

Environmental Referral and Assessment Sheet

#A2021/12461

DA No.	10.2021.170.1
Proposal:	Mixed Use Development comprising Twenty Seven (27) New Eco Tourist Facility Cabins, Seven (7) Ancillary Buildings including Wellness Facility, Refuges, Depot, Addition of Deck to Existing Centre and Associated Earthworks and Vegetation Removal, and Change of Use of Fourteen(14) Private Education Accommodation Units to Eco Tourist Facility Units
Property description:	PT: 1 DP: 1031848 951 Broken Head Road BROKEN HEAD
Parcel No/s:	238081
Applicant:	Planners North Pty Ltd
Owner:	BHCF Pty Ltd
Zoning:	Zone No. E2 Environmental Conservation / PART E3 Environmental Management / PART RU2 Rural Landscape / PART SP1 Special Activities / PART DM Deferred Matter
Planning Officer:	Mr I C Holland
Referral Date:	14 April 2021
OSMS	Is the Section 68 (Onsite) concurrent with the DA: No (Delete OSMS assessment from the end of the document
Environmental Health Officer	E Holt

DSO – Copy and paste or tick EHO referral requirements from DA review sheet.

Initial Assessment		
<input type="checkbox"/> Additional Information required	<input type="checkbox"/> No additional information required	
<i>Comment:</i>		
Doc Number: Click here to enter text.	Officer: T Fitzroy	Date Click here to enter a date.
Full Assessment		
<input type="checkbox"/> Additional Information required	<input type="checkbox"/> No additional information required	
<i>Comment:</i>		
<input checked="" type="checkbox"/> Comments included in report		
Officer E Holt	Date 1/04/2022	

PES ADMIN to Action:

- Update Tracking as completed “COMP” if all completed and signed
- Update Contaminated Lands “56 Register” Admin Initial
- Stamp COMPLETED and return to [document officer]
- If RFI – outcome in Tracking to be RFI and hold in Referral Tray

ASSESSMENT

	Satisfactory	Unsatisfactory	Not applicable
Acid Sulfate Soils (CI 6.1 BLEP 2014)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment:

09/03/2022: Councils GIS indicates that portions of the subject property are classified as Class 2 (red), Class 3 (yellow) and Class 4 (green) Acid Sulfate Soils Zoning, refer to aerial below:



Disturbance of acid sulfate soil is not likely to occur as a result of works for the proposed development. No further investigation or action is necessary.

Contaminated Land (SEPP 55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: A Stage 1 Contamination Assessment was prepared by Env Solutions (September 2019) for the Eco-Tourism proposed development.
On the

Satisfactory	Unsatisfactory	Not applicable
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The assessment included the following components:

- A review of the site conditions and surrounding environment, including inspection of the development site;
- Preparation of a summary of the site history;
- Identification of past and present potentially contaminating activities and potential contaminant types;
- A preliminary assessment of potential site contamination based on the desktop studies;
- Collection of soil samples from across the proposed development area;
- Assessment of the soil analytical results against relevant screening and investigation levels; and,
- Assessment of the environmental (chemical) suitability of the development area for the future proposed “mixed use” land use.

On the basis of desktop studies and site inspection by Env Solutions the Chemicals of potential contaminants include the potential use of insecticides, pesticides and fertilisers. COPC associated with these activities include OCPs and metals, which may persist in the environmental for a long period of time. Soil sampling was concentrated across an area of 1.1 ha within the proposed development area. A total of 28 samples were collected on a grid basis from within this envelope.

A review of the results indicates compliance with the HIL and EIL’s for residential use with access to gardens.

The applicant is to provide an electronic copy of the Preliminary Site Contamination Assessment that includes assessment of land associated with the proposed Depot, shed/barn and proposed structures A9-A22 and C1.

09/03/22: Councils EHO requested an assessment of all areas proposed for the development for contamination, (including but not limited to), the proposed Depot Building (CB.07), the Shed/Barn (CB.05) and the area for the proposed cabins/treehouses C1 and A9-A22, (E2021/141949, 16/08/2021).

The Applicant (Planners North) in reply to Council RFI submit that the depot building (CB.07) is no longer proposed, and that areas of C1 and A9-A22 are also no longer proposed.

To date no investigation has been conducted in the building envelope of proposed Shed/Barn (CB.05). Planners North conclude that 3 previous contamination assessments completed for Linnaeus in (1986, 2013, 2019) are sufficient to demonstrate that no further contaminated land assessment is required, (E2022/130759, October 2021).

Notwithstanding, the applicant’s position, from an environmental planning perspective, and to comply with provisions of the EP&A Act, it is considered that SEPP55 requirements have not been satisfied. Therefore, the application should be REFUSED.

