

**DEVELOPMENT APPLICATION  
AND  
STATEMENT OF ENVIRONMENTAL EFFECTS**

**for  
Proposed Rural Dual Occupancy (detached)  
including Swimming Pool & Pool House and Associated Landscaping**

**at  
148 Crystal Creek Circuit  
Coorabell  
Lot 11 DP 287027**

**Date: December 2023**

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**B A L A N C E D  
S Y S T E M S**

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# 1. INTRODUCTION

*Section 1 - presents the circumstances of the case and outlines the structure of the report*

## 1.1 Purpose and structure of this report

This planning report constitutes a statement of environmental effects (SEE) for a development application (DA) to Byron Shire Council seeking development consent for the following proposal:

### **Proposed Rural Dual Occupancy (detached) including Swimming Pool & Pool House and Associated Landscaping**

The subject property is located 148 Crystal Creek Road, Coorabell, lawfully described as Lot 11 DP 287027, which is a Community Title allotment at 315 Coorabell Road, Coorabell. This report addresses the provisions of Section 4.15 of the NSW Environmental Planning and Assessment Act 1979.

The structure of this report comprises the following format:

**Section 1** - Introduction - introduces the report and explains the circumstances of the case.

**Section 2** - The site and locality - introduces the site and describes the context of the site within its immediate and broader locality.

**Section 3** - The proposed development - describes the proposed development for which this application is seeking planning consent and also describes the objectives of the proposed development and outlines the operational management characteristics.

**Section 4** - Statutory planning assessment - examines the consistency of the proposed development with the provisions of relevant planning policies, objectives, statutory instruments and legislation.

**Appendices** – the appendices contain reports that provide additional assessments relevant to the application.

## 1.2 Circumstances of the case

The subject site is a 1.157-hectare rural community title allotment located at 148 Crystal Creek Circuit, Coorabell. The site is mapped entirely as Zone RU1 – Primary Production under the Byron LEP 2014.

The proposed new dwellings will form a detached rural dual occupancy, with the attached plan set (Appendix A) showing a larger primary dwelling and a smaller second dwelling. The new dwellings are located less than 100m of each other and both will be provided vehicular access to Crystal Creek Circuit, which is a private accessway that adjoins onto Coorabell Road.

The new dwellings are both able to attain BASIX Certification (Appendix B), will utilise suitable bushfire management provisions (Appendix C) and will implement an on-site waste water management (Appendix D).

The Community Title property will be permitted to allow for dual occupancy dwellings via a new Council DA approval that results in a revised Neighbourhood Management Statement to remove any restrictions, which will be finalised and registered before this proposed DA is approved. In addition, an integral requirement of the proposed dual occupancy, is an additional 900 rainforest tree plantings will be undertaken within a designated vegetation management zone on the subject site, that will be implemented as a condition of consent.

The proposal results in a land use and dwelling density envisaged by Council's current local environmental plan and development control plan while a development contribution will allow for improvements to local roads and services.

## 2. THE SITE AND LOCALITY

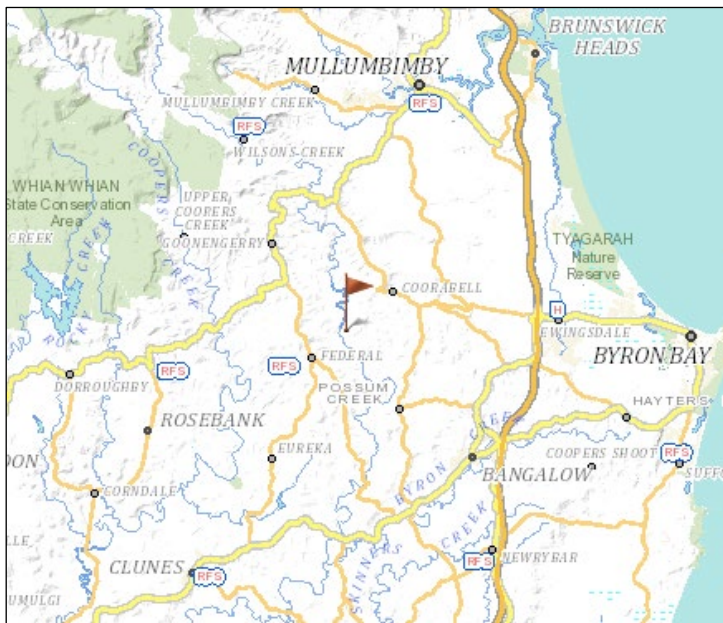
*Section 2 - This section of the report introduces the site and describes the context of the site within its immediate and broader locality*

### 2.1 The locality

The subject site is located within the Byron Shire Local Government Area, approximately 13km west of Byron Bay and 7km north west of Bangalow.

The surrounding land uses predominantly comprise rural living properties, farming properties as well as many other Multiple Occupancy and Community Title Subdivision properties.

