

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

2 Oct 2017

Dear Mr Gainger

Re **Submission of objection**
 Development Application No. 10.2017.516

My name is Elizabeth Turnbull and I am writing to you with regard to the above DA. My address is 2 Coomburra Crescent, Ocean Shores (lot 1574). I have owned the property since 2014 with my husband, Richard Walker.

We are adjacent to the proposed development and both our property and those of our 12 neighbours surrounding the property will be negatively affected if it proceeds as proposed. I ask that you please consider my objections.

Please understand that I am not opposed to reasonable development on the land and financial gain for the developers but ask you to consider the development be in accord with the current and future needs of neighbours, future owners and those who use the increasingly busy thoroughfare of Coomburra Crescent.

This is a matter of community interest.

We have engaged Chris Lonergan to assist us in understanding the proposal and to assess it from a planning perspective.

The proposal plans for 4 blocks 800sqm on Torrens title. This offers the potential for 2 dwellings per block. Future buyers will understandably try to maximize and gain from their investment.

Reasons for my objections:

Driveway – Loss of Amenity, Privacy, Significant Safety Risks, Visitor Parking

The potential for 8 dwellings will result in 80 or more car movements daily along the driveway between No's 6 and 10 and potentially **40-60 car movements** along the northern boundary of 2, 4, 6.

As Chris Lonergan has pointed out there are steep gradients along the proposed driveway and this will mean a lot of revving and increased exhaust fumes.

As we all live to the back our houses, with the main bedrooms overlooking the back yards, we will all be subjected to increased noise, fumes, and headlights at night

along our back fence from proposed lots 3 & 4, with background noise from the other 2 lots. Even with the tree screening we have planned this will adversely impact upon our wellbeing and ability to sleep at night, especially during summer when we need to have more windows open for coolness. Our neighbours on the corner of Coomburra and Warrambool Rd and to the east of the block will also be adversely affected in the same way.

The proposed driveway slopes to the north and to the west with a lot of stormwater run off along it. While it is just within the legal requirement, given the gradient and the need for foundations on both sides it will be pretty well impossible to provide a dual driveway and provide the required landscaping and sound buffering.

There are already two 3 metre concrete driveways running alongside the proposed driveway. Concreting another 6 metres without provision for safety and landscape buffering, amounts to **12 metres wide of concrete** between No's 6 - 10. This means a lot of heat, glare, and stormwater run off. None of this has been accounted for in the proposal. Nor has the reinforcement of the driveway, and the reinforcement of the foundations running along the side of No 6 been taken into account. This is a seriously significant loss of amenity for our neighbours, risks the stability of their foundations, and will greatly impact on the value of their properties.

Major earthworks and retaining walls will need to be built all along the proposed driveway around the back of the houses along Coomburra, but there has been no proper geotechnical and stormwater assessment of the risk to the stability of our blocks, let alone the proposed blocks. This is irresponsible.

It is not clear from the DA how large trucks – like building and removal trucks or fire engines will be able to access the proposed blocks. There appears nowhere in the proposal to place a suitable turning circle for vehicles of that size.

In the serious event of a fire how will a large fire truck quickly access houses down the back with pedestrians and cars trying to exit?

Where the driveway meets Coomburra Crescent the visibility to the west is already extremely poor. Cars speed up and down the road, especially since it was recently regraded. Cars rev up the hill as the road curves around to no 10. A large volume of traffic exiting this driveway is dangerous to both pedestrians and other vehicles, including buses. Pedestrians only walk down this side of the road as the other side is narrow and steep in many sections.

The tenants of No 10 frequently park their cars on the verge outside the house and this greatly decreases visibility and adds to risk.

During holidays and music festivals traffic increase is significant, including many more pedestrians. This includes buses and vans picking up groups of people waiting to go to the festivals.

Visitor parking will be a huge issue for residents along this stretch if there are 4-8 dwellings added. There is no planning and space for this amount of cars. It turns it from low density into high density just on this issue.

Rubbish Bins – Traffic Issues, Visual Impact

Given the length and gradient of the driveway it is highly unlikely that residents of No. 8 will be willing to move their bins back to their residences. No space is provided for these bins. Rubbish trucks will not go up and down that driveway. That means **up to 20 bins** will be sitting somewhere along Nos. 6 and 10 driveways and verges.

Can you imagine the impact on traffic flow with rubbish trucks pausing on the curve picking up all these bins during peak times of traffic, and when the school bus is going past?

This situation will very likely lead to risk, a lot of mess and cause a lot of disharmony. It will be ugly – a significant loss to the amenity of the neighbourhood as a whole. Again, this is high density living.

Stormwater and Drainage

During times of rain, a lot of stormwater flows along this block from all the blocks along Coomburra, Warramboul and the high side of Orana. During the rainy season **it is a complete bog** with evidence of creek flows and water springs. Our neighbours in Dyum Pl already struggle with the inadequate stormwater inlet and the easement running alongside their properties. Adding 4-8 houses to this plus concrete will lead to serious stormwater issues. The developers have not considered the impact on the current surrounding owners and future owners of the proposed lots.

Trees

The proposed removal of all trees is completely unnecessary at this stage and could contribute to serious erosion in the event of large rains. The large trees to the north (red gums) are significant and notable landmarks. Removing them affects the privacy of the lots on No 8 plus along Orana Rd, plus along Coomburra. They are beautiful trees, home to many species of birds and add so much to the neighbourhood.

Inadequacy of the proposal

The lack of a proper geotechnical report is irresponsible given the gradient, the clay soil, the signs of water springs, the creek flows during the wet, the known slippage that occurs in this area. This block is a catchment slope for most of the surrounding properties and shows signs of slumping. The development needs to suit the land, not the other way around.

The proposal did not provide an acoustic report and this is negligent given the car traffic and increased density of living proposed and the nature of the slope and sound moving up the hill.

We all live to the back of our houses around this block and enjoy the privacy and quiet. This will be severely affected. It will be like living between 2 roads for us, and 3 roads for No's 6 and 10.

While it appears on paper that this DA is proposing low density living in accord with local ruling, **the actual consequence will be high density living** and a serious deterioration of amenity, and increased traffic risk for the neighbourhood.

We bought knowing that another house would eventually be built, but we were told that given the driveway difficulties and the nature of the terrain and stormwater issues there would only be one house with a granny flat.

I oppose this proposal and think it is more reasonable to subdivide into 2 lots with single dwellings and ensure there is a single access driveway with landscaping and sound buffering with a small overtaking section.

The developers will still walk away with a significant financial gain. Low density development will be achieved and the wellbeing and harmony of the neighbourhood can continue.

Yours sincerely

Elizabeth Turnbull

DA No 10.2017.516.1

Proposal Subdivision to Create Four (4) Lots

Parcel No 14500

Property LOT and DP: LOT: 1577 DP: 243995

Description Street Address: 8 Coomburra Crescent OCEAN SHORES

Applicant Ardill Payne & Partners

Consent Authority Byron Shire Council

Exhibition Period 28 September 2017 to 11 October 2017

9/10/2017

Dear Council,

My name is Michael Bushby and I co-own 10 Coomburra Crescent Ocean Shores.

I am alarmed at the extent of the proposed subdivision for a number of reasons.

1)Traffic conjection

The proposed 6-metre-wide driveway required to access and service between 4 – 8 dwellings in the future will create havoc entering and exiting from Coomburra Crescent, due to limited vision of vehicles rounding the bend just before this exit. Visibility is approximately 20 metres, a far cry from the recommended 80 metres. Cueing to exit especially during peak hour will generate a blanket of fumes to be shared by number 10 and number 6 Coomburra, and of course noise.

I was alarmed to note that in point 6 of the proposal the landscaping requirements (Chapter B9) were arrogantly dismissed due to the distance between properties – IE: 9.5 millimetres wider than the 6 metre driveway!

Unless there is adequate parking and turning circles at the base of this driveway, large service and emergency vehicles (e.g. removal and fire trucks etc), extended family and visitors etc would be forced to park on the council verge in front of neighbouring properties competing on bin pick-up day with up to 16 bins.

2) Storm water

The runoff from the original small driveway at 10 Coomburra was sufficient to undermine the foundations of the house. We have addressed this problem at great expense and built a council approved granny flat at the rear base of the house. The extended driveway to the granny flat has been adequately plumbed and shaped to avoid any flooding generated from our property.

I shudder to consider the runoff from the 47+ metre driveway and how it will affect the granny flat which is considerably lower. The retaining wall to create the proposed driveway of some 1.5 metres or more above our property will be a problem in itself and will not address runoff, noise, heat, fumes, visual disturbance and safety.

3) Lifestyle

The house and granny flat will suffer a dramatic change from a quiet healthy haven to the onslaught of noise and pollution similar to big city high density living. It is unethical, inconsiderate and disrespectful towards our community to inflict this upon 12 property owners for the sake of one man's greed. My very first property purchase was in South Golden Beach in 1982. I sold this property in 2000 due to flooding and my partner's illness (Ross River Fever) as a result of water runoff from the solid fill used in the large adjoining property which affected all the older surrounding properties. However, this did not dampen my love for this area which is why we retired in Ocean Shores in 2007. Out of a sense of loyalty we recently sold our rental property in Brisbane to purchase in this shire and were pleased to be able to create extra accommodation with the building of the granny flat. 10 Coomburra became our replacement source of income which now looks in danger of decreasing due to the destruction of our tenants current living environment. Loss of income means that to pay bills, expenses etc we would be forced to reduce or stop our regular donations to local charities, Lock the Gate etc. This is just one flow on effect from one man's greed. Had I purchased this large parcel of land, I would be delighted with the profit resulting from a subdivision for 2 families.

In summary

People should always matter more than profit, whether it be large scale (fossil fuel extraction) or small scale (inappropriate development).

Yours Faithfully

Michael Bushby

DA No. 10.2017.516.1
Proposal Subdivision to Create Four (4) Lots
Parcel No. 14500
Property Description Lot and DP: LOT: 1577 DP: 243995
Street Address: 8 Coomburra Crescent OCEAN SHORES
Applicant Ardill Payne & Partners
Consent Authority Byron Shire Council
Exhibition Period 28 September 2017 to 11 October 2017

Dear Council,

My name is Heide Getrost and I own and live at 6 Coomburra Crescent in Ocean Shores. I have very strong concerns and objections to DA 10.2017.516.1 that proposes to subdivide the land directly adjacent to my home and neighbourhood into 4 Lots.

I bought the property with the understanding that this parcel of land could not be developed into multiple lots due to no direct street access and issue with existing easements.

From study of the DA I am very concerned that many details have not been considered or presented.

Please consider my concerns and grounds for objection to the DA 10.2017.516.1 as outlined below.

Driveway - Traffic

Subdividing into 4 Lots will generate excessive traffic directly next to my home and neighbouring homes.

The proposed driveway will run down the entire side of my property and the full length of its bottom boundary.

The DA estimates 10 vehicle movements per day per dwelling. With 4 dwellings this could be 40 car movements per day, if each lot builds a second dwelling this could double to 80+ vehicle movements per day.

This traffic will create noise, fumes, headlight intrusion, safety issues, loss of privacy, security concerns and general disturbance to my home and neighbours.

The driveway is a steep gradient which means vehicles will be accelerating up the driveway increasing the noise level particularly from larger vehicles. Vehicles will also not see each other from one end to the other causing congestion, reversing and possible collisions with larger vehicles.

Driveway - Design & Construction

The construction of the driveway will require significant earth works and retaining walls to be installed along my two boundaries which will jeopardise the ground stability of my property.

My driveway is lined by golden cane palms which were planted for their root system. They are integral in stabilizing the foundations for my driveway. The new driveway is planned to go right up against my boundary and may have to cut into the root system of these trees and could lose them. I am concerned about the damage to my trees and subsequent destabilising of ground and losing the privacy and buffering they provide.

The minimum required carriageway width for the projected traffic flow of the 4 Lots is 6m. The width of the battle axe driveway is 6.095m. This leaves no scope for landscaping, fencing, sound attenuation walls or construction of the retaining walls. The driveway as currently proposed will sit directly next to my boundary with absolutely no buffering from 80+ car movements per day if I lose my trees.

Note also there is a hard right 90 degrees turn proposed at the bottom left hand corner of my property. This is not an adequate turning radius for larger vehicles such as delivery trucks, removal trucks or fire engines etc. and will create congestion and disturbance in the neighbourhood.

Driveway - Landscaping

*'Chapter B9 Landscaping' states that: "The access handle of hatchet shaped lots **must be landscaped** in accordance with the requirements of Chapter 89 Landscaping. A **landscaping plan must be submitted** with the development application for subdivision."*

The plan for a 6m wide driveway does not allow any width for the required landscaping. No landscaping plan has been submitted which is a requirement.

Also no preliminary plans for the driveway have been submitted with the DA so there is no understanding of design and intention from the applicant.

Driveway - Road Safety

I also object on the grounds of road safety concerns. In the DA there is no mention of and therefore assumed no scope for a pavement to run alongside the traffic flow on the driveway. It won't be safe for adult or child pedestrians given the projected vehicle movements.

Coomburra Crescent is now a fast road due to being recently resealed. I am often tooted for turning too "slowly" into my driveway. 80+ vehicles driving in and out of the proposed new development with a line of sight of only 20m to the right is a safety concern and hazard for our neighbourhood and community.

Driveway - Alternative

An alternative is to reduce the subdivision to 2 Lots then the driveway can be reduced to single lane down most of its length. This allows for the required curbing, guttering, pavement, retaining wall construction, required landscaping and noise attenuation fencing to provide safe and considerate access to the new development. Understandably a 6m width is required at the entry and exit points to allow for safe in and out flow of traffic.

