



STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Section 4.55 (1a)
Modification to DA 10.2022.271.1
180 Flowers Road, Binna Burra**

For:	M P Douglas
Report no:	19270_s4.55.docx
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Appendix A – Road Width Assessment

1. INTRODUCTION

Greg Alderson and Associates have been commissioned by Michael Douglas to provide a Statement of Environmental Effects (SEE) as part of the proposed modification to **DA 10.2022.271.1** under Section 4.55 (1a) of the Environmental Planning and Assessment Act 1979, for 180 Flowers Road, Binna Burra.

The DA consent was granted on the 7th of February 2023 for a two lot subdivision of Lot 3 DP 1259194 into Proposed Lot 1 of 41.5 ha, containing an existing dwelling and Proposed Lot 2 of 44.7 ha being a vacant lot with a dwelling entitlement. A minor modification to the DA is proposed to vary the requirement for upgrading Flowers Road from the extent that Council has requested in the conditions of consent, to a reduced width to reflect the theoretical trips per day that this section of road would service.

2. PROPOSED MODIFICATION

2.1. Vehicular Access

The applicant proposes to vary Condition 4a of the development consent relating to the road construction width of Flowers Road along the full frontage of Proposed Lot 1 and up to the driveway entrance to Proposed Lot 2 (ROW).

Condition 4a of the DA is as follows:

4. Engineering Construction Plans

...

a) Full Width Road Construction

Flowers Road to be extended to the full frontage of the proposed Lot 1 and up to the driveway entrance to Lot 2 (ie at proposed ROW). Full width road and drainage construction for the following but not limited to:

- *6.0 m wide gravel carriageway*
- *300mm pavement minimum*
- *Table drains and*
- *Turn area treatment at the end of the road*

As per the attached road width assessment by this office, it is considered that a 6 m wide gravel carriageway is excess for the area along the subject site. Flowers Road is a no-through road and this section of road is also not maintained by Council. The road services the subject site and the neighbouring allotment of Lot 10 DP 1084921 only. The road reserve continues to a property at the south, but there is no formal access provided to that property. Therefore, the road would service three lots, once the subject site is subdivided, currently the road is servicing two lots.

The subdivision will not significantly increase the number of vehicle movements per day, and from our assessment it is more likely that 30 to 37 vehicles per day would use the road, if dual occupancies were to be constructed on the subject site once the subdivision was finalised. As per our attached assessment, a road width suitable for the trips per day that could be generated from the subdivision is a traffic lane of 3

m, shoulders of 0.5 m and overall carriageway width of 4 m. This would also be similar to the remainder of Flowers Road, which has more vehicles per day due to it servicing more allotments.

Furthermore, the conditions require that a turn around treatment be provided at the end of the road. The area at the proposed end of the road, is moderately steep and forming a turn area treatment will require extensive road works. It is proposed that the turn treatment will be determined at the design stage, however, the most likely location for this is just beyond the driveway to Lot 10 DP 1084921 as indicated in Figure 1 of the road width assessment attached. This would generally be within the line of sight to the end of the road, being the proposed ROW for proposed Lot 2 but located in an area where it can be constructed.

It is also proposed in addition to the above, that passing bays every 200 m that are 20 m long by 2m wide, making a minimum trafficable width of 6m at the passing bay are provided along Flowers Road in front of the subject site road frontage, in accordance with the requirements of Planning for Bushfire Protection 2019.

It is proposed that Condition 4a be modified to:

a) Full Width Road Construction

Flowers Road to be extended to the full frontage of the proposed Lot 1 and up to the driveway entrance to Lot 10 DP1084921. Full width road and drainage construction for the following but not limited to:

- *4.0 m wide gravel carriageway*
- *300mm pavement minimum*
- *Table drains and*
- *Provide a turn area treatment within line of sight to end of road*
- *Provide passing bays every 200 m, 20 m long by 2 m wide in accordance with Planning for Bushfire Protection 2019*

3. STATUTORY CONTEXT — ENVIRONMENTAL PLANNING AND ASSESSMENT

3.1. Environmental Planning and Assessment Act 1979 and Regulation 2021

In accordance with Section 100 of the *Environmental Planning and Assessment Regulation 2021*, the following information is required:

100 (1) A modification application must contain the following information—

(a) the name and address of the applicant,

Mr Michael Douglas

(b) a description of the development that will be carried out under the development consent,

Subdivision Two Lots

(c) the address and folio identifier of the land on which the development will be carried out,

180 Flowers Road, Binna Burra

Lot 3 DP 1259194

(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,

The proposed modification involves a change to the proposed road works along Flowers Road, being a modification to Condition 4 – Engineering Construction Plans, specifically 4a Full Width Road Construction. The proposed modification alters:

dot point 1: 6 m wide gravel carriageway to 4 m wide gravel carriage way and

dot point 4: turn area treatment at the end of the road to turn area treatment within line of sight to the end of the road

and adds an additional dot point for the construction of passing bays every 200 m, 20 m long by 2 m wide.

(e) whether the modification is intended to—

(i) merely correct a minor error, misdescription or miscalculation, or

(ii) have another effect specified in the modification application,

The modification is intended to change some minor parts of the development and will have minimal environmental impacts. As such, a modification under section 1(a) of the EPA Act 1979 is requested.

(f) a description of the expected impacts of the modification,

It is not expected that the modifications will result in any additional impacts compared to what is already approved.

(g) an undertaking that the modified development will remain substantially the same as the development originally approved,

The proposed changes are minor will result in substantially the same development to what has been approved.

(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,

N/A – The modification does not relate to an area that is mapped as biodiversity values and does not require a biodiversity assessment report.

(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,

The applicant is the owner and the owner's consent has been provided.

(j) whether the modification application is being made to—

(i) the Court under the Act, section 4.55, or

(ii) the consent authority under the Act, section 4.56.

The modification is being made to the consent authority – Byron Shire Council.

3.2. Byron Development Control Plan 2014

Chapter B4 – Traffic Planning, Vehicle Parking, Circulation and Access

The proposed modification will not result in any changes to traffic volume or generation to what was approved. Flowers Road along the frontage of the subject site only services two existing allotments, which will be three allotments after the subdivision of the subject site into two lots. The assessment undertaken by this office presents that a road width of 4m carriageway is adequate for the volume of traffic from the three allotments and does not require 6 m carriageway.

4. CONCLUSION

This statement of environmental effects accompanies development application documentation and seeks approval for a modification to DA 10.2022.271.1, to modify the proposed road works along the frontage of the subject site from 6 m carriageway to 4 m carriageway and the proposed turn area treatment be within the line of sight to the end of the road. These changes are sought due to the topography within the area which will require substantial road works for the low volume of traffic use this end of the road services (for the two existing lots; three once subdivision is finalised).

The proposed modification is a minor change to the approved development and substantially the same as what has been approved. Therefore, a modification under Section 4.55 (1a) is being sought.

This SEE has identified that the proposal is not likely to cause any significant adverse impacts or land use conflicts, and therefore it is recommended that the development be approved.

End of Report

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APPENDIX A – ROAD WIDTH ASSESSMENT



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