

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
SUB2007/0032		2/603599 170/751388 12/844425		369	School Road	Palmers Island	2463	14: Other	Maclean LEP 2001	1(a) Rural (Agricultural Protection) Zone	minimum allotment size 40 ha	Assumed concurrence – boundary adjustment to include drainage canal for aquaculture farm to remain wholly within one lot - reduction of lot from 10.9 ha to 7.03 ha - no additional allotments are created, no additional housing entitlement is created, Council is satisfied that any existing or potential agricultural use of the land will not be compromised.	Reduction of existing lot from 10.9 to 7.03 ha	Council	22/08/2007
SUB2007/0068		94/751377 181/751377		4252	Pringles Way	Lawrence	2460	14:Other	Maclean LEP 2001	1(b) Rural (General Rural Land) Zone	1.5 ha	Boundary adjustment - Assumed concurrence under the policy as only one of the lots does not comply with the standard, and the lot has an area of greater than 90% of that of the specified minimum standard. The variation relates to a maximum lot size under the LEP and as such is consistent with the Director's concurrence. Furthermore, no additional allotments are created, no additional housing entitlement is created and the potential agricultural use of the land will not be compromised.	2.7 ha	Council	14/02/2008
SUB2007/0085		1/431165 2/431165		4	Goddards Lane	Maclean	2463	14: Other	Maclean LEP 2001	1(a) Rural (Agricultural Protection) Zone	1.3 ha & 13 ha	Boundary adjustment - no additional allotments are created, no additional housing entitlement is created, Council is satisfied that any existing or potential agricultural use of the land will not be compromised.	13.9 ha and 4000m2	Council	15/02/2008
SUB2008/0033		2/1075920 3/1075920		58	Boormans Lane	Lower Southgate	2460	14: Other	Copmanurst LEP 1990	1(b) (Rural (Agricultural Protection) Zone)	Minimum lot size 40 Ha (Clause 19(1))	As Legally constructed dwelling or dwelling entitlement exists on the lots, subdivision will not change the status of the land nor compromise the objectives of the zone; and no public benefit gained through maintaining the standard	Lot varied to 4 Ha	DG of Department of Planning	15/07/2008
SUB2008//0031	1 Sec 6	1882		162 & 156	Red Lane	Mountainview	2460	14: Other	Copmanurst LEP 1990	1(a) (Rural (General) Zone)	Minimum lot size 40 Ha (Clause 17(1))	Two Legally constructed dwelling exist on the land and subdivision will not change the status of the land nor compromise the objectives of the zone; and no public benefit gained through maintaining the standard	Lots varied to 2.42ha and 2754m2	DG of Department of Planning	17/07/2008

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SUB2008/0037		1/1109086 2/1109086		301	Tanglewood Road	Lawrence	2460	14: Other	Maclean LEP 2001	1(b) Rural (General Rural Land) Zone	maximum allotment size 1.5 Ha	To provide buffer around the existing house. Enable frontage to Tanglewood Road, provide sufficient space primary and reserve effluent disposal, asset protection zones and enable the inclusion of the dam or fire fighting and on-site agricultural purposes.	5 Ha	Council	18/07/2008
SUB2008/0048	201	1096642		141	Rogan Bridge Road	Waterview Heights	2460	14: Other	Nymboida LEP 1986	1(c) (Small Holdings)	minimum allotment size 6000m2	Existing dwelling onsite and variation maintained well shaped living areas and ample area to allow for onsite effluent disposal. All other allotments complied with standard. Will not compromise the objectives of the zone	8% Variation (5524m2)	Council	5/09/2008
SUB2008/0058		102/751362 4/623556		107	Reilleys Lane	Glenugie	2460	14: Other	Ulmarra LEP 1992	1(a) (General Rural Zone)	minimum allotment size 40 ha	Both lots have dwellings erected upon them, no additional dwelling entitlements will be created. The agricultural pursuits of the lots will remain unchanged and the potential agricultural pursuits of the land will not be compromised.	4% Variation (38.37 ha)	Council	12/09/2008
SUB2008/0061		1/569632 2/569632		148	Jubilee Street	Townsend	2463	14: Other	Maclean LEP 2001	1(i) Rural (Investigation) Zone	minimum allotment size 50 ha	Both lots are approved lots that are below the minimum lot size for the zone (Lot 1 was excised from Portion 371 as a concessional lot under Clause 3 of the Maclean Interim Development Order on 21/2/1974). Council can assume concurrence under the policy for boundary adjustments between two existing lots where both are already below the minimum lot size for the zone, wher no additional lots are created, no additional housing entitlement is created, and the Council is satisfied that any existing or potential agricultural use of the land will not be compromised.	lots below min lot size varied to 2.43 & 12.64	Council	7/10/2008
SUB2008/0067		13/811250 14/811250		254-258	North Arm Drive	Chatsworth Island	2469	14: Other	Maclean LEP 2001	1(a) Rural (Agricultural Protection) Zone	minimum allotment size 40 ha	Boundary adjustment - no additional allotments are created, no additional housing entitlement is created, Council is satisfied that any existing or potential agricultural use of the land will not be compromised.	0.25% Variation (39.9 ha)	Council	6/11/2008

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SUB2008/0028		Lots 15-20 Sec 1 DP 2107 Lots 3-8 Sec 5 DP 2107 Lots 1-4 Sec 6 DP 2107, Lots 1-2 Sec 7 DP 2107, Lots 7-8 Sec 7 DP 2107, Lots 1-8 Sec 8 DP 2107			North Bank Road	Palmers Island	2463	14:Other	Maclean LEP 2001	1(a) Rural (Agricultural Protection) Zone	minimum allotment size 50 ha	The consolidation resolved a paper subdivision issue which may have lead to future demand of dwellings; and the proposal represents an infill development		DG of Department of Planning	10/11/2008
SUB2007/0057	3	630312		289	Brooms Head Road	Gulmarrad	2463	14: Other	Maclean LEP 2001	1(r) Rural (Residential Zone)	minimum allotment size 4000m2	Only one of the lots does not comply with the standard, and the lot has an area of greater than 90% of that of the specified minimum standard. The proposal allows for greater and sustainable use of rural residential land.	2% Variation (3921m2)	Council	12/11/2008
SUB2008/0020		693/816993 6941/831356		5190	Orara Way	Braunstone	2460	14:Other	Ulmarra LEP 1992	1(a) General Rural	Minimum allotment size 40 hectares	A minor boundary adjustment between the allotments to allow the dwelling on the smaller allotment will not create any additional dwelling entitlements, there will be no net increase in the ability to create more lots or dwelling entitlements in the future, outcome assists in achieving the zone objectives and subdivision will help reduce land use conflict. Only one of the allotments is below the standard and the smaller allotment is maintaining the original size of 2 hectares. Overall there is no change in the allotment sizes than already exists.	95% variation (2 Hectares)	Council	3/2/2009
SUB2008/0082	5 118	752836 729417		3890	Armidale Road	Nymboida	2460	14 Other	Nymboida LEP 1986	1(b) General Rural	Minimum allotment size 40ha	A boundary adjustment to separate the existing school residence from the existing school. The Dept of Education has determined the school is no longer reqd on the site. No additional dwelling eligibilities are created. Both lots are already well undersized.	99.4% variation (2547m2) and 96.8% variation (1.314ha)	Council	9/9/2009

