

## General Council Data

### COUNCIL INFORMATION

Council name:	Eurobodalla Shire Council
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Start Date:	1/01/2011
End date:	31/03/2011
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Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
143/16	3	1056650		58	Old Highway	Narooma	2546	2: Residential - Single new dwelling	ELEP 2012	E4 - Enviornmental Living	Variation to the maximum building height Cl 4.3 Building Height – 8.5m	The proposed dwelling seeks to vary the LEP height restriction of 8.5m encroaching this limit by 0.83m. The encroachment is required due to the topographic constraints of the site where the site slopes dramatically to the north it also drops to the west. To maintain the FFL across the length of the dwelling the floor level has remained the same (as with the ridge line) and this creates the 0.83m encroachment. The dwelling has been positioned to be fully north facing with the longest elevation running east-west. The applicant has chosen to minimise cut & fill and not step the house towards the western end where the topography becomes steeper. Given the minimal nature of the encroachment and fact that it will have no negative impact upon the adjoining properties the variation can be supported. The second storey of the dwelling has been incorporated into the roof space to aid in reducing the overall height of the dwelling.	0.83m	N/A	27/10/2015



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372/16	13	1014887		8	Sanctuary Place	Catalina	2536	2: Residential - Single new dwelling	LEP	R2	Clause 4.3	<p>Clause 4.3 of the LEP refers to a height map and the maximum height of buildings that can be erected on site. The maximum building height is 8.5m. Clause 4.3(1) provides objectives of the height development standard which are: (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development. The proposal satisfies the objectives of the standard as the height, bulk and scale of the proposed development is consistent with the character of the area. The built neighbourhood consists of dwellings that contain a single storey fronting Sanctuary Place then expanding to a two or three storey design to the rear. Six of the first seven dwellings in the street have been approved above the height standard. No.6, No.10 &amp; No.12 have been approved with a roof height of 9m, No.2 &amp; No.18 at 9.5m and No.16 at 10m. No. 14 has a roof height of 8.5m and No.4 remains vacant. The proposed dwelling contains a hipped roof with a dutch gable that contains a maximum height at the apex of the roof at 10.5m. The dwelling to the north does not contain openings along the south elevation and will not be impacted by the proposal with regard to view loss, loss of privacy or solar access. To the south of the subject site, the dwelling at No.6 contains one glass sliding door on the north elevation accessed from the internal living space on the second floor. The remaining windows belong to the master bedroom and ensuite. The side setback of No.6 has been approved at 1.1m to the wall and 600mm to the eaves. The applicant has provided comprehensive shadow diagrams that demonstrate minimal impact on the overshadowing of the adjoining property. The proposed dwelling is setback 3.2m from the shared boundary which creates reasonable retention of solar access to No.6 and reduces the mass of the building. The north facing glass door will obtain solar access from 9am to midday. The development satisfies the requirements for solar access in Councils DCP. The dwelling in question contains a floor plan that orientates all living spaces and private open space to the east to capture the views. The east elevation contains large glass sliding doors, full length windows and decking on both levels. The proposal will not cause a detrimental loss of privacy or amenity to</p>	overall height of 10.5m (2 metres over allowable height limit)	Council



Date DA determined dd/mm/yyyy
26/07/2016

7/07/2016

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Council DA referen ce number	Lot number	DP number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
408/18	1	1040724 & 1236992	Clearwater Terrace	Mossy Point	2537	13: Subdivision only	LEP 2012	R5	Clause 4.6	<p>The variation to the development standard in this instance is 10% for one lot only. The Department of Planning provides delegation to Council to assume the Secretary's concurrence to vary a development standard provided the development does not contravene a numerical standard by greater than 10%. The applicant has provided a request to the General Manager to consider the variation and in accordance with NSW Case Law. The applicant has provided a written response against the 'five part test'. Council's supports the written request based on the following main points: Integrity of the land remains, infrastructure is provided for the purpose and the allotment provides the opportunity for the land to support a dwelling that complies with Councils Residential Development Control Plan and future asset protection zones. Primary use of the land as residential is retained and contributes to the existing character and as such does not compromise the principle of the objective.</p> <p>-The primary objective in retaining larger allotment sizes is to create a varied range of living styles and options. The variation is minimal and the primary objective is still achievable.</p> <p>-Reducing the proposal to a single allotment and road placement would result in a parcel of un-managed land which would be inconsistent with the existing subdivision lot sizes.</p> <p>-The minimal decrease of the standard in this instance as balanced against the beneficial outcome of two available parcels for the community, would suggest that compliance with the standard purely on grounds of principle, is unnecessary and unreasonable. 76 out of the 80 approved lots have been developed or contain development approval and as such a reduction in lot size through this application will not set a new precedent for the subdivision.</p> <p>- The zoning of the land is not in question, neither is the establishment of a minimum lot size standard. Strict adherence to the standard relies on historic planning origins rather than land attributes. The proposal has demonstrated that the parcel is capable of a 10% reduction in lot size.</p> <p>It is considered that by granting the variation, it is unlikely that the Council would be establishing a precedent for such future action, and unlikely to set a pattern for widespread standard departure. The justification provided against the five part test is supported.</p>	The proposed development as designed, will result in one allotment with an overall lot area of less than the minimum standard (5000m2) for the R5 – Large Lot Residential Zone. The proposed lot 46 will have an overall area of 4500m2.	Council	31/05/2018
530/18	140	855018	Warragai Place	Malua Bay	2536	2: Residential - Single new dwelling	LEP 2012	R2	Clause 4.3	<p>The proposal is considered of minor nature at 5.97%, as it only protrudes through the 8.5m building height for around 2.7m of the total 25.65m or 10.5% of the buildings entirety. The proposal is not considered to not have a detrimental impact on neighbouring properties by way of views, loss of privacy or loss of solar access of existing development.</p>	The application seeks approval for a maximum building height of 9.075m or 5.97% above the maximum building height.	Council	19/04/2018



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471/19	40	1232079 (SP 95672)	Tallawang Avenue	Malua Bay	2536	3: Residential - New second occupancy	LEP 2012	R2	Clause 4.3(3)	<p>The site is nominated on the height of buildings map as having a maximum height of 8.5m. The proposed works seek to vary this control as a short length of one wall exceeds the height limit by 360mm. This</p> <p>The 8.5m height limitation is breached for a 3m length of the building in the south west corner of the dwelling where the natural ground level dips away as cross fall to the site. Fill is required at this point. The 3m length of wall affected encloses the carport and the deck above. The wall includes significant openings to minimise the potential impact on the amenity of the adjacent neighbouring lot. The short section of additional height has no impact on the opportunities for views from the neighbouring dwelling to the south or other dwelling on the site which is located uphill and behind the proposed dwelling. The variation is recommended to be supported as the design response seeks to minimize adverse impact on adjoining properties. The proposed works are considered to be consistent with the objectives of Clause 4.3(3) as it seeks to provide housing consistent with the character of the low density residential environment.</p>	<p>The 8.5m height limitation is breached for a 3m length of the building in the south west corner of the dwelling where the natural ground level dips away as cross fall to the site. Fill is required at this point. The applicant considers it is unreasonable to disallow this variation as every effort has been made to stay within the height parameter.</p>	Council	10/05/2019
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