

KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
Chapter B2: Parking, Access and Traffic Management		
4 - Development Requirements - Road Design and Layout		
<p>a. <i>In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.</i></p>	N/A	<p>The Proposal does not seek to construct any public roads. Internal roadways are reflective of the usage anticipated by residents and visitors. Refer to the Traffic Impact Assessment (TIA) at Appendix 8.</p>
<p>b. <i>Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.</i></p>	N/A	<p>The Proposal does not seek to construct any public roads. Internal roadways are designed to accommodate the expected traffic volumes and vehicle types associated with residents and visitors, reflecting appropriate alignment and design standards. Refer to the TIA at Appendix 8.</p>
<p>c. <i>All new roads are designed in accordance with Council's Engineering Guidelines for Subdivision and Development.</i></p>	N/A	<p>Council's Engineering Guidelines for Subdivision and Development does not stipulate road design requirements for private roadways and internal roadways.</p>
<p>d. <i>Services, utilities and infrastructure associated with the design and construction of roads is designed and constructed in accordance with the relevant components of Council's Engineering Guidelines for Subdivision and Development. Such associated services, utilities and infrastructure includes,</i></p> <ul style="list-style-type: none"> a. <i>Pedestrian paths;</i> b. <i>Street lighting;</i> 	YES	<p>The Proposal seeks to upgrade Gregory Street to align with Council's Pedestrian Access Management Plan. Frontage works on Gregory Street will include pavement widening, a table drain, and a 1.5m wide footpath. Additionally, a new pedestrian crossing north of Lindsay Noonan Drive will feature kerb ramps, kerb build-outs, and a central pedestrian refuge.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<ul style="list-style-type: none"> c. <i>Street tree planting;</i> d. <i>Guide posts; and</i> e. <i>Traffic signs.</i> 		<p>These works would be secured through either a Planning Agreement (PA) or works in kind in the form of a condition of consent.</p> <p>Existing street lighting, planting and traffic signs are located along Gregory Street and are appropriate.</p>
<p>6 - Development Requirements - Property Access</p> <ul style="list-style-type: none"> a. <i>Access to property complies with the requirements of:</i> <ul style="list-style-type: none"> i. <i>the relevant components of Council's Engineering Guidelines for Subdivision and Development; and</i> ii. <i>In urban areas:</i> <ul style="list-style-type: none"> a. <i>Standard Drawing No R13 - Concrete Residential Driveways; and</i> b. <i>The relevant requirements of AS/NZS 2890.1-2004: Parking Facilities, Part 1: Off-street Car Parking.</i> iii. <i>In rural areas:</i> <ul style="list-style-type: none"> a. <i>Standard Drawing No R15 - Standard for Private Vehicle Access from Rural Roads.</i> 	YES	<p>The proposed primary access is 12m wide, comprising a 5m wide entry lane, 2m wide centre island, and 5m wide exit lane. The TIA at Appendix 8 confirms the Proposal has been designed in consideration of Council's Engineering Guidelines for Subdivision and Development.</p>
<ul style="list-style-type: none"> b. <i>All development shall be designed so as to provide for the exit and entry of vehicles from the site in a forward direction.</i> <ul style="list-style-type: none"> i. <i>Council may consider dispensing of this requirement in situations where low traffic volumes and speed reduce the potential for conflict.</i> 	YES	<p>The Proposal will allow for all vehicles to enter and exit the Site in a forward direction.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>c. <i>Site access is not to be located:</i></p> <ul style="list-style-type: none"> i. <i>Close to traffic signals, intersection or roundabouts with inadequate sight distances;</i> ii. <i>Opposite other large developments without a median island;</i> iii. <i>Where there is heavy and constant pedestrian movement on the footpath;</i> iv. <i>Where right turning traffic entering the site may obstruct through traffic; and</i> v. <i>On to a Main Road where alternative access to the site is available.</i> 	YES	<p>Primary vehicular access to the Site is proposed from Gregory Street, adjacent to the northern Site boundary. Access via the classified road is considered most appropriate, as providing primary vehicle access via Racemosa Circuit is not favourable from a traffic perspective. The location of the proposed primary vehicle access will provide approximately 100m separation from the intersection of Lindsay Noonan Drive, which the TIA at Appendix 7 has identified is supportable.</p>
<p>d. <i>The number of access points to a property complies with the following requirements:</i></p> <ul style="list-style-type: none"> i. <i>All allotments/properties are to have at least one direct access to a public road;</i> <ul style="list-style-type: none"> ▪ <i>Variation to this requirement may be granted where the development is small scale and involves limited traffic generation and has an alternative legal access to a public road, such as a right-of-way;</i> ii. <i>The number of access points from a site to any one street frontage is generally limited to a maximum of 1 ingress and 1 egress; and</i> iii. <i>The minimum number of driveways is to be provided to service the needs of the development.</i> 	YES	<p>Primary vehicular access to the Site is proposed from Gregory Street which is a public road. One vehicular access point is proposed from Gregory Street.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>e. <i>Driveways are positioned:</i></p> <ul style="list-style-type: none"> i. <i>To avoid driveways near intersections and road bends;</i> ii. <i>To minimise streetscapes dominated by driveways and garage doors;</i> iii. <i>To maximise on-street parking;</i> iv. <i>To access the lesser order road in preference to accessing a higher order road (eg. access is to be provided from a secondary road in preference to a primary road);</i> v. <i>So as to maximise sight lines to the access point from the road;</i> vi. <i>To avoid any services within the road reserve, such as power poles, drainage inlet pits and existing street trees; and</i> vii. <i>To minimise noise and other amenity impacts to adjacent residential properties.</i> 	YES	The location of the proposed primary vehicle access will provide approximately 100m separation from the intersection of Lindsay Noonan Drive, which the TIA at Appendix 8 has identified is supportable. One vehicular access point is proposed from Gregory Street.
<p>f. <i>Each individual driveway is designed and constructed in accordance with the following requirements:</i></p> <ul style="list-style-type: none"> i. <i>Driveways must be provided in accordance with AS 2890.1 - Parking Facilities; and</i> ii. <i>The width of the driveway reflects the nature and needs of the particular land use.</i> 	YES	The proposed driveways will be constructed in accordance with the relevant Australian standards. The width of the driveway is appropriate to service the Proposal as identified in the TIA at Appendix 8 .
6.2 Fire Service and Emergency Vehicle Access	YES	The Site is bush fire prone land. A secondary vehicle access point is proposed from Racemosa Circuit with access restricted to



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>a. For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Policy No.4 - Guidelines for Emergency Vehicle Access.</p> <p>b. Generally, if a Fire Brigade vehicle must enter a site to access a hydrant, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction.</p> <p>c. For development on Bushfire Prone Land, development is to comply with the access requirements contained in Planning for Bushfire Protection 2006.</p>		<p>emergency vehicles. The internal private road network has been designed to accommodate a 12.5m heavy rigid vehicle (HRV) to ensure adequate access for emergency vehicles.</p>
<p>a. In urban areas, driveway grades comply with Section 2.6 - Design of Domestic Driveways of AS/NSZ 2890.1-2004: Parking Facilities, Part 1 - Off-street Car Parking.</p>	YES	<p>The proposed driveways will be constructed in accordance with the relevant Australian standards.</p>
<p>7 - Development Requirements - On-site Parking and Manoeuvring Areas</p> <p>a. The concept design of the car parking area shall be submitted to Council for approval with the development application.</p> <p>b. All car parking, movement aisles and driveways shall be consistent with the relevant requirements of:</p> <p>i. The following Australian Standards:</p> <ul style="list-style-type: none"> ▪ AS/NSZ 2890.1-2004: Parking Facilities - Off-street Car Parking; 	YES	<p>The design of the proposed parking area is provided at Appendix 4. The proposed parking areas will be constructed in accordance with the relevant Australian standards.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<ul style="list-style-type: none"> ▪ AS 2890.2-2002: Parking Facilities - Off-street Commercial Vehicle Facilities; ▪ AS 2890.3-1993: Parking Facilities - Bicycle parking facilities; ▪ AS 2890.5-1993: Parking Facilities - On-street Parking; and ▪ AS/NZS 2890.6-2009: Parking Facilities - Off-street Parking for People with Disabilities. <p>ii. the RTA Guide to Traffic Generating Developments; and</p> <p>iii. the relevant components of Council's Engineering Guidelines for Subdivision and Development.</p>		
<p>a. Parking shall be provided at the rate relating to the corresponding land use identified on the Schedule contained in Appendix A of this Chapter.</p> <ul style="list-style-type: none"> i. Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number. ii. Where a use falls into more than one category, the total parking provision for each category will be used to determine the amount of parking spaces. iii. Where a development is comprised of a number of uses, Council will give consideration to reducing the total amount of parking required where it can be 	YES	<p>Appendix A requests the following for multi-dwelling housing:</p> <ul style="list-style-type: none"> ▪ 1 covered space per 1 or 2 bedroom unit + 1 visitor space per 4 units, or part thereof. ▪ 2 covered spaces per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof. <p>Accordingly, the number of visitor spaces required for compliance is 26.</p> <p>A total of 26 visitor parking spaces, including two accessible spaces, will be provided within the Site, ensuring compliance with KDCP2013 requirements.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<i>demonstrated that the peak demands generated by each use will not coincide. In this case, a parking demand analysis will need to be submitted with the application.</i>		Each dwelling will be equipped with either a single or double garage, depending on purchaser preference, ensuring adequate on-site parking for residents.
<i>c. All parking generated by a development shall be provided on site, where appropriate.</i>	YES	All parking areas proposed are internal to the Site.
<i>i. Visitor/overflow car parking is to be provided within the development site, and is to be freely accessible at all times. Visitor car parking is to be provided according to the rates specified in Appendix A of this Chapter.</i>	YES	As detailed above, visitor parking is proposed in accordance with the rates specified in Appendix A and all parking areas proposed are internal to the Site.
<i>k. Bicycle and motorcycle parking shall be considered for all developments. l. Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3. m. Motorcycle parking areas shall be 1.2 m (wide) x 2.5 m (long).</i>	YES	Where required, the installation of visitor bicycle parking may be conditioned accordingly.
<i>q. Disabled access parking is to be provided in accordance with the relevant requirements of Australian Standard AS/NZS 2890.6-2009: Parking Facilities - Off-street Parking for People with Disabilities.</i>	YES	Two (2) accessible parking spaces are proposed in proximity to the clubhouse.