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SUB2009/0041	79	751370		164	Braunstone Road	Ulmarra	2460	14. Other	Ulmarra LEP 1992	1(a) General Rural	Minimum allotment size 40ha	A boundary adjustment as a result of changes in family circumstances. The existing subject allotments are well below the minimum lot size, with lot 79 being 20ha and lot 210 being 2ha. The boundary adjustment will result in one lot being 10ha and one being 12ha. The boundary adjustment does not create an additional allotment or additional dwelling entitlement.	75% (30ha) and 70% (28ha) variation.	Council	09/10/2009
	210	732377		155											
SUB2009/0057	1	717090		363	Northbank Road	Palmers Island	2464	14:Other	Maclean LEP 2001	1(a) Rural (Agricultural Protection) and	Minimum allotment size 50ha	A boundary adjustment to increase the allotment size of 1/717090 from 1120m2 to 1.447ha as the minimum 50ha required is not consistent with the current use. The boundary adjustment will result in one allotment being 1.447ha and one being 53.46ha. There are no additional allotments or dwelling entitlements created from the proposed boundary adjustment.	97% (1.447ha)	Council	10/11/2009
	793	1077752								1(b) Rural (General Rural)			2.5% change in area to cane farm being 793/1077752		
SUB2009/0047	47	814754		20	Fairway Drive	South Grafton	2460		Grafton LEP1988	1(c) Rural Residential	Minimum Allotment Size 4000m2 Clause 11(2)	Concurrence was granted in this instance as the proposal is consistent with the objectives of the zone.	Creation of two lots of 2000m2	NSW Department of Planning	By Council at its meeting of 15 December. Notice of Determination signed 18 December 2009
SUB2009/0048	160	651504		395	Centenary Drive	South Grafton	2460		Grafton LEP 1988	1(a) Rural	Minimum allotment size 10ha	A boundary adjustment to reconfigure the allotment layout and no change in the current allotment sizes. Proposed Lot 1 maintains 3.3 ha and proposed lot 2 maintains 17.2 ha. No additional dwelling entitlements created.	66% (3.3ha)	Council	7 January 2010
	1	1068487													
SUB2009/0065	8	810388		119	Jubilee Street	Townsend	2463	14:Other	Maclean LEP 2001	1(i) Rural Investigation	Minimum allotment size 40ha – clause 32	A boundary adjustment between lot 8 DP910388 and lot 101 DP877444 (zoned 4(a)) for the purpose of the dwelling on lot 8 becoming part of lot 101. It is proposed for Lot 8 to be reduced by 2774m2 to create a lot of 1.72ha. Lot 101 is proposed to contain 2744m2 of 1(i) zoned land. No addition dwelling entitlements are created.	95.7% (1.75ha)	Council	8 February 2010
	101	877444		2	Re Road								99.3% (2774m2)		
SUB2010/0001	2	1008054			Wiblins Lane	Palmers Island	2464		Maclean LEP 2001	1(a) Rural (Agriculture Protection)	Minimum allotment size 40ha - clause 32	A boundary adjustment to rectify an encroachment of the Fishing Haven Caravan Park on lot 151 DP590027 effluent disposal area on lot 2 DP1008054.	93.85% (2.46ha)	Council	18 March 2010

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DA2009/0927	411	883976		50	Kungala Road	Halfway Creek	2460		Ulmarra LEP 1992	1(a) General Rural	Minimum allotment size – 40ha – clause 11	A minor boundary adjustment to cater for the redevelopment of a service station on lot 411. Both lots are below the minimum lot size. Lot 411 will increase from 1.3ha to 2ha and lot 412 will decrease in size from 18.2ha to 17.5ha. The area involved in the adjustment is 0.7ha. No additional dwelling entitlements are created.	95% (2ha)	Council	16 June 2010
	412	883976											56.25% (17.5ha)		
DA2009/0927	411	883976		50	Kungala Road	Halfway Creek	2460		Ulmarra LEP 1992	1(a) General Rural	Development along arterial roads – clause 23(2)(b) – Council shall not consent to the development if the development requires direct vehicular access to a road connecting with an arterial road, if the access to that road is within 90 metres of the alignment of the arterial road.	The RTA is requiring the access to be 40m from the intersection. The variation is considered acceptable, as it is an existing access point for an existing service station, the access is located the greatest distance from the intersection as possible for the lot, and the proposal includes the closure of another 2 access point for the lot. So the proposed access is considered an improvement on the safety of the existing access to the site.	55.5% (40m)	Council	16 June 2010
SUB2009/0051	10	835175		295	Queen Street	Grafton	2460		Grafton LEP 1988	Part 2(a) Living Area and Part 1(a) Rural	Minimum allotment size – 10 Hectares Clause 11(2)(a)	Concurrence was granted in this case as the proposal is not inconsistent with state or regional planning policy and maintenance of the 10 hectare minimum lot size development standard would prevent the orderly development of residentially zoned land.	95.2% (4831m2 and 4719m2)	NSW Department of Planning	22 June 2010
	11	835175													
SUB2010/0035	1	622055			Armidale road	Tyringham	2453	14: Other	Nymboida LEP 1986	1(a) Special rural	Minimum lot size	Consolidation and Boundary adjustment – reduction in number of lots, no additional housing entitlement is created, all lots already undersized; Council is satisfied that any existing or potential agricultural use of the land will not be compromised.	32% and 66.5% (68ha and 33.5ha)	Council	17 August 2010
	D	382421													
	A	447844													
SUB2009/0020	1	113801		28	Shipmans Road	Glenreagh	2450	14: Other	Ulmarra LEP 1992	1(a) General Rural	Rural residential subdivision permissible only within 2km of the village zone	The inclusion of this land does not result in an increase in the number of allotments being created. The additional land is incorporated into two allotments which exceed the minimum lot size anyway. Without SEPP 1 this application would have resulted in alienation of this part of the land.	2.3ha of the 98ha site is outside of the 2km radius.	Council	Approved by Council 28 September 2010.
	38	752843													
	17	752843									CI 12 (5)				

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SUB2010/0062	804	1071307		777	Clarence Way	Whiteman Creek	2460	14: Other	Copmanhurst LEP 1990	1(a) Rural (General)	Total number of direct access points to an arterial road	The subdivision may have proceeded with one additional driveway onto Sanders road instead of Clarence Way in accordance with clause 18(f) but the current proposal results in no clearing of vegetation, as opposed to significant clearing and the Sanders Road intersection does not comply with current standards where this driveway will.	One additional driveway above the LEP maximum of 2.	Council	15/12/10
SUB2010/0068	15 and 16	810057		434	Lower Coldstream Road	Coldstream	2462		Ulmarra LEP 1992	1(a) General Rural	Clause 11(1)(a) – 40ha minimum lot size	The proposal is a boundary adjustment and the lot is already below the minimum lot size and the size of the lot is being increased from 2ha to 2.8ha.	93% (2.8ha)	NSW Department of Planning	20/1/2011
SUB2010/0071	119	752810		103	Orara Downs Lane	Levenstrath	2460	14: Other	Nymboida LEP 1986	1 (b) General Rural and 1 (d) Small Holdings	Cl. 13 (2) – 40ha minimum lot size	The proposed boundary adjustment will increase the size of the allotment incorporating the 1 (b) land from 21ha to 36ha. The residue land, comprising all 1(d) land, will be approx. 25.4ha and thus comply with the 1(d) zone minimum lot size.	10%	Department of Planning	3 February 2011
	150	752810													
SUB2010/0069	12	628015		3422	Gwydir Hwy	Jackadgery	2460		Nymboida LEP	1(b) General Rural	Cl. 13 (2) (c) – 400m frontage to arterial road	This is a 2 lot subdivision. The proposed two new lots meet the LEP requirement for lot areas. The new 40ha lot (lot 121) requires a 400m frontage to the Hwy, however, it has only 200m frontage. The original parcel has in excess of 400m frontage to Gwydir Hwy. There will be one only access from the Hwy to service both new lots; in the location of the existing access to the original parcel. The access is at a suitable location; and having one access to both lots will meet the intent of the LEP clause (to reduce the number of accesses to the Hwy).	Variation of measurable standard –ie: each lot frontage is 200m approx – one combined access point for both lots in a length of more than 400m. Therefore, meets intent of LEP clause but not written standard	Council	15/02/2011

