

# STATEMENT OF ENVIRONMENTAL EFFECTS

Continued Use of a Converted Shed as a  
Dwelling and Conversion of the Existing  
Dwelling to a Shed.

at

Lot 6 DP 258075

1931 Coolamon Scenic Drive  
MULLUMBIMBY 2483

For: Jace O'Connor

Date: February 2024

## Table of Contents

1. INTRODUCTION .....	3
1.1. Summary .....	3
1.2. Public Notification.....	3
1.3. Integrated Development.....	4
1.4. Previous Development Approvals .....	4
2. SITE DESCRIPTION .....	4
2.1 Summary.....	4
2.2 Zoning .....	5
2.3 Surrounding Development.....	6
2.4 Services .....	6
2.5 Constraints.....	6
3. PROPOSED DEVELOPMENT .....	8
4. STATUTORY ASSESSMENT – PLANNING AND DEVELOPMENT .....	9
4.1. Environmental Planning and Assessment Regulation 2021 .....	9
4.2. Section 1.7 of the Environmental Planning & Assessment Act 1979.....	9
4.3. Section 4.14 of the Environmental Planning & Assessment Act 1979.....	10
4.4. Matters for Consideration under Section 4.15.....	10
4.4.1. Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument.....	11
4.4.2. Section 4.15(1)(a)(ii) The Provisions of any Draft Environmental Planning Instrument .....	17
4.4.3. Section 4.15(1)(a)(iii) The Provisions of any development control plan 17	
4.4.4. Section 4.15(1)(a)(iv) The Provisions of any Planning Agreements ....	22
4.4.5. Section 4.15(1)(a)(v) The Provisions of the regulation.....	23
4.4.6. Section 4.15(1)(b) The likely Impacts of the Proposed Development..	23
4.4.7. Section 4.15(1)(c) Suitability of the Site for the Proposed Development .....	25
4.4.8. Section 4.15(1)(d) Any submissions made .....	25
4.4.9. Section 4.15(1)(e) The Public Interest.....	25
5. CONCLUSION .....	26
6. DOCUMENTS INCLUDED WITH THE APPLICATION .....	27

# 1. INTRODUCTION

This Statement of Environmental Effects has been prepared in accordance with the *Environmental Planning and Assessment Regulation 2021*, which requires a Statement of Environmental Effects to indicate 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.

This report demonstrates, in the context of relevant Council and State Government Policies and Objectives that the proposal will not generate adverse impacts on the built or natural environments. The report identifies the issues associated with the proposal and addresses mitigation where adverse impacts are likely. The proposal is considered consistent with relevant adopted policies and planning provisions.

This document has been prepared for the use of Byron Shire Council, as the consent authority, for determining a Development Application for the Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed.

The document is to be used to assist in the assessment of this Development Application and is not intended to be used for any other purpose.

## 1.1. Summary

Applicant	Jace O'Connor
Owner	Jace Connor & Aurelie Remetter
Address	1931 Coolamon Scenic Drive, MULLUMBIMBY
Lot & DP	Lot 6 DP 258075
Zoning	RU2 Rural Landscape
Site Area	1.844ha
Proposal	Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed.
Existing Development	Single storey dwelling house with attached carport and ancillary outbuildings (double garage and farm shed).

## 1.2. Public Notification

As per Byron Shire Council's *Community Participation Plan 2019*, the proposed development falls under Change of Use to a single storey dwelling house and ancillary building works (shed) where the level of public notification is Level 0 – where no public exhibition or notification is specified.

### 1.3. Integrated Development

The proposed development is not integrated under any of the legislation listed in 4.46 of the *Environmental Planning and Assessment Act 1979*.

### 1.4. Previous Development Approvals

An Informal Access to Information Request was made to Council and revealed following development consents and approvals:

Application No.	Description
Development Application No. 80/791	Proposed Dwelling, approved 15/01/1981
Building Application No. 677/80	Dwelling approved 19/01/1981, final 20/8/1984.
Building Permit No. 352/85	Storage Shed, approved 13/8/1985
Section 68 No. 70.2023.1034.1	Approval to operate Onsite Sewage management System (OSMS), approved 14/07/2023

The allotment was created by Council Subdivision No. 77/77 on 21 November 1977.

## 2. SITE DESCRIPTION

### 2.1 Summary

The site is an irregular shaped rural allotment with access from the northeastern boundary, off Coolamon Scenic Drive via an existing driveway. The site area is approximately 1.844ha and is mostly cleared in the centre, with some dense screening vegetation running along most boundaries that adjoin neighbouring properties.

Structures on the land include an existing single storey dwelling with an attached carport and ancillary buildings including a double garage and farm shed where works have occurred following a flood event. The works that have occurred were to the approved shed to be converted into a dwelling, and to the approved dwelling to be converted into a storage space.

The allotment has a gradual slope that falls toward the western boundary, consisting of a zone that has been identified as an area of High Environmental Value, being subtropical rainforest.



Figure 1: Aerial Photograph of property and locality (Source: Byron Shire Council)

## 2.2 Zoning

The subject allotment is located within a RU2 Rural Landscape Zone under Byron Local Environmental Plan 2014.

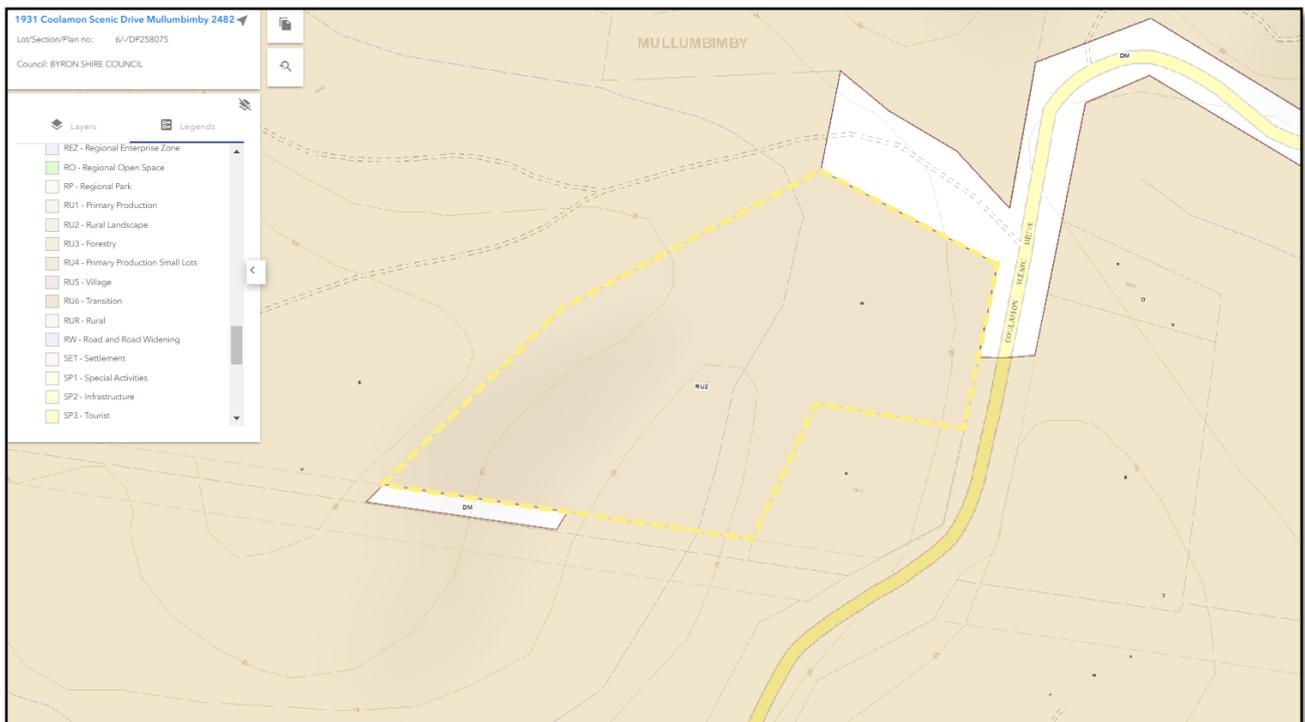


Figure 2: Aerial Photograph of Zoning RU2 (Source: Byron Shire Council)

