

TWEED SHIRE COUNCIL

CLAUSE 4.6 VARIATIONS REGISTER 2021

DA Reference No.	Lot No.	DP No.	Street No.	Street Name	Suburb/Town	Postcode	Environmental Planning Instrument	Development Standard to be Varied	Justification of Variation	Extent of Variation	Concurring Authority	Date DA Determined
DA20/1040	15	28390	2	Seaview Street	TWEED HEADS SOUTH	2486	Tweed Local Environmental Plan 2014	Clause 4.3 - Heights of Buildings	<p>The applicant has provided a request seeking to justify the contravention of the building height development standard. The proposal received two submissions, however based on the overall assessment of the relevant objectives below, it is not considered that the development contravene the public interest.</p> <p>The proposed variation is less than 10% (5.55%) and may therefore be determined under delegation.</p> <p>The five part test (The Varying development standards: A Guide dated August 2011 published by the NSW Department of Planning & Infrastructure (NSW Department of Planning, Industry and Environment dated 25/3/2020) was considered as part of the assessment.</p> <p>Although it is not considered that compliance with the building height is unnecessary in this instance, the minor nature of the variation and the supporting variation request by the applicant is considered satisfactory. The proposed variation is considered acceptable based on the constrained allotment and the proposed design of the dwelling.</p> <p>The proposed variation is considered acceptable having regard to site constraints, adjoining and adjacent development and vacant allotments. The proposal is considered to be in accordance with the objectives of the R2 zone being for a single dwelling and the height variation is not considered to cause adverse impacts.</p> <p>The development standard for building height in the Tweed LEP 2014 is not considered to have been virtually abandoned or destroyed, however the site is located on residential zoned land with a steep slope of approximately 17 degrees and due to the site constraints and assessment of the adjoining and adjacent properties, the proposed height variation is not considered to contravene the objectives of the R2 zone and is therefore considered acceptable.</p> <p>The parcel of land is zoned R2 Low Density Residential measuring 569.1m2 and the development is permitted with consent in this zone.</p> <p>The proposed dwelling is considered to generally comply with controls under the Tweed DCP. The dwelling is considered to be consistent with the existing and future development of the area and is not considered to have an adverse impact on the locality.</p>	5.4%	Tweed Shire Council under assumed concurrence	06/05/2021
DA19/0875	2	1139059	102	Lundberg Drive	SOUTH MURWILLUMBAH	2484	Tweed Local Environmental Plan 2000	Clause 20(2)(a) - Minimum lot size 40ha	<p>The proposed development is considered to result in an appropriate development at this location, in particular noting that there are no development works on the 7(l) zoned land which would compromise the objectives of the control. Furthermore, the subdivision results in all 7(l) zoned land on a single allotment. The NSW Department of Planning, Industry and Environment granted concurrence in this instance.</p>	77.4%	Director General of the Department of Planning	19/04/2021
DA20/0984	12	1066506	30	North Point Avenue	KINGSCLIFF	2487	Tweed Local Environmental Plan 2014	Clause 4.3 - Heights of Buildings	<p>The proposal seeks a variation to the 9m height development standard with a maximum height of 9.5m.</p> <p>The matters required by sub clause 3 are considered satisfied. The non-compliant portion of the dwelling is located entirely within the roof and is a result of a continuation of the existing roof pitch. Strict compliance with the 9m building height standard given the minor nature of the development would be unnecessary and unreasonable in this instance. The justification by the applicant is considered acceptable. The overall height of the building will be 9.5m and the design is consistent with the bulk and scale of the area. The proposal will not set an unnecessary precedent nor will it look out of character with immediate development. The height encroachment is unlikely to create a visual impact and is isolated to the roof pitch. The proposal will minimise the detrimental impact on the amenity of the area.</p> <p>The proposed development is considered to be in the public interest, being consistent with the objectives of Clause 4.3 - Height of Buildings, and the zone objectives for Low Density Residential Land. The proposal is considered to be of an appropriate height for the locality. The minor nature of the variation resulting from the continuation of existing roof pitch is likely to be in keeping with the public interest and the proposal will be consistent with the bulk and scale of surrounding development.</p>	5.5%	Tweed Shire Council under assumed concurrence	23/03/2021
DA20/0317	11	1254208	30	Fraser Drive	TWEED HEADS SOUTH	2486	Tweed Local Environmental Plan 2014	Clause 4.3 - Heights of Buildings	<p>Building Height required 10m. Building height proposed 11.4 m. Variation sought 1.4m or 14%.</p>	14%	Tweed Shire Council under assumed concurrence	19/03/2021
DA20/0027	8	3123	5	Kennedy Drive	TWEED HEADS	2485	Tweed City Centre Local Environmental Plan 2012	Clause 4.3 - Heights of Buildings	<p>Variation to building height control - Tweed City Centre LEP max height 9m. Proposed max height 9.598m.</p>	6.644%	Tweed Shire Council under assumed concurrence	19/03/2021

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DA20/0930	11	1243926	21	Winchelsea Way	TERRANORA	2486	Tweed Local Environmental Plan 2014	Clause 4.3 - Heights of Buildings	The proposal seeks a variation to the 9m height development standard with a maximum height of 9.85m.	9.4%	Tweed Shire Council under assumed concurrence	12/02/2021