

DATE OF DETERMINATION	5 June 2025
DATE OF PANEL DECISION	4 June 2025
PANEL MEMBERS	Justin Doyle (Chair), Helena Miller, David Kitto
APOLOGIES	Matt Gould
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as her company sits on the Coles panel. Matthew Deeth declared a conflict of interest as he has previously advocated on behalf of impacted residents in relation to this application.

Papers circulated electronically on 27 May 2025.

MATTER DETERMINED

PPSSWC-445 – Wollondilly – DA/2024/694/1 – 30 Pembroke Street, Wilton - Commercial premises comprising rooftop car park, supermarket, three specialty retail shops, bottle shop, pedestrian crossing, footpath and road works, outdoor dining, vehicle crossovers to Greenbridge Drive and White Street, signage, earthworks, vegetation removal and landscaping.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Provision of shading to the upper-level car park

Clause 2.10(4) of the *Wollondilly Development Control Plan 2016* requires all above ground parking areas with more than 12 parking spaces to be landscaped with shade trees at a rate of 1 canopy tree per 4 parking spaces. That translates to requiring 21 canopy trees in this case.

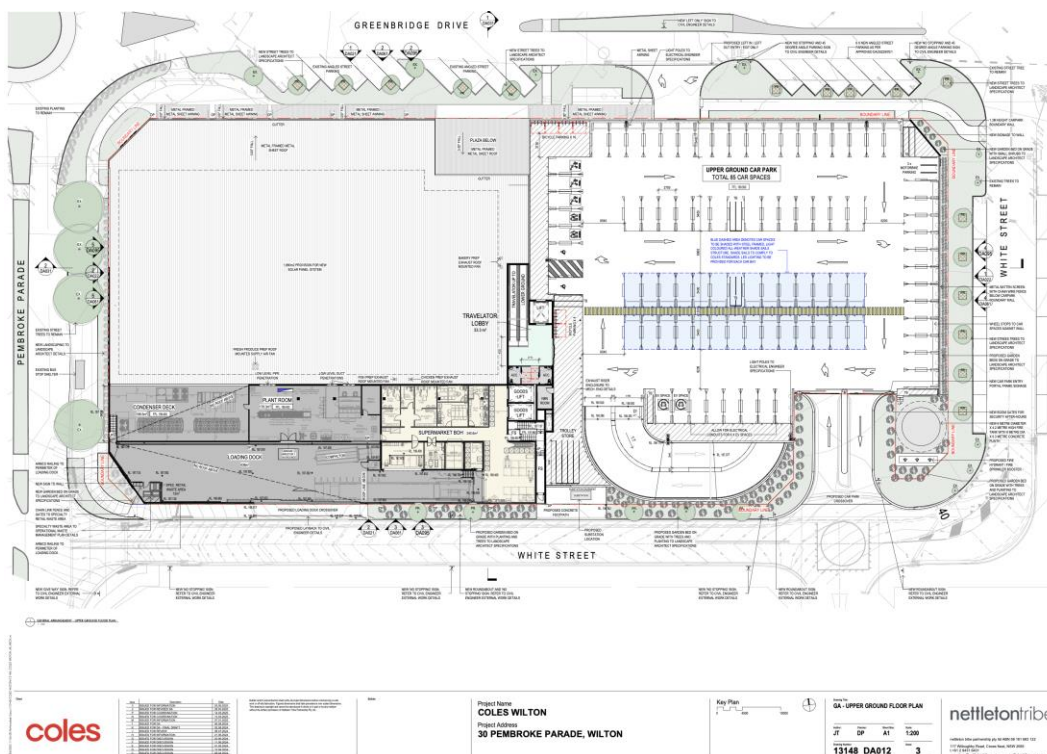
Coles has argued this will require substantial changes to the design of the car park, which is too expensive and may increase traffic safety risks.

In its report, Council highlighted that the control in the DCP is directed towards ensuring that any above ground parking areas “do not dominate the streetscape”, which will not occur in this case. Consequently, it was willing to waive the requirement.

Nevertheless, the Panel was concerned that the upper-level car park would have no shading whatsoever.

After weighing up the matter carefully, the Panel concluded that Coles should be required to provide shade structures on the upper-level car park instead of trees, provided these shade structures were suitably setback from the street frontages to minimise any visual impacts on the surrounding area. These structures would ensure there is adequate shade in the car park and significantly improve the amenity for shoppers.

