

Preliminary Environmental Assessment  
for  
Stage 1C - Seascape Grove  
54 Lot Residential Subdivision at  
Lot 124 DP1097510, Belle O'Connor Street,  
South West Rocks

14777

May 2008

Preliminary Environmental Assessment for  
'Seascape Grove' at  
Lot 124 DP1097510,  
Belle O'Connor Street, South West Rocks

---

*Prepared for:*

**Waldel Park Pty Ltd**

*Prepared by:*

***King & Campbell Pty Ltd***

1<sup>st</sup> Floor, Colonial Arcade

25-27 Hay Street

Port Macquarie

PO Box 243

Port Macquarie 2444

Ph: (02) 6586 2555

Fax: (02) 6583 4064

[info@kingcampbell.com.au](mailto:info@kingcampbell.com.au)

*Date:* May 2008

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# Authors Statement

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## Preliminary Assessment for Stage 1C Project Approval

This Preliminary Environmental Assessment has been prepared under Part 3A of the Environmental Planning and Assessment Act, 1979 in relation to Lot 124 DP 1097510, Belle O'Connor Street, South West Rocks.

The information contained in the Preliminary Assessment has been compiled from site inspection, correspondence and reports prepared by qualified consultants and is neither deliberately false nor misleading.



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Terrance Stafford  
BSc, GDURP  
Town Planner,  
King & Campbell Pty Ltd



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Paul Rowlandson  
B Surv (Hons), MIS Aust, Registered Land Surveyor  
Director,  
King & Campbell Pty Ltd

*Date:* May 2008

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## Preliminary Assessment for Stage 1C Project Approval

54 Lot Residential Subdivision - 'Seascape Grove' at Lot 124  
DP1097510, Belle O'Connor Street, South West Rocks.

Issue Date	Revision No.	Issued To	Quantity
1 May 2008	A	NSW Department of Planning	10 + 1 CD
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1 May 2008	A	King & Campbell Pty Ltd	1

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# Section 1

## Introduction

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### 1.1 Introduction

This project application for 'Seascape Grove' at South West Rocks (within the Kempsey Shire Local Government Area) is submitted pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act).

'Stage 1C - Seascape Grove' will include the provision of 54 Torrens titled residential allotments and two (2) super allotments.

The purpose of this submission is:

1. To firstly seek the Ministers confirmation that the proposal should be declared a project under Part 3A of the Act.

Clause 6 of State Environmental Planning Policy (Major Projects) 2005 identifies development described in Schedule 2 as being, in the opinion of the Minister, a project under Part 3A of the Act.

The site satisfies the criteria listed in clause 1(j)(i) to Schedule 2 for the following reasons:

- The site is located within the Coastal Zone of New South Wales;
- The proposed development is for the purpose of a residential subdivision
- The site will be subdivided into 54 Residential lots and two (2) super lots;

On the basis of receiving confirmation from the Minister that the proposal should be declared a project under Part 3A of the Act, the additional purpose of this submission is:

2. To confirm that a 'project approval' is sought in relation to the proposed development;
3. To provide a 'preliminary environmental assessment', including a description of the proposal, a legislation review and an identification of the 'key issues'; and,
4. To seek the Director-Generals environmental assessment requirements (DGR's) for the preparation of the Draft Environmental Assessment.



## 1.2 Background / History

In 2004, the subject site was granted approval, under the provisions of SEPP No.71, for a 23 lot residential subdivision. The site was then referred to as Lot 2 DP645213, Waldel Park. The approval for the 23 lot subdivision was granted by Kempsey Shire Council (KSC) under development application T6-03-593 on the 16<sup>th</sup> February 2004 (as amended 4<sup>th</sup> August, 2004, 18<sup>th</sup> July, 2005 and 21<sup>st</sup> April, 2006). The construction certificate for this development was issued by KSC under CC 05-05 on the 24<sup>th</sup> February, 2006.

This portion of the subdivision, Stage 1A, implemented Kempsey Shire Councils Integrated Water Cycle Management Strategy (IWCMS) and included a dual reticulation scheme incorporating potable and recycled water mains.

Further subdivision of Lot 124 DP1097510, the subject site, was approved under **Major Project 05\_0018** - 108 Lot residential subdivision of Lot 124 DP1097510 with associated bushfire protection, stormwater measures and access on Lot 22 DP1071657 Belle O'Connor Street, South West Rocks, was approved under section 75J Clause 2 of the Environmental Planning & Assessment Act 1979 by the Minister for Planning on the 20<sup>th</sup> June, 2007. This residential subdivision is yet to be constructed.

The approved stages for subdivision and associated infrastructure works associated with Major Project 05\_0018 were:

**Stage 1 – Part Precinct B:** Lots 301, 328, 329, 330 and 331 – Rosedale Avenue;

**Stage 2 - Precinct A1:** Lots 201- 204, 207-215;

**Stage 3 – Remainder Precinct B:** All other lots in Precinct B, except for those identified above.

**Stage 4 - Precinct C1:** Lots 421 to 435;

**Stage 5 - Precinct D:** Lots 501 to 519;

**Stage 6 – Precincts A2 and C2 (subject to rezoning being gazetted):** Lots 205-206, 216-225 (Precinct A2) and Lots 401-409 and 412-420 (Precinct C2).

**Exhibit 7** details the approved Master Plan including the above-mentioned staging.

The approved documentation associated with Major Project 05\_0018 includes (as shown below, is an extract from *Schedule 2 – Recommended Conditions of Approval*, MP 05\_0018, which is shown in full at **Appendix L**):

# List of Appendices

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## *Stage 1C specific*

**Appendix A** – Bushfire Protection Assessment (ABPP, 2008)

**Appendix B** – Ecological Impact Assessment (Darkheart, 2007)

## *Site specific*

**Appendix C** – Aboriginal Heritage Assessment

**Appendix D** – ERM Traffic Impact Assessment

**Appendix E** – Water Management Plan

**Appendix F** – Engineering Plans

**Appendix G** – Ecological Impact Assessment (Umwelt, 2006)

**Appendix H** – Tree Assessment Report

**Appendix I** – Geotechnical Report

**Appendix J** – Bushfire Hazard Assessment (ERM, 2006)

**Appendix K** – Landscape Principles Plan

**Appendix L** – Determination of Major Project 05\_0018

- (1) *Seascope Grove, Belle O'Connor Street, South West Rocks - Environmental Assessment Report* prepared by ERM Australia on behalf of WB & ME Walls, dated August 2006;
- (2) Geotechnical Investigation prepared by Chandler Geotechnical Pty Ltd and dated 30 May 2003 (see **Appendix I**);
- (3) *Flora and Fauna Assessment and Bushfire Risk Assessment, Walde Park Subdivision Lot 21 DP 560726 Belle O'Connor Street, South West Rocks*, prepared by Umwelt (Australia) Pty Limited and dated May 2004;
- (4) *Addendum to UMWELT (2004) Ecology Report* prepared by ERM Australia and dated August 2006 (see **Appendix G**);
- (5) *Water Management Plan – Seascope Grove Estate, South West Rocks, Part 3A DGEAR Report* prepared by King & Campbell Pty Ltd with Craig Teasdell Architect and dated July 2006 (see **Appendix E**);
- (6) *Bushfire Hazard Assessment* prepared by ERM Australia and dated August 2006 (see **Appendix J**);
- (7) *Traffic Impact Assessment* prepared by ERM Australia and dated August 2006 (see **Appendix D**);
- (8) *Tree Assessment Report* prepared by Trevor Bailey, Arborist and dated 3 April 2006 (see **Appendix H**);
- (9) *Hollow Bearing Tree Assessment* prepared by ERM Australia and dated;
- (10) *Stormwater Drainage Report for Seascope Grove, South West Rocks* prepared by King & Campbell Pty Ltd and dated August 2006.

A detailed list of the approved plans can be seen in the *Determination of Major Project 05\_0018*, which is attached as **Appendix L**.

The previous submission relating to the development of Stage 1C was made to the Department of Planning (DoP) in November, 2007. The submission sought information that the Director General's Requirements (DGR's) issued with Stage 1B were also applicable to Stage 1C. It was resolved by the DoP, following various discussions with the Department's Nathan Wort, that a further preliminary assessment was required to enable consultation with the relevant agencies to confirm the currency of the existing DGR's.

In accordance with these discussions Stage 1C was amended to include two future development Lots, those being proposed Lot 700 and Lot 800. Proposed Lot 700 has been set aside for a future integrated housing development in accordance with the Master Plan approval. Proposed Lot 800 was initially set aside for future eco-tourism cabins however, this has been rescinded, due to bushfire reasons, for a future residential dwelling. Proposed Lot 800 is proposed to encompass the entire existing environmental protection zone.

### 1.3 Project Description

It is proposed to subdivide Lot 124 DP1097510, Belle O'Connor Street, South West Rocks (the subject site) into 54 residential allotments (Lots 601 to 654 inclusive) and two (2) super Lots, Lots 700 & 800, which shall be the subject of future planning applications.

The aim of the development will therefore be to accommodate future residential population growth within the South West Rocks and wider Mid North Coast Region of NSW.

In summary, this stage, Stage 1C, of the 'Seascape Grove' residential estate will include the provision for the following:

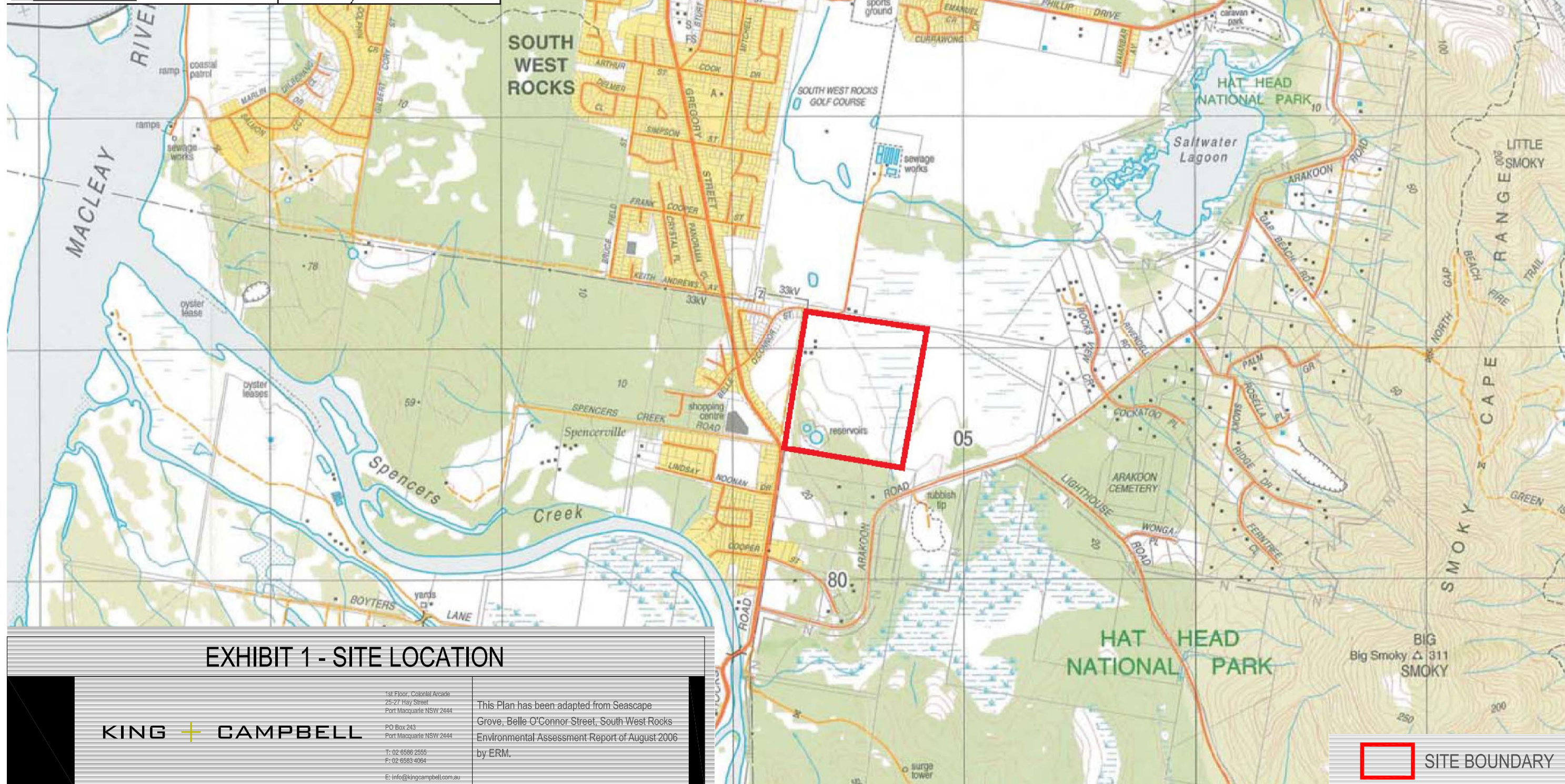
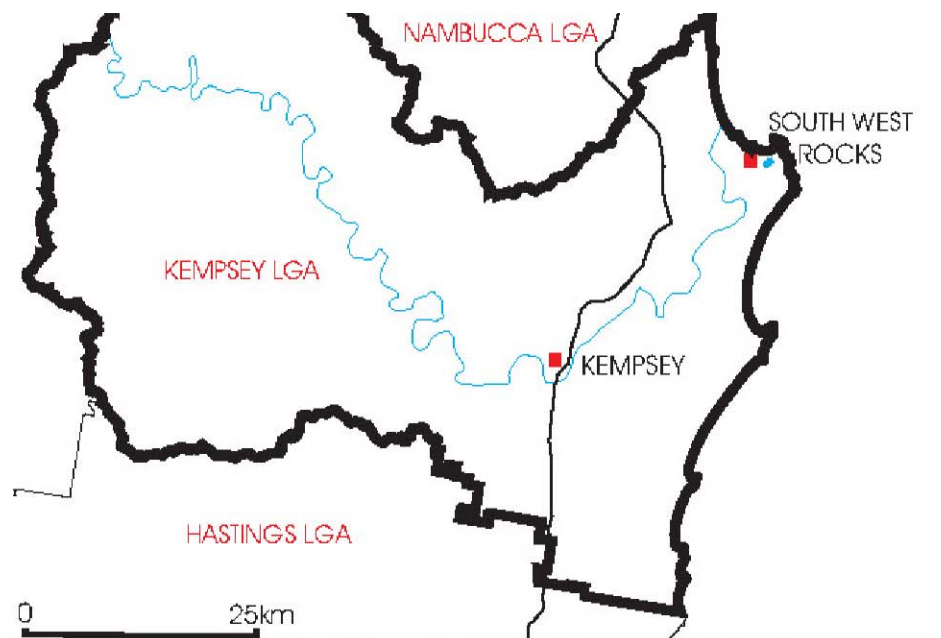
- 54 Residential 2(a) allotments to be constructed in 5 stages, as follows;
  - I. Precinct E1: Lots 601-613 and Lot 700 (14 Lots);
  - II. Precinct E2: Lots 614-622 (9 Lots);
  - III. Precinct F1: Lots 623-637 (15 Lots);
  - IV. Precinct F2: Lots 638-654 (17 Lots); and,
  - V. Precinct G: Lot 800 (1 Lot).
- One (1) Scenic Protection 7(d) allotment, proposed Lot 800, which is earmarked to contain a single residential dwelling, subject to future environmental assessment. The low density, single residence allotment will contain the entire environment protection zone and manage the bushfire asset protection zone;
- One (1) Residential 2(a) allotment, proposed lot 700, which is earmarked to contain integrated housing, subject to a future environmental assessment (the inclusion of this allotment in this application is to provide for civil works to facilitate the lot filling);
- An internal public road network to service the subdivision with access to Burrawong Drive which feeds into Belle O'Connor Street;
- Construction of physical infrastructure and services;
- Water sensitive urban design measures;
- Landscaping of the proposed public spaces;
- Removal of existing residential dwelling from the site;

