

DEVELOPMENT APPLICATION
for
Pet Resort

LOT 120 in DP 848596
96 Coomba Road
CHARLOTTE BAY

Prepared by
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INTRODUCTION

Site Description and Characteristics

The subject site is identified as Lot 120 in DP 848596 and is located at 96 Coomba Road, Charlotte Bay in the Midcoast Local Government Area (LGA). The site has a total area of 8.753 hectares.



Figure 1 – Site location

The site has an existing dwelling, sealed access road, and associated infrastructure. The site also has an approved subdivision which is in the process of being completed and this subdivision will result in the site relevant to this proposal being significantly less in area at 1.827 hectares and the resulting lot shall be identified as Lot 33.

The topography of the site is best described as sloping, with a slope being in variable directions within the site. There is a first order stream within the site, although this is sufficiently distant from the location of the proposal such that the development is not

integrated in this regard – following the completion of the approved subdivision, this watercourse will not be located within the relevant Lot 33. Vegetation within the site is significant and consists predominantly of forest; there is a cleared portion located approximately centrally towards the north of the site (refer aerial photograph in figure 2 below) and this is the approximate location proposed for the proposed development – following completion of the approved subdivision, Lot 33 will have vegetation, however, most of this vegetation is considered managed lawns and gardens.



Figure 2 – Aerial photograph of subject site

The Proposal

The proposal is a pet resort and this falls into the category of *animal boarding or training establishment*.

The proposal will include construction works as per the attached plans. The proposal will house up to thirty (30) dogs at any one time and will employ three people in total (including the proprietor). The operating hours are 24 hours a day, seven days a week, as is appropriate and necessary for an establishment of this nature, however, opening hours for dropping off and collecting dogs shall be 8am to 10am and 1:30pm to 5pm.

Operations included in the running of the proposed business include washing and grooming of dogs, feeding and exercising dogs, and washing down of kennels.

Cleaning shall be carried out daily by disinfecting with a mop and bucket. Three times per week (and with every change of animal occupancy in the individual kennels) there shall be an additional hydrofoam flush clean which shall include hi pressure cleaning of the entire floor area. All excess water is to be captured in a Council approved drainage system, further details of which are provided in the attached water quality report. Following cleaning, a rubber squeegee shall be run over the floor to remove excess water before allowing surfaces to air dry. It is estimate that the proposal will use up to 1,800 litres of water per day and the break down of this water usage is included in the On-Site Waste Water Management report, as prepared by Whitehead and associates and included in the development application package. In order to ensure adequate water supply, it is proposed to install an additional rainwater tank for the sole use of the business and the details (location, capacity and overflow arrangements) are included on the attached plans and in the relevant water quality report.

The proposal shall also result in the creation of waste, including fur, paper towel, face masks, gloves, uneaten dog food, damaged bedding and toys, faecal matter, and general operational waste. This has been addressed in the Waste Minimisation and Management Plan which has been attached as part of the development application package.

Land Ownership

The subject site is currently owned by Private Property Pty Ltd and the appropriate signature has been obtained on the Development Application form to enable lodgement of this application.

STATEMENT OF ENVIRONMENTAL EFFECTS

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

Provisions of any environmental planning instrument

State Environmental Planning Policy (Coastal Management) 2018

The site is identified as being within the State Environmental Planning Policy (Coastal Management) 2018 (the SEPP) area. Specifically, the site is within the *Coastal Use Area* and the *Coastal Environment Area*. The specifics controlling development in each of these zones are identified below:

Division 3 Coastal environment area

13 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.*

Comment – The proposal will not have any adverse impact upon surface or groundwater or the ecological environment in general. Water quality shall be ensured by appropriate treatment methods as detailed in the attached relevant reports. The proposal will not have any adverse impact upon coastal environmental values or natural coastal processes. The proposal will not have any adverse impact upon marine water quality, marine vegetation, native vegetation, native fauna or their habitats, headlands or rock platforms. The location of the proposal is such that it cannot have any impact upon public foreshore access. Given the site is already developed, there is no potential for impact upon any Aboriginal cultural heritage, practices or places. The location of the proposal is such that there can be no impact upon 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 – Given that the proposal will not have any adverse impact upon any of the items listed in subclause (1), this subclause (2) is not relevant.

Division 4 Coastal use area

14 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*

Comment – The proposal is located such that foreshore access, or beach, or headland access are not relevant. The location and nature of the proposal and the topography of the site is such that the proposal will not result in any overshadowing, wind funnelling or loss of views. The visual amenity and/or scenic quality of the coast will not be impacted upon by the proposal. The proposal will have no impact upon any heritage, Aboriginal, European, or natural.

(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*

Comment – As the proposal will not have any impact upon any of the items listed in subclause (1), this subclause (2) is considered not relevant.

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

Comment – In designing and planning the proposal, the coastal and built environment has been considered and it has been determined that this proposal is of an appropriate size and scale such that it will not result in any adverse impact.

Division 5 General

15 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 – It is considered that there is no possibility of the proposal resulting in an adverse impact with regard to coastal hazards.

16 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 are no known coastal management programs applicable to the proposed development site.

17 Other development controls not affected

Subject to clause 7, 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 – The proposal is not prohibited under any environmental planning instrument.

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy 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 – There is no inconsistency between any of the coastal management area controls.

Great Lakes Local Environmental Plan 2014

The subject site is zoned R5 – Large Lot Residential, pursuant to the provisions of the Great Lakes Local Environmental Plan 2014 (the LEP).

The objectives of the R5 – Large Lot Residential zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*

- *To enable development that has minimal environmental and visual impact and is compatible with residential land uses within the zone.*

Comment - The proposed is consistent with the above stated objectives and is permissible with consent.

The relevant clauses of the LEP are addressed below.

Clause 4.3 Height of Buildings

The stipulated maximum building height in this location is 8.5 metres and the proposal is compliant in this regard with a proposed building height of 4.45 metres.

Clause 4.4 Floor space ratio

The maximum floor space ratio (FSR) stipulated for this site is 0.4:1 and the proposal is compliant in this regard with an approximate FSR of approximately 0.02:1

Great Lakes Development Control Plan

The sections of the Great Lakes Development Control Plan (the DCP) as relevant to this proposal are addressed below.

4 Environmental Considerations

4.1 Ecological Impacts

4.4 Effluent Disposal

4.7 Bush Fire – The site is identified as being bush fire prone and as such, a separate Bush Fire Threat Assessment has been prepared and is attached as part of the development application package. In summary of this report, it is considered that the proposal is compliant as an alternate solution with construction to BAL-FZ.

10 Car Parking, Access, Alternative and Active Transport

10.3 Car Parking

10.3.1 Car Parking Rates

10.3.1.3 All Development Excluding Residential – The proposal best fits the definition of “Business Premises” and the car parking requirements for this type of development are 1 space per 40sqm GLFA (Gross Leasable Floor Area). The GLFA has been calculated as approximately 347 sqm and therefore 9 car parking spaces are required. The proposal includes 4 car parking spaces and these parking spaces are compliant with the relevant standards. Whilst the car parking is less than the guidelines stipulate, it is considered that in reality, this should be acceptable for the following reasons:

- The proposal includes three employees, one of whom lives at the premises on site and therefore there is no car parking required for that party.
- Whilst there is a sizable GLFA, this is due to the nature of the business and does not accurately reflect the car parking requirements of the business.
- There is adequate area within the site for any occasional overflow car parking and these potential overflow areas are already sealed and within acceptable walking distance of the business location. In this eventuality, there would be no impact upon the amenity.

It is requested that Council use its’ discretionary powers to allow for the car parking as proposed.

10.3.2 Car Parking Design Controls

10.3.2.2 Residential Apartment Buildings, Mixed Use Development and Business Premises

The controls for car parking for business premises are as identified and addressed below:

- 1) *Car parking must be located behind the building setback and be screened from view using well designed structures and vegetation to minimise impacts on the streetscape.*

Comment – the nature of the site is such that this requirement should not be relevant. The location of the car parking will not have any adverse impact upon

the amenity. The location of the proposed car parking will also not result in any safety or security concerns.

- 2) *Car parking for residents may be located within a basement.*

Comment – no basement car parking is proposed.

- 3) *Car parking areas should be designed to conveniently, efficiently and appropriately serve residents and visitors of the site by:*

(a) *Ensuring that car parking areas are located close to entrances and access ways.*

Comment – The car park location is close to the entrance and access way.

(b) *Car parking areas are secure and accessible.*

Comment – The location and nature of the site is such that security is not an area of concern. The car parking is located conveniently so that persons are able to easily access the business premises and there are no security concerns relating from the proposed layout.

- 4) *Clearly identify areas for visitor parking and parking for disabled persons.*

Comment – The proposal clearly identifies visitor and disabled car parking on the attached plans.

- 5) *Driveways and car parking areas must be hard surfaced, designed and graded to manage stormwater.*

Comment – The car parking shall be constructed appropriately to meet this control.

- 6) *Stacked car parking (one space immediately behind the other) is only permitted if both spaces are used by the same dwelling.*

Comment – No stacked car parking is proposed or required.

- 7) *Car parking to be designed with a maximum 3 point turn for a vehicle to enter and exit the property in a forward direction (for the 85% vehicle).*

Comment – The proposed car parking is designed so that this control is able to be achieved.

- 8) *The minimum head height clearance for a parking space for disabled persons is 2.5m.*

Comment – The proposed car parking is not undercover and therefore has adequate head clearance.

- 9) *Where parking is provided within basement level(s), the scale and siting of the basement carpark must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements.*

Comment – There is no basement car parking proposed and therefore this control is not relevant.

- 10) *Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms*

Comment – There is no basement car parking proposed and therefore this control is not relevant.

The proposal is fully compliant with the controls.

10.3.3 Vehicle Access and Driveways

10.3.3.2 Residential Apartment Buildings, Mixed Use Development and Business Premise Controls

- 1) *Vehicular entry points shall not comprise more than 25% of any street frontage.*

Comment – The access is existing and is significantly less than 25% of the street frontage.

- 2) *Vehicle access should be provided from rear lane or secondary street frontages where these are available.*

Comment – No lane or secondary street frontages are available.

- 3) *Only one vehicular access point is provided to a development except for special circumstances or where the site has frontage to two streets and a secondary access point is considered to be acceptable.*

Comment – The proposal will only have one access.

- 4) *Vehicular access ramps parallel to the street frontage will not be permitted.*

Comment – No vehicular access ramps are proposed.

- 5) *Vehicular entry points are to be integrated into the building design.*

Comment – Given the nature and design of the proposal, this is not relevant.

- 6) *Doors to vehicular access points are to be roller shutters or tilting doors positioned behind the street alignment with a 6.0m setback provided.*

Comment – There are no doors to vehicular access points proposed.

- 7) *Vehicular entries are to have high quality finishes to walls and ceilings as well as a high standard of detailing. No service ducts or pipes are to be visible from the street.*

Comment – The vehicle entry is existing and is considered to be of a design and finish which is complimentary to the setting of the location.

- 8) *Paving colour, texture and material should be sympathetic with the character of the precinct and reflect a pleasant visual appearance.*

Comment – The design is appropriate and sympathetic to the character of the area.

- 9) *Driveways should be located to take into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees. Sight distances are required as prescribed by AS2890.1.*

Comment – The driveway is existing and all services etc are also existing and no alterations are required.

- 10) *Long straight driveways should be avoided because these adversely dominate the streetscape and landscape. Curved driveways are more desirable. Landscaping between the buildings and the driveways is encouraged to soften the appearance of the hard surface.*

Comment – The driveway is existing and is curved. The site has existing and appropriate landscaping suitable for the setting.

- 11) *All driveways must be located a minimum of 6m from the perpendicular to the kerblines of any intersection of any two roads.*

Comment – There are no intersecting roads and as such, this control is not relevant.

- 12) *The design of driveway and crossovers must be in accordance with council's standard vehicle entrance designs and widths must be in accordance with Australian Standard 2890.1.*

Comment – The driveway is existing and has been constructed in accordance with the relevant standard.

13) All vehicles within a multi-dwelling development must provide vehicular manoeuvring areas to all parking spaces so vehicles do not need to make more than a three point turn to enter and exit the site in a forward direction. Direct reversing onto the street will only be considered where the garage fronts a secondary road, carrying reduced traffic volume and all other requirements of the policy are met.

Comment – The proposal is such that there will be no requirement for turns exceeding three point turns to allow for vehicles to enter and exit the site in a forward direction.

14) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with Australian Standard 2890.1. Crossover and driveway widths must comply with the following:

a) Developments which generate truck movements need to be designed to facilitate the movement, loading and unloading of those vehicles. Loading docks should be located to provide easy access and should not be located within the building line. Applicants must be able to demonstrate that trucks can be satisfactorily manoeuvred within the site.

Comment – The nature of the proposed business is such that there will be no requirement for trucks on site.

b) Ramps to be designed for the 99% vehicle splays/truncated corners used at corners. Convex mirrors are to be used to improve visibility where required.

Comment – No ramps are proposed and visibility is not an issue.

c) Isle widths are to be a minimum of 6.6m (Note: 5.8m isle width will be allowable under special circumstances).

Comment – The proposal does not include any isles.

d) The minimum head height clearance for ramps and isles is 2.2m (2.3m where access is required to a disabled parking space).

Comment – As there are no ramps or isles, this control is not relevant.

10.4 Alternative and Active Transport

This proposal is in a location and of a scale where it is considered that this part is not really relevant. Employees would be unlikely to ride to the site and public transport is not viable. In the event that persons do ride to the site, there is adequate area to park/store a bicycle. Clients of the proposal will not ride to the site as they will be dropping off or collecting their dog.

11 Water Sensitive Design

11.4.4 Other Development – excluding Single Dwelling, Dual Occupancy, Subdivision and Intensive Livestock Agriculture or Intensive Plant Agriculture

A water quality report has been undertaken and is attached as part of the development application package.

13 Landscaping and Open Space

13.2 Residential Apartment Buildings, Mixed Use Development and Business Premises

13.2.1 Open Space

The controls for this state that developments with more than 6 dwellings must incorporate communal open space; the proposal does not include any dwellings and therefore there is no requirement for any communal open space.

The controls also stipulate private open space for dwellings, however, as no dwellings are proposed, the relevant controls are deemed not relevant for this proposal.

13.2.2 Landscape Design

The controls provide for percentage requirements of landscaping in various zones, however, there are no percentage requirements for landscaping in a rural zone. Given the nature of the site and the existing vegetation, further landscaping would be considered inappropriate and counterproductive to bush fire control measures.

14 Waste Management

A completed Site Waste Minimisation and Management Plan has been attached as part of the development application package to comply with this part of the DCP.

Environmental, Social and Economic Impacts

Whilst the proposal does include structures, it does not require the removal of any vegetation of significance. Appropriate measures are to be implemented to ensure no adverse impacts resulting from water used in the operations. It is considered that the proposal in its current format will have no adverse impact upon the local environment.

The proposal will have no adverse social impact.

The proposal will have a positive economic impact by allowing for the operations of a small business on the site. Capital expenditure for construction works is also to be considered a positive from an economic view point.

Rural Fires Act 1997

The subject land is identified as being bush fire prone and as such a separate bush fire threat assessment has been prepared. The proposal is to be constructed to BAL-FZ and is considered acceptable.

Suitability of the Site for the 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 relevant SEPP, the LEP and the DCP are satisfactorily met, with the only exception being car parking requirements and an explanation for this transgression has been provided.

- There will be no adverse environmental, social, or economic impacts.
- There are no site constraints which would otherwise impede or prevent the development from occurring.

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.

CONCLUSION

This proposal is for the construction and operation of a pet resort at 96 Coomba Road, Charlotte Bay in the Midcoast LGA (Lot 120 in DP848596). Given appropriate controls, the proposal is considered to be an appropriate development of the site which is compliant with all the relevant environmental planning instruments and the proposal will have no adverse impacts on the site, adjoining sites, or the local area in general.

The provisions of section S4.15 have been addressed and the proposed development is considered compliant and is hereby submitted to Midcoast Council for assessment and approval.

Appendix A: Aerial Photograph



Appendix B:

Council DAP Minutes

Meeting Date:	15 October 2019
Applicant/s Present:	Ian Sercombe; Trent
Council Staff Present:	<input type="checkbox"/> Robyn Shelley <input type="checkbox"/> Greg Blaze <input type="checkbox"/> Matt Bell <input type="checkbox"/> James Muller <input type="checkbox"/> Malcolm Hunter <input type="checkbox"/> April McKay <input type="checkbox"/> <input type="checkbox"/>

Subject Land & Development					
Unit:		House No.:	95	Street:	Coomba Road
Suburb:	Charlotte Bay			Postcode:	
Lot:	120	DP or SP:	848596	Section:	
				Property Key:	22765
Zoning:	R5 - Large Lot Residential - 8.753ha			Great Lakes LEP 2014	
Proposed Development:	Animal boarding or training establishments - permissible in R5 zone.				

COPY OF PLANNING RULES THAT APPLY PROVIDED TO APPLICANT

ISSUES RAISED AT MEETING:

Height of buildings 8.5m; FSR 0.4:1; Bushfire prone;;

The Statement of Environment Effects must include a noise report that should address the potential of residents existing and that may be in the new subdivision. Report should include mitigation measures - in accordance with POEO Offensive noise; Hours of operation and employees numbers; Traffic Impact assessment, include information in relation to access onto site - ie site distances. We will require the driveway and carpark to be sealed; a wastewater report - include details of how many washes per day, look at whether existing system can accommodate; Address Planning for Bushfire.

All hardstand should be to on-site management system.

Discuss how cleaning of kennels will be done.

Compliance with the BCA - disabled carparking - accessible sanitary facilities.

Water Quality - rainwater tanks - re-use calculations - Part 11 of GL DCP2014 - Requirements easier to achieve if collecting water for re-use - April McKay or Prue Tucker will speak to your consultant if necessary.

Address disposal of animal waste.

This preliminary assessment with DAP is based on a review of the issues relating to the proposed development and the details provided by the applicant/consultant. It should not be taken to be a detailed assessment of Council's requirements for any subsequent development application or an indication in any way of the likely outcome of any

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subsequent application. The points raised during the meeting are intended to assist applicants in determining issues that should be addressed in a development application. Council and its officers do not accept any liability whatsoever for the actions by others taken as a result of any preliminary information offered, or the points raised, or any issues not raised or discussed.

Any comments made by or actions taken by Council Officers during the meeting does not amount to a decision under the Environmental Planning and Assessment Act 1979.

A handwritten signature in black ink, appearing to read 'Kelley', written in a cursive style.

16 October 2019