



**67 BOUGAINVILLEA DRIVE
FEDERAL**



**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
ALTERATIONS AND ADDITIONS TO A DWELLING**

Report prepared for
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1.0 Introduction

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling at 67 Bougainvillea Drive Federal.
- The report describes how the application addresses and satisfies the objectives and standards of the Byron Local Environmental Plan 2014, the Byron Development Control Plan 2014 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.2 This statement of environmental effects has been prepared with reference to the following:
- ◆ Site visit
 - ◆ Site survey prepared by Byron Bay Surveying Pty Ltd
 - ◆ Architectural drawings and BASIX Certificate prepared by Action Plans
 - ◆ Bushfire Report prepared by Bushfire Planning Services Pty Ltd
 - ◆ Waste Minimisation Plan
- 1.3 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2.0 The site and its locality

- 2.1 The subject site is located at 67 Bougainvillea Drive Federal, on the western side of the Bougainvillea Drive, approx. 465 metres west of its intersection with Callistemon Drive. It is legally described as Lot 1 DP 1220595.
- 2.2 It is an irregular shaped lot, with a frontage of 10.42 metres (east - to Bougainvillea Drive); 360.44 (irregular northern boundary); 368.53 metres (irregular southern boundary) and 175.73 metres (west).
- 2.3 The lot has an area of 2.638 ha. and is currently occupied by a two-storey timber clad dwelling house with a metal roof, a detached carport, water tank, decking, in-ground swimming pool and shed. It slopes from the east to the west (towards the rear of the lot).
- 2.4 The property is surrounded by detached, large-lot residential dwellings to the north and east and rural landuses to the south and west. The site located in close proximity to shops and services in Bangalow to the south-east and Byron Bay to the east.



Figure 1. The site and its immediate surrounds

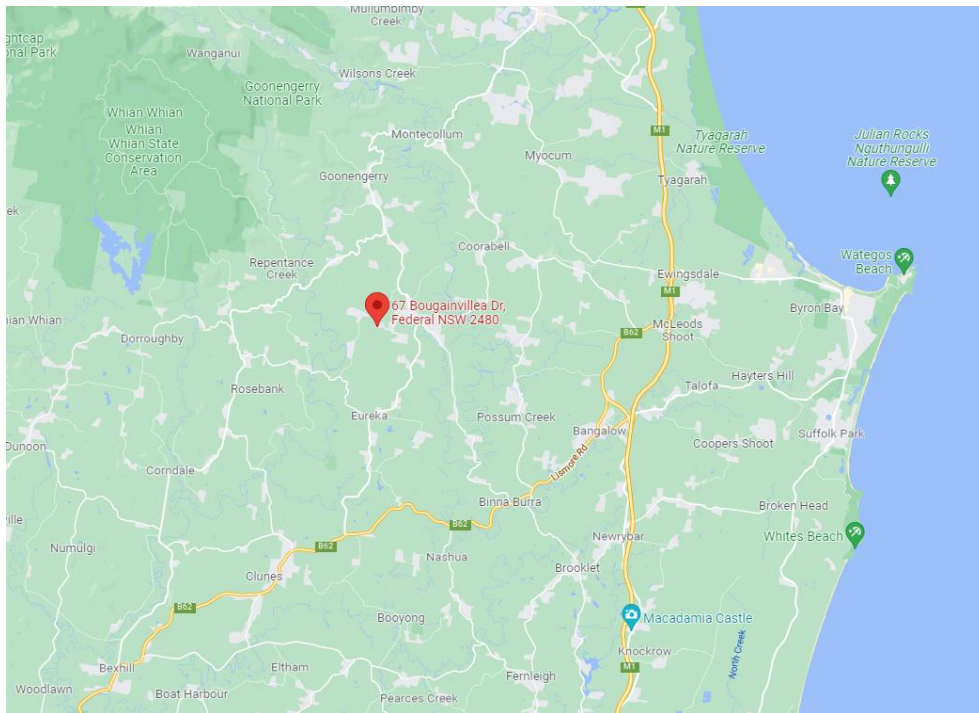


Figure 2. The site within the locality

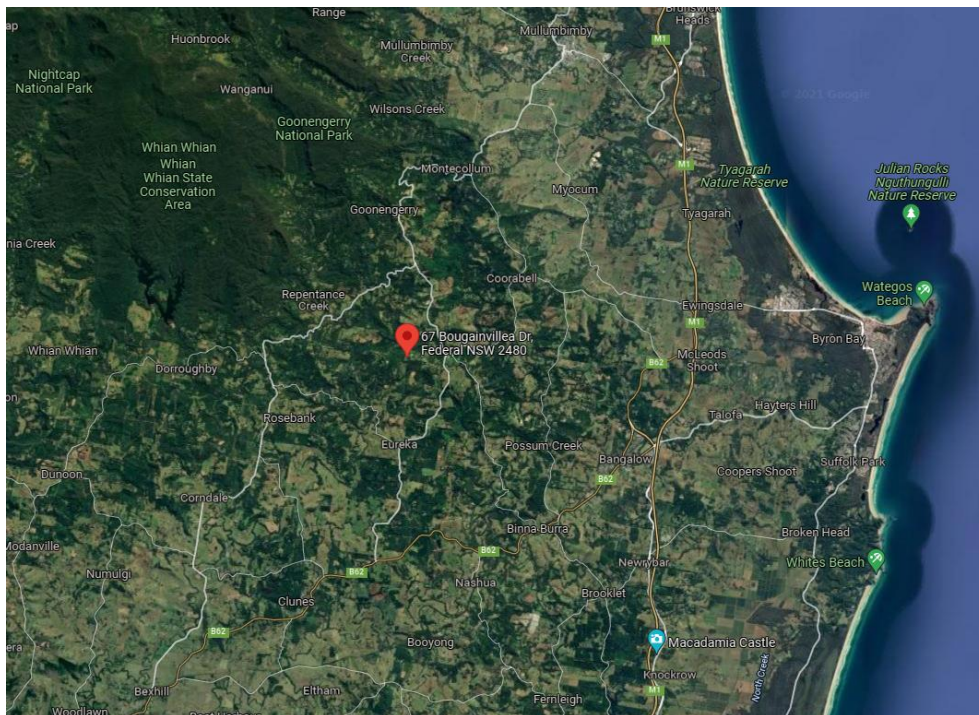


Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4. The entry and driveway, looking west from Bougainvillea Drive.



Figure 5. The driveway and dwelling, looking west.



Figure 6. The rear of the dwelling, looking south-east.



Figure 7. The existing dwelling, looking south.



Figure 8: The existing dwelling and carport, looking north.



Figure 9: The existing dwelling and swimming pool, looking south.



Figure 10: The existing dwelling, looking south.



Figure 11: The existing deck and swimming pool, looking north-west.

4. Proposed Development

- 4.1 The proposed development is for alterations and additions to the existing dwelling, including a ground floor extension to create a 6 bedroom dwelling on the subject site.
- 4.2 The alterations and additions have been designed to create a more functional floorplan and remains consistent with the rural residential setting. The proposed additions maintain a scale consistent with the existing dwelling, while providing additional facilities for the residents.
- 4.3 The proposed alterations and additions will be made up as follows:

Ground floor

- Retain the existing entry, bedrooms 1, 2 & 3 and bathroom, adding new robes to bedrooms 1 & 3,
- A new outdoor bath adjacent to bedroom 1,
- Convert the laundry / WC to a mudroom and WC,
- Demolish the existing kitchen and extend to the south, to create a kitchen with walk in pantry and laundry,
- Convert the sitting room to a dining room, including an addition to the west,
- Retain the existing lounge / sitting room, adding new doors and stairs,
- A new hallway between the ensuite and WIR,
- New doors and windows to the retained master bedroom,
- Demolish the existing decking and construct new decks.

