

Record of Preliminary Briefing Meeting

PANEL REFERENCE & DA NUMBER	PPSSSH-156 – DA23/0721
APPLICANT OWNER	Andrew Whiteman - ALIRO GROUP PTY LTD Perpetual Corporate Trust Limited
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Capital Investment Value > \$30M
KEY SEPP/LEP	State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Sutherland Shire Local Environmental Plan 2015
CIV	\$ 134,612,034 (excluding GST)
MEETING DATE	22 January 2024

REQUIRED ATTENDEES

APPLICANT	Andrew Whiteman, Colin MacDonald, Jessica Male, Gordon Kirkby, Christopher Curtis, Jethro Yuen, Javier Ferre, Aaron Tomlins
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Carol Provan, Jue Cilliers
DECLARATIONS OF INTEREST	None
COUNCIL OFFICER	Sue McMahon, Amanda Treharne, Ben Latta, Rachel Corry, Tom Mithen
CASE MANAGER	Lillian Charlesworth

DA LODGED: 24 November 2023

DAYS SINCE LODGEMENT: 59 days

TENTATIVE PANEL BRIEFING DATE: TBD in consultation with council.

TENTATIVE PANEL DETERMINATION DATE: Within the 275-day timeframe

KEY MATTERS DISCUSSED:

The Panel notes the applicant presentation and matters discussed with the applicant and council during the briefing. In particular, the Panel notes:

APPLICANT

General

- A 12.4ha site with SP4 Enterprise zoning and a foreshore building line applies. Eight (8) new buildings proposed, 14.4% landscaped area and 374 new parking spaces.
- Removal of 459 trees with 337 new trees to be planted – including revegetation of the foreshore area.
- Proposed uses include warehouse and distribution, light industrial, industrial retail outlet (small scale direct to public sales or display area – not a factory outlet), commercial, childcare and a café with unchanged 24/7 operation (café: 5am to 10pm)
- The intersection of Endeavor Road and Captain Cook Drive requires upgrade irrespective of the proposed development.
- The design is fully compliant with LEP and DCP controls.
- Two Planning Agreements are proposed:
 - Council: right of way easement and dedication of land within a roundabout
 - Minister for Planning: a monetary contribution towards traffic signalisation

Industrial Retail

- Each separate tenancy is permitted up to 100sqm GFA so that retail remains an ancillary use to the dominant use of warehouse distribution (with most sales occurring online).
- Excess on-site parking is provided that will allow for parking demand from the retail component.

Access and parking

- An access circulation masterplan is included in the Plan of Management which would become an approved document under the consent conditions. This would create legal restrictions to control vehicle size to suit the access design arrangements. This can be supplemented by informal controls such as lease agreements and signage.
- Car parking will be allocated per tenancy and is not for use by the general public (e.g. for weekend sporting events)

Childcare

- The applicant seeks a generic approval and has undertaken an assessment of the generic design under the childcare design guideline and national standards (included in the submission documents) and it will meet all relevant criteria.

Wetland considerations

- Biodiversity and stormwater quality impact assessments undertaken by applicant.
- Overshadowing and loss of views will not result in unacceptable impacts as below height limit.
- Appropriate separation using a landscape buffer comprising native species.
- Contamination assessment indicates no issues.
- There will be no removal of vegetation from the wetland area.
- No buildings are proposed beyond the foreshore building line (just paths, landscaping and a bio retention basin)
- Applicant has applied a 40m setback from MHWM, although the FBL is 40m from top of bank – so need to check for consistency with controls.

Vegetation Offset Area

- A vegetation offset area was required under a previous approval for the site (relating to building 1 etc.) in proximity to buildings 2 and 3. This was subject to a Vegetation Management Plan (VMP) and has not been implemented.
- A new VMP has been prepared for this DA (due to stormwater bio retention basin, staff recreation area and Ausgrid access requirements) which when approved will replace the existing VMP (with one VMP for the entire site).

COUNCIL

- The DA will be externally assessed and a consultant is yet to be engaged (likely within the next week)
- The pre-DA meeting (held 16 May 2023) raised concerns with traffic, particularly need for intersection upgrade (internal referral pending and TfNSW referral issued); parking provision; interface with waterfront and wetlands (aquatic reserve adjoins, so Fisheries referral required), adjoins Coastal Wetlands and is within Proximity Area under State Environmental Planning Policy (Resilience and Hazards) 2021. Buildings are proposed within the Proximity area and careful consideration of impacts and suitable buffer is required; revegetation of part of the foreshore area was meant to occur under a previous approval (via a Vegetation Management Plan) but those areas seem to be part of the proposed development footprint; urban design (particularly internal spaces); tree removal; flooding and proposed fill.
- 13 internal referrals, 4 agency referrals (as indicated above, plus Ausgrid and Water NSW) and DRP to comment.
- Application notified. Six (6) submissions received (2 in support) and will be forwarded to the applicant for a response (issues raised include traffic and overdevelopment of the site).

NEXT STEPS

- An RFI will be issued after a consultant is engaged and meets with the proponent and internal referral staff.
- A public benefit offer will need to be endorsed by Council executive as part of a draft Planning Agreement to be exhibited for 28 days.
- A Design Review Panel meeting will be held asap.
- Two RFI's are anticipated:
 - First: requiring a public benefit offer, design aspects and gaps in information (likely to be issued within next 4 to 6 weeks)
 - Second: issues and any changes required

- A Panel briefing will occur after the RFI response has been considered by council.
- Council are to advise the Panel if any major issues arise in the next 4-6 weeks e.g. intersection upgrade timing or any significant design changes.
- The Panel anticipates it will undertake a site inspection in mid to late February.

Note:

Council is yet to undertake its full application assessment, and therefore future comment will not be limited to matters discussed at the preliminary briefing.