

SOUTHERN REGIONAL PLANNING PANEL

JRPP No	2016STH016
DA Number	DA-2016/358
Local Government Area	Wollongong City
Proposed Development	Demolition of existing structures, clearing of vegetation, bulk earthworks, construction and use of a hardware and building supplies development including plant nursery and landscape supplies, associated roadworks including public infrastructure works (roundabout on Northcliffe Drive) and re-subdivision of five (5) lots into two (2) lots.
Street Address	Lot 50 DP 879625, 1-3 Canterbury Road, KEMBLA GRANGE; Lot 52 DP 879625, 9 Canterbury Road, KEMBLA GRANGE Lot 1 DP 1118629, 638 Northcliffe Drive, KEMBLA GRANGE Lot 2 DP 1118629, 642 Northcliffe Drive, KEMBLA GRANGE Lot 51 DP 879625, 644-650 Northcliffe Drive, KEMBLA GRANGE
Applicant/Owner	Applicant – Bunnings Properties Pty Ltd
Number of Submissions	Four (4) submissions received.
Regional Development Criteria (Clause 4.5(b) of the Act and SEPP (State and Regional Development) 2011)	The proposal has been referred to the Joint Regional Planning Panel as the consent authority under Clause 4.5(b) of the Environmental Planning & Assessment Act 1979 as the proposal is for general development over \$30 million which is defined as Regionally significant development under the SEPP (State and Regional Development) 2011 Schedule 7 Clause 2. The applicant's CIV estimate for the project is \$30,250,000.
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s4.15(1)(a)(1) – <p><u>State Environmental Planning Policies (SEPPs):</u></p> <ul style="list-style-type: none"> ▪ SEPP No. 55 – Remediation of Land; ▪ SEPP (Infrastructure) 2007; ▪ SEPP No. 64 Advertising and Signage; ▪ SEPP (State and Regional Development) 2011; and ▪ SEPP (Vegetation in Non-Rural Areas) 2017 <p><u>Local Environmental Planning Policies:</u></p> <ul style="list-style-type: none"> ▪ Wollongong Local Environmental Plan 2009 <p><u>Other policies</u></p> <ul style="list-style-type: none"> ▪ Wollongong City-Wide Development Contributions Plan 2018 <ul style="list-style-type: none"> • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii) <ul style="list-style-type: none"> ▪ Nil • List any relevant development control plan: s4.15(1)(a)(iii) Wollongong Development Control Plan 2009 • List any relevant planning agreement that has been entered into

	<p>under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:</p> <p>s4.15(1)(a)(iiia)</p> <ul style="list-style-type: none"> – Bunnings Properties Pty Ltd has requested that Council enter into a Planning Agreement for the shared cost of constructing a roundabout on Northcliffe Drive, Kembbla Grange, between Phar Lap Avenue and the Princes Highway. • List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <p>AS 2601 in respect of any demolition.</p> • List any coastal zone management plan: s4.15(1)(a)(v) <p>There is no Coastal Zone Management Plan currently applicable to the land.</p>
List all documents submitted with this report for the panel's consideration	<p>Plans – Architectural, Landscape, Traffic and Engineering</p> <p>Aerial photograph, WLEP 2009 zoning map, site photographs and extract of deposited plan</p> <p>Clause 4.6 Exception to Development Standard Statement</p> <p>Wollongong DCP 2009 Assessment</p> <p>Clause 8 Variation to Development Controls Statements</p> <p>Draft conditions</p>
Recommendation	It is recommended that DA-2016/358 be approved subject to the conditions contained within Attachment 6 .
Report by	Rodney Thew, Development Project Officer

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Assessment Report and Recommendation Cover Sheet

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel as the consent authority pursuant to Section 4.5(b) of the Environmental Planning and Assessment Act 1979 as it involves general development with a capital investment value of more than \$30 million which is defined as Regionally significant development under State Environmental Planning Policy (State and regional Development) 2011 Schedule 7 Clause 2.

Proposal

The proposal comprises demolition of existing structures, clearing of vegetation, bulk earthworks, construction and use of a hardware and building supplies development including plant nursery and landscape supplies, associated roadworks including public infrastructure works (roundabout on Northcliffe Drive) and re-subdivision of five (5) lots into two (2) lots.

Permissibility

The site is zoned part B6 Enterprise Corridor and part SP2 Infrastructure pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a *hardware and building supplies, roads and advertising structures (building identification signs) development* and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's WDCP 2009 Appendix 1: Public Notification and Advertising. There were four (4) submissions.

Main Issues

The main issues arising from the assessment are:-

- Traffic access and egress and roadworks including the roundabout design which have been considered by the NSW Roads and Maritime Services and Council's Traffic Officers.
- Exception to a development standard in respect of building height (Clause 4.3) of WLEP 2009 to all elevations;
- Development control plan variations in respect to the number of flush wall mounted signs per elevation, height and advertising area of pole or pylon signage, motorbike and bicycle parking as well as an exemption to the need for an Economic Impact Statement; and
- Voluntary Planning Agreement between Bunnings Properties Pty Ltd and Council for the shared cost of constructing a roundabout on Northcliffe Drive, Kembla Grange, between Phar Lap Avenue and the Princes Highway.

Conclusion

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is reflective of the objectives of the B6 Enterprise Corridor zone. The development is consistent with most of the applicable provisions of the relevant planning instruments including Wollongong LEP 2009 with the exception of the height of building variation sought which has been discussed in the body of this report and is considered capable of support.

The design of the development is appropriate with regard to the controls outlined in the Wollongong DCP 2009 including the variation request to and Economic Impact Assessment, signage matters and motorbike and bicycle parking.

Some of the issues received in submissions though technically unresolved area considered to be adequately addressed either through design or by way of condition of consent. Any remaining issues are not considered sufficient to warrant refusal of the application.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

RECOMMENDATION

It is recommended that DA-2016/358 be approved subject to the conditions provided in **Attachment 6**.

ADDENDUM REPORT

PURPOSE OF REPORT

This report has been prepared in response to the recommendations of the Southern Regional Planning Panel (SRPP) dated 1 May 2018 to defer the development application until a supplementary report is prepared by Council that addresses the following:

- a. *Assessment of the proposed roadworks including zoning controls, landowners consent to lodgement of the development application, the impact on adjoining properties and approach to temporary and final access to the adjoining private land during construction, appropriate signage and long-term traffic management;*
- b. *The degree of vegetation removal and the potential for retention of existing vegetation and appropriateness of the proposed landscape solution for the site;*
- c. *The requirements of the Section 88B Instruments and appropriateness of variations to them;*
- d. *The extent of the landscape area proposed on site and whether it is sufficient to justify a variation to the height of the building development standard; and*
- e. *Revision of conditions addressing the above points.*

A copy of the Panel's recommendation is included at **Attachment 1**.

This report provides an assessment commentary to assist in the further consideration of the application and should be read in conjunction with Council's Assessing Officers report as presented to SRPP on the 1 May 2018.

Specifically the submission includes:

- A statement addressing zoning permissibility of roadworks and owners consent;
- Additional plans that detail construction staging and traffic management measures during roadworks on Northcliffe Drive in particular and details of engagement with a potentially impacted property owner;
- Amended landscape plans for the proposed development that includes the retention of 25 trees;
- Amended Civil Engineering drawings to enable the retention of trees;
- Amended statement pursuant to Clause 4.6 to justify exception to Clause 4.3 of WLEP 2009 - Height of Buildings;
- Variation request statement for Restriction as to Use of Land Numbered 2 in the Plan for Lot 2 D.P. 1118629;

EXHIBITION

It was considered that the additional information received did not require re-exhibition. However the applicant did engage with an adjacent property owner potentially impacted by the proposed roadworks. Details of this consultation are included at **Attachment 5**.

INTERNAL CONSULTATION

Given the concerns by the Panel regarding the assessment of the roadworks, the impacts on the adjoining properties, degree of tree removal and potential for retention of trees and restrictive covenants further information was sought and provided by Council's Landscape Geotechnical, Stormwater, Traffic, Subdivision, Environment, Building, Community Services, SCAT, Health and Property Officers. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

EXTERNAL CONSULTATION

No external referrals were considered necessary.

Response to the SRPP Recommendations

a. Assessment of the proposed roadworks including zoning controls, landowners consent to lodgement of the development application, the impact on adjoining properties and approach to temporary and final access to the adjoining private land during construction, appropriate signage and long-term traffic management

Provided by applicant:

A copy of the applicant response is included at **Attachment 2** and roundabout construction staging plans at **Attachment 3**.

