



DEVELOPMENT APPLICATION

for
Building (Shed)

LOT 8 in Section 69, DP 10869

**68-70 Cambage Street
PINDIMAR**

Prepared by
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February 2024

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1.0 INTRODUCTION

1.1 General

Tattersall Lander has been engaged by Antoine and Marcelle Rizk to prepare and lodge a development application for 68-70 Cambage Street at Pindimar, in the MidCoast Local government Area – the site being identified as Lots 7 and 8, Section 69 in DP 10869, however, the proposal as relevant to this application is specifically to be located on Lot 8.

1.2 Site Description and Characteristics

The subject land is identified as Lots 7 and 8, Section 69 in DP 10869 and the total area of the site is 6028.6 square metres, with Lot 7 having an area of 2301.6 square metres and Lot 8 having an area of 3727 square metres.

There is an existing dwelling on the site and this dwelling is located predominantly on Lot 7 but also partly on Lot 8. The subject site is predominantly managed with mown lawns and scattered remnant trees as well as some limited planted trees and gardens. There is also a seawall and a boat ramp located on the site. All of the structures as described are identified on the site plans as included in the Development Application package.

The site is bordered to the east and west by similar sized and developed properties. To the north there is Cambage Street followed by smaller lots, some of which are developed and many which are not. Directly to the south is located the Port Stephens waterway. The Port Stephens waterway contains sand and limited mangroves.

Access to the site is via Cambage Street which is a two way bitumen sealed road.

The site is zoned RU5 – Village under the Great Lakes Local Environmental Plan 2014.



Figure 1 – Site Location



Figure 2 – Aerial Photograph



Photograph 1

1.3 The Proposal

The proposal is for a Building (shed) which is permissible with consent under the LEP. A building is defined under the *Environmental Planning and Assessment Act 1979* as:

***Building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993.*

The proposed Building is to be located within Lot 8 of the subject site. Full plans of the proposed shed have been viewed for the purpose of this report and these plans have been included in the documentation for the Development Application as lodged.

The proposed Building (Shed) is to be utilised for storage of vehicles, including boats (on the ground level) and general storage on the mezzanine. It is specifically not that there is no prohibition on storage within a building within this zone and neither the storage of vehicles or general equipment is prohibited.

Specifics relating to the Building are as per table 1 (below). It is noted that the Building is rectangular in shape with an awning area to be located at the rear (south) of the shed. It is also noted that the Building is proposed to have a mezzanine floor.

Table 1

Size	270 square metres (216 square metres enclosed)
Height	6.26 metres
Front Setback	30
Side setback (east)	2 metres
Side setback (west)	30 metres (approx.) from western boundary of site or 13 metres (approx.) from western boundary of Lot 8
Rear/water front setback	90 metres (approx.)

There is no proposal to consolidate the lots as part of this Development Application and there is no foreseeable reason that consolidation should be required.

1.4 Land Ownership

The subject site is owned by Antoine Rizk and Marcelle Rizk and the signature of both owners has been provided to enable lodgement of this application.

2.0 STATEMENT OF ENVIRONMENTAL EFFECTS

Considerations pursuant to Section 4.15 of the *Environmental Planning & Assessment Act, 1979*.

Provisions of any environmental planning instrument

2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

The aim of SEPP (Resilience and Hazards) 2021, hereafter referred to as the SEPP, is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the [Coastal Management Act 2016](#), including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the [Coastal Management Act 2016](#).*

The site is identified as being within Coastal Environment Area (Division 3) and also the Coastal Use Area (Division 4) under Part 2 of the SEPP (Development controls for coastal management areas).

