

STATEMENT
OF
ENVIRONMENTAL EFFECTS
(SEE)

Proposed construction of
additional dwelling to create
Dual Occupancy Detached

8 Aloota Crescent
OCEAN SHORES

(Lot 664 DP 240398)



For: Iona Mackenzie
Date: 9 April 2021

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared in accordance with Schedule 1, Part 1, Clause 2(4) of the Environmental Planning and Assessment Regulation 2000, 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 proposed Construction of a Dwelling to create Dual Occupancy Detached on the site. 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.

Summary

Applicant	Iona Mackenzie
Owner	Iona Mackenzie
Address	8 Alooata Crescent, OCEAN SHORES
Lot & DP	Lot 664 DP 240398
Zoning	R2 Low Density Residential
Site Area	997m ²
Proposal	Proposed construction of additional dwelling to create Dual Occupancy Detached
Existing Development	Structures on the land include an existing single storey brick and tile dwelling and a garden shed (to be converted to Dual Occupancy).

Public Notification

As per Table A3 of Development Control Plan 2014 the level of public notification is – Level 1 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 raise as a result of the submissions made (if any).

1.1. 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*.

1.2. Previous Development Approvals

The property has a number of previous approved Building Applications, including the following:

- Building Application BA 708/82 - Dwelling house and shed (6/1/1983)
- Building Application BA 655/84 - Rear Pergola (7/12/1984)

2. SITE DESCRIPTION

2.1 Summary

The site is residential land legally described as (Lot 664 on DP 240398) located at 8 Alooata Crescent, Ocean Shores. The area of the land is 997m² and contains an existing single storey dwelling house with attached garage. Car parking is available for two extra ca spaces in front of the garage on the existing driveway whilst maintaining a front setback of at least 8m.

Adjoining development comprises residential dwellings to the north and south and across Alooata Crescent to the west. The site contains existing vegetation at the front and rear and landscaped areas. The following figure depicts the site and the adjoining areas including the zoning of the land(s).



Figure 1: Zone R2 - Aerial Photograph property and locality.
Source: NSW Planning Portal

2.2 Improvements and Land Uses

The site currently contains a dwelling house which was originally approved under a Building Application (BA708/82) by Byron Shire Council on the 6 January 83. With a subsequent Building Application (BA655/84) issued for a rear pergola.

The floor area of the dwelling and all outbuildings is approximately 170.8m². The property fronts Aloota Crescent with the dwelling oriented towards the street and with views to bush land to the west adjoining Brunswick Valley Way.

The site is predominately a residential allotment with fall to the front of the property. The property is fenced to the side and rear behind the front wall of the existing dwelling with access to this property being from Aloota Crescent. There are two directly attached residential properties, one to the southern boundary and one to the northern boundary.

2.3 Zoning

The subject allotment is located within a R2 Low Density Residential Zone under Byron Local Environmental Plan 2014.

2.4 Surrounding Land Uses

The allotment is larger than the typical allotment for the area. The surrounding lots are generally occupied by dwellings.

2.5 Services

The allotment has access to the following services:

Water	The property is connected to Council's reticulated water supply
Sewer	A sewer connection point is located within the property
Telecommunications	Available to the property via Telstra infrastructure
Electricity	Accessible from overhead transmission lines administered by Essential Energy
Stormwater	With existing stormwater directed to the street
Waste & Recyclables Collection	Available with roadside collection

2.6 Constraints

The site is not mapped as any of the following:

- Acid Sulfate Soils;
- Contaminated Land; or
- Flood liable lands
- Bush Fire Prone Land;
- High Conservation Value Vegetation and
- Koala Habitat

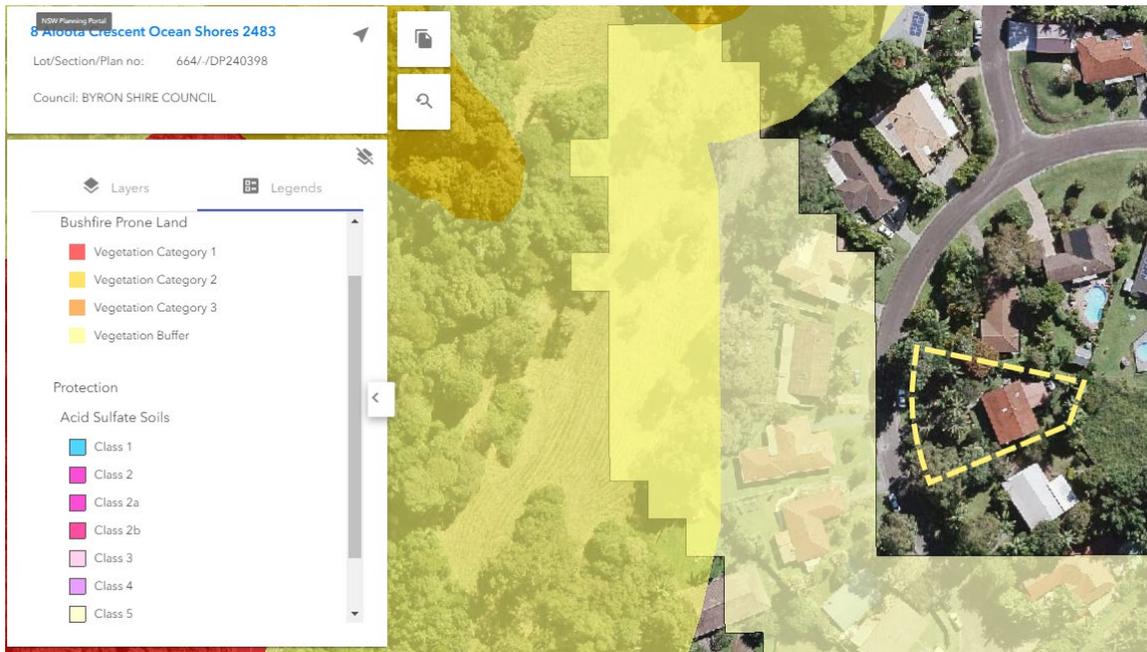


Figure 2: No constraints on this Property

Having regard to the site constraints and the streetscape/locality characteristics, the primary design considerations were to accommodate clients' needs, achieve an appropriate level of access, convert a built form which does not significantly intrude into the primary & peripheral views of the existing and surrounding buildings or the privacy of the occupants of these buildings and ensure the built form remains compatible with other development in the locality whilst satisfying the Council's planning controls.

This Statement of Environmental Effects details how the proposed conversion of an existing shed to a dwelling to create a dual occupation (detached), achieves these objectives.

3. PROPOSED DEVELOPMENT

Development consent is sought for the construction of a second dwelling on the property to create a detached dual occupancy.

4. STATUTORY ASSESSMENT – PLANNING AND DEVELOPMENT

4.1 NSW Environmental Planning and Assessment Regulation 2000

The proposal does not raise any significant issues under the *NSW Environmental Planning and Assessment Regulation 2000*. However, consideration has been given to the suitability of the building under Clause 94 of the *NSW Environmental Planning and Assessment Regulation 2000*.

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 the Act in connection with the terrestrial and aquatic environment.

The proposed development will not impact on existing vegetation within the site with the existing vegetation proposed to be retained, except for minor garden maintenance such as trimming branches adjacent to the proposed dwelling. Given the circumstances of the site and the proposed dwelling in close proximity to the existing dwelling there are limited impacts and it is unlikely that the development will have any direct impacts on threatened species, populations or ecological communities.

4.3 Section 4.14 of the Environmental Planning & Assessment Act 1979

The proposed development is not located within a mapped bush fire area.

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

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 No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 provides requirements to consider site contamination when assessing a Development Application. The property was created over 30 years ago for the purpose of containing residential development. The development will not result in any disturbance of soils. Given the history of the site and the suburban setting, further investigations of the property with regards to site contamination are not considered warranted.

Information relating to contaminated land.

Please specify all land uses to which the site has been put, including the current use. - Residential.

Is the proponent aware of uses to which properties adjoining the site have been put? If so, please specify. - Residential and historical grazing over 60 years ago.

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? - N/A

SEPP - North Coast Regional Environmental Plan 1988 (NCREP 1988)

The provisions of the NCREP 1988 raise no implications for the proposal.

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

The proposed works require a BASIX Certificate due to type and value of the works and as such a Basix Certificate is attached to this Development Application.

Byron Local Environmental Plan 2014

The proposed Dwelling to Create a Dual Occupancy Detached is located totally within R2 Zoned area and as such it is a land use permissible with the consent of Council.

The proposed Dwelling to Create a Dual Occupancy Detached is on cleared land, the buildings are located within the local landscape so as to ensure the protection of significant scenic landscapes and minimise impacts on the scenic quality of the locality.

The planning and landuse assessment of the development contained in this report, shows that the proposed dwelling is permitted with the consent of Council within the R2 Low Density Residential Zone and approval of the proposed Dwelling to Create a Dual Occupancy Detached, will not compromise the statutory objectives under the provisions of Byron L.E.P. 2014. It is consistent with the objectives of the zone and does not detract from the surrounding rural-residential land uses.

The objectives of R2 Low Density Residential Zone are:

- To provide housing needs of the community within a low density residential environment.

RESPONSE: The Dwelling to Create a Dual Occupancy Detached is within the confines of the dwelling lot and the Dual Occupancy does not impact on any environmentally sensitive locations or scenic quality and as such preserves low density residential housing in accordance with this objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

RESPONSE: The existing residence and proposed detached dual occupancy dwelling will provide facilities to meet the day to day needs of residents.

Clause 4.3 Byron L.E.P. 2014 – Height of Buildings

The maximum height of building permitted under this Clause is 9m.

RESPONSE: The Dual Occupancy (detached) does not exceed the 9m maximum height. The proposed development meets this requirement.

The proposal will not be out of keeping with the residential character of the area, and in accordance with the objectives of this clause, does not disrupt views, has no impact on privacy and solar access is not impaired.

Clause 4.4 Byron L.E.P. 2014 – Floor Space Ratio

The floor space ratio of buildings on a site is the ration of the gross floor area of all buildings within the site to the site area.

RESPONSE: The propose development will be less than the 0.5:1 prescribed maximum floor space ratio for the subject site due to the large (997m²) allotment and the modest size of both the existing and proposed dwellings.

Clause 6.1 Byron L.E.P. 2014 - Acid Sulphate Soils

RESPONSE: The property is not within an area that contains potential acid sulfate soils.

Clause 6.2 Byron L.E.P. 2014 – Earthworks

RESPONSE: There will be no detrimental impact on drainage patterns, no impact on neighbouring properties, nor on any waterways. The proposal requires only minor earthworks to upgrade on site waste water management. Sedimentation and erosion control measures are to be applied during construction.

Clause 6.6 - Essential services

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

Required Services	Comment
Supply of water	The property is connected to Council's reticulated water supply
Sewer Connection	A sewer connection point is located within the property
Supply of electricity	Accessible from overhead transmission lines administered by Essential Energy
Stormwater drainage or on-site conservation	With existing stormwater directed to the street
Suitable vehicular access	Existing vehicle access is available to the allotment.

RESPONSE: The proposed development has the required essential services.

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:

Chapter B2 Preservation of Trees and Other Vegetation

Chapter B2.1.2 Aims of this Chapter - The Aims of this Chapter are:

1. To protect vegetation which contributes to the biodiversity, social and amenity value of Byron Shire.

RESPONSE: There will be no trees removed for this proposal.

Chapter B3 Services

B.3.2.1 Provision of Services - Objectives

1. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development;
2. Provide flexibility for the provision of alternative water, electricity and telecommunications sources where appropriate;
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.

RESPONSE: Services will be or have previously been provided in the following ways:

1. Water Supply

The property is connected to Council's reticulated water supply.

2. Electricity Supply

The property is serviced by overhead transmission lines administered by Essential Energy.

3. Telecommunications Infrastructure

Land line and mobile telephone coverage is available to the proposed Dual Occupancy Detached.

4. Sewerage Management

N/A.

5. Easements

No easements are required for this proposal and no easements are affected by the proposal. 6 Road Access. Road Access to the site is via Aloom Creek. There will be no additional works required within the roadway and the proposed use does not require a road upgrade.

6. Stormwater and Drainage

All roof drainage will be collected by roof gutters, downpipes to discharge to rainwater tanks to service the Dual Occupancy with the overflow directed to the street gutter. There is no impact on the adjacent properties.

B.3.2.4 Sedimentation and Erosion Control Measures

The site is grassed and the area for the conversion of the Dual Occupancy Detached is established.

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

Car Parking and driveways are already available on site for the proposed Dual Occupancy detached. As previously described the driveway into the property services the existing dwelling and is available for the Dual Occupancy Detached. The Dual Occupancy Detached can park in the constructed driveways.

The Dual Occupancy Detached has ample room for an additional vehicle parking.

Chapter B6 – Buffers and Minimising Land Use Conflict

The development site and all the surrounding freehold properties are zoned for predominantly residential uses.

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.

The distance to and the construction of the existing buildings would ensure no 'offensive' or 'intrusive' noise is experienced at the nearest residential receivers.

Chapter B7 – Mosquitoes and biting midges

Fly screens will be fitted to the windows and doors, therefore complying with the only relevant requirement of this part of the DCP.

Chapter B8 – Waste Minimisation and Management

Waste Management will be achieved by providing a 120L Rubbish Bin and a 240L Recycling and Green Waste Bins for each dwelling.

Chapter B9 – Landscaping

The existing landscaping on the site will be retained. The existing landscape plantings are more than adequate, and do not need to be added to achieve the requirements of DCP 2014.

Chapter B14 – Earthworks

Minimal earthworks are required to construct the proposed Dual Occupancy Detached dwelling. The development is designed to minimise site works and to ensure no adverse impacts.

Chapter D1 – Residential Accommodation in Urban, Village and Special Purpose Zones

Chapter D1.1.1 Aims of this Chapter - The Aims of this Chapter are:

1. To implement and expand on the provisions of Byron LEP 2014 relating to residential development.
2. To promote a high standard of design for residential development that is sensitive to and enhances the natural and physical environment and the social fabric particular to Byron Shire.
3. To accommodate a variety of residential forms and dwelling sizes to reflect the growing diversity of household types, sizes, incomes, lifestyles and needs.
4. To promote energy efficiency and consideration of the Shire's climatic characteristics in the design process.
5. 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.

RESPONSE: [The proposed development achieves these aims and objectives](#)

Chapter 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.

RESPONSE: [The proposed development achieves these objectives](#)

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 meets the performance criteria even through there the building extends into the Building Height Plan as the intrusion into the BHP would adversely affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy or obstructing views as the development is on the southern aspect of the allotment. The increased height allows for and promotes an energy efficiency design and so that residents may enjoy optimum use of winter sunlight and summer shade. Finally, the windows of living areas (decks, living rooms, bedrooms, kitchens, etc.) of development on adjoining properties will, retain full solar access between the hours of 9.00am to 3.00pm on any day as the proposed development is on the southern side of the adjoining allotment dwellings.

Prescriptive Measures

1. The building height plane in combination with boundary setbacks prescribed in this DCP, and building height prescribed in the Byron LEP 2014, form the maximum building envelope for all residential development other than for shop top housing and ancillary dwellings in Zones IN1, IN2 and B7.
2. An exemption from the building height plane may be considered in relation to one or more boundaries in the following circumstances:
 - a. where the floor level is required to be above ground level to comply with Council's requirements for flood protection; or
 - b. for the zero lot line boundaries of semi-detached dwellings and attached dwellings; or
 - c. **in circumstances referred to in Prescriptive Measure 2. of Section D1.2.2.**

RESPONSE: The proposed development meets the prescriptive measure 2c as the development is compatible with the bulk, scale, height and character of adjoining and adjacent development. The site characteristics have been taken into consideration in assessing the appropriate height and number of storeys which now allows for adequate provision for solar access and privacy of the proposed dwelling(s) and any adjacent dwelling.

Chapter D1.2.2 Setbacks from Boundaries - Objectives

1. To achieve varied and interesting streets that complement and harmonise with existing and planned streetscapes and development in the locality.
2. To achieve good orientation and spacing of residential developments that achieve high quality living environments relative to sunlight, shade, wind and weather protection, residential amenity and proximity of neighbouring development.

3. To achieve effective use of allotments to create useable and liveable private open space and courtyards.
4. To provide flexibility in siting and design of dwelling house development in urban residential areas.
5. To ensure that development in residential areas seeks to minimise any negative impacts on neighbours caused by siting.

RESPONSE: The proposed development achieves these objectives

Performance Criteria

1. Setback requirements may be flexible provided they are demonstrated to achieve the above Objectives and Performance Criteria.
2. The street façade of a building, and 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. A reasonable degree of integration with the existing pattern of setbacks must be balanced with the need to provide variety in the streetscape.
3. Private open space and common landscaped areas of the site must be useable as part of the living environment available for the occupants of the development. Council will discourage the provision of bare spaces between buildings and the street which are unusable because they lack privacy, or because they are inappropriately planned or treated for climate control.
4. The setback from a street frontage for a building that is part of a residential development will be determined on its merits, having regard to:
 - a. the Objectives;
 - b. any provisions of this DCP applying to the specific location;
 - c. the position of any existing buildings in the locality;
 - d. the size and shape of the allotment;
 - e. the effect on vehicular safety and visibility, particularly on corner sites;
 - f. the orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds;
 - g. the proposed location of any private open space, courtyard or landscaped areas;
 - h. the facade of the proposed building or buildings which will face the street and the proposed landscape treatment of that part of the allotment which is visible from the street;
 - i. the location and treatment of any car parking areas or car parking structures on the site.
5. Notwithstanding any of the above criteria, buildings must comply with the building height plane as detailed in Section D1.2.1.

6. Dwelling house development may be permitted to encroach into the side setback and building height plane where it enhances the design of buildings, complements the streetscape and does not adversely affect privacy, solar access, microclimate, traffic safety or amenity of adjoining development.
7. When considering applications for variations to minimum setbacks nominated below in the Prescriptive Measures, Council will have regard to:
 - a. the Objectives;
 - b. compliance with the Performance Criteria;
 - c. the visual impact of the variation on the streetscape;
 - d. the impact of the variation on the amenity, privacy, views and access of surrounding properties;
 - e. the existing and future status of the road;
 - f. potential traffic impacts and required sight lines as per AS2890; and
 - g. compliance with the Building Code of Australia.
8. The Development must seek to minimize any impacts on neighbouring properties through considerate siting and design.

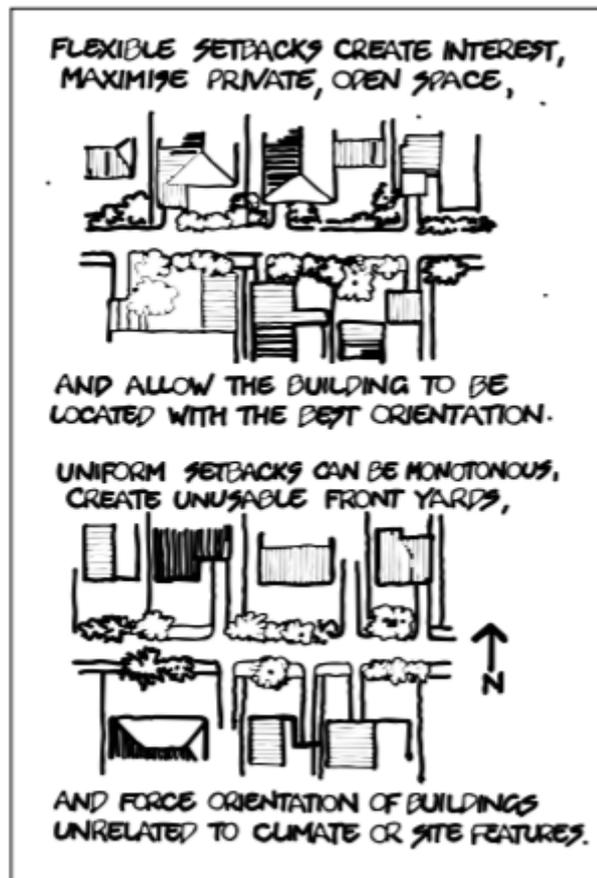


Figure D1.1 – Setbacks

RESPONSE: The proposed development meets the performance criteria.

Prescriptive Measures

Strict compliance with the following minimum setback prescriptive measures will not necessarily be sufficient by itself to meet the Objectives.

1. Minimum Street Frontage Setbacks

- a. Local Roads - A minimum setback of 4.5 metres must be maintained from the primary front boundary.
- b. Classified roads- A minimum setback of 9 metres applies to these roads from the primary front boundary. A variation to 6.5 metres may be sought for single storey dwellings or single storey elements of two storey dwellings. (NB. The provisions under SEPP Infrastructure 2007 apply to such developments)
- c. Garages and carports are to be set back 5.5m from the front boundary except from classified roads where the setbacks under (b) are to apply.
- d. Corner allotments on local or secondary roads - setbacks may be reduced to 3m on one frontage.
- e. Rear Lane or unformed roads - 3 metres, unless it is the primary frontage to the development (eg. Shirley Lane, Byron Bay) in which case a setback of 4.5 metres applies including to garages and carports. Consideration may be given to setback variations in Heritage Conservation Areas where strict compliance with these provisions would result in conflict with the Chapter and Section Objectives specified in Chapter C1 Non-Indigenous Heritage.

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, other than informal parking within the driveway (i.e. parking not required by the DCP). Stacked car parking is 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.
- b. In urban residential areas, Council may consent to the construction of one or more building walls set back less than 900mm from a side or rear boundary, such that the building/s cannot comply with the building height plane, where:
 - i. such wall or walls contain no openings; and
 - ii. it is demonstrated to Council's satisfaction that the development, if carried out, would improve the siting or orientation of the

dwelling/s or the provision of private open space; and would not significantly:

- increase the overshadowing of adjoining properties; or
 - reduce the level of privacy enjoyed by adjoining properties.
- c. Applications for zero lot line development will only be considered where the relevant lot or lots are part of an integrated design, and where all buildings set to a zero lot line are constructed prior to issue of a Subdivision Certificate.
3. Minimum Setbacks for Dual Occupancies and Secondary Dwellings
- a. Side and rear setback – 1.5 metres for single storey and must comply with the building height plane.
4. Minimum Setbacks for Residential Flat Buildings and Multi-Dwelling Housing
- b. Side and rear setback – 1.5 metres for single storey, otherwise governed by the building height plane.
- c. Between buildings on a site – 3 metres.
5. Minimum Setbacks for Swimming Pools and Spas
- a. The outer edge of the pool concourse or coping must be set back a minimum of one (1) metre from the side or rear boundaries, with the water line being a minimum of 1.5 metres from those boundaries.
- b. Pools should not be located within the street frontage setback, except on sites where private open space can be accommodated only in this location or other site attributes support this outcome.
- c. Pool pumps shall be located as far back from a side or rear boundary as practical and if closer than 3 m from either it shall be acoustically shielded.

RESPONSE: The proposed development meets the prescription measures.

Chapter D1.2.3 Screening the Underfloor Space of Buildings - Objectives

1. To improve the external appearance of elevated buildings.
2. To provide for compatibility in appearance and character between buildings in the locality.

RESPONSE: The proposed development meets the objectives.

Performance Criteria

1. The underfloor space of elevated buildings must be provided with infill

panelling, advanced landscaping or other forms of visual screening to improve the external appearance of the building and to ensure compatibility with other development in the locality.

2. In flood liable land the screening of the underfloor space of elevated buildings may not be appropriate. Screening below the flood planning level must have openings to allow for entry and exit of flood water and must be structurally adequate and not reduce the structural capacity of the building during a 1 in 100 year flood event.
3. Where buildings are proposed on bush fire prone land, underfloor screening may be required to comply with specific requirements prescribed by the Building Code of Australia and Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.

RESPONSE: The proposed development meets the performance criteria.

Chapter D1.2.4 Character and 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.

RESPONSE: The proposed development meets the objectives.

Performance Criteria

1. Development should demonstrate how siting, design and character are consistent with the relevant Residential Character Narrative, as contained in the corresponding locality chapter in Part E of this DCP.
2. Site, building and landscaping design must address the climate;
3. 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;
4. Development should be designed to minimise loss of privacy;
5. 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;
6. 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;

7. The provision of verandahs, balconies, pergolas and other protective outdoor elements will be encouraged for visual, climatic and energy efficiency reasons;
8. Well-designed overhanging eaves should be provided where feasible to protect against heavy rainfall and summer sun, while allowing winter sun penetration;
9. 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: Complies – where approved, there will be two (2) residential buildings on the site, the main residence and this Dual Occupancy (Detached)

Prescriptive Measures

There are no Prescriptive Measures.

Chapter D1.2.5 Fences - Objectives

1. To enable residents to erect fences to provide for a sense of privacy, noise reduction and security.
2. To ensure that fences do not remove the sense of safety in the street that pedestrians gain from the casual observation by residents.
3. To ensure that fences do not unduly reduce opportunities for casual social interaction in the community.
4. To ensure that fences do not become a dominant built element in the streetscape.
5. To exclude unwanted light from vehicles in particular circumstances.
6. To ensure that the design and placement of fences do not adversely impact traffic or pedestrian safety.
7. To ensure provision for access by safety and emergency vehicles and personnel.

RESPONSE: No new fencing is proposed.

Chapter D1.2.6 Balconies - Objectives

1. To ensure that the visual character of balconies is consistent with and does not dominate the design of residential buildings.

Performance Criteria

Balconies must not dominate the visual character of buildings or development. The design of balconies must be consistent in character with the building and development in terms of materials, colours, dimensions, bulk, scale and proportion.

Prescriptive Measures

There are no Prescriptive Measures.

RESPONSE: The proposed development meets the objectives.

Chapter D1.2.9 Energy Efficiency - Objectives

1. To reduce greenhouse gas emissions created from residential development.
2. To increase thermal comfort and efficiency for residential development.

Performance Criteria

1. Buildings for habitable purposes should seek to incorporate measures to reduce energy consumption, reduce reticulated water consumptions and improve thermal comfort.
2. Where possible, development should seek to fit or retrofit energy efficient fixtures and fittings to reduce greenhouse gas emissions.

Prescriptive Measures

1. Long term residential accommodation exempt from BASIX must incorporate measures to reduce energy consumption, reduce reticulated water consumption and improve thermal comfort. Details are to be provided on development application plans. Measures are to include but are not limited to:
 - a. Minimum R2.5 ceiling insulation when access is available.
 - b. Hot water system must not be an electric storage tank that is connected to mains power.
 - c. Minimum 3 stars taps and fixtures to be installed in all kitchen, laundry and bathrooms.
 - d. Minimum 4 star air conditioning (if proposed).
 - e. Minimum 5000 litre rainwater tank collecting at least 30% of the development's roof water. 1 garden tap connected to rainwater tank.

RESPONSE: The proposed development meets the objectives.

Chapter 1.5. Dual Occupancy and Semi-Detached Dwellings

Council recognises the role of dual occupancy development in contributing to infill development, making fuller use of existing services, adding to the stock of rental accommodation and widening the range of housing options. Council wishes to encourage dual occupancy and semi-detached dwelling developments which suit the differing needs of the community and which enhance the residential character of the Shire.

