

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS & ADDITIONS TO EXISTING DWELLING

PROPERTY: 461 Goonengerry Road, Montecollum NSW 2482
OUR REF: 220438
DATE: October 2023



**Newton
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DOCUMENT AND PROJECT DETAILS

Document title:	Alterations & additions to an existing dwelling
Proponent:	T de Jong
Author:	Sara McDonald
Project manager:	Damian Chapelle
Date of issue:	3 rd October 2023
Job reference:	220438
Project outline	Construction of alterations & additions to existing dwelling

REVISION HISTORY

Rev	Date	Description	Author	Approved
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Attachment 2	Onsite Wastewater Management Report <i>North Coast Wastewater Solutions</i>
Attachment 3	Bushfire Hazard Assessment <i>GeoLink Consulting</i>
Attachment 4	Biodiversity Assessment <i>ReconEco</i>
Attachment 5	BASIX Certification <i>Partners Energy</i>

1. Executive Summary

1.1 Development Application

Development consent is sought from Byron Shire Council for the proposed alterations & additions to the existing dwelling at 461 Goonengerry Road, Montecollum.

The existing dwelling comprises a two storey built form, providing 5 bedrooms with 2.5 bathrooms and a double carport providing accommodation for two vehicles. The proposed alterations and additions involve the demolition of the existing carport and construction of a two storey extension adjoining the eastern façade of the existing dwelling. The new works comprise a double garage, providing accommodation for two vehicles & a bedroom with ensuite on the ground level. The upper level will provide two additional bedrooms, each with an ensuite, and a deck on the western façade. The proposal is illustrated within the design plans provided within **Attachment 1**.

The proposed alterations will create a 7 bedroom dwelling with 6.5 bathrooms & a double garage.

The proposal is consistent with the relevant provisions of the Byron Local Environmental Plan 2014 and the Byron Development Control Plan 2014.

This report examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation. Based on the assessment completed, it is therefore requested that the application be approved subject to reasonable and relevant conditions.

1.2 Site Details

The site details relevant to the proposed development are provided within **Table 1** below.

Table 1: Site Details

Property Address	461 Goonengerry Road, Montecollum
Property Description	Lot 2 DP 1231141 Parish of Mullumbimby County of Rous
Registered Owner	Peter Hunt
Proponent	Tania de Jong
Applicant	Newton Denny Chapelle for and on behalf of the proponent
Local Authority	Byron Shire Council
Site Area	17.06 hectares
Easements	Easement for water supply over existing line of pipes Easement for overhead powerlines 5 wide Easement for overhead powerlines 20 wide Restriction on the use of land Easement for underground powerlines 2 wide
Existing Land Use	Dwelling
Local Planning Instrument	Byron Local Environmental Plan 2014
Land Zoning	<ul style="list-style-type: none"> • RU2 Rural Landscape • C2 Environmental Conservation • C3 Environmental Management Development footprint entirely withing area zoned RU2.
Maximum Building Height	9m (from ground level existing to highest point of building)
Floor Space Ratio	N/A
Integrated Referrals	Nil
Concurrence	Nil

1.3 Purpose

This Statement of Environmental Effects (SEE) is intended to accompany the Development Application prepared by Newton Denny Chapelle for and on behalf of the proponent of the subject development being T de Jong.

The intent of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to this application's assessment and subsequent determination.

This report should be read in conjunction with the accompanying Tweed Shire Council Development Application form together with the following plans and technical assessments identified within **Table 2**, which support the development proposal.

Table 2: Accompanying Plans and Technical Assessments

Company	Plan/Report
Drew Heath Architecture Associates	Architectural Plan Set
North Coast Wastewater Solutions	Wastewater Report
Geolink Consulting	Bushfire Assessment Report
ReconEco	Biodiversity Assessment
Partners Energy	BASIX & NatHERS Certificate
Newton Denny Chapelle	Statement of Environmental Effects

1.4 Further Information

Should Council require any additional information, or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with Mr Damian Chapelle on (02) 6622 1011 or dchapelle@ndc.com.au prior to determination of this application.

2. Site Description

2.1 Location & Land Use

The subject site is located at 461 Goonengerry Road, Montecollum and is known in cadastral terms as Lot 2 DP 1231141. The irregular shaped allotment has a total area of 17.06 hectares and is wholly located within the Byron Shire Council Local Government Area.

The site contains an existing dwelling with ancillary swimming pool and shed. There is also a second dwelling located towards the northern boundary of the property, which will be subject to a separate application.

The site contains a combination of landforms including elevated lands at the eastern end of the property, with the site dropping away to the low-lying area adjacent to the Wilson River, which forms the western boundary of the land. Further to the east contains the Crystal Castle. The elevated portion of the site is generally clear and used for residential uses.

Land surrounding the property to the north, south & west is generally described as rural residential land, with rainforest vegetation. The existing dwelling is set within landscaped grounds. Access to the dwelling is obtained via an existing driveway crossover to Goonengerry Road to the west of the dwelling.

The portion of the land to which this application relates is zoned *RU2 – Rural Landscape* under the Byron Local Environmental Plan 2014.

Plate 1 below provides an aerial view of the subject site, whilst **Plate 2** provides an excerpt of the deposited plan relevant to the land. There are a number of easements burdening the land, which are detailed within Section 1.2 above.



Plate 1: Aerial view of subject site

(Source: Byron Shire Council Web Maps, September 2023)

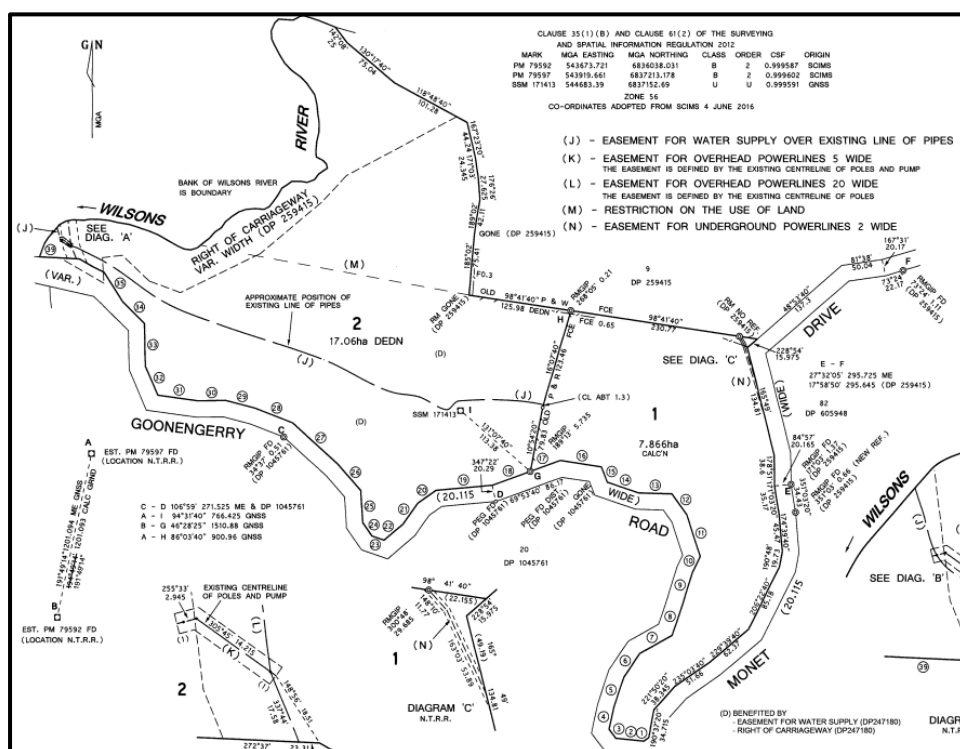


Plate 2: Deposited Plan 1231141

2.2 Site Analysis

Site inspection and searches of local government records indicate the key site characteristics as outlined within **Table 3** below.

Table 3: Site Analysis

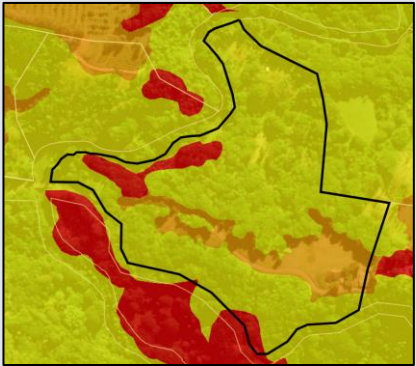

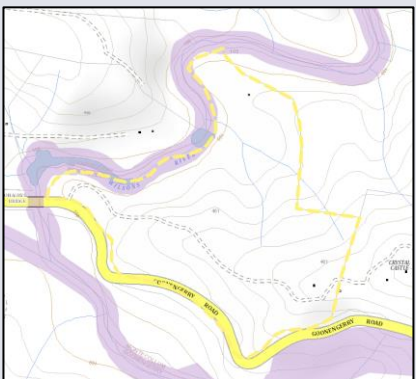
Site Characteristics	Comment
Existing structures within the subject site	Existing dwelling & ancillary sheds
Easements	Easement for water supply over existing line of pipes Easement for overhead powerlines 5 wide Easement for overhead powerlines 20 wide Restriction on the use of land Easement for underground powerlines 2 wide
Topography within the subject site	Based on a review of the available topographic maps, elevations range from approximately 96mAHD adjacent to the Wilson River to approximately 178mAHD in the vicinity of the existing dwelling.
Vegetation within the subject site	Vegetation at and adjacent to the site comprises a combination of cleared areas, disturbed rainforest/camphor forest and eucalypt forest. Immediately surrounding the existing dwelling are large clumps of Bamboo and other exotic plants within a landscaped area. Edges of the property driveway consist of Molasses Grass (<i>Melinis minutiflora</i>), Farmers Friends (<i>Bidens pilosa</i>), Setaria (<i>Setaria sphacelata</i>), Tobacco

Site Characteristics	Comment
	<p>Bush (<i>Solanum mauritianum</i>) and Native Raspberry. Immediately north of the dwelling is a large, mown clearing consisting of exotic grasses Kikuyu (<i>Pennisetum clandestinum</i>), Couch (<i>Cynodon dactylon</i>) and Setaria.</p> <p>Refer to Section 2.4 for information concerning the vegetation mapping applicable to the property as a whole.</p>
Infrastructure services	<p><u>Water</u> Services on site by rainwater tanks.</p> <p><u>On-site Wastewater</u> The development proposes the installation of a new wastewater system comprising an OzziKleen AWTS and three (3) ETA beds. Further reference should be made to the Onsite Wastewater Management Report prepared by <i>North Coast Wastewater Solutions</i> provided in Attachment 2.</p> <p><u>Electricity</u> Connected to reticulated power supply.</p> <p><u>Telecommunications</u> Connected to existing infrastructure network.</p>
Hazard Mapping	Refer to Section 2.4 .
Adjoining land uses	<p>The subject site is adjoined to the following land uses.</p> <ul style="list-style-type: none"> • North – Rural lifestyle lots; • East – the Crystal Castle; • South – Goonengerry Road; and • West – Wilson River with rural lifestyle lots further west.
Biodiversity Conservation	<p>The land adjacent to the Wilson River along the western property boundary is mapped on the Biodiversity Values Map.</p> <p>Refer to Section 4.6 for further information regarding Biodiversity Conservation.</p>

2.3 Site Constraints

A review of available online mapping indicates that the land is subject to the following environmental constraints outlined in **Table 4**.

Table 4: Environmental Constraint Mapping

Mapping	Constraint
	<p>Bushfire Prone Land</p> <p>Byron Shire Council's web mapping system identifies the site as bushfire prone land (refer inset).</p> <p>A Bushfire Hazard Assessment prepared by <i>Geolink Consulting</i> is contained within Attachment 3 of this report.</p> <p>Further reference should also be made to the comments provided within Section 4.5 of this report.</p>
	<p>Drinking Water Catchment</p> <p>The site is mapped as being within the drinking water catchment area. (refer inset).</p> <p>It is not considered the proposal will have any impact on the quality or quantity of water entering drinking water storages. Reference is made to Section 4.3.8 for further information.</p>
	<p>Biodiversity Values Map</p> <p>A portion of the site, adjacent to the Wilson River, is mapped as containing 'high biodiversity values' under the Biodiversity Values Map and Threshold Tool (refer inset).</p> <p>The proposed alterations & additions are physically removed from this area. Reference is made to Section 4.6 for further information.</p>

3. Development Proposal

3.1 Description of Proposal

Development consent is sought from Byron Shire Council for the proposed alterations & additions to the existing dwelling at 461 Goonengerry Road, Montecollum.

This application proposes the following works:

- Demolition of the existing carport;
- Construction of a two storey extension adjoining the eastern façade of the existing dwelling.
The new works comprise:
 - Ground level: Double garage, providing accommodation for two vehicles & a bedroom with ensuite.
 - Upper level: Two additional bedrooms, each with an ensuite, and a deck on the western façade.

Reference should be made to the architectural design plans within **Attachments 1** of the report for full details of the proposal.

3.2 Vehicular Access & Services

Vehicle Access

The proposed alterations & additions will utilise the existing driveway & vehicular crossover to Goonengerry Road.

Water Supply

The existing rainwater tanks on site will be utilised to service the alterations & additions.

Wastewater Management

The proposed dwelling will be serviced by a new wastewater system. An Onsite Wastewater Management Assessment Report has been undertaken by *North Coast Wastewater Solutions* and is provided at **Attachment 2** of this report. The assessment advises that the existing wastewater system will be decommissioned and a new system installed to treat and dispose of the hydraulic and nutrient wastewater loads from the dwelling. The proposed system will involve the following:

- Ozzikleen RP10A+ AWTs; and
- Three ETA beds measuring 20m x 2m each (120m²).

Electricity & Telecommunications

The property is currently serviced by electricity and telecommunications services by virtue of the existing dwelling on the land. These services will be utilised by the proposed alterations & additions.

3.3 Architectural Design Plans

Reference should be made to the design plans prepared by *Drew Heath Architecture Associates* contained within **Attachments 1** of this report.

Table 5: Architectural Design Plans

Drew Heath Architecture Associates		
DWG	Title	Date
24	Existing Site Plan	18/05/2023
25	Existing Ground Floor Plan	18/05/2023
26	Existing First Floor Plan	18/05/2023
27	Existing Roof Plan	18/05/2023
28	Site Existing North & South Elevations	18/05/2023
29	Site Existing East & West Elevations	18/05/2023
30	New Site Plan	18/05/2023
31	New Ground Floor Plan	18/05/2023
32	New First Floor Plan	18/05/2023
33	New Roof Plan	18/05/2023
34	New South Elevation	18/05/2023
35	New North Elevation	18/05/2023
36	New East & West Elevations	18/05/2023
37	New Section	18/05/2023

4. Statutory Assessment

4.1 Introduction

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15(1)(a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3. Section 4 also examines policy adopted by Council or other authority applicable in the subject matter which, whilst relevant, are not controls within the meaning of Section 4.15(1)(a).

4.2 Byron Local Environmental Plan 2014

4.2.1 Introduction

Table 6 summarises the provisions of the Byron Local Environmental Plan 2014 and its applicability to the current application.

Table 6: BLEP2014 Applicability

Byron Local Environmental Plan 2014		Applicable
<u>Part 4: Principal development standards</u>		
4.1	Minimum subdivision lot size	<input type="checkbox"/>
4.1A	Minimum subdivision lot size for strata plan schemes in certain zones	<input type="checkbox"/>
4.1AA	Minimum subdivision lot size for community title schemes	<input type="checkbox"/>
4.1B	Minimum subdivision lot size for multiple occupancy or rural community title developments	<input type="checkbox"/>
4.1C	Minimum subdivision lot size for boundary adjustments in certain rural and residential zones	<input type="checkbox"/>
4.1D	Exceptions to minimum subdivision lot size for certain split zones	<input type="checkbox"/>
4.2E	Minimum lot sizes for certain residential accommodation	<input type="checkbox"/>
4.2F	Exceptions to minimum lot sizes for certain rural subdivisions	<input type="checkbox"/>
4.2	Rural subdivision	<input type="checkbox"/>
4.2A	Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones	<input type="checkbox"/>
4.2B	Maximum number of dwelling houses or dual occupancies on multiple occupancy or rural landsharing community developments	<input type="checkbox"/>
4.2C	Erection of rural workers' dwellings on land in Zones RU1 and RU2	<input type="checkbox"/>
4.2D	Erection of dual occupancies (detached) and secondary dwellings in Zones RU1 and RU2	<input type="checkbox"/>
4.3	Height of buildings	<input checked="" type="checkbox"/>
4.3A	Measurement of height of buildings	<input type="checkbox"/>
4.4	Floor space ratio	<input checked="" type="checkbox"/>
4.5	Calculation of floor space ratio and site area	<input type="checkbox"/>
4.6	Exceptions to development standards	<input type="checkbox"/>
<u>Part 5: Miscellaneous provisions</u>		
5.1	Relevant acquisition authority	<input type="checkbox"/>
5.2	Classification and reclassification of public land	<input type="checkbox"/>
5.3	Development near zone boundaries	<input type="checkbox"/>
5.4	Controls relating to miscellaneous permissible uses	<input type="checkbox"/>
5.5	Controls relating to secondary dwellings on land in a rural zone	<input type="checkbox"/>
5.6	Architectural roof features	<input type="checkbox"/>

5.7	Development below mean high water mark	<input type="checkbox"/>
5.8	Conversion of fire alarms	<input type="checkbox"/>
5.9	Dwelling house or secondary dwelling affected by natural disaster	<input type="checkbox"/>
5.10	Heritage conservation	<input type="checkbox"/>
5.11	Bushfire hazard reduction	<input type="checkbox"/>
5.12	Infrastructure development and use of existing buildings of the Crown	<input type="checkbox"/>
5.13	Eco-tourist facilities	<input type="checkbox"/>
5.14	Siding Spring Observatory – maintaining dark sky	<input type="checkbox"/>
5.15	Defence communications facility	<input type="checkbox"/>
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	<input type="checkbox"/>
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<input type="checkbox"/>
5.18	Intensive livestock agriculture	<input type="checkbox"/>
5.19	Pond-based, tank-based and oyster aquaculture	<input type="checkbox"/>
5.20	Standards that cannot be used to refuse consent – playing and performing music	<input type="checkbox"/>
5.21	Flood planning	<input type="checkbox"/>
5.22	Special flood considerations	<input type="checkbox"/>
5.23	Public bushland	
5.24	Farm stay accommodation	
5.25	Farm gate premises	
<u>Part 6: Additional local provisions</u>		
6.1	Acid sulfate soils	<input type="checkbox"/>
6.2	Earthworks	<input checked="" type="checkbox"/>
6.3	(Repealed)	<input type="checkbox"/>
6.4	Floodplain risk management	<input type="checkbox"/>
6.5	Drinking water catchments	<input checked="" type="checkbox"/>
6.6	Essential services	<input checked="" type="checkbox"/>
6.7	Affordable housing in residential and business zones	<input type="checkbox"/>
6.8	Rural and nature-based tourism development	<input type="checkbox"/>
6.9	Location of sex services premises	<input type="checkbox"/>
6.10	(repealed)	<input type="checkbox"/>
6.11	Temporary use of land in Zone RU2 for purpose of function centre	<input type="checkbox"/>
6.12	Use of certain land at North Coast Rail Corridor, between Bayshore Drive and Lawson Street, Byron Bay	<input type="checkbox"/>
6.13	Design excellence – Byron Bay town centre	<input type="checkbox"/>
6.14	Active street frontages in Byron Bay town centre	<input type="checkbox"/>
6.15	Use of certain land at Skinners Shoot	<input type="checkbox"/>
6.16	Use of land at “The Farm”, 11 Ewingsdale Road, Ewingsdale	<input type="checkbox"/>

4.2.2 Zoning

RU2 Zone Objectives

The site is zoned *RU2 – Rural Landscape* pursuant to the Byron Local Environmental Plan 2014. The relevant objectives of the RU2 zone are addressed below, together with the proposal's response.

