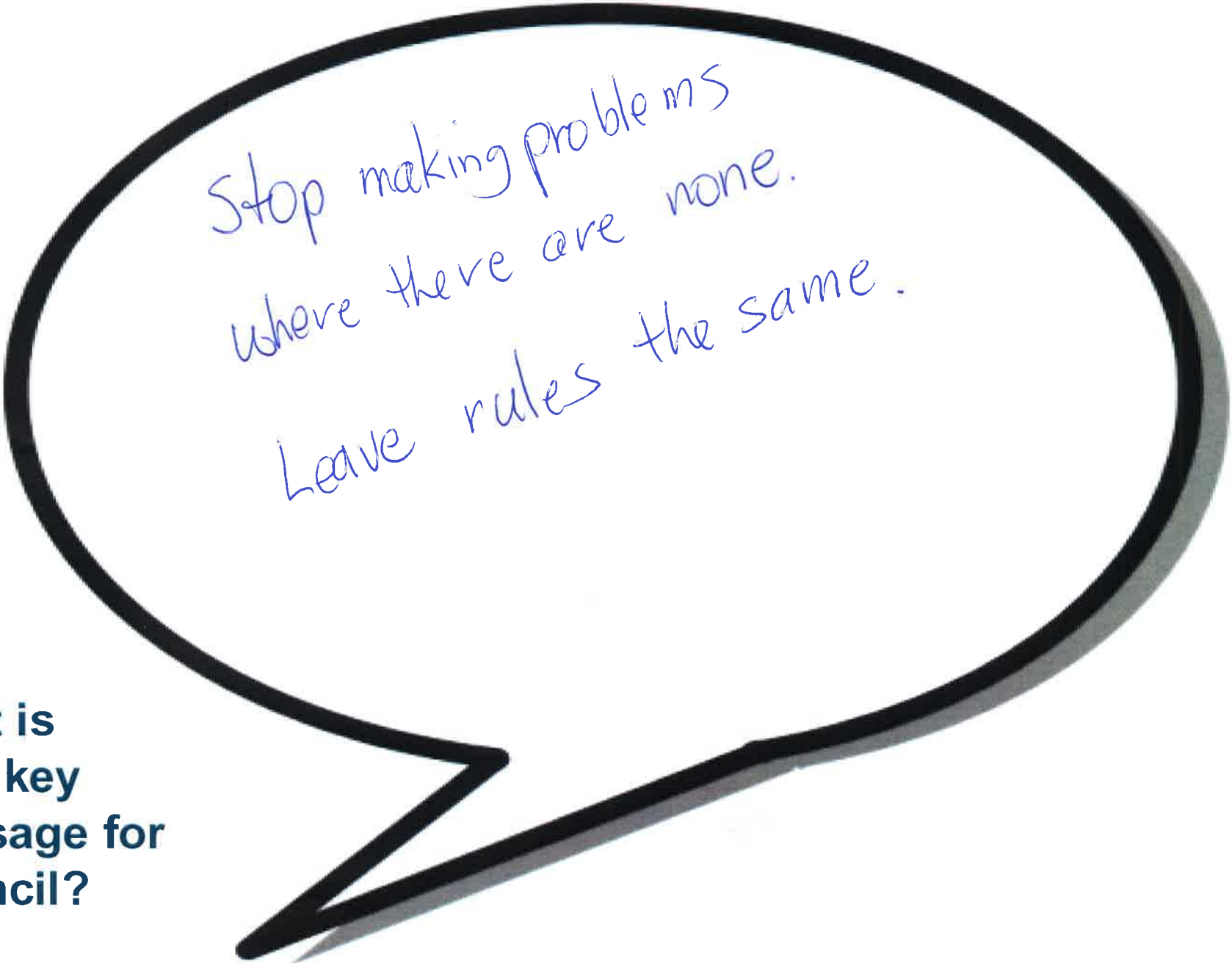
- 
- 1 An emphasis of blending into the environment
  - 2 Not building up to property boundary.
  - 3 Design to give neighbours privacy.
  - 4 Adjacent Houses not to block sunlight where possible.

**What is  
your key  
message for  
Council?**





**What is  
your key  
message for  
Council?**



Stop making problems  
where there are none.  
Leave rules the same.

**What is  
your key  
message for  
Council?**

ENSURE & ADHERE TO  
THE STRATEGIC PLANNING OF  
FINGAL VILLAGE/HEAD THAT  
IT REMAINS "SET IN CONCRETE"

**What is  
your key  
message for  
Council?**



IF IT AIN'T BROKE,  
DON'T FIX IT!

**What is  
your key  
message for  
Council?**

DONT SUBDIVIDE  
BLOCKS WE DONT WANT TERRACE  
HOUSES  
THEY DEVALUE PROPERTIES EITHER SIDE

THE NEXT PROBLEM IS  
PUBLIC PARKING

**What is  
your key  
message for  
Council?**

*States leave as is*

**What is  
your key  
message for  
Council?**

ALL OF FINGAL  
9 MTR.

2 STORIES

NO DECKS ON  
THE ROOF

**What is  
your key  
message for  
Council?**

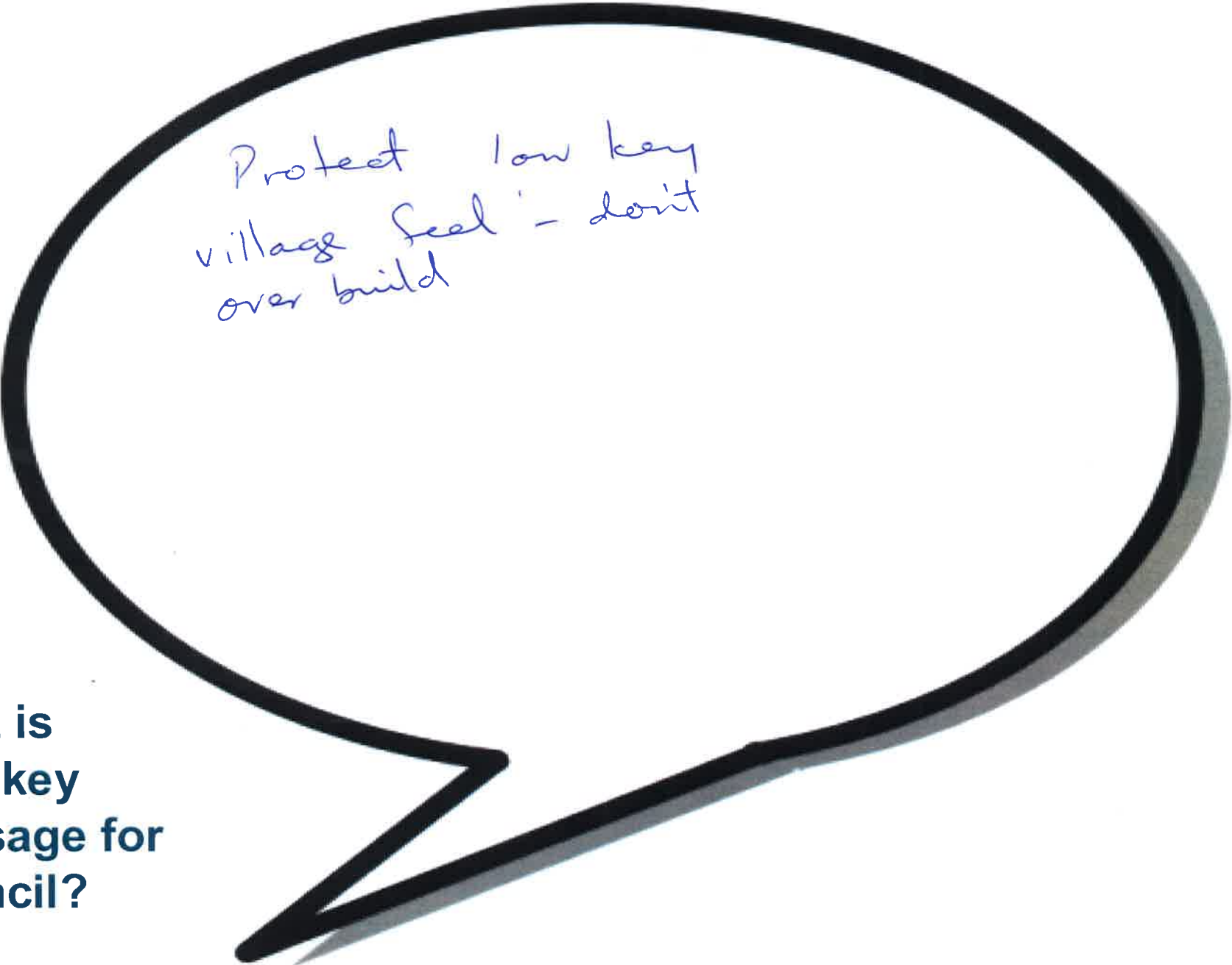
There is nothing wrong  
with what we have now.

If it isn't broken  
don't fix it.

Diana Hendry.

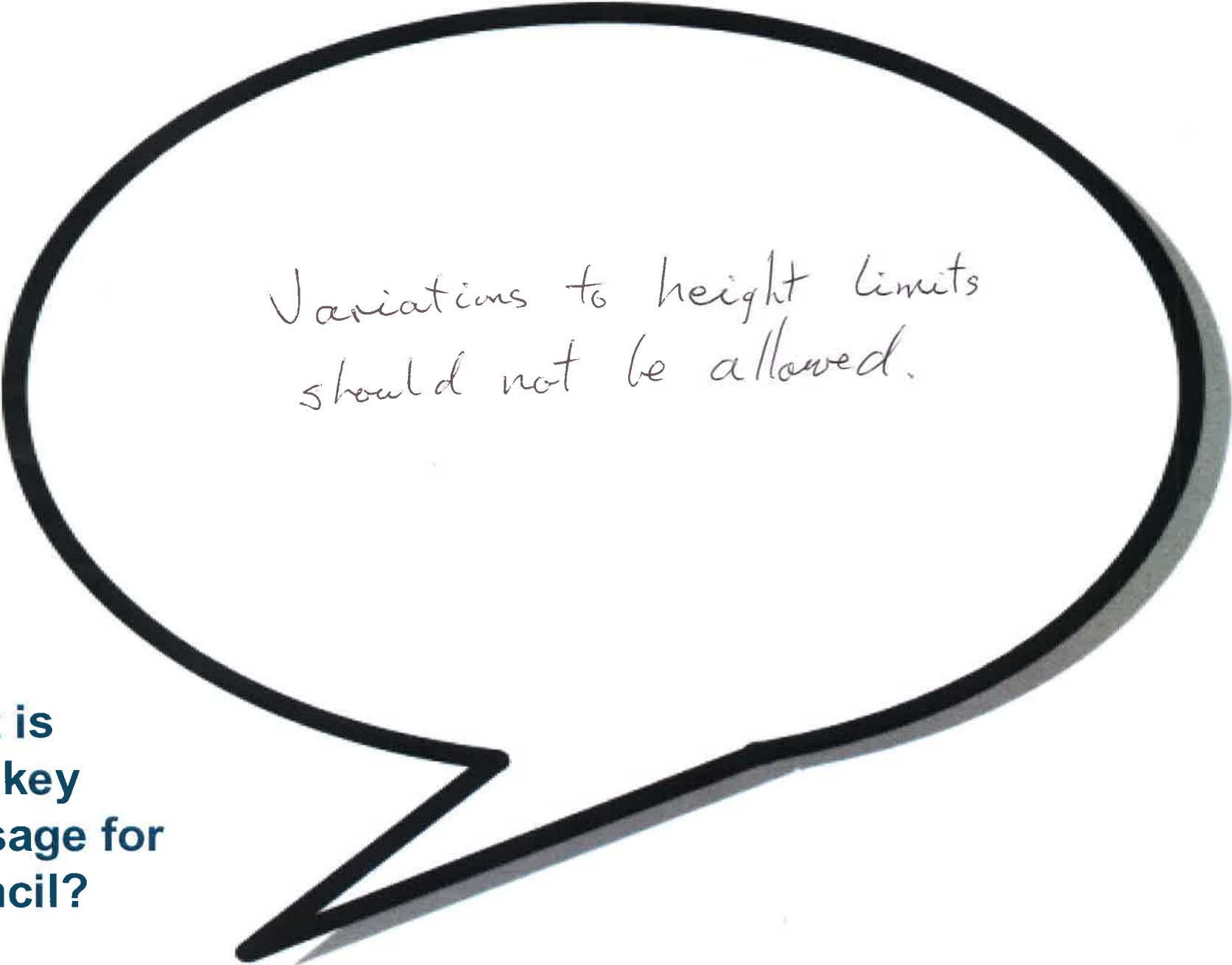
**What is  
your key  
message for  
Council?**





Protect low key  
village feel - don't  
over build

**What is  
your key  
message for  
Council?**



Variations to height limits  
should not be allowed.

**What is  
your key  
message for  
Council?**

# Appendix 3

**What is your key question for tonight?**

# What is your key question for tonight?

? What's to be done about ?  
? the quarry ?  
?  
?  
?  
?  
?  
?

??

# What is your key question for tonight?

? New - impacts of building design } Sun - } lack (privacy)

? ?

? ?

? ?

? ?

? ?

? ?

????????????????????????????????????

# What is your key question for tonight?

? Why do we need a fence on the ?  
? beach in front of marine Pde Park. ?  
? it is visually unattractive. and not ?  
? needed and the visitor numbers do not ?  
? warrant it. ?  
? Is it because Pume care have requested ?  
? it. If consultation is important to the ?  
? Council, why weren't residents informed ?  
? ?

??

# What is your key question for tonight?

? why does dane care rule ?

? Fingal ! ?

? Stop listening to the big mouth ?

? minority ?

? ?

? ?

??

# What is your key question for tonight?

- ? Why ~~is there~~ better beach views from the park areas for disabled people etc. ?
- ? Why is a Council Contractor ?
- ? like Dune Cave so influential ?
- ? in TSC decision making ?
- ? and ?
- ? Why are we wasting everyone's time ?
- ? and money when there is nothing ?
- ? wrong with the status quo on heights ?
- ??



# What is your key question for tonight?

? why are there fences along the beaches ?

? ?

? ?

? ?

? ?

? ?

? ?

??

# What is your key question for tonight?

? Why should there be variations allowed ?

? Why isn't overshadowing limited. ?

? What can be done to prevent people clearing ?  
their block of trees before building. ?

? Should there be a requirement to replant ?  
~~if~~ if trees are cleared for building. ?

? Do people see trees as one of the attractions ?  
of Fingal Head. ?

??

# What is your key question for tonight?

? Are people being selfishly hypocritical when they ?  
? want these rules changed. How have they come into ?  
? Fenzal? Are they on a block size less than 600m<sup>2</sup> and ?  
? are wanting to stop others doing the same. ?  
? Flood affect areas must be given enough height ?  
? to get two stories. leave it at 9m for ?  
? flood areas in Retitca. ?  
? ?

??

10/4/5  
2/2/5  
G. 8. 1/2

# What is your key question for tonight?

?

?

?

?

?

?

?

??

?

?

?

?

?

?

?

*What is the relationship between height and development footprint?*

# What is your key question for tonight?

? Who am I? What am I doing here? ?

? ?

? ?

? ?

? ?

? ?

? ?

??

# What is your key question for tonight?

What is the height from 100 year flood to top of ?

? roof ?

? Is a viewing platform upon a roof ?

? allowable above the height identif ?

? id ?

? What dissimulative will be introduced ?

? to ensure that the maximum height is maintained: eg 3 story weatherboard upon ?

