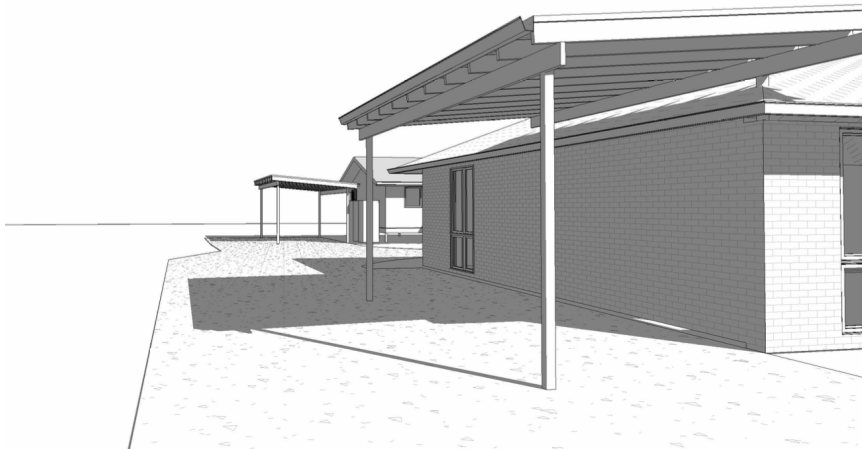


Statement of Environmental Effects

Change of use to Dual Occupancy, construct carports and Strata Subdivision



97 Balemo Drive, Ocean Shores
Lot 842 DP 240400

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1. Introduction

This Statement of Environmental Effects is intended to accompany the Development Application prepared by Matt Walker for and on behalf of the owner 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.

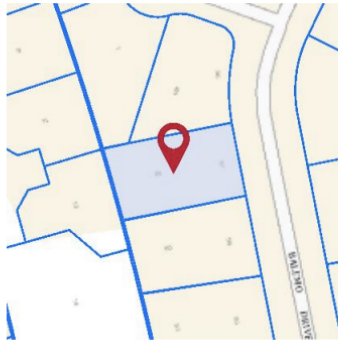
All supporting plans, documents and any reports required to accompany this statement have been included in the Appendices to assist in the assessment of the proposal.

Figure 3: Property Report (Source: NSW Planning Portal).



Property Report

97 BALEMO DRIVE OCEAN SHORES 2483



Property Details

Address: 97 BALEMO DRIVE OCEAN SHORES 2483
Lot/Section 842/-/DP240400
/Plan No:
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	R2 - Low Density Residential: (pub. 11-11-2022)
Height Of Building	9 m
Floor Space Ratio	0.5:1
Minimum Lot Size	600 m2
Heritage	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Acid Sulfate Soils	Class 2 Class 5

2.2 Site Analysis

The subject site is located at 97 Balemo Drive, Ocean Shores which sits on the western side of the road. The subject site is a rectangular shaped lot which is legally known as Lot 842 DP 240400. The subject site is approx. 883.5 m² and contains a single storey principal dwelling fronting Balemo Drive and a secondary dwelling in the western end of the property. Both dwellings are accessed via a driveway running along the southern boundary accessed from Balemo Drive.

The site is flat and contains some mature vegetation along the rear and front boundaries. Neighbouring properties consist of a mix of single and double storey dwellings on similar sized lots with many dual occupancy developments along Balemo Drive.

2.3 Land Zoning

The subject land is zoned R2 – Low Density Residential in the Byron Local Environmental Plan 2014. All of the adjoining land is within the same R2 zone.

Figure 3: Zoning of the land (Source: BSC Web Map).



2.4 Existing use

The subject site contains an existing single storey principal dwelling-house containing 3 bedrooms, a bathroom, a kitchen and porch fronting Balemo Drive. A secondary dwelling was approved under DA **10.2018.309.1** and has been constructed in the rear of the lot.

DA **10.2021.286.1** for 'Change of Use from Secondary Dwelling to Dual Occupancy, Strata Subdivision and Tree Removal Four (4) Trees' was refused by Council on the 29/06/2022 for reasons relating to the proposed car parking arrangement, specifically:

'the proposed carport and carparking arrangement for Lot 1 has an inadequate road boundary setback and fails to satisfy the relevant Prescriptive Measures, Performance Criteria and Objectives Part D1.2.2 of Byron Development Control Plan 2014.'

2.5 Vehicular and pedestrian access

There is existing access for vehicles to enter both the principal dwelling and the secondary dwelling on the shared driveway from Balemo Drive.

2.6 Flooding

The subject land is mapped as being flood liable with the FPL being 3.29m AHD. The proposal does not seek to alter the floor heights of the approved dwellings.

Figure 5: Flooding (Source: BSC Web Map).



2.7 Bushfire

The land is mapped as being within a buffer zone to bushfire vegetation.

Figure 6: Bushfire (Source: BSC Web Map).



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 mapped as containing Classes 2 and 5 Potential Acid Sulfate Soils.

Figure 7: Acid Sulfate Soils (Source: BSC Web Map).



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 to convert the land from its current use as a principal and secondary dwelling into a dual occupancy development, construct 2 carports and to strata subdivide the current lot. There are no changes proposed to either of the approved dwellings, only minor modifications to the driveway to enable vehicle access to both lots.

New single carports are proposed for each dwelling as part of the development, they will be attached to the side of the dwellings leaving

sufficient space for a vehicle to pass to access the rear lot. There will be some widening of the driveway to accommodate a vehicle to pass the proposed carport attached to the principal dwelling and also to provide a vehicle turn around area in front of this dwelling within the front yard. This will enable vehicles from either lot to enter and egress from the site without interference from either lot. One Palm tree will need to be removed close to the front boundary.

The proposed strata lot sizes to be approximately 461m² for Lot 1 (eastern lot with street frontage) and 422 m² for Lot 2 (western lot at rear). The draft Strata Subdivision plan will be drawn up once Council confirms the proposal is going to be approved.

3.2 Proposed Services

All services are currently provided to the dwellings with the water main running along Balemo Drive and servicing both dwellings. It is understood that a separate water meter will be required for Lot 2 to ensure each Lot has their own meters and will be the subject of a separate application. Stormwater is being discharged at the front of the site from both dwellings and Sewer is running from the rear dwelling to the principal dwelling and down the side of the driveway. Section 68 approval will be required for the necessary servicing requirements that will be lodged prior to the issue of the subdivision certificate.

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.

No high ecological vegetation is proposed for removal as part of the Development Application, only 1 Palm Tree and some small shrubs along the front boundary to make way for the driveway widening. 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 located within a buffer to Bushfire Prone land. The proposal does not seek to make any modifications to the existing dwellings which have already been designed to meet Bushfire requirements.

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 many years ago and has been used for residential purposes. The site is surrounded by similar allotments that have had continuous residential usage for over a decade. The proposed development is consistent with the intent of the property following creation of the subdivision. The nature of the development and the context of the site are such that further assessment under this SEPP is not warranted for this proposal.

SEPP Building Sustainability Index (BASIX 2004)

The proposed development does not require any new BASIX Certificates.

4.6 Byron Local Environmental Plan 2014

The land is zoned R2 - Low density Residential under the Byron Local Environmental Plan 2014 (BLEP 2014).

Clause 4.1E Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

The minimum lot size for a dual occupancy (detached) in R2 Residential Zone is 800m². The subject lot is approx. 883.5m² and therefore satisfies this clause.

Clause 4.3 – Height of Buildings

No alterations to the approved dwellings which are both single storey.

Clauses 4.4 & 4.5 – Floor space ratio

The Floor Space Ratio is not altered by this proposal. The existing FSR is well below the 0.5:1 limit.

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 mapped as being flood liable and although identified as flood prone, the existing dwelling floor levels are set above the Flood Planning Level. Specifically, Condition 5 of Consent 10.2018.309.1 sets this level at 3.29m AHD. The eastern dwelling has a floor level of 3.47m AHD, and the western dwelling has a floor level of 4.09m AHD.

Clause 6.1 – Acid sulfate soils

The subject site is mapped as containing Classes 2 and 5 Potential Acid Sulfate Soils. No works are proposed that will disturb any potential Potential Acid Sulfate Soils more than 1m below natural ground level. The proposed works comply with the Classes 2 and 5 requirements.

Clause 6.2 – Earthworks

No significant earthworks are required as part of this proposal. Footings will be required for the proposed carports and minor contouring of the existing ground for the new sections of the proposed driveway will be required.

Clause 6.6 – Essential services

The proposed development has access to all essential services and electricity, water and sewer can be connected to both dwellings separately to enable the strata subdivision of both lots. Section 68 approval will be required for plumbing and stormwater works.

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 other than 1 Palm Tree in the front yard. All other vegetation is to be retained as part of the proposal.

Chapter B2 – Preservation of trees and other vegetation

See comments under B1 above.

Chapter B3 – Services

All services required for the development are already connected to and available at the property. Section 68 approval will be required to provide separate water meters for each lot, there are already separate electricity meters for each dwelling.

Chapter B3.2.4 Stormwater management

Stormwater from both dwellings runs along the driveway to Balemo Drive. An Easement for services or classification of Common Property will need to be applied to the driveway where both lots require access. This is to be determined by the Surveyor when the Strata Plans are drawn up.

Chapter B4 – Traffic planning, vehicle parking circulation and access

The proposed development involves the conversion of the existing principal and secondary dwellings into a dual occupancy arrangement. For vehicle access, the existing concrete driveway will be retained and widened to

enable vehicles to pass the proposed carport to access the rear lot. The crossover at the street will also need to be widened to enable the driveway to serve both dwellings.

Two stacked parking spaces are to be provided to the east of Dwelling 1, one under a new carport and the other behind it. Vehicles from Dwelling 1 will be able to reverse back in front of the dwelling before exiting the site to enable other vehicles to enter the site without issue. Two car spaces are also provided to the south of Dwelling 2, one under the proposed carport and the other adjacent to it. The existing arrangement enables reversing of both vehicles into the turning bay before exiting the site.

This proposed configuration allows vehicles for both lots to enter and exit the site in a forward direction without interference, optimising traffic safety and visibility. The proposal satisfies the requirements of the Development Control Plan (DCP) 2014 providing sufficient covered parking spaces for both dwellings and demonstrating the ability for vehicles to enter and exit the site safely.

Chapter B8 – Waste minimisation and management

Only minimal works are required for change of use to a dual occupancy and Strata Subdivision. Any additional waste generated during construction will be taken away from the site during construction in accordance with this Chapter.

Chapter B9 – Landscaping

The site is already suitably landscaped, additional landscaping will be undertaken by the land owner following completion of the strata subdivision.

Chapter B14 – Excavation and fill

Only minor excavation will be required to enable the widening of the driveway and construct the carports,

Chapter C1 – Non-Indigenous Heritage

C1.2.2 Assessment Requirements

The subject site is not located within the Heritage Precinct or near an Item of Heritage.

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

D1.2.1 – Building height plane

The proposal does not involve any increase in height to the approved existing dwellings.

D1.2.2 – Setback from boundaries

The proposal does not alter the current setbacks for either dwelling. The proposed carports are setback more than 5.5m from the front boundary and more than 3 m from the side boundaries.

Chapter D1.5 - Dual Occupancy and Semi-Detached Dwellings

D1.5.1 – On-site Car Parking

Space for 2 cars parks are provided for each dwelling which satisfies the requirements of this clause. For vehicle access, the existing concrete

driveway will be widened to provide access directly from Balemo Drive. This driveway will serve both the eastern and western dwellings. Two stacked parking spaces are to be provided to the south of Dwelling 1, and two car spaces to the south of Dwelling 2. The design includes turning areas for each of the carports. This configuration allows vehicles to enter and exit the site in a forward direction, optimising traffic safety and visibility.

D1.5.2 – Character

The objective of Chapter D1.5 is to ensure that the siting and design of dual occupancy development does not detract from the streetscape and the residential character of urban areas. The existing dwellings have been situated on site with respect to the existing footprint of the dwelling and the adjoining dwelling locations to ensure the character of the locality is not compromised.

D1.5.3 – Adjoining and Adjacent Development

The additional carports designs are considered harmonious with the existing dwellings and as such will have a negligible impact on surrounding development. The proposal is considered to be sympathetic to the existing streetscape and adjoining development.

D1.5.4 – Private Open Space

The existing dwellings have access to more than 30m² of private open space currently, the proposal ensures that each dwelling maintains accessible and usable private open space greater than 30 m².

D1.5.5 – Landscaping

The proposed development meets Council's Development Control Plan requirements for the provision of 90 m² of landscaping per dwelling. At least 25% of the site is available for deep soil plantings and the existing mature trees are to be retained as part of the development.

4.9 The likely impacts of the proposed development

Social and Economic Impacts

The proposed development is on an existing residential site within an R2 Low Density Residential Zone and is socially compatible with the surrounding land uses. The proposal will enable the dwellings to be strata subdivided and owned separately thereby increasing the amount of available housing stock within the area.

Impacts on the Built Environment

The proposal is complementary to the locality and consistent with the objectives of the R2 Low Density Residential Zone. The development is not likely to adversely impact on the built environment of the immediate locality as the additional carports are relatively minor works and their design is also harmonious with the existing structures.

Impacts on the Natural Environment

No significant vegetation is required to be removed nor any significant excavation required for the proposed carports relating to the change of use to a dual occupancy and strata subdivision. Any impacts on the natural environment will be minimal.

Suitability of the site for the Proposed Development

The proposed development is within the R2 Residential Zone where Dual Occupancy Dwellings are permitted with consent provided the land is larger than 800 m². Minor physical additions are proposed to each dwelling in the form of carports and the proposal will enable strata subdivision of the site into 2 Lots. Separate services can be provided to each lot. The site already has access to all services and driveway access is available to both dwellings presently. There are no issues caused by potential loss of privacy, building setbacks or overdevelopment of the site. The subject site is considered to be suitable for the proposed change of use to a dual occupancy and Strata Subdivision.

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 change of use to a dual occupancy and Strata Subdivision into 2 lots and construction of 2 carports. 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 logical 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 enabling both lots to be owned separately.



Usage Note

The plans to this document were prepared for the exclusive use of the land owners to accompany a Development Application to Byron Shire Council for approval for the development of land described herein and is not to be used for any other purpose or by any other person or corporation. Matt Walker 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.

The maps, development plans and figures shown in this report are suitable only for the purposes of this report. No reliance should be placed on this information for any purpose other than for the purposes of this report. All dimensions, number, size and shape of lots/buildings as shown on plans in this document are subject to detailed engineering design plans and final survey and may vary subject to conditions of consent issued by Council.