

**Details of Development Applications Approved with a
Variation to a Development Standard
January – December 2019**

Development Application No:	2018/405
Applicant's Name & Address:	Town Planning Studio Pty Ltd
	PO Box 238
	BRUNSWICK HEADS NSW 2483
Determined by:	Delegated Authority
Subject Land:	Lot 4 DP 713103, No. 425 Ross Lane, Lennox Head
Description of Proposed Development:	Two lot subdivision to create one x 41.35 hectare allotment and one x 37.0 hectare allotment
Category of Development	13. Subdivision
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	RU2 Rural Landscape
Development Standard to be Varied	Clause 4.1 of Ballina Local Environmental Plan 2012 4.1 Minimum subdivision lot size
Justification of Variation	Proposed Lot 1 has an area of 37 hectares and is naturally separated from proposed Lot 2 by an existing watercourse (Newrybar Drain/North Creek). Proposed Lot 1 is entirely dedicated to agricultural use (sugar cane).
Extent of Variation	Proposed Lot 1 seeks to vary the development standard by 3 hectares – 7.5% variation
Concurring Authority	Council under assumed concurrence
Date DA determined	21 January 2019

Development Application No:	2018/697
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 21 DP 261848, 32 Castle Drive, Lennox Head
Description of Proposed Development:	Alterations, additions and conversion of an existing garage building to storage/games room and Strata Title subdivision of an existing attached dual occupancy
Category of Development	13. Subdivision
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R2 Low Density Residential – BLEP 2012
Development Standard to be Varied	CI 4.1 BLEP 2012 – 600m2 Minimum lot size – Proposed Strata Lot 1 is 573sqm
Justification of Variation	The proposal relates to an existing lawful attached dual occupancy and the variation is a minor departure from the minimum lot size requirement. There will be no change to the existing density or land use and the development remains compatible with the character and amenity of the surrounding locality.
Extent of Variation	4.38%
Concurring Authority	Council under assumed concurrence
Date DA determined	20 February 2019

Development Application No:	2016/539.002 (Section 4.55 Modification)
Applicant's Name & Address:	Mr A Mitchell
	120 Parkway Drive
	EWINGSDALE NSW 2481
Determined by:	Delegated Authority
Subject Land:	Lot 2 DP 1243234, 7 Byron Street, Lennox Head
Description of Proposed Development:	Four lot integrated subdivision with the erection of a two storey dwelling house on each lot, vegetation removal and associated works
Category of Development	4. Residential – New Multi Units
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R3 Medium Density Residential – BLEP 2012
Development Standard to be Varied	BLEP 2012 Clause 4.4 - Floor Space Ratio
Justification of Variation	The variation/increase to FSR is only marginally exceeded without compromising amenity, landscape or scenic quality of streetscape.
Extent of Variation	Increase FSR of 2.54% to 0.525:1 (i.e <10%)
Concurring Authority	Council under assumed concurrence
Date DA determined	18 April 2019

Development Application No:	2016/539.003 (Section 4.55 Modification)
Applicant's Name & Address:	Mr A Mitchell
	120 Parkway Drive
	EWINGSDALE NSW 2481
Determined by:	Delegated Authority
Subject Land:	Lot 3 DP 1243234, 6 Mackney Lane, Lennox Head
Description of Proposed Development:	Four lot integrated subdivision with the erection of a two storey dwelling house on each lot, vegetation removal and associated works
Category of Development	4. Residential – New Multi Units
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R3 Medium Density Residential – BLEP 2012
Development Standard to be Varied	BLEP 2012 Clause 4.4 - Floor Space Ratio
Justification of Variation	Modification does not change the building footprint, or bulk or scale of the building does not change as a result of this increase (due to the increase being within a previously approved void space.)
Extent of Variation	Increase FSR of 2.67% to 0.527:1 (i.e <10%)
Concurring Authority	Council under assumed concurrence
Date DA determined	18 April 2019

Development Application No:	2018/702
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 18 DP 11074398, Lot 1 DP 586688, No.'s 112 and 140 Broken Head Road, Newrybar
Description of Proposed Development:	Further revised proposal dated 18 April 2019 for the Boundary adjustment subdivision of two existing lots to create two modified lots – Proposed Lot A 2.9ha and Proposed Lot B 27.7ha (originally 1.955ha and 29.9ha and as then secondly revised 7.06ha and 23.55ha)
Category of Development	13 Subdivision
Environmental Planning Instrument	Ballina Local Environmental Plan 1987
Zoning of Land	7(c) Environmental Protection (Water Catchment) Zone
Development Standard to be Varied	40ha minimum lot size – clause 11(2)(b)
Justification of Variation	Both existing lots are well below the minimum development standard and cannot be brought into compliance
Extent of Variation	92.75% - Proposed Lot A 30.75% - Proposed Lot B
Concurring Authority	Council under assumed concurrence – no additional allotments or ability to create additional dwelling entitlements. Reported to Council's Ordinary Meeting 23 May 2019.
Date DA determined	17 June 2019

Development Application No:	2019/221		
Applicant's Name & Address:	Ardill Payne & Partners		
	PO Box 20		
	BALLINA NSW 2478		
Determined by:	Delegated Authority		
Subject Land:	Lot 60 DP 251693, No. 30 Teven Road, Alstonville		
Description of Proposed Development:	Two lot residential subdivision to create one x 1111.43m ² allotment (below 1200m ² min lot size standard) and one x 1389.30m ² allotment, part demolition of existing dwelling house and alterations and additions to the existing dwelling house including construction of a swimming pool, vegetation management works and associated infrastructure works.		
Category of Development	14. – Other (includes subdivision, residential alterations/additions and vegetation/infrastructure works)		
Environmental Planning Instrument	Ballina Local Environmental Plan 2012		
Zoning of Land	R2 Low Density Residential Zone		
Development Standard to be Varied	Clause 4.1 Minimum subdivision lot size of Ballina Local Environmental Plan 2012.		
Justification of Variation	The variation is supportable on the grounds that the variation (7.38%) is minor (i.e.10%) and permits the creation of an allotment which is compatible with and reflective of the locality. The minor variation allows retention of a large part of the existing dwelling while creating an allotment which is capable of complying with all relevant controls and standards of any future development.		
Extent of Variation	Existing	Proposed Lot 1	Proposed Lot 2
	2501m ²	1111.43m ²	1389.30m ²
	Proposed Lot 1 is 88.57m ² or 7.38% below the minimum lot size of 1200m ² .		
Concurring Authority	Council under assumed concurrence of the Department of Planning and Infrastructure		
Date DA determined	1 July 2019		

Development Application No:	DA 2019/239
Applicant's Name & Address:	Mr P B Johnstone
	288 Old Byron Bay Road
	NEWRYBAR NSW 2479
Determined by:	Delegated Authority
Subject Land:	Lot 1 DP 974101, No. 1468 Eltham Road, Tuckombil
Description of Proposed Development:	Change of use of an existing shed to a dwelling to create a Dual Occupancy (detached) development as depicted in plans drawn by "PJ" for 1468 Eltham Road, Tuckombil dated 14 February 2019
Category of Development	3. Residential – Dual Occupancy
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	RU1 Primary Production
Development Standard to be Varied	Clause 4.2A
Justification of Variation	The application does not raise any issues of state or regional significance, and there is no public benefit in maintaining the 40ha minimum lot size development standard. The use of the land for a dual occupancy is appropriate considering previous approvals granted for dwellings on this site.
Extent of Variation	24.12%
Concurring Authority	Secretary, Department of Planning & Environment (concurrence granted 13 June 2019 CM 19/48686)
Date DA determined	3 July 2019

Development Application No:	DA 2018/756
Applicant's Name & Address:	Newton Denny Chapelle
	LISMORE NSW 2480
Determined by:	Northern Regional Planning Panel (NRPP)
Subject Land:	Lot 10 DP 1001995, No. 62 Horizon Drive, West Ballina
Description of Proposed Development:	Construction of a Multi-Purpose Hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to be located on the corner of River Street and Horizon Drive. It has a maximum overall building height of RL 14.8m AHD. The proposed multi-purpose hall is to be used during and outside school hours, 7 days a week. The development also involves associated earthworks, car parking and vegetation removal.
Category of Development	Community Facility – Multi Purpose Hall
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R2 Low Density Residential – BLEP 2012
Development Standard to be Varied	Clause 4.3A – Exceptions to height of buildings
Justification of Variation	Indoor sport facilities are required to achieve certain clearance heights to be fit for purpose and to provide adequate air circulation and ventilation.
Extent of Variation	Maximum overall building height of RL 14.8m AHD which is above the RL 10.6m AHD maximum allowable building height pursuant to cl 4.3A. Represents a 39.6% variation.
Concurring Authority	Northern Regional Planning Panel (NRPP)
Date DA determined	25 July 2019

Development Application No:	DA 2019/217
Applicant's Name & Address:	Mr G S Hickey
	38 Cliff Murray Lane
	LENNOX HEAD NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 2 SP 86785, No. 38 Cliff Murray Lane, Lennox Head
Description of Proposed Development:	Alterations and additions to a dual occupancy
Category of Development	3. – Residential – Dual Occupancy
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R3 Medium Density Residential – BLEP 2012
Development Standard to be Varied	BLEP 2012 Clause 4.4 - Floor Space Ratio
Justification of Variation	The proposal is compatible with the bulk, scale and character of the locality.
Extent of Variation	The variation will provide a FSR of 0.526:1 (i.e. 52.6%) which is a 5.2% increase.
Concurring Authority	Council under assumed concurrence
Date DA determined	1 October 2019

Development Application No:	2019/382
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by:	Council Approved
Subject Land:	Lot 3 DP 1041589, No. 5-9 Sapphire Court, Lennox Head
Description of Proposed Development:	To undertake the demolition of an existing garage and shed, the erection of a single car carport and a Torrens Title subdivision to create 1 x 1321m ² (existing dwelling house – Lot 1) and 1 x 951m ² lot (vacant – Lot 2)
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	1200m ² minimum lot size
Justification of Variation	Despite the departure from the minimum lot size, Proposed Lot 2 remains consistent with the size, shape and subdivision pattern in the immediate and broader locality
Extent of Variation	20.75%
Concurring Authority	Council under assumed concurrence
Date DA determined	28 November 2019