## 2.3 Surrounding Development

The surrounding land uses are primarily rural and rural residential and are similar in nature, containing dwellings, pools and associated outbuildings. The properties along Coolamon Scenic Drive have primarily been used for dairy farming and cattle grazing.

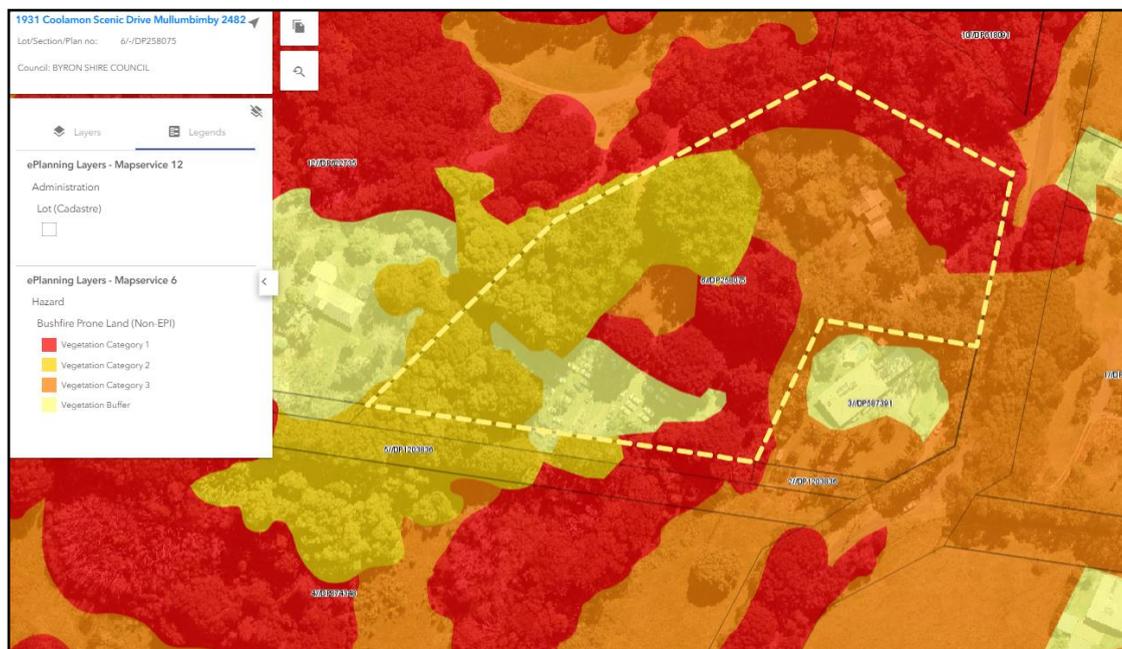
## 2.4 Services

The allotment has access to the following services:

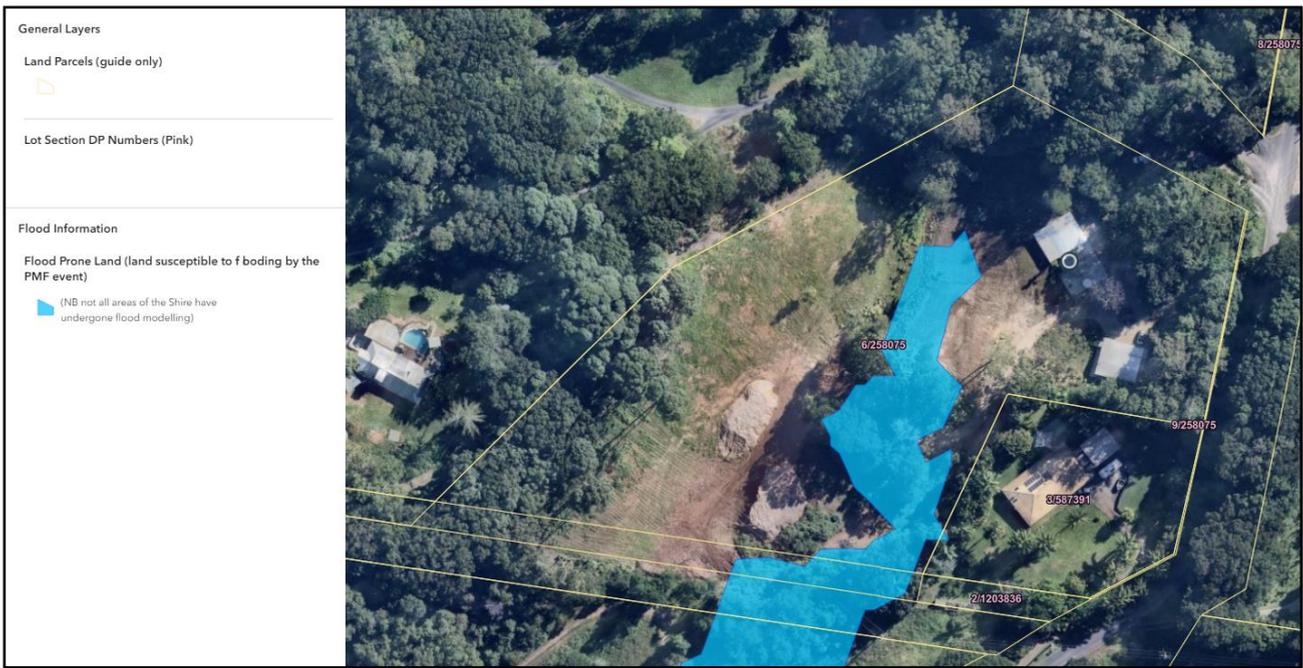
Water	There are 2 x existing rainwater tanks, with total volume of 23,000L.
Sewer	An amended Section 68 Application will be lodged with this application to install an Onsite Sewage Management System to the proposed shed conversion to dwelling.
Telecommunications	Available to the property via Telstra infrastructure and internet services
Electricity	Accessible from existing transmission lines administered by Essential Energy
Stormwater	Stormwater directed to rainwater tank with overflow via soakage into surrounding farmland.
Waste & Recyclables Collection	Available with roadside collection.

## 2.5 Constraints

The allotment is mapped as being bushfire prone land. A bushfire risk assessment has been carried out for the proposed development and a report in this regard is attached to this application.



