

GREAT LAKES COUNCIL

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DEVELOPMENT APPLICATION

for SEPP 15, PROPOSED CARETAKERS DWELLING LOT 104 in DP 1049845

NORTH ARM COVE BUNDABAH

GREAT LAKES COUNCIL

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PREPARED BY TATTERSALL SURVEYORS PTY LTD DEVELOPMENT CONSULTANTS December 2006



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INTRODUCTION

Site Description

The site is known as Lot 104 in DP 1049845 and is located at North Arm Cove, Bundabah. The site is 100.7ha with an undulating, rugged topography; the immediate site for the proposal is located adjacent to a knoll (on the western side) which has minimal disturbance and is comprised of predominantly Forest (Vegetation Classification 1). The knoll slopes away on all sides, with a decline of 6 degrees to the north, 9 degrees to the south, 7 degrees to the east, and 9 degrees to the west.



Photograph 1 - Proposed dwelling site



The Proposal

The proposal is for the construction of a dwelling; the proposed dwelling is to be utilised as a caretakers residence and is to be part of a SEPP 15 (Rural Landsharing Communities) development.

Land Ownership

Lot 101 (DP 1041014) is owned by Tea Garden Farms Pty Limited, a copy of the title is contained in Appendix A. The signature of the sole director of Tea Garden Farms has been provided to enable lodgement of this Development Application.

STATEMENT OF ENVIRONMENTAL EFFECTS

Great Lakes Shire Council Local Environmental Plan

1996

The site is zoned 1(a) Rural under the provisions of the Great Lakes Shire Council Local Environmental Plan (LEP) 1996. The proposal is permissible with development consent and the proposal does not conflict with any of the objectives of the LEP for zone 1(a) as set out below.

The objective of the zone is to restrict development to those uses which are unlikely to -

- (a) prejudice in a significant manner the agricultural production potential of land within the zone; and
- (b) generate significant additional traffic, or create or increase a condition of ribbon development on any road, relative to the capacity and safety of the road; and
- (c) have an adverse impact on the area's water resources; and
- (d) create unreasonable or uneconomic demands for the provision or extension of public amenities or services.

The proposed development is in accordance with the zoning of this land, the



agricultural production potential of the land will be increased as a result of the proposed dwelling as the subject land is of sufficient size to require additional personnel in order to effectively manage the property. There will not be a significant increase in traffic as a result of the proposal and it is considered that the existing public road which adjoins the subject property is adequate. The areas water resources will not be adversely impacted upon as the development is not of a nature which will produce significant or hazardous wastes, also there is a significant vegetative buffer between the proposal and Port Stephens or any tributaries; the proposal will be self sufficient with regards to water with the inclusion of a series of subfloor and/or rainwater tanks. The provision or extension of public amenities and/or services will not be altered or affected beyond what may be considered reasonable as a result of this development.

Services (12) – Part 12 of the LEP states that consent must not be granted to any development unless there are adequate water supplies and facilities to treat or remove sewage from the site; the proposal will have a series of subfloor rainwater tanks which will collect roof runoff for domestic use and effluent will be treated on site using an Ecomax system, this is considered satisfactory.

Multiple Dwellings in Rural Areas (18) – the LEP allows for the provision of 2 attached dwellings on a rural property, while a DA for a dwelling house is already approved for the site (west, south west of this site), the proposed dwelling is not be attached to the approved dwelling. It is considered that given the scale of the site this is a more satisfactory arrangement as it effectively ensures that there is less pressure on the original site, which is located relatively close to the foreshore of North Arm Cove. Under Clause 19 Council can permit the erection of a separate dwelling if it is clearly for the occupation of persons engaged by the owner of the land; in addition, the invocation of SEPP 15 (Rural Landsharing Communities) effectively nullifies this clause (18).

Dwelling House in Zone No. 1(a) or Zone No. 1(b) (19) – under section 19 of the LEP, this dwelling is permissible, part 4 of section 19 states that in addition to the dwelling house permitted under subclause (3), one additional dwelling may, with the consent of the Council, be erected where that additional dwelling is or actually will be occupied by a person employed or engaged by the owner of the land and where the agricultural use of the land can economically



support such additional labour. The proposed dwelling is to be used as a caretakers dwelling.

State Environmental Planning Policy (SEPP) 15 – Rural Landsharing Communities

The aims of this policy which are viewed as relevant to the subject land (and hence may be used as an alternative to the current proposal) are: *b) to enable:*

- (ii) the erection of multiple dwellings on the allotment and the sharing of facilities and resources to collectively manage the allotment, and
- c) to facilitate development, preferably in a clustered style:
 - (iii) to create opportunities for an increase in the rural population.

It must be noted that although the above aims are the only aims of SEPP 15 which are considered relevant to the proposal, the remaining aims of SEPP 15 are not contravened by the proposal.

According to SEPP 15, the land to which this policy may be applied (as listed in Schedule 1 of this policy) includes the Great Lakes Shire. The application of SEPP 15 could legally allow for the construction of up to twenty seven (27) individual, detached dwellings on the subject property.

Section 7 of SEPP 15 outlines the requirements and provisions of Rural Landsharing Communities, these requirements have been addressed as seen below.

- 1) Despite any provision in an environmental planning instrument concerned with the use of land for the purposes only of a dwelling or dwellings (as the case may be) in rural or non-urban zones, development may, with the consent of the council, be carried out for the purposes of 3 or more dwellings on land to which this Policy applies within such a zone if:
 - (a) the land comprises a single allotment not subdivided under the "Conveyancing Act 1919" or the "Strata Schemes (Freehold Development) Act 1973"

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Comment

The subject land is a single allotment (Lot 104)

(b) the land has an area of not less than 10 hectares
<u>Comment</u>
Lot 104 has a total area of 100.7 hectares

(c) the height of any building on the land does not exceed 8 metres Comment

The buildings on the site (both proposed and approved) do not exceed 8 metres in height

(d) not more than 25% of the land consists of prime crop and pasture land Comment

The subject land is not classified as prime crop or prime agricultural land

(e) the part of the land on which any dwelling is to be situated is not prime crop and pasture land

Comment

The subject land is not classified as prime crop or prime agricultural land

(f) the part of the land on which any structure or work is to be situated is not land that is a wildlife refuge, wildlife corridor or wildlife management area and development and management of the rural landsharing community does not adversely affect any area identified as a wildlife refuge, wildlife corridor or wildlife management area

<u>Comment</u>

The subject land is not on, nor will the proposed development impact upon wildlife refuges, wildlife corridors or wildlife management areas

(g) the development is not carried out for the purposes of a motel, hotel, caravan park or any other type of holiday, tourist or weekend residential accommodation, except where development for such purposes is permissible under the provisions of another environmental planning instrument in the zone



Comment

The development is not being proposed for any of the aforementioned purposes

(h) the part of the land on which any structure is to be situated does not have a slope in excess of 18 degrees, or has been determined not to be prone to mass movement

Comment

The slope of the land upon which the proposed development is situated does not exceed 18 degrees nor is it prone to mass movement

(i) the aims of this policy are met.

Comment

Noted and correct

- 2) A council must not consent to an application Unless it has taken into consideration a site analysis that:
 - (a) contains information about the site and its surrounds as described in Schedule 3, and
 - (b) is accompanied by a written statement explaining how the design of the proposed development has regard to the site analysis (refer Appendix E)

Section 10 of SEPP 15 states that *council must not consent to an application made unless the applicant has submitted a management plan for the development that makes adequate provision for the following:*

- (a) water management,
- (b) waste management,
- (c) prevention, control and management of soil erosion,
- (d) bush fire management,
- (e) flora and fauna management, including the control of noxious weeds and noxious animals,
- (f) provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.



All of the above issues have been addressed in the Development Management Plan for the proposal (refer Appendix G).

Section 11 of SEPP 15 examines the density of the development. According to the formula provided, Lot 104 may have up to 27 individual dwellings, it is proposed that this lot will have a total of three dwellings, one is already approved (DA825/2002) (and is referred to as dwelling 8), the dwelling which this application relates to (dwelling 11), and a further dwelling, details of which will be supplied at a later date.

State Environmental planning Policy (SEPP 71) -

Coastal Protection

SEPP 71 applies to all land that is either wholly or partially located within the coastal zone; according to the *Coastal Protection Act* 1979, the coastal zone refers to

the area of land and the waters that lie between the western boundary of the coastal zone and the landward boundary of the coastal waters of the state.

The *Coastal Protection Act* 1979 provides the following guidelines for determining the western boundary of the coastal zone:

- a) the boundary is to be generally one kilometre landward of the western boundary of the coastal waters of the State,
- b) the boundary is to be generally one kilometre landward around any bay, estuary, coastal lake, or lagoon,
- c) the boundary is to follow the length of any coastal river inland generally at a distance of one kilometre from each bank of the river:
 - to one kilometre beyond the limit of any recognised mangroves on or associated with the river, or
 - ii) if there are no such recognised mangroves to one kilometre beyond the tidal limit of the river,
- the boundary is to be shown to the nearest cadastral boundary or easily recognisable physical boundary.



The subject land is within the defined Coastal Zone and as such SEPP 71 must be considered when assessing the proposal. The aims of SEPP 71 are:

a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.

Comment

The proposal does not adversely affect natural, cultural, recreational, or economic attributes of the coast; the proposal will have a positive effect on the economic attributes of this area as the proposed dwelling is to be used as part of farming operations, for housing caretakers.

b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore.

Comment

The proposal is on privately owned land and as such there is no requirement for public access over this land which in turn means that the requirement for protection and improvement of public access in this instance is not applicable.

c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore.

Comment

The land on which this proposal is situated is privately owned down to the mean high water mark and as such there is no requirement for any existing or future public use to this part of the foreshore.

 d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge.

Comment

The proposed development is sufficiently distant from the foreshore so as to minimise any likelihood of potential disturbance to middens which may potentially exist on the site. The rock supports no Aboriginal carvings, and no canoe trees have been located in the vicinity. The proposal will not have any impact upon Aboriginal related issues.



e) to ensure that the visual amenity of the coast is protected.

Comment

The proposed development will not impact upon the visual amenity of the coast in any way as it will only be visible while on the subject land (ie private property).

f) to protect and preserve beach environments and beach amenity.

Comment

The proposal will not adversely impact upon beach environments or beach amenity.

g) to protect and preserve native coastal vegetation.

Comment

Clearing of native vegetation for this development is to be kept to an absolute minimum; under the Native Vegetation Act 2003 this clearing is permissible.

h) to protect and preserve the marine environment of New South Wales.

Comment

The proposal will not adversely affect the marine environment.

i) to protect and preserve rock platforms.

Comment

The proposed development will not in any way impact upon any rock platforms in the vicinity.

j) to manage the coastal zone in accordance with the principles of ecologically sustainable development.

Comment

The proposal does not contravene the principles of ESD which, according to the Brundtland Report (Our Common Future) is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.



k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.

Comment

The proposed development is appropriate for the subject lot, in all matters relating to size, scale etc, and also to the zoning of the subject land.

to encourage a strategic approach to coastal management.

Comment

The proposal will not impact upon the management of any of the surrounding publicly owned coastal land.

Part 3 - Significant Coastal Development

The proposed development is not listed in Schedule 2 of SEPP 71, nor is it on Schedule 3 Land; the proposed development is not within 100 metres of the mean high water mark, however, the land upon which the development is proposed is partially within a sensitive coastal location and as such the development is classified as Significant Coastal Development and a copy of the Development Application must be forwarded to the Director-General.

Part 4 – Development Control

Consent to this proposal will not restrict or limit existing legal public access to the foreshore of Port Stephens.

Effluent produced from the proposal is to be treated using an Ecomax system, this will be adequate and as a result there will be no negative effect on any nearby water body.

Stormwater will be collected from the roof of the proposed dwelling and directed to a series of subfloor water tanks for domestic use.

Part 5 - Master Plan

According to SEPP 71 there is no requirement for a Master Plan for this proposed development as there is no subdivision of the property involved.



Rural Fires Act 1997

According to the Great Lakes Shire Council LEP 1996, development for the purposes of Bushfire Hazard reduction is permitted without development consent, in addition, under the Native Vegetation Act 2003, clearing is permissible for the purposes of infrastructure on rural land.

The proposed dwelling is located on Bushfire Prone Land according to the Great Lakes Shire Council Bushfire Prone Land Map (refer *Appendix C*). Under section 79BA of the EP&A Act the consent authority for this development is the Council. The Planning for Bushfire Protection Guidelines specifies the required Asset Protection Zones as set out in Table 1 (below).

Aspect	Required APZ (metres)	
North	30	
South	30	
East	30	
West	30	

Table 1 – Required Asset Protection Zones

Table 1 denotes the minimum APZ, however, increasing the APZ will reduce the Bushfire Classification that the dwelling must be built to. It is proposed that the dwelling be constructed to Level 3 as per AS3959-1999, thus minimising the clearing of vegetation. A comprehensive Bushfire Hazard Assessment has been provided as part of this Development Application.