The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.*
- *To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality.*

Comment: The proposal relates to the construction of alterations & additions to the existing dwelling on the property, therefore ensuring that the character of the land is maintained.

4.2.3 Applicable Provisions

Clause 4.3 – Height of Buildings

Comment: Pursuant to Clause 4.3 and the associated *Height of Buildings Map*, the maximum height for buildings on the subject site should not exceed 9m (as measured from ground level existing to the highest point of the building). The proposed alterations & additions will match the height of the existing dwelling, with a maximum height of 6.65m therefore not exceeding the maximum building height.

Clause 4.4 – Floor Space Ratio

Comment: The subject site is not mapped on the relevant BLEP2014 Floor Space Ratio map.

Clause 6.2 – Earthworks

Comment: Minor earthworks will be required to construct the alterations & additions. Reference should be made to the comments provided against the relevant heads of consideration below.

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The proposed building site does not contain any creeks or drainage lines. All earthworks will be completed in accordance with engineering specifications and no detrimental impacts are envisaged

(b) the effect of the development on the likely future use or redevelopment of the land,

Comment: The proposed works facilitate the development of the site as proposed. The earthworks associated with the proposed development will not adversely impact the redevelopment of the site in the future.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: Given the minor nature of the earthworks involved, there are no known issues associated with land contamination or land instability.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The proposed excavation earthworks will have no material impact upon the future development of adjoining lands. Accordingly, no adverse visual or amenity impacts are expected as the result of the earthworks.

(e) the source of any fill material and the destination of any excavated material,

Comment: The proponent is seeking to re-use all excavated material onsite.

(f) the likelihood of disturbing relics,

Comment: An AHIMS search was completed in September 2023 did not identify any places of Aboriginal Cultural Heritage within the site.

Clause 7.10 – Essential Services

Comment: The proposed servicing arrangements for the proposed dwelling are described in **Section 3.2**. As indicated, it is considered that suitable servicing arrangements are proposed to accommodate demands generated by the development.

4.3 Byron Development Control Plan

4.3.1 Introduction

The Byron Development Control Plan 2014 (DCP) applies to the Byron Shire Council Local Government Area and as such the subject site. The provisions contained within the DCP are intended to form a guideline under which development can take place that meet the underlying objectives of the Tweed Local Environmental Plan. Where demonstrated, scope exists to allow meritorious assessment through alternate solutions where practicable.

Table 7 below summarises the application of the Byron Development Control Plan.

Table 7: Byron DCP Applicability

Byron Development Control Plan 2014		Applicable
<u>Part A: Preliminary</u>		
A	Preliminary	<input type="checkbox"/>
<u>Part B: Controls applying generally to Development Applications</u>		
B1	Biodiversity	<input checked="" type="checkbox"/>
B2	Tree and vegetation management	<input checked="" type="checkbox"/>
B3	Services	<input checked="" type="checkbox"/>
B4	Traffic planning, vehicle parking, circulation and access	<input checked="" type="checkbox"/>
B5	Providing for cycling	<input type="checkbox"/>
B6	Buffers and minimizing land use conflict	<input checked="" type="checkbox"/>
B7	Mosquitoes and biting midges	<input type="checkbox"/>
B8	Waste minimisation and management	<input checked="" type="checkbox"/>
B9	Landscaping	<input type="checkbox"/>
B10	Signage	<input type="checkbox"/>

