

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No:	10.2022.371.4
Development Consent modified:	10.2022.371.1
Description of development to be carried out under the consent (as previously modified):	Demolition of an existing development and trees and construction of 25 three-bedroom dwellings distributed across four separate, two and three-storey buildings with basement car parking, associated landscaping and amenities
Address and particulars of title of land on which development to be carried out:	29 Shirley St, Byron Bay 2481 NSW (LOT: 11 DP: 1313556) Previously known as: 1 Cavvanbah St, Byron Bay 2481 NSW (LOT: 11 DP: 1138310) 2 Milton St, Byron Bay 2481 NSW (LOT: 1 DP: 780935) 2 Milton St, Byron Bay 2481 NSW (LOT: 8 DP: 841611) 2 Milton St, Byron Bay 2481 NSW (LOT: 9 DP: 841611) 29 Shirley St, Byron Bay 2481 NSW (LOT: 12 DP: 1138310) 29 Shirley St, Byron Bay 2481 NSW (LOT: 2 DP: 582819) 29 Shirley St, Byron Bay 2481 NSW (LOT: 7 DP: 841611) 29 Shirley St, Byron Bay 2481 NSW (LOT: 8 SEC: 52 DP: 758207) 29 Shirley St, Byron Bay 2481 NSW (LOT: 9 SEC: 52 DP: 758207) 4 Milton St, Byron Bay 2481 NSW (LOT: 1 DP: 582819)
Description of modification to the development consent:	Modification to residential flat building including increase in building height within R3 Medium Density Residential buildings and increase in size of rooftop areas across all buildings.

Determination: The development consent is modified as follows:

1. Amend Condition [1] to read:

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.

Title	Version No.	Drawn by	Dated
Site Plan	DA1.01 Rev 2	Hayball	06.09.2024
Basement floor plan	DA1.11 Rev 2	Hayball	06.09.2024
Ground Level Plan	AR-902001 Rev G	DAH.A	25.09.2025
Level 1 Plan	AR-902002 Rev F	DAH.A	25.09.2025
Level 2 & Deferred matter zone – roof plan	AR-902003 Rev L	DAH.A	25.09.2025
R3 Zone Roof Plan	AR-902004 Rev N	DAH.A	25.09.2025
Deferred Matter Zone – Pool Fence Diagram (As annotated by Council)	AR-902100 Rev J	DAH.A	25.09.2025
R3 Zone – Pool Fence Diagram (As annotated by Council)	AR-902101 Rev J	DAH.A	25.09.2025
Elevations	AR-903000 Rev J	DAH.A	25.09.2025
Elevations	AR-903001 Rev J	DAH.A	25.09.2025
Elevations	AR-903002 Rev I	DAH.A	25.09.2025
Elevations	AR-903003 Rev F	DAH.A	25.09.2025
Elevations	AR-903004 Rev F	DAH.A	25.09.2025
Elevations	AR-903005 Rev F	DAH.A	25.09.2025
Elevations	AR-903006 Rev F	DAH.A	25.09.2025
Sections	AR-904000 Rev F	DAH.A	25.09.2025
Sections	AR-904001 Rev F	DAH.A	25.09.2025

Sections	AR-904002 Rev F	DAH.A	25.09.2025
Sections	AR-904003 Rev F	DAH.A	25.09.2025
Sections	AR-904004 Rev F	DAH.A	25.09.2025
Overall Sections	EADE-DAH-DRW-AR-400001 Rev 1	DAH.A	10.10.2025
Landscape Works Package Cover Sheet (As annotated by Council)	000-CS Rev 2	Urbis	20.10.2025
Legend & Schedule (As annotated by Council)	021-LE Rev 2	Urbis	20.10.2025
Legend & Schedule (As annotated by Council)	022-LE Rev 2	Urbis	20.10.2025
Legend & Schedule (As annotated by Council)	023-LE Rev 2	Urbis	20.10.2025
Legend & Schedule (As annotated by Council)	025-LE Rev 2	Urbis	15.09.2025
Plant Schedule (As annotated by Council)	031-PS Rev 2	Urbis	20.10.2025
Finishes Plan Ground Level (As annotated by Council)	201-FI Rev 2	Urbis	20.10.2025
Finishes Plan Ground Level (As annotated by Council)	202-FI Rev 2	Urbis	20.10.2025
Finishes Plan Ground Level (As annotated by Council)	203-FI Rev 2	Urbis	20.10.2025
Finishes Plan Ground Level (As annotated by Council)	204-FI Rev 2	Urbis	20.10.2025