Environmental, Economic, and Social Impacts

The proposed development of this site will require removal of limited vegetation, however, the site has been examined carefully to ensure that habitat trees are not removed as a result of the proposal. There is to be a significant vegetative buffer zone between the development and the nearby water bodies, thus any runoff as a result of the development will be minimal and adequately filtered.

There will undoubtedly be benefits to the economy as a result of the proposal as currently there is little produce from the site whereas it is envisaged that there will



be sufficient produce from the site for the site to be commercially viable, this equates to an improvement in the economy through additional jobs.

Socially there appears to be some objection to any development of the site. Considering the area of land which the site encompasses, combined with the minimal development (and hence minimal clearing) proposed for the site, the location of this dwelling and the fact that the proposed development is compliant for the zoning and will have a positive impact upon the economics of the farm, the dwelling is considered both necessary and functional.

Suitability of the Site

The subject site is suitable for the proposal as it is zoned accordingly (1(a) - Rural) and there will be no significant adverse impacts as a result of the development.

The Public interest

It is considered that there are no issues pertaining to this development which the public may realistically object to, once again, when considering the zoning of the privately owed land combined with the nature of the proposed development.

CONCLUSION

The proposed development of a caretakers dwelling on Lot 104 in DP 1049845 at Fame Cove is consistent with the areas zoning of 1(a) - Rural. The proposal is consistent with the requirement as established in the relevant legislation (SEPP 15, SEPP 71 and the Great Lakes Local Environmental Plan 1996).

All issues relating to this proposal have been examined and addressed and it is concluded that there are no reasonable grounds upon which this development may be legally refused. Furthermore the proposed development of the subject land should be beneficial to the area as a result of an increase of the agricultural productivity of the land, environmental disturbance will be minimal and as such



the negative impacts are greatly outweighed by the positive attributes of the proposal.

This application is considered acceptable and is hereby submitted for approval.



Appendix A:

Copy of Title

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Association of Consulting Surveyors

Level 6, 321 Pitt Street Sydney NSW 2000 Phone:02 9267 9728 Fax:02 9267 9226 admin@acsnsw.com.au Note: Information contained in this document is provided by GlobalX Information Services Pty Ltd (ABN 99 073 436 414) an approved Information Broker for LPI NSW, Office of State Revenue NSW, ASIC, NRE Victoria, NR&M QLD and Dun & Bradstreet.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 104/1049845

SEARCH DATE	TIME	EDITION NO	DATE
2/11/2006	11:10 AM	3	18/10/2006

LAND

1

1 1 1

LOT 104 IN DEPOSITED PLAN 1049845 AT BUNDABAH LOCAL GOVERNMENT AREA: GREAT LAKES PARISH OF COWEAMBAH COUNTY OF GLOUCESTER TITLE DIAGRAM: DP1049845

FIRST SCHEDULE

TEA GARDEN FARMS PTY LIMITED

(T AC678206)

SECOND SCHEDULE (2 NOTIFICATIONS)

RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
BK 862 NO 605 LAND EXCLUDES MINERALS

*** END OF SEARCH ***



Appendix B:

Aerial Photograph of Site

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Appendix C







Appendix D:

Architectural Plans

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Appendix E:

Site Analysis Statement

Site dimensions and site area - the site is an irregular shape and has a total are of 100.7 hectares.

Spot levels, contours and north point – see Site Plan Below (Appendix F) View to and from the site – the proposed dwelling it to be located adjacent to the top of a knoll; the predominant view from the site is over North Arm Cove (to the west), the dwelling will be screened by significant stands of Eucalypts.

Prevailing winds – the prevailing winds in the area are generally north easterly (during the summer months), westerly (during the winter months) and south easterly (in Autumn and Spring). Refer architectural Plans

Orientation, micro-climates, significant noise sources – there is no significant noise which will either be created by or affect the proposal. Micro climates and orientation have been considered in the design of the dwelling (refer architectural plans.

Land with a slope greater than 18 degrees – the proposed development is situated on land which has a slope of less than 18 degrees.

Watercourses and groundwater resources – there are numerous gullies surrounding the site, these flow into North Arm Cove (a Cove within Port Stephens) which is located to the west of the site; the proposed development will not have any impacts upon watercourses or water resources in the area.

Natural wetlands – there is a small section of estuarine wetland located to the east of the site, however, given the terrain and distance separating the proposed development, there will be no impact upon any part of this wetland.

Land subject to pondage, seasonal waterlogging, high watertable or salinity - Not Applicable.

Natural drainage – there is excellent natural drainage on and surrounding the site, this drainage will not be adversely impacted upon as a result of this development.

