

PLANNING PROPOSAL

GOSFORD CITY COUNCIL

RESOURCE RECOVERY FACILITY ON LOT 7311 & PART OF LOT 7310 DP 1167530 AND PART OF LOT 7049 DP 1030417, WOY WOY ROAD, WOY WOY BAY

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.

The Proposal

Council's City Services Directorate has advised that the existing landfill at Kincumber has now closed for landfilling and continues to operate only as a transfer facility (collection point for sorting and transport to final destination). The remaining Woy Woy landfill has a limited life (approx 2032) based on current usage so it is imperative that Council seeks to prolong its economic life by recycling all suitable material and thus reducing landfill. The planning proposal provides the capability to divert significant quantities of solid, construction and demolition waste and green waste from the existing landfill. The proposal provides important cost benefits for the residents of the City both in the short and long term.

There is a high need for a long term site within the City that can process the following materials:

- * Solid waste (municipal and commercial)
- * Garden organics (municipal and commercial)
- * Construction and demolition waste

Council is proposing the establishment of a Resource Recovery Facility, which includes a soil processing facility, community re-use facility, an Alternate Waste Technology (AWT) for processing of 100,000 tonnes per annum of municipal solid waste (MSW) - incorporating material from both Gosford and Wyong, and a Composting Facility for managing 60,000 tonnes per annum of source separated green waste and 15,000 tonnes per annum of biosolids. It is proposed that both the AWT and Composting Facility would be established within the Bulls Hill Quarry site. Key infrastructure components to be established on site include:

- Platform and Access Road: The proposal would involve construction of an engineered platform for the proposed processing facilities.
- Soil Processing Facility: The proposal would involve the construction of a soil processing facility, to either reduce the contamination loading of soils or produce material that can be reused.

- Community Re-use facility: A community re-use facility would be established on site for the dropping off and re-sale of a variety of household, industrial and community off-cuts/discards for re-use, re-sale and recycling opportunities.
- AWT and Composting Facility Buildings: Two enclosed buildings would be constructed on the platform, one containing the green waste processing equipment, the other containing the MSW waste receival, sorting and processing facilities. The AWT preferred treatment system is likely to consist of a mechanical biological treatment (aerobic or anaerobic) technology. As the final technology selected for both the AWT and Composting Facility, would be determined through a tender process, for the purpose of the environmental assessment a concept design was selected which would result in a conservative assessment of the likely environmental impacts.
- Biofilter: A biofilter would be established for treatment and release of air collected from the AWT and Composting Facility buildings.
- Greenwaste Receival and Sorting area: A concrete paved area for initial receival, sorting and shredding of green waste and biosolids would be provided at the entrance to the composting building;
- Greenwaste Maturation Area: The green waste product maturation area would be located within the Bulls Hill Quarry site.

The proposed AWT facility would produce several products including stabilised sludge, recyclable materials, water and biogas (if an anaerobic process is chosen). The precise composition of these products is likely to vary, based on the particular characteristics of the MSW being treated. The stabilised sludge produced from the AWT facility would meet the Restricted Use 1 classification (public contact sites, urban landscaping, agriculture, forestry, soil and site rehabilitation, landfill disposal) from the Biosolids Guidelines (NSW EPA, 1997). The Biosolids Guidelines are currently used for assessing the suitability of applying biosolids to land. Guidelines for the use of organics specifically derived from MSW are not currently available within NSW, and therefore the Biosolids Guidelines provide some guidance for the beneficial reuse of such material. If the NSW Office of Environment and Heritage (OEH) produces new guidelines for the use of organic material derived from MSW, prior to the tender documents for procurement of the AWT being finalised, these guidelines would apply to the use of the stabilised sludge produced from the proposed AWT facility.

The Green Waste and Biosolids composting process would be designed to produce a product that complies with Australian Standard for Compost, Soil Conditioners and Mulch (AS 4454 - 2003) and Biosolids Guidelines (NSW EPA, 1997), Unrestricted Use classification (home lawns and gardens, public contact sites, urban landscaping, agriculture, forestry, soil and site rehabilitation, landfill disposal). Any residual materials removed during the AWT and composting processes would be disposed into the landfill located at the Woy Woy Waste Management Facility.

The opportunity to identify suitable sites for such a resource recovery facility is extremely limited. This difficulty is due to the need to find a site that meets operational requirements, is of sufficient area to accommodate the use, has minimal environmental effects and is isolated from populated areas yet has good access for transportation of materials. The subject site has the following advantages:

- An extensive area of the site has already been cleared for the quarrying operation.
- The site is well screened and relatively flat.

- The site is located well clear of residential areas. There is only one dwelling in the proximity of the quarry (ie 400 metres from site boundary).
- The site has good access off a main road. Vehicle access will be required from the Kariong end of Woy Woy Road.
- The site is located within reasonable haul distances from major centres in the City.
- The site is not located within a water supply catchment.

Part 1 Objectives or Intended Outcomes

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

The objective of the Planning Proposal is to allow Lot 7311 and part of Lot 7310 DP 1167530 and part of Lot 7049 DP 1030417, Woy Woy Road, Woy Woy Bay to be used as a resource recovery facility. The facility will process and recycle solid waste, green waste and construction/demolition material thus reducing the amount of this recoverable material going to landfill. The outcome will be that significant quantities of construction and demolition waste and green waste will be diverted from the existing landfill at Woy Woy, thus extending the life of the landfill.

The development of Resource Recovery Facility is required to meet Councils future waste disposal requirements and minimise waste being disposed to landfill in line with the NSW State Government's resource recovery targets. The key challenge facing Council to meet its future waste disposal requirements is insufficient resource recovery area and landfill space, with Woy Woy landfill void space to be depleted in approximately 20 years (2032).

Part 2 Explanation of Provisions

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

The objective of the Planning Proposal shall be achieved through the site specific rezoning of the subject land from Zone 7(a) Conservation and Scenic Protection (Conservation) to Zone 5 Special Uses - Resource Recovery Facility under Interim Development Order No 122 - Gosford or SP2 Infrastructure (Resource Recovery Facility) under Draft Gosford LEP 2009 depending upon the timing. 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 Use - Resource Recovery Facility to enable the establishment of a facility to process and recycle solid waste, green waste and demolition/construction materials, thus catering for the future potential needs of a growing population.

Explanation: This provision states the objective of the planning instrument as it applies to the use of the subject land.

2 Subject Land

This plan applies to Lot 7311 and part of Lot 7310 DP 1167530 and part of Lot 7049 DP 1030417, Woy Woy Road, Woy Woy Bay as shown coloured yellow with scarlet lettering on the map marked Gosford Local Environmental Plan No XXX.

Explanation: The provision states the legal description of the land and ensures that the site to which the proposed zone applies can be identified.

3 Amendment to Interim Development Order No 122 - Gosford

Interim Development Order No 122 - Gosford is amended by:

- (a) inserting in 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, composting, 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.

Explanation: This provision allows for the resource recovery facility to be a permissible use on the subject land and be defined in the land use table.

The rezoning of the subject land to permit a resource recovery facility will establish this use as permissible, but would still require an environmental impact assessment and approval via development consent from Council and an Environmental Protection Licence from the Office of Environment and Heritage.

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.

Appendices 1 to 12 contain all relevant mapping to the Planning Proposal.

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 the result of a previous strategic study. In 1983 Sinclair Knight & Partners produced a report entitled Gosford/Wyong Regional Waste Disposal Study which identified four (4) additional sites in Gosford LGA available for future waste disposal. Only Bulls Hill Quarry site was considered suitable for a future solid waste disposal site.

The Study found that "the main advantages of the site include:

- Good location, well clear of residential areas with good access and well screened;
- Only 2.5 km further from the centre of Woy Woy population area than existing depot;
- Environmental impacts would appear to be able to be controlled economically;
- Very large volume over which to distribute development costs;

- Lack of other suitable alternatives.”

No action was taken to progress this finding as the three (3) existing landfill sites (Green Point, Kincumber and Woy Woy) had sufficient capacity for immediate needs. Now only the Woy Woy site is operational as landfill and recycling is a necessity. Bulls Hill Quarry is still the preferred site for additional waste operations; however not for landfill but for an alternative waste technology (AWT) site.

The need for a resource recovery facility within Gosford LGA has been the subject of numerous reports to Council over the last 12 years. The purpose of these reports was to identify strategic issues relating to the future waste disposal needs of the community. The following Council resolution, made on 7 March 2006, is the culmination of all reports that had gone before. It identified the most suitable location for such a facility as being on the Bulls Hill Quarry site, Woy Woy Bay.

