

BRIEFING DETAILS

BRIEFING DATE / TIME	Wednesday, 13 December 2023, 1:30pm – 3:15pm
LOCATION	MS Teams

BRIEFING MATTER(S)

PPSSTH-270 – Wollongong - DA-2023/550 - Railway Street CORRIMAL 2518 - Corrimal Coke Works Stage 1 Built Form

PANEL MEMBERS

IN ATTENDANCE	Chris Wilson, Juliet Grant, Grant Christmas, David Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Rebecca Welsh, Pier Panozzo, Mark Adamson, Nigel Lamb
APPLICANT REPRESENTATIVES	Adrian Villella, Stef Robinson, Adrian Kilburn (Legacy Property), Thomas Kent, Steve Ball (Legacy Property), Rob Battersby (Urbis), Maha Mustafa (DKO Architects), Jonathan Tong
OTHER	Amanda Moylan (DPE), Timothy Mahoney (DPE)

COUNCIL BRIEFING - KEY ISSUES DISCUSSED

Council briefed the Panel regarding the status of the application including the following:

- The application was notified between 23 August and 22 September 2023. 28 submissions were received, comprising 25 objections and 3 submissions including 250 attached letters of support.
- Issues raised in submissions comprise traffic impacts, queries on applicants' reliance of frequency of public transport, remediation and contamination, tree removal and suitable species.
- There has been a range of referrals including:
 - Heritage NSW as Integrated Development and has sought additional information. Heritage NSW also noted it is assessing a Section 60 application for test excavations in relation to the underground flue network. Heritage NSW has requested a 'stop the clock' until additional information relating to the underground flue network.
 - Transport for NSW. Concerns raised regarding excess parking and unresolved arrangements for State public infrastructure.
 - Sydney Trains. The applicant's response to the RFI was forwarded to Sydney Trains on 4 December 2023.
 - Endeavour Energy. No objections.

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- DPE – Water (s91 Controlled Activity) General Terms of Approval were received on 4 December 2023.
- Department of Planning – the Department has contacted Council regarding Clause 6.1 of WLEP 2009 in relation to satisfactory arrangements for designated State public infrastructure by way of a Planning Agreement. It is noted that no subdivision is proposed under the current application therefore Clause 6.1 is not triggered.
- Council referrals include Traffic, Urban Design, Environment, Landscaping, Heritage, Stormwater, Subdivision (for road construction), Geotechnical, Community Safety, Health.
- Wollongong DRP – Comments from DRP review were forwarded to the applicant on 24 November 2023. Key issues raised by the DRP included: - how the proposal will relate to the future flyover, need to reinstate the view from the site entry to the heritage chimney, further development of the pedestrian circulation strategy and COS, refinement of building expression to be consistent with the character outlined in the DCP, further refinement of the massing of building 1.5, further refinement of aesthetic expression, and the need for further refinement of waste management arrangements.

Key Assessment Issues

- Sequencing of development and relationship with associated development applications (Stage 1 bulk earthworks, heritage plaza, paper subdivision, future Torrens subdivision).
- No Torrens subdivision is proposed as part of this application. The implications are:
 - Clause 6.1 of WLEP 2009 is not triggered (satisfactory arrangements for State infrastructure for the urban release area);
 - Stage 1 works is a staging boundary and does not align with the registered allotments;
 - The site area for the purpose of calculating FSR is based on the existing parcels of land. The indicative lot layout shows the proposal would exceed the maximum FSR;
 - Construction of roads required to be dedicated to Council cannot be overseen or certified by Council as there will be no Subdivision Works Certificate.
- Design excellence
- SEPP 65 and Apartment Design Guide in particular communal open space, deep soil zone, amenity and built form.
- Consistency with Chapter D19 of WDCP 2009 – key sightlines, setbacks
- Waste servicing – waste collection will need to be undertaken from within the site
- Planning Agreement relating to Stage 1

APPLICANT BRIEFING - KEY ISSUES DISCUSSED

- The applicant gave a brief presentation which outlined the key elements of the proposal. The applicant's presentation has been uploaded to the Planning Portal.
- The applicant is preparing a consolidated response to matters raised in Council's RFI.
- The applicant also advised that it had uploaded legal advice which supports the applicant's ability to lodge the Torrens subdivision application later. The advice also suggests the type of conditions that could be applied (i.e. to any consent issued for the Stage 1 Built Form works) regarding the need and timing of any subdivision relative to the delivery of the Stage 1 (prior to construction certification). The applicant sought the Panel's guidance in this respect.
- The Panel sought an understanding behind the applicant's strategy noting that seeking approval for the Torrens subdivision of the site later was unusual (i.e. subdivision is normally an initial step in the development process), and as noted by Council, the approach the applicant has taken in this instance was likely to complicate the assessment of the current DA.
- The applicant advised that Torrens subdivision was not included in this DA for several reasons:
 - Subdivision as part of this application would have triggered clause 6.1 of WLEP 2009 (the need to make satisfactory arrangements for State infrastructure for the urban release area).

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- The second reason was the way the FSR has been mapped. If the current DA included the subdivision of all the roads, then there would likely be an exceedance of the FSR control of approximately 10%. Under the current application, the area of the roads is included in the FSR calculations.
- The applicant considers the simplest way to manage the FSR matter is to look at the site and the land as whole, with the Torrens subdivision DA sought and obtained before the construction certification of the Stage 1 Built Form application.
- The applicant considers there is enough detail to inform the future lodgement of a Torrens subdivision application prior to the issue of a construction certificate for the Built Form works.
- The applicant also advised that it considers the only matter holding up the Bulk Earthworks DA is the Section 60 Approvals for the flue network associated with the C1 and C2 coke ovens which need to be removed. The applicant believes the Bulk Earthworks application will be resolved before the subject application is determined.

VIEWS OF THE PANEL

- The Panel notes that it is not the role of the consent authority to ultimately determine nor guide the characterisation or process for DA's relevant to the site. Notwithstanding, the Panel offers the following comments. The Panel:
 - acknowledges that the site has been zoned for residential development with appropriate design and planning criteria which should result in a sound planning outcome for the site;
 - acknowledges that satisfactory arrangements for State infrastructure contributions will be required either when the land is Torrens subdivided or as negotiated with the State through a Planning Agreement;
 - accepts at face value the Applicant's right to formulate and lodge development applications within the legal confines of the Act;
 - acknowledges the challenges the applicant faces regarding the FSR calculations, but contrary to the view of the applicant, considers a more orderly and holistic approach to the development of the site would be to include subdivision in the Stage 1 Built Form application accompanied by a clause 4.6 request to enable both Council and the Panel to fully appreciate the merits of the proposal as a whole; and
 - should the applicant choose to include Torrens subdivision as part of the current application, it is unlikely to delay the determination of the application given any determination must await the outcomes of both the Bulk Earthworks application and the Section 60 process for the flue network.

TENTATIVE DETERMINATION DATE SCHEDULED FOR 23 APRIL 2024

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4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | www.planningportal.nsw.gov.au/planningpanels