

Amendment to enable use for a resource recovery facility at Kerns Road, Kincumber

Proposal Title : **Amendment to enable use for a resource recovery facility at Kerns Road, Kincumber**

Proposal Summary : **The proposal seeks to enable the use for a resource recovery facility by rezoning part of the site from 7(a) Conservation and Scenic Protection (Conservation) under Gosford Interim Development Order No 122 to SP1 Special Activities zone or by including an enabling clause.**

PP Number : **PP_2013_GOSFO_005_00** Dop File No : **13/16465**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **2.1 Environment Protection Zones
2.2 Coastal Protection
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information : **1. Council update the planning proposal to include discussion and information on the following matters:**

- a) The local waste management framework and the capacity of current and proposed future facilities to meet needs.**
- b) The statement of objectives and other parts of the planning proposal as relevant (eg. maps) should be updated to clarify whether the planning proposal applies to all of the subject lots.**
- c) Include analysis of options (which instruments will be amended and what mechanism will be used) including consideration of whether extractive industries should be included as a use on the SP1 map or in an enabling clause. Also ensure references to zones are correct (eg. land cannot 'remain E2' if it is within IDO 122).**
- d) Update references to other "planning proposals" (there is only one planning proposal and the other references may be to information submitted by the applicant)**
- e) The planning proposal include discussion in the need section of alternative options for the site.**
- f) Council is to confirm there are no threatened species on the disturbed land.**
- g) Further discussion be included in the planning proposal on the potential social impacts of the development on the adjoining residential areas prior to public exhibition.**
- h) The maps be updated/amended with:**
 - title and key blocks that identify the specific attributes (e.g. , zone name on the existing zoning map and a key for rainforest map showing the vegetation type);**
 - the aerial photograph containing the block of illegible text be updated at an appropriate resolution.**
 - A proposed zoning map with indicative zones and/or a map showing the application of an enabling clause as it applies to the land.**

2. Council is to be satisfied that sufficient information/studies have been provided to demonstrate that the planning proposal adequately addresses the capability of the site to accommodate the uses proposed by considering:

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- a) the impacts of noise;
- b) air quality (including dust and potential odour);
- c) soil and water quality (surface, groundwater, down stream impacts, flooding and drainage, and on site sewer facilities);
- d) impact on existing and rehabilitated vegetation;
- e) land contamination;
- f) land stability;
- g) bushfire;
- h) traffic (including impacts on the local road network);

3. Following agency consultation with OEH review consistency with SEPP 19 Bushland in Urban Areas.

4. Council should confirm whether SEPP 44 - Koala Habitat Protection is relevant and address the requirements of the SEPP, if required, and update the planning proposal accordingly.

5. Following provision of land contamination information review consistency with SEPP 55 - Remediation of Land.

6. Following agency consultation with the EPA, review consistency with SEPP 71 - Coastal Protection.

7. Council update the planning proposal's consistency with the following Section 117 Directions once supporting information has been obtained and following agency consultation:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

8. Consultation is required with the following public authorities:

- Hunter - Central Rivers Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries - Minerals and Petroleum
- NSW Office of Water
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Environment Protection Authority

9. 28 days community consultation period.

10. 12 month timeframe to make the plan.

11. It is recommended Council be granted delegation to make the plan.

Supporting Reasons : *

Panel Recommendation

Recommendation Date : 14-Nov-2013

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. The planning proposal is to proceed as a rezoning. Council is to rezone the subject land SP1 Special Activities and E2 Environmental Conservation under the draft Gosford Local Environmental Plan 2013 and remove reference to an enabling clause.
2. Prior to public exhibition, the planning proposal shall be updated in the following manner:

- the statement of objectives and other parts of the planning proposal (i.e. maps) is to be updated to clarify the lots to which the planning proposal applies;
- remove references to other or additional planning proposals beyond the subject proposal ;
- inclusion of information regarding the presence or otherwise of any threatened species on the site;
- inclusion of titles and key blocks for the identification of specific attributes on all maps;
- inclusion of a proposed zoning map; and
- upgrading of the resolution and quality of aerial photographs of the site.

3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- State Environmental Planning Policy (SEPP 19) – Bushland in Urban Areas
- State Environmental Planning Policy (SEPP 44) – Koala Protection Habitat
- State Environmental Planning Policy (SEPP 71) – Coastal Protection

4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Hunter – Central Rivers Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Minerals and Petroleum
- NSW Office of Water
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services
- Environment Protection Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the

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date of the Gateway determination.

Plan-making delegation is to be delegated to Council for this Planning Proposal.

Signature:

M. Selman

Printed Name:

NEIL SELMAN

Date:

20/11/2013