



DARRYL ANDERSON CONSULTING PTY LTD

TOWN PLANNING & DEVELOPMENT CONSULTANTS

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## **MAJOR PROJECT APPLICATION NO. 08\_0118**

### **REQUEST FOR DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS**

**PROPOSED 13 LOT SUBDIVISION OF LOT 4 DP 876253  
WILLOW AVENUE, BOGANGAR**

**PREPARED FOR:**

KENMAR FARMS PTY LTD

**PREPARED BY:**

DARRYL ANDERSON CONSULTING PTY LTD

**DECEMBER 2008**

**REVISED JANUARY 2009**

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**Darryl Anderson Consulting Pty Ltd**

A.C.N. 093 157 165  
Town Planning & Development Consultants

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**MAJOR PROJECTS APPLICATION NO. 08\_0118  
REQUEST FOR DIRECTOR GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS  
PROPOSED THIRTEEN LOT SUBDIVISION OF LOT 4 DP 876253  
WILLOW AVENUE, BOGANGAR**

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## **1.0 INTRODUCTION**

Kenmar Farms Pty Ltd has instructed Darryl Anderson Consulting Pty Ltd to prepare a development application for a thirteen lot subdivision of the subject land.

The subject land was rezoned to part 2(a) Low Density Residential and part 7(l) Environmental Protection (Habitat) by way of Tweed Local Environmental Plan 2000 Amendment No. 7 which was gazetted on 21 October 2005. A copy of the Local Environmental Plan Amendment No. 7 Map showing the rezoned areas is contained at **Annexure E**.

On 24 November 2008 the Department of Planning advised that the proposal is a project to which Part 3A of the Act applies. Accordingly, the purpose of this report is to address the information requirements contained in the Schedule accompanying the Department's letter, to enable the Department to issue the Director General's Environmental Assessment requirements.

## **2.0 PROPERTY DESCRIPTION**

The land to which this submission applies is described as Lot 4 DP 876253 Willow Avenue, Bogangar having a total area of approximately 11.5 hectares. The land which is the subject of the twelve residential lots has an area of approximately 8400m<sup>2</sup>, a frontage to Willow Avenue and a rear boundary abutting an existing drainage channel within an easement to drain water (33m wide and variable width).

An Aerial Photograph showing the site and its context with adjoining land is attached at **Annexure A**. Location Plans are attached at **Annexures B and C**.

## **3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT**

This proposal involves the creation of a thirteen lot subdivision with residential lot sizes ranging from 569m<sup>2</sup> to 1065m<sup>2</sup> and a residue Lot 13 of 11.37 hectares. Access to the residential lots is proposed via Willow Avenue which is constructed to a sealed standard. Access to the residue lot is available from Clothiers Creek Road. All infrastructure is available to the proposed lots including reticulated water supply, reticulated sewer, power and telephone. A plan showing the proposed lot layout is attached at **Annexure D**.

## **4.0 KEY ISSUES**

### **4.1 Consultation**

#### Tweed Shire Council

Preliminary consultations with the Acting Director of Planning and Regulation at Tweed Shire Council on 26 February 2008 indicated that there were no substantial Council issues in developing this site subject to compliance with Council's normal planning policies. Further consultations with Tweed Shire Council's Development Assessment Panel will be undertaken following receipt of the Director General's Environmental Assessment requirements.

#### Department of Water and Energy

As the site abuts an artificial canal and that canal discharges to Cudgen Lake it is proposed to formally consult the Department of Water and Energy during the preparation of the Environmental Assessment report.

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#### Department of Environment and Conservation

As the site abuts an artificial channel which is linked to Cudgen Lake and as Cudgen Lake forms part of Cudgen Nature Reserve, it is proposed to formally consult the DECC during the preparation of the Environmental Assessment Report.

#### Northern Rivers Catchment Management Authority

No significant tree removal is proposed or required and minimal disturbance is necessary within the banks of the artificial canal. Nevertheless, it is proposed to formally consult Northern Rivers Catchment Management Authority during the preparation of the formal Environmental Assessment report.

### **4.2 Non-compliance with Relevant Planning Control**

Based on the assessment in Section 5.0, the project is not inconsistent with any relevant Planning Controls.

### **4.3 Community Issues**

Tweed Local Environmental Plan 2000 Amendment No. 7 which rezoned Lots 1 to 12 to 2(a) Residential was Gazetted on 21 October 2005, following normal public exhibition in accordance with statutory requirements.

The proposal is a small scale infill subdivision on a recently rezoned site with lot sizes similar to adjacent lots. The proposal will be compatible with the existing character and amenity of the neighbourhood and therefore, in the circumstances of this case, it is unlikely to raise any significant community concerns.