Division 3 Coastal Environment Area

2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following –

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the*

proposed development on any of the sensitive coastal lakes identified in Schedule 1,

- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that –*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised – the development will be managed to mitigate that impact.*

Comment – The proposal is for a Building (shed). Whilst the proposed Building will result in additional impermeable area on the site, this is not considered unreasonable and given the site is sandy, infiltration rates are exceptionally high and therefore there will be no additional runoff from the site resulting from this proposal. The proposal will in no way impact upon the biophysical or hydrological or ecological environment. Water quality, and/or native and/or marine vegetation shall not be adversely impacted. The proposal also will not impact upon public open space or foreshore access. The site is developed and as such there is no potential impact upon Aboriginal places, heritage or practices. The location of the proposal is such that there is also no potential to impact upon the surf zone. It is considered that the proposal is acceptable in all regard.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority –

(a) has considered whether the proposed development is likely to cause an adverse impact on the following –

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that -

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided – the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised – the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment – The location and nature of the proposal is such that there can be no impact upon foreshore access, beach, headland or rock platform access. There will be no wind funnelling, impact on views, amenity, or scenic qualities. The proposal also will in no way impact upon Aboriginal items, place, or heritage. The proposal is considered acceptable in all regards.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment – The proposal will not result in any increased risk of coastal hazards, either on the subject site or on other adjacent or nearby lands.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment – There is no certified coastal management program applicable to this location.

2.14 Other development controls not affected

Subject to section 2.5, for the avoidance of doubt, nothing in this Part—

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment – Noted. The proposal does not include any prohibited components. The proposal also seeks to obtain consent.

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Chapter as being within more than one coastal management area and the development controls of those coastal management

areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency—

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment – Noted.

2.2 Great Lakes Local Environmental Plan 2014

The subject site is zoned RU5 – Village, pursuant to the provisions of Great Lakes Local Environmental Plan 2014 (the LEP). The objectives of this zoning are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.*
- To provide for a range of land uses, services and facilities that are associated with a coastal village.*
- To enable non-residential development that does not prejudice the established land use pattern within the village.*

Comment – The proposal is consistent with the above stated objectives – specifically the proposal is considered to assist in the existing land use of the site without prejudicing the established land use pattern in the location.

The proposal is permissible with consent under the LEP and it is also noted that the structures to which the proposal relates are also permissible under the LEP.

The relevant clauses of the LEP are addressed below:

(4.3) Height of Buildings

The stipulated maximum building height for this location is 8.5 metres and the proposal is compliant in this regard with a proposed building height of 6.26 metres.

(4.4) Floor Space Ratio

The maximum Floor Space Ratio (FSR) for this location is 0.4:1. The FSR has not been calculated, however, given the size of the development and the size of the site, it is evident without requiring calculation that the proposal has an FSR well below the maximum allowable.

(7.1) Acid sulfate soils

The site is identified as being acid sulfate Class 2 and 3 – the location of the proposal specifically is identified as Class 3. As regards Class 3, consent is required for any works more than 1 metre below the natural ground surface below the natural ground surface or for any works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.

Comment – The proposal will not involve works more than 1 metre below the natural ground surface nor will the proposal result in any lowering of the watertable. No further comment is required with regard to Acid Sulfate Soils.

(7.7) Riparian land and watercourses

This clause is relevant to the proposal by virtue of the site being adjacent to the Port Stephens waterway and therefore containing land which is within 40 metres of the riparian land and watercourse, however, the particular area of the site on which the proposal is to be located is well outside of the area identified as being relevant to this clause.

(1) The objective of this clause is to protect and maintain the following—

- (a) water quality within watercourses,*
- (b) the stability of the bed and banks of watercourses,*
- (c) aquatic and riparian habitats,*

(d) ecological processes within watercourses and riparian areas.

Comment – the proposal will in no way impact upon water quality, the stability of the bed or bank of any watercourse, aquatic or riparian vegetation or any ecological processes.

(2) This clause applies to all of the following—

(a) land identified as “Watercourse” on the Watercourse Map,

(b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.

Comment – The proposal is captured under this sub-clause because the site is within 40 metres of the watercourse, however, as mentioned above, the area on which the proposal is located is not within this 40 metre zone and as such, this relevance is a technicality only.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any adverse impact on the following—

(i) the water quality and flows within the watercourse,

(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,

(iii) the stability of the bed, shore and banks of the watercourse,

(iv) the free passage of fish and other aquatic organisms within or along the watercourse,

(v) any future rehabilitation of the watercourse and riparian areas, and

(b) whether or not the development is likely to increase water extraction from the watercourse, and

(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment – The proposal shall not, in any way, impact the water quality or flows within the watercourse. The proposal will not result in the removal of any riparian vegetation or otherwise impact upon the watercourse banks, the stream bed, or any

other aspects of the adjacent water course. The proposal does not include any water extraction or impediments to the passage of fish or other aquatic organisms.

