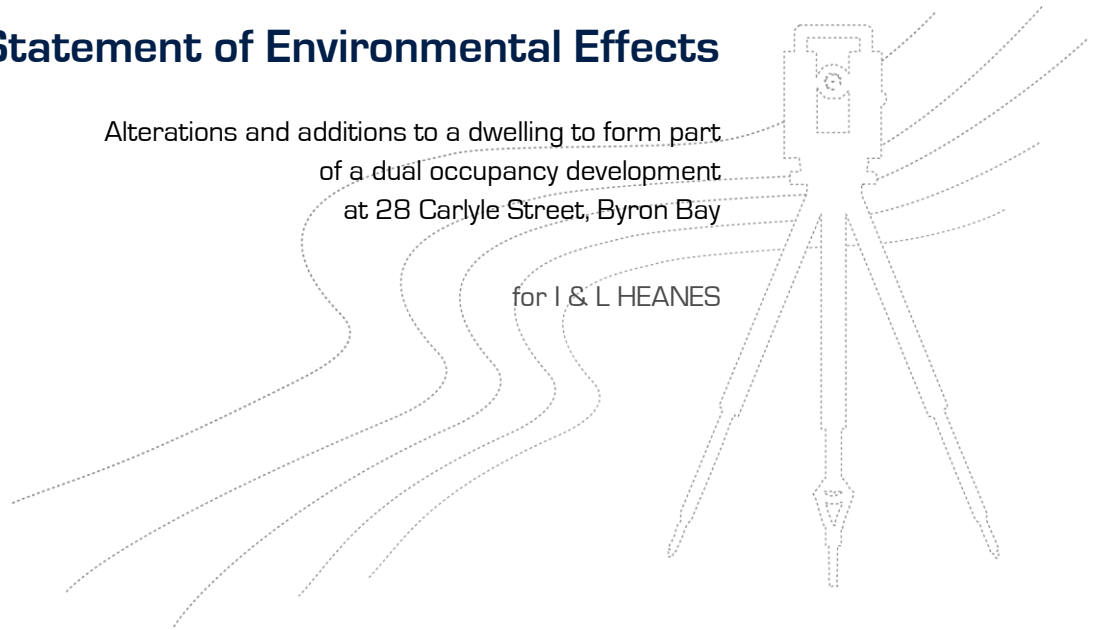


Statement of Environmental Effects

Alterations and additions to a dwelling to form part
of a dual occupancy development
at 28 Carlyle Street, Byron Bay

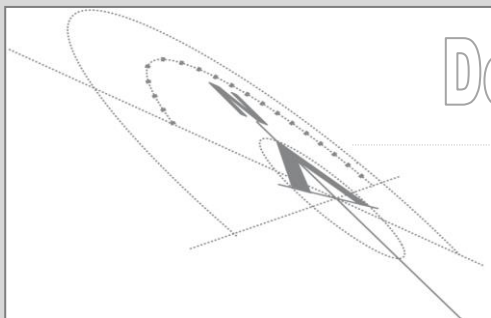
for I & L HEANES



Site: Lot B DP 325904

Our Ref: 210040
Date: May 2021





Document Control Sheet

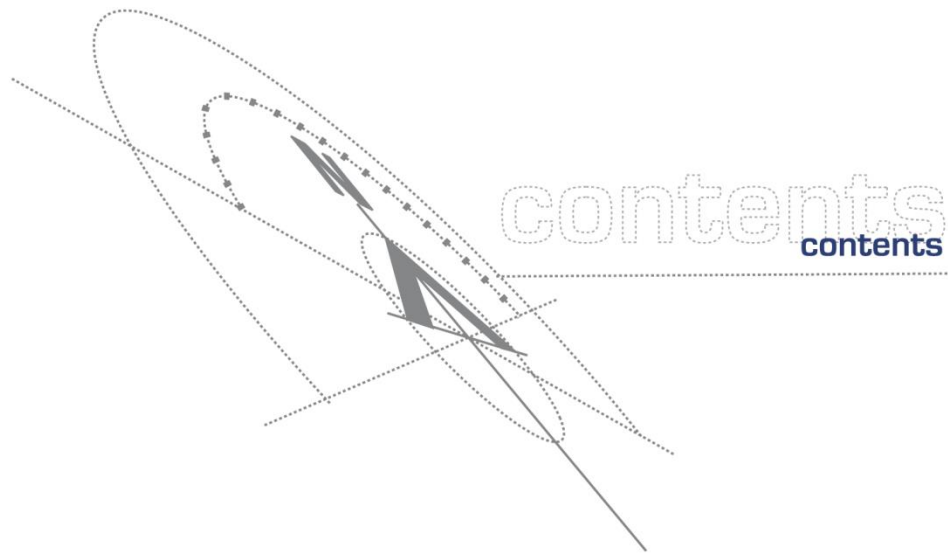
Document and Project Details				
Document Title:		Statement of Environmental Effects for the alterations and additions to a dwelling to forming part of a detached dual occupancy at 28 Carlyle Street, Byron Bay.		
Author:		Andy Parks		
Project Manager:		Karina Vikstrom		
Date of Issue:		14 May 2021		
Job Reference:		210040		
Project Outline:		Statement of Environmental Effects for the alterations and additions to a dwelling to forming part of a detached dual occupancy at 28 Carlyle Street, Byron Bay. The project incorporates renovation to the existing dwelling and erection of a two storey extension and pool.		
Document Distribution				
Date	Status	Distribution – Number of Copies		
		Client	Council	Other
14/05/2021	Final	1	1	0
Documentation Verification				
Checked by:	Karina Vikstrom			

