

JRPP NO:	2010HCC026
DA NO:	39094/2010 Part 1
PROPOSED DEVELOPMENT:	Demolition of Existing BUILDING, New Bunnings Warehouse Complex & Signage (JRPP) on LOTS: 51 & 52 DP: 1108800, LOT: 2 DP: 1051411, Nos 1, 3, 5 Yallambee Avenue WEST GOSFORD
APPLICANT:	John R Brogan & Assoc Pty Ltd
REPORT BY:	Robert Eyre

Assessment Report and Recommendation

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

EXECUTIVE SUMMARY

Reason for Referral to Joint Regional Planning Panel (JRPP)

Value greater than \$10 million

Assessing Officer

R A Eyre

Reviewing By

Independent Development & Environment Panel (IDEP)
Director Environment and Planning
General Manager

Date Application Received

23/07/2010, Amended plans 22 November 2010

Proposal

Demolition of Existing buildings and erection of New Bunnings Warehouse Complex & Signage (JRPP)

Zone

3(b) Business Special-GPSO

Area

48,917m² (4.89ha)

City Vision 2025

Although not a statutory Plan, the proposal is consistent with the City Vision.

Public Submissions

Twenty-four (24)

Pre-DA Meeting

A Pre-DA Meeting was held 20 November 2009

Political Donations

None declared

Relevant Statutory Provisions

- 1 Environmental Planning & Assessment Act, 1979 – Section 79C
- 2 Local Government Act 1993 – Sections 89 and 68
- 3 GPSO - Clauses 10 and 29B
- 4 SEPP (Infrastructure) 2007
- 5 SEPP 14 – Coastal Wetlands
- 6 SEPP 55 – Land Remediation
- 7 SEPP 64 – Advertising and Signage
- 8 SEPP 71 – Coastal Protection
- 9 DCP 111 – Car Parking
- 10 DCP 163 – Water Cycle Management
- 11 DCP 115 – Building in Flood Liable Areas
- 12 DCP 82 – RTA Depot
- 13 DCP 159 - Character
- 14 CP 164 – Gosford
- 15 Public roads Act
- 16 Draft Gosford LEP 2009
- 17 DCP 106 – Controls for Site Waste Management
- 18 DCP 128 – Public Notification of Development Applications
- 19 SEPP 19 Urban Bushland
- 20 SEPP (Infrastructure)

Key Issues

- 1 Gosford Planning Scheme Ordinance
- 2 Height and Bulk
- 3 Draft Gosford LEP 2009
- 4 Sea Level Rise
- 5 SEPP 14 – Coastal Wetlands
- 6 Urban Bushland
- 7 Remediation of Land
- 8 Flora & Fauna
- 9 SEPP 71 – Coastal Protection
- 10 Acoustic Impact
- 11 Office of Water
- 12 Engineering Assessment
- 13 Car Parking
- 14 Water and Sewer
- 15 Architectural Assessment
- 16 Public Submissions

Recommendation

Refusal

REPORT

The Site and Locality

The eastern boundary of the site has frontage to Yallambee Avenue. The northern boundary adjoins sites containing Officeworks, Spotlight and Salvation Army (see Locality Plan – Attachment 1).

The western boundary adjoins residential development and an open drain. A sewer pump station is located on the western side of the site with an easement for access from Kulara Avenue to the pump station.

A drainage easement and open watercourse runs along the western side of the site and provides for stormwater from the Central Coast Highway to Fagans Bay.

The southern boundary of the site adjoins a concrete cycleway and Fagans Bay.

A number of easements burden the site for drainage, sewerage, electricity, right-of-carriageway as well as a sewer rising main which runs east-west across the site.

A number of old steel buildings are located on the site which were used in previous use of the site for industrial purposes.

To the east of Yallambee Avenue is the Gosford RSL Club and Motel, and a Retirement Village.

To the north of the site is commercial/bulky goods retail developments consisting of Spotlight, Officeworks, Anaconda and the Central Coast Highway.

To the west is residential development consisting mainly of single dwelling-houses.

To the south is Fagans Bay which forms part of Brisbane Water.

The existing ground levels are about RL 1.15m AHD in the south-eastern corner, RL 1.21m AHD in the south-western corner, RL 2.41m AHD in the north-western corner and RL 1.48m AHD in the north-eastern corner. That is, the existing site generally falls west to east, and from north to south.

Background

A deferred commencement consent was granted for filling, town houses and residential flat buildings (152 dwellings) and subdivision of the site by the Land and Environment Court on 18 November 2005.

The consent became operative on 17 October 2007, but has not physically commenced.

A pre DA meeting for the proposal was held on 20 November 2009 (See Attachment 2). The meeting particularly raised the issue of sewer mains on the site.

On 17 and 20 August 2010, the applicant was requested to:

- 1 Move the building at least 15 metres further from the waterfront or move it the northern side of the site to reduce the visual impact on Fagans Bay.
- 2 Provide 2.5m² of landscaping per car parking space.
- 3 Locating the acoustic fence closer to the source of noise.
- 4 Provide additional survey information on micro bat species.

The applicant submitted additional information and amended plans.

- which moved the building 5 metres in a northerly direction.
- satisfactorily addressed the micro bat species surveys.

On 24 November 2010, additional information was requested for engineering matters relating to stormwater, flooding and drainage.

This information has not been received.

The Proposal

It is proposed to demolish the existing buildings on the site of about 7,750m² floor area and erect a Bunnings Hardware and Building supply Warehouse outlet of 13,007m² floor area plus 2,700m² of land for landscape supplies and 1,556m² of land for building and landscape materials storage yard.

Access will be off Yallambee Avenue in the north-east corner of the site which will also utilise the existing access to Spotlight and Officeworks. No vehicular access is proposed to Kulara Avenue.

A total of 503 car parking spaces are proposed with delivery access/driveway off the southern end of Yallambee on the south-eastern corner of the site.

The trading hours are proposed to be 7:00am to 9:00pm weekdays and 8:00am to 6:00pm on weekends and public holidays. Goods deliveries are proposed to be between 7:00am and 10:00pm.

The proposed building will be up to 11.8m in height above FGL and constructed of painted concrete panels, steel roof, with Bunnings logo signage on the external walls. (The amended plans are included in Attachment 3).

The proposed floor level is RL 2.45m AHD for the building. This results in filling of about 1m on the southern side of the site in the location of the proposed building.

The finished floor level of the proposed building/development is RL 2.45m AHD and is setback 7m from the boundary with Yallambee Avenue, 5.5m to 22m from the western boundary, 36.6m to 72.5m from the northern boundary, and a variable setback to the southern boundary of 5m to 49.0m.

Landscaping is proposed around the perimeter of the site and throughout the car parking area.

The proposed building is generally located on the southern side of the site, with the car parking area on the northern side.

The amended plans are included in Attachment 3.

Assessment

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports **refusal** of the application and has identified the following key issues which are elaborated upon for JRPP's information.

Gosford Planning Scheme Ordinance

a Zoning

The site is zoned 3(b) Business General under the Gosford Planning Scheme Ordinance (see attachment 4).

Under the 3(b) zone, a "hardware and building supply outlet" is a use permissible with consent.

"Hardware and building supply outlet" means a place or building used for the display, storage, hire or sale of goods, equipment and materials used in the building industry, but does not include a building or place elsewhere defined in this Ordinance.

b Floor Space Ratio

The maximum FSR permitted is 1:1 and the FSR of the proposal is 0.27:1.

c Objectives Of Zone

Clause 10(3) of the Gosford Planning Scheme Ordinance stipulates that consent must not be granted for development of land within the prescribed zone, unless the objectives of the zone have been taken into consideration in conjunction with the objectives of the Local Government Act 1993, pertaining to Ecologically Sustainable Development.

The objectives of Zone No. 3(b) are:

- (i) To provide for the development of commercial centres which make provision for the service needs of the community; and
- (ii) To allow residential or other ancillary development but only where it is unlikely to significantly prejudice the supply of commercial floor space within the City of Gosford.

It is considered that the proposal is consistent with the stated objectives of the 3(b) Business Special-GPSO Zone as well as being consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

d Character

Clause 10(4) of the Gosford Planning Scheme Ordinance stipulates that the Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.

The site is located within Precinct 9 Main Road Employment. The desired character for this locality is:

"These should remain mixed-use ribbons of larger scale and medium-impact employment or service activities plus showrooms that benefit from high-exposure, where the civic quality of

prominent backdrops to Gosford City's major arterial thoroughfares are enhanced by "greening" of the road frontages, and where new developments in leafy landscaped settings achieve a co-ordinated standard of presentation.

Enhance the civic presentation of main road backdrops by siting buildings behind leafy front gardens and courtyards for parking or outdoor display of goods. Landscaping of street frontages should be co-ordinated, using hedges and rows of tall trees that are predominantly indigenous with elevated canopies that maintain the visibility of shopfronts, goods and commercial signs.

Facing the major roads, promote improved standards of urban design for all new buildings. Locate offices or showrooms facing the street to provide animated facades that display indoor activity, with delivery entrances confined to side and rear facades. Avoid the appearance of uniform building heights facing any street or driveway frontage by stepping the line of roofs and parapets, or by using taller forms to emphasise prominent building corners and entrances.

Disguise the scale and bulk of new buildings by applying a variety of materials and finishes to all front and side facades, including extensive windows that are shaded by balconies, verandahs or exterior sunshades, plus painted finishes over a mixture of masonry and sheet cladding, rather than expanses of plain masonry or metal sheeting. Roofs should be gently-pitched to minimise the height of ridges, flanked by wide eaves that disguise the scale of exterior walls.

Civic presentation of road frontages should be supported by the co-ordination of building colour schemes and commercial signs. Signs should be limited in both size and number, attached to buildings in consistent locations but limited in height to create continuous horizontal bands along awnings or parapets, rather than covering an entire facade. Pylon signs at the street frontage should complement the design of landscaped areas, and should be limited to one per property."

The proposed building will be partly screened from the Central Coast Highway by the existing commercial development along the southern side of the Highway.

However, the building is close to the cycleway and foreshore in the south-eastern corner, and in this instance, the proposal does detract from the character of the immediate locality, mainly due to its height, length and colour of the building.

Height and Bulk

A number of submissions raised the issue of the height and bulk of the proposed building.

In *Veloshin v Randwick Council* [2007] NSW LEC 428

Senior Commissioner Roseth established a planning principle for assessment of height and bulk. The SC judgement stated;

"The appropriateness of a proposal's height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are:

Are the impacts consistent with impacts that may be reasonably expected under the controls? (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.)

How does the proposals' height and bulk relate to the height and bulk desired under the relevant controls?

Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is:

Is the proposal consistent with the bulk and character intended by the planning controls?

In this proposal, the application complies with the current planning controls relating to maximum FSR and building setbacks. There are no current planning controls for the 3(b) zone relating to maximum height and site coverage.

Therefore, the proposed development is one which would be reasonably expected under the current controls.

Draft Gosford Local Environmental Plan 2009

The application has been assessed under the provisions of Draft Gosford Local Environmental Plan 2009 in respect to zoning, development standards and special provisions. The assessment concluded the proposal is inconsistent with the Draft Plan with regard to height.

The site is proposed to be zoned B5 Business Development. Under the proposed B5 zone, bulky goods premises and timber and building supplies are permissible with consent. The objectives of the B5 zone are:

- To enable a mix of business and warehouse uses, and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To ensure development is compatible with the desired future character of the areas covered by this zone.
- To provide and protect land zoned for business development for employment generating activities.
- To encourage the location of business and other premises requiring large floor plates to appropriate locations to ensure they do not sterilise core commercial or residential areas.
- To recognise the importance of business lands at Erina and locations supporting Gosford City Centre, at West Gosford and Wyoming.
- To recognise small isolated business and commercial areas located within the city.
- To recognise the range of service activities located on business lands that support business development.
- To ensure that business lands are not sterilised by residential development within business and commercial areas.

The maximum height for the site is 8.5m and the maximum FSR is 1:1.

The proposed building height will exceed the proposed 8.5m height limit by about 3.3m or 38%.

The massing of the proposed building is dominant particularly from the cycleway. It was suggested to the applicant to relocate the building, however the applicant will not agree to this.

Council is still assessing submissions to the draft LEP and has not referred the Plan to the Minister. Therefore the draft LEP is not imminent.

Climate change and sea level rise

Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;
- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

Internationally there is a lack of knowledge on the specifics of climate change and the likely impact it will have on the subject development. Government action may mitigate the impact of climate change and the question of sea-level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time.

In the absence of any detailed information at the present however, refusal of this application is not warranted in relation to the issue of climate change..

