PLANNING PROPOSAL

52, 76, 78 & 84 BLAIRS LANE
SOUTH KEMPSEY

(LOTS 120 & 121 DP 754400
& LOT 1 DP 1159592)

VIVID PLANNING PTY LTD

MARCH 2016
(UPDATED MAY 2016)

GEM PLANNING PROJECTS
ADVICE • NEGOTIATION • RESULTS

Contents

1. Introduction 3
2. Planning Proposal 6
   2.1 PART 1: Objectives or Intended Outcomes 6
   2.2 PART 2: Explanation of Provisions 6
   2.3 PART 3: Justification 7
3. Part 5: Community Consultation 21
4. Part 6: Project Timeline 21

Figures

Figure 1: Locality Kempsey context
Figure 2: Location South Kempsey
Figure 3: Lots 120 & 121 DP 754400 & Lot 1 DP 1159592
Figure 4: Aerial of Planning Proposal site
Figure 5: Kempsey LGM Strategy South Kempsey Land Release Staging
Figure 6: Extract Kempsey Bypass Post Construction Operational Noise Report
Figure 7: 600m separation distance from Kempsey Bypass alignment
Figure 8: Cnr Blairs Lane and Wedlock Close – Roadside vegetation
Figure 9: Land subject to the Planning Proposal

Mapping

Land Subject to the Planning Proposal
Current Zoning
Current Minimum Lot Size
Proposed Minimum Lot Size

Appendix

Appendix A: Planning Proposal Intended Outcome
Appendix B: Site Assessments: Bushfire, On Site Waste Water, AHIMS, crown rd
Appendix C: S117 Directions compliance or justification
Appendix D: State Environmental Planning Policies
Appendix E: Extracts Kempsey Bypass Operation Noise Report 20 Sept 2013
Appendix F: Previous Ecological assessment *Northcoast Forestry ecological*
Appendix G: Blairs Lane Vegetation Photographic Analysis

This planning proposal has been undertaken with skill, care and diligence by the staff of GEM Planning Projects Pty Ltd. Assessments made are based on information provided by the client, third party research and research undertaken by GEM Planning Projects Pty Ltd. Independent verification of the documents relied upon has not been undertaken.

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Geraldine Haigh
GEM Planning Projects Pty Ltd
Date: 4 March 2016..... Job: 0034 STU

1. Introduction

Property Details: 52, 76, 78 & 84 Blairs Lane, South Kempsey
Lots 120 & 121 DP 754400 & Lot 1 DP 1159592

Applicant & Owner: Vivid Planning Pty Ltd

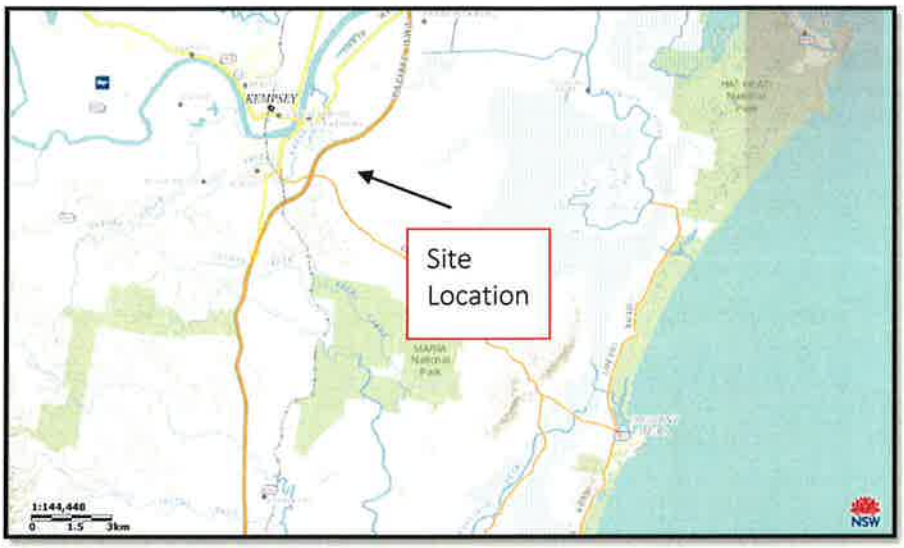


Figure 1: Locality Kempsey context

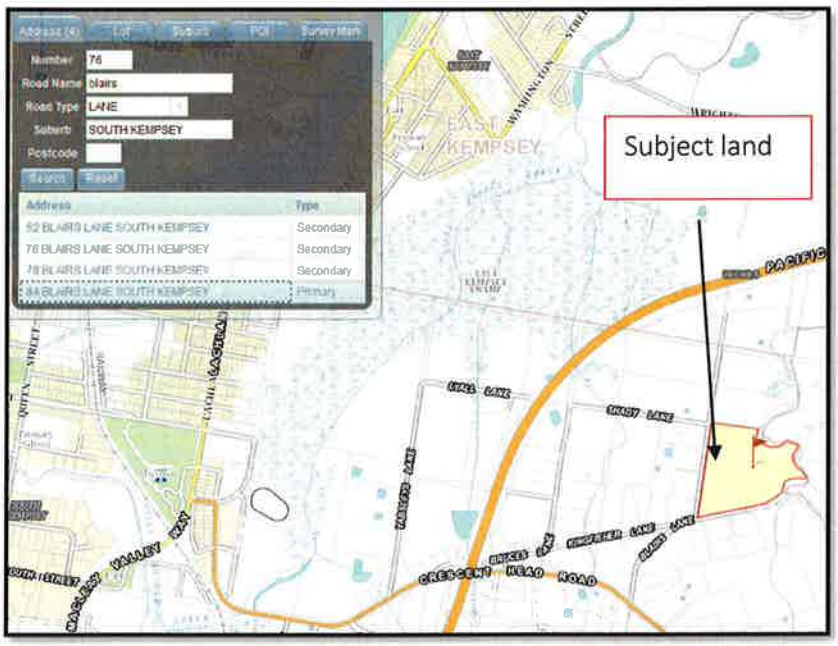


Figure 2: Location South Kempsey

This Planning Proposal relates 52, 76, 78 & 84 Blairs Lane, South Kempsey described as Lots 120 & 121 DP 754400 & Lot 1 DP 1159592. The subject land has a total area of 11.58 ha has sealed road frontage to Blairs Lane and Wedlock Close, via Crescent Head Road.

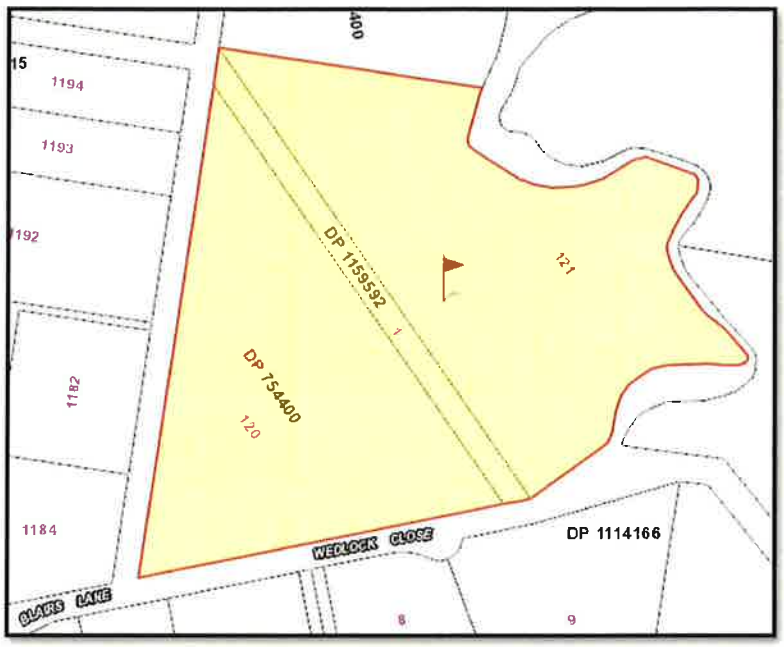


Figure 3: Lots 120 & 121 DP 754400 & Lot 1 DP 1159592

The land is currently used for rural residential purposes and has existing dwellings, sheds and farm & house yard fencing. The majority of the site is grassland, regularly slashed with fenced off vegetation adjacent the upper creek banks and slopes leading to Pola Creek.

The site elevation sits around RL 20m AHD and slopes gently down to the east and north east towards the Pola Creek frontage to around RL 8m AHD at the edge of clearing and around RL 5m AHD at the eastern property boundary.

Pursuant to the provisions of Kempsey Local Environmental Plan 2013 the subject land is presently zoned RU2 Rural Landscape.

The Planning Proposal seeks to amend the zone map and minimum lot size map to permit the creation of 1 ha allotments subject to the successful development applications.

Plans demonstrating two potential development outcomes for the subject land are provided at ***Appendix A***.

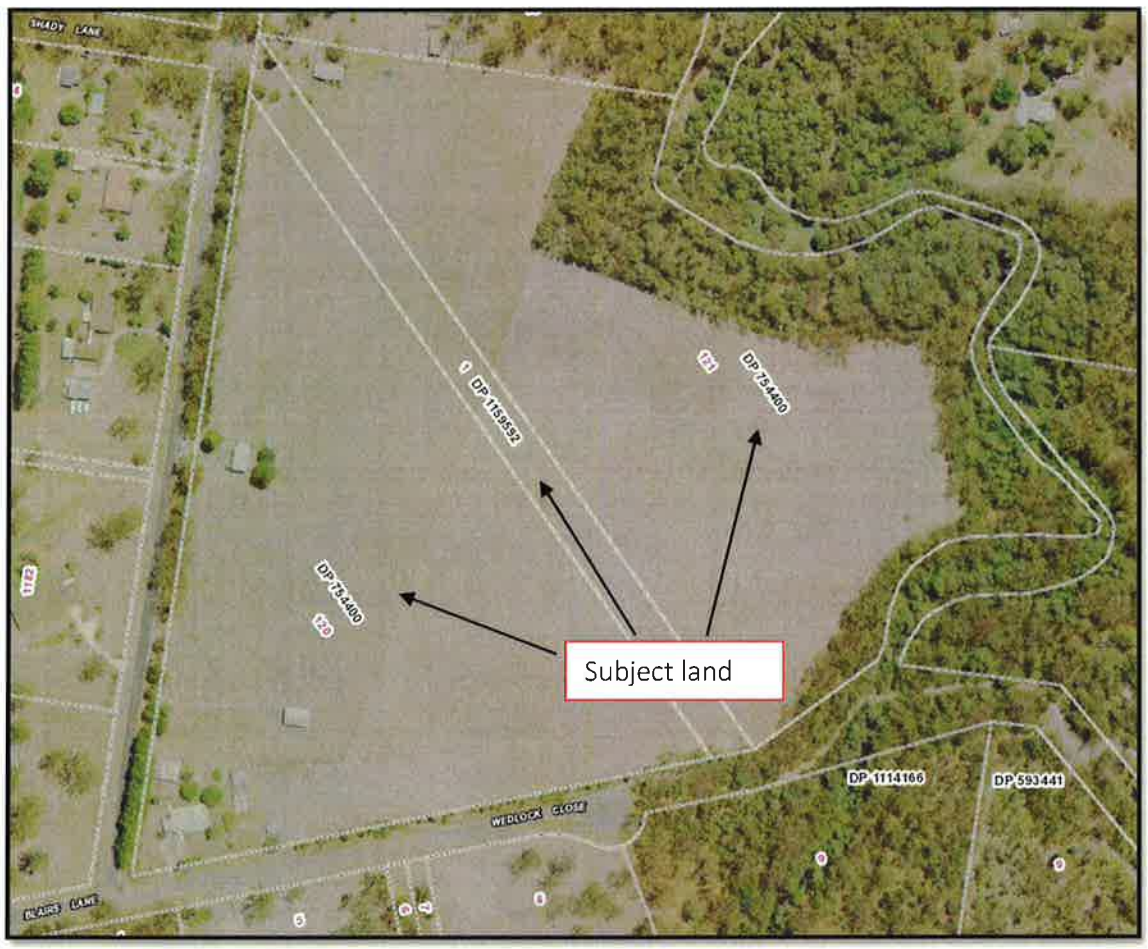


Figure 4: Aerial of Planning Proposal site (*(source LPI SIX Maps)*

2. Planning Proposal

2.1 PART 1: Objectives or Intended Outcomes

To amend Kempsey Local Environmental Plan 2013 in relation to land at 52, 76, 78 & 84 Blairs Lane, via Crescent Head Road to permit Large Lot residential subdivision of the land.

The land is primarily clear of vegetation, other than retained vegetation adjacent Pola Creek. The intended outcome is nine (9) x 1 hectare allotments. Two subdivision concept plans are provided at ***Appendix A*** which demonstrate that each existing dwelling can be contained within a 1 ha allotment together with the corresponding access onto Blairs Lane. Proposed Lots 1 to 5 would front Blairs lane and proposed Lots 6 to 9 be accessed via Wedlock Close and construction of a short cul-de-sac (Option 1) or from Blairs Lane with construction of a short cul-de-sac (Option2). Each proposed Lot has suitable areas for a dwelling located within existing clearings more than 100m from Pola Creek.

The existing vegetation adjacent the east boundary of Lot 121 DP754400 would be retained within the rear of proposed allotments 6 to 9 (Option1) and Lots 5 to 9 (Option 2).

The proposed amendment to Kempsey Local Environmental Plan 2013 in relation to the subject land is consistent with the Kempsey Shire Rural Residential Land Release Strategy (Rural Res Strategy) and the Mid North Coast Regional Strategy 2009.

The desired future use of the site would be best served by the application of the R5 Large Lot residential zone and 1 hectare Minimum Lot Size code Y, consistent with the adjacent land use provisions West and South of the subject land.

2.2 PART 2: Explanation of Provisions

The proposed outcome will be achieved by amending the map depicting Land Use Zone and Lot Size under Kempsey Local Environmental Plan 2013 for Lots 120 & 121 DP 754400 & Lot 1 DP 1159592 Blairs Lane South Kempsey to R5 Large Lot Residential and Y1 – 1 hectare minimum lot size, as shown in the maps at Section 4 of this Planning Proposal.

2.3 PART 3: Justification

Section A: Need for the planning proposal

2.3.1 Is the planning proposal a result of any strategic study or report?

Yes - The Planning Proposal is consistent with the Kempsey Local Growth Management Strategy (LGMS) Rural Residential Component and Map 16 of the Release Strategy Staging.

