



## **Saltwater Residential Subdivision, Belle O'Connor St, South West Rocks**

### **Project Application**

The project application seeks approval for the residential subdivision of a parcel of vacant land at South West Rocks. The proposal includes:

- 269 residential lots of between 500m<sup>2</sup> and 900m<sup>2</sup> in size;
- one medium density lot;
- dedication of 14.9 ha of land to Council for conservation;
- 5,506m<sup>2</sup> of public open space and recreational facilities;
- internal roads, footpaths, cycleway and landscaping works;
- connections to reticulated services; and
- stormwater treatment infrastructure.

### **Delegation to the Commission**

On 20 May 2011 the Honourable Brad Hazzard MP, Minister for Planning and Infrastructure delegated his powers and functions to determine this project to the Planning Assessment Commission. The Minister requested the project be determined by the Planning Assessment Commission given the level of public interest in the proposal. The Minister also advised the Commission should be constituted by at least 2 members.

The Commission consisted of Ms Gabrielle Kibble AO (chair) and Mr Richard Thorp.

### **Meetings with the Department, Council and the Proponent**

The Commission met with staff from the Department of Planning and Infrastructure on 26 May 2011 for a briefing on the project. Odour from the sewage treatment plant, access arrangements, flooding, consultation with the local Aboriginal groups and the public submissions were discussed.

The Commission also met with the Proponent on 26 May 2011. The Proponent confirmed potential odour and noise impacts from the Sewage Treatment Plant had been considered in detail as part of the rezoning of the site, which now includes a 150 m wide buffer zone around the treatment plant site. The Proponent also advised that, prior to the rezoning of the site, a weather station had been installed on site which collected data on the variations in wind, odour and noise levels from the treatment plant over a 12 month period.

The Commission met with officers from Kempsey Shire Council on 30 May 2011. Council raised serious concerns about the traffic and access arrangements for the site as well as stormwater management and potential impacts from a stormwater detention basin which is to be developed on land to the south of the site. In particular Council raised concerns about the suitability of the roundabout proposed to be constructed as the main access point for the site. Council also advised that roads through the site would be used by future residents of the as yet undeveloped residential land to the north of the site. Council is concerned about the suitability of the proposed road network given it may need to cater for this additional traffic in the future.

### **Site Visit**

The Commission visited the site on Monday 30 May 2011 in wet weather. The wet conditions clearly illustrated the flooding and drainage issues that would need to be managed on the site.

### **The Department's Assessment Report**

The Director-General's Environmental Assessment Report provided an assessment of the following issues:

- Strategic Context;
- Water Cycle Management, including flooding, stormwater and groundwater;
- Biodiversity;
- Traffic and Access; and
- Aboriginal Cultural Heritage.

The report concludes that the proposal is consistent with the regional strategy, will achieve a satisfactory level of environmental performance and is in the public interest.

### **Additional information provided to the Commission**

Following the briefing with the Commission the Department prepared a supplementary report which provided additional information on the odour and traffic issues. The Department confirmed that as part of the rezoning of the site, odour and noise impact studies concluded that 150 m would provide an adequate buffer around the sewage treatment plant.

The Department also provided an additional condition to ensure development of stage 3 and beyond would not occur until the new access road is constructed, unless otherwise agreed by the Council.

### **The Commission's Comments**

#### Flooding

While the Commission generally considers that the development of flood prone land should be avoided, the Commission notes the land has been rezoned for residential purposes. The Commission also notes that the Department engaged a specialist consultant to review the flooding and stormwater management issues and that the Department has recommended conditions requiring flood planning levels of 4.1 m AHD, over and above the 3.9 m AHD level recommended by the specialist consultant. Consequently, the Commission is satisfied flooding issues have been adequately addressed.

#### Odour

The Commission understands odour from the neighbouring Sewage Treatment Plant was considered in detail during the rezoning of the site in 2009. The Proponent confirmed the rezoning was informed by 12 months of data from a weather station installed on the project site. The Department also provided the Commission with a copy of the Section 69 Report (prepared as part of the rezoning of the area) which indicates the development would be adequately protected by the buffer.

#### Traffic and Access

Council raised concerns regarding the traffic and access arrangements on site. Council's draft DCP includes an indicative access route connecting the site to the existing roundabout at the intersection of Burrawong Drive and Belle O'Connor Street. This indicative access road is Council's preferred access route to the site, in terms of both safety and functionality.

Council does not own the land required for the access route however, and is currently negotiating with the owner of this land in order to acquire it.

The Proponent is concerned that this access route may never be constructed and that it would be unreasonable for this project to be delayed by Council's negotiations with the neighbouring developer. While the Commission agrees that it would be unreasonable to delay the entire project indefinitely, it was not satisfied that this issue had been adequately addressed.

In order to address the traffic issue, the Department has amended the instrument of approval by adding points (1) and (2) to the following condition:

**A5 Limits on Land Release – Burrawong Drive Extension**

- (1) *A Construction Certificate for subdivision works may only be issued for the first 48 lots (Stages 1 and 2). Construction Certificates for Stage 3 (and beyond) may be issued once the Burrawong Drive extension to Road No.14 is constructed.*
- (2) *Notwithstanding (1), if further traffic analysis demonstrates to the satisfaction of the Council that the intersection of Belle O'Connor Street and Road No.14 is operating at an acceptable level of service and safety, the Council may allow the release of further Construction Certificates beyond the first 48 lots, even though the future road network extension has not yet been constructed.*
- (3) *The Proponent is required to close the access to the site from Road No. 14 where it connects to the Belle O'Connor Street roundabout following construction of Council's preferred access route. The preferred route will connect to Road No. 14 via an extension of Burrawong Drive. A cul-de-sac is to be created at the western end of Road No. 14 where it connects to Belle O'Connor Street, with all access to and from the site provided via a new intersection at Burrawong Drive and Road No. 14.*

*Note: The proposed layout of the new road connection has been generally outlined in Council's draft Saltwater Development Control Plan.*

The Commission is satisfied this condition adequately addresses this issue.

**Commission's Determination**

The Commission has examined the documents and plans provided by the Department and has determined that the project should be approved subject to the Department's amended recommended conditions of approval.



Gabrielle Kibble AO  
Chair



Richard Thorp  
Member