

TWEED SHIRE COUNCIL

CLAUSE 4.6 VARIATIONS REGISTER 2016

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
DA15/0042	1	167380		Walmsleys Road	Bilambil Heights	2486	Tweed Local Environmental Plan 2000	Clause 20(2)(a) - Minimum lot size 40ha	Approx. 3ha residue lot created from Lot 2 DP 961928 following dedication of part of the lot as a road to service the proposed subdivision.	Residue lot of approx. 3 ha is 7.5% of 40 ha which is a 92.5% variation to the development standard.	Director General of the Department of Planning	06/12/2016
DA16/0224	17	1145386	65	Cylinders Drive	Kingscliff	2487	Tweed Local Environmental Plan 2014	Clause 16 - Heights of Buildings	<p>The proposed development has a maximum stated height of 10.991m which exceeds the 10m building height limit in Clause 4.3 of TLEP 2014. An application to vary the development standard has been submitted by the applicant in accordance with Clause 4.6 of TLEP 2014.</p> <p>The development standard to be varied may be assessed under delegated authority if the degree of variation does not exceed 10%.</p> <p>The application as submitted had a maximum stated height of 11.031m, which fell outside this 10% threshold and would have triggered a report to the Planning Committee meeting for determination. On advice from the assessing officer, the application was amended via a reduction in building height by 40mm, achieved through adjustment of Level 1 and Level 2 floor to floor heights by 20mm each.</p> <p>The amended maximum height of the proposed building is 10.991m in the south eastern corner, which at 9.9% degree of variation is not required to be reported to Council and may be determined under delegated authority.</p>	Greater than 10%	Tweed Shire Council under assumed concurrence	02/12/2016
DA16/0581	4	26837	7	Olga Street	Kingscliff	2487	Tweed Local Environmental Plan 2014	Clause 4.6 Exceptions to Development Standards	<p>The Applicant has requested an exemption to development standard 4.3 - Heights of Buildings in relation to the height of the proposed additions.</p> <p>The maximum building height in this location is 9.0m however the proposed additions will exceed this height for part of the roof by 350mm which will result in a building height of 9.35m above finished ground level.</p> <p>The requested variation is less than 4% from the standard which is considered to be minor and will have no adverse impact on the streetscape or adjoining allotments.</p> <p>The adjoining property which is closest to the proposed additions is on the north side of the subject lot and therefore will not be impacted on by overshadowing.</p> <p>The design of the additions has been prepared by a professional building designer and is considered to be consistent with the overall design intent of the dwelling house.</p> <p>The dwelling is of a contemporary design and the additions are considered to be a positive contribution to the appearance of the building and to the streetscape.</p> <p>Allotments to the rear of the subject lot contain tennis courts and will not be affected by the proposal.</p> <p>It is recommended that the Applicant's request to vary standard 4.3 to permit the height of the dwelling additions to exceed the 9m height limit by 350mm for part of the roof be supported.</p>	SEPP1 Variation is a minor increase in height limit, quantified as less than 4%	Tweed Shire Council under assumed concurrence	25/08/2016
DA15/0627	6	2974	45	Wardrop Street	South Murwillumbah	2484	Tweed Local Environmental Plan 2014	Clause 16 - Heights of Buildings	Slope of land means it would be difficult to meet standard.	Proposal results in a maximum 7.5% variation to the 9m building height limit on this site.	Tweed Shire Council under assumed concurrence	26/07/2016
DA15/0641	7	1077697	768	Casuarina Way	Casuarina	2487	Tweed Local Environmental Plan 2000	Clause 21A(2)(a) - Minimum lot size 40ha	Concurrence was granted by the Department of Planning and Environment for the proposed two lot residential subdivision which contains land zoned 7(f) Coastal Land. Both proposed lot sizes are around 800m2.	The minimum lot size of land zoned 7(f) Coastal Lands is 40ha. The existing Lot has a land area of 1798m2 the proposed Lot sizes are Lot 1 963.7m2 and Lot 2 834.3m2. The variation exceeds 10%.	Director General of the Department of Planning	11/07/2016
DA15/0726	66	237806	24	McGregor Crescent	Tweed Heads	2485	Tweed City Centre Local Environmental Plan 2012	Clause 16 - Heights of Buildings	The development proposes a building height of 22m for the primary bulk of the multi-storey development. However, it is proposed to include a small encroachment of 0.77m for the provision of a lift overrun on the top floor that will service the proposed residential flat building.	Height variation 22m permitted - Proposed 22.77m.	Tweed Shire Council under assumed concurrence	07/07/2016
DA15/0711	337	755740	19	Queen Street	Fingal Head	2487	Tweed Local Environmental Plan 2014	Clause 4.6 Exceptions to Development Standards	<p>The proposed development includes a roof deck with a height limit of 14.12m RL. The existing ground level within the envelope of the proposed roof deck (as detailed on the submitted plans) ranges from 3.89m RL to 4.00m RL. Accordingly the height of the development from the existing ground level at the highest point is approximately 10.23m.</p> <p>The site is mapped on the Height of Buildings Map <http://www.legislation.nsw.gov.au/fragview/inforce/epi+177+2014+pt.4-cl.4.3+0+N?toctnav=y> associated with Clause 4.3 as having a maximum height limit of 9.0m. Accordingly, the proposed development seeks a variation of in excess of 1.0m.</p>	<p>The proposed development includes a roof deck with a height limit of 14.12m RL. The existing ground level within the envelope of the proposed roof deck (as detailed on the submitted plans) ranges from 3.89m RL to 4.00m RL. Accordingly the height of the development from the existing ground level at the highest point is approximately 10.23m.</p> <p>The site is mapped on the Height of Buildings Map <http://www.legislation.nsw.gov.au/fragview/inforce/epi+177+2014+pt.4-cl.4.3+0+N?toctnav=y> associated with Clause 4.3 as having a maximum height limit of 9.0m. Accordingly, the proposed development seeks a variation of in excess of 1.0m.</p>	Tweed Shire Council under assumed concurrence	20/04/2016

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DA15/0776	54	1145386		Cylinders Drive	Kingscliff	2487	Tweed Local Environmental Plan 2014	Clause 4.6 Exceptions to Development Standards	Building Height variation does not compromise objectives of height controls. Enables higher residential density on appropriately zoned land. No impact on surrounding property. Floor Space Ratio variation is considered to enable appropriate building scale on an important site. No impact on surrounding property.	Building Height variation: 9.23% Floor Space Ratio variation: 7.4%.	Tweed Shire Council under assumed concurrence	13/04/2016