

TITLE **PLANNING PROPOSAL: Applicant City Services Directorate Resource Recovery Facility on Lot 2 SEC 1 DP 72550, Lot 1 DP 188762, Lot 3 DP 1117418, Lots 451 & 452 DP 849998 and Part of Lots 20 & 21 SEC 1 DP 72550, Clarence Road, Springfield (IR10577893)**

Directorate: Environment and Planning
Business Unit: Integrated Planning

Disclosure of political donations and gifts - s147 Environmental Planning and Assessment Act (EP&A Act).

"A relevant planning application means: (a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site". The following item is an *initial report* to consider a request to Council to prepare a *Planning Proposal*; hence it falls under the definition of a '*relevant planning application*'.

The Planning Proposal was initiated by Gosford City Council thus does not come under Section 147 of the EP&A Act. The land is currently in the ownership of Gosford City Council.

INTRODUCTION

Reason for Referral to Council: This report discusses merits for Council's consideration and decision of whether or not to prepare a Planning Proposal (PP) (*which, if supported would result in an LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

Application Received: 28 October 2010

Environmental Planning Instrument – Current Zone: Zone No 7(a) Conservation and Scenic Protection (Conservation) under Interim Development Order (IDO) No 122 - Gosford.

Proposed Zone: Zone No 5 Special Uses - Resource Recovery Facility under IDO No 122 (or equivalent zone, ie. SP 2 Infrastructure - Resource Recovery Facility under Draft Gosford Local Environmental Plan 2009).

Area: 6.47 ha

Land Description and Relationship to Surrounding Land Uses

The subject site comprises five (5) lots and a small part of two (2) adjoining lots which total approximately 6.47 hectares. The land is located on the western side of Clarence Road, Springfield and is currently used as a quarry by Council. The land rises to the northwest and levels out at a cleared area of the existing quarry and the site of the proposed resource recovery facility. This cleared area of the site is approximately 2.3 hectares with original vegetation remaining around the perimeter of the site.

The subject land as well as the land to the north and west is owned by Gosford City Council and forms part of Council's Coastal Open Space System (COSS). Land to the east is privately owned and is used for residential purposes. Land to the south is privately owned but is currently vacant.

Background / Landuse History:

In 1971 consent was granted by Council for an extractive industry on six (6) parcels of land in Springfield. These lots were Lots 1-3 Sec 1 DP 72550 Clarence Road and Lots 20-22 Sec 1 DP 72550 Meadow Road, Springfield. (Note: Lot 3 Sec 1 DP 72550 now comprises Lot 1 DP 188762 and Lot 3 DP 1117418.)

The site operated as a privately owned quarry from the 1970s to the mid-1990s. The zoning of the land changed to 7(a) in 1977 under IDO No 100 and this zoning was maintained in 1979 under IDO No 122. Even though prohibited under the 7(a) zone, the quarrying operation was able to continue by way of the "existing use rights" provisions in the planning legislation.

The six (6) lots accommodating the quarry were purchased by Council in 1997 as an operating quarry using COSS funds. Council continued to operate the quarry since its purchase sourcing sandstone and rock for road construction projects. From 2001 to 2006 the site was also used for the stockpiling of excess materials from Council's construction and maintenance activities and the recycling of concrete and road construction materials.

In 2006, an Environmental Impact Statement (EIS) was commissioned to accompany the submission of a Development Application (DA) to formalise the use of the site as a materials recycling facility. However, prior to submitting the DA, the legislation regarding existing use rights changed. Amendments to the EP&A Act removed the provision of allowing an existing non-conforming use to be changed to another non-conforming use. Consequently the operation of a materials recycling facility or resource recovery facility could not be approved. The DA was not lodged and the activity of recycling construction materials ceased.

The EIS study site comprised the land originally granted consent for the extractive industry and purchased by Council. At the time the EIS was prepared access to the site was via a track across two (2) privately owned lots under a lease agreement with the owner. These lots (Lots 451 and 452 DP 849998) were purchased by Council in 2006 and they are not included in COSS.

In 2005 Council commenced preparation of the Draft Gosford Local Environmental Plan (LEP) in accordance with the requirements of the Standard Instrument (LEP) template. The Draft LEP considered by Council on 6 May 2008 showed the subject site zoned SP2 - Infrastructure which permitted a resource recovery facility.

On 25 September 2009 the, then, Department of Planning, in the Section 65 Certificate, instructed Council to amend the Draft LEP prior to exhibition. One of the required amendments was "Adjust the proposed zoning of land currently adjoining Clarence Road, Springfield zoned SP2 Recycling Facility to E2 Environmental Conservation (a zone corresponding to the current 7(a) zone)." The Department considers that there is insufficient documentation at this stage to support the rezoning and a separate planning proposal to amend the zoning should be prepared if Council wishes to proceed.

The draft Gosford LEP 2009 was exhibited showing the site zoned E2. Upon consideration of the submissions on 31 May 2011, Council resolved to include a new E5 Public Conservation zone and apply it to all Council owned and managed COSS land and defer all privately owned 7(a) and 7(c2) land east of the Freeway from the draft Gosford LEP 2009.

The subsequent plan forwarded to the Department of Planning and Infrastructure showed Lot 2 Sec 1 DP 72550, Lot 3 DP 1117418, Lot 1 DP 188762, and part of Lots 20 & 21 Sec 1 DP 72550 as proposed zone E5 and Lots 451 & 452 DP 849998 as being deferred matter.

The Planning Proposal process has commenced and the proposal was considered by the COSS Task Group on 15 March 2011. The Minutes of this meeting are set out below and were subsequently adopted by Council.

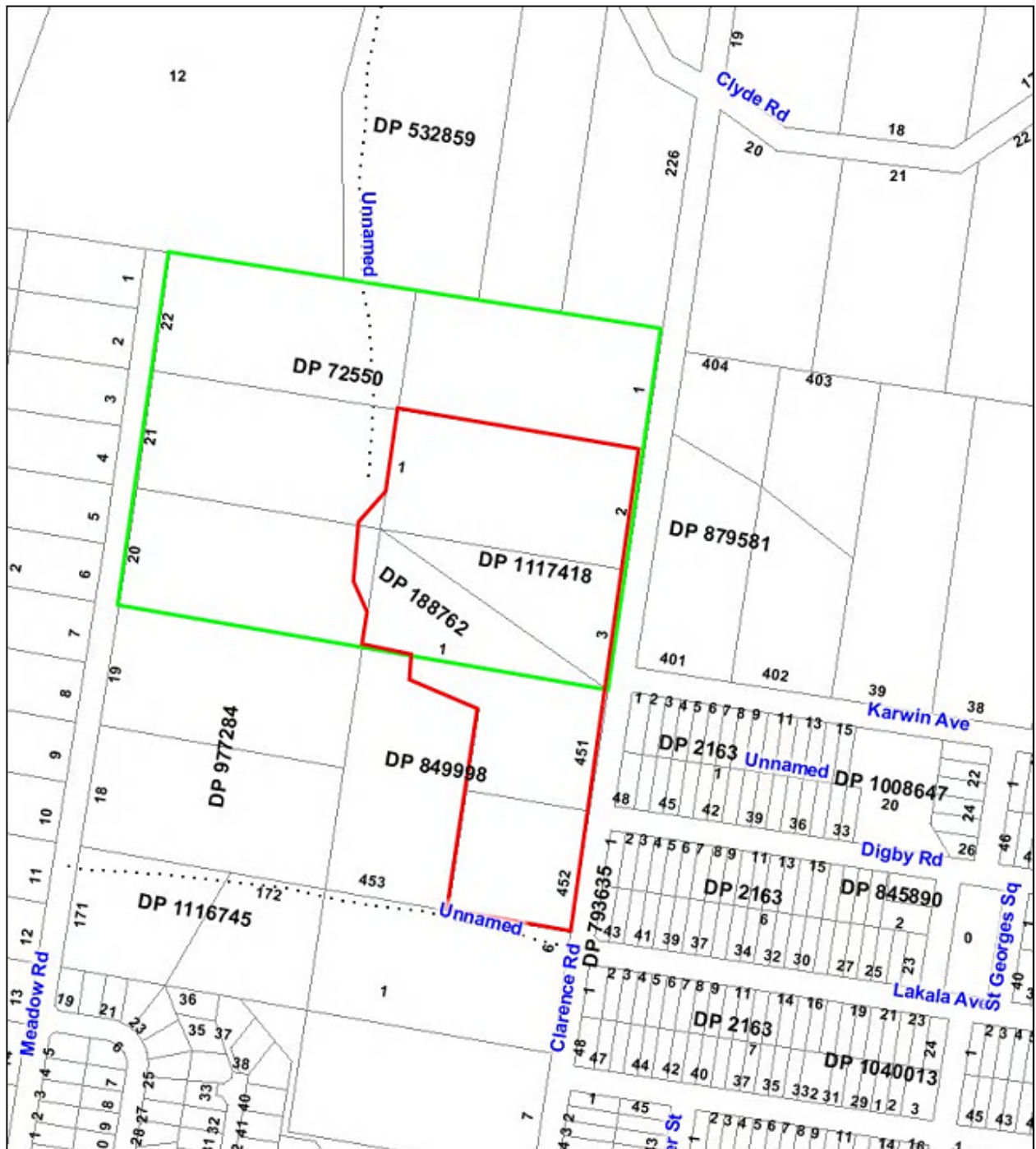
That a report be brought before the Task Group describing the management and long-term intent of the site as a resource recovery facility with the land being retained in the COSS, but with a change of zoning. The report is to include an outline Plan of Management covering weed control, erosion and sediment control, designated operational footprint, funding arrangements for resourcing the plan of management and a timeframe for usage. The report should include a current copy of the EIS.

In response to this resolution, a representative of Council's Construction Operations unit gave a presentation to the Group on 20 September 2011 regarding the proposed use of the site. The Minutes of this meeting are set out below and were subsequently adopted by Council.

That a copy of the report including the Environmental Impact Statement be provided to Task Group Members to consider and that a report regarding the next steps including the planning proposal with respect to re-zoning is provided.

The information requested was provided to the Task Group for consideration on 15 November 2011. The Minutes of this meeting are set out below (and they have not been to Council yet for adoption).

That the information be noted.



Dark Outline - Land Subject to Planning Proposal

Light Outline - Land acquired through COSS Funds in 1997

Applicant's Submission:

Developing a Resource Recovery Facility as part of Council's Construction Section will deliver multiple benefits to Council. The requirement to recycle and reuse construction waste is an essential component of current construction practice. The opportunity to do this in close proximity to construction projects offers the opportunity for significant environmental, financial and operational benefits.

Construction waste generated on projects can be recovered and reused on other projects. This is mostly not possible on an individual project due to cost and space restrictions. The

cost associated with operating recycling machinery means that significant tonnage of material is required to make its set-up worthwhile. For local government works this generally means the material generated from several projects needs to be combined at a central area large enough to store and process the materials.

The use of the recovered materials is advantageous on two fronts; firstly, it reduces the use of new material and secondly, it reduces the need for material to be quarried from elsewhere. A reduction in quarried materials means less disturbance to the environment from which it is sourced. The reuse of the waste generated from a project means that less material is going to landfill, allowing valuable landfill area to be available for more suitable waste products. It also saves on tipping fees which can be a significant project cost.

An additional benefit of having the Resource Recovery Facility located at Springfield is the reduction of truck traffic on the road network. The location of the Springfield site is central to Council's worksites, thus minimising the distance and travel time for trucks. Shorter travel distances and times result in a reduction in emissions, lower hiring costs and lower wear and tear on the roads by trucks.

The recovery of construction waste also assists in the delivery of targets identified by NSW Office of Environment and Heritage (formerly DECCW) outlined in the *Waste Avoidance and Resource Recovery Act 2001* and accompanying strategy which identifies an area of improvement to be the recovery of construction waste in areas outside of Sydney.

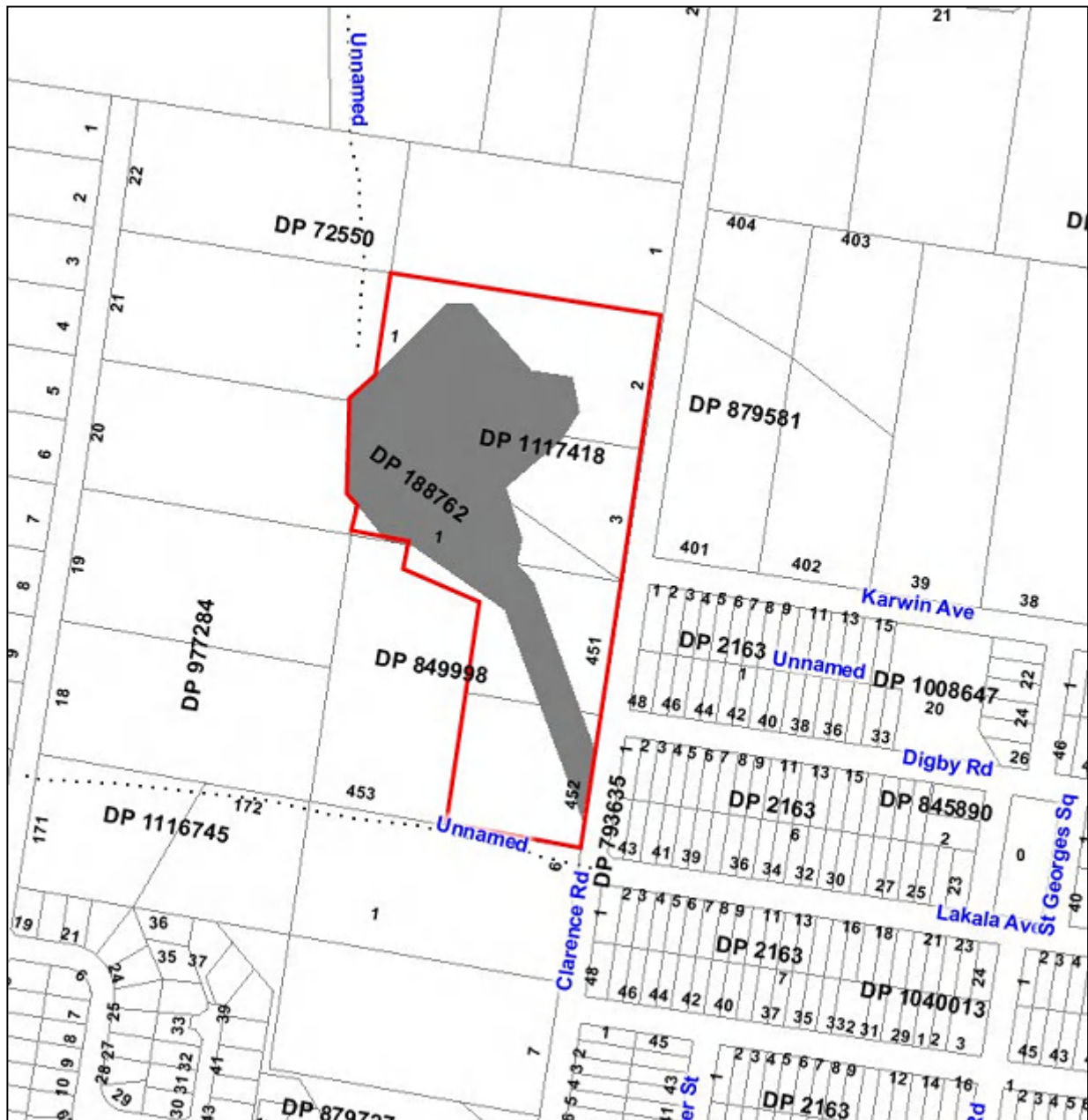
This Resource Recovery Facility also demonstrates a strong commitment by Council to environmental sustainability.

The area identified as the "operational area" in the Figure below shows the currently disturbed area which will form the perimeter of all future works for the Resource Recovery Facility. This will ensure there is no further disturbance to the natural environment.

The operational area will be divided into separated controlled locations for different materials. Areas for recycling and storage will be provided for rock, profiled rock materials, concrete, sand, aggregate, topsoil and vegetation material.

The boundaries of the operational area will be clearly identified to ensure adequate protection is provided for the COSS land. The natural landform will be utilised to develop barriers and buffer zones. Planting of vegetation will be used to assist in managing the operational area. This will provide a noise, dust and visual barrier between the Resource Recovery Facility and the surrounding landuses.

The issues raised in the applicant's submission have been considered in the assessment of the proposal.



Dark Outline - Land Subject to Planning Proposal

Dark Shading - Operational Area

'Gateway' planning process

A Local Environmental Plan (LEP) is a legal instrument that imposes zoning of land, standards to control development and other planning controls.

Council has been previously advised as to how the new 'gateway' process operates. Its aim is to enable early consideration by the Department of Planning and Infrastructure (DOP&I), early public consultation and ensure that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. It also acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment B shows the Planning Proposal process flowchart with an indication as to where this report fits into the process.

PLANNING PROPOSAL GOSFORD CITY COUNCIL IN RESPECT OF A RESOURCE RECOVERY FACILITY ON LOT 2 SEC 1 DP72550, LOT 1 DP 188762, LOT 3 DP 1117418, LOTS 451 & 452 DP 849998 AND PART OF LOTS 20 & 21 SEC 1 DP 72550, CLARENCE ROAD, SPRINGFIELD

This Planning Proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals*.

A gateway determination under Section 56 of the Environmental Planning and Assessment Act is requested from the DoP&I.

Part 1 Objectives or Intended Outcomes

s.55(2)(a) A statement of the objectives or intended outcomes of the proposed instrument.

The objective/intended outcome of the Planning Proposal is to enable the rezoning of the existing Springfield Quarry at Lot 2 Sec 1 DP 72550, Lot 3 DP 1117418, Lot 1 DP 188762, Lots 451 & 452 DP 849998, and part of Lots 20 & 21 Sec 1 DP 72550 Clarence Road, Springfield to be used as a resource recovery facility.

The objective of 7(a) zoned land is to conserve and preserve areas of high environmental value, high visual and scenic quality in the natural landscape. The use of the land for a resource recovery facility will be restricted to the existing cleared areas that have been the subject of quarrying activities for a number of years. The surrounding vegetated areas will be retained as a buffer to the adjoining land. This disturbed quarry area does not exhibit the characteristics of 7(a) Conservation and Scenic Protection (Conservation) land.

The resource recovery facility will process and recycle green waste and materials such as roadbase, concrete and other bituminous materials from Council's construction and maintenance operations. The recycling of construction materials and green waste will contribute to a significant reduction in the volume of waste going to the existing landfill site at Woy Woy, and assist in reducing the amount of new construction materials required for Council's operations.

The zoning of the land to resource recovery facility will not preclude the continuance of the quarrying use under the "existing use rights" provisions of the legislation.

Part 2 Explanation of Provisions

s.55(2)(b) An explanation of the provisions that are to be included in the proposed instrument.

The objectives/intended outcomes are to be achieved by amending the current planning controls for the land. Interim Development Order No 122 - Gosford is to be amended to rezone Lot 2 Sec 1 DP 72550, Lot 3 DP 1117418, Lot 1 DP 188762, Lots 451 & 452 DP 849998, and part of Lots 20 & 21 Sec 1 DP 72550, Clarence Road, Springfield from Zone 7(a) Conservation and Scenic Protection (Conservation) to Zone 5 Special Uses - Resource Recovery Facility (or the equivalent zone, ie. SP 2 Infrastructure - Resource Recovery Facility under the Draft Gosford LEP 2009, depending upon timing).

It is reasonable to propose to rezone the subject site to zone 5 Special Uses, Resource Recovery Facility under Interim Development Order No 122 - Gosford because the use satisfies the objectives of the Special Use zone which are:

- (a) to provide for the development of some miscellaneous public facilities on certain land; and
- (b) to provide for other land uses if they do not affect the usefulness of the land for the purpose for which it is zoned.

Nominated land uses for the Special Use zone are required to be consistent with uses defined in the Standard Instrument LEP. The most suitable definition for the proposed use is "resource recovery facility".

The likely wording of the site specific rezoning local environmental plan is set out below.

1 Aims of plan

This plan aims to rezone the land to which this plan applies to Zone No 5 Special Uses - Resource Recovery Facility to enable the land to be used for the recycling of materials from Gosford City Council's construction and maintenance operations.

2 Subject Land

This plan applies to Lot 2 Sec 1 DP 72550, Lot 3 DP 1117418, Lot 1 DP 188762, Lots 451 and 452 DP 849998, and part of Lots 20 and 21 Sec 1 DP 72550, Clarence Road, Springfield, as shown coloured yellow with scarlet lettering superimposed thereon "Resource Recovery Facility" on the map marked Gosford Local Environmental Plan No XXX.

3 Amendment of Interim Development Order No.122 - Gosford

Interim Development Order No.122 - Gosford is amended by:

- (a) inserting in the appropriate order in the definition of **I.D.C. map** in clause 3(1) the following words:

Gosford Local Environmental Plan No XXX

- (b) inserting after the definition of "Residential flat building" in clause 3(1) the following definition:

"Resource recovery facility" means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

s.55(2)(d) If maps are to be adopted by the proposed instrument, such as maps for proposed land use zones, heritage areas, flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument. Attachment B to this report contains all relevant mapping to the Planning Proposal

See Attachment A for the relevant maps.

Part 3 Justification

s55(2)(c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117).

Section A Need for the Planning Proposal

1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The proposal is to provide suitably located and appropriately zoned land for resource recovery infrastructure to support continued waste minimisation programs within the local government area.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the objectives/intended outcomes as the land needs to be appropriately zoned to permit this special infrastructure use.

3 Is there a net community benefit?

The existing quarry site has the capacity to be used as an area for a resource recovery facility for Council's construction materials in addition to its existing quarrying activities where approximately 1,000–2,000 tonne of ripped sandstone is extracted each year dependant on Council's construction projects. There are a number of positive environmental, social and economic benefits of the Planning Proposal that delivers a net community benefit as follows:

- (1) avoids the need to clear other vegetated land within the local government area to use as a resource recovery facility for Council's construction materials. No additional clearing will be required to be undertaken with the operation of the proposal on the subject site. Extending the use of the site to include reuse of waste materials promotes sustainable development and addresses the issue of conservation of biological diversity and ecological integrity;
- (2) recycling of materials limits the volume of materials going to landfill thereby extending the life of current landfill operations in the local government area and in turn reducing the impact on our environment for the benefit of current and future generations;
- (3) reducing the energy required to manufacture raw material for the production of construction material; and
- (4) reducing the volume of raw material consumption that is required for the production of construction material.

Section B Relationship to strategic planning framework

- 4 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?**

The Central Coast Regional Strategy 2006 – 2031 is applicable to the subject land and the proposed rezoning. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Region Strategy for provision of resource recovery infrastructure required to support population growth and continued waste minimisation programs within the Gosford Local Government Area. This Planning Proposal is consistent with the following objectives/actions contained within the Regional Strategy:

Action 9.3 - Councils are to identify suitably-located and appropriately zoned land for new water supply, wastewater treatment and recycling, energy and waste avoidance, and resource recovery infrastructure, to support growth in major regional centres and major towns.

Action 9.6 - Councils are encouraged to promote waste avoidance and resource recovery in demolition and building work as well as in the design and occupancy of residential, commercial and industrial development.

5 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Community Strategic Plan

The Planning Proposal is consistent with the *Community Strategic Plan – Gosford 2025* which incorporates a number of strategies for the reuse of resources and incorporating sustainability in all planning and decision making. The Planning Proposal is consistent with the following relevant strategies:

B3.1 Reduce resource consumption and minimise waste

B3.4 Increase the reuse and recycling of resources

D1.2 Consider social, environmental and economic sustainability in all planning and decision making

Biodiversity Strategy

The Biodiversity Strategy has the following principle applicable to the Planning Proposal.

Biodiversity conservation objectives must consider and balance broader environmental, social and economic considerations.

Even though the site is identified as COSS land, it is classified as "operational land" under the *Local Government Act, 1993* and is disturbed in nature due to its use as a quarry. Therefore, biodiversity conservation status is not high for the existing quarry area. Using this disturbed area will result in no further disturbance to natural bushland. Also, the proposed resource recovery facility will enable the conservation of resources used in the construction industry and the saving of money currently required in the dumping of waste construction material.

The Biodiversity Strategy also has the following Action relevant to the Planning Proposal:

Environmental zoned lands need to be retained with current minimum lot area standards to enable the lot sizes to allow sufficient space for land uses to occur without loss of biodiversity.

This Planning Proposal is not recommending that the minimum lots sizes in the Environmental zones be changed. However it is proposing that the zone be altered for the subject land. This change of zone will allow sufficient space for the resource recovery facility to operate without impacting on the surrounding vegetated COSS land.

COSS Strategy

The COSS Strategy identifies the following actions that are relevant to the current proposal.

- 8 *Develop and implement management strategies to address the identified threats to the flora, fauna and ecological communities in the COSS.*
- 22 *Identify and implement mechanism for ensuring that the publicly owned land within the COSS boundary is permanently classified and managed for its values that are consistent with COSS.*

The operational area of the three (3) lots within the COSS which is used for quarrying operations does not exhibit the characteristics of COSS land. However the vegetated section of these lots contains regionally significant vegetation which will need to be satisfactorily managed. The future management plan for the site will need to confine the resource recovery facility to the existing disturbed area and address the conservation of the regionally significant vegetation on the eastern part of the site in a manner consistent with the management of COSS land as a whole. In this way, the environmentally sustainable and economic advantages of a resource recovery facility will be realised whilst not impacting on the adjacent COSS land.

Draft Gosford Landuse Strategy

The draft Gosford Landuse Strategy 2031 addresses the issue of waste services as follows:

A priority is to identify future activities, required resources, and expenditure and income streams necessary to attain the targets and actions of the NSW State Government's Waste Avoidance and Resource Recovery Strategy 2006.

The recovery of construction waste assists in the delivery of targets identified by NSW Office of Environment and Heritage (formerly DECCW) outlined in the *Waste Avoidance and Resource Recovery Act 2001* and the accompanying strategy which identifies an area of improvement to be the recovery of construction waste in areas outside of Sydney.

6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies (SEPPs): SEPPs are only discussed where applicable. The Planning Proposal is consistent with all other SEPPs or they are not applicable.

(i) SEPP No 19 - Bushland in Urban Areas

The general aims of this Policy are to protect and preserve bushland within urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource. When preparing draft local environmental plans for land, other than rural land, the council shall have regard to the aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

The proposed resource recovery facility is not proposed to be located on undisturbed bushland, but on an existing cleared quarry site. As such, the use of this cleared area will result in the retention of the surrounding bushland. The vegetation surrounding the current operational area will continue to act as a buffer to facility thus retaining the aesthetic value of the site when viewed from the public domain. The Planning Proposal is consistent with this Policy.

