



Statement of Environmental Effects

**Section 75W Application to
Part 3A Approval 08_0167**

**Lot 1 DP 1128633, Lot 36 DP 1214499 & Lot 84 DP 792945,
Belle O'Connor Street, South West Rocks**

April 2017 – Rev A

Prepared for:

The Saltwater Group of Companies

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Disclaimer

This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia.

To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

Land Dynamics Australia used information and documentation provided by external persons, companies and authority. Whilst checks were completed by Land Dynamics Australia to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.

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Executive Summary

With reference to the subject Part 3A approval 08_0167, Land Dynamics Australia on behalf of The Saltwater Group of Companies, is requesting modification under Section 75W of the Environmental Planning and Assessment Act 1979 of the consent as approved on 3 June 2011 by the NSW Department of Planning and subsequently modified on 6 August 2013.

The proposed modification relates to the amendment of the eastern portion of the site to contain a Seniors Living development under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The approved details of the development (i.e. lot numbers, road layout, open space etc.) remain unaltered on the remaining, western portion of the site. The proposed seniors living remains within the outer approved development footprint and as such the environmental impacts of the development essentially remain unaltered from that approved.

As a result of review of the application and submissions received from public agencies and the public, this Statement of Environmental Effects (Rev A) and plans have been updated and a formal submission made addressing the issues raised within the submissions and forms Appendix R. A detailed response has been prepared to the letter received from the Rural Fire Service dated 1 March 2017 is contained in Appendix S.

The amendments primarily relate to the removal of a row of dwelling sites along the eastern boundary and subsequent amendments to the remaining lot sizes and dwelling widths of the proposed senior's sites. The number of proposed sites for seniors living has been reduced to 199 lots. The amended request for a condition regarding dwelling types allows for certainty regarding the dwellings being two bedroom, however having flexibility in its design if required by a future purchaser.

The key issue raised in the submissions relates to a significant population increase and additional traffic generation. This is however not correct as the dwellings for seniors housing are limited to two bedrooms. Based on the RMS Guide to Traffic Generating Development, a standard residential block has an average daily vehicle trip of 9 per dwelling, whereas seniors housing has an average daily vehicle trip of 1-2 per dwelling. This does not take into consideration the bus proposed as part of the overall seniors living development which would reduce the dependency on private travel, as well as the proposed pedestrian network and linkages. Overall, whilst the number of lots increase the dwellings on those lots are restricted to two bedrooms and the number of traffic movements will be reduced as a whole for the eastern portion of the site from 1323 trips to 398 trips. Further, considering the approved number of allotments as 4

bedrooms, a population of approx. 1076 is envisaged (excluding the medium density lot to the west), where as the reduced number of standard lots as 4 bedrooms and the proposed 2 bedroom senior's lots, a population of 986 is expected. Having regard to these figures, the population in fact reduced over the entire site.

The subject land is predominantly zoned RI – General Residential under Kempsey LEP 2013 and the northern portion of the site is zoned E2, however, the proposed modification is contained wholly within the R1 land. Seniors Housing is permissible with development consent and approval is sought under SEPP (Housing for Seniors or People with a Disability) 2004.

As demonstrated with the approved subdivision, all services and infrastructure are readily available to the existing site and capable of being extended to the seniors living development. An investigation of environmental and design considerations illustrates the proposal is suitable for the site. No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, acid sulfate soils, flooding, bushfire, flora and fauna or the provision of utilities. The development is proposed on a disturbed site, in an existing and future release residential area.

The subject land is capable of accommodating the development and the approved drainage and services are to be utilised, in a slightly modified form, but with the adequate capacity.

The proposal has been considered against relevant State Environmental Planning Policies (SEPP's), Kempsey Local Environmental Plan 2013 and Kempsey DCP 2013.

It is understood that a S.75W Modification has been independently lodged for the western portion of the site to allow it to develop independently to the remainder of the site.

The proposal remains consistent with the relevant controls and we seek support for this application.

1. Approved Development

The approved development comprises subdivision of land into 270 lots, including 269 low density residential lots and 1 medium density residue lot. The approved modified consent provided for 4 additional allotments and amendments to road layout, staging, open space and stormwater. Below are the approved modified layout and staging in Figures 1 and 2.



Figure 1 – Approved Subdivision Layout

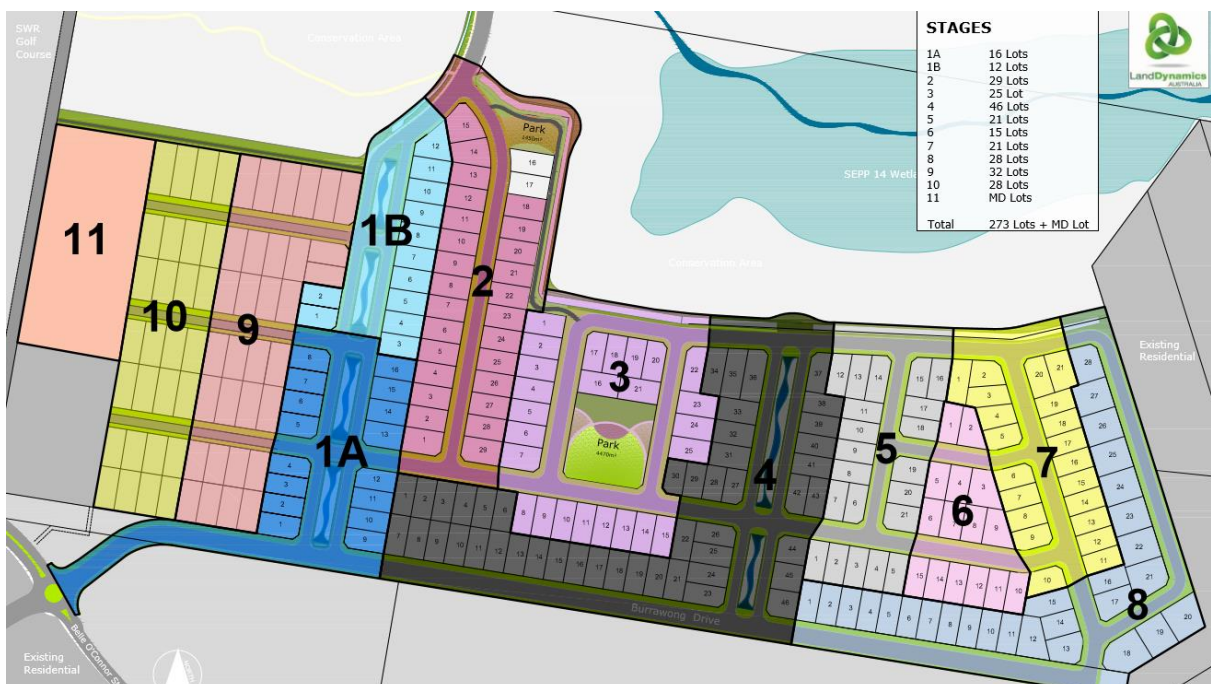


Figure 2 – Approved Staging Plan

2. The Proposal

The proposal is for a Seniors Living development on the eastern portion of the site, in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal is permissible within the R1 zoning of the site. The development is proposed to be generally contained in the area east of the indicative red dotted line shown indicatively in Figure 3 below.



Figure 3 – Indicative Area of Seniors Living Development (east of red dotted line)

Figure 4 below provides a basic concept of the layout of the Seniors Living Development in this eastern portion of the site. Access remains from Belle O'Connor onto a road to be constructed known as Burrawong Drive and the Seniors Living Development is less than half of the overall development site.

We have had regard to the following key issues in the design:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – including accessibility and an on-site bus is proposed for residents.
- Kempsey LEP & Kempsey DCP (including Saltwater specific controls).
- Ecology – as per the Part 3A approval and remaining within the same footprint.
- Bushfire – larger APZ required given seniors living use rather than single dwellings. Note: APZ's were increased in Rev A.
- Stormwater, Water Quality & Flooding – generally as per the findings of the reports for the Part 3A approval. However, a slight change is proposed to layout of swale.

- Connection and relationship to western portion of the site and the northern conservation area.
- Aboriginal Heritage - as per the Part 3A approval and remaining within the same footprint.

The amended proposed development consists of the 199 lots (reduced in Amendment A from 234 as originally proposed) residential sites with dwellings under one title with private roads and facilities for use by the residents and will be undertaken in 12 stages as shown in Figure 5 and the table below. Note: Changes were made to the site layout as a result of RFS comments and form part of Rev A amendments, and the overall number of seniors living senior's sites were reduced.

Stage	Residential Lots	Other Works	No. of Dwellings
1	1-25	• Main vehicular entry including extension of Burrawong Dr from the western portion of the seniors living development. • Road 1 construction through centre of site and along northern portion of site. • Partial Road 2 construction. • Drainage swale with pedestrian bridges, • Open space recreation area with pathways, practice golf course, pool, tennis courts, amenities block, bowling green and landscaping. • 21 Visitor car parking spaces	25
2	26-45	• Partial Road 3 construction • Clubhouse and open space with pathways • Covered vehicular drop off • 9 Visitor car parking spaces	20
3	46-66	• Partial Road 4 construction • Drainage swale	21
4	67-88	• Partial Road 2 construction	22
5	89-100	• Partial Road 1 construction • 3 Visitor car parking spaces	12
6	101-117	• Partial Road 5 construction	17

7	118-132 & 170	• Partial Roads 1 & 6 construction • Drainage swale • Second vehicular entry	16
8	133-146	• Partial Road 6 construction • Drainage swale	14
9	147-159	• Partial Road 5 construction • Drainage swale	13
10	160-169 171-183	• Partial Road 5 construction	23
11	184-192	• Partial Road 7 construction • 4 Visitor car parking spaces • Open space, landscaping, pathways and caravan storage along the eastern boundary. • Drainage swale	9
12	193-199	• Partial Road 7 construction • Open space, landscaping, pathways, men's shed and caravan storage along the eastern and southern boundary. • Drainage swale	7

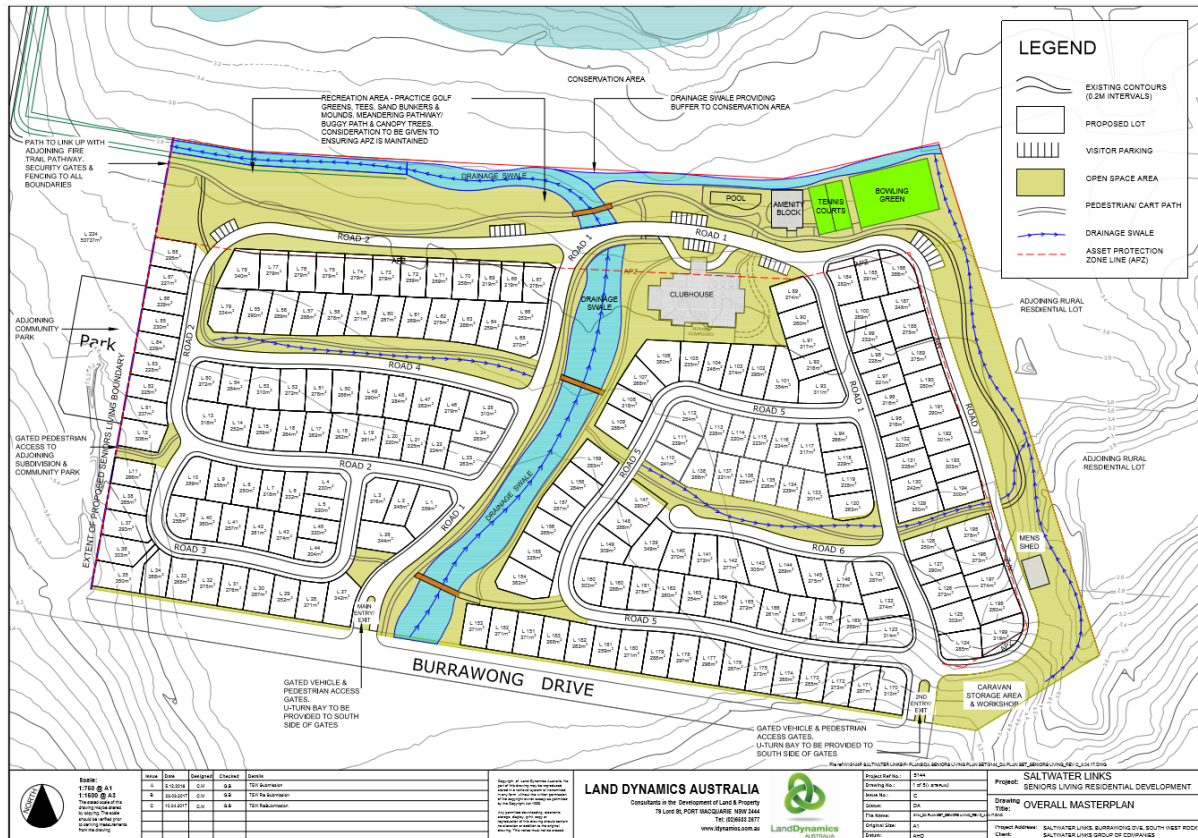


Figure 4 – Proposed Seniors Living Development Concept – Updated in Rev A

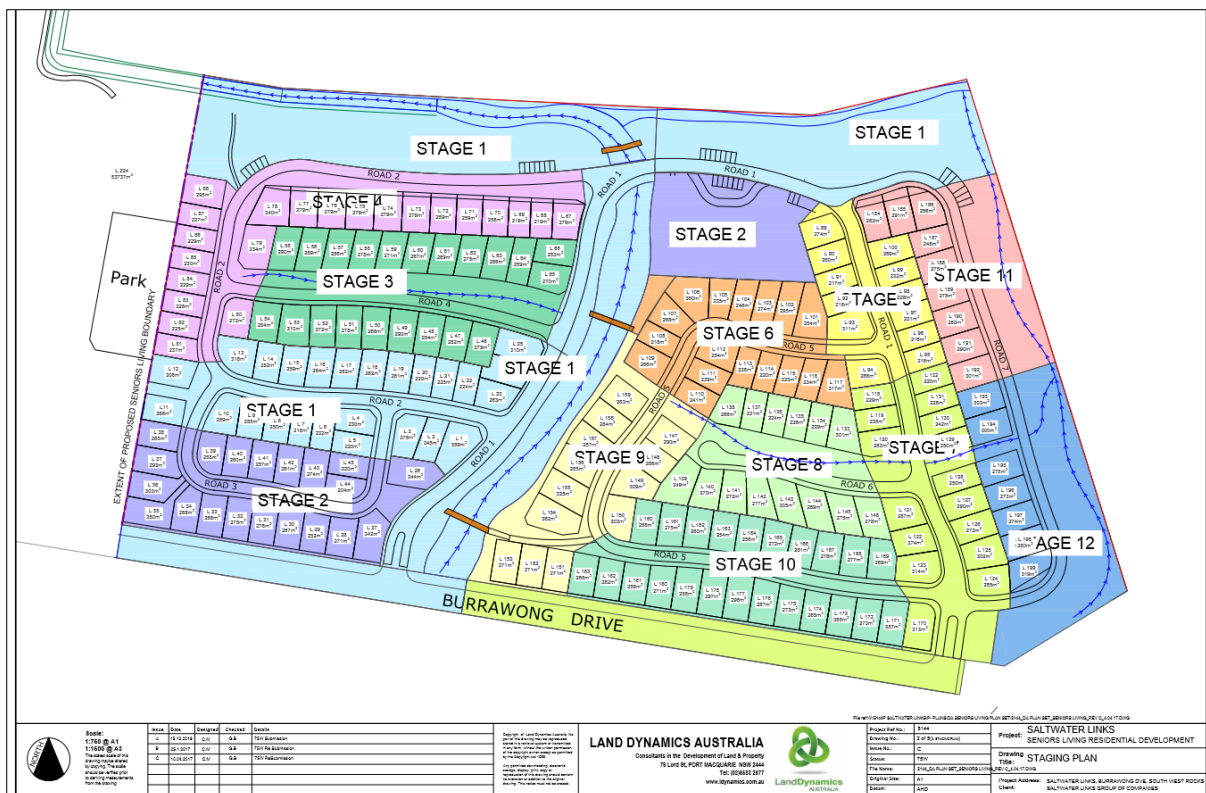


Figure 5 – Staging Plan – Updated in Rev A

The proposed residential sites vary in size and range from 218m² to 360m², which is ample room to accommodate the dwelling and private open space. As part of the revised site plan submitted in Rev A, some lots have been marginally altered in size and the dwelling designs updated to ensure they remain suitable for the sites. A boundary adjustment has also been incorporated into the proposal to reflect the boundaries of the seniors living and is shown in Attachment U. The boundary adjustment between Lot 2 DP 1220275 & Lot 84 DP 792945 and no changes proposed physically on the ground as services already exist to each parcel, as well as vehicular access. Refer to SEPP 71 Masterplan Waiver in Attachment T.

Consent is sought for a condition which allows a range of five dwellings (or similar 2 bedroom manufactured houses), from which the purchaser will choose from and seek a construction certificate. There may be a limited number of constrained sites where all five dwellings may not be an option, however, there is still a choice in dwelling design. The purpose of the condition is to allow a purchaser to provide a dwelling of similar size from a different builder if they wish.

The proposal does include the construction of the following:

- Dwelling house – one of the five dwelling designs per site
- Club House
- Swimming pool
- Amenities block
- Bowling green
- Tennis court
- Access roads and visitor car parking along the northern road
- Stormwater drainage
- Services and utilities
- Pathways, open space and landscaping
- Men's Shed

Architectural plans are provided for the five dwelling options (as per Rev A submission), Clubhouse and Amenities block. The proposed dwellings are modern in appearance and design features have been altered marginally to provide subtle yet varying facades and roof forms and to provide a variety in appearance of the dwellings. The materials comprise render with Colorbond metal sheet roofing. Below is an extract of the front façade and floor plan of each dwelling, noting that the size of the dwellings varies due to the range of floor space options and this is reflected in the side and rear elevations. The proposed dwelling types range in size and have the following characteristics:

Type (Rev A Submission)	Storeys	Gross Floor Area	Bedrooms
The Canterbury	1	107.3m ²	2
The Saltwater	1	109.9m ²	2
The Alegro	1	129.4m ²	2
The Jabiru	1	109.8m ²	2
The Storch	1	105.6m ²	2

'THE CANTERBURY'

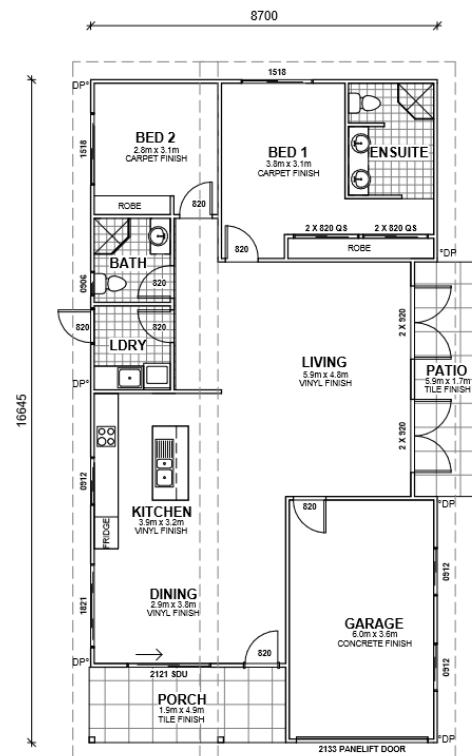
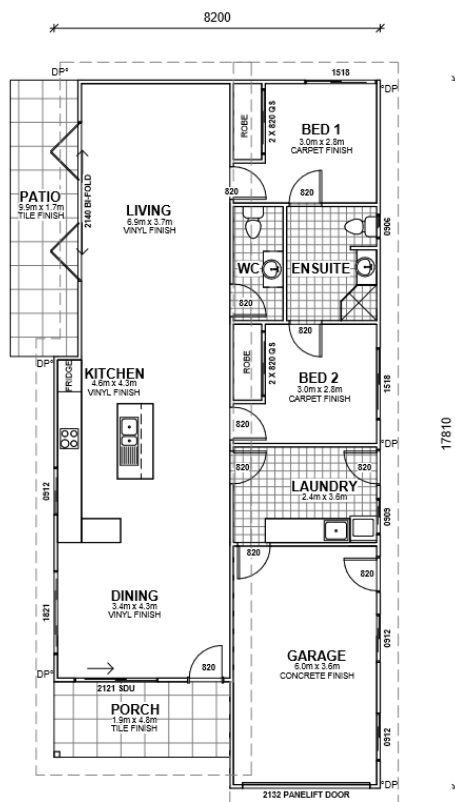


PERSPECTIVE NOT TO SCALE

'THE SALTWATER'



PERSPECTIVE NOT TO SCALE



A black and white architectural sketch of a modern, single-story house. The house features a flat roof with a wide overhang supported by thick columns. On the left side, there are three tall, narrow windows. To the right of these windows is a large garage door with horizontal slats. The house is set on a small, flat plot of land, and a shadow is cast to the left, indicating a light source from the right.

An architectural sketch of a modern, single-story house. The house features a flat roof with a wide overhang. On the left side, there is a large, multi-paned garage door. To the right of the garage, there is a covered porch area supported by a single vertical post. The porch has a tiled floor. The main entrance is a door with horizontal panels, flanked by two tall, narrow windows. To the right of the entrance, there is another tall, narrow window. The house is shaded with soft, grey tones, and the overall style is minimalist and contemporary.

Overall Dimensions: 8200 (Total Width), 19100 (Total Depth)

Room Details:

- BED 1:** 4.7m x 3.45m, CARPET FINISH
- BED 2:** 3.5m x 2.75m, CARPET FINISH
- LIVING:** 5.2m x 4.1m, VINYL FINISH
- DINING:** 4.0m x 4.1m, VINYL FINISH
- KITCHEN:** 3.6m x 2.5m, VINYL FINISH
- BATHROOM:** 3.6m x 2.5m, VINYL FINISH
- LAUNDRY:** 3.6m x 2.5m, VINYL FINISH
- SITTING:** 2.6m x 2.5m, VINYL FINISH
- ENSUITE:** 3.6m x 2.5m, VINYL FINISH
- GARAGE:** 6.0m x 4.0m, CONCRETE FINISH
- PORCH:** 1.9m x 4.5m, TILE FINISH

Other Features:

- WIR (Walk-in Robe):** 2.5m x 1.8m, CARPET FINISH
- ROBE:** 2 x 620 Q3
- 2148 BH FOLD:** Back door
- 2135 PANELIFT DOOR:** Garage door

Unit 101

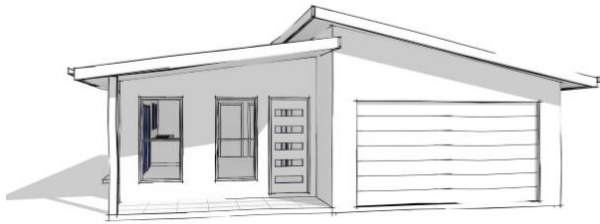
Overall Dimensions: 8200 (Width) x 16730 (Depth)

Rooms and Dimensions:

- Garage:** 6.2m x 3.7m, Concrete Finish
- Dining:** 3.0m x 5.0m, Vinyl Finish
- Kitchen:** 2.7m x 2.5m, Vinyl Finish
- Living:** 4.4m x 5.5m, Vinyl Finish
- Bed 1:** 3.7m x 3.7m, Carpet Finish
- Bed 2:** 2.75m x 2.5m, Carpet Finish
- Bathroom:** 2.0m x 2.2m, Carpet Finish
- Ensuite:** 2.0m x 2.2m, Carpet Finish
- LDRY (Laundry):** 2.0m x 2.2m, Carpet Finish
- Terrace:** 3.9m x 1.0m, Tile Finish
- Porch:** 1.9m x 4.3m, Tile Finish

Other Features:

- 2133 Panel Lift Door
- 2124 SDO
- 8200 (Width)
- 16730 (Depth)

'THE STORCH'

PERSPECTIVE NOT TO SCALE

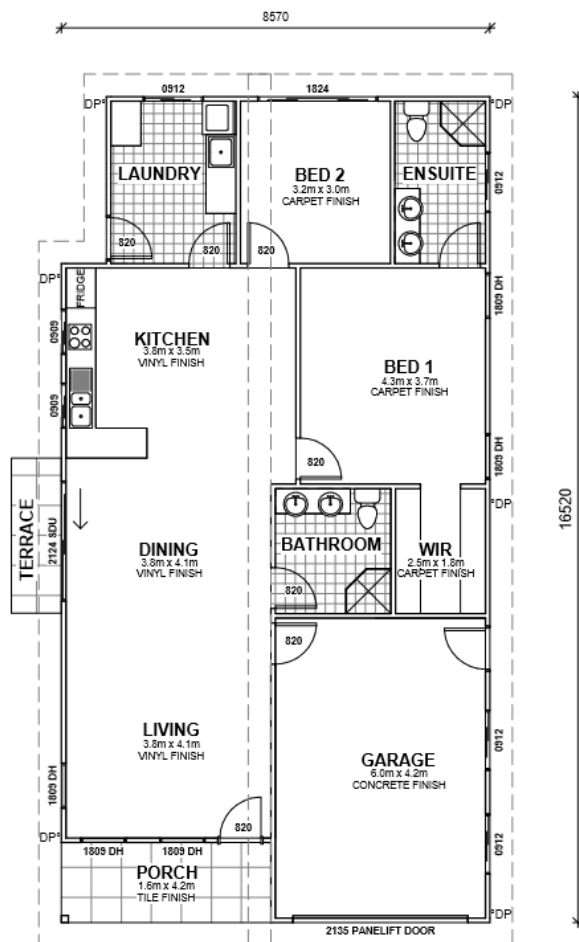


Figure 6 - Dwelling Typologies – Updated in Rev A

A single storey Clubhouse is proposed centrally within the development, adjacent to the northern open space and amenities and pathways. The Clubhouse is the hub of the seniors living development and contains the following components:

- Main dining room.
- Entry foyer with waiting / lounge area.
- Medical area.
- Computer and library.
- Bar with casual seating and billiards area.
- Outside verandah off the bar area.
- Vehicular drop off / portico which accesses the foyer.
- Café with outdoor seating.
- Administration, storage, kitchen and toilets.

Whilst single storey in height, the roof elements include raked ceilings in part to provide a variety in appearance and a point of interest, as well as providing opportunity for increased sunlight into the building. The entry is clearly identifiable by the portico, which provides for safe drop off in the circular on-way driveway. A service driveway is proposed along the eastern side of the building to access the rear, southern portion of the building for deliveries. This area is screened from the adjoining dwelling sites by way of fencing and landscaping.

Landscaping treatments for the proposed clubhouse includes planting, entry treatments and outdoor furniture. A high level of level of amenity and functionality is achieved for the proposed clubhouse, which will make the area a hub for social activities of residents, whilst activating it is a main entry feature.

Each dwelling will have individual waste storage and the development is capable of being serviced.

The entry road leads into the site from Belle O'Connor Rd into a road to be constructed (known as Burrawong Drive) and extends towards the club house and links to other roads within the private development. The site entry(s) will be designed to channel traffic appropriately and the entry way(s) will be formalised to facilitate a gated community. Construction access to the site will occur via Belle O'Connor Street and the to-be-constructed Burrawong Drive, which is proposed to be constructed to the main entrance as part of Stage 1 and the remainder to the second entrance as part of Stage 8.

The seniors living development will be a gated community, thus limiting traffic volumes within the estate and the types of vehicles that will enter. In the event that the gate is closed and access is not available,

provision will be made for a break in the landscape bed to undertake a U-turn. A second site access is proposed to the south-east of the site, which is also gated.

Service vehicles have been given due consideration in the design of the proposed road network to allow waste collection and emergency vehicles to enter the site and manoeuvre sufficiently. Swept paths have been applied to test the suitability of the design in this respect.

A landscaping scheme has been developed which included planting along the internal roads and throughout the linking green corridors and large area of open space at the top of the site. The drainage swales and proposed community facilities will be integrated into the landscaping. The frontage to Burrawong Drive is proposed to be enhanced by screen planting to create an avenue of trees. The site is fully enclosed by fencing, with see through and low level fencing along the northern boundary.



Figure 7 – Landscape Plan – Updated in Rev A

Given the consent makes specific reference to some key areas of the development, we seek to modify those consent conditions to reflect the amended development. The EP&A Act 1979 s75W allows for modifications of consent and as such we request modification of the following consent conditions A2 and A7 as listed per schedule 2 – Conditions of Approval. The modifications sought are detailed below.

A2 Project in Accordance with Plans

Condition A2 as modified states:

A2 Project in Accordance with Plans

The project is to be undertaken generally in accordance with the following drawings:

Design Drawings prepared by AECOM Australia Pty Ltd			
Name of Plan			Date
Malbec/Saltwater Development – South West Rocks – Bushfire Constraints Plan			03 August 2010
Engineering Drawings prepared by AECOM Australia Pty Ltd			
Name of Plan			Date
Belle O'Connor Street – South West Rocks – Site Analysis			02 March 2010
Malbec/Saltwater Development – South West Rocks – Road Sections			08 March 2010
Landscape Drawings prepared by AECOM Australia Pty Ltd			
Name of Plan			Date
Malbec/Saltwater Development – South West Rocks – Landscape Plan			03 August 2010
Survey Drawings prepared by AECOM Australia Pty Ltd			
Name of Plan			Date
Belle O'Connor Street – South West Rocks – Site Analysis			02 March 2010
Design Drawings prepared by Land Dynamics Australia (08_0167 MOD 1)			
Name of Plan	Job No.	Issue	Date
Coast Subdivision Plan	4972_N_SHT 02	E	26.06.2013
Coast Staging Plan	4972_N_SHT 01	E	26.06.2013
Coast APZ Plan	4972	A	09.07.2013

This modification proposes to substitute the approved Staging Plan with the revised staging plan submitted with this application and add the seniors living site plan, landscape plans and plans of the dwelling houses, amenities and Clubhouse. All other approved plans remain unaltered.

A3 Project in Accordance with Documents

Condition A3 as originally approved stated:

A3 Project in Accordance with Documents

The project is to be undertaken generally in accordance with the following documents:

- (1) *Environmental Assessment* prepared by EDAW on behalf of Malbec South West Rocks Pty Ltd, dated 21 August 2009; and,
- (2) *Preferred Project Report* prepared by AECOM Australia Pty Ltd on behalf of Malbec South West Rocks Pty Ltd, dated 5 August 2010.

Condition A3 was modified to include point (3), stated below:

- (3) *Section 75W Application to Part 3A Approval 08_0167, Saltwater Estate, South West Rocks* prepared by Land Dynamics Australia on behalf of Malbec Properties Pty Ltd, dated 18 February 2013; and supplementary information supporting the modification request prepared by GHD Pty Ltd, dated 14 May 2013.

The addition of (4) to reference this 75W Application including this letter and plans and to amend (3) to reflect the new staging.

A7 Staging

The approved modification included the addition of Condition A7, which states:

A7 Staging

Stages 1A, 1B, 2 and 3 must be carried out first, in accordance with the Coast Staging Plan (Job No. 4972_N_SHT 01, Issue E) prepared by Land Dynamics Australia and dated 26.06.2013. The order of subsequent stages may be varied, subject to the proponent having received written approval of the Director-General.

This modification alters the approved staging plan stated in Condition A7 and as such it is requested to be amended to reflect the amended plan and to allow the stages to operate independently.

It is noted that concern was raised with the previous modification in 2013 regarding staging and the above condition was added to ensure that the open space was provided as part of an early stage of the subdivision. It is further noted that a S.75W Modification has been lodged by Keiley Hunter for the western portion of the site and proposes changes to the timing of staging. Depending on the timing of the assessment of that application, the conditions may be altered by that application.

It is proposed that the Seniors Living Development will be undertaken concurrently with the approved Stage 1A on the western / central portion and the staging plan has been amended to reflect this with the seniors living shown as 1B.

Other conditions may also need to be amended as a result of the modification to reflect new numbering or staging.

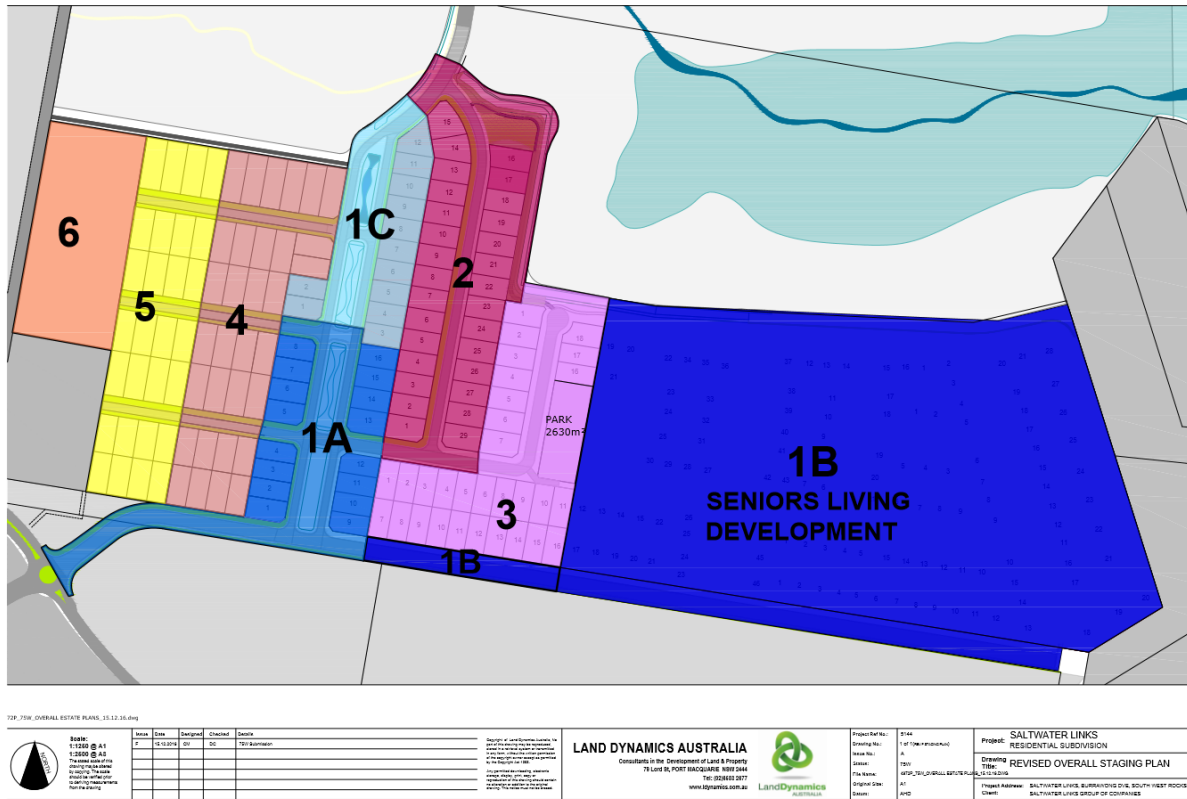


Figure 8 – Revised Overall Staging Plan



Figure 9 – Revised Overall Subdivision Plan

3. Site Analysis

3.1 Description of the Subject Land / Site Characteristics

Since lodgement of this application, Lot 1 DP 1128633 has now been subdivided into two, remaining in the same ownership. The lot is now referred to as Lots 1 and 2 in DP 1128633. The maps below have been updated as part of Rev A. The site subject of the approved Part 3A Project Approval comprises three allotments and may be identified as Lot 1 DP 1128633, Lot 36 DP 1214499 & Lot 84 DP 792945, Belle O'Connor Street, South West Rocks. However, the eastern portion of the land only will be developed for seniors housing.

The site is located in South West Rocks, to the north-east of Kempsey and south of Coffs Harbour.



