

JRPP No:	2011SYE043
DA No:	2011/042
PROPOSED DEVELOPMENT:	Mixed Commercial Development & Five Lot Subdivision - 51-55 Roberts Road, Greenacre
APPLICANT:	Seaparn Pty Ltd
REPORT BY:	Brad Roeleven - City Plan Strategy and Development

Assessment Report and Recommendation

ASSESSMENT REPORT

PROPERTY:	51-55 Roberts Road, Greenacre – Lot 1 in DP 588394
DA NO.:	2011/042
APPLICATION TYPE:	Mixed use commercial development and 5 lot subdivision
REPORT BY:	Brad Roeleven - City Plan Strategy and Development
RECOMMENDATION:	Approval - Deferred Commencement
SUBMISSIONS:	Two written submissions were received.
ZONING:	4 - Industrial Strathfield Planning Scheme Ordinance
DATE APPLICATION LODGED:	28 March 2011
COST:	\$5,263,300.00
APPLICANT:	Seaparn Pty Ltd, PO Box 123, Pennant Hills NSW 1715
OWNER:	Strathfield Council

INTRODUCTION

This application has been referred to the Joint Regional Planning Panel pursuant to clause 13B(2)(b) and (d) of State Environmental Planning Policy (Major Development) 2005 as the project has a capital investment value of more than \$5 million, Council is the owner of the land, and has entered into a contract to sell the land to the applicant.

DESCRIPTION OF THE SITE AND LOCALITY

The site is a single allotment located on the eastern side of Roberts Road, Greenacre at the signalised intersection with Amarina Avenue. The allotment is regular in shape with a frontage to Roberts Road of 104.1m, and 124.3m to Amarina Avenue. Total site area is 13,393m². The land falls away from the south west to the north east, with a change in level of about 5.5m. A drainage easement benefiting the site is located on adjoining land adjacent

to the northeast corner of the site. The land was formerly public open space (Matthews Park) and still presents as such, notwithstanding its rezoning to 'Industrial' under the Strathfield planning Scheme Ordinance in January 2010.

Surrounding development comprises large scale industrial buildings to the north, south and east, notably the Fire and Rescue NSW Logistic Support complex which adjoins the site to the east at the termination of Amarina Avenue, and a new Bunnings Warehouse, currently under construction, south across Amarina Avenue. Roberts Road, a six lane classified road, adjoins the western boundary of the site. That road is also the municipal boundary between the Strathfield and Bankstown residential areas characterised by detached dwellings.

Across Roberts Road, west of the site, are residential areas characterised by detached dwellings.

PROPOSAL

A proposal seeks consent for the construction of a mixed use commercial complex comprising:

- A 'Red Rooster' fast food outlet trading 24 hours a day, 7 days per week, with 8 staff employed per shift.
- A service station with convenience store operated by Woolworths, also trading 24 hours a day, 7 days per week, and employing 2-3 staff per shift.
- 2 x bulky goods retail premises. The larger tenancy will be occupied by 'Officeworks' and will trade 7am until 9pm weekdays, and 8am until 6pm on weekends. The smaller tenancy will be occupied by 'Reece' plumbing supplies and will trade 7 days a week, 6am until 6pm, with 4-6 staff employed per shift.
- 3 x retail premises to be occupied by a chemist, food premises and bottle shop. All are nominated as trading 7 days a week, 8am until 12 midnight.
- 134 parking spaces;
- 4 x pylon signs to Roberts Road frontage plus various tenancy signage;
- Access and egress via both Roberts Road and Amarina Avenue; and
- A dedicated Fire Brigade lane within Amarina Avenue.

Also included is the subdivision of the site into 5 Torrens title allotments, with reciprocal Rights of Way for access and easements for services.

A site plan and elevations are attached.

BACKGROUND

There are no previous applications in relation to this site.

INTERNAL REFERRALS

The following referrals were issued:

- Roads and Traffic Authority
- Environmental Health and Compliance Co-ordinator
- Environmental Health Officer
- Traffic Engineer
- Tree Co-ordinator
- Development Engineer

Relevant comments are noted throughout the report.

EXTERNAL REFERRALS

The following referrals were issued:

- Roads and Traffic Authority

ASSESSMENT - Pursuant to Section 79C of the Environmental Planning and Assessment Act, 1979

The application has been assessed pursuant to the heads of consideration of Section 79C of the Environmental Planning and Assessment Act and the relevant matters described in Sub-section (1)(a), (b), (c), (d) and (e) of Section 79C have been considered within this report.

(a) (i) Environmental Planning Instruments:

Section 91 of the Environmental Planning and Assessment Act

This section of the Environmental Planning and Assessment Act (EPA Act) defines 'integrated development' are those matters which require consent from Council and one or more approvals under related legislation. This includes works which require an approval under section 138 of the Roads Act 1993, including connection to a classified road.

In these circumstances the EPA Act requires that, prior to granting consent to any integrated development application, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The RTA has advised Council that, consistent with section 91(3) of the EPA Act, this application is not 'integrated development' as Council is both the consent authority for the development application and the approval authority for Roberts Road under the Roads Act 1993.

However we note that Section 138(2) of the Roads Act 1993 prescribes that Council may not give consent for works relating to a classified road without the concurrence of the RTA. At the time of writing this report the RTA has not provided its concurrence.

Given this, and noting section 79B(1) of the EPA Act we are satisfied that this circumstance precludes any determination being issued for this application, however we accept that the Panel will form its own view on this matter.

State Environmental Planning Policy 1 - Development standards

State Environmental Planning Policy 1 (SEPP 1) was introduced in 1980 to allow flexibility in the application of development standards. It enables Council to vary a

statutory development standard where strict compliance with the control can be shown to be either unreasonable or unnecessary, or tend to hinder the attainment of the objects specified in 5(a)(i) or (ii) of the Environmental Planning and Assessment Act.

Clause 54 of the Strathfield Planning Scheme Ordinance (SPSO) prescribes various numerical controls regarding site requirements for land that is proposed to be used for the purpose of a service station. Specifically clause 54(2)(d) requires that:

(d) vehicular access to or from the site from or to an adjoining road is situated not closer than 80 feet (24.384m) to any traffic lights on such road;

The service station at the southern end of the site, adjacent to the signalised intersection of Roberts Road and Amarina Avenue, includes an egress driveway positioned 14.29m from those traffic lights, and is therefore contrary to that standard.

In recognition of this circumstance the proponent has lodged an objection pursuant to SEPP 1 seeking to vary that development standard in this instance.

At the time this report was prepared the RTA was yet to provide any formal advice with respect to this application. Until that advice is received it is not possible to determine whether:

- The SEPP 1 objection is well founded;
- Strict compliance with the requirements of clause 54(2)(d) of the SPSO is unreasonable and unnecessary in this instance; and
- The location of the driveway egress is acceptable.

If the Panel is of the view that this application can be determined, this matter could be the subject of a 'deferred commencement' condition requiring receipt of RTA concurrence prior to the consent becoming operable.

However should the RTA's advice be that it does not support this application, then a deferred commencement consent requirement could never be satisfied, and the consent could never operate.

It is our view that a decision on this application should therefore be deferred.

State Environmental Planning Policy 33 - Hazardous and Offensive Development

The aims of this Policy are to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

Appendix 3 of this Policy identifies industries that may be potentially hazardous, including petrol stations. However having regard to the 'risk screening method' identified in the Department of Planning's *Applying SEPP 33 Guidelines* it is concluded that the quantity, classification and location the fuel products associated with the service station do not exceed relevant thresholds and therefore SEPP 33 does not apply and a Preliminary Hazard Analysis (PHA) is not required.

Nevertheless the application is accompanied by a PHA for both the LPG tank under the fuel tanks. These documents indicate that the location and operation of these facilities are able to comply with relevant guidelines and standards.

Council's Environmental Health Officer has reviewed this element of the application and has provided conditions for inclusion any consent notice.

