

Statement of Environmental Effects

Construction of a Secondary Dwelling and
Swimming Pool



28 Clover Hill Circuit, Bangalow
Lot 39 DP 1252223

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APPENDIX 1: ARCHITECTURAL PLANS

APPENDIX 2: BASIX CERTIFICATE

1. Introduction

This Statement of Environmental Effects is intended to accompany the Development Application prepared by Matt Walker for and on behalf of the owners of the subject land. The purpose of this report is to describe the site, its existing and proposed uses and to address all the issues relevant to the application's assessment and approval.

Structure of Report and Scope

This report is broken down in to the following sections:

Section 2 – Describes the physical characteristics of the subject land.

Section 3 – Describes the proposed development for which this application is seeking planning consent.

Section 4 – Provides a statutory assessment of the proposal against the provisions of relevant planning policies and legislation and environmental impacts.

Section 5 – Conclusion.

The Statement of Environmental Effects has been prepared in accordance with Schedule 1, Part 1, Clause 2(4) of the Environmental Planning and Assessment Regulation 2000, which requires a Statement of Environmental Effects to indicate the following matters, where relevant to the proposal:

- (a) the environmental impacts of the development,
- (b) how the environmental impacts of the development have been identified,
- (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment.

All supporting plans, documents and any reports required to accompany this statement have been included in the Appendices to assist in the assessment of the proposal.

2. Description of the land

2.1 The Locality

Figure 1: Locality of the subject land (BSC Web Map).



Figure 2: Aerial view of the subject site and surrounds (BSC Web Map).



Figure 3: Property Report (NSW Planning Portal).



Property Report

28 CLOVER HILL CIRCUIT BANGALOW 2479



Property Details

Address: 28 CLOVER HILL CIRCUIT BANGALOW 2479

Lot/Section /Plan No: 39/-/DP1252223

Council: BYRON SHIRE COUNCIL

Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional planning controls not outlined in this report. Please contact your council for more information.

Local Environmental Plans	Byron Local Environmental Plan 2014 (pub. 24-5-2024)
Land Zoning	R3 - Medium Density Residential: (pub. 11-11-2022)
Height Of Building	9 m
Floor Space Ratio	0.6:1
Minimum Lot Size	400 m ²
Heritage	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Drinking Water Catchment	Drinking Water Catchment

2.2 Site Analysis

The subject site is located at number 28 Clover Hill Circuit, Bangalow which is located on the eastern side of the circuit on the bend. The subject site is an irregular shaped parcel of land which is legally known as Lot 39 DP 1252223 and is 600.8 m² in total size.

The site is situated in a residential area and is part of a well-established neighbourhood and features an existing single storey dwelling house with timber fences, a veggie garden and a 3m wide Easement running along the northern boundary. Neighbouring lots consist of a mix of single and double storey dwellings on similar sized lots with many reduced front setbacks.

2.3 Land Zoning

The subject land is zoned R3 – Medium Density Residential in the Byron Local Environmental Plan 2014.

Figure 4: Land Zoning (BSC Web Map)



2.4 Existing use

The subject site contains an approved single storey 4 bedroom dwelling-house with a driveway located close to the southern boundary of the site which provides access via Clover Hill Circuit.

2.5 Vehicular and pedestrian access

There is a driveway crossover in Clover Hill Circuit providing vehicular access and pedestrian access along the southern boundary of the dwelling.

2.6 Flooding

The subject land is not mapped as being flood liable as per Council's LEP 2012 mapping.

2.7 Bushfire

The land is not mapped as being within the Vegetation Buffer to Bushfire threat.

2.8 Flora and fauna

Byron Council's (GIS) records show that the land does not contain vegetation of a high conservation value (HCV).

2.9 Acid sulfate soils

The subject site is not mapped as containing any Potential Acid Sulfate Soils.

2.10 Visual character

The subject site is not identified as being within a Heritage Precinct nor is it located adjacent to an item of heritage significance.

3. General description of proposed development

3.1 Proposed works

The application seeks approval for the construction of a secondary dwelling and a swimming pool for the existing dwelling. The proposed works involve:

Secondary dwelling:

The project involves constructing a secondary dwelling in the north western corner of the site with an internal area of approx 36.3 m² and setback approximately 3m from the boundary which is classed as the side boundary given the lot layout. The secondary dwelling contains an open plan kitchen and living area with 1 bedroom and an ensuite bathroom. Privacy and security will be enhanced by replacing the existing timber fences with a 1.8 m high timber fence with recessed landscape bays and 1.8m high brick fences on specific sections.

Swimming Pool:

The proposed pool is 5.4m x 2.7m and 1.9 m deep with 27KL in volume. The total area of the pool and decking is 33.31m². A 1.8m high brick fence is proposed along a section of the front boundary in alignment with the pool to provide privacy and security. Fencing of the pool complies with the NSW Swimming Pools Act and Regulation AS1926.1 for pool fencing.

The landscape plan aims to maintain the existing veggie garden and create functional outdoor spaces, including areas for dining and relaxation near the pool. The architectural plans ensure functional living spaces.

3.2 Proposed Services

All services are currently available to the property. Stormwater for the secondary dwelling will be collected in the proposed rainwater tank, which will be reused in toilets and washing machines. Overflow from the tank will be directed to the council stormwater network. A Section 68 application will be submitted concurrently with this submission for the Plumbing works.

4. Statutory Assessment

4.1 NSW Environmental Planning and Assessment Regulation 2000

The proposal does not raise any significant issues under the NSW Environmental Planning and Assessment Regulation 2000.

4.2 Section 1.7 of the Environmental Planning & Assessment Act 1979

Section 1.7 of the EP&A Act 1979 provides that the Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A

of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

Any naturally occurring significant vegetation found on the site is to be retained as part of this proposal. Accordingly, no impacts arise in relation to the Biodiversity Conservation Act 2016 or the Fisheries Management Act.

4.3 Section 4.14 of the Environmental Planning and Assessment Act 1979

Mapping from the NSW Planning Portal indicates that the proposed development is not located within a buffer area to bush fire hazards.

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

Section 4.4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15 of the EP&A Act and facilitates the effect of these instruments in the circumstances of the development.

4.5 State Environmental Planning Policies (SEPP)

SEPP – (Resilience and Hazards) 2021

There is no impact on existing or future access to the coastal foreshore as the land is privately owned and well separated from beach areas. The proposed development will not overshadow the beach, cause loss of views or have an adverse impact on the scenic qualities of beach areas. The land has no known heritage, archaeological value or mapped as being within proximity to littoral rainforest or coastal wetlands. The proposal does not trigger the requirement for Integrated Development. The proposal complies with the requirements of the SEPP and an EIS is not required.

Remediation of Land:

The subject allotment was registered as part of a residential subdivision some years ago and has been used for residential purposes since. The site is surrounded by similar allotments that have had continuous residential usage for over 3 decades. The proposed development is consistent with the intent of the property following creation of the subdivision.

SEPP (Housing) 2021:

The requirements of SEPP (Housing) 2021 that are relevant to the subject Development Application are contained within Clauses 49 to 53 of the SEPP. These requirements are summarised in the following table:

Requirement	Proposal
Clause 49 – Definitions	

<p>development for the purposes of a secondary dwelling includes the following:</p> <p>(a) the erection of, or alterations or additions to,</p> <p style="padding-left: 40px;">(i) a secondary dwelling, or</p> <p style="padding-left: 40px;">(ii) an ancillary structure within the meaning of Schedule 1,</p> <p>(b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p>	<p>The proposal for construction of a Secondary Dwelling.</p>
<p>Note. The standard instrument defines secondary dwelling as follows:</p> <p>secondary dwelling means a self-contained dwelling that:</p> <p>(a) is established in conjunction with another dwelling (the <i>principal dwelling</i>), and</p>	<p>The proposal comprises a self-contained dwelling that is to be established in conjunction with a principal dwelling on the allotment.</p>
<p>(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and</p>	<p>The proposed secondary dwelling is on the same allotment as the principal dwelling. This allotment is not in a Strata or Community Title arrangement.</p>
<p>(c) is located within, or is attached to, or is separate from, the principal dwelling.</p>	<p>The proposed secondary dwelling is detached from the principal dwelling.</p>
<p>residential zone means the following land use zones or an equivalent land use zone -</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential,</p> <p>(d) Zone R4 High Density Residential,</p> <p>(e) Zone R5 Large Lot Residential.</p>	<p>The subject site is located within the R3 Medium Density Residential under Byron Local Environmental Plan 2014. Development for the purposes of a dwelling-house is permissible on the land.</p>
<p>Clause 50 – Application of Part</p>	
<p>This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.</p>	<p>The proposal comprises a secondary dwelling on land in a residential zone where dwelling houses are permissible.</p>

