



Planning Proposal  
Seascape Grove Estate  
Lots 800 and 801 DP 1270742  
Rosedale Avenue & Burrawong Drive  
South West Rocks

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Prepared for:

Auspaddy Developments Pty Ltd

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Date: December, 2021 v3

## Table of Contents

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EXECUTIVE SUMMARY.....	1
SECTION 1 - BACKGROUND AND CONSULTATION .....	3
SECTION 2 - PLANNING PROPOSAL.....	12
PART 1 - Objectives or Intended Outcomes.....	13
PART 2 - Explanation of Provisions .....	14
PART 3 - Justification .....	17
Section A – Need for the planning proposal .....	17
Section B – Relationship to strategic planning framework .....	18
Section C – Environmental, social and economic impact .....	27
Section D – State and Commonwealth interests.....	28
PART 4 - Mapping .....	29
PART 5 - Community consultation .....	30
PART 6 - Project timeline .....	31

## List of Exhibits

---

After page

Exhibit 01 – Seascope Grove Estate MP 05_0018 and MP 07_0129 with overlays .....	2
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## List of Figures

---

Page

Figure 1: Extract of DP 1270742 .....	4
Figure 2: Extract of approved residential subdivision plan under MP 05_0018 .....	5
Figure 3: Extract of approved residential subdivision plan under MP 07_0129 .....	6
Figure 4: Extract of existing Land Zoning Map .....	7
Figure 5: Extract of existing Height of Buildings Map.....	7
Figure 6: Extract of existing Lot Size Map .....	8
Figure 7: Extract of existing Scenic Protection Land Map .....	8

## List of Appendices

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Appendix A – DP 1270742

Appendix B – Proposed map amendments

Appendix C – MP 05\_0018 - approved residential subdivision plan

Appendix D – MP 07\_0129 - approved residential subdivision plan

Appendix E – K+C Pre-Planning Proposal submission to Kempsey Shire Council, 29 October 2021

Appendix F – Strategic Bushfire Report, David Pensini

Appendix G – AHIMS Search Results

Appendix H – VMP, Seascope Grove, February 2020

Appendix I – Preliminary constraints plan

## EXECUTIVE SUMMARY

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This Planning Proposal has been prepared on behalf of Auspaddy Developments Pty Ltd, being the landowners of Lot 801 DP 1270742. The landowner of Lot 800 DP 1270742 has provided a letter in support of the proposed map amendments.

This Planning Proposal explains the intended effect of, and justification for, proposed map amendments to the Kempsey Local Environmental Plan 2013, to realign the R1 General Residential/C3 Environmental Management zone boundary and corresponding Height of Buildings Map, Lot Size Map and Scenic Protection Land Map to match the existing approved land uses for Seascope Grove Estate, pursuant to development consents MP 05\_0018 and MP 07\_0129.

MP 07\_0129 approved the creation of existing Lot 800 and the proposed zone boundary realignment will also coincide with the existing cadastral boundary between Lots 800 & 801 DP 1270742.

Civil construction works associated with Stages 1 and 2 of the Seascope Grove Estate commenced in December 2021, pursuant to the Subdivision Works Construction Certificate issued on 8 November 2021. The existing R1 General Residential/C3 Environmental Management zone boundary currently places restrictions on future residential development within the approved residential lots that do not typically exist in residential zones.

This Planning Proposal is a low impact map amendment to the Kempsey LEP 2013 and demonstrates that the re-alignment of the zone boundary (and supporting built form maps) will:

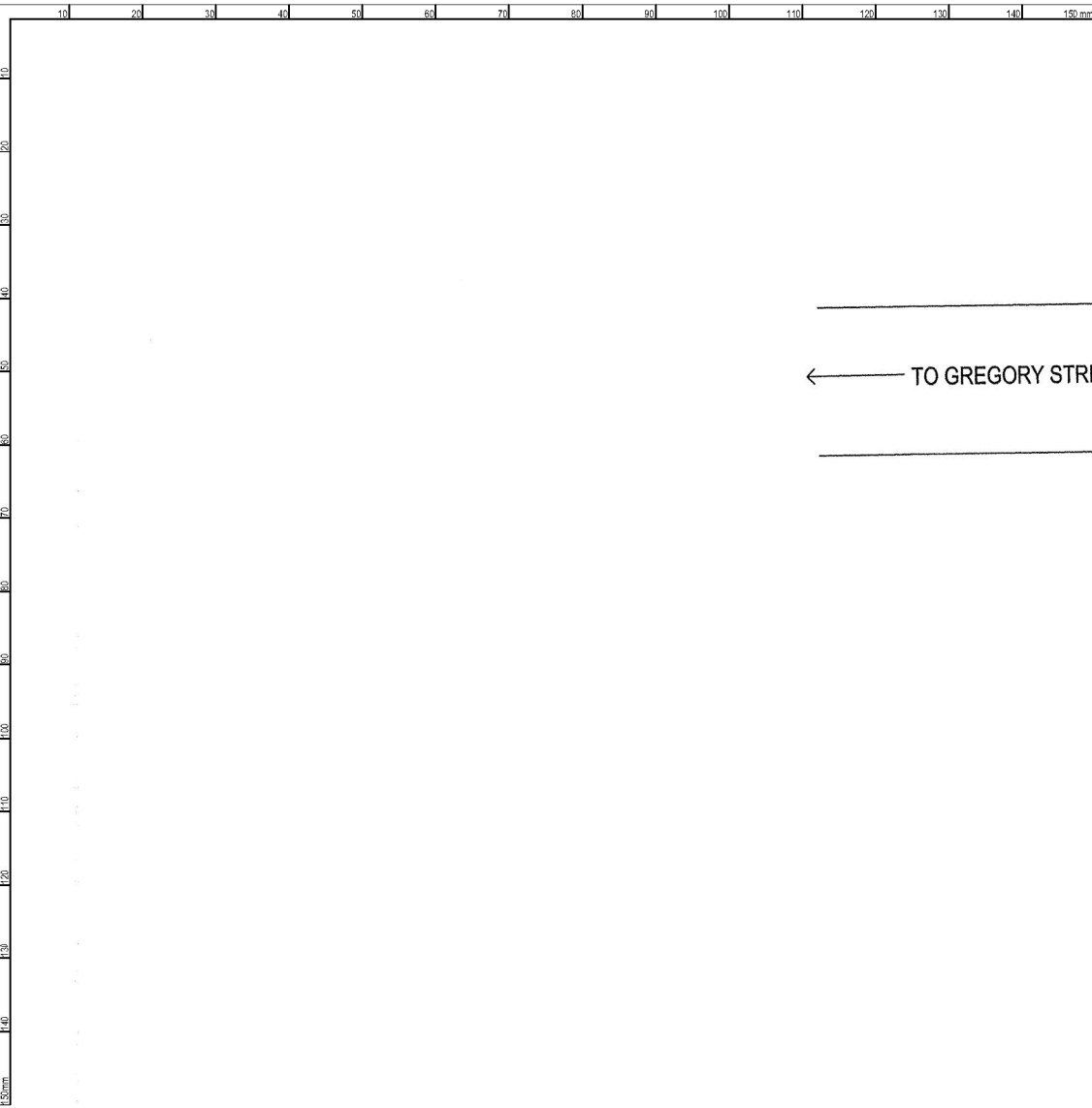
- Be consistent with the existing and proposed land uses and the approved residential subdivision plans under MP 05\_0018 and MP 07\_0129.
- Be consistent with the KSC Local Strategic Planning Statement, July 2020, through supporting the orderly development of an approved residential subdivision (Lot 801) and environmental protection and management areas (Lot 800), ensuring the on-going delivery of infrastructure (roads and services).
- Not affect any lands that are identified as high environmental value and will not require the removal of native vegetation.
- Not impact critical habitat, threatened species, populations or ecological communities; and

- Provide positive social and economic benefits through aligning KSC's development standards and controls with the approved residential and environmental protection land uses of MP 05\_0018 and MP 07\_0129.

Accordingly, this Planning Proposal for a re-alignment of the zone boundary to reflect the residential subdivisions and environmental protection and management areas approved pursuant to MP 05\_0018 and MP 07\_0129 is a low impact map amendment to the Kempsey LEP 2013 and based on consultation with DPIE prior to formal lodgement of this submission, a 14-day public exhibition period is anticipated.



K:\C-REF-0\6550-Seascape Grove\21\_Plan\6550P PP zones C.C.dwg - A1\plan 02 06 Dec 2021 angles



EXISTING  
RESIDENTIAL

MP 07-0129 -  
APPROVED 56 LOT  
RESIDENTIAL  
SUBDIVISION

MP 05-0018 -  
APPROVED 108 LOT  
RESIDENTIAL  
SUBDIVISION

**CAUTION**  
THE DIMENSIONS AND AREAS SHOWN HEREIN ARE SUBJECT TO THE PREPARATION OF A PLAN OF SUBDIVISION, APPROVAL BY COUNCIL AND REGISTRATION BY DEPARTMENT OF LAND AND PROPERTY INFORMATION NSW.  
FULL DETAILS OF EASEMENTS & ANY RESTRICTIONS ON USE ARE TO BE SET OUT IN THE FINAL SECTION 88B INSTRUMENT TO ACCOMPANY THE FINAL PLAN OF SURVEY FOR THE SUBDIVISION. THE RESTRICTIONS AND EASEMENTS CONTAINED THEREIN WILL BE SUBJECT TO CONDITIONS CONTAINED WITHIN THE DEVELOPMENT CONSENT AND CONSTRUCTION CERTIFICATE, CIVIL CONSTRUCTION, FINAL SURVEY AND COUNCIL APPROVAL. ALL EASEMENTS SHOWN ON THIS PLAN MAY VARY ACCORDINGLY IN TYPE, EXTENT AND CONDITIONS AND MAY NOT BE EXHAUSTIVE.  
THE DIMENSIONS SHOWN FOR THE ROAD FRONTAGE OF EACH LOT ARE A TOTAL OF DISTANCES MAKING UP THE BOUNDARY.

1 METRE CONTOUR INTERVAL

- (X) EXISTING EASEMENT FOR WATER SUPPLY PIPELINE 5 WIDE (VIDE DEALING E 243755 & DP 645213)  
(Y) EXISTING EASEMENT FOR PIPELINE 5 WIDE (VIDE DEALING N 829010 & DP 560726)  
(Z) EXISTING EASEMENT FOR ACCESS & PIPELINE 10 WIDE & VARIABLE (VIDE DEALING N 829010 & DP 560726)

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Rev Date Description  
A 27.03.08 Plan created  
B 11.01.10 Lot 800 revised & dimensions amended

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.

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Datum AHD

Project Number 14777  
DA Number  
Designed PJR  
Drawn RW  
Checked PJR  
Date Created 27.03.08

Drawing Title EXHIBIT 5: PROPOSED LOTS - AREAS & DIMENSIONS STAGE 1C

Project LOT 124 DP 1097510 SEASCAPE GROVE SOUTH WEST ROCKS

Client WALDEL PARK PTY LTD Sheet 1 of 1 Drawing No. 14777P\_STAGE1CLOTS.DWG Rev B

- LEGEND**
- EXISTING TREE TO BE RETAINED (6m BUFFER ILLUSTRATED) CS-21-00006 23 JULY 2021
  - EXISTING FIRE TRAIL PURSUANT TO MP 07-0129 STAGE 1C
  - REVEGETATION / REGENERATION - APPROVED VEGETATION MANAGEMENT PLAN (MP 07-0129)
  - APPROVED BUILDING ENVELOPE FOR FUTURE DWELLING ON LOT 800 PURSUANT TO DEVELOPMENT CONSENT T6-19-266
  - STAGES 1 & 2 APPROVED SUBDIVISION WORKS CONSTRUCTION CERTIFICATE (CURRENTLY UNDER CONSTRUCTION)
- LAND ZONING**
- EXISTING ZONE BOUNDARY BETWEEN R1 GENERAL RESIDENTIAL & E3 ENVIRONMENTAL MANAGEMENT ILLUSTRATED OVER APPROVED MAJOR PROJECT 07\_0129
  - PROPOSED E3 ENVIRONMENTAL MANAGEMENT
  - PROPOSED R1 GENERAL RESIDENTIAL

**CAUTION**  
THIS PLAN HAS BEEN PREPARED FOR A PLANNING PROPOSAL. THE INFORMATION SHOWN HEREIN IS ONLY RELIABLE FOR THE ABOVE PURPOSE. IT SHOULD NOT THEREFORE BE USED FOR ANY OTHER PURPOSE WITHOUT VERIFICATION.

THIS DRAWING INCLUDES INFORMATION IN COLOUR. IF YOU HAVE A BLACK AND WHITE COPY YOU DON'T HAVE ALL THE INFORMATION. THIS NOTE IS COLOURED RED.

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REV.	DATE	DESCRIPTION	BY
A	06.12.2021	ISSUED FOR INFORMATION	AJC

DATUM: AHD  
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PROJECT NO:	6550
DA NO:	05_0018 & 07_0129
DESIGNED BY:	DAT/CJC/LW
DRAWN BY:	AJC
CHECKED BY:	CJC
DATE CREATED:	NOV 2021

DRAWING TITLE:	EXHIBIT 01 - SEASCAPE GROVE ESTATE - MP 05-0018 & MP 07-0129 WITH OVERLAYS
PROJECT:	SEASCAPE GROVE ESTATE, BURRAWONG DRIVE AND ROSEDALE AVENUE, SOUTH WEST ROCKS LOT 800 & LOT 801 DP 1270742
CLIENT:	AUSPADY DEVELOPMENTS PTY LTD
DRAWING NO:	6550P PP zones CJC
SHEET:	1 OF 1
REVISION:	A

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NOT TO BE USED FOR CONSTRUCTION UNLESS CONSTRUCTION CERTIFICATE ISSUED FOR THE WORKS



## SECTION 1 - BACKGROUND AND CONSULTATION

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### 1.1 Introduction

This Planning Proposal has been prepared to support proposed map amendments to the Kempsey Local Environmental Plan 2013 (LEP 2013) with respect to Lots 800 and 801 DP 1270742, Seascope Grove Estate, Rosedale Avenue and Burrawong Drive, South West Rocks.

