

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	1 April 2025
DATE OF PANEL MEETING	25 March 2025
PANEL MEMBERS	Alison McCabe (Chair), Amanda Wetzel, Rachel Stanton, Doug Eaton
APOLOGIES	Tony McNamara and Roberta Ryan
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 25 March 2025, opened at 10.30am and closed at 11.50am
Papers circulated electronically on 19 March 2025.

MATTER DETERMINED

PPSHCC-281 – Central Coast – DA/161/2024 at 305 Pacific Highway, Lake Munmorah 2589 (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.

This application is for a residential subdivision for 285 lots and dedication of land to Council and ongoing management of environmentally sensitive lands. The application is the subject of a State and Local Voluntary Planning Agreement (VPA) and a Biodiversity Certification Order pursuant to s8.2 of the Biodiversity Conservation Act 2011. The application has been amended over the assessment period.

The site was the subject of a Planning Proposal for the proposed development which was finalised in December 2022.

The subdivision layout and location of public parks, drainage reserves, and conservation allotments are generally in accordance with the indicative plan in Chapter 5.54 of the Central Coast DCP 2021.

The use and development of the site for residential land release is consistent with the Strategic Planning Framework for the site — it has been specifically planned for urban development.

The Panel has held several briefings with both the applicant and the Council.

Given the number of submissions, the Panel held a public listening meeting in December 2024.

One of the key issues of concern of surrounding residents is the potential traffic impacts arising from the development and how this may affect their amenity when considered in conjunction with the operation and use of the adjacent playing fields on the western side of Tall Timbers Road.

The Council report recommends deferral of the application for further information to address:

1. Groundwater
2. Ongoing management and maintenance of conservation land
3. Provision of sewage and stormwater drainage
4. Flooding
5. Biodiversity – clarification regarding mapped area
6. Construction traffic management

The applicant has, since the release of the report, submitted further information to Council. The Panel received some of this information on 24 March 2025. The applicant, in their presentation at the public meeting, advised that further information has also been submitted. Council is yet to review or fully consider the additional suite of information.

The Panel also requires a supplementary assessment report outlining Council's position in respect to this information.

The Panel, at this point in time, cannot be satisfied about the above matters and requires the information to be assessed.

The Panel requests that Council also provide clarity on what is required to address concerns regarding groundwater and any outstanding information. This should involve a meeting between groundwater experts.

The Panel notes that the application has been under assessment for over 12 months and that delays have occurred. The Panel notes that this is not all attributed to Council.

The Panel agreed to defer the determination of the matter until 6 May 2025.


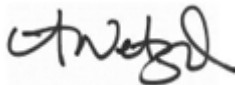

The decision to defer the matter was 3:1 in favour.

Councillor Doug Eaton was against the decision as he considered that the matters raised could be dealt with by conditions in a deferred commencement determination.

ACTIONS

The Panel deferred the Development Application for:

1. Council to provide clarity on what additional information is required in respect to groundwater by 31 March 2025.
2. The Applicant to provide the information to address matters identified in Council's report.
3. A formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant by 4 April 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. Any 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 by 28 April 2025.
5. When the updated assessment report is received the Panel will undertake a final briefing on 6 May 2025 and determine the application by way of electronic determination.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Amanda Wetzel
 Doug Eaton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-281 – Central Coast – DA/161/2024
2	PROPOSED DEVELOPMENT	Subdivision
3	STREET ADDRESS	285, 295, 305, 315 and 325 Pacific Highway, Lake Munmorah 2589
4	APPLICANT/OWNER	Barker Ryan Stewart Pty Limited Rose Living Pty Ltd / Alda Properties Pty Ltd (Lake Munmorah) Urban Land Redevelopment Pty Ltd / Robyn and Roxanne Becker
5	TYPE OF REGIONAL DEVELOPMENT	Coastal Development - Subdivision
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and infrastructure) 2021 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan 2022 Planning agreements: Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 66A 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: 18 March 2025 Written submissions during public exhibition: 19 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Kerry Byers on behalf of the Chain Valley Bay Progress Association Council assessment officer – Nathan Burr On behalf of the applicant – Ian Stewart, Scott Brisbin, William Clark, Louise Camenzuli, Ivan Brcic, Peter Francis, Ian Piper Total number of unique submissions received by way of objection: 19
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 17 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Greg Flynn <u>Council assessment staff</u>: Alexandra Hafner, Salli Pendergast <u>Applicant representatives</u>: Ian Stewart, Scott Brisbin, Joel Shanahan <u>Department</u>: Leanne Harris Briefing: 19 June 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Greg Flynn, Tony Tuxworth

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Alexandra Hafner, Jenny Tattam, Emily Goodworth, Nathan Burr, Danielle Allen ○ <u>Applicant representatives</u>: Ian Stewart, Scott Brisbin, William Clark, Peter Francis, Bryan Rose, Stuart Rose, Tibor Grubits, Joel Shanahan ○ <u>Department</u>: Leanne Harris, Holly McCann <ul style="list-style-type: none"> • Site inspection: <ul style="list-style-type: none"> ○ Alison McCabe: 12 October 2024 • Council status briefing: 17 February 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Doug Eaton, Rachel Stanton <u>Council assessment staff</u>: Emily Goodworth, Nathan Burr, Brendan <u>Department</u>: Leanne Harris, Holly McCann • Final briefing to discuss Council's recommendation: 25 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Amanda Wetzel, Doug Eaton, Rachel Stanton ○ <u>Council assessment staff</u>: Emily Goodworth, Nathan Burr, Brendan Dee ○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Deferral
10	DRAFT CONDITIONS	N/A