Street Frontage

Street frontage is 6.095m, the entry to the driveway must be 6m. There is nowhere for letter boxes for 4 8 homes to be provisioned.

The new development does not have any street frontage other than the driveway, where will visitors to the 4 8 dwellings park? Parking options in front of our homes will become limited. Additional visitor cars parked kerb side will obstruct the line of sight for cars turning in and out of our driveways, which is not safe.

Waste Management

With ref to Page 18: Chapter B8 – Waste Minimisation & Management, it states the waste from the 4 Lots will be collected kerbside. Are the 8 16 additional waste bins intended to be placed outside my home and/or 10 Coomburra Crescent?

I strongly object to this as an additional 8 16 bins will completely use all my street frontage which impacts the aesthetics of my home and visitor parking. They will also obstruct the line of sight for cars turning in and out of our driveways, this is not safe.

Also as the driveway to the development is long and steep it is very likely bins may be left out on my street frontage.

I ask the councillors and applicant to consider whether they would appreciate the same in front of their own homes?

An alternative is to reduce the subdivision to 2 Lots each limited to single dwellings, this is more appropriate and in alignment with the available street frontage.

Storm Water

With ref to Page 18: Chapter B3 – Services: ***"The proposed subdivision will not change the type or quantum of stormwater generated at/by the site, however, there will be increased impervious areas/surfaces when the vacant lots are developed for residential purposes, with an assessment of the stormwater impacts being undertaken at that time."***

Stormwater is already an issue with the current dwelling density. Increasing to 4 8 more dwellings will increase and significantly overload the already stressed stormwater system.

An assessment of stormwater impacts should be undertaken now, before deciding whether 4 Lots with increased roof, surface areas and concrete driveways can be sustained by the stormwater infrastructure. The land absorbs a lot of water and gets extremely boggy and can flood after heavy rainfall. Once homes are built the water will no longer be absorbed but will run off. This is very concerning and really needs to be properly evaluated.

No preliminary plans for the easements have been submitted with the DA so there is no understanding of design and intention from the applicant.

Land Stability

With ref to Page 11: Hazards – Slip: ***“Not likely to be subject to slip hazard.”***

And ref to Page 19: 5.2.1 Chapter D6 – Subdivision: ***“it has been assumed that there are no prohibitory geotechnical issues with the proposed lots.”***

This land has a steep gradient and significant earthworks and construction are required to build the proposed 4 Lot development. There is evidence of earth movement, or “slumping” on the land. A large amount of water moves through the soil during periods of high rainfall, all neighbours living here are aware of this. The proposed removal of the trees and vegetation will also make the soil unstable.

There is a risk of unstable ground and risk of slippage due to over development.

I am very concerned that an assumption on geotechnical issues is being made in appropriating the decision to subdivide this steep and boggy land into 4 Lots. A geotech survey should be undertaken now, before deciding whether a subdivision into 4 Lots is suitable.

In Conclusion

The land is a steep and difficult site to develop with questionable access, stability and adequate drainage. The proposal to subdivide into 4 Lots is excessive for this land parcel as it cannot be safely sustained by the driveway access, available street frontage, land gradient and existing stormwater infrastructure and easements.

The impact on our neighbourhood is significant and I kindly ask that my objections together with those of my neighbours are carefully reviewed and weighed in deciding this DA.

A reasonable alternative is to reduce the subdivision to 2 Lots each limited to single dwellings, thereby having a single access driveway that allows for the required landscaping, privacy and sound buffering. This alternative offers development that is aligned with the

current density, is sustainable and more considerate of the privacy, security and safety of the existing residents and future home buyers.

I hope you can come and visit the site to better understand the implications of this DA proposal, our concerns, objections and to discern what is an appropriate development for our future neighbourhood and community.

Thank you for your time in carefully evaluating all sides of the development application.

With kind regards,

Heide Getrost

DA No. - 10.2017.516.1
Proposal - Subdivision to Create Four (4) Lots
Parcel No. 14500
Property Description - Lot and DP: LOT: 1577 DP: 243995
Street Address: 8 Coomburra Crescent OCEAN SHORES
Applicant - Ardill Payne & Partners
Consent Authority - Byron Shire Council
Exhibition Period 28 September 2017 to 11 October 2017

Dear Council,

We are the owners of 3 Dyum Place Ocean Shores and 4 Dyum Place Ocean Shores. We have examined the DA application and know the site of this proposed development very well. We wish to make you aware of a number of strong objections that we have in regard to this proposed unprecedented development. As immediate neighbours to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our privacy and standard of living. As rate paying residents of 3 Dyum Place, Ocean Shores, for 25 years we are extremely opposed to the above subdivision development application.

As long term residents of our beloved area we have ensured to create a private, quiet tree lined block which we have maintained in respect to our neighbours, wildlife and birdlife in our area. This little "valley" as we like to call it, is an absolute haven to us and the wildlife and we have all worked hard to keep it that way.

We understand that there has to be a certain amount of development of the property on 8 Coomburra Crescent Ocean Shores, but the proposal DA for 4 house blocks, with the potential for each block to contain 2 houses plus granny flats, will have an extremely detrimental impact upon existing residents and its local eco-system. We understand the area's current housing demand but there is also a need to preserve the beauty and diversity of this beautiful suburb. Afterall, that is why we all live here. It is our belief that this proposal does not respect the local context and scale and proportions of surrounding properties and would be entirely out of character of the area and be of huge detriment to its environment and infrastructure.

We must stress that the integrity of the wildlife corridor located in the easement section be maintained. There are many species of wildlife being sustained and living in the bamboo and trees in this area. For example - Possums, pythons, green tree frogs, green tree snakes, brown snakes, bush turkeys, owls, cranes, quails, pheasants,

kookaburras, bandicoots, water dragons, red and yellow crested cockatoos, grass parrots, lorriakeets etc. The possums are able to safely move high between the trees and bamboo without being threatened. We have lived here for 25 years and always been very careful and respectful of the wildlife so as to maintain their living areas. This area of trees and bamboo MUST be kept. It is imperative that this wildlife corridor be maintained and sustained. If the bamboo and other trees are removed, not only will it impact on the wildlife greatly, it will impact on the long term Ocean Shores rate payers who live here. There are many land-mark trees and trees of significance on this land. We feel very strongly that it is unreasonable and unnecessary for the developers to remove the existing trees and foliage on the land. There must be no threat to the trees and foliage or the species that dwell within and around them. The developers of this block have not attempted to speak with us about any impact it will have on the wildlife or us. In fact, they stated in the DA that there is no wildlife to be impacted. This is not true. Also, one of the large bamboo trees marked to be removed is on our land.

The visual impact upon existing residents is hugely detrimental. If there is removal of the existing trees, as stated in their proposal, it would cause us a massive loss of privacy as all these dwellings would be overlooking our property. This is a huge issue. We request that you leave the majority of the trees on the easement side for privacy for the residents.

The proposed development site is at such an angle that the primary part of our garden and living areas would be severely overlooked from these houses and would result in a serious invasion of our privacy. Also, Lot No 3 and 4 will be looking directly into our swimming pool, lounge room and backyard. This is extremely worrying to us as our children are always playing in the pool and backyard. Especially, as the proposed houses will be built higher than our house which will allow them to look directly into the private areas of our yard and house.

As far as we as residents knew, this block was designed for one house. Now we have been made aware that there is a potential for these four blocks to have a house and granny flat or to then strata title for a further four blocks which, in turn, will create eight dwellings which would then create around 50+ car movements per day. This is

not acceptable. Our recommendation is that there be two single dwellings only, with no provisions for granny flats or extra dwellings.

The impact on the existing residents is hugely detrimental. Our privacy is being greatly reduced. Not to mention the issue of the extra noise and lights with all the cars travelling the narrow driveway. It is very rare to find a block the size of the one at 8 Coomburra Crescent and we believe that it shouldn't be developed as proposed. A single lane driveway containing landscaping and one house with granny flat would have significantly less negative impact in so many ways and would avoid the over cramming of this low density area. The proposed development will greatly impact and alter the character and fabric of the area and availability of infrastructure. It will add to over-development and density.

Ocean Shores, in its brilliant design, included reserves and wildlife corridors throughout the whole suburb. We feel this development is at detriment to that. The property sits in this small valley which was designed for one house and granny flat. This low density part of Ocean Shores was not designed to contain these types of subdivisions. This type of medium density subdivision is best suited to the area near the Ocean Shores Shopping Centre.

The proposal allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed development would not result in a benefit in environmental and landscape terms. To the contrary, it would lead to the loss of valuable green space.

Also, as rate paying residents of this property for 25 years we have maintained the stormwater drain. This drain is subject to flooding during high rainfall and is unable to keep up with heavy rainfall now. If there is a fence going across the bottom of the property we will no longer be able to maintain it. If these new dwellings are to be rented out who will be maintaining the stormwater drain? Therefore it will flood the bottom of our property and impact us greatly. Storm water can cause a great deal of damage and the potential run-off generated from these houses is massive and will create a very significant and disastrous problem for the bottom of our property.

The land in question, to our knowledge, contains natural springs.

Significant change to its structure will have impact on surrounding properties in terms of drainage as well as ground stability. Also the DA states that services will go in the existing 3 metre easement. The existing easement already contains storm water pipe and councils concrete spoon drain. The existing easement cannot fit the developer's additional services. The developer would need to create an additional easement from the one already existing. As well, the developer would also need to tree out their new 3 metre easement with substantial sized trees and foliage to help retain the privacy for the existing residents.

In regards to all the property water catchment and run-off, the entrance to the stormwater pit (which is located 30 metres approximately up from the bottom corner boundary) where the top boundary of proposed block no. 4 starts, means that all the water run-off for block no. 4 misses the entry to the pit. This would cause their run-off to flow through our land. As is, the drain does not handle high rainfall as it overflows and goes through our block of land. Approximately half the water misses the stormwater pit and flows through our property.

Having the block vacant and covered in grass and foliage dispenses all the water much more evenly now. Thus amplifying greatly when developed. With around 1240 metres squared (drive and roof) catchment having to go somewhere (which will end up being through our property).

Living her for 25 years we have noticed several springs appearing in high rainfall. One is on our property also. The ground is very porous containg lots of floaters (rocky ground) making the ground traverse water easier. So if the stormwater is directed into absorbtion pits, the water will end up in our yard through springs, clay pockets and rocky ground. I am stating this from my extensive experience being an earthmover in Ocean Shores for 18 years and working on several of the homes around the proposed site and working on our parcel of land.

Water has to go somewhere and going down hill is the usual way, coming out of the ground as it flattens out in a spring at the bottom of our property. All the reports in the world about run-off won't better 25 years of us living next to the property and observing what happens to the water run-off during big rains.

Also, 8 Coomburra Crescent gets run-off from 2 houses from Orana Road, 2 houses from Warrambool Road, 6 houses from Coomburra Crescent and 2 houses from Dyum Place. This means that presently 8 Coomburra Crescent gets the run-off from 12 houses, overloading the small storm drain. Approximately 50% of the water misses the drain which then flows through the bottom of our block. I would conclude that the additional run-off that would be generated from four extra blocks would be substantial and would be a huge detriment to the already overloaded storm drain and path.

As for the access driveway for 8 Coomburra Crescent Ocean Shores, the large area of cement needed for the battle-axe driveway will be quite significant and will create a very hot, glaring eyesore. The proposed concrete driveway entering the block from Coomburra Crescent has no overtaking room. Thus making a head-on potential for entering the drive from Coomburra (not to mention the danger to pedestrian traffic). The traffic generation of such a large volume of houses will create around 25 car movements a day which potentially could be much greater if each of the proposed 4 blocks were to build 2 houses and/or granny flats. There will be much more noise and disturbance for the already existing residents. Not to mention the extra fumes from cars. If this development were to go ahead how will construction vehicles gain access to this site for unloading and parking without causing major hazards and inconvenience to neighbours?

After travelling down the thin battle-axe drive and turning right into blocks 3 and 4, the turn is less than 90 degrees which makes it extremely sharp and up hill onto a six metre wide drive. This will create wheel spin and undue noise with cars and trucks attempting to go up this difficult drive. The drive proposed is on a 15 degree incline travelling across it. This makes for an approximately six foot deep cut into the hill and a six foot retaining wall to contain it. Sitting under a four foot existing block wall and a three foot existing rock wall, making a drop from the top property to the proposed driveway of approximately 13 feet.

As far as I understand, a Torrens Title means the houses have to front a main road. So this proposed road will have to have a name and that means the public can drive down any time to have a look. The road has no roundabout to turn around and is too narrow to create an overtaking space. So what happens when a flat bed truck enters with

building materials? In my view it would have troubles turning into the drive.

To ensure and maintain acceptable levels of amenity and safety to neighbours, future occupants and visitors, a four-lot submission requires a proper road with significantly wider access than 6.1 metres. It is inconceivable that such a narrow battle-axe entrance to an existing lotment could serve or function as a road to service four new torrens title lots with future development possible. One merely has to imagine the amount of traffic hazards created by construction vehicles, delivery vans, occupant car movements, visitors, children on bikes and scooters etc to comprehend the complete inadequacy of the access design. This cannot possibly comply with Access Design -6.4.2- of the Byron Shire DCP and should be rejected solely on these grounds.

In conclusion, we would be grateful if the Council would take our objections into consideration when deciding the outcome of this application.

Finally, please note that our submission is in respect of the proposed deveopment. While we have taken every effort to present accurate information for your consideration, as we are not decision makers or consultees, we cannot accept any responsibility for uninentional errors or omisions and you should satisfy yourselves on any facts before reaching your decision.