? WOMIN LAKE CRESCENT ?

??

# Appendix 4

## Exercise 1 Flood Affected Lots

## Exercise 1 – Flood Affected Land

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control		<i>Too much flexibility.</i>
<i>9m limit with maximum 2 storey control</i>	<i>Agreement of table to existing ground level.</i>	<i>(i) No provision for changes to building height if changes in R.L. (ii) Height from F.P.L.</i>
8m height limit with 2 storey control	<i>Provided 8m is measured from F.P.L., Too restrictive.</i>	<i>Too restrictive</i>

Table consensus for most reasonable and appropriate building height control on flood affected lots:



# Exercise 1 – Flood Affected Land

Table Number: \_\_\_\_\_

	Pros	Cons	rating voting
9m height limit no maximum storey control what is - statue quo	- flexibility for design - variety - can squash 3 storeys in	- 3 storey building looks like a box - not good.	2.7   4
9m limit with maximum 2 storey control	- allows higher ceilings		-    3   1.8m
8m height limit with 2 storey control		- one habitable floor <sup>only</sup> in flood areas	1

Table consensus for most reasonable and appropriate building height control on flood affected lots:

Not 3 storeys please.

# Exercise 1 – Flood Affected Land

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	NIL	<ul style="list-style-type: none"> <li>Lack of policing if heights are exceeded</li> </ul>
9m limit with maximum 2 storey control	<p>Could be acceptable in flood area</p>	<ul style="list-style-type: none"> <li>Lack of policing if heights are exceeded</li> </ul>
8m height limit with 2 storey control	<ul style="list-style-type: none"> <li>Ensures Certainty of 2 storeys</li> </ul>	<ul style="list-style-type: none"> <li>Lack of policing if heights are exceeded</li> </ul>

Table consensus for most reasonable and appropriate building height control on flood affected lots:



# Exercise 1 – Flood Affected Land

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	<ul style="list-style-type: none"> <li>x Flexibility</li> <li>x</li> </ul>	<ul style="list-style-type: none"> <li>• Looks strange / compromised</li> <li>• Excessive bulk</li> </ul>
9m limit with maximum 2 storey control	<ul style="list-style-type: none"> <li>* Certainty about form</li> <li>x Less scope to relax/break codes</li> </ul>	<ul style="list-style-type: none"> <li>x More suitable / appropriate look &amp; use</li> </ul>
8m height limit with 2 storey control	<ul style="list-style-type: none"> <li>x Local amenity</li> <li>x Lower land prices</li> </ul>	<ul style="list-style-type: none"> <li>x Will encourage too many applications for relaxations</li> </ul>

Table consensus for most reasonable and appropriate building height control on flood affected lots:

# Exercise 1 – Flood Affected Land

Table Number: \_\_\_\_\_

	Pros	Cons
<p>9m height limit no maximum storey control</p> <p><i>favourite by far!</i></p>	<p>① <del>impt</del> <sup>max</sup> for flexibility with flood levels <del>the storey control is simply a best</del></p> <p>② variation in buildings &amp; more versatility in design &amp; roof shapes</p>	<p>① The maximum storey limit simply creates issues over technicality.</p> <p>② lower ceilings – not environmental</p>
<p>9m limit with maximum 2 storey control</p>	<p>none!</p>	<p>simply causes complications → <u>more</u> paperwork</p> <p>① if measured from existing ground level then lose the height in storeys. } <i>is the garage counted as a storey?</i></p> <p>② limits what can be built (partic. on smaller block) } <i>leaves just one floor for habitable space.</i></p>
<p>8m height limit with 2 storey control</p>	<p><u>not an option</u></p> <p>because it needs concessions for different flood levels</p>	<p>limits design quite severely.</p>

Table consensus for most reasonable and appropriate building height control on flood affected lots:

*This is a lot of Fingal Land*

\* lot of all white small buildings  
 \* need to accommodate changes in building technologies  
 \* good design allows for diversity

