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11th December 2017
Our reference: 1017.2203

The General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Att: Mr. Paul Mills

Dear Sir

RE: Request for Further Information DA 10.2017.628.1

We refer to Council's letter received by email on 6th of December 2017. In relation to the first of the requests, a subsequent email exchange has resolved that matter. Concerning the 2nd request, I confirm that all of the buildings are designed to be maximum 9m in height. The variation of height proposed comes as a consequence of the need to achieve positive drainage. The attached update plans show the CC approved level of the land and the building heights are measured from that approved level. I have also attached an updated submission seeking a variation to the height standard.

Should you require any additional information or wish to clarify any matter raised by this advice, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH

Stephen Connelly RPIA (Fellow)

PARTNERSHIP PRINCIPAL

(m) 0419 237 982

(e) steve@plannersnorth.com.au

Encl

Updated elevation plans

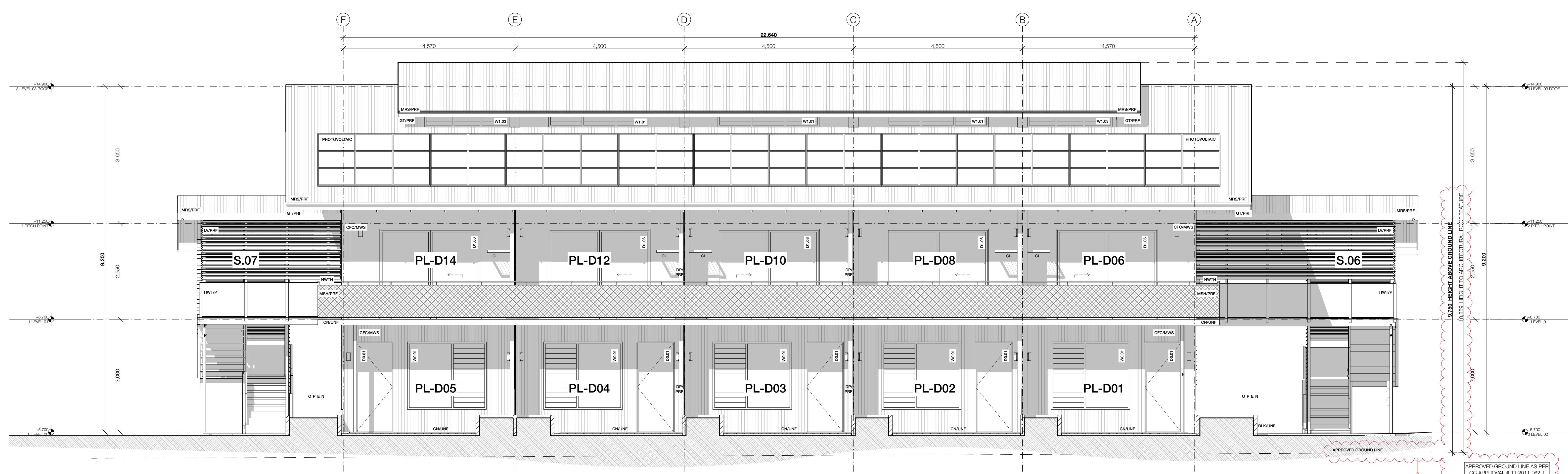
Updated height variation Request



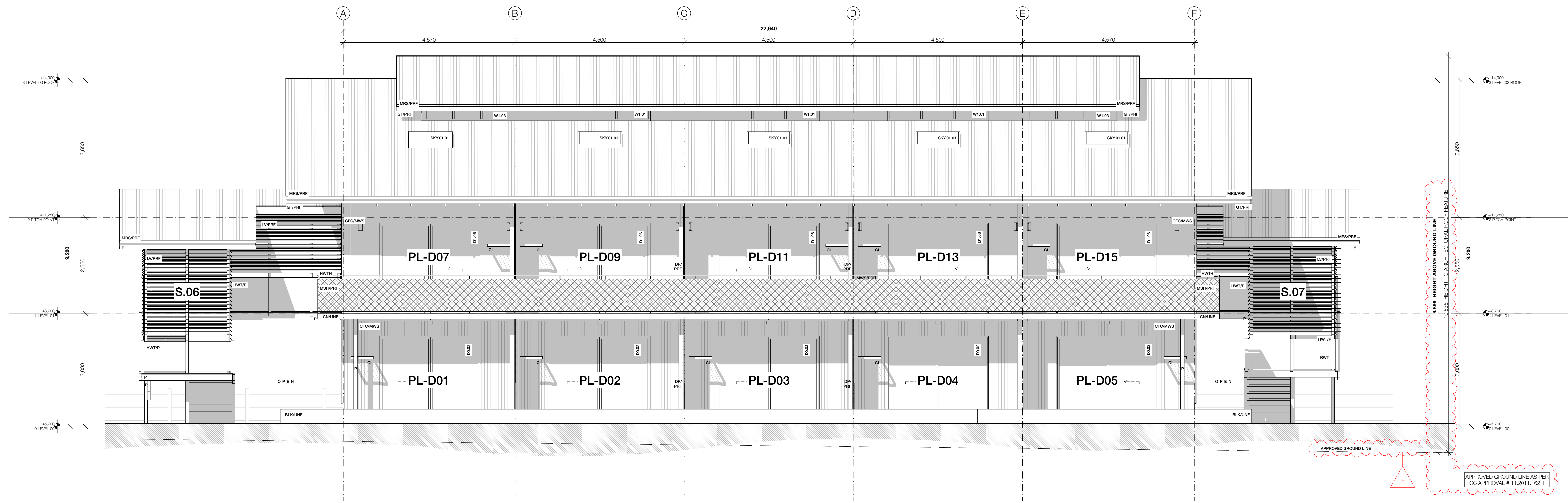
 DOMINIC FINLAY JONES ARCHITECTS PTY LTD 10/11-11/12/2017 10/11-11/12/2017 10/11-11/12/2017 10/11-11/12/2017		REVISION 01 02 03 04 05	ISSUE DATE 17/07/2017 18/08/2017 30/08/2017 12/10/2017 7/12/2017	CHANGE 17/07/2017 Ch-001 Remove RWT, changes to windows, remove HWS from roof, add PV to roof Ch-002 Change size/location of gable end windows, remove louvre shading from eaves Ch-003 Compliance Plan, Elevation Materials Ch-006 Additional Ground Level Info
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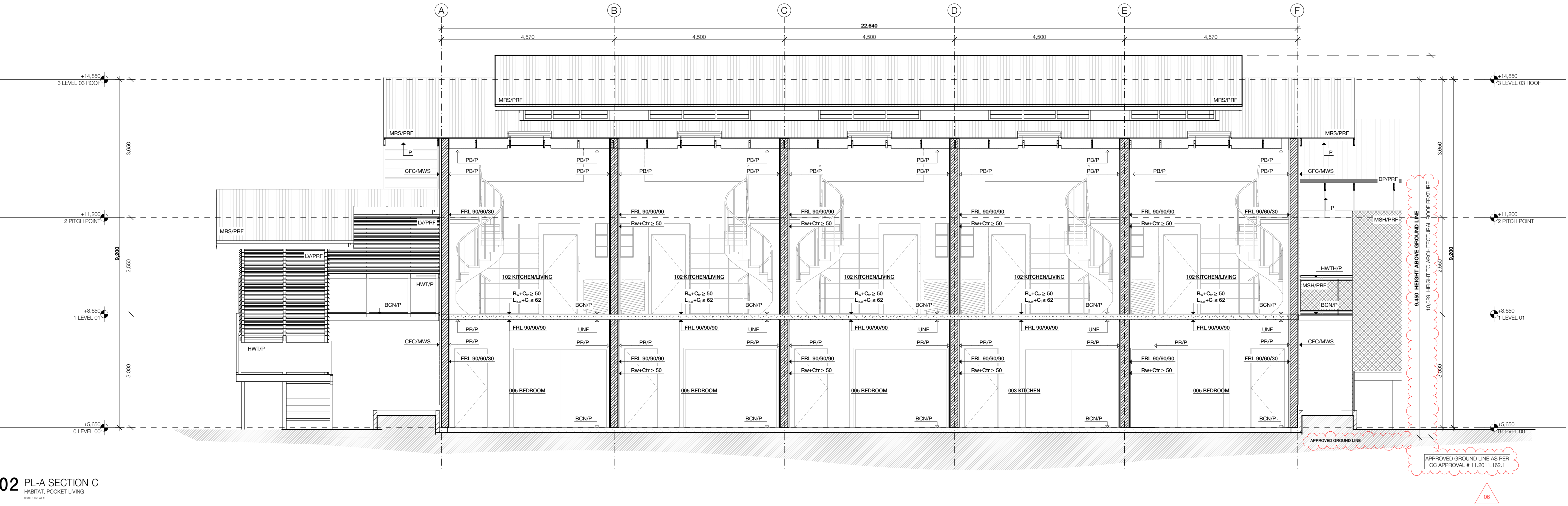
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DOMINIC FINLAY-JONES BANGALOW AUSTRALIA 10/11-11/12/2017		DRAWING NUMBER PL_DA 302		REVISION 05



00 PL-D NORTH ELEVATION
HABITAT, POCKET LIVING
SCALE: 1:50 AT A1

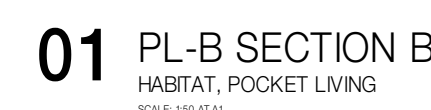


01 PL-D SOUTH ELEVATION
HABITAT, POCKET LIVING
SCALE: 1:50 AT A1

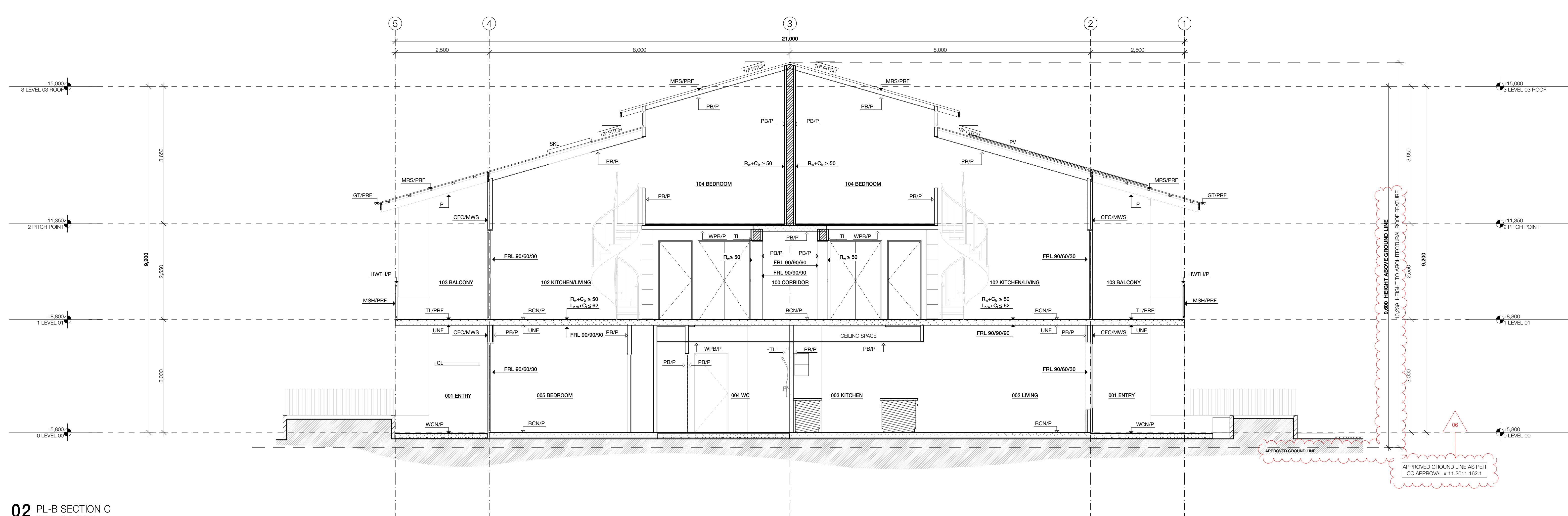


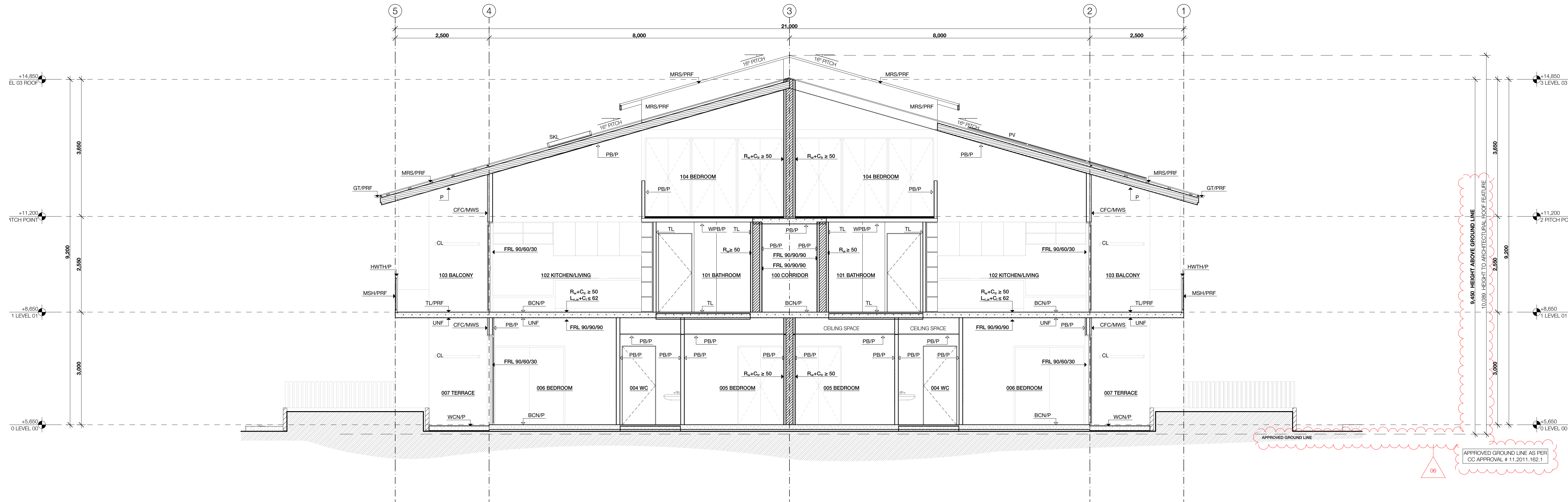
REVISION	ISSUE DATE	CHANGE
01	17/07/2017	
02	18/08/2017	Ch-001 Remove RWT, changes to windows, remove HWS from roof, add PV to roof
03	12/10/2017	Ch-005 Compliance Plan, Elevation Materials
04	7/12/2017	Ch-006 Additional Ground Level Info

PROJECT HABITAT, POCKET LIVING BAYSHORE PROPERTY TRUST, PTY, LTD 10/1	DRAWING TITLE PL-A SECTIONS 02 (Rev4)	NORTH	JOB NUMBER DFJ102	SCALE AT A1 1:50
DOMINIC FINLAY-JONES BANGALOW AUSTRALIA		CONSTRUCTION CERTIFICATE		SCALE AT A4 1:100
NOMINATED ARCHITECT DOMINIC FINLAY-JONES BAYSHORE ARCHITECTS PTY LTD		NOMINATED CLIENT BAYSHORE PROPERTY TRUST, PTY, LTD		PROPOSAL 04



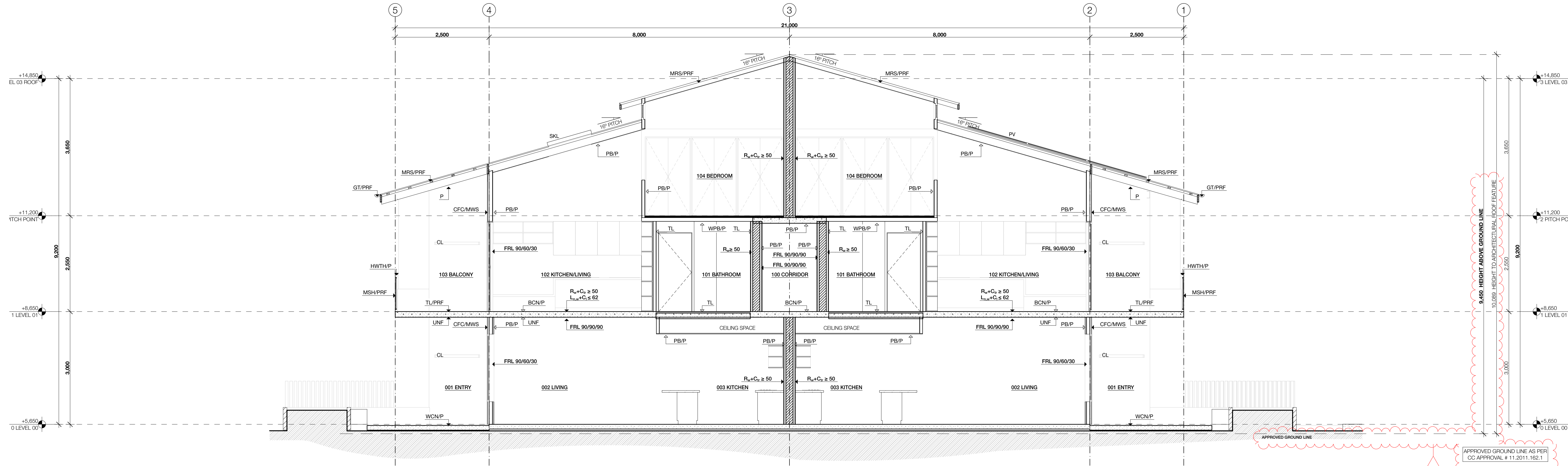
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HABITAT, POCKET LIVING	PL-B SECTIONS 01 (Rev5)		DFJ102	1:50
FOR BAYSHORE PROPERTY TRUST, PTY. LTD				SCALE AT A3
	CONSTRUCTION CERTIFICATE			1:100
DOMINIC FINLAY-JONES BANGALOW AUSTRALIA				REVISION
WAPWATUPA-HOVEDRUP - DOMINIC FINLAY-JONES B&B-HOVEDRUP TOWN		DRAWING NUMBER	PL DA 402	05





00 PL-C SECTION A
HABITAT, POCKET LIVING

SCALE: 1/50 AT A1



01 PL-C SECTION B
HABITAT, POCKET LIVING

SCALE: 1/50 AT A1

REVISION	ISSUE DATE	CHANGE
01	17/07/2017	
02	18/08/2017	Ch-001 Remove RWT, changes to windows, remove HWS from roof, add PV to roof
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04	12/10/2017	Ch-005 Compliance Plan, Elevation Materials
05	7/12/2017	Ch-006 Additional Ground Level Info

APPENDICES

UPDATED APPENDIX D

Clause 4.6 Height Objection

Application for Variation to Development Standard(s) and Supporting Information

Clause 4.6 of the Byron Local Environmental Plan (BLEP) 2014

1(a). What is the name of the environmental planning instrument (EPI) that applies to the land? (eg. BLEP 1987 or BLEP 2012)

Byron Local Environmental Plan 2014 (BLEP14)

1(b). What is the land that the variation applies to?

Lot 7 DP271119 (formally Lot 3 DP 1004514)

2(a). What is the zoning of the land?

B4-Mixed Use

3. What are the objectives of the zone?

Zone B4 Mixed Use

1 Objectives of Zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

4. What is the development standard being varied? eg. FSR, height, lot size

Height

5. Under what clause is the development standard listed in the relevant BLEP?

Clause 4.3

6. What are the objectives and purpose of the development standard? How are the objectives / purpose of the standard relevant to your development?

