

20th January 2023

Byron Shire Council  
Attention: Planning & Building  
Via: NSW Planning Portal

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**Property : 14 CASONS LANE, NEW BRIGHTON / Lot 1 DP 1207731 & Lot 361 DP 755687**  
**Subject : Returned - (PAN-289202) for development at 14 CASONS ROAD NEW BRIGHTON**

Further to the returned submission for the above named property we wish to provide the following response and supporting documentation for your reference. Response to each of the items is as follows:

1. *A written request for variation to the Floor Space Ratio has not been provided in accordance with Clause 4.6 of LEP 2014. It is noted that the maximum permitted FSR is 0.2:1 while the submitted SEE nominates a FSR of 0.207:1*

Please refer to attached DA submission documents, in response to item 5, we are no longer proposing to increase the floor area of the existing shed/proposed expanded dwelling. This has reduced the proposed GFA and therefore the FSR now meets the 0.2:1 ratio.

2. *The proposed expanded dwelling module is subject to a Bushfire Attack Level of Flame Zone / BAL 40. A Bush Fire report from a BPAD accredited certifier proposing a performance solution is required in accordance with Planning for Bushfire Protection 2019.*

We are seeking from council that the DA be accepted on the proviso that a Bushfire report for a BPAD accredited certifier will be prepared and provided to council in due course. Please note that at the time of preparing the DA submission there were no local consultants with the correct accreditation that had availability to start until early 2023. Noting that the existing house was damaged in the floods and is currently not habitable it is requested that council use their discretion to enable the development process to get underway with supplementary Bushfire report to be provided as soon as available.

3. *The submitted SEE states that the proposed ground floor garage "will have permanent openings to ensure the in-flow & out-flow of water". However, the submitted plans appear to indicate that the ground floor garage is entirely enclosed which doesn't comply with the requirements of Chapter C2 of DCP 2014.*

Please refer to updated drawings with plans and elevations reflecting the permanent openings, including the revised garage door to be of an open batten style.

4. *Submitted plans indicate that the proposed garage has a floor level of 2.0m AHD. Amended plans are required to demonstrate a floor level of 2.15m AHD to comply with the 10 year flood level + 0.3m for a non-habitable building in accordance with Chapter C2 of DCP 2014.*

*Please refer to the updated drawings, there was an error on the drawings prepared for the house. The floor level proposed for the ground floor garage is 2.2m AHD.*

- 5. The existing structure that is proposed for alterations and additions to create an expanded dwelling module is not lawful. While development consent 10.2009.382.1 was granted for a shed, the existing structure was constructed without a construction certificate. Therefore, Council does not support the reasoning provided in the submitted SEE for the proposed variation to permit an expanded dwelling module with a floor area of 51m<sup>2</sup>. Amended plans are required to demonstrate that the proposed expanded dwelling module complies with the maximum 45m<sup>2</sup> floor area permitted by Chapter D1 of DCP 2014.*

*Please refer to the updated DA drawings, the proposal now seeks to incorporate bathroom within the existing footprint of the shed/proposed expanded dwelling thus meeting the maximum GFA requirement of 45m<sup>2</sup>.*

We believe the updated documentation should satisfy council on these matters, if there is anything further please don't hesitate to contact me.

Yours faithfully

**RACHEL NORMAN**

**ARCHITECT** | NSW REG. 11539 | QLD REG. 4459