

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	21 October 2020
PANEL MEMBERS	Alison McCabe (Chair), Juliet Grant, Clare Brown, Kyle MacGregor and Chris Burke
APOLOGIES	None
DECLARATIONS OF INTEREST	Sandra Hutton declared a conflict of interest as her employer, ADW Johnson, is the applicant's consultant for this development application. Ms Hutton has not had any direct involvement with the application and did not take part in the Panel consideration.

Papers circulated electronically on 8 October 2020.

MATTER DEFERRED

PPSHCC-30 – Central Coast – DA/914/2019 at 5 Mooramba Ave, Tuggerah – waste transfer station (as described in Schedule 1).

The Panel had the benefit of a Council report, draft conditions and the applicant's response and a site inspection of the property. Based on the information provided the Panel could not be satisfied that on commencement of the use that:

- There would be appropriate and suitable access to the site to meet the needs of the development, or that
- All the measures required for the site to operate and mitigate impacts would be in place at the commencement of the use. E.g. paving, environmental management measures and weighbridge.

The Panel considers these matters to be threshold issues. The use of the site as a waste transfer station requires construction of a range of structures and implementation of measures to be in place at commencement of the operation. The Panel could not be satisfied that these can be delivered in a staged way as proposed and achieve a reasonable mitigation of impacts.

Without appropriate access and a suite of environmental and management measures in place the suitability of the site for the use is questionable.

REASONS FOR DEFERRAL

The Panel agreed to defer the determination of the matter for the following information:

1. Details of arrangements required to ensure that a suitable standard of access is available to the site. This may require a Voluntary Planning Agreement (VPA). The existing road needs to be upgraded to a standard to cater for the proposed traffic volumes and manage stormwater prior to commencement of the use. The Panel understands that the construction of the road is not on Council's current works program.
2. Details of the standard of road construction required including levels and how this relates to adjoining lands (including the site) and relevant flood planning levels. Identification of potential impacts arising from the works.
3. A compliance checklist that addresses how the proposed development has addressed the SEARS, and specifically identifying where the waste is anticipated to come from and volumes and types of waste to be received from the nominated sources.
4. Amended plans that detail how all environmental management measures and the weighbridge will be in place at the commencement of the use. This will require deletion of staging.
5. Details of how water and sewer will be provided to the site and what, if any, impacts arise from the provision of these services. These services to be available at the commencement of the operation.






6. Identification on plans of existing street trees to be retained and proximity to access points and proposed batters. Details of batter work adjoining Council land must demonstrate no impacts on adjoining vegetation on adjoining sites.
7. Revised plans that include consistent detail in respect to retaining walls and batter arrangements. All retaining walls proposed are to include a top RL. Adjoining ground levels are to be shown factually by survey.

On receipt of the additional information a further supplementary report be prepared which includes a review of the draft conditions and specifically addresses the wording of conditions 2.9, 3.8, 3.9 and all conditions referring to staging.

If after 60 days from the date of this decision, there is no movement towards a resolution of how to achieve a suitable access and the additional information requested has not been submitted, then a supplementary report be prepared for the Panel to further consider the matter.

When this information has been received, the Panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Clare Brown	 Kyle MacGregor
 Chris Burke	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-30 – Central Coast – DA/914/2019
2	PROPOSED DEVELOPMENT	Construction and use of the site for a waste transfer station and ancillary works
3	STREET ADDRESS	5 Mooramba Ave, Tuggerah
4	APPLICANT/OWNER	All Town Skips c/- ADW Johnson
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 No 55 – Remediation of Land State Environmental Planning Policy No 33 – Hazardous and Offensive Development State Environmental Planning Policy No 64 – Advertising and Signage State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 Sydney Regional Environmental Plan XXX (Deemed SEPP) Wyong Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wyong Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 8 October 2020 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Tuesday, 16 June 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Kyle MacGregor and Chris Burke <u>Council assessment staff</u>: Salli Pendergast and Emily Goodworth Site inspections: <ul style="list-style-type: none"> Alison McCabe: 3 April 2020 Juliet Grant: 16 June 2020 Final briefing to discuss council's recommendation: 14 October 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Clare Brown, Kyle MacGregor and Chris Burke <u>Council assessment staff</u>: Salli Pendergast
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report