Chapter 8:

Village of Main Arm

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#216034		Effective 11 April 1989
#216034	14 October 2010	Res 10-696 - to create Draft DCP 2010 for public exhibition
#1017459		Draft DCP 2010 Chapter 8 (public exhibition copy)
#1068951	14 March 2011	Adopted Res 11-169: -format changes applied -S94 provisions deleted -Provisions on Waste Disposal amended

CHAPTER 8 – VILLAGE OF MAIN ARM

This page has been intentionally left blank

Section 1 GENERAL

1.1 Citations

This plan which may be cited as “Byron Shire Development Control Plan 2010 Chapter No. 8 – Village of Main Arm”, constitutes a development control plan as provided for by section 74C of the Environmental Planning and Assessment Act, 1979.

1.2 Commencement date

This chapter was first effective from 11 April 1989, being the date on which it was formally adopted by Council

1.3 Application

This chapter shall apply from the commencement date to all development consents and building approvals relating to the land shown on the map accompanying this chapter, subject to the provisions of the Byron Local Environmental Plan 1988.

1.4 Definitions

“The map” means Development Control Plan Chapter No. 8 map titled “Village of Main Arm”.

1.5 Objectives

(a) The objectives of the following zones as provided by the Byron Local Environmental Plan 1988 are adopted for the purposes of this chapter:

(i) Zone No. 2(v) (Village zone); and
(ii) Zone No. 6(a) (Open Space)

In addition, the following objectives are adopted specifically for the area covered by this chapter.

(b) To provide for orderly and economic development of the village area.

(c) To define appropriate areas within the village for residential and commercial development and public open space.

(d) To provide for a variety of allotment sizes appropriate to the topography and capability of the land.

(e) To provide for useable, attractive and safe pedestrian links between the residential, commercial and open space areas of the village.

(f) To provide development servicing and landscape guidelines which meet the zone objectives and which will maintain and enhance the character of the village.

Section 2 PUBLIC SERVICES AND FACILITIES

2.1 General

Contributions or dedication of land will be required for the provision of public services and facilities for which new development is likely to generate a demand or increase the level of demand. These services and facilities are described in clauses 2.2 to 2.8.

2.2 Public open space

Public open space as shown on the plan consists of areas for:

- active and passive recreation;
- conservation of vegetation;
- maintenance and enhancement of wildlife resources; and
- pedestrian links between areas of public open space and other elements of the village.

2.3 Creek paddock

An area to the north of the old dairy containing a section of Blindmouth Creek will be dedicated as public reserve for active recreation, as shown on the map.

The following rehabilitation and embellishment measures will be requires for this reserve:

(a) fencing to exclude grazing animals;
(b) stabilisation of the creek banks and planting of riparian vegetation;
(c) construction of a low earth and rock wall to provide a pond depth of approximately 1m; and
(d) provision of stepping stones crossing Blindmouth Creek.

2.4 Arboretum

The arboretum consists of the clump of trees located to the west of the old dairy and shed. Due the national and local importance of its vegetation, it will be incorporated within an area to be dedicated for public open space. This ares will extend to the north of the arboretum, as shown on the map.

The following rehabilitation and embellishment measures will be required for this reserve:

(a) removal of rubbish
(b) gradual pruning and removal of coral trees, coinciding with enrichment planting selected from the list of subtropical rainforest specimens included in clause 6.2;
(c) provision of picnic tables and grassed areas; and
(d) provision of children's play equipment of appropriate timber construction.

2.5 Western ridge

An area on the western side of the ridge containing an association of camphor laurel and rainforest pioneer species will be dedicated as a reserve for passive recreation, as shown on the map.

The following rehabilitation and embellishment measures will be required for this reserve:

- eradication of noxious weeds

2.6 Open space network

Provision of landscaped pedestrian tracks will be required in the following locations as shown on the map:

(a) a public reserve linking the western end of the subdivisional road to the camphor laurel area on the western ridge;

(b) a public right-of-way linking the camphor laurel area on the western right to Main Arm Road at the western end of the village zone;

(c) a public right-of-way along the northern/ eastern bank of Blindmouth Creek east of Blindmouth Road, linking The Pocket Road to the village centre; and

(d) landscaping of pedestrian tracks with appropriate shade trees and riparian vegetation along creek banks.

2.7 Community facilities

(a) Local level community facilities – Durrumbul and Kohinur community halls and associated recreation facilities.

(b) Town level community facilities as determined by Council's Planning Director from time to time.

2.8 Roads and drainage

(a) The causeway on Main Arm Road to the east of the village:

  (i) construction of a bridge to raise the road to an appropriate level, in the same location as the existing causeway; and
  (ii) restoration and rehabilitation of vegetation around the new bridge and temporary crossing.

(b) Upgrading of the intersection of Main Arm and Blindmouth Roads and resolution of road reserve boundaries.

(c) Widening of Main Arm Road through the village area, between The Pocket Road and the western ridge reserve.

(d) Sealing of Blindmouth Roads and resolution of road reserve boundaries.

(e) Construction or roadside parking spaces associated with any commercial development, where adequate on-site parking cannot be provided in accordance with the provisions of DCP Chapter No. 1 Part G Vehicle Access and Parking.

(f) Upgrading of the existing drain crossing Main Arm Road from the new development area.

SECTION 3 - WASTEWATER DISPOSAL

3.1 General

Effluent from existing and new development in the village area will be treated and disposed of through 'stand alone' on-site sewage management systems, as no centralised sewer system is available. A principal objective is therefore to ensure that these privately managed wastewater treatment systems are designed and located to minimise public health or environmental harm.

The principles and guidelines in this section will be considered in relation to any development application for single allotment or larger scale subdivision. It will be necessary for the applicant to demonstrate that the on-site sewage management system is capable of complying with any applicable standards set out or referred to in Local Government (General) Regulation 2005, Australia/New Zealand Standard 1547 "On-site domestic-wastewater management" and with any other applicable standards adopted by Council. Details of all system components to be provided by applicants including the relevant NSW Health accreditation certification.

The following principles will be applied with regard to consideration of layout and size of allotments, the siting of buildings and the location of associate access, and ancillary structures on land not capable of connection to the public sewer:

- Land application area/s must be appropriately located and sized to suit the most likely hydraulic load generated by the proposed development. Land application areas where the capacity of the soil is identified as a serious limitation, may restrict the level of development on the land.
- Proposals in more 'sensitive' environmental locations (e.g. 'designated development', near wetlands or ecologically significant habitat) or where there are implications for public health (e.g. drinking water catchments) shall demonstrate full compliance with all the objectives of this section.
- Where insufficient land application area is available, the applicant must clearly demonstrate that higher levels of treatment and disinfection of treated wastewater, or commitment to significant reductions in hydraulic loads will be feasible and achievable.
- Land application areas should be sited such that there is sufficient separation from ephemeral and natural water courses, groundwater wells and bores and springs to prevent environmental harm.
- The setting aside of an equivalent (duplicate) land application area to be detailed. This additional site constraint must ensure adequate capacity for future development on the land (e.g. the addition of extra bedrooms) and for long-term replacement of the land application which might fail due to poor management or significant increases in hydraulic load on the system.
- All system components shall be located within the boundaries of the subject land. The use of 'off-site' disposal or 'on-site storage and pump-out disposal' is not sustainable nor supported by Council.
- Performance standards for the operation of any system of sewage management must:
  - (a) prevent the spread of disease by micro-organisms,
  - (b) prevent the spread of foul odours,
  - (c) prevent contamination of water,
  - (d) prevent degradation of soil and vegetation,
  - (e) discourage breeding and harbourage of insects and vermin,
  - (f) prevent persons coming into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
  - (g) minimise any adverse impacts on the amenity of the premises and surrounding lands,

(h) minimise the waste of resources (including nutrients, organic matter and water).

- Applications for onsite sewage management systems must apply the following ecologically sustainable development (ESD) objectives:

  (a) To apply the precautionary principle where the proposed development is likely to cause irreversible or serious harm to the environment.

  (b) To allow for broad community involvement in respect to issues of concern associated with any proposed development.

  (c) To ensure that water is utilised efficiently and that water leaving the land is of a quality and quantity comparable to that which is received.

  (d) To ensure that biodiversity and the integrity of ecological processes are not compromised by the proposed development.

  (e) To promote the use of energy efficient materials and designs, utilisation of renewable energy and energy efficient technology; and water conservation and water reuse in association with the proposed development.

  (f) To follow the principles of the 'Waste Hierarchy' (reduce, reuse recycle) in the use of materials and the design of waste recovery and dispersal systems associated with the proposed development.

  (g) To protect neighbourhood amenity and safety.

The Byron Shire Guidelines and assessment model (as may be amended from time to time) are aimed at achieving the principles contained in this clause.

On-site sewage management systems shall be designed and located generally in accordance with the principles contained in this clause.

Where dual occupancy development (which has a greater hydraulic and nutrient load than a single dwelling) is proposed, the principles will be applied to each dwelling separately.

Proposals for wastewater treatment, disposal or reuse from commercial development must be considered on merit. The specific characteristics of the wastewaters likely to be generated by any commercial development must be fully assessed at application stage. Some commercial activities may generate wastewater which is not capable of treatment by on-site sewage management systems in accordance with this clause.

3.2 Design guidelines

Legislative Requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005 .
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Draft Guidelines for Industry: The Utilisation of Treated Effluent by Irrigation. NSW Environment Protection Authority (2004).
- Waterless Composting Toilets Approval Guideline (Part 3 – Local Government Approvals Regulation 1993). NSW Health Department (1997).
- Manual of Practice, Sewer Design. Public Works, January 1984.

Other Guidelines

- Environment and Health Protection Guidelines: On-site Sewage Management for Single Households, 1998.

- Byron Shire Council's adopted: Design Guidelines for On-site Sewage Management for Single Households.
- Australian Guidelines For Water Recycling: Managing Health and Environmental Risks (Phase 1) 2006
- ANZECC Guidelines For Fresh and Marine Water Quality (2000)
- DEC Environmental Guidelines: Use of Effluent by Irrigation (2004)
- EPA Environmental Guidelines: Use & Disposal of Biosolids Products (1997)
- Rous Water Onsite Wastewater Management Guidelines (2007)

Standards & Codes

- Australian Standard AS/NZS 1547: 2000 On-site domestic wastewater management.
- Australian Standard AS/NZS 3500:2003, plumbing and drainage
- NSW Code of Practice, Plumbing and Drainage (3rd Edition) 2006

3.3 Permissible Technologies and Buffer Distances From Permanent and / or Intermittent Watercourses.

	Treatment Level	Land Application Method	10 – 25m[1]	26 - 50m	50 - 100m	> 100m[5]
All Wastewater (Black & Grey)	**Primary only**	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Not Permitted	Permitted[4]
	Secondary	Trench, bed, mound (or modified version)	Not Permitted	Not Permitted	Not Permitted[3]	Permitted
	Secondary	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	Secondary + disinfection	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted
	Secondary + disinfection	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	Tertiary	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	Tertiary	SSI	Not Permitted	Permitted	Permitted	Permitted
	Tertiary + disinfection	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	Tertiary + disinfection	SSI	Not Permitted	Permitted	Permitted	Permitted
Compost Toilets &	**Compost toilet**	Sub-surface solids disposal	Permitted	Permitted	Permitted	Permitted
	GDD	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted
	GDD	SSI	Not Permitted	Not Permitted	Permitted	Permitted

	Treatment Level	**Land Application Method**	**10 – 25m[1]**	**26 - 50m**	**50 - 100m**	**> 100m[5]**
	GTS (with or without disinfection)	Trench, bed, mound (or where modified)	Permitted[2]	Permitted[2]	Permitted	Permitted
	GTS (with or without disinfection)	SSI	Permitted[2]	Permitted[2]	Permitted	Permitted

Notes:

[1] OSMS treatment devices, infrastructure or wastewater disposal will not be allowed within 10m of a watercourse located within a drinking water catchment.

[2] The minimum standard for systems located within 50m of any watercourse located within a drinking water catchment is a septic tank with effluent polishing (e.g. sand-filter, wetland).

[3] Secondary treatment devices located 50 - 100m of a watercourse, located within a drinking water catchment, and utilising trenches, beds, or mounds may be permitted if there is a commitment to maintain heavily vegetated (with native vegetation) riparian buffer for the life of the OSMS.

[4] Primary treatment devices are not permitted within 100m of a waterway for individual dwellings within a sub-division development, units within a multiple unit development, individual units within a commercial development, or for secondary dwellings.

[5] Developments proposing centralised sewage treatment systems within 100 m of a natural waterway, that release or reuse more than 20 persons equivalent (EP) capacity or six kilolitres per day of sewage, effluent or sludge will be considered to be designated development.

Section 4 DEVELOPMENT

4.1 Allotment size

(a) The minimum area for any allotment on land within Zone No. 2(v) Village to which this chapter relates shall be 1,500 m^2.

(b) Within the areas shown hatched on the map, the total number of allotments shall be no greater than the total hatched area in hectares, divided by 0.4.

(c) Notwithstanding the provisions of subclause (a), a larger area may be required for any proposed allotment, having regard to:

- the slope of the land;
- the soil quality;
- the proposed method of wastewater disposal;
- the likely impact of any development with regard to visual quality, land capability or the village character; and
- the ability to provide adequate and safe vehicle access to the land, and the likely impact of such access with regard to soil erosion, visual quality or the village character generally.

4.2 Building envelopes

In order to maintain and enhance the rural character of the area, careful consideration will be given to the siting, bulk and landscaping of dwellings within the areas shown hatched on the map.

Any development application for subdivision within the area to which this chapter relates should define building envelopes within which building approval only will be required for single dwellings.

Building will not be prohibited outside the approved building envelopes but development consent shall be required for any building so proposed.

4.3 Dual occupancy

Council may consent to dual occupancy development within the area to which this chapter relates, where:

(a) such development is in accordance with the provisions of the Byron Local Environment Plan 1988 and Byron Shire Development Control Plan 2010 Chapter No. 1 - Part C Residential Development;

(b) the minimum allotment size is 1,500m^2; and

(c) the applicant demonstrates to Council's satisfaction that the proposal meets the provisions of this chapter with regard to wastewater effluent disposal.

4.4 Commercial development

Commercial development within the village shall be restricted to the locations shown on the map. These locations have been chosen in order to:

- encourage commercial viability but minimise traffic hazards;
- provide for suitable and safe parking areas;
- provide reasonable separation from residential areas; and
- provide for a nexus between commercial activity and the public open space network.

Commercial development will be required to provide on-site parking in accordance with the provisions of DCP Chapter No. 1 - Part G. Where this is not feasible, contributions will be required for the provisions of landscaped roadside parking areas.

Vehicle access to on-site parking and roadside parking areas shall not be located in Main Arm Road or in Blindmouth Road closer than 40m to its intersection with Main Arm Road.

Section 5 SUBDIVISION ROADS

5.1 General

The objectives of this chapter with regard to new subdivision roads are:

(a) to maintain the rural character by minimising the impact of new roads;

(b) to enhance the character of the village and residential amenity by providing for appropriate landscaping of rural roads; and

(c) to minimise the impact of existing stormwater flows and increased run-off form new development.

5.2 Design guidelines

The design of subdivision roads shall be in accordance with the provisions of Chapter No. 1 Part B - Subdivision. The following guidelines will be considered in addition:

(a) subdivision roads shall not provide a through traffic function;

(b) subdivision roads should follow contour lines as far as practicable;

(c) subdivision roads shall not cross creeks or major drainage gullies unless it can be demonstrated to Council's satisfaction that there is no other practicable and suitable route;

(d) the layout of subdivision roads shall correspond approximately to the locations shown on the map. These locations are considered flexible to take account of the topography, the detailed layout of allotments and the relationship between roads, developed areas and public open space;

(e) vehicle access to the new subdivision area wast of Blindmouth Road shall be restricted to one entry point corresponding approximately to the location shown on the map'

(f) subdivision roads road provide access to public reserves and allow for public parking associated with recreation;

(g) subdivision roads should be designed as minor roads as far a practicable and should maximise the area available for pedestrian walkways, drainage and landscaping, within the requirements of Chapter No. 1 and Council's specifications for rural roads;

(h) stormwater flows should be directed towards Blindmouth Creek in the northern part of the subdivision and away from existing drainage crossing Main Arm Road;

(i) existing vegetation should be incorporated within road reserves. Where this is not possible, appropriate landscaping of road reserve areas will be required; and

(j) grassed drainage swales and road shoulders will be preferred to constructed kerb and gutter, in keeping with the exiting character of rural roads.

Section 6 LANDSCAPING

6.1 Landscaping

The developer is to submit prior to the release of linen plans a landscaping plan in triplicate indicating proposed landscaping or road reserves with fire resistant species to soften the visual impact of development on the surrounding environment and improve the amenity of the area.

6.2 Arboretum – planting species

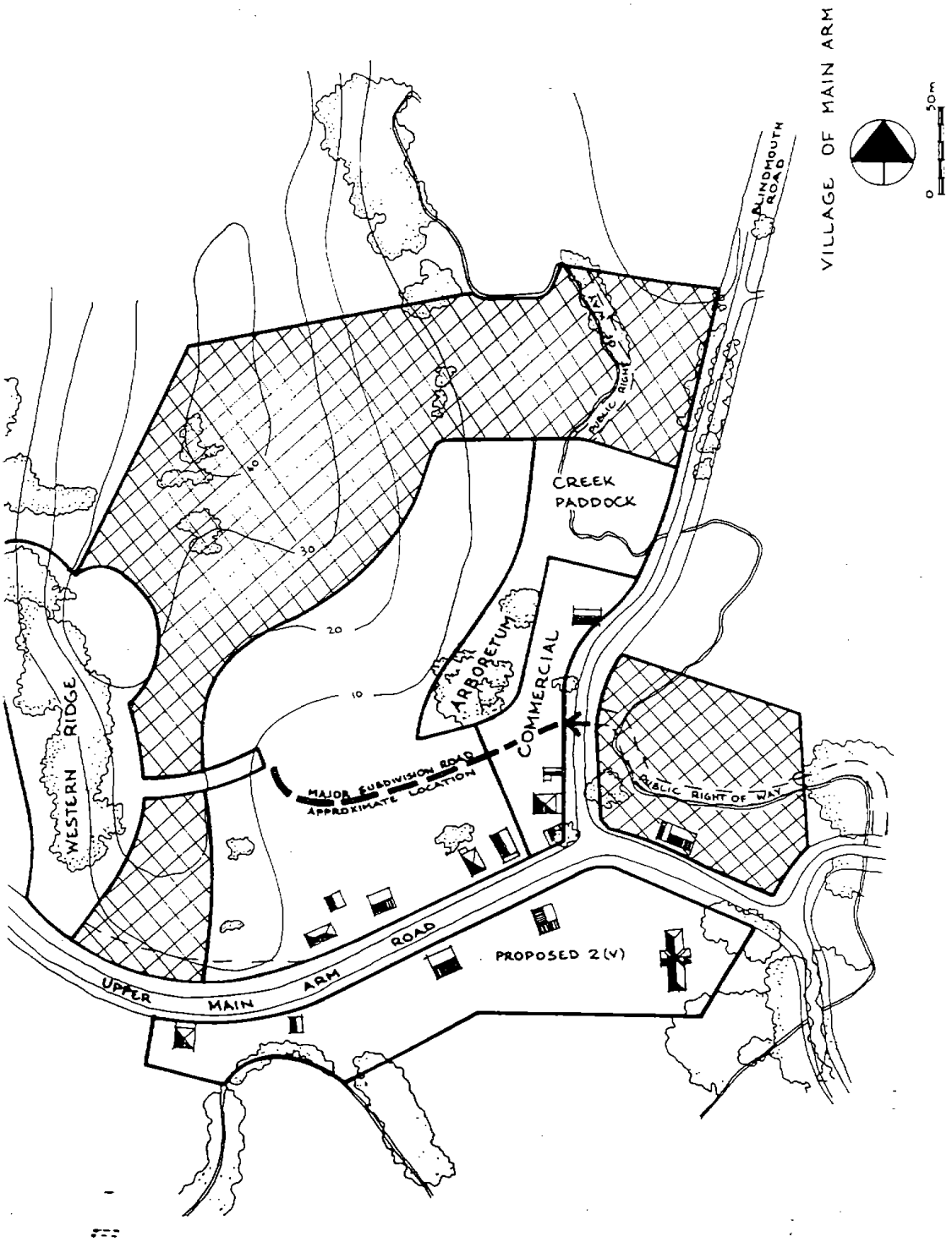
The following species are suitable for enrichment planting of the arboretum as provided by clause 2.4:

Common name	Scientific name
Foambark	*Jagera pseudomus*
Brown Kurrajoing	*Commersonia bartramia*
Red Ash	*Alphitonia excelsa*
Red Kamala	*Mallotus philippensis*
Lilly Pilly	*Acmena smithii*
Broad-leaved Lilly Pilly	*Acmena hemilampra*

Section 7 WATER SUPPLY

7.1 Water Supply

Rain water tanks with a minimum capacity of 50,000 litres are to be provided for each dwelling to discourage the pumping of water from Blindmouth Creek.


VILLAGE OF MAIN ARM
0
50m
BLINDMOUTH ROAD
PUBLIC RIGHT OF WAY
CREEK PADDOCK
ARBORETUM
COMMERCIAL
WESTERN RIDGE
MAJOR SUBDIVISION ROAD APPROXIMATE LOCATION
PUBLIC RIGHT OF WAY
UPPER MAIN ARM ROAD
PROPOSED 2(V)
10
20
30
40