



Settlers Ridge South West Rocks

Environmental Assessment

Prepared by:

 **SJ CONNELLY CPP** PTY LTD

COMPLIANCE AND USAGE STATEMENT

This Environmental Assessment has been prepared and submitted under Part 3A of the *Environmental Planning and Assessment Act 1979* (as amended) by:

Preparation

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Company: S J CONNELLY CPP PTY LTD
Address: P.O. Box 538, Lennox Head NSW 2478
In respect of: A Part 3A Concept Application.

Application

Proponent: Settlers Ridge Joint Venture
Address: C/- S J CONNELLY CPP PTY LTD
P.O. Box 538, Lennox Head, NSW 2478
Land to be developed: Lot 31 DP 754396, Lot 57 DP 1117398 and Lot 223 DP 754396.
Proposed development: 154 residential lots, 2 rural lots, open space and BioBanking proposal.
Environmental Assessment: An Environmental Assessment (EA) is attached.

Certificate

I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:

- it is in accordance with the Environmental Planning and Assessment Act and Regulations, and
- it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

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Ref: SJC1292-154

Date: November, 2012

SETTLERS RIDGE, SOUTH WEST ROCKS

EXECUTIVE SUMMARY

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SJ CONNELLY CPP PTY LTD has been engaged to plan the subdivision of the land known as “Settler’s Ridge,” South West Rocks as a residential estate. The development proposal has been determined to be a Major Project under the provisions of Part 3A of the Environmental Planning and Assessment Act 1979.

This Environmental Assessment report contains a description of the Settlers Ridge site, a background to its subdivision history and specific details of the Subdivision and BioBanking Concept Plan proposal. It addresses the relevant provisions of all applicable environmental planning instruments and development controls. The report considers the likely impacts of the development on the environment, and the suitability of the site. Specifically, the report responds to the Director General’s Requirements issued in relation to the project.

An important aspect of this application is that it seeks “Concept Plan” approval only for the Settlers Ridge Project. That is, if Concept Plan Approval is granted, further application(s) must be lodged for Development Approval, BioBanking acquittal and Construction Certificate approval before any development of the land can occur.

THE PROJECT

The proponent seeks the Minister’s approval pursuant to the now saved Section 75P of the Environmental Planning and Assessment Act 1979 for a Concept Plan which comprises subdivision for 154 residential lots, 2 rural lots, open space and BioBanking Proposal at Steve Eagleton Drive South West Rocks.



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Below is a summary of the key land use elements relevant to this project.

Land Element	ha	%
Site area	40	100%
Residential lots (154)	9.9	24.7%
Roads	5.3	13.3%
Open space	1.6	4.0%
Balance Rural lots (2)	23.2	58.0%



South West Rocks has a strong relationship to the ocean.

Notable components of the Project include:

- Re-alignment of the present 2(a) and 1(d) zone boundary which traverses the site;
- Extension of Trevor Judd Avenue to provide vehicular access to the land;
- Acoustic landscape treatment along the eastern edge of the site within the Gregory Street road reserve;
- Landscaping/ street tree planting within all road reserves;
- Footpath and cycleway connections;
- Extension of Steve Eagleton Drive road reserve to connect with Keith Andrews Avenue;
- Retention of ridge-line vegetation views within open space to be dedicated to Council;
- Application of BioBanking to offset the removal of vegetation from the site;
- Establishment of drainage infrastructure;
- Establishment of permanent bushfire Asset Protection Zone; and
- Delineation of separately developable parcels along existing ownership boundaries to facilitate future staged construction.

THE SITE

The site is known as “Settler’s Ridge” and is a part-rural and part-residential zoned site located on Gregory Street and Steve Eagleton Drive, South West Rocks. South West Rocks is a coastal village with a 2011 permanent resident population of 4,300 on the mid north coast of NSW. The village is located 37km north-east of Kempsey near the mouth of the Macleay River, and is about 5½ hours drive north of Sydney.

KEY ISSUES

In examining the merits of the residential subdivision, the Department of Planning and Infrastructure consulted with a range of Government Authorities to determine

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“Key Issues” of relevance to the sites development. These Key Issues form the basis of the Director General’s Requirements and can be summarised as:

- Strategic Planning
- Subdivision Design, Layout and Desired Future Character
- Visual Impact
- Traffic and Access
- Hazard Management and Mitigation
- Water Management
- Heritage and Archaeology
- Biodiversity
- Noise Impacts
- Socio-Economic Impacts
- Consultation

To appropriately investigate these issues, an expert of consultants Project Team was established, the recommendations of which then formed and guided this Environmental Assessment report. Copies of each of the specialist consultant reports are contained within the **Technical Papers** folder accompanying this document.

The examination of the Key Issues has guided the design process by which the proposed subdivision layout has been derived. These investigations have also resulted in recommendations to undertake a range of management, monitoring and mitigation measures necessary to ensure that potential impacts to the environment are appropriately managed. These measures are reflected in a Draft Statement of Commitments to which the land-owners are offering to satisfy.

After considering a range of alternative options to the rationalisation and development of this land, the Concept Plan outlined in this report has been determined to be the most appropriate design response to the Director General’s Requirements; to the opportunities and constraints of the site, and to the strategic documents relating to the growth of South West Rocks township.



The development responds to the objectives of the Mid North Coast Regional Strategy. The proposed subdivision of the land is consistent with all applicable planning criteria and is considered to be appropriate for the locality and the subject site.



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1 INTRODUCTION

This section provides an introduction to the Environmental Assessment; describes the project team assembled to carryout research associated with the Environmental Assessment as well as describing the site and its general locality. This section also outlines details in relation to donation disclosure and the general structure of the report.

1.1 INTRODUCTION

This Environmental Assessment (EA) has been prepared by Stephen Connelly FPIA CPP, of SJ CONNELLY CPP PTY LTD for a joint venture of land owners at Settlers Ridge, South West Rocks. The EA is in support of a Concept Plan and Rezoning Proposal relating to a Major Project (the Project) at South West Rocks, within the Kempsey Shire Local Government Area. It is submitted pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the EPA Act).

The Project for which Concept Plan approval is sought includes the creation of 154 Torrens title residential allotments, 2 rural lots, an extension of local roads and infrastructure to service the subdivision and the provision of a variety of open space parcels.

Mr Richard Pearson, as delegate for the Minister, formed the opinion that the proposed development of the subject land is a Project to which the then Part 3A of the Act applied on 8th August 2010. On 13 May 2011 the Government announced transitional arrangements for projects already in the Part 3A system pending the repeal of that section of the Act. This included revoking the Part 3A status of a number of residential projects. The subject project was retained as a Part 3A Application by the Government.

The purpose of this EA is to provide:

- a written and graphical description of the Concept Plan, which also identifies its location;
- a review of planning provisions relevant to the Concept Plan, including an assessment of whether the Project is inconsistent with any of these provisions;
- plans showing the draft zonings which would reflect the Concept Plan applying to the site;
- views on the Project from agencies, the local council or the wider community; and
- an assessment of regional and local strategies which affect the Project.



The subdivision pattern has been designed to integrate with adjoining development.



Commercial facilities and shops are available in the immediate vicinity of the Settlers Ridge Site.

Specifically, the EA provides an assessment of the Key Environmental Issues identified in the Director-General's environmental assessment requirements (DGR's) for the preparation of supporting documentation for this Project.

Those key issues can be summarised as:

- Strategic Planning
- Subdivision Design, Layout and Desired Future Character
- Visual Impact
- Infrastructure Provision
- Traffic and Access
- Hazard Management and Mitigation
- Water Management
- Heritage and Archaeology
- Biodiversity
- Noise Impacts
- Socio-Economic Impacts
- Consultation

Specialist reports have been prepared to address these Key Issues and these are referenced within the EA. Full copies of each report are contained within a separate folder of **Technical Papers** that accompany this report.

The findings and recommendations of these specialist reports have formed the basis for a Statement of Commitments designed to address the DGR's Key Issues. The Statement of Commitments is contained in Section 6 of this EA, and includes a summary of mitigation strategies, ongoing management responsibilities and timing of same.

1.2 PROJECT TEAM

An expert Project Team, drawing on a range of disciplines, has been assembled to assess, inform and plan the proposed Subdivision and BioBanking Proposal. The Project Team includes the companies and individuals listed in **Table 1.1** below.

TABLE 1.1 CONSULTANT TEAM

Expertise	Prepared by
Acoustic Assessment	Hunter Acoustics
Flora and Fauna Research and BioBank Assessment	Peter Parker Environmental Consultants
Traffic Impact Assessment	RoadNet
Civil Engineering	Hopkins Consultants
Bushfire Assessment	Barry Eadie

Town Planning	Hopkins Consultants, and SJ CONNELLY CPP
Archaeological Assessment	RPS
Urban Design	RPS
Project Supervision	Peter Hadlow Design

1.3 SOUTH WEST ROCKS AND THE SITE'S LOCATION

South West Rocks is a coastal village on the mid north coast of NSW. The village is located 37km north-east of Kempsey near the mouth of the Macleay River, and is about 5½ hours drive north of Sydney.

At the time of the 2011 Census 4,304 people resided in South West Rocks. Of these, 49% were male and 51% were female. Aboriginal and Torres Strait Islander people made up 5.8% of the population. The median age of people in South West Rocks was 53. This compares to a median age of 37 for Australia and 38 for NSW. People over the age of 65 made up 30.9% of the population.

In South West Rocks 86.8% of people were born in Australia. The most common countries of birth were England 3.1%, New Zealand 1.1%, Germany 0.5%, Scotland 0.5% and the Netherlands 0.2%.

22.4% of the private dwellings in South West Rocks were unoccupied at the time of the Census. This compares with about 10% for NSW and Australia. In South West Rocks 43.2% of households had a weekly income of less than \$600 and 2% of households had a weekly income of more than \$3,000.

The subject land is positioned near the main vehicular approach to the township and about 2km south of the town centre. The site's location is shown in **Plan 1.1**.

1.4 SITE CHARACTERISTICS

The site has frontage to, and is bound by Gregory Street to the east, Steve Eagleton Drive to the south and the partly formed Keith Andrews Avenue to the north. A section of unformed crown road adjoins the western boundary of Lot 223 DP 754396. Undeveloped land lies to the west.

The land is located between the "old" town of South West Rocks and recent residential development which has occurred along Steve Eagleton Drive adjacent to 'The Rocks' local shopping centre. The South West Rocks industrial area lies to the south.

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The land is undulating and contains a mix of dry sclerophyll forest dominated by scribbly gum, blackbutt, tallowwood, pink and red bloodwood and brushbox. There are no permanent or semi-permanent waterbodies within the subject area.

The Real Property description of the subject land is:

- Lot 31 DP 754396 (Lot 31);
- Lot 57 DP 1117398 (Lot 57); and
- Lot 223 DP 754396 (Lot 223);

These three properties have a total area of 40.011 ha, made up of the following areas:

- Lot 31 – 31.76 ha
- Lot 57 – 5.261 ha
- Lot 223 – 2.99 ha

The subject land is partly zoned 2(a) Residential and 1(d) Rural (Investigation) under the provisions of the Kempsey Local Environmental Plan 1987.

The site is shown in better detail in **Plan 1.2** (Site Plan) and **Plan 1.3** (Existing Environment) below. **Plan 1.4** illustrates the existing zoning of the land.

1.5 DONATION DISCLOSURE

The applicant and land owners have no political donations to disclose.

1.6 STRUCTURE OF THIS ENVIRONMENTAL ASSESSMENT REPORT

The Director-General's Requirements (DGR's) for the preparation of this Environmental Assessment determined the following "Key Issues" requiring thorough investigation:

Key Issue	
Strategic Planning	Section 5 of EA
Subdivision Design, Layout and Desired Future Character	Section 5 of EA
Visual Impact	Section 5 of EA
Infrastructure Provision	Section 5 of EA and Technical Paper D
Traffic and Access	Section 5 of EA and Technical Paper C
Hazard Management and Mitigation	Section 5 of EA and



Photographs show the land use character in the immediate vicinity.



South West Rocks is blessed with a range of architectural types and historic buildings.

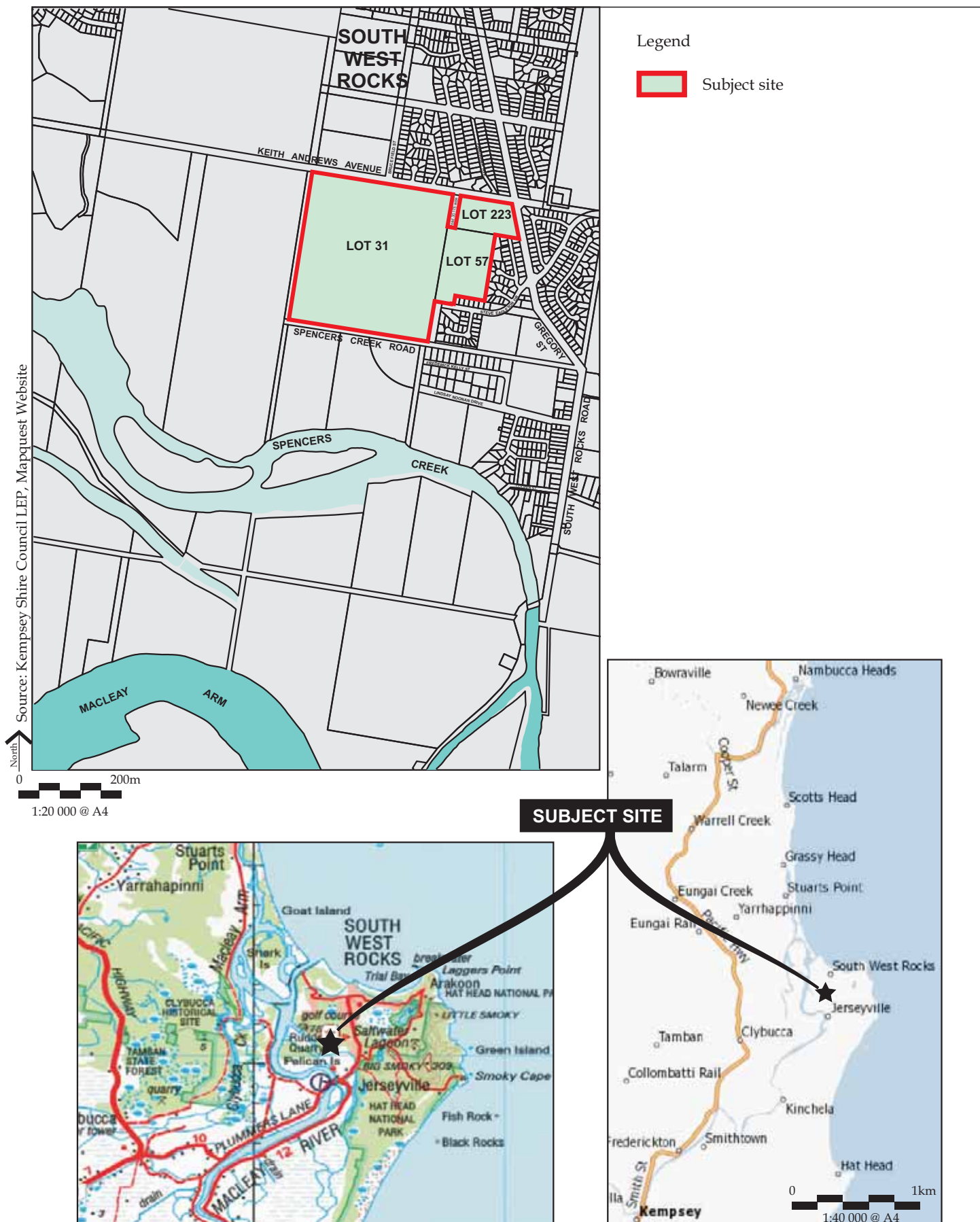
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	Technical Paper E
Water Management	Section 5 of EA and Technical Paper D
Heritage and Archaeology	Section 5 of EA and Technical Paper F
Biodiversity	Section 5 of EA and Technical Paper B
Noise Impacts	Section 5 of EA and Technical Paper A
Socio-Economic Impacts	Section 5 of EA
Consultations with Government Authorities and the Public	Section 5 of EA

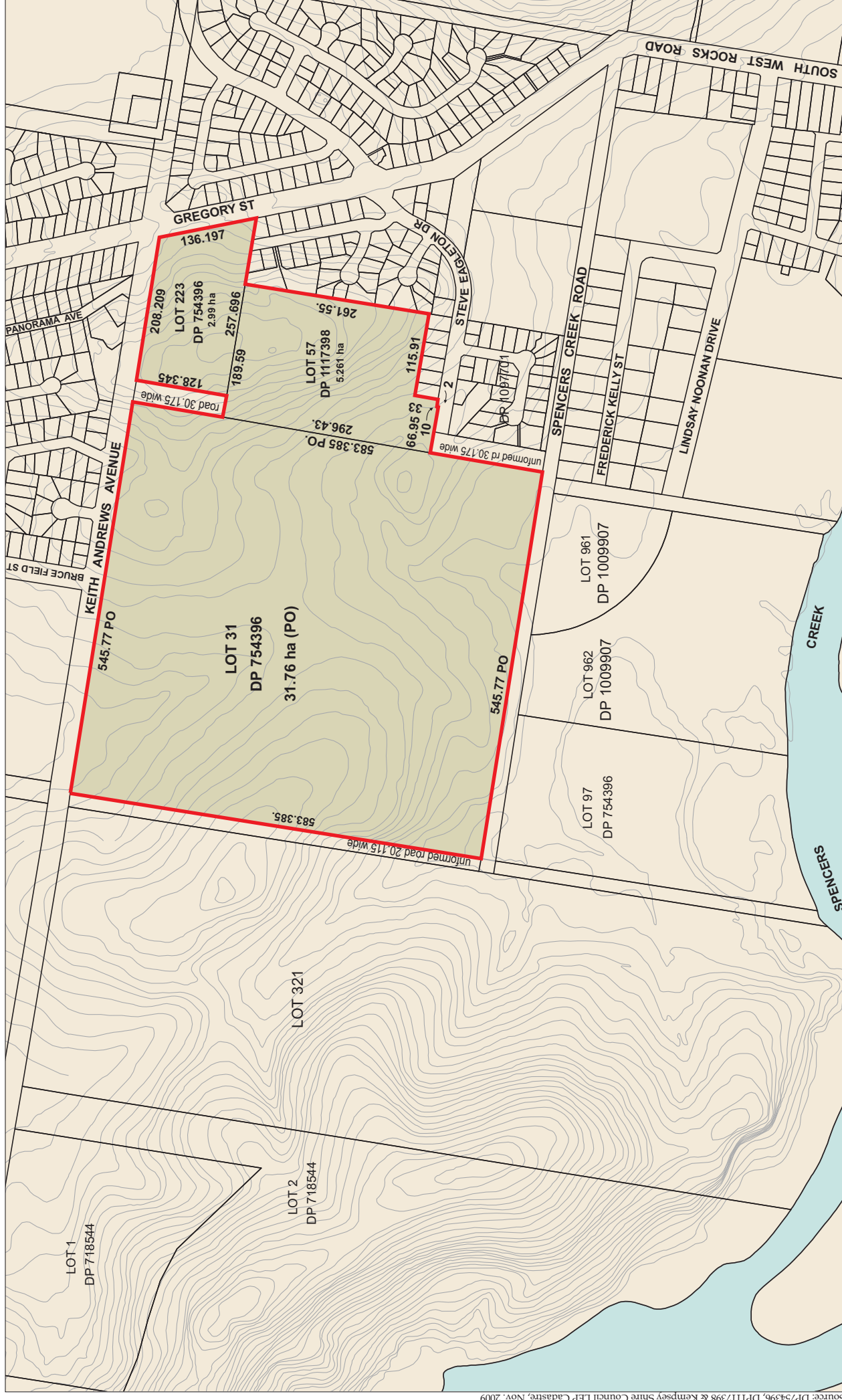
All surveys, investigations and reports referred to in the relevant Sections of the EA and responding to the DGRs are contained in the accompanying **Technical Papers** folder.

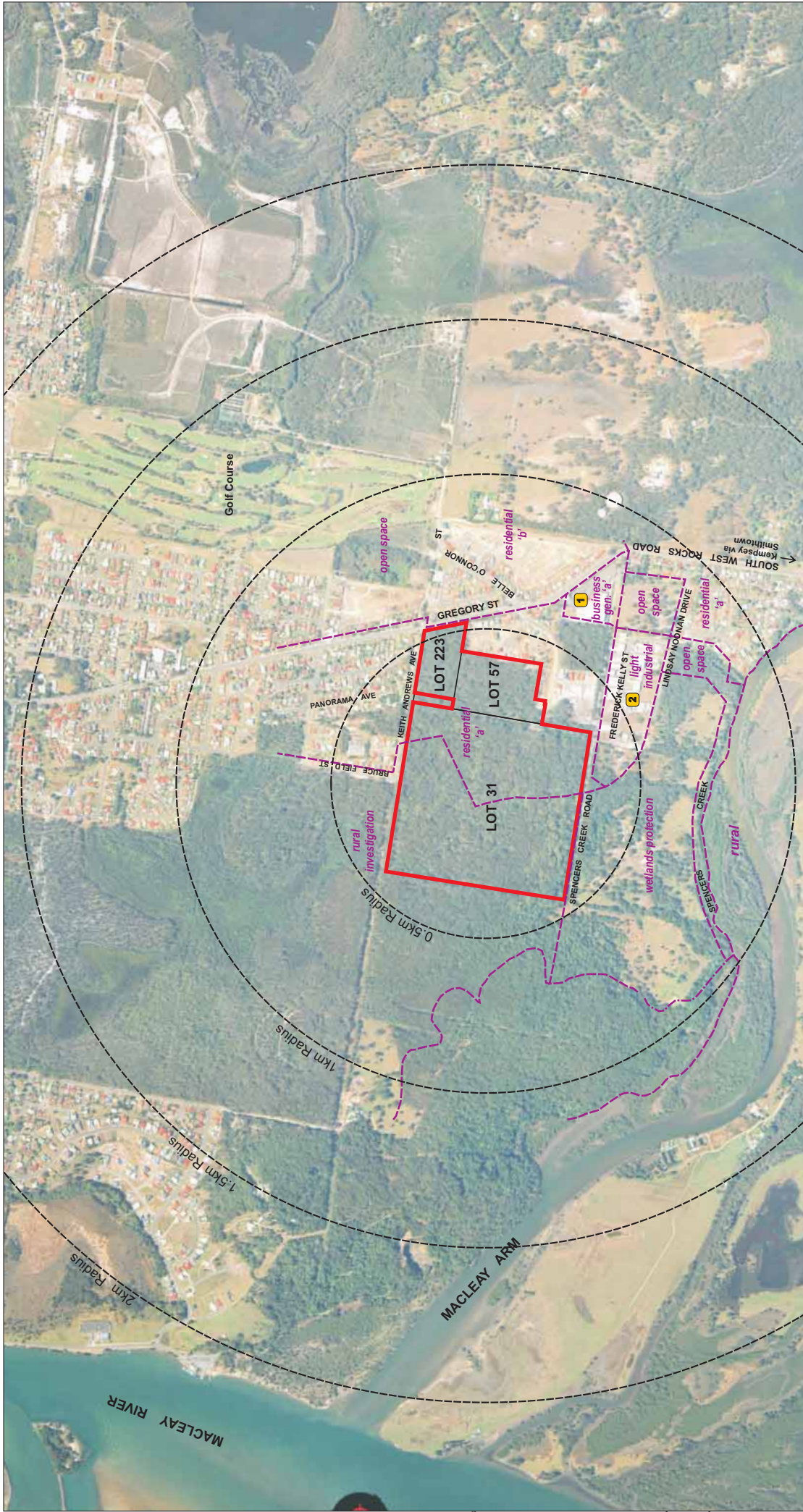
1.7 FURTHER INFORMATION

Should the Department require any additional information or wish to clarify any matter raised by this EA please feel free to contact Mr Stephen Connelly (02 66877171).



