
TOWN PLANNING REPORT

Statement of Environmental Effects

Proposed replacement of an existing dwelling and ancillary structures that have approval to be demolished with a new two storey dwelling house with a swimming pool, cabana and access driveway

Lot 6 in Deposited Plan 115430
No. 128 Lighthouse Road, Byron Bay

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TOWN PLANNING STUDIO

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Annexures

- A. Bush Fire Assessment
- B. Development Plans

1.0 Introduction

This Town Planning Report includes a Statement of Environmental Effects to accompany a Development Application to Byron Shire Council for the construction of a new double storey dwelling and associated works within the subject site.

The following sections of this report relate to the matters summarised below:

Section 2 – provides a description of the development site.

Section 3 – provides a description of the proposed development.

Section 4 – provides consideration of the proposed development having regards to the statutory requirements applying to the site.

Section 5 – provides a conclusion to this report.

In addition to these sections, Annexures include documentation of relevance to the proposed development and its site, including the plans of the proposed development. Figures are included throughout the document to provide details of the development and the development site.

This Statement of Environmental Effects has been prepared in consideration of the form approved by the Planning Secretary and published on the NSW Planning Portal, which requires a Statement of Environmental Effects to document the following, where relevant to the proposal:

- a. the environmental impacts of the development.
- b. how the environmental impacts of the development have been identified.
- c. the steps to be taken to protect the environment or to lessen the expected harm to the environment.
- d. any matters required to be indicated by any guidelines issued by the Planning Secretary.
- e. drawings of the proposed development in the context of surrounding development, including the streetscape.
- f. development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations.
- g. drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context.
- h. if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts.
- i. photomontages of the proposed development in the context of surrounding development.
- j. a sample board of the proposed materials and colours of the facade.
- k. detailed sections of proposed facades.
- l. if appropriate, a model that includes the context.

Note on the use of this document

This document has been prepared for the use of Byron Shire Council, as the consent authority, for determining a Development Application for carrying out development on the site. The document is to be used to assist in the assessment of a Development Application and is not intended to be used for any other purpose. This document is protected by copyright.

2.0 Description of the site

General

The proposed development relates to a single allotment of land that is formally described as Lot 6 in Deposited Plan 115430. The property is located at No. 128 Lighthouse Road, Byron Bay. The allotment has a land area of 657.6 square metres. The property is located on the eastern side of Lighthouse Road to the south of the Captain Cook lookout and picnic area.

The subject lot is rectangular in shape with a frontage of 15.24 metres to Lighthouse Road. The land slopes from west to east towards Lighthouse Road.

Refer to Figure 1 for a Locality Plan and to Figure 2 for an Aerial Photograph of the Site and Surrounds.

Improvements and Land Uses

The property contains an established single storey dwelling-house. Vehicle access to the allotment is via an existing driveway from Lighthouse Road. A number of landscape plantings are located within the allotment. Byron Shire Council granted approval to Development Application No. 10.2021.449.1 for the construction of a new two storey dwelling within the site designed by Metricon Homes. Complying Development Certificate No. 16.2022.2029.1 has also been approved to demolish the existing dwelling.

Zoning

The site of the proposed development is located within the R3 Medium Density Residential Zone under Byron Local Environmental Plan 2014.

Surrounding Land Uses

Similar sized residential lots adjoin to the north and south. National Park land containing coastal vegetation is located to the east. A double storey dwelling with swimming pool occupies the allotment to the south. Residential flats adjoin to the north.

Services

The allotment has access to the following services:

- Water – the property is connected to Council's reticulated water supply.
- Sewer – the existing dwelling is connected to Council's sewer network.
- Telecommunications – available to the existing dwelling via Telstra/NBN infrastructure.
- Electricity – accessible from overhead transmission lines administered by Essential Energy.
- Stormwater – roof water is disposed of to the street using existing connections within the site.
- Waste and Recyclables Collection – provided with roadside collection.

Constraints

Mapping by NSW Planning and Environment indicates that the subject property is within a 100m buffer to bush fire constraints. However, the property is not affected by flooding, coastal erosion or potential acid sulfate soils.



