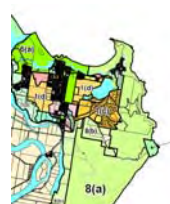


Preliminary Environmental Assessment

Settlers Ridge – South West Rocks



Proposed Part 3A Residential Subdivision and BioBanking proposal, Steve Eagleton Drive, South West Rocks.

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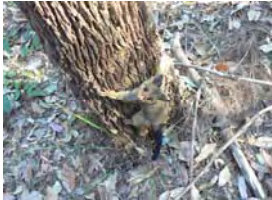
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1. INTRODUCTION

1.1 Introduction



This Preliminary Environmental Assessment (PEA) has been prepared by S J CONNELLY CPP PTY LTD for a joint venture of land owners at Settlers Ridge, South West Rocks. The PEA foreshadows a Concept Plan Application for 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 Act).

A copy of the completed Part 3A Application Form is included in **Appendix A**.



The Project for which Concept Plan approval is proposed to be sought includes the creation of 220 Torrens Title residential allotments, an extension of local roads and infrastructure to service the subdivision and the provision of a variety of open space parcels.

The purpose of this PEA is to provide:

- a written and graphical description of the Project, which also identifies its location;
- a review of planning provisions relevant to the Project, including an assessment of whether the Project is inconsistent with any of these provisions;
- plans showing the draft zonings which would reflect the project plan applying to the site;
- any views on the Project from agencies, the local council or the wider community;
- an assessment of regional and local strategies which affect the Project; and
- to seek the Director-General's environmental assessment requirements (DGR's) for the preparation of a Environmental Assessment (EA).

The Minister has yet to form an opinion that the proposed development of the subject land is one to which Part 3A of the Act applies.

1.2 Site Location

South West Rocks is a Coastal Village with a population of 6500 on the mid north coast of NSW. The village is located 40km north-east of Kempsey near the mouth of the Macleay river, and is about 5 ½ hours drive north of Sydney.

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

1.3 Site Characteristics

The site, as shown in **Plan 1.2**, 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 'The Rocks' local shopping centre. The South West Rocks industrial area lies to the south.

The land is undulating and contains a mix of dry sclerophyll forest dominated by scribbly gum, blackbutt, tallowwood, pink and red bloodwood and brushbox. The study site is structurally mature to over-mature. There are no permanent or semi-permanent water-bodies within the study area.

The Real Property description of the subject land is:

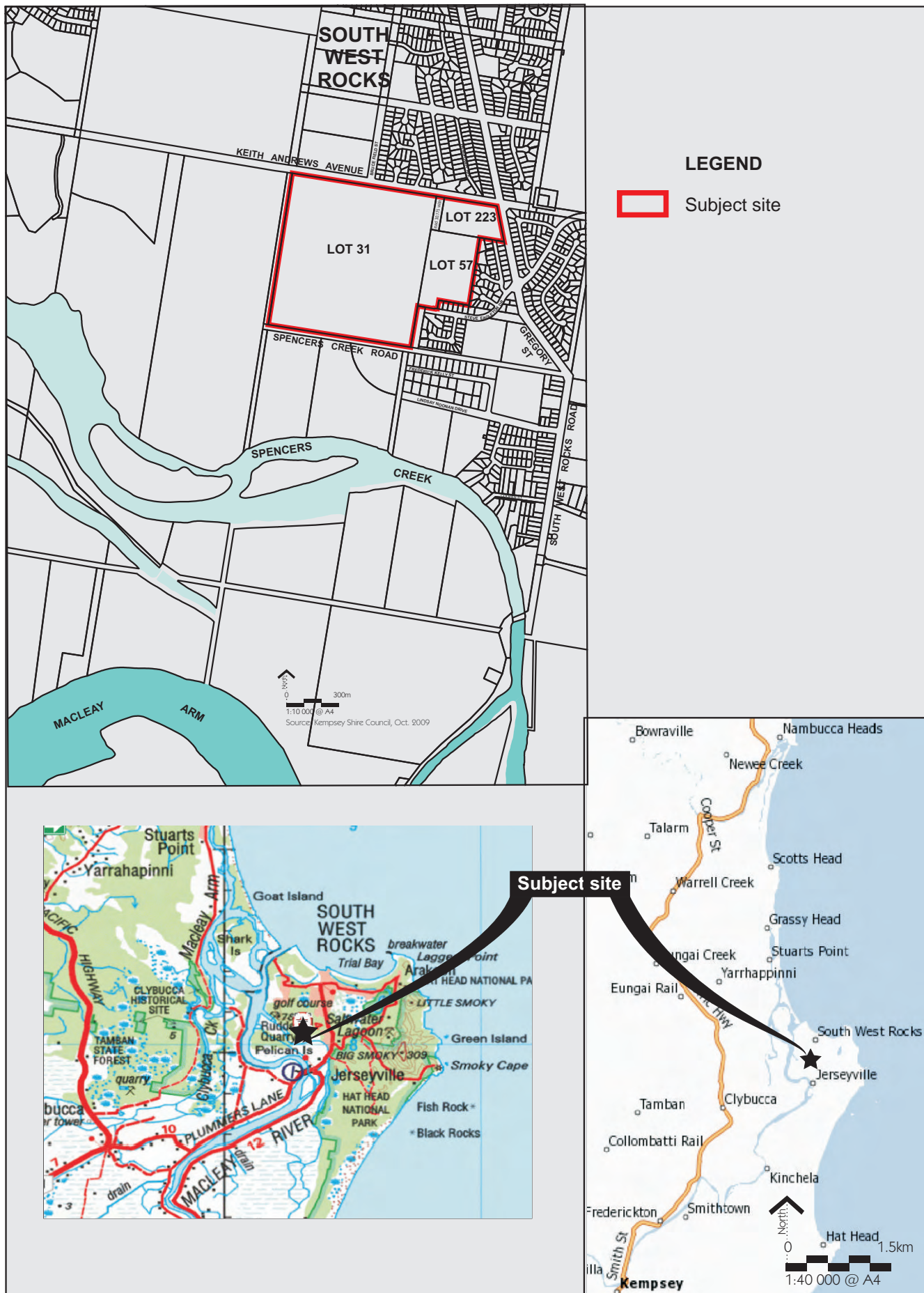
- Lot 31 DP 754396 (Lot 31);
- Lot 57 DP 1117398 (Lot 57); &
- Lot 223 DP 754396 (Lot 223).

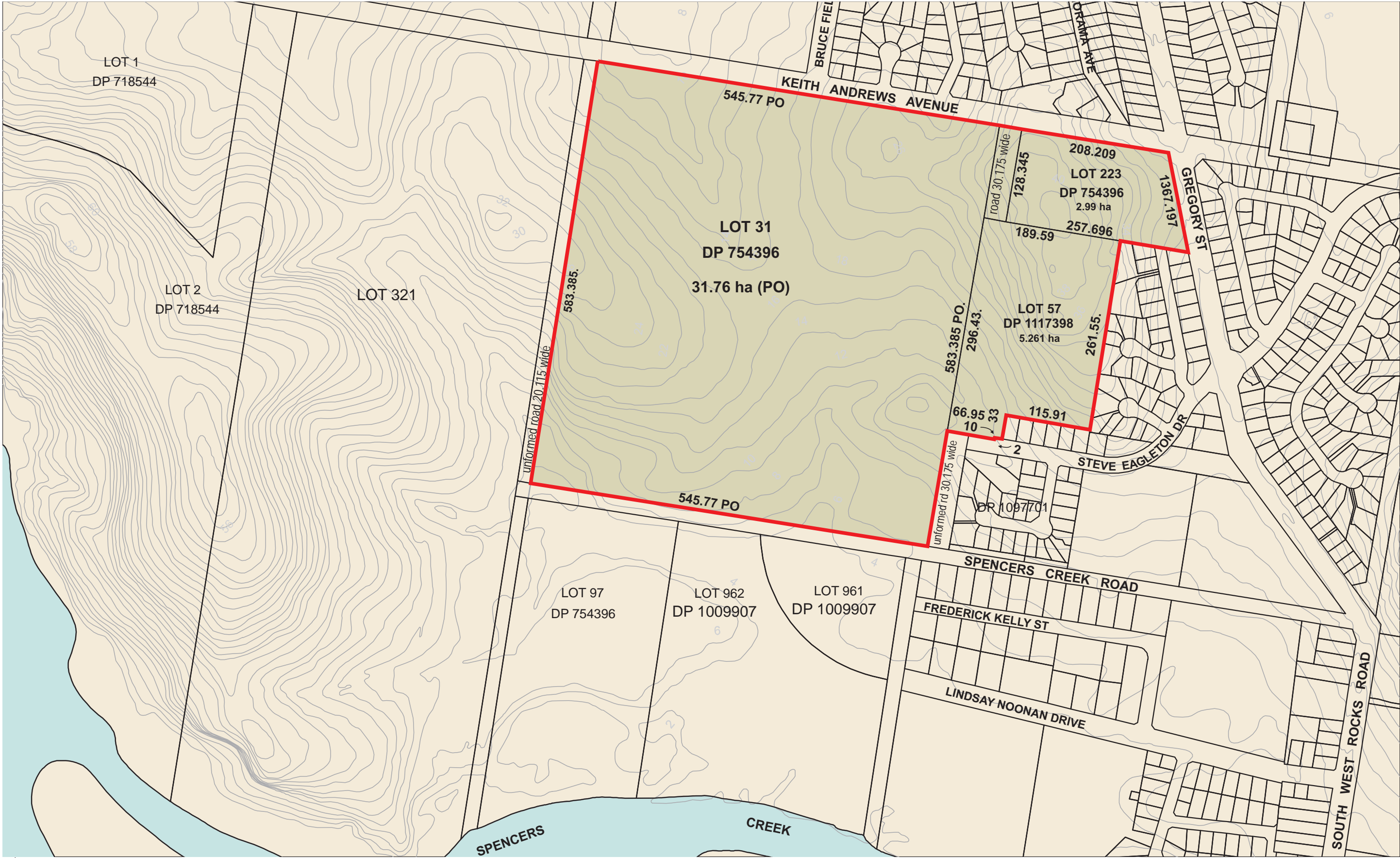
These three properties have the following areas:

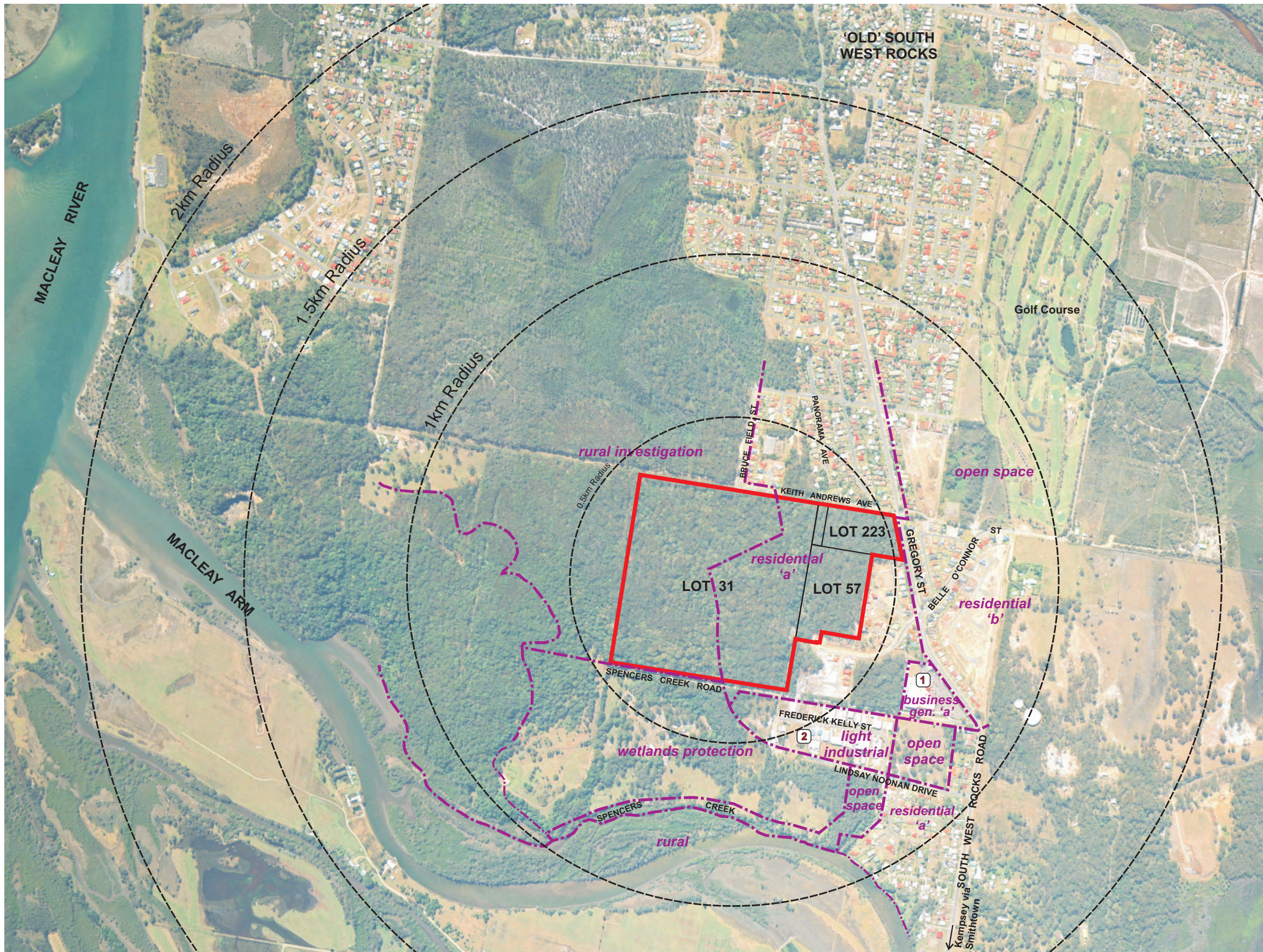
- Lot 31 – 31.8 hectares;
- Lot 57 – 5.3 hectares; &
- Lot 223 – 3.4 hectares.

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.

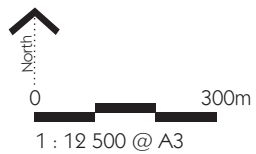






LEGEND

- Subject site
- Radius from centre of site
- rural* Zone line, zoned landuse
- Features:
- 1 The Rocks shopping centre
- 2 South West Rocks industrial estate



Source: S J Connelly CPP
Date: May 2010
SJC1292-533

Plan 1.3

EXISTING ENVIRONMENT

...



- 1.4 Donation Disclosure

The applicant and land owners have no political donations to disclose.
- 1.5 Further Information

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

2 BACKGROUND AND HISTORY

2.1 Site Context

The vacant sites form the last linkage between the older sections of South West Rocks, and the 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 village 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 located 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 Gordon Young Drive.



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

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 applications were supported by a combined Species Impact Statement per Section 5A of the Environmental Planning & Assessment Act 1979. With the granting of these consents, concurrence to the SIS was obtained from the then NPWS, and a Fire Safety Authority was also issued by the NSW RFS.

The approvals were subsequently tested in the Land & Environment Court (LEC) 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 DAs, Council was unable to do so until a Master Plan had been prepared in accordance with the provisions of SEPP 71. A subsequent draft masterplan for the site was refused on 23rd October 2008.

2.3 Key Issues



Key Issues relevant to this project include, but may not be limited to:

Known community concerns about the development proposed:

- A third-party appeal resulted in the previous voiding of Development Consents for both Lot 223 and Lot 57. A section of the local community objects to any vegetation loss in South West Rocks, and indeed any proposals for further residential development in the South West Rocks locality.

Potential environmental impacts associated with construction, operation, or occupation of a project:

- Previous Development Applications determined that the clearing associated with subdivision of the land would result in a Significant Impact on Threatened Fauna.
- A Species Impact Statement was submitted and DEC Concurrence to the proposed clearing of Lot 223 and Lot 57 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 imposed by existing zone boundaries:

- The present zone boundaries appear arbitrary and do not reflect ground-truthed environmental criteria.

Constraints and opportunities arising from the peculiarities of the project site:

- South-western boundary of the site is subject to high bushfire hazard;
- The undeveloped site poses a significant bushfire threat to neighbouring established residential lands;
- The site supports habitat for a number of threatened fauna species;
- KSC have advised of a vehicular access restriction along the Gregory Street frontage;
- Vehicular access is available via an extension of Trevor Judd Avenue, Keith Andrews Avenue & Steve Eagleton Drive;
- KSC have advised that the eastern (unformed) portion of Keith Andrews Avenue is not appropriate for vehicular access;
- The sites adjoin established residential areas and local access/service connections to the north, east and south;
- The sites' topography limits subdivision layout options; and
- All essential services are available, but would require extension.

3. THE PROJECT

3.1 Subdivision Particulars

The Project for which Concept Plan Approval is sought is proposed to for a residential subdivision over the site.

Plan 3.1 shows a concept layout plan for the land.

Table 3.1 below sets out a landuse budget for the Project.

Table 3.1 Landuse Budget

	ha	%
Site area	40.011	100%
Residential lots	13.699	34.24%
Roads	5.245	13.09%
Open space	1.346	3.36%
Drainage reserve	0.552	1.38%
Rural lot	19.177	47.93%

Notable components of the Project include:

- Extension of Trevor Judd Avenue providing 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 temporary APZs along the western edge of the subdivision footprint;
- Extension of Steve Eagleton Drive, connecting with Keith Andrews Avenue;
- Extension of Keith Andrews Avenue to provide private access to some residential lots;
- Retention of ridge-line vegetation within two parcels of open space to be dedicated to Council;
- Establishment of drainage infrastructure and detention in the site's north-west;
- Establishment of permanent bushfire APZ along the extension of Steve Eagleton Drive; and
- Delineation of separately developable parcels along existing ownership boundaries to facilitate future staged construction.

As described in **Table 3.2** 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 Residential Lot Sizes

Total No. of residential allotments	220
Courtyard allotments 445 – 499m ²	21
Premium courtyard allotments 500 – 599m ²	39
Traditional allotments 600 – 699m ²	103
Premium traditional allotments 700m ² +	57

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.

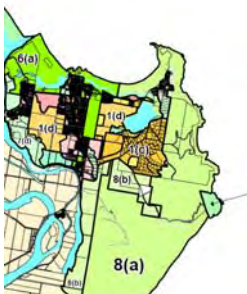
The development will be carried out in stages. It is anticipated that once the Concept Plan has been approved then each of the owners will submit applications to carry out development in accordance with the Concept Plan and proceed to develop their properties in an orderly way thereafter.

3.2 BioBanking Proposals



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

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 TSC Act) to use the methodology and the credit calculator to obtain a BioBanking agreement or a BioBanking statement.



The Applicant has engaged Mr Peter Parker of Peter Parker Environmental Consultants Pty Ltd who has been suitably accredited for this purpose. Mr Parker has undertaken site inspections and field surveys and has provided detailed advice to the Applicants' with respect to their obligations under this scheme. Mr Parker had confirmed that the proposal is suitable and appropriate as a Biodiversity Banking Scheme.

3.3 Zoning Considerations

The land's current zoning demarcation between residential and urban investigation has little regard to environmental factors. The present zoning maps are represented in **Plan 1.4** and show a seemingly 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 proposed Concept Plan proposal 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. This re-alignment has had regard to the site's inherent opportunities and constraints, specifically relating to ecology, bushfire management and traffic.

Ecological – Ecological justification for varying the zone boundary will be provided by Peter Parker Environmental Consultants Pty Ltd.

The site at present is split zoned 2(a) Residential and 1(d) Investigation, of which 11.6 ha is zoned residential. Under the proposed Concept Plan application, it is intended that 19.1 ha of land will be conserved and 11.0 ha will remain in a residential zone. This provides a net reduction of residential zoned land by 0.6ha.

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

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 sites pose 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.



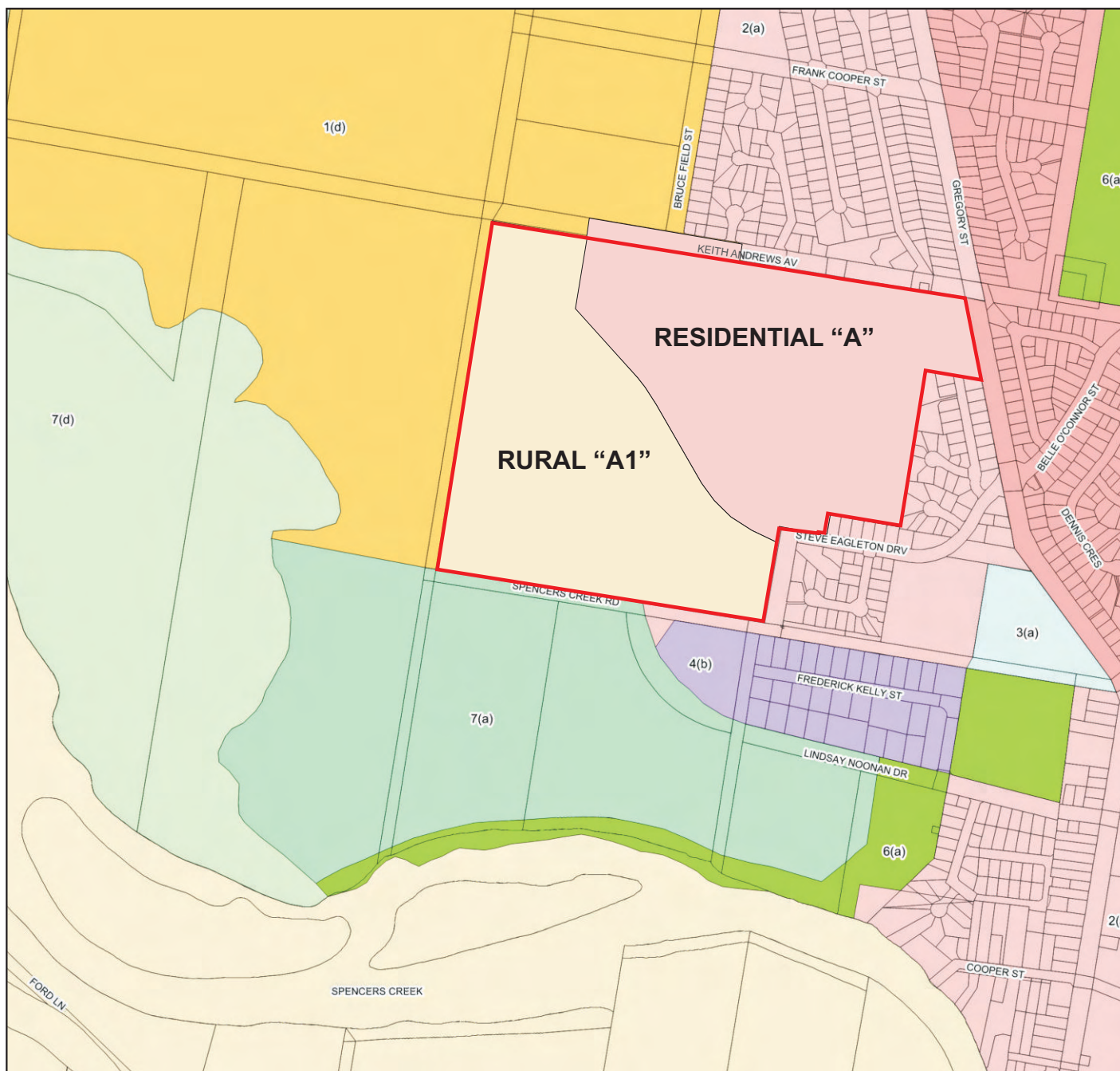
Traffic Management – The intended zone boundary line follows the alignment of the future Western Distributor, previously identified by Council in its strategic plans for South West Rocks' future growth (refer comments concerning DCP 9 commented on in Section 4.7 of this report).

