

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	18 December 2024
DATE OF PANEL BRIEFING	11 December 2024
PANEL MEMBERS	Alison McCabe (Chair), Stephen Leathley, Doug Eaton
APOLOGIES	Rachel Stanton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 4 December 2024.

MATTER DEFERRED

PPSHCC-189 – Central Coast – DA/117/2023 – 63-69 Lake Road, Tuggerah 2259 – Resource Transfer Depot (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 inspection listed at item 8 in Schedule 1.

The Panel has had the benefit of an initial briefing from Council and the Applicant. This application has been under assessment for some 18 months and has been recommended for refusal.

Arising from the final briefing from both Council and the Applicant, the Panel understands that there has been very little communication with the Applicant since the submission of their response to the RFI some six months ago. Furthermore, the Applicant was only notified of the Panel's meeting one day before the meeting and had not had the opportunity to review the report.

The Council assessment report raises concerns with several matters which the Applicant needs to address. Stormwater management and water quality are fundamental issues with the application. There also needs to be sufficient information to satisfy the jurisdictional preconditions.

The Panel considers that, in the circumstances of this application, the Applicant should be given the opportunity to review the report and respond to the issues raised.

To this end, the Panel agrees to defer the determination of the matter to allow the Applicant to respond to the Council assessment report.

The Panel also requires the relevant Council officers to meet with the Applicant to ensure a clear understanding of the issues.

The Panel agreed to defer the determination of the matter.

The decision to defer the matter was unanimous.




ACTIONS

The determination of the Development Application be deferred for the following:

1. Council is to meet with the Applicant to provide clear advice as to what is needed.
2. The Applicant to provide sufficient information to address the matters identified in the Council assessment report.

3. A formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant by 30 January 2025, 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.
4. 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.
5. When the updated assessment report is received, the Panel will determine the application by way of electronic determination.

If the outstanding information is not provided, the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Doug Eaton
 Stephen Leathley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-189 –Central Coast – DA/117/2023
2	PROPOSED DEVELOPMENT	Resource Transfer Depot
3	STREET ADDRESS	63-69 Lake Road, Tuggerah 2259
4	APPLICANT/OWNER	Rod wall, Wayne Jacobs, Cheryl Jacobs
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 (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>: Section 190, and 192 - form and content of environmental impact statements, Section 60 - referral of submissions to DPE 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: 4 December 2024 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 14 June 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Greg Flynn, Tony Tuxworth <u>Applicant Representatives</u>: Rod Wall, Lachlan Atkinson <u>Council assessment staff</u>: Nathan Burr, Emily Goodworth <u>Department</u>: Leanne Harris, Lisa Foley, Lisa Ellis, Tim Mahoney Site inspection: <ul style="list-style-type: none"> Alison McCabe: 14 July 2023 Stephen Leathley: 10 December 2024 Final briefing to discuss council's recommendation: 11 December 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Stephen Leathley, Doug Eaton <u>Council assessment staff</u>: Nathan Burr <u>Applicant representatives</u>: Rod Wall, Lachlan Atkinson <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A