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SUB2010/0031	93	751373			Mill Road	Harwood	2465		Maclean LEP	1 (a) Rural Agricultural protection 2 (a) low density residential	Cl 32(2) (c)	All agricultural land will be consolidated into the one allotment	All lots currently below 40 ha minimum. New lot will be 24ha and will contain all agricultural land	DG of Department of Planning	25 January 2011
	201	822877													
	1	430611													
	4	42381													
	196	751373													
	92	665552													
	92	653351													
	188	751373													
SUB2011/0010	255	751385		74	Southamton Road	South Grafton	2460	14: Other	Grafton LEP	1(a) Rural	11(2)	Two lots of 9 ha will be created. No additional dwelling entitlements and better servicing capability.	2 x 10%	Dept of Planning	8 April 2011
	3	1102944													
SUB2010/0070	3	836262			Pacific Highway	Mororo	2469		Maclean LEP	1(a) Rural (Agricultural Protection)	Clause 32(2) – 40ha minimum lot size	Both lots are below the minimum lot size and the minor boundary adjustment does not create any additional dwelling entitlements and results in a better lot layout.	21% (31.6ha) and 61% (15.6ha)	Council	14 April 2011
	5	836262													
SUB2011/0014	2	194947		357-375	Centenary Drive	Clarenza	2460		Grafton LEP	1(a) Rural	Clause 11(2)(a) – 10ha minimum lot size	Consolidation & Boundary Adjustment resulting in one lot below minimum lot size. Decrease from 3 lots into 2 lots. No additional dwelling entitlement created. Agricultural lot increases in size and removes need for access to Pacific Hwy.	58.5% (4.15ha)	Council	13 May 2011
	30	716219													
	101	136439													
SUB2011/0018	7	599709		151	Ellis Road	Braunstone	2460		Ulmarra LEP	1(a) General Rural	Clause 11(1)(a) – Minimum lot size 40Ha	Both existing lots are already below min lot size. Boundary adjustment will create one large lot above min lot size and create one small lot. Dwellings exist on both lots & no entitlements created. No new lots created & agricultural use may improve.	95% (2.03ha)	Council	13 May 2011
	8	599709		167											
DA2011/0199	1	1038556		193	Drake Street	Carrs Creek	2460		Copmanhurst LEP	1(b) Rural (Agricultural Protection)	Clause 23(2) – Dual occupancies are to be attached.	The conversion of the old school building to a second dwelling (detached dual occupancy) is considered to be an adaptive re-use of the heritage item and may assist in its preservation. The proposal is considered to be consistent with the objectives of the zone.	-	Council	17 May 2011

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Sub2010/0075	31 - 32	854793		1027	Pacific Hwy	Ulmarra	2462		Ulmarra LEP	1 (a) Rural	Clause 11 (1)(a) and clause 17 (1) – 40 ha min lot size	Both lots are currently less than 40ha; this is a boundary adjustment; there is no additional dwelling entitlement created; the land taken from the smaller lot containing the existing house is to be consolidated with the larger agricultural lot	50% approx to lot 31	Council	16 May 2011
Sun2011/0005	1	996652		2307	Pacific Hwy	Cowper	2460		Ulmarra LEP	1(a) Rural	Clause 11 (a) – 40 ha min,	Consolidation of agricultural land; no additional lots or dwelling entitlements	1.07ha – 95%	Dept. Planning	23 May 2011
	21	628771													
	1	975542													
SUB2011/0015	27	752828		1550	Kangaroo Creek Road	Kangaroo Creek	2460		Nymboida LEP	7(d) Scenic Protection	Clause 30(2) – 150ha minimum lot size	Concurrence was granted in this instance because no issues of state or regional significance are involved in the matter of the land zoned 7(d), there being no likely change in land management or potential dwelling entitlements.	46 ha - 69%	Dept. Planning	27 May 2011
	30	752828													
	34	752828													
	48	752828													
	62	752828													
	1	127106													
	2	127106													
SUB2011/0028	11	837968		1543	Pacific Hwy	Ulmarra	2462		Ulmarra LEP	1(a) Rural (General)	Clause 11(1)(a) 40 ha minimum lot size	Both lots with dwellings are below min lot size and new lots will be less than 40ha (application includes consolidation of acquired road reserves). The current access arrangements remain unchanged. 400m frontage did not exist before.	Resultant lots are 3,800m2 & 32.16 ha	Council	1 July 2011
	12	837968													
	1	1162648									& 11(1)(b) 400m frontage				
	2	1162648													
SUB2011/0041	47	751373			Goodwood Island Road	Goodwood Island	2469		Maclean LEP	1(a) Rural (Agricultural Protection)	Clause 32 - 40 hectare minimum lot size	Both lots with dwellings below minimum size. Application also includes Cl. 32(3) boundary adjustment.	Lot 471 (8300m2 – Clause 32(3)) Lot 472 (1.49 hectares) Lot 473 (55 hectares)	Council	13 September 2011
	521	616750													
	522	616750													
SUB2011/0036	13	815322		8	Cronin Avenue	Junction Hill	2460		Copmanhurst LEP	1(c) Rural (Small Holdings)	Clause 20(1)(b) – the majority of lots to have an area of not less than 4000m2.	The justification for variation by the applicant was: More efficient utilization of existing services, infrastructure and community amenities; the development will not affect the low density nature of the estate (ration of 4000m2 to 2000m2 lots will be 9:14); the construction of the additional lot will not affect the views or amenity of adjoining lots; a similar application was approved in the estate.	The ratio of 4000m2 lots to 2000m2 lots will be 9:14.	By Council at its Meeting on 20 September 2011.	20 September 2011 – determination issued 26 September 2011.