B11	Planning for crime prevention	<input type="checkbox"/>
B12	Social impact assessment	<input type="checkbox"/>
B13	Access and mobility	<input type="checkbox"/>
B14	Excavation and fill	<input type="checkbox"/>
B15	Public art	<input type="checkbox"/>
<u>Part C: Further controls applying to land with specific constraints and environmental characteristics</u>		
C1	Non-Indigenous heritage	<input type="checkbox"/>
C2	Areas affected by flood	<input type="checkbox"/>
C3	Visually prominent sites, visually prominent development and view sharing	<input type="checkbox"/>
C4	Development in a drinking water catchment	<input checked="" type="checkbox"/>
<u>Part D: Further controls applying to specific land uses</u>		
D1	Residential accommodation in Urban, Village and Special Purpose zones	<input type="checkbox"/>
D2	Residential accommodation and ancillary development in Rural zones	<input checked="" type="checkbox"/>
D3	Tourist accommodation	<input type="checkbox"/>
D4	Commercial and retail development	<input type="checkbox"/>
D5	Industrial development	<input type="checkbox"/>
D6	Subdivision	<input type="checkbox"/>
D7	Sex services premises	<input type="checkbox"/>
D8	Public art	<input type="checkbox"/>
D9	Rural function centres	<input type="checkbox"/>
<u>Part E: Further controls applying to specific locations</u>		
E1	Suffolk Park	<input type="checkbox"/>
E2	Bangalow	<input type="checkbox"/>
E3	Mullumbimby	<input type="checkbox"/>
E4	Brunswick Heads	<input type="checkbox"/>
-	Tweed Street Masterplan	<input type="checkbox"/>
E5	Certain locations in Byron Bay and Ewingsdale	<input type="checkbox"/>
E6	Federal village	<input type="checkbox"/>
E7	Main Arm	<input type="checkbox"/>
E8	West Byron Urban Release Area	<input type="checkbox"/>
E9	Ocean Shores, New Brighton and South Golden Beach	<input type="checkbox"/>
E10	Byron Bay Town Centre	<input type="checkbox"/>

4.3.2 Chapter B1 Biodiversity

A detailed assessment against Chapter B1 is provided within Part 7 of the Biodiversity Assessment by ReconEco, provided at **Attachment 4**.

4.3.3 Chapter B2 Tree and Vegetation Management

A detailed assessment against Chapter B2 is provided within Part 7 of the Biodiversity Assessment by ReconEco, provided at **Attachment 4**.

4.3.4 Chapter B3 Services

The purpose of this Chapter is to identify the minimum requirements necessary to adequately service the development for water, sewer, storm water management, on-site effluent disposal and other necessary infrastructure. Reference should be made to **Section 3.2** of this report which describes the proposed approach to servicing the development.

4.3.5 Chapter B4 Traffic Planning, Vehicle Parking, Circulation & Access

The purpose of this Chapter is to provide guidelines, controls and standards for traffic planning, vehicle access, circulation and parking for developments. Chapter B4 identifies that the dwelling is to be provided with 2 carparking spaces. As illustrated in the Architectural Plan set, the proposed dwelling will be provided with a double garage, accommodating for two vehicles.

4.3.6 Chapter B6 Buffers & Minimising Land Use Conflict

The purpose of this Chapter is to provide advice and guidance on planning for land use compatibility, avoiding land use conflict and the use of buffers. The following table illustrates the surrounding land uses in proximity to the proposed dwelling.

Table 8: Required Buffers

Direction	Land Use	Buffer
North	Rural residential development	No buffers required
South	Goonengerry Road, rural residential development	No buffers required
East	Rural tourist facility (Crystal Castle)	No buffers required
West	Wilson River, rural residential development	No buffers required

4.3.7 Chapter B8 Waste Minimisation & Management

The proposed alterations & additions will utilise the waste collection service in place for the existing dwelling, being wheelie bins that are collected from Goonengerry Road via Council's standard rural waste collection service.

4.3.8 Chapter C4 Development in a Drinking Water Catchment

The subject land is located in a mapped drinking water catchment defined by the Byron LEP. Given the nature of the proposal, the development is unlikely to have any adverse impact on the quality and quantity of water entering the drinking water storage. Appropriate sediment and erosion control devices will be installed and maintained during construction, whilst the dwelling will be serviced via an approved On-site Waste Water Management System.

4.3.8 Chapter D2 Residential Accommodation and Ancillary Development in Rural Zones

As assessment of the development's consistency with the relevant provisions of Section D2 is outlined within **Table 9** below.

Table 9: Chapter D2 Assessment

Element	DCP Requirement	Comment
D2.2 General Provisions		
D2.2.1 Location and Siting	1. Buildings should be sited to minimise impact on areas with environmental conservation values. Applications for proposals located in or near ecologically sensitive areas, areas of high	Complies. The proposed development involves the construction of alterations & additions to the existing dwelling. As such, is

