



## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

12<sup>th</sup> September 2006

<b>DSDS5</b>	<b>EXHIBITION OF LOCAL ENVIRONMENTAL STUDY (LES) AND DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) FORMER SHELL SITE, PHILLIP DRIVE, SOUTH WEST ROCKS FILE: T5-94 APB (RZ-04-04)</b>
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### **SUMMARY:**

The Local Environmental Study (LES) to support a draft LEP to rezone the former Shell Site for residential development has been prepared. Council is requested to endorse the Draft Local Environmental Study (LES) for exhibition.



### **Background:**

Council resolved on 25 May 2004 to prepare a draft Local Environmental Plan (LEP) to rezone Lot 1 DP 445196, Phillip Drive, South West Rocks, for residential purposes

The Department of Planning, in a letter dated 28 July 2004, advised that an environmental study needs to address the following:

- The suitability of the site for residential use given the lands contamination and necessary remediation.
- Flora and fauna and Aboriginal cultural sites and the impact of development on the Saltwater Lagoon SEPP 14 Coastal Wetland Area.
- An assessment of the impact on the natural and scenic qualities of the site.
- The plan's relationship with SEPP 71 Coastal Protection.

Environmental Resources Management Australia Pty Ltd was appointed by Council in November 2004 to prepare a LES for Lot 1 DP445196, Phillip Drive, South West Rocks.

## **Draft Local Environmental Study (LES)**

### **Contamination**

On-going contamination monitoring has established that soil and groundwater pollutants occurred in concentrations higher than is acceptable for residential development.

In accordance with the requirements of SEPP 55, the site will need further remediation to allow residential development. The LES addresses the need for remediation and recommends allowing this to occur after rezoning, provided it is remediated before development occurs. The draft LEP prepared is intended to give effect to this requirement. [\(Appendix I\)](#)

### **Saltwater Creek & Lagoon Estuary Management Plan (EMP)**

The key strategy in the EMP affecting this LES and draft LEP is:

**Strategy E:** *Prepare a stormwater management strategy for the Saltwater Creek and Lagoon catchment, to specify stormwater requirements to achieve a net reduction of pollutants entering the estuary.*

A Stormwater Management Strategy is being prepared to identify methods for achieving this. This strategy is to be finalised before proceeding with the rezoning beyond public exhibition.

### **State Environmental Planning Policy (SEPP) 55**

The inclusion of a site specific clause in the LEP will ensure that the site is remediated in accordance with a Remediation Action Plan (RAP) prior to a Development Consent being able to be granted.

### **North Coast Regional Environmental Plan (REP) 1988**

Clause 38 of the North Coast REP requires a draft LEP to be consistent with an urban land release strategy. The land is included in Council's Residential Land Release Strategy 1997, as long term release. Council previously supported a variation to the Strategy on the basis that the reason the land had been identified for long term release was the contamination, the lack of urgency by the previous owner to remediate the site to residential standard and the proposal comprises infill development. The site is located adjacent to existing urban development, whilst environmental hazards are dealt with through the implementation of the RAP. There are no significant conservation, heritage or cultural matters.

### **Report Implications:**

- ***Environmental***

***The LES concludes that the allotment is suitable for residential development, subject to the implementation of the Remediation action Plan (RAP) and management of environmental impacts. Appropriate arrangements need to in place to ensure achievement of stormwater quality targets.***

- ***Social***

***The provision of additional land for residential development will give rise to a demand for social and community services. Prior to proceeding to gazettal of the draft LEP it will be necessary to prepare, exhibit and adopt a Developer Contributions Plan for the provision at these services.***

- ***Economic (Financial)***

***The rezoning of the land will increase the potential growth of South West Rocks.***

***The increase demand for services and infrastructure as a result of future development of the land will require the preparation, exhibition and adoption of a Developer Contributions Plan, to ensure the development meets the full cost of the provision of these services.***

- ***Policy or Statutory***

***The LES has been prepared in consultation with relevant Government Departments and in accordance with requirements of the Environmental Planning & Assessment Act 1979 and the Contaminated Land Management Act 1997.***

***It will be necessary to submit the draft plan to the Department of Planning to either allow Council to exercise its delegation to issue the section 65 certificate or for the Department to issue the certificate. This will allow the LES and draft LEP to be exhibited for public comment.***

- ***General Managers or Directors Review***

**RECOMMENDATION:**

1. **That the Local Environmental Study and Kempsey Draft Local Environmental Plan 1987 (Amendment No. 94) be submitted to the Development of Planning to seek authority to exercise section 65 delegation or to issue the section 65 certificate to enable public exhibition.**

2. That upon issue of the section 65 certificate, the Local Environmental Study and Draft LEP be placed on public exhibition.

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**R B Pitt**  
**DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES**