

Report to Sydney West Joint Regional Planning Panel

JRPP No:	2011SYW053
DA Number:	JRPP-11-785
Local Government Area:	Blacktown
Proposed Development:	Construction of a Bunning's Hardware Store
Street Address:	Proposed Lot 101 in a Subdivision of Lot 13, 14 and 15 DP 262886, Hollinsworth Road, Marsden Park
Applicant/Owner:	Morris Bray Architects on behalf of Bunnings Pty Ltd
Lodgement Date:	19 April 2011
Land Zoning:	The area in which the development will be constructed is zoned IN2 Light Industrial pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (herein referred to as "the SEPP"). The proposed development is permissible in the zone with development consent. In this regard, the proposal fits within the definitions of 'timber and building supplies' and 'landscape and garden supplies' which are permitted uses in the IN2 zone pursuant to the above SEPP.
Value of Development:	\$13,875,000.00
Number of Submissions:	No submissions have been received
Recommendation:	Deferred Commencement Approval
Report by:	Laura Tleige, Planner
Instructing officers:	Judith Portelli, Manager Development Services and Administration and Trevor Taylor, Acting Director City Strategy and Development
Date Submitted to JRPP:	22 May 2012



Assessment Report

Contents

1.	Executive Summary	Page 2
2.	Location	Page 4
3.	Site Description & Locality	Page 5
4.	History and Current Use of the Site	Page 5
5.	The Proposal	Page 6
6.	Planning Controls	Page 7
7.	External Referrals	Page 20
8.	Internal Referrals	Page 21
9.	Public Comment	Page 21
10.	Section 79C Consideration	Page 22
11.	Other Key Issues addressed in Subdivision Application (DA-11-96)	Page 23
12.	General Comments	Page 25
13.	Recommendations	Page 25

Attachments

Attachment 1 – Draft Conditions of Consent

Attachment 2 – Development Application Plans

Attachment 3 – Traffic Report

Attachment 4 – Correspondence from the RTA

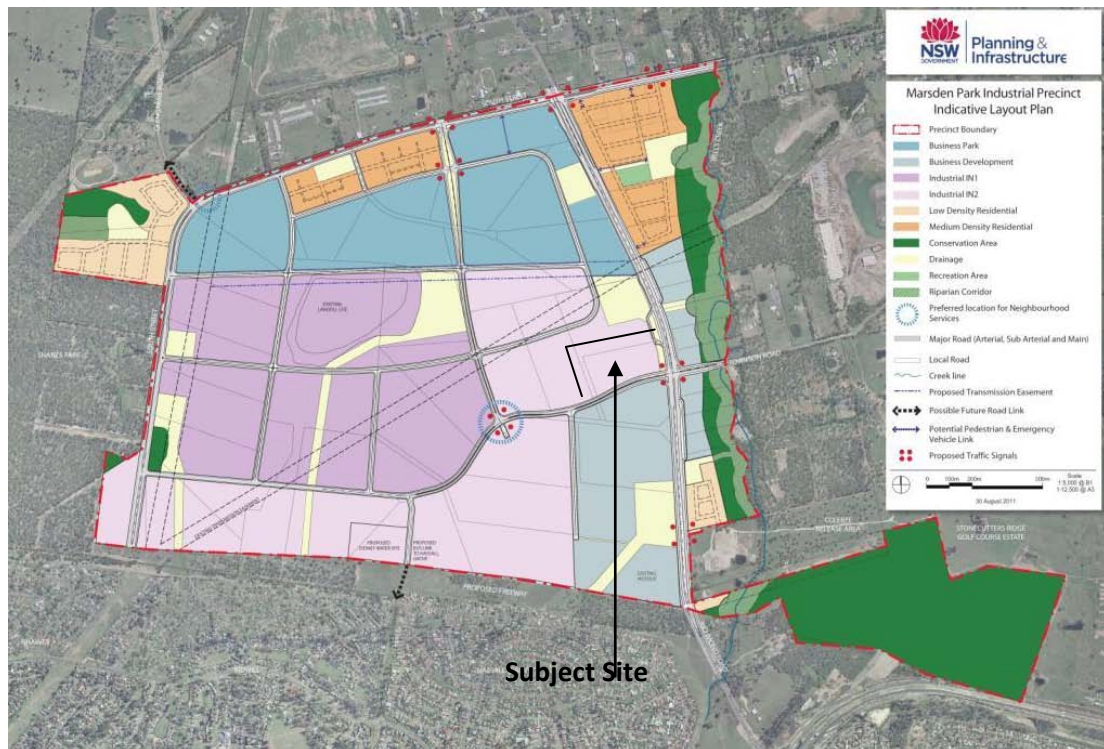
1. Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Morris Bray Architects for the construction of a Bunning's Hardware Store on the northside of the proposed intersection of Richmond Road and the extension of Townson Road within the Marsden Park Industrial Precinct.
- 1.2 The proposal will comprise of the following:
- Construction and operation of a Bunning's Warehouse comprising 11,173 sq.m Ground Floor Area (GFA)
 - 323 car parking spaces at grade
 - Bunning's wall business identification logos and additional freestanding pylon sign
 - Ancillary works in road reserves
 - Minor earthworks
 - A new deceleration lane from Richmond Road for delivery truck access only
 - Trading hours of 6am – 10pm Monday to Friday and 6am to 7pm Saturday, Sunday and public holidays
 - The Bunnings Warehouse will employ approximately 160 team members. Up to 50 will be on site at most times, with around 80 team members being on site during peak trading times.