SEPP 14 – Coastal Wetlands

Part of the site is affected by SEPP 14 mapping. Filling, draining or clearing of SEPP 14 Wetlands requires an EIS to accompany an application. However, the Department of Planning advised the applicant on 11 August 2010 that:

“The Department has investigated the circumstances of the existing infill which is predominantly sealed hardstand, and development on the site which is within the mapped boundary of SEPP 14 Wetland No 924 at 5 Yallambee Avenue, West Gosford (Lots 51 and 52) DP1108800_ and have determined that an EIS is not required in this instance.

Photographic evidence provided by you and information from Gosford Council and the Regional Office of the Department have indicated that the filling of the land was substantially carried out in the early 1980's and the existing development largely occurred prior to the 1985 Gazettal of SEPP 14.

Consequently, whilst the mapped SEPP 14 wetland boundary encompasses part of the Yallambee Avenue property, all proposed works in the wetland which would, under Clause 7(1) of SEPP 14, make the works 'designed development', have been negated by the filling and clearing carried out under previous development which precede the gazettal of SEPP 14.

You have requested that the SEPP 14 wetland boundary be amended. The wetlands of Gosford LGA are to be reviewed in a current program to improve the accuracy of SEPP 14 mapping in line with the Department's electronic planning (e-planning) project. Wetland No 924 will be included in this exercise.

The Department commends the proponent's proposal to help mitigate environmental effects by re-establishing an area of saltmarsh as part of the development application for the site as per amended drawing 1704 LP-01 of the development application.”

Urban Bushland

The subject land adjoins vegetated public open space land along the southern and south-western boundaries. Given this, Clause 9 of SEPP 19 applies to this application. In regard to the aims and objectives of this SEPP, weed management, stormwater and nutrient control are the key issues associated with this application.

In respect to weed management, the portion of the site that adjoins SEPP 19 land will be managed under a Vegetation Management Plan and will be largely revegetated. Stormwater and nutrient control has been addressed and is not likely to adversely affect adjoining bushland.

Remediation of Land

An Environmental Site Assessment (Cavvanba Consulting, Ref: 10980, dated 30 November 2009) has been submitted to address contamination issues. This report has concluded that the site is likely to be suitable for the proposed commercial land use, with appropriate management of the groundwater contamination and bonded asbestos and this should include:

- *Further groundwater assessment to evaluate whether the benzene contamination and its potential impacts on Fagans Bay is significant enough to warrant notification to DECCW.*
- *Development and implementation of an environmental management plan (EMP) for the site in its current state.*
- *Assessment and remediation of the UST area.*
- *Assessment and management of bonded asbestos.*

Flora and Fauna

Section 5A assessment for listed threatened species, populations, ecological communities and their habitats have been provided in the Flora and Fauna Assessment Report (Able Ecology, 7 July 2010). These assessments have concluded that there is no evidence of long-term residence of microbats within the building on the site.

SEPP 71 Coastal Protection

The applicant has provided the following comments on the matters for consideration under Clause 8 of SEPP 71.

"(a) the aims of this Policy set out in clause 2,"

The aims of the Policy are:

- "(i) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast"***

As discussed under the heads of consideration above, it is considered that the proposed development achieves a good environmental outcome for the development of these employment lands at the same time as protecting and managing the land's other attributes".

- "(ii) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore"***

Achieved - see (b) & (c) - waterfront public access is excellent.

- "(iii) to ensure that new opportunities for public access to and along coastal foreshores are identified and realized to the extent that this is compatible with the natural attributes of the coastal foreshore"***

See (b) and (c)

"(iv) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge"

See (l) - not applicable.

"(v) to ensure that the visual amenity of the coast is protected"

See (e) & (f) - achieved, and preferable to possible solutions for alternate development of this major employment site.

"(vi) to protect and preserve beach environments and beach amenity"

Not applicable to this site as this is not a beach environment.

"(vii) to protect and preserve native coastal vegetation"

Coastal vegetation will be notably enhanced by this DA, not just protected and preserved - see also DoP letter regarding SEPP 14 matters.

"(viii) to protect and preserve the marine environment of New South Wales"

Improved vegetation and improved stormwater quality will assist the marine environment"

"(ix) to protect and preserve rock platforms"

Not applicable to this site

"(x) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6(2) of the Protection of the Environment Administration Act 1991)"

See (j)

"(xi) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area"

See (d)

"(xii) to encourage a strategic approach to coastal management"

This is the underlying philosophy behind the introduction of SEPP 71. It is considered that the proposed development satisfies coastal management imperatives.

"(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved, and

"(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,"

Public access already exists on both sides of the DA site and passing in front of the site along the bay-side walkway, suitable both for abled and disabled persons. No change is considered necessary.

"(d) the suitability of development given its type, location and design and its relationship with the surrounding area,"

The proposal is permissible in the zone, and more appropriate is this location than many other permissible employment uses which could have significantly greater environmental impacts. The building is set well back from property boundaries behind significantly improved landscape vegetation, and steps down substantially in its relationship with the waterfront reserve - see 3D photomontages provided. The latest amendments set the development further north away from the foreshore, behind some 7420m2 of landscaped and rehabilitated landscape area. Total landscaping comprises fully 25% of the site area.

"(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,"

Given the proposed building's setback, its recessive height and natural colours and its existing and proposed landscaping, amenity impacts are not adjudged likely to be significant - This is further addressed in the amending drawings.

"(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,"

Arguably improved - see (e) above.

"(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats"

Not affected - see Abel Ecology reports, including latest on microchiroptera.

"(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats"

Not affected, arguably improved due to environmental initiatives, proposed salt marsh, water quality controls etc.

"(i) existing wildlife corridors and the impact of development on these corridors,"

Not affected, arguably improved - see additional submission regard 'microchiroptera' which do not exist on-site.

"(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,"

Not affected by the proposed development.

"(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,"

Improved by augmented buffer planting - no connection, and no conflict.

"(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,"

Not a recognised or recorded Aboriginal site and the site has been significantly affected by previous uses in any event.

"(m) likely impacts of development on the water quality of coastal waterbodies,"

With on-line stormwater devices and the proposed introduction of the on-site salt marsh, the water quality of run-off will improve.

"(n) the conservation and preservation of items of heritage, archaeological or historic significance,"

As for (l) above - not considered relevant.

"(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,"

Does not apply here.

"(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and

(ii) measures to ensure that water and energy usage by the proposed development is efficient."

Cumulative environmental impacts are not considered significant - indeed, benefits will be considerable - and close attention is given to water and energy usage by the development, to a high standard of achievement - see ESD report lodged with the DA."

