
TOWN PLANNING REPORT

Statement of Environmental Effects

Development Application to formalise the use of an existing building as a dwelling and construct alterations and additions to that dwelling and a new swimming pool

Lot 2 DP 1007622
No. 72 Lawlers Lane, Bangalow

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TOWN PLANNING STUDIO

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- A. On-Site Sewage Capability Report – Greg Alderson & Associates
- B. Bush Fire Assessment – Town Planning Studio
- C. Clause 4.6 Variation Request – Town Planning Studio
- D. Development Plans – Archimages Architecture

1.0 Introduction

This Town Planning Report includes a Statement of Environmental Effects to accompany a Development Application to Byron Shire Council to formalise the use of an existing dwelling within the site and to carry out alterations and additions to that dwelling.

The following sections of this report relate to the matters summarised below:

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, Annexures include documentation of relevance to the proposed development and its site, including the plans of the proposed development. Figures are included throughout the document to provide details of the development and the development site.

This Statement of Environmental Effects has been prepared in consideration of the form approved by the Planning Secretary and published on the NSW Planning Portal, which requires a Statement of Environmental Effects to document the following, where relevant to the proposal:

- a. the environmental impacts of the development.
- b. how the environmental impacts of the development have been identified.
- c. the steps to be taken to protect the environment or to lessen the expected harm to the environment.
- d. any matters required to be indicated by any guidelines issued by the Planning Secretary.
- e. drawings of the proposed development in the context of surrounding development, including the streetscape.
- f. development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations.
- g. drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context.
- h. if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts.
- i. photomontages of the proposed development in the context of surrounding development.
- j. a sample board of the proposed materials and colours of the facade.
- k. detailed sections of proposed facades.
- l. if appropriate, a model that includes the context.

Note on the use of this document

This document has been prepared for the use of Byron Shire Council, as the consent authority, for determining a Development Application for carrying out development on the site. The document is to be used to assist in the assessment of a Development Application and is not intended to be used for any other purpose. This document is protected by copyright.

2.0 Description of the site

General

The proposed development relates to a single allotment of land that is formally described as Lot 2 in Deposited Plan 1007622. The property is located at No. 72 Lawlers Lane, Bangalow. The allotment has a land area of 36.07 hectares.

The subject lot is irregular in shape with frontage of over 200 metres to Lawlers Lane. The topography of the land falls from the entry at Lawlers Lane towards the centre of the allotment, with the slope also rising to the western boundary.

The site would once have supported grazing, however subsequent camphor laurel infestation and harvesting in 2015 have resulted in weed regrowth dominated by camphor laurel and privet.

Refer to Figures 1 & 2 below showing an extract of the Site Plan for the development. Refer to Figure 3 for a Locality Plan and to Figure 4 for an Aerial Photograph of the Site and Surrounds.

Surrounding Land Uses

The subject land is surrounded by a combination of agricultural, rural lifestyle, and hobby farming lots predominantly improved by residential dwellings. The lots immediately adjoining the development site to the north and west contain established plantations, whereas the numerous adjoining lots to the south and east are generally of a smaller scale more akin to rural lifestyle living.

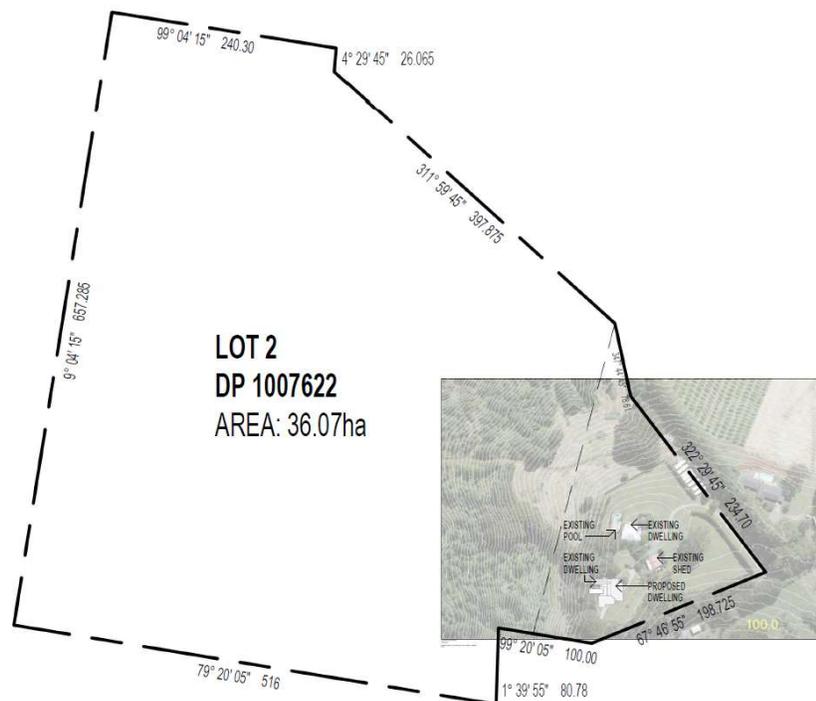


Figure 1 – Extract of Site Plan (Archimagés Architecture)



Figure 2 – Extract of Site Plan (Archimagés Architecture)

Improvements and Land Uses

Planning approval was granted for the construction of the existing dwelling and farm shed within the site (Development Consent No. 10.2000.61.1). A Complying Development Certificate was issued for a swimming pool (16.2003.81.1). Construction of these structures within the south-eastern corner of the site has been completed. An existing driveway provides access from Lawlers Lane to existing buildings and the centre of the allotment.

Development Application No. 10.2022.36.1 was granted consent on 8 June 2023 for a Tourist and Visitor Accommodation development comprising of 6 Holiday Cabins and Associated Works. This consent is yet to be commenced.

Portions of the eastern side of the property have been cleared of vegetation and the landowner is systematically removing established Camphor Laurel trees from the site. Notwithstanding, some regrowth vegetation and remnant native species are spread throughout the remaining western half of the property.

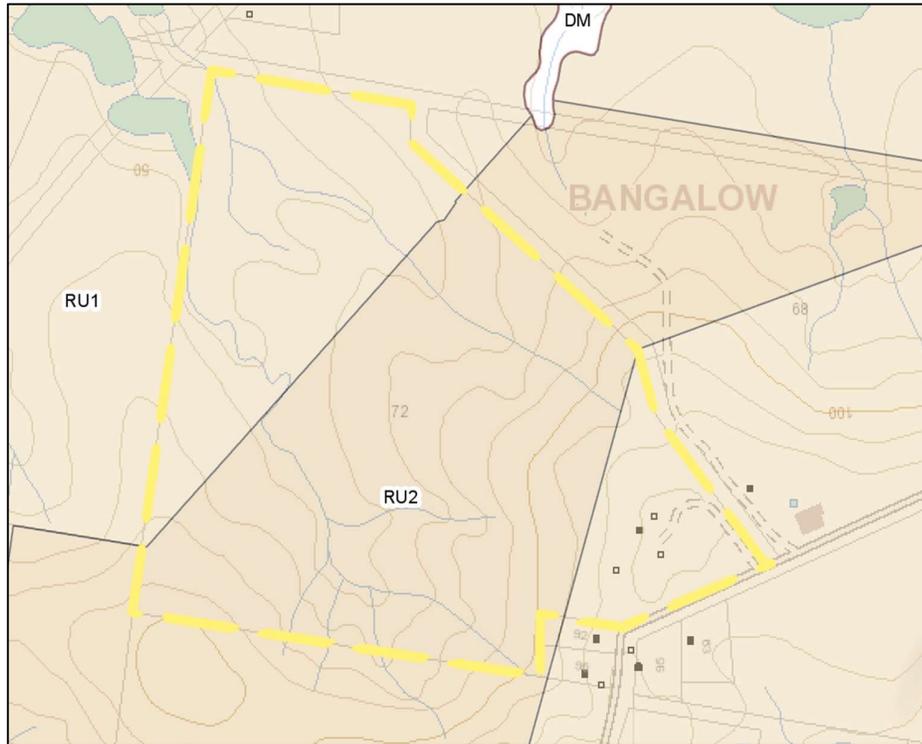
Services

The allotment has access to the following services:

- Water Supply – the property is supplied by tank water and has access to small intermittent streams.
- Sewerage Connection – an on-site effluent disposal system services the existing dwellings within the property.
- Telecommunications – provided to the allotment via NBN/Telstra infrastructure.
- Electricity – accessible from overhead transmission lines administered by Essential Energy.
- Stormwater drainage – all stormwater is dealt with within the site using tanks and the existing drainage lines.
- Waste and Recyclables Collection – available with roadside collection.

Zoning

Approximately half of the subject allotment, including the location of the existing dwellings, is located within the RU1 Primary Production Zone under Byron Local Environmental Plan 2014. The remainder of the property is within the RU2 Rural Landscape zone under Byron Local Environmental Plan 2014.



Constraints

Mapping by NSW Planning and Environment indicates that the property contains bush fire constraints. The land also contains gentle to steep slopes.

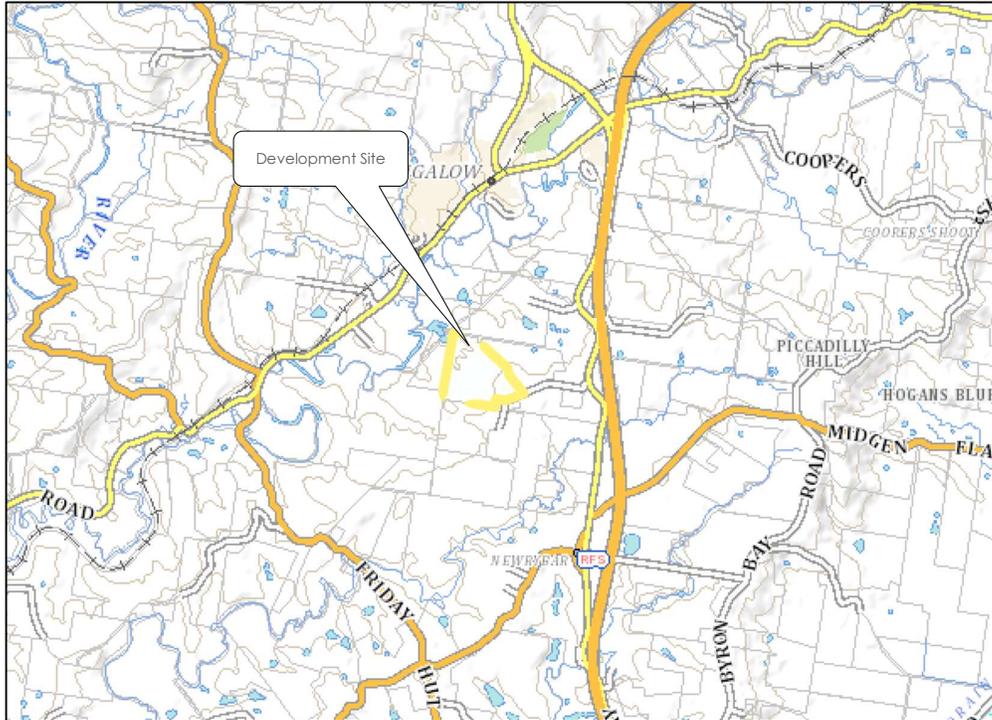


Figure 3 – Locality Plan (NSW LPI)



Figure 4 – Aerial Photograph of Site & Surrounds (Metromap)

3.0 Description of the proposal

Development consent is sought to formalise the use of an existing building within the site as a dwelling and to construct alterations and additions to that dwelling. Evidence has been provided that the existing building is a lawful structure. However, Byron Shire Council's Compliance Department advised that Development Consent was required for its use as a dwelling. Given the resources required to prepare and submit a Development Application to Byron Shire Council, alterations and additions to the existing building and a swimming pool are also proposed.

The proposed development is located within the east of the property, approximately 45 metres to the south of the main dwelling that was approved under Development Consent No. 10.10.2000.61.1. It comprises an existing single level building containing kitchen, bathroom, bedroom, living and laundry facilities. The new additions are proposed over a single level and contain a new kitchen/living/dining area, 3 x bedrooms, 2 x bathrooms and a laundry. Deck areas are proposed on the eastern and western sides of the dwelling. A swimming pool is proposed on the western side of the building site.

Refer to the Annexures of this Town Planning Report for a full set of plans prepared by Archimages Architecture. These show the dwelling constructed over a post and bearer floor with timber framed walls and a pitched roof. A mix of materials are proposed as detailed within the accompanying BASIX Certificate.

The Development Application is supported by a Bush Fire Assessment. An on-site wastewater feasibility assessment for the property has been prepared by Greg Alderson & Associates and is provided within the Annexures of this Town Planning Report. Note that this feasibility assessment was prepared to accommodate 12 x holiday cabins within the site. However, only 6 x holiday cabins were granted consent by Byron Shire Council. Therefore, sufficient capacity is provided for the proposed dwelling to connect. A separate application will be submitted under Section 68 of the Local Government Act 1993 for a detailed effluent disposal design that accommodates the proposed dwelling and 6 x holiday cabins.

A request is provided within the Annexures of this Town Planning Report to vary the requirements of Byron LEP 2014 to allow two separate access driveways.

4.0 Statutory considerations

4.1 NSW Environmental Planning and Assessment Regulation 2021

The proposal does not raise any significant issues under the NSW Environmental Planning and Assessment Regulation 2021.

4.2 Section 4.14 of the Environmental Planning & Assessment Act 1979

The subject property is mapped as containing bush fire hazards. A Bush Fire Assessment Report is provided as an Annexure to this Town Planning Report.

4.3 Section 1.7 of the Environmental Planning & Assessment Act 1979

Section 1.7 of the EP&A Act 1979 provides that the Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

An inspection of the property during the design phase confirmed that the site of the proposed dwelling additions is clear of native vegetation. The proposed buildings have been positioned within an area of the property that has cleared land. Ongoing property maintenance works is reducing camphor laurels infestations across the rural property. Camphor laurel is a noxious weed on the NSW North Coast. The landowner is entitled to remove vegetation under the Local Land Services Act 2013.

No impacts arise in relation to the on the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

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

4.4.1 Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Koala Protection) 2021

A Koala Plan of Management does not apply to this site. Part 1 Clause 6(3)(d) of State Environmental Planning Policy (Koala Protection) 2021 indicates that, within the Byron Shire, the policy does not apply to land that is within the RU1, RU2 or an equivalent zone. As the entire allotment is located within the RU1 Primary Production and RU2 Rural Landscape Zones, the SEPP does not apply to the site.

State Environmental Planning Policy (Koala Protection) 2020

With an area of greater than 1 hectare, Clause 7 of State Environmental Planning Policy (Koala Habitat Protection) 2020 confirms that this policy applies.

The key considerations under Part 2 of State Environmental Planning Policy (Koala Protection) 2020 are discussed below:

Is the land potential koala habitat? An inspection of the property on 6 June 2021 found the development site to be clear of trees. The aerial photography contained within the Preliminary Contaminated Land Assessment (see Annexures) confirms that the property has a history of low intensive agricultural uses. In the 1960's, almost the entire property had been cleared. Although some regrowth vegetation is located within sloping land in parts of the property, the site of the proposed dwellings remain clear of any significant vegetation. It is satisfied that the site does not comprise potential koala habitat.

It is obvious from attending the property that the site of the proposed building works does not comprise koala habitat. It is noted that no guidelines have yet been adopted for Council to consider during the assessment of a Development Application. A draft Koala Habitat Protection Guideline was released in March 2020 under State Environmental Planning Policy (Koala Habitat Protection) 2019, but that SEPP has since been repealed.

The following table provides comments with respect to the Tier 1 considerations under the Draft Koala Habitat Protection Guideline as a result of the inspection of the property:

The Tier 1 process is for development which can be demonstrated to have low or no direct impact on koalas or koala habitat as follows:	
1. indirect impacts that will not result in clearing of native vegetation within koala habitat.	It is not proposed to undertake clearing of native vegetation within koala habitat.
2. the development is below the Biodiversity Offsets Scheme threshold under the BC Act.	The development does not exceed the threshold under this Act.
3. there is no native vegetation removal.	No native vegetation removal is proposed as part of the Development Application.
4. the development footprint will not impede movement between koala habitat.	An inspection of the allotment confirms that the site of the proposed building works does not comprise koala habitat. The location of buildings in cleared areas of the property does not impede movement between koala habitat.
5. adequate mitigation measures such as those listed	See below.

<p>below are implemented as necessary.</p>	
<p>Dog attack Restrictions on the movement of dogs, including use of dog and koala proof fencing that effectively contains dogs and excludes koalas, with the provision of koala furniture that allows koalas to escape yards should they gain entry.</p>	<p>With an area of 36.07 hectares, the property does not lend itself to providing dog/koala exclusion areas. However, any dog activity would be limited to the existing cleared areas of the land.</p>
<p>Signage and education Dogs excluded from koala habitat areas and only allowed off leash in areas established as not being habitat.</p>	<p>The only dogs within the property would be companion animals of the property owners. No signage is considered necessary to educate the owners of the habitat values of regrowth vegetation.</p>
<p>Vehicle strike Traffic speed limited as far as possible. Traffic calming measures and roadside lighting. Use of koala proof exclusion fencing, with the provision of escape mechanisms should koalas gain access to the road. Inclusion of koala land bridges and/or underpasses where appropriate and in combination with koala proof exclusion fencing. Drowning in pools Incorporation of features and koala furniture that allow koalas to escape from pools and the fenced area, such as a shallow ramp or thick, taut rope. Use of pool fencing that effectively excludes koalas. No structures near pool fences that allow koala to gain access over fencing.</p>	<p>The subject site takes access from a section of Lawlers Lane that has speed limits imposed by local government agencies. The driveway to the development site has been designed without any traffic calming requirements given that it passes through previously cleared land. The small scale development does not require any land bridges, exclusion fencing or traffic management. Internal traffic movements are likely to be less than 20km/h.</p>
<p>Bushfire Development and implementation of a bushfire management plan with</p>	<p>No core koala habitat forms part of the asset protection zones for the new development.</p>

<p>measures that specifically address risks to koala habitat.</p> <p>Core koala habitat should not form part of the Asset Protection Zone (APZ). The APZ should occur beyond any koala habitat.</p> <p>Develop an emergency response plan that identifies key contacts in RFS, local wildlife carers and vets, and list of appropriate Government resources</p>	<p>All asset protection zones are located within cleared and currently maintained areas of the rural site.</p>
<p>Introduction or spread of disease</p> <p>Use of biosecurity and hygiene procedures in instances where vegetation pathogens known to affect koala trees might be spread or introduced. For example, strict enforcement of vehicle wash-down points.</p>	<p>The proposed development includes a wastewater feasibility assessment to guide the safe treatment of waste. A separate application will be made under Section 68 of the Local Government Act 1993 for wastewater disposal.</p>
<p>Disturbance</p> <p>Establishment of tree protection zones around any retained koala trees within the site area and preclusion of any development activities within the tree protection zones.</p> <p>Habitat restoration and strategic plantings to improve connectivity of retained habitat and trees.</p> <p>Where there may be indirect impacts on koala habitat, use of a suitably qualified koala spotter to inspect habitat prior to any development taking place.</p> <p>Where koalas are identified, temporary suspension of works that might disturb the koala and/or prevent it from moving to adjacent undisturbed habitat of its own volition.</p> <p>Koalas should be protected from disturbance and indirect impacts via appropriate</p>	<p>No koala trees that require tree protection zones have been identified within the building site.</p> <p>It is not proposed to provide additional habitat restoration works adjacent to the proposed cabin sites as such would impact on bush fire protection requirements for the development. Vegetation management zones have been nominated within sloping land to the south-west.</p> <p>Appropriate protection measures will be taken in the unlikely event that a koala is identified within the property during the construction phase of the development.</p>

<p>exclusion fencing from urban areas and roads.</p> <p>Fencing of urban areas should still allow for koalas to disperse through the koala habitat in the landscape and to connect with other koalas and koala colonies.</p>	
<p>Impediments to movement</p> <p>Retention of koala habitat corridors with the principle of minimising adverse impacts and retaining existing corridors.</p> <p>Infrastructure or development to be designed in a way that is reliably known to not impede safe koala movement. For instance, overpasses or underpasses as part of road design.</p> <p>Infrastructure or development to be designed in a way that facilitates koala movement by incorporating retention and planting of koala trees, where it is safe to do so. For example, retaining and planting paddock trees, trees along fencelines and remnant patches of bushland on properties.</p> <p>In some instances, there may be a need to reduce koala movement into development areas where they are more at risk (e.g. through the use of exclusion fencing).</p>	<p>The relatively small scale of the proposed development within a 36 hectare property does not warrant any specific infrastructure to facilitate koala movement.</p> <p>It is not proposed to remove any native vegetation from the site.</p> <p>The development does not change any opportunity for koala movement within the rural property.</p>

From an inspection of the site and a review of the above Tier 1 considerations, it is satisfied that the development does not trigger further assessment under SEPP (Koala Protection) 2020.

SEPP (Resilience and Hazards) 2021: Chapter 4 Remediation of land

These State Environmental Planning Policy provisions provide requirements to consider site contamination when assessing a Development Application. The property contains a dwelling house and has had continuous residential occupation for over 20 years.

The main dwelling was approved by Byron Shire Council under Development Application No. 10.2000.61.1. A preliminary site assessment was provided as part of this Development Application

to demonstrate the suitability of the site for residential use. It is satisfied from the previous approvals that the development site is suitable for the proposed dual occupancy (detached) development.

Byron Local Environmental Plan (LEP) 2014

LEP 2014 Land Use Table – RU1 Primary Production Zone

The proposed dwelling is located within the RU1 Primary Production Zone under Byron Local Environmental Plan 2014. The proposed formalisation of a dwelling will create a dual occupancy (detached) development within the site, which is a permitted land use within this zone.

The Objectives of the zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage consolidation of lots for the purposes of primary industry production.
- 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.

The subject property has a history of residential and low scale agricultural activities. Historic mapping and aerial photography shows a dwelling within the east of the property with limited surrounding native vegetation. The proposal seeks to add to the residential use of the site. It is noted that no intensive agricultural uses occur within the allotment. Predominantly rural-lifestyle properties are located within the surrounding area. The proposed development is considered to be a compatible land use for the site and is consistent with the objectives of the zone.

Clause 4.2A – Erection of dwelling houses and dual occupancies on land in certain rural zones

The objectives of this clause are as follows:

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural zones.

A review of Deposited Plan 1007622 indicates that the subject property was created by way of a Council approved subdivision (Ref 97/367 & 98/778). This confirms that the subject property possesses what is commonly referred to as a 'dwelling entitlement' under Clause 4.2A of Byron Local Environmental Plan 2014 and Clause 15 of Byron Local Environmental Plan 1988.

LEP 2014 Clause 4.1E - Minimum lot sizes for dual occupancies

The subject site meets the 4,000m² minimum under Clause 4.1E.

LEP 2014 Clause 4.2D – Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2

The requirements of Clause 4.2D are set out in the table below with a comment provided in relation to each:

Objectives	Comment
a) to provide alternative accommodation for rural families and workers.	The proposed dwelling will provide accommodation for the landowner's family/friends/guests to reside in the locality.
b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land.	The proposed dwelling is of a scale that can easily be accommodated within the rural lifestyle property. The design includes a single level that sits within 50 metres to the south of an established home. The proposal does not compromise the primary production potential or rural character of the land. The site is suitable for the development.
c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts	See below.

Consent Considerations	Comment
Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that:	
a) the development will not impair the use of the land for agriculture or rural industries.	The 36.07 hectare allotment does not currently support substantial agricultural activity. The proposed dwelling does not conflict with any of the low scale agricultural activities within nearby lots.

b) each dwelling will use the same vehicular access to and from a public road.	Refer to the Annexures of this report for a variation request to enable the two existing driveways from Lawlers Lane to be retained.
c) (repealed)	The existing and the proposed dwelling are sited within 50 metres of one another.
d) the land is physically suitable for the development.	The proposed dwelling site is clear of vegetation and has a gentle slope. The building site is suitable for the proposed construction. Gently sloping land near to the new dwelling is capable of accommodating effluent disposal services without significant earthworks. The site is assessed as being suitable for the development.
e) the land is capable of accommodating the on-site disposal and management of sewage for the development.	A waste water feasibility report is provided within the Annexures of this Town Planning Report which demonstrates the on-site effluent disposal capabilities for the site.
f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.	The proposed dwelling site is situated within a cleared area in the east of the 36.07 hectare property. The single level design will be partly obscured from view from Lawlers Lane by established vegetation along the road frontage. The development is not likely to significantly impact on the scenic amenity or character of the locality.

LEP 2014 Clause 4.3 – Height of Buildings

The Local Environmental Plan prescribes a maximum overall height limit of 9.0 metres within the subject site. The proposed building works meet the maximum 9.0 metre height requirement.

LEP 2014 Clause 4.4 – Maximum Floor Space Ratio

The Local Environmental Plan does not prescribe a maximum floor space ratio for the subject site.

LEP Clause 6.2 – Earthworks

The proposal requires only minor earthworks to complete new building works. All development is located within gently sloping land that is adequately setback from natural waterways and environmentally sensitive areas. Erosion control measures will be

applied during construction works. Refer also to comments under Chapter B14.2 of Byron Development Control Plan 2014.

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	Electricity is connected to the existing dwelling.
The disposal and management of sewage	A separate application will be submitted under Section 68 of the Local Government Act 1993 for wastewater disposal. However, a site capability assessment is provided within the Annexures of this 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 Lawlers Lane. The main driveway will be extended to the proposed dwelling. Sufficient area is available for vehicles to safely enter and exit the property from the public road.

4.4.2 Section 4.15(1)(a)(ii) The Provisions of any Draft Environmental Planning Instrument

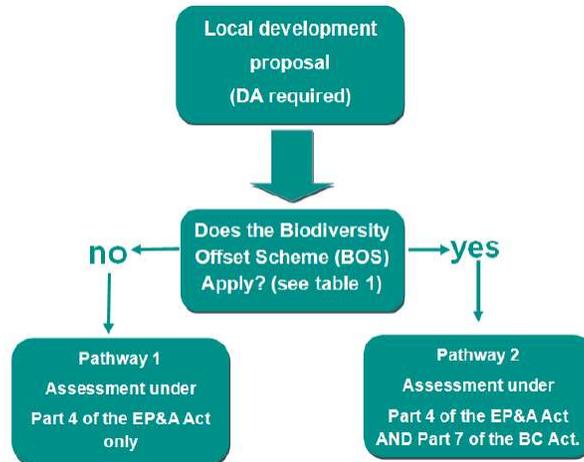
No draft environmental planning instruments have relevant implications for the proposal.

4.4.3 Section 4.15(1)(a)(iii) The Provisions of any Development Control Plans

Byron Development Control Plan (DCP) 2014

DCP 2014 Chapter B1 – Biodiversity

Chapter B1.1.4 of Development Control Plan 2014 provides that there are two major assessment pathways which affect the level of biodiversity assessment and the information required to support a Development Application (refer to diagram below). The controls outline that the appropriate pathway depends on whether or not the proposed development triggers the Biodiversity Offset Scheme (BOS) under the Biodiversity Conservation Act.



As the Development Application does not impact on any native vegetation, the Biodiversity Offset Scheme is not triggered by the proposed development. The proposed dwelling has been carefully sited to 'avoid and minimise' impacts on the natural environment.

DCP 2014 Chapter B2 – Tree and Vegetation Management

Chapter B2.2 provides that the vegetation listed in the table below is declared under Part 3 clause 9(1), (2) of the State Environmental Planning Policy (Vegetation in non-rural areas) 2017:

Declared Vegetation	Comment
(a) All vegetation mapped as High Environmental Value (HEV);	The proposed development does not seek to remove any HEV vegetation. It is noted that Council's mapping erroneously shows HEV vegetation adjacent to

	the development site. However, an inspection of the site found that this area is clear of significant vegetation.
(b) All red flags within Table 3 of DCP Chapter B1 Biodiversity (Appendix 1); NOTE: These include: - HEV Vegetation - Wildlife Corridors - Threatened/Significant Species - Koala Habitat - Waterways/Riparian Areas - Flying Fox Camps - Very Large Native Trees - Stages & Hollow-Bearing Trees - Raptor Nests	The proposed development does not affect any 'red flag' vegetation.
(c) All koala use tree species found in Schedule 2 of the Koala Habitat Protection SEPP specific to the North Coast Koala Management Area (Appendix 2);	The proposed development does not affect any trees that are koala tree species.
(d) All vegetation on land zoned E2 or E3;	The property is not within an E2 or E3 zone.
(e) All native vegetation within 50m of a fourth order stream or river, or within 20m of a second or third order stream;	The proposed development does not affect any native vegetation that is within 50 metres of a fourth order stream or 20 metres of a second or third order stream.
(f) All native trees within a non-rural area >150cm diameter at breast height (DBH);	The proposed development does not affect any trees that have a DBH of greater than 150cm.
(g) Any tree (native or non-native) that contains a hollow;	The proposed development does not affect any trees that contain a hollow.
(h) Very large trees (non native) of significant cultural or amenity value (e.g. Norfolk pine);	The proposed development does not affect any very large trees that are of significant cultural or amenity value.
(i) All native vegetation that supports threatened species	The proposed development does not

and their habitat (e.g. koala use trees that provide linkages within urban areas);	affect any trees that support threatened species and their habitats.
(j) All native vegetation on publicly owned or managed land including road reserve;	The proposed development does not affect any native vegetation within publicly owned or managed land.
(k) Where the native vegetation is a heritage item or within a heritage conservation area under the BLEP 2014 and does not otherwise require development consent as per the BLEP 2014;	The proposed development does not affect any native vegetation that is a heritage item or that is within a heritage conservation area.

However, Chapter B2.2.1 lists a number of Exemptions as listed in the table below:

Exemption	Comment
1. The removal of vegetation that is authorised under Section 600 of the <i>Local Land Services Act 2013</i> .	The owners are entitled to complete vegetation removal in accordance with this legislation.
2. Native vegetation that Council or the Native Vegetation Panel is satisfied is dead and is not required as habitat for native animals (see B2.2.4).	Not applicable in this case.
3. Native vegetation that Council is satisfied poses an unacceptable risk to human life or property (see B2.2.4).	Not applicable in this case.
4. Vegetation affected by works under State Environmental Planning Policy (Infrastructure) 2007 defined as exempt development.	Not applicable in this case.
5. Any tree where the nearside trunk is 3 metres from the nearest external wall of a lawfully approved existing permanent dwelling or manufactured home that is located on the same property. This does not apply to listed threatened species and ecological communities or areas mapped as koala habitat identified within the	Not applicable in this case.

Byron Coast Comprehensive Koala Plan of Management or identified under the Koala Habitat Protection SEPP. A permit will be required in those instances.	
6. Any non-native and /or invasive tree species listed in Appendix 3, regardless of size.	Not applicable in this case.
7. Vegetation declared under the <i>Biosecurity Act 2015</i> as a Mandatory Measure or above (see BSC Invasive Plant Species list)	Not applicable in this case.
8. Trees or saplings of Camphor laurel (<i>Cinnamomum camphora</i>) if under 5m tall.	Not applicable in this case.
9. Vegetation removal that is subject to works under an approved Vegetation Management Plan or Biodiversity Conservation Management Plan.	Not applicable in this case.
10. Restoration activities undertaken by landholders applying current 'best practice' camphor conversion techniques (e.g. Subtropical Rainforest Restoration 3rd Edition, Big Scrub Landcare).	Not applicable in this case.

It is confirmed that the proposed development will not require the removal of any native trees or substantial vegetation from the site. Only camphor laurel trees will be impacted. The proposal does not compromise the provisions of Chapter B2 of Byron Development Control Plan 2014.

DCP 2014 Chapter B1.2.1 – Development Envelope Controls

Chapter B1.2.1 includes recommended buffer setbacks to nominated 'red flag areas' such as high ecological value vegetation and streams. The majority of the proposed development is not located within a buffer area of any high ecological value vegetation. It is noted that Council's mapping shows HEV vegetation adjacent to the proposed dwelling site. However, an inspection of the site found that this area contains a single fig tree that will not be impacted by the proposal. The development is consistent with the provisions of Chapter B1.2.1.



Figure 6 – HEV mapping (Byron Shire Council)

DCP 2014 Chapter B4.2.5 – Car Parking Requirements

Chapter B4.2.5 refers to Table B4.1 for car parking provision for specified development. The proposed dwelling is to be provided with 2 x parking spaces to meet the requirements of Table B4.1. Existing driveways provide access to the dwelling site.

DCP 2014 Chapter B6.2.4 – Buffers

Chapter B6.2.4 includes the following objectives:

- a. To avoid land use conflicts between proposed new development and existing, legitimate land uses.
- b. To outline controls for buffers aimed at reducing land use conflicts between proposed new development and existing, legitimate land uses where development design and siting cannot deal satisfactorily with land use conflict.
- c. To provide for existing, legitimate agricultural and associated rural industry uses to take precedence over other rural land uses within primary production rural zones and where appropriate in other rural zones.
- d. To protect significant environmental and natural resources through incorporation of buffers into developments.

The subject property has an area of 36.07 hectares. It is surrounded by similar and smaller sized rural lots. Most surrounding properties contain dwellings. Sufficient separation is provided to a stone fruit orchard within the adjoining property to the east (the subject dwelling is located further from the orchard than the dwelling that has been approved under DA 10.2000.61.1). Rural lifestyle properties are located within the immediate area. The proposed dwelling is located over 560 metres from a former dip site that is located to the east. The development does not create any land use conflicts for the locality.

DCP 2014 Chapter B14.2 – Excavation and Fill in All Zones

The Prescriptive Measures of Chapter D14.2 provide that excavation and filling must be limited to a depth of 1.0 metre, with exemptions allowable for garages and swimming pools. The proposed development includes only minor earthworks as the land is generally level and has previously been cleared. Sediment and erosion control measures will be put in place during the construction to ensure water quality is maintained. Details will be submitted as part of the Construction Certificate process.

Chapter D2.2.2 – Setbacks from Boundaries

The proposed dwelling has a setback of over 30 metres from Lawlers Lane and the nearest adjoining property. All setbacks are consistent with the minimum requirements of Chapter D2.2.2.

Chapter D2.2.3 – Character and Visual Impact

The proposed dwelling is located within the south-east of the allotment. The property contains existing boundary vegetation that will assist in screening the development from Lawlers Lane. No adverse visual or character impacts result from the single level development that is proposed as part of the Development Application.

It is noted that Prescriptive Measure 1 limits the total number of residential buildings per property within RU1 or RU2 Zones (including dwelling house, expanded house, dual occupancies and secondary dwellings) to not more than six buildings. This excludes multiple occupancy, community title, farm buildings, sheds and other structures meant for rural activities. The proposal meets this requirement.

Chapter D2.5 – Dual Occupancies and Secondary Dwellings

The objectives of this Development Control Plan requirement are to ensure that dual occupancy developments in rural areas are located to avoid potential conflicts with agricultural activities and to ensure compatibility with the rural character of the locality.

The 36.07 hectare allotment allows for generous setbacks to all property boundaries. The proposed dwelling does not cause any adverse impacts with respect to land use conflicts. The immediate locality contains at least 8 x dwellings within 300 metres of the proposed residential use.

Chapter D2.5.1 – On-Site Car Parking

On-site car parking is available on the southern side of the new dwelling. An existing driveway provides access to the property. All vehicles are able to enter and exit the site in a forward direction. These arrangements meet the requirements of Chapter D2.5.1.

Chapter D2.5.2 – Character and Siting of Dwellings

The proposed dwelling is within 50 metres of the existing dwelling. The site is suitable for the proposed dwellings as it contains previously cleared land. The proposed development is setback at least 15 metres from the Lawlers Lane frontage. The proposal does not detract from the character of existing development in the locality.

Chapter D2.5.3 – Sound Proofing

Sound proofing is not required for the proposed development as the two dwellings are not attached to one-another.

Chapter D2.5.4 – Private Open Space

Adequate area is available adjacent to the proposed dwelling to provide a 30 square metre private open space area with minimum dimensions of 4m x 4m. Deck areas are provided as part of the new dwelling design.

Chapter D2.5.5 – Adjoining and Nearby Development

The proposed development is positioned over 50 metres from the nearest neighbouring dwelling. The proposed development is low set to reduce visual impacts. Vehicle movements associated with the development will not have any discernible change to the traffic movements on The Pocket Road. The residential proposal is considered to be low impact development.

4.4.4 Section 4.15(1)(b) The 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.

This Section of the Statement of Environmental Effects indicates the following matters, where relevant to the proposal:

- (a) the environmental impacts of the development,
- (b) how the environmental impacts of the development have been identified,
- (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment.

The following actions were applied to assist in identifying potential impacts from the proposed development:

- An inspection of the site on 24 May 2024.
- Review of aerial photography to identify vegetation cover and the position of development within the site and surrounding properties.
- Review of environmental planning tools including vegetation mapping, koala habitat mapping, BDAR mapping, stream mapping, constraints mapping and zoning mapping.
- Review of historic planning approvals to confirm existing and past land uses within the site and adjoining properties.
- Engagement of specialise consultants to review surrounding land uses, undertake a noise assessment, review traffic, access and parking arrangements and provide a wastewater site compatibility assessment.

Economic Impacts

The proposal is likely to result in positive economic impacts during both the construction and operational phases. The construction will provide employment for tradespersons for approximately 10-12 months.

Social impacts

The development site is located within the Bangalow rural area. The locality predominantly includes small rural holdings containing detached dwellings and small scale farms. The proposal is unlikely to have significant social impacts.

Impacts on the Built Environment

The proposed development is adequately setback from Lawlers Lane with existing vegetation providing screening to the road frontage. The proposed design uses materials and colours that are suited to the rural site. The development is located within 50 metres of the established dwelling. It is not high in elevation or visually prominent. No adverse impacts on the built environment are likely to arise from the proposal.

Impacts on Traffic and Car Parking

As the proposal formalises an existing building as a dwelling, no significant changes in traffic arrangements will result in the long term. Vehicle movements during construction will be limited to standard construction hours. Sufficient area is available within the allotment to park vehicles during both the construction and operational phases. The proposed development is considered to have an acceptable impact in terms of traffic and parking.

Impacts on the Natural Environment

The site of the proposed development has previously been cleared of native vegetation. Aligning with the proposal, the landowner is undertaking ongoing property maintenance to allow for natural and planned regeneration in accordance with Local Land Services legislation.

Erosion control measures will be applied during construction to control sediment runoff and mitigate environmental damage downstream of the site. New landscaping and environmental enhancement works are proposed on the site to improve the ecological condition of the property. The proposal will not result in adverse impacts on the natural environment.

4.4.5 Section 4.15(1)(c) Suitability of the Site for the Proposed Development

The development site comprises a 36.07 hectare allotment located within the rural locality south of Bangalow. The land is located within the RU1 Primary Production Zone under Byron Local Environmental Plan 2014.

The allotment contains cleared and gently sloping land that is suitable for the proposed dwelling. The location is directly accessible from the existing access driveway within the site. The site is substantially setback from the nearest natural waterway and provides suitable buffers to bush fire hazards.

The development site is within 50 metres of the main dwelling. Mature vegetation and landscape plantings at the front of the site provide screening from Lawlers Lane.

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

4.4.5 Section 4.15(1)(e) The Public Interest

The proposed development is generally consistent with Byron Shire Council's development control requirements and does not compromise the public interest.

5.0 Conclusion

The proposal seeks to formalise the use of an existing building as a dwelling and construct alterations and additions and a swimming pool. The development will create a dual occupancy (detached) development within the site. The proposed development has considered the requirements of Byron Local Environmental Plan 2014 and Development Control Plan 2014.

The proposal is permitted with the consent of Council within the RU1 Primary Production Zone under Byron Local Environmental Plan 2014. It is consistent with the objectives of the zone and does not detract from the surrounding rural land uses.

This Town Planning Report demonstrates that the proposal is generally consistent with the planning controls of Byron Shire Council. A request is provided within the Annexures of this Town Planning Report to vary the requirements of Byron LEP 2014 to allow for two access driveways. The site is 36.07 hectares in area and 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.

• • • • • • • • •

Joe Davidson

Annexure A

On-site Sewage Capability Report



On-site Wastewater Management Feasibility Assessment

**Proposed Rural Tourist Facility and
Function Centre**

Lot 2 DP 1007622

72 Lawlers Lane, Bangalow

For: R. Mamone
Report no: 21529_ww.docx
Date: 12 October 2021



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Revision

Summary

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Appendix A - Disposal Area Calculation Worksheet

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- Exhibit No 1 - Site Location
- Exhibit No 2 - Proposed disposal area
- Exhibit No 3 - ETA bed cross section

1. INTRODUCTION

Greg Alderson and Associates have been commissioned by Ralph Mamone to provide an On-Site Wastewater Management feasibility assessment to accompany proposed rural tourist cabins and function centre at Lot 2 DP 1007622, 72 Lawlers Lane, Bangalow.

1.1. Proposed Development

The proposed development will consist of rural tourist cabins and a temporary function centre. The proposed development will be in two stages:

Stage One: Construction of 12 x 1 bedroom cabins and an amenities building which will be for the use of cabin guests only. Total patronage will be 24 people in the cabins

Stage Two: will be to use the amenities building as a 'temporary function centre'

The temporary function centre will be for 150 people and will be for no more than 1 event will be held at the function centre on any one weekend, and no more than 20 events will be held at the function centre in any period of 12 months.

The function centre will have a kitchen to allow for cooking on-site, however the initial use of the building will see prepared food being brought to the site and plated.

The following report provides information in regards to the site characteristics and the proposed feasibility of an On-site Sewage Management System (OSMS) to manage wastewater generated from the proposed development.



Figure 1: Subject Site and proposed development (Archimages, 2021)

1.2. Proposed On-Site Wastewater Management System

It is proposed that the development will have separate wastewater management systems which will consist of:

- Aerated Wastewater Treatment Systems (AWTS) to service four cabins (ie 3 AWTS for the 12 cabins);
- Trade waste system and Aerated Wastewater Treatment System for the proposed function centre

Exhibit No. 2 presents a site plan showing the location of the proposed development components.

1.3. Existing Development

The existing site contains a dwelling located to the south of the proposed development site. There is no proposed change to the existing dwelling and the existing wastewater management system will not be impacted by the proposed development. No further assessment is warranted for the existing wastewater management system.

2. SITE DESCRIPTION

Staff of this office investigated the subject property and the proposed wastewater management system location. The site is accessed via the existing driveway from Lawlers Lane and then currently an informal track to the proposed cabins, which also services other parts of the property. The proposed cabins and amenities building are proposed to be located to the north of the existing dwelling, on a side of a hill with a north westerly aspect.

The proposed layout will consist of a 'ring road' with the proposed cabins positioned on the outside of the ring road and the amenities building positioned within the middle of the road. Earth works are proposed for the development and it is understood extensive landscaping is also proposed.

The property is shown within its immediate locality on **Exhibit No. 1**.

2.1. Land Area

The land area of the allotment is 36 ha. There is suitable area available for wastewater management to avoid steep gradients, dense vegetation and drainage lines.

The disposal areas are shown on **Exhibit No. 2**.

2.2. Vegetation

Vegetation across the property consists of manicured lawns in the vicinity of the existing dwelling and dense vegetation to the north of the proposed development area. It is understood that the proposed development will have substantial landscaping and there is therefore opportunity to reuse the treated wastewater in the landscaped gardens for the development. However, at this feasibility stage, it is proposed that the disposal field will be located in a an area which contains the occasional tree, which will not impact the disposal field. Vegetation will not be restrictive to the installation of a large OSMS on the site.

2.3. Slope

The topography of the property consists of generally gentle slopes. The proposed disposal area is positioned on a gently sloping area of approximately 15% with a westerly facing aspect. This slope is not restrictive to the various wastewater disposal methods available. The area around the proposed development 20 % which is suitable for wastewater also, and this can be investigated further as part of the s68 if it were to be used for irrigation of landscaped areas.

2.4. Soil

The top soil layer which extends for about 200mm consisting of clay loam overlaying light clay. The soil of the site has The soil was well structured to the depth of the borehole, which was 800mm. The soils were well drained and were moderately structured.

The soil type in the proposed disposal area consists of red krasnozem in accordance with the Great Soil Group Classification. Below is the of the soil profile of the subject site.

SOIL ASSESSMENT							
Horizon	Depth (mm)	Texture	Structure	Colour	Coarse Fragments	Soil pH	Dispersive Class
	0	Clay loam	Strong	Dark brown	None observed	6 (Morand, 1994)	No dispersion (Morand, 1994)
	200	Light clay	Strong	red	Few weathered rock fragments - less than 20%		
	800	Test terminated					

The site of the proposed wastewater disposal area is located on the 'Bangalow' Residual soil landscape classes in accordance with the Soil Conservation Service 1:100,000 Soil Landscape Map. It is considered that the soil and characteristics of the property match the Bangalow Soil Landscape description.

The following is a summary of the Morand (1994, p29).

- Soil Landscape: Residual Bangalow Landscape
- Soils: Moderately deep to deep (>100 cm), Krasnozems and brownish red well drained krasnozems on slopes.
- Geology: Lamington volcanics: Lismore Basalts - Tertiary basalts, with bore and minor agglomerate
- Limitations: Very acid soils with high aluminium toxicity potential. Steep slopes and mass movement and localised rock outcrop.
- Permeability: moderate to high.

The following table is an assessment for the proposed disposal system in accordance with the *Environment and Health Protection Guideline On-site Sewage Management for Single Households* (EPA et. al. 1998).

Table 1: Soil Assessment for Wastewater Disposal in accordance to EHPG

SOIL FEATURE	COMMENT	LIMITATION RATING		
		Minor	Moderate	Major
DEPTH OF SOIL	Soil depth is estimated to be greater than 2000mm in depth	✓		
DEPTH TO HIGH EPISODIC/ SEASONAL WATERTABLE	The water table was not intersected during borehole tests and no springs or other water discharges were observed. An allowance of 3 m to the watertable was used in order to size the disposal area based of phosphorous movements	✓		
SOIL PERMEABILITY	The sites soils were light clays which have an acceptable permeability.	✓		
COARSE FRAGMENTS	Non-observed in borehole	✓		
pH	Soil pH is generally acidic (6.0), and will require lime to be incorporated into the disposal area.	✓		
ELECTRICAL CONDUCTIVITY (dS/m)	Morand (1994) states that the Bangalow soil landscape has a very low electrical conductivity, there was no evidence of vegetation being affected by salt	✓		
PHOSPHOROUS SORPTION (kg/ha)	Morand (1994) states that the Bangalow soil landscape has a moderate to high phosphorous sorption rate of greater than 600mg/kg which is equivalent to greater than 10000kg/ha/year. 10 000kg/ha/year was used for the design of the disposal area	✓		
MODIFIED EMERSON AGGREGATE TEST	Morand (1994) states that the Bangalow soil landscape has a low dispersive percentage, there were no signs of dispersiveness when soil at site was examined	✓		

Overall EPA *et. al.* (1998) would class the soil as being a minor limitation for disposal of wastewater.

2.4.1. Improvements to Soil

Increased acidity affects cation exchange capacity and can lead to deficiencies in calcium and magnesium while mobilising aluminium, which is toxic to plant growth. Lime can be added to the soil profile when preparing the area for disposal to increase the pH to a range between 6.5 - 8.5, which will enable plants to take up nutrients, which will be within the wastewater.

Gypsum will be added to the soil on an annual basis at the rate of 0.5 tonne/hectare to prevent the soil from degrading from sodium application, which is contained in the wastewater.

2.5. Environment and Health Risk Assessment

The following (Table 2) is an environment and health risk assessment in accordance with the policy for *Design Guidelines for On-Site Sewage Management Systems* Byron Shire Council (December, 2004).

Table 2: Environment and Health Risk Assessment for Proposed Disposal Area

SITE FEATURE	LIMITATION		REASONING
	NONE	MAJOR	
FLOOD POTENTIAL	✓		The land of the proposed disposal areas is not subject to flooding.
SOIL TYPE	✓		Light clays which have adequate permeability
EXPOSURE	✓		Exposure to sun and wind is good.
SLOPE %	✓		Slope is 15% which is not restrictive to SSI disposal
LANDFORM	✓		The property is located on the side of a small rise.
EROSION POTENTIAL	✓		No signs of erosion present in disposal areas.
SUBSOIL DRAINAGE	✓		No visible signs of subsoil dampness in the proposed disposal area.
SURFACE DRAINAGE	✓		Catch drains can be installed and stormwater runoff can be diverted from the disposal area.
LAND FILLING	✓		No fill observed in the proposed disposal area.
LAND AVAILABLE FOR APPLICATION AREA AND BUFFERS	✓		There is in excess of 2000m ² available, which is suitable for on-site wastewater treatment and disposal.
ROCKS AND ROCK OUTCROPS	✓		None observed in disposal area.
TREATMENT SYSTEM	✓		AWTS (Secondary Treatment)

BUFFERS

✓

All buffers are achieved a ground water bore is located on the site, to the south of the existing shed, which is located up hill and in excess of 100 m to the development area therefore 50 m setback is achieved for a bore upgradient of the disposal field

2.6. Site Constraints and Proposed Best Practice

Tables 1 & 2 presented site constraints that may occur following the BSC Design Guidelines for On-Site Sewage Management Policy (2004) and the Environment and Health Protection Guideline On-site Sewage Management for Single Households (EPA *et. al*, 1998). It can be seen that the site is generally not restrictive to wastewater treatment and disposal according to these tables.

There is a groundwater bore present on the site. The proposed disposal area would be located greater than 50m down slope from the bore, and therefore the buffer distance required under Byron Shire Council's on-site wastewater management guidelines (2004) is met.

3. WASTEWATER CHARACTERISATION

The 'strength' of the wastewater will vary from the wastewater generating proposed development on the subject site. Wastewater from the stage 2 when the amenities will be used as a function centre will most likely have high BOD, nutrients and fats, oils and grease (FOG), and therefore particular consideration will need to be taken for these constituents. BOD is of most concern from such a development when considering on-site treatment and disposal, as poor management of high BOD loads will lead to odour issues and biofilm build up in irrigation lines and can cause issues with the function of the Aerated Wastewater Treatment Systems.

Wastewater from the remainder of the proposed development will reflect that of expected domestic effluent. A description of the expected wastewater characteristics & constituents are given in the following sections.

3.1. Predicted Hydraulic Loading

Predicted hydraulic loadings are based on occupancy information provided by the client. Table 1 presents the calculated water volumes from the various development components present on the subject site.

Table 3: Hydraulic volumes estimated from the development on the site.

Source	Number of cabins	People/Cabin	No. of People	Loading per person (L/day)	Loading per source (L/day)
Cabins	12	2	24	140 ¹	3360
Amenity Building Stage 1			24	15 ²	360
Function centre (change from amenity building)			150	25 ³	3750

¹ based on Byron Shire Council's On-site wastewater management strategy (2004) for tank water with standard water saving devices.

² based on AS 1547-2012 per customer tearooms/lunchbars with restroom facilities

³ based on AS 1547-2012 per customer tearooms/lunchbars with restroom facilities

3.2. BOD Loading

The BOD loading from stage 2 when the function centre is in operation is expected to generate in excess of 300 mg/L, which is too high to be treated in an off the shelf Aerated Wastewater Treatment System.

3.3. Predicted Nutrient Loading

Nitrogen & Phosphorus are the nutrients of main concern when treating and disposing of wastewater on-site (Crites & Tchobanoglous, 1998). The predicted loadings of these two nutrients from the existing and proposed development on the subject site is discussed in the sections below.

3.3.1. Total Nitrogen

Total Nitrogen (TN) calculations for the subject site are based on both published loading figures for domestic sources and this offices experience for concentrations from commercial sources. Table 5 shows the calculated TN loadings per source.

Table 4: Estimated TN loading from the development on the site.

Source	No. of People	TN concentration (mg/L)	Loading per person (Kg/yr)	Loading per source (Kg/yr)
Function centre (stage 2)	150	120 ¹	0.06	9 ²
Rural Tourist Cabins	24	-	4.2 ³	100.8

¹ based on this offices (GAA) experience from testing wastewater generated from restaurants/commercial kitchens within Byron Shire,

² Calculation = 120mg/L/1000000*3750L/day*20 days (for events),

³ based on Byron Shire Council's On-site wastewater management strategy (2004) and no allowance for reduced occupancy rate

3.3.2. Total Phosphorus

Total Phosphorus (TP) calculations for the subject site are based on both published loading figures for domestic sources and this offices experience for concentrations from commercial sources. Table 6 shows the calculated TP loadings per source.

Table 5: Estimated TP loading from the development on the site.

Source	No. of People	TN concentration (mg/L)	Loading per person (Kg/yr)	Loading per source (Kg/yr)
Function centre (stage 2)	150	20 ¹	0.01	1.5 ²
Rural Tourist Cabins	24	-	0.6 ³	14.4

¹ based on this offices (GAA) experience from testing wastewater generated from restaurants/commercial kitchens within Byron Shire,

² Calculation = 20mg/L/1000000*3750L/day*20 days (for events),

³ based on Byron Shire Council's On-site wastewater management strategy (2004) and no allowance for reduced occupancy rate

3.4. Additional wastewater characteristics of concern

In this offices experience wastewater generated from restaurants or cafes can have high concentrations of Fats, Oils and Grease (FOG). From this offices experience in FOG concentrations from other restaurant/commercial kitchens in Byron Shire it is expected that a FOG concentration of 250mg/L should be designed for in the OSMS. Grease traps and septic tanks are sized to provide adequate FOG removal as it is expected that stage 2 for the function centre may experience high fats, oils and grease.

4. DESIGN OF ON-SITE WASTEWATER MANAGEMENT SYSTEM

This Section describes an OSMS design that would be feasible for treating and disposing of wastewater generated at the site.

It is proposed that a separate wastewater management system will be utilised for the proposed cabins and the function centre. This allows for flexibility and maintenance of the systems. The design of the wastewater management system for the amenities building will be based on the Stage 2 use of the building as a function centre and will be assessed as if food will be prepared on-site, therefore conservative assumption of higher BOD, FOG and nutrient loading than may actually occur.

It is proposed that septic tanks & Aerated Wastewater Treatment Systems (AWTS's) could be utilised for providing treatment of wastewater generated on the site, a separate AWTS will be used after the trade waste for the amenities/function centre and three AWTS are proposed to service the cabins, allowing for four cabins to be serviced by one AWTS. Therefore, in case of failure of a pump for example, only those cabins will not be able to be let in the short term, rather than the whole site if a combined AWTS was to be used. It is also proposed that a SubSurface Irrigation (SSI) field could be installed to dispose of all wastewater generated from the site.

4.1. Grease Arrestor for Function Centre

In accordance with the Liquid Trade Waste Management Guidelines (NSW DPI, 2021) a minimum 1000 L grease arrestor is required for the proposed function centre. This is to be installed to receive kitchen wastewater from the cellar door only, and will flow on to the AWTS, all other wastewater will flow directly to the AWTS. The grease trap will need to be maintained through regular waste removal by a pump out contractor. Normally a recommendation of having a series of septic tanks instead of a grease arrestor would be made for cafes connected to on-site systems as this office has found that a grease arrestor generally does not reduce the BOD/FOG loading sufficiently. However, given that the function centre will only be permitted to be used up to

20 times per year it is expected that the actual loading will be much lower than a typical café/restaurant with constant loading on the system all day, consecutive days.

4.2. Aerated Wastewater Treatment System

It is considered that Taylex ABS AWTS's are suitable for providing secondary treatment for wastewater generated from the cabins at subject site, it is proposed that one Taylex ABS will cater for four cabins (1 120 L/day), therefore three Taylex ABS are required.

It is proposed that a Taylex ABS5000 will be used for the function centre in order to cater for the hydraulic load 3750 L/day peak loading from the use of the amenities in stage 2, but also the predicted usage by the occupants of the cabins 360 L/day.

4.3. Disposal Area Required

This section investigates the disposal area required based on the predicted hydraulic and nutrient loadings from the entire site, and environmental factors which influence the design. In order to ascertain the size of the disposal area, the model within the Byron Shire Council Design Guidelines for On-site Sewage Management for Single Households was used (referred to as 'the model') with the hydraulic and nutrient parameters calculated in this report used in the modelling.

4.3.1. Four cabins

It is proposed that four cabins will be connected to one AWTS, therefore being 8 people. The following parameters were used in the Council's model:

- 8 people (hydraulic and nutrient values adjusted to match proposed loadings);
- Land area of 12000 m² allowing for one third of the site due to there being a dwelling and the function centre;
- 1 120L peak daily loading;
- 33.6 kg/TN/year;
- 4.8 kg/TP/year;
- 53% Nitrogen reduction with the use of Taylex ABS AWTS';
- 3m depth to water table;
- Red basaltic Soils & light clay strong structure;
- Mounded bed disposal area to allow for rainwater runoff due to the gradient of the site;
- SSI land application.

The disposal area required for the hydraulic and nutrient loadings is as follows:

Area Required for	Hydraulics:	393 m ²
	Nitrogen:	132 m ²
	Phosphorus:	94 m ²

Therefore, for the 12 cabins, there will be three Taylex ABS and a total disposal field required of 1179m² (393 m² x 3).

4.3.2. Function Centre

The design of the disposal field required for the amenities building is based on the peak daily load of the stage 2 use of the building as a function centre. The following parameters were used in the Council's model:

- 1 person in order to override calculations
- Land area of 12000 m² allowing for one third of the site due to there being a dwelling and the cabins;
- 3750L peak daily loading;
- 9 kg/TN/year;
- 1.5 kg/TP/year;
- 20% Nitrogen reduction with the use of Taylex ABS5000;
- 3m depth to water table;
- Red basaltic Soils & light clay strong structure;
- Mounded bed disposal area to allow for rainwater runoff due to the gradient of the site;
- SSI land application.

The disposal area required for the hydraulic and nutrient loadings is as follows:

Area Required for	Hydraulics:	1315 m ²
	Nitrogen:	0 m ²
	Phosphorus:	29 m ²

Therefore, for the function centre an area of 1315 m² is required. This is considered conservative as the site will only be operated at this higher daily level for 20 days.

Investigation could be made as part of the s68 application for storage of the wastewater and dispersion of the treated wastewater over a smaller area over several days (ie 5 days dispersion would be 263 m²) with the use of a holding tank and this would be considered suitable given the area required for just the use of the amenities without a function centre is 231 m².

4.4. Design of Subsurface Disposal Area

A detailed irrigation design will be required for Section 68 approval following Council approval of the proposed DA. A site plan showing a feasible layout of a SSI field is provided (Exhibit No. 2), however, it is possible that the irrigation area could partly be used for landscaping purposes, pending further investigation as part of the s68 assessment. It is also recommended that an irrigation tank, of at least 5000 L capacity is used to collect the treated wastewater after each AWTS and then pump from the irrigation tank to the subsurface irrigation area which would consist of one irrigation area, made up of up to six irrigation blocks, rather than irrigation. An approved disposal system will consist of the following:

- The disposal area is to consist of **Pressurised SubSurface Irrigation**.
- All roof water is to be diverted away from the disposal field and a catch drain/mound will be constructed upslope of the area, as shown in **Exhibit No. 2**.

As part of a detailed irrigation design for Section 68 approval, the following is to be included:

- Dripper line spacing,
- Emitter spacing,
- Pipe sizes (delivery main and submains),
- Pump duties for all pumps,
- Dosages, irrigation time and number of blocks.

5. MAINTENANCE PLANS

The following is a maintenance check list is general, and it is expected that further maintenance plans are provided as part of the s68 application.

It is recognised that the site will be used for visitors, therefore it is encouraged that signage is place in the toilet and/or made available within the cabins to inform guests not to flush foreign objects down toilets.

5.1. General

- Bleach, bleach-based products, whiteners, nappy soakers and spot removers shall not be disposed of into the on-site system. They shall be disposed of on a disused area of a garden, well away from the disposal area.
- Wipes are not to be flushed down the toilet, as these will cause blockages, and must be disposed of into garbage bins in sealed plastic bags.
- Hygiene products, condoms, tampons, sanitary napkins, disposable nappies and cotton buds are not to be disposed of via the on-site disposal system. They should be disposed of into garbage bins in sealed plastic bags.
- Only the recommended amounts of disinfectants should be used. Biodegradable products for septic systems are recommended.

5.2. AWTS

The following maintenance requirements are listed in Council's On-site Sewage & Wastewater Management Strategy (2013).

'Regular servicing and maintenance is required, commonly on a quarterly basis. The owner therefore must enter a service contract with a service agent.

A copy of the service report is forwarded to Council within 7 days from the date of service.

At each service, the treatment system and effluent disposal system should be checked, including:

- all pumps;
- the air blower, fan or air venturi:
- the alarm system:
- the operation of the sludge return system, where installed:
- pH from a sample taken from the irrigation chamber;
- check on sludge accumulation in the septic tank (primary treatment chamber) and the clarifier

- where appropriate;
- a thorough inspection & testing (if appropriate) of the effluent disposal field and all fixtures to
- ensure operation is in accordance with the approved design; and
- a sludge bulking test is required annually if activated sludge or contact aeration is used.

5.3. Grease Arrestor

The grease arrestors must be regularly maintained. It is not expected that there will be a high load of grease and oils, however, initially, the pump-out frequency should be set at 13 weeks and can then be expanded to suit the use of the site. The initial pump-out frequency is used as an interim guide when commencing the discharge. However, regular inspections may allow to determine the frequency of pump-outs. Records of pump-outs must be kept for on-site inspection. For further information on grease arrestors, including installation requirements and maintenance, refer to ss. F5.4 to F5.7 of Appendix F of Liquid trade Waste Management Guidelines (DPIE, 2021).

5.4. Irrigation Area

The subsurface irrigation system is designed in a manner that will allow the system to be maintained and repaired quickly if part of the system happens to fail.

- Run-off diversion banks to be inspected annually and maintenance as required undertaken to ensure that surface runoff is diverted around each of the disposal areas;
- No vehicular, stock or regular pedestrian access should be made across the disposal field.
- Regular soil tests are to be taken in the irrigation area and corrective measures taken as necessary;
- Vegetation will be harvested frequently;
- Any vegetation which shades the disposal area to be trimmed as required;
- Plant clippings shall be removed from the site to decrease amount of nutrients returning to the wastewater system;
- Effluent from disposal system should not be discharged to the stormwater system or over the ground;
- The effluent distribution pipes are to be inspected for blockage etc.

Some signs of the disposal system failure are listed below, if any of these occur contact the plumber who installed the system and arrange for immediate pump out of the holding tank to relieve the need for effluent disposal to the subsurface irrigation area.

- Surface ponding and run-off of treated wastewater;
- degradation of soil structure – e.g. sheet and rill erosion, surface crusts, or hard surfaces are evident;
- poor vegetation growth;
- unusual odours.

5.5. Maintenance for dripper lines

Dripper lines should be maintained in accordance with the irrigation designers specifications, this includes cleaning the filter and also flushing the dripper lines.

6. CONCLUSION

An onsite sewage management system has been designed for the proposed staged development, consisting of 12 x one bedroom cabins and amenities building, with stage 2 being conversion of the amenities building to a wedding function centre. The proposed cabins will accommodate two people each and the guests will have the use of the amenities building. In stage 2, the conversion of the amenities building to a function centre will allow for the use of the building in addition, for 150 guests at a wedding, up to 20 times per year.

It is feasible to accommodate the proposed development at the site with an associated on-site wastewater management system, which conforms to the environmental and health objectives of BSC Policy (December, 2004) and of the NSW state guidelines found in EPA *et al*/(1998). Further details are to be provided to Council as part of the s68 application, including a detailed subsurface irrigation plan.

It is recommended that the on-site wastewater management system consists of the following:

- Proposed Cabins (12 x one bedroom)
 - Taylex ABS AWTS to service four cabins (8 people);
 - Irrigation area of 393 m²
 - Total for cabins will be:
 - Three Taylex AWTS
 - Total irrigation area 1 179 m²
- Proposed Amenities
 - Design based on Stage 2 use as function centre, but installed as part of Stage 1
 - Taylex ABS 5000 AWTS to service the building;
 - Irrigation area of 1315 m² (or reduced to 263 m² if pumped over 5 days)
- A s68 application is required to be lodged detailing the irrigation layout
- A plan of management as per Section 5 is to be undertaken by the manager of the site

7. References

Australian Standard AS 1547 - 2012 *On-Site Domestic-Wastewater Management*.

Byron Shire Council (2004). *Design Guidelines for On-site Sewage Management for Single Households*. Protecting the Environment and Health of Byron Shire. Technical Guidelines for System Designers.

Crites, R. & Tchobanoglous, G. (1998). *Small and Decentralized Wastewater Management Systems*. McGraw-Hill.

Department of Water & Energy (2009). *Liquid Trade Waste Regulation Guidelines*. NSW Government, Sydney.

Environment Protection Authority, Dept. of Local Government, Department of Land & Water Conservation and NSW Department of Health (1998). *Environment and Health Protection Guidelines - On-Site Sewage Management Systems for Single Households*.

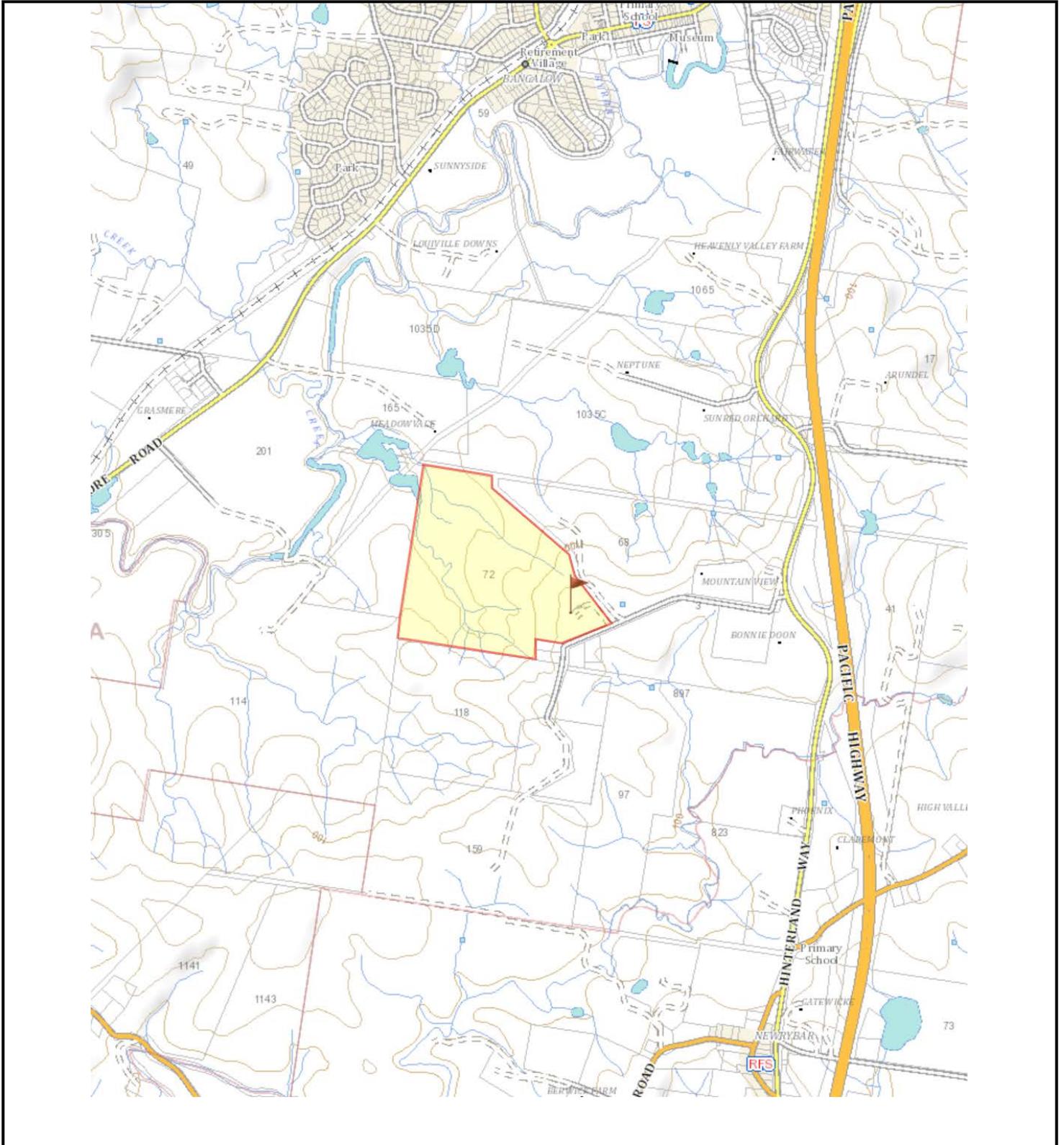
Morand, D.T. (1994). *Soil Landscapes of the Lismore-Ballina 1:100,000 Sheet* Report, Soil Conservation Service of NSW, Sydney.

NSW Health Department (2001). *Septic Tank & Collection Well Accreditation Guideline*. NSW Government, Sydney.

End of Report

Greg Alderson & Associates

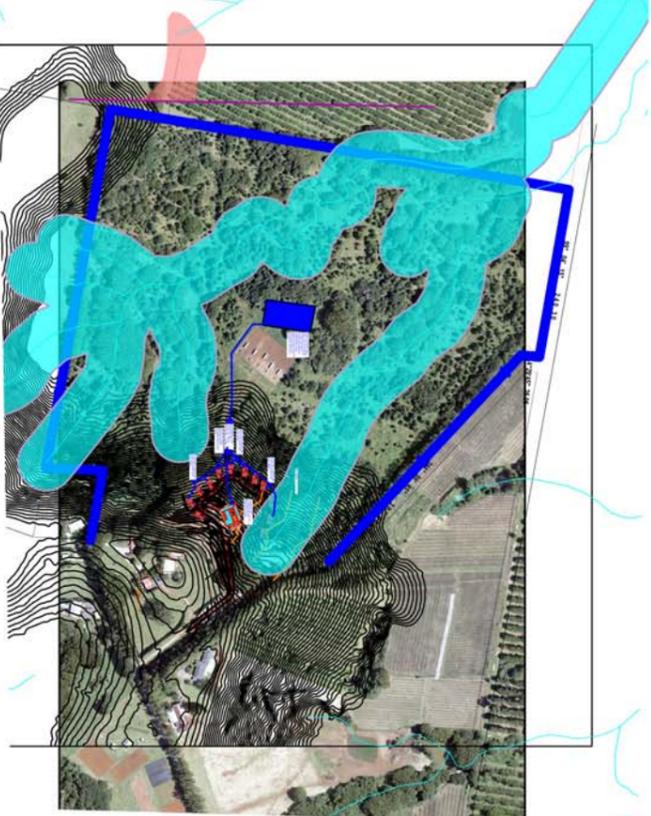
Chartered Professional Engineers



Source: NSW LPI Spatial Information Exchange (2021)
Date 21/06/2021
Project No. 21529_ww.docx
Scale: NTS

GREG ALDERSON AND ASSOCIATES
ABN 58 594 160 789
43 Main Street, Clunes NSW 2480
Phone: (02) 6629 1552
Email: office@aldersonassociates.com.au

Exhibit No. 1.
SITE LOCATION



SUBJECT SITE 1:10000

ON-SITE WASTEWATER MANAGEMENT FEASIBILITY

Proposed Cabins (12 x one bedroom)

- o Taylex ABS AWTS to service four cabins (8 people);
- o Irrigation area of 393 m²
- o Total for cabins will be:
 - o Three Taylex AWTS
 - o Total irrigation area 1179 m²

Proposed Amenities

- o Design based on Stage 2 use as function centre, but installed as part of Stage 1
 - o Taylex ABS 5000 AWTS to service the building;
 - o Irrigation area of 1315 m² (or reduced to 263 m² if pumped over 5 days)
- Recommended to use an irrigation tank for collection of all treated wastewater to pump to one large irrigation area in up to six blocks
- A s68 application is required to be lodged detailing the irrigation layout
- A plan of management as per Section 5 is to be undertaken by the manager of the site



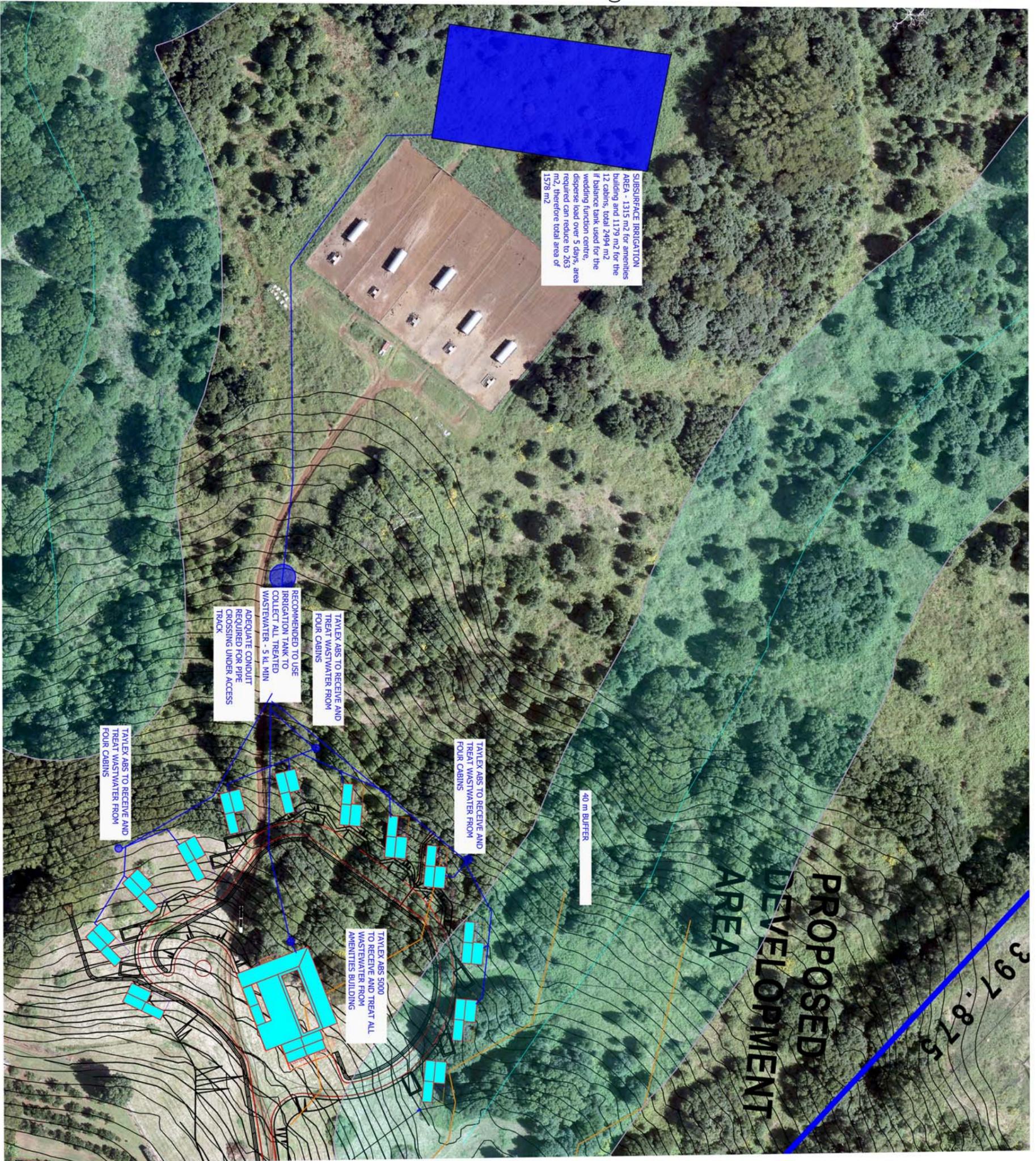
WASTEWATER DISPOSAL

FIELD

4.0 m BUFFER TO DRAINAGE

LINE

CABIN



SUBSURFACE IRRIGATION AREA - 1315 m² for amenities building and 1179 m² for the 12 cabins, total 2494 m². If balance tank, used for the wedding function centre, dispense load over 5 days, area required can reduce to 263 m², therefore total area of 1578 m²

TAYLEX ABS TO RECEIVE AND TREAT WASTEWATER FROM FOUR CABINS

TAYLEX ABS TO RECEIVE AND TREAT WASTEWATER FROM FOUR CABINS

TAYLEX ABS TO RECEIVE AND TREAT WASTEWATER FROM FOUR CABINS

TAYLEX ABS 5000 TO RECEIVE AND TREAT ALL WASTEWATER FROM AMENITIES BUILDING

RECOMMENDED TO USE IRRIGATION TANK TO COLLECT ALL TREATED WASTEWATER - 5 KL MIN

ADEQUATE CONDUIT REQUIRED FOR PIPE CROSSING UNDER ACCESS TRACK

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Client: R. Mamone
 Site address: Lot 2 DP 1007622
 72 Lawlers Lane
 Bangalow

FEASIBILITY ASSESSMENT

Drawn: W A
 Source: JIDAK, P. LUCENA, ARCHIMAGES
 Scale: 1:1250
 Original Size: A3
 Job Number: 21529

Project: PROPOSED CABINS, AMENITIES BUILDING AND STAGE 2 FUNCTION CENTRE
 EXHIBIT NO: 2

Date: 31/8/17
 Revision: -

Byron OSMS Design Model

Version: ww cabins.xls

Set Defaults

bedrooms: 8
persons: 8

STEP 1

persons (Grp 1): 8
persons (Grp 2): 0

STEP 2

STEP 3: Buffer to permanent water, Buffer to intermittent water

STEP 4: Block size (m²): 120000, 100, 140, 4.20, 53%

Daily effluent flow accord. water supply type

STEP 5

Reticulated supply (bore, spring, creek): 180L/p.d
Reticulated + std. water saving devices: 145L/p.d
Roof water harvesting: 140L/p.d
Roof water harvesting + std. water sav.: 115L/p.d

STEP 6

Grp 1: Toilet, Bathroom, Laundry
Grp 2: Toilet, Bathroom, Laundry

Wastewater stream: Kitchen

STEP 7

Treatment system: Septic (primary treatment only), [AWTS], Septic + single pass sandfilter (SPF), Septic + SPF, 25% septic return flow, Septic + recirculating sandfilter, Septic + reedbed

Current inlet BOD conc. = 205 mg/L

Phosphorus in effluent (Ip) (kg/yr): 4.80
P prod. per person per yr (kg/person/yr): 0.60

STEP 8

P soil sorption accord. soil type

*Alluvial Soils 1 (dp, mu, my, te): 10,000 kg/ha/m
*Alluvial Soils 2 (cr): 2,000 kg/ha/m
Red Basaltic Soils (bg, ca, co, el, ew, mb, ro, wo): 10,000 kg/ha/m
Duplex Soils (ba, bi, bu, mi, ni): 8,000 kg/ha/m
Podzol Soils (ab, bo, br, eb, fh, ki, ku, og, po, ty, wy): 1,000 kg/ha/m

STEP 9

Soil texture & structure beneath system

Gravels, Sands: Ksat > 3.0m/d
Sandy loams - weakly structured: Ksat > 3.0m/d
Sandy loams - massive: Ksat 1.4 - 3.0m/d
Loams - high/moderate structured: Ksat 1.5 - 3.0m/d
Loams - weakly structured or massive: Ksat 0.5 - 1.5m/d
Clay loams - high/mod structured: Ksat 0.5 - 1.5m/d
Clay loams - weakly structured: Ksat 0.12 - 0.5m/d
Clay loams - massive structured: Ksat 0.06 - 0.12m/d
Light clays - strongly structured: Ksat 0.12 - 0.5m/d
Light clays - moderately structured: Ksat 0.06 - 0.12m/d
Light clays - weak. structured or massive: Ksat < 0.06m/d
Med. to heavy clays - strong. struct.: Ksat 0.06-0.5m/d
Med. to heavy clays - mod. structured: Ksat < 0.06m/d
Med. to hvy clays - weak. struct. or massive: Ksat < 0.06m/d
DISPERSIVE soil (Modified Emerson Aqreqate test)

Water Table/ Bedrock Depth (m): 3.00

STEP 10

Buffer to Water Table (Bwt) (m): 0.5
Time for accumulation of P (years): 50

Nitrogen Report

N plant uptake (kg/yr): 7.86	Total N-load: 12.63kg/yr
N load exceedence: 0.00	
N load percolated (kg/yr): 4.78	
N released (perc+exceed.) (kg/yr): 4.78	
Enviro. N limit (kg/yr): 10.00	

Final area (m²): 393
Phosphorus area (m²): 94
Water balance area (m²): 393

Specific Crop Coeff. (grass=1.00): 1.00
% Effective Rainfall: 65%
Percolation (mm/d): 4

Wetted depth (m): 0.50
TN% removal: 50.0%
Reed bed area (m²): 22.1
BOD target of 20mg/L is equiv. to ~65.1% TN
Current Outlet BOD conc. = 42 mg/L

STEP 11

% Effective Rainfall: Mounded bed, Level bed with grass

STEP 12

Soil texture in root zone: Coarse Sand, Fine sand, Sandy loams, Loams, Clay loams, Silt, Clay (light, med, heavy)

STEP 13

Land Application Type: SSI, ETA

STEP 14

Calculate (or Cntl- q)

STEP 15

ETA trench separation: 2.00
ETA bed separation: 1.40

Permissible percentile exceedence: 5.00%
SSI laterals pipe separation (m): 0.60

Avg depth of root zone (m): 0.30
Effective porosity of root zone: 0.37
Avail. Water Capacity (AWC) of root zone: 0.15

Avg depth bluemetal (etc) in trench below root zone (m): 0.00
Effective porosity of bluemetal in trench below root zone: 0.00
Default AWC of bluemetal in trench below root zone: 0.00

Soil Moisture Holding Capacity: saturation & AWC (mm): 111.00, 45.00

Minimum effluent application (mm/day/m²): 2.85

Exceedence (L): 0.00215



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Civil Engineering

- Roads
- Driveways
- Stormwater
- Flooding
- Traffic
- Earthworks



Structural Engineering

- New Structures
- Additions and Alterations
- Foundations
- Wind Bracing & Tie Down
- Framing
- Retaining Walls

- House Plan Drafting
- BASIX Certificates



Environmental

- Contaminated Land (SEPP 55)
- Acoustics & Noise
- Wastewater
- Acid Sulfate Soil
- Water Quality
- Ecology

Annexure B

Bush Fire Assessment

BUSH FIRE ASSESSMENT REPORT

Development Application to formalise the use of
an existing building as a dwelling and construct alterations
and additions to that dwelling and a new swimming pool

Lot 2 DP 1007622
No. 72 Lawlers Lane, Bangalow

JOE DAVIDSON
TOWN PLANNING STUDIO

REVISION A
28 June 2024

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Annexures

A Bush Fire Assessment Plans

1.0 Introduction

This Bush Fire Assessment Report has been prepared having regards to the provisions of Clause 45 of the Rural Fires Regulation 2022 in support of a Development Application to Byron Shire Council to formalise the use of an existing dwelling and carry out alterations/additions to that dwelling within the site.

The following sections of this report relate to the matters summarised below:

Section 2 – provides a description of the development site.

Section 3 – provides a summary of the proposed development.

Section 4 – provides details of bush fire hazard mapping.

Section 5 – provides a vegetation and slope assessment.

Section 6 – provides consideration of environmental and Aboriginal heritage.

Section 7 – provides a bush fire assessment of the proposed development having regards to the requirements of Clause 45(2)(g) of the Rural Fires Regulation 2022.

Section 8 – provides consideration of prescribed information.

Section 9 – provides a conclusion to this report.

In addition to these sections, Figures are included throughout the document to provide details of the development and the development site.

Note on the use of this document

This document has been prepared for use by Byron Shire Council and NSW Rural Fire Service for determining a Development Application for carrying out development on the site. The document is to be used to assist in the assessment of a Development Application and is not intended to be used for any other purpose. The information provided within this report cannot and does not guarantee complete protection of the subject property and residents from bush fire activity. The author is not liable for any injury, loss of property or loss of life arising from a bush fire at the subject property. The information provided is based on NSW Planning for Bush Fire Protection 2019. This document is protected by copyright.

2.0 Description of the site

General

The proposed development relates to a single allotment of land that is formally described as Lot 2 in Deposited Plan 1007622. The property is located at No. 72 Lawlers Lane, Bangalow. The allotment has a land area of 36.07 hectares.

The subject lot is irregular in shape with frontage of over 200 metres to Lawlers Lane. The topography of the land falls from the entry at Lawlers Lane towards the centre of the allotment, with the slope also rising to the western boundary.

The site would once have supported grazing, however subsequent camphor laurel infestation and harvesting in 2015 have resulted in weed regrowth dominated by camphor laurel and privet.

Refer to Figures 1 & 2 below showing an extract of the Site Plan for the development. Refer to Figure 3 for a Locality Plan and to Figure 4 for an Aerial Photograph of the Site and Surrounds.

Surrounding Land Uses

The subject land is surrounded by a combination of agricultural, rural lifestyle, and hobby farming lots predominantly improved by residential dwellings. The lots immediately adjoining the development site to the north and west contain established plantations, whereas the numerous adjoining lots to the south and east are generally of a smaller scale more akin to rural lifestyle living.

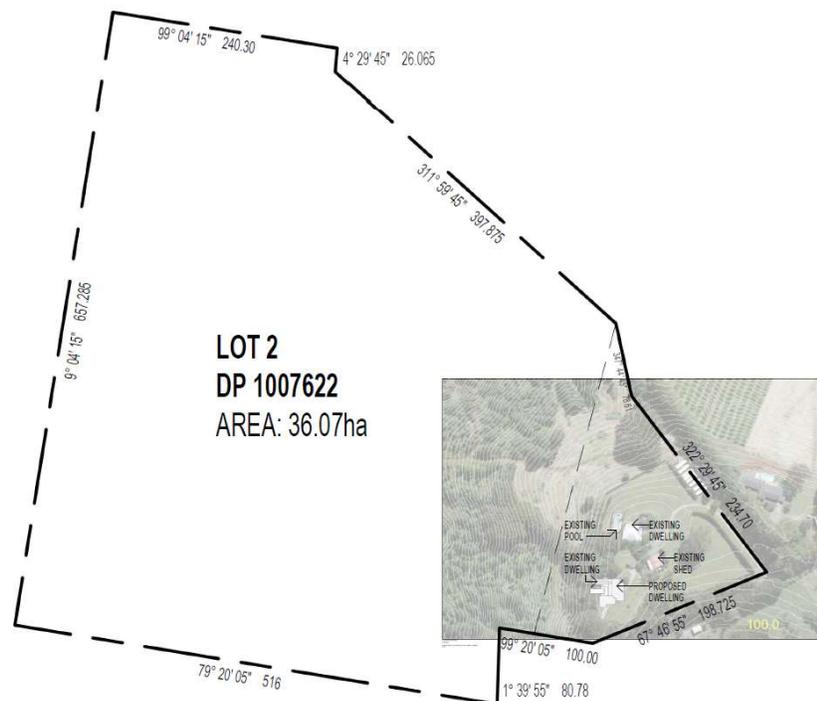


Figure 1 – Extract of Site Plan (Archimages Architecture)

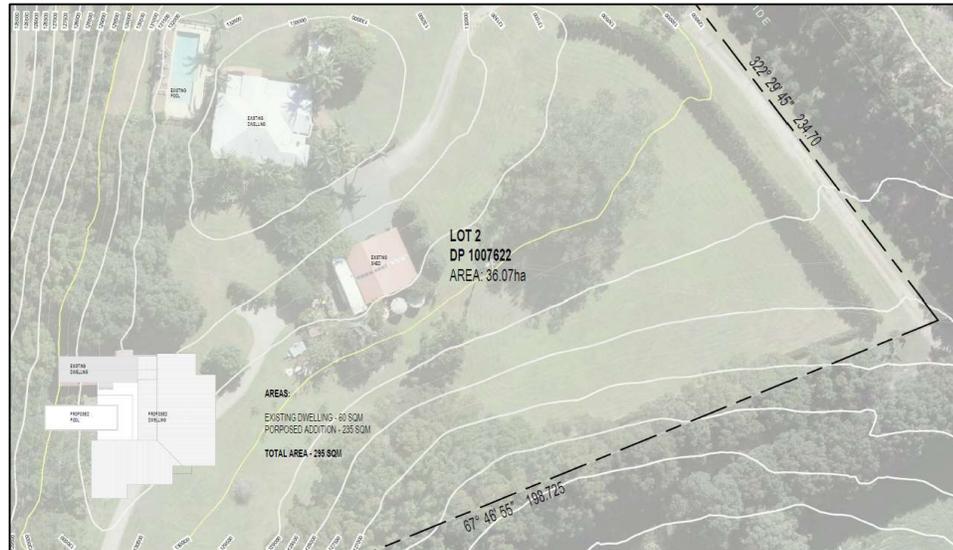


Figure 2 – Extract of Site Plan (Archimagis Architecture)

Improvements and Land Uses

Planning approval was granted for the construction of the existing dwelling and farm shed within the site (Development Consent No. 10.2000.61.1). A Complying Development Certificate was issued for a swimming pool (16.2003.81.1). Construction of these structures within the south-eastern corner of the site has been completed. An existing driveway provides access from Lawlers Lane to existing buildings and the centre of the allotment.

Development Application No. 10.2022.36.1 was granted consent on 8 June 2023 for a Tourist and Visitor Accommodation development comprising of 6 Holiday Cabins and Associated Works. This consent is yet to be commenced.

Portions of the eastern side of the property have been cleared of vegetation and the landowner is systematically removing established Camphor Laurel trees from the site. Notwithstanding, some regrowth vegetation and remnant native species are spread throughout the remaining western half of the property.

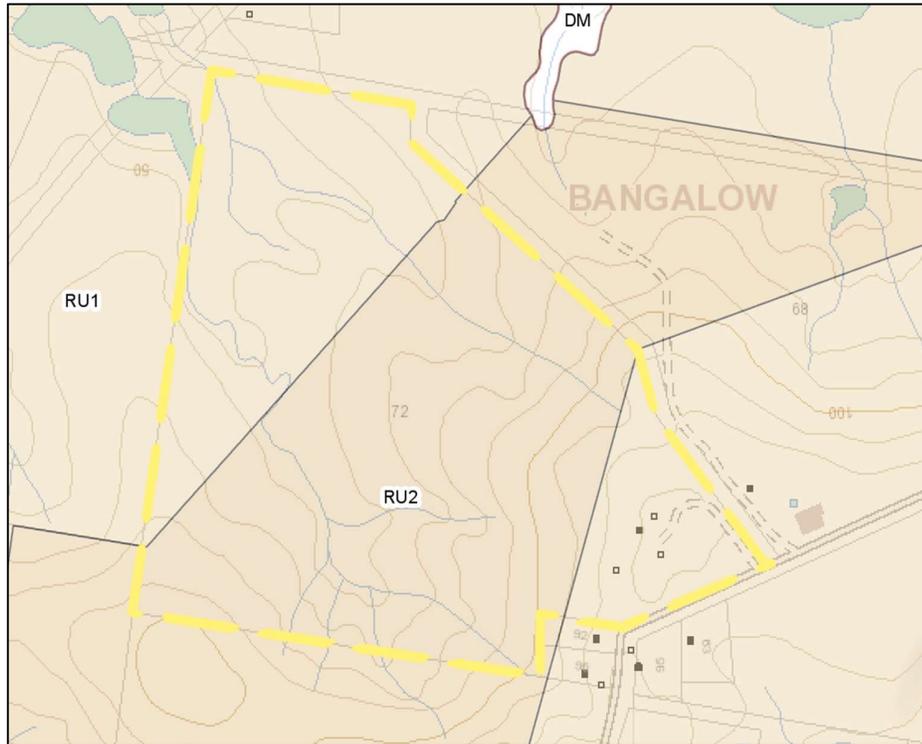
Services

The allotment has access to the following services:

- Water Supply – the property is supplied by tank water and has access to small intermittent streams.
- Sewerage Connection – an on-site effluent disposal system services the existing dwellings within the property.
- Telecommunications – provided to the allotment via NBN/Telstra infrastructure.
- Electricity – accessible from overhead transmission lines administered by Essential Energy.
- Stormwater drainage – all stormwater is dealt with within the site using tanks and the existing drainage lines.
- Waste and Recyclables Collection – available with roadside collection.

Zoning

Approximately half of the subject allotment, including the location of the existing dwellings, is located within the RU1 Primary Production Zone under Byron Local Environmental Plan 2014. The remainder of the property is within the RU2 Rural Landscape zone under Byron Local Environmental Plan 2014.



Constraints

Mapping by NSW Planning and Environment indicates that the property contains bush fire constraints. The land also contains gentle to steep slopes.

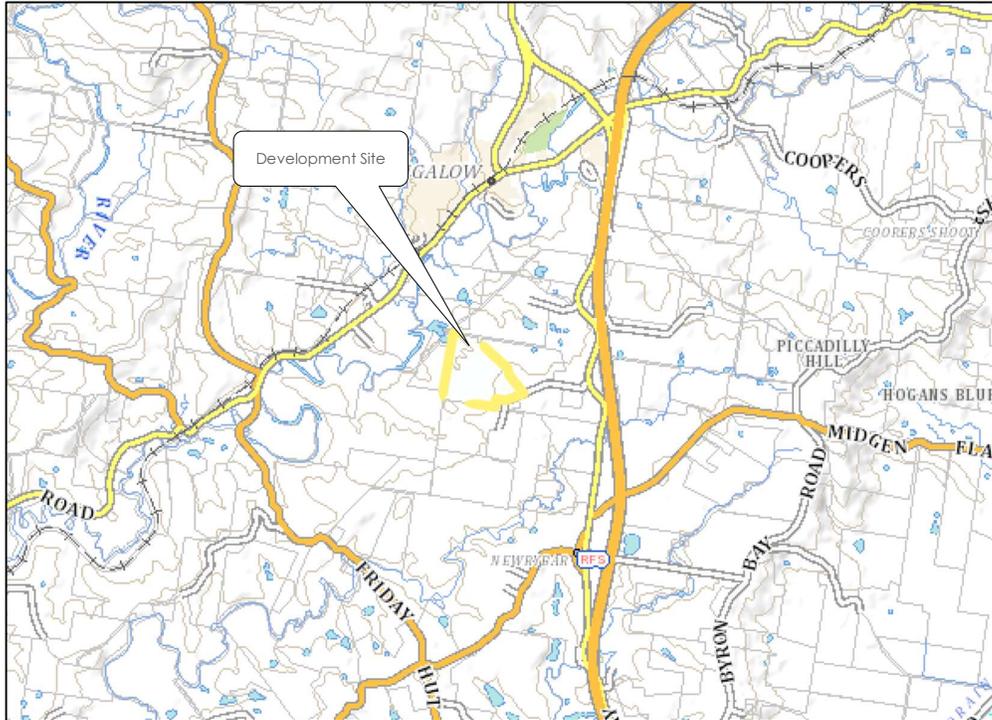


Figure 3 – Locality Plan (NSW LPI)



Figure 4 – Aerial Photograph of Site & Surrounds (Metromap)

3.0 Description of the proposal

Development consent is sought to formalise the use of an existing building within the site as a dwelling and to construct alterations and additions to that dwelling. Evidence has been provided that the existing building is a lawful structure. However, Byron Shire Council's Compliance Department advised that Development Consent was required for its use as a dwelling. Given the resources required to prepare and submit a Development Application to Byron Shire Council, alterations and additions to the existing building and a swimming pool are also proposed.

The proposed development is located within the east of the property, approximately 45 metres to the south of the main dwelling that was approved under Development Consent No. 10.10.2000.61.1. It comprises an existing single level building containing kitchen, bathroom, bedroom, living and laundry facilities. The new additions are proposed over a single level and contain a new kitchen/living/dining area, 3 x bedrooms, 2 x bathrooms and a laundry. Deck areas are proposed on the eastern and western sides of the dwelling. A swimming pool is proposed on the western side of the building site.

Refer to the Annexures of this Town Planning Report for a full set of plans prepared by Archimages Architecture. These show the dwelling constructed over a post and bearer floor with timber framed walls and a pitched roof. A mix of materials are proposed as detailed within the accompanying BASIX Certificate.

The Development Application is supported by a Bush Fire Assessment. An on-site wastewater feasibility assessment for the property has been prepared by Greg Alderson & Associates and is provided within the Annexures of this Town Planning Report. Note that this feasibility assessment was prepared to accommodate 12 x holiday cabins within the site. However, only 6 x holiday cabins were granted consent by Byron Shire Council. Therefore, sufficient capacity is provided for the proposed dwelling to connect. A separate application will be submitted under Section 68 of the Local Government Act 1993 for a detailed effluent disposal design that accommodates the proposed dwelling and 6 x holiday cabins.



Your 10/50 search result

You have conducted a search of the 10/50 online tool for the land identified in the map above. This search result is valid for the date the search was conducted.

Please retain a copy of this search result for your records as evidence the 10/50 rules were applicable to your clearing on the day you undertook the clearing.



The parcel of land you have selected is located in a designated 10/50 vegetation entitlement clearing area. You must read the [10/50 Code of Practice](#) carefully to ensure that you are only clearing in accordance with the 10/50 Code. For more information see our [frequently asked questions](#).

You may only clear vegetation in accordance with the 10/50 Code, including (but not limited to the following conditions):

- › You may not remove trees (or prune more than 25% of the original canopy) on slopes greater than 18 degrees except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.
- › Mangroves and salt marsh may not be cleared. For more information refer to the Department of Primary Industries fact sheets on [Mangroves](#) and [Coastal saltmarsh](#).
- › The clearing of vegetation including trees is not allowed within 10 metres of a river that is 2 metres or more in width between the highest opposite banks, or within 10 metres of a lake. Lake and river are as defined in the 10/50 Code.
- › Clearing under this 10/50 Code cannot be inconsistent with any of the legal obligations identified under Clause 7.8 of the 10/50 Code.
- › Herbicides may only be used in accordance with the conditions under Clause 7.4 of the 10/50 Code.
- › Landowners have a duty of care to avoid cruelty and harm to native, introduced or domestic animals when clearing trees and vegetation in accordance with the 10/50 Code. It is important that landowners are aware that clearing of trees and vegetation under the 10/50 Code can result in harm to native animals and loss of their natural habitat. Landowners who clear trees and vegetation under the 10/50 Code are not exempt from prosecution under the [National Parks and Wildlife Act 1974](#) for harm to protected fauna, or for deliberate cruelty to animals under the [Prevention of Cruelty to Animals Act 1979](#). Operating in accordance with the 10/50 Code does not absolve the landowner from their responsibility for avoiding harm to protected fauna or deliberate cruelty to animals. Note: 'protected fauna' is as defined in the [National Parks and Wildlife Act 1974](#).
- › If you witness any displaced, orphaned or injured wildlife you should contact the Office of Environment and Heritage, or licensed fauna rehabilitation group for assistance. Visit the [Office of Environment and Heritage](#) for further advice and the full list of licensed providers.
- › Landowners have a duty of care in the appropriate management of soil erosion and landslip risks when clearing trees and vegetation under the 10/50 Code. Landowners who clear trees and vegetation under the 10/50 Code are not exempt from liability. For example, action may be pursued by a party that suffers as a result of a landslip due to actions taken on your land. It is the responsibility of landowners to seek expert advice in relation to these matters. The conditions below have been put in place to assist landowners in the management of vegetation but operating in accordance with these conditions does not absolve the landowner from their responsibility for landslip and erosion issues. To manage soil erosion and landslip risks:
 - › there is to be no disturbance of the soil,
 - › vegetation must not be removed below the soil surface
 - › all topsoil must remain on the soil surface,
 - › retain a protective ground cover on the soil surface, and
 - › the use of graders, ploughs, bulldozers (or other types of heavy machinery that are designed to break the soil surface such as excavators) to clear land under this 10/50 Code is not permitted.

Figure 7 – Results from 10/50 entitlement clearing area search

4.0 Bush fire hazard mapping

Figure 8 below shows the Bush Fire Hazard Mapping that applied to the site when the Development Application for holiday cabins was submitted to Byron Shire Council on 14 February 2022. Byron Shire Council issued an updated Bush Fire Hazard Map in mid 2022. The new mapping is shown in Figure 9 below.

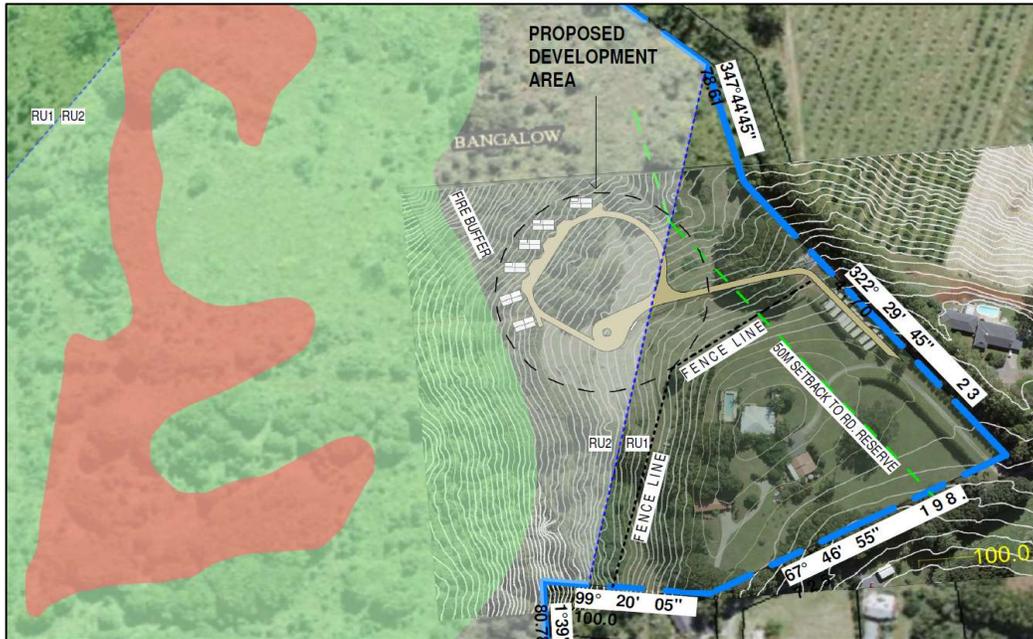


Figure 8 – Original Bush Fire Hazard Mapping (Archimages & NSW Planning).

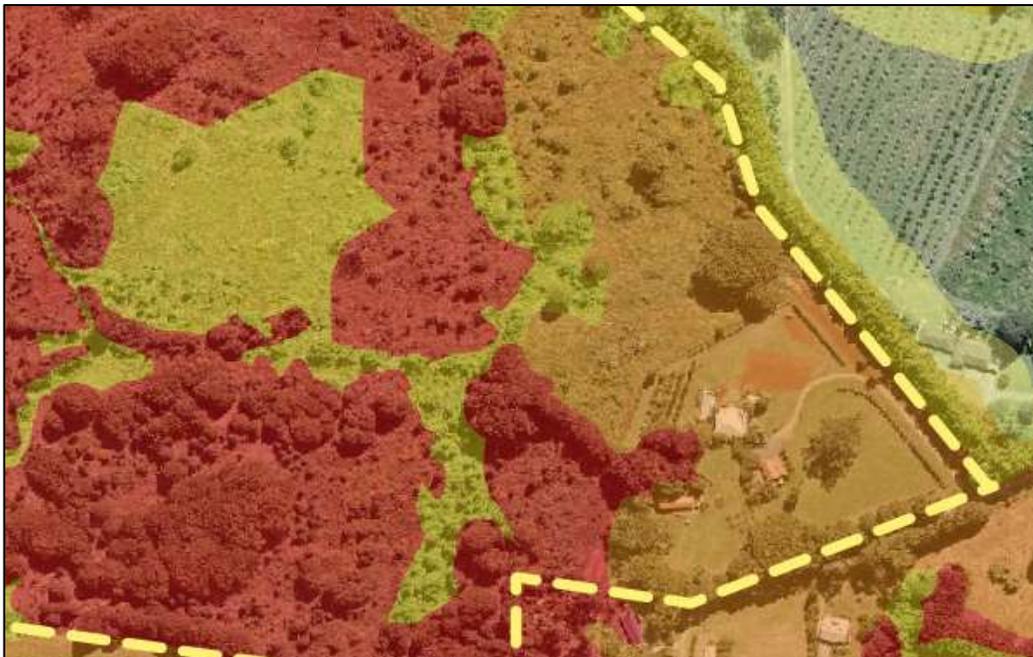


Figure 9 – Revised Bush Fire Hazard Mapping (NSW Planning & Environment).

5.0 Vegetation, slope and BAL assessment

An inspection of the site and surrounding area was carried out on 24 May 2024. Vegetation and hazard assessment plans are provided within Annexure A of this Report. The information collected on these plans are summarised in Table A below. This table provides an assessment of the vegetation surrounding the property and the effective slope of such vegetation.

Note that the vegetation was assessed in accordance with the system for classification of vegetation contained in Planning for Bush Fire Protection 2019.

The BAL for the development has been determined using Table A1.12.6 of Planning for Bush Fire Protection 2019.

Direction	Distance	Effective Slope	Category	FDI	BAL
North	0m – 100m	0 – 5° Down Slope	Managed Land	80	Nil
East	0m – 100m	0 – 5° Down Slope	Managed Land	80	Nil
South	0m – 100m	Upslope	Managed Land	80	Nil
West	0m – 35m	10 – 15° Down Slope	Managed Land	80	Nil
West	35m – 75m	10 – 15° Down Slope	Grassland	80	12.5
West	75m – 100m	10 – 15° Down Slope	Rainforest (camphor)	80	12.5

6.0 Environmental and Aboriginal heritage assessment

6.1 Significant environmental features on the property

The site comprises a rural allotment. The property is within a designated 10/50 clearing entitlement area. The property is not mapped as containing littoral rainforest or coastal wetland vegetation. It is not proposed to impact any significant environmental features as part of the Development Application.

6.2 Threatened species, population or ecological community

The site has previously been cleared for rural and residential uses. The property does not contain any known threatened species, population or ecological community under the Threatened Species Conservation Act 1995.

6.3 Aboriginal heritage

A search through the Aboriginal Heritage Information Management System found that no Aboriginal sites and no Aboriginal places are located within or near the site.

7.0 Bush fire assessment considerations

7.1 Setbacks and asset protection zones

Table A this report provide a summary of the setbacks of surrounding bush fire hazards and managed land to the development site. The information contained in Table A was compiled following an inspection of the site and a review of aerial photography. In this case, managed land is considered to be an asset protection zone for the proposed development. Table A1.12.1 of Planning for Bush Fire Protection 2019 includes the following minimum distances for Asset Protection Zones for Special Fire Protection Purpose developments:

Table A1.12.3

Minimum distances for APZs – residential development, FFDI 80 areas ($\leq 29\text{kW/m}^2$, 1090K)

KEITH VEGETATION FORMATION	EFFECTIVE SLOPE				
	Up slopes and flat	>0°-5°	>5°-10°	>10°-15°	>15°-20°
	Distance (m) from the asset to the predominant vegetation formation				
Rainforest	9	12	15	20	25
Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	20	25	31	39	48
Grassy and Semi-Arid Woodland (including Mallee)	11	13	17	21	27
Forested Wetland (excluding Coastal Swamp Forest)	8	10	13	17	22
Tall Heath	16	18	20	22	25
Short Heath	9	10	12	13	15
Arid-Shrublands (acacia and chenopod)	6	7	8	9	10
Freshwater Wetlands	5	6	6	7	8
Grassland	10	11	12	14	16

The proposed dwelling is positioned within the property to generally achieve the minimum Asset Protection Zone distances prescribed above. It is recommended that some minor camphor laurel pruning and removal works are undertaken in order to meet these minimum setbacks.

7.2 Siting and adequacy of water supplies for fire fighting

The subject property is not connected to a reticulated water supply. Dedicated water tanks are proposed to be provided for firefighting purposes. A total of 20,000 litres is required for the proposed dwelling. Refer to the attached plans for siting details.

7.3 Capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency

An inspection of the site confirmed that the carriageway width of Lawlers Lane is at least 4 metres. Lawlers Lane provides for two-way traffic with sufficient overhead clearance. The rural road network provides sufficient road widths to handle increased traffic volumes in the event of a bush fire emergency.

7.4 Details on whether or not public roads in the vicinity that link with the fire trail network have two-way access

All surrounding public roads have two-way access. No fire trails are located within the vicinity of the site.

7.5 Adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response

The property has direct access to Lawlers Lane which links to Hinterland Way. The existing driveway will be extended to allow fire fighting personnel to access the site. The dwelling is not located more than 200 metres from a public road. Recommendations are provided within the conclusion of this document to specify the requirements for internal driveway construction to meet Planning for Bush Fire Protection 2019.

7.6 Adequacy of bush fire maintenance plans and fire emergency procedures for the development site

It is anticipated that as a condition of approval the landowner will be required to prepare a bush fire maintenance plan and fire emergency procedures in accordance with the requirements of NSW Rural Fire Service.

7.7 Construction standards to be used for building elements in the development

Table A of this report indicate that construction standards under AS 3959 of BAL 12.5 are applicable to the proposed development.

7.8 Adequacy of sprinkler systems and other fire protection measures to be incorporated into the development

The proposal does not require sprinkler systems or additional fire protection measures other than those discussed above.

7.9 Assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out within Performance Based Controls of Planning for Bush Fire Protection

The proposed development is considered to be infill development under Planning for Bush Fire Protection 2019.

The principles and criteria associated with infill development in bush fire prone areas is set out within Chapter 7 of Planning for Bush Fire Protection 2019. The Performance Criteria and Acceptable Solutions from Chapter 7 that are applicable to the proposed development are considered in Table B below.

Table B – Performance Criteria Chapter 7 of Planning for Bush Fire protection 2019		
Performance Criteria	Acceptable Solutions	Comment
ASSET PROTECTION ZONES		
Potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m ² on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI.	Table A provides details of managed land surrounding the site which acts as an asset protection zone in accordance with Table A1.12.3 of PFBFP.
APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4.	This requirement is recommended as a condition of consent.
The APZs is provided in perpetuity.	APZs are wholly within the	The proposed APZs meet this requirement with the exception of managed

	boundaries of the development site.	land on adjacent properties which are deemed to be an APZ.
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees.	The proposed APZs meet this requirement.
ACCESS		
Firefighting vehicles are provided with safe, all-weather access to structures.	Property access roads are two-wheel drive, all-weather roads;	Lawlers Lane and the proposed internal access driveway satisfactorily meet this requirement.
The capacity of access roads is adequate for firefighting vehicles.	The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.	The existing public roadways and proposed access driveway meet this requirement.
There is appropriate access to water supply.	Hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005; There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.	The plans provided within the Annexures of this Bush Fire Assessment Report show the location of a proposed dedicated water supply.
Firefighting vehicles can access the dwelling and exit the property safely.	At least one alternative property access road is provided for individual dwellings	The proposed dwelling is not located more than 200 metres from a public road. A Type C Turning Bay will be required

	<p>or groups of dwellings that are located more than 200 metres from a public through road; There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles. In circumstances where this cannot occur, the following requirements apply: minimum 4m carriageway width; in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay; a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches; property access must</p>	<p>adjacent to the dwelling. Conditions of consent are recommended to meet these controls.</p>
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	<p>provide a suitable turning area in accordance with Appendix 3; curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress; the minimum distance between inner and outer curves is 6m; the crossfall is not more than 10 degrees; maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.</p> <p>Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development</p>	
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	property access roads in addition to the above.	
WATER SUPPLIES		
Adequate water supplies are provided for firefighting purposes.	Reticulated water is to be provided to the development, where available; and a static water supply is provided where no reticulated water is available.	A static water supply is proposed within the site.
Water supplies are located at regular intervals; and the water supply is accessible and reliable for firefighting operations.	Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005; hydrants are not located within any road carriageway; and reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.	N/A
Flows and pressure are appropriate.	Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.	N/A
The integrity of the water supply is maintained.	All above-ground water service pipes external to the building are metal, including and up to any taps.	The integrity of the static supply will be maintained by the landowners.
A static water supply is provided for firefighting purposes in areas where reticulated water is not available.	Where no reticulated water supply is available, water for firefighting purposes is provided in	A condition of consent is recommended to meet these requirements.

	<p>accordance with Table 5.3d; a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure; 65mm Storz outlet with a ball valve is fitted to the outlet; ball valve and pipes are adequate for water flow and are metal; supply pipes from tank to ball valve have the same bore size to ensure flow volume; underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank; a hardened ground surface for truck access is supplied within 4m; above-ground tanks are manufactured from concrete or metal; raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959); unobstructed access can be provided at all times; underground tanks are clearly marked; tanks on the hazard side of a building are provided with adequate shielding</p>	
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	<p>for the protection of firefighters; all exposed water pipes external to the building are metal, including any fittings; where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.</p>	
<p>ELECTRICITY SERVICES</p>		
<p>Location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.</p>	<p>Where practicable, electrical transmission lines are underground; and where overhead, electrical transmission lines are proposed as follows: lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in</p>	<p>The existing dwelling is serviced with an underground supply from an existing overhead line.</p>

	accordance with the specifications in <i>ISSC3 Guideline for Managing Vegetation Near Power Lines</i> .	
GAS SERVICES		
Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.	Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets.	These requirements are recommended as a condition of consent.
CONSTRUCTION STANDARDS		
The proposed building can withstand bush fire attack in the form of embers, radiant heat and flame contact.	BAL is determined in accordance with Tables A1.12.5 to A1.12.7; and construction	Refer to Table A. It is recommended that the dwelling be constructed to BAL 12.5 under AS 3959.

	provided in accordance with the NCC and as modified by section 7.5 (please see advice on construction in the flame zone).	
Proposed fences and gates are designed to minimise the spread of bush fire.	Fencing and gates are constructed in accordance with section 7.6.	These requirements are recommended as a condition of consent.
Proposed Class 10a buildings are designed to minimise the spread of bush fire.	Class 10a buildings are constructed in accordance with section 8.3.2.	The positioning of the proposed structures do not facilitate the spread of bush fire.
LANDSCAPING		
Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.	Landscaping is in accordance with Appendix 4; and Fencing is constructed in accordance with section 7.6.	These requirements are recommended as a condition of consent.

8.0 Prescribed information

An application for a bush fire safety authority must also be accompanied by the prescribed information if:

- (a) the proposed development is subdivision for the purposes of dwelling houses, dual occupancies or secondary dwellings on property that is in an urban release area, and
- (b) the application specifies that the applicant wishes the Commissioner, when determining the application, to consider whether it would be appropriate for the future erection of the dwelling houses, dual occupancies or secondary dwellings concerned to be excluded from the application of section 79BA of the Environmental Planning and Assessment Act 1979.

The proposal does not include strata subdivision or any Special Fire Protection Purposes. A Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997 is not required for the proposed development.

9.0 Conclusion & Required Actions

The vegetation mapping provided within the Annexures of this report confirm that the nearest bush fire vegetation is located to the south of the development site. This vegetation is identified as comprising a 'rainforest' classification under Planning for Bush Fire Protection 2019.

The separation distance between the hazard and the development site provides a sufficient asset protection zone to the proposed residential building. Table B of this report confirms that the proposed development can meet the acceptable solutions for each performance criteria outlined within Chapter 7 of Planning for Bush Fire Protection 2019.

In considering the parameters outlined above, the proposed residential development can be supported under Section 4.14 of the Environmental Planning and Assessment Act 1979, subject to the following Required Actions:

Table C – Required Actions	
Construction Standards applicable to the development	All new external construction works associated with the dwelling must be in accordance with the NCC and (as modified by section 7.5 of Planning for Bush Fire Protection 2019) and must meet Bush Fire Attack Level 12.5 / Sections 3 and 5 of AS 3959-2009.
Maintenance of Asset Protection Zones	All Asset Protection Zones are to be managed in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019 (available at this link: https://www.rfs.nsw.gov.au/plan-and-

	prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection).
Reticulated Gas Bottle Storage	<p>Reticulated or bottled gas must be installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.</p> <p>All fixed gas cylinders must be kept clear of all flammable materials to a distance of 10m and shielded on the hazard side.</p> <p>Connections to and from gas cylinders must be metal.</p> <p>Polymer-sheathed flexible gas supply lines must not be used.</p> <p>Above-ground gas service pipes must be metal, including and up to any outlets.</p>
Static water supply	<p>A 20,000L water supply tank dedicated for firefighting purposes is to be provided adjacent to the access driveway.</p> <p>A connection for firefighting purposes is to be located within the IPA or non-hazard side and away from the structure.</p> <p>A 65mm Storz outlet with a ball valve is fitted to the outlet.</p> <p>Ball valve and pipes must be adequate for water flow and are to be of metal construction.</p> <p>Supply pipes from the tank to the ball valve must have the same bore size to ensure flow volume.</p> <p>Raised tanks must have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959).</p> <p>Unobstructed access must be provided at all times.</p> <p>Tanks on the hazard side of a building must be provided with adequate shielding for the protection of firefighters.</p> <p>All exposed water pipes external to the building must be metal, including any fittings</p> <p>Where pumps are provided, they must be a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack</p> <p>Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter and fire hose reels must be constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.</p>
Access	The internal driveway is to be maintained in accordance with Chapter A3.3 of Planning for Bush Fire Protection

	2019. A Type C turning bays is to be provided adjacent to the dwelling.
Fencing	Fencing and gates are constructed in accordance with Section 7.6 of Planning for Bush Fire Protection 2019 (available at this link: https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection).
Landscaping	Landscaping must be in accordance with Appendix 4 of Planning for Bush Fire Protection 2019 (available at this link: https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection).
Bush Fire Maintenance Plan and Fire Emergency Procedures	The landowner must prepare a bush fire maintenance plan and fire emergency procedures in accordance with the requirements of NSW Rural Fire Service (refer to this link: https://www.rfs.nsw.gov.au/plan-and-prepare).

Annexure A

Bush Fire Assessment Plans

Annexure C

Clause 4.6 Variation Request

REQUEST FOR VARIATION UNDER CLAUSE 4.6 OF BYRON LOCAL ENVIRONMENTAL PLAN 2014 EXCEPTIONS TO DEVELOPMENT STANDARDS

Proposed detached dual occupancy dwelling, shed and studio

Lot 2 DP 1007622
No. 72 Lawlers Lane, Bangalow
28 June 2024

1.0 Introduction

This document comprises a request for a variation under Clause 4.6 of Byron Local Environmental Plan 2014 to Clause 4.2D of that plan. This document should be read as part of the Town Planning Report that is submitted with the Development Application.

2.0 Description of the development standard

Clause 4.2D of Byron Local Environmental Plan 2014 reads as follows:

4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2

- (1) The objectives of this clause are as follows—
 - (a) to provide alternative accommodation for rural families and workers,
 - (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,
 - (c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.
- (2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU1 Primary Production or Zone RU2 Rural Landscape unless the consent authority is satisfied that—
 - (a) the development will not impair the use of the land, or neighbouring land, for agriculture or rural industries, and
 - (b) each dwelling will use the same vehicular access to and from a public road, and
 - (c) (Repealed)
 - (d) the land is physically suitable for the development, and
 - (e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and
 - (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.

3.0 Details of the proposal

The proposed development comprises the formalisation of an existing dwelling and the construction of alterations and additions to that dwelling. As another dwelling is approved within the property, the proposal will create a dual occupancy (detached) development. An inspection of the site confirms that the two existing dwellings are provided with separate access driveways from Lawlers Lane (one adjacent to the south-eastern corner of the allotment and the other approximately 175 metres to the west). As such, the proposal does not meet the prescriptive requirements of Clause 4.2D(2)(b) which states "each dwelling will use the same vehicular access to and from a public road".

4.0 Justification for variation

This request seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed dual occupancy development makes use of an existing building that is positioned within a previously disturbed area of the rural holding. An inspection of the site confirms that an established driveway provides access to the subject dwelling from Lawlers Lane. The other dwelling within the property also has its own vehicle access driveway from Lawlers Lane. Refer to Figure 1 at the end of this document showing the existing arrangements.

The landowner has provided evidence that the existing building within the property that is proposed for use as a dwelling has been in existence for over 120 years. The photographs below show the building in a dilapidated condition before it was reinstated as a dwelling. The building has reportedly always had access from Lawlers Lane via its own driveway. A second driveway was approved when the northern dwelling was constructed in mid 2000 (via Development Application No. 10.2000.61.1).



Images 1 & 2 – Original building that has occupied the site for over 120 years

Upon an inspection of the property, it is apparent that the construction of a connecting driveway between the two existing dwellings is unreasonable and unnecessary for this project. The proposed dwelling can safely be accessed from the existing driveway. The established driveway from the roadway to the dwelling is a practical arrangement that allows direct access for property maintenance vehicles/machinery/equipment. It would be unreasonable to require the existing access driveway to Lawlers Lane to be closed when it currently provides lawful access to the building.

The construction of a connecting driveway would create adverse amenity issues for the occupants of the northern dwelling. Further, the costs and resources that would be required to create a driveway connection would be an unreasonable burden on the landowners when a well-formed and safe access driveway is already in place. The completion of additional driveway works, merely to meet a development standard, does not uphold the principles of ecologically sustainable development.

The objectives of Clause 4.2D of Byron Local Environmental Plan 2014 are discussed below:

- (a) to provide alternative accommodation for rural families and workers,

The proposed dual occupancy dwelling will provide a home for the property owners son and his family.

- (b) to ensure that development is of a scale and nature that is compatible with the primary production potential, rural character and environmental capabilities of the land,

The proposed dual occupancy dwelling is of a scale that is consistent with existing residential development within the surrounding rural locality. The single storey dwelling contains four bedrooms and two bathrooms. This is comparable to the existing single storey dwelling within the property.

The proposed dual occupancy dwelling has been located within a disturbed area of the allotment that is outside areas set aside for rural uses.

- (c) to set out consent considerations for development of dual occupancies (detached) and secondary dwellings to address matters such as access, siting, land suitability and potential impacts.

The proposed development complies with all consent considerations for rural dual occupancy development, other than the provision which requires each dwelling to use the same vehicle access to and from a public road.

The two dwellings are within 50 metres of one another. The proposed dwelling is positioned within the most suitable area of the small rural holding for residential development. The proposal has minimal impacts on the natural and built environments.

The objectives of the RU1 Primary Production Zone under Byron Local Environmental Plan 2014 are discussed below:

The Objectives of the zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage consolidation of lots for the purposes of primary industry production.
- 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.

