

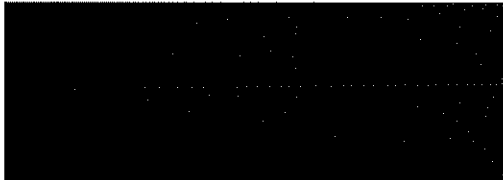
From: [REDACTED]
To: submissions
Subject: Objection to development application DA 10.2020.242.1
Date: Monday, 6 July 2020 1:01:10 PM

To Byron Shire Council
General Manager

Hello

I am writing this email on behalf of myself [REDACTED] and my partner [REDACTED]
We live at [REDACTED] Blindmouth road Main Arm and would like to express our concern on the Development Application 10.2020.242.1
Lot 52 DP: 1035034
84 Blindmouth road Main Arm.

We are concerned that the roads are unsuitable for the many more cars that will come with the people. 12 houses in a multiple occupancy setting could mean 24-30 cars and what's would stop them from putting Teepees, caravans or other dwellings around?
We don't have the infrastructure to handle the oncoming onslaught.
Blindmouth road has to be " fixed " regularly and after a just a bit of rain you have to make sure you know where the potholes are.
That being said, the roads out to Main Arm can only just handle the traffic for the people that live here already.
We strongly oppose of this DA and hope that you can take our submission into account as ourselves and others that reside in and around Blindmouth would like our piece of paradise kept safe and to enjoy the peace and quiet that comes with living there.
Thank you for your time,





the General Manager
Byron Shire Council
PO Box 219
Mullumbimby 2482

15 July 2020

**objection to DA 10.2020.242.1 for Multiple Occupancy
at 84 Blindmouth Road, Main Arm 2482**

Dear GM

Main Arm Rural Residents Association (MARRA) objects to this proposal for reasons listed in this submission. MARRA is a registered community association. MARRA held a community meeting on Saturday 4 July attended by about 30 members and local residents. The proposal was reviewed and discussed - this submission represents the feelings of many residents of Main Arm.

MARRA objects to this DA as exhibited, for the following reasons.

1. The DA does not meet the location criteria of the most recent Byron Rural Land Use Strategy (BRLUS) adopted in 2017.

The BRLUS replaced the Byron Rural Settlement Strategy 1998. A new DA like this one for Multiple Occupancy needs to meet the criteria of the current strategy, the BRLUS, which specifically excluded Main Arm for its remoteness. The proposed development is located approximately 10 kilometres from Mullumbimby, contradicting the BRLUS:

"Future rural development should be located within 5 km of a major town service centre containing a high school." (BRLUS, Page 33)

The original draft of the BRLUS (March 2016) actually identified an incredible 370-740 potential additional dwelling sites in Main Arm, the Pocket and Middle Pocket. We believe the State Planning Department rejected this proposal and mandated the 5 km rule for rural development in the Shire. The rationale was that it did not make sense to purposely locate hundreds or thousands of new residents far from towns in times of climate change, greenhouse gas emissions, and other environmental concerns that would be exacerbated if people had to take longer trips to and from towns.

"Enable new Multiple Occupancy and Community Title development opportunities only in areas identified in Maps 3, 3a and 3b." (BRLUS, Page 30)

None of these maps show Main Arm - all future rural residential areas are closer to town. There was no mention in the BRLUS that areas previously identified in the previous BRSS such as Main Arm were to be allowed to apply for a Multiple Occupancy. Only one exception was made, for CT on Linnaeus Estate in Broken Head (BRLUS, Page 31).

Although this property was identified for a possible MO in the 1998 BRSS, the developer did not lodge a DA before the adoption of the replacement strategy in 2017. The properties originally identified as suitable before 2017 such as the one in this proposal should not be allowed if the DA is submitted after 2017. More importantly, this development fails many other criteria of the BRLUS and the DCP and should be refused.

2. The proposed development is not located in an area with reliable and safe road access or meets the requirements of an acceptable standard of infrastructure at no cost to the wider community.

The BRLUS clearly outlines the requirements of road infrastructure for future proposed multiple occupancy rural development:

“Future rural development will be located in areas with reliable and safe road access, particularly should the need for evacuation arise.” (BRLUS, Page 33)

Blindmouth road is a gravel road accessed with a single lane causeway that often floods 3 or 4 times year, often for two days at time, and become impassable cutting off access to all residents on Blindmouth and Newells Roads even to get basic necessities at Main Arm store or access emergency services if needed. It is very dangerous - people and vehicles can be swept away trying to get through the rushing water. There is also a dangerous descent and blind corner approaching the causeway from the south, making it a hazard for both vehicles and pedestrians.

Ten of the twelve dwellings in the proposed development at 84 Blindmouth Road will be accessed via a 3.6m-wide causeway that crosses the same creek and is designed above only a 5-year ARI event. Cutting of Blindmouth Road itself, and of Main Arm Road towards Mullumbimby and The Pocket Road towards Billinudgel was not investigated. Both routes are lost way sooner to flooding, making medical rescue during a flood a nightmare for Emergency Services.

If there is a bushfire in the area the single lane causeway on Blindmouth Road could be blocked with fallen vegetation. In addition, the internal road within the development will only have one point of egress crossing a creek, which is completely surrounded by large camphor laurels with the possibility that burning branches could fall blocking the causeway and the safe evacuation in a bushfire.

MARRA believes that it makes little sense to purposely locate a likely 50 new residents in a place which is often isolated during frequent flooding and could be cut off during bushfire, and as such recommends that this DA be refused as not meeting the requirements of the BRLUS to provide reliable and safe road access. However if this development is approved, there should be a condition of consent that the developer pays to upgrade the causeway on Blindmouth Road to two-lane, make it around a metre higher to withstand at least a 5-year ARI event (rather than its current .25 year) so as to remain passable during most flooding events, and make it safer by improving visibility by taking out the blind corner. Such costs should not be borne by Council and the greater community.

“Of all the infrastructure services provided by Council, the road network is one of the most expensive to maintain. There are limited funds to bring road and associated infrastructure assets that are in a poor condition up to satisfactory standards... Therefore, a key policy direction of this Strategy is to locate future rural lifestyle opportunities only in areas that are capable of providing a standard of rural road infrastructure (condition, function and capacity) at no cost to the wider community.” (BRLUS, Page 33)

Blindmouth road is a narrow dirt road that deteriorates during frequent flooding, when sides of the road get washed out forming deep damaging potholes and ruts along the road's length. According to the DA this development will add 89 daily trips on the road to the current estimated 140 daily trips, with even more houses to come through the already-approved CT property north of the village. Large heavy vehicles involved in construction must access the property via Blindmouth Road and cross the hazardous one-way causeway. The Engineering Services Report of the DA on page 12 states: *“In accordance with the Northern Rivers Design and Development Manual, the rural roads standard identified for such existing demand in the Byron Shire is a 6m sealed pavement. Currently the existing pavement is unsealed and 3.5 to 4m in width.”* This 6m wide seal requirement is based on the existing use of 140 trips a day.

The DA states that the developer will upgrade 165 metres of the local Blindmouth Road frontage of the site. The distance to the site from Main Arm Road to the site entrance is 750m. The road costs to upgrade the remaining 585m to the standard of a 6m seal will require considerable subsidy from the broader community. Such a subsidy is considered an inequitable and inefficient use of Council's limited financial resources and therefore is unacceptable to the community and therefore MARRA believes the DA should be refused. However, if the DA does get approved, as a condition of consent the developer should widen the road to 6m and seal it for the full 750m length, up to the entrance of the development.

The precedent for this was recently set for a MO on Settlement Road, where Council required the developer to contribute approximately \$800,000 to upgrade their access road.

3. The proposal wrongly justifies that the MO can fit 12 dwelling sites.

Development is proposed on only the northern 32 hectares 'split' part of Lot 52 DP 1035035. The two parts of Lot 52 are separated by a large Lot under separate ownership and have no common borders. The BRSS 1988 states on page 55: *"The number of dwelling-houses, inclusive of any existing dwelling-houses on the land will not exceed one (1) dwelling-house for each three (3) hectares of total allotment area as long as there is one (1) hectare of developable land per dwelling house which is identified through an ecological/physical land capability assessment as being capable and suitable for development ..."*

If the BRSS is grounds for this development, only 10 dwellings should be allowed on this 32-hectare northern section of Lot 52. Or if the full Lot size is used, the remaining 6-hectare 'split' part must be sterilised in perpetuity from development, including even if it is separated in the future.

In addition, the internal section of the development identified for clusters A, B and C has only 8 hectares of cleared developable land, ie not subject to bushfire hazard, flooding, slopes greater than 20%. Hence only 7 or 8 dwellings are justified, given the requirement of 1 hectare of developable land per dwelling house.

4. Eight dwellings in the proposal fail to meet the clustering criteria and far fewer houses are justified to meet the planning rules of the Development Control Plan.

The Byron Shire 2014 Development Control Plan Chapter D2 Section on the siting the clustering of house sites for Multiple Occupancy developments on page 17, point a states:

"Dwelling houses must be clustered in three (3) or more houses or future house sites... The distances apart must average 80 metres in a cluster but not exceeding 160 metres between any two dwelling houses in a cluster."

Cluster D has only 2 houses that are about 150m apart. This fails both the minimum number of 3 houses in cluster criteria, and the 80 metres apart average criteria, and should not be allowed.

The six houses in Cluster B and C average about 50m apart from each other and are way too close to each other. This does not meet the clustering requirement that the houses must average 80 metres between houses in a cluster. Were site selected to meet this 80m average criterion, only about 4 dwelling sites could be justified in the cleared area available. The 6 dwelling sites in Clusters B and C are essentially in a row resembling a typical suburban subdivision rather than a cluster in an MO or CT. They appear evenly dispersed over the available space rather than clustered at all. There is no real separation between Clusters B and C.

These clustering requirements were the same in the BRSS (page 56) which identified this property for a possible Multiple Occupancy and which is used as the justification for the DA in its Statement of Environmental Effects.

For these reasons, Cluster D of two houses, the 6 houses in Cluster B and C cannot be justified, as they don't meet the clustering requirement of either the 2014 DCP and 1988 BRSS.

5. The two houses of Cluster D are too close to Blindmouth Road.

The DCP states on page 17 point d: *“No building or future dwelling house site envelope to be within 55 m of a classified road.”*

The definition of a classified road according to the Roads Act 1993 includes a secondary road. According to the map Byron LGA Regional Roads sent to MARRA by Council, Blindmouth Road is an “other road” that we believe is the same as a secondary road as are most of the rural roads in the Shire are called “other” roads, including Main Arm Road. Both house sites D1 and D2 are only about 25 metres from Blindmouth Road land fail to meet this DCP requirement and is another reason this D cluster should not be allowed.

6. The risk of a dangerous bushfire is too great for the proposed development especially in current times when extended periods of dry weather and drought, which are forecast to even get worse in the future.

This property is classified as fire prone land. The reality is that A, B, and C clusters are completely surrounded by dense forest of primarily highly flammable camphor laurel and eucalyptus trees, as shown on Illustration 7, Bushfire Management in the DA. Any significant bushfire in the area could most likely destroy most of the houses in the development. The Constraint Assessment map in the DA’s Statement of Environmental Effects on page 33 shows that most of the forested areas as well as some of the cleared areas east of the housing area (and some to the north) have slopes >25%.

It is estimated that the actual 6 house sites in Clusters B and C, which are only about 50 metres from the steep >25% slopes, are likely on slopes of 15 to >20%. This is much higher than reported in the DA. Photos showing this steep slope in these two clusters can be found on page 33 and 34 of the Contamination Remediation Action Plan, Appendix F. The DCP requires identification of all land with slopes greater than 20% in the Environmental Impact Assessment Report (page 17) but the DA’s Constraint map only shows slopes >25%. Was this done to disguise the problem with some of the proposed dwelling sites in this development? We urge Council to make a site assessment to find out the exact slope on the proposed sites in Cluster B / C.

Section 3.6 in the Supporting Background Information Volume 4.2 of the BRLUS states *“from strategic planning purposes all land having Category 1 bushfire vegetation on slopes greater than 20% represent an ‘extreme’ fire risk and are constrained land.”* The DA’s Bushfire Assessment Report states on its page 11: *“The principle fire risk here is from trees high above and on the slopes to the east of the development.”* The proposed Asset Protection Zones and other bushfire mitigation plans shown in the proposal will likely be useless if a major bushfire came down the steep slopes to the east, or if embers from a fire to the east or north land in the trees surrounding the housing.

Although we recognise that there is sufficient Asset Protection Zones for most houses for a small fire there is definitely a concern with dwellings A3 and A4 where the APZ includes a portion of forest. Although the DA says the affected trees will be cut down, MARRA questions whether that is feasible. And it still leaves the problem of steep slope just to the north of site A3.

Page 19-20 of the 2014 DCP states that the Bushfire Assessment must address: *“The capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency, and any upgrading that may be required.”* Again, this highlights the need for a major upgrading of the narrow Blindmouth Road and the single lane floodable causeway over the creek near the Store. The other issue which is not addressed is the fact that there is only one egress out or into the property across the narrow 3.6m-wide proposed causeway, to be located in a dense forest of large Camphor Laurels. If they were to catch on fire, they could drop branches and burning debris onto the causeway preventing residents from escaping or fire trucks from entering.

The plan requires that each dwelling maintain a 10,000-litre water supply for fire-fighting. Based on our recent bushfire and drought experience, this is unlikely to happen in future drought periods where a risk of bushfire is highest - as homeowners start using their available water for domestic use because of long waits (4 to 6 weeks) for water carters to re-fill their empty tanks (at only 10,000 litres per truck load).

7. All twelve proposed sites have constraints that would make it difficult to design effective and safe on-site effluent wastewater systems.

The DA's Wastewater Management Plan raises some questions as to site constraints for all of the sites that fail the criteria to assure an effective and safe wastewater system in terms of proximity to waterways and slope.

The Byron Shire Development Control Plan 2014 – Chapter B3 Services states on page 11 that an on-site sewage management report may be required *“for dwellings on constrained land such as*

a) steeply sloping land > 15%

b) Land within 100 metres to a permanent surface water, 250 metres to groundwater wells or 40 metres to intermittent watercourse, dams, dry gullies and drainage channels.”

Council's Design Guidelines for On-Site Sewage Management for Single Households states on Page 8, section 5.1.1: *“Slopes greater than 15% (8.5 degrees) are regarded as severely limiting the installation and operation of land application systems.”*

The On-site Wastewater Assessment on Page 3 states: *“Slopes vary from generally level, clusters D1-D2 and A1-A4, to 5-10% for clusters B1-B3 and C1-C3.”*

However, the Constraints Assessment Map on page 33 of the Statement of Environmental Effects (See Exhibit 2) shows that the slope >25% on the East side comes down to 60-70 metre contour level, both incorporating the forested and clear area adjacent to the forest. Illustration 6: Proposed Layout shows house sites C1, C2, and C3 are on or very near the 60m level, house site B3 around the 65m level and sites B2 and B1 very close to the 70m level. While all the house sites appear to not be directly on the >25% slope, it seems the six dwelling sites in the B and C clusters would more likely be on a 15 to >20% slope because of their close proximity to the 25% slope line on the Constraints Assessment map, rather than the 5-10% claimed in the Plan. This can be confirmed in the photos showing this steep slope in these two clusters, found on page 33 & 34 of the Contamination Remediation Action Plan, Appendix F. This suggests the specialist report is not accurate. Council should confirm slopes by assessing the site accurately. If house sites are as seems the case, there will be problems with safe and effective the secondary treatment of the effluent from these 6 dwellings, based on the Council's Design Guidelines for On-Site Sewage Management.

Regarding proximity to waterways, the on-site Wastewater Assessment states on Page 9; *“ Sites D1, D2 and A1 have reduced buffers (say 50m) to the creek line which can be managed via the treatment process. It fails to say that sites A1, A2 and A3 are also within 100m of a waterway, and that sites A4 and B1 are less than 40m from an intermittent waterway - the right branch of the creek that slopes to the northeast. Such factors that should be disclosed in the specialist assessment but aren't. The on-site systems should be located downhill of each house site, so that only gravity systems are required. Even if the dwelling sites conform to the 100m buffer to a creek, the OSMS may not.*

The site plan should also show all 12 OSMS sites and distances to the creeks.

The wastewater report indicates only two boreholes were drilled for 12 house sites. This is too few for proper assessment. And these bore site locations are not even mapped.

Furthermore, rather than providing specific recommendations for each house, including location of secondary treatment and of the disposal area, page 9 of the Assessment just gives 5 possible alternative on-site wastewater treatment systems and two possible secondary wastewater treatment systems. This seems irresponsible considering site constraint affecting every site in the proposed subdivision. What happens if, as is often the case, Council approves this DA as is and later individual owners apply for a system for their house and get turned down because of these constraints that seem to be likely hidden or overlooked in this report?

With water constraints affecting 7 sites and slope constraints affecting 7 sites MARRA questions the viability of locating safe and effective on-site wastewater systems for any house on the proposed development.

8. The DA does not provide a detailed Rural Landsharing Management Plan, which is a requirement for a Multiple Occupancy application.

Page 18-19 of Council's Development Control Plan 2014 (DCP) outlines specific items required before Council can evaluate the merits of a DA for Multiple Occupancy. The Plan informs the broader community of the intentions of the intentional community that will occupy and manage the property.

Another MO proposal at 963 Main Arm Road was lodged in December 2019 and was fully supported by MARRA. The people involved in this MO had already been chosen and were friends with a common interest in that their children went to the Shearwater Mullumbimby Steiner School or they were teachers there. They had already contributed money towards their purchase of a share of the MO. They provided a very thorough, multi-page Rural Landsharing Management Plan as part of the DA, and apparently have continued to work on their environmental enhancement plan on the property even though the DA has not yet been approved.

In contrast there are no details with this DA's brief 2-page plan, only some nice sounding words and a list of what is missing. There is no indication that members of the MO have been selected. It appears to be a developer driven commercial proposal and shares will be sold and members will be recruited after it is approved, and at this stage they will develop their Management Plan.

MARRA questions that should this DA be approved, whether there will ever be a cohesive group with common goals and a theme living on the property. Or will the lots just be sold on a purely commercial basis to people with no common goals and aims? We also question whether the developer may just try to convert the property to Community Title if the MO proposal is approved.

9. The proposal is too dense and adds to the ruin of the rural quality of the area.

The stated objectives in the BRSS for Scenic Amenity and Rural Landscape on page 85 are: "*The basic premise of rural settlement is that the 'rural character' of an area should be retained or, conversely, any human elements introduced should not dominate the scene.*" And an objective of the LEP 2014 is "*to protect the significant scenic landscapes and to minimise impacts on the scenic quality of the location.*" Twelve new dwellings in the proposed dense subdivision will almost double the number of dwellings in the Blindmouth Road area that currently has scattering of houses, none real close to each other. There is only one house that is close to the road near the proposed entrance to the subdivision. House site D1 and D2 will be only 25 metres from the road in the same area. These two sites should definitely be refused to maintain the rural quality of the area for also failing the clustering and distance from the road criteria.

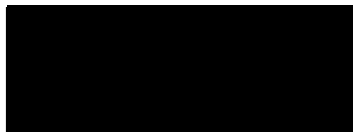
With CT, MO and village developments already completed, approved or pending approval north of the village, south of the village and along Main Arm Road, as well as the 12 proposed in this DA, there are a potential of 66 new dwellings for Main Arm (plus 12 more in this DA, there will be a potential 78 new houses in the area. No one can argue that more development will not ruin the rural character and scenic quality of Main Arm.

10. MARRA questions whether proposal's Vegetation Management Plan shown in the DA will actually be successfully implemented.

The proposal's Biodiversity Assessment Report outlines a plan to plant 10,800 trees or rainforest plantings along the 7.5ha Western Creek riparian corridor. This is the 900 trees or plantings for each of the 12 dwellings in the DA. When one looks at the map in illustration 7 or visits the site there is a dense grove of very large trees, primarily Camphor Laurels, along almost the entire length of the creek through the property. It is very dark under this canopy of trees making it difficult for any new plantings or trees to get sunlight to grow without removal or poisoning of most of these trees, which could be a very expensive proposition. It is also hard to believe that so many trees could be planted in such a limited area.

In conclusion MARRA believes this the proposed DA should be refused as it fails to meet key criteria of the 1998 Byron Rural Settlement Strategy (BRSS), 2017 Byron Rural Land Use Strategy (BRLUS), 2014 Byron Development Control Plan (DCP), and other relevant planning documents in areas of road infrastructure, number of sites allowed on the property, clustering, bushfire management, wastewater disposal, scenic amenity and other key issues. If Council were to approve the DA, we would recommend that far fewer sites should be allowed and that the developer be responsible in upgrading the entire length of Blindmouth Road up to the site as well as the one lane causeway at the beginning of the road.

Yours faithfully,

A solid black rectangular box redacting the signature of the President of MARRA.

(President, MARRA)

To: General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2484

Date: 14 July 2020

Re: DA number 10.2020.242.1 – 84 Blindmouth Road, Main Arm (Lot 52 DP 1035034)

Dear Sir,

I am writing to object to the above development application No. 10.2020.242.1. I am concerned about this proposal for a number of reasons, which I list below.

The proposed 12 dwellings for this lot, will increase the number of dwellings on Blindmouth Road from 19 to 31, a significant amount for this quiet, rural valley. The properties on Blindmouth Road have, at the most, 2 dwellings per property, so the proposed 12 dwellings for this application is a substantial development, out of character for the area, and it comes across as a wolf in sheep's clothing with the multiple occupancy allowing the developer to pack as many houses as possible on to this rural block. In Byron Shire Council policy, Main Arm is excluded from rural development, and this DA does not meet the criteria of the Byron Rural Land Use Strategy (BRLUS) adopted in 2017.

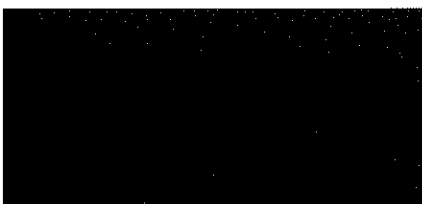
Reading through the application, there is no detailed Rural Landsharing Management Plan, and so the intentions of this developer are not clear, therefore there is a high potential for the lots to be sold on a purely commercial basis defeating the purpose of Multiple Occupancy. With the management plan's lack of detail, this application fails to meet the requirements of Council's Development Control Plan 2014. This application is very scant in detail, which in itself is very worrying for a development of this size.

The Blindmouth Road is a no-through road running along the bottom of the Blindmouth Valley. It is the only access road for the residents in this valley, it is a gravel road, and is subject to flooding especially at the causeway near to the Main Arm Shop. This causeway floods many times a year, even in minor floods, creating potential evacuation problems, and not only in floods but also in the case of bushfires. This development is not located in an area with reliable and safe road access, as is required by the 2017 Byron Rural Land Use Strategy (BRLUS).

The application also fails to meet council's criteria on effective and safe wastewater systems, clustering criteria (houses denser than is allowed) and the risk of bushfire is too great for houses so close together.

As this application fails to comply to numerous council policies and criteria for Rural Landsharing, please reject this proposal in its entirety, and protect the Main Arm and Blindmouth community from this improper development.

Yours sincerely,



Submission to Development Application

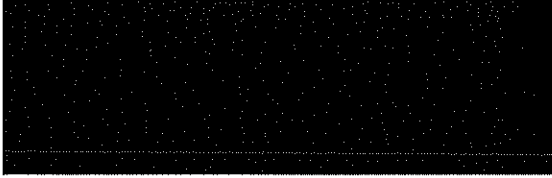
To Byron Shire Council

General Manager

PO Box 219

Mullumbimby NSW 2482

My details



Development Application Details

Application Details: DA 10.2020.242.1

Lot 52 DP 1035034 – 84 Blindmouth Road, Main Arm.

