

JRPP REF NO	2010SYW003
PROPOSED DEVELOPMENT	Construction of a Coles Supermarket, Retail Shop and Liquor Outlet Including Associated Basement Carparking and Site Works, 13 - 19 Boronia Road, GREENACRE
FILE	DA-1149/2009 - East Ward
ZONING	3(b) - Business - Other Centres
DATE OF LODGEMENT	22 December 2009
APPLICANT	Coles Group Property Development Pty Ltd
OWNERS	Coles Group Property Developments Ltd
ESTIMATED VALUE	\$16.322million
AUTHOR	Development Services (Nicholas Aley)

SUMMARY REPORT

This matter is reported to the Joint Regional Planning Panel for determination, due to the value of works exceeding \$10million (cost of works is \$16.322million).

Development Application No. DA-1149/2009 proposes the construction of a new Coles Supermarket, with one associated Retail Shop and Liquor Outlet including associated basement car parking for 190 vehicles and Site Works, and new signage.

DA-1149/2009 has been assessed against *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005* and the application is considered to satisfy all relevant development standards.

The application was advertised for a period of twenty-one (21) days. One (1) objection was received during this period, which raised concerns relating to a proposed pedestrian link to the northern entry, and associated tree removal, anti-social behaviour and car parking issues.

BACKGROUND / HISTORY:

The bulk of the site is 19 Boronia Road and was formerly used as a Bus Depot and maintenance yard from sometime around the mid 1950's to 2002. At that time, Council issued a development consent for the development of the site for the purposes of a townhouse development. This consent has not been acted upon. This land is currently vacant. The remainder of the site is No. 13, 15 and 17 Boronia Road, which previously comprised 3 single storey dwellings which were demolished in late 2008, and is also now currently vacant.

The land was rezoned from its then residential zoning to a business zone (3(b) Business - Other Centres) in September 2007.

A development application was lodged on 14 March 2008 for the demolition of existing structures and construction of a new supermarket, liquor outlet, kiosk and 14 specialty shops including associated landscaping, and car parking (196 car spaces) and new signage. This application was approved on a deferred commencement basis on 20 January 2009, with an operational consent issued on 2 September 2009. Since the issue of this operational consent, the applicant has requested to make amendments to the development as approved. These amendments are considered to extend beyond the scope of Section 96 of the act, hence the submission of the subject Development Application.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions, including the following specific conditions:

- a) Amended plans are to be submitted which provide for the deletion of the "foyer" at the north-eastern corner of the proposed development and the external appearance of the development in the area of the "foyer" access point on the northern and eastern elevations is to match the remainder of the northern and eastern facades.
- b) Hours of operation shall be limited 6am - 12 Midnight (Monday - Sunday) for the supermarket, and 9am - 6pm Mon-Fri, 9am - 5pm Saturday and 10am - 5pm Sunday for the retail shop and liquor outlet. Daytime loading dock operations shall be limited from 7am - 10pm and night time operations from 10pm - 7am Monday to Sunday. Loading dock activities during the night time operation are restricted to one truck entering or leaving the site, while another is loading/unloading.

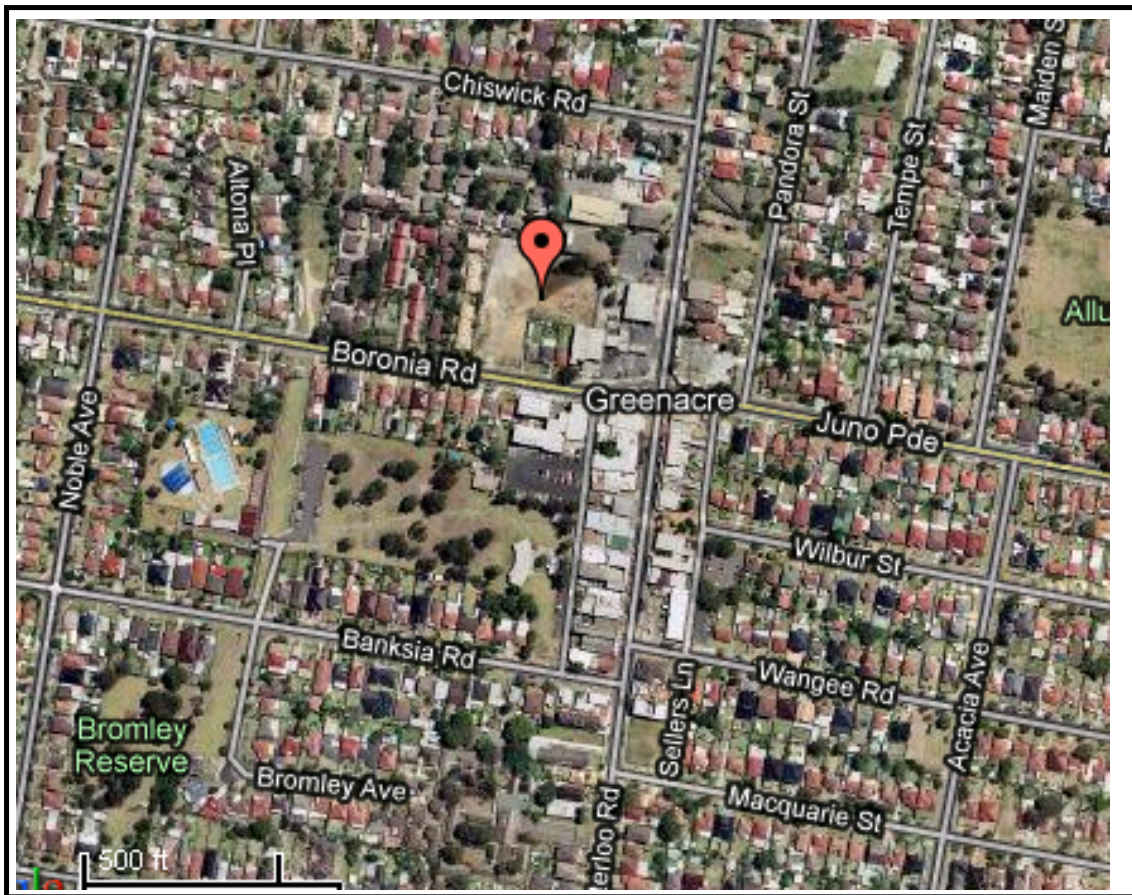
ATTACHMENTS

- A - Section 79C Assessment Report
- B - Locality Plan
- C - Conditions of Consent
- D - Site Plan
- E - Basement Plan
- F - Ground Floor Plan
- G - Roof Plan
- H - Elevations
- I - Shadow Diagram

ATTACHMENT A - S79C ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 13 - 19 Boronia Road, Greenacre. The site is currently zoned 3(b) - Business - Other Centres, and is currently vacant. The site is located on the northern side of Boronia Rd, between Altona Place and Waterloo Road, on the western fringe of the Greenacre town centre, and has residential properties located to the west and the north of the site, as well as opposite the western end of the site on the southern side of Boronia Rd. Land to the east of the site contains a two storey commercial building, with the Greenacre town centre located further east. Also to the north and fronting Waterloo Road is the Council owned land occupied by Greenacre Senior Citizens Centre. Small scale commercial buildings are located opposite the eastern end of the site on the southern side of Boronia Rd.



PROPOSED DEVELOPMENT

The Development Application proposes the construction of a new Coles Supermarket, with one associated Retail Shop and Liquor Outlet including associated basement car parking for 190 vehicles and Site Works, and new signage. The hours of operation are proposed from 6am - 12 Midnight (Monday - Sunday) for the supermarket, liquor outlet and retail shop. Loading dock deliveries are proposed

between 6am - 12am, and waste collection is proposed between 6am - 10pm Monday-Sunday.

The land falls away from the street and the proposed parking area is located in a semi basement area, with the proposed car parking more exposed towards the rear and the west of the site. Pedestrian and loading dock access is gained from Boronia Road and the frontage is a mixture of shop fronts, vehicular access to the basement and the screened loading dock. The main pedestrian access to the development at this point is in the form of a mall entry, which provides access to the one retail outlet, liquor store and the supermarket.



Proposed Coles Development, Boronia Rd Elevation

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (Infrastructure) 2007

The application is traffic generating development in accordance with State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). The application has been referred to the Roads and Traffic Authority for consideration, who have issued conditions of consent for imposition on any development consent (see also *Traffic* under "The likely impacts of development", below).

Bankstown Local Environmental Plan 2001

The following clauses of the Bankstown Local Environmental Plan 2001 (BLEP 2001) were taken into consideration:

Clause 2 Objectives of this Plan
Clause 11 Development which is allowed or prohibited within a zone
Clause 17 General environmental considerations
Clause 19 Ecologically sustainable development
Clause 20 Trees
Clause 23 Development adjacent to residential zones
Clause 25 Outdoor advertising
Clause 30 Floor space ratios
Clause 32 Access for people with disabilities
Clause 48 Objectives of the Business zones
Clause 50 Restrictions on certain development

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2001*.

Of particular relevance in the assessment of this development application is Clause 23, which states that in determining a development application that relates to land in a commercial zone adjoining land in Zone 2 (a) or 2 (b), the consent authority must take into consideration the following relevant matters:

- (a) *whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone,*
- (b) *whether any goods, plant, equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development,*
- (c) *whether the proposed development will maintain reasonable solar access to residential development between the hours of 9 am and 3 pm during the winter solstice,*
- (d) *whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised,*
- (e) *whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like,*

The application has been assessed against these requirements, given that residentially zoned land is located immediately to the north and west of the site. An acoustic report has been submitted, and it is considered that noise associated with the development, including loading, access, trolley collection, general shopping activities and plant/machinery will not result in an unacceptable level of impact onto adjoining residential development.

The height of the proposal is compliant with the provisions of Council's DCP and the general design, siting and bulk of the development is considered appropriate. Loading areas have been well screened and the car park design minimises headlight glare to residential properties, to a level within reasonable limits at the commercial/residential interface.

It is considered that the proposal does not raise any matters of concern when assessed against the provisions of Clause 23 of the LEP.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments applicable to the proposed development.

Development control plans [section 79C(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Part D4 - Commercial Zones, of the *Bankstown Development Control Plan 2005*.

STANDARD	PROPOSED	BDGP 2005 Part D4		LEP 2001 COMPLIANCE
		REQUIRED	COMPLIANCE	
Frontage	76.8 metres	6 metres	Yes	N/A
Height	3 storeys	3 storeys	Yes	N/A
Front setback	<ul style="list-style-type: none"> 1.5m basement 6m ground floor entry, 5m loading dock 23.5m to roof plant 	<ul style="list-style-type: none"> Nil for basement, ground and first floors 	Yes	N/A
Side and Rear setback	4.2m basement (N and W, 0m to E) 3-5.35m ground floor (N and W, 0m to E)	Nil for basement, ground and first floors	Yes	N/A
Floor space ratio	0.66:1	1:1	Yes	Yes
Car parking	190 spaces. In this instance, the RTA and Council's Traffic Engineer are satisfied with the 190 spaces proposed.	For development's greater than or equal to 4000m ² gross floor area, a parking study is required.	Yes	N/A
Facade design	<ul style="list-style-type: none"> Glazed entry and shop fronts. Articulated front wall. Colour applied to concrete walls 	<ul style="list-style-type: none"> Minimise blank walls Expansive use of glass 	Yes	N/A
Signage	34.5m ² of signage	Maximum 1.2m ² per 1.5 metres of frontage (56.32m ²)	Yes	N/A

The proposed development is considered to satisfy all relevant provisions of Part D4 of the BDCP 2005.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

The likely impacts of the development [section 79C(1)(b)]

An assessment of the likely impacts of the proposed development has revealed the following issues that require particular attention:

Hours of Operation

As noted above in the description of the proposal, the hours of operation are proposed from 6am - 12 Midnight (Mon-Sun) for the supermarket, liquor outlet and retail shop. Loading dock deliveries are proposed between 6am - 12am, and waste collection is proposed between 6am - 10pm Monday-Sunday.

Under the previous application approved on the site for a supermarket, a liquor outlet and 14 specialty shops, the approved hours of operation were 6am - 12 Midnight (Mon-Sun) for the supermarket, and 9am - 6pm Mon-Fri, 9am - 5pm Saturday and 10am - 4pm Sunday for the remaining specialty shops and liquor outlet. Daytime loading dock operations were approved from 7am - 10pm and night time operations from 10pm - 7am Monday to Sunday. Loading dock activities during the night time operation were restricted to one truck entering or leaving the site, while another is loading/unloading.

It is considered that the previously approved hours of operation remain appropriate, allowing for 18 hour trading of the supermarket, which is consistent with prevailing community expectation of supermarket operation. However, the operation of the liquor store and retail outlet for the same time period as the supermarket is not considered to be appropriate, and would be inconsistent with the majority of similar retail tenancies in the Bankstown Local Government area. The previously approved hours of operation are considered to be more appropriate and should be included as a condition of consent.

Operation of the loading dock must take into consideration the close proximity of residential properties in Boronia Road and in the general vicinity of the site. Operating hours that match the definition of daytime and night time under the Industrial Noise Policy are considered more appropriate, and the proposed development should include a similar condition to that previously imposed on the approved development.

Traffic

The applicants' Statement of Environmental Effects claims that *"there are no appreciable increases in traffic generation on Boronia Road as a result of the proposed supermarket development"*. Assessment of the application has determined that whilst a 190-space car park associated with a 4000m² would generate additional traffic in Boronia Rd, it would be more accurate to say that the impact of that traffic generation is considered to be acceptable in terms of the capacity of Boronia Road and nearby traffic intersections to accommodate the resultant increases in traffic. The application has been referred to Council's Traffic Engineers, and to the Roads and Traffic Authority (RTA) as traffic generating development under the Infrastructure SEPP. Conditions have been recommended for imposition on any development consent, in order to ensure traffic impacts are appropriately addressed.

Commercial/Residential Interface

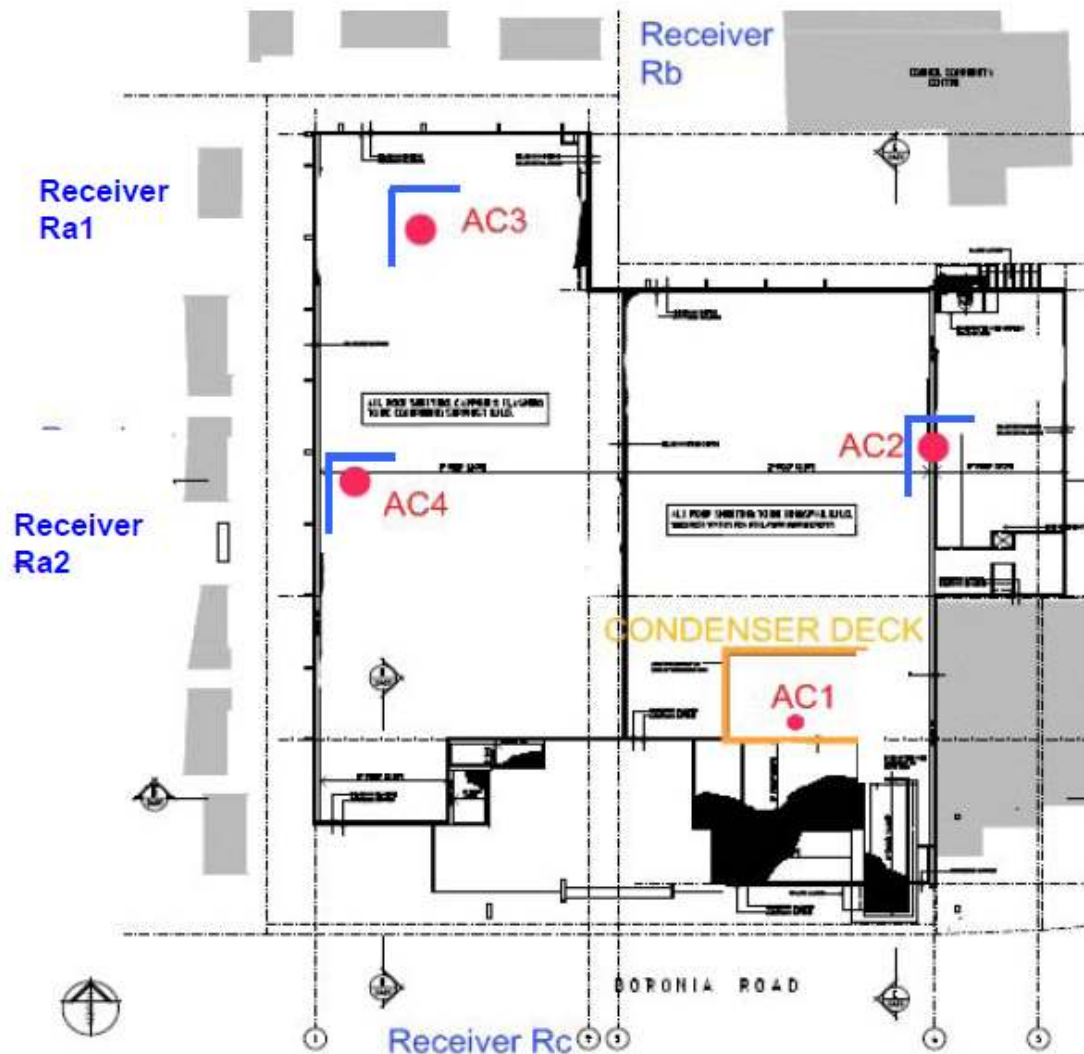
The development has boundaries with residential properties along part of the northern boundary and along the full length of the western boundary. Council's Urban Designer has raised no issue with the western elevation, and recommended that its treatment be extended to other exposed frontages, particularly along the northern elevation. The incorporation of different colours and materials, as well as a variation in the appearance of architectural elements and the use of blade fenestration, is considered to ensure that the presentation of the development to the northern and western boundaries is appropriate. Coupled with the increased setbacks proposed to the northern (4.2m to ground floor, 12m to upper floor) and western (5.35m) boundaries of the site, where adjacent to residential development, it is considered that the impact of the development at the commercial/residential interface is appropriate.

Noise Impacts

An acoustic report has been submitted with the application, addressing noise impacts related to mechanical plant and also use of the car park and loading dock. The findings of the acoustic report indicate that provided certain acoustic measures are implemented, the development will be able to meet the relevant criteria specified in relevant legislation, particularly the Industrial Noise Policy, in relation to acoustic impacts on residential receivers.

The main condenser deck and air-conditioning unit are located towards the south east corner of the roof, closest to Boronia Rd. Three further air-conditioning units are located across the roof of the development, one towards the north east corner, closest to adjoining commercial land, another in the north west corner and the last mid-way along the western edge. The last two AC units are close to residential receivers. Subject to compliance with the recommendations of the acoustics report, which include the need for 2m high acoustic screens around the subject plant and machinery, noise levels of between 29-32dBA are predicted at residential receiver locations, well inside the noise criteria of 45dBA.

Figure 4: Layout of the A/C And Condenser Units on the Roof.



Noise impacts from the car park will be addressed through the introduction of a 2.0m acoustic barrier around the northern and western edges of the car park. The acoustic report predicts that noise associated with the car park will be appropriately ameliorated at residential receivers as a result of the installation of this acoustic barrier.

The acoustic report makes specific reference to the need for management solutions to be implemented for the operation of the loading dock during daytime and especially night time operation to ensure acoustic impacts are appropriately managed. The loading dock will also include an acoustic barrier, and when coupled with the implementation of management solutions regarding hours of operation of the loading dock, the amenity and the intrusiveness criteria in both southern and western residential receivers will be satisfied. Appropriate conditions relating to hours of operation of the loading (detailed earlier in this report) should be imposed on any development consent.

Public Domain Improvement Works

Council's Landscape Architect has recommended specific conditions be imposed on any development consent, requiring the applicant to install Council's Greenacre Town centre standard footpath works, and incorporate the planting of six new trees in Council's footway. These public domain improvement works will help to link the new supermarket with the existing Greenacre Town Centre, by ensuring new footpath/tree planting works match those works recently completed by Council in the Greenacre Town Centre.

