



4.55(1A) Modification Application

DA 10.2023.73.1

Demolition and construction of
mixed use development at
Lot 8 Section 26 DP 758207
9 Marvell Street Byron Bay

PLANNERS NORTH, July 2025

COMPLIANCE AND USAGE STATEMENT

This Modification Application has been prepared and submitted under Part 4 of the *Environmental Planning and Assessment Act 1979* by:

Preparation

Name: Kate Singleton
Company: PLANNERS NORTH
Address: 6 Porter Street, Byron Bay, Bundjalung Country, NSW 2481
In respect of: A Modification Application under S.4.55(1A) of the Act

Application

Proponent: CH Marvell Street Pty Ltd & CR Marvell Street Pty Ltd & RR Marvell Street Pty Ltd & TH Marvell Street Pty Ltd
Office: C/ - PLANNERS NORTH
6 Porter Street, Byron Bay 2481
Land to be developed: Lot 8 Section 26 DP 758207
Proposed development: Minor Modification to existing consent DA 10.2023.73.1
Environmental Assessment: Modification Application S.4.55 of the Act

Certificate

I certify that I have prepared the content of this Modification Application and to the best of my knowledge:

- it is in accordance with the Act and Regulations, and
- it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Notice

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PLANNERS NORTH declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 10.4 of the Act to declare.

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Kate Singleton RPIA

PARTNERSHIP PRINCIPAL



Ref: K_1851.5034

Date: July 2025

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1. INTRODUCTION

This section of the report identifies the nature of client instructions, relevant background information and the structure of the report.

1.1 BACKGROUND

PLANNERS NORTH has been engaged by CH Marvell Street Pty Ltd & CR Marvell Street Pty Ltd & RR Marvell Street Pty Ltd & TH Marvell Street Pty Ltd to provide Town Planning advice with respect to the preparation and lodgement of a Modification Application to DA 10.2023.73.1 relating to land described as Lot 8 Section 26 DP 758207 9 Marvell Street Byron Bay.

1.2 STRUCTURE OF REPORT AND ITS SCOPE

Section 2 of this report describes the amendments proposed. Having regard to the provisions of Section 4.55(1A) Section 3 sets out an examination of the statutory considerations relevant to the proposal described in Section 2. The final section of the report undertakes a general review of the project and summation as to the appropriateness of the project having regard to the planning controls applying to the land.

The application is accompanied by revised architectural plans prepared by Harley Graham Architects.

1.3 SPECIALIST TECHNICAL ADVICE

Specialist advice was sought from Harley Graham Architects.

Development Application No. 10.2023.73.1 was approved on 19 April 2024. The application is described in the consent as follows:

Demolition and construction of mixed use development comprising basement parking, ground floor cafe/restaurant and retail, two levels of shop top housing (total of eight), rooftop pool, decking and associated plant and strata subdivision.

Subsequent to approval of the development application, a number of modifications have been sought as follows:

1.3.1 Mod 1

Modification Application 10.2023.73.2 – returned.

1.3.2 Mod 2

Modification Application 10.2023.73.3 to amend the plans of the approved mixed use development – changes to materials and finishes, relocation of bike parking associated with relocation of pit and pillar to within property boundary and temporary anchoring condition was approved 6 December 2024.

1.3.3 Mod 3

Modification Application 10.2023.73.4 was approved on 28 April 2025. This amendment sought approval to undertake minor changes to the proposal comprising amendments to the floor plan area of retail tenancies, reallocation of carparking to the residential component and modification to the floor level of the retail tenancies.

1.3.4 Mod 4

Modification application 10.2023.73.5 to clarify wording added to flood planning and parking, no design changes, was approved on 1 July 2025.

1.4 THE POWER TO MODIFY

In *Agricultural Equity Investments Pty Limited v Westlime Pty Limited (No.3) [2015] NSWLEC 75* Justice Pepper sets out a useful summary of the relevant principles to the consideration of “substantially the same”. She observed the applicable legal principles governing the exercise of the power may be stated as follows:

1. the power contained in the provision is to “modify the consent”. Originally the power was restricted to modifying the details of the consent but the power was enlarged in 1985. Parliament has therefore “chosen to facilitate the modification of consents, conscious that such modifications may involve beneficial cost savings and/or improvements to amenity”;
2. the modification power is beneficial and facultative;
3. the condition precedent to the exercise of the power to modify consents is directed to “the development”, making the comparison between the development as modified and the development as originally consented to;
4. the applicant for the modification bears the onus of showing that the modified development is substantially the same as the original development;
5. the term “substantially” means “essentially or materially having the same essence”;
6. the formation of the requisite mental state by the consent authority will involve questions of fact and degree which will reasonably admit of different conclusions;
7. the term “modify” means “to alter without radical transformation”;
8. in approaching the comparison exercise “one should not fall into the trap” of stating that because the development was for a certain use and that as amended it will be for precisely the same use, it is substantially the same development. But the use of land will be relevant to the assessment made under s 96(2)(a);
9. the comparative task involves more than a comparison of the physical features or components of the development as currently approved and modified. The comparison should involve a qualitative and quantitative appreciation of the developments in their “proper contexts (including the circumstances in which the development consent was granted)”; and
10. a numeric or quantitative evaluation of the modification when compared to the original consent absent any qualitative assessment will be “legally flawed”.

1.5 FURTHER INFORMATION

Should Council require any additional information or wish to clarify any matter raised by this proposal or submissions made to same, Council is requested to consult with **Kate Singleton** prior to determination of this application.

2. PROPOSED AMENDMENTS

This section details the proposed amendments to Development Application No. 10.2023.73.1 pertaining to a Section 4.55 of the Environmental Planning & Assessment Act 1979.

2.1 TYPE OF APPLICATION

This modification is made pursuant to:

4.55 (1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

And

- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

2.2 MODIFICATIONS SOUGHT

The proposed modification seeks minor changes to the proposal comprising an amendment to the floor plan to relocate the toilet facilities from the rear of tenancy 1 to the services area. A related condition, Condition 80, requiring an airlock is proposed to be deleted. The proposal also seeks to delete a condition which restricts holiday letting or tourist and visitor accommodation use of the premises.

The existing development consent condition is recited and the proposed condition is then set out below, with additions to the consent condition show in red font and deletions shown as ~~crossed through~~. The amendment will require the modification of conditions as follows:

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2.2.1 CONDITION 1 APPROVED PLANS AND SUPPORTING DOCUMENTATION

Existing:

1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Title	Drawn by	Dated
DA.01	4.55.1	Cover Page	Harley Graham Architects	16/1/25
DA.02	DA5	Survey Plan Structures to be Demolished	Harley Graham Architects	7/03/24
DA.03	DA5	Site Plan	Harley Graham Architects	7/03/24
DA.04	4.55.2	Floor Plan – Basement (annotated by Council)	Harley Graham Architects	16/1/25
DA.05	4.55.2	Ground Floor Plan	Harley Graham Architects	16/1/25
DA.06	4.55.2	Floor Plan – First Floor	Harley Graham Architects	16/1/25
DA.07	4.55.2	Floor Plan – Second Floor	Harley Graham Architects	16/1/25
DA.08	4.55.2	Floor Plan – Roof Terrace	Harley Graham Architects	16/1/25
DA.09	4.55.2	Floor Plan – Roof	Harley Graham Architects	16/1/25
DA.10	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.11	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.12	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.13	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.14	DA5	Apartment Plan – Livable No.1	Harley Graham Architects	7/03/24
DA.15	DA5	Apartment Plan – Adaptable No.3	Harley Graham Architects	7/03/24
DA.16	DA5	Detail – Bin Room	Harley Graham Architects	7/03/24
DA.17	S4.55.2	South Elevation	Harley Graham Architects	16/1/25
DA.18	S4.55.2	North Elevation	Harley Graham Architects	17/2/25
DA.18a	S4.55.2	Tenancy Section	Harley Graham Architects	17/2/25
DA.19	S4.55.1	East Elevation 2	Harley Graham Architects	30/08/24
DA.20	S4.55.1	East Elevation	Harley Graham Architects	16/1/25
DA.21	DA5	Courtyard South Elevation	Harley Graham Architects	7/03/24
DA.22	DA5	Courtyard North Elevation	Harley Graham Architects	7/03/24
DA.23	S4.55.2	Long Section	Harley Graham Architects	16/1/25
DA.24	S4.55.2	Short Section	Harley Graham Architects	16/1/25
C301	P3	Basement Level Stormwater Drainage Plan	Edge Consulting Engineers	13/10/23
C302	P3	Ground Level Stormwater Drainage Plan	Edge Consulting Engineers	13/12/23
C331	P2	Details Sheet	Edge Consulting Engineers	2/10/23

Title	Version No.	Drawn by	Dated
9 Marvel St, Byron Bay NSW Design Excellence Report – Sustainability	REV03 - Council Doc # E2024/25389	Finding Infinity	08/03/2024
Site Waste Minimisation and Management Plan (SWMMP)	19282W- REP03-F02 - Council Doc # E2024/25384	Ratio Consultants Pty	7/03/2024
Dewatering Management Plan, 9 Marvell St, Byron Bay, NSW	78307 - Council Doc # E2023/135299	Prensa Pty Ltd	December 2023
Acid Sulfate Soil Assessment and	120379B - Council Doc	Prensa Pty Ltd	December

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Title	Version No.	Drawn by	Dated
Management Plan, 9 Marvell St, Byron Bay, NSW	# E2023/135300		2023
Noise Impact Assessment, Mixed Use Development at 9 Marvell St Byron Bay	ATP220541 – R – NIA – 01 - Council Doc #E2023/24397	ATP Consulting Engineers	July 2022
Landscape Plans	Rev A Council Doc # E2024/6739	Florian Wild	December 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Proposed:

1. Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Title	Drawn by	Dated
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DA.04	4.55.2	Floor Plan – Basement (annotated by Council)	Harley Graham Architects	16/1/25
DA.05	4.55.2 4.55.3	Ground Floor Plan Floor Plan – Ground Floor	Harley Graham Architects	16/1/25 10/7/25
DA.06	4.55.2	Floor Plan – First Floor	Harley Graham Architects	16/1/25
DA.07	4.55.2	Floor Plan – Second Floor	Harley Graham Architects	16/1/25
DA.08	4.55.2	Floor Plan – Roof Terrace	Harley Graham Architects	16/1/25
DA.09	4.55.2	Floor Plan – Roof	Harley Graham Architects	16/1/25
DA.10	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.11	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.12	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.13	DA5	Apartment Plan	Harley Graham Architects	7/03/24
DA.14	DA5	Apartment Plan – Livable No.1	Harley Graham Architects	7/03/24
DA.15	DA5	Apartment Plan – Adaptable No.3	Harley Graham Architects	7/03/24
DA.16	DA5	Detail – Bin Room	Harley Graham Architects	7/03/24
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DA.20	S4.55.1	East Elevation	Harley Graham Architects	16/1/25
DA.21	DA5	Courtyard South Elevation	Harley Graham Architects	7/03/24
DA.22	DA5	Courtyard North Elevation	Harley Graham Architects	7/03/24
DA.23	S4.55.2	Long Section	Harley Graham Architects	16/1/25
DA.24	S4.55.2	Short Section	Harley Graham Architects	16/1/25

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Plan No.	Revision No.	Title	Drawn by	Dated
C301	P3	Basement Level Stormwater Drainage Plan	Edge Consulting Engineers	13/10/23
C302	P3	Ground Level Stormwater Drainage Plan	Edge Consulting Engineers	13/12/23
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Dewatering Management Plan, 9 Marvell St, Byron Bay, NSW	78307 - Council Doc # E2023/135299	Prensa Pty Ltd	December 2023
Acid Sulfate Soil Assessment and Management Plan, 9 Marvell St, Byron Bay, NSW	120379B - Council Doc # E2023/135300	Prensa Pty Ltd	December 2023
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Landscape Plans	Rev A Council Doc # E2024/6739	Florian Wild	December 2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Comment:

As previously noted, the proposed change to the ground floor plan seeks to relocate the existing toilet facilities in tenancy 1 to adjacent to the service area. The toilet facilities were included in the original calculation of gross floor area and the proposed modification results in a very minor increase in floor area from 239.05m² to 255.13m². It is considered, given the increase is associated with the provision of amenities and does not impact on the floor space ratio, that the proposed change is minor and does not require additional car parking.

2.2.2 CONDITION 80 AIRLOCK

Existing:

An airlock shall be constructed between the toilet facilities and the internal workspaces to prevent the transfer of contaminants into the food business and comply with the Building Code of Australia.

Proposed:

Delete

Comment:

The toilets are being relocated to outside the vicinity of the approved food premises and therefore this condition is redundant.

2.2.3 CONDITION 106 APPROVED RESIDENTIAL ACCOMMODATION

Existing:

This consent includes shop top housing which is a type of residential accommodation under Byron Local Environmental Plan 2014.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The shop top housing is not to be holiday let or used as tourist and visitor accommodation or as short-term rental accommodation unless otherwise approved or exempt under an environmental planning instrument.

Proposed:

Delete

Comment

The subject site is now located within the 365-day short-term rental accommodation precinct for Byron Bay Town Centre. No restriction in the short-term rental of the approved apartments is therefore appropriate in the circumstances.

3. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposal encompasses the modification of a development consent notice pursuant to Section 4.55 of the Environmental Planning & Assessment (EP&A) Act. The assessment of the proposed amendment is undertaken in accordance with the relevant provisions of the EP&A Act which in this instance is:

- Modification Applications generally;
- Section 4.15(1) Matters for consideration; and
- Regulations.

3.1 THE REASONS FOR THE IMPOSITION OF CONDITIONS

Development Consent 10.2023.73.1 specified the following reasons for granting approval and conditioning.

- *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 2021 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.*

3.2 SECTION 4.55(1A) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act, the following assessment is provided with respect to the proposed modification to Development Consent Notice DA 10.2023.73.1.

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment:

It is submitted that the proposed modification involves minimal environmental impact. The proposal will result in a very minor increase in the gross floor area and FSR of the development however, the additional floor plan area is located on the ground floor plane and will not impact on the bulk or scale of the building as it presents to Marvell Street. The additional minor increase in

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GFA relates to the provision of toilet facilities and amenities and there is no additional car parking generated by the increase in floor plan area.

The deletion of the restriction on holiday letting will not impact on the amenity of the area which is now identified as within the precinct within which it is permissible to provide non-hosted accommodation 365 days of the year.

- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment:

The proposal remains substantially the same development as the development for which the consent was originally granted, for minor modifications of the approved plans resulting from detailed design.

- (c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment:

Byron Shire Council's Community Participation Plan 2019 details the requirements for public notification and advertising of application. Modification applications are generally notified and exhibited in the same manner as the original development application. There are some exceptions which include modifications considered by Council to be a minor change of the proposed development and of low environmental impact.

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment:

In the event that Council determines that the application does require advertising and notification, any submissions received in response will be considered in due course.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 as are of relevance to the development the subject of the application.

Comment:

Refer to Section 3.3 for Section 4.15 Evaluation.

- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment:

This provision is noted.

3.3 SECTION 4.15 EVALUATION

- (1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
- (i) any environmental planning instrument, and

Comment:

Byron Local Environmental Plan 2014

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to ensure that new buildings are appropriate in relation to the character, amenity and environment of the locality,*
- (b) to enable a diversity of housing types by encouraging low scale medium density housing in suitable locations,*
- (c) to provide floor space in employment and mixed use zones adequate for the foreseeable future,*
- (d) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (e) to set out maximum floor space ratios for dual occupancy in certain areas.*

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) (Repealed)

A floor space ratio of 1.3:1 applies to the subject site. The current approved GFA of the scheme is 1317.0m². The proposed FSR resulting from the proposed minor increase in GFA will not increase the currently approved floor space ratio.