Figure 1 – Locality Plan (NSW LPI)

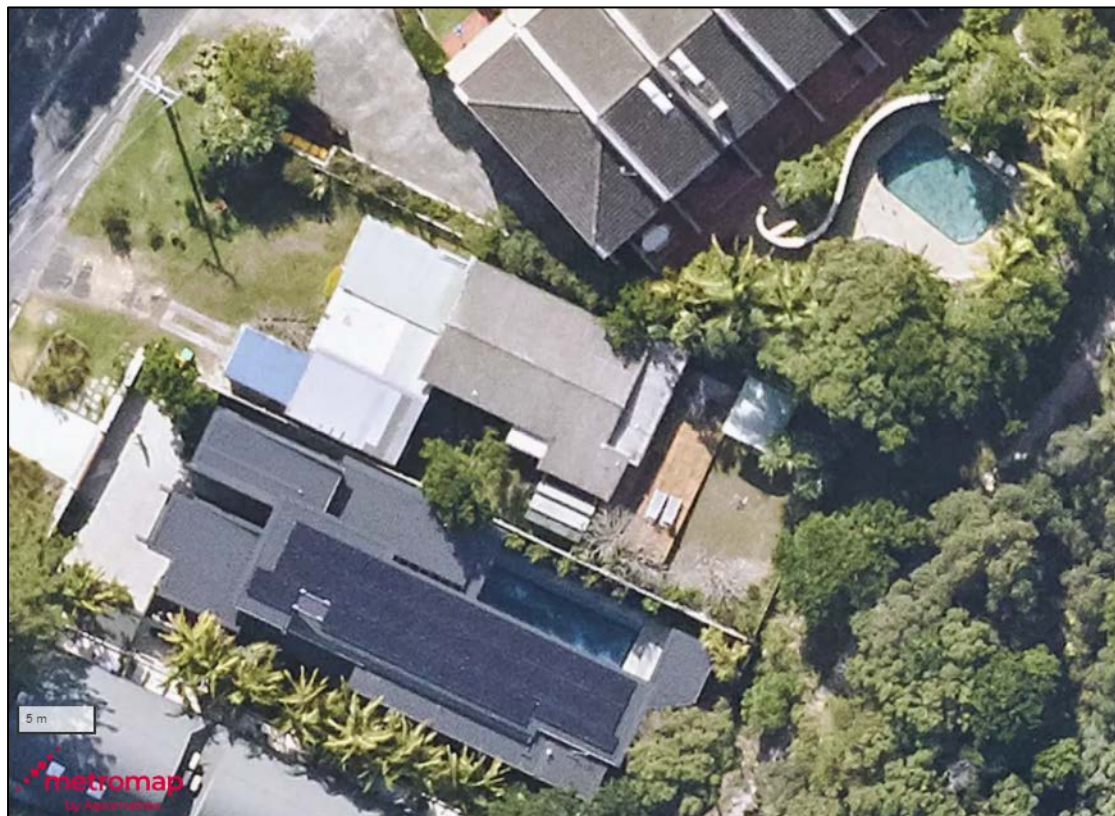


Figure 2 – Aerial Photograph of Site & Surrounds (NSW LPI)

3.0 Description of the proposal

Development consent is sought to construct a new dwelling house and ancillary works including a swimming pool, cabana and access driveway within the site. The demolition of the dwelling has been granted approval under Complying Development Certificate No. 16.2022.2029.1. Refer to plans of the proposed development prepared by Harley Graham Architects within the Annexures of this Town Planning Report.

The proposed dwelling house is a two-storey construction comprised of the following:

Ground floor

- Double vehicle garage, gym, sauna, bedroom, bathrooms, kitchen, dining, lounge, laundry, pool, cabana and outdoor areas.

First Floor

- 3 x bedrooms, bathrooms, rumpus and partially covered outdoor terrace.

The proposed development will require the removal of landscape vegetation such as palms and grevilleas. However, the previous approvals within the site have already endorsed the demolition of the dwelling and the removal of landscape vegetation. The proposed vehicle access is to be repositioned to the centre of the Lighthouse Road frontage. The existing concrete strip driveway will be removed. No impacts are proposed on native rainforest vegetation that is representative in the local area.

The external finishes of the proposed dwelling include a mix of rendered brickwork (cream colour), stone cladding (sandstone colour) and timber hardwood cladding (oil finish). A steel roof is proposed. New timber and masonry fencing is proposed to the property boundaries.

The Development Application is accompanied by a Bush Fire Assessment Report prepared by Fire Tech Consultants. A BASIX Certificate has been prepared for the proposed development as required under State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.



Figure 3 – Western elevation of proposed development (Harley Graham Architects)

4.0 Statutory considerations

4.1 NSW Environmental Planning and Assessment Regulation 2021

The proposal does not raise any significant issues under the NSW Environmental Planning and Assessment Regulation 2021. A Construction Certificate will be obtained for the development which will certify compliance with the Building Code of Australia.

4.2 Section 1.7 of the Environmental Planning & Assessment Act 1979

Section 1.7 of the EP&A Act 1979 provides that the Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

An inspection of the site on 10 August 2023 confirmed that only landscape species are impacted by the proposed building works. These include grevillea, palms and understorey plants. No impacts arise in relation to the on the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

4.3 Section 4.14 of the Environmental Planning and Assessment Act 1979

The proposed development is located within a mapped 100m buffer area to bush fire hazards. A bushfire assessment report prepared by Fire Tech Bush Fire Consultants is submitted as part of the Development Application. Refer to the Annexures of this Town Planning Report.

4.4 Matters for Consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979

4.4.1 Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument

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

As the proposed development seeks to establish a new dwelling house, it falls within the definition of 'BASIX affected Development'. A BASIX Certificate is provided as part of the Development Application.

SEPP (Resilience and Hazards) 2021: Chapter 2 Coastal Management

The development site is not identified as being within a "proximity area for coastal wetlands" nor a "proximity area for littoral rainforests", under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2.

SEPP (Resilience and Hazards) 2021: Chapter 4 Remediation of land

The subject allotment was registered as part of Deposited Plan 115430 which was created on 30 May 1983. The development site is part of a residential subdivision containing multiple lots. A dwelling house has been established within the site for over three decades. The proposed development comprises a replacement dwelling. It is noted that Byron Shire Council has previously granted approval for a replacement dwelling within the site under Development Consent No. 10.2021.449.1. The nature of the development and the context of the site are such that further assessment is not warranted for this proposal.

Byron Local Environmental Plan (LEP) 2014

LEP 2014 Land Use Table – R3 Medium Density Residential Zone

The site of the proposed development is located within the R3 Medium Density Residential Zone under Byron Local Environmental Plan 2014. The proposed dwelling construction is permitted with the consent of Council within the R3 Medium Density Residential Zone.

The Objectives of the R3 Medium Density Residential Zone are as follows:

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

The development has been designed to meet the maximum density controls under Byron Local Environmental Plan 2014 – refer to comments under Clause 4.4 of Byron Local Environmental Plan 2014 provided below. The development does not place unreasonable demands on public services and facilities. The proposal is considered to be consistent with the objectives of the R3 Medium Density Residential Zone.

LEP 2014 Clause 4.3 – Height of Buildings

The Local Environmental Plan prescribes a maximum overall height limit of 9.0 metres within the subject site. The proposed dwelling house complies with this standard.

LEP 2014 Clause 4.4 – Maximum Floor Space Ratio

The Local Environmental Plan prescribes a maximum floor space ratio of 0.6:1 within the subject site. The proposed development meets this requirement as set out in the following table.

Floor Space Ratio Calculations	
Site Area	657.6 m ²
Total Gross Floor Area	320.0 m ²
Floor Space Ratio	0.49:1

LEP Clause 6.2 – Earthworks

Earthworks are required in numerous locations across the development site. Excavation and retaining is required to establish the new swimming pool at the rear of the site, with retaining at the side boundaries required to facilitate the ground floor garage. Retaining and fill is also proposed across the site to create a landscape terrace in the rear yard of the site. Sedimentation and erosion control measures are to be applied during construction. The site is satisfactorily setback from any natural waterways and environmentally sensitive areas.

LEP 2014 Clause 6.6 – Essential services

The subject site has access to required services as discussed in the table below:

Required arrangements	Comment
The supply of water	The existing allotment is supplied by town water.
The supply of electricity	Overhead electricity is supplied to the property from the reticulated network administered by Essential Energy.
The disposal and management of sewage	The existing development is connected to Council's sewer network. A sewer main and manhole are located within the road reserve at the front of the property.
Stormwater drainage or on-site conservation	Stormwater drainage will be collected and disposed of to Lighthouse Road in a controlled manner per standard conditions of consent.
Suitable vehicular access	Direct access is available to the property from Lighthouse Road. The proposed dwelling will be provided with two on-site parking spaces in a garage at the front of the dwelling.

4.4.2 Section 4.15(1)(a)(ii) The Provisions of any Draft Environmental Planning Instrument

No draft environmental planning instruments have relevant implications for the proposal.

4.4.3 Section 4.15(1)(a)(iii) The Provisions of any Development Control Plans

Byron Development Control Plan (DCP) 2014

DCP 2014 Chapter B4 – Traffic Planning, Vehicle Parking, Circulation and Access

The proposal meets the parking requirements of Table B4.1 for a single dwelling as two parking spaces are provided within a garage area at the front of the building. Lighthouse Road has a 50km/h speed limit that allows for suitable access to the development.

DCP 2014 Chapter B14.2 – Excavation and Fill in All Zones

The Prescriptive Measures of Chapter D14.2 provide that excavation and filling shall be limited to a depth of 1.0 metre, with exemptions allowable for garages and swimming pools. The proposed development includes a swimming pool on the eastern side of the dwelling. This building component meets the prescriptive requirements set out within Figure B14.2 and Figure B14.4.

The proposal also includes a ground floor garage that is excavated into the gently sloping site and retained at each side. A cut of not more than 1 metre is required for the new building.

DCP 2014 Chapter D1.2.1 – Building Height Plane

The proposed dwelling encroaches into the building height plane at each side boundary (ie. the northern and southern property boundaries). Variations to the prescriptive measures of Chapter D1.2.1 are requested for the dwelling based on the following comments.

The Objectives of Chapter D1.2.1 are:

1. 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 plans of the proposed development include shadow diagrams to detail the extent of overshadowing on adjoining properties. These diagrams indicate that overshadowing on the adjoining property to the south will occur during winter months only. No overshadowing occurs to the north. Further discussion on this issue is provided in relation to the Performance Criteria below.

The proposed development has been designed to limit windows on the southern elevation. Opaque glass and screens are proposed to minimise privacy impacts, particularly from living areas. Landscape plantings are proposed adjacent to the southern and northern boundaries of the property to ensure privacy between neighbouring lots, in particular to the proposed pool area and adjacent yard spaces.

The Performance Criteria of Chapter D1.2.1 are:

1. Developments must be set back progressively from the site boundaries as height increases so that they do not adversely affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy or obstructing views.
2. Developments must be designed so that they will promote energy efficiency and so that residents may enjoy optimum use of winter sunlight and summer shade.
3. Development applications must demonstrate that the windows of living areas (decks, living rooms, bedrooms, kitchens, etc.) of development on adjoining properties will, as a minimum, retain full solar access between the hours of 9.00am to 3.00pm on any day.

Refer to the photographs on the following pages of this document for images of the development site and the neighbouring properties. Note that a residential flat building is located to the north and a double storey dwelling is located to the south. A review of Byron Shire Council's website shows that the adjoining property to the south was granted approval with similar building height plane encroachments to that proposed within the subject Development Application. Photographs 2 & 3 show a straight wall adjacent to the front of the development site.

The development plans for the subject site include shadow diagrams showing overshadowing to the south in winter months only. These plans have plotted the overshadowing of the approved two storey dwelling that has been endorsed by Byron Shire Council as part of Development Consent No. 10.2021.449.1. The new dwelling design (which will replace 10.2021.449.1) includes only marginal changes in overshadowing during the winter solstice.

Refer also to Figures 5, 6 & 7 on the following pages of this document which provide the western elevations of the approved dwelling within the subject site, the proposed dwelling within the subject site and the existing dwelling within the adjoining property to the south. It is evident that Byron Shire Council has supported building height plane encroachments in the immediate locality. Both the current approval over the subject property and the existing dwelling within No. 126 Lighthouse Road provide a precedent for building height plane encroachments in support of the proposed development.

Privacy impacts have been successfully managed in the design by inclusion of privacy screens and opaque windows in habitable spaces oriented towards adjacent properties. Refer to Figure 4 below.

Byron Development Control Plan 2014 allows Council to vary prescriptive measures where it can be demonstrated that the objectives and performance controls are met. It is submitted that the Development Application is consistent with the objectives and performance criteria of Chapter D1.2.1. A variation is justified to the prescriptive building height plane controls in this case.

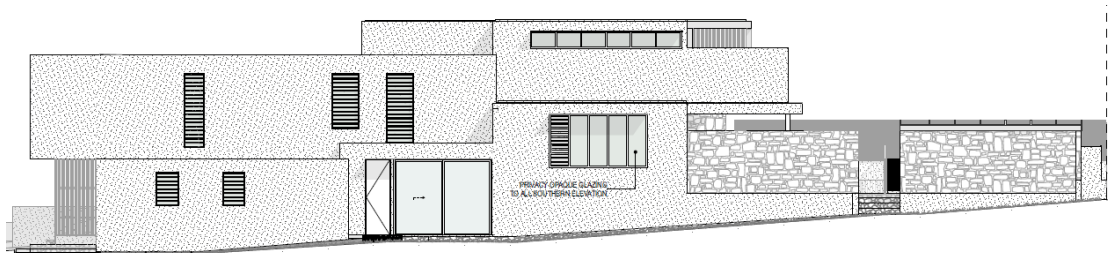


Figure 4 – Southern Elevation of proposed dwelling showing opaque glass and screens over windows.



Photograph 1 – Residential flats and access driveway to the north of the development site within No. 130 Lighthouse Road).



Photograph 2 – The development site as viewed from Lighthouse Road.



Photograph 3 – Existing dwelling within No. 128 Lighthouse Road (to be demolished) and two storey dwelling within adjacent property to the south.

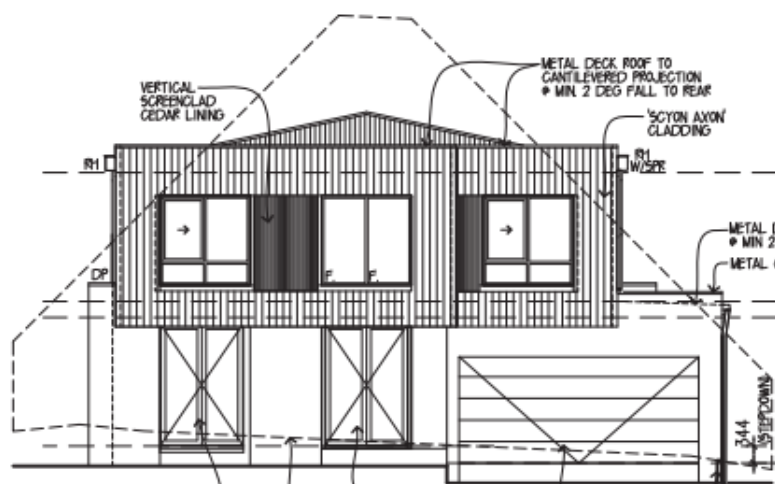


Figure 5 – Western Elevation of approved dwelling within No. 128 Lighthouse Road (the subject site)

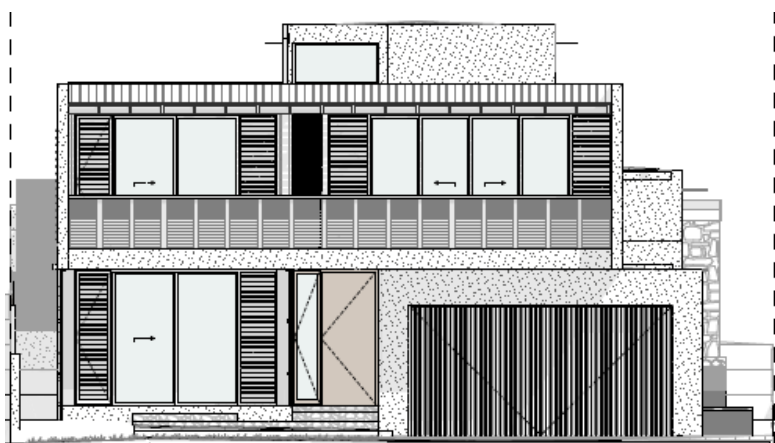


Figure 6 – Western Elevation of proposed dwelling within No. 128 Lighthouse Road (the subject site)

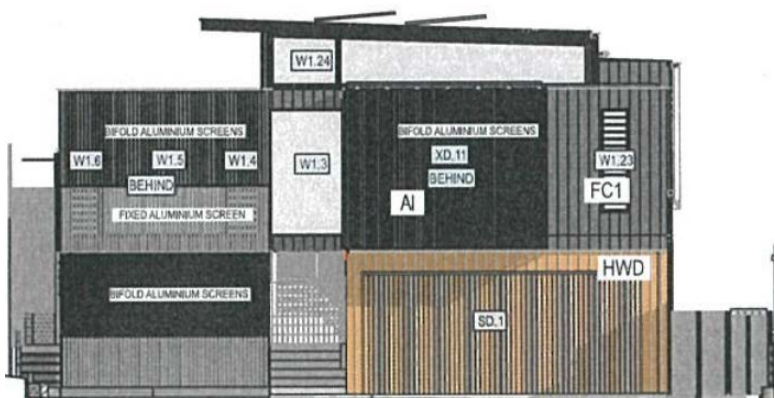


Figure 7 – Western Elevation of approved dwelling within No. 126 Lighthouse Road (the adjoining property to the south)

DCP 2014 Chapter D1.2.2 – Setbacks from Boundaries

The proposed development meets the prescribed boundary setbacks outlined within Chapter D1.2.2.

DCP 2014 Chapter D1.2.3 – Screening of underfloor areas

The development includes a fully enclosed sub-floor. No underfloor screening is required as part of the proposal.

DCP 2014 Chapter D1.2.4 – Character and Visual Impact

The proposal presents a new dwelling house which responds to the topography of the land and contributes to the streetscape character. Figures 6 & 7 above show that the proposed dwelling is aligned with the existing dwelling within the adjacent allotment to the south. The development site benefits from a backdrop of established coastal vegetation (National Park) that will soften the new building works. The proposal does not compromise the character of development within the locality.

DCP 2014 Chapter D1.2.5 – Fencing

The proposed development includes new front fencing that is to be constructed to a height of 1.8 metres and a side fence that is to be constructed to 2.1 metres. The front fence comprises recycled timber materials and the side fence comprises masonry blocks.

Chapter D1.2.5 of Byron Development Control Plan 2014 provides the following Objectives, Performance Criteria and Prescriptive Measures for fencing within a residential area:

Objectives	Comment
1. To enable residents to erect fences to provide for a sense of privacy, noise reduction and security.	The fencing is required by the owner-occupiers of the dwelling to provide privacy and security for their property. The timber & masonry fencing materials will also provide noise reduction benefits for the residents.
2. To ensure that fences do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents.	Although the proposed front fence comprises a 1.8 metre height, the new dwelling is to be two storeys with a balcony facing Lighthouse Road. The proposed arrangement will provide casual observation of the street.
3. To ensure that fences do not unduly reduce opportunities for casual social interaction in the community.	The proposed front fencing includes a gate opening that will encourage casual social interaction with the community.
4. To ensure that fences do not become a dominant built element in the streetscape.	The fencing will incorporate landscaping such that it is not considered a dominant feature on this site.

5. To exclude unwanted light from vehicles in particular circumstances.	The fencing will reduce headlight impacts from vehicles using the adjacent street network and driveway to the neighbouring apartments.
6. To ensure that the design and placement of fences do not adversely impact traffic or pedestrian safety.	The proposed front fencing includes a gate opening to allow for safe vehicle access.
7. To ensure provision for access by safety and emergency vehicles and personnel.	As above.

Performance Criteria	Comment
Fences must not: a) impair driver or pedestrian visibility at road intersections; b) prevent residents of a dwelling from casually observing the adjacent street; c) detract from the streetscape in terms of fencing design, materials, scale or colours; d) prevent emergency access by safety and emergency vehicles and personnel.	Refer to comments within objectives section above.
Gates or openings in fences must facilitate safe entry and exit conditions for vehicles to and from public roads. Fences must not create or contribute to unsafe sight distance restrictions for vehicles entering or exiting neighbouring properties.	The proposed gate allows for safe vehicle entry exit.
Fencing of corner allotments must allow for reasonable enclosure of rear yard areas for privacy and security, while minimising the impact of the fence on the street scene, safe sight distance and traffic and pedestrian safety.	The residential property is not a corner allotment.

Prescriptive Measures	Comment
The height of fences must not exceed: Front fence – 1.2 metres Side fence - 1.2 metres within the building line setback and 1.8 metres for the remainder. Rear fence – 1.8 metres.	The proposed fencing exceeds this requirement. A variation is requested to the maximum 1.8 metre side boundary fencing on the northern alignment given the location of an apartment building within the adjacent property. The proposed 2.1 metre masonry fence is designed to provide privacy to the proposed

	dwelling. Photograph 1 above shows a concrete driveway and the three storey apartment building directly adjacent to the development site. A small variation of 300mm is reasonable to reduce overlooking and noise impacts associated with the neighbouring development.
b) Front fences and side fences within the building line setback higher than 1.2 metres but not higher than 1.8 metres may be permitted for properties: a) adjoining land used for business or commercial purposes, in cases where screening from the adjoining business activity is necessary to protect residential amenity; b) where it is demonstrated that traffic noise and light impacts from car headlights on a public road will create adverse impacts on residential amenity in the absence of the higher fence; c) necessary for safety, noise mitigation purposes or to enclose the primary open space area.	Figure 8 below provides an aerial photograph of the subject site and adjacent land uses. An apartment building containing 12 x dwellings is located within the adjoining property to the north. The majority of these dwellings are used for holiday letting. A caravan park is located on the opposite side of Lighthouse Road to the west. A large parking area to access Clarkes Beach/The Pass is located further to the north. Lighthouse Road is a busy tourist road providing access to popular beaches and holiday precincts. The character of the area and the adjacent uses are akin to a commercial centre. It is requested that the proposed 1.8 metre high front fence is supported to enable screening and improve amenity for the residents of the property. Photograph 2 above shows that the adjoining property to the south also includes a front fence with a height above 1.2 metres. The proposal is considered reasonable for this location.
c) Any front fence higher than 1.2 metres must be: a) located not less than 50cm inside the front boundary with the area in front of the fence to be landscaped; or b) articulated with recessed sections of a minimum 0.9 x 0.9 metres at a maximum interval of 5 metres to allow planting of vegetation to reduce the impact of the fence.	The proposed fence has been designed with a setback to the front boundary to accommodate landscape bays.

Based on the details provided above and the image below, the proposed fencing is considered to be consistent with the objectives, performance criteria and prescriptive measures of Section D1.2.5 of Byron Development Control Plan 2014.



Figure 8 – Aerial photograph of the subject site and nearby land uses

DCP 2014 Chapter D1.2.6 – Balconies

The proposed dwelling includes small balcony areas on its eastern and western ends. These balconies areas are integrated into the building design so that they do not dominate the built form. Screening is proposed to minimise visual impacts from Lighthouse Road. The new balconies do not raise non-compliances with Chapter D1.2.6.

DCP 2014 Chapter D1.2.7 – Pedestrian and Cycle Access

Adequate area is available within the site to accommodate bicycle parking where required.

4.4.4 Section 4.15(1)(b) The likely Impacts of the Proposed Development

In assessing the subject proposal, Council must consider the likely impacts of the development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality.

This Section of the Statement of Environmental Effects indicates the following matters, where relevant to the proposal:

- (a) the environmental impacts of the development,
- (b) how the environmental impacts of the development have been identified,
- (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment.

The following actions were applied to assist in identifying potential impacts from the proposed development:

- An inspection of the site on 10 August 2023.
- Review of aerial photography to identify vegetation cover and the position of development within the site and surrounding properties.
- Review of environmental planning tools including vegetation mapping, koala habitat mapping, BDAR mapping, stream mapping, constraints mapping and zoning mapping.
- Review of historic planning approvals to confirm existing and past land uses within the site and adjoining properties.

Economic Impacts

The completed building works will result in a significantly improved dwelling arrangement to enhance the residential use of the site. The proposal adds value to the land and provides for positive economic benefits for the landowners. The proposed construction works will engage multiple local contractors and tradespersons. The project will support employment within the Byron local government area during the construction period.

Noise and Amenity Impacts

The proposed development will be carried out over an estimated construction period of 12 months. To minimise impacts on surrounding residents, the proposed works will only be undertaken within Byron Shire Council's standard construction hours and days. It is understood that a condition of consent will clarify this requirement.

In the long term, the residential use of the property will not result in significant impacts on the amenity of the locality. The new dwelling layout is consistent with residential uses within the site and adjoining properties.

Social impacts

The development site is within a residential area that is located to the east of the Byron Bay town centre. Residential land uses including single and multi-dwellings adjoin to the south and north. National Park land is located to the east. The proposed development complements the existing residential occupation of the locality. The ongoing residential use does not raise concerns with respect to social impacts.

Impacts on the Built Environment

The proposed development is situated within an above averaged sized allotment (657.6 square metre). The site contains an existing single storey dwelling that is deteriorating with age. A multi level residential flat building is located within the adjoining allotment to the north.

Figures 6 & 7 and Images 1, 2 & 3 above provide the western elevations of the proposed dwelling and the dwelling within the adjacent property to the south. These show that the proposed design is compatible with the existing built form. Landscaping is proposed in accordance with the submitted landscaping plans to soften visual impacts of the structure in the locality.

The new works will comprise quality materials and finishes that complement the buildings within the street. No adverse impacts on the built environment are likely to result from the proposal. BASIX Certification is provided as part of the Development Application to support environmental outcomes for the new housing development.

Impacts on Traffic and Car Parking

The existing road network is capable of accommodating vehicle movements associated with the ongoing residential use of the site. In the long term, the new dwelling will not generate additional traffic movements beyond those already accessing the property. Construction vehicles will be managed by the principal contractor for the development project. No significant impacts on traffic are likely to arise from the development.

Impacts on the Natural Environment

An inspection of the site confirmed that the proposed development will impact only on landscape species that have been planted within the site. No naturally occurring trees will require removal as part of the Development Application.

The site is within a low density residential zone with limited ecological significance. Substantial replacement plantings are

detailed within landscape plans accompanying the Development Application. The proposal will not create any ongoing impacts on the natural environment.

4.4.5 Section 4.15(1)(c) Suitability of the Site for the Proposed Development

The development site comprises a 657.6 square metre allotment located within the Byron Bay residential locality. The land containing the development is within the R3 Medium Density Residential Zone under Byron Local Environmental Plan 2014.

The development site is of sufficient area to accommodate the residential development. Vehicle parking within the west of the site is proposed with access Lighthouse Road. The property sits amongst residential flats (to the north) and a single dwelling (to the south).

Urban services are available to the site including water supply, sewer connection, electricity and telecommunications infrastructure. The site is within a 100 metre bushfire buffer, however bush fire constraints can be managed in accordance with the attached bush fire assessment report. The property is not subject to flooding or coastal erosion. The subject site is considered to be suitable for the proposed development.

4.4.5 Section 4.15(1)(e) The Public Interest

The proposed development is appropriate in the context of existing residential structures within Lighthouse Road. The architecturally designed home contributes to the established character. The development does not adversely impact on any public assets or services. The Development Application does not compromise the public interest.

5.0 Conclusion

The proposal seeks to construct a new two storey dwelling house, swimming pool and ancillary works within the site. The proposed development has been designed in consideration of the requirements of Byron Local Environmental Plan 2014 and Development Control Plan 2014.

The proposed development is permitted with consent within the R3 Medium Density Residential Zone under Byron Local Environmental Plan 2014. It is consistent with the objectives of the zone and does not significantly impact on the surrounding residential land uses. Variations to the building height plane controls are justified within the body of this report.

The site is 657.6 square metres in area and is considered to be suitable for the proposed development. Bush fire and slope constraints have been managed as part of the development design. The property does not contain any native vegetation that is of high ecological value. New landscaping is proposed throughout the site to replace that removed as part of the development. BASIX Certification is provided as part of the Development Application to support environmental outcomes for the new housing development.

This report addresses the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and relevant planning instruments. It is considered that sufficient information has been provided to assess the proposal as a Development Application in light of the issues identified. However, please advise the Applicant should further information be required to address any issues that may arise during assessment.

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Joe Davidson

Annexure A

Bush Fire Assessment

Annexure B

Development Plans