

| 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 |
|--------------------------------|---------|--------|----------|------------|-----------------------|-----------------|-----------|---|---|--|--|--|---------------------------|----------------------|--------------------------------|
| MARCH - MAY 2018 | | | | | | | | | | | | | | | |
| 10.2017.641.1 | | 3 | 1235916 | | 204 Balaith Lane | Ewingsdale | | 2481 Alterations and Additions to Existing Dwelling House | 1988 Byron Local Environmental Plan | R5 Large Lot Residential / 7(d) (Scenic / Escarpment Zone) | Clause 40 of Byron Local Environmental Plan 1988 | The DA proposes alterations and additions to an existing dwelling house. The building has a proposed maximum height of 9.35m which is slightly above the 9m maximum development standard (approximately a 3.9% variation) and the application is accompanied by a well founded SEPP 1 objection in this regard | 3.90% | Assumed concurrence | 13/02/2018 |
| 10.2017.691.1 | | 93 | 1232439 | | 42 Corella Crescent | Mullumbimby | | 2482 Dual Occupancy (Detached) | Byron Local Environmental Plan 2014 | R2 Low Density Residential | BLEP 2016 Cl.4.1E Minimum lot size for dual occupancy | Part (2) of this clause specifies that, in the R2 zone, the minimum lot size for dual occupancy (detached) is 800m ² . The site has an area of 784.4m ² . The variation to the standard is very minor and the development otherwise complies with key density controls, such as FSR. The development is consistent with the urban form and density of development in this newly released residential area | 1.95% | Assumed concurrence | 2/02/2018 |
| 10.2017.429.1 | | 42 | 1232435 | | 31 Charlotte Street | Bangalow | | 2479 Dual Occupancy (Detached) | Byron Local Environment Plans 2014 and 1988 | Part R2 Low Density Residential/Part R1 Primary Production/Part DM Deferred Matter – 1A General Rural Zone | 4.1E Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings | The development application proposes a dual occupancy (detached) on an allotment within the newly created residential estate on Charlotte Street, Bangalow. The site is dual zoned R2 low Density Residential and R1 Primary Production. | 30% | Council | 19-Apr-18 |
| 10.2017.460.1 | | 100 | 1178907 | | 54 Jones Road | Wooyung | | 2483 Utility Installation: Telecommunications Tower | Byron Local Environment Plans 1988 | Part R1 Primary Production/Part DM Deferred Matter – 7(k) Habitat Zone | Clause 40 – Height of buildings - pm maximum height permitted | Telecommunications Tower with a height of 38.5m | 425.00% | Council | 24/05/2018 |
| JUNE - SEPTEMBER 2018 | | | | | | | | | | | | | | | |
| 10.2018.25 | | 1 | 1233509 | | 31 Blackwood Crescent | Bangalow | | 2479 Subdivision: Two (2) Lots into Three (3) Lots | Byron Local Environment Plans 2014 and 1988 | Part R2 Low Density Residential/Part R3 Medium Density Residential/Part DM Deferred Matter – 1(a) (General Rural) Zone | Clause 11 - Subdivision in rural areas for agriculture etc | Creation of 4.376ha lot in Zone 1(a) with 40ha minimum lot size requirement | 915% | Council | 21/06/2018 |
| 10.2017.628.1 | 1 & 7 | | 271119 | | 28 Parkes Avenue | Byron Bay | | 2481 60 x 1 & 2 bedroom apartments, plus subdivision to create 1 additional community lot | Byron Local Environmental Plan 2014 | B4 Mixed Use | BLEP 2014 Cl.4.3.9.0m building height limit | The units are proposed within four (4) buildings, each of which contains a "monitor roof" along part of the ridge of the main roof line. The monitor roof feature provides for natural ventilation and light to the mezzanine bedrooms of the upper floor. The roof form and building scale responds to the character of built form in the locality. The buildings will not overshadow or overlook any other development, as the land immediately to the west is retained for environmental purposes | varies - between 5% & 10% | Assumed concurrence | 24/06/2018 (approved by JRPP) |
| 10.2018.233.1 | | 1 | 202997 | | Wilsons Creek Road | Wilsons Creek | | 2482 Mobile Telecommunications | Byron Local Environmental Plan 1988 | 7(c) (Water Catchment Zone) | Clause 40 height, 9.0m height | Application refused. | 289.00% | Application refused. | Application refused 20/9/2018. |
| 10.2017.160.1 | | 1 | 309925 | | 21 Fawcett Street | Brunswick Heads | | 2483 Residential flat building | Byron Local Environmental Plan 2014 | R2 Low Density Residential | Clause 4.4 Floor space ratio | Proposed variation consistent with objectives of standard and zone. | 6% | Assumed concurrence | 13/07/2018 |
| OCTOBER - DECEMBER 2018 | | | | | | | | | | | | | | | |

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| 10.2018.125.1 | | 2 | 1145775 | | 9 | Wollumbin Street | Byron Bay | | 2481 | Dwelling house secondary dwelling swimming pool | Byron Local Environmental Plan 2014 | R2 Low Density Residential | Clause 4.3 Height of Building - 9m | Parts of the roof are above the maximum 9 metres. Amended plans were submitted to reduce the building height to reduce the overall bulk of the building as it presents to the street. The site is steeply sloping and adjoining properties are immediately to the east and west, therefore overshadowing impacts are not considered to be an issue and the minor breaches of the building height plane on the lowest part of the site. For these reasons it is considered to be reasonable in the circumstances of the case to permit an exception to the development | The variation is 5%. | Assumed concurrence | 25/10/2018 |
| 10.2018.290.1 | LOT: 1 | DP: 1244945 | | 2 | 40 | Corkwood Crescent | Suffolk Park | | 2481 | Dwelling house and swimming pool | Byron Local Environmental Plan 2014 | R2 Low Density Residential | Clause 4.3 Height of Building - 9m | Parts of the roof is above the maximum 9 metres. The variation is 800mm and therefore less than 10 %. Due to the levels required to achieve access from the driveway that was previously constructed under a subdivision approval for 40-42 Corkwood Crescent the levels have to tie in to this. The site is steeply sloping | 8.8% - 800mm over the max is 9 m (less than 10 % Variation) | Assumed concurrence | 26/10/2018 |
| 10.2017.510.1 | LOT: 21 DP: 247289, LOT: 5 SEC: 51 DP: 758207, LOT: 6 SEC: 51 DP: 758207 | LOT: 21 DP: 247289, LOT: 5 SEC: 51 DP: 758207, LOT: 6 SEC: 51 DP: 758207 | | | 137-139 Jonson, 3 Browning Street | 137-139 Jonson, 3 Browning Street | Byron Bay | | 2481 | Mixed use development comprising demolition of all existing structures removal of vegetation and construction of commercial premises, cafe, child care centre, shop top housing, serviced apartments and associated basement carparking and landscaping. | Byron Local Environmental Plan 2014 | B2 Local Centre | Clause 4.3 Height of Building - 9 m; Clause 4.4 Floor Space Ratio | The Panel refused the Clause 4.6 variation request for the following reasons: a. The extent of the non-compliance with the development standard (height of buildings) is excessive (Being most of the top level of Building 1 and all of the top level of Building 2); b. The applicant's justification relies on the proposed amendment to the height control planning Proposal 26.2017.6.1, a proposal that has not passed the Gateway stage, has not been publicly exhibited, and the making of which is neither imminent nor certain; c. Notwithstanding the applicant's reliance on Planning Proposal 26.2017.6.1, the applicant proposes four storey buildings rather than the preferred three storey building anticipated in the Byron Bay Master plan which preceded the Planning Proposal; d. The applicant has not demonstrated any particular site characteristics that justify the proposed variation; e. The applicant has not addressed the relationship of the proposed variation to existing or potential future buildings to the north and east of the site, nor the context of the development, apart from considering land to the west across Jonson Street which is subject to a different height control. - Therefore, the applicant's request does not demonstrate sufficient planning grounds to justify contravening the development standard. | - All parts of the proposed roof and upper walls at 4 storeys are above the 9 metre height limit. The tallest part of the building is the southern lift overrun being 12.2 metres above existing ground level below. - The total proposed gross floor area of the building is 4,379.6 m ² on a site area of 2,834.8 m ² , which is an FSR of 1.54:1. | Assumed concurrence | Refused JRPP 14/11/2018 |
| 10.2018.86.1 | LOT: 339 | dp: 755492 | | | | Old Pacific Highway | Brunswick Heads | | 2483 | Installation of 30m High | Byron Local Environmental Plan 2014 | RE2 Private Recreation | Clause 4.3 Height of Building - 9m | The building has a proposed maximum height of approximately 31.5m | The extent of the variation is approximately 250% | Assumed concurrence | 22/11/2018 |
| 10.2018.237.1 | LOT: 4 | DP: 748585 | | | 168 | Grays Lane | Tyagarah | | 2481 | Dwelling House and Three (3) Swimming Pools | Byron Local Environmental Plan 1988 | 1(a) General Rural Zone | Clause 40 Height | The proposed upper floor level of the building does not comply with the maximum permitted topmost floor level of 4.5m. The approved upper floor is 6.0m above existing ground level at its highest point. A variation is supported in this instance with the works integrating with the contours of the land and unlikely to visually impact upon the scenic amenity of the area | 33% | Assumed concurrence | 13/12/2018 |

JANUARY - MARCH 2019

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| 10.2017.678.1 | LOT: 1 DP: 1098133, LOT: 3 SEC: 52 DP: 758207 | DP: 1098133, 3 SEC: 52 DP: 758207 | | 17-21 | Shirley Street | Byron Bay | 2481 | Demolition of existing buildings and construction of two (2) residential flat buildings, containing 17x3 bedrooms and 2 x 4 bedroom dwellings including swimming pool, landscaping, basement car parking and strata subdivision | Split Byron Local Environmental Plan 2014 and Byron LEP 1988 (All works on land zoned under LEP 2014) | R3 Medium Density Residential (LEP 2014); 7(f2) Coastal Lands (LEP 1988) | BLEP 2014 Cl.4.3 9.0m building height limit | The proposed non-compliance with the building height can be largely attributed to the existing variation in the level of the land. The building is lower than the approved adjoining buildings to the east. | The max height of roofs of the buildings is: Building No. 1 - 9.77m (8.6% variation) Building No. 2 - 9.88m (9.8% variation) The written request indicates that a small section of the roof parapet safety rail of Building No. 2 will have a height of 9.99m (11% variation) above existing ground level. | Assumed concurrence | Council 21/02/2019 |
| 10.2018.372.1 | LOT: 2 | DP: 860652 | | 361 | Huonbrook Road | Huonbrook | 2482 | Use of Dwelling House to create Dual Occupancy (detached) | Split Byron Local Environmental Plan 2014 and Byron LEP 1988 (All works on land zoned under LEP 2014) | RU2 Rural Landscape/DM Deferred Matter | BLEP Cl 4.2D 100m separation distance | The proposed development would produce a better planning outcome than one that strictly complies with the development standard because compliance with the 100m maximum separation distance between dwellings would result in a number of potential issues. Such issues include the demolition of an existing structure, removal of vegetation identified as having high ecological value, and amenity issues with the existing approved dwelling if the proposed dual occupancy dwelling was located to avoid the area of high ecological value vegetation. | The variation is 20%. | Assumed concurrence | Council 21/02/2019 |
| 10.2018.529.1 | Lot 4 | DP 713515 | | 657 b | Broken Head Road | Broken Head | 2481 | Demolition of an Existing Bed and Breakfast Establishment and construction of a new Garage and Studio Building to be Completed in Three Stages | Split Byron Local Environmental Plan 2014 and Byron LEP 1988 (All works on land zoned under LEP 1988) | RU2 Rural Landscape/DM Deferred Matter | BLEP 1988 Clause 40 (2) (b) (i) -The proposed upper floor level of the studio over the garage building does not comply with the maximum permitted topmost floor level of 4.5m. | The main justification for the variation is that it is unreasonable and unnecessary in this case. The development does not raise any matter of significance for State and regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. It is considered satisfactory that the objection is well founded and that granting of consent to this development application is consistent with the aims of SEPP 1 notwithstanding the development standard LEP 1988 Clause 40 (2) (b) (i). The building is overall lower in height than the building being demolished on the same site. | 5.5% Variation to upper most floor of studio over garage | Assumed concurrence | Delegation Director 22/2/2019 |

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| 10.2018.634.1 | Lot 1 | DP 112343 | | | 1 Brownell Drive | Byron Bay | | 2481 | Demolition of Existing Dwelling House and Construct new dwelling house and swimming pool | Byron Local Environmental Plan 2014 | R2 Low Density Residential | Clause 4.3 Height of Building - 9m and Clause 4.4 Floor Space Ratio | Not justified. DA REFUSED under delegation .Contrary to Byron Local Environmental Plan 2014, the Clause 4.6 variation requests for breaches of maximum height and floor space ratio cannot be supported: a. The extent of the non-compliance with the required development standards is excessive, being more than 38% of the permissible 0.4:1 Floor Space Ratio and 18% of the permissible 9 metre height of building; b. There are no specific characteristics of the site or environmental planning grounds that justify a variation to principal development standards; c. The proposal would set an undesirable precedent; and d. It is considered contrary to the Public interest. | more than 38% of the permissible 0.4:1 Floor Space Ratio and 18% of the permissible 9 metre height of building; | DA refused concurrence not applicable | Delegation Director 11 /03/2018 | |
| 10.2017.661.1 | LOT: 1, LOT: 2, LOT: 1, LOT: 2, LOT: 1, LOT: 7020 | DP: 201626, DP: 542178, DP: 780242, DP: 818403, DP: 520063, DP: 1113431 | | 364, 394, 412 | Ewingsdale Road, Melaleuca Drive | Byron Bay | | 2481 | Subdivision of Six (6) Lots into One Hundred and Eighty Six (186) Lots consisting of One Hundred and Sixty Three (163) Residential Lots, Fourteen (14) Super (Master) Lots, Two (2) Business Lots, Two (2) Industrial Lots, One (1) Recreation Lot and Four (4) Residue Lots. | Byron Local Environmental Plan 1988 | R2 Low density residential, R3 Medium density residential, IN2 Light industrial, B1 Neighbourhood Centre, RE1 Public recreation, E2 Environmental conservation, E3 Environmental management, 7(a) Wetlands, 7(b) Coastal Habitat | clause 11(1) minimum lot size for land | compliance with the development standard is both unreasonable and unnecessary as original lots were less than the minimum lot size and all residual land to be consolidated into one lot with a combination of 'environmental' zones | 84%, 60% | Assumed concurrence, Northern Regional Planning Panel | 14/02/2019 | |
| APRIL - JUNE 2019 | | | | | | | | | | | | | | | | | |
| 10.2018.305.1 | Lot 162 | DP1251169 | | | 77 Tuckeroo Avenue | Mullumbimby | | 2482 | Subdivision to create 32 residential lots, a public reserve, drainage basin, earthworks, environmental enhancement works and associated civil infrastructure | Byron Local Environmental Plan 1988 | 1(a) General Rural Zone | Clause 11 - Subdivision in rural areas for agriculture etc | The 1(a) zone only apply to three small fragments of the residuual parcel. Strict adherence to the 40 hectare standard would hinder an approved staged residential subdivision. The underlying purpose of the standard is not relevant and strict adherence to it would serve no planning purpose. Strict compliance is both unreasonable and unnecessary in this particular instance. | 29% | Concurrence issued by the Department of Planning and Environment. DA determined by the full sitting of Council | 11-Apr-19 | |