Figure 10: Locality Plan (source: www.sixmaps.nsw.gov.au)

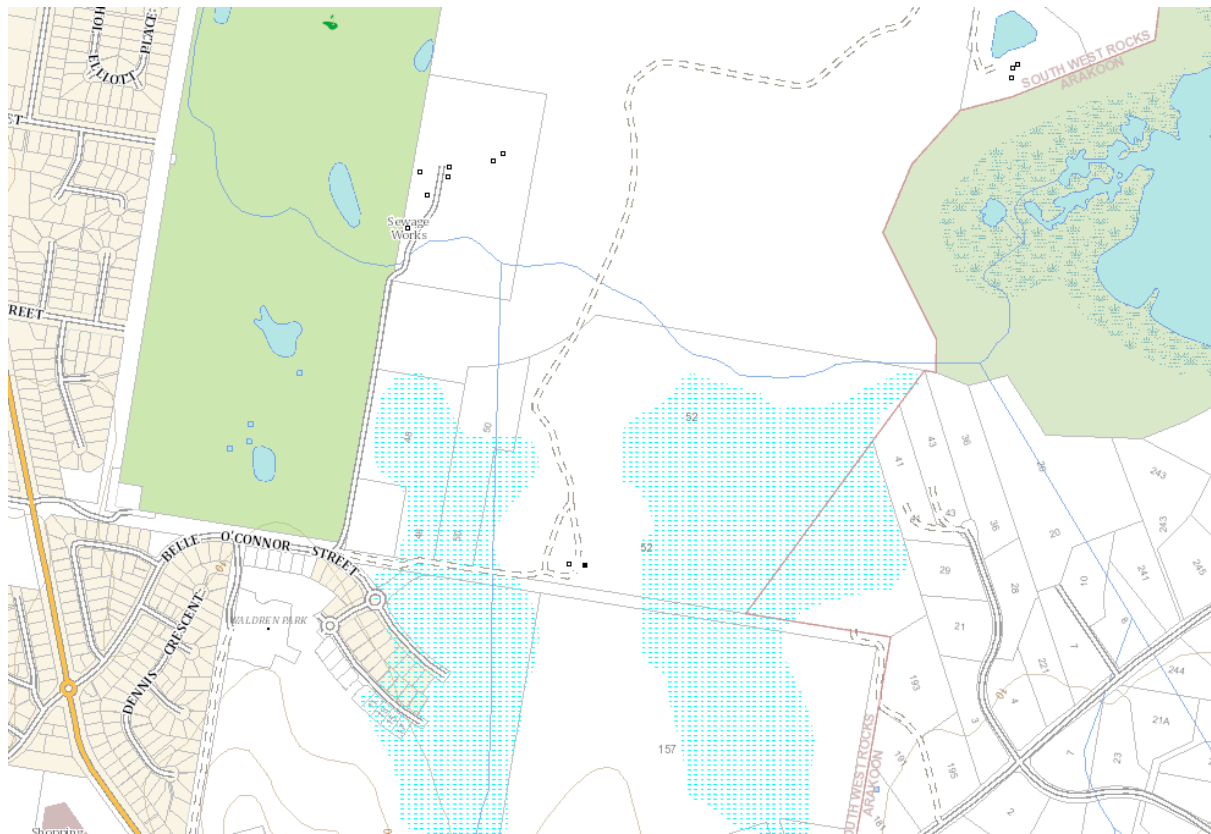


Figure 11: Locality Plan (source: www.sixmaps.nsw.gov.au)

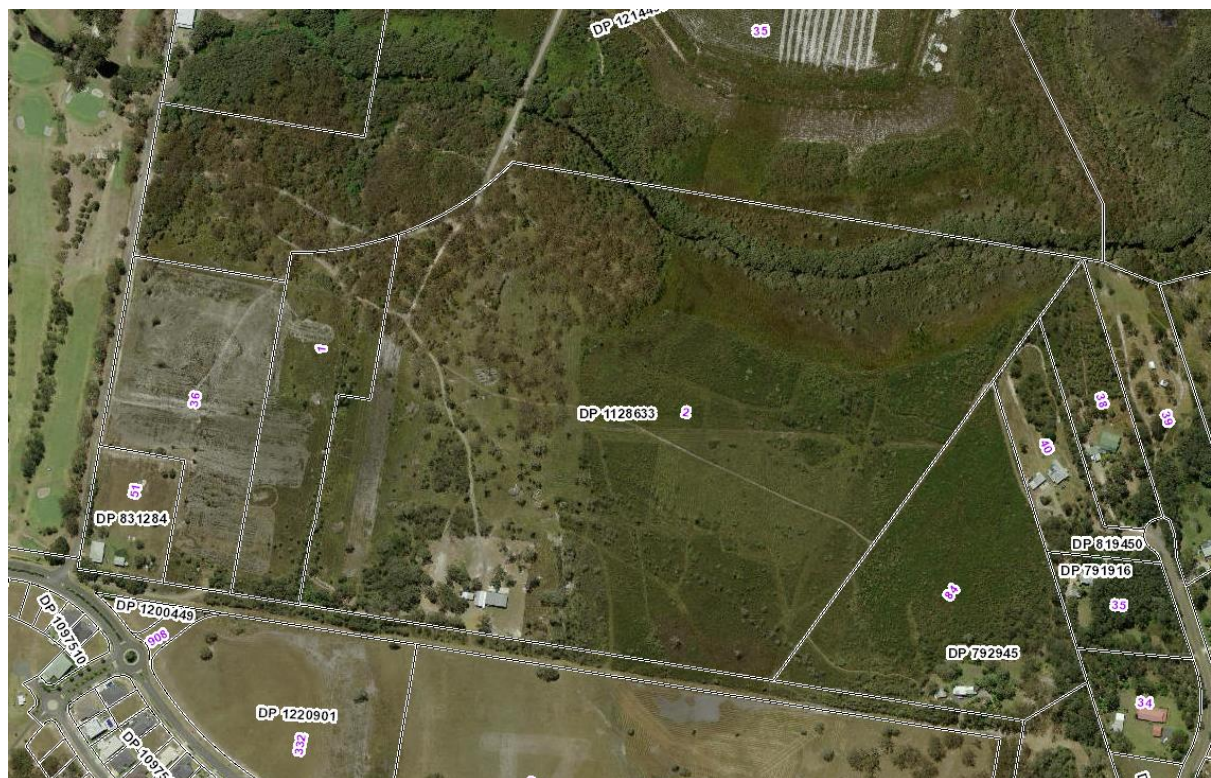


Figure 12: Aerial Photograph (source: www.sixmaps.nsw.gov.au)

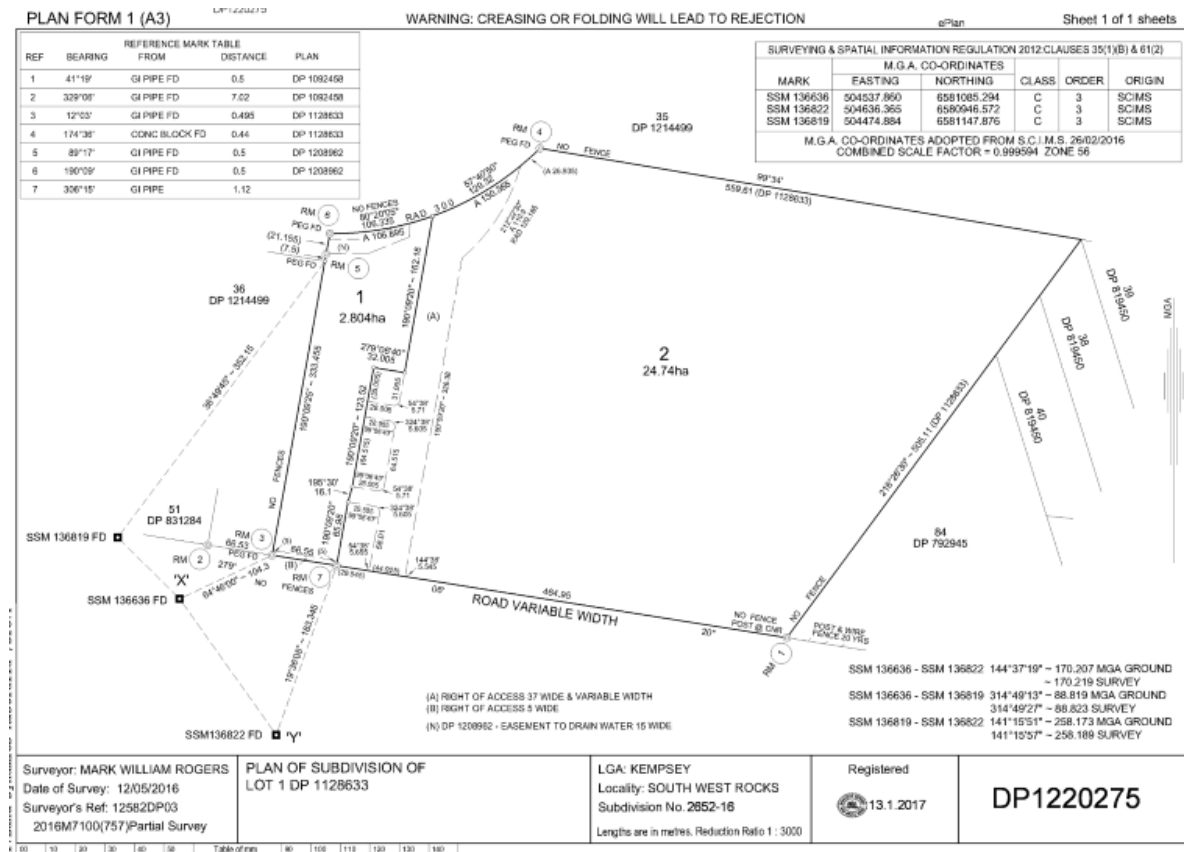


Figure 13: Deposited Plan 1220275

Access to the approved development site is via an approved road extending off Belle O'Connor Street, known as Burrawong Drive.

The residential zoned portion of the site is disturbed, with earthworks commenced and Stage 1A has a Construction Certificate in place.

4 Statutory Matters

4.1 Section 75W of the Environmental Planning & Assessment Act 1979

Modification of the Development Consent issued under Part 3A of the EP&A Act will be sought under Section 75W, which allows for the modification of the Minister's approval. Clause 75W of the EP&A Act, as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects. This development was determined to be a transitional Part 3A project.

Section 75W of the EP&A Act states:

75W Modification of Minister's approval

(1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

Modification of approval means changing the terms of a Minister's approval, including:

(a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and

(b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.

(2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.

(3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

(4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.

An approval granted by the Minister under Part 3A of the EP&A Act to carry out a project may be modified under section 75W(2).

The Director-General may advise of environmental assessment requirements with respect to the proposed modification. When considering the previous modification to this development, the Department of Planning stated within their assessment report that *"Given the relatively minor nature of the modification request, DGRs were not considered necessary"*.

Given that there are no changes to the development footprint and that the Seniors Living development will not significantly increase or intensify the use of the development, it is assumed that the same approach will be taken. Whilst it is acknowledged that the overall number of sites in the eastern portion of the site will increase, each of the approved regular allotments are capable of accommodating a dual occupancy and as such could be more intensive than the proposed seniors housing. Further, the stormwater drainage design is capable of amendment to accommodate the changes to impervious area. The development as modified is consistent with the existing approval for development of the site.

4.2 EPBC Act

The provisions of the EPBC Act 1999 require determination of whether the proposal has, will or is likely to have a significant impact on a 'matter of national environmental significance'. The ecological significance of the site was examined in detail as part of the Project Approval and was considered to be in accordance with the requirements of Section 5A of the Environment Planning and Assessment Act 1979, as amended by the Threatened Species Conservation (TSCA) Act 1995, the Commonwealth Environment Protection and Biodiversity Conservation (EPBCA) Act 1999 - Matters of National Environmental Significance.

Given that the works are contained within the developable area as approved by the Part 3A consent, further review of the ecological is not considered warranted. No further impacts are likely as a result of the modification.

4.3 Regional Strategies

The modified proposal remains consistent with the regional strategies and will provide additional housing, as well as provide for jobs growth during construction, as well as on-going in the management of the seniors housing. The change to seniors housing from standard residential subdivision is reflective of the demographics of the area and provision of the development within the existing approved footprint ensures conservation of the adjoining areas of high environmental and conservation.

