

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
2023.77	291	750227		56	Coraki Drive	Pambula Beach	2549	1: Residential - Alterations & additions	BVLEP 2013	R2	4.3 Height of Building	The proposed design would improve the visual amenity of the existing building through the choices of colours and materials and the integration of landscaping through the design. The amended design does not increase the height of the existing building that is already above the 7.5m height.	5.26%	Council	22/09/2023
2021.1225	1	749725		139	Pearce's Road	Greendale	2550	14: Other	BVLEP 2013	RU1	Height	Yes	68%	Council	23/08/2023
2022.366	4 and 5	1134		66-68	Princes Highway	Cobargo	2550	9: Mixed	BVLEP 2013	RU5	Height	Yes	9.5%	Council	23/08/2023
2022.364	1	306281		57	Princes Highway	Cobargo	2550	9: Mixed	BVLEP 2013	RU5	Height	Yes	7%	Council	26/07/2023
2022.279	8, 13, 15	758076		249	Carp Street	Bega	2550	12: Community facility	BVLEP 2013	RE1	4.3 Height of Building	The development is in the public interest because it consistent with the objectives of Clause 4.3 of the LEP and the objectives for development in the RE1 zone and the proposal will significantly improve sporting facilities in Bega providing both social and physical benefits to the local and regional community.	19.15%	JRPP	26/06/2023
2022.236	36	752167		110	Sutherlands Road	Yowrie	2550	2: Residential - Single new dwelling	BVLEP 2013	RU1	4.2A (3) (a) minimum allotment size for a dwelling	The development standard for the erection of a dwelling house on the site is unreasonable in the circumstances, as there is no public benefit in maintaining the development standard. This is because development consent was issued for a dwelling house on the 16.14 ha site in 1995 and the land was subsequently sold in 1996 for rural residential development, thereby fragmenting the site from the larger holding and agricultural production.	86.3%	Secretary of Department of Planning	5/06/2023
2023.6	1	1264640		10	Lagoon Street	Bega	2550	11: Industrial	BVLEP 2013	IN1 General Industrial	Variation to Clause 4.3 height of building - 14m	Variation of the development standard will allow flexibility in the application of the maximum building height development standard by enabling development of the site in a manner that supports the continued operation of the facility by Bega Cheese without resulting in an unacceptable level of impact to surrounding amenity.	31.57%	Council	22/03/2023

2021.1400	54	16678		25	Beach Street	Merimbula	2548	9: Mixed	BVLEP 2013	B2	Clause 4.3 Height of Building	<ul style="list-style-type: none"> - The relatively small size of the encroachment in terms of the overall context and size of the development. - Consistent with Clause 2.7.1.3 and relates to the roof and not additional habitable living space. - The encroachment is located towards the rear with minimal visibility from Beach Street due to its location and the front building element. - The potential impacts are limited to the adjoining neighbours to the east and west that consist of an existing wall and car parking spaces. - The impact is largely confined to the central part of the site and only exceeds to 10m height limit by approximately 200mm, - The overall design reduces bulk and scale with a skillion and high degree of architectural design through fenestration, articulation and a variety of building materials and finishes. - The height will not create additional overshadowing or overlooking/privacy concerns. - The design response is consistent with Council's commercial and residential land use strategies, in the public interest and consistent with the objectives of the zone. 	10%	Council	11/07/2022
2021.1301	12	1215382		26	Silby Road	Black Range	2550	13: Subdivision only	BVLEP 2013	R5	Clause 4.2a Minimum lot size	The proposed development will be in the public interest because it is consistent with the objectives of the Minimum Lot Size development standard and the objectives for development within the zone in which the development is proposed to be carried out.	0.6%	Council	15/07/2022
2021.1349	A	413387		12	Hill Street	Merimbula	2548	2: Residential - Single new dwelling	BVLEP 2013	R2	Clause 4.3 Height of Building	The applicant has demonstrated that the development is consistent with the objectives of the R2 Low Density Zone. The proposed development is in keeping with the character of the surrounding area.	9.4%	Council	21/09/2022
2021.407	3	758860		26-28	Cobargo Street	Quaama	2550	2: Residential - Single new dwelling	BVLEP 2013	RU5 Village	Clause 4.1A - Minimum allotment size for a dwelling	The use of the land for a dwelling purpose is consistent with adjoining residential land uses and would complement the existing village character of Quaama.	11%	Council	24/11/2021

2021.376	33-34; 36; 6; 91; 60; 5; 1	505878; 505879; 6442; 709087; 732500; 758379; 1158312		215-217 and 221-223	Imlay Street	Eden	2551	4: Residential - New multi-unit	BVLEP 2013	B4 Mixed Use Zone and R3 Medium Density Residential	Clause 4.3 height of building of 16m height limit and Clause 4.1A(3)(d) site density	<ul style="list-style-type: none"> - The development would not generate an unacceptable environmental impact in respect to overlooking or overshadowing. View lines or vistas enjoyed from adjacent residential properties or the public domain. - A signature development that would anchor the southern extent of the Eden Town Centre and set a new 'distinctive' benchmark for urban design. - Remains consistent with the objectives of the B4 Zone. - Would have an appropriate impact in terms of scale, form and massing. - The proposed development is in the public interest. <p>Site Density (Clause 4.1A)</p> <p>250m2 required for residential flat buildings. The site has an area of 9,932m2 and is therefore limited to 39 dwellings. 86 apartments are proposed, and this represents a variation of 45%. This has been justified based on the following;</p> <ul style="list-style-type: none"> - A Planning Proposal has been lodged to amend Clause 4.1A. - Clause 4.1A is currently preventing the consolidation of unit developments. - The Residential Land Strategy 2040 identifies new objectives for residential development within the Bega Valley Shire. - Encourages housing diversity and best use of available zoned and serviced land. - Removal of this standard will permit developers to consider greater bedroom mix while still maximising return on investment. - SEPP 65, Apartment Design Guide and Design Guidelines already provide controls for the impact of larger residential developments. <p>Height of Buildings (Clause 4.3) The height variation has been justified based on the following;</p> <ul style="list-style-type: none"> - The proposed height would not exceed 17.6m. - Within 10% of the nominated 16m height limit. - Relates primarily to lift overruns and screened roof top plant decks. - These elements are generously setback from the main face of each building as each building has a recessed top floor. - The development is appropriate in terms of the scale for and massing. - Generous setbacks that reduce the potential impact of overlooking, overshadowing or view loss. 	Clause 4.3 - 10% Clause 4.1A(3)(d) - 45%	Council	6/10/2021
2020.509	1 and 2	521571		95 and 97	Main Street	Merimbula	2548	4: Residential - New multi-unit	BVLEP 2013	B4	Clauses 4.1A and 4.3	Site Density - A planning proposal is being considered to delete this requirement as it restricts the consolidation of centrally located parcels contrary to the LSPS and land use strategies for residential and commercial land. Height - Minor variation. Lift well only that would not impact on the streetscape or neighbours.	Site Density - 60% Variation and Height - 3.5% Variation	Council	20/08/2021
2021.251	91,6, 60, 5, 33	709087, 64421, 732500, 758379, 505878		215-223	Imlay Street	Eden	2551	7: Tourist	BVLEP 2013	B4 Mixed Use	Clause 4.3	Height of building	10%	Council	6/09/2021

