

ATTACHMENT 5 – CLAUSE 8 VARIATION TO DEVELOPMENT CONTROLS STATEMENTS

Request for Exemption from Economic Impact Statement - WDCP 2009 Chapter B4 Clause 4



planning consultants

15 March 2018
Our Ref: 8774B.3KM(EIA)

The General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG NSW 2500

Attention: Rodney Thew

Dear Rodney,

Re: DA-2016/358 – Response to Request for EIA Report
1-3 & 9 Canterbury Road, 638, 642 & 644-650 Northcliffe Drive, Kembla Grange

We refer to your email to Philip Drew of Bunnings of 13 March 2018 requesting that an Economic Impact Assessment (EIA) report be prepared for the proposed Bunnings Warehouse at Kembla Grange because Chapter B4 Clause 4.1(1) of Wollongong DCP 2009 requires an EIA for "retail" development that involves a GFA of more than 3,500m². In this respect we note the following:

1. Clause 1(1) of the DCP "*applies to any retail, office premises, business premises, bulky goods premises, shop top housing or mixed use development proposed on land zoned either: B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre, B4 Mixed Business, B5 Business Development, B6 Enterprise Corridor or B7 Business Park, under Wollongong Local Environmental Plan 2009*";
2. The Site is zoned B6 Enterprise Corridor and 'hardware and building supplies' is permissible with development consent in the B6 Zone – this has been the case since the LEP first came into force on 26 February 2010;
3. We understand that Council does not contest that the proposal is consistent with the objectives of the B6 Zone in this locality;
4. The Site immediately adjoins land (to the north-east) zoned IN2 Light Industrial which also permits 'hardware and building supplies' with development consent;
5. Pursuant to the DCP, a 'hardware and building supplies' land use on the adjoining IN2 land of a similar scale to the proposed development would not require an EIA because Chapter B4 does not apply to land zoned IN2 (or for that matter land zoned IN1 which also permits 'hardware and building supplies' with development consent);
6. The proposed development is therefore captured by clause 4.1(1) of the DCP because it is on land zoned B6, not because the proposed land use falls within the "Group Term" definition of 'retail premises';



7. We note that prior to the introduction of the "Group Term" of 'retail premises' into LEP 2009 on 25 June 2011 (as a consequence of an amendment to the Standard Instrument LEP), the proposed land use would have been defined as 'timber and building supplies' and 'landscape and garden supplies'. Accordingly, prior to 25 June 2011, a development application for a proposal as currently proposed would not have triggered clause 4.1(1) of the DCP; and
8. The Pad Site proposed for future use as a 'bulky goods premises' (subject to a future DA), is only capable of sustaining a GFA of 3,345m² which also does not trigger the provisions of Chapter B4 Clause 4.1(1) of the DCP.

Accordingly, in our opinion, the provisions of Chapter B4 of the DCP (which came into force on 3 March 2010) were not intended to apply to 'hardware and building supplies' development and even so, the requirement for an EIA is a DCP provision, not a statutory requirement. Neither the EP&A Act or the EP&A Regulation require the submission of an EIA with a DA and 'hardware and building supplies' is a mandated permissible land use in the B6 Zone (and IN2 Zone).

The proposed land use is permissible with development consent on the Site, is consistent with the objectives of the B6 Zone and with its large-scale format, is arguably best sited on land such as the Site, rather than in small local villages/towns or for that matter in middle of larger centres. This is recognised in Clause 12.1(1) of the DCP which provides that "Peripheral sales" such as 'bulky goods premises' (which are similar in building format to a 'hardware and building supplies' development) are to be restricted to the B3 Commercial Core or the B6 Enterprise Corridor zones.

Therefore, we are of the view that there is no utility in preparing a EIA report for a land use that is a mandated permissible use, is clearly intended to be located on land such as the Site and that if located on immediately adjoining land, would not be required to undertake such an assessment.

Accordingly, we recommend that Council use its discretion in this instance and not require the submission of an EIA. We would be please to discuss this further with you if required.

Yours faithfully
DFP PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'K. Mackay'.

KENDAL MACKAY
PARTNER

kmackay@dfpplanning.com.au

A handwritten signature in black ink, appearing to read 'D. Bell'.

Reviewed: _____

Variation Request for Flush Wall Mounted Signs and Pole/Pylon Signs – WDCP2009 Chapter C1 Clauses 92 and 9.2

5.1.8 DCP Variation Statement – Chapter C1 Section 9.2 – Flush Wall Signs and Section 9.5 – Pole or Pylon Signs

Controls to be Varied and Extent of Variation

Section 9.2 Control 1 specifies a maximum of one flush wall sign per building elevation. The proposed hardware and building supplies land use incorporates two painted wall signs per elevation with the exception of the north-western elevation which contains three painted wall signs and the north-eastern elevation which contains four painted wall signs, with each sign comprising the Bunnings logo and/or moto.

Section 9.2 Control 2 requires walls signs for a building with an above ground elevation of 200m² or more, not to exceed 10% of the above ground elevation. All elevations meet this requirement with the exception of the south-east elevation with a total wall sign area of 27%.

