

Details of Development Applications Approved with a
Variation to a Development Standard
January – December 2018

Development Application No:	2017/675
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 52 DP 786758, 5 Rancher Court, Wollongbar
Description of Proposed Development:	Strata Title Subdivision of an existing dual occupancy.
Building Classification under the BCA:	2 x Class 1a
Category of Development	13. Subdivision
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R2 Low Density Residential
Development Standard to be Varied	Clause 4.1B – Minimum lot size
Justification of Variation	The land has an area of 903.8m ² . The minimum lot size allowed on land zoned R2 is 600m ² , however has an existing dual occupancy approved under DA 1989/7.
Extent of Variation	Proposed Strata Lot 1 has an area of approx. 353m ² and Proposed Strata Lot 2 has an area of approx. 362m ² , which are approx. 40% departures from the 600m ² standard.
Concurring Authority	Council under assumed concurrence
Date DA determined	12 February 2018

Development Application No:	2017/509
Applicant's Name & Address:	Conrad Gargett
	GPO Box 170
	BRISBANE QLD 4001
Determined by:	Joint Regional Planning Panel (JRPP)
Subject Land:	Lot 1 DP 603799, Lot 1 DP 435547, 25 Byron Street LENNOX HEAD
Description of Proposed Development:	Alterations and Additions to Lennox Head Public School including the demolition of a number of demountable buildings and construction of new classrooms and amenities including administration building, two storey homebase building (exceeding the 8.5 metre building height standard), canteen, covered outdoor learning area, basketball court, landscaping and associated works
Category of Development	12: Community Facility
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R3 – Medium Density Residential
Development Standard to be Varied	8.5m maximum height control
Justification of Variation	<p>The panel is satisfied that the request has adequately addressed the matters to be demonstrated and the Panel considers compliance with the standard would be unreasonable and unnecessary in the circumstances of this case are:</p> <ul style="list-style-type: none"> • The buildings will not significantly overshadow the residential development; • There are no adverse impacts of the proposal on the school, streetscape or amenity of the area; • The height increase will reduce the hard stand footprint of the building on the site; and • The extent of the variation is approximately 14 metres from the western boundary and will not have unreasonable impacts. <p>Further reasons for the decision of the Panel to grant approval were:</p> <ul style="list-style-type: none"> • SEPP 55 – Remediation of Land: Based on all the information available Council concluded there is no indication that the land might be contaminated;

	<ul style="list-style-type: none"> • SEPP (Education Establishments and Child care Facilities): The application was accompanied by a detailed design statement which adequately addresses the design principles set out in Schedule 4; • SEPP 71 – Coastal protection: The proposed development is an upgrade to the existing school and is considered suitable for the subject site and surrounding environment and is consistent with the aims of the SEPP; • The development will not result in an increase in student or staff numbers; • An Aboriginal Archaeological Due Diligence Assessment confirmed the presence of Aboriginal objects on the site and will be potentially harmed by the proposed works. The Applicant will be required to obtain an Aboriginal Heritage Impact Permit from the office of Environment and Heritage (OEH) under the National Parks and Wildlife Act 1974 prior to the commencement of works; • The loss of privacy for neighbouring residents to the west has been mitigated by upper level windows on the western and southern facades being generally angled away from neighbouring properties and are shielded by angled solid blade walls. Obscure glass, or similar, will also be provided on the western windows to a height of 1.5m; • The proposed development will not unreasonably overshadow the neighbouring properties to the west, with each property maintaining a minimum of four hours sunlight to dwellings and rear courtyards.
Extent of Variation	The panel notes the standard height limit applying to the site is 8.5 metres and the maximum overall height of the proposal is 9.04 metres over the approximately 320m ² of the roof. This is a variation of 0.54 metres or 6.3%.
Concurring Authority	Joint Regional Planning Panel
Date DA determined	11 April 2018

Development Application No:	2018/36
Applicant's Name & Address:	Ballina Shire council
	PO Box 450
	BALLINA NSW 2478
Determined by:	Joint Regional Planning Panel (JRPP)
Subject Land:	Lot 392 DP 755684, Lot 1 DP 1083219, Lots 477 & 478 DP 729251, 37-49 Swift Street, Ballina
Description of Proposed Development:	Construction of the Ballina Indoor sports Centre comprising two basketball courts and associated amenities, vehicular access from Cherry Street, provision of on-site car parking, vegetation removal and associated infrastructure works. The proposed building has a maximum building height of 11.18m, which is above the maximum building height of 8.5m established for the site under the Ballina Local Environmental Plan 2012. It does not comply with the preferred building envelope (front building line) or Building Height Plane. It is otherwise compliant with the prevailing planning controls.
Category of Development	12: Community Facility
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	RE 1 – Public Recreation
Development Standard to be Varied	8.5m maximum height control
Justification of Variation	Indoor sports facilities have high ceilings for sports requirements, equipment and ventilation. Adjacent Ballina High School buildings also exceed the height limit.
Extent of Variation	The Ballina Indoor Sports Centre exceeds the mapped Height of Buildings (8.5m) by 2.68m, which is an exceedance of 31%
Concurring Authority	Joint Regional Planning Panel
Date DA determined	11 April 2018