**Figure 3: Bushfire Hazard Mapping (Source: NSW Planning Portal)**



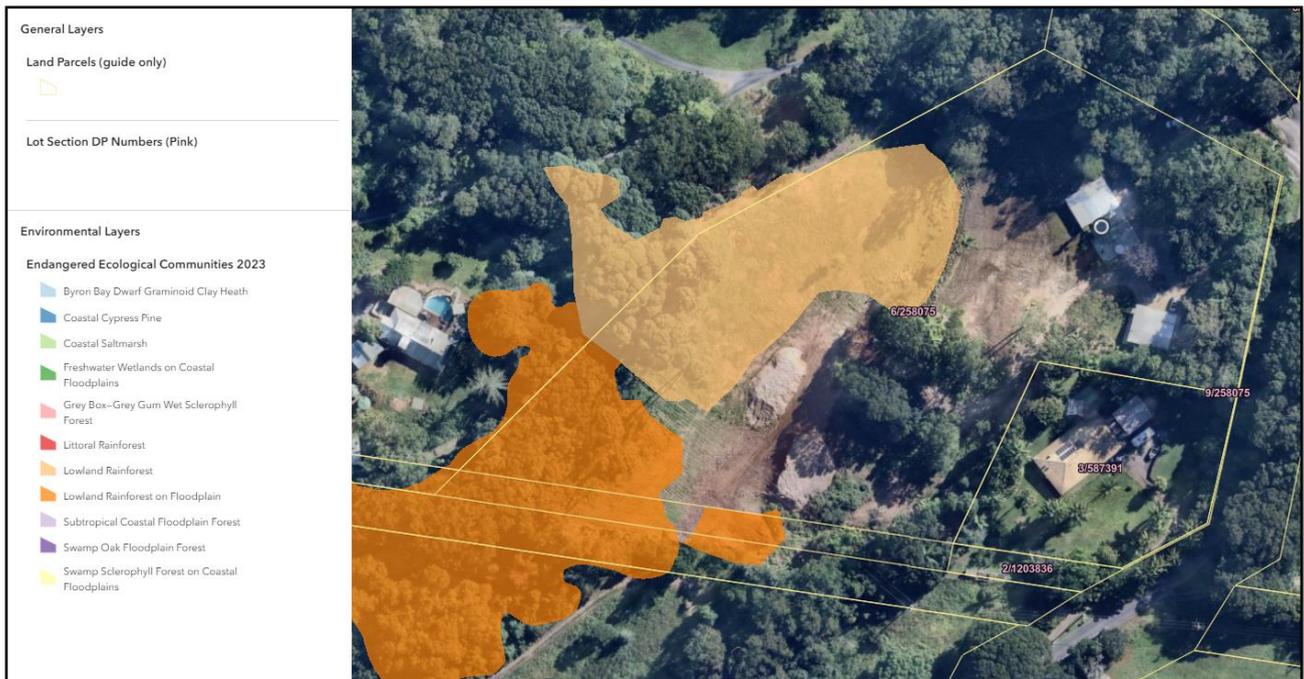
**Figure 4: Probable Maximum Flood (PMF) Event Mapping (Source: Byron Shire Council)**

Furthermore, the allotment has areas mapped as flood prone in a PMF event and has some areas along the southwestern corner of the allotment identified as containing High Environmental Value Vegetation and Endangered Ecological Communities (Lowland Rainforest).

There are no additional constraints nominated by Council mapping that will affect the proposed development.



**Figure 5: Areas of High Environmental Value Vegetation Mapping (Source: Byron Shire Council)**



**Figure 6: Endangered Ecological Communities Mapping (Source: Byron Shire Council)**

### 3. PROPOSED DEVELOPMENT

Development consent is sought for the Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed.

The existing dwelling, located on the north-eastern boundary, was damaged in the 2022 floods. The proposal is for the continued use of the alterations and additions to the existing structure, including the following additions to the converted shed to become a habitable space:

- A main bathroom
- A lounge room
- An open kitchen and dining area
- A wrap around verandah around the communal spaces
- A new stair leading to x3 additional bedrooms including one of which is to become a master suite (with a walk-in robe and ensuite) and a laundry
- A new stair leading to a subfloor beneath the bedrooms, identified as the Lower Ground Floor, containing storage space and a powder room.
- Addition of a laundry in the existing bathroom

Works that have occurred to the existing dwelling to become a storage shed include:

- Removal of a kitchen and lounge area
- Removal of a bathroom

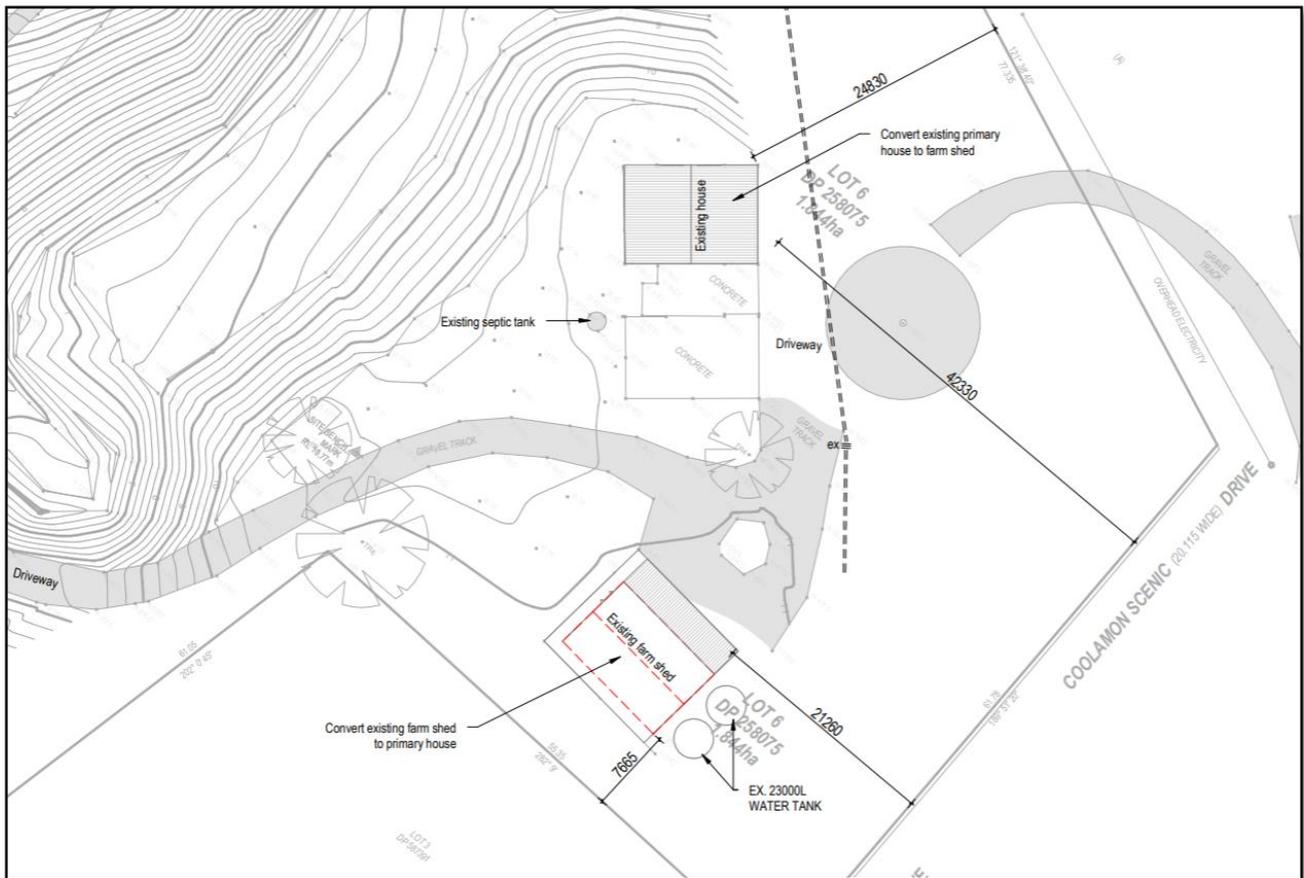


Figure 7: Site plan for proposed development (Source: Built Complete)

## 4. STATUTORY ASSESSMENT – PLANNING AND DEVELOPMENT

### 4.1. Environmental Planning and Assessment Regulation 2021

The proposal does not raise any significant issues under the *Environmental Planning and Assessment Regulation 2021*.