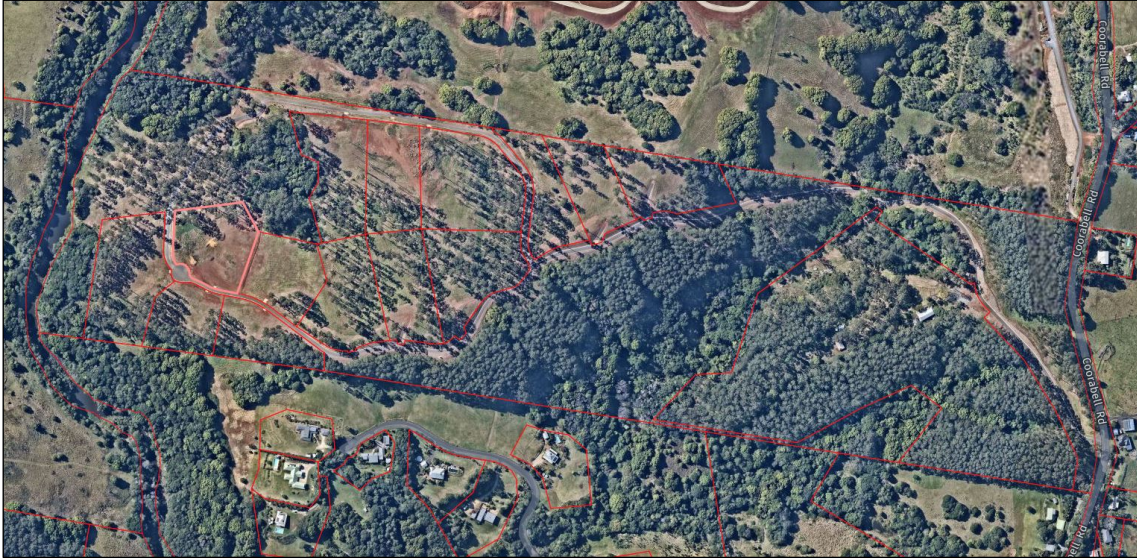
The subject site and its immediate locality are depicted in the following images.



Proposed Rural Dual Occupancy (detached) including Swimming Pool & Pool House and Associated Landscaping

## 2.2 The site

The subject site is addressed at 148 Crystal Creek Circuit, Coorabell, legally recognised as Lot II of DP 287027. The allotment is a Community Title allotment of a community property addressed at 315 Coorabell Road, Coorabell.



Proposed Rural Dual Occupancy (detached) including Swimming Pool & Pool House and Associated Landscaping

### 2.3 Environmental characteristics

The property contains an area of cleared grasslands following historical harvesting of Blackbutt timber trees that were part of a registered NSW DPI timber plantation. The allotment does not contain any Byron HEV Vegetation and is also not mapped on the NSW BV map.

- Vegetation communities map



- High Environmental Value vegetation map

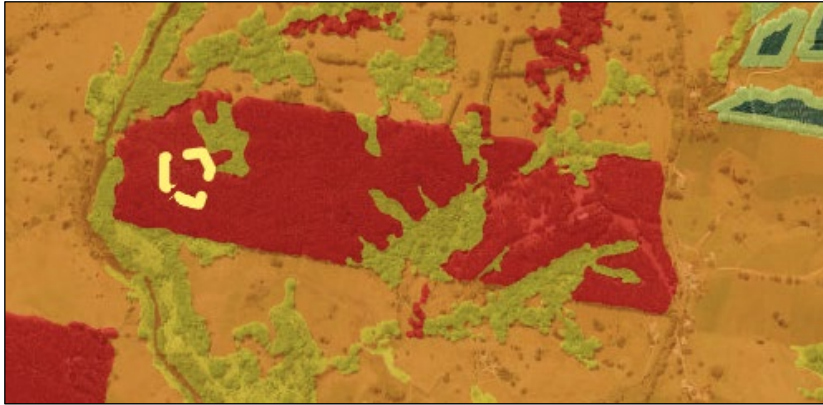


- NSW Biodiversity Values Map



- Bushfire prone land

The property contains bushfire prone land including Vegetation Category 1 as mapped by the NSW State Government, shown below. A Bushfire Assessment Report is provided in Appendix C that addresses the modified current vegetation on the site considering large scale timber plantation harvesting, the bushfire hazard risk is dramatically reduced.



- Flood prone land

The site is not mapped as flood prone land



## 3. THE PROPOSED DEVELOPMENT

*Section 3 - This section of the report describes the overall concept and also lists the objectives of the proposal in an environmental planning context.*

### 3.1 Objectives of the proposed development

The objectives of the proposal are as follows:

- Attain development consent for the construction of two new dwellings to form a dual occupancy (detached) on the subject site;
- Be consistent with the Council conditions relating to Community Title at the time of the proposed DA determination;
- Respond to State Government and Local Council policies relating to rural housing development;
- Generate positive impacts in terms of character and design;
- Service the proposal with suitable vehicular access and parking arrangements;
- Protect the shire's downstream aquatic ecosystems by providing a suitable on-site wastewater management system;
- Protect and enhance existing ecological values on the property and adjacent to the site;
- Provide adequate bushfire management for the proposal; and
- Ensure that the proposal does not adversely impact on rural character and surrounding amenity.

### 3.2 The proposed development

The proposal comprises the following main components as shown in the attached plan set (Appendix A):

- Construct new primary dwelling building
- Construct new second dwelling building
- Construct swimming pool and pool pavilion
- Associated water tanks, earthworks and landscaping
- Driveway access and carparking areas
- Installation of a Council approved on-site wastewater management system
- Implementation of bushfire management provisions

All of the associated infrastructure such as internal driveway, car parking, wastewater management, and water supply will comply with council requirements and other applicable standards and guidelines.

No native vegetation is to be removed around the site of the existing building, historical harvesting of Blackbutt vegetation has already occurred under an NSW DPI registered plantation agreement and approved management plan.

The proposed on-site wastewater management system is a single aerated system that will collect, treat and dispose of wastewater generated by both of the proposed dwelling buildings.

The proposed development application is described in greater detail in the following sections.

### 3.2.1 New Dwellings

The proposed DA seeks development consent for the construction of two new dwellings, identified as the Primary Dwelling and Second Dwelling on the attached plan set, to form a rural detached dual occupancy.

#### Primary Dwelling

4-bedroom dwelling

Lower floor – 23 sqm GFA including garage and storage

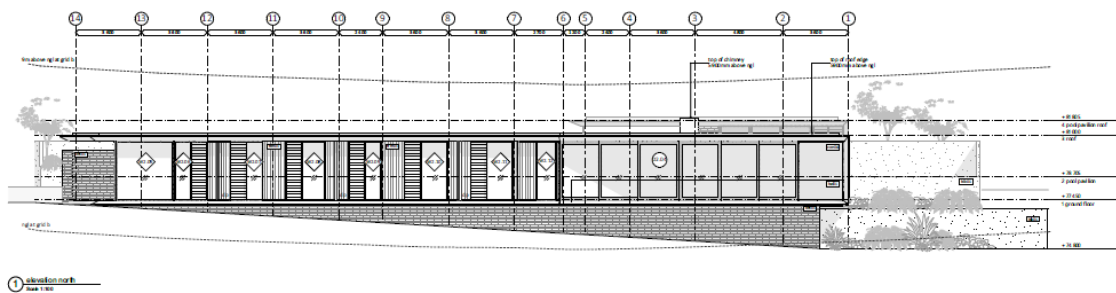
Ground floor – 230 sqm GFA

The primary dwelling contains two levels within a modern building design that makes use of the northerly aspect and is highly integrated with outdoor living areas including the proposed swimming pool area.

The ground level being concrete slab on-ground for car parking garage, mudroom, laundry and storage room.

Underground concrete water tanks will be installed underneath the driveway access to the garage parking area with a turning bay provided.

The first level contains four bedrooms, study, lounge, dining, kitchen, pantry, hallway and outdoor living area.

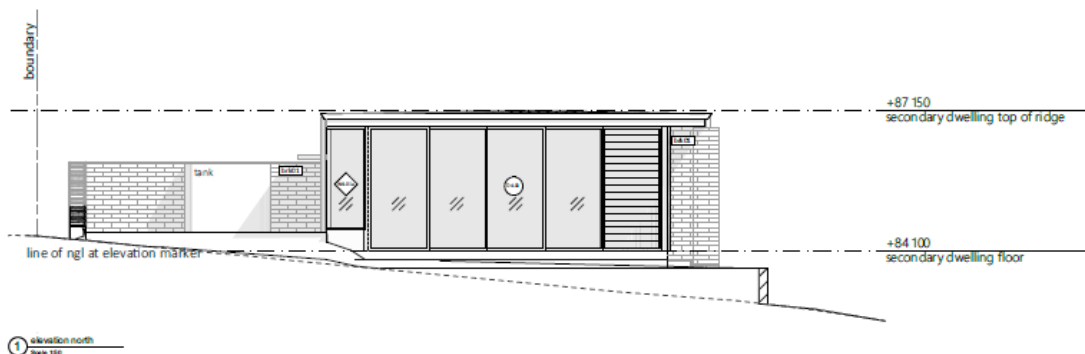


#### Second Dwelling

2-bedroom dwelling

Ground floor – 99 sqm GFA

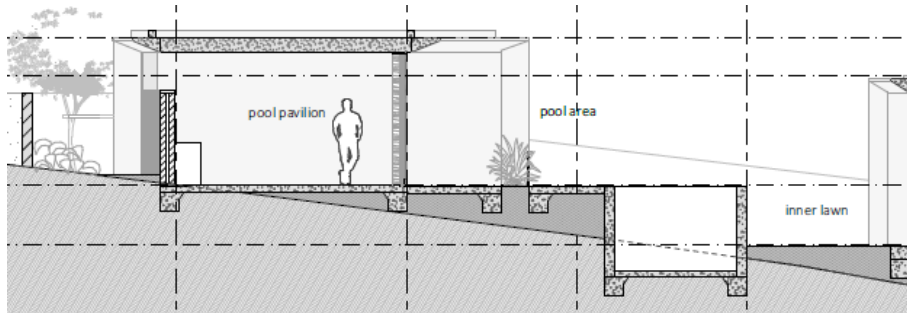
The second dwelling contains two bedrooms, kitchen, laundry, dining/lounge, bathroom and outdoor living area.



### 3.2.2 Swimming Pool and Pool Pavilion

The proposed swimming pool is an in-ground swimming pool and hot tub with pool fencing in accordance with Australian Standards. The proposed swimming pool is an irregular shaped polygon that is to be an in-ground concrete pool within a managed lawn setting.

The pool pavilion is an ancillary building to the proposed swimming pool that includes open plan area with a toilet, showers and basin and also includes a hot tub.



### 3.2.3 Wastewater Management

The attached onsite waste management report by North Coast Wastewater Solutions describes the proposed new dwellings and the suitability of the site for wastewater management (Appendix D). The proposed system utilises the following main components:

- AWTS (OZZIKLEEN)
- Index Valve
- 3 x ETA Beds (17m x 2m)
- Reserve disposal area.

### 3.2.4 Water Supply

Water supply to the new dwellings will occur by means of roof capture and tank storage within the nominated water tanks. All on-site water tanks will implement overflow stormwater disposal via gravel trench.

### 3.2.5 Car Parking

Car parking is provided for each dwelling comprising of two car parking spaces for each dwelling.

### 3.2.6 Bushfire Management

The attached Bushfire Assessment report contains details on the construction level of the proposed new dwellings and also nominated compliant bushfire management provisions for the site. Key outcomes of the bushfire assessment include:

- BAL 12.5 rating for the primary dwelling and BAL 19 rating for the second dwelling
- Bushfire asset protection zone onsite
- Maintain bushfire access from the Community Access Road (Crystal Creek Circuit)
- Implement bushfire water supply of 10,000L for each dwelling.

## 4. STATUTORY PLANNING ASSESSMENT

*Section 4 - This section examines the consistency of the proposed development with the provisions of relevant planning policies, objectives, statutory instruments and legislation.*

In accordance with the NSW Environmental Planning and Assessment Act, the proposal is considered under the following sections of this report:

- 4.1 State Environmental Planning Policies
- 4.2 Local Environmental Plan
- 4.3 Development Control Plan
- 4.4 S4.15 Evaluation

### 4.1 State Environmental Planning Policies

The following NSW State Environmental Planning Policies (SEPPs) are addressed:

#### **4.1.1 SEPP (Sustainable Buildings) 2022**

*The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State*

The proposal is accompanied by a BASIX Certificate shown within Appendix B that includes NATHERS certification.

#### **4.1.2 SEPP (Biodiversity and Conservation)**

##### **Chapter 3 Koala habitat protection 2020**

##### 3.1 Aims of Policy

*This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline*

*(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*

*(b) by encouraging the identification of areas of core koala habitat, and*

*(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

The proposed Dual Occupancy is considered to be consistent with the aim of the policy. The proposal does not obstruct or impact upon areas of Koala habitat.

##### 3.2 Definitions

*potential koala habitat means areas of native vegetation where trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper*

*or lower strata of the tree component.*

*Core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population.*

The site does not contain any potential or core koala habitat.

### *3.3 Land to which Chapter applies*

*This Chapter applies to land in the following land use zones, or an equivalent land use zone, in a local government area specified in Schedule 1 of State Environmental Planning Policy (Koala Habitat Protection) 2021, but not if the local government area is marked with an \* in that Schedule*

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU3 Forestry.*

The proposal is located within a rural zone and therefore the Koala SEPP applies.

### *3.5 Land to which this Part applies*

*This Part applies to land*

- (a) that is land to which this Chapter applies, and*
- (b) that is land in relation to which a development application has been made, and*
- (c) that, whether or not the development application applies to the whole, or only part, of the land*
  - (i) has an area of more than 1 hectare, or*
  - (ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare.*

The Koala SEPP applies to the proposal, as the property is greater than 1 hectare in size.

### *3.6 Step 1 Is the land potential koala habitat?*

- (1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.*
- (2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.*
- (3) If the council is satisfied*
  - (a) that the land is not a potential koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application, or*
  - (b) that the land is a potential koala habitat, it must comply with section 3.7.*

In accordance with the habitat definitions under the SEPP, the site does not contain any potential Koala habitat.

