

STATEMENT OF WORKS – 22 TONGARRA DRIVE, OCEAN SHORES (LOT 1770 DP 246054)

Site Description



The site comprises land described as Lot 1770 DP 246054, 22 Tongarra Drive, Ocean Shores (The site). The site is located on the northern side of Tongarra Drive, 2 lots to the east of the intersection with Devine Hill Road. The primary frontage is to Tongarra Drive and provides access to the subject site.

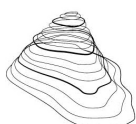
The site is a rectangular shaped lot and is an existing 'disturbed site' which currently contains a split level rendered F/C Clad dwelling with a metal roof.

The site frontage to Tongarra Drive has a length of 23.007m with the rear boundary backing onto the public reserve having the same length. The north eastern boundary adjoins 20 Tongarra Drive and has a length of 42.425m whilst the western boundary adjoins 24 Tongarra Drive with the same length.

The immediate area is characterised by 1-2 storey residential dwellings on individual allotments within a landscaped setting.

The Unauthorised Building Work

The unauthorised works relate to the conversion of an existing room at Lower Ground Level into a studio and the construction of an external slab also at Lower Ground Level, located underneath the Ground Floor Rear Balcony.



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I note that the subject studio does not include cooking facilities, ensuring the structure does not fall under the definition of secondary dwelling.

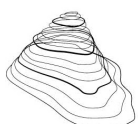
The subject works do not result in any increase in approved building heights, noting the approved roof form has been maintained, no reduction in front, rear or side boundary setbacks and no increase in the bulk and scale of the approved development. Furthermore, the subject works, located internally or underneath existing structures, did not require the removal of any trees or vegetation, ensuring that the

I consider that the unauthorised works undertaken are of a “minor” nature and do not result in any unreasonable impacts to adjoining properties or the public domain and are considered to be of “minimal environmental impact”. Furthermore, I consider that the works carried out result in a development that remains substantially the same development as the previously existing approved development.

The subject development is shown on plans prepared by *Jordi Tate* dated 17 April, 2024. The Architectural Plans detail the full scope of works and should be referred to in their entirety.

The Building Information Certificate Application is accompanied by the following documentation;

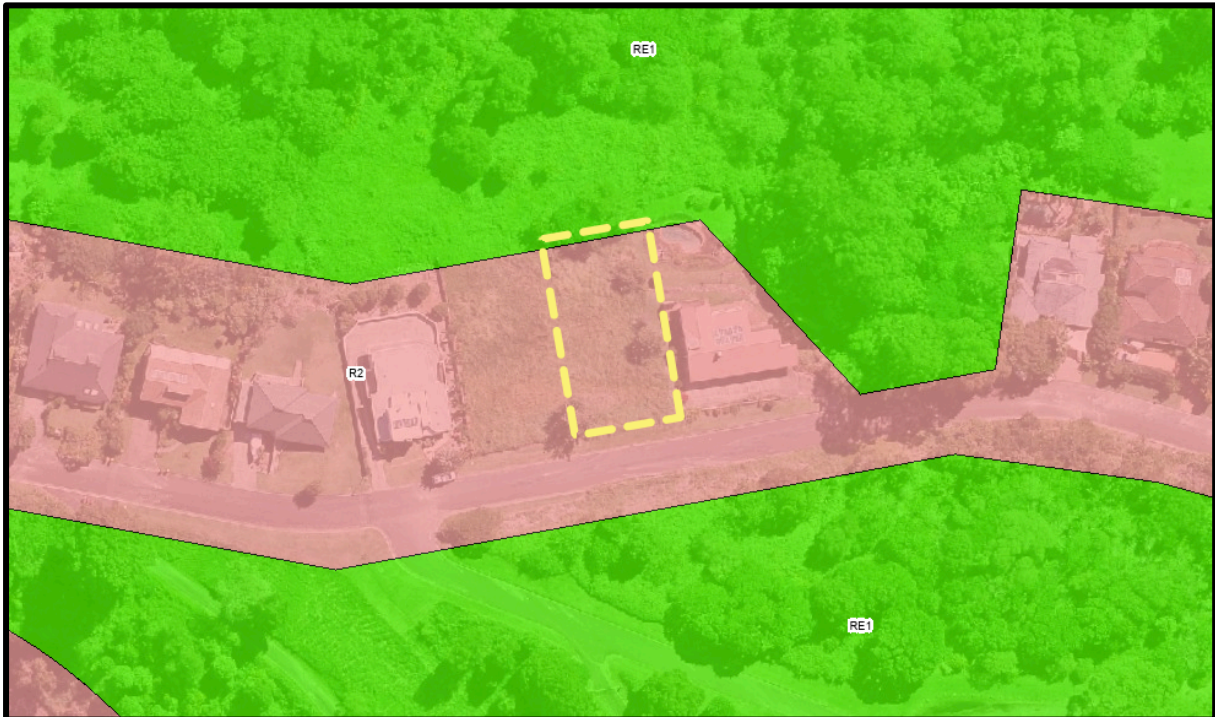
- Architectural Plans reflecting the current site conditions.
- Identification Survey reflecting the current site conditions.
- Engineering Certificate of Compliance confirming subject works are structurally adequate and comply with the relevant Australian Standards.
- Range of Compliance Certificates provided by associated Trades which have undertaken the subject work.



PLANNING INSTRUMENTS

Byron Local Environmental Plan 2014 (BLEP)

Zone



Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

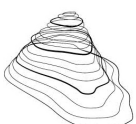
Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Centre-based child care facilities; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Home industries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities;



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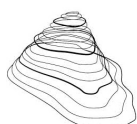
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Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Residential care facilities; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Comment

The scope of works seeking approval under the BIC Application are permissible within the R2 zone.

- I consider that the works undertaken contribute to the housing needs of the community within a low density residential environment, resulting in improved internal amenity for current and future occupants, in keeping with the previous approval.
- The second objective is not applicable.
- The works undertaken result in a development that remains compatible with the character and amenity of the surrounding neighbourhood.
- The works undertaken do not result in any increase to the approved height or roof form.
- The subject works did not require the removal of trees or vegetation ensuring no impact on canopy tree cover or reduction in existing levels of Landscaped Area.



4.3 Height of buildings



(1) *The objectives of this clause are as follows—*

(a) *to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,*

(b) *to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,*

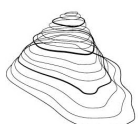
(c) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Comment

The scope of works seeking approval under the BIC Application remains significantly below the Height of Buildings Standard. Furthermore, I note that the completed development did not result in any changes to the approved building heights or roof form, aside from the deletion of a previously existing chimney, resulting in a reduction in height at this point.

The subject modifications are considered to comply with the relevant Objectives of the Height of Buildings Standard.



4.4 Floor space ratio



(1) The objectives of this clause are as follows—

- (a) to ensure that new buildings are appropriate in relation to the character, amenity and environment of the locality,
- (b) to enable a diversity of housing types by encouraging low scale medium density housing in suitable locations,
- (c) to provide floor space in employment and mixed use zones adequate for the foreseeable future,
- (d) to regulate density of development and generation of vehicular and pedestrian traffic,
- (e) to set out maximum floor space ratios for dual occupancy in certain areas.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) (Repealed)

Comment

The subject works did not result in any additional Gross Floor Area compared to the previously existing dwelling, ensuring no changes to the previously approved FSR.

SUMMARY

Table 2.1 provides a summary of the relevant provisions of the LEP and outlines their relationship with the proposed development;

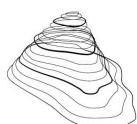


Table 2.1 – LEP Compliance Summary

Clause	Control	Complies
4.1: Minimum Subdivision Lot Size	600m ² minimum	N/A
4.3 Height of Buildings	9 metres maximum	Yes
4.4 Floor Space Ratio	0.5:1	Yes – Furthermore the subject works did not result in any additional GFA.
5.10 Heritage	Consider Objectives	N/A
5.21 Flood planning	Consider Objectives	N/A
6.1 Acid sulfate soils	Consider Objectives	N/A
6.2 Earthworks	Consider Objectives	N/A

CONCLUSION

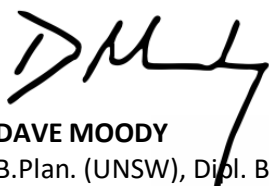
The building works which now seek retrospective approval do not result in any unreasonable amenity impacts to adjoining properties. Accompanying documentation confirm that the subject works were carried out and complied with relevant BCA/NCC requirements and Australian Standards.

The subject building works are consistent with the relevant objectives of the R2 Zone and are compliant with the relevant provisions of the *Local Environmental Plan*. Furthermore, the proposal complies with the relevant Objectives and is consistent with appropriate controls contained within the *Development Control Plan*.

The subject building works will not result in unacceptable ecological impacts or amenity impacts to adjoining properties.

The matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed demonstrating the unauthorised building works are compatible with the surrounding environment.

Regards



DAVE MOODY

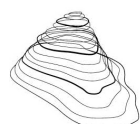
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