

DATE OF DETERMINATION	19 August 2020
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Kyle MacGregor and Chris Burke
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically between 13 August 2020 and 19 August 2020.

MATTER DETERMINED

PPS- 2019HCC018 – Central Coast Council – 53515/2017 at 1 Vere Place Somersby – resource recovery facility (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel in their consideration have categorised the use as a resource recovery facility. In determining the matter the Panel considered the provisions of clause 7.4(3) and (4) of the Gosford Local Environmental Plan (GLEP) 2014 and were satisfied that the proposal is consistent with the objectives of that clause as well as the other relevant clauses in the GLEP 2014.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached to the Council report amended as follows:

1. Amend condition 2.3 to read as follows:

Submit to the Principal Certifying Authority for approval a detailed design of the weighbridge in accordance with Protection of the Environment (Waste) Regulation 2014 and Waste Levy Guidelines (NSW EPA, 2018). The location of the weighbridge shall be on the northern side of the on-site detention system and not located within 15m of the Chivers Road frontage boundary and shall be located clear of the on site carparking spaces.

2. Amend condition 2.10 to read as follows:

Trees and native vegetation required for retention, and those approved for removal as shown on the landscape plan must be clearly marked on all final engineering and landscaping plans. A Tree Protection Plan is to be prepared for Council approval. The plan must be prepared by a qualified Arborist (AQF5), providing details of tree protection zones and tree protection measures to be undertaken during construction. All fenced tree protection areas must be clearly marked as “No Go Area” on all plans. The location of any threatened species and ecological communities must also be marked on all plans.

3. Amend condition 2.11 to require approval of the Vegetation Management Plan by Council’s Ecologist.

4. Replace reference to Principal Certifying Authority in condition 2.13 with Council.

5. Add a new condition 5.12 to read as follows:

The Operational Plan of Management is to be amended to reflect the conditions of this consent.

6. Amend condition 6.1 to also require as follows:

The maximum storage capacity on the site is limited to 1,000 tonnes at any one time.

7. Delete reference to hours of operation as stipulated by the Environmental Protection Authority from condition 6.3.

8. Amend condition 6.16 to read as follows:

Implement and comply with the requirements of the Operational Plan of Management, prepared by Coastal Design Link, dated 12 November 2019 as amended by condition 5.12.

9. Add a new condition 6.21 to read as follows:

The operation of the development must not result in vehicles queuing in the road reserve.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development is consistent with that anticipated by the planning framework that has identified a planned industrial estate.
- The proposed resource recovery facility is of a moderate scale and the site is suitable to accommodate the function of the use.
- The retention of vegetation and street setbacks result in an appropriate streetscape presentation and mitigate ecological impacts.
- The potential environmental impacts arising from the proposal can be managed to ensure minimal impacts on sensitive landuses.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the amendments as outlined above.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:






- Proximity to residential development, particularly in relation to health concerns
- Silicosis
- Alleged unapproved activity on site
- Noise production
- Traffic issues and impact on local road network
- Potential impact on environmentally sensitive area
- Zoning of site
- Suitability of site
- Long term impact on site
- Whether genuine recycling will take place
- Number of similar facilities in area
- Need for oversight of facility once operational
- Water course and aquifer on site
- Health and environmental impacts

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the consideration of the matter.

The Panel had the benefit of hearing from a submitter who raised particular concerns regarding the aquifer, Council water supply and potential burial of waste. The Panel were satisfied that the application does not involve any burying of waste on site. In respect to the aquifer the Panel sought further advice from Council and were advised as follows:

“Groundwater dependent ecosystems on the Somersby Plateau are generally defined by Coastal Upland Swamps. These areas are groundwater discharge sites and Coastal Upland Swamp vegetation has evolved to grow in these water saturated environments. Accordingly Coastal Upland Swamps contain damp heath swamp or wet heath swamp type vegetation. The vegetation at the proposal site is a dry sclerophyll community known as Red Bloodwood - Smooth-barked Apple - Scribbly Gum - Old Man Banksia heathy woodland on sandstone ranges of the Central Coast. Dry sclerophyll forest does not occur in constantly damp or wet groundwater discharge sites. The National Groundwater Dependent Ecosystem Atlas does not highlight the proposal site as having a potential for groundwater interaction. The nearest potential for groundwater interaction is over 1km away to the east of the proposal site, but is classified as having a low potential for groundwater interaction.”

Council officers also advised that the nearest water supply catchment in relation to the site is that associated with Mooney Mooney Dam. The site is not located within a water supply catchment.

PANEL MEMBERS	
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 Juliet Grant	 Chris Burke
 Kyle MacGregor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS- 2019HCC018 – Central Coast Council – 53515/2017
2	PROPOSED DEVELOPMENT	Proposed Resource Recovery Facility (a ‘waste or resource management facility’ as defined in the Gosford LEP 2014)
3	STREET ADDRESS	1 Vere Place Somersby
4	APPLICANT OWNER	Coastal Design Link Alchere Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Protection of the Environment Operations Act 1997 • Water Management Act 2000 • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 44 – Koala Habitat Protection ○ Central Coast Regional Plan 2036 ○ Gosford Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Central Coast Local Environmental Plan 2018 • Development control plans: <ul style="list-style-type: none"> ○ Gosford Development Control Plan 2013 ○ Somersby Industrial Park Plan of Management • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 12 August 2020 • Written submissions during public exhibition: eight
8	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 4 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: Andrew Roach, Ailsa Prendergast and K. Singh • Site inspection: <ul style="list-style-type: none"> ○ Alison McCabe: 4 March 2020 ○ Juliet Grant: 4 March 2020 ○ Chris Burke: 23 June 2020 • Final Council briefing to discuss council’s recommendation, 19 August 2020, 9:30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Kyle MacGregor and Chris Burke

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: K. Singh, Anthony Favetta, Matthew Hingee, Ailsa Prendergast, Andrew Roach, Emily Goodworth • Submitter briefing to discuss council's recommendation, 19 August 2020, 10:30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: K. Singh, Anthony Favetta, Ailsa Prendergast ○ <u>Submitters</u>: Margaret Pontifex • Applicant briefing to discuss council's recommendation, 19 August 2020, 11am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, Kyle MacGregor and Chris Burke ○ <u>Council assessment staff</u>: K. Singh, Ailsa Prendergast, Anthony Favetta and Matthew Hingee ○ <u>Applicant</u>: Rod Wall and Lachlan Atkinson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report