However, consideration has been given to the suitability of the building under Clause 64 of the *Environmental Planning and Assessment Regulation 2021*.

### 4.2. Section 1.7 of the Environmental Planning & Assessment Act 1979

Section 1.7 of the *Environmental Planning and Assessment 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 the Act in connection with the terrestrial and aquatic environment.

No tree removal is proposed with existing bushfire Asset Protections areas being maintained in accordance with the RFS's 10 / 50 Code.

Given the circumstances of the proposal, the development will not have any direct impacts on threatened species, populations or ecological communities.

### 4.3. Section 4.14 of the Environmental Planning & Assessment Act 1979

Any development application for the additional development on the subject land would need to have due consideration for the constraints of the land. It is noted that sections of the site have been nominated as bushfire prone land, as indicated on the NSW Planning Portal map below and would require an assessment in this regard to determine the suitability of any proposed development.

The main development constraint for the future development of the property would be Bushfire Prone Lands and a professional bushfire consultant been engaged to establish how the development can comply with the performance standards of *Planning for Bushfire Protection 2019*.

The site sits within an FDI 80 Fire Area and is mapped as containing bushfire hazards and bushfire buffers. The location of the proposed dwelling and shed are sited within existing structures, as this application is for the continued use of works that have already occurred. This assessment confirms that the proposal will or can satisfy the relevant provisions of the Planning for Bush Fire Protection, with an APZ of 14m to the northeast and east of the proposed building enveloped, a **BAL-29** rating for the entire dwelling and associated buildings, with the construction measures or materials required such as ember screens to comply with *Planning for Bushfire Protection 2019*.

A copy of the Bushfire Risk Assessment report is annexed to this report.

### 4.4. Matters for Consideration under Section 4.15

The following provides an assessment of the proposed development in accordance with matters under Section 4.15 of the Environmental Planning & Assessment Act. 1979:

Matters for consideration--general 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 the development application:

- (a) the provisions of—
  - (i) any environmental planning instrument, and
  - (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), and
  - (iii) any development control plan, and
  - (iv) any 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, and
  - (v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,
- (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,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Each of these matters for consideration will be discussed in detail below:

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

##### State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards), Chapter 4 'Remediation of Land' provides contamination and remediation to be considered in determining development application. In relation to the Remediation of Lands Policy and Council's Contaminated Lands Policy, although the site and the locality generally has previously had a history of agricultural use the site cannot be classified as "significantly contaminated land".

A preliminary investigation has been undertaken and the report is attached to this Statement of Environmental Effects.

In relation to the Remediation of Lands Policy and Council's contaminated lands Policy, although the locality generally has a long history of agricultural and horticultural use the site cannot be classified as "significantly contaminated land". Due to the nature and scope of the proposed Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed, no site disturbance is proposed and there will be no detrimental effect to the health and well-being of occupants.

On the evidence available it appears that neither the owner of the subject property nor any of the surrounding properties have been the subject of an Investigation or a Remediation Order under the provisions of the Contaminated Land Management Act, 1997 or a clean-up notice under the provisions of the Protection of the Environment Operations Act, 1997.

##### ***Information relating to contaminated land.***

*All land uses to which the site has been put, including the current use. – Rural Residential.*

*Is the proponent aware of uses to which properties adjoining the site have been put? If so, please specify. – Rural Residential*

*Do any of the uses correlate with the potentially contaminating activities set out in table 1 in Schedule 1 of this policy. - No*

*If the answer to 3 is yes – has there been any testing or assessment of the site and, if so what were the results? - N/A*

*Is the proponent aware of any contamination on the site? - No*

*What remediation work, if any (carried out voluntarily or ordered by a government agency), has been taken in respect to contamination which is or may have been present on the site? – Nil*

##### State Environmental Planning Policy (Housing) 2021

*The principles of this Policy are as follows—*

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*

- (e) *minimising adverse climate and environmental impacts of new housing development,*
- (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) *supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) *mitigating the loss of existing affordable rental housing.*

The proposal for the Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed, offers a diverse housing type and provides residents with a reasonable level of amenity. The proposal complies with the *State Environmental Planning Policy (Housing) 2021*.

#### State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed works require a BASIX Certificate due to type and value of the works. A BASIX certificate has been provided with this application.

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

*Chapter 3 Koala habitat protection 2020* aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Under Clause 3.8 (2) *“The council’s determination of the development application must be consistent with the approved koala plan of management that applies to the land”*.

The Objectives of the *Byron coast comprehensive Koala plan of management*:

- (i) The Aims of the Plan will be realised by way of the following objectives:
  - a) establishment of a framework for the identification and management of areas of koala habitat and associated koala populations (Section 4 & 5);
  - b) a strategic program of koala habitat regeneration and/or rehabilitation (Section 6);
  - c) an increase in community and public awareness through education programs concerning koala conservation and management (Section 7);
  - d) identification of koala welfare and research needs intended to improve and inform long-term management of the koala planning area’s resident koala population(s) (Section 8)
  - e) to outline non-binding activities related to issues such as road kill and fire management that are intended to encourage better networking and cooperative management between other agencies whose activities can have a significant influence on koala conservation in the planning area (Section 9).
  - f) establishment of procedures for long-term monitoring of the conservation status of the Byron Coast koalas so as to assess the efficacy of the Plan and enable regular review (Section 10);
  - g) incorporation of standardised assessment procedures to ensure that adequate detail is provided with development applications, along with an accompanying set of development controls and standards (Section 12);
  - h) the provision of requirements for koala habitat compensation for any development that results in unavoidable loss of native vegetation cover (Section 13);

Section 12 – Figure 10 (Development Assessment Flow chart) will be used to determine the extent that the *Byron coast comprehensive Koala Plan of Management* will apply:

- a. Does the application require development consent? Yes
- b. Does the application include land within the Byron coast koala planning area? No
- c. Does the application relate to land > 1 hectare? Yes
- d. Does the land contain potential habitat? No

