

**TITLE PLANNING PROPOSAL S55 EP&A ACT APPLICANT COASTPLAN
CONSULTING ZONING TO PERMIT RESOURCE RECOVERY FACILITY
ON PART OF L 49 DP 10900, PART OF L 2 DP 877957 AND PART OF L
55 DP 755234 DOYLE ST & PART OF L 501 DP 722244 EMPIRE BAY DR,
KINCUMBER (IR 15103988)**

Directorate: Environment and Planning
Business Unit: Integrated Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

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", i.e. a Planning Proposal. The object of Section 147 is to require the disclosure by a person of relevant political donations or gifts when a relevant planning application is made to Council per s147(4).

Council is initiating the subject Planning Proposal, hence is it not 'relevant planning application' that requires disclosure per s147(4).

EXECUTIVE SUMMARY

The Planning Proposal seeks to zone certain land within the Kincumber Sewage Treatment Plant site to permit a Resource Recovery Facility. The Resource Recovery Facility is proposed to be located on land that is already cleared of vegetation. This is important because the Sewage Treatment Plant site accommodates a critically endangered ecological community and an endangered ecological community which would make the use unsatisfactory if vegetation clearing was required.

Lot 49 DP 10900 and Lot 2 DP 877957 (see map over page) are located within the buffer area around the Sewage Treatment Plant and part of the land is currently cleared and used for a storage area making it the favoured site for the Resource Recovery Facility. Part of Lot 2 DP 877957 lying adjacent to Lot 49 is also required. Lot 49 is also located 247 metres from the nearest residents, which is considered a sufficient buffer subject to acoustic and air quality assessment.

Another area within the Sewage Treatment Plant has been identified to provide some flexibility as to the location of the Resource Recovery Facility. This area is located on part of Lot 55 DP 755234 and part of Lot 501 DP 722244 (see map over page) and currently accommodates settling ponds. This area is 50 metres from the nearest resident.

The Resource Recovery Facility will process and recycle green waste and materials such as road base, 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 recommendation is for approval.

BACKGROUND

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 by Department of Planning and Infrastructure would result in an amending LEP*), pursuant to Section 55 Environmental Planning & Assessment Act, 1979 (State).

On 17 September 2013 Council considered a report looking at alternative sites to Springfield Quarry for a resource recovery facility for construction and maintenance activities and the recycling of concrete and other road construction materials. After due consideration Council resolved:

- A *A Planning Proposal be prepared to rezone Lot 49 DP 10900 and adjacent road parcel in the Kincumber Sewage Treatment Works buffer zone to permit a Resource Recovery Facility.*
- B *A Planning Proposal be prepared to rezone part of Lot 501 DP 722244 and part of Lot 55 DP 755234 within the operational area of the Kincumber Sewage Treatment Works site to permit a Resource Recovery Facility.*

In accordance with this resolution the applicant Coastplan Consulting has submitted a Planning Proposal for these lots on behalf of Council's Construction Operations Unit.

Recommendation:

Council **support** the Planning Proposal.

Landuse History:

In 1979 the subject land was zoned Zone No 5 Special Use (Sewage Treatment Works) under Interim Development Order No 122.

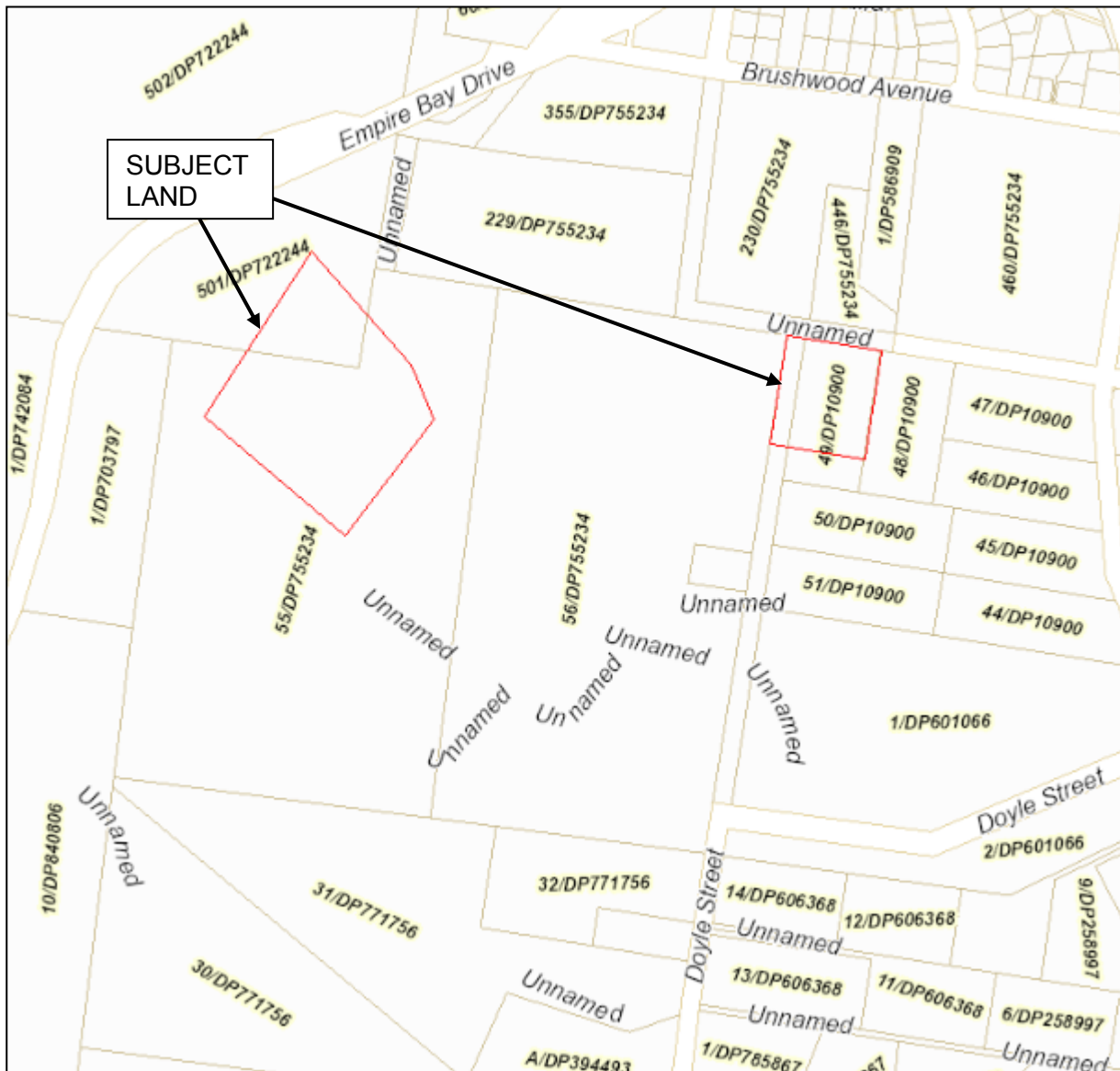
In February 2014 Gosford LEP 2014 came into effect which zoned the land to an equivalent zone Special Purpose 2 Infrastructure – Sewerage System.

