

SETTLERS HILL SOUTH WEST ROCKS

2

Preliminary Assessment

1. INTRODUCTION

The development site is Lot 223 DP 754396, Gregory Street & Trevor Judd Road, South West Rocks. The proposal is for a 38 lot residential subdivision.

The proposed subdivision is permissible with consent and complies with the relevant environmental planning instruments & development control plans. The site does contain substantial native vegetation but is on the fringe of a much larger area and does not represent a corridor or linkage to areas beyond that.

The development of the site represents an in fill development which will provide a much needed link (pedestrian & vehicle) between the northern (older part of the village) and the southern (more recently developed) areas. It will facilitate a more cohesive village structure and function.

The shortage of land at South West Rocks and the extensive delays in the Land Release and Rezoning processes mean that this site has now become critical to the land supply of the area.

2. KEY ISSUES

“Key Issues” could include, but may not be limited to:

- *known community concerns about the development proposed*
 - A section of the community objects to any vegetation loss on the site. This same sector of the community objects to many proposals in the South West Rocks locality.
- *potential environmental impacts associated with construction, operation, or occupation of a project*
 - Previous Development Application determined that the clearing associated with the proposed subdivision would result in a Significant Impact on Threatened Fauna.
 - A Species Impact Statement was submitted and DEC Concurrence to the proposed clearing was granted on 1 September 2003 (Ref DOC03/11328 AM:ns 02/05358-2).
 - The vegetation on the site has not altered and it is anticipated that the determination of Significant Impact would not have changed.
- *constraints arising from the peculiarities of a project site*
 - Western boundary of site is subject to high bushfire hazard and restriction on use limiting the building envelopes of the closet allotments will be required.
 - Access restriction along Gregory Street frontage. Subdivision served by extension of Trevor Judd Avenue & Panorama Avenue.
 - The site topography limits subdivision layout options.

SETTLERS HILL SOUTH WEST ROCKS

3



FIGURE 1— AERIAL PHOTOGRAPH

SETTLERS HILL SOUTH WEST ROCKS

4

3. SITE

'Settlers Hill' is described in Real Property terms as Lot 223, DP754396. It has frontage to Gregory Street, Trevor Judd Avenue and Keith Andrews Avenue, South West Rocks. South West Rocks is a "Coastal Village" on the mid north coast of NSW, about 5 ½ hours drive north of Sydney.

Figure 1 above shows the context of the site within the existing village of South West Rocks.

A plan showing the site within the village footprint & urban zoned lands is at Figure 2 below. The land has a total area of 2.99 ha and is zoned 2(a) Residential "A" under Kempsey Local Environmental Plan 1987.

Figure 3 provides a copy of the Deposited Plan.

