

# Chapter 7:

## Village of Federal

**Document History**

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## CHAPTER 7 – VILLAGE OF FEDERAL

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## **SECTION 1 - General**

### **1.1 Citation**

This plan, which may be cited as “Byron Shire Development Control Plan 2010 Chapter No.7 - Village of Federal”, 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 17 March 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 maps accompanying this chapter, subject to the provisions of the Byron Local Environmental Plan 1988.

### **1.4 Definitions**

“Map A” means Development Control Plan No.1 map titles “Village of Federal”.

“Map B” means Development Control Plan No.2 map titled “Central village area, Village of Federal”.

“Village centre,” means the part of Federal Drive between Eureka Road and Rose’s Road and the land directly adjacent on both sides of the road.

“Inter-village roads” means the road network linking Federal to adjacent villages and includes Federal Drive, Eureka Road, Binna Burra Road and Coorabell Road.

### **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);
- ii) Zone No. 1(c) (Small Holdings); and
- iii) 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, service industries and crafts which are appropriate to the village character, 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; and

- (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 will generate a demand or increase the level of demand. These services and facilities are described in clauses 2.2 to 2.9.

### **2.2 Public open space**

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

- Active and passive recreation;
- Conservation of riparian vegetation;
- Maintenance and enhancement of wildlife resources; and
- Pedestrian links between areas of public open space and other elements of or associated with the village.

### **2.3 Eastern reserve**

The eastern reserve consists of areas east of Federal Drive to be dedicated as active and passive open space, as shown on Map B.

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

- (a) landscape planting of the reserve area linking Rose's Road with the open space area to the north of the preschool; and
- (b) planting of shade trees surrounding the active open space area directly across Federal Drive from the existing shop.

### **2.4 Western reserve**

The western reserve consists of areas adjacent to Stony Creek to the west of Federal Drive, as shown on Map B, to be dedicated as public open space.

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

- (a) landscape and enrichment planting of native species in the waterfowl conservation area;
- (b) rehabilitation of the picnic area by:
  - removal of exotic vegetation and replacement with native pioneer species;
  - construction of a low earth and rock wall to embellish existing pond areas and provide a pond depth of approximately 1m;
  - construction of a pedestrian timber bridge crossing Stony Creek;
  - provision of picnic tables, grassed areas and barbecue sites; and
- (c) provision of a clearly marked walking trail between the picnic area and the riparian rainforest, linking with the village pedestrian network.

### **2.5 Open space network**

Provision of landscaped walking tracks will be required in the following locations as shown on Maps A and B:

- a) a walking track safe for young children, between the tennis court area and the preschool, within a public reserve adjacent to the road reserve;
- b) a public right-of-way providing a pedestrian walkway from the village centre to Lizray Road, crossing the western reserve, approximately in the location shown on Map B;
- c) a public right-of-way providing a pedestrian trail between the village centre and Keyes Bridge, avoiding steep slopes and heavily vegetated areas; and
- d) landscaping of pedestrian walkways with appropriate shade trees.

## **2.6 Community facilities**

- a) local level community facilities – Federal School of Arts, Federal Preschool Incorporated and Federal Community Centre Incorporated;
- b) town level community facilities as determined by Council's Planning Director from time to time.

## **2.7 Fire station**

- a) land suitable and sufficient for the location of a fire station for the village and surrounding area;
- b) construction of safe vehicle access;
- c) appropriate landscape planting.

## **2.8 Tennis courts**

The area containing the existing tennis court is to be increased to accommodate a second tennis court and upgraded amenities, including:

- a) provision of a second tennis court adjacent to the existing court;
- b) upgrading or replacement of amenities building associated with the tennis court, to include public toilet facilities; and
- c) provision of a secure play area for small children.

## **2.9 Roads and drainage**

- a) upgrading of the intersections of Federal Drive and Eureka Road; Coorabell Road and Binna Burra Road; Eureka Road and Lizray Road, as required to improve visibility and safety;
- b) widening and landscaping of Federal Drive through the village centre, between Eureka Road and Rose's Road;
- c) construction and landscaping of roadside parking spaces associated with commercial development, where adequate on-site parking cannot be provided in accordance with the provisions of Chapter No.1 Part G - Vehicle Access and Parking;
- d) widening and upgrading of inter-village roads as determined by Council's Works and Services Director;
- e) widening of Lizray Road.



## 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 <sup>1</sup>	26 - 50m	50 - 100m	> 100m <sup>5</sup>
<b>All Wastewater (Black &amp; Grey)</b>	<b>Primary only</b>	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Not Permitted	Permitted <sup>4</sup>
	<b>Secondary</b>	Trench, bed, mound (or modified version)	Not Permitted	Not Permitted	Not Permitted <sup>3</sup>	Permitted
	<b>Secondary</b>	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	<b>Secondary + disinfection</b>	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted
	<b>Secondary + disinfection</b>	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	<b>Tertiary</b>	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	<b>Tertiary</b>	SSI	Not Permitted	Permitted	Permitted	Permitted
	<b>Tertiary + disinfection</b>	Trench, bed, mound (or where modified)	Not Permitted	Permitted	Permitted	Permitted
	<b>Tertiary + disinfection</b>	SSI	Not Permitted	Permitted	Permitted	Permitted
<b>Compost Toilets &amp;</b>	<b>Compost toilet</b>	Sub-surface solids disposal	Permitted	Permitted	Permitted	Permitted
	<b>GDD</b>	Trench, bed, mound (or where modified)	Not Permitted	Not Permitted	Permitted	Permitted

	Treatment Level	Land Application Method	10 – 25m <sup>1</sup>	26 - 50m	50 - 100m	> 100m <sup>5</sup>
	<b>GDD</b>	SSI	Not Permitted	Not Permitted	Permitted	Permitted
	<b>GTS</b> (with or without disinfection)	Trench, bed, mound (or where modified)	Permitted <sup>2</sup>	Permitted <sup>2</sup>	Permitted	Permitted
	<b>GTS</b> (with or without disinfection)	SSI	Permitted <sup>2</sup>	Permitted <sup>2</sup>	Permitted	Permitted

## Notes:

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

<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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 within the area to which this chapter relates shall be:
- (i) within Zone No.1(c1) (Small Holdings zone) – in accordance with the provisions of the Byron Local Environmental Plan 1988; and
  - (ii) within Zone No.2(v) (Village zone) – 1,000m<sup>2</sup>
- (b) Within the areas shown hatched on Map B, the total number of residential or commercial allotments to be subdivided from any holding shall be no greater than the total area in hectares of the holding shown hatched on the map, divided by 0.3
- (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, particularly 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.

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 Environmental Plan 1988 and DCP Chapter No.1 Part C - Residential Development;
- (b) the allotment size is no less than the minimum provided by clause 4.1; and
- (c) the applicant demonstrates to Council's satisfaction that the proposal meets the provisions of this chapter with regard to wastewater disposal.

### 4.4 Commercial

Commercial development within the village area shall be located within the areas marked "commercial" on Map B. These locations have been chosen in order to:

- Maximise commercial viability;
- Contain traffic-generating development within the village centre;

- Provide for suitable and safe parking areas;
- Provide reasonable separation from residential areas;
- 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 Chapter No.1 Part G. Where this is not feasible, contributions will be required for the provision of landscaped roadside parking areas.

#### **4.5 Craft/service industry**

The village zone permits, with Council's consent, a wide range of home occupations which may assist the self-sufficiency of the village and enhance its viability as a rural centre. However, many of these activities are of a nature which, while permissible within reasonable limits of noise, traffic generation or other constraints, may cause some nuisance if located within quieter residential areas.

Cottage, craft and light service industries which are permissible within Zone No.2 (v) should be located within the area marked "craft/ industry" on Map B. This area provides direct vehicle access from Lizray Road and reasonable separation from the main residential areas within the village.

## **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 from 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 should 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) subdivision roads should provide access to public reserves and allow for public parking associated with recreation;
- (f) subdivision roads should be designed as minor roads as far as 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;
- (g) subdivision and road layouts shall minimise individual lot access directly from inter-village roads;
- (h) existing vegetation should be incorporated within road reserves. Where this is not possible, appropriate landscaping of road reserve areas will be required; and
- (i) grassed drainage swales and road shoulders will be preferred to constructed kerb and gutter, in keeping with the existing character of rural roads.