### **4.1.3 SEPP (Resilience and Hazards) 2021**

#### **Chapter 2 Coastal Management**

##### 2.1 Aim of Chapter

*The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by*

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The subject site is not located within a coastal management mapped area and no further investigation is required.

#### **Chapter 4 Remediation of land**

##### 4.1 Object of this Chapter

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*
  - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
  - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
  - (c) by requiring that a remediation work meet certain standards and notification requirements.*

The proposal achieves the objectives of Chapter 4 Remediation of land.

##### 4.6 Contamination and remediation to be considered in determining development application

A preliminary Contamination Assessment has already been undertaken for the MO/CT proposal that is already approved.

### **4.1.4 SEPP (Primary Production) 2021**

#### **Chapter 2 Primary production and rural development**

##### 2.1 Aims of Chapter

*The aims of this Chapter are as follows*

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*

*(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*

*(e) to encourage sustainable agriculture, including sustainable aquaculture,*

*(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*

*(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The proposal is consistent with the aims of Chapter 2 Primary Production and Rural Development. The agricultural viability of the site is maintained through suitable siting and design of the proposed dwellings. Additionally, suitable buffer distances have been incorporated ensuring potential land use conflicts are avoided.

#### *2.7 Objects of Part State significant agricultural land*

*The objects of this Part are as follows*

*(a) to identify State significant agricultural land and to provide for the carrying out of development on that land,*

*(b) to provide for the protection of agricultural land*

*(i) that is of State or regional agricultural significance, and*

*(ii) that may be subject to demand for uses that are not compatible with agriculture, and*

*(iii) if the protection will result in a public benefit.*

The subject site is mapped as Regionally Significant Farmland, it does not contain areas of State significance as shown below.



The proposal is unlikely to reduce the agricultural capability of the land with the dwelling utilizing a small footprint on the overall site leaving ample room available for small scale food growing.

## 4.2 Local Environmental Plan

### 4.2.1 Byron Local Environmental Plan

The Byron Local Environmental Plan 2014 (BLEP 2014) is the principal planning instrument applying to land within the Byron Shire.

The proposal is located wholly within a the **RUI – Primary Production Zone** (refer Section 4.2.4 Zoning) and therefore this assessment addresses the consistency of the proposal with the Byron LEP 2014.

This section identifies the applicable provisions of the BLEP 2014 relating to the proposed development and discusses the consistency of the proposal with such provisions.

### 4.2.2 BLEP 2014 Objectives

Clause 1.2 of the Byron Local Environmental Plan 2014, provides the aim and objectives of the plan.

The proposal is considered consistent with the objectives as it enhances the social and economic well-being and protects and enhances the site's ecological processes by implementing an additional 900 tree plantings for the second dwelling.

The proposed development is considered consistent with the guiding principles.

### 4.2.3 BLEP 2014 Maps

Relevant LEP Maps applicable to the development are as follows:

- Zoning – refer Section 4.2.4 below
- Height of Buildings – 9m

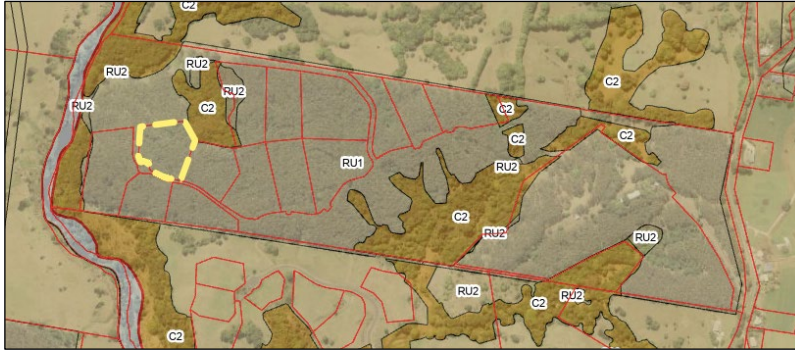


- Minimum Lot Size- n/a
- Floor Space Ratio – n/a
- Heritage – n/a
- Drinking Water Catchment - Yes



#### 4.2.4 BLEP 2014 Zoning

The proposal is located within Zone RU1 – Primary Production under the Byron LEP 2014, as depicted in the following zone map extract.



#### Zone RU1 Primary Production

##### *Objectives of zone*

- 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 proposal is regarded as being consistent with the objectives of Zone RU1 and makes use of an approved Community Title property that has also already considered the zone objectives for this form of mixed-land-use living.

The proposal does not result in any potential land use conflicts as it utilises an approved Community Title allotment.

The proposal will not result in adverse impacts on the rural scenic landscapes and protects the rural values of the site.

#### 4.2.5 BLEP 2014 Provisions

This section identifies special LEP provisions that are applicable to this development application.

##### Byron LEP 2014 Provisions

##### **Clause 4.1E Minimum lot sizes for certain residential accommodation**

*The objective of this clause is to achieve planned residential density in certain zones.*

The Byron LEP 2014 stipulates a minimum lot size of 4000sqm for Dual Occupancy (detached within the rural zone).