Application Received: 17 January 2014

Environmental Planning Instrument – Current Zone: SP2 Infrastructure – Sewerage System under Gosford LEP 2014

Area:	Part of Lot 49 DP 10900 and part of Lot 2 DP 877957	1.1 ha
	Part of Lot 55 DP 755234 and part of Lot 501 DP 722244	<u>3.7 ha</u>
		Total 4.8 ha

Locality Map:



Overview of Applicant's Submission:

Council Works Directorate requires an area to operate a Resource Recovery Facility. The Resource Recovery Facility will process and recycle green waste and materials such as road base, 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 Planning Proposal relates to a number of sites within the existing Kincumber Sewage Treatment Works and the buffer area surrounding the treatment works. It is unlikely that both sites will be used for the Resource Recovery Facility however, the application relates to these sites to give some flexibility as to where the facility will be operated.

The key objective of the Planning Proposal is to provide appropriate and suitably located land for a Resource Recovery Facility. The areas of the subject sites that will be available for use for the Resource Recovery Facility are currently cleared and no additional clearing is likely to be undertaken. The Planning Proposal aims to provide a suitable location within the local government area to recycle waste to allow it to be reused which will promote ecologically sustainable development.

The proposed Resource Recovery Facility is not permissible in the SP2 Infrastructure Sewerage System applicable to the subject sites. Due to the nature of the proposed land use it is considered that the most appropriate solution to allow this use to be considered is to change the zoning of the subject sites to Zone SP 2 Infrastructure – Sewerage System and Resource Recovery Facility which can be achieved through amending the land zoning map.

An assessment of intended effects of the proposed Local Environmental Plan in accordance with the Guide to Preparing Planning Proposals indicates that the Planning Proposal should be supported.

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

'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.

A Planning Proposal application is the mechanism by which a LEP is amended.

The aim of the Gateway planning process is to enable early consideration by the Department of Planning and Infrastructure (DoP&I) and if supported then early public consultation. The Gateway process ensures that there is sufficient justification from a planning perspective to support a change to statutory planning provisions. The Gateway therefore acts as a checkpoint before significant resources are committed to carrying out technical studies, where these may be required.

Attachment A – Department of Planning and Infrastructure Planning Proposal 'Flow Chart' of processing shows the stage which this Planning Proposal has reached.

Certain plan making functions may be delegated by Department of Planning and Infrastructure to Council (see Planning Circular PS12-006).

PLANNING PROPOSAL ASSESSMENT

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* and *Guide to Preparing Local Environmental Plans*.

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 alter Zone SP2 Infrastructure – Sewerage System applying to part of Lot 49 DP 10900, part of Lot 2 DP 877957 and part of Lot 55 DP 755234 Doyle Street and part of Lot 501 DP 722244 Empire Bay Drive, Kincumber to permit a Resource Recovery Facility.

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 use of the land for a Resource Recovery Facility is consistent with the objectives of the SP2 zone as it is an infrastructure related use, is compatible with the provision of infrastructure, is located on public land and will not impact on the use of the site for a sewage treatment facility.

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 Gosford LEP 2014 Land Zoning Map for part of Lot 49 DP 10900, part of Lot 2 DP 877957, part of Lot 501 DP 722244 and part of Lot 55 DP 755234 (as per the maps in this report) by adding the wording "and Resource Recovery Facility" after the wording "Sewerage System".

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.

Part 3 Justification for objectives & outcomes

s.55(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 Council's (and hence the community's) 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 and only means of achieving the objectives/intended outcomes as the land needs to be appropriately zoned to permit this special infrastructure use.

Section B Relationship to strategic planning framework

3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and 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 Regional 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.

3a Does the proposal have strategic merit and is it consistent with the Regional Strategy and Metropolitan Plan, or can it otherwise demonstrate strategic merit in light of s117 Directions?

The Planning Proposal has strategic merit in that it will allow Council to recycle material for the reuse in road construction on a site centrally located to Council's operations, hence reducing both transport costs and tip fees required for dumping such reusable material at Woy Woy landfill site. The proposal is consistent with the Central Coast Regional Strategy (see Question 3 above) and Section 117 Directions (as addressed below).

3b Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following: the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The proposed Resource Recovery Facility has site specific merit as it is a unique use and is required to be located in a central location and proximate to the urban areas where the recycled material can be used in the construction and repair of roads.

The use of the subject land for a Resource Recovery Facility is compatible with the surrounding land use of Sewerage Treatment Plant as it is also an important public infrastructure related use. The Sewerage Treatment Plant and vegetated buffer covers an area of 83 ha and the location of the Resource Recovery Facility within this area will result in it being separated from surrounding residential dwellings by a minimum distance of 247m (from Lot 49 DP 10900, the favoured site) and 50m (from Lot 55 DP 755234). Also by leaving the vegetative buffer undisturbed the Resource Recovery Facility will be screened from these residents.

There is a parcel of land (Lot 460 DP 755234) on the corner of The Scenic Road and Brushwood Avenue which is zoned SP2 Educational Establishment and owned by the Darkinjung Local Aboriginal Land Council. This lot was originally zoned for a School in 1979 under IDO 122 and has remained heavily vegetated and vacant since then. The land is totally vegetated with a critically endangered ecological community (Kincumber Scribbly Gum Forest) which will limit any future development. While the rear of this lot is only 25m from Lot 49 DP 10900 it is not certain that any development would be permitted on the land due to the existence of the critically endangered ecological community. Should any future development occur it is likely to be heavily constrained and limited so as to minimise any clearing of the critically endangered ecological

community. Such a scenario would result in development being located adjacent to The Scenic Road which is approximately 225m from Lot 49 DP 10900 at its nearest point.

The natural environment will not be adversely affected as it is proposed to locate the Resource Recovery Facility in areas already cleared of vegetation.

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.

4 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 principles applicable to the Planning Proposal.

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

Highest priority should be given to the conservation and recovery of threatened species, populations and communities.

Using the currently disturbed areas will result in no further disturbance to natural bushland. There is sufficient cleared land on the subject sites to allow for the Resource Recovery Facility to operate without impacting on the endangered ecological communities on the adjoining uncleared part of the subject lots. Also, the proposed Resource Recovery Facility will enable the recycling of resources used in the construction of roads and results in cost savings from not having to dump construction material in landfill. Less trips to Woy Woy landfill will also reduce transport and fuel costs.

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.

5 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.

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 to be located on existing cleared areas. As such, the use of the cleared areas will result in the retention of the surrounding bushland. The vegetation surrounding the current operational areas on the subject lots will continue to act as a buffer to the facility thus retaining the aesthetic value of the site when viewed from the public domain. The proposed rezoning of the land to permit a Resource Recovery Facility is consistent with this Policy.

SEPP No 33 - Hazardous and Offensive Development

The SEPP aims to ensure that in determining whether a development is a hazardous or offensive industry/storage establishment 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 will require the occasional use of a grinder/crusher to recycle the materials to produce road base material which has the potential to emit noise and dust. The location of the Resource Recovery Facility on Lot 49 DP 10900 is unlikely to adversely affect residents as no residential land is within 247 metres of the subject site. However there is a residence approximately 50 metres from the cleared part of Lot 55 DP 755234.

In order to accurately determine the likely affect of noise and dust on surrounding residential land appropriate acoustic and air quality (dust) studies are to be undertaken subject to a Gateway Determination.

SEPP No 44 - Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living

population over their present range and reverse the current trend of koala population decline:

- a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- b) by encouraging the identification of areas of core koala habitat, and
- c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

It is unlikely that there is any koala habitat on the subject sites to be used for a Resource Recovery Facility as one of the sites is currently occupied by effluent ponds and the other is currently cleared and used for the storage of materials.

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 necessary for the land uses identified in Table 1 of the State Government's Contamination Land Planning Guidelines. 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.

Under Table 1 of the Contamination Land Planning Guidelines, waste treatment is identified as a use that may cause contamination. As Lot 55 DP 755234 and Lot 501 DP 722244 accommodate the sewage settling ponds, they are potentially contaminated. Therefore a preliminary contamination assessment is required at this stage to satisfy the requirements of the SEPP. This is notwithstanding the fact that the Resource Recovery Facility cannot operate on the site until the settling ponds are emptied and the depressions filled. This will require input from the Environmental Protection Authority (EPA) and any remediation works would be undertaken at this time.

Lot 49 DP 10900 and Lot 2 DP 877927 are located within the vegetated buffer of the Sewage Treatment Plant and have not been used for waste treatment uses. Council's aerial photographs indicate that Lot 49 DP 10900 was already cleared in 1966 and Lot 2 DP 877927 was a dirt road in existence before 1954.

SEPP 71 – Coastal Protection

The "coastal zone" is generally 1km landward of any coastal water, bay, estuary, coastal lake or lagoon and the boundary is to be shown to the nearest cadastral boundary. All of the subject land is identified as being in the coastal zone.

Under SEPP 71 most of the "matters for consideration" relate to land that directly fronts water bodies, thus are not applicable to the subject site. However, applicable matters for consideration are:

- the suitability of development given its type, location and design and its relationship with the surrounding area,
- measures to conserve animals (within the meaning of the Threatened Species Conservation Act, 1995) and plants (within the meaning of that Act), and their habitats,
- existing wildlife corridors and the impact of development on these corridors,
- likely impacts of development on the water quality of coastal waterbodies,

The Resource Recovery Facility is an infrastructure use proposed to be located within an area already zoned for an infrastructure use i.e. Sewerage System which is considered suitable. The relationship with the surrounding area is satisfactory as the existing vegetative buffer around the Sewage Treatment Works will be retained. The Resource Recovery Facility is proposed to be included in areas already cleared of vegetation so no adverse impact will occur on the adjoining vegetated areas which consist of endangered ecological communities (including a critically endangered ecological community). If the proposed Resource Recovery Facility proceeded stormwater runoff control would be an issue to be addressed at the development application stage.

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.

There are no provisions in the SEPP that relate specifically to the rezoning of land and to the use of the site as a Resource Recovery Facility.

6 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. S117 Directions are only discussed where applicable. The Planning Proposal is consistent, with all other S117s Directions or they are not applicable.

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 on the cleared parts of the sites will result in the protection of the surrounding natural environment. 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 relate 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 does not experience any hazards peculiar to the coastline.

Direction 4.1 Acid Sulfate Soils

Clause (4) of the Direction requires that Council not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils unless the Council has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.

Part of Lot 501 DP 722244 is potentially affected by Class 3 acid sulfate soils (ASS), however the cleared area accommodating the settling ponds (and proposed to be used for the resource recovery facility) is located clear of these ASS. Hence it is considered that no adverse environmental impacts will occur in relation to ASS.

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.

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 should a Gateway Determination be issued by the Minister.

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 Question 3 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.

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 designations are proposed.

Direction 6.3 Site Specific Provisions

The Planning Proposal is consistent with this Direction as it seeks to amend Gosford LEP 2014 by rezoning the land to an existing zone within the environmental planning instrument. No development standards or requirements in addition to those already contained in the GLEP 2014 will be imposed. The Planning Proposal does not contain or refer to drawings/concept plans that show details of the proposed development.

Section C Environmental, social and economic impact

7 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 proposed resource recovery sites within the Sewage Treatment Plant have been historically cleared of native vegetation as part of Sewage Treatment Plant operational works.

The cleared parts of Lot 49 DP 10900 and of Lot 2 DP 877957 (road) totals approximately 1.1ha and there is little vegetation structure remaining other than regrowth areas at the perimeter of the site and in the vicinity of the access road.

Part of Lot 501 DP 722244 and part of Lot 55 DP 755234 currently contains four (4) sewage treatment ponds. If the site (3.6ha) was to be rezoned, it is not intended to use any uncleared part of the site for the Resource Recovery Facility as there is sufficient space available within the cleared areas for the proposed use.

Based on an inspection of the site and review of Council's vegetation mapping, one critically endangered ecological community being Kincumber Scribbly Gum Forest and one endangered ecological community being Swamp Sclerophyll Forest on Coastal Floodplain form large vegetated areas surrounding the cleared Sewage Treatment Plant operational areas. These vegetation types also provide suitable habitat for a range of threatened and non threatened flora and fauna species.

The proposed use of identified areas within the Sewage Treatment Plant for resource recovery will not result in any additional vegetation removal. In respect to the management of any potential indirect impacts associated with resource recovery use, mitigation measures can be conditioned with any development consent issued.

Given this, the proposed use of the identified sites for resource recovery are unlikely to adversely impact on any threatened and non threatened biodiversity values. It should be noted that any future development application for these sites will need to specifically address Section 5A of the *Environmental Planning & Assessment Act 1979*.

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

Soil and Water Quality

The operation of the Resource Recovery Facility on the existing cleared area requires 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.

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 proposed include protective ground covers, dust retardants and regular watering of the crushed material. To ascertain the potential for dust emissions from the site an air quality assessment is required subject to a gateway determination.