State Environmental Planning Policy 55 - Remediation of land

This Plan provides a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7 (1) of the Plan prevents Council from consenting to a development unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Council advises that the issue of the Site Audit Statement is imminent. On this basis it would be reasonable to recommend a 'deferred commencement' condition requiring that the consent is not to operate until the receipt of that Statement.

State Environmental Planning Policy 64 - Advertising and signage

The aim of this Policy is to improve the amenity of urban and natural settings by managing the impact of outdoor advertising.

This application seeks consent for the following signage:

- 3 x 12m high pylon signs set along the Roberts Road boundary, to advertise all uses except the service station;
- 1 x 9m high pylon sign, set adjacent to the Roberts Road boundary, to advertise the service station.
- Various wall or fascia signage to identify/promote each occupant of the various building across the site.

The signage has been reviewed against the aims and prescribed assessment criteria in Schedule 1 of the Policy and is considered to be to be satisfactory, with only one exception.

The provision of 3 x 12m high pylon signs to Roberts Road for the site is not supported for the following reasons:

- This quantity of such signage is excessive to promote only 6 tenancies on the site;
- The effectiveness of the sign located at the northwest corner of the site is questionable given that it would be obscured to traffic by vegetation on the adjoining site to the north; and
- In conjunction with the pylon sign for the service station, of a total of 4 pylon signs adjacent to the Roberts Road frontage will create unnecessary visual clutter.

This report therefore recommends that the 12m high pylon sign at the northwest corner of the site be deleted.

Separate to the above assessment, Clause 18 of the Policy requires the RTA to give its concurrence to all pylon signs due to their height/size and location relative to Roberts Road, which is a classified state road.

At the time of preparing this report the RTA had not issued any formal advice on this proposal. If the Panel is of the view that this application can be determined, this matter could be the subject of a 'deferred commencement' condition requiring receipt of RTA concurrence prior to the consent becoming operable.

However should the RTA's advice be that it does not support this application then a deferred commencement consent requirement could never be satisfied, and the consent could never operate.

It is our view that a decision on this application should therefore be deferred.

State Environmental Planning Policy (Major Development) 2005

The purpose of this policy is to identify development for which regional panels are to exercise specified consent authority functions. In this case, the proposal comprises development nominated in clause 13(1)(a) of the Policy and therefore, the Joint Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of SEPP (Infrastructure) requires land uses identified in Schedule 3 of the Policy be referred to the RTA for comment on matters including:

- The efficiency of movement of people to and from the site and the extent of multi-purpose trips, and
- The potential to minimise the need for travel by car, and
- Any potential traffic safety, road congestion or parking implications of the development.

As the proposal exceeds various thresholds for activities listed in Schedule 3 of the Policy the application was referred to the RTA's Sydney Regional Development Advisory Committee, which met on the 4 May, 2011. The Committee advised that it was not prepared to finalise its position on the proposal until it was possible to debate

the project with all relevant stakeholders, including Fire and Rescue NSW, who have lodged a submission objecting to the application.

A second Committee meeting has therefore been scheduled for 27 May, 2011 being after this report was completed. An earlier date was not possible.

It is noted that section 104(3) of this Policy requires that before determining a development application, the consent authority must take into consideration any submission provided by the RTA within 21 days after receiving notice of the proposal from Council.

It is acknowledged that the RTA has not provided any written submission within the 21 day timeframe. Therefore, procedurally, there are no circumstances that would preclude the Panel from making a determination of this application relative to the provisions of the Infrastructure SEPP.

However at the Committee meeting of 4 May 2011, the RTA did note concerns regarding:

- Potential traffic safety issues with regards to the queuing of vehicles within Amarina Avenue and potential implications for the movement of emergency vehicles;
- Potential road congestion within Amarina Avenue due the number of traffic lanes; and
- Parking implications due to the loss of existing kerbside parking within Amarina Avenue.

It is evident that an analysis of the merits of this proposal relative to traffic management matters has not yet been fully investigated to the point where it would be reasonable to form a view on those aspects of the application.

However if the Panel is of the view that this application can be determined, this matter could be the subject of a 'deferred commencement' condition requiring receipt of a response from the RTA prior to the consent becoming operable.