Council advise the Department of Land that it wishes to lodge an expression of interest in the former Rudds Quarry [Bulls Hill Quarry] site at Woy Woy Bay for the purpose of a Resource Recovery Park and further advise that Council's interest in the land would extend to purchase of the site if this option became available.

In October 2010, the then Land and Property Management Authority (LPMA) advised:

In February 2010 the Minister for Lands, The Hon Tony Kelly, noted his support for the future allocation of this site for a resource recovery centre to be managed by Gosford City Council. The Minister also noted that Council should proceed to acquire the site utilising the Just Terms Legislation as an operational site under Local Government Act.

The development of a resource recovery facility located at Bulls Hill is critical to the future waste management options for Gosford and ultimately the Central Coast Region and the site will be considered in the Regional Waste Strategy and formation of the Joint Central Coast Waste Initiative.

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

It is considered that the Planning Proposal is the best means of achieving the objective of establishing a resource recovery facility on the subject site. The zoning of the land to Special Use 5 Resource Recovery Facility zone will clearly identify the use being part of the public infrastructure within Gosford local government area and will be for generations to come.

3 Is there a net community benefit?

The assessment provided in Appendix 13 demonstrates that the Planning proposal will produce a net community benefit.

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 the Sydney Metropolitan Strategy and exhibited draft strategies)?

Central Coast Regional Strategy

The Central Coast Regional Strategy (CCRS) applies to the subject site. The CCRS identifies that services to support population growth will need to be planned and delivered as the Strategy is implemented. These services include the identification of new landfill sites and continued waste minimisation programs (p7). Continuing to improve the management of waste services is important as Gosford's existing landfill sites – Woy Woy and Kincumber – are both expected to reach capacity during the life of the Strategy (p45).

Relevant actions under the CCRS are:

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.*

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.*

The Planning Proposal seeks to comply with these actions.

Waste Avoidance and Resource Recovery Act 2001

A key driving force behind this planning proposal is the need for Council to meet the obligations under the Waste Avoidance and Resource Recovery (WARR) Act 2001 and the Waste Avoidance and Resource Recovery Strategy 2007, which provide objectives for management of waste in NSW.

The WARR Act provides the key legislative framework for waste management and resource recovery in NSW. The relevant objectives are:

- to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development;
- to provide for the continual reduction in waste generation;
- to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste;
- to achieve integrated waste and resource management planning, programs and service delivery on a State-wide basis.

The WARR Strategy places the avoidance of unnecessary resource consumption as the highest priority in the waste hierarchy, followed by resource recovery (including re-use, reprocessing and recycling) with disposal as the least preferred option.

The Planning Proposal is consistent with the WARR Act and Strategy.

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

Gosford 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*
- B4.3 *Protect the environment from further pollution*
- D1.2 *Consider social, environmental and economic sustainability in all planning and decision making*

The Planning Proposal aims to minimise waste going to landfill and increases the recycling of resources. The current unrestrained runoff from the site will be addressed should the Planning Proposal proceed, thus ensuring the environment downstream will be protected.

Biodiversity Strategy

The *Biodiversity Strategy* reiterates the long term goals in *Gosford Vision 2025* that relate to biodiversity. The relevant goal is:

“Closed loop” for energy, water and waste.

The Planning Proposal does not conflict with the principles and actions set out in the in the *Biodiversity Strategy*.

Draft Gosford Landuse Strategy

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

The lack of long-term waste management and resource recovery facilities is a challenge to be addressed in order to achieve the targets and actions of the NSW state government's Draft Waste Avoidance and Resource Recovery Strategy 2006. Neither Woy Woy nor Kincumber Waste Management Facilities have the potential to service long-term city needs. Kincumber is expected to close in the short-term (2010) and Woy Woy has potential until around 2032, which could be extended to about 2049 if Council chooses to develop an Alternative Waste Technology facility. (p6, 7)

[Council currently] conserves existing landfill space by incorporating the segregation of materials capable of being recycled/reprocessed at the landfills eg metals, cardboard, masonry products, garden organics, and glass/plastic containers. An Alternate Waste Technology facility is required in the future. (p33)

[A] priority is to proceed with the investigation into the identified long-term site capable of accommodating a Resource Recovery Park undertaking a range of activities including an Alternate Waste Technology facility, a composting facility, a facility for the processing of construction and demolition waste, and a recycling park. (p33)

The planning proposal is consistent with the draft Gosford Landuse Strategy

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

The Planning Proposal is consistent with all applicable state environmental planning policies (SEPPs). Those directly applicable are discussed below.

(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 proposed resource recovery facility could be considered a potentially offensive industry as it may emit polluting levels of noise, dust and odour. However as the subject site is isolated from existing or future development its impact will be minimal. The only residence potentially affected would be the single dwelling located 400m from the subject site. Environmental controls would be required to be implemented to minimise such adverse effects.

(iii) SEPP No 55 - Remediation of Land

Table 1 to the contaminated land planning guidelines identifies some activities that may cause contamination of land. One of those uses listed is "mining and extractive industries". Hence 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 use of an abandoned quarry as a resource recovery facility is a compatible use however in accordance with the SEPP a report specifying the findings of a preliminary investigation is required to be carried out.

(iv) SEPP No 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. Part of Lot 7310 DP 1167530 has been identified as being in the coastal zone even though the section of this lot comprising the subject land is 1.4km from Woy Woy Bay.

That part of the subject site located within the coastal zone is approximately 3ha in area. The remaining 20.3ha of the subject land is not identified as being within the coastal zone.

Under SEPP 71 most of the "matters for consideration" relate to land that directly front water bodies, thus are not applicable to the subject site. As the subject site is over a kilometre from the water the only applicable matter for consideration is the "likely impacts of development on water quality of coastal waterbodies".

The previous use of the site as a quarry has resulted in sediment leaving the site via Woy Woy Creek and reaching Correa Bay. The use of the land as a resource recovery facility

will result in current environmental considerations being addressed which would include rehabilitation of the site and implementation of preventative measures to eliminate sediment from leaving the site.

(v) SEPP (Infrastructure) 2007

Under this SEPP a resource recovery facility is permitted in a number of zones, one of which is the SP2 Infrastructure zone, or an equivalent zone. The proposed zone is 5 Special Uses which is equivalent to SP2 under the Standard Instrument LEP.

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

The disused quarry is not included in SREP No 9 as a regional extractive industry. The site is located approximately 3km from the nearest extractive industry (Wondabyne) identified in the SEPP. Hence it is considered not to be in the vicinity of an existing extractive industry as the Planning Proposal will be unaffected by existing quarry operations.

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 Planning Proposal is consistent with the applicable Section 117 Directions. The applicable Directions are discussed below.

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

This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or*
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.*

The proposed Special Uses zone will have the effect of prohibiting extractive industries. The quarry previously operated under existing use rights within the 7(a) zone but has not operated on the site for approximately 20 years, hence the existing use rights have lapsed. As the current zone does not permit extractive industries there is no difference should the zone change to Special Uses.

The disused quarry is not identified in Sydney Regional Environmental Plan No 9 - Extractive Industry (No 2) as being of regional significance.

(ii) Direction 2.1 Environment Protection Zones

A Planning Proposal must 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 subject land is surrounded by 7(a) zoned land and Brisbane Water National Park, which constitutes an environmentally sensitive area. As the site is a disused quarry and is in an unmanaged state, the Planning Proposal presents an opportunity for the land to be rehabilitated and used for an environmentally sustainable purpose.

The Planning Proposal seeks to rezone the land from 7(a) Conservation to a Special Uses zone to allow a resource recovery facility. As the land is a disused quarry its character is not one consistent with the environmental protection zone (ie 7(a) zone) under IDO No 122. The alteration of the zone to allow resource recovery facility will enable the site to be used for a beneficial community purpose and be managed in accordance with current environmental standards. As a result it will be more suitable to its environmental locality than if it was left in its unmanaged and disturbed state.

(iii) Direction 2.2 Coastal Protection

A planning proposal must 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, and*
- (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 zoning of the subject site to permit a resource recovery facility will result in the disused quarry land being rehabilitated and the protection and improvement of the natural environment, especially water quality in Correa Bay, by the control of sediment discharges from the site. 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, hence 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 coast and at an elevation of 140m AHD, thus it does not experience any hazards peculiar to the coastline.

(iv) Direction 2.3 Heritage Conservation

A planning proposal must contain 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.*

Having regard to the disturbed nature of the site due to the previous quarrying operations, it is unlikely that there are any remaining aboriginal relics if they were there in the first place. There are no Section 149 Planning Certificate messages on the land identifying Aboriginal relics. However an Aboriginal heritage assessment should be required to be prepared following the Gateway Determination by the Minister.

(v) Direction 4.2 Mine Subsidence and Unstable Land

This direction applies when a relevant planning authority prepares a planning proposal that permits development on land that:

- (a) *is within a mine subsidence district, or*
- (b) *has been identified as unstable in a study, strategy or other assessment undertaken:*
 - (i) *by or on behalf of the relevant planning authority, or*
 - (ii) *by or on behalf of a public authority and provided to the relevant planning authority.*

A planning proposal must not permit development on unstable land referred to in paragraph (b).

The site is not within a mine subsidence area, however, it has been identified as unstable land in a Council document. DCP No 163 – Geotechnical Requirements for Development Applications identifies the old quarry area as being Category 4 Immediate High Hazard Area.

Category 4 applies to land areas where there is evidence of active or past landslips, or areas where quarries, excavations/filling/erosion have created potentially unstable slopes during climate extremes, or areas of coastal and bluff instability, or rock face failures. The Category also includes areas that are highly susceptible to landslip, rockfalls, or excavation instability to steep slope and/or geological formations which inherently give rise to instability. More than one type of hazard is also usually present.

A planning proposal can be inconsistent with this direction if a study gives consideration to the objective of this direction which states “The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.”

All quarries have been included in Category 4 due to the uncertainty surrounding stability of slopes. The slopes in this disused quarry are not steep but a geotechnical study will need to be undertaken to verify the situation and make an assessment in the light of the proposed use for the site.

(vi) Direction 4.4 Planning for Bushfire Protection

In 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 APZ.*

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

- (a) provide an Asset Protection Zone (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 2 and Buffer. As the subject site is bushfire prone the Planning Proposal will have to be referred to the Rural Fire Service for comment after the Gateway Determination by the Minister.

(vii) Direction 5.1 Implementation of Regional Strategies

Planning Proposals must be consistent with a regional strategy released by the Minister for Planning.

The Central Coast Regional Strategy applies to the subject site. The Planning Proposal is consistent with the actions of the regional strategy. The CCRS identifies that suitably located and appropriately zoned land for resource recovery infrastructure is required to support growth in major regional centres and major towns.

(viii) 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.

(ix) Direction 6.2 Reserving Land for public Purposes

A Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The subject land is owned by the Crown. In 2010 the relevant Minister approved the process to begin negotiations for Council to acquire the site. The Department of Primary Industry, previously the LPMA has no objection to Council lodging the Planning Proposal.

(x) Direction 6.3 Site Specific Provisions

A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or*
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

A Planning Proposal must not contain or refer to drawings that show details of the development proposal.

The Planning Proposal seeks to amend IDO No 122 by rezoning the subject land to a Special Uses zone. No development standards or requirements in addition to those already contained in the IDO for Special Uses zones 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

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?

As most of the land has been cleared for past quarry operations the likelihood that there is critical habitat or threatened species, populations or ecological communities, or their habitats, on the subject site is low. Council's adopted Bells vegetation mapping showed no endangered ecological communities or regionally significant vegetation on the site. However as the site adjoins Brisbane Water National Park there may be isolated threatened species (flora and fauna) present on the site. Such an assessment should be required to be prepared following the Gateway Determination by the Minister.

As run-off from the site is currently uncontrolled the planning proposal is an opportunity for remediation works to be implemented and future run-off controlled to current

environmental standards. Therefore the impact on the Woy Woy Creek ecosystem and water quality will be improved.

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

The proposed resource recovery facility has the potential to emit polluting levels of noise, dust and odour. However, these can be minimised by satisfying the existing environmental standards. It will have to be licensed by the OEH and comply with their standards.

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

It is considered that the proposed resource recovery facility will have a social and economic benefit to the community. By having a specialised recycling facility, the life of the existing landfill site will be prolonged, thus saving the community money for disposal of waste outside of the local government area. Also the re-use of construction/demolition materials is of benefit to the community as it reduces the development of scarce resources for future generations.

The Planning Proposal will result in the following employment:

Construction Phase

- Site works: Approximately 10-20 jobs
- Construction of Composting Facility: Approximately 20-40 jobs
- Construction of AWT Facility: Approximately 30-40 jobs

Commissioning Phase

- Commissioning of Composting Facility: Approximately 5-10 fulltime staff
- Commissioning of AWT Facility: Approximately 5-10 fulltime staff

Operation Phase

- Operation of Composting Facility: Approximately 2-5 fulltime staff
- Operation of AWT Facility: Approximately 5-10 fulltime staff

Many of the above positions would be sourced from the local area.

Section D State and Commonwealth interests

11 Is there adequate public infrastructure for the Planning Proposal?

The existing road network is able to service the additional traffic generated by the proposed development subject to intersection works where the access road meets Woy Woy Road. Heavy vehicle access will be required from the Kariong end of Woy Woy Road.

The site is outside of Council's water and sewerage service areas so adequate arrangements would have to be made for 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?

A gateway determination has not yet been issued.

It is envisaged that the following authorities should be consulted:

- Office of Environment and Heritage
- National Parks and Wildlife Service
- Department of Primary Industry (Lands office)
- Roads and Maritime Service
- Rural Fire Service
- Darkinjung Local Aboriginal Land Council

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 private landowner and to the Bays Progress Association.

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.

Should the 'gateway' consider that the planning proposal has merit the following environmental issues should be addressed prior to consultation:

- Noise impact
- Air quality (particulate matter, dust, odour)
- Impact on aquatic ecosystem of Woy Woy Creek
- Impact on water quality (sediment, nutrients) leaving the site
- Impact on flora and fauna
- Land contamination assessment
- Land stability report
- Bushfire hazard
- Traffic impact study
- Aboriginal heritage

Other Matters for Consideration

DCP No 106 - Controls for Site Waste Management

The objectives of DCP 106 are:

- to identify Council's expectations and requirements for the management of waste on individual sites;
- to identify approaches and techniques which promote waste minimisation in Gosford City Council;
- to promote best practice in waste management and produce quality environmental outcomes.

Although the DCP relates to waste management on individual sites as part of the Development Application process, the establishment of the Resource Recovery Facility satisfies the broader interpretation of the objectives, being the minimisation of waste and promoting best practice in waste management. The establishment of this Resource Recovery Facility will support Council's actions in implementing DCP 106 as there are currently very limited facilities within the City to process solid waste, garden organic waste and construction and demolition waste.

DCP No 159 - Character

Under DCP No 159 the subject land is situated in Woy Woy Bay Precinct 6 - Scenic Conservation. The existing character statements for this precinct generally relate to portions of Brisbane Water National Park, public reserves and large residential lots with substantially unmodified woodland that provides a scenic backdrop to the arterial road and waterways as well as ecologically significant reserves for flora and fauna.

Desired character for the Scenic Conservation precinct is:

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. Control any infestations of noxious or environmental weeds, and progressively repair any disturbance to landforms or natural vegetation using bush-regeneration techniques. Employ ecological best-practice for bushfire hazard reduction, for example mosaic burns, in order to strike a balance between conservation, scenic quality and public safety.

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.

The subject site is over 400m from Woy Woy Road so the location of the resource recovery facility within the existing cleared area of the old quarry site will result in the existing tree canopy being retained thus maintaining the scenic character of the area when viewed from Woy Woy Road. The conservation of this bushland will continue to provide a visual buffer to the site when viewed from the nearby property and road. 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 a 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 matter relating to visual quality is the subject of a Council DCP (No 159) which has also been addressed separately in the report. The land is not COSS land.

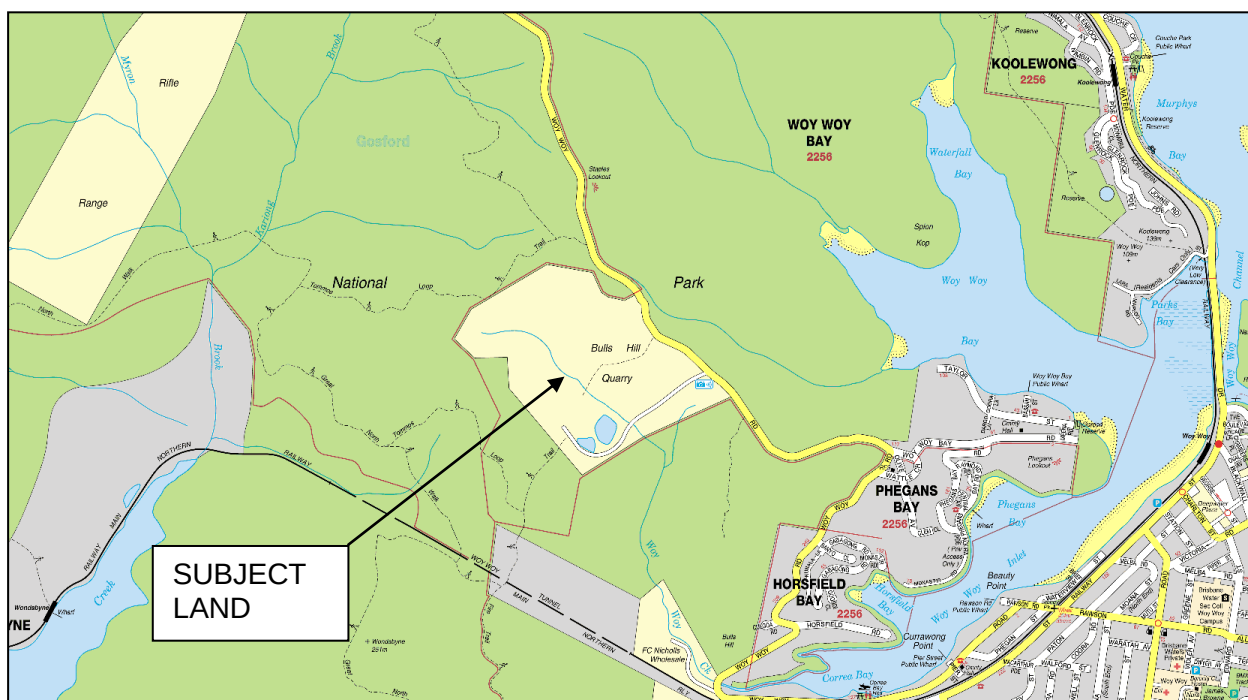
Conclusion

The future strategic need for the city's waste disposal was first investigated in the 1983 Sinclair Knight & Partners report entitled *Gosford/Wyong Regional Waste Disposal Study*. Subsequently the matter has been subject of many investigations and reports to Council over the years. The result is that the use of Lot 7311 and part of Lot 7310 DP DP 1167530 and part of Lot 7049 DP 1030417, Woy Woy Road, Woy Woy Bay, as a recycling and waste recovery facility processing green organic and construction/demolition material is considered satisfactory in principle because:

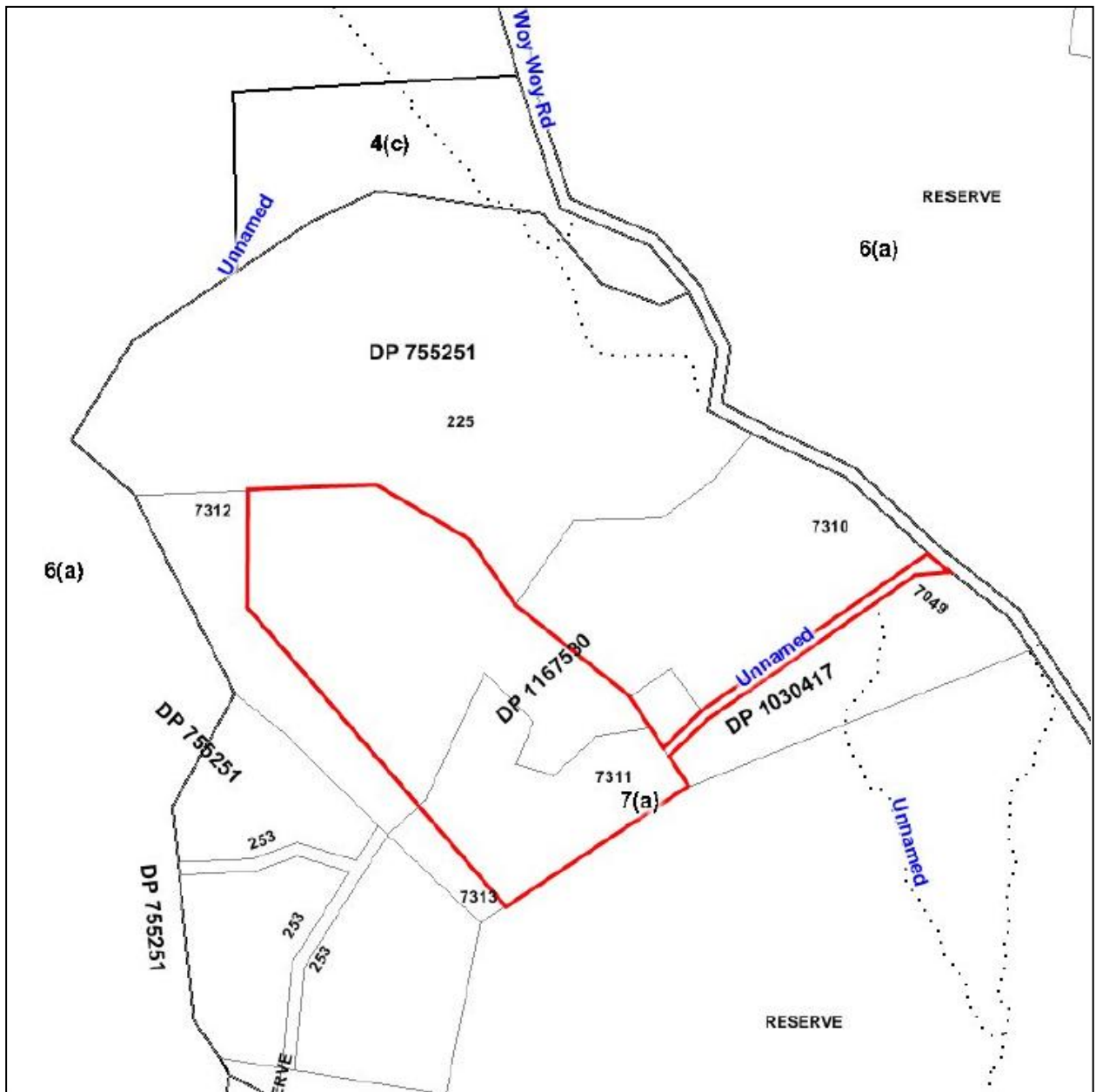
- An extensive area of the site has already been cleared for the quarrying operation.
- The site is well screened and relatively flat.

