

TWEED SHIRE COUNCIL

CLAUSE 4.6 VARIATIONS REGISTER 2023

DA Reference No.	Lot No.	Section	DP No.	Apartment/Unit 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
DA22/0121	1		220738		924	Tomewin Road	TOMEWIN	2484	Tweed Local Environmental Plan 2000	Clause 16 – Heights of Buildings	Variation to three storey height limit required by Cl.16 of the TLEP 2000, to allow four storey development by definition. Development still retains appearance of 2-3 storeys and is only a variation due to floor to ceiling heights over 4.5m being defined in the instrument as 2 storeys. TLEP 2000 height limit: 3 Storeys.		Tweed Shire Council under assumed concurrence	18/12/2023
DA23/0110	11		3123		11	Kennedy Drive	TWEED HEADS	2485	Tweed Local Environmental Plan 2014	Clause 4.6 – Exceptions to Development Standards	The noncompliant portion of the dwelling is a minor portion of the roof as highlighted on the elevation plans and is 870mm. Strict compliance with the 9m height limit on this sloping site would be considered to be both unnecessary and unreasonable in circumstances of the application. The justification provided by the applicant is considered to be acceptable. The overall height of the building is 9.87m. The majority of the dwelling complies with the 9m height limit. The proposed 870mm variation to the 9m building height limit is supported. As required by the State Government, a report to Council is required for a height variation which exceeds 10% of the maximum height permitted. In this instance the 9.87m height is below the 10% and a report to Council is not required.	9.1%	Tweed Shire Council under assumed concurrence	11/12/2023
DA22/0793	604		1244954		208	Lundberg Drive	SOUTH MURWILLUMBAH	2484	Tweed Local Environmental Plan 2014	Clause 16 – Heights of Buildings	Variation extent is 5.05%. The written request for variation to the height of building development standard submitted under Clause 4.6 is considered to be satisfactory. It adequately demonstrates that, despite the numerical non-compliance, the proposed development will be in the public interest as it is consistent with the objectives of the height of building development standard and the objectives for development within the E4 General Industrial zone.	5.05%	Northern Regional Planning Panel	10/10/2023
DA21/0893	18		1145386		67	Cylinders Drive	KINGSCLIFF	2487	Tweed Local Environmental Plan 2014	Clause 4.3 - Height of Buildings	A variation report has been submitted in support of the non-compliance with the applicable 10m maximum building height development standard. The proposal includes elements that compromise this building height limit. The elements which exceed the building height comprise 2 x 800 millimetre high, 50% open, batten screens which are located on the northern and southern sides of the Villa A and Villa C rooftop decks respectively. This results in part of the building exceeding the 10m height limit by 800mm (8% variation).	8%	Tweed Shire Council under assumed concurrence	12/09/2023
DA21/0965	398		755701		61	Tweed Coast Road	HASTINGS POINT	2489	Tweed Local Environmental Plan 2014	Clause 4.1 - Minimum Subdivision Lot Size	Clause 4.6 variation to Clause 4.1D minimum lot size for certain residential accommodation in Zones R2 and RU5. Clause 4.1D requires that the site has a minimum lot area of 450m ² for each dwelling if the site is more than 300m from an employment zone other than Zone E4. In this regard, the subject site has a total site area of 853.60m ² and therefore it is non-compliant with Clause 4.1D. The extent of non-compliance is 46.4m ² or 5.1%.	5.1%	Tweed Shire Council under assumed concurrence	31/07/2023
DA23/0070	478		755740		16	Charles Street	TWEED HEADS	2485	Tweed Local Environmental Plan 2014	Clause 4.3 - Height of Buildings	The proposed addition to the existing dwelling seeks to vary the 9m maximum building height prescribed by the Height of Buildings Development Standard, Clause 4.3. The proposal seeks a maximum building height of 9.84m which varies the development standard by 840mm, or 9%	9%	Tweed Shire Council under assumed concurrence	29/06/2023