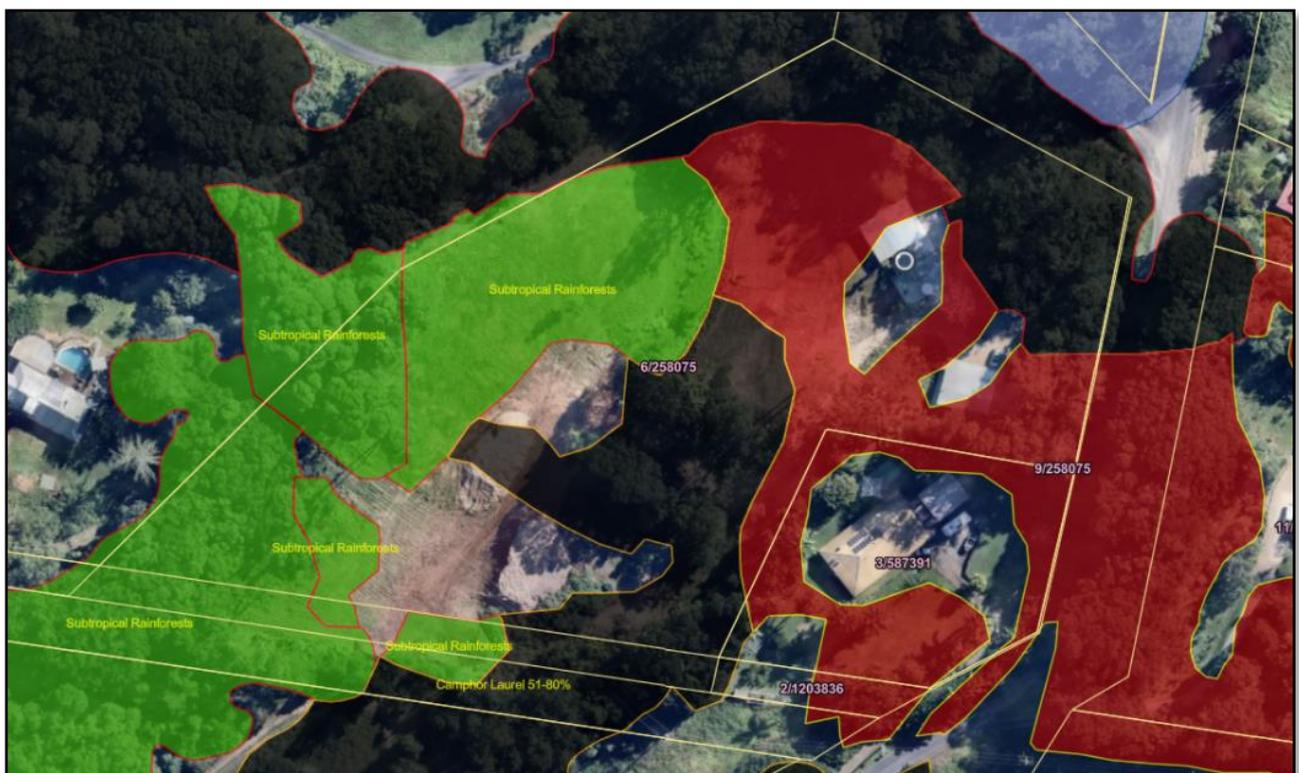
As the *Byron coast comprehensive Koala plan of management* does not apply a review of the potential and core Koala Habitat has been undertaken:

*Is the land potential Koala habitat?* There is no Koala Habitat located on the site and no Koala food trees proposed to be removed for this development.

The *Byron coast comprehensive Koala Plan of Management (Figure 4)* identifies that the property is not part of the koala management precinct and *(Figure 9)* identifies that the property is not part of a wildlife corridor. Based on the lack of Koala Habitat and the absence of Koalas, a Koala Plan of Management is not required based on this assessment.

#### Biodiversity Conservation Act 2016

The property has been used for residential purposes for over 50 years. The site is forested with camphor laurel, subtropical rainforest and landscaping. The existing dwelling site, where the proposed development will be sited, has been cleared of camphor laurel and landscaping has been managed. The subtropical rainforest will not be impacted by the proposed development.



**Figure 8:** Vegetation Communities Mapping (**Source:** Byron Shire Council)

There is no impact on Endangered or rare animal species, and only the minor maintenance works for trees and vegetation in the immediate vicinity will be undertaken for the proposed development an ongoing occupation of these structures. The Biodiversity Conservation Regulation 2016 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

- Whether the amount of native vegetation being cleared exceeds a threshold area, or
- Whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment

If clearing and other impacts trigger the Biodiversity Offset Scheme, the proposed development will comply with biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2016. If the Biodiversity offsets scheme is not triggered, the test of significance detailed in section 7.3 of the Biodiversity Conservation Act 2016 must be used to determine whether a local development is likely to significantly affect threatened species.

#### State Environmental Planning Policy (Primary Production) 2021

*The aims of this Policy are as follows—*

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The property has not been used for primary production in over 50 years and the proposed development is to the existing structures on the site, including existing ancillary development.

#### **Byron Local Environmental Plan 2014**

The proposed development is located within RU2 Rural Landscape Zone and as such, a dwelling and shed are land uses permissible with the consent of Council.

The planning and land use assessment of the development contained in this report, shows that the approval of the Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed will not compromise the statutory objectives of the RU2 Zones under the provisions of Byron LEP 2014.

The objectives of the RU2 Rural Landscape Zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

**RESPONSE:** The existing property has not been used for primary industry production.

- To maintain the rural landscape character of the land.

**RESPONSE:** The proposal does not impact on the rural landscape.

- To provide for a range of compatible land uses, including extensive agriculture.

**RESPONSE:** The proposed development continues to provide for a range of compatible land uses and will not affect the existing agricultural land uses on any adjoining allotments.

- 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.

**RESPONSE:** The continued use of a converted dwelling and shed occurred following a natural disaster in 2022

The potential future development of the site could allow for small scale tourist accommodation and facilities however this is not proposed with this development application. The proposal is to existing structures on the property of which are consistent and in keeping with the local character.

- To protect significant scenic landscapes and to minimize impacts on the scenic quality of the locality.

**RESPONSE:** The proposed continued use of a dwelling and shed are to existing structures that were originally designed and seated within the property as approved by Council. The sitting and design of these structures have already considered the significant scenic landscapes and will minimise any impacts on the scenic quality of the locality.

Byron L.E.P. 2014 Clause	Comment
<b>Clause 4.2A - Erection of dwelling houses and dual occupancies on land in certain rural zones</b>	
<p>1. The objectives of this clause are:</p> <p>(a) To minimise unplanned rural residential development.</p> <p>(b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural zones</p> <p>2. Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land:</p> <p>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot created under this Plan (other than under clause 4.2(3)); or</p>	<p>Complies – The proposed converted dwelling house and shed are permissible in the zone and in its current setting is approvable, meeting the objectives of the RU2 Zone.</p> <p>Complies - The minimum lot size on the Lot Size Map is 40ha, whereas this lot has an area 1.844ha. However, the allotment was created in accordance with subclause 3, being an allotment created before this plan commenced.</p> <p>A dwelling house is permitted in accordance with this provision.</p>