Plan 1.1
SITE
LOCALITY
PLAN





Legend

Subject site

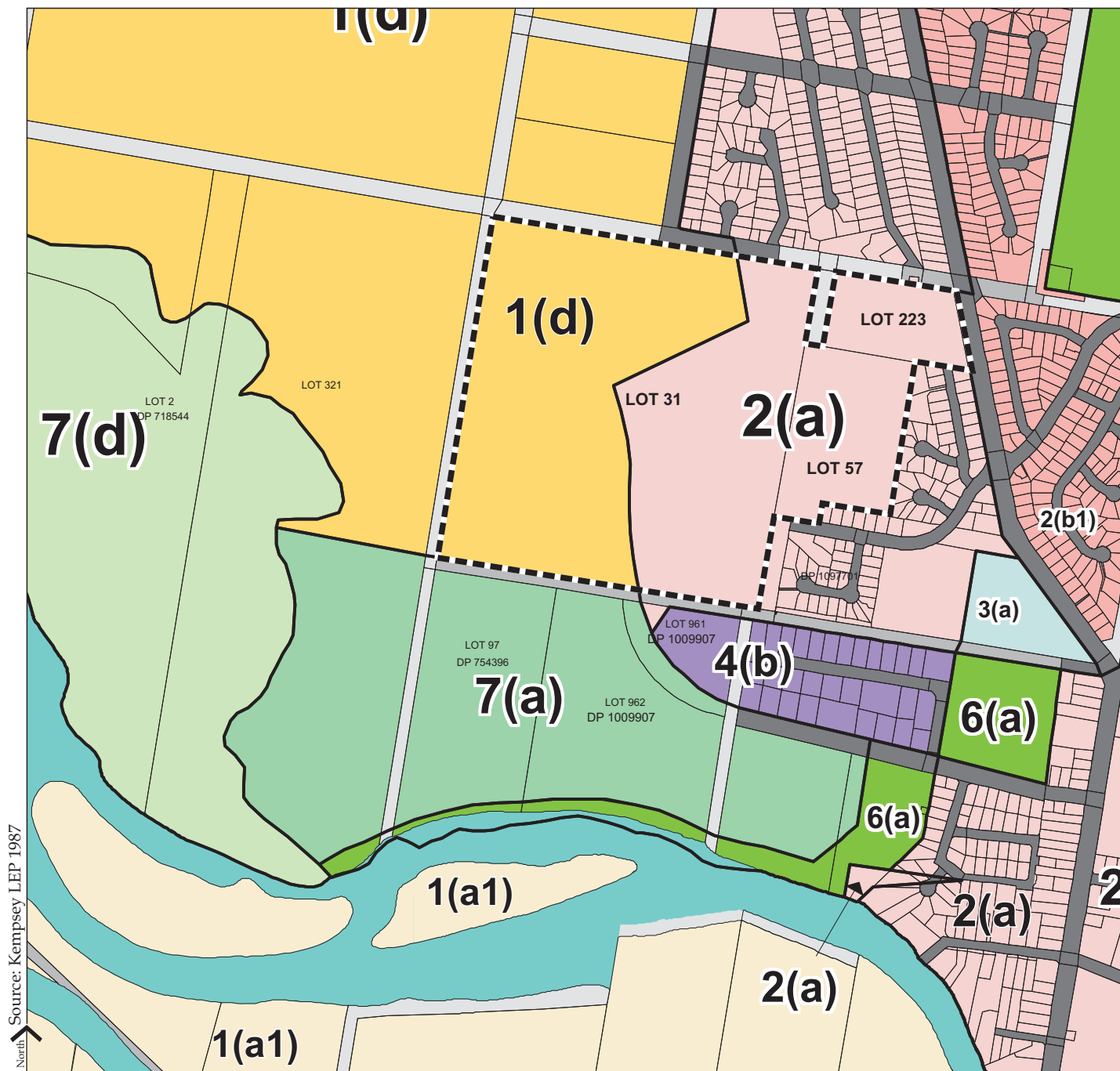
Radius from centre of site

Zone line, zoned landuse

Features:

1 The Rocks shopping centre

2 South West Rocks industrial estate



Source: Kempsey LEP 1987

0 200m
1:10 000 @ A4

Legend

	Subject site		3(a) Business (General) "A" Zone
	1(a1) Rural "A1" Zone		4(b) Light Industrial "B"
	1(d) Rural (Investigation) "D" Zone		6(a) Open Space "A" Zone
	2(a) Residential "A" Zone		7(a) Wetlands Protection Zone
	2(b1) Residential "B1" Zone		7(d) Scenic Protection Zone

Plan 1.4 ZONING PLAN

2 SITE ANALYSIS

This section provides a contextual description in relation to the site and its physical characteristics. As well, this section examines plausible alternative development scenarios.

2.1 SITE CONTEXT

The vacant sites which compose the Settlers Ridge site form the last linkage between the older sections of South West Rocks and the rapidly expanding urban development to the south. This includes a local commercial / shopping precinct approximately 350m to the south of the site known as “The Rocks” Shopping Fair and community centre.

To the north, there are scattered commercial developments randomly located along Gregory Street, before the road merges with the town centre of South West Rocks, some 1.5km away. Recreational facilities such as the South West Rocks Country Club, Surf Club, and South West Roxy Cinema are similarly located to the north of the site.

South West Rocks Public School is to be found a little over a kilometre north of the site along Gregory Street. Local employment opportunities exist in the town’s industrial area in Lindsay Noonan Drive located less than 1km to the south of the site along Gregory Street. Bus access is available in Gregory Street.

The site extends into and adjoins a larger area of Rural Investigation zoned land to the west of the site and to the north of Spencers Creek. Kempsey Shire Council and the Mid North Coast Regional Strategy have identified non-urban zoned land in this location as suitable for urban investigation, i.e. Zone 1(d).

There are also long-term plans for the establishment of a link road (Western Distributor) to the west of the site within this 1(d) zoned land. This future road serves to link Steve Eagleton Drive with the area known as “New Entrance Village” to the north-west adjacent to Gordon Young Drive.

The site’s development adjacent to Gregory Street will serve to rationalise the existing informal pedestrian linkage between the two residential precincts located to the north and south, and integrate these residential communities.



Photograph of the northern part of the site.



Photograph illustrating the land use pattern in the locality.

2.2 RECENT PLANNING HISTORY

Development Consent for the subdivision of Lot 223 into 35 lots was granted by Kempsey Shire Council (KSC) on 26th September 2003 (DA T6-02-042). The application was considered concurrently with 2 applications for residential subdivision of Lot 57 into a total of 46 lots (DA T6-03-186 & T6-03-191). These applications were also granted consent on October 30th 2003.

The three applications were supported by a combined Species Impact Statement (SIS) in accordance with Section 5A of the Environmental Planning & Assessment Act 1979. With the granting of these consents, concurrence to the SIS was obtained from the then National Parks and Wildlife Service (NPWS), and a Fire Safety Authority was also issued by the NSW Rural Fire Service (RFS).

The approvals were subsequently tested in the Land & Environment Court in 2004; *“Friends of South West Rocks Inc v Machro Pty Ltd and Ors”* (Ref: NSWLEC 721). The consents were voided by the Court on matters relating to the then SEPP 71 requirements applying to State Significant Development.

The subdivision of Lot 223 was considered by the LEC to constitute a State Significant Development under the then provisions of SEPP 71, and should have been determined by the Minister.

In relation to Lot 57, the Court ruling determined that while Kempsey Shire Council was the correct determining authority for the Development Applications, Council was unable to do so until a Master Plan had been prepared in accordance with the provisions of SEPP 71. A subsequent draft Master Plan for the site was refused on 23rd October 2008.

A Preliminary Environmental Assessment for this project was lodged with the Department of Planning on 24th June, 2010. Advice from the Minister of Planning was received on 8th August 2010, advising that the Minister had formed the opinion that *“... this proposal is development of a kind that is described in Schedule 2 of the Major Development SEPP”*.

In June 2011 a draft of the Environmental Assessment was submitted to the Department of Planning & Infrastructure (The Department) for Adequacy Assessment. The subdivision contemplated by that EA provided for a 220 lots and BioBanking offset proposal. Since the date of the lodgement of that Draft, the proponents have reconsidered the scheme overall. The proposal that is submitted herewith provides for a reduced scale 156 lot scheme and BioBanking proposal.

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2.3 PHYSICAL PLANNING CONSTRAINTS AND OPPORTUNITIES

The developable portion of the site is dominated by a north-west trending ridge in the east of the site contained largely within Lots 223 and 57. The ridge has a broad crest with slopes of 1° to 3°, while the sides of the ridge slope moderately to the north-east and south-west with slope angles ranging from 7° to 15°.

A spur extends from the ridge in the north to form an isolated knoll located in the north east corner of Lot 31. Surface elevations across the ridge range from RL 12m AHD on the lower slopes to RL 40m AHD on the crest.

There is a north-west trending ridge located in the south west of the site in Lot 31. The upper slopes face north-east and south-west and slope angles range from 3° to 7°. Surface elevations range from RL 10m AHD to RL 28m AHD.

A broad gently sloping saddle is located between the two ridges and separates the local water catchments present on the site. The elevation of the saddle at its low point in the centre of Lot 31 is approximately RL 18m AHD.

A sandy knoll is present in the south east corner of Lot 31 with gradients of up to 7° on the upper slopes and <2° on the lower slopes. Surface elevations range from RL 16m AHD on the crest of the knoll to RL 4m AHD on the lower slopes.

Table 2.1 below contains a summary of meteorological information relevant to the subject site. The data has been derived from the long term data collected by the Bureau of Meteorology at South West Rocks Smokey Cape Lighthouse (Station No. 059030), which is located approximately 5km south east of the site.

TABLE 2.1 MEAN MONTHLY METEOROLOGICAL DATA

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
TEMPERATURE (°C)												
Mean Maximum	26.7	26.8	26.1	23.9	21.3	19.2	18.6	19.7	21.6	23.1	24.4	25.9
Mean Minimum	19.4	19.7	18.8	16.6	14.2	12.1	11.2	11.7	13.3	15.1	16.7	18.4
RAINFALL (mm)												
Mean	147.4	165.6	194	167.9	139.1	130.8	79.4	82.7	55.2	91.1	111.3	122.6
Mean Rain Days	13.5	14	15.6	12.7	11.4	10.4	8	8.3	8.3	11.1	11.5	12.6
Highest monthly rainfall - mm	527	405.4	649.3	702.6	466.5	541.6	597.5	380.6	254.4	536.4	434.8	466
Lowest monthly rainfall - mm	15	3.8	24.2	12	1.2	5.6	0	0	0	2.4	6.9	15.5
Source: Bureau of Meteorology SOUTH WEST ROCKS (SMOKY CAPE LIGHTHOUSE) Station No. 059030.												



The subject site is composed of 3 privately owned Torrens Title lots.

2.4 LOCAL ECOLOGY

The site is surrounded by residential subdivision on three sides but is essentially an intact stand of generally undisturbed vegetation. It supports mature Scribbly Gum, Tallowwood, Bloodwood, Blackbutt forest with an open understorey of shrubs, grasses and herbaceous plants.

The vegetation is characterised by dry sclerophyll forest dominated by Scribbly Gum (*Eucalyptus signata*), Tallowwood, *Eucalyptus microcorys*, Large-fruited Blackbutt (*E. pyrocarpa*), and Red Bloodwood (*Corymbia gummifera*). Canopy height ranges from 25m on the ridges to over 35 m on the lower slopes.

Xeric understorey species occur throughout the site in a heterogeneous manner, with patches of forest oak in the mid-strata in the east. Surveys detected up to 42 species in 20 m x 20 m BioBank plots with more than 90 species recorded overall at the site.

Common mid-start species are Forest Oak whereas ground strata species are Bracken, Common Ground Fern, Sword Sedge, Lomandra, Bladey Grass, Kangaroo Grass, Guinea Flower and Wiry Panic Grass. Weed species were in low abundance.

A complex assemblage of fauna occurs at the site. This includes ground dwelling small mammals, arboreal species and birds. The habitat provided by hollow-bearing trees was utilised by species such as the Brush-tail Possum, Squirrel Glider, Brushtailed Phascogale and microbats. Ground dwelling species include the Swamp Rat, Bush Rat and *Antechinus*. Larger macropods include the Grey Kangaroo.

Birds ranged from small species which favour the understorey (e.g., the Red-browed Firetail and Superb Fairy Wren), low and mid-storey species such as the Eastern Yellow Robin, to forest owls such as the Southern Boobook and Masked Owl.

Frog diversity was generally low which was attributed to the lack of major drainage features or water bodies. However, the Red-crowned Toadlet and Common Eastern Froglet were recorded in gullies and under leaf litter. Roadside records include the Rocket Frog and Eastern Sign-bearing Frog.

The site supports large woody debris and has small scattered rock outcrops. Piles of timber have been created through establishment of trails through the area, particularly in the southern end of the site. These features provide habitat for ground-dwelling mammals.



Tall vegetation immediately abuts residential development in the immediate vicinity.



Open space in South West Rocks is dominated by large shaded tree spaces.

2.5 DEVELOPMENT ALTERNATIVES

The subject site was examined from a variety of perspectives and a range of development options were investigated. Those options included:

Develop the 2(a) zoned land option

At present, over a third of the land is currently zoned for residential purposes. The original zone line is best illustrated in **Plan 1.4**. Applications for the development of part of this residential zoned land (Lots 31 and 223) have been consented to previously by Kempsey Shire Council (refer **Section 2.2** of this EA above). Conceivably then, a residential development which abided by Kempsey Shire Council's existing zoning provisions could have been explored.

The origin of the existing zone line is difficult to determine as it has no regard to any physical characteristics of the land. The zone demarcation does not facilitate an optimal layout in terms of urban planning for the locality, nor does it appear to have regard to local ecology or other environmental characteristics.

The current concept plan proposes to reduce the area of land zoned for residential purposes, to re-align the zoning demarcation to account for the site's physical constraints, and to facilitate a more responsive development which integrates with adjoining residential neighbourhoods and retains the integrity of the primary habitat components as a contiguous land area.

No distributor road option

Consultation with Kempsey Shire Council during the Preliminary Environmental Assessment requested a justification for the establishment of the distributor road ultimately linking Steve Eagleton Drive to the New Entrance residential precinct.

Consideration was given to an alternative subdivision layout which did not incorporate this distributor road.

However, it was thought that this possible future distributor road serves as an obvious access linkage for not only the proposed concept, but the greater township itself. The New Entrance area is currently isolated and would benefit significantly by the long-term establishment of a second distributor road to George Young Drive in the north.

The distributor road has been identified in Kempsey Shire Council's original growth strategy documents for South West Rocks. Further, the Belle O'Connor, Steve Eagleton Drive and Gregory Street



Further example of open space in South West Rocks characterised by heavy canopy cover.

intersection was constructed to an appropriate standard in anticipation of the distributor road's establishment.

The submitted proposal provides for the dedication of a road reserve traversing the site westward of the main subdivision. This road reserve is not intended to be constructed as part of the overall concept, merely dedicated.

No development option

The "no development" option has been considered, but discounted both by the specialist team investigating the site's potential, and by the land-owners. The site's existing residential and investigation zonings, its identification in Kempsey Shire Council's future growth strategies, its identification in the Mid North Coast Regional Strategy, and the previous consents issued by Kempsey Shire Council for both Lot 223 and Lot 57's subdivision all establish an expectation of this land's development for residential purposes.

3. CONCEPT PLAN DESCRIPTION

This section describes the subdivision and BioBanking proposals. In addition matters associated with zoning alterations are canvassed having regard to good site planning practice, bushfire management and traffic management considerations.

3.1 SUBDIVISION PARTICULARS

The development for which Concept Plan approval is sought consists of a number of project elements designed for the purpose of creating a residential subdivision over the site.

In summary, this EA addresses a proposal to:

- 1 Re-align the present 2(a) and 1(d) zone boundaries to more appropriately reflect the inherent constraints and opportunities that the site presents;
- 2 Gain Concept Approval for a subdivision project which includes the creation of 154 Torrens title residential allotments, 2 rural lots; an extension of local roads and infrastructure to service the subdivision and the provision of a variety of open space parcels; and
- 3 Provide for a robust environmental offset for vegetation removal in accordance with the NSW State Government Biodiversity Banking and offset scheme (BioBanking).



A range of lot sizes are proposed to suit a broad cross section of households.



Existing vegetation is proposed to be integrated into the subdivision for open space purposes.

Notable components of the project subdivision itself include:

- Extension of Trevor Judd Avenue to provide vehicular access to the land;
- Acoustic landscape treatment along the eastern edge of the site within the Gregory Street road reserve;
- Landscaping/street tree planting within all road reserves;
- Footpath and cycleway connections;
- Establishment of APZs along the western edge and southern of the subdivision footprint;
- Extension of Steve Eagleton Drive road reserve to connect with Keith Andrews Avenue;
- Retention of ridge-line vegetation views within open space to be dedicated to Council;
- Establishment of drainage;
- Delineation of separately developable parcels along existing ownership boundaries to facilitate future staged construction.

Plan 3.1 shows a subdivision layout plan of the concept approval being sought.

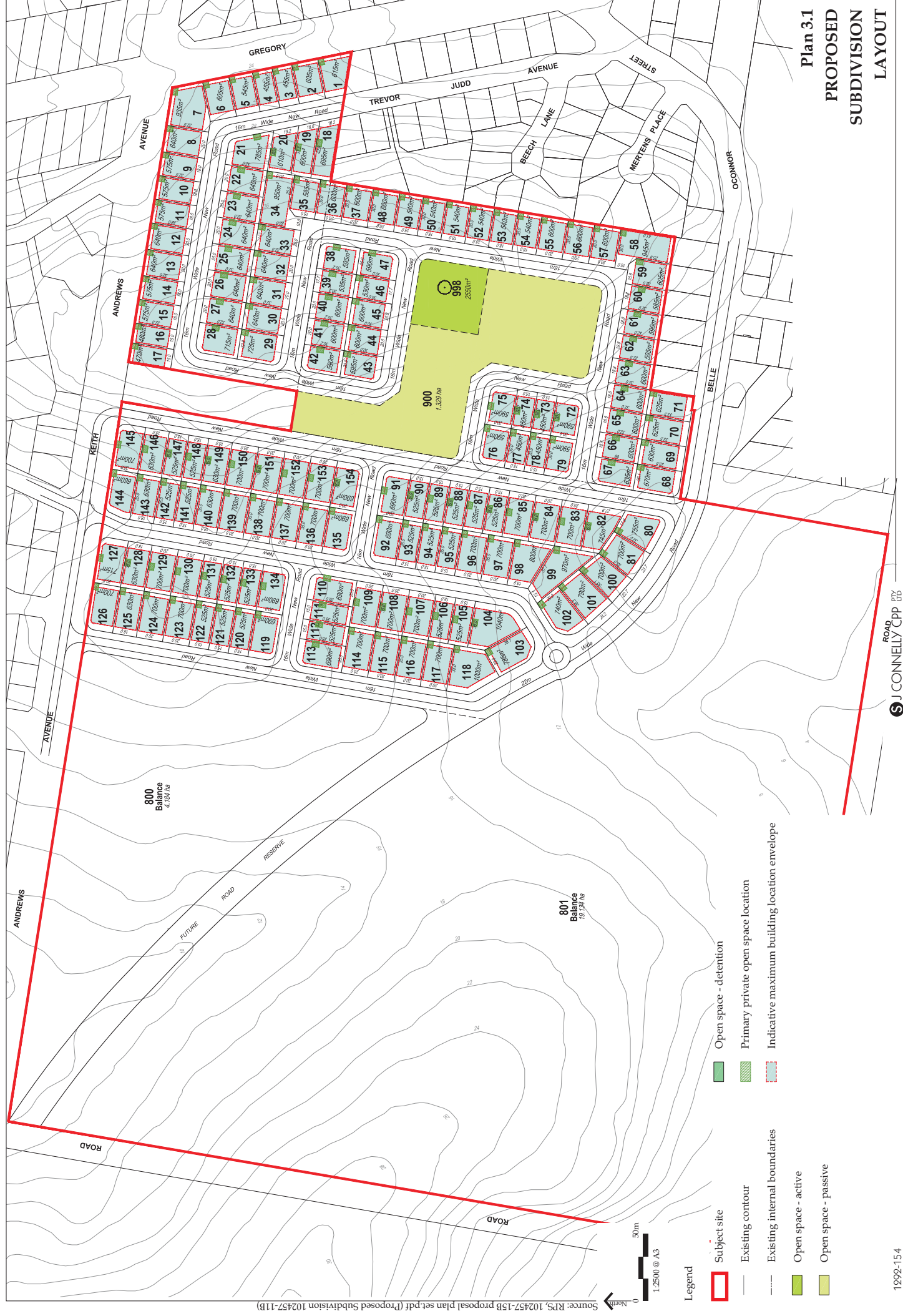


TABLE 3.1 LAND USE BUDGET

Land Element	ha	%
Site area	40	100%
Residential lots	9.9	24.7%
Roads	5.3	13.3%
Open space	1.6	4.0%
Balance Rural lots	23.2	47.8%

The varied allotment sizes and orientations are expected to provide for a varied social mix. The variety of “courtyard” and “traditional” allotments, including “premium” variations are illustrated in the concept plan, and will provide for a range of future housing opportunities in accordance with Council policy.

TABLE 3.2 PROPOSED MIX OF LOT SIZES

Total No. of residential allotments	15
Courtyard allotments 445 – 499m ²	4
Premium courtyard allotments 500 – 599m ²	8
Traditional allotments 600 - 699 m ²	48
Premium traditional allotments 700 m ² +	54
Balance Rural lots	44
	2

All lots can be serviced by existing infrastructure with augmentation as necessary. All local infrastructure has been designed to the standards necessary to accommodate this anticipated development which is identified in Council’s local DCPs and DSPs.

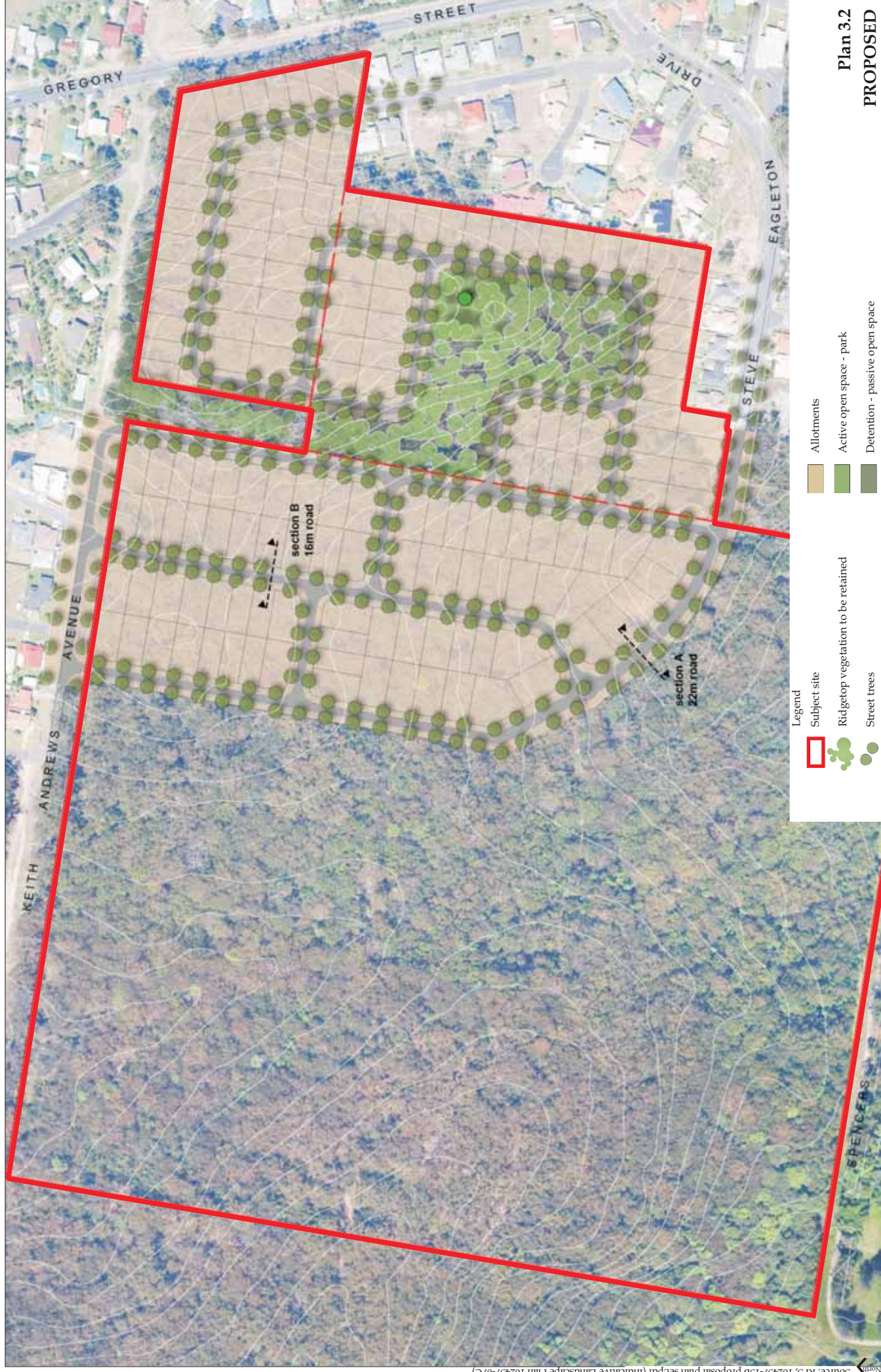
3.2 BIOBANKING PROPOSALS

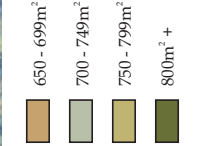
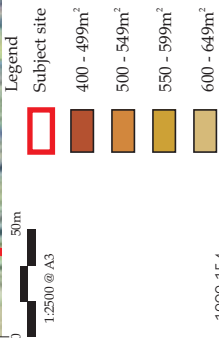
This development proposal will apply the BioBanking Assessment Methodology and use the BioBanking credit calculator to determine the number of biodiversity credits required.