In addition to the controls in this Chapter applying to dual occupancy and semi-detached dwelling development, proposals which have rear lane access with one of the dwellings fronting that lane are to comply with the provisions under Chapter D6 Subdivision (Section D6.4.3).

Dual occupancy and semi-detached dwellings should contribute to the character of the local area as identified in the corresponding locality chapter in Part E of this DCP.

Chapter D1.5.1 On-Site Car Parking - Objectives

1. To provide adequate and visually compatible accommodation for vehicles for residents and visitors.

Performance Criteria

1. On corner lots there may be an advantage in providing access to each dwelling from a different street frontage, paying particular attention to the need to make the best use of the site, to promote traffic safety and to orient buildings and landscaped areas to maximise climatic advantages.
2. In other cases, where feasible and where pedestrian and traffic safety will be improved, vehicular access to dwellings should comprise a shared driveway.
3. Driveways must be located and designed to minimise danger to pedestrians and cyclists using the street as a result of vehicles reversing into or out of the driveway.

Prescriptive Measures

1. Generally, 2 car parking spaces will be required for a dwelling and 2 for each dual occupancy.
2. Refer to Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for detailed provisions regarding car parking and vehicle access.

RESPONSE: Complies – There is adequate access via the existing driveway to the site of the main residence and proposed Dual Occupancy. Car Parking - 2 carparking spaces are available for the original dwelling within the existing dwelling and 2 carparking spaces will be provided under the proposed dwelling.

Chapter D1.5.2 Character - Objectives

1. To ensure that dual occupancy and semi-detached dwelling development is compatible in character with development in the locality, provides adequate private open space and addresses slop and drainage issues.

Performance Criteria

1. In assessing any proposal for dual occupancy or semi-detached dwelling development, particular consideration will be given to the topography and slope of the site, the use of design to minimise loss of privacy, the visual impact of the proposal and the likely impact on water flows and drainage.
2. To encourage better visual quality and greater public acceptance, any dual occupancy (attached) or semi-detached dwelling development must be designed as far as possible to look like a dwelling house. Mirror-image dwellings must be avoided.
3. Private open space must be specifically designed to be easily accessible to each dwelling.
4. Dual occupancy and semi-detached dwellings should demonstrate how siting, design and character are consistent with the relevant Residential Character Narrative, as contained in the corresponding locality chapter in Part E of this DCP.

Prescriptive Measures

There are no Prescriptive Measures.

RESPONSE: The proposed development meets the objectives by being designed to the topography and slope of the site, the use of design to minimise loss of privacy, the visual impact of the proposal and the likely impact on water flows and drainage.

Chapter D1.5.3 Adjoining and Adjacent Development - Objectives

1. To ensure that new development is consistent with the character and amenity of existing development in the locality.

Performance Criteria

1. Development must be compatible with the bulk, scale, height and character of adjoining and adjacent development. The site characteristics, including slope and aspect, must be taken into consideration in assessing the appropriate height and number of storeys.
2. Adequate provision must be made for solar access and privacy of the proposed dwelling(s) and any adjacent dwelling.

Prescriptive Measures

Council will only consider dual occupancy and semi-detached dwelling development in urban areas where, in its opinion, it has been demonstrated that the following objectives have been met:

1. Adequate provision for reasonable protection of existing views from neighbouring houses;
2. Adequate provision for privacy of the proposed dwelling(s) and any adjacent dwelling(s);
3. Adequate provision for access to natural light and solar access for the proposed dwelling(s) and any adjacent dwelling(s);
4. Maintenance of the character and neighbourhood amenity of the adjoining residential area.

RESPONSE: [The proposed development meets the objectives.](#)

Chapter D1.5.3 Adjoining and Adjacent Development - Objectives

1. To ensure that new development is consistent with the character and amenity of existing development in the locality.

Performance Criteria

1. Development must be compatible with the bulk, scale, height and character of adjoining and adjacent development. The site characteristics, including slope and aspect, must be taken into consideration in assessing the appropriate height and number of storeys.
2. Adequate provision must be made for solar access and privacy of the proposed dwelling(s) and any adjacent dwelling.

Prescriptive Measures

Council will only consider dual occupancy and semi-detached dwelling development in urban areas where, in its opinion, it has been demonstrated that the following objectives have been met:

1. Adequate provision for reasonable protection of existing views from neighbouring houses;
2. Adequate provision for privacy of the proposed dwelling(s) and any adjacent dwelling(s);
3. Adequate provision for access to natural light and solar access for the proposed dwelling(s) and any adjacent dwelling(s);
4. Maintenance of the character and neighbourhood amenity of the adjoining residential area.

