

JRPP No:	2011SYE095
DA No:	DA11/0834
LGA:	Sutherland Shire
Proposed Development:	Commercial Development - Construction of Neighbourhood Shopping Centre Comprising Woolworths Supermarket, Specialty Shops, Kiosk and Seven (7) Advertising Signs
Site/Street Address:	152 Old Illawarra Road, Barden Ridge (Lot 101 DP 1028645)
Applicant:	Fabcot Pty Ltd
Submissions:	25
Recommendation:	Refusal
Report By:	Evan Phillips– Environmental Assessment Officer (Planner) Sutherland Shire Council

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment of more than \$10,000,000 and was lodged with Council before 1 October 2011. The application submitted to Council nominates the value of the project as \$10,246,400.

1.2 Proposal

The application is for the construction of a shopping centre comprising of a supermarket, specialty shops, kiosk, 'on grade' parking, loading dock and associated signage at the above property

1.3 The Site

The subject site is located on the southern corner of Old Illawarra Road and New Illawarra Road at Barden Ridge.

1.4 The Issues

The main issues identified are as follows:

- Zone objectives and locality strategy.
- Locality traffic impacts, on site vehicular issues and pedestrian safety.
- Adverse environmental impacts.
- Bulk and scale of development.

1.5 Conclusion

Following detailed assessment of the proposed development the current application is not considered worthy of support and should be refused for the reasons outlined in this report.

2.0 DESCRIPTION OF PROPOSAL

An application has been received for the construction of a neighbourhood shopping centre comprising a Woolworths' supermarket, specialty shops and advertising signage at the above property. The supermarket has an area of 2785m² with a mezzanine level and the specialty shops and kiosk have a total area of 530m². The plans indicate five (5) separate tenancies for the specialty shops. An 'on grade' parking area is located east of the building with 141 car parking spaces, with access from a proposed new roundabout at the intersection of Old Illawarra Road and Driscoll Place. The service, garbage and loading dock areas for commercial deliveries are located along the building's northern elevation directly fronting and accessed from Old Illawarra Road.

The main entry to this building is located towards the south-eastern corner of the building and is approximately 30 metres from the street access point. An open paved community space is proposed adjacent to Old Illawarra Road and three (3) large steel framed structures and associated signage works are proposed for the neighbourhood centre. The proposal entails the removal of all existing site vegetation and proposes landscape works predominantly within the eastern portion of the site and beyond the site boundaries in the adjoining road reserve to the north-west.

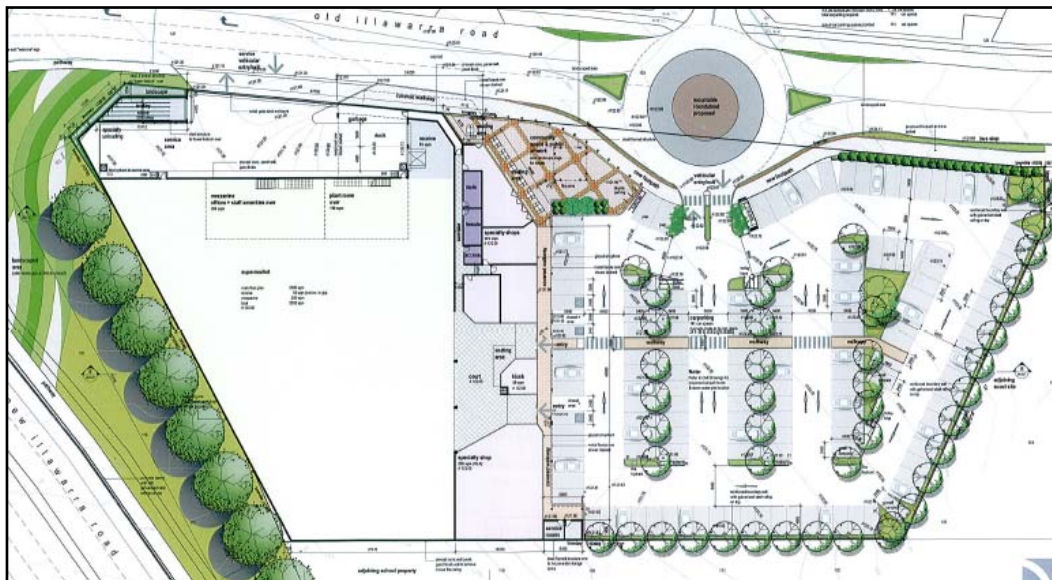


Figure 1: Site and Floor Plan of Proposal

3.0 SITE DESCRIPTION AND LOCALITY

The subject site is known as No. 152 Old Illawarra Road Barden Ridge (Lot 101 DP1028645). The site is located on the southern corner of Old Illawarra Road and New Illawarra Road at Barden Ridge.



Figure 2: Site of proposal looking south east along Old Illawarra Road

The land falls gently in a north westerly direction towards New Illawarra Road and is a heavily vegetated site comprising of established regrowth woodland and some weed incursions. The regrowth is approximately 15 years old.

The site is generally irregular in shape and has a primary street frontage of 151.29 metres to Old Illawarra Road and a secondary street frontage depth of 50.745 metres to New Illawarra Road and has a total area of 9383m².