Sincerely,

DA No. - 10.2017.516.1

Proposal - Subdivision to Create Four (4) Lots

Parcel No. 14500

Property Description - Lot and DP: LOT: 1577 DP: 243995

Street Address: 8 Coomburra Crescent OCEAN SHORES

Applicant - Ardill Payne & Partners

Consent Authority - Byron Shire Council

Exhibition Period 28 September 2017 to 11 October 2017

Dear Council

Re Objection - Development Application 10.2017.516.1

8 Coomburra Crescent Ocean Shores

Our names are Amy & Ashley Taylor, we are the owners of 16 Coomburra Crescent, one of the many houses / neighbours that will be directly affected by the proposed development of 8 Coomburra Crescent.

While we are not against and understand that this land would eventually be built on, we find that the current Development Application for potentially 4 to 8 houses to be very excessive and unnecessary. We both strongly oppose the current DA and urge the council to strongly consider all the issues and concerns expressed by us and our neighbouring properties. It was also our understanding that there was only to be 1 dwelling built on this land with a granny flat or studio

We have a few major concerns and issues in regards to the proposed development:-

Privacy

Due to the scale of this current proposed development and the potential for 8 houses, this will significantly impact on our privacy.

The location of Lot 1 will have a direct view into our indoor and outdoor living spaces, backyard, bedrooms and bathrooms not to mention our neighbouring properties as well.

Drainage

Storm water drainage or the lack of drainage along our shared easement to the catchment pit is a major concern.

At our own expensive we have had to actually put some additional drainage due to the amount of run off due to the slope of properties above

During the recent heavy rain that we received the properties (Lot 1565, 1566 and 1568) experienced flooding issues due to the easement and catchment pit not being able to handle the current run off.

With 4 dwellings or potential of 8 dwellings being built this would only make the current issues worse. There seems to be no explanation or plan in place addressing the increased run off and how this will be contained

Driveway

There are many issues surrounding the driveway access and construction in the proposed development

Firstly it is estimated that there will be 9-10 car movements per day per dwelling, which I think is highly misjudged but based on these figures means that there could be up to 40 car movements per day and if there is a second dwellings built on these lots this could excess more than 80 car movements per day which is quite a lot more stated in the current DA.

This will have a huge impact on the properties, which directly face or are adjacent to the driveway.

I have grave concerns as to the access driveway for Lot 1 as it is not clear on the proposed DA where and how cars will be accesses this property as this will directly affect us at 16 Coomburra Crescent

By the increase amount of traffic this will increase the level of noise, fumes, loss of privacy, headlight intrusion and would be a real safety concern

Coomburra Crescent is one of many main roads in Ocean Shores and therefore is already a very well used road to increase traffic by 80 plus is unnecessary and very dangerous. The visibility to the west of the driveway is extremely poor and posing risk to pedestrians and other cars. Visitor Parking would also be a huge concern due to the number of proposed dwellings and the minimum street frontage.

In the DA it is also not clear how large trucks such as construction or removal trucks or emergency services would be able to access this property

In summary

We strongly believe that based on our concerns mentioned above this DA in its current form should be rejected.

As well as drainage problems, the removal of trees and enormous amount of noise and the invasion of privacy during the construction of the proposed dwellings. Native wildfire would also be adversely affected.

Thank you for your time

Regards

Amy and Ashley Taylor

Owners of 16 Coomburra Crescent

DA No. - 10.2017.516.1

Proposal - Subdivision to Create Four (4) Lots

Parcel No. 14500

Property Description - Lot and DP: LOT: 1577 DP: 243995

Street Address: 8 Coomburra Crescent OCEAN SHORES

Applicant - Ardill Payne & Partners

Consent Authority - Byron Shire Council

Exhibition Period 28 September 2017 to 11 October 2017

Dear Council

Re Objection - Development Application 10.2017.516.1

8 Coomburra Crescent Ocean Shores

I object to DA 10.2017 .516.1 and ask council to please refer to the objection submitted by town planner, Chris Lonergan, in respect to my grounds.

Regards

Ashley Taylor

Owner of 16 Coomburra Crescent

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

4 Oct 2017

Dear Mr Gainger

Submission of objection
Development Application No. 10.2017.516.1

My name is Richard Walker and I am writing to you with regard to the above DA. My address is 2 Coomburra Crescent, Ocean Shores (lot 1574). I have owned the property since 2014 with my wife, Elizabeth Turnbull.

Please consider my objections as we are adjacent to the proposed development and both our property and those of our neighbours will be negatively affected if it proceeds as proposed.

We have engaged Chris Lonergan to assist us in understanding the proposal and to assess it from a planning perspective.

Reasons for my objections -

Driveway

The proposal includes 4 blocks that are all 800sqm or larger. So it is likely buyers of these blocks would expect to build 2 dwellings per block. This could result in as many as 80 car movements a day along the driveway.

While the driveway does barely meet the 6m width requirement for this amount of traffic, it will not allow for any noise or privacy screening for the residents of 6 & 10 Coomburra (lots 1576 & 1578).

The driveway as proposed extends directly below our back fence. We will be subject to increased traffic noise and headlights shining into our bedroom from at least 2 of the proposed blocks (lots 3 & 4). This will also affect our neighbours in lots 1572, 1573, 1575 and 1576. The grade of the driveway will be very steep in parts so engine noise and fumes will be significant. Noise screening of the driveway needs to be considered.

It is not clear from the DA how the engineering challenges of the driveway are to be resolved. The grade of the block is very steep along the proposed driveway path, particularly behind 6 Coomburra (lot 1576) so major earthworks and retaining walls are likely to be required which may affect the stability of the blocks to the south.

It is not clear from the DA how large trucks – like construction vehicles, removal trucks or fire engines will be able to access the proposed blocks. There appears nowhere in the proposal to place a suitable turning circle for vehicles of that size.

Where the driveway meets Coomburra Crescent the visibility to the west is already extremely poor. A large volume of traffic exiting this driveway is dangerous to both pedestrians and other vehicles.

Drainage

Large volumes of stormwater flow across this block during heavy rain events. The drainage along the north edge of the property is already inadequate to deal with the volume of water resulting in difficulties for the owners of the blocks (especially lot 1566) on that side.

Covering large areas of the block with concrete and roofing will greatly increase the impact.

I am concerned that this level of development will increase the risk of land slips and erosion of the slope. Particularly given that virtually all the trees that currently exist on the block are proposed to be removed.

It seems crazy that a proposal like this can be lodged without a geotechnical report.

Trees

Why do the trees need to be removed at the subdivision stage?

Surely this can be delayed until the actual building proposals are lodged.

In the event that the empty lots are sold, the future buyers may prefer to build around existing trees.

To remove so many trees just to make way for hypothetical building profiles is ridiculous.

While I appreciate that there is offset planting included in the DA what guarantee is there that those trees will be maintained? We have just endured 3 months with virtually no rain – not many young trees would survive that.

Privacy

There will be a significant loss of privacy for the houses on the southern edge of the block (lots 1574 – 1576) with the new houses likely looking straight into our bedrooms.

Privacy screening should be considered along the southern edge of the east-west section of the proposed driveway as well as both sides of the north-south section.

Visual Impact

With up to 8 dwellings on the block this will mean up to 16 bins being left on Coomburra Cres. As there is no space to place them in front of 8 Coomburra Cres, due to the width of the driveway, they will no doubt be placed in front of 6 & 10 Coomburra.

I don't see how this is fair to the owners of those properties.

Given the length and grade of the driveway some bins are likely to be permanently left out on the street.

This negatively affects the aesthetic of the whole street and compounds the problem of a lack of visibility for cars exiting the block.

Summary

Given the access, drainage, erosion, noise and privacy issues as detailed above I think this proposal is an extremely unsuitable overdevelopment of a difficult site.

The developer will no doubt sell the properties once developed and not care about the longer term outcome, while the neighbouring properties are left with the adverse impacts.

I think it is very unreasonable that our neighbourhood has to suffer negative consequences for this developer's financial gain.

I am not anti-development and anticipated the block would one day have a house built on it when I purchased my property.

However I do strongly oppose this development as it is devoid of both common sense and sensitivity to the existing properties.

Regards

Richard Walker
Owner of 2 Coomburra Crescent
Ocean Shores

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482 8 Oct 2017

Dear Mr Gainger

RE: Submission of Objection

**Development Application No. 10.2017.516.1
Proposal Subdivision to Create Four (4) Lots**

My name is Lissa Maloney and I am writing to you with regard to the above DA.
My address is 4 Coomburra Crescent, Ocean Shores. I have lived in the Byron Shire for 35 years.
I own and reside at the property with my two children.

My property is adjacent to the proposed development and will be negatively affected by this development if approved in its current format.

Below I outline the reasons for my objections

Pedestrian Safety – including thoroughfare to Waterlily Park

Many people of all ages, including myself and my own children, use the grass verge to walk, exercise their dogs and push their bikes (it is too steep and dangerous to ride a bike in this section of the road due to poor visibility, fast moving vehicles and the steep incline). Many children walk to busy bus stops along the verge on this section of the road.

I have witnessed a couple of 'near misses' with pedestrians navigating the lack of visibility on the verge and traffic at the driveway of this proposed DA. With so many additional car movements, this will become a dangerous main walkway to Waterlily Park. It seems a great pity as Byron Shire Council is putting a lot of effort into making this park an Ocean Shores community meeting place and asset.

Driveway not suitable

The driveway would go along my back fence (and my neighbours' either side) and the earthworks, including removal of a large amount of soils and a retaining wall, required to create a driveway to access blocks 2, 3 and 4 may have a negative geo impact on the stability of my block.
The fumes, revving car noise and headlights lights will affect the enjoyment of my backyard, and could contribute to sleep deprivation.

Stability of earth, risk of slippage and landslides

The hill on which we live is very steep. The block on which the DA is proposed would need significant earthworks at my northern boundary to create the driveway. There have been landslides in the street to our south (Tongarra Ave), and my concern is that the earthworks below our properties could increase the risk of landslips, erosion etc.

Surely a geotechnical report should be undertaken with any DA on such an unstable and difficult block in a known slippage area.

Loss of Amenity - Visual Impact

16 bins that will most likely be left on the street due to a long, steep driveway will affect the character of the street.

Currently I have a peaceful view looking over trees with abundant wildlife. I thought a house and possibly granny flat would be built on the property, and hoped it would be in keeping with the local character of the street. The proposed DA will have a significant visual impact from my property, as I will most likely be looking at up to 8 houses, rather than the leafy low density outlook that my neighbours and myself currently enjoy and greatly value. This will also affect the monetary value of our properties.

Tree Removal

Trees being removed will affect native fauna, including black and sulfa crested cockatoos, scaley breasted lorikeets, king parrots, pheasants, cockatiels, echidnas, eastern water dragons and pademelons to name a few. I understand replacement trees are proposed, but by the time they grow, many of those animals may have had to move on.

Loss of Amenity - Privacy

There will be a loss of privacy for mine and my neighbours houses on the southern boundary of the block (lots 1574 – 1576) with the new houses possibly looking into our outside living areas, bedrooms, kitchens and lounge rooms.

In conclusion

Thank you for your time and for considering my objections. I hope you can come and visit the site. Our neighborhood has a beautiful, leafy character. It would be wonderful if council can ensure we have an appropriate development that respects the wishes of our community, takes into account the difficulties of the block of land, and still allows the developers to make a return on their investment in an ethical and sustainable manner.

Kind regards
Lissa Maloney
4 Coomburra Crescent,
Ocean Shores



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Manentia Ubicumque

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10 October, 2017

**Objection to Four (4) Lot Subdivision and Tree Removal:
Twenty Three (23) Trees.
DA 10.2017.516.1**

**Lot 1577 DP 243995
No. 8 Coomburra Crescent, Ocean Shores.**

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1 INTRODUCTION

This submission has been commissioned by the owners of the adjacent properties to the north and south of Lot 1577 DP 243995 No. 8 Coomburra Crescent, Ocean Shores, where it is proposed to create a four (4) lot Torrens title subdivision, and includes a request to remove 23 trees.

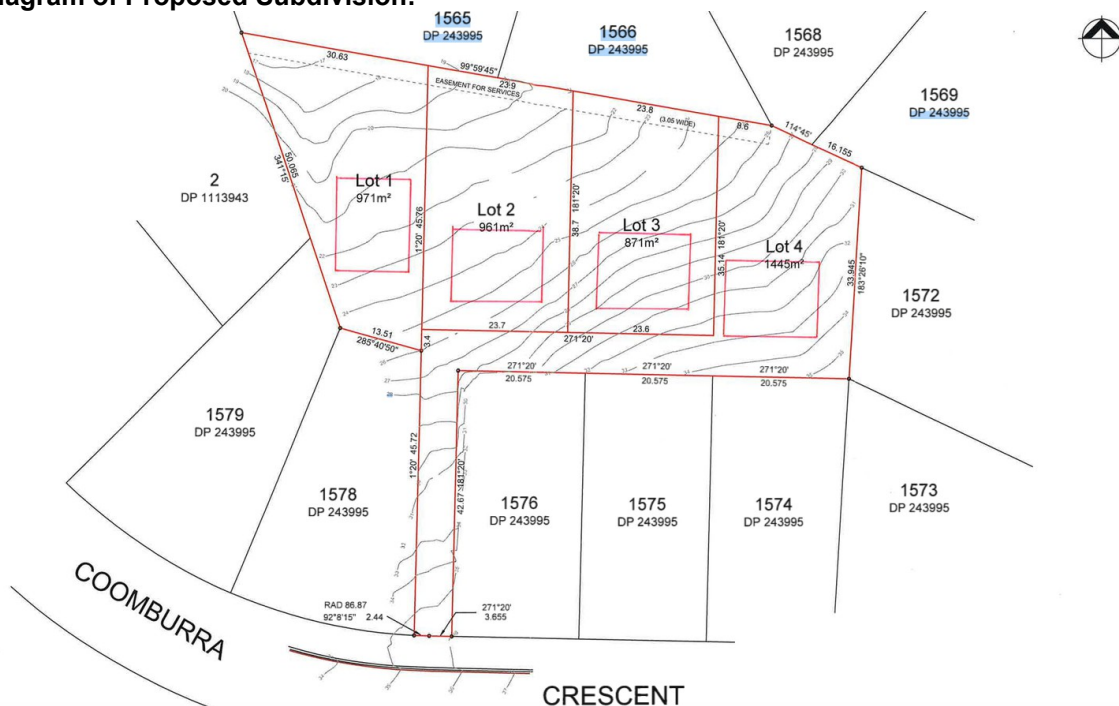
The subject land is a vacant residential lot that has an area of 4,247.3m² and a frontage 6.095m to Coomburra Crescent.

