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BY: .....

17 June 2008

MR TERRANCE STAFFORD  
KING AND CAMPBELL  
PO BOX 243  
PORT MACQUARIE NSW 2444  
(By Facsimile: 02 6586 4064)

FAXED

FAXED  
17/6/08

Dear Terrance

**RE: PROPOSED LEP AMENDMENT  
BELLE O'CONNOR STREET, SOUTH WEST ROCKS**

Reference is made to previous correspondence in relation to the progress of the above LEP Amendment.

The LEP Amendment for the land at Belle O'Connor Street has been part of a Draft Shire Wide Amendment incorporating a large range of other amendments and land rezoning items.

It was originally envisaged that the Draft LEP Amendment would have been completed in 2006/2007. The Department of Planning have made repeated requests for corrections and clarification of the Draft Shire Wide Amendment. Council has made every effort to satisfactorily respond to the Department's Requests.

Running parallel to this process is the requirement for Council to prepare a Comprehensive LEP for the Shire in accordance with the Standard Instrument Order 2006. Council is currently preparing the Comprehensive LEP, and is now scheduled to complete preparation in mid to late 2009.

The latest correspondence received from the Department of Planning regarding the Shire Wide Amendment that incorporated the land Rezoning at Belle O'Connor Street contained the following advice;

"The Council needs to be concentrating on its comprehensive LEP in standard format, due within twelve months. Council should seriously consider discontinuing preparation of 2007/2008 LEP.....If Council decides to proceed, I expect there will be further delays....Parliamentary Counsel opinion will be required. We must confirm that even at this late stage, there is no guarantee the Minister will make the plan."

A report on this issue was presented in the Council meeting agenda for the 10 June 2008 Council meeting, and Council made the following resolution;

*"That Council cease the processing of Draft Kempsey LEP 2006 (LEP Amendment No 67) and incorporate all relevant amendments into the*

*Comprehensive Standard LEP for the Kempsey Shire and advise the Department of Planning accordingly."*

The amendments in the original Shire Wide LEP Amendment (including the one at Belle O'Connor Street), will be incorporated into the Comprehensive LEP Amendment.

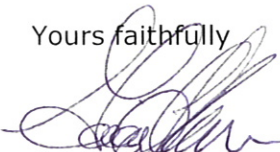
Council's previous advice regarding submission of your rezoning request as a spot rezoning application remains unchanged. Under current circumstances, such a rezoning is likely to be afforded a 'medium priority' and will be progressed once other matters having higher priority status are achieved. This may mean that the matter will not be resolved in the short term.

In order to expedite the matter, it may be possible to engage a consultant to progress the matter. Under this option, the consultant would be engaged by Council on a fee-for-service basis and the fees payable by you to Council are determined in accordance with Council's policy, inclusive of the consultant's costs. The rezoning would then be afforded a 'high priority' in Council's strategic planning program.

Should you decide to seek to expedite the rezoning through the option of Council engaging an external consultant, Council would seek expressions of interest from several recognised planning consultants and provide you with their schedule of estimated costs for your approval prior to commencing any work.

Should you wish to discuss any of the points raised in this letter please do not hesitate to contact the undersigned on 6566 3200.

Yours faithfully



G L RAYNER  
AREA PLANNER  
SUSTAINABLE DEVELOPMENT SERVICES



F  
A  
X

## KEMPSEY SHIRE COUNCIL

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### INFORMATION

**To: King and Campbell**

**Attention Terrence Stafford**

**Date:**

**18 November 2008**

**Fax: 02 6563 4064**

**Phone:**

**From: Georgla Rayner**

**No. of Pages (incl. cover) 2**

**Re: Belle o' Connor Street - Proposed LEP Amendment**

### MESSAGE

Please see attached letter

Yours faithfully

  
Georgla Rayner  
Area Planner



18 November 2008

Mr Terrance Stafford  
Town Planner  
King and Campbell  
PO Box 243  
PORT MACQUARIE NSW 2444

Dear Terrance

**RE: PROPOSED LEP AMENDMENT**

**PROPERTY: LOT 124 DP 1097510, BELLE O'CONNOR STREET, SOUTH WEST ROCKS**

Reference is made to our recent meeting and your subsequent correspondence in relation to the proposed rezoning of areas of 6(a) and 1(d) zoned land on Lot 124 DP 1097510.

It is considered that your proposal has merit, and given the timetable for the finalisation of the Standard LEP, it is agreed that it will be processed as a separate spot rezoning. We accept your offer of the provision of maps, and a written justification of the need for the rezoning at this time. The other aspects of the rezoning application will be undertaken by Council.

