

# Statement of Environmental Effects

For: Development application for proposed new secondary dwelling

At: Lot 1 DP 1080317  
7 New City Road, Mullumbimby

Owner: Jesse Bourke

Applicant: Frank Stewart *Architect*  
on behalf of the owner

Local authority: Byron Shire Council

Date: November 2020

## INTRODUCTION

### Existing Site and Buildings

The site is located in the R2 low density residential zone and is approx. 708m<sup>2</sup> in size. The site has an existing two storey 3 bedroom timber framed expanded dwelling house which is approx. 60 years old.

The site is bounded to the east and west by dwellings and has access from New City Road to the north and Hollingworth Lane at the rear (south boundary).

The site is flat and the proposed construction area is clear of obstructions. The site contains Class 3 Acid Sulphate Soils and is Flood prone.

### Proposed Development

Approval is sought to construct a detached secondary dwelling. Tree removal of one exotic tree is required as part of this application.

### Assessment of relevant planning instruments

Assessment of the proposal will be in accordance with the relevant local government planning legislation including:

- SEPP (Affordable Housing)
- Byron Local Environmental Plan 2014
- Byron Development Control Plan 2014
- Environmental Planning & Assessment Act 1979 Section 4.15

# SEPP Affordable Housing

## Development

The completed development will contain one primary and one secondary dwelling.

## Subdivision

The proposal does not include subdivision.

## Floor area

The total floor area of the proposed secondary dwelling is 60m<sup>2</sup> (excluding verandah). This is less than the maximum 60m<sup>2</sup>.

## Site area

Site area is 708m<sup>2</sup>, more than the minimum 450m<sup>2</sup>.

## BCA

The proposed development will comply with the Building Code of Australia. Details are to be provided with the Construction Certificate.

## Parking

The existing house has 2 covered car spaces with access from New City Road. No additional car parking is required for a secondary dwelling.

## Bedrooms

The existing house has 3 bedrooms. The proposed secondary dwelling is to have one bedroom. As such, the total number of bedrooms in the completed development will be four.

## Tourism

The applicant accepts that any approval will include a condition of consent that the secondary dwelling is not to be used for tourism purposes.

# Byron LEP 2014

## Clause 2.1 Land use zones

The property is located in the R2 low density residential zone and is 708m<sup>2</sup> in size.

Response: The proposed development is permitted in this zone and meets the objectives of the zone which include:

*"To provide for the housing needs of the community within a low density residential environment"*

## Clause 4.3 Height of buildings

The maximum height for a building on this land is not to exceed **9 metres**.

Response: The maximum height of the existing and proposed building will be **6.8 metres**, less than the maximum height allowed above the existing ground line.

## Clause 4.4 (2) Floor Space Ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#). The maximum FSR allowable under this clause on this site is 0.5:1

Response:	Floor Space Ratio calculations		
	Floor area of existing expanded house	138m <sup>2</sup>	
	Floor area of proposed secondary dwelling	<u>60m<sup>2</sup></u>	
	GROSS FLOOR AREA	198m <sup>2</sup>	
	Site area	708m <sup>2</sup>	FSR = 0.28:1

## Clause 5.9 Tree removal

Removal of one 5m exotic tree is required to construct the building.

## Clause 6.1 Acid Sulphate Soils

(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Response: According to Councils' GIS mapping system the site contains Class 3 Acid Sulphate Soils. Development consent is required to carry out the following work:

Class of land	Works
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

The proposed works do not include works more than 1 metres below the natural ground surface or works by which the water table is likely to be lowered more than 1 metres below the natural ground surface.

# Byron LEP 2014

## Clause 6.2 Earthworks

(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.

(2) Development consent is required for earthworks unless the earthworks are exempt development under this Plan or another applicable environmental planning instrument.

Response: The proposed earthworks are minor and exempt development from all the provisions of Byron Shire Council DCP 16.

## Clause 6.3 - Flood planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) In determining a development application for development at or below the future flood planning level, the consent authority must, in addition to the matters referred to in subclause (3), also consider the following matters:

- (a) the proximity of the development to the current flood planning area,
- (b) the intended design life and scale of the development,
- (c) the sensitivity of the development in relation to managing the risk to life from any flood,
- (d) the potential to modify, relocate or remove the development.