Planner's review comment:

The proposal includes roadworks (roundabout on Northcliffe Drive). Bunnings Properties Pty Ltd entered into a voluntary planning agreement with Council for the shared cost of constructing a roundabout at the Western end of Northcliffe Drive, Kembla Grange. This roundabout is required to address traffic management issues in relation to DA-2016/358 and to facilitate the future extension of Northcliffe Drive as identified in the West Dapto Access Strategy.

The land on which the proposed roundabout is to be located is zoned SP2 Infrastructure pursuant to Wollongong Local Environmental Plan (WLEP) 2009 and is owned by Wollongong City Council. **Attachment 4** details owners consent from Council to lodgement of the application.

WLEP 2009 Clause 2.3 – Zone objectives and land use table

The objectives of the SP2 zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To provide for key transport corridors.*

The proposed roundabout is satisfactory with regard to the above objectives. It is considered that the proposed roundabout will provide an intersection treatment ancillary to the road infrastructure within a key transport corridor and facilitate future infrastructure with the future extension of Northcliffe Drive as identified in the West Dapto Access Strategy.

It is considered that the proposed roundabout will have minimal impact on the amenity of nearby residents or have an adverse impact on the efficient operation of the road system. Details of the application submission including the amended stormwater management plans and construction staging and traffic management measures during roadworks on Northcliffe Drive including details of direct engagement with the property owner of Poplar Petfood & Produce on Northcliffe Drive as at **Attachment 5** were referred to Council's Traffic, Stormwater and Subdivision Officers for comments with regard in particular to access to adjoining properties during construction of the roadworks. Advice received was that the phasing plans provided a good estimate of the likely construction phases and the proposal is satisfactory subject to amended condition 100 as at **Attachment 6**.

The land use table permits the following uses in the zone.

*The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Advertising structures; Business identification signs; Centre-based child care facilities; Community facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; **Roads***

The proposed roundabout is categorised as an intersection treatment which is ancillary to a road and is permissible in the zone with development consent.

b. The degree of vegetation removal and the potential for retention of existing vegetation and appropriateness of the proposed landscape solution for the site

Provided by applicant:

Amended landscape plans have been submitted as at **Attachment 3** detailing the retention of 25 additional trees within the front setback along Northcliffe Drive. Amended civil engineering drawings

as at **Attachment 3** include minor changes to the proposed finished levels in this locality to enable the retention of these trees.

Planner's review comment:

The amended Landscape Plans confirm the retention of the 25 additional trees within the front setback along Northcliffe Drive. The batter now finishes within the site closer to the building rather than extending to the site boundary with Northcliffe Drive.

Details of the application submission including the amended Landscape Plans, Tree Assessment Report and Flora and Fauna Assessment report were referred to Council's Landscape and Environment Officers for comment. Advice received indicates that the proposal is conditionally satisfactory. Council's Landscape Officer concurs with the Arborists recommendations relating to the retention of the 25 native trees within the front setback to Northcliffe Drive which have fair to good health condition for retention. The majority of the trees on the Northcliffe Drive frontage to be removed are considered to have been negatively impacted by weeds such that they are not worthy of retention.

It is considered that conditions 52 and 173 as at **Attachment 6** requiring compensatory planting and an extension of the mass planting bed within the Northcliffe Drive frontage will supplement the loss of trees on the site.

c. The requirements of the Section 88B Instruments and appropriateness of variations to them;

Provided by applicant:

A written request for Council to vary the Restriction as to Use of Land Numbered 2 in the Deposited Plan 1118629 pursuant to Section 88B of the Conveyancing Act, 1919 as at **Attachment 2**.

Planner's review comment:

The overall development site consists of five (5) separate allotments that are burdened by several easements and/or Restriction as to User on Title as follows:

- 1-3 Canterbury Road, Title reference Lot 50 DP 879625.
 - Drain Water (1m wide). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Wollongong City Council;
 - Drain sewage (1m and 5m wide). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Wollongong City Council;
 - Effluent Disposal (2m, 2.5m and variable width). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Wollongong City Council.
- 9 Canterbury Road, Title reference Lot 52 DP 879625.
 - Right of carriage way (Variable width). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created; and
 - Services (variable width). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Integral Energy;
- 644-650 Northcliffe Drive Title reference Lot 51 DP 879625.
 - Right of carriage way (Variable width). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created;
 - Drain Water (1m wide and variable) Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Wollongong City Council;
 - Drain sewage (1m and 5m wide). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Wollongong City Council;
 - Effluent Disposal (2m, 2.5m and variable width). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created and Wollongong City Council;

- Services (1m wide). Authority to release, vary or modify – Proprietor of the Lot in whose favour the easement is created.
- 638 Northcliffe Drive, Title reference Lot 1 DP 1118629.
 - Electricity purposes (10m wide) - Lot 1 DP 1118629; and
 - Lease to Optus Mobile – Lot 1 DP 1118629.

Planners review comment:

Details of the proposal were referred to Council's Stormwater, Traffic, Subdivision, Environment, Landscape and Property Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

Details of the application submission were referred to Endeavour Energy (previously known as Integral Energy) for comment. Advice received indicated that there were no issues with the removal of the easement to which Endeavour Energy were named as Authority to release, vary or modify. Endeavour Energy's recommended conditions are included in the recommended conditions at **Attachment 6** of this report.

It is considered that the existing easements relating to the existing subdivision arrangement are superseded by the development as proposed and/or recommended conditions as at **Attachment 6** and can be extinguished.

Condition 177 as at **Attachment 6** requires redundant easements to be extinguished from the title prior to the issue of the Occupation Certificate for the building.

- 642 Northcliffe Drive, title reference Lot 2 DP 1118629.

The site is burdened by restrictions as to use relating to the following:

1. On Site Detention to the satisfaction of Wollongong City Council;
2. Vehicular ingress and egress to the lot is not to be obtained across the Northcliffe Drive boundary without Council permission.
3. Kerb and guttering to the satisfaction of Wollongong City Council; and

Planner's review comment:

The restrictions as to use Numbered 1 and 3 as relates to the application are considered to have minimal impact on the proposed development.

On Site Detention has been proposed with the development and assessed as conditionally satisfactory by Council's Stormwater Officer.

Kerb and guttering are in place for the subject site and are to remain in place. Details of the application submission were referred to Council's Traffic, Stormwater and Subdivision Officers for comment with conditionally satisfactory referral advice received. Recommended conditions as at **Attachment 6** require works within the road reserve to be designed by a qualified civil engineer and to Council and RMS engineering standards and any damage to existing Council assets made good prior to the issue of the subdivision certificate.

Restriction as to Use Numbered 2 on DP 1118629 indicates that vehicular ingress and egress shall not be gained to or from the land across the common boundary between the lot hereby burdened and Northcliffe Drive without the prior written consent of Wollongong City Council. Restriction as to Use Numbered 2 was required by the RMS to restrict the number of openings to the classified road network under the two (2) lot subdivision approved under DA-2005/1770 creating the existing lot.

The development as proposed will consolidate the existing five (5) allotments into two (2) allotments. Access will be limited to two (2) locations, one on Northcliffe Drive therefore maintaining existing road opening conditions and one on Canterbury Road reducing the road openings a reduction of one opening. Submitted plans indicate that the vehicular access and ingress point to the site on Northcliffe Drive will be obtained across the boundary of Lot 2 DP 1118629 (642 Northcliffe Drive).

Details of the original application submission were referred to the NSW Roads and Maritime Services with conditionally satisfactory referral advice provided. Details of the additional information including the variation request statement for Restriction as to User of Land Numbered 2 in the Plan for Lot 2

D.P. 1118629 were referred to Councils Traffic, Subdivision and Property Officers with conditionally satisfactory referral advice provided in each instance.

Condition 177 as at **Attachment 6** requires that redundant restrictions as to use be extinguished from the title prior to the issue of the occupation certificate for the building.

Therefore it is considered that the restriction on the use of the land Numbered 2 in the Section 88B instrument on Lot 2 DP 1118629 can be modified so as to permit the variation as outlined above.

d. The extent of the landscape area proposed on site and whether it is sufficient to justify a variation to the height of the building development standard;

Provided by applicant:

Amended landscape plans have been submitted as at **Attachment 3** detailing the retention of 25 additional trees within the front setback along Northcliffe Drive. An amended Clause 4.6 Exception to a Development Standard as provided at **Attachment 2** in regards to the development standard departure sought in respect of Clause 4.3 Height of Buildings.

Planner's review comment:

The amended Landscape Plans confirm the retention of the 25 additional trees within the front setback along Northcliffe Drive. Submitted plans indicate that the Landscape Area for proposed Lot 102 on which the hardware and building supplies development is to be located is approximately 32%.

Details of the application submission including the amended Landscape Plans, Tree Assessment Report and Flora and Fauna Assessment report were referred to Council's Landscape and Environment Officers for comment. Advice received indicates that the proposal is conditionally satisfactory. It is considered that conditions 52 and 173 as at **Attachment 6** requiring compensatory planting and an extension of the mass planting bed within the Northcliffe Drive frontage will supplement the loss of trees on the site and soften the visual impact of the proposed building.

As detailed in Council's Assessing Officers report as presented to SRPP on the 1 May 2018;

- The proposal is satisfactory with regard to the objectives of the B6 zone. The site is located in a business zone with the adjoining zone to the North east being light industrial. There is an area of rural/residential zoned land to the South west of the subject site. The wide road reserve of Northcliffe Drive separates the subject site from the rural zone.
- The proposal is located on corner of the Princes Highway and Northcliffe Drive both major roads and adds to the mixture of compatible land uses within the area whilst contributing to the economic and employment growth of the region.
- It is considered that the proposal will not significantly detract from the existing or proposed development, amenity of nearby residents or have an adverse impact on the efficient operation of the road system.
- The requested departure from the development standard will not hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the EP&A Act.
- The applicant's statement has satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds specific to the site to justify contravening the development standard.
- It is considered that strict compliance with the Height of Buildings development standard in the context of the proposal site would not result in any significant public benefit.

e. Revision of conditions addressing the above points.

Planning Conditions to be Added

18) **No Development on Pad Site**

This consent does not permit development on proposed Lot 101 denoted as "B Pad Site" on Project No. 1352 Drawing 010-C dated 18 August 2017 prepared by John R. Brogan & Associates. Any future development on proposed Lot 101 denoted as "B Pad Site" on Project No. 1352 Drawing 010-C dated 18 August 2017 prepared by John R. Brogan & Associates requires separate Council approval.

Planner's review comment:

Condition 18 is recommended based on the recommendations of the Southern Regional Planning Panel (SRPP) at the meeting of 1 May 2018.

177) Extinguish Redundant Easements and Restrictions as to Use

All redundant easement and/or restrictions as to use shall be extinguished from all Titles prior to issue of an Occupation Certificate for the building.

Planner's review comment:

Condition 177 is recommended so that all redundant easements and/or restrictions as to use are extinguished from the title prior to the issue of the Occupation Certificate for the building.

Amended Engineering Conditions

19) Detailed Civil Engineering Design – Council Land

A detailed civil engineering design shall be provided for the proposed roundabout construction and drainage works within the road reserve and/or Council Land. The details must be submitted utilising the 'Engineering Plan Assessment – Development Consent Works within Council Land' form. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Proposed Roundabout, Northcliffe Drive, Kembla Grange by High Definition Design Pty Ltd, Drawing Number HD16, Revision 12, dated 07/02/18 and shall include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 5 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves.
- g. Vehicular access is to be maintained to all properties at all times.**

The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate.

Planner's review comment:

Condition 19, (formerly condition 18) has been amended based on the recommendations of the Southern Joint Regional Planning Panel (SRPP) at the meeting of 1 May 2018 so that vehicular access to all properties is not impacted by the proposed roadworks.

20) Detailed Drainage Design

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably

qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the General Arrangement Plan Undercroft Parking Level (Drawing No. 01327_C201, Revision 02 **03** dated ~~30/08/2017~~ **28/05/2018**), General Arrangement Plan Warehouse Level (Drawing No. 01327_C202, Revision 02-03 dated ~~30/08/2017~~ **28/05/2018**), and OSD Tank Details (Drawing No. 01327_C501, Revision 04 **02** dated ~~22/08/2017~~ **28/05/2018**) by C & M Consulting Engineers.

Planner's review comment:

Condition 20, (formerly condition 19) has been amended to reference the amended stormwater management plans.

100) Prior approval from Council for any works in Road Reserve

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

- A construction management plan prepared by the project manager must be provided that details all the phases of the development construction particularly as it relates to works that effect surrounding roads.
- Construction management plan for the roundabout construction phase is to be generally in accordance with the r12 construction staging plan Prepared by High Definition Design Pty Ltd Dwg No. ST1 – ST4
- A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

Note: This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

Planner's review comment:

Condition 100 (formerly condition 98) has been amended upon the recommendation of Council's Development Engineering Officer to address the key issue that access will be maintained to all adjoining properties during construction in particular during construction of roadworks on Northcliffe Drive. In order to address the issue of access the condition requires more detailed plans, construction details, signage, traffic and pedestrian management etc prior to works commencing as part of any approvals under Section 138 of the Roads Act 1993.

