



# Byron Shire Council

## SEPP 1 Register - 2013 - 2014

Council DA reference number	Lot No.	DP No.	Unit No.	Street No.	Street name	Suburb/ Town	Post code	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
<b>September 2013</b>															
10.2013.219.1	1	812820		684	Bangalow Road	TALOFA	2479	Tourist	Byron Local Environmental Plan 1988	1(a) - General Rural Zone	Clause 34 – Tourist accommodation in tourist zones	<ul style="list-style-type: none"> <li>The existing allotment is below the 20 hectare minimum</li> <li>The allotment already contains a rural tourist facility made up of 5 holiday cabins.</li> </ul>	>10%	COUNCIL	9/08/2013
10.2013.294.1	1	76859	1	40	Kingsley Street	BYRON BAY	2481	Residential - Additions	Byron Local Environmental Plan 1988	2(a) - Residential Zone	Clause 17 (7) - Floor Space Ratio of Dual Occupancies	<ul style="list-style-type: none"> <li>Utilises the existing footprint of the dwelling</li> <li>Does not detract from the streetscape</li> </ul>	<10%	COUNCIL	27/08/2013
10.2013.177.1	1	559803		10	Ewingsdale Road	EWINGSDALE	2481	Commercial - Additions	Byron Local Environmental Plan 1988	1(d) - Investigation Zone	Clause 40 - maximum height of buildings	<ul style="list-style-type: none"> <li>The proposed silo is of a height which equals that of the two existing silo structures.</li> <li>The height of the silo is necessary for the orderly operation of the facility.</li> <li>The proposal is considered to be of a height and scale which is appropriate to its location, surrounding development and the environmental characteristics of the land.</li> <li>The two existing silos structures will partially screen views of the proposed new silo structure and reduce the visual impact of the additional silo.</li> </ul>	>10%	COUNCIL	29/08/2013
10.2013.203.1	13	874882		278	Coopers Shoot Road	COOPERS SHOOT	2481	Subdivision Only	Byron Local Environmental Plan 1988	1(c1) - Small Holdings Zone	Clause 11 – Minimum lot size	<ul style="list-style-type: none"> <li>The proposal will comply with the draft LEP provisions for subdivision in the 1(c1) Zone which do not include the yield controls;</li> <li>Similar application for subdivision in Coopers Shoot whereby the yield provisions were varied under SEPP No.1.</li> </ul>	>10%	DOP	8/07/2013
<b>December 2013</b>															
10.2013.464.1	3	580668		641	Coolamon Scenic Drive	COORABELL	2478	Subdivision Only	Byron Local Environmental Plan 1988	1(a) - General Rural Zone	Clause 11 – Minimum lot size	Both Lot 3 the surrendering allotment and Lot 1 absorbing the portion subject of the proposed boundary adjustment are currently below the minimum allotment size prescribed by Clause 11 of the Byron Local Environmental Plan. Lot 3 being 26.73ha and Lot 1 being 0.8103ha. The land subject of the proposed boundary adjustment constitutes 0.0046% of Lot 3 but would have significant bearing on the amenity of Lot 1 as the residence on Lot 1 is approximately 1.5m from the existing boundary. The land encompassed by the proposed boundary adjustment will regularise a currently isolated area and will not prejudice the grazing or farming capabilities of the larger Eastern allotment.	>10%	Council	12/11/2013
10.2013.380.1	139	755695			Cemetery Road	BYRON BAY	2481	Subdivision Only	Byron Local Environmental Plan 1988	1(d) - Investigation Zone/2(a) - Residential Zone/7(a) - Wetlands Zone/7(b) - Coastal Habitat Zone	Clause 11 – Minimum lot size	The areas of non compliance are very small and the Lots themselves range from 1,184m2 (Lot 3) to 7.119 hectare. The majority of the land proposed to be developed for residential use is zoned for that use. The proposed Lot 4 land within 7(a) – Wetlands, comprising most of that lot, and located to the north of a drainage reserve, is to be preserved.	>10%	DoP	17/12/2013
10.2013.516.1	129	543430		450	Eureka Road	EUREKA	2480	Infrastructure	Byron Local Environmental Plan 1988	6(a) - Open Space Zone	Clause 40 - Maximum height	The proposed poles fall under the definition of ancillary structures to a 'recreation area' under Byron Local Environmental Plan 1988. Although greater than 9.0 metres in height, they are consistent with the existing lighting infrastructure for the rugby and soccer fields at the Byron Recreation Grounds and are essential to the optimum safe operation of the football ground.	>10%	Council	3/12/2013
10.2013.416.1	4	259624		816	Bangalow Road	TALOFA	2481	Subdivision Only	Byron Local Environmental Plan 1988	1(a) - General Rural Zone	Clause 11 – Minimum lot size	<p>The proposal will not increase the number of allotments nor the number of dwelling entitlements under Clause 15 of Byron Local Environmental Plan 1988.</p> <p>The proposal will not change the number of dwellings on each property.</p> <p>The proposed boundary adjustment will create two allotments, one with an area of 23.84ha, and the other with an area of 1.602ha. As such, neither will have subdivision potential given the minimum 40 hectare requirement within the 1(a) zone. The proposal is consistent with the objectives of the 1(a) General Rural Zones, although the small lot is less than 2ha.</p> <p>The proposed boundary adjustment does not increase potential land use conflicts and will not significantly change the agricultural potential of the land.</p>	>10%	Council	5/12/2013



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10.2013.428.1	4	599812	931	Federal Drive	GOONENGERRY	2482	Subdivision Only	Byron Local Environmental Plan 1988	1(a) - General Rural Zone	Clause 11 – Minimum lot size	<p>The proposal will not increase the number of allotments nor the number of dwelling entitlements under Clause 15 of Byron Local Environmental Plan 1988.</p> <p>The proposal will not change the number of dwellings on each property. Both of the proposed allotments will retain a single dwelling-house.</p> <p>The proposed boundary adjustment will create two allotments, one with an area of 28.783ha, and the other with an area of 1.6ha. As such, neither will have subdivision potential given the minimum 40 hectare requirement within the 1(b1) and 7(d) zones.</p> <p>The proposal is consistent with the objectives of the 1(b1) Agricultural Protection and 7(d) Scenic Escarpment Zones, although the small lot is less than 2ha.</p> <p>The proposed boundary adjustment does not increase potential land use conflicts and will not significantly change the agricultural potential of the land.</p>	>10%	Council	12/12/2013
March 2014														
10.2013.572.1	15	828349	77	Frasers Road	MULLUMBIMBY CREEK	2482	Residential - Additions	Byron Local Environmental Plan 1988	1(a) - General Rural Zone	Clause 40 - Maximum height	<ul style="list-style-type: none"> <li>• The land slopes gradually down where the variations occur. The area occupied by the variations is minimal, the variations are remote from boundaries and the variations do not result in a building height or scale which is out of character in the area.</li> <li>• The proposal does not protrude significantly above the skyline (see photo above). The floor area of the parts of the building which exceed the floor height development standard are estimated to be less than 10% of the total floor area of the dwelling-house. The outlook of the non-complaint deck areas will not cause significant overlooking impacts given that the nearest dwellings are approximately 140m to the north and 200m to the west (both within the subject multiple occupancy) with extensive intervening trees. The height and scale of the development are not out of character when compared with nearby buildings and the proposed variations will not have a significant impact on surrounding properties.</li> <li>• The proposal involves minimal disturbance to the existing landform and only requires minimal vegetation removal. The floor height approximates ground level at the eastern side however the floor height is well above ground level on the western side where the topography drops away sharply.</li> <li>• The height and scale of development is appropriate to its location, nearest development and the environmental characteristics of the land.</li> </ul>	<10%	Council	14/02/2014
10.2013.477.1	12	1177457	4a	Goolara Court	OCEAN SHORES	2481	Residential - Single new dwelling	Byron Local Environmental Plan 1988	2(a) - Residential Zone	Clause 40 - Maximum height	<p><input type="checkbox"/> The location of the building is characterised by steeply sloping land. The western corner of the dwelling-house is at or near the ground level whereas the eastern corner of the dwelling-house, where the land slopes steeply underneath the building (at a gradient of approximately 29%) is significantly raised above ground level as a result. Part of the upper floor level is the cause of the breach of the development standard, however it is only a very minimal part of the floor area of a bedroom and a narrow verandah, is remote from boundaries and does not result in a building height or scale which is out of character in the area.</p> <p><input type="checkbox"/> Surrounding development is characterised by one and two storey dwelling-houses. The position of the proposed dwelling-house is set down below the level of the land at the western corner of the site ensuring that the building will not protrude significantly above the skyline when viewed from areas to the west. The floor area of the part of the building which is above the height development standard is only a bedroom and narrow verandah. The outlook of the bedroom and verandah faces towards the eastern side of the site and the proposal will not cause significant overlooking impacts to any established residential development. The height and scale of the development are not out of character when compared with surrounding dwellings and the proposed variation will not have a significant impact on surrounding properties.</p> <p><input type="checkbox"/> The proposal involves minimal disturbance to the existing landform and does not require any tree removal. The proposed pole home design with floor level approximating the height of the ground at the western side results in a floor height on the downhill side that is well above the ground level. The majority of the floor space of the building complies with the development standard, except for an estimated 10m<sup>2</sup> out of approximately 210m<sup>2</sup> total floor area (or approximately 5%).</p> <p><input type="checkbox"/> The height and scale of development is appropriate to its location, surrounding development and the environmental characteristics of the land.</p>	<10%	Council	27/03/2014
10.2013.599.1	2	589535	214	Kings Road	FEDERAL	2481	Subdivision Only	Byron Local Environmental Plan 1988	1(a) - General Rural Zone	Clause 11 – Minimum lot size	<ul style="list-style-type: none"> <li>- Approval of the application does not result in an additional lots or dwelling entitlements;</li> <li>- The proposal is consistent with the objectives of the 1(a) General Rural zone to maintain the existing settlement pattern and rural character.</li> </ul>	>10%	DoP	25/02/2014