

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/03210 Pt1
Application Number:	DA 462-11-2003
Date of lodgement:	5 November 2003
On land comprising:	319 Grassy Head Road, Grassy Head Lot 1 part Lot 876 DP 584667
Application made by:	Peter and Julie Saravanos Po Box 54 Stuarts Point NSW 2441
Application made to:	Minister for Infrastructure and Planning
Local government area:	Kempsey Shire Council
State electorate:	Oxley The views of the Member, Andrew Stoner MP, are not known.
Notification:	Advertised in Kempsey Mid-Coast Observer 5 May 2004
Public Exhibition	Start: 6/5/04. End: 20/5/04.
For the carrying out of:	2 lot subdivision and development of a caretakers residence and restaurant & tourist information centre.
Estimated cost of works:	\$280,000
FTE Jobs created:	2.5 full time equivalent jobs
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 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:

- (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

INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES

URBAN ASSESSMENTS

Action required: for determination: Development Application

File No:	S03/03210 Pt1
Application Number:	DA 462-11-2003
Date of lodgement:	5 November 2003
On land comprising:	319 Grassy Head Road, Grassy Head Lot 1 part Lot 876 DP 584667
Application made by:	Peter and Julie Saravanos Po Box 54 Stuarts Point NSW 2441
Application made to:	Minister for Infrastructure and Planning
Local government area:	Kempsey Shire Council
State electorate:	Oxley The views of the Member, Andrew Stoner MP, are not known.
Notification:	Advertised in Kempsey Mid-Coast Observer 5 May 2004
Public Exhibition	Start: 6/5/04. End: 20/5/04.
For the carrying out of:	2 lot subdivision and development of a caretakers residence and restaurant & tourist information centre.
Estimated cost of works:	\$280,000
FTE Jobs created:	2.5 full time equivalent jobs
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

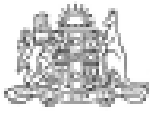
It is recommended that the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) pursuant to section 80 (1) and 80A of the *Environmental Planning and Assessment Act, 1979* (as amended) and clause 10 of State Environmental Planning Policy No. 71:

- (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

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



Planning Assessment Report Development Application

DA 462-11-2003

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 462-11-2003. The application seeks consent for the subdivision of Lot 1 part Lot 876 DP 584667 to create two lots, the development of a restaurant and tourist information centre, and the development of a caretakers residence

The Minister for Infrastructure and Planning is the consent authority under clause 10 of State Environmental Planning Policy No. 71 (SEPP 71).

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

2 BACKGROUND

The site is situated on the western side of Grassy Head Rd, and currently comprises 3 tourist cabins in landscaped grounds with a swimming pool. Grassy Head is located approximately 30 kilometres south of Nambucca Heads on the New South Wales coast (see Tag 'B'). The DA relates to Lot 1 part Lot 876 DP 584667 and comprises an area of approximately 2.4 hectares.

The subject land is zoned 1(a3) Rural "A3" Agricultural Protection Zone under the provisions of Kempsey Shire Councils' Local Environmental Plan (LEP) 1987.

The site is reasonably flat adjacent to the road and goes to a 20 m high cliff to the north-east of the site. Generally the flat area has been mostly cleared and landscaped for the currently tourist cabins and the area to the north-east of the site, on top of the cliff, is mainly native vegetation.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

- Subdivision of Lot 1 part Lot 876 DP 584667 to create two lots;
- Development of a restaurant and tourist information centre; and
- Development of a caretakers residence.

A layout of the proposal is at Tag 'C'.

4 STATUTORY FRAMEWORK

The following legislation applies to this proposal:

1. The Environmental Planning and Assessment Act 1979: Matters for consideration by the determination authority are listed in section 79C of the *Environmental Planning and Assessment Act 1979*.

It is considered that the proposal is consistent with the aims and objectives of s79C. The proposal is considered consistent with the current zoning of the land and with the objectives of the relevant instruments. Any potential impacts of the proposed development are

discussed in Section 7 of the Planning Report and it is considered that any potential impacts can be managed to acceptable levels.

The site is considered suitable for the proposed use and it is considered that any likely impacts can be managed to ensure the existing amenity of the area will not be affected.

The following instruments apply to this proposal:

State Environmental Planning Policy No. 71 – Coastal Protection

The proposed subdivision is located within the coastal zone, as defined in Part 1 (3) of SEPP 71, and falls within Schedule 2, part (c) of SEPP 71, as it involves the subdivision of land where future development will require effluent to be disposed of by means of a non-reticulated system.

It is considered that the proposal is consistent with the aims and objectives of SEPP 71. The proposed subdivision site is not located along a coastal foreshore and therefore will not detrimentally affect existing public access. The proposal is unlikely to detrimentally impact on the visual amenity or scenic quality of the New South Wales coast, in particular no overshadowing is likely to occur. It is considered the proposed subdivision is not unsuitable for the area, and will essentially just divide the tourist cabins and proposed restaurant/information centre from the proposed residential dwelling.

The proposal, whilst involving some clearing of vegetation, is unlikely to cause any detrimental impact on any threatened species. The proposal is unlikely to cause detrimental impact on any archaeological or historic significance of the site or its surrounds.

Coastal Protection Act 1979

In terms of the relevant objectives of the Coastal Protection Act 1979, the proposal will not restrict public pedestrian access to coastal areas and it is not considered the proposal will have a detrimental impact on the coastal environment.

NSW Coastal Policy 1997

The proposed development is not inconsistent with the goals and objectives of the NSW Coastal Policy 1997. The proposal will not restrict public access to coastal areas, and it is not considered the proposal will have a detrimental impact on the coastal environment. The proposal will not detrimentally impact on the aesthetic qualities of the coastal zone.

Kempsey Local Environmental Plan 1987 As Amended

The land to which this application relates is zoned 1(a3) Rural "A3" Agricultural Protection Zone under the provisions of Kempsey Shire Councils' Local Environmental Plan (LEP) 1987. The objectives of the 1(a3) zone are as follows:

- (a) to conserve land particularly suitable for agricultural uses;*
- (b) to provide for compatible tourist uses; and*
- (c) to protect arterial road frontages from developments which are visually intrusive or which generate excessive traffic.*

The development as proposed is permissible with consent under the provisions of the Kempsey LEP in regards to the 1(a3) zoned land. The proposal is consistent with these objectives by way of providing for compatible tourist uses. Further, the proposal is unlikely to generate excessive traffic and will be screened from the road by existing vegetation.

5 STATE ELECTORATE AND MEMBER

The site is within the electorate of Oxley. The views of local member, Andrew Stoner MP, are not known

6 CONSULTATION

Public consultation

The development application was advertised in the Kempsey Mid-Coast Examiner 5 May 2004, and adjoining owners/occupiers notified by mail and invited to comment from 6 May 2004 to 20 May 2004.

Integrated Approval Bodies

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

Council

The application was referred to Kempsey Shire Council for comment on 5 May 2004. Council responded on 25 August, by providing recommended conditions of consent. No assessment or comment regarding support or not of the proposal was received.

Department of Environment and Conservation (formerly EPA)

The DEC responded on 19 May 2004 and identified that further information was required to determine whether the land is capable of storage and irrigation requirements for on-site effluent. In addition, the DEC provided comment on management of rainwater and sizing for storage tanks. Where relevant these issues are discussed in section 7, or are included in the recommended conditions of consent.

7 CONSIDERATION

Flora and Fauna

The application was accompanied by a flora and fauna report prepared by Yarranbella Environment Services, dated 4 February 2004.

Essentially, the site comprises a combination of semi forested land to the north and south of the proposed development and mixed eucalypt woodland to the west. It is stated that no threatened flora species exists on the site and that all the species likely to be affected are locally and regionally common and further, are well represented in the area.