RESPONSE: The proposed development meets the performance criteria as the development is compatible with the bulk, scale, height and character of adjoining and adjacent development. The site characteristics have been taken into consideration in assessing the appropriate height and number of storeys which now allows for adequate provision for solar access and privacy of the proposed dwelling(s) and any adjacent dwelling.

Chapter D1.5.4 Private Open Space – Objectives

To ensure that adequate accessible and useable open space is provided to meet the recreational, gardening and landscape needs of residents.

Performance Criteria

1. Private open space areas must be of dimensions to suit the projected requirements of the occupants and guests and to accommodate outdoor recreation needs, as well as providing space for service functions such as clothes drying and domestic storage.
2. Part of the private open space must be capable of enabling an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and be directly accessible from the dwelling. Provision must be made for space for private gardening such as vegetable gardens.
3. Location of private open space must take account of outlook, natural features of the site and neighbouring buildings or open space. Orientation of private open space must provide for maximum year round use in terms of sunlight.
4. Private recreational facilities must not adversely affect the amenity of adjacent properties.

Prescriptive Measures

1. Each dwelling must have an area of private open space at ground level not located in the front setback, having a minimum area of 30m² and a minimum length and width each of 4m, excluding any area used for vehicle circulation or parking.
2. The private open space area must not include any areas used for the management of on-site sewage effluent.

RESPONSE: Each dwelling will have an area of private open space at ground level in the rear yard having a minimum area of 30m² and a minimum length and width each of 4m

Chapter D1.5.5 Landscaping - Objectives

1. To provide attractive landscapes that reinforce the function of the street and

enhance the amenity of dwellings and the built environment.

Performance Criteria

Refer to Chapter B9 Landscaping.

Prescriptive Measures

Refer to Chapter B9 Landscaping

RESPONSE: The proposed development meets the objectives.

Chapter D1.5.6 - Objectives

1. To ensure an acceptable acoustic environment for residents.

Performance Criteria

1. Division walls between separate occupancy areas of dual occupancy (attached) and semi-detached dwelling development must be of sound resisting construction to ensure acoustic privacy and amenity between rooms.
2. Development must be designed to minimise noise and vibration impacts upon occupants of surrounding dwellings. Where practicable, sources of noise must be sited away from adjoining properties, and where necessary must be screened by acoustic treatments.

Prescriptive Measures

There are no Prescriptive Measures.

RESPONSE: The Dual Occupancy (Detached) has been designed to have an acceptable acoustic environment between the building and to the neighbouring properties.

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 94 of the *Environmental Planning and Assessment Regulation* allows for a Consent authority to require buildings to be upgraded. This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where—

- (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
- (b) the measures contained in the building are inadequate—
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.

RESPONSE: A review of the existing measures contained in the building has occurred as part of this application and additional fire safety measures will be installed to bring the existing building into conformity with the Building Code of Australia.

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 change of use of an existing building, no adverse impacts on the built environment are likely to arise.

The existing allotment includes 4 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 building and no earthworks are proposed. Notwithstanding this, a search on the AHIMS website found that:

0 - Aboriginal sites are recorded in or near the above location.

0 - Aboriginal places have been declared in or near the above location.

The colours and materials of the existing structure are consistent with the character of the area.

Impacts on the Natural Environment

The site is grassed with informal and random tree and shrub growth over portions of the site. No major vegetation removal is proposed.

The proposed development site is not affected by flooding, landslip, bushfire 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 2017 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.

Comment: 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 intended 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 it's 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

Comment: 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,

Comment: 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)

Comment: 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.

Comment: 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 change of 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 development of the Detached Dual Occupancy Dwelling will not be out of character with the settled character of the area.

The property area is approximately 1ha. and the Detached Dual Occupancy Dwelling in no way represents an overdevelopment of this site.

The property drains in a general northerly 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.

The site is cleared and already accessed land, unconstrained by flood, environmental constraints, or landslip, and these factors, and the design, ensure that the overall proposal will not cause adverse environmental impact. The Detached Dual Occupancy building also proposed to upgrade the existing on-site sewage management system to ensure that effluent can be managed effectively on-site.

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) (e) Any submissions made

Where Council notifies this development, any submissions made should be consider as part of the assessment of the development. The applicant would like the opportunity to remedy any issues raise 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 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 landuse will ensure minimised noise, and visual impact at any adjoining residences, particularly as the dwelling proposed 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 to construct an additional dwelling to create Dual Occupancy Detached.

The proposed development has been considered against the requirements of Byron Local Environmental Plan 2014 and Development Control Plan 2014. The proposal is permissible with the consent of Council within the R5 Large Lot Residential Zone 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 – Plans of the proposed development.

Annexure 2 – Basix Certificate

Annexure 3 – Statement of Environmental Effects

Annexure 4 – Letter of Authorisation