Element	DCP Requirement	Comment
	<p>environmental values and/ or important natural features or sites must include a full description of those ecological, conservation and natural values and systems, together with a comprehensive, professional assessment of the impact of the proposed development.</p> <p>2. Determination of siting, extent and nature of development must be consistent with the provisions of Chapter B6 Buffers and Minimising Land Use Conflict.</p>	<p>considered to be consistent with the performance criteria of D2.2.1.</p> <p>An assessment against the buffer requirements within Chapter B6 is provided in Section 4.3.6 above.</p>
D2.2.2 Setbacks from Boundaries	<ul style="list-style-type: none"> • Front boundary - 15 metres • Side and Rear – BCA and Chapter B6 of Byron DCP 2014. 	<p>Complies.</p> <p>The proposed alterations and additions have a setback to Goonengerry Road in excess of 15m.</p> <p>The side and rear setback meets the requirements of Chapter B6 & the BCA.</p>
D2.2.3 Character and Visual Impact	The total number of residential buildings per property in RU1 and RU2 zones, including dwelling house, expanded house, dual occupancies and secondary dwellings is not to exceed six (6). This excludes multiple occupancy, community title, farm buildings, sheds and other structures meant for rural activities.	<p>Complies</p> <p>The proposal relates to alterations & additions to the existing dwelling and does not increase the number of dwellings upon the land.</p>
D2.2.4 Internal access between storeys in residential development	Each habitable floor of a multi-storey dwelling house must be connected by an internal staircase (garage and laundry excluded).	<p>Complies</p> <p>A new internal staircase is proposed to connect the ground and first floors of the proposed alterations & additions.</p>
D2.3 Dwelling Houses		
D2.3.1 On-Site Car Parking and Vehicle Access	Refer to Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for detailed provisions regarding car parking and vehicle access.	<p>Complies</p> <p>An assessment of Chapter B4 is provided within Section 4.3.5 above.</p> <p>The proposed development incorporates a double garage, providing parking for two vehicles.</p>
D2.3.2 Recycling and Waste Management and Onsite Sewage Management	<p>1. Garbage and recyclable storage and collection facilities must be provided to meet residents' needs and collections service requirements where roadside collection is available.</p> <p>2. On-site sewage management is to comply with Chapter B3 Services.</p>	<p>Complies</p> <p>An assessment of Chapter B3 is provided within Section 4.3.4 above</p>

4.4 State Environmental Planning Policies

4.4.1 Introduction

Table 10 summarises the State Environmental Planning Policies which apply to the land and form of development.

Table 10: SEPP Applicability

State Environmental Planning Policy (SEPP)	Applicable
SEPP (Biodiversity and Conservation) 2021	<input checked="" type="checkbox"/>
SEPP (Building Sustainability Index: BASIX) 2004	<input checked="" type="checkbox"/>
SEPP (Exempt and Complying Development Codes) 2008	<input type="checkbox"/>
SEPP (Housing) 2021	<input type="checkbox"/>
SEPP (Industry and Employment) 2021	<input type="checkbox"/>
SEPP No.65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>
SEPP (Planning Systems) 2021	<input type="checkbox"/>
SEPP (Precincts – Central River City) 2021	<input type="checkbox"/>
SEPP (Precincts – Eastern Harbour City) 2021	<input type="checkbox"/>
SEPP (Precincts – Regional) 2021	<input type="checkbox"/>
SEPP (Precincts – Western Parkland City) 2021	<input type="checkbox"/>
SEPP (Primary Production) 2021	<input type="checkbox"/>
SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>

4.4.2 – SEPP (Biodiversity & Conservation) 2021

Chapter 3 Koala Habitat Protection 2020

A detailed assessment against Chapter 3 is provided within Part 7 of the Biodiversity Assessment by ReconEco, provided at **Attachment 4**.

4.4.3 – SEPP (Building Sustainability Index: BASIX) 2004

The development proposes a Class 1 residential dwelling. As such BASIX Certificates has been prepared and accompanies this development application. The BASIX Certificate is provided within **Attachment 5** of this report.

4.4.4 – SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The objective of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the SEPP relates to contamination and remediation that should be considered in determining a Development Application. A consent authority must firstly consider whether a site is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state, or it will be suitable after remediation, for the proposed development.

In this instance, as the proposed works are within the immediate vicinity to the existing dwelling, it is considered that no further assessment of Chapter 4 is required.

4.5 Planning for Bushfire Protection

As detailed in **Section 2.3** above, the property is identified as being within a Bushfire Prone Area. Accordingly, a bushfire assessment has been prepared by *GeoLink Consulting*, provided within **Attachment 3**. The report concludes that the proposed alterations & additions be subject to the following requirements being included as conditions to the consent:

- *Asset protection zones are to be established and maintained as an Inner Protection Area (IPA) around the dwelling (including both the existing dwelling and proposed alterations/additions) in accordance with Appendix A4.1.1 of Planning for Bush Fire Protection 2019, as follows:*
 - *North for 25m;*
 - *South for 30m;*
 - *East to property boundary; and*
 - *West for 20m*
- *New construction (including external renovation of the existing dwelling) is to comply with Section 3, 5 and 6 (BAL 12.5 and BAL 19) of AS3959-2018 'Construction of Buildings in Bushfire Prone Areas' and Section 7.5.2 of Planning for Bush Fire Protection 2019 or NASH Standard 'Steel framed construction in bushfire areas' (2021).*
- *The existing dwelling (other than components subject to external renovation) is to be upgraded for ember protection by installing:*
 - *mesh screens with a maximum aperture of 2 mm, made from corrosion resistant steel, bronze or aluminium to all external doors, openable windows, vents and weepholes;*
 - *weather strips, draught excluders or draught seals at the base of side hung external doors; and*
 - *sealing any gaps around the fascias and eaves.*
- *Access is to be provided to the proposed static water supply in accordance with Table 7.4a of Planning for Bush Fire Protection 2019.*
- *A radiant heat shield made out of non-combustible material be installed downslope of the water tanks.*
- *Electricity and gas services are to comply with Table 7.4a of Planning for Bush Fire Protection 2019.*
- *Landscaping within the APZ is to comply with the standards for an Inner Protection Area (IPA) in accordance with Appendix A4.1.1 of Planning for Bush Fire Protection 2019.*

