

Resource Recovery Facility at Doyle Street & Empire Bay Drive, Kincumber

Proposal Title : **Resource Recovery Facility at Doyle Street & Empire Bay Drive, Kincumber**

Proposal Summary : **The planning proposal seeks to amend Gosford LEP 2014 to permit a resource recovery facility on land zoned SP2 Infrastructure at Doyle Street and Empire Bay Drive, Kincumber.**

PP Number : **PP_2014_GOSFO_005_00** Dop File No : **14/07557**

Proposal Details

Date Planning Proposal Received : **21-May-2014** LGA covered : **Gosford**

Region : **Hunter** RPA : **Gosford City Council**

State Electorate : **TERRIGAL** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Doyle Street and Empire Bay Drive**

Suburb : **Kincumber** City : Postcode :

Land Parcel : **Lot 49 DP10900, Lot 2 DP 877957, Lot 55 DP755234 and Lot 501 DP 722244**

DoP Planning Officer Contact Details

Contact Name : **Glenn Horal**

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RPA Contact Details

Contact Name : **Bruce Ronan**

Contact Number : **0243258176**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Central Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

N/A

No. of Lots : 0

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 2

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Additional information was requested from Council regarding delegation to make the plan and employment numbers. This information was received on 21 and 22 May 2014.

Clarification was sought from Council regarding the need for an amendment to the Gosford LEP 2014 as the resource recovery facility is a permissible land use in the SP2 zone under the Infrastructure SEPP. Council advised that given the applicability of the Infrastructure SEPP it preferred to gain a Gateway determination so it could be transparent with the community in regard to its intention for the site.

An amendment to permit the land use is not required however there is no impediment for Council to amend the notation on the Land Zoning Map to signal its intention for the future use of the site.

In discussions with Council it was agreed a mapping amendment to the notation on the SP2 Land Zoning Map to include 'Sewerage System and Resource Recovery Facility' would be sufficient to achieve Council's intention.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

Council's stated objective is to alter part of the SP2 Infrastructure zone to permit a Resource Recovery Facility. Council has advised the facility will process and recycle green waste and materials from Council's construction and maintenance operations (i.e. roadbase, concrete and other bituminous material).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The objective is to be achieved by amending the Gosford LEP 2014 Land Zoning Map by adding the words 'and Resource Recovery Facility' after 'SP2 Sewerage System' on part Lot 49 DP 10900, part Lot 2 DP877957, part Lot 55 DP755234 and part 501 DP722244.

Permissibility

The SEPP (Infrastructure) 2007 permits with consent development for the purpose of a waste or resource management facility (and includes a resource recovery facility) in a prescribed zone and identifies SP2 Infrastructure as one of the prescribed zones.

An amendment to the Gosford LEP 2014 Land Zoning Map is not necessary to permit the development given the 'resource recovery facility' is permitted with consent in the SP2 zone under the Infrastructure SEPP.

Council has confirmed it would prefer to gain a Gateway determination so it is transparent to the community what Council's intentions are with regard to the site. Council is not precluded from amending the notation on the Land Zoning Map to 'SP2 Sewerage System and Resource Recovery Facility' to indicate to the community Council's intention for the site but it should state this is not required to permit the land use.

The planning proposal should be updated prior to public exhibition to clarify the proposal is a notation amendment to the SP2 Sewerage System notation on the Land Zoning Map and to signal Council's intention for the site. The proposal should state the amendment is not required to permit the development on the site as the land use for a resource recovery facility is currently permitted under the Infrastructure SEPP.

Council has identified a preferred location for the facility on the subject lots. Council should consider whether it is necessary to identify the location given the facility is permissible in the SP2 zone and the location would be determined at the DA stage.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.2 Coastal Protection

* May need the Director General's agreement

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 33—Hazardous and Offensive Development

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

The SEPPs listed above are matters to be considered under a future development application for the resource recovery facility and are not a relevant consideration for a minor notation change on the Land Zoning Map.

