

**DEVELOPMENT APPLICATION  
for  
SUBDIVISION**

**Lot 1 in DP 868540 and Lot 1 in DP  
1234229**

**Sanderling Avenue  
HAWKS NEST**

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## 1.0 INTRODUCTION

### 1.1 General

Tattersall Lander has been engaged to prepare and lodge a development application for a development at Sanderling Avenue Hawks Nest, in the MidCoast Local Government Area (the LGA) – the site being identified as Lot 1 in DP 868540 and Lot 1 in DP 1234229.

This report identifies the site and describes the current existing situation, after which it discusses the proposed development and analyses the development in relation to the relevant legislation and planning instruments.



**Figure 1 – Site Location**

## **1.2 Site Description and Characteristics**

The subject land is identified as Lot 1 in DP 868540 and Lot 1 in DP 1234229 and is located at Sanderling Avenue at Hawks Nest. The site encompasses a combined area of approximately 3.32 hectares with it also being noted that this is part of the overall Hawks Nest Golf Club site which encompasses a significantly larger area of land.

The specific lot contains the Hawks Nest Golf Club (building) and surrounding structures including sealed car parking. The topography is flat. There is no native vegetation of significance on the subject site.

Access to the site is via Sanderling Avenue which is directly to the south of the site.

The site is zoned R3 – Medium Density Residential under the Great Lakes Local Environmental Plan 2014 (the LEP).

## **1.3 The Proposal**

The proposal is for alterations to the façade and roof line, a new greenkeeper shed, alterations to the existing landscaping, and minor changes to the electrical infrastructure; the electrical substation is to be relocated to the adjacent land, being Lot 1 in DP 1234229. There will also be changes to the car parking, however, this will merely be a line arrangement change. The proposal will in no way result in any increase in the existing development footprint and there will be no decrease in car parking spaces. The proposal will result in an effective increase in building height due to alterations to the façade, and the proposal will effectively result in a building height of 8 metres.

## **1.4 Land Ownership**

The subject site is owned by Hawks Nest Golf Club Limited and the relevant signatures have been provided to enable the lodgement of this Development Application.

## 2.0 STATEMENT OF ENVIRONMENTAL EFFECTS

Considerations pursuant to Section 4.15 of the *Environmental Planning & 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 Use Area (Division 4) (only) under Part 2 of the SEPP (Development controls for coastal management areas).

#### 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. The proposal is only within the coastal use area and therefore there is no way in which it may be construed that there are any inconsistencies.

## 2.2 Great Lakes Local Environmental Plan 2014

The aims of the Great Lakes Local Environmental Plan 2014 (the LEP) are:

- (a) to facilitate the orderly and sustainable economic development of land,*
- (b) to promote the health and well being of the population,*
- (c) to protect and enhance environmental, scenic and landscape assets,*
- (d) to facilitate cultural activities that will benefit the community,*
- (e) to promote the equitable provision of services and facilities for the community,*



- (f) *to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of public amenities or services,*
- (g) *to promote public transport patronage and encourage walking and cycling,*
- (h) *to ensure that development has regard to the capability of the land so that the risk of degradation is minimised,*
- (i) *to minimise land use conflict,*
- (j) *to ensure that development meets any local water quality objectives adopted by Council in relation to groundwater, rivers, estuaries, wetlands and other waterbodies,*
- (k) *to protect, enhance and provide for the long-term management of native biodiversity, including habitat linkages, threatened species populations and endangered ecological communities, and to identify and protect biodiversity links or corridors throughout the landscape.*

The proposal will not contravene any of the above stated aims of the LEP.

The subject site is zoned R3 – Medium Density Residential, pursuant to the provisions of the LEP. The objectives of this zoning are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To achieve increased population density in locations that support the business centre*

**Comment** – The proposal will not contravene any of the above stated objectives and as the proposal involves works to an existing facility which is also a permissible use (recreation area), the proposal is considered permissible with consent.

The relevant clauses of the LEP are addressed below:

#### **(4.3) Height of Building**

The maximum stipulated building height for this site is 12 metres. The proposed height of the main building following the façade alterations will be 8 metres and this is well below the stipulated maximum. The proposed height of the Greenkeepers shed has not been stipulated on the plans, however, it is clear that it is well below the stipulated maximum at approximately 3 metres in height. The proposal is fully compliant with regard to this clause.

#### **(4.4) Floor space ratio**

The maximum FSR permissible for this location is 1:1. Whilst the FSR post development has not been stated on the plans provided, it is clear that the FSR will be significantly less than 1:1 and therefore the proposal is compliant in this regard.

#### **(5.6) Architectural roof features**

It is specifically noted that this clause has not been adopted.

#### **(7.1) Acid sulfate soils**

The site is identified as being Class 4 Acid Sulfate Soils (ASS). The requirements state that development consent is required for Class 4 ASS if works are proposed more than 2 metres below the natural ground surface or the works are likely to result in a lowering of the watertable more than 2 metres below the natural ground surface. Whilst the proposal does include physical works, there will be no works more than 2 metres below natural ground level and there is no way in which the proposal could possibly result in any

lowering of the watertable; nonetheless, consent is still being sought, however, there is no requirement for further comment or investigation regarding acid sulfate soils.

### **(7.5) Stormwater management**

The proposal will only result in an additional impermeable area of 72 square metres (being that of the greenkeepers shed). Whilst the attached plans do not specify any water tank connected to this shed, it is noted that the site is sand and therefore any runoff resulting from this proposal will immediately infiltrate and will not contribute in any notable way to stormwater runoff. It is considered that there should be no requirements in this regard.

## **2.3 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.

*The overriding aim of this DCP is to create and maintain a high level of development and environmental quality throughout the Great Lakes.*

*The objectives and controls within this Plan therefore aim to:*

- *ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *ensure new development creates a unified landscape and contributes to the streetscape.*
- *ensure development reinforces the importance of pedestrian areas and creates an attractive design outcome.*
- *inspire design innovation for residential, commercial and industrial development.*
- *provide a high level of access to and within development.*
- *protect environmentally sensitive areas from over-development or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained.*

- *achieve environmentally, economically and socially sustainable development for the community of the Great Lakes.*

## **4 – Environmental Considerations**

### **4.1 Ecological Impacts**

#### **Objectives**

- *To ensure that development is designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities.*

**Comment** – There are no aspects to the proposal which have the potential to have any adverse ecological impact. It is especially noted that the proposal will not require the removal of any vegetation of significance, nor will it impact upon any wildlife or wildlife corridors.

### **4.2 Flooding**

**Comment** – The area relevant to the proposal is not flood prone.

### **4.3 Coastal Planning Areas**

Not Applicable

### **4.4 Effluent Disposal**

Not Applicable

### **4.5 Poultry Farms Buffer**

Not Applicable

#### 4.6 Contaminated Land

**Comment** – The site is not known to be, or suspected of being, contaminated in any way. There are no known land uses of the site, either past or current, which would lead to the potential contamination of the site.

#### 4.7 Bush Fire

The site is identified as being bushfire prone and as such a bushfire risk assessment has been prepared by a suitably qualified and accredited (BPAD) consultant. The resulting report has been included as part of the development application package as submitted; in summary of this report it is considered that all aspects of the proposal are considered acceptable and the development is able to be carried out in such a way that it will in no way result in any increased risk to the existing structure or any nearby developments. The proposal is considered acceptable from a bushfire risk perspective.

### 10 – Car Parking, Access, Alternative and Active Transport

#### 10.1 Objectives

The objectives of this clause are:

- *To ensure that there is adequate and safe provision for access, manoeuvring and parking within the development.*
- *To restrict vehicular access to buildings in a manner that is compatible with pedestrian movements and safety.*
- *To integrate vehicle access and parking facilities without compromising street character, active street frontages or landscape.*
- *To promote alternative and active transport for both commuting and recreational transport.*
- *To provide an adequate level of on-site parking based upon anticipated occupancy rates and proximity to alternate and active transport, such as walking and bicycling.*

- *To ensure that parking requirements are met without imposing an undue burden on developers or an additional liability on the present and future ratepayers.*
- *To ensure adequate space is provided in non-residential development for safe vehicle manoeuvring so that vehicles enter and exit the site in a forward direction.*

**Comment** – Whilst the proposal will result in alterations to the car parking, these alterations shall only result in line works differences and the key points are:

- The proposal shall not result in any reduction in the existing car park spaces
- The proposal will not result in any requirement for additional car park spaces
- The car park line work amendments shall be in accordance with the relevant Australian Standard.
- There shall be no alterations to the existing entrance/exit path.

It is considered that there is no further comment required in this regard and that the car parking is noted as being fully compliant.

## **11 – Water Sensitive Design**

**Comment** – Under Section 11.2, the proposal is exempt from a water sensitive design as *the increase to the overall impervious surface is less than 10%*. The proposal will result in an increase of approximately 2.8% in impervious surface and that is excluding the existing car park – if the car park is included then the increase in impervious surface is approximately 1%. No water sensitive design is required and no further comment or justification is necessary.

## **13 – Landscaping and Open Space**

### **13.2 Residential Apartment Buildings, Mixed Use Development and Business Premises**

**Comment** – This is arguably the section which best fits the proposal however, the specific nature and scale of the development is such that in reality there are no landscaping requirements; despite this, the proposal does include landscaping and

landscape concept plans are provided as part of the application package as submitted and the proposal should be considered to exceed the requirements in this regard.

#### **14 – Waste Management**

**Comment** – Given the nature of the development, it is considered that this is not relevant at this stage. It is noted that a Waste Management Plan shall be submitted prior to the issue of any Construction Certificate and the Consent should be Conditioned accordingly.

#### **15 – Advertising and Signage**

**Comment** – Not Applicable

### **3.0 LIKELY IMPACTS**

#### **3.1 Environmental impacts**

The proposal will not result in the removal of any vegetation of significance, nor will there be any notable increase in runoff. There will be no actual, or potential adverse environmental impacts resulting from the development as proposed and as such the development must be considered acceptable from an environmental perspective and there can be no requirement for any ecological impact report.

#### **3.2 Social Impacts**

It is considered that the proposal will have no adverse social impact. It *may* be considered that upgrading the façade and landscaping shall result in an improvement in the local amenity and this *may* be considered to result in a positive social outcome.

#### **3.3 Economic Impacts**

The proposal will have no adverse economic impact. As the proposal will require physical works and shall therefore require capital expenditure, it can only be considered that the development may have a positive outcome with regard to the local economy.

## **4.0 RURAL FIRES ACT 1997**

The subject land is identified on the NSW RFS website as being bush fire prone and a bushfire risk assessment has been prepared and submitted as part of the development application package. In summary of this report, it is concluded that the proposal is acceptable and will not result in any increase in risk to the development and/or occupants, or to any nearby developments. No further comment or investigation is required in this regard and the proposal does not require referral to the NSW RFS.

## **5.0 SUITABILITY OF THE SITE FOR 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 or justified.
- All relevant Environmental planning Instruments have been addressed.
- There will be no adverse environmental, social, or economic impacts.
- There are no site constraints which would otherwise impede or prevent the development from occurring.

### **5.1 The Public Interest**

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

## **6.0 CONCLUSION**

This proposal is for additions and alterations to the existing development at Lot 1 in DP 868540 and also for works on Lot 1 in DP 1234229 which is located at Sanderling Avenue, Hawks Nest in the MidCoast Local government Area; specifically the proposal is for upgrades to the façade, the erection of a new greenkeepers shed, landscaping, minor changes to the internal carpark layout, and electrical works.



The provisions of section 4.15 of the *Environmental Planning and Assessment Act (1979)* have been addressed and it is considered that the proposed development meets the relevant aims and objectives of all the relevant planning instruments. The proposal is compliant in all regards and is hereby submitted to MidCoast Council for assessment and approval.

