



DEVELOPMENT APPLICATION & STATEMENT OF ENVIRONMENTAL EFFECTS

Submission to Richmond Valley Council

To undertake the construction of a dwelling to create a detached dual occupancy (including Strata Title subdivision, construction of 1 x in-ground swimming pool and the demolition of 2 x sheds)

Lot 10 Sec 33 DP 758403
No. 51 Beech Street, Evans Head

for:
Brody Aleckson

March 2024



Document Control Sheet

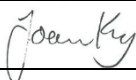
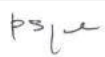
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1. Introduction

This section introduces the proposal and provides a general overview of the project.

1.1 Background

Ardill Payne & Partners (APP) has been engaged by Brody Aleckson to provide town planning services in the preparation and lodgment of a development application and statement of environmental effects with Richmond Valley Council.

Development consent is sought for the construction of a new double storey dwelling to create a detached dual occupancy (including Strata Title subdivision, construction of 1 x in-ground swimming pool and demolition of 2 x sheds) upon a developed residential lot that is described as Lot 10 Sec 33 DP 758403, No.51 Beech Street, Evans Head.

1.2 Structure and Scope of Report

Section 2	Describes the subject land and its local environmental context.
Section 3	Describes the development proposal in detail.
Section 4	Reviews the key environmental interactions and proposed management measures.
Section 5	Reviews the statutory and planning policy provisions applying to the proposal.
Section 6	Provides a summary and conclusions.

A number of appendices form part of this report being:

Appendix A	Locality plan
Appendix B	Contour and detail survey
Appendix C	Plans of proposed development
Appendix D	BASIX certificate

Appendix E	Acid sulfate soils management plan
Appendix F	Bushfire assessment
Appendix G	DCP variations – swimming pool in building line and 1.8m high front fence

1.3 Overview of Statutory Framework

Richmond Valley Council is the consent authority for the development application pursuant to Clause 4.5 of the *EP & A Act 1979*.

The proposed development comprises integrated development pursuant to Section 4.46 of the *EP & A Act 1979* due to the fact that the subject land is mapped as being bushfire prone and the subdivision of such (including Strata Title subdivision) requires a Bush Fire Safety Authority to be issued by the NSW Rural Fire Service under Section 100B of the *Rural Fires Act 1997*.

1.4 DA History

A search of Council's online DA Tracker did not identify any application history in respect of the subject lot.

2. The Site and its Context

This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.

2.1 Existing Situation

The subject land is described in real property terms as Lot 10 Sec 33 DP 758403 and is commonly known as No. 51 Beech Street, Evans Head with a locality plan being provided at **Appendix A** and a contour and detail survey being provided at **Appendix B**.

As shown on the contour and detail survey, the subject land:

- is effectively rectangular in shape with the following dimensions and area:
 - 40.234m northern boundary (to SP 80173)
 - 16.093m eastern boundary (to Beech Street)
 - 5.69m south-eastern boundary (splay to intersection of Beech Street and Carrabeen Street)
 - 36.21m southern boundary (to Carrabeen Street)
 - 20.117m western boundary (to Lot 11 Sec 33 DP 758403)
 - **801m² site area**
- is effectively flat having levels in the order 4.5 – 4.9m AHD
- contains a double storey dwelling house, 2 x sheds and domestic type landscaping
- contains 2 x existing driveways and kerb crossings to Beech Street



Extract: Google Maps

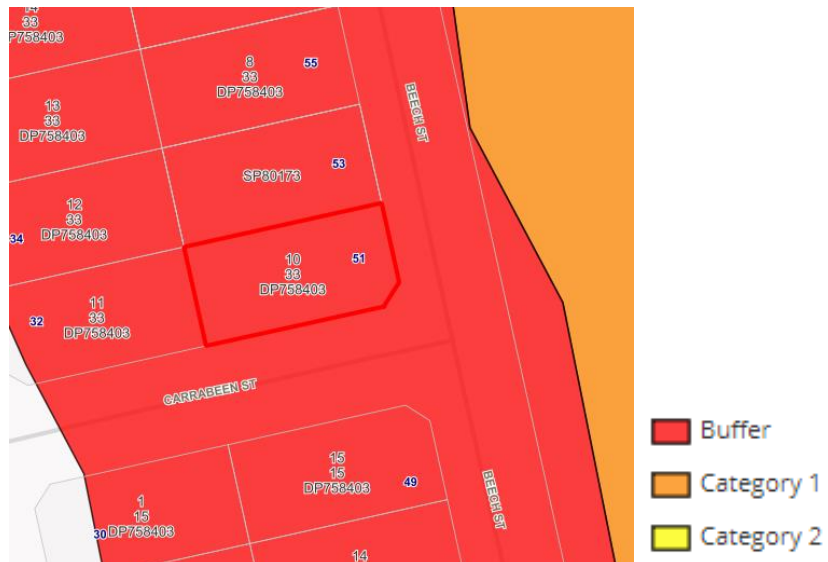
2.2 Constraints

Planning investigations in respect of the subject land (including interrogation of the ePlanning Spatial Viewer and Council's Intramaps) have confirmed that it is **not**:

