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10.2018.125.1		2	1145/75		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 moist 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 in 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 m² on a site area of 2,834.8 m², which is an FSR of 1.54:1.	Assumed concurrence	Refused JRP/ 14/11/2018
10.2018.86.1	LOT: 339	dp: 755692			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

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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 1998)	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

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
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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 residual 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

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