Should you wish to discuss any of the points raised in this letter please do not hesitate to contact the undersigned on 65663200.

Yours faithfully

G L RAYNER  
AREA PLANNER  
SUSTAINABLE DEVELOPMENT SERVICES

PJR/TS 14777  
14777.112

KING + CAMPBELL

17 December 2008

The General Manager  
Kempsey Shire Council  
PO BOX 78  
WEST KEMPSEY NSW 2440

Via Email: Georgia Rayner [Georgia.Rayner@kempsey.nsw.gov.au]

Attention: Georgia Rayner / Patrick Kirkwood

Dear Georgia / Patrick

**RE: PROPOSED REZONING OF 6(A) OPEN SPACE AND 1(D) RURAL  
(INVESTIGATIONS) D FOR THE PURPOSES OF RESIDENTIAL SUBDIVISION  
LOT 124 DP1097510, BELLE O'CONNOR STREET, SOUTH WEST ROCKS**

We write in relation to the above mentioned matter, Council's letters dated 17 June 2008 and 18 November 2008 and request that Council consider re-commencing the LEP Amendment process associated with the abovementioned property.

The purpose of this letter is to:

1. Formally request Council re-commence the processing of *Draft Kempsey LEP Amendment No.67* as relating to the land identified as Lot 124 DP1097510;
  2. Provide a brief history of LEP Amendment No.67;
  3. Provide a brief description and history of the subject site;
  4. Provide detailed consideration of the LEP Amendment No.67 with regard to the applicable legislation and environmental planning instruments;
  5. Provide justification for proceeding with the rezoning of the identified land; and,
  6. Conclusion.
- 
1. **Request re-commencement of *Draft Kempsey LEP Amendment No.67* as relating to the land identified as Lot 124 DP1097510, Belle O'Connor Street, South West Rocks**

It is requested that Council consider this a formal request to re-commence the Draft Kempsey LEP Amendment No.67 as relating to the land identified as Lot 124 DP1097510, Belle O'Connor Street, South West Rocks.

urban design

civil engineering

architecture

town planning

landscape architecture

surveying

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LEP Amendment No.67 had previously been progressing through the rezoning process as a part of the Council's Draft Shire Wide LEP Amendment process. However, this Shire Wide amendment process has since ceased and KSC, as per the Department of Planning's advice, have been concentrating on the completion of the Comprehensive LEP Amendment process.

The purpose of the request is to re-commence this LEP Amendment process to ensure that the development of the 108 Lot residential estate known as Seascape Grove, occurs in an orderly and economic manner.

In short, the current 6(a) Open Space and 1(c) Rural (Small Holdings) C zoning as provided by the *Kempsey Shire Council Local Environmental Plan 1987* restricts the residential development of a number of lots approved by the Department of Planning under Master Plan 38-9-2004 and Major Project 05\_0018 (20 June 2007) for the purposes of residential development.

In this regard, whilst permitting the overall residential development, the Director-Generals Environmental Assessment Report (MP 05\_0018, May 2007, pp.14) noted the following in regard to the subject zoning anomaly:

*'...Although subdivision is not permissible on the 6(a) Open Space and 1(d) Rural Zones, the proposal is partly permissible due to the majority of the proposed subdivision occurring on the area zoned Residential 2(a). As such, under section 75J(3)(b), it is considered in the interest of orderly development to allow the proposal to proceed however, with the restriction that subdivision certificates cannot be issued for the lots that are not appropriately zoned. The intention therefore is to ensure that the zoning is formalised prior to any lots being purchased for dwelling houses.'*

Therefore, the residential lots can be physically constructed but a Subdivision Certificate permitting sale of the land, cannot be achieved until such a time as the land has been formalised to 2(a) Residential. Thus, it is requested that LEP Amendment No.67, as relating to Lot 124 DP1097510, be re-commenced to remove the existing zoning anomaly and to permit the orderly and economic development of the subject site.

## **2. History of Draft Kempsey LEP Amendment No.67**

The LEP Amendment for the land at Belle O'Connor Street, South West Rocks (Lot 124 DP1097510) was part of the *Draft Shire Wide LEP Amendment* (LEP Amendment No. 67) incorporating a number of land rezoning items. The Shire Wide amendment was initially identified by Council for completion in 2006/2007 however, the Department of Planning (the Department) have made additional information and clarification requests to which Council has responded.