The site forms part of the gateway entry to the Barden Ridge locality and residential area. The general location is characterised by low density housing in a landscaped setting. Opposite the site on the east and north eastern side of Old Illawarra Road is a church, associated car park and landscaping, and detached low density residential housing. Adjoining to the south and south west of the site is a vacant block of land owned by Council and a public school with associated buildings, tracts of bushland and open grounds. To the west of the site opposite New Illawarra Road is a public open space and sports field currently undergoing development works.

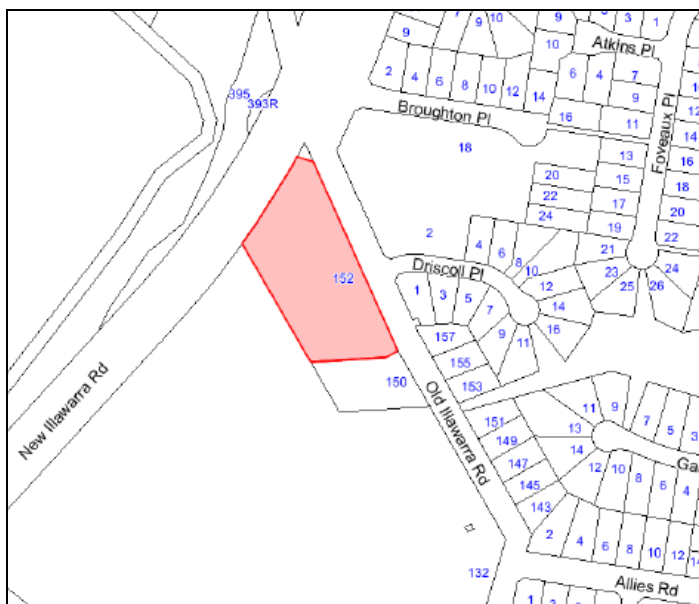


Figure 3: Location of site



Figure 4: Aerial Photograph of site

4.0 BACKGROUND

The site has been the subject of various discussions between the applicant and Council, which have involved neighbourhood shopping style developments of various site configurations. These have included two (2) pre-application discussions with Council staff and input from the Architectural Review Advisory Panel in 2008 for the construction of a neighbourhood retail centre with commercial offices, 16 shop-top housing units, car parking area and loading facilities. The applicant was advised on each occasion of the difficulties associated with the development and in particular the failure of the proposals to satisfy the objectives of the zone.

The most recent proposal includes input from a pre-application discussion between the applicant and Council officers on 18 July 2011 and a meeting with Council's Architectural Review Advisory Panel on 28 July 2011. The scheme previously presented is substantially the same development as submitted for this current development application. Full copies of the advices provided to the Applicant are contained within Appendix "A" of this report.

A history of the current development proposal is as follows:

- The current application was submitted on 31 August 2011.
- The application was placed on exhibition from 13 September 2011, with the last date for public submissions being 6 October 2011. Twenty five (25) submissions were received.
- The application was considered by Council's Architectural Review Advisory Panel ('ARAP') on 22 September 2011.
- An Information Session was held on 22 September 2011 and 27 people attended.
- The Sydney East Region JRPP was briefed on the application on 10 November 2011.

- The application was considered by Council's Submissions Review Panel on 15 November 2011.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006).

Four hundred and forty four (444) adjoining or affected owners were notified of the proposal and 25 submissions, including one (1) petition, were received as a result (see Appendix "B"). The majority are objecting to the development proposal. Letters in support of the proposal development in its current form have accompanied the development application and have been received as submissions during the advertising period. The main issues raised in these submissions associated with the current proposal are as follows:

- 6.1 Issue 1 - Conflict with land zoning and locality strategy.
- 6.2 Issue 2 - Traffic impacts, parking, congestion and site access.
- 6.3 Issue 3 - Streetscape, height, bulk, scale and visual impact of development.
- 6.4 Issue 4 - Crime, security, safety and anti-social behaviour.
- 6.5 Issue 5 - Amenity, noise and light spill.
- 6.6 Issue 6 - Scale and visual impact of signage.
- 6.7 Issue 7 - Environmental impact and vegetation.
- 6.8 Issue 8 - Pedestrian safety and area emergency evacuation.
- 6.9 Issue 9 - Conflict with adjoining land uses.

Comment: These issues have been addressed in the "Assessment" section of this report.

- 6.10 Issue 10 - In conflict with school, church and sporting adjoining uses.

Comment: The subject site is located in Zone 10 – Neighbourhood Centre and it is anticipated that an appropriate centre style development of the land would not conflict with the adjoining land uses.

7.0 STATUTORY CONSIDERATIONS

The subject site is located within Zone 10 – Neighbourhood Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. The proposed development, being a commercial development "shops", is a permissible land use within the zone with development consent.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- *State Environmental Planning Policy (Infrastructure) 2007.*
- *State Environmental Planning Policy No. 55 – Remediation of Land.*
- *State Environmental Planning Policy No. 64 – Advertising and Signage.*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.*
- *Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).*
- *Sutherland Shire Development Control Plan 2006 (SSDCP 2006).*

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a compliance summary of the applicable development standards and controls.

Standard	Requirement	Proposal	Compliance
Number of Storeys Clause 33 (8)(b)(i)	Two (2) storeys	Single storey & two (2) storey at mezzanine	Yes
Floor Space Ratio Clause 35 (12)(b)	1:1	0.35:1	Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1 NSW Roads and Traffic Authority

The development application and supporting information was referred to the NSW Roads and Traffic Authority for assessment and comment in regard to the potential traffic impact associated with the proposed development. The matter was also considered by the Sydney Regional Development Advisory Committee (SRDAC). General support for the application has been provided and a range of issues and requirements have been raised regarding site access, carpark design and required works within the road reserve, pedestrian safety, stormwater and loading arrangements for the proposed development should the application be supported.

A full copy of this external report is provided in Appendix "C".

9.2 NSW Rural Fire Service

The site is identified as 'bushfire prone' land on the bushfire risk maps and consultation has been carried out with the NSW Rural Fire Service in accordance with Section 79BA of the Environmental Planning & Assessment Act, 1979. In response, a range of measures addressing design and construction, utility services, landscaping requirements, evacuation and emergency management are recommended as conditions of development consent. No specific concern was raised regarding the safe evacuation of

residences within the Barden Ridge residential area which discharges the suburb to New Illawarra Road alongside the subject site.

A full copy of this external report is provided in Appendix “D”.

9.3 NSW Police Force

In accordance with Council’s adopted protocol, the development application was referred to the Police Force for comment on crime risk. A crime risk rating of ‘low’ is generated as a result of the Safer by Design Crime Risk Evaluation. The Police Force has indicated that it is highly probable that reported crime will increase and that Natural, Technical/Mechanical (low) Organised (low) Crime Prevention Through Environmental Design (CPTED) treatment options should be considered in order to reduce opportunities for crime.

A full copy of this external report is provided in Appendix “E”.

9.4 Architectural Review Advisory Panel (ARAP)

The application was considered at Council’s ARAP meeting on 22 September 2011 during which significant concerns regarding the development proposal were outlined. The number and extent of problems associated with the application are symptomatic of a development that exceeds the constraints of the site and its context. The Panel cannot support the proposal and considers that a fresh approach is warranted with consideration to the following recommendations:

- Bring the outside into the development.
- Bring the civic function to the northern edge of the site.
- Retain sections of the existing bushland in the design solution and replant using local species to re-establish the bushland context.
- Find a better solution to the loading dock.
- Further thought to be given to the resolution of the gateway.

A full copy of this report is provided in Appendix “F”.

9.5 Architect

Council’s Architect has undertaken an assessment of the application with respect to architectural and urban design quality. It has been indicated that the proposal is a poor fit with the Barden Ridge Locality Strategy in many respects. These are comments reinforced by the ARAP.

9.6 Consultative Traffic Forum

The Consultative Traffic Forum has expressed significant concern with the proposed traffic and loading dock arrangements and has indicated that further consideration to the following aspects of the development is required:

- The layout and the arrangement of the vehicular entry/exit to the loading dock are generally poor.

- The width of the vehicular entry/exit to the loading dock is excessive and necessitates trucks to cross the footway at an angle of 30 degrees or less, which is a potential safety hazard to pedestrians.
- The proposed roundabout in Old Illawarra Road is not favoured as potential pedestrian safety issues will be created between the adjacent school and the signalised pedestrian crossing (crosswalk) at New Illawarra Road.
- All truck movements associated with servicing the site should be within the site and adjacent to the loading dock at the northern end of the site.

A full copy of this recommendation is provided in Appendix “G”.

9.7 Traffic Engineer

Council's Traffic Engineer has undertaken an assessment of the application and advised of concerns and recommendations which include:

- A review of the carpark circulation, which may be improved by one way travel in the main isle heading towards Old Illawarra Road.
- Ensuring the internal layout of the carpark complies with AS2890.1 – 2004 and extending the entry median to prevent cars exiting against signage and creating a three way conflict at the exit.
- The access to the carpark may be best constructed as a layback/ driveway with the landscaping at the car park entry/exit and proposed pedestrian crossing removed/relocated for increased pedestrian safety.
- Consideration to the potential of vehicles queuing at the entrance and the potential for two lanes to head north along Old Illawarra Road.
- Should the current design be pursued, then the provision of pedestrian refuges and ramps within the roundabout islands and Old Illawarra Road should be considered as to improve pedestrian safety.

9.8 Engineering

Council's Development Engineer has undertaken an assessment of the application with respect to stormwater disposal, car parking provisions and vehicle manoeuvrability, loading dock arrangements and road frontage works. The current proposal is generally unsuitable on engineering grounds.

9.9 Building Surveyor

Council's Building Surveyor has undertaken an assessment of the application with respect to matters under the Building Code of Australia (BCA). It has been advised that insufficient information (including a detailed layout) has been provided and the development is required to make design changes or use Fire Engineering Solutions to comply with the BCA. Notwithstanding the information, suitable conditions can be prescribed for the development consent to require details at the Construction Certificate stage should the application be considered worthy of support.

9.10 Environmental Health

Council's Area Environmental Health Officer has undertaken an assessment of the application with respect to noise/amenity impacts and ventilation and

advised that subject to suitable conditions of development consent, no objection is raised to the proposal.

