

WATTLE COURT

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Nov 14, 2025

Midcoast Council
2 Biripi Way
Taree NSW 2430

RE: Clause 4.6 Request to Vary a Development Standard

Environmental Planning and Assessment Act 1979
Greater Taree Local Environmental Plan 2010

Applicant: Ben Lynch & Isabella Eggins
Property: Lot 16 DP 23983 – 460 Kolodong Road, Taree NSW 2430
Proposed Development: Dwelling House (Class 1a)
Date: November 2025

1. Development Standard to be Varied

This request seeks to vary the following development standard under the **Greater Taree Local Environmental Plan 2010**:

- **Clause 4.2A – Erection of dwelling houses on land zoned RU1, RU2 and RU4**, specifically the associated **rural siting and separation principles** that relate to maintaining rural character.

In addition, the proposal seeks to vary the **setback provisions contained in the Greater Taree Development Control Plan 2010**, which specify:

- **Front setback:** 20 m
- **Side setbacks:** 10 m
- **Rear setback:** 10 m

The land is zoned RU1 Primary Production but forms part of a long-established residential subdivision that functions as a residential street and is identified for rezoning to R1 General Residential in the draft planning framework.

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WATTLE COURT

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2. Extent of Variation

Control	Required (RU1)	Proposed	Variation
Front Setback	20 m	4.5 m	–15.5 m
North Side Setback	10 m	5.198 m	–4.802 m
South Side Setback	10 m	2.0 m	–8.0 m
Rear Setback	10 m	8.58 m	–1.42 m

3. Objectives of the Standard

The objectives relevant to **Clause 4.2A** and the **rural setback controls** under the Greater Taree DCP 2010 include:

- To maintain rural character and protect land for primary production.
- To ensure an appropriate level of separation between dwellings to safeguard amenity.
- To prevent conflict with existing or potential agricultural activities.
- To ensure development is compatible with surrounding land uses.

4. How the Objectives Are Achieved Despite the Variation

- The site no longer functions as rural land. All adjoining allotments contain dwellings on similar-sized lots, forming an established residential pattern.
- The proposed setbacks are consistent with existing dwellings along Kolodong Road (typically 4–6 m front and 2–5 m side setbacks).
- There are no primary production activities in the vicinity; therefore, no rural land-use conflict arises.
- The dwelling is single-storey, low scale, and includes landscaping that maintains appropriate amenity and character.
- The proposed setbacks achieve suitable privacy, open space, and separation outcomes consistent with the residential context.

5. Environmental Planning Grounds

There are sufficient environmental planning grounds to justify the variation in accordance with **Clause 4.6(3)** of the GTLEP 2010:

1. **Strict compliance is unreasonable and unnecessary** because the lot depth (≈33 m) and established residential context make rural setbacks impractical and inconsistent with adjoining development.
2. The proposal **achieves the underlying purpose** of orderly and sustainable development by delivering a dwelling appropriate to the site, services, and surrounding land uses.

WATTLE COURT

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3. The dwelling will produce **equal or better environmental outcomes**, including compliant bushfire construction (BAL-19), stormwater management, and landscaped buffers.
4. The site retains a **lawful dwelling entitlement under Clause 4.2A**, supported by the subdivision's long-standing residential development pattern and consistency with surrounding approvals.

6. Public Interest

Granting the variation is in the public interest because:

- It supports Council's strategic intention for residential consolidation, as reflected in the draft planning framework identifying the area for R1 General Residential zoning.
- It makes efficient use of existing infrastructure and services without adverse environmental or amenity impacts.
- It rectifies an historical zoning anomaly by allowing development consistent with existing neighbourhood character.

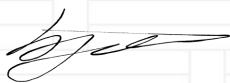
7. Conclusion

The proposed dwelling satisfies the objectives of the **Greater Taree LEP 2010**, including Clause 4.2A, and meets the principles of Clause 4.6 for varying development standards.

The requested setback variations are justified, respond appropriately to the site's physical constraints and context, and result in a development outcome consistent with the surrounding residential pattern and the public interest.

Accordingly, support is sought for this **Clause 4.6 Variation Request**.

Signed:



Bradley Caldon
BConstrMgmt(Build)(Hons)

Builder | Director
Wattle Court Mid-Coast