

MINUTES OF THE HUNTER & CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT GOSFORD GOLF CLUB ON THURSDAY, 19 JULY AT 1:30 PM

PRESENT:

Garry Fielding	Chair
Kara Krason	Panel Member
Laurie Maher	Panel Member
Greg Flynn	Panel Member

IN ATTENDANCE

Gary Chestnut	Manager Development
Peter Pegg	Advisor - Planner
Robert Eyre	Senior Town Planner
Kendal Caynes	Environmental Assessment Officer
Elizabeth Ashby	Consultant – Keystone Ecological

APOLOGY: JASON PERICA

1. The meeting commenced at 1.30 pm

2. **Declarations of Interest - Nil**

3. **Business Items**

ITEM 1 - 2012HCC014 – Gosford City Council 40918/2011 - Integrated Resource Recovery Facility; H168 Somersby Falls Road Somersby

5. **Public Submission –**

Lyn Hawker on behalf of **Somersby Hub** addressed the panel **against** the item

Ralf Dahmen addressed the panel **against** the item

Mary Rayner on behalf of **Australian Reptile Park** addressed the panel **against** the item

Mike Fitzpatrick addressed the panel **against** the item

Martin Roberts addressed the panel **against** the item

Helen Monks addressed the panel **against** the item

Michael Flaherty - Lawyer on behalf of **applicant**

6. Panel's Decision

ITEM 1 - 2012HCC014 – Gosford City Council 40918/2011 - Integrated Resource Recovery Facility; H168 Somersby Falls Road Somersby

Moved by Kara Krason, Seconded by Greg Flynn, that:

The Joint Regional Planning Panel as consent authority refuse Development Application No 40918/2011 for the proposed Resource Recovery Facility in 2 Stages on Lot: 9 DP: 787857 No 168 Somersby Falls Road Somersby, as per reasons two (2) to fifteen (15) of the Council Officers report:

- ~~1 The proposal is essentially and materially the same as that dismissed by the Land and Environment Court on 4 December 2007 under Case No 10121 of 2007. Therefore this application is an abuse of process as identified in *Russo v Kogarah Municipal Council* (1999) NSW CA 303.~~
- 2 The proposal is inconsistent with the aim and objectives of Clauses 24-26 of Gosford Local Environmental Plan 22.
- 3 The proposal (a waste or resource management facility) is a prohibited use under the draft Gosford LEP 2009.
- 4 The proposal is inconsistent with the objectives and management controls of the Somersby Plan of Management. It intrudes into Management zone 1(d) *Hibbertia procumbens* by about 1.4ha.
- 5 The proposal is not ecologically sustainable and contrary to the precautionary principle as it has a direct and unknown impact upon the habitat areas of both *Hibbertia procumbens* and the Eastern Pygmy Possum
- 6 The proposal is inconsistent with the objectives of the *Threatened Species Conservation Act, 1995*.
- 7 Approval of the proposed development would have an irreversible impact and endanger the local population of the Eastern Pygmy Possum.
- 8 Approval of the proposed development would have an irreversible impact of the largest area in the Somersby Industrial Park Plan of Management set aside for *Hibbertia procumbens*.
- 9 The development of the additional incursion into the *Hibbertia procumbens* Management Zone 1(d) will compromise its shape and diversity and will therefore alter the efficacy of this part of the Somersby Industrial Park to deliver the intended conservation outcome for that species and others that it may support.
- 10 The proposal does not deliver an “improve or maintain” outcome for the Somersby Industrial Park. The Biocertification calculations indicate that the threatened species within the Somersby Industrial Park cannot sustain any further losses to the management zones

- 11 The proposal has not been supported by appropriate mitigation and offset measures to compensate the loss / impact on threatened species management zones and habitat. A Biobanking Certificate has not been submitted with the development application.
- 12 Piecemeal applications of over-sized development footprints in isolation of the conservation context of the SIP as enunciated by the PoM will threaten the long term conservation of the subject species because it will irrevocably compromise the PoM's integrity.
- 13 Compromising the management zones with the encroachment of development will erode the Ecologically Sustainable Development principles that the Somersby Industrial Park Plan of Management was founded upon.
- 14 There has been no evidence submitted of recent consultation with local Aboriginal communities in relation to the application as outlined in the letter from the NSW Office of Environment and Heritage dated 16 May 2012.

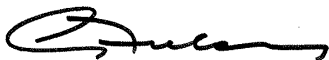
The Darkinjung Local Aboriginal Land Council has objected to the proposal due to the close proximity to numerous Aboriginal sites and the impact on surrounding culturally significant sites.

- 15 The Environmental Protection Authority has determined that all required information was not submitted as part of the EIS. The EPA requires the latest air quality assessment to be provided in order to the EPA to undertake a full assessment of the proposal, as well as additional information on water management and waste handling all required information was not submitted as part of the current EIS application.

MOTION CARRIED.

The meeting concluded at 2.25pm

Endorsed by



Garry Fielding
Chair, Hunter & Central Coast
Joint Regional Planning Panel
Date: 20 July 2012