- 1.3 The proposed development was lodged with Council on 19 April 2011 where the development constituted 'Regionally Significant Development' on the basis that the DA satisfied the criteria for referral to a Joint Regional Planning Panel (JRPP) as it has a Capital Investment Value of more than \$10M. While Council is responsible for the assessment of the DA, determination of the Application would be made by the JRPP. On 1 October 2011 changes were adopted to the Capital Investment Value (CIV) threshold. Developments with a CIV under 20 million dollars could now be determined by the relevant Local Council. The subject development has a CIV of \$13,875,000, however given that the development was lodged prior to 1 October 2011 the application is still required to be referred to the JRPP for determination under the old provisions.
- 1.4 The area in which the development will be constructed is zoned IN2 Light Industrial pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (herein referred to as "the SEPP"). The proposed development is permissible in the zone with development consent. In this regard, the proposal fits within the definitions of 'timber and building supplies' and 'landscape and garden supplies' which are permitted uses in the IN2 zone pursuant to the above SEPP.
- 1.5 Please note that the development application and plans were publicly exhibited between 29 April and 13 May 2011. No objections or submissions were raised by the public in relation to the subject application.
- 1.6 The application was referred to relevant external bodies for comment, including Roads and Maritime Services (RMS) and the Police. RMS raised no objections subject to the imposition of conditions of consent. The Police requested an extension of time to assess the application however no letter was subsequently submitted. The Police were contacted on 5 April 2012 to ensure no letter was forwarded to Council from the Police that we did not receive. The Police noted that they were aware of the letter however no action was taken to respond, as any issues they had were traffic related, that were being considered by the RMS.
- 1.7 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental planning and Assessment Act 1979, and is considered satisfactory, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.8 In essence the applicant for this DA will build on a block created and benched out in an approved but not yet completed subdivision. Therefore it will be necessary to **condition** this current proposal as a deferred commencement consent requiring the registration of the subdivision creating the subject land as Part 1 of the consent before this DA can become effective.
- 1.9 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 1** to this report.

2. Location

2.1 The site is noted below in the Marsden Park Industrial Precinct.



- 2.2 The site is located within the Marsden Park Industrial Precinct which is located 40 kilometres from Sydney CBD and is in close proximity to the M7 motorway. The area encompassing the Marsden Park Industrial Precinct was rezoned in November 2010 for industrial, commercial, bulky goods retailing, residential and conservation land/open space.
- 2.3 The subject site is located on the North side of the proposed intersection of Richmond Road and Townson Road. Richmond Road is an Arterial Road taking high volumes of traffic between Blacktown and Richmond. The site is currently surrounded by predominately vacant land however the land is undergoing transformation with the commencement of the subdivision of this land within the Marsden Park Industrial Estate.

3. Site Description and Locality

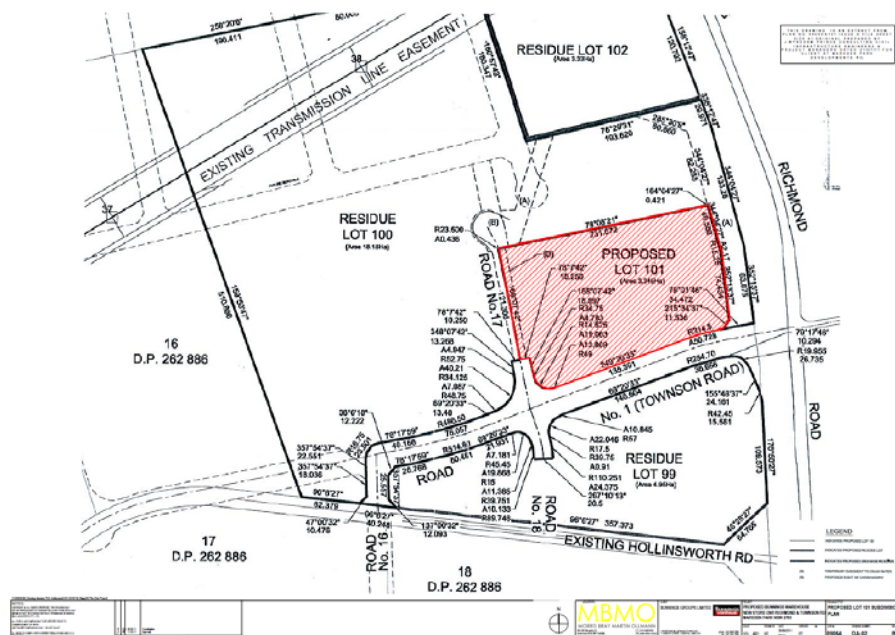
- 3.1 The subject land is known as proposed Lot 101 in a proposed subdivision of Lots 13, 14, and 15 in DP 262886 Richmond Road, Marsden Park. The site is regular in shape and has an area of 3.345 hectares with a frontage of approximately 186m to the proposed extension of Townson Road.



- 3.2 The subject site is currently used as a rural residence and contains a rural dwelling, a number of outbuildings, 2 farm dams and scattered trees and vegetation. The land has a fall of approximately 5m from the south-west to the north-east and adjoins existing rural residential land to the north and south.

4. History and Current Use of the Site

- 4.1 The subject site has been used for rural residential purposes for a number of years.
- 4.2 On 18 November 2010, the 'Marsden Park Industrial Precinct Growth Centres SEPP Amendment' was gazetted which allowed the rezoning and reconfiguring of land uses within the Marsden Park Industrial precinct for employment and residential purposes. Therefore, the subject site may now be developed for industrial purposes and the proposed development is permissible with Council's consent.
- 4.3 Council received a development Application (DA-11-96) from APP on behalf of Marsden Park Developments Pty Ltd to do a Torrens Title subdivision into 1 industrial lot (i.e. the subject lot, Lot 101), 3 residue lots (Lots 99, 100 and 102) and new public roads, tree removal, bulk earthworks, stormwater infrastructure, street tree planting and associated subdivision works at the abovementioned properties. The Application was approved subject to a Deferred Commencement approval requiring the applicant to enter into a Voluntary Planning Agreement being entered into with Council to facilitate the required infrastructure.



- 4.4 While there is no Section 94 Contributions Plan currently in place, the developer of the subdivision has now entered into a Voluntary Planning Agreement (VPA) with Council for the provision of essential local infrastructure and services to the site. The applicant for this DA will not be required to enter a separate VPA or pay Section 94 Contributions.
- 4.5 Furthermore, the developer of the subdivision has also entered into arrangements with the RTA for the upgrade of Richmond Road, including the signalisation of the Townson Road and Richmond Road intersection. Conditions have been imposed on the subdivision DA-11-96 requiring the developer of the subdivision to submit evidence to Council that the requirements of the RMS have been satisfactorily addressed in relation to the design and delivery of the intersection prior to issue of the construction certificate and subdivision certificate, respectively.
- 4.6 In essence the applicant for this DA will build on a block created and benched out in an approved but not yet completed subdivision. Therefore it will be necessary to **condition** this current proposal as a deferred commencement consent requiring the registration of the subdivision creating the subject land as Part 1 of the consent before this DA can become active.