The Threatened Species Conservation (Biodiversity Banking) Regulation 2008 requires that this assessment be conducted by a person who is accredited (in accordance with s. 142B(1)(c) of the Threatened Species Conservation Act) to use the methodology and the credit calculator to obtain a BioBanking agreement or a BioBanking statement.



Utility services are available to meet the needs of the subject site and project.





Plan 3.3
ALLOTMENT
SIZE
PLAN

The Applicant has engaged Mr Peter Parker of Peter Parker Environmental Consultants Pty Ltd who has been accredited for this purpose. Mr Parker has undertaken site inspections, field surveys and has provided advice to the Applicants with respect to their obligations under this scheme. The BioBanking Credit report issued by Mr Parker is discussed in **Section 5.9** of this EA, and all ecological investigations as required under the BioBanking Assessment methodology are annexed as a CD in the **Technical Paper B1**.

3.3 ZONING CONSIDERATIONS

The land's current zoning demarcation between residential and urban investigation has no regard to environmental factors. The present zoning maps are represented in **Plan 1.4** and show a subjective zone line dividing the existing residential zoned land from the future urban investigation areas within the project site. The boundary is not aligned to any definable environmental factor or criteria.

This concept application entails a zoning re-alignment in order to establish a more appropriate urban form, integrating with the existing footprint of the South West Rocks Township. The site at present is split, zoned 2(a) Residential and 1(d) Investigation, of which 11.6 ha is zoned residential. Under the concept plan application it is intended that 9.41 ha of 2(a) zoned land will be conserved (as 7(a) and 1(d) zones) and 1.61 ha will convert to a residential zone. This provides a net reduction of residential zoned land by 7.8 ha.

This re-alignment has had regard to the site's inherent opportunities and constraints, specifically those relating to site planning, bushfire management and traffic, which are commented on briefly below:

Good site Planning Practice

The appropriate approach to master planning for subdivision projects this size is described in the NSW Government Coastal Design Guidelines. Because of its size and character South West Rocks is characterised as a "coastal town" under the Guidelines. The development of subdivision form based on clear and legible street hierarchy and using a traditional pattern is consistent with the realignment of the zoning boundaries proposed by this application.

Bushfire Management

The land has a risk in terms of bushfire hazard. In addition to necessary management of bushfire hazard for future development in this concept, the present undeveloped site poses a significant risk to established residential land in South West Rocks.



The road network, particularly collector road network, is well developed in the South West Rocks village.

The aerial image in **Plan 1.3** illustrates how the vegetation within the subject site abuts, and intrudes into the existing residential footprint of South West Rocks Township. The owners of Lot 223 have been ordered on previous occasions to manage fuel-loads within their site for the protection of existing residents of Trevor Judd Avenue.

In its undeveloped state, the site poses a significant hazard to residential properties. The intended zone swap specifically addresses this issue. It will enable the control and management of bushfire hazards impacting on existing residential lands, and provides for a manageable buffer to future development within the concept.

A bushfire hazard assessment of portions of the site was undertaken by Northern NSW Forestry Services in 2003 and 2007. More recent site investigations have been undertaken by Barry Eadie. The findings and recommendations of the recent investigations are addressed in **Section 5.6** of this EA, with a full copy of Mr Eadie's the hazard assessment contained in the **Technical Paper E** folder.

Traffic Management

The site has frontage to four constructed public roads being Gregory Street, Keith Andrews Avenue, Steve Eagleton Drive and Trevor Judd Avenue.

The intended zone boundary line partly follows the alignment of the future Western Distributor, previously identified by Council in its strategic plans for South West Rocks' future growth (refer DCP 9 commented on in **Section 4.8** of this report).

This road reserve could, in the future, link the established neighbourhoods of western South West Rocks.

A Traffic Impact Study of the proposed residential development has been undertaken by RoadNet Pty Ltd.

The findings and recommendations of the recent investigations are addressed in **Section 5.5**, with a full copy of the Traffic Impact Study contained in the **Technical Paper C** folder.



Another example of open space in South West Rocks with a large amount of tree cover.



In South West Rocks it is common for developers to leave scattered tree growth on developed lots.

4. THE TOWN PLANNING FRAMEWORK

A variety of policies, guidelines statutory instruments and acts apply to any development proposal. This section of the EA describes the strategic planning context of the application; directions relevant to LEP Amendment made under Section 117 of the Act as well as Commonwealth and State Government legislation/Planning Instruments. In addition this section sets out the requirements of the Kempsey Local Environmental Plan and Development Control Plans made under that Instrument.

4.1 STRATEGIC CONTEXT

There are four strategic documents of particular relevance to the site, including the:

- Mid North Coast Regional Strategy;
- Kempsey Residential Land Release Strategy;
- Kempsey Shire Ecologically Sustainable Development Strategy (ESD Strategy); and
- Northern Rivers Catchment Management Plan.

As the project also requires a minor re-zoning to most effectively establish a logical urban & environmental footprint, the Minister's Section 117 Directions are also relevant.

These documents are addressed below.

4.1.1 MID NORTH COAST REGIONAL STRATEGY (REGIONAL STRATEGY)

In March 2009 the Minister for Planning released the Mid North Coast Regional Strategy. The purpose of the Strategy is to provide planning policy guidance for the sustainable development of the Mid North Coast region over the next 25 years.

One of the key actions of the Regional Strategy enables the Department and Council to define growth areas to address land supply needs for the next 25 years. To this end, the Department has identified areas that will be available for future urban development. The mapped areas have been identified for their ability to deliver a desirable future growth pattern, in keeping with the settlement planning principles outlined in the Regional Strategy, and are shown on Growth Area Maps.

These Growth Area Maps are designed to guide local planning. Local councils will only be able to identify land for settlement if it falls within one of the growth areas shown on these maps or if it meets the Regional Strategy's sustainability criteria.



South West Rocks has a very strong relationship with the ocean.



Extract from the Mid North Coast Regional Strategy Growth Area Map.

Much of the subject land is already zoned 2(a) Residential under Kempsey Local Environmental Plan 1987 (refer **Plan 1.4** above) and is mapped as “existing urban footprint”. The 1(d) Rural (Investigation) zoned portion of the site is included within the identified Growth Area, and is described as a “Proposed Future Urban Release Area”.

4.1.2 KEMPSEY RESIDENTIAL LAND RELEASE STRATEGY

The 1997 Residential Land Release Strategy suggests that by 2016 the population of South West Rocks and Environs (South West Rocks, Arakoon and Jerseyville) would be 7500. This estimate assumed a gradual decline in population, which was anticipated by the Department at the time of the Strategy’s adoption. More recent forecasts see a steady increase in the short term, which project a population closer to 9000 by 2016.

Advice received from Kempsey Shire Council during consultation on the Preliminary Environmental Assessment suggested that these figures do not account for any constraints that may exist for the supply of land to meet those projections. This is acknowledged as the specialist investigations undertaken to accompany this EA have identified such constraints.

This does not diminish however, the need for growth and urban release within South West Rocks where it can be demonstrated that impacts to the physical and social environment are manageable. This EA demonstrates that the intended concept plan of subdivision is sustainable.

The original Kempsey Residential Land Release Strategy document was aiming to guide and direct future land use decisions in an integrated and orderly manner, and to ensure that future growth is accommodated within environmentally suitable lands which are able to be economically serviced. The study site is identified as “SW4” of the Land Release Strategy, which even when discounting 30% land area due to slope constraints, an estimated yield of 218 lots from this area.

The intended re-distribution of zonings within the project area and subsequent subdivision concepts have responded directly to the site’s opportunities. The project facilitates the realisation of the Residential Land Release Strategy’s goals for the future development of South West Rocks township, and the intended project catering for 154 residential allotments is consistent with the objectives of this strategy, and thus the Mid North Coast Regional Strategy.



The design has been carefully planned to ensure minimum erosion.

4.1.3 KEMPSEY SHIRE ECOLOGICALLY SUSTAINABLE DEVELOPMENT STRATEGY (ESD STRATEGY)

The Kempsey Shire Ecologically Sustainable Development Strategy (ESD Strategy) was adopted in June 2007. It contains a range of objectives intended to meet the 4 accepted principles that form the basis of sustainability, including the Precautionary Principle, Intergenerational Equity, Protection Biodiversity and Improved Valuation.

The project has taken into consideration key issues related to the Shire's core values, likely environmental, social, economic impacts and community expectations. The project addresses these aims in **Section 6** of this EA.

4.1.4 NORTHERN RIVERS CATCHMENT MANAGEMENT PLAN

The Northern Rivers Catchment Action Plan applies to the subject site. The Action Plan's priority is to guide natural resource management outcomes by identifying long term directions to address issues that could adversely impact on the catchment and establish directions for rehabilitation and environmental repair of natural resources that are under stress. The Settlers Ridge Concept Plan is consistent with the targets outlined in the Northern Rivers Catchment Management Plan. Management of habitat impacts has been enhanced for sites like Settlers Ridge through the use of the BioBanking legislation. Under BioBanking conservation offsets apply in perpetuity. Measures are proposed within the development to ensure no adverse impacts as a consequence via use of best practice soil and water management measures.

4.2 SECTION 117 DIRECTIONS

Existing zone boundaries across the parent parcel are irregular and do not respond to natural topographical or environmental features (refer **Plan 1.4**).

Accordingly, the project incorporates a rezoning of the parent parcel, and hence this Environmental Assessment has had regard to the Minister's Directions under S.117 of relevance to the project.

Direction 1.2 Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

As evidenced by the site context, site analysis and specialist environmental investigations contained in the **Technical Papers**, this site possesses no agricultural value despite its part 1(d) Rural (Investigation) zoning.

The removal of the 1(d) zoning is now appropriate and will have no impact on areas of regionally or locally significant farmland, nor compromise the agricultural productivity of the Macleay Valley.



View of the oceanscape in South West Rocks.

Direction 1.5 Rural Lands

The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,
- (b) facilitate the orderly and economic development of rural lands for rural and related purposes.

As highlighted in the comments regarding S.117 Direction 1.2, this site possesses no agricultural value despite its part 1(d) zoning. There are no rural purposes for which the 1(d) zoned portion of the land could viably sustain.

Direction 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

The site is currently zoned part 2(a) Residential and part 1(d) Rural. The boundary line dividing the two land-use zones is completely arbitrary and has no regard to local topography, or other environmental factors.

The specialist reports contained in the **Technical Papers** folder have identified areas of the site which possess environmental sensitivity. These comprise the lower-lying and heavily vegetated lands in the south-west of the study area.

Direction 2.2 Coastal Protection

The objective of this direction is to implement the principles in the NSW Coastal Policy.

This document is discussed in more detail within **Section 4.4** of this EA. In summary however, the proposal offers no items that are

inconsistent with, or would compromise the objectives of the NSW Coastal Policy.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The cultural heritage consultations and scientific investigations are discussed in **Section 5.8** of this EA, with the full report contained in the **Technical Paper F**.

These investigations and consultations revealed no potential impacts on individual items of cultural heritage, subject to the appropriate management and protection of a scarred tree located in the site's east. The concept plan has accommodated this recommendation.

Equally importantly, the cultural heritage consultations revealed no instances where the indigenous culture of the locality or local indigenous community would be compromised by the Project.

Direction 3.1 Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

The subdivision concept incorporates a range of lot types; topographies, aspects and lot orientations to contribute positively to housing choice options for the South West Rocks township. Lot sizes are reflective of current and likely future market trends.

All existing local infrastructure has been designed in anticipation of this land's development. This includes the water/sewer services, local road networks, public transport and road intersections, as well as drainage, electricity and Telstra services.

And as explained in more details within Section 5 of this EA, the specialist studies have guided the site design process such that it responds positively to the locality's opportunities and constraints. The potential impact on the local environmental lands has been thus minimised accordingly.

Direction 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) increasing the choice of available transport and reducing dependence on cars, and
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

This subdivision project serves as the logical and missing linkage between the old and new urban settlements of South West Rocks. At present, the site is used informally by residents in the Keith Andrews Avenue region to access the southern shopping centre known as "The Rocks Shopping Fair". There are no footpaths on the western side of Gregory Street, and so a well-work track exists on Lot 223 created by the significant daily pedestrian movements.

The subdivision will not only establish desired pedestrian links, but serves to integrate the existing road traffic networks to the north and south of the site. Internal road access has been designed to Council and Austroads standards and will provide connections to adjoining residential neighbourhoods. This facilitates greater connectivity for the community, while also establishing connected linkages for bus services, essential services operators and emergency vehicles.

The subdivision also serves to establish the long-planned north-west link road connecting Steve Eagleton Drive to the "New Entrance" residential precinct. This will significantly improve travel times for residents of the New Entrance locality.



Comprehensive site analysis work has been completed to assist in the preparation of the subdivision design.



A further example of open space with strong visual elements provided by the retention of existing trees.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The site's propensity for bushfire attack was investigated by Barry Eadie Consulting and the results of this investigation are contained in the **Technical Papers** folder at Section E.

In summary the potential bushfire hazard has largely guided the design of the subdivision project, which consolidates residential development to the north-east of the site thereby integrating with existing and adjoining residential lands.

At present, the undeveloped land poses a significant bushfire risk to the existing township of South West Rocks. The vegetation which remains on all 3 existing lots making up the subject site presents a significant hazard to established residential homes in Trevor Judd Avenue, Beech Lane, Mertens Place, Steve Eagleton Drive and those properties immediately north of Keith Andrews Avenue.

By establishing a managed perimeter road in the extension of Steve Eagleton Drive, and a controlled residential environment to the north and east of this fire break, the site will integrate with adjoining residential parcels and provide a safe and amenable environment for future residents.

Direction 5.1 Implementation of Regional Strategies

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

This project responds directly to the earlier land-use strategy planning for the South West Rocks township produced by Kempsey Shire Council in which this land was zoned 1(d) Rural (Investigation). This zoning's purpose was to determine the suitability of this land for urban purposes to cater for the expected population growth of the township.



The Part 3A process requires rigorous site analysis to be undertaken.



A existing village open space environment.

This was reinforced by the recently produced Mid North Coast Regional Strategy which identified this land as largely “existing urban footprint” for the 2(a) zoned part and the 1(d) lands mapped as “Proposed Future Urban Release Area”.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this direction are:

- (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Of relevance to this project, the subdivision design has incorporated a number of parcels suitable for dedication to Kempsey Shire Council as open space and drainage reserve. The reserves are appropriately located according to the subdivision design responding to the site’s opportunities and constraints.

All public infrastructure required to service the subdivision has been retained within public roadways or associated reserves for transfer to public ownership upon registration of the subdivision.

4.3 COMMONWEALTH LEGISLATION

The Commonwealth legislation relevant to development of the subject site is the Environmental Protection and Biodiversity Conservation Act 1999. This Act provides that any action which “*has, will have or is likely to have significant impact on a matter of national environmental significance*” may not be undertaken without the prior approval of the Commonwealth Minister for the Environment and Heritage.

Administrative guidelines published in relation to the Act set out criteria to assist in determining whether an action requires approval. A search of the online database has revealed that the site is not located within a World Heritage area, nor a Commonwealth Marine Park.

The proposal does not involve detrimental activities of the kind treated by the Act in relation to ecological communities, threatened species, migratory species or listed marine species. Accordingly, referral to the Commonwealth Minister is not required.

4.4 STATE STATUTORY PLANNING CONTEXT

4.4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 OBJECTIVES

In a more general sense, it is submitted that the project is consistent with the objects of Section 5 the Environmental Planning & Assessment Act 1979 which are:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

In this regard, and after consideration of the specialist investigations undertaken to address the DGRs, it is considered that:

- The concept plan provides for a co-ordinated and integrated development of residential zoned land, and land identified for the future growth of South West Rocks and the Kempsey Shire;
- All necessary infrastructure, communications and essential services for the proposed residential community have either been established previously &/or can be readily augmented to service the concept plan;

- Proposed road networks and access linkages are appropriate to the scale of the residential development proposed, and integrate with the surrounding residential neighbourhoods which pre-establish the character of the locality;
- The intended realignment of the current zone boundaries, retention of significant vegetation and land of habitat value, and establishment of an integrated residential neighbourhood creates a positive environment, and will represent a successful outcome in terms of the future social and economic welfare of the South West Rocks community.

4.4.2 PART 3A

Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act) which continues to apply to this project¹ and establishes those matters which are to be taken into account in the preparation, lodgement, assessment and determination of this Project. This Environmental Assessment responds directly to the statutory expectations of Part 3A of the Act.

4.4.3 NSW COASTAL POLICY (COASTAL POLICY)

Table 2 of the Coastal Policy provides a list of matters which should be considered in the assessment of development applications. The majority of these matters are not applicable to the proposed development for various reasons (i.e. the nature of the proposed development, the location of the site). Those of relevance to the project are addressed below:



Typical beach scene from the South West Rocks locality.

TABLE 4.1 COASTAL POLICY REVIEW

Natural Environment
There are no areas of the site which possess high marine or estuarine conservation values.
There are no coastal wetlands, mangrove environments within proximity of the site.
The site does not adjoin any areas of National Park.
The project will not influence, nor compromise the effectiveness of any marine parks, National Park, regional open space corridors or other areas of high sensitivity.
The assessment of the site under the BioBanking methodology has determined an appropriate credit relevant to the offset necessary to compensate for the anticipated vegetation loss. Details are contained in the Section B of the Technical Papers accompanying this Project application.
Natural Processes & Climate Change
The site is not flood-prone, nor in proximity to marginal areas of localised flooding that may

¹ On 13 May 2011 the Government announced which project would be maintained under the Part 3A regime. The Settlers Ridge project is identified as one to continue under the Part 3A umbrella.

otherwise be affected by potential climate change influences.
The management of the site, and its design has responded directly to the bushfire hazard identification and site investigations. This investigation has made various recommendations which are conservative to account for potential increases in bushfire occurrences as a result of future climate change.
Aesthetic Qualities
The site incorporates a ridge-line which establishes 2 distinct eastern and western visual catchments. This vegetated ridgeline has itself been retained to act as a back-drop to the residential development.
The re-alignment of the existing zone boundary better integrates the proposed development with established residential neighbourhoods to the north and south, thereby creating a co-ordinated spatial pattern of residential development.
Cultural Heritage
Aboriginal community consultation was conducted in accordance with Aboriginal Cultural Heritage Consultation Requirements and in accordance with Part 3A of the Environmental Planning and Assessment Act 1979. The ten stakeholder groups identified in Stage 1 were forwarded letters regarding the project, but there were no responses to the request for comment on that methodology.
A desktop survey of previous research, historic and ethnographic records revealed that there are no Aboriginal sites recorded in it.
An archaeological survey of the study area was conducted on 30 March 2011 in conjunction with representatives of Kempsey Local Aboriginal Land Council. One site, a scarred tree recorded was found during that survey.
The concept plan of subdivision has responded to the identification of this one item and has retained it.
Ecologically Sustainable Use of Resources
The project has no detrimental impact on natural mineral resources, nor on established aquaculture industries in the region.
Localised stormwater and water quality management practices will be employed having regard to Sensitive Urban Design principles in the design process.
Ecologically Sustainable Human Settlement
The realignment of the zone boundary line has specific regard to the appropriate demarcation of sensitive environmental lands from those portions of the site which are located on the urban fringe, and which integrate with existing residential development.
The intended urban development is consistent with the forecasts and projected urban release strategies contained in the Mid North Coast Regional Strategy and Kempsey's Residential Land Release Strategy
Public Access and Use
The site's development does not hinder or otherwise restrict access to any existing areas of public domain in the locality.
Areas of public open space have been incorporated into the concept subdivision design for the benefit of existing and future residents in the locality.
The project aims to increase accessibility for both existing and future residents to neighbouring commercial, medical and community services in the locality. Road access has been designed to accommodate pedestrian footpaths, and can cater for future bus access.

4.4.4 COASTAL DESIGN GUIDELINES

The Coastal Design Guidelines suggest design considerations based on the size of the urban area by reference to a hierarchy of settlements described in the guidelines. Because of its size existing facilities and services, South West Rocks is characterised as a “coastal town”. The guidelines provide that coastal towns are intended to accommodate growth predominantly within their urban boundaries without compromising ecosystem functions and biodiversity values.

The Settlers Ridge site is located within land identified for long term urban purposes and seeks to adopt a subdivision pattern based on a clear and legible street hierarchy laid out in a traditional pattern.

Given the character and nature of development in the immediate vicinity it is not proposed to adopt developer “design guidelines” to codify the form of housing that may be erected within the Settlers Ridge estate. The established guidelines adopted in Council’s DCPs and the flexibility provided by the variety of lot sizes/orientation will enable this “infill” growth area to develop as per market demand, and in a form consistent with the character of the existing township.



The lot sizes have been designed to integrate as part of a typical “coastal town”.

4.4.5 WORKING AND LIVING IN RURAL AREAS

The Living and Working in Rural Areas document is a style of handbook relating to the management of urban/rural interface of conflict issues. The document opines that rural use conflicts generally occur at the urban edge associated with rural activity. In this instance, a large rural parcel is to be retained for its ecological values and will not support any direct agricultural, productive or other rural “activity” other than in a conservation sense.

The subject design provides a clear, yet discreet interface between residential development and that rural land. The concept plan adopts sound planning practices to ensure that long term conflicts do not arise accordingly.

4.5 STATE ENVIRONMENTAL PLANNING POLICIES

4.5.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

SEPP 71 aims to further the implementations of the Government’s Coastal Policy by considering a range of coastal-sensitive issues at a statutory level. To achieve these aims, SEPP 71 sets out a range of matters which are required to be taken into account by the consent authority when it determines an application to carry out development on land to which the SEPP applies.

Part 4 of SEPP 71 applies to all development undertaken within the NSW Coastal Zone, and establishes provisions relevant to Development Control under the Environmental Planning and Assessment Act 1979. These Clauses are briefly commented on below:

Clause 13 – There are no proposals to seek a flexible interpretation of neighbouring zone boundaries in this project application.

Clause 14 – The proposal does not impede, diminish or otherwise obstruct any existing public access opportunities along the coastal foreshore.

Clause 16 – A preliminary surface and stormwater strategy has been developed for the subdivision design and is reflected in the concept plan of subdivision at **Plan 3.1** above.

The concept is considered to meet the objectives of SEPP 71 in that:

- The project integrates these three key development sites with established residential infrastructure;
- The project enables the retention of key near ridgeline vegetation to maintain the area's scenic attributes;
- The project enables the conservation of a significant area of native vegetation which links with neighbouring habitat in the locality;
- The project adopts a variety of lot sizes to promote a range of future housing types;
- The project serves to rationalise an arbitrary land-use zoning anomaly and provide for a more logical and responsible urban footprint.



It is not uncommon for Kangaroos to feed in the urban area of the village.

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY - INFRASTRUCTURE

The project does not involve, nor compromise any item of infrastructure of State or Regional priority, but will serve to augment existing local infrastructure and essential services.

