

Chapter 10:

Coopers Shoot Small Holdings Zone

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#216885		Effective 17 October 1989
#216885	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1018403		Draft DCP 2010 Chapter 10 (public exhibition copy)
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Section 1 GENERAL

1.1 Citation

This plan may be cited as “Byron Shire Development Control Plan 2010 Chapter No 10” and constitutes a development control plan prepared and adopted in accordance with the provisions of section 74C of the Environmental Planning and Assessment Act 1979 and the Regulations thereafter.

1.2 Commencement date

This plan was first effective from 17 October 1989 being the date on which Council formally resolved to adopt the plan. Amendments, if any, are catalogued in clause 7.

1.3 Application

This plan applies to all developments and building applications involving the land zoned Small Holdings 1(c1) and Investigation 1(d), together the residue portions, at Cooper’s Shoot Road, near Suffolk Park.

1.4 Definitions

- “The map” means map titled “Development Control Plan No. 10 Cooper’s Shoot Road Locality Development Guidelines”.
- “Multi-purpose trail” means and unmade Crown of public road reserve, or public right-of-way providing public access for walking and horse-riding purposes and related recreation pursuits.
- “Landscape corridor” means the approximate area shown on map bounded by the broken black lines.

1.5 Relationship to other documents and policies

This plan is part of the comprehensive package of development control plans, codes and policies being introduced to supplement the Shire-wide Byron Local Environmental Plan 1988. As such, this plan gives detailed expression to Council’s policies and guidelines for the developmental management of the Cooper’s Shoot road small holdings zone.

This plan must be read in conjunction with provisions of Byron Local Environmental Plan 1988, being the principle planning instrument applying to the land, the relevant State environmental planning policies and the relevant provisions of the North Coast Regional Environmental Plan 1988. In the event of any inconsistency between this plan and the statutory planning instruments, the provisions of the statutory planning instruments shall prevail.

In particular, this plan should be read in conjunctions with the provisions of Byron Shire DCP 2010 which specifies Council’s objectives, guidelines and development standards for various forms of development, including subdivision (Chapter 1, Part B), residential development (Chapter 1, Part C), landscaping (Chapter 1, Part H) and house location and site design (Chapter 1, Part K).

Section 2 OBJECTIVES

2.1 General

The objectives of the following zones as provided by Byron Environmental Plan 1988 are relevant for the purposes of this plan:

- (i) Zone 1(c1) Small Holdings
- (ii) Zone 1(a) General Rural – residue portions where relevant
- (iii) Zone 1(d) Investigation – residue portions where relevant
- (iv) Zone 7(d) Scenic Escarpment – residue portions where relevant

2.2 Specific Objectives

The specific objectives for the area are:

- (a) to provide small holdings for rural living in an environmentally acceptable manner;
- (b) to maintain and enhance the rural character and amenity of the locality;
- (c) to provide for a variety of rural living opportunities and a variety of lot sizes and house sites;
- (d) to minimise impact on viable agricultural activities and enterprises;
- (e) to encourage increased visual, recreational and rural living amenity by providing a network of windbreaks, shelterbelts, landscape corridors and multi-purpose trails;
- (f) to determine the most appropriate and convenient access system, both vehicular and non-vehicular, to minimise environmental and visual impact and minimise construction and maintenance costs of access system;
- (g) to protect and enhance remnants of natural vegetation and provide for replanting in strategic locations;
- (h) to lay the framework for environmental management and possible future development in the Investigation 1(d) zone areas as a basis for rezoning consideration in response to genuine demand and opportunities;
- (i) to ensure that the proposed development does not visually intrude on sensitive escarpment areas and exposed ridges and avoids slopes and slip-prone areas; and
- (j) to ensure adequate provision is made for the progressive upgrading of community and recreational facilities, services and road to the new demands as development proceeds.

Section 3 COMMUNITY SERVICES AND FACILITIES

3.1 Multi-purpose trail system

Provisions of multi-purpose trail system for non-vehicular access across the area will be required as follows:

- (a) use of the unmade Crown road reserves, including minor relocation of these to accommodate topography, as shown on the map;
- (b) dual use of new minor public roads constructed to access new lots;
- (c) provisions of public rights-of-way linking proposed road and elements such as (a) above;
- (d) provision of horse track along existing Cooper's Shoot Road Reserve in upgrading or reconstruction;
- (e) provision for future public right-of-way, as shown on a map, linking west Suffolk Park and Cooper's Shoot Road along top of escarpment above tree line and cliff and providing access to remnant rainforest copses; and
- (f) landscaping, fencing and minor construction works to provide trail route with appropriate tree planting and revegetation.

3.2 Public open space and public access

Future provision is to be made for siting and dedication for public use of an appropriate scenic lookout area as shown on the map east of Cooper's Shoot Road.