Development Application No:	2017/652
Applicant's Name & Address:	Stephen Fletcher & Associates
	PO Box 5334
	EAST LISMORE NSW 2480
Determined by:	Delegated Authority.
Subject Land:	Lot 9 DP 719601, 543 The Coast Road, Lennox Head
Description of Proposed Development:	Two lot subdivision to create 1 x 8315sqm and 1 x 2725 sqm lots and associated works
Category of Development	13: Subdivision Only
Environmental Planning Instrument	Ballina Local Environmental Plan 1987 & Ballina Local Environmental Plan 2012
Zoning of Land	<p>The subject land is part zoned 7 (d) Environmental Protection (Scenic/Escarpment) Zone and</p> <p>2(a) Living Area Zone under the provisions of the BLEP 1987.</p> <p>Under the provisions of the BLEP 2012 this part of the land is a Deferred Matter.</p> <p>The remainder of the land is zoned R3 – Medium Density Residential under the provisions of the BLEP 2012.</p>
Development Standard to be Varied	BLEP 1987 Clause 11(2)(b) – specifies a minimum lot size of 40 hectares within 7(d) zoned land
Justification of Variation	The new lot will be wholly located within the R3 Medium Density residential zone under the BLEP 2012. The residue lot containing the existing dwelling will contain the 7(d) zoned land.
Extent of Variation	Proposed Lot 1 is to have an area of 8315m ² or approximately 2% of the required area. The existing lot is already well under the 40 hectare minimum with a total area of 1.104 hectares.
Concurring Authority	Regional Director, Department of Planning and Environment – concurrence issued for the proposed SEPP 1 variation on 7/2/2018 (CM 18/12973)
Date DA determined	7 May 2018

Development Application No:	2017/685
Applicant's Name & Address:	A Lenehan
	5 Lakefield Avenue
	LENNOX HEAD NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 3 DP 850654, 5 Lakefield Avenue, Lennox Head
Description of Proposed Development:	Alterations and additions
Category of Development	Residential – Single Dwelling
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R2 Low Density Residential
Development Standard to be Varied	Clause 4.3 - Building Height
Justification of Variation	<p>The development will not have an adverse impact on the future amenity of the locality and the bulk and scale of the proposed additions are in keeping with the current streetscape.</p> <p>The objectives of the standard are achieved notwithstanding non-compliance with the development standard.</p>
Extent of Variation	7.6%
Concurring Authority	Council under assumed concurrence
Date DA determined	20 June 2018

Development Application No:	2018/129
Applicant's Name & Address:	B Mills & K Thompson
	29 Barwen Street
	EAST BALLINA NSW 2 4U78
Determined by:	Delegated Authority – (Development Assessment Panel)
Subject Land:	Lot 7 DP 790585, 25 Bayview Drive, East Ballina
Description of Proposed Development:	Demolition of existing dwelling and construction of a new two storey dwelling and pool forward of the building line
Category of Development	Residential single dwelling
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R3 – Medium Density Residential
Development Standard to be Varied	Clause 4.4 – Floor Space Ratio – Dwelling FSR 0:5:1 Approved Variation 0:54:1
Justification of Variation	The design is compatible with the bulk, scale and character of the locality, will not unreasonably impact on any adjoining property and building envelope controls have been satisfied.
Extent of Variation	8%
Concurring Authority	Council under assumed concurrence
Date DA determined	3 July 2018

Development Application No:	2018/35
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Delegated Authority
Subject Land:	Lot 26 DP 1168665, No. 65 Blue Seas Parade, Lennox Head
Description of Proposed Development:	To construct a Two Storey Dwelling House and Subsequent Strata Title Subdivision to create a Detached Dual Occupancy.
Category of Development	4: Residential – New Multi-Unit
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R3 – Medium Density Residential
Development Standard to be Varied	Clause 4.3 of BLEP 2012 (Height of buildings)
Justification of Variation	The variation is in response to the sloping nature of the land. The variation will not unreasonably impact on adjoining properties having regard for the objectives of clause 4.3.
Extent of Variation	The variation is relatively minor (5.18%). The proposed dwelling (Lot 2) has a maximum height of 8.94m (440mm higher) than the maximum allowable height of 8.5m.
Concurring Authority	Council under assumed concurrence.
Date DA determined	6 August 2018

Development Application No:	2018/259
Applicant's Name & Address:	Planners North
	PO Box 538
	LENNOX HEAD NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot: 3 DP: 589334, Lot: A DP: 441478, Old Byron Bay Road NEWRYBAR, 28 Old Byron Bay Road NEWRYBAR
Description of Proposed Development:	Boundary adjustment subdivision of two existing lots to create one x 8.6 ha allotment (Proposed Lot 11) and one x 14.9 ha allotment (Proposed Lot 12)
Category of Development	Subdivision Only
Environmental Planning Instrument	Ballina Local Environmental Plan 1987
Zoning of Land	7 (c) Environmental Protection (Water Catchment) Zone 7 (d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone
Development Standard to be Varied	Clause 11 – 40 ha minimum lot size
Justification of Variation	<p>A variation is sought to the 40 hectare minimum lot size development standard as proposed Lots 11 and 12 are to be 8.6 hectares and 14.9 hectares respectively. It is noted the subject allotments are already significantly below the minimum lot size.</p> <p>The proposed boundary adjustment subdivision provides for a reconfiguration between two existing allotments which better reflects the topography of the land and links useable areas of the site.</p> <p>The proposal also provides for road frontage for Proposed Lot 11, which is presently serviced via a Right of Carriageway. This is considered to be an improved outcome for the development overall.</p>
Extent of Variation	Proposed Lot 11 – 78.5% variation Proposed Lot 12 – 62.8% variation
Concurring Authority	Council under assumed concurrence
Date DA determined	29 August 2018