Kempsey Shire Council and Macleay Water were consulted during the Preliminary Environmental Assessment phase and have provided comment in relation to necessary public infrastructure issues relevant to this site. The Civil Engineering Report contained in the Section D of the **Technical Papers** addresses those issues.

4.5.3 STATE ENVIRONMENTAL PLANNING POLICY - KOALA HABITAT

This SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) *by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) *by encouraging the identification of areas of core koala habitat, and*
- (c) *by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

Site surveys undertaken to detect the presence of Koalas determined the site is not Core Koala Habitat as defined by SEPP 44 given the lack of any evidence of Koalas on the site from this and previous surveys. Moreover, the very low incidence of Koala records in the South West Rocks locality generally confirms these findings.

The results of the site's core koala habitat assessment are contained in the **Technical Paper B3**.

4.5.4 STATE ENVIRONMENTAL PLANNING POLICY – MAJOR DEVELOPMENT

Pursuant to Clause 6 of State Environmental Planning Policy (Major Projects) 2005, the proposed residential subdivision was designated to be a Part 3A project as the land is located within the NSW Coastal Zone and development of more than 100 lots was proposed.

This Environmental Assessment has been prepared in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Regulation as they relate to the provisions of this SEPP (Major Development).

4.5.5 STATE ENVIRONMENTAL PLANNING POLICY – 55 CONTAMINATED LAND (SEPP 55)

SEPP 55 integrates land contamination management into the planning and development control process to ensure that changes of land use will not increase the risk to health or the environment; avoid inappropriate restrictions on land use and to provide information to support decision making and to inform the community.

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence



The beachscape of South West Rocks is one of its key features.

purposes. The projects Geotechnical consultant have completed and initial assessment which indicates that the land is quite unlikely to be contaminated and have opined that further enquiry is not warranted. That study is contained published in Section G of the **Technical Papers** accompanying this EA.

4.5.6 NORTH COAST REGIONAL ENVIRONMENTAL PLAN (REP)

The REP (now a deemed State Environmental Planning Policy) includes provisions relating to development control in a number of circumstances. Clauses of the REP that are relevant to the Project include 29A, 32B, 43 and 66.

Clause 29A provides that a consent authority must not grant consent to the clearing of natural vegetation in environmental protection zones unless it is satisfied that wildlife habitats and scenery will not be adversely affected. While the site contains no environmental zonings, it is recognised that vegetation loss will be examined in more detail in the Environmental Assessment to be lodged with the Project Application.

Clause 32B applies to land to which the NSW Coastal Policy applies and requires Council to take into account:

- (a) The NSW Coast Government Policy;
- (b) The Coastline Management Manual; and
- (c) The North Coast: Design Guidelines.

Clause 43 Development control – residential development

The development serves to efficiently maximise the residential potential of the site in accordance with Kempsey Shire Council's objectives for the urban expansion of South West Rocks.

Clause 66 Development control – adequacy of community and welfare services

The site is located within 300m of a newly constructed community centre adjacent to, and associated with "The Rocks" Shopping Fair. This centre was established to cater for the expanding southern residential area of the village.

Kempsey Shire Council has adopted a comprehensive Section 94 Contributions Plan for South West Rocks. This plan caters for a future works program of additional public services and infrastructure, which incorporates community facility needs.



The beachscape of South West Rocks is one of its key features.

4.6 LOCAL ENVIRONMENTAL PLANS

Kempsey Local Environmental Plan 1987 (KLEP 1987)

Under KLEP 1987 the land is zoned part 2(a) Residential and part 1(d) Rural (Investigation), as shown in **Plan 1.4** above. The entirety of both Lots 223 and 57 are zoned 2(a) Residential. Approximately 1/3 of Lot 31 is presently zoned 2(a). The remainder of the site is zoned 1(d) Rural (Investigation).

At its extremity's, the 2(a) Residential zone boundary roughly lines up with the general zone pattern of the "old" town of South West Rocks to the north, and recent residential development to the south. Part of the western zone boundary was originally located to reflect the planned, but as yet still unformed, collector road linking the "Spencerville" district with the "New Entrance" residential area to the north-west of the site.

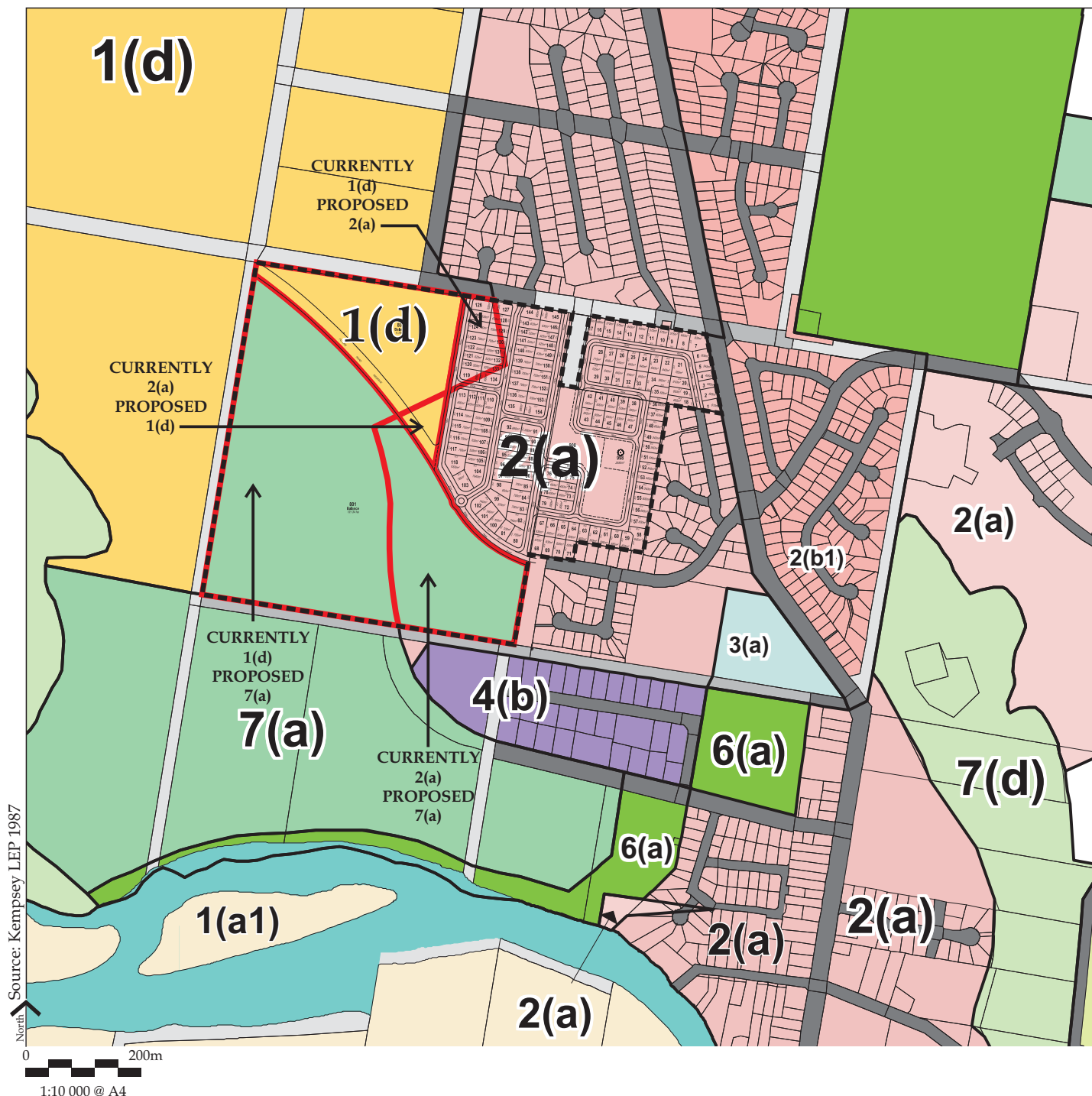
However, the zone boundary is otherwise arbitrary and has no apparent regard to existing topography or other environmental factors. The proposed concept aims to rationalise the zoning imbalance between the rural and residential zoned areas of the site. Rather than the subjective zone boundary which exists at present, the intended zone realignment responds to the site's topography and existing vegetation communities, encouraging a more realistic urban footprint which responds directly to these values. This adjusted zoning is shown in **Plan 4.1**.

Overall, the requested zoning budget results in a total net "loss" of 4.55ha of residential zoned land.

The more logical zone boundary re-alignment establishes a clear demarcation between areas of bushfire hazard and ecological values from the appropriate developable land.

Development Controls

The proposed development constitutes the "subdivision of land" which is permissible in each zone, but is subject to the provisions of Clause 16 of this LEP (discussed below).



Legend

	Subject site		3(a) Business (General) "A" Zone
	1(a1) Rural "A1" Zone		4(b) Light Industrial "B"
	1(d) Rural (Investigation) "D" Zone		6(a) Open Space "A" Zone
	2(a) Residential "A" Zone		7(a) Wetlands Protection Zone
	2(b1) Residential "B1" Zone		7(b) Habitat Protection Zone
			7(d) Scenic Protection Zone

Plan 4.1
ZONING
AMENDMENT
PLAN

The following clauses of the Kempsey LEP are relevant to the consideration of this Application:

Clause 13 – Subdivision connection of water supply

Reticulated mains water supply is available to the land and discussions with Kempsey Council and Macleay Water officers indicate that all lots can be serviced to Council's standard.

Clause 14 – connection to sewerage system

The land is able to be connected to the South West Rocks sewerage system. The sewer currently extends to the property at Trevor Judd Avenue, and at the western extension of Steve Eagleton Drive.

Clause 15 – frontage to arterial road

Gregory Street is not defined as an 'arterial road' in the LEP. However in response to its role as the primary access route into South West Rocks, and having regard to local topography and residential amenity considerations, all adjacent lots propose internal access off the extension to Trevor Judd Avenue.

This is in accordance with the advice received during our consultations with both KSC and the RTA.

Clause 16 – Subdivision minimum lot sizes

The minimum lot size for land within Zone 2(a) is 0.05 ha (500m²). The average subdivision lot size is in fact well in excess of this minimum at approximately 632m², with lot sizes proposed ranging from 445m² up to 990m².

I contend that the variety of housing choice facilitated by the range in lot sizes is of greater benefit to the South West Rocks community than a strict compliance with the LEP's existing 500m² lot size standard. The range in lot sizes is more consistent with current market trends, and provides greater flexibility in providing housing choice for future residents.

There are no other provisions in the Kempsey LEP that directly relate to this residential subdivision, the subject site or otherwise that require comment.



Tall trees integrated with the built-form in and around the South West Rocks village.

4.7 DRAFT LOCAL ENVIRONMENTAL PLANS

There are no current LEP amendments which would be of relevance to this Project. If the concept proposal is approved it is anticipated that a future amendment to Kempsey LEP 1987 will be completed

with the requisite re-zoning of the 1(d) Rural (Investigation) and 2(a) zones as per the attached zone detail in **Plan 4.1**.

4.8 DEVELOPMENT CONTROL PLANS

4.8.1 SOUTH WEST ROCKS AND SPENCERVILLE – DCP No.9

To manage development in this locality, Kempsey Shire Council adopted the South West Rocks and Spencerville DCP shortly after gazettal of the Kempsey Local Environmental Plan 1987.

While dated, this DCP is still the principal local guiding plan for development within the Spencerville locality, centred on this study site. The DCP establishes economic, social and environmental sustainability objectives for the locality.

The objectives of the Plan are:

- 1. To facilitate the orderly and efficient development of the land for urban purposes in accordance with the environment constraints and the adopted Urban Release Strategy for the whole of South West Rocks.*
- 2. To locate and provide for the necessary joint construction funding of a major distributor road.*
- 3. To locate and provide for the necessary joint funding of a major active sporting area.*
- 4. To locate a Light Industrial and Business Area.*
- 5. To establish service road pattern to make best possible use of existing land form, vegetation and drainage.*

In particular, it identifies the location of the proposed Western Distributor which has been incorporated into our concept plan. The DCP states:

“There is a long term need for a further western distributor road which will have to start at Spencerville and run west and northwest to the future Town Centre and School and onto the New Entrance area.”

The DCP requires proponents of development to be consistent with the Plan’s objectives and to respond to the “Natural” and “Human” Environmental Constraints identified in the Plan. The DCP accepts alternative solutions to these measures where it can be demonstrated that the alternative will meet the DCP objectives.

It would be anticipated that a new Development Control Plan will be required in conjunction with the anticipated re-zoning of the 1(d) and 2(a) zones and subsequent subdivision. However, the concept layout

is generally consistent with the objectives of DCP No.9 with regards to open spaces, services, and in particular the anticipated location of the Western Distributor.

4.8.2 SOUTH WEST ROCKS OPEN SPACE STRATEGY (2004)

SWR Open Space Strategy

The Open Space Strategy for SWR undertook an audit of existing local and district parks and makes a recommendation as to the type, location and facilities appropriate for both existing and new open space for the locality. The study site is identified within the Strategy and acknowledged for its potential in meeting the urban growth needs of SWR, both in terms of its residential development, and the opportunities it provides for contributing to the township's open space.

In this regard, the Open Space Strategy makes the following conclusions:

"Future needs have been identified having regard to the projected population increases and the adopted standards. It is estimated that the population of South West Rocks will increase from 4,344 (2001) to 9,102 (2016), an increase 4,343 people.

Based on 1.13ha of local and district open space per 1,000 people, an additional 4.9ha of local and district parks would be required. This land would need be distributed throughout the new release areas and meet the location criteria identified in Table 5.2."

Given the topography of the site, the project only has realistic opportunity for limited provision of active open space. In this respect, the concept subdivision layout has incorporated an area of 1.8 ha within the centre of the site (parent Lot 57)

Having regard to the anticipated lot yield of 154 residential allotments within the concept layout and using the occupied dwelling ratio of 2.33 persons per dwelling from the 2011 Census. The project therefore achieves an open space provision ratio of 4.41ha per 1,000 persons.

4.8.3 LOCAL HOUSING STRATEGY – DCP No.22

The provisions of DCP No.22 provide guidelines for the development of residential housing, medium density residential development and subdivision within the Kempsey Shire. Most sections of the DCP are generic to the Shire, but Section 11 contains “*Special Provisions for South West Rocks*”, summarised below:

Lot size and orientation – average lot size required by the DCP is 650m². This proposal archives and average lot size of 632m². The constraints of the site prevent a greater amount of land being utilised for residential purposes. However, the intended subdivision layout successfully provides for desired densities of the Mid North Coast Regional Strategy.

Streetscape – this section aims to retain existing vegetation within road reserves where possible and to identify all trees over 3m height at the DA stage. This will be demonstrated in detailed plans to accompany future applications.

Maximum site coverage – this relates to future residential buildings within the concept subdivision. The lots do not compromise the ability for future development to meet these density expectations.

Building materials – this is relevant to subsequent residential construction only.

Additional controls for Dual Occupancy Development – A range of corner allotments is included in the concept plan with a frontage exceeding 20m so as to facilitate future Dual Occupancy developments.

Plans 3.1, 3.2 and 4.2, illustrate compliance with the provisions of DCP No. 22.

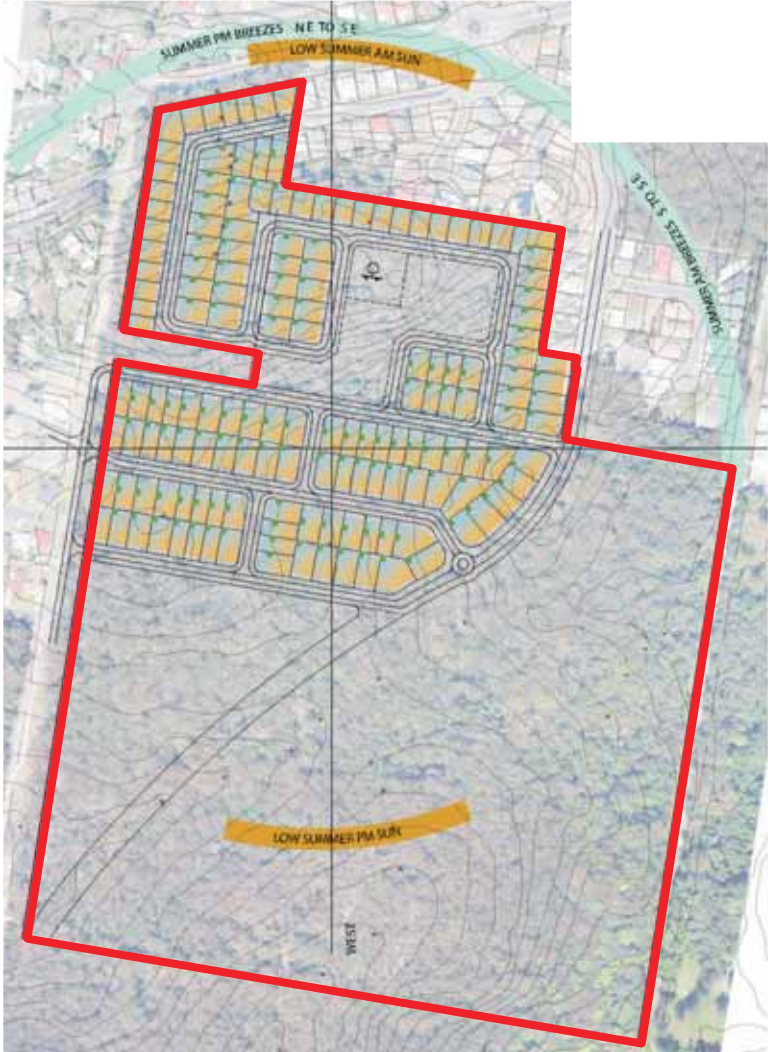
4.8.4 ENERGY SMART HOMES – DCP No. 31

The provisions of DCP No. 31– Energy Smart Homes are relevant to the orientation of lots in the intended residential subdivision, which the concept plan is consistent with. These provisions will be relevant to the future detailed applications and design of individual dwellings within the subdivision.



Another example of open space with heavy emphasis on tree retention.

Summer Solar Conditions



Winter Solar Conditions



Summer Legend

- Subject site
- Preferred private open space location
- Preferred internal living areas - shaded + breezes
- Preferred internal garage & utility areas - hotter, less breezes

Winter Legend

- Subject site
- Preferred private open space
- Preferred internal living areas - warm & sunny
- Preferred internal garage & utility areas - cooler + less light

The subdivision itself optimises the opportunities for high energy efficiency ratings in that lot orientations are largely east-west. This design was aimed at both responding to the existing site's opportunities, and to maximise the opportunity for energy efficient housing designs to be adopted for future development.

4.8.5 GUIDELINES FOR ENGINEERING & SUBDIVISION – DCP No. 36

The provisions of DCP No. 36 – Guidelines for Engineering and Subdivision provide guidelines and best practice methodology relevant to the residential subdivision of the subject site.

Kempsey Council's Engineering Guidelines Code DCP 36 has been utilised to design and construct the integrated residential development, and those guidelines will be adhered to within the site.

Principal parameters are:

1. Kerbed and sealed streets.
2. Concrete footpaths.
3. Traffic calming.
4. Stormwater drainage to AR & R specifications.
5. Functional accesses to all lots.
6. Water Sensitive Urban Design and ongoing water quality maintenance infrastructure.
7. Town water, sewer, electricity and telephone services to standard designs and within registered easements where required.
8. Detailed erosion and sediment control strategies during civil construction and construction maintenance.

4.9 BIOBANKING LEGISLATION

4.9.1 THE BIOBANKING SCHEME

The BioBanking Scheme was established under Part 7A of the Threatened Species Conservation Act 1995 (TSC Act). The Biodiversity Banking and Offsets Scheme – known as 'BioBanking' – commenced in 2008.

It provides for a comprehensive biodiversity assessment process for development, and is accompanied by a rigorous offsetting scheme. This scheme means positive conservation action can be taken to generate maximum biodiversity gains in locations where it is most cost effective to do so.

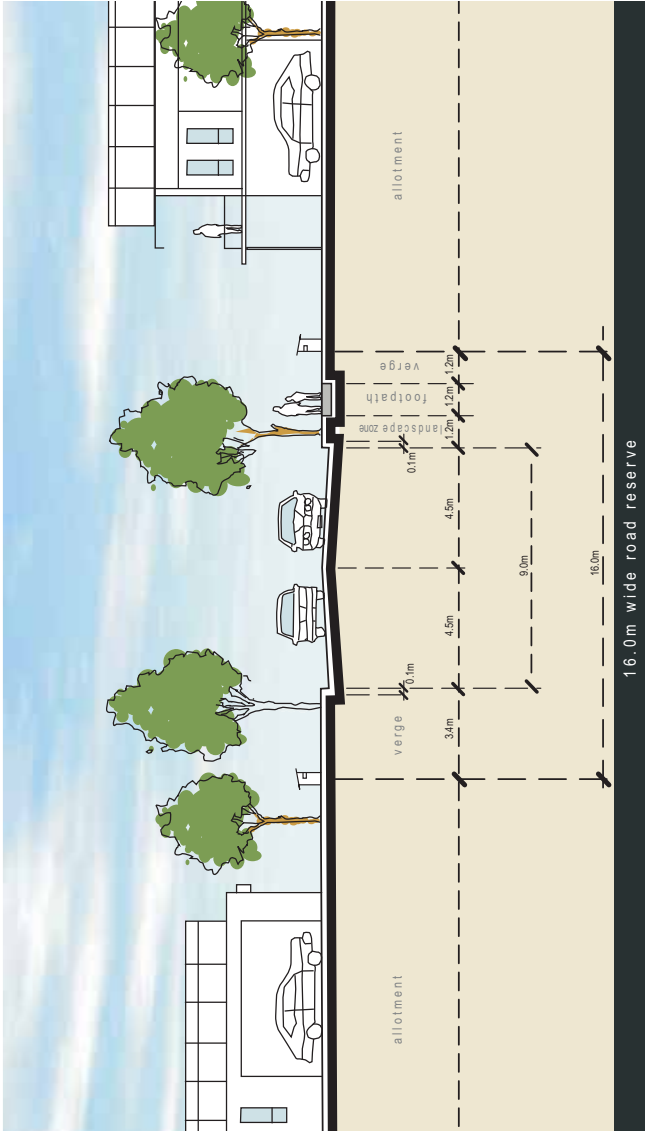
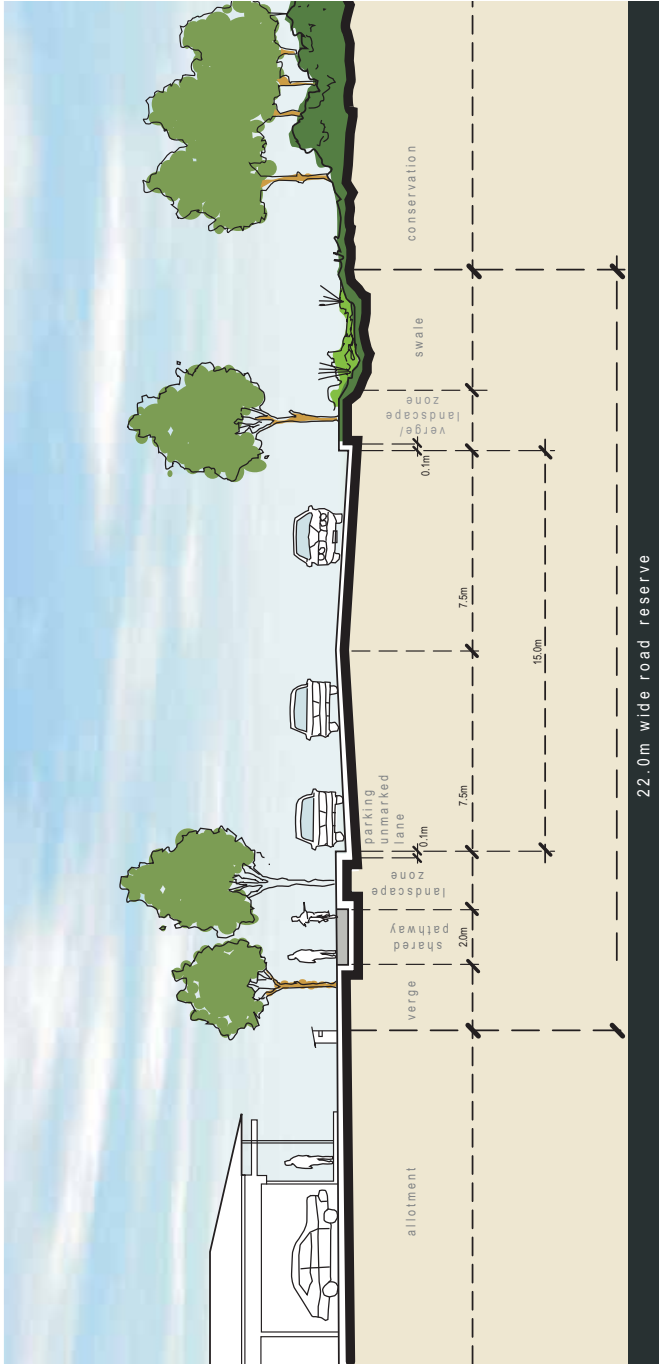
The BioBanking Credit Report and associated methodology files used in this assessment are contained in **Technical Paper B1** accompanying this EA.



The subdivision provides for Kempsey DCP requirements.



Most street in South West Rocks adopt a typical pavement design and upright curb treatment.



Plan 4.3
TYPICAL
ROAD
CROSS
SECTION

4.9.2 OEHPOLICY

The Office of Environment and Heritage (OEHP) has an interim policy which relates to proposals that are assessed by the Department under the Part 3A of the EP&A Act and are not being considered as part of the BioBanking Scheme.

This interim policy:

- acknowledges that proposals assessed as State significant projects or Part 3A do not have to meet the “improve or maintain” standard, which is required under the BioBanking scheme;
- nevertheless, adopts the use of the BioBanking Assessment Methodology (BBAM) for the purpose of quantifying and categorising the biodiversity values and impacts of State significant projects or Part 3A proposals;
- establishing, for benchmarking purposes, the offsets that would be required if the Part 3A proposal had been expected to meet the improve or maintain standard; and
- provides a structured approach to determining how proposals may, in lieu of meeting the improved or maintained standard, meet one of two alternative standards established under this policy.

Under this policy, the BBAM is used for the following purposes:

- to describe, quantify and categorise the biodiversity values and impacts of a proposal;
- to identify, for benchmarking purposes, the offsetting that would be required to meet the improve or maintain standard; and
- to provide the information for calculating offsets under this policy.

The BBAM is an assessment tool that allows the impacts of a proposal and its offsetting requirements to be calculated in a consistent and transparent way. In this development application, the BBAM has been used as part of the assessment of a Part 3A proposal to inform submissions to the Department.

The OEHP policy provides for a range of mechanisms to be used to implement offsets (i.e. not only BioBanking credits). It describes three possible outcomes that proposals should strive to meet depending on the circumstances. These outcomes are listed in **Table 4.2** and the proposal falls under tier three.

TABLE 4.2 MECHANISMS WHICH CAN BE USED TO IMPLEMENT OFFSETS

Offsetting calculations using the BBAM Outcome achieved	Level of impact	Offsetting requirement
Improve or maintain (Tier 1)	Red flag assets protected and clearing only occurs within the variation rules set by the BBAM	Calculated by the credit calculator**
No net loss (Tier 2)	Some/all red flags not protected and clearing allowed outside the variations rules permitted by the BBAM	Calculated by the credit calculator**
Mitigated net loss (Tier 3)	As for 'no net loss'	Calculated by the credit calculator but then amended by the offset variation criteria contained in Attachment A of this policy to a minimum land offset to clearing ratio of 2:1

4.9.3 TIER 3: NEGOTIATING A "MITIGATED NET LOSS" OUTCOME

"Mitigated Net Loss" occurs when red flag assets are to be cleared and this clearing is considered acceptable under the requirements set out for no net loss; and the amount and type of offsetting proposed is inconsistent with the requirements of the BBAM credit calculator. In considering whether the mitigated net loss standard is appropriate, consideration should be given to:

- whether the credits required by the calculator are available on the market;
- whether alternative offset sites (other than credits) are available on the market; and
- the overall cost of the offsets and whether these costs are reasonable given the circumstances.

Should any of these circumstances apply, then it is reasonable to apply the variation criteria to the point that:

- suitable offset sites can be found within a reasonable timeframe;
- the costs of offsetting is brought within a reasonable range; and
- an offset to clearing ratio of at least 2:1 vegetated to cleared hectares is achieved.

The Minister for Planning may approve a project under Part 3A subject to a condition that requires a proponent to acquire and retire biodiversity credits of a specified number and class (section 75JA, EP&A Act). S.89I and 115ZC allow approvals for all State significant

projects to include conditions that require biodiversity credits to be obtained and retired by the proponent.

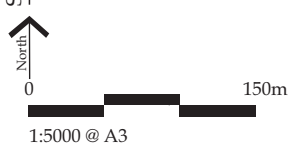
The Applicant has identified offset sites in the locality which are suitable for sourcing some of the ecosystem and species credits required pursuant to section 75JA, EP&A Act.

A comprehensive flora and fauna report (an “Expert Report”) is to be submitted with the BioBank Credit report when a formal BioBanking Credit Report is lodged. This report will establish the species for which species credits are sought from the BioBank site and present the ecological merits of this proposal. A preliminary BioBanking credit assessment report has been prepared for this site and is attached in the **Technical Papers** Folder as **Annexure B1**.




It is proposed that any shortfall in ecosystem and species credits will be made by sourcing additional sites in accordance with the BBAM credit calculator and/or by alternative arrangements in accordance with Tier 3 policy.



Source: Peter Parker, August 2012



Legend

-  Subject site
-  BioBank site
-  Development site (13.97ha)

Plan 4.4
PROPOSED
BIOBANK
SITE

5 KEY ISSUES

The Director General's Requirements set out key planning issues and matters to be addressed by this Environmental Assessment. This section lists those issues and provides response details for each of the nominated issues.

5.1 STRATEGIC PLANNING & ECOLOGICAL

Strategic Planning

DGR 1.1 Justify the proposal with reference to relevant local, regional and State planning strategies.

Provide justification for any inconsistencies with these planning strategies.



A variety of vegetation types form part of the streetscape of the area.

The project is entirely consistent with, and reflective of the objectives of the strategic planning policies which relate to the South West Rocks township. This land has always been identified in Strategic Planning documents to meet the anticipated growth of the village, and was reflected as such in the most recent strategic document, the Mid North Coast Regional Strategy.

More locally, the site has been identified in the draft Residential Land Release Strategy for Kempsey and DCP No.9 for SWR / Spencerville as discussed in Section 4 above.

This latter document also encourages and identifies the establishment of the link road through the site to the "New Entrance" precinct, as this DCP encourages the development of this location to meet the township's future needs for urban growth.

DGR 1.2 Provide a planning proposal for the proposed re-zoning. In particular provide detail on why part of the site is proposed to be rezoned as Rural rather than Environmental Protection under the *Kempsey Local Environmental Plan 1987* considering the environmental qualities contained in that part of the site.

The objective of the re-alignment of the zone boundary is discussed in more detail within **Section 3.3** of this report. As demonstrated, the present zone boundary is arbitrary and has no regard to the site's natural attributes, nor does it reflect a logical pattern of urban development within the present 2(a) zoning.

The intended *reduction* in 2(a) zoned land represented by the proposed zone boundary realignment is in direct response to the recommendations of the specialist investigations of the study site, and more strategically integrates the proposed residential subdivision with the adjoining neighbourhoods, while establishing a clear and appropriate delineation between remnant bushland and the Settlers Ridge project.

The rural zoning of the residue parcel reflects the unknown status of that land under Council's present future land-use strategies. The land adjoining to the west and north still retains a 1(d) Rural (Investigation) in that regard. We will be guided by KSC as to the optimal zoning of this land reflecting its proximity to other 1(d) zoned land.

5.2 SUBDIVISION DESIGN, LAYOUT AND DESIRED FUTURE CHARACTER

DGR 2.1 Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, future built form controls, aesthetics, energy and water efficiency and safety. Reference should be made to Council's *Development Control Plan No. 31 Energy Smart Homes (subdivision component)*, *Development Control Plan Crime Prevention through Environmental Design* and *Development Control Plan No.22 Local Housing Strategy*.

The development forms a natural extension of the existing residential neighbourhoods of Steve Eagleton Drive, Trevor Judd Avenue and Keith Andrews Avenue to the north-west. All adjoining estates are recent additions to the residential composition of SWR, and are reflective of modern subdivision pattern, road design and infrastructure provision. The project design is consistent with these developments.

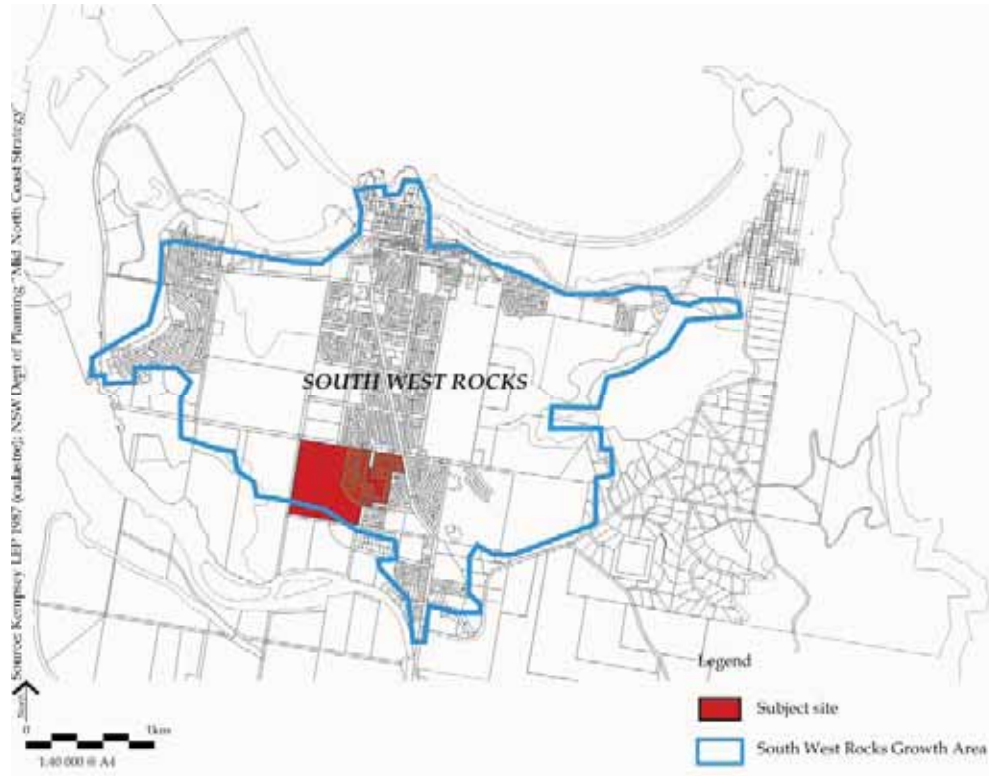
Issues relating to built form, aesthetics, energy and water efficiency are addressed in more detail elsewhere within this EA.

DGR 2.2 Demonstrate the consistency of the proposed subdivision design and layout with the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy 1997* and *SEPP 71 – Coastal Protection*.

Under the Coastal Design Guidelines South West Rocks is categorised as "coastal town". The guidelines primary recommendation for

coastal towns is to “accommodate growth predominantly within their urban boundaries”.

The whole of the residential area proposed for the subject site is located within the “growth area” boundary defined by the Mid North Coast Regional Strategy. The regional strategy was published in March 2009. **Plan 5.1** below illustrates the subject site in the context of the Mid North Coast Regional Strategy growth area boundary.



Plan 5.1 The context of the subject site within the Mid North Coast Regional Strategy 2009.

The regional strategy reinforced a strategic planning policy of Council formalised in 1987 relating to the urban development growth boundaries for the coastal town of South West Rocks. Thus, the subject site has been endorsed as a development precinct within approved urban boundaries defined by both Kempsey Shire Council and the whole of Government publication – Mid North Coast Regional Strategy.

The Coastal Design Guidelines define “issues” and “desired future character” statements in relation to coastal towns. Comments in response to those matters are set out below in blue font following each important aspect from the Design Guidelines.

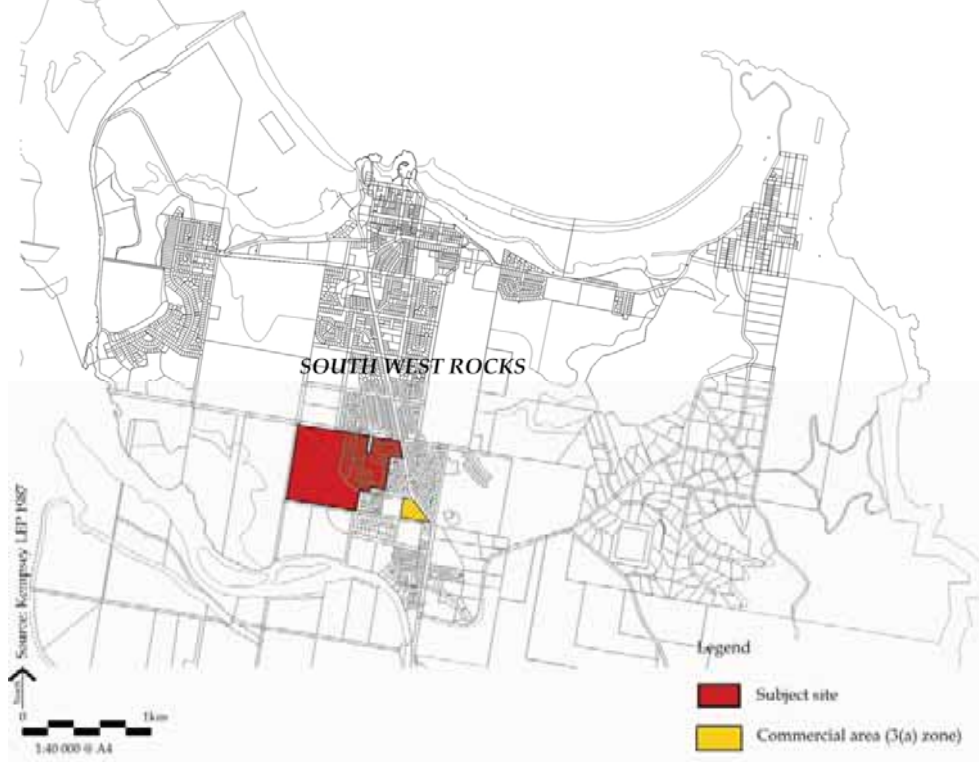
ISSUES

Like cities, towns are under pressure to grow. However, towns are more at risk from the impact of increased traffic and the potential loss of identity created by surrounding subdivisions. Towns are less likely to benefit from public transport and are less able to accommodate large-scale new buildings than cities. The existing character of towns can easily be lost to suburban sprawl or tall buildings.

The key challenges for coastal towns to address are:

Degradation of the economic viability of the town centre by new commercial and retail uses, development located remote from the town or its commercial centre.

No commercial or retail uses are proposed by this application. However, it is envisaged that infill residential development in this locality will have a positive impact in terms of supporting the commercial and retail uses located immediately southward of the subject site.



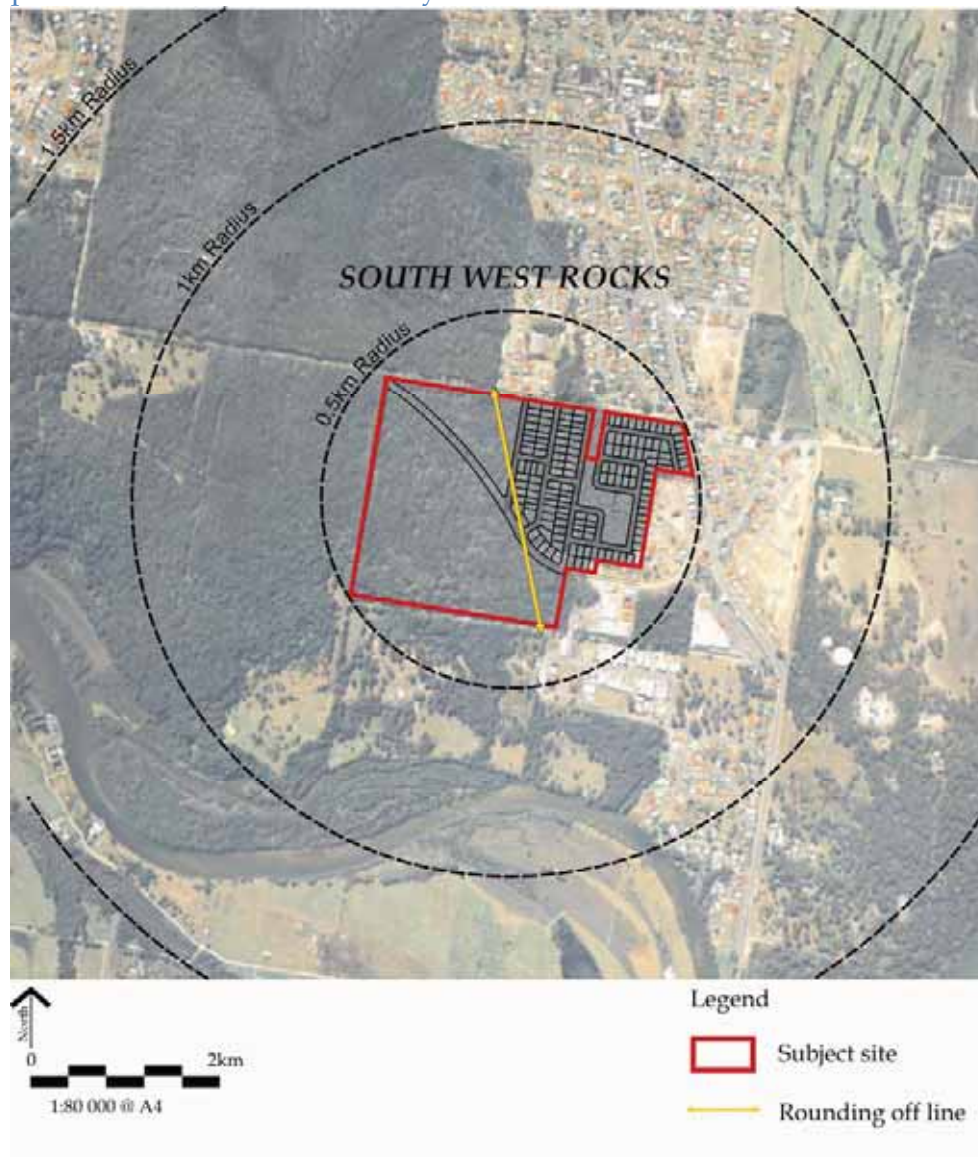
Plan 5.2 Proximity of the Rocks Shopping Fair commercial centre to the subject site.

Impact on the environment and reduction of the existing town's character and viability, caused by new settlements and major commercial, retail and tourist developments.

The rounding off of the residential area proposed by this application is thought to have a positive impact creating settlement patterns consistent with that envisaged by both local and regional strategic planning and also adding to the range of stock available to meet the needs of residential development in the township.

- Ribbon development reducing the natural and rural lands that separate settlements because of the location of new release areas.

As shown in **Plan 5.3**, the proposal is not a “ribbon development” form, it is an infill form which rounds off the urban development pattern in the immediate vicinity.



Plan 5.3 The “rounding off effect” of the proposed subdivision.

- Degradation of water quality in waterways and coastal lakes. Expert analysis accompanying the EA indicates that water quality attributes will not be adversely affected by the proposal. The design provides for no net increase in pollutant load.

- Protection of heritage values.

Important cultural heritage features have been defined at the subject site. Those features are to be protected by this application.

- Placing buildings and infrastructure in areas subject to natural hazards.

The Settlers Ridge site does not contain any area of hazard such as slip or flood prone land.

- Strip development along roads and highways.

The proposal does not involve any “strip development”. On the contrary it provides for the orderly infill of residential development rounding off the urban form in a manic system in Council’s adopted strategic planning.

DESIRED FUTURE CHARACTER

Coastal towns accommodate growth predominantly within their boundaries without compromising ecosystem functions and biodiversity values.

The proposal provides for residential growth wholly within the urban development boundaries defined at local and regional levels. No compromise of eco-system functions is envisaged as the proposal will meet “tier 1” standard of offset as defined by the OEH 2011 guideline. That is, the offsets proposed fully meet the BioBanking and “improve or maintain” standard.

Town centres are reinforced, strengthening the main street so that social, cultural and employment benefits are provided for the community and vibrant centres are created. Infill development enhances the town centre whilst reducing the need for urban expansion and environmental impacts of large residential subdivisions on the outskirts of the town. Where new development is accommodated outside the town boundaries it reinforces the town and adheres to the principles for new settlements. Development does not occur outside town boundaries where it will lead to ribbon settlements and the loss of ecosystem function and the town's identity.

No development is proposed outside the adopted town boundaries by this proposal.

1. RELATIONSHIP TO THE ENVIRONMENT

- a. The relationship of the town to the coast is protected and enhanced to provide:

- visual links and views of the coast;
Park systems within the Settlers Ridge subdivision have been designed to maintain a “green canopy” and accordingly keep visual links intact.
- a clear relationship to the original landform, the foreshore and other unique natural features protection of significant natural areas for environmental, educational and recreational purposes;
No major alterations to the original landform are proposed and no unique natural features are proposed to be materially changed.
- ecological links between the coast and the hinterland as well as the surrounding coastal floodplain and wetlands;
Environmental links between the coast and the hinterland are comprehensively supported by this application. The proposal provides for the dedication in perpetuity of a 20.8 ha BioBanking site. This “private nature reserve” will add in perpetuity to the ecological links in the area.
- significant areas of native vegetation;
Significant tracks of native vegetation are intended to be retained by this application. The area proposed for development is about 14 ha in size. The area proposed for BioBanking is about 21 ha and retained vegetation area is some 5.3 ha.
- access to foreshores whilst protecting dunes, lakes and beaches;
No change is proposed in relation to access to dunes, lakes or beaches.
- water quality in wetlands, estuaries, coastal lakes and beaches;
Water quality is to be maintained at the current level.
- protection for Aboriginal and European relics and items;
Important aboriginal cultural heritage artefacts have been located on the site. Those features are intended to be retained in perpetuity.
- for the maintenance of significant areas of native v vegetation and trees whilst managing for bush fire protection, and
Large tracks of native vegetation are to be maintained but also managed for fire protection. Currently land eastward of the subject site is unprotected for bushfire. Development in the manner proposed will provide for a bushfire buffer as required by the publication “Planning for Bushfire Protection 2006”.
- for the utilisation of sustainable water and waste water systems, where appropriate.
Reticulated water and waste water system are proposed for the development.

2. VISUAL SENSITIVITY

a. Areas of visual sensitivity include:

- views to and from the coast, rivers, lakes and other water bodies, views to and from the hinterland;

The Settlers Ridge project does not involve any loss of views to the coast, lakes or water bodies. The green ridgeline character of the site is intended to be retained by the maintenance of vegetation within a ridgeline park system.

- views of headlands;

No views of headlands are altered by this concept proposal.

- night and daytime views;

No significant night and daytime views are altered by this concept proposal.

- the urban settlement as it sits within the landscape;

The urban settlement pattern proposed is a “rounding off” type approach which sits comfortably within the landscape of the subject site.

- public views which are retained and reinstated, including views from the streets and public areas to the water;

No important public views are altered or restricted by this concept proposal.

- providing clear boundaries between each town and adjacent rural and natural land uses;

The development provides a clear boundary between the town of South West Rocks and adjacent rural and natural areas. This boundary is affected in a way which also acts as a bushfire mitigation boundary.

- providing clear separation between adjacent settlements by maintaining rural and natural land, and

There are no other residential settlements nearby to South West Rocks.

- enhancing and upgrading the open-space network for conservation, recreation, views and public access.

The proposal provides for the retention of significant areas for conservation and accordingly adds a new level of open space security for the area.

3. EDGES TO THE WATER AND NATURAL AREAS

- a. a. A variety of edge conditions exist between the town and the coastline. Access to the coastal foreshore and waterways is optimised and adds cultural and social opportunities.

The edge condition proposed is one which will serve for survey a strong conservation minded management approach in the long term but also provide for the management of bushfire in the locality.