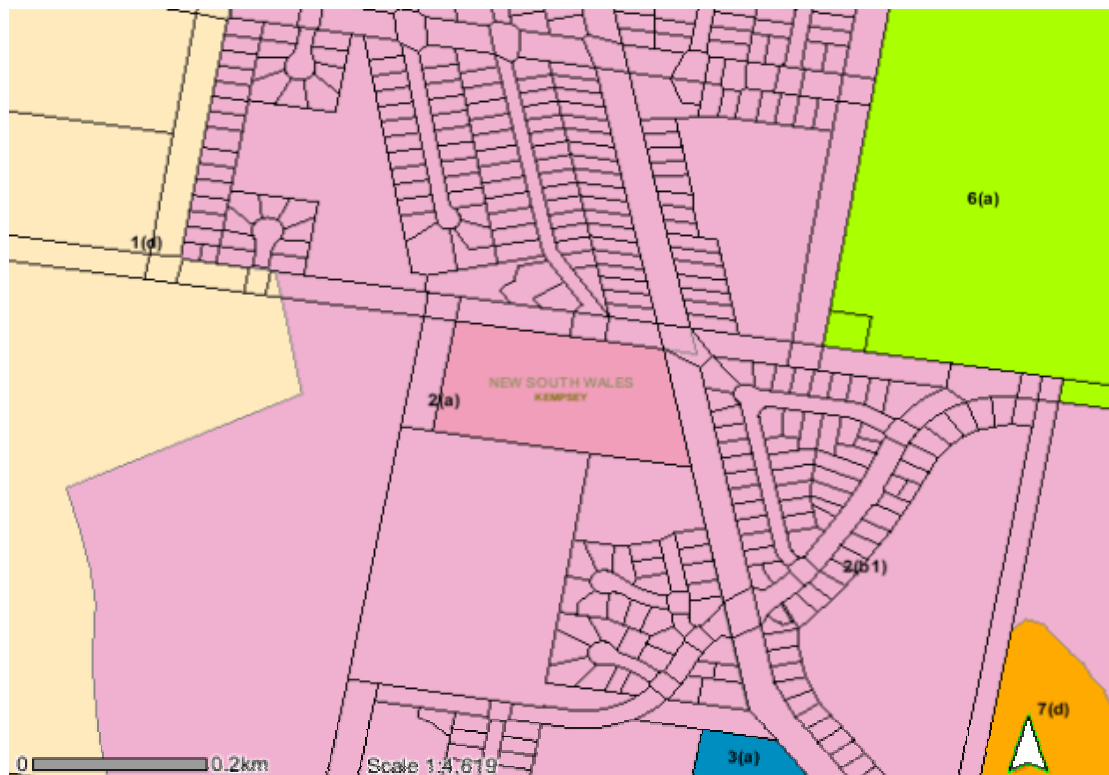


FIGURE 2 ZONES & URBAN CONTEXT

SETTLERS HILL SOUTH WEST ROCKS

5

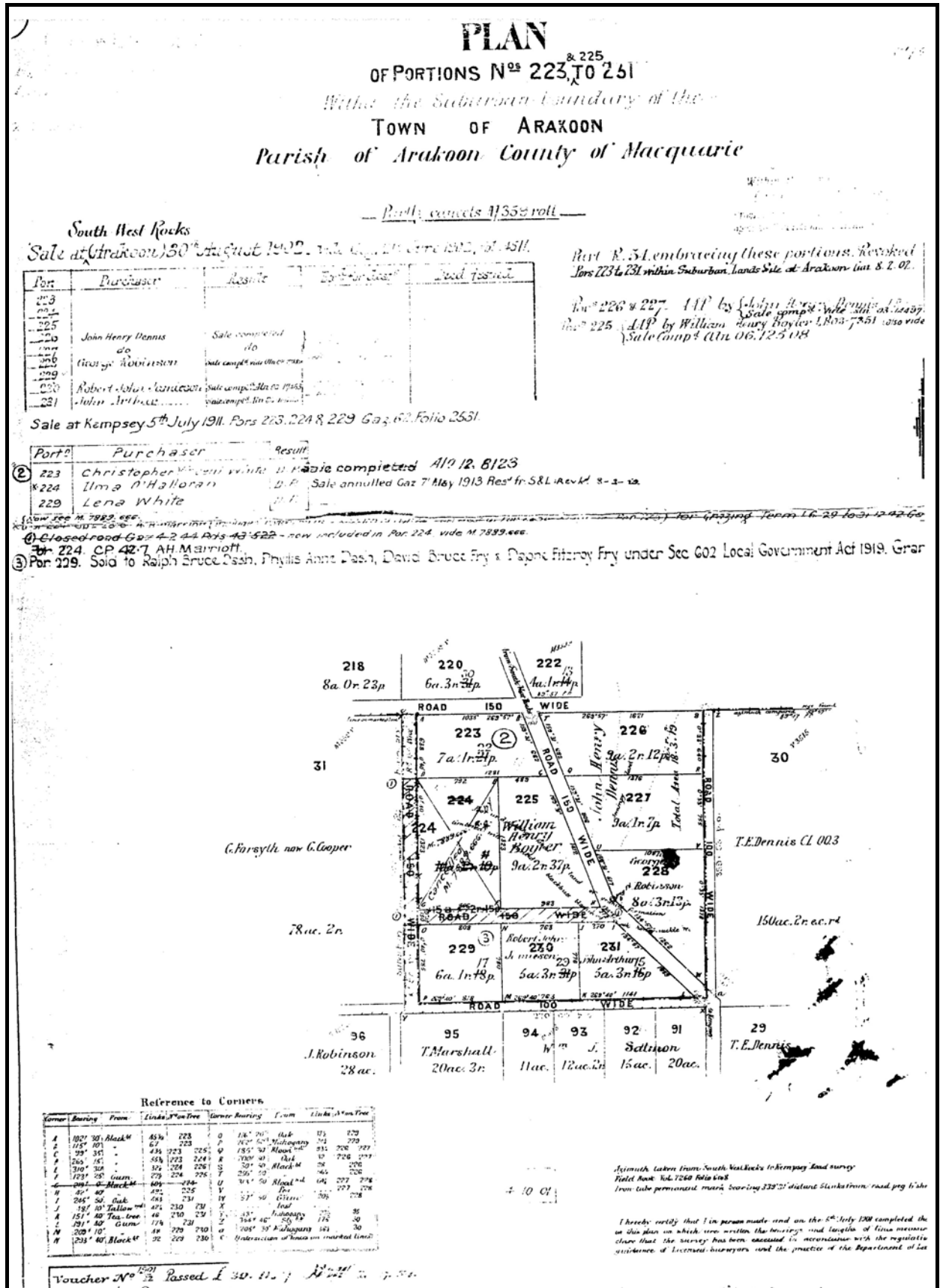


FIGURE 3 – PARISH PORTION PLAN



HOPKINS CONSULTANTS

PTY LTD

DEVELOPMENT MANAGERS • SURVEYORS • ENGINEERS • PLANNERS

4. CONSTRAINTS & OPPORTUNITIES

- The 2.99 ha site contains a mixture of mature native vegetation and regrowth. The Flora & Fauna Survey identifies the land as containing habitat suitable for Threatened Species and field survey found Glossy Black Cockatoo, Squirrel Glider, Grey-headed Flying-fox, Brush-tailed and Phascogale. DEC concurrence to remove the vegetation was granted on the previous DA.
- Frontage to Gregory Street (gateway access through South West Rocks) raises amenity issues for allotments fronting the road and presentation of the lots to the street is an important consideration.
- No additional vehicle access permitted onto Gregory Street.
- Extension of Trevor Judd Avenue through the site to the north will provide road & pedestrian linkage to the Bi-Lo Supermarket & specialty shops, as well as connection to Belle-O'Connor/Steven Eagleton Street Roundabout onto Gregory Street.
- Opportunity to construct Keith Andrews Avenue and provide properly constructed frontage to dwellings fronting the north side of the avenue.
- Existing mains water booster pump in road reserve to be avoided and if necessary acoustically fenced for resident amenity, without hindering Council access to the facility.
- Opportunity to link Panorama Avenue to Trevor Judd Avenue providing greater street pedestrian permeability to the local shopping centre.