5. The Proposal

- 5.1 The development proposes the construction of a single level Bunnings Warehouse with mezzanine and associated car parking, landscaping and signage (i.e. business identification logos and additional freestanding Pylon sign) within proposed Lot 101 in a proposed subdivision of Lots 13, 14, and 15 in DP 262886.
- 5.2 The development will have a gross floor area of 11,173 sq.m with at grade outdoor parking for 323 cars. The dimensions of the proposed Bunnings Warehouse are 71m x 225m. The main part of the building is rectangular in form and 11.5m high.
- 5.3 The outdoor covered area which comprises of the timber storage, bagged goods canopy and outdoor nursery make up a total area of 4,015 sq.m.

- 5.4 One loading dock is proposed for the development along the rear elevation which trucks will access via the slip lane off Richmond Road.
- 5.5 A slip lane for truck “entry” is proposed from the Richmond Road frontage of the site which will enable trucks to drive along the northern rear boundary to the loading area in the north western corner of the site where truck deliveries will be made. Trucks will then exit the site via an internal access driveway that will run along the western side of the site and which will connect into a proposed new right of way that will connect into a future new roundabout to be constructed on Townson Road along the southern frontage of the site.
- 5.6 The external materials proposed for each façade are typical of the Bunning’s identity consisting of a bottle green painted concrete panels with a white, horizontal band on each façade at ground level. External Bunnings corporate business identification theme and logo is proposed for the 4 facades in red and white. Also proposed is a pylon sign (sign 4.0 x 4.5m and pylon 12.5 m high) within the site boundary setback of 7.5m to the adjoining drainage reserve 20m wide.
- 5.7 A landscape scheme was submitted to Council incorporating species from the planting list Appendix D of the Growth Centres Precincts Development Control Plan 2010 (GCP DCP 2010). The areas landscaped on site are the front setbacks and car parking area. These areas are supplemented with a variety of native, endemic and exotic planting.
- 5.8 No fencing is proposed along the front boundary of the site. However Council will **condition** for a 2.1 metre high open style palisade fence along the side and rear boundaries of the proposed site that is in accordance with the Blacktown City Council GCP DCP 2010.
- 5.9 Vehicular access for customers into the site will be off a separate in/out driveway on the new extension located approximately 65 metres further along from the proposed roundabout on the new part of Townson Road.
- 5.10 Trading hours will be 6am to 10pm Monday to Friday and 6am to 7pm Saturday, Sunday and public holidays.
- 5.11 The Development Application Plans are contained within **Attachment 2**.

6. Planning Controls

- 6.1 The planning controls that relate to the proposed development are:

- (a) **State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

An assessment of the subject proposal under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 showed the development to comply with the relevant clauses and controls. Appendix 5 of the SEPP – Marsden Park Industrial Precinct Plan applies to the subject development and an assessment of the controls under that appendix is provided below.

- Appendix 5 of the SEPP –Marsden Park Industrial Precinct**

- 1.2 Aim of the Precinct Plan

The relevant aims that apply are Clause 1.2(d) and 1.2(f) that are quoted below.

- (d) *To provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth,*

(f) *To provide for the sustainable development of the Precinct,*

Town Planning comment:

- A home improvement store of its magnitude is considered to provide a high level of employment and economic growth for the area that will provide a good start to the commencement of the estate that will coordinate well with the land release of residential land in the North West Sydney Region. As noted in the State of Environmental Effects (SEE) submitted by the applicant, 115 permanent local jobs will be created as a result of the subject development thus contributing to the economic growth of the Blacktown LGA. The development meets the aims of the precinct plan.

2.1 Land Use Zones

Town Planning comment:

- The subject site that the development falls in is zoned IN2 light Industrial. Under Zone IN2 “Landscape and Garden Supplies” as well as “Timber and Building Supplies” are permissible use under the subject zone with the consent of Council. The proposal fits within the definition of these 2 permitted uses therefore the development is permissible within the zone with Development Consent.

4.3 Height of Buildings

As noted in the SEPP

- (2) “The height of a building on any land is not to exceed the maximum height shown for the land on the height of building maps.”

Town Planning comment:

- The height of buildings map shows a maximum building height of 18 metres for the subject site. The proposed development has a maximum height of 11.5 metres the development therefore complies.

4.4 Floor Space Ratio

Town Planning comment:

- The Floor Space Ratio (FSR) map shows an FSR limit of 0.7:1 for the subject site. The proposed building has an FSR of 0.34:1. The development has an FSR less than 0.7:1 therefore the development complies.

(b) Blacktown City Council Growth Centre Precinct Development Control Plan (GCP DCP) 2010 Chapter 6 - Employment Lands Subdivision And Development Controls

The proposal has been assessed against the BCC GCP DCP 2010 and complies with the relevant clauses with the exception of a variation to the size of the area required to be provided as open space for employees and customers. A departure to the minimum open space area required of 3% of site area, is considered reasonable in this case given the size of land being 3.345 and the justification supporting this variation is detailed below. An assessment of the relevant codes is also outlined below:

6.3.1 STREETSCAPE AND ALLOTMENT FRONTAGES

At the subdivision stage the applicant proposed to provide street tree planting in order to create an attractive streetscape environment. As such, a standard condition was imposed on the subdivision consent (DA-11-96) requiring the submission of a street tree planting plan prior to the issue of the construction certificate and completion of the street tree planting prior to the release of the linen plan.

6.3.2 ALLOTMENT LANDSCAPE

A landscape plan initially was submitted with the application that showed planting of trees, shrubs and turf within the 7.5 metre setback of the buildings Richmond Road and Townson Road frontage. The plantings that were originally proposed within the setback area were not in accordance with the plant schedule under Appendix D of the GCP DCP. Initially the density of the landscaping was required to be increased to meet the controls noted above as the original landscaping scheme did little to soften the hard edges of the building and reduce bulk. It was considered necessary that the applicant provide more trees and shrubs of different varieties. Subsequently an amended landscape plan was submitted to Council on 20 October 2011 that addressed the requirements of the GCP DCP. The amended landscape scheme achieves the landscape objectives by reducing the perceived scale of the built form, reducing visual impact and the extent of continuous building facades, highlight architectural features and complement façade articulation. The plant species recommended in Appendix D of the DCP are now incorporated in the landscaping to achieve a consistent planting approach throughout the precinct. A **condition** will be imposed requiring the applicant to comply with the landscaping plan prior to issue of the Occupation Certification.

A **condition** will be added to the consent for the following 2 items to be addressed or provided:

- ☐ The allotment landscape is to be provided with an automatic trickle irrigation system installed below mulch level. The system is to be supplied by rainwater collected from the site.
- ☐ Landscaped areas are to be separated from vehicular access areas by an appropriate edge, preferably a raised kerb.

