

---

# TOWN PLANNING REPORT

---

Statement of Environmental Effects

Construction of a Carport, Garage and Studio Structure

Lot 3 in Deposited Plan 737447  
No. 1 Gilba Avenue, Ocean Shores

**JOE DAVIDSON**  
TOWN PLANNING

7 May 2021

## Table of Contents

1.0	Introduction .....	1
2.0	Description of the site .....	2
3.0	Description of the proposal .....	4
4.0	Statutory considerations.....	5
4.1	NSW Environmental Planning and Assessment Regulation 2000.....	5
4.2	Section 79BA of the Environmental Planning and Assessment Act 1979 .....	5
4.3	Section 5A of the Environmental Planning & Assessment Act 1979.....	5
4.4	Matters for Consideration under Section 79C of the Environmental Planning & Assessment Act 1979 .....	5
4.3.1	Section 4.14(1)(a)(i) The Provisions of any Environmental Planning Instrument.....	5
4.3.2	Section 4.14(1)(a)(ii) The Provisions of any Draft Environmental Planning Instrument.....	7
4.3.3	Section 4.14(1)(a)(iii) The Provisions of any Development Control Plans ...	7
4.3.4	Section 4.14(1)(b) The likely Impacts of the Proposed Development .....	10
4.3.5	Section 4.14(1)(c) Suitability of the Site for the Proposed Development .	11
4.3.6	Section 4.14(1)(e) The Public Interest .....	12
5.0	Conclusion .....	12

## Annexures

- A. Site Photographs
- B. Bush Fire Assessment

## 1.0 Introduction

This Town Planning Report includes a Statement of Environmental Effects to accompany a Development Application to Byron Shire Council to construct a new carport, garage and studio structure within the subject site.

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

Section 2 – provides a description of the development site.

Section 3 – provides a description of the proposed development.

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

Section 5 – provides a conclusion to this report.

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

This Statement of Environmental Effects has been prepared in 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.

### Note on the use of this document

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

## 2.0 Description of the site

### *General*

The proposed development relates to a single allotment of land that is formally described as Lot 3 in Deposited Plan 837447. The property is located at No. 1 Gilba Avenue, Ocean Shores. The allotment has a land area of 1,045 square metres. The property is a corner allotment fronting Matong Drive to the east and Gilba Avenue to the north.

The subject lot is irregular in shape with a frontage of over 21 metres to Gilba Avenue and close to 15 metres to Matong Drive. The land generally slopes from east to west, however the site of the proposed development also has fall to the Gilba Street frontage.

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

### *Improvements and Land Uses*

The property contains an established single storey dwelling-house, a carport structure, a swimming pool and a secondary dwelling. Vehicle access to the allotment is via a concrete driveway from Gilba Avenue.

### *Zoning*

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

### *Surrounding Land Uses*

Similar sized residential lots adjoin to the south and west and are located on the opposite side of Matong Drive and Gilba Avenue to the east and north. The majority of the surrounding lots are occupied by single dwellings. A principal dwelling and a secondary dwelling are located within the adjoining allotment to the west. The land to the west of the site beyond the adjacent residential property comprises a reserve containing bush fire vegetation. Further bush fire vegetation is located within private land to the east of nearby Boolee Court.

### *Services*

The allotment has access to the following services:

- Water – the property is connected to Council's reticulated water supply.
- Sewer – the existing dwelling is connected to Council's sewer network.
- Telecommunications – provided to the existing dwellings via NBN/Telstra.
- Electricity – accessible from underground transmission lines administered by Essential Energy.
- Stormwater – roof water is disposed of to the adjacent laneway.
- Waste and Recyclables Collection – provided with roadside collection.

### *Constraints*

Mapping by NSW Planning and Environment indicates that the property is within the buffer to bush fire constraints. The property is not affected by flooding nor potential acid sulfate soils.

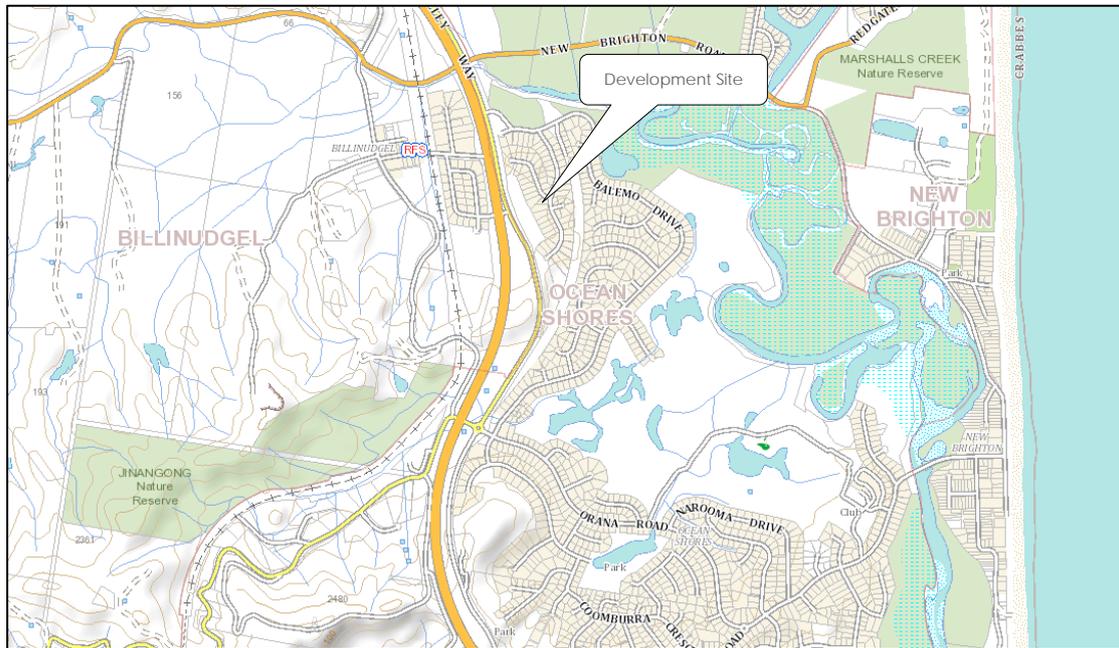


Figure 1 – Locality Plan (NSW LPI)



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

### 3.0 Description of the proposal

Development consent is sought to remove an existing carport and replace it with a new carport, garage and studio structure. Development consent is also sought for the construction of new retaining walls on the eastern and southern sides of the new building. Refer to the plans of the proposed development within the Annexures of this Town Planning Report prepared by Brunswick Heads Building Designers.

The proposed garage has dimensions of 3.18 metres x 6.49 metres. It also includes a small storage area with dimensions of 3.18 metres x 2.09 metres. The studio sits directly above the garage and storeroom. It has a gross floor area of 23.9 square metres. A small upper floor deck is proposed on the northern side of the studio space. The proposed carport is located on the eastern side of the studio/garage structure.

Vehicle access within the site will be improved by removing an existing rock wall and the construction of new retaining structures. An external staircase will lead from the driveway area to the upper level studio space. A small landing adjoins the east facing deck area. No changes are proposed to the existing principal and secondary dwelling layouts.