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment:

None applicable to the proposed development.

- (iii) any development control plan, and

Comment:

The proposed development remains consistent with the provisions of BDCP12. No substantive issues arise from the proposed development.

- (iiia) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment:

The proposed amendments do not raise any issues in relation to the Voluntary Planning Agreement (VPA) regarding the provision of Public Art.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment:

No prescribed matters are applicable.

- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

No Coastal Zone Management Plan applies to the locality.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Comment:

The proposed amendments do not result in any significant adverse impacts on the existing natural or built environment.

- (c) the suitability of the site for the development,

Comment:

The subject site remains suitable for the proposed development.

- (d) any submissions made in accordance with this Act or the regulations,

Comment:

No submissions are likely however in the event that the application is exhibited, any submissions will be addressed in due course.

- (e) the public interest.

Comment:

It is submitted that the proposed development maintains consistency with the public interest and will make a positive contribution to the Marvell Street streetscape and the town centre.

3.4 MODIFICATIONS OF APPROVAL GENERALLY

Section 4.50 of the Act sets out particulars in relation to the granting and modification of approval by an Approval Body. Those provisions are as follows:

4.50 Granting and modification of approval by approval body

- (1) Despite any other Act or law, an approval body must, in respect of integrated development for which development consent has been granted following the provision by the approval body of the general terms of the approval proposed to be granted by the approval body in relation to the development, grant approval to any application for approval that is made within 3 years after the date on which the development consent is granted if, within that 3-year period, the development consent has not lapsed or been revoked.

Note. Under section 380A of the Mining Act 1992 and section 24A of the Petroleum (Onshore) Act 1991, a mining lease or production lease can be refused on the ground that the applicant is not a fit and proper person, despite this section.

- (2) The approval may be granted subject to conditions that are not inconsistent with the development consent. Neither the provisions of section 4.17 (6)–(10) nor the imposition of conditions as to security by the consent authority prevent an approval body from imposing conditions, or additional conditions, as to security.
- (3) Subsection (1) does not apply to or limit the granting of approval to an application for renewal of an approval.
- (4) An approval body cannot vary the terms of an approval granted for integrated development for which development consent has been granted before the expiration, lapsing or first renewal of the approval, whichever first occurs, other than to make variations that are not inconsistent with the development consent.
- (5) Subsection (4) does not prevent:

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- (a) the modification, in accordance with section 4.55 or 4.57, of the development consent at any time, or
- (b) if a development consent is modified as referred to in paragraph (a) before the expiration, lapsing or first renewal, whichever first occurs, of the approval, the modification in accordance with law of the approval to any necessary consequential extent, or
- (c) the exercise by the approval body of any of its other functions, such as the issuing of orders, the suspension or cancellation of an approval or the prosecution of offences.

Comment:

The proposed amendments do not raise any issues in relation to the General Terms of Approval issued by the NSW Rural Fire Service in relation to bushfire or the NSW Office of Water in regard to dewatering.

3.5 REGULATIONS

The proposed modification does not raise any further considerations in relation to the provisions of the Environmental Planning and Assessment Regulation 2000.

4. CONCLUSIONS

This report addresses the issues relevant to Council's assessment of this application for the proposed amendment to Development Consent Notice 10.2023.73.1.

The grounds for this approval are summarised below:

- The proposed amendment is substantially the same development as that originally approved;
- The modification sought maintains the outcomes of the assessment process pertaining to the application of the Byron Local Environmental Plan 2014 and Byron Development Control Plan 2014;
- The proposed modification is deemed to be responsive to site characteristics and the existing use upon adjoining land; and
- The proposal maintains the sought environmental objectives for the development.



Kate Singleton RPIA
PARTNERSHIP PRINCIPAL
PLANNERS NORTH