



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

9 October 2007

DSDS1	DRAFT LOCAL ENVIRONMENTAL STUDY (LES), LOCAL ENVIRONMENTAL PLAN (LEP) "SALTWATER SITE" SOUTH WEST ROCKS FILE: T5-55 GLR COPY MRB {Folio No. *}
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SUMMARY:

The Local Environmental Study (LES) to support a draft LEP to rezone the land, known as the "Saltwater" site at South West Rocks has been prepared. Including an addendum in the form of a detailed Hydrogeological Assessment. Council is requested to endorse the Draft Local Environmental Study and Draft LEP for exhibition.

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Background:

Council resolved on 21 January 1997 to prepare a draft Local Environmental Plan for the subject land for residential purposes. Since 1997, elements of this rezoning application have been reported to Council, in particular the annexing of adjoining parcels of land, to form the current site area. The subject land is currently comprised of the following Lots which have the following corresponding zonings pursuant the KLEP 1987;

- Lot 29 DP 1100740 -1(d) (Rural (Investigation) D Zone)
7(a) (Wetlands Protection Zone)
- Lot 51 DP 831284 -1(c) Rural (Small Holdings "C" Zone)
- Lot 52 DP 831284 -1(c) Rural (Small Holdings "C" Zone)
1(d) (Rural (Investigation) D Zone)
7(a) (Wetlands Protection Zone)
- Lot 84 DP 792945 -1(c) Rural (Small Holdings "C" Zone)
1(d) (Rural (Investigation) D Zone)
- Lot 509 DP 850963 -1(c) Rural (Small Holdings "C" Zone)
[\(Appendix A\)](#)

The subject land is included in Council's Residential Land Release Strategy as medium term land release [\(Appendix B\)](#).

The Department of Planning has advised that a Local Environmental Study (LES) is required and further advised that the LES should address the following issues;

- Identify and assess any features of the subject land, in particular;
 - Aboriginal Archaeology
 - SEPP 44 (Koala Habitat)
 - Threatened Species
 - Significant wildlife habitats and corridors that link such areas;
 - Significant stands of vegetation; and
 - SEPP 14 Wetlands and their catchments. This assessment should also specifically address the impact of future development on estuarine and natural drainage systems including Saltwater Lagoon/Creek and SEPP 14 Wetland No 439.
- Examine data on hazards to urban development such as flooding, bushfire, soil stability and acid sulphate soils.
- Services – examination of the capacity of existing services to support any proposed development of the land.
- Water quality
- Land Capability
- NSW Coastal Policy
- Assess the proposed rezoning and development of the land in terms of consistency with the Kempsey Land Release Strategy. [\(Appendix C\)](#).

Relevant Government agencies were consulted in the preparation of the LES with the following issues of relevance to the LES identified: -

Table 3:2 Summary of Issues Raised in Government Agency Submissions

Agency	Issue Raised
Department of Infrastructure, Planning & Natural Resources	<ul style="list-style-type: none"> • The sensitivity of Saltwater Lagoon and the consistency of proposed landuse changes with management framework identified for the Lagoon • Methods that will be employed with proposed to further reduce nutrient inputs. • The provision of adequate buffering and environmental protection to the Lagoon.
Department of Environment &	The likelihood of any proposed development impacting on areas of native

Conservation	<p>vegetation,</p> <ul style="list-style-type: none"> • The consistency of any proposed development with relevant provisions of the Threatened Species Conservation Act 1995, SEPP 44 – Koala Habitat protection, SEPP 71 – Coastal Protection, and the Native vegetation Conservation Act 1997. • An appropriate level of archaeological assessment. • Adequate consideration to recognised areas of high conservation. • Buffers to Sewage Treatment Plant. • Need to consider the principles of Integrated Water Cycle Management. • Adjacent contaminated sites – need to refer to SEPP 55 Guidelines.
NSW Fisheries	<ul style="list-style-type: none"> • Consideration to the potential impacts on the ecology of the SEPP 14 - Wetland. • Careful management of terrestrial areas adjoining the aquatic habitats. • Consideration of the requirements of The Policy and Guidelines for Aquatic Habitat Management and Fish Conservation, and The Policy and Guidelines for Fish Friendly Waterway Crossings (NSW1181 Feb 2004). • Impact of poor quality urban stormwater run off on Saltwater Lagoon.
NSW Roads & Traffic Authority	<ul style="list-style-type: none"> • New development should consider and provide facilities to encourage alternative transport modes such as shared paths for pedestrians and cyclists, passenger and school buses. • A traffic study in accordance with the RTA's Guide to Traffic Generating Development should be undertaken. • The design of the subdivision and residences, especially adjacent to arterial roads will need to be designed to meet current DEC road traffic noise guidelines.

	<ul style="list-style-type: none"> • An appropriate contributions scheme will need to be developed.
NSW Department of Primary Industries	<ul style="list-style-type: none"> • Additional resources of Kaolonite are present at South West rocks and the LES should consider the impact of any proposals on access to these resources for future exploration and mining.