The proposal can be seen in **Exhibit 6**, after page 7.

#### 1.4 Land Ownership and Project Team

<b>Landowner:</b>	
Lot 124 DP 1097510	Waldel Park Pty Ltd
<b>Project Team:</b>	
Proponent	King & Campbell Pty Ltd
Planning, Urban & Landscape Design, Overall Co-Ordination	King & Campbell Pty Ltd
Ecological	Darkheart Eco-Consultancy
Bushfire	Australian Bushfire Protection Planners Pty Ltd





# EXHIBIT 1 - SITE LOCATION

KING + CAMPBELL

1st Floor, Colonial Arcade  
25-27 Hay Street  
Port Macquarie NSW 2444  
PO Box 243  
Port Macquarie NSW 2444  
T: 02 6586 2555  
F: 02 6583 4064  
E: info@kingcampbell.com.au

This Plan has been adapted from Seascope  
Grove, Belle O'Connor Street, South West Rocks  
Environmental Assessment Report of August 2006  
by ERM.

 SITE BOUNDARY









## EXHIBIT 3 - EXISTING ZONING

**KING + CAMPBELL**

1st Floor, Colonial Arcade  
25-27 Hay Street  
Port Macquarie NSW 2444

PO Box 243  
Port Macquarie NSW 2444

T: 02 6586 2555  
F: 02 6583 4064

E: info@kingcampbell.com.au

This Plan has been adapted from Seascope  
Grove, Belle O'Connor Street, South West  
Rocks Environmental Assessment Report of  
August 2006 by ERM.

 **SITE BOUNDARY**





## EXHIBIT 4 - AERIAL PHOTOGRAPH

**KING + CAMPBELL**

1st Floor, Colonial Arcade  
25-27 Hay Street  
Port Macquarie NSW 2444

PO Box 243  
Port Macquarie NSW 2444

T: 02 6586 2555  
F: 02 6583 4064

E: [info@kingcampbell.com.au](mailto:info@kingcampbell.com.au)

This Plan has been adapted from Residential  
Land Release Strategy 2001 - South West  
Rocks by Kempspey Shire Council



APPROXIMATE  
SITE BOUNDARY

# Section 2

## Site Details

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### 2.1 Zoning

The current land use zoning in the vicinity of the site and surrounds, based on Kempsey Local Environmental Plan 1987 (as amended) is illustrated in **Exhibit 3**.

The subject site is currently zoned Residential 2(a) and Environment Protection 7(d) under the provisions of the Kempsey LEP 1987;

The surrounding land uses include:

- East - land zoned 1(c) Rural Small Holdings, which is currently utilised for rural purposes. This land is also identified within the Kempsey Shire Councils *Residential Land Release Strategy*, 1997, as a 'medium term' residential release area (see **Exhibit 5**);
- South – land zoned 7(d) Environment Protection and 2(a) Residential. Much of this land however, is vegetated and links to the Hat Head National Park;
- West – A 20 metre wide road reserve (unformed extension of South West Rocks Road) adjoins the site, beyond which is a residential subdivision known as 'Oceanside Estate' which also contains access to Belle O'Connor Street; and,
- North – A 20 metre wide road reserve is located along the northern boundaries entirety. To the north-west exists the South West Rocks Golf Course (6(a) Open Space). To the north and north-east exists rural and rural residential (1(c) rural small holdings and 1(d) rural investigation) allotments. This land is also identified within the Kempsey Shire Councils *Residential Land Release Strategy*, 1997, as a 'medium term' residential release area (see **Exhibit 5**).

Along the eastern boundary of the site there are two (2) strips of land zoned 6(a) Open Space, divided by a strip of land zoned 1(d) Rural (investigation). This zoning anomaly is currently the subject of a draft LEP which is at section 69 stage. This zoning anomaly and rezoning shall not affect this proposal as none of the lots identified in this stage occur within the 6(a) or 1(d) land.

The zoning anomaly can be seen in **Exhibit 3** and **Figure 1** overleaf.

The Director-Generals Environmental Assessment Report (May 2007, pp.14) noted the following in regard to the zoning anomaly:

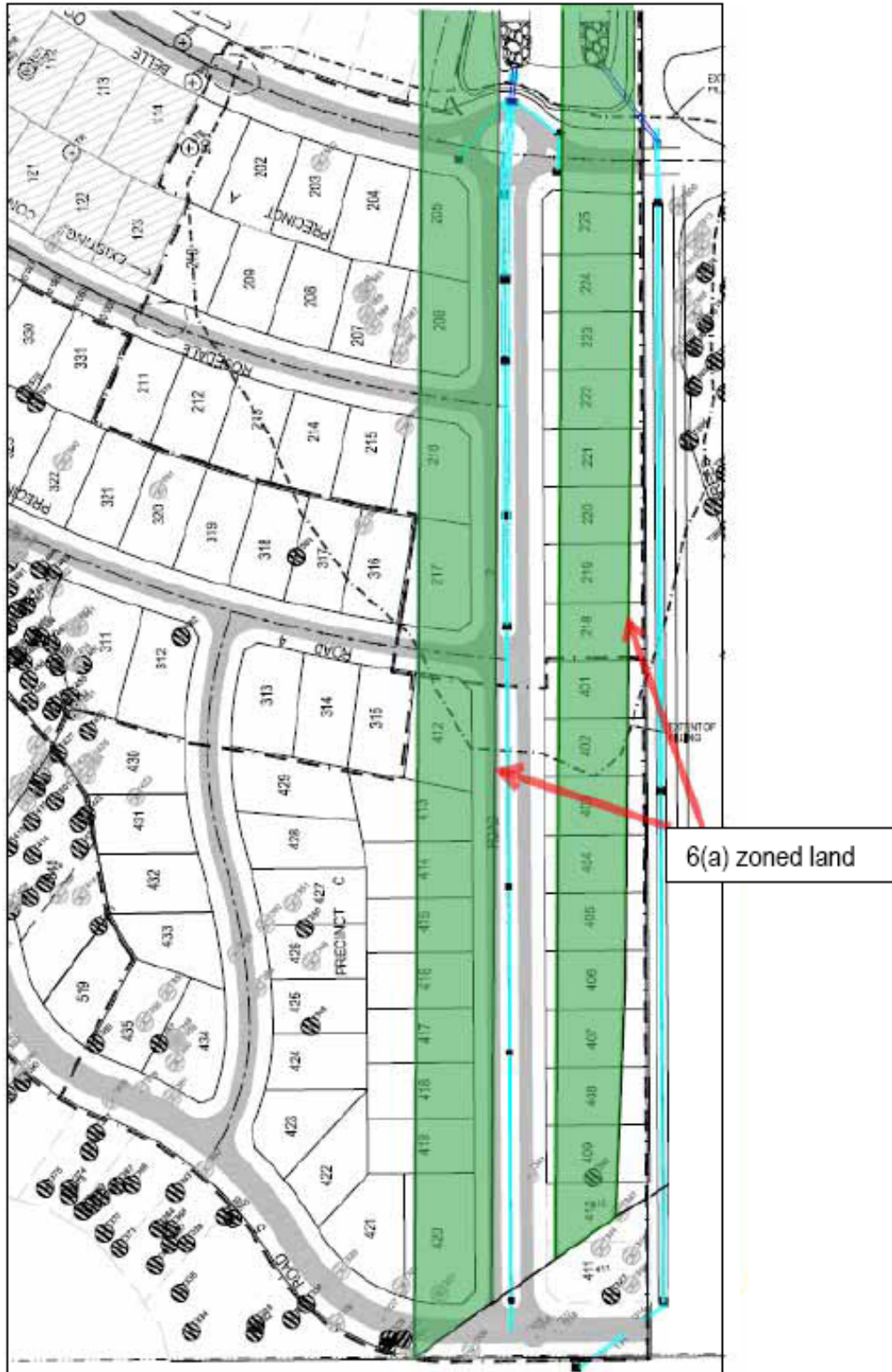


Figure 1: Overlay of Existing zoning with development.

Although subdivision is not permissible on the 6(a) Open Space and 1(d) Rural Zones, the proposal is partly permissible due to the majority of the proposed subdivision occurring on the area zoned Residential 2(a). As such, under section 75J(3)(b), it is considered in the interest of orderly development to allow the proposal to proceed however, with the restriction that subdivision certificates cannot be issued for the lots that are not appropriately zoned. The intention therefore is to ensure that the zoning is formalised prior to any lots being purchased for dwelling houses.

## 2.2 Site Context

The site is located within South West Rocks, which is approximately 430km north of Sydney on the New South Wales Coast, in the Kempsey local government area. South West Rocks is physically constrained by the Pacific Ocean to the north (approximately 2km), Hat Head National Park to the east, Spencers Creek and wetlands to the south and the Macleay River to the west.

South West Rocks is located approximately 40 kilometres (ACF) from the Kempsey Town Centre and is accessible via either South West Rocks Road or Smithtown Road, both of which are accessible from the Pacific Highway.

The town has had relatively strong residential growth in recent years, with the permanent population rising from 1,947 (1986) to approximately 5,000 in 2003. The rate of annual population growth has been approximately 5% and it is estimated that the population will reach 9,100 persons by 2016. This population is comprised of a relatively high proportion (36%) of persons aged 60 or more, a proportion that is expected to increase to 44% of the resident population in 2016.

Local industries are primarily recreational and 'lifestyle' based, catering for a large number of tourists and retired residents. The shopping mall, 'The Rocks' Shopping Village, on Gregory Street, provides retail services for general shopping while retail in the town centre offers a range of 'lifestyle' and tourist-related services.

**Exhibit 1** explains the site locality.

## 2.3 Site Description

The subject site is situated south-east of the township of South West Rocks and is accessed from Belle O'Connor Street via Gregory Street, which provides direct access to the town centre.

The site is situated adjacent to the South West Rocks Golf Course (to the north-west of the site), an existing residential subdivision to the west and rural and rural residential land to the south, east and north-east.

The majority of the site has historically been cleared for agricultural purposes. An area of remnant vegetation is located on the upper slopes of the ridgeline in the sites south-western corner.

The majority of the site is moderately to gently sloped, ranging between 1 degree and 8 degrees. A relatively small part of the site is located on the south-western side of a ridge line which extends from Arakoon Road to the south-east of the site. The highest elevation of the ridgeline is 50m AHD. That part of the site which exists on the south-western side of the ridgeline falls at a relatively steep grade down to Gregory Street at an approximate slope of 12 degree. This portion of the site is proposed to remain as Environmental Protection 7(d) and shall be contained in proposed (super) Lot 800.

**Exhibit 2** identifies the existing community facilities in the vicinity of the subject site and **Exhibits 7 and 8** provides details of the sites terrain/contour.

## 2.4 Existing Site Features

The site is characterised by vegetated upper slopes in the south-west of the site which is zoned 7(d) Environmental Protection and low-lying areas in the north that link to the wetland areas of the Saltwater Lagoon / Creek catchment. Although the vegetated area in the south-west corner is fairly steep, the remainder of the site is reasonably flat.

Two water reservoirs owned by Council are located on the vegetated upper slopes within existing Lot 1 DP560276 and Lot 1 DP645213, which is surrounded by proposed Lot 800. This part of the site links to the Hat Head National Park and wetlands classified under *State Environmental Planning Policy No.14 – Coastal Wetlands*, to the east of the site.

**Exhibit 4** provides an aerial view of the site detailing the existing vegetation and **Exhibits 7 and 8** includes detail of the sites contours.