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The information contained in this report is based on independent research undertaken by NDC. To the best of our knowledge, it does not contain any false, misleading or incomplete information. No extract of text from this document may be reproduced, stored or transmitted in any form without the prior consent of NDC. NDC declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 10.4(3) of the Environmental Planning and Assessment Act 1979 to declare.



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ATTACHMENTS

Attachment 1	Pre-lodgement Consultations
Attachment 2	Architectural Design Plans <i>Davis Architects</i>
Attachment 3	Heritage Impact Statement <i>Dr Kate Gahan</i>
Attachment 4	BASIX <i>Partners Energy Management</i>
Attachment 5	DCP Variation Request <i>Newton Denny Chapelle</i>

1. Executive Summary

1.1 Development Application

Development consent is sought from Byron Shire Council for alterations and additions to an existing dwelling forming part of a dual occupancy at Lot B DP 325904, 28 Carlyle Street, Byron Bay. The project involves renovation of an existing dwelling, alterations and additions and a pool.

The property enjoys development consent via DA 10.2018.261.1 for single storey alterations and additions to the existing dwelling house at the front of the property and construction of a two storey dual occupancy (detached) at the rear. This approval included two swimming pools and associated works. The approved dual occupancy building at the rear of the site is under construction.

The current application relates to the existing dwelling at the front of the site. It is proposed to complete different alterations and additions to that approved via DA 10.2018.261.1. In this regard, the amended proposal involves renovations and two storey alteration and additions. The project also involves a swimming pool. As the amended proposal is quite different from that which was originally approved, it is not able to be processed via an amendment to DA 10.2018.261.1. As such a fresh development application has been prepared. It is expected that the new development consent will amend DA 10.2018.261.1 via the application of a condition pursuant to Clause 4.17(1)(b) of the EP&A Act.

Pursuant to the Byron Local Environmental Plan 2014, the subject site has a zoning allocation of R2 Low Density Residential. Development for the purpose of a dwelling forming part of a dual occupancy is permitted with consent within the R2 zone. The project is also consistent with the minimum lot size, building height and FSR requirements specified within the LEP. The subject land is located within a mapped Heritage Conservation Area. The application is therefore supported by a comprehensive Heritage Impact Statement which confirms that the proposed works are suitable from a heritage perspective.

The proposed dwelling is largely compliant with the provisions of the Byron Development Control Plan, particularly Chapter D1. One request for a DCP variation in relation to the Building Height Plane is sought.

This report examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation. Based on the assessment completed, it is considered reasonable that the application be approved subject to reasonable and relevant conditions.

1.2 Site Details

The site details relevant to the proposed development are provided within the below table.

Table 1: Site Details

Property Address	28 Carlyle Street, Byron Bay
Property Description	Lot B DP 325904 Parish of Byron County of Rous
Registered Owner	I & L Heanes
Proponent	I & L Heanes
Applicant	Newton Denny Chapelle for and on behalf of the proponent
Local Authority	Byron Shire Council
Site Area	1012m ²
Easements	No
Existing Land Use	Dwelling and dual occupancy (under construction)
Local Planning Instrument	Byron Local Environmental Plan 2014
Land Zoning	R2 – Low Density Residential
Building Height	9m
Floor Space Ratio	0.5:1
Integrated Referrals	Nil
Concurrence	Nil

1.3 Purpose

This Statement of Environmental Effects (SEE) is intended to accompany the Development Application prepared by Newton Denny Chapelle for and on behalf of the proponent of the subject development being I & L Heanes.

The intent of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to this application's assessment and subsequent determination.

This report should be read in conjunction with the accompanying Byron Shire Council Development

application form together with the following plans, drawings and assessments identified within **Table 2**, which support the development proposal.

Table 2: Plans and Assessments

Company	Component
Davis Architects Design	Architectural Plan Set
Dr Kate Gahan	Heritage Impact Assessment
Partners Energy Management	BASIX Certificate

1.4 Prelodgement Consultations

A meeting was held with Council's Heritage Advisor on 23 October 2020. A copy of the notes from this Meeting are provided at **Attachment 1**. We note that in response to the issues raised a Statement of Heritage Impact has been prepared in support of the proposal which is provided at **Attachment 3**.

1.5 Further Information

Should Council require any additional information or wish to clarify any technical matter raised by this proposal or submissions made to same, Council is requested to consult with **Ms Karina Vikstrom** on (02) 6622 1011 or kvikstrom@ndc.com.au prior to determination of this application.



Plate 1: Project Render – (Source: Davis Architects)

2. Site Description

2.1 Location & Land Use

The subject site is located at 28 Carlyle Street, Byron Bay. **Plate 2** which provides an aerial view of the site and surrounds.

The subject land is known formally as Lot B DP 325904 and contains an area of 1012m². The site is rectangular in shape with dual frontages to Carlyle Street to the north and Carlyle Lane to the south. The property has a 20.1m frontage to both the lane and street frontages.

The property is located within a residential precinct to the southeast of the Byron Town Centre. Surrounding properties typically comprise a combination of single and double storey dwellings with tennis courts and sporting grounds located on the northern side of Carlyle Street.



Plate 2: Locality Plan of the Subject Site

(Source: Nearmaps)

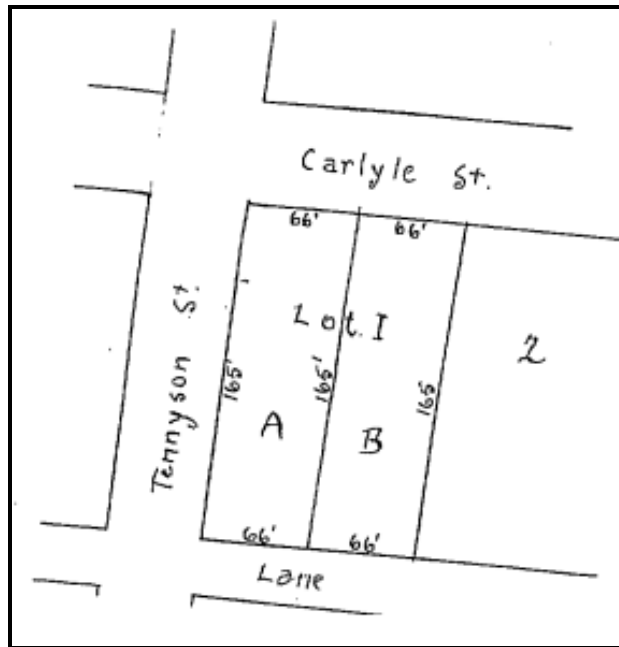


Plate 3 – Deposited Plan 325904

2.2 Site Analysis

Site inspection and searches of local government records indicate the key site characteristics as outlined within **Table 3** below.

Table 3: Site Analysis

Existing structures within the subject site	A single-storey weatherboard bungalow and a two-storey dwelling (under construction).
Easements	None.
Topography within the subject site	Flat.
Vegetation within the subject site	The development area is clear of any significant vegetation
Infrastructure Services	The subject site is connected to all essential infrastructure, including water, sewer, telecommunications and electricity.
Hazard Mapping applicable to the subject site	<ul style="list-style-type: none"> Acid Sulfate Soils (Class 3)
Adjoining land uses	<ul style="list-style-type: none"> Residential dwellings to the south, east and west; and Tennis courts and sports fields (Zone RE1) to the north.
Biodiversity Conservation	The subject site does not contain significant vegetation and is not included on the Biodiversity Values Map. Further consideration of the Biodiversity Conservation Act 2016 is not required.

The subject land is deemed to be the preferred site for the proposed development, based on the following grounds:

- No easements are located on the land and hence do not impact the development of the site;
- No mapped hazards prejudice the proposed additions and alteration from being developed on the land;
- Heritage considerations have been comprehensively addressed within the application and the proposal is considered to be suitable within a Heritage Conservation Area;
- The property may be serviced with essential infrastructure; and
- The topography of the site requires no extensive civil works to cater for the project.

2.3 Consent Register

The existing bungalow was likely to have been constructed in the 1950s-60s and as such development consent was not required at that time.

DA 10.2018.261.1 approved alterations and additions to the existing dwelling and the construction of a dual occupancy (detached) at the rear of the property, construction of two (2) swimming pools and associated works.

The current application seeks to amend the previous approval.

3. Development Proposal

3.1 Description of Development

Development consent is sought for additions and alterations and to slightly move the existing single-storey bungalow fronting Carlyle Street to create a two-storey dwelling.

The approved floor plan for the alterations and additions to the existing dwelling under DA10.2018.261.1 are shown below at **Plate 4**.

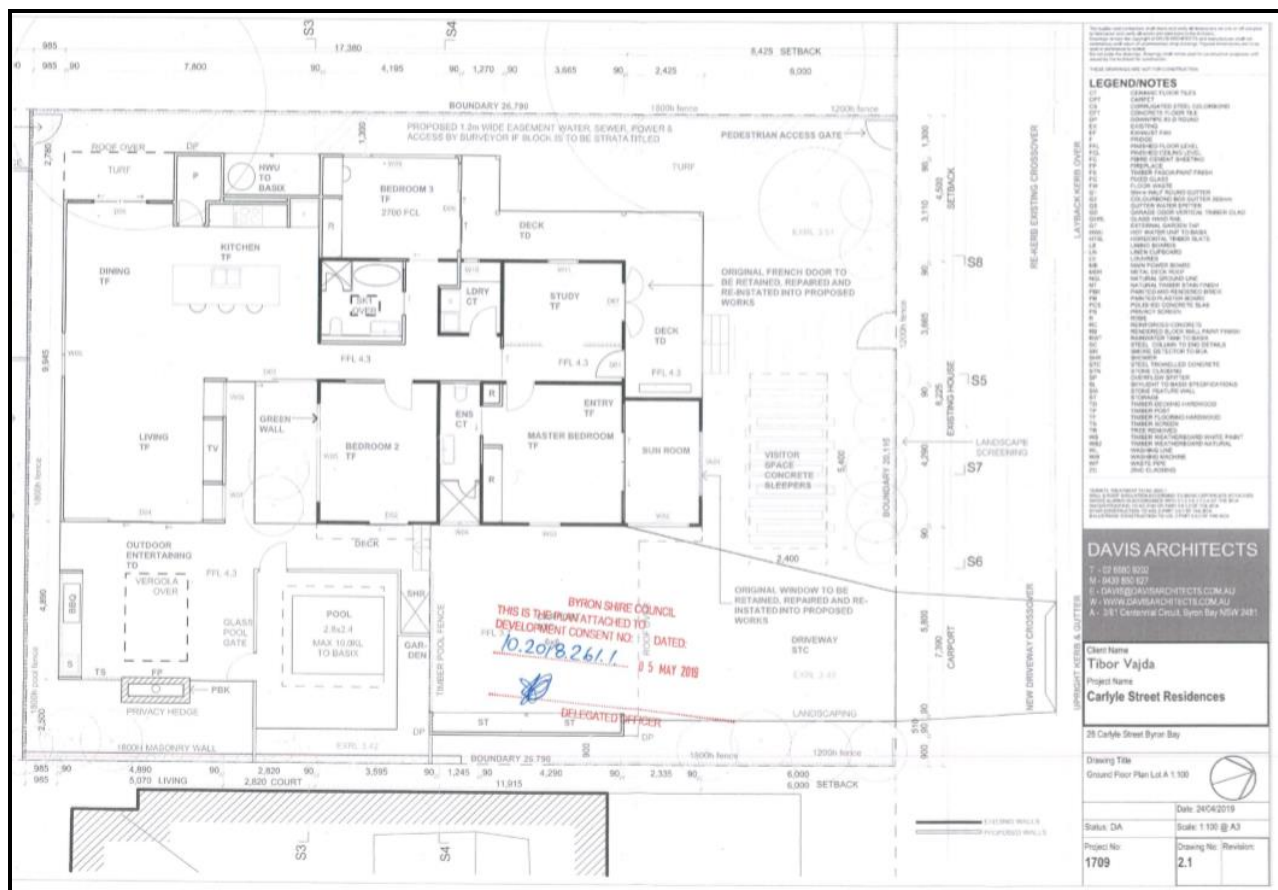


Plate 4: Extract from Stamped Plans showing the Approved Additions and Alterations

Reference should be made to the design set prepared by *Davis Architects* at **Attachment 2** of this report for details with respect to the current proposed building plans.

The proposed dwelling will contain the following internal features.

Upper Storey:

- 3 x Bedrooms
- Bathroom & En Suite

Ground Level:

- Guest Bedroom & Sunroom
- Study
- Media Room
- Open Planned Kitchen / Living / Dining Area
- Laundry
- Bathroom & En Suite
- Covered Deck and Drying Area

The proposal includes provision for a double garage as well as a pool and outdoor entertaining area.

External building materials will predominantly be weatherboards painted in heritage colours with some FC sheeting. Roofing will be Zinalume.

3.2 Vehicular Access & Services

Access to the proposed dwelling will be via a new vehicular access point constructed off Carlyle Street. A separate Section 138 application will be lodged for the works to occur within the road reserve.

3.3 Fencing

As noted in the design plans provided at **Attachment 2**, the proposal incorporates 1.2m timber paling fencing along the northern boundary fronting Carlyle Street, returning along the eastern and western boundary up to the building line. A 1.8m fence is proposed for the majority of the site, with a 1.8m Evowall along part of the eastern boundary in front of the pool and outdoor dining area.

Separate pool fencing is also proposed to comply with AS1926.1.

3.4 Services

All urban services are available to the site and will be connected to the new development. No capacity constraints are applicable as a result of the proposal as there is an existing dwelling on the subject land.

3.5 Heritage Conservation Area

The property forms part of the Kingsley Street Byron Bay Conservation Area. The State Heritage Inventory identifies the precinct as being of local heritage significance and the relevant Statement of Significance advises as follows:

"A group of dwellings and other buildings, back lanes, street trees and landscaping, which taken together, illustrate a (sic) aspect of town development that has a special coastal town character which is highly attractive and of high value in the district."

A Statement of Heritage Significance has been prepared by Dr Kate Gahan assessing the impact of the proposed additions and alteration upon the heritage values of the Kingsley Street Conservation Area (KSCA) and is included at **Attachment 3**. The report concludes that:

"In line with the intent of the Byron Shire Council DCP – Non-Indigenous Heritage– the renovation of the Bungalow at 28 Carlyle Street Byron Bay and the addition of a two-storey rear extension will have a minimal overall impact on the heritage values of the KSCA given the proposed changes are broadly sympathetic with the visual historic character of this precinct."

Heritage issues are also addressed in relation to LEP and DCP requirements at Sections 4.2 and 4.3.2 of this report.

3.6 Architectural Design Plans

The following design plans have been prepared by *Davis Architects* and fully illustrate the proposal.

Table 4: Architectural Design Plans

Plan No.	Title	Date
0.0	Cover Sheet	03.05.21
0.1	Index Sheet	03.05.21
0.2	Perspective	03.05.21
1.1	Site Plan	03.05.21
1.2	Concept Drainage Plan	03.05.21
1.3	FSR Breakdown	03.05.21

2.1	Ground Floor Plan	03.05.21
2.2	First Floor Plan	03.05.21
2.3	Roof Plan	03.05.21
3.1	Elevations (North & South)	03.05.21
3.2	Elevations (East & West)	03.05.21
3.3	Street Elevations	03.05.21
4.1	Sections	03.05.21
4.2	Sections	03.05.21
4.3	Sections	03.05.21

4. Planning Assessment

4.1 Introduction

Section 4 documents the range of planning controls applicable to this application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* and considers the consistency of the proposal with these requirements. The following planning documents have been considered in this report:

- Byron Local Environmental Plan 2014;
- Byron Development Control Plan 2014;
- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004; and
- Section 4.15 Environmental Planning & Assessment Act 1979.

4.2 Byron Local Environmental Plan 2014

Clause 2.3 – Zone Objectives and Land Use Table

The site is zoned *R2 – Low Density Residential* pursuant to the Byron Local Environmental Plan 2014. Dual Occupancies are permissible with development consent in the zone. The relevant objectives of the R2 zone are addressed below, together with the proposal's response.

The objectives of the zone are:

- *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*

Comment: The proposed development is for additions and alterations to an existing dwelling that will form part of a detached dual occupancy and provide for the housing needs of the community within a low density residential environment. The proposal is therefore considered to be in accordance with the objectives of the *R2 – Low Density Residential* zone.

Permissibility

Comment: The proposed development comprises a dwelling forming part of a dual occupancy development. These uses are both permissible with consent in the R2 Low Density Residential Zone

Clause 4.1E – Minimum Lot Sizes for Dual Occupancy

Comment: The subject land is 1012m² which exceeds the 800m² requirement for a detached dual occupancy in the R2 low density zone.

Clause 4.3 – Height of Buildings

Comment: Pursuant to Clause 4.3 and associated Height of Buildings Map, the maximum height for buildings on the subject site should not exceed 9m [as measured from ground level existing to the highest point of the building]. The proposed dwelling has a maximum height of approximately 7.9 metres. Accordingly, the project is consistent with the LEP building height requirements.