The provisions of State Environmental Planning Policy (SEPP) No 71- Coastal Protection requires the determining body to consider the Aims and Objectives of the SEPP together with the matters for consideration listed in Clause 8 of the SEPP when determining an application within the Coastal Zone. The Coastal Zone is an area defined on maps issued by the Department of Planning NSW. The subject property falls within the Coastal Zone.

The Aims and Objectives and the matters listed under Clause 8 have been considered and the application complies with the provisions of the SEPP.

Acoustic Impact

The site adjoins a residential area on the western side, and a Retirement Village is located to the east further along Yallambee Avenue.

The application was accompanied by a Noise Impact Assessment.

The assessment concludes that two solid fences will need to be constructed on the western boundary of the car park area to reduce car park noise to the west, and on the western side of the goods receiving and truck turning area in the south-west corner of the building to protect houses at the end of Kulara Avenue.

The Noise Assessment states that the noise goals meet the Environmental criteria for road traffic noise and maximum external noise levels will be below 60-65dBA and similar to existing night-time maximum noise levels and traffic noise increase will only have a minimal impact.

Council's Health Section have reviewed the Noise Assessment and advise:

"I have reviewed the Noise Impact Assessment submitted with the subject application and wish to advise that I have no objection to the proposal subject to the following conditions being placed upon any approval granted:

1. *Full compliance with the recommendations made in the Noise Impact Assessment produced by Indigo Acoustics, Report Ref: 09-268 dated 1 July 2010.*
2. *In the event that deliveries which occur outside of normal opening hours are causing noise disturbance to the nearby residential areas, the occupier will be required to engage a suitably qualified Acoustic Consultant to review the activity and consider additional noise mitigation measures where appropriate."*

The application states that goods deliveries will be between 7:00am and 10:00pm, although the premises will remain open to 9:00pm on weekdays and 6:00pm on weekends. It is considered that if approval were granted, goods delivery should be restricted to the same hours and finish at 9:00pm weekdays and 6:00pm weekends. This will mitigate the impact on adjoining/nearby residents.

Office of Water

The NSW Office of Water has advised that for the purposes of the Water Management Act (2000), a Controlled Activity Approval is not required.

Engineering Issues

On the basis of the information submitted to date there are a number of outstanding matters arising from the development engineering assessment from which it concluded that a development consent should not be granted. These matters are summarised as follows:

1. *Road works, access and traffic*
 - a. *Insufficient information is available to adequately assess the impact of works required by the RTA upon properties that surround the intersection of Yallambee Avenue and Central Coast Highway and the frontages of these roads that require upgrading. Furthermore, the potential of property acquisition on such affected properties cannot be determined to date nor can the impact and requirement for relocation and adjustments to utility services affected by the works. Should the application be approved, as a minimum a deferred commencement would be required for preliminary plans to be approved by the RTA to include the required intersection layout, affect on adjoining properties to accommodate such works, impact on utility services, and permission in writing granting concurrence from the affected property owners for the required acquisition to accommodate the required works. It is noted such property acquisition could affect the operation and parking needs of the affected neighbouring developments.*
 - b. *Insufficient information has been provided in relation to the northern access for the utilisation of the existing entry/exit associated with the Spotlight/Anaconda site lot 2 DP 1051411) with the construction of a roundabout over the common boundary of the Bunnings site and the Spotlight/Anaconda. No information has been provided to indicate how traffic movements will be regulated and accommodated particularly in relation to the Spotlight/Anaconda site.*
 - c. *The configuration and surrounds of the circulation driveway associated with service road in the vicinity of the "goods receiving" area is inadequate to enable an AS2890.2:2002 Articulated Vehicle to turn around.*

- d. *The disabled car parking spaces comply with AS2890.1:1993 and not AS2890.6:2009. The proposal should be modified to comply with the latter standard as this will soon be incorporated into the BCA.*

2. Flooding & Drainage

- a. *The stormwater from the site is not to discharge to the drainage channel on the western side of the site. This was stated in the pre-DA meeting but not complied within the stormwater proposal.*
- b. *In relation to the proposed diversion of the interallotment drainage systems that drain lot 2 DP 10541411:*
 - i. *Insufficient information has been provided to indicate that the proposed pipeline has the capacity for the 1 in 20 year ARI.*
 - ii. *The grade of the proposed pipeline is inadequate and will result in maintenance problems.*
 - iii. *Permission has not been submitted from the beneficiaries of these easements granting their concurrence to the alterations to the system and relinquishment of the easements.*
- c. *In relation to the proposed bioretention swale:*
 - i. *The connection of stormwater drainage from the roof of the Bunnings Warehouse to the bioretention swale would be excessive considering the roof and driveway areas draining to it, the size of the retention swale proposed, and the high water tables that are present in the area due to the proximity to Fagans Bay that would limit infiltration. The roofwater from the Bunnings Warehouse building is not to connect to the bioretention swale and alternative measures independent of the western channel is to be provided.*
 - ii. *The efficiency of the MUSIC model results are considered to be overestimated as a result of using rainfall data that irrelevant to this site. Council Design Specification requires rainfall and intensities to be undertaken from the Narara meteorological station which would better reflect the required intensities and rainfall patterns.*
- d. *The flooding & drainage matters raised in Council's correspondence dated 24 November 2010 have not been addressed.*

3. Water & Sewer

- (a) *The Water & Sewer Directorate (Water Authority) have strongly objected to the proposal on the basis of the impact on the operational aspects of Council sewer Pump Station WG3 and the associated infrastructure. The proposals by the applicant for alterations to the existing infrastructure through the site is deemed to be unsatisfactory in this regard."*

Car Parking

The total area of building and yard area to be used for display and sales is 17,263m². Council's Car Parking DCP requires a car parking rate of 1 space / 45m² GFA. This results in a total of 384 spaces being required.

The development proposed to provide 503 spaces which equates to one space / 34m², well in excess of that required under Council's DCP.

While the car parking generated will vary from site to site, and at different times of the day, the provision of 503 spaces is considered to be excess with at least 119 spaces more than Council's requirements.

The car parking area for this site will also be connected internally to the car parking areas of Anaconda, Officeworks, and Spotlight, which although different developments on different sites, may result in the same parking spaces serving multiple uses.

It is considered that the excess parking should be reduced and additional landscaping provided at least throughout the car parking area.

This could be required as a condition of consent.

Water and Sewer

The site has:

- a rising sewer main within a 5m wide easement running generally north to south. Council's guidelines for building over or near water and sewer mains (BOS) does not permit development over rising mains or within associated easements.
- a sewer gravity main located across the southern end of the site. Council's records indicate that this main is in the vicinity of 3.35m – 4.1m deep.
- a sewer gravity main along the western part of the site (adjoining the drainage easement) in the vicinity of 2.16m – 3m deep.
- a sewer pump station on the western side of the site which cannot be relocated.

The proposed building is located over the sewer mains and proposes to relocate the sewer rising main and sewer gravity main across the site.

The issue was raised in the pre-DA meeting and discussions have been held between the applicant and Council's Water and Sewer section since the application was lodged.

Council's Water and Sewer Engineer advises that:

"The applicant has failed to satisfy the Water Authority's requirements regarding water and sewer assets contained within the development site and the Water and Sewer Directorate object to any development approval being issued without the approval of the Water Authority."

Accordingly, the proposal cannot be granted consent due to the impact on the existing sewer mains and approval has not been granted to build over or relocate the mains.

Architectural Assessment

Council's Architect advises:

"The applicant has made minor changes however they have not adequately addressed the issues previously raised. The application is unacceptable in its present form and approval is not supported."

- 1 *The parking area must comply with the landscaping requirements in DCP111. Car Parking. This specifies a minimum of 2.5m² of landscape area per car space within the car park in addition to the requirements for landscaping around the perimeter of the site. This application requires 1172m² however only 600m² has been provided resulting in a non-complying by almost 50%.*

The proposed small diamond shaped planters squeezed between parking spaces are unacceptable. This is an outdated and discredited form of planting that results in stunted and damaged trees that are eventually removed.

Planting areas must be of adequate size and design to support significant trees (min. 10 metre canopy spread) and protect them from damage by vehicles and pedestrians. Planting beds within carparks should have minimum dimensions of 5.5x5.2 metres to protect trees from damage by cars, to allow air and water to the root zone to permit them to thrive and reduce the possibility of roots damaging paving. Larger areas should be provided for larger trees.

A smaller number of large trees are more effective in contributing to the character, providing shade and softening the building than a large area of groundcover.

The landscaping within the parking area should also utilise water sensitive urban design technique. Vegetated swales and infiltration systems as used in other Bunnings developments should be used to contribute to nutrient control and retention as required by DCP 165 Water Cycle Management.

- 2 *The building must comply with the aims and objectives of DCP 159 Character. It should present as more than just an industrial shed. The continuous parapet and large area of blank cladding and corporate colours emphasise bulk and scale and create a monotonous appearance. It is understood that there are corporate identity issues but these cannot override good character and urban design outcomes for the entire community. The building still appears as a vast green and red box and is completely incompatible with the desired character.*
- 3 *There is still concern about the limited landscape setback on the south eastern corner of the site and it is considered a more suitable solution may be to swap the building and carpark and integrate the carpark landscaping with revegetation zone to more effectively screen the large bulky structure from the waterfront."*

Public Submissions

Twenty-four (24) public submissions were received in relation to the application. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

A summary of the submission is detailed hereunder.

Gosford RSL Leisure Living Yallambee Ave west Gosford (14 Residents/Petition)

- 1 **No specific objection to the proposed used, but are deeply concerned about the volume of traffic which will be generated at the intersection of the Central Coast Highway and Yallambee Avenue.**

Traffic already banks up on the Central Coast Highway turning right into Yalambee Avenue.

Comment

Insufficient engineering information has been submitted to enable assessment of the impact of works required by the RTA.

2 Drainage Easement from Central Coast Highway to Fagans Bay.

The existing easement is in a state of disrepair. Raising the land level to RL 2.45m AHD and the higher floor level will leave residents to the west in a lower lying flood plain. This will increase the likelihood of flooding and drainage to residents' properties.

A stone wall buffer should be constructed along the western side of the easement to match or exceed the height of the Bunnings site level.

Comment

Insufficient engineering information has been submitted..

3 Height of the building is excessive and unnecessary. It is out of character as no houses along the boundary are higher than single storey. Bunnings will be 3 storeys equivalent.

The building should be altered to break up the height and bulk of the building.

Comment

The current planning controls do not restrict the building height. The draft LEP 2009 proposes a maximum 8.5m maximum height. The draft LEP 2009 is not imminent. It is agreed the height, bulk and scale of the building shall be reduced.

4 Setback. The setback of the building should be increased along the western boundary and moved closer to Yallambee Avenue. There would be little or no impact on the RSL Club and car park. The residents would cherish every extra metre of space.

Comment

The proposal complies with the current building setbacks required. Council has encouraged relocating the building to the northern side of the site but this has not been accepted by the applicant.

5 Signage. It is unnecessary to have any signage along the western wall and southern wall as only residents will be impacted.

Comment

Agreed. No signage should be erected on the western and southern elevations as no access is available from these sides and this further impacts the visual amenity from the residential area to the west and from the cycleway. The RTA has not given concurrence to signage under SEPP 64.

6 Deliveries. There should be a curfew to protect the amenity of residents. With Bunnings open 7 days a week and extended opening hours, deliveries should be made during acceptable business hours.

Comment

Agreed. Deliveries should be restricted to between 7:00am to 6:00pm Monday to Saturdays.

- 7 **Construction.** Construction should be given to restricting times and days of construction to preserve the amenity of adjoining residents.

Comment

Agreed. Construction times could be restricted.

D & R Sanders, 5/5 Ferguson Close West Gosford

- 8 Any approval should include the removal of all the river oaks that are along the drainage/stormwater easement running from the Central Coast Highway to Fagans Bay.

The trees are a hazard for blocking the water and the dropped needles from the trees are a fire hazard to adjoining development. One tree recently disintegrated and fell onto the roof of our villa.

The plan submitted shows proposed native landscape regeneration in the drain area and that is what we would like to see.

Comment

The drainage easement along the western side of the site is proposed to be landscaped. Any landscaping must not restrict flows in the easement.

N R & L A Thompson, 16 Yallambee Ave West Gosford

- 9 The proposal is objected to due to the increased traffic created in Yallambee Avenue which will cause chaos (gridlock, cyclists and pedestrians).

Yallambee Avenue is a narrow busy road providing access already to Gosford RSL Club, Gosford RSL Leisure Living Retirement Village, and the car parking area to Spotlight/Officeworks and the shared pedestrian/cycle pathway on the corner of Yallambee Avenue.

The concept of being close to Bunnings is liked, but not the traffic disaster that will follow in this location.

Comment

The RTA has advised of roadworks required to cater for the additional traffic. However insufficient information has been submitted to assess the impact of work required.