Nevertheless, the application will be formally advertised for thirty days and members of the local community will have an opportunity to make submissions at that stage.

### **4.4 Potential Environmental Impacts**

#### Contamination

The site has been lawfully filled to the approximate design flood level of RL 3.4m AHD. However, as filling occurred many years ago and in accordance with the requirements of State Environmental Planning Policy No. 55 – Contaminated Land, a formal Contaminated Land assessment will be required to accompany the application.

#### Acid Sulphate Soils

The land is mapped as Class 3 on Council's Acid Sulphate Soils Planning Maps. Clause 35 requires an Acid Sulphate Soil Management Plan to accompany development involving works beyond 1m below natural ground surface. Subject to detailed engineering design, it is likely that excavations below 1m below natural ground surface would be required for the purposes of installing sewer and drainage infrastructure and accordingly an Acid Sulphate Soil Management Plan will be required to accompany the application.

#### Water Quality

The residential lots are located adjacent to an artificial canal which discharges into Cudgen Lake. Cudgen Lake is a sensitive environment in terms of water quality and siltation and therefore potential impacts will need to be addressed by way of appropriate water quality management plans addressing both the construction and operational phases.

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### Amenity Issues

During the construction phase, there is a potential for noise and dust nuisance. However, as only very minor works are involved to establish the twelve lots, these issues can be addressed by normal conditions relating to dust abatement, hours of operation and noise attenuation devices on all plant and equipment.

### Vegetation Removal

There are some scattered trees on the site and in addition the development could impact on marine vegetation and marine species given its relationship with the existing artificial canal. A Seven Part Test Report addressing threatened species of flora and fauna identified in the Threatened Species Conservation Act and Fisheries Management Act will therefore need to accompany any application.

## **4.5 Environmental Risks**

The key risks affecting the subject land include:

Flooding and the need to design the development to satisfy Council's policy relating to probable maximum flood and evacuation routes or refuges in future dwellings.

Geotechnical stability – whilst the land has been filled it will be necessary to carry out preliminary geotechnical investigations to determine sub-surface strata and any constraints.

## **4.6 Planning Provisions**

### Tweed Local Environmental Plan 2000

Under the provisions of this Plan, the land on which the residential lots are proposed is zoned 2(a) Low Density Residential. Development for the purposes of a residential subdivision to accommodate dwelling houses is permissible, with consent in the 2(a) zone. A statutory three storey height limit applies to the site for dwelling houses. The minimum lot size for the erection of a dwelling house is 450m<sup>2</sup> in the 2(a) zone and proposed Lots 1 to 12 comply.

Proposed Lot 13 does not comply with the minimum area requirement of 40 hectares applicable to land zoned Rural 1(a) and Environmental Protection and therefore a State Environmental Planning Policy No. 1 Objection would normally need to accompany a development application. On the basis that the site contains split zonings and as the existing allotment is considerably less than 40 hectares, the creation of a non-conforming residue lot is unavoidable. However, as Part 3A of the Act applies, a State Environmental Planning Policy No. 1 Objection would not be required to accompany the application.

Relevant Clauses of Tweed Local Environmental Plan 2000 include:

#### **Clause 15 – Availability of Essential Services**

Water, sewer, power and telephone services are readily available in Willow Avenue.

#### **Clause 17 – Social Impact Assessment**

A formal Socio-Economic Impact Statement is not required for a subdivision of less than 50 lots.

#### **Clause 20 – Subdivisions within Land Zoned Rural 1(a) and 7(l) Minimum Lot Size of 40 Hectares**

Compliance with this standard cannot be achieved because the parent lot is less than 40 hectares.

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### **Clause 31 – Allotments Adjoining Water Bodies**

Council has not adopted a setback line from the existing artificial canal however, as it is a recent rezoning the 2(a)/7(l) zone boundary is considered to appropriately determine a setback line.

### **Clause 34 – Flooding**

The land has been filled to the approximate design flood level however it will be necessary to address compliance with Council's PMF Policy.

### **Clause 35 – Acid Sulphate Soils**

An Acid Sulphate Soil Plan is likely to be required as excavation below 1m below natural surface level is involved.

### **Clause 39 – Remediation of Contaminated Land**

A Contamination Assessment and Report will need to accompany any application.

### **Clause 39A – Bushfire Protection**

The land is mapped as bushfire prone and therefore a report addressing compliance with Planning for Bushfire Protection, 2006 will need to accompany the application.

