

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at South West Rocks Surf Lifesaving Club on  
Wednesday 17 February 2016 at 5:00 pm

Panel Members: Garry West (chair), Pamela Westing, John Griffin,  
Rhonda Hoban and Daniel Walsh

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

**2015NTH002 Kempsey T6-14-62 [at 32 Waianbar Ave, South West Rocks] as described in Schedule 1.**

**Date of determination:** 17 February 2016

**Decision:**

The panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Reasons for the panel decision:**

1. Pursuant to section 83C(3) of the EP&A Act 1979, the staged development application does not contain the information required to be included in the development control plan by clause 6.3 of KLEP 2013.
2. Insufficient detail has been provided for the concept plan to enable a proper assessment of the critical matters for the development: section 79C(1)(b) of the EP&A Act 1979.
3. The application does not demonstrate that environmental hazards pertaining to the shallow groundwater system, contamination and acid sulphate soils can be appropriately managed and/or mitigated for the development: section 79C(1)(b) of the EP&A Act 1979.
4. An acid sulphate soils management plan has not been provided pursuant to clause 7.1(3) of KLEP 2013: section 79C(1)(a)(i) of the EP&A Act 1979.
5. Insufficient information has been provided to enable a proper assessment of the ecological impacts of the development, in particular impacts on biodiversity and the potential impacts on Saltwater Lagoon and its tributaries: section 79C(1)(b) of the EP&A Act 1979.
6. The application does not demonstrate that the development will not have a significant impact on threatened species, populations or ecological communities, or their habitats: section 79C(1)(b) of the EP&A Act 1979.
7. Insufficient information has been provided to determine if the development is in accordance with the Comprehensive Koala Plan of Management for Eastern Portion of Kempsey Shire LGA Volume I, pursuant to clause 7.4(3) of KLEP 2013: section 79C(1)(a)(i) of the EP&A Act 1979.
8. The application does not demonstrate that the traffic impacts associated with the development can be managed and/or mitigated to ensure efficiency, safety and protect amenity: section 79C(1)(b) of the EP&A Act 1979.
9. The application does not demonstrate that impacts on the groundwater system can be appropriately managed and/or mitigated to prevent pollutants entering the system, the subsequent eutrophication of nearby water systems, and the exposure of acid sulphate soils: section 79C(1)(b) of the EP&A Act 1979.
10. The application does not demonstrate that stormwater can be appropriately managed given the shallow water table and in a manner that will not adversely impact on the adjacent environmentally sensitive wetland: section 79C(1)(b) of the EP&A Act 1979.
11. Insufficient information has been provided to enable a proper assessment of the extent of fill required and any associated impacts: section 79C(1)(b) of the EP&A Act 1979.
12. The application does not demonstrate that the services essential for the development are available or that adequate arrangements have been made to make them available when

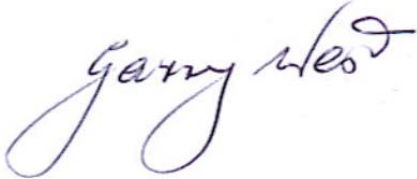
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required pursuant to clause 7.9 of KLEP 2013: section 79C(1)(a)(i) of the EP&A Act 1979.

13. Insufficient information has been provided with respect to the staging of the development to enable a proper assessment of whether the development will promote and co-ordinate the orderly and economic use of the land: section 79C(1)(e) of the EP&A Act 1979.

14. The application does not demonstrate compliance with Chapter D2 of KDCP 2013: section 79C(1)(a)(ii) of the EP&A Act 1979.

### Panel members:



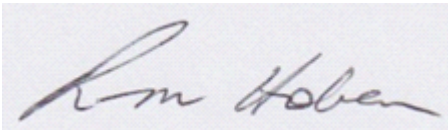
**Garry West (chair)**



**John Griffin**



**Pamela Westing**



**Rhonda Hoban**



**Daniel Walsh**

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2015NTH002 Kempsey T6-14-62
2	<b>Proposed development:</b> staged development application – ‘Saltwater’ residential subdivision concept plan (approximately 338 lots) and Stage 1 of the concept plan (29 lots)
3	<b>Street address:</b> 32 Waianbar Ave, South West Rocks
4	<b>Applicant:</b> Teebee Holdings Pty Ltd <b>Owner:</b> Teebee Holdings Pty Ltd and Kempsey Shire Council
5	<b>Type of Regional development:</b> subdivision of land for residential purposes into more than 100 lots where the land is wholly or partly in a sensitive coastal location.
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 14 – Coastal Wetlands</li> <li>• State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 71 – Coastal Protection</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• Kempsey Local Environmental Plan 2013</li> <li>• Kempsey Development Control Plan 2013</li> <li>• Kempsey Coastal Zone Management Study 2015</li> <li>• Kempsey Coast Zone Management Plan 2015</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 27 January 2016 Written submissions during public exhibition: 44 Verbal submissions at public briefing meeting: Against – Allan Wilcox, Allan Wilcox for Fred and Lesleigh Altmann, Graham Kidd, Graham Kidd for Primsiri Kidd, for Bill and Judith Toose, for Brenda and Allan McQuestin, for David and Meg Pamplin, for Mervyn and Cheryl Filby, Kay Robbins, Beverley Lamrock, Beverley Lamrock for Bernadette Brooks and Don Stephens, Esther Margaret Langborne, Nanette Lamrock, Alan Yuille, Allan Hill, Damon Baker on behalf of Friends of South West Rocks Association Inc. and Peter Hull; With Concerns: Ron Royle on behalf of South West Rocks Rate Payers and Citizens Association and Matthew Dewitt Written submission from Applicant dated 15 February 2016 Supplementary Report from Council dated 16 February 2016 Verbal submissions at the panel meeting: Support- None; Against- 14 ; On behalf of the applicant- 2
8	<b>Meetings and site inspections by the panel:</b> Public briefing meeting on 17 September 2015, site visits on 17 September 2015 and 17 February 2016, public determination meeting on 17 February 2016
9	<b>Council recommendation:</b> Refusal
10	<b>Draft conditions:</b> not supplied