

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/02048
Application Number:	DA 261-06-2003
Date of lodgement:	11 June 2003
On land comprising:	98 Coomba Road, Pacific Palms Lot 11 DP 848595
Application made by:	David F and Berenice E Cook PO Box 117 Pacific Palms, NSW 2428
Application made to:	Minister for Infrastructure, Planning & Natural Resources
Local government area:	Great Lakes Council.
State electorate:	Electorate: Myall Lakes, John Turner MP The views of the Member are not known.
Notification:	Advertised in Forster Great Lakes Advocate on 23 July 2003
Public Exhibition	24 July 2003 to 20 August 2003
For the carrying out of:	2 Lot Subdivision
Estimated cost of works:	N/A
FTE Jobs created:	N/A
Type of development:	State Significant Development, Integrated Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	Rural Fire Service
Main Issues:	Refer to attached page.
Compliance with the Act	The application has been considered with regard to the matters raised in section 79C of the Act. The application was notified in accordance with the Regulations and all submissions received in the period have been considered. On balance, it is considered that the proposed development is acceptable and that development consent be granted.
Applicant views on draft conditions:	Applicant expressed general support for proposed draft conditions.

Recommendation

It is recommended that the Minister for Infrastructure, Planning and Natural Resources pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 Of State Environmental Planning Policy No. 71 – Coastal Protection

- (A) grant **consent** to the application subject to conditions (Tagged “A”), and
- (B) authorise the Department to carry out post-determination notification.

Approved:

Robert Black
**Director,
Urban Assessments**

Craig Knowles
**Minister for Infrastructure and Planning
Minister for Natural Resources**

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- (C) grant **consent** to the application subject to conditions (Tagged “A”), and
- (D) authorise the Department to carry out post-determination notification.

Approved:

Robert Black
Director,
Urban Assessments

Diane Beamer
Minister Assisting the Minister for
Infrastructure and Planning (Planning
Administration)

Development Application: Supplementary Information

Proposed Development

The proposed development seeks consent for:

- 2 lot rural residential subdivision to create lots 1 and 2, of one hectare each.

Summary of Significant Issues

(1) Effluent Disposal

Issue: The land is not serviced by a reticulated sewerage system.

Raised by: The Department.

Consideration: The land is situated approximately 200 metres from SEPP 14 Wetlands and 500 metres from Wallis Lake. In accordance with Councils Effluent Disposal Policy, an application for such development is to be supported by a comprehensive site evaluation by a suitably qualified person. The proponent was requested to provide this information. A comprehensive report was subsequently submitted, which concluded that the land is suitable for on-site disposal.

Resolution: A condition has been imposed requiring a restriction on the title for proposed lot 2 that effluent disposal on site is in accordance with the submitted waste management report. Any future development on proposed lot 2 will require Council's approval of an on-site sewerage management system.



Planning Assessment Report Development Application

Development Application No 261-06-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number 261-06-2003.

The application seeks consent for 2 lot rural residential subdivision, creating lots of one hectare each.

The Minister for Infrastructure Planning and Natural Resources is consent authority under clause 10 of SEPP 71 – Coastal Protection.

It is recommended that the development application be granted **consent**.

2 BACKGROUND

2.1 Site Context

The site is located at 98 Coomba Road, Pacific Palms in the Great Lakes local government area.

The development application was lodged with the Department on 11 June 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The land is situated on the northern side of Coomba Road approximately 2 kilometres from its intersection with The Lakes Way. A dwelling house is situated on the land, which is being utilised as a bed and breakfast establishment with Council approval.

The land slopes towards the nearby wetlands and contains areas of regrowth. The land was heavily cleared for logging and grazing activities in the past.

2.2 Relevant approvals

The proposed development requires a Bush Fire Safety Authority from the NSW Rural Fire Service, under the Rural Fires Act.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- 2 lot rural residential subdivision with lots of one hectare.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

Subdivision is permitted in the Rural Residential 1(d) zone pursuant to clause 17 of the Great Lakes LEP 1996.

4.2 Instrument of consent and other relevant planning instruments

The Minister is consent authority pursuant to clause 10 of SEPP 71.

4.3 Legislative context

The proposal represents State significant, integrated development

4.4 Other statutory provisions

Great Lakes Development Control Plan (DCP) 31 – Subdivision applies to the proposal.

5 CONSULTATION

5.1 Public consultation

The application was notified, in accordance with the Regulations and Great Lakes Notification Policy including:

Notifications – landowners/occupiers	Adjoining and nearby property owners.
Newspaper advertisements	24 July 2003
Site notices	23 July 2003
Exhibition dates	24 July to 20 August 2003
Exhibition venues	<ul style="list-style-type: none">▪ Planning Information Centre, 20 Lee Street Sydney;▪ DIPNR Hunter Regional Office, Wharf Road Newcastle; and▪ Great Lakes Council Administration Office, Breeze Street Forster

No submissions were received regarding the application.

5.2 Referrals

5.1.2 Integrated Approval Bodies

The NSW Rural Fire Service (RFS) is the only integrated approval body. It has advised that it has no objections to the proposal, requires no General Terms of Approval as well as stating it's response is deemed as the Bush Fire Safety Authority for the development. The latter information is contained as an advice to the applicant.

5.2.2 Council

The application was referred to Great Lakes Council on 21 July 2003. Council has failed to provide any formal response to the application. The application was discussed with Council's Environmental Health Officer with regard to on-site effluent disposal and Councils Effluent Disposal Policy. A copy of the On-Site Domestic Wastewater Management Report was forwarded to Council for information, comment and/or review.

On 24 October Council was asked to confirm applicable the applicable contributions under its Section 94 Contribution Plans. When no response was received, a further request was made on 7 November 2003. Council responded on 14 November and indicated that the proposed contributions are correct.

6 CONSIDERATION

6.1 *The Environmental Planning & Assessment Act, 1979*

6.1.1 *Section 79C*

The application and the likely impacts of the proposed development have been considered in accordance with s.79C of the Act. Significant issues are discussed below in Section 6.2, and, where relevant, a detailed assessment is provided as noted in the table below.

The subject site is considered suitable for the proposed development. Submissions have been considered and issues raised in submissions are discussed in Section 6.2. On balance, the proposed development is considered to be in the public interest.

Instrument / Policy	
SEPP 71 - Coastal Protection	Attachment 1
Great Lakes LEP 1996	Attachment 1
Great Lakes DCP 31 - Subdivision	Attachment 1

6.2 *Issues*

6.1.2 *Effluent Disposal*

Issue: The land is not serviced by reticulated sewerage system.

Raised by: The Department

Consideration: The land is situated approximately 200 metres from SEPP 14 Wetlands and 500 metres from Wallis Lake. A dwelling house exists on proposed lot 1, which is being utilised as a bed and breakfast establishment. It has a Council approved effluent disposal system. Great Lakes Council has a detailed Effluent Disposal Policy which applies to this development. In accordance with that policy, an application for such development is to be supported by a comprehensive site evaluation by a suitably qualified person. The proponent was requested to provide this information. A comprehensive On-Site Domestic Wastewater Management Report prepared Rosewood Environmental Services Pty Ltd dated 25 September 2003 was subsequently submitted. That report concluded that the land is suitable for on-site disposal.

Resolution: A condition has been imposed requiring a restriction on the title for proposed lot 2 that effluent disposal on site is in accordance with the submitted waste management report. Any future development on proposed lot 2 will require Councils approval of an on-site sewerage management system and this has been included as an advice to the applicant.

6.2.2 *Building Envelope*

Issue: A building envelope has been nominated on proposed Lot 2.

Raised by: The proponent and the Department.

Consideration: The nominated envelope has been determined in accordance with the constraints applying to the land, being effluent disposal and bush fire hazard. Its location will also minimise land clearing required for future development on the land. The application has been assessed on the basis of future development being located within the nominated envelope.

Resolution: A condition is included that requires the registration of the building envelope on the title of proposed Lot 2.

7 CONCLUSION

The Minister for Infrastructure Planning and Natural Resources is the consent authority.

The application has been considered with regard to the matters raised in s79C of the Act and RFS who was consulted under the Integrated Development Provisions within the Act. The RFS has no objections to the proposed development

The application has been notified in accordance with the Regulations. No submissions were received.

On balance, it is considered that the proposed development is acceptable and should be approved.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 7 November 2003. The applicant responded on 14 November 2003 and advised of general agreement with the proposed conditions.

9 DELEGATION

There is no instrument of delegation applying to the subject DA.

10 RECOMMENDATION

It is recommended that the Minister for Infrastructure, Planning and Natural Resources pursuant to Section 80 (1) and 80A of the Environmental Planning and Assessment Act, 1979 (as amended) and clause 10 of State Environmental Planning Policy No 71 – Coastal Protection:

- (A) Grant consent to the application subject to conditions (Tagged “A”); and
- (B) Authorise the Department to carry out post-determination notification.

For Ministerial Approval

Prepared by

Endorsed:

Gary Freeland
Planner, Urban Assessments

David Mutton
Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments