



**Development Application
and
Statement of Environmental Effects**

To

Byron Shire Council

Durrumbul Community Preschool

Part Reserve 55796

Part Lot 5 DP 832186

**Cnr. Main Arm Road and Durrumbul Rd
Main Arm**

By

McHugh Design Pty Ltd

Date: 12 July 2017

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1. Introduction

1.1 Purpose and structure of this report

This report constitutes a statement of environmental effects for a development application to Byron Shire Council seeking development consent for **alterations and additions to an existing preschool**.

The structure of this report comprises the following format:

Section 1 - Introduction - introduces the report and explains the circumstances of the case.

Section 2 - The site and locality – describes the site and existing buildings.

Section 3 - The proposed development - describes the proposed development for which this application is seeking planning consent.

Section 4 - Statutory planning assessment - examines the consistency of the proposed development with the provisions of relevant planning policies, objectives, statutory instruments and legislation.

Section 5 – Environmental Effects – Response to section 79C (1) of the Environmental and Assessment Act. Includes a Statement of Environmental Effects Summary Table.

1.2 Circumstances of the case

The proposal comprises the erection of a fixed covered awning over an existing play area, an extension of the existing office by closing in a 3 x 3 meter section of the verandah and the replacement of a disabled walkway which has become structurally unsound.

The Preschool has been given a Community Outreach Grant through the Education Department to enable them to construct a fixed covered awning over an existing play area. They have a pressing need for this so as to provide additional wet weather cover as well as protection from the sun.

Secondly the Preschool would like to extend the existing office by closing in a 3 x 3 meter section of the veranda. The character of the building would stay intact by means of recycling the original weatherboards, window and architraves.

Lastly the disabled walkway providing access to the building has become structurally unsound due to fungal decay and rot. The structural bearers, footings and decking boards need replacing and galvanised square hollow section steel sleeves would be fitted to enable the existing handrail to be reinstalled. Upon inspection it was discovered that the grade of the ramp was greater than 1 in 20 which requires rectification to meet the Building Code of Australia requirements.

It should be noted that no extra children or staff will be accommodated by this development and no extra parking required.

The character of the building for the office extension would remain intact by using the same profile of weatherboards, window and architraves

This application assesses the proposal in the context of applicable planning controls and concludes the proposal is consistent with relevant planning provisions. This report demonstrates no significant adverse impacts will be generated by the alterations and additions to the preschool.

This application is considered consistent with:

- The objectives of the zoning of the site,
- Council's planning objectives and provisions

2. The site and locality

2.1 *The site*

The site is located at the corner of Main Arm Road and Durrumbul Road, Main Arm, on Part Reserve 55796, Part Lot 5 DP 832186.

The existing preschool is an area of approximately 2200m² including:

- Old Durrumbul Hall building: approximately 112m² single story detached timber building on bessa brick stumps with colorbond metal roof, plasterboard linings and ceiling, aluminum and timber framed windows, main room timber flooring, kitchen vinyl flooring, 1 x timber floor verandah approximately 56m² and 1 x concrete slab verandah approximately 56m².
- Toilet block: approximately 8.5m² timber and ac sheeting construction timber outside lining with galvanized iron roof.
- Garden sheds x 2 approximately 7m² each of steel construction.
- Outdoor space including children's shaded play area with covered sandpit, fort with slippery slide, swing set and monkey bars; grassed area.
- Stormwater tanks for water harvesting.
- Wastewater tank for sewerage.
- Fully fenced.

The attached site plan depicts the preschool buildings and enclosed area and storm water and wastewater systems on the site.

3. The proposed development

This section of the report describes the proposed development for which this application is seeking planning consent and also lists the objectives of the proposed development in an environmental planning context.

3.1 Objectives of the proposed development

The objectives of the proposed development are as follows;

- Construct a fixed covered awning over an existing play area to provide the children with additional wet weather cover as well as protection from the sun.
- Extend the existing office space by covering in the existing verandah to maximise working amenity and minimise any impacts.
- Ensure disabled walkway is structurally sound and complies with the Australian Standards.
- Design the alterations and additions to ensure the potential for visual impact are minimised and that the character of the locality is not adversely impacted;
- Achieve consistency with relevant environmental planning controls

3.2 The Proposed Alterations and Additions

The accompanying plan by McHugh Design depicts the site plan, building floor plan and elevation of the proposed alterations and additions.

The components of the proposed **alterations and additions** are as follows:

- A new fixed covered awning over existing play area;
- An extension of the existing office;
- Replace existing disabled walkway.

The proposed development does not comprise an increase in staff or students to the facility.

As a result no additional car parking is proposed.

4. Environmental Planning Assessment

Section 4 - Environmental Planning Assessment examines the consistency of the proposed development with the provisions of relevant planning policies, objectives, statutory instruments and legislation.

