

TWEED SHIRE COUNCIL

CLAUSE 4.6 VARIATIONS REGISTER 2019

DA Reference No.	Lot No.	Section 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																																
DA19/0425	5		286030	36	Old Ferry Road	Banora Point	2486	Tweed Local Environmental Plan 2014	Clause 4.3 Heights of Buildings	<p>The application proposes a 5.55% variation to the 9m height control resulting in an overall building height of 9.5m.</p> <p>The variation is a response to the steep topography of the site (49% slope) and additional levels are required to accommodate a regular sized dwelling. The variation to the height control is limited to a small portion of the roof form. The built form response to the steepness of the slope is considered to be appropriate.</p> <p>The applicants Cl 4.6 variation request adequately addresses the matters required by the Clause and the proposal is considered to be in the public interest.</p>	5.55% height variation to the 9m height control	Tweed Shire Council under assumed concurrence	11/12/2019																																
DA19/0506	2		1018747	86	Mahers Lane	Terranora	2486	Tweed Local Environmental Plan 2014	Clause 4.3 Heights of Buildings	Due to the slope of the site a minor portion of the roof exceeds the 13.6m height limit. It is considered to be acceptable and unlikely to impact on neighbouring properties in terms of privacy or overshadowing due to large setbacks from property boundaries.	The proposed variation is 7.8%	Tweed Shire Council under assumed concurrence	10/12/2019																																
DA19/0084	5		25301	19	Sutherland Street	Kingscliff	2487	Tweed Local Environmental Plan 2014	Clause 4.3 Heights of Buildings	<p>The subject application seeks a Clause 4.6 variation to Clause 4.3 - Height of Buildings of the TLEP 2014. The subject site is mapped as having a 9.0m height limited under the TLEP 2014. In summary the following variations are sought:</p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Proposed height</th> <th>Variation sought</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9.158m</td> <td>158mm</td> <td>1.7%</td> </tr> <tr> <td>6</td> <td>9.158m</td> <td>158mm</td> <td>1.7%</td> </tr> <tr> <td>7</td> <td>9.539</td> <td>539mm</td> <td>5.9%</td> </tr> </tbody> </table>	Lot	Proposed height	Variation sought	Percentage	5	9.158m	158mm	1.7%	6	9.158m	158mm	1.7%	7	9.539	539mm	5.9%	<p>The following variations are sought:</p> <table border="1"> <thead> <tr> <th>Lot</th> <th>Proposed height</th> <th>Variation sought</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9.158m</td> <td>158mm</td> <td>1.7%</td> </tr> <tr> <td>6</td> <td>9.158m</td> <td>158mm</td> <td>1.7%</td> </tr> <tr> <td>7</td> <td>9.539</td> <td>539mm</td> <td>5.9%</td> </tr> </tbody> </table>	Lot	Proposed height	Variation sought	Percentage	5	9.158m	158mm	1.7%	6	9.158m	158mm	1.7%	7	9.539	539mm	5.9%	Tweed Shire Council under assumed concurrence	23/08/2019
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DA18/0478	1		17328	1/20	Lagoon Road	Fingal Head	2487	Tweed Local Environmental Plan 2014	Clause 4.3 Height of Buildings	<p>The approved plans propose a building height of 9.8m to the top of the roof top planter box and 10.1m to the top of the glass balustrade on the rooftop terrace. The maximum extent of the breach of the height limit is now 8.89% for the planter box and 12.22% for the glass balustrade.</p> <p>In the Clause 4.6, the proponent has submitted that compliance with the development standard is unreasonable in this instance as the elements which exceed the height limit of 9m is a small area and consist of either decorative elements on the roof (planter boxes) or clear transparent elements (being the frameless glass balustrade). The proponent demonstrates that the elements in question will not result in any additional overshadowing, and submits that the breach in height will not be visible from the street, or where visible the height variation will be indistinguishable from a compliant 9m building height. In terms of sufficient environmental planning grounds, the proponent has submitted that the alternative of amending the proposal to 'sink' the building into the ground would have a significant direct impact in terms of land forming with the potential for encountering ground water (thereby necessitating dewatering).</p> <p>The Clause 4.6 submission was considered to be reasonable and a rational assessment of the circumstances. It was considered that the impact from the variation would be negligible in terms of visual impact or overshadowing and the recommendation to Council was to support the application and the Clause 4.6 variation That where the development sought a maximum 12.22% variation to the 9m height standard and the concurrence of the Director-General of the Department of Planning was required.</p>	12.22%	Tweed Shire Council under assumed concurrence	19/08/2019																																
DA18/0663	4	5	4043	25	Beryl Street	Tweed Heads	2485	Tweed City Centre Local Environmental Plan 2012	Clause 4.6 Exceptions to Development Standards	<p>Clause 4.6 submitted to vary minimum building street frontage under Clause 6.6(2) of TCCLEP2012. The min. frontage required is 20m and the site features a frontage of 15.8m representing a variation of 4.194m or 24.57%.</p> <p>Clause 4.6 variation requested has been submitted to vary Clause 6.8(3)(c) of TCCLEP2012 in regard to the first floor use of the building being used for commercial activities. The proposed first floor comprises of residential accommodation.</p>	24.57%	Tweed Shire Council under assumed concurrence	09/07/2019																																
DA19/0172	120		817783	54-58	Greenway Drive	Tweed Heads South	2486	Tweed Local Environmental Plan 2014	Clause 4.3 Height of Buildings	The variation is only to a very small portion to the roof comprising the mechanical plant platform and equipment or more precisely the stacks which are positioned to the centre of the building. This calculates to be approximately 3.2m ² or 0.13% of the entire building footprint.	0.13%	Tweed Shire Council under assumed concurrence	27/06/2019																																
DA18/0884	10		1084319	1	Wollemi Place	Tweed Heads West	2485	Tweed Local Environmental Plan 2014	Clause 4.3 Height of Buildings	<p>Variation to the maximum building height for Stage 2 building.</p> <p>TLEP 2014 Max building Height - 13.6m</p> <p>Proposed building height - 16.26m to top of building and 17m to top of ridge.</p>	25% variation (increase) to the maximum building height	Northern Regional Planning Panel	01/03/2019																																