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**SUBJECT: 08 0167**

**SUPPLEMENTARY DIRECTOR-GENERAL'S REPORT – 'SALTWATER' SUBDIVISION, BELLE O'CONNOR STREET SOUTH WEST ROCKS**

**1. BACKGROUND**

This is a supplementary Director-General's Environmental Assessment Report for Major Project (08\_0167), Saltwater Residential Subdivision at South West Rocks.

On 26 May 2011, the Department presented the Director-General's Environment Assessment Report to the Planning Assessment Commission (PAC). Following consideration of the report, the PAC requested:

- Additional information regarding the zoned buffer zone for the nearby sewage treatment plant, including the s69 report for the rezoning of the site; and
- A draft condition requiring the extension of Burrawong Drive at some point during the staged release of lots, to ensure that the road layout would be improved in a timely manner and without compromising safety and the level of the surrounding road network.

**2.1 INFORMATION ON STP AND BUFFER ZONES**

The subject site and land to the north was rezoned for residential use in August 2009 under Amendment 55 to Kempsey LEP.

The 150m buffer zone between the Sewage Treatment Plan (STP) and the proposal was established as a result of odour and noise impact studies undertaken by consultants for the Council. Various scenarios were modelled under a range of climatic conditions. SKM's assessment concluded that 150m was an adequate buffer separation both now and in the future following proposed plant upgrades (without the need for odour controls to be implemented). The Department's Regional Office has advised that the Department accepted the reports as the Council was confident that future residential development could occur subject to the imposition of the 150m zoning. A copy of the SKM report is attached, see Tag **B** and the section 69 report is attached, see Tag **C**.

The Environmental Assessment for the project was lodged a month after the rezoning came into effect, which informed the extent and location of the buffer relative to the location of residential development considered in this application.

**2.2 CONDITION TO REQUIRE EXTENSION OF BURRAWONG DRIVE AFTER STAGED RELEASE OF LOTS**

The proposed initial connection to the subdivision from the existing road network is via the extension of Road 14, and a roundabout at Belle O'Connor Street. This results in a less than optimal intersection design, given the alignment of Belle O'Connor Street. A future access connection, which is preferred by the Council for functionality and safety reasons has been identified, as shown in Figure 20 in the Assessment Report. The construction of this road is dependent however, on the Council negotiating with the owner the purchase of land to the south required for the road corridor.

Given it is likely to take more than 10 years to fully develop the subdivision, the PAC considers that there should be a trigger within any approval to ensure that the new road would occur at the

earliest possible stage of residential development. This would in turn ensure long term safety and level of service for users of the local road network.

New Conditions, A5 (1) and A5 (2) have therefore been proposed to address this issue:

**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 Department 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.

A5 is now re-numbered as Condition A5(3) as follows:

A5(3) The Proponent is required to close 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.*

**RECOMMENDATION**

It is RECOMMENDED that the NSW Planning Assessment Commission:

- **consider** the information provided within the Supplementary Director-General's Environmental Assessment Report, as outlined above; and
- **approve** the project application; and
- **sign** the amended Instrument of Approval provided at **Attachment A**.

  
Executive Director  
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