



Variations to Development Standards 2022-24 (Q1)

Council DA number	Address	Category of development	Environmental planning instrument	Zoning of land	Standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined
10.2022.502.1	56 Taylors Road Nashua	7: Tourist	BLEP 2014	R2 Rural Landscape	Clause 6.7 15ha Min lot size tourist and visitor accommodation	The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances and that there are sufficient environmental grounds to vary the development standard with consideration for the public interest and compliant in regard to all other aspects of the Byron LEP 2014 including building heights, water catchment zone objectives, rural landscape zone objectives and other relevant provisions.	45.7%	Council	14/09/2023
10.2022.289.1	97 Main Arm Road Mullumbimby	3: Residential - New second occupancy	RU1 Primary Production	BLEP 2014	1. Clause 4.1E Minimum lot sizes for certain residential accommodation 2. Clause	Both Lots have a combined area of more than the 4000m2 development standard	1. 11% 2. 86%	Planning Secretary	15/09/2023

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					4.1E Minimum lot sizes for certain residential accommodation				
10.2022.367.1	133-141 Broken Head Road, Suffolk Park	1: Residential - Alterations & additions	BLEP 2014	R2 Low Density Residential	Clause 4.4 Floor Space Ratio	Control is unreasonably restrictive given extent of dwelling in existence. Works as built do not increase floor area beyond previously approved areas.	35%	Council	11/05/2023
10.2022.247.1	135 Jonson Street, Byron Bay	13: Subdivision only	BLEP 2014		R2 Low Density Residential B2 Local Centre	The proposal will separate potentially incompatible land uses and is a more efficient use of available land resources for residential as distinct from business purposes.	35%	Council	13/04/2023

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10.2021.571.1	212 Fowlers Lane, Bangalow	3: Residential - New second occupancy	Byron LEP 2014	RU2 Rural Landscape	4.2D(2)(b)	<ul style="list-style-type: none"> Meets objectives of the zone. is compatible with existing development in locality. variation reduces extent of earthworks. second driveway currently exists as a farm entry. 	100%	Council	09/02/2023
10.2022.165.1	139 Jonson Street, Byron Bay	Commercial / retail / office	Byron LEP 2014	B2 Local Centre	4.4 Floor Space Ratio	<ul style="list-style-type: none"> The restaurant is located below ground and therefore adds no further bulk, scale, or height to the development as approved. Consistent with the zoning. 	14.5%	Council	15/12/2022
10.2021.752.1	140 Alcorn Street, Suffolk Park	3: Residential - New second occupancy	Byron LEP 2014	R2 Low Density Residential	4.1E	<ul style="list-style-type: none"> Meets objectives of the zone. site contains an existing dual occupancy low-density character of the locality is maintained 	102m2 or 12.75%	Council	10/11/2022
10.2021.870.1	1 Brownell Drive, Byron Bay	2: Residential - Single new dwelling	Byron LEP 2014	R2 Low Density Residential	4.4 Floor Space Ratio 0.4:1	Applicant's written request to vary development standard has been considered and variation meets objectives of zone and development standard, and design responds to the specific	9.1% FSR of 0.437:1	Director Delegation	21/12/2022

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						characteristics of the land including steep slope of the site. Compliance is unreasonable and unnecessary in the circumstances			
10.2021.754.1	17 Argyle Street Mullumbimby	3: Residential - New second occupancy	Byron LEP 2014	3: Residential I - New second occupancy	Clause 4.1E of Byron LEP 2014 - 800m2 minimum lot area for dual occupancy (detached)	Clause 4.6 Variation - Environmental planning grounds supported due to minimal variation required (<1%), not possible to achieve compliance, no significant environmental benefit to requiring compliance, achieves broader residential density and lesser size of the variation compared to the smallest room size in the dwelling.	0.9%	Council (Delegation)	29/07/2022
10.2021.511.1	865 Broken Head Road Broken Head	3: Residential - New second occupancy	Byron LEP 1988	Split Byron LEP 1988 1a (General Rural) Zone / Byron LEP 2014 RU2 Rural Landscape / PART DM Deferred Matter	40 (2) (b) height of upper floor	Clause 64A Variation for minor part of the upper most floor of one dwelling exceeding 4.5 metre development standard by 900mm (20%) - LEP 1998 Clause 40 Height. It is noted the proposal complies with the overall 9 metre height standard under the BLEP 1988 and had the E Zoning review for the property been finalised the	20%	Council	11/08/2022

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						subject proposal in terms of height would have been considered as complying under the BLEP 2014. No environmental planning impacts and meets objectives of zone and development standard.			
10.2021.553.1	155 Main Arm Road Mullumbimby	3: Residential - New second occupancy	Byron LEP 2014	RU1 Primary production	Clause 4.2D of Byron LEP 2014 – dual occupancy (detached) dwellings to be within 100m of each other	Clause 4.6 Variation - Environmental planning grounds supported due to siting to reduce risk of flooding/ inundation with building on elevated part of site and separated from intermittent stream/ drainage line on a flood affected site.	7%	Council (Delegation)	29/08/2022
10.2021.683.1	1156 Main Arm Road Main Arm	7: Tourist	Byron LEP 2014, Byron LEP 1988	RU2 Rural Landscape, 1(a) General Rural, 7(k) Habitat	Clause 40 of Byron LEP 1988	A reduction in height for the zipline platform would lead to a reduction in the margin of safety for users", There will be no discernible or detrimental environmental effect" associated with the height of the zipline platform and A lower platform height would detract from the novelty, excitement and enjoyment of the ride".	24%	Council	08/09/2022