<i>r. Where parking cannot be provided onsite, Council may accept payment of a cash contribution in lieu of the required spaces, for commercial development only, in accordance with Council's relevant Section 94 Contributions Plans.</i>	N/A	Not applicable. Adequate parking is provided on Site.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>a. <i>Parking areas shall be designed to achieve a rational circulation of vehicles and avoid potential for internal conflict.</i></p> <p>b. <i>Vehicle ramps, driveways, turning circles and parking spaces shall be concrete and line marked.</i></p> <p>c. <i>Driveway grades, vehicle circulation, vehicular ramp width/grades and passing bays must be in accordance with AS 2890.1 and the relevant components of Council's Engineering Guidelines of Subdivision and Development.</i></p>	YES	The TIA at Appendix 8 has confirmed the parking areas and driveways achieve rational circulation and appropriate provision for vehicle passing.
<p>h. <i>Signposting and pavement markings are provided with accordance with relevant requirements of:</i></p> <p>i. <i>Section 4.3 - Signposting of AS/NSZ 2890.1-2004: Parking Facilities - Off-street Car Parking; and</i></p> <p>ii. <i>Section 4.4 - Pavement Markings of AS/NSZ 2890.1-2004: Parking Facilities - Off-street Car Parking.</i></p>	YES	Installation of sign posting and sign marking may be conditioned accordingly.
<p>a. <i>Accessible car parking spaces are to be provided in accordance with:</i></p> <p>i. <i>the Disability (Access to Premises - Buildings) Standards 2010; and</i></p> <p>ii. <i>AS/NZS 2890.6-2009: Parking Facilities - Off-street parking for people with disabilities</i></p> <p>b. <i>The accessible car parking spaces are to be located as close as possible to the main pedestrian entrance and should have regard to the use and function of the building.</i></p>	YES	Two (2) accessible parking spaces are proposed in proximity to the clubhouse. Section 3.2.1 of the Access Report at Appendix 7 has confirmed compliance with the requirements is readily achievable.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>c. Where access for disabled persons is required to be provided, such spaces shall be clearly sign posted, including appropriate pavement markings and be connected to any building by a paved pathway of suitable gradient.</p> <p>d. Paths of travel throughout the development, catering for people with disabilities, are to be provided in accordance with:</p> <ul style="list-style-type: none"> i. The "Disability (Access to Premises - Buildings) Standards 2010; and ii. The Building Code of Australia. 		
<p>a. Stormwater drainage complies with the relevant provisions of:</p> <ul style="list-style-type: none"> i. the relevant the components of Council's Engineering Guidelines for Subdivision and Development; ii. the relevant requirements of Chapter B5 - Stormwater Management; and iii. the relevant requirements of Chapter B6 - Water Sensitive Urban Design. <p>b. All parking and manoeuvring spaces shall be designed to avoid concentrations of water runoff.</p>	YES	An Integrated Water Management Plan (IWMP) has been prepared in accordance with Council's Guidelines and the KDCCP2013, refer to Appendix 13 .
<p>c. Any required or proposed vehicle washing facilities are to be provided for developments on permeable surfaces or grassed areas. Where there is a risk of polluted runoff, a roofed and bunded wash bay must be provided with appropriate treatment mechanisms to meet applicable standards.</p>	YES	Communal washing facilities are not proposed as adequate space will be provided within each of the dwelling sites for vehicle washing.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<i>Note - Separate approval under Section 68 of the Local Government Act 1993 may be required for the disposal of liquid trade waste into Council's sewerage system.</i>		
<i>d. Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development</i>	YES	The IWMP at Appendix 13 details that stormwater is not proposed to be discharged into any kerbing and guttering or table drains.
Chapter B3: Engineering Requirements for Subdivision and Development		
1 - Introduction <i>This chapter applies to all subdivision and development where engineering/civil work is to be undertaken in conjunction with the proposed development.</i>	NOTED	The Proposal seeks to undertake engineering/civil works and accordingly this Chapter is applicable to the Proposal.
4 - Development Requirements - Administration, Certification and Drawings Qualification of Designers <i>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.</i> <i>b. All plans for bridgeworks, retaining walls, other major structures and pumping stations are to be certified by a Civil Engineer.</i>	YES	The proposed earthworks, retaining walls, roadworks, drainage works, water supply, and sewerage works have been designed by a certified Civil Engineer. Refer to Appendix 4 and Appendix 9 .
Council's Specifications	YES	The Civil Plans at Appendix 9 have been prepared in accordance with Council's Guidelines.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013																				
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<p>c. All plans for engineering/civil works must demonstrate compliance with Council's Engineering Guidelines for Subdivision and Development.</p>																				
<p>5 - Development Requirements - General Services and Easements Provision of Services a. Services are to be provided for all developments as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr style="background-color: #1a522a; color: white;"> <th style="width: 60%;">Service</th> <th style="width: 40%;">Urban Lots</th> </tr> </thead> <tbody> <tr><td>Electricity</td><td>Yes</td></tr> <tr><td>Street Lighting</td><td>Yes</td></tr> <tr><td>Sealed Road</td><td>Yes</td></tr> <tr><td>Kerb & Gutter</td><td>Yes</td></tr> <tr><td>Footpath Paving</td><td>Yes*</td></tr> <tr><td>Water</td><td>Yes</td></tr> <tr><td>Sewer</td><td>Yes</td></tr> <tr><td>Stormwater Easements Piped</td><td>Yes</td></tr> </tbody> </table>	Service	Urban Lots	Electricity	Yes	Street Lighting	Yes	Sealed Road	Yes	Kerb & Gutter	Yes	Footpath Paving	Yes*	Water	Yes	Sewer	Yes	Stormwater Easements Piped	Yes	YES	<p>The Civil Plans at Appendix 9 detail the location of proposed services throughout the estate. Where required, the installation of street lighting may be conditioned accordingly.</p>
Service	Urban Lots																			
Electricity	Yes																			
Street Lighting	Yes																			
Sealed Road	Yes																			
Kerb & Gutter	Yes																			
Footpath Paving	Yes*																			
Water	Yes																			
Sewer	Yes																			
Stormwater Easements Piped	Yes																			
<p>d. The location of services in residential footpaths shall be in accordance with the following space allocations (as for a 3.5 metre wide footpath).</p>	YES	<p>The existing location of services within the residential footpath along Gregroy Street is not proposed to be altered by the Proposal.</p>																		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		Control	Compliance	Comment
Distance from Kerb Line	Usage			
0 - 0.8				An overhead electricity transmission line runs along the Gregory Street frontage and traverses the Site centrally from west to east. The existing transmission line which transverses the Site is contained within a 20m wide easement, refer to Appendix 20 . The Proposal involves the relocation and undergrounding of this electricity power line and amendment of the associated easement. The existing electricity lines located along the Gregory Street frontage are not proposed to be altered. Further details are provided within the Electricity Reticulation Plan at Appendix 20 . To facilitate the relocation and undergrounding of this electricity power line the Proposal involves the installation of a new 11kV underground powerline underbore located within Gregory Street and along the northern portion of the Gregory Street verge fronting the Site. This underground powerline within the verge to Gregory Street will be located greater than 2.6m from the kerb.
0.8 - 1.4	Water			
1.4 - 2.0	Telephone			
2.0 - 2.6	Sewerage			
2.6 - 3.5	Street Lighting and electricity			
e. <i>Conduits must be laid under road pavements to provide for future provision of water, electricity and telecommunication services (including National Broadband Network) to the requirements of the relevant authorities.</i>		YES	The Electricity Reticulation Plan at Appendix 20 details the electricity infrastructure upgrade works involving installation of a substation and undergrounding of powerlines as well as conduits for connections to each of the dwelling sites.	
f. <i>Sub soil drainage lines are to be provided behind all pavements and below the invert of any service crossing.</i>		N/A	Sub soil drainage may be a result of detailed design.	



