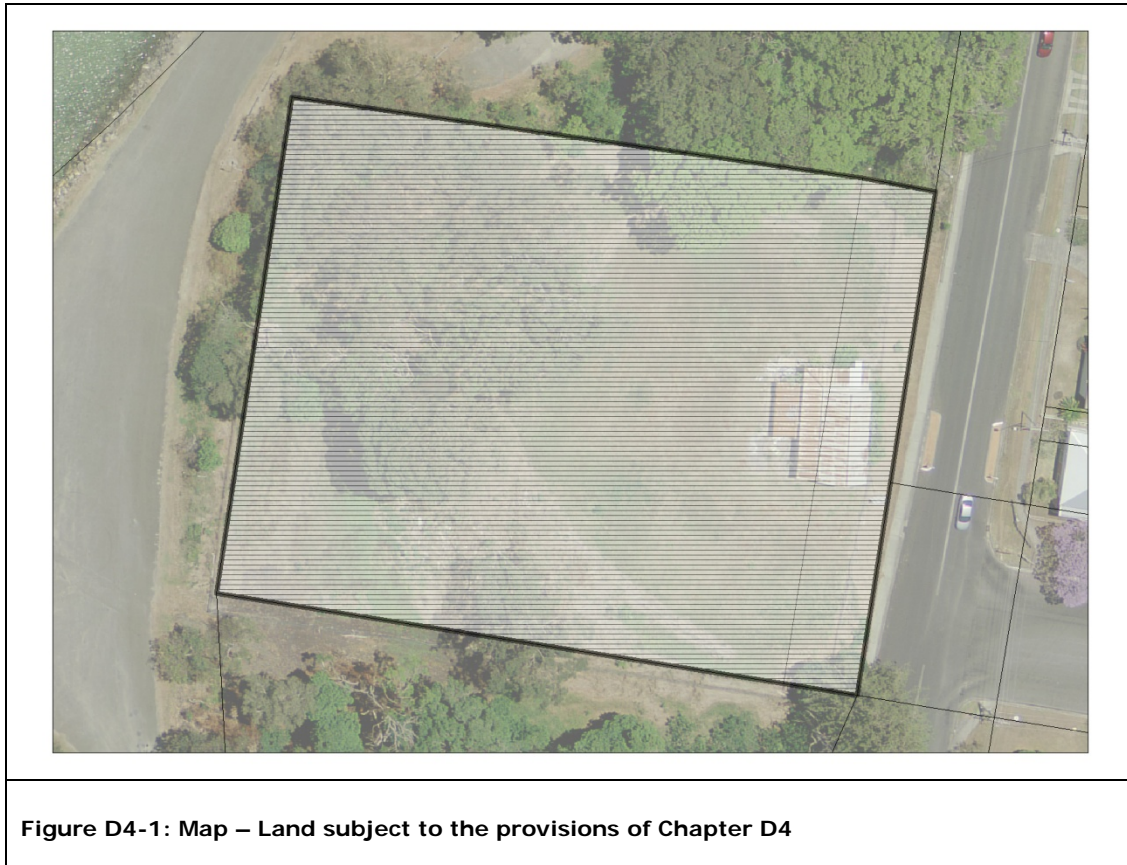


Chapter D4 – Old School Site, South West Rocks

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on land located at Lots 233 and 317 DP 754396 (No.19) Gregory Street, South West Rocks, as shown in the figure below.



1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objective of this Chapter is:

- a) To encourage appropriate development, which is sensitive to the scenic and cultural values of the land.

3.0 Development Requirements

3.1 Vegetation, Flora and Fauna and Landscaping

Desired Outcomes

DO1 - Development preserves the majority of the existing uninterrupted tree canopy across the site's visually sensitive embankment and skyline.

DO2 - Development retains the trees identified for retention in Appendix A, unless removal is justified in accordance with the requirements of Section 6.1 of [Chapter B10 – Tree Preservation and Vegetation Management](#).