- (a) to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,
- (b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,
- (c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

7. What is the numeric value of the development standard in the relevant BLEP?

9m

APPENDICES

8. What is the proposed numeric value of the development standard in your development application?

Generally 9.45m and in some cases 9.9m

9. What is the percentage variation (between your proposal and the relevant BLEP)?

Generally 4% and in some cases 10%

10(a). How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

All the buildings are designed to have a maximum height of 9m. Because of the need to achieve positive drainage, some of the buildings need to sit at a surface level above the approved and build surface level. Council has very specific objectives in terms of the character of buildings. That character is largely based on a building form which is "hatted" (so to speak) in terms of the roof structures proposed. The proposed pocket living development can be built to achieve the maximum height requirements of the DCP, and achieve the floor space considered appropriate by the proponent within the height control. Within the body of the SEE is a sectional view of a compliant building form. However, to comply with Council's character requirements, the height of the building is slightly taller than that prescribed.

The effect of this maximum 10% increase in height will, in all likelihood, not be visible to the naked eye of an observer from within the development or external to the site. Accordingly, the visual impact will be negligible. No views of any kind are disrupted as a consequence of the variation in height proposed. There is no loss of privacy and no loss of solar access associated with the heights envisaged.

10(b) Will contravention of the development standard raises any matter of significance for State or Regional environmental planning?

The variation proposed is not of any significance in terms of State or Regional environmental planning. This is because the nature of the variation is so very small and the change will be imperceptible in the context of the overall development of the Habitat site.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act 1979? (Relevant for BLEP 1987/SEPP1 applications only)

The objectives of the Act seek to achieve the very best development form having regard to social, economic and environmental considerations. Development in the manner proposed is consistent with these objectives as it better meets the Council DCP objectives by implementing a "hat style" roof. Accordingly, we submit that strict compliance with a nominal height above ground level standard will not hinder the obtainment of the objectives of the Act.

12. Demonstrate how the objectives of the zone and the objectives of the development standard have been complied with despite the variation to the development standard.

The objectives of the zone are met because of the careful mixture of compatible uses that have been assembled with the updated site masterplan. In terms of Habitat as a whole, the project integrates suitable business, residential, retail and creative industries into a single location which accordingly maximises public transport patronage and encourages walking and cycling.

To achieve important levels of housing affordability, it has been necessary to optimise floor space (yet remaining well inside the maximum floor space ratio for the site). This optimisation ensures the appropriate mix of residential and urban land uses within the project area generally.

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why? Will approval of the variation of the development standard set a precedent? Why or why not?

APPENDICES

As a generality, it is important to maintain development standards and ensure that statutory planning requirements are met. However, in the subject circumstances, the height change sought will be imperceptible. It is only occasioned by the design on the part of the proponent to strictly accord with the form and character standards contained in Council's Development Control Plan in relation to this form. In the locality, there are no other residential precincts nearby and, accordingly, variation of the Development Standard in the subject circumstances is unlikely to set an unsatisfactory precedent.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Provide details

We respectfully submit that there are considerable environmental planning grounds to justify variation of the height standard in the subject circumstances. The variation in height is only sought to comply with important design characteristics designed by the Council. The variation is quite small (generally 4%) and will be imperceptible to anyone within the Habitat precinct or external to the site.

15. Is compliance with the development standard unreasonable or inappropriate due to the current use of the land and current environmental character of the particular parcel of land? Should the particular parcel of land have been included within the current zone?

The minor nature of the variation sought is such as to not require any change in zoning to the land.

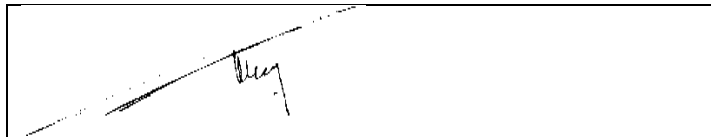
Applicant Details

Name S J Connelly of PLANNERS NORTH

Property Details Lot 7 DP271119 (formally Lot 3 DP 1004514)

DA No. (if known) 10.2017.628.1

Signature



Date

12/10/17
Updated
11/12/17