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Ubicumque

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16 May, 2024

A STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Detached Dual Occupancy Dwelling.

Lot 30, DP 842105.
No. 84 Broken Head Road,
Suffolk Park, NSW, 2481.





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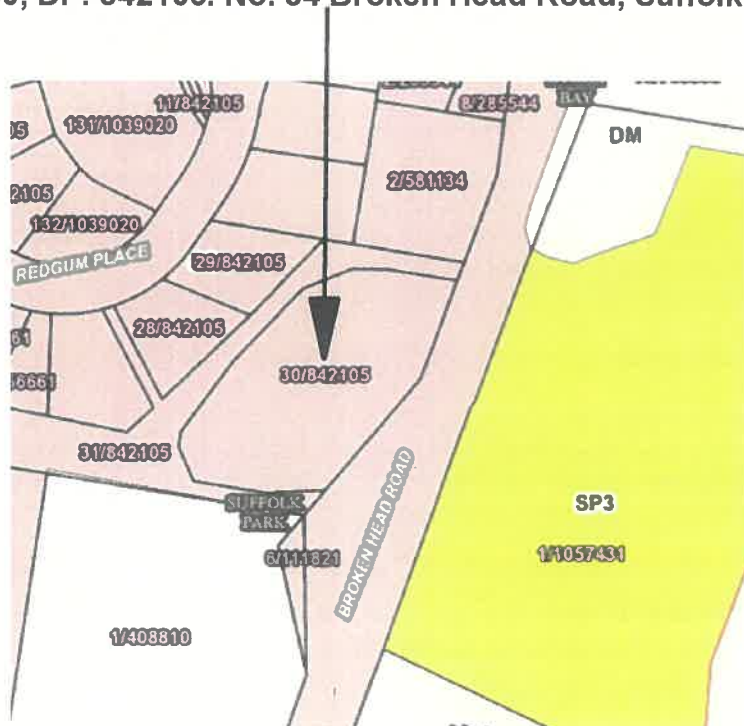
ANNEXURE

- Architectural Plans Evoke dated 2024
- BASIX 2024



- **Nathers 2024**
- **Cost of works 2024**
- **Owners consent 2024**
- **Stormwater Engineering Lucena 2024**

Lot 30, DP. 842105. No. 84 Broken Head Road, Suffolk Park.



Source: Byron LEP 2014.

1. Introduction

This report is prepared for the owners of the subject property and will accompany a Development Application under the provisions of the E.P. & A. Act 1979, for a proposed new Dwelling (detached dual occupancy).

The subject property is Lot 30, DP 842105. No.84 Broken Head Road, Suffolk Park which has a site area of 4,461.17m² as per the Survey, and is zoned R2 Low Density Residential under BLEP 2014.

The most recent DA approval is 10.2019.429.1 proposed subdivision (1) lot into five (5) lots and tree removal of seven (7) trees.

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.



The site contains one (1) existing dwelling, the proposed new dwelling (detached dual occupancy) does not prejudice the approval and in no way conflicts with the DA 10.2019.429.1.

There is existing Vehicular and pedestrian access via a shared access driveway off Broken Head Road. The existing dwelling-house is located in the north of the site.

A small north-eastern corner of the site is touched by the "Wetland" Buffer designated under SEPP Coastal Management 2018. There is NO proposed development within this part of the site, therefore there will be NO disruption to the buffer, and this small area of the large site will be protected.

As per DA 10.2019.429.1 additional landscaping has been approved that is deemed to be satisfy DCP 2012.

All vegetation along the eastern Broken Head Road boundary, in addition to existing trees to the south, west, and north, have been retained.

This is particularly so for the trees currently located along the southern side of the existing access driveway which is to be upgraded as a part of DA10.2019.429.1. The roots of these trees were not disturbed. This ensured retention of natural tree cover, habitat connectivity, and screening of the development from Broken Head Road, and all adjoining residential properties.

On this basis the proposed detached dual occupancy will maintain the visual amenity of the area.

The proposed detached dual occupancy will not alter the existing natural, economic, cultural, social and scenic amenity of the residential environment beyond that planned for within this R2 Low Density Residential Zoned. As such neither the character of the area or the nature of the surrounding environment will be compromised in any capacity.

2. Section 4.15(1) Assessment.

The property is located within a single statutory Zone under the provisions of Byron Shire Local Environmental Plan 2014, Zone R2 Low Density Residential.

This proposed detached dual occupancy is a permissible landuse, and will create new dwelling that is consistent with residential settlement patterns additionally consistent with the planned settlement pattern of the area.

2.1 Objectives - RESIDENTIAL R2 ZONE OBJECTIVES

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

The proposed detached dual occupancy will provide for the housing needs of the community within low density, residential environment.

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

The proposed development to achieve detached dual occupancy provides facilities and services to meet the day to day needs of residents.

The design retains an existing Dwelling and Garage on the parent lot, and creates a three (3) bedroom one (1) bathroom dwelling with two (2) car accomodation which meet DCP 2014 design guidelines.

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.

The proposal will not alter the planned density or character of the area beyond that anticipated within this R2 Zone, and the proposed detached dual occupancy enables the placement of the existing dwelling house building and the future new dwellings, on future separate title deeds. This outcome will mirror the planned settlement density for the area.

As such, the design, blending character, and the use of existing cleared land, will preserve the character of the area; minimise impacts on the environment, and achieve the proper and orderly development of a large urban lot.

The proposal will not unreasonably increase the demand for public services or public facilities beyond that planned for the area; and will minimise conflict with adjacent dwellings and landuses. On this basis the proposed detached dual occupancy meets all of the objectives set for the R2 Low Density Residential Zone.

2.2 Byron LEP - CLAUSE 4.3 Height of Buildings

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

- (a) building not exceed spec. max. height from existing ground level to finished roof or parapet,
- (b) height of buildings complements streetscape and character of the local area,
- (c) minimise visual impact, disruption of views, loss of privacy & loss of solar access to existing development.

(2) height of building not to exceed max. height shown for the land on Height of Buildings Map.

Maximum Height Permitted 9m - Max Height 5.00m

2.3 Byron LEP - CLAUSE 4.4 Floor Space Ratio

Clause 4.4 of Byron Shire 2014 sets a ratio of 0.5:1 between Gross Floor Area and Site Area.

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

- (a) to ensure that new buildings are appropriate in relation to the character, amenity and environment of the locality,
- (b) to enable a diversity of housing types by encouraging low scale medium density housing in suitable locations,
- (c) provide floor space in the business and industrial zones adequate for the foreseeable future,
- (d) to regulate density of development and generation of vehicular and pedestrian traffic,
- (e) to set out maximum floor space ratios for dual occupancy in certain areas.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite subclause (2), the maximum floor space ratio for dual occupancies on land in Zone R2 Low Density Residential is 0.5:1.

This site has an overall area of 4,461.17m².

Northern Existing Detached Dual Occupancy Dwelling 152m²

Southern Proposed Detached Dual Occupancy Dwelling 73.7m²

Dwelling Totals are 225.7m² GFA.

Therefore the floor space ratio (FSR), based on 4,461.17m². lot is a compliant 0.05: 1.

The development is therefore in keeping with the infill urban settlement character of the area.

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.



Chris Lonergan – Town Planner – Environmental Assessment : Project Design:

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SUMARAH RAMSAY URBAN PLANNING AND DESIGN

2.4 Development Control Plan 2014 Part "D" Dwellings General

<u>PREScriptive MEASURES</u>	<u>PROPOSALS COMPLIANCE WITH D.C.P.</u>
<p>Part D.1.2.1:- Building Ht. Plane Objective - reduce overshadowing, maximise privacy, view sharing, optimise access to winter sun. Performance Criteria - progressive setback from side boundaries. Requirement - All walls & roof are to be contained within is a line drawn 1.8 meters vertically above the southern and western side boundaries and then extended, sloping in over the site, at a 45 degree angle. This may exclude pergolas, verandahs, lattice walls & the like.</p>	<p>The elevations show that the proposed dwellings comply with the building height plane. As such they cannot detract from solar access to any adjoining dwellings or yard activity areas. On this basis the proposal will not detract from solar access to adjoining properties, and meets the objectives of this Clause D1.2.1 of DCP 2014.</p>
<p>D1.2.2 Setbacks from Boundaries Objectives 1. varied and interesting streets that harmonise with existing & planned street scapes and development in the locality. 2. good orientation, spacing, living environments - sunlight, shade, wind, weather, amenity, proximity to neighbours. 3. achieve useable and liveable private open space and courtyards. 4. provide flexibility in siting and design of dwelling houses in residential areas. Performance Criteria 1. flexible provided achieve Objectives and Performance Criteria. 2. Street façade of building, open space between it and street - contribute to the attractiveness of the streetscape. Integrate with existing pattern of setbacks, variety in the streetscape. 3. Private open space and common landscaped areas must be useable as part of living environment. Spaces between buildings and the street lack privacy. 4. setback from a street determined on its merits, having regard to: a) the Objectives; b) any specific location DCP; c) existing buildings in the locality; d) the size and shape of the allotment; e) vehicular safety and visibility, particularly on corner sites; f) orientation of allotment re: sun & winds; g) location of private open space, courtyard or landscaped areas; h) the facade building facing the street and landscape treatment visible from street; i) location and treatment of car parking. 5. Notwithstanding above criteria, buildings must comply with the building height plane as detailed in Section D1.2.1. 6. Dwelling house encroach into the side setback and building height plane where it enhances the design, complements street scape and not detract privacy, solar</p>	<p>Varied and interesting streetscape is maintained which harmonise with future and existing dwellings. The Dual Occupancy Dwellings are to be setback 5.5m from the Cockatoo Crescent property boundary.</p> <p>30m from the Northern boundary, 13.02m from the southern boundary. 39.99m from the east 4.5m from the western</p> <p>The design ensures spacing and proximity between adjoining neighbours and achieves useable and liveable private open space.</p> <p>Flexibility in siting, and design of the Dwelling in this residential area accords with the DCP provisions.</p> <p>Street facade is in keeping with the neighbourhood. It is varied and visually interesting. Open space between it and the street contribute to the attractiveness of the streetscape. Setback integrates it with existing patterns and assists to maintain variety of streetscape.</p>