4.4 Planning for Bush Fire Protection 2006

The subject site is classified as bushfire prone on the Bushfire Prone Land Mapping. Bush Fire Safety Authority under Section 100B of Rural Fires Act 1997. A Bushfire Report has been prepared by David Pensini and a copy accompanies this application. The report identifies bushfire protection measures, including APZ's and BAL construction levels with respect to the change from subdivision to a special protection use, being seniors living.

Below is a summary of the requirements from the Bushfire Report:

"The following requirements are provided in response to the proposed seniors living development provided as Appendix 2.

(i) Minimum required Asset Protection Zones are to be provided in accordance with Sections 3.1.1 and 3.1.2 of this report.

(ii) The areas of land between the proposed dwelling and community buildings and the areas of bushfire hazard vegetation identified in Section 2.3 of this report are to be created and managed so as to meet the standards which are applicable to Inner Protection Areas, refer to Sections 3.1.1 and 3.1.2 of this report.

(iii) An Emergency and Evacuation Plan is to be prepared for the proposed development.

(iv) Adopt Landscaping principals in accordance with the report.

(v) Water and other services are to be provided as detailed in Section 3.1.4 of this report is to be provided to the proposed development.

(vi) Ensure that gas bottles and other sources of ignition are stored away from the hazard and also in positions to reduce the risk.

(vii) The proposed portico structure associated with the Club-house building is to be designed so as to be detached and free standing from the Club-house.

(viii) The construction of the proposed seniors living dwellings and community building are to comply with the Bushfire Attack Levels as provided for by Table 13 of this report. In this regard the BAL 12.5 construction requirements of AS 3959 -2009 (as amended by NSW Rural Fire Services, Planning for Bushfire Protection, 2006), refer to Appendix 6.

(ix) The construction requirements (AS3959 – 2009 as amended by NSW Rural Fire Service, Planning for Bushfire Protection, 2006), which are applicable to each dwelling within the proposed seniors living development be the subject of a further Bushfire Attack Level (BAL) assessment prior to the commencement of the construction of individual seniors living dwellings on the subject site.

(x) The design and construction of the new public road infrastructure is to comply with the acceptable solutions provided for in Sections 4.1.3 of NSW Rural Fire Services, Planning for Bushfire Protection, 2006.

(xi) The design and construction of the new internal road system is to comply with the acceptable solutions provided for in Sections 4.1.3 and 4.2.7 of NSW Rural Fire Services, Planning for Bushfire Protection, 2006.”

The site plan shows the required APZ and the portico has been designed to be detached from the Clubhouse in response to the above comments. All recommendations will be adhered to.

As a result of comments provided on the proposed modification from the RFS, the site plan has been amended to provide an increased asset protection zone along the eastern and south-eastern boundaries of the site. Further, a letter has been prepared by David Pensini and a copy accompanies this application in Appendix S, which provides further detail to the RFS in response to their letter and discussions.

4.5 State Environmental Planning Policies

4.3.1 State Environmental Planning Policy No 44 - Koala Habitat Protection

The subject land is greater than 1ha in size and as such the provisions of SEPP 44 apply. A full ecological assessment was carried out with the original application. There was no evidence of koala habitat and as the site is highly disturbed and earthworks have commenced, it is likely that these findings remain relevant. No further assessment is required as the development remains within the approved developable area boundaries.

4.3.2 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to “*promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*”. The land has been granted consent for a change to residential use. As such, no further investigation of land contamination is required by SEPP 55.

4.3.3 State Environmental Planning Policy No 71—Coastal Protection

SEPP 71 applies to all land within the coastal zone. The subject land is within the coastal zone, therefore this SEPP was considered as a part of the original assessment process. The modified proposal meets

the requirements of SEPP 71 by remaining within the approved building footprint, ensuring no additional impacts on the water body to the north. As the boundary adjustment has now been included into the proposal as part of Rev A, a SEPP 71 waiver has been requested and will be provided separately.

4.3.4 State Environmental Planning Policy No 14 – Coastal Wetlands

The approved conservation area along the northern portion of the site was approved as a buffer to the SEPP 14 – Coastal; Wetlands. A Voluntary Planning Agreement will be entered into regarding the management and dedication. The modified proposal does not encroach into this portion of the site and ensures the buffer is maintained.

4.3.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any **BASIX affected building**, being *any building that contains one or more dwellings, but does not include a hotel or motel*. A BASIX Certificate for the specific dwelling types can be achieved based on the architectural plans, with appropriate targets met with respect to water, thermal comfort and energy. Given that it is unknown which dwelling is to be constructed on each site, it is suggested that a BASIX Certificate is to be obtained for each specific site prior to the issue of the construction certificate. It is considered that all BASIX requirements are therefore satisfied for the proposed development which ensures suitable provision for water, energy and thermal comfort in the design of the seniors living dwellings.

4.3.6 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Below is an assessment of the relevant clauses of SEPP (Housing for Seniors or People with a Disability) 2004.

Clause 4 – Land to which Policy applies

The SEPP applies to land zoned primarily for urban purposes where Dwelling Houses or Residential Flat Buildings are permissible. The site is zoned R3 and both dwellings and RFB are permissible land uses, as well as Seniors Housing. Seniors living housing cannot be located on land identified in Schedule 1 and the site is not identified under that Schedule.

Clause 8 – Seniors & Clause 18 – Restrictions on Occupation

Occupation of the dwellings is limited only to:

- (a) people aged 55 or more years,*
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.*

And

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

It is proposed that the development will be occupied by people satisfying the above definition and it is anticipated that a condition requiring a restriction on title will be imposed.

Clause 10 - Seniors housing

Seniors housing is defined as:

residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

but does not include a hospital.

The proposal is a group of self-contained dwellings, which is referenced in (c).

Clause 13 - Self-contained dwellings

A self-contained dwelling is defined as:

A self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

The proposed form of accommodation satisfies this definition.

The proposal could be further categorized as:

in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Clause 21 – Subdivision

Subdivision is permitted however, it is not proposed to subdivide the development as part of this application.

Clause 24 – Site Compatibility Certificate

A Site Compatibility Certificate is not required for urban purposes land.

Clause 26 - Location and access to facilities

Clause 26 states:

(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) community services and recreation facilities, and*
- (c) the practice of a general medical practitioner.*

(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or

(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:

(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or

(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and

(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

(4) For the purposes of subclause (2):

(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and

(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

(5) In this clause:

bank service provider means any bank, credit union or building society or any post office that provides banking services.

Therefore, the site must be located within 400m of the stated services (shops, GP, bank etc.) by an suitable path or a transport service is available for residents that take occupants to and from the services at least once a day Monday to Friday. There are also gradients for the pathways to the services or transport.

It is proposed that a private bus service will be incorporated into the development which will transport residents and therefore satisfies this requirement. Further, the site is flat and the proposed pathways are well below the required gradients.

Clause 27 - Bushfire Prone Land

The modification is considered to be "Integrated Development" under section 91 of the EP&A Act to the RFS as a special fire protection purpose. The requirements for the seniors housing are increased from a standard subdivision and the increased Asset Protection Zones have been incorporated into the plans.

Clause 28 – Water & Sewer

Reticulated water and sewer must be available or made available to service the development and will be done so as a result of the subdivision works which are underway and will occur as part of the seniors living development.

Clause 29 – Other Criteria

As a site compatibility certificate is not required, must also consider Clause 25 (5)(b)(i), (iii) and (v), which states in part:

(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and

transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,

(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.

The requirements relate to the impact upon the natural environment, the availability of services and infrastructure and the bulk/scale of the development the associated impact upon the character and use of the area.

As part of the original subdivision Project Approval, consideration was given to the suitability of the site for housing having regard to the surrounding land uses and environmental constraints. There is unlikely to be any additional environmental impacts as a result of change from residential subdivision to seniors housing.

Services can easily be extended to the site, as demonstrated as part of the original approval.

The proposed development includes 5 standard dwelling designs, which are single storey, and a Clubhouse. The height of the dwellings is lower than is permitted under the LEP and could be expected on a standard residential building block. Consideration has been given to ensuring that the senior's living development relates to the adjoining residential land uses and provides the pedestrian connections along the north. The development is proposed to be gated, with good landscaping to screen fencing and provide a visual buffer to the proposed dwellings.

Clause 30 – Site Analysis

A Site Analysis plan accompanies this application.

Clause 31 – Design of in-fill self-care housing

Pursuant to Section 31 of SEPP, an assessment of the proposal against the provisions of the Seniors Living Policy – Urban Design Guidelines for Infill development has been undertaken as follows: -

- The proposal has considered the approved street hierarchy, block patterns, built environment, trees and Council Planning Instruments through compiling a site analysis.
- Site planning has been considered throughout the proposal with regard to the approved layout on the site and the existing residential dwellings in close proximity, built form and landscaping.

- The built form is consistent with the provisions of the SEPP and generally consistent with the zoning and ensures that the proposal will reflect the desired future character of the locality as residential. The generous lot sizes enables front and rear setback areas and landscaping to ensure that the residential amenity of the residents will be embellished. A landscape buffer and fencing will protect the amenity of the existing residences.
- Impacts upon the streetscape have been mitigated through the use of appropriate tree and shrub species, which will further enhance the natural and built environment.
- The dwelling design is compatible with recent developments occurring in the wider locality.
- Private and public domains will be clearly delineated and will be attractive places ensuring safety and security to all user's. Car parking and hard paved surfaces will be softened with landscaping throughout the development site.
- Impacts upon neighbours will be negligible. Visual and acoustic impacts will be mitigated through the extensive landscaping on the site and along the southern boundary, combined with fencing.
- The variety in designs allows for solar access to be achieved on all sites at different time of the day.
- The hard paved surfaces provides clear identification of public and private places through visual screening and embellishment of the residential streetscape. Further, the seniors living development is gated to ensure safety and security for the residents.
- As the site is flat, wheelchair access is provided throughout the site.

Having regard to the above, the proposed development is consistent with the development standards stipulated in SEPP under Clause 31.

Clause 32-39 – Design of Residential development

In designing the proposal, consideration as given to the design principles in Division 2 (Clauses 33 -39 regarding streetscape, privacy, solar access, stormwater, crime prevention, accessibility, waste), as follows:

- Streetscape – the area is residential in nature, with an area of conservation to the north. The proposed seniors housing will be compatible with the emerging residential subdivision on the remainder of the site, as well as the existing residential housing in close proximity. Landscaping throughout the site and along the boundary in conjunction with fencing has been designed to ensure a satisfactory interface to the existing housing.

- Privacy – The design of the sites and the community facilities has had regard to the location of the other sites within the development, as well as the adjoining lots on the remainder of the site and existing adjoining lots. Landscaping has been used to assist for privacy, as well as the dwellings being single storey and boundary fencing and gates.
- Solar Access – The orientation of the proposed sites allows for a good level of solar access, which is assisted by the dwellings being at ground level and only single storey, which reduces the extent of overshadowing. The variety of dwelling types allows for the private open space to be on various sides of the dwelling, which can be responsive to the selected site.
- Stormwater - The site already has an approval for water quality as well as water quantity. This approval was obtained during the application for the residential subdivision. Although this application is for an increased density, the footprint and catchment remains.

Clause 37 – Crime Prevention

The seniors living development has been designed with a high level of safety in mind, in particular given the age of the residents. Vehicular entry to the site will be restricted via a gate. Notwithstanding this, the series of pathways throughout the development connects with the remainder of the subdivision to the west via a gate. The provision of gates ensures safety and privacy for the residents. The northern portion of the site has open style fencing along the northern section and still provides a secure development for the residents. The development connects to the open space to the west and linkages to south west rocks, as per the original design.

There is a high level of casual surveillance envisaged throughout the development and of the open space and common facilities for the residents. The Clubhouse design is orientated to the north and west, but also provides casual surveillance to the east and south, which is important in a senior's community.

Each of the dwelling designs allows for observation of the approaches to the dwelling entries and street lighting will be provided throughout the site.

Clause 38 - Accessibility

A strong internal road and pedestrian pathway network has been developed throughout the site, with good connections to the adjoining residential subdivision to the west and greater open space network. In addition, it is proposed that an on-site bus will be provided for residents to provide access to local facilities and other outings.

Clause 39 – Waste Management

There is ample room within each site for the storage of bins, which will be collected from the internal road network.

Clause 40 – Development Standards

This clause must be complied with:

- Minimum 1000m² site area
- Minimum 20m site frontage

Height controls not applicable as RFB's are permissible in the R1 zone.

The site complies with both development standards.

Clause 41 - Standards for hostels and self-contained dwellings

The proposed development complies with Schedule 3. Refer to the Accessibility Report which accompanies this application.

*Part 7 – Cannot be used as grounds to refuse consent**Clause 46*

This clause requires consideration of the design principles in Clauses 33-39 of the SEPP, which is addressed above.

Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings

Clause 50 states:

A consent authority must not refuse consent on any of the following grounds (where nor social housing provider):

- (a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*
- (b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

- (c) *landscaped area: a minimum of 30% of the area of the site is to be landscaped,*
- (d) *Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*
- (e) *solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*
- (f) *private open space for in-fill self-care housing: if:*
- (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
 - (ii) *in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*
- Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.*
- (h) *parking: if at least 0.5 car spaces for each bedroom*

A comment is provided below regarding the corresponding number of the clause:

- (a) The dwellings and Clubhouse and other facilities are all single storey and will remain well below the 8m height limit.

- (b) The floor space ratio of the buildings on the site is estimated to be approx. 0.23:1 (based on the largest dwelling and including Clubhouse and amenities building), which is below the 0.5:1 requirement.
- (c) 32.6% of the site is landscaped, which complies the 30% requirement.
- (d) Given the large amount of open space on the site, without the need for a basement below, well in excess of the minimum deep soil zone requirement of 15% is proposed.
- (e) The site layout has had regard to solar access, as well as the individual designs. There is an opportunity for all sites to comply with 3 hours' solar access, with one of the design choices.
- (f) The site sizes can easily accommodate one of the five dwelling house designs as well the required private open space.
- (g) Repealed
- (h) 1 space is proposed per dwelling, which is sufficient for a two bedroom dwelling.

Schedule 3 Standards

Standards relate to wheelchair access (depends on slope), lighting, letterboxes, car parking to comply with disabled parking requirements, entry to be accessible, internal circulation, bedroom sizes/dimensions, bathroom, toilet, surface finishes, door hardware, living/dining room and kitchen requirements, laundry, linen and garbage.

An Accessibility Report accompanies this proposal to provide a statement regarding accessibility across the site and an appraisal of compliance with Schedule 3.

The site is ideal for this form of housing as it is generally flat and the dwellings, Clubhouse and amenities have been designed to be at ground level and not elevated, ensuring accessibility by all. Further, the series of pedestrian pathways throughout the site are below the maximum permitted gradients.

4.4 Local Environmental Plans

4.4.1 Zoning

The subject land is zoned RI – General Residential under Kempsey LEP 2013. The northern portion of the site is zoned E2, however, the proposed modification is contained wholly within the R1 land. *Seniors Housing* is permissible with development consent (note: consent is sought under SEPP (Housing for Seniors or People with a Disability) 2004. Within the R1 Zone *Seniors Housing* is permitted with consent. The proposed clubhouse is also located within the R1 Zone and is considered to be ancillary and

incidental to the proposed seniors housing, as it will serve as a building for administration and exclusive social interaction of the residents.

The proposed development for seniors living is consistent with the objectives of the R1 Zone in that it provides for the varied housing needs of a diverse population within a low density environment that is highly compatible with existing and future surrounding land uses. An extract from Council's zone maps is shown below.

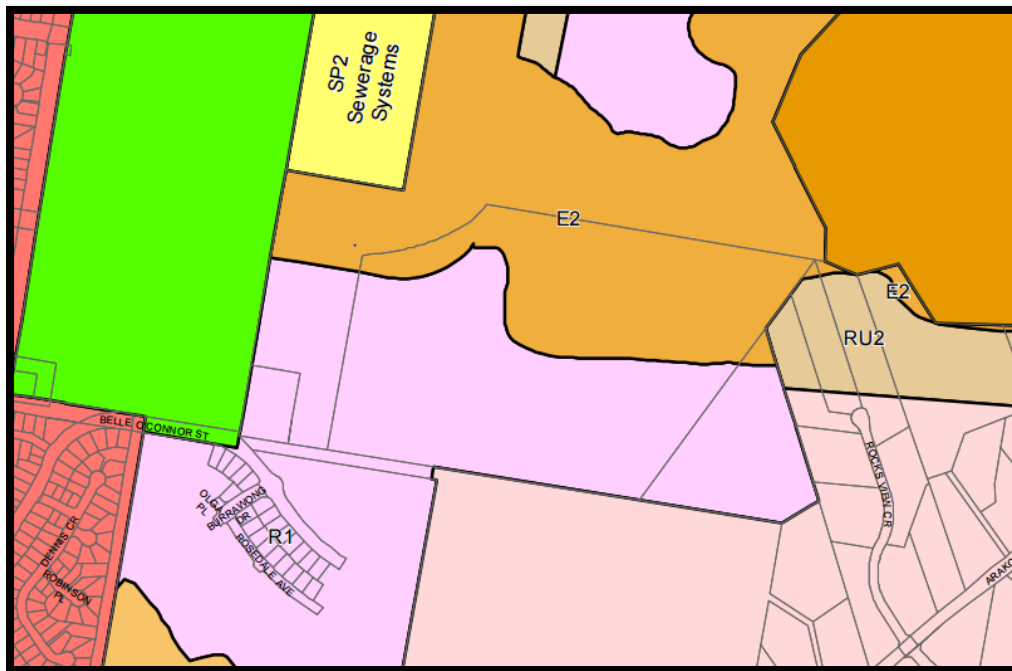


Figure 14 – Kempsey LEP 2013 Zoning map extract

The R1 General Residential zoning table states:

Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage urban infill and redevelopment in areas that surround existing or proposed facilities and services.*

The proposed development provides orderly and economic use of the land, in accordance with the general aims of the LEP. The proposed subdivision will contribute additional residential dwellings to the

residential housing stock of South West Rocks, for use by people over 55 or with a disability, as well as the greater Kempsey region. This is consistent with the Mid North Coast Regional Strategy and the identified population increase.

Providing additional housing on a relatively unconstrained site within an established urban area is ideal. The surrounding area contains a variety of allotment sizes. The proposed layout will increase the density on the site and will provide a variety in built form and dwelling sizes within the existing estate. The proposed development is in keeping with the objectives of the zone.

4.4.2 Lot Size

The minimum lot size for the subject land is identified in the Kempsey LEP (2013) as I - 500m² for R1. This application does not propose subdivision of the site, with the ownership of the whole seniors living development remaining on one title.

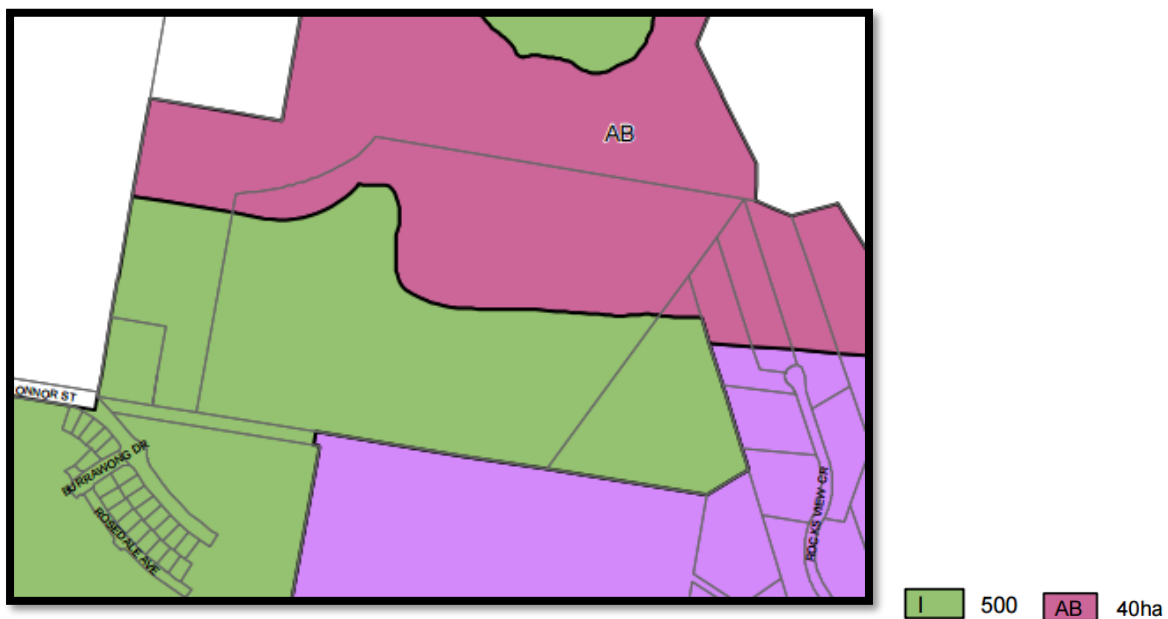


Figure 15 – Kempsey LEP 2013 Site Area map extract

With respect to the boundary adjustment, the minimum lot size for the subject land is identified in the Kempsey LEP (2013) as I - 500m² for R1 and 40ha for E2. The proposed lot areas are as follows:

Lot	Proposed Site Area	Zone / Minimum Lot Size
2	18.60 ha	R1 - 500m ²
84	11.13 ha	E2 – 40 ha

Lot 2 is well above the 500m² requirement for the R1 land, but Lot 84 does not currently, or as proposed, meet the minimum 40ha requirement for the E2 zone.

Clause 4.2C of the LEP states:

4.2C Boundary adjustments of land in certain rural, residential and environment protection zones

(1) The objective of this clause is to facilitate boundary adjustments between lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU4 Primary Production Small Lots,*
- (d) Zone RU5 Village,*
- (e) Zone R5 Large Lot Residential,*
- (f) Zone E2 Environmental Conservation,*
- (g) Zone E3 Environmental Management,*
- (h) Zone E4 Environmental Living.*

(3) Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land, and the consent authority is satisfied that:

- (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and*
- (b) the number of dwellings or opportunities for dwellings on each lot after subdivision will be the same as before the subdivision, and*
- (c) the potential for land use conflict will not be increased as a result of the subdivision, and*

(d) if the land is in Zone RU1 Primary Production or Zone RU2 Rural Landscape, the agricultural viability of the land will not be adversely affected as a result of the subdivision.

(4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that the subdivision will result in the continued protection and long term maintenance of any land in Zone E2 Environmental Conservation.

With respect to Clause 4.2C, the boundary adjustment does not result in additional opportunities for dwellings (i.e. two lots exist and remain after the boundary adjustment), the proposed northern boundary reflects the E2 land and will not result in land use conflicts.

4.4.3 Height of Buildings

The Kempsey LEP (2013) identifies the maximum building height is 8.5 metres, as shown below in Figure 16. The proposed dwellings, Clubhouse and amenities building are single storey in height and complies with this clause. The height of the Clubhouse at its worst point is 6.738m to the top of the ridge. It is proposed that all buildings be constructed on the ground and not elevated, which provides accessibility and reduces the overall height of the buildings.



Figure 16 – Kempsey LEP 2013 Site Area map extract

4.4.4 Acid Sulphate Soils

The issue of Acid Sulphate Soils was addressed as part of the original Part 3A approval and remains valid. An Acid Sulphate Soils Management Plan (ASSMP) accompanies this application which provides

a practical guide to minimize adverse ASS impacts during the construction phase of the development. The ASSMP outlines the environmental controls and procedures to be implemented to contain, mitigate and avoid impacts of Acid Sulfate Soils. The ASSMP has been designed to ensure that no significant adverse impact on the receiving environment occurs as a result of the disturbance of Actual and/or Potential Acid Sulfate Soils.

Through this ASSMP, should environmental harm be caused or threatened, the operator can demonstrate that all reasonable and practicable measures have been taken to comply with relevant conditions of approval and the general environmental protection responsibilities which apply.

