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Urbis Ltd
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23 September 2024

Byron Shire Council Officers
70 Station Street
Mullumbimby 2482

Via: NSW Planning Portal

Dear Greg Yopp,

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION FOR A S4.55(2) MODIFICATION APPLICATION TO AN APPROVAL FOR A RESIDENTIAL FLAT BUILDING DEVELOPMENT AT 29 SHIRLEY STREET AND 2-4 MILTON STREET, BYRON BAY

Urbis act on behalf of *The Trustee for The 29 Shirley Street Trust* (the **Applicant**) in relation to a S4.55(2) Modification Application to an approval for a Residential Flat Building at 29 Shirley Street and 2-4 Milton Street, Byron Bay (**Council Reference:** 10.2022.371.2) (**Originating Council Reference:** 10.2022.371.1).

Please find below a complete response to the information requested by Byron Shire Council on 3 September 2024.

This response is supported by the following documentation:

- **Appendix A** – DDA Access Letter, prepared by Maccess Consulting Group Pty Ltd, dated 18 September 2024.
- **Appendix B** – Noise Impact Assessment, prepared by ATP Consulting Engineers, dated 13 September 2024, Revision 2;
- **Appendix C** – Construction Environmental Management Plan, prepared by Planit Consulting, dated 20 September 2024, Revision 2;
- **Appendix D** – Environmental Management Plan – Demolition, prepared by Planit Consulting, dated 20 September 2024, Revision 2;
- **Appendix E** – 29 Shirley Street Structural Letter, prepared by ADG Engineers, dated 17 September 2024; and
- **Appendix F** – Construction Safety Management Plan, prepared by Marcon Consultancy, dated 20 September 2024, Revision 1.



PREFACE

An amended drawing package was provided to Council on 16 September 2024 with amended drawings prepared by Hayball (dated 6 September 2024, revision 2). The amendments included addressing DDA access compliance to all apartments (including DDA compliant access to apartment 201's rooftop terrace), improved residential amenity, and increased basement setbacks towards the eastern boundary.

A DDA Access Letter has been provided by Maccess Consulting Group Pty Ltd (**Appendix A**) noting the following:

“As an accredited access consultant with the Association of Access Consultants I wholly endorse the proposal to ensure the entire apartment can accommodate universal design principles for a future resident should they have an access need. The incorporation of a compliant lift facility ensures fair, equitable and dignified access throughout the unit and addresses the objectives of Byron Shire Council’s Development Control Plan Chapter B13 Access and Mobility and Clause 2.2 of AS 4299 Adaptable Housing.”

Refer to the DDA Access Letter in **Appendix A**.

Please also note that a Geotechnical Report/Letter will be provided as part of this Information Request response. This will be provided separately within the coming days.

RESPONSE TO INFORMATION REQUEST

Item 1 – Noise Impact Assessment

Due to the addition of the roof top entertainment areas and pools, wellness centre and redesign of the development, an amended Noise Impact Assessment addressing the impact from these modifications (roof top entertainment areas and pools, wellness centre (amplified music), and plant deck, on the findings and recommendations of the original Noise Impact Assessment, is to be forwarded to Council for assessment and approval.

The report should also address, the impact of the general redesign of the development, on the surrounding dwellings. Along with the impact of road traffic noise from Shirley Street onto the development. The amended assessment must include recommendations for acoustic treatment to affected dwellings facing Shirley Street, including appropriate measures to ensure that the following LAeq levels associated with traffic noise are not exceeded:

- in any bedroom in the residential accommodation—35 dB(A) at any time between 10pm and 7am,
- anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Such treatments, additional acoustic screening, or modifications to the design of the development must then be included in the Construction Certificate plans for approval.

Response:

An amended Noise Impact Assessment (NIA) has been prepared by ATP Consulting Engineers which is enclosed within **Appendix B** of this response package. The amended NIA presents the results of the railway noise impact assessment, road traffic noise impact assessment from Shirley Street, and the operational noise impact considering the modified development layout as provided.



This is a complete response to the information request item.

Item 2 – Construction Environmental Management Plan (Demolition/Construction)

A Construction Environmental Management Plan (CEMP) must be submitted to Council for assessment and approval. The CEMP must be prepared by a suitably qualified professional and contain details of measures to be undertaken to ensure that demolition and construction works do not result in any off-site impacts that could interfere with neighbourhood amenity.

The CEMP must also include a Waste Management Strategy that details the management of building wastes created as a result of the construction including on-site storage and disposal of building wastes (including asbestos and lead wastes). Requirements must take into consideration NSW DECC Guidelines and all other statutory requirements.

Response:

In response to Item 2, a Construction Environmental Management Plan (**Appendix C**) and an Environmental Management Plan – Demolition (**Appendix D**) have both been prepared by Planit Consulting.

This is a complete response to the information request item.

Item 3 – Dilapidation Report

The applicant is requested to submit a certified report from a suitably qualified and practising geotechnical and structural engineer, certifying that the method of construction and dewatering will not adversely impact/effect the structural integrity and support of the neighbouring buildings and associated private and public infrastructure within the zone of influence of the construction site. The report is to also address the current structural state of those buildings and infrastructure.

The engineers are to be Corporate Members of the Institution of Engineers Australia

Response:

A letter response has been prepared by ADG Engineers which is enclosed in **Appendix E** of this response package.

Structural Letter

The letter response from ADG Engineers outlines that in their professional opinion, the retention and dewatering system on the site can be constructed in a manner to control the risks of impacts or effects on the neighbouring properties and infrastructure adjacent to the development site. ADG Engineers have outlined that this can be achieved through the following but not limited to:

- *“Detailed analysis conducted by the Certifying Structural and Geotechnical Engineers to ensure deflections of the retention system are within acceptable limits to minimise the settlement of the subgrade adjacent the retention structure. If required, the use of internal bracing could be implemented to minimise the deflections if deflections in a cantilevered shoring system are of concern.*



- *The retention system is constructed using low impact/vibration methods.*
- *Detailed analysis conducted by the Certifying Geotechnical Engineer to ensure excessive consolidation is not experienced as a result of the dewatering and construction vibration on the development site and/or adjacent the site.”*

Please refer to the completed letter provided by ADG Engineers in **Appendix E**.

Geotechnical Report/Letter

A Geotechnical Report/Letter is currently being prepared which will be provided within the coming days.

This is a complete response to the information request item.

SUMMARY

This constitutes the total extent of the response to Council's Information Request issued on 3 September 2024. Should you have any queries regarding the above, please do not hesitate to contact the undersigned on the details below.

Kind regards,

A handwritten signature in blue ink, appearing to read "Melissa Griffin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Melissa Griffin
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