



Piper
PLANNING

STATEMENT OF ENVIRONMENTAL EFFECTS

Dual Occupancy Developments and Subdivision

A REPORT PREPARED BY PIPER PLANNING FOR:

ELK Designs

64-66 Anniversary Drive, Diamond Beach

Rev A – 26/07/24



DOCUMENT NOTES

REVISION	DATE	NOTES
PRELIM	13/05/24	FOR QA REVIEW (JC)
DRAFT	15/05/24	AP
DRAFT II	10/07/24	FOR QA REVIEW (JC)
A	26/07/24	FINAL

CONTACT:

(02) 4048 0702

admin@piperplanning.com.au

PO BOX 232, Adamstown NSW 2289

www.piperplanning.com.au



CONTENTS

1. INTRODUCTION.....	4
2. PROPERTY DETAILS	5
2.1 SUMMARY.....	5
2.2 SITE CONTEXT AND EXISTING IMPROVEMENTS	7
3. DESCRIPTION OF PROPOSED DEVELOPMENT.....	9
3.1 CONCURRENT DUAL OCCUPANCY DEVELOPMENTS AND SUBDIVISION	9
4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979	12
4.1 SEPP COASTAL MANAGEMENT.....	12
4.2 GREATER TAREE LOCAL ENVIRONMENT PLAN 2010	14
4.3 GREATER TAREE DEVELOPMENT CONTROL PLAN 2010.....	17
5. CLAUSE 4.15 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.	23
5.1 OVERVIEW.....	23
5.2 THE PROVISION OF ANY EPI.....	23
5.3 THE PROVISION OF ANY DRAFT EPI	23
5.4 ANY DEVELOPMENT CONTROL PLAN	23
5.5 ANY MATTERS PRESCRIBED BY THE REGULATIONS.....	23
5.6 LIKELY IMPACTS OF THE DEVELOPMENT	23
5.7 SITE SUITABILITY	24
5.8 SUBMISSIONS.....	24
5.9 THE PUBLIC INTEREST	25
6. CONCLUSION	25



1. INTRODUCTION

This Statement of Environmental Effects (SEE) relates to the premises known as No. 64-66 Anniversary Drive, Diamond Beach. The document accompanies a Development Application for the construction of concurrent dual occupancies and associated Strata subdivision on behalf of ELK Designs.

This Statement is prepared in response to the plan detail available at the time of preparing the report. Noting some on-going consultation with the applicant, some minor changes may result to indices prior to lodgement.

Council should note that given the pending registration of the subdivision of the parent lot, we would accept deferred commencement conditions, reliant upon the registration of the subdivision.

This SEE and Development Application have been prepared in response to the statutory provisions applicable to the development.



2. PROPERTY DETAILS

2.1 SUMMARY

Applicant	ELK Designs
Landowner:	Rahme
Property Address:	Lots 3 and 4, DP 1041002, No.'s 64-66 Anniversary Drive, Diamond Beach 2430
Zone:	R1 General Residential
Calculations	<p>Lot 1 Area: 750m²</p> <p>Unit 3 GFA: 152m²</p> <p>Unit 4 GFA: 158m²</p> <p>Total GFA: 310m² (0.41:1)</p> <p>Lot 2 Area: 751m²</p> <p>Unit 1 GFA: 152m²</p> <p>Unit 2 GFA: 158m²</p> <p>Total GFA: 310m² (0.41:1)</p> <p>Lot 3 Area: 750m²</p> <p>Unit 5 GFA : 217m²</p> <p>Unit 6 GFA: 217m²</p> <p>Total GFA: 434m² (0.58:1)</p> <p>Lot 4 Area: 720m²</p> <p>Unit 7 GFA: 206m²</p> <p>Unit 8 GFA: 206m²</p> <p>Total GFA: 412m² (0.57:1)</p>



Existing
Improvements:

Vacant residential allotments benefitted by existing consent for a 2 into 4 lot subdivision.



2.2 SITE CONTEXT AND EXISTING IMPROVEMENTS

The development allotments are located within a sub-urban setting, amongst a developing residential subdivision. The sites are irregular in shape, resembling a parallelogram. The long axis of the site is oriented in the east/west direction and the site displays slightly sloped topography.