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 operational noise from heavy vehicles accessing the site, and noise from the operation of the concrete crusher/grinder to produce road base. 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.

Due to the location of residential receptors at least 247 metres from Lot 49 DP 10900 and Lot 2 DP 877957 and 50 metres from Part of Lot 501 DP 722244 and part of Lot 55 DP 755234, an acoustic impact assessment should be prepared if a gateway determination is issued for the Planning Proposal. Such an assessment will determine whether noise impacts will occur and, if so, whether or not they can be managed by the construction of appropriate barriers to screen the noise at the development application stage.

Visual Impacts

The material stockpiles on Lot 49 DP 10900 and Lot 2 DP 877957 will be contained within the existing cleared area of the site and is surrounded by areas of uncleared native vegetation that provides a buffer from any residential properties and The Scenic Road.

The existing sewage ponds on part of Lot 501 DP 722244 and part of Lot 55 DP 755234 are not visible from Empire Bay Drive or any of the nearest residence on the western side of the subject land.

Weed Control

The mitigation and control of weeds throughout the site will be part of the ongoing operations and vegetation management on the site. 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.

9 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, and hence the community, of providing a 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 via waste minimisation and resource recovery. Locating the Resource Recovery Facility in existing cleared areas will minimise any impact on the environment so that there is unlikely to be any serious or irreversible environmental damage and ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The Planning Proposal endeavours to minimise any social impact by locating the Resource Recovery Facility in places that are not close to any surrounding residential dwellings. Should the Resource Recovery Facility be located on Lot 49 DP 10900 and Lot 2 DP 877957 (which is the preferred location) the nearest residence is 247 metres away.

Should the Resource Recovery Facility be located where the existing sewage settling ponds are on Lot 55 DP 755234 and Lot 501 DP 722244, the nearest residence is 50 metres away and the Nautical Village is 150 metres away.

The implication of not proceeding with this rezoning is that the concrete and roadbase material would have to be disposed of in the Woy Woy landfill site at a cost of \$235/tonne. At a cost of \$20/tonne the recycling of material represents a significant saving to Council that can be directed towards other needed capital works. As any costs associated with disposal of material would have to come from the Capital Works Budget for Roads, some anticipated outcomes of a decision not to recover resources would include a significant reduction in the scope of works able to be undertaken by Council, higher levels of community dissatisfaction with Council's works performance and an increase to the backlog of renewal, upgrade or new infrastructure works that are required to be undertaken to keep existing community infrastructure in a serviceable condition.

A significant un-costed factor of not proceeding with this Planning Proposal is the premature filling of Council's landfill site at Woy Woy with material which has the potential to be recycled effectively and cost efficiently.

Section D State and Commonwealth interests

10 Is there adequate public infrastructure for the Planning Proposal?

Roads

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 movements per day.

Lot 49 DP 10900 and Lot 2 DP 877957 are accessed from Doyle Street and The Scenic Road. The existing road infrastructure can satisfactorily cater for the additional traffic demand.

Part of Lot 501 DP 722244 and part of Lot 55 DP 755234 can be accessed from the same access to the sewerage treatment works as Lot 49. However, access is also available from Empire Bay Drive. If a full ingress/egress off Empire Bay Drive is proposed at some stage in the future it would have to ensure adequate sight lines are able to be provided. If sight lines are acceptable then full right turn bay may be suitable. The Roads and Maritime Service would have to be consulted in this case.

An overall community benefit will occur to some extent as the Resource Recovery Facility is likely to result in some reduced trucks movements on the road system to the WoyWoy Landfill site.

Sewage Treatment Plant

EPA licence, EPL 1802, identifies and applies to all land within the proposed resource recovery area. The subject site is currently under Pollution Reduction Program (PRP) 4 Odour Assessment and Report, any changes to plant operation will need to be captured and updated in this report.

Assessment of current and future operational needs of Sewage Treatment Plant should be assessed before lagoons are decommissioned. A source of additional Operational Expenditure (OPEX) and Capital Expenditure (CAPEX) funds may need to be identified for new infrastructure construction and operation to manage new risks.

Department of Primary Industries – Office of Water should be consulted pending a Gateway Determination.

11 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.

Should a Gateway Determination be issued the following public authorities should be consulted:

- Office of Environment and Heritage
- Department of Primary Industry – Office of Water
- Environmental Protection Authority
- Roads and Maritime Service
- Rural Fire Service
- Darkinjung Local Aboriginal Land Council

Part 4 Mapping

S55(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.

Part 5 Community Consultation

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 (see map in Attachment C).

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 2013 – Chapter 2.1 – Character

According to Chapter 2.1 Lot 55 DP 755234 and Lot 501 DP 722244 are situated in Kincumber Character Precinct 13 – Scenic Buffer. The existing character is described as:

Several large areas comprising partially-cleared woodland as well as cleared grazing properties, facing arterial and suburban thoroughfares, and providing scenic buffers between neighbouring residential suburbs.

Comprising large residential lots, municipal wastewater treatment plants and a wooded foreshore golf course, buildings or structures on these properties are either screened from road frontages, or are of a relatively small scale when measured against the surrounding landscape.

Desired character for the Scenic Conservation precinct is:

These should remain rural-residential buffers where the scenically-distinctive semi-rural and natural qualities of prominent backdrops to Gosford City's major roads and tourist routes are preserved by appropriate very-low density residential developments associated with low-impact rural activities, and by small-scale businesses or community and educational facilities that have a modest impact.

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 and pavements in existing clearings. Use low-impact construction such as suspended floors and decks rather than extensive cut-and-fill, particularly on elevated slopes or near bushland.

According to Chapter 2.1 Lot 49 DP 10900 and Lot 2 DP 877957 are situated in Kincumber Character Precinct 14 – Scenic Conservation. The character statements for this precinct generally relate to large reserves and woodlands 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:

Large reserves plus undeveloped woodland properties, forming landscape features that are scenically distinctive and ecologically significant, flanking suburban and arterial thoroughfares, and providing a backdrop to residential suburbs and waterways.

Desired character for the Scenic Conservation precinct is:

These landmark reserves should remain near-natural buffers between residential areas, where active environmental management conserves the ecological and scenic qualities of Gosford City's unique forested hillsides and ridgetops.

Conserve the natural qualities of hillside and ridgetop reserves by preventing further clearing of bushland, and avoid any land-management activity that would compromise the long-term diversity, vigour and habitat value of natural plant communities occurring in these reserves.

Where recreational or infrastructure works are necessary, ensure that natural landscape settings are not dominated by the size, siting, design or construction of new structures. Avoid disturbing natural slopes and bushland by locating works or structures primarily within existing cleared areas. Where there is no reasonable alternative, allow minor clearings in locations that have a lesser ecological value, where effective long-term management of bushland ecology would not be compromised and where the extent of scenic bushland backdrops that are visible from major roads, waterways or surrounding neighbourhoods would not be interrupted. In sloping areas and close to bushland, very-low impact construction such as light-weight framed structures with suspended floors and decks should be used, and cut-and-fill techniques should be avoided.

