

**GREEN
COAST
PLANNING**

STATEMENT OF ENVIRONMENTAL EFFECTS

ECO-TOURISM FACILITY

(10 PRIMITIVE CAMP SITES)

43 SYNOTTS LANE OCEAN SHORES 2483
Lot 3 DP710680

29TH OCTOBER 2020

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Section 1.0: Introduction

This Statement of Environmental Effects has been prepared to accompany a Development Application that has been lodged to Byron Shire Council to create a Primitive Camp Ground comprising 10 camp sites at Lot 3 DP 710680 No. 43 Synotts Lane, Ocean Shores.

This report comprises the following Sections:

Section 2 – provides a description of the development site.

Section 3 – provides a description of the proposed development.

Section 4 – provides consideration of the proposed development having regards to the statutory requirements applying to the site.

Section 5 – provides a conclusion to this report.

In addition to these sections, documentation of relevance to the proposed development and its site, including the plans of the proposed development, have been included as annexures.

This Statement of Environmental Effects has been prepared in accordance with the provisions of Schedule 1, Part 1, Clause 2(4) of the Environmental Planning and Assessment Regulation 2000.

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Section 2.0 Description of the Site

The subject site forms a parcel of land formally known as Lot 3 in Deposited Plan 710680, No. 43 Synotts Lane Ocean Shores 2483. The site has a total area of 15 hectares.

The subject lot is irregular in shape and consists of having frontage of 340m along Synotts Lane. The southern boundary runs in east to west direction bordering the Midjimbil creek. The most northern boundary of the allotment contains moderate to steep slopes. Gentle slopes are located throughout the central part of the property while flat land is located within the cleared areas of the south western corner. A slight decrease in elevation is located in the south eastern corner due to natural low-lying land influenced by Midjimbil creek.

The majority of the property consist of a mix forest vegetation with extensive cleared areas located in south western corner of the allotment. Electricity transmission lines pass through the north western side of the property.

Figure 1 Aerial shot



2.1 Improvements and Land Uses

The subject site contains an existing dwelling house and work shed with a small office situated central within the property. The site also has a low scale pontoon for water access to Mudjimbil creek situated in the eastern corner of the property. Vehicle access to the site is via a gravel road known as Synotts Lane.

The South western corner has previously been cleared of vegetation which extends to the south eastern side by 120 meters however scattered trees do consist throughout the entire allotment. Electricity transmission lines pass through the north -western side of the property.

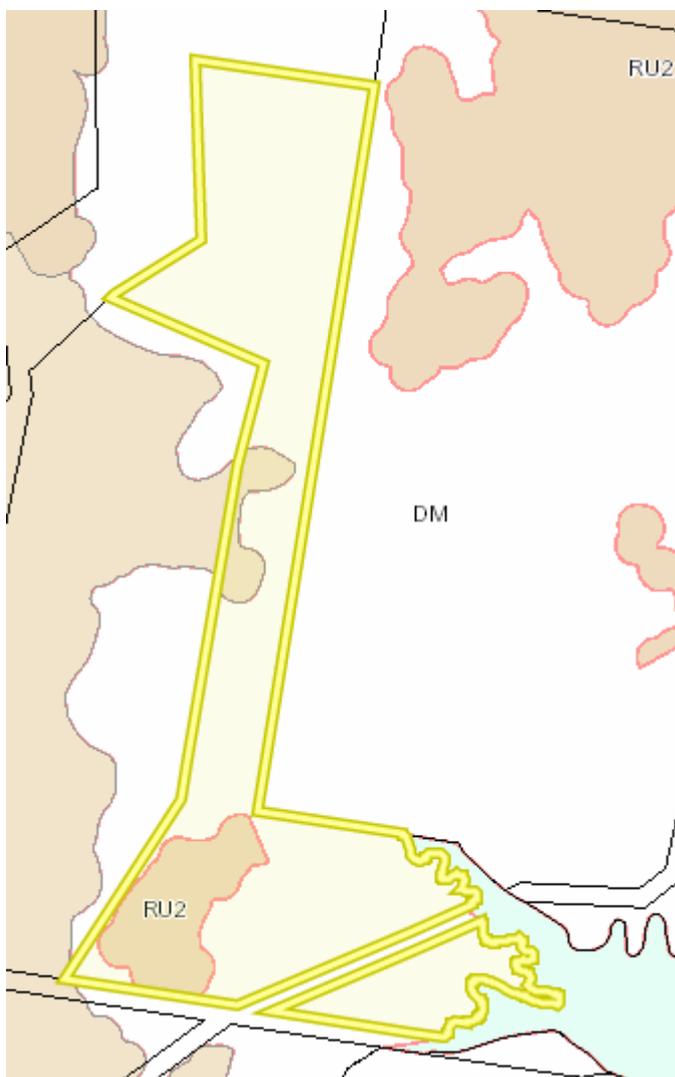
The property is primarily used for rural residential purposes. The use of farming such as extensive agriculture practices have not occurred on the property. It has been confirmed via statutory declarations that no agricultural practices have occurred over the subject site. As noted in more detail later in this report the proposal is considered to be therefore consistent with the provisions with the SEPP 55 - Remediation of contaminated land.

2.2 Environmental features

The site features approximately 13Ha of established vegetation. The prominent vegetation cover as indicated by Council's mapping consists of Coastal swamp forest, this is prevalent throughout the southern and south eastern areas of the allotment. The south eastern corner is subjected by Coastal flood plains due to boarding Midjimbil Creek. Small valley areas that are central to the allotment are influenced by subtropical rainforest vegetation. As the allotment elevation begins to increase to the ridge line to the north west and eastern corners of the allotment, scattered segments of North Coast Wet Sclerophyll Forests are prevalent.

2.3 Zoning

The subject allotment is zoned both as RU2 Rural Landscape and Deferred Matter under the Byron Local Environmental Plan 2014. The area mapped as deferred matter is zoned both 1A and 7B under the Byron Local Environment Plan 1988. The proposal occurs entirely within the area zone RU2.



Extracted from the NSW Planning Portal

2.4 Surrounding Land Uses

The subject site is bound by a mixture of large and similar sized rural allotments that contain both established vegetation and managed land. Surrounding land uses typically consist of rural land which contains single dwellings and ancillary structures. The site is also bound by Midjimbil Creek to the east

 **Bushfire Vegetation Categories** >

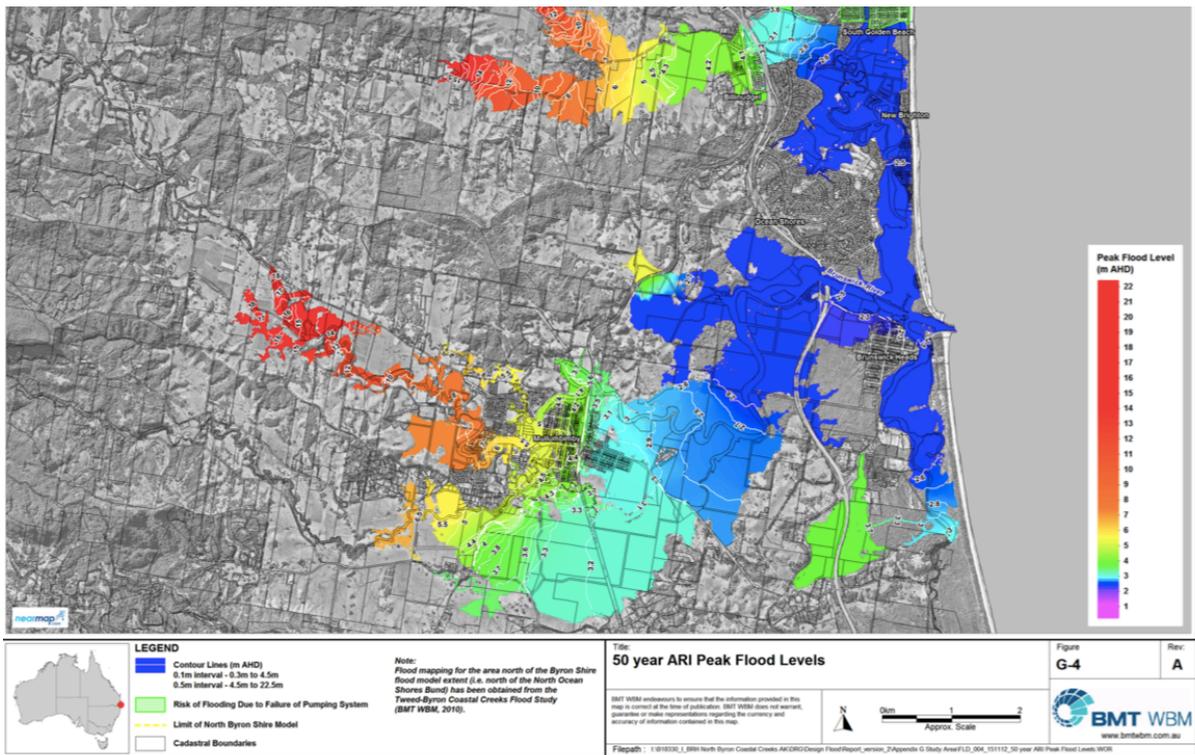
- Vegetation Category 1

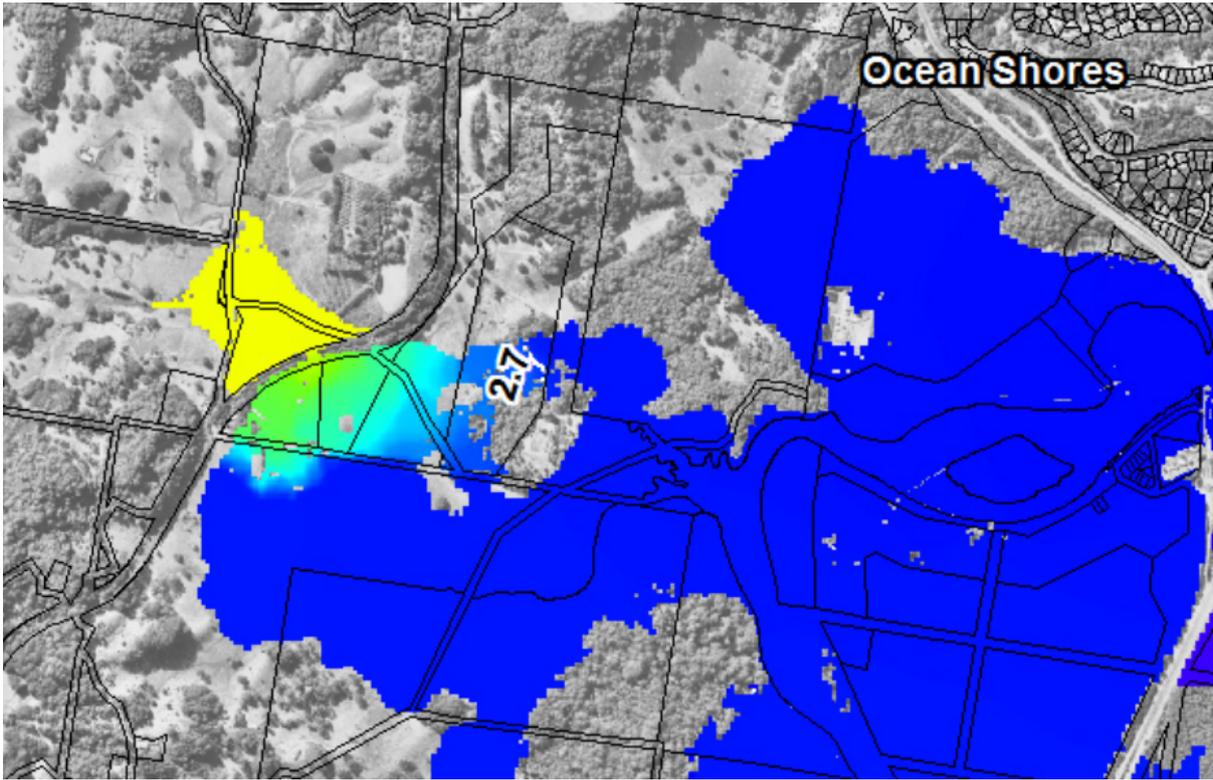
- Vegetation Category 2

- Buffer

Extracted from the NSW Planning portal

Flooding:



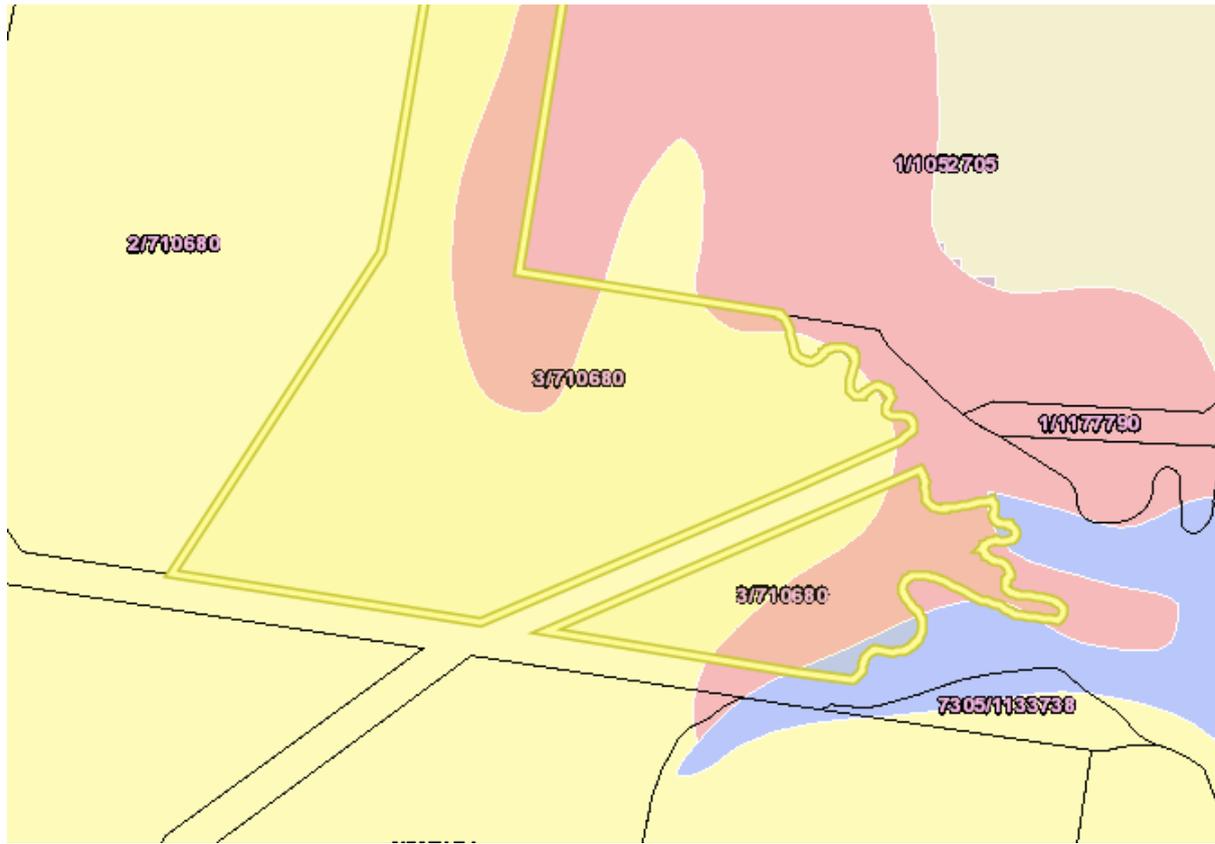


Extracted from the NSW Planning Portal

The site is mapped as having a design flood level of 2.7m AHD

Acid Sulphate Soils

The site is mapped as having a class 3 and 2 Acid Sulphate Soils



Extracted from the NSW Planning Portal

<input checked="" type="checkbox"/> ☰ Acid Sulfate Soils LEP 2014 >	
■	1
■	2
■	3
■	4
■	5

Section 3.0 Description of the Proposal

The proposal seeks to gain development consent for a Primitive camping ground comprising 10 primitive camp sites and amenities at lot 3 DP 710680. No 43 Synotts Lane, Ocean Shores. Access is by way of Synotts Lane.

The landowners have resided at the property for over 25 years and have identified the areas natural scenery for short term tourist use. The objective of the proposal is to provide the land-owner with a small-scale business that in effect will allow him to employ a small-scale team to maintain and to take care of his property as he becomes older in age. The development has been carefully designed to apply sustainable features to produce a development that will capitalise on its natural aesthetics whilst it intends to minimise impacts on its surrounding environment and resources.

The proposed camping sites are accumulated in three different groups in the south-western and south-central areas of the site. The camping ground is nominated as a 'primitive camping ground' under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The proposed 10 primitive camping sites are prominently located in open spacious and cleared areas of the site however do have small remnants of scattered tree vegetation allotments. The proposed location was specifically selected to minimise the impacts of bush fire constraints on the proposed tourist use. Each designated primitive camping site is projected to have a minimum length of 40m by a width of 20m making each site area of 800m square, providing an intended low-key low-density atmosphere. Each site has the capacity to hold 4-6 people per site. The proposed site areas consist to have a flat level of elevation and are accessible by the southern entry of the existing gravel driveway at the end of Synotts lane.

A new on-site effluent disposal system with a subsurface irrigation area's are proposed to service the new development. The system will consist of having 2 amenity blocks within the camping ground one situated central and the other to the sites east. Both amenity blocks will be accompanied by water & septic tanks with solar powered irrigation pumps to 4 sub surface evapotranspiration/absorption beds with each bed consisting of a measurement of 18.4 m x 2 m x 0.45 m.

Whilst the proposed camping sites are located along the flat land in the south-central western areas of the property, the northern and eastern areas of the allotment contain gentle sloping land containing a mix of wet sclerophyll forests and subtropical Rainforest. These areas of the property provide a drawcard to the site. The landowners have reported a variety of native fauna within the forested land.

The wildlife that uses the site, and particularly the birdlife, provides an attractive destination for tourists. It is proposed to maintain existing nature trails as walking tracks within the land to allow access to the naturally rich forest and low-lying lands of the Midjimbul Creek.

Nearby attractions include local towns and villages of Brunswick Heads, Ocean Shores, Billinudgel and Mullumbimby. Nearby natural attractions include Midjimbul creek, Brunswick river, the Inner Pocket Nature Reserve and Mount Jerusalem National Park. The property is also within close proximity of the North Byron Shire Parklands which hosts regular music festivals.

The small scale of the development is such that the property owners are capable of managing and operating the tourist use without relying on external assistance. It is anticipated that bookings will be largely weekend stays from local to regional demographics. Advertising will promote the rural and environmental qualities of the property as its low-key atmosphere will attract nature seeking tourists.

Section 4.0 Statutory Considerations

4.1 Biodiversity Conservation Act 2016

Section 7.3 of the Biodiversity Conservation Act 2016 provides test for determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats.

Consideration of this test has been provided in the 'Ecology Constraints Report' supplied in Annexure C of this report.

4.2 Matters for Consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979

4.2.1 Section 79C(a)(i) The Provisions of any Environmental Planning Instrument

State Environmental Planning Policy No. 21 – Caravan Parks

Clause 6 of the State Environmental Planning Policy No. 21 defines a caravan park as follows:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Clause 7 of State Environmental Planning Policy No. 21 states that:

In any environmental planning instrument (whether made before or after this Policy), references (however expressed) to caravan parks or to camping grounds, or to caravan parks and camping grounds, include references to caravan parks, within the meaning of this Policy.

A moveable dwelling is defined within the Local Government Act 1993 as follows:

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

Accordingly, State Environmental Planning Policy No. 21 applies to the proposed development. The following requirements must be addressed when considering a proposal under this policy:

Requirement	Comment
8 Development consent required for caravan parks (1) Development for the purposes of a caravan park may be carried out only with the development consent of the Council.	Development consent is sought for the proposed development.
(2) Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine: (a) the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and	This proposal will not provide and sites for permitted long term residence. All sites within the proposal will be for short term tourist use.

