

<b>JRPP No:</b>	2010SYW103
<b>Proposal:</b>	Demolition of existing structures and erection of a four-storey building comprising two levels of partially submerged car parking for 378 vehicles and two-levels of warehouse space above for the purpose of a Bunnings warehouse
<b>Location:</b>	Lot 1 DP 541457, No. 727-737 The Horsley Drive and Lot 3 DP 203077, No. 73 Victoria Street, Smithfield
<b>Owner:</b>	Conplant Pty Ltd (Lot 1 DP 541457), Hellic Pty Ltd (Lot 3 DP 203077)
<b>Proponent:</b>	Philip Drew, Bunnings Properties Pty Ltd
<b>Capital Investment Value:</b>	\$29,700,000
<b>File No:</b>	DA 1299.1/2010
<b>Author:</b>	Mark Stephenson, Senior Development Planner, Fairfield City Council

### **Assessment Report and Recommendation**

#### **RECOMMENDATION**

1. That the application proposing the demolition of existing structures and erection of a four-storey building comprising two levels of partially submerged car parking for 378 vehicles and two-levels of warehouse space above for the purpose of a Bunnings warehouse, be approved subject to conditions as outlined in Attachment F of this report.

#### **SUPPORTING DOCUMENTS**

<b>AT-A</b>	Architectural Plans	12 page(s)
<b>AT-B</b>	Statement of Environmental Effects	31 page(s)
<b>AT-C</b>	Acoustic Reports	21 page(s)
<b>AT-D</b>	Traffic Report	45 page(s)
<b>AT-E</b>	Submissions	12 page(s)
<b>AT-F</b>	Draft Conditions of Consent	23 page(s)

## EXECUTIVE SUMMARY

This development application proposes the demolition of existing structures and the erection of a Bunnings Warehouse. The proposed building will have an overall height of four storeys (19.5 metres at its highest point) which steps down to between two and three stories at the site's boundaries. The four-storey building comprises two levels of partially submerged car parking providing for 378 passenger vehicles and two levels of commercial warehouse space above with a gross leaseable floor area of 17,207m<sup>2</sup>.

In addition to the two levels of commercial warehouse space, the proposed Bunnings Warehouse includes a timber trade sales area, children's playground, an outdoor nursery and a cafe.

The trading hours of the proposed Bunnings are from 7.00am to 9.00pm on Monday to Friday and from 8.00am to 6.00pm on Saturday, Sunday and public holidays, which is in accordance with standard operating hours for all Bunnings stores generally. Deliveries to the site are proposed to occur between the hours of 7.00am to 10.00pm on Monday to Friday, with some deliveries occurring on weekends, which are restricted to the hours of 9.00am and 6.00pm.

The site is quite large, with an area of 14,246m<sup>2</sup>, and is located within the Smithfield industrial precinct, approximately 230 metres to the west of the Smithfield Town Centre. The site is bounded by Victoria Street to the north, O'Connell Street to the west and The Horsley Drive to the south. Vehicular access to and from the site is split between these three streets.

The subject site is zoned General Industrial 4(a) under Fairfield Local Environmental Plan 1994. The LEP was recently amended to permit the use of 'Timber and Building Supplies' within the 4(a) General Industrial Zone. The Applicant has demonstrated that the Bunnings operation is consistent with this land use definition. In addition, it is considered that the proposed development is consistent with the objectives of the zone and, accordingly, the development is permissible with consent.

The development application was advertised in accordance with the Fairfield City-Wide DCP 2006. Six (6) submissions were received raising a number of concerns with the proposed development, particularly with regard to urban design, acoustic noise, traffic generation, traffic safety, and structural integrity. These issues are addressed within this report and it is considered that they have been satisfactorily resolved.

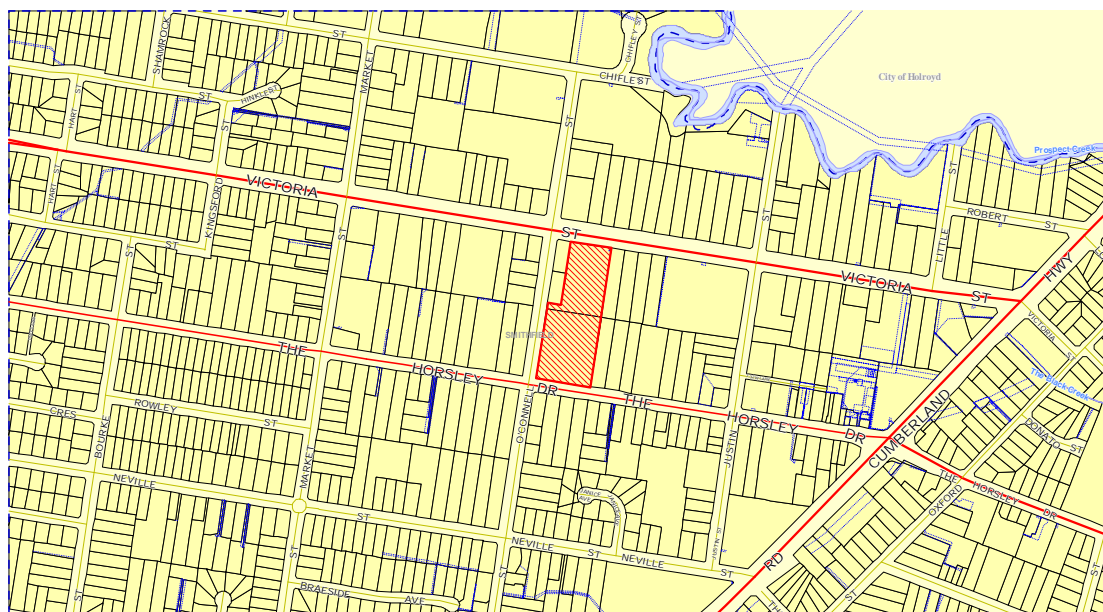
The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005, as the development has a capital value in excess of \$10 million.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Fairfield Local Environmental Plan 1994 and the Fairfield City-Wide Development Control Plan 2006.

The development is considered to be satisfactory with regard to car parking, traffic generation, traffic safety, acoustic noise, site landscaping, visual impact and overshadowing. It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. In this regard, the proposed development is recommended for approval, subject to conditions.

## SITE DESCRIPTION AND LOCALITY

The subject site is located on the corner of Victoria Street, O'Connell Street and The Horsley Drive, as shown below.