A site investigation in January 2004 did not record any threatened fauna species on the site. Of the 4 threatened species that are recorded within a 5 kilometre radius, the site investigation identified that none have permanent habitat available in the 'development' zone.

An assessment against SEPP 44 – Koala Habitat Assessment was also undertaken as part of the flora and fauna assessment. Identification of tree species determined that the site is not considered potential koala habitat and further there was no evidence of the presence of koala on the site. As such, it is unlikely any koalas will be impacted upon by this development.

Based on the Yarranbella conclusions, it is considered that the development is unlikely to cause significant impact on threatened species.

Built Form

The proposal comprises the construction of two buildings, a restaurant – tourist information centre which is proposed to be a single storey building with a pavilion character to create an area for alfresco dining and an elevated split level dwelling for the caretaker of the existing cabins.

Considering the setting of the proposed buildings, comprising a modest scale in respect of the surrounding vegetation and having limited public viewing points, it is considered that the buildings will not create an adverse impact on the visual amenity of the existing environment.

Water Management

The southern portion of the development site is relatively flat with a cliff running generally east-west which divides the site. The area at the top of the cliff is also reasonably flat. The site is not within a floodprone area. It drains to the south and east of the site which adjoins Grassy Head Road.

Whilst town water is available to the site, it is proposed to also install rainwater tanks to minimise reliance on the town water supply. On-site effluent is proposed for both the restaurant-tourist information centre and the caretakers dwelling. Land capability assessment reports were submitted with the application and conclude that on-site disposal can be achieved on the site without detrimental impact to the environment. The recommendations in this report have been included in the recommended conditions of consent.

Bushfire Protection

The land is zoned bushfire prone under the Rural Fires Act 1997. Therefore the application is integrated with the NSW Rural Fire Service, under section 100B of the Rural Fires Act 1997, and as such requires a Bushfire Safety Authority from the Rural Fire Service.

The Rural Fire Service was notified of the proposal. The RFS have issued the Bush Fire Safety Authority (tag 'D') subject to general terms of approval. It is considered that should the development proceed all conditions can be suitably met.

Archaeological Impacts

The Revised Coastal Policy and SEPP 71 Assessment submitted with the application, states that there are no known items of heritage, archaeological or historic significance at this site. The Australian Heritage Council has not listed this site as an item of environmental heritage.

Traffic and Parking

Access to the proposed restaurant – tourist information centre will be off Grassy Head Road. Although a traffic survey was not undertaken for this proposal, it is considered unlikely that any impacts will result from the increased use of Grassy Head Road. The location where the new access road is proposed to be located is considered suitable for a relatively small intersection.

Car parking on site will be made available for approximately 12 cars. It is considered that proposed number of car spaces provides adequate spaces in regard to the scale of the proposed development.

Noise

Due to the location and general activities proposed to be undertaken on the premises, noise generation is unlikely to be significant. Construction noise will occur, however due to separation distances, the limited period for construction and the limited working hours, it is not considered that construction noise will cause a significant impact on the existing amenity.

External noise impacts are unlikely to affect the site due to separation distances.

Coastal Zone Impact Assessment:

The proposal has no direct foreshore access or frontage. It will not impact upon coastal hazards or coastal processes or severely alter or affect water quality. The site is not visible from the foreshore.

Generally, the proposal is consistent with the provision of the relevant planning controls and is not inconsistent with the surrounding environment. The proposal can be adequately serviced and accessed. It is considered that the land is suitable for the proposed development.

8 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, SEPP 71 and Rural Fire Service who were consulted and provided general terms of approval under the Integrated Development Provisions within the Act.

The application 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.

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:

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

Prepared by

Endorsed:

Alix Hussey
Environmental Planner
Urban Assessments

Pradesh Ramiah
Senior Planner
Urban Assessments

Robert Black
Director
Urban Assessments