DO3 - Disturbance of trees in the western group is kept to a minimum in order to continue to offer environmental landscape and amenity value to the site for many years, including significant shading and cooling during hot summer afternoons.

Note - The grouping of trees located in the sloping area of the site form a distinctive landscape feature and in doing so attract a higher collective rating than individual trees that are dispersed throughout the site.

DO4 - Supplementary vegetation is provided, where necessary, to ensure that the existing uninterrupted tree canopy is sustainable and achieves sufficient depth of cover over the longer term.

DO5 - A vegetated frontage is provided along Gregory Street, in order to:

- Create a buffer to development within the site; and
- Maintain the values of unbroken green corridor that follows the entry road (ie Gregory Street) into the South West Rocks town centre; and
- Maintain views of a vegetated frontage to the subject land, as seen along the Landsborough Street axis.

DO6 - Landscaping, tree and vegetation works are undertaken in accordance with the relevant requirements of:

- [Chapter B9 – Landscaping](#); and
- [Chapter B10 – Tree Preservation and Vegetation Management](#).

DO7 - Appropriate measures are undertaken in order to preserve native fauna on the site.

Development Requirements

- a) Development on the site shall provide for the following:
- (i) clear delineation of all construction areas to minimise the construction 'footprint';
 - (ii) directional felling of all trees to be removed into the development area in order to minimise potential damage to retained vegetation;
 - (iii) future landscaping of the site should be undertaken utilising nectar producing native species;
 - (iv) a visual inspection of any tree over 15cm DBH for fauna (including nesting fauna) should be made prior to felling. Any fauna utilising trees required to be felled should be allowed to voluntarily move on prior to removal of the tree;
 - (v) retention, where practical, of any hollow-bearing trees;

- (vi) if fencing is required, only wildlife-friendly fencing should be installed (i.e. no barbed wire on the top or bottom strands);
 - (vii) restriction of bushfire management obligations within the Scenic Protection area identified in KLEP2013; and
 - (viii) a Vegetation and Fuel Management Plan to balance the management of any Asset Protection Zones with sensitive environmental management and to improve the surrounding site condition, particularly by minimising and controlling weeds.
- b) No trees shall be removed to accommodate development other than identified in Appendix A of this Chapter.
 - c) Tree protection measures for trees to be retained are to be provided and maintained during construction works.
 - d) Any future development must comply with the provisions of Australian Standard *AS4970-2009: Protection of Trees on Development Sites*.

3.2 Urban Design, Character and Form

Desired Outcomes

- DO1 - Development, including buildings, do not breach the existing vegetated skyline across the site and maintain a compatible scale with surrounding buildings.
- DO2 – Adequate space is provided between building footprints to facilitate tree growth and to mitigate the visual impact of built form.
- DO3 - Development of the site includes restoration of the existing old school building, where relevant and practicable.
- DO4 - Development of the site creates an appropriately scaled setting for the old school building.
- DO5 - Development avoids absorbing the old school building into a larger building envelope which would likely impact on the visual amenity values of the building within its existing setting.
- DO6 - Development positively contributes to the Gregory Street streetscape amenity through restraining building height and bulk to below the vegetated canopy and remaining clear of the steep, densely vegetated land included in the Scenic Protection Map of KLEP2013.
- DO7 - New development is set back from Gregory Street to:
 - reduce the visual impact of built form onto the streetscape;
 - maintain the continuous green edge that characterises the existing public road entry into the town centre; and
 - retain the attractive channelled vegetated view of the site as seen from Landsborough Street to the east.
- DO8 - Development is compatible with the character and amenity of the local street environment.
- DO9 - Development generally focuses on the existing cleared areas of the site.

Development Requirements

- a) In addition to the requirements of the Mid North Coast Urban Design Guidelines, applications for development shall include a detailed design analysis demonstrating satisfaction of the Desired Outcomes of this chapter.
- b) Development shall:
- i) Incorporate a minimum 5m wide set-back from the Gregory Street boundary which is to be landscaped with a green frontage of locally indigenous vegetation, including native trees;
 - ii) Restrict building height to a maximum height no greater than 12.5m;
 - iii) The building façade facing Gregory Street measured from the pavement shall not exceed an overall height of 11m; and
 - iv) Pavement to ceiling height should not exceed 9m.

Note – The Height of Buildings Map attached to KLEP2013 does not impose a maximum building height on this site.

- c) Development shall:
- i) minimise bulk and overshadowing impacts by progressively increasing setbacks as building height increases;
 - ii) ensure that the building design is not in strong visual contrast with the positive features of the surrounding built environment by incorporating complementary features with regard to:
 - mass and proportion;
 - façade articulation, detailing, window and door proportion, and decorative elements;
 - building materials, patterns, textures and colours;
 - roof form and pitch; and
 - floor to ceiling height.
 - iii) ensure that on-site carparking is not visually intrusive and allows the building to address the street.

3.3 Safer by Design

Desired Outcomes

DO1 - Development complies with the relevant requirements of [Chapter B15 – Crime Prevention Through Environmental Design \(CPTED\)](#).

Development Requirements

Nil.

3.4 Minimising Ecological Impacts

Desired Outcomes

DO1- Development minimises ecological impacts by adopting environmentally sustainable principles in the design, construction and occupancy phases of development.

DO2 - Waste is minimised during the demolition, construction and operational

phases of the development in accordance with the requirements of [Chapter B16 – Waste Minimisation and Prevention](#).

Development Requirements

3.4.1 Energy Conservation

- a) Development shall:
- (i) incorporate passive solar design principles to maximize day-lighting and passive heating opportunities;
 - (ii) incorporate energy efficient design principles to minimize active heating and cooling requirements;
 - (iii) specify energy efficient equipment and lighting systems;
 - (iv) provide efficient control and effective maintenance systems, including monitoring of energy consumption;
 - (v) optimise opportunities to use renewable energy sources and incorporate renewable energy technologies, wherever possible; and
 - (vi) minimise embodied energy in construction materials.

3.4.2 Water Conservation

- b) Development shall:
- (i) facilitate opportunities for on-site treatment and reuse of grey water and stormwater; and
 - (ii) minimise water consumption through practices such as:
 - installing rainwater and stormwater collection tanks;
 - providing water efficient facilities and equipment;
 - installing reuse systems for grey water;
 - providing effective monitoring and maintenance systems; and
 - (iii) preserve natural features of the site by minimising the level of intervention required to establish development on the site such as cut and fill and tree removal.

3.4.3 Building Materials Conservation

- c) Development shall:
- (i) reuse existing site features or materials;
 - (ii) minimise use of materials with high embodied energy;
 - (iii) minimise life cycle costs through using materials and equipment requiring minimal maintenance and with maximized expected useful life; and
 - (iv) minimise building materials that have damaging ecological effects during harvesting, manufacturing and/or construction.

3.4.4 Appropriate Landscape Design

- d) Development shall:
- (i) incorporate locally indigenous native vegetation as the dominant palette for new planting;
 - (ii) incorporate new plants that will facilitate year-round moderation of internal climate; and
 - (iii) maximise the reuse on site of rock and topsoil emanating from excavations and shredded vegetation for mulch.

3.5 Archaeology

Desired Outcomes

- DO1 - Development of the site shall be compatible with and conserve items of environmental heritage.
- DO2 – Development complies with the relevant requirements of [Chapter B12 – Aboriginal Heritage](#), in addition to the following development requirements.
- DO3 - Development complies with the relevant requirements of [Chapter B13 – Heritage Areas/Development](#).

Development Requirements

3.5.1 The Recorded Midden Site

- a) Applications for development shall include measures to protect the Aboriginal midden located in the north eastern corner of the site including:
- (i) provision of a ten (10) metre diameter buffer zone to ensure protection of the midden by ensuring no disturbance or vegetative clearing;
 - (ii) construction-related disturbance is to be avoided around the perimeter of the midden buffer zone by temporary fencing to exclude people and vehicles for the full duration of developmental activities and this fence only be removed at the end of the development activities;
 - (iii) the area (including the buffer zone) should be clearly marked and annotated on all relevant maps and plans to ensure that the midden is not inadvertently disturbed or destroyed during the course of future maintenance or development works; and
 - (iv) no surface or subsurface disturbance shall occur in the site protection area unless formally approved by the Department of Environment, Climate Change and Water (DECCW).

