
TOWN PLANNING REPORT

Application under Section 4.55(1A) of the
Environmental Planning and Assessment Act 1979 to
modify Development Consent No. 10.2021.278.1

Original Consent:
Carport, Garage and Studio

Proposed Modification:
Modification to the setback of the development from the
southern property boundary

Lot 3 DP 837447
No. 1 Gilba Avenue, Ocean Shores

JOE DAVIDSON
TOWN PLANNING STUDIO

24 July 2024

Table of Contents

1.0	Details of Modification of Development Consent	1
2.0	Conclusion	4

Annexures

- A. Development Consent No. 10.2021.278.1 & Approved Plans
- B. Revised Site Plan and Survey Plan

1.0 Details of Modification of Development Consent

In accordance with Clause 100 of the Environmental Planning and Assessment Regulation 2021, the following information is provided to meet the 'Content of modification application':

(1) A modification application must contain the following information:

(a) the name and address of the applicant,

Town Planning Studio Pty Ltd / Joe Davidson
PO Box 238, Brunswick Heads NSW 2483

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

The original development consent described the proposal as:

Carport, Garage and Studio

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

Lot 3 DP 837447
No. 1 Gilba Avenue, Ocean Shores

(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,

It is proposed to modify the development consent to allow the recently constructed building to retain a setback of 2.42 metres to the southern property boundary instead of 2.6 metres which was marked on the approved Site Plan.

The owner has been asked by Byron Shire Council's Building Certifier to correct this anomaly. A Survey Plan and a revised Site Plan are provided within the Annexures to this report which show the minimum 2.42 metre setback.

It is proposed to delete Condition No. 5 which reads as follows:

5. Amendment to the plans

The plans submitted for approval with the construction certificate shall be amended as follows:

The proposed garage/studio shall be relocated a further 600 away from the southern boundary in order to achieve a setback of at least 2.6m.

Refer to the marked-up plans.

The following table provides details of the revised plans that approval is being sought for:

Plan No.	Title	Author	Date
1	Site Plan	Brunswick Heads Building Designers	24/07/2024
2	Ground Floor Plan	Brunswick Heads Building Designers	11/02/2021
3	First Floor Plan		
4	Elevations		
5	Elevations and Section A-A		

(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 proposed modification is not intended to correct a minor error, misdescription or miscalculation. It is intended to verify the setback of the building to the southern property boundary.

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

It is not anticipated that the modification will result in significant adverse impacts on the natural or built environments. A 180mm change in the boundary setback is proposed. This is a minor alteration that would not be discernible from public places or adjoining properties. It is noted that the neighbouring property to the south contains a driveway adjacent to the common boundary. It is not anticipated that any adverse overshadowing impacts will result from the small setback change, given that no requirements were specified by Byron Shire Council for the eave overhang.

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

The proposed modification seeks to reduce the setback of the approved development to the southern property boundary by just 180mm. The modified development will remain substantially the same as the development that has been approved by Byron Shire Council.

- (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,**

The landowners have provided consent to the lodgement of the Section 4.55 Application in this regard.

- (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.

The modification application is being made to the consent authority under Section 4.55 of the Environmental Planning and Assessment Act 1979. The application does not relate to a development consent that was issued by the Court.

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

Noted.

- (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.

No changes to the BASIX Certificate are proposed.

- (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.

Noted.

2.0 Conclusion

This Town Planning Report summarises the proposed modification to the approved development within the site. The development remains substantially the same as that already approved under Development Consent No. 10.2021.278.1. The proposal does not result in significant impacts on the natural or built environment.

It is submitted that adequate information has been provided to assess the proposal as a modification to a development consent. However, please advise the Applicant should further information be required to address any issues that may arise during assessment.

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Joe Davidson MPIA
Director - Town Planning Studio Pty Ltd

ANNEXURE A

Development Consent No. 10.2021.278.1 & Approved Plans



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
issued under the
Environmental Planning and Assessment Act, 1979 Section 4.18(1)(a)

Development Application No. 10.2021.278.1

Mrs C L Foreman
1 Gilba Avenue
OCEAN SHORES NSW 2483

Email: brunschic@hotmail.com

Property description	LOT: 3 DP: 837447 1 Gilba Avenue OCEAN SHORES
Development	Carport, Garage and Studio
Determination	Consent granted <i>Subject to the attached schedule of conditions</i>
Date determined	25 October 2021
Consent to operate from	29 October 2021
Consent to lapse on	29 October 2026
BCA Classification	

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder, and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 require you to:

1. Obtain a **Construction Certificate** prior to the commencement of any **building works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate. Additional fees are payable for this application.
2. Nominate a **Principal Certifying Authority (PCA)** which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.
3. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
4. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

SCHEDULE 1. CONDITIONS OF CONSENT

Parameters of consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated
1	Site Plan	Brunswick Heads Building Designers	11 Feb 2021
2	Ground Floor Plan	Brunswick Heads Building Designers	11 Feb 2021
3	First Floor Plans	Brunswick Heads Building Designers	11 Feb 2021
4	Elevations	Brunswick Heads Building Designers	11 Feb 2021
5	Elevations and Section A–A	Brunswick Heads Building Designers	11 Feb 2021

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Support for neighbouring buildings

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

3. Conditions prescribed by the Regulation

This development consent is subject to the conditions prescribed by the regulations in accordance with subsection 4.17(11) of the Environmental Planning and Assessment Act 1979. Conditions are provided in **Schedule 3** of this consent.

4. **Bush fire safety measures**

This land is identified as being designated bush fire prone land and under section 4.14 of the Environmental Planning and Assessment Act 1979, Council must be satisfied prior to making a determination for development on bush fire prone land that the development complies with "Planning for Bush Fire Protection 2019".

The development is approved subject to the following conditions:

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel and other assisting fire fighting activities.

1. At the commencement of building works and in perpetuity, to assist in the ongoing protection from the impact of bush fires, the entire property shall be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an IPA the following requirements apply:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should be separated by 2 to 5m;
- Preference should be given to smooth barked and evergreen trees;
- Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed.

Water and Utilities Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel and other assisting fire fighting activities.

2. Any new or extension of existing water, electricity, and/or gas service must comply with table 7.4a of Planning for Bush Fire Protection 2019.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

3. New construction shall comply with Sections 3 and 5 BAL 12.5 Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' and the relevant provisions of Section 7.5 of Planning for Bush Fire Protection 2019.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. Landscaping within the required inner protection area is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'.

The following conditions are to be complied with prior to issue of a Construction Certificate for building works

5. **Amendment to the plans**

The plans submitted for approval with the construction certificate shall be amended as follows:

- The proposed garage/studio shall be relocated a further 600 away from the southern boundary in order to achieve a setback of at least 2.6m.

Refer to the marked-up plans.

6. **Water and Sewerage - Section 68 approval required**

If required, an **approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

7. **Compliance with BASIX Certificate requirements**

The development is to comply with Basix Certificate No. A412774, dated Monday 12 April 2021.

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

Such plans and specifications must be approved as part of the Construction Certificate.

8. **Long service levy to be paid**

In accordance with section 6.8 of the environmental planning and assessment act 1979 (as amended), a construction certificate for subdivision works or building works shall not be issued until any long service levy payable under section 34 of the building and construction industry long service payments act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid (as applicable).

these payments can be made online at www.longservice.nsw.gov.au. proof of payment is required to be submitted with the construction certificate application.

for further information regarding the long service payment please refer to the website above.

9. **Bond required to guarantee against damage to public land**

A bond of \$3000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development, together with payment of an asset inspection fee in accordance with Council's fees and charges. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

Such bond will be held until Council is satisfied that the infrastructure is maintained/repaired to pre development conditions and that no further work is to be carried out that may result in damage to Council's roads, footpaths etc.

10. Site Waste Minimisation and Management

All works must comply with the objectives of waste minimisation and waste management of Part B8.1.2 of DCP 2014.

11. Insect screening required

The application for a Construction Certificate is to include plans and specifications that provide effective insect screening to all windows, doors and other openings to all parts of the development used for habitable purposes.

Such plans are to be approved as part of the Construction Certificate.

The following conditions are to be complied with prior to any building or construction works commencing

12. Erosion and sediment measures

Where erosion of soils or runoff of any substance is likely to occur, erosion and sedimentation controls are to be in place in accordance with the Guidelines for Erosion & Sediment Control on Building Sites. This may include stockpiled materials such as sand, etc.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

13. Site Location

The location of the building on the site to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries.

The following conditions are to be complied with during any building or construction works

14. Construction times

Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

- a. Monday to Friday, from 7 am to 6 pm.
- b. Saturday, from 8 am to 1 pm.

No construction work to take place on Sundays or public holidays.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

15. Construction Noise

Construction noise is to be limited as follows:

- a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

Note: Council may impose on-the-spot fines for non-compliance with this condition.

16. Signs to be erected on building and demolition sites

A sign must be erected in a prominent position on the work site:

- a. stating that unauthorised entry to the work site is prohibited, and
- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

17. Builders rubbish to be contained on site

All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

18. Fill to be retained on the subject land

Fill material must not encroach onto any adjoining land.

19. Prevention of water pollution

Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

20. Maintenance of sediment and erosion control measures

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

21. Demolition

Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

22. Removal of demolition and other wastes

All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the [NSW DECC Waste Classification Guidelines \(2008\)](#)

23. Aboriginal Relics

If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:

- a. immediately cease works;
- b. notify the NSW National Parks and Wildlife Service (NPWS);
- c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

The following conditions are to be complied with prior to occupation of the building

24. **Plumbing Works**

All works in relation to any associated Section 68 Water and Sewerage approval must be fully complied with and have a Final Plumbing Certificate issued prior to the issue of an Interim or Final Occupation Certificate.

25. **Stormwater disposal**

Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:

- a. Clear of buildings and infrastructure,
- b. Not concentrated so as to cause soil erosion,
- c. Not onto adjoining land.

26. **Site Location Survey**

A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

27. **Compliance with bushfire conditions**

Documentary evidence from a suitably qualified professional is to be submitted demonstrating that the bush fire conditions of this Notice of Determination have been complied with.

28. **Works to be completed prior to issue of an Occupation Certificate**

All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development including approvals issued under the Local Government Act 1993 and the Roads Act 1993, are to be completed and approved by the relevant consent authority/s prior to the issue of an occupation certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

The following conditions are to be complied with at all times

29. **Studio building not to be used as a separate dwelling and use must not interfere with amenity**

The studio building must not contain any lounge room, dining room, rumpus room, kitchen, bedroom or other habitable room and must not be used as a separate dwelling. The studio must only be used as a non-habitable workspace used for activities that cannot be carried out by their nature within the residential house. The use of the studio building must not be conducted in such a manner as would interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

SCHEDULE 2. PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Part 6 Division 8A of the Environmental Planning and Assessment Regulation as at the date of this development consent as are of relevance to this development must be complied with:

- Clause 98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- Clause 98A Erection of signs
- Clause 98B Notification of Home Building Act 1989 requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Condition relating to maximum capacity signage
- Clause 98E Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Part 6 Division 8A of the [Environmental Planning and Assessment Regulation 2000](http://www.legislation.nsw.gov.au). This can be accessed at <http://www.legislation.nsw.gov.au>.

SCHEDULE 3. REASONS FOR DECISION, HOW COMMUNITY VIEWS WERE ADDRESSED

Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.

Statement of Reasons
The proposed development complies with the provisions of Byron Local Environmental Plan 2014.
The proposed development complies with relevant State Environmental Planning Policies
The proposed development complies with relevant provisions of Development Control Plan 2014
The proposed development complies with Environmental Planning & Assessment Regulation 2000 considerations.
The proposed development will not have significant adverse impact on the natural, built or social environment or economic impacts on the locality.
The proposed development is considered suitable for the proposed site.
The development application was notified/advertised in accordance with Council's Community Participation Plan. Issues raised in the submissions have been addressed during assessment of the application.
The proposed development is unlikely to prejudice or compromise the public interest.

How community views were addressed
The DA was advertised in accordance with Council's Community Participation Plan. The submissions received were considered on merit and addressed during assessment of the application.
To view the considerations, please contact Council to view a copy of the assessment report relating to this DA.

SCHEDULE 4. NOTES

Construction Certificate required:

This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Principal Certifying Authority:

Work must not commence until the applicant has:-

- a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
- b. given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
- c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required:

The building must not be occupied until the Principal Certifying Authority has issued an Occupation Certificate.

Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section 4.2(1) of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 9.50 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.

All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

Relics Provisions- Advice

Attention is directed to the NSW Heritage Act 1977 and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- a) a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or
- b) any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;

Those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its delegate, the Office of Environment and Heritage, NSW Heritage Branch, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

Reason for conditions

The conditions imposed have been included in response to development considerations and to ensure a high standard of development having regard to the effect upon the environment and the amenity of the neighborhood.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Are you dissatisfied with conditions of consent?

If you are unhappy with conditions of consent discuss your concerns with the officer who dealt with your application. You may submit an application to Council to modify the consent under Section 4.55 of the Environmental Planning & Assessment Act, 1979.

You will need to provide reasons why the conditions should be changed or deleted. You may lodge a Section 4.55 application at any time after the notice of determination. If you are not happy with Council's decision on your request for modification, then you may appeal to the Land & Environment Court within six (6) months of the notification by Council.

Right of Review

You may request Council to review its decision under Section 8.2 of the Environmental Planning and Assessment Act, 1979. Such a request must be made within six (6) months of the date of the determination, or if there is an appeal to the Land and Environment Court, up to the time when the court hands down its decision. In reviewing its decision Council is able to consider alterations to the above plans, provided that the Development Application remains substantially the same as the one for which the consent was originally sought, and the changes are publicly notified.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully

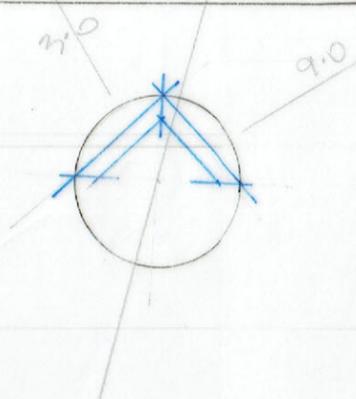


Mr B J Grant
Planner

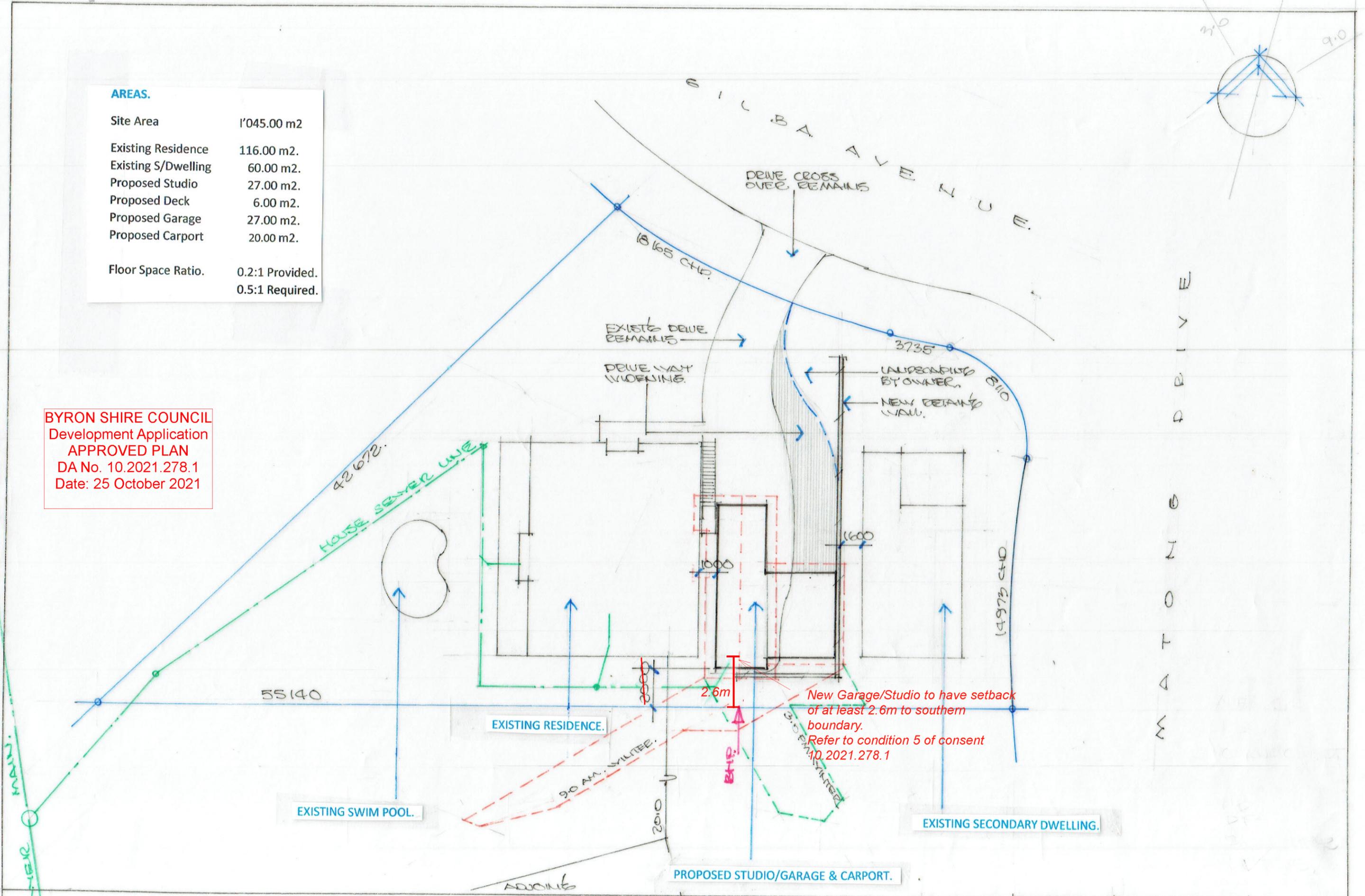
Dated: 29 October 2021

AREAS.

Site Area	1'045.00 m2
Existing Residence	116.00 m2.
Existing S/Dwelling	60.00 m2.
Proposed Studio	27.00 m2.
Proposed Deck	6.00 m2.
Proposed Garage	27.00 m2.
Proposed Carport	20.00 m2.
Floor Space Ratio.	0.2:1 Provided. 0.5:1 Required.



BYRON SHIRE COUNCIL
Development Application
APPROVED PLAN
DA No. 10.2021.278.1
Date: 25 October 2021

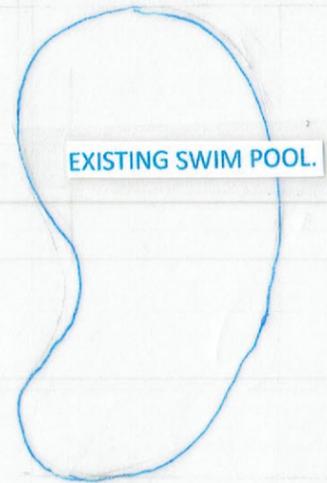
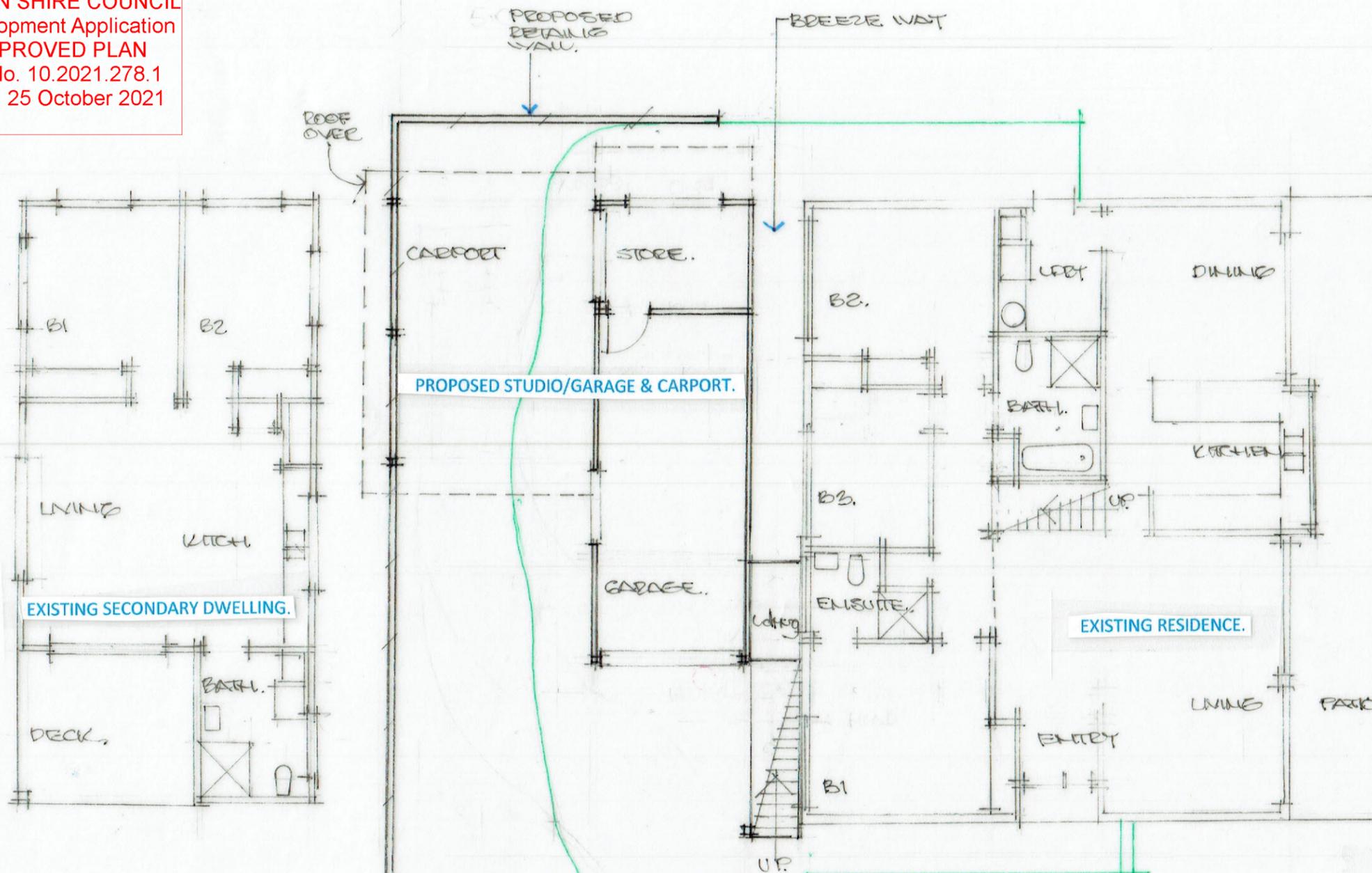
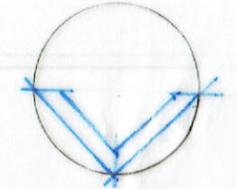


SITE PLAN.

Drawing No.	0321
Date.	11 FEB 2021
Scale.	1:200 @ A3.

1.

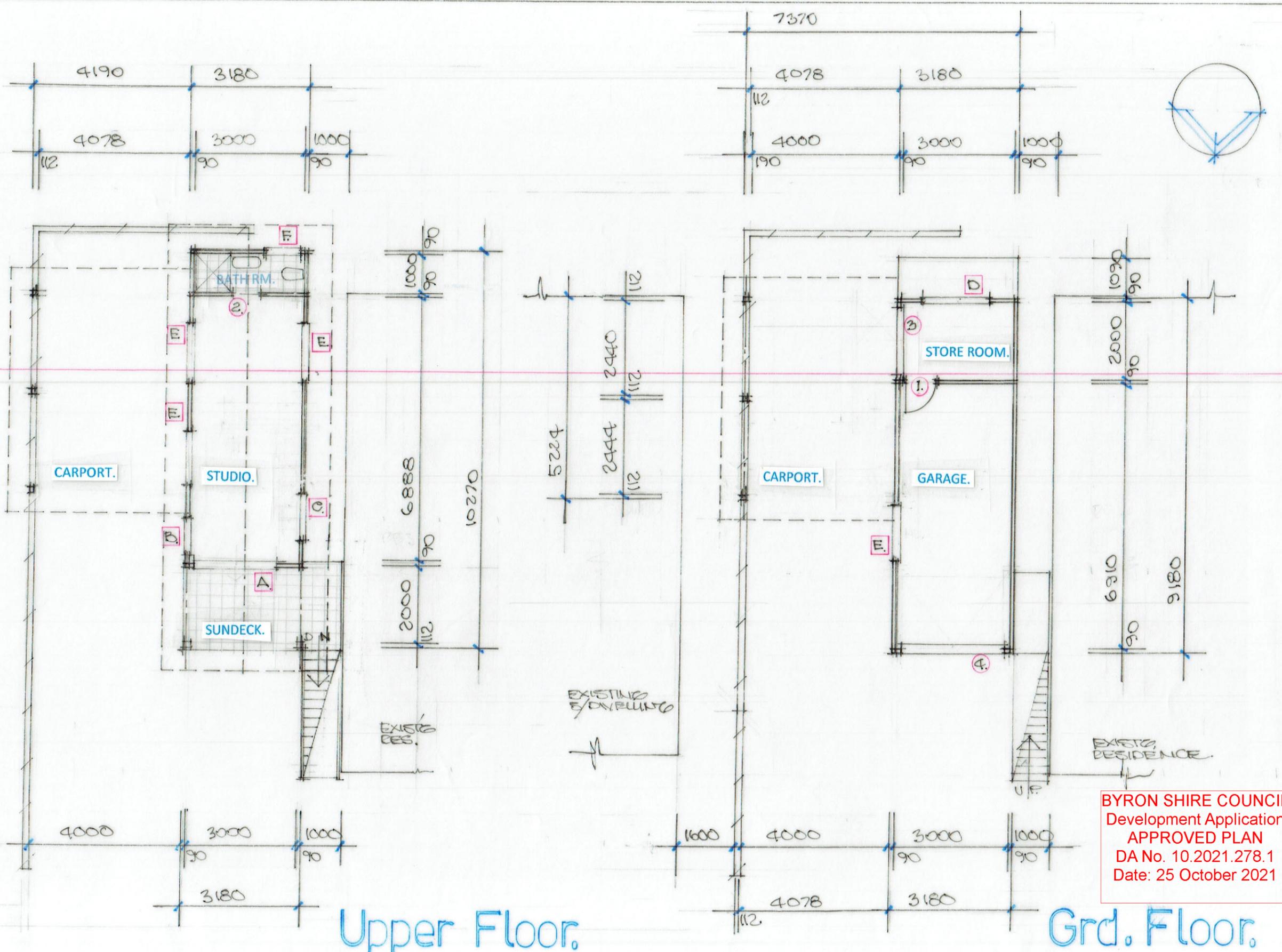
BYRON SHIRE COUNCIL
 Development Application
APPROVED PLAN
 DA No. 10.2021.278.1
 Date: 25 October 2021



COLOUR CHART	
Steel roofing new	Colorbond® Paperbark
Windows	Anodised Aluminium "Clear"
Soffit Linings	Colorbond® Paperbark
FC sheeting External Walling	Colorbond® Sandbank
Corrugated Walling	Colorbond (R) Sandbank.
Fascia & Barge Boards	Colorbond® Sandbank
Deck Posts & Top Rails	Natural stain finishes
External doors	Gloss Paperbark
Concrete Driveway	NA.

EXISTING & PROPOSED PLANS.

Drawing No.	0321
Date.	11 FEB. 2021
Scale.	1:100 @ A3.