- Settlers Hill has potential for distant ocean and National Park views to the north and north-east.
- Bushfire Hazard from the west and south west. Reciprocal APZ's agreement in place with the land owner of Lot 511 to the south. Construction of Crown Road as part of subdivision will form part of an ultimate perimeter road system.

The Site Analysis & Design Considerations are illustrated in Figure 4.

5 DESIGN RESULTS

The results of considering the Vision, Objectives and Site Specific Design Considerations are:

- A simple road hierarchy for Settlers Hill with a low order through link to the north and south.
- A central cul-de-sac up slope to provide slightly larger high-set allotments to capture distance ocean views and north east breezes.
- Allotments with a north south aspect to have frontage to Kevin Andrews Avenue (orientated east – west) and connect to a new road (construct the existing crown road) along the west boundary to provide a perimeter road function for Bushfire safety.
- Streets will have a defined visual character, adopt WSUD principles, incorporate appropriate indigenous plant species, provide for and encourage pedestrian movement and contribute to the overall “character” of the site.

- Streets orientated to maximise views, solar aspect and connections to public places.
- Pedestrian nodes and pedestrian crossings will be defined by landscape treatments.
- Covenant and other design initiatives will seek to facilitate better architectural treatment and urban design outcomes.

The proposed subdivision layout is provided at Figure 5 below and includes the preliminary Landscape Concepts.

