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Ubicumque

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Extensive Rebuilding of 27 January, 2022

# ASSESSMENT OF DEVELOPMENT POTENTIAL

Lot 164 D.P.859228 No 9 Kamala Ct. Coopers Shoot.

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## **ZONING & PROPERTY PLAN**

**Lot 164 D.P.859228 No 9 Kamala Ct. Coopers Shoot**

**Majority Western Areas of the property  
zoned Large Lot Residential R5 under Byron LEP 2014.**

**The eastern areas marked DM (Deferred Matter)  
remain 1(c1) under the provisions of the old 1988 LEP.  
Soon to be rezoned to R5 to  
accord with the majority of the site.**



**Extreme Eastern Areas Zoned RU2 Rural Landscape  
under Byron LEP 2014**

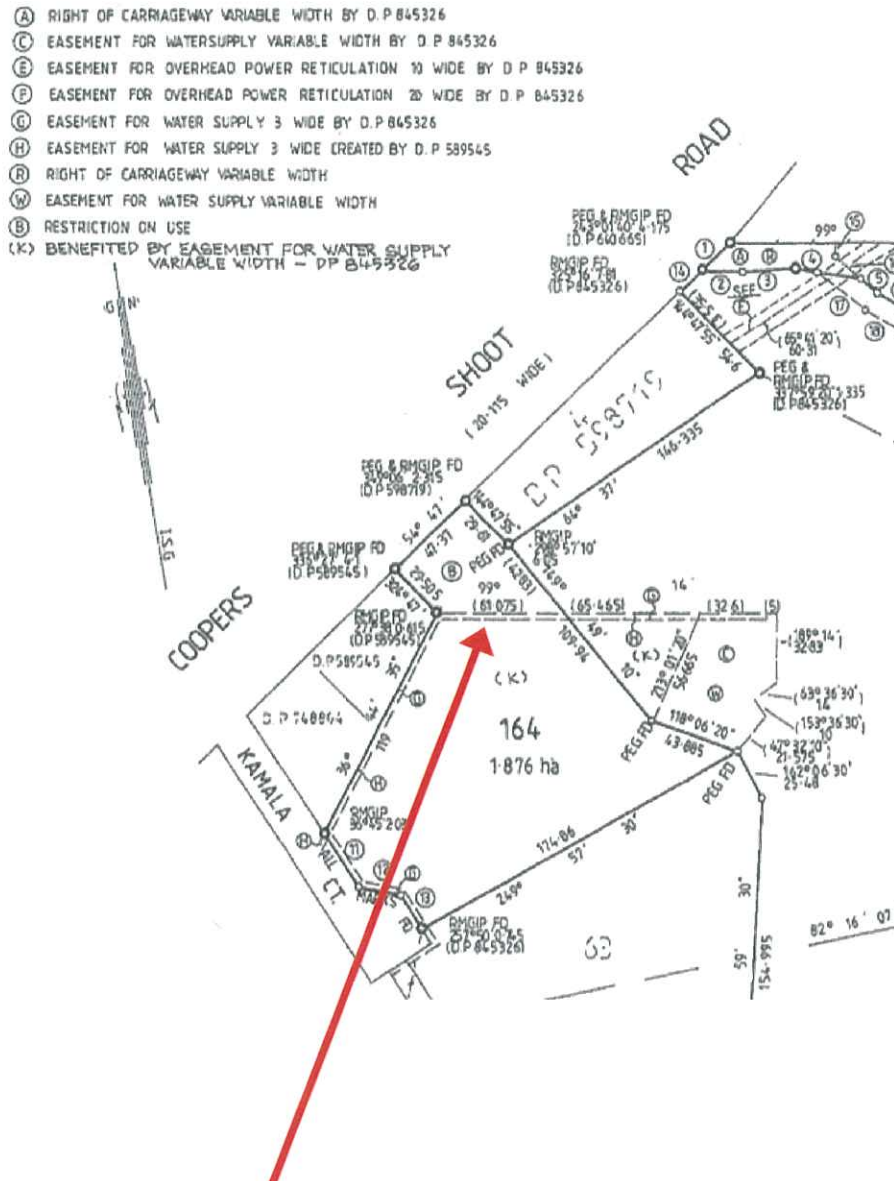


## 1 INTRODUCTION

This report gives an overview of the development potential of the subject property, being Lot 164 D.P.859228 No 9 Kamala Ct. Coopers Shoot. Approx area of 1.876ha.

The site is located on the eastern side of Kamala Court, with its northern boundary also fronting Coopers Shoot Road. The site is located on the elevated edge of the coastal escarpment looking east to the Pacific Ocean from the elevated areas.

This site is located only 4.5km south of the town of Byron Bay in Northern N.S.W.



The site is only burdened by a small water supply easement running east west through the northern section of the property.

As detailed on the introductory map, the property is contained within a number of Statutory Zones.

The majority western and northern section of the property is zoned Large Lot Residential R5 Byron LEP 2014. With the Deferred Area soon to also be Zoned R5 during 2022.

The extreme SE corner if Zoned RU2 Rural Landscape.





## 2 ZONING AND PERMISSIBLE USES –

### 2.1 Zone R5 Large Lot Residential

#### 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### 2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Horticulture

#### 3 Permitted with consent

Bed and breakfast accommodation; Business identification signs; **Dual occupancies**; Dwelling houses; Extensive agriculture; Home industries; Neighbourhood shops; Plant nurseries; Roads; Roadside stalls; **Secondary dwellings**; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

#### 2.1.1 Permissible Landuse Definitions:

##### Dwelling Development

Max. Height to top of roof 9m. i.e. two storeys.

Design to Sun, Living Areas and Private Court Yards to north. Floor Space ratio 0.5:1.

On this basis dwellings with very large floor areas would be permissible.

##### Expanded Dwelling

In relation to the potential for an Expanded Dwelling, redevelopment of the site can meet these D.C.P. requirements as follows:-

- 1) Maximum of 3 out buildings.
- 2) All out buildings to be within 20m of core building.
- 3) Main building to contain Common Living Area and a Kitchen.
- 4) The three out buildings are to be connected to the main building by all weather paths.
- 5) No separate driveway or carport is to be provided to the out buildings.
- 6) One out building can be a maximum of 45 sq. metres, and the other two can be 30 sq. metres, None of these out buildings can contain a kitchen or the like.
- 7) One bedroom with an ensuite per out building.
- 8) Only one expanded dwelling is possible per allotment.





The conclusion to be drawn is that if an application is submitted for an Expanded Dwelling, it is most likely to be approved as the site can meet all of the assessment criteria.

### **Dual Occupancy Development (Two Houses)**

Parking 2 covered spaces per dwelling; Max. Height to top 9m.

Solar Orientation, Living Areas to North.

Building Height Plane must be met in relation to all boundaries.

***N.B. Dual Occupancy Buildings within the R5 Zone can be attached or detached, with no limit on their distance from each other. Engineers advice on sight distance would be required for separate driveways off Kamala Ct. and Coopers Shoot Road.***

### **Bed & Breakfast Development**

In general the main design requirements, in addition to parking (one space per bedroom with one a disabled access parking space), are no more than 5 bedrooms for accommodation. Max. Height to top 9m, Min. Setback to road B'ndry 15m.

Design to Sun, Living Areas and Private Court Yards to north. Floor Space ratio 0.5:1.

**One option is two dwellings, with each to have 3 expanded dwelling modules, and one dwelling to be able to apply for the use of its 3 modules for guest accommodation as a Bed and Breakfast.**

**In this case one of the guest bedrooms will need to be disabled accessible.**

### **Caravan**

One caravan can be parked proximate to the main dwelling without any approval provided it is occupied by someone associated with the household of the existing dwelling.

### ***Recreation facility (indoor)***

A building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

## **3. Subdivision**

Councils Byron LEP 2014 mapping shows the minimum allotment size for subdivision is 2.5ha. As such, with the property only having an area of approx 1.876ha., then no further subdivision is possible.

Despite this, boundary adjustments with adjoining properties are permitted, provided that they are not significant in terms of area or shape changes.

### **Clause 4.1C Minimum subdivision lot size for boundary adjustments in certain rural and residential zones**

(1) The objectives of this clause are as follows:

(a) to permit boundary adjustment subdivision between existing lots in rural areas where one or more of the resulting lots would be less than the minimum subdivision lot size,

(b) to ensure that the subdivision does not create additional lots or additional opportunities for dwelling houses,

(c) to ensure that the boundary adjustment subdivision will result in:

(i) a minimisation of further fragmentation and alienation of resource lands or lands with natural or ecological values,

(ii) the minimisation of land use conflict,

(iii) the maintenance of the rural character, environmental heritage and/or scenic quality of the land.

(2) This clause applies to land in the following zones:

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,



(c) Zone R5 Large Lot Residential.

(3) Despite clause 4.1, development consent may be granted for a subdivision that consists of an adjustment of boundaries between existing lots where the size of one or more of the resulting lots will be less than the minimum subdivision lot size shown on the [Lot Size Map](#) in relation to those lots, if:

(a) **the subdivision will not result in the creation of any additional lots or the opportunity for additional dwellings (or both), and**

(b) the subdivision will minimise the further fragmentation and alienation of resource lands or lands with natural and ecological values, and

(c) the subdivision is likely to minimise actual or potential land use conflict, and

(d) the subdivision is not likely to affect the rural character, environmental heritage and scenic quality of the land.

## 4. Constraints

Council Bushfire Mapping and the NSW Biodiversity Conservation Act Mapping shows the site is unconstrained.

## 5 D.A. Considerations

### **Preparation of Plans, and Statement of Environmental Effects and Planning Report.**

These can be prepared by this office for any of the permissible forms of development available to the site, and we can organise relevant sub consultants.

At a minimum we will need a detailed survey (Approx \$3,000); Soil Contamination Tests (Approx \$2,000); On Site Waste Water Management Designs (Approx \$2,000 for Dual Occupancy); Design of Buildings (Approx 1.5% of construction costs);

Planning Reports (Approx \$7,000 to \$15,000 depending on the proposal).

**D.A. preparation, 10-20 weeks depending on project.**

**D.A. consideration by Council 16 weeks.**

**NB Consent issued by Council valid for 5 years.**

Contributions will be required to be paid to Council for any type of development beyond a single dwelling (Approx \$12,000 for the Detached Dual Occupancy).

Contributions will vary depending on the construction cost and the amount of traffic likely to be generated.

## 6 CONCLUSION

It is considered that this development site, due the proposed favourable zoning of the land to a majority R5 Zoning, and the location of the site close to Byron Bay, all combine to make this property one with very good development potential.

On this basis we would expect that subject to a sympathetic design, Council would support the construction of one or two dwellings, provided earth tone colours were used, compliance with DCP 2014 provisions were achieved, and onsite waste water management was addressed as part of the DA.

Should you have any questions, do not hesitate to contact me.

CHRIS LONERGAN. B.A. (Town Planning UNE)  
27<sup>th</sup>. January 2022.