Table Number: \_\_\_\_\_

## Exercise 1 – Flood Affected Land

	Pros	Cons
9m height limit no maximum storey control	flexible with design vast variety of designs to allow for diversity of people who want to live here.	<del>compromise of design</del> Allows the system to be gamed.
9m limit with maximum 2 storey control  1 vote	Allows flexible design with a vast variety of designs for the diversity of <del>lot</del> <sup>existing</sup> people in keeping with the <del>varying</del> design of the <del>fingal</del> area who live here.	<del>compromise of design</del> * only ok this definition if there is the feeling that the <u>sacrificial</u> area can be turned into a "livable" area and therefore we want to control the outcome.
8m height limit with 2 storey control	none	<del>compromise of design</del> If a flood level then you are very limited to get 2 storeys, limits design, limits diversity ?? economic outcome - most likely will lose value if the change is made

Table consensus for most reasonable and appropriate building height control on flood affected lots:

**CONSENSUS** → Bulk of table were 9m height limit no maximum storey control.

# Appendix 5

## Exercise 2 Sloping sites

## Exercise 2 – Sloping sites (greater than 12%)

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control		Expense of changing a DCP
9m limit with maximum 2 storey control	8/9m. may be fine but <u>not</u> if unlimited storey control.	<ul style="list-style-type: none"> <li>① imposing from street level a beach view. &amp; could restrict sunlight on existing neighbouring houses.</li> <li>② historically, has been pushed through to land &amp; environment to build even higher.</li> </ul>
8m height limit with 2 storey control	<p>✓✓ favourite preference → 8m without a storey limit. (allows for flexibility of design without imposing street view)</p>	

Table consensus for most reasonable and appropriate building height control on steep sites:

\* While may not be a difference, the visual perception may be misinterpreting the actual situation eg. the 2 low ones in Queen st are less than 9m but look much taller

**Exercise 2 – Sloping sites (greater than 12%)**

Table Number: \_\_\_\_\_

Vote 5

Vote 2

	Pros	Cons
9m height limit no maximum storey control	Needs to allow the flexibility for design etc. From a street appearance, so long as all 9m it makes no difference 2 story / 3 story but all 9m	Not as visual impact
9m limit with maximum 2 storey control	As above. Bulk of appearance from the street should appear the same along the street.	↓ prefer this one
8m height limit with 2 storey control	Really limits the design and opportunity	Can't build a house in this successfully in the way you would want.

Table consensus for most reasonable and appropriate building height control on steep sites:

Bulk of table top BUT 1 ~~vote~~ <sup>vote</sup> would prefer the 2 storey



## Exercise 2 – Sloping sites (greater than 12%)

Table Number: \_\_\_\_\_

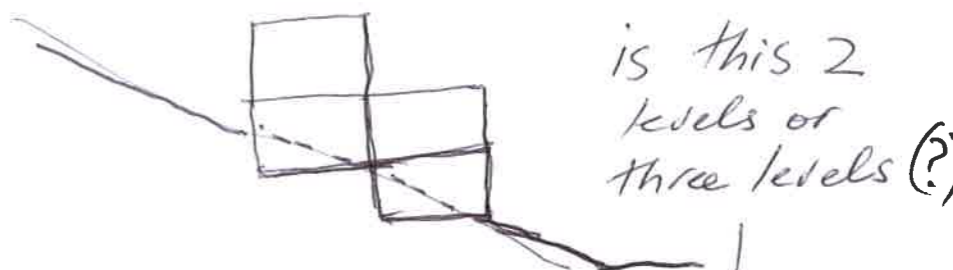

	Pros	Cons
9m height limit no maximum storey control	2 Hæ1 allows 3 habitable levels with split level	 <p>is this 2 levels or three levels (?)</p>
9m limit with maximum 2 storey control	2 Habitable levels	<p>if 2 then</p> 
8m height limit with 2 storey control	too restrictive	

Table consensus for most reasonable and appropriate building height control on steep sites:

