

**MINUTES OF THE HUNTER & CENTRAL COAST
JOINT REGIONAL PLANNING PANEL MEETING
HELD AT MANGROVE MOUNTAIN HALL
ON THURSDAY, 25 OCTOBER 2012 AT 4.00PM**

PRESENT:

Garry Fielding	Chair
Kara Krason	Panel Member
Jason Perica	Panel Member
Bob Ward	Panel Member
Greg Flynn	Panel Member

IN ATTENDANCE

Robert Eyre	Senior Town Planner
Diane Spithill	Senior Town Planner
Mark Stables	Senior Environment Assessment Officer
Masahiro Kimura	Senior Development Assessment Engineer
Rick Brocklehurst	Water & Sewer Asset Development Officer
Brian Martin	Water Headworks Engineer
Cathy Newton	Engineering Assessment Officer
Grant Foster	Senior Ranger
David Dowling	Ranger

APOLOGY: Mayor - Lawrie Mckinna

1. The meeting commenced at 4.05 pm
2. **Declarations of Interest** – Councillor Bob Ward declared a non pecuniary interest in Item 1. He has 3 sons who attended Central Coast Grammar School but not in recent years.
3. **Business Item 1**

2012HCC025 – Gosford - DA42576, Multi Purpose Centre (Central Coast Grammar School), Lot 12 DP 847114 No 2 Arundel Rd, Erina Heights
4. **Public Submissions**

Nil
5. **The Resolution of the Panel**

MOVED BY: Greg Flynn **SECONDED BY:** Councillor Bob Ward

THAT:

- A In accordance with Section 80(3) of the Environmental Planning and Assessment Act, 1979, a deferred commencement consent is granted to Development Application No. 42576/2012 for the proposed Multi-Purpose Centre (Central Coast Grammar School) on Lot 12 DP 847114 No 2 Arundel Road Erina Heights is subject to the following conditions being met to the satisfaction of Council within **twenty four (24) months** from the date of this consent. Such satisfaction will be achieved by:
- i. Submission of an on-site wastewater feasibility report from a practicing Geotechnical Engineer experienced in wastewater management in accordance with Australian Standard 1547:2012 On-Site domestic wastewater management and the Environment & Health Protection Guidelines On-Site Sewage Management for Single Households. The report is to be approved in writing by **Gosford City Council** prior to the Development Consent becoming operative.
 - ii. Submission of an application under the provisions of Section 68 of the Local Government Act 1993, for a permit to install an on-site sewage management system. The application to install the on-site sewage management system is to be approved in writing by **Gosford City Council** prior to the Development Consent becoming operative.
- B Upon compliance with the conditions of deferred commencement and written notification by Council, the consent shall become operative subject to the attached conditions.
- C In accordance with Section 95(1A) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of five (5) years.
- D The applicant is advised of JRPP's decision and of their right to appeal to the Land and Environment Court within **six (6) months** after the date of determination.
- E The NSW Rural Fire Service, Roads & Maritime Services and Police be notified of the Joint Regional Planning Panel decision.

The addition of Condition 6.8

6.8 Compliance at all times with the approved Transport Management Plan.

The Motion was carried unanimously by the Panel.

6. Business Item 2

2012HCC012 – Gosford, DA42013, New Agricultural High School & Demolish existing dwelling and structures, Lot 87 DP755253 No 2964 Wisemans Ferry Road Mangrove Mountain

7. Public Submission –

- Chris Oliver on behalf of the adjoining land owner addressed the panel against the item.
- Stephen Goodwin addressed the panel against the item.
- Neil Berecny-Brown addressed the panel against the item.
- Margaret Pontifex addressed the panel against the item.
- Sara Balmer addressed the panel against the item.
- Craig Watson addressed the panel against the item.
- Marilyn Wood addressed the panel against the item.
- Sue Ellison addressed the panel against the item.
- Peter Commensoli from NSW Farmers Central Coast Branch addressed the panel against the item.
- Bob Lander – Mangrove Mountain and District Community Group addressed the panel against the item.
- Josh Abdurahman on behalf of the applicant addressed the panel in favour of the item.