Finishes Plan Level 01 (As annotated by Council)	211-FI Rev 2	Urbis	20.10.2025
Finishes Plan Level 01 (As annotated by Council)	212-FI Rev 2	Urbis	20.10.2025
Finishes Plan Level 02 (As annotated by Council)	221-FI Rev 2	Urbis	20.10.2025
Finishes Plan Level 02 (As annotated by Council)	222-FI Rev 2	Urbis	20.10.2025
Finishes Plan Roof Level (As annotated by Council)	231-FI Rev 2	Urbis	20.10.2025
Planting Plan Ground Level (As annotated by Council)	501-PL Rev 2	Urbis	20.10.2025
Planting Plan Ground Level (As annotated by Council)	502-PL Rev 2	Urbis	20.10.2025
Planting Plan Ground Level (As annotated by Council)	503-PL Rev 2	Urbis	20.10.2025
Planting Plan Ground Level (As annotated by Council)	504-PL Rev 2	Urbis	20.10.2025
Planting Plan Level 01 (As annotated by Council)	511-PL Rev 2	Urbis	20.10.2025
Planting Plan Level 01 (As annotated by Council)	512-PL Rev 2	Urbis	20.10.2025
Planting Plan Level 2 (As annotated by Council)	521-PL Rev 2	Urbis	20.10.2025

Planting Plan Level 02 (As annotated by Council)	522-PL Rev 2	Urbis	20.10.2025
Planting Plan Roof Level (As annotated by Council)	531-PL Rev 2	Urbis	20.10.2025
Preliminary Engineering Services Layout Plan (Annotated by Council)	DA04 Rev D	ADG	11/08/23
Preliminary Road Widening Layout Plan and Sections Milton St	DA10 Rev C	ADG	11/08/23
Preliminary Driveway Crossover Details Milton St	DA12 Rev C	ADG	11/08/23
Preliminary Driveway Crossover Details Cavvanbah St (Annotated by Council)	DA13 Rev C	ADG	27/03/23
Preliminary Stormwater Management Layout Plan	DA17 Rev A	ADG	11/08/23
Noise Impact Assessment, 29 Shirley St, Byron Bay	ATP211137-R-NIA-03 Rev 2	ATP Consulting Engineers	September 2024
Environmental Management Plan – Demolition, 29 Shirley St, 2-4 Milton St Byron Bay	J8350	Planit Consulting	September 2024
Letter and attachments from Sodiq Azeez of Greg Alderson and Associates addressing Internal	Ref: 22381 – Response To Council RFI	Sodiq Azeez – Greg Alderson and Associates	4 October 2023

Access and Manoeuvring			
Letter from Anthony from Anthony Mallam of Greg Alderson and Associates RE Assessment of Proposed Ramp in Relation to Wheel Slippage for Waste Vehicles – 29 Shirley St,	Ref: 22381_RFI Response 1 & 2_03 10 23	Anthony Mallam - Greg Alderson and Associates	3 October 2023
Plan of Management for Residential Flat building - 29 Shirley Street and 2-4 Milton Street, Byron Bay	Reference:P003835 1 Revision: 4	Urbis Ltd	11 December 2025

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.

2. Amend Condition [9] to read:

9. **Amendments to the plans required.**

Prior to the issue of the Construction Certificate amended plans are to be provided to the Certifying Authority to demonstrate:

- a) Deleted under 10.2022.371.4
- b) Deleted under 10.2022.371.4
- c) Deleted under 10.2022.371.4
- d) Deleted under 10.2022.371.4
- e) Deleted under 10.2022.371.4
- f) Deleted under 10.2022.371.4
- g) **Electric vehicle charging points.** A minimum 240-volt power outlet being provided on the basis of 1 for each and every residential unit in the basement carpark to enable electric vehicle charging.

Such plans are to be approved as part of the Construction Certificate.

3. Amend Condition [38] to read

38. **Compliance with BASIX Certificate requirements**

The commitments indicated in the BASIX Certificate No. 1815592M dated 2 October 2025 are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the measures may be undertaken without the issue of any amendment under Section 4.55 of the Act, provided that the changes do not affect the form, shape or size of the building.

Such plans and specifications must be approved as part of the Construction Certificate.

5. Amend Condition [88] to read

88. **Waste Management**

Approved Waste Management Contractor to certify that waste can be collected from the basement car park by their approved refuse collection vehicle prior to the issue of the Occupation Certificate. Details to be provided to the PCA.

6. Amend Condition [106] to read

106. **Plan of Management**

Any Strata Subdivision application and registration is to be accompanied by the approved Plan of Management for Residential Flat building - 29 Shirley Street and 2-4 Milton Street, Byron Bay Revision 4 Ref P0038351 dated 11 December 2025 prepared by Urbis Ltd.

7. Delete Condition [88B], to read

88B. Deleted under DA10.2022.371.4