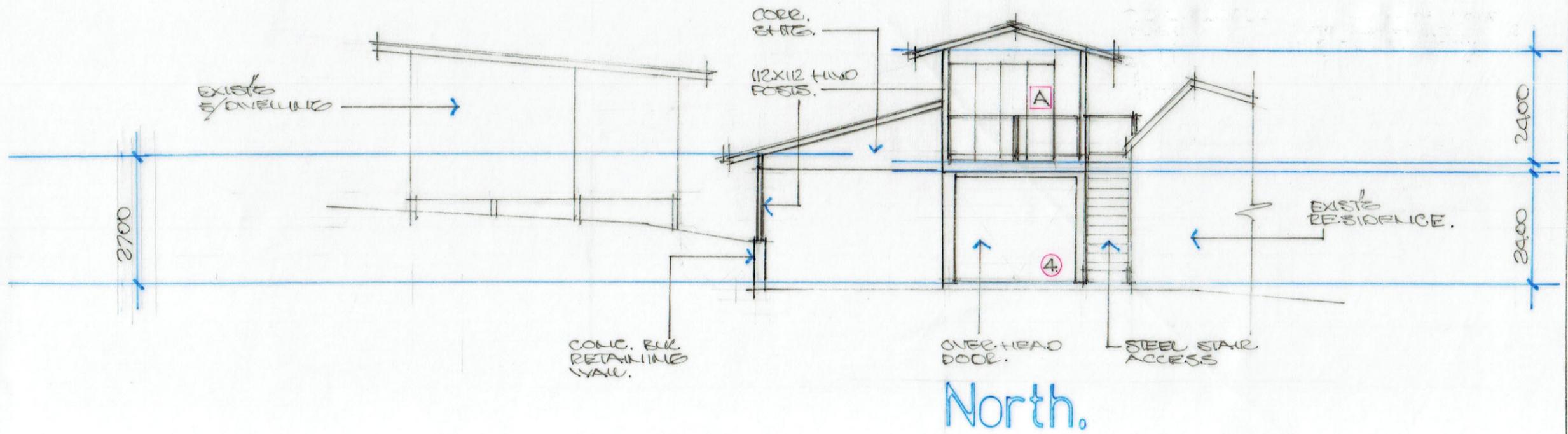
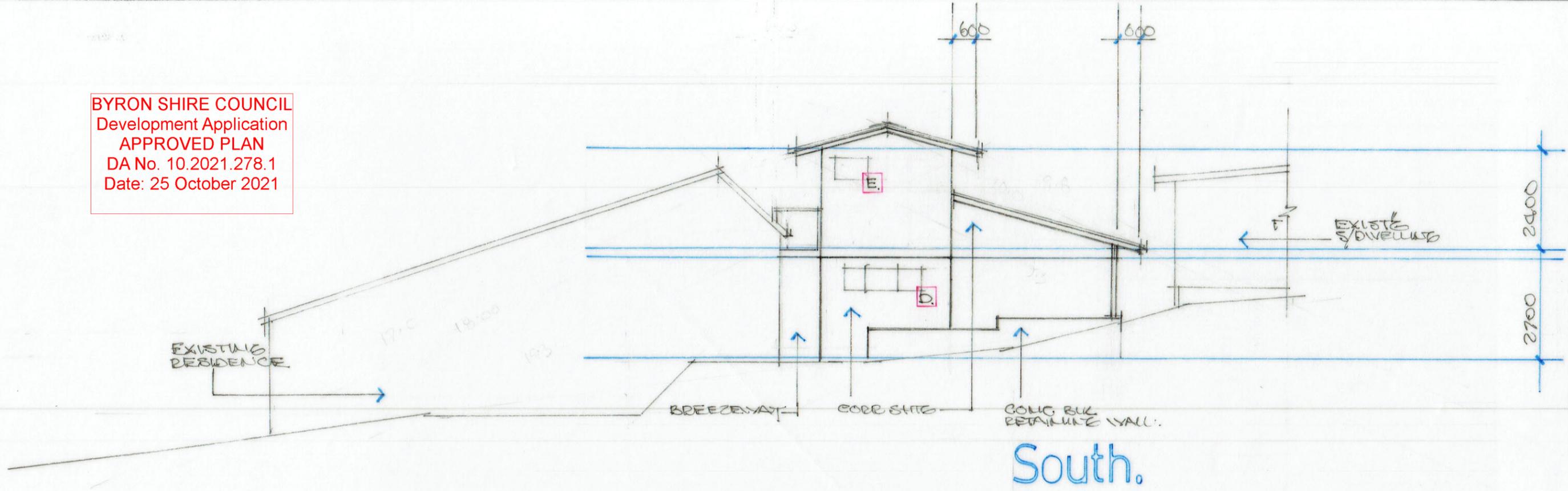


BYRON SHIRE COUNCIL
 Development Application
APPROVED PLAN
 DA No. 10.2021.278.1
 Date: 25 October 2021

FLOOR PLANS.

Drawing No.	0321
Date.	11 FEB 2021
Scale.	1:100 @ A3.

BYRON SHIRE COUNCIL
 Development Application
 APPROVED PLAN
 DA No. 10.2021.278.1
 Date: 25 October 2021

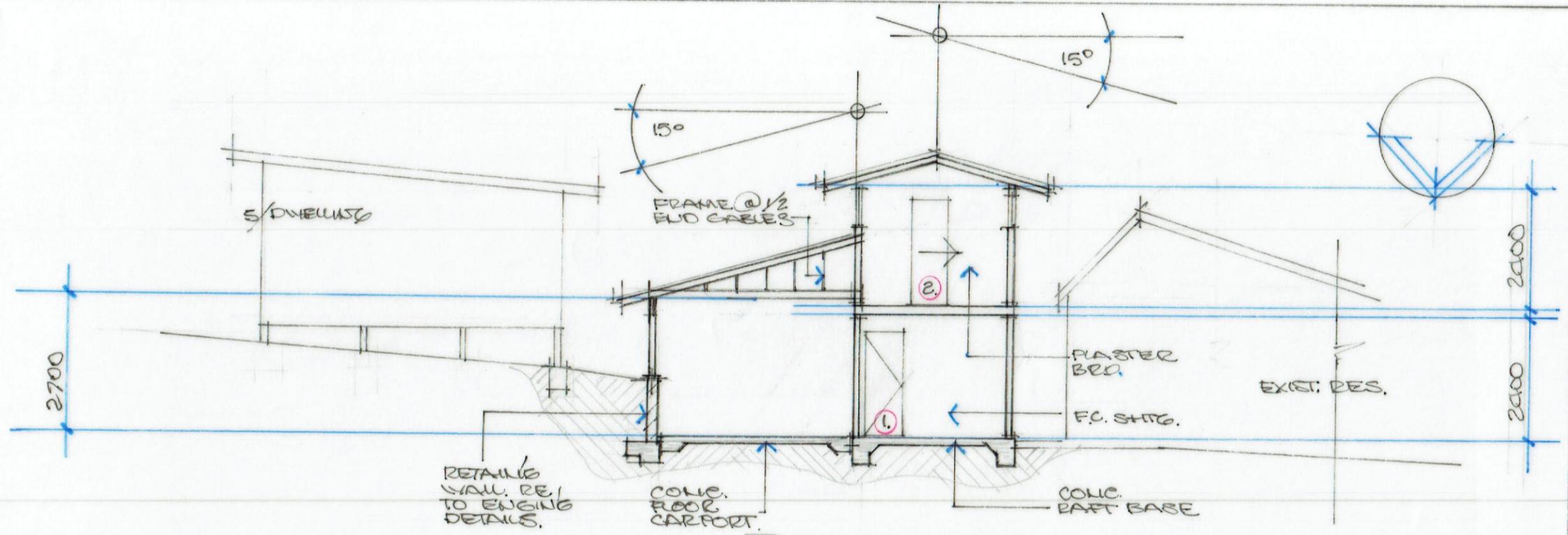


ELEVATIONS.

