

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 26 March 2024, 10:15am – 11:45am
LOCATION	MS Teams

BRIEFING MATTER(S)

PPSSTH-258 – Wollongong – DA-2023/481 - 200 Marshall Mount Road MARSHALL MOUNT 2530 - Concept DA - site layout for subdivision of land - Staged Development - eight (8) stages - Stage 1 - civil works including tree removal, remediation works, dam dewatering and Subdivision - 152 lots including 149 residential lots, one (1) drainage lot, one (1) lot for community park and Biodiversity Stewardship Area and one (1) residue lot.

PANEL MEMBERS

IN ATTENDANCE	Chris Wilson (Chair), Susan Budd, Natasha Harras, David Brown
APOLOGIES	Marjorie Ferguson
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Kristy Robinson, David Green, Vivian Lee, Rebekah Cox, Mark Adamson, Nina Kent, Carla Omeley, Janelle Johnston
APPLICANT REPRESENTATIVES	Adam Volpe (Esker), David Kettle (DFP), Sam Scheinberg (Woodcote Developments), Matt Bressa (GDS), Jun Zhuo (GDS).
DPHI	Amanda Moylan, Tracey Gillett

KEY ISSUES DISCUSSED

The Panel met with Council staff and the Applicant and discussed the progress of Council's consideration of the development application and the concurrent Class 1 Land and Environment Court (LEC) deemed refusal proceedings. The following matters were discussed:

- Status of LEC proceedings. Directions hearing is scheduled for 8 April 2024 and S34 conciliation is scheduled for 24 September 2024. The SOFAC being prepared.
- The Applicant anticipates that the LEC and Council development assessment process would run concurrently and confirmed its objective for the final determination to be completed quickly.
- It was noted that the key fundamental issues requiring resolution related to the internal connector road alignment, the consistency of the proposal with the town centre masterplan and management of cut and fill across the site and subsequent stormwater and flooding outcomes.
- The Panel understood that general agreement had been reached between Council and the Applicant on a way forward for each of these issues.
- It was also noted that the other issues identified by Council in its RFI are considered to be resolvable.

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- Without pre-empting the outcome of the DA, the Panel noted its concern regarding the Applicants appeal to the L&E Court.
- Given the potential resolution of the 3 key issues identified above, and the likely resolution of other matters identified in Council's RFI, the Panel was confident that a sound planning outcome could have been achieved through the Panel process without the intervention of the Court.
- While the Panel respects the Applicant's right of appeal, the result is significant resource implications for Council running concurrent and parallel development assessment processes for both the Panel's consideration and LEC proceedings. Council indicated it was likely to direct its scarce resources to the LEC appeal, rather than the Panel determination process.
- On this basis the Panel is unlikely to have an active role in the ongoing assessment and determination of the development application.
- It was agreed that members of the Panel would read the SOFAC once drafted following which the Panel would formerly advise of its final position regarding its ongoing role in the consideration and determination of the development application.