



DEVELOPMENT APPLICATION
for
Awning

SP 78215
2/83 and 3/83 Marine Drive
TEA GARDENS

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INTRODUCTION

Site Description and Characteristics

The subject site is identified as SP 78215 and is located at 2/83 and 3/83 Marine Drive, Tea Gardens in the MidCoast Local Government Area (LGA).

The site consists of a set of six units and three storey in height, with residential in the top two storeys and commercial and car parking underneath on ground level.

The site is a corner lot with frontage top both Marine Drive and also Maxwell Street. Surrounding the site are residential developments and also similar mixed residential commercial. Directly to the north east there is Marine Drive which is followed by the Myall River foreshore area with an approximate width of 15 metres, and then the Myall River.



Figure 1 – Site Location (source- <https://maps.six.nsw.gov.au>)



Figure 2 – Aerial Photograph of Site and Surrounds (source- <https://maps.six.nsw.gov.au>)

The Proposal

The proposal is to install an opening awning roof to existing units 2 and 3. Plans showing the proposal have been included in the Development Application package as submitted. It is specifically noted that the proposal will in no way increase the height of the existing development or result in any reduction in setbacks of the existing development.

The cost of the development is \$48,000

Land Ownership

2/83 is currently owned by Frederick Wraight and Patricia Wraight and 3/83 is currently owned by Judy Sams; the relevant signatures have been provided on two letters of authority to enable lodgement of this development application.

STATEMENT OF ENVIRONMENTAL EFFECTS

This Statement of Environmental Effects has been prepared in accordance with Schedule 1 of the Environmental Planning and Assessment Regulation (2000) and Section 4.15 of the Environmental Planning and Assessment Act (1979).

Provisions of any environmental planning instrument

State Environmental planning Policy (Resilience and Hazards) 2021

The aim of SEPP (Resilience and Hazards) 2021, hereafter referred to as the SEPP, is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The site is identified as being within Coastal Environment Area (Division 3) and also the Coastal Use Area (Division 4) under Part 2 of the SEPP (Development controls for coastal management areas).

Division 3 Coastal Environment Area

2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following –*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*

- (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that –*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised – the development will be managed to mitigate that impact.*

Comment – The nature of the proposal is such that there can be no adverse impacts as discussed in this part and the proposal must be considered acceptable in this regard. Additionally it is noted that the location of the proposal is such that there can be no impact on foreshore access, beach access, headlands etc. The proposal is considered acceptable in all regards relating to this Division.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority –*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following –*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that -*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised – the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment – The nature and location of the proposal is such that there can be no impact upon access to or along any beach, foreshore, rock platform or headland. The location and nature of the proposal is such that there can be no overshadowing on any adjoining or nearby properties or public places. It is also noted that there will be no adverse impact upon views or any wind funnelling. The site has already been developed to the extent that there can be no Aboriginal importance attributed to the site and the development as proposed is above ground level so this further confirms the lack of any possible impact in this regard. The proposal is considered acceptable in all regards relating to this Division.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment – The proposal will not result in any increased risk of coastal hazards, either on the subject site or on other adjacent or nearby lands.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment – There is no certified coastal management program applicable to this location.

2.14 Other development controls not affected

Subject to section 2.5, for the avoidance of doubt, nothing in this Part—

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment –The proposal does not include any prohibited components. The proposal also seeks to obtain consent.

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Chapter as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment – Noted. There are no inconsistencies.

Great Lakes Local Environmental Plan 2014

The subject site is zoned E1 – Local Centre, pursuant to the provisions of Great Lakes Local Environmental Plan 2014 (the LEP).

The objectives of the E1 – Local Centre zone are:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- To ensure traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.*
- To maximise public transport patronage and encourage walking and cycling.*
- To encourage employment opportunities in accessible locations.*

Comment: The proposal is consistent with the above stated objectives; specifically the proposal will have no adverse impact upon retail, business, community uses or residential development. The proposal will also have no impact upon traffic volumes or flows. The proposal will have no impact upon public transport patronage or pedestrian or cycling activity in the location.

The proposal is permissible with consent under the provisions of the LEP.

All relevant clauses of the LEP are addressed below.

Clause 4.3 Height of buildings

Comment – The proposal is in essence for additions and alterations to an existing building and it is specifically noted that the building height limit in this location is 12 metres and that the proposal will in no way increase the existing building height. The proposal is compliant in this regard.

Clause 4.4 Floor Space Ratio

Comment – The maximum permissible floor space ratio (FSR) is identified as 0:1 which is clearly incorrect; whilst the FSR has not been calculated, the proposal will not impact upon the FSR as it is not within the required calculation and as such, the proposal must be considered acceptable in this regard.

Clause 7.1 Acid Sulfate Soils

Comment – The site is identified as being Class 3 Acid Sulfate Soils which requires development consent for:

Works more than 1 metre below the natural ground surface.

Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

The proposal is located above ground level and will have zero impact upon the ground surface; specifically it is noted that there will be no works below the natural ground surface and no way in which it could be construed that the development as proposed could impact upon the existing watertable levels. Whilst consent is being sought for the development, no further comment or investigation is required relating to acid sulfate soils.

Great Lakes Development Control Plan

The sections (only) of the Great Lakes Development Control Plan (the DCP) relevant to the proposed development are addressed below:

Part 4 Environmental Considerations

4.1 Ecological Impacts

The proposal will not result in the removal of any vegetation.

The proposal will not result in any increase in impervious surfaces and hence there is no possibility of the proposal resulting in any increase in runoff.

The proposal will in no way impact upon wildlife corridors or biodiversity.

It is firmly considered that there can be no requirement for any ecological assessment.

4.2 Flooding

The subject site is not flood prone and the proposal will in no way impact upon any adjacent or nearby flood prone land.

4.3 Coastal Planning Areas

The site is not within a coastal planning area.

4.4 Effluent Disposal

Given that the site is connected to the reticulated sewage system, effluent disposal is not relevant.

4.5 Poultry Farms Buffer

There are no poultry farms in the vicinity and hence this part is not applicable.

4.6 Contaminated Land

The site is not known, nor suspected of being contaminated. No further comment or investigation is required.

4.7 Bush Fire

The site is identified as not being bush fire prone; there is no requirement for any bush fire assessment and no requirement for referral to the Rural Fire Service. No further investigation or comment is required.

Part 6 Residential Apartment Buildings, Mixed Use Development and Business Premises

6.1 General Building Design

The proposal is for an awning for each of two units. The development shall be above ground level and shall have no impact upon visual dominance as viewed from the street or other adjacent dwellings or similar. Additionally, the adjustable louvre design is of the highest quality and it is considered that it could in no way be considered that this will have an adverse impact upon the existing building design and thus the amenity.

6.2 Pedestrian Amenity

The scale and design of the proposal combined with it being located above street level means that there will be no impact upon pedestrian amenity.

6.3 Building Configuration

Not Applicable

6.4 External Building Elements

Whilst this proposal is neither for façade articulation or roof design, it is considered to be an external element. The proposal is a high quality yet minimalistic design which will not have any adverse impact upon the amenity and or building design and therefore it should be considered acceptable.

6.5 Building Amenity

6.5.1 Acoustic Privacy

The nature of the proposal is such that there will be no impact upon acoustic privacy.

6.5.2 Solar Access and Overshadowing

The scale and location of the proposal, and especially the side of the existing development upon which the proposal is proposed to be located, means that there can be no adverse impact upon solar access and no overshadowing potential. Regarding solar access, the proposal shall actually assist in minimising solar exposure during hot periods by allowing for the louvres to be closed, whilst also allowing them to be open to maximise solar access when desired. This proposal is seen as ideal and will maximise the usability of the outdoor areas as well as maximising efficiency within the development by allowing for additional shade when required and maximum solar heating when required.

6.5.3 Natural Ventilation

The proposal will have no impact upon natural ventilation.

6.5.4 Night Lighting

The proposal does not include any lighting and hence this part is not applicable.

6.5.5 Site Facilities and Servicing

There are no proposed changes to facilities and/or servicing and there is no reason that any such changes would be required. This part is considered not applicable.

6.6 Building Performance

Whilst the proposal is not for a building, it is noted that the proposal will assist in ensuring optimum thermal performance by allowing for greater regulation of solar inputs into the relevant dwellings and as such, the proposal is considered to be beneficial in this regard.

6.7 Minimum Allotment Frontage

Not Applicable

6.8 Building Depth and Bulk

Not Applicable

6.9 Primary Street Setbacks

The proposal will not result in any reduction in the existing primary street setback and as such, the proposal is considered acceptable in this regard.

6.10 Side and Rear Setbacks

The proposal will not result in any reduction in side and/or rear setbacks and as such, the proposal is considered acceptable in this regard.

6.11 Ground Level Uses

As the proposal is not located at ground level, this part is not applicable.

6.12 Coastal Town Centre Street Frontage Heights

The proposal will not result in any increase in building height and therefore the development is considered compliant in this regard.

6.13 Coastal Town Centre Concept Plans

Not Applicable for a development of this nature.

11 Water Sensitive Design

The nature and scale of the proposal is such that there are no water sensitive design requirements. It is noted that the proposal will not result in any increase in impermeable area or potential runoff from the site.

Rural Fires Act 1997

The subject land is identified as not being bush fire prone and no further investigation or comment is required.

Suitability of the Site for the Development

The site is considered suitable for the proposal for the following reasons:

- The site is zoned appropriately for the proposal.
- The relevant clauses of the LEP and DCP are satisfactorily met.
- There will be no adverse environmental or social impacts and any economic impacts shall only be positive.
- There are no site constraints which would otherwise impede or prevent the development from occurring.

The Public Interest

It is considered that there are no reasons relevant to the public interest which would otherwise cause the delay or refusal of this proposal.

CONCLUSION

This proposal is for an awning to each of two existing units. The subject site is identified SP 78215 and is located at 2/83 and 3/83 Marine Drive Tea Gardens, in the MidCoast LGA.

The provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been addressed. The proposed development is considered compliant in all regards and is hereby submitted to MidCoast Council for assessment and approval.