However should the RTA's advice be that it does not support this application then a deferred commencement consent requirement could never be satisfied, and the consent could never operate.

Alternately the requirements of the RTA could result in the need for a fundamental modification to the design of the project, if for example, it is of the view that the proposal would compromise the safe and efficient operation of the signalised intersection between Amarina Avenue and Roberts Road.

It is our view that a decision on this application should therefore be deferred.

Strathfield Planning Scheme Ordinance, 1969

Permissibility - Shops

Clause 22 of the Ordinance is the land use table, which lists 'shops' in Column V, meaning they are prohibited. However some exceptions are noted being 'shops' which meet the following test:

shops (other than those ordinarily incidental or subsidiary to industry, or which are primarily intended to serve persons occupied or employed in a land use otherwise permitted in this zone, or which by virtue of their nature, the services provided, or the products produced, distributed or sold, are, in the opinion of the Council, appropriately located in this zone)

The three shops proposed with this application comprise a bottle shop, food shop and chemist. Of these only the bottle shop is not considered to meet any of the above criteria.

In response, the proponent has provided the following contentions to demonstrate that a bottle shop does satisfy clause 22:

- Viability of a small service centre is dependent upon a diverse range of tenants and retail offerings;
- Prospective tenants have shown interest in the bottle shop tenancy;
- The approval of this use will contribute to the economic viability of the development; and
- The bottle shop will serve persons occupied or employed in a land use otherwise permitted in the zone.

These contentions are not considered sufficient to meet the criteria in clause 22 for the following reasons:

- While it is accepted that the viability of the complex may rely upon a diversity of tenancies, that must be achieved within the limits of the types of land uses the SPSO would permit;
- The level of market interest to operate a bottle shop is not relevant to determining the permissibility of a land use;
- It is not accepted that a premises selling packaged liquor is primarily intended to serve people employed in the adjoining and wider industrial precinct within which the site is located; and
- The bottle shop is not of a type that would warrant it being located within an industrial zone.

This report therefore recommends that the use of the retail tenancy for a bottle shop be refused, and that the future occupation of that tenancy is to be the subject of a separate development application.

Permissibility – remaining uses

The remaining uses are permissible within the Industrial (4) zone by virtue of either clauses 22 or 61E(3) of the SPSO.

Other relevant provisions

Other controls within the Ordinance which are relevant to the assessment of this proposal are:

- Clause 32 - Consideration of certain applications
- Clause 40 - Preservation of trees
- Clause 43A - Subdivision
- Clause 47 - Outdoor advertising
- Clause 49 - Alignment of main roads

- Clause 54 - Service stations or car repair stations
- Clause 61E - Retailing of bulky goods
- Clause 61 GB - Development in the industrial zone
- Clause 61 GC - Land of potential environmental conservation value
- Clause 73 - Classified roads

The proposal is satisfactory when considered against those clauses, except with regard to clause 73.

Clause 73 provides that consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the proposed development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.*

Further, clause 73(3) requires the consent authority to consult with the RTA Authority and take into consideration any representations when determining whether to grant consent.

As noted, at the time of writing this report the RTA has not provided any formal representation on this application. Given that clause 73(3) does not impose a time limit within which the RTA must respond, we are satisfied that the absence of their advice precludes any determination being issued for this application.

However we accept that the Panel will form its own view on this matter.

Section 94 Contributions

Such contributions are applicable for the proposed development via Council's Indirect Development Contributions Plan which allows for a levy, being 1% of the cost of the development, to be imposed for projects with an estimated cost of more than \$200,000.

The amount of the levy is not able to be determined until the applicant has lodged a Cost Report for the works, completed by a registered Quantity Surveyor, in accordance with Part D of Council's Indirect Development Contributions Plan.

This matter is therefore addressed by a suitable condition in the recommendation.

(ii) Draft Environmental Planning Instruments:

Draft Strathfield Local Environmental Plan, 2008

The purpose of this draft Plan (formerly known as Draft Strathfield Local Environmental Plan 2003) is to replace the Strathfield Planning Scheme Ordinance. This draft Plan was publicly exhibited in 2003, and is awaiting gazettal.