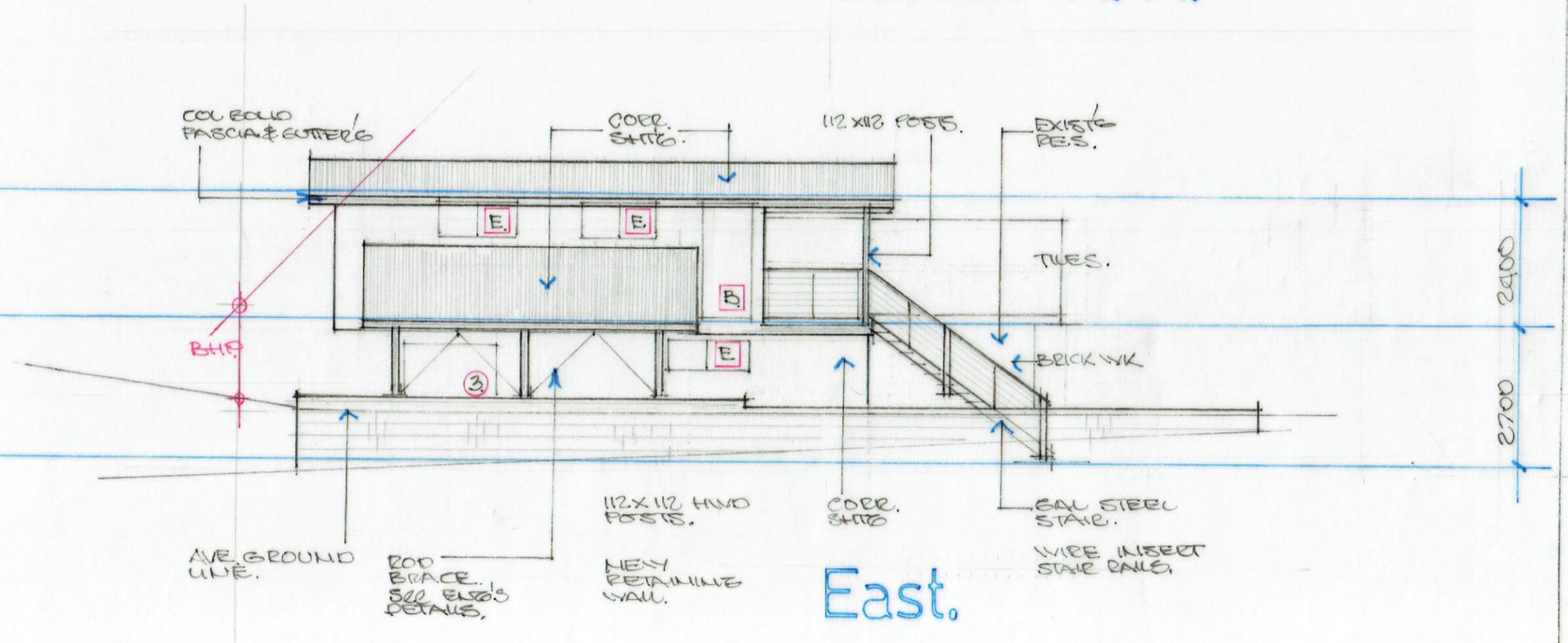
Drawing No.	0321
Date.	11 FEB 2021
Scale.	1:100 @ A3



BYRON SHIRE COUNCIL
 Development Application
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 Date: 25 October 2021



Section A.A.

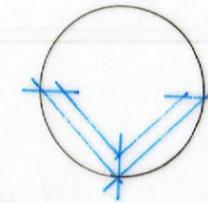


East.

ELEVATIONS & SECTION A.A.

Drawing No.	0321
Date.	11 FEB 2021
Scale.	1:100 @ A3.

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 Development Application
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ELECTRICAL LEDGEND

DISTRIBUTION BOARDS.

-  MAIN SWITCHBOARD.
-  METER BOARD.
-  DISTRIBUTION BOARD.

POWER.

-  GENERAL PURPOSE OUTLET-SINGLE.
 GENERAL PURPOSE OUTLET-DOUBLE
 A-150mm ABOVE FLOOR
 B-1250mm ABOVE FLOOR.
 C-BENCH MOUNTED.
 D-150mm ABOVE BENCH.

-  PERMANENTLY CONNECTED APPLIANCE
 EF - EXHAUST FAN.
 ST - STOVE.
 HP - HOT PLATES.
 WO - WALL OVEN.
 RH - RANGE HOOD.
 AC - AIR CONDITIONER.
 HWS-HOT WATER SERVICE.
 SM - Smoke Alarm. AS. 3786 Interconnected

OUTLETS.

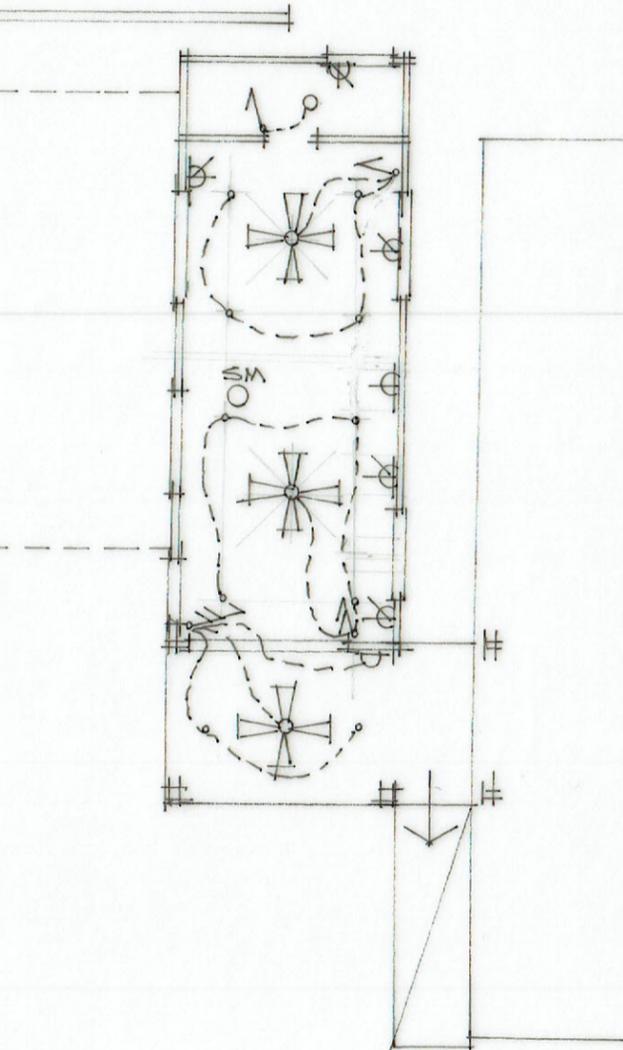
-  TELEVISION
-  TELEPHONE - FLOOR
-  TELEPHONE - WALL
-  AERIAL.

LUMINAIRES.

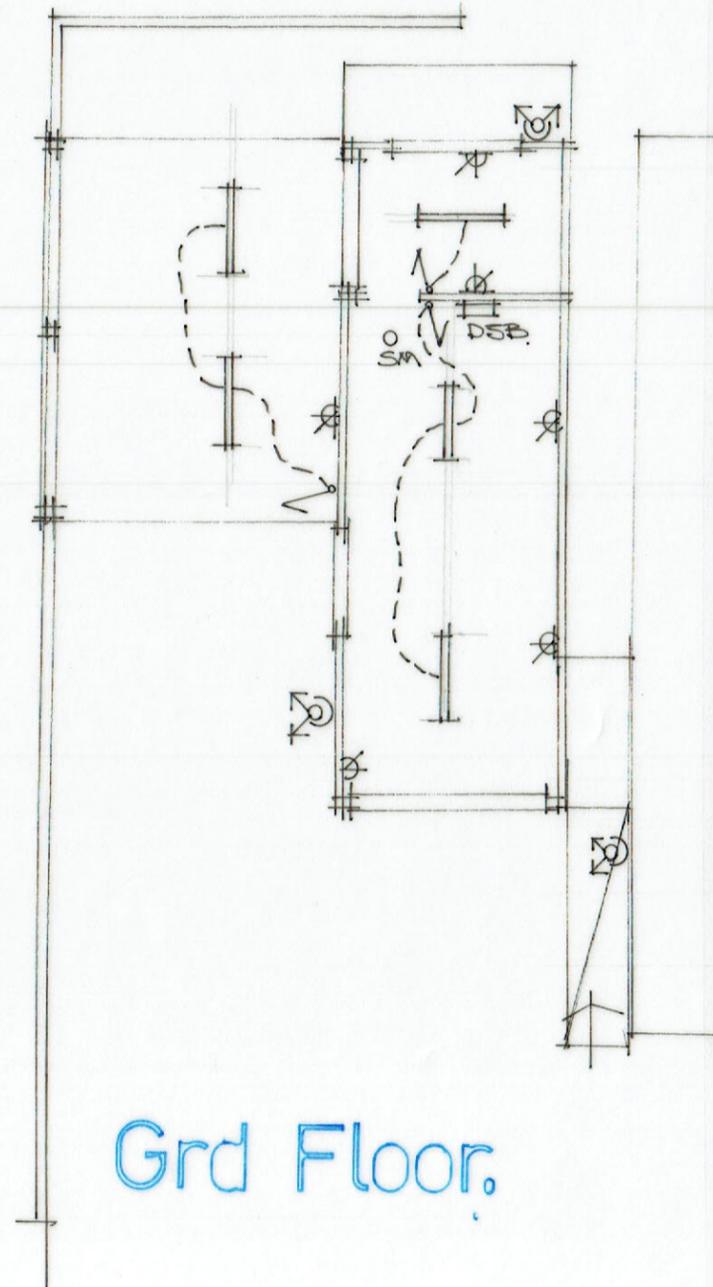
-  CEILING MOUNTED
-  WALL MOUNTED
-  DOWNLIGHT.
-  FLOODLIGHT.
-  SPOTLIGHT.
-  EXTERNAL YARD POST LIGHT.
-  EMERGENCY LIGHTING LUMINAIRE.
-  1x18W FLUORESCENT.
-  2x18W FLUORESCENT.
-  1x36W FLUORESCENT.
-  2x36W FLUORESCENT.
-  WALL MOUNTED WITH REFLECTOR.
-  NIGHT SECURITY CEILING MOUNTED LIGHT Auto timed 7.0 pm > 7.00 am.

SWITCHES.

-  ONE-WAY SWITCH.
-  TWO-WAY SWITCH.
-  DIMMER SWITCH.
-  TIME SWITCH.



Upper Floor.



Grd Floor.

ELECTRICAL PLAN.

Drawing No.	0321
Date.	11 FEB 2021
Scale.	1:100 @ A3.

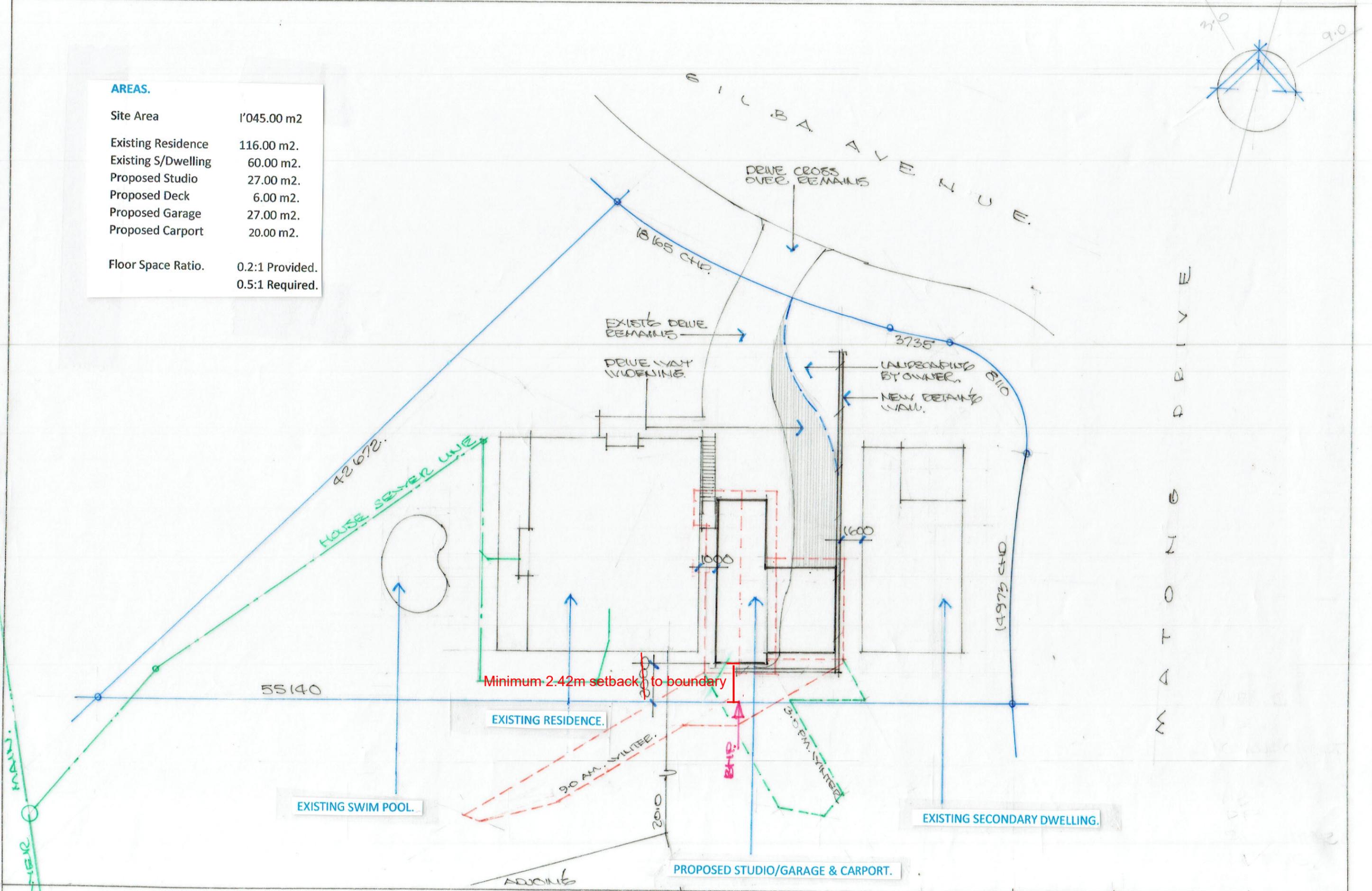
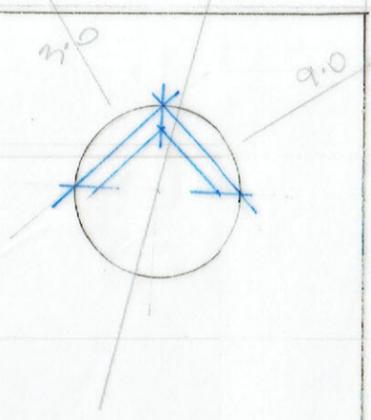


ANNEXURE B

Revised Site Plan & Survey Plan

AREAS.