9.11 Community Services

Council's Community Places Team has undertaken an assessment of the application with respect to crime risk, crime prevention and general accessibility and advised of no objection to the development proposal, subject to suitable conditions of development consent.

9.12 Landscape Architect

Council's Landscape Architect has undertaken an assessment of the application with respect to landscaping and tree removal/retention. Concern has been raised regarding the removal of site vegetation, adequacy of the landscape treatment proposed within the site and the consistency with the urban characteristics of the local area and broader environment and urban context. These are comments reinforced by the ARAP. Further consideration of the landscape outcome for the site was undertaken by the ARAP.

9.13 Environmental Science

Council's Environmental Scientist has undertaken an assessment of the application with respect to potential site contamination, flora/fauna and site environmental issues. Concern has been raised regarding the complete modification of the site, the adverse impact presented to the natural environment and the consistency with Council's Policies and Standards.

A full copy of this referral is provided in Appendix "H".

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 SSLEP 2006 & Zoning Requirements

Concern is raised regarding the consistency of the proposed development with the objectives of Zone 10 – Neighbourhood Centre contained within SSLEP 2006. The objectives of the zone are as follows:

- (a) *to promote small-scale retail and business activities to serve the day-to-day needs of the surrounding local community,*
- (b) *to provide for pedestrian-friendly and safe shopping designed to cater particularly for the needs of all ages and disabilities,*
- (c) *to encourage shop-top housing in association with small business uses.*

The zone objectives primarily promote small scale retail and business activities to serve the day-to-day needs of the surrounding local community. A large scale supermarket was not anticipated in this zone or locality. The

definitions contained within SSLEP 2006 do not differentiate between a supermarket and a shop in terms of its scale, size and function. Whilst shops and small scale retail are anticipated, supermarkets also fall within the definition of shops. The overall size, bulk and scale of the development are also inconsistent with other examples of neighbourhood centres and the retail hierarchy established within the Sutherland Shire local government area. Shop-top and street fronting style developments and smaller scale business uses are an evident feature of other established Zone 10 – Neighbourhood Centre developments. Supermarkets are absent in these localities. Supermarkets are a consistent and anticipated development within Zone 9 – Local Centre and Zone 8 - Urban Centre. Zone 10 objectives emphasise intent for small scale retail and SSLEP 2006 anticipates supermarket developments in the other centre zones.

The applicant's economic analysis argues in support of the proposal based on the current undersupply and demand. However, this proposition does not adequately address all of the objectives of the zone. The development has inadequately demonstrated an appropriate balance between the social, economic and environmental considerations under the current environmental planning instrument. The zone anticipates small scale retail and business activities and the current design in its overall scale, site planning and built form, is inconsistent with the applicable objectives and environmental qualities of the surrounding low density residential zone. The proposal has numerous shortcomings, including an inability to provide suitable landscaping on site, poor layout and function of car parking and loading areas on the street frontage. These can be attributed to the overall scale of the development. A scale of development that is consistent with the zone objectives would provide a better response to the constraints of the site.

Concerns regarding the development providing a pedestrian friendly and safe shopping area for the needs of all of the community are further discussed in the traffic related sections of this report.

10.2 Barden Ridge Locality Strategy (SSDCP 2006)

The neighbourhood centre site was identified as part of the planned release of land at Barden Ridge to provide a community focal point for retail and services. The neighbourhood centre site allows for local services and convenience retail shopping and sits within the retail hierarchy dominated by the Menai Town Centre, which is approximately 2.5 kilometres from the subject site by car. A locality strategy for Barden Ridge is specified within Chapter 2 Part 9 of SSDCP 2006.

A copy of this locality strategy is provided in Appendix "I".

It is clearly specified within the locality strategy that the site is in the lowest category in the retail hierarchy of the Shire and a proposal for a major retail facility on this site would not be supported. A development of this scale and nature would be best suited to a site within Zone 8 – Urban Centre or Zone 9 – Local Centre where the area is predominantly "urbanized" and does not exhibit such environmental values and locality characteristics.

A 'mini-high street' in terms of the 'general' characterisation could not be achieved at the subject site due to the land uses and land zoned on the opposite side of Old Illawarra Road. However the locality strategy does not specify development to both sides of the street and land was intentionally allocated for a neighbourhood centre development only on one side at the subject site. 'Mini high streets' are not dependent on shops fronting both sides of a street, which is evident within other centre zones of the Sutherland Shire. The proposal has failed to satisfy the design principles with regards to strip shops and active entry/street frontages, meeting and community focal point and the retention of existing vegetation. It dominates rather than complements the location.

The proposal is inconsistent with the specific aims and principles of the policy, which are designed as a guide for any future development of the site. The proposed development fails to achieve a satisfactory outcome when assessed against the following components of the Locality Strategy and brief comments are provided below:

- *Land Use* - The development is of a size and scale that facilitates a business use which is generally not considered to be in the lowest category of the retail hierarchy established within the Sutherland Shire (i.e. supermarket major retail facility). Shop top housing has not been provided with the current design. The scale also fails to respond to its neighbourhood character in the surrounding residential zone.
- *Access* - The development provides access to the site along the correct frontage, yet has inadequately provided a safe pedestrian link from the adjoining sites or explored the potential for a service lane. It is also noteworthy that the scale of the development triggers the need for the construction of a roundabout.
- *Environment* - The application has failed to provide adequate consideration to the environmental qualities of the site and the retention of vegetation. A smaller scale development would be able to maintain some components of landscaping and respond to the topography of the site.
- *Parking* - The size and scale and overall design of the proposed parking area is inconsistent with the desired access and parking arrangements specified within the strategy. The strategy promotes bay and parallel style parking provisions, which are a general feature of small scale neighbourhood centre developments.
- *Building Orientation* - The proposed bulk and scale of development and the siting of the loading dock do not contribute positively to the streetscape character. These facilities should be back of house activities, not fronting the development at the gateway to a residential neighbourhood. The development does not allow for landscaped gateway elements and sufficient separation to New Illawarra Road.
- *Building Form and Materials* –The proposed building materials, bulk and scale, building separation and setbacks are generally inadequate to minimise the adverse visual impact of the development.

Whilst flexibility to certain areas of the policy could be considered with a neighbourhood shopping style development (eg mixed use/shop top housing), the overall extent of inconsistencies associated with the development proposal reveals that the shopping centre is of a scale and size that exceed the capacity of the site and exhibits function and site planning issues as a result. It is a poor fit for the locality and cannot be supported in its current form.

10.3 Building Height, Bulk & Scale

In accordance with Clause 33 (8)(b)(i) of SSLEP 2006, the development must not comprise more than two (2) storeys in the case of a building located on land in Zone 10 - Neighbourhood Centre. The proposal complies with the numerical height requirement, yet achieves an unsatisfactory outcome when assessed against the applicable objectives in that the visual impact of the development has not been minimised and the scale of the building is inconsistent with the natural landscape setting and desired scale and character of the street and locality. This is a consequence of its overall scale as opposed to height alone.

10.4 Building Setbacks

The development is predominantly located on nil boundary setbacks to three (3) of the property boundaries. Whilst Chapter 3, 3.b.2.7 and 3.3.b.11 of SSDCP 2006 prescribes a nil boundary setback for development within the zone, consideration to the retention of setback zones and the scale of development as prescribed in the locality strategy has not been given.

The assessment principles established within Chapter 3, 3.3.c of SSDCP 2006 provide a test to determine whether the buildings side and rear setbacks area appropriate. The proposed bulk and scale of the development result in excessive visual intrusion of built form when viewed from adjoining sites, public areas, New Illawarra Road and Old Illawarra Road. Better site planning in terms of increased setbacks for landscaping, a greater degree of building articulation and minimising excessive wall plate heights and subfloor areas should be further explored to create visual interest and to reinforce the desired spatial character of the area in terms of openness and density.

10.5 Natural Features

The subject site is comprised predominantly of regrowth woodland. The proposed development involves the complete modification of the site, together with removal of the existing vegetation, habitat components and foraging resources, resulting in an unacceptable ecological impact. The natural landform of the site is also modified to facilitate the design of the proposal and a large sub-floor area is resultant from the development inadequately responding to the natural landform.

There are a number of specific controls for Barden Ridge outlined within the SSDCP 2006 locality strategy. The controls specifically identify the importance of vegetated street frontages and the retention of vegetation along New Illawarra Road and in the south-western portion of the site. The development provides minimal landscape treatment on the site due to the

extent of the built form and relies on small areas within the site and planting within the road reserve for landscape amenity. Sufficient separation from New Illawarra Road should be provided to allow for a landscaped gateway element to the suburb. Several tree species have been identified within the site frontages and car parking area that are worthy of retention and could be retained with an amended design.

The subject site forms part of Council's Greenweb Strategy and has been identified as a "Support" area. Support areas are extremely important to the functioning of the Greenweb as they provide important ancillary habitat areas and linkages between habitats. The removal of all the existing vegetation from the subject site is in direct conflict with the objectives of the Greenweb strategy and the controls outlined in Chapter 4 of SSDCP 2006.

The proposal has failed to achieve an appropriate balance between the development and the conservation of the natural environment so as to adequately contribute to biodiversity. The development is inconsistent with the 'Urban Design' provisions of SSLEP 2006 (Clause 48 (d)(e)) in that the development has failed to retain or enhance the natural environment or adequately respond to the natural landform of the site.

The development is also inconsistent with the objective requirements for landscaped area and for the preservation of trees and vegetation (Clause 36 (a) (b)(d) and Clause 56 (1) contained within SSLEP 2006) in that the visual impact of the development has not been minimised with suitable landscaping and the opportunities for the retention and preservation of any vegetation to contribute to the locality tree canopy and biodiversity have not been satisfied.

It must be noted that the zoning anticipates the development of the site and an inevitable impact on vegetation. However, it is considered that a proposal commensurate with the zone objectives would have greater opportunity to retain some strategically located vegetation on the site.

10.6 Car Parking Requirement

The proposed development provides 141 car spaces within the 'at grade' car park on the southern portion of the site. The submitted traffic study refers to the development providing 4.2 car spaces per square metre for the supermarket and 4.5 car spaces per square metre for the specialty shops, with a requirement of 141 spaces based on the parking demand formula specified within the RTA Guidelines.

The aggregated model specified within the RTA Guidelines for Traffic Generating Development requires the provision of 6.1 spaces per 100m² of GLFA. Using this model, 211 spaces are required. Council's Engineer has provided comment in relation to the car parking requirements and has advised that both methods of calculating peak parking requirements appear to comply with the Guidelines.

The apparent discrepancy, however, allows for the differing types of "retail" developments. It is considered more appropriate to use the aggregated

model in this instance, given the size of the development, to allow for the ongoing flexibility to potential future uses of the different tenancies. The use of the model version as per the traffic report is generally considered more appropriate for larger scale developments such as a 'Westfield's', which offer a larger range of retail outlets and specialty shops. The numerical requirement for car parking provision should be greater than 141 car spaces in this regard to provide a more consistent outcome with Clause 53 (c) of SSLEP 2006, which requires appropriate levels of car parking to be provided in connection with the development.

A reduction in the size and scale of the development consistent with the zoning and locality strategy would not inhibit the ability to provide sufficient parking provisions in conjunction with a neighbourhood centre style development of the land.

10.7 Site Access & Car Parking Area

Concerns regarding the internal layout of the car parking area, together with the adequacy and safety of the access and egress arrangements for vehicles, pedestrians and cyclists have been raised, which could be generally overcome with design changes to the layout. Significant concern has been raised regarding the proposed roundabout, works within the roadway and the access point to the subject site. The potential for vehicles queuing, with associated delays and for general pedestrian safety could be generally overcome with amendments to the development proposal and suitable conditions of development consent to the current design should the application be supported. The proposed arrangements as submitted inadequately satisfy Clause 53 (e) of SSLEP 2006 with specific regard to the proposed access arrangement and design of the car parking area.

The siting of a car parking area to the northern side of the site, supplemented with landscaping, may provide a better outcome and consistency with the streetscape characteristics and gateway entry evident at Barden Ridge. This is a characteristic established within the corner development opposite the subject site on the north-eastern side of Old Illawarra Road (church and associated car park). Vehicular movements would be located further from the residential dwellings and potential noise receivers, which may reduce the potential amenity impact of the development proposal.

10.8 Loading Dock

Whilst concern has not been directly raised by the RTA, the proposed servicing arrangements for the loading dock require delivery trucks to utilise the proposed roundabout in Old Illawarra Road to turn and return northbound to access the site, which is generally not favoured due to pedestrian safety and traffic congestion concerns. Following input from the Consultative Traffic Forum it has been indicated that the width of the vehicular entry/exit to the loading dock is considered excessive as trucks are required to cross the footway at an angle of 30 degrees or less. In conjunction with the proposed width of the vehicular crossing, a potential safety hazard to pedestrians is generated.

The loading dock management plan submitted raises issues with pedestrian and vehicular safety and the requirement for a person to physically manage traffic to ensure the minimisation of traffic congestion. Truck movements associated with servicing the site should be contained wholly within the site and adjacent to the loading dock at the northern end of the site under the current design. This would further alleviate traffic congestion and areas of conflict within Old Illawarra Road.

The proposed siting of the loading dock and access arrangement are not considered suitable for the proposal and for the development of a neighbourhood centre. There is a direct conflict with the applicable Locality Strategy with its current siting in the northern part of the site and the presentation of the loading dock directly fronting the Old Illawarra Road street frontage (adverse visual impact). Loading should be subordinate to the development and preferably a back of house activity, rather than being located on the most prominent part of the site. Again, this is an indication of site planning beyond the limitations of the site. Issues regarding the traffic impacts and pedestrian safety remain unresolved with the current design.

10.9 Neighbourhood Amenity (Noise, Operating Hours & Light Spill)

The proposed supermarket operating hours are 7:00am to 10:00pm, seven (7) days a week. The loading dock is proposed to operate between 6:00am and 10:00pm, seven (7) days a week, with a restriction on deliveries during school drop off and pick up times.

Concerns have been raised regarding the potential noise related amenity impact to surrounding properties associated with the operational use of the development. Consideration to the impact on amenity and the provisions of Chapter 9 Part 9 of SSDCP 2006 'Late Night Trading Premises' is required as part of the assessment of the development proposal. The proposed hours conform to the base hours of operation specified within Clause 9.7.b.4 Chapter 9 of SSDCP 2006. With the exception of deliveries, outdoor activities are not proposed as part of this application. Each individual specialty shop would be required to address the SSDCP 2006 criteria for an application of initial use. Concerns regarding the potential adverse amenity impact associated with deliveries to the site are recommended to be resolved with the application of suitable conditions and restrictions to the loading dock operating hours should the application be considered worthy of support.

The submitted noise assessment contains incorrect reference to the location of noise measurement. Input from Council's Environmental Health Officer has revealed generally no significant concern and that the operational use of the supermarket can present a minimal impact on the amenity of adjoining residences with the application of suitable operational conditions and time restrictions for certain operations (ie loading, trolley return). A revised acoustic assessment would be requested prior to the issue of a Construction Certificate demonstrating the satisfactory compliance with the *Protection of the Environment Operations Act 1997*, associated Regulations and the *NSW Industrial Noise Policy* prepared by the Environment Protection Authority should the application be considered worthy of support.

The impacts on adjacent residents from light spill and external lighting sources have been considered as part of the assessment of the development application. The external lighting must be designed in accordance with the applicable Australian Standard so as to minimise the obtrusion of light sources on adjoining residents. Patron vehicular/pedestrian movements and the current location of the car park entry/exit and associated roundabout will undoubtedly present an adverse impact on the properties on the eastern side of Old Illawarra Road during the operating hours. This could be further minimised with suitable landscape works and changes to the site layout/access arrangements as raised in the traffic component of this report.

With a significantly smaller development of the land and the application of suitable measures and operational conditions, the potential adverse amenity impact to residents with any neighbourhood centre style development of the land could be minimised to a reasonable and acceptable level.

10.10 Crime Prevention Through Environmental Design

Section 79C of the Environmental Planning and Assessment Act 1979 requires Council to consider crime risk in the assessment of the proposal. Clause 48 (g) -Urban Design (General) of SSLEP 2006 indicates that development consent must not be granted unless consideration has been given to the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines.

Following input from Council's Community Services and response from the NSW Police Force it is considered that the proposed neighbourhood shopping centre can achieve a satisfactory outcome with consideration to the applicable principles central to crime prevention through environmental design (CPTED). The result of the Safer by Design Crime Risk Evaluation undertaken by the NSW Police Force has identified an overall crime risk rating of LOW on a sliding scale of low, moderate and high risk crime.

It is noted that the incidence of reported crime will inevitably increase in the future with such a land use and will introduce new (potential) victims, crime opportunities and offenders to the site and its surroundings. The shopping centre is also likely to heighten opportunities for passive surveillance of the surrounding area, which may have a positive effect on the level of crime occurring in the immediate locality. The recommended conditions of development consent and prescribed CPTED treatment options are appropriate for the proposed development and are required should the application be considered to be worthy of support.

10.11 Signage

The proposal entails the installation of seven (7) advertising signs and associated structures. The proposed signage works have been assessed against Schedule 1 of SEPP64 'assessment criteria' and are considered to inadequately satisfy the criteria and be inappropriate in the circumstances presented. Consideration has been given to the objectives and controls contained within SSDCP 2006 Chapter 10 'Advertising'. This has also

revealed an unsatisfactory outcome in that the proposal is not compatible with the desired amenity and visual character of the locality and the quantity and scale of signage will dominate and clutter the streetscape. Further discussion is provided below.

The proposal entails the construction of a freestanding steel framed structure with associated illuminated signage located alongside the community space at a height of 12.05 metres. In accordance with SSDCP 2006 Chapter 10, 1.b.2 (2.a.b) signs shall not exceed the height of surrounding buildings and/or tree canopy or 8 metres, whichever is the lesser. The structure and signage generally protrudes above the skyline of the locality and achieves an unsatisfactory outcome and adverse visual impact. It is noted that the two (2) steel framed structures located on the south-western and north-eastern parts of the development are integrated into the overall design of the building and are not classified as freestanding under SSDCP 2006, yet are of a visual bulk and scale which are inconsistent with the applicable objectives and assessment criteria.

One (1) sign is permitted per elevation of a building and where there is more than one elevation, there shall be no signage on any secondary elevation (in accordance with the provisions of Chapter 10, 1.b.1 (3)(4) of SSDCP 2006). Wall elevation signage is proposed on two (2) elevations of the building. Given the general internal location of the wall sign facing the car park on the south-eastern elevation, a minimal impact is presented to the locality and streetscape and no significant concern is raised regarding a variation to the development control. The proposed wall signs, however, exceed the 20m² specified within Chapter 10, 1.b.1 (2) of SSDCP 2006. The sign fronting the car park has an area of 29.25m² and the sign fronting New Illawarra Road has an area of 31.175m². The signage is generally proportionate to the area of the north-western and south-eastern elevations and is sited in suitable locations to effectively communicate the business use. However when the north-western elevation sign is viewed in conjunction with the proposed steel framed structure detailing a corporate logo and lettering, an adverse impact of signage is presented to the streetscape and locality. The structure extends high above the ridge level of the centre (approximately 8.65 metres) with signage illuminated in nature.

There appears to be no significant need to have the quantity and scale of signage to identify the business use in this location. Residents within the suburb of Barden Ridge would be aware of the use given the subject site is located alongside the suburb's entry point. Vehicles travelling along New Illawarra Road would be aware of the land use from the proposed signage on the corner and north-western elevation.

The area is characterised by low density residential development in an urban bushland/landscaped setting. Given the prominent corner and landmark gateway location of the subject site, a reduction in the quantity of signage and overall height and visual dominance (illuminated nature) of the framed structures are considered appropriate given this context.

10.12 Stormwater and the Georges River Catchment Area

The subject site is subject to the provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. Suitable site environmental site management details have been provided with the application so as to protect and enhance the environmental quality of the catchment area and to minimise adverse impacts that may be presented to water quality. The extent of runoff however could be further minimised with increased pervious areas and landscaped areas within the site.