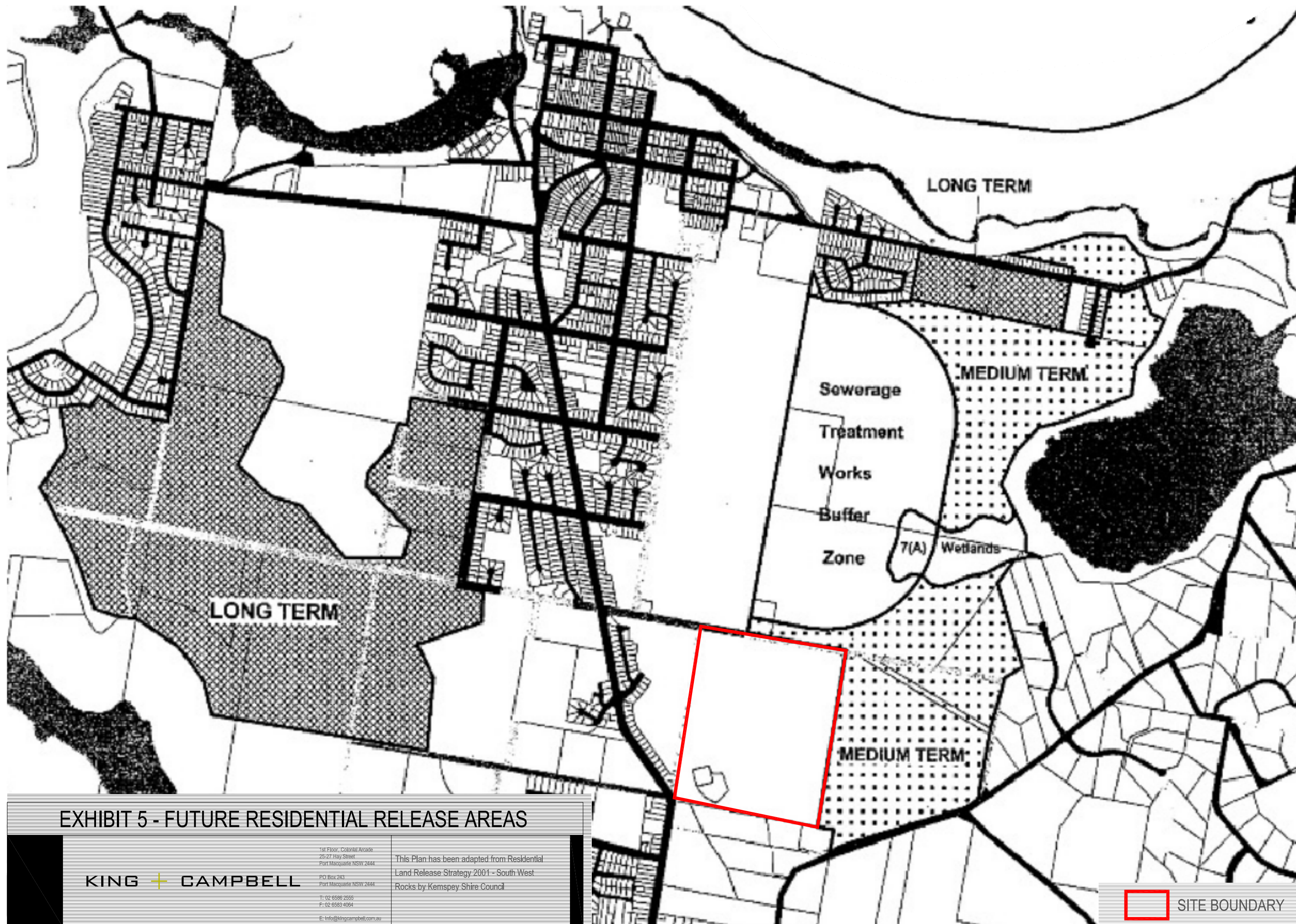
## 2.5 Potential Impacts of the Project

The draft Environmental Assessment shall include an environmental risk analysis, which shall detail and identify potential environmental impacts associated with the project including construction and consideration of final occupation.

This Environmental Assessment and environmental risk analysis shall also detail all proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures.

Where any additional environmental impacts are identified through this analysis, an appropriately detailed impact assessment of the additional key environmental impacts shall be included in the Environmental Assessment.





## EXHIBIT 5 - FUTURE RESIDENTIAL RELEASE AREAS

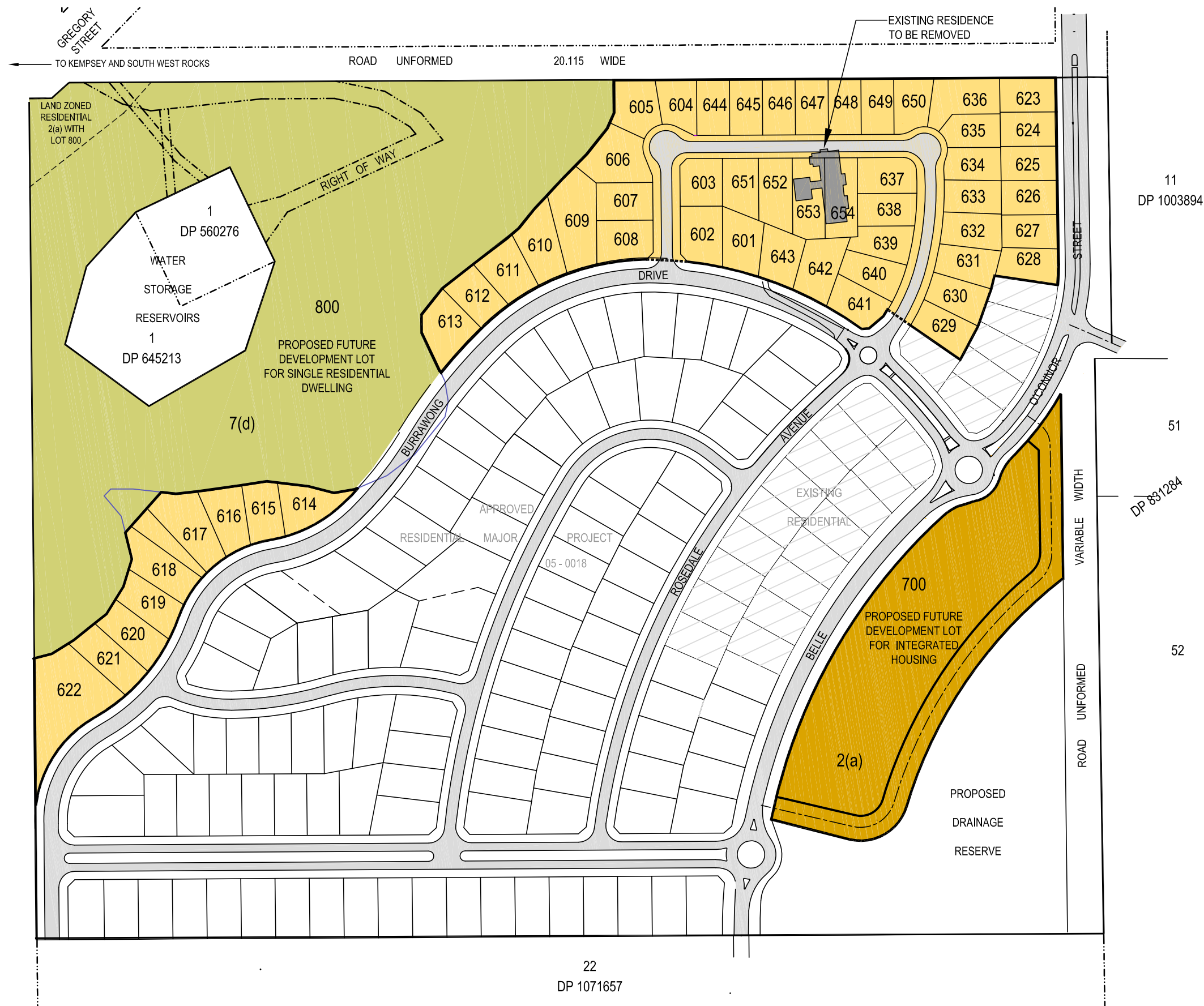
KING + CAMPBELL

1st Floor, Colonial Arcade  
25-27 Hay Street  
Port Macquarie NSW 2444  
PO Box 243  
Port Macquarie NSW 2444  
T: 02 6586 2555  
F: 02 6583 4064  
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This Plan has been adapted from Residential  
Land Release Strategy 2001 - South West  
Rocks by Kempspey Shire Council

