

Details of Development Applications Approved with a
Variation to a Development Standard
January – December 2017

Development Application No:	2016/510
Applicant's Name & Address:	Ardill Payne and Partners
	PO Box 20
	BALLINA NSW 2478
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Council approved
Subject Land:	Lot 43 Section 1 DP 11687, No. 3 Rayner Lane LENNOX HEAD
Description of Proposed Development:	The demolition of an existing dwelling/garage, construction of a new two storey dwelling and swimming pool
Does the Proposal involve a variation to a Development Standard?	Yes – Clause 4.3 of BLEP - relating to the overall building height limitation of 8.5 metres
Category of Development	Single dwelling
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	R3 Medium Density Residential Zoning
Development Standard to be Varied	8.5 metre overall building height limitation
Justification of Variation	A required minimum floor level to Australian Height Datum (AHD) applies to the land for reasons of potential coastal hazard inundation, resulting in the overall building height exceeding the 8.5 metre height limitation
Extent of Variation	15.3% variation, with the building having an overall height of 9.8 metres, being 1.3 metres above the 8.5 metre height limitation
Concurring Authority	Council under assumed concurrence – Ordinary meeting 25/1/2017
Date DA determined	25 January 2017

Development Application No:	2016/532
Applicant's Name & Address:	Tim Fitzroy & Associates
	52 Alston Avenue
	ALSTONVILLE NSW 2477
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Under Delegated Authority
Subject Land:	Lot 890 DP 845412, 2-4 Northcott Crescent ALSTONVILLE
Description of Proposed Development:	Establishment of a Waste Transfer Station
Does the Proposal involve a variation to a Development Standard?	Yes – Clause 4.6 of BLEP 2012
Category of Development	10. Industrial
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	IN1 General Industry
Development Standard to be Varied	Maximum building height (Clause 4.3) – 10m
Justification of Variation	The building height is required to allow for the unloading of vehicles. The extent of variation occurs due to the change in level on the site. The non-compliance will not result in unreasonable impacts on neighbours or the overall streetscape or character of the area.
Extent of Variation	2m or 17%
Concurring Authority	Council under assumed concurrence.
Date DA determined	9 January 2017

Development Application No:	2016/539
Applicant's Name & Address:	Civiltech Consulting Engineers
	PO Box 1020
	LISMORE NSW 2480
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Under Delegated Authority
Subject Land:	Lot 9 Sec 2 DP 11687, Lot 8 Sec 2 DP 11687, 7 Byron Street LENNOX HEAD, 9 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
Does the Proposal involve a variation to a Development Standard?	Yes - Clause 4.6 Floor Space Ratio
Building Classification under the BCA:	1a
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	R3 Medium Density
Development Standard to be Varied	Clause 4.6 Floor Space Ratio
Justification of Variation	The variation is required to enable a dwelling to be constructed on the subject lots that will cater for the needs of the residents and the fact that the lots have limited lot size area for the construction of a suitable dwelling. The variation is for proposed lots 1, 2 and 3 and is minor with the development complying with all other development standards.
Extent of Variation	Less than 10%
Concurring Authority	Council (under assumed concurrence of the Director General for the Department of Planning and Environment)
Date DA determined	26 February 2017

Development Application No:	2016/561
Applicant's Name & Address:	Coral Homes C/- Professional Planning Group
	PO Box 24
	CHERMSIDE QLD 4032
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Under Delegated Authority
Subject Land:	Lot 11 DP 239776, No. 2 Aurora Place 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
Does the Proposal involve a variation to a Development Standard?	Yes
Building Classification under the BCA:	1a & 10a - Residential – single new dwelling
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	R3 Medium Density
Development Standard to be Varied	Clause 4.6 Floor Space Ratio
Justification of Variation	The proposal will not unreasonably or unduly impact on any adjoining property and is not inconsistent with variations previously approved
Extent of Variation	2%
Concurring Authority	Council (under assumed concurrence of the Director General for the Department of Planning and Environment)
Date DA determined	8 February 2017

Development Application No:	2016/691
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)	Under Delegated Authority
Subject Land:	Lot 254 DP 755684, Lot 443 DP 726497, 84 Kerr Street BALLINA
Description of Proposed Development:	Construction of Retail Building at Ballina Fair Shopping Centre, Modifications to the Existing Car Park and Associated Works
Does the Proposal involve a variation to a Development Standard?	Yes
Category of Development	8: Commercial/Retail/Office
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	B3 Commercial Core
Development Standard to be Varied	8.5m maximum height control
Justification of Variation	The proposed building will be consistent with the bulk and height and built form of the other commercial buildings on the subject site and other neighbouring properties on the eastern side of Kerr Street.
Extent of Variation	10%
Concurring Authority	Council under assumed concurrence of the Director General of the Department of Planning and Environment
Date Determined:	24 July 2017

Development Application No:	2016/731
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 5 DP 258095, 45 Greenfield Road LENNOX HEAD
Description of Proposed Development:	Two Lot Subdivision to create 1 x 1705m ² and 1 x 1180m ² lots
Does the Proposal involve a variation to a Development Standard?	Yes to vary Clause 4.6 of Ballina LEP 2012 in relation to the minimum lot size (1200m ²) within the R2 zone.
Building Classification under the BCA:	13 Subdivision
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R2 – Low Density residential
Development Standard to be Varied	<p>Clause 4.6 of BLEP 2012 provides the mechanism to vary the development standard.</p> <p>The objectives are as follows:</p> <ul style="list-style-type: none"> a) To provide an appropriate degree of flexibility in applying certain development standards to particular development, b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances. <p>The proposed minor variation in lot size from 1200m² to 1180m² satisfies the above objectives.</p>
Justification of Variation	<p>The variation is supportable on the grounds that the variation (1.6%) is so minor that it was considered reasonable to permit the creation of the lot to enable a dwelling to be constructed on the land that will cater for the needs of the residents. The minor reduction will also enable the creation of proposed lot 1 to cater for the existing infrastructure and buildings associated with proposed lot 1.</p>

	Allowing the minor variation will have no adverse impact upon adjoin owners.
Extent of Variation	The numerical variation to the standard is approximately 1.6% thus allowing for the creation of an 1180m ² lot as opposed to a 1200m ² lot.
Concurring Authority	Council under assumed concurrence
Date DA determined	22 March 2017

Development Application No:	2017/33
Applicant's Name & Address:	C A LeMessurier
	PO Box 106
	TINTENBAR NSW 2478
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Delegated Authority
Subject Land:	Lot 1 DP 974101, 1468 Eltham Road, TUCKOMBIL
Description of Proposed Development:	Dwelling and carport
Does the Proposal involve a variation to a Development Standard?	Yes to vary Clause 4.6 of Ballina LEP 2012
Category of Development	Dwelling
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	RU1 Primary Production Zone
Development Standard to be Varied	4.2A Erection of dwelling houses and dual occupancies (attached) on land in certain rural zones.
Justification of Variation	<p>The lot is below the minimum lot size and does not enjoy a dwelling entitlement.</p> <ol style="list-style-type: none"> 1. The development will not result in inappropriate fragmentation of rural land; 2. There is no public benefit in maintaining the 40ha minimum lot size development standard in this instance. The continued use of the land for a dwelling is an appropriate use considering a previous approval for a dwelling and the surrounding nature of land use.
Extent of Variation	The required minimum lot size is 40ha this allotment is 30.2 ha.
Concurring Authority	NSW Planning and Environment. Concurrence has been granted.
Date DA determined	10 April 2017

Development Application No:	2017/259
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 21 DP 261848, 32 Castle Drive LENNOX HEAD
Description of Proposed Development:	Two lot Strata Title Subdivision of an Existing Dual Occupancy to create one 619sqm and one 573sqm allotments
Does the Proposal involve a variation to a Development Standard?	Yes via Clause 4.6 under BLEP 2012.
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 4.6 BLEP 2012
Justification of Variation	The applicant's justification is that compliance with the standard is unreasonable as there is an existing approved dual occupancy on the subject site and proposed Lot 1 is of a sufficient size and shape to reasonably and practically site the existing dwelling and garage and all ancillary improvements/ structures.
Extent of Variation	4.38% (being 26.9m2 in area)
Concurring Authority	Delegated Authority
Date DA determined	REFUSED - 27 October 2017

Development Application No:	2017/544
Applicant's Name & Address:	C P Ryan
	66B Fig Tree Hill Drive
	LENNOX HEAD NSW 2 478
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Delegated Authority
Subject Land:	Lot 8 DP 1181942, 66B Fig Tree Hill Drive LENNOX HEAD
Description of Proposed Development:	Alterations & Additions to dwelling
Does the Proposal involve a variation to a Development Standard?	Yes
Category of Development	Dwelling
Environmental Planning Instrument	BLEP 2012
Zoning of Land	RU1 Primary Production – BLEP 2012/1(b) Rural (Secondary A – BLEP 1987 – 7(a) Environmental Protection BLEP 1987
Development Standard to be Varied	Clause 4.3(2) Building Height
Justification of Variation	The application seeks to vary the 8.5m building height standard by a maximum of 0.795m, with the overall height of the extension being 9.295m above the existing ground level at the rear of the allotment only. The subject allotment is steep. The majority of the building height/roof is contained within the prescribed building height. The proposed variation will not cause any overshadowing impacts on surrounding properties and will not impede on the privacy or amenity to the neighbouring residents.
Extent of Variation	Up to 9.3%
Concurring Authority	Council (under assumed concurrence)
Date Determined:	29 September 2017

Development Application No:	2017/386
Applicant's Name & Address:	Optus Mobile Pty Ltd C/- Catalyst One Pty Ltd
	23 Corporate Drive
	CANNON HILL QLD 4170
Determined by: (under Delegated Authority – s.378 of LG Act 1993 /DAP/Council/JRPP/NSW DoP)	Delegated Authority
Subject Land:	Lot 68 DP 1022473, 61 Piper Drive BALLINA
Description of Proposed Development:	Erection of a 33 metre high telecommunication facility consisting of a single monopole with associated
Does the Proposal involve a variation to a Development Standard?	Yes
Category of Development	10. Infrastructure
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	IN 1 – General Industry
Development Standard to be Varied	10m building height.
Justification of Variation	A telecommunications facility is required to protrude above the surrounding locality to ensure that it can provide efficient coverage to surrounding areas. The maximum height of buildings does not take this into consideration.
Extent of Variation	230.8%
Concurring Authority	Council under assumed Concurrence.
Date DA determined	20/11/2017