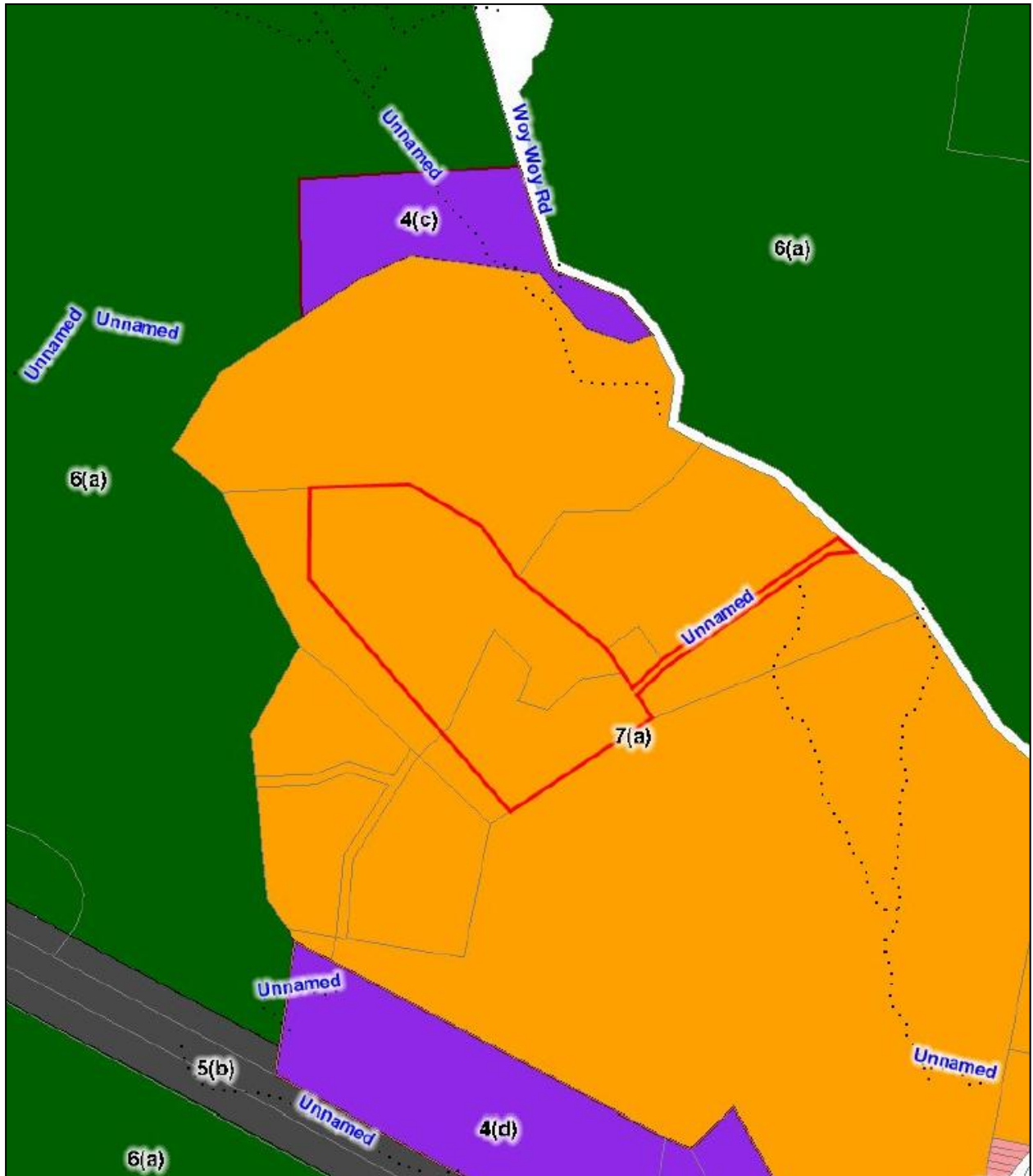
- The site is located well clear of residential areas. There is only one dwelling in the proximity of the quarry (ie 400 metres from site boundary).
- The site has good access off a main road. Vehicle access will be required from the Kariong end of Woy Woy Road.
- The site is located within reasonable haul distances from major centres in the City.
- The site is not located within a water supply catchment.

Such a facility will ensure Council's commitment to resource recycling and reduce waste going to landfill. The life of Woy Woy waste depot will be extended as result. This planning proposal is also consistent with the State Government's Central Coast Regional Strategy and Waste Avoidance and Resource Recovery Act and Strategy.



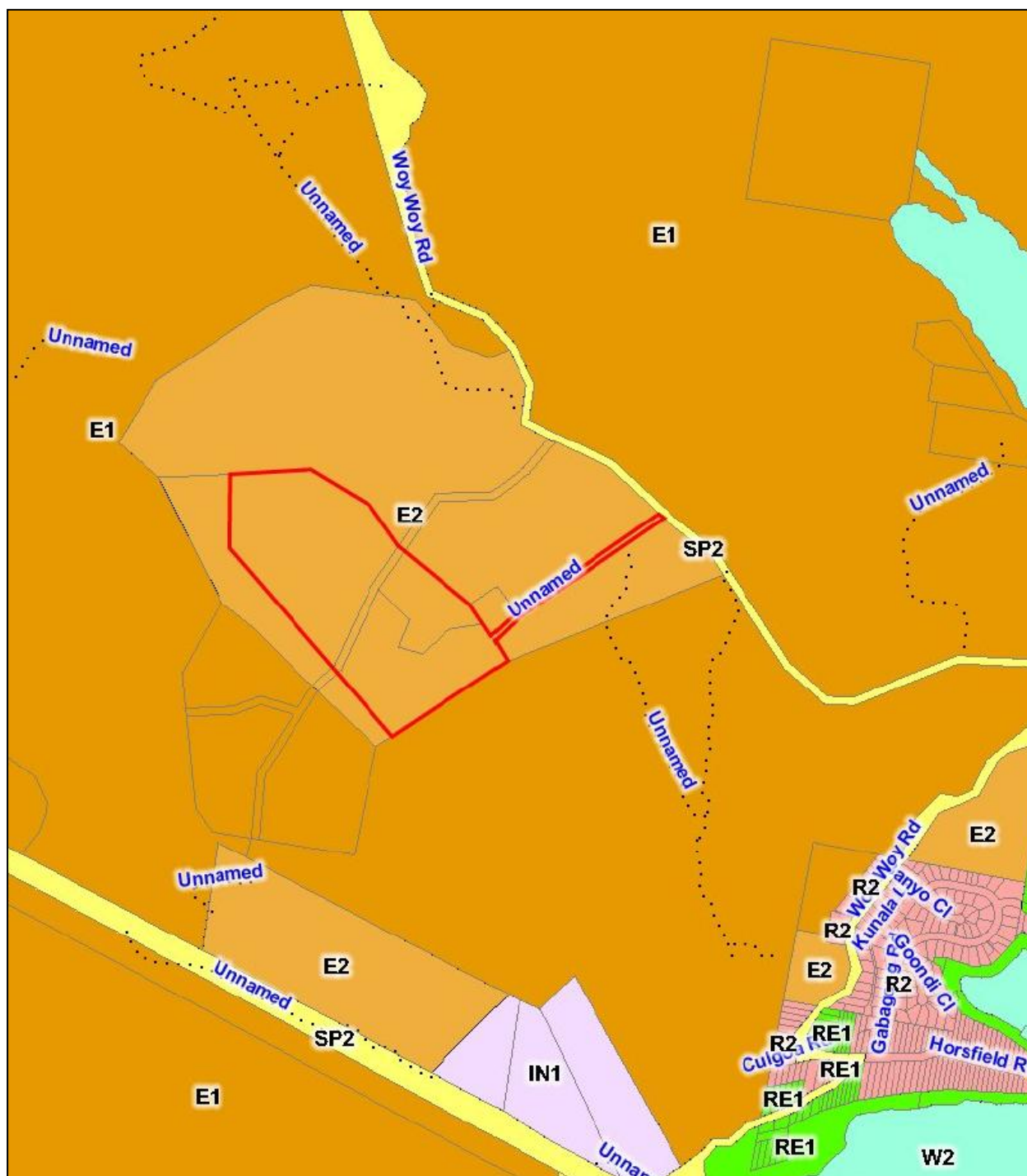
APPENDIX 2 - Lot Description



APPENDIX 3 - Existing Zoning Map**Legend**

- 4(c) Industrial (Extractive)
- 4(d) Industrial (Offensive or Hazardous)
- 5(b) Special Uses (Railways)
- 6(a) Open Space (Recreation)
- 7(a) Conservation and Scenic Protection (Conservation)

APPENDIX 4 - Proposed Zoning under Draft Gosford LEP



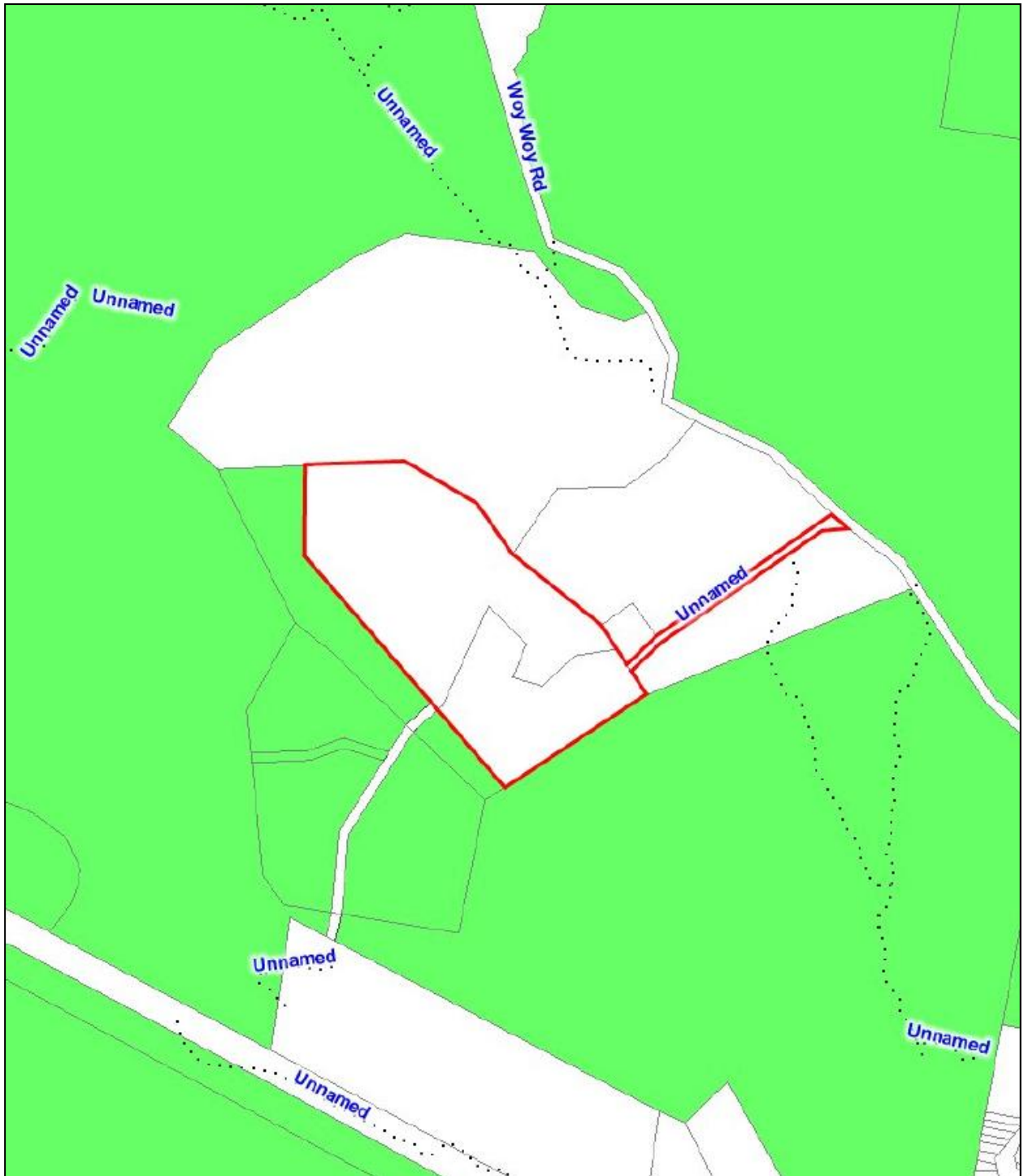
Legend

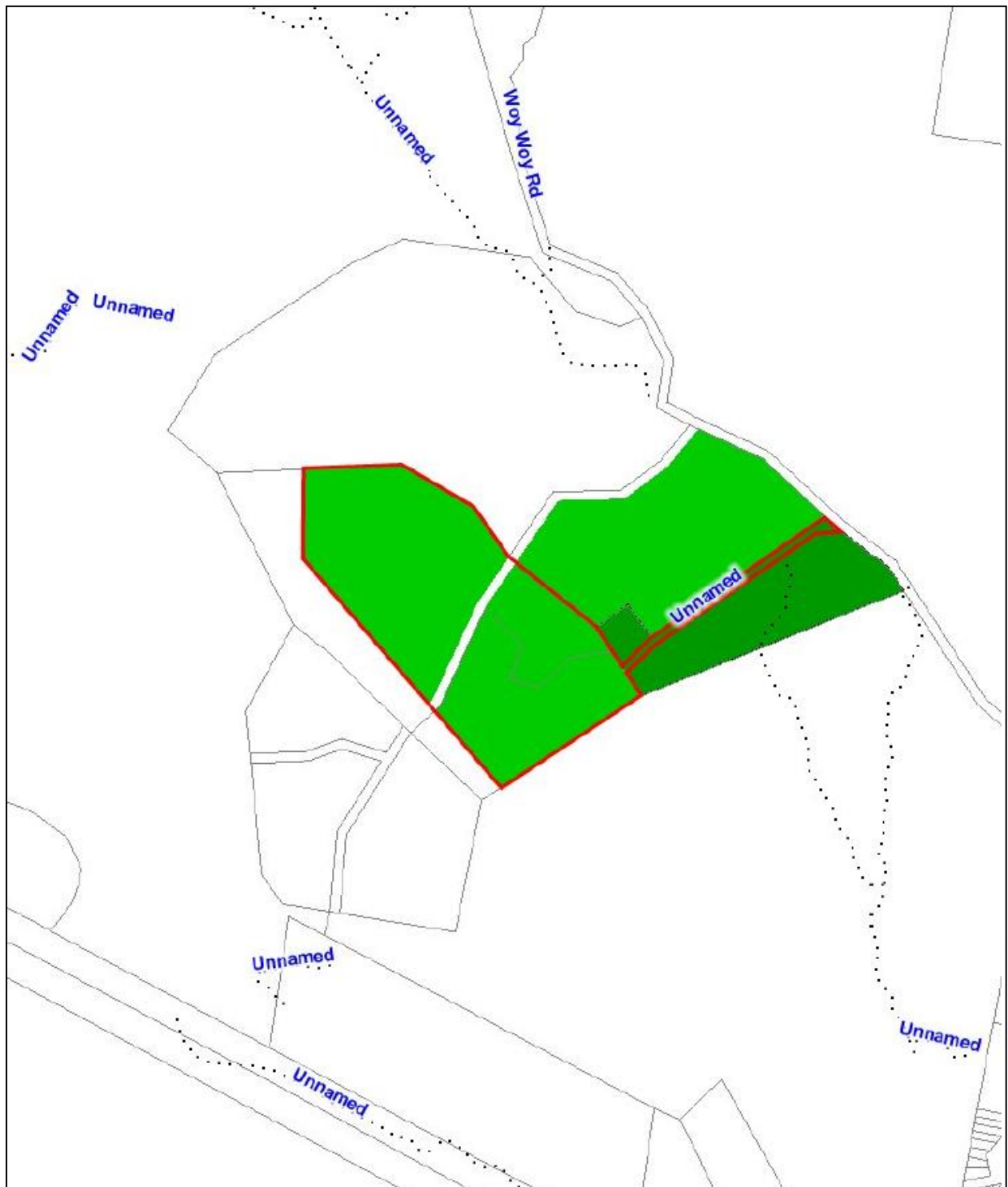
- R2 Low Density Residential
- IN1 General Industrial
- RE1 Public Recreation
- SP2 Infrastructure
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

APPENDIX 5 - Aerial Photograph



APPENDIX 6 - National Park

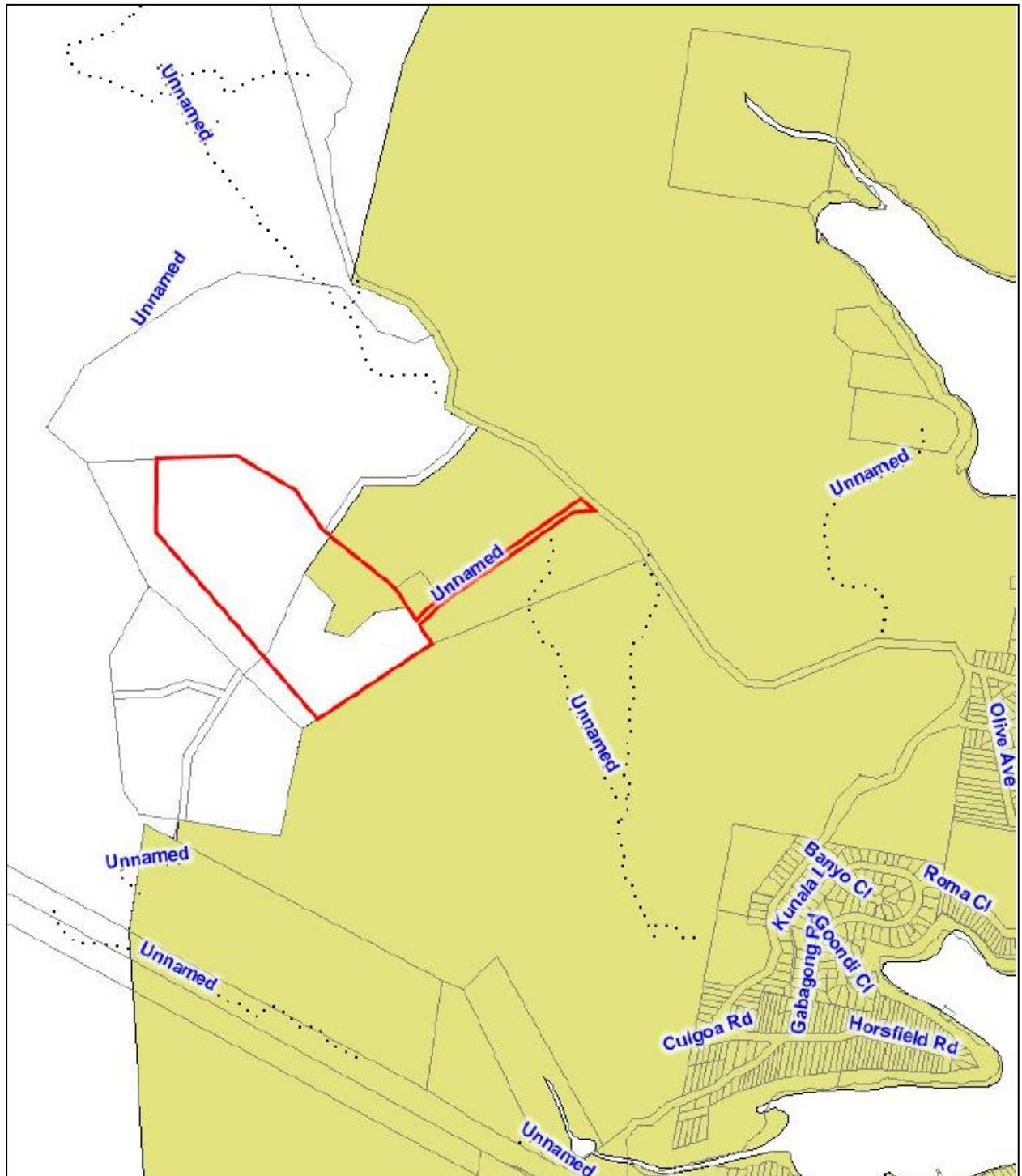


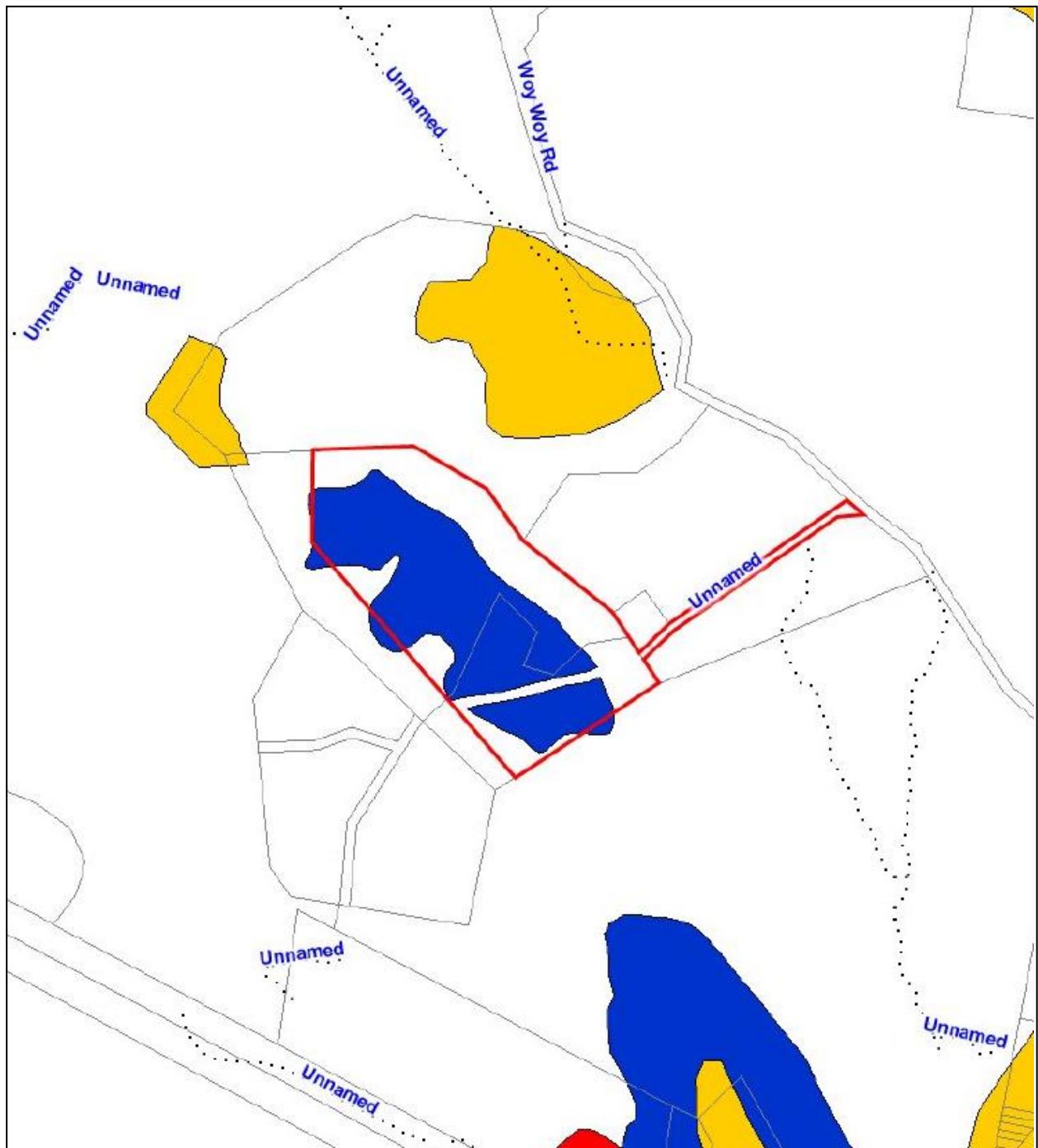
APPENDIX 7 - Crown Land**Legend**

Dark Green - Crown Reserve

Light Green - Crown Land (other)

