

Request for Variation to a Development Control and Supporting Information

Applicable DCP Chapter: Chapter D1

DCP Section: Section D1.2.2 – Setbacks from Boundaries

What is the name of the development control plan that applies to the land?	Specify the development control(s) which are being varied.
Byron Development Control Plan 2014	Chapter D1 – Residential Development in Urban and Special Purpose Zones D1.2.2– Setbacks from Boundaries
Provide details of the extent of the variation (i.e. what is the non-compliance? Is it minor or extensive? Percentage of variation between your proposal and the development control)	
<p>Variations are sought to two (2) of the prescriptive measures within Development Control D1.2.2, being:</p> <ul style="list-style-type: none"> <p><u><i>Prescriptive Measure 1: Minimum Street Frontage setback</i></u> <i>This control requires a minimum setback of 4.5 meters to be maintained from the primary front boundary.</i></p> <p>The front building setback largely <u>exceeds</u> the 4.5m setback requirement. However, 4 elements of the building project forward of the setback. These are identified on Plates 1 & 2 and described as follows:</p> <p>Area A comprises a roofed cover to the stairwell providing access from ground level to the basement. The structure is setback 1.45m behind the front setback. It is located behind the front wall /fence of the property.</p> <p>Area B comprises a minor portion of the architectural balustrading to the Level 1 terrace areas at the north west corner of the building encroach into the into the setback by 385mm.</p> <p>Areas C & E comprise open cantilevered roofs over the entrances to the two penthouse units. These structures are setback 1.2m and 2.25m respectively from the front property boundary.</p> <p><u><i>Prescriptive Measure 5: Minimum Setbacks for Swimming Pools and Spas</i></u> <i>Item b of this control stipulates that pools should not be located within the street frontage setback, except on sites where private open space can be accommodated only in this location or other site attributes support this outcome.</i></p> <p>One of the proposed pools is located within the front building setback. This is identified as Area D on the plate above.</p> 	

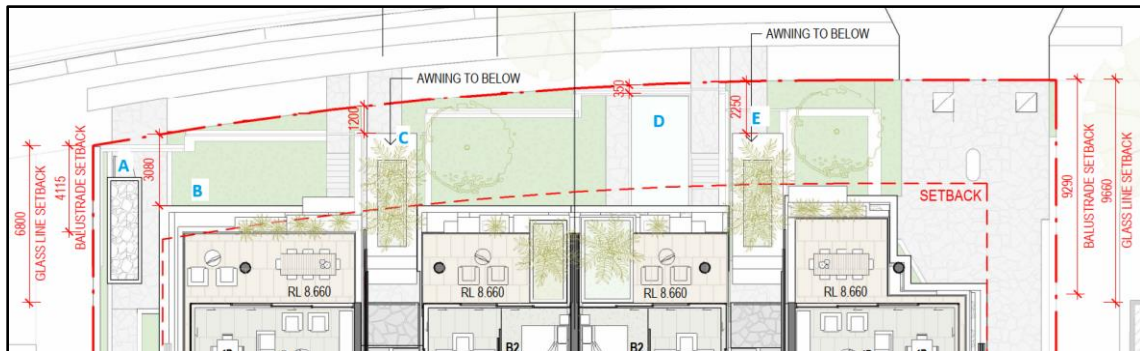


Plate 1



Plate 2

What are the objectives of the development control?

1. *To achieve varied and interesting streets that complement and harmonise with existing and planned streetscapes and development in the locality.*
2. *To achieve good orientation and spacing of residential developments that achieve high quality living environments relative to sunlight, shade, wind and weather protection, residential amenity and proximity of neighbouring development.*
3. *To achieve effective use of allotments to create useable and liveable private open space and courtyards.*
4. *To provide flexibility in siting and design of dwelling house development in urban residential areas.*
5. *To ensure that development in residential areas seeks to minimise any negative impacts on neighbours caused by siting.*

How does the proposed variation comply with these objectives?

The project provides for extensive articulation and landscaping within the built form. This provides for an interesting and high-quality streetscape presentation. The elements projecting forward of the 4.5m setback are all integrated into the architectural design of the building and do not intrude into the overall design.

As illustrated below, the façade of the building is setback substantially greater than the 4.5m setback provision:

- Ground level: 5.95m – 8.81m
- Level 1: 6.8m – 9.29m
- Level 2: 6.8m – 9.66m

Other than the minor encroachment on Level 1, balcony and balustrade elements on all levels are also setback on accordance with the front setback requirements.

Other than the stairwell cover, the elements projecting forward of the 4.5m setback are of ‘open’ formation and are not visually intrusive into the building setback. The stairwell cover and both of the cantilevered roof structures will have rooftop plantings to soften their appearance.

The elements projecting forward of the building line do not result in overshadowing or overlooking with respect to adjoining dwellings. We particularly note that the stairwell structure is compliant with the building height plane setback to the western property boundary.

The ground level of the building is set lower than the street. As such, the combination of the front fence and change in grade to the front courtyards ensures that privacy is protected for users of the swimming pool within the front setback area.

Provide justification/reasoning as to why the development control(s) does not make specific provision in relation to your proposal / does not enable you to achieve the outcome you are seeking?

The development site has a curved frontage to Lawson Street but is otherwise rectangular in shape. The design involves setting the building basement ‘square’ to the rear and side boundaries. The curved frontage to Lawson Street results in the building being set closer to the street at the western end of the site and further from the street at the eastern end.

Demonstrate why compliance with the development control(s) is unreasonable or unnecessary in your particular circumstance.

Refer to comments above.

Any other considerations?

N/A

Applicant Details

PROPERTY:

42 & 44 Lawson Street, Byron Bay

DATE:

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AUTHOR:

Karina Vikstrom