Byron L.E.P. 2014 Clause	Comment
(c) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy (attached) was permissible immediately before that commencement?	
<b>Clause 4.3 – Height of buildings</b>	
The maximum height of building permitted under this Clause is 9m.	Complies - The proposed development meets this requirement and will not exceed the maximum permitted building height of 9m.  The proposal will not be out of keeping with the rural character of the area as the proposal is contained within existing already approved structures. Additionally, in accordance with the objectives of this clause, will not disrupt views, nor impact on privacy or solar access of any adjoining residences.
<b>Clause 4.4 – Floor Space Ratio</b>	
The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site of the area.	N/A - There is no Floor Space Ratio mapped for this allotment.
<b>Clause 5.11 – Bush fire hazard reduction</b>	
The Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.  Note— The <i>Rural Fires Act 1997</i> also makes provision relating to the carrying out of development on bush fire prone land.	Complies - The allotment has been mapped as Bushfire Prone Land. A Bushfire Risk Assessment Report has been prepared and is attached to this application.
<b>5.21 Flood planning</b>	
<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li>(a) to minimise the flood risk to life and property associated with the use of land,</li> <li>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</li> <li>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</li> <li>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</li> </ul> <p>(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—</p> <ul style="list-style-type: none"> <li>(a) is compatible with the flood function and behaviour on the land, and</li> <li>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the</li> </ul>	<p>Complies – The proposed development will continue to minimise flood risk to life and property.</p> <p>The allotment has been mapped as having some flood prone land that could occur in a Probable Maximum Flood event, however, all proposed development is to occur outside of this mapped area.</p> <p>The conversion of the existing dwelling into a non-habitable space (shed) will avoid any future flood damage occurring to a dwelling house.</p> <p>The proposal will have no impact on flood behaviour, nor the environment and the design will enable safe occupation and efficient evacuation in a flood event, as the proposal is to existing structures already</p>

Byron L.E.P. 2014 Clause	Comment
<p>potential flood affectation of other development or properties, and</p> <p>(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</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p>	<p>approved by Council.</p> <p>The mapped PMF zone is located southwest of the proposed development, and clear of the existing driveway- which is proposed to be used for evacuating residents in a flood event.</p> <p>The development will not adversely affect the environment in terms of erosion, siltation, or destruction.</p>
<b>Clause 6.2 - Earthworks</b>	
<p>1. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>N/A – No earthworks will be required for the proposed development, as structures are existing.</p> <p>There will be no detrimental impact on drainage patterns, no impact on neighbouring properties, nor on the waterways.</p>
<b>Clause 6.6 – Essential Services</b>	
<p>The 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> <p>(a) the supply of water,  (b) the supply of electricity,  (c) the disposal and management of sewage,  (d) stormwater drainage or on-site conservation,  (e) suitable vehicular access.</p>	<p>Complies - The allotment has existing access to required services:</p> <ul style="list-style-type: none"> <li>• Water supply is via existing water tanks</li> <li>• Administered by Essential Energy.</li> <li>• An S68 application for OSMS will be lodged with this application.</li> <li>• Existing and proposed development stormwater (overflow from water tanks) disposal via a soakage into existing farmland.</li> <li>• Existing vehicle access via an existing driveway.</li> </ul>

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

There are no draft environmental planning instruments which have relevant implications for the proposal.

**4.4.3. Section 4.15(1)(a)(iii) The Provisions of any development control plan**

**Byron Development Control Plan 2014**

The relevant chapters of the Byron Development Control Plan 2014 (BDCP 2014) have been addressed below:

DCP Chapter	Comment
<b>Chapter B1 – Biodiversity</b>	
<b>Chapter B1.1.1 Aims of Chapter</b>	
<p>The aim of this chapter is to ensure that, subject to any relevant overarching state or commonwealth legislation, the planning and design of new development maintains or improves ecological values within Byron Shire thereby increasing the resilience of our natural areas and supporting both biodiversity and climate adaptation.</p>	<p>Complies - The proposed development achieves these aims and objectives. There will be no trees removed with this proposal and no known koala habitat.</p>
<b>Chapter B2 – Tree and Vegetation Management</b>	
<b>Chapter B2.1.3 Objectives of this chapter</b>	
<p>1. To ensure the protection and preservation of local native vegetation that contributes to the biodiversity, social and amenity value of Byron Shire.</p>	<p>Complies - There will be no native trees removed with this proposal.</p>
<b>Chapter B3 – Services</b>	
<b>Chapter B3.2.1 Provision of Services</b>	
<p>1. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;</p> <p>2. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate;</p> <p>3. To ensure provision of adequate engineering and safety standards for public road access, together with equitable apportionment of road upgrading requirements and associated costs for development served by existing public roads, un-constructed or partially constructed public roads and Crown Roads.</p>	<p>Services will be or have previously been provided in the following ways:</p> <ol style="list-style-type: none"> <li>1. Water Supply - Tank water supply to property to be a minimum of 45,000L for drinking water and an additional supply for firefighting.</li> <li>2. Electricity Supply - The property is serviced by mains power electricity.</li> <li>3. Telecommunications Infrastructure - Land line and mobile telephone coverage is available.</li> <li>4. Sewerage Management - A Section 68 for OSMS will be lodged with this application.</li> <li>5. Road Access - Road Access to the property is via an existing Right of Way off Coopers Lane. There will be minimal additional works required within the roadway and the proposed use does not require a road upgrade. The existing easement (Right of way) is to be updated as part of this proposal. The ROW will be located in the proposed amended easement.</li> <li>6. Stormwater and Drainage - With existing stormwater directed to the surrounding farmland.</li> </ol>

DCP Chapter	Comment
<b>Chapter B3.2.2 – On-site Sewage Management</b>	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. To ensure that on-site sewage management systems are designed and operated to ensure protection of ground and surface water, including drinking water supplies;</li> <li>2. To ensure rural residential developments including rural subdivisions are adequately serviced with on-site sewage management system(s);</li> <li>3. To ensure on-site sewage management systems that service or are required for industrial, commercial and rural industries are appropriately designed.</li> <li>4. To encourage and provide for the use of water recycling systems where appropriate;</li> <li>5. To minimise public health risk including the spread of disease by micro-organisms;</li> <li>6. To prevent degradation of soil and vegetation including soil structure, salinisation, water logging, chemical contamination and soil erosion; and</li> <li>7. To ensure that neighbouring properties are not adversely affected by effluent or effluent management systems.</li> </ol>	<p>A Section 68 for OSMS will be lodged with this application.</p>
<b>Chapter B4 – Traffic Planning, Vehicle Parking, Circulation and Access</b>	
<b>Chapter B4.1.2 Aims of this Chapter</b>	
<ol style="list-style-type: none"> <li>1. To ensure that all relevant traffic impacts relating to development are identified, assessed and mitigated.</li> <li>2. To ensure that parking supply and management in new developments supports Council policies and objectives for the development of Byron Shire;</li> <li>3. To ensure that traffic generating developments make adequate provision for off-street car parking, such that the needs of occupants, users, visitors, employees, service and delivery vehicles are met;</li> <li>4. To ensure the safe and efficient circulation of vehicles entering, leaving and within car parking and service/delivery areas;</li> <li>5. To minimise the detrimental effects (particularly visual and radiated heat effects) associated with off-street car parking areas on the amenity of urban areas.</li> <li>6. To ensure that entry/exit points to car parking and service/delivery areas are situated in a way that sight distances are maximised, disruption to the circulation of vehicles on the public road system is minimised.</li> <li>7. To have regard to the objectives contained within the Byron Shire Strategic Transport Statement</li> </ol>	<p>Complies - Car Parking and driveways are already available on site for the existing dwelling.</p> <p>As previously described the driveway into the property services the existing dwelling.</p> <p>The chapter prescribes 2 car parking spaces for the primary dwelling which have been provided for,</p>
<b>Chapter B3.2.4 – Sedimentation and Erosion Control Measures</b>	

DCP Chapter	Comment
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. Encourage implementation of contemporary best practice in erosion and sediment control;</li> <li>2. Prevent land degradation by soil erosion through inappropriate land use practices;</li> <li>3. Protect waterways and sensitive environments from being degraded by increased sediment load;</li> <li>4. Promote and protect biodiversity by minimising cumulative impacts of sedimentation on the environment; and</li> <li>5. Protect amenity and prevent discharge of sediment on to both public land and private land.</li> </ol>	<p>Complies - The site is grassed, and the area of the proposed dwelling and shed entails the re-use of existing structures.</p> <p>The implementation of contemporary best practices in erosion and sediment control will occur if additional measures are required by the Development Application.</p> <p>However, no earthworks are proposed with this application.</p>
<b>Chapter B6 – Buffers and Minimising Land Use Conflict</b>	
<b>Chapter B6.1.3 Aims of this Chapter</b>	
<ol style="list-style-type: none"> <li>1. To ensure that potential land use conflicts are identified early in the development process.</li> <li>2. To provide planning principles aimed at avoiding or minimising land use conflicts.</li> <li>3. To ensure that development proposals are designed to minimise land use conflicts.</li> <li>4. To provide standards for various types of buffers that aim to avoid conflicts or reduce them to acceptable levels.</li> <li>5. To encourage a diversity of small agricultural enterprises by providing opportunities to vary the recommended buffer distances through the site assessment process where best practice is being utilised.</li> </ol>	<p>Complies - The proposal is consistent with the previous and intended planning strategy therefore there is no apparent potential for land-use conflict or the need for buffer zones as a consequence of this proposal. The potential impacts on surrounding properties associated with this proposal are discussed later in this Statement and found to be satisfactory.</p> <p>The distance to and the construction of the existing buildings would ensure no 'offensive' or 'intrusive' noise is experienced at the nearest residential receivers.</p>
<b>Chapter B7 – Mosquitoes and Biting Midges</b>	
<b>Chapter B7.1.2 Aims of this Chapter</b>	
<ol style="list-style-type: none"> <li>1. To provide advice on mosquito and biting midge risk in Byron Shire.</li> <li>2. To highlight areas where there is greater risk and to make provision in new developments to minimize pest and public health risk.</li> <li>3. To provide guidelines for the consideration of reducing habitats for biting insects within new developments</li> </ol>	<p>Complies - Fly / Ember screens have been fitted to the windows and doors, therefore complying with the only relevant requirement of this part of the DCP.</p>
<b>Chapter B8 – Waste Minimisation and Management</b>	
<b>Chapter B8.1.2 Aims of this Chapter</b>	
<p>The Aims of this Chapter in pursuit of sustainable waste management:</p>	<p>Complies - A Site Waste Minimisation and Management Plan is submitted with this application.</p>
<b>Chapter B9 – Landscaping</b>	
<b>Chapter B9.1.3 Aims of this Chapter</b>	
<ol style="list-style-type: none"> <li>1. To facilitate implementation and achievement of the relevant Aims contained in Clause 1.2 of Byron LEP 2014.</li> </ol>	<p>Complies - The existing landscaping on the site will be retained and are more than adequate, and do not need to be added to achieve the requirements of DCP 2014.</p>
<b>Chapter D2 – Residential Accommodation and Ancillary Development in Rural Zones</b>	

DCP Chapter	Comment
<b>Chapter D2.1.1 Aims of this Chapter</b>	
<ol style="list-style-type: none"> <li>1. To promote a high standard of design for development in rural lands that is sensitive to and enhances the natural and physical environment and the social fabric particular to Byron Shire.</li> <li>2. To accommodate a variety of residential forms and dwelling sizes to reflect the growing diversity of household types, sizes, incomes, lifestyles and needs.</li> <li>3. To promote energy efficiency and consideration of the Shire's climatic characteristics in the design process.</li> <li>4. To promote sustainable food and agriculture production.</li> <li>5. To minimise conflict between developments, including conflict with agricultural activities in farming lands.</li> <li>6. Where possible to limit potential for additional traffic on the road system and to reduce car dependence through facilitation of public transport, cycling and walking.</li> </ol>	<p>Complies - The proposed Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed achieves these aims and objectives</p>
<b>Chapter D2.2.1 Location and Siting of Residential Accommodation and other Buildings</b>	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. To implement the relevant Aims, Guiding Principles and provisions of the Byron Rural Settlement Strategy 1998.</li> <li>2. To ensure that decisions relating to siting of development are consistent with the objectives and provisions of Chapter B6 Buffers and Minimising Land Use Conflict.</li> </ol>	<p>Complies – The proposed locations of the development are to remain within the existing locations of the existing dwelling and farm shed, and therefore meets the criteria.</p>
<b>Chapter D2.2.2 Setbacks from Boundaries</b>	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1. To achieve varied and interesting landscapes that preserve and complement the rural and scenic character and amenity of the Shire's rural and environmental protection areas.</li> <li>2. To achieve good orientation and spacing of developments in rural and environmental protection areas that achieve high quality living environments relative to privacy, sunlight, shade, wind and weather protection, and proximity of neighbouring development.</li> <li>3. To minimise potential for land use conflict between rural land uses and activities.</li> </ol> <p><b>Prescriptive Measures</b></p> <ol style="list-style-type: none"> <li>1. Minimum Road Frontage Setbacks: 55 metres from the boundary of a classified road and 15 metres from the boundary of other roads. (Note. The provisions of SEPP Infrastructure 2007 apply to development with frontage to a classified road). The "Byron Shire Roads Hierarchy" maps are available on Council's website and show classified roads such as the Pacific Highway and other main roads.</li> </ol> <p>No development is permitted within the building setback other than garbage storage facilities, mailboxes,</p>	<p>Complies – The proposed locations of the development are to remain within the existing locations of the existing dwelling and farm shed, and therefore meets the criteria.</p> <p>Complies - The existing dwelling is more than 25m from the nearest side boundary and is more than 34m from the nearest Road Fronting boundary. The proposed development involves the reuse of existing structures and therefore proposes no changes to the existing setbacks.</p> <p>Complies - The closest setback from any boundary is over 7m, there are no changes to the existing setbacks of the building's footprint.</p>

DCP Chapter	Comment
landscaping, driveways and car parking spaces. 2. Minimum Side and Rear Boundary Setbacks: Based on consistency with the Objectives and Performance Criteria. Must comply with the requirements of the Building Code of Australia.	
<b>Chapter D2.2.3 Character and Visual Impact</b>	
<b>Objectives</b> 1. To retain and enhance the unique character of Byron Shire and its distinctive landscapes, ecology, rural and natural areas. 2. To ensure that new development contributes to the character of its locality by respecting and complementing the natural and built environment. <b>Prescriptive Measures</b> 1. 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.	Complies - The continued re-use of existing structures will not detract from this rural setting.  Complies – The proposal will result in one (1) Primary Dwelling and a shed.
<b>Chapter D2.3.1 On-site Car Parking and Vehicle Access</b>	
This is addressed at Chapter B4 of the D.C.P.	Complies - There is adequate access via the existing farm road to the site of the existing dwelling and swimming pool. Car Parking is available east of the primary dwelling off the existing driveway.
<b>Chapter D2.3.2 Recycling and Waste Management and On-site Sewage management</b>	
<b>Objectives</b> 1. To facilitate the storage and collection of garbage and recyclable products. 2. To ensure responsible management of sewage on the site.	Complies - Waste services are managed by the property owner with composting and recycling occurring where possible. Residual solid waste is disposed of directly to the Myocum Waste Management facility.  A Section 68 Application will be lodged with this development for an OSMS.
<b>Chapter D2.7.2 Farm Buildings, Sheds and other Structures</b>	
<b>Objectives</b> 1. To specify criteria for establishment of farm buildings. 2. To maintain the character and amenity of the Shire's Rural Zones. 3. To minimise conflicts between developments in Rural Zones.	Complies – The proposed new farm shed is to be done as Exempt Development and will not impact on any conflicts between developments in Rural Zones

#### 4.4.4. **Section 4.15(1)(a)(iv) The Provisions of any Planning Agreements**

There are no planning agreements that have been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 for this development.