<p>(b) the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.</p>	
<p>3) A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long term residence</p>	<p>It is appropriate to apply a condition that withholds approval for any long-term residence sites.</p>
<p>4) The holder of an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land:</p> <p>(a) for a continuous period of more than 3 months, except as provided by paragraph (b), or</p>	<p>Relevant conditions can be included on the consent to ensure the proposal is consistent with this consideration.</p>
<p>(b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19 (6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993,</p> <p>if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Policy commenced.</p>	<p>As above</p>
<p>(4A) Except as provided by subclause (4), nothing in this Policy or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.</p>	<p>Noted</p>
<p>(5) This clause does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to State Environmental Planning Policy No 36—Manufactured Home Estates or dedicated or reserved under the National Parks and Wildlife Act 1974.</p>	<p>N/A</p>

4.2.2 Clause 10 of State Environmental Planning Policy No. 21 provides the following list of considerations:

Requirement	Comment
A Council may grant a development consent required by this Policy only after it has considered the following: (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,	The site is permitted for tourist use. No long-term residence sites are proposed.
(b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,	The nearest tourist accommodation in the form of a caravan park is located within Brunswick Heads, 9km south of the development site. The proposal will not impact on these existing operations.
(c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,	The nearby Ocean Shores locality has in recent years been subject to high numbers of Development Applications for Secondary Dwelling proposals, which are a form of affordable housing under State Environmental Planning Policy (Affordable Rental Housing) 2009.
(d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,	Brunswick Heads, Ocean Shores and Mullumbimby town centres are located within 10km of the subject site and provide adequate community facilities for the locality.
(e) any relevant guidelines issued by the Director, and	The proposal does not offend any applicable guidelines.
(f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.	Refer to comments below.

4.3 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Refer to the Annexure H of this Town Planning Report for an assessment of the applicable provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

4.4 State Environmental Planning Policy – Koala Habitat Protection 2019

Part 2 of State Environmental Planning Policy (SEPP) No. 44 applies to sites with a land area of greater than 1 hectare. Whilst the subject site has an area of 15 hectares, the proposed development has been specifically

located within a cleared area of the property. The proposed primitive camping sites do not require any tree or native vegetation removal.

An inspection of the site confirms that the proposed development will have no impact on Koala food trees.

Given the site attributes, the proposal does not trigger further assessment under State Environmental Planning Policy Koala Habitat protection. For further detailed information please refer to Annexure C “Ecological Constraints Report “

4.5 National Parks and Wildlife Act 1974 No 80

The proposal does not have any direct impacts on National Parks & Wildlife and has no significant effect on any pre-existing Aboriginal heritage sites. Please refer to Annexure K for further information on the proposals relation to Aboriginal heritage.

4.6 NSW Environmental Planning and Assessment Regulation 2000

The proposal does not raise any significant issues under the NSW Environmental Planning and Assessment Regulation 2000

4.7 State Environmental Planning Policy No. 55– Remediation of Land

State Environmental Planning Policy No. 55 provides requirements to consider site contamination when assessing a Development Application. The subject property has a land area of 15 hectares, which with holds 70% of vegetation cover. The current landowners have lived on the property since the early 1980s and were responsible for building their residence they now live in. The landowners have had long relationships with surrounding residents who have lived in the area more than several decades. These residents have shared their knowledge in relation to past land uses of the area and have indicated that other than small scale cattle grazing the subject site has never experienced any intensive agriculture or horticulture practices.

Multiple inspections of the property during the preparation of the Development Application did not identify any indicators of past contaminating land uses within the property, particularly along the southern border and south-western side of the site. There was no evidence of chemical or fuel storage, derelict buildings or abandoned vehicles. There was no intensive agriculture or horticulture occurring within the property. The subject property is not identified within the “List of NSW Contaminated Sites Notified to the EPA”.

The Annexure F of this Town Planning Report provide two statutory declarations in relation to past land uses within the property.

Based on the research undertaken and the evidence provided within the attached statutory declarations, it is unlikely that the subject site has any land contamination issues that will prevent the proposed tourist uses.

4.8 Section 100B of the Rural Fires Act 1997

The proposal is mapped as being bushfire affected, in accordance with under Section 100B of the Rural Fires Act 1997, a Bush Fire Assessment Report is provided as an Annexure A to this Town Planning Report to address this legislation.

Section 5.0 Local Environmental Plans

The Byron LEP 2014 came into effect on the 21st July 2014. The Byron LEP 1988 came into effect on 22 April 1988. Both planning instruments apply to the subject land due to a split zoning and deferred matters being applied to the site.

5.1 Byron LEP 2014

Clause 1.2 Aims of the Plan

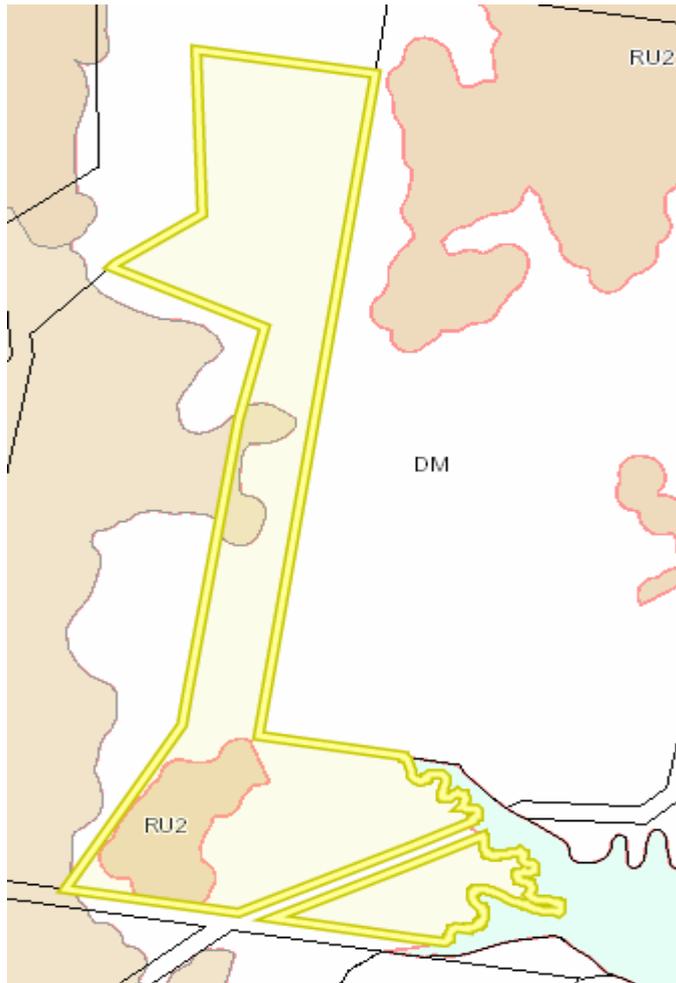
This Plan aims to make local environmental planning provisions for land in Byron in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

The proposal is consistent with the provisions of the Byron LEP 2014. In accordance with clause 1.2 the proposal has been specially designed to promote the following:

- To progressively respond to changes in the natural, social and economic environment in a way that is consistent with the following principles of ecologically sustainable development.
- To conserving biological diversity and ecological integrity—this principle aims to protect, restore and conserve the native biological diversity and enhance or repair ecological processes and systems,
- To integrate local planning provisions with applicable regional and State planning controls and policies,
- To promote and coordinate the orderly and economic use and development of land,
- To encourage development that contributes to a strong, growing and diversified economy,
- To protect, manage and restore the natural environment and biodiversity of Byron,
- To protect the cultural heritage of Byron, including the conservation of built heritage and Aboriginal heritage,
- To minimise conflict between land uses within a zone and adjoining zones and ensure minimal impact of development on the amenity of adjoining and nearby land uses.

5.2 LEP 2014 Land Use Table – RU2 Rural Landscape Zone

The subject site is partially zoned RU2- Rural Landscape and Deferred Matter under the Byron Local Environmental Plan 2014. The proposed development for an Primitive camping ground comprising, is confined entirely within the RU2 zoned area are both defined land uses that are permitted with the consent of Council within this zone.



Extracted from NSW Planning Portal.

Refer to the definitions below:

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

The proposed camping areas are intended to provide short term accommodation on a commercial basis. The photographs provided within the Annexures of this Town Planning Report demonstrate the special ecological and cultural features of the property. Each of the proposed camping sites have been situated within the naturally cleared areas of the site and capitalises on the surrounding ecological features.

The Objectives of the zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.
- To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality

A Primitive Camp Ground as defined above is permissible in the RU2 zone with consent .

The proposed development specifically aligns with the fourth objective above as it comprises small scale tourist uses that are consistent with the rural character of the locality. The proposal seeks to create environmental awareness by implementing repair strategies and enhancement works within the property to maintain the rural landscape character.

The development is situated along the southern boundary within the cleared areas of the site to protect the scenic ecologically rich landscapes found to the eastern side of property which borders Midjimbul creek.

The proposed camping ground is nominated as a 'primitive camping ground' under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The proposed development is considered to be a compatible land use within the locality.

The proposed development is consistent with the objectives of the RU2 Rural Landscape Zone.

LEP 2014 Clause 4.3 – Height of Buildings

The Local Environmental Plan prescribes a maximum overall height limit of 10.0 metres within the subject site. The proposed works will not exceed the 10.0 metre height requirement.

5.4 LEP 2014 – Clause 6.1 Acid sulphate soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage. The site of the proposed development is mapped as an area of Class 3 Potential Acid Sulphate Soils.

The clause requires an acid sulphate soils management plan for works more than 1 metre below the natural ground surface.

Works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.

The development site does not fall into these categories. As such, development can be carried out without an acid sulphate soils management plan.

5.5 LEP 2014 Clause 6.2 – Earthworks

The proposal requires only minor earthworks to complete new building works associated with an amenity block and is expected not to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The development site is located on flat land that is adequately setback to environmentally sensitive areas. Erosion control measures will be applied during construction works to protect adjacent natural drainage lines.

5.6 LEP 2014 Clause 6.3 – Flood Planning

The low-lying areas of the site situated along the properties east that borders the Midjimbul creek site is subjected to localised flooding in severe events. Clause 7.3 provides that development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and

b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed development is consistent with being compatible with the flood hazard of the land as the development has been positioned purposely outside the future flood planning level. As the proposal does not intend to change or adversely impact its current setting this limits all possible detrimental increases in the potential flood affectation of other development or properties. The proposal will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation as the development does intend disturbance of the natural environment through impactable building works. A private flood evacuation plan for the operation of the proposal has been produced to manage the associated risks in event of a flood in accordance to appoint the appropriate measures to manage risk to life from flood. One of the primary features of this plan is to alert guests as early as possible that in the event of forecasted heavy rainfall that the guests will be asked to vacate the property before the severity of the event occurs.

