

SEPP 1 Variations 2016/17

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
SEPTEMBER 2017															
10.2017.79.1	12	758171		2	Bower Street	Brunswick Head	2483	Consolidation of Two (2) Existing Flats into One (1) Dwelling and Construction of a New Dwelling to Create a Dual Occupancy (Attached) Demolition of Detached Garage, Tree Removal and Strata Subdivision	2014 Byron Local Environmental Plan	R2 Low Density Residential	Clause 4.6 variation to clause 4.1E of <i>Byron Local Environmental Plan 2014</i> – 800m ² minimum lot size for dual occupancies (attached) in the R2 Low Density Residential Zone.	The allotment already contains an attached dual occupancy dating to the 1970's. Allowing a variation will enable rejuvenation of out dated housing stock in the area. The site attributes are conducive to a dual occupancy	40.4m ² (5%)	Council	11/07/2017
10.2016.425.1	22	1014053		149	Federal Drive	Eureka	2480	Subdivision to Create Three (3) Lots and Change of Use of Existing Dwelling House and Rural Workers Dwelling to Dual Occupancy (Detached)	2014 Byron Local Environmental Plan	RU1 Primary Production/RU2 Rural Landscape/PART DM Deferred	Clause 4.6 Variation subclause 4.2D(2) of <i>Byron Local Environmental Plan 2014</i>	The proposed location of the dual occupancy (detached) dwelling at the entrance to the subject site has greater merit than trying to demolish and relocate one of the dwellings 36m closer to the other to be within 100m of the existing dwelling onsite for the following reasons: <ul style="list-style-type: none"> • Located in a previously cleared area – thereby minimising the disturbance on the site; • Each of the structures existing onsite already; • The dual occupancy dwellings are accessed via a single driveway and will minimise any upgrades required for the existing access driveway through the site and/or loss of mature macadamia trees as a result of any access upgrades. 	The extent of the variation to the 100m development standard is therefore 36%.	Council	28/09/2017
10.2017.245.1	9	610194		1026	Friday Hut Road	Binna Burra	2479	New Dwelling to Create Dual Occupancy (Detached), New Garage and Swimming	2014 Byron Local Environmental Plan	RU2 Rural Landscape	Clause 4.6 variation to clause 4.2D of <i>Byron Local Environmental</i>	The allotment is bisected by a gully and already contains two vehicular access points. Creating a shared vehicular access would involve substantial earthworks and engineering, potentially resulting in adverse environmental and/or visual impacts. Strict compliance with the 100m separation standard is impractical due to the presence of a gully and other topographical constraints. A condition was imposed requiring a 110m separation between the two dwellings	Two vehicular access points instead of one (utilise existing access points). 110m separation (10%)	Council	20/09/2017
10.2016.818.1	5	863320		150	Tandys Lane	Brunswick Head	2483	Use of a Building as a Dwelling to Create Dual Occupancy (Detached), Demolition of Movie Room and	2014 Byron Local Environmental Plan	RU1 Primary Production / PART RU2 Rural Landscape / PART DM	Clause 4.6 variation to clause 4.2D of <i>Byron Local Environmental</i>	The allotment is bisected by Andersons Lane. The existing buildings have frontages to different roads, making strict compliance impractical in the circumstances.	Two vehicular access points instead of one.	Council	9/08/2017
10.2017.200.1	B	386324		119	Possum Shoot Road	Coorabell	2482	Dwelling-house and swimming pool and demolition of existing buildings (two SEPP 1 variations)	1988 Byron Local Environmental Plan	7(d) (Scenic/Escarpment Zone) DM Deferred Matter	Clause 27 - Building lines along arterial roads. Clause 31 - Development on ridgetops - Byron Local Environmental Plan 1988	Clause 27 The proposed dwelling-house appropriately ensures the retention and enhancement of rural character and amenity along with this road corridor by ensuring appropriate setbacks and not significantly impacting on the rural character, amenity and scenic qualities from road perspective. The proposed dwelling-house will not be visible from Coolamon Scenic Drive due to the existing landscaped earth berm, the vertical separation of the dwelling from Coolamon Scenic Drive, and the proposed setback. The proposed setback would not be out of character when compared with the variety of other setbacks along the nearby stretch of Coolamon Scenic Drive. It is unlikely that this road would be subject to road widening in the near future that would be adversely affected by the proposed setback. Clause 31 The proposed dwelling-house is not right on top of the ridgeline but set down below the crest of the ridgeline. The proposed dwelling-house will not be overtly visible in the broader lower areas below this part of the ridgeline, being only of low-key visibility to a confined part of Myocum. The proposed dwelling-house does not have an excessive scale in the overall context of the range associated with the ridgeline. • The visibility of the dwelling-house will be softened because a condition is recommended regarding the colours of external building materials. • The visibility of the dwelling-house will be further visually softened by the inclusion of a densely planted out area of landscaping below the dwelling-house as per the approved plans. • No significant tree or vegetation removal is proposed. • The development application includes landscaping to visually soften the proposed development. • Compliance with the standard would push the development, including the bush fire mitigation inner protection area, further down the slope into the site towards vegetated areas leading to likely vegetation removal.	Clause 27 is 69% and Clause 31 100%	Council	9/08/2017
10.2017.236.1	1	1076677		18-20	Bay Street	Byron Bay	2481	Strata Subdivision of an existing tourist facility (10 motel units and 4 serviced apartments) to create fourteen (14) Strata Lots and Common Property	2014 Byron Local Environmental Plan	B2 Local Centre	Clause 4.1 2014 Byron Local Environmental Plan	The proposal produces a better planning outcome than one that strictly complies with the development standard because requiring strict compliance would result in lot sizes that are not in keeping with the approved and long established built form. The circumstances of the case warrant a more flexible approach to application of the lot size development standard, the Applicant's variation request is supported and the development application is recommended for approval despite the non-compliance. No public submissions have been received to the exhibition of the development application. The proposed development is in the public interest	the extent of the variation ranges from 18% to 44.5%	Council	8/09/2017