North-Eastern Corner Design

The submitted plans include the provision of a foyer in the north-eastern corner of the proposed development, adjacent to the northern property boundary, which incorporates doors to an external area, that includes changes to the facade and incorporates signage (see illustration attached).

Adjoining the site to the north is the Greenacre Community Centre and its associated car park. Under the original proposal, the plans showed a "pedestrian right of way" across the Greenacre Community Centre, leading to an "entry airlock" in this location. No right of way exists over the adjoining site to the north, and the development plans have since been amended to remove reference to such. However, the "entry airlock" has been amended to a "foyer", with the external appearance remaining generally the same as the original entry point. Concern is raised that in designing this part of the development in this way, this still presents as an entry point, and customers may mistakenly park in and/or walk through the Greenacre Community Centre, under the misapprehension that an entry point exists to the Coles development.



Photomontage of north-eastern corner of proposed Coles development

This issue has been raised with the applicant, but no significant changes have been made to the design of this part of the development. As such, it is recommended that a condition be imposed on the development consent, requiring this part of the site to be redesigned so as to more appropriately match the proposed facade of the eastern and northern elevations, and remove the possibility that this location may be misconstrued as an entry point, and encourage customers to illegally access the Community centre Site for the purposes of accessing the proposed development. Should a time come in future when legal access is obtained over the adjoining site to the north, a Section 96 Amendment could be considered to reinstate the proposed entry in the north-eastern corner of the development. This is considered a more appropriate solution than incorporating the entry point at this stage, on the possibility that legal access may be granted over the adjoining site.

Suitability of the site [section 79C(1)(c)]

Based on the above assessment, and subject to the imposition of recommended conditions, it is considered that the site is suitable for the proposed development).

Submissions [section 79C(1)(d)]

The application was advertised and notified for a period of twenty-one (21) days, from 13 January to 2 February 2010.

One objection was received during this period, which raises concerns relating to the proposed pedestrian link to the northern entry, and associated tree removal, anti-social behaviour and car parking issues.

Comment: As noted in the report above, it is recommended that a condition be imposed requiring the deletion of the northern eastern "foyer", and the building be redesigned in this location so as to avoid the possibility that this location be mistaken for an entry point. As such, the potential problems of pedestrian access, the need for tree removal, anti-social behaviour and use of the Greenacre Community centre car park by supermarket customer should not result as a consequence of the proposed development.

As such, the matters raised in the objection are not considered to warrant refusal of the proposal, subject to further amendment in accordance with the recommended condition.

The public interest [section 79C(1)(e)]

Based on the assessment, it is considered that the proposed development does not contravene the public interest

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, *Bankstown Local Environmental Plan 2001* and *Bankstown Development Control Plan 2005*.

It is considered that the proposal represents an appropriate form of development for the site.

The development will make a positive contribution to the Boronia Road streetscape, while also ensuring that it will have an acceptable relationship with the adjoining residential development and the retail centre of Greenacre.

The development is considered likely to result in an appropriate level of impact on the adjoining land uses, particularly in the context of a commercial/residential interface. The issues of traffic management, noise and built form are considered to have been appropriately addressed, and the site is considered to be suitable for the proposed development

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions, including the following specific conditions:

- a) Amended plans are to be submitted which provide for the deletion of the "foyer" at the north-eastern corner of the proposed development and the external appearance of the development in the area of the "foyer" access point on the northern and eastern elevations is to match the remainder of the northern and eastern facades.
- b) Hours of operation shall be limited 6am - 12 Midnight (Monday - Sunday) for the supermarket, and 9am - 6pm Mon-Fri, 9am - 5pm Saturday and 10am - 5pm Sunday for the retail shop and liquor outlet. Daytime loading dock operations shall be limited from 7am - 10pm and night time operations from 10pm - 7am Monday to Sunday. Loading dock activities during the night time operation are restricted to one truck entering or leaving the site, while another is loading/unloading.