Under this draft Plan:

- The site would be zoned '6A Local Open Space(Existing)' and;
- Of the proposed uses, only a 'refreshment room' would be permissible with consent.

It is noted that Department of Planning Circular PS 08–013, dated 13 November 2008, provides that draft environmental planning instruments exhibited prior to 1 March 2006 but not gazetted, should not be considered in relation to development applications in terms of section 79C(a)(ii) of the Environmental Planning and Assessment Act.

Council has commenced the preparation of its Comprehensive Local Environmental Plan which will replace both the SPSO and draft LEP 2008. However Council is yet to receive a Section 65 certificate to allow for public exhibition of that draft Plan.

Draft Local Environmental Plan No. 105

The subject property not identified as an item of heritage significance and is not located within a heritage conservation area under Council's Draft LEP No. 105.

(iii) Development Control Plans:

Strathfield Consolidated Development Control Plan (DCP) 2005

Part D – Industrial Development

Section	Development Standard	Required	Proposed	Complies
2.5	Density, Bulk and Scale	Height - 10m above NGL	10.35m	No, but acceptable on merit
	Floor Space Ratio	Max 1:1	0.29:1	Yes
	Office and Showroom	To be ancillary unless demonstrated that no suitable business land is available for use	Office is ancillary to permissible use	Yes
2.6	Setbacks	10m - front boundary 5m from secondary street frontage	12.5m to Roberts Rd 2m to Amarina Ave	Yes No , but acceptable on merit
2.7	Building Requirements and Materials	No render Discourage graffiti Suitable landscaping Suitable colours Reinforce entrance Appropriate proportions	The built form and mix of materials is acceptable	Yes
2.8	Energy Efficiency and Water Conservation	Solar energy where possible	Not provided	No

Section	Development Standard	Required	Proposed	Complies
		Rainwater tanks 10L/m ²	Rainwater harvesting system provided (30,000L)	No
		External light to be powered by renewable energy sources	Not Provided	No
2.9	Parking, Access and Manoeuvring	Designed in accordance with AS	Manoeuvring within the car park is satisfactory	No – see below
		Number of spaces	134 spaces	Yes
		Loading and Unloading	Satisfactory	Yes
		Pedestrian thoroughfares	Pedestrian thoroughfares provided	Yes
2.9.2	Access and Manoeuvring	Driveway access and redundant crossings	Egress to Amarina Ave not satisfactory. No advice from RTA no slip lane.	No - see below.
2.9.4	Site Design	Vehicles to enter and leave site in a forward direction	Satisfactory	Yes
		Design and layout of service vehicles	Egress to Amarina Ave not satisfactory	No - see below.
		Pedestrian safety	Satisfactory	Yes
2.9.5	Unloading and Loading	To take place on site	Satisfactory	Yes
		Screened from the street	Satisfactory	Yes
2.10	Landscaping	Submission of Landscape plan	Satisfactory	Yes
		Deep soil planting	Satisfactory	Yes
		Proposed planting	Satisfactory	Yes
2.10.2	Fencing	Solid to only 1m 1.8m security fencing 1.8m boundary fences	No boundary fencing proposed	N/A
2.11	Signage	Does not dominate building	Pylon signs excessive	No – see comments at SEPP 64
2.12	Site Drainage and Water Management	Stormwater concept plan	Further details required	No - see below.
2.13	Utilities	Water and Sewerage	Satisfactory	Yes
		Electricity and	Satisfactory	Yes

Section	Development Standard	Required	Proposed	Complies
		Telecommunications		
2.14	Air, Noise & Water Pollution	Comply with requirements	To be conditioned	Yes

DCP No. 26 – Waste Management.

Council's Environmental Health Officer has provided conditions required for inclusion in any consent notice regarding the collection and disposal of waste for both the construction and subsequent operation of the development.

(b) Likely Impacts:

Context & Setting

The built form presentation, scale and density of the proposal are compatible with the character and amenity of the locality and the streetscape.

No adverse impacts are anticipated in terms of potential for impacts upon adjacent properties in terms of compatibility of lands use, amenity impacts such as solar access, noise or loss of views, or edge treatments such as fencing.

Access, Transport & Traffic

Parking

The parking supply of 134 onsite spaces satisfies the requirements of Council's DCP.

Access and manoeuvring

No advice has been received from the RTA regarding that adequacy of the proposed slip lane from Roberts Road to the primary ingress driveway.

Council's Traffic Engineer has identified the following issues of concern with the application as lodged:

- The need to submit further information regarding vehicle turning movements;
- The driveway to Amarina Avenue is to be amended to comply with AS 2890.1 and 2.2004 so that trucks are not required to travel on the entry side of that driveway; and
- Details are to be provided of the signage and line marking proposed to avoid conflict at the driveways.

The proponent advised these matters would be addressed upon completion of consultation with RTA. As noted, that process was incomplete at the time this report was prepared.

It is agreed that it would be unreasonable to address these matters in isolation of receiving a response from the RTA.

Traffic

The following issues of concern with the application as lodged:

- The architectural drawings do not reflect the carriageway linemarkings described in the accompanying traffic report, which implies 3 lanes within Amarina Avenue, in addition to the designated 'emergency vehicle' traffic lane.
- It is apparent that there is high demand for on-street parking with Amarina Avenue, which would be lost as a consequence of this proposal. It is unclear whether this parking demand is associated with existing land uses or the construction on land opposite the site on the southern side of Amarina Avenue.
- Analysis is required to demonstrate the impact of the peak hours and number of queued vehicles at the signals in Amarina Avenue blocking the proposed exit driveway connecting the site to that road.
- Concerns are raised regarding the proposed reduction in the number of travelling lanes in Amarina Avenue and the dedication of an emergency vehicle lane. Further information is required as to how this will work in practice (e.g. Extent of works with the road reserve, line markings, sign posting etc). Further investigation of this matter, in conjunction with the NSW Fire Brigade and is required.

The proponent advised these matters would be addressed upon completion of consultation with RTA. As noted, that process was incomplete at the time this report was prepared.

It is agreed that it would be unreasonable to address these matters in isolation of receiving a response from the RTA.

Utilities

This matter is able to be addressed by suitable conditions in any consent notice.

Flora and fauna

A Tree Preservation Order permit has been issued by Council which allows for the removal of all vegetation across the site. That permit is in force until 29 September 2011.

A landscape plan was submitted which had been assessed as satisfactory by Council's Tree Co-ordinator. Suitable conditions to ensure the implementation of the landscape works are included in the recommendation to this report.

Water

The application is accompanied by drainage design plans which detail arrangements for

the collection and disposal of stormwater. In summary, stormwater from hardstand and roof areas will be directed to an onsite detention tank located in proximity to the eastern site boundary, prior to discharge into an existing on over adjoin Lot 2 DP 589394 located in proximity to the eastern site boundary.

In response to a request for additional information, the applicant provided further details to demonstrate that the pipe within that easement has a sufficient capacity to accept the stormwater that would be captured on the subject site.

Council's Drainage and Development Engineer advises that the level of detail provided is still not sufficient to demonstrate that arrangements for stormwater collection and disposal are adequate.

It is acknowledged that drainage matters are usually able to be resolved to the satisfaction of Council. Therefore if the Panel is the view that this application is to be determined then it could impose a deferred commencement condition requiring the receipt of suitable drainage plans before the consent could operate.

A suitable condition is provided in the recommendation.

Noise & Vibration

The application is accompanied by a Noise Assessment report which provides an analysis of likely noise levels associated with various aspects of the development once it is constructed and occupied.

The report has specific regard to potential noise impacts upon the residential area opposite the site, west across Roberts Road. It concludes that under the most likely operating scenarios, mechanical plant, car related noise and tanker delivery noise will comply with established criteria subject to the imposition of certain mitigation measures being:

- The selection of mechanical plant with low noise emissions;
- The location of this plant at the eastern facade of the proposed buildings;
- Turning off of any plant that is not required outside of trading hours; and
- Tanker deliveries to the service station being scheduled to occur only during daytime and evening (i.e. up until 10pm)

Council's Environmental Health Officer has reviewed the acoustic report supports its conclusions.

Appropriate conditions to address construction and operational noise are included in the recommendation to this report.

Safety, security and crime prevention

Some minor opportunities have been identified to improve the development which the proponent has agreed to. These matters are therefore addressed by conditions in the recommendation.

Given the mix of uses, the proposed 24hour operation of some activities and the location of the site, the application was referred to NSW Police (Auburn Local Area Command) for information and comment. The preliminary advice received from NSW Police is that no concerns arise, however formal advice had not been received at the time this report was prepared.

Social Impact in the Locality

No adverse social impacts have been identified, noting the conclusions above that the bottle shop is a prohibited use.

Economic Impact in the Locality

Clause 61E and 61GB of the SPSO requires that Council be satisfied on the following

matters before granting consent to either shops or bulky goods retail premises within the Industrial zone:

- suitable land for the development is not available in any nearby business centre;
- to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land within Zone No.4, defeat the predominantly industrial nature of the zone; and
- the proposed development will not detrimentally affect the viability of any business centre in the locality.
- where the development may otherwise have occurred within a business centre in the locality, suitable land for the development is not available in that business centre; and
- the development is of a type appropriate to an industrial zone, or to the general character of existing development within the industrial zone.

The proponent has provided information sufficient to demonstrate that the above criteria are satisfied.

Site design and internal design

The proposal provides a suitable response to the constraints and opportunities present by the site. However, at the time of preparing this report various matters relating to traffic management onto and over the site, and with regard to Amarina Avenue, had not been resolved.

It is possible that the continued investigation of traffic and related matters could impact significantly upon the siting and design of the project, if for example, the provisions of a driveway to Amarina Avenue was not supported.

Construction

Should this application be approved it would be appropriate to include conditions to manage construction works to ensure that disruption to the locality is minimised.

(c) Suitability of the Site:

It is accepted that the proposed mix of land uses, and the built form of the proposal is compatible with the locality. However until matters relating to traffic management are resolved we are not able to conclude that the development, in its present form, is suitable for this site.

As noted above however, the Panel may form the view that it is able to determine the application in a manner that allows for traffic management matters to be resolved before a consent could operate.

(d) Submissions:

DCP No. 19 - Public Notification Requirements for Development and Complying Development Applications.

The application and plans were notified in accordance with DCP No. 19 from 14 April 2011 to 2 May 2011. Two (2) written submissions were received. The matters raised are outlined and discussed below.

Issue 1:

Bunnings was required to undergo an exhaustive analysis of traffic and intersection impacts to achieve an acceptable outcome for the NSW Fire Brigade regarding traffic management within Amarina Avenue. This resulted in our approval restricting access to Amarina Avenue to egress only for service and delivery vehicles. This is an impediment to the efficient operation of our car parking area, but was accepted given the particular circumstances. If the driveway connection to Amarina Avenue from the proposed development is permitted the entire basis for limiting Bunnings access to Amarina Avenue is redundant.

Response:

As noted issues relating to traffic management and potential impacts for Amarina Avenue have not yet been fully examined. It is understood that Bunnings has recently lodged an application to modify its consent relative to the restrictions currently imposed on it regarding the use of Amarina Avenue. That application will be assessed on its merits.

Issue 2:

The inclusion of additional unregulated traffic into and out of Amarina Avenue will adversely affect the operation of the intersection with Roberts Road. Bunnings objects to any development that will block use of its approved driveway.

Response:

As above.

Issue 3

Fire and Rescue NSW (FRNSW) is a secure site due to its strategic operational activities and no vehicular access is granted to non-certified vehicles. Amarina Avenue is therefore utilised by all visitors to the site and it is currently at capacity. The proposed development appears to eliminate all on-street parking in Amarina Avenue which is unacceptable to FRNSW.

Response:

If it is the case that the current demand for onsite parking in Amarina Avenue is as a consequence of the operational/security restrictions of FRNSW, then it cannot use that circumstance as grounds for objecting to this proposal, as it is not the obligation of the proponent to solve a parking demand generated a neighbouring site.

It may be that scope exists for at least some street parking to be provided within Amarina Avenue however, as noted, traffic management matters regarding this proposal are yet to be fully examined.

Issue 4

FRNSW requests further details in respect to how the dedicated fire lane will operate.

Response:

The matter will be addressed as part of the second scheduled RTA committee meeting.

Issue 6

FRNSW will need to be consulted with regard to the reconfiguration of the traffic lights at the Roberts road intersection. The proposed trafficable lane configuration will give rise to possible vehicle conflict, specifically queued vehicles turning left across the path of the dedicated fire brigade lane once FRNSW has activated 'green' signals on the approach to Roberts Road.

Response:

As above.

Issue 7

FRNSW would appreciate confirmation that the proposed entry/exit driveway aligns with the approved egress from the Bunnings site on the southern side of Amarina Avenue.

Response:

As above.

(e) Public Interest:

There are public interest issues around the matters associated with the objections raised by FRNSW. At the time of preparing this report further analysis of those matters had not been completed.

CONCLUSION

The application is generally satisfactory with regard to many of the relevant matters for consideration. However as indicated in the report, the RTA has not yet provided its concurrence for this proposal, and the broader assessment of traffic management matters has not yet been completed.

Consequently we are of the view that the determination of this application should be deferred, however we acknowledge that the Panel will reach its own conclusion in this regard. To assist the Panel, the recommendation has been drafted to reflect both of these options.

RECOMMENDATION

- A. That the application be deferred pending the receipt of RTA concurrence and the resolution of matters relating to traffic management issues as noted within the report; or
- B. That DA 2011/42 for a mixed use commercial development and 5 lot subdivision at 51-55 Roberts Road Strathfield, being Lot 1 in DP 588394, be determined as follows:

THE COMMENCEMENT OF THIS CONSENT IS DEFERRED UNTIL STRATHFIELD COUNCIL IS SATISFIED AS TO COMPLIANCE WITH THE FOLLOWING MATTERS:

1. Receipt of formal advice from the Roads and Traffic Authority (RTA) to demonstrate to the satisfaction of Council that the RTA has:
 - (a) Provided concurrence as required by Section 138 of the Roads Act 1993;
 - (b) Provided concurrence as required by State Environmental Planning Policy 64 for the pylon signage to Roberts Road;
 - (c) Provided a response as required by the clause 104 of State Environmental Planning Policy (Infrastructure) 2007
 - (d) Provided advice for the purposes of clause 73 of the Strathfield Planning Scheme Ordinance.

Receipt of this advice will also confirm that the objection under State Environmental Planning Policy 1 relative to clause 54(2)(d) is supported.

2. Receipt of documentation to the satisfaction of Council to demonstrate compliance with the requirements of State Environmental Planning Policy 55.
3. Receipt of plans and documentation to the satisfaction of Council for arrangements for the collection and disposal of stormwater. Those plans shall address the following matters:
 - a) Detailed calculations are to be submitted demonstrating that the capacity of the existing Council drainage pipe is adequate to accommodate the discharge from the site for various events.
 - b) Plans which include the following satisfactory information:
 - i) Dimensions surface and invert levels of all drainage pits;
 - ii) Diameter and invert levels of all drainage pits;
 - iii) Dimensions of the OSD and discharge control device;
 - iv) Cross sections of the discharge control device;
 - v) Calculation rates of discharge and volumes of storage in accordance with Council's Stormwater Management Code;
 - vi) Evidence of creation of a drainage easement over downstream properties in favour of the development site;
 - vii) Details of downstream pipe and connection to Council's street drainage system; and
 - viii) The existing and proposed surface ground levels.
4. Lodgement of a Cost Report for the works, completed by a registered Quantity Surveyor, in accordance with Part D of Council's Indirect Development Contributions Plan.

Upon receipt of evidence within twelve (12) months from the date of this consent satisfying the above, the consent will become operative, subject to conditions listed in Part 2 below.

The consent will lapse if evidence satisfying the above conditions is not received within the prescribed time period.

CONDITIONS OF CONSENT

To be provided separately.