6 STATUTORY PLANNING PROVISIONS

A number of statutory planning and policy controls apply to the site. Relevant policies include:

- NSW Coastal Policy 1997, NSW Coastal Design Guidelines & Sustainable Urban Settlement Guidelines;
- North Coast Regional Environmental Plan;
- Various State Environmental Planning Policies;
- Integrated Development Provisions to the Environmental Planning and Assessment Act; and
- Kempsey Local Environmental Plan 1987
- Kempsey Shire Council Development Control Plans;
- Kempsey Shire Council Contribution Plans;

A summary of the key provisions of those Instruments and where relevant, specific comment on its' application to the site are provided below.

6.1 REGIONAL POLICIES

- NSW Coastal Policy 1997;
- NSW Coastal Design Guidelines;
- Sustainable Urban Settlement Guidelines;
- North Coast Regional Environmental Plan;

The proposal is generally consistent with the abovementioned policies and guidelines.

6.2 STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 71 – Coastal Protection & SEPP (Major Projects) apply to the proposal. Most of the provisions of SEPP 71 are not applicable as the land does not have frontage or close proximity to the Coastal Foreshore. As can be seen from the site context maps the coastal waterways and foreshore are some distance away. The subdivision proposal complies with the relevant criteria of SEPP 71.

By virtue of being a residential subdivision of more than 25 lots within the Coastal Zone, the site is subject to the provisions of the SEPP for major projects.

The project is consistent with the abovementioned State Environmental Planning Plans.

8



9



6.3 KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987

The land is Zoned 2(a) Residential under Kempsey LEP 1987. The proposed residential subdivision is permissible with consent under the zone and the lots sizes satisfy Clause 16 of the LEP.

The singular objective of the zone is *"..to provide areas for low density residential development"*.

Figure 6 below confirms the site zoning and its relationship to surrounding lands. The plan shows extensive areas of 7(d) Scenic Protection and 1(d) Urban Investigation which are heavily vegetated and that the subject site is on the urban fringe of those areas.

6.4 DEVELOPMENT CONTROL PLANS

Other Development Control Plans applicable to the area or to the proposed use include:

Development Control Plan No. 9 – South West Rocks and Spencerville
Development Control Plan No. 10 – Open Space for South West Rocks
Development Control Plan No. 22 – Housing Strategy
Development Control Plan No. 30 – Exempt and Complying Development
Development Control Plan No. 36 – Engineering Guidelines for Subdivision and Development

The proposed development complies with the provisions of the above DCPs.

6.5 CONTRIBUTION PLANS

Council has in place a number of Contribution Plans that include:

- Roads and Car Parking
- Stormwater Drainage Contribution
- Sewerage Augmentation
- District Water Supply
- Outdoor Recreation

It is anticipated that contributions consistent with these plans will be applied as part of the development consent conditions.

SETTLERS HILL SOUTH WEST ROCKS

11

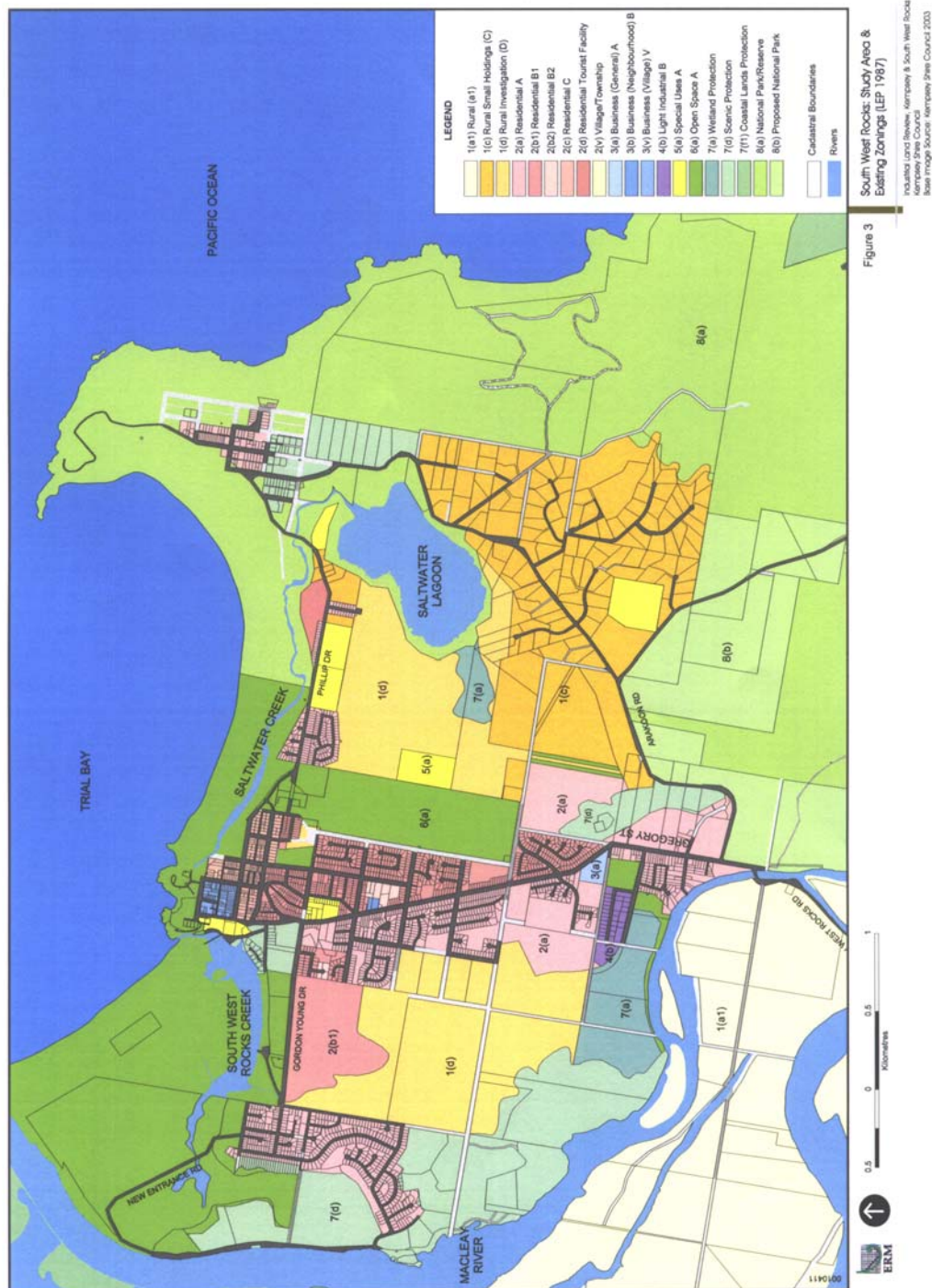


FIGURE 6 – ZONING

7.0 VIEWS OF OTHER AGENCIES, LOCAL COUNCIL AND/OR COMMUNITY

Based on the previous experience of seeking consent for the subdivision through Kempsey Shire Council, our understanding of the views of other parties is:

- Kempsey Shire Council supports the subdivision,
- DEC concurrence to the SIS was received,
- A section of the community objects to the proposed subdivision,
- A Class 4 Action by Friends of South West Rocks & the Environmental Defenders Office was made against Kempsey Shire Council for approving the subdivision.
- The action was successful and the consent was overturned due to the introduction of SEPP 71 during the application time frame and absence of a Master Plan approval/waiver.
- Other sectors of the community have expressed increasing frustration at the ongoing obstruction specific lobby groups are creating and the resultant shortage of land for housing at South West Rocks.
- DEC has previously granted concurrence to the SIS subject to "Compensatory Habitat Payment". There has been no change to the vegetation on site and the conditions surrounding this concurrence that we are aware of.

8.0 STRATEGIC PLANS, STUDIES OR INVESTIGATIONS

Kempsey Council is currently reviewing its growth strategy for South West Rocks. A key element of the growth strategy for the village has traditionally been extension of Belle O'Connor Street (now Steven Eagleton Drive) from Gregory Street (just south of Lot 223) north west to New Entrance village. If it were to proceed, the link road would involve traversing significant vegetated areas and topographical constraints and its feasibility is under investigation at present.

The subject land, Lot 223 has been zoned residential for at least 20 years and sits within the existing village footprint. Its development does not rely upon the status of any urban growth strategy and represents part of the limited land supply available.

If you require any further information or explanation, please do not hesitate to contact the undersigned. The individual members of Machro Pty Ltd, wish to reiterate their offer to attend Sydney to meet with Departmental or Ministerial officers to discuss the matter.

Yours faithfully

Geraldine Haigh
Senior Planner 0439 836711