Draft LES

A map of the subject land indicating recommended development areas has been prepared and is summarised in the attached map [\(Appendix D\)](#). In addition a hydrogeological report was prepared which confirms that the environmental protection area (development exclusion zone) is adequate, provided additional drainage infrastructure, such as wetlands, are located outside proposed wetland buffer areas. Not all the area currently designated as developable area will be developed. A certain amount of that area, will be required for infrastructure provision, and open space and this will have to be determined at the master planning stage. The draft LES identifies several potential constraints to development and recommends strategies and restrictions that should be incorporated in any rezoning.

The draft LEP will incorporate elements that need to be considered in the master planning stage.

Contamination from the Ex Oil Terminal Site

The hydrogeological assessment addresses the potential impacts of a contaminated plume emanating from the Ex Oil Terminal Site on the adjacent land, should the groundwater table be lowered on the subject land. The report notes that a change in the flow of the plume could occur if the water table is lowered below that of the adjoining contaminated site, resulting in the potential for contaminated groundwater to flow onto the subject land.

The report indicates that this issue can be addressed at the Masterplan design stage through the development of a water management system based on detailed modelling.

Provisions should be included in the draft LEP to give statutory effect to this requirement.

Stormwater Treatment and Disposal

The LES states that water quality impacts from future development need to be considered in a total catchment management context. The LES outlines a number of methods of managing stormwater on the site, which need to be considered prior to any development occurring on the site. The LES recommends that the principles of Integrated Water Cycle Management developed by the Department of Energy Utilities and Sustainability be

applied when working out the design of stormwater treatment and disposal on the site.

The LES advises that key principles upon which the detailed design of the development should be based include;

- Integration of public open space networks with conservation corridors, stormwater management systems and recreational facilities.
- Provision of a housing layout which integrates residential blocks with the surrounding drainage function and public open space.
- Provision of a road layout which incorporates the natural features and topography of the site by locating roads beside public open space wherever possible.
- Integration of the road layout and vehicular and pedestrian needs with stormwater management requirements.

The LES advises the following measures as a minimum for any development that may occur on the site;

- Undertake specific stormwater investigations for each stage of the preferred development concept and ensure structural and non-structural measures are implemented to limit stormwater discharge to existing levels;
- Prepare Erosion and Sedimentation Management Plan to include construction stage issues;
- Develop erosion and sedimentation policy, a code of practice and standard conditions to minimise construction stage impacts.

The LES notes that the required water quality parameters for stormwater leaving the site will require large areas for structural stormwater treatment measures such as wetlands and Water Pollution Control Ponds.

It is noted that some of the stormwater infrastructure to the site, will need to be located in what is identified as potential development area.

All of the matters discussed and recommendations made in both the LES and the hydrological report, with respect to management of stormwater on this site, will be incorporated in the Draft LEP.

Habitat Retention and Buffer Zone

A major component of the LES relates to potential impacts of future development on the habitat of threatened species on the site, in particular the Wallum Froglet.

The LES concludes that the exclusion of suitable habitat areas and the STP buffer from future development areas will mitigate the impacts of development on the habitat of threatened species known or likely to occur

on site. The draft LES identifies approximately 70 ha of the approximately 120ha site as being suitable for development.

Sewerage Treatment Plant (STP) Buffer Zone

The subject land adjoins the STP for South West Rocks. The LES concludes that odour and noise impacts can be managed within a buffer of 150m from the boundary of the plant. This area is included in the environmental protection zone.

In respect to odour, the assessment concluded that DEC criteria for odour would be met beyond 70 metres to 150 metres from the STP. The initial report recommended the collection of an additional 12 months of meteorological data to confirm the modelling results. An additional 12 months of data collection was requested which subsequently confirmed the preliminary predictions.

In respect to noise, provided recommended noise mitigation measures are put in place, which include either the erection of a 1.9 metre high barrier immediately north of the Pasveer channels or enclosing the aerators, DEC criteria will be met.

Shire Services has reviewed the draft LES and request that the costs of any required noise attenuation measures, is to be at the expense of the developer.

Such a requirement should be incorporated in the draft LEP and may be achieved by means of a Planning Agreement.

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 medium term release, and a portion of it has been noted as buffer to the Sewage Treatment Plant. It is noted in Council's strategy that the buffer area may be reduced provided appropriate justification is provided.

Kempsey Shire Council Residential Land Release Strategy - 1996

Section 8.0 of the Kempsey Shire Council Residential Land Release Strategy details further issues that need to be addressed at the rezoning stage. These are;

- Flooding
- Drainage
- Acid Sulfate Soils
- Petrochemical Contamination
- Buffer Zone to Sewage Treatment Plant
- Archaeological Considerations
- Threatened Species, Populations, Ecological Communities or Their Habitats
- Scenic Quality
- Bushfire Risk

The LES has addressed all of these issues as well as the particular issues required by the Department of Planning and other relevant agencies.

Report Implications:

- ***Environmental***

The LES concludes that part of the subject land is suitable for residential development, subject to the implementation of strategies to manage environmental impacts.

- ***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 issue the certificate required to advertise the draft LES and LEP.

RECOMMENDATION:

1. That the Local Environmental Study, and all associated reports and Kempsey Draft Local Environmental Plan 1987 (Amendment No. 55) be submitted to the Department of Planning to request the issuing of a Section 65 certificate to enable public exhibition.

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