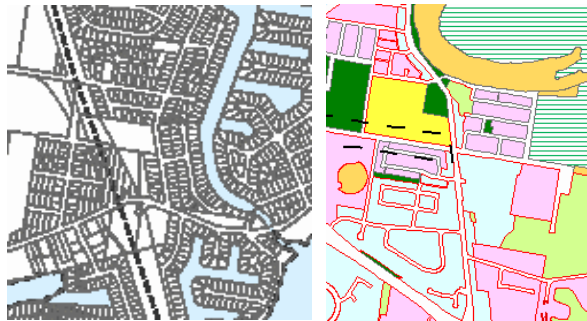


Swimming Pool & Deck

20 Corella Street, Mullumbimby

Lot 152 DP 1251169



February, 2024



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1.0 BACKGROUND

1.1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a development application that has been lodged seeking approval for a swimming pool and deck.

1.2 THE SITE & LOCALITY

The subject land is described as Lot 152 in DP 1251169, No.20 Corella Crescent, Mullumbimby. The land has frontage to Corella Street to the west. Existing improvements include a dwelling. The land is also bound by a similar sized residential allotments to the north and south and reserve to the rear.

1.3 THE PROPOSAL

The proposal involves the construction of an in ground swimming pool and deck.

The pool is positioned in the rear yard behind the dwelling.

The pool has a rectangular shape and measures 4m by 7m. It is setback 5.6m from the side boundary and 5.3m from the rear boundary measured from the waters edge of the pool. It is a maximum of 950mm above the ground.

The deck surrounds the pool and extends along the side of the dwelling. It is setback a minimum of 2554mm from the northern side boundary and 4754mm from the southern side boundary and 5.3m from the rear boundary. It is a maximum of 950mm above the ground to match the pool coping.

2.0 STATUTORY ASSESSMENT

2.1 Byron Local Environmental Plan 2014 (BLEP 2014)

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Byron Local Environmental Plan 2014 within which the proposal is permissible subject to Council's consent.

The objectives of the zone are:

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

The proposed development is for a swimming pool and deck as ancillary development to the residential use of the land and as such is consistent with the objectives of this zone.

Clause 6.2 – Earthworks

Some earthworks for the excavation for the pool is necessary. This is not likely to significantly modify the natural harmony of the site or create any likely adverse implications and is considered to satisfy the considerations of this clause.

Clause 6.6 – Essential services

Water, electricity, sewage, stormwater and vehicular access services are suitably provided to the site. The pool is not likely to create significant demand on these services.

2.2 State Environmental Planning Policies.

SEPP – Resilience and Hazards 2021

Chapter 4 - Remediation of Land

It is unlikely that the land would have been contaminated from past use and satisfies the considerations of this SEPP and no further investigation is necessary.

The six considerations of the SEPP are addressed below.

Information relating to contaminated land

Please specify all land uses to which the site has been put, including the current use.

Residential.

Is the proponent aware of uses to which properties adjoining the site have been put? If so, please specify.

Residential.

Do any of the uses correlate with the potentially contaminating activities set out in table 1 in Schedule 1 of this policy.

No

If the answer to 3 is yes – has there been any testing or assessment of the site and, if so what were the results?

N/A

Is the proponent aware of any contamination on the site?

No

What remediation work, if any (carried out voluntarily or ordered by a government agency), has been taken in respect to contamination which is or may have been present on the site?

N/A

Chapter 2 – Coastal Management

The Coastal Management State Environmental Planning Policy seeks to ensure that future developments are sensitive to the coastal environment and adopt appropriate built forms.

The associated Maps indicate that the site is located within the 'Coastal Use Area', and 'Coastal Environment Area' and boundaries and as such should address the relevant criteria below.

Coastal Environment Area

(1) Development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

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

Comment: The proposal is for a typical domestic pool and deck and is considered unlikely to affect the integrity and resilience of the biophysical, hydrological and ecological environment.

(b) coastal environmental values and natural coastal processes,

Comment: The proposed pool and deck is of a domestic nature, and is considered unlikely to significantly impact the coastal environmental values and natural coastal processes.

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and

Comment: The proposal, being for a typical pool and deck on residentially zoned land, is considered unlikely to have an adverse impact on the water quality of any marine estate.

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

Comment: The proposal does not involve the removal of any marine or native vegetation, and as such, is considered unlikely to have an adverse impact on native vegetation and fauna and their habitats.

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

Comment: The proposal is for a modestly sized domestic pool and deck and is considered unlikely to unreasonably interfere with the coastal foreshore or access to the foreshore.

(f) Aboriginal cultural heritage, practices and places, and

Comment: The subject site is not known to be of aboriginal cultural significance.

(g) Will not adversely impact on the use of the surf zone.

Comment: The proposal will not adversely impact the use of the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

Comment: As discussed above, the proposal has been designed and sited to avoid adverse impacts referred to in subclause (1).

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

Comment: N/A

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment: N/A

Coastal Use Area

(1) Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

(a) Has considered whether the proposed development is likely to cause an adverse impact on the following:

i. existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

Comment: The site is private land and affords no legal access to the coastal foreshore. This position remains unchanged.

ii. overshadowing, wind funnelling and the loss of views from public places to foreshores

Comment: The proposal results in acceptable overshadowing impacts and results in no unreasonable view loss from public places to the foreshore.

iii. the visual amenity and scenic qualities of the coast, including coastal headlands,

Comment: The proposal complies with Councils numeric LEP controls and reflects an appropriate bulk and scale for the locality. The proposal will have minimal impact on the scenic quality of the coast.

- iv. *Aboriginal cultural heritage, practices and places,*

Comment: The site has not been identified to be of Aboriginal cultural heritage.

- v. cultural and built environment heritage, and

Comment: The proposal is considered unlikely to impact the cultural and built environment heritage of the site.

(b) is satisfied that:

- i. *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

Comment: As discussed above, the proposal has been designed and sited to avoid an adverse impact referred to in paragraph (a).

- ii. *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- iii. *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

Comment: N/A

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment: As detailed in this report, the proposal has considered the bulk and scale of the development and has designed a pool and deck that will integrate surrounding landscape.

Having regard to the above, the proposal is considered acceptable based on the provisions of the Coastal Management State Environmental Planning Policy.

2.3 Integrated Development

The proposal is not Integrated Development.

2.4 Rural Fires Act 1997

The land is mapped as being bushfire affected. The bushfire risk is likely to be low and it is unlikely that a pool and deck would increase the bushfire risk or severity at this site or locality.

2.5 The provisions of any draft environmental planning instruments

There are no known draft environmental planning instruments that affect the site of the proposed development.

2.6 Any planning agreement

None known.

2.7 Any matters prescribed by the Regulations

The Regulations raise no implications.

It is considered that the proposal is not likely to create significant adverse environmental implications and is consistent with the established low density residential character of this locality.

3.0 DEVELOPMENT CONTROL PLAN

The following Chapters of the Byron Shire Council's Development Control Plan 2014 which apply and have relevance to the site and the proposed development are discussed below.

Chapter B3 – Services

Essential services are adequately provided to the site. No significant additional demand likely.

Chapter B8 – Waste Minimisation & Management

A waste minimisation management plan for both the construction and operational phases of the development has been prepared and accompanies the development application.

Chapter B14 – Excavation and Fill

Only excavation for the pool is necessary and is not likely to exceed 2m so is compliant.

Chapter D1 – Residential Accommodation in Urban, Village and Special Purpose Zones

Setbacks from Boundaries

The pool is positioned in the rear yard and setback a minimum of 5.6m from the side boundaries and 5.3m from the rear boundary, which is compliant.

The deck is setback a minimum of 2554mm from the side boundaries and 5.3m from the rear boundaries which is compliant.

Character & Visual impact

The pool and deck is in the rear yard and behind the building so is unlikely to have any adverse visual impact.

Fences

A 1.2m high pool fence is required.

(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality.

No significant adverse negative social or economic implications likely. The proposal is considered to be consistent with the established and desired built form and character of this residential site and locality.

It is considered that the pool has been suitably designed and positioned to preserve the residential amenity of the locality, particularly the neighbouring sites.

No significant adverse environmental impacts likely.

(c) The suitability of the site for the development

The proposal is for a pool and deck ancillary to the residential use of the site which is consistent with the desired built form and low density residential character of the locality.

The proposal has fully complied with Council's statutory provisions and the relevant chapters of the DCP 2014. This demonstrates that the site is suitable for the proposed development.

There are no identified prohibitive risk factors.

(d) Any submissions made in accordance with the Act or Regulations

Council will need to consider any submissions received from the public or other authority.

(e) The public interest

It is considered that the proposal is not likely to be contrary to the public interest.

4.0 OTHER APPROVALS

No other approvals or applications likely or necessary.

5.0 CONCLUSION

It is considered that it has been reasonably demonstrated that the proposal is fully consistent with Council's statutory provisions and the relevant Chapters of the DCP 2014.

The development is considered to be generally consistent with the established and desired built form and character of this low density residential locality.

Council's support for the proposal is therefore respectfully requested.

APPENDIX 1 – PLANS

APPENDIX 2 – WASTE MANAGEMENT PLAN