(ii) SEPP No. 33 - Hazardous and Offensive Development

The SEPP aims to ensure that in determining whether a development is a hazardous or offensive industry that the consent authority has sufficient information to assess whether the development is hazardous or offensive and whether there are measures proposed to reduce any impact of new development.

The proposed resource recovery facility could be considered a potentially offensive industry as it may emit polluting levels of noise, dust and odour on nearby residential development. The proposal requires the occasional use of a grinder/crusher to recycle materials to produce roadbase material. The proximity of residential land within 200 metres of the subject site will require considerations to be given to potential impacts from operating noise, dust and effects of increased traffic on the amenity of the residential neighbourhood following the Gateway Determination by the Minister.

(iii) SEPP No. 55 – Remediation of Land

The SEPP requires Council to consider whether the land is contaminated, if it is suitable in its contaminated state or whether remediation is required from previous uses of the land that may be landuses as identified in Table 1 of the Contamination Land Planning Guidelines. One of those uses listed is "extractive industries".

Consideration has to be given as to whether or not the land is contaminated and if so that Council is satisfied that the land is suitable in its contaminated state for the future use or requires remediation. The site has been used for quarrying activities since the 1970s and it is proposed to continue the operation of the quarry. It is considered that the resource recovery facility is a compatible use to the existing quarry activities.

(iv) SEPP No. 71 - Coastal Protection

The SEPP applies to the coastal zone of the local government area and aims to ensure that development in the coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management. The coastal zone is generally 1km landward of any coastal water, bay, estuary, coastal lake or lagoon.

The subject site is located within the coastal zone. Matters for consideration under the SEPP generally relate to land that directly fronts water bodies which is not applicable to this site. The use of the subject site as a quarry has required erosion and sediment controls to control runoff from the activities on the site to address any likely impact on water quality of coastal water bodies. Further consideration should be given to erosion and sediment control from new development on the site and runoff into environmentally sensitive areas and coastal water bodies.

(v) SEPP (Infrastructure) 2007

The SEPP aims to provide a consistent approach to planning and management for infrastructure and the provision of services, including greater flexibility in the location of infrastructure and service facilities, and allows for the efficient development, redevelopment or disposal of surplus government owned land. The policy makes reference to prescribed zones or an equivalent zone for certain development types.

The key objective of the Planning Proposal is to appropriately zone land for resource recovery infrastructure. The proposed Zone No 5 Special Uses is an equivalent zone to the prescribed zone of SP2 Infrastructure which will allow a waste or resource management facility carried out by any person with consent on land in a prescribed zone. The definition of *waste or resource management facility* means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

(vi) Deemed SEPP Sydney Regional Environmental Plan No 9 - Extractive Industry (No 2)

The plan aims to facilitate development of extractive resources by identifying land which contains extractive material of regional significance and ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise full potential as identified in Schedule 1 or 2 of the deemed SEPP.

The existing quarry is not included in the deemed SEPP as a regional extractive industry nor is it considered to be in the vicinity of a regional extractive industry identified in the SEPP being approximately 7.4km to the nearest extractive industry at Somersby. The proposal is not considered to affect these existing quarrying operations.

(vii) Other SEPPs:

No other SEPP has application to this planning proposal. Deemed SEPP Sydney Regional Environmental Plan No 8 - Central Coast Plateau Areas and Deemed SEPP Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River (No 2) do not apply to the land as the subject site is outside of the areas covered by these deemed SEPPs.

7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

(i) Direction 1.3 Mining, Petroleum Production and Extractive Industries

Clauses (4) and (5) of the Direction require consultation with the Director-General of the Department of Primary Industries to identify and seek advice for any resources of coal or other minerals, production or petroleum, or extractive material that are of either state or regional significance when preparing Planning Proposals. Such consultation is to include identification of any existing operations in the area and take into consideration issues likely to lead to land use conflict between other land uses and development of resources or existing development.

The Planning Proposal is considered to be consistent with this direction. The existing quarry is not identified in Sydney Regional Environmental Plan No.9 - Extractive Industry (No.2) as being of regional significance and is approximately 7.4km to the nearest regional extractive industry in the area. The proposal is not considered to affect these existing quarrying operations.

The proposed Special Uses Zone will have the effect of prohibiting extractive industries. The quarry has been operating under existing use rights within Zone 7(a) Conservation and Scenic Protection (Conservation). As the current 7(a) zone does not permit extractive industries there is no difference should the zone change to Special Uses. The Planning Proposal aims to extend the use of the existing quarry with the development of a resource recovery facility which is considered a compatible use to the current quarrying activities on the subject site.

(ii) Direction 2.1 Environmental Protection Zones

Clause (4) of the Direction requires the Planning Proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas. A Planning Proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

The Planning Proposal is considered to be consistent with this direction. The subject land is within a zoned environmentally sensitive area. The Planning Proposal seeks to alter the boundaries of the environmental protection zone. The land is currently zoned 7(a) Conservation and Scenic Protection (Conservation). The objective of conservation zoned land is to conserve and preserve areas of high environmental value, high visual and scenic quality in the natural landscape. The land has been used for quarrying activities for 40 years. The Planning Proposal operations will utilise the existing cleared area of this land which does not exhibit the characteristics of conservation zoned land and will not reduce the environmental protection standards of the land. Should this site not be utilised for resource recovery purposes it is likely that an alternative site would be investigated. Use of an alternative site would consume land that could potentially be utilised for other purposes.

iii) Direction 2.2 Coastal Protection

Clause (4) of the Direction requires the Planning Proposal to include provisions that give effect to and are consistent with:

- (a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997
- (b) the Coastal Design Guidelines 2003, and

- (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

The NSW Coastal Policy sets out the following goals relevant to the Planning Proposal:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Providing for ecologically sustainable development and use of resources.

The Planning Proposal is considered to be consistent with this direction. The zoning of the subject site to permit a resource recovery facility will result in the ongoing maintenance and improvement of the natural environment and surrounding conservation zoned land by the control of sediment discharges from the site and weed management. The proposed resource recovery facility represents a sustainable development as it recycles usable material and reduces such waste going to landfill.

The Coastal Design Guidelines relates to design of dwellings and location of new settlements. It is not relevant to this Planning Proposal.

The NSW Coastline Management Manual provides "information to assist present and potential users and occupiers of the coastline to understand the nature of coastline hazards and the options available for their management. Hazards peculiar to the coastline must be recognised in the design of new developments, in the planning of changed land use patterns and in the protection of present developments at risk." The subject site is located over 1km from the open coast and at an elevation of 76m Australian Height Datum (AHD); therefore it does not experience any hazards peculiar to the coastline.

iv) Direction 2.3 Heritage Conservation

Clause (4) of the Direction requires the Planning Proposal to include provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The area of the site subject of the operations of the Planning Proposal has been extensively disturbed due to quarrying activities since the 1970s and it is unlikely that significant heritage items remain on site. The proposal for a resource recovery facility will not involve any significant earthworks and material will generally be stockpiled within existing disturbed areas. There are no Section 149 Planning

Certificate messages on the land identifying Aboriginal relics. Therefore a heritage assessment of the site will not be required.

v) Direction 4.4 Planning for Bushfire Protection

Clause (4) of the Direction requires that with the preparation of a Planning Proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.

A Planning Proposal must:

- (a) have regard to Planning for Bushfire Protection 2006,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

A Planning Proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an APZ incorporating at a minimum:
 - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the Planning Proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
- (d) contain provisions for adequate water supply for firefighting purposes,
- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

The land is classified as Rural Fire Service Bushfire Category 1 and Vegetation Buffer. As the subject site is bushfire prone land the Planning Proposal will have to be referred to the Rural Fire Service for comment after the Gateway Determination by the Minister.

(vi) Direction 5.1 Implementation of Regional Strategies

Clause (4) of the Direction requires Planning Proposals to be consistent with a Regional Strategy released by the Minister for Planning.

The Planning Proposal is considered to be consistent with the objectives and actions contained in the Central Coast Regional Strategy 2006 – 2031 as indicated in the response to Section B Item 4 above. The Central Coast Regional Strategy identifies that suitably-located and appropriately zoned land for resource recovery

infrastructure is required to support growth in major regional centres and major towns.

(vii) Direction 6.1 – Approval and Referral Requirements

Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/ consultation provisions and not identify development as designated development.

This Planning Proposal is consistent with this direction as no such inclusions, or designation is proposed.

(viii) Direction 6.3 – Site Specific Provisions

This Direction applies to the Planning Proposal (PP) as the PP seeks to amend Interim Development Order No. 122 – Gosford by rezoning the land. The PP is consistent with this Direction as it proposes to use an existing zone that already applies in the environmental planning instrument and proposes the imposition of no development standards or requirements in addition to those already contained in the IDO. The PP does not contain or refer to drawings/concept plans that show details of the proposed development.

Section C Environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land totals approximately 6.4 hectares. The cleared area of the land is approximately 2.3 hectares where extraction of material has occurred with little vegetation structure remaining other than regrowth areas at the perimeter of the site and in the vicinity of the access road.