In addition to this, Council have received comment from the Department stating that

*'...Council needs to be concentrating on its comprehensive LEP in standard format, due within 12 months. Council should seriously consider discontinuing preparation of 2007/2008 LEP (Amendment No. 67).'*

Council, at its meeting of 10 June 2008 resolved to

*'...cease the processing of Draft Kempsey LEP (LEP Amendment No.67) and incorporate all relevant amendments into the Comprehensive Standard LEP for the Kempsey Shire and advise the Department of Planning accordingly'.*

### 3. Brief Description and history of the Subject Site

#### 3.1 Site Description

The subject site, Lot 124 DP109750, is situated south-east of the township of South West Rocks and is accessed from Belle O'Connor Street via Gregory Street, which provides direct access to the South West Rocks town centre.

The site is situated adjacent to the South West Rocks Golf Course (to the north-west of the site), an existing residential subdivision to the west and rural and rural residential land to the south, east and north-east.

The majority of the site has historically been cleared for agricultural purposes. An area of remnant vegetation is located on the upper slopes of the ridgeline in the sites south-western corner.

The majority of the site is moderately to gently sloped, ranging between 1 degree and 8 degrees. A relatively small part of the site is located on the south-western side of a ridge line which extends from Arakoon Road to the south-east of the site. The highest elevation of the ridgeline is 50m AHD. That part of the site which exists on the south-western side of the ridgeline falls at a relatively steep grade down to Gregory Street at an approximate slope of 12 degrees. This portion of the site is proposed to remain as Environmental Protection 7(d).

#### 3.2 Site History

In September 2004 an application for a Master Plan was lodged for the development of a 178 lot residential subdivision at the subject site, then identified as Lot 21 DP1071657. The application also sought consent for the development of Stage 1A as Stage 1, for the development of 23 residential allotments was already granted consent by Kempsey Shire Council on 16 February 2004 under the provisions of DA T6-03-593 (as amended 4 August 2004, 18 July 2005 and 21 April 2006). The Construction Certificate (CC) for this development was issued by KSC under CC 05-05 on the 24 February, 2006. The initial 23 lot development was referred to as Waldel Park.

The Master Plan was approved to be completed in three stages, those being:

- Stage 1A – 23 lots, as approved by Kempsey Shire Council under DA T6-03-593:

Stage 1A implemented Kempsey Shire Councils Integrated Water Cycle Management Strategy (IWCMS) and included a dual reticulation scheme incorporating potable and recycled water mains.

- Stage 1B – 108 lots, as approved by the Department of Planning under Major Project 05\_0018:

This consent approved the site for a 108 Lot residential subdivision with associated bushfire protection, stormwater measures and access on Lot

22 DP1071657 Belle O'Connor Street, South West Rocks. This development was approved under section 75J Clause 2 of the Environmental Planning & Assessment Act 1979 by the Minister for Planning on the 20 June 2007.

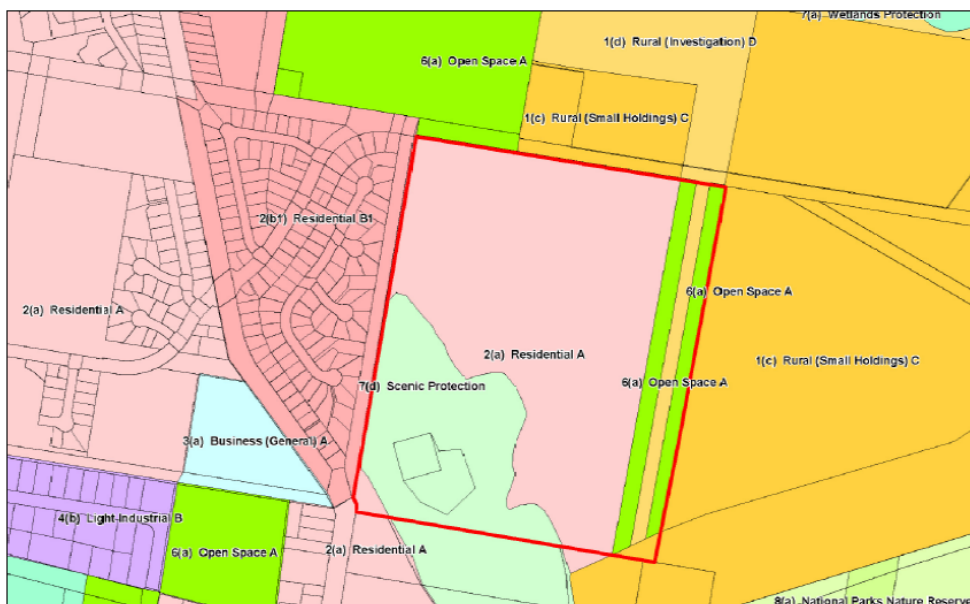
- Stage 1c – 56 lots currently being assessed by the Department of Planning under Major Project 07\_0129:

The Department of Planning are currently assessing the subject sites Stage 1C application (Major Project 07\_0129) which forms part of the Master Plan approval. Stage 1C relates to those lots located on the subject sites north-eastern and western periphery adjoining the sites existing 7(d) zone.

The Stage areas can be seen in the attached Exhibit.

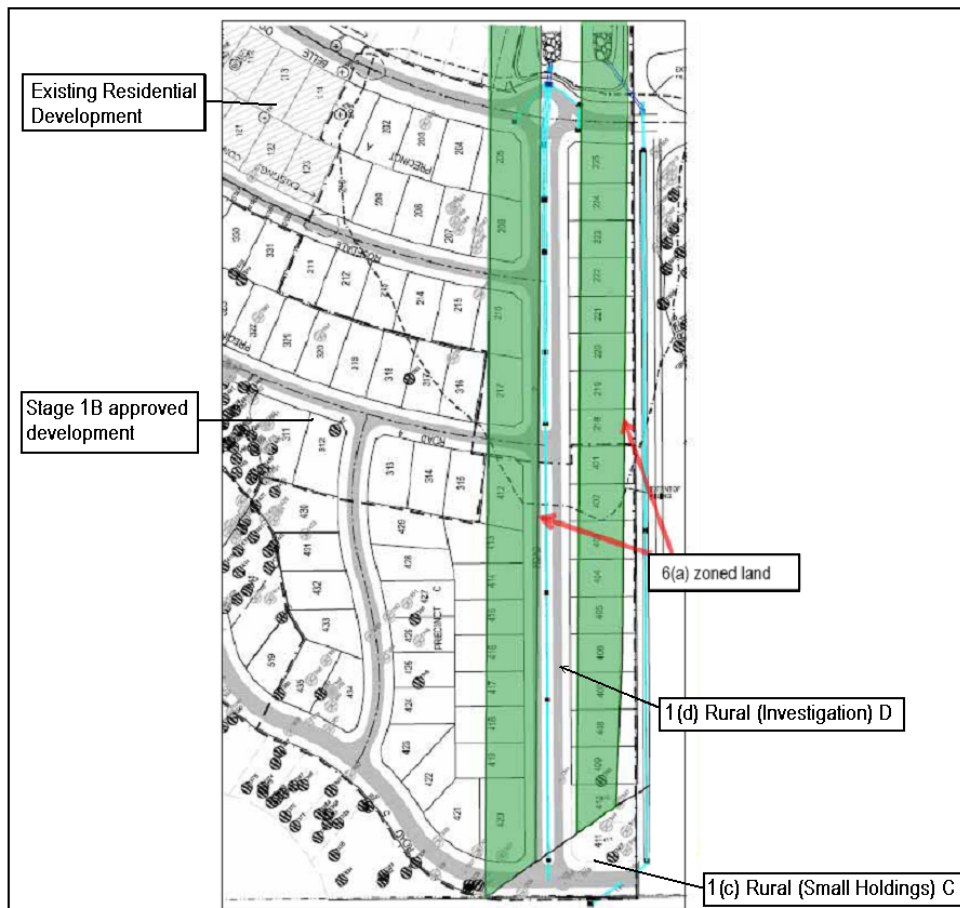
#### 4. Legislative Review

The current land use zoning in the vicinity of the site and surrounds, based on Kempsey Local Environmental Plan 1987 (as amended) is illustrated in **Figure 1** below.



**Figure 1:** Existing zoning of the subject site and surrounding land area.





**Figure 2:** The existing 6(a) zoning strips and the 1(d) zoning strip in the centre with the residential development under as approved by Master Plan 38-9-2004 and Major Project 05\_0018.

#### 4.1 State Environmental Planning Policies

##### 4.1.1 State Environmental Planning Policy No.44

This policy applies to land in the Kempsey local government area and as the site has an area greater than 1ha; further investigation was required to determine if the land qualified as potential koala habitat.