## Byron LEP 2014

### Clause 6.3 - Flood planning (cont.)

Response: According to the North Byron Flood Study 2016 and Council GIS mapping system, the property is subject to flooding.

The building area is clear of trees and other obstacles. Egress from the building during a flood event will be onto higher ground via Hollingworth Lane or New City Road. Satisfactory arrangements have been made for access to the building during a flood.

The proposed building addition is minor in scale, is supported on concrete pad footings without sub floor enclosing walls to ensure the flow of water during a flood event will not be restricted.

The proposed floor level is at RL3.90, above the Flood Planning Level of RL3.89. Details to be provided for the Construction Certificate application

The proposed development will not increase the level of flooding on other land in the vicinity as there is no proposed filling or change to the current natural land form.

The proposed addition is constructed of lightweight timber framing on masonry piers and concrete pad footings. This structure will be capable of withstanding flooding. Details to be provided for the Construction Certificate application

# Byron DCP 2014

## Clause B2.1.3 - Tree preservation - Application

Refer to LEP clause 5.9 above

## Clause B4.2.5 Car Parking Requirements

1. Unless otherwise specified elsewhere in this DCP, car parking is to be provided in accordance with the schedule contained in Table B4.1

Response: Table B4.1 prescribes 2 car parking spaces per dwelling. The existing house has a 2 car garage. The proposed development is for a secondary dwelling which does not require additional car parking.

## Clause D1.2.1 Building Height Plane

### **Objectives**

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.*

### **Performance Criteria**

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.

Response: The proposed development is within the building height plane on all sides and complies with the requirements of this clause.

## Clause D1.2.2 Setbacks from Boundaries

### **Prescriptive Measures**

#### 1. Minimum Street Frontage Setbacks

- e) Rear Lane or unformed roads - 3 metres.

No development is permitted within the building setbacks other than garbage storage facilities, mail boxes, landscaping and driveways. Car parking must not be provided within setbacks, except the setback for garages and carports where one (1) uncovered car park may be provided. Stacked car parking or visitor car parking are not permitted within setbacks.

#### 2. Minimum Side and Rear Boundary Setbacks

- a) Side and rear setbacks are to be a minimum 900mm, with all dwellings also complying with the requirements of the building height plane.

Response: The proposed building is setback 3.0 metres from Hollingworth Lane frontage and 3.6m from the side boundary on the east side. The setbacks comply with the requirements of this clause.

# Byron DCP 2014

## Clause D1.2.4 Character & Visual Impact

### Objectives

*1. To retain and enhance the unique character of Byron Shire and its distinctive landscapes, ecology, towns, villages, rural and natural areas.*

*2. To ensure that new development respects and complements those aspects of an area's natural and built environment that are important to its existing character.*

### Performance Criteria

1. Site, building and landscaping design must address the climate;

Response: The proposed secondary dwelling has generous, well ventilated and shaded windows to the north where possible to provide natural light, take advantage of cooling breezes and for passive solar access. The area around the site is vegetated.

2. The street face of a building, together with any open space between it and the street, must contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping;

Response: The proposed development is adjacent to the laneway and will not affect the existing street face of the building.

3. Development should be designed to minimise loss of privacy

Response: The proposed secondary dwelling development is setback 2.9 metres from the neighbouring property to the west.

The outlook from the main living area from this adjacent building is directed away from the subject site. The house on the adjoining property to the east is forward on the block and not adjacent to the proposed development.

These factors and established screen vegetation and timber boundary fences between these buildings will provide privacy for the adjoining neighbours. Additional landscape screening will enhance privacy from the adjacent house.

4. There must be a reasonable degree of integration with the existing built and natural environment, balanced with the desirability of providing for variety in streetscapes;

Response: The proposed secondary dwelling will be integrated into the existing built environment by use of existing building forms, materials and colours to match the existing house. Colours are earth tone to blend with the natural landscape

5. Long, straight wall areas will be discouraged and must be broken up visually by a combination of building materials and/or changes in the wall plane;

Response: The proposed building has a stepped profile to reduce the visual bulk of the building.

