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| **ADDENDUM TO COUNCIL ASSESSMENT REPORT**HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL  |

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| 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 Batching 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 *Protection of the Environment Operations Act 1997*)Designated Development Application (clause 8(1), Schedule 3 of *Environmental Planning and Assessment Regulation 2021*) |
| REGIONALLY SIGNIFICANT CRITERIA | Clause 5(a), Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*: private infrastructure for the purposes of waste or resource management facility over $5 million |
| CIV | $7,000,000 (excluding GST)  |
| CLAUSE 4.6 REQUESTS  | N/A |
| KEY SEPP/LEP | *SEPP (Planning Systems) 2021**SEPP (Industry & Employment) 2021**SEPP (Resilience and Hazards) 2021**SEPP (Transport and Infrastructure) 2021**Central Coast Local Environmental Plan 2022**Central Coast Development Control Plan 2002* |
| TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS | Three |
| ORIGINAL DOCUMENTS SUBMITTED FOR CONSIDERATION | Attachment 1: Draft recommended conditions of consentAttachment 2: Architectural PlansAttachment 3: Environmental Impact StatementAttachment 4: NSW EPA General Terms of Approval |
| ADDENDUM DOCUMENTS SUBMITTED FOR CONSIDERATION | Attachment 1: Draft recommended conditions of consentAttachment 2: Revised Architectural PlansAttachment 3: Revised Noise ReportAttachment 4: Revised Civil Plans & Water Cycle Management Plan |
| SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24) | N/A |
| RECOMMENDATION | Approval |
| DRAFT CONDITIONS TO APPLICANT | Yes |
| ORIGINAL SCHEDULED MEETING DATE | 5 November 2024 |
| PLAN VERSION | Select Date Version No  |
| PREPARED BY | Jenny Tattam – Senior Development Planner |
| DATE OF ORIGINAL REPORT | 28 October 2024 |
| DATE OF ADDENDUM REPORT | 3 December 2024 |

**EXECUTIVE SUMMARY**

Development Application No. DA/2268/2023 seeks consent for the construction and operation of a new asphalt batching plant. The asphalt batching plant will have the capacity to produce approximately 200 tonnes of asphalt per hour – approximately 200,000 tonnes of new asphalt material per annum.

The purpose of this addendum is to address the additional information requested by the Hunter & Central Coast Regional Planning Panel (the Panel) following deferral of DA/2268/2023 (PPSHCC-266) on 11 November 2024. The reason for deferral was to request further information from the applicant regarding a range of issues identified during the initial determination meeting.

Amended plans and additional information have been submitted by the applicant to address the matters raised by the Panel in the Record of Deferral.

The recommended conditions of consent have been updated to reflect the amendments made to the proposal.

The additional information has been assessed, with regard to the matters raised by the Panel in the Record of Deferral and under Section 4.15 of the EP&A Act and is considered satisfactory. Accordingly, it is recommended that the application be approved subject to the amended draft conditions of consent.

**RECOMMENDATION**

That Development Application No. 2268/2023 for General Industry and Resource Recovery Facility - Asphalt Batching Plant at 133 Somersby Falls Road, Somersby be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) subject to the amended draft conditions of consent.

**INTRODUCTION**

This addendum report provides a detailed overview of the amended plans and additional information submitted by the applicant to address the Panel’s reasons for deferral at its determination meeting on 11 November 2024.

**BACKGROUND**

In their deferral notice the Panel requested the following information for them to be satisfied that the proposal is suitable for the site and that the impacts can be appropriately managed:

1. *A revised stormwater management plan and Water Cycle Management Plan.*
2. *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.*
3. *Integration of acoustic measures with the structures/use to minimise impact on adjoining residences and to meet EPA guidelines.*
4. *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.*
5. *Additional cross-sections in the north-west section of the site to show the height of the RAP stockpile.*
6. *Height of the RAP stockpile.*
7. *Identification of landscaped area with a batter on all plans and sections.*

**AMENDED PROPOSAL**

Amended plans and additional information have been submitted in response to the matters raised by the Panel. The amended plans and additional information include:

* Revised Noise & Vibration Impact Assessment report
* Revised Architectural Plans
* Revised Water Cycle Management Plan including revised Civil Plans
* Details of proposed RAP stockpile height.

The applicant provided a formal written request to amend the application in accordance with Section 37 of the *Environmental Planning and Assessment Regulation 2021* on 1 December 2024. This amendment was accepted.

**PLANNING ASSESSMENT**

This revised assessment considers only those matters relevant to the reasons for deferral. The remaining assessment remains unchanged from the original Council Assessment Report dated 28 October 2024.

1. *A revised stormwater management plan and Water Cycle Management Plan*

Council’s Senior Development Assessment Engineer has reviewed the revised architectural plans and the revised Water Cycle Management Plan (prepared by Cubo, dated 6 November 2024) incorporating the amended stormwater plans. On-site detention is no longer proposed in a detention basin within the rear of the proposed development but is now proposed under the car parking area within the front of the site. No objections have been raised to the submitted amended details and updates to the recommended engineering conditions have been provided. These are incorporated into the recommended conditions of consent accompanying this report.

It is noted that with the removal of the on-site detention basin from the rear of the site, this area is now proposed to be landscaped, thereby providing an overall increase in landscaping on the site and an increased buffer to RU1 zoned land to the rear.

1. *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*

The applicant has submitted a revised Noise & Vibration Impact Assessment report (prepared by Benbow Environmental, dated 3 December 2024). Additional modelling has been conducted to confirm the height and materiality of proposed acoustic measures. The report states that operational noise is predicted to comply with the Noise Policy for Industry (2017) criteria at all residential receptors as long as the following noise control measures are in place:

* *The height of the walls of the raw materials/RAP bunker in the rear of the site shall be a minimum of 4.5m high and constructed in concrete tilt up panels. This structure connects to the walls inside the northern and southern boundaries and shall be 6m high on the southern end to connect with the proposed 6m high acoustic wall.*
* *6 metre high acoustic wall (height measured from the floor of the plant) setback 3m inside the southern boundary along the length of the hopper loading area and main plant. This wall should be constructed in concrete tilt up panels.*
* *1.8m high acoustic wall along the northern boundary. The 1.8m high wall along the northern boundary is measured from the floor level of the plant hardstand. When the proposed retaining wall is greater than 1.8m no wall is required as the retaining wall satisfies the height requirements. Where the retaining wall is less than 1.8m high the acoustic wall should sit on top of the proposed retaining wall such that the total height measured from the plant hardstand is 1.8m or greater. This will be made from 0.42 BMT Colorbond.*
* *1.8m high acoustic wall should be located on top of the retaining wall that is setback 5m from the south-eastern boundary. This wall should be made from 0.42 BMT Colorbond.*
* *8m high Besser block wall to be in front of the truck loading area.*
* *8m high Besser block wall in front of the hoppers.*
* *Bitumen tanks are 11.5m high and connected with an 11.5m high wall in-between. The wall is to be made of 0.42 BMT Colorbond.*
* *Drum burner must be enclosed – Building Rw≥27 (0.42 BMT on all facades). The building is proposed to be made from Colorbond steel with a base metal thickness (BMT) of 0.42.*
* *The main stack processing plant must be enclosed – Building Rw≥27 (0.8 BMT) for the walls, 0.42 for the roof. The walls are proposed to be made from Colorbond steel with a BMT of 0.8, while the roof is to be made from Colorbond steel with a BMT of 0.42.*
* *The asphalt loading area underneath the batching plant must be enclosed to house the truck loading. Acoustic curtains are to be installed. General industrial acoustic curtains typically consist of a flexible panel incorporating a series of acoustic materials, such as mineral wool or fiberglass insulation, encased within a waterproof and durable tarpaulin casing. The specific materials and supplier details for the acoustic curtains will be verified prior to installation by a qualified acoustic consultant to ensure compliance.*
1. *Integration of acoustic measures with the structures/use to minimise impact on adjoining residences and to meet EPA guidelines*

As outlined above, the proposed acoustic measures are required to minimise noise impacts on adjoining residences and to meet the requirements of the Noise Policy for Industry (2017) and the EPA.

All of the proposed measures are incorporated into the design of the development. The height of the walls of the raw materials/RAP bunker have been increased to 4.5m to further address potential noise impacts on residents to the rear.

The 1.8m high acoustic wall along the northern and south-eastern boundaries is to be setback from the boundary consistent with the location of retaining walls. The area between the boundaries and the retaining/acoustic walls shall be landscaped.

The 6m high acoustic wall is setback 3m from the southern boundary. A previous retaining wall in front of this acoustic wall has been removed and incorporated into the wall itself. The area between the 6m high wall and the boundary shall be landscaped.

Additional walls have been proposed within the asphalt processing plant itself – including 8m high walls in front of the truck loading area and the hoppers, and 11.5m high wall between the bitumen tanks. Other aspects of the plant shall be enclosed.

1. *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*

The architectural plans were revised to ensure internal consistency and to accurately document the amended acoustic measures. Built form, fencing and retaining walls are shown on the site plan, elevations and sections. Landscaping is only shown on the proposed Site Plan (Drawing No. A004). A condition of consent requires provision of a detailed Landscape Plan prior to issue of a construction certificate (**condition 2.9**).

The following table sets out the proposed acoustic measures and where they are reflected on the revised architectural plans.

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| **Acoustic Mitigation Measure** | **Plan Reference** |
| Bunker walls – minimum 4.5m high | * Height of bunker walls identified on Site Plan Drawing No. A004 (Item No. 14 & 15).
* North boundary elevation Drawing No. A206.
* Western elevation Drawing No. A207.
* Cross Section 5 on Drawing No. A210.
 |
| 6m high acoustic wall inside southern boundary | * Shown on Site Plan Drawing No. A004.
* Internal view of this wall shown on Drawing No. A208.
* Southern elevation Drawing No. A209 (Refer note \*).
* Cross Section 3 on Drawing No. A210.
 |
| 8 metre high wall in front of the truck loading area | * Drawing No. A005.
 |
| 1.8m high wall inside:* Northern boundary
* South-eastern boundary
 | * Site Plan Drawing no. A004.
* Northern elevations Drawing No. A206.
* Southern elevation Drawing No. A209.
* Cross Sections 1 & 4 Drawing No. A210.
 |
| 8m high wall in front of the hoppers | * Drawing No. A005.
 |
| 11.5m high bitumen tanks connected with 11.5m high wall  | * Site Plan (Item 8) Drawing No. A004.
* Drawing No. A005.
* Drawing No. A202 - processing plant elevation 03.
 |
| Enclosed drum burner | * Site Plan (Item 9) Drawing No. A004.
 |
| Enclosure of main stack processing plant | * Site Plan (Item 9) Drawing No. A004.
 |
| Enclosed truck loading area | * Drawing No. A005.
* Drawing No. A202 – Elevation 01.
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\* Note: On Drawing No. A209 it is noted that the height of the 6m high acoustic wall on the eastern end is 6.290m. This was queried with the applicant who advised that the height of the acoustic wall is a maximum of 6m high from the FFL of the asphalt plant (i.e., the inside of the wall). The exterior of the wall is slightly higher on the eastern end because it incorporates a small retaining wall.

1. *Additional cross-sections in the north-west section of the site to show the height of the RAP stockpile*

The revised architectural plans include two additional cross sections to show what is proposed in the north-west section of the site. The maximum height of the RAP stockpile shall be 4.5m high, consistent with the height of the bunker walls.



Figure 1: Excerpt of Drawing No. A206 showing north-west corner of proposed development &

4.5m high bunker walls



Figure 2: Excerpt of Drawing No. A210 showing 4.5m height of bunker walls

1. *Height of the RAP stockpile*

By their letter dated 1 December 2024 the applicant has confirmed that the maximum height of the RAP stockpile shall be 4.5m, consistent with the walls of the surrounding bunker.

A recommended condition has been included to ensure that the height of the RAP stockpile does not exceed 4.5 metres (**condition 6.10**).

1. *Identification of landscaped area with a batter on all plans and sections*

The areas of proposed landscaping are shown on the Site Plan (Drawing No. A004). Landscaping within the front setback is further shown on Drawing Nos. A100 and A101. A condition requires a detailed Landscape Plan in accordance with these landscape areas prior to issue of a construction certificate (**condition 2.9**).

***Environmental Planning and Assessment Act 1979* (EP&A Act)**

**Section 4.15 Evaluation**

**Section 4.15(1)(a)(i) provisions of any environmental planning instrument**

The amended proposal is consistent with the provisions of the Central Coast Local Environmental Plan 2022 and the following relevant SEPPs:

* State Environmental Planning Policy (Planning Systems) 2021
* State Environmental Planning Policy (Industry & Employment) 2021
* State Environmental Planning Policy (Resilience and Hazards) 2021
* State Environmental Planning Policy (Transport and Infrastructure) 2021
* State Environmental Planning Policy (Sustainable Buildings) 2022

The original assessment remains unchanged as a result of the amended proposal.

**Section 4.15(1)(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition**

There are no draft instruments relevant to the amended proposal.

**Section 4.15(1)(a)(ii) any development control plan (and section 7.11 plan)**

Central Coast Development Control Plan 2022

*Chapter 2.9 – Industrial Development*

The amount of landscaping has increased in the amended proposal, which is considered a good outcome, particularly with regard to the view of the site from the street and adjoining properties.

Previously proposed retaining walls inside the western and south-western boundaries have been removed and these areas have been given over to landscaping. Landscaping is also now proposed between the northern boundary and proposed retaining/1.8m acoustic wall which are setback 3m from the boundary.

A condition of consent requires provision of a detailed landscape plan prior to issue of a construction certificate.

**Section 4.15(1)(a)(iia) Planning agreements**

There are no planning agreements that are relevant to the proposed development.

**Section 4.15(1)(a)(iv) Provisions of Regulations**

There are no matters within the regulations that are relevant to determination of the amended application.

**Section 4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The likely environmental impacts of the development relating to the natural and built environments, and social and economic impacts remain generally unchanged from that identified in the original Council Assessment Report of 28 October 2024. It is noted that the amended proposal provides an increase in landscaped areas on the site, and this is a positive outcome.

**Section 4.15(1)(c) the suitability of the site for the development**

The site is suitable for the amended development for the reasons identified within the original Council Assessment Report dated 28 October 2024.

**Section 4.15(1)(d) any submissions made in accordance with this act or the regulations**

The amended proposal does not involve any substantial change to environmental impacts or material changes from those plans originally notified. Accordingly, no further re-notification or advertising is required.

**Section 4.15 (1)(e) the public interest**

The amended proposal is considered to be in the public interest for the reasons identified within the Council Assessment Report dated 28 October 2024.

**Attachments:**

1. Revised recommended conditions of consent
2. Revised Water Cycle Management Plan, Cubo Consulting, 6 Nov 2024
3. Revised Noise & Vibration Impact Assessment, Benbow Environmental, 3 Dec 2024
4. Revised Architectural Plans, ADG Architects, 15 Nov 2024
5. Applicant’s letter, 1 Dec 2024