

Amendment to permit resource recovery facility, Woy Woy Road, Woy Woy Bay

Proposal Title :	Amendment to permit resource recovery facility, Woy Woy Road, Woy Woy Bay		
Proposal Summary :	The proposal would rezone land at Woy Woy Road, Woy Woy Bay that is currently 7(a) Conservation and Scenic Protection (Conservation) to 5(a) Special Uses (Resource Recovery Facility) in the Gosford Interim Development Order 122 or SP2 Infrastructure (Resource Recovery Facility) in the Gosford comprehensive LEP should it be finalised before this PP is completed.		
PP Number :	PP_2012_GOSFO_010_00	Dop File No :	12/10583

Planning Team Recommendation

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

S.117 directions :

- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

That Council resubmit a revised PP that addresses the following:

- information on Council's local/regional waste management framework demonstrating the strategic justification for additional waste management sites;
- an updated site selection study comparing this site to other available options;
- if not covered in above, a discussion on other related projects such as the 2008 approval for a similar facility and the current Planning Proposal at Springfield; and
- update the Lot and DP description to the correct description where relevant in the PP and supporting appendices.

The revised PP should be resubmitted within three months.

Alternatively, should the Gateway not support resubmission then the following conditions could apply:

- update references in the PP and supporting appendices with the correct Lot and DP description;
- remove the section on the 'likely wording of the site specific LEP' contained in the Explanation of Provisions part of the PP;
- include a proposed zoning map that shows the SI zoning proposed by the PP for the site should the PP amend the finalised Gosford comprehensive LEP;
- update the PP to include a strategic justification for the PP containing:
 - information on Council's local/regional waste management framework demonstrating the strategic justification for additional waste management sites;
 - an updated site selection study comparing this site to other available options; and
 - if not covered in above, a discussion on other related projects such as the 2008 approval for a similar facility and the current Planning Proposal at Springfield.
- undertake the following studies to assess the capability of the site to accommodate the uses proposed: noise, air quality (including odour), water quality (including both surface and groundwater), ecology, land contamination (to satisfy SEPP 55), land stability, bushfire, traffic, and heritage;
- undertake consultation with the following agencies: OEH, OEH (NPWS), OEH (EPA), DPI, DPI (Office of Water), RFS, RMS.

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- following consultation with OEH, review consistency with SEPP 19;
- following the land contamination assessment, review consistency with SEPP 55;
- following consultation with DPI as required by s117 direction 1.3, either confirm consistency with the terms of s117 direction 1.3 or seek DG agreement to an inconsistency;
- following consultation with OEH and once Council is satisfied that ecological issues are adequately addressed, either confirm consistency with the terms of s117 direction 2.1 or seek DG agreement to an inconsistency;
- following consultation with OEH and once Council is satisfied that heritage issues are adequately addressed, either confirm consistency with the terms of s117 direction 2.3 or seek DG agreement to an inconsistency;
- following the land stability study, either confirm consistency with the terms of s117 direction 4.2 or seek DG agreement to an inconsistency;
- following consultation with RFS, either confirm consistency with the terms of s117 direction 4.4 or seek DG agreement to an inconsistency;
- following the provision of the strategic justification identified above and agency/ community consultation, either confirm consistency with the terms of s117 direction 5.1 or seek DG agreement to an inconsistency;
- 28 day community consultation period; and
- 18 month completion date.

Supporting Reasons : Resubmit: refer to the discussion under the 'Need for the Planning Proposal' section.

Conditions recommended to be imposed if the Gateway supports the progression of the PP without the need to resubmit:

- strategic justification condition to inform consistency with s117 direction 5.1 and to inform community/ agency consultation;
- studies identified are needed as discussed in the 'Environmental, social, economic' section of this report;
- agency consultation: OEH (ecology, heritage), OEH (NPWS) (proximity of National Park), OEH (EPA) (PP relates to waste management), DPI (s117 direction 1.3 and former quarry site), DPI (Office of Water) (water impacts), RFS (s117 direction 4.4, bush fire prone), RMS (traffic);
- SEPP and s117 direction requirements as per discussed in the 'Consistency with the Strategic Framework' section of this report;
- 28 day consultation period due to potential impacts;
- 18 month completion (allow time for studies, consultation etc) and to align with the time given to the resource recovery facility Springfield PP.

Panel Recommendation

Recommendation Date : 19-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The planning proposal and accompanying documents refer to the lot and DP of the subject site as 'part of Lot 7049 DP 1030417'. However, the lot and DP of the site have changed and now are known as 'Lot 3 DP 1176071'. Prior to the commencement of public exhibition Council is to update the references throughout the planning proposal, including the supporting appendices, with the correct Lot and DP description 'Lot 3 DP 1176071'.
2. Prior to the commencement of public exhibition Council is to amend the appendices section of the planning proposal in the following way:
 - (a) insert an additional map indicating the proposed Standard Instrument zoning for the subject site
 - (b) insert an additional map indicating bushfire prone land.
3. Prior to the commencement of public exhibition Council is to amend the planning proposal to include the outcomes/findings of the following required information:
 - (a) Water Quality Assessment, including both surface and groundwater
 - (b) Noise and Air Quality Assessment, including odour
 - (c) Bushfire Assessment
 - (d) Ecology Assessment

- (e) Land Contamination Assessment, in accordance with the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land
- (f) Land Stability Assessment, to inform s117 Direction 4.2 consideration and as the site was the subject of former quarrying
- (g) Traffic Assessment
- (h) Heritage Assessment.

4. As part of the public exhibition material, Council is to provide:

- (a) information on Council's local/regional waste management framework demonstrating the strategic justification for additional waste management sites
- (b) updated site selection details comparing the subject site to other available options
- (c) a discussion on other related projects such as the 2008 approval for a similar facility and the current planning proposal at Springfield.

5. Prior to the commencement of public exhibition, Council is to ensure that the planning proposal is supported by sufficient additional information to adequately demonstrate consistency with the relevant s117 Directions and SEPPs. Furthermore, following consultation/discussion with the relevant agencies (refer to condition 9) Council is to amend the planning proposal to reflect and respond to the comments of those agencies. The following SEPPs and s117 Directions require review:

- (a) SEPP 19 (Bushland in Urban Areas) and SEPP 55 (Remediation of Land)
- (b) S117 Directions: 1.3 (Mining, Petroleum Production and Extractive Industries), 2.1 (Environment Protection Zones), 2.3 (Heritage Conservation), 4.2 (Mine Subsidence and Unstable Lands), 5.1 (Implementation of Regional Strategies).

6. Following completion of the work required by conditions 1 - 5 above, Council is to revise the planning proposal where necessary and provide a copy of the updated planning proposal and associated relevant information to the Department's Regional Office.

7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

- Office of Environment and Heritage
- Office of Environment and Heritage - NSW National Parks and Wildlife Service
- Office of Environment and Heritage - Environment Protection Authority
- NSW Department of Primary Industries
- NSW Department of Primary Industries - Office of Water
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services

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

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

10. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may

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otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Signature: _____

Printed Name: _____

Neri McGahey

Date: _____

7.8.12