First floor

- Retain existing bedrooms 4 & 5, balcony, stairs and landing,
- A new robe to bedroom 4,
- Refurbish the WIR and bathroom.

Site

- Demolish the existing swimming pool and construct a new swimming pool on the western side of the dwelling,
- Remove 3 palms adjacent to the swimming pool,
- A new gym and basketball court to the north of the dwelling,
- Retain the existing driveway and carport.

5. Statutory Framework

5.1 Rural Fires Act 1997

The *Rural Fires Act 1997* aims to protect the community from injury or death, property from damage and to protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage, arising from fires.

Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSA) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose. If a proposal requires a BFSA it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land unless the development application complies with *Planning for Bush Fire Protection 2019*. All developments on land that is designated as bush fire prone has a legal obligation to consider bush fire and meet the requirements of *Planning for Bush Fire Protection 2019*.

Comment: The subject site is mapped as bushfire prone land (vegetation category 1 & vegetation buffer). The proposal is not for subdivision or a special fire protection purpose and therefore is not integrated development and does not require a BFSA from RFS. The site is however bush fire prone land, and therefore the proposal must comply with *Planning for Bush Fire Protection 2019*.

A Bushfire Assessment Report, provided with this application, concludes the property has varying BAL levels with a BAL 19 in the construction area. Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection Bushfire Attack Level BAL 19.

5.2 State Environmental Planning Policies

State Environmental Planning Policy (Koala Habitat Protection) 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to any development where the site has an area in excess of one hectare. The SEPP applies to the subject site as it has an area of 2.638 ha.

The development necessitates the removal of 3 ornamental palms, adjacent to the existing swimming pool. As the proposal will not remove any significant native vegetation or koala habitat trees, the provisions of the SEPP are considered to be satisfied.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any significant native vegetation.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued rural residential use.

5.2 Byron Local Environment Plan 2014

Zoning

The site is zoned R5 pursuant to the provisions of the Byron Local Environment Plan 2014. The proposed development is for alterations and additions to an existing dwelling and *residential accommodation* including *dwelling houses* is a permitted land use in the R5 zone.



Figure 12. Extract from Byron LEP zoning map

Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Minimum Lot Size

The site is mapped with a minimum lot size of 2.5 hectares. The subject site comprises of a compliant area of 2.638 hectares and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 9 metres. The development proposes to retain the existing, compliant maximum building height of 6.198 metres.

Heritage Conservation

The site is not a heritage item, located within a heritage conservation area or located in proximity to a heritage item.

Earthworks

Minimal earthworks are proposed to prepare the site for construction and to fill in the existing swimming pool. The majority of works are proposed within the existing building footprint and the new swimming pool is located above the natural ground level, due to the slope of the site.

Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Drinking Water Catchments

The subject site is located within the drinking water catchment, as such the consent authority must not grant development consent, unless it is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed alterations and additions are located in an already disturbed portion of the lot and will not impact on water quality or flows on the property.

Essential Services

The subject site has existing tank water supply, electricity connection and vehicular access from Bougainvillea Drive, which will be retained.

The new bathroom in the gym will be connected to the existing onsite wastewater system.

Stormwater from the alterations and additions will be connected to the existing drainage infrastructure on the site.

5.3 Byron Development Control Plan 2014

The relevant sections of the DCP are addressed below.

Purpose and Objectives

The proposed development is entirely consistent with the aims and guiding principles of the DCP, Council planning policies and strategies and the principles of sustainable development, as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part B: Controls Applying Generally to Development Applications

B1 Biodiversity

As described above the proposed development is located on an already disturbed portion of the subject site and it does not propose to remove any native vegetation. 3 ornamental palm trees are proposed for removal to make way for the new deck and lawn area and their removal will not impact on surrounding native vegetation or biodiversity.

B2 Tree and Vegetation Management

Development consent is sought for the removal of 3 ornamental palm trees, adjacent to the existing swimming pool.

B3 Services

The subject site has existing tank water supply, electricity connection, telecommunications and vehicular access from Bougainvillea Drive, which will be retained.

The new bathroom in the gym will be connected to the existing onsite wastewater system.

Stormwater from the alterations and additions will be connected to the existing drainage infrastructure on the site.

B4 Traffic Planning, Vehicle Parking, Circulation and Access

The DCP has an onsite carparking requirement of 2 spaces per dwelling house.

No change is proposed to the existing vehicular access from Bougainvillea Drive, gravel driveway or compliant double carport on the property.

B6 Buffers and Minimising Land Use Conflict

As the subject site is a rural residential property, it is not connected to reticulated sewer. The existing onsite wastewater management system will be retained which is located in a suitable, approved location on the site.

B8 Waste Minimisation and Management

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible. This is detailed further in the accompanying Waste Management Plan.

The existing dwelling has appropriate waste storage areas which will be retained with the additions proposed.

Part C: Further Controls Applying to Land with Specific Constraints and Environmental Characteristics

C4 Development in a Drinking Water Catchment

As described above the subject site is located in the drinking water catchment.

The site has an existing, approved onsite wastewater system which will be retained. The minor increase in wastewater generated by the gym bathroom can be easily accommodated by the existing system and water quality will not be impacted.

Part D: Further Controls Applying to Specific Land Uses

D1 Residential Accommodation in Urban, Village & Special Purpose Zones

D1.2 General Provisions

Building Height Plane and Setbacks to Boundaries

The DCP requires minimum front setback of 4.5 metres and side and rear setbacks of 0.9 metres.

The subject site is a large, rural residential lot, with substantial setbacks to all boundaries. The development easily complies with the minimum controls and proposes minimum setbacks of

North

45.007 metres (dwelling)

11.288 metres (gym)

East

39.406 metres

South

37.489 metres

West

116.6 metres (dwelling)

119.36 metres (gym)

Character and Visual Impact

The proposed alterations and additions retain the character and design of the existing dwelling, ensuring it remains consistent with development in the locality.

Privacy is easily retained for the subject site and neighbours with setbacks far exceeding the minimum requirements.

The resulting dwelling incorporates articulation to provide visual relief and proposed building materials include non-reflective metal roofing, weatherboard cladding and vertical timber cladding, in colours to match the existing.

Energy Efficiency

The development has achieved a compliant BASIX Certificate which accompanies this application.

D1.3 Dwelling Houses

Landscaping

The DCP requires a deep soil area of 25% of the site area which equates to 6595m² for the site area of 2.638 hectares. The development proposes a compliant deep soil area of 91.6% or 24,172.8m².

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Byron LEP 2014 and the Byron DCP 2014.

	Standard	Proposed	Compliance
Byron LEP 2014			
Lot Size	2.5ha.	2.638ha.	Yes
Building Height	9 metres	6.198 metres	Yes
Byron DCP 2014			
Landscaped Area	25% (6595m ²)	91.6% (24,172.8m ²)	Yes
Front Setback	4.5 metres	39.406 metres	Yes
Side and Rear Setbacks – dwelling	0.9 metres	45.007 metres (north) 37.489 metres (south) 116.6 metres (west - rear)	Yes
Setbacks – detached building (gym)	0.9 metres	11.288 metres (north) 119.56 metres (west - rear)	Yes

7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Byron LEP and DCP.

The development is permissible in the zone.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on surrounding properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The natural hazard of bushfire can be effectively mitigated to allow for the development to proceed.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposed development fits well within the context of the surrounds and is an appropriate scale for the site.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed alterations and additions.

7.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8. Conclusions

- 8.1 It is concluded that the proposed development, for alterations and additions to the existing dwelling at 67 Bougainvillea Drive Federal, is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3 Considering all the issues, the proposed development is considered worthy of Council's consent.