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment – Noted; it is considered that there will be no adverse impacts from this proposal.

2.3 Great Lakes Development Control Plan

The sections (only) of the Great Lakes Development Control Plan (the DCP) relevant to the proposed development are addressed below.

The overriding aim of this DCP is to create and maintain a high level of development and environmental quality throughout the Great Lakes.

The objectives and controls within this Plan therefore aim to:

- *ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *ensure new development creates a unified landscape and contributes to the streetscape.*
- *ensure development reinforces the importance of pedestrian areas and creates an attractive design outcome.*
- *inspire design innovation for residential, commercial and industrial development.*
- *provide a high level of access to and within development.*

- *protect environmentally sensitive areas from over-development or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained.*
- *achieve environmentally, economically and socially sustainable development for the community of the Great Lakes.*

4 – Environmental Considerations

4.1 Ecological Impacts

Objectives

- *To ensure that development is designed in a manner that avoids, mitigates or offsets negative impacts on biodiversity and the quality and function of the natural environment and responds to relevant ecological constraints and opportunities.*

Comment – The proposal will not require the removal of any vegetation of significance, nor will it result in any additional runoff due to the sandy nature of the site. It is considered that the proposal will have no ecological impacts.

4.2 Flooding

Comment – The area relevant to the proposal is flood not identified as being flood prone.

4.3 Coastal Planning Areas

Not Applicable

4.4 Effluent Disposal

Not Applicable

4.5 Poultry Farms Buffer

Not Applicable

4.6 Contaminated Land

Not Applicable

4.7 Bush Fire

Comment – A search of the relevant mapping has revealed that the site is identified as being bush fire prone and as such a bush fire threat assessment is required and has been prepared. This report has been submitted as part of the development application package and in summary of this report, the proposal is considered acceptable.

11 – Water Sensitive Design

The site is un-serviced and the proposed roof area is significantly less than 500 square metres. No tank has been shown on the plans, however, it is considered appropriate that the consent be conditioned so that a 10,000 litre tank is required and so that runoff from the roof is captured in this tank; overflow from the tank shall be dispersed via a level spreader; relevant detail shall be required prior to issue of the construction certificate. This shall ensure compliance in this regard.

3.0 LIKELY IMPACTS

3.1 Environmental impacts

The proposal will not:

- will not require the removal of any vegetation of significance, either terrestrial or aquatic;
- is not located within any wildlife corridor (official or unofficial);
- will not result in any additional runoff due to the sandy nature of the site and the appropriate inclusion of a 10,000 litre rainwater tank; and
- will not have any impact upon flood waters.

It is considered that there will not, and cannot be any adverse environmental impact arising from this proposal.

3.2 Social Impacts

It is considered that the proposal will have no social impacts.

3.3 Economic Impacts

The proposal will have no economic impact.

4.0 RURAL FIRES ACT 1997

The subject land is identified as being bush fire prone and a bush fire threat assessment has been prepared. The proposal is considered compliant with regard to *Planning for Bush fire Protection 2019* and there are no construction requirements relating to bush fire protection.

5.0 SUITABILITY OF THE SITE FOR DEVELOPMENT

The site is considered suitable for the proposal for the following reasons:

- The site is zoned appropriately for the proposal.
- The relevant clauses of the LEP and DCP are satisfactorily met.
- There will be no adverse environmental, social, or economic impacts.
- There are no site constraints which would otherwise impede or prevent the proposal for the use of the existing structures.

5.1 The Public Interest

It is considered that there are no reasons relevant to the public interest which would otherwise cause the delay or refusal of this proposal.

6.0 CONCLUSION

This proposal is for a Building (shed) which is to be utilised for the storage of vehicles, boats and general equipment; the Building is to be located within the site located at 68-70 Cambage Street Pindimar and specifically Lot 8 in Section 69, DP 10869.

The provisions of section 4.15 of the *Environmental Planning and Assessment Act (1979)* have been addressed and the proposal is considered compliant in all regards and is hereby submitted to MidCoast Council for assessment and approval.