The new building works are to be constructed of colorbond metal sheet clad walls and roofing. The carport is supported by hardwood posts. The works are to be constructed with a concrete floor within an excavated pad below the secondary dwelling. A setback of 2.0 metres is proposed to the southern property boundary, and a setback of over 6.0 metres is proposed to the Matong Drive and Gilba Avenue frontages.

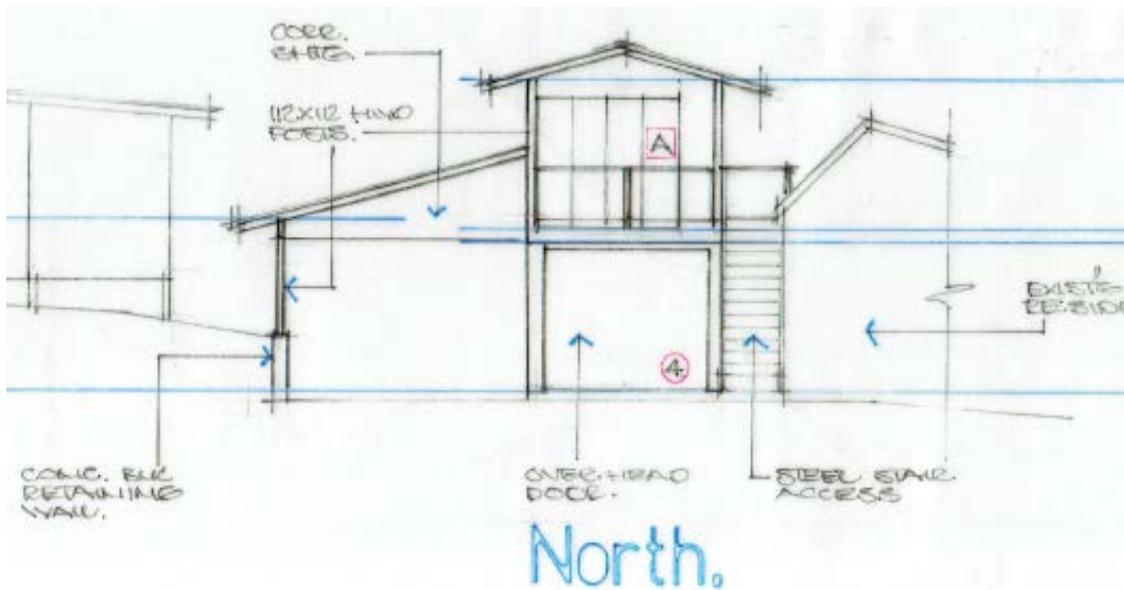


Figure 3 – Northern elevation of secondary dwelling (Brunswick Heads Building Designers)

## 4.0 Statutory considerations

### 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.

### 4.2 Section 79BA of the Environmental Planning and Assessment Act 1979

The proposed development is located within the buffer area to bush fire hazards. A bush fire assessment is provided as an Annexure to this Town Planning Report.

### 4.3 Section 5A of the Environmental Planning & Assessment Act 1979

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

As the proposed development relates only to a cleared area of the site, no impacts arise in relation to the on the Biodiversity Conservation Act 2016 or the Fisheries Management Act 1994.

### 4.4 Matters for Consideration under Section 79C of the Environmental Planning & Assessment Act 1979

#### 4.3.1 Section 4.14(1)(a)(i) The Provisions of any Environmental Planning Instrument

##### State Environmental Planning Policy No. 55 – Remediation of Land

The subject allotment was registered as part of Deposited Plan 837447 which was created on 1 March 1994. The site contains a dwelling and secondary dwelling. It has had continuous residential usage for two decades. The proposed development comprises a new studio and garage structure within a cleared area of the site. The nature of the development and the context of the site are such that further assessment under State Environmental Planning Policy No. 55 is not warranted for this proposal.

##### Byron Local Environmental Plan (LEP) 2014

##### *LEP 2014 Land Use Table – R2 Low Density Residential Zone*

The site of the proposed development is located within the R2 Low Density Residential Zone under Byron Local Environmental Plan 2014. The proposed studio is permitted with the consent of Council within the zone.

The Objectives of the R2 Low Density Residential Zone are as follows:

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

The development has been designed to meet the maximum density controls under Byron Local Environmental Plan 2014. The development does not place unreasonable demands on public services and facilities. The proposal is considered to be consistent with the objectives of the R2 Low Density Residential Zone.

*LEP 2014 Clause 4.3 – Height of Buildings*

The Local Environmental Plan prescribes a maximum overall height limit of 9.0 metres within the subject site. The proposed building works meet the maximum 9.0 metre height requirement.

*LEP 2014 Clause 4.4 – Maximum Floor Space Ratio*

The Local Environmental Plan prescribes a maximum floor space ratio of 0.5:1 within the subject site. The proposed development meets this requirement as set out below:

Floor Space Ratio Calculations	
Site Area	1,045 m <sup>2</sup>
Principal Dwelling Gross Floor Area	133.0 m <sup>2</sup>
Secondary Dwelling Gross Floor Area	57.4 m <sup>2</sup>
Studio Gross Floor Area	23.9 m <sup>2</sup>
Total Gross Floor Area	214.3 m <sup>2</sup>
Floor Space Ratio	0.2:1

*LEP Clause 6.2 – Earthworks*

The proposal requires only minor earthworks to complete new footings and plumbing connections. The site is adequately setback from natural waterways and environmentally sensitive areas.

*LEP Clause 6.6 – Essential services*

The subject allotment is part of a residential subdivision created in 1994. The lot has water supply, sewer connection, electricity and telecommunication services. Stormwater disposal is available to the adjacent roadway. Existing vehicle access is available from Gilba Avenue.

#### 4.3.2 Section 4.14(1)(a)(ii) The Provisions of any Draft Environmental Planning Instrument

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

#### 4.3.3 Section 4.14(1)(a)(iii) The Provisions of any Development Control Plans

##### Byron Development Control Plan (DCP) 2014

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

The proposal meets the parking requirements of Table B4.1 for a single dwelling as two parking spaces are provided on site. The proposed development will improve the current parking arrangements by providing a new garage and carport.

##### *DCP 2014 Chapter D1.2.1 – Building Height Plane*

The proposed development includes a small encroachment into the building height plane on the southern property boundary as per the image below. The encroachment affects only the southern eave and the roof above. An inspection of the site on 7 May 2021 confirmed that a driveway is located within the adjoining property to the south. The shadow diagrams provided with the development plans show that shadows will only be cast onto the neighbours driveway and vehicle reversing area. No windows are proposed on the southern elevation. No view impacts will result from the small scale addition. Refer to the photographs within the Annexures of this report. It is requested that a variation is provided to allow the minor building height plane encroachment to be supported.

