



S.75H Response to Submissions Report

Settlers Ridge

South West Rocks

*Modification Application in relation to
Concept Approval 10_0103*

PLANNERS NORTH, 27th October, 2015

COMPLIANCE AND USAGE STATEMENT

This S.75H Response to Submissions Report has been prepared and submitted under Schedule 6A – Transitional Arrangements – Repeal of Part 3A, provisions of the *Environmental Planning and Assessment Act 1979* by:

Preparation

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Postal Address: P.O. Box 538, Lennox Head, NSW, 2478
In respect of: Concept Approval 10_0103

Application

Proponent: Eric Norman Developments Pty Ltd, Jaclesta Pty Ltd, Machro Pty Ltd & Shannon Pacific Pty Ltd.
Address: C/ - PLANNERS NORTH
P.O. Box 538, Lennox Head NSW 2478
Land to be developed: Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, Steve Eagleton Drive, South West Rocks.
Proposed development: 138 lot residential subdivision and BioBanking project.
Environmental Assessment: Modification.

Certificate

I certify that I have prepared the content of this S.75H Response Report and to the best of my knowledge:

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

Notice

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PLANNERS NORTH declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 147(3) of the Act to declare.

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1. INTRODUCTION

This section of the report identifies the nature of our instructions, relevant background information and the structure of the report.

1.1 PREAMBLE

PLANNERS NORTH is engaged by the proponents of "Settlers Ridge Estate", South West Rocks, to provide town planning advice with respect to the S.75W Modification Application concerning Concept Approval 10_0103. Modification No. 1 was lodged with the Department of Planning and Environment in October 2014. The Department undertook agency notification over the period 21 October 2014 to 14 November 2014. By letter of the 9th of April 2015, the Department provided copies of submissions received during the notification period. In addition, the Department provided a preliminary assessment of the proposal and requested a Response to Submissions Report pursuant to Section 75H of the Environmental Planning and Assessment Act 1979.



View from north eastern corner of the site looking along Gregory Street.

1.2 STRUCTURE OF THE REPORT AND ITS SCOPE

Section 2 details the matters raised in the Department's Preliminary Assessment and the proponent's response in relation to those matters.

Section 3 describes the updates to the modification sought.

Annexure A to this report contains updated plans.

1.3 HISTORY OF APPLICATION

On the 8th August 2010 the delegate of the Minister formed the opinion that the Settlers Ridge project was a Major Project and authorised the lodgement of a Concept Plan pursuant to Section 75M of the then Act. At that time the development envisaged was for 220 lots.

The Director General's requirements pursuant to Part 3A of the Environmental Planning and Assessment Act were issued on 27 August 2010 for the development of the subject site. On 30 November 2012 a formal Environmental Assessment (EA) report for a 154 lot project was lodged and the proposal was publically exhibited during December 2012 through January and early February 2013. Having regard to submissions received, the Proponent lodged a Preferred Project Report on the 23rd May 2013. The Preferred Project Report reduced the Settlers Ridge Estate development yield from 154 lots to 137 lots and considerably increased the land to be set aside for BioBanking.

The Director General's Environmental Assessment report was completed in June 2013 and the approval issued by the Minister's delegate on the 25th July 2013.

In October 2014, Modification No. 1 was lodged with the Department of Planning and Environment. The Department undertook agency notification over the period 21 October 2014 to 14 November 2014. By letter of the 9th of April 2015, the Department provided copies of submissions received during the notification period. In addition, the Department provided a preliminary assessment of the proposal and requested a Response to Submissions Report pursuant to Section 75H of the Environmental Planning and Assessment Act 1979.

1.4 FURTHER INFORMATION

Should the Minister or Department require any additional information or wish to clarify any matter raised by this modification proposal, the Department is request to consult with Stephen Connelly of PLANNERS NORTH (phone: 1300 66 00 87) prior to determination of this application.

2. PRELIMINARY ASSESSMENT

This Section reviews the submissions by various agencies and the Preliminary Assessment findings of the Department. In this section we recite the various submissions and make comments and observations in relation to the modification and describe any alterations to the modification required, having regard to the agency commentary.

2.1 OFFICE OF ENVIRONMENT AND HERITAGE (OEH)

OEH has reviewed the documents supplied and advises that, although it has no concerns in relation to NPWS estate, flooding or historic heritage, there a number of issues apparent with respect to the assessments for biodiversity and Aboriginal cultural heritage. These issues are discussed in detail in Attachment One.

In summary OEH advises that:

1. The BioBanking calculations will remain the same despite the modification proposal as the development footprint has not changed.
2. The credits required to be retired for Phase 1 (1.55ha) of the project comprise 31 (31.02) Brush tailed Phascogale species credits and 116 (115.77) ecosystem credits in accordance with the BioBanking credit report prepared by Peter Parker and approved by OEH.

Comment:

We concur with the advice of OEH in relation to Phase 1 credits.

3. Whilst clearing under the 10/50 Code cannot be inconsistent with any BioBanking Agreement entered into under Part 3 of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*, if any further impacts to vegetation are likely to arise from the application of the 10/50 Code, then these will need to be avoided by redesigning the proposal, or offset in accordance with the BioBanking Assessment Methodology.

Comment:

The 10/50 rule no longer applies to the subject site. In any case, it was never applicable having regard to the provisions of Part 3 of the *Threatened Species Conservation (Biodiversity Banking) Regulation*.

4. Adherence to the Statement of Commitments provides adequate contingencies to manage Aboriginal cultural heritage values within the approval area.

Comment:

There is no proposal to change the Statement of Commitments in relation to Aboriginal cultural heritage values.

Detailed OEH Comments on the Modification of the Settlers Ridge Concept Plan

Biodiversity comments

OEH has reviewed the Modification Application prepared by Planners North dated October 2014.

OEH understands that the modification application does not affect the development footprint (including the Asset Protection Zones) that was approved by the Department of Planning and Environment on 25 July 2013. The modification has adjusted the development footprint boundary and created a further three lots, but the proposal is still contained within the previously approved 15.49 ha development footprint. As such the BioBanking calculations will remain the same. These calculations would only need to be redone if the development footprint is increased or decreased.

OEH has reviewed the BioBanking credit proportions for Phase 1 of the project on page 6 of the modification report. OEH notes that there appear to be some numerical errors in these calculations. To address these errors, OEH has recalculated that the credits required to be retired for Phase 1 (1.55ha) of

the project as being 31 (31.02) Brush-tailed Phascogale species credits and 116 (115.77) ecosystem credits in accordance with the BioBanking credit report prepared by Peter Parker and approved by OEH. These revised credit calculations should be used as the basis for retiring credits for Phase 1 of the proposal.

Comment:

The proponent's Biobanking assessor concurs with the calculations made by OEH.

OEH notes that an amended Bushfire Management Plan dated 4 November 2014 has been prepared as part of the modification application. The NSW Rural Fire Service 10/50 Code commenced on 1 October 2014. The implications of the 10/50 vegetation clearing entitlement area during the operational phase of the development have not been considered.

OEH notes that clearing under the 10/50 Code cannot be inconsistent with any BioBanking Agreement entered into under Part 3 of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*. However, there may be other implications of the 10/50 Code which should be considered for the remainder of the site. If any further impacts to vegetation are likely to arise from the application of the 10/50 Code, then these will need to be avoided by redesign of the proposal or offsets in accordance with the BioBanking Assessment Methodology.

Comment:

The 10/50 rule no longer applies to the land. In any case, it never had application given the Biobanking Regulation.

Aboriginal cultural heritage comments

OEH considers adherence to the Statement of Commitments items listed 6-10, 11.1 and 12 under the heading *Heritage and Archaeology* coupled with the implementation of the *Aboriginal Cultural Heritage Management Plan, Settlers Ridge, South West Rocks, NSW Final* (November 2013) provides adequate contingencies to manage Aboriginal cultural heritage values within the approval area.

Comment:

There is no proposal to amend the Statement of Commitments.

2.2 NSW RURAL FIRE SERVICE

The service is not in a position to properly assess the modification application as referred by NSW Planning and Environment, on the basis of the information provided. The following issues will need to be addressed to permit further assessment of the modification proposal:

1. The proponents modified Project Approval Concept Plan includes residential allotments that will **still** exceed the maximum 29kW radiant heat value for subdivision as per the specification and requirements of *Planning for Bush Fire Protection 2006*.

The proponent is to accurately measure the effective slope within the hazard fronting the proposed lots and provide an appropriate separation distance (APZ) to achieve a maximum BAL 29 construction standard (*AS 3959-2009 - Constructions of Buildings in Bushfire Prone Areas*) for every proposed residential allotment.

Comment:

PLANNERS NORTH have engaged in comprehensive consultation with the Rural Fire Service. That consultation has seen the evolution of the plans to accord with RFS requirements in relation to radiant heat values for the subdivision. Amended plans are attached as **Appendix A** to this report.

2. The public road access proposal within the modified Project Approval Concept Plan does not comply with the requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*. Perimeter roads are the preferred option to separate bushland from urban areas. Fire trails should only be used in

exceptional circumstances. The modified Concept Plan and supporting documents do not identify any exceptional circumstances and provide no discussion on the future maintenance of the fire trail.

Comment:

PLANNERS NORTH have engaged in comprehensive consultation with the Rural Fire Service. That consultation has led to amendment of the plans to accord with the RFS requirements in relation to public road accessibility for the subdivision. Amended plans are attached as **Appendix A** to this report.

3. The proposed public road network within the modified Project Approval Concept Plan may not provide fire fighters suitable access to certain residential streets, due to the road design and layout. Further the design will require residents evacuating certain residential streets to travel towards the bush fire hazard. Given that the bush fire hazard to the south west is considered significant and that the proposed 'fire trail' may not be supported, a re-design of the road system, that permits residents to evacuate away from the hazard, should be considered.

Comment:

PLANNERS NORTH's consultation with the Rural Fire Service indicates that the proposed fire trail will be satisfactory to the Rural Fire Service provided the documentation lodged with the Development Application makes it clear in relation to the responsibility for the fire trail in perpetuity.

In conclusion, the RFS advised NSW Planning on 10 October 2013 that it did not support the Preferred Project Report (PPR) Concept Plan and the supporting bush fire report. The RFS did not support the Project Approval or endorse any of the bush fire condition contained in that approval. As the modified Project Approval Concept Plan has not addressed the RFS PPR concerns, the RFS is still not supporting the subdivision layout. As a consequence, any future development applications lodged with Kempsey Shire Council that reflect the 'approved' concept plan, cannot be supported by the RFS. Significant changes to the site layout will be required to meet the specifications and requirements of *Planning for Bush Fire Protection 2006*. These changes may require a modification application to the Part 3A Project Approval.

Comment:

Based on our detailed consultation with the Rural Fire Service, we understand that the plan attached as **Appendix A** herewith is consistent with all of the requirements of the Rural Fire Service.

2.3 NSW ROADS AND MARITIME SERVICES (RMS)

RMS has reviewed the referred information and would not support the deletion of condition C5 at this time on the basis that the Traffic Impact Assessment (TIA) submitted in support of the modification does not adequately address the issues previously raised by Roads and Maritime in our letter of 28 February 2013. The following comments are provided to assist the Consent Authority in making a determination;

1. The TIA has yet to adequately address condition C5 (1). The report has not identified existing and/or future traffic flows at the Trevor Judd Street and Steve Eagleton Drive intersection. Following completion of the subdivision, afternoon peak traffic conditions will generate right turns from Steve Eagleton Drive into Trevor Judd Street. Given the close proximity of this intersection to roundabout on Gregory Street, further consideration should be given to the likelihood of vehicles queuing back into the roundabout.
2. The TIA has identified existing and estimated traffic flows at the Frank Cooper Street and Gregory Street intersection as required by condition C5 (3). However, the report has not considered the identified flows against the warrants provided in Section 4.8 of the current *Austrroads Guide to Road Design Part 4A*.
3. The existing volumes identified at the Frank Cooper and Gregory Street intersection warrant implementation of an Austrroads channelized shortened right-turn CHR(S) treatment prior to the introduction of further development-related traffic. This treatment will improve safety for the

predicted increase in southbound traffic turning right into Frank Cooper Street. The TIA should have also provided further consideration of appropriate intersection treatments to accommodate future post development traffic flows. Such information will assist Council in considering the application of any Section 94 contributions towards road infrastructure.

4. The TIA has yet to address the impact of additional traffic using Bruce Field Street. The assumed distribution of traffic generated by the subdivision is considered conservative and further consideration should be given to the potential impacts on the residential area. It is noted that Figure 2-2 of the TIA has proposed traffic calming measures within the subject site, but has not considered similar measures for Bruce Field or Frank Cooper Street. Given the straight alignment of these roads and residential nature, further consideration should be given to similar mitigation measures to address the additional movements generated by the subdivision.
5. Prior to the deletion of Condition C 13, the Consent Authority should be satisfied that the subdivision is appropriately connected to external pedestrian and cycle footpaths.

Comment: Having regard to the concerns raised by RMS, the proposal to remove Condition C5 has been abandoned. Condition C13 relates to open space and not to external pedestrian and cycle footpaths.

2.4 KEMPSEY SHIRE COUNCIL

2.4.1 CIVIL ENGINEERING REPORT-APPENDIX G (HOPKINS CONSULTANTS, 2013)

Potable & Recycled Water Supply

The site requires a Network Analysis to be performed in order to determine the requirements for augmentation. The Network Analysis and the resultant Water Supply Strategy should be undertaken by a recognised and experienced engineering consultancy and included in this modification.

In principle, Council agrees with the proposal to utilise a water pump system in order to ensure adequate water supply to service this development. However, this is subject to the establishment of design parameters calculated to provide a continuous uninterrupted water supply and this should be included in the Water Supply Strategy.

Comment:

Council's agreement in principle is noted. Potable and recycled water supply is of course a matter for Development Application assessment.

Existing Stormwater Infrastructure

The older existing piped drainage systems shown in the proposed Drainage Strategy were never designed to accommodate significant residential expansion. Although these pipe drainage systems exist, their capacity to accommodate the additional load and therefore their ability to service this development will need to be determined. When preparing the Stormwater Management Strategy and Plan other measures to address deficiencies in quantity such as retention and or detention must be considered.

Currently there is a combination of gross pollutant traps on some of the old existing pipe systems although the bulk have no water quality control. The modified plan does not show provision for water quality controls at sub catchments 2, 3, 4 and 5 on the proposed Drainage Strategy Plan which drain into Councils existing pipe drainage systems.

Comment:

Council's observations in relation to water quality management are noted. These are matter which are ofcourse subject to developmetn application assessment.

The proposed Bio-retention ponds have been created to service new allotments draining to the south away from Councils existing pipe drainage systems and the following comments are provided:

- In catchment No. 1, drainage of the proposed lower lots to Basin No. 2 needs to be further investigated to ensure there is adequate available fall to the Bio retention basin.
- Basin No. 2 should incorporate gross pollutant traps for debris prior to stormwater entering the new basin.
- In catchment No. 6, drainage of the proposed lower lots to Basin No. 1 will need to incorporate gross pollutant traps for debris prior to stormwater entering the new basin.
- Council requires the design of the Bio-retention basins to be in accordance with the "Bioretention Technical Design Guidelines" (Version 1.1, October 2014).

Comment:

Council's observations in relation to bioretention ponds are noted. These are matters that are of course the subject of DA Assessment which Council will have absolute control in relation to.

Roads

There is no mention in the modification to restrict either pedestrian and/or vehicle traffic to the proposed new internal roads. This is a potential concern in regards to Lots 51 to 61 which have secondary frontage to the unmade section of Keith Andrews Avenue, and also lots 46 to 51 which have secondary frontage to Gregory Street, whilst having main access to the proposed internal roads. The Engineering Strategy should include provision for a restriction on the title preventing secondary and/or main access onto either Keith Andrews Avenue or Gregory Street. There is already a restriction on existing lots in Trevor Judd Avenue preventing access onto Gregory Street.

The engineering details do not mention the existing Crown road in the vicinity of proposed lot 62. The engineering document should explain what is to become of the Crown road in order to establish the lots shown on the subdivision layout plan.

The general principles in the addendum to the original Traffic Impact Assessment are considered acceptable although Brucefield Street (only half width construction) and part of Cooper Street (only half width construction for the lower part) should be widened to accommodate the additional traffic emanating from this development.

Comment:

Condition C6 is proposed to be amended to have regard to the road access restriction requirements of Council. As previously described, the existing Crown road is to be subsumed as part of the new subdivision layout. Crown Lands are in the process of closing and disposing of this parcel.

Sewer:

There are two broad systems proposed as follows:

- a) One new sewage pump station to drain direct to existing rising main in Steve Eagleton Drive - Council agrees in principle to the establishment of one new sewage pump station to service this development subject to submission of details. However there is no discussion in the modification documentation on the viability of this strategy having regard for the fact the existing Council rising main is at capacity. Therefore further investigation into this strategy is required in order to determine its viability and subsequent inclusion into the strategy.
- b) The balance of the proposed system by gravity to drain directly into Council's existing piped reticulation system - There is no discussion in this document on the capacity of the existing downstream sewage pump systems/pipe systems to cater for the intended additional loads emanating from this development proposal.

Further investigation into both of the abovementioned systems is required to determine their viability and subsequent inclusion in the strategy.

Comment:

Council's comments in relation to sewage reticulation are noted. This is of course a matter for Council's final determination at Development Application stage.

2.4.2 PUBLIC OPEN SPACE

The revised plan is for 140 lots and dedication of 2295m² of open space incorporating the tree of Aboriginal cultural significance. The area of open space has slopes generally between 3-6% with small area of 120m² up to 13%.

The applicant has stated that the matter of open space has been discussed and agreed to with Council and that the active recreation area will be embellished by the developer. I can advise that Council officers have met with the applicant to discuss open space following Council's submission, and Council has in principle agreed to the location of the open space subject to the issues raised by Council in its letter to the Department dated 17 June 2013 being addressed and the provision of more information on what impact the tree of Aboriginal cultural heritage significance will have on the open space. This information has not been forthcoming and is not contained in the applicant's current modification request.

Comment:

Proponent is pleased to note Council's in principle agreement to the location of open space. Details in relation to the comprehensive management of the Aboriginal cultural heritage item are set out at page 153 of documentation lodged with the original Modification proposal.

The following matters relating to open space should be further addressed by the applicant:

- a) The area allocated is below the standard set of 1.13ha/1000 population. The shortfall is approximately 1500m². In addition, the area allocated for open space is not to include unusable areas such as the tree of Aboriginal cultural significance and any buffer around it.
- b) There is no detail on how the tree of Aboriginal cultural significance will be protected. Under usual circumstances Council understands such items are fenced off with a buffer to protect them for future generations. There is no discussion on the impact (useability, function etc.) of any protection measures to be deployed on the open space.

Comment:

It was never anticipated that the dedication of the Park (proposed lot 900) would serve all of the open space need of the development. Council has an Open Space Contributions Plan and it is anticipated that any deficiency in open space will be addressed at the Development Application stage by the application of a condition pursuant to Section 94.

2.5 DEPARTMENT OF PLANNING AND ENVIRONMENT

2.5.1 MODIFICATION OF FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The proposed deletion of Future Environmental Assessment Requirements (FEARs) C5 and C11 is not supported on the basis that these requirements establish the assessment framework for future development applications. Notwithstanding, it is possible for you to amend FEARs C5 and C11 to reference the recommendations of the traffic and and geotechnical reports that you have prepared to support the modification request.

Comment:

The proposal to remove FEARs C5 & C11 have been abandoned from this modification request.

2.5.2 BIOBANKING CALCULATIONS

The Department notes that there are numerical errors in the BioBanking credit proportions for Phase 1. The OEH has provided the correct calculations in the enclosed submission and these should be incorporated into the RTS.

Comment:

The OEH and the proponents are in full agreement in relation to the BioBanking calculations for Phase 1 in the project generally.

2.5.3 BUSHFIRE PROTECTION

The Bush Fire Assessment report should be amended to address the issues raised by the RFS in its letter dated 20 November 2014.

Comment:

PLANNERS NORTH have undertaken comprehensive consultation with the Rural Fire Service and that evolved to create a finalised layout plan which is consistent with RFS requirements in terms of radiation and in terms of accessibility.

2.5.4 PUBLIC OPEN SPACE

The area of the proposed public open space is below the standard of 1.13 hectares/1000 persons. Any departures from the Council's open space standards should be fully justified in the RTS.

Comment:

The dedication of the park is mainly a proposal create local open space within reasonable walking distance and the protection of an Aboriginal item of interest. It was never envisaged that the dedication of this park alone would meet the requirements of Council's open space plans in accordance with the Council's Standards. It is anticipated that a contribution will be made at Development Application time for deficiencies in open space. Council has a Section 94 Plan which covers this aspect.

2.5.5 ROADS AND TRAFFIC

The Traffic Report should be revised to include an assessment of the following:

- the existing and future traffic flows at the Steve Eagleton Drive and Trevor Judd Street intersection;
- the likelihood of vehicles queuing back along Steve Eagleton Drive to the roundabout on Gregory Street;
- an analysis of the impacts of the additional traffic generated on Bruce Field Street;
- identification of any traffic calming measures required on Bruce Field Street and Frank Cooper Street;
- an analysis of the traffic flows against the warrants provided in section 4.8 of the current *Austroads Guide to Road Design Part 4A* in relation to the Cooper Street and Gregory Street intersection;
- the intersection treatments required to accommodate the traffic generated by the proposed development. These treatments should be designed in accordance with the requirements outlined by the RMS in its letter dated 21 November 2014;
- identification of connections to the pedestrian and cycle paths surrounding the subject site;
- the provisions required provisions to restrict either pedestrian and/or vehicle traffic to the proposed new internal roads; and
- details of future plans for the Crown road near Lot 62.

Comment:

The amendments to conditions relating to traffic are abandoned.

2.5.6 ABORIGINAL CULTURAL HERITAGE

The RTS is to include an assessment of the impacts of the protection measures for the scarred tree located on site TPS SWR 1 on the utility of the surrounding public open space.

Comment:

The protective measures for the scarred tree are described in the Aboriginal Cultural Heritage Management Plan which is at Page 137 of the original modification documentation.. The utility of the surrounding open space will of course be the subject of full and proper consideration by Council at the Development Application stage.

3. MODIFICATION SOUGHT

This Section defines the nature of modifications to Concept Approval 10_0103.

3.1 UPDATED DETAILS OF MODIFICATION SOUGHT

To give effect to the adjustments described in Section 2, the following modifications to the Concept Approval are proposed. Words proposed to be deleted are shown as ~~strike through~~ and words to be inserted are shown in blue font. For commentary, contained in the original Modification Application has been omitted.



View towards Pacific Ocean near South West Rocks Surf Life Saving Club.

SCHEDULE 1

Application No.:	10_0103
Proponent:	Eric Norman Developments Pty Ltd Jaclesta Pty Ltd Machro Pty Ltd Shannon Pacific Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, Steve Eagleton Drive, South West Rocks - Kempsey local government area
Concept Plan:	Residential subdivision, comprising: <ul style="list-style-type: none"> • 137 138 residential lots; • On-site and off-site biodiversity offsetting (biobanking); • Active open space; • Road network continuation of Trevor Judd Avenue; • Road network connections to Steve Eagleton Drive and • Keith Andrews Avenue; and • Internal road network.

3.2 PART A – NOTES RELATING TO THE DETERMINATION OF 10_0103

Responsibility for other consents/ agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

3.3 PART B – DEFINITIONS

In this approval,

Act means the *Environmental Planning and Assessment Act 1979*.

APZ means Asset Protection Zone **BCA** means Building Code of Australia **Council** means Kempsey Shire Council **DCP** means Development Control Plan.

Department means the Department of Planning and Infrastructure, or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means Environmental Assessment prepared by SJ CONNELLY CPP Pty Ltd (including all appendices) titled *Concept Plan for a Proposed Residential Subdivision and BioBanking proposal, Steve Eagleton Drive, South West Rocks*, dated November 2012.

OEH means the Office of Environment and Heritage, or its successors.

Phase 1 means lots numbered 63-75 inclusive (total 13 lots) and the Biobank Lot 801/800 shown in the plan prepared by RPS numbered 102457-18E entitled: 'Proposed layout over Lots 31 & 223 on DP 574386, Lot 57 on DP 111387 and certain Crown Land, South West Rocks'. ~~Subdivision Plan~~. ~~the number of development lots equal to the number of biodiversity credits generated by the on-site offsets (determined in accordance with Term B1 of this approval).~~

Phase 2 means the ~~number of development lots other than the phase 1 lots equal to the number of biodiversity credits generated by the off-site offsets (determined in accordance with Term B1 of this approval).~~

Project means the project as described in Term A1 to this approval.

Preferred Project Report means the Preferred Project Report prepared by Planners North (including all appendices) titled *A report with respect to submissions to the exhibition of the Environmental Assessment & a Preferred Project Report with updated Statement of Commitments* prepared by Planners North, dated May 2013.

Proponent means Eric Norman Developments Pty Ltd, Jaclesta Pty Ltd, Machro Pty Ltd, Shannon Pacific Pty Ltd, or any party acting upon this approval.

RFS means the NSW Rural Fire Service, or its successors

RMS means Roads and Maritime Services, or its successors

Site has the same meaning as the land identified in Schedule 1.

WSUD means Water Sensitive Urban Design.

SCHEDULE 2**PART A. TERMS OF APPROVAL****A1 Concept Plan Description**

Concept plan approval is granted for the site generally as described below:

- a) Residential subdivision incorporating approximately 137 138 low density residential lots;
- b) On-site and off-site biodiversity offsetting (biobanking);
- c) Public open space;
- d) Continuation of Trevor Judd Avenue; and
- e) New road network connections to Steve Eagleton Drive and Keith Andrews Avenue. As modified by the modifications described in Part B of Schedule 2 of this approval.

A2 Project in Accordance with Plans

The proponent shall carry out the concept plan and any related future development application(s) generally in accordance with the following plans:

Concept Plan Drawings prepared by RPS	
Drawing No.	Name of Plan
102457-18A	Plan 11.1 Preferred Project 137 Lots
102457-20	102457-20 APZ Proposed
102457-18A	Plan 11.2 Pedestrian Path System
102457-20E	Proposed layout over lots 31 & 223 on DP 754386, Lot 57 on DP 111387 and certain Crown Land, South West Rocks. [APZ Plan]
102457-18E	Proposed layout over lots 31 & 223 on DP 754386, Lot 57 on DP 111387 and certain Crown Land, South West Rocks. [Layout Plan]

except for:

- 1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- 2) otherwise provided by the terms of this approval.

A3 Project in Accordance with Documentation

The proponent shall carry out the concept plan and all related future applications generally in accordance with the following documents:

- 1) **Environmental Assessment** prepared by SJ Connelly CPP Pty Ltd, titled *Concept Plan for a Proposed Residential Subdivision and BioBanking proposal, Steve Eagleton Drive, South West Rocks*, dated November 2012; and
- 2) **Preferred Project Report** prepared by Planners North, titled *A report with respect to submissions to the exhibition of the Environmental Assessment & a Preferred Project Report with updated Statement of Commitments*, dated May 2013.

A4 Consistency of Future Development

- 1) In the event of any inconsistency between:
 - a) the modifications of this approval and the drawings/documents referred to in terms A2 and A3, the modifications of this approval shall prevail to the extent of the inconsistency;
 - b) any drawing/document listed in terms A2 and A3 and any other drawing/document listed in terms A2 and A3, the most recent document/ drawing shall prevail to the extent of the inconsistency; and
 - c) the modifications of this approval and the Statement of Commitments (at Schedule 3), the modifications of this approval prevail to the extent of the inconsistency.
- 2) If there is any inconsistency between this concept plan approval and any future application, this concept plan approval shall prevail to the extent of the inconsistency.

A5 Limits of Approval

- 1) This concept plan approval shall lapse five (5) years after the date of this concept plan approval, unless works the subject of any related application are physically commenced, on or before the lapse date.
- 2) To avoid any doubt, this approval does not permit the construction of any component of the concept plan (including any clearing of vegetation), which will be subject to separate approval(s).
- ~~3) Notwithstanding anything else in this concept plan approval and in accordance with section 75O(5) of the Act, final concept plan approval is given for each of Phase 1 and Phase 2 only when the Director-General is satisfied of the following:

 - a) ~~The Office of Environment and Heritage (OEH) have reviewed, and indicated support in writing for the re-calculated biodiversity credits required under Term B1;~~
 - b) ~~for Phase 1, satisfactory arrangements have been made for the securing of the on-site offsets; and~~
 - c) ~~for Phase 2, satisfactory arrangements have been made for the securing of the off-site offsets.~~

~~Note: A development application for each phase of the development cannot be lodged until final concept plan approval is given for the relevant phase in accordance with this term~~~~
- 3) This Concept Approval approves a maximum of 1.55 ha disturbance to create the lots and associated public roads for Phase 1 but only with the retirement of the on-site BioBank credits. All other lots and roads are in Phase 2 (and can only be released after retirement of the off-site BioBank credits).

3.4 PART B . MODIFICATIONS TO THE CONCEPT PLAN**B1 BioBanking Calculations**

~~Re-calculation of biodiversity credits is required. The proponent is to consult with OEH regarding the re-calculation and finalisation of biodiversity credits. Re-calculation of biodiversity credits is required to be undertaken in accordance with the following:~~

- ~~1) the overstorey vegetation condition after development should be 'no overstorey' (this function is under the landscape tab);~~
- ~~2) within the geographic/habitat feature tab, the Common Planigale is to be selected;~~
- ~~3) plot data is required to be revised, including the conversion of all plot data to percentages;~~
- ~~4) Asset Protection Zones (APZs) must be included as part of the development infrastructure, to be calculated in accordance with Appendix 4 of the BioBanking Assessment Methodology and Credit Calculator Operational Manual; and~~

~~5) the dedicated area around Aboriginal heritage item 'RPS SWR 1' between Lots 127 and 128 must be included as part of the development infrastructure.~~

~~Having regard to the re-calculated biodiversity credits required under clauses (1) to (5) above, the proponent is to provide a plan that shows:~~

~~6) the lots capable of being developed based on the number of biodiversity credits generated by the on-site offsets (Phase 1); and~~

~~7) the lots capable of being developed based on the number of biodiversity credits generated by the off-site offsets (Phase 2).~~

~~The plan is to be submitted for the Director General's approval prior to the lodgement of any development application(s).~~

B2 Bushfire Management

~~Lots 3, 4, 75, 76, 106, 120, 121, and 137 are not approved. Consolidation of these lots or reconfiguration of the subdivision layout is required to ensure all lots are capable of containing a dwelling outside of the identified APZs, as identified on the APZ plan(s) required under Term C4.~~

B3 Public Open Space

~~Lot 900 (public open space lot) is not approved. A revised subdivision plan is to be provided with the first development application lodged which identifies an appropriate location for the provision of public open space to service the future population of the site. Public open space is required to:~~

~~1) be provided in a centrally located area and contained wholly within the development footprint proposed as part of the PPR; and~~

~~2) be designed consistent with the requirements of council's Location Criteria – South West Rocks Open Space Strategy.~~

~~The proponent is required to consult with council regarding the specific size and location of public open space required~~

3.5 PART C . REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to sections 75P(2)(c) of the Act the following requirements apply, as relevant, with respect to future development of the site to be assessed under Part 4 or 5, as relevant, of the Act:

C1 Crown Road Reserve

As part of any development application involving the Crown road reserve which intersects Keith Andrews Avenue to the north and is bound by Lots 31 and 223 DP 754396 and Lot 57 DP 1117398, the proponent is required to provide evidence of lodgment of an application with NSW Trade & Investment (Crown Lands) to purchase the land.

Note: written consent from NSW Trade & Investment (Crown Lands) is required prior to the commencement of any physical works upon the Crown road reserve.

C2 Bushfire Management

All future development application(s) must include a detailed Bushfire Hazard Assessment prepared by a suitably qualified person, and in consultation with the RFS. Any future development of the site must have consideration for, and be designed in accordance with:

1) Planning for Bushfire Protection 2006 (RFS); and

2) the recommendations provided in the updated Bushfire Hazard Assessment prepared by Barry Eadie Consulting Pty Ltd, dated 6 May 2013 and submitted as Appendix C of the PPR.

~~C3 Bushfire Management . Lots 120 to 137~~

In addition to requirements of Term C2, any development application(s) involving the creation of Lots 120 to 137 inclusive must also include the following as part of the Bushfire Hazard Assessment:

- 1) ~~a land survey report prepared by a suitably qualified person and in consultation with the RFS, that determines the effective slope of the land under the bushfire hazard for a distance of 100m from the lots;~~
- 2) ~~having regard for the surveyed effective slope required under Term C3(1), a site subdivision plan is to be prepared that identifies the required APZ from the bush fire hazard to achieve a BAL 29 maximum construction standard, as per AS3959-2009: Construction of buildings in bushfire-prone areas;~~
- 3) ~~details of a required 15m wide fire trail buffer between the rear boundaries of the subject lots and adjoining vegetation;~~
- 4) ~~information regarding any proposed dedication of land within the 15m wide fire trail, and how this land is to be managed over the long term; and~~
- 5) ~~any proposed management measures for vegetation contained within part Lot 800.~~

C4 Bushfire Management . Asset Protection Zones

All future development application(s) must include details (including drawings/plans) outlining the location of APZs, ~~in accordance with the recommendations under Section 4.4 of the updated Bushfire Hazard Assessment prepared by Barry Eadie Consulting Pty Ltd, dated 6th May 2013.~~ All APZs must be clearly identified and all affected lots are to be encumbered to this effect with a Section 88B instrument under the *Conveyancing Act 1919*.

Note: The construction of dwellings within APZs is not permitted.

C5 Traffic Generation

As part of any future development application(s) lodged, a detailed traffic assessment prepared by a suitably qualified traffic engineer and in consultation with RMS and council must be submitted. The traffic assessment is required to:

- 1) consider the impacts of traffic generated by the site on the intersection of Trevor Judd Avenue with Steve Eagleton Drive, including cumulative impacts on the functioning of the Steve Eagleton Drive, Gregory Street, and Belle O'Connor Street roundabout; and
- 2) be prepared in accordance with the RMS' Guide to Traffic Generating Developments.

In addition to the requirements of Terms C5(1) and C5(2), any development application that proposes to establish a road network connection to Keith Andrews Avenue is required to:

- 3) investigate the level of impact likely to occur at the intersection of Gregory Street with Frank Cooper Street having regard to the warrants provided under section 4.8 of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections; and
- 4) provide analysis and consideration of the implications of Bruce Field Street potentially becoming a rat-run for future traffic accessing Gregory Street via Frank Cooper Street.

C6 Access Arrangements

For any future development application(s) involving the creation Lots 46 to 61 inclusive, the proponent is to demonstrate the following Restrictions as to Users under Section 88B of the *Conveyancing Act 1919* can be applied:

- 1) Restriction as to User burdening Lots ~~46 33~~ to ~~50 37~~ inclusive: prohibiting direct vehicle access to Gregory Street.
- 2) Restriction as to User burdening Lot ~~54 38~~: prohibiting direct vehicle access to Gregory Street and Keith Andrews Avenue.

- 3) Restriction as to User burdening Lots 52 39 to 64 47 inclusive: prohibiting direct vehicle access to Keith Andrews Avenue.

C7 Road Traffic Noise

The proponent is to investigate potential road traffic noise attenuation measures as part of any future development application(s) involving lots that directly adjoin Gregory Street.

- 1) Noise attenuation measures may be in the form of building restrictions placed on future dwellings (double glazing, insulation, etc) or via the erection of a suitable designed noise barrier constructed wholly within the site boundary, to be designed in consultation with council.
- 2) Any future dwellings proposed on Lots 46 33 to 54 38 inclusive are restricted to single- storey construction, to be encumbered to this effect with a Section 88B instrument under the *Conveyancing Act 1919*.

C8 Stormwater Management

All future development application(s) must include a detailed Stormwater Management Plan, prepared by a suitably qualified person and in consultation with council and the NSW Office of Water. The Plan is to be prepared having regard to Section 4.2 of the Civil Engineering Report prepared by Hopkins Consultants, dated August 2012 and submitted as Appendix D of the EA, and Council's DCP 36 - Guidelines for Engineering and Subdivision. The Plan is required to include the following:

- 1) proposed measures based on Water Sensitive Urban Design (WSUD) principles to address any foreseeable or potential impacts on the site and surrounding environment, including consideration of potential stormwater run-off discharging to Spencers Creek, Back Creek, and/or Saltwater Creek and Lagoon;
- 2) outline drainage and water quality control measures for the site;
- 3) outline erosion and sediment control measures during both construction and occupation stages;
- 4) a detailed design layout plan(s) for the preferred stormwater treatment train showing the location, size and key functional elements of each part of the system.
- 5) MUSIC modelling must be undertaken to demonstrate that appropriate water quality objectives can be achieved with the quality of post-development stormwater flows to not exceed the quality of pre-development flows. Details of the MUSIC modelling must be included as part of the Plan; and
- 6) any provisions for ongoing water quality monitoring and/or implementation of relevant management plans.

C9 Earthworks

On-site earthworks and vegetation clearing is limited to the staging of the subdivision, and may only occur in sequence with approval for the creation of residential lots.

C10 Vegetation Clearing and Fauna Protection Measures

Any future development application(s) must include a Vegetation Management and Fauna Protection Plan, prepared by a suitable qualified ecologist. The Plan is required to detail measures to manage vegetation clearing and protect of native fauna during construction of the development. The following measures are to be included as part of the Plan:

- 1) a suitably qualified ecological consultant must to be present on site during any vegetation clearing works who is required to monitor works in sensitive areas, offer advice during the clearance process, and be present to supervise recovery procedures in the event of accidental harm to wildlife;
- 2) trees should be retained within the development footprint wherever possible;
- 3) tree felling is to be supervised by a qualified fauna specialist appropriately licenced under the *NSW National Parks and Wildlife Act 1974* for the purpose of rescuing and relocating displaced native fauna species;

- 4) a search for the presence of native fauna species, carried out by a suitably qualified ecologist is required prior to the commencement of any tree felling or vegetation removal;
- 5) non-hollow bearing trees are to be felled first. At least 24 hours is required between clearing of non-hollow bearing trees and hollow-bearing trees to allow any fauna species present time to vacate and relocate; and
- 6) all tree hollows are to be salvaged and re-used by means of permanent attachment, at an appropriate height, to suitable trees within land that forms part of the on-site biodiversity offsetting area.

C11 Geotechnical Assessments

In order to ensure the stability of development lots, all future development application(s) must include a detailed geotechnical assessment, prepared by a suitably qualified person. The assessment is required to include the following:

- 1) a geotechnical map of the site clearing showing ground surface contours, geotechnical engineering soil types and any geotechnical hazards. The delineation of hazards should include hazard locations and possible hazard impact areas. The map should be occupied by explanatory text describing the nature and delineation of soil types had hazard types. The map and text should be prepared by a suitably qualified geotechnical practitioner; and
- 2) a synthesis site plan clearing showing ground surface contours and the location of all test pits, boreholes and monitoring wells drilled on to the site to date.

C12 Aboriginal Cultural Heritage Item

~~As part of the first development application lodged, an~~ **Development must be carried out in accordance with the** Aboriginal Cultural Heritage Management Plan ~~must be prepared for the Aboriginal heritage site referred to as 'RPS SWR 1' in the Cultural Heritage Assessment prepared by RPS report PR119347 dated November 2013, dated August 2012 and included as Appendix F of the EA. The Plan is required to:~~

- ~~1) be prepared by a suitably qualified person and in consultation with the OEH;~~
- ~~2) incorporate the recommendations provided within the Cultural Heritage Assessment prepared by RPS, including details of the recommended 10m by 10m sectioned off area to be established around RPS SWR 1; and~~
- ~~3) outline any proposed management actions for land within the sectioned off area required to be established around RPS SWR 1.~~

C13 Public Open Space

With the development of Lot 57, DP 1117398 open space at Lot 49 900 shall be embellished and dedicated free of cost to the Council.

~~As part of the first development application lodged, the proponent is required to:~~

- ~~1) provide a plan identifying the location of public open space, in accordance with Term B2; and~~
- ~~2) ensure all public open space is provided with appropriate connections to pedestrian and cyclist's networks.~~

C14 Street Tree Plantings

All future development application(s) must include a Landscaping Plan, prepared by a suitably qualified person detailing proposed street-tree plantings. Any species nominated must be predominantly local native flora and include trees, shrubs and groundcovers.

C15 Reticulated Services

All future development application(s) are to demonstrate that each residential lot will be provided with reticulated water supply, sewerage, telecommunications, and underground electricity. An Infrastructure

Servicing Strategy, prepared in consultation with council, must be submitted as part of any future development application(s) lodged.

C16 Affordable Housing

All future development application(s) must investigate the potential for affordable housing to be incorporated as part of the development.

3.6 SCHEDULE 3 - STATEMENT OF COMMITMENTS

10_0103

**SETTLERS RIDGE RESIDENTIAL SUBDIVISION
STEVE EAGLETON DRIVE, SOUTH WEST ROCKS**

ITEM		COMMITMENT	ACTION	TIMING
General	1	The proponent will undertake the development in accordance with Plan 11.1 in the Preferred Project Report and RPS Plan 102457-20E, dated 20 August 2015.	Proponent	All stages
Statutory Requirements	2	All licences, permits and approvals as necessary will be obtained once project approval is granted and maintained for the development, including: <ul style="list-style-type: none"> ▪ 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 the Water Management Act 2000; ▪ Bushfire Authority under Section 100B of the Rural Fires Act 1997; and ▪ The relevant licences under the Water Act 1912 and Water Management Act 2000 (if required). 	Proponent	Stage 1 & ongoing
Infrastructure Provision	3	The following infrastructure is to be provided for all lots in the subdivision: <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. 	Proponent	All Stages

		Staging and timing of infrastructure provision is to be established in the final Development Contract to be approved by Kempsey Shire Council.		
	4	The design and construction of the internal roads; provision of water, electricity, and gas services and APZ's are to comply with Planning for Bushfire Protection, 2006.	Proponent	All Stages
	4.1	With any Development Application the proponent shall lodge an intersection analysis for the Frank Cooper and Gregory Streets intersection.	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 before any development of Lot 57 DP 1117398.	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 the development area, so that all staff are aware that these areas will require management.	Proponent	All Stages
	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	Proponent	All Stages

		remains, formulate management recommendations and to ascertain when work can recommence.		
	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
	11.1	The proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.	Proponent	Stage 1 & Ongoing
	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	<p>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 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</p>	Proponent	Stage 1 & Ongoing

		prior to registration of a plan of subdivision in involving Lot 31 DP 754396 or Lot 57 DP 1117398.		
	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 Lot 223 DP754396 or other mitigation as specified by a Council condition of Development Consent.	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 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: 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.	Proponent	Stage 1 & ongoing
Construction	17	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: <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 	Proponent	All Stages

		<p>requirements during construction and operation phase;</p> <ul style="list-style-type: none"> ▪ traffic management procedures; and ▪ 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	<p>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.</p>	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
Design Controls	21	<p>Creation of a title restriction on proposed lots 46 – 61 inclusive preventing vehicular access to either Gregory St, or Keith Andrews Ave, with Council being the beneficiary.</p>	Proponent	All Stages

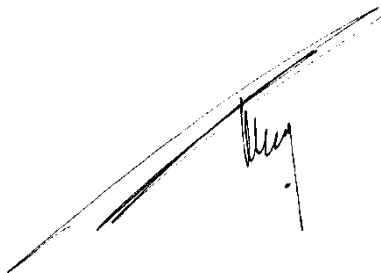
4. CONCLUSION

The proposed modification is sought to refine the original Concept Approval having regard to further research and consultation. Amendments to the Concept Plan provide positive outcomes and opportunities including:

- the orderly provision of BioBanking credits, open space and key infrastructure;
- clarification with respect to management arrangements and availability of BioBanking credits to serve the needs of the development;
- the provision of fulsome bushfire management approach;
- the setting aside of an area of 2,295m² for public open space near to the centroid of the development;
- confirmation in relation to geotechnical assessment, and
- ensuring of protection of aboriginal site "RPS SW R1" via an Aboriginal Cultural Heritage Management Plan.

Overall the proposed modifications maintain the Settlers Ridge project commitments to strengthened biodiversity; implementation of the BioBanking legislation; improvements to the public domain and implementation of utility services in a fashion consistent with Council's relevant Development Control Plans.

The modified proposal has been assessed against the relevant provisions under Section 75W. The modifications proposed merely refine the conditions consistent with all relevant Regional and State planning objectives as well as the provisions of Council's Local Environmental Plan 2013.



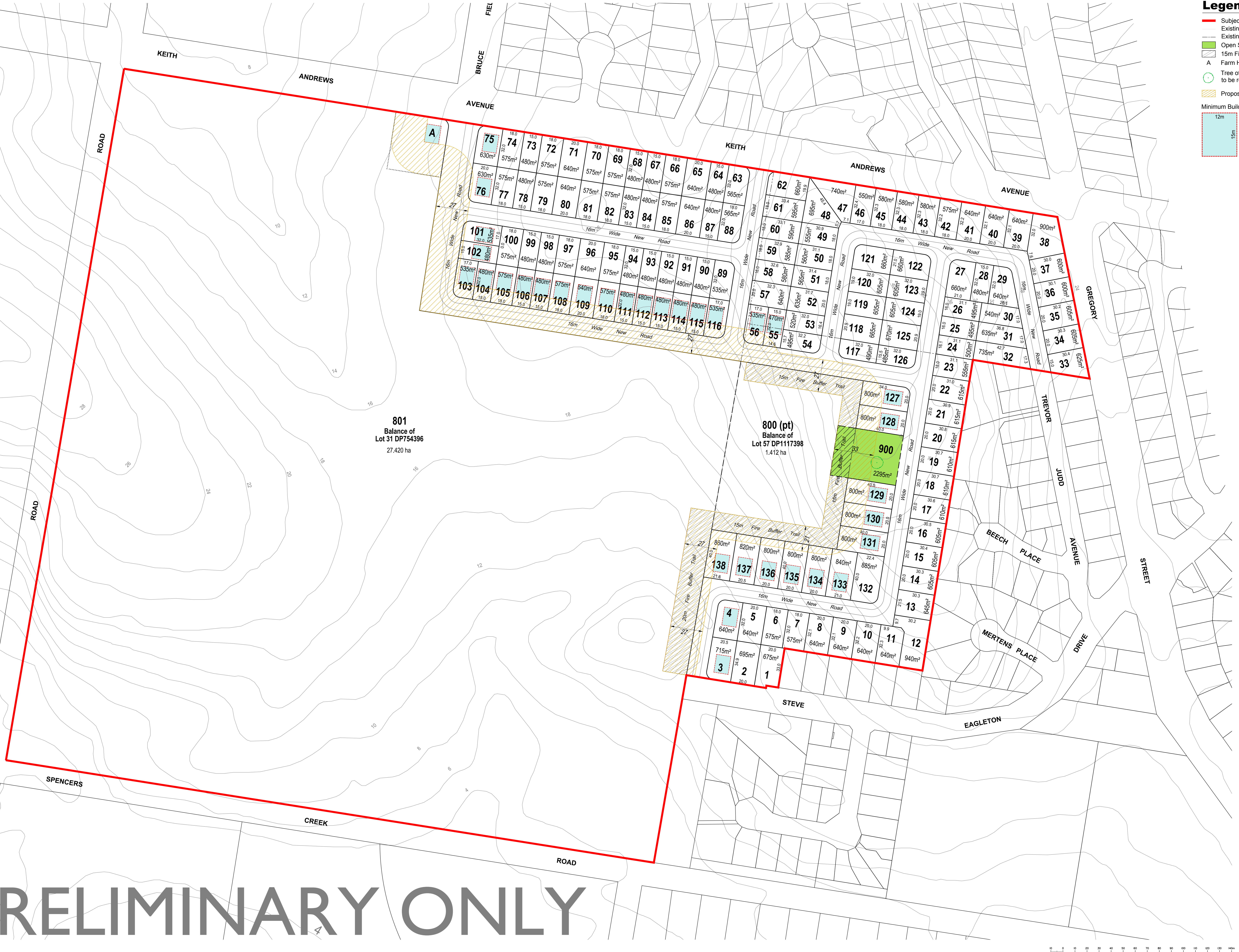
Stephen Connelly FPIA
Certified Practising Planner
27/10/15

ANNEXURE A

Updated Plans

Legend

- Subject Site Boundary
 - Existing Contour
 - Existing Internal Boundaries
 - Open Space - Active
 - 15m Fire Buffer Trail
 - A Farm House Site
 - Tree of cultural significance to be retained
 - Proposed width of APZ Buffer
- Minimum Building Envelope 12 x 15m



801
Balance of
Lot 31 DP754396
27.420 ha

800 (pt)
Balance of
Lot 57 DP1117398
1.412 ha

REVISION
A: 15/10/13 Update layout
B: 30/10/13 Update Layout
C: 28/05/15 Amend APZ Buffer
D: 22/07/15 Amend lot layout due to RFS req.
E: 20/08/15 Amend lot layout

Note
All dimensions and areas are approximate only, and are subject to survey and Council approval.
Dimensions have been rounded to the nearest 0.1 metres.
The boundaries shown on this plan should not be used for final detailed engineers design.
Contours and adjoining information digitized from Kemplsey Shire Council Map of South West Rocks