4. STREETS

a. The street hierarchy of a coastal town includes:

- key cultural and urban streets that connect to landmarks, vistas, public buildings and focal points, monuments and places of Aboriginal importance within the settlement;

The site does not contain any landmarks or any particularly important focal points of monuments. However, it does contain features of local aboriginal significance and those features are intended to be maintained in perpetuity.

- key streets that reveal important vistas of and through the settlement, the coast and the surrounding environment;

The provision of important vistas is not an element particularly relevant to this application.

- streets that focus on natural and topographic features such as valleys, escarpments, vegetation, headlands and beaches, the sky or mountains;

The streets have been designed to conform to the design criteria in both Council's DCP but also the Coastal Design Guideline recommendations.

- streets of the original and historic subdivision and topographic pattern of the settlement;

The street pattern provided is one which blends with the historic subdivision patterns of South West Rocks.

- streets with development on only one side that define public open spaces, such as parks, squares, the edges of conservation areas or the flood line;

The design accords with the requirement by the Coastal Design Guidelines that only one side of streets which adjoin public spaces be developed.

- streets or pathways separating conservation areas from urban development;

The street system clearly separates areas intended for conservation from those that are intended for urban development.

- main social, retail and commercial streets, and

No commercial streets are proposed in this application.

- a major access road passing through the centre of the town with a secondary arterial road bypassing the town;

This application does not involve access to the arterial road system.

- residential streets or laneways, and

The residential streets have been designed to accord with Council's width and construction guidelines.

- pedestrian and cycle pathways and routes.

A comprehensive pedestrian system is proposed. This system will link with other pathways and other cycle routes within the locality.

- b. Public streets or public pathways provide the boundary between development and open spaces and the foreshore reserves.

No foreshore reserves are proposed by this application.

- c. The street pattern of new development builds upon the historical and original urban structure of the settlement.

The street pattern proposed is a semi grid type pattern. This pattern echoes the original urban structure of the settlement of South West Rocks.

- d. Streets and public places provide quality pedestrian environments.

A high quality street system is proposed to ensure a high level of residential amenity as well as urban design amenity.

5. BUILDINGS

- a. Predominant building types in town centres are small apartment buildings, mixed-use, shop-top housing, town houses, terraces, detached houses/commercial/retail, education and civic buildings.

No mixed use buildings are proposed by this application.

- b. Predominant building types in suburban areas include small apartment buildings, town houses, semi-detached and detached dwellings.

A variety of lot sizes is proposed in order to provide for a wide range of residential accommodation. The proposal does provide for duplex type development but does not include apartment buildings or town house development.

- c. Development is predominantly low scale. town with a secondary arterial road bypassing the town:

- residential streets or laneways, and

The development proposed is low scale, low intensity type residential use.

- - pedestrian and cycle pathways and routes.

Pathways adopt the design requirement of Council's Development Control Plan.

- d. Public streets or public pathways provide the boundary between development and open spaces and the foreshore reserves.

The public road system has been defined in a way which clearly separates open spaces from residential development.

- e. The street pattern of new development builds upon the historical and original urban structure of the settlement.

The pattern of development accords with, and echoes the historic urban form of South West Rocks.

- f. Streets and public places provide quality pedestrian environments.

The pedestrian environment is consistent with Council's normal standards and links with the existing footpath network.

Having regard to the above it is submitted that the Settlers Ridge project fully accords with the requirements of the Coastal Design Guidelines.

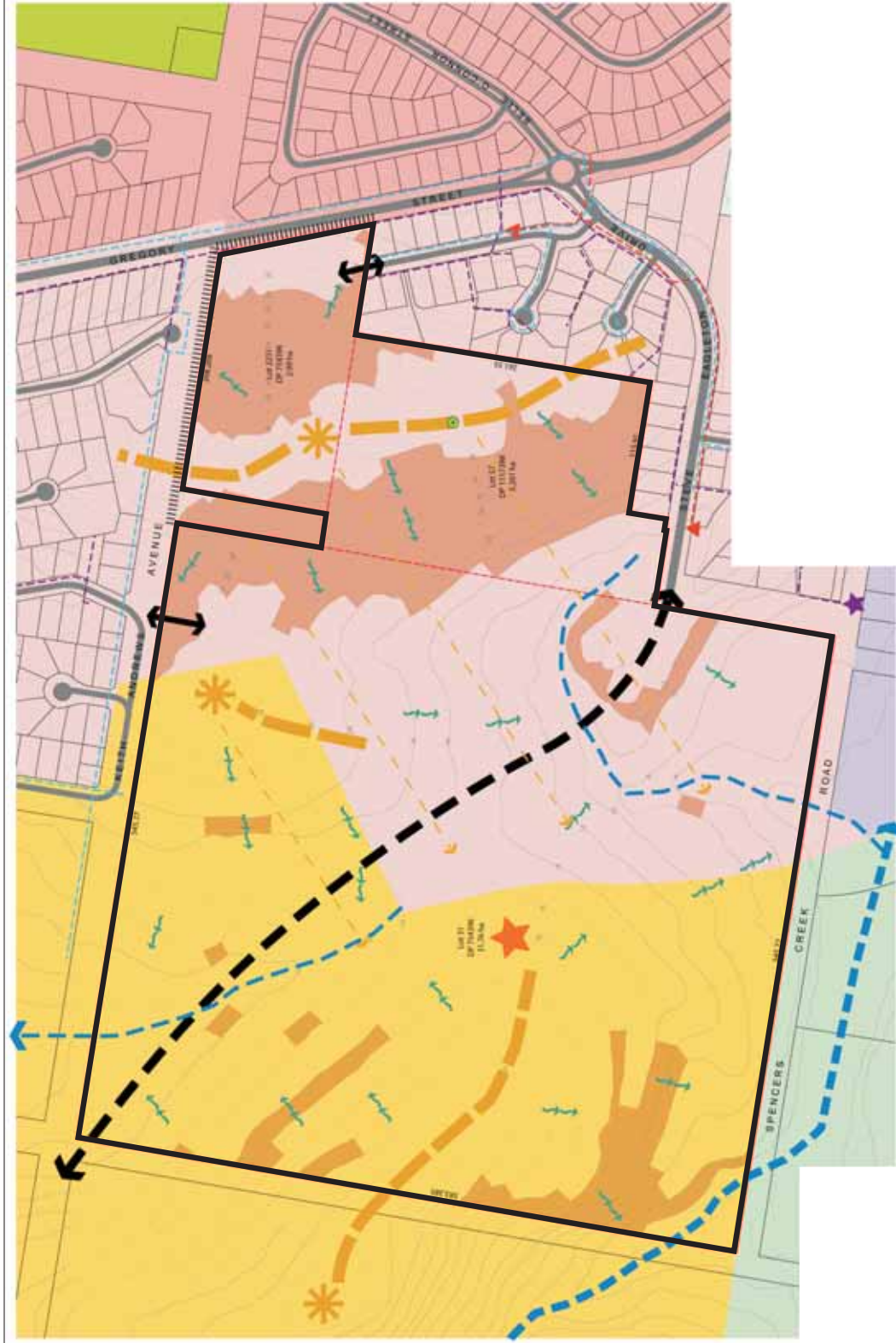
DGR 2.3 In terms of minimum lot sizes demonstrate consistency with the *Kempsey Local Environmental Plan 1987*.

Under the Kempsey LEP the minimum lot size is 500 m². This concept proposal provides for lot sizes from 445 m² up to 990 m² with an average of 632 m². It is submitted that the variety of housing chose facilitated by the range in lots sizes proposed out weights the benefits that accrue with strict compliance with the LEP's 500 m² minimum lot size.

DGR 2.4 Demonstrate that the provision of both passive and active open space is consistent with the *South West Rocks Open Space Strategy*.

The Open Space Strategy has the effect of superseding the previous DCP No.10 for Open Space provision in the SWR locality.

As discussed in **Section 4.8.2** of this EA, the concept layout for this project achieves well in excess of the recommended open space to population ratio. The concept layout provides for 1.58 hectares of open space at a ratio of 4.41ha per 1,000 persons.



- | | | |
|--------------------------------|---|--------------------------|
| High voltage underground cable | High point | Residential B Zone |
| Ground substation | Ridgeline | Rural A1 Zone |
| Water supply | Slope constrained land 1:8 and greater slope | Rural D Zone |
| Sewerage line | Mid-long views to vegetation | Light Industrial B Zone |
| Sewerage pump station | Tree of cultural significance to be retained with 10m buffer to trunk | Business General A Zone |
| Overland flow path | Residential A Zone | Open Space A Zone |
| Gully / drainage line | | Wetlands Protection Zone |

- | | | | |
|--|--------------------------------|---|--------------------------|
| Subject site | High voltage underground cable | High point | Residential B Zone |
| Existing roads | Ground substation | Ridgeline | Rural A1 Zone |
| Potential Sieve Eagleston Dr extension alignment | Water supply | Slope constrained land 1:8 and greater slope | Rural D Zone |
| Road widening | Sewerage line | Mid-long views to vegetation | Light Industrial B Zone |
| Potential site access points | Sewerage pump station | Tree of cultural significance to be retained with 10m buffer to trunk | Business General A Zone |
| Access restrictions apply | Overland flow path | Residential A Zone | Open Space A Zone |
| Site subject to bushfire risk | Gully / drainage line | | Wetlands Protection Zone |

The Open Space Strategy addresses local and district open space supply/distribution, and makes suggestion that SWR is under-supplied with regional open space/sporting fields at present. It is noted that the site, the subject of this EA, is entirely inappropriate for such purposes.

DGR 2.5 Demonstrate consistency with recommendations to reduce urban/rural land use conflict as outlined in *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast* (Southern Cross University 2007).

The concept plan enables the establishment of a low-density residential neighbourhood as anticipated in Council's future strategic plans for the South West Rocks locality. Lot sizes are varied, incorporating smaller courtyard lots as well as more traditional allotments to provide for a range of future housing types. Dual Occupancy opportunities are also catered for in the design.

The developable area and expected lot yield of 154 residential allotments is less than the equivalent to the potential yield that could have been expected under the existing area of 2(a) zoned land per Kempsey LEP's existing land-use zoning maps. However the rationalised of zone boundaries provide for a more logical urban footprint albeit with an overall reduction in the area of residential zoned land, while still achieving expected densities sought by the Mid North Coast Regional Strategy.

The layout of the development follows the guidelines of the handbook by providing a distinct and buffered interface between the remaining rural lands of the subject site and the proposed urban lands.

5.3 VISUAL IMPACT

DGR 3.1 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address loss of views from public places and cumulative impacts.

The Settlers Ridge site is not able to be viewed from any designated heritage sites nor from any conservation areas including the Arakoon State Recreation Area, Hat Head State National Park or Saltwater Lagoon. Views to the land in the foreground and middle ground viewing distance are available from Gregory Street, Trevor Judd Avenue, Beech Lane, Mertens Place and Steve Eagleton Drive. **Plate 5.1** illustrates the typical observations of the site. This plate also shows the locations of those typical observation points.

As illustrated in each of the photos, the main visual impact will be in the foreground and middle ground viewing range with the removal of vegetation changing the appearance of the site from a “treed character” to an urban character. In order to ameliorate this effect, a visual tree spine has been retained within the site so that viewing the land from Gregory Street, Trevor Judd Avenue, Beech Place, Mertens Place and Steve Eagleton Drive will provide for a vista which ensures a “green edge” between the sky and the final form of housing on the proposed lots. The visual tree retention spine that provides this backdrop is located within an area of reserve. Further to this, street tree planting will, particularly as it matures, add to and soften the visual impact of new urban form.

5.4 INFRASTRUCTURE PROVISION

DGR 4.1 Prepare an Infrastructure Servicing Strategy that addresses existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.

The site has been zoned residential 2(a) under KLEP 1987 since 1987. In the twenty-four years since, all services infrastructure for the residential development have now been completed to the east, south & north which has taken into consideration the eventual residential development of this site. Moreover, Kempsey Shire Council has DCPs in place which anticipate this development accordingly (refer comments above).

Roads

Trevor Judd Avenue connects to the site boundary and is a fully constructed residential street. Steve Eagleton Drive serves as a future local collector road, and also connects to the site boundary. The half-width constructed Keith Andrews Avenue between Bruce Field Street and to 50m east of Rippon Place adjoins part of the north boundary of the site. Road extensions and widening can be easily and economically provided within the site.



Example of a divided carraigeeway road.



Photo 1: Looking towards the site from Gregory Street north of Frank Cooper Street



Photo 2: Looking towards the site from the intersection of Gregory Street and Keith Andrews Avenue



Photo 3: Looking towards the site from Trevor Judd Ave



Photo 4: Looking towards the site from Beech Lane



Photo 5: Looking towards the site from Steve Eagleton Drive

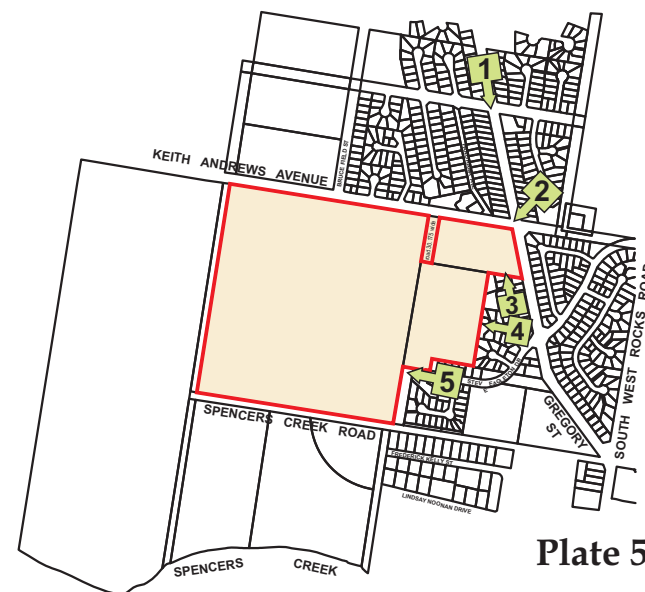


Plate 5.1
PHOTOS
OF
SITE
AND
LOCALITY

Source: S J Connelly

Stormwater

None of the development site is subject to flooding nor has it any permanent or semi-permanent watercourses. The majority of Lot 223 and the highest section of Parent Lot 57 will drain to existing designed stormwater systems with pollution control devices – south along Gregory Street and then north-east down Belle O'Connor Street.

The southern section of Parent Lot 57 and all of Parent Lot 31 south of the ridge line drains to a natural watercourse towards the south-east corner of Lot 31. A pollution control device to Kempsey Council's DCP 36 will be provided prior to the drainage outlet.

The north-west area of Parent Lot 31 will drain to a drainage reserve and pollution control device at the north-west corner. The existing constructed system in Gregory Street has been designed for the site development and for safety overflow with no necessity for stormwater detention.

The drainage of part Parent Lot 57 & Parent Lot 31 will be through undeveloped land but still subject to requirements and contributions under Kempsey Council's DCPs.

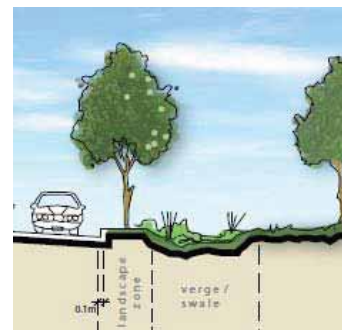
Essential infrastructure concept plans for the servicing of the residential project have been prepared and are contained in the **Technical Papers** accompanying the EA.

Town Water

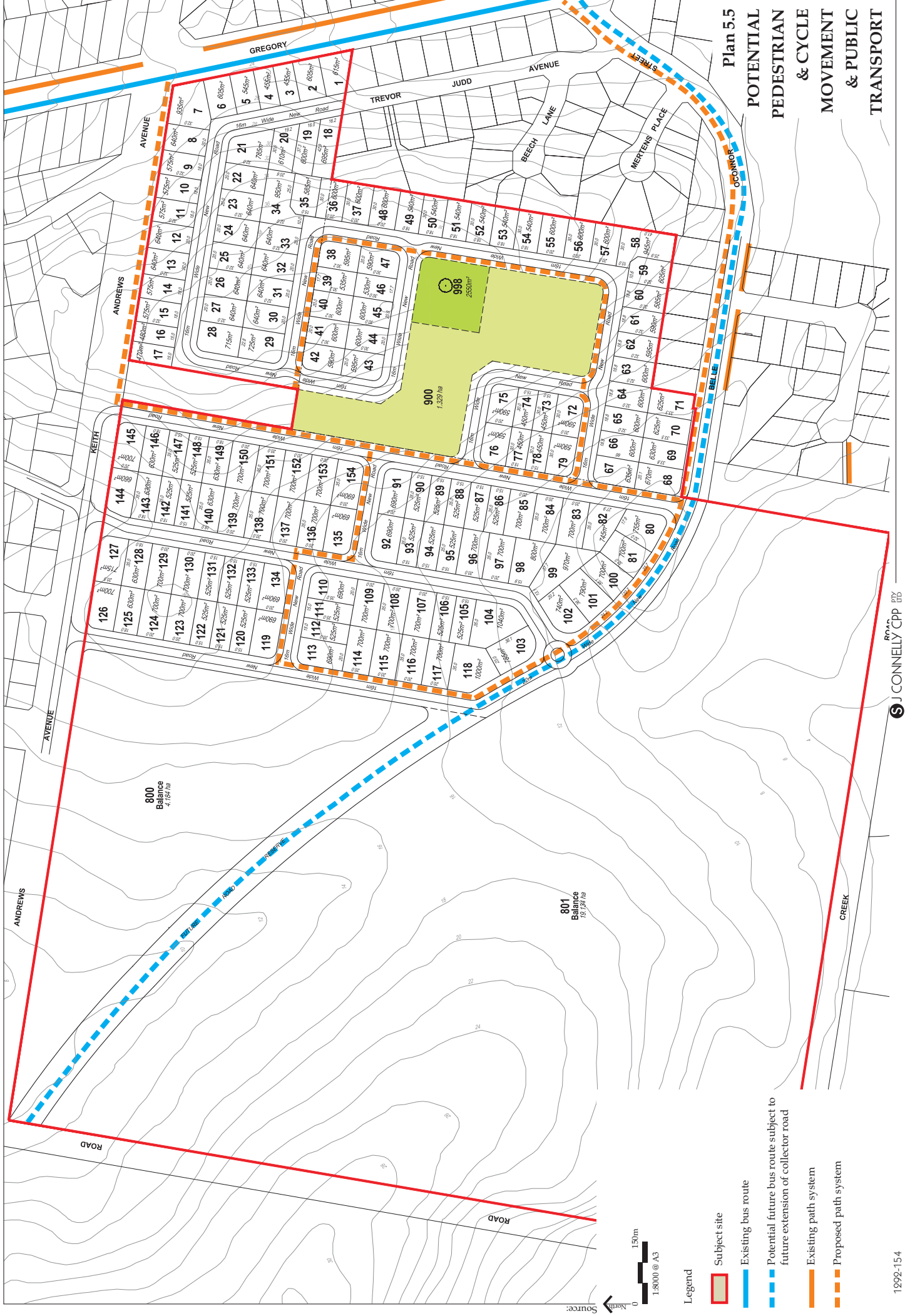
Town water mains exist in Trevor Judd Avenue, Steve Eagleton Drive and along the full extent of Keith Andrews Avenue (trunk main and local supply mains). Water mains surrounding the site have been previously designed in anticipation of the future site development and will be augmented once the site development proceeds.

Pressure boosting will be required to achieve satisfactory pressures. This will be subject to further negotiations with Kempsey Shire Council at engineering design stage.

Engineering concept plans for the town water servicing of the residential project have been prepared and are contained in the **Technical Papers** accompanying the EA.



Example of water sensitive urban design road treatment.



Town Sewer

Parent Lot 223 development (except for 2 or 3 lots) can gravity drain east to existing sewer infrastructure. The balance of Parent Lots 223, all of Parent Lot 57 and some of Parent Lot 31 will drain south to an earlier designed and installed sewer pump station in Spencer's Creek Road.

A smaller additional sewer pump station will be required along the south western side of Parent Lot 31 development. The northern section of Lot 31 can gravity drain to existing sewer infrastructure in Rippon Place and Bruce Field Street.

Sewer infrastructure concept plans for the servicing of the land have been prepared and are contained in the **Technical Papers** accompanying the EA.

Electricity

Underground electricity with pad-mount transformers exist adjoining the site in Trevor Judd Avenue and Steve Eagleton Drive. High voltage overhead and low voltage underground supply exists along the Keith Andrews Avenue frontage (north boundary of the site).

Telephone and Data Services

Underground facilities adjoin the site in Trevor Judd Avenue, Steve Eagleton Drive and Keith Andrews Avenue. All services have capacity to be augmented to connect with the residential project. It is expected that the subject site will be connected to the national broadband network. At this stage details in relation of the roll out of that network at South West Rocks is not available.

DGR 4.2 Address and provide the likely scope of any planning agreements and/or development contributions with Council/ Government agencies (including relevant community /state infrastructure contributions).

There have been no planning agreements entered into with Kempsey Shire Council in relation to the intended residential subdivision or the various infrastructure works proposed to service the development as such an agreement is not warranted given that contributions are to be levied in accordance with the adopted S.94 and S.64 DSP for the South West Rocks Township.



The commercial hierarchy of South West Rocks is well defined.

5.5 TRAFFIC AND ACCESS

Traffic and Access

DGR 5.1 Prepare a Traffic Impact Study in accordance with Table 2.1 of the RTA's *Guide to Traffic Generating Developments*.

The site has frontage to four constructed public roads being Gregory Street, Keith Andrews Avenue, Steve Eagleton Drive and Trevor Judd Avenue.

The Gregory Street and part of Keith Andrews Avenue (east end) frontage will have vehicle access restrictions. Steve Eagleton Drive is a local "collector" road under Kempsey Council's DCP 36 and Trevor Judd Avenue and Keith Andrews Avenue are "local" roads in accordance with that DCP. There are no accesses to gazetted main or trunk roads. Gregory Street, the primary collector road for South West Rocks borders the site to the east. However, no access is proposed directly to this carriageway.

A Traffic Impact Report for the site has been undertaken by RoadNet. A copy of the full report, findings and recommendations is contained in the **Technical Papers** accompanying this EA at Section C.

In summary the conclusions of the traffic study were:

1. A current volume of 747 vehicles through the existing roundabout during the afternoon peak hour (and 645 during the morning peak), resulting in a Level of Service (LOS) of A for all movements.
2. A maximum of 998 vehicles per hour on Gregory Street during the afternoon peak hour.
3. The predicted traffic to be generated by the fully developed 'Settlers Ridge' estate will be 1316 vehicle movements per day, adding approximately 390 additional vehicles through the existing Steve Eagleton Drive and Gregory Street roundabout during morning and afternoon peak hours, resulting in a total of approximately 1157 vehicles through the roundabout.
4. SIDRA modelling indicates the roundabout has adequate capacity to cater for the predicted 2027 traffic volumes with a LOS of A. The existing roundabout at the intersection of Steve Eagleton Drive and Gregory Street has adequate capacity to cater for current and future traffic volumes, including the traffic to be generated by the proposed Settlers Ridge residential development, with no widening or other construction required.



With good planning all relevant services can be provided in the road reserve to service the needs of the development.

5. The existing intersection of Frank Cooper Street and Gregory Street has adequate capacity to cater for the additional traffic to be generated by the proposed 'Settlers Ridge' development, without any widening or other construction.
6. No widening or other construction is required within the Gregory Street and Steve Eagleton Drive roadways to cater for the additional traffic to be generated by the proposed 'Settlers Ridge' development.

DGR 5.2 The Traffic Impact Study should include a justification for the proposed collector/link road.

The existing collector road that directly services the site, being Steve Eagleton Drive, was designed and constructed to provide adequate and safe vehicle access with future traffic loadings from this site in mind. Apart from providing for greater access linkages within the South West Rocks Township, this road also serves to establish a logical visual "perimeter", and important bushfire buffer to the subdivision itself. It reduces the edge effects of rear yards of residential homes at the interface with the remnant bushland, and creates a clear and appropriate demarcation from the public and private land within the project.

The existing roadway of Steve Eagleton Drive has a 9m width and is separated at its eastern end. This carriageway model would be continued along the length of the development as its western edge, and would function as a "collector road". This was deemed to optimise the efficient circulation of traffic movements within the village as well as the proposed concept plan, particularly in respect to emergency and service vehicles.

