

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	18 October 2024
DATE OF PANEL MEETING	15 October 2024
PANEL MEMBERS	Alison McCabe (Chair), Tony McNamara, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 15 October 2024, opened at 10.30am and closed at 11.00am.

MATTER DEFERRED

PPSHCC-290 – Central Coast – DA/320/2024 at 2 Brownlee Street, Ourimbah 2258 – Food Manufacturing Hub (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 observed at the site inspection listed at item 8 in Schedule 1.

The Panel has had the benefit of a briefing from the applicant and Council. The council assessment report recommends approval of the application. A supplementary memo was also provided to the Panel on 14 October 2024, addressing contamination of the site and recommended amended conditions to address areas of the site that had not been tested.

The proposal is for a light industrial building for nine units to be used as a “Food Manufacturing Innovation Hub”. The site is zoned E4 General Industrial and C2 Environmental Conservation. The majority of the development is within the E4 General Industrial zone. Works within the C2 Environmental Conservation zone include stormwater works and vegetation restoration works.

The site is flood-affected and supports vegetation and riparian corridors. A Preliminary and Detailed Site Investigation has identified Areas of Environmental Concern. Areas on the western and eastern boundaries have not been tested. These are areas of a former sawmill/recycling area (east) and a dwelling (west).

The Panel is not satisfied that there is sufficient information to satisfy the provisions of section 4.6 of SEPP (Resilience and Hazards) 2021. Furthermore, it is unclear what, if any, remediation strategy is required for these areas, and whether it will impact upon the Landscape Plans and the Bushland Management Plan lodged with the application.

There will need to be a level of testing and a clear understanding of what remediation (if any is required) and whether these measures change the approach to management of the C2 zoned lands and the Bushland Management Plan.

The Panel understands that with some weed removal, those areas not tested should be able to be accessed to undertake a level of testing in order to address the above concerns.

The Bushland Management Plan and landscape outcomes are an integral consideration of this application, and the Panel requires certainty in terms of the proposal. GTA’s issued by the Department of Planning and Environment relied on these documents. There is no certainty around what actual remediation is required, what form it takes, and whether the landscape and bushland management proposals will be compromised.

The Panel also requires a Flood Emergency Response Plan to satisfy the provisions of clause 5.21 under the Central Coast LEP 2022, and understands that this document can be provided to Council.

The Panel requires the following information:

- (i) Sufficient information to satisfy the provisions of section 4.6 of SEPP (Resilience and Hazards) 2021;
- (ii) A Remediation Action Plan;
- (iii) Details of the impact on the Landscape Plans and the Bushland Management Plan of any remediation strategy (if any); and
- (iv) A Flood Emergency Response Plan.

The Panel agreed to defer the determination of the matter to allow for the provisions and assessment of the above information.




In Council's reporting, the additional information should be assessed and conditions reviewed.

The decision to defer the matter was unanimous.

ACTIONS

The Development Application be deferred for the for the following:

- 1. The Applicant to provide the information at points (i) to (iv) above.
- 2. A formal written request to amend the application is required to be uploaded to the Planning Portal by the Applicant within eight (8) weeks 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 within four (4) weeks of the upload of the Applicant's required information to the Planning Portal.
- 4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

PANEL MEMBERS	
 Alison McCabe	 Tony McNamara
 Roberta Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-290 – Central Coast – DA/320/2024
2	PROPOSED DEVELOPMENT	Food Manufacturing Hub
3	STREET ADDRESS	2 Brownlee Street, Ourimbah 2258
4	APPLICANT/OWNER	Central Coast Industry Connect Limited Central Coast Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 Central Coast Local Environmental Plan 2022 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Central Coast Development Control Plan 2022 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: 66A (Council related development applications) 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: 3 October 2024 List any council memo or supplementary report received: 9 October 2024 Written submissions during public exhibition: 2 Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – Chris Smith, Frank Sammut, Joel Funnell <p>Total number of unique submissions received by way of objection: 2</p>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 9 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara, Greg Flynn, Tony Tuxworth <u>Council assessment staff</u>: Jenny Tattam, Emily Goodworth Site inspection: <ul style="list-style-type: none"> Alison McCabe: 12 October 2024 Roberta Ryan: 11 August 2024 Tony McNamara: 5 July 2024 Final briefing to discuss council's recommendation: 15 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Tony McNamara <u>Council assessment staff</u>: Jenny Tattam, Salli Pendergast, Andrew Dewar, Kate Freeman, Leah Hitchenson

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report