SEPP - (Infrastructure) 2007

Council has advised there are no specific requirements in the SEPP related to the rezoning. As discussed previously the Infrastructure SEPP already permits the use and Council should update its assessment accordingly prior to exhibition.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

The planning proposal is considered to be consistent with all S117 Directions or they are not relevant except where discussed below:

4.4 Planning for Bushfire Protection

Although the use is already permissible the notation amendment to the Land Zoning Map will apply to land that is identified as bushfire prone. As required by the Direction

consultation is required with the RFS before consistency can be determined.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : The mapping provided is sufficient for assessment. The zoning map should identify Gosford LEP 2014 in the title and include a legend and north point. Council should include a proposed zoning map for public exhibition which includes the words 'SP2 Sewerage System and Resource Recovery Facility' to ensure the community is aware the facility will be located within the existing SP2 Sewerage System zoned site.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council proposed a 28 day community consultation period on the basis the land use was not permitted. Given the use is permissible and a minor amendment is proposed to the Land Zoning Map SP2 notation, a minimum period of 14 days is considered sufficient for public exhibition.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons : **PROJECT TIMELINE**
Council's timeline anticipates finalisation of the planning proposal in May 2015 (12 months). It is recommended a 3 month timeframe to complete the plan is sufficient given the amendment will require a minor change to the notation on the Land Zoning Map.

DELEGATION AUTHORISATION
Council has accepted plan-making delegations for planning proposals generally and resolved to seek delegations to make this plan.

The land is Council owned and consideration was given to a potential conflict of interest if it is given delegation to make the plan. The land is already zoned SP2 Infrastructure and the proposed development for a resource recovery facility is already permitted under the Infrastructure SEPP. The planning proposal is of local planning significance and Council's interest in the land is not considered sufficient reason to refuse delegations in this case. It is recommended Council be granted delegation to make the plan.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : February 2014

Comments in relation to Principal LEP : Gosford Local Environmental Plan 2014 (Gosford LEP) was notified on 11 February 2014.

Assessment Criteria

Need for planning proposal : Council has advised the planning proposal is not the result of a specific strategic study or report. The proposal is required by Council in order to provide suitably located and appropriately zoned land for resource recovery infrastructure to support Council's waste

minimisation program within the LGA.

The land is already appropriately zoned for the facility and the notation change on the Land Zoning Map will assist community understanding of Council's intention with regard to the use of site.

The planning proposal does not discuss the quantum of facilities needed for waste management in Gosford LGA. This section would benefit from some discussion on requirements for waste facilities and the capacity of existing facilities to meet current and future demand. It will also assist in aiding community understanding of the context and need for such facilities in the LGA especially given this will be the fourth planning proposal concerned with resource recovery facilities and the earlier three are still underway.

Consistency with strategic planning framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

The CCRS requires Councils to identify suitably located and appropriately zoned land for new resource recovery infrastructure and encourages Councils to promote waste avoidance and resource recovery. The site is in close proximity to existing urban areas and zoned SP2 which permits the use. The proposal is consistent with the CCRS and will assist in supporting Council's waste minimisation program within the LGA.

COUNCIL STRATEGIES

Council has identified a number of local strategies applicable to the proposal. A summary of Council's assessment of consistency with each strategy is provided in brackets.

Community Strategic Plan - Gosford 2025 (consistent)

Biodiversity Strategy (consistent)

Draft Gosford Landuse Strategy (consistent)

Environmental social economic impacts :

ENVIRONMENTAL

Council has included consideration of:

-Impacts on critically endangered (Kincumber Scribbly Gum Forest) and endangered (Swamp Sclerophyll Forest on Coastal Floodplain) ecological communities.
Council has identified the location of the facility will be located on cleared areas. Impacts associated with the development would be subject to further assessment at the DA stage.

-Soil and Water Quality

Council considers soil and water quality matters can be considered at the DA stage. This is supported.