## Exercise 2 – Sloping sites (greater than 12%)

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	<ul style="list-style-type: none"> <li>Flexible</li> <li>Should allow relaxation to 10m</li> </ul>	<ul style="list-style-type: none"> <li>Looks silly / overcrowding</li> <li>Will change village feel</li> </ul>
<p>9m limit with maximum 2 storey control</p> <p><u>Preferred</u></p>	<ul style="list-style-type: none"> <li>Less Sill</li> <li>" (ditto)</li> </ul>	<ul style="list-style-type: none"> <li>—</li> </ul>
8m height limit with 2 storey control	<ul style="list-style-type: none"> <li>Will encourage building in line with land slope</li> <li>Lower density houses</li> </ul>	<ul style="list-style-type: none"> <li>Encourage more applications for variations</li> </ul>

Table consensus for most reasonable and appropriate building height control on steep sites:

## Exercise 2 – Sloping sites (greater than 12%)

Table Number: \_\_\_\_\_

	Pros	Cons	voting
9m height limit no maximum storey control			1
9m limit with maximum 2 storey control	- <del>passive</del> air flow   sunlight as there flexibility in roof line		4
8m height limit with 2 storey control	- limits design + appearance		

Table consensus for most reasonable and appropriate building height control on steep sites:

## Exercise 2 – Sloping sites (greater than 12%)

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	Definitely NOT.	Excessive height for conservation of character of area. It will be a poor example of what we want to achieve.
9m limit with maximum 2 storey control	Acceptable only on sloping sites	
8m height limit with 2 storey control	No 1 Preference	

Table consensus for most reasonable and appropriate building height control on steep sites:

# Appendix 6

## Exercise 3 Remainder of Village



All would be in agreement that  
9m height but

Table Number: \_\_\_\_\_

## Exercise 3 – Remainder of Village

	Pros	Cons
<p>✓ 1 vote</p> <p>9m height limit no maximum storey control</p>	<p>Flexibility - for roof line design Would allow view with the option of the 3<sup>rd</sup> view in a palatable design.</p>	<p>Proportionality of bulk and scale for 3 levels was not appealing Not in keeping with village atmosphere.</p>
<p>✓✓✓✓✓ 6 votes</p> <p>9m limit with maximum 2 storey control</p>	<p>In the village on the flat blocks (unlike the sloping and flood blocks) this still allows an excellent range of diversity.</p>	
<p>8m height limit with 2 storey control</p>	<p>For those who are design challenged. It would not make an immediate difference for the view</p>	<p>Too restrictive, for flat and narrow block.</p>

Table consensus for most reasonable and appropriate building height control on flat, non-flood affected sites:

## Exercise 3 – Remainder of Village

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	y	
9m limit with maximum 2 storey control	y	
8m height limit with 2 storey control ✓	<p>① due to not being affected by flood, 8m <del>at</del> limit allows for flexibility of design.</p> <p>② Important to consider context &amp; roof line &amp; volume of houses being built (i.e. visual character)</p>	

Table consensus for most reasonable and appropriate building height control on flat, non-flood affected sites:

## Exercise 3 – Remainder of Village

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control		Too "unit like"
9m limit with maximum 2 storey control	Consistency with rest of village restriction.	Some property in flood zone so same flexibility as property in "flood zone" i.e. 8mm from F.P.A.
8m height limit with 2 storey control		↓

Table consensus for most reasonable and appropriate building height control on flat, non-flood affected sites:



### Exercise 3 – Remainder of Village

General comment  
All areas shall be treated the same  
- flood  
- slope  
- etc

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	x Flexible (for awns, but not good for village)	x Too bulky
9m limit with maximum 2 storey control <b>Preferred</b>	x More likely to result in better village development	x
8m height limit with 2 storey control	x <del>Keep too restrictive</del> x Less bulky	x Too restrictive, may be different to other "zones" that could cause friction in village

Table consensus for most reasonable and appropriate building height control on flat, non-flood affected sites:

## Exercise 3 – Remainder of Village

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control	Not an option	
9m limit with maximum 2 storey control	Not an option.	
8m height limit with 2 storey control	No. 1. Preference • consistency throughout the village	