This road serves to link the established neighbourhoods of western South West Rocks. Moreover, the road serves to

provide a quantifiable demarcation between native vegetation to the south-west and the developable lands which are the subject of this concept application.

The intended zone boundary amendment is illustrated in **Plan 3.2** which follows.





LEGEND

1(a1)	Rural "A1" Zone	3(a)	Business (General) "A" Zone
1(d)	Rural (Investigation) "D" Zone	4(b)	Light Industrial "B" Zone
2(a)	Residential "A" Zone	6(a)	Open Space "A" Zone
2(b1)	Residential "B1" Zone	7(a)	Wetlands Protection Zone
2(b2)	Residential "B2" Zone	7(d)	Scenic Protection Zone

4. LEGISLATION REVIEW

4.1 Strategic Context



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

- Mid North Coast Regional Strategy;
- Kempsey Residential Land Release Strategy; and
- Kempsey Shire Ecologically Sustainable Development Strategy (ESD Strategy),

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 DoP Department of Planning (DOP) and KSC to define growth areas to address land supply needs for the next 25 years. To this end, the DoP 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.

Much of the subject land is already zoned 2(a) Residential under Kempsey Local Environmental Plan 1987 (refer **Plan 4.1**). However, the 1(d) Rural (Investigation) zoned portion of the site is included within the identified Growth Area, and is described as a "Proposed Urban Area" in the Regional Strategy.

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 growth, which was anticipated by the Department of Planning 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.

This document aims 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 intended re-distribution of zonings within the project area, and subsequent subdivision concept 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 is consistent with the objectives of the Mid North Coast Regional Strategy.

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 concept 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.

4.2 Statutory Planning Context

Environmental Planning and Assessment Act 1979

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

NSW Coastal Policy (Coastal Policy)

Section 92 of the Environmental Planning and Assessment Regulation 2000 provides that the Coastal Policy is a relevant consideration for development in those (coastal) areas affected by the Policy. Development along the coast of Kempsey Shire is subject to the Policy.

Tables 2 and 3 of the Coastal Policy provide 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).

4.3 State Environmental Planning Policies



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 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; and
- The project serves to rationalise an arbitrary land-use zoning anomaly and provides for a more logical and responsible urban footprint.

State Environmental Planning Policy – Major Development

Pursuant to Clause 6 of State Environmental Planning Policy (Major Projects) 2005, the proposed residential subdivision is considered to be a Part 3A project. The subject site is located within the NSW Coastal Zone. More than 100 lots are proposed

within the intended subdivision, which meets the provisions of Schedule 2, Clause 1(1)(b) of this SEPP.

This Preliminary 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).

4.4 Regional Environmental Plans

North Coast Regional Environmental Plan (REP)

The REP 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 states 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

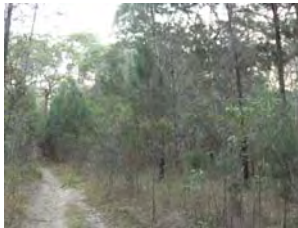
The development serves to efficiently maximise the residential potential of the site in accordance with KSC's objectives for the urban expansion of South West Rocks.

Clause 66 Development control—adequacy of community and welfare services

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

Kempsey Shire Council recently 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.

4.5 Local Environmental Plans



Kempsey Local Environmental Plan 2001 1987 (KLEP 1987)

Under KLEP 1987 the land is zoned part 2(a) Residential and part 1(d) Rural (Investigation), as shown in **Plan 4.1** below. 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 extremities, 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 appears to have no 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.

Overall, the zoning budget results in a total net “loss” of residential zoned land. A greater proportion of rural zoned land forms part of the residue to the primary Concept Plan of subdivision than currently exists under Kempsey LEP 1987.

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

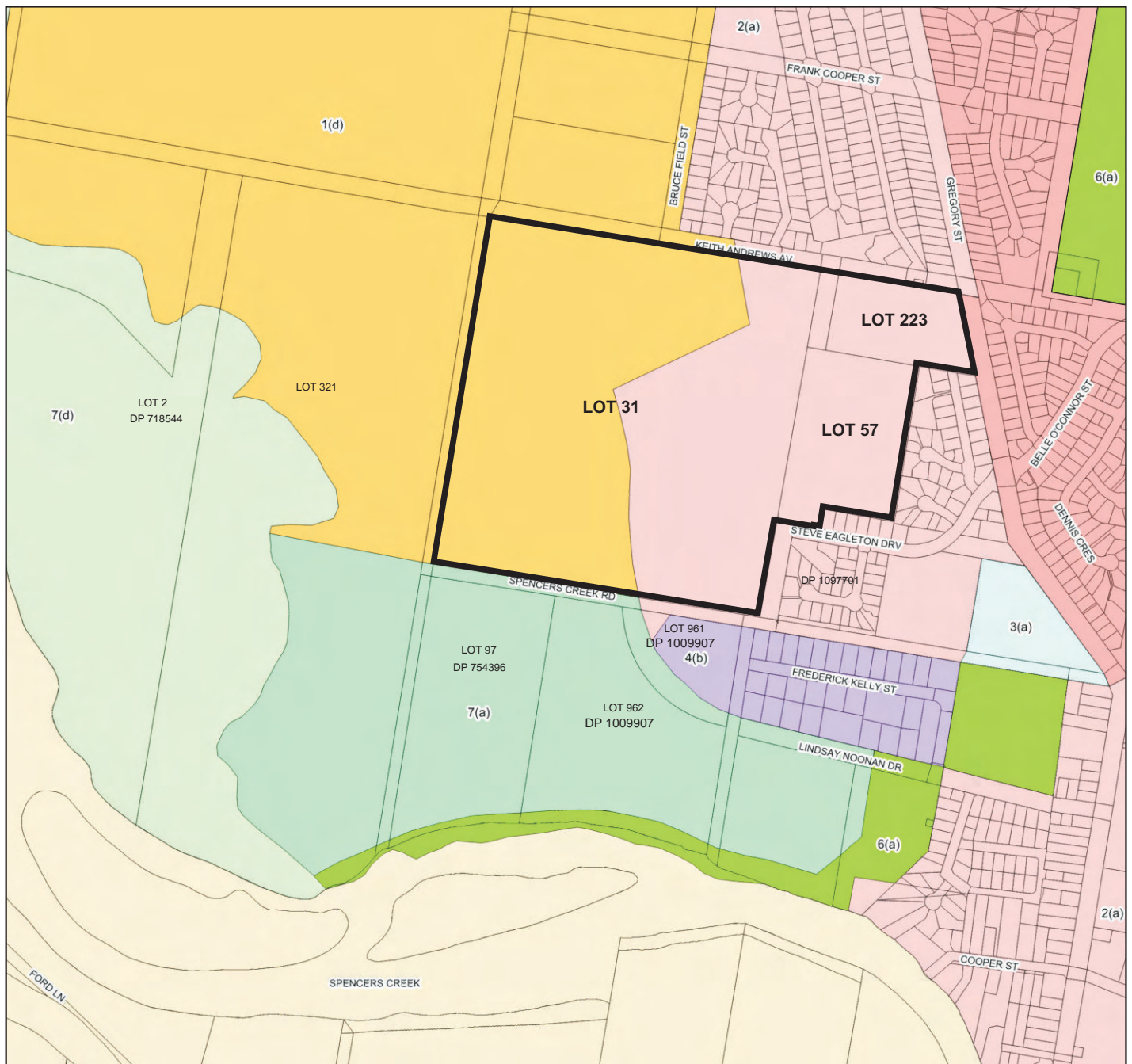
Development Controls

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).

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

Clause 13 – Subdivision connection of water supply

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



LEGEND

1(a1)	Rural "A1" Zone	3(a)	Business (General) "A" Zone
1(d)	Rural (Investigation) "D" Zone	4(b)	Light Industrial "B"
2(a)	Residential "A" Zone	6(a)	Open Space "A" Zone
2(b1)	Residential "B1" Zone	7(a)	Wetlands Protection Zone
2(b2)	Residential "B2" Zone	7(d)	Scenic Protection Zone

Clause 14 – connection to sewerage system

The land is able to be connected to the South West Rocks sewerage system. 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.

Note that this is in accordance with the advice received during our consultations with both KSC and the RTA (refer consultation letters contained in **Appendix C**).

Clause 16 – Subdivision minimum lot sizes

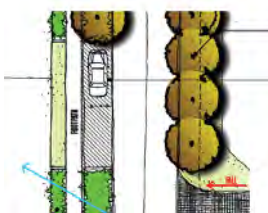
The minimum lot size for land within Zone 2(a) is 0.05 ha (500m²). The average subdivision lot size exceeds 624m² with lot sizes proposed ranging from 445m² up to 990m².

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

4.6 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 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 3.2**.

4.7 Development Control Plans



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 South West Rocks locality. The DCP establishes economic, social and environmental sustainability objectives for the wider locality. 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.

Open Space at South West Rocks – DCP No.10

The provisions of DCP No.10 provide for the allocation of open space in the South West Rocks township. This land is included within the area of the DCP, which anticipates its future development and states:

"The expansion of South West Rocks is likely to move in a westerly direction, and Council needs to acquire or reserve Open Space as the village expands. Small Parks and Playgrounds need to be identified as each Residential Area opens up."

Open Space provision has been incorporated in the concept layout in accordance with the principles of this DCP. The objectives of this DCP will guide the preparation of a future DCP for this land and Concept Plan of subdivision.

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 of 650m².

This is not achieved as 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 are included in the Concept Plan with frontage exceeding 20m so as to facilitate future Dual Occupancy developments.



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 for subdivision and subsequent design of individual dwellings and residential developments within the subdivision.

Guidelines for Engineering & Subdivision – DCP No. 36

Existing engineers services available in the locality are shown in **Plan 5.1**. 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 sheets.
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.

LEGEND

- Subject site
- Open space - active
- Open space - passive
- Open space - detention
- Proposed reciprocal access easement
- Proposed road widening
- - - High voltage underground cable
- ▲ Ground substation
- Water supply
- Sewerage line
- ★ Sewerage pump station
- ↔ Access to site
- ~ ~ ~ Access restrictions apply

800
Balance
19,177 ha



7. Town water, sewer and 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.

4.8 BioBanking Legislation

The Biodiversity Banking and Offsets Scheme – known as ‘BioBanking’ – commenced in 2008.

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 robust biodiversity assessment process for development, and is accompanied by a rigorous and credible 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 proposed development site has been surveyed using the BioBanking methodology and is recommended by Mr Parker as an appropriate candidate for the implementation of the Biodiversity Banking scheme.

5. KEY ISSUES

5.1 Traffic

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 Keith Andrews Avenue (east end) frontage will have vehicle access restrictions. Steve Eagleton Drive is a “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.