-Air Quality & Noise Impacts (Traffic and Operating Noise)

Council has advised air quality and noise studies will be undertaken to assess impacts on nearby residential development. Council had indicated the resource recovery facility will require the occasional use of a grinder/crusher to recycle materials to produce road base which has the potential to emit noise and dust. These are matters that can be addressed at the DA stage.

-Visual Impacts

Are likely to be minimal given the site is located within the existing sewage treatment works and is surrounded by a vegetation buffer. Council has found the proposal is consistent with its DCP Kincumber Character Precinct 13 - Scenic Buffer.

SOCIAL & ECONOMIC

Council has advised there will be an economic benefit of recycling concrete and road base material instead of disposing it at a landfill resulting in the premature filling of Council's landfill site at Woy Woy. Council has anticipated the recycling of materials will result in savings to Council which can be directed to other needed capital works.

INFRASTRUCTRE

-Roads

Council has advised the resource recovery facility will have minimal impact on the local road system and estimate there will be 20 truck movements a day. Access to both sites is available from the existing road network however Council has indicated a preference to

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consult with the RMS regarding a future right turn bay on Empire Bay Drive. This is a matter that can be addressed at the DA stage.

-Sewage Treatment Plant

Council has advised an EPA licence applies to all land within the proposed resource recovery area. Council has indicated that assessment of the current and future operational needs of the Sewage Treatment Plant is required before the lagoons are decommissioned. This is a matter that can be addressed at the DA stage.

-Educational Establishment Zoning (Lot 460 DP755324)

Council has advised there is a land parcel (Lot 460 DP755324) zoned SP2 Educational Establishment located approximately 25 metres from the eastern site which is owned by the Darkinjung Local Aboriginal Land Council. This lot was zoned for a school under Gosford IDO No 122 in 1979 but was never developed. The site has remained vacant and is heavily vegetated containing a critically endangered ecological community (Kincumber Scribbly Gum Forest). Despite the SP2 zoning Council has advised the site constraints would limit development on the lot. Given the use is permissible on the subject site and would be subject to Council's notification process for future development applications no formal consultation is required at this stage.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **3 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes

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Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Additional Information.pdf	Proposal	Yes
Evaluation Criteria.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions: **2.2 Coastal Protection**
 4.1 Acid Sulfate Soils
 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 : **The planning proposal should proceed subject to the following conditions:**

1. Prior to public exhibition, the planning proposal shall be updated in the following manner:

a) Update the planning proposal's objectives and explanation of provisions to clarify the amendment is for a notation change to the 'SP2 Sewerage System' to add 'and resource recovery facility' on the Land Zoning Map.

b) include discussion that the notation change is not required to permit the use as it is already permitted under the Infrastructure SEPP and is required only to signal Council policy position and intention with regard to the future land use on the site.

c) Include discussion on the need for waste facilities in the LGA and the capacity of current and proposed future facilities to meet future demand.

d) the maps be updated/amended as follows:

- The zoning map should identify Gosford LEP 2014 in the title and include a legend and north point.
- include a proposed zoning map for public exhibition which identifies SP2 Sewerage System and Resource Recovery Facility'
- give consideration whether it is necessary to identify the location of the site on the subject lots given the resource recovery facility is permissible in the SP2 Infrastructure zone.

2. Council is to update the planning proposal to include sufficient information to adequately demonstrate consistency or justify any inconsistency with S117 Directions 4.4 Planning for Bushfire Protection.

3. Council reassess SEPP (Infrastructure) 2007 and update the planning proposal accordingly.

4. The planning proposal be made publicly available for a minimum of 14 days.

5. Consultation is required with the NSW Rural Fire Service.

6. A public hearing is not required.

7. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.

8. Plan-making delegation should be delegated to Council for this planning proposal.

Supporting Reasons : *

Signature:

G Hopkins

Printed Name:

G HOPKINS

Date:

20 June 2019