While lack of vegetation structure restricts the habitats available to fauna species, adjacent vegetated areas may provide habitat for some species that may occasionally utilise the site for movement or foraging. The subject site adjoins undisturbed COSS land and there are endangered ecological communities in the gullies of this land.

Due to the lack of significant habitat in the operational area, no specific flora and fauna mitigation measures are considered necessary. However, appropriate vegetation management measures will be required to be included with the Development Application.

9 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The proximity of the environmentally sensitive conservation land of Council's Coastal Open Space System to the north and west of the site and residential properties to the east will require other environmental considerations to be assessed and management strategies identified from any potential impact of the Planning Proposal. Other likely environmental effects are soil and water quality, air quality, noise impacts and visual quality.

Soil and water quality

Runoff from the site is currently controlled by a sedimentation pond at the southern end of the site to capture stormwater runoff from the existing quarry activity. The additional activities from the resource recovery facility on the existing soil landscape and cleared area, subject to quarrying activities over the past years, require consideration of erosion and sediment control measures to minimise any potential stormwater runoff onto adjoining land from the exposed soil, stockpiles of material on site, and increase in vehicle movements to and from the site. The site is not connected to Council's water and sewerage service and consideration should be made to the onsite collection of rainwater/runoff and disposal of wastewater.

These are matters that do not have to be resolved at this stage in the planning process. They are operational concerns and will need to be addressed in the Development Application.

Air quality

There is potential for dust dispersion from the operation of machinery and vehicle movements on the site. The occurrence and severity of dust impacts will be largely dependent on daily weather conditions. Mitigation measures will include protective ground covers, dust retardants and dampening of the bare ground.

Also, there is the potential for minor odour impacts associated with the stockpiling of damp vegetation. Should such green waste be stockpiled for some time, it will be turned to allow aeration and drying. Most of the vegetative matter will consist of woody material that is unlikely to produce any odour. Therefore it is unlikely that odour will be a nuisance to nearby residents.

Noise impacts - including traffic and operating noise

The resource recovery facility may produce potential noise impacts from the construction and use of the upgraded access road, operational noise from heavy vehicles accessing the site, and noise from the operation of the concrete crusher/grinder to produce roadbase. It is expected that the crusher/grinder will be delivered to the site for 2-3 days of operation on average once every 2-3 months.

Noise testing carried out in 2006 as part of the EIS did not identify any noise issues for nearby residents associated with a concrete crushing machine operating on the site nor increased truck traffic.

Visual Impacts

The material stockpiles will be contained within the existing cleared area of the quarry and there will be no permanent structures on the site. The quarry area is not visible from Clarence Road or the nearby residences as the area surrounding the quarry is elevated and moderately vegetated along the road frontage.

Weed Control

The mitigation and control of weeds throughout the site will be part of the ongoing operations. Initial treatment of weed infestations will be required in particular areas on the site before stockpiling and recycling activities are carried out. This is to minimise the contamination of imported material from weed seeds. After this initial treatment, regular ongoing maintenance will need to be undertaken.

10 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal has considered the social and economic impacts for the benefit of the community. The Proposal is considered to have economic benefit to Council of providing cost effective solution to material supply for Council's construction activities and also assists Council with its objectives in achieving the targets and actions of the NSW State Government's waste avoidance and resource recovery strategies.

The Planning Proposal promotes the principles of sustainable development through the protection of the environment through waste minimisation and resource recovery.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

Operationally, the resource recovery facility will have minimal impact on the local road system and existing traffic volumes. Traffic generation will be dependent on the nature of Council's construction projects within the local government area. It is anticipated that the facility will generate approximately 20 truck trips per day.

The site is not connected to Council's water and sewerage service and consideration should be made to the onsite collection of rainwater/runoff and disposal of wastewater.

12 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

No consultations have yet been undertaken with State and Commonwealth agencies as the gateway determination has not yet been issued.

Part 4 Community Consultation that is to be undertaken

S55(2)(e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Subject to Gateway support community consultation will involve an exhibition period of 28 days. The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and on the web-site of Gosford City Council. A letter will also be sent to the adjoining landowners.

The written notice will:

- give a brief description of the objectives or intended outcomes of the planning proposal;
- indicate the land affected by the planning proposal;
- state where and when the planning proposal can be inspected;
- give the name and address of Gosford City Council for receipt of submissions; and
- indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- the planning proposal, in the form approved for community consultation by the Director-General of Planning;
- the gateway determination; and
- any studies relied upon by the planning proposal.

Other Matters for Consideration

Development Control Plan No 159 - Character

Under DCP No 159 the subject land is situated in Springfield Precinct 7 - Rural Hamlets. The character statements for this precinct generally relate to rural residential development as that is the predominant use of land in the precinct. However some of the character statements can be applied more broadly. The existing character is described as:

Situated on gentle to moderate slopes that are concealed from residential areas and major roads, rural-residential properties ranging from one to two hectares are clustered along cul-de-sacs, contributing to the extent and the scenic quality of nonurban lands that separate neighbouring residential suburbs.

Desired character for the Rural Hamlets precinct is:

These should remain rural-residential buffers between surrounding urban areas, where the scenically-distinctive qualities and amenity of existing secluded settings are preserved by very-low density residential development plus low-impact rural activities or businesses that are associated with a dwelling.

Retain natural slopes and prevent further fragmentation of the tree canopy in order to maintain habitat values and informal scenic characters of hillside or valley properties, plus meandering roads with unformed verges. Along creeks, ridges, slopes or road frontages, conserve all mature bushland remnants that provide scenically-prominent backdrops visible from any road or nearby property. Limit intrusion of structures upon their landscape setting by concentrating new buildings in existing clearings, and using low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.

In areas that are defined as bushfire prone, hazard must not be increased by inappropriate new plantings or structures.

The location of the resource recovery facility within the cleared area of the site will result in the existing tree canopy being retained thus maintaining the scenic character of the area when viewed from Clarence Road. The conservation of this remnant bushland will continue to provide a visual buffer to the site when viewed from nearby properties. The Planning Proposal is consistent with DCP 159.

Policy D2.02 - Rezoning of Land Zoned Rural Conservation 7(a)

As the subject land is zoned 7(a), this Policy applies. The objectives of this Policy require Draft LEPs to be consistent with the objectives of the 7(a) zone, and to be assessed against the criteria in the Policy having regard to the land's attributes.

The objectives of the 7(a) zone are:

- a The conservation and rehabilitation of areas of high environmental value.
- b The preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape.
- c The provision and retention of suitable habitats for native flora and fauna.

- d The prohibition, of development on or within proximity to significant ecosystems, including rainforests, estuarine wetlands, etc.
- e The provision and retention of areas of visual contrast within the City, particularly the "backdrop" created by retention of the ridgelines in their natural state.
- f The provision of opportunities for informal recreational pursuits, such as bushwalking, picnic areas, environmental education, etc. in appropriate locations.
- g The minimisation or prohibition of development so that the environmental and visual qualities of natural areas are not emasculated by the cumulative impact of incremental, individually minor developments.
- h The minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.

These objectives relate to environmental criteria which have been addressed earlier in the report. In summary, by locating the resource recovery facility on the cleared quarry site and retaining the surrounding bushland, the objectives of this Policy are satisfied.

Besides being assessed on environmental, statutory and strategic grounds the Draft LEP must include the following:

- Land capability assessment
- Vegetation analysis
- Faunal analysis
- Visual assessment
- Bushfire hazard analysis
- SEPP 19 - Bushland in Urban Areas
- Preparation of DCP
- Dedication of land to COSS
- Strategic basis

Since the preparation of this Policy, the matters relating to land capability, vegetation, fauna and bushfire have become statutory matters which have to be addressed in any Planning Proposal assessment, and have been addressed separately to this Policy earlier in the report. SEPP 19 is a statutory matter and has been addressed earlier in the report. The matters relating to visual quality and COSS are the subject of Council DCPs or strategies which have also been addressed separately in the report. The preparation of a DCP for this site is not required as, being COSS land, a separate Plan of Management is required to be prepared addressing all the relevant environmental and operational matters.

Conclusion

The proposed resource recovery facility does not fit into the definitions of landuses permitted in the 7(a) zone applicable to the subject site or into any definitions within Interim Development Order No 122 - Gosford. Due to the nature of the proposed landuse it is considered that the most appropriate solution to allow this use to be considered is to change the zoning to Zone 5 Special Uses - Resource Recovery Facility.

The key objective of the Planning Proposal is to provide appropriate and suitably located land for a resource recovery facility. The area of land proposed for the facility has been subject to quarrying activities for 40 years and is currently cleared; no additional clearing is proposed to be undertaken. The Planning Proposal aims to extend the use of the existing quarry to avoid the need to clear other vegetated land within the local government area that could potentially be utilised for other purposes. The reuse of waste materials promotes sustainable development and addresses the issue of conservation of biological diversity and ecological integrity.

Should Council wish to reconsider the matter after public exhibition where no submissions have been received, the following resolution should be added: "After public exhibition of the Planning Proposal, a report be referred to Council on the matter."