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Sub2011/0043	4	719137		102	Trenayre Rd	Junction Hill	2460		Copmanhurst LEP	1(b) Rural (Agricultural protection)	Clause 19 – 40 ha minimum area	Boundary adjustment. Each existing lot has dwelling eligibility. The agricultural land will be consolidated into one lot; the existing house will be contained in smaller lot; flood free house site for larger lot; no additional lots or dwelling eligibilities create.	Lot 4 =32.45ha; will reduce to 1.13ha (new lot 1);	Council – assumed concurrence	24 October 2011
	151	1060917		148									Lot 151= 32.9ha – will increase to 75.48ha (new lot 2)		
Sub2011/0048	30	659102		233	North Arm Drive	Chatsworth	2469		Maclean LEP	1(a) Rural (Agricultural Protection)	Clause 32 (3)(g) Maclean LEP – requirement for lots to not exceed 2.5ha. The proposal is 4.4ha	The small lot accommodates an existing dwelling and is physically separated from the agricultural land by the Road. Other boundaries are the River and neighbouring boundaries. It is already a discreet parcel of land and the boundary adjustment will not affect the existing settlement pattern of agricultural landuses.	2.9ha above standard requirement	Council – assumed concurrence	18 November 2011
	132	1151708													
	12	254201													
	13	254201													
SUB2011/0046	1	812999		1111	Summerland Way	Koolkhan	2460		Copmanhurst LEP	1(a) Rural (General), 1(b) Rural (Agricultural Protection), 2(v) Village	Clause 17 – minimum lot size in 1(a) zone,	This allotment has been subject to a recent rezoning which has created this tri-zoned allotment. The majority of this allotment is now zoned village and comprises part of the Junction Hill expansion. The proposal is to cut the rural land from the residential land.	3.5 ha lot created, min lot size 40ha = 91.25% variation	Dept Planning and Infrastructure by letter 25 October 2011	5 December 2011
											Clause 19 – Min lot size in 1(b) zone. Both clauses set min lot size at 40 ha. The proposal creates a lot of 3.5ha.				
SUB2011/0061	1	998663		693	Pacific Highway	Swan Creek			Ulmarra LEP 1992	1(a) General Rural	Clause 11 – minimum lot size 40 hecatres	Both lots are currently less than 40ha; this is a boundary adjustment; there is no additional dwelling entitlements created and no additional allotments created.	Lot 2 - 10.5 hectares (83.75% variation)	Council assumed concurrence	20 December 2011
	531	751390		695									Lot 1 – 21.7 hectares (54.75% variation)		

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DA2011/0416	105	751378			Skidders Road	Pillar Valley	2462	14: Other	Ulmarra LEP 1992	1(a) General Rural	Clause 17 Minimum lot size for dwelling 40 hectares	Concurrence was granted as the departure from the standard is minor and raises no issues of significance for State or Regional Planning. While the proposal to authorize allegedly illegal development on the site raises concern from the viewpoint of the precedent it creates, the dwelling exists and likely would have been approved if the application had been submitted in the correct manner.	19% (32.37 hectares)	Department of Planning	13 February 2012
Sub2011/0068	6	583790		107	Goulds Road	Elland	2460	Subdivision and dwelling	Ulmarra LEP	1(a) General Rural	Clauses 11 (1)(a) – min lot size is less than 40ha and clause 17 (1) (a) for the dwelling on an area less than 40ha	Concurrence was granted by Dept. Planning as no issue of State or regional significance, and no opportunity for precedence with Ulmarra LEP repealed by CVC LEP 2011	12%	Department of Planning	18 February 2012
SUB2011/0070	14	817400		330	Braunstone Road	Braunstone	2460	Consolidation and boundary adjustment	Ulmarra LEP	1(a) General Rural	Clause 11(1)(a) – min lot size is 40ha	Concurrence was granted as the proposal was consistent with Rural zone objectives and allows agricultural use of road reserve which was previously not available for agriculture.	45%	Dept of Planning and Infrastructure	19 April 2012
	8	708387													
	1	1166526													
SUB2011/0075	1 & 2	559899			Goodwood Island Road	Goodwood Island	2469	Boundary adjustment	Maclean LEP	1(a) Rural (Agricultural Protection)	Clause 32 Minimum lot size	Both sets of lots are currently less than 40ha; this is a boundary adjustment; there is no additional dwelling entitlements created and no additional allotments created.	Max 25% variation to existing lot sizes	Council assumed concurrence	21 September 2012
	541 & 542	813608													
SUB2012/0024	13 (N.B. proposed lot 2 in the subdivision of lot 13)	707962		284	Iluka Road	Woombah	2469	13: Subdivision only	Clarence Valley LEP 2011	R5 Large Lot Residential	Clause 4.1 – Minimum lot size – requires 4000m2 minimum lot size	The subdivision is consistent with the: - objectives of clause 4.1 - zone objectives for land zoned R5, and - existing settlement pattern of the locality.	4.63% (3815m2)	Council assumed concurrence	15 November 2012
MOD2013/0019 of SUB2011/0019	2	1144493			Kangaroo Creek Road	Coutts Crossing	2460	13: Subdivision only	Nymboida LEP 1986	1(b) General Rural	Clause 13(2)(a) – requires 40ha minimum lot size	- The variation is only minor in nature - The proposal is consistent with the objectives of the zone - The agricultural capabilities of the land are not compromised by the proposal - The proposal is considered to be a better design for the ongoing management of the land as is does not create isolated parcels of land as part of the lot.	6% (37.6ha)	Council assumed concurrence	30 July 2013
	216	752810													
	233	752810													

SEPP 1 REPORTING TABLE

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MOD2013/0035 to SUB2010/0023	51	1171431			Parklands Drive	Gulmarrad	2463	13: Subdivision only	Maclean LEP 2001	1(r) Rural Residential	Clause 35 requires 4000m2 minimum lot size	A minor realignment of boundaries of proposed Lot 3 to allow for the existing drainage reserve known as Lot 7029 DP1114201 is considered to be a minor variation and development is still compliant with the objectives of the zone. Therefore, a reduction in the lot size below the minimum 4000m2 required in the zone to 3709m2 is supported.	Proposed Lot 3, as amended, will comprise an area of 3709m2, 7.32% below that required which complies with the 10 percent assumed concurrence variation maximum.	Council assumed concurrence	4/10/13
DA2013/0338	2	554606		14A	Pilot Street	Yamba	2464	1: Residential - Alterations & additions	Clarence Valley LEP 2011	R2 Low Density Residential	Clause 4.3(2) – maximum building height of 6.5m	-Under the standard instrument process only a single height for the land could be nominated and 6.5m was selected to retain the Pilot Street frontage standards. -The proposal complies with the dual height controls under the DCP which enables development to be stepped down the slope at the rear to a maximum height of 12m. -The extension will not impact on neighbour's views and no objections to the application were received. -The standard is unreasonable as compliance would be extremely difficult due to the slope of the land.	Maximum building height of 8.9m proposed. Being 37% greater than standard required.	Council at its Meeting of 19/11/13 – under assumed concurrence	Determined on 19/11/13 and issued on 26/11/13
SUB2013/0013	3	633341		59	Sullivans Rd	West Yamba	2464	13: Subdivision only	Clarence Valley LEP 2011	R5 Large lot residential	Clause 4.6 (6)	One lot will be created below the minimum lot size. The LEP standard is 5000m2 and the new lot will be 4534m2. This is a 9% variation. The purpose of the variation is achieve improved environmental and bushfire control outcomes in the development The RMS support the design.	9% below the min standard	Council assumed concurrence as less than a 10% variation	13/12/13
SUB2013/0020	276	752810		200	Kangaroo Creek Road	Kangaroo Creek	2460	subdivision	Clarence Valley LEP 2011	RU2 Rural Landscape & E3 Environmental Protection	Clause 4.1 Min lot size 150 ha for E3	One lot will be created below the minimum lot size. The LEP standard is 150 ha and the new lot will be 143.5ha. This is a 4.3% variation. The purpose of the variation is to maintain the existing access to Kangaroo Creek Road locate the boundary around the ridge areas of the lot (reducing environmental impacts).	4.3% variation to minimum lot size	Council assumed concurrence as less than a 10% variation	6/2/2104

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SUB2014/0003	20	776379		475	Woodford Dale Road	Woodford Island	2463	Subdivision only	Clarence Valley LEP 2011	RU1 Primary Production	Clause 4.1 Minimum lot size	One lot will be created below the minimum lot size. The LEP standard is 140 ha. Two dwelling entitlements exist over the tree lots and two of the lots are below the minimum lot size of 40ha. The new configuration will improve future agricultural pursuits for the land and are otherwise maintained.	1.25% variation to the minimum lot size	Council assumed concurrence as less than a 10% variation	5 June 2014
	3	820661													
	2	1155316													
DA2014/0178	101	751363		2092	Summerland Way	Warragai Creek	2460	2: Residential - Single new dwelling	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2B(3)(a) Minimum Lot Size 40 hectares	From 22 December 1989 building control was introduced to the entire Shire. Copmanhurst LEP was introduced on 30 March 1990. It appears there was a common misconception amongst residents that any dwelling did not require approval in a rural area until 1990 when the Copmanhurst LEP was introduced. Consequently a number of dwellings have been erected on lots less than 40 hectares without development approval. It appears to have been constructed in the late 1970s or 1980s however no aerial photography has been checked to confirm this. Although undersized, the location of this dwelling is considered to be in keeping with the character of the development of adjoining properties. Of the 79 allotments within a 5km radius of the property that are below 40 hectares they may either have dwelling entitlement or dwellings located already located upon them (as mentioned above). In this regard, it is considered that the proposed variation will not have cumulative impact	Lot Size 30.45 hectares (23.87%)	DG of Department of Planning	20/08/2014

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SUB2014/0012	11	730412										The variation to the minimum lot size reduces rural land fragmentation by consolidating two allotments into three. The proposed development will result in increased agricultural opportunities through consoliation of lots and is not inconsistent with the objectives of the zone. A suitable building envelope was identified above the1 in 100 year flood level and there will be no unreasonable demand on public infrastructure or services.	Lot 110 - 36 hectares (10% variation)	Council	23/09/2014
	33	751370		1231	Rushforth Road	Elland	2460	13: Subdivision only	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape & RU1 Primary Production	Clause 4.2B(3)(a) Minimum Lot Size 40 hectares				
	55	750370													
SUB2015/0003	1	1198081						13: Subdivision only				A minor variation to the development standard is considered acceptable as the development is consistent with the objectives of the zone and Rural DCP controls without compromising the character of the area. It will not create dispersed rural settlement and no unreasonable demand will be placed on public services.	39.97 hectares (0.08%)	Council	17/03/2015
	193	613288			Carrs Peninsula Road				Clarence Valley Local Environmental Plan 2011	RU1 Primary production	Clause 4.1 Minimum Lot Size of 40 hectares				
	194	613288		10		Junction Hill	2460								
SUB2014/00221								13: Subdivision only		RU2 Rural Landscape	Clause 4.1 Minimum Lot Size 40 hectares	The proposed variation of 9% to the minimum lot size will reduce rural land fragmentation through the consolidation of lots and road closures. The proposed consolidation and boundary adjustment to create two lots with one additional dwelling entitlement complies with the objectives of the zone and Clause 4.1 minimum lot size standards. Proposed Lot 101 will be of sufficient size to allow effective onsite wastewater and it will allow for an increase of the potential agricultural activity of the land by creation of a dwelling entitlement. The scenic quality of the rural landscape zone is unlikely to be adversely affected as minimal clearing would only be required for the connection of services to the property. A consolidation of the land will minimise potential land use conflicts and the creation of a dwelling entitlement will not unreasonably increase the demand for services in the area	Lot 101 - 36.49 hectares (95) variation	Council	
	10	751378													
	11	751378							Clarence Valley Local Environmental Plan 2011						
	13	751378			Stone House Road	Pillar Valley	2462								

SEPP 1 REPORTING TABLE

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DA2015/0219	1	726714			Pilot Street	Yamba	2464	3 & 4: Residential new dwelling and secondary dwelling	Clarence Valley LEP 2011	R2: Low Density Residential	Clause 4.3: Height of Buildings	The majority of the building complies with the height control of 6.5m. A small section (2%) of the building exceeds the height, but is within 10% of the standard. The variation is to enable the building to be stepped down the slope of the land.	Maximum height of 7.15m - 10% for a minor section of the building.	Council assumed concurrence as per planning circular no. PS08-003	30 June 2015
	2	726714									Maximum building height for the land is 6.5m.				
DA2017/0324	1	743646		640	Summerland Way	Carrs Creek	2460	3: Residential - New second occupancy	Clarence Valley LEP 2011	RU1 Primary Production	Clause 4.2D Erection of dual occupancies (detached) and secondary dwellings in Zones RU1, RU2, and R5 Subclause (2)(c) - <i>“any dwellings will be situated within 100 metres of each other”</i>	- The site is flood prone and the building site identified for the second dwelling is one of the higher parts of the land. - The building site identified allows maximum separation distance to Summerland Way to reduce potential noise impacts. - The proposed development still achieves compliance with the objectives of land zoned RU1 and the objectives of clause 4.2D. - No vegetation will be required to be removed. - Better drainage for storm water and septic. - It is not likely to interfere with any agricultural use of the land.	Separation of 200m (100%) of the new dwelling from the existing dwelling.	Council assumed concurrence as per planning circular no. PS08-003	18 July 2017
Da2017/0164	2	561320		383	North Street	Wooli	2462	7: Tourist	Clarence Valley Local Environmental Plan 2011	SP3 Tourist	Height on the Height of Buildings Map	- Design height for dafety reasons, open structure with small platform,	varaition is 16.6% to building height restriction	Council	21/09/2017
DA2017/0440	B	409958		195	River Street	Maclean	2463.	9: Mixed	Clarence Valley Local Environmental Plan 2011	B2 Local Centre	Clause 4.3 Maximum height is 9m and the proposed height if 9.435m giving a totalvariation of less than 5%	The roof pitch is increased to give a better outcome in the heritage precinct which results in a variation to the standard.	les than 5%	Council	12/10/2017
Da2017/0658	36	753509			Mann River Road	Jackadgery		2. residential use of existing building	Clarence Valley LEP 2011	RU2 Rural Landscape	Clause 4.2 B (3)	The proposal does not raise any matter of significance for State or regional planning; and There is no public benefit in maintain the development standard in this instance	Land is 9028m2; standard is 40ha. Variation is some 98%	NSW Planning and Environment	29/11/2017

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DA2017/0173	A	904084						14: Other	Clarence Valley Local Environmental Plan 2011	R1 General Residential	Clause 4.3 Height of 9m	The Panel considered the impact of the development on the open space of adjoining residences on mid winter afternoons would be similar to the impact of a development complying with the LEP building height standard, therefore compliance with the standard would be unreasonable and unnecessary; the highest point of the development does not negatively impact on the landmark quality of the hotel; the privacy of the dwellings located in Queen Street has been maintained and no direct overlooking of the adjoining residential dwellings will occur through the placement of appropriate screening.	Maximum roof hieght of 15.89m (76.5%) and lift overrun/parapet 17.92m (99%)	JRPP	30/01/2018
	2	125156		201	Queen Street	GRAFTON	2460								
DA2018/0074	14 & 15	758535		60-62	Spenser Street	Iluka	2464	7: Tourist	Clarence Valley LEP	B2	Heigh of Buildings Map	different land heights and requirement to adopt a common floor level to allow for drange to the street system.	21% variation to the maximum height of 9m	Council	17/07/2018