Grounds for Submission:

Objections: Development Application (DA) is strongly objected to on the following grounds;

Objection 1

This DA does not reflect the objectives of LEP 2014 Clause 4.2B and DCP D2.6.1 for land sharing communities. The objectives include;

2. to permit—(a) people to collectively own a single lot of land and use it as their principal place of residence, and (b) the erection of multiple dwellings on the lot and the sharing of facilities and resources, and (c) the collective environmental repair and management of the lot, and (d) the pooling of resources to economically develop a wide range of communal rural living opportunities

3. c) does not involve subdivision under Community Title, Torrens Title or Strata Title, or any other form of separate land title.

This DA has the hallmarks of a Community Title Development.

There is no comprehensive Land sharing Management Plan, the property is owned by one individual and there is no indication of the people who will be part of the land sharing community. The proposed Multiple Occupancy is not a community of people with shared beliefs managing the land. It is an individual wishing to develop a rural property.

The lack of details and layout of the Multiple Occupancy suggests that the owner is intending to apply for Community Title as soon as there is approval for this DA.

The original intention of *SEPP 15* and the translation of this into the *BYRON LEP and DCP in Clause 4.2B. The new Rural Lands Schedule 3* which relates to Rural Land Sharing communities specifies the aim of land sharing communities as:

(b) enabling the sharing of facilities and resources to allow a wide range of communal rural living opportunities at a lower cost.

The DA does not demonstrate this is the intent of the applicant. The lack of community facilities, activities or resources shows that this is effectively a subdivision of rural land rather than for community living. This is not in keeping with the purpose and will not provide an affordable housing option for local families.

Objection 2

LEP 2014 4.2B (3) (b) there will not be less than 3 dwellings, and not more than 1 dwelling for every 3 hectares, up to a maximum of 15 dwellings, on the lot.

With regard to the southern 6Ha zoned (RU1) parcel of land nearer to Main Arm village. The DA States ***"This parcel of land does not contain any proposed works or components of the Multiple Occupancy."***

According to the Byron LEP 2014 (RU1) land is considered constrained land. It is clear that the smaller parcel of 6Ha zoned (RU1) is not part of the development in any manner, nor should it be. Despite this, it has been incorporated to calculate the 12 dwellings capacity. The larger 32.17 Ha (RU2) lot and the developable land within is the most accurate area to calculate house site numbers.

If Council accepts the (RU1) land in the calculation, can residents be assured by council that this parcel will be frozen from further development or rezoning at a future date? The 12 House sites are completely inappropriate for the 32.17Ha parcel. Most of the parcel is steep and forested. The flat and most usable portion has a wide, deep creek that runs from north to south across the entire property. This lack of suitable land is reflected in the cluster configurations, and the inappropriate placement of Cluster D.

Objection 3

LEP 2014 4.2B (4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that—

- (b) the development is complementary to the rural and environmental attributes of the land and its surrounds.*

This Development is on Blindmouth Rd, a narrow no through dirt road providing access to approximately 19 large rural lots. Most are single dwelling properties. There are some second dwellings. There are no Multiple Occupancy. This Development will almost double the number of house sites and population in this valley. It is completely inappropriate and is not complementary to the rural and environmental attributes. Main Arm Village is the designated area for residential development and increased population. This DA will require road and causeway upgrades and is an encroachment of the urban spread on the rural environment. A development of a single house and possible second dwelling is far more in line with the rural and environmental attributes of the area.

Objection 4

Byron Shire Land Use Strategy 2017 (BSLUS) 3.3.4 Multiple Occupancy and Community Title; Enable new Multiple Occupancy and Community Title development opportunities only in areas: • identified on Maps 3, 3a and 3b (refer to Section 4 'Land Release Program')

The BSLUS specifically excluded Main Arm from this type of development. This DA land is not identified on the above maps. The developer is relying on the older LEP MAP which was part of the old Byron Rural Settlement Strategy 1998 (BRSS). This strategy was replaced once the (BSLUS) was adopted by Council and endorsed by the State Government. Even if the LEP MAP is referenced, the DA must meet the requirements of the BSLUS.

BSLUS states: "rural lifestyle living opportunities plays a minor role in meeting the overall housing needs of the Shire. Given that the majority of the Shire's future population growth will be housed in our urban areas. The undeveloped potential within the Federal and Main Arm village zones is approximately 40-50 additional lots, which equates to more than 20 years supply. Therefore, demand for this form of living is not considered an essential component of the Strategy. Instead, the land release program identifies future rural lifestyle living opportunities only in locations that are largely unconstrained, have a strong potential to build on and strengthen existing communities and can provide an acceptable standard of road infrastructure at no cost to the wider community."

Objection 5

The DA does not meet the Council policy directions to ensure better integration of rural land use and efficient infrastructure provision as found in the (BSLUS):

- 2. Future rural development will be located in areas with reliable and safe road access, particularly should the need for evacuation arise.*

Blindmouth Road is accessed via a one-way causeway over Blindmouth Creek. There is a descent on both sides of the causeway and a blind corner approaching from the south.

This has led to accidents and near misses as cars braking tend to slide towards the causeway on the dirt road.

The causeway floods regularly and is either dangerous to cross or impossible to cross. Blindmouth Rd residents are isolated during these times. There is no mobile phone reception and during heavy storm events we are without electricity. This can be for several days.

The recent bush fires in Byron Shire are a clear indication of the effects of climate change on this environment. The Blindmouth Rd area is a valley surrounded by steep hills covered in forest on all sides. The only way in or out is via the one-way causeway.

It is painfully clear that Blindmouth Rd does not have reliable and safe road access, particularly should the need for evacuation arise and therefore does not meet the policy requirements according to the (BSLUS).

3. Infrastructure provision for future rural lifestyle living opportunities will:

- require an acceptable standard of road infrastructure at no cost to the wider Community

As mentioned above Blindmouth Road is accessed via a one-way causeway close to the village.

The causeway crosses a popular swimming spot and is a crossing for pedestrians.

It is a dirt Rd that requires regular Council grading to fix potholes, corrugation and ruts that appear due to the current traffic movement.

During heavy rain events both sides of the road turn into fast moving streams, crossing the road at certain intervals and creating deep ruts which residents must negotiate. The road becomes slippery, narrow, potholed and dangerous.

According to the DA – ***“Based on current road movement, Blindmouth Road does not meet The Northern Rivers Design and Development Manual requirements of a 6m sealed pavement”***

All of these problems are manageable with only 19 families using the Road.

This development will increase that number to 31 families. The road and causeway will require a complete upgrade.

This Development will involve large and heavy vehicles accessing the causeway and road during the long construction period. This will exacerbate road conditions and increasing traffic hazard risk to residents and pedestrians. Blindmouth Rd in its current state is completely inappropriate for this type of development.

The road costs of servicing such a development will require considerable subsidy from the broader community. Such a subsidy is considered an inequitable and inefficient use of Council’s limited financial resources and therefore is unacceptable to the community. It does not meet the policy requirements according to the (BSLUS).

5. Future rural development should be located within 5 km of a major town service centre containing a high school.

Mullumbimby and the nearest high school are over 9 km away. This DA does not meet this requirement.

Objection 6

The Bushfire Assessment Report (BAR) in this DA is inadequate and does not fully address the requirements of the NSW Rural Fire Service (PBP) 2019 and in some instances, contradicts it. The recent bushfires that threatened Main Arm and affected close neighbouring area should be a warning to council that DA Bushfire Assessment Reports must be closely scrutinised by council staff. The proposed development site is classified as bushfire prone land on BSC’s Bushfire Prone Land Maps.

The Bushfire Assessment Report (BAR) states ***“The Bushfire Attack Level (BAL) for this MO has been assessed and is determined to be BAL 29 or better for each dwelling lot.”***

NSW Rural Fire Service Planning for Bushfire Protection (PBP) 2019 states – ***“BAL-29 - Attack by burning debris is significant and radiant heat flux (not greater than 29kW/m²) threatens building integrity. Specific construction requirements for ember and higher levels of radiant heat are warranted. Some flame contact is possible.”***

the DA (BAR) states: ***“The principle fire risk here is from the trees high above and on the slopes to the east of the development. While embers could threaten the dwellings from this direction it is relatively unlikely.”***

The (BAR) refers to Camphor Laurel trees as rainforest trees in what appears to be an attempt to understate the fire risk.

The (PBA) notes ***“Camphor Laurel trees have a significant amount of leaf fall, especially when stressed by drought or frost. Anecdotal evidence obtained from previous fire events indicates that***

although these trees generally do not carry a canopy fire, they commonly support intense surface fires''

The DA (BAR) states – ***“Egress and access are excellent with Blindmouth Road running past the front of the property”***

(PBP)3.4 “Design of access roads shall enable safe access and egress for residents attempting to leave the area at the same time that emergency service personnel are arriving to undertake firefighting operation. All roads should be through roads. Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end”

There is no mention in the DA (BAR) of the one-way cause way used to enter and exit Blindmouth Rd nor the fact that Blindmouth Rd is a 2.5km dead-end Rd with no turn around circle. The bushfire landscape assessment for this DA does not include an assessment of the future impact of the new development on emergency services nor how the road network can support evacuation demand numbers in the event of an emergency.

According to the (PBA), “It is important that new development does not increase the level of bush fire risk to the existing community. A traffic report prepared by a suitably qualified traffic consultant may be required in circumstances where issues relating to access/ egress are identified” and “firefighting vehicles are provided with safe, all-weather access to structures.”

This includes the capacity of road surfaces and any bridges/causeways to carry fully loaded firefighting vehicles. Access roads must allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency service personnel. What is the load capacity of Blindmouth causeway and where can a firefighting vehicle turn around on Blindmouth Rd in an emergency?

This DA does not meet the strategic planning requirements of the (PBA). This development is within an area of high bush fire risk where road access and conditions and density of current developments may cause evacuation issues for both existing and new residents of Blindmouth Rd and increase risk to our local bush fire brigade. *(PBA) “If the strategic issues cannot be resolved then the proposal cannot comply with PBP and will not be supported by the NSW RFS”*

Objection 7

There are discrepancies in the DA Engineering Service Report and the Driveway Intersection Form does not meet the infrastructure services and design compliance requirements of the Byron Shire Council.

The DA Engineering Report (ER) states ***“The proposal will ultimately service 13 dwelling sites.”*** It is my understanding that the DA is for 12 dwelling sites.

(ER) States “Enquiries with Byron Shire Council did not locate any traffic count data on Blindmouth Road. Thereby a 12-hour manual count was conducted on Thursday 10th October 2019 which recorded 113 vehicles”

Thursday the 10th October 2019 was during NSW school holiday break and is not indicative of the regular traffic flow. No school drop off and pickup, families are away and parents take holiday leave. It does not incorporate the increase to traffic due to the current and other potential developments that will access Blindmouth Rd. Yet this 12hr manual count is the source of the Engineer’s recommendation on the Driveway Intersection.

(ER) States ***"The proposal will require a new driveway intersection connection to Blindmouth Road. A BAR (basic right turn movement) configuration shall be provided. External Road Upgrade 6m seal on 7m pavement for 165m length being south of new driveway intersection to south boundary (north split lot)."***

The Austroads Guide to Road Design – Part 4 A clearly states;
"The Rural Basic Right-turn Treatment (BAR) is the minimum treatment for right-turn movements from a through road to local access points. Substantial speed reduction (potentially half of the design speed) is a feature of this layout. BAR turn treatments record a rear-end major vehicle crash rate 52 times higher than do CHR turn treatments. A more desirable treatment at such sites is a CHR(S)."

The BAR turn treatment on a two-lane rural road as shown in Figure 7.5 has limited applications. The increased exposure of overtaking may result in an excessively high overtaking-intersection vehicle crash rate. So why is the (BAR) design the preferred option in this report. If the BAR design is acceptable to council will the section be sealed and signed? The report only states that it is preferred.

There are safety issues around the causeway **within** the property.

10 dwellings must use this causeway for safe evacuation. Future climate predications indicated increased intense weather conditions for this area. The causeway can safely meet the Q5yr ARI only. This may endanger lives of residents and emergency service team during high flooding events. The (ER) states; ***"The upstream catchment is considerable, being 465Ha with a flooding time of concentration of 90min."***

It then states ***"The proposed new internal creek crossing will be that of a causeway design to meet a 5yr ARI event. Given the extent of the causeway, Q20yr ARI vehicle accessibility is possible however the Q100yr ARI will not be passible."***

Objection 8

I strongly object to the DA applicant's request ***"It is reasonable to propose that the nominated 165m of upgrade of the local Blindmouth Road frontage of the site be considered as providing a broader community benefit. Thereby consideration of such upgrade costs being permitted to assist in offset towards the rural road contributions monies have merit."***

The Road frontage upgrade proposed in this DA consists of a short, widened section of Road (which may or may not be sealed) to accommodate an increase of at least 24 cars. It is based on a flawed traffic count, using the minimum (BAR) configuration, which is likely to increase collision rates. The upgrade would be of no benefit to the community and in fact is likely to be to the detriment of the residents. The reality is that the applicant will need to seal Blindmouth Road from the DA Driveway to Main Arm Road, upgrade the causeway and use the safer CHR(S) treatment as preferred by the Austroads Guide.

The developments SDU contributions in the order of \$216,000 (based on 12 sites) will not cover this cost so once again it will be council and the wider community who bear the financial burden.

The local community will lose the rural nature of the road that has long been an attraction of the location for long-term and more recent residents.

Objection 9

This DA does not meet the Prescriptive Measures (BSDCP14) Ch D2.6;

a) Dwelling houses must be clustered in three or more houses. b) The distances apart must average 80 metres between any two dwelling houses in a cluster. The Council shall not grant consent where the proposed development is in a dispersed style.

Cluster D does not meet the requirements. It cannot be described as a cluster, (must be three or more houses). It exceeds the average 80m distance between houses.

Cluster D is in a dispersal style and Clusters B and C would be better described as a cul de sac.

Drawing circles around house sites positioned in a straight line does not make them clusters. House sites on cluster A, B and C are closer than the 80m requirement.

d) No building or future dwelling house site envelope to be within 55 m of a classified road.

Although Blindmouth Rd may not be a classified Road, both house sites in the D cluster are approx. 25m from the road which is completely inappropriate. I can only guess that the D cluster appear to be an add on to this DA to be used in the negotiation and compromise of the owner.

Objection 10

The area along the Northern boundary adjacent to Cluster A is marked on the Byron Vegetation Map: areas recognised as containing high environmental value vegetation. It is part of a wildlife corridor that links with the Inner Pocket Nature Reserve to the North. It contains areas of important rainforest regrowth and habitat for native flora and fauna species. This area is not part of the DA Environmental Management Zones (EMZs). The DA (AVM) states;

“Ecological enhancement works will be undertaken within the Western Creek Riparian Corridor and the North-east Forest management zone.”

House site A3 and A1 are within 50 metres of this corridor area. There are no planned buffer zones. I strongly disagree with the DA statement ***“The area is located a significant distance away from the proposed Multiple Occupancy, and will not be impacted.”***

If House site A1 and A3 are approved they will automatically be part of the Asset Protection Zone.- The APZ requires a reduction in available vegetation that may be flammable and limited connectivity between trees and the understorey should be highly managed.

The placement of House site A1 and A3 and the exclusion of the northern corridor in the (EMZ) is completely at odds with numerous Councils recommendations.

Byron Biodiversity Conservation Strategy 2004 1.3 KEY PRIORITIES include;

c) Identify High Conservation Value vegetation and habitats and Wildlife Corridors that require protection, ecological restoration and/or threat abatement;

d) Develop a regulatory framework for the protection and management of identified High Conservation Value vegetation and habitats and Wildlife Corridors and encourage appropriate ecologically sustainable development;

The Vegetation Management Plan for Multiple Occupancy development require - *Repair is to be focused on the expansion of wildlife corridors, restoring and reconnecting vegetation remnants, and enhancing riparian areas and habitat for threatened species and endangered plant communities. Appropriate buffers are required for development and other activities that have the potential to impose ‘footprint effects’ on HCV vegetation and habitats.*

Byron LEP 2014 - reflect High Environmental Value vegetation mapping, establish priority enhancement corridors, protect High Environmental Value vegetation and other important environmental assets through appropriate buffers.

Ensure opportunities for priority enhancement corridors are aligned with internal farm activities.

Wildlife corridors and threatened species habitat enhanced including increased connectivity; Asset Protection Zones implemented and managed according to recommendations whilst still protecting native vegetation.

Objection 11

As the long-term northern neighbour of this property I can confirm that Koalas have been located on the Eastern slopes. There is an enormous number of bird species including ground dwelling birds, mammals, reptiles and amphibians. I have seen dogs chase and kill wallabies on surrounding properties and a recent study released by the National Environmental Science Program, estimate more than 1 million native Australian birds are killed across the country by cats every day. If this DA

is approved it is imperative that there be a ban on dogs, cats and rabbits. For this ban to be effective Council must ensure compliance.

The DA states: *"It is proposed that suitable measures be implemented to support protection of Koala populations and any future Koala habitat established on the site. These measures include: Restrictions on dog numbers and types of dog breeds on the rural community."*

The DA (AVM) states: *"it is recommended that no dogs or cats be allowed on the property, except for certain purposes such as farm work or personal assistance."*

Objection 12

Some house sites do not meet the Waste Water Management requirements of (BRUS).

The DA On Site Wastewater Management Land Capacity Capability Assessment (WWLCCA) is flagrantly short on detail. The proposed site is located in a high rainfall area.

The (ER) states; *"The upstream catchment is considerable, being 465Ha with a flooding time of concentration of 90min."*

Watercourses on the property have been identified as: *"two 2nd order streams in the northern parcel, with the western creek being the longest and most significant and three 1st order streams on the northern parcel."*

Limitations for this site include flood hazard, seasonal waterlogging, creeks, underground springs, steep hills and erosion. The location of most dwelling sites is either too close to waterways or close to steep slopes. This DA will require 12 Wastewater systems that each require access to >10000m² and must have ample area available for duplicate application areas.

Byron Rural Land Use Strategy states:

"Slope is a significant factor affecting effluent disposal, stormwater runoffs. Slopes in excess of 20% (11.3 degrees) can pose wastewater treatment system installation problems, while slopes greater than 15% (8.5degrees) may prevent treated wastewater from being evenly distributed to the land, thereby adversely affecting the performance of the systems."

Some house sites in clusters B1-B3 and C1-C3 are located on slopes greater than 15%.

Byron Shire Development Control Plan 2014 states;

2. No buildings or effluent treatment facilities will be permitted on land identified as 'Riparian Buffer Area'.

House sites D1, D2 and A1 are located less than 50m from a waterway (2nd order streams) in a high rainfall area and encroach on the buffer area.

(WWLCCA) states: *"Sites D1, D2 and A1 have reduced buffers (say 50m) to the creek line which can be managed via the treatment process. Future development applications for each vacant lot will be assessed based on the future development proposed."*

How can this be managed? The Tables of System Application Methods cannot be suitable for these sites. Council cannot permit house sites D1 D2 and A1 based on this information. It is up to council to decide now (before passing the DA), if the sites are suitable. If there is no clearly identified and proven system available for individual site restraints, how can the future owner of the site install a system that meets the council requirements.

Byron Shire Development Control Plan 2014 – Chapter E7 – states:

"Main Arm is contained within the catchment of the main arm of the Brunswick River, and is located at the convergence of the main arm of the Brunswick River and Blindmouth Creek. Access is routinely affected by flooding" and the (BRLUS) states:

"All other land having a 1:100 yr flood risk requiring more detailed investigation prior to further consideration as potential future rural development"

The details of the DA report are not comprehensive. This is a large development in a high rainfall area with many constraints.

Yours Sincerely,



I have not made any political donations

From:

To:

Subject:

Date:



submissions

Submission: DA 10.2020.242.1 - 84 Blindmouth Rd, Main Arm - Lot 52 DP 1035034

Wednesday, 8 July 2020 3:09:53 PM

I object to this proposal for the following reasons:

There is no evidence in the DA to establish that this is a genuine Multiple Occupancy proposal rather than a de-facto rural subdivision. The Rural Landsharing Management Plan provides no information on how the MO will be organized and run, what the ownership structure will be, what the common interests and purpose will be, how decisions will be made, how disagreements will be handled etc. These issues are fundamental to defining an MO and cannot be added on afterwards - without a Management Plan spelling all this out it appears to be simply a money-making rural subdivision which would not be allowed under the Rural Settlement Strategy.

Access to the site is by way of a sub-standard road for the existing population, let alone a substantial increase. If the proposal is accepted, the proponent should be required to upgrade the existing culvert on Blindmouth Road to a two-lane culvert at not less than the 1 in 1 year flood level, and upgrade, but not seal, the road from Main Arm Road to the access to the property.



From: [REDACTED]
To: council
Subject: Submission for application (10.2020.242.1)
Date: Monday, 6 July 2020 1:51:08 PM

I object to the development application for 84 Blindmouth Rd for the following reasons:

The infrastructure (Blindmouth Rd and creek crossing) is inadequate to support a 65% increase in dwellings accessing this road. (19 existing, 12 proposed.)

Cluster D is not a cluster (only 2 houses) and should be discounted.

The rural land sharing management plan should be outlined before consent and not as a condition of consent.

This lack of a plan clearly indicates

the speculative nature of the development application and is not aligned with the spirit of Multiple Occupancy land title- an aspiration overwhelmingly supported by the Main Arm Community to see affordable housing and sustainable land sharing driven by intentional community and not developers.

[REDACTED]

Submission to Development Application

To Byron Shire Council

General Manager

PO Box 219

Mullumbimby NSW 2482

My details



Date: 13th July 2020

Development Application Details

Application Details: DA 10.2020.242.1

Lot 52 DP 1035034 – 84 Blindmouth Road, Main Arm.

Grounds for Submission:

Objections: Development Application (DA) is strongly objected to on the following grounds;

1. the development is not complementary to the rural and environmental attributes of the land and its surrounds.

This development will almost double the population of Blindmouth Road. This is a quiet, no through, rural dirt road accessed by a one way cause way. The road has its problems, but its condition encourages slow speed, and a quiet place for bike riders and walkers to exercise and enjoy the landscape away from the busier Main Arm Rd. There are no Multiple Occupancy or Community Title properties on this road. This DA will mean an upgrade to the causeway and sealing at least some of the road. This will destroy the environmental attributes of the area. It will no longer be a quiet rural retreat. This is what the residents appreciate most about the area. The two house sites located close to the road indicates that the developer has no interest in complimenting the attributes of the land and its surrounds. Main Arm village has already been changed due to multiple developments and now that invasion is creeping into the rural landscape. This DA in no way compliments the area, in truth it will undermine it.

2. The site is not identified as Multiple Occupancy opportunity on the BSLUS.

The BSLUS Maps does not identify this land as possible MO. The BSLUS requires that land release program identifies future rural lifestyle living opportunities only in locations that are largely unconstrained, have a strong potential to build on and strengthen existing communities and can provide an acceptable standard of road infrastructure at no cost to the wider community

Main Arm is regularly cut off by flooding event and in more recent times threatened by bushfires. It is not the preferred area for this type of development as Main Arm village already contributes its fair share of development for population growth. Our community is still trying to adjust to the increased population over the last 5 years and adding a large increase to the population in one DA is not strengthening our community it is over burdening it. As mentioned Blindmouth road and the causeway are not at an acceptable standard and will require upgrading to meet road safety and Bush fire safety requirements. As we have seen with the Main Arm causeway these upgrades will come at a cost to the wider community.

3. The Developer is trying to avoid the required contributions and shows contempt for this community.

The developer is already trying to get out of paying for road upgrades by suggesting the 165m of upgrade of the local Blindmouth Road frontage of the site be considered as providing a broader community benefit. *Thereby consideration of such upgrade costs being permitted to assist in offset towards the rural road contributions monies.*

The drive way intersection upgrade using the cheaper BAR configurations is known to increase collision events. Not only does he want to destroy our beautiful valley with a large rural subdivision and increase our risk of car accidents, he wants us to pay for it. Where is the benefit to the community?

4. This DA does not meet the Prescriptive Measures *BSDCP Ch D2.6*

Dwelling houses must be clustered in three or more houses. The distances apart must average 80 metres between any two dwelling houses in a cluster. The Council shall not grant consent where the proposed development is in a dispersed style.

5. The Biodiversity Assessment Report ignores important habitat corridor, buffer areas and council directives.

This is because it encroaches on the house sites. There is wildlife corridor on the northern boundary. This area is on the Byron Vegetation Map: areas recognised as containing high environmental value vegetation. It is an important corridor linking to the forested hills to the east and the Inner Pocket Nature Reserve. This area needs to be part of the EMZ and cluster A needs to go. The house sites designated as cluster D are far too close to the creek and encroach on buffer zones.

The DA priority is not restoring the habitat and complying with Environmental requirements. It is about getting as many houses on the property as possible.

6. The DA On Site Wastewater Management Land Capability Assessment is not comprehensive and does not address the limitations of the property as a whole and the house sites individually.

This property has a number of creeks running through it that are subject to regular flooding and the areas around the creeks become water logged in long rain periods. There are steep slopes behind some of the house sites which funnel the water towards them. There are also springs that have not been mentioned. This DA will require 12 Wastewater Systems that each require access to >10000m² and must have ample area available for duplicate application areas. The report does clearly show how this is possible.

7. The Development does not meet the NSW Rural Fire Service (PBP) 2019 requirements

In light of the recent drought and Bushfires, Byron Shire Council must carefully consider whether DAs in at risk areas meet stringent Bushfire Protection requirements of the NSW Rural Fire Service Planning for Bushfire Protection 2019. This DA land is classified as bushfire prone land on BSC's Bushfire Prone Land Maps. The DA Bushfire Assessment Report declares – **"Egress and access are excellent with Blindmouth Road running past the front of the property"**

As I have mentioned there is a one-way cause way to enter and exit Blindmouth Rd. It is a dead-end dirt road with no turn around circle. It does not meet the following. "Design of access roads shall enable safe access and egress for residents attempting to leave the area at the same time that emergency service personnel are arriving to undertake firefighting operation. All roads should be through roads. Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end" and "It is important that new development does not increase the level of bush fire risk to the existing community and firefighting vehicles are provided with safe, all-weather access to structures."

The cost to the community to upgrade the road to meet these requirements is considered an inequitable and inefficient use of Council's limited financial resources and therefore is unacceptable to the community

Yours Sincerely,


I have not made a political gift or donation.

submissions@byron.nsw.gov.au

The General Manager,
Byron Shire Council,
PO Box 219
Mullumbimby NSW 2482

OBJECTION to DA 10.2020.242.1

8 July 2020

Introduction

Here we are again battling a developer intent on ruining the village of Main Arm. In civilised Western Europe rural village gems are protected by Green Belts but Byron Shire is open to anyone applying to wreck the village with subdivisions. Why bring subdivisions to the village.? If you want to live in a brick veneereal subdivision you can go to Pottsville, Ocean Shores, Tweed or many other places. The village already suffers the horror of Moran Close and there are 40 more houses lined up to destroy everything. Cars, cats, dogs, sewerage, lack of bush fire danger knowledge, destruction of wildlife etc etc all come to this priceless rural area with each and every new development . Council clearly does not have the resources to police the development activities they allow.

Do I have to spend all my life endlessly battling bad development proposals?

Inadequate details

As the proposal fails to properly address many of the required criteria it should never have been advertised in its present form. Please reserve my right to make further submissions as details are dragged out of the developer.

History

Sadly, the history of Multi-Occupancies (MOs) has shown up deficiencies which Council doesn't police. Main Arm already has an MO which totally fails to provide share ownership to a like minded group –(this is supposed to be a core criteria for an MO) The one in question remains with a single owner who has half built many “slum” like buildings which are rented to al comers. All this brings the usual careless people whose dogs and cats roam the countryside. There is a serious fire hazard and it is a blot on the environment. Council policing is none existent.

Exactly the same thing will occur with the new proposal. There is no evidence of a group of like minded people. The developer will sell off or rent each property to whoever can pay. None of the assurances and promises will be policed by Council. The Camphor forest will not be cleared and wastewater, flood mitigation and other promises will easily be forgotten dumping our beautiful valley with yet another eyesore another eyesore,

Specific Problems with the application

1 TOO MANY HOUSES.

The proposed houses are too many for the site, The layout contravenes rules such as :- 3 houses in a cluster and distance between houses. Rules regarding 3 hectares per house are being ignored. The

development clearly intends to pack as many houses in as possible with complete disregard for the Main Arm community's wishes and existing lifestyle

2 FIRE

There is a huge fire danger from the Camphor, eucalypts and the slope. Council will not police removal of the trees. The rules regarding slope are contravened.

3 NO COMMON GROUP

There is no evidence of a common group. The developer will just move to Community Title when it suits him. There is no credible Rural Landsharing Management Plan. Council will never intervene post acceptance of the proposal to ensure compliance with any promises.

4 NO SERVICES IN RURAL AREA

The property is not within the required 5 kms of a major town service centre containing a High School. The dense proposal fails to comply with rules regarding retaining the rural character of the valley. Blindmouth residents complain already of increased disappearance of wildlife and more vehicles following previous development. This proposal will be the death knell of Blindmouth.

5 ROAD ACCESS

The road is totally inadequate and ratepayers will be stuck with upgrade costs or it will just deteriorate with increased potholes and resultant danger, dust and noise. The road is subject to severe flooding which will be a major risk for the new proposed renters. There is a dangerous descent and blind corner on the road

6 UNSAFE WASTEWATER SYSTEMS

Council will not police the systems and the Main Arm community will be dumped with the need to surveil the site, plead with Council for action and then be ignored. The creek and environment will lose.

Conclusion

Council must refuse this development and, in future, should stop such proposals reaching this stage. If you are not intent in destroying the beautiful shire valleys take all proposed subdivisions are put then in Ewingsdale in a big ugly residential development which at least will be better serviced.

Signed 

From: [REDACTED]
To: submissions
Subject: Subject - Objection to development Application DA 10.2020.242.1
Date: Thursday, 9 July 2020 2:24:05 PM
Attachments: page1image37311744.png

To Whom It May Concern,

My name is [REDACTED] and I have lived on Blindmouth Road for 33+ years.

This development is not located in an area with reliable and safe road access, as is required by the 2017 Byron Rural Land Use Strategy (BRLUS) at page 33.

This is important especially for evacuation. Blindmouth Road is accessed via a one-way causeway just north of the village. This floods many times per year, cutting off access for all residents on Blindmouth Road. There is a dangerous descent and a blind corner approaching the causeway from the south.

If this DA is approved there should be a condition of consent that the developer pays to upgrade the causeway to two lane and to remain open during minor flooding.

This DA does not meet the requirements of an acceptable standard of road infrastructure at no cost to the wider community (also BRLUS page 33).

Blindmouth Road is a narrow dirt road subject to frequent flooding. In heavy rains the road gets washed out forming deep damaging potholes and ruts along the entire road. The DA admits that based on current road movement of 140 cars a day, the road does not meet The Northern Rivers Design and Development Manual standard of a 6m sealed pavement. Currently the road is unsealed and 3.5m to 4m wide. The DA estimates an additional 89 trips a day from the 12 dwellings.



If this development does get approved, as a condition of consent the developer should widen the road to 6m and seal the 750 metres up to the entrance of the development at no cost to the wider community.

This property cannot really fit the 12 dwellings proposed.

The DA proposes 12 dwellings on the northern 32 hectares of Lot 52. The remaining 6 hectares near Main Arm Store is mostly flood prone. A requirement of Multiple Occupancy development is 3 hectares of land per dwelling.

If this development is approved, Council should make sure this southern 6-hectare portion is frozen from future development or separation into a new Lot.

This DA fails various clustering criteria of the Shire's Development Control Plan 2014, for 8 out of the 12 proposed house sites.

The DCP states that "Dwelling houses must be clustered in three (3) or more houses. The distances apart must average 80 metres between any two dwelling houses in a cluster but

not exceeding 160 metres between any two dwelling houses in a cluster.”

Cluster D on Blindmouth Rd is only two houses where it should have three. And the two are about 150m apart (should be 80m).

The 6 house sites of clusters B and C average about 50m apart - way to close and thus failing the averaging 80m criterion.

The layout is denser than can fit on the property, according to the DCP.

The risk of a dangerous bushfire is too great for the proposed development with 6 of the proposed sites on steep slopes adjacent to areas of extreme fire risk.

The property is classified as bushfire prone land. The 10 sites in clusters A, B, and C are in a bowl surrounded by highly flammable camphor laurel and eucalyptus forest. Any land having Category 1 bushfire vegetation on slopes greater than 20% represent ‘extreme’ fire risk and is constrained land. The Constraint Assessment map in the DA shows land immediately east of the 6 sites in the B and C cluster as steeper than 25%. It is estimated that the actual house sites are on 15 to 20+% slopes. The DA admits “The principal fire risk here is from trees high above and on the slopes to the east of the development.”

The risk is too great: a major bushfire could roar down these slopes and be catastrophic for the development.

All twelve proposed lots have constraints that would make it difficult to provide for effective and safe wastewater systems.

The DCP considers steeply sloping land > 15% as constrained land with Council’s Design Guidelines for On-Site systems stating: ‘Slopes greater than 15% are regarded as severely limiting the installation and operation of land application systems.’ The 6 house sites in the B and C clusters are on slopes estimated at between 15 and 20+%. This would put their on-site wastewater systems outside Council’s Guidelines. The DCP also classifies land as constrained land if it is “...within 100 metres to a permanent surface water, 250 metres to groundwater wells or 40 metres to intermittent watercourse, dams, dry gullies and drainage channels.”

Sites D1 and D2 are only about 40m from a permanent creek - a 100m buffer is required. Sites A1, A2 and A3 are within 100m from a permanent creek. Sites A4 and B1 are within 40m of an intermittent mapped waterway.

The wastewater report indicates only two boreholes were drilled, for 12 house sites. This is too few for proper assessment. And even these bore locations are not reported.

The DA does not provide a detailed Rural Landsharing Management Plan, which is a requirement for a Multiple Occupancy application.

Page 18-19 of Council’s Development Control Plan 2014 (DCP) outlines specific items required before Council can evaluate the merits of a DA for Multiple Occupancy. The Plan informs the broader community of the intentions of the intentional community that will occupy and manage the property. There is no Plan with this DA, just a list of what is missing. Other MO’s in the Main Arm area had detailed Plans, prepared by members of those communities before they lodged their DA.

If this DA is approved, will there ever be a cohesive group with common goals and a theme living on the property or will the lots just be sold on a purely commercial basis to

people with no common goals and aims?

The DA does not meet the criteria of the Byron Rural Land Use Strategy (BRLUS) adopted in 2017.

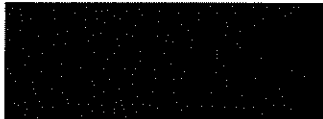
The strategy specifically excluded Main Arm from rural development, which it states "should be located within 5 km of a major town service centre containing a high school." Although this property was mapped as a potential MO in the Byron Rural Settlement Strategy 1998 (BRSS), that was not brought forward into the BRLUS.

The proposal is too dense and adds to the ruin of the rural quality of the area.