The proposed lots are to have areas of Lot 1 971m²; Lot 2 961m²; Lot 3 871m²; and Lot 4 1,445m².

It is also proposed to remove 23 small to medium trees, with 36 Trees proposed as Compensatory Planting.

An easement 10ft. Wide along the northern boundary of the property, is in favour of Byron Shire Council for the purpose of "Services" (Power, Drainage, Sewer).

Diagram of Proposed Subdivision:-



My clients have strong objections in relation to the loss of privacy resulting from the potential for overlooking in relation to dwellings to the north and west, driveway noise in relation to dwellings to the east and west of the access driveway, driveway design, stormwater run off in relation to allotments to the north, loss of residential amenity as a result of the removal of all of the significant trees on site and the construction of large retaining walls, loss of residential amenity



likely to result from the long term development potential of the site, traffic safety at the entry point onto Coomburra Cres., potential for property damage resulting from the earth works required for access, inability of the access driveway to cope with the numbers and types of vehicles likely to be generated by the development, the geological stability of the site for the purpose proposed given the slumping of ground already evident on site, and the significant inter-allotment drainage issues not identified on the plan of subdivision.

I will deal with each one of these points individually.

Loss of privacy resulting from the potential for overlooking in relation to dwellings to the north and west.

The development proposes the removal of most of the trees on site.

These are predominantly located in the north. As a result, all future dwellings, on this elevated site, will look into the dwellings and yards of properties to the north.

In addition to this, the adjacent dwelling to the west of the access driveway, will be totally overlooked by the driveway and its traffic.

No details have been provided as to the location of compensatory planting.

For these reasons, the site is not suited to the development proposed, and the application should be refused.

Driveway noise in relation to dwellings to the east and west of the access driveway.

The dwellings on Lot 1578 and Lot 1576, being proximate to the 26% gradient driveway, which is proposed over a distance of approximately 50m, between the lots and Coomburra Cres., and the approx 30% gradient driveway up to proposed Lot 4 in the east, will be subjected to significant vehicle noise from vehicles struggling to make these grades, in particular large vehicles which may need to access the site, such as, removal vans, fire appliances, builders trucks, and delivery vehicles.

No sound attenuation walls have been indicated on the plans submitted to deal with these issues.

For these reasons, the site is not suited to the development proposed, and the application should be refused.

Driveway Design.

The steep grade of the 26% gradient driveway, which is proposed over a distance of approximately 50m, between the lots and Coomburra Cres., and the approx 30% gradient driveway up to proposed Lot 4 in the east, will make access difficult and dangerous for standard residential vehicles, and the 90 degree 6m wide bend at the northern end of the driveway, does not permit the required 12m turning radii for large vehicles which may need to access the site, e.g. removal vans, fire appliances, builders trucks, and delivery vehicles.

The design has not taken into account the slope of the land at the northern end of the driveway, or the slope and cross fall of the site from this northern end of the driveway to proposed Lot 4.

As can be seen for the following photo, this extreme grade, and extreme cross fall, with only a 6m width to work within, will require massive retaining walls on the northern and southern side of the eastern access driveway, threatening the stability of the adjacent residential lots to the south.

The northern retaining wall would create such a change in grade such that any vehicular access to proposed Lots 1, 2 and 3 below, will not be able to meet "*the Northern Rivers Development and Design Manual*", thus sterilising these sites from vehicular access.

Also no details have been provided of the approx 2m high retaining wall on the western side of the north south access driveway, which will be required to be placed adjacent to the eastern boundary of existing Lot 1578. As such it is not possible to gauge its impact on the ability to achieve a 6m wide driveway as proposed, nor its significant visual impact on the adjoining property to the west. Will it be fitted with a safety rail which will further lessen the width of the driveway. Is fencing and in particular sound attenuating fencing proposed atop this retaining wall,



and what would be the combined visual impact of this potentially 4m high structure as viewed from the adjacent property to the west.

For these reasons, the site is not suited to the development proposed, and this application should be refused.

If a two (2) Lot Subdivision were proposed, at least the majority of the driveway could be reduced down to 3m wide, thus permitting landscaping and minimising the need for earth works and massive retaining walls.

Photo looking east from northern end of the driveway, looking 30% up slope at the cross fall to be overcome for access to Lots 1, 2, 3 & 4.

No details of the large retaining walls that would be required on either side of this steep driveway have been provided.





Stormwater run off in relation to allotments to the north.

As can be seen from the following photo taken from the north east corner of the property, considerable fall occurs across the block, with slumping evident.

The volume of increased water run off, particularly following the development of each of these 800m² plus lots for the likely Dual Occupancies which will result on them, and their driveways, will result in significant stormwater run off, even if detention is proposed.

The existing stormwater inlet in the north west of the site is small, and already does not cope with heavy rain events, resulting in significant overland flow across adjacent properties in times of heavy rain.

The development will increase the level of run off, and the submission does not contain stormwater calculations, nor does it look at the capacity of existing down stream drainage pipes, and their ability to cope with the increase in runoff which will result from the development as proposed. Nor does it look at the potential for Dual Occupancy development on each of the 800m² plus allotments proposed, and what this cumulative impact would be.

For these reasons, the site is not suited to the development proposed, and the application should be refused.





Loss of residential amenity as a result of the removal of all of the significant trees on site

As previously alluded to, the development proposes the removal of most of the trees on site. These are predominantly located in the north. As a result, all future dwellings, on this elevated site, will look into the dwellings and yards of properties to the north. In addition to this, the adjacent dwelling to the west of the access driveway, will be totally overlooked by the driveway and its traffic.

Other than a species list, no details have been provided as to the location of compensatory plantings, either to provide visual screening, or to visually soften the gun barrel driveway proposed.

Nor has any reason been given as to why the 23 trees to be removed, are not being compensated for at Byron Shire Councils usual compensation rate of 5 trees for each tree to be removed.

Again, for these reasons of adverse environmental and visual impact, the site is not suited to the development proposed, and the application should be refused.

Loss of residential amenity likely to result from the long term development potential of the site

In addition to the loss of trees, which will result in overlooking as previously assessed, the creation of four lots over 800m² in size, will as night follows day, result in new owners seeking to optimise the return on their investment by applying to Byron Shire Council for approval to place a Dual Occupancy on these large sites.

This not only significantly increases the issues of overlooking and loss of amenity, but it places significant strain on an already poorly designed driveway and access system (as previously discussed).

The applicants assertion that only 40 vehicle movements per day will be generated by the proposed development, does not take into account the real estate market fact, that lots over 800m² as proposed will be sold as Dual Occupancy lots, and that this will result in 8 houses using the narrow driveway, and 80 vehicle movements per day.

This will have a significant noise and social impact.

Again, for these reasons, the site is not suited to the development proposed, and the application should be refused.

Traffic safety at the entry point onto Coomburra Cres.

As stated above, it is likely that the long term yield from this four lot development will be eight (8) dwellings. This equates with 80 vehicle movements per day.

The access driveway and its access point onto Coomburra Cres. is at grade, there is no opportunity with the restricted 6m width of the access point to provide splays to improve visibility. Coomburra Crescent is itself at grade at the access point, and this is exacerbated by the fact that just west of the access point there is a sweeping bend down slope to the north west, which restricts visibility down the road to 20m.

This results in a dangerous access point, which is likely to be heavily trafficked by approximately 80 vehicles per day.

Again, for these reasons, the site is not suited to the development proposed, and the application should be refused.

Potential for property damage resulting from the earth works required for access

As previously alluded to, no details have been provided of the approx 2m high retaining wall on the western side of the north south access driveway, which will be required to be placed adjacent to the eastern boundary of existing Lot 1578. As such it is not possible to gauge its impact on the ability to achieve a 6m wide driveway as proposed, nor its significant visual impact on the adjoining property to the west.



Similarly no details have been provided on the also potentially 2m high retaining wall along the northern boundaries of Lot 1576, and Lot 1575, which will need to have their boundaries undercut significantly to permit the 6m wide access to proposed Lot 4.

Given the slumping of land already noted on Lot 1577, these already dangerous works, will most likely be exacerbated in scale and impact by the questionable geology of the subject property.

Again, for these reasons, the site is not suited to the development proposed, and the application should be refused.

As previously stated, if a two (2) Lot Subdivision were proposed, at least the majority of the driveway could be reduced down to 3m wide, thus permitting landscaping and minimising the need for earth works and massive retaining walls.

Inability of the access driveway to cope with the numbers and types of vehicles likely to be generated by the development.

The likely 80 vehicle movements per day will exceed the capacity of the proposed driveway, which although proposed at 6m, sits within a 6m wide strip, which provides no scope for landscaping, safety rails, or garbage bin storage, or letter box placement.

The provision of such features within the proposed driveway will necessitate its narrowing, thus making it incapable of dealing with the likely traffic volumes it is meant to handle.

Also as, as previously indicated, the geometry of the 90 degree bend at the northern end of the initial steep slope, does not permit the movement of large vehicles which may need to access the site, e.g. removal vans, fire appliances, builders trucks, and delivery vehicles.

Again the eastern component of the driveway leading to proposed Lot 4, does not show details of the earth works required, retaining walls, to the north and south, or given the grade drop down to Lots 1, 2 and 3, how vehicular access will even be possible onto these lots which can meet "*the Northern Rivers Development and Design Manual*".

Again, for these reasons, the site is not suited to the development proposed, and the application should be refused.

Geological stability of the site for the purpose proposed given the slumping of ground already evident on site.

As shown in the preceding photos, the site is steeply sloping, and the photo taken from the north east, shows evidence of slumping of soils within the site.

No geological or geotechnical information accompanies this application, and the visual assessment undertaken would suggest that the site may not be suited to the density of settlement proposed.

Again, for these reasons, the site is not suited to the development proposed, and the application should be refused.

The significant inter-allotment drainage issues not identified on the plan of subdivision.

An inspection of the site following recent heavy rain showed that overland flow occurs diagonally across proposed Lot 4, Lot 2 and Lot 1.

This is not reflected in the design, and no solution to this is proposed, merely the placement of building envelopes over these drainage flow paths, with no regard to the resolution of these issues.

Again, for these reasons, the site is not suited to the development proposed, and the application should be refused.

Summary

In its current form and considering the constraints placed on its actual development potential, which could in fact be as little as two dwellings maximum, based on the foregoing assessment, the design as put forward will have a significant adverse impact on all adjacent dwellings.



The design will also have the potential to adversely impact those existing dwellings down stream of the site, due to the existing undersized inter-allotment drainage system, which will become totally overloaded by the proposed development.

For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the resultant development will totally and adversely detract from the amenity of this residential area, particularly in relation to the adjacent Dwellings, local traffic safety, and the environment in general.

As Council is aware, the specific objectives of the R2 Zone, within which the site is located, require that any proposed development be tested against its ability to achieve **low density residential development**.

This four lot subdivision, which proposes four Dual Occupancy capable lots, thus resulting in an eight (8) dwelling development, will result in a significant loss of urban character, through its inappropriate scale, size and design, which is thus at odds with the Zone Objective Requirement to have a “**low density residential**” character.

As such this proposal is contrary to the statutory objectives of the Byron LEP 2014.

2. Sec. 79C(1)(a) ZONING – Zone R2 Low Density Residential

Although the proposed four large (dual Occupancy capable) lots, and Tree Removal: (23) Trees, are a permissible landuse, the objectors have an issue with the current design of the DA in terms of the lack of detail provided, cumulative impacts off site, road safety, drainage exacerbation, and importantly social impact, and as such regard it as a proposal which is contrary to the Statutory Objectives of the R2 Zone, and as such cannot be permitted by Council.

2.1 Objectives of zone

To provide for the housing needs of the community within a low density residential environment.

The proposed development is located in an area which is characterised by existing single storey dwellings, with a few Secondary Dwellings and a landscape dominated by significant trees, which visually soften the urban character of the area.

These in the main, blend into this Low Density Residential area by stepping design elements. As such the four large lots, which are each capable of two dwellings, the significant loss of trees, inadequate compensatory plantings, inadequate and dangerous access, and poor drainage design, will significantly breach amenity objectives, and thus cannot be considered to achieve a desired outcome.

The proposed development with its compromised access, steep slopes, questionable geotechnical stability, drainage issues, and social impacts, fails to meet the test set by this zone objective, and therefore Council has no choice but to either refuse this application in entirety, or permit only the creation of two lots, with restrictions on title limiting development to a single dwelling only, thus enabling some development to occur, which results in a reasonable sense of residential amenity being achieved, within a Low Density Residential R2 Zoned area.