In this regard, an Ecological Impact Assessment was undertaken by Darkheart Eco-Consultants. The report noted that '*...no Koala population has an association with the site' and the site does not contain 'suitable koala habitat'.*

The report also noted that '*...the site and study area contains Scribbly Gums and Tallowwoods which are listed in SEPP No.44 as primary preferred forage species. These occur in sufficient abundance to qualify the site as potential Koala habitat. This survey and previous survey of most of the remainder of the property however, failed to detect Koalas'.*

Although it is recognised that the subject site lies in close proximity to an area of potential Koala habitat, the connection to this potential habitat has been effectively isolated by recent residential development and therefore the current potential for Koala's to occur

within the subject site is at best, very low.

## **4.2 North Coast Regional Environmental Plan**

The objectives of the North Coast Regional Environmental Plan (NCREP) in relation to agricultural resources are generally to conserve the productive potential of agricultural land and to ensure that commercial agriculture is not affected adversely by incompatible uses which impair its long term sustainability.

As detailed under Section 4.5.1 of this report, the site is not identified within the Draft Mid North Coast Regional Farmland Mapping Project as regionally significant or prime agricultural land. Furthermore, the Department of Planning's approval of the land area for the purposes of residential development under the provisions of Major Project 05\_0018, it is considered that the subject site is consistent with the objectives of the NCREP and shall not detrimentally affect the viability or sustainability of the commercial agricultural within the Macleay.

## **4.3 Section 117 Directions issued by the Minister**

### **4.3.1 Direction 1.2 - Rural Zones**

The subject rezoning request relates to both 1(d) Rural (Investigation) D land and 1(c) Rural (Small Holdings) C land.

The existing portion of 1(d) zoned land is currently located between the two strips of 6(a) Open Space A land. Given that this area forms part of the Stage 1B approval granted by the Department of Planning for the purposes of residential development, and is not identified as prime agricultural land or regionally significant farmland, it is not considered that this area of land is viable for agricultural purposes.

### **4.3.2 Direction 1.5 - Rural Lands**

The majority of the subject site is zoned residential 2(a) and large portions of the site, including the area the subject of the rural land zoning has been granted development consent for the development of a residential subdivision under the provisions of Part 3A of the EP&A Act 1979.

The draft Mid North Coast Farmland Mapping Project identifies the subject site as 'committed urban use'. See Figure 3 under Section 4.5.1 of this report.

The loss of this rurally zoned land is not considered to detrimentally affect the agricultural productivity of the South West Rocks or Wider Kempsey localities. As stated above, the subject site is identified as 'committed urban use' under the provisions of the draft Mid North Coast Farmland Mapping Project.

### **4.3.3 Direction 2.1 – Environment Protection Zones**

The subject site includes an area zoned 7(d) Scenic Protection. This area is located in the sites south-western corner relating to the vegetated ridge. It is not proposed to alter this Scenic Protection

zone.

#### **4.3.4 Direction 2.2 – Coastal Protection**

This Direction aims to implement the principles of the NSW Coastal Policy. All development applications associated with the subject site have addressed the provisions of the Coastal Policy and are considered to be consistent with the requirements.

In this regard, the subject site does not directly adjoin the coastal foreshore and shall therefore not detrimentally affect public access or coastal processes.

#### **4.3.5 Direction 2.3 – Heritage Conservation**

Archaeological assessments have been completed over the subject site and no Aboriginal or European items or places of heritage significance were identified on the subject site. In addition to this, the requirements of the Department of Environment & Climate Changes 'Interim Community Consultation Guidelines' have been complied with as a part of the Stage 1B and Stage 1C Developments.

#### **4.3.6 Direction 3.1 - Residential Zones**

Master Plan 38-9-2004 and Major Project 05\_0018 (Stage 1B) approved residential development over the land currently zoned 1(d) subject to the rezoning of the land.

The approval of the site for the purposes of residential development shall ensure that the choice of building types and locations available within the local housing market is provided in a suitable manner. The sites location between the golf course and Rocks Shopping Fair also ensures that the development is suitably located so as not to place a detrimental affect on the existing infrastructure and services.

#### **4.3.7 Direction 3.4 – Integrating Land Use and Transport**

The subject site is located in close proximity to the South West Rocks golf club, the Rocks Shopping Fair and the South West Rocks town centre. Direct pedestrian access is provided via Belle O'Connor Street to Gregory Street and the Rocks Shopping Fair.

The approved Master Plan includes a circular link road to ensure that bus services can enter and exit the estate in a forward manner. A traffic impact assessment was completed by TTM Consulting as a part of the Master Plan application and was also reviewed as a part of Stage 1B.

#### **4.3.8 Direction 4.1 – Acid Sulphate Soils**

Council's mapping information indicates that the subject site includes 'Low Risk' Acid Sulphate Soils. Geotechnical investigations were undertaken by Chandler Geotechnical in September 2003 as a part of the Major Project applications.

It is estimated that approximately 8ha of the subject site is identified

within a 'low risk' acid sulphate soils area. This area is located in low lying land situated in the north of the subject site outside of the Stage 1C residential locality and forms part of the proposed drainage area (see Figure 3 below).

Overall, no constraints to development are posed by soil conditions or Acid Sulphate Soils.

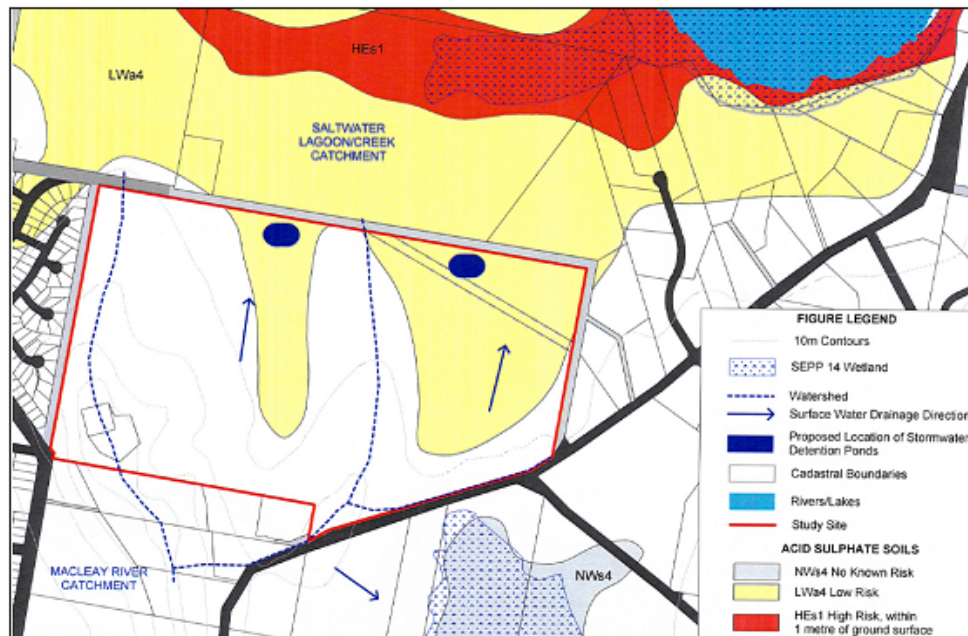


Figure 3: Acid Sulphate Soils (extract from Kempsey Shire Council, 2008)

#### 4.3.9 Direction 4.4 - Planning for Bushfire Protection

The provisions of the Rural Fires Act 1997 are covered under Section 4.5.3 of this letter.

Bushfire Impact Assessments have been completed in relation to the subject site and associated Major Projects. The development of the site for the purposes of residential development are not considered to be sterilised as a result of bush fire impacts.

#### 4.3.10 Direction 6.2 – Reserving land for Public Purposes

The existing 6(a) strip of Public land proposed to be rezoned is not considered an appropriate public reserve as it is currently maintained under private ownership and has been granted approval for residential development.

The removal of this reservation is not considered to detrimentally affect the availability of public open space as the requirements for the provision of public open space in the locality were considered in the Council's assessment of the Major Projects lodged in association with the subject site.

### 4.4 Kempsey Local Environmental Plan 1987

The subject site currently contains four land use zones, these are:

- 2(a) Residential A – this land use zone currently relates to the majority of the subject site;
- 7(d) Scenic Protection – This land use zone currently relates to the existing vegetated ridgeline and is not proposed to be changed as a result of this rezoning request;
- 6(a) Open Space A – As detailed in Figure 1, this land use zone relates to two strips (separated by 1(d) Rural Investigation D) running along the subject sites eastern boundary. It is proposed to rezone this land use zoning to residential 2(a) to reflect the residential usage approved under Master Plan 38-9-2004 and Major Project 05\_0018 (see Figure 2); and,
- 1(d) Rural (Investigation) D – As detailed in Figure 1 and 2, this land use zone relates to a narrow strip of land which is flanked by two narrow strips of 6(a) Open Space land. It is proposed to rezone this land use zoning to residential 2(a) to reflect the residential usage approved under Master Plan 38-9-2004 and Major Project 05\_0018 (see Figure 2).

