

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	10 November 2025
DATE OF PANEL MEETING	28 October 2025
PANEL MEMBERS	Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones, Rachel Stanton, Doug Eaton
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 28 October 2025, opened at 1:30pm and closed at 2:05pm.

MATTER DEFERRED

PPSHCC-328 – Central Coast – DA/1685/2024 at 1 Hutton Road, The Entrance North 2261 – Coastal Protection Works (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 and observed at the site inspection listed at item 8 in Schedule 1.

The Panel has had the benefit of a detailed briefing on this matter from the applicant and a number of briefings from Council.

The Panel notes that the applicant elected to appeal to the Land and Environment Court as a deemed refusal in March 2025. The Panel notes that any information considered in a section 34 mediation is confidential.

The Panel and Council, since April 2025, have sought additional information to properly consider the matter.

The applicant, despite a number of requests, uploaded an amended application and supporting information to the Planning Portal on 28 October 2025, the morning of the Panel determination meeting.

The applicant advises that this information addresses the Panel and Council matters raised in the previous correspondence.

The Panel also notes that it was not until the 3rd of October 2025 that the applicant filed a Notice of Motion seeking to amend the application before the Court. Leave was only granted on 17 October 2025.

The Panel does not agree with the applicant's position that the amended application did not need to be formally lodged with Council via the Planning Portal. Notwithstanding this, the applicant has now uploaded information and formally sought to amend the application.

The Panel understands that the information lodged with the Court is currently on notification.

The applicant requested in their presentation on 28 October 2025 that the matter be deferred for the Panel to consider the amended material.

Given the complexity of the matter, the Panel is prepared to defer the matter for consideration of the amended material.

In its deferral, the Panel notes that the information outlined and questions raised in the Panel briefing of 14 April 2025 and Council RFI letter of 6 June 2025 is required for the Panel to properly consider the matter.

The Panel will also seek clarification regarding the status of works associated with the Ministerial Authorisation (The Entrance North Coast Protection Works) Order 2025 issued under the NSW Reconstruction Authority Act 2022.

The Panel will also require information regarding current Council work programs and funding arrangements for dredging the channel and entrance berm and sand nourishment activities.

The Panel understands that the appeal is set down for a hearing in February 2026.

The Panel agreed to defer the determination of the matter.

The decision to defer the matter was unanimous.

ACTIONS

The Development Application to be deferred for:

1. The Applicant to address the queries raised from the Panel briefing of the 14 April 2025 and Council RFI letter dated 6 June 2025.
2. A formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant 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.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal.
4. In the preparation of the addendum report, the Council is also to provide information regarding:
 - i. The status of works associated with the Ministerial Authorisation (The Entrance North Coast Protection Works) Order 2025 issued under the NSW Reconstruction Authority Act 2022.
 - ii. Current Council work programs and funding arrangements for dredging the channel and entrance berm and sand nourishment activities.
5. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Bruce Thom
 Pam Dean-Jones	 Rachel Stanton
 Doug Eaton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-328 – Central Coast – DA/1685/2024
2	PROPOSED DEVELOPMENT	Coastal Protection Works
3	STREET ADDRESS	1 Hutton Road, The Entrance North 2261
4	APPLICANT/OWNER	Horton Coastal Engineering Pty Ltd Owners: SP83326, SP6209 and SP84066
5	TYPE OF REGIONAL DEVELOPMENT	Certain Coastal Protection Works
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and conversation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - Central Coast Local Environmental Plan 2022 - Draft environmental planning instruments: Nil - Development control plans: - Central Coast Development Control Plan 2022 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	- Council Assessment Report: 20 October 2025 - Written submissions during public exhibition: - Verbal submissions at the public meeting: - Chad Collier, Scott Wallis - Council assessment officers – Antonia Stuart, Brendon Clendenning - On behalf of the applicant – Peter Horton - Total number of unique submissions received by way of objection: 91
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Initial Briefing: 14 April 2025 <u>Panel members</u>: Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones, Rachel Stanton, Doug Eaton <u>Council assessment staff</u>: Antonia Stuart, Brendon Clendenning, Mojtaba Tajziehchi, Danielle Allen, Belinda Jennett, Lara Davis, Craig Glynn, Col Downey; James Karsten, Steven Coleman, Toan Dam, Ben Fullagar, Jon Scorgie - Site inspections: - Alison McCabe (Chair): 14 April 2025 - Bruce Thom: 14 April 2025 - Pam Dean-Jones: 14 April 2025 - Rachel Stanton: 10 May 2025

		• Council Briefing: 8 July 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones, Rachel Stanton, Doug Eaton ○ <u>Council assessment staff</u>: Antonia Stuart, Brendon Clendenning, Mojtaba Tajziehchi, Luke Sulkowski, Casey Johnston ○ <u>Department</u>: Leanne Harris, Holly McCann • Final briefing to discuss council’s recommendation: 28 October 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones, Rachel Stanton, Doug Eaton ○ <u>Council assessment staff</u>: Antonia Stuart, Brendon Clendenning, Mojtaba Tajziehchi, Luke Sulkowski, Casey Johnston ○ <u>Department</u>: Holly McCann
9	COUNCIL RECOMMENDATION	Refusal