

ITEM 21

LATE BUSINESS – PLANNING PROPOSAL AUTHORITY - DRAFT PLANNING PROPOSAL - 3-15 SHORT STREET AND 312-324 PRINCES HIGHWAY, CORRIMAL

On 29 June 2020, Council resolved not to support the preparation of a draft Planning Proposal for 3-15 Short Street and 312-324 Princes Highway, Corrimal due to concerns including bulk and scale, the high flood risk, substantial work required to the riparian corridor, potential contamination, traffic impacts and loss of parking.

The applicant lodged a request for a rezoning review with the NSW Department of Planning, Industry and Environment, which referred to the review to the Southern Regional Planning Panel (Panel). The Panel determined that the Planning Proposal request has strategic and site-specific merit and should be submitted for a Gateway determination and be progressed to exhibition.

The NSW Department of Planning, Industry and Environment has asked Council whether it wishes to be the Planning Proposal Authority and undertake the administrative processes of progressing the draft Planning Proposal. It is recommended that Council accept this role.

### RECOMMENDATION

The NSW Department of Planning, Industry and Environment be advised that Council is willing to be the Planning Proposal Authority for the draft Planning Proposal for 3-15 Short Street and 312-324 Princes Highway, Corrimal.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

### ATTACHMENTS

There are no attachments for this report.

### BACKGROUND

The site is located at 3-13 Short Street and 312-324 Princes Highway, Corrimal and consists of 11 lots and has an area of approximately 7,460m<sup>2</sup> and is currently zoned part SP2 Infrastructure (Car park) and part R2 Low Density Residential.

In 2017, a Planning Proposal request was to rezone the site to R3 Medium Density Residential to facilitate a mixed use “shop-top” development with a maximum building height of 29 metres, a Floor Space Ratio of 1.5:1, and amend Schedule 1 (Additional Permitted Uses) to include development for the purpose of ‘food and drink premises’, ‘car park’, ‘flood mitigation works’.

On 29 June 2020, Council considered a report on the preparation of a draft Planning Proposal to rezone part of the site to R3 Medium Density Residential with a 15 metre building height limit and 1:5:1 Floor Space Ratio, to facilitate a residential development, and to rezone other parts of the site to RE1 Public Recreation and RE2 Private Recreation.

Council resolved that:

*A draft Planning Proposal not be prepared for 3-13 Short Street, 312-324 Princes Highway Corrimal and 15 Short Street Corrimal and not be submitted to NSW Department of Planning, Industry and Environment for the following reasons -*

- 1 The size and bulk of the proposed development.*
- 2 No relationship between the proposal and the surrounding structures.*
- 3 The proposal requires substantial work and alteration to the riparian corridor.*
- 4 Proximity and overshadowing of a community facility being the Library and Community Centre.*

- 5 *The site is categorised as a high flood risk.*
- 6 *Increased traffic in an already congested area.*
- 7 *Potential contamination on the site.*
- 8a *The original DA 1995/255 required the provision of carparking therefore the site is zoned SP2 infrastructure (carpark) for that purpose.*
- 8b *Moving the required carparking spaces to the shopping centre site would require a multi-level carpark on either Railway Street, Princes Highway or Short Street, Corrimal which will destroy the amenity of that site with non-activity facing one or more of those streets.*

The Department was advised of Council's decision.

On 14 August 2020, the applicant lodged a rezoning review request with the NSW Department of Planning, Industry and Environment (DPIE). The Department referred the review request to the Southern Regional Planning Panel (Panel). The Panel determined that the Planning Proposal request has strategic and site-specific merit and should be submitted for a Gateway determination.

The Panel made the following conclusions/recommendations:

- Support the preparation of a Planning Agreement to facilitate construction of the floodway prior to any redevelopment of the site;
- Satisfied in relation to Section 9.1 Ministerial Direction 4.3 Flood Prone Land that the proposed flood mitigation works would create a net improvement and are of minor significance with regard to overall flood management in the Towradgi Creek Catchment;
- The required car parking provision be resolved prior to finalisation of the planning proposal, and a new Part 7 Local provision be applied to the site requiring the future consent for development on the site be conditional on the provision of the car parking required in the development consent for DA-1995/255;
- The site be designated as a "Key Site" in Wollongong LEP to ensure future development is the subject of a design excellence process, and a new Part 7 Local provision "Sun Plane Protection" clause be included to ensure that the adjoining community facilities are not subject to excessive overshadowing;
- The Planning Agreement include a requirement that the developer ensure that 5% of all residential units are available for affordable rental housing – this requirement to be satisfied in the first stage of the development;
- Further design analysis be undertaken to ensure that the proposed height of 15m and FSR of 1.5:1 work together – as a condition of any Gateway approval and prior to public exhibition of the planning proposal;
- The significant stand of street edge trees on the site, particularly along the Princes Highway, should be retained where possible – this requirement to be specifically addressed in the site-specific DCP provisions;
- Part 7 Local provisions for the site include a requirement that a future development application for residential development on the R3 zoned part of the site include consolidation of the lots to ensure the area is developed as one integrated development; and
- An updated Stage 1 Preliminary site investigation addressing proposed residential uses and a Phase 2 detailed investigation assessment and Site Audit Statement process under the Contaminated Land Management Act 1997 as part of a Gateway determination and prior to public exhibition.

## PROPOSAL

The Department has asked Council whether it wishes to be the Planning Proposal Authority (PPA) for this proposal. This would largely be an administrative role, as the Department would not give Council delegation to finalise the draft Planning Proposal, and the Department would make the final decision on the Planning Proposal.

Council has 2 options:

- 1 Advise the Department that Council is willing to be the Planning Proposal Authority (PPA) matter.  
This would involve Council officers preparing a draft Planning Proposal based on the Panel's recommendation and submitting it to the Department for a Gateway determination. Council officers would have the opportunity to guide the content of the additional studies that have been required by the Panel. Council officers would manage the exhibition and prepare a report on submissions to Council.

The Council would have the opportunity to make a decision on whether the Planning Proposal should be finalised. Council's resolution would be forwarded to the Department who would make the final decision on the Planning Proposal and LEP amendment.

This option is largely administrative and may seem contrary to Council's resolution on 29 June 2020. However, it would allow Council to continue to be involved in the plan making process for local planning decisions, and Council would have the opportunity to consider the submissions lodged through the post exhibition report.

- 2 Advise the Department that Council does not wish to be the Planning Proposal Authority (PPA) for this matter.

The Department would appoint the Panel to prepare the draft Planning Proposal, submit it to the Department for a Gateway determination and then the Panel would exhibit the draft Planning Proposal. The Panel would consider any submissions and make the final post exhibition decision.

Council's role would be limited to making a submission during the exhibition.

Separate to the draft Planning Proposal, Council still has a role in the preparation and exhibition of:

- A Draft DCP Chapter – to provide more detail guidance on development outcomes for the site, including built form, overshadowing, parking, landscaping
- A Draft Planning Agreement – to facilitate the flood channel, 5% Affordable Rental Housing, parking arrangements and offsite landscaping.

Both draft documents would need to be reported to Council prior to exhibition. Ideally, all three draft documents would be exhibited concurrently, so the community can consider all aspects of the proposal, rather than three separate exhibitions.

## CONCLUSION

On 29 June 2020, Council resolved not to support the preparation of a draft Planning Proposal for 3-15 Short Street and 312-324 Princes Highway, Corrimal due to concerns including bulk and scale, the high flood risk, substantial work required to the riparian corridor, potential contamination, traffic impacts and loss of parking.

The Southern Regional Planning Panel (Panel) has determined that the Planning Proposal request has strategic and site-specific merit and should be submitted for a Gateway determination and be progressed to exhibition.

The NSW Department of Planning, Industry and Environment has asked Council whether it wishes to be the Planning Proposal Authority and undertake the administrative processes of progressing the draft Planning Proposal.

Despite Council's previous resolution, it is recommended that Council advise the Department that Council is willing to be the Planning Proposal Authority.