SEPP 1 REPORTING TABLE

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DA2018/0646	20	1103346		688	South Arm School Road	Brushgrove	2460	3. Residential - New second occupancy	Clarence Valley LEP 2011	RU1 Primary Production	Clause 4.2D(2)(c)	The proposed development achieves compliance with the objectives of land zoned RU1 and the objectives of clause 4.2D. The land can continue to be used for agricultural purposes, the development is not considered to create land-use conflicts, and the site, is considered suitable for the dual occupancy development. Permanent residents in the dwelling would be more aware of local flooding risks than holiday makers and short term visitors, and thereby more prepared in the event of flood. A change of farm stay to a permanent dwelling will provide an additional long term rental property to the market. The existing farm stay was originally a dwelling and is a perfectly sound structure and no building works are required to convert the building from a farm stay to a permanent residence. The use of the building if not used for a permanent residence or farm stay accommodation is likely to go unmaintained resulting in a perfectly suitable building being dilapidated.	Clause 4.2D(2)(c) requires 100m separation distance and the development approved a separation distance of 750m	By Council at its Meeting of 11 December 2018 (Assumed concurrence under PS18-003)	14/12/2018
DA2018/0598	15	333		193	River Street	Maclean	2463	9. Mixed	Clarence Valley LEP 2011	B2 Local Centre	Clause 4.3 Maximum height of Buildings	Justification for variation was on heritage grounds and the need for a pitched roof. On the basis that a reduction of the roof pitch would affect the objective of achieving an acceptable heritage outcome it is considered that the standard is unreasonable and the heritage outcome justifies the contravention. The building design is considered to be sympathetic infill development for the location which is complementary to the historic context of development in the Conservation Area.	Clause 4.3 requires a maximum building height of 9m. The extent of the variation is 3.75% (0.338m) to provide a maximum building height of 9.338m	Council assumed concurrence under PS18-003	19/12/2018

SEPP 1 REPORTING TABLE

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SUB2018/0035	1-3	751377			Kings Creek Road	Lawrence	2460	2. Residential - Single new dwelling	Clarence Valley LEP 2011	RU1 Primary Production	Clause 4.2B Minimum 40 hectare lot size for dwellings	1. The proposal does not raise any matters of State or regional planning significance. The consolidation of three lots into one on which the dwelling house is proposed will ensure that a precedent is not set for erecting dwellings on single undersized lots in the locality; and 2. There is no public benefit in maintaining the 40 hectare development standard in this instance as the land is already fragmented into lots of significantly less than 40 hectares. The land adjoins the Lawrence urban area and is bounded by other rural residential style development. The height of the tower is required to achieve a link to the NBN Co wireless hub site at Gilmores Lane, Halfway Creek to provide a link to the network. Additionally, the natural topography of the land including the ridgeline on the southern side of the Wooli River and height of vegetation require the tower to be 45m to provide the link to the network.	Clause 4.2B requires a minimum 40 hectare lot size for dwellings. The consolidated lot will provide an area of 3.4 hectares	NSW Planning and Environment Reference No. IRF 18/6917	18/1/2019
								10: Infrastructure						Council	
DA2018/0677	2	561320		383	North Street	Wooli	2462		Clarence Valley Local Environmental Plan 2011	SP3 Tourist	Clause 4.3 - Height of Buildings map		500%		5/03/2019
								9: Mixed							
DA2018/0363	1	1112027		17	Clarence Street	Yamba	2464		Clarence Valley LEP 2011	SP3	Height of Building	Overshadowing acceptable, built components above height not major, good design of development overall	3.5 metres above 12 metre height limit	Council	7/03/2019

SEPP 1 REPORTING TABLE

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SUB2018/0036	682	584225		157	Poley House Road	Braunstone	2460	13: Subdivision only	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2B Minimum 40 hectare lot size for dwellings	The proposed boundary will follow an existing fence line that follows the boundary of a close road reserve being lot 1 DP 1209087 which the lot being developed currently straddles and 2. The existing fence line is over 760m in length and if required to be moved to achieve the minimum lot size may result in additional vegetation being cleared as a result.	Within 1.9% of the minimum lot size (undersize by 7,600m²)	Council assumed concurrence under PS18-003	10/04/2019
SUB2019/0006	29	809993		265	Crisp Drive	Ashby	2463	14: Other	Clarence Valley Local Environmental Plan 2011	R5 Large Lot Residential	Clause 4.2D(3)(a) – each dwelling will use the same vehicular access from a public road	<p>Note – the development is for a strata subdivision of two existing dwellings on the lot and to formally seek approval for the an additional driveway access (although existing)</p> <p>•The driveways are existing, and while some upgrading / sealing of the driveway crossovers is required, they are suitable to service the existing dwellings.</p> <p>•Compliance would result in the construction of additional and unnecessary driveway / hardstand area through a natural draining line.</p> <p>•No vegetation is required to be removed.</p> <p>•There are physical barriers between the two dwellings that limit the provision of shared access.</p>	Two separate accesses – one to each dwelling	Council assumed concurrence under PS18-003	13/4/19
SUB2018/0018	128, 153 & 155 3 & 4	752810 814385		3	Blaxlands Creek Road	Blaxlands Creek	2460	13: Subdivision only	Clarence Valley Local Environmental Plan 2011	RU1 Primary Production, RU2 Rural Landscape and E2 Environmental Conservation	Clause 4.2B Minimum 40 hectare lot size for dwellings	The variation sought to the development standard is only minor being 2.5%. A reduction in the land size by 1ha under the minimum lot size of 40ha does not compromise the objectives of the zone or diminish the viability of undertaking agricultural activities on the subject land. The proposal complies with other planning requirements and the proposal only contained one lot under the relevant minimum lot size.	Clause 4.2B requires a minimum 40 hectare lot size for dwellings. The consolidated lot will provide an area of 39 hectares	Council assumed concurrence under PS18-003	28/06/2019

SEPP 1 REPORTING TABLE

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DA2017/0528	109	751365			Bostock Road	Tucabia	2462	14. Other	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2B Minimum 40 hectare lot size for dwellings	The proposed variation is only a minor variation. A variation of 3.5% will allow the use and development of the land to still achieve the objectives of the zone and maintain the rural landscape and natural character. Due to the topography of the land and landscape it is unlikely that the land would lend itself to being used for agricultural endeavours therefore the land will be of suitable size to accommodate a dwelling house and accommodate asset protection zones, effluent disposal and services. Allowing for 5 properties of 40ha will result in better management of the land compared to if the lots were larger	Clause 4.2B requires a minimum 40 hectare lot size for dwellings. The consolidated lot will provide an area of 38.6 hectares	Council assumed concurrence under PS18-003	28/06/2019
								11: Industrial	Clarence Valley Local Environmental Plan 2011			The proposal is not out of character with existing industrial uses along this entrance including Jim Pearson Transport and McLennan Earthmoving on Tyson Street and further on Notaras & Sons Timber milling on Schwinghammer Street. The height variations are for the mixing tower and silos only and reequiired for operational needs. In regard to the bulk and scale of the proposal it is not considered to be inconsistent with what would be typically expected for an industrial zone and what is already approved in the area. There are sufficient environmental planning grounds to justify the contravention of the maximum heights as proposed.	the proposal is for a 122.2% variation for the tower and 38.8% variation for the silos	Council	23/07/2019
DA2018/0738	11 12	1187818 1187818			Tyson Street	South Grafton	2460				Height of Building Map				