8. The Resolution of the Panel

MOVED BY: Jason Perica **SECONDED BY:** Councillor Bob Ward

THAT:

- A The Joint Regional Planning Panel as consent authority refuse consent to Development Application No 42013/2012 for a proposed Educational Establishment (Senior Secondary Agricultural School) on Lot 87 DP755253 No.2964 Wisemans Ferry Road, Mangrove Mountain for the following reasons:
1. Pursuant to Section 79C (1)(a) of the Environmental Planning and Assessment Act 1979, the proposal is considered to be inconsistent with the stated objectives of the 1 (a) Rural Agriculture) zone (i.e. objective “b”, “c”, “d” & “f”) and Clause 5(4) of IDO 122 and the objectives for the RU1 zone under the Draft Gosford LEP 2009.
 2. Pursuant to Section 79C (1)(a) of the Environmental Planning and Assessment Act 1979, the proposal is considered to be inconsistent with clause 6(5) of Sydney Regional Environmental Plan No. 8 – Central Coast Plateau Areas. It is considered that other rural zoned land, not being prime agricultural land, could provide a viable alternative site for the proposed agricultural school and allow for future expansion of the school.
 3. Pursuant to Section 79C (1)(a) of the Environmental Planning and Assessment Act 1979, the proposal is considered to be inconsistent with clause 6(5) of Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River. The proposal is considered to be inconsistent with the specific planning policies under Clause 6 of the

SREP to limit impacts on the water quality of the Mangrove Creek Weir water catchment.

4. Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, the proposal has potential to indirectly impact on the surrounding environment including the endangered ecological community listed as Coastal Upland Swamp in the Sydney Basin Bioregion located on adjoining Crown Land to the rear of the property. Indirect impacts associated with this development that may adversely impact on this community are:

- Bore water extraction leading to changes in the local soil moisture gradient;
- Failure of the AWTS at this location has the potential to cause increased phosphorus levels that could substantially and adversely modify species composition;
- Failure of the AWTS at this location has the potential to cause increased nutrients leading to increased potential for weed incursions;
- Pond / dam overflows through OSSM disposal areas could lead to OSSM failure.

A Section 5A assessment (7-part test) has not been completed for potential indirect impacts on the Coastal Upland Swamp in the Sydney Basin Bioregion or the Red-crowned Toadlet. Failure of the AWTS at this location has the potential to cause serious harm to the natural environment.

5. Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, the proposal has potential to impact on the surrounding environment including the Mangrove Creek Weir drinking water catchment. It is considered that the proposal is likely to impact water quality within the water supply catchment area and create a risk of contamination.
6. Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development by virtue of its location within the drinking water catchment and potential indirect impacts to endangered ecological community listed as Coastal Upland Swamp in the Sydney Basin Bioregion located on adjoining Crown Land.
7. The proposal to provide an agricultural educational establishment with residing students situated within an agricultural locality that supports intensive agriculture is not supported by the NSW Department of Primary Industries, **and these concerns are justified given direct and indirect impacts on prime agricultural land.**
8. The NSW Office of Water have not issued a Part 5 Groundwater licence under the Water Act 1912 for the purposes of commercial use to confirm that the existing bore licence is sufficient in terms of capacity to meet the needs of the school for potable water supply.

9. **The proposal is inconsistent with the Central Coast Regional Strategy, particularly in relation to protecting water catchment areas and encouraging urban development east of the F3 freeway.**
 10. **Even if the site was suitable for residential boarding accommodation, which it is not, the design and layout of the proposed accommodation and supporting facilities is inappropriate particularly noting the isolated nature of the site.**
- B The applicant is advised of Joint Regional Planning Panel's decision and of their right to appeal to the Land and Environment Court within 6 months after the date of determination.
- C The objectors are notified of Joint Regional Planning Panel's decision.
- D The External Authorities be notified of the Joint Regional Planning Panel decision.
- E **The Panel encourages Council officers to meet with the applicant or sponsors of the proposal to discuss alternative appropriate site(s) within Gosford for the proposed development.**

The Motion was carried unanimously by the Panel.

The meeting concluded at 5.40pm.



Garry Fielding
Chair, Hunter & Central Coast Joint Regional Planning Panel
Date: 5 November 2012