6.3.3 Landscaping of Car Parking Areas

On the whole the landscaping of the car parking area has been provided in accordance with the controls noted above. A row of large canopy trees are provided in a straight line at intervals of 16 to 18 metres. The bay area in which the tree sits will be conditioned to have 2m bay of deep soil zone. Raised kerb barrier and native groundcover planting has been provided. Overall the intent of the landscaping to reduce the visual impact, reduce heat generation in the carpark, provide shade, maximise potential for soft drainage has been achieved.

The proposed parking layout has legible aisles to direct customers to and from the main entry point to the building.

As shown on the landscape details an irrigation system has been proposed for the landscaping that recycles retained roof runoff water.

Retaining wall elements must be no greater than 3m in height. All retaining walls must be screened by vegetation.

6.3.4 Communal Areas

According to Table 6.2 of the DCP a minimum 3% of the total site area is to be dedicated to communal area. 3% of the total site area (i.e. 3.345 ha) equates to 1003.5 sq.m. The development provides for a total of 179 sq.m of communal area which is made up of 58 sq.m for Café, 37 sq.m for staff amenities/lunchroom, 41 sq.m BBQ area and 43 sq.m for the children playground to be used by the visitors to the site. Therefore the development does not comply with the percentage of communal area that is required. The applicant was requested to address this noncompliance.

Applicant's comments:

- *“The purpose and provisions of DCP Clause 6.3.4 (3% of the site area) do not reasonably apply to this Bunning’s application. It is considered that the 3% requirement relates more appropriately to the other more labour intensive uses permissible in the light industrial zone. Such uses may include manufacturing or goods handling uses that employ significantly more staff employed in the same amount of floor space than when compared to the staffing levels in a Bunning’s Store. There are numerous other western Sydney examples of Bunning’s store development consents using this model of recreation communal space provision. There it is considered that the proposed development should be assessed no differently to these recent approvals and that the proposed provision of communal areas is similarly adequate as in those approvals.”*

Town Planning comment:

- According to the above, the applicant justifies a departure on the request for 3% of the total site area for communal space on the grounds that the requirement relates more appropriately to labour intensive uses that involve manufacturing or goods handling that are permissible in the subject zone. It is noted that the Bunnings Warehouse will employ approximately a total of 160 team members. However up to 50 will be on site at most times, with approximately 80 team members being on site during peak trading times. The applicant has put forward a reasonable argument and it is acknowledged that that the site area of 3.345 ha is significant and it is unlikely that the DCP anticipated such a large site. Whilst Council doesn’t consider it appropriate in this case to ask for the total of 1003.5 sq.m of communal area based on the particular use, it is still considered necessary that a reasonable sized open space area, with solar access, be made available based on the number of employees that will be available on site at any one time. The applicant has now provided an additional open space area of 50 sq.m in the north east corner of the site outside the Bagged Goods Area. This additional outdoor open space area will be suitably screened and embellished with outdoor furniture for use by the employees. A **condition** will be added to the consent to ensure the area is appropriately furnished and screened from the street.

- Initially Council also requested the applicant to provide a balcony/deck off the first floor office as a means of increasing staff amenities. However the applicant specified that Bunnings would object to this due to conflicts with this area overlooking the public spaces within the nursery area below.
- Also the development is to be provided with at least 1 communal area that can be used by employees and visitors to that development that is landscaped and accessible from the office. The cafe overlooking the nursery is a communal area that can be shared by employees and customers. Whilst the café itself is not a landscaped area views of the nursery can be seen from the café that surrounds this area.
- A **condition** will be added to the consent requesting that the employee open space area be embellished with appropriate, screening, landscaping, shade, paving, tables, chairs and the like.

6.4.1 Setbacks

All buildings erected in industrial areas are to be set back a minimum of 7.5m from the front property boundary unless otherwise specified in a Precinct's Schedule.

The development complies with this control. A 7.5 metre landscaped setback has been provided along the Townson Road frontage and to the drainage reserve adjoining the Richmond Road frontage.

6.4.2 Building Design and Siting

The Marsden Park Industrial Precinct is encouraging high quality building design that enhances the existing and future desired built form character of the area by promoting innovation and quality architectural design. The controls noted above have been implemented in the DCP to achieve these objectives. Concern was initially raised by Council about the development not meeting some of the building design and siting principles that are being adopted in the DCP. The proposed building design consists of a large continuous elevation with little articulation and design treatment along the front elevations of the buildings. The development was considered of a large bulk and scale and minimal landscaping was provided to soften the hard edges of the development.

Based on this the applicant was requested to revisit the design principles of the DCP. The applicant agreed to increasing the landscaping density within the front setback areas to conceal the bulk and scale of the development, as well as soften the hard edges created by the large car park within the front of the building, however no changes were made to the building itself to address the design concerns raised by Council in relation to lack of articulation, varied facades and design treatments.

As noted by the applicant, Bunning has a consistent design plan that has been incorporated for all Bunnings Warehouses that have been developed throughout Australia. From a commercial and marketing position a consistent identity, design and presence in their streetscapes needs to be adopted. Council notes the arguments made by the applicant in relation to the building design matters raised by Council and given that a precedent has been made for a standard building design to be adopted for Bunnings warehouses throughout Australia, the design being adopted is on the basis this is the corporate design.

The location of roller shutters, loading docks and other building openings are located to the rear of the building to not detract from the overall appearance of the building as required by the DCP.

6.4.3 External Building Materials and Colours

The proposed external walls of the Bunning's building will be constructed from metal cladding with the colour of the walls being the corporate colour of dark green with the red and white corporate logo. The colours and materials are considered satisfactory.

6.4.4 Entrance Treatment

The proposed ground level entry portico is clearly visible from the carpark it has glazed doors and its gable end clearly articulating the main entrance to the building as being attractive and safe.

6.4.5 Ancillary Buildings, Storage and Service Areas

No exposed/visible outdoor storage areas are proposed for the subject development, all material will be stored within the primary building or will be appropriately screened (i.e. Nursery and Baggage Goods area). Therefore a number of the controls above that pertain to outdoor storage do not apply in this instant.

Notwithstanding the above, the sprinkler tank and pump room located on the north western corner of the timberyard have not been screened from the street. The applicant was requested to provide this screening however the applicant opted to not provide screening but instead reduce the sprinkler tank from 9m to 8m and paint the tank and pump room in dark green to match the main building wall colour. Council was not agreeable to this option and therefore a **condition** will be added to the consent that requires the applicant to screen the tank and pump room with **details** being submitted to Council first for separate approval prior to Construction Certificate release.

6.5 Ecologically Sustainable Development

The Civil Engineering report and Civil Engineering concept plans submitted with the application have taken into consideration the management of on-site water. The stormwater concept which takes into consideration the collection, conveyance and pollutant removal devices for the site ensures runoff from the site will minimise flooding. The proposal includes a rainwater harvesting system that collects rainwater from the warehouse roof for use in the nursery. On site detention is provided as part of the overall business park design and therefore no on site detention is required on the subject site. A hydrodynamic separator is proposed to remove pollutants from runoff. Council's drainage section has reviewed the report and are satisfied with the measures adopted for the management of onsite water disposal and conservation.

A Part J Report is required to be submitted at the Construction Certificate stage to address Part J of the Building Code of Australia that provides measures to minimise energy consumption. This will be **conditioned** on any consent issued.

6.6.1 Fencing

No front fencing is proposed as part of this development. Fencing on the side and rear boundaries will be **conditioned** in accordance with the controls noted in the DCP.

6.6.2 Signage and Lighting

Originally the Bunnings business identification logo's that are depicted on the buildings took up an area greater than 10% of the building wall façade. As such the applicant was requested to make the relevant changes to bring the signage to an area no greater than 10% of the wall elevation to comply with the DCP. The business logos have been reduced and the signage now complies.

All signage controls specified in the DCP have been considered as part of the SEPP 64 assessment which is detailed in part C of this report.

A **condition** will be added in the consent ensuring that a lighting plan is submitted at the "Prior to Construction Certificate" Stage that shows the adoption of energy efficient lighting within the carpark, building entry points and at the vehicular access points of the site to ensure security and safety of customers and employees at night.

6.7.1 Vehicular Access

The subject site will have access off the future extension of Townson Road that was approved under the subdivision DA-11-96 to be constructed off Richmond Road. That is known as Townson Road and is classified as proposed Road 1 under the Precinct Road Hierarchy at Figure 3.1, Schedule 3 of the Growth Centres DCP. The second vehicular access point to the site will be located off a proposed private road further along on the new part of Townson Road that will have a reciprocal right of carriageway over proposed Lots 100 and 101 in order to provide additional vehicular access to these lots. The vehicular access point of Townson Road is purely for the use of customers for entry and exit to the site, whilst the driveway of the proposed private road will be made available for the entry and exit of customer vehicles as well as the exit point for trucks.

A separate access point is also proposed off a slip lane for truck "entry" from the Richmond Road frontage of the site which will enable delivery trucks to drive in straight off Richmond Road into the site along the northern rear boundary to the loading area in the north western corner of the site where truck deliveries will be made. Trucks will then exit the site via an internal access driveway out into a new roundabout to be constructed on the new part of Townson Road along the south frontage of the site. The Growth Centres DCP has identified Richmond Road as an access denied road. However Council traffic section as well as the RTA have raised no objections to the Slip Lane proposed as it will provide a safe and reliable form of entry access for trucks. Therefore on these grounds a departure is considered acceptable.

6.8 Car parking

Zone	Car Parking Requirements	Bicycle Parking Requirements
IN2 (Light Industrial) IN1 (General Industrial)	Buildings 7500sq m or less - 1 space per 75sq.m GFA Buildings greater than 7500sq.m – 1 space per 200sq.m GFA only for the area in excess of 7500sq.m where there is a specific end user which would not demand a higher rate and where employee parking is adequately catered for. <ul style="list-style-type: none"> 1 space per 40sq.m GFA of Office Component 	Employees: 1 bicycle locker or other suitable form of secure bicycle accommodation is to be provided per 200m ² GFA
B7 (Business Park)	<ul style="list-style-type: none"> 1 space per 40sq.m GFA 	
B5 (Bulky Goods Retailing)	<ul style="list-style-type: none"> 1 space per 45sq.m GFA 	

The proposed development is provided with ample parking (i.e. 182 extra car parking spaces more than the development requires (refer to calculations provided below). The application, along with the traffic report, was referred to Council Traffic Management Services who raised no objections or concerns to the proposed parking in terms of layout, manoeuvring, parking space numbers and dimensions. As advised by Council traffic section all the onsite parking is to comply with the Australian standards and all vehicles are to leave in a forward direction. These items will be **conditioned** accordingly.

Parking facilities for commercial vehicles should be designed in accordance with Australian Standard 2890.2 to accommodate the largest type of truck which could reasonably be expected to park on the site. This will be **conditioned** accordingly.

Sufficient spaces should also be provided for disabled parking. In this regard developments providing 50 parking spaces or more must provide at least 2% or part thereof of those spaces for disabled drivers, clearly marked and signposted for this purpose and located as close as possible to the building's entrance, this equates to 7 car spaces and this will be **conditioned** accordingly.

All parking areas shall be constructed of hard-standing, all-weather material, with parking bays and circulation aisles clearly delineated. This will be **conditioned** accordingly.

A **condition** will be added to the consent requesting the Bicycle parking requirements are met in accordance with GCP DCP 2010.

Calculations

Building Area: 14,830 sq.m

Office Area: 143.5 sq.m

Parking spaces generated by warehouse

- ☐ 7500 sq.m/75 sq.m = 100 spaces (<7500 sq.m)
- ☐ 7,330 sq.m/200 sq.m = 37 spaces (>7500 sq.m)

Parking generated by office

- ☐ 143.5 sq.m/40 sq.m = 4 spaces

Total No. of parking spaces required = 100 (warehouse)

+37 (warehouse)+4 (office) = 141 spaces

Total No. of parking spaces provided = **323 spaces**

6.9 Waste Management

A Waste Management Plan was submitted with the application that has addressed the control noted in the GCPDCP (2010). A **condition** will be added to the consent that requires the applicant to manage waste during both construction and operation in accordance with the approved Waste Management Plan.

