

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

**MODIFICATION (MOD 178-11-2005) OF
DEVELOPMENT CONSENT (DA 440-10-2003)**

14 ROOM TOURIST FACILITY (MOTEL)

**PURSUANT TO SECTION 80 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979**

(FILE NO. 9041044)

I, Chris Wilson, Acting Deputy Director General, Urban Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 12 September 2005, pursuant to Section 96 (1A) of the *Environmental Planning & Assessment Act, 1979*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To encourage good urban design;
- (2) To protect and preserve the environment;
- (3) To ensure public health and safety;
- (4) To preserve the existing or likely future amenity of the neighbourhood, and
- (5) To comply with the provisions of Byron LEP 1988

Chris Wilson
**Acting Executive Director, Urban Assessments
Office of Sustainable Development Assessment**

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application Number:	MOD 178-11-2005 modifying DA 440-10-2003
Application made by:	Malcolm Scott 8 Beardow Street, Lismore NSW
On land comprising:	Lot 1 DP 1076677 18-20 Bay Street, Byron Bay
Local Government Area	Byron Shire Council
For the carrying out of:	14 Room tourist facility (motel)
Section 96 (1A) Application	MOD 178-11-2005 to modify DA 440-10-2003 the following manner: ▪ Change roof colour from 'headland' red to 'wilderness' green; ▪ Reduce the size of the roof deck area for plant and equipment; ▪ Amend the design of load bearing beams supporting the pools on the roof from a cantilever system to a simple span; ▪ Amend the horizontal beam outside the pool balustrade to provide a service access walkway; ▪ Amend the shape and size of the roof top pools; ▪ Provide a shelter roofing structure over part of the stairways from Units 11&13 to the roof terrace and pool area. ▪ Provision of roof 'solar tubes' ▪ Provision of two ensuites and additional bedroom to Unit 14; ▪ Remove living room windows and changes to location and size of other windows of Unit 14; ▪ Remove southern balcony to Unit 11 and change the doors to windows; ▪ Change materials of mid level balcony edge from timber to non flammable canvas; ▪ Relocate stationary housing for sliding doors from the edge of the opening to a central position; ▪ Changes to the design of the bathroom balcony for Unit 11; ▪ Change material of roof awning above Fletcher Street to 'wilderness' green colour bond; ▪ Changes to the internal layout and partitions of Units 7, 8, 9, 10, 11, 12, 13, 14; ▪ Remove swimming pools in the courtyard areas of Units 2, 5, 7, 8, 9, 10;

	▪ Relocate the 'house store' from ground floor to basement level; ▪ Changes to layout of plant and storage rooms; ▪ Modify doorway to carpark from roller shutter to panel lift, reduce the width of the driveway from 7m to 6m, provide a service entrance to the southern side of the vehicular entrance; ▪ Remove feature water pond and waterfall from the eastern wall and replace with curved feature wall; and ▪ Changes to the Ground and First floor RL's
Development consent granted by:	Minister assisting the Minister for Planning
On:	8 September 2004
Type of development:	State Significant Development Integrated Development
S.119 public inquiry held:	No
As modified:	Consent not previously modified

PART B—NOTES RELATING TO THE MODIFICATION OF DEVELOPMENT CONSENT NO. MOD 178-11-2005

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the Environmental Planning and Assessment Act, 1979. The right to appeal is available within the time limit specified within Clause 1, Part 17 of the Land and Environment Court Rules 1996, which is 60 days after the date on which the applicant received this notice, or as otherwise specified under an Act or statutory instrument.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 440-10-2003.

SCHEDULE 2

MODIFICATION (MOD 178-11-2005) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 440-10-2003

The development consent is modified as follows:

PART A – ADMINISTRATIVE CONDITIONS

- (a) Omit Condition A1. Insert instead:

Development consent is granted only to carrying out the development described in detail below:

- (1) 3 level tourist facility comprising 14 rooms (10 motel units and 4 serviced apartments) with basement car parking for 22 vehicles and associated landscaping and ancillary works.

- (b) Insert below the table in Condition A2 the following:

As modified by:

Statement of Environmental Effects entitled 'Report supporting an application pursuant to section 96(2) of the Environmental Planning and Assessment Act' prepared by Malcolm Scott, dated November 2005			
Architectural (or Design) Drawings prepared by <i>Ian D McKay Pty Ltd</i>			
Drawing No.	Revision	Name of Plan	Date
DA01	C	Locality Plan	26-09-05
DA02	C	Carparking	26-09-05
DA03	C	Level 1	26-09-05
DA04	C	Level 2	26-09-05
DA05	C	Roof	26-09-05
DA06	C	Sections	26-09-05
DA07	C	Elevations	26-09-05
DA08	C	Elevations	26-09-05