### **Tweed Development Control Plan 2007**

This Development Control Plan contains a number of provisions applicable to the subject land including:

#### **Part A5 – Subdivision Manual**

This Manual contains comprehensive guidelines and development standards relating to the subdivision of land including allotment sizes and shapes, provision of open space, public road standards, cycleways and walkways and services and infrastructure. In summary, the proposal is generally consistent with the provisions of Part A5.

#### **Part A9 – Energy Smart Homes Policy**

This Part requires the orientation of allotments to be such that energy efficiency objectives outlined in the Development Control Plan are substantially achieved. The proposed layouts will achieve these requirements.

### **State Environmental Planning Policy No. 71 – Coastal Protection**

Clause 8 of this Policy requires the consent authority to take into account a number of matters when considering a development application to which the Policy applies. The proposal is generally consistent with the provisions of this Policy.

### **Far North Coast Regional Strategy 2006 - 2031**

The subject land is identified as being within the existing urban footprint under the provisions of this Strategy.

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## **5.0 SUMMARY AND CONCLUSION**

This is an infill subdivision on a very modest scale on a site which has been filled, which has frontage to an existing constructed public road and within which all normal urban services are readily available. The only construction works will be the widening of Willow Avenue, provision of kerb and gutter and underground drainage and the provision of water, sewer, power and telephone services to each lot.

As such, construction works will be minimal and will involve minimal disturbance. Accordingly, it is unlikely that any significant issues would arise other than those identified in this report.

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**ANNEXURE A    Aerial Photograph**

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**Darryl Anderson Consulting Pty Ltd**

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Town Planning & Development Consultants

Major Project Application No. 08\_0118  
Project No: HAN 08/25 – December 2008

Lot 4 DP 876253  
Willow Avenue, Bogangar





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**ANNEXURE B      Location Plan No. 17286D**

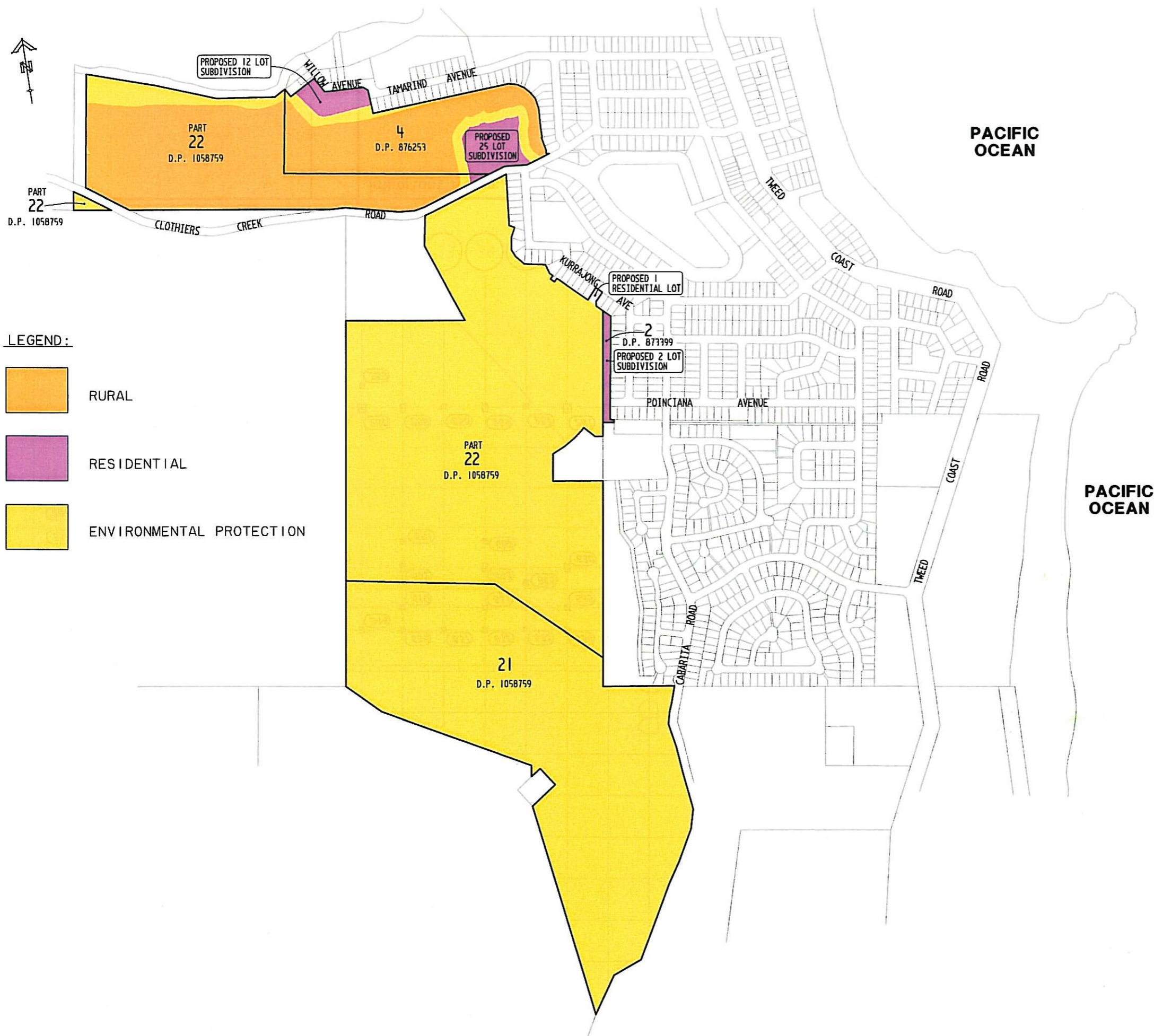
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Town Planning & Development Consultants

Major Project Application No. 08\_0118  
Project No: HAN 08/25 – December 2008

Lot 4 DP 876253  
Willow Avenue, Bogangar



Rev A – Amend Information – 30/10/08  
Revision

Chk'd

Client

**KENMAR FARMS PTY LTD /  
HANSEN DEVELOPMENTS PTY LTD**

#### Important Notes:

THE BOUNDARIES SHOWN HEREON HAVE BEEN  
DIGITISED FROM TWEED SHIRE COUNCIL RECORDS  
AND AS SUCH ARE TO PLOTTING ACCURACY ONLY.

ZONE BOUNDARIES COMPILED FROM TWEED L.E.P. 2000  
MAP NO. 23 & 25

THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

#### LOCATION PLAN

Lots 21 & 22 in DP 1058759,  
Lot 2 in DP 873399 & Lot 4 in DP 876253  
Cabarita Beach / Bogangar

Parish of CUDGEN

County of ROUS

**B & P SURVEYS**  
CONSULTING SURVEYORS

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A QUALITY ASSURED COMPANY



Offices Also At :  
Surfers Paradise Murwillumbah  
Ph. (07) 55390499 Ph. (02) 66721924

J: \14200-\14266\PROJECTS\17286B-A.pro

Scale 1 : 10000 @ A3	Level Datum —	Drawn SDS	Chk'd PAW	F.Bk —	L.Bk —
REF. No. T14266/ T14448	Date 20.10.2008	Drawing No./Size 17286 D	Rev. A		



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**ANNEXURE C    Location Plan No. 17301D**

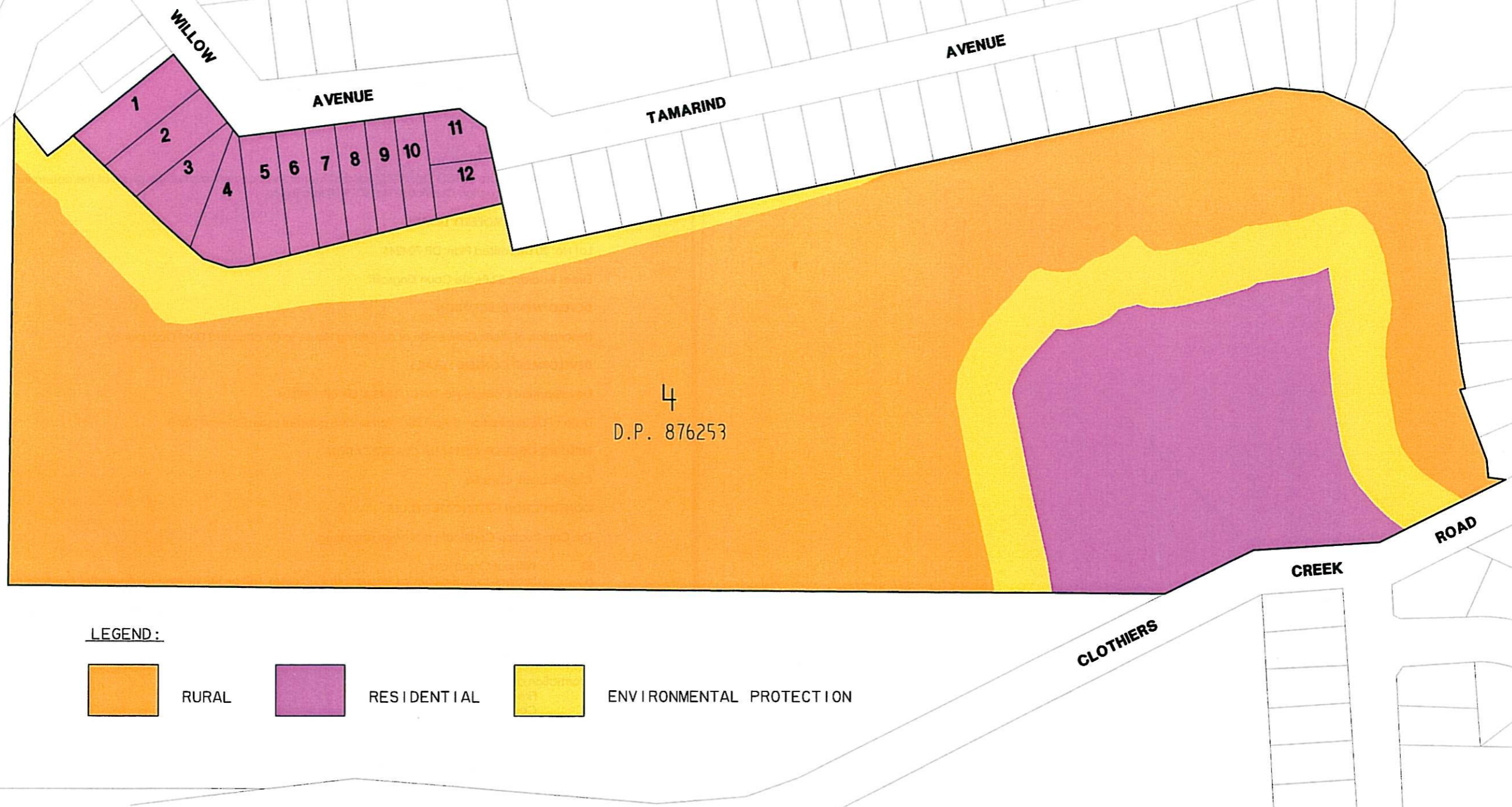
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Major Project Application No. 08\_0118  
Project No: HAN 08/25 – December 2008

Lot 4 DP 876253  
Willow Avenue, Bogangar



PART  
22  
D.P. 1058759

LEGEND:



RURAL



RESIDENTIAL



ENVIRONMENTAL PROTECTION

Important Notes:

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ZONE BOUNDARIES COMPILED FROM TWEED L.E.P. 2000 MAP NO. 23 & 25

FOR DIMENSIONS AND AREAS OF THE PROPOSED 12 LOT SUBDIVISION OF LOT 4 IN DP 876253 REFER TO B & P SURVEYS DRAWING NO. 17199D

(THIS NOTE IS AN INTEGRAL PART OF THIS PLAN)

LOCATION PLAN

Lot 4 in DP 876253

Willow Avenue – Bogangar

Parish of CUDGEN

County of ROUS

J: \14200-\14266\PROJECTS\17301D-A.pro

Scale  
1 : 1000 @ A1  
1 : 2000 @ A3

Level Datum

F.Bk

L.Bk

Drawn  
SDS

Chk'd  
PAW

Ref. No.

T14448

Date

22.10.2008

Drawing No./Size

17301 D

Rev.

A

Rev A – Amend Information – 30/10/08

Revision

Client

KENMAR FARMS PTY LTD /  
HANSEN DEVELOPMENTS PTY LTD

Chk'd

B & P SURVEYS  
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**ANNEXURE D     Plan of Proposed Subdivision No. 17199**

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**Darryl Anderson Consulting Pty Ltd**

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Major Project Application No. 08\_0118  
Project No: HAN 08/25 – December 2008

Lot 4 DP 876253  
Willow Avenue, Bogangar

# DIAGRAM A

SCALE 1 : 600

## LOCATION PLAN

N.T.S.

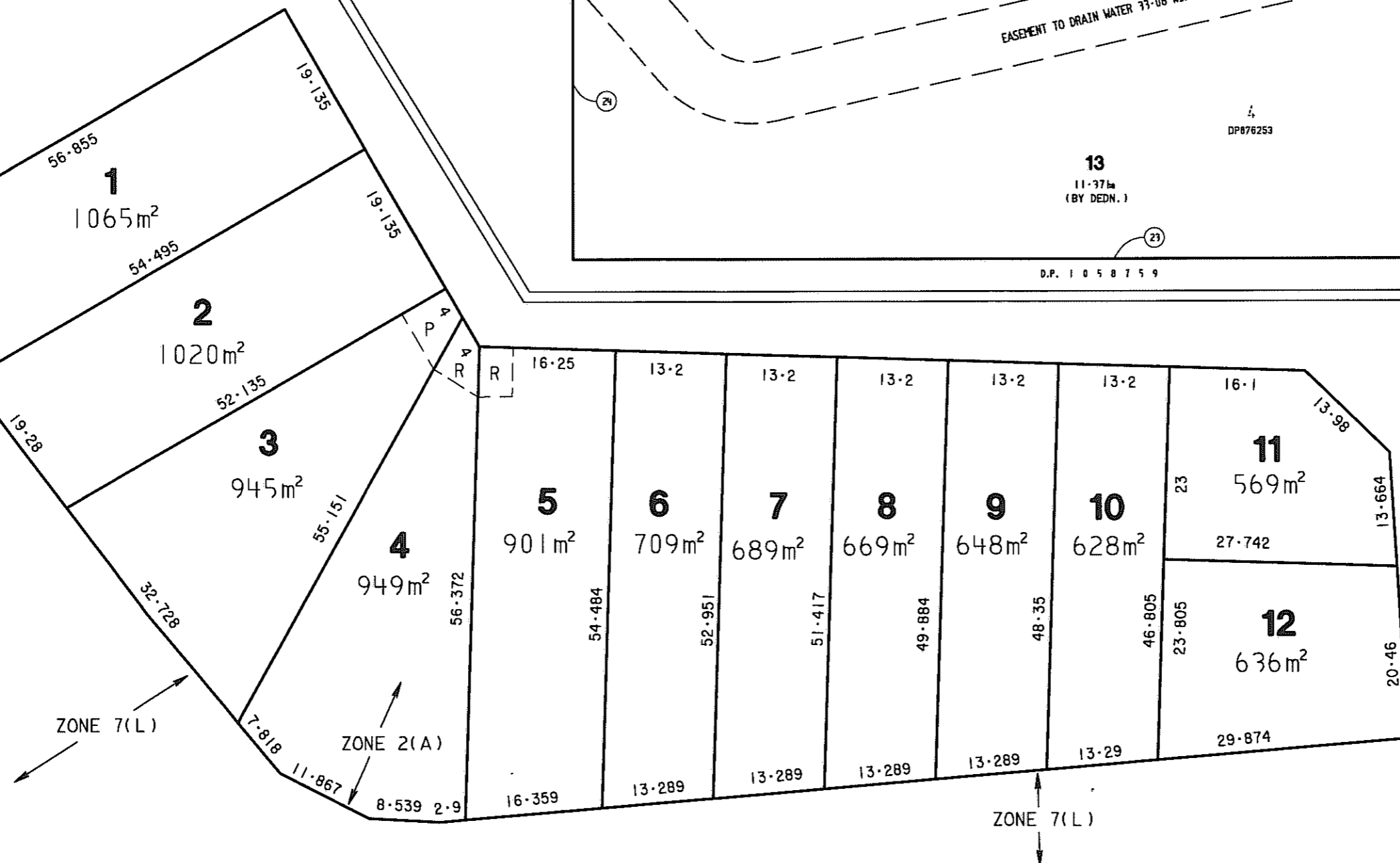
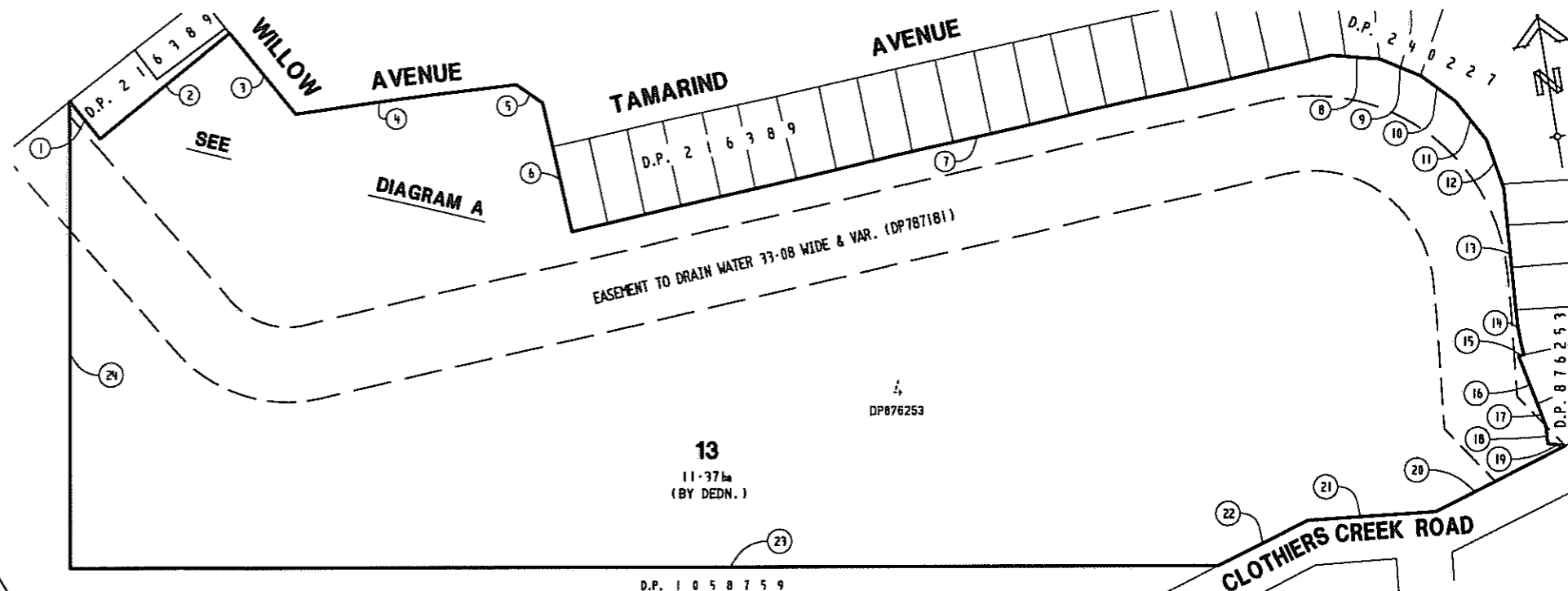


TABLE OF BOUNDARY LINES		
NO	BEARING	DIST.
1	150°01'20"	21.35
2	60°01'20"	74.22
3	150°01'20"	46.27
4	91°47'40"	98.35
5	134°01'40"	13.98
6	176°22'20"	58.2
7	86°22'20"	344.765
8	104°14'10"	21.72
9	122°25'50"	19.645
10	135°28'10"	19.035
11	150°47'10"	21.78
12	169°05'50"	22.57
13	183°39'10"	53.71
14	87°13'40"	2.365
15	168°04'20"	22.75
16	168°04'20"	10.42
17	183°48'20"	7.82
18	106°01'00"	7.74
19	252°28'30"	64.115
20	275°28'00"	56.675
21	252°34'40"	44.125
22	279°14'20"	508.24
23	9°14'20"	205.3
24		

TABLE OF CURVES				
NO	BEARING	DIST.	ARC	RADIUS
14	179°12'50"	19.89	19.91	128.975

0 30 m 50 mm 60 m 100 mm 90 m 150 mm

### Important Notes:

THE PROPOSED BOUNDARIES, AREAS AND DIMENSIONS AS SHOWN HEREON ARE PRELIMINARY ONLY AND ARE SUBJECT TO FINAL DESIGN, FINAL SURVEY AND REGISTRATION IN THE LANDS TITLE OFFICE.

P ..... DENOTES PROPOSED EASEMENT FOR CARPARKING  
R ..... DENOTES PROPOSED RIGHT OF CARRIAGEWAY

(THIS NOTE IS AN INTEGRAL PART OF THIS PLAN)

### PLAN OF PROPOSED SUBDIVISION

Of Lot 4 in DP876253

Willow Avenue – Bogangar

Parish of CUDGEN

County of ROUS

J: \14400\14448\Projects\17199D.pro

Scale	Level Datum	F.Bk	L.Bk	Drawn
1 : 600	—	L/L	—	RWK
				Chk'd

### B & P SURVEYS

CONSULTING SURVEYORS

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Revision

Chk'd

REGISTERED PROPRIETOR:

KENMAR FARMS PTY LTD

Ref. No.

T14448

Date

01/09/2008

Drawing No./Size

17199 D

Rev.

—



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**ANNEXURE E      Tweed Local Environmental Plan 2000 Amendment No. 7 Map**

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**Darryl Anderson Consulting Pty Ltd**

A.C.N. 093 157 165  
Town Planning & Development Consultants

Major Project Application No. 08\_0118  
Project No: HAN 08/25 – December 2008

Lot 4 DP 876253  
Willow Avenue, Bogangar

## Legend

**2(a)**

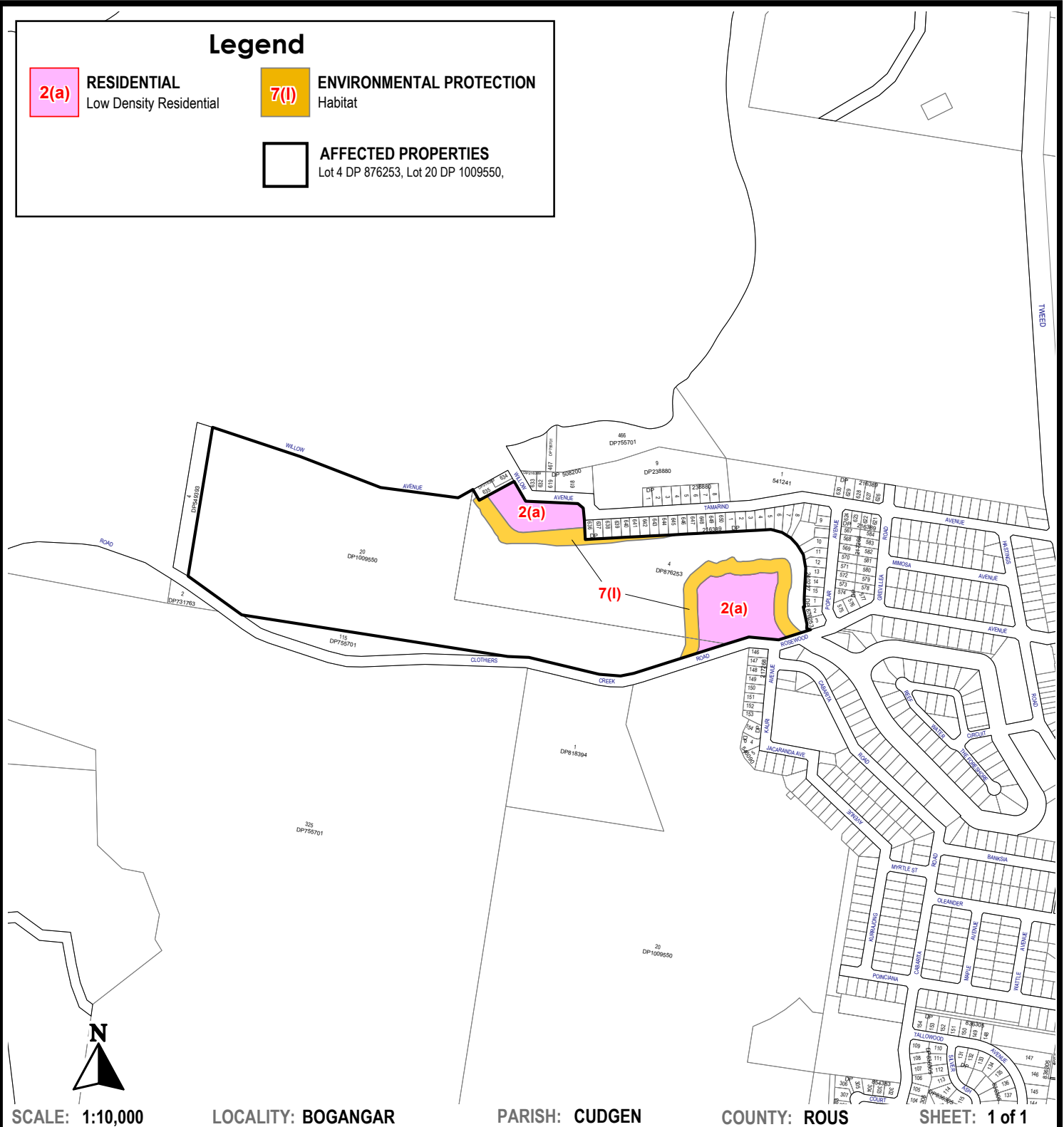
**RESIDENTIAL**  
Low Density Residential

**7(l)**

**ENVIRONMENTAL PROTECTION**  
Habitat



**AFFECTED PROPERTIES**  
Lot 4 DP 876253, Lot 20 DP 1009550,



SCALE: 1:10,000

LOCALITY: BOGANGAR

PARISH: CUDGEN

COUNTY: ROUS

SHEET: 1 of 1

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

**TWEED**

## LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT No. 7

DRAWN BY: **J. Batchelor** DATE: **16/03/2005**

SUPERVISING DRAFTER:

PLANNING OFFICER: **D. Jardine**

COUNCIL FILE No. **GTI/LEP/2000/7pt1**

DEPT. FILE No.: **G90/00082**

GOVT. GAZETTE OF: **21/10/2005 No.129**

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS: **TWEED LOCAL ENVIRONMENTAL PLAN 2000**

CERTIFIED IN ACCORDANCE WITH  
THE ENVIRONMENTAL PLANNING &  
ASSESSMENT ACT 1979, AND REGULATIONS

GENERAL MANAGER

02/11/2005

DATE