<p>access, microclimate, traffic safety or amenity.</p> <p>7. variations to have regard to:</p> <ul style="list-style-type: none"> a) the Objectives; b) compliance with the Performance Criteria; c) visual impact of variation on the street; d) impact on amenity, privacy, views and access of surrounding properties; e) the existing and future status of the road; f) traffic impacts & sight lines AS2890; and g) compliance with the BCA. <p>Prescriptive Measures</p> <p>1. Minimum Street Frontage Setbacks</p> <ul style="list-style-type: none"> a) Local Roads - 4.5 metres. b) Classified roads- 9 metres. Variation to 6.5 metres for single storey dwellings or single storey elements of two storey dwellings. c) Garages and carports 5.5m from the front boundary except from classified roads. d) Corner lots reduced to 3m for one boundary. e) Rear Lane - 3 metres, unless primary frontage (eg. Shirley Lne) then 4.5 metres applies including to garages and carports. Consideration to setback variations in Heritage Conservation Areas where compliance would result in conflict with Objectives in Ch C1 Non-Indigenous Heritage. No development in building setbacks other than garbage storage, mail boxes, landscaping and driveways. Car parking not within setbacks, except the setback for garages and carports where one (1) uncovered car park may be provided. Stacked parking or visitor parking not in setbacks. <p>2. Minimum Side and Rear Boundary Setbacks</p> <ul style="list-style-type: none"> a) 900mm, & dwellings to comply to building height plane. b) In urban areas, Council may consent to the construction of one or more building walls set back less than 900mm from a side or rear boundary, where: <ul style="list-style-type: none"> i) wall or walls contain no openings; and ii) would improve siting or orientation of the dwelling/s or the provision of private open space; and would not significantly: <ul style="list-style-type: none"> increase overshadowing of adjoining properties; or reduce the level of privacy enjoyed by adjoining properties. c) zero lot line level. only where lots part of integrated design, and where buildings constructed prior to Sub Cert. <p>3. Minimum Setbacks for Residential Flat Buildings and Multi-Dwelling Housing</p> <ul style="list-style-type: none"> a) Side and rear setback – 1.5 metres for single storey; otherwise governed by the building height plane. b) Between buildings on a site – 3 metres. <p>4. Swimming Pools and Spas</p> <ul style="list-style-type: none"> a) outer edge of pool concourse or coping set back Min (1) metre from side or rear boundaries, water line Min 1.5 m from bndry. b) Pools should not be located within the street frontage setback, except on sites where private open space can be 	<p>Private Open Spaces are landscaped to provide useable living environment. Privacy is extensive through landscaping.</p> <p>Earthy tones are utilised to blend the building into the surrounding landscape minimising visual intrusion.</p> <p>No appreciable visual impact or variation on the streetscape.</p> <p>No impact on amenity, privacy, views or access of surrounding properties.</p> <p>Existing and future status of the road is maintained. Traffic impacts and sight line to be compliant with AS2890. Compliance with the BCA.</p> <p>No conflict with Heritage Conservation or Non-Indigenous Heritage evident.</p> <p>3. Not Applicable.</p> <p>4. No Swimming pool is proposed.</p>
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<p>accommodated only in this location or other site attributes support this outcome.</p> <p>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.</p>	
<p>D1.2.3 Screening Underfloor Space</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. improve external appearance of elevated buildings. 2. provide compatibility in appearance and character between buildings. <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. underfloor space of elevated buildings be provided with infill panelling, advanced landscaping or other forms of visual screening. 2. In flood liable land screening 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 req of BCA and Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas. <p>Prescriptive Measures - Nil.</p>	<p>Slab on Ground- no underfloor screening required.</p>
<p>D1.2.4 Character & Visual Impact</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. retain and enhance unique character of Shire, distinctive landscapes, ecology, towns, villages, rural and natural areas. 2. ensure new development respects and complements important aspects of natural and built environment re existing character. <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. Site, building and landscaping design must address the climate; 2. The street face of building, and front open space contribute to attractiveness of streetscape by - design, materials and landscaping; 3. minimise loss of privacy; 4. integration with existing built & natural environment, & variety in streetscapes; 5. Long, straight walls to be broken up visually by materials / changes in wall plane; 6. verandahs, balconies, pergolas encouraged for visual, climatic and energy efficiency reasons; 7. Well-designed overhanging eaves to protect against heavy rainfall and summer sun, while allowing winter sun penetration; 8. building materials compatible with environment. metal roofs not highly reflective. White or light-coloured roofing only where not visually intrusive. Details submitted with development application. <p>Prescriptive Measures - Nil.</p>	<p>1&2. The new development respects and compliments existing character of the area. The new dwellings are to have Colorbond "Woodland Grey" roofs, with Colorbond External Walls "Woodland Grey". The pattern of fenestration, verandahs and broken roof lines, do not emulates other proximate development. The design, with its broken roof and elevation lines, provides a visually interesting structure which minimise the bulk and scale of the development.</p> <p>3. Minimises loss of privacy achieved through adequate landscaping and open space areas provided.</p> <p>4& 5. Integration with existing built & natural environment, & variety in streetscapes met through design, materials used.</p> <p>6. Verandahs and Patio for visual, climatic and energy efficiency reasons.</p> <p>7. Well-designed overhanging eaves to protect against heavy</p>



	<p>rainfall and summer sun, while allowing winter sun penetration.</p> <p>8. Roof in light colour and elevation lines and adequate fenestration help blend the dwelling into the residential character of the local area and is not visually intrusive.</p>
<p>D1.2.5 Fences - Objectives</p> <ol style="list-style-type: none"> 1. erect fences for privacy, noise, security. 2. ensure 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. ensure fences do not dominate built element in the streetscape. 5. exclude unwanted light from vehicles. 6. ensure that design and placement not adversely impact traffic or pedestrian safety. 7. To ensure provision for access by safety and emergency vehicles and personnel. <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. Fences must not: <ol style="list-style-type: none"> a) impair driver or pedestrian visibility at road intersections; b) prevent residents of a dwelling from casually observing the adjacent street; c) detract from the streetscape in terms of fencing design, materials, scale or colours; d) prevent emergency access by safety and emergency vehicles and personnel. 2. Gates or openings facilitate safe entry and exit for vehicles to public roads. not create unsafe sight distance for neighbouring properties. 3. corner allotments. allow for enclosure of rear yards without impact on street scene, safe sight distance and traffic/ped safety. <p>Prescriptive Measures</p> <p>Height of Fences</p> <p>a) The height of fences should not exceed:</p> <p>Front Fence 1.2m</p> <p>Side Fence 1.2m to building line then 1.8m.</p> <p>Rear Fence 1.8m except where primary frontage then 1.2m may apply.</p> <p>Front fence- any fence forward of building line, whether erected on bndry or not.</p> <p>b) Front fences and side fences within the building line setback higher than 1.2 metres but not higher than 1.8 metres may be permitted for properties:</p> <ol style="list-style-type: none"> i) adjoining commercial. ii) traffic noise or lights impact on amenity. iii) safety or noise mitigation, or to enclose primary openspace. 	<p>1. No New Fencing Proposed</p> <p>2-4. NA- No Fencing does not dominate or reduce opportunities for casual social interaction.</p> <p>5. N.A.</p> <p>6. No adverse impact to traffic or pedestrian safety.</p> <p>7. Provision for access by safety and emergency vehicles and personnel is achieved.</p> <p>1. Not Applicable.</p> <p>2. Access Driveway opening facilitates safe entry and exit for vehicles to public roads. Does not create unsafe sight distance for neighbouring properties or the local community.</p> <p>3. Not Applicable- Not a corner allotment.</p> <p>a. No New Fencing Proposed.</p> <p>1.2-1.8m Future Side Fences.</p>



<p>c) Front fence higher than 1.2 m must be:</p> <p>i) setback min 50cm inside front bndry with area in front of fence to be landscaped; or</p> <p>ii) articulate recessed sections min 0.9x 0.9m at max interval of 5 m for planting.</p> <p>2. Corner Allotments</p> <p>Fencing of the secondary frontage will be allowed up to 1.8m high on the boundary, up to either of the following alignment setbacks from the primary street:</p> <p>a) existing building line setback to street; or</p> <p>b) if existing dwelling is forward of building line, in line with the existing dwelling.</p> <p>Fencing forward of this alignment must comply with the front fence requirements.</p> <p>3. Sight Lines at Intersections</p> <p>fence at intersection of two public roads, satisfactory sight distance must be provided. Min corner splay 4mx4m be provided fence. Landscaping in splay not impede visibility.</p>	<p>2. Not Applicable- Not a corner allotment.</p> <p>3. Not Applicable- Not located at an intersection.</p>
<p>D1.2.6 Balconies - Objectives</p> <p>ensure visual character is consistent with and not dominate the design.</p> <p>Performance Criteria</p> <p>Balconies not dominate visual character of buildings, must be consistent in character with building in materials, colours, dimensions, bulk, scale and proportion.</p> <p>Prescriptive measures</p> <p>There are no Prescriptive Measures.</p>	<p>Verandahs ensure visual character is consistent with, and does not dominate, the design or the site.</p>
<p>D1.3.1 On-Site Car Parking - Objectives</p> <p>1. To provide adequate and visually compatible accommodation for vehicles.</p> <p>Performance Criteria</p> <p>1. Car parking on the site convenient for access for residents of the dwelling; safe and accessible in terms of visibility, turning and manoeuvring capabilities; and visually compatible with the site and its locality.</p> <p>2. Car parking structures, including garages and carports, which are visible from the street must be compatible with the dwelling in terms of design and materials, and may form part of the dwelling structure.</p> <p>Prescriptive Measures</p> <p>1. Refer to Chapter B4 Traffic Planning, Vehicle Parking, Circulation and Access for detailed provisions regarding car parking and vehicle access.</p> <p>2. Council may consent to the location of a carport such that it does not comply with the building height plane in relation to a boundary, having regard to the matters contained in Section D1.2.1 and to the adequacy and safety of vehicular access.</p>	<p>The new dwelling are to be of three (3) bedroom capacity, and as such they require only two (2) car space. Two (2) have been provided. There is sufficient visitor parking space in the south east adjacent to the dwelling.</p> <p>This is achieved with both car spaces being setback the required 5.5m from the street boundary.</p> <p>Here sight distances are more than adequate to optimise traffic safety.</p>
<p>D1.3.2 Landscaping Objectives</p> <p>1. enhance the visual quality of residential areas and to improve the residential amenity of the Shire.</p> <p>2. limit stormwater runoff from residential areas.</p>	<p>1. The design of the landscaping meets DCP requirements for Dual Occupancy, and to provide satisfactory vegetation, no</p>



<p>Performance Criteria - enhance visual quality and improve the residential amenity of the Shire, Council encourages the landscaping of dwelling house allotments in accordance with the principles contained in Chapter B9 Landscaping.</p> <p>Prescriptive Measures</p> <ol style="list-style-type: none"> 1. where dwelling erected closer than 4.5m to the front boundary, adequate landscaping be provided to street frontage of the lot prior to occupation of the dwelling. Landscaping must be consistent with the principles contained in Chapter B9 Landscaping. 2. 25% of the site must consist of deep soil areas. Not include areas used for on-site sewage effluent. 	<p>trees are required to be removed.</p> <p>Further to this, all works, including the additional car parking space proposed, occurs over mostly cleared land.</p> <p>2. 25% Deep Soil area achieved through existing landscaping consistent with the principles contained in Chapter B9 Landscaping.</p>
<p>D1.3.3 Expanded House - Objectives</p> <ol style="list-style-type: none"> 1. facilitate dwelling house comprising separate building components. <p>Performance Criteria</p> <p>There are no Performance Criteria.</p> <p>Prescriptive Measures</p> <ol style="list-style-type: none"> 1. expanded house habitable outbuilding no more than 20m from the wall of the main building; 2. main building contain living area including the kitchen; 3. A maximum of three outbuildings connected by paths with an all-weather surface; 4. No separate driveway, car parking area, garage or carport structure is to be provided to service any outbuilding; 5. One outbuilding max 45m² exc decks and the like; others max 30m² floor area exc decks and the like; 6. No outbuilding to contain facilities (e.g. kitchen, sink or the like) that would enable the preparation of food; 7. Each outbuilding may incorporate a maximum of two bedrooms (including rooms with an ensuite or bathroom); 8. A maximum of only one laundry is permitted per dwelling. 	<p>Not Applicable.</p>

2.5 Development Control Plan 2014 Part "D 1.5" Dual Occupancy

D1.5 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 proposed detached dual occupancy (Section D6.4.3).

The design achieves two (2) detached dwellings which attain these guiding objectives as the proposal merely involves the construction of a small Three (3) Bedroom Dual Occupancy Dwelling in the west of the site, over mostly cleared land, and it is to be low set and cut into the site to ensure that it does not dominate or detract from the residential amenity of the area.

Development Control Plan 2014 Part "D" Dual Occupancy

Prescriptive Requirements	Proposals Compliance with DCP
<p>D1.5.1 On-Site Car Parking</p> <p>Objective - provide adequate & visually compatible on-site parking of vehicles for residents and visitors.</p> <p>Performance Criteria</p> <ol style="list-style-type: none"> 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. Or, where feasible and where pedestrian and traffic safety will be improved, vehicular access to dwellings should comprise a shared driveway. 3. Driveways located & designed to minimise danger to pedestrians and cyclists using the street as a result of vehicles reversing into or out of the driveway. <p>Prescriptive Measures</p> <ol style="list-style-type: none"> 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. 	<p>The new dwelling is to be of three (3) bedroom capacity, and as such they require only two (2) car space.</p> <p>Incidental visitor parking is to be provided in the south west if required. (through the carport) there is sufficient circulation and manoeuvring.</p> <p>This is achieved with both car spaces being setback the required 5.5m from the street boundary.</p> <p>Here sight distances are more than adequate to optimise traffic safety.</p>
<p>D1.5.2 Character</p> <p>Objectives - ensure dual occupancy development is compatible in character with development in the locality, provides adequate private open space and addresses slope and drainage issues.</p> <p>Performance Criteria</p> <ol style="list-style-type: none"> 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. <p>Prescriptive Measures - Nil.</p>	<p>The new dwellings are to have Colorbond "Woodland Grey" roofs, with Colorbond External Walls "Woodland grey".</p> <p>The pattern of fenestration, verandahs and broken roof lines, may not particularly emulate other proximate development. However, with the existing vegetation and landscaping as approved, there is no capacity for the proposed to offend the public realm.</p> <p>The design, with its broken roof and elevation lines, provides a visually soft structure which minimise the bulk and scale of the development.</p> <p>Large Open Space areas are available to each dwelling.</p>
<p>D1.5.3 Adjoining and Adjacent Development</p> <p>Objectives - ensure consistent with the character and amenity of existing development in the locality.</p> <p>Performance Criteria</p> <ol style="list-style-type: none"> 1. Development compatible with the bulk, scale, height & character of adjoining & adjacent level. The site characteristics, including slope and aspect, must be taken into consideration in assessing the appropriate height and number of storeys. 	<p>The design, with their broken roof and elevation lines, provides visually soft structures which minimise the bulk and scale of the development.</p> <p>The detached Dual Occupancy buildings sit below Council's 9m maximum height requirements (Max</p>

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.

