

**Details of Development Applications Approved/Determined with a
Variation to a Development Standard
January – December 2020**

Development Application No:	2019/133
Applicant's Name & Address:	Ardill Payne & Partners
	PO Box 20
	BALLINA NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 1 DP 1165957, 44-52 Blue Seas Parade LENNOX HEAD
Description of Proposed Development:	Torrens Title Subdivision to create eight x residential lots (Proposed Lots 1 to 8 – with areas of 690m ² to 1200m ²) and one x residual lot (Proposed Lot 9 – with an area of 2.72 hectares) and associated civil and infrastructure works
Category of Development	Subdivision Only
Environmental Planning Instrument	Ballina Local Environmental Plan 1987
Zoning of Land	7(d) – Environmental Protection (Scenic/Escarpment) and 1(d) – Rural (Urban Investigation)
Development Standard to be Varied	Clause 11 – BLEP 1987 - 40ha minimum lot size
Justification of Variation	Existing lot is substantially below 40ha (3.476ha) will remain substantially below 40ha. It is not possible to create a compliant residual lot that is located within the 1(d) and 7(d) zones. All the 1(d) and 7(d) land will remain within the one allotment.
Extent of Variation	Proposed Lot 9 has an area of 2.72ha, which is 93% below the standard.
Concurring Authority	Director General of the Department of Planning, Industry and Environment (DPIE)
Date DA determined	28 February 2020

Development Application No:	2019/819
Applicant's Name & Address:	Newton Denny Chapelle
	PO Box 1138
	LISMORE NSW 2480
Determined by:	Delegated Authority
Subject Land:	Lot: 473 DP: 729088, 3 Park Lane LENNOX HEAD
Description of Proposed Development:	Alterations to the roof and external cladding of the Lennox Head Community and Cultural Centre. The works exceed the height standard of 8.5m under Clause 4.3 of the Ballina Local Environmental Plan 2012
Category of Development	Community Facility
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	RE1 Public Recreation
Development Standard to be Varied	CI 4.3 BLEP Height of Building control – 8.5 metres The proposed parapet to the roof will be set at 9.2m being lower than the existing turrets to the hall which are at a height of 9.65m
Justification of Variation	The works are required to improve the water proofing and durability of the community facility. The overall height of the existing building will not increase as part of the proposal. The non-compliant portion of the roof will not have unreasonable impacts in terms of overshadowing properties, will not add excessive bulk and will not impact upon views from any public places.
Extent of Variation	7.6%
Concurring Authority	Council under assumed concurrence
Date DA determined	10 February 2020

Development Application No:	2019/123
Applicant's Name & Address:	Newton Denny Chapelle
	PO Box 1138
	LISMORE NSW 2480
Determined by:	Council
Subject Land:	Lot 24 Sec 2 DP 11687, 74 Ballina Street LENNOX HEAD
Description of Proposed Development:	Demolition of all structures on-site and erection and Strata Title subdivision of a mixed use development comprising a three storey 9.7m high building (above the 9.0m height of buildings development standard) including food and drink premises and retail premises at ground and second floors, business premises at second floor and shop top housing consisting of two residential dwellings on the third floor, on-site car parking, vegetation removal and associated works. A pedestrian walkway linking Ballina Street and Park Lane is proposed.
Category of Development	9: Mixed – Residential, Commercial & Retail
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	B2 Local Centre
Development Standard to be Varied	Cl. 4.3 Height of Buildings BLEP2012 - Height Limit - 9 metres
Justification of Variation	The variation relates to the lift shaft over run
Extent of Variation	The variation is approximately 7%
Concurring Authority	Council under assumed concurrence
Date DA determined	28 May 2020

Development Application No:	2020/49
Applicant's Name & Address:	Mrs M Anderson & Mr A A Anderson
	38 Newrybar Swamp Road
	KINVARA NSW 2478
Determined by:	Delegated Authority
Subject Land:	Lot 61 DP 1136918, Lot 4 DP 1252633, 38 Newrybar Swamp Road, KINVARA, 447 Ross Lane, LENNOX HEAD
Description of Proposed Development:	Subdivision of Two Existing Allotments to Create Three Allotments comprising Proposed Lot 1 (36.5ha), Proposed Lot 2 being a split lot (45.3ha) and Proposed Lot 3 (40ha)
Category of Development	Subdivision only
Environmental Planning Instrument	Ballina LEP 2012
Zoning of Land	RU2 Rural Landscape – BLEP 2012
Development Standard to be Varied	Variation to Clause 4.6 BLEP 2012
Justification of Variation	DA / Variation Refused
Extent of Variation	DA / Variation Refused
Concurring Authority	DA / Variation Refused
Date DA determined	DA Refused 22 July 2020

Development Application No:	2019/669
Applicant's Name & Address:	Victor Holmes Town Planning
	2/16 Yamba Road
	YAMBA NSW 2464
Determined by:	Council
Subject Land:	Lot 1 DP 587542, No. 23 Skinner Street, Ballina
Description of Proposed Development:	Two lot Torrens Title Subdivision to create one x 600m ² allotment and one x 539m ² allotment (below the 600m ² minimum lot size development standard of the Ballina LEP 2012), demolition of gazebo, carport and swimming pool, site filling and drainage, infrastructure servicing, vegetation management works and associated works
Category of Development	Subdivision
Environmental Planning Instrument	Ballina Local Environmental Plan 2012
Zoning of Land	R2 Low Density Residential – BLEP 2012
Development Standard to be Varied	BLEP 2012 Clause 4.1 – Minimum lot size
Justification of Variation	Consistent with the existing subdivision pattern, average size of surrounding allotments and character of immediate locality as well as the objectives of the R2 zone. Cumulative effects unlikely as majority of allotments in immediate area do not have land available for subdivision in the same manner.
Extent of Variation	Variation to min lot size (600m ²) development standard of CI 4.1 of BLEP 2012
Concurring Authority	Council under assumed Concurrence
Date DA determined	26 November 2020