

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/02880 Pt1
Application Number:	DA 432-10-2003
Date of lodgement:	3 October 2003
On land comprising:	12 The Esplanade, North Arm Cove, NSW, 2324 Lot 8790 DP 715241 and Lot 878 DP 9938
Application made by:	Bob Lander, Tattersall Surveyors P/L 2 Bourke Street, Raymond Terrace, NSW, 2324
Application made to:	Minister for Infrastructure and Planning
Local government area:	Great Lakes
State electorate:	Myall Lakes, Mr John Harcourt Turner The views of the Member are not known
Notification:	Not advertised
Public Exhibition	Start: 15 October 2003. End: 5 November 2003
For the carrying out of:	Boundary adjustment
Estimated cost of works:	Nil
FTE Jobs created:	0 full time equivalent jobs
Type of 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.

Recommendation

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10(2) 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:

Sam Haddad
**Executive Director,
Sustainable Development**

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

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/02880 Pt1
Application Number:	DA 432-10-2003
Date of lodgement:	3 October 2003
On land comprising:	12 The Esplanade, North Arm Cove, NSW, 2324 Lot 8790 DP 715241 and Lot 878 DP 9938
Application made by:	Bob Lander, Tattersall Surveyors P/L 2 Bourke Street, Raymond Terrace, NSW, 2324
Application made to:	Minister for Infrastructure and Planning
Local government area:	Great Lakes
State electorate:	Myall Lakes, Mr John Harcourt Turner The views of the Member are not known
Notification:	Not advertised
Public Exhibition	Start: 15 October 2003. End: 5 November 2003
For the carrying out of:	Boundary adjustment
Estimated cost of works:	Nil
FTE Jobs created:	0 full time equivalent jobs
Type of 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.

Recommendation

It is recommended that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10(2) 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:

Sam Haddad
**Executive Director,
Sustainable Development**

Diane Beamer
**Minister assisting the Minister for Infrastructure and Planning
(Planning Administration)**

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Development Application: Supplementary Information

Proposed Development in detail

The proposed development seeks consent for:

- Boundary adjustment to contain the existing dwelling within one lot and an existing water tank onto the adjoining lot.

Summary of Significant Issues

No significant issues. The boundary adjustment will not necessarily permit intensification of development on the existing two lots and is therefore not anticipated to result in detrimental impacts to the water quality of the nearby water body.



Planning Assessment Report Development Application

DA432-10-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number 432-10-2003.

The application seeks consent for a boundary adjustment.

The Minister for Infrastructure Planning and Natural Resources is consent authority under clause 10(2) of SEPP71.

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

2 BACKGROUND

2.1 Site Context

The site is located at No. 12 The Esplanade, North Arm Cove in the Great Lakes local government area.

The development application was lodged with the Department on 3 October 2003 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The site is an irregular rectangle in shape, with a frontage of approximately 32 metres to The Esplanade to the north of the site a frontage of approximately 45 metres to the Port Stephens waterway to the south of the site.

A site visit was conducted on 21 November 2003.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for the partial relocation of the boundary between the two existing lots.

4 STATUTORY FRAMEWORK

4.1 Statement of permissibility

Under the provisions of the Great Lakes LEP 1996 the site is zoned 2(Village). The proposal is permissible with consent.

4.2 Instrument of consent and other relevant planning instruments

Under clause 10 of SEPP71 the Minister is the consent authority.

4.3 Other statutory provisions

Additional local controls that apply to the site are:

5 CONSULTATION

5.1 Public consultation

The application was notified, in accordance with the Regulations.

Notifications landowners/occupiers	No notification letters were sent
---	-----------------------------------

Newspaper advertisements	The application was not advertised
Site notices	No notice was placed on the site
Exhibition dates	Start: 15 October 2003. End: 5 November 2003
Exhibition venues	<ul style="list-style-type: none"> ▪ DIPNR Hunter Regional Office, ▪ Great Lakes Council, Breese Parade, Forster

No submissions were received regarding the Application.

5.2 Referrals

5.2.1 Integrated Approval Bodies

The application was integrated under section 100B of the Rural Fires Act 1997 and the Rural Fire Service has issued general terms of approval for the development (these are included in the proposed conditions of consent). The RFS response is at Attachment B

5.2.2 Council

The application was referred to Great Lakes Council on 15 October 2003. Council response at Attachment C states they do not wish to make a formal comment provided appropriate effluent disposal systems can be accommodated on each of the sites.

5.2.3 Coastal Council

The application was not referred to the Coastal Council.

5.3 Internal consultations

The Hunter Regional Office has been consulted regarding the application and has not responded.

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.

The subject site is considered suitable for the proposed development. On balance, the proposed development is considered to be in the public interest.

Instrument / Policy	
s79C(1)(a)(i) – SEPP71 and Great Lakes LEP	See compliance table at Attachment C
s79C(1)(a)(ii) – N/A	As above
s79C(1)(a)(iii) – DCP Nos....	As above
s79C(1)(a)(iv) – matters prescribed in the regulations	As above
s79C(1)(b) – the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	As above
s79C(1)(c) – the suitability of site for the development	As above
s79C(1)(d) – any submissions made in accordance with the Act or the regulations	None received
s79C(1)(e) – the public interest	See compliance table at Attachment D

6.2 Issues

No issues for discussion. The application is for an insignificant boundary adjustment that will not increase the potential for development on the site.

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 the Rural Fire Service who were consulted and provided general terms of approval under the Integrated Development Provisions within the Act. It is further recommended that the need to prepare a master plan be waived for the subject site. A report, including this recommendation, is at Attachment E.

The application has been notified in accordance with the Regulations.

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

8 DELEGATION

Under the instrument of delegation dated 4 August 2003, the Minister has delegated to Team Leaders and officers holding a higher position his functions under s.80(A) of the Act relating to determining development consents, except where they relate to designated development or development that is declared to be State Significant development (other than under SEPP56).

9 RECOMMENDATION

It is recommended that the Minister for Infrastructure and Planning pursuant to section 80 (1) and 80A of *the Environmental Planning and Assessment Act, 1979 (as amended)* and clause 10(2) 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:

Petra Blumkaitis
Planner, Urban Assessments

David Mutton
Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments