

DATE OF DEFERRAL	11 November 2024
DATE OF PANEL BRIEFING	5 November 2024
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 October 2024.

MATTER DEFERRED

PPSHCC-266 – Central Coast – DA/2268/2023 at 133 Somersby Falls Road, Somersby 2250 – Construction and Operation of Asphalt Batching Plant (as described in Schedule 1)

REASONS FOR DEFERRAL

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

The Panel has had the benefit of a briefing from both the applicant and the Council. The Panel also heard from three (3) submitters who had previously made written submissions.

The proposal is for an Asphalt Batching Plant that will produce up to 200,000 tonnes per annum. The application also involves the receipt of reclaimed asphalt paving (RAP) as part of the process. The application has been amended since it was lodged. The application as originally lodged was for a 24-hour, seven-day-a-week operation. These hours resulted in unreasonable acoustic impacts on surrounding residences.

The application has since been amended to seek operating hours of 7:00 am to 6:00 pm, Monday to Friday. Amended documents, including an amended acoustic assessment and revised architectural plans including cross-sections, were submitted. These amended documents have been considered in the Council assessment report, which has recommended approval of the application. A supplementary memo, dated 5 November 2024, was also provided by Council for the Panel's consideration.

The Panel notes that the site is zoned E4 General Industrial and is adjoined to the north and south by similarly zoned sites. The site includes a small portion of RU1 Primary Production zoned land on its western boundary. Lands to the immediate east and west are zoned RU1 Primary Production, with C2 Environmental Conservation lands further to the north and west. The site is located within the Somersby Industrial Park.

The submitters raised particular concern regarding the suitability of the site for the use, given the adjoining residential uses, and how the amenity of residents was to be protected, particularly with respect to noise and acoustic treatments and the height of those structures. They queried a number of inconsistencies in the documentation.

In their presentation to the Panel, the applicant indicated that further work had been done on the stormwater management system, that would potentially result in an increased landscaped area at the western interface and the removal of a retaining wall on the western and southern boundary, with potential additional landscaping.

Arising from the Panel's deliberation and consideration of the Council report, the matters raised in submissions, and applicants foreshadowed amendments, a number of issues have been identified.

There are a number of inconsistencies between the architectural plans, sections, the acoustic report and measures recommended. It would appear that the acoustic modelling needs to be redone to properly reflect the architectural plans, particularly to determine the appropriate height of acoustic measures on the south, west and eastern boundaries and how they may be integrated with proposed structures.

The application needs to clarify that the hours of operation are 7:00 am to 6:00 pm and remove any reference to 24/7.

Any proposed landscaped areas should be clear of retaining walls.

The acoustic measures proposed need to be clearly shown on the architectural plans and integrated with the structure where appropriate.

The interface at all boundaries, including retaining walls, fences, acoustic measures, buildings, and landscape areas, need to be consistently documented across plans, elevations, and sections.

The following information is required for the Panel to be satisfied that the proposal is suitable for the site and that the impacts can be appropriately managed:

- (i) A revised stormwater management plan and Water Cycle Management Plan
- (ii) Revised noise modelling that considers the structures proposed as part of the development and indicates the height and materiality of acoustic measures required to mitigate impacts
- (iii) Integration of acoustic measures with the structures/use to minimise impact on adjoining residences and to meet EPA guidelines
- (iv) Amended architectural plans that are internally consistent and accurately document the amended acoustic measures in plan, elevation, and section, as well as built form, fencing, retaining walls, landscape elements, and all setbacks, including location and height
- (v) Additional cross-sections in the north-west section of the site to show the height of the RAP stockpile
- (vi) Height of the RAP stockpile
- (vii) Identification of landscaped area with a batter on all plans and sections.




The Panel agreed to defer the matter for the provision and assessment of the above information.

The decision to defer the matter was unanimous.

ACTIONS

The Development Application to be deferred for the following:

1. The Applicant to provide the information and amended plans at points (i) to (vii).
2. A formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant within four (4) weeks, outlining:
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021.
 - b. Updated technical reports relied on in the amended application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within three (3) weeks of the upload of the Applicants required information to the Planning Portal.
4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

PANEL MEMBERS	
 Alison McCabe	 Tony McNamara
 Roberta Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-266 – Central Coast – DA/2268/2023
2	PROPOSED DEVELOPMENT	Construction and Operation of Asphalt Batching Plant
3	STREET ADDRESS	Lot 3 DP1292653, 133 Somersby Falls Road, Somersby 2250
4	APPLICANT/OWNER	PMANDO Holdings Pty Ltd Nichita Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan 2022 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Part 8 Division 5 – requirements for EIS, section 60 notification requirements. 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: 28 October 2024 Council supplementary memo and revised conditions: 5 November 2024 Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 13 February 2024 <ul style="list-style-type: none"> Panel members: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Tony Tuxworth

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth, Leah Hitchenson ○ <u>Applicant Representatives</u>: Paul Anderson, Emma Hansma ○ <u>Department</u>: Leanne Harris, Holly McCann <ul style="list-style-type: none"> ● Site inspection: <ul style="list-style-type: none"> ○ <u>Panel members</u>: <ul style="list-style-type: none"> – Alison McCabe: 12 October 2024 – Roberta Ryan: 10 February 2024 – Tony McNamara: 21 June 2024 <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: 5 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara ○ <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth, Leah Hitchenson ○ <u>Applicant representatives</u>: Paul Anderson, Emma Hansma, Bethany Carlyon, Ivy Wang ○ <u>Submitters</u>: Peter Bowen, Gary Chestnut on behalf of residents and Ralph Dahmen ○ <u>Department</u>: Leanne Harris
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report