4.6 Biodiversity Conservation Act 2016

As detailed in **Section 2.3** above, parts of the site are mapped as containing high biodiversity value vegetation. Notwithstanding that the development footprint is well removed from the mapped areas, vegetation removal is required for the establishment to the Asset Protection Zones for bushfire purposes. Accordingly, a biodiversity assessment has been prepared by *ReconEco*, provided within **Attachment 4**. *ReconEco* concluded that the proposal does not trigger the Biodiversity Offsets Scheme (BOS) with regard to impacting Biodiversity Value land, areas of outstanding biodiversity value or exceeding native vegetation clearing thresholds. Therefore a Biodiversity Development Assessment Report (BDAR) is not required.

Importantly, the project team have implemented a range of measures to avoid and minimize the biodiversity impacts of the proposal, including:

- The existing dwelling and proposed extension are in an area predominantly clear of native vegetation.
- No hollow-bearing trees will be impacted.
- No threatened ecological communities will be impacted.

4.7 Section 4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of this application.

Table 11: Section 4.15 Matters for Consideration

S4.15 Matters for consideration	Response
(a) the provisions of: (i) any environmental planning instrument;	All relevant provisions of the Byron Local Environmental Plan 2014 have been considered within this report.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);	No draft EPI is considered to adversely impact the application.
(iii) any development control plan;	The relevant provisions of the Byron DCP are addressed within Section 4.3 of this report.
(iiia) and planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4;	The subject land is not known to be subject to a planning agreement.
(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)	
1 Demolition of Structures	N/A
2 Land subject to a Subdivision Order	N/A

S4.15 Matters for consideration		Response
3	Dark Sky Planning Guideline	N/A
4 & 5	Application for a manor house or multi dwelling housing (terraces).	N/A
6	Residential building in Penrith City Centre	N/A
7	Wagga Wagga Special Activation Precinct Master Plan	N/A
7A	Moree Plains Special Activation Precinct Master Plan	N/A
8	Subsections (7) and (7A) do not apply to a development application made on or after 30 September 2022	N/A
(v) (Repealed)		
(b) 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		The subject land is zoned RU2 – Rural Landscape. The proposal relates to alterations & additions to the existing dwelling. The development is consistent with the general development pattern in the locality.
Access, transport and traffic		The proposal is consistent with the scale of development foreshadowed in Council's planning policies and is not expected to adversely impact on the function of the local road network. Adequate access and parking arrangements have been provided within the development to accommodate the needs of future occupants within the dwelling.
Utilities		All necessary services will be connected to the dwelling as discussed in Section 2 of this report.
Heritage		The site is not identified on Schedule 5 of the BLEP2014 as containing an Item of Environmental Heritage.
Flora and fauna		The proposal does not require the removal of any significant vegetation. Reference is made to the Biodiversity Assessment by <i>ReconEco</i> provided within Attachment 4 .
Natural hazards		The site is mapped as being affected by bushfire prone vegetation. A Bushfire Hazard Assessment completed by <i>GeoLink Consulting</i> is provided within Attachment 3 .
Site design and internal design		As outlined above, the proposal is consistent in

S4.15 Matters for consideration	Response
	scale and form of development in the local area.
(c) The suitability of the site for the development:	
Does the proposal fit within the locality?	The proposal for alterations & additions to the existing dwelling is consistent with Councils planning framework. Furthermore, the design is compatible with existing and likely future developments within the surrounding locality.
Site attributes conducive to the development?	The subject lands are mapped as bushfire prone land. The development will be undertaken in accordance with the relevant standards contained within PfBP2019.
(d) Any submissions made in accordance with this Act or the regulations;	The proposal is compliant with the relevant legislation, as addressed within this report. Council will consider any submissions to the application as part of the assessment process.
(e) The public interest.	This project has been designed to be compatible with the existing and desired future amenity of the locality and will support the use of the land for residential and tourist purposes. In addition, the development is largely consistent with the development controls for the locality. As such, the proposal is considered to be in the public interest.

5. Conclusion

This Town Planning report when read in conjunction with the accompanying documents successfully addresses the issues relevant to Council's assessment of this application.

In consideration of the issues and information provided, approval of the Development Application is warranted in the manner prepared, subject to the application of reasonable and relevant conditions.

The grounds for this approval are summarised below:

- The application accords with the relevant provisions of the Byron Local Environmental Plan 2014;
- The proposal adequately addresses the relevant provisions of the Byron Development Control Plan; and
- The proposal has been designed to accord with the building form and scale of surrounding development in the area.



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