All new site roads will be designed and constructed as “local” roads and the Steve Eagleton Drive north-west extension will be designed and constructed as a “collector” road. The layout provides for through road construction, no cul-de-sacs, and intersections designed to DCP 36 standards.

The existing “collector” roads to service the site, being Steve Eagleton Drive and Bruce Field Street were designed and constructed to provide adequate and safe vehicle access with future traffic loadings from this site in mind.

5.2 Ecological

Managing biodiversity across NSW requires a delicate balancing act between the needs of the environment, and the social and economic activities that require native vegetation to be cleared.

Given the habitat character of the subject land, an innovative approach is needed to tackle the challenge of balancing the aims of providing the community with new housing, jobs and amenities while also conserving biodiversity for the future. Biodiversity Banking is one such innovation approach appropriate for this site.

Peter Parker Environmental Consultants Pty Ltd, an accredited assessor, under the BioBanking scheme adopted by Part 7A of the Threatened Species Conservation Act 1995 has undertaken a flora and fauna survey of the site and environs over four nights in September and October 2009. This survey was conducted in accordance with the BioBanking methodology which provides detailed guidelines on how to use the credit calculator to determine the number of biodiversity credits required.

Peter Parker Environmental Consultants Pty Ltd will conduct further assessments as detailed plans evolve and credit calculations will be used to guide development outcomes.

5.3 Bushfire

A comprehensive assessment of the residential development of Lots 223 and 57 has been undertaken previously. This assessment determined that the land was suitable for residential occupation, and gained a Fire Safety Authority in conjunction with KSC's granting of consent for these developments.

With the addition of Lot 31, the management of bushfire can be more appropriately integrated over the three parcels. Internal temporary APZs can be established within stages of the Concept Plan of subdivision. The perimeter road (western distributor) has been designed to provide the necessary permanent buffer to the site's residential development, and will facilitate emergency vehicle access opportunities.

Preliminary assessment demonstrates the concept is capable of compliance with the Rural Fires Act and Planning for Bushfire Protection document. Detailed analysis would be anticipated with the ensuing Environmental Assessment process.

5.4 Cultural Heritage

In 2006, 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 sites' cultural heritage values.

We acknowledge the more recent consultation procedures adopted by the Department of Environment, Climate Change and Water for the assessment of a site's cultural heritage values. This will be undertaken as part of the EA process.

5.5 Density

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 220 allotments is 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. The rationalised zone boundaries provides for a more logical urban footprint albeit with an overall reduction in residential zoned land, while still achieving expected densities per the Mid North Coast Regional Strategy.

5.6 Landscaping

A detailed landscaping and streetscape strategy would form the basis of detailed planning to accompany future applications. The intended road reservations are of sufficient width to accommodate essential services and still establish appropriate streetscape works in accordance with relevant local DCPs and Coastal policies.

5.7 Services



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

Roads

Constructed residential street Trevor Judd Avenue connects to the site boundary. Constructed Steve Eagleton Drive 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.

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

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 designed for the future site development and will be linked up once the site development proceeds.

The highest sections of Lots 223 & 57 may require some pressure boosting to achieve satisfactory pressures. This will be subject to further negotiations with Kempsey Shire Council at engineering design stage.

Town Sewer

Lot 223 development (except for 2 or 3 lots) can gravity drain east to existing designed sewer infrastructure. The balance of Lot 223, all of Lot 57 and some of 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 may be required along the south western side of Lot 31 development. The northern section of Lot 31 can gravity drain to existing sewer infrastructure in Rippon Place and Bruce Field Street.

Electricity

Underground electricity with pad-mount transformers exists 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 Services

Underground facilities adjoin the side in Trevor Judd Avenue, Steve Eagleton Drive and Keith Andrews Avenue.

6. CONCLUSION



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.

This Preliminary Environmental Assessment (PEA) has identified the following key issues as appropriate for further detailed consideration in a formal Environmental Assessment (EA):

- Traffic;
- Ecological;
- Bushfire;
- Water Quality;
- Cultural Heritage;
- Density;
- Landscaping; and
- Services.

All of these Key Issues are proposed to be examined in more detail within the formal Environmental Assessment, as will any other issues considered relevant by the Department, and included within the DGRs sought by this PEA.

In conclusion, the Director-General's environmental assessment requirements are sought, to enable the preparation of a for Concept Plan approval EA.

Stephen J Connelly FPIA
 Certified Practising Planner
 S J CONNELLY CPP

Appendix A

Project Application Form and Land Owner Authorities

Major project application



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Project application no. _____

1. Before you lodge

This form is required to apply for the approval of the Minister to carry out a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your project.

A Planning Focus Meeting may need to be held for this project involving the Department, relevant agencies, council or other groups identified by the Department. If a Planning Focus Meeting is held, the Department will issue the Director-General's requirements for the Environmental Assessment following the meeting.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All applications must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be emailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23–33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone 1300 305 695.

2. Details of the proponent

Company/organisation/agency

SJ CONNELLY CPP PTY LTD

ABN

40 125 970 783

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Stephen

Family name

Connelly

Position

Director

STREET ADDRESS

Unit/street no.

6

Street name

Byron Street

Suburb or town

Lennox Head

State

NSW

Postcode

2478

POSTAL ADDRESS (or mark 'as above')

P.O. Box 538

Suburb or town

Lennox Head

State

NSW

Postcode

2478

Daytime telephone

02 66877171

Fax

02 66877067

Mobile

0419237982

Email

steve@connelly.com.au

3. Identify the land you propose to develop

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Gregory St & Steve Eagleton Drive

Suburb, town or locality

South West Rocks

Postcode

2431

Local government area(s)

Kempsey

State electorate(s)

Oxley

REAL PROPERTY DESCRIPTION

Lot 31 DP754396; Lot 57 DP1117398 & Lot 223 DP754396

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the project applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR detailed description of land attached. ☐

MAP: A map of the site and locality should also be submitted with this application.

4. Major project description and other requirements

Provide a brief title for your project.

Residential subdivision & BioBanking proposal for 220 Lots

PROJECT APPROVAL

If you are applying for approval of a project, include in the project title, all significant components for which approval is being sought. If the application relates to part only of a project, the project title should reflect this.

Is the application for approval of a project?

☐ Yes ☒ No

Is the application related to part only of a project?

☐ Yes ☐ No

CONCEPT PLAN APPROVAL

If you are applying for approval of a concept plan, include in the project title, all components for which approval 'in concept' is being sought. If the application also relates to approval of a project, a description of this should also be included in the project title.

Is the application for approval of a Concept Plan?

☒ Yes ☐ No

Is a project application being made concurrently for all or part of the project?

☐ Yes ☒ No

You are also required to provide a Project Description and address any matters required by the Director-General in accordance with section 75E or section 75M of the Act. Failure to do so may lead to your application being rejected.

Is a Project Description attached?

☒ Yes ☐ No

Does the Project Description include any additional matters required by the Director-General under section 75E or section 75M of the Act?

☐ Yes ☐ No

Note: An electronic copy of the project description is also required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the project. The CIV includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding GST and land costs).

\$5.5m

EQUIVALENT FULL-TIME JOBS

Please indicate the number of jobs created by the project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

20

Operational jobs (full-time equivalent)

NIL

5. Approvals from State agencies

Does the project require any of the following: (tick all that are appropriate)

- ☐ an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a production lease under the *Petroleum (Onshore) Act 1991*
- ☐ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- ☒ a consent under section 138 of the *Roads Act 1993*
- ☐ a licence under the *Pipelines Act 1967*

6. Landowner's consent or notification

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the proponent:

Land

Signature

Refer to attached authorities

Name

Date

Land

Signature

Name

Date

Note: Under clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require the consent of the landowner, however, the proponent is required to give notice of the application:

- in the case of linear infrastructure projects, by notice in a newspaper circulating in the locality prior to the commencement of the public consultation period,
- in the case of mining or petroleum production projects, by notice in a newspaper circulating in the locality within 14 days of this application being made,
- in the case of critical infrastructure projects, to the owner of the land within 14 days of this application being made, and
- in other cases, to the owner of the land at any time before the application is made.

7. Political donation disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application or request.

Have you attached a disclosure statement to this application?

☐ Yes

☒ No

Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the project and address all matters required by the Director-General pursuant to section 75E and/or section 75M of the Act, and
- apply, subject to satisfying clause 8D of the Environmental Planning and Assessment Regulation, for the Director-General's environmental assessment requirements pursuant to Part 3A of the Act, and
- declare that all information contained within this application is accurate at the time of signing.

Signature



Name

S J Connelly

Date

12/06/2010

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent

LAND OWNER AUTHORITY**TO WHOM IT MAY CONCERN**

This is to advise that S.J CONNELLY CPP PTY LTD has been engaged by:

ACN 000337655

Client Name: ERIC NORMAN DEVELOPMENTS PTY LTD.

Client Address: c/- RAIN & MOANE, PARAGON AVE SWR.

Dated 26 MAY 2010

in respect to land described as:

No: Street: STEVE EAGLETON DR.

Locality/Suburb: SOUTH WEST ROCKS.

Real Property Description: 57/1117398

The owner of the abovementioned land hereby authorises S.J CONNELLY CPP PTY LTD or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed:



NAME E.C. SUSSMAN

TITLE DIRECTOR.

Received Project 11/6/10
☐ to be returned
☒ reviewed
☒ approved for use
☐ noted, file - no action required
☐ approved for payment ledger #
☐ action as follows
14/6/10

LAND OWNER AUTHORITY**TO WHOM IT MAY CONCERN**

This is to advise that S.J CONNELLY CPP PTY LTD has been engaged by:

Client Name: SHANNON PACIFIC PTY LTD ABN 370016871125

Client Address: P.O. BOX 52 SOUTH WEST ROCKS 2431

Dated 26 MAY 2010

in respect to land described as:

No: Street: SPENCERS CREEK ROAD

Locality/Suburb: SOUTH WEST ROCKS

Real Property Description: 31/ 754396

PART.

The owner of the abovementioned land hereby authorises S.J CONNELLY CPP PTY LTD or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed:



STEPHEN M'EVONY DIRECTOR

LAND OWNER AUTHORITY

TO WHOM IT MAY CONCERN

This is to advise that S.J CONNELLY CPP PTY LTD has been engaged by:

Client Name: JACLESTA PTY LTD. ALN07917A002

Client Address: 26 KOOLA AVENUE, EAST KILLARA

Dated 26 MAY 2010 2010

in respect to land described as:

No: Street: SPENCERS CREEK ROAD


Locality/Suburb: SOUTH WEST ROCKS

Real Property Description: 31/ 754396

PART

The owner of the abovementioned land hereby authorises S.J CONNELLY CPP PTY LTD or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed: X 

VINCE TESORIERO
DIRECTOR.

LAND OWNER AUTHORITY**TO WHOM IT MAY CONCERN**

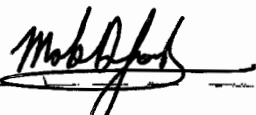
This is to advise that S.J CONNELLY CPP PTY LTD has been engaged by:

Client Name: MACHRO PTY LTD ABN 38100 537 988
Client Address: PRINCE OF WALES AVE SOUTHWEST ROCKS
Dated 26 MAY 2010
in respect to land described as:
No: Street: CARROLL ST
Locality/Suburb: SOUTH WEST ROCKS.
Real Property Description: 223 / 754396

The owner of the abovementioned land hereby authorises S.J CONNELLY CPP PTY LTD or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed:


MARK JORDAN. DIRECTOR.