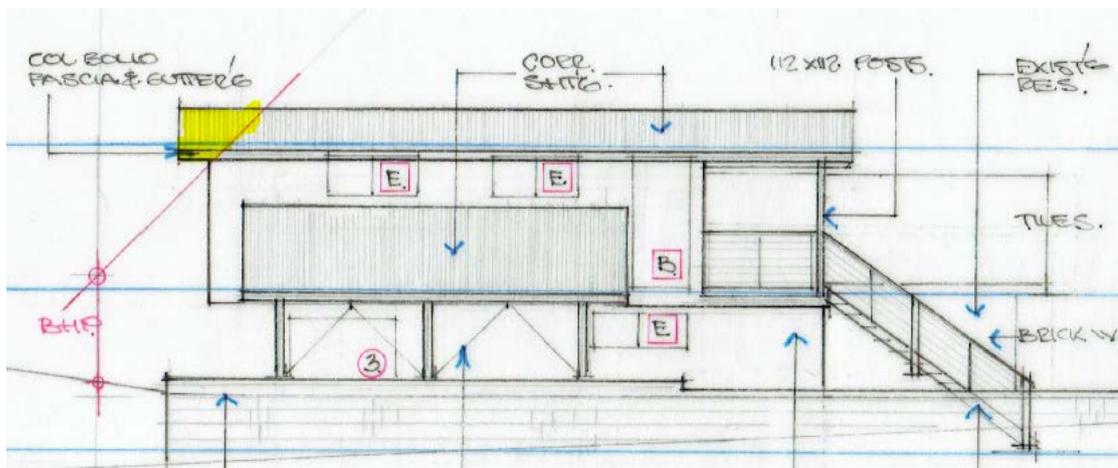


Figure 4 - Eastern elevation showing building height plane encroachment (Brunswick Heads Building Designers)

*DCP 2014 Chapter D1.2.2 – Setbacks from Boundaries*

The proposed development meets the setback requirements of Chapter D1.2.2.

*DCP 2014 Chapter D1.2.3 – Screening of underfloor areas*

The proposed building works are to be constructed on a concrete slab. No underfloor screening is required as part of the development.

*DCP 2014 Chapter D1.2.4 – Character and Visual Impact*

The proposal seeks to construct a new carport/garage/studio building adjacent to the existing principal dwelling. The small scale structure matches the height of the existing secondary dwelling which is located within the east of the site. The locality includes a mix of dwelling designs using varying materials. A similar style pitched roof buildings are located on nearby allotments. The proposed materials are similar to the recently constructed secondary dwelling within the site. The proposal is consistent with the character of development within the locality.

*DCP 2014 Chapter D1.2.5 – Fencing*

The proposal does not exceed the maximum fence provisions of Chapter D1.2.5.

*DCP 2014 Chapter D1.2.6 – Balconies*

The proposal includes only a small balcony area (6 square metres) and does not raise any non-compliances with Chapter D1.2.6.

*DCP 2014 Chapter D1.2.7 – Pedestrian and Cycle Access*

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

*DCP 2014 Chapter D1.12.1 – Studios*

The proposal includes additions to the existing garage to provide a space that is to be used as a studio. The following table describes the proposal's compliance with the provisions of Chapter D1.12.1 of DCP 2014:

Objectives	Comment
To enable construction and use of a detached building that is ancillary to and compatible in character with a dwelling where, because of its nature or space requirements the proposed use of the building is not practical within the	The landowners require a separate space to the principal dwelling for use as a home occupation. The owners run a small plasterboard installation business that requires an office space to complete home based

confines of the principal dwelling.	administration tasks. The use is not suited to the existing dwelling due to distractions from family activities.
Performance Criteria	Comment
The proponent must demonstrate that the studio is required for a purpose that, because of its nature or space requirements is not practical to undertake within the confines of the principal dwelling.	Only one studio space is proposed.
The studio must not be used for separate habitation.	It is not proposed to use the studio for separate habitation.
The studio must be situated on the same lot and located close to the dwelling and be compatible in design and character with the dwelling and its environment.	The studio structure is within the same lot and is in character with the existing dwelling.
The studio must not require additional clearing of native vegetation, additional vehicle access or the provision of additional public services infrastructure over and above that required by the dwelling.	No clearing of native vegetation is proposed for the proposed studio development. No additional public services are required.

Prescriptive Measures	Comment
Only one studio is permitted for each dwelling.	Only one studio space is proposed.
The studio must: a) be situated on the same lot as the dwelling;	The proposed studio space is located within the same lot as the dwelling.
b) not exceed 60m <sup>2</sup> gross floor area;	The studio space is less than 60 square metres in area.
c) not contain internal partitions other than those necessary for ablution facilities or demonstrably required for the use of the studio (eg photography darkroom)	The only internal partition proposed is a diving wall to create a small bathroom. The bathroom will allow the owners to occupy the building for extended periods during working hours without returning to the main dwelling. Facilities will allow the owner to cleanse before leaving the studio. The studio will be used as a family room outside business hours which will also have demand

	for a bathroom. It is noted that the floor space of the studio is less than 45 square metres and is therefore consistent with the requirements of an expanded house module. The expanded house provisions within Byron DCP 2014 allow a bathroom.
d) not contain facilities (e.g. kitchen, sink or the like) that would enable the preparation of food;	No facilities are proposed that enable the preparation of food.
e) not be used for separate habitation;	The studio space is not proposed to be used for separate habitation.
f) be located not more than 40 metres from the main building of the dwelling.	The studio space is within 40 metres from the main dwelling.

#### 4.3.4 Section 4.14(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.

#### Economic Impacts

The proposal is likely to result in positive economic impacts during the construction phase. The new studio space will also be used as an office area by the residents of the principal dwelling who run a small business.

#### Social impacts

The development site is located within the Ocean Shores residential area. Construction noise will be limited to Council's standard hours. The proposed development complements the existing residential uses on the property and will have no detrimental social impacts.

#### Impacts on the Built Environment

The proposed development is situated within a 1,045 square metre allotment. The site contains an existing dwelling, secondary dwelling and pool. The proposed carport/garage/studio structure is of a small scale. As such, no adverse impacts on the built environment will result.

#### Impacts on Traffic and Car Parking

Vehicle movements during construction will be limited to standard construction hours. The existing road network is capable of accommodating vehicle movements associated with the proposed construction works. No significant impacts on traffic are likely to arise.

#### Impacts on the Natural Environment

The development works will not require any vegetation removal works. The site is within a low density residential environment with little ecological significance. The proposal will not result in adverse impacts on the natural environment.

#### 4.3.5 Section 4.14(1)(c) Suitability of the Site for the Proposed Development

The development site comprises a 1,045 square metre allotment located within the Ocean Shores residential locality. The land containing the development is within the R2 Low Density Residential Zone under Byron Local Environmental Plan 2014.

The development site is of sufficient area to accommodate a new carport/garage/studio building. Such can be located within the east of the lot with minimal impacts on the natural and built environments. Land uses in the surrounding area include similar residential development. The proposal includes only minor external works that will not detract from the existing built form.

Urban services are available to the site including water supply, sewer connection, electricity and telecommunications infrastructure. The site is within a bush fire hazard area but this constraint can be managed as part of the construction. The land is not affected by any other significant constraints. The subject site is considered to be suitable for the proposed development.