Amended and Additional Landscaping Conditions:

5) Tree removal

Permission is granted to remove existing trees as numbered and described in submitted Tree Assessment Report prepared by Able Ecology dated 1 August 2017 and as shown on Existing Tree Plant prepared by John Lock Associates ~~dated 30/8/2017~~ **Issue 1 dated 28 May 2018**. No further tree removal is permitted without prior written permission from Wollongong City Council.

Planner's review comment:

Condition 5 has been amended to reference the amended Landscape Plans.

52) Submission of Final Landscape Plan

The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a) **the existing trees on Northcliffe Drive shall be integrated into the mass planting bed to the main entry. The mass planting bed shall be extended to the drip line**

of the canopy of existing trees proposed to be retained. The proposed lawn shall be deleted.

- b) deletion of the following plant species since they are unsuitable for this type of development *Corymbia maculata* and *Eucalyptus tereticornis* as a street tree on Princes Highway due to the over head power lines
- c) planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;

- d) a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- e) the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- f) any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

Planner's review comment:

Condition 52 (formerly condition 51) has been amended to include the extension of the mass planting bed to the drip line of the canopy of the existing trees to be retained. Referral advice from Council's Landscape Officer indicates that grass is not practical in this area when the slope is taken into consideration.

56) Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development are sixteen (16) *Tristanopsis laurina* 'Luscious' 200 litre container size, in accordance with AS 2303:2015 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

Planner's review comment:

Referral advice from Council's Landscape Officer indicates that the proposed *Eucalyptus tereticornis* are too large under power lines. In this regard Council have recommended condition 56 as an additional condition specifying a small street tree species on Northcliffe Drive.

96) Certification from Arborist - Adequate Protection of Trees to be Retained

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

Planner's review comment:

Council's Landscape Officer has recommended condition 96 as an additional condition to ensure adequate protection of all trees to be retained.

173) Compensatory Planting

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, fifty (50) 200 litre container mature plant stock shall in an appropriate location within the property boundary of the site. The suggested species are ~~*Baccharis myrtilloides*~~, *Acmena smithii*, ***Cupaniopsis* sp.**, ***Waterhousea* sp.**

Planner's review comment:

Condition 173 (formerly condition 171) has been amended based on the referral advice of Council's Landscape to amend the suggested species to be used for compensatory planting.

CONCLUSION

At the meeting of 1 May 2018, the SRPP determined to defer the development application until a supplementary report is prepared by Council addressing the following:

- a. *Assessment of the proposed roadworks including zoning controls, landowners consent to lodgement of the development application, the impact on adjoining properties and approach to temporary and final access to the adjoining private land during construction, appropriate signage and long-term traffic management;*
- b. *The degree of vegetation removal and the potential for retention of existing vegetation and appropriateness of the proposed landscape solution for the site;*
- c. *The requirements of the Section 88B Instruments and appropriateness of variations to them;*
- d. *The extent of the landscape area proposed on site and whether it is sufficient to justify a variation to the height of the building development standard; and*
- e. *Revision of conditions addressing the above points.*

Responding to the recommendations of the SRPP the applicant has provided additional information which has been reviewed and demonstrates the following:

- The permissibility of the proposed roadworks in the SP2 zone;
- Construction staging and traffic management measures during roadworks on Northcliffe Drive so as to minimise amenity and access impacts on adjacent properties;
- The retention of further 25 trees through amended Landscape and Civil Engineering Plans;
- Amended statement pursuant to Clause 4.6 to justify exception to Clause 4.3 of WLEP 2009 - Height of Buildings; and
- Justification so as to permit the variation of Restriction on the Use of the land Numbered 2 in the Section 88B instrument on Lot 2 DP 1118629.

It is considered that all matters have been satisfactorily addressed.

Whilst some of the issues received in submissions are technically unresolved they are considered to be adequately addressed either through design or by way of conditions of consent. Any remaining issues are not considered sufficient to warrant refusal of the application.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

RECOMMENDATION

It is recommended the Southern Regional Planning Panel approve DA-2016/358 pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 6**.

ATTACHMENTS

- 1 Recommendations of the Southern Regional Planning Panel (SRPP) dated 1 May 2018
- 2 Applicants Response to Recommendation of SRPP

- 3 Amended Plans and Roundabout Construction Staging/Traffic Management Plans
- 4 Owners consent from Council to lodgement of the application
- 5 Details of Applicants Consultation with Adjacent Property Owner
- 6 Conditions of Consent