In October 2022, Council approved the parent lots to be divided into 4 lots by way of Torrens Title Subdivision (DA/2022/0313). This resulted in two street facing conventional lots and two rear placed battle-axe allotment. No built form outcomes were considered or approved, with the exception of the drive access and drainage infrastructure.

The subject allotments are located within the R1 General Residential zone. The sites are clear of bushfire and flood affectations. The sites are located within the Coastal Use Area Map according to the NSW Planning Portal.

At the time of preparing this report, the premise exists within a developing sub-urban context, with a vacant lot to the north. The allotments to the south are occupied by single dwelling units and The Halliday's Point Public School is located immediately to the west. The site derives its pedestrian and vehicular access from the Anniversary Drive carriageway.

A C2 Environmental Conservation zone is located approximately 88m east of the subject allotment, and the E1 Local Centre is located approximately 163m south of the allotment.

We highlight that a process of gentrification is occurring in the local area, driven by Council's strategic intent for development of the area. We note that the very low density-built form context does not singularly define the local character, which shows a strong undercurrent of renewal and investment. Figure 1 outlines the location of the premise amongst the local context.



Figure 1: Development allotment within broader locality

Development Allotment



3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 CONCURRENT DUAL OCCUPANCY DEVELOPMENTS AND SUBDIVISION

The Applicant seeks consent for the erection of four attached dual occupancy developments upon the approved lots 1-4 of parent allotments No.'s 64-66 Anniversary Drive Diamond Beach. Following erection of the dual occupancies, the application seeks consent for subsequent Strata Subdivision of the dual occupancies upon each Torrens allotment.

The application is formed on the basis that registration of the approved subdivision will occur prior to activation of any potential consent for these dual occupancy forms. As such, the process can be facilitated by the application of a deferred commencement condition, requiring the registration of the subdivision prior to the activation of a consent.

The proposal incorporates street facing dwellings that are single storey, three-bedroom structures. The rear portion of the development, upon the approved battle-axe allotments incorporates two storeys, four-bedroom structures. All dwellings are supported by double garages.

The dwellings feature open plan configuration living spaces that directly connect to adjoining private open space areas. The nominated POS elements display western orientations and therefore receives appropriate levels of solar access during the afternoon. Landscape and open space elements surround the built forms, facilitating spatial separation to the site boundaries.

The developments at the rear seek efficiency in site coverage by way of a shared drive access derived from Anniversary Drive. These structures utilise a two storey form, with ground floor primary habitable living areas taking



advantage of the open outlook to the west, having ideal amenity through the afternoon. These also provide for an adaptable, accessible form by way of the ground floor main bedrooms and associated amenities.

Following development of the built form, each site is to be subdivided (1 into 2 lots) by way of Strata Subdivision.

The floor space of the proposed development is 0.41:1 in lot 1 (Units 3 and 4), 0.41:1 on lot 2 (Units 1 and 2), 0.58:1 on lot 3 (Units 5 and 6), and 0.57:1 on lot 4 (Units 7 and 8). Sufficient landscaping is provided on all 4 allotments along with functional and appropriate spatial separation.

The overall formation of the attached dual occupancies appears suitably considered, ensuring appropriate privacy and minimal environmental impacts. Dual occupancy forms are a low density development typology and as such, the proposal is conservative and in keeping with the low-density character of the surrounding locality.

The gross floor area of the proposed development is 1466m². The overall maximum height of the development is 8.36m above natural ground (Ridge of Unit 5 - RL23.60 above EGL RL15.26).

Figure 2 indicates the proposed site layout for the development.



Figure 2: Proposed Site Layout



4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

4.1 SEPP COASTAL MANAGEMENT

The subject premise is located within an area identified as being a Coastal Use Area. The following provisions of the SEPP are relevant:

Clause 13

We note the provisions of Clause 13 of the SEPP. The following addresses those matters specifically:

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

The proposed development seeks consent for the intended low density residential use typology. Measures detailed in the plan set will be implemented during the construction process to mitigate sediment and erosion issues from site. The site will direct runoff (post development) to the am infiltrations system. The site will be stabilised post construction with endemic species.

(b) coastal environmental values and natural coastal processes,

The proposed development seeks consent for the intended low density residential use typology. Areas outside of the development footprint will be stabilised post construction. The site will direct runoff (post development) to the approved subdivision infrastructure.

As such, we submit that coastal environmental values and natural processes will not be substantially impacted.



(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

N/A

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

There should be no impact to these features beyond that of the existing site conditions.

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

The subject allotment does not have capacity to constrain public access to the foreshore.

(f) Aboriginal cultural heritage, practices and places,

The proposal should not constrain aboriginal cultural heritage, practices and places above that of the existing use.

(g) the use of the surf zone.

The location of the subject allotment is such that it has no ability to affect the surf zone.



4.2 GREATER TAREE LOCAL ENVIRONMENT PLAN 2010

Zone Provisions

The site is located in the R1 General Residential zone under the Greater Taree Local Environmental Plan 2010 (LEP 2010).

According to the LEP, the objectives of the Zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment

The LEP 2010 Zone provisions outline permissible forms of development and amongst these, dual occupancies are specifically identified. The development proposes dual occupancies (attached) and Strata subdivision of the final form.

By way of the fact that the parent allotments (post subdivision registration) display one title, the attached dwelling forms would be consistent to the LEP definition for a dual occupancy.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of ***dual occupancy***—see the definition of that term in this Dictionary.

The proposal seeks to respond to the environmental attributes of the allotment and to the local context. Elevation that responds to landform,



placement according to site attributes and appropriate separation enable the development to be undertaken with minimal impact to amenity or environmental attributes of the locality.

An assessment of the proposed development against the relevant clauses of the Greater Taree Local Environmental Plan 2010 finds that the proposed development supports the above intentions and will ultimately enhance the built environment and streetscape.

The proposal seeks to reinforce the amenity of the area through providing an attractive and built form with minimal impact on the qualities of the existing environment. The scale and form of the development is conservative and in keeping with the character of development displayed elsewhere throughout the locality.

The proposal may be undertaken without constraint to the environmental capacity of the locality subject to adequate controls being implemented during the construction process (as specified in plan detail).

Subdivision

Clause 4.1 of the LEP prescribes allotment sizes resulting from subdivision. The provisions of Clause 4.1 do not extend to Strata Subdivisions.

Height of Buildings

The allotment exists within an area identified on LEP 2010 Height of Building Map as permitting a maximum height of 8.5m. The proposed development is non-compliant in this regard, displaying a maximum elevation of 8.36m



above existing ground levels. This has been determined by the maximum elevation being RL23.6 at the central ridge of Unit 5. This ridge is located above the existing ground level interpolated as RL15.26 (being between the surveyed levels RL 15.48 and RL15.04). Ground levels are consistent in grade through this area and the development is subsequently shown in both elevation and with the mesh overlay (DA303) as being entirely within the prescriptive development standard. The proposal is consistent with LEP provisions in this regard.

Floor Space Ratio

The allotment exists within an area identified on the Floor Space Ratio Map as permitting a floor space ratio of 0.6:1. The developments on Lot 1,2,3 and 4 displays gross floor areas of 310m² , 310m² , 434m² and 412m² respectively. The resultant FSR's for each dual occupancy of are 0.41:1, 0.41:1, 0.58:1 and 0.57:1. Therefore the proposed development is compliant with the LEP.

Acid Sulfate Soils

The allotment exists within an area identified on the Acid Sulfate Soils Map as having Class 5 Acid Sulfate Soils. The extent of the earthworks is such that it is unlikely that acid sulphates would be exposed.



4.3 GREATER TAREE DEVELOPMENT CONTROL PLAN 2010

The following serves as analysis of the proposed development against the pertinent chapters of the DCP;

Part B – Character Statement

Diamond Beach – The character statement for Diamond Beach is yet to be drafted.

Part D – Environmental Requirements

Earthworks, Erosion and Sedimentation – Sediment and erosion control measures will be undertaken in accordance with the engineering design details.

The site displays slightly sloped topography falling from the west to the south-east. The development incorporates retaining walls for the purpose of excavations, located centrally within the development. Those retaining walls are less than 1m in height.

Site topography displays 2m of fall across an 82m long site. On this basis, the slope is 2.43% and so a Geotech Report should not be required.

Vegetation Management – The proposed development seeks to remove several trees upon the site to accommodate the proposed development. An arborist report is attached along with this application.



Part H – Residential Requirements

Site Coverage – We note the provisions contained in the GTLEP 2010, which define site coverage as:

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—

- (a) any basement,*
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,*
- (c) any eaves,*
- (d) unenclosed balconies, decks, pergolas and the like.*

On this basis, the plan information notes on drawing DA034 the extents of site coverage by buildings, excluding those unenclosed pergola areas and entry porticos.

DCP provisions allow up to 65% site coverage. The proposal seeks consent for a site coverage of 53% on lot 1, 53% site coverage on lot 2, 42% site coverage on lot 3 and 43% site coverage on lot 4. We submit the proposed development is consistent to DCP requirements.

Building Heights – The LEP building height restriction prevails which allows for a maximum height of 8.5m above existing ground levels. Unit 5 displays a compliant maximum height of 8.36m.

Solar Access and Overshadowing – The proposed development is predominantly oriented towards an east/west axis. The orientation of the allotment means that the shadow impacts from the proposed development will predominantly fall within the site and the pathway to



the south. Shadow diagrams are displayed upon page DA900-DA901 of the plan set.

Primary internal and external living spaces for the 8 dwelling units are located towards the west and receive more than 3 hours of solar access through the middle of the day (11am, 12pm and 1pm).

The site is bound by a pathway to the south and a school sports field located to the west. The allotment to the north is currently unoccupied but is clear of potential shadow impacts. Therefore, we submit that the proposed development is unlikely to result in any externalities. We submit the proposal as compliant in this regard.

Privacy – Privacy at the ground floor will be maintained as a function of boundary fencing.

The dwelling units at the front are single storey units, which correspond with existing ground levels. As such and in consideration to boundary fencing inclusions, these units will not result in any substantial privacy impacts.

The dwelling units at the rear are two storey structures. These dwelling units display primary habitable living areas at ground level, oriented to the rear. As such, privacy impacts are preserved by way of orientation and boundary fencing installations. The premise to the west is part of a school sports ground and so the suitability of the privacy interface arrangements are further consolidated (as there is no direct residential occupation adjoining). The premise displays a wide pedestrian pathway to the south and so this interface is also buffered. The first floor secondary living area of unit 8 is protected in its capacity to overlook the



adjoining premise by way of the proposed screening element to the northern side façade. We submit that the proposal appears appropriate in terms of visual privacy.

Views – No substantial view impacts have been identified to be affected in result of the proposed development.

Part H3.3 – Dual Occupancies

Minimum Lot Size — The DCP provisions require a minimum land size of 750m² excluding the area of any battleaxe handle.

Lot 01, 02 and 03 display areas of 750m² and 751m² being consistent with the DCP requirements. Lot 04 display a lot sizes of 720.55m² (excluding the access handle) and 788 m² including the handle. The minor deficiency to the prescriptive lot size does not appear to constrain the ability to erect a dual occupancy upon the lot, noting compliant setbacks, site coverage, vehicular access and circulation.

The built form outcome forms part of a cohesive architectural response over the two parent allotments and so the scale of the building will not appear disparate or contextually inappropriate.

The proposed dual occupancy displays a compliant gross floor area, with sufficient amenity. The deficiency in lot size is only practically distinguishable on title and the built form outcome is otherwise compliant with Council's scale and setback requirements.



We seek merit based consideration to this issue in view of the wider extent of compliance shown by the development.

Setbacks – The DCP requires a minimum front setback of 5m for dual occupancies. The subject allotment displays an offset front boundary alignment (to the development axis) retracting towards the north. As such, the front elevations of the dwellings step back and forth in response to the boundary. This articulated approach provides an average setback of 5.5m to the front boundary.

Local intrusions to the prescriptive 5m setback occur as a result of the offset alignment, and we note dwelling Unit 4 displays a minimum front setback of 4.955m at the forward most projection (which is akin to an articulated element). The development then immediately retracts from this minimum setback (by way of the offset front boundary alignment), with the development displaying front setbacks substantially greater than 5m (averaging 5.5m).

The minor forward projection in the northern corner (being 5mm) from the DCP requirements will not substantially impact the street front appearance of the development and should be supported on merit (as it would not be visually discernible from a compliant outcome and can be contemplated as building articulation providing visual interest). The garages display a greater front setback and do not impact the streetscape substantially.

The DCP requires minimum side and rear setbacks of 0.9m for single storey development and 1.6m for second storey development. The development sits entirely within the prescriptive envelope. Lands to the rear are Zoned RU1 and are not considered to be a public reserve. We



submit the proposed development is consistent with the provisions of the DCP.

Car Parking – The proposed development includes a double garage for each dwelling (being commensurate with DCP rates for 3 or more bedroom dwellings). The garages display a cumulative 22m of openings towards the street, being less than 50% of the site frontage. The garage is flanked by a bedroom that faces the street front and projects forward of the openings. These habitable rooms enable direct casual surveillance of the public/private interface. We submit the proposed development remains consistent with the DCP in this regard.

Private Open Space – The development incorporates an alfresco space associated with the primary internal living spaces for each dwelling unit. These spaces display contiguous connection to the wider yard spaces, which are noted as being 80m² or greater, with dimension greater than 6m by 4m. The proposal is compliant to DCP provisions.



5. CLAUSE 4.15 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 OVERVIEW

In this Section, the proposed development has been assessed having regard to the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Amendment Act, 1997, which a consent authority must consider in determining an application.

5.2 THE PROVISION OF ANY EPI

Consideration is given to the Greater Taree LEP 2010 is discussed in Section 4.1.

5.3 THE PROVISION OF ANY DRAFT EPI

No applicable Draft applies.

5.4 ANY DEVELOPMENT CONTROL PLAN

Consideration of the Greater Taree Development Control Plan 2010 is discussed in Section 4.2.

5.5 ANY MATTERS PRESCRIBED BY THE REGULATIONS

Not applicable to this application.

5.6 LIKELY IMPACTS OF THE DEVELOPMENT

5.6.1 Context and setting

The proposed development and use of the premises for a residential purpose will complement the surrounding context.



5.6.2 Public domain

The proposal will have no impact on the public domain. No external works are proposed.

5.6.3 Utilities

All installations will meet the requirements under the Australian Standards and the Building Code of Australia.

5.6.4 Social and Economic impact in the locality

The proposed development will provide impetus and vitality to the locality and is therefore considered appropriate.

5.6.5 Site design and internal design

The site is considered ideal for the needs of the proposal. The design suitably responds to the attributes of the site.

5.6.6 Cumulative Impacts

The cumulative impact of the development on the character of the neighbourhood is expected to be negligible.

5.7 SITE SUITABILITY

The subject site is considered ideal to the requirements of the Applicant. No variation to site formation or infrastructure is required.

5.8 SUBMISSIONS

The Consent Authority will need to consider any submissions received in response to the public exhibition of the proposed development.



5.9 THE PUBLIC INTEREST

There are no known Federal or State Government policy statements and/or strategies that are relevant to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

6. CONCLUSION

The proposal is identified as Local Development under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Clause 4.15 of the Act, Greater Taree Local Environmental Plan 2010 and Greater Taree's Development Control Plan 2010. In this regard, it is considered that the proposal satisfies the aims and objectives as well as the prescriptive requirements of the above controls.

The proposal will provide elevation, form and style consistent to that of built form throughout the locality and in consideration of zoning objectives, the development is entirely appropriate.

As such, the proposal for the erection of attached dual occupancy developments and the subsequent Strata subdivision of those pending allotments in the subdivision of No. 64-66 Anniversary Drive, Diamond Beach, 2430 is an appropriate response to context, setting and planning instruments.