Kempsey Local Growth Management Strategy – Rural Residential Component

The purpose of the Kempsey Local Growth Management Strategy (LGMS) is to meet Council's obligations to manage population and housing growth, consistent with relevant regional policies. The strategy identifies South Kempsey Release Area as having good accessibility, strong market demand and infrastructure availability. The constraints of the area were also identified as extent of the 1 in1 00 yr flood level, noise impacts from the Pacific Highway, bushfire, unknown koala habitat need to protect riparian corridor adjacent Pola Creek.

Map 16 of the adopted Strategy identifies the preferred staging for the South Kempsey Release Area. The Planning Proposal is for the entire area identified in Figure 6 below as South Kempsey Stage 1.

Section 4.5.7 of the Rural Residential strategy identifies this site as:

"A single additional area was identified with access from Blairs Lane, which is an extension of the existing small holdings area. Based on a submission received, which demonstrates the actual area affected by flooding, this area has been expanded".

Locality Specific Issues for the South Kempsey Land Release Area No 1 include:

- The extent of the 1 in 100 year flood
- Impacts of noise from the Pacific Highway
- The means of rationalising access to facilitate an efficient pattern of subdivision
- Means for protecting the riparian corridor
- Unknown Koala habitat
- Part bushfire prone land
- Class 5 Acid Sulfate Soil

Additional to the above, information relating to the land capacity for on site waste water treatment & disposal is required.

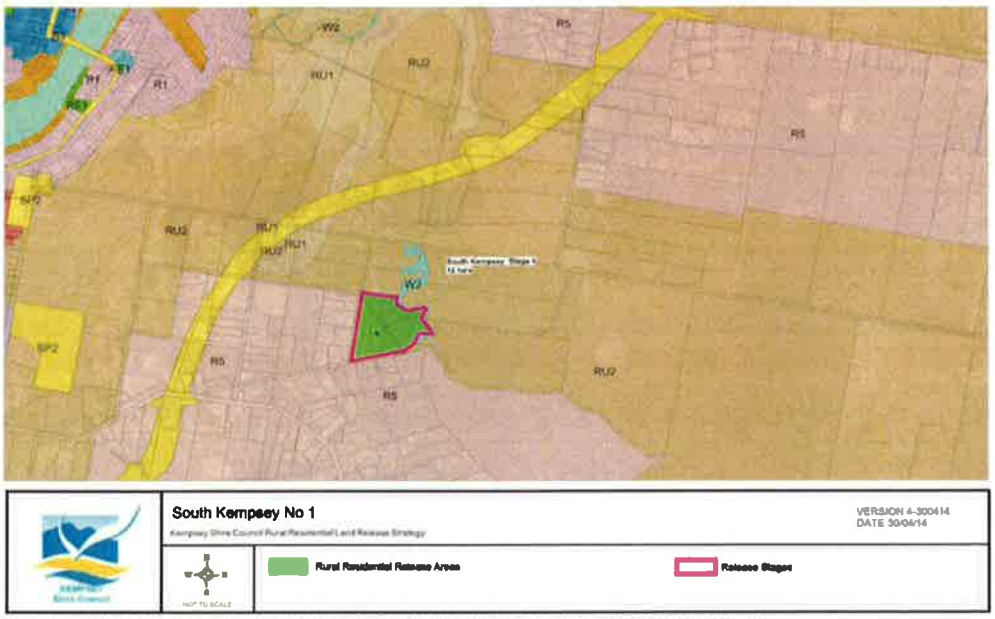


Figure 5: Kempsey LGM Strategy South Kempsey Land Release Staging

a) 1 in 100 year Flood Prone Land

The majority of the Planning Proposal site is flood free with localised flooding along the Pola Creek frontage at the eastern edge of the site. This section of Pola Creek is an upstream tributary feeding into the Macleay River. The 1 in 100 year flood level in this location is identified at RL 6.72mAHD and the corresponding Flood Planning Level at RL 7.22m AHD. The edge of vegetation is generally at RL 8/8.5 mAHD and taking into account likely APZ setbacks from the vegetation the future dwelling sites are all located well above the Flood Planning Level of RL 7.22m AHD.

The subdivision concept plan at ***Appendix A*** demonstrates each proposed lot is substantially flood free.

b) Noise from Pacific Highway

The recently completed Kempsey By-pass is located approximately 600m North West of the site. Reference to the Operational Noise Report (ONR) for the Kempsey By-pass reveals that the land the subject of the Planning Proposal is outside the areas modelled as impacted by the Highway noise over the long term. The Operational Noise Report modelled current and future noise impacts up to 300m from the highway.

The Noise Goals for receivers subject to new road traffic noise as a result of the Bypass projects are identified as ***Daytime*** 7am to 10 pm LAeq 55dBA and 50 dBA ***Nightime*** 10pm to 7am with dwellings being eligible for acoustic treatment if there is a resulting increase in existing noise by more than 0.5dBA.

In relation to the planning proposal site, the Operational Noise Report modelled noise in this location shows that the noise goals would not be exceeded at the subject land. Further, to validate the noise modelling on site noise monitoring at selected sites was completed under the ONR.

The following extract (Figure 6) shows the closest section of the Highway Bypass to the land subject to this planning proposal. This section of the Highway bypass also includes a noise mound which significantly improves noise exposure to adjacent properties.

The subject land is located immediately to the south of the mapped area in Figure 6 below and is well outside the modelled noise contours for 50dBA and 55 dBA.

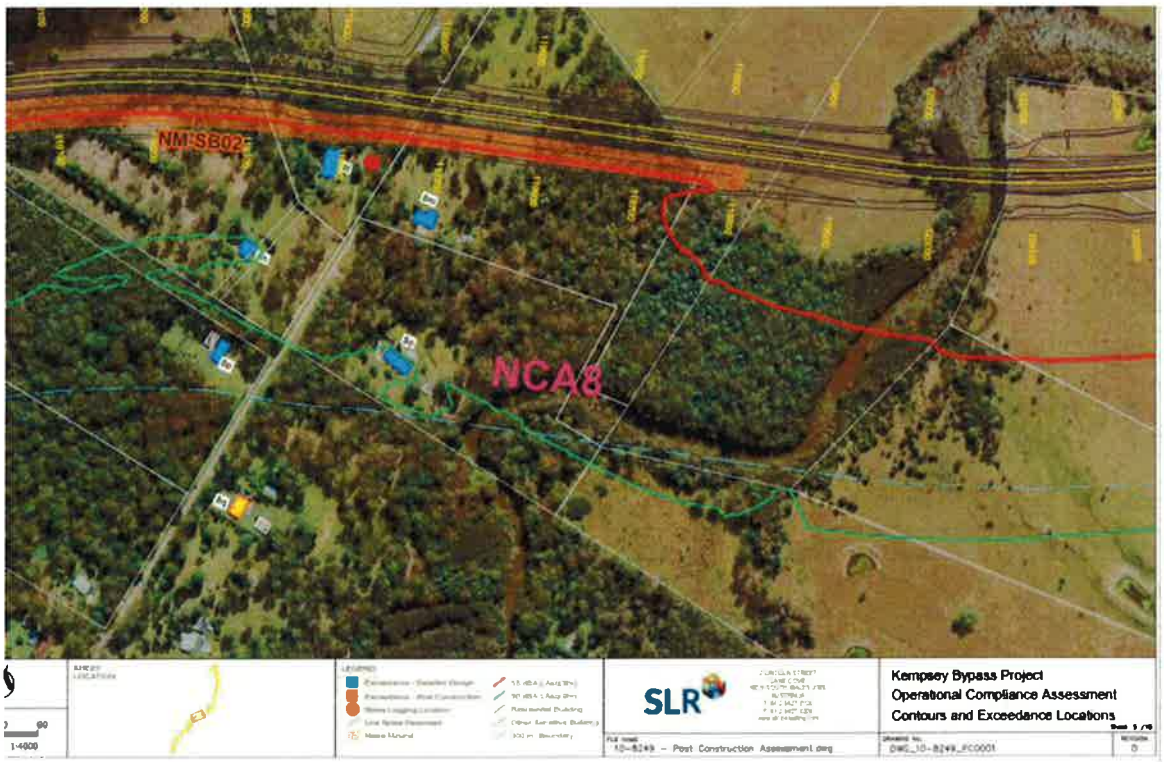


Figure 6: Extract Kempsey Bypass Post Construction Operational Noise Report

Figure 7 below shows the closest property to have on site noise monitoring to validate the accuracy of the Operational Noise Report. It is referred to as 141 Blairs Lane in the Kempsey Bypass ONR. The closest dwelling on the Blairs Lane property the subject of this planning proposal is approximately 620m away as demonstrated by the red dashed line in the Figure 7 below.

Figure 7: 600m separation distance from Kempsey Bypass alignment

Copy of the Kempsey By-pass Operational Noise Report (ONR) is on public record through the Roads and Maritime Services Website. Key highlighted extracts from the ONR are provided at ***Appendix E*** of the planning proposal.

c) Access & efficient land use pattern

The site has two road frontages, Blairs Lane at the west frontage and Wedlock Close along the southern frontage. There are three accesses off Blairs Lane serving existing structures/dwellings and one access off Wedlock Close.

The subdivision concept plans at ***Appendix A*** demonstrates an option for a new cul-de-sac entering from Wedlock Close (Option 1) or from Blairs Lane (Option 2).

d) Riparian Corridor protection

The vegetation adjacent Pola creek is fenced off from the rest of the site and not subject to encroachment by slashing or livestock. The landform starts to step down towards the creek in a series of banks & steep sections. The Planning Proposal seeks to retain this protective measure and propose to incorporate a restriction on the title of the relevant lots requiring maintenance of the fencing and retention of the vegetation.

The majority of the site is grassland and each proposed lot has a choice of dwelling sites without necessitating any disturbance to the vegetation along the Pola Creek frontage.

e) "Unknown Koala habitat"

The Kempsey Shire Comprehensive Koala Plan of Management (CKPoM) maps the land as 'unknown' in terms of potential Koala habitat.

A previous site ecological assessment undertaken in May 2007 by Mr Brian Salter of Northcoast Forestry ecological surveys and studies identifies the vegetation adjacent Pola Creek as Potential Koala Habitat under SEPP 44 Koala Protection ***(Appendix F).*** It is not proposed to alter this vegetation which is currently fenced off from the rest of the property avoiding encroachment by slashing or livestock.

Vegetation along Blairs Land frontage within the road reserve includes some mature eucalypt species at the northern end and exotic species at the southern end such as the Pines illustrated below.

Figure 8: Cnr Blairs Lane and Wedlock Close – Roadside vegetation

In considering future vegetation removal there are three existing crossings along the Blairs Lane frontage which would serve proposed Lots 1, 3 & 5. Proposed Lot 2 has sufficient cleared area in the road frontage to construct a new crossover with no tree removal. Proposed Lot 4 would appear to need to remove a small number of trees to provide access onto Blair's Lane and would have very minimal impact in light of the wider retained & protected areas along the Pola Creek frontage to the land.

A photographic vegetation analysis has been undertaken and is provided at ***Appendix G.***

f) Bushfire

The bushfire hazard assessment for Option 1 at ***Appendix A*** concluded that the existing cleared areas within each proposed lot provide for suitable building envelopes with compliant asset protection zones and BAL levels. Option 2 has similar available area for building envelopes to include asset protection zones.

A copy of the Bushfire Hazard Assessment by *Midcoast Building and Environmental* is provided at ***Appendix B.***

g) Acid Sulphate Soils mapping

The land is mapped as Class 5 potential Acid Sulphate soils in the LEP map layers. The provisions of Clause 7.1 of the Kempsey LEP 2013 are not triggered as there are no works proposed to disturb 1 tonne or more of soil are proposed nor are any works likely to lower the watertable. Refer to ***Appendix C - S117 Directions***

h) Onsite Waste Water Management

The Onsite Sewage Management Assessment by *Midcoast Building and Environmental* provides results of soil testing and recommendations for a range of disposal systems. Based on the results of the assessment each proposed lot in Option 1 has sufficient area for both a minimum irrigation area and a reserve area compliant with recommended buffer distances. The recommendations are subject to three mitigation measures:-

- Installation of up-slope surface water and subsurface) drainage to divert run-off and seepage water from the land application area. The diversion system is to be designed and constructed in accordance with the technical requirements of Kempsey Shire Council.
- Improvements of the soil within the irrigation area is to be carried out to ensure no run-off. The soil should be deep ripped and lime or gypsum added(at a rate of 200g/m^2)
- Irrigation areas are to be planted with suitable vegetation to assist in nutrient uptake and improve effluent disposal through evapo-transpiration.

A copy of the On Site Sewage Management Assessment by *Midcoast Building and Environmental* is provided at ***Appendix B.***

2.3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

Yes – there is no other mechanism available to achieve the objective of the proposal.
Council has not determined indicated a timeframe for a shire wide rezoning to reflect the recommendations of the Strategy and in the interim will consider site specific Planning Proposals consistent with the LGM Strategy.

Section B: Relationship to strategic planning framework

2.3.3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Yes - Mid North Coast Regional Strategy. The site is identified within the South Kempsey Growth Area.

Mid North Coast Regional Strategy 2009

The Planning Proposal is consistent with the Mid North Coast Regional Strategy 2009 as it provides for new housing for the expanding population and proposes new large lot residential development within proximity of existing settlements.

The Mid North Coast Regional Strategy (MNCRS) identifies a number of criteria including:

".... any new planning for rural residential settlement should focus on land close to an existing urban settlement, away from the coast, away from areas that may in the future have value as urban expansion areas, where significant vegetation clearing would not be required and where current or potential future primary production will not be affected. Protection of primary production and biodiversity values of rural areas will be achieved by limiting settlement and controlling subdivision."

The MNCRS also states:

- Rural residential development: Future rural residential land will only be zoned for release if it is in accordance with a local growth management strategy agreed to between council and the Department of Planning and consistent with the principles of the Settlement Planning Guidelines.
- No new rural residential development will be permitted within the Coastal Area, other than development already zoned or in an approved current or future local growth management strategy (or rural residential land release strategy).
- Planning for rural residential land must be integrated with the supply of infrastructure and transport.

The South Kempsey Area A release is consistent with that above in that:

- It is close to existing rural residential settlements along Crescent Head Road, is away from the coast and not sufficiently proximate or connected to be an urban expansion area.

- The part of the site intended for future dwellings is clear of native vegetation and consistently managed. Vegetation along the Pola Creek frontage is not proposed to be removed and is located at the rear of proposed allotments behind an existing fence.

- The Planning Proposal will not result in the loss of significant vegetation, biodiversity values or primary production.

- The majority of the land is not flood prone and has sufficient area for dwellings outside the nominated flood level plus freeboard & climate change allowance.

- Existing sealed road frontage, garbage service, electricity and telecommunications services are available and Busway Kempsey to Crescent Head service is available along nearby Crescent Head Road.

2.3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan ?

Yes – Kempsey Shire Rural Residential Land Release Strategy dated December 2014. The site is identified as having rural residential potential and is within the Stage 1 implementation phase. Refer section 3.2.1 above for discussion of consistency with the Local Strategy.

2.3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes - The proposal is consistent with or justifiable as inconsistent with the relevant State Environmental Planning Policies. Refer to **Appendix D** for details.

2.3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Of the current Section 117 Directions the following are directly relevant to the proposal and/or the subject land and require specific comment.

117 Direction No. 1.2 Rural Zones
117 Direction No. 1.5 Rural Lands
117 Direction No. 2.1 Environment Protection Zones
117 Directive No. 2.2 Coastal Protection
117 Direction No. 3.1 Residential Zones
117 Direction No. 3.4 Integrating Land Use and Transport
117 Direction No. 4.1 Acid Sulphate Soils
117 Direction No. 4.3 Flood Prone Lands
117 Direction No. 4.3 Planning for Bushfire Protection
117 Direction No. 5.1 Implementation of Regional Strategies

The table at ***Appendix C*** provides a summary of the relevant S117 directions and where relevant justifies any inconsistencies.

The key considerations under the S117 Directions for the site and the proposed zone are:

- The Planning Proposal seeks to amend the minimum lot size map (Sheet 11 & 11B) consistent with Map 16 of Kempsey Council's adopted Growth Strategy 2014.

- The majority of the land is not flood prone and other characteristics of the site lend itself to the 1ha lot size.

- The site is adequately serviced and considered to be appropriate with regard to utilising existing road networks, bus services, and proximity to schools, services and community facilities at Kempsey.

Section C: Environmental, social and economic impact

2.3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No – The intended outcome of the planning proposal is for further subdivision for large lot residential purposes.

Kempsey Shire Council's potential EEC (Endangered Ecological Communities) mapping does not identify any potential EEC on the subject land.

The Kempsey Shire Comprehensive Koala Plan of Management (CKPoM) maps the land as 'unknown' in terms of potential Koala habitat. Taking into account the primarily clear nature of the site it is considered possible to locate each future dwelling without the need to remove identified Koala food tree species and as such the proposal is considered consistent with the CKPoM.

It is considered unlikely that any critical habitat, threatened species, populations or ecological communities or their habitats would be adversely affected.

2.3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Access, Transport & Traffic	Direct access off Blairs lane is considered acceptable as is construction of a new cul-de-sac entrance off Wedlock Close subject to final engineering detail.
Public Domain	No public domain issues have been identified at this juncture.
Utilities	The site has benefit of existing utilities and services along the Crescent Head Road & Blairs Road corridors. Council strategy identifies on site water supply storage and self supply as the more environmentally sustainable preferred service option.

Waste (Garbage Service)	The locality is within Council's waste removal service area and any resultant development would be incorporated into that service.
Heritage & Archaeology	No known cultural heritage sites identified.
Soils / Acid Sulphate Soils	The land is mapped as Class 5 potential Acid Sulphate soils in the LEP map layers. No issues anticipated as a result of the Planning Proposal. This is addressed in Appendix C - 117 Directions
Air & Microclimate	N/A
Flora & Fauna	No significant impacts on Flora & fauna anticipated as discussed above.
Noise & Vibration	Potential Noise impacts of the recently completed Pacific Highway bypass have been considered and reference to the Operational Noise Report for the bypass shows that the subject land is outside the area modelled as potentially impacted by future road noise increase, with traffic volumes. The site is approximately 600 m away from the highway.
Natural Hazards Including:	
Bushfire	Bushfire hazard has been assessed refer to **Appendix B.**
Flooding	The eastern edge of the site is subject to localised flooding from Pola Creek during major storm events. The in 1 in 100 year flood level has been identified at RL 6.72mAHD AHD with freeboard and climate change allowances the Flood Planning Level is RL 7.22m AHD. All allotments (concept plan options 1 & 2) have potential dwelling sites flood free within existing cleared areas.. The flood prone area generally corresponds with the upper creek embankments and is contained within the fenced vegetated land adjacent the creek.
Slip and Subsidence	No identified subsidence issues. The site is gently sloping to flat and the steeper creek banks are entirely vegetated and protected.

2.3.9 Has the planning proposal adequately addressed any social and economic effects?

A positive economic benefit is anticipated both in the short term, during construction and longer term, with respect to the local economy and social vibrancy.

Section D: State and Commonwealth Interests

2.3.10 Is there adequate public infrastructure for the planning proposal?

Yes – adequate public infrastructure is in place as part of the existing environment, as discussed in previous sections.

2.3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

This section is completed following consultation with the State and Commonwealth authorities should the Director General determine to proceed with the Planning Proposal and identifies which authorities are to be consulted with.

2.4 Part 4: Mapping

2.4.1 The land subject to the planning proposal

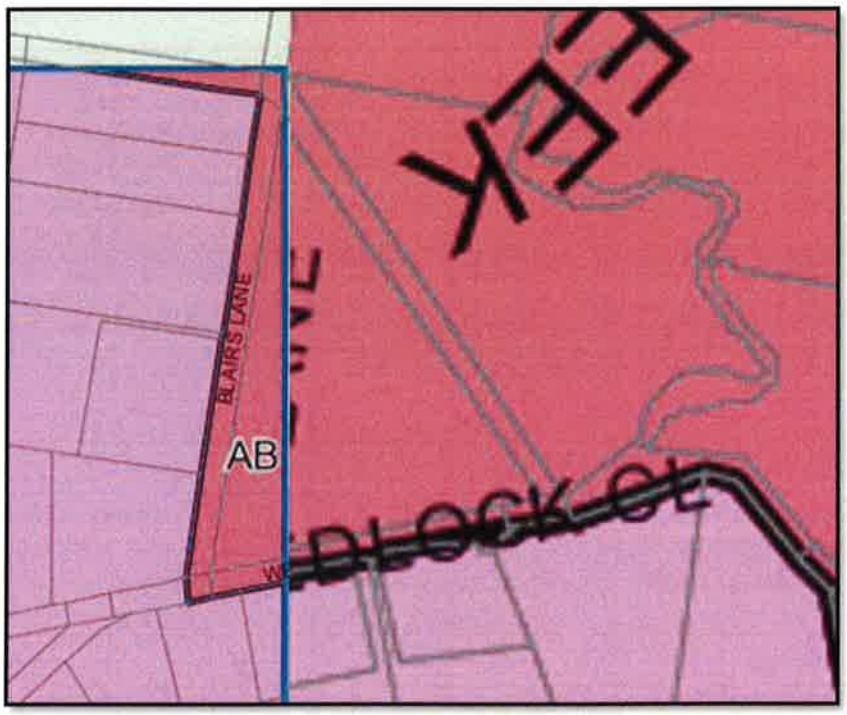
Figure 9: Land subject to the Planning Proposal

Land the subject of this planning proposal comprises Lots 120 & 121 DP 754400 & Lot 1 DP 1159592, Blairs Lane, South Kempsey.

2.4.2 Current land use zone RU2 Rural Landscape

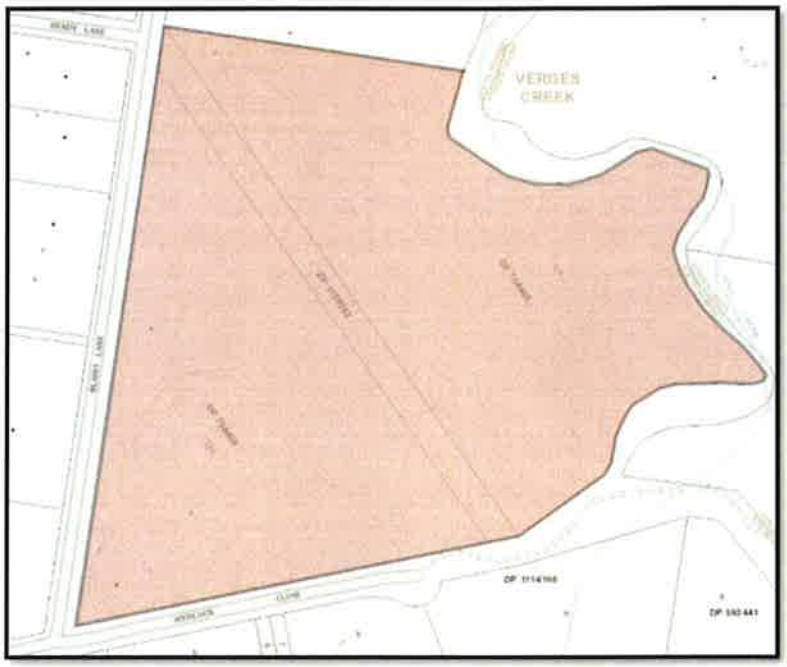
RU2 Rural Landscape

2.4.3 Current Minimum Lot Size 40 ha for subdivision and dwellings



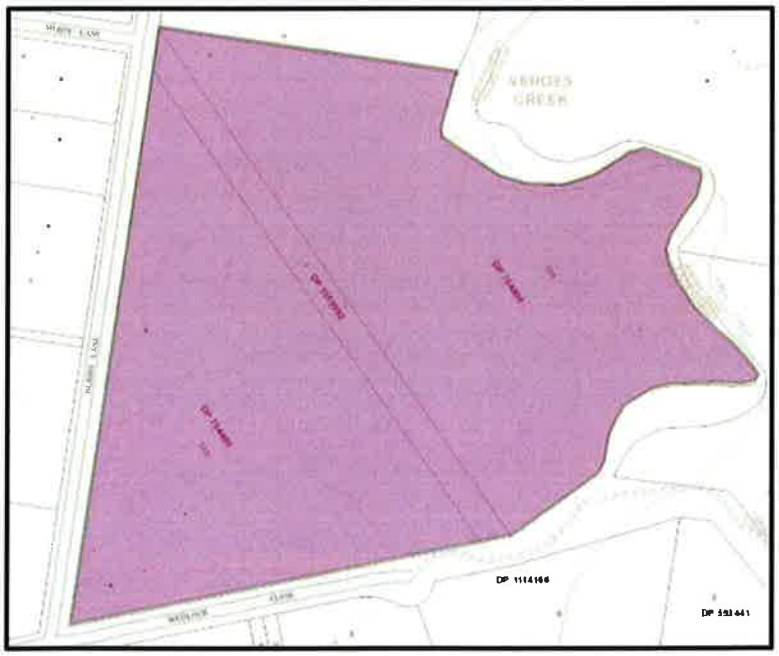
AB 40ha

2.4.4 Proposed Zone R5 Large Lot Residential



R5 Large Lot Residential

2.4.5 Proposed Minimum Lot Size 1hectare Y1



Y 1ha

3. Part 5: Community Consultation

Community Consultation will be undertaken in accordance with Council's policy and will include referral to NSW State agencies as directed by the Gateway Determination.

4. Part 6: Project Timeline

The Project Timeline established with the Gateway Determination will be adhered to.

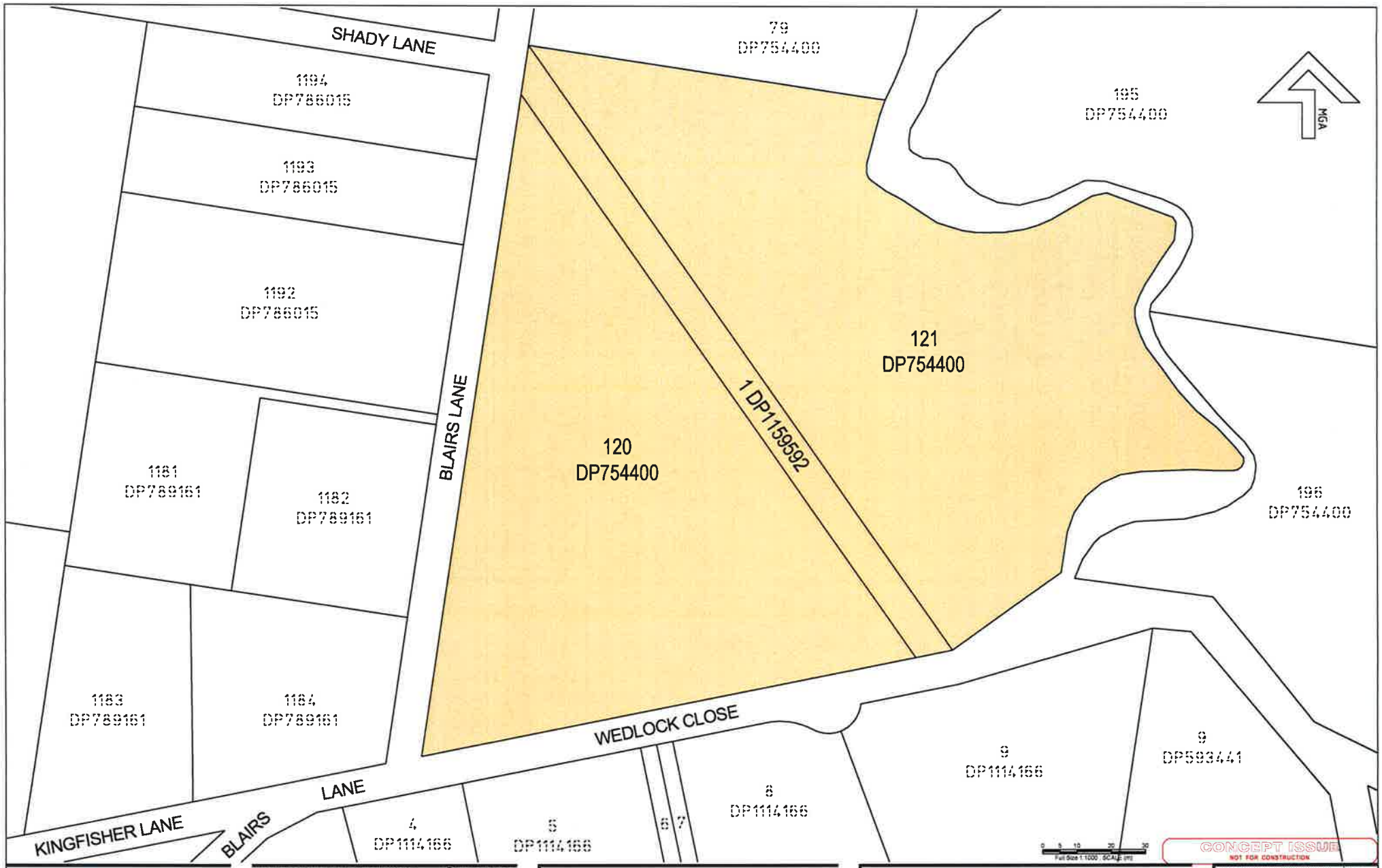
Yours faithfully

Geraldine Haigh
Director & Senior Planner
GEM Planning Projects

0439 836 711
Geraldine@ gemplanningprojects.com.au

APPENDIX A – CONCEPT SUBDIVISION PLAN

INTENDED PLANNING OUTCOMES 1 & 2



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LS PLANNING PTY LTD
RURAL SUBDIVISION
BLAIRS LANE, SOUTH KEMSEY

HOPKINS CONSULTANTS

DEVELOPMENT · MANAGERS · SURVEYORS · ENGINEERS · PLANNERS

OPTION 1
PROPOSED SUBDIVISION
LOTS 120, 121 DP 754400
AND LOT 1 DP 1159592

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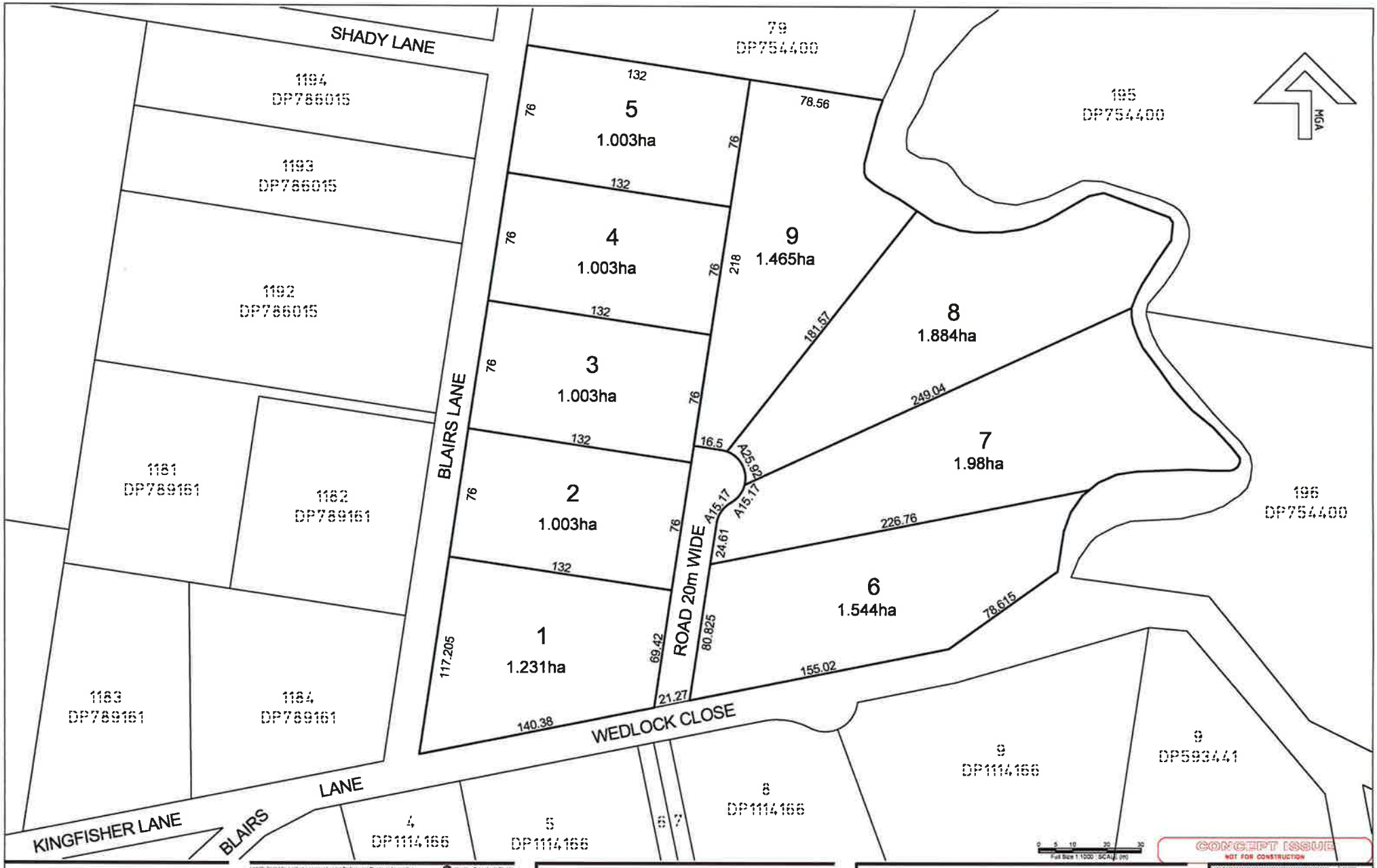
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6
1.544ha
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KINGFISHER LANE
BLAIRS LANE
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HOPKINS CONSULTANTS
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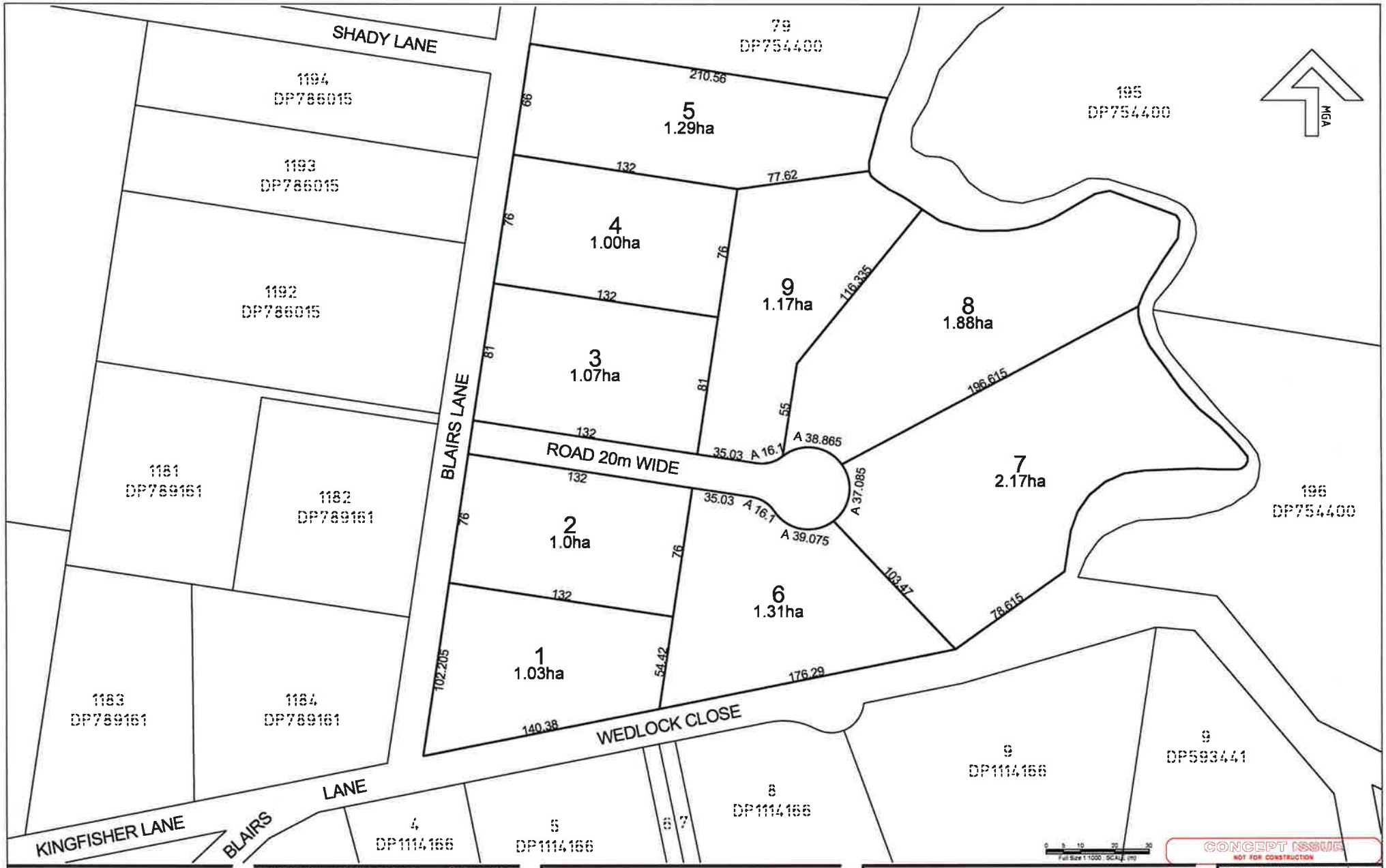
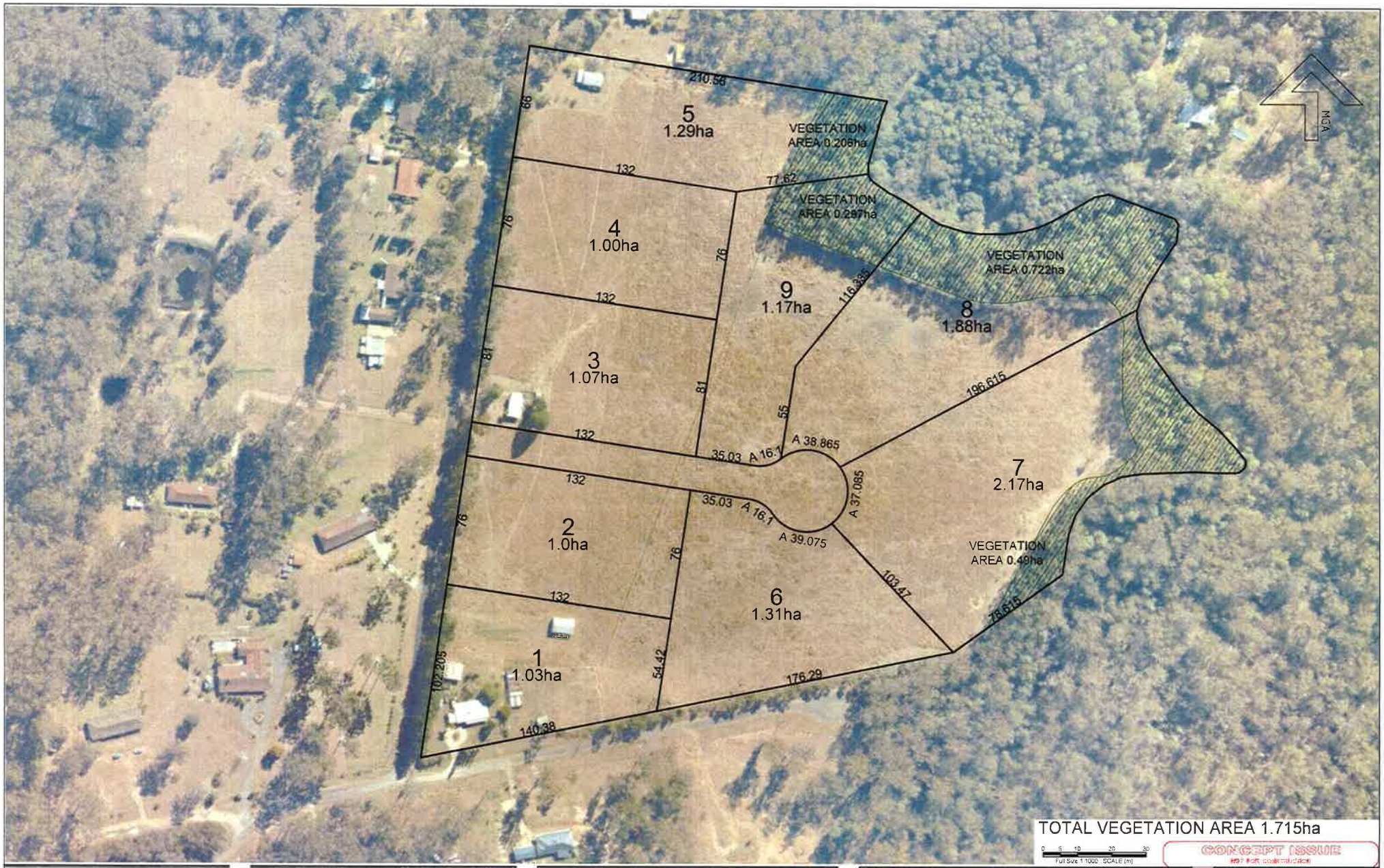
RURAL SUBDIVISION
BLAIRS LANE, SOUTH KEMSEY

HOPKINS CONSULTANTS
DEVELOPMENT MANAGERS • SURVEYORS • ENGINEERS • PLANNERS

OPTION 1
PROPOSED 9 LOT SUBDIVISION
WITH AERIAL BACKGROUND

7085-01		A
-	-	15/02/2018
-	-	A3
DA	-	3
DB	1:2000	3


SHADY LANE
1194
DP786015
1193
DP786015
1192
DP786015
1181
DP789161
1182
DP789161
1183
DP789161
1184
DP789161
BLAIRS LANE
79
DP754400
210.56
66
5
1.29ha
132
77.62
76
4
1.00ha
76
132
9
1.17ha
116.335
8
1.88ha
81
3
1.07ha
81
55
196.615
132
ROAD 20m WIDE
35.03
A 16.1
A 38.865
A 37.085
7
2.17ha
132
35.03
A 16.1
A 39.075
76
2
1.0ha
76
103.47
78.615
132
6
1.31ha
102.205
1
1.03ha
54.42
176.29
140.38
WEDLOCK CLOSE
195
DP754400
196
DP754400
MGA
KINGFISHER LANE
BLAIRS LANE
4
DP1114166
5
DP1114166
7
8
DP1114166
9
DP1114166
9
DP593441
CONCEPT ISSUE
NOT FOR CONSTRUCTION
LS PLANNING PTY LTD
RURAL SUBDIVISION
BLAIRS LANE, SOUTH KEMSEY
HOPKINS CONSULTANTS
DEVELOPMENT MANAGERS | SURVEYORS | ENGINEERS | PLANNERS
OPTION 2
PROPOSED 9 LOT SUBDIVISION
7085-02
A
22/04/2016
A3
GA
2
DB
1:2000
3



TOTAL VEGETATION AREA 1.715ha

0 5 10 20 30 40
Full Size 1:1000 SCALE (m)

CONCEPT ISSUE
NOT FOR CONSTRUCTION

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No.	DATE	REVISIONS	BY
A	22/04/2016	FOR DISCUSSION	GA

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RURAL SUBDIVISION
BLAIRS LANE, SOUTH KEMSEY

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OPTION 2
PROPOSED 9 LOT SUBDIVISION
WITH AERIAL BACKGROUND

7085-02		A
-	-	22/04/2016
-	-	A3
GA	-	3
DB	1:2000	3