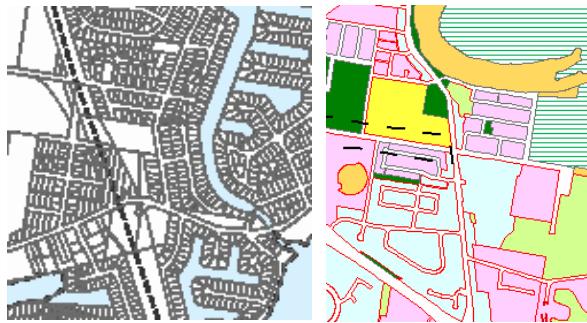


Swimming Pool
15 Autumn Court, Byron Bay
Lot 21 DP 1299678



May, 2026



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Statement of Environmental Effects

Contents

Sections

Section 1 – Background

- 1.1 Introduction
- 1.2 The Site & Locality
- 1.3 The Proposal

Section 2 – Statutory Assessment

- 2.1 Byron Local Environmental Plan 2014 (BLEP 2014)
- 2.2 State Environmental Planning Policies
- 2.3 Integrated Development
- 2.4 Rural Fires Act 1997
- 2.5 Any draft environmental planning instruments
- 2.6 Any planning agreement
- 2.7 Any matters prescribed by the regulations

Section 3 – Development Controls Plans

Section 4 – Other Approvals

Section 5 – Conclusion

Appendices

Appendix 1 – Plans

Appendix 2 – Waste Management Plan

1.0 BACKGROUND

1.1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a development application that has been lodged seeking approval for a swimming pool.

1.2 THE SITE & LOCALITY

The subject land is described as Lot 21 in DP 1299678, No.15 Autumn Court Byron Bay. The land has frontage to Autumn Court Byron Bay to the North. Existing improvements include a dwelling. The land is also bound by similar sized residential allotments to the north, East, West and south.

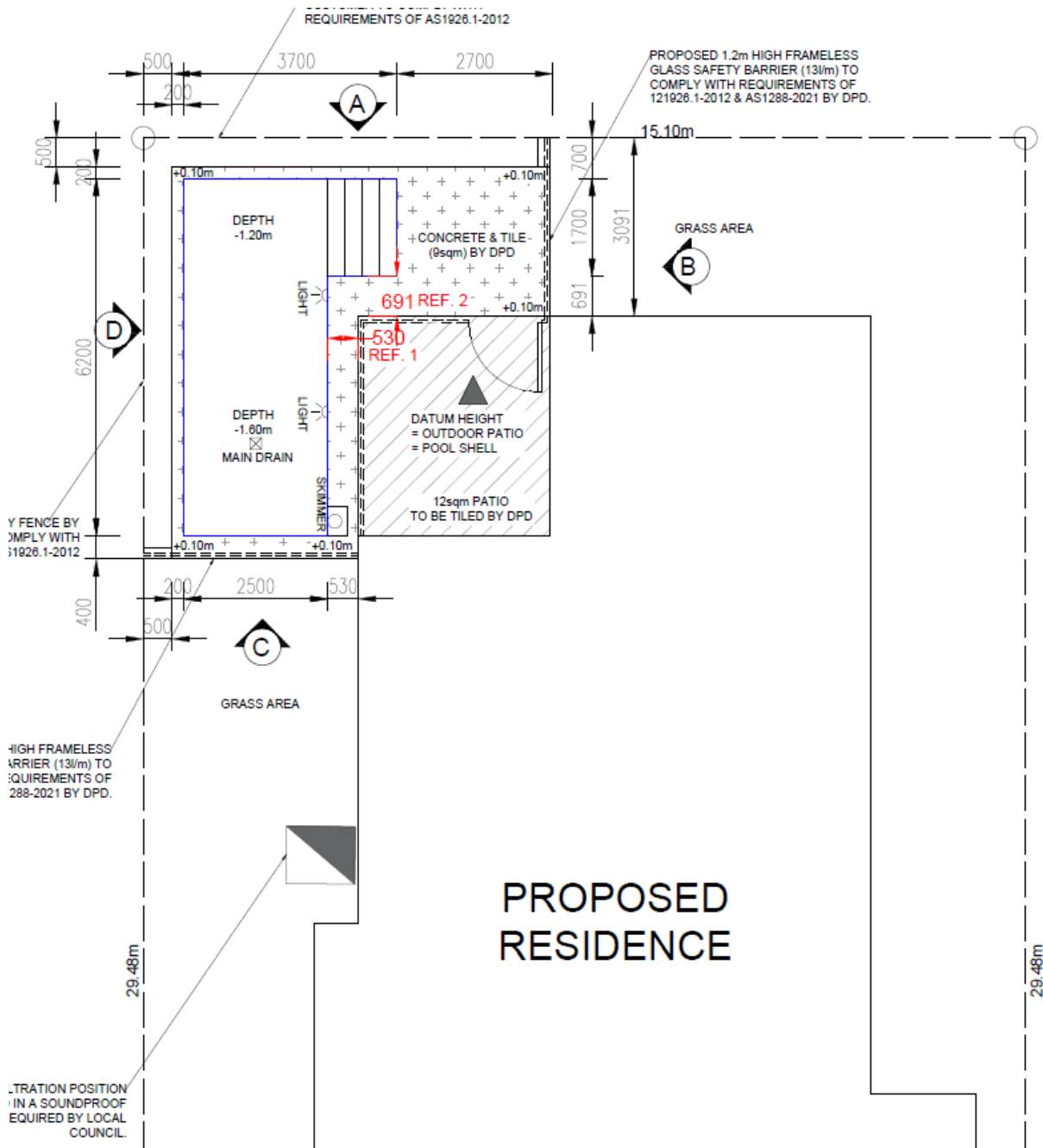


Subject site and locality

1.3 THE PROPOSAL

The proposal involves the construction of an in ground swimming pool.

The pool is positioned in the rear yard. The pool is L shaped and measures 3.7m and 2.5 and 6.2m long. It is setback 700mm from the side and rear boundary measured from the waters edge of the pool. The pool coping is a maximum of 100mm above the ground.



Site Plan

2.0 STATUTORY ASSESSMENT

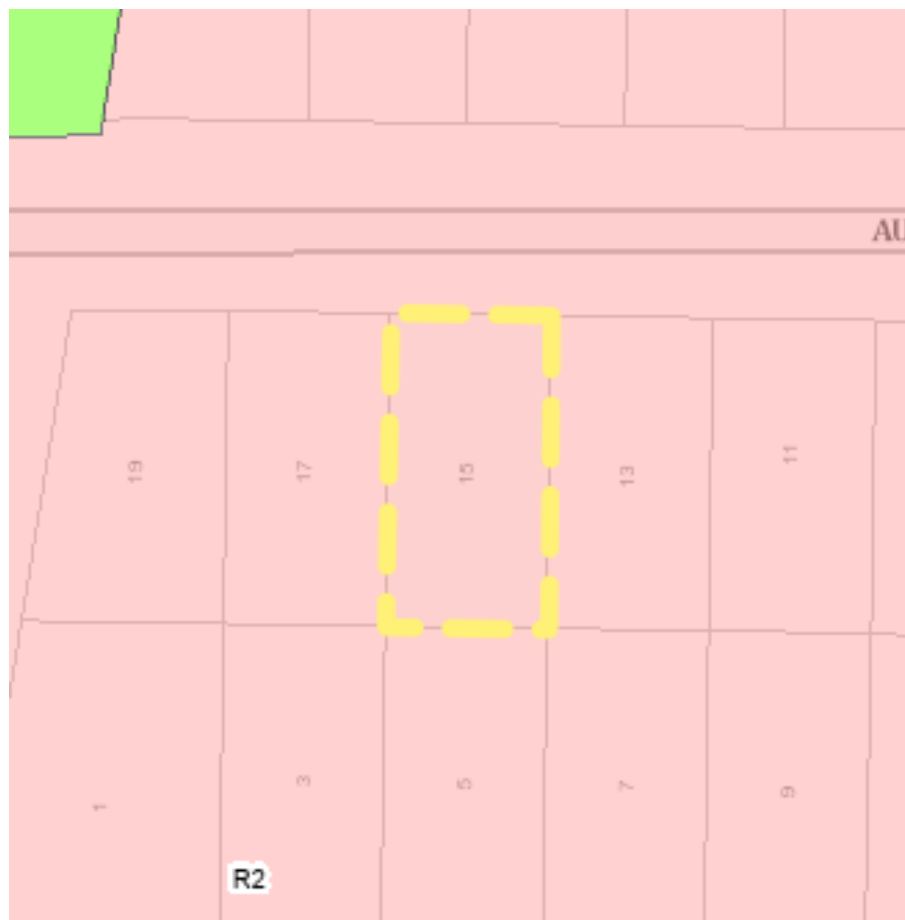
2.1 Byron Local Environmental Plan 2014 (BLEP 2014)

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Byron Local Environmental Plan 2014 within which the proposal is permissible subject to Council's consent.

The objectives of the zone are:

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

The proposed development is for a swimming pool as ancillary development to the residential use of the land and as such is consistent with the objectives of this zone.



Zoning

Clause 4.3 – Height of buildings

The subject site has a maximum building height of 9m, and the proposed pool coping is a maximum of 100mm above ground level.

Clause 4.4 – Floor space ratio

The proposal does not increase the FSR.

Clause 6.1 – Acid Sulfate Soils

The land is mapped as being affected by class 3 acid sulfate soils. The proposed work will disturb the ground surface and will extend more than 1m below the surface so an acid sulfate soil management plan for minor works has been prepared and accompanies the development application.

Clause 6.2 – Earthworks

Some earthworks for the excavation for the pool are necessary and are contained within the envelope of the pool. This is not likely to significantly modify the natural harmony of the site or create any likely adverse implications and is considered to satisfy the considerations of this clause.

Clause 6.6 – Essential services

Water, electricity, sewage, stormwater and vehicular access services are suitably provided to the site. The pool is not likely to create significant demand on these services.

2.2 State Environmental Planning Policies.

SEPP – Resilience and Hazards 2021

Chapter 4 - Remediation of Land

It is unlikely that the land would have been contaminated from past use and satisfies the considerations of this SEPP and no further investigation is necessary. The site is not within an investigation area and not a use listed in Table 1.

Information relating to contaminated land

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

Residential.

Is the proponent aware of uses to which properties adjoining the site have been put? If so, please specify.

Residential.

Do any of the uses correlate with the potentially contaminating activities set out in table 1 in Schedule 1 of this policy.

No

If the answer to 3 is yes – has there been any testing or assessment of the site and, if so what were the results?

N/A

Is the proponent aware of any contamination on the site?

No

What remediation work, if any (carried out voluntarily or ordered by a government agency), has been taken in respect to contamination which is or may have been present on the site?

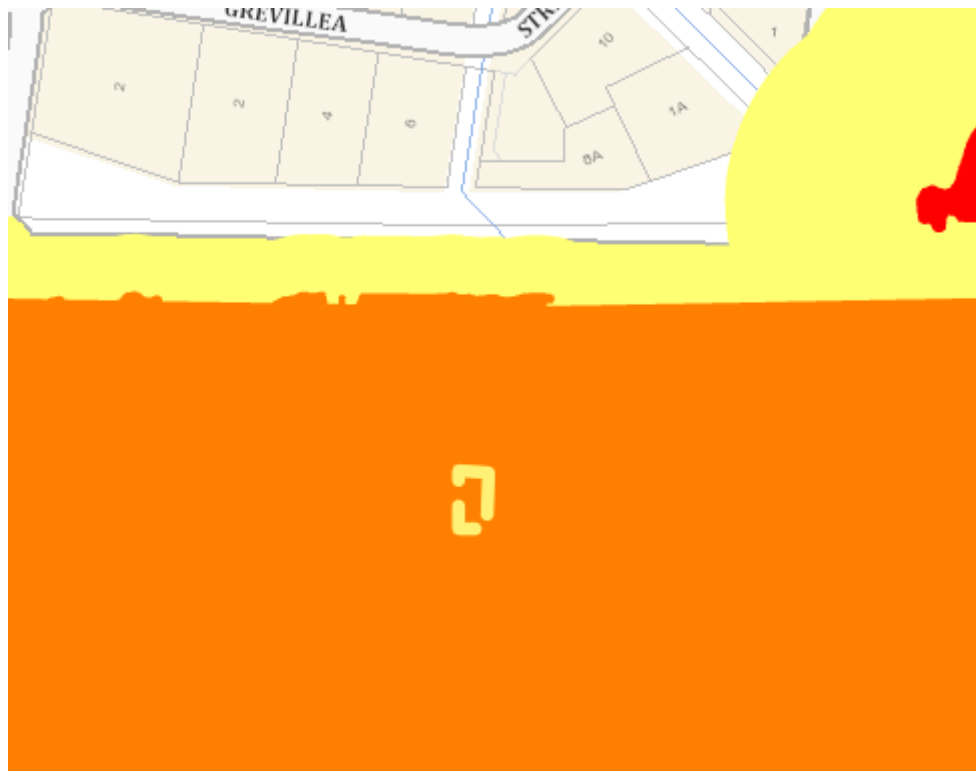
N/A

2.3 Integrated Development

The proposal is not Integrated Development.

2.4 Rural Fires Act 1997

The land is mapped as being bushfire affected. It is mapped as vegetation Category 3 being a medium risk. It is unlikely that an inground concrete swimming pool would significantly increase the severity of the bushfire risk at this site and locality.



Bushfire mapping

2.5 The provisions of any draft environmental planning instruments

There are no known draft environmental planning instruments that affect the site of the proposed development.

2.6 Any planning agreement

None known.

2.7 Any matters prescribed by the Regulations

The Regulations raise no implications.

It is considered that the proposal is not likely to create significant adverse environmental implications and is consistent with the established low density residential character of this locality.

3.0 DEVELOPMENT CONTROL PLAN

The following Chapters of the Byron Shire Council's Development Control Plan 2014 which apply and have relevance to the site and the proposed development are discussed below.

Chapter B1 – Biodiversity

No vegetation removal proposed.

Chapter B3 – Services

Essential services are adequately provided to the site. No significant additional demand likely.

Chapter B8 – Waste Minimisation & Management

A waste minimisation management plan for both the construction and operational phases of the development has been prepared and accompanies the development application.

Chapter B14 – Excavation and Fill

Excavation for the pool is necessary and is not likely to exceed 2m so is compliant.

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

Building Height Plane

The pool is entirely within the building height plane.

Setbacks from Boundaries

The pool is positioned in the rear corner of the site with setbacks of 700mm from the closest boundary being the side and rear boundary to the waters edge. The minimum allowed is 1.5m so a variation is requested.

The pool is in the rear yard corner adjacent to the outdoor patio, dwelling and boundaries accordingly the site is constrained.

The variation is largely unavoidable as a result of the existing dwelling position and the property boundaries. Notwithstanding, the proposed setback coupled with the high boundary fence and modest swimming pool design is considered sufficient to ameliorate potential privacy impacts. The proposed pool shell will be of an engineered design to ensure no undue impact on the neighbouring property.

Objectives

1. To achieve varied and interesting streets that complement and harmonise with existing and planned streetscapes and development in the locality.

Comment – The pool is in the rear yard so will not detract on the streetscape.

2. To achieve good orientation and spacing of residential developments that achieve high quality living environments relative to sunlight, shade, wind and weather protection, residential amenity and proximity of neighbouring development.

Comment - The pool is in the rear yard and at ground level so will not detract on any living environment.

3. To achieve effective use of allotments to create useable and liveable private open space and courtyards.

Comment – The site still has good useable and livable open space. The pool is adjacent to the covered outdoor living space with suitable useable space down the sides of the dwelling.

4. To provide flexibility in siting and design of dwelling house development in urban residential areas.

Comment – The pool is suitably located adjacent to the outdoor living area.

5. To ensure that development in residential areas seeks to minimise any negative impacts on neighbours caused by siting.

Comment – No significant impacts on neighbours likely. The pool is ancillary to the dwelling and commonly associated with residential use of a site.

In regard to the performance criteria the pool is located in the rear yard and has no impact on the streetscape. There is still useable open space down the sides of the dwelling. The pool is entirely within the building height plane.

The pool is at ground level and unlikely to affect the amenity of neighbouring properties. Pools are commonly associated with dwellings. Boundary fencing will adequately screen the pool.

It has been reasonably demonstrated that the rear setback variation is consistent with the objectives, performance criteria with minimal impact on the amenity to adjoining properties.

Performance Criteria

1. Setback requirements may be flexible provided they are demonstrated to achieve the above Objectives and Performance Criteria.

Comment – A variation is requested and the following comments are provided to demonstrate compliance with the Objectives and Performance Criteria.

2. The street façade of a building, and any open space between it and the street must contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping. A reasonable degree of integration with the existing pattern of setbacks must be balanced with the need to provide variety in the streetscape.

Comment – The pool is located in the rear corner and does not affect the street façade or open space at the front of the site.

3. Private open space and common landscaped areas of the site must be useable as part of the living environment available for the occupants of the development. Council will discourage the provision of bare spaces between buildings and the street which are unusable because they lack privacy, or because they are inappropriately planned or treated for climate control.

Comment – The site still has good useable and livable open space. The pool is adjacent to the covered outdoor living space with suitable useable space down the sides of the dwelling.

