



February 15, 2013

The General Manager
Great Lakes Council
PO Box 450
Forster 2428

Dear Sir/Madam

RE: DA-231/2013 - BOUNDARY ADJUSTMENT AND NEW DWELLING, LOTS 101 & 104 BUNDABAH ROAD, BUNDABAH NSW 2324

This response to DA-231/2013 has been prepared on behalf of residents by the North Arm Cove Residents' Association Fame Cove Sub Committee. This Sub Committee has monitored various proposals for the use of this land over the years, and this letter raises concerns we have for this latest application for development.

1. Summary

DA-231 applies to a portion of the last tract of high conservation coastal land in Port Stephens. It is elevated land, densely wooded and environmentally sensitive. It is visible across large expanses of water from North Arm Cove and Tahlee through to the Tilligerry Peninsular and Soldiers Point.

As such, it is reasonable to expect that particular attention to detail will be applied by the Council to all developments proposed for this sensitive site.

We fully respect the current owner's rights to develop his rural property and we are not opposed to this DA in principle. However, we do not accept that such a development should be approved **before** a rigorous impact assessment has been conducted. This analysis would be evidenced by a full and proper set of environmental and planning submissions meeting both State Government statutory requirements and the Great Lakes Council's own policies and strategies.

It is far from clear to us that this essential ground work has been completed by the applicant or the Council.

2. Planning Integrity

NSW Coastal Design Guidelines state that,

" Isolated coastal dwellings have the potential to pollute land and water resources resulting from their location within ecologically and visually sensitive places and the autonomous water, waste water, energy and solid waste systems used to service buildings".

An assessment of this land made under the Native Conservation Act 1997, "Soil Landscapes of Port Stephens", 1995, describes 90% of the soil landscape as Gan Gan "with an extreme erosion hazard and severe limitations for rural and urban development". Of the remaining 10%, "all have high erosion hazard...", with this land specifically identified as "of high biodiversity value".

The NPWS has expressed serious concern about the clearance of native vegetation in this region.

The contents of the DA and its accompanying Statement of Environmental Effects provide no assurance to us that the expected rigours of planning have been applied to this development. There is not even an environmental report!

Specifically, the Coastal Design Guidelines detail key considerations to be applied to coastal developments:

- **Pollution to lakes, streams, rivers and other water bodies from on-site and autonomous waste water treatment systems.**

This land presents particular challenges to the designer and planner to avoid pollution. Where are the applicant's Geotechnical Report, Water Sensitive Design (Stormwater Concept) Plans, Waste Management Plan, Sewage and Power Generation Plans?

It would be irresponsible to approve development on this scale without properly engineered solutions for these critical issues. Failure in any one area could jeopardise the project. Each issue should be fully addressed before DA approval.

- **Removal of vegetation and disturbance to soil causing erosion during construction and maintenance of roads and pathways to and through the site.**

A long and, as yet, undefined road is required to service the development.

This road has the potential for a greater environmental impact than the building itself. We see it must pass very close to Nanabah Creek. To some degree the final position and orientation of the buildings must be dependent on the applicant's submission of an acceptable access plan.

We note that the applicant loosely claims that adequate road access can be provided to and from Bundabah Road. But as for an engineering report confirming viability of access, where will the road go and how much disturbance will construction cause to soil and vegetation, again no information is offered.

No detail is provided of the existing trees or the proposed tree line for either the road or the building. For a project of this scale and importance, the planning authority would normally require aerial photographs as overlays for the development site and access way plans. In this

way, all interested parties can assess the necessary extent of tree clearance and measure the claimed effectiveness of tree screening.

- **Building design, materials and colours are visually intrusive to the landscape setting.**

Schedule of External Colours, Materials and Finishes? This is a normal part of a the GLC's DA submission requirements, but absent here.

This is a significant building, completely alien to the landscape in which it is to be placed. It will have a huge visual impact on the surrounding land, but there are no landscaping proposals.

The DA doesn't even include an estimate of project cost.

- **Dwellings located in visually prominent places.**

If there was a building designed to break all the best practice guidelines regarding visual impact and location, this one would surely fit the bill.

The Coastal Design Guidelines make very clear reference to the issue of visual sensitivity.

"Dwellings in sensitive coastal or rural landscapes (should be) designed to minimise visual impacts, particularly when viewed from the foreshore, entry roads to settlements and from key public viewing points."

"Dwellings on headlands and prominent ridge lines (should be) avoided because of the high visual exposure."

"Dwellings (should be) located on the edges of valleys or side slopes in the landscape to minimise visual impacts".

Even the GLC's own Draft Development Control Plan 2012 for Rural and Environmental land sets planning policy guidelines including objectives, ***"To prevent the siting and orientation of any new building upon prominent ridgeline or hilltop."***

It seems unconscionable that the Council would consider an application for a building that contravenes the aims both of the Coastal Design Guidelines and of its own planning policy proposals.

We cannot accept that because ridge development had been approved in the past by the Port Stephens Council, this provides grounds for acceptance here.

We urge you to consider the full ramifications of allowing this building to be placed on the hill top. It would create a precedent for development of the whole north shore of Port Stephens.

3. Observations on the Statement of Environmental Effects

Access - p 7.

"Access to the site is provided by an access road off Bundabah Road. The access road connects with several larger access roads and smaller trails which provide access through various parts of the site."

We suggest this simply is not good enough. We repeat, no significant development should be allowed to progress on the basis of such loose proposals as this.

State Environmental Planning Policy 44 (SEPP 44) - p. 12

and

Likely Environmental, Social and Impacts, Flora and Fauna - p. 25

Both assessments were conducted as part of an environmental study for the applicant by Orogen Pty Ltd in 2007. This company's professional credibility as a consultancy was discredited in the 2010 Port Stephens legal case brought by the Department of Environment before the company went into administration.

The original DA with environmental submissions for this development was never voted on by the GLC. Subsequently, the applicant failed to respond satisfactorily to the Minister's demand (under 3A) for a revised environmental report.

The information offered now in the Statement of Environment Effects is completely inadequate and certainly no substitute for a proper Environmental Report. It is not satisfactory for the applicant to simply state that "applications were recommended for approval subject to certain conditions".

This is a new DA and nothing has changed to assure us that proper environmental considerations have been made for this site.

We don't question the credentials of the Council's own Ecologist. But the public has the right to understand that all issues have been identified and will be addressed during development.

SEPP 71, Clause 15 (Sewerage System) and Clause 16 (Storm Water) - p. 15

It is believed that the original submission to Council for this development specified the installation of an Ecomax on-site sewage system. Again the company that quoted for this system has a poor track record. The Council has experience of failures of the Ecomax systems in this Shire. (Ecomax Sales Australia was wound up Sept 2011).

This land with its sparse soil and underlying rocky base is not amenable to large scale sewerage or storm water transpiration systems. We ask if the original geotechnical assessment has been revised, and what alternative treatment process has subsequently been determined acceptable?

4. Conclusion

The 14 day exhibition period for this DA is inadequate and hints of extreme pressure on the Council to progress this development in haste, for whatever reason. The evidence so far suggests a

concerning absence of planning preparation. Demands made by Council on ordinary property owners wanting to build ordinary houses on residential blocks are more onerous than those imposed on this applicant because they must at least comply with the GLC's DA Matrix.

We respectfully suggest that the Council suspends approval this DA until all necessary information is supplied by the applicant to ensure that a sound, orderly and problem free project eventuates.

Yours sincerely,

Len Yearsley
Chairman - Fame Cove Sub Committee
North Arm Cove Residents' Association

Copies to:

Mr Glenn Handford, General Manager, Great Lakes Council
Ms Lisa Schiff, Director of Planning and Environmental Services, Great Lakes Council
Mr Brian Murphy, Newcastle Planning Team, Office of Environment and Heritage
Mr Craig Baumann MP, Member for Port Stephens, Parliamentary Secretary for Regional Planning
Councillor Jan McWilliams, Mayor Great Lakes Council
Councillor Len Roberts, Great Lakes Council
Councillor Linda Gill, Great Lakes Council
Councillor Karen Hutchinson, Great Lakes Council
Councillor Carol McCaskie, Great Lakes Council
Councillor Jim Morwitch, Great Lakes Council
Councillor Tony Summers, Great Lakes Council
Councillor Leigh Vaughan, Great Lakes Council
Councillor John Weate, Great Lakes Council