The stated objectives in the BRSS for Scenic Amenity and Rural Landscape are: "The basic premise of rural settlement is that the 'rural character' of an area should be retained or, conversely, any human elements introduced (e.g. dwelling houses; tourist facilities) should not dominate the scene." And an objective of the LEP 2014 is "to protect the significant scenic landscapes and to minimise impacts on the scenic quality of the location."

With developments already approved plus 12 more in this DA, there will be 78 new houses in the area. No one can argue that more development will not ruin the rural character of Main Arm.

Yours Sincerely,

A solid black rectangular box used to redact the signature of the sender.

From: [REDACTED]
To: council
Cc: Munro, Luke
Subject: DA 10.2020.242.1 84 Blindmouth Rd, Main Arm 2482 submission
Date: Monday, 6 July 2020 1:48:57 PM

To Byron Shire Council
General Manager
PO Box 219 Mullumbimby NSW 2482

I wish to make a submission re DA 10.2020.242.1 for a landsharing multiple occupancy.

In General I **give conditional support to the application for a multiple occupancy on this site** and am an advocate of Multiple Occupancies and believe Multiple Occupancies are a unique way to develop rural land in the shire for affordable housing, environmental repair, community living opportunities and maintain the rural landscape. I wish there was more opportunity for this type of development than currently exists in the Shire.

My submission however is to the ***nature of this multiple occupancy*** as below which is why my support is conditional:

1. The lack of a land sharing agreement and that the property is owned by one individual shows that the proposed Multiple Occupancy is not a community of people with shared beliefs managing the land, rather an individual wishing to 'develop' a rural property.

2. The lack of details and layout of the Multiple Occupancy shows that the owner is intending to apply for community title as soon as there is approval for this development application, which is affectively subdivision of rural land, rather than providing affordable community rural living which was the original intention of SEPP 15 and the translation of this into the BYRON LEP and DCP in Clause 4.2B. The new Rural Lands Schedule 3 which relates to Rural Landsharing communities specifies the aim of land sharing communities as:

(b) enabling the sharing of facilities and resources to allow a wide range of communal rural living opportunities at a lower cost

The proposal does not demonstrate this at all.

3. The lack of community facilities, activities or resources shows that this effectively is a subdivision of rural land rather than for community living.

4. With the dire need for affordable housing options within the shire for local families the proposal which leans towards a straight community title subdivision, will not provide affordability and will be a missed opportunity for this site, with little land left to develop for affordable land sharing communities in the Shire.

These four points are not supported by the objectives of LEP Clause 4.2B and DCP D2.6.1 for land sharing communities which are the following

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

(a) to permit—

- (i) *people to collectively own a single lot* of land and use it as their principal place of residence, and
- (ii) the erection of multiple dwellings on the lot *and the sharing of facilities and resources*, and
- (iii) *the collective* environmental repair and management of the lot, and
- (iv) *the pooling of resources to economically develop a wide range of communal rural living opportunities*,

To rectify this I would love the following to be included in the application

1. Explanation on how the land is proposed to attract and encourage environmentally minded community living for future residents and what if any selection process there will be
2. Explanation on how the proposal will provide affordable housing a major component of the original intent of land sharing communities in NSW and how the land will be collectively owned.
3. A moratorium or condition that delays application for community title on the site for a number of years if a DA is approved, to ensure affordability for shares in the land and allow communal ownership to develop
4. The plan to show designated community facilities to hold meetings and gatherings of the future community to foster community living which is a major objective of relevant policies.

thankyou for the opportunity to comment and please contact me if you wish to discuss.

[REDACTED]

I have not made a political gift or donation.

[REDACTED]

Email: shane@learningwithland.com

[REDACTED]

From: [REDACTED]
To: submissions
Cc: [REDACTED]
Subject: Objection to development Application DA 10.2020.242.1
Date: Monday, 13 July 2020 9:22:02 PM

Dear Sir/Madam

I wish to object to the development proposal as it stands for 84 Blindmouth rd Main Arm.

I believe that 12 new dwellings constitutes an over development of the site.

The site lacks sufficient infrastructure to support the significant extra traffic created by the size of the proposal. The access road to Main Arm village is prone to flooding , dirt and will be adversely affected by such a significant increase in traffic.

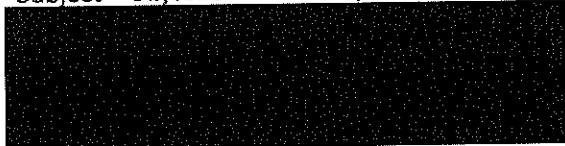
The block is not suited to such a large number of dwellings as the usable land is limited. Most of the block consists of steep forested slopes or flood plain. This creates significant fire risk and also potential for waterway contamination from the large quantity of septic waste water generated by twelve dwellings.

Importantly this DA does not provide a detailed Rural Land sharing Management Plan. The multiple occupancy act was established to allow communities with a common goal to develop and share rural living. Commercial enterprises are not in the spirit or intention of the act. This development appears to be a commercially driven attempt to effectively subdivide the property to maximise profitability.

Yours sincerely

[REDACTED]

Subject – Objection to development Application DA 10.2020.242.1




PN 238215
BYRON SHIRE COUNCIL
DOC NO:
RECD: - 9 JUL 2020
FILE NO: A81301
ASSIGNEE: L. MURCE

07/07/2020

To Sharon Roberts

In regards to the MO on Blindmouth road,

My grandfather and father moved to Blindmouth in the late 1930s my mother arrived here in 1954,

My two sisters ,brother and I have all grown up in Blindmouth valley, My mother now in her  has been informed of a DA for twelve dwellings one 50m and another 100m from her house ,we feel that these two dwellings will be extremely intrusive to the privacy and tranquillity we have had over the years.

We fully understand that over the years the valley has slowly been cut up for new residents wanting a small piece of paradise in the valley, we feel that three dwellings should only be allowed at this point in time , as such we feel that this would be a fair compromise to have a cavate of no building within 150m to 200m of her home .

Over the years several car accidents have occurred on sections of this road, new people moving into the area are not used to gravel roads and low lying single lane causeways.

Also the entry to Blindmouth road will need more done to it as each dwelling no doubt will have two cars to each dwelling probably more ,this extra increase in traffic will greatly increase on an already busy road, the narrow section from the village to the creek crossing, and to the top of the gulley will also be of concern as this creek crossing floods quite substantially during weather events.

In summing up twelve dwellings is far too great,

Yours sincerely on behalf of my mother and all our immediate family we hope that our concerns will be headed

Yours sincerely





BYRON SHIRE COUNCIL
DOC NO:
RECD: - 8 JUL 2020
FILE NO: A81301
ASSIGNED: L. Munro

RECEIVED BY FRONT OFFICE
8 JUL 2020
BYRON SHIRE COUNCIL

4 July 2020

The General Manager
Byron Shire Council
MULLUMBIMBY NSW 2482

Dear Sir

DA 10.2020.242.1
84 Blindmouth Road, Main Arm NSW 2482
(Lot 52 DP 1035034

My family and I have lived in the Blindmouth valley along Blindmouth Road since 1947 when my husband came to Australia from Italy and at 93 Blindmouth Road since I arrived in 1957 from Italy also, married my husband in Sydney and then came to live here in the valley.

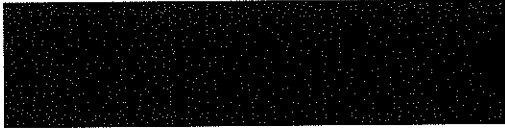
The proximity of the number of houses in the whole development will destroy the rural amenity of the area which has long been a feature of the community of Main Arm.

The increase in traffic along Blindmouth Road generated by the above development will further deteriorate the condition of the road which is at present an unsealed gravel road with no curb and guttering. Access at present is across a causeway near Main Arm Village which is inundated during major storm events preventing access to Blindmouth Road. That causeway should be upgraded to provide flood free access and the Blindmouth Road should be sealed from the Village of Main Arm to the northern extremity of the development.

We as a family strongly object to this development which will affect the amenity of the existing rural community.

Yours sincerely





BYRON SHIRE COUNCIL
DOC NO:
RECD: 16 JUL 2020
FILE NO: A81301
ASSIGNEE: L. M... ..

14 July 2020

The General Manager
Byron Shire Council
MULLUMBIMBY NSW 2482

Dear Sir

**Objection to development Application DA 10.2020.242.1
84 Blindmouth Road, Main Arm 2482
(Lot 52 DP 1035034)**

I am the daughter of the owner of [REDACTED] Blindmouth Road, Main Arm, [REDACTED]. This letter is to support my mother's letter of objection to the proposed development which is located opposite my mother's property on Blindmouth Road.

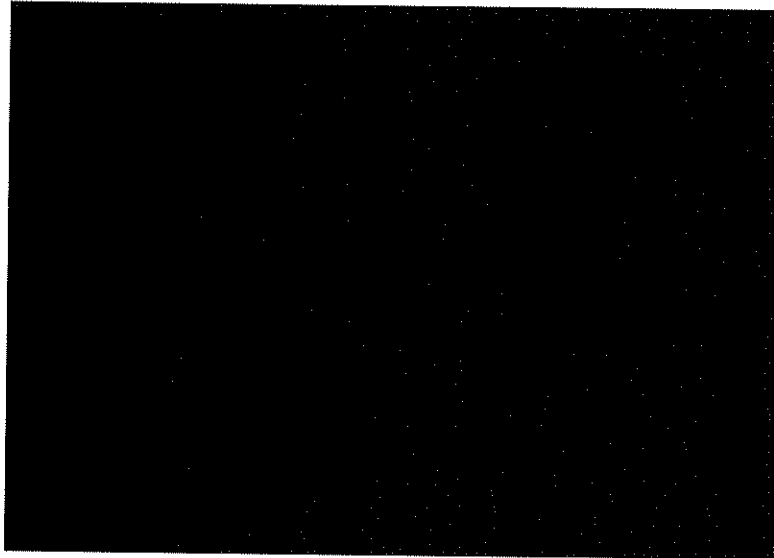
There are too many houses proposed in this development. It will destroy the rural feel of the area and I do not want to see this sort of development happening here.

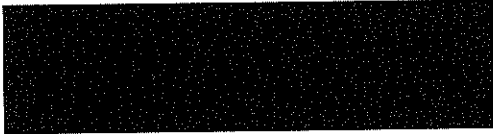
The road is in poor condition being an unsealed road and will need to be upgraded to cater for the amount of traffic which will be generated if this development is approved.

Access is across a single lane causeway near Main Arm Village which is flooded over in heavy rain events preventing access to Blindmouth Road. The causeway should be upgraded to provide flood free access and the Blindmouth Road should be sealed from the Village to the northern end of the development.

We as a family strongly object to this development which will affect the amenity of the existing rural community.

Yours sincerely





BYRON SHIRE COUNCIL
DOC NO:
REC'D - 8 JUL 2020
FILE NO: A81301
ASSIGNED: L. Munro

RECEIVED BY FRONT OFFICE
6 JUL 2020
BYRON SHIRE COUNCIL

4 July 2020

The General Manager
Byron Shire Council
MULLUMBIMBY NSW 2482

Dear Sir

DA 10.2020.242.1
84 Blindmouth Road, Main Arm NSW 2482
(Lot 52 DP 1035034)

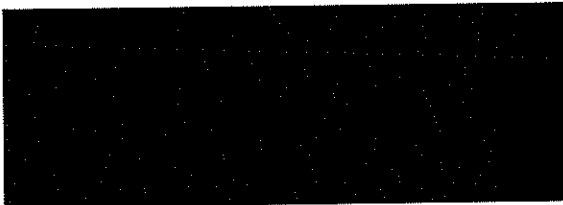
My family and I have lived in the Blindmouth valley along Blindmouth Road since 1947 when my husband came to Australia from Italy and at 93 Blindmouth Road since I arrived in 1957 from Italy also, married my husband in Sydney and then came to live here in the valley.

The proximity of the number of houses in the whole development will destroy the rural amenity of the area which has long been a feature of the community of Main Arm.


