



MATT WALKER
T O W N P L A N N I N G

Notional Statement of Environmental Effects

Use of retaining wall.

2 Shelley Drive, Byron Bay

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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 owners 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.

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 subject site.

2. Description of the land

The Locality

Figure 1 below illustrates the locality of the subject land (NSW Planning Portal).



Figure 2 below shows an aerial view of the subject site and surrounds (Source: NSW Planning Portal).



Site Analysis

The subject site is located at number 2 Shelley Drive, Byron Bay which is situated at the start of Shelley drive on the corner with Paterson Street. The site is legally known as Lot 18 DP 247655 and is a triangular shaped lot that contains a double storey dwelling-house positioned close to the north-western boundary.

The subject land is approx. 904.5m² in total area and rises up from the street to the northern part of the site with a sewer main running along the north-eastern boundary. There is a mix of mature vegetation clustered around the

dwelling with the driveway located centrally on the lot. Adjoining development consists of a mix of single and double storey dwellings on similar sized residential lots.

Land Zoning

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

Figure 3: Land Zoning (Source: NSW Planning Portal).



Existing use

The subject site contains 2 dwellings recently constructed along with a retaining wall in the north-eastern corner of the site that effectively replaced an old smaller retaining wall and was rebuilt without approval.

3. General description of proposed development

The application seeks consent for use of the unauthorised retaining wall that was built without approval in the north-eastern corner of the site along the northern boundary and adjoining the eastern boundary.

4. Statutory Assessment

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.55 of the EP&A Act and facilitates the effect of these instruments in the circumstances of the development.

State Environmental Planning Policies (SEPP)

SEPP 55 - Remediation of Land

The land is a residential lot within a developed residential area and has not been used for any purpose and does not adjoin any use/operation that would have contaminated the land. Subsequently a SEPP 55 assessment is not

required.

SEPP - Coastal Management 2018

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 contains coastal wetlands or littoral rainforest. The proposed use is consistent with its historic use and use of adjoining lands. The proposal complies with the requirements of the SEPP and an EIS is not required.

SEPP Building Sustainability Index (BASIX 2004)

A BASIX Certificate has been included in the Appendices to this report to address compliance for the construction of the proposed dwellings.

Byron Local Environmental Plan 2014

The land is zoned R2 - Low density Residential under the Byron Local Environmental Plan 2014 (BLEP 2014). The proposed development involves construction of a 2 storey dual occupancy dwelling, which is permitted with consent in this zone.

Clause 6.2 – Earthworks

The retaining wall has replaced an old retaining wall that was beginning to fail and will assist in stabilizing the site.

The provisions of any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that are applicable to the site.

Byron Development Control Plan 2014

Chapter B14 – Excavation and fill

The retaining wall has not required any significant amount of excavation as detailed on the attached plans and certificates.

5. Conclusion

This Notional Statement of Environmental Effects, when read in conjunction with the attached plans and survey supports the assessment of the Building Information Certificate lodged to Council. The retaining wall has been constructed on the subject site to assist in land stabilization and has not impacted on adjoining properties nor the easement running along the eastern boundary.