The map amendments are necessary to re-align the existing zone boundary between the R1 General Residential and C3 Environmental Management zones to match the footprint of the approved residential lots and environmental management areas within Seascope Grove estate.

SECTION 1 of this submission provides an introduction to the site, relevant background information and the outcome of consultation with Kempsey Shire Council (KSC) and the Regional Office of the Department of Planning Infrastructure and Environment (DPIE).

SECTION 2 of this submission is consistent with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's A guide to preparing planning proposals and provides for:

PART 1 – Objectives or intended outcomes

PART 2 – Explanation of provisions

PART 3 – Justification, including:

Section A – Need for the planning proposal

Section B – Relationship to strategic planning framework;

Section C – Environmental, social and economic impact

Section D – State and Commonwealth interests

PART 4 – Mapping

PART 5 – Community consultation

PART 6 – Project timeline

## 1.2 The site and background

The site is Lot 800 (5.7ha) and Lot 801 (18.1ha) DP 1270742, Rosedale Avenue & Burrawong Drive, South West Rocks. The site forms part of the residential subdivision known as Seascope Grove Estate. The deposited plan is included at Appendix A and an extract is provided below at Figure 1.

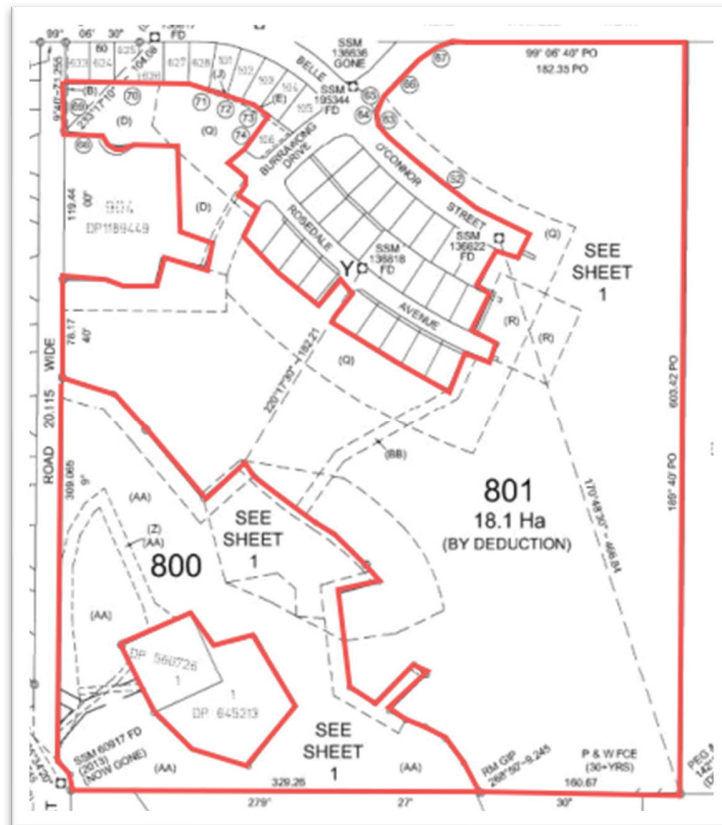


Figure 1: Extract of DP 1270742 (red linework added to delineate Lots 800 and 801)

Seascope Grove Estate was approved via two (2) development consents:

1. MP 05\_0018 was issued by the Department of Planning on 20 June 2007 for a 108 residential lot subdivision.

The Subdivision Works Construction Certificate for the roads and services for 28 lots within this consent was issued by Kempsey Shire Council on 8 November 2021. Construction of the approved works commenced in December 2021.



2. MP 07\_0129 was issued by the Department of Planning on 2 March 2010 for a 56 lot subdivision (including 54 residential lots, one environmental protection lot {Lot 800} and one future development lot). This approval included the creation of Lot 800 with a total land area of 5.7ha.

The Subdivision Works Construction Certificate for the roads and services for 28 lots within this consent was issued by Kempsey Shire Council on 8 November 2021. Construction of the approved works commenced in December 2021

The approved subdivision plans for MP 05\_0018 and MP 07\_0129 are included at Appendices C and D respectively and demonstrate the extent of the current inconsistency between the existing R1/C3 zone boundary and the footprint of the approved residential subdivisions. Plan extracts are provided below at Figures 2 and 3.

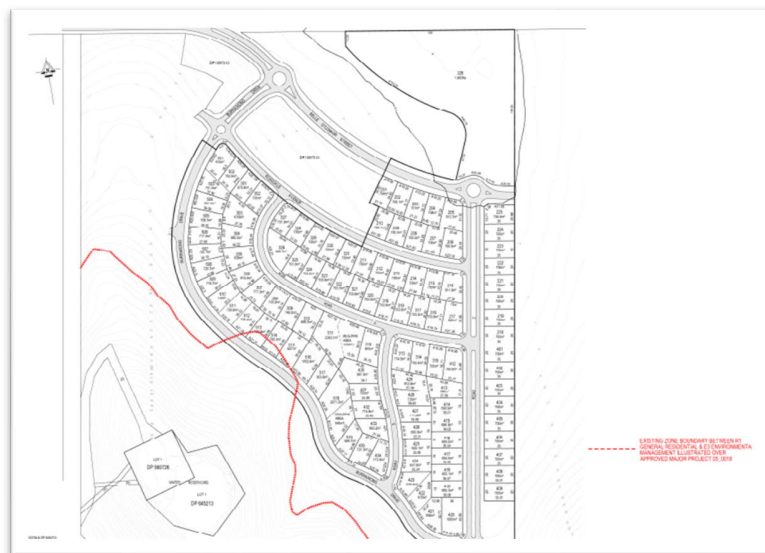


Figure 2: Extract of approved residential subdivision plan under MP 05\_0018 with existing R1 General Residential/ C3 Environmental Management zone boundary in red



Figure 3: Extract of approved residential subdivision plan under MP 07\_129 with existing R1 General Residential/ C3 Environmental Management zone boundary in red

This Planning Proposal seeks to realign the existing R1/C3 zone boundary to match the residential land uses and environmental protection land uses approved pursuant to MP 05-0018 and MP 07\_0129. The proposed zone boundary realignment will also result in the realigned new zone boundary coinciding with the existing cadastral boundary between Lots 800 & 801 DP 1270742.

This is consistent with the intent of MP 07\_0129, which resulted in the creation of Lot 800 DP 1270742 that includes the approved environmental land protection and management uses and Lot 801 that includes the approved residential land uses.