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
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<p>6 - Development Requirements - Water Supply</p> <p>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.</p> <p>b. Parks created by the subdivision are to be connected to a recycled water reticulation system.</p> <p>c. Where a recycled water reticulation system is available or planned to be available to the site, recycled water shall be used for:</p> <ul style="list-style-type: none"> i. Hot water systems; ii. Washing machine cold water tap; and iii. Other non potable uses as permitted. <p>d. Where a recycled water reticulation system is available or planned to be available to the site, potable water shall be used for:</p> <ul style="list-style-type: none"> i. Kitchen, bathroom and laundry tub cold water taps; ii. Pool filling; and iii. Fire fighting. <p>e. Ensure infrastructure is designed to minimise the risk of cross-connection of potable and non-potable systems, for both public and private infrastructure.</p>	<p>N/A</p>	<p>A non-potable water line will be provided to the Site.</p>
Chapter B4: Earthworks and Sediment Erosion Control		
<p>4 - Development Requirements 4.1 Geotechnical Investigations</p>	<p>YES</p>	<p>A Geotechnical Assessment has been prepared by Hunter Geotechnical Services (HGS) and is provided at Appendix 14. The</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
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<p>a. <i>Development applications for site disturbance, excavation or filling (other than for minor building modifications or flood mounds for holding stock during flood events) including, demolition, excavation, trenching and building are to include details of geotechnical conditions at the site and any proposed measures to ensure the site is suitable for the development proposed.</i></p> <p>b. <i>Development applications involving a site with potential slope instability issues must include a slope stability geotechnical assessment, prepared by a suitably qualified person, to confirm the site is suitable for the development proposed.</i></p> <p>c. <i>Prior to the commencement of construction, detailed drawings shall be prepared and certified by a qualified structural engineer to demonstrate that any improvements, services and/or civil works will be safe, serviceable and repairable, taking into account the geotechnical conditions at the site.</i></p>		<p>Civil Plans at Appendix 9 have been prepared in consideration of the Geotechnical Report findings.</p>
<p>4.2 Earthworks</p> <p>a. <i>Site regrading and earthworks are undertaken in accordance with the relevant requirements of Development Design Specification D6 - Site Regrading of Council's Engineering Guidelines for Subdivision and Development.</i></p> <p>b. <i>Earthworks are undertaken in accordance with the relevant requirements of Development Construction Specification C213</i></p>	YES	<p>The Earthworks Plan within Appendix 9 has been prepared in accordance with Council's Guidelines and will be carried out in accordance with the recommendations of the geotechnical Report.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>- Earthworks of Council's Engineering Guidelines for Subdivision and Development.</p> <p>c. Earthworks are carried out in accordance with the approved Specification submitted by the applicant's Geotechnical Engineer, where relevant.</p>		
<p>4.3 Sediment and Erosion Control</p> <p>a. An erosion and sediment control plan is to be submitted and approved with a development application for development involving site disturbance generally less than 2000m² in accordance with:</p> <ul style="list-style-type: none"> i. Council's Engineering Guidelines for Subdivision and Development; and ii. <i>Managing Urban Water Soils and Construction NSW</i> (ie the "blue" book). 	N/A	<p>The Site is 4.16ha and the Proposal involves site disturbance to the full extent of the Site area accordingly an erosion and sediment control plan may be conditioned to be provided prior to issuance of the relevant Construction Certificate (CC).</p>
<p>b. Where developments involve large areas of site disturbance, a Soil and Water Management Plan demonstrating compliance with the relevant requirements of the following is to be submitted and approved by the consent authority:</p> <ul style="list-style-type: none"> i. Development Design Specification D7 - Erosion Control and Stormwater Management of Council's Engineering Guidelines for Subdivision and Development; and 	YES	<p>An IWMP is provided at Appendix13. An Erosion and Sediment Control Plan may be conditioned to be provided prior to issuance of the relevant Construction Certificate (CC).</p> <p>The Earthworks Plan at Appendix 9 details the Proposal will involve the re-use of top soils.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<ul style="list-style-type: none"> <li style="margin-left: 20px;">ii. <i>Managing Urban Water Soils and Construction NSW (ie the "blue" book).</i> c. <i>Saving and re-using top soil and the incorporation of additives to improve existing soils is preferred to the importation of soils for landscaping.</i> d. <i>Sediment and erosion controls measures complying with the relevant requirements of the following are to be undertaken during construction works:</i> <ul style="list-style-type: none"> i. <i>Construction Specification C211 - Control of Erosion and Sedimentation of Council's Engineering Guidelines for Subdivision and Development; and</i> ii. <i>The approved Erosion and Sediment Control Plan, where relevant; and</i> iii. <i>The approved Soil and Water Management Plan, where relevant.</i> e. <i>The site must be fully stabilised before erosion and sediment controls are removed.</i> 		
Chapter B5 – Stormwater Management (Drainage System Design)		
<p>4 - Development Requirements 4.1 General 4.1.1 General</p> <ul style="list-style-type: none"> a. <i>An application for subdivision or development involving significant impervious area must be accompanied by a</i> 	YES	<p>An IWMP has been prepared by King + Campbell and is provided at Appendix 13. The IWMP has been prepared in accordance with Councils guidelines.</p> <p>The proposed pickleball court is located in the southwest corner of the Site. This location has been chosen to accommodate the</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
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<p><i>Stormwater Management Plan, incorporating WSUD, prepared by a certified practicing Engineer.</i></p> <p><i>b. The Designer shall adopt the 'major/minor' approach to urban drainage systems as outlined in the current version of Australian Rainfall and Runoff.</i></p> <p><i>c. The storm water drainage system is to be designed in accordance with:</i></p> <ul style="list-style-type: none"> <i>i. Council's Engineering Guidelines for Subdivision and Development;</i> <i>ii. The current version of Australian Rainfall and Runoff;</i> <i>iii. Any relevant Australian Guidelines; and</i> <i>iv. Any relevant industry guidelines.</i> <p><i>d. Flows through the major system shall follow a designated overland flow path, which shall:</i></p> <ul style="list-style-type: none"> <i>i. Follow a road if the catchment area is small; and/or</i> <i>ii. Follow a natural water course or, as a last resort, a drainage reserve, if it is impractical or unsafe for a road to carry the excess flows; and</i> <i>iii. Not increase risk to public safety; and</i> <i>iv. Not exceed the capacity to safely transport design flows including minor system blockages and storm flows from events greater than the design event without property damage.</i> 		<p>underground stormwater detention tank, making the dual use of this area appropriate.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
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<p>e. <i>Detention and retention basins are to be integrated into public open space such that there is no loss of function, where appropriate.</i></p>		
<p>4.1.2 Site Drainage</p> <p>a. <i>The drainage system has the capacity to control site specific design surface flows and additional flows entering the site from upstream property to stop stormwater entering dwellings during the design event.</i></p> <p>b. <i>Development of the site is situated and designed to eliminate water inundation.</i></p> <p>c. <i>The drainage system shall be designed to minimise ponding for protracted periods of time.</i></p> <p>d. <i>Various source control measures to minimise the quantity of stormwater runoff shall be deployed where site conditions allow.</i></p>	YES	<p>The IWMP at Appendix 13 has considered the additional flows entering the Site from upstream properties. The SMP has been prepared to manage stormwater rates for the 20%, 5%, and 1% AEP storms.</p>
<p>4.2 Water Quality</p> <p>a. <i>On development sites where the existing groundwater level is close to the surface, Council may require submission of a Hydrogeological Report including the interaction between surface and groundwater flows.</i></p> <p>b. <i>The current version of Australian Runoff Quality (Institute Engineers) design guideline is to be used to estimate urban stormwater contaminants, quality management practices and procedures for estimating performance.</i></p>	YES	<p>An IWMP has been prepared by King + Campbell and is provided at Appendix 13. The stormwater treatment system includes two (2) privately managed Atlan basins and two (2) Atlan Ecoceptors, forming the primary elements of the treatment train. The proposed detention tank is designed exclusively for upstream catchment flows and does not contribute to the treatment train for the Proposal.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>c. <i>Proposed Water Sensitive Urban Design stormwater quality treatment train options are to be assessed using the MUSIC model. In areas where there is an existing and or proposed recycled water system water tanks cannot be used to treat or store water for reuse.</i></p> <p>d. <i>Urban Stormwater drainage systems are to be designed and constructed to effectively capture and remove gross pollutants using a combination of at source and inline systems only.</i></p> <p>e. <i>The quality of the water retained and or leaving the urban development is to meet the current Guidelines for Managing Risks in Recreational Water and ANZECC Guidelines.</i></p> <p>f. <i>Both temporary and permanent stormwater drainage systems are to be designed to retain sediment generated by development in accordance with Councils Engineering Guidelines for Subdivision and Development and the current Landcom publication <i>Managing Urban Stormwater - Soils and Construction</i>.</i></p> <p>g. <i>Where groundwater recharge is deemed appropriate, the quality of the water collected from the site for this purpose is to meet current Guidelines for Managing Risks in Recreational Water and ANZECC Guidelines.</i></p>		<p>The system features two (2) Atlan Ecoceptor Class 3 GPTs and two (2) Atlan Basins (SQIDDEP verified) 4L/s systems, strategically located in the southwest corner and southern sections of the Site, refer to Figure 35 of the Environmental Impact Statement (EIS).</p>
<p>4.3 Water Cycle Balance</p> <p>a. <i>A Water Balance Assessment is to be provided for developments where the water balance will be disturbed.</i></p>	N/A	<p>The Proposal will not alter the water balance and will not discharge into wetlands. The Proposal will connect to Council's existing stormwater network along Gregory Street and will incorporate a 350m³ stormwater detention tank.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>i. Where the development drains into a designated wetland, a Wetlands Water Balance Report is to be prepared by an appropriately qualified and experienced person having regard to, but not limited to, precipitation, surface water, groundwater etc.</i></p> <p><i>b. No direct drainage to designated Wetlands or associated buffers and or habitat protection zones will be permitted.</i></p> <p><i>c. The development is not to alter the natural water balance of downstream wetlands.</i></p> <p><i>d. All stormwater passing through the development from the surrounding catchment is to be controlled and managed.</i></p> <p><i>e. Identify stormwater quantity management practices and procedures for estimating the performance of these practices in accordance with Council's Engineering Guidelines for Subdivision and Development.</i></p> <p><i>f. Stormwater systems are to minimise erosion.</i></p> <p><i>g. A stormwater system does not adversely detract from the principal function of open space areas where they are utilised for infiltration of runoff and stormwater retention.</i></p>		<p>An IWMP has been prepared by King + Campbell and is provided at Appendix 13.</p>