CLIENT
SETTLERS RIDGE JOINT VENTURE

PROJECT
SETTLERS RIDGE

PROPOSED LAYOUT OVER
LOTS 31 & 223 ON DP 754396, LOT 57 ON
DP 1117398 & CERTAIN CROWN LAND
SOUTH WEST ROCKS

Level Datum
Origin

Date: 20 AUGUST 2015
Comp By: JLS
DWG Name: 102457-18F PROP
Local Authority: KEMPESEY SHIRE COUNCIL

Locality: SOUTH WEST ROCKS
Job Reference: 102457

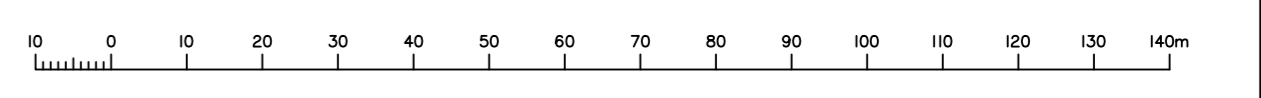
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Sheet: A0

Plan Ref: 102457-20
Rev: E

RPS

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PRELIMINARY ONLY

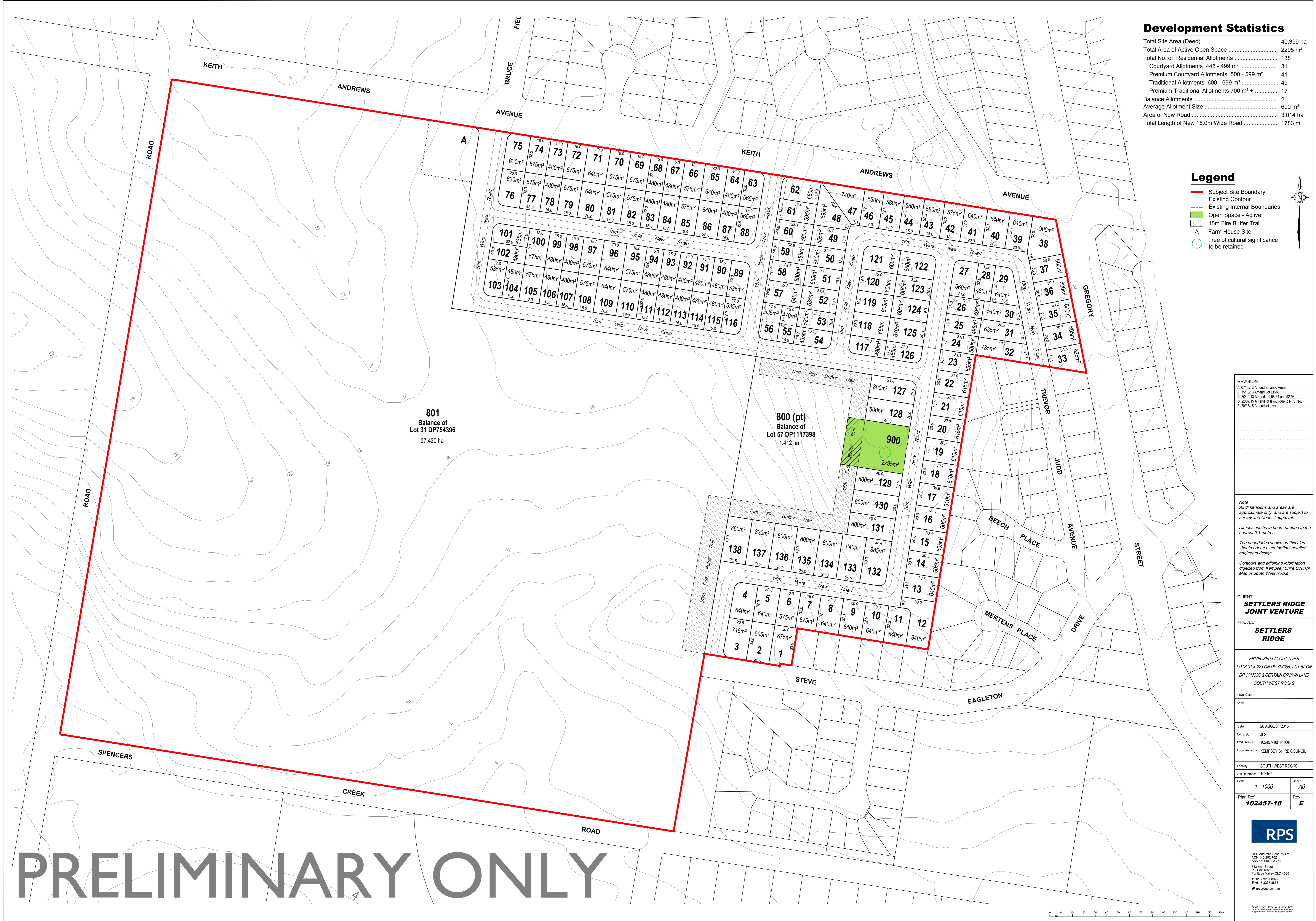
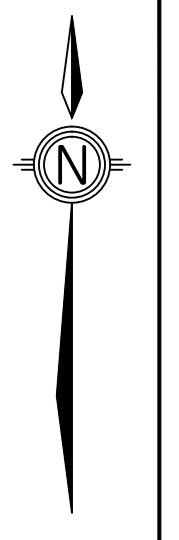


Development Statistics

Total Site Area (Deed)	40,399 ha
Total Area of Active Open Space	2295 m ²
Total No. of Residential Allotments	138
Courtyard Allotments 445 - 499 m ²	31
Premium Courtyard Allotments 500 - 599 m ²	41
Traditional Allotments 600 - 699 m ²	49
Premium Traditional Allotments 700 m ² +	17
Balance Allotments	2
Average Allotment Size	600 m ²
Area of New Road	3,014 ha
Total Length of New 16.0m Wide Road	1783 m

Legend

- Subject Site Boundary
- Existing Contour
- Existing Internal Boundaries
- Open Space - Active
- 15m Fire Buffer Trail
- A Farm House Site
- Tree of cultural significance to be retained



801
Balance of
Lot 31 DP754396
27,420 ha

800 (pt)
Balance of
Lot 57 DP1117398
1,412 ha

900
2295m²

PRELIMINARY ONLY

REVISION
A: 07/05/13 Amend Balance Areas
B: 15/10/13 Amend Lot Layout
C: 30/10/13 Amend Lot 58-64 and 92-93
D: 22/07/15 Amend lot layout due to RPS req.
E: 20/08/15 Amend lot layout

Note
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Dimensions have been rounded to the nearest 0.1 metres.
The boundaries shown on this plan should not be used for final detailed engineers design.
Contours and adjoining information digitized from Kemplsey Shire Council Map of South West Rocks

CLIENT
SETTLERS RIDGE JOINT VENTURE

PROJECT
SETTLERS RIDGE

PROPOSED LAYOUT OVER
LOTS 31 & 223 ON DP 754396, LOT 57 ON DP 1117398 & CERTAIN CROWN LAND SOUTH WEST ROCKS

Level Datum	
Origin	
Date	20 AUGUST 2015
Comp By	JLS
DWG Name	102457-18F PROP
Local Authority	KEMPESEY SHIRE COUNCIL
Locality	SOUTH WEST ROCKS
Job Reference	102457
Scale	1 : 1000
Sheet	A0
Plan Ref	102457-18
Rev	E



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