- mapped as containing biodiversity values on the Biodiversity Values Map and Threshold Tool
- mapped as containing wetlands (CL1), key fish habitat or terrestrial biodiversity (BIO)
- mapped as being in a drinking water catchment
- mapped as being subject to landslide risk
- mapped as containing or being within proximity to littoral rainforests or coastal wetlands
- identified as being or containing an item of environmental heritage or being in a heritage conservation area as listed in Schedule 5 of the Richmond Valley LEP 2012
- identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument
- likely to be contaminated as a consequence of current and prior land uses

2.2.1 Bushfire

As shown below, the subject land is mapped as being bushfire prone as a consequence of Vegetation Buffer to Category 1 Vegetation:



Source: RVC Intramaps

2.2.2 Flooding

As shown below, the subject land is mapped as being subject to flooding (Probable Maximum Flood):



Source: RVC Intramaps

2.2.3 Acid Sulfate Soils

The subject land is mapped as containing Class 3 acid sulfate soils, with consent being required for:

- works more than 1m below the natural ground surface
- works by which the watertable is likely to be lowered more than 1m below the natural ground surface



Source: NSW Planning Portal Spatial Viewer

3. Description of Proposal

This section describes the proposed development and identifies any environmental and development objectives that will be adopted in conjunction with the project.

3.1 Proposed Development

The proposed development involves the construction a new double storey dwelling to create a detached dual occupancy (including Strata Title subdivision, construction of 1 x in-ground swimming pool and the demolition of 2 x sheds), details of which are as follows:

- dwelling house:
 - double storey, ground floor rendered and painted RC block and first floor light-weight cladding walls with a metal roof
 - ground floor – double garage, entry, media, kitchen/living/dining, laundry/WC, media room
 - first floor – Bed 1 (with WIR and en-suite) and Beds 2-4, bathroom, WC and sitting
- Strata Lot Residence 1 – existing dwelling – 414m²
- Strata Lot Residence 2 – proposed new dwelling – 387m²
- swimming pool:
 - in-ground concrete construction
 - 2.1m (wide) x 5.5m (long) x 1.0 – 1.5m (deep) – 14.5KL capacity
- development statistics:
 - floor area of existing dwelling = 153m²
 - floor area of proposed new dwelling = 212m²
 - total gross floor area = 365m²
 - floor space ratio = 0.46:1 (45.56%)

The existing dwelling contains a single carport and an adjoining parking space as well as another informal parking space, with 2 x existing driveways and kerb crossings to Beech Street. The proposed new dwelling contains a double garage which will be accessed via a new driveway and kerb crossing to Carrabeen Street. The new garage is setback 5.5m and thus scope exists for the stack parking of 2 x cars in the new driveway in front of the garage.

Plans of the proposed development are provided at **Appendix C** with a BASIX certificate being provided at **Appendix D**.

3.2 Site Access/Local Road Network

The subject land is a corner lot that has frontage to both Beech Street and Carrabeen Street which are constructed urban residential roads with a bitumen seal and kerb and gutter for the full property frontages.

The existing dwelling will maintain the existing 2 x driveways and kerb crossings to Beech Street. The proposed new dwelling will be serviced by a new driveway and kerb crossing to Carrabeen Street.

The local road network has sufficient capacity to accommodate the movements that will be generated by the new 4-bedroom dwelling.

3.3 Site Services

The subject lot is a fully serviced residential lot that is connected to all required public infrastructure services, with the new dwelling to be duly connected to and serviced by such.

4. Statement of Environmental Effects

Section 4.15 of the EP & A Act 1979 requires the consideration of likely impacts of the development on the natural and man-made environment of the locality. This report contains information and assessment of the various aspects of the proposal and its locality, as well as measures that will be implemented to minimise any impacts on the environment.

Potential Environmental Impacts	Impact of Project and Ameliorative Measures (where applicable)
Flora	
- Loss of vegetation – native or exotic	The subject land is a developed urban residential lot that contains some domestic type landscaping. There are approx. 3 x trees and 6 x palms that are required to be removed.
Fauna	
- Effect on native species of fauna	The subject land is a developed urban residential lot, with the location, nature and type of vegetation to be removed, not considered to be such that will have any significant adverse impacts upon any native fauna species.
- Habitat loss	The subject land is a developed urban residential lot, with the location, nature and type of vegetation to be removed, not considered to be such that will result in any significant habitat loss.
Soils	
- Sediment & erosion control	Appropriate erosion and sediment controls will be installed and maintained during site/construction works and will be the responsibility of the principal building contractor.
- Contamination of site soils	The subject land is a long-standing developed urban residential lot that has not been used for and does not adjoin and land that has been used for any purpose that would have contaminated the site soils. As a consequence of such, no further contamination investigations are considered warranted.
- Acid sulfate	As detailed above, the subject land is mapped as containing Class 3 ASS, with an ASSMP having been prepared and provided at Appendix E .
Hazards	
- Slip	The subject land is a flat and is not identified as being subject to slip.
- Subsidence	The subject land is not affected by subsidence.
- Coastal processes	The subject and is not identified as being subject to any damaging coastal processes.

