Note to: Northern Regional Planning Panel

From: Steve Denize – Senior Planner – Byron Shire Council

Subject: PPSNTH 179. 29 Shirley Street Byron Bay. DA 10.2022.371.1

Purpose: Update note to NRPP regarding changes to draft conditions of consent

Date: 11 October 2023.

The panel provided the following bullet point feedback on draft conditions. These conditions were also reviewed by the applicant and an iterative followed between Council and the applicant regarding draft engineering conditions, acid sulfate soil and the future management of any potential site contamination. Response to the panels feedback is provided in purple below. A revised set of draft conditions is attached for the panel’s consideration.

* Condition 1 – join the individual plans into the relevant plan sets

Done. See condition 1.

* Condition 2 – remove Works and Services Director and change to Council and cross reference covenant – see condition 25

Done. See condition 26

* Condition 11 – change terminology – not reference PSI

PSI replaced by DSI required prior to issue of construction certificate

* Condition 20 – ocean protection – remove notation relating to the need for a modification

Stormwater quality control now a performance condition – reference to single product option removed. see condition 21.

* Condition 56 – may not be necessary if parties can’t resolve deferred commencement?

Deferred commencement conditions removed. Condition remains valid. See other matters below.

* Conditions 36 and 40 – duplicate

Duplicate deleted.

* Conditions 62 and 71 – duplicate

Duplicate deleted.

* Conditions 82 and 101 – duplicate

Duplicate deleted.

* Conditions 83 and 99 – duplicate/conflicting

Condition 83 remains – condition repeating requirement removed. See condition 100 deleted.

* Condition 9(a) - remove requirement for compliance with 4.5m height

Condition 9(a) replaced by new condition 9(a) addressing maximum overall building height to be 9m including balustrades, and 9(b) requiring green roofs and landscaping treatment of balance of roof top deck areas greater than 40sqm on northern building.

* Remove reasons from TfNSW conditions and add as notes and change the wording of the reason for Condition 94 – to remove ‘continuing informal access’ and replace with ‘otherwise permitted by TfNSW’

All TfNSW ‘reasons for condition’ explanations removed into Notes.

* New condition – Prior to CC – detailed landscaping plans for roof top to be provided

See amended condition 9(b).

* New condition – northern building to be reduced to maximum of 9m in height (including balustrading)

See amended condition 9(a).

Other matters

* Deferred commencement conditions dealing with acid sulfate soil deleted, amended, and relocated under ‘… required to be complied with prior to issue of construction certificate…’ See condition 11.
* An amended BASIX certificate has been provided. See condition 38.
* Condition 22 a) sees a reduction of the northern Milton Street carriageway upgrade to 7.0m. Once the new stormwater line is installed under the southern part of Milton Street Council requires that the carriageway be resealed to a width of 7.5m and this new seal be finished on both sides with concrete edge strips. Council considers this an evident material public benefit balancing the individual benefit to the application from utilising the public road to provide a new stormwater line servicing the stormwater discharge needs of the development. The applicant will also be providing new stormwater legs and pits into this line along south Milton Street. However, as noted in condition 45 the cost of these works may be offset, and council will offset from the full value of the urban road contribution subject to the developer providing the cost of these works on an asset creation sheet.
* Condition 22 b) has been amended to require final stormwater pipe sizing to include all contributing catchments. This is accepted by the applicant.
* Condition 23 and supporting notes confirms that the applicant can access and service the basement waste storage area with the vehicle and access ramp grade etc as proposed.