

REASONS FOR REFUSAL

1. The application is not satisfactory having regard to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979* because the proposed development is incompatible with the Objectives of the RU2 Rural Landscape zone given the proposal is not small scale and will adversely affect the rural landscape character of the land.
2. The application is not satisfactory having regard to Section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as the proposed development does not comply with the requirements of Clause 6.8 Rural and nature-based tourism development in *Byron Local Environmental Plan 2014*. The proposed development is not considered to be low scale or low impact and is not complementary to the rural and environmental attributes of the land given the excessive scale and density of the proposal.
3. The application is not satisfactory having regard to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, because the proposed development fails to satisfy the Performance Criteria and Objectives of Byron DCP 2014, Parts D3.2.3 and D3.3.4. The proposal is not low scale and is inconsistent with the relevant Aims, Guiding Principles, Best Practice Guidelines and Performance Standards contained in Chapters 7 and 8 of the *Byron Rural Settlement Strategy 1998*.
4. The application is not satisfactory having regard to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, because the proposed development fails to satisfy the Performance Criteria and Objectives of Byron DCP 2014, Part B14.2 Excavation and fill in all zones and Clause 6.2 Earthworks of Byron LEP 2014. The depth and extent of earthworks is likely to detract from the existing and future character, and amenity of the surrounding rural area. The depth and extent of earthworks is likely to detract from existing and design future character of the surrounding rural area.
5. The application is not satisfactory having regard to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development fails to satisfy Byron DCP 2014, Chapter B8 Waste Minimisation and Management. Insufficient information has been provided to demonstrate how waste can be stored and collected from the development in an efficient and orderly manner.
6. The application is not satisfactory having regard to Section 4.15(b) of the *Environmental Planning and Assessment Act 1979*, insufficient information has been provided to demonstrate that the development is capable of operating without adversely affecting the amenity of the area as a result of noise.
7. The Application is not satisfactory having regard to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* as the development is not in the public interest because the proposed development is inconsistent with the provisions of *Byron Local Environmental Plan 2014* and *Byron Development Control Plan 2014* which have been the subject of extensive community consultation. Approving the application in such circumstances is likely to set an undesirable precedent.