<p>4.4 Stormwater Reuse (Harvesting)</p> <p><i>a. Stormwater harvesting options will generally not be permitted where the development has or will have access to a Council recycled water supply system.</i></p>	N/A	<p>The Proposal does not seek to undertake stormwater harvesting.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>b. <i>Urban stormwater harvesting and reuse is not to be used as a source of raw water for use in large scale potable water schemes.</i></p> <p>c. <i>In developments where it is suitable to install Porous Pavement the area is isolated from sources of sediment during construction and post construction and is not a high or heavily trafficked area.</i></p> <p>d. <i>In developments where suitable site conditions allow the installation of infiltration devices are permitted. Design and construction is to be consistent with Councils Engineering Guidelines for Subdivision and Development, the inlet is fitted with a silt trap and overflow pipe connected to the stormwater drainage system.</i></p> <p>e. <i>Council will require any proposal to store rainwater in an underground aquifer for later non-potable reuse will require a detailed Design and Management Plan prepared by an experienced and qualified person which addresses elements such as hydrology, hydrogeology, soils, pollutants, public health and any other related matters.</i></p> <p>f. <i>In developments where it is suitable to install rainwater tanks the source of the rainwater is to be limited to rooves, the collection system is to have a first flush device for removing pollutants, the water from the tank is to be used in the main for toilet flushing irrigation and laundry, the overflow is connected to an infiltration device (where soils allow) or the</i></p>		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>stormwater drainage system, noise from pressure pumps do not exceed 5dB(A) above ambient background noise measured at the lot boundary.</i></p> <p><i>g. In developments where it is suitable to install rainwater tanks and the source of the rainwater is other than roof water (driveways, paved areas or grassed surfaces) then there will be no interconnection with the potable water supply network at the site, the collection system has integrated into it first flush pit or oil/grit separator and the fixtures are to be marked "Not Suitable for Drinking".</i></p>		
<p>4.6 Public Health</p> <p><i>a. Identify the health effects of the urban development proposal and measures to mitigate those effects having regard to the NSW Government publication Healthy Urban Development Checklist guidelines.</i></p> <p><i>b. Safety and convenience for pedestrians and traffic in frequent stormwater flows is provided by controlling these flows within prescribed limits.</i></p>	YES	<p>The IWMP prepared by King + Campbell, provided at Appendix 13, outlines measures to control stormwater flows within prescribed limits, ensuring pedestrian and traffic safety during storm events.</p>
Chapter B9: Landscaping		
<p>4 - Development Requirements - General</p> <p>4.1 Landscape Plans</p> <p><i>a. Landscape Concept Plans are required to accompany Development Applications (DAs) for:</i></p> <ul style="list-style-type: none"> <i>▪ industrial development;</i> 	YES	<p>Details on proposed landscaping are provided at Appendix 9.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<ul style="list-style-type: none"> ▪ <i>commercial development (where the placement of landscaping is possible);</i> ▪ <i>tourist development;</i> ▪ <i>multi- dwelling housing;</i> ▪ <i>residential flat building developments (i.e. three or more dwelling units); and</i> ▪ <i>subdivision;</i> ▪ <i>any subdivision involving the opening of a new road;</i> ▪ <i>any development adjacent to or impacting on public recreation areas; and</i> ▪ <i>any other development as determined by Council.</i> ▪ Note - <i>Council will exercise discretion in whether a landscape plan will be required or not.</i> <p><i>b. Detailed Landscape Plans are required prior to issue of a Construction Certificate, or with the development application, if determined by Council.</i></p> <p><i>c. Landscaping will need to be installed prior to the issue of an Occupation Certificate or Subdivision Certificate. In the case of larger scale development, Council may ask for a Works-as-Executed drawing prior to the issue of the relevant certificate or following a reasonable maintenance period.</i></p>		
<p>4.2 Retention of Existing Trees and Established Vegetation</p> <p><i>a. Species selected for retention are to be suitable for the site conditions.</i></p>	N/A	The Proposal seeks to remove the two (2) existing trees within the Site. No trees are proposed to be retained.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>b. Mature vegetation that has habitat, civic or heritage values shall be conserved.</i></p> <p><i>c. All works around existing trees are to comply with Australian Standards AS 4970-2009: Protection of Trees on Development Sites. A Certificate of Compliance from a certified or registered arborist may be required to be submitted to the Consent Authority upon completion of works.</i></p> <p><i>d. Tree protection fencing shall be erected prior to the commencement of any construction works. Materials and equipment are not to be stored within the fenced tree protection zone.</i></p> <p><i>e. Tree protection measures are to be installed and maintained around trees to be retained in accordance with the relevant Australian Standard AS 4970-2009: Protection of Trees on Development Sites.</i></p> <p><i>f. Any pruning or trimming of vegetation is to be in accordance with AS4373: Pruning of Amenity Trees. Damage to any trees as a result of pruning is to be rectified where possible. A Certificate of Compliance from a certified or registered arborist may be required to be submitted to the Consent Authority upon completion of works.</i></p> <p><i>g. Plants that are known to drop large limbs should generally be removed, or kept away from carparking and development areas to minimise damage.</i></p>		<p>Extensive cut and fill works are required to facilitate the Proposal. Bulk earthworks will result in approximately 1-2m of fill being placed over the root plates and around the trunks of the two (2) existing trees within the Site (identified as Trees T01 and T02). This will significantly impact gaseous exchange between the soil and air, leading to large-scale root loss due to unfavourable soil conditions. Additionally, the placement of soil around the trunks may create conditions conducive to decay-causing fungi, compromising structural stability over time.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>4.3 Landscaping Near Utility Services</p> <ul style="list-style-type: none"> a. <i>Species mature height and root spread must not interfere with or compromise overhead and underground utility assets, including stormwater inlet pits.</i> b. <i>Tree planting must be a minimum of 2m from any trunk water easements and offset 4m from any sewer main or inspection chamber.</i> c. <i>Landscaping near electric lines or substations, is designed and developed to achieve the following:</i> <ul style="list-style-type: none"> i. <i>On land beneath, or within 5m of land beneath, an electric line, or within 5m of a substation boundary, any vegetation at maturity or landscaping structures or works do not exceed 4m in height;</i> ii. <i>Otherwise, vegetation is planted in a position that is further from the nearest edge of the land beneath electric line or substation boundary than the expected maximum height at maturity of the vegetation; and</i> iii. <i>On land adjoining an electricity substation boundary, the vegetation foliage at maturity is not within 3m of the substation boundary. However, where a substation has a solid wall along any part of its boundary, foliage may extend to, but not above or beyond, that solid wall, provided there is personnel and vehicular access available to the electricity works.</i> 	YES	<p>The Landscape Plans at Appendix 9 have been prepared in accordance with the utility requirements.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>d. Plant species should be carefully selected to meet service authority requirements within easements (Refer to Appendix E for a list of plants that are unsuitable to be planted near sewer lines).</i></p>		
<p>4.4 Consideration of On-site Stormwater</p> <p><i>a. Landscape design takes into account and does not adversely disrupt the flow of water along overland flow paths.</i></p> <p><i>b. Landscaping maximises opportunities for on-site infiltration by:</i></p> <ul style="list-style-type: none"> <i>i. Minimising impervious surfaces and incorporating semi-permeable paving products;</i> <i>ii. Falling hard surfaces towards surfaces such as turf or mulched areas;</i> <i>iii. Maximising opportunities for turf and planting areas; and</i> <i>iv. Aligning planting areas parallel to contours to slow the flow of surface water.</i> <p><i>c. Provision for drainage is incorporated through treatments such as sub-surface drains, swales, ponds and infiltration cells.</i></p> <p>Note - <i>If waterbodies are being constructed, they should be designed to have shallow edges, or include other safety measures, for community safety reasons.</i></p>	YES	<p>The Landscape Plans at Appendix 9 have been prepared in accordance with the anticipated overland flow paths.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>d. Sediment and erosion control measures are undertaken in accordance with the relevant requirements of Chapter B4 - Earthworks and Sediment Erosion Control.</p> <p>e. Planter boxes on podiums and building forecourts are plumbed to the stormwater system, in such a manner to mitigate any issues associated with erosion and contamination.</p>		
Chapter B10: Tree Preservation and Vegetation Management		
<p>5 - Development Requirements</p> <p>5.1 Tree and Vegetation Removal and Other Actions</p> <p>a. Adequate justification is required for the removal of the tree/vegetation. For example:</p> <ul style="list-style-type: none"> i. Whether the tree is dying or dead; ii. Whether the tree is structurally unsound; iii. Whether the tree is diseased; iv. Whether remedial pruning would improve any of the above conditions to a satisfactory state; v. Whether the tree is likely to substantially interfere with private property and/or public infrastructure and/or services; vi. Whether the tree is likely to substantially interfere with the efficiency of a solar heating appliance; and vii. Whether the tree is a substantial threat to property or life. 	YES	<p>Extensive cut and fill works are required to facilitate the Proposal. Bulk earthworks will result in approximately 1-2m of fill being placed over the root plates and around the trunks of the two (2) existing trees within the Site (identified as Trees T01 and T02). This will significantly impact gaseous exchange between the soil and air, leading to large-scale root loss due to unfavourable soil conditions. Additionally, the placement of soil around the trunks may create conditions conducive to decay-causing fungi, compromising structural stability over time.</p> <p>Both trees are located in proximity to a proposed access road and dwelling site. Given their position and the extent of the proposed works, their removal is necessary to facilitate the Proposal. Furthermore, both trees exhibit potential structural defects that may make them vulnerable to limb failure or total collapse once the surrounding canopy is cleared.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>Note - it may be necessary to submit an Arborist consultant's report to assist in the assessment of the application. Seek advice as to whether an Aborist Consultant's report is required from Council prior to lodging an application.</p> <p>Note - the following arguments will not normally be sufficient justification:</p> <ul style="list-style-type: none"> ▪ Falling leaves, flowers, fruit or twigs; and ▪ View creation or preservation. <p>b. Where potential risk can be mitigated by the relocation of items (eg: seating, play equipment, parking areas), or restrictions on use, then these mitigation measures are to be pursued in preference to removal of the tree.</p> <p>c. Any consent issued under this chapter is only valid for a period of twelve (12) months from the date of the application.</p> <p>d. Any actions on trees and other vegetation must be carried out in accordance with:</p> <ol style="list-style-type: none"> i. the Australian Standards 4373-1996: Pruning of Amenity Trees; and ii. the Electricity Supply Act 1995. <p>e. Where a permit has been issued and is subject to conditions, the person to whom the permit has been issued is responsible to ensure that all conditions are met.</p>		<p>A BDAR Waiver has been prepared by JB Enviro and is provided at Appendix 11. An Arboricultural Impact Assessment (AIA) has been prepared by King + Campbell and is provided at Appendix 16.</p> <p>A total of 196 trees are proposed to be planted throughout the Site.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>f. Replacement planting of trees endemic to the area will be required at Council's discretion.</p> <p>g. The minimum number of trees and/or the minimum amount of vegetation is to be removed from the site.</p> <p>h. Vegetation in the vicinity of the trees/vegetation on which actions are proposed to be undertaken are to be protected in accordance with any reasonable and relevant requirements of Australian Standard AS 4970-2009: Protection of Trees on Development Sites.</p> <p>i. The removal of vegetation is not to have a negative impact on any threatened species of flora and fauna.</p> <p>Note - A report, prepared by a suitably qualified ecological consultant, may be required to support the application and assist assessment against this Development Requirement.</p> <p>j. The relevant development requirements of Chapter B11 - Koala Habitat Management, are appropriately addressed, where relevant.</p> <p>k. Vegetation forming part of an Endangered Ecological Community (EEC) is to be preserved, wherever possible and practicable.</p> <p style="padding-left: 20px;">i. EEC vegetation is to be removed only in the most limited of circumstances where no other alternative exists to mitigate an immediate hazard to human life.</p>		
Chapter B11: Koala Habitat Management		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>4 - Development Requirements</p> <p>a. <i>Development applications identify whether there is any koala habitat on site, including any koala feed trees (refer to Appendix A of this Chapter).</i></p> <p>b. <i>Development applications address the relevant procedures and requirements of Volume 1 (Working Provisions) of the Comprehensive Koala Plan of Management for the Eastern Portion of Kempsey Shire LGA (CKPoM).</i></p> <p>c. <i>Development applications address the relevant requirements of State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP44).</i></p>	YES	<p>A BDAR Waiver has been prepared by JB Enviro and is provided at Appendix 11. The two affected Eucalyptus microcorys (Tallowwood) trees meet the definition of Preferred Koala Food Trees. However, these trees are located outside the mapped Potential Koala Habitat (refer to Figure 38 of the EIS) and therefore their removal does not trigger offset requirements under the Kempsey CKPoM. No evidence of Koala activity was observed on these trees.</p> <p>The requirement for removal of these trees is based on both ecological and engineering constraints. Their retention is impractical due to the required earthworks, which would undermine the trees long-term stability and viability. While Tallowwood is a primary preferred Koala food tree in the Kempsey LGA, no evidence suggests that these trees form part of a Koala's home range. Furthermore, their removal may reduce the likelihood of Koalas entering an area where threats such as vehicle strikes and dog attacks are heightened due to existing barriers such as fencing.</p> <p>The Ecological Report concludes that the Site has been largely cleared by previous landowners, with recent approvals further diminishing its ecological value. No significant habitat features, such as hollow-bearing trees, remain, and the two (2) Tallowwoods are isolated from nearby forested areas by cleared</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
		<p>land. No threatened flora or fauna species were recorded on the Site, and only highly mobile threatened species were considered to have low potential to use the area as a marginal extension of their range.</p> <p>While the proposed tree removal will contribute incrementally to habitat loss in South West Rocks, it is unlikely to have a significant impact on local threatened species populations. Given the absence of critical breeding or connectivity areas, the presence of alternative habitat, and the ecological characteristics of the affected species, the Ecological Report has concluded the Proposal is not expected to compromise the viability of any local populations.</p>
Chapter B12: Aboriginal Heritage		
<p>5 - Development Requirements 5.1 Due Diligence Check a. <i>For developments that are located within landscape features that are likely to indicate presence of Aboriginal objects, a due diligence check in accordance with the Due Diligence Code is required to be submitted in support of the application.</i></p>	YES	<p>A desktop assessment and visual inspection of the Site have been conducted as part of the Aboriginal Heritage Due Diligence Assessment. Refer to Appendix 18.</p>
Chapter B15: Crime Prevention Through Environmental Design (CPTED)		
<p>4 - Development Requirements 4.2 Natural Lines of Sight</p>	YES	<p>The Landscape Plans provided at Appendix 9 have been prepared in accordance with the CPTED provisions.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>a. <i>Landscaping should:</i></p> <ul style="list-style-type: none"> i. <i>not block opportunities for surveillance or provide opportunities for concealment (e.g. ground covers and well maintained shrubs); or</i> ii. <i>afford shade and comfort without limiting observation opportunities (e.g. tall trees with low branches removed to a height of 1.8m).</i> <p>b. <i>Blind corners should be avoided (e.g. by installing mirrors, by building corners from clear materials or by designing curves or angles in place of 90 degree corners).</i></p> <p>c. <i>Conditions of consent may require an adequate lighting plan to ensure that surveillance of the site is also possible during the hours of darkness.</i></p> <p>d. <i>Where possible, sites should be planned to avoid the creation of remote and potentially unsafe areas e.g. isolated and obscured car parking at the rear of a site.</i></p>		<p>The TIA at Appendix 8 has confirmed the Proposal does not include any blind corners.</p> <p>Where required, a lighting plan may be conditioned.</p> <p>Car parking areas are located sporadically throughout the Site and are not located in isolated locations.</p>
<p>4.4 Residential Accommodation</p> <p>a. <i>Private spaces such as court yards, stairwells and parking bays should be clearly identified to reduce use by undesirable users.</i></p> <ul style="list-style-type: none"> 1. <i>Strategies may include the use of pavers, varied textured paths, fencing, log barriers, landscaping and others.</i> 2. <i>Private spaces should be clearly distinguished from public areas.</i> 	YES	<p>An electric gate with an intercom and swipecard reader (or similar) will restrict vehicle access for visitors and residents. All pedestrian access points will also be equipped with gates featuring intercom and swipecard readers.</p> <p>Where required, a lighting plan may be conditioned.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>b. Accommodation units should be designed to allow people within the units to observe and monitor communal areas within the development and the street area, eg. car parks, swimming pool areas, gardens etc.</p> <p>c. Lighting should be provided within the site. Areas requiring lighting should include driveways, property entrances, parking areas, footpaths, communal service areas (eg. rubbish bin bays, letterboxes, clothes lines), lobbies and stairwells.</p> <p>d. Lighting in communal areas and areas accessible by the public should be illuminated in hours of darkness or should be sensor/movement sensitive.</p>		
<p>4.7 Fencing</p> <p>a. The height of a fence should be a maximum of 2 metres. Areas adjacent to access ways to public lands may have semi-transparent fences up to 2 metres high.</p> <p>b. Fencing should be designed to consider opportunities for surveillance and monitoring.</p> <p>c. For commercial or industrial sites, when deciding on fencing type, consideration must be given to:</p> <ol style="list-style-type: none"> i. the desired role of the fence; ii. the use of neighbouring sites; iii. the need for definition or identification of a site versus screening a site; iv. likely after-hours activities on the current and neighbouring sites; 	<p>COMPLIES ON MERIT</p>	<p>As shown in Section 6.1.6 of the EIS, fencing within the setback to Gregory Street will comprise 1.2m high permeable fencing atop terraced, split-face concrete block retaining walls ranging from 0.8m to 1.2m in height. The design minimises the extent of retaining walls along the frontage to reduce visual bulk and provide a more integrated street interface. The permeable nature of the fencing supports passive surveillance and monitoring.</p> <p>The proposed pickleball court, located in the southwest corner of the Site, will feature 3m high black chainwire fencing. This height is standard for pickleball courts and is necessary to contain play effectively. The fence will be set back approximately 4m from the Gregory Street frontage and 3m from the southern boundary. The court's location accommodates the underground stormwater</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<ul style="list-style-type: none"> v. existing or planned lighting for the site; vi. the need for gates to restrict after-hours access; and vii. the impact on streetscapes. 		<p>detention tank, allowing for efficient dual use while maintaining visual amenity.</p> <p>Access to the Site will be controlled through an electric vehicle gate equipped with an intercom and swipe card reader for visitors and residents. All pedestrian access points will also have gates with intercom and swipe card readers, ensuring secure after-hours access control.</p> <p>Details of the proposed fencing are provided at Appendix 9.</p>
Chapter B16: Site Waste Minimisation and Prevention		
<p>5 - Development Requirements - Development Specific</p> <p>5.1 Higher Density Residential (Town Houses, Apartments and Villas)</p> <ul style="list-style-type: none"> a. A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application. <p>Plans</p> <ul style="list-style-type: none"> b. Plans submitted with a development application must show: <ul style="list-style-type: none"> i. For all multi dwelling housing and seniors housing: <ul style="list-style-type: none"> ▪ The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins; 	YES	<p>An Operational Waste Management Plan (OWMP) is provided at Appendix 17. Residents will be responsible for transporting their waste to the communal bin areas (as identified in Appendix 9).</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<ul style="list-style-type: none"> ▪ <i>An identified location for individual compost containers or communal compost container;</i> ▪ <i>An identified collection point for the collection and emptying of Council's waste, recycling and garden waste bins;</i> ▪ <i>The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area); and</i> ▪ <i>The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.</i> <p><i>c. Systems should be designed to maximise source separation and recovery of recyclables.</i></p> <p><i>d. Waste management systems should be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.</i></p>		
<p>Minimum Collection and Storage Facilities <i>The following minimum collection and storage facilities shall be provided:</i></p> <p><i>i. For all multi dwelling housing and seniors housing:</i></p> <ul style="list-style-type: none"> ▪ <i>Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the</i> 	YES	<p>The OWMP provided at Appendix 17 concludes the operation of the medium density housing estate is expected to generate approximately 8,080 litres of general waste, 4,040 litres of recycling, and 2,525 litres of Food Organics and Garden Organics (FOGO) per week.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>form of a waste/recycling storage room (or rooms) designed in accordance with Appendix D: Waste Recycling/Storage Rooms in Multi-Unit Dwellings and the Better Practice Guide for Waste Management in Multi-Unit Dwellings; and</i></p> <ul style="list-style-type: none"> ▪ <i>Space must be provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts;</i> ▪ <i>The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.</i> 		<p>Waste collection will be managed by a private contractor using bulk bins and wheelie bins, stored within designated communal bin areas. The proposed bin quantities and collection frequencies are as follows:</p> <ul style="list-style-type: none"> ▪ General Waste: 10 x 660L bins, collected twice weekly ▪ Recycling: 10 x 660L bins, collected once weekly ▪ FOGO: 20 x 240L bins, collected once weekly <p>Residents will be responsible for transporting their waste to the communal bin areas (as identified in Appendix 9) and correctly disposing of materials into the designated bins. The Land Lease Community operator will oversee bin capacity monitoring to ensure efficient waste management.</p>
<p>Location and Design Criteria for Collection and Storage facilities</p> <p><i>f. The following location and design criteria shall apply to collection and storage facilities:</i></p> <ul style="list-style-type: none"> <i>i. In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.</i> <i>ii. There must be an unobstructed and Continuous Accessible Path of Travel (as per Australian Standard</i> 	YES	<p>Communal waste storage areas are identified in Appendix 9 and are located and designed in accordance with these requirements.</p> <p>The largest anticipated refuse collection vehicle, a rear load truck approximately 10.5m in length, will access the Site via Gregory Street. The TIA has confirmed the anticipated refuse collection vehicles can appropriately navigate the Site. Refer to Appendix 8.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>1428 Design for Access and Mobility - 2001) from the waste/recycling storage area(s) or room(s) to:</i></p> <ul style="list-style-type: none"> ▪ <i>the entry to any Adaptable Housing (as per Australian Standard 4299 Adaptable Housing - 1995);</i> ▪ <i>the principal entrance to each residential flat building; and</i> ▪ <i>the point at which bins are collected/emptied.</i> ▪ Note - <i>In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s).</i> <p><i>iii. Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.</i></p> <p><i>iv. Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.</i></p> <p><i>v. Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite are to be</i></p>		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance.</p> <p>vi. Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at Appendix E: Garbage Truck Dimensions for Residential Waste Collection). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.</p> <p>Note - As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be</p>		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>conducted prior to Council agreeing to undertake the service.</p> <p>vii. Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with Australian Standard 2890.2 Parking Facilities - Off-Street Commercial Vehicle Facilities - 2002.</p> <p>viii. If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.</p> <p>ix. If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.</p> <p>x. Residents should have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas should be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.</p>		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>xi. The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.</i></p>		
<p>Management Responsibilities</p> <p><i>g. The following management responsibilities shall be addressed:</i></p> <p><i>i. Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.</i></p> <p><i>ii. All records demonstrating lawful disposal of waste (ie contracts, weighbridge dockets and invoices for waste disposal or recycling services) are to be retained by the owners/owner's corporation. These records are to be made readily accessible for inspection by regulatory authorities such as council, DECCW or WorkCover NSW.</i></p>	YES	The Land Lease Community operator will oversee management and record of waste and recyclable materials.
Chapter C1: Residential Development - Urban Areas		
<p>4 - Precincts within Residential Zones</p> <p>4.1 Precincts Based on Desired Density</p>	NOTED	The Site is located within South West Rocks which is a medium density precinct by virtue of not being identified in the referenced table and maps.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013											
Control	Compliance	Comment									
<p>This chapter identifies the following precincts in the Shire's towns and villages:</p> <ul style="list-style-type: none"> Low Density Precinct; Medium Density Precinct; and Medium to High Density Precinct. 											
<p>5 - Development Requirements</p> <p>5.1 Lot Size and Density</p> <p>a. The residential densities specified below will be a fundamental determinant of dwelling yield or densities on individual sites within each density area or precinct. Land contained within each density category shall, for each 1, 2, 3 or 4 bedroom dwelling proposed, have a site area of not less than that indicated in Column 1 of the following table.</p> <p>b. A common landscaped area of not less than that indicated in Column 2 of the following table is to be provided on each development site.</p> <p>Note - The site area per dwelling must accommodate the minimum landscaped area.</p> <table border="1" data-bbox="208 1114 1032 1169"> <thead> <tr> <th>Residential Density Precinct</th> <th>Dwelling Size</th> <th>Column 1 Minimum Site Area (m²)</th> <th>Column 2 Minimum Landscaped Area (m²)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Residential Density Precinct	Dwelling Size	Column 1 Minimum Site Area (m ²)	Column 2 Minimum Landscaped Area (m ²)					<p>YES</p>	<p>The Site is approximately 4.164 hectares. The low density housing estate is intended to comprise dwellings suitable for 'couples without dependants' and 'lone person households' and accordingly the homes are anticipated to be 2-3 bedroom dwellings as per the preliminary home designs provided at Appendix 19. In accordance with this clause the maximum dwelling yield of the Site is as follows:</p> <ul style="list-style-type: none"> 128 dwellings where the Proposal is for all 2 bedroom units 93 dwellings where the Proposal is for all 3 bedroom units <p>The Proposal is for a low density housing estate comprising 101 dwellings and therefore in accordance with this clause. A maximum of 72 two (2) or three (3) bedroom dwellings and 29 (two) bedroom dwellings can be accommodated at the Site to comply with this control.</p>	
Residential Density Precinct	Dwelling Size	Column 1 Minimum Site Area (m ²)	Column 2 Minimum Landscaped Area (m ²)								



KEMPSEY DEVELOPMENT CONTROL PLAN 2013			
Control		Compliance	Comment
Medium Density	1 bedroom	170	60
	2 bedroom	240	85
	3 bedroom	330	115
	4 bedroom	420	145
5.2 Building Siting and Design		YES	<p>The Master Plan provided at Appendix 9 indicates the requested 5m front setback to Gregory Street in blue.</p> <p>Built form for each of the dwelling sites is subject to purchaser preference and will be undertaken via a separate approvals pathway. The Master Plan includes indicative building envelopes on select dwelling sites to demonstrate the preliminary home designs provided at Appendix 19 can be accommodated within the Site, in compliance with the front setback controls.</p> <p>The proposed sheltered picnic settings located between the pickleball court and the dog off-leash park are proposed to be setback approximately 5.8m from the front boundary, in compliance with this control.</p> <p>No parking is proposed within the 5m front boundary setback.</p>
<p>5.2.1 Street Setbacks</p> <p>a. A minimum setback of 5.0 metres to the primary street frontage shall be provided to the front wall of the main dwelling, except that:</p> <p style="margin-left: 20px;">i. A minimum setback of 6.0m shall be provided to any garage.</p> <p>e. Council may allow an encroachment into the setback to the primary street frontage of up to 1.5 metres provided the encroachment relates to an unenclosed structure and will not impact on the existing streetscape or any adjoining property.</p> <p>f. Any visitor parking required to be provided shall be setback not less than 5 metres unless it can be demonstrated that adequate provision has been made for landscaping in accordance with the requirements of this plan. (See Section 5.8 - Landscaping of this Chapter)</p>			



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>5.2.2 Side/Rear Setbacks Single Storey Development</p> <p>a. In respect to single storey dwellings up to 5 metres in height:</p> <ul style="list-style-type: none"> i. minimum absolute setback of 900mm; and ii. provided that the average setback in the same horizontal plane/storey is not less than 1.8 metres. <p>Note - The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.</p> <p>Two Storey and Single Storey Development over 5 metres in Height</p> <p>b. A minimum setback of 1.5 metres shall apply to the second storey provided the average setback in the same horizontal plane is not less than 3.0 metres.</p> <p>c. In respect to buildings containing two storeys, the minimum setback requirements for Single Storey Development may be applied to the ground floor with the requirements for the second storey component applied separately to the upper floor level.</p>	YES	<p>Due to the infrastructure required to facilitate the Proposal and consideration of neighbouring properties, no built form will be located within 4m of the side or rear boundaries. The Master Plan provided at Appendix 9 indicates this in green. These setbacks are proposed to be landscaped where possible.</p>
<p>5.2.3 Long Walls</p> <p>a. Long walls to side boundaries should be avoided. The continuous length of a building wall or retaining wall greater than 1.8m in height, in any one horizontal plane, shall be not more than 20 metres.</p>	COMPLIES ON MERIT	<p>The Proposal includes some walls that exceed 20m and in some cases, exceed a height of 1.8m. However, setbacks have been incorporated into the design as much as possible. Further, the height of the walls are a direct response to the varying topography across the Site. The proposed walls would be softened through the proposed materials as well as the variety of</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>b. Where walls are longer than 20 metres, they must incorporate offsets throughout their length to break up the appearance of the wall.</p> <p>c. Offsets shall generally be a minimum of 1 metre and for a length of not less than 1 metre.</p>		<p>soft landscaping including the planting of hedges and trees along shared boundaries and along Gregory Street.</p> <p>Refer to Appendix 9.</p>
<p>5.2.4 Building Height</p> <p>a. Building heights are to comply with the requirements of Clause 4.3 of Kempsey Local Environmental Plan 2013, which refers to the Height of Building Map Series (Code HOB).</p>	YES	<p>The KLEP2013 maps the Site as having a maximum building height of 8.5m. The proposed community building would have a height of 8.49m and the proposed maintenance shed would have a height of 4.8m.</p> <p>The proposed clubhouse building's compliance with the KLEP2013 height control is demonstrated in Figure 22 of the EIS.</p>
<p>5.2.5 Solar Access and Energy Conservation One and Two Storey Development</p> <p>a. All buildings shall be designed to ensure that no part of the windows of any living areas of any adjoining residential buildings or primary ground level private open space or landscaped open space, are overshadowed for more than two (2) hours between 9:00am and 3:00pm on 22 June.</p>	YES	<p>The proposed built form is limited to the clubhouse, maintenance shed, sheltered picnic settings, pickleball court and pool cabana. The proposed clubhouse and maintenance shed buildings are significantly setback from the Site boundaries to ensure that overshadowing impacts are minimised, refer to Appendix 4.</p>
<p>5.2.6 Visual and Acoustic Privacy and Amenity</p> <p>a. Visual privacy between proposed and existing adjoining dwellings is to be ensured. Overlooking of living spaces in buildings and private open spaces is to be avoided.</p>	YES	<p>A 1.8m high privacy fence is proposed to meet existing fences to neighbouring properties to the south, refer to Appendix 9.</p> <p>1.8m high Colourbond privacy fencing is proposed along the boundary of each of the dwelling sites.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>b. Strategic use of the following, or alternative measures, are to be utilised to preserve the visual privacy between adjoining properties and between individual units within multi-unit developments:</i></p> <ul style="list-style-type: none"> <i>i. using windows which are narrow, have minimum sill heights of 1.5m (above floor level), or have translucent or distorting glass;</i> <i>ii. avoiding windows facing directly onto the windows, balconies or courtyards of adjoining dwellings;</i> <i>iii. screening opposing windows, balconies and courtyards using fencing, walls or planting; and</i> <i>iv. using landscape between development to provide visual privacy screening.</i> <p><i>c. Strategic use of the following, or alternative measures, to preserve acoustic privacy between individual dwelling units both within and between properties, are to be utilised:</i></p> <ul style="list-style-type: none"> <i>i. Use of sound insulating wall material between attached units;</i> <i>ii. Use of sound insulating wall materials on the exterior walls of units; and</i> <i>iii. Increasing the minimum building setback to increase the distance between dwellings on adjoining properties.</i> 		<p>Bulk earthworks are proposed across the majority of the Site. Within the southern portion, the proposed retaining walls will be set back approximately 3m from the southern boundary. While this setback cannot accommodate landscaping due to the requirement for a stormwater drain along the length of the boundary, the 1.8m high privacy fencing will maintain visual separation and privacy for adjoining residential properties.</p> <p>This fencing will provide effective screening to minimise direct overlooking between dwellings and adjoining properties. The proposed setbacks and fencing also contribute to reducing potential acoustic impacts on adjoining properties.</p> <p>Refer to Appendix 9 for further details on the proposed fencing and Site layout.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>d. Fences and screen walls are encouraged to designate private open space areas adjoining both the front and rear of dwellings.</p> <p>e. Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from other dwellings and their courtyards.</p> <p>f. Operational plant and equipment for swimming pools, spas and the like is to be adequately enclosed/sited so that it does not disturb neighbours.</p>		
<p>5.2.7 Cut and Fill and Retaining Walls</p> <p>Cut and Fill</p> <p>a. The maximum height/depth of any cut or fill is to be limited to 1.5 metres above or below the natural ground level where no slope destabilisation is likely to occur.</p> <p>b. Areas of cut or fill are to be located such that no damage to any adjoining property will occur.</p> <p>c. All areas containing cut or fill are to be drained, stabilised and landscaped to prevent erosion.</p> <p>d. Cut or fill must be approved by Council in conjunction with a development application. Full details of all proposed earthworks must be clearly indicated on the plans and section drawings. Council may require that engineering drawings be certified by a suitably qualified structural engineer before any construction certificate can be issued.</p>	<p>COMPLIES ON MERIT</p>	<p>The Site significantly slopes from the northeast (RL30m) to the southwest (RL6m). Accordingly, bulk earthworks are required to facilitate the Proposal.</p> <p>The bulk earthworks and retaining walls are detailed in Appendix 9. These plans have been prepared by a certified engineer. A series of tiered retaining walls, with a maximum height of 4m, is proposed across the Site to accommodate the slope and maintain functional access and building platforms. The ability to reduce the height of the retaining walls is not feasible without compromising the functionality of the Site.</p> <p>All areas of cut and fill will be drained, stabilised, and landscaped as required to prevent erosion and maintain the structural integrity of the Site. The proposed earthworks are designed to</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
		prevent slope destabilisation and will not cause damage to adjoining properties.
<p>Retaining Walls</p> <p>e. <i>Retaining walls are to be generally limited to 1.5 metres in height above finished ground level and are to be constructed of materials that are compatible with the existing streetscape and site landscaping and in a manner which will not adversely impact on any adjoining property.</i></p> <p>f. <i>Where the height of the retaining wall and fence exceeds 1.5 metres - the retaining wall is to be set back a minimum of 1m from the property boundary. The 1m setback is to be landscaped in a manner to contribute to screening/reducing the visual impact of the retaining wall.</i></p> <p>g. <i>Retaining walls may exceed 1.5m if:</i></p> <ul style="list-style-type: none"> i. <i>internal or under proposed house;</i> ii. <i>geotechnical report assesses site as able to maintain stability;</i> iii. <i>engineer to certify wall; and</i> iv. <i>volume of overburden to be subject to contributions to transport off-site.</i> <p>h. <i>Generally, a maximum length of 12 metres applies to retaining walls greater than 1.8m in height.</i></p> <ul style="list-style-type: none"> i. <i>Where walls are longer than 12 metres, they must incorporate offsets throughout their length to break up the appearance of the wall.</i> 	<p>COMPLIES ON MERIT</p>	<p>A series of tiered retaining walls is proposed across the Site, with some walls exceeding 1.5m in height. The retaining walls and their locations are detailed in Appendix 9.</p> <p>All retaining walls are proposed to be setback from all Site boundaries greater than 1m. While some of these setbacks cannot accommodate landscaping due to the requirement for stormwater drainage along the length of the boundary, fencing will maintain visual separation and privacy for adjoining residential properties.</p> <p>A Geotechnical Report has been prepared by Hunter Geotechnical Services (HGS) and is provided at Appendix 14. Civil Plans have been prepared by a certified engineer.</p> <p>A tiered retaining wall design is proposed across the Site rather than utilising offsets to address the Site's significant slope. This design reduces the visual impact of the retaining walls while maintaining Site functionality.</p> <p>All retaining walls will include suitable surface and sub-surface drainage to prevent water accumulation and maintain structural integrity.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p style="margin-left: 40px;"><i>ii. Offsets shall be generally a minimum of 1 metre and for a length of not less than 1 metre.</i></p> <p><i>i. Any proposed retaining walls are to be indicated on the plans accompanying the required development application.</i></p> <p><i>j. Structural details for retaining walls should be included with plans for required construction certificates. Council may require that the design be certified by a qualified Structural Engineer or accredited certifier.</i></p> <p><i>k. Retaining walls must include suitable provisions for surface and sub-surface drainage.</i></p> <p>Note - Approval for all retaining walls over 600mm in height is required.</p>		
<p>5.3 Garages, Carports and Outbuildings</p> <p><i>a. Any commercial vehicle, boats, trailers, caravans or repairs to vehicles must be screened from public view.</i></p> <p><i>b. Garages and other outbuildings are not to be positioned forward of the front building line.</i></p> <p><i>c. Garages must be set back a minimum of 6.0 metres from lot frontages or 1.0 metre behind the house façade (whichever is the greater).</i></p> <p><i>d. Garages, carports and outbuildings are to comply with the following side and rear setback requirements;</i></p>	N/A	<p>Built form for each of the dwelling sites is subject to purchaser preference and will be undertaken via a separate approvals pathway. No garages, carports or outbuildings are proposed under this DA.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>i. Where the garage, carport or outbuilding is attached to the main dwelling, the setbacks are to be in accordance with Sections 5.2.1 and 5.2.2;</i></p> <p><i>ii. Where the garage, carport or outbuilding is separate and has a floor area greater than 36m², the setbacks are to be in accordance with Sections 5.2.1 and 5.2.2 and the setback areas provided with screen landscaping; and</i></p> <p><i>iii. Where the garage, carport or outbuilding is separate from the main dwelling and has a floor area of 36m² or less, despite the requirements of Section 5.2.2, may be erected to the property boundaries subject to:</i></p> <ul style="list-style-type: none"> <i>▪ Compliance with the fire rating requirements of the Building Code of Australia; and</i> <i>▪ All parts of the garage, carport or outbuilding, including gutters and footings, being located wholly within the subject land so that no part of the building encroaches onto adjoining land.</i> <p><i>e. The height of garages, carports and outbuilding is to be no greater than the height of the main dwelling on site.</i></p> <p><i>f. Where the garage is integrated into the dwelling, the design and appearance of garage doors are to integrate with the dwelling design and are not to dominate the street frontage.</i></p>		



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>g. Each lot is to have provision for at least one car to be parked in the driveway without protruding onto the footpath.</i></p> <p><i>h. Garages, carports and outbuildings are to be constructed with external cladding of colours and materials that are compatible with that of any existing or proposed dwelling(s) on the subject land.</i></p>		
<p>5.4 Private Open Space</p> <p><i>a. Private open space areas are to be designed so as to enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play.</i></p> <p><i>b. The location and design of private open space is to take into account the outlook and natural features of the site and the features of adjoining buildings.</i></p> <p><i>c. The orientation of private open space should provide for maximum year round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June.</i></p> <p><i>d. Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from other dwellings and their courtyards.</i></p> <p><i>e. Private open space may be located within the front setback provided:</i></p> <p style="margin-left: 20px;"><i>i. adequate provision is made for additional intensive landscaping within the property; and</i></p>	YES	<p>Built form for each dwelling site is subject to purchaser preference and will be undertaken via a separate approvals pathway.</p> <p>The dwelling sites are oriented to reduce potential overshadowing impacts on private open space, ensuring compliance with solar access requirements.</p> <p>1.8m high Colourbond privacy fencing is proposed along the boundaries of each dwelling site to ensure adequate privacy between properties.</p> <p>The dwelling sites along the western boundary of the Site will have frontage to Gregory Street, with private open space likely to be located within this front setback. Within the front setback, 1.2m high permeable fencing is proposed atop terraced, split-face concrete block retaining walls, ranging from 0.8m to 1.2m in height. These retaining walls and fencing will be set back 4m from the front Site boundary. The design has sought to minimise</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>ii. a decorative fence or screen is provided which is setback an average of not less than one (1) metre from the front boundary.</i></p> <p><i>f. Clothes drying areas must not be visible from the street.</i></p>		<p>the extent of retaining walls along this frontage where feasible to reduce bulk and ensure a visually integrated interface with the street.</p> <p>A comprehensive landscaping approach is proposed to soften the visual impact of these structures, including tree and shrub planting along the Gregory Street frontage. This landscape treatment will provide a natural buffer, enhancing the aesthetic quality of the retaining walls and fostering a pedestrian-friendly environment.</p> <p>Within the setback area, canopy trees ranging from 8m to 10m in height will be planted. These trees will contribute to the broader urban canopy, reinforce the green character of the streetscape, and improve microclimate conditions. The canopy trees will also provide shade and amenity for the public path within the road reserve, enhancing pedestrian comfort and walkability.</p>
<p>5.4.2 Ground Level</p> <p><i>a. Each ground floor dwelling is to be provided with a minimum private open space area of 25m², which shall be directly accessible from the living areas of dwellings.</i></p> <p><i>b. Where the dwelling is at ground level, the private open space area is to contain a rectangle with minimum dimensions of 4m by 4m, which is not steeper than 1 in 8.</i></p>	YES	<p>The proposed dwelling sites have been designed to ensure adequate private open space. The Preliminary Home Design provided at Appendix 19 demonstrate the private open space (at dimensions of 4m x 4m) for each dwelling house design is typically 34m² to 37m².</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p>c. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space.</p>		
<p>5.5 Vehicle Parking and Access 5.5.1 Parking Spaces</p> <p>a. The number of car parking and visitor parking spaces are to comply with the rates identified in Appendix A of Chapter B2.</p> <p>b. All parking spaces are to be provided within the property boundaries.</p> <p>c. Basement car parking is permissible provided it does not protrude more than 1m above natural and finished ground levels.</p> <p>d. Visitor spaces are to be accessible from a common area in multi-dwelling unit developments and residential flat buildings.</p> <p>e. Visitor spaces for attached dwellings to be provided in an area not owned by any single property (for example, provided within an area that is an extension of the road reserve or protected by easements benefitting all lots).</p>	YES	The Proposal complies with the requested parking rates under Appendix A of Chapter B2 as detailed in the relevant sections above.
<p>5.5.2 Manoeuvring Areas</p> <p>a. Council will consider allowing vehicles to reverse from the site in cases where local traffic circumstances permit, provided a short, easy, single reversing movement is possible and sight distances are adequate.</p>	N/A	The Proposal will provide forward egress from the Site and does not involve stack parking.



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>i. Where circumstances are inappropriate, turning bays/manoeuvring areas shall be provided on site;</i></p> <p><i>ii. For Multi Dwelling Unit developments and Residential Flat Buildings, all vehicles must be able to enter and leave the site in a forward direction;</i></p> <p><i>iii. Development for Dual Occupancy or Attached Dwellings may provide for vehicles reversing out into the street, provided it is safe and practicable to do so;</i></p> <p><i>iv. Vehicle turning areas are to comply with the relevant provisions of Australian Standard 2890.1:2004 - Off Street Car Parking Facilities.</i></p> <p><i>b. Where there is more than one dwelling per allotment, no stack parking is permitted except where behind a double garage, provided one resident space has unrestricted access.</i></p>		
<p>5.5.3 Access Design</p> <p><i>a. Access is to be designed in accordance with the relevant requirements of Section 4.0 of Chapter B2 - Parking, Access and Traffic Management.</i></p> <p><i>b. In respect to steep sites, Council will require submission of long sections and representative cross sections prepared by a suitably qualified person indicating compliance with Australian Standard 2890.1:2004 - Off Street Car Parking Facilities.</i></p>	YES	<p>An assessment of the Proposal against Chapter B2 is included in the relevant sections above. The TIA at Appendix 8 confirms that the internal roadway and driveway design accommodates the anticipated vehicle volumes, ensuring safe and efficient access throughout the Proposal. The Proposal includes the following internal road dimensions:</p> <ul style="list-style-type: none"> ▪ Roads 1 and 2: 6m pavement width within a minimum 8.5m road reserve ▪ Road 3: 6m pavement width within a minimum 8m road reserve



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
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<p>c. <i>Long straight driveways should be avoided whilst the use of decorative paving to break the visual mass of driveways, e.g. brick, pavers, stamped concrete and the like, is encouraged.</i></p> <p>d. <i>Where driveways are more than 30 metres in length, turning areas are to be provided to ensure vehicles can traverse in a forward direction.</i></p> <p>e. <i>The area of vehicle pavement needed to adequately serve any residential development should be minimised to reduce the volume of stormwater runoff and increase the area of site available for landscaping.</i></p> <p>f. <i>Minimum driveway widths are to generally comply with the relevant requirements of Appendix B of Chapter B2 - Parking, Access and Traffic Management.</i></p> <p>g. <i>A driveway, which services a maximum of three dwellings, is to have a minimum paved width of 2.4m and a maximum crossing width of 3m.</i></p> <p>h. <i>A shared driveway, which services more than 3 dwellings:</i></p> <ul style="list-style-type: none"> <i>i. is to have a minimum paved width of 4.5 metres at the street boundary, continuing at this width for a length of not less than 6 metres; and</i> <i>ii. is to include turning areas to ensure vehicles enter and leave the site in a forward direction.</i> <p>i. <i>Except on corner allotments and other lots with more than one street frontage, access shall be restricted to a single driveway crossing so as to maximise the availability of on-street parking.</i></p>		<ul style="list-style-type: none"> ▪ Roads 4, 5, and 6: 5.5m pavement width within a minimum 7.5m road reserve <p>The proposed driveway gradients do not exceed 20%, refer to Appendix 9.</p> <p>The IWMP at Appendix 13 provides detailed information on drainage measures, ensuring that runoff from driveways, manoeuvring areas, and other hardstand surfaces is appropriately managed to prevent adverse impacts on dwellings sites and adjoining properties.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
<p><i>j. Driveways should be set back 1 metre from side boundaries to allow effective screen planting along the boundary unless other effective means can be demonstrated.</i></p> <p><i>k. Driveways should have gradients generally less than 20%, with a maximum of 25% allowed, if transition gradients are provided.</i></p> <p><i>l. Drainage from driveways, manoeuvring areas and other hard stand areas is to avoid run-off onto neighbouring properties.</i></p> <p><i>m. Crossings are to comply with Council requirements and require approval under section 138 of the Roads Act 1993.</i></p>		
<p>5.6 Safety in Design</p> <p><i>a. Development is to comply with the relevant requirements of Chapter B15 - Crime Prevention Through Environmental Design (CPTED).</i></p> <p><i>b. Buildings should allow for some outlook (ie from windows and doors) to streets, lanes or other public space areas to increase surveillance and thereby provide for a safer environment.</i></p> <p><i>c. Landscaping within the front setback shall ensure retention of surveillance of the street from dwellings and to and from the street, and consider traffic safety on corner lots.</i></p>	YES	<p>The Proposal does not include the construction of any buildings in proximity to the Gregory Street frontage or Racemosa Circuit frontage.</p> <p>Built form for each of the dwelling sites located along these frontages is subject to purchaser preference and will be undertaken via a separate approvals pathway.</p> <p>Tree and shrub planting is proposed along the Gregory Street frontage to enhance the streetscape while maintaining passive surveillance. Canopy trees, ranging from 8m to 10m in height, will be planted within the setback area, contributing to the broader urban canopy, reinforcing the green character of the streetscape, and improving microclimate conditions, refer to Appendix 9. These trees will also provide shade and amenity for the public</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
Control	Compliance	Comment
		path within the road reserve, enhancing pedestrian comfort and walkability. The proposed landscaping has been designed to maintain clear sightlines to and from the street, ensuring effective surveillance from future dwellings.
<p>5.8 Landscaping</p> <p>a. <i>Landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, mature trees and other vegetation should, where possible, be preserved.</i></p> <p>b. <i>A landscape plan, complying with the requirements of Section 4.1 of Chapter B9 - Landscaping, is submitted with the development application.</i></p> <p>c. <i>All parts of the site not built upon or paved (i.e. the usable open space area) are to be landscaped with grass, groundcovers, shrubs and/or trees.</i></p>	YES	<p>An assessment against Chapter B9 – Landscaping has been addressed above. Given the extent of bulk earthworks required, the retention of existing rock formations and trees is not viable.</p> <p>All areas not built upon or paved are proposed to be landscaped with a variety of grass, groundcovers, shrubs, and trees to ensure a high-quality landscape outcome.</p>
<p>5.9 Protection of Views</p> <p>a. <i>The impact of new development on desirable views enjoyed from existing development is to be assessed utilising the following hierarchy of considerations:</i></p>	YES	<p>The Site is located downhill of land mapped as a Scenic Protection Land, ensuring the Proposal does not impact views to this area. The Proposal complies with the KELP2013 maximum height limit of 8.5m, which ensures the built form remains consistent with the prevailing height of surrounding development and does not protrude above the general roofline. This design approach preserves view corridors and minimises any potential obstruction to desirable views enjoyed from existing development.</p>



KEMPSEY DEVELOPMENT CONTROL PLAN 2013																	
Control	Compliance	Comment															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #003366; color: white;"> <th colspan="3">View Assessment Hierarchy</th> </tr> </thead> <tbody> <tr> <td style="width: 15%; font-size: small;">Highest (First Priority)</td> <td style="width: 15%; font-size: small;">Where will views be affected?</td> <td style="font-size: x-small;">Water views are more valuable than land views. Whole views are valued more highly than partial views.</td> </tr> <tr> <td style="font-size: small;">Second Priority</td> <td style="font-size: small;">Where are views obtained from?</td> <td style="font-size: x-small;">Views across side boundaries cannot be protected by unreasonable requirements. Views from sitting positions cannot be protected by unreasonable requirements. Views across front or rear boundaries, from a standing position should be protected to a reasonable extent.</td> </tr> <tr> <td style="font-size: small;">Third Priority</td> <td style="font-size: small;">Where is the impact?</td> <td style="font-size: x-small;">Will views be retained from other parts of the property? Views from living areas and kitchens are more important than from bedrooms and service areas. Assess view loss in qualitative terms: negligible, minor, moderate, severe or devastating.</td> </tr> <tr> <td style="font-size: small;">Lowest (Fourth Priority)</td> <td style="font-size: small;">Is the proposal reasonable?</td> <td style="font-size: x-small;">Does the proposal comply with other controls in this chapter? If not, even a moderate impact on views may be considered unreasonable. If it does comply, would a more clever design provide the same development potential and amenity and reduce the impact on views? If not, impact probably considered acceptable and view sharing reasonable.</td> </tr> </tbody> </table>	View Assessment Hierarchy			Highest (First Priority)	Where will views be affected?	Water views are more valuable than land views. Whole views are valued more highly than partial views.	Second Priority	Where are views obtained from?	Views across side boundaries cannot be protected by unreasonable requirements. Views from sitting positions cannot be protected by unreasonable requirements. Views across front or rear boundaries, from a standing position should be protected to a reasonable extent.	Third Priority	Where is the impact?	Will views be retained from other parts of the property? Views from living areas and kitchens are more important than from bedrooms and service areas. Assess view loss in qualitative terms: negligible, minor, moderate, severe or devastating.	Lowest (Fourth Priority)	Is the proposal reasonable?	Does the proposal comply with other controls in this chapter? If not, even a moderate impact on views may be considered unreasonable. If it does comply, would a more clever design provide the same development potential and amenity and reduce the impact on views? If not, impact probably considered acceptable and view sharing reasonable.		<p>Furthermore, the proposed built form and landscaping have been designed to integrate with the natural topography of the Site, reducing the visual impact when viewed from adjoining properties and public spaces.</p>
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<p>5.10 Infrastructure and Services</p> <p><i>a. As conditions of consent for any new development (excluding single dwelling houses on existing allotments), developers will be required to either provide or upgrade existing infrastructure or contribute monetarily to the provision of such services.</i></p> <p><i>b. Any contributions required to be paid shall be determined in accordance with the requirements of Section 94 of the Environmental Planning and Assessment 1979 and Section 64 of the Local Government Act 1993.</i></p>	YES	<p>The <i>South West Rocks Section 94 Contributions Plan</i> (South West Rocks CP) applies to the Site and payment of these contributions may be conditioned accordingly.</p> <p>The Proposal will not discharge untreated stormwater, refer to Appendix 13.</p>															



KEMPSEY DEVELOPMENT CONTROL PLAN 2013		
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<p>c. <i>State Environmental Planning Policy No 71 - Coastal Protection requires that Council must not grant consent to development that will discharge untreated stormwater.</i></p> <p>d. <i>Generally, BASIX will require roof water harvesting (rain water tanks). Development should include water treatment devices for first flush and run-off from paved areas.</i></p> <p>e. <i>Development shall comply with the relevant requirements of Chapters B2, B3, B4, B5 and B6.</i></p>		<p>The Proposal does not meet the definition of BASIX development. The proposed built form does not constitute a BASIX building, as it does not include any dwellings, refer to Section 6.1.15 of the EIS.</p> <p>An assessment against the applicable controls of Chapters B2, B3, B4, B5 and B6 is provided herein.</p>
<p>7 - Development Requirements - Special Requirements for South West Rocks</p> <p>7.2 Protection of Trees and Important Vegetation</p> <p>d. <i>Where Council considers it necessary, appropriate title restrictions will be required to protect important vegetation from future removal.</i></p>	NOTED	<p>A review of the title search confirms no title restrictions requiring the protection of existing vegetation apply to the Site.</p>

