

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	5 September 2023
DATE OF PANEL DECISION	5 September 2023
DATE OF PANEL MEETING	30 May 2023
PANEL MEMBERS	Roberta Ryan (Chair), Tony McNamara and Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Alison McCabe declared a conflict of interest as she has worked with the applicant Allam Homes in relation to another site.</p> <p>Alan Tickle, David West and Kathryn Bell declared conflicts of interest as they are all Councillors of MidCoast Council, and Council was the landowner at the time that this DA was lodged.</p>

Public meeting held by teleconference on 23 May 2023, opened at 3pm and closed at 3:55pm and papers circulated electronically on 23 August 2023

MATTER DETERMINED

PPSHCC-127 – Mid-Coast – DA2022/0214 at 40-80 Chapmans Road, Tuncurry – manufactured housing estate (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 the site inspection listed at item 8 in Schedule 1.

The Panel initially considered this matter at a public meeting on 30 May 2023. At that stage the Council's assessment report recommended refusal of the application.

Following the meeting the Panel deferred the determination of the DA and called for the applicant to submit further documents to address the Council's draft reasons for refusal and for Council to prepare a supplementary addendum report in response to any additional information supplied.

'Council's supplementary report continues to recommend refusal of the application on the basis that traffic, stormwater impacts and the provision of accessible visitor parking have not been satisfactorily resolved'.

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined in the Council's Supplementary Assessment Report and as below:

The Panel notes that there has been an extensive effort by the Council and the consent authority to resolve the issues raised in the assessment of this application however the applicant has not provided sufficient information to address traffic, stormwater impacts and the provision of accessible visitor parking.

REASONS FOR REFUSAL

The Development Application was refused for the following reasons:



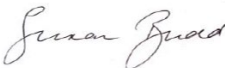
1. The potential traffic impacts on the state and local road network have not been adequately identified and appropriately mitigated.
2. The proposal has not demonstrated that the proposed arrangements for disposal of stormwater are adequate and that the proposed disposal to an adjoining site will not have unsatisfactory impacts on the receiving environment.
3. The proposed development in the vicinity of the external visitor car parking is not suitably screened from the public domain and will have an adverse impact on visual amenity.
4. The proposed development is not considered to be in the public interest in accordance with Clause 4.15(e) of the EP&A Act

CONSIDERATION OF COMMUNITY VIEWS

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

- Traffic/parking
- Contamination
- Stormwater
- Compatibility

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 public meeting.

PANEL MEMBERS	
 Roberta Ryan (Chair)	 Tony McNamara
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-127 – Mid-Coast – DA2022/0214
2	PROPOSED DEVELOPMENT	<p>Manufactured Home Estate, comprising:</p> <ul style="list-style-type: none"> • Filling and regrading of the land to accommodate 88 manufactured home sites together with a community club house and recreation facilities plus a maintenance shed; • Internal road works and parking for 18 vehicles provided in three separate locations through the development; • Extension of the public road network from Chapmans Road to the entry of the estate; • Landscaping of the site; • Retention of vegetation over the eastern part of the site; and • • Provision of necessary services and infrastructure.
3	STREET ADDRESS	<p>Lot 100 DP 1286524</p> <p>40-80 Chapmans Road TUNCURRY</p>
4	APPLICANT/OWNER	Allam MHE #3 Pty Ltd (at the time of lodgement MidCoast Council was the owner of the land)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
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 (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Housing) 2021 ○ Great Lakes Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Great Lakes Development Control Plan 2014 ○ Great Lakes Section 94 Development Contributions Plan - Great Lakes Wide ○ Great Lakes Section 94 Development Contributions Plan - Forster District • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 23 May 2023 • Council Supplementary Assessment report 21 August 2023 • Written submissions during public exhibition: 19 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Michelle Woodford ○ Council assessment officer – Bruce Moore ○ On behalf of the applicant – Adrian Arnaudon, Susan Blake and Michael Summers

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick-off Briefing: 4 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sandra Hutton (Chair), Juliet Grant, David West and Alan Tickle ○ <u>Applicant representatives</u>: Susan Blake, Adrian Arnaudon, Michael Hay and Mark Cerone ○ <u>Council assessment staff</u>: Adam Matlawski, Ryan Fenning, Bruce Moore, Kieran Woodall, Belinda Kennewell, Prue Tucker and Mathew Bell ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley • Briefing: 17 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sandra Hutton (Chair), Juliet Grant, David West and Alan Tickle ○ <u>Council assessment staff</u>: Bruce Moore and Kieran Woodall ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt, Lisa Foley and Mary Francis • Applicant Briefing: 7 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sandra Hutton (Chair), Juliet Grant, David West and Alan Tickle ○ <u>Applicant representatives</u>: Mark Cerone, Susan Blake and Sam Hull ○ <u>Council assessment staff</u>: Bruce Moore and Kieran Woodall ○ <u>Department staff</u>: Leanne Harris <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> • Site inspection: 22 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Roberta Ryan (Chair), Tony McNamara and David West ○ <u>Council assessment staff</u>: Prue Tucker, Bruce Moore and Kieran Woodall ○ <u>Department staff</u>: Leanne Harris • Final briefing to discuss council's recommendation: 30 May 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Roberta Ryan (Chair), Tony McNamara and Susan Budd ○ <u>Council assessment staff</u>: Bruce Moore, Marty Tooze, Emily Nicholson and Prue Tucker ○ <u>Department staff</u>: Leanne Harris, Lisa Foley and Lisa Ellis • Final briefing to discuss council's supplementary recommendation: 30 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Roberta Ryan (Chair), Tony McNamara and Susan Budd ○ <u>Council assessment staff</u>: Bruce Moore, Kieran Woodall ○ <u>Department staff</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided