

MEMO TO PANEL

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-266 – Central Coast – DA/2268/2023 – 133 Somersby Falls Road, Somersby, 2250
PROPOSAL	General Industry and Resource Recovery Facility – Asphalt Plant
ADDRESS	Lot 3 DP1292653, 133 Somersby Falls Road, Somersby
APPLICANT	Paul Anderson
OWNER	Nichita Pty Ltd
DA LODGEMENT DATE	18 December 2023
APPLICATION TYPE	Nominated Integrated Development Application (section 47 and 48 of <i>Protection of the Environment Operations Act 1997</i>) Designated Development Application (clause 8(1), Schedule 3 of <i>Environmental Planning and Assessment Regulation 2021</i>)
REGIONALLY SIGNIFICANT CRITERIA	Clause 5(a), Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : private infrastructure for the purposes of waste or resource management facility over \$5 million
CIV	\$7,992,200 (excluding GST)
RECOMMENDATION	Approval subject to conditions
PANEL MEETING DATE	5 November 2024
PREPARED BY	J Tattam - Senior Development Planner
DATE OF MEMO	4 November 2024

SUPPLEMENTARY INFORMATION

This memo is to supplement the Officer's report to the Panel to clarify the height of proposed retaining walls and recommended conditions of consent.

Proposed retaining walls

In the discussion within the assessment report under the section related to Chapter 2.9 – Industrial Development of Central Coast DCP 2022 the report notes that retaining along the south-east of the site, and the front of the site has been reduced to a maximum height of 2m. This was based on the draft plans provided by the applicant at the time of writing the report.

Following completion of the report the applicant provided final plans. It is noted that the maximum height of the retaining along the south-east of the site has been increased to 2.910m, and the maximum height of the retaining wall across the front of the site has been increased to 3.170m.

Both of these revised heights are still less than originally proposed – 4.2m for retaining along the south-east, and 3.850 for the retaining along the front of the site.

Landscaping is proposed for a depth of 5m in front of both of these walls, so it is not anticipated they will result in adverse visual impacts.

Conditions of consent

A) Contributions Condition

The recommended conditions of consent include Condition 2.3 which states:

2.3. Before the issue of a Construction Certificate, pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979, the applicant must pay a contribution to Council totalling \$62,148.65, as calculated at the date of this consent, in accordance with the Central Coast 7.12 Local Infrastructure Contributions Plan 2023.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Central Coast 7.12 Local Infrastructure Contributions Plan 2023. Contributions under the Central Coast 7.12 Local Infrastructure Contributions Plan 2023 are subject to quarterly indexation by CPI.

A copy of the Contributions Plan is available for inspection at 2 Hely St, Wyong or on Council's website: [Development Contributions Plans and Planning Agreements | Central Coast Council \(nsw.gov.au\)](https://www.centralcoast.nsw.gov.au/development/contributions-plans-and-planning-agreements)

The above condition was finalised on 28 October 2024. However, the contribution amount needs to be adjusted due to indexation which changed on 1 November 2024. In addition, the applicant confirmed that the cost estimate excluding GST is \$7,992,200 (not the previously reported 7,500,000).

It is recommended that Condition 2.3 reads as follows:

2.3. Before the issue of a Construction Certificate, pursuant to Section 7.12 of the Environmental Planning & Assessment Act 1979, the applicant must pay a contribution

to Council totalling \$88,802.20, as calculated at the date of this consent, in accordance with the Central Coast 7.12 Local Infrastructure Contributions Plan 2023.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Central Coast 7.12 Local Infrastructure Contributions Plan 2023. Contributions under the Central Coast 7.12 Local Infrastructure Contributions Plan 2023 are subject to quarterly indexation by CPI.

A copy of the Contributions Plan is available for inspection at 2 Hely St, Wyong or on Council's website: [Development Contributions Plans and Planning Agreements | Central Coast Council \(nsw.gov.au\)](https://www.centralcoast.nsw.gov.au/development/contributions-plans-and-planning-agreements)

B) Stormwater Condition

Condition 2.8 (b), (c), (d) and (e) refers to the Water Cycle Management Plan prepared by CUBO consulting dated 2 November 2023 and the associated stormwater plans within that document.

During assessment of the proposal the applicant amended the proposed cut, fill and retaining walls which has flow on effects to the proposed grades and stormwater design.

As at the morning of 5 November 2024 the applicant has failed to provide a revised Water Cycle Management Plan and associated stormwater plans that reflect the amended design.

On this basis Condition 2.8 cannot be updated.

The draft recommended conditions have been revised to reflect the adjusted contributions condition above and are attached to this memo.