

The General Manager  
Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2482

Dear Sir,

**RE. Modification to DA 10.2019.395.1  
163 The Saddle Road, Brunswick Heads  
Lot 1 DP 631177**

This letter constitutes a Statement of Environmental Effects (SEE) report for a proposed S4.55 modification to an approved Development Application (DA 10.2019.395.1) at 163 The Saddle Road, Brunswick Heads.

The modification is seeking development consent for Relocated Dwelling House including Alterations and Additions, Garage and Tree Removal of five (5) trees.

The S4.55 modification is made out to Byron Shire Council, submitted via the NSW Planning Portal, that includes the following attachments.

Attachment A: DA Consent  
Attachment B: Plan Set  
Attachment C: BASIX Certificate  
Attachment D: Bushfire Report

The subject site is located at 163 The Saddle Road, Brunswick Heads also known as Lot 1 DP 631177 of which the dwelling house is located within the Zone RU2 – Rural Landscape area of the site.



**Subject site**

The proposed modification includes the following items, as depicted in the attached plan set (Attachment B):

- New addition to the dwelling including extended roof area;
- Construct new deck on the eastern side of the dwelling;
- Alterations to windows, doors and walls;
- Re-arrange internal layout including changes to ensuite, bedroom and lounge/living room; and
- Replacement and relocation of the approved carport with a garage shed building; and
- BASIX Certificate requirements.

The proposal provides some significant improvements to the original relocated dwelling building project.

The proposal does not raise any issues in terms of bushfire, as the dwelling is well-setback from the bushfire hazard vegetation, and a BAL-12.5 rating still applies, as per the original bushfire assessment report (Appendix D).

The existing approved on-site wastewater management system remains suitable for the modified proposal.

The proposal raises no issues in regards to any applicable NSW SEPP, the Byron LEP 2014 and the Byron DCP 2014.

It is regarded that the proposed modification will not result in any changed or new potential environmental impacts than has already been considered under the original DA.

#### 4.5 Environmental Planning and Assessment Regulation 2021

##### 100 Content of modification application

*(1) A modification application must contain the following information—*

*(a) the name and address of the applicant,*

Balanced Systems Planning Consultants.

*(b) a description of the development that will be carried out under the development consent,*

Relocated Dwelling House including Alterations and Additions, Garage and Tree Removal of five (5) trees.

*(c) the address and folio identifier of the land on which the development will be carried out,*

163 The Saddle Road, Brunswick Heads.

*(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,*

Modifications to the architectural plan set.

*(e) whether the modification is intended to—*

*(i) merely correct a minor error, misdescription or miscalculation, or*

*(ii) have another effect specified in the modification application,*

The proposal is considered to be a minor modification of the approved development application.

*(f) a description of the expected impacts of the modification,*

No additional environmental impacts are expected compared to the original approved DA.

*(g) an undertaking that the modified development will remain substantially the same as the development originally approved,*

The proposal is clearly the same development application as was previously approved.

*(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,*

Not applicable.

*(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,*

Owner's consent is provided with the S4.55 modification application.

*(j) whether the modification application is being made to—  
(i) the Court under the Act, section 4.55, or  
(ii) the consent authority under the Act, section 4.56.*

Byron Shire Council is the consent authority.

*(2) Subsection (1)(i) does not apply if the consent of the owner is not required under section 98.*

Not applicable

*(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by—  
(a) the BASIX certificate, or  
(b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.*

A BASIX Certificate is provided with the modification application.

*(4) In this section—  
biodiversity credits information, in relation to a modification application, means the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under a biodiversity development assessment report if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the [Biodiversity Conservation Act 2016](#).*

Not applicable.