Attachments: Attachment A - Relevant Maps
Attachment B - Planning Proposal Process

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

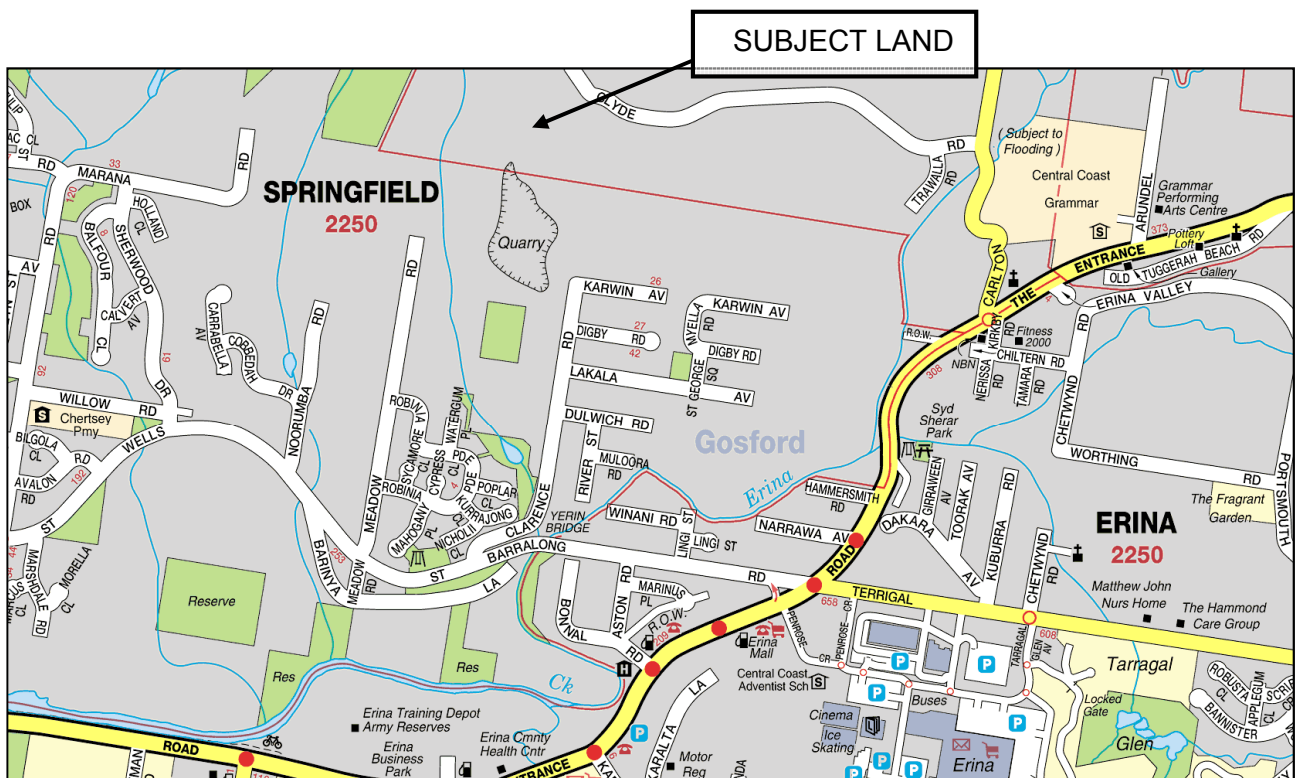
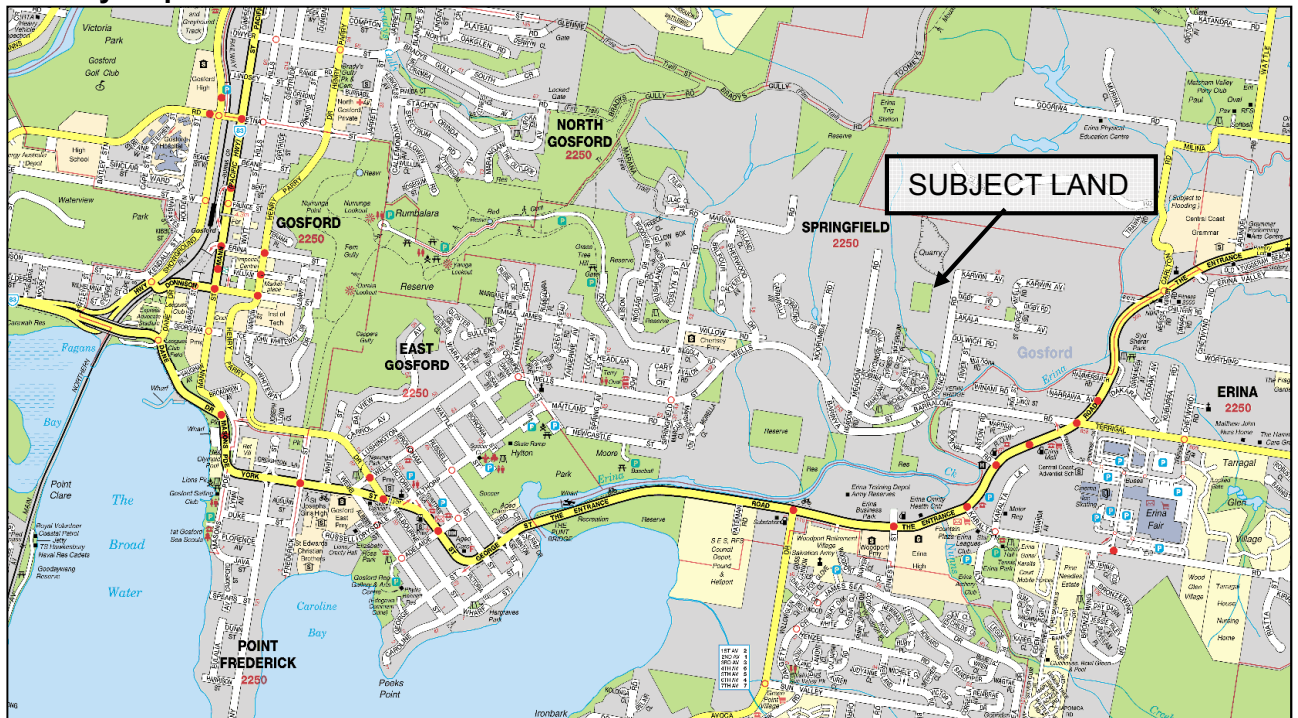
The recommendation does not impact on Council's financial position.

RECOMMENDATION

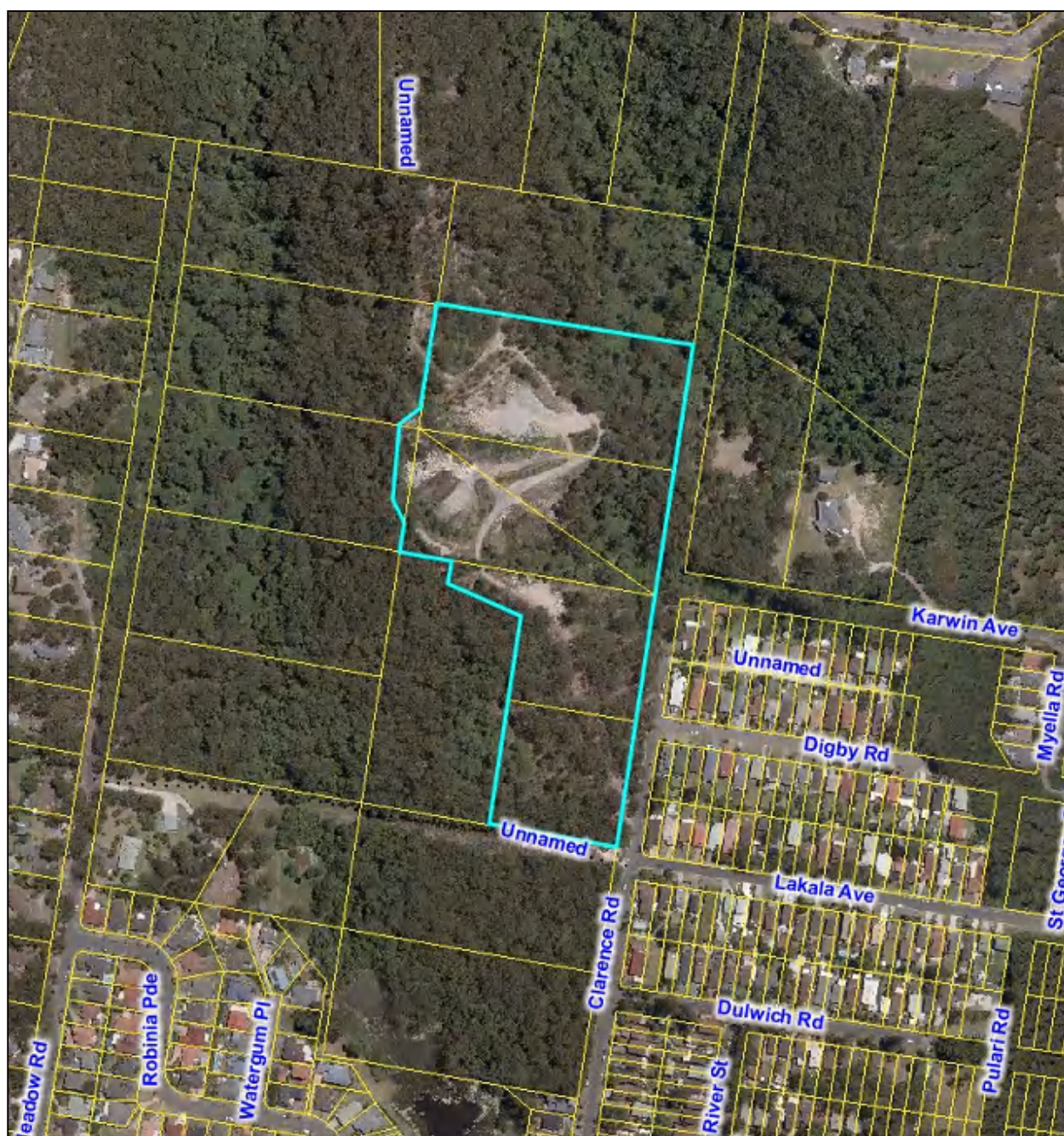
- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal for a "resource recovery facility" on Lot 2 Sec 1 DP 72550, Lot 3 DP 1117418, Lot 1 DP 188762, Lots 451 & 452 DP 849998, and part of Lots 20 & 21 Sec 1 DP 72550 Clarence Road, Springfield, and forwarding it to the Department of Planning and Infrastructure requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and that Council staff prepare all necessary documentation and process the matter according to the Department of Planning and Infrastructure's directives and this report.
- B After public exhibition of the Planning Proposal, should the Minister for Planning and Infrastructure support it, if no submissions are received, the Planning Proposal is to be sent to the Department of Planning and Infrastructure in order to make the plan.
- C The applicant be advised of Council's resolution.

ATTACHMENT A

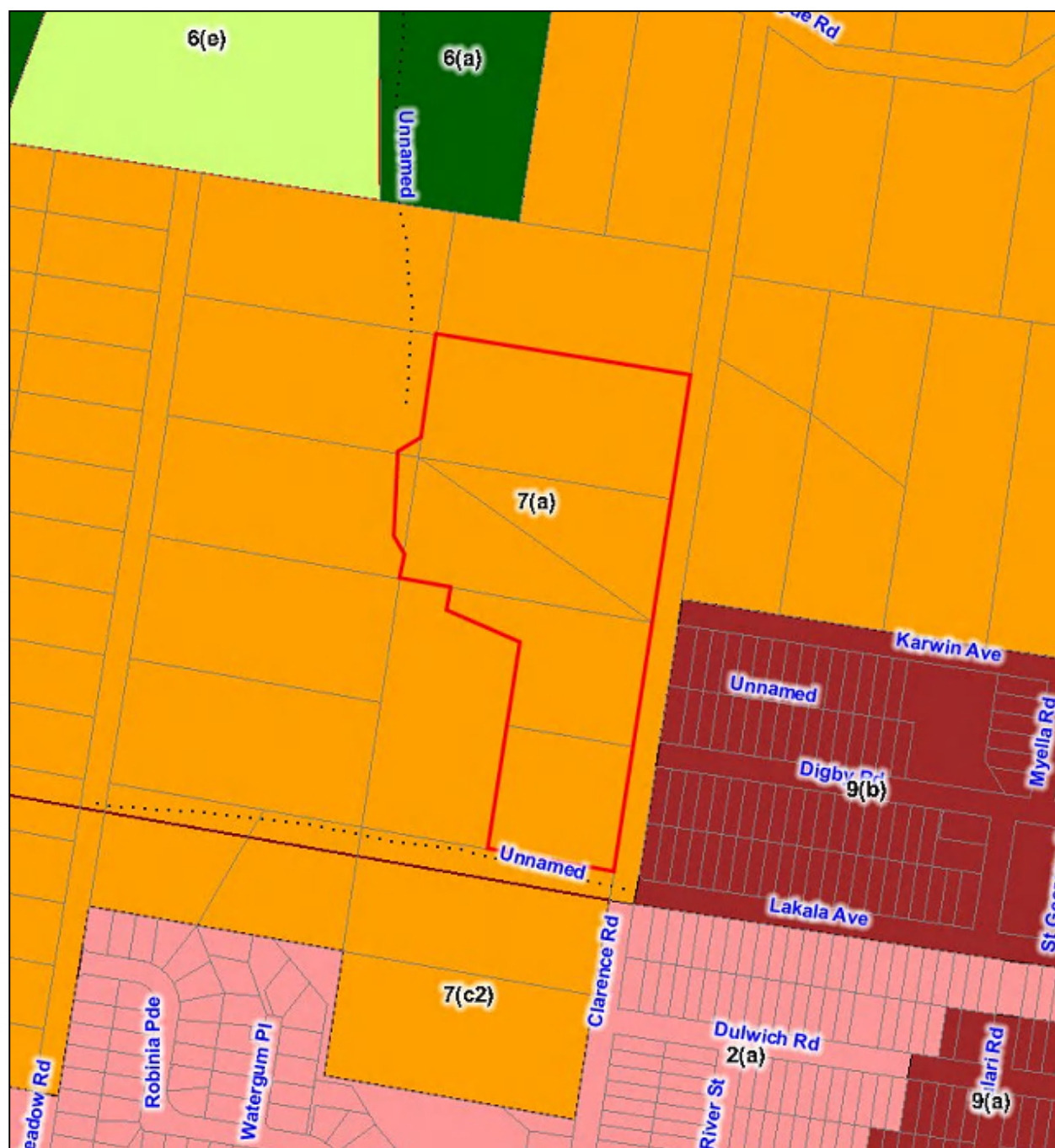
Locality Maps

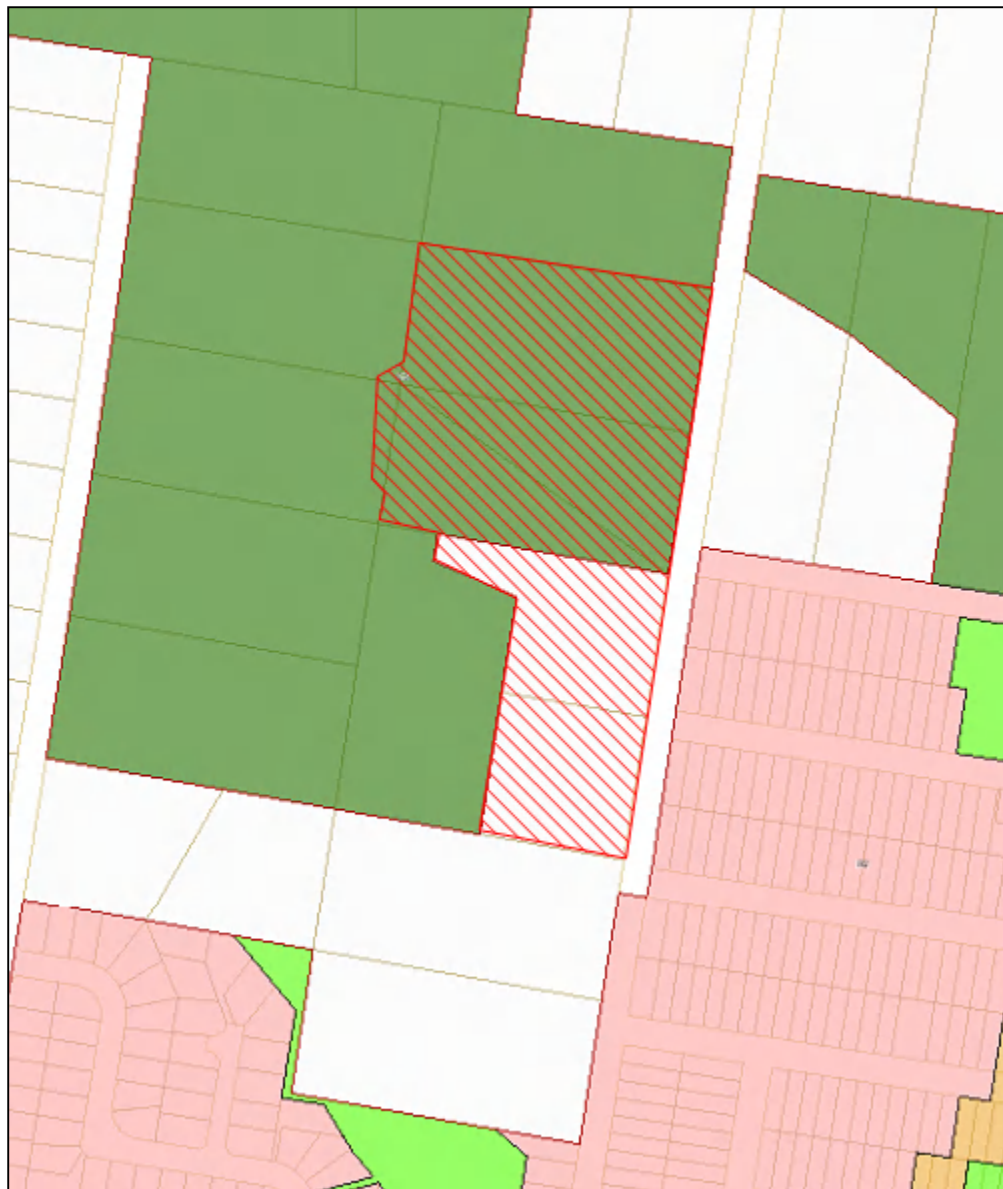


Aerial Photograph



Existing Zoning Map



Draft Zoning Map sent to DoPI

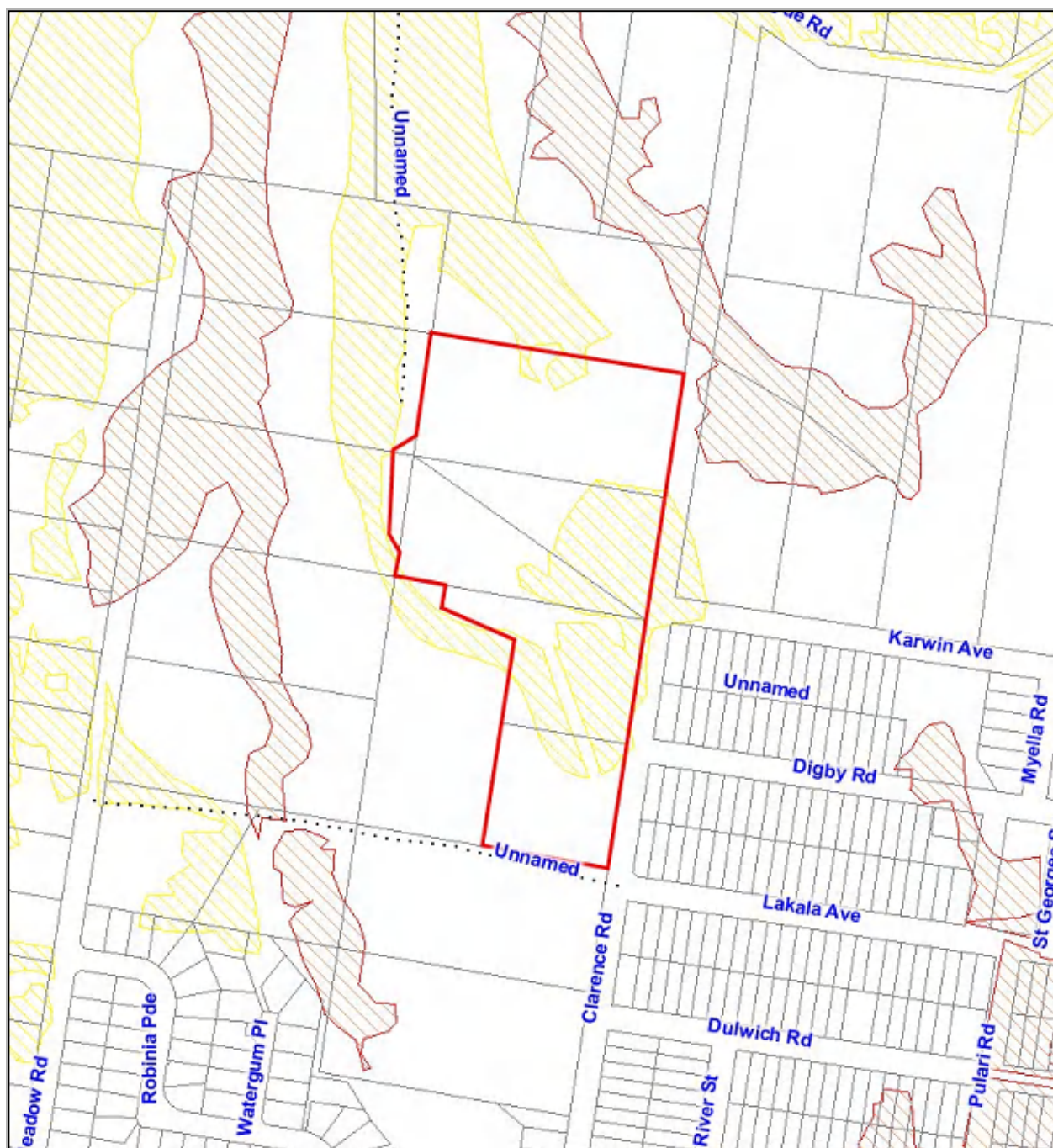
Dark Shading - Proposed E5 zone
No Shading - Deferred Matter

Coastal Open Space System



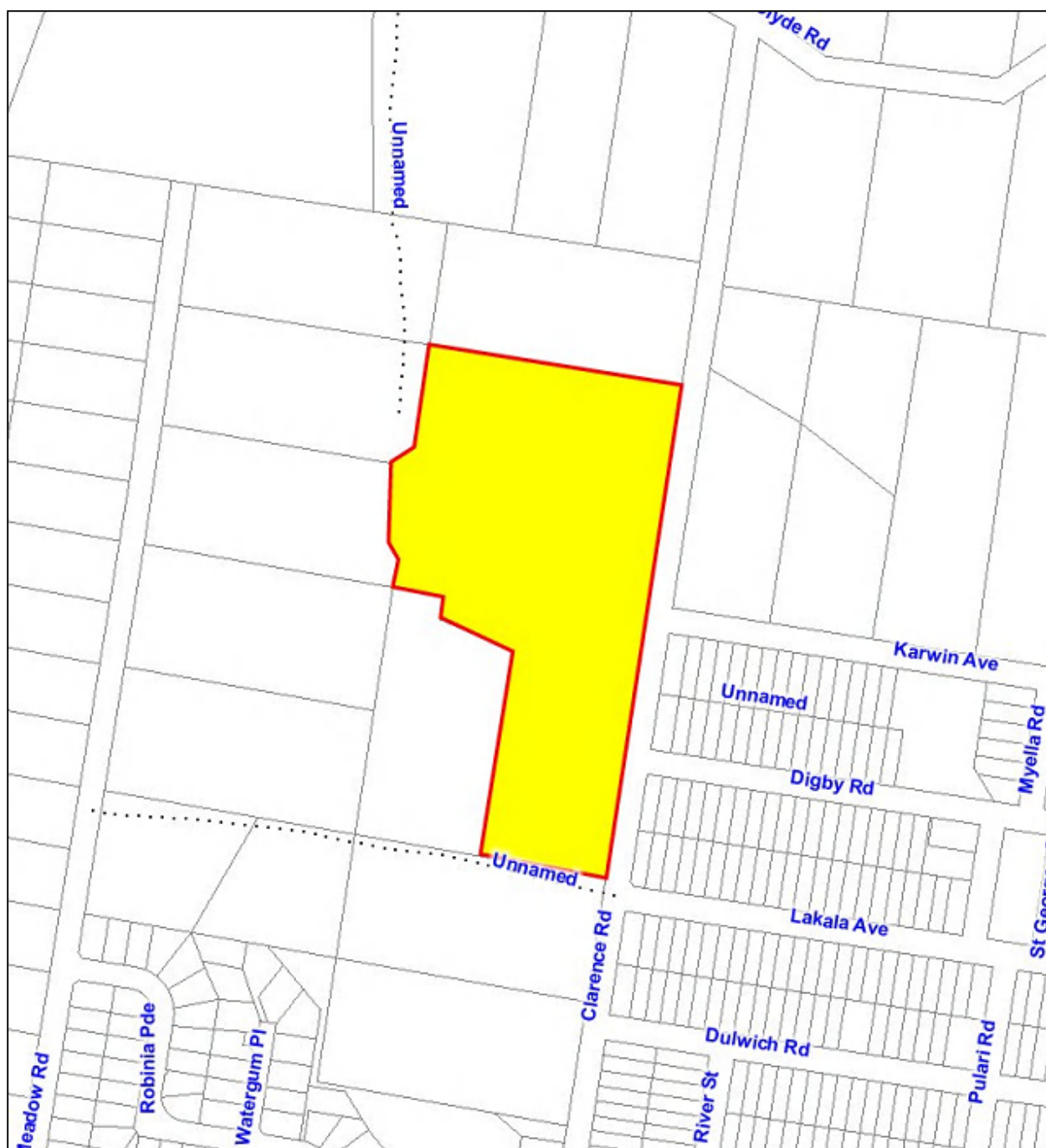
Dark Shading - Current COSS land
Light Shading - Proposed COSS land

Significant Vegetation



Dark Hatching - Endangered Ecological Communities
Light Hatching - Regionally Significant Vegetation

Proposed Zoning Map



Proposed Zone - Zone No. 5 Special Use - Resource Recovery Facility

ATTACHMENT B – Planning Proposal process - extract from, DoP&I documents (RPA = Relevant Planning Authority, i.e. Council)

**Extract from “A Guide to Preparing Local Environmental Plans”,
Department of Planning**

Process to make a local environmental plan