The subject property has a history of residential and low scale agricultural activities. Historic mapping and aerial photography shows residential buildings within the south-east of the property, bushland within the west and cleared areas in the north and east. The proposal seeks to add to the residential use of the site. It is noted that no intensive agricultural uses occur within the property. Predominantly rural-lifestyle properties are located within the surrounding area. Some small scale cropping occurs within the adjoining property to the east.

The use of the property as a hobby farm for grazing of stock can continue at the completion of building works. Fenced pasture paddocks will be retained. The new dwelling is positioned within a previously disturbed area of the property.

No intensive agricultural uses occur within or near to the site. A small scale fruit orchard located to the east will not be compromised by the development. The proposed dwelling is located further to the west from this orchard than the dwelling that has been approved under Development Application No. 10.2000.61.1 The design and positioning of the development ensures that the proposal does not compromise the rural/scenic character of the locality.

The development does not adversely impact on the natural environment. The nature of the proposal is such that the land use will not compromise the objectives of the zone.

The following items are considered as part of the assessment of the proposal:

- a) whether the contravention of the development standard raises any matter of significance for State or regional environmental planning; and

The proposed variation to Byron Shire Council's shared vehicle access control in this location does not create any concerns with respect to state or regional environmental planning. The small scale development with a minor variation to the development standard is appropriately dealt with at a local level.

b) the public benefit of maintaining the development standard; and

In this case, there is no public benefit in maintaining the development standard as it would cause unnecessary earthworks and driveway construction. To the contrary, there is public benefit in varying the development standard in this case as the existing driveway arrangements provide safe access to the existing and proposed dwelling sites.

c) any other matters required to be taken into consideration by Council before granting consent.

The Statement of Environmental Effects that was submitted with the Development Application provides consideration of relevant environmental planning matters for the assessment of the Development Application.

Based on the above, it is formally submitted that compliance with the shared vehicle access standard is unreasonable and unnecessary to carry out the proposed development and that a better planning outcome can be achieved by applying flexibility to the clause.

5.0 Concurrence

Council has been granted delegation to assume the concurrence of the Secretary for variations to the development standard.

6.0 Conclusion

The details provided as part of this document demonstrate that compliance with the shared vehicle access standard for the creation of a dual occupancy development is unreasonable and unnecessary for this site.

Section 4.0 of this document sets out the grounds for the variation. Byron Shire Council has provided written advice that each Development Application is assessed on its merits and that Clause 4.6 can be used to request a variation to the requirements of Clause 4.2D. Byron Shire Council has previously approved variations to this development standard under separate Development Applications. Reference is made to Development Application No. 10.2023.116.1 for No. 149 Friday Hut Road, Coorabell.

It is formally requested that development consent be granted to the development proposal with a minor variation to Clause 4.2D of Byron Local Environmental Plan 2014.

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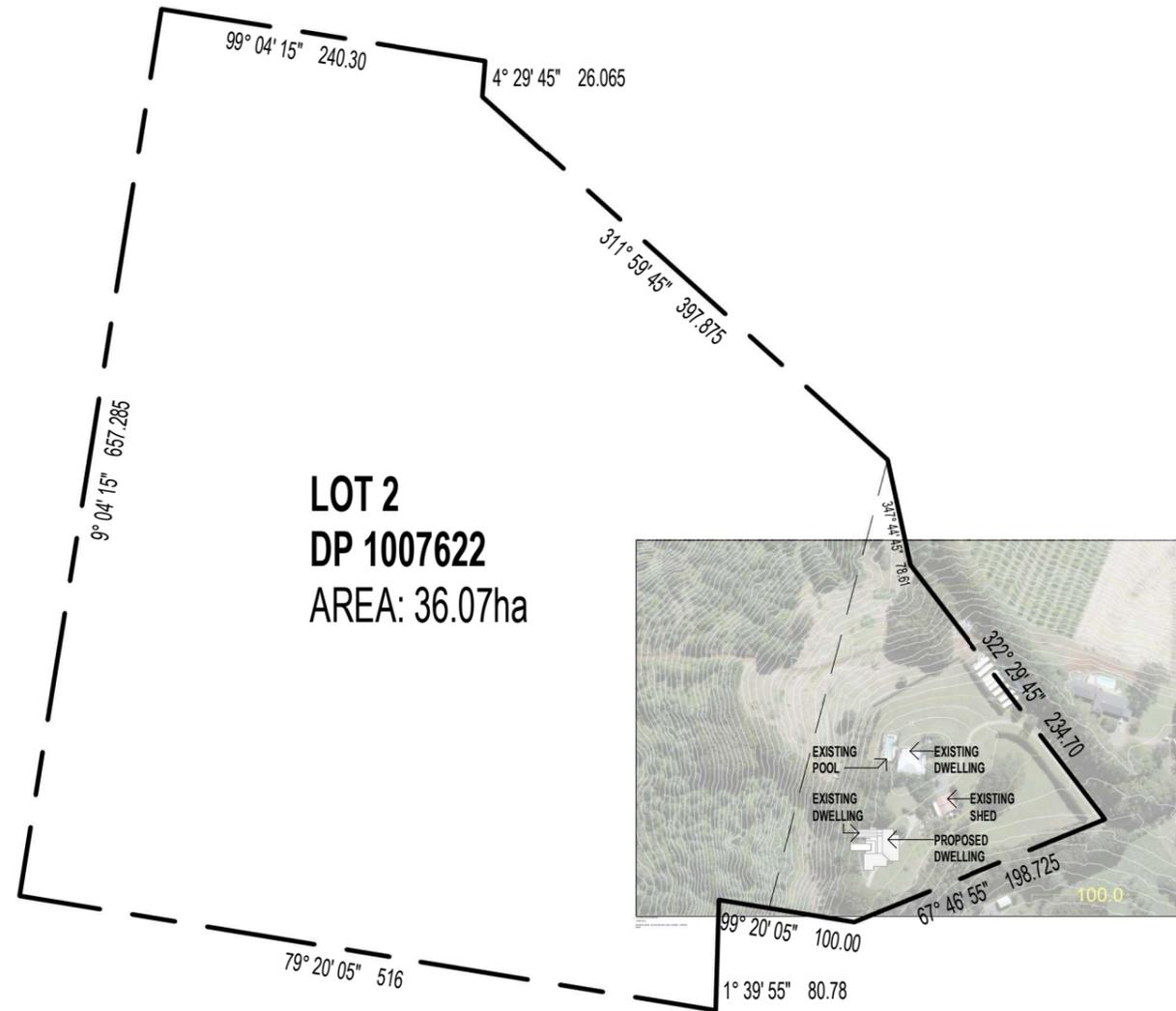
Joe Davidson – Director
Town Planning Studio Pty Ltd



Figure 1 – Aerial photograph showing two existing access driveways from Lawlers Lane (Metromap)

Annexure D

Development Plans



PRELIM PLAN
02/04/2024

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NOTES
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1 ISSUE	27/11/2023 DATE	DEVELOPMENT APPLICATION REVISION
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ARCHITECTURE INTERIORS LANDSCAPES ph - 02 6687 0535 po box 1517 byron bay nsw 2481	PROJECT CLIENT ADDRESS	PROPOSED BUILDING CLIENT 72, LAWLERS LANE - BANGALOW LOT 2 DP 1007622
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DESIGN STAGE TITLE	CONCEPT DESIGN SITE PLAN - LOCATION	PROJECT DRAWN CHECKED SCALE	2004 GB JG 1 : 5000	DRAWING NO. 000 ISSUE 1
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2/04/2024 12:53:28 PM



LOT 2
DP 1007622
AREA: 36.07ha

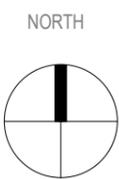
AREAS:
 EXISTING DWELLING - 60 SQM
 PORPOSED ADDITION - 235 SQM
TOTAL AREA - 295 SQM



PRELIM PLAN
02/04/2024

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1	27/11/2023	DEVELOPMENT APPLICATION
ISSUE	DATE	REVISION

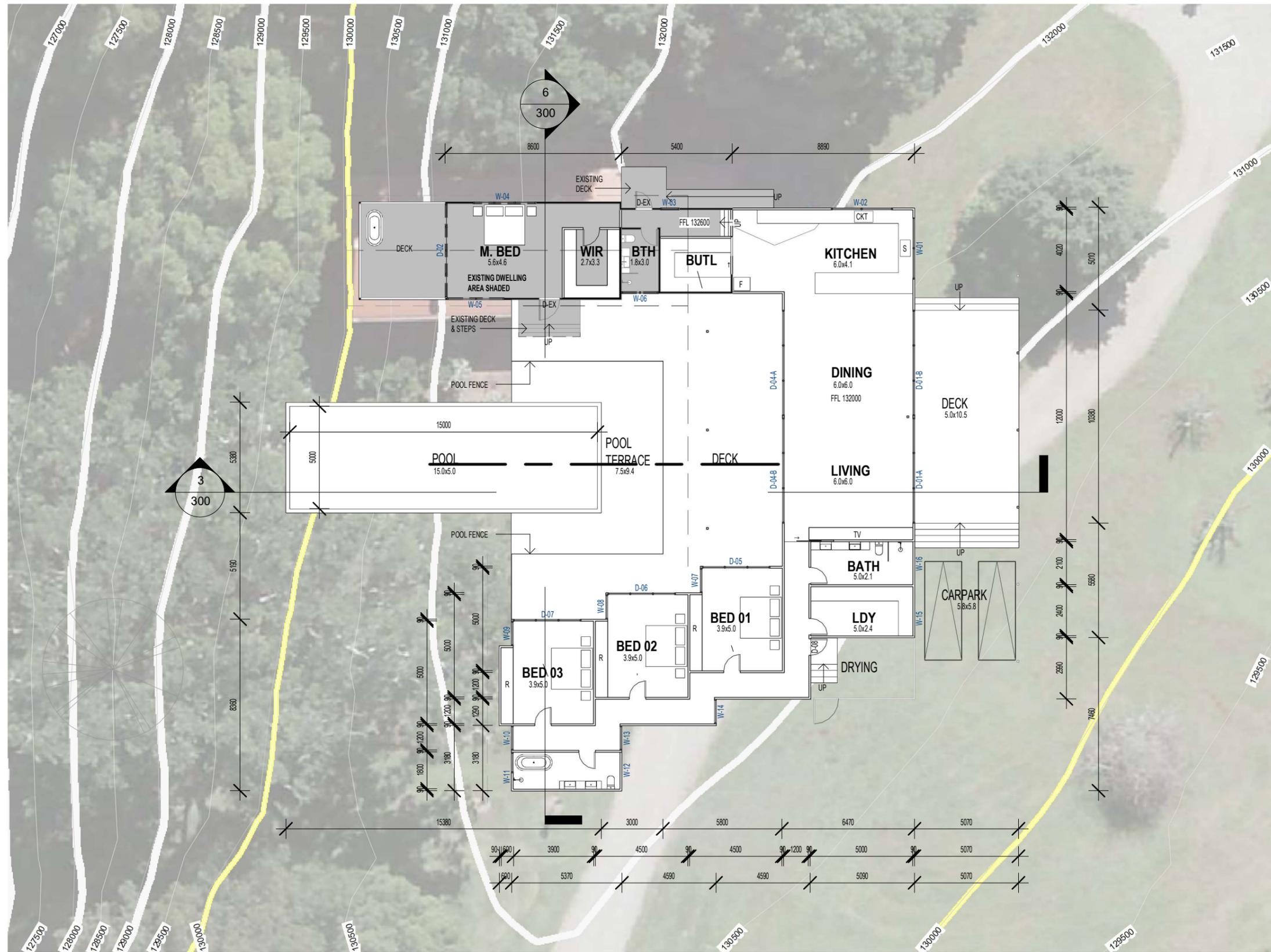


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PROJECT	PROPOSED BUILDING
CLIENT	CLIENT
ADDRESS	72, LAWLERS LANE - BANGALOW LOT 2 DP 1007622

DESIGN STAGE	CONCEPT DESIGN	PROJECT	2004	DRAWING NO.	
TITLE	SITE PLAN	DRAWN	GB		100
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ISSUE	DATE	REVISION

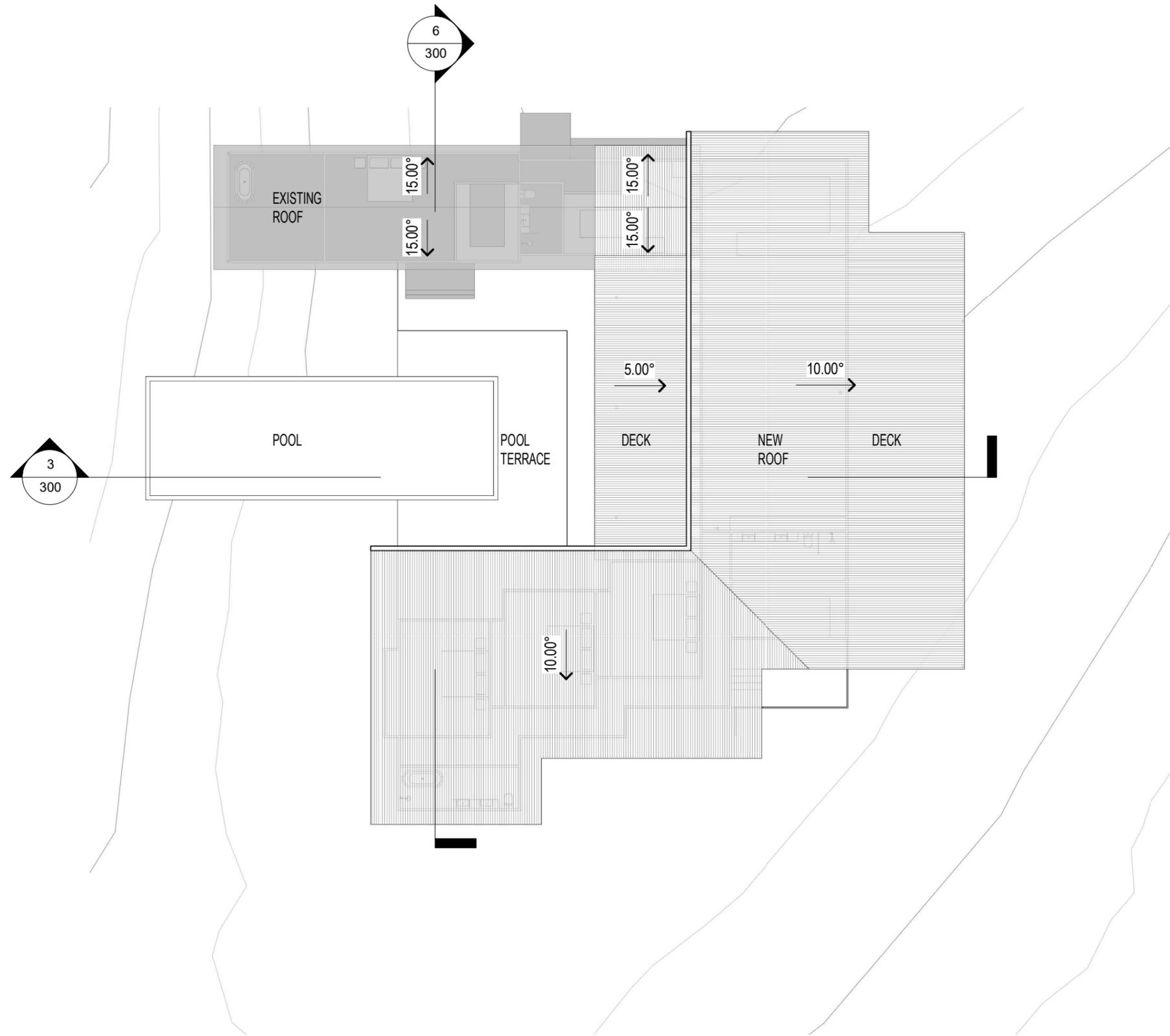


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PROJECT **PROPOSED BUILDING**
CLIENT **CLIENT**
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LOT 2 DP 1007622**

DESIGN STAGE **CONCEPT DESIGN**
TITLE **PROPOSED DWELLING - FLOOR PLAN**

PROJECT	2004	DRAWING NO.	200
DRAWN	GB	ISSUE	1
CHECKED	JG	SCALE	1 : 200



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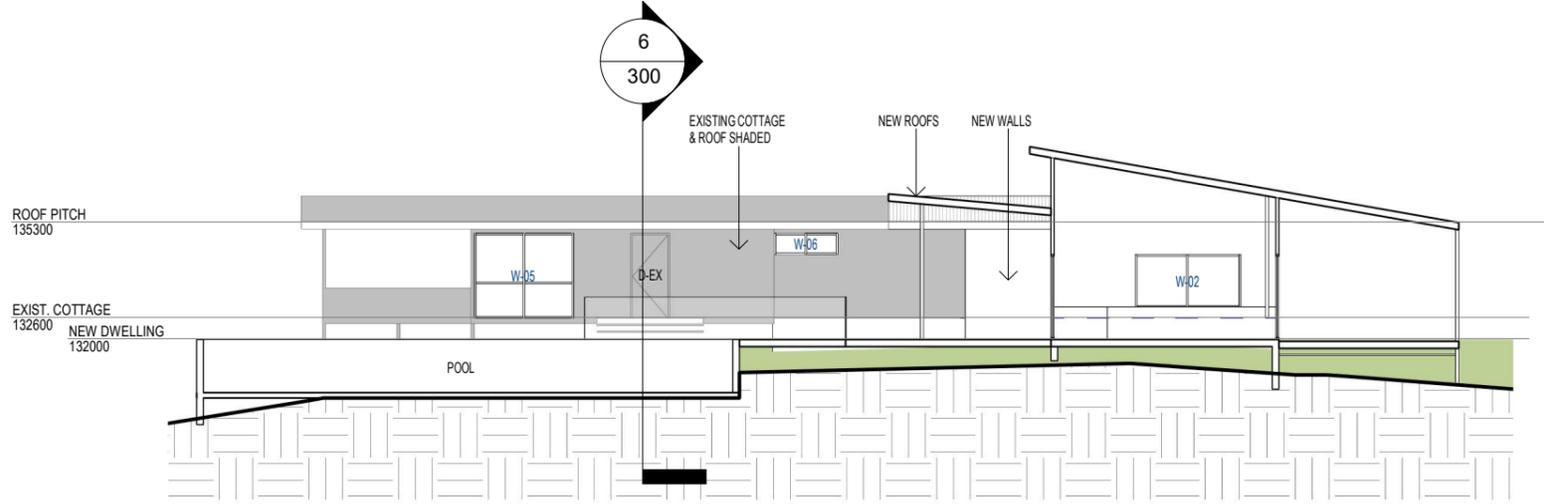
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ISSUE	DATE	REVISION



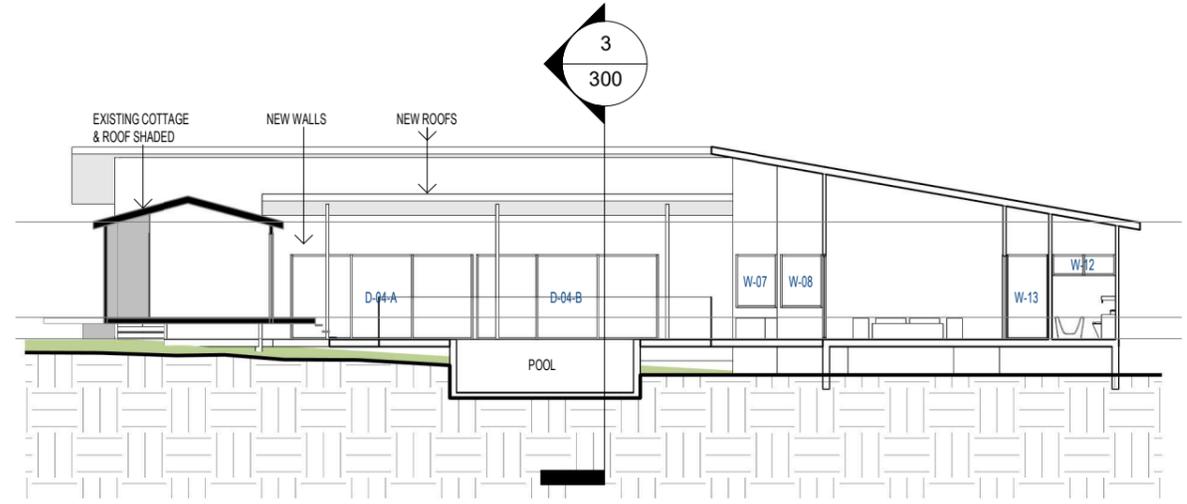
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PROJECT **PROPOSED BUILDING**
CLIENT **CLIENT**
ADDRESS **72, LAWLERS LANE - BANGALOW
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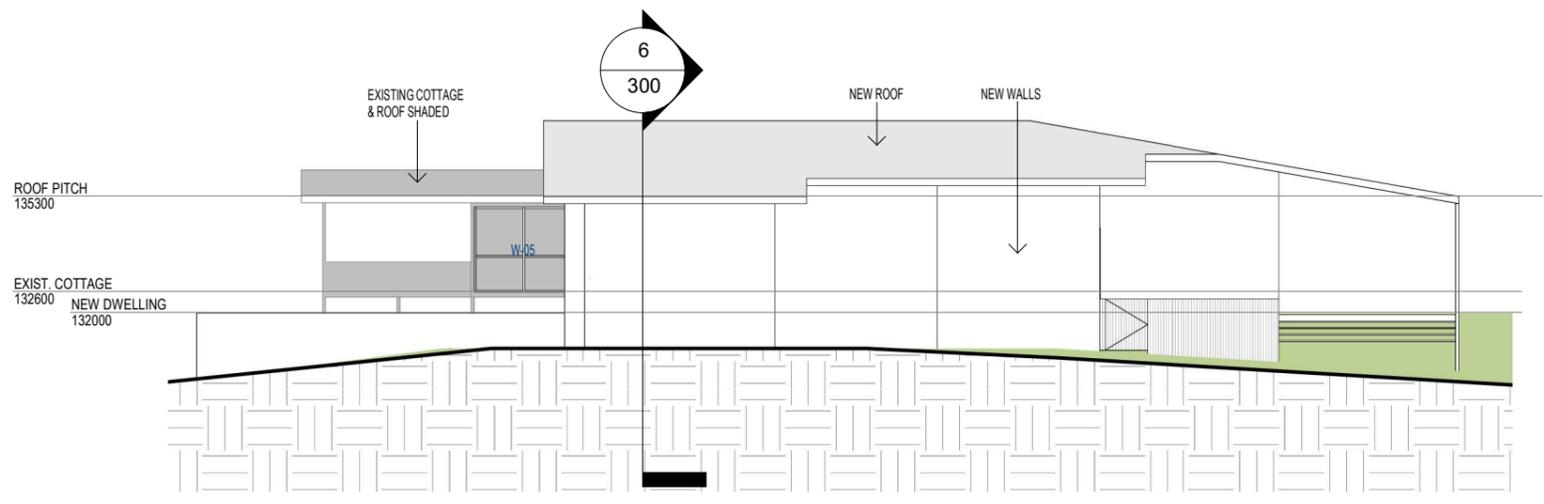
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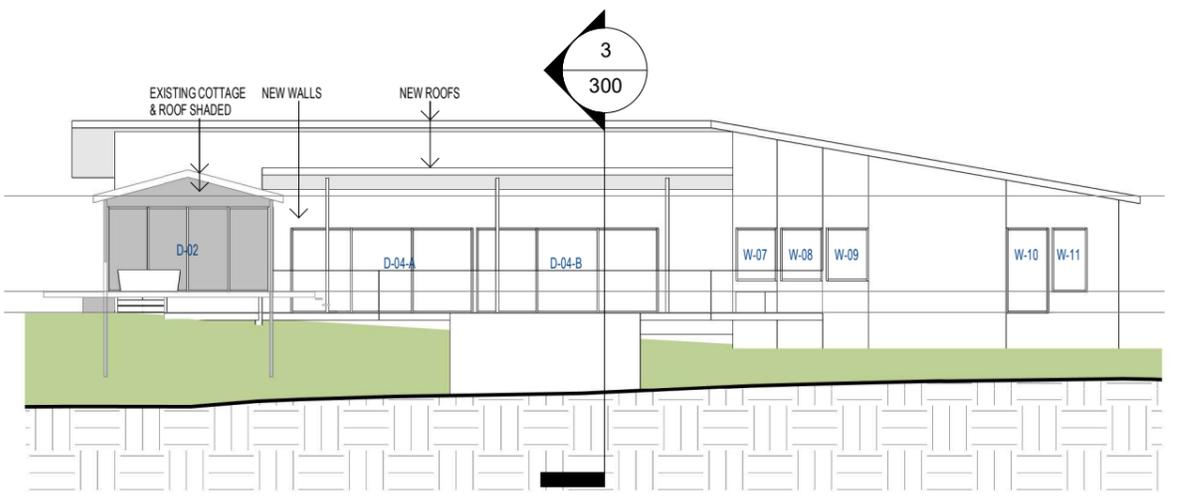
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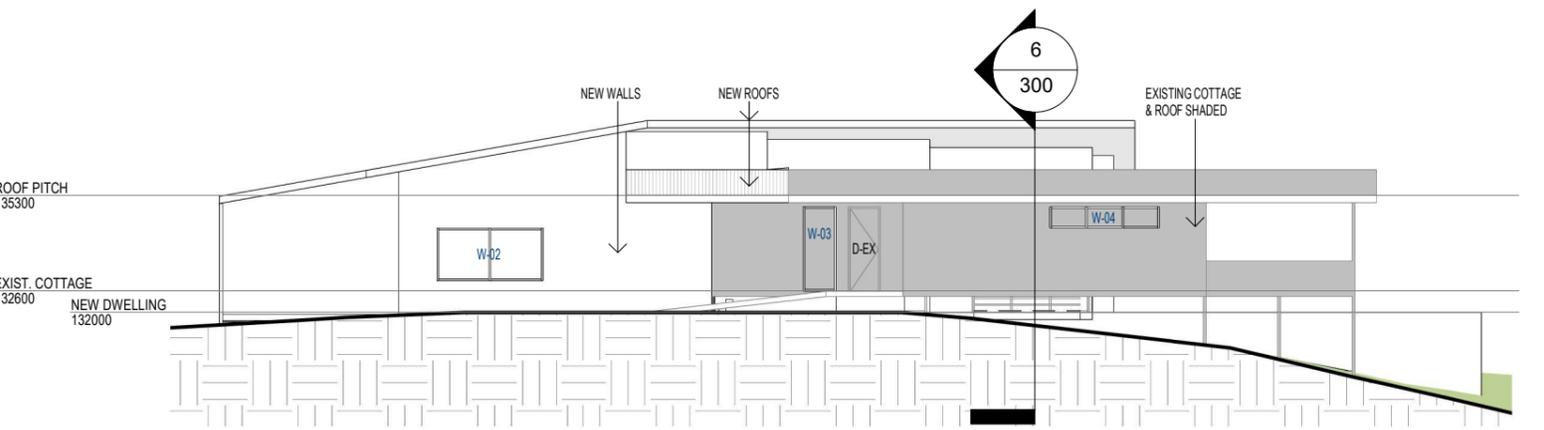
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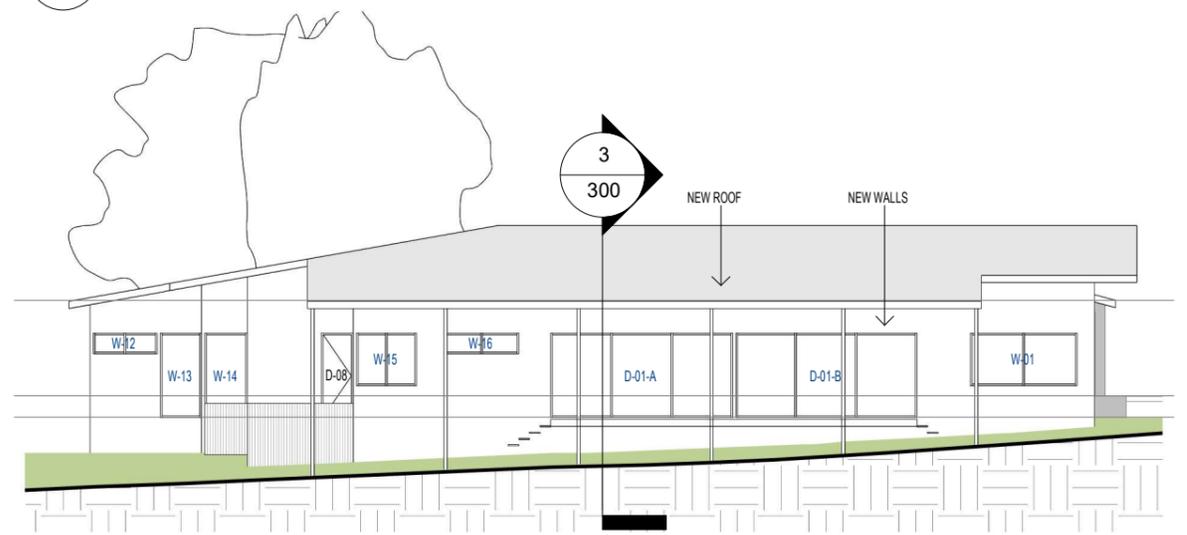
2 SOUTH ELEVATION
1: 200



5 WEST ELEVATION
1: 200



1 NORTH ELEVATION
1: 200



4 EAST ELEVATION
1: 200

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ISSUE	DATE	REVISION

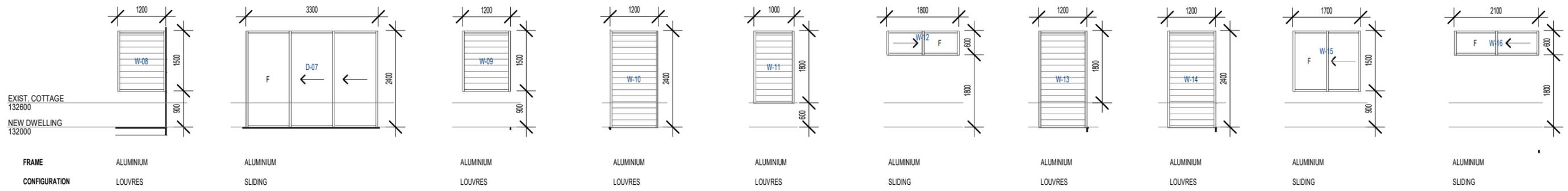
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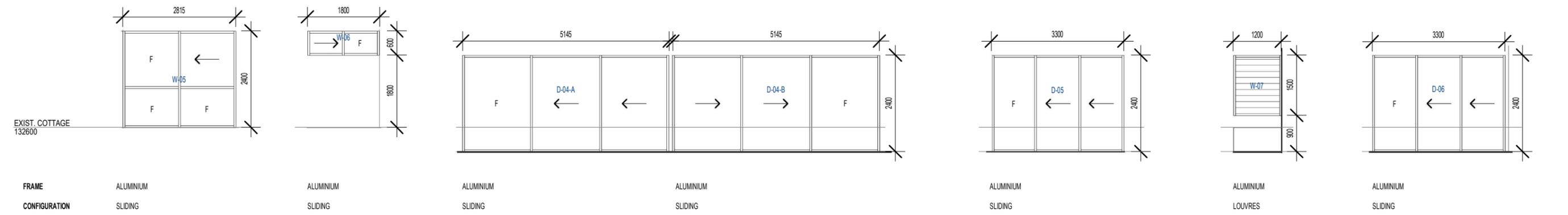
PROJECT	PROPOSED BUILDING
CLIENT	CLIENT
ADDRESS	72, LAWLERS LANE - BANGALOW LOT 2 DP 1007622

DESIGN STAGE	CONCEPT DESIGN	PROJECT	2004	DRAWING NO.	300
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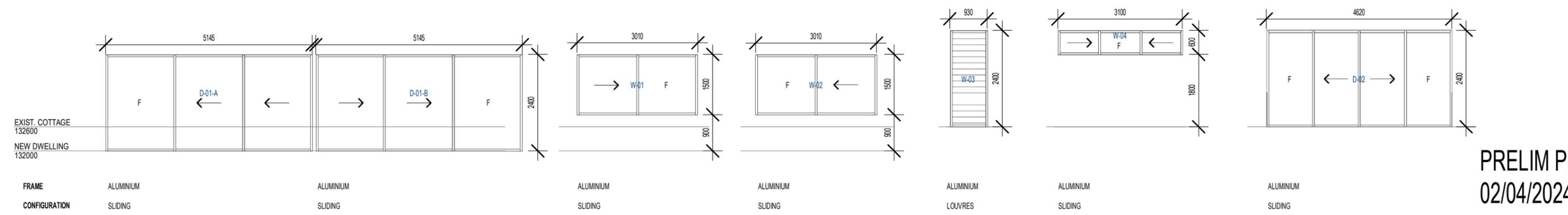
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EXIST. COTTAGE 132600	NEW DWELLING 132000									
FRAME	ALUMINIUM									
CONFIGURATION	LOUVRES	SLIDING	LOUVRES	LOUVRES	LOUVRES	SLIDING	LOUVRES	LOUVRES	SLIDING	SLIDING



EXIST. COTTAGE 132600	NEW DWELLING 132000						
FRAME	ALUMINIUM						
CONFIGURATION	SLIDING	SLIDING	SLIDING	SLIDING	SLIDING	LOUVRES	SLIDING



EXIST. COTTAGE 132600	NEW DWELLING 132000					
FRAME	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM	ALUMINIUM
CONFIGURATION	SLIDING	SLIDING	SLIDING	SLIDING	LOUVRES	SLIDING

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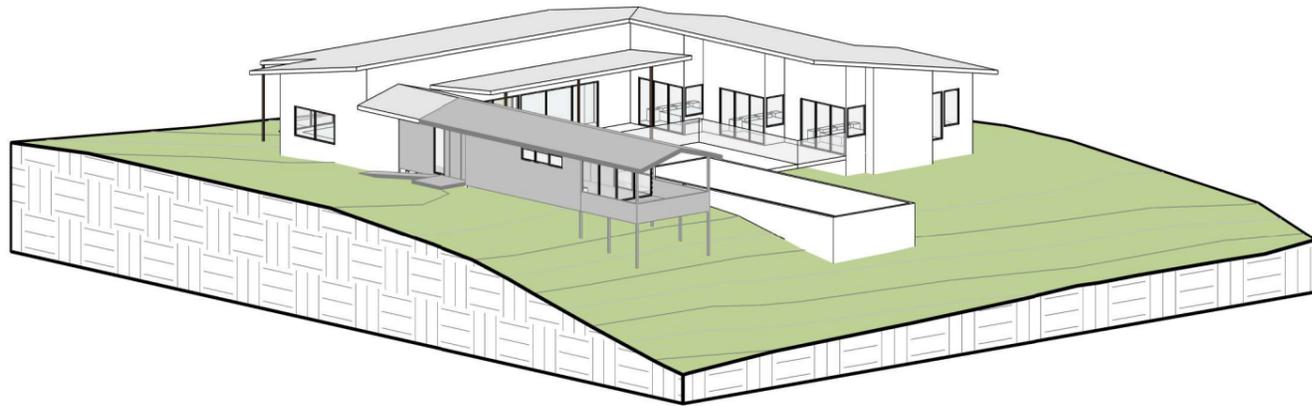
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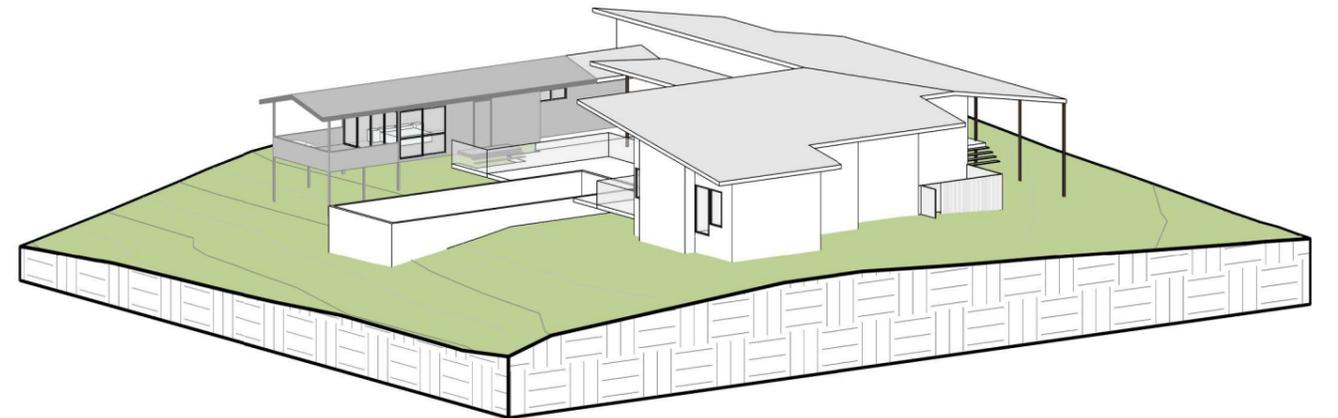
PROJECT	PROPOSED BUILDING
CLIENT	CLIENT
ADDRESS	72, LAWLERS LANE - BANGALOW LOT 2 DP 1007622

DESIGN STAGE	CONCEPT DESIGN	PROJECT	2004	DRAWING NO.	800
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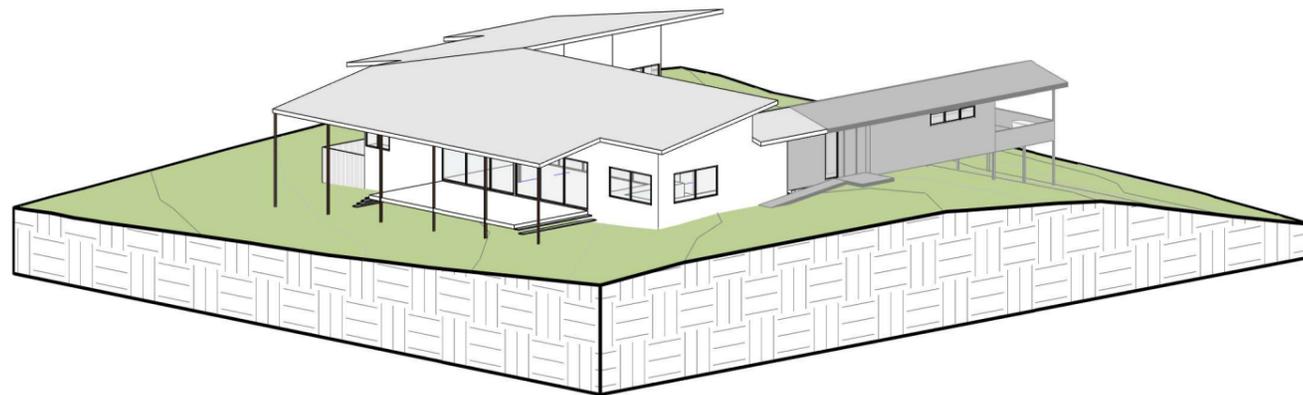
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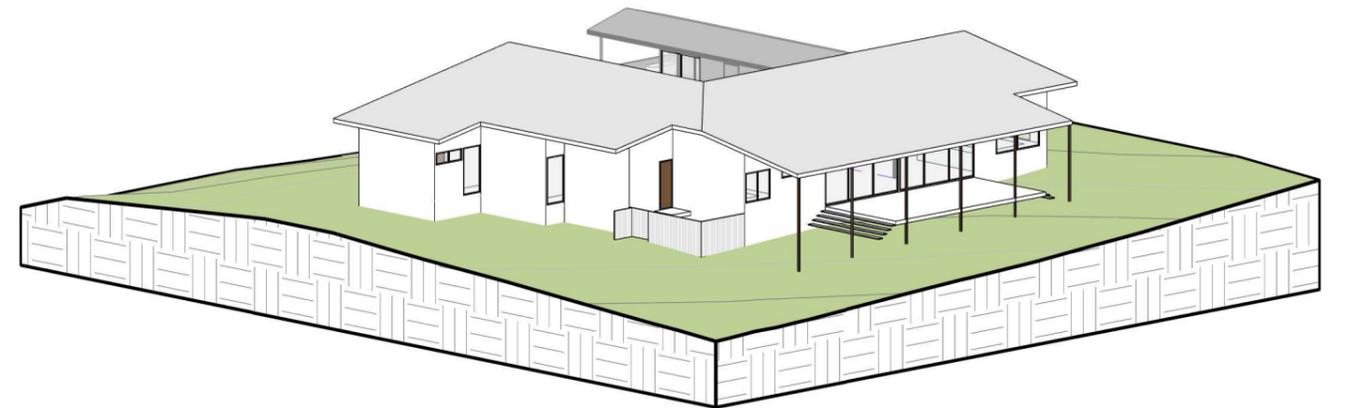
2 3D_DWELLING_NW



4 3D_DWELLING_SW



1 3D_DWELLING_NE



3 3D_DWELLING_SE

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TITLE	PROPOSED DWELLING - 3D'S	DRAWN	GB	ISSUE	1
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