2020.164	52	16678		21	Beach Street	Merimbula	2548	9: Mixed	BVLEP 2013	B2 Local Centre	Clause 4.3(2) Height of Building	Intrusion of the lift shaft into the 10 metre height limit justifies an exception on the grounds: - Ranging from 520mm to 720mm, the intrusion in height is minor (approximately 7.2% of the development standard); 6 42. - The majority of the building is below, and in some parts well below, the 10 metre height limit; - Within the context of the profile of the building, the intrusion is limited to the lift shaft and therefore very minor; - It would not raise any matters of regional or State significance; there is no benefit to the public by enforcing the height limit on the lift shaft; and - It is Council's strategy to encourage new multi-dwelling housing in and around the - Merimbula commercial centre.	7.2%	Council	21/04/2021
2020.210	2	1231761		846	Mogilla Road	Tantawangalo	2550	3: Residential - New second occupancy	BVLEP2013	RU1	100 metre setback between dwelling under Clause 4.2D(2)©	Meets the objectives of the zone, and meets the objectives of the development standard, and demonstrates that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and demonstrates there are sufficient environmental planning grounds to justify contravening the development standard	61%	Council	16/09/2020
2019.111	5	758095		14	Lamont Street	Bermagui	2550	6: Residential - Other	BVLEP 2013	B2 Local Centre	Clause 4.3, Height of Building	Minor within the context of the existing building and the overall development and would not impact on view sharing	4.5%	Council	8/04/2020
2019.441	4	628033		705	New Buildings Road	Wyndham	2550	3: Residential - New second occupancy	BVLEP 2013	RU1 Primary Production	Clause 4.2D, maximum 100-metre separation between dwellings	The positioning of the dwelling will not conflict with existing farm practices on site nor impact on surrounding rural land uses. It will maintain the scenic values and rural landscape character of the locality being positioned on an existing cleared portion of the site away from vegetated areas and not visible from public vantage points.	55%	Council	10/06/2020
2019.351	18	882669		1060	Furners Road	Mogilla	2550	3: Residential - New second occupancy	BVLEP 2013	RU1	Clause 4.2D requirement for dual occupancies to be sited not more than 100m apart	For practicality purposes due to the site's undulating topography and riparian corridors (gullies) north and south of the existing dwelling	167%	Council	18/03/2020
2019.330	9	943		96/98	Loftus St	Bemboka	2550	2: Residential - Single new dwelling	BVLEP2013		Clause 4.1A Minimum lot size of 2000m ²	The proposal is in the public interest, it is consistent with the objectives of the RU5 Village Zone, consistent with the purpose for what the allotment was originally created and would be in keeping with the existing village character of Quaama, effluent disposal can be disposed of on-site.	26.6%	Council	11/12/2019
2019.11	7	758860		17	Cobargo Street	Quaama	2550	2: Residential - Single new dwelling	BVLEP 2013	RU5 - Village	4.1A Minimum site areas for dwelling houses	The proposal is in the public interest, it is consistent with the objectives of the RU5 Village Zone, consistent with the purpose for what the allotment was originally created and would be in keeping with the existing village character of Quaama, effluent disposal can be disposed of on-site.	49%	Council	8/05/2019
2019.8	30	606559		8-12	Bega Street	Tathra	2550	14: Other	BVLEP2013	B2 - Local Centre	Clause 4.3 variation to Height of building	The application proposes to vary the roof line (as approved in accordance with DA2016.86) to become a new hip roof which results in a minor increase in the building height. The altered roof line is a result from attempts to more appropriately blend the historic and new elements of the development. Critical to that blending is the roof of the new section to follow the pitch and hip roof structure of the historic part of the Hotel.	3.5%	Assumed concurrence by delegated officer	28/05/2019

2017.346	51	540095		2	2 Young Street	Bermagui	2550	4: Residential - New multi-unit	BVLEP 2013	R3	Clause 4.1A requires that 250m2 of land area is required for each dwelling proposed	The land area had an area of 748.2m2 and 3 units were proposed with only a variation of 1.8m2	the lot was undersized by 0.72% to meet the development standard	Assumed concurrence by delegated officer	24/07/2017
2018.228	223	1076823		16	Bridle Place	Bega	2550	13: Subdivision only	BVLEP 2013	R2	Clause 4.1A, that requires a minimum lot size of 4000m ²	Considered the proposal to create a residential allotment (Proposed Lot B) of 2881m2 will satisfy the objectives of the R2 Low Density Residential zone as it provides additional opportunity for housing to meet community need and would maintain the residential character of the locality.	28%	Council	12/12/2018
2018.185	21	802819		5	Gordon Street	Quaama	2550	2: Residential - Single new dwelling	BVLEP 2103	RU5 - Village	Clause 4.1A, that requires allotments to retain an area of 2000m ² in unsewered areas	The proposal is in the public interest as it is consistent with the objectives of the RU5 Village Zone, in that it is consistent to what the allotment was originally created for before the introduction of BVLEP 2002 and 2013 and would contribute to the existing Quaama available residential land.	51%	Council	29/08/2018
2018.144	1	758379		182	Imlay Street	Eden	2549	14: Other	BVLEP 2013	RE1	Clause 4.3 variation to Height of building	Providing a facility that is beneficial for the community and to tourists visiting Eden and by maintaining the existing visual attributes of the Museum and how it sits within the existing environment	8.8%	Assumed concurrence by delegated officer	21/09/2018
2018.167	13	750216		109-110	Beanba Road	Buckajo	2550	3: Residential - New second occupancy	BVLEP2013	RU2	Variation to dwelling separation (400m)	For practicality purposes due to the site's undulating topography and riparian corridors (gullies) north and south of the existing dwelling	400%	Assumed concurrence by delegated officer	8/06/2018