

**STATEMENT OF MODIFICATION TO APPROVED  
DEVELOPMENT APPLICATION AT  
548 BARRINGTON EAST ROAD, BARRINGTON**

Development Assessment Team  
Midcoast Council  
2 Biripi Way  
Taree NSW 2430  
Att: Ben Lim-Cooper

Date: 12 March 2025

Ref: MA/MO – 548 EastBarringtonlMod2

Dear Ben,

**SECTION 4.55(1A) APPLICATION**

<b>Property:</b>	<b>Lot 1 in DP 1262712, No. 548 Barrington East Road, BARRINGTON NSW 2422</b>
<b>Amendments:</b>	<b>Amend Consent</b>
<b>Development Application:</b>	<b>DA2021/1717 as modified</b>
<b>Development:</b>	<b>Eco-Tourism Facility</b>
<b>Date of Determination:</b>	<b>23/04/2022</b>

**1. Introduction**

On behalf of the owners, I seek Council consent pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* to amend the plans of Development Application No. DA2021/1717 relating to the Eco-Tourism Facility - cabins at No.548 Barrington East Road, Barrington.

**2. Drawings submitted for modifications**

Drawings submitted for modification:

Drawing S4.55-01 – Eco-Tourism Facility – Cabins Site Plan - Revision B  
Drawing S4.55-02 – Eco-Tourism Facility – Cabins Site Set-Out Plan - Revision B  
Drawing S4.55-13 – Cabin 2 Ground Floor Plan - Revision B  
Drawing S4.55-14 – Cabin 2 Roof Plan & Drainage Plan - Revision B  
Drawing S4.55-15 – Cabin 2 Southeast and Northwest Elevations - Revision B  
Drawing S4.55-16 – Cabin 2 Northwest and Southwest Elevation - Revision B  
Drawing S4.55-17 – Cabin 2 Section A-A<sub>1</sub> - Revision B

Drawing S4.55-18 – Cabin 2 Section B-B - Revision B  
Drawing S4.55-19 – Cabin 2 Basix Certificate Commitments Summary – Rev. B  
Drawing S4.55-20 – Cabin 2 Basix Certificate Commitments Sheet 1 of 3 – Rev. B  
Drawing S4.55-21 – Cabin 2 Basix Certificate Commitments Sheet 2 of 3 – Rev. B  
Drawing S4.55-22 – Cabin 2 Basix Certificate Commitments Sheet 3 of 3 – Rev. B

### **3. Summary of Proposed Modifications**

All modifications in this proposal relate to the Eco-Tourism Facility – Cabin 2.

It has been determined on site that the approved previous position of Cabin 2 is unsuitable. The cabin's previous position is far too close to existing overhead power lines above, and the easement for the existing overhead power lines. The proposal is to reposition Cabin 2 on the eastern side of the overhead power line easement, closer to Barrington East Road.

The modification will improve the comfort, wellbeing, and amenity of the occupants.

All modifications to the approved DA are shown on the submitted drawings.

Modifications include one (1) item only:

- Cabin 2 position on site moved. The cabin has been moved approximately 50 metres closer to Barrington East Road. Proposed new front setback to the Barrington East Road boundary is 180.83 metres. Approved side boundary setbacks remain unchanged.

The orientation, floor plan, internal layout, and side elevations of Cabin 2 remain unchanged from those approved by council.

The modification to Cabin 2's position on the site does not create any privacy or overshadowing issues. The modifications comply with Council's planning controls/instruments.

The modification does not affect the approved Basix Certificate. Basix commitments are unaffected by moving the position of Cabin 2, as shown on the accompanying plans.

## 4. Legislation

Section 4.55(1A) of the Act States:

*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*

Comment: The original consent granted approval for the construction of an Eco-Tourism Facility consisting of 2 cabins. The amendments provide for minor changes to the building siting of one of the cabins, Cabin 2.

The orientation, floor plan, internal layout, and side elevations of Cabin 2 remain unchanged from those approved by council.

The amendments are of minimal environmental impact and considered to be substantially the same development.

*(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 the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: The application will be notified in accordance with Council guidelines

## 5. Justification

The proposed amendments to the plans are considered justified for the following reasons:

- The amendments provide for minor changes to the building siting of Cabin 2. Minor change to the approved front boundary setback. No change to the approved side boundary setbacks.
- The orientation, floor plan, internal layout, and side elevations of Cabin 2 remain unchanged from those approved by council.
- A compliant design.

## 6. Conclusion

The original consent granted approval for the construction of an Eco-Tourism Facility (cabins). The amendments provide for a minor modification to the position of one of the cabins on the site. The overall layout and external elevations of the approved buildings remain unchanged. The amendments are therefore considered to be substantially the same development.

For the reasons stated in this report it is considered that this application to amend the plans as detailed in the plans submitted should be supported. If you require any further information, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Airey', with a stylized flourish at the end.

Michael Airey