



KEMPSEY  
Shire Council

## **DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT**

10<sup>th</sup> July 2007

**DSDS2 EXHIBITION OF LOCAL ENVIRONMENTAL STUDY (LES) AND  
DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) FORMER SHELL  
SITE, PHILLIP DRIVE, SOUTH WEST ROCKS  
FILE: T5-94 KEO {Folio No. \*}**

### **SUMMARY:**

Reporting the Council has been requested to reconsider its decision not to proceed with the rezoning of the former Shell Site at South West Rocks for residential development.

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### **BACKGROUND:**

At its meeting of the 23<sup>rd</sup> March 2004, Council considered a report relating to the rezoning of the ex Oil Terminal site at South West Rocks for the purposes of residential subdivision. Council subsequently resolved that no action be taken until Council is provided with a report from the EPA specifying the findings of the preliminary investigations of the land carried out in accordance with EPA Guidelines.

At its meeting of 25<sup>th</sup> May 2004, Council considered a detailed submission and presentation from a remediation consultant and subsequently resolved to rescind the previous resolution and to proceed to prepare a draft Local Environmental Plan (LEP) to rezone Lot 1 DP 445196, Phillip Drive, South West Rocks, for residential purposes.

A draft LEP and accompanying Local Environmental Study was subsequently prepared and presented to Council on 12<sup>th</sup> September 2006 to endorse for the purposes of referring the draft to the Department of Planning to permit public exhibition. Council subsequently resolved not support proceeding with rezoning until after the site is remediated by the developers.

At its meeting of the 12<sup>th</sup> June 2007, Council considered a Notice of Motion relating to the rezoning of the former Shell Site. Council resolved that report be prepared for reconsideration of endorsement of the draft Local Environmental Plan and Local Environmental Study for referral to the Department of Planning seeking permission for public exhibition. It also resolved to invite the applicant make a further submission to Council on the issue of contamination for inclusion in the report.

### **Applicants Submission**

The applicant has submitted further information with regards to the site outlining the remediation process. [\(Appendix C – Page G6\)](#)

The remediation process includes:

- Preparation of a comprehensive Management Plan to address quality, health, safety and environmental (QHSE) elements of the works
- Engagement of an environmental consultant to;
  - Prepare Remediation Action Plan
  - Undertake sampling works
  - Conduct all validation works in accordance with EPA requirements and National Guidelines
- Engage independent EPA accredited site auditor
- Remediation Method
- Remediation Objectives
- Ground water monitoring
- Validation sampling

#### **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 be in place to ensure achievements 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 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.*

#### **RECOMMENDATION:**

1. That the Local Environmental Study and Kempsey Draft Local Environmental Plan 1987 (Amendment No. 94) be submitted to the Department of Planning 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 Local Environmental Plan be placed on public exhibition.

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