(c) State Environmental Planning Policy 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising Signage requires consideration of the following design considerations:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

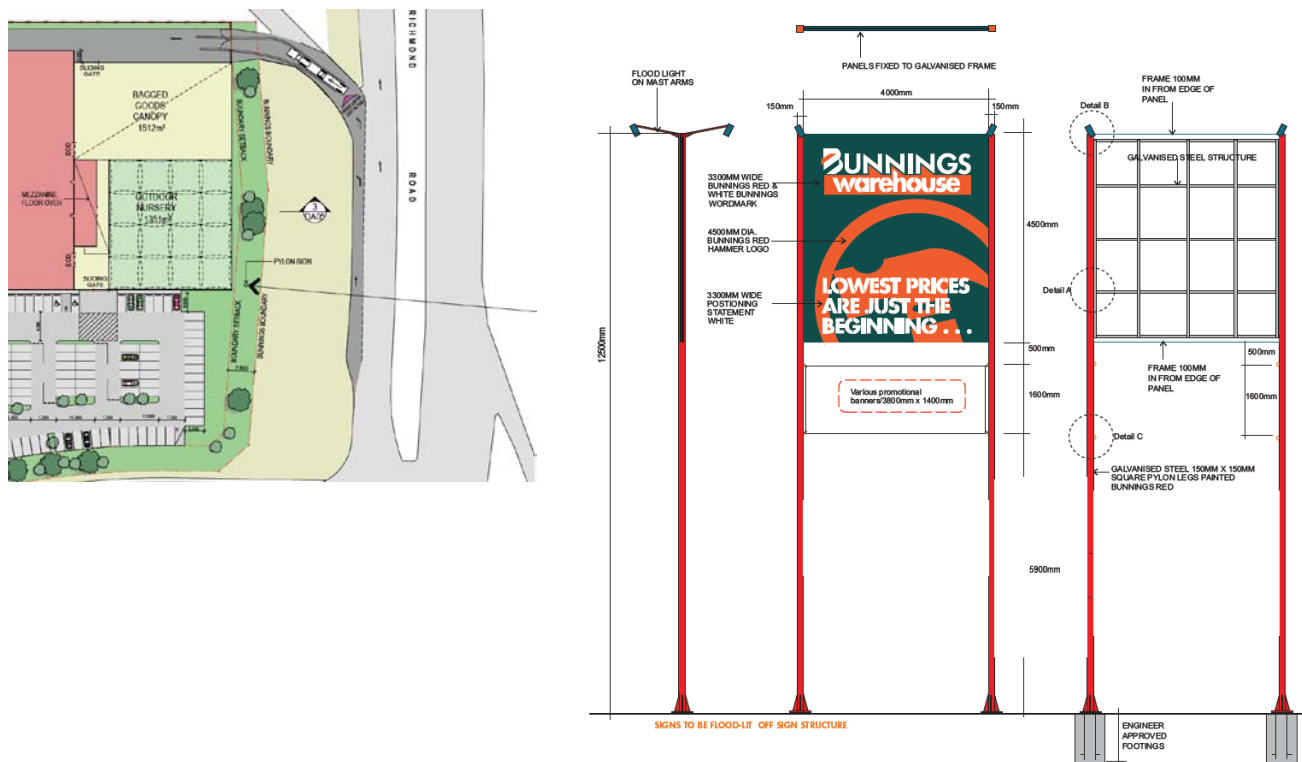
- (a) That the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.”*

The application seeks approval for the following signage:

1 Pylon Sign

The Pylon Sign is 12.5 m high with a width of 4 m. The business identification sign has an area of 18 sq.m (i.e. 4m x 4.5m) that advertises the business name and logo. Below the identification business sign is an additional signage area that has an area of 6.4 sq.m (i.e. 4m x 1.6m) to advertise various promotions. The Pylon sign will be located within the centre of the front setback that adjoins the drainage reserve off Richmond Road. Vehicle travelling down Richmond Road will have full view of the sign. Below is diagram of the signage proposed along with its location.

Given that the BCC GC DCP signage controls at 6.6.2.8 that signage is not to have a detrimental impact on the visual character of the site or surrounding area it is considered that this pylon sign is excessively tall and will impact on the future amenity of the surrounding area. As such and it is not considered necessary that this sign be greater than 10m in height. This will be **conditioned** accordingly in any consent issued.



2 Building Wall Business Identification Signage.

The Business Identification signage of the Bunning's Hardware store consists of the Business name with the Bunning's red hammer logo and the "Lowest prices are just the beginning" phrase. This signage is provided on all the elevations of the warehouse building which an area of no more than 10% of the entire elevation.

3 Directional Signage

Directional signage is proposed throughout the site to separate customer traffic from delivery traffic, identify entry and exit points and ensure legible operation of the car park. Directional signage will also be made available for the operation of the timber yard collection driveways.

The aims and objectives which are referred to are:

3 Aims, objectives etc

"(1) This Policy aims:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and

- (iii) is of high quality design and finish, and
 - (b) to regulate signage (but not content) under Part 4 of the Act, and
 - (c) to provide time-limited consents for the display of certain advertisements, and
 - (d) to regulate the display of advertisements in transport corridors, and
 - (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.”
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

Town Planning comment:

- The proposed signage is considered to address the aims and objectives and the signs are considered to be in keeping with the character along Richmond Road, Marsden Park.

Part 3 – Advertisements

Clause 17 states:

"17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

- (1) *This clause applies to an advertisement:*
 - (a) *that has a display area greater than 20 square metres, or*
 - (b) *that is higher than 8 metres above the ground.*
- (2) *The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.*
- (3) *The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:*
 - (a) *the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
 - (b) *the application has been advertised in accordance with section 79A of the Act, and*
 - (c) *the consent authority gave a copy of the application to the RTA at the same time as the application was advertised in accordance with section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies."*

Clause 18 states:

"18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

- (1) *This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.*
- (2) *The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of the RTA.*
- (3) *In deciding whether or not concurrence should be granted, the RTA must take into consideration:*
 - (a) *the impact of the display of the advertisement on traffic safety, and*
 - (b) *the Guidelines.*
 - (c) *(Repealed)*
- (4) *If the RTA has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has granted, or has declined to grant, its concurrence, the RTA is taken to have granted its concurrence.*
- (5) *Nothing in this clause affects clause 16.*
- (6) *This clause does not apply when the Minister for Planning is the consent authority.”*

Town Planning comment:

- The freestanding pylon sign has a signage area greater than 20 metres and a height in excess of the 8 metres therefore a Schedule 1 assessment under SEPP 64 is required to be carried. The Business Identification signage located on facades of the building all have an area greater than 20 sq.m therefore a Schedule 1 assessment also applies to these signs. An Assessment was carried out in accordance with the criteria of Schedule 1 and based on this assessment Council is satisfied with the proposed signage on the facades of the building. However Council is concerned that the pylon sign is excessively tall and so does not satisfy the criteria for the site. A schedule 1 assessment is provided below.
- The logos advertised on the Richmond Road Façade and Townson Road Façade of the building, as well as the pylon sign located within the eastern landscape setback of the site, are located within 250 metres of Richmond Road which is a classified road controlled by the RTA. The RTA has been advised of the proposal and provides concurrence to the development and associated signage. The sign will have a height of **12 metres** with a surface area of 24.4sqm. Council has adopted a maximum height limit of 10 metres for signage and therefore a **condition** will be added to the consent for it to be reduced to 10 metres.
- The directional signage that is located within the site has a surface area less than 20sqm and therefore is not impacted by the provisions of SEPP 64.