In addition, In determining a development application for development at or below the future flood planning level, the consent authority must consider the following matters—

- (a) the proximity of the development to the current flood planning area,
- (b) the intended design life and scale of the development,
- (c) the sensitivity of the development in relation to managing the risk to life from any flood,
- (d) the potential to modify, relocate or remove the development.

The proposal has carefully taken into account the design and the sites position in regard to the proximity of the development to the current flood planning area. Given the design of the development being a primitive camping ground this allows for ongoing flexibility in relation to the sites scale and sustainability is carried out of being a low impact operation. The proposal proves the ability in modifying its design to be adaptable of the future planning controls and complies with the governing objectives of the current Byron LEP 2014 Clause 6.3.

5.7 LEP 2014 Clause 6.5 Drinking Water Catchments

The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

The proposed development is not situated to be within in the defined drinking water catchments and catchment maps. Therefore, is consistent with clause 6.5 drinking water catchments of the Byron LEP 2014.

5.8 LEP 2014 – Clause 6.6- Essential services

The subject allotment has access to required services as discussed in the table below:

Required arrangements	Comment
-----------------------	---------

The supply of water	The proposed development is to be supplied by tank water.
The supply of electricity	The development will provide an adequate power supply for the site through alternative off grid solar power outputs.
The disposal and management of sewage	An effluent disposal system currently serves the dwelling on the site. The proposed tourist accommodation is to be provided with its own system in accordance with the details provided within the Annexure B of this Town Planning Report.
Stormwater drainage or on-site conservation	Stormwater will be collected in water tanks with overflow absorbed by existing natural drainage lines within the site.
Suitable vehicular access	Existing vehicle access is available to the site from Synotts lane. Access to the proposed camping areas will be provided by a westward extension of the existing gravel driveway. Refer to the Annexure D of this report for a Traffic Assessment for the proposal.

5.9 LEP 2014 Clause 6.8 Rural and Nature-based Tourism Development

The objective of this clause is to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.

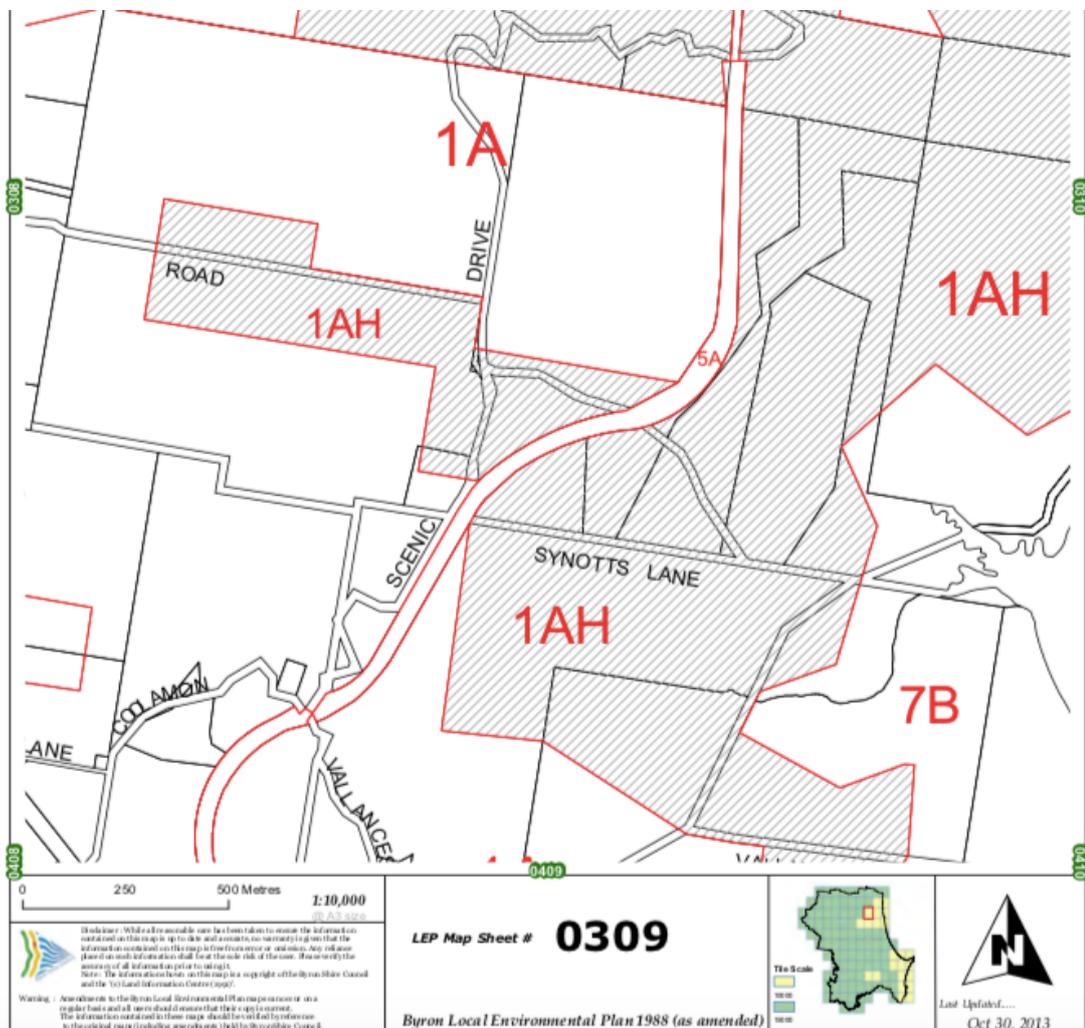
The proposed development is consistent with clause 6.8 rural and nature-based tourism as the development provides a direct connection with the naturally rich ecological values of its locality for tourist to experience. The development is intended to be a small-scale operation consisting of 10 primitive camp sites. The proposal seeks to enhance and protect these naturally rich features of the site to ensure the value of the land as well as to mitigate any adverse impacts of its operations on its surrounding land uses such as agriculture and cattle grazing.

5.10 Byron LEP 1988

The aim of this plan is to promote sustainable development in Byron by furthering the objects of the *Environmental Planning and Assessment Act 1979*, particularly in regard to—

- (a) the application to proposed development of guiding principles for the management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, agricultural land, extractive resources, towns, villages and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,
- (b) the promotion and coordination of the orderly and economic use and development of land,
- (c) the provision and coordination of community services and facilities,
- (d) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats, and
- (e) the provision of increased opportunity for public involvement and participation in environmental planning and assessment.

Due to the subject site is partly zoned RU2 rural Landscape pursuant to the provisions of the Byron Local Environment Plan 2014 and also partly zoned Deferred matter pursuant to the provisions of the Byron Local Environment Plan 1988 are applied.



Extracted from the NSW Planning Portal

5. 11 Zone No 1(a) General Rural Zone

1 Objectives of zone

The objectives are—

Requirement	Comment
a) to encourage and permit a range of uses creating a pattern of settlement, at a scale and character that maintains or enhances the natural, economic, cultural, social and scenic amenity of the rural environment of the Shire of Byron,	The development is intended to be a small-scale operation consisting of 10 primitive camp sites. The proposal seeks to enhance and protect these naturally rich features of the site to ensure scenic amenity of the rural environment of the Shire of Byron,
(c) to ensure development only occurs on land which is suitable for and economically capable of that development and so as not to create conflicting uses	The proposal seeks to enhance and protect these naturally rich features of the site to ensure the value of the land as well as to mitigate any adverse impacts of its operations on its surrounding land uses such as agriculture and cattle grazing.

e) to identify lands (shown hatched on the map) which in the opinion of the council possess a limited capability for more intensive uses or development,	Noted
f) to restrict the establishment of inappropriate traffic generating uses along main road frontages other than in roadside service areas,	Consistent-please refer to Annexure D “traffic safety assessment report”.
g) to enable the provision of rural tourist accommodation and facilities only where such facilities are compatible with the form and density of the nature of the locality, and	The proposed development intends to provide large camp sites with a low density setting implying a low scale operation that is intended to have minimal impact on the environment.
h) to ensure that the development and use of land shown cross-hatched on the map adjacent to areas of significant vegetation and wildlife habitat do not result in any degradation of that significant vegetation and wildlife habitat, and that any development conserves and protects and enhances the value of the fauna and flora.	The proposal has identified important established ecological features of the site and ensures within its operations to protect and preserve them

The proposed development is consistent with the objectives of the Genral Rural Zone 1a of the Byron LEP 1988.

5.12 Zone No 7 (b) Coastal Habitat Zone

1 Objectives of zone

The objectives are—

Requirement	Comment
to identify coastal habitats (being wetlands, heath, sedge, marshland, rainforest types, schlerophyll forest and the like) of local significance	Consistent - no proposed works within the zone therefore proposal remains consistent with the zone objectives.
to identify and preserve estuaries and other significant coastal habitat areas, wetlands and allow them to continue to function as feeding and breeding areas for wildlife, shellfish and fish,	
(c) to prohibit development within the zone that is likely to have a detrimental effect on the habitat or landscape qualities or the flood mitigation function of significant coastal habitat areas, including wetlands,	
to enable development of public works and environmental facilities where such development would not have a significant detrimental effect on the habitat or landscape qualities of the wetland and other significant coastal habitat areas, and	
to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.	

No works associated with the proposal are proposed within the 7 (b) Coastal habitat Zone. The following clauses are relevant to the application pursuant to the provisions of the Byron LEP1988

Section 6.0 Byron Bay DCP 2014

This Plan is a Development Control Plan (DCP) prepared in accordance with the provisions of Section 3.43 of the *Environmental Planning and Assessment Act, 1979* (the Act). Under section 4.15 of the Act, the consent authority is required to take into consideration, among other things, the relevant provisions of this DCP in determining any Development Application.

The objectives of this plan are to:

1. Provide development controls and guidelines that will assist in achieving the Aims and Guiding Principles of Byron LEP 2014.
2. Ensure that development is consistent with the Council's established Vision and its adopted planning policies and strategies.
3. Ensure that development incorporates the Principles of Sustainable Development and delivers balanced social, economic and environmental outcomes.
4. Encourage quality, innovative and sustainable design.
5. Manage change in a way that ensures an ecologically, socially and economically sustainable urban and rural environment in which the needs and aspirations of the community are recognised.
6. Provide for public participation in the development application and determination process.
7. Provide a framework of considerations against which development proposals can be consistently measured.

The proposed development confirms that it complies with the objectives above through the assessment of aligning the aims and guiding principles of Byron LEP 2014.

6.1 Chapter B.2 Preservation of tree's other Vegetation

The purpose of this chapter is to prescribe the trees and other vegetation to which clause 5.9 of Byron LEP 2014 applies in order to protect natural ecosystems and existing landscape amenity.

The proposed development does not intend for any tree or vegetation removal prescribed in chapter B.2. The proposed development has been situated within a cleared area of the property to minimise impacts on the natural environment and is compliant with chapter B.2. of the Byron DCP 2014.

6.2 chapter B.3 Services

The purpose of this Chapter is to identify the minimum requirements necessary to adequately service development for water, sewer, stormwater management, on-site effluent disposal and other necessary infrastructure.

Chapter B.3 Services	
Requirement	Compliance
<ol style="list-style-type: none"> 1. <i>Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;</i> 2. <i>Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate;</i> 3. <i>to ensure provision of adequate engineering and safety standards for public road access, together with equitable apportionment of road upgrading requirements and associated costs for development served by existing public roads, un-constructed or partially constructed public roads and Crown Roads.</i> 	<p>Complies- The site is consistent with the required infrastructure services such as water, sewer, stormwater management and on-site effluent disposal.</p>
B3.2.1 Provision of Services	
<p>Water Supply</p> <p>Prescriptive Measures</p> <p>a) Development shall be provided with an adequate water supply connection or have suitable arrangements in place for the provision of an adequate water supply service.</p> <p>b) Businesses or facilities (e.g. caravan parks, camping grounds, farm stay accommodation, educational establishments, restaurants or cafes) that supply people with drinking water from an independent water supply shall comply with the <i>Private Water Supply Guidelines</i>, published by NSW Health. This includes water pumped from rivers, creeks, bores, dams and rainwater tanks. It does not include supplies provided by water utilities or individual household supplies.</p>	<p>Complies - The development will provide an adequate water supply through suitable arrangements of tank water which will comply with the standards of NSW Health's Private Water Supply Guidelines.</p>
<p>Electricity supply</p> <p>Prescriptive measures</p> <p>a) Alternative electricity sources for development other than urban and rural residential subdivision may be considered where the applicant can demonstrate the provision of reticulated services is prohibitive due to cost of connection or there is a clear environmental benefit in not connecting to mains infrastructure (e.g. enables supply from renewable sources, avoids the need to remove areas of high environmental value vegetation</p>	<p>Complies- The development will provide an adequate power supply for the site through alternative off grid solar power outputs.</p>

<p>and habitats). Details are to be provided with the development application.</p>	
<p>Telecommunications Infrastructure</p> <p>Prescriptive measures</p> <p>a) Alternative means of telecommunications access for development other than subdivision may be considered where the applicant can demonstrate that the provision of fixed line services is prohibitive due to the cost of connection or that there is a clear environmental benefit in not connecting to fixed line infrastructure. Details are to be provided with the development application.</p>	<p>Complies- telecommunications access for the development will be provided through a Mobile source from an onsite manger that is available 24 hours of the day, 7 days a week.</p>
<p>Sewage Management</p> <p>Prescriptive measures</p> <p>a) Development shall be provided with an adequate reticulated sewer connection or have suitable arrangements in place for such a connection to be made where access to reticulated sewer is available.</p> <p>c) Where access to reticulated sewer is not available, arrangements must meet the requirements of Section B3.2.2 in relation to on-site sewage management.</p> <p>d) Substantial contributions and developer charges may be payable in relation to different types of development. Applicants should contact Council before preparing a development application to determine what costs are involved.</p>	<p>Complies- A detailed on-site sewage management report will accompany the proposal to comply with the regulations of the Northern Rivers Development Design Manual and will be consistent with the controls of chapter B3.2.2 (See attached Annexure B)</p>
<p>Stormwater and Drainage</p> <p>Prescriptive measures</p> <p>Development must comply with the requirements set out in Sections B3.2.3 and B3.2.4 relating to stormwater management and erosion and sedimentation control.</p>	<p>Complies- Refer to Sections B3.2.3 and B3.2.4</p>
<p>Road Access – General (Including Driveways)</p>	<p>Complies- Refer to section B4 Traffic Planning</p>

<p>Prescriptive measures</p> <p>a) Development must comply with road access requirements contained in Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access, and the <i>Northern Rivers Development & Design Manual</i>.</p> <p>b) On bushfire prone land, road access may need to be improved to facilitate access by the NSW Rural Fire Service. For specific requirements please refer to the current version of the NSW RFS <i>Planning for Bushfire Protection</i> and any additional design information included in “Practice Notes or Fast Facts Sheets”.</p>	
<p>Road Access - Council controlled roads</p> <p>Where development is proposed with frontage to a Council controlled road, or where access to a development site relies on a Council controlled road, the following road construction and upgrading requirements will apply:</p> <p>Where the construction or upgrade works are specifically identified in an adopted contributions plan and the works are not required to provide a safe and practical standard of road access, the works can be provided for by payment of the relevant contributions. If the works are required, the Council may accept an offer by the applicant to provide the works as an “in-kind” contribution (i.e. the applicant completes part or all of the work identified in the Plan) in lieu of the payment of the monetary contribution. The applicant should make any request for an “in-kind” contribution at the time of lodging a Development application.</p>	<p>Complies- The proposed development is consistent in providing a safe route of access to the subject development site. Annexure D traffic safety assessment indicates the road has sufficient features of interment drain lines and in its current state will be fine to use for the provisions of the proposal.</p> <p>No contributions plan is needed.</p>
<p>Road Access – Crown Roads</p>	<p>Not applicable</p>
<p>B3.2.2 On-site Sewage Management</p>	
<p>Requirement</p>	<p>Compliance</p>
<p>1. <i>To ensure that on-site sewage management systems are designed and operated to ensure protection of ground and surface water, including drinking water supplies;</i></p>	<p>Complies- A detailed on-site sewage management report will accompany the proposal to comply with the regulations of the Northern Rivers Development Design Manual and will be consistent with the</p>

<ol style="list-style-type: none"> 2. <i>To ensure rural residential developments including rural subdivisions are adequately serviced with on-site sewage management system(s);</i> 3. <i>To ensure on-site sewage management systems that service or are required for industrial, commercial and rural industries are appropriately designed.</i> 4. <i>To encourage and provide for the use of water recycling systems where appropriate;</i> 5. <i>To minimise public health risk including the spread of disease by micro-organisms;</i> 6. <i>To prevent degradation of soil and vegetation including soil structure, salinisation, water logging, chemical contamination and soil erosion; and</i> 7. <i>To ensure that neighbouring properties are not adversely affected by effluent or effluent management systems.</i> 	<p>controls of chapter B3.2.2 (See attached Annexure B)</p>
<p>Prescription measures:</p> <ol style="list-style-type: none"> 1. Residential, commercial and industrial development that produces sewage and is not to be connected to the urban sewage system must comply with the Council's <i>Design Guidelines for On-Site Sewage Management for Single Households</i>. 2. A detailed on-site sewage management report may be required with a development application depending upon the scale of the development, the size of the land and distances to watercourses. A report is generally required with a Development Application for systems that service rural dwellings on land less than 1 hectare, rural and rural residential subdivisions creating lots smaller than 5 ha, rural tourist and commercial developments, or for dwellings on constrained land such as: <ol style="list-style-type: none"> a) steeply sloping land > 15%, b) land within 100 metres to permanent surface water, 250 metres to groundwater wells or 40 metres to intermittent watercourse, dams, dry gullies and drainage channels; c) flood prone land; d) land within 12 metres to a neighbouring property; or e) land subject to erosion or mass movement; 	<p>Complies- All prescription measures relevant to the proposal are addressed in the Onsite Effluent Report (Annexure B)</p>

<p>f) land with poor soils (clay or sand); or</p> <p>g) land located within the drinking water catchment</p> <p>3. Generally, as a minimum secondary treatment will be required. Primary treatment is not supported. For developments on small lots, tertiary level treatment will likely be required. Upgrades to an existing on-site sewage management system may be required when alterations or additions to an existing dwelling house are proposed (depending on the age, capacity and performance of the existing system, and the scale and size of the development).</p> <p>4. Plans must be submitted with reports to show the location of the on-site sewage management system drawn to scale relative to boundaries, structures (proposed and existing), roads and driveways, environmentally sensitive areas and vegetation, watercourses, bores, dams, and other topographic features. Details of the type of system, storage capacity and area for land disposal must be indicated.</p>	
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6.3 Chapter B3.2.3 Stormwater Management

Objectives

1. *To promote on-site stormwater management practices that support the 'pre-development' hydrological regime (surface flow, streams and groundwater).*
2. *To ensure that new development does not reduce the effectiveness of existing drainage patterns (including built infrastructure).*
3. *To minimise the impacts of stormwater runoff from a site on adjoining properties.*
4. *To ensure that stormwater management systems protect ground and surface water and other ecological values*
5. *To achieve best practice stormwater treatment targets for stormwater quality*

Prescriptive measures

1. Development applications must contain sufficient information to assess whether the proposed stormwater system is effective and feasible, both within the site and in its connection to the public drainage system. An approval of the stormwater management system may be required under *Section 68 of the Local Government Act 1993* or *Section 138 of the Roads Act 1993*.

2. Properties adjacent to or containing waterways

Lands identified as containing or directly adjoining waterways may be subject to inundation (during the 1 in 100 year ARI storm event). Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual. Development proposals in close

proximity to waterways or other areas of possible inundation must be accompanied by a hydrologic study submitted by an appropriately qualified person to demonstrate that the proposal or any future development will not interfere with the natural flow path or be subject to flooding (refer to Chapter C2 Areas Affected by Flood). Appropriate buffers to waterways must be provided.