3.5.2 Aboriginal Relics

- a) To ensure that Aboriginal burials are not accidentally uncovered, both the Kempsey LALC and Figtree Aboriginal Community representatives shall be engaged to monitor all initial earthworks associated with future development, including any necessary vegetation clearance.
- b) A scarred tree of possible Aboriginal origin has been recorded approximately 6.5 m south of the southern study boundary, near Buchanan Drive. In order to avoid disturbance of or damage to this tree, it is recommended that no vegetation clearance or other development activities be undertaken south of the southern boundary of Lot 233.
- c) Every effort shall be made to retain as much of the existing vegetation as possible including Aboriginal food and medicinal plant species.
- d) Development proponents must liaise directly with the Figtree Aboriginal Community with the objective of developing an acceptable landscaping strategy that will mitigate any adverse effects of site development on the present lifestyle and amenity of Figtree residents. This strategy may

include the planting of screening trees along the northern boundary of the Figtree Estate and shall be submitted with any application for development.

- e) Prior to the commencement of any vegetation clearing or construction activities associated with development of the site, it is recommended that all construction contractors and their employees be advised of their legal obligations with regard to Aboriginal cultural materials. This advice should be given in writing and a copy forwarded to DECC Northern Aboriginal Heritage Unit (Coffs Harbour) for its records. Should any material evidence thought to be of Aboriginal origin be discovered or exposed during any stage of the development, work must cease in that locality. DECCW, Kempsey LALC and the Figtree Estate Community should be contacted for management advice and clearance given by these organisations before work resumes in the subject area.

3.5.3 The Old School Building

- a) Applications for development shall provide for retention of the Old School Building in its current location unless the consent authority is satisfied that the following criteria have been met:
- (i) a report prepared by a structural engineer with demonstrated experience in the conservation of heritage buildings is provided which demonstrates that relocation of the building is feasible; and
 - (ii) submission of a strategy prepared by an experienced heritage architect providing for relocation and reproduction of any necessary elements of the old building using new materials and any salvageable materials from the existing building so that it remains publicly visible and accessible for interpretation.
- Note** - The preferred location for the old school building is in the vicinity of the Norfolk Island Pine trees, which are historically related to the building. This will ensure that the building remains publicly visible and accessible for interpretation.
- b) The strategy shall include a *Heritage Interpretation Plan* for the site which should:
- (i) include a short history of the building with any early photographs and/or plans;
 - (ii) be located in a prominent position in order to provide visitors to the building an understanding of its history and significance to the South West Rocks community;
 - (iii) suitable signage should be used to indicate the previous use of the building, its history and its significance to the Aboriginal community; and
 - (iv) Development proponents shall demonstrate to the satisfaction of the consent authority that they have engaged in meaningful consultation with the Figtree Aboriginal Community and Kinchela Boys Home Aboriginal Corporation with a view to reaching an agreement as to an appropriate location and use for the building.
- c) If the building is to be relocated, restoration should ensure that any new fabric required to conserve it, be used in a manner that does not look like a completely new "replica" building.

- d) Any asbestos present in the building shall be removed and replaced with alternative material by an appropriately qualified contractor.

3.6 Bushfire

Desired Outcomes

DO1 - The bushfire threat on the property is managed so that:

- Human life is protected;
- The impacts on property are minimised;
- Impacts on development potential of the site are minimised; and
- As much vegetation as possible is retained on the site to preserve on-site amenity, scenic values and environmental values.

Development Requirements

- a) Development is to comply with the provisions of *Planning for Bushfire Protection, 2006*.

Note - The subject site is mapped as Bushfire Prone Vegetation Category 1. However, vegetation studies and subsequent analysis demonstrate that the vegetation surrounding the site does not comply with the definition of Category 1 Bushfire Vegetation as defined by the NSW Rural Fire Service '*Guideline for Bushfire Prone Land Mapping*'. The vegetation present on the site and the adjacent lands does not pose a high bushfire hazard due to the nature of the vegetation (weedy) and/or the distance to nearest bush-fire prone vegetation (i.e. >100 m).

Despite the slope of the site being, on average, 19 degrees, the vegetation is predominantly weedy and mesophyllus in nature where it connects with other similar vegetation to the north and south or, in the case of the scribbly gum forest, supports a fire front run of less than 50m. It can therefore be categorised as rainforest with regard to bushfire risk.

- b) A 10 metre wide Asset Protection Zone (APZ) in a forested landscape cannot support both an inner and an outer protection zone. Therefore, the entire APZ must be treated as an inner protection zone. Fuel reduction activities are to be undertaken to ensure that:
- i) ground fuels (dead vegetation up to 6mm diameter) are removed regularly;
 - ii) grass is kept short and green;
 - iii) tree canopies are pruned/removed such that crowns are separated by two to five metres (including from the dwelling structures); and
 - iv) shrubs and understorey is removed such that coverage of no more than 20% of the APZ area is achieved. Retained vegetation should be clumped into islands to maximize breaks in the understory layer.
- c) APZs must not be planned within Scenic Protection Areas identified in Kempsey LEP2013, due to the amount of vegetation removal required. Similarly, fire fighter access, provision of water, defensible space and other aspects of planning for bushfire protection must not be planned within areas retained for native vegetation due to the level of disturbance required to manage such facilities and infrastructure. The provisions of the *Planning for Bushfire Protection 2006* must be incorporated within that part of the subject site zoned R3 – Medium Density Residential.

3.7 Hydrology and Flooding

Desired Outcomes

DO1 - The stormwater system complies with the relevant requirements of:

- [Chapter B1 – Subdivision](#);
- [Chapter B3 – Engineering Requirements](#);
- [Chapter B5 – Stormwater Management](#);
- [Chapter B6 – Water Sensitive Urban Design](#); and
- [Council's Engineering Guidelines for Subdivision and Development](#).

DO2 - The stormwater drainage system is planned and designed to ensure that natural watercourses, associated vegetation and site topography are adequately considered and suitably maintained.

DO3 - Development of the site is designed so as to minimise the impacts of flooding, including flooding of adjacent land, having regard to the expected effects of climate change.

Development Requirements

- a) A Stormwater Management Plan, prepared by a suitably qualified person, is submitted with any development application that demonstrates achievement of the above Desired Outcomes.
- b) Applications for development shall include a detailed flood study that:
 - (i) Demonstrates compliance the relevant requirements of Council Procedure 1.1.11 – Flood Risk Management;
 - (ii) indicates that no adverse impacts on the proposed development or adjoining land will occur as a result of the development; and
 - (iii) The required flood study shall include an assessment of the effects of climate change, having regard to an expected 2100 sea level rise of 91cm.

Note – Previous studies have estimated the 1 in 100 year flood level to be approximately 2.3m AHD. This level would result in inundation depths of up to 300mm in the flat south-west portion of the site, over an area of approximately 700 to 800m². Buchanan Drive would also be inundated by up to 300 mm adjacent to the site.

Future predicted increases in tidal level may increase flood levels by 0.4m by 2050. However, it is expected that predicted increases in tidal level will not result in inundation of the site.

3.8 Earthworks

Desired Outcomes

DO1 - Development is concentrated on the flatter upper ridge crest on the site and avoids the steepest parts of the site.

DO2 - Development complies with the relevant requirements of [Chapter B4 – Earthworks and Sediment Erosion Control](#).

Development Requirements

- a) Applications for development shall include a detailed geotechnical report prepared by a suitably qualified engineer, having regard to the recommendations in the geotechnical assessment contained in the Old School Site LES and the requirements of [Chapter B4 – Earthworks and Sediment Erosion Control](#).

3.9 Traffic and Access

Desired Outcomes

DO1 - Development satisfies the Desired Outcomes and Development Requirements of [Chapter B2 – Parking, Access and Traffic Management](#).

DO2 - Development within the site is compatible with proposed pedestrian linkages adjacent to the site consistent with the Horseshoe Bay Plan of Management, where relevant.

Development Requirements

- a) A "Give-Way" hold line 1 metre behind the Gregory Street kerb line in Landsborough Street is to be provided to minimise the encroachment of turning traffic from Landsborough Street on the "slipping through" traffic in Gregory Street.
- b) "No-Stopping" parking restriction signage is to be installed on Gregory Street south of the incoming access point.

APPENDICES

Appendix A: Trees to be Retained and Removed

Table D4-1: Trees to be Retained and Removed		
TREE ID*	REMOVE/RETAIN	REASON
1 Ficusrubiginosa	REMOVE	Critical root zone (CRZ) defects/damage
2 Eucalyptus racemosa	REMOVE	CRZ defects/damage
3 Araucaria heterophylla	REMOVE	Low vigour / sever dieback / significant defects
4 Araucaria heterophylla	RETAIN	Monitor future health
5 Eucalyptus teriticornis	REMOVE	Undesirable as individual special due to growth habit / defects present
6 Eucalyptus teriticornis	REMOVE	CRZ defects/damage
7 Corymbiagummifera	REMOVE	CRZ defects/damage
8 Corymbiagummifera	RETAIN	Remove smilax vine from crown to reduce branch weight
9 Corymbiagummifera	REMOVE / RETAIN	May require removal for APZ clearing
10 Corymbiagummifera	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
11 Corymbiagummifera	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
12 Ficusrubiginosa	REMOVE	Location may be critical to future development footprint / defects present and obvious
13 Corymbiagummifera	REMOVE	May require removal for APZ clearing / defects present and obvious / crown bias to the east compromises aesthetics
14 Corymbiaintermedia	REMOVE	Tree health poor / significant defects
15 Eucalyptus racemosa	RETAIN	Important contribution to tree group / requires crown clean
16 Lophostemonconfertus	RETAIN	Only example of genus on site / requires crown clean
17 Ficusrubiginosa	REMOVE	Due to decay crown failures will continue / significant defects
18 Corymbiaintermedia	RETAIN	Important contribution to tree group / crown clean required
19 Corymbiagummifera	RETAIN	Important contribution to tree group / crown clean required
20 Eucalyptus racemosa	RETAIN	Important contribution to tree group / crown clean required
21 Corymbiaintermedia	RETAIN	Important contribution to tree group / crown clean required
22 Corymbiaintermedia	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
23 Corymbiaintermedia	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
24 Corymbiagummifera	RETAIN	Important contribution to tree group / crown clean required
25 Eucalyptus racemosa	RETAIN	Important contribution to tree group / crown clean required
26 Corymbiagummifera	RETAIN	Important contribution to tree group / crown clean required

Table D4-1: Trees to be Retained and Removed		
TREE ID*	REMOVE/RETAIN	REASON
27 Eucalyptus racemosa	RETAIN	Important contribution to tree group / crown clean required / significant defects
28 Eucalyptus racemosa	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
29 Corymbiagummifera	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
30 Corymbiagummifera	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
31 Eucalyptus racemosa	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
32 Corymbiagummifera	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
33 Eucalyptus racemosa	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
34 Eucalyptus racemosa	RETAIN	Important contribution to tree group
35 Corymbiagummifera	RETAIN	Important contribution to tree group
37 Corymbiaintermedia	RETAIN	Important contribution to tree group
38 Corymbiaintermedia	RETAIN	Important contribution to tree group
39 Banksia integrifolia	REMOVE	Tree unbalanced / defects present and obvious

*Tree locations – see diagram over.

Note - Disturbance to the trees located within the Scenic Protection Area should be kept to a minimum to protect the 'collective' value of this group of trees.

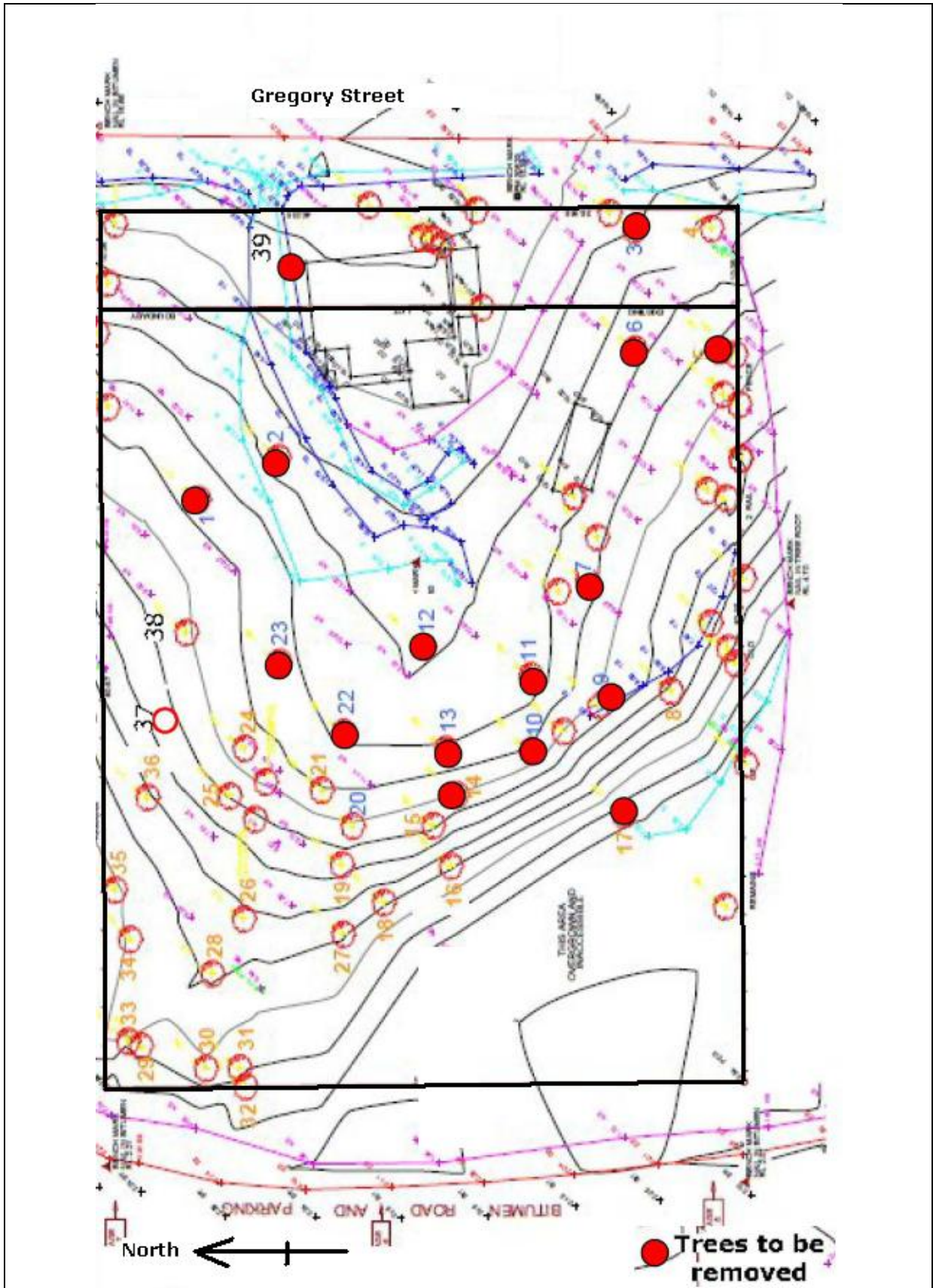


Figure D4-2: Tree Location Diagram