The location of a Resource Recovery Facility within the cleared areas of the subject site will result in the existing bushland being retained thus maintaining the scenic character of the area when viewed from major roads. 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 the requirements of Gosford DCP 2013 in relation to Character.

Conclusion

This Planning Proposal is to enable part of Lot 49 DP 10900, part of Lot 2 DP 877957, part of Lot 501 DP 722244 and part of Lot 55 DP 755234 in the Kincumber Sewage Treatment Plant and the surrounding buffer zone to be used as a Resource Recovery Facility.

The key objective of the Planning Proposal is to provide appropriate and suitably located land for a Resource Recovery Facility. The areas of the subject sites that will be available for use for the Resource Recovery Facility are currently cleared and no additional clearing is proposed to be undertaken. As such no adverse effect will occur on the endangered ecological communities surrounding the cleared land. The Planning Proposal aims to provide a suitable location within the local government area to recycle waste to allow it to be reused which will promote ecologically sustainable development.

In order to ascertain what effect, if any, this use may have on the nearest residents it is proposed to undertake an acoustic assessment and an air quality assessment subject to a Gateway Determination.

The proposed Resource Recovery Facility is not permissible in the SP2 Infrastructure - Sewerage System zone applicable to the subject sites. Due to the nature of the proposed land use it is considered that the most appropriate solution is to change the zoning of the subject sites to Zone SP 2 Infrastructure – Sewerage System and Resource Recovery Facility which can be achieved through amending the land zoning map.

Should Council wish to reconsider the matter after public exhibition where no submissions objecting to the matter have been received, Part C of the recommendation should be amended to include the words: “After public exhibition of the Planning Proposal a report is referred to Council on the matter.”

FINANCIAL IMPACT STATEMENT

The direct cost to Council is the preparation of the Planning Proposal and Council's fee has been paid for this service.

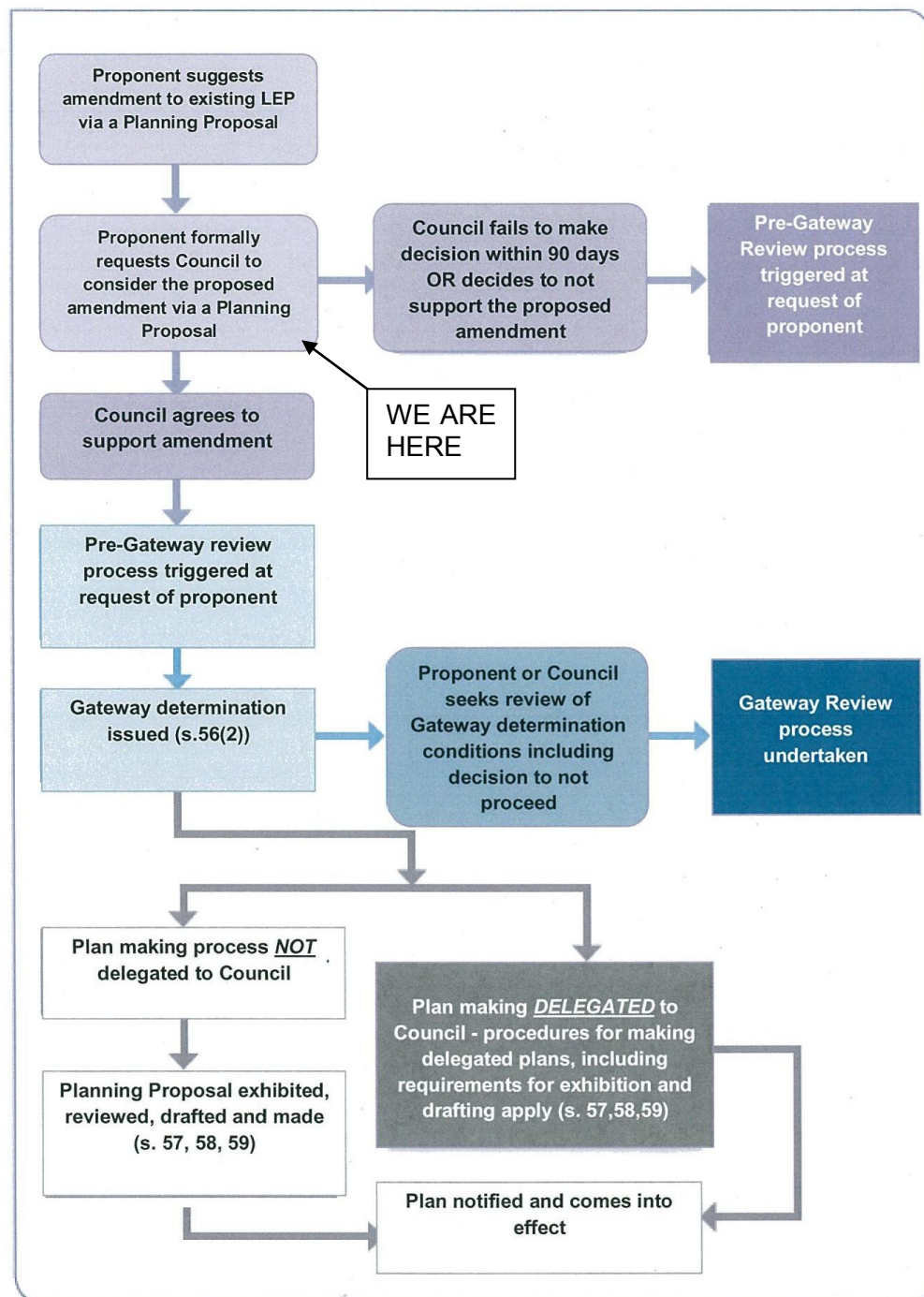
Attachments:

A	Planning Proposal Process
B	Planning Proposal Mapping
C	Adjoining Owners to be Notified

Tabled Items Nil

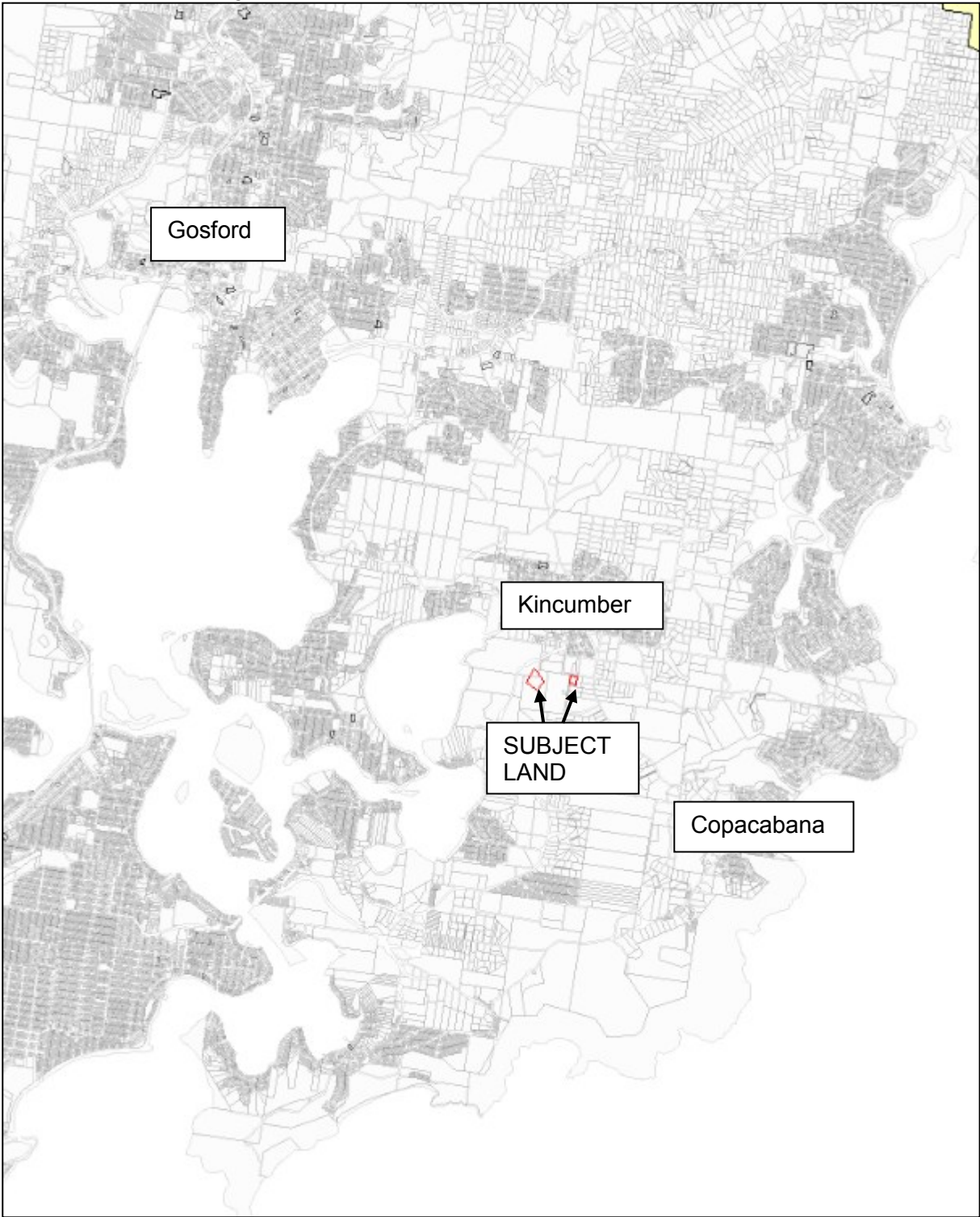
RECOMMENDATION

- 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 as outlined in this report for including “Resource Recovery Facility” as a listed use in the SP2 Infrastructure zone applying to part of Lot 49 DP 10900, part of Lot 2 DP 877957 and part of Lot 55 DP 755234 Doyle Street and part of Lot 501 DP 722244 Empire Bay Drive, Kincumber.
- B Council notify the Department of Planning and Infrastructure of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C Council request that the Gateway determination include a requirement to undertake the following studies:
 - i acoustic assessment
 - ii air quality assessment
 - iii preliminary contamination assessment
- D After public exhibition of the Planning Proposal, should the Gateway be issued by the Minister for Planning and Infrastructure and if no submissions objecting to the planning proposal are received, the Planning Proposal is to be sent to the Department of Planning and Infrastructure in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning and Infrastructure for this Planning Proposal.

ATTACHMENT A – LEP Plan Making Process**LEP plan making process**

ATTACHMENT B – Planning Proposal Mapping

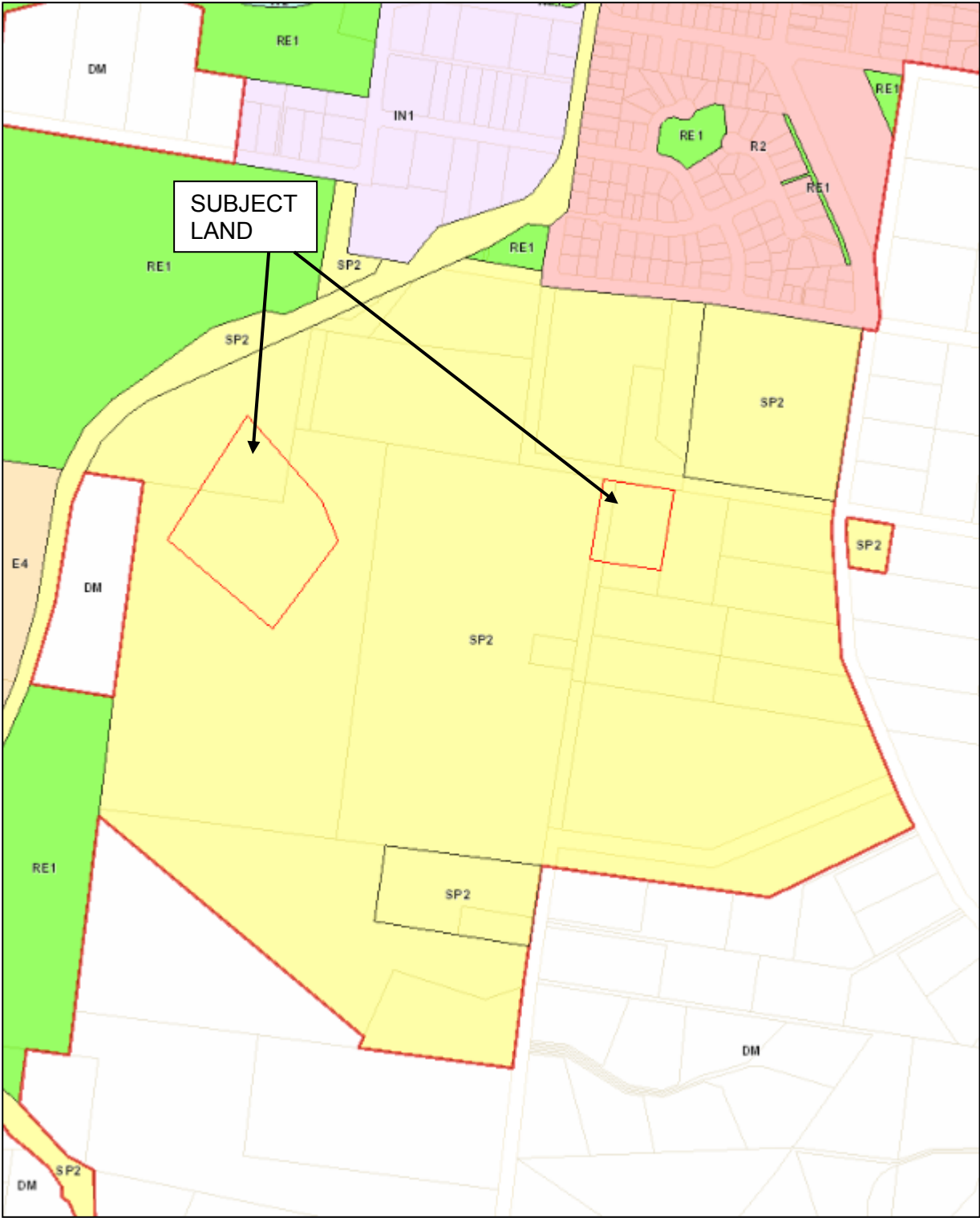
APPENDIX 1 - Locality Map

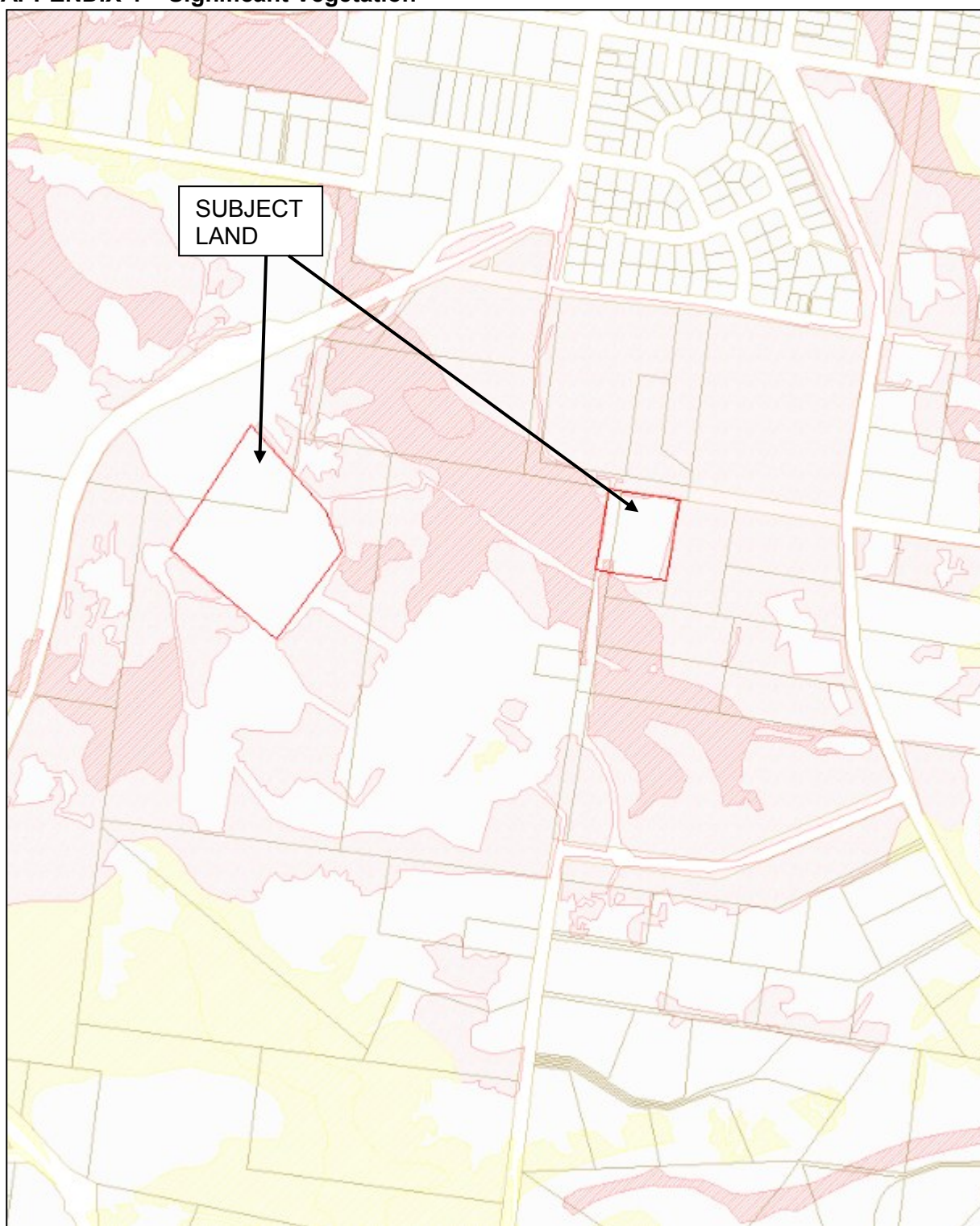


APPENDIX 2 - Aerial Photograph



APPENDIX 3 - Existing Zoning

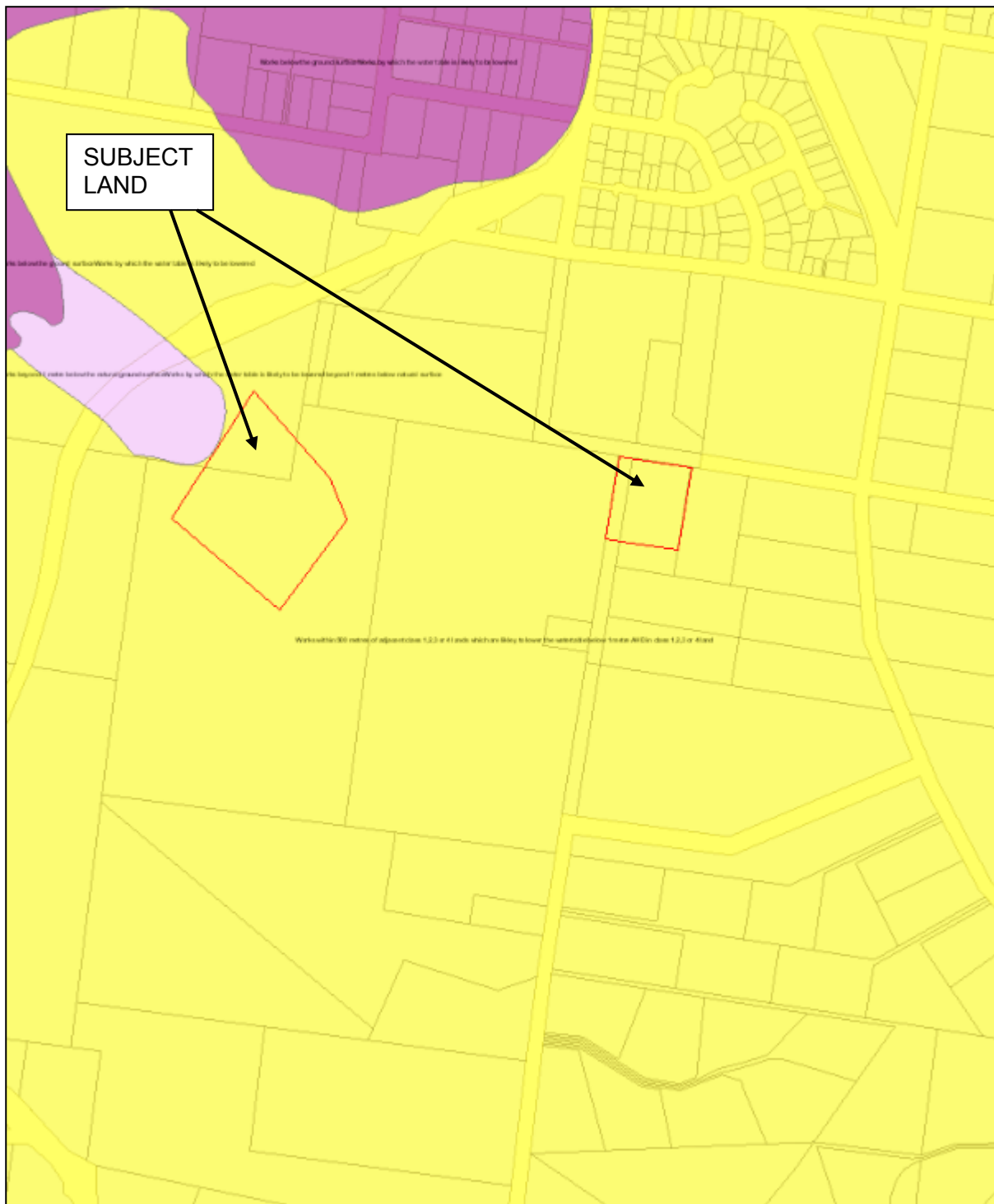


APPENDIX 4 – Significant Vegetation

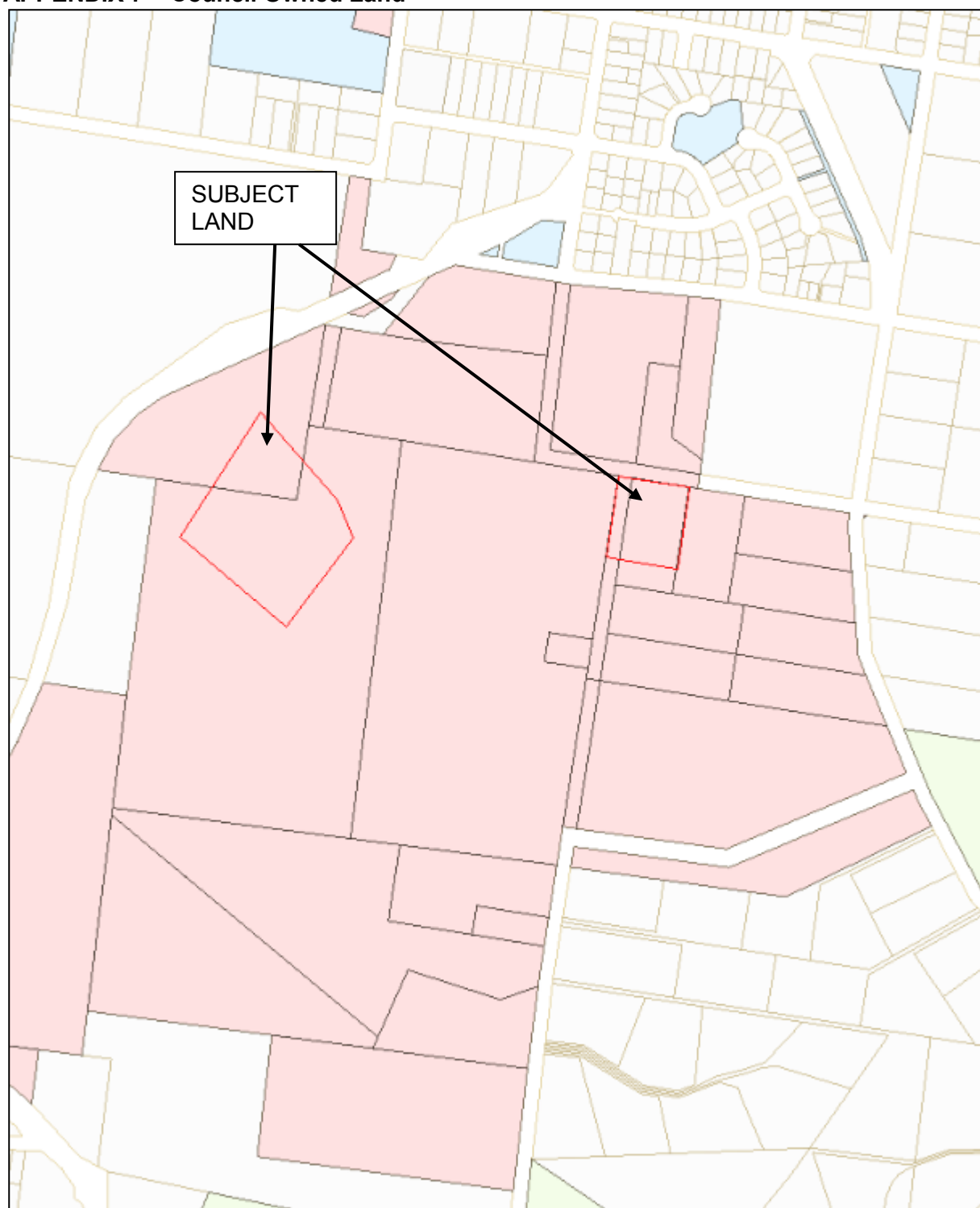
Dark – Endangered Ecological Community
Light – Critically Endangered Ecological Community

APPENDIX 5 – Bushfire Hazard

Light – Bushfire Categories 1 and 2
Dark – Buffer

APPENDIX 6 – Acid Sulfate Soils

Dark – Class 2
Medium – Class 3
Light – Class 5

APPENDIX 7 – Council Owned Land

Shading – Council owned land

ATTACHMENT C – Adjoining Owners to be Notified

