



<b>DATE OF DECISION</b>	9 February 2023
<b>PANEL CHAIR</b>	Dianne Leeson
<b>DECLARATIONS OF INTEREST</b>	None

The following development application (DA) was referred to the Northern Regional Planning Panel as 'Development subject to delays in determination' under clause 9 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*.

I, as Panel Chair, have considered the referral and this is a record of the process and decision.

**Development Application:**

**DA2200404 – Kempsey Shire Council**

Phillip Drive, South West Rocks

Staged Community Title Subdivision incl. Multi-Dwelling Housing, Residential Flat Building and Neighbourhood Shops and Take Away Food & Drink Premises

**Consideration and Decision:**

On 31 January 2023 the Planning Panels' Secretariat provided to me a copy of the written request (in the form of a *Regional Development Referral Form*) to Kempsey Shire Council by the applicant for the Northern Regional Planning Panel to deal with the above development, being a development that has a capital investment value of more than \$10 million but less than \$30 million, and for which a development application to the Council has been lodged but not determined within 120 days after the application was lodged.

I have read the Council's report and the applicant's request and conclude that although the applicant is not wholly responsible for the entirety of the time taken to determine the application, the Applicant has materially caused the delay in determining the application by (without limitation):

- providing inadequate information to Council to enable a full assessment to be undertaken and agencies to provide their General Terms of Approval
- commencing and subsequent discontinuing the LEC proceedings
- lodgement and withdrawal of an amendment to the DA to address issues raised by Council

Accordingly, the request is refused. The application will be determined by Kempsey Shire Council.

Determined by

Dianne Leeson

**Panel Chair**

**Northern Regional Planning Panel**