

DATE OF DETERMINATION	Thursday, 23 August 2018
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe, Renata Brooks, Michael Mantei, David Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 7 August 2018 and 23 August 2018.

MATTER DETERMINED

2016STH016 – Wollongong - DA2016/358 at 1-3 Canterbury Road Kembla Grange 2526, 9 Canterbury Road Kembla Grange 2526, 638 Northcliffe Drive Kembla Grange 2526, 642 Northcliffe Drive Kembla Grange 2526, 644-650 Northcliffe Drive Kembla Grange (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The decision was unanimous.

REASONS FOR THE DECISION

1. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 Height of Buildings of Wollongong Local Environmental Plan 2009 and considers that:
 - the applicant's submission adequately addresses the matters required under Clause 4.6;
 - the development remains consistent with the objectives of the standard and the objectives of the zone;
 - there are sufficient environmental planning grounds to justify the variation; and
 - compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is acceptable from a streetscape perspective, will not generate unacceptable impacts on adjoining or nearby properties and will not result in development inconsistent in form and scale with that planned for the locality.






For the above reasons, the Panel is satisfied that the variation from the WLEP 2009 development standard is in the public interest.

2. The development complies with the relevant planning instruments, is consistent with the objectives of the B6 Enterprise Corridor zone and is a suitable use of the site
3. The development will provide additional employment opportunities in the local area.
4. With the imposition of the recommended conditions of consent, the proposed development will not have any unacceptable adverse impacts on the character or amenity of the surrounding area, environment and adjoining development

CONDITIONS

The development application was approved subject to the conditions in the addendum Council Assessment Report (22 August 2018) with the following amendments:

- Condition 100 to be amended by replacing the word 'provide' with the word 'private', so that the reference is to private properties

PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	 Michael Mantei
 David Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016STH016 – Wollongong - DA2016/358
2	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.
3	STREET ADDRESS	1-3 Canterbury Road Kembla Grange 2526, 9 Canterbury Road Kembla Grange 2526, 638 Northcliffe Drive Kembla Grange 2526, 642 Northcliffe Drive Kembla Grange 2526, 644-650 Northcliffe Drive Kembla Grange 2526
4	APPLICANT/OWNER	Bunnings Properties Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 6 Advertising and Signage State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Wollongong Local Environment Plan 2009 Draft environmental planning instruments: Nil Development control plans:

		<ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Bunnings Properties Pty Ltd has requested that Council enter into a Planning agreement for the shared cost of constructing a roundabout on Northcliffe Drive, Kembla Grange, between Phar Lap Avenue and Princes Highway. • Wollongong Section 94 Contributions Plan 2017 • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • Coastal zone management plan: Nil • 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 Environmental Planning and Assessment Act 1979 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: 19 April 2017 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Adam Wilton ○ On behalf of the applicant – Ben Fogarty and Kendal Mackay • Addendum Council assessment report: 2 August 2018 • Council file note by Stormwater Development Engineer dated 19 June 2018 • Council file note by Landscape Architect dated 13 June 2018 • Council file note by Development Engineering Manager dated 23 July 2018 • Addendum Council assessment report: 22 August 2018
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 1 May 2018 • Final briefing meeting to discuss council's recommendation, 1 May 2018. Attendees: <ul style="list-style-type: none"> ○ Panel members: Pam Allan (Chair), Alison McCabe, Renata Brooks, Michael Mantei, David Brown ○ Council assessment staff: Rodney Thew • Public determination meeting on 1 May 2018 • Electronic determination meeting between 7 August 2018
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the addendum council assessment report (22 August 2018)