

Statement of Environmental Effects

Construction of Dwelling Additions and Pool

Lot 2 in DP 359210,
28 Kingsley Street,
Byron Bay



27 Karloo Street
Forster NSW 2428
ABN: 72363006730

Job: 20240604

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1 INTRODUCTION

1.1 Proposed Development

The proposed development includes the alterations and additions to a single storey dwelling, and the construction of an outdoor swimming pool.

It is proposed to demolish several small additions at the rear of the dwelling that are no longer useful and are of no significance to the building. It is then proposed to construct a new kitchen, dining and living room, and create a new laundry, all with a new skillion roof.

The dining and living area will open out onto a low pool deck just above ground level and a new inground pool.

1.2 Background

The site is known as Lot 2 in DP 359210, 28 Kingsley Street, Byron Bay. The site is zoned R2 under the Byron LEP 2014. The proposed development is permitted within this zone with the consent of Council.

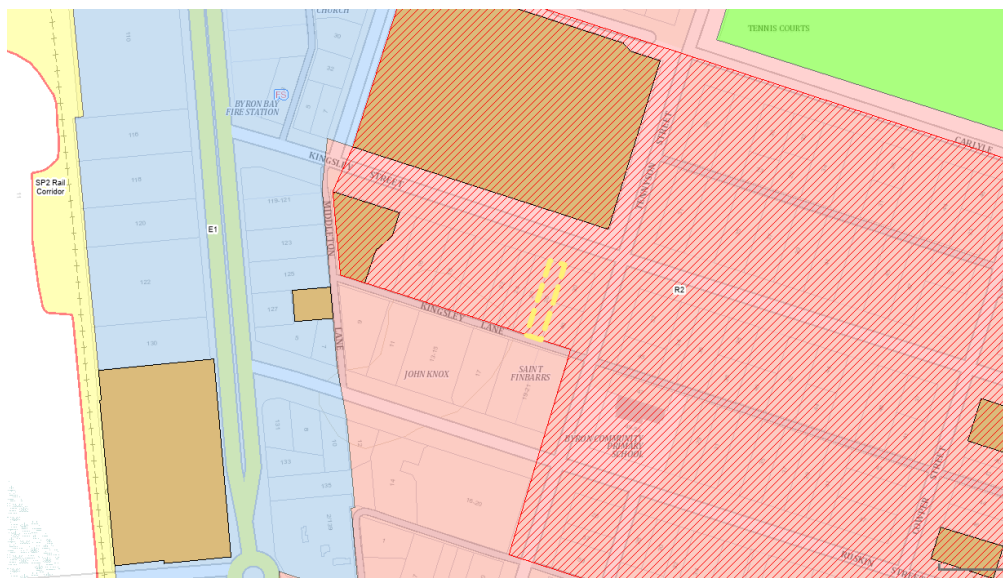


Figure 1. Subject site (outlined) (Source NSW Planning Portal)

The existing dwelling is an old and original single storey timber cottage. It has, over the years, had a number of additions at the rear of the building. The front remains largely intact and in its original condition. There are no proposed works to the front of the dwelling.

The subject site sits within the Kingsley Street Heritage Conservation area (of local significance), although the dwelling is not individually listed. The potential impact of the proposed development is discussed later in this report.

The site also has a portion mapped as class 3 acid sulfate soil, while the remainder of the site has no acid soils.

1 INTRODUCTION

1.3 Supporting Documentation

This Statement of Environmental Effects relies on the information provided to support the development application, being:

- Architectural Plans; JTB Drafting – Project No A5029-CDC dated 15 April 2024 (including Basix Certification)
- Geotechnical Site Investigation; ASCT Job H24-4249., dated 9 April 2024.

1.4 Site Features

A thorough investigation of the site has been undertaken to identify all constraints and opportunities, which are detailed in this Statement of Environmental Effects (SEE).

The site has an area of approximately 536m², with a frontage of 10.67m and is located on the southern side of Kingsley Street, with a flat to gentle slope to the rear to the site. Vehicular access is via Kingsley lane which is located at the rear of the site.

The site contains an original weatherboard dwelling, with several small skillion additions at the rear, typical of the low cost additions at the time. A single standalone garage is located at the rear with access to Kingsley Lane.

When the current owners purchased the dwelling, the addition at the rear were in a very poor and dangerous state. The decaying asbestos shell was removed, however the structure has been left in place, together with the roof. These are marked on the architectural plans in red to be removed.



Figure 2. Subject Site (source Six Maps)

Surrounding development comprises similar style of dwellings which collectively contribute to and make up the conservation area. Many of the surrounding dwelling have been upgraded with quality additions which are consistent with the character of the area.

Proposed Dwelling Additions

1 INTRODUCTION

The dwelling immediately to the west, has had a second storey veranda addition at the rear which overlooks into the subject yard. To the east is a single dwelling with a second story room in the roof space.

There are no trees within the rear yard, (with the exception of a single palm by the garage), which is currently grass, with a concrete slab between the existing dwelling and the garage.

Flooding

The site is not flood prone.

Bushfire

The site is not bushfire prone

Flora and Fauna

There are no significant flora or fauna on the site

2 STATUTORY CONSIDERATIONS

The following matters must be taken into consideration under section 79C of the *Environmental Planning and Assessment Act 1979*:

2.1 The Provisions of Any Environmental Planning Instrument

2.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

When determining a development application for any development of land, Clause 4.6 of SEPP Resilience and Hazards requires that Council consider “whether the land is contaminated” and “if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out”.

There is no information available to suggest that the site has been or is likely to be contaminated. Council may choose to impose a condition relating to unexpected finds, which would cover the construction phase of the development

2.1.2 Byron Local Environmental Plan 2014

Land Zoning and Permissibility

The site is zoned R2 under the Byron LEP 2014. The proposed development is permitted within this zone with the consent of Council.

Relevant Provisions

5.10 Heritage conservation

(4) Effect of proposed development on heritage significance. The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The site is within the Kingsley Street heritage conservation area, however the subject site is not listed as a heritage item.

The Byron Shire Community-Based Heritage Study states at 5.3. “.....the Kingsley Street precinct was identified in the local planning Settlement Strategy process as an area of importance to the local community and the town. This precinct is the ‘quality row’ of Byron Bay, where the traditional architectural forms, although sometimes modest in style and character, stand on large lots surrounded by richly vegetated sub-tropical gardens. The streets feature mature shade trees and exotic species.

Statement of Significance:

A group of dwellings and other buildings, back lanes, street trees and landscaping, which taken together, illustrate an aspect of town development

Proposed Dwelling Additions

2 STATUTORY CONSIDERATIONS

that has a special coastal town character which is highly attractive and of high value in the district.

Physical Description: The group of mostly domestic residences, converted dwellings, streets, lanes and communal areas within the area defined by Ruskin Street on the southern side, Massinger Street on the Eastern side, Carlyle Street on the Northern side and Middleton Street on the western side. Building materials, (weatherboard, original timber stumps, steeply pitched corrugated steel roofs, brick chimneys and fireplaces), used as dwellings and B&B Guesthouse accommodation or for public use with generous setbacks from the street, large allotments, rear lane access to properties, picket and paling boundary fences, sub-tropical landscaping (including palms at the eastern end of Carlyle Street) and general construction from the period 1900 - 1940.

The study Items that contribute to the character of the precinct include the small weatherboard cottages, 26 and 28 Ruskin St.

The study sets out that the key significance of the conservation area is the character of the collective group of buildings, principally viewed from the street. As mentioned above, many of the surrounding dwellings that make up the heritage conservation area have been restored, renovated and have sensitive additions, usually to the rear. Some however have front veranda extensions which wouldn't have been on the original homes, but are done in a manner that remains consistent with the overall *"special coastal town character which is highly attractive and of high value"*.

As mentioned above and as indicated on the plans, the front of the dwelling will not be altered as part of this DA. All the works are at the rear of the building and are not visible from the street. Whilst portions will be visible from the rear lane, most of the rear lane frontages have newer garage and fences, less characteristic of the era, but a matter of practicality and security. The proposed roof is a single storey skillion, which is consistent with the character of additions at the time, and one would have to look past the old fibro garage to see the proposed extension.

Traditionally, the rear lanes in these areas were used primarily as service lanes for night soil carts and the "service" side of living in the period. Thus, the view of the proposed development from Kingsley Lane will be consistent with the general character of the precinct now, but the use could be argued to be a contemporary version of the original laneway purposes as service entries.

Accordingly, it is considered that the proposed development will not have a negative impact on the Kingsley Street Heritage Conservation Area, and that no further studies are required.

6.1 Acid sulfate soils

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*
 - *Class 3 - Works more than 1 metre below the natural ground surface.*
 - *Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.*

Proposed Dwelling Additions

2 STATUTORY CONSIDERATIONS

The site has a small portion of the site that is classified as class 3, however the remainder of the site is not mapped (Figure 3 below). Given the pool will be excavated to a depth of approx. 1800, and that around half the excavation area is within the mapped area, consent is required.

It is unlikely that the water table will be impacted in any way by the development. All structural elements within the ground will need to be engineered to suit class 3 soils to ensure there are no ongoing impacts on the pool structure or associated pipework.

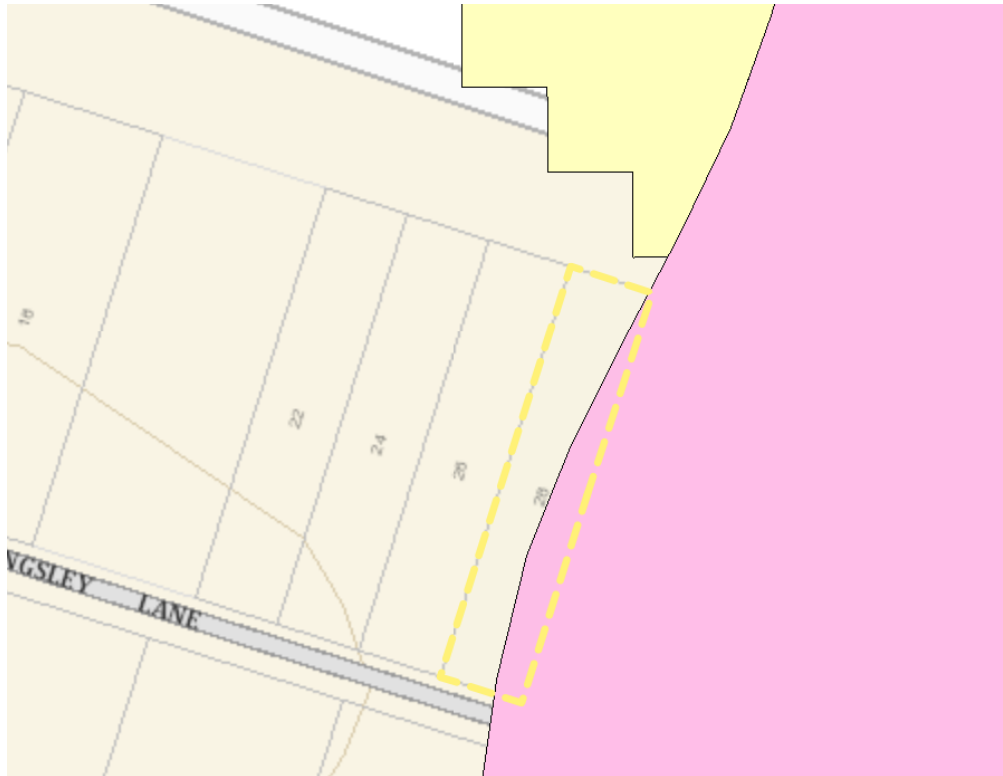


Figure 3. Acid Sulfate Mapping (source NSW Planning Portal)

Clause 6.2 Earthworks:

(3) Before granting development consent for earthworks, the consent authority must consider the following Matters

Matter	Consideration
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	The proposed pool excavation is not anticipated to have any impact on drainage patterns or soil stability in the locality
b) the effect of the proposed development on the likely future use or redevelopment of the land,	The proposed development is consistent with the intended future use of the land for residential purposes.
(c) the quality of the fill or the soil to be excavated, or both,	The Geotechnical report indicates that the site exhibits uncontrolled fill materials, of a non-reactive type, up to a depth of 0.6m. No contaminants were identified and as such no further investigation is required.

2 STATUTORY CONSIDERATIONS

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	The earthworks will have no impact on surrounding development.
(e) the source of any fill material and the destination of any excavated material	The destination of the fill will be the subject of further advice once the development is approved as there is currently no contractor appointed.
(f) the likelihood of disturbing relics,	No relics are anticipated on the site
(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,	The site is not within a drinking water catchment, nor is there a waterway in the vicinity. No adverse impacts are anticipated.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,	Sediment and erosion controls will be in place during construction.
(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	There are no heritage items or archaeological sites within proximity to the proposed development.

2.2 The Provisions of Any Draft Environmental Planning Instrument (that has been placed on public exhibition)

No draft environmental planning instruments currently on exhibition apply to the proposed development.

2.3 Any Development Control Plan

2.3.1 Byron Shire Development Control Plan 2014

The following table sets out the provisions of the Byron Shire Development Control Plan 2014 apply and demonstrates compliance.

DCP Clause	Section	Complies Y/N	Comments
B14.2	Excavation and Fill Prescriptive measure 1. Unless otherwise stated below, excavation and filling must be limited to a depth of 1 metre. Prescriptive measures 4. The depth of excavation for a pool should not exceed 2m.	Yes	The proposed development will include a slab on ground. Not major excavation is required. The pool excavation will not exceed 2m.
D1.2.1	Building height Plane	Yes	The proposed development is single story and is lower than the height of the existing roof, and those of surrounding dwellings..
D1.2.2	Setbacks from boundaries	No	The proposed extension is the same as the existing width of the building. It is 900mm on the east side and 784mm on the west side. A variation is sought

Proposed Dwelling Additions

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			on the basis that the extension is single story and adjoins the existing dwelling. The lot is only 10m wide and there is little point increasing the setback on this side by an additional 116mm as it will have little impact. The proposed extension does not impact on the adjoining dwelling to the west in any way.
D1.2.4	Solar Access	Yes	The extension is single story with a skillion roof and on the southern side of the dwelling. The pool deck, pool and rear yard will have excellent solar access between the hours of 9am and 3 pm.
D1.2.6	Character & Visual Impact	Yes	As discussed above, the site is within a heritage conservation area. The front of the building and the visual form of the building will not change, particularly when viewed from Kingsley Street.
D1.2.11	Energy Efficiency	Yes	A Basix Certificate is provided with the DA.
D1.3.2	Landscaping.	Yes	Approximately 40% of the site is deep soil.
D1.3.3	Private Open Space.	Yes	The pool, deck and rear open space provides approx.. 180m2 of private open space.

2.4 Any Planning Agreement or Draft Planning Agreement

There are no planning agreements that relate to the site.

2.5 The Likely Impacts of the Development

The proposed development will have minimal impact on the environment, neighbourhood and locale. The likely impacts of the development are further expanded in the table below.

Context and Setting	The proposed development will be located within a residential area. The development has been designed to complement existing features of the site, and is consistent with surrounding development in the area.
Access, Transport and Traffic	The site is accessed from an existing rear laneway.

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Public Domain	The development will not negatively impact on the public domain. Views to the proposed development from Kingsley Street will not change. Views to the site from the real lane will be significantly improved due to the quality of the building.
Utilities	Water, electricity and telecommunications services are available to the site.
Heritage	The site is within a Heritage Conservation Area, and the proposed development has been proven in this report to have no impact on the conservation area .
Other Land Resources	The development will not impact on the value of the land in terms of agricultural potential, mining, etc. as it is not viable for such uses.
Water and Energy	A Basix certificate is provided.
Soils	The proposed development will have no significant impact on soils. Erosion and sediment control measures will be provided during construction.
Air and Microclimate	There will be no significant impact on air or microclimate.
Flora and Fauna	There is no significant flora or fauna on site.
Waste	A construction Waste Management Plan will be developed as part of the construction phase. There is minimal demolition required prior to construction.
Noise/Vibration	The proposed development will only generate normal noise levels associated with residential construction. Ongoing noise will be consistent with residential uses.
Natural Hazards	There are no natural hazards on the site
Technological Hazards	No technological hazards pose a risk to the proposed development.
Safety, Security and Crime Prevention	The proposed development will not create a situation that poses any additional risk.
Social Impact	The construction of the proposed dwelling will be consistent with the intent of the zoning and will support the residential population in the immediate area.
Economic Impact	The development will have a positive impact on the locale and will not detrimentally affect property values.
Site Design and Internal Design	The site and internal design are considered to be satisfactory and in accordance with Councils DCP design principles.
Construction	Construction is to be undertaken in accordance with development consent, prescribed conditions of the <i>Environmental Planning and Assessment Regulation 1994</i> and the Building Code of Australia.

2 STATUTORY CONSIDERATIONS

2.6 The Suitability of the Site for the Development

2.6.1 Does the Proposal Fit the Locality?

Yes, the proposal is consistent with the character of the locality.

2.6.2 Are Site Attributes Conducive to Development?

Yes, site is flat and the majority of the proposed building structure sits over the area where the existing old structure is proposed to be demolished. Surrounding development will not be impacted in any way.

2.7 Any Submissions Made

There is no requirement to notify the development.

2.8 The Public Interest

The development will have minimal impact on public infrastructure and the surrounding neighbourhood. The development will also not significantly affect any neighbouring properties in terms of privacy, overshadowing or amenity.

A development the quality of the subject proposal will only have a positive effect on the area and therefore be in the best interests of the surrounding property owners.

3 CONCLUSION

The proposed construction of a single storey dwelling addition including the swimming pool, as described in this Statement of Environmental Effects, has been demonstrated to be consistent with all planning objectives and provisions set out for the use of the land.

The proposed additions will not have any impact on the significance of the heritage conservation area, and the upgrade of the building will contribute to the “*special coastal town character which is highly attractive and of high value*”..

The application is permissible under the Byron LEP 2014.

Council’s approval of the proposed development is requested.

REPORT DISCLAIMER

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