4. The setback from a street frontage for a building that is part of a residential development will be determined on its merits, having regard to:

- a) the Objectives;
- b) any provisions of this DCP applying to the specific location;
- c) the position of any existing buildings in the locality;
- d) the size and shape of the allotment;
- e) the effect on vehicular safety and visibility, particularly on corner sites;
- f) the orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds;
- g) the proposed location of any private open space, courtyard or landscaped areas;
- h) the facade of the proposed building or buildings which will face the street and the proposed landscape treatment of that part of the allotment which is visible from the street;
- i) the location and treatment of any car parking areas or car parking structures on the site.

Comment – The pool is located at the rear of the site.

5. Notwithstanding any of the above criteria, buildings must comply with the building height plane as detailed in Section D1.2.1.

Comment – The proposed pool is located at ground level and is within the building height plane.

6. Dwelling house development may be permitted to encroach into the side setback and building height plane where it enhances the design of buildings, complements the streetscape and does not adversely affect privacy, solar access, microclimate, traffic safety or amenity of adjoining development.

Comment – The proposal is for an in ground pool that complies with the building height plane, enhances the usability of the private open space of the site and is located in the most suitable location of the site with access to the east and north.

7. When considering applications for variations to minimum setbacks nominated below in the Prescriptive Measures, Council will have regard to:

- a) the Objectives;
- b) compliance with the Performance Criteria;
- c) the visual impact of the variation on the streetscape;
- d) the impact of the variation on the amenity, privacy, views and access of surrounding properties;
- e) the existing and future status of the road;
- f) potential traffic impacts and required sight lines as per AS2890; and
- g) compliance with the Building Code of Australia.

Comment – As detailed within this report the above criteria has been satisfied.

8. The Development must seek to minimize any impacts on neighbouring properties through considerate siting and design

Comment – The pool is positioned in the most suitable location on the site, with solid boundary fencing existing that will mitigate visual and acoustic impacts to a level that is not significant.

Privacy

The pool is located at ground level has good separation distances from the side boundaries and neighbouring dwellings to preserve privacy.

Solar Access

The pool is located at the rear corner of the site and has access to a northerly aspect so will have good solar access to the north and east.

Character & Visual impact

The pool is in the rear corner of the site behind the dwelling façade so is unlikely to have any adverse visual impact.

Fences

Pool fencing is proposed consisting of 1.2m glass within the property boundary. The existing boundary fencing is 1.8m on the rear and side and will act as pool fencing for those boundaries. It is unlikely that the fence will significantly detract on the streetscape.

The fence is clear of the driveway to preserve safe sight lines.

Landscaping

The development would retain more than 25% of the site as landscaping.

Swimming Pool plant rooms

Prescriptive Measures

1. Where a plant room or associated equipment (such as pumps or filters) is located within 3 m of a boundary or a neighbouring dwelling, it must be acoustically shielded or enclosed to achieve compliance with relevant noise controls

Comment – The pool pump is proposed down the eastern side of the dwelling which has a setback of 3.7m, the pump will also be acoustically shielded.

2. The maximum floor area of a plant room should not exceed 6m², unless otherwise justified by site conditions.

Comment – The pool equipment will not exceed 6m² – standard pump and filter proposed.

3. The maximum internal height of a plant room must not exceed 2.1 m

Comment – The pool equipment will not exceed 2.1m in height – standard pump and filter proposed.

- (b) The significant likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality.**

No significant adverse negative social or economic implications likely. The proposal is considered to be consistent with the established and desired built form and character of this residential site and locality.

It is considered that the pool has been suitably designed and positioned to preserve the residential amenity of the locality, particularly the neighbouring sites.

No significant adverse environmental impacts likely.

(c) The suitability of the site for the development

The proposal is for a pool ancillary to the residential use of the site which is consistent with the desired built form and low density residential character of the locality.

The proposal has fully complied with Council's statutory provisions and the relevant chapters of the DCP 2014. This demonstrates that the site is suitable for the proposed development.

There are no identified prohibitive risk factors.

(d) Any submissions made in accordance with the Act or Regulations

Council will need to consider any submissions received from the public or other authority.

(e) The public interest

It is considered that the proposal is not likely to be contrary to the public interest.

4.0 OTHER APPROVALS

No other approvals or applications likely or necessary.

5.0 CONCLUSION

It is considered that it has been reasonably demonstrated that the proposal is fully consistent with Council's statutory provisions and the relevant Chapters of the DCP 2014.

The development is considered to be generally consistent with the established and desired built form and character of this low density residential locality.

Council's support for the proposal is therefore respectfully requested.