It is not intended to require dedication of land for public open space in small holding subdivision development except as described above and in 3.1.

Contributions will be required towards provision and/ or upgrading of town level open space and recreation facilities in Byron Bay/ Suffolk Park and Bangalow (see 3.5).

3.3 Community facilities

Town level community facilities in Byron Bay/ Suffolk Park and Bangalow as determined by Council's Planning Director from time to time – contributions to be required (see 3.5).

3.4 Road upgrading

The following road upgrading is proposed:

- (a) Cooper's Shoot road for its entire length;
- (b) Piccadilly Road to provide 6m wide pavement; and
- (c) both intersections of Cooper's Shoot road with Main Road 65.

Section 4 DEVELOPMENT GUIDELINES

4.1 Subdivision design principles

Applications are to have regard for the overall site design factors of climate, landform, aspect and views. Geology and soils, drainage and vegetation, access and existing improvements as indicated in section B2.3 "Site Design – Subdivision Code" of Chapter 1 of Byron Shire DCP 2010.

4.2 Lot size and shape

As provided by clause 11 of Byron Local Environmental Plan 1988, the maximum number of residential small holding lots which may be created from a parcel of land is determined by the area in hectares of that part of the land which is zoned 1(c1) divided by 2.5.

The absolute minimum size of any lot within zone 1(c1) is to be 0.4ha. Generally lots should have a depth to width ratio not exceeding 4.1, except where the applicant establishes to Council's satisfaction that special topographical, aspect or locational conditions justify an exception.

A maximum of 2 lots with reciprocal rights-of-way will be permitted from one access handle and minimum road frontage of battleaxe blocks is 7m.

Lot size and characteristics are to be varied in order to provide a range of sizes and types of lots, including:

- small rural home sites
- lots capable of supporting hobby farm or part-time agricultural, equestrian or horticultural pursuits with access to farm dam or spring
- large lots with adequate sized working paddocks or viable horticultural development lots (e.g. residue lots).

4.3 Residue land

This clause applies to a parcel of land which is partly within zone 1(c1) and partly within zones 1(a) or 1(d). Where that part outside the 1(c1) zone (i.e. the residue) is of insufficient size to create a separate lot in accordance with the LEP provisions for the zone (i.e. under 40 ha), Council will require such land to be incorporated within 1 or more lots to be created within the 1(c1) zone. Reference should be made to clause B4.5 of the "Subdivision Code" section of Byron Shire DCP 2010 Chapter 1.

4.4 Zone boundary variation

The boundary between zone 1(c1) and zones 1(a) or 1(d) will be adjusted to better reflect topography and appropriate lot boundaries within these zones in accordance with clause 42(1) (b) as shown on the map.

4.5 Landscaping guidelines

A feature of the current rural landscape in the areas of this plan is the relative absence of significant tree growth. The effective and extensive use of landscaping, particularly tree plants, is required to achieve and enhanced visual and living amenity for residents to provide micro-climate control through shelterbelts to buffer winds and to enhance distant appearance of area as development proceeds along exposed ridges. Specific requirements are:

- (a) screen shelterbelt and windbreak tree planting in nominated locations along new road reserves and rights-of-way at ridges and spurs;

- (b) strategic planting of suitable species, for example as indicated on map, to consolidate and expand existing stands of remnant rainforest trees, including environmental management through fencing and cambium poisoning of unwanted exotics such as privet;
- (c) strategic revegetation and provision of small water storage areas in gullies within subdivision design to create wildlife and waterbird habitats and create visual interest;
- (d) creation of "landscape corridors: along selected lower slope and areas, as shown on map, incorporating some of the above features (b) and (c)
- (e) contribution towards the provision of landscaping of Cooper's Shoot Road Reserve through the planting of tree groupings in selected section as part of the road upgrading program;
- (f) provision of tree planting within multi-purpose trail route traversing or abutting a parcel to be subdivided;
- (g) planting of trees in strategically located copses adjacent to the route of the proposed 66kv electricity transmission line, preferably between 30m and 60m of proposed poles to minimise visual impact of the transmission line through the area;
- (h) choice of species for major tree planting and revegetation should be made from native species listed in Appendix A; exotics should preferably only be planted in house garden areas or for horticultural purposes; and
- (i) refer to "Landscape Code", "House Location and Site Design Code" and "Bushfire Mitigation Code" with Chapter 1 of this DCP for further relevant information.

4.6 House siting

Each lot in a proposed subdivision is to make provision for a suitable house site incorporating the following:-

- avoidance of steep slopes in excess of 20% and slip-prone areas
- avoidance of ridgetops on skyline, too exposed to view and adverse winds
- avoidance of low-lying area
- having easy vehicle access to public road, avoiding excessive side cuts along ridges
- avoid south-facing slopes
- avoid exposure to piggery odour and be located on slope away from direction of piggery where house site is in the vicinity of 1km from the piggery, with planting and fencing of appropriately located windbreak trees to reduce potential odour impact.