#### **4.5 Draft Environmental Planning Instruments**

##### **4.5.1 Draft Mid North Coast Farmland Mapping Project**

This document maps the regions most significant agricultural land including those lands in the Macleay. Although the site contains land zoned 1(c) Rural Small Holdings, the subject site is not indentified as regionally significant farmland. The site is identified as 'committed urban use' and 'other rural land'. The site to the east is identified as a 'rural residential zone'. It is therefore considered that the conversion of the rural zoned land to residential shall not detrimentally affect the agricultural viability of South West Rocks or the Macleay Valley.

#### **4.6 Other Matters**

##### **4.6.1 Threatened Species Conservation Act 1995**

Numerous ecological impact assessments have been completed as a part of the applications approved in relation to Master Plan 38-9-2004 and Major Project 05\_0018. It is noted that no threatened flora species, EEC's or populations were detected on the site.

The granting of consent to the development of the identified land area associated with this rezoning request by the Department of Planning under Master Plan 38-9-2004 and Major Project 05\_0018 provide evidence that the subject site is suitable for residential purposes and that the rezoning of the rural land shall not have a detrimental impact on any threatened species, populations or communities.

##### **4.6.2 Native Vegetation Act 2003**

The Environmental Assessment carried out by Darkheart Eco-Consultants did not identify any Endangered Ecological Communities (EEC) in the vicinity of the development.



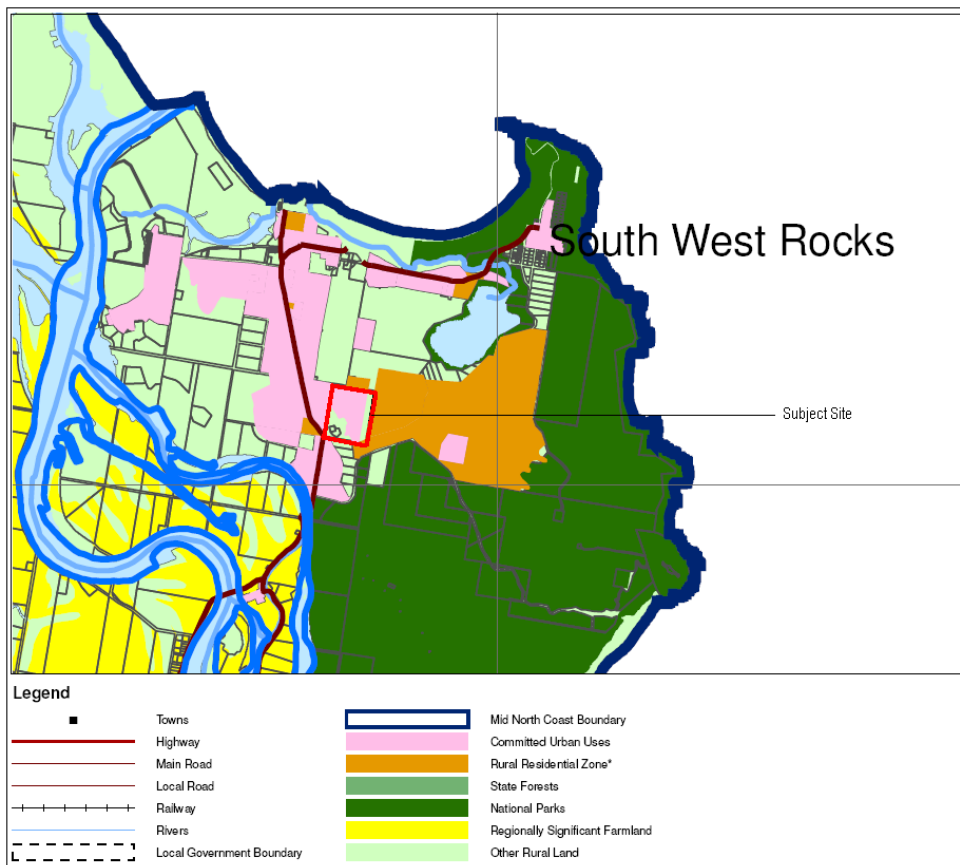


Figure 4: Draft Mid North Coast Farmland Mapping extract.

#### 4.6.3 NSW Rural Fires Act 1997

Bushfire Impact Assessments have been undertaken as a part of the applications associated with the residential subdivision of the subject site. Suitable measures have been incorporated into the design and layout of the residential subdivision. It is not envisaged that the rezoning of the identified land area would create any detrimental impacts in relation to bushfire protection as the residential development of the identified land area has previously been granted.

#### 4.6.4 Natural Areas and Water Catchments

Major Project 05\_0018, which approved the residential development of the site included suitable measures to ensure that no detrimental impacts on water catchments shall occur as a result of the proposal.

#### 4.6.5 Heritage

Aboriginal Heritage Impact Assessments and archaeological assessments have been completed as a part of the residential subdivision proposals associated with the subject site. These reports found that there are no items of Aboriginal or European heritage significance identified in the subject site.

#### 4.6.6 The Natural Environment

The subject site has been granted consent under the provisions of

Major Project 05\_0018, for the development of the site for a residential subdivision, subject to conditions. This approval is considered to demonstrate that the development of the land identified is suitable for residential purposes and considerate of the associated environmental impacts.

The proposed rezoning of the subject site is therefore not considered to create any detrimental impacts within the site or surrounding land area and the previous approvals granted demonstrate that the necessary mitigation measures have been enforced to ensure that the natural environment is suitably protected.

## 5. Project Justification

As mentioned in Section 1 of this letter, the subject site has been granted concept approval for a 108 lot residential estate under the provisions of Master Plan 38-9-2004 and the lots affected by the current 6(a) zoning have also been granted project approval under Major Project 05\_0018.

The exact intentions of the existing zoning are unknown however, it is understood, from conversations with past Council Officers, that the 6(a) and 1(c) zoning strips were put in place to permit the development of road infrastructure as an alternative road access to the now disused petroleum distribution facility to the north on the existing Private Road.

To ensure that the approved residential estate, known as Seascapes Grove, develops in accordance with the approved plans, and in a manner consistent with the current South West Rocks growth rates (currently the fastest growing urban locality in the Kempsey Shire) it is requested that the land be rezoned, as recommended by draft LEP Amendment No.67, to Residential 2(a1).

Given the Departments acceptance of the Seascapes Grove Master Planned estate (Master Plan (Concept) 38-9-2004) and the subsequent project approval of the lots affected by the zoning anomaly as a Part of Stage 1B (MP 05\_0018) it is considered that the re-commencement of LEP Amendment No.67 is acceptable for the following reasons:

- a) The current zoning layout is considered an anomaly with no apparent justification for its existence. It is believed that the original intention of the 6(a) Open Space zoning and the 1(d) zoning was to accommodate road infrastructure to provide a road connection between Arakoon Road and the Sewerage treatment works to the north of the subject site. To the land owners knowledge no works have ever commenced;
- b) The rezoning of the identified 6(a) Open Space and 1(d) Rural (Investigation) D land to Residential 2(a1) shall ensure consistency with the approvals granted by the Department of Planning under Master Plan 38-9-2004 and Major Project 05\_0018;
- c) The rezoning of the identified 6(a) Open Space is not considered to detrimentally impact the South West Rocks or wider Kempsey localities availability of 6(a) Open Space as the land is not of a size or shape, or within a locality suitable for public usage;

- d) The rezoning of the subject land to 2(a1) Residential shall ensure the orderly release of land within the Kempsey Shire;
- e) The rezoning of the subject land to 2(a1) Residential shall ensure the provision of greater housing choice for current and future South West Rocks residents without posing a significant environmental or social impact within the locality;
- f) Environmental Impact Assessments including the following have been completed in relation to the subject site and identified land area;
  - a. Bushfire Impact Assessment (Australian Bushfire Protection Planners Pty Ltd, 2008 and ERM, 2006);
  - b. Ecological Impact Assessment (Darkheart Eco-Consultancy, 2007 and Umwelt, 2004);
  - c. Aboriginal Heritage Assessment;
  - d. Traffic Impact Assessment (TTM);
  - e. Water Management (King & Campbell Pty Ltd);
  - f. Stormwater Management (King & Campbell Pty Ltd);
  - g. Acid Sulphate Soils (King & Campbell Pty Ltd); and,
  - h. Geotechnical requirements (Chandler Geotechnical).
- g) The land to the north and west of the subject site is identified as 'Medium Term' residential land release area under the provisions of the Kempsey *'Residential Land Release Strategy 1997'*;

## 6. Conclusion

For the reasons detailed above, it is requested that Kempsey Shire Council re-commence the processing of LEP Amendment No.67 for the purposes of rezoning the identified 1(d) and 6(a) land to Residential 2(a) land as consistent with the Master Plan and Major Project approvals granted on the subject site.

If you have any questions in relation to this letter please do not hesitate to contact Terrance Stafford of our office via email [terrances@kingcampbell.com.au](mailto:terrances@kingcampbell.com.au) or Ph: (02) 6586 2555.

Yours sincerely  
**King & Campbell Pty Ltd**

Per

  
**Paul Rowlandson**

cc Client

encl