2.2 Development Control Plan 2014 Part "D6.2.1" Subdivision

<u>PRESCRIPTIVE MEASURES</u>	<u>PROPOSALS COMPLIANCE WITH D.C.P.</u>
<u>D6.2.1 Subdivision Design Guidelines Objectives</u> 1. To specify development controls, design guidelines and criteria that apply generally to subdivisions. 2. To ensure that subdivision proposals deliver contemporary construction and services standards and result in development that is consistent with the particular	



needs, character and environment of Byron Shire.

Performance Criteria - Nil.

Prescriptive Measures - Design Guidelines:

1. Site Design

a) The following natural environment factors must be addressed in the design of any subdivision:
Climate control (wind and sun); Landform; Aspect and views; Geology and soils; Drainage and groundwater; Vegetation. Accessibility to urban centres; Accessibility to community and recreational facilities; Road and transport networks Site access; Physical and human services; Built environment in the vicinity; Existing buildings and improvements on the site.

Development applications for subdivision must include a Site and Context Analysis Plan.

Climate Control and Aspect; Design of the proposed subdivision must aim to gain the most advantage of cooling breezes in summer and reduce the impact of adverse winds in winter by effective site layout and use of landscaping. Significant topographical features such as valleys and ridges can serve to channel or block prevailing winds.

Similarly, the selection of vegetation types and location of vegetation buffers and shelterbelts can be used to advantage in climate control on the site.

The design of site layout and landscaping should be structured to avoid funnelling unfavourable winds and encourage cooling summer breezes.

Aspect is an important factor in designing the subdivision layout in regard to optimising solar access. The following principles are a basic guide.

Solar access is maximised where:

- a) Buildings can be sited so that the main living areas are oriented north.
b) Overshadowing of, or by other buildings is minimised. Shadows are small on a north-facing slope so dwelling sites can be closer together. On a south-facing slope, shadow length is increased so dwelling sites should be further apart. On east or west-facing slopes, dwellings need to be stepped back to maintain solar access.

These guidelines must be considered together with the particular topography and vegetation of the site to achieve a layout that optimises solar access and site characteristics. A regular grid of N-S and E-W streets is unlikely to result in an attractive living environment or offer the flexibility for different housing needs.

3. Hazards

Hazard constraints potentially affecting land must be identified and addressed in preparing an application for subdivision. The following list identifies some hazards that may affect the potential for subdivision or influence subdivision design:

- a) Flooding.
b) Bushfire.
c) Landslip and subsidence.
d) Land contamination and the need to address the requirements under State Environmental Planning Policy No.55 – Remediation of Land.
e) Acid sulfate soils.

The proposed four lots, which each exceed 800m², making each capable of being developed for two dwellings, fails to meet, access, drainage, geotechnical stability, site work minimisation, drainage, and tree removal expectations as expressed by this section of DCP 2014, and for these reasons, the site is not suited to the development proposed, and the application should be refused.

As previously alluded to, no details have been provided of the approx 2m high retaining wall on the western side of the north south access driveway, which will be required to be placed adjacent to the eastern boundary of existing Lot 1578. As such it is not possible to gauge its impact on the ability to achieve a 6m wide driveway as proposed, nor its significant visual impact on the adjoining property to the west. Similarly no details have been provided on the also potentially 2m high retaining wall along the northern boundaries of Lot 1576, and Lot 1575, which will need to have their boundaries undercut significantly to permit the 6m wide access to



f) Coastal hazards.

Development applications must identify and address all potential hazards of the site in accordance with the requirements of Byron LEP 2014, this DCP and other relevant Council and State Government policies, guidelines and legislation.

4. Vegetation removal

Subdivision road layout must be designed around significant stands of trees. These may be located within reserves or accommodated within the subdivision layout such that dwelling construction may be achieved without causing any undue interference with existing trees.

The environmental buffer distances in chapter B6 Buffers and Minimising Land Use Conflict should be incorporated into the subdivision design. Where urban subdivision adjoins bushland, Council may impose particular consent conditions relating to the ongoing management of the interface between the subdivision and the bushland.

Proposals that require the removal of vegetation for bushfire protection purposes (e.g. asset protection zone) may need to include a Flora and Fauna Assessment and, where native vegetation is to be removed, may need to prepare a Vegetation Management Plan.

Vegetation to be removed must be located within the subject land unless an agreement has been reached to provide the necessary asset protection zone on the neighbouring property.

Evidence of any agreement with the neighbouring land owner, together with that owners' written consent to lodgement of the DA must be submitted with the development application.

The agreement must be in the form of a proposed Section 88B Instrument under the Conveyancing Act 1919, consistent with the requirements of the NSW Rural Fire Service.

For specific details on subdivision on bushfire prone land, applicants are referred to the NSW RFS document 'Planning for Bushfire Protection'.

Any trees proposed to be removed as a result of a subdivision proposal must be identified in accordance with the provisions of B2.2.1 (Chapter B2 Preservation of Trees and Other Vegetation) or a Site and Context Analysis Plan (as required by Part A13) and be marked clearly to facilitate identification at the time of site inspection.

Riparian Buffers and land fronting watercourses

Subdivision design must encourage the retention of riparian vegetation and should incorporate riparian buffers. The retention of existing vegetation and landforms assists in infiltrating, detaining and treating stormwater, as well as maintaining water balance and aesthetics. The retention of vegetation along watercourses also assists in habitat connectivity, which is critical to maintaining biodiversity. Riparian corridors must be left undisturbed. Their natural and ecological values must be enhanced where possible. Street and lot layout must be planned so that riparian habitat is

retained and where possible connected to remnant habitat in adjoining areas. Where land proposed for subdivision fronts

proposed Lot 4.

Given the slumping of land already noted on Lot 1577, these already dangerous works, will most likely be exacerbated in scale and impact by the questionable geology of the subject property.

As previously alluded to, the development proposes the removal of most of the trees on site.

These are predominantly located in the north. As a result, all future dwellings, on this elevated site, will look into the dwellings and yards of properties to the north. In addition to this, the adjacent dwelling to the west of the access driveway, will be totally overlooked by the driveway and its traffic.

Other than a species list, no details have been provided as to the location of compensatory plantings, either to provide visual screening, or to visually soften the gun barrel driveway proposed.

Nor has any reason been given as to why the 23 trees to be removed, are not being compensated for at Byron Shire Councils usual compensation rate of 5 trees for each tree to be removed.

Again, for these reasons of adverse environmental and visual impact, the site is not suited to the development proposed, and the application should be refused.



a watercourse, it is preferable that the subdivision be designed to limit direct access to the water. Vegetation and topography must be retained along the site's natural drainage lines. This vegetation will play a key part in providing habitat connectivity and maintaining biodiversity. The retention or reinstatement of vegetation and provision of habitat connectivity must utilise locally indigenous species and be incorporated in the design of public areas and facilities such as parks, detention/ infiltration basins, or water treatment areas.

Allotments having frontage to a watercourse are to comply with the minimum requirements for buffers under Chapter B6 Buffers and Minimising Land Use Conflict (where relevant).

Landscaping

The effective use of landscaping can make a significant contribution to climate control, ecological characteristics, the overall appearance of the subdivision and the residential environment which is ultimately created.

Generally, one street tree per 15 metres of residential lot street frontage with a maximum canopy diameter of 8 metres at maturity is to be provided for new subdivisions. Applicants must comply with the landscaping design and maintenance requirements in Ch B9 Landscaping.

Roads

Roads are to be designed to provide a pronounced road hierarchy in which the size, width and appearance matches its function. Streets at the lower end of the hierarchy must not become through-routes for unrelated traffic and proper provision must be made for buses and service and delivery vehicles.

Depending on the overall size and layout of a subdivision, a typical road hierarchy could include:

- a) Arterial or sub-arterial roads – roads giving access to the subdivision but not part of it.
- b) Collector street - a main link through the subdivision, connecting directly with arterial roads.
- c) Local access road - a loop road or cul-de-sac serving more than 15 lots.
- d) Minor road - a cul-de-sac, minor loop or minor access street, serving less than 15 lots.

Where cul-de-sacs are proposed, consideration to is be given to providing pedestrian and cycling traffic through to the next street with regards to the CPTED principles in Ch B11 Planning for Crime Prevention.

Roads (including footpaths, cycleways, and watercourse crossings) are to be designed in accordance with the requirements specified in the Northern Rivers Development and Design Manual as amended from time to time. Council will consider variations to these requirements on merit where compliance is proven to be onerous and having regards to the scale, location and density of the development.

Where an allotment to be subdivided has access via an unsealed, unconstructed or partly constructed road, the applicant must provide constructed road access from the nearest constructed road to all allotments involved in the subdivision to facilitate ultimate design road capacity.

The applicant must supply and erect street signs in accordance with Councils requirements.

The steep grade of the 26% gradient driveway, which is proposed over a distance of approximately 50m, between the lots and Coomburra Cres., and the approx 30% gradient driveway up to proposed Lot 4 in the east, will make access difficult and dangerous for standard residential vehicles, and the 90 degree 6m wide bend at the northern end of the driveway, does not permit the required 12m turning radii for large vehicles which may need to access the site, e.g. removal vans, fire appliances, builders trucks, and delivery vehicles. The design has not taken into account the slope of the land at the northern end of the driveway, or the slope and cross fall of the site from this northern end of the driveway to proposed Lot 4.

As can be seen for the previous photo, this extreme grade, and extreme cross fall, with only a 6m width to work within, will require massive retaining walls on the northern and southern side of the eastern access



Subdivision development must provide footpath and nature strip treatment that reflects the particular road function and provides a safe and pleasant people-oriented environment for pedestrians and cyclists. New roads are to be appropriately landscaped with street trees in accordance with Ch B9 Landscaping and retain significant existing vegetation to complement the subdivision.

Other street furniture such as bus stops to be provided as required.

All development applications for subdivision to incorporate preliminary engineering drawings of the work to be carried out as required under the regulations.

8. Street Lighting

Council will require energy efficient street lighting to be provided and installed in conjunction with any subdivision located in an area where street lighting is required.

New street lighting to be installed as part of a subdivision is to incorporate energy efficient technology to reduce power consumption and carbon footprint with a wattage of 55 watts or less, and may include:

- a) Compact fluorescent
- b) T5 linear fluorescent
- c) Metal halide
- d) White LED
- e) Low Pressure Sodium lamps of 55W or less
- f) High Pressure Sodium lamps of 55w or less

Council will consider alternate street lighting arrangements powered from solar or wind turbines with back up mains power for subdivisions comprising 25 lots or more. Details to be submitted with the development application including maintenance/ cleaning regime, suppliers/ installers warranties/ guarantees, accessibility to replacement parts, battery, panel and turbine life, useability in high wind situations for wind turbines and any noise issues.

Street lighting to comply with AS1158 or AS3771 and any requirements for disability access and mobility. Written evidence that satisfactory arrangements have been made with the Energy Provider will be required prior to the release of a Subdivision Certificate

9. Public open space and public reserves

The value to the public of public open space is determined by how easy it is to get to, how well it is used, it's potential for active or passive uses, it's environmental value and how pleasant it is to be there. Public open space within a subdivision should form part of a pedestrian/cycleway network that connects residential areas and other facilities. Where appropriate, landscaping of open space must be integrated with street and private landscaping to bring the whole landscape environment together. Some Key Principles include:

- a) There must be a functional hierarchy of open space to ensure leisure activities for a wide variety of people.
- b) Open space must be safe to use for access or leisure.
- c) It must enhance the function and appearance of the subdivision.
- d) It must act as a landscape-linking element.

Only land which is in a suitable location and which is able to be used for active or passive recreation will be considered to

driveway, threatening the stability of the adjacent residential lots to the south.

The northern retaining wall would create such a change in grade such that any vehicular access to proposed Lots 1, 2 and 3 below, will not be able to meet "*the Northern Rivers Development and Design Manual*", thus sterilising these sites from vehicular access.

Also no details have been provided of the approx 2m high retaining wall on the western side of the north south access driveway, which will be required to be placed adjacent to the eastern boundary of existing Lot 1578. As such it is not possible to gauge its impact on the ability to achieve a 6m wide driveway as proposed, nor its significant visual impact on the adjoining property to the west. Will it be fitted with a safety rail which will further lessen the width of the driveway; Is fencing and in particular sound attenuating fencing proposed atop this retaining wall, and what would be the combined visual impact of this potentially 4m high structure as viewed from the adjacent property to the west.

For these reasons, the site is not suited to the development proposed, and this application should be refused.

If a two (2) Lot Subdivision were proposed, at least the majority of the driveway could be reduced down to 3m wide, thus permitting landscaping and minimising the need for earth works and massive retaining walls.



meet the requirements for public open space. Public open space areas must be functional, well-located and distributed appropriately throughout the subdivision to maximise accessibility and provide for passive and active recreational opportunities.

Applicants proposing urban subdivisions of 25 lots or more are encouraged to contact Council for the requirements for the provision of open space or local parks as part of the subdivision prior to the preparation and lodgement of the development application.

Land which is primarily used for drainage purposes may not be considered as open space if predominantly unusable.

Specific requirements under the chapters for the Shire's towns and villages may also apply in relation to open space.

Dedication and embellishment of land used for open space may be offset against the S94 contributions for open space.

Applicants should consider the requirements of Council's section 94 contributions plan and the site specific chapters for urban release areas as these documents contain the site specific requirements for the provision of open space.

Council's section 94 plan sets out the requirements for undertaking works in kind or the dedication of land in lieu of payment of monetary contributions. It is at the discretion of Council to accept land as open space.

Local parks when provided to be generally in accordance with the following criteria:

- a) Contain a minimum usable park area of 2000m² ;
- b) Be designed and located so as to maximise street frontage and encourage natural surveillance from surrounding residents;
- c) Be generally level with gradients not exceeding 5%;
- d) Be equipped with play equipment and/or park furniture;
- e) Provide shade cover over all play equipment;
- f) Include soft-fall under all play equipment in accordance with the relevant Australian Standards;
- g) Be situated so that dwellings in the development and surrounding area are generally within a 500m lineal distance of a local park;
- h) Be situated on land that is readily accessible to the surrounding dwellings and be physically connected to the pathway network;
- g) Be cleared of weed species and have a bush regeneration plan if required;
- h) Be cleared of surface rock and be suitable for mowing / maintenance.

Stormwater Management

Management of stormwater is an integral part of subdividing land and a means to control flooding and other amenity impacts. The following minimum provisions apply.

a) Development applications must demonstrate compliance with Ch B3 Services, the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards.

b) Each new allotment must be capable of discharging stormwater runoff from impervious areas to a lawful point of discharge. A lawful point of discharge may be a natural watercourse or drainage path to which the site drains

As can be seen from the previous photo taken from the north east corner of the property, considerable fall occurs across the block, with slumping evident. The volume of increased water run off, particularly following the development of each of these 800m² plus lots for the likely Dual Occupancies which will result on them, and their driveways, will result in



naturally, or a location where any discharge will not cause any actionable nuisance. Where a lawful point of discharge does not exist on the allotment, constructed drainage and any necessary easements must be provided to a lawful point of discharge.

c) The applicant must construct all necessary drainage works and must provide all necessary drainage easements and/or drainage reserves including on adjoining or downstream properties to the lawful point of discharge.

Where easements are proposed over downstream properties for drainage purposes, a letter of consent from the owner(s) of the downstream properties must be submitted with the development application. Deferred commencement consent may be issued subject to the registration of the easement in these circumstances.

d) An appropriate stormwater flow management system must be established to reduce the velocity and peak flow of stormwater discharge (i.e. the provision of an on-site stormwater detention system).

e) For small lot subdivision where onsite stormwater detention is required, the construction may be deferred until the dwelling construction stage. In this regard a Restriction as to User must be created on the plan of subdivision pursuant to the provisions of S.88E of the Conveyancing Act 1919, stating: "No building or development shall be erected on the lots burdened unless the proprietor has first constructed or has made provision for construction of an on-site stormwater detention system (which expression shall include all ancillary gutters, pipes, drains, walls, curves, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater) (here in after called "the system"). The design, construction and/or provision of the system shall be to the requirements and satisfaction of Byron Shire Council."

f) Lands identified as containing or directly adjoining watercourses or trunk drainage lines may be subject to partial inundation during the 1 in 100 year ARI storm event. A hydrology study must be submitted to identify the 1 in 100 year ARI flow level where the land is traversed by or adjacent to a watercourse or trunk drainage system. Development applications must demonstrate that the proposal complies with the requirements of the Northern Rivers Development and Design Manual and Chapters B3 Services and C2 Areas Affected by Flood.

Utility Services

Utility Services, including power and telephone, are to be provided in accordance with Ch B3 Services.

The siting and design of proposed utilities must be illustrated on the subdivision plan submitted with the development application.

Written evidence of satisfactory arrangements with a telecommunications and electricity provider must be submitted prior to release of a Subdivision Certificate. Provision must be made for the placement of telephone and electricity underground in visually sensitive locations. A renewable energy system may be approved for the subdivision where development applications demonstrate

significant stormwater run off, even if detention is proposed. The existing stormwater inlet in the north west of the site is small, and already does not cope with heavy rain events, resulting in significant overland flow across adjacent properties in times of heavy rain.

The development will increase the level of run off, and the submission does not contain stormwater calculations, nor does it look at the capacity of existing down stream drainage pipes, and their ability to cope with the increase in runoff which will result from the development as proposed. Nor does it look at the potential for Dual Occupancy development on each of the 800m² plus allotments proposed, and what this cumulative impact would be.

For these reasons, the site is not suited to the development proposed, and the application should be refused.



that the proposed system is sustainable, will provide adequate levels of service to future residents, and minimises the need to remove vegetation for service corridors. Where possible, subdivision design must provide for common trenching of services to reduce the number of trenches and the amount of land required, and to reduce costs and disruption due to maintenance. Trenching must meet the standards detailed within the Streets Opening Conference current Guide to Codes and Practices for Streets opening.

Provision of Potable Water Supply

Development applications must demonstrate that an adequate water supply will be available to meet the needs of future residents and occupants, either through the provision of reticulated water supply or rainwater tanks if reticulation is not available in accordance with the provisions of Ch B3 Services, and the Northern Rivers Development and Design Manual.

13. Sewer must be provided to all lots within urban zones. Satisfactory arrangements for provision of sewer services made with Council in accordance with Ch B3 Services.

Geotechnical Report

a) Development applications for vacant lot subdivision must include a report and certificate from a NATA - accredited practising civil engineer confirming that all proposed allotments contain a building envelope of adequate size and shape (i.e. a rectangle with dimensions at least 15m x 12m) that is geotechnically capable of accommodating a dwelling house and is not subject to slip or subsidence. The certified building envelopes must be identified on the DA drawings.

b) The report must address the matters listed in AS1726 (as amended from time to time).

c) Engineer specialising in geophysical sciences and preparing reports for the consideration of Council must provide written evidence of their holding an insurance policy to the value of at least \$10m indemnifying him/her against professional negligence.

Strata Title, Community Title and Stratum Subdivision

The minimum areas specified by the Byron LEP 2014 lot size map apply to Stratum subdivision in all zones. The LEP sets out minimum lot sizes for Strata and Community Title subdivision in certain zones. For those zones where there is no prescribed minimum area for strata or community title subdivision, minimum lot sizes will be based on the development footprint.

The terms of the development consent will be subject to the relevant provisions of the LEP and this DCP, depending on the location, zoning, characterisation and nature of the development proposed. Generally, approved Strata or Community Title Lots must include sufficient area to accommodate the approved development unit, together with any ancillary area, development or structure related exclusively to that unit, unless those facilities are provided in an approved Community Lot or Common Property.

Council will not grant consent to a development application seeking consent for Strata or Stratum Title subdivision



<p>unless either that consent or a previous consent identifies and approves one or more buildings that will be erected on or in each of the new Strata or stratum lots.</p> <p>Where vacant lots (Stratum, Strata and Community Title) are proposed all relevant services, infrastructure and access provisions are to be constructed, and any necessary contributions to be paid, prior to the issue of the subdivision/ strata certificate.</p> <p>Applications for Stratum Subdivision must provide the following:</p> <ol style="list-style-type: none"> Draft Plan of Subdivision showing the parcel at ground level and subsequent sheets for each level within the building A draft Building Management Statement as per Schedule 8A of the Conveyancing Act 1919. Details on easements including easements for support and shelter, vehicular personal access, services and any other easements. For further details on Stratum Subdivision applicants are referred to Part 23 - Division 3B Provisions relating to Stratum Lots of the Conveyancing Act 1919 and 	
<p><u>D6.4 Urban Residential Subdivision</u></p> <p>The following provides planning controls for subdivision of land in residential areas including the R2, R3 and RU5 Zones. RU5 is a rural zone however the most appropriate subdivision controls are those which apply to urban lots.</p> <p>D6.4.1 Lot Size and shape</p> <p>Objectives</p> <ol style="list-style-type: none"> To provide lots of sufficient size to satisfy the needs of future residents, and which will accommodate well designed and innovative development; To encourage diversity in lot size and opportunities for a variety of housing choice; To ensure that lot design takes into account the natural features of the site and locality. <p>Performance Criteria</p> <ol style="list-style-type: none"> Lots must be of sufficient area to allow for the siting of a dwelling and ancillary buildings, including provisions for private open space, solar access, vehicle access and parking. Lots must provide sufficient effluent disposal areas where required. Lot sizes must enable dwellings and driveways to be sited to protect natural or cultural features, and must respond to site constraints including topography, bushland, soil erosion, drainage, and bushfire risk. To provide useable areas, lot sizes may need to be increased where sites are steep or contain significant constraints or landscape features including watercourses and easements. Lot design must enable the construction of a built form that is sympathetic to the established character of the area. <p>Prescriptive Measures</p> <ol style="list-style-type: none"> Lot sizes must not be less than the minimum area specified in Byron LEP 2014 on the lot size map. For lots that are not typical rectangular shaped lots, Table D6.1 indicates Council's preferred minimum lot sizes in urban subdivisions: <p>Corner lot - 650 m²; Hatchet-shaped lot - 800 m²</p>	<p>As previously stated, in its current form and if no constraints are placed on its actual development potential, then the design as put forward will have a significant adverse impact on all adjacent dwellings, and potentially those down stream of the existing undersized inter-allotment drainage system.</p> <p>To this end it is considered that as little as two dwellings may be the maximum potential of the site, given the foregoing assessments.</p> <p>For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the resultant development will totally and adversely detract from the amenity of this residential area, particularly in relation to the adjacent Dwellings, local traffic safety, and the environment in general.</p> <p>As Council is aware, the</p>



(excluding access handle)
Hatchet-shaped lot adjacent to public reserve - 650 m 2 (excluding access handle); Fan-shaped lot (minimum frontage 7m) 650 m 2
3. Proposed lots containing existing dwellings must not result in that lot having a floor space ratio lower than that specified on the floor space ratio map.
4. Lots must provide an appropriate shape and area to accommodate an unconstrained building envelope with minimum dimensions of 12 metres by 15 metres.
5. Hatchet-shaped lots must have a minimum frontage of 6 metres (i.e. 3 metre driveway and provision for services, landscaping etc). This may translate as 3 metres frontage each if reciprocal rights of carriageway provide shared access to 2 or more adjoining lots. Consideration will be given to a further reduction in lot width for four or more lots where the pavement widths comply with the Northern Rivers Development and Design Manual.
6. The access handle of hatchet-shaped lots must be landscaped in accordance with the requirements of Chapter B9 Landscaping. A landscaping plan must be submitted with the development application for subdivision. Such details could incorporate, for example a meandering driveway with landscaping elements, passing bays, different pavement treatments and kerb blisters incorporating landscaping beds.

D6.4.2 Access Design

Objectives - ensure provision of safe and effective access to properties.

Performance Criteria -

1. Driveways and access must form an integral part of the overall design of the subdivision.
2. Driveway and access design is to provide a safe and efficient entrance/exit to individual lots.

Prescriptive Measures

1. Applications demonstrate that vehicle access can be provided to each lot created by the subdivision in accordance with Chapter B3 Services. In certain circumstances, due to topography and other constraints, the driveway will need to be designed and constructed at the subdivision stage.
2. Additional standards may apply in bushfire prone areas as per the requirements of the NSW Rural Fire Service.

D6.4.3 Infill Subdivision with Rear Lane Access

Objectives

1. ensure infill development in co-ordinated manner.
2. ensure vehicle / pedestrian safety and residential amenity.

Performance Criteria - Nil.

Prescriptive Measures Re-subdivision of existing residential lots which rely on rear lane access will necessitate an upgrade of the rear lane. The following minimum standards are to apply for Strata, Community and Torrens Title subdivision: (See Fig D6.6 and D6.7 for detail)
a) Construction of laneway to provide a nominal min 3m width of bitumen seal with controlled drainage for the full laneway frontage of the property. Council may require sealing extended to finalise laneway or connect to near cross street.

b) Driveways are to be installed, and, where crossing of an

specific objectives of the R2 Zone, within which the site is located, require that any proposed development be tested against its ability to achieve **low density residential development**.
This four lot subdivision, which proposes four Dual Occupancy capable lots, thus resulting in an eight (8) dwelling development, will result in a significant loss of urban character, through its inappropriate scale, size and design, which is thus at odds with the Zone Objective Requirement to have a “**low density residential**” character.

The likely 80 vehicle movements per day will exceed the capacity of the proposed driveway, which although proposed at 6m, sits within a 6m wide strip, which provides no scope for landscaping, safety rails, or garbage bin storage, or letter box placement.

The provision of such features within the proposed driveway will necessitate its narrowing, thus making it incapable of dealing with the likely traffic volumes it is meant to handle. Also as, as previously indicated, the geometry of the 90 degree bend at the northern end of the initial steep slope, does not permit the movement of large vehicles which may need to access the site, e.g. removal vans, fire appliances, builders trucks, and delivery vehicles.

Again the eastern component of the driveway leading to proposed Lot 4, does not show details of the earth works required, retaining walls, to the north and south, or given the grade drop down to Lots 1, 2 and 3, how vehicular access will even be possible onto these lots which can meet “*the Northern Rivers Development*”



<p>existing table drain is proposed, installation of appropriate sized concrete pipe and headwalls may be required.</p> <p>c) Fencing and access to comply with B4.2.4.</p> <p>d) Legal pedestrian access is to be provided back to the main street frontage by way of a Right of footway, common property or battleaxe subdivision design. This can also be used for the provision of services (water, sewer, power and telecommunications) to the rear dwelling house / lot and enable garbage and postal services to be collected from the street as opposed to the laneway. Where used for pedestrian purposes only, the handle to be a min 1.2m wide to facilitate easy access and manoeuvring of a garbage bin, whilst also providing a main street frontage for visitors and delivery services. Where infrastructure services are also sited in the handle, this may need to be increased to a width of 3m. Access handle be fenced for privacy, but not restrict sight distances to adjoining driveways.</p> <p>e) Applicants are to demonstrate that each lot can accommodate an unconstrained building envelope of 12 x 15 metres. Dwelling houses and garages are to be set back a minimum of 3 metres from the laneway boundary.</p> <p>f) No gates or doors are to open out onto the public road reserve including the laneway.</p> <p>g) Landscaping is to comply with the requirements of Ch B9 Landscaping.</p> <p>D6.5 For development incorporating more than two lots, or development for the purpose of two or more dwellings (not including any secondary dwelling), Council may require a higher standard of laneway upgrade in terms of width of seal and drainage infrastructure.</p>	<p><i>and Design Manual”.</i></p> <p><i>The conclusion is that this application should be refused.</i></p>
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2.3 DCP 2014 Part B Sec B.14 Earthworks.

The objectives of the 1 m maximum earth works required under this Clause are:

To minimise Environmental Impact.; To blend the development into the site.

To minimise erosion risk.; To minimise disturbance to the natural landform.

To encourage designs which blend into the natural landform.

In relation to the proposed design, significant earth works over 1m are proposed with large retaining walls required to the west of the north/south section of the driveway, and to the north and south of the east/west section of the driveway.

No details have been provided of these, and given the unstable ground evidenced on site, it is of a major concern that these matters have not been addressed.

For these reasons, the site is not suited to the development proposed, and the application should be refused.

2.4 DCP 2014 Part B.8 – Waste Management.

Waste minimisation Objectives

1. To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.

2. To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.

3. To encourage building designs, construction and demolition techniques in general which minimise waste generation.

4. To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste management Objectives

5. To assist applicants in planning for sustainable waste management, through the preparation of a Site Waste Minimisation and Management Plan.



6. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
7. To provide guidance in regards to space, storage, amenity and management of waste management facilities.
8. To ensure waste management systems are compatible with collection services.
9. To minimise risks associated with waste management at all stages of development.

WASTE MANAGEMENT The likely 80 vehicle movements per day will exceed the capacity of the proposed driveway, which although proposed at 6m, sits within a 6m wide strip, which provides no scope for landscaping, or garbage bin storage. Each dwelling will struggle to achieve a satisfactory waste bin storage location.

3 Sec. 79(1)(b) IMPACT ON ENVIRONMENT

The development involves massive and undisclosed site works associated with the installation of retaining walls, driveways, services, and drainage.

In addition to this, it is proposed to remove 23 small to medium trees, with 36 Trees proposed as Compensatory Planting. This level of compensatory planting is below the 5 trees to 1 normally required by Byron Shire Council.

No planting plan has been provided, no regard has been given to the loss of visual amenity which will result, and no regard has been given to the stability of the site, or the significant impact this development will have on the local drainage system.

It is therefore considered that the proposed development will have a significant adverse impact on the environment of the area, and should be refused on this basis.

4. Sec. 79C(1)(c) SUITABILITY OF THE SITE

As stated previously in the Statutory assessment of the proposal, the design goes beyond reasonable development standards, and the lack of detail on this very constrained site, indicates a significant disregard to Council's obligations to adhere to the precautionary principle, and assess the actual likely impacts of this significant over development of the site.

The proposed development with its compromised access, steep slopes, questionable geotechnical stability, drainage issues, and social impacts, fails to meet Low Density Residential R2 Zone objectives, and therefore Council has no choice but to either refuse this application in entirety, or permit only the creation of two lots, with restrictions on title limiting development to a single dwelling only on each lot. This type of outcome would enable some development to occur, which results in a reasonable sense of residential amenity being achieved, within a Low Density Residential R2 Zoned area.

The current 8 dwelling potential of the four large lots, takes the proposal beyond acceptable development limits in terms of visual impact, aural, social impact, inter-allotment drainage impact, traffic impact, earth works impact, and environmental impact.

In the Applicants SEE they state *"The proposed access handle is existing and has a width of 6.1m which complies with the required 6m minimum. Council is able to consider a further reduction in lot width for four more lots where pavement widths comply with the Northern Rivers Development and Design Manual."*

This statement does not take into account the need for massive retaining walls along the driveway, the steepness of its grade, the lack of splays at the exit point to improve visibility. It does not take into account the poor visibility along Coomburra Cres, down slope to the west of the access point, and lack of landscaping to visually soften the driveway. In fact no driveway plans have been provided at all.

Further, the applicants claim that *"The proposal is for four lots, with only one being of battle-axe formation (Proposed Lot 4). Proposed Lots 1-3 will obtain lawful access to the public road network (Coomburra Crescent) via reciprocal rights-of-carriageway over the access handle."*



Table D1.5 of the Manual requires a minimum carriageway width of 6m for an access street with a maximum traffic volume of 100 vehicles/day. A dwelling house on each of the proposed 4 lots will generate in the order of 36-40 daily vehicle trips based on the RTA's Guide to Traffic Generating Development estimate of 9 daily trips for a dwelling and on the Manual's estimated of 10 vehicles/day for single dwelling lots."

This statement fails to acknowledge that the 4 x 800m² plus lots, will each most likely be developed for Dual Occupancy, thus resulting in 8 houses using this driveway, and resulting in 80 vehicle movements per day.

This will exceed the capacity of the proposed driveway, which although proposed at 6m, sits within a 6m wide strip, which provides no scope for landscaping, visibility splays adjacent to Coomburra Cres., safety rails, or garbage bin storage, or letter box placement.

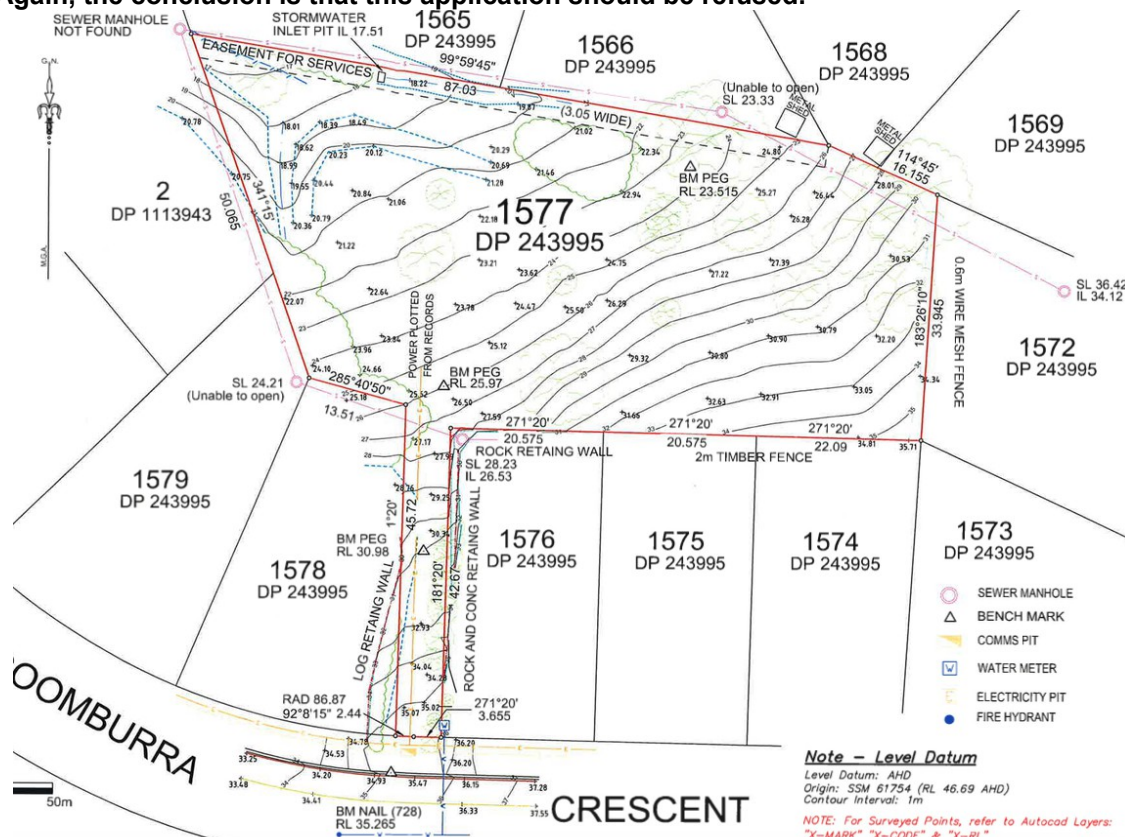
The provision of such features within the proposed driveway will necessitate its narrowing, thus making it incapable of dealing with the likely traffic volumes it is meant to handle. Also as, as previously indicated, the geometry of the 90 degree bend at the northern end of the initial steep slope, does not permit the movement of large vehicles which may need to access the site, e.g. removal vans, fire appliances, builders trucks, and delivery vehicles. Again the eastern component of the driveway leading to proposed Lot 4, does not show details of the earth works required, retaining walls, to the north and south, or given the grade drop down to Lots 1, 2 and 3, and how vehicular access will even be possible onto these lots which can meet "the Northern Rivers Development and Design Manual".

The conclusion is that this application should be refused.

Sewer

The plans show Sewer Lines surrounding the site, however none exist within the site other than in the elevated north east corner, and no arrangements for easements over adjoining properties have been shown on the plan, to secure lawful access to these sewer lines. (See extract below)

Again, the conclusion is that this application should be refused.





The overall proposal is thus inconsistent with the character of the area in terms of its scale, design, and lack of consideration for the precautionary principle. As such, the proposed use will detract from the character of the area, and represents an inappropriate over development of the site.

5. Sec. 79C(1)(e) PUBLIC INTEREST

Due to the fundamental design problems raised by this submission, my clients urge Council to refuse this application, or to require it to be reduced to two (2) lots with restrictions on title limiting each lot to a single dwelling.

Otherwise, the design is not only contrary to the public interest, but it also represents an over development of this site, and is one which fails to meet privacy, and amenity needs of the adjacent dwellings, and fails to meet reasonable access, drainage, servicing and environmental outcomes.

The outcome from this proposal as presented not only threatens inter-allotment drainage, but the combination of all the preceding factors, will result in a significant loss of amenity and environmental integrity, thus being totally at odds with the Low Density Character planned for this area by its R2 Zoning.

As such public interest will not be served by the current design.

6. CONCLUSIONS

As previously stated, in its current form and if no constraints are placed on its actual development potential, then the design as put forward will have a significant adverse impact on all adjacent dwellings, and potentially those down stream of the existing undersized inter-allotment drainage system.

To this end it is considered that as little as two dwellings may be the maximum potential of the site, given the foregoing assessments.

For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the resultant development will totally and adversely detract from the amenity of this residential area, particularly in relation to the adjacent Dwellings, local traffic safety, and the environment in general.

As Council is aware, the specific objectives of the R2 Zone, within which the site is located, require that any proposed development be tested against its ability to achieve **low density residential development**.

This four lot subdivision, which proposes four Dual Occupancy capable lots, thus resulting in an eight (8) dwelling development, will result in a significant loss of urban character, through its inappropriate scale, size and design, which is thus at odds with the Zone Objective Requirement to have a “**low density residential**” character.

The proposed development with its compromised access, steep slopes, questionable geotechnical stability, drainage issues, and social impacts, fails to meet the test set by the Low Density Residential R2 Zone Objectives, and therefore Council has no choice but to either refuse this application in its entirety, or permit only the creation of two lots, with restrictions on title limiting development to a single dwelling only on each lot, thus enabling some development to occur, which results in a reasonable sense of residential amenity being achieved, within this Low Density Residential R2 Zoned area.

Without these changes it is visually out of character with the area, compromises environmental integrity by compromising already undersized local drainage infrastructure, and is likely to result in significant amenity and privacy loss.

The design as it exists is thus flawed, and not only results in general non compliance with Council and North Coast design criteria, but will detract significantly from the visual and environmental



integrity of the area, and reduce the residential amenity of my clients dwellings, which sit within a designated Low Density Residential Area.

For these reasons, this objection is made in the strongest terms as it is evident, following our assessment of the proposal, that the four (4) lot subdivision will totally and adversely detract from the amenity of this residential area, and will in the long term compromise inter-allotment drainage, traffic safety, site stability, visual amenity, and the environmental integrity of the area.

My clients request that this application be either refused due to its inadequate design, OR approved subject to Conditions which require the lot yield be reduced to two (2) with restrictions on title limiting each lot to a single dwelling only.

If a two (2) Lot Subdivision were proposed, at least the majority of the driveway could be reduced down to 3m wide, thus permitting landscaping and minimising the need for earth works and massive retaining walls.

Such changes would enable the development proposed to better meet the required design outcomes sought by the applicable Statutory controls being; DCP 2014, Byron LEP 2014, and the provisions of the North Coast Urban Design Guidelines.

CHRIS LONERGAN. B.A. (Town Planning UNE)

10th. Oct. 2017.

General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Dear Mr Gainger

Re Objection - Development Application 10.2017.516.1
8 Coomburra Crescent Ocean Shores

Our names are Steven & Tanya Butler and we are residents of 2 Dyum Place, Ocean Shores (Lot 1566), one of the many neighbours to the proposed development site. We have resided here for over 30 years and so know the area very well. It has always been our understanding that only the one dwelling could be built on this property.

While we are not against any development, particularly of this site, the possibility of the construction of 8 dwellings into the future is not acceptable. We are opposed to the Development Application (DA) in its current form and request that Council strongly consider our concerns and those of our neighbours.

Obviously those concerns will be specific to our location but there are also issues for the entire neighbourhood surrounding the proposed development site. Of most concern to us are the drainage issues and the potential loss of privacy.