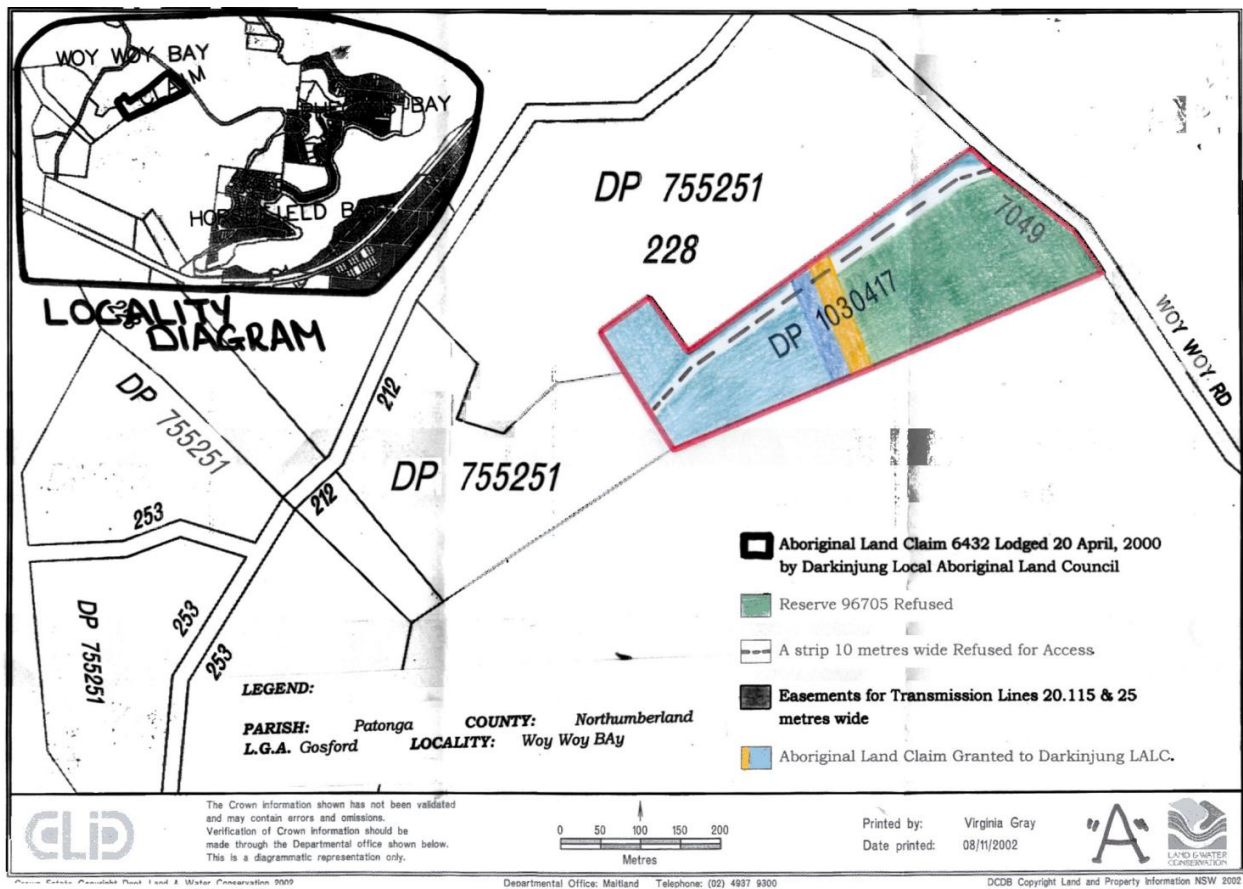
APPENDIX 8 - Coastal Zone

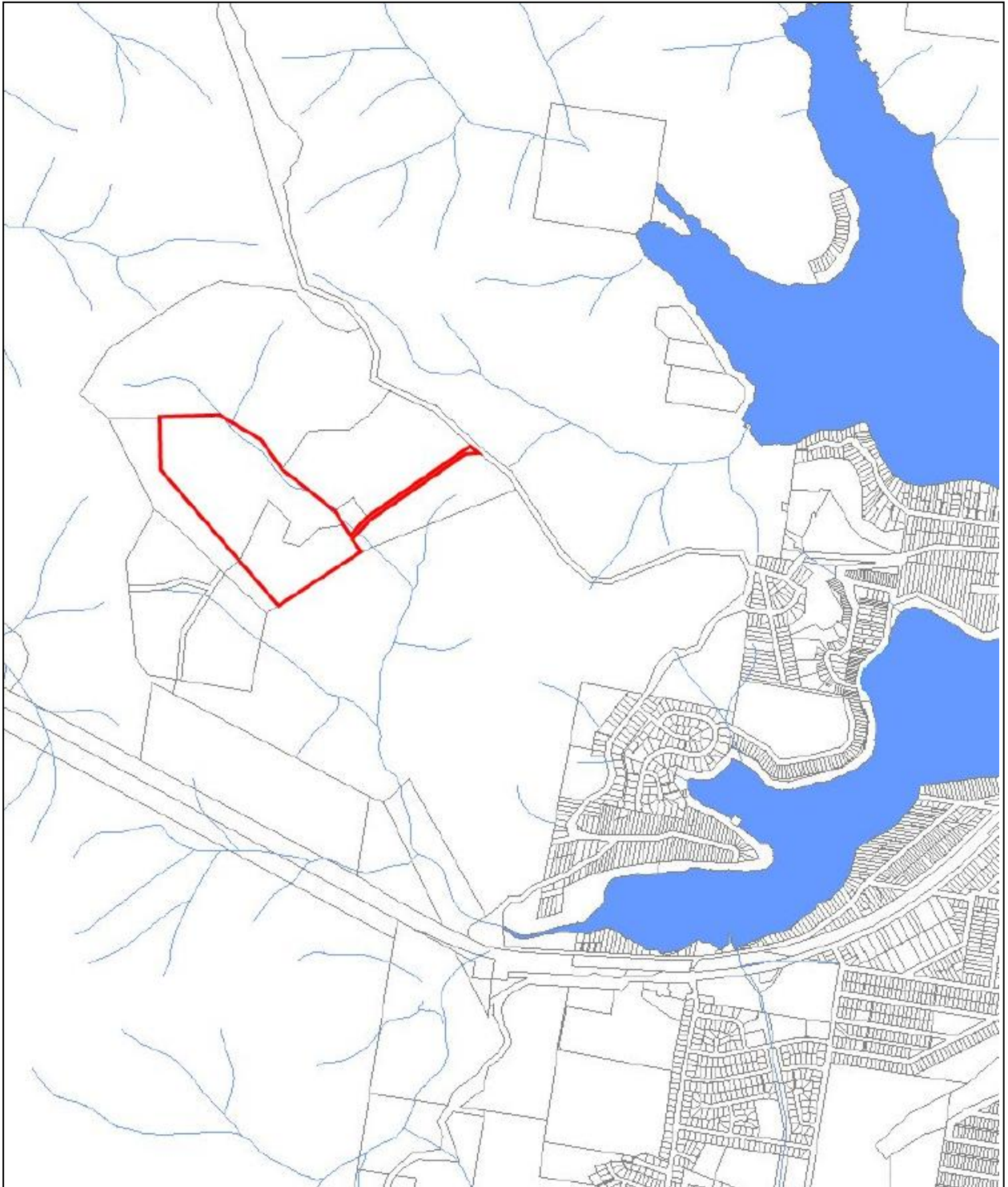


APPENDIX 9 - Landslip**Legend**

Yellow - Medium Hazard
Blue - Immediate High Hazard

APPENDIX 10 - Aboriginal Land Claim Map



APPENDIX 11 - Waterways/Watercourses

Blue Shading - Waterway
Thin Blue Lines - Watercourses

APPENDIX 13

Net Community Benefit

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?

Yes. The Central Coast Regional Strategy identifies that services to support population growth will need to be planned and delivered as the Strategy is implemented. These services include the identification of suitably located land for resource recovery infrastructure which will support growth in regional centres.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No. The site is not located in a regional city or strategic centre or corridor identified within the Central Coast Regional Strategy. However it will serve the residents of Gosford, the regional city and the residents of the Central Coast.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

No. The site specific rezoning will not create a precedent or change expectations of nearby landowners as the proposed use is not common to a locality but forms part of the public infrastructure of Gosford which requires a Special Use zone.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Yes. Most of the adjoining land is either National Park or Crown Land which is unlikely to be rezoned. There is one lot to the north of the subject land which is privately owned and zoned 7(a) Conservation. Consequently, there is little likelihood that additional rezonings will occur in the locality.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Yes. The LEP will facilitate an employment opportunity during construction and operation of the resource recovery facility. No loss of employment land will result from the LEP.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

No. The LEP will not affect the supply of residential land.

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

The existing road network is able to service the additional traffic generated by the proposed development. The site is accessed from Woy Woy Road which is classified as a Regional Road capable of accommodating additional truck movements. The additional traffic will not need to use residential streets. The proposed use is not one that requires servicing by public transport.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

No. The Resource Recovery Facility is not open to the public so car distances will not be altered. Some service trucks coming from the northern parts of the LGA will have less distance to travel but those from the Peninsula will have more distance to travel due to the southern section of Woy Woy Road being closed to heavy vehicles. Even so, the operation of the facility will reduce biosolids and greenwaste going to landfill and emitting greenhouse gases during decomposition.

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

No. The site is currently Crown Land and the State Government has given permission for Council to lodge this Planning Proposal. The proposed facility will not impact on Government infrastructure or services. Should the development proceed, the proponent will have to upgrade any infrastructure (e.g. roads) as required.

Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

No. The Government has not identified the subject land as being in need of protection.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve? Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The previous quarry operation has caused some siltation of Woy Woy Creek and ultimately Correa Bay. Any future use of the land will include rehabilitation of the site and preventative measures to eliminate sediment from leaving the site. Also the use of the land for a resource recovery facility will not create any additional impacts on the scenic quality of the locality. The public domain will not be affected as the site is not visible from Woy Woy Road. It will not result in retail and commercial premises operating in the area.

If a stand-alone proposal and not a centre; does the proposal have the potential to develop into a centre in the future?

No. The Planning Proposal is for a specific land use on a specific parcel of land which will not enable the site to be developed into a centre in the future.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The Planning Proposal is in an isolated location which will reduce any potential impacts on residents. The nearest residential subdivision is situated 1 km away to the south. Brisbane Water National Park adjoins the southern and western boundaries. Vacant Crown Land and Darkinjung owned land adjoins the eastern boundary. Private land adjoins the site to the north, with an isolated dwelling house located approximately 400 metres away.

It is considered that permitting the proposed resource recovery facility on the subject site will benefit the community by providing a recycling facility that will reduce recyclable waste going to landfill, hence prolonging the life of the existing landfill sites. The implication of not proceeding

with this Planning Proposal is that the Woy Woy Waste Management Facility will come to the end of its operational life and Gosford LGA will be without a site to deposit/recycle waste. Council will then have to source funds to pay for the transport of waste to another such facility outside of the LGA.