Stormwater is proposed to discharge from the site into an existing rubble drain within the New Illawarra Road corridor. This section of public road reserve is part of the Bangor Bypass and is under the care, control and maintenance of the RTA. The stormwater treatment measures as proposed are considered appropriate and well evaluated considering that the potential pollution will be collected from the mostly impervious post-developed site.

Suitable conditions consistent with the NSW RTA and Engineers recommendations could be prescribed on any development consent should the application be considered worthy of support.

11.0 SECTION 94 CONTRIBUTIONS

Due to its nature, the proposed development will not require or increase the demand for local and district facilities within the area. Accordingly, it does not generate any Section 94 contributions.

12.0 DECLARATION OF AFFILIATION

There was no declaration of affiliation, gifts or political donations noted on the development application form submitted with this application.

13.0 CONCLUSION

The proposed development is for the construction of a shopping centre comprising of a supermarket, specialty shops, kiosk, 'on grade' parking, loading dock and associated signage at 152 Old Illawarra Road, Barden Ridge.

The subject land is located within Zone 10 – Neighbourhood Centre pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006. Commercial development/shops are a permissible land use within the zone with development consent.

In response to public exhibition 25 submissions including one (1) petition were received. The matters raised in these submissions have been discussed in the body of this report.

The proposed development is inconsistent with the requirements contained within SSLEP 2006 and SSDCP 2006 as the site planning, built form and scale of the proposed development are substantially in conflict with the zone objectives and locality strategy for the Barden Ridge Neighbourhood Centre.

The impacts associated with the development are cumulative in nature and are primarily in respect to the overall bulk and scale of the development. The proposal fails to properly recognise or respond to the constraints and opportunities of the site and its locality context, such as the value of the existing vegetation on the site and character of the streetscape. A generally more sympathetic development should be considered for the site consistent with the applicable objectives and requirements. In general the problems associated with the proposal are a consequence of a development that exceeds the constraints of the site. This is driven by the size of the supermarket component. Its footprint displaces opportunities for appropriate site planning and arrangement of landscaping, loading and parking.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. 11/0834 cannot be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

That Development Application No. 11/0834 for a Commercial Development - Construction of a Neighbourhood Shopping Centre Comprising Woolworths Supermarket, Specialty Shops, Kiosk and Seven (7) Advertising Signs at Lot 101 DP1028645 (No. 152) Old Illawarra Road, Barden Ridge be refused for the following reasons:

1. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal is inconsistent with the objectives of Zone 10 – Neighbourhood Centre specified within Clause 11 of Sutherland Shire Local Environmental Plan 2006.
2. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal is inconsistent with the Locality Strategy specified for the subject site contained within Chapter 2, Part 9.a and 9.b of Sutherland Shire Development Control Plan 2006.
3. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy objectives (a) & (d) contained within Clause 33 of Sutherland Shire Local Environmental Plan 2006 as the visual impact of the development has not been minimised and the scale of the building is inconsistent with the natural landscape setting and desired scale and character of the street and locality.
4. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act

1979 in that the proposal fails to satisfy objectives (a) (b) & (d) contained within Clause 36 of Sutherland Shire Local Environmental Plan 2006 as the visual impact of the development has not been minimised with suitable landscaping and the opportunities for the retention and preservation of vegetation so as to contribute to the locality tree canopy and biodiversity have not been satisfied.

5. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy objectives (a) (b) (d) & (e) contained within Clause 48 of Sutherland Shire Local Environmental Plan 2006 as the development fails to contribute to the desired future character of the locality, or strengthen, enhance or integrate into the existing character of the location, neighbourhood and streetscape or achieve a high quality design for the development with respect to the natural and urban features of the locality.
6. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy objectives (c) & (e) contained within Clause 53 of Sutherland Shire Local Environmental Plan 2006 as the development has inadequately provided a suitable car parking area and access design and appropriate levels of car parking spaces.
7. The application is considered unacceptable pursuant to the provisions of Section 79(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy objective (1) contained within Clause 56 of Sutherland Shire Local Environmental Plan 2006 as the development has failed to ensure the protection of trees and bush land vegetation which are fundamental to the conservation of biodiversity in Sutherland Shire.
8. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to sufficiently satisfy the following provisions of Sutherland Shire Development Control Plan 2006:
 - Chapter 3: (6.a.1.1.a) – Landform - in that the proposed development fails to adequately respond to the natural landform of the site.
 - Chapter 4: (1.a.1) & (1.b.3) – Greenweb - in that the proposed development is inconsistent with the applicable objectives and controls for support areas.
 - Chapter 10: (1.a.1) & (1.b.1) – Advertising - in that the proposal is inconsistent with the controls and is not compatible with the desired amenity and visual character of the locality. The quantity and scale of signage will dominate and adversely impact the streetscape.
9. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act

1979 in that the proposal fails to achieve a satisfactory outcome when taking into account the assessment criteria specified within Schedule 1 of State Environmental Planning Policy No. 64 - Advertising and Signage.

10. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in that it is considered that the proposed development is of a bulk and scale that is inconsistent with the low density residential and environmental setting of the locality.
11. The application is considered unacceptable pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 in that it is considered that the proposed development does not achieve a high quality design and would adversely impact upon the existing and future desired streetscape.
12. Pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning & Assessment Act 1979 it is considered that in the proposal would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.