

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	12 December 2024
DATE OF PANEL DECISION	11 December 2024
DATE OF PANEL BRIEFING	10 December 2024
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 4 December 2024.

MATTER DETERMINED

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)

PANEL CONSIDERATION AND DECISION

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

The Panel deferred the determination of this DA on the 11th of November 2024 to require the following information:

- 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

Council prepared an addendum assessment report dated 3 December 2024 which addressed the additional information submitted in response to the Panel's deferral. The Panel has considered this report.

The amended documentation has corrected inconsistencies and incorporated the acoustic mitigation measures as part of the architectural set.

The plans show an increased landscaped area, particularly at the interface along the western boundary, and the removal of a part of a retaining wall along the southern boundary. Conditions have been included to require a detailed landscape plan, including species that will grow to a height of four (4) to six (6) metres, and to limit the height of the reclaimed asphalt pavement stockpile.

The submitters queried the suitability of the site for use. The location of the site within a planned industrial park means that the use is consistent with the policy framework.

With the proposed limitation on hours, the acoustic measures, and the proposed landscaping at the site's interface, the Panel is satisfied that the proposed development is suitable for the site and that impacts arising from the use can be appropriately managed and mitigated.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- (i) The proposed use is consistent with the policy framework applying to the site.
- (ii) The impacts of the development can be mitigated through limitation on hours of operation and acoustic measures.
- (iii) The site is suitable for the development.




CONDITIONS

The development application was approved subject to the conditions in the council addendum assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that 3 written submissions were made during public exhibition and the Panel heard from all those wishing to address the Panel at its meeting on the 5th of November 2024. The Panel notes that issues of concern included:

- Community consultation processes
- Incompatibility with the rural character
- Noise impacts
- Adjacent rezoning
- Impacts associated with traffic and parking, air quality and visual.
- Hazardous industry
- Light spillage
- Precedent of an asphalt plant near environmental lands.
- Construction impacts
- Social impacts

PANEL MEMBERS	
 Alison McCabe (Chair)	 Tony McNamara
 Roberta Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-266 – Central Coast – DA/2268/2023
2	PROPOSED DEVELOPMENT	General Industry and Resource Recovery Facility - 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 Addendum to Council assessment report: 3 December 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"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Tony Tuxworth <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth, Leah Hitcheson <u>Applicant Representatives</u>: Paul Anderson, Emma Hansma <u>Department</u>: Leanne Harris, Holly McCann 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 • Final briefing to discuss council’s recommendation: 10 December 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 ○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment addendum report