



**Byron Shire Council
SEPP 1 Objection Register
2010/11**

Council DA reference number	Lot number	DP 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 dd/mm/yyyy
010.2010.0000062.001	LOT: 17 DP: 258780	258780	25	Paterson ST	BYRON BAY	2481	Residential - Single new dwelling	LEP	2(a) - Residential Zone	Clause 40 - Height of building	<ul style="list-style-type: none"> The information provided demonstrates that the variation to the height of the topmost floor will have no significant impact on the amenity of the residents on the site and on adjoining land. The proposed building design is compatible with the predominantly double storey theme of development on both this site and the adjoining site. This report concludes that Council may be satisfied that the objection is well founded and that the granting of consent to this development application is consistent with the aims of this Policy. As the uppermost floor is to be constructed over an existing storey below strict compliance with this development standard is not possible without a reduction in the ceiling height below, therefore strict compliance with the standard would inhibit the development 	<10%	COUNCIL	06/08/2010
010.2010.00000323.001	LOT: 3 DP: 706286	706286	249	Ewingsdale RD	BYRON BAY	2481	Community Facility	LEP	6(a) - Open Space Zone/7(k) -	Clause 40 - Height of buildings	<ul style="list-style-type: none"> The visual impact of this height will be materially mitigated due to the setbacks of the proposed building from roads and adjacent lands. This will likely be the only large building on the 40 ha site – other future buildings will likely be limited to a possible caretaker's cottage and management/storage sheds for environmental works on the majority part of the site. The height of the building is essential for the building to provide its proposed usage. The proposed usage will benefit the attainment of Objectives 5(a)(i) and (ii) of the Act 	>10%	COUNCIL	26/08/2010
010.2010.00000331.001	LOT: 231 DP: 755692	755692	14	South Beach RD	BRUNSWICK HEADS	2483	Residential - Single new dwelling	LEP	2(a) - Residential Zone	Clause 40 - Height of Buildings	As the existing building was constructed before the current height requirements of Clause 40 of Byron Local Environmental Plan 1988, an objection under State Environmental Planning Policy No.1 is supported to allow the additions to be carried out.	>10%	COUNCIL	09/09/2010
010.2010.00000352.001	LOT: 7 DP: 610381	610381	840	Wilson's Creek RD	WILSONS CREEK	2482	Subdivision Only	LEP	7(c) - Water Catchment Zone	Clause 11 - Minimum Lot Size	<p>The proposed development comprises a boundary adjustment that involves the excision of less than 1% of a lot area and the addition of this area to a much smaller lot that will create a capacity for satisfactory bush fire safety provision, in the particular the provision of an asset protection zone on Lot 7, which is not currently the case.</p> <p>The land is bush fire prone and the existing house on Lot 7 is setback 2.4 m from the western boundary of the lot. Planning for bushfire Protection 2006 provides that asset protection zones, which are a critical element of the provision of adequate bush fire safety for dwellings, should be located on the same site as the dwelling to which the bush fire safety provisions relate. The 2.4m setback is evidently and grossly inadequate. This is recognised in the bush fire safety conditions in DA 10.2008.637.11 for additions to the dwelling on Lot 7 which include the requirement for a 1.8m high radiant shield fence along the western boundary to extend 10m past the building. This requirement recognises that adjacent land cannot be relied upon for the maintenance of an asset protection zone as the proposed development will increase the western setback.</p>	>10%	COUNCIL	07/10/2010



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010.2010.00000410.001	LOT: 12 DP: 285106	285106	42	Macgregor ST	SUFFOLK PARK	2481	Residential - Single new dwelling	LEP	7(12) - Urban Coastal Lands Zone	Clause 40 - Height of buildings	<ul style="list-style-type: none"> The proposed development complies with the overall height limit of 9.0 metres. The proposed variation does not result in any additional impacts in terms of height, bulk, scale or external appearance. The proposed development is consistent with existing surrounding development in terms of height. The proposed variation does not raise any matters for state or regional environmental planning. The proposed variation does not compromise the integrity of the subject development standard. Given the size of the lot (833m²), 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, the beach or public road, and <ul style="list-style-type: none"> The proposed variation satisfies the objectives of Clause 40 in that, <ul style="list-style-type: none"> It achieves a building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet, and The height and scale of the development is appropriate to its location, surrounding development and the environmental characteristics of the land. 	16% variation to 4.5m upper floor level	COUNCIL	20/10/2010
010.2010.00000404.001	LOT: 1 DP: 129374	129374		Vallances RD	MULLUMBIMBY	2482	Infrastructure	LEP	1(a) - General Rural Zone/1(b1)	Clause 40 - Height of building	<ul style="list-style-type: none"> The proposed development site is, while elevated, not visually prominent when viewed from southern aspects due to its distance from housing and public roads and the background vegetation when so viewed. The proposed variation does not raise any matters for state or regional environmental planning. The proposed variation does not compromise the integrity of the subject development standard. Given the size of the development site, the existing topography, the generous setbacks of the building from property boundaries, the proposed height variation will not result in significant adverse visual impacts on the locality as viewed from surrounding properties, the beach or public road, and <ul style="list-style-type: none"> The proposed variation satisfies the objectives of Clause 40 in that, <ul style="list-style-type: none"> It achieves a building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet, and There is no public benefit in maintaining the planning controls adopted by the environmental planning instrument in this instance. In fact the public amenity is improved by the addition of the Porte Cochere. The height and scale of the development is appropriate to its location, surrounding development and the environmental characteristics of the land. 	<10%	COUNCIL	11/11/2010
010.2010.00000516.001	LOT: 100 DP: 1140928	1140928	113	Orana RD	OCEAN SHORES	2483	Commercial / retail / office	LEP	1(d) - Investigation Zone/6(b)	Clause 40 - Height of buildings	<ul style="list-style-type: none"> The proposed variation does not raise any matters for state or regional environmental planning. The proposed variation does not compromise the integrity of the subject development standard. Given the size of the development site, the existing topography, the generous setbacks of the building from property boundaries, the proposed height variation will not result in significant adverse visual impacts on the locality as viewed from surrounding properties, the beach or public road, and <ul style="list-style-type: none"> The proposed variation satisfies the objectives of Clause 40 in that, <ul style="list-style-type: none"> It achieves a building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet, and There is no public benefit in maintaining the planning controls adopted by the environmental planning instrument in this instance. In fact the public amenity is improved by the addition of the Porte Cochere. The height and scale of the development is appropriate to its location, surrounding development and the environmental characteristics of the land. 	<10%	COUNCIL	23/12/2010
010.2010.00000519.001	LOT: 12 DP: 1017165	1017165	236	St Helena RD	MCLEODS SHOOT	2481	Residential - Single new dwelling	LEP	7(d) - Scenic Escarpment Zone	Clause 40 - Height of buildings	<ul style="list-style-type: none"> The proposal is consistent with objective 1(a) as the maximum height of the finished roof does not exceed 9.0m. The proposal is also considered to be consistent with objective 1(b) as the height and scale of development is considered to be appropriate. 	Requirement: 4.5 metres - Approved: 5.9 metres	COUNCIL	10/03/2011