The subject site has a total site area of 1.157 -ha and therefore achieves the requirements of the clause.

#### Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and conservation 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 and conservation zones.*

The proposal is located on a Community Title property that is capable of supporting dual occupancy and secondary dwelling development types within the rural zone.

#### Clause 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*

The proposed new dwellings result in a Dual Occupancy (detached) on the rural community title property, providing an additional accommodation option on the site within a smaller second dwelling. The dwellings are suitably sited and scaled to ensure compatibility with the environmental constraints, rural character and overall layout on the site. The proposed new dwellings are suitably located within a non-constrained area of the site in terms of bushfire and wastewater. This report demonstrates that the proposal does not result in adverse impacts to the site or adjoining land.

(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 for agriculture or rural industries,*

The proposed new dwellings have been suitably located and includes a small overall footprint ensuring the agricultural and rural potential of the site is maintained.

- (b) *each dwelling will use the same vehicular access to and from a public road,*

Both the existing dwelling and the proposed dwellings will utilise the same vehicular access to Coorabell Road.

- (c) *for dual occupancies (detached)—dwellings will be situated within 100 metres of each other,*

As demonstrated in the plan set the proposed new dwellings are located within 100m of each building.

- (d) *the land is physically suitable for the development,*

This report and the attached specialist reports demonstrate that the site physically suitable to accommodate the proposal.

- (e) *the land is capable of accommodating the on-site disposal and management of sewage for the development, and*

The attached on-site Wastewater Management Assessment demonstrates that suitable onsite wastewater management can be achieved for a total of 6-bedrooms.

- (f) *the development will not have an adverse impact on the scenic amenity or character of the rural environment.*

The proposal has been well designed and suitably located within the site ensuring no adverse impacts on the existing scenic amenity of the locality.

**Clause 4.3 Height of buildings**

*The objectives of this clause are as follows—*

- (a) to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,*
- (b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*
- (c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development*

The LEP height of buildings map depicts the site as having a 9m height limit for buildings (above NGL)

As demonstrated in the plan set, the proposed new dwellings have a building height well within the allowable maximum height.

**Clause 4.4 Floor space ratio**

*(1) The objectives of this clause are as follows—*

- (a) to ensure that new buildings are appropriate in relation to the character, amenity and environment of the locality,*
- (b) to enable a diversity of housing types by encouraging low scale medium density housing in suitable locations,*
- (c) to provide floor space in employment and mixed use zones adequate for the foreseeable future,*
- (d) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (e) to set out maximum floor space ratios for dual occupancy in certain areas.*

The Byron LEP 2014 does not stipulate a maximum Floor Space Ratio for the subject site

**Clause 6.1 Acid sulfate soils**

*The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

The subject site is not identified on the LEP Acid Sulfate Soils Map.

**Clause 6.2 Earthworks**

*The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

The proposal requires cut and fill earthworks for the following components;

- Driveway construction;
- Service installation;
- Building foundations; and
- Preparation works for swimming pool.

The proposed earthworks are able to be adequately managed and will not have any significant adverse impact on the environment.

A sediment and erosion management plan will be implemented during the construction phase of the project.

### Clause 6.5 Drinking water catchments

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

The site is located within a mapped drinking water catchment, as shown in section 4.2.3 of this report. The proposal includes a suitable on-site wastewater management system that ensures wastewater associated with the new dwellings have no significant adverse impacts on the drinking water catchment.

### Clause 6.6 Essential services

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access*

- Water supply will be achieved by means of roof water harvesting and water tank storage.
- Appendix D provides the details of the proposed wastewater management which will be undertaken in accordance with Council Standards.
- Stormwater management will occur in accordance with Council requirements for rural stormwater management.
- The site contains suitable existing driveway access that is capable of supporting the proposed new dwellings.
- Electricity and telecommunications services are already available to the allotment.

## 4.3 Development Control Plan

### 4.3.1 Byron Development Control Plan 2014

Relevant provisions of the Byron DCP 2014 are identified below, together with a statement of the consistency of the proposed development with such provisions.

Provision	Comment	Complies
<b>Part B – Controls Applying Generally to Development Applications</b>		
<b>B1 – Biodiversity</b>	The proposal does not impact upon any HEV vegetation and there no concerns regarding any ecological red flags.	Yes
<b>B3 Services</b>	The site contains all of the necessary services to supply the proposed dual occupancy dwellings.  The property has existing access to electricity and telecommunication services. On-site wastewater will be managed as discussed in the attached specialist report. Water supply will be provided by means of roof capture and tank storage.	Yes

<b>B4 Traffic Planning, Vehicle Parking, Circulation and Access</b>	As demonstrated in the plan set the proposal provides adequate carparking arrangements and vehicle access via Crystal Creek Road. The proposal complies with Chapter B4.	Yes
<b>B6 Buffers and Land Use Conflict</b>	The proposal does not raise any concerns with regards to buffers from any nearby land uses in the surrounding locality	Yes
<b>B8 Waste Minimisation and Management</b>	The dwelling will have a suitable area for onsite waste and recycling storage bins, ensuring the correct management of waste.  A SWMMP can be provided on request or at the Construction Certificate stage	Yes
<b>B9 Landscaping</b>	It is expected that the rural dwelling will incorporate appropriate on-site landscaping although a landscape plan does not form part of the proposal.	Yes
<b>B14 Excavation and Fill</b>	The proposed new dwellings require some earthworks that will comply with Chapter B14. Some earthworks are greater than 1-metre including the area for the proposed ground floor car parking which is listed as a suitable exemption.	Yes
<b>C1 Non-Indigenous Heritage</b>	The site does not contain any listed heritage items and is not located within a heritage conservation area, no further investigation is required.	Yes.
<b>C2 Areas Affected by Flood</b>	The site is not identified as flood affected while the proposal is well setback from flash flooding areas of the Wilsons Creek.	Yes
<b>C3 Visually Prominent Sites, Visually Prominent Development and View Sharing</b>	The proposed new dwellings are not located in a visually prominent site on the property and is well hidden from any public viewing areas.	Yes
<b>C4 Development in a Drinking Water Catchment</b>	The proposed new dwellings will utilise an approved on-site wastewater management system, protecting water catchment values (Appendix D) Suitable access and stormwater management is provided, as depicted in the plan set.	Yes
<b>Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones</b>		
<b>D2.2.1 Location and Siting of Residential Accommodation and other Buildings</b>	The proposed new dwellings have been suitably located in an unconstrained area of the site, away from any areas of ecological significance to ensure adverse environmental impacts are avoided.  The proposal is consistent with Chapter B6 and is unlikely to generate any land use conflicts with adjoining land uses.	Yes

<b>D2.2.2 Setbacks from Boundaries</b>	As demonstrated in the plan set the proposal complies with the setback provisions of this control.	Yes
<b>D2.2.3 Character and Visual Impact</b>	The proposed dual occupancy employs a suitable design that compliments the character of the rural locality and utilises appropriate materials that integrate well with the surrounding built, rural and natural environment.  The second dwelling is modest in size and provides family and friends with an additional accommodation on the site outside of the main dwelling building.	Yes
<b>D2.5 Dual Occupancies and Secondary Dwellings</b>	See below response to Section 2.5.	Yes

### D2.5 Dual Occupancies and Secondary Dwellings

#### Objectives

*1. To ensure that dual occupancies and secondary dwellings in rural areas are located to avoid potential for conflicts with agricultural activities on adjoining land, to avoid adversely affecting the sustainability of the land for agriculture, minimise impacts on adjoining residents, and to ensure compatibility with the rural character of the locality and the shire.*

*2. To specify the evaluation criteria and development requirements that apply to establishment of dual occupancies and secondary dwellings in rural areas.*

#### Performance Criteria

*1. Dual occupancy and secondary dwelling development in rural areas must be located so that it does not create potential for conflict with adjoining land uses. Determination of location and siting will depend on assessment of potential conflicts and buffer requirements pursuant to Chapter B6 Buffers and Minimising Land Use Conflict.*

*2. Dual occupancies and secondary dwellings in rural areas must be located and retained on the same legal title as the principal dwelling house on the property, and may not be excised by subdivision.*

#### Prescriptive Measures

*A development application must be accompanied by information that demonstrates:*

- a) property details, including legal description, area, zoning, existing use of all parts of the site;*
- b) property plan showing existing and proposed infrastructure (including buildings, sheds, services, onsite wastewater disposal, etc) and land use;*
- c) potential conflicts, including the distance from the proposed dual occupancy and secondary dwelling to adjoining land holdings and potentially conflicting landuses (e.g. intensive horticulture, pesticide use, intensive livestock activities, rural industry and the like).*
- d) access and site details, including a plan showing the location of the principal dwelling and the proposed dual occupancy and secondary dwelling; and proposed access arrangements from the public road to the principal dwelling on the site and the proposed dual occupancy and secondary dwelling.*

The proposal seeks development consent for a rural dual occupancy (detached) on a Community Title property. Both of the proposed new dwellings will utilise a shared driveway crossover connecting to Coorabell Road as part of the overall community, as demonstrated in the plan set.

The new dwellings have been suitably located within an unconstrained area of the site and is unlikely to generate land use conflicts with any nearby land uses.

### D2.5.1 On-Site Car Parking

#### *Objective*

1. To provide adequate and visually compatible on-site accommodation of vehicles for residents and visitors.

#### *Performance Criteria*

Vehicular access to a dual occupancy and secondary dwelling development should comprise a shared driveway. Driveways must be located and designed to minimise danger to pedestrians and cyclists using the public road and to ensure that vehicles do not need to reverse into or out of the driveway.