#### 4.3.6 Section 4.14(1)(e) The Public Interest

The proposed development is generally consistent with Byron Shire Council's development controls and is therefore within the public interest.

## 5.0 Conclusion

The proposal seeks to construct a new carport, garage and studio building within the site for use by the resident owners. The proposed development has considered the requirements of Byron Local Environmental Plan 2014 and Development Control Plan 2014.

The proposed works are permissible within the R2 Low Density Residential Zone under Byron Local Environmental Plan 2014 and Development Control Plan 2014. The development is consistent with the objectives of the zone and does not detract from the surrounding residential land uses.

The proposal is consistent with the planning controls of Byron Shire Council. The site is 1,045 square metres in area and is considered to be suitable for the proposed development.

This report addresses the matters for consideration under Section 4.14 of the Environmental Planning and Assessment Act 1979 and relevant planning instruments. It is considered that sufficient information has been provided to assess the proposal as a Development Application in light of the issues identified. However, please advise the Applicant should further information be required to address any issues that may arise during assessment.

. . . . .

Joe Davidson

## Annexure A

Site Photographs



1. View to south-west towards driveway within neighbouring property



2. View to of existing secondary dwelling and principal dwelling from Gilba Avenue



3. View of the proposed development site



4. View of the southern property boundary looking east showing existing landscaping

## Annexure B

Bush Fire Assessment

---

# BUSH FIRE ASSESSMENT REPORT

---

Construction of a Garage, Carport and Studio Structure

Lot 3 in Deposited Plan 737447  
No. 1 Gilba Avenue, Ocean Shores

**JOE DAVIDSON**  
TOWN PLANNING

7 May 2021

# Table of Contents

1.0	Introduction.....	1
2.0	Description of the site .....	2
3.0	Description of the proposal.....	4
4.0	Bush Fire Hazard Mapping.....	5
5.0	Vegetation and slope assessment .....	6
6.0	Environmental and Aboriginal heritage assessment.....	8
6.1	Significant environmental features on the property .....	8
6.2	Threatened species, population or ecological community .....	8
6.3	Aboriginal heritage .....	8
7.0	Bush fire assessment .....	9
7.1	Setbacks and asset protection zones.....	9
7.2	Siting and adequacy of water supplies for fire fighting.....	9
7.3	Capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency.....	9
7.4	Details on whether or not public roads in the vicinity that link with the fire trail network have two-way access .....	9
7.5	Adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response.....	9
7.6	Adequacy of bush fire maintenance plans and fire emergency procedures for the development site .....	9
7.7	Construction standards to be used for building elements in the development.....	10
7.8	Adequacy of sprinkler systems and other fire protection measures to be incorporated into the development.....	10
7.9	Assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Chapter 4 (Performance Based Controls) of Planning for Bush Fire Protection .....	10
8.0	Prescribed information .....	19
9.0	Conclusion.....	19

## 1.0 Introduction

This Bush Fire Assessment Report has been prepared having regards to the provisions of Clause 44 of the Rural Fires Regulation 2013 in support of a Development Application to Byron Shire Council to construct a garage, carport and studio structure within the site.

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

Section 2 – provides a description of the development site.

Section 3 – provides a description of the proposed development.

Section 4 – provides a vegetation and slope assessment

Section 5 – provides details of bush fire hazard mapping

Section 6 – provides consideration of environmental and Aboriginal heritage

Section 7 – provides a bush fire assessment of the proposed development having regards to the requirements of Clause 44(1)(g) of the Rural Fires Regulation 2013.

Section 8 – provides consideration of prescribed information.

Section 9 – provides a conclusion to this report.

In addition to these sections, Figures are included throughout the document to provide details of the development and the development site.

### Note on the use of this document

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

## 2.0 Description of the site

### *General*

The proposed development relates to a single allotment of land that is formally described as Lot 3 in Deposited Plan 837447. The property is located at No. 1 Gilba Avenue, Ocean Shores. The allotment has a land area of 1,045 square metres. The property is a corner allotment fronting Matong Drive to the east and Gilba Avenue to the north.

The subject lot is irregular in shape with a frontage of over 21 metres to Gilba Avenue and close to 15 metres to Matong Drive. The land generally slopes from east to west, however the site of the proposed development also has fall to the Gilba Street frontage.

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

### *Improvements and Land Uses*

The property contains an established single storey dwelling-house, a carport structure, a swimming pool and a secondary dwelling. Vehicle access to the allotment is via a concrete driveway from Gilba Avenue.

### *Zoning*

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

### *Surrounding Land Uses*

Similar sized residential lots adjoin to the south and west and are located on the opposite side of Matong Drive and Gilba Avenue to the east and north. The majority of the surrounding lots are occupied by single dwellings. A principal dwelling and a secondary dwelling are located within the adjoining allotment to the west. The land to the west of the site beyond the adjacent residential property comprises a reserve containing bush fire vegetation. Further bush fire vegetation is located within private land to the east of nearby Boolee Court.

### *Services*

The allotment has access to the following services:

- Water – the property is connected to Council's reticulated water supply.
- Sewer – the existing dwelling is connected to Council's sewer network.
- Telecommunications – provided to the existing dwellings via NBN/Telstra.
- Electricity – accessible from underground transmission lines administered by Essential Energy.
- Stormwater – roof water is disposed of to the adjacent road.
- Waste and Recyclables Collection – provided with roadside collection.

### *Constraints*

Mapping by NSW Planning and Environment indicates that the property is within the buffer to bush fire constraints. The property is not affected by flooding nor potential acid sulfate soils.

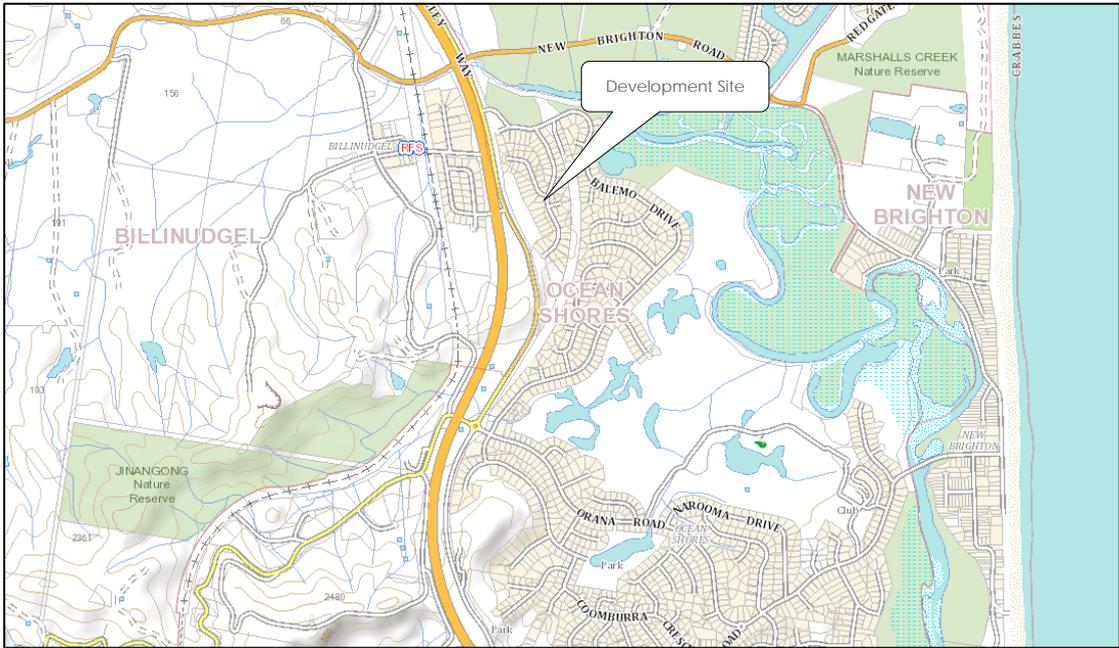


Figure 1 – Locality Plan (NSW LPI)