DA21/0842	10		1144883		38-42	Pearl Street	KINGSCLIFF	2487	Tweed Local Environmental Plan 2014	Clause 4.4 - Floor Space Ratio	The application requires a variation to the Clause 4.4 TLEP 2014 floor space ratio development standard. The maximum FSR is 2:1. The existing building exceeded the FSR at 2.316:1. The proposed works represent an increased floor space ratio of 0.005:1 to the approved building. The total variation for approval is 2.321:1 at 16.05%. Compliance with the development standard in this instance is considered to be unreasonable and unnecessary as the existing approved building exceeds the current 2:1 floor space ratio development standard and the proposed works result in an acceptably minor increase of 0.005:1 to the existing approved development with no amenity impacts.	16.05%	Tweed Shire Council under assumed concurrence	05/06/2023
DA22/0022	2 1		516446 856963		1	Lalina Avenue	TWEED HEADS WEST	2485	Tweed Local Environmental Plan 2014	Clause 16 - Heights of Buildings	The subject site is affected by a maximum building height map, which permits up to 9m building height. The proposal seeks a maximum height of 10.5m and therefore fails to satisfy Clause 4.3(2). A justification under Clause 4.6 of the TLEP2014 has been submitted in support of a variation to the building height however, the Clause 4.6 justification fails to satisfy the matters for consideration under that Clause and therefore is not supported.	5.05%	Tweed Shire Council under assumed concurrence	05/06/2023
DA22/0148	D 1 & 2 A 2		100532 SP8051 100532 508816	1 & 2	8 10 12 14	Boundary Lane Hill Street Hill Street	TWEED HEADS	2485	Tweed City Centre Local Environmental Plan	Clause 4.4 - Floor Space Ratio	The site is subject to a maximum FSR control of 2.25:1 equating to a gross floor area (GFA) of 3,915m ² . The proposed building has a GFA of 3,956m ² , which equates to a resulting FSR of 2.27:1. The additional 41m ² represents a non-compliance of approximately 1.05%.	1.05%	Tweed Shire Council under assumed concurrence	05/06/2023
DA21/0949	113- 116 117- 119		237806 237806		6-12 33-37	Powell Street Florence Street	TWEED HEADS	2485	Tweed City Centre Local Environmental Plan	Other Clause 4.4 – Floor Space Ratio Clause 16 - Heights of Buildings	Applicant has provided amended plans to demonstrate that the 2hrs can be achieved using roof lights to enhance solar access to the south facing living area/balconies for the 3 non-compliant units. R3 zone in Tweed CBD. Proposal is 2.3:1 FSR - LEP FSR limit is 1.8:1 plus 15% (2.07:1). The SEPP's non-discretionary standard would not enable the development to meet the aims of the LEP or the Regional City Action Plan 2036. R3 zone in Tweed CBD. Proposal is 22.6m - LEP height limit is 22m. The SEPP's non-discretionary standard would not enable the development to meet the aims of the LEP or the Regional City Action Plan 2036.	1.6% 360% 137.9%	Northern Regional Planning Panel	01/06/2023
DA23/0009	11		814951		5	Valleyview Place	TERRANORA	2486	Tweed Local Environmental Plan 2014	Clause 4.3 - Height of Buildings	Existing topography considered to reduce impact, minor visual impact envisaged for adjoining/adjacent properties, existing excavated garage FL is below the NGL, proposed low pitch roof is in line with existing roofline.	7.2%	Tweed Shire Council under assumed concurrence	28/03/2023
DA20/1044	17		1145386		65	Cylinders Drive	KINGSCLIFF	2487	Tweed Local Environmental Plan 2014	Clause 4.3 - Height of Buildings	The development seeks a height to the mapped height limit of 10.0m. The development seeks to vary the mapped height under Clause 4.6 of TLEP 2014 by 950mm. The development seeks a variation to the standard of 9.5%	9.5%	Tweed Shire Council under assumed concurrence	03/03/2023