



**DETERMINATION AND STATEMENT OF REASONS**  
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	18 April 2021
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Juliet Grant, Clare Brown and Greg Flynn
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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 April 2021.

**MATTER DETERMINED**

PPSHCC-30 – Central Coast – DA/914/2019 at 5 Mooramba Ave, Tuggerah – waste transfer station (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.

This is a matter that the Panel deferred for specific reasons in October 2020. The Panel had the benefit of a supplementary report and briefing from Council officers. The applicant was also provided with the opportunity to address the Panel.

The Panel has considered the additional material and cannot be satisfied that an acceptable means of access for the landuse and the functions of the development will be available, nor that the environmental impacts of the means of access, stormwater and servicing have been documented sufficiently to enable a proper assessment and allow an informed decision.

The Panel notes the site is in an area of bushfire hazard, is flood prone and adjoins a sensitive vegetated area.

The Panel is advised that a suitable access road should allow for trucks to pass each other (which would require a satisfactory pavement width in the order of 6-7m) and would need to be wider at the intersection of Lake Road. Drainage works would also be required outside of this width. There are various options available as to the finish of the surface of the access road. Suitable access would require the existing gravel track to be wider, potentially impacting on sensitive vegetation – the impacts of which cannot be quantified.

Thus, the principal reason for the Panel deferral has not been adequately addressed. The Panel considers that the site is not suitable for the proposed use, as it has failed to demonstrate adequate access arrangements and identify the environmental impacts arising from that access, for the Panel to properly consider.

The Panel also notes inconsistencies in landscape plans, architectural plans and stormwater plans.

**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 following reasons.

- The site is not suitable for the proposed use;
- The means of access to the site is inadequate and does not cater for the needs of the development; and
- The environmental impacts arising from required access arrangements cannot be quantified.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Clare Brown	 Greg Flynn

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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> <li>○ State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Wyong Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: draft Central Coast LEP</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wyong Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 8 October 2020</li> <li>• Written submissions during public exhibition: nil</li> <li>• Supplementary assessment report: 7 April 2021</li> <li>• Updated plans and conditions: 15 April 2021</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Tuesday, 16 June 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Kyle MacGregor and Chris Burke</li> <li>○ <u>Council assessment staff</u>: Salli Pendergast and Emily Goodworth</li> </ul> </li> <li>• Site inspections: <ul style="list-style-type: none"> <li>○ Alison McCabe: 3 April 2020</li> <li>○ Juliet Grant: 16 June 2020</li> <li>○ Greg Flynn: 14 April 2021</li> </ul> </li> <li>• Final briefing to discuss Council's recommendation: 14 October 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Clare Brown, Kyle MacGregor and Chris Burke</li> <li>○ <u>Council assessment staff</u>: Salli Pendergast</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss Council's recommendation: 15 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Clare Brown and Greg Flynn</li> <li>○ <u>Council assessment staff</u>: Salli Pendergast and Mark Dowdell</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> </ul> </li> <li>• Applicant briefing: 15 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant, Clare Brown and Greg Flynn</li> <li>○ <u>Council assessment staff</u>: Salli Pendergast and Mark Dowdell</li> <li>○ <u>Department staff</u>: Leanne Harris and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Zac Smurthwaite</li> </ul> </li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the Council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Provided on 15 April 2021