



Variations to Development Standards 2021-22

Council DA number	Address	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
10.2020.652.1	53 Browning Lane Yelgun Lot 10 DP 717102	Subdivision	BLEP 2014	RU2		Strict compliance is unreasonable and unnecessary, and no purpose would be served by enforcing strict compliance with the standard as the proposal achieves the objectives envisaged by the development standard. There are sufficient environmental planning grounds to justify the minor contravention of the standard as: the extent of the variation is indistinguishable from (and resulting lot size comparable to) surrounding lots; the resulting lots will assist in improving land management outcomes; and the variation will not hinder the lot's ability to provide a suitable building envelope and effluent	3% (1.2ha)	Council	15/06/2021

						disposal area. It is considered that the proposal achieves the Objectives of the development standard and relevant zone and therefore that the proposal is in the public interest.			
10.2019.466.1	41 Bottlebrush Crescent Suffolk Park Lot 282 DP 1018663	Subdivision	BLEP 2014 / BLEP 1988	R2, 2(a), 7(d), 7(k)	Minimum lot size (c. 11)	<ul style="list-style-type: none"> Land already less than minimum lot size; Subdivision includes environmental repair and management commitments 	>10%	Secretary of Department of Planning	05/08/2021
10.2014.742.2	33 Lawson Street Byron Bay Lot 8 DP 758207	Tourist	BLEP 2014	B2	Building Height (c. 4.3)	<ul style="list-style-type: none"> Increase in building height is limited to stair and lift overruns and small bathroom 	>10%	Council	16/09/2021
10.2020.346.1	806 and 874 Coolamon Scenic Drive Coorabell Lot 3 DP 577281 and Lot 1 DP 557721	Subdivision	BLEP 1988	7(d)	Minimum lot size (c.11 - LEP 1988)	<ul style="list-style-type: none"> Better planning outcome Minor change to lot size, allows for APZ Compatible with environmental values 	0.98%	Secretary of Department of Planning	16/09/2021
10.2021.330.1	101-113 Lagoon Drive, Myocum	Subdivision	Byron LEP 2014	R5 Large Lot Residential	Clause 4.1 – Minimum lot size	<ul style="list-style-type: none"> The proposed subdivision achieves a better outcome having regard to responsible and efficient use of land 	4.36%	Council	08/10/2021

						<p>resources within a large lot residential community.</p> <ul style="list-style-type: none"> ▪ The subject site is unconstrained and suitable for an addition R5 lot. A suitable building envelope has been provided. Suitable access and services can also be provided on site. ▪ <ul style="list-style-type: none"> • The proposal will not prejudice the proper future planning of the area and can only be considered as achieving an outcome which promotes the economic use of land and achieves the ESD principles. 			
10.2020.616.1	154 Lighthouse Road Byron Bay Lot 4 DP 246401	Residential - Single new dwelling	BLEP 2014	R2	Building height	<ul style="list-style-type: none"> • Small area • minimal view, • privacy and visual impacts 	10%	Council	12/10/2021
10.2021.291.1	116-118 Jonson Street, Byron Bay	Mixed	Byron LEP 2014	Byron LEP 2014	Clause 4.3 – Height of Buildings	The height of the proposal is generally compliant, except for the swimming pool fencing, roof terrace walls, solar array, pool	<10%	Council	04/11/2021

						<p>awnings and lift overrun, staircase and plant room which have varying non-compliances with the 11.5m of up to a maximum height of 14.10m.</p> <p>These elements provide a necessary building service function and or are necessary for the safety and amenity of building users. Due to the roof top location and positioning they will not be readily visible, will not impact on adjoining properties amenity or create additional use of the roof top area. Notably, the pool and roof terrace wall elements are those that mostly exceed the height limit, and by only 10%.</p>			
10.2021.628.1	150 Whian Road, Eureka	Residential - Single new dwelling	Byron LEP 2014	RU2	4.3 Height of buildings	<p>Variation is for a small portion of the development due to the sloping nature of the land. The variation will not impact the rural amenity of the area.</p>	8.3%	Council	01/02/2022

10.2021.451.1	31 Pacific Vista Drive, Byron Bay	Residential – Alterations & additions	Byron LEP 2014	R2 – Low Density Residential Zone	Clause 4.3 Height of building	Variation is minor, restricted to rear of the dwelling, results from previous development that lowered the ground level, negligible visual impacts on street front	7.7%	Council (delegate)	11/05/2022
10.2021.364.1	45 Wallum Place, Byron Bay	Other	Byron LEP 2014, Byron LEP 1988	RU2, Deferred Matter	Clause 4.3 Height of building	<ul style="list-style-type: none"> - No alternative design solution will allow the BEF to operate successfully without exceeding 9m in height from the existing ground level. - The proposed BEF is set back over 200 metres from Wallum Place, behind the BBSTP, and 2.5 metres below the BBSTP ground level. The proposed BEF buildings will be compatible with the character of the water and waste treatment infrastructure already located on the lot.M9 - Topography and existing vegetation character screen the BEF from all visual 	50.7%	NRPP	26/05/2022

						receptors. This conclusion is further supported a Visual Impact Assessment of the proposed BEF (Appendix L of the EIS).M11			
10.2021.384.1	90-96 Jonson Street, Byron Bay	Mixed	Byron LEP 2014	B2	4.3 Height of buildings	The height of the proposal is generally compliant with the 11.5m except for the swimming pool, pool terrace fence, stairs, lift core and lift lobby which have varying non-compliances with the 11.5m of up to a maximum height of 14.58m. These elements are for the main, ancillary to the proposal. They otherwise provide a necessary building service function and/or are necessary for the safety and amenity of building users. These elements due to roof top location and positioning will not be readily visible from the public street, will not impact on adjoining properties amenity or create additional use of the roof top area.	27%	NRPP	27/05/2022

						Notably, it is the lift core that mostly exceeds the height limit in excess of 10%.			
10.2021.411.1	139 Broken Head Road, Broken Head	Subdivision	Byron LEP 2014, Byron LEP 1988	C2 Environmental Conservation / SP3 Tourist - Byron LEP 2014, 7(f1) Coastal - Byron LEP 1988	Minimum lot size (clauses 4.1 and 4.1AA Byron LEP 2014 and clause 11 Byron LEP 1988)	The community title subdivision will not create any new development opportunities, the community title subdivision ensures the existing tourist development pattern on the land remains in perpetuity and it [the subdivision] allows a form of ownership where all the owners can share equally in the value of the restored bushland on the property and use their collective resources to ensure the ongoing conservation of the land	Varies - max. 97.9%	Council	23/06/2022