Land that is subject to a risk of flooding, bushfires, landslip, erosion, or any other physical constraint – apart from bushfire there appears to be no other natural hazards to the site; the bushfire issue has been dealt with by means of a Bushfire Hazard Assessment which has been carried out for the site.

Soil types and the geology of rocky outcrops – the site is a large rocky outcrop, the rock being of volcanic origin (rhyodacite).



Any part of the land that is prime crop or pasture land – None of the land is listed as being prime crop or pasture land.

Vegetated areas requiring environmental protection – there is no known vegetation on the subject site which is classified as vulnerable, threatened, or endangered and as such there is no vegetation on the site which requires environmental protection.

Identification of any previous use and any contaminated soils or filled areas – the area has had no previous use and there is no contamination or fill on the site.

Location of known resources of mineral or extractive deposits on or adjacent to the proposed development or otherwise potentially sterilised by the development – there are no known mineral or extractive deposits on or adjacent to the subject property.

Any road reserve areas that impinge on the site - Not Applicable.

Location of fences, boundaries and any other notable features – the property boundary may be viewed in Appendix F, the boundary is fenced; it is considered that internal fencing is not relevant when considering the area of land combined with the minimal development.

Any heritage items, relics and sites, and their curtilages – There are some coastal middens on the subject lot, however these are significantly distant from the proposed development so that they are considered not relevant to the application.

Location of building and other structures - Not Applicable

Indicative footprints of the proposed buildings – The site plan shows the footprint of the proposed dwelling (Refer Appendix F).

Design and siting of proposed buildings and their relationship to existing heritage items – There are no heritage items on the site so this is not relevant.

Any areas of the site to be used for development other than dwellings – there are three agricultural sheds proposed for the property, these are also shown on the site plan (Appendix F).

Proposed access from a public road to the area or areas in which the dwellings are to be situated – access is via Bundabah Road, the increase in traffic to this gravel road is considered insignificant when compared to the existing population of Bundabah.

Easements for drainage services – it is considered that this is a matter to be dealt with in the construction certificate.

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Source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings, plus strategies for dealing with domestic wastewater – Water for the dwelling is to be supplied via a series of underfloor tanks and/or rainwater tanks which will harvest all the roof runoff from the proposal. Electricity and communications are to be installed underground, these services will follow the road access in order to minimise disturbance to the vegetation. Domestic wastewater is to be dealt with/treated via an Ecomax wastewater treatment system.

Areas designed for storage of solid waste – this is considered an issue to be dealt with in the construction certificate.

Areas designed for landfill of solid waste – there will be no landfill on the site, all solid waste will be exported via a contractor, details of which will be supplied at a later date.

Where possible, measures aimed at preventing the spread of bushfire – Bushfire hazard reduction measures have been dealt with in the Bushfire Hazard Assessment.

The heritage significance of surrounding buildings and landscape – Not Applicable.

Characteristics of any adjacent public land - Not Applicable.

Directions and distances to local shops, schools, public transport, parks and community facilities – The nearest local shops etc are located at Tea Gardens, which is located approximately 12km (by road) to the north east.

Brief description of the land uses on surrounding land – the surrounding land is predominantly a partly occupied coastal village, rural and rural residential in nature.



Appendix F:

GREAT LAKES COUNCIL 0 4 JAN 2007 RECEIVED RECORDS

Site Plan





Appendix G:

Development Management Plan

a) Water Management

Water management is dealt with in two ways, firstly, water coming into the site will be via collection of roof runoff into a series of rainwater tanks; wastewater from the site will be managed via an Ecomax wastewater treatment system.

b) Waste Management

Solid waste will be collected at a specified area (to be determined before application of the Construction Certificate), then this will be collected by a predetermined contractor for disposal.

c) Prevention, Control and Management of Soil Erosion

Erosion issues are predominantly an issue which needs to be dealt with during the construction phase, a erosion and sedimentation control plan will be issued with the application for the Construction Certificate.

d) Bushfire Management

This has been dealt with in the Bushfire Hazard Assessment.

e) Flora and Fauna Management

The proposed development is relatively minor with regard to the scale of the subject lot, key habitat trees have been identified and these will also be protected. Regular maintenance of the property will ensure that noxious weeds are excluded from the property.



Appendix B:

Aerial Photograph of Site

CADocuments and Settings/Ben/My Documents/Correspondence/206514-R001002 Rural Fire Report & Attack Assessment Site 11 doc 9