In this regard, this collector/link road serves as an obvious access linkage for not only the proposed concept, but the greater township itself. The New Entrance area is currently isolated and would benefit significantly by the long-term establishment of a second link road to George Young Drive in the north.

This collector road has been identified in Kempsey Shire Council's original growth strategy documents for South West Rocks. Accordingly, The Belle O'Connor, Steve Eagleton Drive and Gregory Street intersection was constructed to an appropriate standard in anticipation of the link road's establishment.

The concept proposal provides for the dedication of a public road but not its construction westward of the residential lots.



As part of the site analysis detailed traffic surveys were completed.

DGR 5.3 The Traffic Impact Study is to provide a conceptual plan depicting potential pedestrian and cyclist movement, public transport and relevant road improvements to the adjacent local road network.

Reference should be made to Council's 2003 *Pedestrian Access Mobility Plan Kempsey and South West Rocks* and *DCP 36 Engineering Guidelines for Subdivision and Development*.

Plan 5.3 illustrates proposals in relation to potential pedestrian and cycle movement and connections with the public transport system. Because the subject land has been identified for urban purposes for some considerable time, the road network in the immediate vicinity has been developed having regard to the future development of the site and accordingly no road improvements are required in the adjacent local road network.

5.6 HAZARD MANAGEMENT AND MITIGATIONS

Contamination

DGR 6.1 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of *SEPP 55 – Remediation of Land*.

There is no evidence of past usage of the site for any commercial, farming or industrial activity. The site is not flagged by Kempsey Shire Council as being subject to potentially contaminating activities.

The geotechnical and site contamination assessment undertaken by Regional Geotechnical Solutions (and as contained in the **Technical Papers**) made the following field observations:

"No obvious contaminating activities, sources of contamination, or visible evidence of contamination were observed on the site at the time of the field work. Isolated dumping of domestic or building waste was observed around the boundaries of the site and adjacent to some tracks, however there was no visible associated contamination."

Subject to the removal of the domestic waste that has accumulated illegally across the site over time, the assessment concluded that:

"Based on the assessment presented above, no evidence of contamination or potentially contaminating activities"



Commercial services including doctors rooms and the like are available in the immediate vicinity.

were encountered at the site, and as such the site is considered suitable for residential land use with accessible soils and gardens, with regard to the presence of soil contamination."

Bushfire

DGR 6.2 Address the requirements of *Planning for Bush Fire Protection 2006 (RFS)*.

A comprehensive assessment of the residential development of Lots 223 and 57 has been undertaken previously by Northern NSW Forestry Services in 2003. This assessment determined that the land was suitable for residential occupation, and gained a Fire Safety Authority in conjunction with Kempsey Shire Council's granting of consent for these developments.

An updated report was also prepared in 2008, and came to the same conclusions.

With the addition of Lot 31, the management of bushfire can be more appropriately integrated over the three parcels. Barry Eadie has prepared a current bushfire hazard risk assessment of the combined parcels in August 2012. The assessment undertaken demonstrates the residential project is capable of compliance with the Rural Fires Act and Planning for Bushfire Protection document.

A copy of the full assessment is contained in the **Technical Paper E** accompanying this EA. A summary of the principle findings and recommendations of the report is detailed below:

- (a) *Asset Protection Zone's (APZ) are to be provided in accordance with section 4.4 of Mr Eadies report.*
- (b) *If any trees are to be located within the envisaged APZs, this is considered acceptable, providing the following conditions are met:*
 - (i) *Canopies are a minimum of 2-5 metres apart;*
 - (ii) *Canopies should not overhang buildings. Vegetation is not to touch or overhang dwellings (canopy vegetation must not be within 5 metres of any building / dwelling);*
 - (iii) *Vegetation is not of any species that retains dead material or deposits excessive quantities of ground fuel in a short period or in a danger period; and*
 - (iv) *Vegetation is located far enough away from dwellings so that it will not ignite the dwelling by direct flame contact or radiant heat emission.*

- (c) *Woodpiles, combustible material storage sheds, large areas / quantities of garden mulch and stacked flammable building materials should not be located within the IPA of dwellings;*
- (d) *Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2002: Storage and Handling of LP Gas and the requirements of the relevant authorities.*

The requisite APZs are detailed in the full assessment contained in the **Technical Papers**. All can be achieved in compliance with the Technical Guideline Planning for Bushfire Protection. The perimeter road (western distributor) has been designed to provide permanent buffer to the site's residential development, and will facilitate emergency vehicle access opportunities.

Internal temporary APZs can be established within stages of the concept plan of subdivision.

Geotechnical

DGR 6.3 Provide an assessment of any geotechnical limitations that may occur on the site and if necessary appropriate design considerations that address these limitations.

Regional Geotechnical Solutions has undertaken assessment of geotechnical and site contamination conditions at the site of the proposed Settlers Ridge residential subdivision and their assessment is contained in the **Technical Papers C** accompanying this EA.

In summary, the assessment found no areas of site instability, acid sulphate soils or other hazards. Further, a number of site control and management recommendations are contained in the final report.

Flooding

DGR 6.4 Provide an assessment of any flood risk on site.

The development site is not subject to flooding nor has it any permanent or semi-permanent watercourses.

5.7 WATER MANAGEMENT

DGR 7.1 The EA should demonstrate consistency with the intent and targets outlined in the *Northern Rivers Catchment Action Plan*. Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, including Spencers Creek and indirectly Saltwater Lagoon and Creek, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.

The concept stormwater solution has been documented in the Civil Engineering Report which is included within the **Technical Papers** accompanying this EA at Section D. The stormwater approach proposed seeks to achieve the targets outlined in the Northern Rivers Catchment Action Plan and is based on Best Practice Standards applicable to Northern NSW.

DGR 7.2 Prepare a conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system and that post development flows reflect pre development flows in terms of quality and quantity.

The conceptual design layout for the intended treatment of stormwater is contained in the Civil Engineering Report attached in the **Technical Paper D**. The conceptual layout provides for stormwater treatment which ensures post development run-off is consistent in quality and quantity terms with pre development loads.

DGR 7.3 Assess the impacts of the proposal on surface water hydrology and quality during both construction and occupation of the site.

It is proposed that the two new bio-retention basins will be designed and constructed as “dry sand filter” type basins to capture and treat the 3 month storm event. The basins have been sized to treat and reduce Total Suspended Solids (TSS), Total Phosphorous (TP) and Total Nitrogen (TN). It is proposed that the treatment will reduce these parameters to the “no net increase” in pollutant load standard.

Full details are contained in the Civil Engineering Report which is included within the **Technical Paper D** accompanying this EA.

DGR 7.4 Consider the nature and profile of the groundwater regime under the site including any hydrologic impacts which would affect its depth or water quality result in increased groundwater discharge impact on the stability of potential acid sulfate soils in the vicinity or affect groundwater dependent native vegetation.

It is not proposed that the stormwater strategy will include detention. Both the north and north-east catchments are very small and will connect to existing systems with potential for surcharge and overland flow. There is very limited area for detention basins and it is assessed that the effectiveness of such structures would be limited when weighed against the ongoing council maintenance liability.

The western and southern sub-catchments will drain to new bio-retention basins located adjacent to natural watercourses located off-site. It is proposed that each of these structures will have a bypass facility to allow flow from major storm events to be diverted directly into the down-stream watercourses.

5.8 HERITAGE AND ARCHAEOLOGY

DGR 8.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005).

In 2006, Parent Lots 223 and 57 were visited by a representative of the Dunghutti Local Aboriginal Land Council, and a written report of the inspection was provided.

In 2008, the sites were again inspected by a Land Council representative in anticipation of further reporting and consultation on the site's cultural heritage values.

In 2010, consulting archaeologists RPS conducted a comprehensive cultural heritage consultation and inspection process (see **Technical Paper F**). These actions were undertaken as per the recent consultation procedures adopted by the Department of



A number of historic buildings are dotted though the village particularly adjacent to the foreshore.

Environment, Climate Change and Water (DECCW) for the assessment of a site's cultural heritage values.

Aboriginal community consultation was conducted and ten stakeholder groups were identified and invited to partake in the consultation. There were four responding expressions of interest, but no responses were received to the request for comment.

A desktop survey of previous research, historic and ethnographic records revealed that while the area around Spencers Creek to the south of the study area has a number of archaeological sites, the study area itself has no Aboriginal sites recorded in it. It is noted that this landscape type generally has low incidence of records, consisting as it does of low hills away from permanent water sources.

An archaeological survey of the study area was conducted on 30 March 2011 in conjunction with representatives of Kempsey Local Aboriginal Land Council. The survey was undertaken in good weather conditions with a representative portion of each identified landscape unit surveyed. One site, a scarred tree recorded as RPS SWR 1 was found during that survey. That site has been recorded on the DECCW Aboriginal Heritage Information Management System database in accordance with legislative requirements.

The cultural assessment then considered the environmental and archaeological context of the study area, developed a predictive model and reported on the results of an archaeological survey of the study area. The following recommendations were formulated with consideration of the significance of Aboriginal and European heritage and have been prepared in accordance with the relevant legislation:

“Recommendation 1

The site RPS SWR 1 the scarred tree located during this survey should be afforded protection with a cordoned off area of 10 metres X 10 metres established around it.

Recommendation 2

All relevant SJ CONNELLY CPP PTY LTD staff should be made aware of their statutory obligations for heritage under NSW NPW Act (1974) and the NSW Heritage Act (1977), which may be implemented as a heritage induction.

Recommendation 3

The location of RPS SWR 1 should be included in SJ CONNELLY CPP PTY LTD environmental management framework for the study area, so that all staff are aware that these areas will require management.

Recommendation 4

If further Aboriginal site/s are identified in the study area, then all works in the area should cease, the area cordoned off and contact made with DECCW Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.

Recommendation 5

In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, the proponent must contact the DECCW Enviroline 131 555, a suitably qualified archaeologist and representatives of the local Aboriginal Community Stakeholders to determine an action plan for the management of the skeletal remains, formulate management recommendations and ascertain when work can recommence.

Recommendation 6

No European heritage items were uncovered during the survey, however if, during the course of clearing work, significant European cultural heritage material is uncovered, work should cease in that vicinity immediately. A significance assessment by a suitably qualified archaeologist adhering to the NSW Heritage Branch significance criteria should be carried out and the NSW Heritage Branch should be notified if significant historical items are identified. Works should only recommence when an appropriate and approved management strategy is instigated."

These recommendations have also been included within the Statement of Commitments detailed within **Section 6** of this EA.

5.9 BIODIVERSITY

DGR 9.1 A Biodiversity Assessment Report should be prepared which includes an assessment of the development site and the proposed BioBanking site with respect to biodiversity values. All components of the Biodiversity Assessment must be undertaken in accordance with the *BioBanking Assessment Methodology and Credit Calculator Operational Manual* (DECCW, 2008) and be undertaken by an accredited BioBanking Assessor. The Biodiversity Assessment Report should include (but not be limited to):

- set out the ecosystem credits and species credits required to be offset;
- set out how the ecosystem and/or species credits are going to be secured and obtained and the intended mechanism/s by which offsets are proposed to be provided e.g. through retirement of biodiversity credits,



The subdivision maximises the retention of vegetation to minimise the amount of BioBanking offset required.

- reservation of land, or other mechanisms;
- demonstrate how all options have been explored to avoid red flag areas;
- if the ecosystem or species credits cannot be obtained, provides appropriate alternative options to offset expected impacts; and
- include all relevant BioBanking files (e.g. *.xml output files), data sheets and documentation (including maps, aerial photographs, GIS shape files, other remote sensing imagery etc.) to ensure DECCW can conduct an appropriate review of the assessment.

With respect to Biodiversity Consideration, two guidelines are particularly relevant. The first is the *Draft Guideline for Threatened Species Assessment* adopted as a draft in July 2005 by the Department to guide the identification of important factors or heads for consideration by proponents when assessing the impacts on threatened species populations and ecological communities. The second is the guideline published by the Office of Environment and Heritage entitled *Interim Policy on assessing and offsetting biodiversity impacts under Part 3A*.

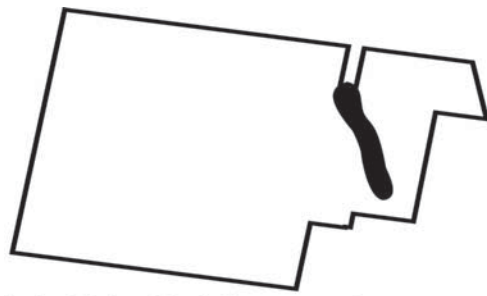
The July 2005 Draft Department guide sets out a five step process for assessment consideration.

Steps 1 and 2 relate to an examination of background material and the conducting of on-site surveys by suitably qualified persons to document the physical nature of the site and its environs. This work is contained in **Folder B of the Technical Papers**.

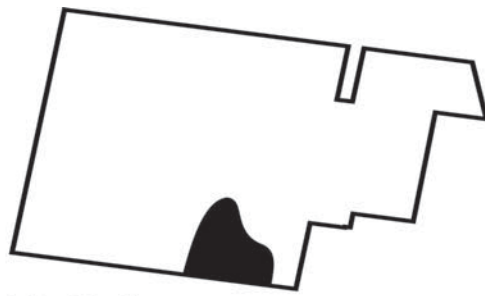
Step 3 seeks to evaluate potential impacts. In this project the evaluation of impacts has occurred essentially as a fourth process after the work associated with Step 4 in the Draft Guidelines concerning – avoiding, mitigating and then offsetting. The thumbnail drawings below set out the environmental planning process via which a residential development envelope has been designed for the land. This envelope seeks to ensure that only least constrained is developed i.e. avoiding the more sensitive areas of the site in preference to less sensitive precincts. Adopting this approach leads to a net reduction in 2(a) zoned area of over 4.5ha.

SETTLERS RIDGE, SOUTH WEST ROCKS

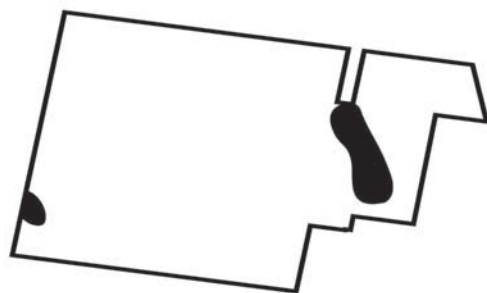
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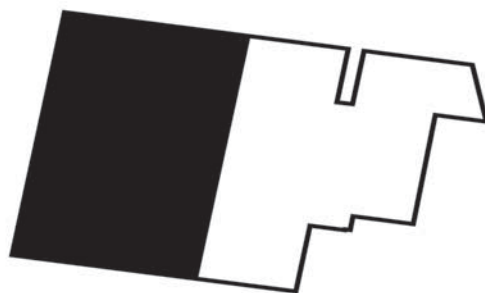
1. Avoid visual back drop vegetation



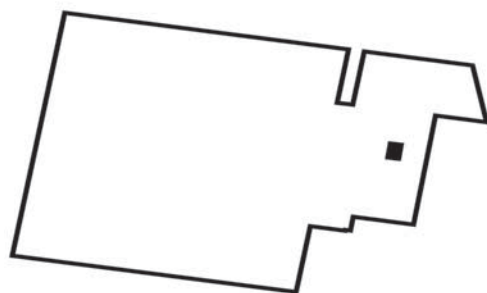
4. Avoid gully



2. Avoid land on very steep slopes



5. Avoid areas not adjacent to existing or future urban uses



3. Avoid culturally sensitive areas



6. Summary of avoided areas

This proposal adopts the “avoid” concept by concentrating new residential uses immediately adjacent to the existing urban interface and avoiding impacts by retaining or conserving environmentally important parts of the site. Two mutually inclusive purpose categories of land are retained. One is the BioBanking component and the other is the conservation (i.e. leave undeveloped) component. The following graphic shows that approximately 26 ha of land (some 60% of the site) fall into these two categories.



Plan 5.6 Avoiding those areas of the site less environmentally compromised.

The project implements the “improve” concept through management measures in BioBank sites. These measures are determined through the use of the BioBanking calculator and the extent of these measures is reflected in the ultimate score for a BioBank site; and

The Settlers Ridge project respects the “offset” concept by retiring credits in accordance with the BioBanking methodology.

The area proposed as a BioBanking lot (see graphic attached) will assist in retiring some of the abovementioned credits. The proposal

will deliver some 152 eco-system credits (from the BioBank site). It will also deliver 31 credits respectively for the Masked Owl, the Squirrel Glider and the Brush-tailed Phascogale, of which only those for the Brush-tailed Phascogale are required.

After establishment of the above described envelope the impacts of the residential use of part of the property were then tested i.e. Step 3 in the Draft Guidelines. The testing was performed using the objective testing regime set out in the BioBanking Assessment Method (BBAM) and Credit Calculator. Using this scientific, objective and “rules based” methodology the assessment determined that 883 credits will be required to be retired in order to meet the “improved or maintained standard”. Further, 279 Brush-tailed Phascogale species credit will need to be retired.

Within the site itself 152 ecosystem credits and 31 species credits can be obtained (the BioBank site). This leaves a shortfall of some 731 ecosystem and 248 species credits for the Brush-tailed Phascogale credits to be sourced.

The final step in the Draft Guideline – Step 5, Key Thresholds, require a proponent to assess the preferred option based on, inter alia, whether or not a proposal will maintain or improve biodiversity values; reduce the long term viability of a local population; accelerate the extinction of species, population or ecological communities or have an adverse effect on critical habitat.

Based on the analysis described in the Environmental Assessment, the proponent submits that the development will not adversely impact upon biodiversity values. The proposal will achieve or better the “improved or maintain” test. By establishing areas of BioBank land in perpetuity the viability of local populations will be increased and accordingly there is no likelihood or low likelihood of an extinction of species populations or ecological communities or even the placing of such communities at risk. No critical habitat or Red Flag areas will be adversely affected by this proposal

In relation to other matters required by DGR 9.1, elements of the DGR is set out in point form below with commentary provided in relation to each of the points.

- *A Biodiversity Assessment Report should be prepared which includes an assessment of the development site and the proposed BioBanking site with respect to biodiversity values.*

A Biodiversity Assessment Report has been prepared for this proposal (Parker, October 2012) which included a systematic fauna survey undertaken over various seasons and over a number of years. The BioBanking Credit Report certifies that a minimum of 13.97 ha of contiguous scribbly gum – red bloodwood heathy open forest of

coastal low lands of the North Coast with minimum credits of 833 is required to offset vegetation loss occasioned by this development. Further, 279 species credits for the Brush-tailed Phascogale are required.

- *Set out the ecosystem credits and species credits required to be offset;*

At the time of the DGRs, the credit calculator was downloaded as a standalone feature (Ver. 1). The updated version 2 credit calculator is online. Thus, the credit calculations are now retained by the Office of Environment and Heritage. A BioBanking Credit Report accompanies this EA as **Technical Paper B1**.

Mr Peter Parker of Peter Parker Environmental Consultants Pty Ltd is an accredited assessor under the BioBanking scheme adopted by Part 7A of the *Threatened Species Conservation Act 1995*. Mr Peter Parker undertook the flora and fauna survey of the site and prepared an assessment report in accordance with the BioBanking methodology.

- *Set out how the ecosystem and/or species credits are going to be secured and obtained and the intended mechanism/s by which offsets are proposed to be provided e.g. through retirement of biodiversity credits, reservation of land, or other mechanisms;*

The guideline published by the Office of Environment and Heritage (the *OEH Interim Policy on assessing and offsetting biodiversity impacts under Part 3A*) sets out a practical approach to offsetting. This Policy has been appended to the Biodiversity Assessment Report (Parker, October 2012) as Appendix 3.

The proposed development will not occupy all of the site but provides for both a BioBanking site (for offset purposes) and an undeveloped or retained area.

The OEH 2011 guideline provides for three tiers of assessment for 3A projects. Tier 1 is the most restrictive and meets the “improve and maintain” test described in the BioBanking methodology. The proposed development has adopted the Tier 1 criteria and therefore meets the “improve or maintain” test (which is not a necessity in 3A projects).

The sourcing of additional land in order to retire the credits required is in an advanced stage and the project has been advised that the total eco-system and species credits required can be sourced within the appropriate catchments [pers. coms. Dan Williams, September 2012, see also Fig, 14 page 56 of the Biodiversity Assessment Report (Parker, October 2012)]. A BioBanking Credit Report for the site has been prepared and is contained in the **Technical Paper B** accompanying this Concept Application.

- *Demonstrate how all options have been explored to avoid red flag areas;*

No vegetation which is a red flag area occurs at the site.

- *If the ecosystem or species credits cannot be obtained, provide appropriate alternative options to offset expected impacts;*

Ecosystem and species credits will be obtained both on and off site. Credit calculations have been provided with respect to onsite requirements (both development and BioBank sites) and offsite sources.

- *Include all relevant BioBanking files (e.g. *.xml output files), data sheets and documentation (including maps, aerial photographs, GIS shape files, other remote sensing imagery etc.) to ensure DECCW can conduct an appropriate review of the assessment.*

Annexed as part of the **Technical Papers** as folder **B4** are all the computer files relevant to the calculation of species credits in accordance with the BBAM.

DGR 9.2 Where appropriate likely impacts (both direct and indirect) on any adjoining and/or nearby DECCW estate reserved under the *National Parks and Wildlife Act 1974* or any marine and estuarine protected areas under the *Fisheries Management Act 1994* or the *Marine Parks Act 1997* should be considered. Refer to the *Guidelines for developments adjoining land and water managed by the Department of Environment Climate Change and Water* (DECCW 2010).

The subject site is not located adjoining or nearby to any DECCW estate or any marine and estuary protected under the Fisheries Management Act or Maritime Parks Act.

5.10 NOISE IMPACTS

DGR 10.1 The EA should address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures. The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

In examining the acoustic environment of the site, the primary issue identified for any future development is the impact on the amenity

of the residents within the new subdivision affected by traffic noise from Gregory Street.

Construction noise and vibration associated with proposed subdivision also needs to be considered under the relevant guidelines and standards for determining vibration impacts on dwellings and human comfort.

An acoustic assessment of the site and surrounds was thereby undertaken by Hunter Acoustics to determine the suitability of the site for residential development. A full copy of the assessment is contained in the **Technical Papers** attached to this EA at Section A. The primary findings of the report in relation to residential amenity were:

“The predictive modelling shows that traffic noise levels at lots adjoining Gregory Street (Lots 1 to 8) as shown on the subdivision plan will exceed the criteria in the DECCW ECRTN and sound attenuation will be required. The modelling showed that compliance with ECRTN criteria at facade can only be achieved at dwellings on lots 1 to 8 adjacent to Gregory Street if those dwellings are single storey and a 2.5 metre high noise barrier is provided at the property boundary.

The finished ground levels should be confirmed at final design stage and the barrier height verified after final design is completed.”

These measures have been included in the Statement of Commitments in Section 7 of this EA.

In relation to construction noise

“The daytime background sound level in the areas where residences are likely to be affected by construction noise ranges from 42 - 50 dB(A) depending on the distance of the residences from the road. Typical earthworks machinery that is likely to be used in the construction of the subdivision will have sound power levels in the range of 110 dB(A) to 114 dB(A) depending on the nature of the equipment. There is a potential for local residents to be seriously affected by construction noise when construction with heavy machinery, such as excavators or dozers, is occurring within 60 metres of a residence. The construction schedule and/or methods have not been developed at this point and the best method to ensure adequate control of construction noise is to provide that a Construction Noise Management Plan is developed.”



Land sales in South West Rocks have slowed in recent times.

This too forms part of the Commitments contained in **Section 6** of this EA.

Some construction vibration would be expected to occur during the construction of the subdivision roadworks and for some bulk earthworks. In this regard:

“Construction vibration is likely to cause significant adverse comment from people when vibratory rollers for road works are used within 40 metres of a residence and when heavy equipment is used in bulk excavation within 60-80 meters of a residence depending on the works and equipment involved. There is little risk that the structural damage criteria in BS 7385 will be exceeded by any construction vibration but the likelihood of adverse comment in respect to construction vibration is high when works are carried out within 40 metres of a residence.”

It will therefore be necessary to develop a Construction Vibration Management Plan to control vibration impacts, which will form part of the Statement of Commitments.

With these mitigation measures included, the acoustic assessment concludes that the development will present an amenable residential environment, and will have minimal impact on the existing residential neighbourhood both during and after construction.

5.11 SOCIO-ECONOMIC IMPACTS

DGR 11.1 Provide a social impact assessment for the project. Address the social and economic context of the development in terms of infrastructure requirements, public transport, affordable housing, community services and facilities (including schools and medical services).

The site is located within 300m of a newly constructed community centre adjacent to and associated with “The Rocks” Shopping Fair. This centre was established to cater for the expanding southern residential area of the village.

Kempsey Shire Council adopted a comprehensive Section 94 Contributions Plan for South West Rocks on 12 February 2008. This plan caters for a future works program of additional public services and infrastructure, which incorporates community facility needs. Discussions with Council’s Strategic Planning officers confirm the contributions modelling recognises the anticipated growth of South West Rocks by up to 60% over the life of the Contributions Plan, and

takes into account the remaining 2(a) zoned land yet to be developed in this precinct.

In terms of community facilities, the site is well located in what is becoming a central node of the South West Rocks township. The proximity of the site to schools, community and health services, and The Rocks shopping village reflect the objectives for identifying this site within the Kempsey Shire Council's Residential Land Release Strategy, and earlier incarnations of these urban policies.

Schools in the local area are within capacity to accommodate additional population growth of the town, including both the South West Rocks Pre-School in Trial Street, and the South West Rocks Public School in Gregory Street. Similarly, the 3 primary medical centres in the town, the Trial Bay Family Practice, the South West Rocks Medical Centre, and the nearby Rocks Medical Centre are all taking new patients, with the SWR Medical Centre in the process of appointing another GP before the end of 2011.

The South Rocks Community Health Centre has been recently established and is located less than 100m from the study site. Again, this is no coincidence, and reflects the assumption of the future growth of residential land in the Steve Eagleton / Belle O'Connor precinct of which this site forms a part.



Lot sizes have been varied to provide for a variety of socio-economic needs.

5.12 CONSULTATION

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:

(a) Agencies or other authorities:

- Kempsey Shire Council;
- Department of Planning North Coast Office (Grafton);
- Department of Environment, Climate Change and Water;
- NSW Rural Fire Service;
- Department of Water and Energy;
- Roads and Traffic Authority;
- Land and Property Management Authority;
- Northern Rivers Catchment Management Authority;
- Kempsey Local Aboriginal Land Council; and
- infrastructure providers.

Consultation with Kempsey Shire Council and relevant State Government Authorities and agencies as well as members of the community has been undertaken as part of the Environmental

Assessment process. Pursuant to Section 75F of the Act, prior to the issue of the DGR's, the Director General undertook consultation with relevant government agencies in order to identify potential issues and indicate assessment requirements. In addition to that enquiry, consultation has been undertaken by consultants of behalf of the proponent in the form of:

- meetings undertaken with representatives;
- provision of information to agencies and groups; and
- consultation by specialist consultants during the preparation of their individual assessment reports.

A brief summary in relation to consultation outcome is set out below.

Kempsey Shire Council

Consultation has been undertaken with Kempsey Shire Council with a further meeting held with key development assessment planning offices on 7th April 2011. At that meeting Council was advised in relation to the status of the site analysis research documentation and proposals particularly in relation to BioBanking. Feedback from Council has resulted in refinement of the project, particularly in relation to:

- open space considerations in relation to the embellishment of parks within the project; and
- thorough examination of utility servicing constraints and opportunities applicable to the site.

Department of Planning North Coast Office

A meeting was held with representatives from the Department of Planning North Coast Office on 6th April 2011. At that meeting the status of research undertaken pursuant to the Director General's Requirements was discussed as well as matters associated with BioBanking and the zone boundary adjustment proposals contemplated by the Preliminary Environmental Assessment. Officers of the department indicated no objection in principle to a rezoning of the site as mooted by the Preliminary Environmental Assessment separate to the ongoing development of comprehensive renewal of the LEP for the Shire.

Department of Environment Climate Change and Water

A meeting was held with officers from DECCW on 6th April 2011. The matters discussed at that meeting related to concepts applicable

to BioBanking and the impacts of the project on threatened species and their habitat.

New South Wales Rural Fire Service

The New South Wales Rural Fire Service has been formally consulted with an application for a bushfire authority submitted to the service accompanied by a report prepared in compliance with the requirement of *Planning for Bushfire Protection 2006*.

Department of Water and Energy

The Department was consulted as part of the environmental assessment process through the provision of material requesting a meeting. At this stage no feedback has been received from the Department.

Roads and Marine Services

The RTA was provided with a copy of the traffic assessment for the earlier 220 lots scheme. By letter dated 10 May 2011, the RTA advised that they have no objections in principle to the proposed subdivision. Referral back to the RMS was thought appropriate given the reduction in the lot yield from 220 to 156 proposed by this scheme.

Land and Property Information Authority

The Department of Lands was consulted through the provision of information material. No feedback has been received from the Department.

Northern Rivers Catchment Authority

The Northern Rivers Catchment Authority was approached with a request for preliminary advice in March 2010. The Authority subsequently advised that it was not in a position to supply feedback in relation to the project unless approached by the relevant planning authority.

Kempsey Local Aboriginal Land Council

The Kempsey Local Aboriginal Land Council was consulted as part of the cultural heritage assessment. Comprehensive details of the site investigation and advice provided by the Kempsey Local Aboriginal Land Council is contained in **Technical Paper F**.

Infrastructure Providers

Hopkins Consultants has undertaken consultation with council and other key infrastructure providers in preparation of their civil engineering report. Details in relation to that consultation is to be found in **Technical Paper D**.

(b) Public:

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.



The design has been fashioned to try to achieve a layout consistent with the "character" of the Rocks.

Community consultation for the purposes of the preparation of the Environmental Assessment document has been undertaken on a broad approach. SJ Connelly met with a range of people in the community including Shire Councillors; members of the Chamber of Commerce; the managing director of The Rocks Centre; representatives of the Friends of South West Rocks; representatives of the North Coast Environmental Council Inc; local residents of South West Rocks; persons engaged in business in South West Rocks; Officers of Council and owners of the lands the subject of this application.

All of those consulted indicated a desire to ensure the protection of "the character of the Rocks". However, there were divergent views in relation to the appetite of the community at large in relation to further residential development. Those associated with business and commercial activity generally observed the need for further population growth in order to strengthen the viability of existing services and also to enhance the range of services available in the town.

Some observed that in recent times there has been a loss of skilled workers from the town as a consequence of a slowdown in building and related activities.

Others consulted raised concern in relation to the continued growth of South West Rocks and the plethora of recent subdivision applications. They raised concerns about the residential land market being flooded with new subdivisions and also highlighted concern in relation to environmental impacts and cultural impacts.

A few of those consulted were of the opinion that South West Rocks did not require any further residential development at this time.

At the time of community consultation, it was not possible to be precise in relation to the finalised analysis of key matters, particularly relating to BioBanking credits and cultural heritage management matters. To assist in a broad understanding of the environmental impacts associated with the project, it is proposed to establish a website containing all the relevant background material and environmental assessment providing a facility for persons interested to “drill down” in relation to factual information as well as providing opinions to the Department in its consideration of the Environmental Assessment.

This website will be established in association with the formal exhibition of the Environmental Assessment which is undertaken by the Department.

6 STATEMENT OF COMMITMENTS

This section sets out the proponents commitments to the orderly development of the land.

6.1 STATEMENT OF COMMITMENTS

The Statement of Commitments as relevant to the Project is contained in **Table 6.1** that follows.

The following Statement of Commitments reflect the various specialist investigations into the project application and subdivision design, and incorporate recommendations resulting from the relevant surveys and reports.



An example of the integration of new residential development and existing dense vegetation.

TABLE 6.1 STATEMENT OF COMMITMENTS

ITEM		COMMITMENT	ACTION	TIMING
General	1	The proponent will undertake the development in accordance with Plan 3.1 in the Environmental Assessment.	Proponent	All stages
Statutory Requirements	2	<p>All licences, permits and approvals as necessary will be obtained once project approval is granted and maintained for the development, including:</p> <ul style="list-style-type: none"> ▪ Acquittal of BioBanking Credits ▪ Construction Certificates for engineering works (including earthworks, soil and water management, roadworks and drainage) for each stage of the subdivision; ▪ Subdivision Certificates for each stage of the subdivision; ▪ Section 138 Consent for roadworks (Roads Act 1993); ▪ Section 68 approvals for utilities infrastructure (Local Government Act 1993); ▪ Electricity Compliance certificate from Origin/Energy; ▪ Telstra, National Broadband Network Compliance Certificates; and ▪ Water Compliance Certificate from Macleay Water under Section 307 of 	Proponent	Stage 1 & ongoing

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ITEM		COMMITMENT	ACTION	TIMING
		the Water Management Act 2000.		
Infrastructure Provision	3	<p>The following infrastructure is to be provided for all lots in the subdivision:</p> <ul style="list-style-type: none"> ▪ Electricity reticulation to each residential lot to the satisfaction of Origin/Energy; ▪ Reticulated potable water supply to each residential lot to Council's satisfaction; ▪ Telecommunication services to each residential lot to the satisfaction of Telstra and the National Broadband Network. <p>Staging and timing of infrastructure provision is to be established in the final Development Contract to be approved by Kempsey Shire Council.</p>	Proponent	All Stages
	4	The design and construction of the internal roads and APZ's are to comply with Planning for Bushfire Protection, 2006.	Proponent	All Stages
Water Management	5	Water quality control measures will be designed and installed in accordance with the principles of the Surface and Storm Water Management Plan described in Technical Paper D . Detailed designs for these works are to be provided with the Construction Certificate relevant to each stage.	Proponent	All Stages
Heritage and Archaeology	6	The site RPS SWR 1, being the "scarred tree" located during the archaeological survey undertaken by RPS Consulting is to be afforded protection with a cordoned off area of 10 metres X 10 metres established around it. Details are to be provided with the Construction Certificate for Stage 1.	Proponent	Stage 1
	7	All relevant construction staff are to be made aware of their statutory obligations for heritage under NSW NPW Act (1974) and the NSW Heritage Act (1977), which may be implemented as a heritage induction.	Proponent	All Stages
	8	The location of RPS SWR 1 shall be included in all environmental management plans for	Proponent	All Stages

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ITEM		COMMITMENT	ACTION	TIMING
		the development area, so that all staff are aware that these areas will require management.		
	9	If further Aboriginal site(s) are identified in the study area, then all works in the area should cease, the area cordoned off and contact made with DECCW Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.	Proponent	All Stages
	10	If skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, the proponent must contact the DECCW Enviroline 131 555, a suitably qualified archaeologist and representatives of the local Aboriginal Community Stakeholders to determine an action plan for the management of the skeletal remains, formulate management recommendations and to ascertain when work can recommence.	Proponent	All Stages
	11	If during the course of clearing work, significant European cultural heritage material is uncovered, work should cease in that vicinity immediately. A significance assessment by a suitably qualified archaeologist adhering to the NSW Heritage Branch Significance Criteria should be carried out and the NSW Heritage Branch should be notified if significant historical items are identified. Works should only recommence when an appropriate and approved management strategy is instigated.	Proponent	All Stages
	12	Prior to any work commencing on the site credits shall be acquitted in the amount and type specified in the BioBanking Credit Report.	Proponent	Stage 1 & Ongoing
Biodiversity	13	The proponents are to prepare a comprehensive Vegetation Management Plan for all areas of existing vegetation to be retained within the site. Such plan is to	Proponent	Stage 1 & Ongoing

SETTLERS RIDGE, SOUTH WEST ROCKS

ITEM		COMMITMENT	ACTION	TIMING
		<p>include provision for the following management measures:</p> <ul style="list-style-type: none"> ▪ Species-appropriate weed control responses formulated and implemented ▪ Formal protection of existing bushland ▪ Hollow-bearing trees identified and protected by tree protection zones ▪ Feral animal control ▪ Provision of fauna-friendly fencing ▪ Implementation of strict sediment and erosion control plan during all activities where soil is exposed ▪ Control program in conjunction with local Catchment Management Authority ▪ Determination of appropriate fire regime for each vegetation type ▪ Provision of formal paths to minimise trampling of understorey vegetation ▪ No point source delivery of stormwater runoff – use of water sensitive urban design principles such as diffuse water delivery ▪ Monitor all actions on regular basis and report to Council <p>The Vegetation Management Plan is to be submitted to Kempsey Shire Council for approval prior to registration of Stage 1.</p>		
	14	Plant species used in landscaping of the development area will be of locally-native species.	Proponent	All Stages
Noise Impacts	15	Provide a 2.5 m high acoustic barrier to the boundaries of Lots 1 to 8 as shown in the acoustic assessment prepared by Hunter Acoustics. Details are to be included in the application for a Construction Certificate for Stage 1.	Proponent	Stage 1
	16	A Construction Noise and Vibration Management Plan that specifies approach distances to residences before action must be taken is to be developed prior to the	Proponent	Stage 1 & ongoing

SETTLERS RIDGE, SOUTH WEST ROCKS

ITEM		COMMITMENT	ACTION	TIMING
		<p>commencement of construction works. The plan is to be developed in accordance with BS 7385 and the relevant DECCW guidelines and as a minimum will contain the following:</p> <ul style="list-style-type: none"> a) Limits for Noise and Vibration at affected residences in accordance with the Construction Noise Guide and BS7385; b) A list of machinery to be used for construction; c) Approach distances, "Buffer Zone" for each machine type that will trigger relevant management action for that activity; d) Specific management actions that should be taken for relevant activities inside the "Buffer Zone"; e) Identify the individual responsible for actioning the Management Plan and addressing any complaints; and f) Procedures for receiving, managing and resolving complaints. 		
Construction	17	<p>Prior to the commencement of works on the site, the proponent will submit to Council a Construction Management Plan. The Plan is to address the following:</p> <ul style="list-style-type: none"> • a detailed work program outlining relevant timeframes for activities; • roles and responsibilities for all relevant site workers and employees involved in the construction phase; • waste and debris management measures to be employed during the construction phase; • erosion and sediment control measures during construction; • details of environmental management procedures, monitoring and reporting requirements during construction and operation phase; • traffic management procedures; and 	Proponent	All Stages

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ITEM		COMMITMENT	ACTION	TIMING
		<ul style="list-style-type: none"> details of statutory and other obligations that must be met during construction and operation, including all approvals and agreements required from authorities and other stakeholders. 		
	18	Construction work will be confined to 7.00 am to 6.00 pm Monday to Saturdays, with no construction taking place on Sundays or public holidays, unless prior approval is obtained from the relevant authority.	Proponent	All Stages
Developer Contributions	19	<p>Section 94 developer contributions will be paid to Council, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <ul style="list-style-type: none"> Roads Open Space Community Services Bushfire Administration Levy 	Proponent	All Stages
	20	<p>Section 64 developer contributions will be paid to Macleay Water, at the rate current at the time of payment, towards the provision of the following public services or facilities:</p> <ul style="list-style-type: none"> Water supply Sewer services <p>Contributions relevant to each stage of the subdivision (taking into account current credits) are to be paid prior to the registration of subdivision plans for that stage.</p>	Proponent	All Stages

7 PROJECT JUSTIFICATION

The proposed development has been examined against a comprehensive range of social, economic and biophysical factors. The assessment of its impacts has been based on scientific and technical information provided by specialist consultancies, and planned in accordance with the principles of an Ecologically Sustainable Development.

7.1 THE PRECAUTIONARY PRINCIPLE

- The project's design, as evidenced by the scientific reports in support of the residential development, would not have any adverse environmental impacts beyond the scope envisaged by its land use zoning;
- Consultation has been undertaken to ensure that all relevant issues have been identified and appropriately addressed throughout this EA. Further consulting will occur during the period of exhibition of the EA.
- Full scientific certainty has been established by virtue of the analysis of the site and surrounds, the examination of relevant legislation, and the recommendations of specialist consultancies whose role was to assess the capability of the site to support residential development.
- All modelling and predictive assessments engender a degree of uncertainty due to the variances of the natural environment. However, where uncertainty may have been present in predictive modelling, the worst case (conservative) scenario was considered.



Some parks include European historic monuments and the like.

7.2 INTER-GENERATIONAL EQUITY PRINCIPLE

- Given the BioBanking offset proposed, the proposed residential development has been determined by accredited consultants to not compromise environmental values;
- The project fulfils the growth expectancies of the regional and local urban growth strategies, thereby making a positive contribution to the orderly and economic development of the local community and providing for the future generational housing needs of the township;
- Alternatives to the residential development's establishment were considered. However, the scientific and cultural investigations of the site suggest the property as being suitable for residential development, thereby satisfying Council's and the Department's expectations for urban growth in South West Rocks township.

7.3 CONSERVATION OF BIOLOGICAL DIVERSITY AND ECOLOGICAL INTEGRITY

- No natural waterbodies, rivers, creeks or streams are present within the site, or would otherwise be negatively impacted by the proposed development;
- Existing vegetation and areas of native habitat have been assessed under BioBanking legislation and a credit assessment report is attached to this EA. Relevant BioBanking credits must be acquitted before any development of the land can occur;
- Water management and air quality site management controls have been included within the Project's Statement of Commitments, thereby ensuring that impacts to the environment during construction activity will be appropriately managed.

7.4 IMPROVED VALUATION, PRICING AND INCENTIVE MECHANISMS

- The construction of the project subdivision will provide direct economic benefit to the local community during construction and post construction. These construction jobs will involve builders, plumbers, electricians, painters, bricklayers, landscapers, utility technicians, tilers, plasterers and other contractors. The post construction employment opportunities will arise from the jobs associated with household expenditure from residents that occupy the site. If it is assumed that the population occupying the subject lands will have a weekly household income of \$500 - \$599, equivalent to the Mid North Coast median, an annual expenditure of over \$6.8m would be available to the economy from the full development of the subject lands for housing. Assuming a multiplier effect of 3:1 this will lead to expenditure of \$20m per annum. This expenditure will generate additional employment opportunities in the area.
- The costs of infrastructure for the development will be borne by the developer of the land in accordance with the supporting contribution plans so the wider community is not burdened with these costs. Taking into account the employment benefits and improved environmental condition of the land as a result of this proposal, the development is expected to have a lasting positive economic impact upon the community.
- The community facilities within South West Rocks are satisfactory for the existing population, and health services, education facilities and retail services have expanded recently in anticipation of future growth of the township;

- The project incorporates passive and active open space at a ratio in excess of the minimum recommended requirements of the South West Rocks Open Space Strategy.

7.5 PROJECT JUSTIFICATION

Having regard to the above comments, the project's benefits can be summarised as responding directly to the regional and local urban growth strategies for the South West Rocks township and the Kempsey Shire as a whole.



The project responds to the regional and local land release strategies.

8 CONCLUDING REMARKS

8.1 CONCLUSION

The proposal by the South West Rocks Joint Venture to develop Settlers Ridge is a product of many factors. Those factors include:

- The policies of all levels of Government to promote the orderly and economic use of land;
- The zoning and long term designation of the Settlers Ridge property for urban development to meet the needs of the growing community of South West Rocks;
- Demand for a wide range of housing products in locality; and
- The site planning opportunities presented by the site;

The site is considered suitable for residential development, and is consistent with various strategic and statutory documents which earmark it for low density residential development.

All of those Key Issues identified in the DGRs have been examined within this Environmental Assessment, and justify the residential development proposed by the Project.

No adverse environmental, social or economic impacts have been identified which would preclude the site being subdivided for residential development in the manner proposed.



Proximity to the ocean is a major part of the character of South West Rocks.



The subdivision lot size and layout corresponds to the topography and integrates with existing subdivision in the area.

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APPENDIX A
DGR Checklist

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Director-General's Requirements Review

Appendix A Director Generals Requirements Review

This Concept Plan Environmental Assessment report comprises the following plans and documents:

- Environmental Assessment report; and
- The bundle of **Technical Papers**.

Below is a guide to pages in the EA where particular requirements are addressed.

ATTACHEMENT 1	
Item	
General Requirements	EA Page
1. An executive summary.	i to iii
2. An outline of the scope of the project including:	
- Any development options;	14 & 15
- Justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;	97 to 99
- Outline of the staged implementation of the project if applicable.	10 to 15
3. A thorough site analysis including constraints mapping and description of the existing environment.	3 & 4; 10-15
4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliance with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans.	23 to 50
5. Consideration of consistency of the project with the objects of the EPA Act 1979.	31 & 32
6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	30
7. An assessment of the potential impacts of the project and a draft Statement of the Commitments.	51 to 90
8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.	The page proceeding the Executive Summary
9. An assessment of the key issues specified below and a table outlining where in the EA these key issues have been addressed.	51 to 86

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1. Strategic Planning	
1.1 Justify the proposal with reference to relevant local, regional, and State planning strategies. Provide justification for any inconsistencies with these planning strategies.	51
1.2 Provide a planning proposal for the proposed rezoning. In particular provide detail on why part of the site is proposed to be rezoned as Rural rather than Environmental protection under the <i>Kempsey Local Environmental Plan 1987</i> considering the environmental qualities contained in that part of the site.	25 & 29
2. Subdivision Design, Layout and Desired Future Character	
2.1 Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, future built form controls, aesthetics, energy and water efficiency and safety. Reference should be made to Council's <i>Development Control Plan No. 31 Energy Smart Homes</i> (subdivision component) <i>Development Control Plan Crime Prevention through Environmental Design</i> and <i>Development Control Plan No. 22 Local Housing Strategy</i> .	52
2.2 Demonstrate the consistency of the proposed subdivision design and layout with the <i>Coastal Design Guidelines for NSW</i> , <i>NSW Coastal Policy 1997</i> and <i>SEPP 71 – Coastal Protection</i> .	52 to 61
2.3 In terms of minimum lot sizes demonstrate consistency with the <i>Kempsey Local Environmental Plan 1987</i> .	61
2.4 Demonstrate that the provision of both passive and active open space is consistent with the <i>South West Rocks Open Space Strategy</i> .	63
2.5 Demonstrate consistency with recommendations to reduce urban/rural land use conflict as outlined in <i>Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast</i> (Southern Cross University 2007).	63 & 65
3. Visual Impact	
3.1 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address loss of views from public places and cumulative impacts.	63 & 64
4. Infrastructure Provision	
4.1 Prepare an Infrastructure Servicing, Strategy that address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with the relevant agencies. Identify	64 to 68

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and describe staging, if any, of infrastructure works.	
4.2 Address and provide the likely scope of any planning agreements and/or development contributions with Council/Government agencies (including relevant community/state infrastructure contributions).	68
5. Traffic and Access	
5.1 Prepare a Traffic Impact Study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Development</i> .	69 & 70
5.2 The Traffic Impact Study should include a justification for the proposed collector/link road.	70 & 71
5.3 The Traffic Impact Study is to provide a conceptual plan depicting potential pedestrian and cyclist movement, public transport and relevant road improvements to the adjacent local road network. Reference should be made to Council's 2003 <i>Pedestrian Access Mobility Plan</i> , <i>Kempsey and South West Rocks</i> and <i>DCP 36 Engineering Guidelines for Subdivision and Development</i> .	71
6. Hazard management and Mitigation	
<i>Contamination</i>	
6.1 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> .	71 & 72
<i>Bushfire</i>	
6.2 Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS)	72 & 73
<i>Geotechnical</i>	
6.3 Provide an assessment of any geotechnical limitations that may occur on the site and if necessary appropriate design considerations that address these limitations.	73 & 74
<i>Flooding</i>	
6.4 Provide an assessment of any flood risk on site.	73
7. Water cycle Management	
7.1 The EA should demonstrate consistency with the intent and targets outlined in the <i>Northern Rivers Catchment Action Plan</i> .	74
8. Heritage and Archaeology	
8.1 Identify whether the site has any significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural heritage Assessment and Community Consultation</i> (DEC 2005).	75 to 77

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9. Flora and Fauna	
9.1 A Biodiversity Assessment Report should be prepared which includes an assessment of the development site and the proposed BioBanking site with respect to biodiversity values.	77 & 83
9.2 Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby DECCW estate.	83
10. Noise	
10.1 The EA should address potential noise impacts.	83 to 85
11. Socio-economic Impacts	
11.1 Provide a social impact assessment for the project.	85 to 86
ATTACHMENT 2	
Plans	
1. The existing site survey plan	7
2. A site analysis plan must be provided which identifies existing natural elements of the site.	62
3. A locality/context plan.	6
4. The subdivision plans.	17
5. A recent aerial photo of the site.	8