

STATEMENT OF ENVIRONMENTAL EFFECTS

**DEMOLITION OF EXISTING DWELLING,
CONSTRUCTION OF PROPOSED DWELLING,
DETACHED DECK AND ADDITIONS TO
EXPANDED DWELLING:
14 CASONS LANE, NEW BRIGHTON NSW**

Revision	Date	Approved by
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STATEMENT OF ENVIRONMENTAL EFFECTS

Declaration

Certification:

It is certified that this report has been prepared and the content of this Development Application is to the best of my understanding and knowledge:

- it is in accordance with the Act and Regulations, and
- it contains truthful particulars and details and does not by its presentation or omission of information materially mislead.

No reportable political donations to declare within the meaning of Section 147(3) – Disclosure of political donations and gifts of the EPA, Act, 1979.

INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a development application seeking approval for the demolition of existing single storey dwelling, construction of proposed two storey dwelling, detached deck and additions/modifications to existing shed to create expanded dwelling at 14 Casons Lane, New Brighton (Lot 1 DP 1207731 & Lot 361 DP 755687). This report is to be read in conjunction with the attached plans, BASIX report and Bushfire Self-Assessment report.

SITE DETAILS

SITE DESCRIPTION & LOCALITY

The subject property is legally described as Lot 1 DP 1207731 & Lot 361 DP 755687, 14 Casons Lane, New Brighton. The site is made up of two titles with a total site area of 1133.6 m² with a frontage to Casons Lane. The topography of the site is generally flat, neighbouring development to the South West is elevated, and the property to the North East will be raised to meet flood planning requirements.

The site contains an existing single storey dwelling and approved shed. The existing house contains 3 bedrooms & 1 bathrooms. The house was inundated with flood waters and is currently unoccupied with internal linings and fixtures having been removed post flood, the proposed development requires demolition of the existing house. The existing Shed was flood affected but the damage was minimal, the subject application includes works to the Shed to bring it up to standard to allow for this to form part of the dwelling as an 'Expanded Dwelling'.

ZONING

Under Byron Local Environmental plan 2014 the site is predominantly located within the R2 Low Density Residential Zone. The rear portion of the site under title Lot 361 DP 755687 is within Deferred Matter zoning, no works are proposed in this area of the site.

PLANNING CONSTRAINTS

The following planning provisions apply to the site:

- R2 Low Density Residential
- DM Deferred Matter
- Maximum Building Height 9m
- Floor Space Ratio of 0.2:1
- Acid & Sulfate Soils Class 3
- Flood Planning Area
- Coastal Environment
- Coastal Use Area
- Proximity Area for Coastal Wetlands
- Bushfire Prone Property



Image 1 – Aerial view of existing site and surrounding developments (source: www.planningportal.nsw.gov.au)

THE PROPOSAL

The application seeks approval for demolition of existing single storey dwelling and the construction a two storey dwelling. The Proposed dwelling comprises enclosed garage and screened undercroft area on the ground level, the Upper Level consists of 3 bedrooms, two bathrooms, open living/dining/kitchen and small study. The dwelling has the main outdoor

living space with outlook to Marshalls Creek to the South East and a small rear deck providing access down to the rear yard. The proposed dwelling has been designed by 'Imagine by Design', these drawings are included within overall drawing set. The Architectural style of the dwelling is with the Coastal language of the area with low pitched skillion roof and lightweight construction. The design takes advantage of the outlook afforded to the property and promotes and engagement with the creek and local community who use the area for swimming, fishing etc.

An Alfresco area in the form of a detached deck that sits between the house and the expanded dwelling provides private outdoor living for the occupants with connection and flow to the grassed area in the yard. There is also an existing approved shed, the proposal seeks to modify this structure by raising it to meet flood planning requirements by approximately 1.22m as well as incorporating a bathroom onto the existing deck space. This is intended to form part of the dwelling by providing additional accommodation and is proposed as an Expanded dwelling type. A summary of the development is included below:

Component	Description
Existing Gross Floor Area	200m ² (Existing dwelling 140m ² + Existing Shed 45m ²) Approx.
Proposed Gross Floor Area	228.5m ²
No. of Existing Dwellings	1
No. of Proposed Dwellings	1
Floor space ratio	0.20:1
No. of Storeys	2 storeys
Building Height	7.47m

Demolition

The existing single storey dwelling contains 3 bedrooms, 1 bathroom with open carport.

The existing house and carport are timber frame and fibro construction, after the flood inundation in February 2022, the internal linings and fittings containing asbestos were removed. It is assumed that the remaining external cladding and roof are asbestos also, please refer to waste management report for details on the disposal of these materials.

Servicing

The subject site is sufficiently serviced by existing infrastructure water, telecommunications, electricity services, sewer and waste collection.

Access & Parking

The proposal includes new portion of driveway from the property boundary to the house, there is currently no formal crossover as there is no kerb on Casons Road. The proposal comprises enclosed double garage for 2 cars, additional parking could be provided in the undercroft area of the residence.

Landscaping & Open Space

The proposal seeks to generally retain all substantial vegetation and trees. The only vegetation proposed to be removed consists of smaller plants of less significance such as

existing yuccas, palms, agaves etc. The significant trees including the Coastal Banksia and grass tree at the front of the property will be retained and adequately protected during construction to ensure that they are not damaged. The Coastal Banksia will require some of the branches to be cut back to ensure that they don't conflict with the proposed dwelling. The siting of the proposed dwelling is generous to ensure adequate clearance to the tree.

Waste Management

There is adequate space within the enclosed undercroft area for bins to be located, bins will be moved via driveway for kerbside pick up on collection days. Please refer to waste management plan for details including a preliminary demolition plan.

PLANNING PROVISIONS

Considerations under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

(a)(i) The provisions of any environmental planning instrument

SEPP (Resilience and Hazards) 2021

The Subject site is mapped as land in proximity to Coastal Wetlands or Littoral Rainforest and Division 4 Coastal use area & Division 3 Coastal Environment area. The proposed development is not considered to have a significant impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland. The proposal will not significantly impact on the foreshore in terms of visual amenity, with existing significant trees remaining.



Image – State Environmental Planning Policies – Coastal Wetlands & Littoral Rainforests Area Map; Proximity Area for Coastal Wetlands(source: www.planningportal.nsw.gov.au)



Image – State Environmental Planning Policies – Coastal Environment Area
(source: www.planningportal.nsw.gov.au)



Image – State Environmental Planning Policies – Coastal Use Area
(source: www.planningportal.nsw.gov.au)

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

BASIX is one of Australia's strongest sustainable planning measures to assess the energy and water use and thermal comfort of your residential development. A BASIX report has been completed and has been included with this Development Application. The BASIX report identifies that the proposed complies with the energy, water and thermal ratings.

Flood planning

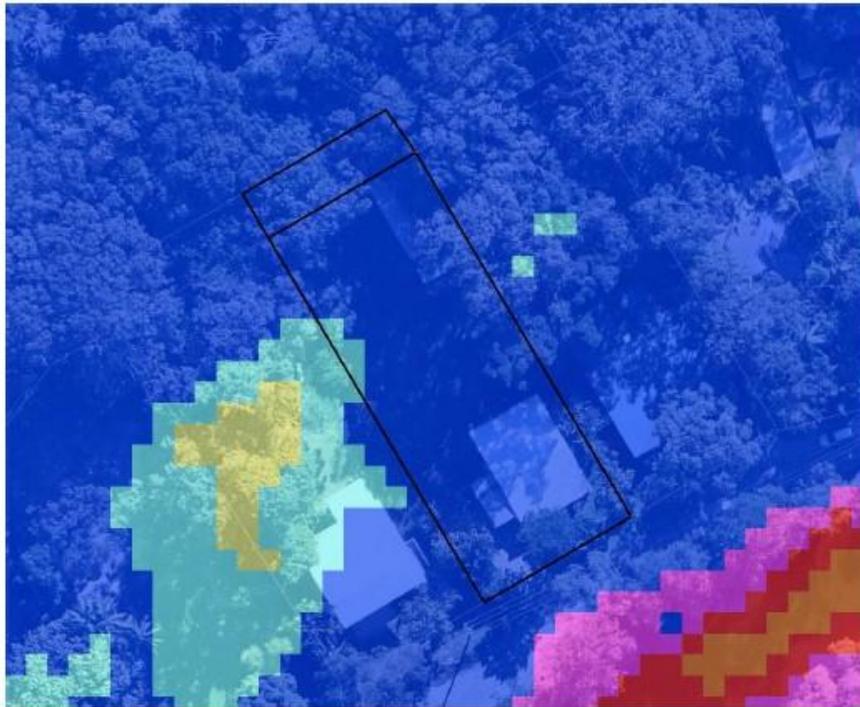


Image – Flood Hazard at Property for 1% AEP Flood

(Source: Flood Information Certificate No. 109.2022.130.1)

The subject property has a nominated 2050 Flood planning level 3.59m AHD; calculated based on 1% AEP + 0.5m Freeboard + Projected climate change allowances for the year 2050. This is the minimum habitable floor level required for the development.

The proposed development meets the flood planning requirements and achieves 3.59m AHD for habitable rooms in the expanded dwelling the main house provides a floor level of 5.17m AHD which although not required is above the 2100 Flood Planning Level.

Byron Local Environmental Plan 2014 (LEP 2014)

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Byron Local Environmental Plan 2014, within which, the proposal is permissible subject to Council's consent.



Image – Land Zoning Map

(source: www.planningportal.nsw.gov.au)

Figure 2: Extract of the LEP Zoning Map. The approximate location of the subject site is outlined in yellow.

The Objectives of the R2 Low Density Residential Zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development upholds the objectives of the zone, no additional dwellings are proposed on the site from what currently exists.

The following clauses are relevant to the application pursuant to the provisions of the Byron Local Environmental Plan 2014.

Table 1: Byron Local Environmental Plan 2014

Clause	Proposed	Compliance
Clause 4.3 Height of Building The site is identified as having a 9m height restriction	Approx. 7.67m at highest point	Complies
Clause 4.4-Floor Space Ratio Max. Floor space ratio defined for the site is 0.2:1	GFA – 228.5m ² Achieved FSR = 0.20:1	Complies
Clause 5.11 Bushfire Hazard Reduction	Bushfire Assessment Report will be prepared	Complies

<p>The subject land is identified as within Bushfire Hazard zone.</p>		
<p>Clause 5.21 Flood planning 2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>2050 Flood planning level 3.59m AHD</p> <p>Habitable rooms have a floor level of 3.59m+</p> <p>The proposal is a direct response to the floods that took place in February 2022 at which point the existing house became unoccupiable.</p> <p>It is the intention of the development that this will provide a dwelling that not only responds to the current flood planning risk but the anticipated future risks as a result of climate change.</p>	<p>Complies</p>
<p>Clause 6.1-Acid Sulphate Soils (Class 2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works: Class 3 - Works more than 1 metre below the natural ground surface. - Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</p>	<p>The subject site is nominated in a Class 3 area, the only excavation required will be for footings and will remain less than 1m in depth.</p>	<p>Complies</p>

<p>Clause 6.2 – Earthworks Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <ul style="list-style-type: none"> (a) Likely disruption, or detrimental effect on drainage patterns & soils stability (b) The effect on future use or redevelopment (c) The quality of the fill or soil (d) The effect of the development on the existing and likely amenity of adjoining properties (e) The source of any fill material (f) The likelihood of disturbing relics (g) The proximity to and potential for adverse impacts on any waterway, drinking water catchment (h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development (i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area 	<p>There are minimal Earthworks proposed for the site with only required excavation for footings required. Erosion and Sediment Control measures will be in place.</p>	
<p>Clause 6.6 – Essential Services Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the disposal and management of sewage, d) stormwater drainage or on-site conservation, 	<p>The subject site is serviced with water, power, sewage, stormwater and telecommunications infrastructure.</p>	<p>Complies</p>

e) suitable vehicular access.		
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(ii) The provisions of any draft environmental planning instruments

There are no draft environmental planning instruments of relevance to the subject application.

