

TWEED SHIRE COUNCIL

CLAUSE 4.6 VARIATIONS REGISTER 2017

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		
DA17/0381	54 & 55	1145386		Cylinders Drive	Kingscliff	2487	Tweed Environmental Plan 2014	Local Plan	Clause 4.3 Height of Buildings	<ul style="list-style-type: none"> The height limit is only surpassed by 1.2m (lift overruns) and 0.6m (roof pitch), hence the variation sought is only minor. The architectural merit awarded to the design is consistent with the visions of the Seaside development. The bulk and scale of the development is appropriate for the site, considering it is located within the coastal medium density and mixed use precincts and is consistent with the desired future character of the surrounding medium density residential environment. The extra 1.2m will not result in any detrimental overshadowing, overlooking or lack of privacy on adjoining residential land as height variation is contained generally within the middle of the building. The proposal is consistent with the objectives of the Tweed Local Environmental Plan 2014 zone objectives. The proposal will contribute to housing availability and diversity in the local area. 	With respect to the applicant's justification above, it is considered that the proposed height variation does not impact on the objectives of the height controls being achieved. In particular, the proposal does not result in unacceptable overshadowing or impacts on the existing natural and built environment. In this regard, the extent of the variation is considered to be of relevance, with the 1.2m variation only demonstrated to the lift overruns while the 0.6m roof height variation is considered to be of a relatively minor nature given the overall scale of the proposal.	Tweed Council assumed concurrence	Shire under	06/11/2017
DA17/0034	1	1226264	24	Industry Drive	Tweed Heads South	2486	Tweed Environmental Plan 2014	Local Plan	Clause 4.3 Height of Buildings	Variation to Clause 4.3 Height of Buildings. The variation to the building height is a result of the nature of the use of the building for the purposes of stacked pallet freezer storage and compliant clearances for a development consistent with the objectives of the zone in the area.	The extent of the variation is 9.15% as the proposal comprises a building height of 10.915 where the site is mapped as having a maximum building height of 10m.	Tweed Council assumed concurrence	Shire under	20/10/2017
DA17/0592	33	123602	22	Anthony Avenue	Banora Point	2486	Tweed Environmental Plan 2014	Local Plan	Clause 4.1 Minimum Subdivision Lot Size	Variation to minimum lot size for strata subdivision. TLEP 2014 min. Lot size: 450 Proposed lot Size: 448m2, 384m2, 362m2 & 389m2.Total Land Area	The proposed strata lots demonstrate the following variation to the control; 448m2 (99.56%) 384m2 (85.33%) 362m2 (80.44%) 389m2 (86.44%)	Tweed Council assumed concurrence	Shire under	19/10/2017
DA17/0073	207	1122768	35	Kite Crescent	South Murwillumbah	2484	Tweed Environmental Plan 2014	Local Plan	Clause 4.3 Height of Buildings	SEPP 1 Variation to the mapped height limit of 10.0m Development is 16.0m for a fermentation tank 60% variation to the mapped height The mapped 10m height limit is deemed to be unreasonable or unnecessary in the circumstances of this case. There are sufficient environmental planning grounds to justify the variation, and the development is considered to be in the interest of the public. Accordingly, the proposed exception to the 10.0m height limit (Clause 4.3, TLEP 2014) is supported.	SEPP 1 Variation to the mapped height limit of 10.0m Development is 16.0m for a fermentation tank. 60% variation to the mapped height. The mapped 10m height limit is deemed to be unreasonable or unnecessary in the circumstances of this case. There are sufficient environmental planning grounds to justify the variation, and the development is considered to be in the interest of the public. Accordingly, the proposed exception to the 10.0m height limit (Clause 4.3, TLEP 2014) is supported.	Tweed Council assumed concurrence	Shire under	15/05/2017
DA16/0766	81	237806	7	Powell Street	Tweed Heads	2485	Tweed City Centre Local Environmental Plan 2012		Clause 4.6 Exceptions Development Standards	The proposed building height for the proposed Seniors Housing development exceeds the maximum requirements under Clause 4.3 under of the Tweed City Centre LEP 2012. Clause 4.3 stipulates a maximum building height of 22.0m, the proposal seeks a building height of 22.1m, with a total building height (including lift shaft) of 23.77m.	The proposed building height for the proposed Seniors Housing development exceeds the maximum requirements under Clause 4.3 under of the Tweed City Centre LEP 2012. Clause 4.3 stipulates a maximum building height of 22.0m, the proposal seeks a building height of 22.1 m, with a total building height (including lift shaft) of 23.77m. Summary: The proposed variation to the heights of building development standard is considered to be acceptable as detailed above. The site is considered suitable, negligible impact is created from the variation of 0.1m over a permitted building height of 22m. Compliance is considered unnecessary and there is adequate environmental planning ground to support the variation. The development is within the public's interest and consistent with the heights of building objectives and zone objectives.	Tweed Council assumed concurrence	Shire under	05/05/2017
DA16/0526	607	792534	102	Ash Drive	Banora Point	2486	Tweed Environmental Plan 2014	Local Plan	Clause 4.6 Exceptions Development Standards	Height Limit of Site is 9m. Application requires a minor variation to allow a small area of Unit 2 to have a maximum height of 9.135m. This is a variation of less than 10% being 1.5%. This variation is due to the steepness of the site and to allow the adjoining Unit 1 to be at a slightly lower level enabling light to enter both units from the north east. The variation is for a small portion of a balcony roof only and does not extend over the entire roof space.	1.5% Variation to a 9m height limit being 9.135m.	Tweed Council assumed concurrence	Shire under	14/02/2017