Clause 4.4 – Floor Space Ratio

Comment: Pursuant to Clause 4.4 and associated Floor Space Ratio Map, the maximum FSR for buildings on the subject site should not exceed 0.5:1. The proposed dual occupancy has a FSR of 0.47:1 thus complying with this clause.

Clause 5.1 – Heritage Conservation

Comment: The subject land is located within the Kingsley Street Heritage Conservation Area defined by the Byron LEP 2014. The proposal involves moving and altering the exterior of a dwelling that is within a heritage conservation area. Accordingly, the heritage impacts of the proposal must be considered as part of the assessment of the application. Reference should be made to the assessment against Chapter C1 of the Byron Development Control Plan regarding this matter and the Heritage Impact Statement provided at Attachment 3.

Clause 6.1 – Acid Sulfate Soils

Comment: The subject land is mapped as containing Class 3 Acid Sulfate Soils which requires development consent for works >1m below natural ground level. The current application incorporates a swimming pool with an associated maximum excavation depth of 0.796m. Accordingly, the proposal is not expected to trigger the consent requirements for such land.

Clause 6.2 - Earthworks

Comment: As described in Section 3, the proposed development involves minor earthworks to establish the swimming pool. No fill is required to be brought onto the site and the proposed works are unlikely to have any of the impact on the matters for consideration under subclause (3) of this clause.

Clause 6.6 – Essential Services

Comment: Clause 6.6 of the LEP requires development to have made adequate arrangements for the provision of necessary infrastructure services. In this regard, the subject site has existing access to mains water and reticulated sewer, power and telecommunications. Vehicular access to the development will be achieved from Carlyle Street.

4.3 Byron Development Control Plan 2014

4.3.1 Introduction

The Byron Development Control Plan 2014 [the DCP] applies to development within the Byron Shire and as such the subject site. The provisions contained within the DCP are intended to form a guideline under which development can take place which meet the underlying objectives of the Byron Local Environmental Plan 2014. Where demonstrated, scope exists to allow meritorious assessment through alternate solutions where practicable.

The following sections of the DCP are considered relevant to the current application:

- **Part B – Controls Applying Generally to Development Applications**

B3 – Services

B4 – Traffic Planning, Vehicle Parking, Circulation and Access

B8 – Waste Minimisation and Management

B9 – Landscaping

B14 – Excavation and Fill

- **Part C – Further Controls Applying to Land with Specific Constraints and Environmental Characteristics**

C1 – Non-Indigenous Heritage

- **Part D – Further Controls Applying to Specific Land Uses**

D1 – Residential Development in Urban and Special Purpose Zones.

An assessment against the relevant sections of the DCP is provided below. One minor variation is sought in relation to an encroachment into the building height plane. A Request for Variation to a Development Control form accompanies the application (**Attachment 5**).

4.3.2 Assessment

Table 5 summarises the applicable standards and demonstrates where compliance is achieved, or a variation sought for the proposal.

Table 5: Section A1 – Residential and Tourist Development Code

Chapter	DCP Requirement	Comment
Part B - Controls Applying Generally to Development Applications		
B3 - Services	To ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to development.	Complies As outlined above, the attachment is connected to all urban reticulated service networks. Stormwater is to be disposed of via the existing network in Carlyle Street and vehicle access is via Carlyle Street.
B4 - Traffic Planning, Vehicle Parking, Circulation and Access	Chapter B4 requires 2 parking spaces to be provided per dwelling.	Complies The current development proposal complies with this requirement.
B8 – Waste Minimisation and Management	To ensure sustainable waste minimisation and waste management practices are adhered to.	Complies Waste associated with the construction process will be the subject of a separate Site Waste Minimisation and Management Plan prepared by the selected builder and lodged with the Construction Certificate documentation. This may form an appropriate worded condition on the

		<p>development consent notice should Council deem that such a plan be required for the construction phase.</p> <p>Scope exists onsite to provide for a three (3) tier wheelie bin system to service the dwelling to accommodate Council's waste collection service. Bins are to be stored on the site to be visually unobtrusive and placed at the roadside for collection.</p>
B9 – Landscaping	To ensure landscaping is in keeping with the broader context of the site, reflects the sub-tropical character and retains trees and other vegetation of ecological, aesthetic or cultural significance.	<p>Complies.</p> <p>No significant vegetation is proposed to be removed and appropriate landscaping is to be undertaken in the north eastern corner of the site.</p>
B14 – Excavation and Fill	Earthworks are to be compatible with the low rise, low to medium density and character of the locality. Excavation and filling is to be limited to a depth of 1m.	<p>Complies</p> <p>Only minimal excavation is required, with a maximum cut of 0.796m proposed for the installation of the swimming pool.</p>
Part C - Further Controls Applying to Land with Specific Constraints and Environmental Characteristics		
C1 – Non-Indigenous Heritage	<p>Where works (other than minor works) are proposed in a Heritage Conservation Area, a Heritage Impact Statement (HIS) is required.</p> <p>Performance Criteria and Prescriptive Measures at C1.3.1 provide measurable guidelines to meeting the objectives of protecting the general streetscape context.</p>	<p>Complies</p> <p>A Heritage Impact Assessment (HIS) has been prepared by Dr Kate Gahan and is included at Attachment 3.</p> <p>The HIS addresses each of the Performance Criteria and the relevant building elements of the DCP. Please refer to Attachment 3.</p> <p>The HIS confirms that the proposed works represent a suitable addition to the Heritage Conservation Area.</p>
Part D – Further Controls Applying to Specific Land Uses		
D1 – Residential Development in Urban and Special Purpose Zones		
D1.2.1 Building Height Plane	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.	<p>DCP Variation Sought</p> <p>Diagrams illustrating the Building Height Plane (BHP) are provided in the design plans by <i>Davis Architects</i> at Attachment 2. They show a minor incursion into the BHP on the western side.</p> <p>The encroachment is considered to be consistent with the applicable objectives and an application to vary the DCP in this regard accompanies the application and is provided at Attachment 5.</p>
D1.2.2 Setbacks from Boundaries	<p>Minimum street frontage setbacks to be provided:</p> <p>Front</p> <ul style="list-style-type: none"> • 4.5 metres • 5.5 metres for garages and carports <p>Side and Rear Setback</p> <ul style="list-style-type: none"> • 900mm 	<p>Complies</p> <p>The dwelling is to be setback 6m from the front boundary, with the garage to be setback 7m. Side setbacks are to be 900mm (east) and 1300mm (west). The rear setback will be 985mm from the fence line and >24m from the rear property boundary.</p>

D1.2.3 Screening the Underfloor Space of Buildings	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	Complies As illustrated in the design plans at Attachment 2 , underfloor space is to be screened by timber battens.
D1.2.4 Character & Visual Impact	Site, building and landscaping design must address the climate;	Complies The building design incorporates generous eaves, balconies and outdoor living areas. Suitable landscaping is to be provided.
	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;	Complies The presentation of the proposed dwelling to Carlyle Street provides a range of detailing and variation in surfaces and materials that is consistent with the existing streetscape and the features of the Heritage Conservation Area.
	Development should be designed to minimise loss of privacy;	Complies Ground floor areas are to be provided with suitable privacy fencing. The upper storey areas are setback from the side boundary and the dwelling under construction at the rear of the block so as to minimise privacy impacts.
	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;	Complies The proposal is consistent with existing residential development along Carlyle Street and will provide for additional visual interest in the streetscape.
	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;	Complies The architectural plans provide for a variety of building materials and design features (including rooflines, windows and balconies). As such, long expanses of walls have been avoided.
	The provision of verandahs, balconies, pergolas and other protective outdoor elements will be encouraged for visual, climatic and energy efficiency reasons;	Complies The design plans incorporate verandahs, a sunroom and a covered outdoor entertaining area.
	Well-designed overhanging eaves should be provided where feasible to protect against heavy rainfall and summer sun, while allowing winter sun penetration;	Complies Suitable overhang eaves are provided throughout.
	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.	Complies Please refer to the materials and colours included within the design plans at Attachment 2 . The Heritage Impact Assessment at Attachment 3 provides further justification with respect to the proposed materials.

D1.2.5 Fences	<p>Front Fence - 1.2 metres</p> <p>Side Fence - 1.2 metres within the building line setback and 1.8 metres for the remainder.</p> <p>Rear Fence - 1.8 metres. Where the rear fence is the primary frontage front fence height provisions may apply.</p>	<p>Complies</p> <p>Details of the proposed fencing is addressed at Section 3.3 of this report and within the architectural design plans at Attachment 2.</p>
D1.2.6 Balconies	<p>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.</p>	<p>Complies</p> <p>The proposed decks / verandahs are not visually dominant and the materials are consistent with the building. Please refer to the architectural plans at Attachment 1.</p>
D1.3.1 On-site Carparking	<p>Two car parking spaces are required for each dual occupancy dwelling</p>	<p>Complies</p> <p>Two car parking spaces are provided for each dual occupancy dwelling.</p>
D1.3.2 Landscaping	<p>At least 25% of the site must consist of deep soil areas.</p>	<p>Complies</p> <p>Approximately 350m² is available across the site for deep soil areas, which equates to 34.5% of the total area.</p>

4.4 State Environmental Planning Policies

4.4.1 SEPP (Building Sustainability Index: BASIX) 2004

Comment: The development proposes a Class 1 residential dwelling. As such a BASIX Certificate has been prepared and accompanies this development application. The BASIX Certificate is provided within **Attachment 4** of this report.

4.4.2 SEPP (Coastal Management 2018)

Comment: The land is not subject to the provisions of the Coastal Management SEPP.

4.5 Section 4.15 - Evaluation

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

Comment: The relevant aspects of the Byron Local Environmental Plan 2014 have been addressed within Section 4.2 of this report.

(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: No draft EPI is considered to adversely impact the application as proposed.

(iii) any development control plan, and

Comment: Relevant aspect of the Byron Development Control Plan 2014 have been addressed within Section 4.3 of this report.

(iiia) any planning agreement that has been entered into or any draft planning agreement that a developer has offered to enter into under section 7.4.

Comment: No existing or draft planning agreements are applicable to the current application.

(iv) the regulations that apply to the land to which the Development Application relates,

Comment: No regulations prejudice the development as proposed.

(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,

Primary Matters	Proposal
Context & Setting	The subject land is zoned for low density residential purposes. The surrounding development pattern comprises predominately of single and double storey residential dwellings. The proposal is consistent with the general development pattern in the locality.
Transport, Access & Parking	The proposal is consistent with the scale of development in the area and is not expected to adversely impact on the function of the local road network. Adequate access and parking arrangements have been provided within the development to accommodate the needs of future occupants with a double garage proposed with the dwelling.
Utilities	All necessary services will be connected to the proposed dwelling.
Heritage	The site is identified as being within the Kingsley Street Conservation Area in Schedule 5 of the LEP and relevant LEP map. Heritage issues are addressed within this report and in the Heritage Impact Statement at Attachment 3 .
Water	The dwelling will be connected to the reticulated water supply. A minimum 2,400 litre rainwater tank will be installed to meet BASIX requirements.
Soils	Erosion and sedimentation controls will be required to be implemented by the proponent prior to construction of the development.
Air & Microclimate	Appropriate measures will be incorporated to the construction phase of the development to mitigate any opportunities for noise and dust to be emitted from the site.

Flora & Fauna	The proposal does not require the removal of any significant vegetation.
Hazards	No mapped hazards have been identified as affecting the site.
Waste	The dwelling will be serviced via the existing conventional waste collection service in the locality.
Energy	The proposed development has been designed to comply with the provisions of BASIX, with BASIX certification included within the Development Application documentation at Attachment 4 .
Noise & Vibration	Construction activities will adhere to Council's specified hours of operation and consent conditions relating to the existing residential amenity.
Site Design & Internal Layout	As outlined above, the proposal is consistent in scale and form of development in the local area. A variation to the Building Height Plane is considered reasonable in the circumstances.
Construction	Construction activities will be completed in accordance with Council conditions of consent and Work Cover requirements. Appropriate sedimentation measures will be installed during the construction phase to mitigate opportunities for soil erosion and water pollution.

(c) the suitability of the site for the development

Primary Matters	Proposal
Does the proposal fit in the locality?	The proposal for a dwelling on land zoned R2 is consistent with Council's planning framework. Furthermore, the design is compatible with existing and likely future developments within the surrounding locality.

(d) any submissions made in accordance with this Act or the regulations,

Primary Matters	Proposal
Local, State and Federal Legislation	The proposal is compliant with the relevant legislation, as addressed within this report. Council will consider any submissions to the application as part of the assessment process.

(e) the public interest.

Primary Matters	Proposal
The public interest	This project has been designed to be compatible with the existing and desired future amenity of the locality and will support the use of the land for residential purposes. In addition, the development is largely consistent with the development controls for the locality. As such, the proposal is considered to be in the public interest.

5. Conclusion

This Statement of Environmental Effects, when read in conjunction with the accompanying documents, successfully addresses the issues relevant to Council's assessment of this application.

Having regard for the issues raised herein, it is considered that that approval of the Development Application is warranted, subject to the application of reasonable and relevant consent conditions.

The grounds for this approval are summarised below:

- The proposal is in accordance with the relevant provisions of the Byron Local Environmental Plan 2014;
- The proposal is largely consistent with the relevant provisions of the Byron Development Control Plan 2014. The variation and the reasons for it is considered reasonable in the circumstances; and
- The proposal has been designed to accord with the building form and scale of surrounding developments in the area to ensure that the development is compatible with the values of the heritage conservation area.



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Date: 14 May 2021