SEPP 1 REPORTING TABLE

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DA2019/0331	1	829279						5: Residential - Seniors Living	Clarence Valley LEP 2011	R2	Height of Building	The variations are moderate and not result in any unacceptable impact on adjoining properties or public areas,	11.7 – height under SL SEPP is 8m and 9m under teh LEP. The height to the elevator overrun and skylights is 12.7m.	Council	22/10/2019
	11	556436													
	2	82927		56-58	Yamba Road	Yamba	2464								
DA2019/0616	10	1112418		3-7	Rannoch Street	Maclean	2463	5: Residential - Seniors Living	Clarence Valley Local Environmental Plan 2011		Clause 4.3 Hieght of Buildings - 9m maximum	The lift shaft has a height of 11.075m; the building the lift shaft is attached to has a height of 10.93m. The lift shaft is only 0.145m or 145mm higher than the existing building. When observing the lift externally from the site, the height of the lift shaft will not dominate or excessively protrude from the existing skyline or above the existing building. The lift sits within the existing context of the site and the proposed development is not considered to impact on privacy or overshadowing of adjoining properties. Applicant's justificaion: There was previously a dwelling house on the land that fell into disrepair, the objectives of the zone are maintained and that the property is: • located on the outskirts of Woombah village, • has reticulated water, power and telecommunications, • has frontage and existing direct access to Iluka Road, • has sufficient space for effluent disposal, • has an identified building site which is flood free, protected from bushfire and not encroaching on land currently under cultivation. Concurrence granted as: • the proposed development is not incompatible with the existing land use pattern or the existing land uses in the vicinity, and • there is no public benefit in maintaining the 40ha minimum lot size development standard in this instance.	23%	Council	26/02/2020
								R2 Low Density Residential							
DA2019/0690	49	751394		516	Iluka Road	Woombah	2469	14: Other	Clarence Valley Local Environmental Plan 2011	Part RU1, Part RU2 & Part E2	Variation to clause 4.2B(3)(a) of the LEP to allow a dwelling house to be constructed on the lot even though the lot of 23.47ha does not comply with the minimum lot size under the minimum lot size map of 40ha.		41%	Secretary of Department of Planning	25/06/2020

SEPP 1 REPORTING TABLE

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DA2020/0170	29	751385		140	Ski Lodge Road	Seelands	2460	3: Residential - New second occupancy	Clarence Valley Local Environmental Plan 2011	RU1 Primary Production	Clause 4.2D(2) (c)	Considering the development is proposed on the highest point on the undulating site and V*D values are significantly less than the criteria in the definition of floodways provided in Council's Floodplain Risk Management Plan; it can be viewed that the floodway.development location is not, by definition, located within a floodway.	Clause 4.2D(2) (c) requires a maximum 100m separation distance, and the approved distance is 135m being 35% above	Council	4/08/2020
	1	123908													
DA2020/0156	6	759130		49	Yamba Street	Yamba	2464	2: Residential - Single new dwelling	Clarence Valley Local Environmental Plan	R2 Low Density	Clause 4.3(2)		Slope of land, construction costs of the alternative, not out of character with surrounding development, non-compliance will have minimal detrimental impacts	Council	6/08/2020
DA2020/0432	2	1106813		755	Kungala Road	Kungala	2460	14: Other	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2B (3) (a)	Applicants Justification: 1. The minor nature of the variation is considered to be within an appropriate degree of flexibility,2. The land is of sufficient size to construct a dwelling and effluent disposal system,3. The land is largely managed grassland with a low bushfire risk,4. A dwelling on the property will not impact on the rural landscape and will assist in managing any future agricultural enterprise on the land, and5. The land has suitable frontage to Kungala Road.	2.2%	Council	27/08/2020
DA202020/0345	21	751394			Ridgwood Drive	Woombah	2469	2: Residential - Single new dwelling	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2B (3) (a)	1. 15.8% variation provides an appropriate flexibility, 2. Compatible with the exiting housing land uses in th earea, 3. Better agricultural and environmental outcomes, 4. No further clearing is required to meet the busfire constraints of the land.	15.8%	NSW Planning, Industry and Environment	9/09/2020

SEPP 1 REPORTING TABLE

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DA2020/0348	1	574431		401	Kungala Road	Kungala	2460	3: Residential - New second occupancy	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2D (2) c - distance between two dwellings (max of 100m)	The proposed building site is the only cleared area on the subject land for a second dwelling and has been managed as such since 1989, by complying with the standard it would require clearing of native vegetation on-site, The site has access to services, road and has sufficient area for on-site effluent disposal within the cleared area, The second dwelling will not be visible from the road or neighbouring properties and is not considered to have an adverse impact on the amenity or rural character of the locality, Granting approval for a second dwelling on the land will assist in management of the property to assist with hazard and pest/weed control, and The financial costs to prepare a flora and fauna assessment for a building envelope that complies with the standard, new accesses and asset protection zones in addition to costs to clear the land and any offset requirements imposed by Council are considered to be onerous.	650m (650%)	Council	29/10/2020

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SUB2020/0017	2 & 64	819132 & 1246590		194	Gardiners Road	James Creek	2463	13: Subdivision only	Clarence Valley Local Environmental Plan 2011	R5 Large Lot Residential	Clause 4.1 - Minimum subdivision lot size	By allowing the proponent to reduce the minimal lot size it will provide a building envelope on lot 65 in an already cleared/disturbed area therefore reducing the ecological impact of the proposal, A reduction in the lot size also allows for a shorter battle-axe length, the subject of the second variation sought which will decrease the extent of the variation by approximately 60m (a 45% variation instead of 100% variation), There are other smaller lots in the immediate vicinity of the subject site therefore there is precedence, and The smaller lot will still allow for all structures and effluent disposal systems to be accommodated on the land.	10%	Assumed concurrence PS20-002	3/11/2020

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
DA2020/0534	1	716587		746	Boorms Head Road	Gulmarrad	2463	3: Residential - New second occupancy	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2D (2) c - distance between two dwellings (max of 100m)	The proposed building site is the only largely cleared area on the subject land for a second dwelling and has been managed by the owner since the 1980's, by complying with the standard it would require clearing of native vegetation on-site. The location of the second dwelling has been selected to provide additional security for the grass tree nursery on-site. All remaining development standards regarding a single access and suitable area for effluent disposal. The proposed site will utilise an existing vegetation buffer to the road which will reduce the impact on the rural character and amenity of the locality.	30%	Council	30/11/2020
DA2021/0166	1	1127096		545	Rushforth Road	South Grafton	2460	3: Residential - New second occupancy	Clarence Valley Local Environmental Plan 2011	RU2 Rural Landscape	Clause 4.2D (2) c - distance between two dwellings (max of 100m)	The proposed building site is within an open area and responds to the gully and topography of the site. - Locating the dwelling within 100m would mean the owners would incur unreasonable financial costs due to significant earthworks required to establish a level building surface. The proposed site will have limited impact on the rural character and amenity of the locality.	100m (200%)	Council	29/04/2021