Our concerns are:

Drainage

We have great concerns as to the drainage of storm water across the proposed site to the easement along our shared boundary and into the catchment pit. When we first built on our site 30 years ago there was a concrete spoon drain that ran along the easement. From years of neglect and silt and sediment build up from water runoff that drain disappeared along our boundary. In times of heavy rain such as the recent floods, water is unable to drain adequately to the catchment pit and regularly enters our property.

That water has the potential to cause great damage to our residence and that of our neighbours positioned below us.

Our neighbours in 3 Dyum Place have also experienced the issues with the treatment of surface run off as the pit is at the rear of their property. In times of heavy rainfall the pit just does not handle the accumulated flow from the run off across 8 Coomburra beginning just under the fence line of all the properties above us on the southern boundary of 8 Coomburra Crescent.

If 8 properties (even 4 for that matter) were to be constructed on the development site this would only increase the issue of storm water run off for our properties

There is no explanation in the DA as to how the issue of storm water drainage is to be addressed including how the additional run off will be contained. Why has no geotechnical study been carried out?

This concerns us as long term residents greatly.

Privacy

This DA will impact greatly on our privacy. As previously stated we have been of the belief that if development was to take place it would be a single dwelling only. This DA now has the potential for 8 houses.

The slope of the development site means that any constructed dwellings would have a view directly into ours (and our neighbours) backyards, rear bedrooms and living areas. A great imposition on our privacy.

Fauna

It is intriguing to see that the DA states that no wildlife will be impacted – this is not correct. Over our 30 years of living at 2 Dyum Place we have experienced rosella, king parrots, echidnas, lorikeets, black cockatoos, pythons, scrub turkeys, owls and swamp pheasants. The rosella and king parrots in particular have been with us for many years.

If the majority of the development site was to be occupied by 8 dwellings we fail to see where adequate replanting could occur to accommodate this wildlife. Mr Lonergan in his report advises that the replanting proposal in the DA does not meet standards. This should be reviewed.

Driveway Access

Despite the issue surrounding the construction of any driveway due to the site's topography it needs to be considered how the car movements associated with 8 dwellings will impact on existing residents. The construction of 8 dwellings could result in 80 car movements per day, many more than stated in the DA. This must be very concerning for the neighbours positioned along the southern boundary of 8 Coomburra Crescent. Additional noise and fumes will impact on their quality of living.

The positioning of the driveway will also create noise and headlight issues for the rear of our residence. Again this would be limited if the number of permissible dwellings was restricted.

Other issues such as access to the proposed lots displayed on the DA by trucks and emergency vehicles must be considered.

Based on the concerns we have raised above we believe the DA should be refused and development limited to two lots with approval for a single dwelling on each lot only.

Yours Sincerely

Steve & Tanya Butler
2 Dyum Place Ocean Shores

Lee Archinal & Tom Kaveney
100 Orana Road
OCEAN SHORES NSW 2483

Mr Ken Gainger
General Manager
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Dear Mr Gainger

**Submission of objection - Development Application No. 10.2017.516
8 Coomburra Crescent, Ocean Shores**

We are resident at 100 Orana Road Ocean Shores and write not only on our own behalf but also on that of the owners of the property, Morton and Judith Kaveney.

Our block is a neighbour to the block proposed for development and we believe our property at 100 Orana Road will be negatively affected if it proceeds as proposed.

Our grounds for objecting to the proposal as it stands are:

- The density of housing proposed is not in keeping with the surrounding area. Two residences would be more appropriate.
- The proposed removal of large forest red gum is unnecessary given its location close to the north-east boundary. This tree is mid-mature and is on the verge of forming hollows. Trees of this age are the most critical to urban wildlife as future habitat trees as they provide a replacement for older trees in the supply of nesting hollows for native birds. Older trees often need to be removed from urban areas for safety reasons. Mid-mature trees are thus essential. Forest red gums are the best tree for this as they form more hollows than other species, much better than tallwoods, which are also present on the lot but are not proposed for removal under this proposal.
- This proposal for four lots and a possible eight dwellings will significantly increase residential noise. The lots proposed are bordered on all sides by existing houses which will experience a shift in noise shed from new occupancy, cars, etc. A lower density (two residences) would be more appropriate.
- The lack of geotechnical information and hydrological information in the proposal is concerning. The block is steep and will be prone to subsidence once construction starts, this may impact on neighbouring properties. Overland flows are substantial and the block backs into a natural water drainage basin. Understanding proposed water management is critical and will affect downstream properties. Existing properties already have significant challenges managing water flows. Any increases in hard surfaces and storm water runoff from additional housing will only add to this.

Yours sincerely

[signed]

Tom Kaveney

10 October 2017

[signed]

Lee Archinal

DA No 10.2017.516.1

Proposal Subdivision to Create Four (4) Lots

Parcel No 14500

Property LOT and DP: LOT: 1577 DP: 243995

Description Street Address: 8 Coomburra Crescent OCEAN SHORES

Applicant Ardill Payne & Partners

Consent Authority Byron Shire Council

Exhibition Period 28 September 2017 to 11 October 2017

9/10/2017

Dear Council,

As a co-owner with my partner Michael Bushby of 10 Coomburra Crescent Ocean Shores, we are most concerned about the above subdivision application currently with you for approval.

After being rate payers in the area from 1982 – 2000, and from 2006 onwards, we bought 10 Coomburra Crescent after selling a long-term investment property in Brisbane and we bought this particular property as it gave us the opportunity to contribute to the shortage of permanent rentals in the area by building a granny flat under the back section of the existing house. Within a year of our purchase we had completed the council approved granny flat, as well as the access driveway, carport and landscaping specifically for the flat. In doing so, we created a new quiet, private living space with a peaceful treed outlook. We have a lovely young woman who works in Byron Bay tenaning the flat, and she is currently at the end of her second 6-month rental lease. She loves living in her bird filled little haven with her old dog. This granny flat has not negatively impacted our neighbours in any way. We have offered her another lease renewal but are concerned that she may now leave. We would fully understand her not wanting to be living there while a driveway the full length of our property and 4, or more, residences are being constructed on 8 Coomburra. We therefore do expect that this proposal will result in our having to reduce rent on the flat and the house not only during the years of construction, but also for ever after as there will be loss of privacy, security and the peaceful lifestyle if the current proposal is approved. This reduction of income to us will cause stress to our already frugal living.

We fully understand the damage storm water can cause, as the house had serious water damage to the footings of the front of the building, just from the storm water running off our short driveway. It cost over \$35,000.00 to address this issue and to make the house sound and secure, as well as addressing possible future water issues that could have affected the new granny flat. So, we have had direct experience with and are extremely aware of the damage storm water can cause to this specific property as well as to our neighbours' properties downhill from this proposed subdivision.

Our house and granny flat sits on the low side of the proposed driveway and the increased water run off would be disastrous and could result in our flat flooding. Climate change predicts that there will be more regular serious weather events causing flash flooding, so

any estimations of future rainfall and storm water movements stated in any DA proposal for 8 Coomburra must consider increased rainfall.

Objection 1 – Access and visibility to Coomburra Crescent

The only available street access to the proposed subdivision is via a 45.72 metre long driveway on a 6.095 meter access handle, being the full width of the street frontage of number 8 Coomburra.

This driveway will run the full length of our property at 10 Coomburra Crescent on the west (lower) side, and number 6 Coomburra Crescent on the east (high) side.

This driveway will have a considerable south to north downward slope from the street to the bulk of the property. This means that a vehicle entering from the street will not be able to see if there is a vehicle already on the driveway coming from the property towards the street until the entering vehicle is already off the street and on the driveway as well. With possibly up to 80 vehicle movements per day this could become problematic and hazardous.

The start of Coomburra Crescent is a T junction with Warrambool Road. Coomburra Crescent slopes down considerably from that T junction towards the west. It is a busy road with much traffic including buses, bicycles and pedestrians. Being a major thoroughfare that has recently been resealed, it has a lot of vehicle movements per day, particularly during week days and peak hour times, and traffic travels quite fast along it.

Our property at number 10 is on a bend in Coomburra Crescent. Traffic coming from the south will not be seen from this proposed driveway until that traffic has cleared the corner, giving very little visibility to anyone exiting the driveway or reversing back onto the street.

With the residents of the proposed 4 to 8 new dwellings coming and going to work, school, shops etc, let alone during the construction of the dwellings, this proposal will be a major traffic hazard.

We were originally informed when we purchased 10 Coomburra Crescent 2 years ago that the battle-axe street frontage of 8 Coomburra Crescent was too narrow for the duel driveway that would be necessary to access multiple dwellings on that block. It was suggested that anyone wanting to build multiple dwellings could only do so if we sold some of our property for their access which we never intend to do.

Objection 2 – Stated estimated number of vehicle movements per day

The application states this subdivision for 4 properties will generate at least 36 - 40 vehicle movements per day.

Realistically with possibly 8 homes and at least 16 people living there, this number will more likely be 80 movements per day.

These vehicle movements will adversely affect the two sets of tenants who occupy our property, particularly the permanent resident living in our recently constructed council approved granny flat under the rear section of the house.

Objection 3 – Width and contour of the proposed battle-axe driveway

Presently there is a hedge running the length of our property. This hedge gives privacy to our property, particularly to the downstairs granny flat. At the time of our purchase we were told all these plants were either on our property or on our boundary line. This proposal indicates at least two thirds of these shrubs would need to be removed to create their driveway. The narrow width of the battle-axe access would allow no room for any landscaping or visual softening from hard cement and vehicle movements. (Requirements Chapter B9 Landscaping). There will be little room for even just a fence/sound barriers. This will be a serious safety issue for our tenants. At one point our council approved driveway for our granny flat would be mere centimetres from the proposed driveway. Due to the east/west slope of the battle axe arm, there would need to be a major retaining wall along our property that could be more than 1.5 meters high and the existing retaining wall along the length of number 6 Coomburra would need to be deepened, possibly putting at risk their existing wall.

Objection 4 – Heat, glare, fumes, noise and water run-off

The proposal that would most likely necessitate cementing the full width of the battle-axe access will create disturbing glare, noise and heat for our tenants. Storm water presently absorbed into the ground will run off the hard surface, and unless addressed thoroughly, will cause problems all along the side of our property. With the north/south slope of the proposed driveway which is particularly steep at the lower end, engine revving and fumes will flow directly into the granny flat.

Objection 5 – Council services and letterboxes

With the full width of the street frontage being taken up with the proposed driveway, there will be no room on number 8 Coomburra Crescent for their rubbish bins on collection day. There will be 8 bins congesting the footpath spread between the front of our property at 10 Coomburra and our neighbour at number 6 Coomburra Crescent. In the case of the 4 proposed lot owners building 2 residences each, this number will rise to 16 bins. This will create a major hazard for pedestrians and be visually ugly and somewhat in the scale of a commercial complex. We do not want the bins from 8 Coomburra littering the front of our property. Similarly, there will be no room for letterboxes and parcel delivery drop-off.

Objection 6 – Visitor parking

With the street frontage being fully taken up with the driveway for the proposed subdivision, any visitors cars parking on the street will be either parking in front of our property or our neighbours at number 6 Coomburra. If visitors have parking available at the bottom of the driveway then this will create even more driveway movements.

In Summary

On inspection of 8 Coomburra Crescent it is obvious that the proposed connecting driveways between the 4 proposed blocks has not considered the fall of the land and the major earth works and retaining walls that would need to be created along the back fences

of at least 4 of the existing homes. How will removal trucks navigate at the bottom of the driveway? There is no allowance for a large enough turning circle.

There is evidence of land slippage on the property and there were a few streams of water running across the block Tuesday 3rd October morning after the small amount of rain that fell during the previous day and a half. The proposal doesn't include a geotechnical survey.

The removal of existing trees will have an impact as well as there are many very large significant habitat trees there. Many of the existing properties have bedrooms at the back of their homes, or have decks that look out over this block. They will be affected not only visually, but with noise and security issues.

8 Coomburra Crescent is not suitable for such a high number of homes. It shares its boundary with 12 other properties. The 4 blocks in the proposal would be over 800sqm so it is conceivable that they each could apply to build 2 residences which would be most inappropriate for this land – slope, land stability, vegetation, storm water, noise and density, fumes, council services, access. Currently the area is a quiet, well treed residential haven with much birdlife and native fauna. We understand the new owner of 8 Coomburra needs to make a profit, however we believe this block should be at the most 2 separate properties with single dwellings on each. The driveway could then be a single lane carriageway for most of its length and become 2 lanes at the top for ease of street access, thus allowing some landscaping, fencing and sound barriers along most of its length greatly reducing its negative impact on the properties on either side.

Our long-term connection with this community

We have been involved in this area since 1982 when we purchased a weekender in South Golden Beach. Unfortunately, during the years we owned 3 Helen Street, flooding around our house steadily increased. This was as a direct result of poorly considered development of the estate allowing solid fill to the new homes being built around us. Properties like ours received all the run-off water from the new houses resulting in our house often being completely surrounded by water for an extended period after just one night of heavy rain. With a lot of water lying around our house, the mosquitoes became rife and I contracted Ross River Fever in 1998. We decided to sell in 2000, but as we love the area we bought land out of the flood zone in Ocean Shores in 2006, built our house and have lived here since as self-funded retirees and active members of the Byron Shire community. We purchased 10 Coomburra Crescent in 2015.

Just to be really clear, I believe it is wrong to expect existing rate payers to suffer a degradation of their lifestyle, neighbourhood and income, through over development not suited to this site, in order to cram in a few more houses and create excessive profit for one. The reason this block was designed as it is, is because it is a valley and catchment area and totally unsuitable for this size of subdivision.

Yours Faithfully,

Olga Tresz

44 Tongarra Drive Ocean Shores NSW 2483