Extracts of the existing Land Zoning, Height of Building, Lot Size and Scenic Land Protection maps of the KLEP 2013 relative to the existing cadastral boundary between Lots 800 & 801 DP 1270742 are provided below at Figures 4, 5, 6 & 7 respectively:



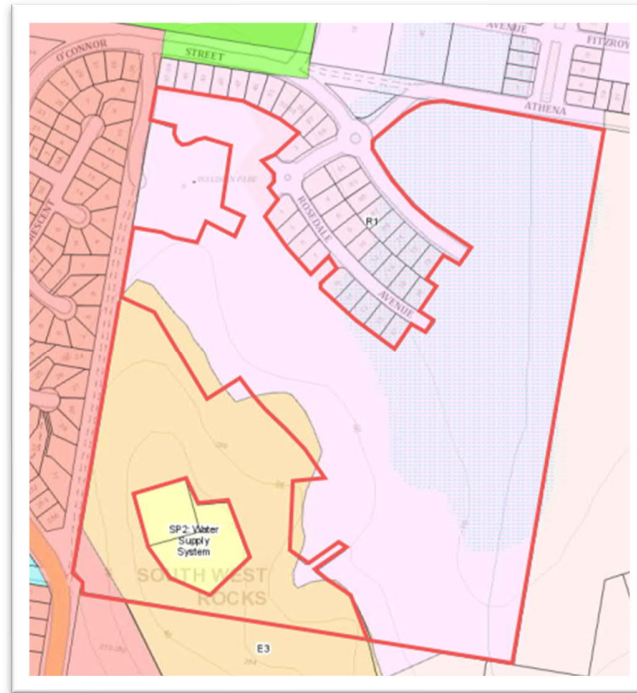


Figure 4: Extract of existing Land Zoning Map (red linework added to delineate Lots 800 and 801)



Figure 5: Extract of existing Height of Buildings Map (red linework added to delineate Lots 800 and 801)

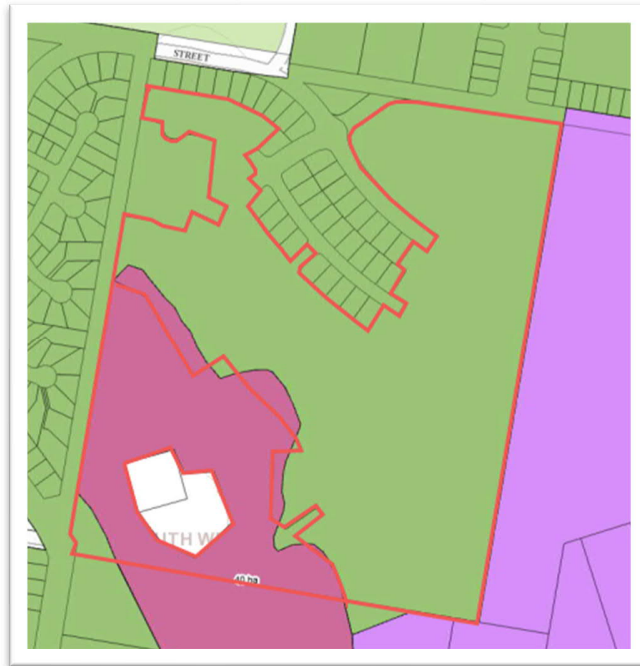


Figure 6: Extract of existing Lot Size Map (red linework added to delineate Lots 800 and 801)



Figure 7: Extract of existing Scenic Land Protection Map 1

The plan extracts above confirm that the statutory zoning and development standards (minimum lot size, height of buildings) and scenic land protection map under the KLEP 2013 do not align with the residential subdivision layouts, bushfire APZ s and environmental protection land areas that have been approved and implemented under MP 05\_0018 and MP 07\_0129.

Specifically, residential lots 605 to 622 approved in MP 07\_0129 and Lots



512 to 516 approved in MP 05\_0018 are currently zoned part R1 General Residential and part C3 Environmental Management. The current development standards for the C3 zone, being the 40ha minimum lot size and no height of building requirements are not suitable for the approved residential lots and result in unnecessary restrictions on their future residential use including future boundary adjustments and/or subdivisions and some forms of residential housing.

Additionally, Lot 800, which includes the environmental protection lands, is currently zoned Part C3 Environmental Management and Part R1 General Residential on its north-eastern boundary. The current development standards for the R1 zone are not suitable for the environmental protection lands.

Finally, the parts of Residential lots 605 to 622 approved in MP 07\_0129 and Lots 512 to 516 approved in MP 05\_0018 currently zoned C3 Environmental Management are also mapped as Scenic Land Protection in KLEP 2013. The Scenic Protection mapped land also includes the extension of Burrawong Drive currently under construction.

The LEP Map Amendment of this Planning Proposal will result in the Scenic Land Protection Map being aligned with the amended zone boundary.

The plan at Exhibit 01 is a compilation of the applicable approvals and current land management provisions (the building envelope, VMP and bushfire trail within Lot 800 DP 1270742) overlaid on the stamped subdivision plan approved pursuant to MP 07\_0129.

This plan illustrates:

- The existing zone boundary between R1 General Residential and C3 Environmental Management (red dashed line).
- The extent of the residential subdivisions approved pursuant to MP 05\_0018 and MP 07\_0129.
- The proposed extent of the R1 General Residential and C3 Environmental Management zones that will be applicable following the LEP Map Amendment of this Planning Proposal shown by the applicable zoning colours. The proposed extent of the R1 zone confirms that the approved residential subdivisions will be wholly located within the proposed R1 General Residential zone.
- The proposed extent of the C3 zone confirms the existing constructed fire trails within Lot 800 (pursuant to MP 07\_0129) will be wholly located within the proposed C3 Environmental Management zone.
- The proposed extent of the C3 zone confirms the environmental management units within Lot 800 that are currently being managed under the Vegetation Management Plan (refer Appendix H) approved pursuant to MP 07\_0129 will be wholly located within the proposed C3

Environmental Management zone.

- The proposed extent of the C3 zone confirms the Lot 800 building envelope and associated bushfire APZ will be wholly located within the proposed C3 Environmental Management zone.
- The proposed extent of the R1 General Residential confirms the bushfire APZ required for the approved residential lots will be wholly located within the proposed R1 General Residential zone. The bushfire APZs approved pursuant to MP 07\_0129 have been assessed pursuant to PfBP 2019 in the Strategic Bushfire Report at Appendix F; and
- The extent of the Seascope Grove Estate Stages 1 and 2 which have commenced civil construction in December 2021 pursuant to the Subdivision Works Construction Certificate issued by Kempsey Shire Council on 8 November 2021.

### 1.3 Consultation

A pre-Planning Proposal submission was made to Kempsey Shire Council on 29 October 2021 (refer Appendix E and Appendix I (preliminary constraints plan)). The submission was discussed with the relevant Kempsey Shire Council planning officers and it was agreed that prior to the lodgement of a formal Planning Proposal submission consultation should be undertaken with the Department of Planning Infrastructure and Environment (DPIE).

A Teams meeting was subsequently held on the 10 November 2021, with the relevant Kempsey Shire Council strategic planning officers, Craig Diss from the DPIE and the landowner representatives in attendance.

It was agreed that the subject Planning Proposal (Map Amendment) to re-align the zone boundary to reflect the approved residential subdivision plans under MP 05\_0018 and MP 07\_0129 is of a low impact and a 14-day exhibition period rather than 28-days is likely appropriate.

Further, on the basis that existing vegetation within both Lot 800 and Lot 801 will not be impacted by the proposed zone boundary realignment, formal referral to the BCD will likely be unnecessary.

Referral to the NSW Rural Fire Service will likely be required given the land is mapped as bushfire prone and with the introduction of Planning for Bushfire Protection 2019 since the initial development approvals were issued. A Strategic Bushfire Report is included at Appendix F.



This Planning Proposal supports the low impact classification of the proposed LEP map amendment and demonstrates that the re-alignment of the zone boundary (and supporting built form and scenic land protection maps) is consistent with the existing and proposed land uses and the approved residential subdivision plans under MP 05\_0018 and MP 07\_0129.

## SECTION 2 - PLANNING PROPOSAL

This is a Planning Proposal prepared under Section 3.33 of the Environmental Planning and Assessment Act 1979, in accordance with the Department of Planning and Environment's A guide to preparing planning proposals 2016.

The Planning Proposal is in relation to proposed map amendments to Kempsey Local Environmental Plan 2013 (LEP 2013), as set out below:

Proposal	Rezoning of land to re-align existing zone boundary to reflect existing development approvals MP 05_0018 and MP 07_0129.
Property details	Lots 800 and 801 DP 1270742, 255-279 Rosedale Avenue & Burrawong Drive, South West Rocks
Current land zone	Part R1 General Residential and part C3 Environmental Management
Proposed land zone	Part R1 General Residential and part C3 Environmental Management
Applicant details	Auspaddy Developments Pty Ltd c/- King and Campbell Pty Ltd
Landowner	Auspaddy Developments Pty Ltd (Lot 801 DP 1270742) and Ms Susan Jenkins (Lot 800 DP 1270742)

This Planning Proposal explains the intended effects of proposed map amendments to the Kempsey Local Environmental Plan 2013 (LEP 2013), which will provide for:

- Lot 801 - to include an R1 General Residential zone (including the associated minimum lot size and height of buildings development standard maps) and reflect the existing approved residential land uses under development consents MP 05\_0018 and MP 07\_0129 adjacent to the common boundary with Lot 800; and
- Lot 800 – to include a C3 Environmental Management zone (including the associated minimum lot size and height of buildings development standard maps and the scenic land protection map), to reflect the existing approved land uses under MP 07\_0129 adjacent to the common boundary with Lot 801.

## PART 1 - Objectives or Intended Outcomes

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The objectives of this Planning Proposal are:

1. To re-align the existing zone boundary between the R1 General Residential and the C3 Environmental zones to be consistent with the residential lots (including associated road and services infrastructure) and the environmental protection and management uses (within Lot 800) approved pursuant to MP 05\_0018 and MP 07\_0129.
2. To ensure that the residential lots approved pursuant to MP 05\_0018 and MP 07\_0129 are wholly located within the R1 General Residential zone and thereby permit development that is appropriate within a residential area, with respect to minimum lot size and height of building development standards; and
3. To ensure that the environmental management areas within Lot 800 DP 1270742 approved pursuant to MP 07\_0129 are wholly located within the C3 Environmental Management zone.

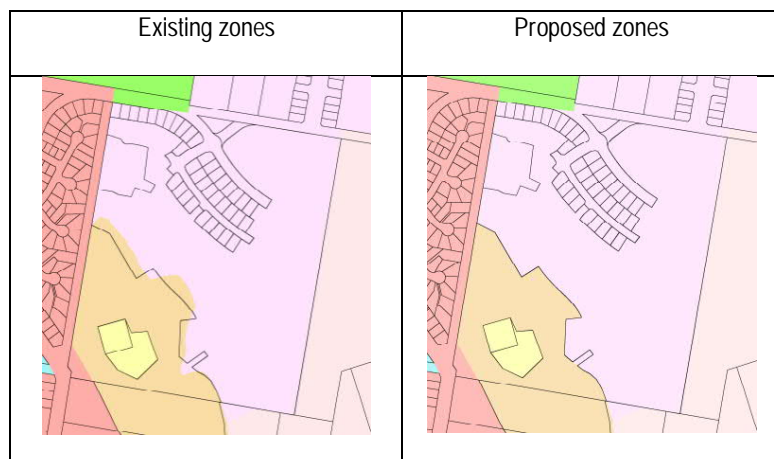
The existing zone boundary between the R1 and C3 zones currently places restrictions, which do not typically exist in residential zones, on future residential development within the approved residential lots. This Planning Proposal will re-align the zone boundary to reflect the approved residential subdivision and environmental management land uses under MP 05\_0018 and MP 07\_0129. Accordingly, this Planning Proposal can be considered to be of a low impact.





## PART 2 - Explanation of Provisions

The intended outcomes are proposed to be achieved by making map amendments to Council's principal planning instrument, Kempsey Local Environmental Plan 2013. The existing and proposed LEP map amendments are detailed on the plan set at Appendix B and extracts are provided below:


1. Amendment to the KSC LEP 2013 Land Zoning Map to re-align the existing zone boundary between the R1 General Residential and C3 Environment Management zones to match the approved residential and environmental protection and management land uses pursuant to MP 05\_0018 and MP 07\_0129. The re-aligned zone boundary will also match the existing cadastral boundary of Lots 800 and 801 DP 1270742.



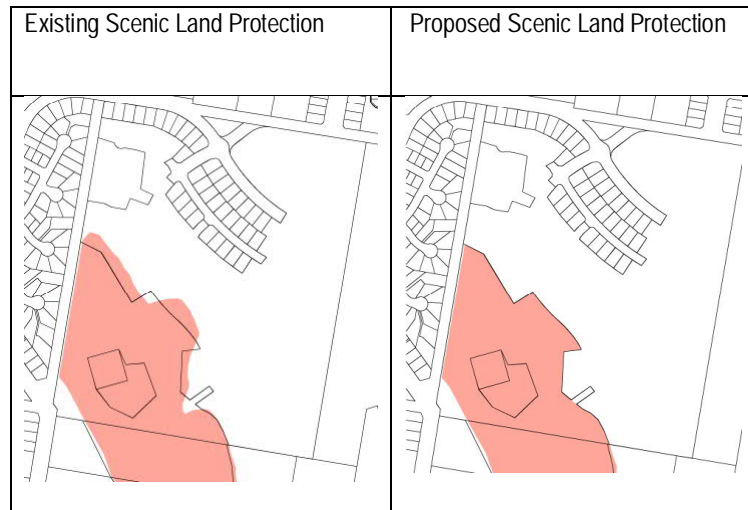
2. Amendment to the KSC LEP 2013 Lot Size Map to re-align the existing boundary between the 500m<sup>2</sup> minimum lot size (R1 General Residential zone) and the 40ha minimum lot size (C3 Environment Management zone), to match the approved residential and environmental protection and management land uses pursuant to MP 05\_0018 and MP 07\_0129. The re-aligned minimum lot size development standard boundary will also match the existing cadastral boundary of Lots 800 and 801 DP 1270742.

Existing minimum lot size	Proposed minimum lot size
	

3. Amendment to the KSC LEP 2013 Height of Building Map to ensure a consistent maximum height of building development standard of 8.5m to the whole of the residential lots approved pursuant to MP 05\_0018 and MP 07\_0129.

Existing maximum building height	Proposed maximum building height
	

4. Amendment to the KSC LEP 2013 Scenic Land Protection Map to ensure alignment with the amended zone boundary.





## PART 3 - Justification

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### Section A – Need for the planning proposal

Question 1      Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report ?

This Planning Proposal has not been prepared in response to any specific strategic study prepared by Council. This Planning Proposal seeks to re-align the zone boundary and corresponding built form control maps to ensure the residential subdivisions approved pursuant to MP 05\_0018 and MP 07\_0129 and the associated urban infrastructure are wholly located within the R1 General Residential zoned lands.

This Planning Proposal will also ensure the environmental protection and management lands (within Lot 800) are located within the C3 Environmental Management zone.

Civil construction works associated with Stages 1 and 2 of the Seascope Grove Estate (MP 05\_0018 and MP 07\_0129) have commenced in December 2021, pursuant to the Subdivision Works Construction Certificate issued on 8 November 2021. A split R1/C3 zone within a traditional residential allotment is not desirable, particularly given that the minimum lot size provisions of 500m<sup>2</sup> and 40ha will not provide for future flexibility to undertake some forms of residential development on the residential lots and will significantly limit the location of future dwellings on some lots. The split zone also prohibits further subdivision or boundary adjustments of the affected residential lots.

The proposed map amendments to the KLEP 2013 will ensure that all affected residential lots are afforded the residential zone and built form development standards that typically apply to residential lots within the Kempsey Local Government Area.

Question 2      Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This Planning Proposal to re-align the zone boundary to match the approved land uses is considered the best means of achieving the intended outcome. The proposed map amendments will support the future residential growth of the South West Rocks township in accordance with the adopted local growth strategy and will ensure consistency with the approved residential subdivision and environmental management land uses under MP 05\_0018 and MP 07\_0129.

Section B – Relationship to strategic planning framework

Question 3      Is the planning proposal consistent with the objectives and actions of the North Coast Regional Plan 2036 (NCRP)?

The NCRP was introduced by the NSW Government in March 2017. The Plan outlines the vision for the North Coast area over the next two decades and identifies opportunities and priorities for the Kempsey LGA.

Seascope Grove Estate is within the Urban Growth Area boundary of the NCRP. This Planning Proposal is consistent with the objectives and actions of the NCRP, noting that the proposed map amendments will provide for consistency with the existing development consents MP 05-0018 and MP 07-0129 and the existing R1 and C3 zones that are immediately adjacent to the site and within the locality generally.

Question 4      Is the planning proposal consistent with a council's local strategy or other local strategic plan

Future Macleay Growth & Character - Local Strategic Planning Statement July 2020 (LSPS)

The LSPS provides the basis for, and the delivery of, strategic planning in the local area and is a link to the NSW Government's North Coast Regional Plan 2036.

This Planning Proposal for map amendments to realign the zone boundary to reflect the approved residential footprint is consistent with the LSPS as:

- It aligns with the strategic directions of the LSPS and the proposed amendments are neither ad hoc nor opportunistic.
- It is consistent with the desired future character as expressed in the existing planning controls and existing development consents for residential areas; and
- It is within the identified urban growth area identified in the Council's local growth strategy.

The proposed map amendments will support the orderly development of approved residential subdivisions and environmental protection and management areas and ensure the on-going delivery of infrastructure (roads and services).

Kempsey Local Growth Management Strategy – Residential  
Component - October 2010

The purpose of the KLGMS-RC is to guide the development of sustainable residential communities. The South West Rocks area is recognised in this Strategy as providing for 50% of the total new dwellings in the LGA from 2006 to 2031, with the medium-term demand to be provided through the Seascope Grove Estate (subject site) and the former Caltex site.

This Planning Proposal to realign the existing R1/C3 zone boundary to match the footprint of the residential subdivisions and environmental protection and management areas approved pursuant to MP 05\_0018 and MP 07\_129 will provide the LEP map amendments to align the appropriate development zoning and lot size and height of building development standards to the approved land uses.

Question 5 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

On 2 December 2021, eleven (11) new SEPPs were published as part of a consolidation process of 45 former Policies. The consolidated versions commenced on the 1 March 2022.

An assessment of consistency with the Policies that are relevant to this Planning Proposal is set out below.

SEPP	Comments
Biodiversity and Conservation 2021  Chapters 2 and 4 of this consolidated Policy are relevant	<p>Chapter 2 Vegetation in Non-Rural Areas 2017 The aims of this Chapter are— (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>This Chapter will apply should vegetation clearing be undertaken within the approved residential lots in addition to the tree removal approved pursuant to MP 05_0018 and MP 07_0129.</p> <p>This Planning Proposal to realign the R1/C3 zone boundary to match approved footprints of residential subdivision and environmental management areas will not result in the removal of any native vegetation.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Policy to future development.</p> <p>Chapter 4 Koala habitat protection 2021 This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p>



SEPP	Comments
	<p>This Chapter applies to the site but will not apply to the future residential lots as all approved residential lots have a land area less than 1ha.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Policy to future development</p>
Building Sustainability Index: Basix 2004	<p><i>In summary, this Policy aims to encourage sustainable residential development.</i></p> <p>This Policy will apply to all future residential development on the approved residential lots.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Policy to future development</p>
Exempt and Complying Development Codes 2008	<p><i>In summary, this Policy aims to encourage sustainable residential development.</i></p> <p>This Policy may apply when development is undertaken on the approved residential lots.</p> <p>This Planning Proposal to realign the R1/C3 zone boundary will ensure residential development standards apply to the whole of the approved residential lots and so is consistent with the application of this Policy to future development</p>
Housing 2021 Chapters 2 and 3 of this consolidated Policy are relevant	<p><i>In summary, the principles of this Policy centre on enabling diverse housing types, which encompasses purpose-built rental housing, housing to meet the needs of the more vulnerable members of the community, low to moderate income households, seniors and people with a disability.</i></p> <p>Chapter 2 Affordable housing Chapter 2 provides the built form controls and development requirements for in-fill affordable housing, boarding houses and housing undertaken by social providers.</p> <p>This Chapter will apply should the approved residential lots provide for the development of affordable rental housing under the Policy.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p> <p>Chapter 3 Diverse housing Chapter 3 provides the built form controls and development requirements for secondary dwellings, group homes, co-living housing, build-to-rent housing, housing for seniors and people with a disability, short term rental accommodation, manufactured home estates and caravan parks.</p> <p>This Planning Proposal to realign the R1/C3 zone boundary will ensure residential development standards apply to the whole of the approved residential lots and so is consistent with the application of this Policy to future development</p> <p>Caravan Parks are a prohibited land use in the R1 General Residential zone of the Kempsey LEP and on this basis a manufactured home estate is also not permissible.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p>

SEPP	Comments
Industry and Employment 2021  Chapter 3 of this consolidated Policy is relevant	<p>Chapter 3 – Advertising and Signage In summary, this Chapter aims to regulate signage to ensure it is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish The Policy will apply should signage be proposed within the approved residential estate.</p> <p>Chapter 3 will apply should signage be proposed within the approved residential estate.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Policy to future development</p>
No.65- Design Quality of Residential Apartment Development	<p>In summary, this Policy aims to improve the design quality of residential apartment development</p> <p>The Policy will apply should the approved residential lots provide for a RFB.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Policy to future development.</p>
Planning Systems 2021  Chapter 2 and 3 of this consolidated Policy are relevant	<p>Chapter 2 State and regional development In summary, this Chapter identifies development that is State significant development, State significant infrastructure and critical State significant infrastructure, and development that is regionally significant development.</p> <p>The Policy will apply should future development on the approved residential allotments trigger the thresholds set out at Schedules 1, 2 and 3</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p> <p>Chapter 3 Aboriginal land The aims of this Chapter are— (a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and (b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</p> <p>The lands the subject of this Planning Proposal are privately owned and the Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p>
Precincts – Central River City 2021	Not relevant to this Planning Proposal
Precincts – Eastern Harbour City 2021	Not relevant to this Planning Proposal
Precincts – Regional 2021	Not relevant to this Planning Proposal
Precincts – Western Parkland City 2021	Not relevant to this Planning Proposal

SEPP	Comments
Primary Production 2021	<p>In summary this Policy applies to rural lands and aims to facilitate the orderly and economic use and development of these lands for primary production and to identify state significant agricultural land.</p> <p>This Planning Proposal to realign the R1/C3 zone boundary will ensure residential development standards apply to the whole of the approved residential lots and so is consistent with the application of this Policy to future development This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p>
Resilience and Hazards 2021	<p>Chapter 2 Coastal management In summary this Chapter aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone</p> <p>The site is not mapped as coastal wetlands/littoral rainforest and accordingly, future residential development on the approved residential lots will not be required to consider this Chapter.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p> <p>Chapter 4 Remediation of land In summary this Chapter introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.</p> <p>A Stage 1 Site Contamination Assessment of approved development footprint of the Seascope Grove Estate was undertaken by Regional Geotechnical Solutions Potential in October 2021.</p> <p>The Assessment concluded that the site is considered likely to be suitable for the proposed residential land use with regard to the presence of soil contamination provided the recommendations and advice of the RGS report are adopted. The recommendation and advice in the RGS report referred to the disposal of small stockpiles from the site none of which are located on the land to which the proposed zone boundary re-alignment applies.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p>
Resources and Energy 2021	Not relevant to this Planning Proposal
Transport and Infrastructure 2021	<p>Chapter 2 Infrastructure In summary this Chapter aims to facilitate the effective delivery of infrastructure</p>
Chapters 2 and 3 of this consolidated Policy is relevant	<p>The Chapter may apply should the approved residential subdivision require the delivery of infrastructure.</p> <p>This Planning Proposal does not contain provisions that would be inconsistent with, or hinder, the application of this Chapter to future development.</p> <p>Chapter 3 Educational establishments and child care facilities In summary this Chapter aims to deliver educational establishments and early education and care facilities.</p>



SEPP	Comments
	<p>This Chapter will apply should the approved residential lots provide for development of childcare facilities and or educational establishments.</p> <p>This Planning Proposal to realign the R1/C3 zone boundary will ensure residential development standards apply to the whole of the approved residential lots and so is consistent with the application of this Chapter to future development.</p>

Question 6 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

An assessment of consistency with Ministerial Directions is provided below.

Section 9.1(2) Direction	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans  <i>This direction applies when a relevant planning authority prepares a planning proposal.</i>	This Planning Proposal is consistent with North Coast Regional Plan.
1.2 Development of Aboriginal Land Council Land	Not applicable to this Planning Proposal
1.3 - Approval and Referral Requirements	This Planning Proposal will not introduce any concurrence requirements for other Government bodies and is therefore consistent with this Direction.
1.4 Site Specific Provisions	Not applicable to this Planning Proposal
<b>Focus area 1: Planning Systems – Placed Based</b>	
<b>Focus area 2: Design and Place</b>	
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 – Conservation Zones  <i>This direction applies when a relevant planning authority prepares a planning proposal.</i>	<p>The lands the subject of this Planning Proposal are zoned part C3 Environmental Management and part R1 General Residential. This Planning Proposal will realign the existing zone boundary such that all lands approved for residential subdivision under MP 05_0018 and MP 07_0129 will be zoned R1 and the approved environmental protection and management areas will be wholly located within the C3 zone and retained within Lot 800 DP 1270742, where works approved under a Vegetation Management Plan are currently being undertaken.</p> <p>On the basis that this Planning Proposal seeks to reflect the outcomes of the approved residential subdivision under MP 05_0018 and MP 07_0129, which included consideration of environmental matters, any inconsistency with this Direction is of minor significance and can therefore be justified.</p>

Section 9.1(2) Direction	Comment
<p>3.2 - Heritage Conservation</p> <p><i>This direction applies when a relevant planning authority prepares a planning proposal.</i></p>	<p>The MP 07_0129 and MP 05_0018 documentation included archaeological assessments that concluded there was no impact on Aboriginal Heritage as a result of the residential subdivision. The approvals include conditions requiring ongoing consultation with the Kempsey Local Aboriginal Land Council at the commencement of works and such consultation has been and will continue to be undertaken.</p> <p>Appendix G to this submission includes recent AHIMS searches that confirm no Aboriginal sites or places have been recorded within and adjacent Lots 800 and 801.</p> <p>This Planning Proposal is consistent with this Direction.</p>
3.3 Sydney Drinking Water Catchments	Not applicable to this Planning Proposal
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to this Planning Proposal
3.5 Recreation Vehicle Areas	Not applicable to this Planning Proposal.
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	Not applicable to this Planning Proposal
4.2 Coastal Management	Not applicable to this Planning Proposal
<p>4.3 Planning for Bushfire Protection</p> <p><i>This direction applies when a relevant planning authority prepares a planning proposal that will affect or is in proximity to land mapped as bushfire prone land.</i></p>	<p>A Strategic Bushfire Report accompanies this submission at Appendix F. This assessment confirms that the approved residential lots can satisfy the requirements of Planning for Bushfire Protection 2019. Consultation with the NSW RFS will be undertaken as part of the public exhibition process for this Planning Proposal.</p>
4.4 Remediation of Contaminated Land	Not applicable to this Planning Proposal
<p>4.5 Acid Sulfate Soils</p> <p><i>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</i></p>	<p>The land area the subject of this Planning Proposal is mapped as Class 5 lands on the KLEP 203 ASS planning maps, meaning works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land will require consent.</p> <p>On the basis that assessment of ASS was undertaken as part of the residential subdivision approvals under MP 05_0018 and MP 07_0129, any inconsistency with this Direction is of minor significance and can therefore be justified.</p>
4.6 Mine subsidence and Unstable Land	Not applicable to this Planning Proposal

Section 9.1(2) Direction	Comment
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport  This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Consideration of transport matters was resolved with the residential subdivision approvals under MP 05_0018 and MP 07_0129. Accordingly, this Planning Proposal to realign the zone boundary to match existing approved residential subdivision footprints is consistent with this Direction.
5.2 Reserving Land for Public Purposes	Not applicable to this Planning Proposal
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable to the Planning Proposal
5.4 Shooting Ranges	Not applicable to the Planning Proposal
<b>Focus area 6: Housing</b>	
6.1 Residential Zones  This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.	This Planning Proposal is consistent with this Direction as the residential subdivisions have been approved under MP 05_0018 and MP 07_0129 and all urban services are currently available and/or able to be extended as part of the construction of the works approved by the current development consents. The Planning Proposal will broaden the choice of housing types applicable in the approved subdivision by applying consistent residential development standards to the whole of the residential lots approved pursuant to MP 05_0018 and MP 07_0129.
6.2 Caravan Parks and Manufactured Home Estates  This direction applies when a relevant planning authority prepares a planning proposal.	This Planning Proposal will not alter the land uses that are currently permissible in the existing R1 General Residential zone that applies to the residential subdivisions approved under MP 05_0018 and MP 07_0129. Caravan Parks and therefore Manufactured Home Estates (pursuant to SEPP 36) are not permissible in the R1 General Residential or C3 Environmental Management zones.
<b>Focus area 7: Industry and Employment</b>	
7.1 Business & Industrial Zones	Not applicable to this Planning Proposal
7.2 Reduction in non-hosted short-term rental accommodation	Not applicable to this Planning Proposal
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to this Planning Proposal
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable to this Planning Proposal
<b>Focus area 9: Primary Production</b>	
9.1 Rural Zones	Not applicable as the Planning Proposal does not affect land within an existing or proposed rural zone.

Section 9.1(2) Direction	Comment
<p>9.2 Rural Lands</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that:</p> <p>(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</p>	<p>This Planning Proposal is consistent with this Direction as it is consistent with the NCRP, Kempsey LSPS and Kempsey LGMS. The proposed zone boundary realignment will ensure all residential lots approved pursuant to MP 05_0018 and MP 07_0129 are wholly located within the R1 General Residential zone and all approved environmental protection and management areas (within Lot 800) are located within the C3 Environmental Management zone.</p> <p>This Planning Proposal will not impact on environmental values including biodiversity, native vegetation, cultural heritage and water resources.</p> <p>The natural and physical constraints of the land have been considered in the assessment of MP 05_0018 and MP 07_0129 and all approved residential land uses are proposed to be located in the R1 General Residential zone and all approved environmental management and protection uses are proposed to be located in the C3 Environmental Management zone within Lot 800.</p> <p>This Planning Proposal does not impact on rural zoned lands and does not affect future rural economic activities, right to farm or the fragmentation of rural land.</p> <p>On the basis that this Planning Proposal seeks to reflect the outcomes of the approved residential subdivision under MP 05_0018 and MP 07_0129, any inconsistency with this Direction is of minor significance and can therefore be justified.</p>
9.3 Oyster Aquaculture	Not applicable to this Planning Proposal
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to this Planning Proposal



Section C – Environmental, social and economic impact

Question 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?

The site area for this Planning Proposal does not include any lands of high environmental value. The proposed realignment of the existing zone boundary to match the approved residential subdivision footprint of Seascope Grove Estate under MP 05\_0018 and MP 07\_0129 will not require the removal of any native vegetation.

There will be no likelihood of adverse affectation on critical habitat, threatened species, populations or ecological communities as a result of the proposed zone boundary realignment to match the existing development consent footprints.

Question 8      Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects that require consideration, and the Planning Proposal is unlikely to have any adverse environmental effects.

A Strategic Bushfire Report accompanies this submission at Appendix F and confirms the site is suitable for the approved residential land use and is capable of complying with Planning for Bushfire Protection 2019.

Question 9      Has the planning proposal adequately addressed any social and economic effects?

This Planning Proposal will support the existing residential subdivision approvals and ensure the future development within the R1 General Residential zone is consistent with all adjacent lands that are zoned R1 General Residential. The Planning Proposal will also ensure that all the approved environmental protection and management land uses (within Lot 800) are located within the realigned C3 Environmental Management zone.

Accordingly, there are no anticipated negative social and economic impacts as a result of the Planning Proposal. There are positive social and economic benefits generated from aligning KSC's development standards and controls with the approved residential and environmental protection land uses of MP 05\_0018 and MP 07\_0129.

Section D – State and Commonwealth interests

Question 10      Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not result in an increased demand for public infrastructure beyond that already approved under MP 05\_0018 and MP 07\_0129.

Question 11      What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Should the proposal be supported, the Department of Planning, Industry & Environment's Gateway Determination will specify consultation requirements. However, given the low impact nature of the Map Amendment Planning Proposal and following discussions with the DPIE prior to formal lodgement, it is anticipated that consultation with the NSW Rural Fire Service will be required.

## PART 4 - Mapping

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Proposed map amendments to the Land Zoning Map, the Lot Size Map and the Height of Buildings Map of the KSC LEP 2013 are described in Part 2 of this Planning Proposal.

The Preliminary proposed plans are provided at Appendix B.

## PART 5 - Community Consultation

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Community consultation will be undertaken in accordance with the Gateway Determination and include notification in a local newspaper and written notification to adjoining landowners.

The re-alignment of the zone boundary to reflect the residential subdivisions and environmental protection and management areas approved pursuant to MP 05\_0018 and MP 07\_0129 is a low impact map amendment to the Kempsey LEP 2013. Based on the consultation with DPIE prior to formal lodgement of this submission, a 14-day public exhibition period is anticipated.

## PART 6 - Project Timeline

This project timeline is based on anticipated dates and timeframes and an indicative timeframe is provided below.

Project timeline	2022									
	M	A	M	J	J	A	S	O	N	D
1. anticipated commencement date (date of Gateway determination)	X									
2. anticipated timeframe for the completion of required technical information		X								
3. timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)			X							
4. commencement and completion dates for public exhibition period				X						
5. dates for public hearing (if required)				N/A						
6. timeframe for consideration of submissions					X					
7. timeframe for the consideration of a proposal post exhibition						X				
8. date of submission to the Department to finalise the LEP							X			
9. anticipated date the local plan-making authority will make the plan (if authorised)								X		
10. anticipated date the local plan-making authority will forward to the PCO for publication									X	