

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

| | |
|-----------------------|--|
| DATE OF DETERMINATION | 18 July 2023 |
| PANEL MEMBERS | Robert Montgomery (Chair), Steve Fermio, Helena Miller, Trish McBride (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 18 July 2023 opened at 5:00pm and closed at 5:54pm.

MATTER DETERMINED

DA-2022/1249 - Lot 126 DP 598190, Lot 1 DP 795791 State Heritage Register 02061, Lot 5 DP 749492 Lot 11 DP 749492 Corrimal Cokeworks Railway Street, Corrimal (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel heard from the applicant's representatives.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel acknowledges that this application is one of a number of current/future applications which will facilitate a master-planned residential development for the site, including community spaces, retention of certain heritage items and interpretation of the historical coke works.
- The Panel agrees with the Officer's assessment and recommendation.
- The applicant requested amendments to a number of the proposed conditions. The Panel has considered this request and agrees with certain changes as detailed below.
- The Panel is of the view that the bank of 9 coke ovens at the northern end of the ovens should be retained in its current configuration, rather than retaining only 5. This would seem a logical approach as these 9 ovens are essentially a separate structure from the remainder to the south.
- The Panel is concerned that there is no specific remediation action plan (RAP) for the landscaped berm which is proposed for removal. The Panel is satisfied in relation to clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, based on the detailed overall site investigations which have been carried out. An appropriate condition has been included to require that a RAP which explicitly addresses the berm is provided to Council prior to works commencing on the landscaped berm.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- **Condition 3 – Timing of Demolition Works is deleted.**
- **Condition 4 is amended to read:**

“The Microbat Management Plan, prepared by Ecological Australia and dated 19 April 2023 is to be implemented in its entirety under the supervision of the appointed project ecologist.”

- **Condition 8 is amended to read:**

“A Heritage Interpretation Plan for the whole of the site is to be prepared and provided to Council for review and approval prior to the commencement of works.

The document shall respond to the Heritage Interpretation Strategy, (Urbis, 2022) and the NSW Heritage Site Specific Exemptions, and include further detail about the materials proposed to be salvaged, their safe storage and proposed reuse on the site as part of future redevelopment works. The proposed outcomes shall be clearly indicated for each stage of the development and include information on the indicative timing for the installation work(s).

The document shall include, at minimum, detail on the following outstanding matters (non-exhaustive):

- Response to Table 6.4 of the HIS, which provides specific details on a range of materials to be salvaged for demolition;
- Details on the removal, secure storage and reinstallation of some materials to interpret the Grinding Plant in a publicly accessible location within the site.

The document shall also respond to the recommendations of the Waters Cultural Values Report (2023) and provide for culturally appropriate Aboriginal Cultural Interpretation outcomes across the site.”

- **Condition 9 is amended to read:**

“Further structural assessment is to be prepared by a suitably qualified structural engineer in conjunction with a suitably qualified archaeologist and provided to Council for review and approval prior to the commencement of works. The structural assessment is to address the following:

- a) the proposed design for the retention and protection of the Brick Chimney and the C1 Stack during demolition. The documentation shall include recommendations for stabilisation of these items until a future development application is lodged for interpretation or reuse.
- b) the proposed design for the retention and protection of the C1 Coke Ovens (northern bank of 9), including exhaust hoods identified during and following demolition works, including securing the hoods as well as provide recommendations for their stabilisation of these items until a future development application is lodged for interpretation or reuse.
- c) the proposed design for the retention and protection of the Remnant Powerhouse, including securing and retaining on site during and following demolition works, prior to the supporting structure being constructed as part of a future development application. This documentation is required to provide satisfaction that this wall can be safely and securely retained without its structural integrity being compromised.”

- **Condition 10 is amended to read:**

“The Demolition Works Plan (Appendix F) provided by Liberty Industrial is to be updated and provided to Council for review and approval prior to the commencement of works to address the following”:

a., b., c., and d. – No changes to draft condition

- e. Provide detailed guidelines and safeguards in consultation with a suitably qualified structural engineer and a suitably qualified archaeologist in relation to limiting ground disturbance as per the recommendations of the Historic Archaeological Report to ensure that potential archaeological components of the early flue network are retained and not impacted by the proposed works. The potential impacts of machinery use, vehicle access, construction activities, associated vibration and other site activities should be considered.”


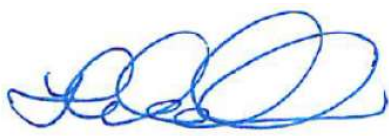

- **Condition 12 is amended to read:**

“This consent does not authorise any earthworks or removal of concrete slabs or foundations in the vicinity of the underground flue network, which is likely to disturb any remnants of this network.”

- **Condition 32 is amended to read:**

- a. A separate Remediation Action Plan (RAP) which explicitly addresses the landscaped berm is to be prepared and endorsed by the appointed NSW EPA Contaminated Land Site Auditor and a copy provided to Council for review prior to the commencement of any works involving the removal of the landscaped berm.
- b. No materials generated as part of the berm demolition are to be re-used, buried or re-distributed onsite until:
 - i. The site’s environmental practitioner validates the materials as suitable for all contaminants of potential concern in accordance with the RAP;
 - ii. The samples must be in accordance with the NSW EPA Sampling Design Part 1 - Application, Contaminated Land Guidelines (August 2022);
 - iii. The site environmental practitioner provides stockpile validation reports confirming that the material is suitable to be re-used onsite in accordance with the RAP;
 - iv. The stockpile validation reports are reviewed, and the findings agreed to by the appointed NSW EPA Contaminated Land Site Auditor detailed within an Interim Site Audit Advice letter.
- c. Soil materials generated as part of the berm demolition are to be stockpiled and appropriately protected in accordance with an endorsed sediment and erosion control plan.
- d. Berm materials not suitable for re-use are to be incorporated into the remedial works proposed in the stage 1 bulk earthworks development application and detailed within the relevant Remediation Action Plan for that stage.
- e. The recommendations of the berm removal RAP shall be implemented as required during works.

The Panel is aware that the applicant has lodged an appeal against the deemed refusal of the application. The Panel delegates any function of the Panel to defend the matter in accordance with S2.20(8) of the Act to Council.

| PANEL MEMBERS | |
|---|---|
|  Robert Montgomery (Chair) |  Steve Fermio |
|  Helena Miller |  Trish McBride (Community Representative) |

| SCHEDULE 1 | | |
|------------|-----------------------------------|--|
| 1 | DA NO. | DA-2022/1249 |
| 2 | PROPOSED DEVELOPMENT | Industrial - demolition of selected structures to slab on-ground levels and make safe on the former Corrimal Coke Works site |
| 3 | STREET ADDRESS | Corrimal Cokeworks Railway Street CORRIMAL |
| 4 | APPLICANT/OWNER | Adrian Kilburn – The Trustee for LegPro 70 Unit Trust |
| 5 | REASON FOR REFERRAL | The proposal has been referred to Local Planning Panel pursuant to clause 4(c) of the Local Planning Panels Direction. The proposal involves demolition of a heritage item. |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Heritage Act 1977 and site specific exemption Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 Wollongong Local Environment Plan 2009 Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: N/A Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 61 Coastal zone management plan: N/A 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 dated 18 July 2023 Written submissions during public exhibition: 25 Verbal submissions at the public meeting: Nil |
| 8 | SITE INSPECTIONS BY THE PANEL | Site inspection 18 July 2023. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Robert Montgomery (Chair), Steve Fermio, Helena Miller, Trish McBride (Community Representative) <u>Council assessment staff</u>: Nigel Lamb |
| 9 | COUNCIL RECOMMENDATION | Approve |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |