



Ref: D13/29071
RBP:JH

19 September 2013

Geoff Smyth Consulting
PO Box 1925
COFFS HARBOUR NSW 2450

Attention: Geoff Smyth

Dear Sir

DEFERRED MATTER – SALTWATER, SOUTH WEST ROCKS
Your Ref: GS1302.7

I refer to your letter of 10 September 2013 and provide the following advice.

The 'deferred area' identified under Amendment T5-55 to KLEP 1987 was the result of Council's resolution of 9 October 2009 (reaffirmed 10 March 2009) not to adopt the staff recommendation to rezone land to within 150 metres of the sewerage treatment plant (STP). Council's decision was primarily based on concerns regarding the adequacy of the reduced buffer.

It should also be noted that the recommended 7(b) zone was identified as serving the dual purposes of achieving a buffer between residential areas and the STP and to provide for habitat restoration. Your suggestion to rezone the entire area to R2 with a special provision preventing subdivision is therefore not supported as it would result in uncertainty over the area within the eventual agreed buffer and does not reflect what was exhibited and considered by Council.

As you are aware, Council is also in preliminary discussions with your clients concerning the heads of agreement for a possible VPA that may result in sporting fields within the buffer area. Although subject to negotiation, the draft heads of agreement include the permissibility of 'recreation areas' under draft KLEP 2012, either through an appropriate zoning (noting that the E2 zone prohibits such uses) or under SEPP Infrastructure 2007 where the land has been dedicated to Council (thereby permitting the use without consent).

Having regard to the above circumstances, it is suggested that your clients consider lodging a fresh Planning Proposal which documents the process leading to the deferred area being identified and justifies the 150 metre buffer. As previously advised, Council staff would be prepared to recommend a waiver for a need to prepare an LES or to re-exhibit with the Planning Proposal to concentrate on the buffer and to confirm that no other current requirements apply to the deferred area.

In respect to the advice from the Department of Planning and Infrastructure (DoPI) regarding the expected process, Council will seek further formal written confirmation.



The matter has also been referred to Council's Infrastructure Services Department to advise of any requirements concerning the STP buffer. As discussed with your clients, it is recommended that you consider undertaking additional noise and odour monitoring, particularly in the early January 2014 tourist changeover period when any impacts are expected to be greatest, which would assist in confirming previous modelling, allow a comparison with the pre-upgrade conditions and provide a solid basis to seek finalisation of the buffer area required.

Yours faithfully

Robert Pitt
DIRECTOR
SUSTAINABLE ENVIRONMENT