<p>2. Adequate provision for solar access and privacy of the proposed dwelling(s) and any adjacent dwelling.</p> <p>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:</p> <ol style="list-style-type: none"> 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. Maintain character & neighbourhood amenity of the adjoining residential area. 	<p>5.0m), and totally accord with building height plane objectives set within DCP 2014, and as such they will not detract from the residential amenity of the area, or solar access to the adjoining property.</p> <p>The proposed development is well set back all side boundaries.</p> <p>The stepped form of the structures blend with local architecture, and a Low Density of development results.</p>
<p>D1.5.4 Private Open Space Objectives - ensure adequate accessible / useable open space to meet recreational, gardening needs. Performance Criteria</p> <ol style="list-style-type: none"> 1. Private open space of dimensions to suit occupants and guests, accommodate outdoor recreation needs, provide space for service functions such as clothes drying and domestic storage. 2. Part 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. private open space take account of outlook, natural features & neighbouring buildings or open space. Orientation for max year round use re sunlight. 4. Private recreational facilities must not adversely affect the amenity of adjacent properties. <p>Prescriptive Measures</p> <ol style="list-style-type: none"> 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. private open space must not include any areas used for the management of on-site sewage effluent. 	<p>Adequate existing landscaping areas and openspace areas exist for use by both houses.</p> <p>Total Deep Soil Area exceeds 1000m² on this 4,461,17 Allotment.</p> <p>Each dwelling has outdoor deck areas and adjacent private yard areas at ground level as an extension of the indoor living spaces for outdoor recreation.</p> <p>In excess of the required 30m² of Private Openspace for each dwelling, therefore compliant.</p>
<p>D1.5.5 Landscaping Objectives - provide attractive landscapes reinforce function of street and enhance amenity of dwellings. Performance criteria Ref Ch B9 Landscaping. Prescriptive Measures - Ref Ch B9 Landscaping.</p> <p>D1.5.6 Sound Proofing Objectives - acceptable acoustic environment. Performance Criteria</p> <ol style="list-style-type: none"> 1. Division walls between separate occupancy areas of dual occupancy (attached) and semi-detached 	<p>Adequate landscaping is proposed via the subdivision DA to visually soften both houses. In addition to the existing landscaping on site.</p> <p>No trees need to be removed from the site, and native plantings are proposed.</p> <p>Existing Native plantings achieve DCP</p>



<p>dwelling development must be of sound resisting construction to ensure acoustic privacy and amenity between rooms.</p> <p>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.</p> <p>Prescriptive Measures - Nil.</p>	<p>requirements, and these will achieve privacy between the two dwellings.</p> <p>Total Deep Soil Area is exceeds 1000m² on this 4,461.17m² Allotment.</p> <p>Each dwelling has outdoor deck areas and private yard areas with good solar access.</p>
<p>D6.4.3 Infill Sub with Rear Lane Access</p> <p>Objectives 1. ensure infill in a co-ordinated manner. 2. ensure vehicle and pedestrian safety and residential amenity is maintained.</p> <p>Performance Criteria - None</p> <p>Prescriptive Measures re-proposed detached dual occupancy of existing residential lots which rely on or propose rear lane access, necessitate an upgrade of the rear lane. Min standards: -</p> <p>a) Construction of laneway to provide min 3m bitumen seal with drainage for full frontage. Council may require sealing extended to finalise laneway or to nearest cross street.</p> <p>c) Fencing and access to comply with B4.2.4.</p> <p>d) Legal pedestrian access provided back to the main street frontage by Right of footway, common property or battleaxe proposed detached dual occupancy. Also can be used for the provision of services (water, sewer, power and telecommunications) and enable garbage and postal services collected from the street as opposed to the laneway. If pedestrian only, min 1.2m wide. My need to be 3m if infrastructure services included. fenced for privacy, but not restrict sight distances.</p> <p>e) Sub - building envelope of 12 x 15 metres. Dwelling houses and garages set back min to 3 m to laneway boundary.</p>	<p>Not Applicable.</p>

2.6 DCP 2014 Part B Sec B.14 Earthworks.

The objectives of the 1m maximum earth works required under this Clause are:

To minimise Environmental Impact.

To blend the development into the site.

To minimise erosion risk.

To minimise disturbance to the natural landform.

To encourage designs which blend into the natural landform.

In relation to the proposed design all earth works are less than 1m.

The development is designed to minimise site works by the construction style of development proposed, and to ensure no adverse impact by the instigation of erosion control measures prior to site works commencing.

2.7 DCP 2014 Part B.8 – Waste Management.

Waste minimisation Objectives

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.

1. To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. To encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste management Objectives

5. To assist applicants in planning for sustainable waste management, through the preparation of a Site Waste Minimisation and Management Plan.
6. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
7. To provide guidance in regards to space, storage, amenity and management of waste management facilities.
8. To ensure waste management systems are compatible with collection services.
9. To minimise risks associated with waste management at all stages of development.

WASTE MANAGEMENT

All building waste during the proposed construction of the proposed detached dual occupancy will be stored in skips on site, with a recycling skip and a rubbish skip, to minimise land fill which results from the works proposed on site.

2.9 LANDSCAPING – DCP 2014 Part B.9

The following landscape plantings will create native habitat within this urban property, and also meet DCP 2014 requirements. Landscape plantings propose native species with a proven track record, to improve the visual integrity of the site, to provide screening between the dwelling and adjacent houses, and to achieve a broad habitat base within an urban location. Landscaping is proposed to thus effect privacy, visual softening, and broaden the habitat base of the area, as per. the attached plan.

The following landscape plantings will add to the sites habitat value within an urban location (See Site Plan).

Landscape plantings propose native species with a proven track record, to improve the visual integrity of the site, and to achieve a broad habitat base within an urban location.

Landscaping is proposed to thus effect privacy, visual softening, and broaden the habitat base of the area, as per. the attached plan.

The basic aims of these landscape plans are:-

- 1). The embellishment of the natural eco-base;
- 2). To create an environment of privacy for the residents;
- 3). The creation of usable spaces within the design;
- 4). The enhancement of the visual atmosphere of the site.
- 5). To provide a landscape design that is easy to maintain and construct.

LANDSCAPE DEVELOPMENT PLAN

These landscape details have been prepared in conjunction with Mr. D. Sweet Ecologist, to meet the design requirements specified in Part B9 of DCP 2014.

To assure Council that the proposal meets the requirements of DCP 2014 part B9, the following checklist precedes the Landscape Plan details.

DCP 2014 - Part B9.4 Attached Dwellings and Residential Flat Buildings

PRESCRIPTIVE MEASURES	PROPOSALS COMPLIANCE WITH D.C.P.
B9.4.1 Landscape Principles	

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.



<p>Objectives - ensure a high quality landscape & aesthetic environment for attached dwellings.</p> <p>Performance Criteria Multi dwelling housing, attached dwellings and residential flat buildings shall provide a high quality landscape that seeks to enhance the amenity and function of the development and provide a pleasant environment for residents that supports their physical and psychological well-being.</p> <p>Prescriptive Measures 1. The following design requirements apply to multi dwelling housing, attached dwellings and residential flat buildings developments: 2. a) retention of suitable existing vegetation; b) screen planting to street frontages and driveway areas, to provide privacy between dwelling houses and around the boundaries of the site; c) provision of pleasant landscaped settings for the enjoyment of residents; d) planting selection that relates to building scale and mass. Common landscaped area must not be less than total areas required for each dwelling house, less total areas of approved private courtyards & private open space balconies. B9.1 – Dwelling Size to Landscape Area Small (under 55 m² floor plan area - 50m² Medium (55-85 m² floor plan area - 70m² Large (over 85 m² floor plan area - 90m²</p>	<p>Vegetation removal is limited to lawn.</p> <p>Proposed plantings help create private areas, as well as windbreaks and micro-climates. Plantings assist in blending the building into the site, and the site into the local environment.</p> <p>Each dwelling easily achieves the required 90m² of landscaped area, excluding any area used for vehicle circulation or parking. (1000m² of Deep Soil Area proposed). Over 60% of the site consists of deep soil areas.</p>
<p>B9.4.2 Common Landscaped Area Objectives 1. To ensure appropriate treatment of common landscaped areas.</p> <p>Performance Criteria 1. Landscaped areas and landscaping must be considered as components of the site planning process and must reflect the scale of development. 2. Landscaping must complement existing streetscapes, urban landscape and bushland, and must be in scale with the height and bulk of buildings. Landscaping must be sensitive to site attributes such as existing landscape features, streetscape, ecology, land capability, micro-climate, views and vistas. 3. Development must be designed to maximise the number of trees retained on</p>	<p>With over 60% of the site kept as deep soil areas, common landscaped areas easily meet these design requirements.</p>



<p>the site.</p> <p>Prescriptive Measures</p> <ol style="list-style-type: none"> 1. The common landscaped area of the site must be in accordance with Section B9.4.1. 2. A minimum of 75% of the total common landscaped area of the site must consist of deep soil areas. Areas of landscaping over underground car parks, and the like, cannot be included in the calculation of deep soil areas. 3. The landscape design must address: <ol style="list-style-type: none"> a) the retention and provision of appropriate trees on the site; b) the use of earth mounding and terraced areas to create useful and visually pleasing recreation areas and to assist screening; c) the orientation of landscape areas with regard to sunlight and prevailing winds; d) the provision of sufficient areas adequately shaded against the summer sun and giving adequate access to the winter sun. <p>Areas used for the management of on-site sewage effluent must be excluded from calculations of the common landscaped area.</p>	
<p>B9.3 General Landscaping Principles</p> <p>Objectives - Specify general landscape design principles</p> <p>Performance Criteria - Landscape Plans demonstrate consistency with following general principles:</p> <ol style="list-style-type: none"> 1. Landscape design for crime prevention and safety, comply with requirements of Chapter B11 Planning for Crime Prevention, and must minimise the potential for crime and vandalism. 2. Not to interfere with utilities and services 3. Or function and accessibility of underground or overhead services and facilities, including inspections pits/ meters. 4. Landscaping not interfere with the structural integrity of buildings and structures <ol style="list-style-type: none"> a) Trees to be planted 3 m from buildings. b) Consideration given to the size and spread of the tree when it is mature. <p>Adequate space for branches and roots without interfering with building eaves, walls, concrete slabs, foundations, driveways, paths, retaining walls or other built structures.</p> <ol style="list-style-type: none"> 5. Conserve and improve natural resources 	<p>Requirement set within DCP 2014 are complied with as follows:</p> <ol style="list-style-type: none"> 1. Existing Landscape Design maintains clear lines of sight between the access point and the proposed dwellings, thus meeting B11 Crime Prevention objectives. 2. & 3. All Existing landscaping is located well clear of services within the site. 4. Existing Landscaping is positioned to be well clear of foundations, driveways and paths. Trees are located such that their mature height and spread will not detract from the integrity of assets, nor impede solar access. 5. No Compensatory Plantings are proposed as

