

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	9037125-1
Application Number:	DA 309-12-2004
Date of lodgement:	14 -12 - 2004
On land comprising:	Corner Oyster Parade and Dolphin Drive, Forster Beach Caravan park, Forster
Application made by:	Ross Presgrave Forster Beach House Association Inc
Application made to:	Minister for Infrastructure and Planning
Local government area:	Great Lakes Shire Council
State electorate:	Myall Lakes, Mr John Turner - MP Mr Turner has indicated support for the proposal –Tag “N”
Notification:	Advertised in Forster Great Lakes Advocate on 6 April 2005.
Public Exhibition	Start: 7 April 2005. End: 6 May 2005.
For the carrying out of:	Development of 4 additional cabins in existing Forster Beach caravan park.
Estimated cost of works:	\$450.000.00
FTE Jobs created:	N/A
Type of development:	State Significant Development.
Was a public inquiry held?	An inquiry under s.119 of the Act was not held.
Integrated approval bodies:	N/A
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 and Planning 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 (**Tag 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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Development Application: Supplementary Information

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Approved:

Robert Black
Director, Urban Assessments

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



Planning Assessment Report Development Application

DA 309-12-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 309-12-2004.

The application seeks consent for development of 4 additional cabin sites in the existing Forster Beach Caravan Park. This development is intended to provide holiday accommodation facilities for ill children and their families. A non profit community association known as Forster Beach House Association Inc. has been formed and will be responsible for the establishment and overall management of the Cabins.

The Minister for Infrastructure and Planning is consent authority under clause 10 of State Environmental Planning Policy No.71 – Coastal Protection.

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

2 BACKGROUND

2.1 Site Context

The site is located at corner of Oyster parade, and Dolphin Drive, Forster in the Great Lakes local Government area. Locality plan is at **Tag “B”**.

The development application was lodged with the Department on 14 December 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The site of the proposed additional cabins is a vacant corner of the existing caravan park fronting Dolphin Drive and vehicular entrance is from Oyster Parade. The site of the proposed additional cabins is a cleared land area currently open grass patch without significant vegetation. The proposed caravan park facility is to be connected to the main water supply. The site already has the availability of electricity mains power along Dolphin Drive and it is reticulated within the Caravan park. Telstra services are also available to the proposed site.

The density of the proposal has been designed to ensure that each caravan cabin site is 171.17 m² and each cabin site allows for a cabin of 94.97 m². Car parking of 18m² and 58.2 m² of additional space to ensure that each cabin does not exceed more than 2/3 of the “dwelling site” requirements necessitated by Part 4 Division 1, Clause 72 of the Caravan Park Regulations. All cabin sites will be located on an internal access road.

Site visit was conducted on 10 January 2005.

A site plan is at **Tag “C”** and annotated photographs of the site are at **Tag “D”** and **“E”**.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- the development of 4 additional cabin sites at Forster Beach Caravan Park. Drawing illustrating the proposed Caravan Park Cabins are at **Tag “F”** to this report.
- Drawing illustrating the proposed Landscape Plan is at **Tag “P”**.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The site is zoned 6 (a) Open Space and Recreation under the provisions of Great Lakes Local Environmental Plan 1996. Development for the purpose of caravan parks is permissible with development consent. The proposal satisfies the zone objectives.

4.2 *Other relevant planning instruments*

The development is defined as a ‘Tourist Facility’ under the provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP No. 71) and is therefore State Significant Development. The Minister is the consent authority under clause 10 of SEPP No.71. An assessment against aims and matters for consideration under SEPP 71 – Coastal Protection is at **Tag “G”**.

4.3 *Legislative context*

The development is not Integrated Development. The development is State Significant Development by virtue of State Environmental Planning Policy No.71 – Coastal Protection.

5 CONSULTATION

5.1 *Public consultation*

The application was notified, in accordance with the Regulations and including:

Notifications – landowners/occupiers	43 adjoining and nearby residents were notified of the proposal.
Newspaper advertisements	Advertised in Forster Great Lakes Advocate on 6 April 2005.
Site notices	7 April 2005.
Exhibition dates	Start 7 April 2005. End: 6 May 2005
Exhibition venues	<ul style="list-style-type: none">▪ Planning Information Centre, 20 Lee Street Sydney.▪ Great Lakes Council, Breese Parade, Forster▪ Hunter Regional Office, Kings Street, Newcastle

2 public submissions were received regarding the Application. The submissions are at **Tag “H”**: Issues are considered in Section 6.2 of this report.

5.2 Referrals

5.2.1 Council

The application was referred to Great Lakes Council on 6 April 2005. Council has formally responded on 9 May 2005 with additional conditions and raised no major issues. The submission is at **Tag "I"**. Council also confirmed on 26/05/2005 the proposed land is not bushfire prone. (See **Tag "J"**)

5.2.2 Department of Environment and Conservation

The application was referred to Department of Environment and conservation on 6 April 2005 and formally responded and comments received on 21 April 2005. (See **Tag "K"**) The letter provided information that the interests of the DEC are unlikely to be affected by the proposal and issues raised in the submission are discussed below in section 6.2

5.2.3 Internal Consultation

Internal reference been made to Hunter Regional Office on 6th of April 2005 and comments received on 17 May 2005 and did not raised any issues from regional point of planning perspective. No objection is raised to approval of the proposal.

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. Refer to **Tag "G"**.

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 below. On balance, the proposed development is considered to be in the public interest.

6.2 Issues

2 public submissions been received, one from a resident of Forster and one from Crego Road Glenhaven (see **Tag "H"**).

6.2.1 Suitability of the site

<i>Issue:</i>	The suitability of the site for the proposed development in relation to traffic, access ways and location.
<i>Raised by:</i>	Public submission
<i>Consideration:</i>	Suitability of the site in relation to traffic and access ways was evaluated and considered in relation to access traffic generation and location of the access way. Additional traffic generated by the development is only minor and not considered to warrant additional traffic measures or studies. Oyster Parade itself is a well- constructed bitumen road with appropriate safe sight distances, drainage and overall road width. The current carrying capacity of this road will not be exceeded by this four additional cabin development. Internally the existing access road to these cabins will be one-way and will be used for the vehicles of the facility users and minor in nature.

Resolution: No detrimental impacts are anticipated due to traffic and access ways and the level of development is considered to be acceptable. The conditions requiring a detailed design plan for access road with a "Public Engineering work permit" will assist in achieving compliance.

6.2.2 Loss of foreshore access

Issue: General loss of foreshore access to the public

Raised by: Public Submission

Consideration: The proposed four cabins are strategically located and positioned at the corner of the roads Dolphin Drive and Oyster Parade. Proposed location of the cabins and separation in between cabins and access ways has been taken in to consideration in relation to visual amenity and easy accessibility. Vehicular access is from Oyster parade and additional traffic generated by this development will be minimal. The subject area is currently used as an overflow area for the existing caravan park and currently used as an additional car park. This over flow area is only utilised during Christmas times by the public and only 50% of this overflow the area will be used for the proposed 4 Cabins. Only 4 cabins are proposed on the frontage to the marina, and the visual impacts, given the single storey character of the cabins, the size, scale and bulk of the cabins are considered to be minimal. General loss of foreshore access to the public will be minimal considering other access ways existing in the locality.

Resolution: The cabins are strategically located and considered most suitable for the proposed development to achieve intended purpose. Proposed planting and landscape design within the site will provide adequate softening for the proposed development. Access to the foreshore areas will not be restricted.

6.2.3 Usage

Issue: When not being utilised by ill children, the cabins will be available for public use as an extension of the Forster Beach Caravan Park.

Raised by: DIPNR – Urban Assessments

Consideration: The existing fully developed caravan park provides a range of camping and Caravan Park facilities for commercial use. The main intention and purpose for the proposed facility is to accommodate ill children and their families as holiday accommodation. The proposed facility will be principally utilised for this purpose. The additional cabin accommodation will be available for general public use when not required for ill children and their families. Public use will maximise the usage of the nominated area in a controlled manner. Compared to the size and scale of the existing Caravan Park, the impacts of the proposed 4 Cabins considered are minimal. This issue has been taken in to consideration and adequately addressed in the Statement of Environmental Effects.

Resolution: It is considered reasonable and acceptable to utilise the proposed facility as an extension of the existing Forster Beach Caravan Park for public use when not being used for the intended purpose. The Department of Lands has evaluated the project and the proposed use is considered compatible with the current reserve purpose. Letter dated 19/01/2004 from Tony Kelly, Minister Assisting the Minister For Natural Resources (Lands) clearly states Council will need to ensure that whenever the holiday cabins are not required for families in crisis, cabins are made available to the general community. (see letter at **Tag "M"**). Letter dated 15 /12/2004 from John Turner MP in support

of this proposed development is at **Tag “N”**.

7 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The application has been considered with regard to the matters raised in s79C of the Act and compliance with Local Government (Caravan Park and Camping Grounds and Moveable Dwellings) Regulation 1995.

The applicant has been notified in accordance with the Regulations. All submissions received in the period prescribed by the Regulations have been considered.

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

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant and the Council was asked to comment on the draft conditions of consent on 30 May 2005. The applicant responded on 03rd June 2005 accepting the conditions commenting on minor changes to driveway lighting. The relevant condition is to be in accordance with Council requirements.

Council responded on 7th June 2005 and described the proposed conditions as acceptable.

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 of State Environmental Planning Policy No.71 – Coastal Protection:

- grant consent to the application subject to conditions **(Tag A)**, and
- authorise the Department to carry out post-determination notification

For Ministerial Approval

Prepared by

Endorsed:

Manik Perera
Planner, Urban Assessments

David Mutton
Team Leader, Urban Assessments

Robert Black
Director, Urban Assessments