

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 147-6-2005

(FILE NO. 9039284)

THREE LOT SUBDIVISION – 52 COVE BOULEVARD, NORTH ARM COVE

I, the Minister for Planning, pursuant to Section 80 (1)(b) of the *Environmental Planning & Assessment Act, 1979* (as amended), and clause 10 of State Environmental Planning Policy No. 71 determine the development application referred to in the attached Schedule 1, by **refusing** consent to the application for the reasons outlined below.

1. Effluent Disposal: The proposed development does not satisfy clause 15 of SEPP 71. The application has not shown that there will not be adverse impact on the quality of the Port Stephens waterway,. The recommended buffer distance of 100 metres from North Arm Cove recommended for the chosen irrigation method is not achieved in the proposed lot layout. The subject site is not considered capable of accommodating the intensification in use.
2. Inadequate access: Legal access is not provided to each proposed lot. The lane proposed to be used for access is not a dedicated public road and owner's consent has not been tendered for its use. The lane is also considered inadequate in width to perform the required function.
3. Bushfire Hazard: Required Asset Protection Zones encroach onto adjoining properties. APZs should be provided on site.
4. Undesirable Precedent/Cumulative Impact: The Tea Gardens Hawks Nest Conservation and Development Strategy does not identify North Arm Cove as a development or investigation precinct due to the costs of providing essential services (reticulated water and sewerage) to the area. Increased density of on-site disposal systems would result in cumulative adverse impacts on water quality. Approval of this proposal is likely to set an undesirable precedent.
5. The development proposal is not considered to be in the public interest.

Frank Sartor
Minister for Planning

Sydney,

2006

SCHEDULE 1

PART A—TABLE

Application made by:	Bob Lander, Tattershall Surveyors Pty Ltd 2 Bourke Street, Raymond Terrace, NSW 2324
Application made to:	Minister for Planning
Development Application:	DA 147-6-2005
On land comprising:	52 Cove Boulevard, North Arm Cove Lot 479 DP 9939
For the carrying out of:	Three lot subdivision
Estimated Cost of Works	N/A
Type of development:	State Significant Development Integrated Development
S.119 Public inquiry held:	No
BCA building class:	N/A
Approval Body / Bodies:	NSW Rural Fire Service
Determination made on:	The date shown on the Determination.
Determination:	A development consent is not granted for the reasons outlined in Determination.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 19-1-2004

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.