<p>and biodiversity . Design must:</p> <ul style="list-style-type: none"> a) retain and protect existing significant native vegetation on the site wherever possible; b) retain any trees or other vegetation of cultural or heritage significance; c) incorporate the retention of existing mature trees (with the exception of weed species) into the landscape design wherever possible; d) utilise plant species locally indigenous to the area (and preferably) sourced from the local area, in preference to exotic plant material, wherever practicable; e) Ensure that weed species are removed from the site and are not used in the landscape design; f) Incorporate compensatory plantings whenever significant native vegetation is removed or damaged; g) on larger land parcels, incorporate bushland restoration/ regeneration works in strategic areas to consolidate naturally occurring plant communities and assist in the remediation of damaged lands. <p>Where a street or a locality has a specific character derived from existing vegetation, similar or compatible species are planted on the site (except where the existing species are undesirable weed species).</p> <p>6. Landscaping contributes to streetscape amenity and integrates development into landscape setting; endeavour to soften hard-surfacing, e.g. walls, car parks and pavements. Height of plants relate to the scale of the building(s).</p> <p>7. Plant species are selected for long-term survival, minimal maintenance and visual interest .</p> <p>8. Plant species used in landscaping must:</p> <ul style="list-style-type: none"> a) be suited to prevailing site conditions (such as soil characteristics, sun, shade, wind, rainfall and drainage regimes) and require minimal maintenance; b) be hardy and long-lived; c) be predominantly locally indigenous species (sourced from the local area wherever practicable), in preference to exotic plant species; d) provide on-going visual interest through form, colour, texture, floral display and the like. <p>Landscaping improves the microclimate in</p>	<p>there is NO tree removal required.</p> <p>Existing Vegetation chosen within landscape plantings relates to the nearby coastal forests, and as such provides a planting schedule which mirrors off site habitat.</p> <p>6. Existing Landscaping contributes to the streetscape by softening the bulk and scale of the proposed development, and ensures visual continuity with the revegetating character of the local area since recent urban development occurred.</p> <p>7. & 8. All existing species chosen relate to the nearby coastal forests and have been selected for their low maintenance and low water requirements.</p> <p>Form, shape, height and colour attributes of the plants proposed form an integral component of the design, which blends the building into the site, and the site into the local environment.</p> <p>A minimum of 40m². of private openspace is provided to the north or west of each dwelling, thus providing large yard areas with good solar access, and which are protected from prevailing winds.</p> <p>This achieves an effective micro-climate about the dwellings to improve residential amenity, and the health of the plants proposed.</p>
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and around buildings and enhances the function of outdoor living spaces
Landscaping must provide year-round shade, shelter and amenity to outdoor living areas and help to define the function of different outdoor spaces.

9. Landscaping of public and semi-public areas provides clearly defined pedestrian pathways and assists with way-finding

10. design of public areas / car parking areas must incorporate:

- a) pedestrian pathways with different finish to differentiated from driveways;
- b) planting or design to help drivers and pedestrians locate entry/ exit points;
- c) planting or other design elements that assist pedestrians find their way around safely. Adequate landscape buffers between incompatible landuses.

11. Landscaping complies with bushfire protection requirements Where the proposed development is located on land mapped as Bushfire Prone Land, landscaping around proposed buildings must comply with the current legislative requirements of the Rural Fires Act, 1997.

9. Public and semi public areas within the site are clearly defined by paths and plantings.

10. No commercial or industrial spaces proposed.

Internal paths are of a different finish to driveways to achieve visual separation and pedestrian safety.

11. No additional landscape plantings are to be proposed at this time.

<p>B9.12.2 - Roof Decks and Balconies Objectives</p> <p>1. To enhance the visual amenity and appearance of rooftops and balconies.</p> <p>Performance Criteria</p> <p>1. Rooftop and balcony planting (or vertical landscaping) is to be used on the upper levels of higher buildings to:</p> <ul style="list-style-type: none"> a) promote a more attractive facade for multi-level buildings; b) soften the bulk of the building; c) graduate height of building with planting; d) increase privacy between upper level balconies and dwelling houses; e) provide subtropical ambience. <p>2. Where landscape beds are proposed applicants are directed to the min. landscaping provisions under the Residential Design Flat Code (Planning NSW).</p> <p>3. Roof decks must be so designed and constructed as to be structurally capable of carrying a sufficient volume of topsoil to allow development of a planting program integrated with landscape development on other parts of the site.</p>	<p>N/A.</p>
<p>B9.12.3 Climate and Microclimate Objectives To ensure that the design of developments and landscaped areas addresses the climatic characteristics of the area and the microclimate of the site.</p> <p>Performance Criteria</p> <p>1. Landscaping should be designed to enhance and reinforce positive climatic influences and minimise the impact of adverse climatic features.</p> <p>2. A site's microclimate is directly affected by a combination of the prevailing climatic conditions, the site's aspect (i.e. the direction it faces), the topography, the vegetation and the structures. With due consideration to the prevailing weather conditions, landscaping can effectively control climatic impacts on buildings and outdoor spaces. Microclimate control aspects of landscaping must be designed to maximise the opportunity to create a comfortable environment. Landscape design must take into account the placement of evergreen and deciduous species to ensure winter sun penetration and summer shade to buildings and outdoor open space/ recreation areas. In particular:</p>	<p>Each individual courtyards located with north or west aspect with the building and plantings providing protection form cold southerly winter winds, yet permitting access to cool northern summer breezes, and maintain solar access to openspace areas and internal living areas.</p> <p>The form, shape, height and colour attributes of the plants proposed form an integral component of the design, which blends the building into the site, and the site into the local environment.</p> <p>A minimum of 200m2. of private openspace with good solar access is provided to each dwelling, and these are protected from prevailing winds.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Adequate landscaping areas and openspace areas exist for use by both houses.</p> <p>Total Deep Soil Area is 1000m2 on this 4,461.17m2 Allotment.</p> <p>Each dwelling has outdoor deck areas and adjacent private yard areas at ground level as an extension of the indoor living spaces</p> </div>



<p>a) consider shade and canopy spread of trees when locating planting in design; b) deciduous vegetation to the north of the block provides summer shade and allows winter sun; c) vegetation on the western side of the block assists in control of afternoon sun; d) evergreen vegetation should be planted on the eastern, western and southern sides of the block to provide summer shade and to deflect cold winter winds.</p> <p>Prescriptive Measures In summer the western elevations of buildings should be protected from the afternoon sun with trees of suitable mature height.</p>	<p>for outdoor recreation.</p> <p>200m2 of Private Openspace for the southern dwelling, and 200m2 for the proposed northern dwelling.</p> <p>This achieves an effective micro-climate about the dwellings to improve residential amenity, and the health of the plants proposed.</p>
<p>B9.12.4 Existing Vegetation Objectives To promote ecological sustainability and optimise aesthetic character by maximising retention of vegetation. Performance Criteria 1. Landscaping should retain, protect and enhance existing natural vegetation. 2. Vegetation retention must be considered at the initial stages of development design. Buildings, roads, parkland, or other components of a development must be located to retain maximum vegetation on a site. Design intent is important in the protection of significant vegetation. 3. Maximum advantage should be taken of existing mature trees and shrubs on the site and these should be incorporated into the overall landscape strategy. In addition, existing vegetation on a site may be significant for historical, aesthetic or environmental reasons and may be required to be retained by Council provisions. 4. Provision must be made in the design for the protection of existing vegetation during construction works – protect the root zone of those trees to be retained, by avoiding compaction of this area by construction vehicles, & stockpiling of materials, well away from the drip line of the tree. 5. The effective use of vegetation on a site can also substantially reduce the landscaping costs of a development and should be considered in the design process.</p>	<p>The site is generally cleared land covered in lawn.</p> <p>See approved landscape plan details for DA 10.2019.429.1, ensures that the buildings will be well screened both within the site and from adjacent properties and the road such that the development is not visually dominant.</p> <p>NO TREES TO BE REMOVED.</p> <p>The landuse will thus not cause any adverse environmental impact, as new plantings will mirror species found within and adjacent to the site, and will positively add to the quality of the environment.</p>
<p>B9.12.5 Planting Size, Density and Species Objectives 1. To ensure that landscape and planting design is compatible with the scale and</p>	<p>These requirements have been met. See approved landscape plan details for DA 10.2019.429.1</p>



character of the proposed development.

2. To ensure that the density of landscaping and planting is compatible with the long term and short term character of the proposed development.

3. To promote a landscape character in the Shire which is based on locally indigenous plant species and the natural, subtropical environment of the area.

4. To promote sustainability through the provision of edible species in appropriate locations.

Performance Criteria

1. The selected planting size, density and species is dependent upon a number of factors, including the scale and nature of the project, availability of planting stock and particular requirements specified in conditions in a development consent. In many cases follow-up planting is advantageous once initial planting is established.

2. The landscape plan needs to address size, density and species composition consistent with best practice landscape architecture or landscape design principles.

Prescriptive Measures

1. The following planting sizes are the minimum required to achieve an initial impact in the landscape design:

2. a) street and feature trees: 45 litre min.

b) trees: 300mm minimum pot size

c) large shrubs: 200mm minimum pot size

d) groundcovers: 140mm minimum pot size

A minimum of 90% of all plants used shall be locally indigenous. These species are listed in the Native Species Planting Guide to Byron Shire which can be found on Council's website.

3. No species listed as undesirable in Chapter B2 Preservation of Trees and Other Vegetation shall be used in landscaping on any site.

4. Species listed as threatened species under the Threatened Species Conservation Act 1995 should not be used for landscaping purposes unless the genetic provenance can be demonstrated in terms of locally sourced seed stock.

5. In new developments, consideration will be given to the provision of dedicated areas for the growing of vegetables, fruit trees and other edible species as part of the landscaped areas.



<p>B9.13 Landscape Works and Maintenance B9.13.1 Landscape Construction Works Objectives</p> <ol style="list-style-type: none"> 1. To ensure the viability and survival of landscape and planting works. 2. To ensure survival and ongoing functioning of landscaping and planting. <p>Performance Criteria Landscape areas shall be constructed and maintained in accordance with best practice landscape architecture or landscape design principles.</p>	<p>These requirements have been met. See approved landscape plan details for DA 10.2019.429.1</p>
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2.5 DCP 2014 Part B Sec B.14 Earthworks.

The objectives of the 1 m maximum earth works required under this Clause are:

- To minimise Environmental Impact.
- To blend the development into the site.
- To minimise erosion risk.
- To minimise disturbance to the natural landform.
- To encourage designs which blend into the natural landform.

In relation to the proposed design all earth works are less than 1m, and are hidden from view by the existing dwelling and existing boundary landscaping.

The development is designed to minimise site works by the construction style of development proposed, and to ensure no adverse impact by the instigation of erosion control measures prior to site works commencing.

2.6 DCP 2014 Part B.8 – Waste Management.

Waste minimisation Objectives

1. To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. To encourage building designs, construction and demolition techniques in general which minimise waste generation.
4. To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste management Objectives

5. To assist applicants in planning for sustainable waste management, through the preparation of a Site Waste Minimisation and Management Plan.
6. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
7. To provide guidance in regards to space, storage, amenity and management of waste management facilities.
8. To ensure waste management systems are compatible with collection services.
9. To minimise risks associated with waste management at all stages of development.

WASTE MANAGEMENT

All building waste during the proposed construction of the proposed detached dual occupancy will be stored in skips on site, with a recycling skip and a rubbish skip, to minimise land fill which

results from the works proposed on site. The access will include provision for Letter Box and Bin placement areas adjacent to Broken Head Road.

2.7 DCP 2014 - Stormwater

Clause 3.4 Stormwater Concept Plan

Development applications not seeking concurrent approvals for the stormwater management system must be supported by a Stormwater Concept Plan generally containing the following information:

1. Existing and proposed finished surface contours at relevant intervals (i.e. 0.1m for flat sites to 1.0m for sloping sites) and spot levels.
2. Proposed and existing building locations and floor levels.
3. Street levels including gutter.
4. Proposed infiltration measures (e.g. soakage trenches, swales, landscaping, permeable pavements, etc.). Where infiltration failure will affect a neighbouring property and the development involves more than a single dwelling (e.g. multi unit residential, commercial, industrial etc) then detailed infiltration test results and detailed designs are required.
5. Proposed discharge points to the public stormwater drainage system (show levels at these locations).
6. Site constraints such as trees, services or structures that may affect the drainage system.
7. Existing or proposed drainage easements.
8. Any surface flow paths or flood-affected areas.
9. Conceptual location and levels of proposed stormwater pipes and drainage pits.
10. Conceptual location and approximate area of proposed on-site detention facilities.
11. Proposed on-site detention stored water invert levels and emergency spillways.
12. Proposed management controls for flows entering, within and leaving the site.
13. Preliminary on-site detention calculations.
14. Justification that the proposed design measures will not cause adverse stormwater impacts on adjoining properties. Copies of Deposited Plan(s) and section 88B Instruments, showing details of easements over downstream properties, must also be submitted with the development application.

The attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels.

A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.

B3.2.3 Stormwater Management Objectives

1. To promote on-site stormwater management practices that support the 'predevelopment' hydrological regime (surface flow, streams and groundwater).
2. To ensure that new development does not reduce the effectiveness of existing drainage patterns (including built infrastructure).
3. To minimise the impacts of stormwater runoff from a site on adjoining properties.
4. To provide an acceptable level of protection against personal injury and property damage due to localised stormwater runoff.
5. To promote on-site retention, detention and infiltration of stormwater.
6. To promote stormwater harvesting and other forms of innovative water conservation.
7. To promote better integration of stormwater management into development proposals.
8. To ensure that on-site stormwater management facilities can be economically maintained, and that adequate arrangements are made for on-going maintenance.
9. To provide for the ongoing environmental health of receiving waters;
10. To ensure that stormwater management systems protect ground and surface water and other ecological values;
11. To achieve best practice stormwater treatment targets for stormwater quality.

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.



The attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.

Performance Criteria There are no performance criteria.

Prescriptive Measures

1. Development Applications

Development applications must contain sufficient information to assess whether the proposed stormwater system is effective and feasible, both within the site and in its connection to the public drainage system. An approval of the stormwater management system may be required under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993.

An applicant may lodge detailed stormwater management plans with the development application for concurrent approval under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993, as necessary. Alternatively stormwater management concept plans must be lodged with the development application and a condition of consent will require the relevant approvals prior to issue of the Construction Certificate.

Plans showing the method of draining the land are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.

Sample drawings developed as part of the Northern Rivers Local Government Development Design and Construction Manuals provide guidance on the type of information that should be included in stormwater management plans for proposed detached dual occupancy works.

AS/NZS 3500.3:2003 Plumbing and drainage - Stormwater drainage is the relevant Australian Standard at the time of writing this document. Appendices C and K of AS/NZS 3500.3:2003 provide guidance on the type of information that should be included in stormwater management plans for building works.

Council's manuals, and guidelines, including standard and sample drawings, are available on Council's website.

As stated, the attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.

2. Properties adjacent to or containing waterways

Lands identified as containing or directly adjoining waterways may be subject to inundation (during the 1 in 100 year ARI storm event). Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual. Development proposals in close proximity to waterways or other areas of possible inundation must be accompanied by a hydrologic study submitted by an appropriately qualified person to demonstrate that the proposal or any future development will not interfere with the natural flowpath or be subject to flooding (refer to Chapter C2 Areas Affected by Flood). Appropriate buffers to waterways must be provided.

The attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.

As confirmed by Council the 1 in 100 year flood (1%) flood level is estimated at 3.25m AHD. The proposed Lots 2, 3, 4 & 5 all have building envelopes well above

Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.

this level at between 3.6 to 3.8m AHD. The proposed FFL is to be 4.95m AHD and therefore complies.

This would place a non hazardous 450mm of flood water over the building envelope during the 1% flood. The future dwellings on all sites will need to meet the required 3.75m AHD Flood Planning Level.

3. Site Drainage

- a) Site drainage shall be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.
- b) For building works, the piped property drainage system is to capture and convey to a lawful point of discharge all stormwater runoff from the following areas of the development site:
 - i) impervious areas including roofs, paved areas and driveways
 - ii) areas subject to changes to ground level (existing) including excavation or filled areas
 - iii) areas where the natural or pre-development overland flow regime is disrupted to the potential detriment of an adjoining property.
- c) The development must not introduce, impede or divert stormwater runoff in such a manner as to increase stormwater flow across a boundary onto adjoining property. Concentrated, collected or diverted stormwater flow onto an adjoining property must be at a lawful point of discharge.

As stated, the attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.

4. Lawful Point of Discharge

- a) A lawful point of discharge exists at a particular location, if:
 - i) the location of the discharge is under the lawful control of the Council or other statutory authority from whom permission to discharge has been received; and
 - ii) in discharging in that location, the discharge will not cause an actionable nuisance.
- b) Where a lawful point of discharge is not available in the vicinity drainage may need to be constructed and any easements may need to be acquired to direct collected stormwater to a lawful point of discharge. Negotiations with property owners must be undertaken along feasible easement routes to determine whether an easement can be obtained to provide stormwater system that will drain by gravity to a public drainage system. Where easements are proposed over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties must be submitted with the development application.
- c) For properties involving building works generally at a higher level than the adjoining road, where the site drainage system can be piped under gravity to the road drainage system, then the discharge is to be connected to the street drainage system.
- d) For properties involving building works generally at a lower level than the adjoining road, where the site drainage system cannot be piped under gravity to the road drainage system, the discharge is to be carried out entirely in accordance with one of the following options:
 - i) Discharge to a public drainage system within the development site.
 - ii) Private drainage easement across neighbouring properties. Byron Shire Development Control Plan 2014 – Chapter B3 – Services Adopted 22 March 2018 Effective 12 April 2018 14
 - iii) Charged systems, but ONLY for residential developments up to and including a single dwelling where it can be demonstrated that an easement cannot be obtained and where the roof gutters are sufficiently above the road gutter to permit drainage via a (pressurised) sealed system.
 - iv) Dispersion trenches, but ONLY for residential developments up to and including a single dwelling, where it can be demonstrated that an easement cannot be obtained and sufficient land is available.



v) Infiltration trenches, but ONLY where it can be demonstrated that: an easement cannot be obtained; there is sufficient land available; the underlying soil is sandy enough to infiltrate all runoff up to the 20 year ARI storm; and infiltration will not lead to contamination of the groundwater. Other storm events may be considered having regard to the consequences of failure and impacts on downstream properties.

vi) Pump-out systems, but ONLY for basement car park areas where: it can be demonstrated that, if gravity drainage is not possible, an easement cannot be obtained; the contributing catchment is the driveway ramp only, up to a maximum of 60 m²; and, pump failure will not cause overflow affecting neighbouring properties or habitable floor areas.

The attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.

5. Easements

a) Easements are to be in accordance with the Northern Rivers Local Government Development Design and Construction Manuals.

b) Where a site is traversed by a drain (under the control of Council) that is not within an easement, a suitable easement must be created in favour of the Council.

c) Where an easement is benefiting private property(s) only, the easement is not to be to the benefit of Council.

d) Where an easement is required to be created a written agreement must be made between all relevant parties agreeing to its creation. Evidence of the written agreement to the creation of the easement is to be submitted with a Development Application. Council may grant deferred commencement consent subject to easement creation.

Drainage easement follows the western and northern boundaries of the property.

6. On-site Stormwater Detention (OSD)

a) On-site Stormwater Detention (OSD) shall be provided in accordance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.

b) OSD shall generally be incorporated into all development (except as provided by 'c') below), including the following:

- i) residential, commercial and industrial development;
- ii) educational establishments, hospitals, community services and other institutions;
- iii) public buildings;
- iv) impervious car parks; and
- v) tennis and other impervious playing courts.

c) OSD is not required in the following circumstances:

- i) where the total net increase in impervious area is less than 150 m²; Byron Shire Development Control Plan 2014 – Chapter B3 – Services Adopted 22 March 2018 Effective 12 April 2018 15
- ii) if the application is for or relates to a dwelling house unless a restriction on title specifies otherwise;
- iii) if the application is for development on land zoned RU1, RU2, or R5 unless needed to provide a lawful point of discharge;
- iv) where the site drains directly to a trunk drainage system within the tidal reach of a river or stream;
- v) where the site is located within a catchment within which a regional detention structure has been provided for the ultimate development of the catchment;
- vi) where dispersion or infiltration is used as the means of stormwater discharge from the site; or
- vii) where a Consulting Engineer has undertaken a detailed analysis of the entire catchment and

demonstrated that the provision of detention on the subject property, including consideration of the cumulative affect of detention provision across the catchment, will provide no benefit to any downstream drainage system for storm frequencies between the 5 year and 100 year ARI.

As stated, the attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east. The stormwater system will be subject to conditions of Consent and a detailed design will accompany the Construction Certificate.

7. Stormwater Quality and Treatment

a) Applications for development types listed in Table B3.1 (including redevelopment) must address the "key" pollutants identified in that table (see below).

Table B3.1 – Key pollutants in stormwater flows to be addressed

Development Type	Litter	Coarse Sediment	Fine Particles	Total Phosphorous	Total Nitrogen	Hydrocarbons, motor fuels, oils & grease
Low Density Residential ¹ . bed and breakfast accommodation & farm stay accommodation	Y	N	N	Y	Y	N
Medium Density Residential ² & tourist and visitor accommodation (excluding bed and breakfast accommodation & farm stay accommodation)	Y	Y	Y	Y	Y	N
Commercial, Shopping & Retail Outlets	Y	Y	Y	N	N	N
Industrial	Y	Y	Y	?	?	Y
Car Parks, Service Stations & Wash Bays	Y	Y	Y	N	?	Y

Y - Key pollutant, needs to be addressed.
 ? - Variable, requires site specific assessment.
 N - Not significant.

(Source: Adapted from the *Byron Shire Urban Stormwater Management Plan*)

1. - "Low Density Residential" development refers to dual occupancies, dwelling houses, rural workers' dwellings, secondary dwellings, shop top housing comprising 2 or less dwellings and semi-detached dwellings.
2. - "Medium Density residential" development refers to attached dwellings, boarding houses, group homes, hostels, multi dwelling housing, residential flat buildings, seniors housing and shop top housing comprising 3 or more dwellings.

**Table B3.2 – Pollutants and Retention Criteria**

Pollutant / Issue	Retention Criteria
Litter	70% of average annual load greater than 5mm.
Coarse Sediment	80% of average annual load for particles 0.5mm or less.
Fine Particles	50% of average annual load for particles 0.1mm or less.
Total Phosphorous	45% of average annual load.
Total Nitrogen	45% of average annual load.
Hydrocarbons, motor fuels, oils & grease	90% of average annual load.

b) Applications for proposed detached dual occupancy's and developments involving an area of land greater than 2,500m² must provide measures to address the "key" pollutants in accordance with Table B3.2 for all stormwater flows up to 25% of the 1 year ARI peak flow from the development site.

c) Runoff from all areas (including roofs and paved areas) needs to be treated. Significant water quality improvements can be achieved by configuring a sequence of treatment measures (a 'treatment train'). Such measures may include roofwater tanks, infiltration devices, filtration & bio-retention devices, porous paving, grassed swales, better landscape practices, ponds & wetlands and stormwater tanks. The suitability of treatment measures will depend largely on site conditions. For example, infiltration devices are not suitable in areas with heavy clay soils and subsoils.

As stated, the attached Lucena Engineering proposed detached dual occupancy Stormwater Plan shows Contours, and earthworks and finished levels, and street levels. A drainage reserve adjoins the western and northern boundaries of the site, with drainage also provided in the Broken Head Road Reserve to the east.



2.8 2.10 State Environmental Planning Policy (Resilience & Hazards - Coastal Management Areas) 2021



Division 1 Coastal wetlands and littoral rainforests area

10 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* only with development consent:

(a) the clearing of native vegetation within the meaning of Part 5A of the *Local Land Services Act 2013*, (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the *Fisheries Management Act 1994*,

(c) the carrying out of any of the following:

- (i) earthworks (including the depositing of material on land),
- (ii) constructing a levee,
- (iii) draining the land,
- (iv) environmental protection works,
- (d) any other development.

Note. Clause 17 provides that, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.

(2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the **Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.**



purposes of the Act.

(3) Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* may be carried out by or on behalf of a public authority without development consent if the development is identified in:

- (a) the relevant certified coastal management program, or
- (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*, or
- (c) a plan of management approved and in force under Division 6 of Part 5 of the *Crown Lands Act 1989*.

(4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.

(5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the *Biosecurity Act 2015*.

(6) This clause does not apply to the carrying out of development on land reserved under the *National Parks and Wildlife Act 1974* if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.

Response

The subject development is to take place on Low Density Residential R2 Zoned lands, with the development occurring over existing cleared land. Also, the development areas within site are separated from the coast to the east by over 760m of urban development, roads and protected Coastal Habitat to the east.

The “Littoral Rainforest” areas do not occur proximate to the subject property.

The site is also located well clear of “Coastal Wetlands” to the north east, with the closest proposed dwelling site (Lot 1) located over 98m from these “Wetlands” to the northeast, on the other side of Broken Head Road.

To this end the proposal totally satisfies the protection requirements of Division 1.

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note. The *Coastal Wetlands and Littoral Rainforests Area Map* identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

- (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* unless the consent authority is satisfied that the proposed development will not significantly impact on:
 - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

- (2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map*.

Response

The subject development is to take place on Low Density Residential R2 Zoned lands, with the development occurring over existing cleared land. Also, the development areas within site are separated from the coast to the east by over 760m of urban development, roads and protected Coastal Habitat to the east.

The “Littoral Rainforest” areas do not occur proximate to the subject property. The site is also located well clear of “Coastal Wetlands” to the north east, with the closest proposed dwelling site (Lot 1) located over 98m from these “Wetlands” to the northeast, on the other side of Broken Head Road.

To this end the proposal totally satisfies the protection requirements of Division 1.

Division 2 Coastal vulnerability area

Note. At the commencement of this Policy, no *Coastal Vulnerability Area Map* was adopted and therefore no coastal vulnerability area has been identified.

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the *Coastal Vulnerability Area Map* unless the consent authority is satisfied that:

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- (b) the proposed development:
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Response

The subject development is to take place on Low Density Residential R2 Zoned lands, with the development occurring over existing cleared land. Also, the development areas within site are separated from the coast to the east by over 760m of urban development, roads and protected Coastal Habitat to the east.

The “Littoral Rainforest” areas do not occur proximate to the subject property. The site is also located well clear of “Coastal Wetlands” to the north east, with the closest proposed dwelling site (Lot 1) located over 98m from these “Wetlands” to the northeast, on the other side of Broken Head Road.

To this end the proposal totally satisfies the protection requirements of Division 2.

Division 3 Coastal environment area

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,**
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,



- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) **the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or**
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Response

The subject development is to take place on Low Density Residential R2 Zoned lands, with the development occurring over existing cleared land. Also, the development areas within site are separated from the coast to the east by over 760m of urban development, roads and protected Coastal Habitat to the east.

The “Littoral Rainforest” areas do not occur proximate to the subject property. The site is also located well clear of “Coastal Wetlands” to the north east, with the closest proposed dwelling site (Lot 1) located over 98m from these “Wetlands” to the northeast, on the other side of Broken Head Road.

To this end the proposal totally satisfies the protection requirements of Division 3.

Based on the modified nature of the site, a long standing residential area and review of historical and cultural records of the site, it is unlikely to hold important significance or cultural objects related to Aboriginal culture. If any uses such as fishing/hunting occurred on the distant beach and swamp areas, then the use of these distant areas off site for commercial, residential and recreational purposes for over 100 years, has made research into the value of these areas, and their cultural interpretation, almost impossible. Given the nature of the site i.e. it has been modified by urban and commercial development and construction of utility services, it is not considered to hold any archaeological values other than those associated with the early white settlement and their associated urban and commercial activities, and landuse practices. The site is not mentioned in Aboriginal Heritage registers held by Byron Shire Council and NPWS, as containing historical or cultural objects or being a site of significance.

Given its location within the coastal plain prior to modification of the area by white settlement, it is likely to have been traversed by Aboriginal people as part of their hunting/gathering in the general foreshore and wetland area. Although no evidence can be found confirming this, the site, which is located well removed from the foreshore area, is unlikely to be of cultural significance. No shell or bone waste is evident within soil profiles within this previously developed site.

On this basis the proposed development does not detract from the Coastal Environment. To this end the proposal totally satisfies the protection requirements of Division 3.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and
- (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Division 5 General 15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Not Applicable

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Not Applicable

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.

Not Applicable as the land use is permissible under Byron LEP 1988.

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area

Not Applicable

Conclusion

The subject development is to take place on Low Density Residential R2 Zoned lands, with the development occurring over existing cleared land. Also, the development areas within site are separated from the coast to the east by over 760m of urban development, roads and protected Coastal Habitat to the east.

The "Littoral Rainforest" areas do not occur proximate to the subject property. The site is also located well clear of "Coastal Wetlands" to the north east, with the closest proposed dwelling site (Lot 1) located over 98m from these "Wetlands" to the northeast, on the other side of Broken Head Road.

On this basis the proposed development does not detract from lands deemed to be either (a) the coastal wetlands and littoral rainforests area,; (b) the coastal vulnerability area,; (c) the coastal environment area,; (d) the coastal use area.

To this end the proposal totally satisfies the protection requirements of State Environmental Planning Policy (Coastal Management) 2018.

2.9 Planning for Bushfire Protection 2019.

The proposed proposed detached dual occupancy to create a total of two (2) dwellings on this large urban allotment, poses a development which will not come under significant Bushfire risk due to the maintained APZs about each proposed dwelling site, thus ensuring that none are exposed to a Bushfire Attack Level greater than BAL 29.

This Torrens Title Lot, are located within the 140m assessment range of distant Wetlands to the north east, on the other side of Broken Head Road. Also, a small stand of Coastal Forest exists on the adjacent property to the south. This is separated from the site by managed lands within the subject property, a Bikeway Walking Path to the south of this site, and managed lands in the northern section of the adjacent property to the south.

Managed lands exist to the east (Broken Head Road and Byron @ Byron Resort), and to the north and west in the form of developed Residential Allotments.

Adequate fire hydrants have been provided throughout the adjacent urban area, and one has been placed within the Broken Head Road Reserve just NE of the access point. An additional Hydrant is to be placed within the access driveway of the proposed detached dual occupancy.

The site is generally flat, with it gently sloping in the west and north towards the drainage reserve adjacent to these boundaries.

Apart from isolated trees about the boundaries of the site, the property is maintained as lawn. Despite this the area is mapped as a Fire Buffer Area.

This low risk situation is further aided by the development characteristics of the site as stated, the close proximity of the site to the fire stations in Suffolk Park and Byron Bay, the fact that town water is connected, and the site is in a high rainfall area.

The following assessment is based on existing vegetation and slope characteristics about the site, and conclude that the risk is low.



Vegetation

The vegetation has been assessed over a distance of 140 m from the existing dwelling, and proposed dwelling sites on each of the proposed Torrens Title Lots, back to existing bush vegetation both on and off site, in all directions in accordance with Figure A2.2 of *Planning for Bushfire Protection*.

The site is adjacent to managed lands (west, east and north), and “**Forest**” exists to the distant North East, as well as off site to the South West. (See Air Photo).



BYRON SHIRE COUNCIL BUSHFIRE MAP Lot 30 DP.842105. No. 84 Broken Head Road. Suffolk Park



Proposed Dual Occupancy (detached) Lot 30 DP.842105. No. 84-92 Broken Head Road. Suffolk Park.



AIR PHOTO - LOT 30 DP.842105. NO. 84-82 BROKEN HEAD ROAD. SUFFOLK PARK.



Forest

Scattered Trees within Lawn

Slope

Based on the site inspection, the slope of the land over a distance of 100 m from the indicative building in all directions has been assessed. In accordance with *Planning for Bushfire Protection*, the slope has been assessed based on the gradient that will most significantly influence the fire behaviour of the site. The site is generally flat to gently sloping.

Asset Protection Zone

The Asset Protection Zone (APZ) acts as a buffer zone between the development and the hazard. The primary purpose of an APZ is to ensure that a progressive reduction of bushfire fuels occurs between the bushfire hazard and any habitable structures. The APZ consists of an Inner Protection Area (IPA) and an Outer Protection Area (OPA).

Table A2.5, within *Planning for Bushfire Protection 2019*, specifies the minimum APZ required in bushfire-prone areas as the proposal comprises a development within an FDI80 Fire Area.

Existing Dwelling

Development Aspect	Hazard/ Vegetation within 140m of Development	Predominant Vegetation Class (Fig A2.2 and Table A2.1)	Average Slope of Land	Recommended Width of Asset Protection Zone table A2.6
North	On-site Grassland then urban. Forested Wetlands 80m to the north east.	Forested Wetlands (Forest)	Across slope	Required APZ 15m. Due to the managed state of the first 80m, no additional APZ is deemed necessary. BAL 12.5
South	On-site Grassland then urban. Forest 80m to the south west.	Forest	Across slope	Required APZ 20m. Managed for first 80m, no additional APZ req. BAL 12.5
East	On-site Grassland & managed urban, then road, then managed resort.	Managed Lands	Across slope	No APZ Required. BAL Zero
West	Managed Lawn with Isolated trees, then Drainage Reserve and then Urban.	Managed Lands	Across slope	No APZ Required. BAL Zero

Proposed Dwelling

Development Aspect	Hazard/ Vegetation within 140m of Development	Predominant Vegetation Class (Fig A2.2 and Table A2.1)	Average Slope of Land	Recommended Width of Asset Protection Zone table A2.6
North	On-site Grassland then urban. Forested Wetlands 130m to the north east.	Forested Wetlands (Forest)	Across slope	Required APZ 15m. Due to the managed state of the first 130m, no additional APZ is deemed necessary. BAL Zero
South	On-site Grassland then urban. Forest 32m to the south west.	Forest	Across slope	Required APZ 20m. Due to the managed state of the first 32m, no additional APZ is deemed necessary. BAL 19
East	On-site Grassland / managed urban, then road, then managed resort.	Managed Lands	Across slope	No APZ Required. BAL Zero
West	Managed Lawn with Isolated trees, then Drainage Reserve and then	Managed Lands	Across slope	No APZ Required. BAL Zero



	Urban.			
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The conclusion is that neither the existing nor the proposed dwelling (detached dual occupancy) exceed BAL 29, and as such this proposed detached dual occupancy can be approved under the provisions of PBP 2019.

Level of Construction

Appendix 3, Tables A3.4 of *Planning for Bushfire Protection 2006* allow the determination of the relevant level of construction in accordance with AS 3959-1999: *Construction of Buildings in Bushfire-Prone Areas*.

Based upon Table A3.4 for an FDI 80 area, the assessment of this report taking into account the vegetation type, slope and available APZ this development's category of Bushfire Attack, and the fact that the Buildings are surrounded by managed grassland and isolated trees, with only a thin band of Rainforest off site to the east, then the Category of Bush Fire Attack is low.

On this basis the existing dwelling on each Lot 2 need only be upgraded to the extent that Aluminium Screens should be installed to all opening windows, and gutter guard should be fitted to gutters.

Public Road Access

Access is provided to the Site via sealed public road off Broken Head, which is capable of supporting fully loaded fire fighting vehicles.

Property Access

Property Access will be from the new public road off Broken Head and internal driveway. This access road complies with the requirements of Property Access Roads of *Planning for Bushfire Protection 2006*.

Electricity Supply

Transmission lines providing power are installed underground.

Gas

Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: *Storage and Handling of LP Gas* and the requirements of the relevant authorities. If gas cylinders are to be kept close to buildings, the release valve must be directed away from the building and away from any hazardous materials such as firewood, so that it does not act as a catalyst to combustion.

Water Supply

Town water supply, with new Hydrant within proposed Access Handle of Lot 2.

Recommendations

Based on my site inspection and assessment, the following recommendations would be required for the 2 dwelling houses existing within each of the proposed Torrens Title Lots.

If any trees are to be located within the envisaged APZs, this is considered acceptable, providing the following conditions are met:

Vegetation is not to touch or overhang building (canopy vegetation must not be within 2 metres of any building);

Vegetation is located far enough away from buildings so that it will not ignite the building by direct flame contact or radiant heat emission.

Woodpiles, combustible material storage sheds, large areas/quantities of garden mulch and stacked flammable building materials should not be located within IPA of the building:

Category of Bush Fire Attack is low, however, the existing dwelling on Lot 2 need only be upgraded to the extent that Aluminium Screens should be installed to all opening windows, and gutter guard should be fitted to gutters (this has been undertaken as a part of the Subdivision). Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: *Storage and Handling of LP Gas* and the requirements of the relevant authorities.