Clause 51 – No Subdivision	
Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.	Subdivision is not proposed.
Clause 52 – Development may be carried out with consent	
(1) Development to which this Division applies may be carried out with consent.	A Development Application is submitted for the proposal.
(2) <i>Development consent must not be granted for development to which this Part applies unless—</i> <i>(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and</i>	The proposal will result only in a Principal Dwelling and a Secondary Dwelling on the land.
<i>(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</i>	The development does not exceed the maximum floor area permitted under the Byron LEP 2014 for the allotment.
(c) the total floor area of the secondary dwelling is— (i) no more than 60 m ² , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	The proposed secondary dwelling has an internal floor area of 36.98 m ² .
Clause 53 - Non-discretionary development standards	~

<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—</p> <p>(a) for a detached secondary dwelling—a minimum site area of 450m²,</p>	<p>The site area is greater than 450 m² and can comfortably accommodate the proposed development</p>
<p>(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>	<p>There are still 2 parking spaces for the principal dwelling as part of this development.</p>

SEPP Building Sustainability Index (BASIX 2004)

A BASIX Certificate has been included in the Appendices.

4.6 Byron Local Environmental Plan 2014

The land is zoned R3 - Medium density Residential under the Byron Local Environmental Plan 2014 (BLEP 2014).

Clause 4.3 – Height of Buildings

The proposed secondary dwelling is only single storey and reaches a maximum height of approximately 3.385 m above natural ground which is well below the maximum 9.0 m height limit as set by clause 4.3.

Clauses 4.4 & 4.5 – Floor Space Ratio

The allowable Floor Space Ratio (FSR) for the site is 0.6:1 as indicated on the FSR Map. The principal dwelling floor area is approximately 125 m² with the proposed secondary dwelling being 36.33 m² (including deck) which takes the total floor area of the entire development to 160 m². The subject lot is 600.8 m² in total area which makes the FSR 0.27:1. The proposal is therefore compliant with this clause.

Clause 5.10 – Heritage Conservation

The subject site is not located within a heritage precinct nor is it situated next to an item of heritage significance.

Clause 5.21 - Flood Planning

The subject land is not mapped as being flood prone.

Clause 6.1 – Acid Sulfate Soils

The subject site is not mapped as containing any Potential Acid Sulfate Soils as stated above.

Clause 6.2 – Earthworks

The proposal involves minimal earthworks for the proposed secondary dwelling as it is raised and constructed on posts and concrete piers on an existing levelled area. Excavation will be required for the swimming pool to a depth of approx. 2m with any excess cut material being disposed of from site in the appropriate manner. The proposal complies with all the requirements of clause 6.2.

Clause 6.6 – Essential services

The proposed development has access to all essential services and electricity, water and sewer can be connected to the proposed secondary dwelling without issue. Section 68 approval will be sought concurrently for plumbing works and excess stormwater can be directed via gravity to the system in the street.

4.7 The provisions of any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that are applicable to the site.

4.8 Byron Development Control Plan 2014

Chapter B1 – Biodiversity

The proposal does not require the removal of any significant vegetation.

Chapter B2 – Preservation of trees and other vegetation

No significant trees are required to be removed as part of this application. Additional landscaping is to be undertaken by the land owner following completion of the development.

Chapter B3 – Services

All services required for the development are already available at the property.

Clause B3.2.4 Stormwater management

Stormwater for the secondary dwelling can be collected in the proposed rainwater tanks with excess discharged to the street.

Chapter B4 – Traffic planning, vehicle parking circulation and access

The existing driveway provides off street parking for 2 vehicles. Table B4.1 specifies Nil car parks required for secondary dwellings therefore no additional parking is required for the secondary dwelling. Vehicles can reverse into Clover Hill Circuit with good sight lines in either direction.

Chapter B8 – Waste minimisation and management

Only the required materials will be brought onto site during construction of the secondary dwelling. Any additional waste generated during construction will be taken away from the site in accordance with this chapter.

Chapter B9 – Landscaping

Some planting will be undertaken by the owners following construction of the proposed dwelling.

Chapter B14 – Excavation and fill

Excavation is required to construct the concrete pier footings and the pool. Any excess cut material will be disposed of from site in the appropriate manner.

Chapter D1 – Residential accommodation in urban, village & special purpose zones

Clause D1.2.1 – Building height plane

The maximum height of the proposed secondary dwelling is 3.585 m. The plans demonstrate that the height of the structure remains within the permissible limits, ensuring it does not overshadow adjacent properties or obstruct their views. The design respects the natural topography of the site and maintains a harmonious relationship with the surrounding built environment. This approach helps in preserving the aesthetic and environmental quality of the neighbourhood while providing functional additional living space.

Clause D1.2.3 – Setback from boundaries

The proposed secondary dwelling maintains a front setback of 3.0 m from the secondary street boundary given the curvature of the site and argument that this part of the lot is effectively the side boundary. The proposed setback is deemed to be in line to those of adjoining dwellings on the other side of the street, aligning with local zoning regulations to ensure a consistent streetscape. Setbacks to secondary street frontages can be reduced to 3m to which it is deemed the proposal complies.

Additionally, it has setbacks of 3 m from the side boundary due to the easement, providing sufficient separation from the neighbouring property to ensure privacy and reduce potential impacts on adjacent land uses. This thoughtful placement within the site ensures compliance with building codes and enhances the spatial quality and functionality of the property. The proposed scheme is deemed to be compatible with the existing nature of setbacks within the locality.

Clause D1.2.4 – Character and visual impact

The proposed development has been designed to complement the existing streetscape whilst integrating with the existing environment to ensure that the character of the locality is not compromised. There will be no loss of privacy to adjoining residents due to the single storey nature of the building and the proposed materials and form of the secondary dwelling suits the character of the locality.

Clause D1.4 – Secondary dwellings

The proposed secondary dwelling does not exceed the prescribed 60 m² floor limit, meets the floor space ratio requirements for the entire site and there is ample private open space adjacent to the dwelling of 30 m² which exceeds the 15 m² minimum requirements. The dwelling has been designed to be compatible with the urban streetscape and character and is compliant with this section of the DCP.

4.9 The likely impacts of the proposed development

Social and Economic Impacts

The proposed development is on an existing residential site within a medium density area and is socially compatible with the surrounding land uses. The proposal will result in economic benefits to the construction industry and provide much needed additional housing for local residents.

Impacts on the Built Environment

The construction of a secondary dwelling is considered to be complementary to the existing character of the locality and consistent with the objectives of the R3 Medium Density Residential Zone. The development is not likely to adversely impact on the built environment or adversely impact adjoining residents.

Impacts on the Natural Environment

No trees are required to be removed as part of this application and additional planting will be undertaken by the owner following completion of the proposed works. Stormwater can be collected and disposed of to the rainwater tank with excess directed to the street system. Any impacts on the natural environment are deemed to be negligible.

Suitability of the site for the Proposed Development

The proposed development is within the R3 Medium Density Residential Zone where Secondary Dwellings are permitted with consent. All proposed works have been designed to complement the existing character of the locality and minimise impact to adjoining residents. The site has access to all required services and stormwater can be collected for reuse on site with excess directed to the proposed dispersion trench. There are no issues caused by potential loss of privacy, building setbacks or overshadowing. The subject site is considered to be suitable for the proposed development.

5. Conclusion

This Statement of Environmental Effects, when read in conjunction with the accompanying design plans and technical reports, successfully addresses the issues relevant to Council's assessment of this application for the construction of a Secondary Dwelling and swimming pool. In consideration of the issues and information provided, approval of the Development Application is requested in the manner prepared, subject to the inspection of reasonable and relevant conditions.

The proposal is deemed to be a respectful design approach to the site characteristics and adjoining development in the locality whilst complying with the relevant State and Local planning policies and guidelines. It is believed the proposed development can be carried out on the subject site with minimal impact on both the natural and built environments whilst making a positive contribution to the local economy and housing supply.