**REGIONAL PLANNING PANEL**

**(Hunter and Central Coast)**

**Council Assessment Report**

COUNCIL ASSESSMENT SUPPLEMENTARY REPORT

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| **Panel Reference** | **PPSHCC -65** |
| **DA Number** | **DA/1295/2020** |
| **LGA** | **Central Coast Council** |
| **Proposed Development** | **Waste Management Facility (Glass Recycling Facility)O** |
| **Street Address** | Lot 14 DP 243037 - No. 13 Lucca Road, Wyong |
| **Applicant/Owner** | IQ Renew Pty Ltd |
| **Date of DA lodgement** | 7 December 2020 |
| **Total number of Submissions** **Number of Unique Objections** | NIL |
| **Recommendation** | **Approval subject to conditions** |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011** | The application is declared to be Regionally Significant development in accordance with clause 20(1) of *State Environmental Planning Policy (State & Regional Development) 2011* as it is a waste management facility to which the provisions of clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000 (*EP&A Regulation), apply.The proposal meets the requirements for designated development Schedule 3 clause 32 (1) (b) (iii) of the *EP&A Regulation* as it is a waste management facility that has a handling capacity of more than 30,000 tonnes per year.  |
| **List of all relevant s4.15(1)(a) matters** | * *Environmental Planning & Assessment Act 1979* (EP&A Act)
* *Environmental Planning & Assessment Regulation 2000 (EP&A Regulation)*
* *Local Government Act 1993* (LG Act)
* *Protection of the Environment Operations Act 1997*
* *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP State and Regional Development)
* *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*
* *State Environmental Planning Policy No 55 - Remediation of Land* (SEPP 55)
* *State Environmental Planning Policy (Koala Habitat Protection) 2021*
* *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure)
* *Adopted Central Coast Local Environmental Plan 2018* (CCLEP)
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| **List all documents submitted with this report for the Panel’s consideration** | Draft Conditions of ConsentArchitectural PlansSecretary Environmental Assessment Requirements (SEARS)m  |
| **Clause 4.6 requests** | N/A |
| **Summary of key submissions** | There are a couple of minor DCP variations in regards to setbacks but otherwise fully compliant. There were no public submissions and only going to the RPP as it is designated development. |
| **Report prepared by** | **Katrina O’Malley** |
| **Report date** | 13 July 2021 |

**Summary**

The purpose of this report is for the Hunter and Central Coast Regional Planning Panel to consider a supplementary report for Development Application No 1295/2020 considered by the HCCREP on Wednesday 14 July 2021.

The Panel requested more information on;

1. Addresses drafts SEPPs
2. Advises whether this proposal affects conditions of the existing consents – D/624/1997 seems to be the main one. What are key conditions? How do the 2 consents sit together – or does the consent need to be amended.
3. Identifies whether there an environmental and operational management plan – does it need one or does it need to be updated? Please consider this with reference to other facilities Council has reported to the panel in the last 2 years.

**RECOMMENDATION**

1. ***That the Hunter and Central Coast Regional Planning Panel grant consent to Development Application DA/1295/2020 at Lot 14 DP 243037, No. 13 Lucca Road, Wyong for the expansion of an existing waste management facility subject to conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other relevant issues.***
2. ***The Public Authorities be notified of the Panel’s decision.***
3. *Draft SEPPs*

The following draft SEPPs apply to the site;

* *Draft State Environmental Planning Policy (Exempt and Complying Development) 2008*
* *Draft State Environmental Planning Policy (Environment) 2017*
* *Draft State Environmental Planning Policy (Short Term Rental Accommodation) 2019*
* *Draft Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*

The proposed development will not be impacted by the provisions of the above draft SEPP’s.

1. *Advise whether this proposal affects conditions of the existing consents – D/624/1997 seems to be the main one. What are key conditions? How do the 2 consents sit together – or does the consent need to be amended.*

Development Application No DA/624/1997 (Amendment F) applies to the construction of the existing offices and industrial shed on the site. The consent also applies to the original approval for the use of the site for a recycling depot. A majority of the conditions relate to the requirements for the development of the original buildings and associated site works.

As the existing buildings are to remain on the site the consent is still applicable to the site. In regards to the operation of the site as a recycling depot, the original consent stipulates the hours of operation and also the maximum amount of tonnage permitted on the site. The amount of tonnage stipulated under Condition 34 is as follows:

1. *A maximum of 30,000 tonnes of glass is to be handled/recycled on-site per annum.*

As the proposed development will increase the permitted tonnage on the site to 75,000 tonne this may require the amendment of the original consent to increase the tonnage within Condition 34 to be in line with what is proposed under the current consent should it not be satisfactory for the current proposal to just supersede the current requirement.

Development Application No DA/508/2020 was approved in August 2020 for the installation of external storage bunkers and carparking works. The current proposal will supersede these works and as such this consent will be required to be surrendered. The applicant has been advised of this and has agreed to the surrender of this consent.

1. *Identifies whether there an environmental and operational management plan – does it need one or does it need to be updated?*

Where a development is regulated by the Environmental Protection Authority (EPA) through an Environmental Protection Licence (EPL) Council does not request the preparation of a separate environmental and operational management plan where any environmental and operational issues would be captured by a current or future EPL.

Any environmental and operational management plan would usually include requirements relating to the management of dust, odour, stormwater and waste from a site. The plan may also contain other environmental controls relating to the site, such as the protection of vegetation on and/or adjoining the site.

The current EPL licence relating to the site sets out the requirements for how the site is to operate in relation to the management of dust, stormwater and waste which are the applicable environmental and operational issues with the use of the site. There would be no further issues that would be required to be captured by an environmental and operational management plan. The site is located within an existing industrial area and has been operating on the site for a number of years under an existing EPL. The site has not been subject to any breaches of its existing licence since the current operator has been on the site.

It is noted that Council is not able to require a separate environmental and operational management plan contrary to an EPA licence. Council can only enforce a condition requiring a licence from the EPA as proposed under the current application. It is further noted that for those developments that are not subject to an EPA licence, Council would then normally require the lodgement of an environmental and operational management plan during the assessment of an application or as a condition of consent.