Subdivision applications to create rural residential lots should define the house site and indicative building envelope. In such cases building approval only will be required for single dwellings on the lots once created.

Building outside the approved envelope will require development consent for the proposed dwelling.

4.7 Access to water

The subdivision design should provide for as many lots as practicable to be provided with a non-potable water source for non-domestic use such as small dam sites and water tanks. Any

earthworks associated with dam construction to be subject to consent from the Soil Conservation Service and the Department of Water Resources.

4.8 Climate control and aspect

Reference should be made to the “House Location and Site Design Code: within Chapter 1 of this DCP.

4.9 Effluent disposal

Each proposed house site is to have an adequate area nearby with the necessary absorption qualities for septic effluent, being away from any watercourse, steep slope or rocky ground. Details of general suitability for effluent disposal to be submitted with subdivisions application; specific details to be included in building application.

4.10 Subdivision applications

Reference is to be made to the provisions of section B9 of the “Subdivision Code” in Chapter 1 of this DCP.

An environmental report is required to accompany each subdivision application involving land in a 1(c1) zone – clause 13 and Schedule 6 of Byron Local Environmental Plan 1988.

Section 5 SUBDIVISION ROADS AND UTILITIES

5.1 General

Reference should be made to section B4.10 "Design" of the "Subdivision Code" in Chapter 1 of this DCP. Construction and drainage of roads is required for all such subdivision and the design of such works shall comply with Council's specifications for engineering works in rural areas.

5.2 Design guidelines

The road system within the subject lands and points of intersection with Cooper's Shoot Road should generally be in accordance with the indicative layout shown on the map and shall be subject to the approval of Council's Works and Services Director.

The following criteria are to apply to the design and construction of roads:

- (a) location of roads for minimum impact and disturbance to environment and rural landscape;
- (b) low construction costs and minimum future maintenance costs;
- (c) avoidance of long, straight sections of road;
- (d) use of unmade Crown road reserve wherever practical;
- (e) generally follow contours and ridges and avoid steep sections and cuts;
- (f) minor access roads serving new subdivisions to connect to Cooper's Shoot road at intersect points with god sight distance as generally indicated on the map;
- (g) same road corridors to be landscaped on shelterbelts with details to be submitted for approval with engineering works;
- (h) Cooper's Shoot Road to be upgraded, including landscaping of any key sections, to provide a 6m wide seal with provision for a future house track on one side;
- (i) other minor access roads to be 3.6m wide seal with 1.2m wide hard shoulders and within 16m wide road reserves and 7.5m splay corners to be provided to each Type 2 intersection construction:
- (j) new road system to be integrated with multi-purpose trail and walkway/ right-of-way system, as indicated on map;
- (k) avoidance of any through road – all new roads to be cul-de-sac or minor loop; and
- (l) lot layout and house site location to be designed to restrict vehicle crossings directly onto Cooper's Shoot Road; vehicle access to be provided by means of new minor access roads only, with appropriate consent conditions and restriction as to user on lot titles to restrict such direct vehicle access between lots and Cooper's Shoot Road.

Section 6 DEVELOPMENT IN INVESTIGATION ZONE

6.1 Development in investigation zone

Any development, use or management of land zoned investigation 1(d) in the Cooper's Shoot Road area should take into account proposals for landscaping, future access and environmental management expressed in this plan.

Council will have regard for the effectiveness of these measures for landscaping and environmental management in future consideration of rezoning in response to genuine demand.

Section 7 AMENDMENT CATALOGUE

7.1 Amendment catalogue

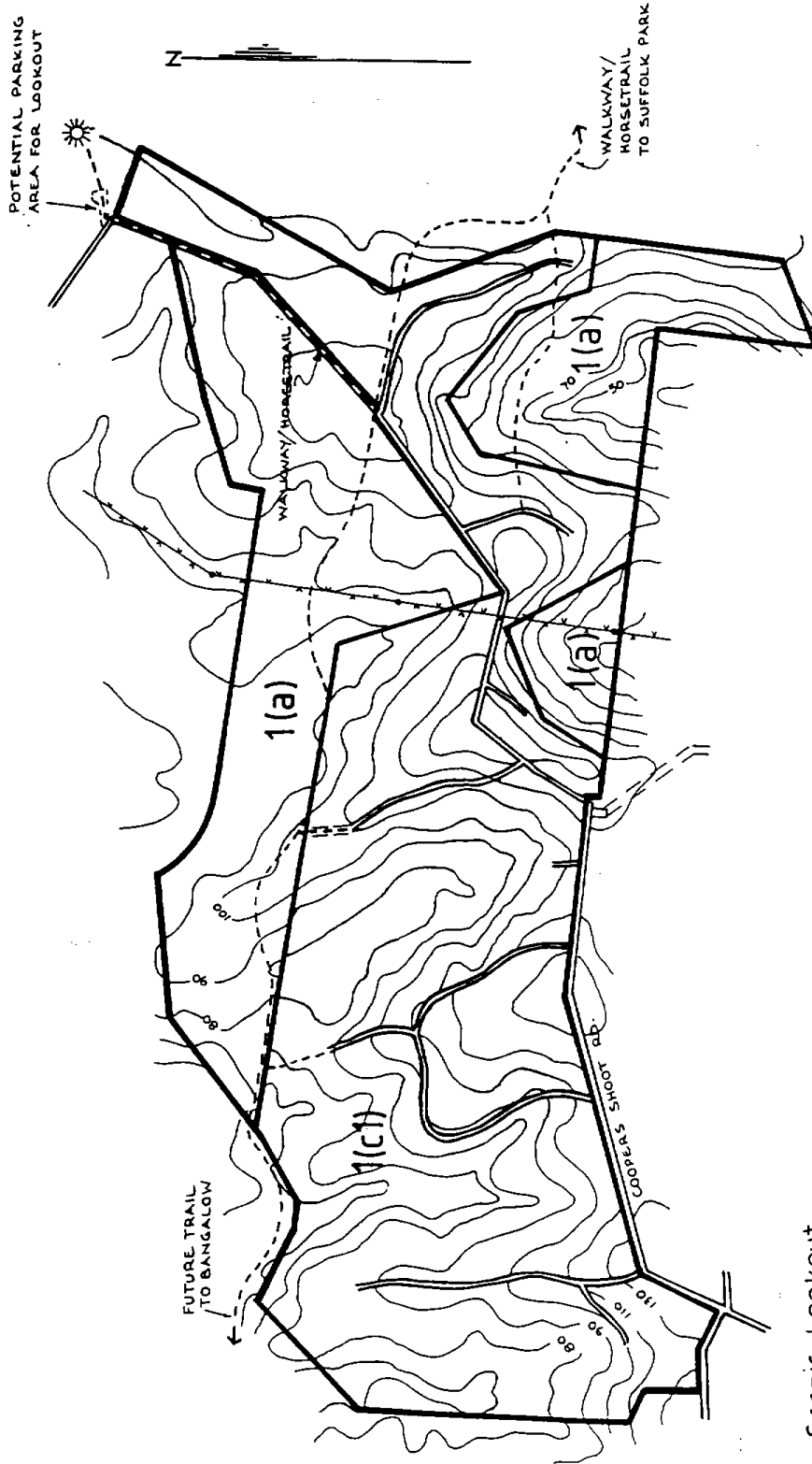
Date	Item
06 June 1988	Council decision to prepare DCP Cooper's Shoot Road small holdings zone
31 February 1989	Council consultant Ian Pickles prepares draft DCP Draft DCP exhibited pursuant to clause 22 of Regulation DCP adopted by Council
3 March 2011	Consolidation of DCP 10 - Coopers Shoot Small Holdings Zone into Byron Shire DCP 2010 as Chapter 10: Coopers Shoot Small Holdings Zone

APPENDIX A

List of preferred native tree species for landscape corridor planting, consolidation of remnant rainforest copses and shelterbelts:

Hoop pine	<i>Araucaria cunninghamii</i>
Bunya pine	<i>Araucaria bidwillii</i>
Tulip oak	<i>Argyrodendron trifoliatum</i>
Lillypilly	<i>Acmena smithii</i>
Tuckeroo	<i>Cupaniopsis anarcardioides</i>
Blackbean	<i>Castanospermum australe</i>
Blue fig/ quandong	<i>Eleocarpus grandis</i>
Brush cherry	<i>Syzygium australe</i>
Coolamon	<i>Syzygium mooreii</i>
Broad-leaved paperbark	<i>Melaleuca quinquenervia</i>
White cedar	<i>Melia azedarach</i>
Tallowwood	<i>Eucalyptus micrcorys</i>
Blackbutt	<i>Eucalyptus pilularis</i>
Swamp mahogany	<i>Eucalyptus robusta</i>
Red mahogany	<i>Eucalyptus resinifera</i>
Sydney blue gum	<i>Eucalyptus saligna</i>
Forest red gum	<i>Eucalyptus tereticorinis</i>
Brush box	<i>Lophostemon confertus</i>

(See also plant list in Chapter 1 of this DCP – landscaping suitable trees and plantings)



- ☀ Scenic Lookout
- == Existing or Proposed Sealed Road
- Proposed Road Reserve for Future Access
- Zone Boundary
- Multi Purpose Trail
- 66kv Elect. Tr. Line

DEVELOPMENT CONTROL PLAN!

COOPERS SHOOT - MAP 1