J Johnstone, Kulara Ave West Gosford

- 10 It is difficult to visualise the proposed building height with the proposed filling of the site. Height poles should be erected to demonstrate the height of the proposed buildings.

Comment

The site will be filled about one metre in the location of the building. The building height is 11.8m which results in the ridge of the building being about 12.8m or about 4 storeys, above the existing ground level.

- 11 (a) **The site is not embedded in the industrial/bulky goods area of west Gosford as claimed by the applicant. The site is separated from the industrial/bulky goods area by the Central Coast Highway. The site is surrounded by a low density residential area, Fagans Bay, two large retail outlets, a Social Club and a high density residential development.**

Suitability of the Building is not well suited to its locality between residential areas and Fagans Bay. It would be well suited within the industrial/bulky goods area on the other side of the Central Coast Highway.

The building is large, prominent, uninspiring, and of a specific design for this business activity.

The site is not in a light industrial area and emphasis has been placed on the intended function of the building rather than the aesthetics, built form and environmental treatment.

The majority of people being around the site are elderly and their needs are different to those of the general population.

Comment

The site is zoned 3(b) Special Business which permits the proposal as well as bulky goods sales and showrooms. Other similar developments adjoining this site include a service station, camping/sports salesroom, Spotlight and Officeworks.

- (b) **Kulara Avenue and Yallambee Avenue**

No access of any kind, pedestrian or vehicular, is to be permitted to Kulara Avenue even during construction. Kulara Avenue currently features as a shared way with pedestrians, cycles, car and motorised scooters using this road. Because there are no footpaths, most people have to cross the road at some point. It would be more dangerous if there was increased traffic and semi-trailers.

Yallambee Avenue is not 'sparsely used' for parking as claimed by the applicant and at times is fully parked out.

Due to the width and capacity of Yallambee Avenue, a weight restriction should be imposed and a prohibition on semi-trailers.

The location of the service road on the bend in Yallambee Avenue will create a conflict with the cycle/pedestrian and truck entry at this location.

The goods receiving area is also located opposite an adjoining residence. This, together with raising the ground level and a tall ugly fire sprinkler tank will have an undesirable impact on the adjoining residents due to lights, noise etc. The erection of an acoustic fence, on top of filling of the site, will result in a very high fence causing shadow impact to the western residences. It would be better to have lights and noise rather than a prison style fence/wall.

The goods receiving area should be deleted or moved away from residents and Fagans Bay.

Comment

No vehicular access is proposed to Kulara Avenue. A weight restriction is not justified on Yallambee Avenue as the road could be upgraded if not currently suitable. The location of the service road on the bend of Yallambee Avenue near the cycleway is a concern due to potential vehicle/cyclist/pedestrian conflicts.

The acoustic report has identified measures to protect residents from noise from the loading bay.

(c) Green Painted Building/Advertisements

The green colour of the building is supported but not the wide white band around the building. Even though landscaping/trees may eventually grow and hide some of the building, these will take a long time to grow.

There should be no advertisements/signs on the western and southern sides of the building as these sides face adjoining residents and Fagans Bay and are unnecessary.

Comment

The signage on the western and southern sides of the building should be deleted. The RTA has not given concurrence to signage under SEPP 64.

(d) Vegetation

Even though the existing trees and additional planting is proposed along the western and southern boundaries, it will take years for shrubs and trees to grow to an effective size to partly screen, and it takes considerable expertise to know which plants to select.

The applicant's proposal to have staff to grow and maintain the plans for 3 years is not long enough. The commitment to maintain landscaping should be for the life of the development.

There also needs to be a commitment that rubbish washed up from Fagans Bay will be regularly removed.

Comment

The landscaping is required to be provided and maintained for the life of the development. The operation would be responsible for any rubbish on the site, but could not be required to remove rubbish outside the site for which it did not create.

(e) Drainage Easement Problems

The easement takes water from Manns Road, Kariong Hill, the Central Coast Highway, Bel Hilton Parade and Kulara Avenue.

Recent developments have increased stormwater into the easement and flooding in the area.

The previous owner was going to improve drainage at the end of Kulara Avenue to Fagans Bay. Nothing has been done and residents have wasted 5 years.

Mangroves are growing in the easement and rubbish gets caught making flooding more likely. The applicant's proposal to replace vegetation in the easement will likely cause a backup of water and flooding.

The increased water going into the drainage easement from the development site will result in greater water pressure on the banks of the easement and more erosion and flooding.

What preparations are being made to prepare for sea level rise in Fagans Bay and reduce the affect of new developments increasing flooding on neighbours?

What are other owners' discharging water into the drainage easement doing to control water quality?

The filling of the site should not increase the water flowing from the site into the drainage easement.

Comment

Insufficient information has been submitted to assess drainage and flooding matters..

(f) Building Height

The proposed height is a major concern for many residents and those using the cycleway. The placement of the building next to the reserve will detract from the pleasure of the reserve and the building will be visible from Point Clare. The building is more than the equivalent of 3 storeys which was the height of the previous development approved on the site.

The proposed 8.5m height limit is reasonable when it is located between residential buildings and Fagans Bay. Storage sheds do not have to go to the roof level.

The design should be altered to relocate the nursery from the eastern to the western side of the building.

No signage should be erected on the Fagans Bay side walls.

Comment

The 11.8m high building, particularly at the south-eastern corner of the site, is closest to the cycleway and Fagans Bay and will dominate this locality. The bulk and scale is considered to be excessive. The applicant was requested by Council to consider moving the building further away from the southern boundary but has not agreed to this.

(g) Windows

Windows or balconies should be painted on the western walls to break down the large green, monstrous and heavy appearance.

Comment

This would not improve the appearance or break the walls down.

(h) Outside lighting

It is pleasing that there is no outside lighting on the south and east sides. The reasons why the cycle track has not attracted anti-social behaviour is because it is not lit up of a night-time.

Comment

Security lighting will most likely be installed on the site.

(i) Hours of construction

Construction will start early and finish late every day, 7 days a week. This will create noise and lighting impacts late into the evening.

During the winter months, construction work should not start until 8:00am and end at 8:00pm. There should be no construction work on weekends and public holidays.

Comment

Construction days and times should be restricted to preserve the amenity of adjoining residents.

- 12 While the applicant consulted with various people during the planning stage, they did not consult with adjoining residents.**

The proposal is not suited to this block of land and its environment and would be better located in the industrial area of West Gosford.

There is a conflict between the economic interests of the applicant and the social interests of the residents, which highlights the unsuitability of this proposal on this site.

Comment

The applicant is not required to consult with neighbours. Council notified adjoining owners and properties likely to be impacted. The zoning of the site permits such development. Assessment of the proposal takes into consideration the impact on adjoining properties. Insufficient information has been submitted to assess the impact of the RTA requirements.

A Taylor (no street address provided)

- 13 The proposal will create an unacceptable traffic problem at the intersection of Central Coast Highway and Yallambee Avenue. This intersection and traffic light handles all traffic from Officeworks, Spotlight, RSL Club, Motel, Retirement Village, and Riverside.**

The proposal will create traffic congestion and delays at the intersection.

Consideration should be given to extending Yallambee Avenue through to Kulara Avenue thus catering for traffic to and from the Point Clare direction.

Comment

The RTA has identified works required to upgrade the intersection to cater for the proposal. It is not proposed to permit vehicular access to Kulara Avenue. Any such proposal would be strongly opposed by residents of Kulara Avenue and would require re-

exhibition. Insufficient information has been submitted to assess the impact of the RTA requirements.

- 14 The pedestrian/cycle pathway commencing on the corner of Yallambee Avenue is a popular facility with walkers, cyclists and family groups. Locating the service road near the pathway will create a safety hazard.**

Comment

This is likely to create a vehicle/pedestrian/cyclist conflict at this point.

- 15 The entry/exit located opposite the RSL Club and providing access also to Spotlight/Officeworks will create a bottleneck and affect traffic flow in Yallambee Avenue as well as at the Central Coast Highway intersection.**

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

- 16 Yallambee Avenue leads to a Retirement Village and is the only road access. Residents need ready access to Ambulance services. An increase in traffic congestion in Yallambee Avenue may delay Ambulance access. This is another reason for access to be connected to Kulara Avenue to be considered.**

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

Gosford RSL Leisure Living, Yallambee Avenue West Gosford

- 17 Gosford RSL Leisure Living accommodates 284 elderly residents. The only road access for staff, visitors, and residents and associated traffic is via Yallambee Avenue. The RSL Club car park and street parking is heavily used by the general public who use the walking/cycleway along the Brisbane Waters Foreshore. The main objections/concerns to the proposal are:**

(a) Significant increase in motor vehicle traffic movements.

Yallambee Avenue is already congested and the intersection with the Central coast Highway has recently been altered by the addition of the 4th road from the Riverside development on the other side of the Highway. There is significant traffic line up at the intersection. The Bunnings development will add thousands of traffic movements a day, 7 days a week, for long trading hours.

In addition, the heavy vehicle delivery driveway on the 90° bend in Yallambee Avenue which will conflict with through traffic to the Retirement Village.

It is recommended that:

- Yallambee Avenue be widened to two lanes from the intersection lights to the proposed customer entry to Bunnings warehouse.
- In addition at the intersection lights a 'left turn at any time' and merge lane be created to exit left from Yallambee Avenue onto the Central Coast Highway.

- **Yallambee Avenue be marked no parking and the current kerb side parking eliminated.**
- **An alternate heavy vehicle delivery access point be created in Kulara Avenue, and Kulara Avenue be upgraded to accept such traffic movements.**
- **The planned heavy vehicle delivery driveway access from Yallambee Avenue be eliminated.**

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. The DCP 82 restricts access to Kulara Avenue for commercial/industrial development. If vehicular access was proposed to Kulara Avenue, the application would need to be readvertised.

(b) Noise associated with traffic and Bunnings activities.

Bunnings operate 7 days a week opening early morning and closing late evening. The noise associated with this by vehicle movements, forklifts, deliveries and loading/unloading and heavy vehicle movements may impact on the amenity of aged residents.

It is recommended that:

- **Bunnings warehouse trading hours are restricted to 7:00am to 7:00pm.**
- **Bunnings warehouse delivery acceptance times are restricted to Monday to Friday 9:00am to 5:00pm only.**

Comment

The hours of operation and deliveries should be restricted but not to the extent proposed. The noise report submitted would permit operating time past 7:00pm.

(c) Increased security risk associated with Bunnings activities.

At present the Retirement Village does not have any passing traffic and its exposure to the general public is limited. This creates a certain amount of security.

The proposed Bunnings will bring thousands of additional persons per week into Yallambee Avenue and result in increased exposure and security risk.

If not appropriately secured, Bunnings may attract those who would see the Retirement Village as a soft target.

It is recommended:

Bunnings warehouse be required to provide appropriate 24 hour security surveillance security patrols and security deterrents to reduce or eliminate increased security risks.

Comment

It is likely Bunnings will have an after-hours security service, but this is unreasonable to impose as a condition of consent, to protect the Retirement Village.

Gosford RSL Club, Yallambee Avenue West Gosford

- 18 There is no objection to the proposed Bunnings subject to the Bunnings operation not resulting in adverse traffic impacts on the operations of the Club.**

A review of the documents submitted confirms that the primary concern is that northbound traffic within Yallambee Avenue will queue back across the entry to the Club site and obstruct vehicles leaving the car park.

The traffic information submitted indicates that during the weekend peak, the length of traffic queue in Yallambee Avenue will increase from 48m to 80m. The current queue length of 48m does not affect exiting from the Club car park, but a length of 80m will result in delays exiting the Club.

The traffic and car parking generation rates are also questioned and appear to be low due to:

- Generous discounts for various types of trips.
- Not including nursery/garden and building/landscape material storage areas in the GFA. This would add another 4,263m² GFA to the 13,000m² of the main building.

The implications of these rates are that if they are actually higher, the impact will be on Yallambee Avenue and the RSL car parking area will be significantly higher than that included in the applicant's reports.

To reduce the adverse impacts, the following measures are suggested:

- Left turn only exit from spotlight site onto the Pacific Highway.
- Giveaway sign and associated raised threshold for northbound traffic with Yallambee Avenue requiring that this traffic gives way to vehicles exiting the Gosford RSL Club site.
- Additional left turn slip lane onto the Pacific Highway.
- Amended phasing for the traffic control signals on the Highway.

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

Koolewong and Pt Clare-Tascott Progress Association

- 19 The application has been lodged under the current 3(b) zone. The draft LEP 2009 proposes to zone the site B5 Business Development. We ask that the proposal be assessed under the proposed B5 controls if these are different from the current 3(b) controls. A submission was also made to the draft LEP to rezone the site for residential use.**

Comment

The draft LEP proposes different controls such as maximum height and FSR. Council is required to take the draft LEP 2009 into consideration, however at this time the draft LEP is not imminent. The submissions to the draft LEP are still being considered and Council is yet to consider a report on the draft LEP.

