

Rezoning for a Resource Recovery Facility, Clarence Road, Springfield

Proposal Title : Rezoning for a Resource Recovery Facility, Clarence Road, Springfield

Proposal Summary : The proposal would rezone land zoned 7(a) Conservation and Scenic Protection in the Gosford Interim Development Order 122 to 5 Special Uses (Resource Recovery Facility) so as to facilitate a Resource Recovery Facility.

PP Number : PP_2012_GOSFO_004_00 Dop File No : 12/03490

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions :

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 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 : It is suggested that the following conditions be applied to make the PP more easily understood:

- the second paragraph in the Statement of Objectives be moved to Section C of the PP;
- the Explanation of Provisions be amended such that the existing 'Resource Recovery Facility' definition is replaced with the 'Resource Recovery Facility' definition provided in the Standard Instrument; and
- the current text accompanying the 'Proposed zoning map' map be amended by adding "(or depending on timing, SP2 Infrastructure - Resource Recovery Facility under the Gosford comprehensive LEP)" after the existing text.

It is suggested that the following conditions be applied in order to progress the proposal prior to s.56(2) resubmission:

- consultation occur with DPI (Minerals) per s117 Direction 1.3;
- consultation occur with the RFS per s117 Direction 4.4;
- consultation with OEH, CMA and RMS occur to ascertain any issues with the proposal, including whether additional or updated studies are required for the PP;
- address cl. 6 of SEPP 55;
- address SEPP 44;
- include an assessment of alternative sites in the PP under the 'Need for the Planning Proposal' section prior to agency consultation;
- include contextual material to indicate how the proposed resource recovery facility fits within Council's broader waste management strategy including proposed regional arrangements with Wyong Shire, prior to agency consultation; and
- resubmit the PP following agency consultation within 3 months.

Supporting Reasons : As discussed in the report.

Panel Recommendation

Recommendation Date : 01-Mar-2012 Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

1. Council is to amend the proposed definition for 'Resource Recovery Facility' to ensure consistency with the Standard Instrument (Local Environmental Plans) Amendment Order 2011.

2. The Department supports the inclusion of part of Lots 20 and 21 Sec 1 DP 72550 as environmental conservation land. If this is Council's intent the planning proposal should be amended prior to the commencement of community consultation to ensure the proposal clearly articulates to the community the intended outcomes for the subject land.

3. Council is to amend the map at Appendix 4 to reflect how the planning proposal amends the exhibited draft Gosford LEP 2009, and include an explanation to clarify how the planning proposal will amend Council's draft Comprehensive LEP and the relationship of the amendment to Council's resolution and the Department's consideration of the proposed E5 zone and its application to the subject land.

4. Council is required to provide information in accordance with the provisions of the Koala Habitat Protection SEPP to address issues relating to koala habitat management. This additional information should be included with the material for public exhibition purposes.

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 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

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

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. Further to Condition 6 above, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

8. Further to Condition 6 above, Council is to consult with Chief Executive Officer of the Office of Environment and Heritage prior to undertaking community consultation seeking comment on the value of the vegetated portions of the site and any regionally significant vegetation and ecological communities that may be adversely affected as a result of the rezoning. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 2.1 Environment Protection Zones.

9. Further to Condition 6 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

10. The advice of the NSW Rural Fire Service, the Office of Environment and Heritage the

Rezoning for a Resource Recovery Facility, Clarence Road, Springfield

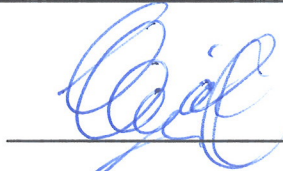
NSW Department of Primary Industries – Minerals and Protection and Council's response to the comments are to form part of the exhibition material.

11. Further to Condition 6 above, Council is also to consult with the Hunter-Central Rivers Catchment Management Authority and the Roads and Maritime Service in regards to the planning proposal. Council is to take into account any comments made and include them with Council's response for the purposes of public exhibition.

12. 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).

13. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Noel McCaffrey

Date:

7.3.12