**Locality Plan** (Source: Fairfield City Council)



The land is described as Lot 1 DP 541457, No. 727-737 The Horsley Drive and Lot 3 DP 203077, No. 73 Victoria Street, Smithfield. The subject site has a frontage to Victoria Street of 60.35 metres, a frontage to The Horsley Drive of 80.65 metres and a frontage to O'Connell Street of 108.165 metres. The site has an overall length of 199.53 metres.

Lot 1 DP 541457 has an area of 8,049m<sup>2</sup> and Lot 3 DP 203077 has an area of 6,197m<sup>2</sup>. The development site has a total area of 14,246m<sup>2</sup>. The site has a significant slope of approximately 6.5 metres from south to north.

Lot 1 DP 541457 is mostly vacant, but contains a single-storey brick building in the south-eastern corner. Lot 3 DP 203077 contains a large two-storey factory building constructed of concrete tilt-up panels and corrugated steel roof, which is currently being used for the purpose of smash repairs. Both buildings are proposed to be demolished as part of the subject application.

Located directly adjacent to the development site, to the north-west, is a row of two-storey brick buildings. These buildings front, and have vehicular access from, O'Connell Street. They currently house a range of automotive activities. This row of brick buildings does not form part of the development site and are to remain.

To the west, north and east is single and two-storey industrial development. Directly to the south and south-west, on the opposite side of The Horsley Drive, are single and two-storey residential dwellings. To the south-west, also on the opposite side of The Horsley Drive, is Smithfield Public School and Smithfield Baptist Church.

## BACKGROUND

The Fairfield Local Environmental Plan 1994 was amended on 10 December 2010 to permit 'Timber and Building Supplies' within the 4(a) General Industrial Zone.

**Timber and building supplies** means *a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings* (Clause 25J).

This amendment follows a process initiated by Bunnings, firstly to provide certainty over the permissibility of the Bunnings development on the subject site, but also to provide a definition and land use within the Fairfield LEP that more appropriately characterises the Bunnings operation. Prior to this, the closest definition within the Fairfield LEP was 'Bulky Goods Salesroom or Showroom'.

During the rezoning process, the Department of Planning (DoP), who supported the proposed rezoning, proposed to amend the definition of 'Timber and Building Supplies' within the Standard Instrument to 'Hardware and Building Supplies'. This proposed amendment was due to representations from Bunnings who argued that the broader definition of 'Hardware and Building Supplies' better suited their operation.

**Hardware and building supplies** means *a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas* (Standard Instrument).

However, at the time of gazettal, the Standard Instrument had not been amended to reflect the new definition. In this regard, the Fairfield LEP 1994 was amended to include 'Timber and Building Supplies' as permissible development within all 4(a) General Industrial zoned land.

It is important to note that, in preparing Fairfield Council's comprehensive LEP, the proposed future zoning of the subject site is the General Industrial 'IN1' zone. Within this zone, Fairfield Council indicated that either of the two definitions would be permissible, regardless of which definition the DoP eventually adopted.

## PROPOSAL

The application proposes the demolition of existing structures and erection of a four-storey building comprising two levels of partially submerged car parking for 378 vehicles and two-levels of warehouse space above for the purpose of a Bunnings warehouse.

Specific details of the proposed development are as follows:

- To make way for the proposed development, it is proposed to demolish the large concrete tilt-up building located on Lot 3 DP 203077 and the small brick building located in the south-eastern corner of Lot 1 DP 541457.
- On the development site, which comprises a total area of 14,246m<sup>2</sup>, it is proposed to erect a four-storey building, comprising two levels of partially submerged car parking and two-levels of warehouse space above.
- The partially submerged car parking areas provide parking for 378 passenger vehicles (level 1 – 260, level 2 – 118). Access to Parking Level 1 is achieved via both Victoria Street and O'Connell Street. Cars can then travel to Parking Level 2 via a down ramp. Cars can exit Parking Level 1 via O'Connell Street and can exit Parking Level 2 via Victoria Street.

**NB** The RTA, in their comments, has requested that the access located along Victoria Street be restricted to left-in / left-out only.

- The two (2) levels of warehouse above the parking levels have a combined gross leaseable floor area of 17,207m<sup>2</sup>. This is broken down as follows:
  - Warehouse Level 1: 6,072m<sup>2</sup>
  - Warehouse Level 2: 7,415m<sup>2</sup>
  - Timber trade sales area: 1,960m<sup>2</sup>

- Outdoor Nursery: 1,760m<sup>2</sup>
- Both the timber trade sales area and outdoor nursery are located on Warehouse Level 1. Also located on Warehouse level 1 is the children's playground, cafe and amenities area.
- The timber trade sales area is accessed via O'Connell Street and is proposed to be open to passenger vehicles, light commercial vehicles, and medium rigid trucks.
- Pedestrian access to the retail levels is via travelators located adjacent to the main front entrance off O'Connell Street. There is also another set of travelators located in the middle of Warehouse Level 1 providing access to Warehouse Level 2.
- Deliveries to the centre are proposed to be via articulated trucks which will enter the site via Victoria Street, travel along the eastern boundary of the site, and leave the site via The Horsley Drive exit.

Based on advice from Council's Senior Traffic Engineer and RTA, trucks leaving the site will be restricted to left-out only.

- Hours of Operation are proposed as follows:

#### Store Trading Hours

- Monday to Friday: 7.00am to 9.00pm
- Saturday, Sunday and pub. holidays: 8.00am to 6.00pm

#### Deliveries

- Monday to Friday: 7.00am to 10.00pm
- Saturday and Sunday: Occasional
- Relocation of the mid-block traffic lights along The Horsley Drive to the intersection of The Horsley Drive and O'Connell Street.
- Bunnings are proposed to employ 154 staff.
- It is also proposed to operate sausage sizzles on weekends to provide an opportunity for community groups to raise money.

## STATUTORY REQUIREMENTS APPLICABLE TO THE SITE

### 1. Fairfield Local Environmental Plan 1994

On 10 December 2010, Fairfield Local Environmental Plan 1994 was amended to permit 'Timber and Building Supplies' within the 4(a) General Industrial Zone.