Table consensus for most reasonable and appropriate building height control on flat, non-flood affected sites:

## Exercise 3 – Remainder of Village

Table Number: \_\_\_\_\_

	Pros	Cons
9m height limit no maximum storey control		- may be able to fit in 3 storeys.
9m limit with maximum 2 storey control	- better options for design - light, air flow, roof angle	
8m height limit with 2 storey control		

1 1  
 |||| 4

Table consensus for most reasonable and appropriate building height control on flat, non-flood affected sites:

landscaping: use native plants to give a local feel

# Appendix 7

## Exercise 4 Roof Decks

# Exercise 4 – Roof Decks

Table Number: \_\_\_\_\_



NO  
4

Do you think roof decks should be permitted within Fingal Head?

yes  
1

no  
1111

YES  
WITH  
conditions

If yes do you think there should be specific design controls which relate to the siting and design of roof decks?

- see ticks above
- set in from building edge.
- integrated into roof scape.
- NOTHING (including person standing) above height limit.
- NO STRUCTURES.

• landscaping - below max height;  
 NO SHADE STRUCTURES  
 screens - ~~not~~ hand rail height

What other considerations would you assign to roof decks?

Lack of privacy for neighbours  
Noise considerations

Any other comments regarding roof decks?

NO. An opportunity to flaunt rules - then a shade will be erected.

## Exercise 4 – Roof Decks

Table Number: \_\_\_\_\_



Do you think roof decks should be permitted within Fingal Head?

No. Reasons: 1. Used as a default 3rd storey. 2. Noise 3. Privacy  
4. Encourages damage to vegetation (for views). 5. Reduced amenity

If yes do you think there should be specific design controls which relate to the siting and design of roof decks?

Should not be permitted.

What other considerations would you assign to roof decks?

Any other comments regarding roof decks?

## Exercise 4 – Roof Decks

Table Number: \_\_\_\_\_



Do you think roof decks should be permitted within Fingal Head?

NO,

If yes do you think there should be specific design controls which relate to the siting and design of roof decks?

What other considerations would you assign to roof decks?

Any other comments regarding roof decks?

It's been observed they are rarely used.

## Exercise 4 – Roof Decks

Table Number: \_\_\_\_\_



Do you think roof decks should be permitted within Fingal Head?

The table all agreed that there is no issue with roof decks in Fingal Head.

If yes do you think there should be specific design controls which relate to the siting and design of roof decks?

Should not be allowed to add extra height. Impact needs not to shadow, also privacy issues, eg permanent shading that goes beyond the height then causes shading, loss of light, loss of privacy but this also changes the aesthetic of the building.

this has visual and social impacts.

What other considerations would you assign to roof decks?

Aesthetics, consideration of time of use and ensuring noise, this comes to consideration of its usage.

Any other comments regarding roof decks?



## Exercise 4 – Roof Decks

Table Number: \_\_\_\_\_



*good!*



*horrible*



Do you think roof decks should be permitted within Fingal Head?

*Yes, if integrated (this may also alleviate the need to extend heights/push boundaries)*

If yes do you think there should be specific design controls which relate to the siting and design of roof decks?

*integrated! so it looks a part of the house structure*

What other considerations would you assign to roof decks?

*- non permanent structures on the roof deck (eg shade sails/umbrellas)*

Any other comments regarding roof decks?

## Exercise 4 – Roof Decks

Table Number: \_\_\_\_\_



Do you think roof decks should be permitted within Fingal Head?

*Yes with conditions*

If yes do you think there should be specific design controls which relate to the siting and design of roof decks?

*Yes - integrated into total design or satisfy aesthetic criteria.  
Within 9 metre limit including railings.*

What other considerations would you assign to roof decks?

*No permanent covering (including shade cloth.)  
Demountable shading only.*

Any other comments regarding roof decks?

- Many are built, how many are used?*
- Must install a camera for any inappropriate activity*

Community Conversation 02 Feedback  
**Fingal Head Building Height Review**

September 2017