Schedule 1

Schedule 1 of SEPP 64 sets out assessment criteria for signage including character of the area, views and vistas, streetscape, site and building, illumination and safety.

The following table indicates compliance with Schedule 1 of SEPP 64:

Criteria	Comment
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, with the exception of the proposed freestanding pylon sign. The business identification logos to be provided on all 4 elevations of the building are considered to be compatible with the desired character of the area but the pylon sign is too high and will impact on future character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The zoning of the Marsden Park Industrial Precinct aims for the establishment of bulky good uses, and therefore the proposed signage is consistent with the zoning of the area.
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are no areas of particular sensitivity that will be affected by the proposed signage.
Views and vistas	
Does the proposal obscure or compromise important views?	No. The signs will not obscure or compromise views. View corridors along Richmond Road will be maintained.
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes. The pylon sign will dominate the skyline or reduce the quality of vistas. The pylon sign would be compatible in height and design with future bulky goods premises if reduced to 10m in height. This will be conditioned accordingly.
Does the proposal respect the rights of other advertisers?	Yes, all site signage is clearly separated from adjoining properties. The proposed development helps to clearly define this development in the context of adjoining properties.
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The size of the proposed elevation signs are considered reasonable and in proportion to the buildings scale, location and siting. However the free standing pylon sign should be reduced to a maximum height of 10m.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs will assist in the public being able to identify the building and will contribute to streetscape interest.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Not applicable, no existing signage on the site.
Does the proposal screen unsightliness?	The signage does not display unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The pylon sign is a standalone sign and will only satisfactorily relate to the height of the buildings in the area and not protrude above trees in the area when reduced to 10m in height.

Criteria	Comment
Site and Building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	No the sign is not currently considered to be proportional to the proposed building and as such the pylon sign should be reduced to 10m to be more compatible with the height of the proposed building.
Does the proposal respect important features of the site or building, or both?	Yes, the proposal respects the architectural facade of the building.
Does the proposal show innovation and imagination in its relationship to the site or building or both?	The sign is considered an appropriate response to the building and site.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage does not require provision of any safety devices.
Illumination	
Would illumination result in unacceptable glare?	External flood light type illumination to facade logos and pylon sign is proposed in accordance with the relevant Australian Standard required by Council regarding control of light spillage impacts from external lighting.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination of the signs will not impact on the safety for pedestrians, vehicles or aircrafts.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination will not detract from adjoining rural residential properties located on the opposite side of Richmond Road.
Can the intensity of the illumination be adjusted, if necessary?	Yes the intensity of lighting can be adjusted if required. This will be conditioned .
Is illumination subject to a curfew?	The signs will only be illuminated during operating hours. This will be conditioned .
Safety	
Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists?	It is not considered that the signs will reduce the safety for people moving along any public road, or reduce the safety of pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs will not obscure sightlines in public areas.

7. External Referrals

7.1 The subject Development Application was referred to the following public agencies as summarised in the table below:

Agency	Comments
Roads and Traffic Authority (RTA)	The application was referred to the RTA on 2 May 2011. A response was received from the newly renamed RMS on the 8 June 2011 with no objections to the

Agency	Comments
	proposed development subject to the imposition of conditions of consent including consent to the slip lane "left in" only access from Richmond Road into the site. Refer to RMS letter at Attachment 4 .
NSW Police	The application was referred to the Police on 9 May 2011. The police requested an extension of time to assess the application however no letter was eventually submitted. The Police were contacted on 5 April 2012 to ensure no letter was forwarded to Council from the Police that we did not receive. The Police noted they were aware of the letter however no action was taken to respond as any issues they had were traffic related that were being considered by the RMS.

8. Internal Referrals

- 8.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering	No objections raised to the proposal subject to the development being approved subject to condition including a Deferred Commencement Consent to ensure that road and channel works completed prior to a Construction Certificate (CC) for this development being issued, through the subdivision creating the subject lot. Council requires as part of the subdivision works the channel works to be completed so that the 100 year flood level in the channel can be determined and the floor level of the Bunnings building can be set to a minimum of 500mm above the 1 in 100 year level. A Subdivision Certificate for the subdivision works will have to be issued before any CC is issued for this proposal. This process will ensure all these works have been completed to Council's satisfaction.
Drainage	No objections raised to the proposal subject to the implementation of conditions of consent.
Building	No objections raised to the proposal subject to the implementation of conditions of consent.
Traffic	No objections raised to the proposal subject to the implementation of conditions of consent to ensure compliance with AS2890.1.
Environmental Health	No objections raised to the proposal subject to the implementation of conditions of consent.

9. Public Comment

- 9.1 The Development Application was notified in accordance with Blacktown Development Control Plan Part K – Notification of Development Applications to adjoining and nearby property owners and occupants, and was advertised in the local newspapers for a period of 14 days from 29 April 2011 to 14 May 2011. No submissions were made by the public.

10. Section 79C Consideration

10.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) are summarised below:

79C (a)(i) the provision of any environmental planning instrument (EPI)

EPI	Clause	Complies
Growth Centres SEPP 2006	Complies with the aims and objectives of the plan, the zone objectives and other requirements prescribed by the Growth Centres SEPP. Clause 7 – Appendix 5, Marsden Park Industrial Precinct Plan applies.	Yes
Marsden Park Industrial Precinct Plan 2010 - Appendix 5 of the Growth Centres SEPP (herein referred to as the 'Precinct Plan').	The proposed development is consistent with the aims and objectives of the Marsden Park Industrial Precinct Plan 2011 (Appendix 5). The subject site is zoned IN2 – Light Industrial, pursuant to the provisions of the Precinct Plan. The proposed development for the development of a Bulky Goods Hardware is permissible in the zone with Council's consent. Refer to section 6 of this report for details of the applicable clauses of the DCP and Council's assessment of the development against these clauses.	Yes

79C (a)(iii) The provisions of any development control plan

DCP	Clause	Complies
DPI Growth Centre Precincts Development Control Plan 2010	The proposed development is generally consistent with the DCP. A detailed assessment against the DCP and key issues with the proposal is provided in Section 6 and 11 of this report.	Complies with the exception of staff communal area. Variation sought and reasonable.

79C (b) The likely impacts of the development including, environmental impacts on both the natural and built environments, and social and economic impacts in the locality

An assessment of the key issues is provided in Section 11 of this Report and it is considered that the likely impacts of the development including traffic, noise, parking and access and the like have been satisfactorily addressed.

79C (c) The suitability of the site for the development

The subject site is zoned IN2 – Light Industrial and permits Bulky Goods Retail Establishment, hardware store, plant nursery and timber yard with consent.

The proposal has been designed taking into consideration the sites constraints and access arrangements.

The site is therefore considered suitable for the proposed development.

79C (d) Any submissions made in accordance with this Act, or the regulations

The application was notified to the public for 14 days. No submissions were made to Council.

79C (e) The public interest

The proposed development is for the operation of a bulky goods retail establishment within the Marsden Park Industrial release area. This form of development will provide additional employment land in Sydney. The proposal will encourage economic activity and growth in the Blacktown LGA and represents an orderly development of the land. Accordingly, it is considered the proposal is in the public interest.

11. Other Key Issues addressed in Subdivision Application (DA-11-96)

11.1 Public Utilities and Services

As a part of the subdivision DA, the applicant submitted evidence from Sydney Water and Integral Energy that sewer and water and power are available for the proposed development.

Therefore, it is considered that the proposed development will be adequately serviced in accordance with the requirements of Clause 6.1 of the Precinct Plan and Clause 18 of the Growth Centres SEPP.

Appropriate **conditions** will be imposed requiring the applicant for this DA to make suitable and arrangements with Sydney Water, Endeavour Energy to service this proposal.

11.2 Aboriginal Archaeological

The subject site is not identified as being within, or adjacent to, land affected by potential Aboriginal heritage constraints in Figure 2.2, Schedule 3 of the Growth Centres DCP.

This has been addressed in the Subdivision Application.

11.3 Threatened Species

The subject site contains a number of mature trees and is identified as being partly affected by Shale Plains Woodland coverage on Council's vegetation mapping. However, the subject site is not identified as being affected by any native vegetation as shown on the North West Growth Centre Native Vegetation Protection Map.

Therefore, pursuant to the Biodiversity Certification Order issued by the Minister for Climate Change, Environment and Water dated 11 December 2007, given the subject site is not identified as "native vegetation protection area" on the SEPP North West Growth Centre Vegetation Map, development can occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995. This has been addressed in the Subdivision Application.

11.4 Site Contamination

As a part of the subdivision DA, a Phase 1 Preliminary Site Contamination Investigation prepared by GHD Pty Ltd dated November 2008 was submitted that specifies that the land has been previously used for rural residential purposes.

Based on the existing and previous land uses on the site, the report recommends testing and further assessment of the site to confirm that the site is suitable for industrial purposes. This has been addressed by the Subdivision however, a **condition** will be added to the consent requiring Site Contamination Validation Report to be submitted to Council prior to the issue of the Construction Certificate confirming that the site is suitable for industrial development.

11.5 Salinity

As a part of the Subdivision DA, the applicant submitted a Salinity Investigation Report prepared by GHD Pty Ltd dated 1 April 2011 to identify the salinity characteristics of the site.

The report concluded that the subject site contains moderately to very saline soils below 0.2m in depth, with salinities increasing in the lower landscape profiles. Therefore, salinity management strategies have been provided to mitigate the impact of, and on, salinity and soil aggressivity from the proposed development (including cut and fill, drainage, services, road works and future building construction requirements).

Accordingly, **conditions** will be imposed on the subject DA requiring all works to be undertaken in accordance with the recommended salinity management strategies and final sign-off from a suitably qualified consultant verifying that the salinity management requirements have been implemented to be submitted prior to the issue of any Construction Certificate.

11.6 Bushfire

The subject site is identified on Council's Bushfire Prone Land Map as being affected by Category 1 Bushfire buffer coverage and as such, a Bushfire Assessment Report prepared by Ecological Australia Pty Ltd, dated 4 March 2011, was submitted as a part of the Subdivision DA. The Bushfire report has identified suitable bushfire protection measures to be implemented in order to satisfactorily address this matter. This has been addressed in the Subdivision Application.

11.7 Local Developer Contributions

No S94 contributions plan applies to the subject site instead, the developer of the subdivision has entered into a Voluntary Planning Agreement with Council for the provision of essential local infrastructure and services to the subdivision which creates this lot. Once the subdivision has been released by Council and registered, the requirements of the VPA for this stage will have been met. A **condition** requiring the registration of the subdivision will be imposed on the consent.

11.8 Special Infrastructure Contribution

In accordance with the Ministerial Section 94EF Direction dated 14 January 2011, the following **condition** will be imposed on the consent:

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

The applicant will be required to satisfy this requirement prior to any Construction Certificate being issued for this DA.

12. General Comments

- 12.1 The application has been comprehensively assessed against the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. Overall, it is considered that the proposed development is satisfactory and is unlikely to have any significant environmental, social or economic impacts on the surrounding locality.
- 12.2 The proposal is consistent with DPI's Growth Centre Precincts Development Control Plan 2010 and the proposed uses "Bulky Goods Retail Establishment", "hardware store", "plant nursery" and "timber yard" are permissible within the IN2 – Light Industrial zone pursuant to SEPP (Sydney Region Growth Centres) 2006 subject to development consent.
- 12.3 The application was publicly notified for a period of 14 days, where no submissions were received.
- 12.4 As the subdivision creating the subject land has only recently commenced it will be some months before the roads, drainage and subject lot is created. Therefore as a precaution to ensuring that this development is not commenced prematurely on site a deferred commencement **condition** will be imposed requiring the subdivision to be registered at Land Property Office prior to the consent becoming active.

13. Recommendation

- 13.1 The subject Development Application be approved by the Sydney West Joint Regional Planning Panel as a Deferred Commencement Approval subject to the conditions held at **Attachment 1** for the Construction of a home improvement store, ancillary office, car parking, landscaping and land use of the premises for a "Bunning's" store.
- 13.2 The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.

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TOWN PLANNER

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ACTING DIRECTOR CITY STRATEGY AND DEVELOPMENT