

Council DA reference number	Lot number	DP number	Apartment Unit number	Street number	Street name	Suburb/Town	Postcode	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 d/m/y/yyyy
<b>SEPTEMBER 2011</b>															
10.2011.113.1	LOT: 3 DP: 571934	571934		40	St Helena RD	MCLEODS SHOOT	2481	Subdivision Only	Byron LEP	1(a) - General Rural Zone/7(d) - Scenic Escarpment	Clause 11 Byron LEP	Compliance with the minimum 40 hectare lot size development standard is unreasonable and unnecessary as the existing allotments are both already below 40 hectares	>10%	COUNCIL	11/08/2011
10.2011.151.1	LOT: 61 DP: 845326	845326		18	Kamala CRT	COOPERS SHOOT	2479	Subdivision Only	Byron LEP	1(a) - General Rural Zone/1(c1) - Small Holdings Z	Clause 11 Byron LEP	compliance with the minimum 40 hectare lot size development standard is unreasonable and unnecessary as the existing allotments are already below 40 hectares.	>10%	COUNCIL	25/08/2011
10.2010.603.1	LOT: 1 DP: 853706	853706		9	Clifford ST	SUFFOLK PARK	2481	Residential - New multi unit	Byron LEP	2(a) - Residential Zone/3(a) - Business Zone	Clause 40 - Height of Buildings (Byron LEP)	1. Overall height, scale and bulk is acceptable having regard to the environmental characteristics of the land; 2. Located adjacent to and partly within the 3(a) Business Zone; 3. Design of the development in terms of the achieved boundary setbacks.	>10%	COUNCIL	25/08/2011
<b>DECEMBER 2011</b>															
10.2011.242.1	LOT: 4 DP: 259998	259998		138	Yankee Creek RD	MULLUMBIMBY CREEK	2482	Subdivision Only	Byron LEP	1(c1) - Small Holdings Zone	Clause 11 - Byron LEP - Minimum Lot Size	compliance with the minimum 40 hectare lot size development standard is unreasonable and unnecessary as the existing allotments are already below 40 hectares.	>10%	COUNCIL	13/10/2011
10.2011.325.1	LOT: 365 DP: 704227	704227		62	Broken Head RD	BYRON BAY	2481	Infrastructure	Byron LEP	6(b) - Private Open Space Zone/7(a) - Wetlands Zon	Clause 40 - Maximum height Byron LEP	Single slimline construction rather than conventional building; Height of the structure is a technical imperative; Provide opportunity for co-location; Visual impact minimised due to existing vegetation and separation from surrounding development.	>10%	COUNCIL	13/10/2011
10.2011.334.1	LOT: 22 DP: 1070522	1070522			Ballina RD	BANGALOW	2479	Subdivision Only	Byron LEP	2(a) - Residential Zone	Clause 11 - Byron LEP - Minimum Lot Size	The majority of the land is zoned 2(a) Residential and is clearly intended for residential purposes; No further dwelling entitlement will be created by the boundary adjustment; The rural land is unable to maintain large scale agricultural activities	>10%	DOP	01/12/2011
10.2011.248.001	LOT: 2 DP: 804764	804764		1088	Main Arm RD	UPPER MAIN ARM	2482	Subdivision Only	Byron LEP	1(a) - General Rural Zone	Clause 11 - Byron LEP - Minimum Lot Size	Minimal traffic increase; No loss of agricultural land;	>10%	COUNCIL	15/12/2011
<b>MARCH 2012</b>															
010.2011.00000359.001	LOT: 1 DP: 1048569	1048569		1	Mullumbimby RD	MYOCUM	2482	Subdivision Only	Byron LEP	1(d) - Investigation Zone/1(e) - Extractive Resour	Clause 11 - Minimum lot size	The development will not result in fragmentation of the 1(d) zoned land, and There is no public benefit in maintaining the 40 hectare minimum lot size development standard for the proposed development.	>10%	DOP	09/02/2012
010.2011.00000319.001	LOT: 196 DP: 755687	755687			Main Arm RD	MULLUMBIMBY	2482	Subdivision Only	Byron LEP	1(a) - General Rural Zone/2(a) - Residential Zone	Clause 11 - Minimum Lot Size	The development will not result in inappropriate fragmentation of rural land, and There is no public benefit in maintaining the 40 hectare minimum lot size development standard for the proposed development.	<10%	DOP	09/02/2012
010.2011.00000377.001	LOT: 77 DP: 1031773	1031773			Parrot Tree PL	BANGALOW	2479	Subdivision Only	Byron LEP	1(b1) - Agricultural Protection Zone/2(a) - Residen	Clause 11 - Minimum lot size	The majority of the lot is zoned 2(a) Residential and is clearly intended for residential purposes;	>10%	DOP	09/02/2012
010.2011.00000574.001	LOT: 162 DP: 755692	755692		3822	Pacific HWY	TYAGARAH	2481	Subdivision Only	Byron LEP	1(a) - General Rural Zone/9(a) - Proposed Road Zon	Clause 11 - Minimum lot size	The development will not result in inappropriate fragmentation of rural land; There is no public benefit in maintaining the 40 hectare minimum lot size development standard for the proposed development.	<10%	DOP	05/03/2012
<b>JUNE 2012</b>															
10.2011.524.1	LOT: 7 DP: 255770	255770			Coopers Shoot RD	COOPERS SHOOT	2479	Subdivision Only	Byron LEP	1(a) - General Rural Zone/1(c1) - Small Holdings Z	Clause 11 (Minimum lot size)	1. The area of the existing allotment is less than the 40ha requirement;	>10%	DOP	12/04/2012
10.2001.411.1	LOT: 81 DP: 605948	605948		45	Monet DRV	MONTECOLLUM	2482	Subdivision Only	Byron LEP	1(a) - General Rural Zone	Clause 11 (Minimum lot size)	1. the area of the existing allotment is already less than the 40 hectare minimum; 2. Dwelling already exists on proposed Lot 1 and the subdivision will not result in an intensification of use.	>10%	DOP	12/04/2012
10.2011.514.1	PT: 7 DP: 1125308	1125308		409	Bangalow RD	HAYTERS HILL	2481	Subdivision Only	Byron LEP	1(a) - General Rural Zone/7(j) - Scientific Zone	Clause 11 (Minimum lot size)	1. The development will not result in inappropriate fragmentation of rural land; 2. There is no public benefit in maintaining the 40 hectare minimum lot size development standard for the proposed development	>10%	DOP	16/05/2012
10.2012.2.1	LOT: 10 DP: 270196	270196		2	Alcorn ST	SUFFOLK PARK	2481	Tourist	Byron LEP	7(a) - Wetlands Zone/7(f1) - Coastal Lands Zone/7	Clause 11 (Minimum lot size)	1. The proposal is consistent with the approved development of the land; 2. The subdivision will not cause detrimental impacts to the surrounding area; 3. The dwelling already co-exists with the surrounding sensitive areas.	>10%	DOP	17/05/2012
10.2012.148.1	LOT: 32 DP: 853050	853050		14	Rankin DRV	BANGALOW	2479	Residential - Single	Byron LEP	2(a) - Residential Zone	Clause 40 (Height of Buildings)	<ul style="list-style-type: none"> <li>The proposed development is consistent with existing surrounding development in terms of height.</li> <li>The proposed variation does not raise any matters for state or regional environmental planning.</li> <li>The proposed variation does not compromise the integrity of the subject development standard.</li> <li>Given the size of the lot (816m<sup>2</sup>), the existing topography, the generous setbacks of the building from property boundaries and existing and proposed screening vegetation, the proposed height variation will not result in significant adverse visual impacts on the locality as viewed from surrounding properties or public road, and</li> <li>The proposed variation satisfies the objectives of Clause 40 in that, the height and scale of the development is appropriate to its location, surrounding development and the environmental characteristics of the land.</li> </ul>	>10%	COUNCIL	30/05/2012
10.2012.159.1	LOT: 1 DP: 1154901	1154901		2	Seaview ST	BYRON BAY	2481	Residential - New se	Byron LEP	2(a) - Residential Zone	Clause 22 (3) (b) of the SEPP	The information provided demonstrates that the variation to the minimum floor area will have no significant impact on the amenity of any residents on adjoining or nearby land as the building has existed as a studio since 2003.	>10%	COUNCIL	07/06/2012
10.2012.6.1	LOT: 77 DP: 1031773	1031773			Parrot Tree PL	BANGALOW	2479	Subdivision Only	Byron LEP	2(a) - Residential Zone	Clause 11 (Minimum lot size)	<ul style="list-style-type: none"> <li>Proposed Lots 17 and 28 for residential use retain small areas of rural zoned land, insufficient to sustain a viable agricultural pursuit or unsited to intensive agricultural use in proximity to residential land; and</li> <li>The proposal does not result in further fragmentation of rural land as the rural zoned land in the holding is already well below the 40ha minimum for land zoned 1(b1).</li> </ul>	>10%	DOP	07/06/2012
10.2011.515.1	LOT: T DP: 6270	6270		46	Paterson LN	BYRON BAY	2481	Residential - New se	SEPP(ARH)2	2(a) - Residential Zone	Clause 22 (3) (b) of the SEPP	<p>Strict compliance with the standards is unreasonable for the following reasons:</p> <ul style="list-style-type: none"> <li>The building is an existing functioning building.</li> <li>The application of the standards would prohibit the use of the building, which was approved for the purpose of a dwelling, to be used as a dwelling.</li> </ul> <p>Further to this, the following matters are relevant in the context of unreasonableness</p> <ul style="list-style-type: none"> <li>The proposed use of the existing building supports the principles of sustainability.</li> <li>Clause 22 (3) (b) of the SEPP(ARH) 2009 states that the maximum floor area is to be 60m<sup>2</sup> unless permitted by another planning instrument. The existing building was approved under a planning instrument that permitted the use of this building as a dwelling prior to the introduction of the SEPP</li> </ul>	<10%	COUNCIL	13/06/2012
10.2011.413.1	LOT: 1 DP: 127485	127485		59	Lismore RD	BANGALOW	2479	Subdivision Only	Byron LEP	1(a) - General Rural Zone/1(d) - Investigation Zon	Clause 11 (Minimum lot size)	<ul style="list-style-type: none"> <li>the area of the existing allotment Lot 1 DP 127485 has a total area of approximately 23.49 hectares within the 1(a) General Rural Zone. The allotment is already less than the 40 hectare minimum;</li> <li>the objection has planning merit by facilitating the subdivision of land within the 2(a) Zone to create 42 residential allotments which satisfy or exceed the minimum residential Lot size;</li> <li>Proposed Lot 43 has an area of 2525m<sup>2</sup> and is predominantly located within the 1(a) General Rural Zone is;</li> <li>to be used for the purposes of a public park (recreation area);</li> <li>a recreation area is a permissible use within the 1(a) General Rural Zone;</li> <li>the subject land to be dedicated to Council to be maintained as public park;</li> <li>land will act as a buffer between rural and residential landuses.</li> </ul>	>10%	DOP	28/06/2012
10.2012.45.1	LOT: 12 DP: 1156248	1156248		142	McGettigans LN	EWINGSDALE	2481	Subdivision Only	Byron LEP	1(c2) - Small Holdings Zone	Clause 11 (Minimum lot size)	Concurrence was granted in this instance because the proposal is consistent with the zoning of the land and the proposal will not impact on the land zoned for environmental protection. It is noted revegetation of some currently cleared land will be undertaken with the proposal, the plantings will include koala food tree species and that the proponent will seek to restrict cats and dogs in the future subdivision to minimise potential impacts on existing fauna. These actions are likely to result in a positive environmental outcome for the site.	>10%	DOP	28/06/2012