3.Site Drainage

a) Site drainage shall be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards

The proposed development is consistent with chapter B3.2.3 and proves to be feasible as the development does not initiate any ground disturbance as no building works such as construction is involved with the development. The proposed development intends to promote on-site stormwater management practices that support the 'pre- development' hydrological regime of surface flow using the pre-existing interment drainage lines of the site. These interment drainage lines were incorporated by the Northern Rivers Development and Design Manual to ensure sufficient handling of extreme weather events such as flash flooding by the previous property owner. In accordance with prescriptive measure 2 " property adjoining a waterway" an erosion sediment control plan accompanies this report.

6.4 Chapter B3.2.4 Sedimentation and Erosion Control Measures

Objectives:

1. *Encourage implementation of contemporary best practice in erosion and sediment control;*
2. *Prevent land degradation by soil erosion through inappropriate land use practices;*
3. *Protect waterways and sensitive environments from being degraded by increased sediment load;*
4. *Promote and protect biodiversity by minimising cumulative impacts of sedimentation on the environment; and Protect amenity and prevent discharge of sediment on to both public land and private land.*

Prescriptive measures

1. An erosion and sediment control plan is required where the area of soil surface disturbance is in the range 250m² – 2 500m², or where the area of soil surface disturbance is less than 250m² but the site has either a slope exceeding 20% or immediately adjoins a waterway.
2. A soil and water management plan is required where the area of soil surface disturbance exceeds 2 500m². Sites of this scale typically require sediment retention basins to minimise sediment pollution.

The proposed development intends minimal ground disturbance as the building works are expected to be low impact on the environment as they do not intend to disturb a range greater than 250m². The proposal intends to implement the appropriate sediment control measures such as sediment traps to ensure the protection of the surrounding ecological values of its natural biodiversity. The proposed developments design has appointed a strategy to help mitigate land degradation by soil erosion through inappropriate land use practices.

The proposed development complies with chapter B3.2.4 Sedimentation and Erosion Control Measures of the Byron DCP 2014.

6.3 Chapter B.4 traffic planning, Vehicle Parking Circulation and access

Objectives

1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated.
2. To ensure that parking supply and management in new developments supports Council policies and objectives for the development of Byron Shire;
3. To ensure that traffic generating developments make adequate provision for off-street car parking, such that the needs of occupants, users, visitors, employees, service and delivery vehicles are met;
4. To ensure the safe and efficient circulation of vehicles entering, leaving and within car parking and service/delivery areas;
5. To minimise the detrimental effects (particularly visual and radiated heat effects) associated with off-street car parking areas on the amenity of urban areas
6. To ensure that entry/exit points to car parking and service/delivery areas are situated in a way that sight distances are maximised, and disruption to the circulation of vehicles on the public road system is minimised.
7. To have regard to the objectives contained within the Byron Shire Strategic Transport Statement (Transport Policy)

The development complies with all relevant legislation in chapter B4 Byron DCP please Refer to the Annexures of this Town Planning Report for details of Traffic Impact Assessment.

6.5 Chapter B.6 Buffers and Minimising Land Use conflict

Objectives

To ensure that potential for land use conflict is identified and addressed systematically in the early stages of the development application process.

Performance Criteria

1. All development applications must identify any potential for land use conflicts and the means proposed to address those conflicts. In cases where potential for conflict is evident, development applications must be accompanied by a formal Conflict Risk Assessment (CRA) and associated mapping that defines and addresses at least the following:
 1. a) The nature, intensity, extent and operational characteristics of any intended activities or uses within the proposed development that may create potential for land use conflicts in the locality.
 2. b) Details of all geographical, topographical, vegetation, meteorological and other factors in the surrounding environment that may influence the potential for land use conflict.
 3. c) Location, separation distances and use of all adjoining and other lands likely to create or influence potential for conflict between the proposed development and existing or proposed land uses.
 4. d) The nature, intensity, extent and operational characteristics of activities or land uses within the adjoining and nearby lands that may create potential for land use conflicts with the proposed development.
 5. e) An assessment of the external effects and impacts likely to be generated by both the proposed development and the adjoining land uses and their potential to cause conflict.
 6. f) Details of the proposed management measures, buffers and other planning or operational strategies to be incorporated in the proposed development to manage potential land use

conflicts, together with an evaluation of the nature, extent and quantum of mitigation expected to be achieved.

2. The format, level of detail and assessment criteria for each CRA will vary depending on factors such as the nature and scale of the proposed development, the likely intensity and significance of potential conflicts, local environment and circumstances. Consequently no prescriptive format is specified for a CRA, however valuable guidance can be found in the 'North Coast Living and Working in Rural Areas Handbook'.

The proposed development complies with Chapter B.6 Refer to the Land Use Conflict Risk Assessment provided within the Annexures of this Town Planning Report.

6.6 Chapter B.7 Mosquitoes and Biting Midges

Objectives

1. *To identify minimum mosquito and biting midge mitigation strategies for proposed development in risk zones.*
2. *To provide mosquito and biting midge management guidelines for proposed new development.*

Prescriptive Measures

The following measures apply to all development incorporating a residential dwelling(s), educational establishment, recreation area or tourist and visitor accommodation located within a mosquito risk zone identified in Map B7.1:

1. a) All development must provide effective insect screening to all windows, doors and other openings to all parts of the development used for residential purposes.
2. b) All development must incorporate an effectively screened outdoor area of a size commensurate with the number of people who are likely to use it, to enable an outdoor lifestyle to continue to be enjoyed during periods of high mosquito and biting midge activity. This may be a communal area for development incorporating more than one dwelling or more than one tourist accommodation unit.
3. c) Measures arising from the entomologist's recommendations to minimise the potential impact on residents from mosquitoes and biting midges must be based on a demonstrated investigation strategy and sound knowledge of all the nearby habitats that could be expected to significantly affect the breeding and harborage of mosquitoes and biting midges.
4. d) Establishment of any buffers required must be within the development site and not reliant upon neighbouring or adjoining land, public reserves, Crown Land and Nature Reserves. Buffers must be on land of low biodiversity significance.

Due to the nature of the development being a primitive camping ground, Guests are seeking this destination for a real camping experience as well to experience the sites naturally rich ecological values. It is understood by the guests that upon arrival they are expecting an outdoor experience that delivers qualities of living in a nomadic environment. This includes being exposed raw nature qualities such as animals & insects (mosquitos). This proposal has taken into consideration the requirements of the DCP. This includes screening to windows and doors, avoiding use of wetland and selected replating species that would minimis the enhancement of biting insect harbourage.

The proposed development complies with Chapter B.7 of the Byron DCP 2014

6.7 Chapter B.8 Waste Minimisation & Waste Management

The Aims of this Chapter in pursuit of sustainable waste management include:

Waste minimisation

1. To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. To encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste management

5. To assist applicants in planning for sustainable waste management, through the preparation of a Site Waste Minimisation and Management Plan.
6. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
7. To provide guidance in regards to space, storage, amenity and management of waste management facilities.
8. To ensure waste management systems are compatible with collection services.
9. To minimise risks associated with waste management at all stages of development.

The level of detail required for the Site Waste Minimisation and Management Plan (SWMMP) will vary with the size and complexity of the proposed development. For example, a DA seeking consent for a single dwelling house would normally require a very simple SWMMP, while a DA seeking consent for a large commercial or industrial complex is likely to require an extensive SWMMP that documents full details of proposed waste generation, management, recycling, storage and disposal measures.

The SWMMP must outline measures to minimise and manage waste generated during:

1. demolition;
2. construction; and
3. ongoing operation and use of the development.

The proposed development has sought to carefully acknowledge potential reuse/recycling opportunities of excess construction materials where possible. The proposed development intends to incorporate the use of its primary construction activity to be prefabricated to minimise as much waste as possible. The proposal will specify arrangements for the delivery of materials so that materials are delivered 'as needed' so none will be wasted due to exposure to weather. In the event of excess materials occurring, it will be arranged to be returned to the supplier. The proposal will minimise site disturbance and limit unnecessary excavation.

The proposed development materials of the prefabricated amenity block have been chosen in regard to high sustainable measures of being low impact on the environment and very durable in strong climate conditions.

The proposed development's main waste strategy is to incorporate sustainable values adopted by National Parks & Nature reserves, that in the event of a guest arriving for their stay they are asked to take all waste / rubbish components with them, with the exception for biodegradable matter as compost bins are present. No bins are provided on site as scientific research has indicated that with the presence of bins littering and pollution are subjected to increase within that locality. Our waste policy is shared among guests upon their arrival. Full compliance of these values are taken upon the guests during their stay through a signed agreement of the conditions of their stay. This includes the acknowledging the importance of lawful waste transport, as the agreement ensures all waste is transported to a place that can lawfully be disposed into

approved or registered waste facility. The proposal intends to accordingly keep all records of the agreements to demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, DECC or Work Cover NSW.

The proposed development complies with chapter B8 of the Byron DCP 2014 please refer to Annexure I Waste Management plan and Annexure L Sustainable Policy for further details.

6.8 Chapter B9 landscaping

The proposed development does not require formal landscape plans as the development does not intend to alter the current landscape environment. The proposal however does intend to Conserve and improve biodiversity by introducing future local indigenous plant species where-ever possible.

The proposed development is compliant with Chapter B9 of the Byron DCP 2014.

6.9 Chapter B11 Planning for Crime Prevention

The proposed development does not require a formal Crime Risk Assessment, however, CPTED principles have been applied. Constant surveillance provided from the onsite manager will ensure guest safety.

The proposed development complies with Chapter B11 of the Byron DCP 2014.

6.10 Chapter B12 Social Impact Assessment

Objectives

To assist in achieving cohesive, sustainable and resilient communities within the Shire.

To enhance consistency, certainty and transparency in Council's assessment of the positive and negative social impacts of proposed development.

To maximise the positive social impacts of development such as improved access, amenity, affordable housing provision, employment opportunity and safety.

To minimise the negative social impacts of development such as: increased traffic congestion; restriction of access to facilities; services and transport; loss of employment opportunity; loss of existing affordable housing stock; and loss of public safety or perceived public safety.

Prescriptive Measures

2. A Social Impact Assessment (SIA) will be required for the following:
 - a) residential developments or subdivisions comprising more than 50 dwellings or lots;
 - b) affordable housing accommodating more than 40 residents, or greater than 20 dwellings in all stages, excluding individual secondary dwellings;

c) caravan parks, camping grounds or manufactured home estates with 20 or more sites;

The proposal is consistent with chapter B12 and does not require a Social Impact Assessment as it only intends to provide 10 camp sites for the proposed development.

The proposed development complies with chapter B12 of the Byron DCP 2014.

6.11 Chapter B13 access and mobility

Objectives:

1. To implement Council's obligations under the *Disability Discrimination Act 1992* in the development process.
2. To ensure that the development process provides for equitable access to community facilities and services, places of work, leisure and community activity.
3. To establish standards for Council's assessment of provision of access to all new and upgraded buildings, services and places.
4. To ensure that the range of housing opportunities available for people with disabilities or other special mobility needs is representative of the local market in terms of access, size, location, orientation and general amenity of accommodation.
5. To inform the community, including building owners and developers, of their obligations under the *Disability Discrimination Act 1992* and the *Anti-Discrimination Act 1997* in the development process.
6. To provide guidance on the type of work required to provide non-discriminatory access to premises.

Given the circumstances of the proposal consisting of a primitive camping ground in a rural setting, the campgrounds intentions are to attract customers with adequate camping equipment to withstand the raw elements of no permanent structures for accommodation stay will be provided. The proposal does not require use of elevated access ramps as the site consists within flat levelled land.

The proposed development complies with chapter B13 of the Byron DCP 2014.

6.12 Chapter C2 Areas Affected by Flood

The purpose of this Section is to identify requirements relating to development on flood liable land that is appropriate to the degree of flood hazard on that land.

The Objectives of this Chapter are to:

1. Support and implement the objectives and provisions of Byron LEP 2014 relating to development on land at or below the relevant flood planning level.
2. Provide a holistic approach to managing development on flood liable lands;
3. Ensure development maintains the existing flood regime and flow conveyance capacity;
4. Consider the future projected impacts of climate change on the floodplain in accordance with Council's adopted Climate Change Strategic Planning Policy;
5. Reduce the impact of flooding and flood liability on individual owners and occupiers;
6. Reduce public and private losses resulting from flooding;
7. Encourage the development of and use of land in a manner compatible with the flood hazard.

C2.3 Development Controls

The following steps should be taken to ascertain the flood planning controls relating to development on land at or below the **future flood planning level**:

Step 1 Consider the applicable Flood Study for the catchment in which the land is situated, in relation to flood hazard and floor level requirements (Section C2.3.1).

Step 2 Consider the specific Flood Planning provisions for the type of development and flood hazard as set out in the **flood planning matrix** (Table C2.1 below).

Step 3 Consider any special requirements or standard designs for particular localities (Section C2.3.5).

In accordance with the Byron DCP Section C2.3, a flood response assessment is not required as the proposal's site is not affected by the indicated future flood planning level of the Brunswick river flood study. The site provides sufficient suitable area for the proposal to be carried out. A private flood evacuation plan for the operation of the proposal has been produced to manage the associated risks in event of a flood. One of the primary features of this plan is to alert guests as early as possible that in the event of forecasted heavy rainfall that the guests will be asked to vacate the property before the severity of the event occurs. The adaptability of the development is consistent with future planning controls and complies with the governing objectives of the current Byron LEP 2014 Clause 7.3.

The proposed development complies with chapter C2 and C2.3 of the Byron DCP 2014.

6.13 Chapter C3 Visually Prominent Sites, Visually Prominent Development and View Sharing

The proposed development does not interfere with any neighbouring properties view points and does not propose any visually prominent structures and is consistent with chapter C3 of the Byron DCP 2014

6.14 Chapter C4 Development in the Drinking Water Catchment

The proposed development is not situated to be within in the defined drinking water catchments and catchment maps. therefore, does not permit a Catchment Impact Assessment.

The proposed development complies with chapter C4 of the Byron DCP 2014.

6.15 Chapter D3 Tourist Accommodation

D3.2.1 Location and Siting

Objectives

1. *To ensure that the siting and design of **tourist accommodation** does not conflict with important ecological characteristics or conservation values of the site or the Shire, and respects the natural systems and values of its location and surrounds.*
2. *To ensure that decisions relating to siting of development are consistent with the Objectives and provisions of Chapter B6 Buffers and Minimising Land Use Conflict.*

Performance Criteria

1. The siting, design and operation of **tourist accommodation** and associated development must not adversely affect important conservation values, ecological systems or characteristics of the site or the Shire. Development must respect and contribute to the natural environmental systems and values of its location and surrounds.
2. Development applications for proposals located in or near ecologically sensitive areas, areas of high environmental values and/ or important natural features or sites must include a full description of those ecological, conservation and natural values and systems, together with a comprehensive, professional assessment of the impact of the proposed development thereon. The impact assessment must include an evaluation of the effectiveness and sustainability of any proposed amelioration and management measures.
3. Determination of the siting, extent and nature of development must be consistent with the provisions of Chapter B6 Buffers and Minimising Land Use Conflict.

Given the nature of the proposal development consisting of 10 primitive camping sites that includes no permanent structures, this will therefore will not conflict with the important ecological values of the site and will demonstrate the relevance in the sites design not disturbing its natural surroundings. The sites location and positioning has been thought out carefully to minimise any possible land use conflict issues associated with chapter *B6 Buffers and Minimising Land Use Conflict*

The proposed development complies with chapter D3.2.1 of the Byron DCP 2014.

D3.2.3 Character and Design in Rural Zones

Objectives

1. *To ensure that **tourist accommodation** in Rural Zones is compatible with the surrounding landscape and with the character and amenity of development in the locality.*
2. *To implement the relevant Aims, Guiding Principles and provisions of the Byron Rural Settlement Strategy 1998.*

Performance Criteria

1. **Tourist accommodation** development in Zones RU1 and RU2 must be compatible in character and amenity with the surrounding rural and natural landscape, and with development in the locality.
2. The provisions of Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones apply to all **tourist accommodation** development in zones RU1 and RU2 in the same way they apply to residential accommodation in Rural Zones.
3. All development to which this Chapter applies in Rural Zones must be **low scale** consistent with the relevant Aims, Guiding Principles, Best Practice Guidelines and Performance Standards contained in the Byron Rural Settlement Strategy 1998 ('the Strategy')

The proposed development of 10 primitive camping sites is consistent in contributing to the character and amenity of the surrounding rural and natural landscape of the sites location as no physical change is intended to the site. Ecological communities were formally established and carefully taken into the consideration of the sites planning and positioning in relation to the site's locality and future. The proposals large sites low density setting is consistent in being a low scale development for its rural locality.

The proposal demonstrates to comply with chapter D3.2.3 of the Byron DCP 2014.

6.16 Chapter D3.3.3 Caravan Parks and Camping Grounds

D.3.3.3 Caravan Parks and Camping Grounds	
Requirement	Compliance
<i>To ensure that the design and operation of caravan parks and camping grounds will meet the needs of users and will be compatible with the character of existing development in the locality.</i>	Complies- The proposed development is consistent in being compatible with the character of existing development and complies with the needs of its users for its locality.
Performance Criteria 1.The design of caravan parks and camping grounds must be compatible with the existing streetscape and character of the precinct in which they are located.	Complies- The design of the proposal is compatible with the existing character of surrounding precinct as it intends to provide rural qualities of a low scale camping ground consisting of 10 sites over 15 hectares.
2. Caravan parks and camping grounds should be designed to avoid adverse effects on the amenity of the precinct in which they are located	Complies- The proposal will avoid adverse effects on the precincts amenity as it does not intend to disturb any natural ecological features within the site and is positioned a significant distance from adjoining properties to avoid amenity impacts.
3.The proposed site must be suitable for the development of the caravan park or camping ground , having particular regard to the following principles: a) steep slopes must be avoided because of drainage, slip and bushfire problems and potential damage to the environment;	Complies- The proposal has been situated on flat land to capitalise on drainage and bushfire constraints for the developments benefit.
b) parks must not disturb water courses and must not be located in low-lying areas with poor drainage, or on flood liable land;	Complies- The proposal has been positioned above the future flood planning level to be complacent with safety standards.
c) existing vegetation and areas with ecological and conservation values must be protected;	Complies- The proposal has identified important established ecological features of the site and ensures within its operations to protect and preserve them.
d) sites which are difficult to landscape and integrate into the visual environment are unsuitable;	Complies- The proposal does not intend to implement and new landscaping features on the pre-existing landscape.
e) site layout and landscaping must break up or conceal the repetitive image of caravans and movable dwellings;	Complies- Given the proposals layout consisting of different sized sites in different locations this will avoid a repetitive image of a caravan camping layout.

f) climatically and visually exposed sites such as headlands and ridges are unsuitable;	Complies-Noted
g) location adjacent to incompatible land uses is unacceptable;	Complies- Noted
h) sites must not form a barrier to adjacent public lands (e.g. foreshore areas);	Complies- The proposal does not intend to provide and formal barriers for any surrounding public lands.
i) sites that accommodate or are to accommodate long-term residents must have good access to appropriate services and facilities.	Complies- The proposal does not intent to accommodate any long-term residents
4. A minimum 10% of the total area of the caravan park or camping ground must be developed for recreation and communal activities. The recreation and communal activities area must not include any caravan site, campsite, roadway or land designated for any other purpose, but may be grassed and landscaped with trees and/ or other plants. A maximum 10% of the recreation area may be used as the site of a building devoted to recreation or communal activities that are appropriate to the proposed mix of occupants and users of the caravan park . Any such building must be integrated with the landscape and aesthetic characteristics of the site and the recreation area.	Complies- The proposal provides adequate recreational space for the development as it provides 5 hectares of recreational spaces out of the proposed total 15 hectares nominated for the site.
5. Development applications must demonstrate that the proposed development will be consistent with the requirements of Chapters B6 Buffers and Minimising Land Use Conflict, B9 Landscaping, B11 Planning for Crime Prevention and B13 Access and Mobility.	Complies- The proposed development demonstrates compliance with the following chapters; (Refer to chapters above for reasoning) Chapters B6 Buffers and Minimising Land Use Conflict, B9 Landscaping, B11 Planning for Crime Prevention and B13 Access and Mobility
6. Development applications may need to be accompanied by a Social Impact Assessment prepared pursuant to Chapter B12 Social Impact Assessment, where applicable.	Complies- The proposal is consistent with chapter B12 and does not require a Social Impact Assessment as it only intends to provide 10 camp sites for the proposed development.
Prescriptive Measures	
There are no Prescriptive Measures.	