(iii) Any development control plans

The following Sections of Byron Shire Council’s Development Control Plan applies to the site and the proposed development.

Table 2: Byron Development Control Plan 2014

Control	Proposed	Compliance
Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access		
B.4.2.3 2. All parking and service areas shall be provided with sufficient manoeuvring areas to allow vehicles to enter and leave the site in a forward direction. Dwelling houses may seek variation to this requirement on roads with low traffic volumes by demonstrating there are no safety issues on the frontage roadway or within the site.	The development is located on a cul-de-sac with a total of 9 house lots and has a low traffic volume. The proposed driveway provides relatively straight reversing within the site and there are no foreseeable safety issues with having cars reverse onto Casons Lane which is the current condition.	Complies
B4.2.4 Structure Adjacent to Driveways Boundary fences, garage, carports, landscaping, vegetation etc. are to demonstrate compliance with the current editions of Australia Standard 2890.	Clear site triangles are provided on the site plan included in the drawings set. An existing tree and garden bed is slightly within the clear site triangle on the East side of the driveway, it is believed that due to the height and form of the tree that this will not cause an obstruction to visibility. Other planting in this area is low and therefore does not form an obstruction.	Complies
B4.2.5 Car Parking is to be provided in accordance with the schedule contained in Table B4.1: 2 spaces per dwelling house	2 secure spaces provided in the garage with provision for an additional car in the undercroft area and a further car in the driveway if required, as it is noted that the road is narrow so is not supportive of on-street parking.	Complies

Control	Proposed	Compliance
DCP 2014 Chapter C2 – Areas Affected by Flood		
C2.2 General Assessment Criteria		
1. Council will not consent to any development on land at or below the flood planning level if there is sufficient suitable area on that land above the flood planning level on which to carry out the development.	The existing ground levels onsite are well below the flood planning level therefore proposed habitable development is proposed to be elevated on posts to meet minimum required floor levels.	Complies
2. Where the development is on land below the flood planning level, floor levels of any buildings must be constructed at or the above the flood planning level. Council will not support filling beneath the building footprint of the proposed development unless it is demonstrated that it will not adversely impact on the floodplain. Filling outside the Byron Shire Development Control Plan 2014 – Chapter C2 – Areas Affected by Flood Adopted 26 June 2014 Effective 21 July 2014 7 building footprint generally will not be permitted, other than for driveways and/or pedestrian pathways immediately adjoining the walls of the building.	As noted above the house is raised on Posts, there is no filling proposed for the site.	Complies
3. Where extensive additions are proposed to lightweight buildings (e.g. timber, fibro) the applicant should consider redesigning the whole building to comply with current flood planning controls.	N/A	
4. The adaptability of the development in the face of climate change will be considered as part of the development process. Adaptable developments have the ability to be designed to the Projected 2050 Flood Planning Level instead of the Projected 2100 Flood Planning Level in most instances.	The expanded dwelling portion of the project meets the 2050 Projected Flood Planning Levels, while the main dwelling house meets and exceeds the 2100 Flood Planning Level	Complies

C2.3 Development Controls		
The following steps should be taken to ascertain the flood planning controls relating to development on land at or below the future flood planning level:		
Step 1 Consider the applicable Flood Study for the catchment in which the land is situated, in relation to flood hazard and floor level requirements (Section C2.3.1).	Flood Information Certificate received for the property, information sourced from North Byron Floodplain Risk Management Study & Plan.	
Step 2 Consider the specific Flood Planning provisions for the type of development and flood hazard as set out in the flood planning matrix (Table C2.1 below).	<p>Intermediate Hazard – H3:</p> <p>Land use Suitability & Fill Level – SF1 (<i>No-minimum fill required</i>)</p> <p>Floor Level – FL2 (<i>All Flood levels to be greater than or equal to 2050 Floor Planning Level</i>)</p> <p>Building Components – BC1 (<i>Building to have flood compatible material below the relevant flood planning level according to development building type</i>)</p> <p>Structural Soundness – SS1 (<i>No Structural soundness requirements for the force of floodwater, debris and buoyancy. Must still comply with Building Code of Australia Requirements</i>)</p> <p>Flood Effect – FE2 (<i>The flood impact of the development to be considered by Council, with Council having the right to request an engineer's report</i>)</p> <p>Evacuation & Access – EA1 (<i>Council to provide information on flood evacuation strategy</i>)</p>	
Step 3 Consider any special requirements or standard designs for particular localities (Section C2.3.5).	<p>2. New Brighton, South Golden Beach and Billinudgel Dwellings in this area are subject to frequent low level flooding.</p> <p>Refer to Councils Marshalls Creek Floodplain Management Plan (1997) for land that cannot</p>	Refer Item C2.3.5 below

	be filled. Preferable building type is on piers, with car parking located under, and with under floor area to remain clear of infill construction. The area shall not be used for storage, nor infilled at a later date.	
<p>C2.3.2 Minimum Floor Levels</p> <p>3. New dwellings in existing residential areas are generally required to achieve the Projected 2050 Flood Planning Level. Adaptable building design is encouraged so that dwellings on piers, posts, columns or piles can be raised in future to accommodate climate change. Where concrete slab on ground is necessary the slab level shall be finished at least 300mm above the surrounding ground, as well as achieve the Projected 2050 Flood Planning Level.</p>	<p>The 2050 Flood Planning level is 3.59mAHD:</p> <p>The floor level for the Habitable portion of the Main dwelling is 5.17m AHD.</p> <p>The raised floor level of the expanded dwelling will be 3.59mAHD.</p> <p>The Proposed habitable buildings are raised on steel posts, the main dwelling has an additional 1m above the projected Flood planning levels so it is believed that this will provide scope for any increases to the projected levels.</p> <p>The ground floor of the Main Dwelling is 2.2m AHD, the existing ground levels around the building range from 1.64-1.89m – remaining 310mm+ above the existing ground levels.</p>	Complies
C2.3.4 Flood Proofing		
<p>1. Flood Compatible Material</p> <p>Materials located below the relevant level defined by the flood planning matrix must be capable of resisting damage, deterioration, corrosion or decay taking into account the likely time the material would be in contact with flood water and the likely time it would take for the material to subsequently dry out.</p>	<p>The proposed construction will be Steel frame with corrugated steel cladding externally, the internal linings in the garage to be Fibre Cement sheeting. The proposed screening to the undercroft will be aluminium.</p>	Complies

<p>2. Services</p> <p>Services and related equipment, other than electricity meters, must not be located below the relevant flood planning level defined by the flood planning matrix unless they have been designed specifically to cope with flood water inundation. The location of electricity meters is regulated by the electricity supply authority.</p> <p>Unless the electricity supply authority determines otherwise, electrical switches must be placed above the relevant level defined by the flood planning matrix. Electrical conduits and cables installed below the relevant level defined by the flood planning matrix must be waterproofed or placed in waterproof enclosures</p>	<p>The services will be installed in accordance with the electricity supply authority requirements for floor prone areas.</p>	<p>Complies</p>
<p>3. Enclosures</p> <p>Any enclosure located below the relevant level defined by the flood planning matrix must have openings to allow for automatic entry and exit of floodwater for all floods up to the relevant level defined by the flood planning matrix.</p>	<p>Fixed openings with Metal mesh screens are proposed for the garage to allow for in-flow and out-flow of water. Similarly the screening to the under croft is of an open design.</p>	<p>Complies</p>
<p>C2.3.5 Special Provisions</p>		
<p>2. New Brighton, South Golden Beach and Billinudgel</p> <p>Dwellings in this area are subject to frequent low level flooding. Refer to Councils Marshalls Creek Floodplain Management Plan (1997) for land that cannot be filled. Preferable building type is on piers, with car parking located under, and with under floor area to remain clear of infill construction. The area shall not be used for storage, nor infilled at a later date.</p>	<p>The proposal seeks to infill a portion of the under croft area for the purpose of provide secure parking area for cars. In accordance with C2.3.4(3) the enclosure will have permanent openings to ensure the in-flow & out-flow of water</p>	<p>Exemption requested</p>