The increase in traffic along Blindmouth Road generated by the above development will further deteriorate the condition of the road which is at present an unsealed gravel road with no curb and guttering. Access at present is across a causeway near Main Arm Village which is inundated during major storm events preventing access to Blindmouth Road. That causeway should be upgraded to provide flood free access and the Blindmouth Road should be sealed from the Village of Main Arm to the northern extremity of the development.

We as a family strongly object to this development which will affect the amenity of the existing rural community.

Yours sincerely



7th July, 2020.



PN: 238215
BYRON SHIRE COUNCIL
DOC NO:
RECD: - 8 JUL 2020
FILE NO: AB1301
ASSIGNEE: L. Munro

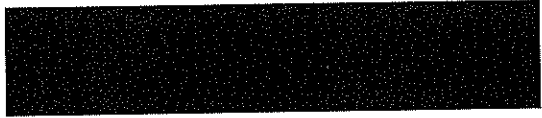
RE: 84 BLINDMOUTH RD, MAIN ARM,
SUBMISSION:
LOT 52 - DP 1035034.
DA - 10. 2020. 242 - 1.

Please DO NOT build the MO here at Main Arm. We are totally against it! We moved up here to be in a rural setting with fields, cows, nature and quietness. There should not be a development here. Too many cars, too much noise. The land slopes too much also, and don't forget the floods each year along Blindmouth Road.

Please DONT ALLOW this madness.
KEEP MAIN ARM BEAUTIFUL.

IT'S UP TO ALL OF US.

Yours Sincerely - 



BYR	COUNCIL
DOC	
RECD	8 JUL 2020
FILE NO	A81301
ASSIGN	L. MANCE...

RECEIVED BY FRONT OFFICE
8 JUL 2020
BYRON SHIRE

8 July 2020

The General Manager
Byron Shire Council
MULLUMBIMBY NSW 2482

Dear Sir

**Objection to development Application DA 10.2020.242.1
84 Blindmouth Road, Main Arm NSW 2482
(Lot 52 DP 1035034).**

I am the daughter of the owner of [REDACTED] Blindmouth Road, Main Arm, [REDACTED]. This letter is to support my mother's letter of objection to the proposed development which is located opposite my mother's property on Blindmouth Road.

The proximity of the number of houses in the whole development will destroy the rural amenity of the area which has long being a feature of the community of Main Arm.

The increase in traffic along Blindmouth Road generated by the above development will further deteriorate the condition of the road which is at present an unsealed gravel road with no curb and guttering.

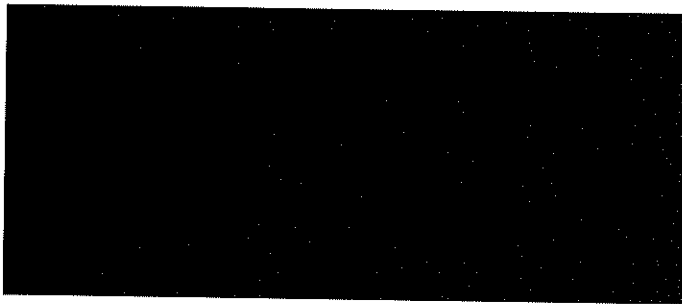
This development is not located in an area with reliable and safe road access, as is required by the 2017 Byron Rural Land Use Strategy (BRLUS) at page 33.

Blindmouth Road is accessed via a one-way causeway just north of the village. This floods many times per year, cutting off access for all residents on Blindmouth Road. There is a dangerous descent and a blind corner approaching the causeway from the south.

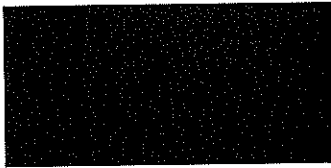
If this DA is approved there should be a condition of consent that the developer pays to upgrade the causeway to two lane and to remain open during minor flooding and the Blindmouth Road should be sealed from the Village of Main Arm to the northern extremity of the development.

We as a family strongly object to this development which will affect the amenity of the existing rural community.

Yours sincerely



15th July 2020



PN 238215
BYRON SHIRE COUNCIL
DOC NO:
RECD: 15 JUL 2020
FILE NO: A91301
ASSIGNEE: L. Munro

RECEIVED BY FRONT OFFICE
15 JUL 2020
BYRON SHIRE COUNCIL

General Manager
Byron Shire Council
PO Box 219
Mullumbimby 2482

Re: Submission objecting to DA 10.2020.242.1 84 Blindmouth Road, Main Arm
Lot 52 DP 1035035

Dear General Manager,

I object to this DA for the many reasons listed below. Overall, I believe the property is not suitable for the Multiple Occupancy subdivision of 12 dwellings that is being proposed. The proposal fails many key criteria laid out in the various planning documents to assure that these types of developments will be successful and not negatively impact the environment. It seems that developer and specialist consultants have purposely hidden or omitted key problems with the land which would lead one to agree that the DA should be knocked back or at the very least have far fewer houses than is being proposed. Some of the specialist reports are very misleading and appear to have incorrect information.

This development is not located in an area with reliable and safe road access, as is required by the 2017 Byron Rural Land Use Strategy (BRLUS) on page 33.

This is important especially for evacuation. Blindmouth Road is accessed via a one-way causeway just north of the village. This floods 3-4 times per year, cutting off access for all residents on Blindmouth Road for 1-3 days. It makes no sense to purposely locate so many more people in an area that is often isolated during flooding events and attempting to cross the causeway through the water can be very dangerous. There is also a dangerous descent and a blind corner approaching the causeway from the south.

This DA does not meet the requirements of an acceptable standard of road infrastructure at no cost to the wider community (also BRLUS page 33).

Blindmouth Road is a narrow dirt road subject to frequent flooding. In heavy rains the road gets washed out forming deep damaging potholes and ruts along the entire road. The DA admits that based on current road movement of 140 cars a day, the road does not meet *The Northern Rivers Design and Development Manual* standard of a 6m sealed pavement even for current traffic. Currently the road is unsealed and 3.5m to 4m wide. The DA estimates an additional 89 trips a day from the 12 dwellings. If this development does get approved, as a condition of consent, the developer should widen the road to 6m and seal the 750 metres up to the entrance of

the development and upgrade the causeway to two-lane and raise it about a metre to withstand most flooding events.

This property cannot really fit the 12 dwellings proposed.

The DA proposes 12 dwellings on the northern 32ha of lot 52 with the total lot size being 38ha. The remaining southern 6ha near Main Arm Store is completely separate and non contiguous from the northern section and is mostly flood prone and probably not developable. The requirement of Multiple Occupancy development from the Byron Rural Settlement Strategy is 3ha of land per dwelling. The developer has used the entire 38ha of land to justify the 12 dwellings. So only 10 dwellings should be allowed on this 32ha northern section that is actually being developed. It also appears that the cleared, non-constrained land area for the 10 houses in Clusters A, B, C is more likely only about 7-8ha in size and the minimum size per house in the BRSS is 1ha of developable unconstrained land. Again they are using other developable parts of the property to justify squeezing in 10 houses into too small of an area.

This DA fails various clustering criteria of the Shire's Development Control Plan 2014, for 8 out of the 12 proposed house sites.

The DCP states: "Dwelling houses must be clustered in three (3) or more houses. The distances apart must average 80 metres between any two dwelling houses in a cluster but not exceeding 160 metres between any two dwelling houses in a cluster." Cluster D on Blindmouth Rd is only two houses where it should have three. And the two are about 150m apart (should be 80m). They are completely separated from the remaining 10 house sites and are not in the spirit of a true MO. Both houses in Cluster D should be refused for failing the DCP criteria. The 6 house sites of clusters B and C average about 50m apart - way to close and thus failing the averaging 80m criteria. Only 3-4 houses should be allowed in these two clusters. The layout is denser than can fit on the property according to the DCP, and if approved, far fewer houses should be allowed.

The risk of a dangerous bushfire is too great for the proposed development with 7 of the proposed sites on steep slopes adjacent to areas of extreme fire risk.

The property is classified as bushfire prone land. The 10 sites in clusters A, B, and C are in a bowl completely surrounded by a dense, highly flammable camphor laurel and eucalyptus forest. According to the 2017 Byron Rural Land Use Strategy Site Suitability Criteria, Page 13 "all land having Category 1 bushfire vegetation on slopes greater than 20% represent 'extreme' fire risk and are constrained land." The Constraint Assessment map in the DA shows both the forested and some of the cleared land immediately east of the 6 sites in the B and C cluster and to the north of A4 as steeper than 25%. It is estimated that the actual house sites are on 15% to 20+% slopes. Photos of the land in clusters B and C in the Contamination Remediation Action Plan, pages 33 & 34, confirm that the slope where the proposed houses are similar to the adjacent forest and therefore too steep. The DA admits "The principal fire risk here is from trees high above and on the slopes to the east of the development." The risk is too great: a major bushfire could roar down these slopes and be catastrophic for the development making the proposed Asset Protection Zones

and other bushfire mitigation plans useless. It makes little sense to purposely locate around 50 new residents in an area which such a high bushfire risk.

All twelve proposed lots have constraints that would make it difficult to provide for effective and safe wastewater systems.

The DCP considers steeply sloping land > 15% as constrained land with Council's Design Guidelines for On-Site systems stating: 'Slopes greater than 15% are regarded as severely limiting the installation and operation of land application systems.' The 6 house sites in the B and C clusters are on slopes estimated at between 15 and 20+% even though the specialist report says they are only 5-10%, which is hard to believe when looking at the constraints and contour maps and photos mentioned above. This would put their on-site wastewater systems outside Council's Guidelines. The DCP also classifies land as constrained land if it is "...within 100 metres to a permanent surface water, 250 metres to groundwater wells or 40 metres to intermittent watercourse, dams, dry gullies and drainage channels." Sites D1 and D2 are only about 40m from a permanent creek - a 100m buffer is required. Sites A1, A2 and A3 are also within 100 metres from a permanent creek. Sites A4 and B1 are within 40m of an intermittent mapped waterway. The specialist report fails to disclose much of this and Council needs to confirm both the actual slope and distance from waterways of each sites' OSMS with site visits. It would be terrible if Council approved the DA as is and later residents submitting their individual DA's would fail Council's guidelines for their OSMS because of these constraints.

The DA does not provide a detailed Rural Landsharing Management Plan, which is a requirement for a Multiple Occupancy application.

Page 18-19 of Council's Development Control Plan 2014 (DCP) outlines specific items required in a Rural Land Sharing Management Plan before Council can evaluate the merits of a DA for Multiple Occupancy. The Plan informs the broader community of the intentions of the intentional community that will occupy and manage the property. There is no detailed Plan with this DA, just a list of what is missing. Other MO's in the Main Arm area had detailed Plans, prepared by members of those communities before they lodged their DA. This seems to be a developer driven DA and there is no indication that people have already been selected yet to purchase shares in the MO, unlike the MO at 963 Main Arm Road. If this DA is approved, I wonder if there will ever be a cohesive group with common goals and a theme living on the property or will the lots just be sold on a purely commercial basis to people with no common goals and aims?

The DA does not meet the location criteria of the Byron Rural Land Use Strategy (BRLUS) adopted in 2017.

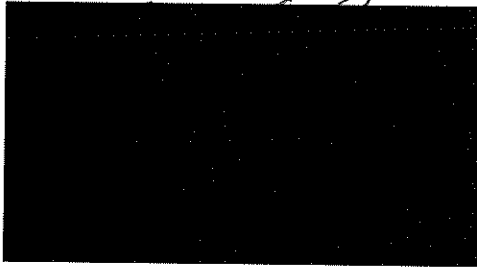
The newly adopted strategy specifically excludes Main Arm from future rural development, which it states: "should be located within 5 km of a major town service centre containing a high school." The rationale for this rule is that rural settlement farther from towns makes no sense for the future in light of climate change from increasing green house gases and other environmental issues. Although this property was mapped as a potential MO in the Byron Rural Settlement Strategy 1998 (BRSS), that was not brought forward into the 2017 BRLUS. Other DA's for CT, MO and

village developments in Main Arm were lodged and approved prior to 2017. I contend that it is too late to lodge this DA or any other DA from properties identified in the 22 year old original BRSS as potentially appropriate for a MO or CT development.

The proposal is too dense and adds to the ruin of the rural quality of the area.

The stated objectives in the BRSS for Scenic Amenity and Rural Landscape are: "The basic premise of rural settlement is that the 'rural character' of an area should be retained or, conversely, any human elements introduced (e.g. dwelling houses; tourist facilities) should not dominate the scene." And an objective of the LEP 2014 is "to protect the significant scenic landscapes and to minimise impacts on the scenic quality of the location." With developments already approved plus 12 more in this DA, there will be a potential 78 new houses in the area, and the population of the Blindmouth area will almost double. No one can argue that more development, especially the two dwellings planned for the road, will not ruin the rural character and scenic quality of the area.

For all these reasons I believe this DA should be refused or at the very least the number of dwellings be reduced from 12 to 6 to conform to the criteria set out in the Byron DCP and BRLUS for new Multiple Occupancy developments. If Council does approve the DA in whatever form the developer needs to pay for upgrading the road and causeway to the standards required for the traffic on the road.



From: [REDACTED]
To: submissions
Subject: DA 10.2020.242.1
Date: Wednesday, 8 July 2020 8:10:46 AM

To the General Manager Byron Shire Council,

I would like to state strongly my objection of the proposed 12 new dwellings multiple occupancy at 84 Blindmouth Road.

There are various reasons, including safety & infrastructure not to mention ruining our rural landscape.

The development is in an area with an extremely substandard road and access.

This road is often subject to heavy rain & flooding which causes deep damaging potholes that the council obviously can't afford to fix either quickly or efficiently.

The road also is accessed via a oneway causeway that is cut off in flooding, which is very dangerous.

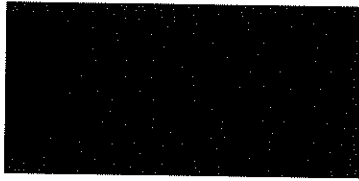
I believe that the DA does not meet the criteria of the Byron Rural Land Use Strategy adopted in 2017.

The strategy specifically EXCLUDES Main Arm from rural development.

The proposed development is too dense and will ruin the rural quality of our area.

[REDACTED]
Sent from my iPad

15th July 2020



General Manager
Byron Shire Council
PO Box 219
Mullumbimby 2482

Re: Submission objecting to DA 10.2020.242.1 84 Blindmouth Road, Main Arm
Lot 52 DP 1035035

Dear General Manager,

I object to this DA for the many reasons listed below. Overall, I believe the property is not suitable for the Multiple Occupancy subdivision of 12 dwellings that is being proposed. The proposal fails many key criteria laid out in the various planning documents to assure that these types of developments will be successful and not negatively impact the environment. It seems that developer and specialist consultants have purposely hidden or omitted key problems with the land which would lead one to agree that the DA should be knocked back or at the very least have far fewer houses than is being proposed. Some of the specialist reports are very misleading and appear to have incorrect information.

This development is not located in an area with reliable and safe road access, as is required by the 2017 Byron Rural Land Use Strategy (BRLUS) on page 33.

This is important especially for evacuation. Blindmouth Road is accessed via a one-way causeway just north of the village. This floods 3-4 times per year, cutting off access for all residents on Blindmouth Road for 1-3 days. It makes no sense to purposely locate so many more people in an area that is often isolated during flooding events and attempting to cross the causeway through the water can be very dangerous. There is also a dangerous descent and a blind corner approaching the causeway from the south.

This DA does not meet the requirements of an acceptable standard of road infrastructure at no cost to the wider community (also BRLUS page 33).

Blindmouth Road is a narrow dirt road subject to frequent flooding. In heavy rains the road gets washed out forming deep damaging potholes and ruts along the entire road. The DA admits that based on current road movement of 140 cars a day, the road does not meet *The Northern Rivers Design and Development Manual* standard of a 6m sealed pavement even for current traffic. Currently the road is unsealed and 3.5m to 4m wide. The DA estimates an additional 89 trips a day from the 12 dwellings. If this development does get approved, as a condition of consent, the developer should widen the road to 6m and seal the 750 metres up to the entrance of

the development and upgrade the causeway to two-lane and raise it about a metre to withstand most flooding events.

This property cannot really fit the 12 dwellings proposed.

The DA proposes 12 dwellings on the northern 32ha of lot 52 with the total lot size being 38ha. The remaining southern 6ha near Main Arm Store is completely separate and non contiguous from the northern section and is mostly flood prone and probably not developable. The requirement of Multiple Occupancy development from the Byron Rural Settlement Strategy is 3ha of land per dwelling. The developer has used the entire 38ha of land to justify the 12 dwellings. So only 10 dwellings should be allowed on this 32ha northern section that is actually being developed. It also appears that the cleared, non-constrained land area for the 10 houses in Clusters A, B, C is more likely only about 7-8ha in size and the minimum size per house in the BRSS is 1ha of developable unconstrained land. Again they are using other developable parts of the property to justify squeezing in 10 houses into too small of an area.

This DA fails various clustering criteria of the Shire's Development Control Plan 2014, for 8 out of the 12 proposed house sites.

The DCP states: "Dwelling houses must be clustered in three (3) or more houses. The distances apart must average 80 metres between any two dwelling houses in a cluster but not exceeding 160 metres between any two dwelling houses in a cluster." Cluster D on Blindmouth Rd is only two houses where it should have three. And the two are about 150m apart (should be 80m). They are completely separated from the remaining 10 house sites and are not in the spirit of a true MO. Both houses in Cluster D should be refused for failing the DCP criteria. The 6 house sites of clusters B and C average about 50m apart - way too close and thus failing the averaging 80m criteria. Only 3-4 houses should be allowed in these two clusters. The layout is denser than can fit on the property according to the DCP, and if approved, far fewer houses should be allowed.

The risk of a dangerous bushfire is too great for the proposed development with 7 of the proposed sites on steep slopes adjacent to areas of extreme fire risk.

The property is classified as bushfire prone land. The 10 sites in clusters A, B, and C are in a bowl completely surrounded by a dense, highly flammable camphor laurel and eucalyptus forest. According to the 2017 Byron Rural Land Use Strategy Site Suitability Criteria, Page 13 "all land having Category 1 bushfire vegetation on slopes greater than 20% represent 'extreme' fire risk and are constrained land." The Constraint Assessment map in the DA shows both the forested and some of the cleared land immediately east of the 6 sites in the B and C cluster and to the north of A4 as steeper than 25%. It is estimated that the actual house sites are on 15% to 20+% slopes. Photos of the land in clusters B and C in the Contamination Remediation Action Plan, pages 33 & 34, confirm that the slope where the proposed houses are similar to the adjacent forest and therefore too steep. The DA admits "The principal fire risk here is from trees high above and on the slopes to the east of the development." The risk is too great: a major bushfire could roar down these slopes and be catastrophic for the development making the proposed Asset Protection Zones

and other bushfire mitigation plans useless. It makes little sense to purposely locate around 50 new residents in an area which such a high bushfire risk.

All twelve proposed lots have constraints that would make it difficult to provide for effective and safe wastewater systems.

The DCP considers steeply sloping land > 15% as constrained land with Council's Design Guidelines for On-Site systems stating: 'Slopes greater than 15% are regarded as severely limiting the installation and operation of land application systems.' The 6 house sites in the B and C clusters are on slopes estimated at between 15 and 20+% even though the specialist report says they are only 5-10%, which is hard to believe when looking at the constraints and contour maps and photos mentioned above. This would put their on-site wastewater systems outside Council's Guidelines. The DCP also classifies land as constrained land if it is "...within 100 metres to a permanent surface water, 250 metres to groundwater wells or 40 metres to intermittent watercourse, dams, dry gullies and drainage channels." Sites D1 and D2 are only about 40m from a permanent creek - a 100m buffer is required. Sites A1, A2 and A3 are also within 100 metres from a permanent creek. Sites A4 and B1 are within 40m of an intermittent mapped waterway. The specialist report fails to disclose much of this and Council needs to confirm both the actual slope and distance from waterways of each sites' OSMS with site visits. It would be terrible if Council approved the DA as is and later residents submitting their individual DA's would fail Council's guidelines for their OSMS because of these constraints.

The DA does not provide a detailed Rural Landsharing Management Plan, which is a requirement for a Multiple Occupancy application.

Page 18-19 of Council's Development Control Plan 2014 (DCP) outlines specific items required in a Rural Land Sharing Management Plan before Council can evaluate the merits of a DA for Multiple Occupancy. The Plan informs the broader community of the intentions of the intentional community that will occupy and manage the property. There is no detailed Plan with this DA, just a list of what is missing. Other MO's in the Main Arm area had detailed Plans, prepared by members of those communities before they lodged their DA. This seems to be a developer driven DA and there is no indication that people have already been selected yet to purchase shares in the MO, unlike the MO at 963 Main Arm Road. If this DA is approved, I wonder if there will ever be a cohesive group with common goals and a theme living on the property or will the lots just be sold on a purely commercial basis to people with no common goals and aims?

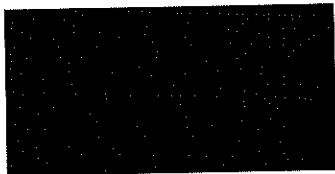
The DA does not meet the location criteria of the Byron Rural Land Use Strategy (BRLUS) adopted in 2017.

The newly adopted strategy specifically excludes Main Arm from future rural development, which it states: "should be located within 5 km of a major town service centre containing a high school." The rationale for this rule is that rural settlement farther from towns makes no sense for the future in light of climate change from increasing green house gases and other environmental issues. Although this property was mapped as a potential MO in the Byron Rural Settlement Strategy 1998 (BRSS), that was not brought forward into the 2017 BRLUS. Other DA's for CT, MO and

village developments in Main Arm were lodged and approved prior to 2017. I contend that it is too late to lodge this DA or any other DA from properties identified in the 22 year old original BRSS as potentially appropriate for a MO or CT development.

The proposal is too dense and adds to the ruin of the rural quality of the area.
The stated objectives in the BRSS for Scenic Amenity and Rural Landscape are: “The basic premise of rural settlement is that the 'rural character' of an area should be retained or, conversely, any human elements introduced (e.g. dwelling houses; tourist facilities) should not dominate the scene.” And an objective of the LEP 2014 is “to protect the significant scenic landscapes and to minimise impacts on the scenic quality of the location.” With developments already approved plus 12 more in this DA, there will be a potential 78 new houses in the area, and the population of the Blindmouth area will almost double. No one can argue that more development, especially the two dwellings planned for the road, will not ruin the rural character and scenic quality of the area.

For all these reasons I believe this DA should be refused or at the very least the number of dwellings be reduced from 12 to 6 to conform to the criteria set out in the Byron DCP and BRLUS for new Multiple Occupancy developments. If Council does approve the DA in whatever form the developer needs to pay for upgrading the road and causeway to the standards required for the traffic on the road.



From: [REDACTED]
To: council
Subject: Objection to development Application DA 10.2020.242.1
Date: Tuesday, 7 July 2020 8:42:50 AM

I'm writing to object this DA.

Being the [REDACTED] we are not wanting 12 dwellings with who knows how many people per dwelling surrounding us. We, like most people move to the country to have very few neighbours. Please don't build the countryside up into suburbia.

With only one road in and out, there is no leaving when that causeway is flooded. Which in February this year, we were stranded for 3 days. Blindmouth creek floods through that property and ours. So even walking out isn't an option.

The dirt road is already a hazard. We have noticed in the last 12 months the already increased traffic and they aren't driving to conditions. Inside our home we constantly have a layer of dust, adding even more traffic would increase that. We have many people come use our semi quiet road to walk, take kids for bike rides- it definitely won't be safe to do this anymore.

Please consider all this and anyone else who objects.

Thanks

Sent from my iPhone

