



Planning Assessment Report

Development Application DA 90-4-2004

1 SUMMARY

This report is an assessment of the proposed development the subject of Development Application number DA 90-4-2004. The development application was lodged with the Department on 8 April 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The application seeks consent for a subdivision of Lot 14 into 2 rural residential lots.

The Minister for Infrastructure Planning and Natural Resources is consent authority under clause 10(2) of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71).

Issues relating to the adequacy of on-site effluent management was raised during the assessment of the proposal. It is considered that this issue has now been satisfactorily resolved through the recommended consent conditions.

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

2 BACKGROUND

2.1 Site Context

The site is located at Lot 14 Ridgewood Drive, Woombah in the Clarence Valley local government area, which has direct access along Iluka Road two (2)km west of Woombah village. A site plans are at attachment **B & B1**.

The development application was lodged with the Department on 8 April 2004 in accordance with the *Environmental Planning and Assessment Act, 1979* (the Act).

The total site area is 1.35 hectares, rectangular in shape with an east-west aspect. The site is currently in two (2) sections being divided by a road reserve. In effect, the proposed subdivision does not alter the existing lot boundaries.

The site is accessed via Ridgewood Drive which was created as part of a previous subdivision, DA93/3133, granted by Council.

The site is bounded by the following:

North – agricultural land

South – agricultural land under sugar cane.

East & West – similar subdivision pattern with average lots sizes approximately 5300 sqm with a 1(r) zoning.

A site visit was not conducted.

3 THE PROPOSED DEVELOPMENT

The proposed development seeks consent for:

The subdivision of Lot 14 into 2 rural residential lots with the following descriptions:

- Lot 18 – 6600 sq metres; and,
- Lot 19 – 6900 sq metres.

The access road to the lots (Ridgewood Drive) was part of DA93/3133 granted by Council on 22 February 1994.

A set of the plans is at Attachment **C**.

4 STATUTORY FRAMEWORK

4.1 *Statement of permissibility*

The subject land is zoned rural residential 1(r) under the Maclean Shire LEP 2001. Subdivision is permitted within this zone with minimum lot size being 4000sqm. The proposed development complies as the lots 18 and 19 are 6600sqm and 6900sqm respectively.

4.2 *Instrument of consent and other relevant planning instruments*

Pursuant to clause 10 of SEPP71 the Minister is the consent authority. Schedule 2 of SEPP71 identifies specified development as including subdivision of land within any zone into any number of lots if the future development of any lot by the subdivision will require on-site effluent disposal.

The EPI's applicable to the site include:

- SEPP71 – Coastal Protection;
- North Coast Regional Environmental Plan 1988;
- Maclean LEP 2001.

An assessment of the proposal against these provisions is at Attachment **D**.

4.3 *Other statutory provisions*

Additionally, the following local controls apply to the site:

- Maclean Shire Development Control Plan – Subdivision Guidelines
- Maclean Shire Development Control Plan – Woombah

An assessment of the proposal against these provisions is at Attachment **D**.

4.4 Rural Fire Service

The development proposal is integrated development pursuant to Section 91 of the *Environmental Planning and Assessment Act, 1979* as authorisation under section 100B of the *Rural Fires Act, 1997* is required.

5 CONSULTATION

5.1 Public consultation

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

Notifications – landowners/occupiers	Twenty-five (25) notification letters were sent to nearby property owners/occupiers
Newspaper advertisements	N/A
Site notices	
Exhibition dates	2 August – 16 August 2004
Exhibition venues	▪ Planning Information Centre, 20 Lee Street Sydney ▪ DIPNR – North Coast Regional Office 49 Victoria Street, Grafton ▪ Clarence Valley Council – 50 River Street Maclean

Four (4) submissions were received regarding the Application. A summary of submissions is at Attachment **E**. Issues are considered in Section 6.2 of this report.

5.2 Referrals

5.2.1 Integrated Approval Bodies

The application is integrated under Rural Fires Act 1997 and the NSW Rural Fire Service has issued a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997. No general terms of approval for the development were required RFS submission is at Attachment **F**.

5.2.2 Council

The application was referred to the Clarence Valley Council on 26 July 2004. Council responded on 23 August 2004. No issues were raised by Council. However, Council provided draft conditions to be included. Council's full submission is at Attachment **G**.

5.2.3 Department of Environment and Conservation

The application was referred to the Department of Environment and Conservation (DEC) on 26 July 2004. DEC raised the issue of water flow in connection to on-site effluent management which were eventually resolved. DEC's full submissions are at Attachment **H**.

5.2.4 Road and Traffic Authority

The application was referred to the RTA on 26 July 2004. RTA did not raise any issues. The submission is at Attachment **I**.

5.3 Internal consultations

The Grafton Regional office has been consulted regarding the application and consider that all issues of concern had been adequately addressed within the SEE.

6 CONSIDERATION

6.1 The Environmental Planning & Assessment Act

6.1.1 Section 79C

The application and the likely impacts of the proposed development have been considered in accordance with Section 79C of the Act. Significant issues are discussed below in Section 6.2 and a detailed assessment is provided in Compliance Table (tag **D**). On balance, the proposed development is considered to be in the public interest.

6.2 Issues

6.2.1 On-site Effluent Management

<i>Issue:</i>	Waste water flows and balance calculations as well as precipitation data need to be reassessed and recalculated to reflect the actual situation.
<i>Raised by:</i>	DEC
<i>Consideration:</i>	The water balance calculations have used waste water flow figures that do not reflect the typical household. That is, the waste water flow used is 580l/day when the wastewater flow is actually 600 -1200l/day where reticulated water supply is connected. DPR – which is the measurement of the descent of liquid through the soil profile, beneath the root zone is considered inappropriate for the site. The combination of an incorrect DPR and wastewater flow in determining the minimum irrigation area required has grossly under-estimated the area required. Further consideration of the crop factor to be used on the waste disposal area would need to be reconsidered.
<i>Resolution:</i>	An amended on-site effluent report was lodged to the satisfaction of DEC which contained the correct wastewater flow and DPR figures and a reconsideration of crop type.

7 CONCLUSION

The Minister for Infrastructure and Planning is the consent authority.

The application has been considered with regard to the matters raised in section 79C 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.

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.

8 CONSULTATION WITH APPLICANT – DRAFT CONDITIONS

The applicant was asked to comment on the draft conditions of consent on 23 November 2004. The applicant responded on 3 December 2004 and accepted the draft conditions without change.

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 (SEPP 71).

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

For Ministerial Approval
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