Summary

Viewed in total, the proposed development of a new dwelling as detached dual occupancy will in no way prejudice the proper future planning of the area, or the development of adjoining land, as it accords with Bush Fire Regulations, Zoning, Zone Objective, and D.C.P. Requirements.

3 Sec. 4.15(1)(b) IMPACT ON ENVIRONMENT

The development involves minimal site works associated with the creation of a New Dwelling as Detached Dual Occupancy.

Additionally the development is designed to utilise as much as possible, existing cleared and or developed land, thus preserving the residential amenity of the area.

Site works are limited to the extension of the internal access driveway and services to provide access to the new dwelling.

No tree removal is necessary and there will be no appreciable change in the character of the site or its surrounding area as a result of this proposed compliant proposed detached dual occupancy. It is there fore considered that the proposed development will have no significant adverse impact on the environment of the area.

On this basis, the landuse, site layout, and design character will remain similar to that anticipated for this area by LEP provisions, and the use of existing building footprints, and existing cleared land for the proposed detached dual occupancy, will maintain the boundary vegetation (HCV Vegetation), whilst optimising the effective use of existing developed and cleared lands within the property.

The flora species specifically targeted in the study of the site found that the development did not impact upon any threatened species over this cleared site.

Proposed use of of existing vegetation and provision of habitat connectivity using locally indigenous species will effect screening, visual softening, provision of shade to parking areas, and the broadening of the habitat base of the area.

3.1 EPA Act Sec 5.5 Duty to consider environmental impact

(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Proposed use of of existing vegetation including native species, meets DCP 2014 requirements. This will effect screening, visual softening, and the broadening of the habitat base of the area.

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On this basis the proposal results in development meets the Sec 5.5 requirements of the EPA Act in that it results in the “protection and enhancement of the environment”.

3.2 Biodiversity Conservation Regulation 2017

The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

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

If clearing and other impacts exceeds either trigger, the Biodiversity Offset Scheme applies to the proposed development including biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017.

If the Biodiversity offsets scheme is not triggered, the test of significance detailed in section 7.3 of the Biodiversity Conservation Act 2016 must be used to determine whether a local development is likely to significantly affect threatened species.

As can be seen from the following extract from the Biodiversity Values map, as published by the Minister for the Environment, the proposed development sits outside the areas mapped on the Biodiversity Values map.

Lot 30 DP 842105. No. 84-92 Broken Head Road. Suffolk Park, NSW, 2481.





Source: Biodiversity Values Map

3.2.1 Sec 7.3 of the Biodiversity Conservation Act 2016

Sec 7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats

(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

(a) in the case of a threatened species, whether the proposed development or activity 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,

In these areas of the Shire, the following Endangered or rare species could occur:

Endangered or rare tree species:

Acianthus amplexicaulis; Acronychia littoralis	(Scented Acronychia)
Amorphospermum whiteii	(Rusty Plum)
Archidendron muellerianum	(Veiny Lace Flower)
Cordyline congesta; Cryptocarya foetida	(Stinking cryptocarya)
Endiandra hayseii	(Velvet Laurel)
Syzygium hodgkinsoniae	(Red Lilli Pilli)
Syzygium moorei	(Durobby)
Thozetia racemosa; Randia moorei	(Spiny Gardenia)

Endangered or rare Bat Species:

Chalinolobus nigrogriseus	(Whorie Bat)
Miniopterus australis	(Mini Bent Wing Bat)
Nyctophilus bifax	(Small Cave Bat)

Endangered or rare animal Species:

Phascolarctos cinereus	(Koala)
Potorous tridactylus	(Potoroo)

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Threatened species were not identified on this site, and the cleared nature of the site, and the additional native plantings proposed, ensures minimisation of impact.

In general the habitat contained on site is not one conducive to the habitat needs of threatened species, particularly given its small size, disturbed nature, and low density residential R2 Zone location.

- (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:**
- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or**
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,**

As previously indicated, no habitat is to be removed, and the native species chosen for landscape plantings already installed on site effect screening, visual softening, and the broadening of the habitat base of the area.

- (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,**

The native landscape plantings already installed on site, effect screening, visual softening, and result in the broadening of the habitat base of the area.

- (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),**

As detailed, no critical habitat will be affected.

- (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.**

The proposed detached dual occupancy is to take place on the cleared, and grossly disturbed central areas of the site. The native compensatory landscape plantings proposed will effect screening, visual softening, and result in the broadening of the habitat base of the area. It is thus considered that the development will not be a threatening development or activity.

(2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program.



In this instance no Ministerial order has been issued in relation to the proposed development, and to this end the proposal is not considered to be one which will impact on any declared area of outstanding biodiversity value. In addition to this, extensive compensatory plantings are proposed, and the development will result in a net increase in native habitat about the site.

3.3 VEGETATION

3.3.1 PLANT COMMUNITIES

See Flora and Fauna Report – Red Brown Green dated July 2019

A number of threatened species and ecological communities have been identified as occurring (or are likely to occur) on the site as follows:



Common Name	Scientific Name
Trees	
Broad leaved Paperbark	Melaleuca quinquenervia
Ribbonwood	Euroschinus falcatus
Lilli Pilli	Syzygium sp.
Cheese tree	Glochidion ferdinandi
Bangalow Palm	Archontophoenix cunninghamiana
Hoop Pine	Araucaria cunninghamii
Tuckeroo	Cupaniopsis anacardioides
Maple	Maple sp.
Pink cherry	Austrobuxus swainii
Three veined Laurel	Cryptocarya triplinervis
Christmas Bush	Ceratopetalum gummiferum
Guioa	Guioa semiglauca
Coastal Cypress Pine	Callitris columellaris
Brown Kurrajong	Commersonia bartramia
Umbrella Cheese Tree	Glochidion sumatranum
Pink Euodia	Melicope elleryana
Large Leaf Actephila	Actephila grandifolia
Weeping fig	Ficus benjamii
Buckinghamia	buckinghamia celsissima
Red Cordyline	Cordyline rubra
Tobacco bush	Solanum mauritianum
Tree Fern	Cyathea sp.
Cabbage tree	Cordyline australis
Macaranga	Macaranga tanarius
Camphor laurel	Cinnamomum camphora
Pittosporum	Pittosporum undulatum
Lilly Pilly	Syzygium australe
Cocos Palm	Syagrus romanzoffiana
Golden Cane Palm	Dyopsis lutescens
Mango tree	Mangifera indica
Orange Tree	Citrus X sinensis
White Bottle Brush	Callistemon sp.
Alexandra Palm	Archontophoenix alexandrae
Qld Leopard Tree	Libididia ferrea
Umbrella tree	Schefflera actinophylla
Winter Senna	Senna pendula var glabrata
Vines	
White passionfruit	Passifora subpeltata
Variegated Monstera	Monstera sp.
Smilax	



Shrubs/Ground Cover	
Billy goat weed	<i>Ageratum houstonianum</i>
Singapore daisy	<i>Sphagneticola trilobata</i>
Broad leaf paspalum	<i>Paspalum mandiocanum</i>
Asparagus weed	<i>Asparagus aethiopicus</i>
Basket Grass	
Paspalum	<i>Paspalum wettsteinii</i>
Trad	<i>Tradescantia fluminensis</i>
Red Powder Puff	<i>Callianrda Haematocephala</i>
Bromeliad	<i>Bromeliad sp.</i>
Chicory	<i>Cichorium intybus</i>

3.3.2 FAUNA

See Flora and Fauna Report – Red Brown Green dated July 2019. “The site has significant fauna habitat potential due to its proximity to the Nature Reserve adjoining the site to the East. Many native and non native fauna species are known (or presumed) to inhabit the site. A comprehensive assessment of the likelihood of potential occurrence of threatened species is contained in this section of the report”.

A review of the NPWS database for the subject area was considered in order to identify potential threatened fauna on the site. The following threatened species identified in **3.4 S.E.P.P. Table 2** were recorded within a 1km radius of the site.

Table 2 – Threatened Fauna species recorded within a 1km radius of the study area.

Common Name	Scientific Name	NSW TSC Act
Little Bentwing-bat	<i>Miniopterus australis</i>	V
Koala	<i>Phascolarctos cinereus</i>	V
Pale-Vented Bush Hen	<i>Amaurornis moluccana</i>	V
Wompoo Fruit-Dove	<i>Ptilinopus magnificus</i>	V
Australasian Bittern	<i>Botaurus poiciloptilus</i>	E
Little Tern	<i>Sternula albifrons</i>	E
Rose-crowned Fruit-Dove	<i>Ptilinopus regina</i>	V
Wallum Froglet	<i>Crinia tinnula</i>	V
Mitchell's Rainforest snail	<i>Thersites mitchellae</i>	E
Southern Myotis	<i>Myotis macropus</i>	V
Glossy Black Cockatoo	<i>Calyptorhynchus lathami</i>	V
Grey Headed Flying Fox	<i>Pteropus poliocephalus</i>	V
Bush Stone-Curlew	<i>Burhinus grallarius</i>	
White Eared Monarch	<i>Carterornis leucotis</i>	V
Eastern Long Eared Bat	<i>Nyctophilus bifax</i>	
Eastern Grass Owl	<i>Tyto longimembris</i>	V
Black Bittern	<i>Ixobrychus flavicollis</i>	V
Common Planigale	<i>Planigale maculate</i>	V
Common Blossom-bat	<i>Syconycteris australis</i>	
Masked Owl	<i>Tyto novaehollandiae</i>	V
Marbled Frogmouth	<i>Podargus ocellatus</i>	V

KOALA HABITAT PROTECTION 2020.

Flora and Fauna Report – Red Brown Green July 2019.

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i) **Koala food trees**

Byron Shire Council identifies the following trees as primary and secondary Koala Food Trees:

	Common name	Scientific name
Primary	Tallowwood	<i>Eucalyptus microcorys</i>
	Forest Red Gum	<i>Eucalyptus tereticornis</i>
	Swamp Mahogany	<i>Eucalyptus robusta</i>
Secondary	Small fruited Grey Gum	<i>Eucalyptus propinqua</i>
	Scribbly Gum	<i>Eucalyptus racemosa</i>

No Koala food trees are present on this site.

i) **Koala food trees**

Byron Shire Council identifies the following trees as primary and secondary Koala

Food Trees:

Primary -Tallowwood Forest Red Gum Swamp Mahogany (*Eucalyptus microcorys Eucalyptus tereticornis Eucalyptus robusta*)

Secondary - Small fruited Grey Gum Scribbly Gum (*Eucalyptus propinqua Eucalyptus racemosa*)

Conclusion

No Koala food trees are present on this site. Koala habitat will not be affected.

This Site is a large approximately 4,461.17m² allotment on the outskirts of residential Suffolk Park. The site is highly degraded which reduces its ecological value. The proposal to provide an additional four (4) allotments to this site have been examined from an ecological perspective.

Many measures have been considered in the design of this proposal to limit ecological harm. The proposed new allotments are large in size, and they generally follow the natural open grasslands that currently exist in the site. The driveway into the site needs to be widening in parts; this has been achieved by not affecting the higher ecological value vegetation to the south of the site.

The site was assessed for habitat potential and for their ecological value for native fauna species. The site has the potential to provide foraging habitat for some threatened species. Those identified species were assessed under the relevant provisions of the NSW and Federal legislation. The proposed development is unlikely to result in a significant impact on a threatened species, population or ecological community. A species impact statement is not required. The action proposed by the development is unlikely to result in a significant impact on a matter of national environmental significance. A plan of management for identifying core habitat requirements under SEPP KOALA HABITAT PROTECTION 2020 is not required.

3.5 S.E.P.P. (Resilience and Hazards) 2021 CONTAMINATED LAND.

Clause 4.6 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—
(a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is— (a) land that is within an investigation area, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land— (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Table 1. Some Activities that may Cause Contamination • acid/alkali plant and formulation • agricultural/horticultural activities • airports • asbestos production and disposal • chemicals manufacture and formulation • defence works • drum re-conditioning works • dry cleaning establishments • electrical manufacturing (transformers) • electroplating and heat treatment premises • engine works • explosives industry • gas works • iron and steel works • landfill sites • metal treatment • mining and extractive industries • oil production and storage • paint formulation and manufacture • pesticide manufacture and formulation • power stations • railway yards • scrap yards • service stations • sheep and cattle dips • smelting and refining • tanning and associated trades • waste storage and treatment • wood preservation

The Construction of Detached Dual Occupancy Dwelling on the southern section of Lot 128, is a site that has not been used for cropping or for industrial purposes with no Soil Contamination history.

On this basis there is no historic use of this site which would have resulted in contamination, and as such no additional testing is required over the developed land where the proposed Detached Dual Occupancy is to take place.

The assessment satisfies Clauses 1(a) and 2 of SEPP (Resilience and Hazards) 2021 CONTAMINATED LAND, as there is no likelihood of contamination from the types of landuses listed in Table 1, and as such no further detailed assessment is required.



3.6 Impact on the Built Environment

The design of the proposed Dual Occupancy blends with the characteristics of the area through its sensitive design, which responds to the nature of the site, and the requirements of Councils B.L.E.P. 2014 and D.C.P. 2014. (See Introduction for Details).

This development will not prejudice future planning in the Shire due to the large size of the allotment, and the large size of the allotments proposed compared to the densely settled nature of the adjacent urban area.

The Conclusion is that the proposed detached dual occupancy, which is already significantly screened by vegetation (which is to be retained) from the local road, will not be at odds with the streetscape, and therefore they will not prejudice the proper future planning of the area.

Furthermore, it is aided by the densely settled nature of the area, and the low key nature of the use. Generous setbacks are maintained, and existing landscaping visually soften and achieve privacy for the future dwelling allotments. See Ecologists report for details of Compensatory Plantings. These will comply with the landscaping design and maintenance requirements in Chapter B9 Landscaping.

As well as these considerations, the development reflects the design requirements of Byron D.C.P. 2014, and is not out of character with the development characteristics of the surrounding area. On this basis the sensitive design should be approved by Council as it meets design outcomes sought for the area.

3.7 MEASURES TO PROTECT THE ENVIRONMENT

SITE WORKS

By its nature, the proposed detached dual occupancy responds to the nature of this site, and achieves minimised environmental impact by reducing the extent of earth works required, thus minimising top soil removal, and reducing the risk of suspended solids entering the local drainage system.

Fortunately for this site the lowest points within the property are cleared grassed areas which separate the areas requiring site works from the natural drainage system. The only site works proposed will be those associated with the placement of the access drive, and trenching required for services and drainage.

Berms of straw bails and / or low mesh sediment fences will be placed between site works and the drainage system to ensure that suspended solids do not enter it.

EROSION CONTROL DIAGRAMS

General Notes – Soil and Water Management

- a) No disturbed area is to remain denuded longer than 30 days.
- b) All erosion and siltation control measures are to be placed as the first step in grading.
- c) All stormwater and sewer lines not in streets are to be mulched and seeded within 15 days after backfill. No more than 150 metres are to be opened at any one time.
- d) Electrical power, telephone and gas supply trenches are to be compacted, seeded, and mulched within 15 days after backfill.

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- e) All temporary earthbanks, diversions and sediment control devices are to be machine compacted, seeded and mulched for temporary vegetation cover within 10 days of completion of grading. Straw or hay mulch is required.
- f) All fills are to be left with a lip at the top of the slope at the end of each days operation.
- g) Cut and fill slopes are to be seeded & mulched within 10 days of completion of grading.
- h) Any disturbed areas not paved, sodded or built upon are to be seeded within 15 days with Sudan grass or equivalent, and mulched with straw or hay mulch at the rate of 2 tonnes per hectare.
- i) Refer to Soil and Water Management for Urban Development NSW Department of Housing, January 1993
- 10a. All sediment control devices as specified in the soil and water management plan at locations marked "EC" and maintained in place till grass is re-established at completion of construction.
- 10b. Sediment traps as shown "ST" to be placed across all pit entrances.

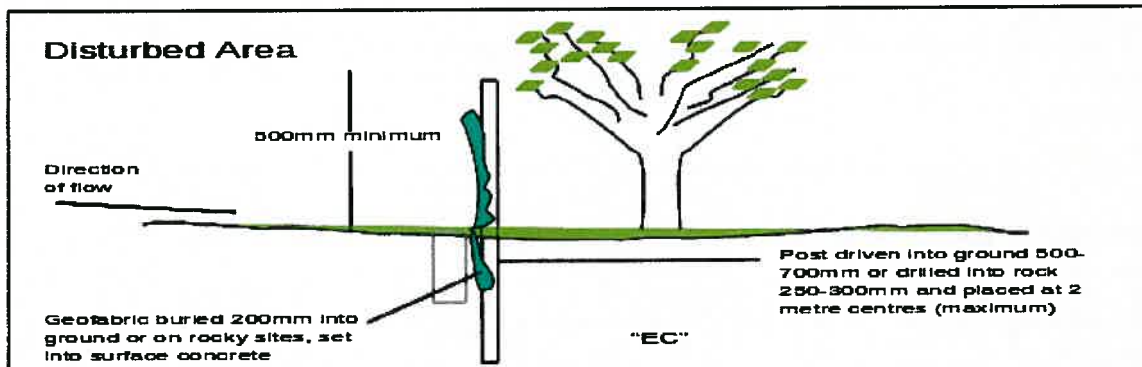


Figure 1: Construction of a geofabric-lined 'silt' fence

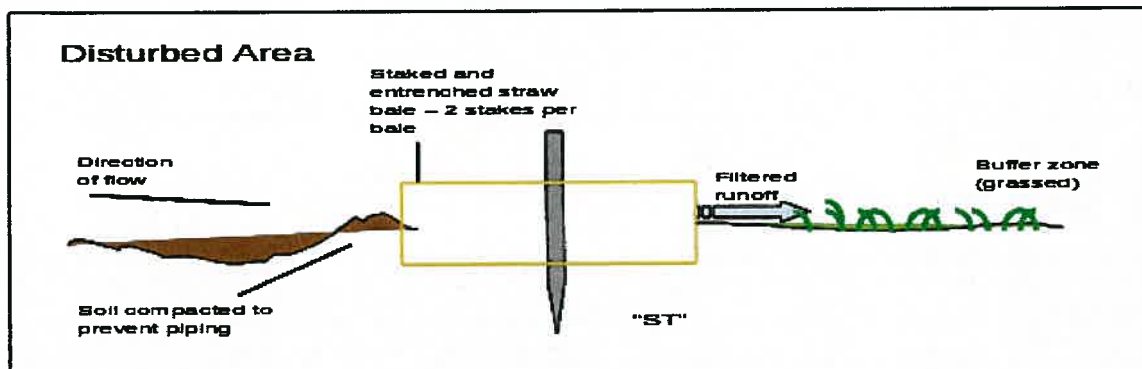


Figure 2: Cross-section of a properly installed straw bale bund

3.8 LANDSCAPING – DCP 2014 Part B.9

Landscape plantings were added to the sites habitat value within the cleared urban location, and has compensated for the three (3) trees and four (4) palms to be removed under DA 10.2019.429.1. Landscape plantings proposed native species with a proven track record, to improve the visual integrity of the site, and to achieve a broad habitat base within an urban location. Existing Landscaping is thus effective for privacy, visual softening, and broaden the habitat base of the area.



4 Sec. 4.15(1)(c) SUITABILITY OF THE SITE

The property is located on the western side of Broken Head Road, Suffolk Park, and it has a site area of 4,461.17m². It is generally flat with the western and northern extremities sloping down to the adjacent drainage reserve. The allotments are all large enough to ensure adequate openspace areas are available to future dwellings, and the resultant Floor Space Ratios can be kept well below the maximum 0.5 : 1 permitted.

As such the detached dual occupancy cannot be seen as either setting a precedent or prejudicing the proper future planning of the area. Thus, it is considered that having regard to the shape and nature of the allotments proposed, that the approval of the proposed detached dual occupancy is a responsible planning solution to effect better urban land usage.

All services can easily be connected to the allotments, and the development proposes a 6m wide access and services easement in the east, which creates a logical extension of the existing access in the east of this site, will improve the overall access, servicing and drainage management of this urban area.

4.1 GEOLOGY

The site is characterised by degraded rock and clays. The soils are suitable for the new detached dual occupancy Dwelling proposed (See attached Geotechnical Reports). Minimal site works are required and erosion control measures are to be put in place to minimise environmental impact.

4.2 ACCESS AND PARKING

The existing approved access point in the east of the site off Broken Head Road is to be used to achieve access to the proposed Dual Occupancy.

This design feature optimises traffic safety and is proposed to achieve a shared vehicular and pedestrian access via a shared access driveway off Broken Head Road, utilising the existing access point.

4.3 TRAFFIC

The use will result in only a small increase in local traffic, existing access point will enable this increase in local traffic to occur with optimum safety and visibility at the access point.

4.4 PUBLIC TRANSPORT

School Bus Services and Blanches Bus Service, in addition to Taxis currently service the area.

4.5 SERVICES

Existing services are adequate to cater for the increased demands made by the development. As stated, all services can easily be connected to the allotments, and the development proposes a 6m wide access and service easement in the east, and which maintains the existing drainage easement to the north and west of this site. These design outcomes improve the overall access, servicing and drainage management of this urban area.

ELECTRICITY SUPPLY

Essential Energy advise that electricity supply is connected to the site and can be extended to the proposed allotments.



TELEPHONE SUPPLY

Telstra advise that cables in the area are connected to the development site from the local Exchange Network.

GARBAGE COLLECTION

Garbage from the development will be collected as part of Councils urban service, with organic matter composted on site.

WATER SUPPLY

Town Water is connected and adequate rainfall exists to meet anticipated demand via the proposed roof tank roof collection method.

SEWERAGE

Connection to reticulated sewer system, which is to be extended to connection points for the new lots.

5 Sec. 4.15(1)(d) SUBMISSIONS UNDER ACT OR REGULATIONS

Not applicable.

6 Sec. 4.15(1)(e) PUBLIC INTEREST

Due to the sensitive development of the site, the maximisation of separation from adjacent dwellings, and with existing native landscaping effects visual softening and no required tree removal, it is considered that the Public Interest is served by the approval of this generally complying application.

7 OVERALL DESIGN

The proposed dual occupancy is designed in accordance with design principles for the area, such that it will not only meet the recreation and housing needs of the future owners/residents, but it is designed to meet all B.L.E.P. 2014 and D.C.P. 2014 design objectives relating to proposed detached dual occupancy development within an existing R2 Low Density Residential Zone. It also meets PBP 2019 requirements as well as all relevant State Environmental Planning Policies.

Furthermore, the development maintains a drainage easement in the west and north, thus maintaining the overall drainage management of this urban area. The design objectives are achieved within acceptable environmental guidelines to ensure minimisation of environmental impact, minimisation of visual impact, and ensuring that there is no loss of residential amenity, particularly in relation to adjacent dwellings.

Therefore resulting in a positive outcome that is in the public interest pursuant to Section 4.15(1)(e) of the EPA Act, hence legitimate needs are to be met by the proposed development.

8 CONCLUSION

It is considered that the proposed detached dual occupancy, due to the practical design and low scale nature of the development, will have a minimal impact on the environment and visual amenity of the area. Additionally, it will satisfy a genuine need for the better utilisation of this large residential site to facilitate infill urban housing, and meets the recreation and lifestyle needs of the existing and future owners without detracting from the residential amenity of adjoining residences.



SUMARAH RAMSAY URBAN PLANNING AND DESIGN

As no loss of habitat will occur, with extensive Landscaping on the property, it is considered that the development will not cause any adverse environmental, social or future planning impacts.

This is particularly so as the character of the area will be maintained, and the viability of the property will be improved through better utilisation of the space on site.

Critically it will all occur without overshadowing adjoining development, or encroaching on the privacy and access to sunlight or breezes for the adjacent dwellings.

On this basis the proposal cannot be considered an over development of the site, merely a sensible design outcome which meets the challenges of this large urban allotment in a responsible way.

The sensitive design should be approved by Council as it meets design outcomes sought for the area, it results in a well planned development of the site, and it will maintain a high level of residential amenity.

Sumarah Ramsay
Senior Planner MPIA

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16th May 2024