6.17 Chapter D3.3.5 Eco-Tourist Facility

D3.3.5 Eco-Tourist Facility	
Requirement	Compliance
1. <i>To facilitate and support the establishment of low scale nature based tourism.</i>	Complies- The proposed development is consistent with the objectives of Chapter D3.3.5 as justified

<p>2. To ensure that the size and scale of eco-tourist facilities are consistent with the goal of protecting and enhancing the natural environment or scenic amenity of the locality.</p> <p>3. To ensure that eco-tourist facilities are sympathetically designed and sited such that the development does not impinge on the amenity or agricultural productivity of adjoining properties.</p>	<p>through the performance criteria and prescriptive measures.</p>
<p>Performance Criteria</p> <p>1. The development must be located and operated so that it does not:</p> <p>a) adversely affect the conduct and productivity of agricultural operations on the site;</p>	<p>Complies- The proposed development will not have an effect on any agriculture operations or productivity on the site due to there being none.</p>
<p>b) create potential for conflict with adjoining land uses;</p>	<p>Complies- The proposal intends to minimise any surrounding land-use conflict, demonstrated through a Conflict Risk Assessment (refer to annexure ...)</p>
<p>c) disrupt environmental enhancement projects on the land;</p>	<p>Complies- The proposal does not intend to disturb any environmental enhancement projects associated with the site or any surrounding properties.</p>
<p>2. The development is to be low scale and designed and located to be compatible with the surrounding rural environment and of minimal environmental impact.</p>	<p>Complies- The proposed development intends to provide large camp sites with a low density setting implying a low scale operation that is intended to have minimal impact on the environment.</p>
<p>3. Car parking for guests must be provided in accordance with Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access. Provision of recycling and waste management facilities must be in accordance with Chapter B8 Waste Minimisation and Management.</p>	<p>Complies- The proposed development has appointed the appropriate measures for traffic planning and waste management provisions (refer to annexure D and annexure I for compliance).</p>
<p>4. The development must observe the road and boundary setback requirements specified in Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones (D2.2.2) and the character and visual impact requirements (D2.2.3).</p>	<p>Complies- The proposed development complies with boundary set back requirements as the proposed camping site is 15m away from the road.</p>
<p>5. The development is to be suitably sited in accordance with the requirements of Chapter C3 Visually Prominent Sites,</p>	<p>Complies- The proposed development complies with chapter C3 as it does not interfere with any neighbouring properties viewpoints and does not</p>

Visually Prominent Development & View Sharing.	propose any visually prominent structures within the site.
<p>Prescriptive Measures</p> <p>1. To ensure the development respects the environmental values of the land and is sensitively located, the density of accommodation to be provided is as follows:</p>	Complies- The proposed development is consistent in respecting the environmental values of the land as it has chosen to situate its site in the naturally cleared areas of the allotment.
<p>2. In the event that free standing buildings or structures are proposed, the prescriptive measures for rural tourist accommodation in Section D3.3.4 (Prescriptive Measure 2) apply.</p>	Complies- No permanent cabin /bedrooms are being constructed as the proposal is a primitive campground.
<p>3. In the event that camping sites are proposed the performance criteria in Section D3.3.3 for caravan parks and camping grounds apply</p>	Complies- The proposal complies with all prescriptive measures of chapter D3.3.3 for caravan parks and camping grounds (refer to the above chapter)
<p>4. In the event that a purpose-built building is constructed or an existing building is converted into guest accommodation, such a building is to have a gross floor area not exceeding 40 m² per bedroom.</p>	Noted
<p>5. A plan for the environmental repair and enhancement of the property (i.e. a vegetation management plan or biodiversity conservation management plan) should be submitted with any application. Works can incorporate a mixture of weed removal and/or tree planting dependant upon the environmental and ecological qualities and features of the property.</p>	Complies- The proposal does intend to enhance the natural environment by introducing a range of local tree species throughout the developments operations as well as to maintain the existing environment by weed control measures.
<p>6. A water management plan shall be submitted with the development application demonstrating how rain-water is to be harvested from the roofs of buildings or other sources and stored in tanks for use. Potable Water is to be stored and distributed in accordance with the Private Water Supply Guidelines prepared by NSW Health.</p>	Complies- The proposed development does not require a water management plan as it consists as a primitive camping ground with no permeant roof structures to capture water. All potable water will be stored and distributed in accordance with the Private Water supply guidelines.
<p>7. Where possible, power shall be provided by renewable sources including wind and solar generators. Details to be submitted with the application.</p>	Complies- The propose development intends to use solar power as one of its primary power sources and consistent with using renewable energy sources where possible

<p>8. A waste management plan shall be submitted with the development application which sets out as a minimum, measures to separate and dispose of green waste, paper and cardboard, glass bottles, metal cans, plastics, and putrescible waste.</p>	<p>Complies- The proposed development applies the provisions from its waste management plan in order to operate in a sustainable manner</p>
<p>9. A demonstrated connection between the development and the ecological, environmental, or cultural values of the site or area must include that the site or area is not more than 1km from the development and that it is accessible to visitors so they can experience it in a tangible way</p>	<p>Complies- The proposed development provides a direct ecological connection through the sites nature trail as it showcases unique ecological features of its subtropical environment (refer to annexure E “Environmental photographs of the site”).</p>
<p>10. A vegetation management plan (VMP) is to be submitted with each Eco Tourist Facility Development Application detailing where 900 local native trees per cabin or eco-tourist facility are to be planted as environmental repair and enhancement for development. VMP’s must be prepared by a qualified and experienced bush regenerator (Certificate 4 in Natural Area Restoration / Conservation and Land Management) or ecologist with specific knowledge and experience in Restoration Ecology and in accordance with the <i>Guidelines for VMP/Biodiversity Conservation Management Plan (BCMP)/ Environmental Enhancement Management Plan (EEMPs)</i>, available on Council’s website</p>	<p>Complies- As no permeant structures such as cabins are being proposed the proposal is consistent in enhancing the subjects properties natural environment as it intends to introduce new local native tree species for the site.</p>

Section 7.0 likely Impacts of the Proposed Development

In assessing the subject proposal, Council must consider the likely impacts of the development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality.

7.1 Economical

The proposal is likely to provide positive economic outcomes throughout the duration of the proposal. During the implementation stage of the development this will see local services such as urban planning contractors be utilised as well as local resources being purchased to for fill the extent of the development. Through the operational stages of the development this will likely attract more visitors to the area, streamlining different revenue channels for surrounding business such as restraint cafes and shopping outlets. The operation of this

development will also financially benefit the owner, which will allow him to maintain and preserve the natural qualities of the property. Given the low amount of vacancies of the development this should not negatively impact other surrounding accommodation services.

7.2 Social

The development is located within the ocean shores rural area. The locality of the development has limited neighbours adjacent to the property as it is very secluded from any viewpoints and will most likely remain unnoticeable from public places and will unlikely have any detrimental social impacts upon the area or surrounding land uses.

7.3 Land Use Conflicts

Refer to the Land Use Conflict Risk Assessment provided within the Annexures of this Town Planning Report.

7.4 Impacts on Traffic and Car Parking

Refer to the attached Traffic Assessment prepared by Greg Alderson & Associates.

7.5 Environmental

Impacts on the Built Environment

The proposed development is adequately setback from Synotts lane, with existing vegetation providing screening from the roadway. The proposed amenity blocks compromise modern designs with colours that are inspired by their natural surroundings. The development site is not elevated or visually prominent. No adverse impacts on the built environment are likely to arise from the proposal.

Impacts on the Natural Environment

The site of the proposed development has previously been cleared of native vegetation. The proposed camping areas have been sited to minimise bush fire constraints and retain existing vegetation within the site. Erosion control measures will be applied during construction. New environmental enhancement works are proposed to improve the property. The proposal will not result in adverse impacts on the natural environment.

7.6 Suitability for the Site

The development site comprises a 15 hectare allotment located within the Ocean Shores rural locality. The land is located within the RU2 Rural Landscape Zone under Byron Local Environmental Plan 2014. This location is directly accessible from the existing gravel driveway within the site. It has the appropriate measures in services standards and is adequately setback from vegetated areas and bush fire hazards.

Given the nature of the proposal development consisting of 10 primitive camping sites that includes no permanent structures, this will therefore will not conflict with the important ecological values of the site and will demonstrate the relevance in the sites design not disturbing its natural surroundings. The sites location and positioning has been thought out carefully to minimise any possible land use conflict issues. The proposals large sites low density setting is consistent in being a low scale development for its rural locality. The proposed development is consistent in contributing to the character and amenity of the surrounding rural and natural landscape of the sites location as no physical change is intended to the site.

The proposed development can be carried out with minimal impacts on the natural and built environment. The site is considered to be suitable for the proposed development.

Section 8.0 Conclusion

The proposal seeks to create an Primitive Camp Ground consisting of 10 spacious primitive camping sites. The proposed development has been considered against the requirements of the Byron Local Environmental Plan 2014 and the Byron Local Environmental Plan 1988. The development proves to be consistent with the Byron Development Control Plan 2014.

The proposed land uses are permissible with the consent of Council within the RU2 Rural Landscape Zone under Byron Local Environmental Plan 2014. They are consistent with the objectives of the zone and do not detract from the surrounding rural land uses.

This Town Planning Report demonstrates that the proposal is largely consistent with the planning controls of Byron Shire Council. The site is 15 hectares in area and contains natural features that align with an eco-tourist facility. The property is considered to be suitable for the proposed development.

This report addresses the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and relevant planning instruments. It is considered that sufficient information has been provided to assess the proposal as a Development Application in light of the issues identified. However, please advise the Applicant should further information be required to address any issues that may arise during assessment

Section 9: Annexures

Annexure A Bush Fire Assessment Report

Annexure B Effluent Waste Report

Annexure C Ecological Constraints Report

Annexure D Traffic Assessment Report

Annexure E Photographs of Environmental features

Annexure F Statutory decorrelation of surrounding land uses

Annexure G Conflict Risk Assessment

Annexure H Assessment of Caravan parks 2005

Annexure I Waste Minimisation Management Plan

Annexure J Management Strategies

Annexure K Aboriginal Heritage Map

Annexure L Sustainability Policy

Annexure M Site Drawings & Plans

Annexure N Waste Location Map