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DECEMBER 2017

10.2017.270.1	11	1225527	6A	Canowindra Court	South Golden Beach	2483	Multi Dwelling Housing Comprising Eight (8) Dwellings and Strata Title Subdivision	2014 Byron Local Environmental Plan	R2 Low Density Residential	Clause 4.6 Variation subclause 4.2D(2) of Byron Local Environmental Plan 2014	The environmental planning grounds are particular to the site and sufficient to justify contravening the development standard. These include that the buildings to be Strata subdivided are the subject of the same development assessment which is the component of the development that would cause environmental impacts if any, there are no required site works or landscape disturbance associated with the subdivision, and the proposed variation does not create any significantly adverse social, environmental or economic impacts in the locality	The extent of the variation ranges from 69.1% to 81.4%	Council	28/11/2017
10.2017.380.1	2	7117	34	Bangalow Road	Byron Bay	2481	Multi dwelling housing comprising the existing dwelling and two (2) new dwellings, two (2) swimming pools, tree removal (5 trees) and Strata Title Subdivision	2014 Byron Local Environmental Plan	R2 Low Density Residential	The development standard to be varied is the minimum lot size planning control of 600m ² applicable to this site under LEP 2014 clause 4.1	The underlying objective of the minimum lot size provision is to guide the density of development in particular areas. The floor space ratio, building height plane and minimum lot size provisions for certain forms of development also inform the potential density of residential development in the R2 Low Density Residential Zone. The subject site is consistent with the form and scale of development prescribed in this location. The strict compliance with the provisions of Clause 4.1, as the Court has recently determined, will result in no change to the built form on the site and will merely prevent the sale of the individual dwellings on the allotment. Further, the site enjoys a current consent to undertake the construction of 2 additional dwellings on the property and to strata subdivide them".	The extent of the variation ranges from 35.7% to 41.5%.	Director	2/11/2017
10.2017.101.1	60	835294	88-94	Centennial Cir	Byron Bay	2481	Mixed Use Development Comprising a Child Care Centre, Four (4) Industrial Retail Outlets, Six (6) Light Industry units and Two (2) Take-away Food and Drink Premises, an Ancillary Caretakers Dwelling and Parking Area	2014 Byron Local Environmental Plan	IN2 Light Industrial	BLEP 2014 Cl.4.3 9.0m building height limit	The proposed building includes a small section, located in the southern edge, that exceeds the 9m height limit by 0.6m. This is because of the slope of the existing ground at that part of the site, where it falls toward the adjacent drainage reserve. This part of the site will be filled for the development, which will result in the building being 8.45m above the finished ground level.	6.60%	Assumed Concurrence	15/11/2017

MARCH 2018

10.2017.619.1	708	240399	19	Aloota Crescent	Ocean Shores	2483	Staged Development - Stage 1 Strata Subdivision to Create Two (2) Lots , Stage 2 Alterations and Additions to Existing Shed to Create a Detached Dual Occupancy						Council	20/02/2017
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