Kempsey Development Control Plan 2013

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The Kempsey Development Control Plan (KDCP) 2013, specifically Chapter D2 "Saltwater Precinct, South West Rocks" provides a range of controls applicable to residential development of land shown hatched in the following diagram. The subject land, Lot 36 DP 1214499 is shown with red edging.

Figure D2-1: Map – Land subject to the provisions of Chapter D2

Source: Kempsey Shire Council DCP 2013

It is noted that Chapter D2 Section1.2 states that t*he provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.* (Kempsey Shire Council, 2013). Therefore, there are limited controls in other chapters of KDCP that are not already addressed in Chapter D2. The following Table of Consistency with KDCP focusses on Chapter D2 of KDCP.

The 'desired outcomes' of the controls listed at Chapter D2 are repetitive and are not listed in the following table. Instead, the following table deals with the 'development requirements' of KDCP.

The subject proposal (Mod 2) seeks to modify the project approval for MP 08_0167 involving a 269 lot residential subdivision pursuant to section 75W of the EP&A Act. To date, MP 08_0167 has been subject to 5 modification applications.

At the time of the Project Approval, in June 2011, the Saltwater DCP was in draft format and was yet to be adopted by Council. As noted in the following extract from the Environmental Assessment Report prepared for the project, consideration of DCP controls was limited, however, provided guidance in the design of the subdivision:

Under the provisions of Part 3A of the EP&A Act consideration of Development Control Plans (DCP) is not required in the preparation of the Proposal. However, a number of existing Council DCPs have guided the design of the subdivision plan and informed a number of specialist investigations and assessments as follows:

- *DCP 22 – Local Housing Strategy (Urban Areas other than »» Crescent Head) 2003;*
- *DCP 10 - Provision of Open Space for South West Rocks and Immediate Districts;*
- *DCP 36 – Guidelines for Engineering and Subdivision;*
- *DCP 30 – Acid Sulphate Soils.*

(extract from South West Rocks Belle O'Connor Street Environmental Assessment Report, Volume 1, prepared for Malbec Properties, 21 August 2009 by EDAW/AECOM.

It is noted in the Director Generals Major Project Environmental Assessment Report prepared in May 2011 that;

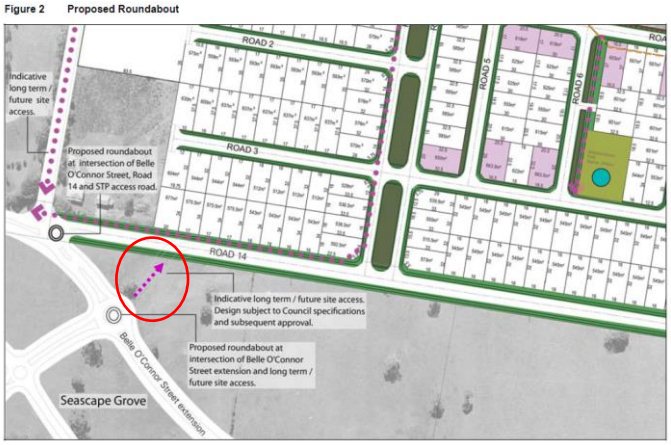
Council acknowledged in its submission on the EA that the Minister is not legally required to consider the provisions of a DCP in order to grant approval to a project under Part 3A of the EP&A Act. However, Council considered it a necessary requirement for the DCP to be prepared and gazetted prior to any determination being made. The draft Saltwater DCP was placed on public exhibition in September and October 2010, and at the time of writing is being considered by Council for adoption. The Department has considered the provisions contained within the draft Saltwater DCP, specifically in regards to transport connectivity, flood planning levels (minimum floor levels), provision of open space areas, and subdivision infrastructure. It is considered that the key design requirements and development controls are adequately addressed, and that the proposed subdivision adequately meets the acceptable solutions as outlined in the draft Saltwater DCP.

Mod 2 seeks to amend the staging of the approved subdivision, provides additional low density lots in Proposed Lot 273, previously identified for medium density development, and a section of new road. The density, lot configuration, road geometry and urban character of the development as modified will remain consistent with the development as approved.

DCP 2013, including the Chapter D2 'Saltwater Precinct' contains a number of requirements and objectives that cannot be 'retrofitted' to the approved development. There are few prescriptive controls of DCP 2013 that relate to the Project Approval and the subject Modification.

TABLE OF CONSISTENCY WITH KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Chapter D2 'Saltwater Precinct'		
1.1	*Scope of this Chapter* *This DCP Chapter applies to development on land within the area bounded by the bold line described in the figure below. The land is referred to as the Saltwater Precinct in this chapter.*	**The *subject land* is located within the Saltwater Precinct.**
4.0	***Development Requirements – Precinct Planning***	
	Prior to any development occurring on the site, other than a subdivision that merely subdivides the Saltwater Precinct in line with the zone boundaries, the following documentation needs to be submitted to and approved by Council:	**The approved MP subdivision layout and subsequent modifications take the place of 'precinct planning' documentation.**
4.1	***Master Plan***	
(a)	*Prior to the lodgement of a development application for a proposed development involving subdivision into 25 lots or more, a detailed Master Plan is prepared and approved by the Minister, in accordance with the requirements of Part 5 of SEPP 71 – Coastal Protection.* *(i) The Master Plan is to address the matters required by clause 20(2) of SEPP 71 – Coastal Protection; and* *(ii) The Master Plan is to address the relevant requirements of this chapter.*	**SEPP 71 has been repealed.**
(b)	*N/A*	
(c)	*Any Master Plan is to demonstrate how development of the subject land will be compatible with any strategies prepared in accordance with the following sub-sections…*(repeats 4.0 above)	**As above.**
(d)	*Any Master Plan is to address potential future development and connections to the deferred area (to the north of the South West Rocks Sewerage Treatment Plant) and all staging plans should accurately and consistently identify the constraints of this area.*	**As above.**
(e)	*Any buffer areas nominated in a Master Plan are to be located wholly outside of land zoned E2 – Environmental Conservation.*	**Complies.** **All bushfire buffers (APZs) are located clear of E2 zoned land.**
(f)	*Should a Master Plan include scope for a group of neighbourhood shops or single neighbourhood shops, such neighbourhood shops are to be:* *(i) Located central to the development lands and in close proximity to the main access route; and*	**N/A**

	(ii) Sized so as to be limited to an ancillary scale to not compete with the existing activities/services provided within the existing South West Rocks village centre.	
(g)	*Any master-plan application is to incorporate Social Infrastructure Provisions which provide for the following, but not limited to:* *(i) Access to a range of diverse social facilities to attract and support a diverse population.* *(ii) A suitable response to existing and projected community needs.* *(iii) An integrated approach to social infrastructure.* *(iv) Maximise efficiencies in planning and provision of social infrastructure.* *(v) Environments that encourage social interaction.* *(vi) Measures to avoid community separation and displacement.* *(vii) Consultation with local residents to ensure appropriate social infrastructure provisions are implemented.*	**N/A**
4.2	***Traffic Management Plan***	
(a)	*A detailed Traffic Impact Assessment is to be undertaken to inform the Traffic Study. The Traffic Impact Assessment is to address, but not be limited to:* *(i) The scope shall be projected traffic for the Saltwater Precinct as a whole;* *(ii) Traffic impacts of existing neighbouring and future developments including impacts on existing down and upstream road infrastructure;* *(iii) Road design parameters for the primary link road, secondary road and remaining internal roads;* *(iv) The effect of noise, safety and visual amenity;* *(v) Appropriate location of proposed roads;* *(vi) Appropriate location of intersections (including number and type);* *(vii) Impact on Council's existing road network;*	**Traffic arrangements remain as approved with the exception of a short section of new road off Burrawong Drive (Road 14) providing an independent access to the proposed lots within Lot 36.** **A Traffic Impact Assessment is not required as the proposed modification will not have a significant impact on the matters listed (i) to (vii) as the traffic generated by the modified proposal will be less than the traffic likely to have been generated by medium density development of Lot 274.**

(b)	*The Traffic Study is to comply with the following requirements:* *(i) The recommendations of any approved Traffic Impact Assessment;* *(ii) The remaining development requirements within this section;* *(iii) The internal road layout is to provide for an even distribution for the additional traffic;* *(iv) All streets within residential areas are to have a low traffic volume in order to provide a reasonable standard of residential amenity;* *(v) Road reserve widths are to accommodate WSUD measures;* *(vi) Good connectivity between the established and new areas is to be promoted for pedestrians, cyclists and motorists and is essential in order to provide for the efficient movement (in both directions) to those destinations of significance within the broader residential community of South West Rocks;* *(vii) Provision is to be made for bus shelters within the main primary distributor road;* *(viii) All roundabouts must be designed to cater for bus movement;* *(ix) Primary linkages engineered to promote greater vehicular usage, with secondary access points engineered to promote a comparatively reduced usage is encouraged; and* *(x) Be compatible with the South West Rocks Pedestrian Access and Mobility Plan MBK 2003.*	**As stated above, a Traffic Study is not necessary for the modification.** **The modification is consistent with the arrangements shown in Figure 2 of the Traffic and Transport report prepared by Colston Budd Hunt & Kafes (April 2010). Specifically, the *"indicative long term/future site access / design subject to Council specifications and subsequent approval."* Shown circled below.** Figure 2 Proposed Roundabout  **The proposed grid network provides for the even distribution of traffic within the approved road layout.** **Road widths within the modified subdivision proposal 'match' those already approved as shown in the following table:** | Road | Reserve width | Verge width | Carriageway width | |---|---|---|---| | Road 1 | 16m | 3.5m x 2 | 9m | | Road 2 | 16m | 3.5m x 2 | 9m | | Road 3 | 16m | 3.5m x 2 | 9m | **The extension from Road 14 will have the same widths.**
(c)	*Transport connection points to Phillip Drive and Belle O'Connor Street are to provide connections for pedestrians, cycle-ways and vehicles.* *(i) These points should be limited so as to control access to Philip Drive and Belle O'Connor Street;* *(ii) A Traffic Impact Assessment is to be submitted which provides adequate justification for the number of connection points to Phillip Drive and Belle O'Connor Street;* *(iii) Where possible:* – *A primary link road through the site is to connect to Phillip Drive at a point to the north of the western half of the Saltwater Precinct, through adjoining properties to the north; and* – *Any road connecting to the eastern frontage of Saltwater Precinct to Phillip*	**Consistent with approved layout.** **The revised layout has no impact on the provision of connection points to Phillip Drive and Belle O'Connor Street.**

	Drive is to be secondary to the main linkage road through the site. *(iv) Details demonstrating compliance with the relevant provisions of Council's Engineering Guidelines for Subdivision and Development, are to be provided with respect to management measures and works required in order to maintain or improve traffic efficiency at these points; and* *(v) The main intersection with Philip Drive must provide for a priority controlled intersection and be designed so as to accommodate the predominance of traffic through the site.*	
(d)	*A primary road linkage route is to be provided from the north to the south of the Saltwater Precinct. The primary road linkage route is to be connected to Phillip Drive to the north and Belle O'Connor Street to the south.* *(i) A detailed environmental and traffic engineering assessment is to be undertaken as part of the Traffic Impact Assessment with respect to this linkage to ascertain the number and location of intersections required to Phillip Drive and Belle O'Connor Street including any temporary access point in order to ensure that no adverse impacts arise.* *(ii) Detailed environmental assessment is to be provided to justify any route traversing the drainage channel (ie that area zoned E2 – Environmental Conservation).* *(iii) Details of fauna friendly road construction measures with respect to the road through the Zone E2 - Environmental Conservation land are to be included in the Traffic Study. In this regard, fauna fencing, under crossings and overhead corridor facilities are recommended.*	**Not relevant to this DA Modification.**
(e)	*A predominant ring road is to be provided around residential zoned land to:* *(i) Improve access to adjacent open space areas; and* *(ii) Ensure emergency access for bushfire protection purposes.*	**Consistent** **A logical grid pattern road network has been designed to connect with the approved layout.**
(f)	*A Traffic Study for the Saltwater Precinct, including a concept road layout, is to be submitted to Council and approved prior to the issue of a development consent for any development. The Traffic Management Plan is to demonstrate compliance with all of the above development requirements.*	**Not relevant.**
4.3	***Integrated Water Cycle Management Strategy***	
	*An **Integrated Water Cycle Management Strategy**, incorporating a **Stormwater Management Strategy**, for the relevant part of the Saltwater Precinct, is approved by Council*	**Consistent.** **Stormwater measures will dovetail with stormwater infrastructure already approved in the adjoining stages of the development.**

	prior to the issue of a development consent for any development within that part of Saltwater Precinct.	**Interim works have been proposed to accommodate stormwater management until the adjoining infrastructure to be constructed in Stage 1A is available.**
(a)	*Detailed surface and ground water modelling is to be undertaken to identify the opportunities and constraints in relation to drainage, flood protection, high water tables and protection of downstream waterways.*	**Consistent.**
(b)	*Prior to any development being undertaken within the relevant part of the Saltwater Precinct, an Integrated Water Cycle Management (ICWM) Strategy that addresses the following is to be approved by Council:* *(i) Water Sensitive Urban Design (WSUD) Strategy providing the broad concept of how the WSUD requirements contained in this chapter will be achieved;* *(ii) Provision of guidelines for managing: site drainage, flooding, high water tables, water quality and quantity and protection of Saltwater Lake and Creek;* *(iii) Minimisation of grading and filling;* *(iv) Measures to be incorporated to reduce sediment and litter being washed into receiving waters during site regrading works;* *(v) Provision of feasible integrated solutions for the management of water supply, wastewater, stormwater and groundwater throughout the Saltwater Precinct;* *(vi) Have regard for the need to integrate with Kempsey Shire Council's Recycled Water Supply scheme without impeding and or reducing the schemes function in any way;* *(vii) Incorporate Demand management solutions in the following order of preference:* *• Connection of all proposed development in the Saltwater Precinct to Council's Recycled Water Supply Scheme as a first priority;* *• If a situation arises where access to Council's Recycled Water Main Scheme is not physically possible then tank use on individual lots is desirable, roof runoff from all such dwellings will be collected and stored in rainwater tanks for domestic re-use including toilet flushing, laundry cold water and outdoor uses in accordance with BASIX requirements;* *• Communal rainwater tanks may be investigated as an option for collection and storage of runoff for use in landscape and open space irrigation in medium density areas where the Kempsey Recycled Water Supply Scheme cannot adequately service these areas;* *• Overflow from the rainwater tanks and runoff from the remainder of the development is to be*	**Consistent.** **WSUD measures include:** • **Provision for recycled water reticulation** • **Excess stormwater from residential properties will pass to a piped drainage system located in the roadway. Roof water from future dwellings is likely to be directed to rainwater tanks with overflows piped directly to the street to meet BASIX requirements. Surface water will pass through buffer strips before entering the streets. Stormwater from the road formation will enter a piped drainage system which will terminate in the approved north south bio retention swale.** • **Road reserves will include typical kerb and gutter, sealed roadways with footpaths on one side, and an average impervious percentage of approximately 60%.** • **If Councils recycled water main scheme is not available, future dwellings will most probably be connected to rainwater tanks to comply with BASIX requirements.** • **Future dwellings may commit to water saving devices to meet BASIX commitments.**

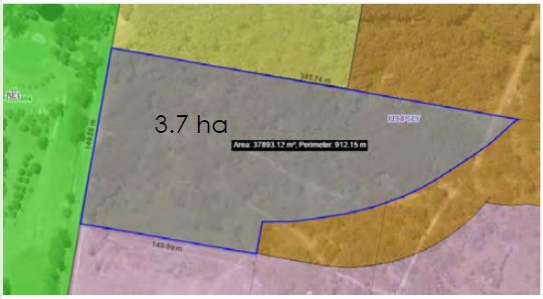
	treated by means of constructed wetlands. These wetlands may be augmented by the inclusion of infiltration systems, porous pavements, grassed filter strips, vegetated swales and Bio-retention systems into the treatment train. Flows from the residential precinct will be restricted to pre-development flow volumes using suitable means of detention; and *• The use of WELS Scheme related water-efficient devices (including taps, showerheads, toilets, dishwashers and washing machines) to further reduce demand across the development.*	
4.4	***Infrastructure Servicing Strategy***	
(a)	*A detailed analysis of the suitability of underground services, inclusive of building footings is to be submitted and approved by Council, prior to the release of any development consent for subdivision. The detailed analysis is to consider the potential interaction of such services with high water tables and provide recommendations in regards to ameliorative measures.*	**Consistent.** **A Sub-regional Groundwater Model was prepared to support the environmental assessment for the approved 270 lot subdivision. As reported in the Director Generals EA Report:** ***The Department is satisfied that the results obtained from the Proponents additional groundwater modelling indicates that an appropriate outcome for the site can be achieved subject to the recommended conditions.*** **MP08_0167 Consent conditions include:** ***Proponent to prepare a Groundwater Monitoring and Contingency Program in consultation with the NSW Office of Water to assess the impacts of the project on existing groundwater conditions. Refer Consent Condition B16.***
(b)	*A site plan showing where undergrounding of services (including electricity) will not be possible due to adverse impacts associated with the high water table is to be incorporated in any Infrastructure Servicing Strategy.*	**The site will be filled to match the level of the adjoining approved subdivision.** **A separate 'strategy' is not required.**
(c)	*Where necessary, the location of trunk lines, rising mains and other infrastructure likely to require special consideration is to be shown on a concept site plan and accompany the Infrastructure Servicing Strategy.*	**As stated above.**
4.5	***Vegetation Management Strategy***	
	Development Requirements	**Nil.**
5.0	***Development Requirements – Subdivision***	
5.1	***Compliance with Precinct Strategies***	
(a)	*Where relevant, the lot layout within the subdivision is generally consistent with the Master Plan required by Section 4.0 of this chapter.*	**Not relevant to this proposal.**
5.2	***General***	
	Development Requirements	**Nil.**
5.3	***Development Staging***	

(a)	*Major roads are to be constructed as early in the development staging as possible, in order to ensure environmental measures relating to same are implemented early and that access benefits are realized.*	**This Modification seeks to amend the approved staging to enable this proposal to be commenced independently of the approved development.** **A small section of new road will be constructed off Belle O'Conner Street to provide a separate access to the subject land.**
(b)	*Details of development staging are to be submitted with the development application, demonstrating that the lots will be released in an orderly and coordinated manner.*	**This Modification seeks to amend the approved staging to enable this proposal to be commenced independently of the approved development.** **The modified layout involves 37 lots that can be released separately to the adjoining stages 1 to 4 of the 'Malbec' development. A further 5 lots will be released upon completion of the adjoining infrastructure.**
(c)	*The Asset Protection Zones are to be inspected for compliance prior to the release of the Subdivision Certificate for each relevant stage of the subdivision.*	**Noted.**
5.4	***Road Network***	
(a)	*The road network is to provide for a generally even distribution of traffic throughout the network.*	**Consistent.**
(b)	*The internal road layout is to provide for an even distribution for the additional traffic.*	**Consistent.**
(c)	*The main intersection with Philip Drive is to provide for a priority controlled intersection and be designed so as to accommodate the predominance of traffic through the site.*	**Not relevant.**
(d)	*All streets within the Saltwater Precinct are to provide a high level of residential frontage and living space with low traffic volumes, with road reserves widths a function of both livability and the integration of WSUD measures.*	**Consistent.**
(e)	*Strong interactions with existing surrounding development are to be promoted to ensure vital transport and physical connection is established.*	**Consistent.** **The modified layout maintains connections to the adjoining stages of the approved Malbec proposal.**
(f)	*Development consent shall not be granted unless satisfactory arrangements have been made in respect to the acquisition and construction of access to the Saltwater Precinct.* *Note – it may be necessary for the developer to acquire land adjoining the Saltwater Precinct for the purposes of accommodating road reserves and entry treatments into the Saltwater Precinct.*	**Consistent.**
(g)	*All roundabouts are to be designed to cater for bus movements.*	**Not applicable.** **No roundabouts are proposed.**
(h)	*Details of fauna friendly road construction measures are to be submitted and approved by Council with respect to the road through the*	**Not applicable.**

	Zone E2 – Environmental Conservation lands. In this regard, fauna fencing, under crossings and overhead corridor facilities are recommended.	
(i)	*All entrance points into the Saltwater Precinct are to be justified by way of detailed traffic analysis and accompanied by detailed landscape treatments and clear entrance signage.*	**Consistent.** **The proposed modification will not increase traffic impact at the approved entrance points.** **The proposed additional intersection and section of new road off Road 14 will be landscaped to match the approved arrangements.**
(j)	*Main streets are to be aligned to provide visual connections to landmarks, vistas, views and places of public importance within and surrounding the development.*	**Not relevant.**
(k)	*The road network is to take into consideration the location of the existing Waianbar Avenue relative to Phillip Drive and connections with any proposed internal subdivision layout.*	**Not relevant.**
(l)	*The number of vehicular accesses to all future property development fronting the proposed main link road is to be minimised, in order to alleviate impacts caused by access and egress to sites affecting traffic flow and safety.*	**Not relevant.**
(m)	*Final road design plans are to be submitted and approved by Council, in accordance with Council's Engineering Guidelines for Subdivision and Development, prior to the issue of a Construction Certificate for each stage.*	**Noted.**
(n)	*Street names are to applied in accordance with section 162 of the Roads Act 1993 and current Council policy.*	**Noted.**
(o)	*All internal roads are to be constructed by the proponent and progressively dedicated to Council as public roads prior to the issue of a Subdivision Certificate for that relevant stage.*	**Noted.**
5.5	***Integrated Water Cycle Management Plan***	
(a)	*A Water Quality Monitoring Program, prepared by a suitably qualified person, is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The program is to include, but not be limited to:* *(i) Details of a baseline study to establish the pre-development water quality, which includes weekly monitoring for four consecutive weeks and measuring the parameters identified below. The average value of each parameter is to be taken as the pre-development water quality;* *(ii) Locations at which monitoring will be undertaken;* *(iii) Identification of the parameters/ pollutants to be monitored at each location, including, but not limited to pH, temperature, dissolved*	**Noted.**