#### *Prescriptive Measures*

1. Car parking shall satisfy the requirements for on-site car parking for dual occupancy development as set out in Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access.

2. There is no car parking requirement for secondary dwellings.

The proposed new dwellings will utilise a shared driveway being the private Crystal Creek Circuit via Coorabell Road. As demonstrated in the plan set the proposed parking arrangements comply with the requirements of this control.

### D2.5.2 Character and Siting of Dwellings

#### *Objectives*

1. To ensure that dual occupancy and secondary dwelling development is compatible in character with development in the locality, provides adequate private open space and addresses environmental, slope and drainage issues.

2. To minimise the footprint of dual occupancy and secondary dwelling development through location of dwellings and the use of shared services and common areas.

#### *Performance Criteria*

1. In assessing any proposal for dual occupancy and secondary dwelling development, particular consideration will be given to the topography and slope of the site, design to minimise loss of privacy, bushfire and environmental constraints, the visual impact of the proposal and the likely impact on water flows and drainage.

2. To encourage better visual quality and greater public acceptance, dual occupancy and secondary dwelling development must be designed to be responsive to its location. It could look like a single dwelling or be sited in a clustered arrangement with other farm buildings, garages, car ports or farm sheds.

3. Separate private open space must be provided for each dwelling in accordance with Section D2.5.4, and must be designed to be easily accessible to the dwelling it serves.

4. The applicant must demonstrate that the design of the development and the siting of the two dwellings will not generate additional adverse environmental impacts through excessive vegetation removal for bushfire protection or detract from the visual amenity of the locality.

#### *Prescriptive Measures*

1. Dual occupancy (attached) dwellings are to be attached to each other by a common dividing wall, this may include garage walls. The dwellings must be serviced by a common vehicle access.

2. Dual occupancy (detached) dwellings and secondary dwellings are to be sited to minimise land use conflicts, support clustering of buildings, prevent fragmentation of primary production, and reduce environmental impacts.

3. Secondary dwellings can be either attached to or detached from the principle dwelling as per the controls for dual occupancy (attached and detached) above

The proposal is consistent with the relevant controls of Section 2.5.2.

The proposed new dwellings are located within 100m of each other on the site in unconstrained areas of the site.

The rural allotment includes ample private open space to support the two dwellings and the design and siting of the new dwellings ensures that no adverse environmental impacts result from the proposal.

## 4.4 S4.15 Evaluation

This section assesses the consistency of the application in relation to the provisions of Section 4.15 Evaluation of the Environmental Planning and Assessment Act, 1979 (as amended).

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

*(1)(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*(v) (Repealed)*

*that apply to the land to which the development application relates,*

The relevant Environmental Planning instruments are addressed as follows:

Applicable SEPPs - refer to section 4.1 of this report.

Local Environmental Plan - refer to section 4.2 of this report.

Development Control Plan - refer to section 4.3 of this report.

In summary, the proposed Dual Occupancy (detached) is considered consistent with the aims of the LEP, the applicable zone objectives and LEP provisions.

The proposal is also considered consistent with the aims, objectives and intent of the applicable DCP controls.

This report also demonstrates that the proposal is consistent with the objectives and relevant sections of any NSW State Environmental Planning Policy.

The attached illustrations and relevant assessment reports demonstrate the proposal can address all of the required planning provisions.

The proposal can implement suitable on-site wastewater management and can also implement appropriate provisions for bushfire management.

***(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,***

○ Natural Ecosystems

The proposal does not pose any significant adverse impacts on the natural ecosystems or any threatened species or ecological communities and does not require the removal of native vegetation. The proposed dual occupancy will require an additional 900 trees to be planted within a designated vegetation management zone on the property, providing positive ecological impacts.

○ Rural Character and Scenic Amenity

The proposed Dual Occupancy dwellings will not adversely impact upon the rural character and scenic amenity of the immediate locality.

○ Traffic impacts

The new dwellings utilise the existing driveway access and will not generate any substantial impact on the local traffic network.

○ Land Use Conflicts

The proposal is unlikely to generate any land use conflict within the locality or with adjoining land with suitable buffers in place.

○ Waste Water Management

All wastewater generated by the development will be treated and disposed of in an approved manner as described within the specialist report in Appendix D.

***(c) the suitability of the site for the development,***

This report and the accompanying specialist assessments demonstrate the suitability of the site for the proposed Dual Occupancy (detached).

***(d) any submissions made in accordance with this Act or the regulations,***

Council may place the application on public exhibition and seek submissions.

***(e) the public interest.***

In summary, there are no significant adverse environmental impacts as a result of the proposed development. The proposal generates a viable main dwelling and second accommodation option on the rural property. The proposal is considered in the public interest.

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## APPENDIX A - Architectural Plan Set

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## APPENDIX B – BASIX Certificate

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## APPENDIX C – Bushfire Assessment Report

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## APPENDIX D - On-site Wastewater Management Report