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

### 3.0 Description of the proposal

Development consent is sought to remove an existing carport and replace it with a new carport, garage and studio structure. Development consent is also sought for the construction of new retaining walls on the eastern and southern sides of the new building. Refer to the plans of the proposed development within the Annexures of this Town Planning Report prepared by Brunswick Heads Building Designers.

The proposed garage has dimensions of 3.18 metres x 6.49 metres. It also includes a small storage area with dimensions of 3.18 metres x 2.09 metres. The studio sits directly above the garage and storeroom. It has a gross floor area of 23.9 square metres. A small upper floor deck is proposed on the northern side of the studio space. The proposed carport is located on the eastern side of the studio/garage structure.

Vehicle access within the site will be improved by removing an existing rock wall and the construction of new retaining structures. An external staircase will lead from the driveway area to the upper level studio space. A small landing adjoins the east facing deck area. No changes are proposed to the existing principal and secondary dwelling layouts.

The new building works are to be constructed of colorbond metal sheet clad walls and roofing. The carport is supported by hardwood posts. The works are to be constructed with a concrete floor within an excavated pad below the secondary dwelling. A setback of 2.0 metres is proposed to the southern property boundary, and a setback of over 6.0 metres is proposed to the Matong Drive and Gilba Avenue frontages.

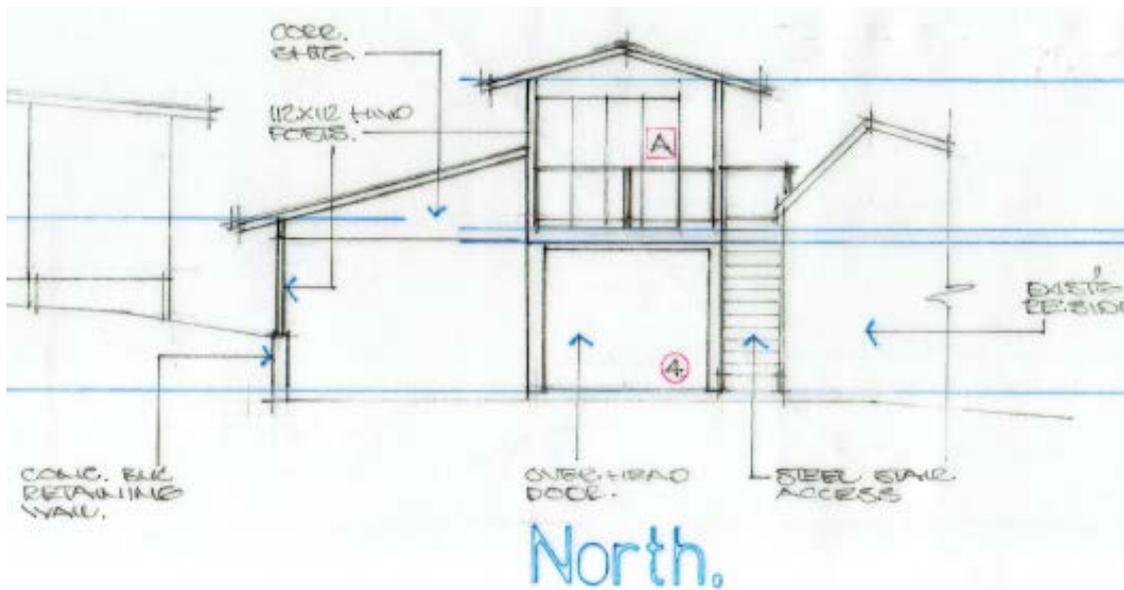


Figure 3 – Northern elevation of secondary dwelling (Brunswick Heads Building Designers)

## 4.0 Bush Fire Hazard Mapping

An extract of the Bush Fire Hazard Map for the locality is provided in Figure 4 below. Note that the mapping is not accurate as the site is clear of such hazards.

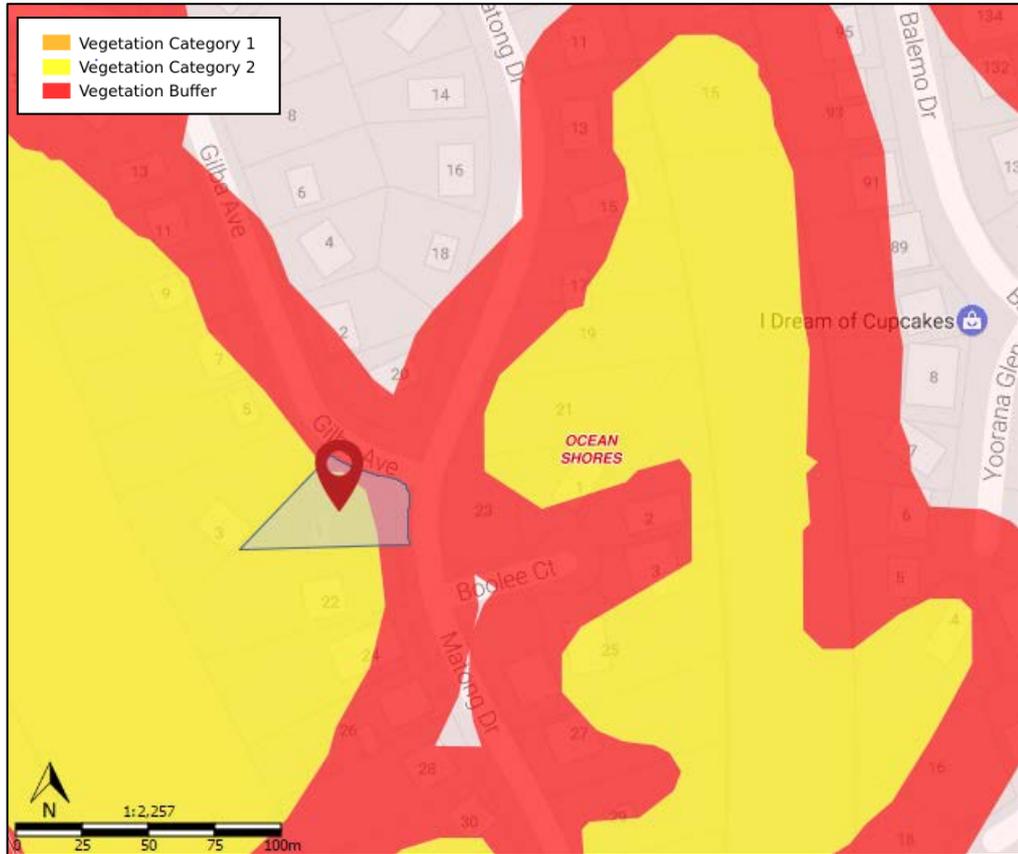


Figure 4 – Bush Fire Hazard Mapping (NSW Planning & Environment)

## 5.0 Vegetation and slope assessment

Table A on the following page provides an assessment of the vegetation surrounding the property and the effective slope of such vegetation based on aerial photography shown within Figure 5 and an inspection of the site on 2 May 2017.

Note that vegetation was assessed in accordance with the system for classification of vegetation contained in Planning for Bush Fire Protection 2019.

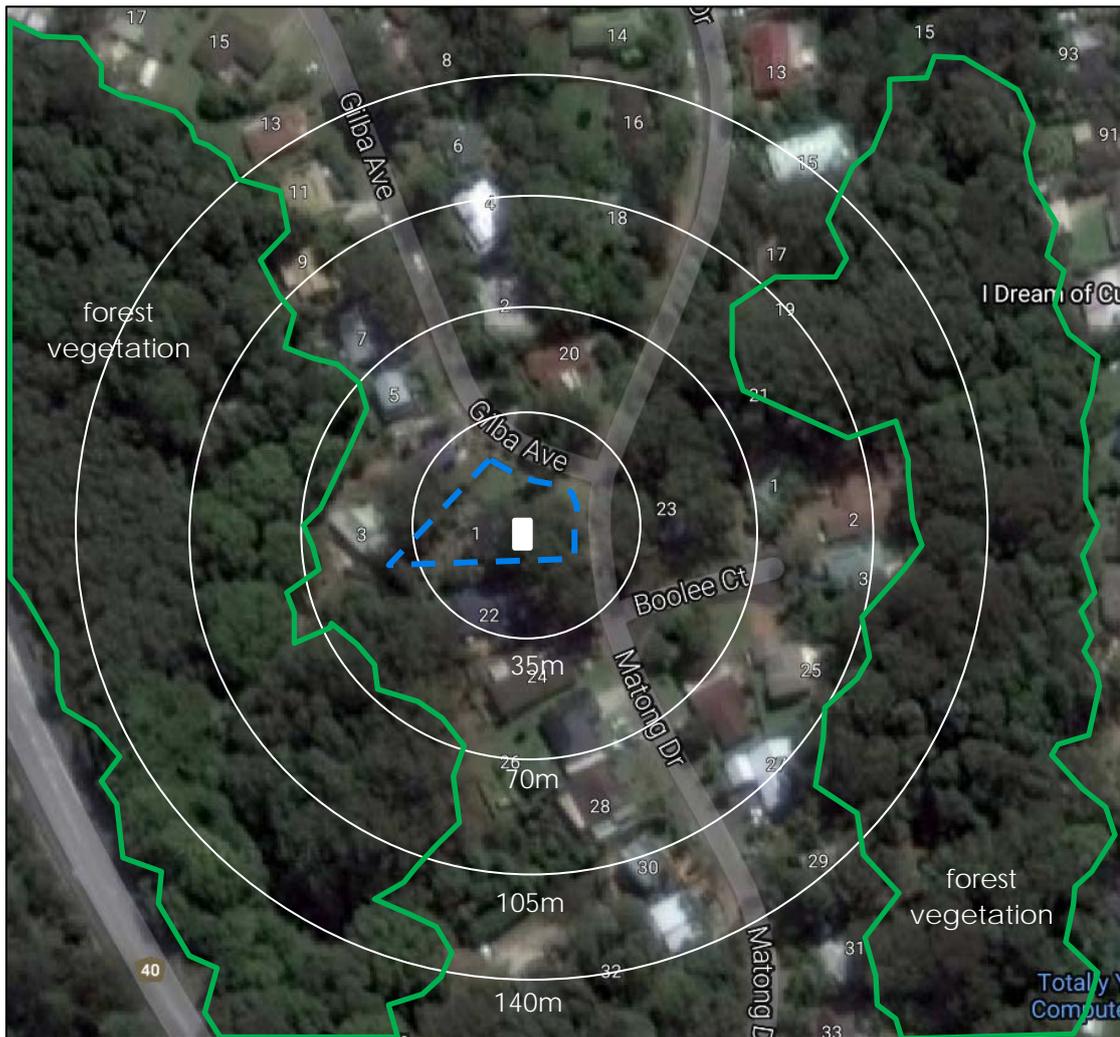


Figure 5 – Vegetation assessment (Google Maps)

Table A - Bush Fire Hazards Effecting Proposed Development

Direction	Distance	Effective Slope	Category	FDI	BAL
North-West	0m – 140m	Flat	Managed Land	80	Nil
North	0m – 140m	Downslope 5-10°	Managed Land	80	Nil
North-East	0m – 70m	Upslope	Managed Land	80	Nil
North-East	70m – 140m	Downslope 10-15°	Forest Vegetation	80	19
East	0m – 105m	Upslope	Managed Land	80	Nil
East	105m – 140m	Downslope 15-20°	Forest Vegetation	80	Nil
South-East	0m – 95m	Upslope	Managed Land	80	Nil
South-East	95m – 140m	Downslope 15-20°	Forest Vegetation	80	12.5
South	0m – 140m	Upslope	Managed Land	80	Nil
South-West	0m – 65m	Downslope 10-15°	Managed Land	80	Nil
South-West	65m – 140m	Downslope 15-20°	Forest Vegetation	80	19
West	0m – 60m	Downslope 10-15°	Managed Land	80	Nil
West	60m – 1400m	Downslope 5-10°	Forest Vegetation	80	12.5

## 6.0 Environmental and Aboriginal heritage assessment

### 6.1 Significant environmental features on the property

The site comprises a residential allotment containing a single storey dwelling, a detached shed and a landscaped yard. The property does not contain any significant environmental features other than isolated trees.

### 6.2 Threatened species, population or ecological community

The site has previously been cleared for residential development. The property does not contain any threatened species, population or ecological community under the Threatened Species Conservation Act 1995.

### 6.3 Aboriginal heritage

A search through the Aboriginal Heritage Information Management System found that no Aboriginal sites and no Aboriginal places are located within the site.



Figure 6 – Hydrant locations

## 7.0 Bush fire assessment

### 7.1 Setbacks and asset protection zones

Table A of this report provides a summary of the setbacks of surrounding bush fire hazards and managed land to the development site. The information contained in Table A was compiled following an inspection of the site and a review of aerial photography. In this case, managed land is considered to be an asset protection zone for the proposed development.

### 7.2 Siting and adequacy of water supplies for fire fighting

Figure 6 provides details of fire hydrant locations within the immediate locality around the development site. The proposal also includes a swimming pool to provide bush fire protection.

### 7.3 Capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency

An inspection of the site confirmed the carriageway widths of Gilba Avenue and Matong Drive as being 7.0 metres. The urban subdivision provides sufficient road widths to handle increased traffic volumes in the event of a bush fire emergency.

### 7.4 Details on whether or not public roads in the vicinity that link with the fire trail network have two-way access

The surrounding urban subdivision was approved in the late 1960's with no requirement for a fire trail. However, during an inspection of the property a pseudo fire trail was identified to the west of the site with access from Brunswick Valley Way.

### 7.5 Adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response

The property has direct access Gilba Avenue and a Matong Drive which provide adequate egress from the development site.

### 7.6 Adequacy of bush fire maintenance plans and fire emergency procedures for the development site

It is anticipated that as a condition of approval the land owner will be required to prepare a bush fire maintenance plan and fire emergency procedures in accordance with the requirements of NSW Rural Fire Service.

7.7 Construction standards to be used for building elements in the development

Table A of this report indicates that construction standards in accordance with BAL 19 under AS 3959 are applicable for works associated with the proposed development.

7.8 Adequacy of sprinkler systems and other fire protection measures to be incorporated into the development

The proposal does not require sprinkler systems or additional fire protection measures other than those discussed under Section 6.7 above.

7.9 Assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Chapter 4 (Performance Based Controls) of Planning for Bush Fire Protection

The proposed development is considered to be infill development under Planning for Bush Fire Protection 2019.

The principles and criteria associated with infill development in bush fire prone areas is set out within Chapter 7 of Planning for Bush Fire Protection 2019. The Performance Criteria and Acceptable Solutions from Chapter 7 that are applicable to the proposed development are considered in Table B below.

Table B – Performance Criteria Chapter 7 of Planning for Bush Fire protection 2019		
Performance Criteria	Acceptable Solutions	Comment
<b>ASSET PROTECTION ZONES</b>		
Potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m <sup>2</sup> on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI.	Table A provides details of managed land surrounding the site which acts as an asset protection zone in accordance with Table A1.12.3 of PfBFP.
APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4.	This requirement is recommended as a condition of consent.

The APZs is provided in perpetuity.	APZs are wholly within the boundaries of the development site.	The proposed APZs meet this requirement with the exception of managed land on adjacent properties which are deemed to be an APZ.
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees.	The proposed APZs meet this requirement.
<b>ACCESS</b>		
Firefighting vehicles are provided with safe, all-weather access to structures.	Property access roads are two-wheel drive, all-weather roads;	Gilba Avenue and Matong Drive provide direct access to the development site and satisfactorily meet this requirement.
The capacity of access roads is adequate for firefighting vehicles.	The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.	The existing public roadways meet this requirement.
There is appropriate access to water supply.	Hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005; There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.	The Council services plans that are provided within the Annexures of this Town Planning Report show that the development site satisfactorily meets these requirements.

<p>Firefighting vehicles can access the dwelling and exit the property safely.</p>	<p>At least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road; There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles. In circumstances where this cannot occur, the following requirements apply: minimum 4m carriageway width; in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay; a minimum vertical clearance of 4m to</p>	<p>The dwelling is sited on a public through road in an urban area. The access arrangements meet these requirements.</p>
--	--	--

	<p>any overhanging obstructions, including tree branches; property access must provide a suitable turning area in accordance with Appendix 3; curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress; the minimum distance between inner and outer curves is 6m; the crossfall is not more than 10 degrees; maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.</p> <p>Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients</p>	
--	---	--

	<p>applicable to public roads also apply to community style development property access roads in addition to the above.</p>	
<b>WATER SUPPLIES</b>		
<p>Adequate water supplies are provided for firefighting purposes.</p>	<p>Reticulated water is to be provided to the development, where available; and a static water supply is provided where no reticulated water is available.</p>	<p>The Council services plans attached to this report show a reticulated water supply with hydrants adjacent to the development site.</p>
<p>Water supplies are located at regular intervals; and the water supply is accessible and reliable for firefighting operations.</p>	<p>Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005; hydrants are not located within any road carriageway; and reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads.</p>	<p>As above.</p>
<p>Flows and pressure are appropriate.</p>	<p>Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.</p>	<p>The existing fire hydrants are maintained by the local Council to meet these requirements.</p>
<p>The integrity of the water supply is maintained.</p>	<p>All above-ground water service pipes external to the building are metal, including and up to any taps.</p>	<p>All water services for fire fighting are below ground.</p>

<p>A static water supply is provided for firefighting purposes in areas where reticulated water is not available.</p>	<p>Where no reticulated water supply is available, water for firefighting purposes is provided in accordance with Table 5.3d; a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure; 65mm Storz outlet with a ball valve is fitted to the outlet; ball valve and pipes are adequate for water flow and are metal; supply pipes from tank to ball valve have the same bore size to ensure flow volume; underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank; a hardened ground surface for truck access is supplied within 4m; above-ground tanks are manufactured from concrete or metal; raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F of AS 3959); unobstructed access can be provided at all times; underground</p>	<p>Not applicable to reticulated areas.</p>
---	---	---

	<p>tanks are clearly marked; tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters; all exposed water pipes external to the building are metal, including any fittings; where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.</p>	
<p><b>ELECTRICITY SERVICES</b></p>		
<p>Location of electricity services limits the possibility of ignition of surrounding bush land or the fabric of buildings.</p>	<p>Where practicable, electrical transmission lines are underground; and where overhead, electrical transmission lines are proposed as follows: lines are installed with short pole spacing (30m), unless crossing</p>	<p>The existing dwelling is serviced with an overhead supply.</p>

	<p>gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in <i>ISSC3 Guideline for Managing Vegetation Near Power Lines</i>.</p>	
<p>GAS SERVICES</p>		
<p>Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings.</p>	<p>Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets.</p>	<p>These requirements are recommended as a condition of consent.</p>

CONSTRUCTION STANDARDS		
The proposed building can withstand bush fire attack in the form of embers, radiant heat and flame contact.	BAL is determined in accordance with Tables A1.12.5 to A1.12.7; and construction provided in accordance with the NCC and as modified by section 7.5 (please see advice on construction in the flame zone).	Refer to Section 5.0 of this Bush Fire Assessment Report.
Proposed fences and gates are designed to minimise the spread of bush fire.	Fencing and gates are constructed in accordance with section 7.6.	No new fencing is proposed.
Proposed Class 10a buildings are designed to minimise the spread of bush fire.	Class 10a buildings are constructed in accordance with section 8.3.2.	This requirement is recommended as a condition of consent.
LANDSCAPING		
Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.	Landscaping is in accordance with Appendix 4; and Fencing is constructed in accordance with section 7.6.	These requirements are recommended as a condition of consent.