**Timber and building supplies** means *a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings* (Clause 25J).

The Applicant has provided sufficient documentation to demonstrate that the proposed Bunnings meets this definition. Specifically, the Applicant has provided a list of the typical goods sold within Bunnings stores that are used in the construction and maintenance of buildings, by both tradespeople and home owners alike. In addition to this, the Applicant has indicated that the nursery component of the Bunnings use could fall within the definition of 'Plant Nursery', which is a permissible use within the 4(a) General Industrial zone.

The objectives of the zone are as follows:

- (a) *to encourage the establishment of a broad range of industrial and allied uses which will generate employment and contribute to the economic development of the City of Fairfield,*
- (b) *to allow community uses to serve the needs of the local industrial work force, and*
- (c) *to allow retail development only:*
  - (i) *where associated with, and ancillary to, industrial purposes on the same land,*
  - (ii) *where it primarily serves the daily convenience needs of the local industrial work force, or*
  - (iii) *for motor orientated activities (that is, the use of a building or place associated with, and ancillary to, industrial purposes on the same land for the sale by retail of motor vehicle components or goods but not the use of a building or place elsewhere defined in this plan), and only if the proposed development will not detrimentally affect the viability of any nearby business centre.*

Clause 8(2) of Fairfield LEP 1994 provides as follows:

- (2) *The Council must not grant consent to development on land within a zone unless it is of the opinion that the carrying out of the development would be consistent with one or more of the objectives of that zone.*

It is considered that the proposed Bunnings development is consistent with Objective (a) as it will generate employment and contribute to the economic development of the City of Fairfield.

## **2. Threatened Species Conservation Act 1995**

In accordance with the Threatened Species Conservation (TSC) Act 1995 as well as the provisions of the Environmental Planning and Assessment Act 1979 relating to threatened species, a flora and fauna assessment of the site was undertaken by Abel Ecology, dated 11 May 2010.

The report found that vegetation on the site comprised mainly exotic weeds, including noxious weeds, and planted gardens. The majority of the site is concreted with grasses and small shrubs along the perimeter. The report concluded that there were no threatened, protected or endangered floral or faunal species, populations, communities or habitats present on the site.

## **3. State Environmental Planning Policy No. 64 – Advertising and Signage**

In accordance with the SEPP, the signage proposed for the external walls of the Bunnings building would be defined as building identification signs. As such, the proposed signage is not subject to referral to the RTA as per Clause 18 and 19.

However, the proposal must demonstrate that the signage is consistent with the objectives of the SEPP and that the proposed signage satisfies the assessment criteria specified in Schedule 1 of the SEPP.

It is considered that the Applicant has satisfactorily demonstrated that the proposed signage satisfies the assessment criteria as contained in Schedule 1 (refer to pages 22-24 of the Applicant's Statement of Environmental Effects located at Attachment C) .

With regard to the aims and objectives of the SEPP, it is considered that the proposed finishes of the building, including the external wall signage, are compatible with the existing and future desired amenity and visual character of the surrounding industrial area. Further, given the older style and quality of this industrial precinct, it is considered that the redevelopment of this site as a Bunnings, will provide an incentive for other industrial sites to upgrade their premises.

The proposed finish to the building is standard practice for the Bunnings' chain and is replicated for stores nationwide. In this regard, it is considered that the proposed signage is of high quality and provides effective communication within a suitable industrial location.

## **4. State Environmental Planning Policy (Infrastructure) 2007**

The proposed development is identified within Schedule 3 of the Infrastructure SEPP, being a commercial development with a floor area in excess of 10,000m<sup>2</sup>. As such, the application was referred to Roads and Traffic Authority (RTA) for their comments. The application was subsequently



discussed at the Sydney Regional Development Advisory Committee on 27 January 2011.

At this meeting, both Council and the RTA raised a number of issues with the proposed development, specifically the need to restrict access onto the Horsley Drive and onto Victoria Street, and the requirement to obtain written support from Smithfield Public School and the relevant bus operator, with regard to the proposed relocation of traffic signals.

It is noted that written support for the relocation of the traffic signals was subsequently provided from both Smithfield Public School and Westbus, and in this regard, the RTA provided in-principle support to the proposal. The RTA has raised no objection to the proposal subject to the imposition of the following specific traffic management conditions.

- Vehicular access for the Victoria Street entrance to be restricted to left-in / left-out through the provision of a raised concrete median on Victoria Street.
- Vehicular access onto the Horsley Drive shall be restricted to left-out only.

## **5. Employment Lands Strategy 2008**

The Employment Lands Strategy 2008 provides the future direction for all industrial zoned land in the LGA and provides recommendations on what to zone existing industrial land as part of the preparation of the Comprehensive LEP. The Strategy originally recommended that the area the subject site is located within be zoned General Industrial IN1 (equivalent zone to the current 4A zone) under the Standard LEP.

However, Council, in adopting the Strategy in February 2008, resolved to extend the bulky goods zoning along The Horsley Drive and up to Market Street, which includes the subject site. Although the Strategy does not make a clear distinction between Bulky Goods Retailing and Timber/Hardware and Building Supplies, allowing a Bunnings on the subject site is considered to be consistent with Council's strategic direction for the area.

### *Economic Impact*

The issue of economic impact was considered as part of the rezoning process of the subject site, which amended the Fairfield LEP to permit 'Timber and Building Supplies' within the 4(a) General Industrial Zone. Below is an extract of the report to Council's Outcomes Committee, which recommended that Council proceed with the rezoning process.

*"It is considered that the proposal will generate significant employment generation in the area (approx 160 new jobs) and will have flow on effects benefiting the nearby industrial area and Smithfield Town Centre.*

*In considering the Economic Impact in a planning context, the issue to consider is not the impact on any individual competitor to any business but instead the overall impact on the availability of goods, services and facilities to the local community. It is not considered that this development will have a significant economic detrimental impact on Smithfield Town Centre or the range of goods, services or facilities available in the centre and surrounding areas context.*

*The site is also located on one of the older sections of the Smithfield Industrial Area and it is considered that this redevelopment may act as a catalyst for the renewal and redevelopment of adjoining sites”.*

Having regard to the above, it is considered that the proposed Bunnings store is unlikely to have a significant adverse economic impact on the Smithfield Town Centre and may facilitate renewal of the surrounding industrial estate.