6. The provision of verandahs, balconies, pergolas and other protective outdoor elements will be encouraged for visual, climatic and energy efficiency reasons;

Response: A verandah, eaves and window hood are incorporated into the design.

7. Well-designed overhanging eaves should be provided where feasible to protect against heavy rainfall and summer sun, while allowing winter sun penetration;

Response: Eaves and window hoods are provided to protect windows and walls from rain and sun.

# Byron DCP 2014

## Clause D1.2.4 Character & Visual Impact (cont.)

8. All building materials must be compatible in character with their surrounding environment. Any metal roof must have a colorbond or equivalent finish and no roof may be highly reflective. White or light-coloured roofing may be approved where it is demonstrated that it is not likely to be visually intrusive. Details of building materials and surface colours must be submitted for assessment with a development application.

Response: The proposed building materials are earth tone in colour and are compatible with the surrounding area.

## Clause D1.3.2 Landscaping

### **Prescriptive Measures**

At least 25% of the site must consist of deep soil areas. The deep soil area must not include any areas used for the management of on-site sewage effluent

Response: A total of 284m<sup>2</sup> of the site area has impervious surfaces. This means that the remainder 424m<sup>2</sup> is deep soil area. This represents 60% of the total site area, more than the minimum 25% required. There is no OSMS on this site.

## Clause D1.4.1 Secondary dwellings – Private Open Space

### **Prescriptive Measures**

1. Secondary dwellings must have access to an individual courtyard at ground level having a minimum area of 15m<sup>2</sup> and a minimum length and width each of 2.5 metres, not including any area used exclusively for the circulation or parking of vehicles. The courtyard should be designed to facilitate access to winter sunshine.
2. The private open space area must not include any areas required for the management of on-site sewage effluent.
3. Decks and verandahs for secondary dwellings not to exceed 20m<sup>2</sup> in area.

Response: The proposed secondary dwelling has direct access to an adjacent Private courtyard more than 15m<sup>2</sup> in area, at ground level. The proposed deck is 20m<sup>2</sup> in area.

## Clause D1.4.2 Secondary dwellings – Access and Car parking

### **Performance Criteria**

1. Where feasible and where pedestrian and traffic safety will be improved, vehicular access to a secondary dwelling should be shared with the driveway access serving the principal dwelling. Driveways must be located and designed to minimise danger to pedestrians and cyclists using the street as a result of vehicles entering or leaving the driveway.

Response: The existing house has 2 covered car spaces with access from New City Road. And no additional car parking is required for a secondary dwelling.

However, the proposal includes an additional driveway and crossing from Hollingworth Lane to provide more efficient and convenient access to the proposed secondary dwelling for both construction of the building and for ongoing use.

This additional parking area will ensure any excess cars created by the proposed development will be parked on the site and not on the adjacent street or laneway.

This proposed driveway is located on the laneway which has light pedestrian and cycle traffic. As such it should not pose an unreasonable danger to pedestrians and cyclists.

## **Section 4.15 EPA Act**

### **TRAFFIC ACCESS**

Existing vehicular access to the site is from New City Road. The proposed development will not significantly increase the traffic generated on the site.

The proposal includes an additional driveway and crossing from Hollingworth Lane. Refer to response in Clause D1.4.2. above

### **STORMWATER MANAGEMENT**

Some additional Stormwater will be generated by the proposed works. Stormwater will be dispersed in a controlled manner to Council's street stormwater system. Details to be provided as part of the Construction Certificate application.

### **NEIGHBOURING PROPERTIES**

The privacy, daylight and views of other dwellings will be not be adversely affected by the proposed development.

### **SOIL EROSION**

The site is flat and the proposed development will not require substantial earthworks or any retaining walls. No soil erosion is expected as a result of the proposed development.

### **HERITAGE**

The site is not identified as being an item of Heritage significance.

### **BUSH FIRE**

According to council GIS mapping system the area is not in a Bushfire buffer zone.

### **SCENIC QUALITY**

The site has existing vegetation which provides screening to the neighbouring properties. The proposed development is not on a ridgetop or visually prominent. The proposed additions are to be an earth tone colour. As a result the bulk, scale and density of the proposed works will not affect the scenic quality of the adjoining properties.