In response to the Panel’s concerns, Coles suggested providing shade structures to 27 of the 85 car spaces (around 31%) in the upper-level car park (see figure below), even though this would come “at a significant project cost”.



While this would result in some improvements to the amenity of the car park, the Panel did not think it went far enough and concluded that it would be a better planning outcome to require shade structures to be provided to all of the car spaces in the upper-level car park, excluding those car spaces along the Greenbridge Drive and White Street (East) boundaries.

This would result in 55 of the 85 car spaces (around 65%) of the car spaces being shaded and substantially improve the amenity of the shopping centre without materially affecting its cost. It would also minimise the visual impacts of the shade structures on the surrounding area.

Consequently, the Panel has amended Condition 46 of the recommended conditions to ensure these shade structures are provided (see below).

Development application

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

The panel determined to approve the application for the reasons outlined in Council's assessment report.

In particular, the Panel concluded that:

- The development is consistent with the provisions of the relevant environmental planning instruments, including *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, *State Environmental Planning Policy (Industry and Employment) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and *State Environmental Planning Policy (Transport and Infrastructure) 2021* and *Wollondilly LEP Local Environmental Plan 2011*
- The amended plans for the development have improved the design of the building, particularly the elevations to all four street frontages
- The requirements in Condition 46 to amend the design of the building prior to the issue of a construction certificate, including the installation of a security gate to the loading dock and provision of additional landscaping adjacent to soften the loading dock entry and more effectively screen the water tank on the corner of White Street, will result in further improvements to the

southern and eastern elevations of the building and ensure the development exhibits design excellence

- The traffic and parking issues raised by the Panel following its initial briefing on the development have now been satisfactorily addressed by the Applicant and approved by the Local Traffic Committee
- Developer contributions will be paid in accordance with the requirements in *Amended Voluntary Planning Agreement Bingara Gorge No. 1*
- The site does not require remediation and is suitable for the development
- There will be no adverse impacts on the Hawkesbury-Nepean catchment
- The proposed signage is consistent with the objectives in Section 3.1(1)(a) and the relevant assessment criteria in Schedule 5 of *State Environmental Planning Policy (Industry and Employment) 2021*
- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions
- The development will provide a high-quality supermarket to support the rapid growth of housing in the surrounding area, consistent with the strategic planning objectives for the area
- The development is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in Council's assessment report, including the following amendment to end of condition 46:

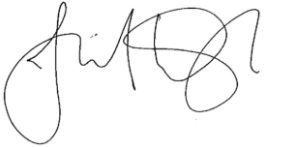


- *Shade structures are to be installed over all car parking spaces within the rooftop car parking area except for the spaces adjoining to the northern (Greenbridge Drive) and eastern (White Street) site boundaries, to provide adequate sun protection for vehicles and enhance amenity. Details of the shade structures, including height, materials and fixing methods are to be updated on the architectural plans and to the satisfaction of the Principal Certifying Authority, prior to the issue of any relevant construction certificate.*

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 3 September to 9 October 2024 and received 2 submissions. The submissions raised concerns about:

- Car parking crossover on land zoned R2 - Residential
- Non-compliance with the open space controls in the *Wollondilly Development Control Plan 2016*
- Lack of activation on the Pembroke Parade frontage
- Provision of essential services
- Visual impacts of the proposed water tank.

The panel is satisfied that these issues have been adequately addressed via design changes to the development and in Council's assessment report and recommended conditions.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Helena Miller
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-445 – Wollondilly – DA/2024/694/1
2	PROPOSED DEVELOPMENT	Commercial premises comprising rooftop car park, supermarket, three specialty retail shops, bottle shop, pedestrian crossing, footpath and road works, outdoor dining, vehicle crossovers to Greenbridge Drive and White Street, signage, earthworks, vegetation removal and landscaping
3	STREET ADDRESS	30 Pembroke Street, Wilton Lot: 23 DP: 23008
4	APPLICANT/OWNER	Applicant: Inspire Planning Owner: Coles Group Property Developments 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 (Transport and Infrastructure) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts—Western Parkland City) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Wollondilly Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollondilly Development Control Plan 2016 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: 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 <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: 8 May 2025 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 12 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto and Helena Miller <u>Council assessment staff</u>: Natalie Knapp, Bridie Riordan, Ben Gibbons, Michael Buckley and Mohammad Salam <u>Applicant representatives</u>: Stephen McMahon, Andrew La Martina
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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