

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	30 October 2025
DATE OF PANEL DECISION	30 October 2025
DATE OF PANEL BRIEFING	21 October 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Doug Eaton
APOLOGIES	Tony McNamara, Stephen Leathley, Rachel Stanton
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 14 October 2025.

MATTER DETERMINED

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

The Panel initially considered this application in December 2024. At that stage Council's assessment report had recommended refusal of the application. The Panel determined to defer determination of the application to allow the Council and the applicant to work towards provision of sufficient information to address the deficiencies identified in the assessment report.

Council's supplementary assessment report has now been received. It sets out a number of deficiencies that remain following the receipt of additional information received from the applicant indicating that these matters could be addressed via a deferred commencement condition.

The Panel is of the opinion that a number of matters included as deferred commencement conditions are matters that require assessment and consideration of the merits by the Panel and are not conditional matters.

The applicant has failed to provide sufficient information for the Panel to properly consider the matter. The applicant, after 2.5 years, has had sufficient opportunity to lodge the required information.

While the context of the site may be appropriate for the use, it is located near a sensitive environment that warrants careful consideration of potential impacts. The proposed development does not provide sufficient information for the Panel to understand how impacts will be mitigated and managed.

The application is refused on the basis of insufficient information and the Panel not being able to satisfy jurisdictional requirements.

Development application

The Panel determined to refuse the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* for the following reasons:

1. There is insufficient information to satisfy the provision of s.4.6(1)(a) *State Environmental Planning Policy (Resilience and Hazards) 2021*.

2. Clause 7.6 of *Central Coast Local Environmental Plan 2022* cannot be satisfied. It is unclear whether, services for stormwater drainage or on-site conservation are available, or that adequate arrangements have been made to make the service available when required.
3. Clause 7.1 of *Central Coast Local Environmental Plan 2022* cannot be satisfied, as an Acid Sulfate Soils Management Plan has not been prepared with respect to the development in accordance with the Acid Sulphate Soils Manual and provided to the consent authority.
4. The proposed development is contrary to Chapter 2.13 of *Central Coast Development Control Plan 2022* in that:
 - a. The parking and storage area of the site is not sealed which will lead to unacceptable water and air quality impacts.
5. The proposed development is contrary to Chapter 2.9 Industrial Development and Chapter 5.34 of *Central Coast Development Control Plan 2022* in that:
 - a. Insufficient information has been provided to quantify the noise impacts associated with the development as required by clause 2.9.2.19.
 - b. The development application does not provide adequate detail to address the potential impact of fire as required by clause 2.9.2.20.
6. Inadequate information has been provided to demonstrate the development will not have an unreasonable impact on surface and ground water associated with recharge through the site, surface water runoff, windblown contaminants leaving the site and from tracking associated with vehicles leaving the site.
7. The proposal is not in the public interest as the development has the potential to cause undue air and water pollution and the site is located in proximity to a number of sensitive receptors including, state significant wetlands, public recreation facilities and dwelling houses.

The decision was 2:1 in favour. Doug Eaton was against the decision.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons outlined above.

Doug Eaton disagreed with the majority decision and considered that the matters identified in the Council report could be addressed by deferred commencement conditions. He also noted that, in the event that the applicant did not meet the conditions, the consent would not operate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that there was one (1) submission received raising concerns with the proposal. The Panel has considered the matters raised in the submission.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Doug Eaton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-189 –Central Coast – DA/117/2023
2	PROPOSED DEVELOPMENT	Resource Transfer Depot
3	STREET ADDRESS	Lot 2 DP1022771 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	- Environmental planning instruments: - 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: - Central Coast Development Control Plan 2022 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil - 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	- Council assessment report: 4 December 2024 - Council supplementary report: 14 October 2025 - 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	- Preliminary Briefing: 14 June 2023 <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: - Alison McCabe: 14 July 2023 - Roberta Ryan: 10 February 2024 - Doug Eaton: 20 October 2025 - Final briefing to discuss Council's recommendation: 21 October 2025 <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Doug Eaton, <u>Council assessment staff</u>: Nathan Burr, Lara Davis <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Deferred Commencement
10	DRAFT CONDITIONS	Attached to supplementary report