Section 9.5 Control 2 requires a minimum clearance of 2.6 metres is required from the underside of the pole or pylon sign and the ground level. We understand that this clearance is typically required for pedestrian accessible areas. The proposed pylon signs are not of a typical form and consists of two columns with a central high level fixed signage panel and a low level promotional signage area for the pad site. The pylon signs are to be located in landscaped areas that are not pedestrian thoroughfares. Accordingly, the proposal is considered to be consistent with the intent of the DCP.

Section 9.5 Control 3 specifies that the maximum advertising area for a pole or pylon sign upon a site located within a business zone is 8m². The proposed high level fixed panel of

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each pylon sign will have an area of approximately 26.88m² and the low level panel for the pad site will have an area of approximately 13.2m².

Section 9.5 Control 4 specifies that the maximum height for a pole or pylon sign upon a site located within a business zone is 8 metres above ground level, provided the height of the sign does not protrude above the dominant skyline (including any buildings, structures or tree canopy). The proposed pylon signs will have a height of 10 metres above ground level.

Attainment of Control Objectives and Assessment of Impacts

The objectives of Chapter C1 are:

- (a) To ensure all advertising signage achieves a high level of design quality in terms of its relationship to the architectural design of buildings and streetscape character of a particular locality.*
- (b) To encourage advertising signs which complement the architectural style of the building(s).*
- (c) To promote advertising signage which complement the use of the building(s).*
- (d) To encourage suitably located signs that provide a legible and clear message through the use of high quality materials and design.*
- (e) To ensure that advertising signs and structures do not cause any adverse traffic hazard to motorists, cyclists and pedestrians.*
- (f) To reduce the proliferation of advertising signs and structures through the rationalisation of advertising signs by the use of common directory pylon signs for multi-occupancy developments and by limiting the number of signs that may be erected on any one building or site.*
- (g) To ensure that advertising signs do not affect the amenity of any surrounding residential locality from light spillage impacts associated with illuminated signs.*
- (g) To prohibit third party advertising.*
- (h) To ensure that the use of corporate logos, colour and illumination schemes in advertising signs is compatible with the architectural style of the host building and does not cause any significant adverse visual impact upon the surrounding streetscape character of the locality.*

The proposed signage is entirely business identification signage and does not entail any general or third party advertising. This is considered to be compatible with the nature of the existing and future characters of the area which are mixed use in nature and oriented toward employment generating land uses.

The proposed painted wall signs are all integrated into the building design and are considered appropriate in terms of their size and location in the context of the scale of the Site and the building. In addition, given the expansive size of Proposed Lot 102, the pylon sign is considered appropriate in this context and is located well away from any sensitive land uses such as residential development.

Proposed Lot 102 has an area of over 3 hectares and if it were subdivided in accordance with the minimum lot size of 3,999m² under Wollongong LEP 2009, the resulting number of lots would be seven (7). Assuming each of these lots accommodated a singular building, there could be up to four painted wall signs per building (i.e. one per elevation) and one pylon sign per lot under the DCP – a total of 35 signs.

Accordingly, the proposed 11 signs on Proposed Lot 102 is considered to be a better outcome for the locality in terms of streetscape and proliferation of signage.

The location and nature of the proposed signage is unlikely to result in any adverse built or natural environmental impacts in terms of movement of vehicles, cyclists, pedestrians or stormwater.

Furthermore, the proposed lighting will be minimal and is unlikely to result in an adverse impact in terms of light-spill.

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5.1.9 DCP Variation Statement – Chapter E3 Section 7.1 — Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

Section 7.1 Control 1 states that motorcycle and bicycle requirements are contained in Schedule 1 for specific landuses. There is no directly comparable land use specified in the DCP to the proposed hardware and building supplies land use although the bulky goods premises rates of 1 bicycle space per 200m² GFA and 1 motorcycle space per 25 car spaces could be construed as applying.

Based on these rates, 16 motorcycle spaces would be required, whereas the proposal includes 5. In relation to bicycle parking, the DCP requires 62 spaces, whereas the proposal includes a total of 10 spaces with 6 in the undercroft area and 4 at street level.

The proposal does not provide bicycle or motorcycle parking to meet the DCP requirement as the nature of the proposed use is one of larger bulkier items and these items are not able to be safely transported by bicycle and motorcycle. Accordingly, it is considered that the rates within the DCP should not be applicable to this type of use as they would result in an excessive number of such spaces that would be significantly underutilised and would lead to an uneconomic use of the land.

Accordingly, a variation from Council's controls is considered supportable in this instance.

Attainment of Control Objectives and Assessment of Impacts

The objectives of Chapter E3 are:

"(c) Incorporate provisions that manage the demand for parking rather than seeking to accommodate peak demand.

.....

(e) Support an increase in bicycle and motorcycle usage by requiring provision of bicycle and motorcycle parking, storage and end-of-trip facilities for certain developments.

....

(g) Ensure that developments are designed to be accessible for pedestrians, cyclists and motorists."

As indicated above, the proposed use of the Site involves the sale of bulkier items which cannot be readily transported by bicycle or motorcycle. Accordingly, it is considered that the objectives relating to such parking are not directly applicable to this proposal.

In addition, it is noted that Wollongong City Council approved DA-2015/545 on 4 May 2016 for a Bunnings Hardware and Buildings Supplies store at 9 Watts Lane Russell Vale which included motorcycle and bicycle parking below the DCP requirement. This proposal includes a similarly reduced motorcycle and bicycle parking provision which responds to the land use.