On-Site Sewage Management (CI 6.6 BLEP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Satisfactory	Unsatisfactory	Not applicable
<p>2014</p> <p>Comment: A Water Supply & Wastewater Assessment for the proposed development was prepared by GeoLINK (28 January 2021). The predicted daily sewage generation of the total development has been calculated is 22,602L/day. (This figure needs to be checked)</p> <p>The existing sewage treatment plant (STP) has a true capacity to treat, to a tertiary level, 15KL of sewage per day (Aerofloat, 2018). As such the STP requires an upgrade to accommodate the 22,602L/day expected sewage generation from the proposed development.</p> <p>Aerofloat have prepared a detailed design to upgrade the STP incorporating improved treatment technologies. The proposed upgrade will add to the existing STP infrastructure to provide an increased volumetric capacity from 6KL/day (15KL/day true capacity) to 30KL/day with the final effluent quality being retained. The proposed additional components include:</p> <ul style="list-style-type: none"> • Relocated screen to remove solids from the raw sewage pumped from the dwellings; discharges via gravity to the new MBBR • A new 3KL capacity Moving Bed Biofilm Reactor (MBBR) which includes removable air lances, hydrostatic level transmitter, DO sensor, bio media and screened overflow • The proposed Intermittent Aeration Tank (IAT) utilises the existing concrete tank and is fitted with an aerator, decant system and an ultrasonic level sensor • All required pipework, sensors and controls <p>As the property does not have access to a reticulated municipal sewage treatment system an on-site disposal system has been designed, partially constructed, and used. The existing portion of the irrigation area has been used since 2002 within ongoing management and maintenance provided by ThinkWater.</p> <p>The system utilises land application with a subsurface irrigation system. There are two irrigation blocks located on forested valley slopes totalling 3.446 hectares; Stage 1 has been installed and totals 1.458 ha, and <u>Stage 2 is yet to be installed with an area of 2.008ha</u></p> <p>AWC (2017) previously undertook an assessment to determine the land capability of the proposed total irrigation area in terms of land application of treated effluent. The assessment showed that the 3.446 hectares of irrigation area has a capability of accepting a loading of 51,750L/day with an application rate of ~1.5mm/day dependant on various management and weather factors.</p> <p>Existing Approvals</p> <p>Byron Shire Council issued a Section 68 Approval to Install On-Site Sewage Management Systems No.98/0146#220575 and Renewal of Approval to Operate an On-site A Sewage Management System (dated 17 February 2014 (Approval No. 70.2006.1039.1). A separate Section 68 Approval to upgrade the System was approved (dated 8 January 2007 (Approval No. 70.2006.1039.1).</p> <p>The existing wastewater disposal irrigation field has been designed by Rothwells Pump and Irrigation (now ThinkWater Alstonville) and approved by BSC. The irrigation area comprises two opposing internal slopes of a minor valley, located upslope of the existing sewage treatment plant.</p> <p>The surface area of the existing disposal field totals 3.446 hectares (34,460m²) comprising a block of 1.458 hectares and another block of 2.008 hectares.</p> <p>Site Inspection</p> <p>On 16.06.2021 a site inspection was conducted with the owner's representative and business manager as well as Council staff, Ivan, Gene and Renan Council's Engineer</p> <p>Key outcomes:</p> <ol style="list-style-type: none"> 1. Advised by Owners representative that a separate approval via court in 2006 relates to Simmons & Bristow report which amongst other things provided for a subsurface irrigation design which 			

covered the low lying land to the south of the STP.

2. The existing surface irrigation area (reassessed by AWC 2007) includes an area on opposing slopes to the north west and north east of the STP. Only 1 area is currently in use. The other area to the north west has not been constructed. Both areas are covered with extensive vegetation. If the north eastern area is to be utilised all vegetation will be removed including a significant amount of potentially threatened vegetation. As an alternative it would be much better if the low-lying land to the south is used for SSI and the north eastern area spared from destruction.
3. A proposed shed/barn includes 4 toilets in a separate structure that is to be serviced by compost toilet (This is not included in Water Supply and Wastewater Assessment report by GeoLINK 2021)
4. The area for the proposed depot is within an old quarry site. The site is very hard with little topsoil. The installation of an ETA bed in this location will be problematic. There has been no assessment of the subject site with respect to the installation of a separate OSMS servicing the depot. The depot includes reference to maintenance in the plans. There is to be no maintenance of vehicles at the proposed depot shed
5. The applicant needs to submit an accurate and succinct report that clearly describes the existing and proposed OSMS upgrade, the separate OSMS systems and compost system. The OSMS report must bring together all the OSMS aspects, site constraints, ability for the land to assimilate treated effluent into 1 concise document. The report should not rely on simply a reference to the title of past reports, rather all relevant information for consideration is to be included in a revised OSMS report

30/03/2022: Report entitled Technical Memorandum prepared by Jesse Munro (AWC) dated 03/02/2021 has been prepared in reply to Council RFI above. The report clarifies that the predicted wastewater generation for the development is 22.6L/day and is based on estimate prepared by Geolink, (refer to Table 1) below:

Table 1: Predicted wastewater generation (Geolink, 2021)

Wastewater Generation Calculations				Design criteria / assumptions			
Existing wastewater treatment plant capacity	18,100 L/d			Wastewater generation	150 L/d/EP (as per AS1547)		
Existing pump station capacity	3 L/s			Assumed occupancy for ecotourism	1.7 EP per bedroom (for resort room)		
				Resort staff	1.5 EP per bedroom (for 3 bed Type A)		
					49 staff		
					0.13 EP/staff		

Proposed Ecotourism w Educational Facility								
No.	Name	Number of Buildings	Category	Calculation Unit	EP per Calculation Unit	Calculation Units per Building	EP	Avg. Daily Wastewater Generation (L)
2, 34	Hill House	2	Residence	Bedroom	1.5	3	9.0	1,350
12-16 & 18	Accommodation Type A - education	6	Accommodation 3 beds	Bedroom	1.5	3	27.0	4,050
3-11 & 17	Accommodation Type A - resort	10	Accommodation 3 beds	Bedroom	1.5	3	45.0	6,750
24-27	Accommodation Type B - resort	4	Resort room	Bedroom	1.7	1	6.8	1,020
A.1-A.8	Beach Cabin	8	Resort room	Bedroom	1.7	1	13.6	2,040
A.9-A.22	Treehouse Cabin	14	Resort room	Bedroom	1.7	1	23.8	3,570
B.1-B.4	Rainforest retreat	4	Resort room	Bedroom	1.7	1	6.8	1,020
C.1	Treehouse retreat	1	Resort room	Bedroom	1.7	1	1.7	255
	Resort staff						6.4	956
CB.1	Centre (kitchen)	<i>from ET calculations based on Council's Policy - Water and Sewer Equivalent Tenements 2018</i>						614
CB.4	Pool amenities - existing	<i>estimated additional wastewater generation (above 150 L/p/d allowance)</i>						40
CB.4	Pool - food offering	<i>from ET calculations based on Council's Policy - Water and Sewer Equivalent Tenements 2018</i>						378
CB.4	Pool - day spa	<i>estimated additional wastewater generation (above 150 L/p/d allowance)</i>						560
Total							140.1	22,602

Source: Water Supply & Wastewater Assessment (Geolink, 28/01/2021 - #E2021/56141).

The existing STP is subject to a Land & Environment Court Appeal No. 10449B of 1998 Annexure A – Ordered 16 May 2004 which includes detailed consent conditions that relate to the approved Sewage Treatment Plant (STP) which has a total capability to treat 15,000L/day.

Conditions C6 and F12 limit use of the current STP from 6,000L per day to 16,800L per day with maximum loads only permissible following an upgrade to the system. It is understood that the upgrade required by the imposed consent conditions was not completed. For further details refer to Section 2.3 of Land Capability Report – Treated Wastewater Disposal prepared by AWC

dated 02/11/2017 (#E2021/56142).

The proposed volume of wastewater is expected to be equivalent to 148.5 people per day and including the existing development the combined load will be 22.6KL/day. Therefore, a further superior STP upgrade is required to facilitate the expected wastewater and the load generated by the development.

A design plan prepared by AWC (refer Figure A) below shows the apparatus required for the proposed STP upgrade (a written summary is provided refer above).

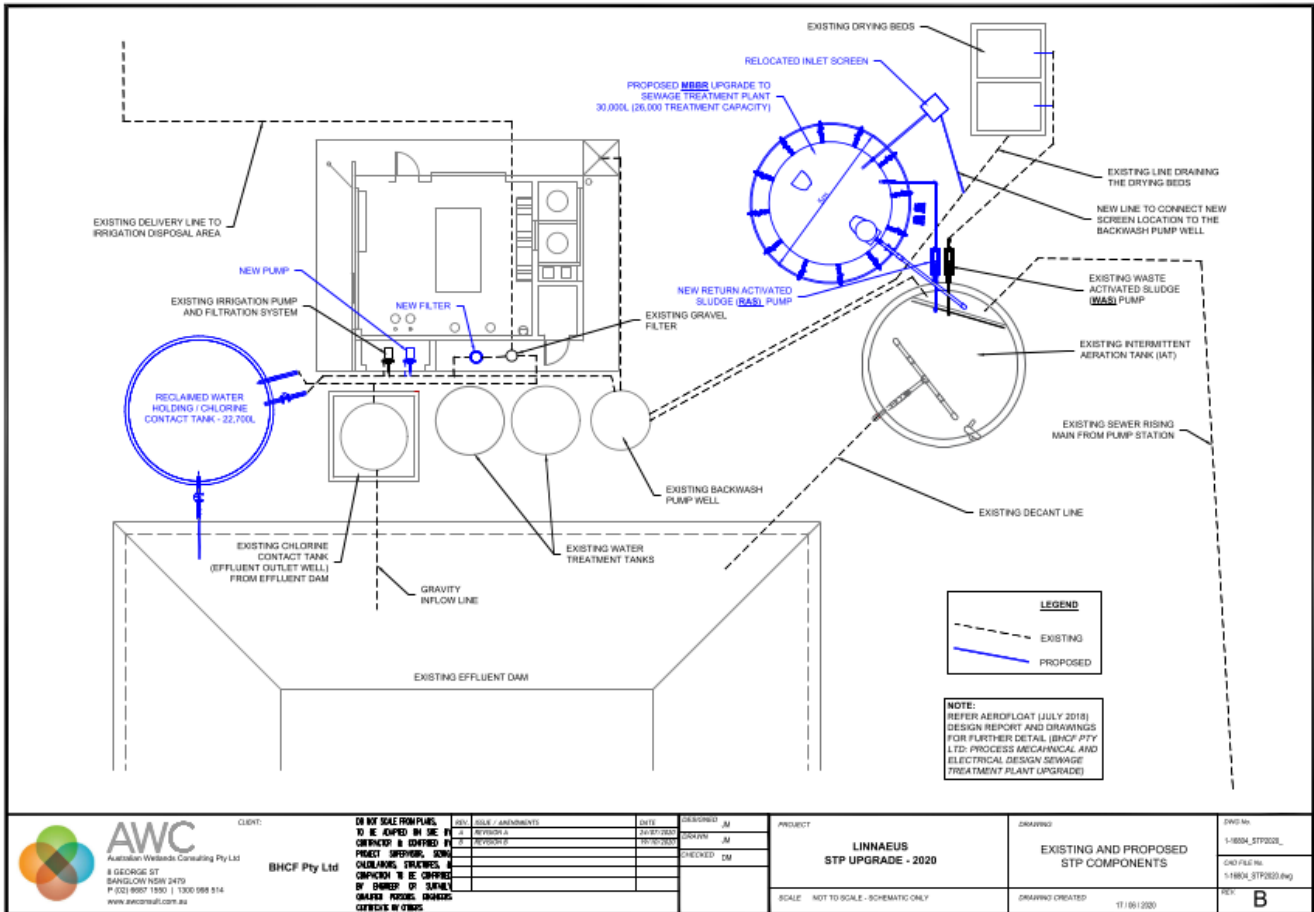


Figure A: Linnaeus STP Upgrade (AWC, 2020).

Report entitled 'Land Capability Report – Treated Wastewater Disposal Ref: 1-16804_04_b prepared by AWC dated 02/11/2021' demonstrates that the 3.446 hectares of subsurface irrigation has the capacity to adequately dispose of 51,750L/day, (refer to Figure B).

Satisfactory

Unsatisfactory

Not applicable

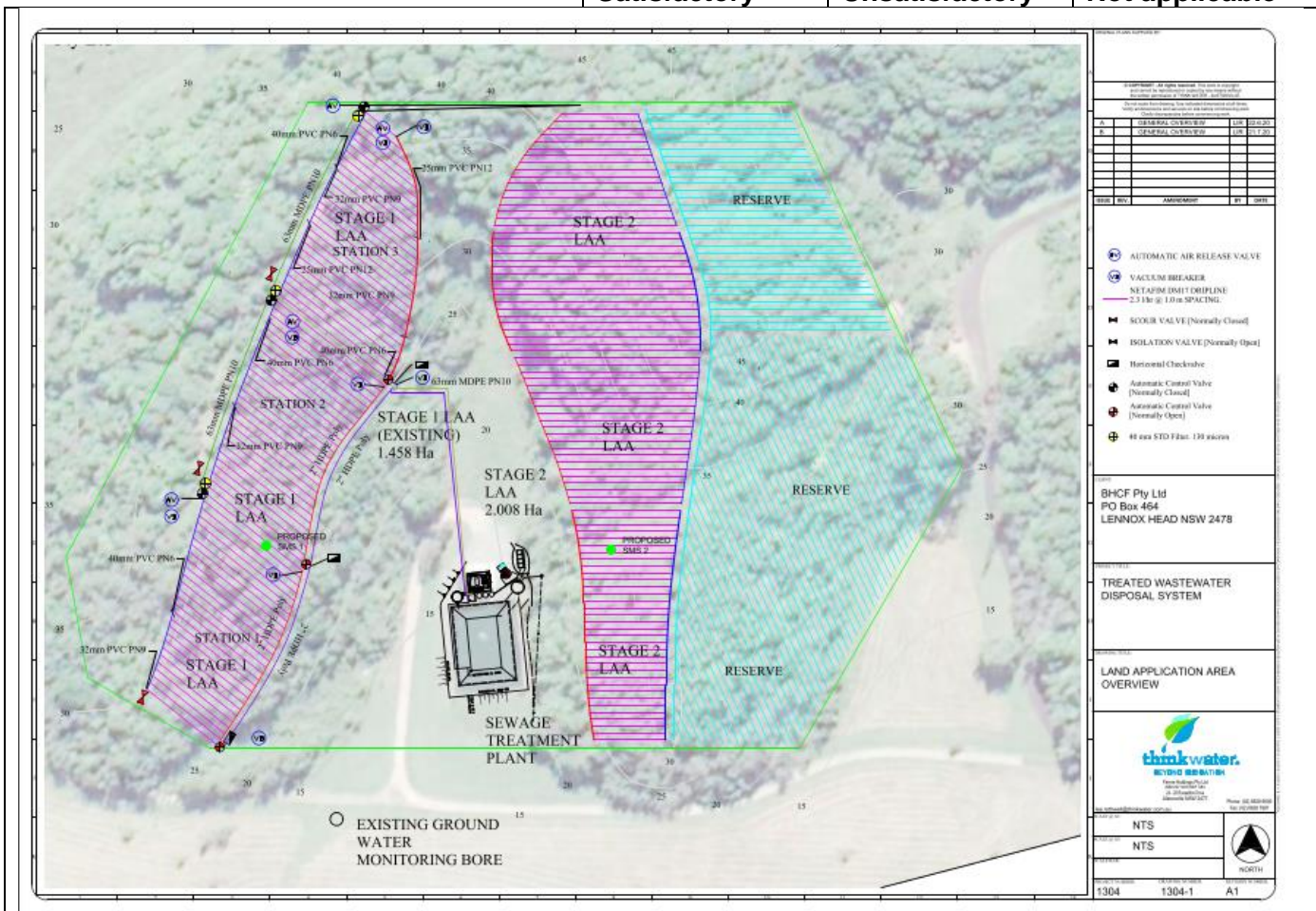


Figure B: Land application area overview (Think Water, 2021)

Therefore, the STP has the ability to manage and dispose of wastewater from the proposed development if the following factors are implemented:

- The STP is upgraded and continues to produce highly treated wastewater as required by Byron Shire Council's Approval to Operate (ATO)
- The irrigation system is partially constructed, and the full irrigation system is constructed
- The wastewater load is 22.6KL/day or less and to a Section 68 assessment process.
- Management of the system including monitoring, reporting and maintenance continues as stipulated in Byron Shire Council's Approval to Operate (ATO)

As indicated above AWC have demonstrated that the STP can manage the combined wastewater load of 22.6KL/day from the proposed (combined) development.

However, the applicant has not clarified whether the wellness centre, sauna, massage (and other health treatments), restaurant, beverage offering (bar), recreation facility indoor, poolside facilities and gym, shed dining area and storage room with amenities, reception area and offices are for the exclusive use of 148.5 patrons and residents registered at the proposed eco-tourist facility and existing education facility, and not for use by the general public at any time.

This information is needed to demonstrate that adequate provision of wastewater services can be provided and assessed against the total number of persons resulting from operation(s) of the proposed development.

It is concluded that from an environmental perspective the proposed development cannot be supported.

	Satisfactory	Unsatisfactory	Not applicable								
Food Premises	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>								
Comment: Standard conditions can be imposed.											
Waste Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
Comment: Waste and Recycling Generation rates in accordance with the Byron Shire DCP 2014 Appendix B8.2 have been provided by Harley Graham Architects dated 6 April 2020. No WMP has been provided for construction waste. Standard conditions can be imposed.											
Land Use Conflicts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
Comment: The development plans show that a number of proposed structures are located in or near waterways:											
<table border="1"> <thead> <tr> <th>Structure ID</th> <th>Potential Impact</th> </tr> </thead> <tbody> <tr> <td>CB.05 (Shed/Barn)</td> <td>Structure including storage outhouse (with WCT) in creek line (300mm from creek invert)</td> </tr> <tr> <td>CB.02 (Evacuation Centre)</td> <td>Structure 12m to creek invert</td> </tr> <tr> <td>CB.06 (Utilities & Storage)</td> <td>Structure 9m to creek invert</td> </tr> </tbody> </table>				Structure ID	Potential Impact	CB.05 (Shed/Barn)	Structure including storage outhouse (with WCT) in creek line (300mm from creek invert)	CB.02 (Evacuation Centre)	Structure 12m to creek invert	CB.06 (Utilities & Storage)	Structure 9m to creek invert
Structure ID	Potential Impact										
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CB.02 (Evacuation Centre)	Structure 12m to creek invert										
CB.06 (Utilities & Storage)	Structure 9m to creek invert										
*Invert is the centerline of the creek											
<p>The proposed building configuration results in direct land use conflict with the natural environment. It also results in an increased risk of pathogen contamination with possible exposure through moderately well drained soils (Morand, 1998) and permanently high watertable currently used to supply potable water (via a groundwater extraction) to the proposed development, refer to 9540bi.pdf (nsw.gov.au). Source: Morand DT, 1996, Soil Landscapes of the Murwillumbah-Tweed Heads 1:100,000 Sheet map and report, NSW Department of Land and Water Conservation, Sydney.</p> <p>From an environmental perspective it is therefore recommended that the application be REFUSED given the impact from the development upon potable water supply has not been adequately considered and/or managed to prevent impacts to an essential service and/or the environment.</p>											
Hazardous and Offensive Development (SEPP33)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>								
Comment: NA											
Noise Impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>								
<p>Comment: A Noise Impact Assessment was prepared by Greg Alderson & Associates Report No: 20207_NIA_1 Job No 2027, January 2021) for the proposed development.</p> <p>Existing facilities at the Linnaeus Property are currently used for Private Education. The client is seeking approval for an Eco Tourism Mixed-Use Development allowing the use of some existing facilities, and construction of new facilities, for Eco Tourism purposes.</p> <p>The proposed development will include the construction of the following new facilities for eco-tourism use:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 8 x Beach Cabins <input type="checkbox"/> 14 x Tree House Cabins <input type="checkbox"/> 1 x Tree House Retreat Cabin <input type="checkbox"/> 4 x Rainforest Retreat Cabins <input type="checkbox"/> Fire Refuge Building <p>Building works ancillary to the Eco Tourism Mixed-Use Development include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Covered timber deck addition to existing community building <input type="checkbox"/> Bins & Storage Building <input type="checkbox"/> Additional pool facilities, including treatment rooms, sauna and private pool lounge. 											

Shed & Barn building

The 27 proposed Eco-tourism cabins would have a capacity for 2 people per cabin.

It is understood that use of community buildings, pool facilities and barn would be ancillary to the proposed

Eco Tourism Mixed-Use Development, being a combination of Private Education and Eco-Tourism.

Patron

usage of these ancillary areas would result in a typical maximum utilisation of 149 patrons plus staff

Potential noise emissions relating to the cabin use will be assessed as follows:

2 x patrons per cabin balcony

1 x air-conditioning condenser unit per cabin

Potential noise emissions related to the use of pool facilities as follows:

Patron usage of existing pool & deck and proposed pool lounge and associated gardens.

Assessed at typical 75% of maximum 149-person capacity producing noise emissions

Potential noise emissions related to the use of barn space as a dining venue:

149 patrons (accounted for by typical internal restaurant noise level)

Background music

Whilst some existing buildings / cabins will be utilised for Eco-tourism purposes they have not been included in this noise assessment as the existing approved use of the cabins is not expected to change with respect to noise emissions as a result of the conversion to Eco-tourism.

As the pool is existing, associated pool plant / pump noise has not been assessed as part of this noise impact assessment. Similarly, the use of the tennis court is assumed to fall under existing approved use of the subject site.

It is noted that the barn space is proposed to be used as an alternative dining option for guests and is not proposed to be utilised as a function space or for live music.

The noise sensitive receivers have been identified as being the residential receivers directly to the north of the

subject property:

492 Seven Mile Beach Road, Lot 1 DP747147 (typ. 140m from development)

512 Seven Mile Beach Road, Lot 1 DP394061 (Typ. 230m from development)

This noise assessment has focused on the potential noise emissions from patron noise and external air-conditioning condenser units associated with Eco-tourism cabin usage, along with noise emissions associated

with patron usage of the proposed pool area and use of the barn as a dining venue.

The following noise limiting criteria has been specified and varies according to noise source:

Patron noise:

o Evening & Night: 35 to 40 dB(A) LAeq,15min

Assessed at external face of neighbouring window

Air-conditioning condenser unit & pool plant:

o Day 45.1 dB(A) LAeq,15min

o Evening 43.0 dB(A) LAeq,15min

o Night 38.0 dB(A) LAeq,15min

Assessed at 30m from the dwelling or at the boundary if it is closer

Various scenarios were modelled using Sound Plan 8 to determine the potential impact of development related noise upon neighbouring receivers.

It was shown that no specific noise management measures were required to comply with the noise trigger levels at the neighbouring receivers. However, it is recommended that staff members ensure appropriate patron behaviour to minimise the potential for loud and intrusive noise emissions from the subject site.

Preliminary recommendations:

It is recommended that staff members encourage patrons to be respectful of noise sensitive neighbours and refrain from the use of loud music or behaviours whilst staying in the cabins.

It is recommended that air-conditioning condenser units associated with the proposed cabins have a sound power level generally in line with that modelled, being an Lw of 64 dB(A).

It is recommended that staff members encourage patrons to facilitate a quiet and relaxing environment within the pool area, lounge and garden, particularly during evening and night-time hours. Staff should endeavour to employ management measures to ensure patron noise emissions in this area are not loud or intrusive.

It is recommended that live music does not occur at the pool area and associated facilities unless further modelling is undertaken.

Conditions with respect to the preparation of a Noise Management Plan and restricted use on live music are to be included as conditions of consent.

09/03/2022: Further to the comments provided above the Noise Impact Assessment Ref: 20207_NIA_1 prepared by Greg Aldersons dated January 2021 (as amended) did not consider all aspects of the proposed development.

In particular, (CB.04 – Wellness + Pool Facilities Dwg Sheet DA07 dated 11/10/2021) which contains a bar (beverages offering) has the potential to result in an impact to the amenity through operational noise. The NIA has not assessed the potential use of this bar, nor in general terms, has it considered the proposed hours of operation for each of the proposed land uses as listed below.

Land Use ID Name	Hours of Operation
Restaurant	Not specified
Beverage Offering (Bar)	Not specified
Wellness Centre	Not specified
Sauna	Not specified
Health Treatments (not detailed)	Not specified
Indoor Recreation Facility	Not specified
Pool & facilities	Not specified
Gym	Not specified
Shed (Dining /Education)	Not specified
Storage & amenities	Not specified
Evacuation Building & Offices	Not specified
New Vocational / Eco-education	Not specified

The applicant has not clarified in writing whether the wellness centre, sauna, massage and other health treatments, restaurant, beverage offering (bar), recreation facility indoor, poolside facilities and gym, shed dining area and storage room with amenities, reception area and offices, are for the exclusive use of 148.5 patrons and residents registered at the proposed eco-tourist facility and existing education facility, and not for use by the general public at any time.

Further to this, ‘vocational’ and ‘other proposed ancillary uses’ described in the SEE have not been substantiated. It is unknown therefore whether the proposed development will result in increased pressure on essential services from greater numbers of patrons/students and staff than have otherwise been quantified.

Such information is required to confirm that noise impacts have been assessed against the total number of persons resulting from operation(s) of the proposed development.

It is recommended from an environmental perspective the application be REFUSED given the impact from the development upon neighbourhood amenity has not been adequately considered and/or mitigated.

	Satisfactory	Unsatisfactory	Not applicable
Other Impacts (Noise, Dust, Odours, Water Quality, EMR, Public Health, Skin Penetration)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comment: <u>The recommendations below for management of potable water are applicable only in the circumstance that, potential risks of impact to potable water supply identified above are removed. For further information refer to land-use conflicts section above.</u></p> <p>Existing Water Supply Raw water is currently abstracted from a raw water dam on the property with a reported capacity of 10 ML. It is understood that secure yield (security of supply) calculations for the existing dam have been undertaken on behalf of the site manager. The water is pumped from the dam to a storage tank at the water treatment plant. The site manager has advised that the water treatment plant has a design capacity of 41 kL/d. From the treatment plant, the potable water is pumped through a 63 mm nominal diameter (51 mm ID) Class 12.5 MDPE rising main approximately 200 m long, with a current pumping capacity of 2 L/s, to six (6) x 45 kL water supply storage tanks. The storage tanks have a combined storage volume of 270 kL and a top water level (TWL) of 50.97 m. From these storage tanks, the water gravitates to the reticulation network. This network has a flow capacity of 10 L/s at a discharge pressure of 250 kPa according to a hydrant flow test undertaken in April 2020.</p> <p>Proposed Development The water demand of the proposed development has been estimated as 29.2 kL/d. This comprises the estimated daily wastewater generation rate of 22.6 kL/d, plus an additional 6.6 kL/d to account for water use that does not get collected in the wastewater collection system (e.g. outdoor taps/ showers, garden irrigation, pool top-up, pool filter backwash, leakage).</p> <p>The estimated water demand is less than the water treatment plant capacity of 41 kL/d, so the plant has sufficient capacity for the proposed development. Secure yield calculations are required to confirm that the existing water supply dam (or other available water sources) has sufficient capacity and, as noted above, it is understood that such an assessment has been undertaken. It is not anticipated that there would be any negative impacts on the existing water distribution infrastructure due to increased demand requirements. The existing reticulation network will be able to meet the required peak instantaneous demand of 6.9 L/s. The increased water demand would have a positive impact on water quality in that the water age would potentially be reduced.</p> <p>10/03/2022: The proposed development relies on a private water supply and private sewage treatment plant (STP). Therefore, a licence may be required under provisions of the WICA Act. A condition can be imposed upon the consent.</p> <p>Depot Building As per Section 2.3.1, the proposed depot building (CB.07) is located a substantial distance from the other buildings and the water supply infrastructure. It is proposed that the depot building would be serviced by a stand-alone water supply system comprising rainwater tanks with a total capacity of approximately 50 kL.</p> <p>09/03/2022: It is understood that the proposed depot building has been retracted from the proposed development application.</p> <p>The developer advised that there is an approved Private Drinking Water Quality Assurance plan for the existing operation. An RFI requesting a copy of the approved Private Drinking Water Quality Assurance plan for the existing operation will be requested</p> <p>09/03/2022: The applicant has provided a copy of the Private Drinking Water Quality Assurance prepared by Think Water for Linnaeus Estate which was submitted and acknowledged by NSW Health refer letter dated 09/02/2015 (E2021/130759).</p>			

Satisfactory	Unsatisfactory	Not applicable
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It is recommended that the PDWQAP be updated and submitted to the PCA and NSW Health for consideration and approval respectively prior to the issue of a construction certificate. A condition can be imposed to this effect.

Skin Penetration Premises

The applicant has not provided in writing whether the proposed ‘treatment therapies’ to be conducted on site include skin penetrating procedures. Therefore, skin penetration activities are not supported. A condition can be imposed to this effect.

Recommendation:

<input type="checkbox"/> Supported	<input checked="" type="checkbox"/> Not Supported	
<input type="checkbox"/> Additional Information Needed	<input type="checkbox"/> Information to be requested by Planner	<input type="checkbox"/> Information already requested

Not Supported

The development application is not supported from environmental grounds and should be refused for the following reasons:

REASONS FOR REFUSAL:

- 1) Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been supplied to demonstrate that the proposal complies with State Environmental Planning Policy No. 55 Remediation of Land.
- 2) Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in relation to clause 6.6 of Byron Local Environmental Plan 2014 because it fails to demonstrate that construction and use of the proposed on-site sewage management disposal area will not have an adverse impact potable water supply.
- 3) Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in relation to clause 6.6 of Byron Local Environmental Plan 2014 because it fails to demonstrate that essential services can be adequately provided to the proposed development.
- 4) Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal conflicts with Byron Shire Council Development Control Plan Chapter B6.2.3 (1) (f) if fails to provide buffers to avoid land use conflict with adjacent waterways.
- 5) Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the prescriptive measures and objectives of Part B3.2.1 of Byron Development Control Plan 2014 in relation to potable water supply.
- 6) Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the prescriptive measures and objectives of Part B3.2.2 of Byron Development Control Plan 2014 in relation to on-site sewage management.
- 7) Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, in the circumstances approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the

public interest under section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.



Mrs E L Holt
Environmental Health Officer

1/04/2022
Date

REFERRAL NOTES:

Additional Information Needed

Prior to further consideration of the application from an environmental viewpoint, the applicant should be requested to provide the following additional information:

On-site wastewater Management

Clause 6.6 (c) of Byron LEP 2014 requires that 'Development consent must not be granted to development unless the consent authority is satisfied that the disposal and management of sewage services that are essential for the development are available or that adequate arrangements have been made to make them available when required'.

As such, the applicant is required to provide a report which details:

1. The proposed OSMS upgrade comprising details on the existing and proposed OSMS and land Application Area;
2. The OSMS for the proposed Depot;
3. The OSMS for the Shed/Barn

It is important that the assessment of the Land Capability for OSMS needs to consider both the existing and new components of the OSMS and the proposed OSMS in context and totality such that council is able to understand and assess all the competing issues and components of the development.

Private Drinking Water Quality Assurance Plan

The applicant is to supply Council with an electronic copy of the Private Drinking Water Quality Assurance Plan for the subject development.

Preliminary Site Contamination Assessment

The applicant is to provide an electronic copy of the Preliminary Site Contamination Assessment that includes assessment of land associated with the proposed Depot, shed/barn and proposed structures A9-A22 and C1.