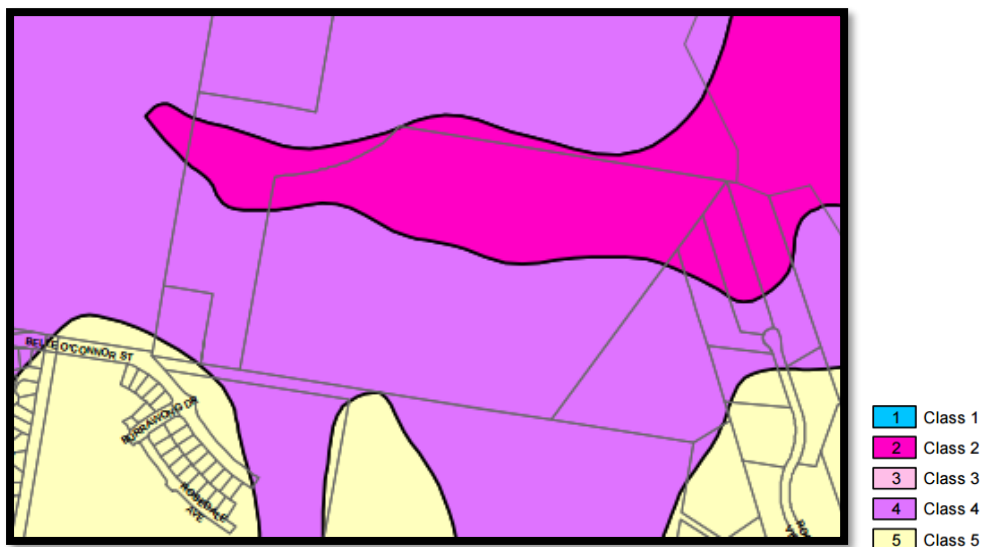


Figure 17 – Kempsey LEP 2013 Site Area map extract

4.4.5 Koala Habitat

The Ecological value of the site was considered in detail as part of the Part 3A Approval, with no koala habitat identified on the site. These findings remain valid and do not require further investigation. The LEP maps now show the site being included in the larger Koala Plan of Management. As the works are contained within the original extent of works, where clearing has already been approved, the proposal remains acceptable in terms of koala habitat.



Area Subject to Koala Management Plan

Figure 18 – Kempsey LEP 2013 Site Area map extract

4.4.6 Urban Release Area

The site is identified as being part of an urban release area, which is reflective of the consent on the site and the proposed development.

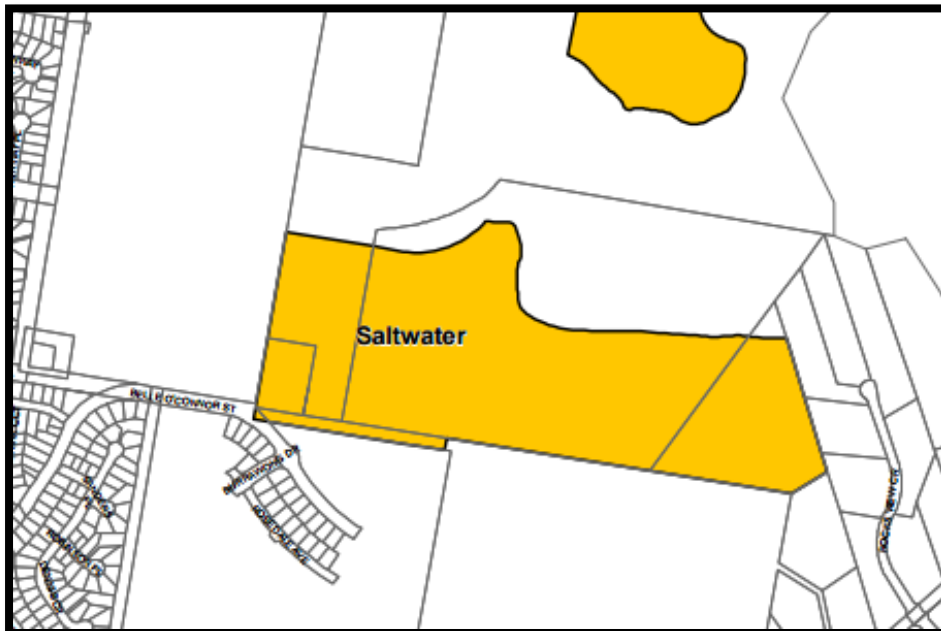


Figure 19 – Kempsey LEP 2013 Site Area map extract

4.4.7 Other Maps

The site is not identified on the LEP maps as being subject to floor space, heritage, acoustic controls or scenic protection.

4.5 Development Control Plans

Kempsey DCP (2013), including the area specific Saltwater Precinct provisions have been considered and a summary of the key considerations is provided below. Where the provisions are duplicated, they are addressed only once.

Part B – General Requirements

B2 Parking, Access and Traffic Management

There are no new external roads proposed by this application, with the approved access via Burrawong Drive to continue. The proposal includes a network of internal roads. The existing arrangements for the western portion is to remain.

B3 Engineering Requirements for Subdivision and Development

There is no need for any easements, roads, drainage or footings. The proposed internal roads will be suitably lit.

The site is serviced by water by way of the consent in place.

B4 Earthworks and Sediment Erosion Control

Erosion and sedimentation control measures will be in place throughout the entire development.

B5 Stormwater Management (Drainage System Design)

Refer to details in Section 5.5 below.

B7 Floodplain Management

The 1%AEP event as per WBM Oceanics report is set at 3.4m AHD. The subject site is on average 4m AHD or higher with only a small section in the south east that is subject to flooding. It is proposed to fill this section of land to enable gravity servicing of this area as well as to elevate the portion of the site to at least RL4.2m AHD.

All habitable buildings will have the FFL set at RL3.4m AHD + freeboard (min. 700mm). Dwellings adjacent to the central north south swale as well as the east west swale will have its levels set accordingly.

B8 Onsite Sewage and Wastewater Management

Refer to details in Section 5.5 below.

B9 Landscaping

The proposal does not require the removal of any additional vegetation from approved and the design of the development includes substantial new planting, as shown on the landscape plan. The overall development will be within a landscape setting and screened from Burrawong Drive by an avenue of trees and screen planting.

B10 Tree Preservation and Vegetation Management

No trees are proposed to be removed.

B11 Koala Habitat Management

The proposal does not involve the removal of any trees on the site and as such does not impact upon koala habitat, which is unlikely on the site.

B13 Heritage Areas/Development

The site is not identified as having heritage significance.

B15 Crime Prevention Through Environmental Design (CPTED)

As discussed earlier in the report, the safety of the residents has been considered extensively given their likely age. The vehicular access is restricted by a gate, lighting is provided throughout the development, areas of entrapment are avoided and casual surveillance is high. The CPTED principles have been incorporated into the built form, car parking and landscaping.

B16 Site Waste Minimisation and Prevention

Waste will be generated by this proposal as there is building works. The on-going waste management of dwellings will be undertaken with storage within the sites and collection from each dwelling.

Chapter C1 – Residential Development – Urban Areas

The development is in keeping with the objectives of the chapter, making efficient and effective use of the land, which making desirable residential areas.

The site is taken to be within a medium density precinct as it is not identified otherwise.

Lot Size & Density

Lot sizes and landscaped area per lot are not applicable as subdivision is not proposed. The intent of the control has been met with a significant amount of landscaping over the development site and also available within each site.

Building Siting & Design

The sites have been designed to be large enough to accommodate one of the dwelling types, as well as an area of private open space and some landscaping. The single storey nature of the dwellings, sitting on the ground, ensure the bulk is minimised.

A landscaped setback to Burrawong Drive is proposed to provide additional screening and enhance the streetscape.

Side/Rear Setbacks

Along the eastern and western boundaries, some sites adjoining other allotments. The minimum 0.9m required by the DCP for single storey dwellings will be accommodated on all sites.

Long Walls

The length of the dwelling walls ranges between 16-19m, which meets the DCP requirement of a maximum of 20m.

Solar Access & Energy Consumption

The design of the dwellings allows for living areas to achieve a minimum 3 hours of sunlight and given that the dwellings are single storey and not elevated, the overshadowing impacts are limited.

Visual & Acoustic Privacy & Amenity

The sites have been designed larger than required to accommodate the dwellings in order to provide greater separation between dwellings and increased landscaping.

Garages, Carports & Outbuildings

The garages have been integrated into the design of the dwellings, with the varying rooflines and provision of a porch providing visual interest and reducing the dominance of the single garage. As the development is not being subdivided into allotments, there is no need for a space to be accommodated in front of the garage.

Private Open Space

The site areas allow for ample room for a sufficient area of private open space off the living area, in excess of 25m².

Visitor Car Parking

The visitor car parking is contained within the communal areas.

Manoeuvring Areas

The internal road design allows for all vehicles to enter and leave in a forward direction. U-turn bays have been provided if access cannot be obtained through the gate.

Access Design

Access to the site from Burrawong Drive and throughout the internal road network will be designed to be in accordance with AS2890.1.

D2 – Saltwater Precinct, South West Rocks

At the time of approval of the Part 3A approval, the Saltwater Precinct DCP section was in draft form and the concept approval was considered to be satisfactory with respect to the requirements.

The objectives of the section are met by the modified proposal, providing a high quality and responsive design to the character of South West Rocks and the natural constraints.

The impacts in terms of traffic, water cycle management, infrastructure servicing, vegetation management have been addressed with the original application and addressed further in this report where it is amended.

It is noted that no subdivision of the seniors housing development is proposed and no further tree removal is proposed.

The provision of open space has always been an important feature for this development, with a central park approved at 4470m². Whilst the central park is halved in size, now 2230m², the area of open space provided throughout the western portion to compensate is significantly larger, equating to 36,355m². Therefore, an improved open space network is now proposed.

The dwelling form incorporates a variety of roof forms and sizes of the actual dwellings.

5. Environmental and Design Impacts of the Proposal

5.1 Context & Setting

Overall, the proposed development is compatible with existing and future surrounding land uses. The proposed seniors living development and built form will retain a high level of amenity of the subject and surrounding sites including in respect of solar access, views, privacy and noise levels. Appropriate mitigation will be undertaken during construction and operation to preserve the amenity of surrounding land uses.

The site does not exhibit any characteristics which would preclude the development from proceeding. All built form will be designed in consideration of the site constraints. The proposed bulk earthworks including site levelling, vegetation removal and dam filling have previously been approved for the site, thus they will provide a suitable platform for future built form development.

The proposal will not exhibit any significant not adversely impact on the amenity of any adjoining sites and is therefore considered suitable for the locality.

5.2 Access, Transport and Traffic

Vehicular access to the subject land is proposed by way of an extension of the existing road shown on plans as Burrawong Drive. The existing road network has the capacity to withstand the proposed development. The area is zoned for increased densities and the road network within South West Rocks is not at maximum environmental capacity.

The proposed development and associated traffic generation are not expected to create any adverse impacts on the adjoining road network or the surrounding precinct. Based on the RMS Guide to Traffic Generating Development, a standard residential block has an average daily vehicle trip of 9 per dwelling, whereas seniors housing has an average daily vehicle trip of 1-2 per dwelling. This does not take into consideration the bus proposed as part of the overall seniors living development which would reduce the dependency on private travel, as well as the pedestrian network and linkages. Overall, whilst the number of lots increase the dwellings on those lots are restricted to two bedrooms and the number of traffic movements will be reduced as a whole for the eastern portion of the site from 1323 trips to 398 trips.

Further, the number of people on the seniors living section of the site is limited by the dwellings being two bedrooms as per the designs submitted for approval. The western portion which contains standard

residential allotments could accommodate large dwellings or dual occupancies without a limit on the number of bedrooms, most likely up to 4 bedrooms for a standard dwelling and 3-4 bedrooms for each of the dwellings in the case of a dual occupancy. Considering the approved number of allotments as 4 bedrooms, a population of approx. 1076 is envisaged. This does not include the medium density lot to the west. Considering the reduced number of standard lots as 4 bedrooms and the proposed 2 bedroom senior's lots, a population of 1036 is expected. Having regard to these figures, the population in fact reduced.

Appropriate infrastructure has been previously approved and will continued to be utilized and is sufficient to withstand the proposed seniors living development, which has a significantly lower traffic generation than standard residential housing.

The seniors living portion of the site is a private development under one ownership and appropriate road widths and pathway network has been proposed, connecting into the public system.

Ingress/egress will be restricted to the main entry off the western end of Burrawong Street and a second access point further along in the south-east corner. The two access points are required for bushfire purposes. It is envisaged that the main entry point will be well utilised and leads to the main community centre/club house. All sites are accessed from the main access road by a secondary roads.