- Bushfire	The subject land is mapped as being bushfire prone as a consequence of Buffer to Vegetation Category 1 vegetation. Comments in respect of such are provided below in Section 4.1 , with a Bushfire Assessment Report being provided at Appendix F .
- Flooding	The subject land is identified as being subject to Probable Maximum Flood, with the depth of such over the land where the new is to be sited being 1 – 2m. The proposed ground floor habitable level is 5.3m AHD.
Water	
- Water Quality	The proposal will result in an increase in impervious areas/surfaces on the subject land (area of approx. 173m ²). A 2000 litre rainwater tank is required to satisfy BASIX with large areas of lawn/gardens being maintained around the house. It is also possible to use roof-water to top-up the swimming pool. Stormwater exists within Council’s kerb-side drainage system.
Visual Considerations	
- Visually prominent land	Notwithstanding that the subject land has dual road frontages, it is not considered to be highly visible in the local landscape or streetscape.
- Impact on scenic qualities	<p>The bulk, scale, height, footprint etc of the proposed building will not have any adverse impacts on the local streetscape or scenic qualities of the locality.</p> <p>The construction of a double storey dwelling in the rear yard of an existing double storey dwelling (to create a detached dual occupancy) in an established residential area is consistent with the built form and scenic character of the surrounding developments.</p>
Adjoining Land Uses	
- Solar access, privacy	The proposed new dwelling will not have any significant adverse impacts on solar access or privacy of any adjoining residential lots/residences or properties due to the orientation of the subject and adjoining lots (long boundaries running east-west) and the fact that shadows will generally be cast to the south over Carrabeen Street.
- Dust, fumes etc. during construction	Best management practices will be implemented to control water pollution, dust and fumes during future construction, in accordance with EPA and Richmond Valley Council regulations.
- Noise during operations	Dwellings are not such that generate offensive operational noise.
- Noise during construction	Hours of construction, in accordance with Richmond Valley Council requirements will be adhered to.
Scale & bulk	
- Relationship to adjoining development	Adjoining development and land uses are described in Section 2 of this report. The immediate locality is characterised by developed residential lots (single and double storey residential buildings), with the proposed development being consistent with the objectives of the R1 – General Residential Zone.

- Design, siting, scale, bulk and character	The proposal involves the construction of 1 x double storey, dwelling in the rear yard of an existing double storey dwelling, with the design, siting, scale, bulk and character of such being consistent and compatible with that of the locality.
Heritage	
- Aboriginal heritage	The subject land is a developed urban residential lot that has been heavily disturbed by building works and is not likely to contain any items of Aboriginal heritage.
- European heritage	The subject land is not identified as being or containing an item of environmental heritage or being within a conservation area under Schedule 5 of the RVLEP 2012.
Social & Economic Considerations	
- Social and economic impacts or benefits	There will not be any likely resultant adverse social or economic impacts.
Traffic and Parking	
- Impact on local traffic and car parking provision	Comments in respect of traffic and parking are provided below in Section 4.2 .
Transport, access	
- Public transport	Bus services and routes exist in the locality.
- Pedestrian access	A public footpath exists on the eastern side of Beech Street.
Utility Services	
- Water, electricity, sewer	The subject land is connected to and serviced by all required public infrastructure services, with the proposed dwelling to be duly connected to such.

4.1 Bushfire

As detailed above in **Section 4.1**, the subject land is mapped as being bushfire prone as a consequence of “buffer” to Vegetation Category 2 vegetation. As evidenced on the locality plan at Appendix A, the mapped bushfire source vegetation is physically and spatially removed/separated from the subject land (and specifically the new dwelling) by a distance of approx. 50m and the existing dwelling house, Beech Street and the public footpath.

Provided at **Appendix F** is a Bushfire Assessment Report prepared by Bushfire Services dated 6 March 2024. This report was prepared on behalf of the landowners to establish suitable bushfire mitigation measures from the proposed development to achieve compliance with Planning for Bushfire Protection 2019. The proposed development is required to comply with the following actions:

1. *The proposed dual occupancy dwelling is to be constructed to BAL 12.5 AS 3959-2018 + s7.5 of Planning for Bushfire Protection 2019.*

The existing dwelling is to be upgraded to improve ember protection. This is to be achieved by covering external openings with a non-corrosive metal screen mesh having a maximum aperture of 2mm. Where applicable, this includes openable windows, vents, weepholes, and gaps around penetrations. External doors are to be fitted with draft excluders.