Site Area	1'045.00 m2
Existing Residence	116.00 m2.
Existing S/Dwelling	60.00 m2.
Proposed Studio	27.00 m2.
Proposed Deck	6.00 m2.
Proposed Garage	27.00 m2.
Proposed Carport	20.00 m2.
Floor Space Ratio.	0.2:1 Provided. 0.5:1 Required.



SITE PLAN.

Drawing No.	0321
Date.	24/07/2024
Scale.	1: 200 @ A3.



LEGEND:

Road	Structures	Sewer	Electrical	Water	Fuel	Terrain	Drainage	Communications	General	Subsurface Utility - QL
Kerb Back	Building Line	Sewer Line	Electricity Line	Water Line	Fuel	Driveway	Drainage line	Communication Line	General	* QL-A (H±50mm, V±50mm)
Kerb Invert	Roof Ridgeline	Valve	Overhead Line	Meter	Filling	Footpath	Open Drain	Overhead Line	Pothole	* QL-B (H±300mm, V±500mm)
Edge of Blumem	Fence Line	Inspection Opening	Pits/Manholes	Valve		Retaining Wall Base	Manhole	Pits/Manholes		* QL-C (H±300mm, 2D)
Edge of Gravel	Gate	Manhole	Pole	Fire Hydrant		Retaining Wall Top	Field Inlet	Pillar		* QL-D (Exist Record)
Road Crown	Hand Rail	Manhole	Street Light	Tap		Change of Grade	Downpipe			
Traffic Park Meter	Cattle Grid	Manhole	Light In-Ground	Tap		Top of Bank	Downpipe			
Traffic Light	Bollard	Manhole	Gas	Sprinkler		Toe of Bank	Downpipe			
Traffic Sign		Manhole	Gas Line	Valve		Waterline	Downpipe			
Traffic Post Box		Manhole	Valve	Marker		Garden Edge	Downpipe			
		Manhole	Marker			Creek Top of Bank	Downpipe			
		Manhole				Creek Invert	Downpipe			
		Manhole				Creek Waterline	Downpipe			
		Manhole				Tree	Downpipe			
		Manhole				Tree Canopy	Downpipe			
		Manhole				Control Point/PSM	Downpipe			

NOTES:

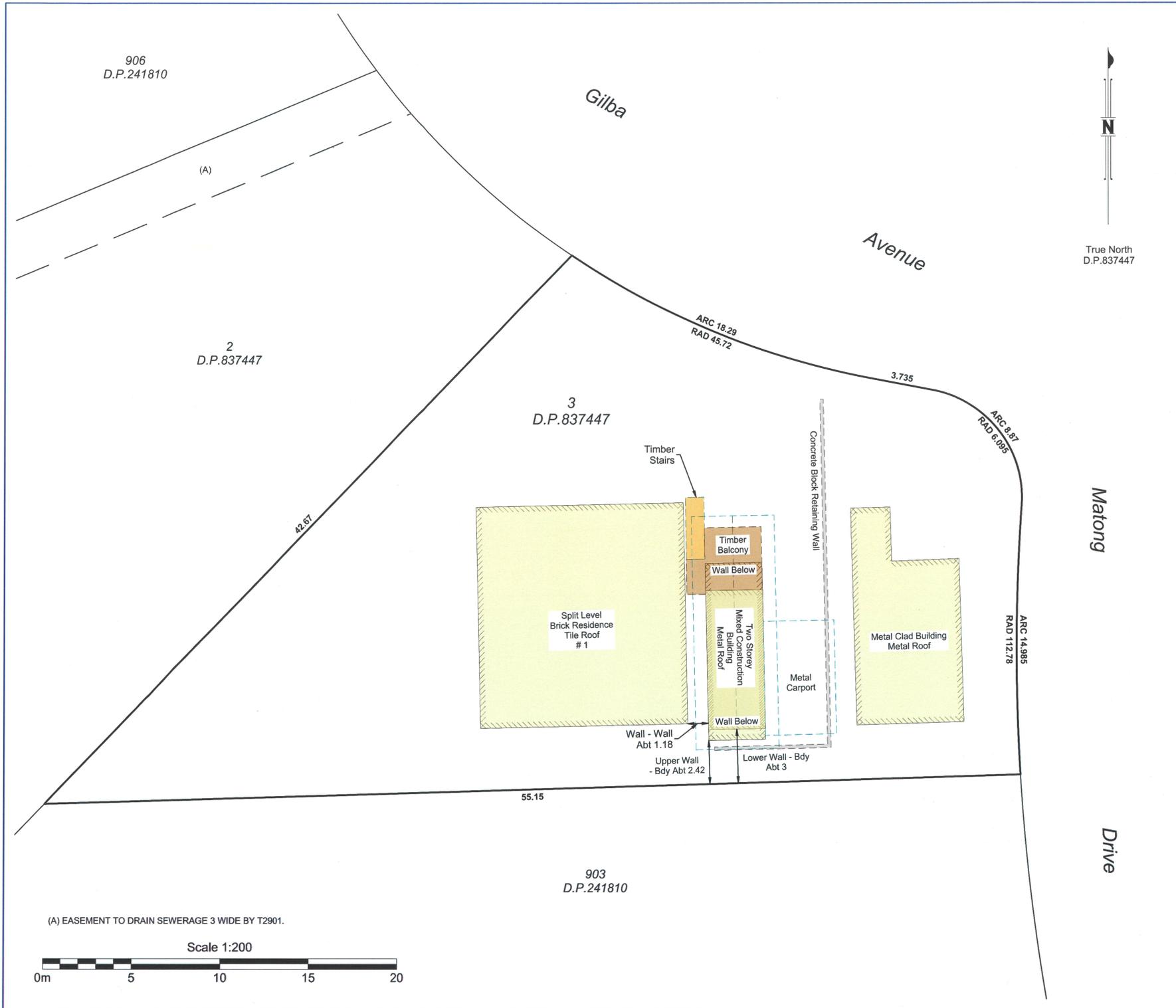
1. Drawn to scale on an A3 sheet.
2. Field Survey Completed on 29/04/2024
3. Read in conjunction with our report 240586 dated 1/05/2024.


 Surveyor Registered under the Surveying and Spatial Information Act, 2002

Level datum: Arbitrary (N/A)
 Horiz datum: PLAN (D.P.837447)
 Coord Origin: Arbitrary (N/A)
 GDA System: Not Applicable Coordinate System: Plane 1:1
 Meridian: D.P.837447

Title:
Partial Identification Survey
 Lot 3 D.P.837447
 1 Gilba Avenue, Ocean Shores

Client:	Swell Building Pty Ltd
Locality:	Ocean Shores
Local Gov:	Byron Shire Council
Surveyed By:	MJT Approved: SAT
Date Created:	30/04/24 Scale: 1:200
File Ref:	240586
Plan No:	240586_001_IDENT Rev: A



(A) EASEMENT TO DRAIN SEWERAGE 3 WIDE BY T2901.

Scale 1:200

