

**DEVELOPMENT APPLICATION**  
for  
Subdivision and Dwelling

**Lot 14 in DP 13103  
29 Myall Street  
TEA GARDENS**

**Prepared by  
TATTERSALL LANDER  
PTY LTD  
DEVELOPMENT CONSULTANTS  
May 2025**

**DEVELOPMENT CONSULTANTS IN ENGINEERING, SURVEYING, PLANNING & ENVIRONMENTAL**



Liability limited by a scheme approved under Professional Standards Legislation.  
Tattersall Lander Pty Limited ABN 41 003 509 215

2 Bourke Street, RAYMOND TERRACE 2324 **All mail to:** PO Box 560

**Telephone:** (02) 4987 1500 **Email:** [reception@tatland.com.au](mailto:reception@tatland.com.au)

## **TABLE of CONTENTS**

<b>INTRODUCTION.....</b>	<b>3</b>
<b>SITE DESCRIPTION AND CHARACTERISTICS.....</b>	<b>3</b>
<b>THE PROPOSAL.....</b>	<b>4</b>
<b>LAND OWNERSHIP.....</b>	<b>4</b>
<b>STATEMENT OF ENVIRONMENTAL EFFECTS .....</b>	<b>4</b>
<b>GRETA LAKES LOCAL ENVIRONMENTAL PLAN 2014.....</b>	<b>4</b>
<b>GREAT LAKES DEVELOPMENT CONTROL PLAN.....</b>	<b>5</b>
<b>RURAL FIRES ACT 1997 .....</b>	<b>11</b>
<b>SUITABILITY OF THE SITE FOR THE DEVELOPMENT .....</b>	<b>11</b>
<b>THE PUBLIC INTEREST.....</b>	<b>11</b>
<b>CONCLUSION .....</b>	<b>12</b>

## **INTRODUCTION**

### **Site Description and Characteristics**

The subject site is identified as Lot 14 in DP 13103 and is located at 29 Myall Street, Tea Gardens in the MidCoast Local Government Area (LGA). The site has a total area of approximately 1214.4 square metres.

The site is currently vacant of any structures and similarly, there is no vegetation of any ecological significance and especially it is noted that there are no trees of any description within the site.

The site is accessed via Myall Street (to the east north east) and also Swagman Close (to the west south west).

The topography of the site is flat.



**Figure 1 – Site Location**

### **The Proposal**

The proposal is for a one into two lot subdivision and the construction of a dwelling on proposed vacant Lot 1; as both proposed lots exceed the minimum lot size, the dwelling

may be constructed, or the subdivision registered first – there is to be no conditioned order in this regard.

## **Land Ownership**

The subject site is currently owned by Robert Lander and the signature of the owner has been provided on a letter 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**

## **Great Lakes Local Environmental Plan 2014**

The subject site is zoned R2 – Low Density Residential, pursuant to the provisions of Great Lakes Local Environmental Plan 2014 (the LEP).

The objectives of the R2 – Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment:** The proposal will not contravene any of the above stated objectives and the proposal is permissible with consent under the provisions of the LEP (*Dwelling Houses* and Subdivision).

All relevant clauses of the LEP are addressed below.

### **Clause 2.6 Subdivision – consent requirements**

The proposal is seeking consent and therefore subclause 1 is satisfied. As There are currently no structures on the site, subclause 2 is not relevant.

### **Clause 4.1 Minimum subdivision lot size**

The minimum stipulated lot size for this location is 450 square metres. Both proposed lots exceed 450 square metres, with proposed Lot 1 to be 503.1 square metres and

proposed Lot 2 to be 711.3 square metres. The proposal is therefore fully compliant with this Clause.

#### **Clause 4.3 Height of buildings**

**Comment** – The maximum stipulated building height for this site is 8.5 metres. The proposed dwelling is to have a height of 5.91 metres and is therefore fully compliant with the requirements of this clause.

#### **Clause 4.4 Floor Space Ratio**

**Comment** – The maximum permissible floor space ration (FSR) is 0.5:1. Proposed Lot 1 (which is the lot to contain the dwelling) is to have an area of 503.1 square metres and the dwelling is to have an area of 233 square metres thus resulting in an FSR of 0.46:1 which is fully compliant with this clause.

#### **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.*

Whilst consent for this development is being sought, the reasons are nor ASS related as the development will not include works more than 1 metre below the natural ground surface and nor will the proposal or the associated works have any potential to result in any lowering of the watertable.

## **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**

As the proposal does not contain any vegetation of significance, there is no way in which it may be construed that the development as proposed will have the potential to remove any native vegetation – the only ‘vegetation’ within the site is exotic grass. Whilst the proposal will result in additional runoff, tis runoff shall be captured for reuse (refer BASIX certificate) and any additional shall be diverted to the existing public drainage system. The proposal will have no actual or potential adverse ecological impacts.

#### **4.2 Flooding**

The subject site is not flood prone and 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**

The site is, and the proposed dwelling shall be connected to the existing reticulated sewage system.

#### **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.

#### **4.7 Bush Fire**

The site is not bush fire prone.

### **Part 5 Single Dwellings, Dual Occupancies, Villas and Townhouses**

#### **5.1 Solar Access and Overshadowing**

The proposal is single storey and as such there shall be no potential overshadowing. Additionally it is noted that the part of the lot to the south of the proposed dwelling (ie Lot 14A in DP 13103) is the rear setback of an existing dwelling and as such, there are no structures in this location to overshadow. The Private outdoor area for the proposed dwelling is located in the rear (eastern) setback and as such this area will have ample solar access. No shadow diagrams or further investigation or comment is required.

#### **5.2 Views and Privacy**

The proposal is not located such that there are any views which may be impacted upon. Additionally, the proposal will have adequate privacy and will not impact upon the privacy of any other properties.

#### **5.3 Energy Efficiency**

The proposal is acceptable with regard to energy efficiency as is evidenced by the BASIX certificate which has been included as part of the DA lodgement package.

#### **5.4 General Building Design**

The design of the development is considered acceptable. With regard to the controls to demonstrate the proposals compliance in this regard, see below:

1. This control is not applicable as the dwelling is single storey and it is not a corner lot.
2. The dwelling has two bedroom windows facing the primary street frontage which is to be applicable for the dwelling (ie Swagman Close) and so the proposal is compliant in this regard.
3. The attached garage is setback 1.5 metres from the building frontage and is therefore consistent with this control.
4. There are no attached garages or carports proposed.

5. The attached garage is setback 6 metres from the front boundary and therefore the proposal is consistent with this control.
6. As the lot is not a corner lot, this control is not applicable.
7. The building entry is clearly visible from the frontage and the street. Full compliance with this control is achieved.
8. The eave width has been considered and it is less than 600mm in most parts of the dwelling, however, as a BASIX certificate has been issued, this is not considered to be an issue.
9. It is noted that the site is basically flat and therefore no stepping is required and only very minor regrading will be required.
10. The choice of colour and materials is subjective. No colours have been chose at this stage and it is inappropriate that this would be required. Materials is also a matter of preference and the materials chosen are sown on the plans as submitted and it is considered that the materials are acceptable.

## **5.5 Setbacks**

### **5.5.2 Residential and Village Zones**

#### **5.5.2.1 Primary Road Setback Controls**

Whilst there are adjacent dwellings, the orientation of the dwelling is such that in reality they do not need consideration with regard to the proposed front setback. The proposed dwelling is to be setback 4.5 metres with the garage having a 6 metre setback and this should be considered acceptable.

#### **Additional Front Setback Controls Excluding Site Specific Controls**

This part states that for lots less than 900 square metres and where there are no adjoining dwellings requiring consideration, a 4.5m front setback is the minimum. The proposal includes subdivision with proposed Lot 1 being significantly less than 900 square metres and as such a 4.5 metres setback is appropriate and the proposal is compliant.

#### **5.5.2.5 Side and Rear Setback Controls**

This part states that there is to be a 900mm (minimum) side setback and a 3 metre (minimum) rear setback. The proposal includes side setbacks of no less than 900mm and a rear setback which also exceeds the minimum 3 metres. It is noted that the rear setback includes an alfresco area which is setback less than the 3 metre minimum and it is also noted that this is acceptable but that screening *may be required*. If Council considers that screening is required, it is anticipated that this shall be a point of discussion and the Consent could be conditioned accordingly.

## **5.6 Building Heights**

The building height is less than the maximum stipulated 8.5 metres (as per the LEP) and as such the proposal is considered compliant. There are no site limitations which would result in a lower maximum height being stipulated.

## **5.7 Cut and Fill**

No cut and fill is proposed or required.

### **5.8 Private Outdoor Areas**

The private outdoor area requirements are 24 square metres with a minimum dimension of 4 metres. Whilst the plans do not identify the POS, it is evident that the POS requirements are easily met within the rear setback.

### **5.9 Fencing and Walls**

No fencing or walls are proposed.

### **5.10 Detached Garages, Carports, Sheds and Other Outbuildings**

There are no detached garages, carports, sheds or outbuildings proposed.

### **5.11 Development on Lots Under the Minimum Lot Size**

Not Applicable.

## **9 Subdivision**

### **9.1 Objectives**

- *Facilitate the development of a range of sites appropriate to the types of activity occurring in the Great Lakes.*
- *Encourage economic utilisation of land resources and avoid unnecessary fragmentation of land .*
- *Optimise use of existing infrastructure and ensure appropriate levels of service are achieved by utilities and road network.*
- *Maintain and protect environment and amenity of existing development and adjacent land uses, by ensuring a high standard of design and construction in new subdivisions.*
- *Ensure new subdivisions are designed and constructed to accommodate quality development for the location in which it is proposed.*
- *Maximise the retention of native vegetation and where possible implement measures to alleviate the fragmentation of wildlife corridors.*
- *Ensure environmental constraints and impacts, such as flooding, drainage, vegetation, erosion etc are adequately considered.*
- *Encourage innovative design and energy efficiency.*
- *Ensure adequate provisions are made for building areas, services, access, parking and manoeuvring on allotments within the subdivision.*

### **Residential Subdivision - Additional Objectives**

- *To minimise the extent of excavations works and/or fill required for establishing a suitable building envelop and associated infrastructure.*
- *To consider the design of roads and allotments so as to create variety and interest in the streetscape, and to preserve significant natural features.*
- *To ensure each allotment has sufficient area and dimensions to enable a dwelling and ancillary outbuildings; the provision of private outdoor space and convenient pedestrian and vehicle access.*

- *To prevent access points to battle-axe allotments becoming a dominating feature of the street and one which inhibits on-street parking.*
- *To encourage variety and choice in housing forms by providing allotments for a broad range of dwelling sizes, regardless of project size.*
- *Strike a balance between cost effectiveness and recurrent costs to Council and the community.*
- *Provide an appropriate level of amenity for new and existing residential areas.*
- *To preserve and enhance the unique characteristics of existing areas by adopting sympathetic subdivision design principles.*
- *To create pleasant street environments and take advantage of any views or outlook.*
- *To enable, where practicable, the application of energy conservation principles.*

**Comment** – The proposal is considered compliant with all of the above stated objectives.

## **9.2 General Requirements for subdivision in all zones**

### **9.2.1 Design Principles**

#### Hazards and Constraints

There are no hazards and/or constraints, including bush fire, flood, potential contamination, or mine subsidence. The site is acid sulfate Class 3, however, this has been addressed in the LEP component of this report and no further comment is required.

#### Protection and enhancement of natural features

There are no natural features within the site and the proposal has no potential to impact upon any nearby natural features.

#### Infrastructure and surrounding development

All required infrastructure shall be provided at the cost of the developer. The proposal is of a scale and nature that will not impact upon any surrounding development.

#### Future land uses and development

The proposal will ensure appropriate and maximum land use is enabled.

### **9.2.3 Services**

Any and all extension or modification to services shall be at the cost of the developer.

### **9.2.4 Landscaping**

There are no cabbage tree palms in the immediate vicinity of the site which may otherwise be impacted by the proposal. There are no trees within the site or directly adjacent to the site which may otherwise be impacted by the proposal. As the proposal is only to create one additional lot, no landscape plan is required.

### **9.2.5 Drainage**

The site is flat and drainage shall first be to a rainwater tank with overflow to the public drainage system. The proposal will in no conceivable way impact upon drainage.

### **9.2.6 Road Design and Construction**

Not applicable.

## **9.3 Residential Subdivision**

### **9.3.1 Allotment Dimensions**

The design of the proposal is considered acceptable and in keeping with the controls provided.

#### **9.3.2 Allotment Orientation**

The scale of the site is such that this is the only option with no alternative lot orientation being possible.

#### **9.3.3 Sloping Sites**

Not applicable

#### **9.3.4 Allotments in Cul-de-sacs**

The proposal will in effect result in one lot which has access only off the cul-de-sac (Swagman Close), however, in reality, this frontage already exists and is of sufficient width (ie exceeds the minimum 12.6m). The proposal is considered compliant in this regard.

#### **9.3.5 Battle-axe Allotments**

Not applicable.

#### **9.3.6 Vehicle Access Design Considerations**

Not applicable.

#### **9.3.7 Lots Smaller than the Minimum Lot Size**

Not applicable.

#### **9.3.8 Road Network**

Not applicable.

#### **9.3.9 Public Open Space**

Not applicable

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

#### **10.3 Car Parking Rates**

##### **10.3.3.1 Single Dwellings, Dual Occupancies, Villas and Townhouses**

The control for this part of the DCP stipulate that for a dwelling with a floor area of 125 square metres or more, one covered car parking space is required plus one additional. The proposal includes a double garage which is two covered car park spaces and therefore full compliance is achieved in this regard.

##### **10.3.2 Car Parking Design Controls**

##### **10.3.2.1 Single Dwellings, Dual Occupancies, Villas and Townhouses**

The controls for his part stipulate that an enclosed car parking space is a minimum of 3.0 metres wide x 6.0 metres long. This ensures the garage is suitable as a car parking space. Technically it is insufficient for two car parking spaces and as such, the other car parking space shall be accepted as the driveway and this is acceptable.

### **11 Water Sensitive Design**

Plans have been prepared which address and satisfy the requirements in this regard and these plans have been included as part of the development application package as submitted.

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

#### **13.1 Single Dwellings, Dual Occupancies, Villas and Townhouses**

The proposal does not require a landscape plan, however, it is noted that there is adequate area within the site for landscaping.

#### **14 Waste Management**

A Waste Management Plan shall be submitted with the future Construction Certificate Application.

#### **Rural Fires Act 1997**

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

The development is not integrated with regard to bush fire and the *Rural Fires Act 1997* and there is no requirement for any referral to the NSW RFS.

#### **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 a one into two lot Torrens Title Subdivision and the construction of one dwelling (in no particular order) at 29 Myall Street Tea Gardens (Lot 14 in DP 13103), 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.