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
DA2020/0288	B			6	Pilot Street	Yamba	2464	1: Residential - Alterations & additions	Clarence Valley Local Environmental Plan 2011		Clause 4.3 Height of Buildings	Clause W6.1 of the DCP allows development on the eastern side of Pilot Street to be stepped down at the rear of the property to a maximum of 12m. The steepness of the land is a factor which must be taken into consideration as the land drops away so suddenly. The decks are exposed to extreme southerly storms so the roof will provide protection from storms and sunlight as well as a pleasant outdoor living area. There will be little impact on views as: The predominant views enjoyed by the residents of Pilot Street are Main Beach and ocean views to the east so the proposed fly over roof will have minimal impact on these views and will not adversely affect the neighbouring views; and The impact of overshadowing by the proposed roof structure is demonstrated in NFD plans A07 and A08 does not adversely impact on the adjoining property	6.5m applies to development on the land under Clause 4.3 of the LEP. The proposed roof over the existing deck has a height of 9.47m which exceeds the height limit by 68%		
		381249								R2 Low Density				Council	28/06/2021

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
DA2020/0534	2	816125		85	Pine Street	Junction Hill	2460	2: Residential - Single new dwelling	Clarence Valley Local Environmental Plan	RU1 Primary Production	Clause 4.2B (3) - minimum lot size for dwelling house - 40Ha	The applicant has provided the following justification for Council to consider their request to vary the minimum lot size for a dwelling: - There are suitable areas to build on the lot above the 1 in 100 year flood height. - The proposed dwelling is in keeping with the locality and will utilise existing infrastructure therefore not placing an unreasonable increase in demand. - The locality of the site means it will have limited impact on the natural environment. - The primary production and agricultural viability of the land has been compromised by the previous subdivision of the land. - The proposal does not lead to fragmentation or alienation of resource lands. - Supporting a dwelling on the land will not result in land use conflict due to the existing land use and subdivision pattern of the locality. - The proposal does not result in dispersal of the rural settlement given its proximity to Junction Hill, and - The erection of a dwelling will not be impacted by natural disasters	93%	Council	30/08/2021

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
DA2021/0055	9	1240915		3	Deering Street	Yamba	2464	11: Industrial	Clarence Valley Local Environmental Plan	IN1 General Industrial	4.3 Height of Buildings Map	<p>The proposal seeks a variation to the maximum height requirement of 9m for parts of the facility:</p> <ul style="list-style-type: none">• cool room is to be 11.2m to the top of the roof (24.4% variation), and• Anti room 9.145m to the top of the roof (1.6% variation) <p>The remaining roof areas will have a maximum height of 7.76m</p> <p>As submitted by the Applicant, the variation is sought to facilitate a safe and efficient loading dock and the efficient vertical storage of bulk refrigerated stock. An increased height for the cool room is required to allow for a mandatory air gap between the cool room roof and ceiling of the building while allowing for sufficient cold storage space (vertical storage of 3 bulk pallets) to achieve operational efficiency of the business. The cool room floor is also elevated to facilitate the loading of trucks</p>	24.4% & 1.6%	Council	28/09/2021

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
DA2021/0782	111	1211119		135	School Road	Palmers Island	2463	3: Residential - New second occupancy	Clarence Valley Local Environmental Plan		Clause 4.2D (2) (c) - any dwellings will be situated within 100m of each other	b. It would seem unreasonable and unnecessary in our circumstances, to build within the 100 metres of the existing cottage, as it would require removing existing tea tree crops and would also render the existing council approved house pad useless. c. The other alternatives, to meet the requirement, would be to either to build another flood free house mound and move the existing cottage to within 100 metres of the proposed secondary dwelling or decommission the existing cottage, rendering it useless as a much sought-after rental property or farm workers accommodation. Both these alternatives also seem unreasonable and unnecessary. e. The objectives of 4.2D and Zone RU1 Primary Production, in our circumstances, would be better met by utilising existing infrastructures such as the existing house pad and access road and therefore, limiting the impact on the primary production potential, rural character, and environment. The development will not impair the use of the land or any adjoining land for agriculture or rural industries as the site chosen is existing. The balance of the property is used for tea tree farming as are the neighbouring properties. The site chosen will have tea trees growing on three sides of the dwelling with the river on the 4th side. Both the existing cottage, existing farm shed, and the proposed new dwelling will use the same existing vehicular access to and from School Road. In addition, an existing council approved septic system is located between the farm shed and the proposed new dwelling.	480%		
										RU1 Primary Production				Council	2/11/2021

SEPP 1 REPORTING TABLE

Council DA Reference Number	Lot Number	DP Number	Apartment/Unit Number	Street Number	Street Name	Town/Suburb	Postcode	Category of Development	Environmental Planning Instrument	Zoning of Land	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined dd/mm/yyyy
DA2021/0634	1 & 27	996105 & 751385		6	Ski Lodge Road	Seelands	2460	3: Residential - New second occupancy	Clarence Valley Local Environmental Plan 2011	RU1 Primary Production & RU2 Rural Landscape	Clause 4.2D (2) (c) - any dwellings will be situated within 100m of each other	A)The significant separation removes the appearance of a dual occupancy, B)The variation will not have an impact on the public interest, C)There are 132kv and 330kv transmission lines running parallel to Ski Lodge Road, setback 70m and 120m from the road respectively. Due to a 30m setback from these lines and presence of a dam in northern corner of the lot the it severely impacts the suitability of sites to build a large dwelling and associated infrastructure, D)To the east of the transmission lines is a known Cultural Heritage site, in order to achieve suitable setbacks for the dwelling this would further push the dwelling beyond the 100m limit, E)There is a lower boggy area that is impacted by flood through the middle of the property which is not suitable for a dwelling, F)The proposed development does not create a land use conflict, and G)On the basis of the above, the selected site 130m from the Clarence River on a flood free area would be the most reasonable location for a dwelling.	600%	Council at their meeting 26 October 2021 (Item 6b.21.076)	1/12/2021

SEPP 1 REPORTING TABLE

Development category	Definition
1: Residential - Alterations & additions	Alteration or addition to existing residential development. Includes additional ancillary development to dwelling houses eg. swimming pools, garages etc. Also include alterations and additions to other types of housing (multi unit etc) that does not involve the creation of additional dwellings.
2: Residential - Single new dwelling	A new single detached house on a single lot.
3: Residential - New second occupancy	Granny flats, dual occupancies (attached or detached).
4: Residential - New multi unit	Includes residential flat buildings, multi dwelling housing (but not seniors housing), townhouses and villa developments.
5: Residential - Seniors Living	Any development approved under the Seniors Living SEPP or previous versions of this SEPP.
6: Residential - Other	Includes boarding houses, group homes, caravan parks and manufactured home estates if accommodation is of a permanent nature.
7: Tourist	Includes tourist and visitor accommodation, and other development primarily related to tourism.
8: Commercial / retail / office	Office, business or retail premises.
9: Mixed	Any mix or all of residential, commercial, tourism, retail.
10: Infrastructure	Includes transport, utilities, telecommunications proposals.
11: Industrial	Includes rural industry, warehouse and storage facilities, extractive industry.
12: Community facility	Includes educational establishments, libraries, public recreation facilities etc.
13: Subdivision only	Includes applications for subdivision only and does not involve the construction of new residential or commercial development etc.
14: Other	Development not covered by categories above.