 SITE BOUNDARY





PRECINCT E1 LOTS 601 - 613, AND LOT 700 (14 LOTS)  
FUTURE INTEGRATED HOUSING DEVELOPMENT LOT  
PRECINCT E2 LOTS 614 - 622 (9 LOTS)

PRECINCT F1 LOTS 623 - 637 (15 LOTS)  
PRECINCT F2 LOTS 638 - 654 (17 LOTS)

PRECINCT G LOT 800 (1 LOT)  
FUTURE DEVELOPMENT LOT FOR LOW DENSITY  
ECO TOURISM CABINS

**TOTAL RESIDENTIAL LOTS 54**  
**TOTAL FUTURE DEVELOPMENT LOTS 2**



**CAUTION**  
THIS PLAN HAS BEEN PREPARED FOR THE  
PURPOSE OF A PART 3A APPLICATION.  
THE INFORMATION SHOWN HEREIN IS  
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KING + CAMPBELL	1st Floor, Colonial Arcade 25-27 Hay Street Port Macquarie NSW 2444  PO Box 243 Port Macquarie 2444  T: 02 6586 2555 F: 02 6583 4064  E: info@kingcampbell.com.au	Rev A B C	Date 29.08.2007 6.11.2007 29.04.2008	Description Issued for Approval Additional Staging Information Amendments	Scale 1:1250 @ A1 Datum AHD 0 10 20 30 40 50  Caution: The stated scale of this drawing may have been altered by copying or other means. The scale should be verified prior to using the drawing to derive measurements.  Copyright King & Campbell Pty Ltd	Project Number 14777 Drawing Number 14777E_Stage1C.dwg DA Number MP 05-0018 Drawn JC Checked PJR Date Created SEPTEMBER 2007	Drawing Title STAGE 1C PROJECT APPLICATION - OVERALL LAYOUT PLAN (MP 05-0018)  Project LOT 124 DP 1097510, STAGE 1C, SEASCAPE GROVE SOUTH WEST ROCKS  Client WALDEL PARK PTY LTD



**Legend**

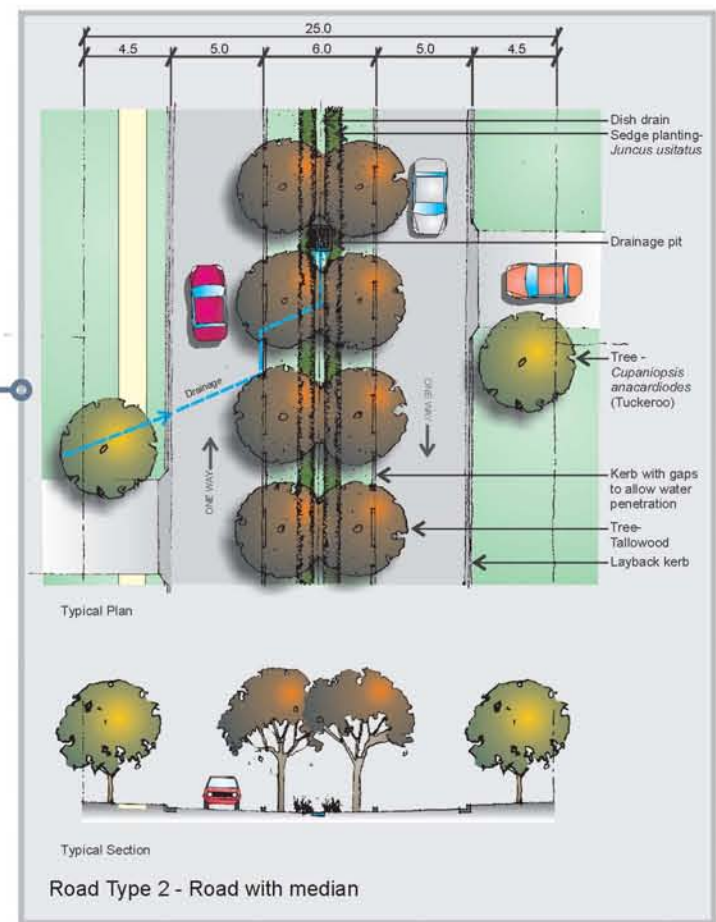
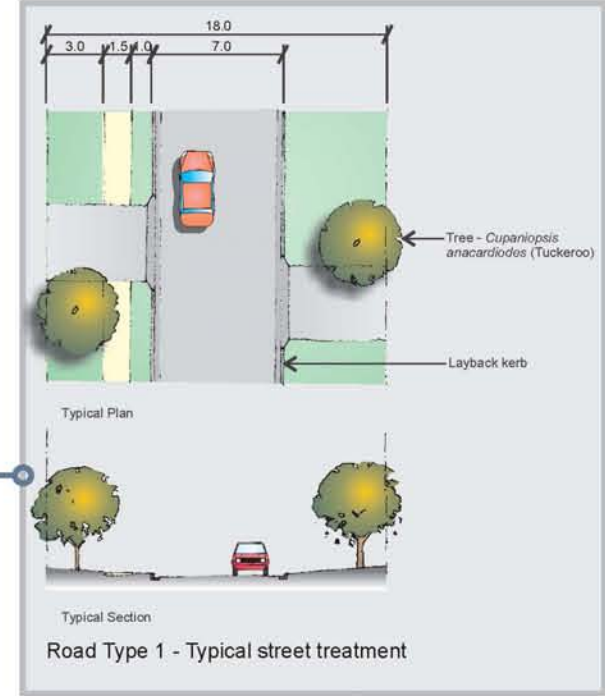
- Property boundary
- Project approval boundary
- Project approval precinct boundary
- Existing 1m contours
- Zone boundary
- Existing individual trees to be retained
- Proposed new street pattern
- Future project application Stage 1C
- Denotes area included in project approval application
- Asset Protection Zone
- New street tree planting
- New street median tree planting

**Schedule of Project Approval Lots**

Precinct A = 25 Lots  
 Precinct B = 31 Lots  
 Precinct C = 33 Lots  
 Precinct D = 19 Lots

Min Residential lot size 680m<sup>2</sup>  
 Max Residential lot size 1018m<sup>2</sup>  
 Average lot size 735m<sup>2</sup>

Water Quality Basin  
 Drainage Reserve  
 Precinct A 20020m<sup>2</sup>







# Section 3

## Legislation Review

---

The following planning instruments and guidelines are relevant to the proposed development and will be considered in the preparation of the Environmental Assessment:

### 3.1 Environment Protection and Biodiversity Conservation Act 1999

This commonwealth legislation is designed to protect Australia's environment and heritage. The Draft Environmental Assessment will address the objectives of the Act and any relevant matters of national environmental significance (NES). Matters of NES under the Act include:

- World Heritage Areas;
- Wetlands protected by international treaty (the RAMSAR Convention);
- Nationally listed threatened species and ecological communities;
- Nationally listed migratory species;
- All nuclear actions; and
- The environment of Commonwealth marine areas.

### 3.2 Native Vegetation Act 2003

This Act sets the legislative framework for protecting land, rivers and wildlife and is based on voluntary planning agreements between landholders and Catchment Management Authorities. The Act applies to rural zoned lands.

The Environmental Assessment carried out by Darkheart Eco-Consultants did not identify any Endangered Ecological Communities (EEC) in the vicinity of the development.

### 3.3 NSW Coastal Policy

The Coastal Policy provides a framework for the management of the coast's unique physical, ecological, cultural and economic attributes. The overriding vision for the policy is the ecological sustainability of the NSW coast. Therefore the policy is goal oriented and based on the principles of ecologically sustainable development (ESD).

The Draft Environmental Assessment will be prepared to specifically address the principles of ESD in relation to the location of the site within a 'coastal location'. Regard will also be given to the 'NSW Coastline Management Manual', the 'North Coast: Design Guidelines' and



'Coastal Design Guidelines for NSW'.

### 3.4 Threatened Species Conservation Act

This Act provides for the protection of native plants and animals identified as threatened in New South Wales. The Act also provides for the listing and protection of 'endangered populations' and endangered ecological communities'.

The Environmental Assessment carried out by Darkheart Eco-Consultants did not identify any threatened species in the vicinity of the development.

### 3.5 State Environmental Planning Policies

The following State Environmental Planning Policies will be considered during the preparation of the Environmental Assessment:

#### *State Environmental Planning Policy No.44 – Koala Habitat*

This policy applies to land in the Kempsey local government area and as the site has an area greater than 1ha; further investigation will be required to determine if the land qualifies as potential koala habitat.

In this regard, the Environmental Assessment report undertaken by Darkheart Eco-Consultants noted that '*...no Koala population has an association with the site*' and the site does not contain suitable koala habitat. The existing vegetation communities on the site have been mapped (refer page 37 **Appendix B**) and this SEPP will be addressed in detail in the Draft Environmental Assessment.

#### *State Environmental Planning Policy No.71 – Coastal Protection*

SEPP 71 applies to the proposed development as the site is located within the Coastal Zone. Clause 8 of the policy details the matters to be taken into consideration in the preparation of the Draft Environmental Assessment.

#### *State Environmental Planning Policy 'Major Projects'*

This SEPP is intended to conform with Part 3A of the EP&A Act and identify those developments to which the development assessment and approval process under Part 3A of the EP&A Act apply. In this regard, if the site or development is described in schedule 1, 2, 3 or 5 of this SEPP it is generally declared to be a project to which Part 3A of the EP&A Act applies.

In this regard, the site is considered to satisfy the criteria listed in clause 1(j)(i) to Schedule 2 for the following reasons:

- The site is located within the Coastal Zone of New South Wales;

- The proposed development is for the purpose of a residential subdivision
- The site will be subdivided into 54 Residential lots and two (2) super lots;

### 3.6 Draft Mid North Coast Regional Strategy

This strategy once finalised shall guide local planning in eight Mid North Coast local government areas including the Kempsey Shire. The Strategy's main goals are to ensure the maintenance of the region's natural assets and to guide the Mid North Coast's prosperity over the next 25 years.

The draft Environmental Assessment shall be prepared to specifically address the strategic directions outlined within this document to ensure that the project is consistent with the growth of the Mid North Coast region.

It is noted that the subject site is identified within the draft Mid North Coast Regional Strategy (Map 6) as a draft growth area and proposed future urban release area.

### 3.7 North Coast Regional Environmental Plan

The North Coast Regional Environmental Plan applies to the Kempsey Shire Council Local Government Area. The plan sets the basis for new urban and rural development with its aim being to encourage the development of regional policies that protect the natural environment, encourage an efficient and attractive built environment and guide development into a productive yet environmentally friendly sound future. It also aims to provide a basis for growth in the region, optimising the economic/social benefits to the local community and visitors.

### 3.8 Kempsey Local Environmental Plan

The site is zoned Residential 2(a) and Environmental Protection 7(d) pursuant to the Kempsey LEP 1987 (see **Exhibit 3**). A 'residential subdivision' is permissible with consent within this zone and therefore the Minister is able to give approval for the proposal, pursuant to sections 75J and 75O of the Act.

Consideration will also be given to any relevant Development Control Plans and guidelines developed by Kempsey Shire Council, including:

- *Development Control Plan No.9 – South West Rocks & Spencerville*

This DCP provides guidelines and objectives in relation to development within the South West Rocks and Spencerville locality so as to ensure the maintenance of the existing character.

- *Development Control Plan No.22 – Local Housing Strategy*  
Provides guidelines and objectives in relation to subdivision design including lot size, layout, access and landscaping.
- *Development Control Plan No.30 – Acid Sulphate Soils*  
Specifies measures to be considered when developing on potential acid sulphate soils and,
- *Development Control Plan No.36 – Guidelines for Engineering and Subdivision*  
Identifies the engineering standards applicable within the Kempsey Shire during the development process.

Other instruments or matters that will require consideration include:

- The Kempsey Shire Council *Residential Land Release Strategy* (1997), see **Exhibit 5**;
- This document was prepared to satisfy the requirements of the NCREP and seeks to guide future land release areas in a strategic manner;
- Tree Preservation Order; and,
- The public interest.

# Section 4

## Key Issues

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The following provides a summary of the key issues and those studies previously completed and approved under the Master Plan issued under Major Project 05\_0018. The following also identifies the potential environmental impacts in relation to the development of the site:

### 4.1 Master Plan

On 20<sup>th</sup> March, a Master Plan was adopted by the Minister for Planning for the subject site (MP 38-09-2004). The Master Plan approved drawing "Residential Master Plan, Waldel Park, South West Rocks" relating to Stage 1(b) of Lot 21 DP1071657 (the subject site). The Master Plan approved the development of 178 lots for the purposes of residential development.

The Stage 1C lot layout, as shown in **Exhibit 6**, is consistent with the Master Plan approval, which can be seen in **Exhibit 7**.

### 4.2 Ecological Impacts

The Ecological Assessment will address the relevant legislation including the Native Vegetation Act 2003, the Threatened Species Conservation Act 1995, State Environmental Planning Policy No.44 – Koala Habitat Protection, the Environment Protection and Biodiversity Conservation Act – Matters of National Environmental Significance, the draft Threatened Species Survey and Assessment – Guidelines for Development and Activities and the Environmental Planning and Assessment Act 1979.

In completing the statutory requirements associated with the Master Plan approval (MP 05\_0018) an Ecological Impact Assessment (EIA) was completed by Umwelt (2006) relating to the subject site (**Appendix G**). A supplementary EIA relating specifically to Stage 1C has been completed by Darkheart Eco-Consultancy (December, 2007).

The EIA completed by Darkheart (**Appendix B**) included an assessment of the relevant legislation listed above including matters of national environmental significance and the completion of a seven-part test. The report noted that *'...the proposed development is not considered likely to significantly adversely affect any threatened species, endangered population or EEC'*.

A Tree Assessment Report was also completed (Trevor Bailey, Arborist, 2006, see **Appendix H**) during the preparation of the Major Project application. This report included direct assessment of trees within the subject site and associated recommendations regarding tree health during construction and occupation.

**Exhibit 8** identifies the location of trees within the subject site and details those which are to be retained or removed as per the requirements of the above-mentioned ecological reports.

#### 4.3 Landscaping

A detailed landscape plan and arborist report shall be provided detailing the location of any trees occurring on the subject site, including those required to be removed to accommodate the project. The concept landscape plan shall also indicate the indicative species proposed to be included and their suitability for the site with regard to the surrounding locality and existing vegetation.

In this regard, a detailed *Landscape Principles Plan* was completed by King & Campbell Pty Ltd during the preparation of MP 05\_0018. The approved *Landscape Principles Plan* is attached as **Appendix K**. This approved Landscape Plan included detail regarding street tree planting, the pedestrian pathway network and street treatment.

A Tree Assessment Report (Mr. Trevor Bailey, Arborist, 2006) was also completed during the major project preparation and is attached as **Appendix H**.

#### 4.4 Bushfire

The site is mapped as bushfire prone and therefore the proposal must comply with the provision of Planning for Bushfire Protection 2006 (PBP 2006).

Mr Graham Swain of Australian Bushfire Protection Planners Pty Ltd (ABPP) has undertaken a bushfire risk assessment for the development proposal. The report completed by ABPP relates to Stage 1C specifically and is attached as **Appendix A**.

The ABPP report assessed the Stage 1C development against the requirements of PBP 2006 and included 10 recommendations to address the deemed-to-comply provisions for the provision of Asset Protection Zones (APZ's), access and water supplies for fire fighting operations, dwelling construction and the management of landscaped areas/APZ's.

A Bushfire Hazard Assessment (BHA) was completed by ERM covering Stage 1B of the subject site during the preparation of the Major Project 05\_0018. **Figure 2** below, details the bushfire risk area considered and identifies the surrounding vegetation types within the subject sites locality.

The ERM BHA noted that the Development of Stage 1C could be undertaken to meet the NSW Rural Fire Service guidelines, subject to adoption of specific bushfire hazard reduction measures, those being:

- Formalisation of asset protection zones to identified hazards in the north, east and south, including easement creation on Lot 22



**Figure 2:** Bushfire risk area considered during the preparation of Major Project 05\_0018 as completed by Environmental Resource Management (August, 2006).



to the east;

- Provision of vehicular access to each hazard interface, as described above;
- Use of 19mm metal tap fittings and provision of water supply points to residential areas; and
- The construction of dwellings to the appropriate Level of Construction in accordance with AS3959-1999, relative to the distance of the dwelling site to the nearest hazard.

**Appendix J** details the approved fire protection measures relating to the Master Planned subdivision.

#### 4.5 Traffic

Evidence shall be provided in the Environmental Assessment detailing the projects compliance with the relevant Council and RTA traffic and car parking codes. The Environmental Assessment shall also outline the projects impacts on the physical road network including any existing bike network.

The proposed 54 residential allotments require the provision of one local road within the sites north-western corner. This road shall include two access points off Burrawong Drive. The first access point is proposed from the intersection (round-a-bout) of Burrawong and Rosedale Drive and the second is proposed to come from further west along Burrawong Drive. This road layout is consistent with the Master Plan approved under Major Project 05\_0018 as shown in **Exhibit 7**.

In this regard, Environmental Resources Management (ERM) prepared a traffic impact assessment to address the internal and external impacts of the Master Planned development. As part of the assessment, traffic generation estimates for Stage 1C and Stage 2 of the development were assessed to ensure that road design would cater for any likely future development scenarios.

The Traffic Impact Assessment completed by ERM is attached in full to this report as **Appendix D**.

#### 4.6 Social & Economic

The Environmental Assessment shall provide a detailed social and economic impact assessment including demographic impacts on the locality, accessibility, mix of housing opportunities, provision of community infrastructure and catering for cultural diversity.

#### 4.7 Aboriginal Heritage

Aboriginal and European Heritage will be addressed, as required by clause 64 of Kempsey Local Environmental Plan 1987.

Therefore, in addition to consultation with the LALC the Draft Environmental Assessment will address the draft document "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" (DEC, July 2005) and "Interim Community Consultation Requirements for Applicants" (DEC).

It is noted that the site contains the potential to contain Aboriginal objects and places as a result of previous use and/or occupation of the site. In this regard, an Aboriginal Heritage Assessment has been undertaken by ERM (May 2007) for the entire subject site and it is noted that the assessment concluded that there is minimal to no potential or undetected Aboriginal heritage material to be located within the study area (subject site). The AHA report is attached in full as **Appendix C**.

#### 4.8 Water Quality & Flooding

In regard to water quality and flooding, the draft Environmental Assessment shall:

- Detail any associated groundwater impacts, if any;
- Demonstrate the projects compliance with the 1:100 year ARI storm event for the site;
- Address water sensitive urban design measures and compliance with BASIX requirements;
- Provide a detailed water management plan outlining the satisfaction of the requirements of the Saltwater Creek / Lagoon Estuary Management Plan; and,
- Detail the site specific stormwater principles.

A Water Management Report was completed by King & Campbell Pty Ltd as part of the Part 3A application prepared by ERM relating to the Master Planning (Ref: MP39-9-2004) of the subject site.

This report addressed the relevant Kempsey Shire Council's studies including the Saltwater Creek and Lagoon Estuary Management Plan and the draft Flood Study for Saltwater Lagoon. The report also addressed the applicable planning controls and policy documents including Basix and Water Sensitive Urban Design.

The report also focussed on the groundwater impacts and compliance with the 1:100 year ARI storm event. In this regard, the report noted that groundwater levels shall not be detrimentally affected by the proposal and that the measures proposed by the report are sufficient to provide protection for the 1:100 year ARI storm event.

The Water Management Report is attached in full as **Appendix E**.

#### 4.9 General Environmental Risk Analysis

Notwithstanding the above key assessment requirements, the Environmental Assessment will include an environmental risk analysis to identify potential environmental impacts associated with the project including construction and consideration of final occupation.

The Environmental Assessment shall also detail all proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures.

Where any additional environmental impacts are identified through this analysis, an appropriately detailed impact assessment of the additional key environmental impacts shall be included in the Environmental Assessment.

# Section 5

## Conclusion

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The subject site is considered acceptable to accommodate the residential growth of the South West Rocks and wider Kempsey area due to its coastal location and adjoining natural features. The development footprint and allotment layout has been carefully considered to ensure the development is ecologically sustainable and within the environmental capacity of the land. Furthermore, the development will enable appropriate public access, create a functional and desirable residential estate whilst ensuring consistency with the approved Master Plan.

This preliminary environmental assessment has identified the key issues that should be addressed within the Draft Environmental Assessment, these being:

- Master Plan;
- Ecological Impacts;
- Landscaping;
- Bushfire Protection;
- Traffic;
- Social & Economic impacts;
- Aboriginal Heritage;
- Water Quality & Flooding; and,
- General Environmental Risk Analysis.

In conclusion we confirm that a 'project approval' is sought in relation to the proposed development and on behalf of the proponent, we seek the following:

1. The Ministers confirmation that the proposal should be declared a project under Part 3A of the Act; and
2. The Director-Generals environmental assessment requirements (DGR's) for the preparation of the Draft Environmental Assessment.