

DATE OF DETERMINATION	Thursday 15 November 2018
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Lindsay Fletcher, Jason Pauling & Justin Hamilton
APOLOGIES	Michael Leavey
DECLARATIONS OF INTEREST	None

Public meeting held at Lake Macquarie City Council on 15 November 2018, opened at 12:45pm and closed at 1:30pm.

MATTER DETERMINED

2017HCC031 – Lake Macquarie City Council – DA/764/2014/A at 10 Stockland Drive, Glendale (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1. Council staff provided additional information prior to the meeting including elevations, the reasons for the original Panel decision and Conditions of consent showing changes to original DA conditions.

The Panel determined to Approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel generally agreed with the assessment and conclusions within the Council staff report.
- The proposed changes, when considering a combination of quantitative and qualitative considerations and resulting impacts, were reasonably able to be considered as a modification application and substantially the same as approved;
- In terms of overall parking, access and key entries, the proposal was an improvement compared to the approved development;
- The loss of trees. landscaped solution and north-eastern elevation to the carpark was not ideal, and in parts compromised compared to the DA approval, although this was able to be addressed by Conditions of consent (as modified by the Panel);
- Regard was given to previous reasons for approval by the Panel. This included a condition (former Condition 8) that required further refinement of the carpark elevation. There had been some improvements, although further refinement was warranted, including regarding landscaping, artwork and potentially some window openings
- While there were outstanding comments from RMS and Sydney Trains, considerable time had passed, the Panel was able to determine the matter and the nature of the proposal in terms of access, parking and changes to footprint were either negligible or minor in terms of key considerations under the SEPP Infrastructure 2007;
- The process for a Planning Agreement was understood and facilitated by the proposal and a condition of consent and
- The proposal was acceptable against statutory considerations.

CONDITIONS

The Modification Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- a) Incorporation of a new condition 8 to state:

8 North-eastern (Car Park) elevation






The north eastern elevation and associated planting beds of the three building elements facing the carpark shall be further refined and include and detail artwork along the wall, integrated with landscaping and possibly additional glazed elements (beyond what is proposed). Details, including sections, irrigation and planter bed details, at a minimum scale of 1:50, shall be provided to Council for written approval prior to the issue of a Construction Certificate.

Reason: To improve the visual presentation of the elevation to the carpark and not feel as though it is the back of the building, given it is the main point of entry.

- b) Condition 22A be amended so the following sentences are added after the second sentence to that condition:

This is likely to require some loss of parking (noting the proposal provides more parking than required within the planning controls) and to ensure landscaped beds are provided for tree health and longevity. The amended landscape plan shall also use as a reference document the approved Landscape Plan with the Development Application (prior to the modification) to ensure an equivalent or improved landscape solution is achieved, including landscaped avenues of planting along areas within the carpark which have not fundamentally changed.

Reason: to result in an acceptable landscape outcome relative to the loss of trees and previously approved landscape plan.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Lindsay Fletcher	 Cr Jason Pauling
 Justin Hamilton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017HCC031 – Lake Macquarie City Council – DA/764/2014/A
2	PROPOSED DEVELOPMENT	Section 4.55(2) – Modification to Shops and Restaurants (Alterations and Additions to Stockland Glendale Shopping Centre)
3	STREET ADDRESS	10 Stockland Drive, Glendale (Lot 1 DP 860494)
4	APPLICANT/OWNER	Applicant: Stockland Development c/- Paradigm Planning Owner: The Trust Company Limited
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Lake Macquarie Local Environmentla Plan 2014 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Draft environmental planning instruments Development control plans: <ul style="list-style-type: none"> Lake Macquarie Development Control Plan 2014 Planning agreement offer Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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 Submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and 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: 1 November 2018 Written submissions during public exhibition: 0 Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – Ian Adams & Anthony Martin
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing Thursday 15 November 2018. Final briefing to discuss council's recommendation, Thursday 15 November 2018, 12:00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Jason Perica (Chair), Kara Krason, Lindsay Fletcher. Jason Pauling & Justin Hamilton <u>Council assessment staff</u>: Brian Gibson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report