Control	Proposed	Compliance
Chapter D1 – Residential Accommodation in Urban, Village and Special Purpose Zones		
D1.2.1 – Building Height Plane To ensure that residential development is designed to minimise impacts on solar access and privacy on adjoining properties, and on the views from adjacent existing buildings. 2. To ensure that the occupants of the building or buildings will enjoy the optimum use of winter sunlight and summer shade.	The building height plane is overlaid on the attached drawings for reference. It is noted that there is a slight encroachment on the North East & South West sides of the building. As the floor level is established to comply with Council’s flood planning heights. Furthermore shadow diagrams have been provided demonstrating that the private open spaces adjacent to the living areas of the neighbouring buildings are not overshadowed by the proposal, therefore we consider that the project supports the objectives of this requirement.	Exemption sought as per Prescriptive Measure 2
D1.2.2 – Setbacks from Boundaries		
1. Minimum Street Frontage Setbacks a. Local Roads – Min. 4.5m	Front Setback – 7m	Complies
2. Minimum Side & Rear Boundary Setbacks a. Side & Rear min. 900mm with all dwellings also complying with the requirements of the height plane	Main House East Boundary – 3.495m West Boundary – 2.53m Detached Covered Deck East Boundary – 2.55m Expanded Dwelling House (Existing Shed) East – 1.98m Rear – 1.533m	Complies
D1.2.3 – Screening of Underfloor Areas The underfloor space of elevated buildings must be provided with infill panelling, advanced landscaping or other forms of visual screening to improve the external appearance of the building and to ensure compatibility with other development in the locality.	Screening to the undercroft is proposed for up to 40% of the undercroft area. The screening will be of open nature to allow for entry and exit of flood water. Furthermore the screening is proposed as Aluminium screening to meet the requirements of non-combustible material to suit the	Complies

<p>2. In flood liable land the screening of the underfloor space of elevated buildings may not be appropriate. Screening below the flood planning level must have openings to allow for entry and exit of flood water and must be structurally adequate and not reduce the structural capacity of the building during a 1 in 100 year flood event.</p> <p>3. Where buildings are proposed on bush fire prone land, underfloor screening may be required to comply with specific requirements prescribed by the Building Code of Australia and Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.</p>	<p>Bushfire rating requirements as well as to provide a material that won't be susceptible to damage from being submerged in water.</p>	
<p>D1.2.4 – Character and Visual Impact</p> <p>1. To retain and enhance the unique character of Byron Shire and its distinctive landscapes, ecology, towns, villages, rural and natural areas.</p> <p>2. To ensure that new development respects and complements those aspects of an area's natural and built environment that are important to its existing character.</p>	<p>While the proposed dwelling is highset we believe that this is consistent with the areas current and future character. With the recent floods any existing low-set buildings were heavily damaged and it is believed that these will be raised or replaced with highset homes.</p> <p>The proposal also intends on retaining the existing trees on the site which will anchor the development within its context and retain the current streetscapes natural feel.</p> <p>The design of the new house proposes outdoor living at the front of the house which references the original front porch idea allowing for casual surveillance of the street as well as retaining the important connection to the water.</p>	<p>Complies</p>