Therefore the current controls still apply.

- 20 The site is unsuitable as the structure is so close to recreational and environmental waterways and adjoining residences.**

The proposal only has 5m of green buffer between the proposed buildings and the adjoining houses. The goods receiving area adjoins the western boundary and will have constant truck traffic throughout the day and at night. The height of the building should not impinge on sunlight access to neighbouring homes.

Comment

The site has previously been used for industrial purposes and the current and proposed zone permits the use with consent.

- 21 The landscaping of the southern section of the site is pleasing so that it separates the property from the cycleway and foreshore area. Any fencing should be located alongside the service road.**

Comment

This could be required as a condition of consent, however as the development must maintain the landscaping for the life of the development, fencing along the boundary is most appropriate. The type of fencing could be specified.

- 22 Will Yallambee Avenue be wide enough to cope with the additional traffic, particularly at the service road?**

Council proposes to remove the marked cycleways from Yallambee Avenue to continue the cycleway along the avenue north via Narara Creek Reserve west bank, to the Highway bridge. This is an improvement to the safety of cyclists. Consideration should be given for the parking of motor vehicles to load/unload bicycles.

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

B Rowe, 34 Marril Road Niagara Park

- 23 There is no objection to the proposal subject to the following matters being adequately addressed.**

(a) Environmental

- (i) The filling proposed near Fagans Bay should be clean and non-polluting and not cause environmental damage to Fagans Bay, Narara Creek Estuary, and Brisbane Water.**
- (ii) Stormwater. As much stormwater as possible should be collected in water tanks and as less as possible into the low lying flood liable areas.**

Comment

Any fill transported onto the site will be required to be clean fill and not contaminated.

The applicant proposes to install a 30,000 litre rainwater tank to collect stormwater for watering of landscaping and toilet use.

Stormwater detention is not required due to the close proximity to Brisbane waters/Fagans Bay.

(b) Traffic

Yallambee Avenue is a short road with a number of driveways. The proposal will generate a steady flow of traffic and there is limited on-street parking.

The volume of traffic entering and leaving the various sites may cause conflicts.

Street parking should be prohibited when Bunnings is built and additional lanes in Yallambee Avenue provided and for the RSL Club.

The proposal will generate 5 times the current traffic volumes and an increase in trucks and semi-trailers.

When Adcock Park is in peak use, overflow parking occurs in this area.

The right turning lane from the Highway into Yallambee Avenue should be of sufficient length to cater for the increasing traffic and turning movements. Traffic light phases will also need to be changed.

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

E & B Nicholas, 6 Kulara Ave West Gosford

- 24 The proposed complex is too big and will generate vastly increased traffic flow and queues in Yallambee Avenue and along the Central Coast Highway.**

Residents of the Retirement Village will be affected as many are pedestrians.

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

- 25 The size of the buildings is too high. The residents to the west will be overshadowed and advertising logos on the outside will be constantly visible to residents. If the proposal proceeds, a 5m high fence should be erected along the northern, western, and southern boundaries.**

Comment

The shadow impacts to the west will not significantly impact adjoining residents. The shadow impact will be contained within the site.

- 26 Under no circumstances should access to the site be allowed from Kulara Avenue or Bel Hinton Parade including vehicular and pedestrian access. All access must be to Yallambee Avenue.**

Comment

No vehicular access is proposed to Kulara Avenue.

- 27 The mangroves on the western and southern side of the site will be impacted through the building works and resultant drainage system. These areas must be preserved and not interfered with in any way.**

Comment

The proposal does not propose to affect Mangroves outside the site. Council's Environmental Officer does not object to the proposal.

- 25 The application should be refused due for traffic increase, pedestrian safety, protection of residential amenity and protection of mangroves.**

Comment

The RTA has advised of works required to upgrade the intersection of the Central Coast Highway and Yallambee Avenue to cater for traffic generated by the proposal. However insufficient information has been submitted to assess the impact of the RTA requirements.

Conclusion

The proposal is permissible with consent and complies with Council's and State Planning Instruments.

Council's Environmental Officer is satisfied that adjoining bushland, remediation of the site, flora and fauna, and stormwater and nutrient control matters have been satisfactorily addressed and raises no objections to the proposal.

However, the proposal is not consistent with the draft Gosford LEP 2009 as the height limit will be 8.5m and the proposed building height is 11.8m above finished ground level, or about 12.8m above existing ground level.

The proposed building is located over major sewer mains. Inadequate details have been submitted for Council's Water and Sewer Section to agree that the sewer mains are able to be relocated or built over. Therefore the application cannot be approved.

The proposal has not:

- (i) Provided adequate car parking area with landscaping;
- (ii) Provided adequate setback and landscaping in the south-eastern corner to the southern boundary;
- (iii) Provide sufficient information to assess traffic, drainage and flooding impacts.

The bulk and scale is also considered to be out of character with the desired character for this area and to Fagans Bay and the cycleway along the southern boundary.

The RTA has advised that it has no objections to the proposal, subject to conditions of consent. However the conditions require substantial road works and road widening which have not been addressed by the applicant.

Attachments: 1 - Locality Plan
2 - Pre-DA Minutes
3 - Amended Plans
4 - Zoning Map

Tabled Items: Nil

RECOMMENDATION

- A The Joint Regional Planning Panel as consent authority refuse Development Application No 39094/2010 for the Demolition of Existing Building, New Bunnings Warehouse Complex and Signage on Lots 51 and 52 DP1108800, Lot 2 DP 1051411 Nos 1, 3, 5, Yallambee Avenue West Gosford for the following reasons:
- 1 The proposal is inconsistent with the maximum building height permissible under the draft Gosford LEP 2009.
 - 2 The proposed building is located over sewer mains and Council's Water and Sewer Directorate have not approved the relocation of the sewer mains on the site or the building over the sewer mains.
 - 3 The bulk, scale and colour of the proposed building is not in accordance with the desired character for this locality and that adjoining Fagans Bay and the cycleway.
 - 4 Inadequate landscaping areas in the south-eastern corner of the site adjoining Fagans Bay and throughout the car parking area.
 - 5 Inadequate information submitted to address access, traffic, stormwater, drainage and flooding.
 - 6 The RTA has not given concurrence to the proposed signage as required under SEPP 64 Advertising and Signage..
- B The applicant is advised of Councils decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.
- C The objectors be notified of Council's decision.
- D The RTA, Department of Environment Climate Change and Water, and Office of Water be notified of the Joint Regional Planning Panel decision.