## 8.0 Prescribed information

An application for a bush fire safety authority must also be accompanied by the prescribed information if:

- (a) the proposed development is subdivision for the purposes of dwelling houses, dual occupancies or secondary dwellings on property that is in an urban release area, and
- (b) the application specifies that the applicant wishes the Commissioner, when determining the application, to consider whether it would be appropriate for the future erection of the dwelling houses, dual occupancies or secondary dwellings concerned to be excluded from the application of section 79BA of the Environmental Planning and Assessment Act 1979.

The proposal does not comprise an application for a bush fire safety authority but is assessed under Section 79BA of the Environmental Planning and Assessment Act 1979. Accordingly, prescribed information is not required.

## 9.0 Conclusion

The aerial photography within Figure 3 confirms that the nearest bush fire vegetation is located to the west of the development site. This vegetation is identified as a 'Forest' classification.

### *Construction Standards*

Table 2.4.3 of AS3959-2009 indicates that the proposed development should be completed to the requirements of BAL 19.

### *Asset Protection Zones*

An asset protection zone of at least 65 metres is to be provided between the proposed development and the nearest edge of the hazard. All land within the asset protection zone comprises residential properties that is considered to be managed land.

### *Siting & Design*

The development has been sited within the eastern side of the allotment. The proposal does not locate the new dwelling any closer to the bush fire hazard than the existing dwelling. The development can be carried out within the site without compromising siting and design principles.

### *Access Requirements*

The existing road network adjacent to the site is consistent with the requirements of Planning for Bush Fire Protection 2019.

### *Water and Utility Services*

Fire hydrants adjacent to and nearby the development site provide adequate water supply from Council's reticulated network.

### *Landscaping*

Landscaping shall be provided in accordance with Planning for Bush Fire Protection 2019. The allotment should be maintained as an Asset Protection Zone as described within 'Standards for Asset Protection Zones' issued by the NSW Rural Fire Service. Total fuel load within the Asset Protection Zone shall be less than 8 tonnes per hectare.

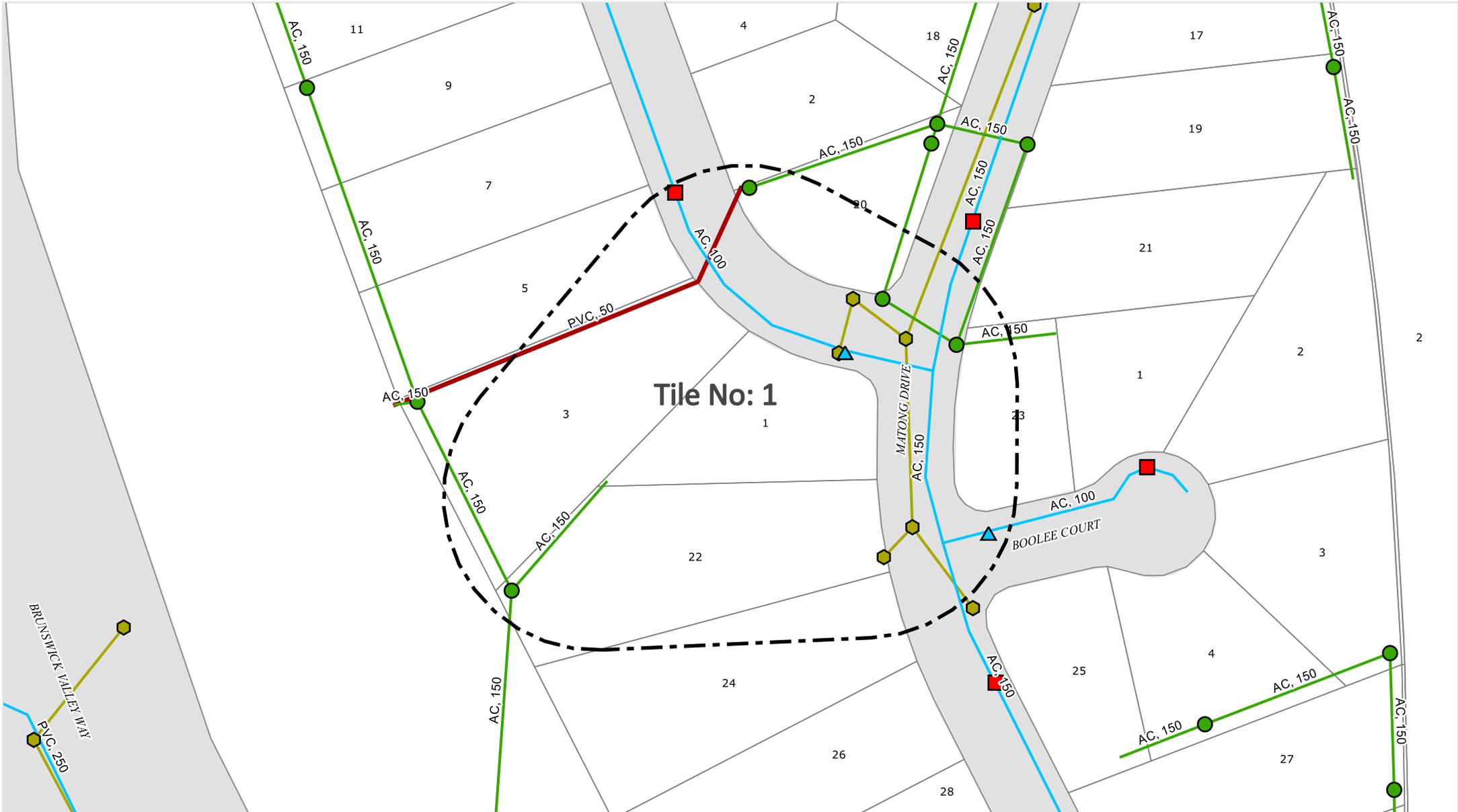
### *Emergency and Evacuation Planning*

The residents should become familiar with evacuation procedures and locations as directed by local emergency services.

### *Summary*

The proposed development has a low risk of impact from bush fire hazards given the separation distances between the hazard and the development site. Radiant heat is not a significant issue for this site due to the existing asset protection zones and the topography of the land.

In considering the parameters outlined above, the proposal can be supported having regards to Planning for Bush Fire Protection 2019.



- |                      |                         |                        |                            |                      |        |
|----------------------|-------------------------|------------------------|----------------------------|----------------------|--------|
| Water Main Drinking  | Water Hydrants          | Wastewater Manhole     | Wastewater Vacuum Pods     | Stormwater Culvert   | Rivers |
| Water Main Abandoned | Water Main Recycled     | Wastewater Rising Main | SCIMS Survey Control Point | No Digging Permitted |        |
| Water Meter Pipe     | Water Valves Recycled   | Wastewater Valve       | Incomplete Data            | Property Boundary    |        |
| Water Valves         | Wastewater Gravity Main | Wastewater Vacuum Main | Stormwater Pit             | Road Reserve         |        |

**DISCLAIMER:** While reasonable measures have been taken to ensure the accuracy of the information contained in this plan response, neither Byron Shire Council or PelicanCorp shall have any liability whatsoever in relation to any loss, damage, cost or expense arising from the use of this plan response or the information contained in it or the completeness or accuracy of such information. Use of such information is subject to and constitutes acceptance of these terms.