The development also contains a private bus service for residents which will provide daily access to services.

5.3 Air and Noise

It is considered there will be no ongoing air or noise issues pertaining to the proposed development. Construction noise may be effectively mitigated against by conditioning hours of operation. When the development is completed, air pollution caused by the operation of the development is not expected to be significant nor create any long term impacts.

The site is set within an approved residential zoning and therefore odour will not be an issue. Furthermore, the subject site is located at the eastern end of a residential subdivision with the STP at the north western end. Odour is therefore considered not to be a problem.

5.4 Visual and Acoustic Privacy / Views and Overshadowing

The proposed single storey residential dwellings comply with relevant controls for this form of development and height limits and will be located in an existing residential area. There are appropriate

setbacks and stepping of the building along the side boundary elevations to aid in ensuring there will be no issues pertaining to visual and acoustic privacy or views and overshadowing and privacy screens to the decks where necessary. The visual impact from Burrawong Drive has been minimised by maintaining an open green corridor along the boundaries.

With regards to the scale and character of the proposed development, the proposed dwellings will ultimately accommodate single storey low scale dwellings which will be consistent with the approved residential subdivision over the remainder of the site and the future built form, as well as the existing development to the east. On a regional scale, the development is consistent with the existing pattern of development.

There will be no significant overshadowing impacts on adjoining properties as no substantial building construction is proposed other than the provision of the club house, indoor swimming pool and associated communal infrastructure, which are located away from existing neighbours. However, once the new sites are completed, new dwellings will be single storey and will therefore have no overshadowing impacts or cause loss of sunlight to adjacent rural or residential areas.

The proposed retirement community will exhibit a positive visual outcome for the area achieved through planning and design.

The proposed subdivision layout ensures the orderly use of the land through the provision of regularly-shaped allotments with street frontages capable of accommodating several typologies of dwelling house and sufficient private, communal and public open space. The size, shape and orientation of individual allotments will enable future built form to address the street creating visual interest and providing opportunities for passive surveillance.

Landscaping within the development includes street trees and open spaces and will soften the appearance of built form, contribute to the creation of a high amenity environment, provide for pleasant views to and from the site and enhance the vegetated character of the locale.

Long and short range views will not be adversely affected as the proposal generally presents detached style housing, incorporating various typologies that is single storey in height. It is noted that the clubhouse is a more dominant structure being two storeys in height, however this will serve as a main entry feature and nodal point to clearly give ERL identity. The density and scale is commensurate with the desired character of the Marsden Park Precinct and shall set a desirable precedent for future development.

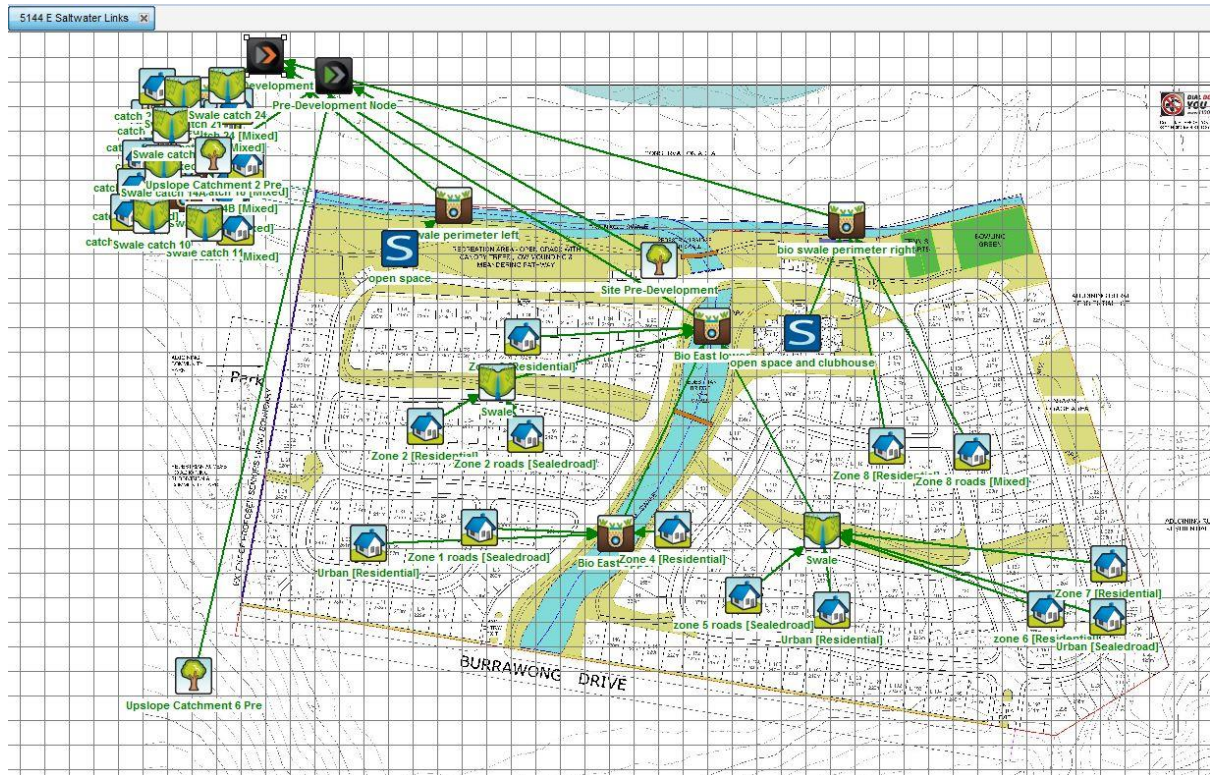
A 1.8m high fence will be provided along Burrawong Drive, which provides additional noise mitigation and reduces the visual impact of the built form.

5.5 Soil and Water

Disturbance to insitu soils on site will be minimised by undertaking all erosion and sediment control practices during construction in accordance with "NSW Department of Housing - Managing Urban Stormwater, Soils & Construction" 2004 (Blue Book). Post construction, all pervious surfaces will be vegetated by landscaping or turfing/grass seeding until establishment.

The site already has an approval for water quality as well as water quantity. This approval was obtained during the application for the residential subdivision. Although this application is for a higher density development the footprint and catchment remains.

Stormwater quality is achieved by directing the runoff into the central north south swale as well as an additional east west swale. All runoff will flow in a northerly direction and report to the approved bio-retention system on the norther periphery of the site. The higher density arrangement as proposed has a impervious/pervious ratio of 90/10 compared to the current approved ratio of 70/30. Having said this though, more area is available for runoff treatment and a revised MUSIC model demonstrates that water quality targets are readily met and exceeded. An extract of the MUSIC model configuration is found below. It should be noted that the model is an amendment of the approved model and hence the treatment train effectiveness is for the whole site and not just the current proposal.



	Sources	Residual Load	% Reduction
Flow (ML/yr)	95.6	9.03	90.6
Total Suspended Solids (kg/yr)	18500	277	98.5
Total Phosphorus (kg/yr)	34.4	1.39	96
Total Nitrogen (kg/yr)	227	19	91.6
Gross Pollutants (kg/yr)	2710	0	100

☐ Include Pre-Development

Figure 20: Extract of the MUSIC model

As for water quantity, it was established in earlier approvals processes that water detention would not be required given the large natural water storage downstream. Thus the proposal only deals with water quality. Any upstream runoff is directed through the site by means of the central north south drain which is designed to allow the 1%AEP event to pass from south to north without impacting on the proposal.

All development including the proposed home sites and communal facilities is located above the minimum flood planning levels.

Water will be extended from stage 1 along the Burrawong Drive road reserve.

Sewer and water are being extended to the south-western corner of the seniors living site to be extended into the development during construction.

5.6 Heritage

Not applicable.

5.7 Social and Economic Impact

The existing approved residential allotment is within an existing residential area and improves the existing housing stock on the site. The new seniors living sites, comprehensive landscaping and pathway network and community facilities will create and strengthen the sense of place and community by providing a high quality residential environment with key pieces of social infrastructure. The layout of the proposed development and design of the community facilities has been prepared so as to afford both privacy for individual dwelling sites and accessibility for residents to the community infrastructure. The community facilities include the clubhouse with library, bar, billiards, café and dining area, as well as other facilities such as a pool, tennis courts and bowling green and golf practice. The perimeter of the site includes substantial landscaped buffers, cycleway and walking track.

The orientation and layout of the proposed dwelling sites provides natural surveillance and visibility in public areas by reducing areas that people could hide or where criminal activity could take place. Streets and common areas will be provided with adequate lighting, streets will have clear lines of sight and the proposed landscaping reduces areas where people could hide. The proposed seniors living estate will be controlled throughout its operational hours and made safe by on site management and casual surveillance. During non-operational hours, security services monitor will the premises.

The development will provide housing stock at an affordable pricing point for the over 55's market, in an area where there is an increasing population and provides a variety and choice of housing stock.

As such, the proposal will have a positive social and economic impact.

5.8 Flora and Fauna

There is no significant vegetation on the site, as confirmed by the Ecological Report accompanying this application. It is proposed that all trees be removed from the site and new planting proposed.

5.9 Utilities

Services, sewer and stormwater infrastructure are readily available to the existing dwelling and will be extended to the new development.

5.10 Limitations and Hazards

The subject land is bushfire prone land and a Bushfire Report accompanies this application which recommends asset protection zones, water provision, landscaping principals and driveway construction details.

5.11 Suitability of the Site for Development

The site is considered to be suitable for a seniors housing as it is located in a developing residential area and has few constraints. The proposal is suitable for the subject land.

5.12 Public Interest Matters

It is considered there are no matters of public interest pertaining to the proposal which will facilitate the orderly and efficient use of land within the area which has been approved for residential accommodation. The proposal will accommodate the needs of an aging population and support a high standard of living for future residents. The subdivision and development of the site will improve the supply of housing, thus catering for the ageing population. A variety of lot sizes are proposed which can accommodate various dwelling typologies to meet market demands. Overall, the proposal provides positive social, economic and environmental outcomes that will positively contribute to South West Rocks. All environmental impacts are able to be sufficiently mitigated to minimise disturbance to surrounding land uses.

6. Conclusion

This application has been considered against the relevant provisions of Section 75W and 79C of the Environmental Planning and Assessment Act, 1979 including relevant State Environmental Planning Policies, Kempsey Local Environmental Plan 2013 and Kempsey Development Control Plan 2013 and the proposed development is consistent with legislation and Council's controls.

The subject land is zoned RI – General Residential under Kempsey LEP 2013 and the northern portion of the site is zoned E2, however, the proposed modification is contained wholly within the R1 land. Seniors Housing is permissible with development consent and approval is sought under SEPP (Housing for Seniors or People with a Disability) 2004. All services and infrastructure are readily available to the existing site and capable of being extended.

No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, acid sulfate soils, flooding, bushfire, flora and fauna or the provision of utilities. The development is proposed on a disturbed and generally cleared site, in an approved residential area, thus we seek support for this application.

7. Appendices

- A – Site Plan – Seniors Living – Updated Rev A**
- B – Staging Plan – Seniors Living - Updated Rev A**
- C – Overall Staging Plan**
- D – Overall Subdivision Plan**
- E – Site Analysis – Seniors Housing**
- F – Landscape Plan – Seniors - Updated Rev A**
- G – Landscape Plan – Seniors Recreation Area - Updated Rev A**
- H – Clubhouse Plans**
- I – Amenities Building Plans**
- J – Dwelling House – The Alegro - Updated Rev A**
- K – Dwelling House – The Canterbury - Updated Rev A**
- L – Dwelling House – The Jabiru - Updated Rev A**
- M – Dwelling House – The Saltwater - Updated Rev A**
- N – Dwelling House – The Storch - Updated Rev A**
- O – Bushfire Report**
- P – Accessibility Appraisal**
- Q – Acid Sulfate Soils Management Plan**
- R – Response to Submissions – Submitted with Rev A**
- S – Bushfire Letter dated 23 March 2017 – Submitted with Rev A**
- T – Application for SEPP 71 Waiver – Submitted with Rev A**
- U – Draft Boundary Adjustment Plan – Submitted with Rev A**