The section is set out as follows:

- 4.1 State Environmental Planning Policies
- 4.2 Byron Local Environmental Plan 2014
- 4.3 Byron Shire - Development Control Plans

4.1 State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) potentially apply to the proposed development:

- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
- State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007
- State Environmental Planning Policy No 30-Intensive Agriculture
- State Environmental Planning Policy No 33-Hazardous and Offensive Development
- State Environmental Planning Policy No 44-Koala Habitat Protection
- State Environmental Planning Policy No 55-Remediation of Land
- State Environmental Planning Policy (Rural Lands) 2008

The proposed development is minor in nature and does not contravene the development standards, objectives or aims of any SEPPs or Deemed SEPPs.

4.2 Byron Local Environmental Plan 2014

This application is considered consistent with the aims and objectives of the Byron Local Environmental Plan (BLEP) 2014. The proposed alterations and additions do not contravene development standards contained within the BLEP 2014

The preschool site is located within Zone RU2 of the Byron LEP 2014.

Child Care Centers are permitted with Consent within the RU2 Rural Landscape zone. The proposed use is an existing lawful use and is permitted within the zone. The alterations and additions as designed and located within this application, are considered consistent with the zone objectives.

The proposed development does not require additional servicing. Water from new covered awning will be harvested and stored in existing tanks.

4.3 Byron Shire - Development Control Plan

Byron Shire Development Control Plan (DCP) 2014 applies to this application. Relevant provisions of the DCP have been reviewed and the development is considered to be generally consistent. The development is not considered to result in adverse impacts on the social and environmental amenity of the locality.

5.0 Environmental Effects

Under the provisions of Section 79C(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.

1. the provisions of:
 - (i) any environmental planning instrument
 - (ii) any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified to the consent authority, and
 - (iii) any development control plan
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) any matters prescribed by the regulations that applied to the land to which the development relates
 - (v) any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)
2. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.
3. The suitability of the site for the development
4. Any submission made in accordance with this Act or the regulations
5. The public interest

Responses to Section 79C (1)

1. the provisions of:

(i) The key relevant planning instruments are BLEP 2014. The proposal has been assessed against all the relevant planning instruments and is found to comply.

(ii) There are no exhibited Draft Environmental Planning Instruments required to be considered.

(iii) The proposal has been assessed against the relevant DCP and is considered generally consistent.

(iii) No planning agreements are proposed.

(iv) There are no relevant matters prescribed by the regulations.

(v) There are no coastal zone management plans relevant to the application.

2. The environmental impacts of the proposal have been considered throughout this SEE as well as in the below summary table.

| Potential Impacts | Response |
|--|--|
| Access, Transport and Traffic | No new staff is proposed. No change to existing traffic and parking arrangements. |
| Public Domain, Visual and Streetscape. | The proposed development will have minimal visual impact and the character will remain intact. |
| Views | Views are not affected by the proposed alterations and additions. |
| Amenity | The development creates high amenity child care opportunities in the locality. The location of the child care centre and the maintaining of existing children numbers are not anticipated to result in adverse amenity impacts. |
| Privacy | The lot layout is not considered to result in increased or adverse privacy concerns. |
| Environment | No trees will be removed. |
| Open Space | No change to the total open space is proposed. |
| Noise and Vibration | No increase in staff or children is proposed. |
| Safety, Security and Crime Prevention | The proposed development improves safety and security within the premises both in terms of an upgraded facility as well as providing covered play areas for children. The amendments to the built form will provide for safe play areas whereby visual and acoustic monitoring for staff is facilitated. |
| Bushfire | The site is not bushfire prone. |
| Flooding | The site is not subject to flooding. |
| Social and Economic Impact in Locality | The proposed development is designed to increase the usability and amenity for the staff and children that use the centre. The proposed alterations and additions will provide for a safer community child care facility. |
| Construction | The construction period is assumed to be approximately 2 months. The construction will occur only on weekends and school holidays to comply with the Education Department's guidelines for working with children. |

3. The site is suitable for the proposed development as it is consistent with the land use zone objectives and suitably located to service local needs.
4. Any reasonable submission will be considered and suitably addressed.
5. The above assessment demonstrates how the public interest has been achieved. The proposal facilitates the improved use of the land, having been identified by Council as being suitable for educational purposes. The proposal is fitting with surrounding development and is considered to be in the public interest as per the justification provided throughout the assessment.

6.0 Conclusion

This assessment of the environmental effects of the development application has demonstrated that the proposal will have negligible adverse impacts and is a suitable land use activity within the natural environment on the site.

As outlined in this document the proposed development complies with Byron Local Environmental Plan 2014.

The overall impact of the proposal on the locality is considered to be positive. The benefits will comprise an improved amenity for the children and staff of Durrumbul Preschool.

Accordingly the development is worthy of approval.