2. *Any proposed fences, gates and retaining walls are to comply with Section 7.6 of Planning for Bushfire Protection 2019.*
3. *At the commencement of works and in perpetuity the entire area of proposed Lots 1 and 2 are to be managed and maintained as an Inner Protection Area (IPA) to prevent the spread of a fire towards the buildings in accordance with Appendix 4 of Planning for Bushfire Protection 2019 and the requirements of 'Standards for Asset Protection Zones' RFS 2005, see Appendix B and Appendix C of this report (the Bushfire report).*
4. *Landscaping on proposed Lots 1 and 2 is to comply with Section 5.3.1 and Table 5.3a of Planning for Bushfire Protection 2019.*
5. *Electricity and gas are to comply with Section 5.3.3 and Table 5.3c of Planning for Bushfire Protection 2019 and AS3959-2018 as detailed in Section 6 of this report.*
6. *It is recommended the property owner and occupants familiarise themselves with relevant bushfire preparation and survival information located on the NSW Rural Fire Service website www.rfs.nsw.gov.au. This website should be accessed periodically to ensure the property owner and occupants are aware of the latest information.*

4.2 Traffic and Parking

The RTA Guide to Traffic Generating Developments – Updated Traffic Surveys (TDT 2013/04a) provides the following traffic generation rates for low density residential dwellings in regional areas:

- daily vehicle trips = 7.4 per dwelling
- weekday average evening peak hour vehicle trips = 0.78 per dwelling
- weekday average morning peak hour vehicle trips = 0.71 per dwelling

Based on the above figures, 1 new x dwelling will generate in the order of 7-8 additional daily vehicle trips on the existing roads servicing the local area, with the local road network having sufficient capacity to accommodate such movements.

The existing dwelling contains a single carport and a paved adjoining parking space and an adjacent informal parking space, with 2 x existing driveways and kerb crossings to Beech Street. The proposed new dwelling contains a double garage which will be accessed via a new driveway and kerb crossing to Carrabeen Street. The new garage is setback 5.5m and thus scope exists for the stack parking 2 x cars in the new driveway in front of the garage.

This parking provision satisfies and actually exceeds the requirements of Chapter B2 of the RVDCP 2021 for dual occupancies being 1 space/dwelling + 1 visitor space.

The new double garage door has a width of approx. 5m on a 36.2m frontage and thus will occupy significantly less than 50% of the street façade (approx. 14%). The proposed new driveway has been designed such that more than 50% of the street setback area is retained as landscaped area (which includes the swimming pool).

Having regard to the above, it is contended that the proposed development will not adversely impact the safety and/or efficiency of the local road network.

4.3 Social and Economic Considerations

Approval of the second dwelling to create a detached dual occupancy will provide additional stock of affordable type housing in Evans Head. This will provide increased competition in the market-place and will provide additional and alternative lifestyle opportunities for existing and future residents.

The construction of the new dwelling on the lot will increase employment opportunities in the region, will have positive multiplier effects on the local economy and will increase Council's rate base.

The proposed detached dual occupancy is consistent with the strategic and statutory planning for the site as per the RVLEP 2012 and RVDCP 2021.

5. Statutory and Policy Planning

This section of the report identifies and addresses the applicable environmental planning instruments (EPIs) and policy planning documents that must be considered by the consent authority in the consideration of this application.

5.1 Environmental Planning Instruments (EPIs)

The RVLEP 2012 came into effect on the 21st April 2012 and is the only LEP applicable. The subject land is mapped on the RVLEP 2012 mapping as follows:

- Acid Sulfate Soils Map – Sheet ASS_010 – Class 3 Acid Sulfate Soils
- Height of Buildings Map – Sheet HOB_010A – J – 9.5m Maximum Building Height
- Land Zoning Map – Sheet LZN_010A – R1 – General Residential Zone
- Lot Size Map – Sheet LSZ_010A – M – 600m² Minimum Lot Size

The objectives of the **R1** zone are:

- *To provide the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that housing densities are generally concentrated in locations accessible to public transport, employment, services and facilities.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The proposed development is defined in the Dictionary to the RVLEP as follows:

*“**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling”*

*“**dwelling** means a room or suite of rooms occupied or so constructed or adapted as to be capable of being occupied or used as a separate domicile”*

Dual occupancies are permitted with consent and are consistent with the objectives of the R1 zone.

Clause 2.7 provides that consent is required for demolition.

Clause 3.1 relates to exempt development and provides that development specified in Schedule 2 that meets the standard for development contained in that Schedule and complies with the requirements of Part 3 is exempt development.

“Strata subdivision of dual occupancies” is listed in Schedule 2 and must satisfy the following:

- (a) All buildings must be on land in a residential zone and have been consented to by the consent authority.*
- (b) Subdivision layout must not contravene the development consent for the dual occupancy.*
- (c) Certificate of occupation for the dual occupancy must have been issued no more than 12 months prior to the subdivision.*

Notwithstanding the above, consent is being sought for the Strata Title subdivision on the basis that the property owner will not likely undertake the subdivision within 12 months of the issue of the Occupation Certificate (and will thus not satisfy Item (c) above).

Clause 4.1B provides minimum lot sizes for dual occupancies, being 600m² for a detached dual occupancy on R1 zoned land. The subject land has an area of 801m² and thus complies with this clause.

Clause 4.3 relates to building height, with the subject land having a mapped 9.5m maximum height limit. The proposed new dwelling is double storey and has a maximum height of 7.35m which is well below the permitted maximum.

Clause 5.21 relates to flooding planning. Subclause (2) provides that consent must not be granted to development on land in a flood planning area unless the consent authority is satisfied of a range of considerations, being:

- (a) the proposed new dwelling is situated on a long-standing developed urban residential lot and is compatible with the flood function and behaviour of the land and will not be adversely affected by flooding, subject to compliance with Council’s flood requirements*
- (b) the proposed new dwelling will not adversely affect flood behaviour and will not increase the potential flood affectation of other development or properties*

- (c) the proposed new dwelling will not adversely impact the safe occupation or efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood
- (d) the proposed new dwelling will comply with Council's flood lot requirements
- (e) there will not be any adverse impacts on the environment, no erosion, siltation, destruction of riparian vegetation or reduction in the stability of any riverbank

Clause 6.1 relates to acid sulfate soils. As per subclause (3), an acid sulfate soils management plan has been prepared and is provided at **Appendix E**.

Clause 6.2 relates to the provision of essential services. The subject land is connected to/serviced by all necessary infrastructure services with the proposed dwelling to be duly connected to such.

Clause 6.3 relates to earthworks. The proposal involves earthworks, particularly in respect of the in-ground swimming pool, that as per subclause (3):

- (a) will not disrupt or have any detrimental effect on existing drainage patterns or soil stability in the locality
- (b) will not have any adverse impacts on the use or re-development of the land
- (c) there is no fill to be imported and only a small amount of soil to be excavated (which is not likely contaminated)
- (d) there will not be any tangible impacts on the existing and likely amenity of any adjoining property
- (e) where possible and practicable, the spoil from the pool construction will be retained and used on site for landscaping
- (f) due to the disturbed state of the subject land and the nature of the proposed development, the potential to disturb relics is considered remote
- (g) the works are to a long-standing developed urban residential lot that is not proximate to any water course, drinking water catchment or environmentally sensitive area
- (h) erosion and sediment controls are to be installed and maintained for the duration of the works and will be the responsibility of the principal building contractor

As detailed above, the proposed development is permitted with consent and is consistent with the objectives of the R1 zone and the aims and other relevant controls of the RVLEP 2012.

5.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The subject land is zoned R1 – General Residential Zone and is thus subject to Chapter 2. The subject land is a long-standing developed urban residential lot that contains established domestic landscaping. Integral to the proposed development for which consent is sought is the removal of approx. 3 x trees and 6 x palms.

Chapter 4 – Koala habitat protection 2021

The subject land has an area of 801m² (significantly less than 1ha) and is not subject to an approved KPoM. On the basis that the subject land is a developed urban residential lot in an established residential area and the development does not involve the removal of any significant vegetation, there will not be any actual or consequential impacts on any Koalas or Koala habitat.

5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*.

The subject land is situated in the coastal zone and is thus subject to the provisions of Chapter 2. The subject land is **not** mapped on the:

- Coastal Wetlands and Littoral Rainforest Area Map and thus Division 1 of Part 2.2 does not apply
- Coastal Vulnerability Map (No map at this time) and thus Division 2 of Part 2.2 does not apply
- Coastal Environment Area Map and thus Division 3 of Part 2.2 does not apply

The subject land is mapped on the Coastal Use Area Map and thus Division 4 of Part 2.2 applies. As per Clause 2.11, the subject land is physically and spatially removed from any foreshore area (by Beech Street) and thus the proposed development will **not** cause an adverse impact on:

- the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public – a public footpath exists along the eastern side of Beech Street

- overshadowing, wind funnelling or the loss of views from public places to foreshores
- the visual amenity and scenic qualities of the coast, including coastal headlands
- Aboriginal cultural heritage, practices or places
- cultural or built environment heritage

As per Clause 2.12, the proposed development will not cause increased risk of coastal hazards on the subject or any other land.

As per Clause 2.13, the subject land is not subject to any certified coastal management program.

Chapter 4 – Remediation of Land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 provides that a consent authority must not consent to any development unless it has considered whether the land is contaminated, and if so, whether the land is suitable in its current state or subject to remediation, for the intended land use.

The subject land is a long-standing developed urban residential lot that is adjoined by other developed urban residential lots (that contain residential buildings). The subject land is not likely contaminated by historical or current uses.

Further the subject land is not identified on the “Potential Contamination” layer of Council’s Intramaps as being contaminated.

5.2 Richmond Valley Development Control Plan 2021

The RVDCP contains a number of sections that are of relevance to the proposed development, with comments on such being provided below.

5.2.1 Part A – Residential Development

Density Maps

The subject land is mapped on Map A4 – Evans Head as “(M2) High-Medium Density Residential”.

Part A3 – Dual Occupancies in the R1 General Residential and RU5 Village Zones

A-3.1 – Minimum Lot Sizes and Subdivision

Minimum lot size for carrying out dual occupancy development

The subject lot has an area of 801m² which is greater than the minimum required 600m².

The subject lot has an effective width of 20.117m to Beech Street and/or 40.23m to Carrabeen Street (when including the splay) both of which are greater than the minimum required 15m.

Minimum lot size resulting from the subdivision of a dual occupancy

Not applicable – the proposal does not involve the Torrens Title subdivision of the dual occupancy.

A-3.2 – Hazards and Constraints

The subject land is mapped as being subject to flooding, with the proposed dwelling to have a finished floor level above the Flood Planning Level (if and where required).

The subject land is mapped as being bushfire prone as a consequence of “buffer” to Vegetation Category 1 vegetation, with comments in respect of such being provided above in **Section 4.1** and the Bushfire Report at **Appendix F**.

The subject land is mapped as containing Class 3 ASS, with an ASSMP being provided at **Appendix E**.

Comments in respect of Chapter 2 – Coastal Management of SEPP (Resilience and Hazards) are provided above in **Section 5.1.2**.

A3.3 – Building Height

Maximum height of building

The proposed new dwelling is double storey and has a height of 7.35m which is well below the maximum permitted 9.5m building height.

A3.4 – Building Setbacks

Setbacks to streets – parent lot

The subject lot is a corner lot with established setbacks to the existing dwelling being:

- 7.17m to Beech Street
- 3.843m to Carrabeen Street

The proposed new dwelling has a setback of 4.5m to Carrabeen Street (with a 5.5m setback to the garage). This setback is generally consistent with the established street setback, being that of the existing house on the subject land and the dwelling on adjoining Lot 11 Sec 33 DP 758403.

The existing dwelling faces/addresses Beech Street, with the proposed new dwelling facing/addressing Carrabeen Street.

Roads subject to road widening

Not applicable – the subject lot is not subject to any road widening.

Side boundary setbacks – parent lot

The proposed new dwelling has a side boundary setback (to the western lot boundary) of 1.2m to the lower floor (which exceeds the required 900mm setback) and 2.1m to the upper floor (which exceeds the required 1.8625m setback).

Rear boundary setbacks – parent lot

The proposed new dwelling has a rear boundary setback (to the northern lot boundary) of 3m to the lower floor and 6m to the upper floor, both of which comply with the nominated setbacks.

Front setback – proposed dual occupancy sited on a battle-axe parent lot

Not applicable – the subject is not a battle-axe shaped lot.

Setbacks between detached dual occupancy dwellings

The nature of the development is such that the new dwelling is not located behind the existing dwelling, with both dwellings being side-by-side (corner lot).

The dwellings have a separation distance of 2.873m which exceeds the required 1.8m separation.

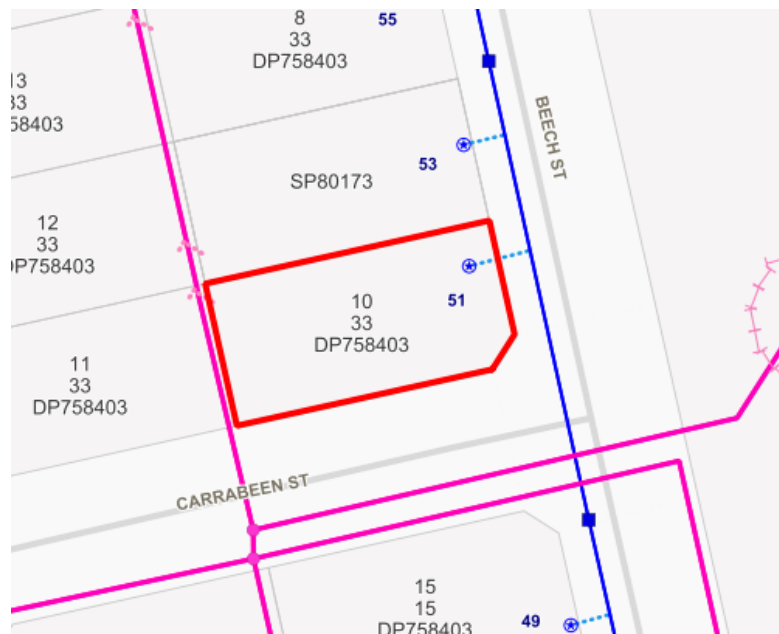
Increased setbacks on certain land

The subject land does not front a foreshore and is not proximate to any conflicting land use, but is mapped as being bushfire prone.

The subject land is physically and spatially removed/separated from the edge of the mapped bushfire source vegetation by a public footpath, Beech Street and the existing dwelling house and there is no specific setback required.

Easements, infrastructure clear zones and sewer zones of influence

There are no easements and/or under-ground infrastructure issues with the proposed siting of the new dwelling, with the location of the water and sewer infrastructure being provided below:



Source: RVC Intramaps

A-3.5 – Gross Floor Area

Gross floor area

The existing dwelling has a gross floor area (GFA) of 153m² and the proposed new dwelling has a GFA of 212m². The total combined GFA is thus 365m², which is substantially less than the permitted 500.25m².

A-3.6 – Landscaped Area and Landscaping

Landscaped area

The total combined landscaped area of the site is significantly more than 30% of the site area and has dimensions of greater than 1.5m.

Landscaping

On the basis that the subject land is a long-standing established residential lot that contains mature vegetation, it is submitted that a landscaping plan is not required. Integral to the proposal is the removal of 3 x trees and 6 x palms and the retention of other trees where possible and practicable.

A-3.7 – Principal Private Open Space

Principal Private Open Space

The proposed development has been designed such that the existing dwelling will retain large areas of existing private open space, particularly at the rear/north-western side of the dwelling (having dimensions of approx. 5m x 7.5m) and at the northern side of the dwelling (being covered and having dimensions of approx. 5m x 7m).

The proposed new dwelling is being provided with the following private open space:

- covered alfresco patio that opens onto the dining/family room – 4m x 6m – 24m² (behind building line)
- partly covered rear yard that opens onto the living/dining/family room – 13m x 3m – 39m² (behind building line and excluding covered alfresco patio)
- swimming pool and surround – 9m x 4.5m – 40.5m² (within building line)

The principal private open space is situated at the rear of the dwelling, has a northerly aspect, a total combined area of 63m², is partly covered (under roof) and opens onto the living/dining/family room.

A-3.8 – Street Activation and Articulation Zones

Street activation

The existing dwelling faces/presents to Beech Street. The proposed new dwelling has been designed to face/present to Carrabeen Street and contains the following building elements which face the street:

- ground floor – front door and 2 x windows to media room
- first floor – 3 x windows to Bed 4, 3 x windows to sitting room, 1 x window to bathroom and 1 x window to en-suite

The double garage door has a width of 5m which is 40% of the frontage of the façade of the dwelling (being 12.57m wide).

Articulation zone – primary road frontage

The proposed new dwelling faces/fronfs Carrabeen Street, has a setback of 4.5m (with the garage being setback 5.5m) and contains a covered porch/entry feature that has a setback to the posts of 3.9m (being the lower-level roof).

Articulation zone – side setbacks and public places

There are no walls facing the side boundary and no elevation that exceed 15m in length. The side boundary setback to the ground floor is 1.2m with the first floor being setback 2.1m.

A-3.9 – Building Design and Amenity

Dwelling orientation and siting for climate control

The new dwelling has been designed such that the living/dining/family room faces north (and has large windows) which opens onto the private open space and the covered alfresco patio.

Solar access – adjoining dwellings and public open space

The orientation of the subject and adjoining lots (long boundaries running east-west) and the location of adjoining dwellings (situated to the north and west) is such that there will not be any significant over-shadowing resulting from the new building, with shadows being cast to south, over the front of the dwelling and the Carrabeen Street road reserve.

Solar and daylight – proposed dual occupancy

The living/dining/family room and the rear private open space faces north and will receive more than 3 hours of sunlight on the winter solstice and have been provided with 3 x large north facing windows. The kitchen is proximate to a window and a large sliding door.

Natural ventilation

The dwelling has been designed such that each habitable room has a window and there are reasonable openings to provide breeze paths and cross ventilation.

Visual Privacy

The orientation of the subject and adjoining lots (long boundaries running east-west) and the location of adjoining dwellings (to the north and west) is such that there will not be any loss of privacy or loss of access to light and/or air.

The living/dining/family/kitchen are situated on the ground floor and are setback 3m from the rear lot boundary and thus there is no potential for direct over-looking of any adjoining property. Each of the bedrooms are situated on the first floor, with the first floor sitting room window facing Carrabeen Street.

The bedroom windows that are setback 2.1m from the western lot boundary are high-set windows to minimise the potential for over-looking. The large bedroom windows that face north are setback 6m from the northern lot boundary.

Acoustic privacy

There is no proposed electrical, mechanical, hydraulic or air conditioning equipment proposed.

View sharing

The orientation of the subject and adjoining lots (long boundaries running east-west) and the location of adjoining dwellings (to the north and west) and Carrabeen Street to the south is such that there will not be any adverse impacts on views and no view loss of any adjoining or adjacent dwelling.

A-3.10 – Car Parking, Vehicle and Pedestrian Circulation

Comments in respect of car parking and vehicle and pedestrian circulation are provided above in **Section 4.2**.

A-3.11 – Water, Stormwater and Sewage

The new dwelling will be connected to the stormwater infrastructure servicing the residential area, is being provided with a 2,000-litre rainwater tank and will have a minimum of 80% of impermeable surface area diverted to a combination of the tank, lawn and gardens.

The new dwelling will be connected to the reticulated town water, stormwater and sewage systems.

A-3.12 – Earthworks and Retaining Walls

There are no earthworks and retaining walls proposed, other than excavation for the 1 x in-ground swimming pools.

Part A6 – Ancillary Residential Development in the R1 General Residential and RU5 Village Zones

Part A-6.1 – General Ancillary Development Controls

A-6.1.1 – Hazards and Constraints

The development of has been designed having regard to the known hazards and constraints as detailed throughout this SEE.

A-6.1.2 – Compliance with Overall Site Control for Gross Floor Area

The only ancillary structure is a swimming pool that is not included in the gross floor area calculation.

A-6.1.3 – Compliance with Overall Site Control for Minimum Landscaped Area

A swimming pool is an integral component of the landscaped area of any dwelling and is such that is not included in the overall 30% landscaped area for the subject land. The swimming pool is situated in the building line and is able to catch and retain rainwater.

A-6.1.4 – Retention of Principal Private Open Space

Notwithstanding that swimming pools can expressly be situated within the principal private open space area, the swimming pool is situated at the front of the subject land (facing Carrabeen Street), with the covered alfresco patio being situated in and forming part of the principal rear private open space area.

A-6.1.5 – Height Controls

There are no height issues with the proposed swimming pool.

A-6.1.6 – Street, Rear and Side Boundary Setbacks for Attached Ancillary Development

The proposed covered alfresco patio complies with all building lines and setbacks.

A-6.1.7 – Street Setbacks for Detached Ancillary Development

The proposed swimming pool is situated within the building line to Carrabeen Street and is such that will not have any tangible visual impact as it is effectively at ground level, does

not contain a roof and is not an above-ground structure or building. A formal request to vary this development control is provided at **Appendix G**.

A-6.1.8 – Side and Rear Boundary Setbacks for Detached Ancillary Development

The proposed swimming pool and covered alfresco patio are setback in excess of 900mm from the side and rear boundary setbacks.

A-6.1.9 – Maximum Building Footprint

The proposed covered alfresco patio has a footprint of 24m² which is substantially less than the permitted 60m².

A-6.1.10 – Parking and Pedestrian and Vehicle Circulation

The proposed new dwelling has a double garage with 2 x spaces able to be stacked in the driveway in front of the garage.

A-6.1.11 – Amenity Requirements

The proposed covered alfresco patio has a north and east aspect and opens onto the dining/family room and receives good solar access during the winter solstice and will not impede sunlight to the north facing windows to the living/dining/family room.

Privacy and Visual Intrusion

The proposed covered alfresco patio and swimming pool:

- will not overlook the principal area of private open space of any adjoining property
- do not provide any direct line-of-sight into windows of habitable rooms of any adjoining dwellings
- will not dominate the outlook when viewed from any adjoining properties

View Sharing

The proposed covered alfresco patio and swimming pool will not reduce or compromise any existing views from any adjoining and nearby properties.

Materials and Finishes

The roof over the proposed covered alfresco patio has been integrated into and forms part of the roof of the dwelling.

Acoustic Privacy

The swimming pool pump is able to be sited and shrouded such that there will not be any adverse acoustic impacts on any adjoining property.

Retention of Existing Landscape Features

Integral to the proposal is the retention of some of the trees on the site.

A-6.1.12 – Earthworks and Retaining Walls

Other than the excavation that is required for the swimming pool, there are no earthworks (cut and/or fill) or retaining walls proposed.

Part A-6.2 – Additional Controls for Specific Ancillary Development Types in the R1 and RU5 Zones

A-6.2.1 – Carports Forward of the Street Building Line for Dwelling Houses and Dual Occupancy Developments in the R1 and RU5 Zones

Not applicable – no carport proposed.

A-6.2.2 – Shade Structures Within the Street Building Line in the R1 and RU5 Zones

Not applicable – no shade structure within the building line.

A-6.2.3 – Fencing in the R1 and RU5 Zones

A 1.8m high rendered block decorative fence is proposed to secure the proposed swimming pool. A formal request to vary this development control is provided at **Appendix G**.

5.2.2 Part H – Natural Resources and Hazards

H-1. Flood Planning

The subject land is identified as being flood prone. Flood impacts on and from the proposed development are detailed above in **Section 5.1**.

H-2. Acid Sulfate Soils

The subject land is mapped as containing Class 3 acid sulfate soils with an Acid Sulfate Soils Management Plan being provided at **Appendix E**.

6. Conclusion

This section of the report provides a detailed conclusion of the development proposal.

Development consent is sought for the construction of a new double storey dwelling to create a detached dual occupancy (including Strata Title subdivision, construction of 1 x in-ground swimming pool and demolition of 2 x sheds) on a developed residential lot that is described as Lot 10 Sec 33 DP 758403, No.51 Beech Street, Evans Head.

The proposed development is permissible with consent within and is consistent with the objectives of the R1 zone under the RVLEP 2012 and the relevant provisions of the RVDCP 2021, subject to 2 x departures (swimming pool within building line and 1.8m high front fence), that on merit are considered reasonable and such that satisfy the objectives of the respective controls.

As detailed in this report, the proposed development has been subject to detailed assessment under the applicable environmental planning instruments and DCPs.

This report demonstrates that the proposal is consistent with such planning documents and that the circumstances of the case are such that consent should be granted to the application.

7. Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) on behalf of Brody Aleckson for the purpose of lodging a development application with Richmond Valley Council and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

8. Appendices

Appendix A	Locality plan
Appendix B	Contour and detail survey
Appendix C	Plans of proposed development
Appendix D	BASIX certificate
Appendix E	Acid sulfate soils management plan
Appendix F	Bushfire report
Appendix G	DCP variations – pool in building line and 1.8m high front fence

APPENDIX A

Appendix A: Locality plan

APPENDIX B

Appendix B: Contour and detail survey

APPENDIX C

Appendix C: Plans of proposed development
(including Strata Plan)

APPENDIX D

Appendix D: BASIX certificate

APPENDIX E

Appendix E: Acid sulfate soils management plan

APPENDIX F

Appendix F: Bushfire report

APPENDIX G

Appendix G: DCP variations – swimming pool in building line and 1.8m high front fence

