

15 JUL 2011 P038.83

RECEIVED



DAKEBA PTY LTD

"Mindacowie"

340 Bobbin Head Road, North Turrumurra. NSW 2074

Designers & Project Managers

Ph No. 9983 0572 Fax No 9983 0599

ABN 57 113 189 405

Monday, 11 July 2011

The Oberon Council
137-139 Oberon Street,
Oberon. NSW. 2787.

Attention: Mark Dicker

Dear Mark,

Re: Re: DA lodged on Friday 10th June 2011
Lot 8 No. 83 North St, Oberon.

I refer to your correspondence dated 8th July that a preliminary assessment of the application had revealed the requirement for additional information.

I refer in particular to item No. 2 of the Planning Considerations which states as follows:

"The proposal does not comply with Clause C.5.5 building height plane of the Development Control Plan 2001 for the western elevation.

Accordingly you are required to reconsider the boundary setback for proposed 83A."

If adherence is to be observed to Clause C.5.5 then the proposed dwelling will need to be located at a minimum distance from the western boundary of 1.8 metres.

Council's objectives in Clause C.5.5 are as follows with an indication as to the relevance of the proposal:

161394

“(a) Increase the overshadowing of the adjoining property”

The length of the wall to that boundary is 10.04 metres and due to its orientation the effect of the shadow cast by the proposed dwelling will not have any effect upon the adjoin property due to the driveway located along the common Western boundary.

“(b) Reduce the level of privacy enjoyed by adjoining properties”

The proposed dwelling along the western boundary has only 1 window located therein which is a bathroom window with opaque glass and therefore will not intrude upon the amenity of the future neighbour.

“(c) Affect the amenity of the rural village”

The consideration is relatively vague however within the immediate vicinity is a variation of buildings from the ambulance station, dwellings over 20+ years old, dual occupancy development and the Oberon Public Hospital.

The impact of a variation by the proposal upon the “rural village” will be nonexistent as it is quite evident that within the immediate vicinity no other dwelling appears to have been compliant with this requirement.

“(d) Obstruct views from adjacent existing buildings, and the occupants of the building or buildings will enjoy the optimum use of winter sun”

NOTE:

The adjoining property is a dual occupancy development however a driveway is located along the common Western boundary and the proposed development will have no effect upon the adjoining development

As the proposal refers to the western side boundary and the adjoining property is at present vacant, one could surmise that no views are enjoyed when it comes to a side boundary, as any dwelling located at either side boundary, be it 1.1 metres or 2.2 metres that a view of any nature would be obstructed with either side set back situation.

With regards to winter sun, once again the set back will have no effect upon the wall of the building or upon any open space located along that side.

The proposed dwelling would have to virtually be some 9-12 metres from the western boundary to ensure no loss of winter sun be affected upon said adjoining property.

VARIATION SOUGHT.

It is therefore requested that a variation from the DCP be granted to allow the set back of the dwelling to that of 1.1 metres.

This is an additional 400 mm to the submitted proposal and a variation sought of 700mm from the standard.

SUMMARY.

The variation sought is based upon the following factors:

- The adjoin villa development is non compliant (see attachment)
- The previous DA approval was for a side setback of 1.1 metres.
- The elevation as submitted shows a setback of 1.1 metres and not 1.5 metres as indicated on site plan.
- Single storey dwelling.
- No effect of loss of privacy on adjoining property.
- Negligible increase of overshadowing.
- Adjoining property has a 60.35 metre side boundary.
- Subject property has only 20.115 metre side boundary adjoining.
- Low pitched hip roof to side boundary.
- Short length of proposed western boundary wall.
- No bedroom or living room windows within that wall.
- Small opaque bathroom window located only within that wall.
- Better utilisation of site for open space.
- Existing dwellings being non compliant.
- Nature of existing locality.

It is therefore requested that favourable consideration be given to the variation sought to the DCP and a minimum distance of 1.1 metres proposed as set back from the western side boundary be allowed.

Should you require any further information relevant to this issue please do not hesitate to contact me on 0412 644 229

Yours Faithfully,



Nereo Cornale.