#### **4.4.5. Section 4.15(1)(a)(v) The Provisions of the regulation**

Clause 64 of the *Environmental Planning and Assessment Regulation* allows for a Consent authority to require buildings to be upgraded. This clause applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—

- (a) the proposed building work and previous building work together represent more than half of the total volume of the building, or
- (b) the measures contained in the building are inadequate—
  - (i) to protect persons using the building, if there is a fire, or
  - (ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or
  - (iii) to restrict the spread of fire from the building to other buildings nearby.

The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*.

**RESPONSE:** A review of the existing measures contained in the existing buildings (dwelling and farm shed) has occurred as part of this application and additional fire safety measures will be installed as part of the proposed continued and change of use to bring the existing building into conformity with the Building Code of Australia for the fire safety measures and Council's requirements for the Building Information Certificate, applied for concurrently with this Development Application.

#### **4.4.6 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.

#### **Impacts on the Built Environment**

As the proposed development comprises of the continued use of an existing dwelling and an existing shed, no adverse impacts on the built environment are likely to arise.

The existing allotment includes 2 approved vehicle parking spaces which is adequate for the proposed development. Additional vehicle movements to and from the site are limited and as such are not likely to have any major impacts on traffic in the locality. The proposed development is considered to be a low impact with the estimated traffic generation in accordance with Chapter B4 of the DCP.

The proposed development will not affect solar access, privacy or the views for neighbouring sites as no external changes to the building are proposed.

The site contains an existing buildings and earthworks are proposed. The colours and materials of the proposed development are consistent with the character of the area.

## Impacts on the Natural Environment

The site is grassed with informal and random trees, fruit orchards and shrub growth over portions of the site. No vegetation removal is proposed. The proposed development site is not affected by landslip or soil erosion and the scenic quality of the area will not be impacted upon by the proposed development as it is within the current footprint. The impact of noise is also expected to be acceptable.

The Biodiversity Offset Scheme (BOS) Entry Threshold Map was generated and a BDAR is not triggered. An assessment in accordance with section 7.3 of the *Biodiversity Conservation Act 2016* to determine whether the proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats is provided below.

- a) In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction

**RESPONSE:** The proposal is not expected to have an adverse effect on populations of threatened species as no native vegetation is to be removed and as previously noted there are no trees or shrubs in or adjacent to the existing location.

- b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

- i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
- ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction

**RESPONSE:** The proposal is not expected to have an adverse effect on any endangered ecological community or critically endangered ecological community.

- c) in relation to the habitat of a threatened species or ecological community:

- i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

**RESPONSE:** The proposed development will not remove habitat or isolate or fragment any ecological community.

- d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)

**RESPONSE:** There is no declared area of outstanding biodiversity value that will be affected by the proposed development.

- e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

**RESPONSE:** The proposed development is not likely to fragment or isolate areas of habitat and is not a key threatening process.

## **Economic Impacts**

The proposal is likely to result in positive economic impact. The proposed continued use will contribute positive social and economic benefits to the wider community.

## **Social impacts**

The proposal does not raise any social impact issues. There will not be any significant impact on the existing and future amenity of the area as a result the development.

### **4.4.7 Section 4.15(1)(c) Suitability of the Site for the Proposed Development**

The proposal does not involve or require the removal of any trees or shrubs. An existing driveway provides access to vehicle parking spaces within the site. None of the surrounding uses present any major conflicts for the proposed uses of the subject site.

The property is located within a rural area characterised by concessional lots with rural properties with associated dwellings. The development for the Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed will not be out of character for the locality, as it involves the re-use of existing structures.

The property area is 1.855ha and the proposed continued use of converted existing structures will in no way represent an overdevelopment of this site. The property drains in a general south-westerly direction and roof tanks will be used to capture water, thus minimising the potential for drainage issues off site. Any overflow will be directed to absorption trenches and / or directed to natural overland flow paths to the existing dams / creek system.

The site is partially cleared with some forested land, unconstrained by acid sulfate soils, dip sites or landslip, and these factors, and the design, ensure that the overall proposal will not cause adverse environmental impact.

The existing onsite sewage management system will be replaced in a new Section 68 application to upgrade, lodged concurrently with this application. The application will include any future proposed development.

The size and shape of the allotment is adequate to ensure that the proposal does not constitute an over development of the site. It also accords with Council's requirements for developments of this type. The site is considered to be suitable for the proposed development.

### **4.4.8 Section 4.15(1)(d) Any submissions made**

Where Council notifies this development, any submissions made should be considered as part of the assessment of the development. The applicant would like the opportunity to remedy any issues raised as a result of the submissions made (if any.)

### **4.4.9 Section 4.15(1)(e) The Public Interest**

The proposed development meets the requirements of Byron Local Environmental Plan 2014 and Development Control Plan 2014.

Due to the spatial separation of the buildings from adjoining dwellings, the re-use of existing structures already designed for and sitting within the site, the habitat area retention proposed, the proposal meets ESD principles, and it is considered that the public response to the proposal be a positive one.

The development is to be managed to minimise the potential for adverse impact on adjoining properties and other dwellings in the locality.

Operation of the land use will ensure minimised noise, and visual impact at any adjoining residences, particularly as the existing farm shed is well removed from dwellings on adjoining properties.

The development does not compromise the public interest.

## **5. CONCLUSION**

This statement of environmental effects accompanies development application documentation and seeks the approval for the Continued Use of a Converted Shed as a Dwelling and Conversion of the Existing Dwelling as a Shed.

The proposed development has been considered against the requirements of the Byron Local Environmental Plan 2014 and Development Control Plan 2014. The proposal is permissible with the consent of Council within the RU2 Rural Landscape under Byron Local Environmental Plan 2014. The proposed development is generally consistent with the requirements of both the LEP and DCP, will have minimal impacts on the surrounding area as the development will comply with the objectives of the zone and does not detract from the surrounding land uses.

The site with existing buildings and infrastructure is considered to be suitable for the development proposed.

This Statement of Environmental Effects has identified that the proposal is not likely to cause any significant adverse impacts or land use conflicts, and therefore it is recommended that the development be approved.

## **6. DOCUMENTS INCLUDED WITH THE APPLICATION**

**Annexure 1 – Survey Plan**

**Annexure 2 – Architectural Plans**

**Annexure 2 – BASIX Certificate**

**Annexure 3 – Bushfire Risk Assessment Report**

**Annexure 4 – Geotech Report**

**Annexure 5 – OSMS Report**

**Annexure 6 – Statement of Environmental Effects**

**Annexure 7 – Site Waste Management Plan**

**Annexure 8 – Estimated Cost of Works**

**Annexure 9 – Owners Consent and Letter of Authorisation**