	oxygen, total nitrogen and turbidity; procedures and protocols for the sampling and analysis methodology to be undertaken; *(iv) A program for the periodic monitoring of the parameters/ pollutants at each of the monitoring locations. As a minimum, monitoring must occur quarterly throughout the life of the project; and* *(v) Details of water quality limits that would indicate the project is having a detrimental effect on the water quality and a contingency plan in the event that the water quality is diminished.*	
(b)	*A report on water quality is to be provided to Council at regular intervals as recommended by the author of the Water Quality Monitoring Program and as determined by Council.*	**Consent conditions relating to water quality monitoring are already provided in the project approval.**
(c)	*Water Sensitive Urban Design (WSUD) Planning and Technical Guidelines for the relevant part of Saltwater Precinct are to be submitted and approved by Council in conjunction with any development application for subdivision. The WSUD Planning and Technical Guidelines are to address the following:*	
(i)	*Where possible, drainage swales should be designed within the subdivision layout in order to provide mixed purpose benefits inclusive of retention and percolation, vegetation corridors and open space links.*	**Consistent.**
(ii)	*Incorporation of treatment for ensuring that stormwater runoff entering the Saltwater Precinct from the adjoining catchment is processed such that there is a net reduction of pollutants entering any receiving waterways and water-bodies.*	**Consistent.**
(iii)	*Have regard to the:* *• Constructed Wetlands Manual DECCW 1998; and* *• Australian Runoff Quality Guidelines IE 2003.*	**Noted.**
(iv)	*In accordance with WSUD principles, the use of a number of stormwater treatment devices in series to form a 'treatment train' is encouraged.*	**Consistent.**
(v)	*Where possible, dual use WSUD measures should be implemented.*	**Noted.** **It is expected that each (future) new dwelling will have its own roof water re-use system (rainwater tank) in order to comply with BASIX provisions and dual water reticulation.**
(vi)	*The following WSUD stormwater management practices in relation to open space, housing layout, road layout, streetscape etc are encouraged, but not limited to:* *• Sediment Basins;* *• Bio-retention swales and basins;* *• Buffer Strips;* *• Sand filters;* *• Constructed wetlands;*	**Consistent.**

	• *Impervious surfaces;* • *Green roofs;* • *Riparian vegetation rehabilitation; and* • *Water quality education.*	
(vii)	*The following WSUD demand management practices are encouraged, but not limited to:* • *Water efficient appliances and fittings;* • *Rainwater tanks;* • *Recycled grey water;* • *Stormwater harvesting;* • *Aquifer storage and recovery; and* • *Education programs.*	**To be implemented for future residential development for new dwellings.** **Dual reticulation water pipes will be provided for the development in anticipation of connection to *Council's* dual water reticulation system when it becomes available.** **It is expected that each (future) new dwelling will have its own roof water re-use system (rainwater tank) in order to comply with BASIX provisions.**
(viii)	*Maintenance cost implications arising from the adoption of any of WSUD scheme.*	**Noted.**
5.6	***Subdivision Infrastructure***	
(a)	*Prior to the issue of a Construction Certificate for subdivision, an Infrastructure Servicing Plan is to be submitted and approved by Council, that:*	**Noted.**
(b)	*All lots created in urban areas for private occupation must be fully and individually serviced with sealed road frontage, drainage, water supply, sewerage, underground electricity and telecommunications.*	**Consistent.**
(c)	*All utilities and services are to be designed in accordance with relevant statutory requirements, including Council's Engineering Guidelines for Subdivision and Development.*	**Consistent.**
(d)	*A Pre-Construction Dilapidation Report, prepared by a suitably qualified and experienced engineer, detailing the current structural condition of all existing and adjoining infrastructure and roads is to be submitted to the satisfaction of Council prior to commencement of construction.*	**Consistent.** **Refer Project Approval condition B2.**
5.7	***Underground Services***	
	a) The provision of underground services is to be in accordance with: *(i) The relevant requirements of Council's Engineering Guidelines for Subdivision and Development; and* *(ii) The recommendations for ameliorative measures of any approved Analysis of the Suitability of Underground Services; and* *(iii) Any approved Infrastructure Servicing Strategy/Plan relating to subdivision.*	**Consistent.**
5.8	***Development Lots***	
	Development lots are defined as lots that are not yet developed or subdivided for their ultimate yield. It does not include lots where the	**Not Applicable.**

	proposed subdivision is to separate non-urban land from urban zoned land.	
	Development requirements	**Nil**
5.9	***Open Space Management Plan***	
D01	***Desired Outcome:*** *An **Open Space Management Plan** for the relevant part of Saltwater Precinct, consistent with any approved Master Plan open space provisions, is submitted and approved by Council prior to the release of any development consent for subdivision.*	**Consistent.** **The proposed modification has no impact on the location and area (quantity) of open space provided for the development.**
D02	*Open space is provided in accordance with the requirements of Section13.0 of Chapter B1 – Subdivision.*	**Discussed below.**
(a)	*Open space and regeneration areas are to be staged relative to the release of lands.*	**Consistent.** Stages 10 and 11 occupy 3.557 ha out of a total 25 ha of R1 zoned land, therefore representing approximately 15% of the Project Approval area. As shown in the image below, the proportion of the 14.9 ha of E2 environmental conservation zoned land applicable to Stages 10 and 11 is approximately 3.7 ha or 25%. It is therefore considered that the proportion of E2 zoned land available to offset residential development within Stages 10 and 11 is more than adequate. 
(b)	*Details of land proposed to be used for recreational and open space purposes are to be submitted with any development application for subdivision.*	**Noted.**
(c)	*Details addressing the long-term management and maintenance of public open space areas and conservation areas are to be submitted with any application for subdivision and approved by Council. The details are to address:* *(i) Ownership and control;* *(ii) Management and maintenance funding;* *(iii) Public access;* *(iv) Revegetation and rehabilitation works; and* *(v) Bushfire management.*	**The following "Commitments" are included in the Project Approval:** ▪ ***A VMP should be prepared for the (environmental zoned) conservation area within the site.*** ▪ ***A Landscape Management and Maintenance Plan to be developed to guide appropriate management and maintenance of opens space and public domain areas within the 2(a) residential zone.*** ▪ ***A Fire Management Plan is to be prepared in coordination with the proposed VMP.***

		These commitments will address the matters at (c). 3.7 ha of land shown in the image above would be dedicated to Council as part of the development.
5.10	**Vegetation Management, Street Trees and Landscaping**	
(a)	*Where possible, native vegetation (canopy level) shall be provided, within pocket parks and street verges to create a 'stepping-stone corridor' for native fauna. Details of any planting shall be provided within a detailed Landscape Plan submitted with a development application for subdivision of land.*	**Consistent.**
5.11	***Solar Access***	
	Development Requirements	**Nil**
5.12	***Minimum Lot Size***	
	Development Requirements	**Nil**
5.13	***Subdivision Plans***	
(a)	*a) Subdivision plans are to show the following:* *• The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;* *• Title showing the description of the land with lot and DP numbers etc;* *• Existing and proposed subdivision pattern including all measurements and site areas and existing and proposed allotments;* *• Location and details of all proposed roads and footpaths;* *• Location of all structures proposed and retained on site;* *• Cross sections of roads, including gradients, widths, road names, footpaths etc;* *• Existing and proposed finished levels in relation to roads, footpaths and structures;* *• Location and details of access points to the subdivision;* *• Existing vegetation on the land and vegetation to be retained;* *• Location of services and infrastructure, and proposed methods of draining the land;* *• Any easements, covenants or other restrictions either existing or proposed on the site;* *• Type of subdivision proposed (torrens, strata and/or community titling); and* *• Any other relevant matters referred to in Chapter B1 – Subdivision in relation to information to be shown on a subdivision plan.*	**Consistent.**
6.0	***Development Requirements - General***	

6.1	***Compliance with Pre-development Strategies***	
	Development Requirements	**Nil**
6.2	***Development Staging***	
	Development Requirements	**Nil**
6.3	***Design Objectives***	
	Development Requirements	**Nil**
6.4	***Parking and Access***	
6.4.1	***Parking and Manouvering***	
(a)	*In the case of medium density and dual occupancy developments, a car wash space must be provided.* *i. The car wash space can be shared with visitor spacing where signage is provided clearly demonstrating the dual use; and* *The car wash space should be designed to allow infiltration of water, in lieu of hard stand paving*	**This clause is relevant to future development within the completed subdivision.** **The proposed subdivision layout will not hinder compliance with this control.**
6.4.2	***Driveways***	
a) to e)	*Driveways and garages are to be located on the south or west side of associated houses, where practicable, in order to create the opportunity to provide greater exposure for north-facing living spaces and private open spaces.* *Where lots have a north-south orientation, driveways are to be located on the western side of the lot, where practicable.* *Where lots have an east-west orientation, driveways are to be located on the southern side of the lot, where practicable.* *Access ways are to be designed, surfaced and sloped to manage stormwater in accordance with any approved Stormwater Management Plan/ Integrated Water Cycle Management Plan.* − *Permeable paving or drainage to rain gardens are to be utilised to minimise the amount of impervious area in the development.* *Driveways and paths should be constructed using materials that blend with or complement the surrounding streetscape. They must be neutral colours to match local materials. Vibrant or bright colours are not permitted. Driveway finishing is to be exposed aggregate concrete or other sealed surfaces to maintain a narrative and unique character identity to the area.*	**This clause is relevant to future development within the completed subdivision.** **The proposed subdivision layout will not hinder compliance with this control.**
6.4.3	***Access to Main Link Road***	

a)	*Access to lots directly from any major link road through the precinct is to be avoided. Instead, a parallel service road is to be utilized to provide access to lots fronting the main link road.*	**Not relevant.**
6.5	***Integrated Water Cycle Management***	
6.5.1	***General***	
(a)	*Where no subdivision has been undertaken, an Integrated Water Cycle Management (IWCM) Plan shall be prepared for the Saltwater Lagoon and Creek catchment area and adopted for the development of the relevant part of the Saltwater Precinct. Otherwise, the IWCM Plan approved as part of the subdivision is to be adhered to.*	**A Water Cycle Management Plan prepared by Martens 2010 is part of the project approval documentation.**
(b)	*Stormwater detention and reuse measures are to be adopted so as to control and reduce demand on the public system, in accordance with the Saltwater Lagoon and Catchment Stormwater Management Strategy 2007.*	**Consistent.**
6.5.2	***Stormwater Modelling***	
	The performance of stormwater quality treatment systems comprising WSUD systems is to be demonstrated using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) tool and modelling must be undertaken concurrent with concept and detailed design.	**Consistent.**
6.5.3	***Location of Stormwater Infrastructure***	
(a)	*Stormwater quality devices shall be located within the development footprint in accordance with:* *(i) Saltwater Lagoon and Catchment Stormwater Management Strategy 2007; and* *(ii) the developed WSUD Planning and Technical Guidelines.*	**Consistent.** **All stormwater quality measures are located within the development footprint.**
(b)	*b) All Water quality control facilities are to be sited wholly within the residential zoned land such that they do not have any deleterious impact upon lands not zoned for residential development.* *(i) All water treatment systems are to be wholly located outside the land zoned E2 – Environmental Protection.*	**Consistent.**
6.5.4	***Water Table***	
(a)	*Detailed investigations are required in respect of the suitability of proposed services' siting and design and building design with respect to high water table levels upon the site, having regard to the effects of climate change.*	**Consistent.** **As discussed previously.**
(b)	*The hydrological integrity of the adjacent Saltwater Lagoon is to be maintained, through*	**Consistent.** **As discussed previously.**

	the undertaking of ground water modelling across the site in order to gain an understanding of an overall management model. Monitoring of groundwater is to continue throughout the approval process and during construction.	
(c)	*All drainage is to be at or above the ground water level.*	**Consistent.** **All drainage will be above the ground water level, noting that minor filling is proposed to maintain clearance above the 1 in 100 year flood level.**
6.5.5	***WSUD Measures***	
a)	*In accordance with WSUD principles, the use of a number of stormwater treatment devices in series to form a 'treatment train' is encouraged.*	**Consistent.** **As discussed previously.**
b)	*The stormwater treatment train for each sub-catchment is to include, but not be limited to, a combination of the following suggested measures:* *(i) Compliance with BASIX;* *(ii) Bio-retention devices within constructed swales where slope <5%;* *(iii) Gross Pollutant traps (GPTs);* *(iv) Sedimentation basins at the inlet zone for the constructed wetlands;* *(v) Constructed wetlands with a minimum 30% soft-edge treatment;* *(vi) Diffuse low-flow discharge (<Q3month) and stormwater treatment within the rehabilitation areas;* *(vii) Infiltration trenches and basins and or other approved methods to recharge the groundwater system, such that the change in the groundwater levels will not lead to irreversible changes in the existing flora habitat; and* *(viii) High-flow bypass channels to protect the rehabilitation areas.*	**Consistent.** **As discussed previously.**
(c)	*Where possible, dual use WSUD measures should be implemented.*	**Consistent.** **As discussed previously.**
(d)	*Constructed stormwater wetlands should be designed to ensure a healthy ecosystem and also include for the avoidance of stagnant water, maintenance of an aerobic water column, and be able to drain the wetland if necessary in accordance with the Constructed Wetlands Manual (published by the Department of Land and Water Conservation, 1998).*	**Not relevant.**
6.5.6	***Water Quality Monitoring***	
(a)	*Water quality monitoring is to be undertaken in accordance with the following:*	**Consistent.** **As discussed previously; MP08_0167 Consent conditions include:**

	(i) In accordance with any water quality monitoring program approved as in accordance with Section 5.0 of this chapter; and *(ii) Monitoring of downstream receiving environments is to occur during the construction phase and during the revegetation establishment phase (up to 6 months after development is completed).*	***Proponent to prepare a Groundwater Monitoring and Contingency Program in consultation with the NSW Office of Water to assess the impacts of the project on existing groundwater conditions. Refer Consent Condition B16.***
6.6	***Infrastructure Provision***	
	Development Requirements	**Nil.**
6.7	***Vegetation***	
(a)	*Detailed regeneration, rehabilitation and maintenance plans are to accompany any development proposal and be approved prior to commencement of any works. Works relating to these plans shall be carried out commensurate with the staging and scale of development and in accordance with an agreed maintenance program.* *Note – Council may waive this requirement should the approved VRRM sic (Regeneration Rehabilitation and Maintenance) Strategy contain sufficient detail to regulate vegetation for the proposed development.*	**The Project Approval Statement of Commitments provides that a VMP will be prepared for the (environmental zoned) conservation area within the site.** **Full VMP's will be provided as part of the Construction Certificate documentation.**
6.8	***Environment, Safety and Health***	
(a)	*All SEPP 14 areas shall be free of any drainage infrastructure, with environmental enhancement to be undertaken, where relevant.*	**N/A**
(b)	*The E2 – Environmental Conservation zoned lands should only be impacted upon in a manner consistent with the objectives of the zone. In this regard, opportunities to develop this land will be restricted to retention and rehabilitation of the land in order to preserve the natural buffer that exists between land available for residential development and valuable estuarine habitat.*	**Consistent.**
(c)	*All drainage controls and public open space are to be restricted to the land zoned R1 – General Residential.*	**Drainage measures – consistent.** **The approved public open space (conservation reserve) located in the adjoining land (Lot 35 DP 1214499) is zoned E2.**
(d)	*For any development or works within land Zoned E2 – Environmental Conservation, a detailed Vegetation Management Plan shall be prepared in consultation with Council and have regard to the following:* *i. The recommendations of any Vegetation Management Strategy approved in accordance with Section 4.0 of this chapter;*	**Consistent.** **No development proposed in the E2 land.** **A Vegetation Management Plan is required in accordance with the Project Approval Statement of Commitments.**

	ii. Standard of works within the E2 – Environmental Conservation zoned lands; *iii. Maintenance of any works / open space in this area;* *iv. An appropriate monitoring regime for dealing with issues that may arise, including but not limited to, outbreaks of weed infestation, predation by domestic pets, uncontrolled access by people into the Conservation Area;* *v. Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land;* *vi. Address measures to protect and manage the riparian corridor and adjacent aquatic habitats;* *vii. Assess the impacts of any native vegetation clearing including details of any offset strategy, where relevant, to ensure that there is no net loss of native vegetation;* *viii. A protocol for the salvage and re-use of hollow bearing trees; and* *ix. Indicate the arrangements for any dedication and ownership of lands (timing of dedication, standard of dedication etc).*	
(e)	*In respect to lands zoned E2 – Environmental Conservation:* *(i) These lands are to be dedicated to Kempsey Shire Council or NSW Office of Environment and Heritage (OEH) at the completion of the final stages of the development;* *(ii) The developers are to be responsible for the management and ongoing maintenance in accordance with any approved Plan of Management, of these lands until transferred to Council ownership;* *(iii) An Environmental Management Plan in relation to these zoned lands, must be prepared that addresses but not limited to the following key points:* *• Access Control* *• Vegetation Management* *• Bushfire Management* *• Low key recreation facilities, which are to be associated with the restoration of habitat in the E2 – Environmental Conservation Zone.* *• Satisfactory arrangements are to be made in respect to the ongoing costs of maintaining the E2 – Environmental Conservation zoned land.*	**Consistent** **Refer previous comments.**

(f)	*Areas outside of the development footprint are to be regenerated by the developer consistent with an agreed staging plan and an agreed (with Council) Vegetation Management Plan or Environmental Management Plan.*	**Noted**
(g)	*An Environmental Management Plan in relation to all zoned lands, must be prepared that addresses but not limited to the following key points:* *(i) Integrated Water Cycle Management (including WSUD and groundwater);* *(ii) Proximity to Sewage Treatment Works;* *(iii) Air and Noise Management;* *(iv) Energy Management;* *(v) Transport Management;* *(vi) Biodiversity Management; and* *(vii) Waste removal and waste management.*	**Able to comply.** **It is usual for Environmental Management Plans to be prepared as part of the Construction Certificate documentation.**
(h)	*The site re-vegetation and regeneration program is to be staged and linked to the subdivision application process. Each Subdivision Application will identify the area to be subject of these works. A Re-vegetation Plan must be provided for each of the identified areas.*	**Noted** **To be provided with the Construction Certificate documentation.**
(i)	*A Construction Management Plan, which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls, is submitted to and approved by Council prior to the issue of a construction certificate.*	**Consistent.** **Refer Project Approval condition B3.**
6.9	***Tree Preservation***	
(a)	*Where applicable, a **Tree Survey Plan** is to be submitted with each Development Application. The Tree Survey Plan is to identify the location, type and condition of all existing trees, and is to indicate those trees proposed to be removed, including the justification for their removal, and those to be retained.*	**Not applicable.**
(b)	*Where trees are to be retained, details of any protection methods shall be submitted with the Development Application. Priority should be given to retention of trees that have biodiversity value, particularly hollow bearing trees. These and other significant trees are to be retained wherever possible within public and community parks, streetscapes and riparian corridors.*	**Not applicable.**
(c)	*Any trees not approved for removal are to be protected in accordance with the relevant requirements of Chapter B10 – Tree Preservation and Vegetation Management, during construction and beyond.*	**Not applicable.**

6.10	***Street Landscaping***	
(a)	*Any Coast Banksias planted within the street reserve are to be carefully located to complement the existing streetscape and produce shade whilst minimizing interruption to views from future residences and the functionality of pedestrian and cycleways.*	**Noted.**
6.11	***Private Landscaping***	
***a)* to i)**	*Private Landscaping* *a) Planting of endemic native vegetation is encouraged to frame and soften the appearance of built form within the property.* *b) Vegetation should be planted in a way that frames desirable views natural features and bush conservation areas, rather than screening or blocking views.* *c) The amount of sealed and hard paved surfaces in the front garden area is to be provided in accordance with the provisions of the approved IWCM Plan through a 30m² minimum permeable surfaces to maximise absorption of rainwater in soil.* *d) Indigenous plants of local provenance must be planted in the front garden area. Plants classified as environmental weeds are not to be planted.* *e) To showcase indigenous plant species, groups of the same species are to be planted. Plants are to be selected to contrast and complement built form.* *f) The minimum total area of each lot to be landscaped is to accommodate the maximum site coverage requirements within Section 6.28 of this Chapter.* *g) Specific areas of a dwelling, such as living rooms and private open space, are targeted to receive sunlight in winter and shade in summer through the location and types of plants used. There should be minimal interference to the solar access of adjoining properties and types of plants used.* *h) There is to be minimal interference to the solar access of adjoining properties.* *i) A detailed landscape plan (prepared by an appropriately qualified person) must accompany any application for dual occupancy or medium density housing.*	**Noted.** **Compliance with DCP controls for private landscaping would be considered at DA stage for future dwellings within the completed subdivision.**
6.13	***Public Open Space***	
(a)	*An Open Space Management Strategy is to be submitted with any development application for subdivision or a Master Plan.* *Note - The size and location of parks is to be agreed with Council prior to submission of a*	**Consistent** **As discussed previously.**

	development application. Council may agree to defer the need for the submission of an Open Space Management Strategy for small scale subdivisions.	
(b)	*Landscaping within public open spaces is to:* *(i) Be influenced and respond to features of the surrounding natural environment;* *(ii) Utilise indigenous vegetation of local provenance;* *(iii) Provide edges that are densely planted with a complex of low shrubs, native grasses and sedges; and* *(iv) Be in accordance with the requirements of Section 6.0 of Chapter B9 – Landscaping.* *Note – The level of detail to be shown on any landscape plans will be dependent on the scale of development and the stage of planning that the development is in (eg Master Plans will require only a concept landscape plan).*	**Consistent.** **Landscaping within the road reserve will match the adjoining development.**
(c)	*The design of public open space to create a functional, safe and attractive place for all, through selection of appropriate hard and soft elements (eg: paving, furniture, edging, lighting and plants).*	**Not applicable.**
(d)	*Landscaping provided in open space areas is to be compatible with the existing vegetation zone (eg mixed sedge heath, open forest and woodlands and shrublands) in the locality.*	**Not applicable.**
(e)	*A Landscape Management and Maintenance Plan is to be developed to guide appropriate management and maintenance of open space and public domain areas within the R1 – General Residential Zone.*	**Consistent.** **As previously discussed.**
6.14	***Location of Uses***	
	Development requirements	**Nil**
6.15	***Buffer zones***	
a)	*All development proposals are to comply with Planning for Bushfire Protection 2006, or updated equivalent.* *(i) Perimeter roads are preferred in respect of those lands on the edge of the residential zoned land, whilst details are to be provided at the development application stage with respect to the provision of emergency vehicle access to those lots not separated from the bushfire risk area by perimeter roads.*	**Consistent.** **The road layout is a continuation of the approved grid network.** **Perimeter roads are not necessary to meet Planning for Bushfire Protection requirements.**
b)	*No development is to occur on land within 220m from the South West Rocks Sewerage Treatment Plant (STP) in order to protect future residents from odour and noise emanating from the STP.*	**Consistent.**

c)	*No building works are to occur within a 50m buffer to land zoned E2 – Environmental Conservation.*	**Inconsistent.**
d)	*APZ's and firetrails for bushfire protection are to be located wholly outside of land zoned E2 – Environmental Conservation.*	**Consistent.**
6.16	***Cultural Heritage***	
	Development requirements	**Nil.**
6.17	***Contamination***	
a)	*Prior to any development of lands adjacent to Philip Drive, validation of all contamination remediation must be provided to the consent authority.*	**Not applicable.**
6.18	***Acid Sulfate Soils***	
a)	*A detailed Acid Sulfate Soil Management Plan for the entire site shall be prepared by a qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulfate Soil Management Advisory Committee, 1998). The ASS Management Plan shall cover the entire site and be submitted to the satisfaction of Council prior to the issue of a Construction Certificate for the proposed development.*	**Consistent.** **The modified development will be carried out in accordance with the ASS Management Plan submitted with the Part 3A application.**
6.19	***Flooding / Minimum Floor Levels***	
(a)	*Minimum floor levels shall comply with the greatest of the following:* *(i) Any minimum floor levels determined in accordance with Council Policy No 1.1.11 – Flood Risk Management;* *(ii) Residential Flood Planning Level (RFPL) is to be 3.5m AHD for land north of the Saltwater Lagoon and Creek and 3.6m AHD for land south of the Saltwater Lagoon and Creek;* *(iii) A 0.5 meter freeboard shall be added to the abovementioned RFPL to establish a minimum Floor Level for the residence. A minimum floor level equivalent to the PFPL plus 500mm shall apply to all residential development;* *(iv) In order to ensure consistency on land between 3.5m and 4.1m AHD (i.e. above the RFPL) a minimum floor level of 4.1m AHD shall apply to all residential development; and/or* *Note – Please be advised that additional flood related development controls will apply to developments in low risk areas which are particularly vulnerable to emergency response (eg aged care facility, emergency evacuation centres, hospitals and major utilities etc).*	**Consistent.** **Minor filling of the site is proposed to ensure all lots have a suitable dwelling area above the 1 in 100 year flood level.** **Future habitable buildings will have the FFL set at RL3.6m AHD + freeboard (min. 700mm).**

(b)	*Development complies with any recommendations of the Integrated Water Cycle Management Strategy approved in relation to Section 3.0 in relation to clearances between development/earthworks and the water table.*	**Noted.**
6.20	***Bushfire***	
a)	*All Asset Protection Zones and fire trails are to be contained within land zoned R1 – General Residential and not in land zoned E2 – Environmental Conservation.*	**Consistent.**
b)	*A Fire Management Plan is to be prepared in coordination with any Vegetation Management Plan for the zone E2- Environmental Conservation lands. The management provisions of the Fire Management Plan are to address those measures required to meet the provisions of Section 63 of the Rural Fires Act 1997 whilst specifically recognising the need to protect the plant communities within the zone E2 – Environmental Conservation lands.*	**Consistent** **Refer to the Project Approval Statement of Commitments:** ***A Fire Management Plan is to be prepared in coordination with the proposed VMP. (page 33)***
6.21	***Geotechnical***	
	Development Requirements	**Nil.**
6.22	***Acoustic Amenity***	
a)	*All development proposals within the vicinity of any link road will require the preparation of a Noise Impact Assessment by an appropriately qualified person, to demonstrate that noise emanating from any link road will not have an unacceptable impact on residential amenity.*	**Not applicable.**
b)	*No Noise Impact Assessment will be required in relation to the STP, provided noise sensitive development is located outside of nominated buffers to the STP.*	**Noted.**
6.23	***Crime Prevention***	
	Development Requirements	**Nil.**
6.24	***Earthworks***	
a)	*For works beyond the external walls of buildings the maximum cut and fill is to be as specified as in the Integrated Water Cycle Management Plan having regard to the presence of acid sulphate soil and high water table.*	**Not applicable.**
b)	*Retaining walls and landscaping are to be installed to mitigate the effects of all site works.*	**Not applicable.**
c)	*Any cut and fill that extends to the property boundary is to have no effect on adjoining properties in terms of drainage, stormwater flow and vegetation loss or damage.*	**Fill level will integrate with the adjoining subdivision.**

d)	*The proponent is to submit to Council, a Geotechnical Specification for the supply and placement of any fill materials, prepared by a suitably qualified person and shall include, but not be limited to, the following:* *(i) Identification of the proposed source of fill;* *(ii) Method of delivery of fill material to the site;* *(iii) Geological/geotechnical analysis of the proposed fill material to determine suitability;* *(iv) Quality Assurance Regime; and* *(v) Any other relevant matters.*	**A Geotechnical Specification would normally be part of the Construction Environmental Management Plan (CEMP) submitted with the Construction Certificate documentation.**
e)	*Haulage routes for the importation of fill are to be agreed to by Council, prior to the issue of a Construction Certificate for filling.*	**Noted.**
f)	*Fill shall be selected in accordance with Australian Standard 3798-2007 Guidelines on Earthworks for Commercial and Residential Development, or any updated standard.*	**Consistent.** **All fill material will be virgin excavated natural material (VENM) as defined by the *Protection of the Environment Operations Act 1997* (POEO Act). It could be sourced from either on site (from excess soil from trenching for services or road boxing) or imported from *Council* approved sources off-site.**
6.25	***Erosion and Sediment Control***	
a)	*All run off from surrounding land is to be diverted away from the land to be disturbed*	**Consistent.** **Refer Project Approval Statement of Commitments. Erosion and sediment controls will be detailed in the Soil and Water Management Plan (SWMP).**
b)	*Sediment control measures are to be installed prior to any excavation that takes place. These controls must be maintained in a functional condition during construction and until the site landscaping is established.*	**Noted**
c)	*Either a Soil and Water Management Plan or an Erosion and Sediment Control Plan is to be submitted with development applications involving site works and are to be prepared in accordance with:* *(i) the Landcom publication "Managing Urban Stormwater, Soils and Construction 2006";* *(ii) Chapter B4 – Earthworks and Sediment Erosion Control; and* *(iii) any special provisions identified in the Integrated Water Cycle Management Plan (particularly in respect to WSUD measures).*	**Consistent.** **Refer Project Approval Statement of Commitments. Erosion and sediment controls will be detailed in the Soil and Water Management Plan (SWMP).**
6.26	***Biting Midge and Mosquito Control***	
	A biting midge and mosquito assessment is to be undertaken prior to any development consent being issued. Mitigation measures should be proposed to reduce identified issues having regard for the Stormwater Management Strategy/Plan.	**Consistent.** **Refer Project Approval Statement of Commitments:** ***Monitoring of the stormwater control system which has been designed for the proposed development should be undertaken to identify any potential increase in mosquito breeding opportunities and to appropriately deal with the risk of mosquito activities.***

	b) Required mitigation measures are to be incorporated into the development. Such mitigation measures may include: *(i) Identification of open buffer zones between insect breeding areas and dwelling houses by way of correct seasonal field work.*	**The E2 zoned land provides such a buffer to the potential mosquito breeding areas in and around the Saltwater Lagoon.**
	(ii) Land fill operations to elevate subdivisions above flood height should be carried out with due regard to minimising impedance of surrounding drainage systems.	**Consistent.** **Minimal fill is proposed.**
	(iii) Roadway embankment construction should be designed to eliminate (if possible) any standing water impoundment or redirection of water flows into potential mosquito breeding areas.	**Consistent.** **There will be minimal battering to fill areas, and minimal embankments incorporated into the road design.**
	(iv) Consideration of stormwater drainage design and route. Drains should be designed to avoid silt accumulation and be free draining. Exit points from drains into waterways or wetlands should be designed to avoid habitat changes at discharge points such as will occur if organically enriched drainage from urban areas is directed into mangrove areas or tea tree wetlands. Misdirected stormwater into these habitats can create new midge and mosquito breeding sites or increase existing breeding by favouring certain aquatic and semi aquatic vegetation species that restrict drainage flow. Silt accumulation at stormwater estuary discharge points, combined with regular low flow water discharge particularly suits the biting midge species C. sumimmaculatus. Care must be taken to avoid increasing tidal influence back up drains into freshwater wetlands as this increases salt marsh mosquito favourability.	**Consistent.** **Proposed stormwater drainage measures are located within residential zoned land and will have a very minor impact at exit points to waterways and wetlands.**
	(v) Consideration of dominant prevailing winds that may distribute biting insects, particularly biting midge, when siting accommodation and evening recreation areas.	**Noted.** **To be considered at DA stage for new dwellings.**
	(vi) Landscape layout and vegetation species should be selected to minimise insect harborage and corridors. Tall lightly foliaged species with a high canopy such as eucalypts and palms tend not to harbour biting insects and allow good air circulation at ground level. Native shrubs such as grevillea, banksia and casuarinas planted not too densely are suitable for further landscape or screening use. Heavily foliaged plants, particularly those requiring frequent watering as used in "Hawaiian style" well shaded gardens should be avoided near accommodation areas or evening recreation areas.	**Consistent.**

(c)	*Ongoing monitoring of stormwater system designed for the development (particularly the drainage swales and detention basins) is to be undertaken at regular intervals to identify any potential increase in mosquito breeding opportunities and to appropriately deal with the risk of mosquito activities.*	**Consistent.**
6.27	***Commercial Development***	
	Commercial development complies with the relevant provisions of Chapter C6 – Commercial Development. *NOTE: Chapter C6 is "pending".*	**Not applicable**
6.28	***Site Coverage***	
(a)	*Site coverage of all building elements is to ensure that the maximum impermeable site areas is as follows:* *(i) 70% of the allotment – On lot sizes less than 500m^2.* *(ii) 65% of the allotment – On lot sizes between 500m^2 and 750m^2 inclusive.* *(iii) 60% of the allotment – On lot sizes greater than 750m^2.*	**Not applicable**
6.29	***Advertising signs***	
(a)	*No advertising signs are installed on land Zoned E2 – Environmental Conservation.*	**Consistent.**
7.0	***Development Requirements - Residential Development***	
	Section 7 provides controls to guide residential development within the proposed lots.	

Chapter B1 Kempsey DCP 2013		
Note: Only matters that are not already considered in Chapter D2 are listed in the following table. ***D2 Section1.2 Relationship to Other Chapters of this DCP - The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.***		
Chapter B1 – Subdivision - Development Requirements – Subdivision Design – Urban Residential Areas (Zones R1,R3 and RU5)		
5.0 Development Requirements – Site Analysis		
(a)	*A site analysis is required for all development and shall illustrate:* *(i) microclimate including the movement of the sun and prevailing winds;* *(ii) lot dimensions;* *(iii) north point;* *(iv) existing contours and levels to AHD;* *(v) flood affected areas;* *(vi) overland flow patterns, drainage and services;* *(vii) any contaminated soils or filled areas, or areas of unstable land;*	**All necessary site analysis was provided with MP08_0167 Part 3A Application for residential subdivision.**

	(viii) easements and/or connections for drainage and utility services; *(ix) identification of any existing trees and other significant vegetation;* *(x) any existing buildings and other structures, including their setback distances;* *(xi) heritage and archaeological features;* *(xii) fences, boundaries and easements;* *(xiii) existing and proposed road network, including connectivity and access for all adjoining land parcels;* *(xiv) pedestrian and vehicle access;* *(xv) views to and from the site;* *(xvi) overshadowing by neighbouring structures; and* *(xvii) any other notable features or characteristics of the site.*	
6.3(b)	*The access handle for battle-axe shaped lots is to have a minimum width of:* *(i) 4m if the side boundary adjoins a reserve; or* *(ii) 5m on any other circumstance.*	**Consistent.** **Lot 39 has a min width of 5 m.**
Chapter B1 – Section 13 - Provision of Local Parks		
13.1 (b)	*Where a proposed subdivision is for more than 50 lots, Council will consider dedication of a local park, subject to the following requirements:* *(i) The submission of an Open Space Management Strategy to be approved by Council, including the following:* • *A maintenance strategy;* • *Identification of the point in the development process that the local park will be handed over to Council; and* *Whether the local park will be developed in stages.*	**Consistent.** **3.7 ha of E2 zoned land within the adjoining Lot 35 DP 1214499 will be dedicated to Council as a conservation area.** **Additionally, the overall Project Approval involves the following elements:** – ***Creation of a 3,025m² neighbourhood park with children's playground;*** – ***Creation of a 2,481m² bushland exercise park with picnic and barbeque facilities;*** **These elements were considered adequate for all stages of the development, including Stages 5 and 6. Neither of the above parks are required to be located within Stages 5 and 6.**
Chapter B3 - Engineering Requirements for Subdivision and Development		
	This chapter applies to all subdivision and development where engineering/civil work is to be undertaken in conjunction with the proposed development.	**These controls primarily relate to Construction Certificate documentation.**
4.1	***Engineering Plans and Specifications***	
(a)	*All plans for earthworks (site regrading), roadworks, drainage works, water supply, sewerage works, and foreshore works are to be certified by a Civil Engineer or Registered Surveyor.*	**Consistent.**
(c)	*Council's Specifications* *All plans for engineering/civil works must demonstrate compliance with Council's*	**Consistent.** **This control relates to Construction Certificate plans and drawings.**

	Engineering Guidelines for Subdivision and Development.	
6.2	***Supply of Recycled Water***	
(a)	*Where a recycled water reticulation system is available to the site, connection to that system and a recycled water reticulation system within the site shall be provided.*	**Consistent.** **Dual reticulation is not yet available to the subdivision.**
(b)	*Parks created by the subdivision are to be connected to a recycled water reticulation system.*	**As above.**
(c)	*Where a recycled water reticulation system is available or planned to be available to the site, recycled water shall be used for:* *i) Hot water systems;* *ii) Washing machine cold water tap; and* *iii) Other non potable uses as permitted.*	**Noted.**
(d)	*Where a recycled water reticulation system is available or planned to be available to the site, potable water shall be used for:* *i) Kitchen, bathroom and laundry tub cold water taps;* *ii) Pool filling; and* *iii) Fire fighting.*	**Noted.**
(e)	*Ensure infrastructure is designed to minimise the risk of cross-connection of potable and non-potable systems, for both public and private infrastructure.*	**Noted**