## 6. Fairfield City-Wide Development Control Plan 2006

The subject development is considered to be consistent with the objectives and requirements outlined in the above DCP. The proposed development is satisfactory in terms of building design, setbacks, loading and unloading, parking and vehicle manoeuvrability. Compliance with the relevant controls within the DCP is as follows:

### *Chapter 9 – Development Controls for Industrial Development*

Criteria	Relevant Development Control	Proposed	Compliance
Clause 9.2 Setbacks	The minimum setback for all industrial development is to be 10 metres of which 5 metres is to be used for landscaping only. The minimum building setback to corner allotments is to be 5 metres to the secondary frontage. This entire setback is to be landscaped.	Whilst the DCP requires 10.0m setbacks on all street frontages, the proposed development employs various setbacks ranging from 1.2 metres up to 10.10 metres	Considered satisfactory  See below for comments
Clause 9.3 Car Parking, Vehicle and Access Management	9.3.2 Chapter 12 of the Fairfield City-Wide DCP requires 1 space per 50m <sup>2</sup> for bulky good retailing.	GLFA = 17,207m <sup>2</sup> / 50 Total required = 344 Total provided = 378	Yes
	9.3.3 A minimum of 1 loading dock for 4000m <sup>2</sup> of GLFA	17,207m <sup>2</sup> / 4000 = 4 Total provided = 2	Considered satisfactory  See below for comments
	9.3.4 Adequate on-site manoeuvring shall be provided to enable large rigid trucks to enter and exit in a forward manner	The development provides for articulated and rigid vehicles to enter and exit the site in a forward direction	Yes

Criteria	Relevant Development Control	Proposed	Compliance
	<p>9.3.5 Vehicle access and driveways from Arterial Roads will only be permitted via a slip lane where it is beneficial to the business and has the approval of the RTA</p> <p>9.3.6 Pedestrian access throughout the site should be clearly marked; pedestrian access shall be kept separate from vehicles; where possible, pedestrian access should be sheltered.</p>	<p>Victoria Street is an Arterial Road. The RTA has granted conditional approval to the development, subject to a slip lane being provided on the approach to the Victoria Street entrance.</p> <p>Separate pedestrian access to the retail space is provided and is defined within the car parking areas</p>	<p>Yes</p> <p>To be conditioned</p>
9.4	9.4 Advertising Signage	It is noted that the proposed advertising signage would not comply with Council's numerical controls.	<p>Considered satisfactory</p> <p>See below for comments</p>
9.5 Streetscape and amenity	<p>9.5.1 Landscaping</p> <p>9.5.3 Building materials</p> <p>Details of building materials to be provided to ensure new buildings are harmonious in form and style</p> <p>9.5.4 Hours of Operation</p> <p>Development for the purposes of bulky goods retailing will need to comply with the following hours of operation:</p> <p>Monday to Friday (7:00am – 6:00pm) Saturday (8:00am – 6:00pm) Sunday (9:00am – 5:00pm)</p>	<p>A landscaping plan has been submitted which provides for adequate landscaping within the setback areas to reduce the impact of the development.</p> <p>External finishes have been provided, which illustrate that the building incorporates the design and colours associated with all Bunnings developments. This design is considered to be acceptable and would not be inconsistent with the character of the surrounding industrial area.</p> <p>Proposed hours:</p> <p><u>Store Trading Hours</u></p> <p>Monday to Friday: 7.00am – 9.00pm Saturday, Sunday and pub. holidays: 8.00am – 6.00pm</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>However, proposed hours are considered satisfactory</p>

Criteria	Relevant Development Control	Proposed	Compliance
		<u>Deliveries</u>  Monday to Friday: 7.00am – 10.00pm Occasional deliveries on Saturday and Sunday.	See below for comments

As indicated above, the proposed development does not comply with all of the controls contained within the Council's DCP for industrial development. However, on balance, it is considered that the non-compliances are not significant and the development has merit. Detailed below is an assessment of each non-compliance.

### *Clause 9.2 – Setbacks*

For both The Horsley Drive and Victoria Street frontages, the DCP requires a 10 metre setback, of which 5 metres is to be used only for landscaping. For the secondary frontage of O'Connell Street, a 5 metre setback is required, of which all is required to be landscaped.

The proposed development employs a 10.1 metre setback for the Horsley Drive frontage, a 6.1 metre setback for the Victoria Street frontage, and a setback for the O'Connell Street frontage ranging from 1.2 metres to 8.6 metres.

The above departures to Council's code are considered acceptable. With regard to the Victoria Street frontage, the adjacent industrial development to the east has a setback of approximately 4.5 metres. In this regard, given that there already is an established setback of 4.5 metres, the proposed setback of 6.1 metres to the Bunnings building is considered acceptable.

With regard to the O'Connell Street setback, it is noted that the proposed setback to the main building line is 8.6 metres, which is well in excess of the required 5 metres. There are however, small building elements located in front of the main building alignment. The main entry to the proposed development is set back 1.2 metres and the setback to the entranceway travelators is 4.5 metres. These building elements are considered to be minor in comparison to the main building line, which is set back further than the minimum. In this regard, the minor encroachments are considered acceptable.

### *9.3.3 – Loading Docks*

In accordance with the DCP, 4 loading docks are required to be provided, whilst only 2 are proposed. The Applicant has demonstrated that the Bunnings operating model works satisfactorily with 2 loading docks. Council's Senior Traffic Engineer has assessed this issue and considers that the proposal is satisfactory.

#### *9.4 – Advertising Signage*

The size of the proposed Bunnings logos do not comply with the maximum signage requirements as outlined in the DCP. However, Fairfield Council has accepted that stores such as Bunnings and others have standard colours and signs painted on their walls for stores nationwide. The Applicant has demonstrated that the proposed signage is consistent with their national branding strategy, and therefore, the signage proposed for this development is considered acceptable in these circumstances.

#### *9.5.4 – Hours of Operation*

The proposed hours of operation for the Bunnings store are provided as follows. It is noted that these hours are invariably the same for most, if not all, Bunnings nationwide.

- Monday to Friday: 7.00am – 9.00pm
- Saturday, Sunday and pub. holidays: 8.00am – 6.00pm
- Deliveries: 7.00am – 10.00pm

The above hours are outside the times generally allowed for industrial development as prescribed within Chapter 9 of the Fairfield City-Wide Development Control Plan (DCP) 2006, which are provided as follows:

- Monday to Friday: 7:00am – 6:00pm
- Saturday: 8:00am – 6:00pm
- Sunday: 9:00am – 5:00pm

However, the DCP states that proposals to operate outside of these hours will be considered upon merit and may be required to be supported by an Acoustic Engineer's Report.

The acoustic report submitted in support of the application has demonstrated to the satisfaction of Council's Environmental Management Section that all predicted noise levels for the operation of the Bunnings store are below the noise criteria (in accordance with the NSW Industrial Noise Policy) for day and evening periods.

Having regard to the above, the proposed operating hours are considered satisfactory. However, as noted above, it is proposed to deliver goods to the premises until 10.00pm. Such activities are documented within the acoustic report as complying with the relevant noise criteria, and in this regard, deliveries until 10.00pm are also supported by Council's Environmental Management Section.

Whilst the acoustic report indicates that deliveries on weekends can comply with noise guidelines, it is considered nonetheless that deliveries to 10.00pm on Saturday and Sunday are inappropriate given the proximity to neighbouring residences.

Verbal discussions with the Applicant has indicated that deliveries to Bunnings on weekends are rare, however, the odd delivery does occur and they would not want to restrict this. On this basis, the Applicant has agreed to a condition that limits deliveries on weekends. Given the proximity of residents, it is considered appropriate that deliveries on weekends be restricted to between the hours of 9.00am and 6.00pm. A condition to this effect has been included within the draft conditions of consent.

## INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

<b>Building Control Branch</b>	No objection, subject to standard conditions
<b>Open Space Branch</b>	No objection, subject to standard conditions
<b>Community Health Section</b>	No objection, subject to standard conditions
<b>Wetherill Park Place Manager</b>	No objection, subject to standard conditions
<b>Development Engineering Branch</b>	No objection, subject to standard conditions See below for a more detailed assessment
<b>Traffic and Road Safety Branch</b>	No objection, subject to standard conditions See below for a more detailed assessment
<b>Environmental Management Section</b>	No objection, subject to standard conditions See below for a more detailed assessment

### *Development Engineering*

Given that the subject site is affected by local overland flooding, the Applicant was requested to submit an overland flood study report to determine the top of water level along O'Connell Street. Of particular concern to Council was the height of the entrance level to the submerged parking area and whether there was potential for overland flow to enter the parking area.

An Overland Flow Assessment was prepared and submitted by the Applicant, which indicated that the crest level of the basement entry would be raised to RL27.47, which is sufficient to prevent the ingress of stormwater from overland flow in O'Connell Street during storm events up to and including a 100yr flood event.

Council's Development Engineer is satisfied with this response and, in addition, considers that the proposed on-site detention system to be satisfactory. Accordingly, standard conditions have been included within the draft conditions of consent.

### *Traffic and Road Safety*

Based on surveys of the surrounding road network and using comparative analysis of similar Bunnings stores, the Applicant's traffic consultant has modelled the impact of the proposed development on the locality and in particular the Victoria Street and O'Connell Street intersection and The Horsley Drive and O'Connell Street intersection.

The traffic consultant has indicated that the proposed development will have a satisfactory traffic outcome on the operational performance of the above intersections (subject to the provision of traffic signals at the Horsley Drive intersection). The operational performance of the intersections taking into account the projected increase in traffic is provided as follows:

- The Horsley Drive and O'Connell Street intersection will operate at Level of Service B for both the peak afternoon period and the Saturday peak period.
- The Victoria Street and O'Connell Street intersection will operate at Level of Service A – C for the peak afternoon period and Level of Service A – B for the Saturday peak period.

With regard to the provision of on-site parking, the traffic consultant has indicated that the proposed Bunnings store will provide a parking rate of 2.8 spaces per 100m<sup>2</sup> of floor area, which is more than the average peak demand of other comparable Bunnings stores and is equivalent to the peak demand for the top trading Bunnings' store. This rate is based on a retail floor area of 13,487m<sup>2</sup> and a provision of 378 on-site parking spaces.

Council calculates parking slightly different to this. Whilst the retail floor area used by Bunnings is only the warehouse space, Council's definition of gross leaseable floor area would also include the outdoor nursery and timber trade sales area. This would equate to a total gross leaseable floor area of 17,207m<sup>2</sup>. At a rate of 1 space per 50m<sup>2</sup> (being the closest applicable rate for bulky goods retailing), the proposed Bunnings would need a total of 344 spaces. In this regard, the Bunnings provides in excess of Council's minimum requirements.

The traffic report submitted in support of the application indicates that the proposed Bunnings will utilise a relatively large site with convenient access to the arterial road system. The report concludes the following:

- *the development will not result in any adverse traffic impacts on the road system servicing the site*
- *the proposed signals at the O'Connell Street / The Horsley Drive intersection will provide a good level of intersection operation, including the Saturday peak trading period*
- *on-site parking will be more than adequate to satisfy peak demands*

Both Council's Senior Traffic Engineer and the RTA have assessed the proposed development and consider the above conclusions to be acceptable. Whilst some clarification with regard to traffic and parking modelling was required, both Council's Senior Traffic Engineer and the RTA support the development subject to a number of traffic conditions, in particular the following:

- Implementation of the proposed traffic signals on The Horsley Drive and O'Connell Street intersection (it is important to note that the provision of traffic lights in this location is not a requirement of either Council or the RTA).
- Vehicular access for the Victoria Street entrance to be restricted to left-in / left-out through the provision of a raised concrete median on Victoria Street.
- The submission of amended plans illustrating a redesigned egress incorporating a physical barrier to restrict vehicles from turning right onto the Horsley Drive.

### *Environmental Management*

Council's Environmental Management Section has assessed the development with regard to acoustic noise, air quality and site contamination. Below is a summary of their assessment of the application in relation to these three issues.

#### Acoustic Noise

The relevant environmental noise guidelines for the proposed Bunnings development is the Industrial Noise Policy (INP). This Policy establishes noise goals for residential receivers based on amenity criteria and intrusiveness criteria. The project specific goal (i.e. the maximum noise level that the Bunnings operation should generate) is the lower of the amenity criteria and the intrusiveness criteria. In the case of the proposed development, the amenity criteria is lower, and the project specific goal should be based on the amenity criteria.

The report details that, due to the high traffic noise at the locality, the amenity criteria are already exceeded. In considering this, the acoustic report details that the amenity goals are therefore adjusted to allow for the high level of traffic noise. This is in accordance with Section 2.2.3 of the INP, and is considered by Council's Environmental Management Section to be an accurate finding.

The predicted noise levels for the Bunnings development were based upon typical noise levels measured at a Bunnings store in Brisbane. These noise levels are considered to be appropriate.

Predicted noise levels have been based upon the following noise sources occurring simultaneously:



- Delivery truck
- Unloading
- Timber saw
- Car park entrance
- Cars in car park
- Roof condensers
- Car park ventilation
- Customer pick up

The predicted noise levels are provided for the nearest residential premises (identified as 734 The Horsley Drive) and at neighbouring industrial premises on O'Connell Street and The Horsley Drive. All predicted noise levels are below the noise criteria for the day and evening periods.

It is noted that the proposed trading hours of the Bunnings cease at 9.00pm on Monday to Friday and 6.00pm on Saturday and Sunday. However, it is proposed to deliver goods to the premises until 10.00pm. In this regard, such activities would comply with the noise guidelines as required by the INP. It is understood that night filling and other activities (e.g. cleaning) would occur after 10.00pm. It is considered that these activities would not create a noise nuisance and, as such, no objection is raised to this component of the application.

Verbal discussions with the Applicant has indicated that deliveries to Bunnings on weekends are rare, however, the odd delivery does occur and they would not want to restrict that. On this basis, the Applicant has agreed to a condition that limits deliveries on weekends. Given the proximity of residents, it is considered appropriate that deliveries on weekends be restricted to between the hours of 9.00am and 6.00pm.

Based on an assessment of the application, Council's Environmental Management Section raises no objection to the proposed Bunnings, given that projected operational noise would comply with the relevant environmental noise guidelines.

With regard to the potential increases in road traffic noise associated with the proposed development (i.e. noise from customers' vehicles), the acoustic report detailed that, in accordance with the NSW Environmental Criteria for Road Traffic Noise (ECRTN) for the subject location, the relevant noise level is 60dBA (daytime 7am-10pm).

The Applicant's acoustic consultant has demonstrated that the existing noise levels for the locality already exceed the daytime noise criteria of 60dBA, and in such cases, the ECRTN requires that the noise levels from the development should not increase existing noise levels by more than 2dB.

The acoustic assessment indicates that a traffic assessment has not been undertaken, however, given the extent of traffic noise already existing at the locality, it is unlikely that traffic noise will increase significantly.

Council's Environmental Management Section accepts that the surrounding roads are busy and the current background noise levels exceed the above criteria. In considering that the car park entrance/exit (which is likely to generate the most significant level of road traffic noise associated with the development) is located on O'Connell Street and is away from the nearest residential premises on The Horsley Drive, Council's Environmental Management Section accepts that this is unlikely to have any significant impact upon existing noise levels at the locality.

This is also supported by a predicted noise level from the car park entrance of 45dBA at the industrial premises on O'Connell Street (as detailed within the acoustic report). This is well below the existing noise levels at the locality and is unlikely to lead to any increase in noise levels. As such, no further assessment of road traffic noise is deemed necessary at this stage.

### Air Quality

From a perusal of the acoustic report, Council's Environmental Management Section understands that a ventilation system is to be installed in the car park areas. The acoustic report details that *"the car park will be ventilated by fans which only operate when carbon monoxide levels exceed a preset value. These will exhaust to the roof."*

Although the Applicant has not formally quantified and subsequently assessed the issue of air emissions which may be generated by the underground car park, Council's Environmental Management Section believes that this may be controlled provided that the design and implementation of the underground car park ventilation system is undertaken in accordance with Australian Standard (AS) 1668.2/1991 – *"The use of mechanical ventilation in buildings – Part 2: Mechanical ventilation for acceptable indoor-air quality"*. Section 4 of the Standard addresses ventilation of enclosures used by vehicles with internal combustion engines, including car parks.

On this basis, no objection is raised to the proposed development.

### Site Contamination

The contamination assessment for the subject site consisted of the following four (4) reports undertaken by Environmental Investigation Services.

- Environmental Site Assessment, Reference No. E23972KHrpt, dated May 2010;
- Additional Environmental Site Assessment and Remedial Action Plan (RAP), Reference No. E23972KHrpt2, dated August 2010;
- Environmental Site Assessment, Reference No. E23972KHrpt3, October 2010; and
- Additional Asbestos Assessment and Remedial Action Plan (RAP), Reference No. E23972KHrpt4, dated December 2010.

In considering the information contained within the four (4) contamination reports, Council's Environmental Management Section believes that the contaminated land consultant has demonstrated that the premises at 727-737 The Horsley Drive and 73 Victoria Street can be made suitable for the proposed use of the land for commercial/industrial development provided that:

- The proposed Remedial Action Plans (RAPs) are implemented;
- Further investigation of the presence of Polychlorinated Biphenyls and asbestos be undertaken at 73 Victoria Street following the demolition of the existing structures; and
- The premises are validated following the completion of all remediation works.

Conditions to this effect have been included within the draft conditions of consent.

## EXTERNAL REFERRALS

During the assessment process, comments were sought the Roads and Traffic Authority (RTA), in accordance with State Environmental Planning Policy (Infrastructure) 2007.

As indicated above in the '*Internal Referrals*' section of this report, Council's the RTA assessed the application in conjunction with Senior Traffic Engineer and raised no objection to the proposal subject to the imposition of specific traffic management conditions. These conditions are also detailed above in the '*Internal Referrals*' section.

## PUBLIC NOTIFICATION

In accordance with the Fairfield City-Wide Development Control Plan 2006, the application was notified to adjoining and surrounding owners and occupiers and a notice placed in the local newspaper for a period of twenty-one (21) days.

During this time, Council received six (6) submissions raising a number of concerns with the proposed development. The concerns raised are summarised below followed by a response addressing the issue. It is noted that the Applicant was given an opportunity to address the following issues, and in this regard, they provided a written response back to Council.

- **Overall height is excessive, does not comply with Council's LEP and will have a negative visual impact on the locality.**

There is no height control contained within the current Fairfield LEP 1994 or the proposed draft LEP 2010 to govern height within the industrial areas.

Further to this, the Fairfield City-Wide Development Control Plan 2006 also does not contain height controls for industrial development. It is noted that there are a number of industrial buildings located within the City of Fairfield that exceed the height of the proposed Bunnings store.

As noted above, the site has a significant slope of approximately 6.5 metres from south to north (i.e. The Horsley Drive towards Victoria Street). The architect for the proposed development has taken advantage of this slope with their design, resulting in two levels of partially submerged parking. The building only reaches its maximum height of 19.5 metres or four storeys in the middle of the site, which is then stepped down towards the frontages of Victoria Street (12–13 metres), O'Connell Street (8–13 metres) and The Horsley Drive (10 metres).

The design makes good use of the site constraints and, being a large site, the building is able to be stepped down towards the sites boundaries, thus reducing the overall bulk and scale of the development. The design is considered to be a good response to the constraints of the site and has taken the adjoining land uses into consideration. As such, the scale of the building is considered to be satisfactory.

- **The development will adversely overshadow the adjacent single-storey buildings.**

As noted above, the design is stepped down towards the site's boundaries, and thus the shadow impact to the adjoining development is minimised. The proposed development will only overshadow the adjacent buildings on the north-western corner until approximately 11.30am. It is noted though, that these two-storey buildings take up most of the site and there are no windows on the eastern elevation. From about 11.30am onwards, the buildings will not be affected at all from overshadowing.

The proposed development will overshadow the adjoining sites to the east from approximately 1.00pm onwards. However, the adjacent industrial site to the east, along Victoria Street, is almost totally occupied by the building (which has no windows on its western elevation), and as such, would not be affected from overshadowing. The open yard area of the industrial site to the east, along The Horsley Drive, would enjoy direct sunlight from 9.00am till at least 12.30pm, approximately 3.5 hours. Whilst there are no specific controls for solar access in industrial areas, 3.5 hours is more than the minimum level solar access normally required for residential development, during the winter solstice.

The industrial buildings located on the opposite side of O'Connell Street and the residential buildings located on the opposite side of The Horsley Drive would not be overshadowed at all, given their distance away from the proposed building.

Having regard to the above, it is considered that the overshadowing impact is minimal and the development is satisfactory.

- **More landscaping should be provided.**

It is considered that the setback areas are extensively landscaped and would provide significantly more landscaping than that which exists on the adjoining and surrounding industrial sites. Council's Tree Preservation Officer / Landscape Architect considers the proposed level and type of landscaping to be satisfactory.

- **The design will compromise privacy, particularly for those industrial buildings to the east adjacent to the proposed loading areas.**

In consultation with the Applicant and the adjoining neighbour to the east (along The Horsley Drive), the Applicant has agreed to erect a fence along the eastern boundary (those parts of the boundary which are not already occupied by buildings). It is considered that the height of the fence should be a minimum 2.4 metres and should be constructed of solid acoustic-absorbent material to reduce any echoing effect. A condition to this effect has been included within the draft conditions of consent.

- **The development will increase traffic flow on O'Connell Street, which does not have the capacity to accommodate the additional amount of traffic.**

It is noted that ingress and egress to the site by articulated trucks will not occur at all along O'Connell Street. In addition, ingress and egress for passenger vehicles is to be shared between O'Connell Street and Victoria Street.

The peak period for the Bunnings store is predicted to be during weekends, when it could be argued that other industrial premises in the locality are not operating or are operating at less than full capacity.

The traffic report submitted in support of the application indicated that the development would not result in any adverse traffic impact on the road system serving the site. Council's Senior Traffic Engineer has concurred with this finding.

- **The proposal will result in less on-street parking available in O'Connell Street.**

The proposed development will result in only slight changes to the existing driveways located along the O'Connell Street frontage of the development site. There are currently two driveways and the proposed development will result in two driveways.

The Bunnings development proposes to provide well in excess of the minimum required number of on-site parking, and as such, parking on the street should be minimal, if any.

There might be a slight reduction in on-street parking at the southern end of O'Connell Street, on both sides, due to the introduction of traffic lights. However, this reduction is for the benefit of traffic movement at this intersection.

It is considered that the level of on-street parking will still be satisfactory, and the slight reduction that would result should not warrant a restriction on the development of the subject site.

- **It is already difficult turning out of O'Connell Street (both north and south bound) onto Victoria Street. The increase in vehicular traffic will worsen this situation.**

Given that Victoria Street is an RTA road, this issue was raised with the RTA at their Sydney Regional Development Advisory Committee (SRDAC) meeting. The RTA indicated that, during the peak trading periods for Bunnings which occur on weekends, vehicular traffic along Victoria Street (which predominantly services the industrial areas of Smithfield and Wetherill Park) reduces significantly. As such, the traffic counts would not meet the warrants necessary to justify the provision of traffic lights at this intersection. The RTA are satisfied with the Level of Service (LOS) at this intersection and consider the traffic movements to and from this intersection to be satisfactory from a safety point of view.

- **Cars and trucks travelling east along Victoria Street should not be allowed to cross west-bound traffic in order to enter the site. Similarly, cars should not be able to turn right from the Victoria Street egress.**

Both Council and the RTA agree with this issue and have requested that the Victoria Street ingress and egress be restricted to left-in / left-out only through the construction of a raised median island in Victoria Street.

- **The development will conflict with the school located opposite the site and will affect pedestrian safety, particularly the safety of school kids.**

The two peak periods for Bunnings are predicted to be on the weekends and on weekdays in the afternoon. The provision of traffic lights at the intersection of The Horsley Drive and O'Connell Street will reduce conflict between vehicles and pedestrians. Written comments from Smithfield Public Schools include the following statement:

*After considering the current use of the signalised crossing and potential benefits arising from their relocation to the intersection of O'Connell Street and The Horsley Drive, it was agreed by the P&C and School that this would be of great benefit to teachers, pupils and parents by providing:-*

- *Controlled and safe pedestrian crossings in all directions when coming to and from School*
- *a safer intersection for vehicle movements*

- *assist in traffic regulation during the School peak drop-off and pick-up periods*

Council's Senior Traffic Engineer agrees with the above assessment, and considers that the implementation of lights at this intersection will improve safety for pedestrians and vehicles.

- **The development will have an adverse impact upon residential properties located directly opposite the site on The Horsley Drive, particularly with regard to traffic noise and traffic safety, given the location of the large vehicle exit.**

As indicated above in the *Internal Referrals* section of this report, the Applicant's acoustic consultant has demonstrated that the existing noise levels for the locality already exceed the daytime noise criteria of 60dBA, and in such cases, the Environmental Criteria for Road Traffic Noise (ECRTN) requires that the noise levels from the development should not increase existing noise levels by more than 2dB.

The acoustic assessment indicates that a traffic assessment has not been undertaken, however, given the extent of traffic noise already existing at the locality, it is unlikely that traffic noise will increase significantly.

Council's Environmental Management Section accepts that the surrounding roads are busy and the current background noise levels exceed the above criteria. Further to this however, in considering that the car park entrance/exit (which is likely to generate the most significant level of road traffic noise associated with the development) is located on O'Connell Street and is away from the nearest residential premises on The Horsley Drive, Council's Environmental Management Section accepts that this is unlikely to have any significant impact upon existing noise levels at the locality.

With regard to traffic safety, it is noted that Council has requested that the large vehicle exit onto The Horsley Drive be redesigned to incorporate a physical barrier so that trucks are forced to turn left only.

- **Given the proximity to the school and residential properties located along The Horsley Drive, it is considered appropriate that all traffic be diverted to Victoria Street.**

It is considered that vehicles entering The Horsely Drive from O'Connell Street, and as well from driveways along The Horsley Drive in close proximity to the intersection of The Horsley Drive and O'Connell Street, will now be regulated by the proposed signalisation of this intersection. In this regard, it is considered that traffic flow at this intersection will now be safer as a result of the proposed traffic lights.

- **If vehicular traffic exiting the site on The Horsley Drive is restricted via the construction of a medium island, customers accessing our property will be affected.**

Due to the width constraints of The Horsley Drive, a median island is not able to be constructed within the carriageway of The Horsley Drive. However, due to the busy nature of The Horsley Drive, and to ensure traffic safety, Council has requested that the large vehicle exit onto The Horsley Drive be redesigned to incorporate a physical barrier so that trucks are forced to turn left only. A condition to this effect has been included within the draft conditions of consent.

- **The proposal will have an adverse structural impact on the adjoining industrial buildings.**

Given the close proximity to adjoining industrial premises, it is considered appropriate that a building dilapidation report of the adjoining industrial premises be conducted prior to construction of the Bunnings development. A condition to this effect has been included within the draft conditions of consent.

## **SECTION 94 CONTRIBUTIONS**

It is considered that there are no outstanding Section 94 contributions applicable for this site and the proposed development does not generate the need for any additional facilities and infrastructure.

However, it is considered that the S.94A Levy applies and the fee applicable would be \$297,000 being 1% of the \$29,700,000 estimated cost of construction.

## **Section 79C Considerations**

The proposed development has been assessed and considered having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 79C.

### **(1) Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

*(a) the provisions of:*

*(i) Any environmental planning instrument*



The proposed development is permissible within the 4(a) General Industrial zone and is considered to be consistent with the objectives of that zone.

- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft environmental planning instruments that relate to the site.

- (iii) *any development control plan*

The proposed development has demonstrated general compliance with the requirements of the Fairfield City-Wide Development Control Plan 2006. Where the development does not comply with the DCP, the non-compliance is considered to be acceptable, and on merit the development is considered to be satisfactory.

- (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

N/A

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no matters prescribed by the Regulations that apply to this development.

- (b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The proposed development has been assessed in accordance with the relevant statutory requirements, paying particular attention to potential impacts such as acoustic noise, traffic generation and traffic safety, the adequacy of parking, potential overshadowing and visual amenity for the proposed building.

As identified throughout this report, the above issues have been assessed as being satisfactory. In this regard, it is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality.

*(c) the suitability of the site for the development*

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

With regard to potential contamination of the site, Council's Environmental Management Section has indicated that the site can be made suitable for the proposed use of the land for development subject to conditions relating to appropriate remediation and validation.

With regard to the overland flow of stormwater, Council's Development Engineer has indicated that the overland flow can be accommodated through O'Connell Street without impact to the site itself or adjoining sites.

On the issue of location and accessibility, the traffic report indicates that the site has convenient access to the arterial road system and will not have an adverse impact on the surrounding road network.

Having regard to the above, it is considered that the site is suitable for the proposed development.

*(d) any submissions made*

Six (6) submissions were received during the notification process raising a number of concerns with the proposed development, particularly with regard to urban design, acoustic noise, traffic generation, traffic safety, and structural integrity. As indicated above in the *Public Notification* section of this report, these issues have been addressed.

*(e) the public interest*

Based on the above, it is considered that the proposed development is in the public interest.

## **TOWN PLANNING ASSESSMENT**

The proposed Bunnings store is permissible within the 4(a)General Industrial Zone subject to consent, and is considered to be an acceptable form of development.

Whilst there are a few non-compliances with the Fairfield City-Wide DCP 2006, these are considered to be acceptable and on merit the proposed Bunnings store is considered to be satisfactory and worthy of support. From an assessment of the application, it would appear that there are no significant issues that would preclude a recommendation for approval.

From a visual point of view, the architect has designed the building having regard to the adjoining and surrounding land uses and the constraints of the site. As such, the four storey building steps down towards the boundaries so that the overall bulk and scale is reduced providing an acceptable visual presentation and ameliorating any overshadowing impact to adjoining properties.

The noise generated by the activities associated with the operation, such as noise from plant and equipment, noise from passenger vehicles, and noise from loading and unloading operations can comply with the relevant noise guidelines for day-time and evening activities.

Whilst the proposed Bunnings will be a significant traffic generator, particularly on the weekends, the local road system will not be adversely affected, and the current level of service for the intersections will be maintained with the introduction of traffic lights at the O'Connell and The Horsley Drive intersection. Combined with the new traffic lights, the other physical traffic measures restricting trucks exiting onto the Horsley Drive and restricting both trucks and passenger vehicles to and from Victoria Street will ensure safety for road users.

On the issue of economic impact, whilst this was assessed at the rezoning stage, it is considered that the proposed Bunnings store is unlikely to have a significant adverse economic impact on the Smithfield Town Centre nor would it affect the range of goods, services or facilities available in the centre and surrounding areas. Furthermore, the proposed Bunning store may act as a catalyst facilitating renewal of the surrounding industrial estate.

Overall, the proposed development is considered to be satisfactory and is recommended for approval subject to conditions.

## **RECOMMENDATION**

1. That the application proposing the demolition of existing structures and erection of a four-storey building comprising two levels of partially submerged car parking for 378 vehicles and two-levels of warehouse space above for the purpose of a Bunnings warehouse, be approved subject to conditions as outlined in Attachment F of this report.