D1.2.5 Fencing	Fencing will remain consistent with the height requirements set out in this part.	Complies
D1.2.6 Balconies Byron Shire Development Balconies must not dominate the visual character of buildings or development. The design of balconies must be consistent in character with the building and development in terms of materials, colours, dimensions, bulk, scale and proportion	The design of the new house proposes outdoor living at the front of the house which references the original front porch idea allowing for casual surveillance of the street as well as retaining the important connection to the water.	Complies
D1.2.7 – Pedestrian and Cycle Access 1. To reduce car dependence through the promotion of alternative forms of transport. 2. To assist in the delivery of Council’s adopted bike plan where possible. 3. To provide an expansion of the existing pedestrian/ cycleways to improve connectivity throughout the Shire.	The Proposed undercroft area is intended to provide secure storage for bikes, surfboards and the like.	
D1.3 Dwelling Houses		
D1.3.1 On-site Car Parking 1. Car parking must be provided on the site in a manner which is convenient in terms of access for residents of the dwelling; safe and accessible in terms of visibility, turning and manoeuvring capabilities; and visually compatible with the site and its locality.	Refer to Items B4.2.3-4.2.5	Complies
2. Car parking structures, including garages and carports, which are visible from the street must be compatible with the dwelling in terms of design and materials, and may form part of the dwelling structure.	The garage is integrated within the overall design, other parking is provided in the undercroft area.	Complies
D1.3.2 Landscaping		
1. In cases where a dwelling is to be erected closer than 4.5 metres to the front boundary, Council will require, as a condition of approval, adequate landscaping to be	N/A Front Setback 7m & Existing trees to remain	

provided to the street frontage of the lot prior to occupation of the dwelling. Landscaping must be consistent with the principles contained in Chapter B9 Landscaping.		
2. At least 25% of the site must consist of deep soil areas. The deep soil area must not include any areas used for the management of on-site sewage effluent.	Deep Soil Zone – 25% of 1133.6m ² = 283.4m ²	Complies
D1.3.3 Expanded House		
1. To facilitate the provision of a dwelling house comprising a number of separate building components. The design and use of an expanded house must conform to the following criteria:		
1. No expanded house habitable outbuilding is to be located more than 20m from the wall of the main building, measured from wall to wall at the closest point;	The outbuilding is located 12m from the main dwelling.	Complies
2. The main building must contain an identifiable living area including the kitchen;	The main house comprises open kitchen, living and dining area	Complies
3. A maximum of three outbuildings may be connected to the main building by paths with an all-weather surface;	There are a total 3 structures on the site, only two form the dwelling with the third a covered deck area.	Complies
4. No separate driveway, car parking area, garage or carport structure is to be provided to service any outbuilding;	Only parking is provided in the garage and under croft under the main dwelling	Complies
5. One outbuilding must be limited to a maximum floor area of 45m ² excluding decks, verandahs, patios, balconies and the like; and the others must be limited to a maximum 30m ² floor area excluding decks, verandahs, patios, balconies and the like;	The existing shed to be converted to form expanded dwelling has an existing internal area of 45m ² , the proposal seeks to incorporate a bathroom centrally and provide internal access to what was originally storage area.	Complies
6. None of the outbuildings are to contain facilities (e.g. kitchen, sink or the like) that would enable the preparation of food;	Only the main residence contains kitchen	Complies
7. Each separate outbuilding may incorporate a maximum of two	There are two bedrooms and a bathroom in the proposed expanded dwelling	Complies

bedrooms (including rooms with an ensuite or bathroom)		
8. A maximum of only one laundry is permitted per dwelling.	1 x Laundry is located in the undercroft area of the main house	Complies

Control	Proposed	Compliance
Chapter E9 – Ocean Shores, South Golden Beach & New Brighton		
<p>1. To ensure that residential development will complement, support and strengthen the residential character and living amenity of these localities.</p> <p>2. To ensure that infill development respects (where applicable) constraints associated with steep terrain, flooding and sensitive coastal habitat, as well as surrounding neighbourhood character.</p>		
<p>1. Natural Environment</p> <p>The Ocean Shores, New Brighton and South Golden Beach localities are bounded and strongly influenced by natural elements including the sea, Nature Reserves (Billinudgel and Marshalls Creek), wetlands, remnant forests, bushland and parklands. Development within these localities is located, designed and oriented to support, complement and foster community access to and understanding of those natural elements. Development is designed to protect and enhance their integrity and to respect their natural edges. Where feasible, development allows and encourages the natural elements to expand into the development site.</p>	<p>Casons Lane located along the edge of Marshall’s Creek offers visitors access to the creek and a direct connection to nature. The development on Casons Lane is limited and supports the feeling of being connected with and able to access the natural environment along the creek edge.</p> <p>The proposal is in response to flood inundation occurring in February 2022, where the existing house became un-occupiable and any works to the existing house unfeasible due to the risk of flood inundation re-occurring.</p> <p>It is the intention of the new development to retain the existing significant trees on the site that support and add to the current natural feel of the location.</p>	Complies
<p>2. Residential Areas</p> <p>a) The residential areas in these localities contain a varied and compatible range of architectural styles, materials, landscapes and streetscapes. Housing comprises</p>	<p>While the proposed dwelling is highset we believe that this is consistent with the areas current and future character. With the recent floods any existing low-set buildings were</p>	Complies

<p>mainly low density, low rise single and attached dwellings with low-impact bulk and scale. New development is designed to respect the residential neighbourhood character of these areas, consistent with residential character narratives in E9.2 above.</p>	<p>heavily damaged and it is believed that these will be raised or replaced with highset homes.</p> <p>The proposal also intends on retaining the existing trees on the site which will anchor the development within its context and retain the current streetscapes natural feel.</p> <p>The design of the new house proposes outdoor living at the front of the house which references the original front porch idea allowing for casual surveillance of the street as well as retaining the important connection to the water.</p>	
<p>b) New residential development is consistent with the requirements of Chapter D1 Residential Development in Urban and Special Purpose Zones. Development is designed to enhance the low key, family-friendly, coastal village character, streetscape and scale of Brunswick Heads. Landscaping is provided in accordance with the requirements of Chapter B9 Landscaping.</p>	<p>It has been demonstrated in response to various other clauses that the proposed development is consistent with the objectives of Chapter D1.</p> <p>The proposal is consistent with the relaxed Coastal character and feel of the location. Further the design with the deck oriented towards Marshall's Creek and Casons Lane provides the connected and open feel consistent with village/community feel.</p>	<p>Complies</p>

(iv) Any matters prescribed by the Regulations

The regulations raise no implications. No adverse environmental implications likely and the residential character will be maintained.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality.

No significant adverse negative environmental, social or economic implications likely. The new development meets the objectives of the zone and provides a considered development that integrates with the low density residential setting. We believe that the proposed development provides a favourable outcome and will have a positive impact on the area.

(c) The suitability of the site for the development

The site is located within a Low Density Residential zone, while there are a number of constraints on the site relating to both flood inundation and Bushfire hazard the proposed development responds to these appropriately. As the proposed does not significantly change the use from the current use it is believed that the site is suitable for the proposed development.

(d) Any submissions made in accordance with the Act or Regulations

Council will need to consider any submissions received from the public or other authority.

(e) The public interest

It is considered that the proposal is not likely to be contrary to the public interest.

OTHER APPROVALS

Approval for demolition is being sought in conjunction with this application.

CONCLUSION

It is considered that it has been reasonably demonstrated that the proposal is fully consistent with Council’s statutory provisions and generally in accordance with the Byron LEP, DCP 2014 – Parts B4, C2, D1 & E9. Council’s support for the proposal is therefore respectfully requested.

Kind Regards,

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